



## **Election Observation Mission Slovak Republic September 1998**

### **Joint Preliminary Statement issued on 27 September 1998**

This is the preliminary statement of the Organisation for Security and Co-operation in Europe's (OSCE) Election Observation Mission for the 25 - 26 September Slovak Parliamentary Elections. This assessment is based upon the reports of 25 core staff and Long Term Observers from the OSCE Office for Democratic Institutions and Human Rights, and 206 Short Term Observers including 38 from the OSCE Parliamentary Assembly, 15 from the Parliamentary Assembly of the Council of Europe and 6 from the European Parliament. On election day, observers visited approximately 1700 polling stations.

The OSCE Observer Mission was led by Ms Helle Degn, President of the OSCE Parliamentary Assembly and Special Representative of the OSCE Chairman-in-Office, and Mr Kåre Vollan, the OSCE On-Site Co-ordinator and Head of the ODIHR Observation Mission, which was established in early August.

#### **Summary of Conclusions**

**The election days were generally conducted in a peaceful and orderly manner. No serious incidents were reported during the elections, and the voter turn-out was very high. The election administration worked in an efficient manner, and the polling station commissions managed during the election days to apparently conduct a technically correct election. Slovak citizens participated in large numbers in the democratic process on the election days.**

**Although an atmosphere of political polarisation led to a lack of confidence in the overall process by many Slovak citizens, the election as such was carried out in an apparently correct and acceptable manner.**

**However, the following issues did raise serious concern:**

- X Although voters were able to receive information from a range of sources supporting various political parties, State Television failed to fulfil its obligation of giving a balanced picture of the campaign. As the only source of televised information that reaches the entire country, State Television broadcasts - which carry a special responsibility for being balanced - largely favoured the incumbent government. At the same time, campaign coverage on the main private television station was biased in favour of opposition parties.**

- X **Article 23 of the election law raised serious concerns regarding freedom of speech because of restrictions on campaigning beyond the time allocated to party promotion on State Television and Radio. The interpretation and consistent application of this law created constant difficulties.**
- X **The Central Election Commission was established in such a way that its political composition made objective decision-making very difficult.**
- X **Last May the election law was changed to the effect that pre-election coalitions ceased to be a viable alternative for previous coalition partners. It is noted with concern that the registration of the parties replacing the coalitions was met with resistance by almost half of the Central Election Commission. Fortunately the Supreme Court upheld the parties' registration.**
- X **It is regrettable that domestic observers were allowed only into some polling stations, and that the Central Election Commission did not allow the domestic observers to follow the count. Allowing such observers would have increased transparency and enhanced confidence in the process.**
- X **It is also regrettable that OSCE encountered some delays in receiving formal accreditation and was subjected to unfair criticism by State Television.**

No final assessment can be drawn until the vote count and verification procedure have been completed, and the final results have been published. A comprehensive report will be issued in the coming weeks which will contain more detailed analysis and recommendations. The OSCE and the international community will continue monitoring the post election period.

## **The Framework**

### *Coalitions*

The new provisions which were introduced in May, without broad consensus, established a 5 % threshold for each of the parties in a coalition. This removed all practical advantages of forming pre-election coalitions. The former pre-election coalitions had already started to restructure into parties, and chose to run as such. Efforts were made to stop registration of the candidate list of the Slovak Democratic Coalition (SDK) and the Party of Hungarian Coalition (SMK) both in the Central Election Commission (CEC) and by appeals to the Supreme Court.

### *The Central Election Commission*

Issues brought up in the CEC were often decided by a narrow majority vote, even issues of a legal nature. The balance of voting in the CEC may even have encouraged the registration of new parties, since each party contesting had the right to have two members on the CEC. The present structure is not able to combine both multi-party representation with, and a regard for the integrity of the process as a whole, above party interests. A lack of trust impeded the work of the CEC.

### *The Legal Provisions for the Media*

Article 23 of the election law includes provisions for the electronic media's coverage of the campaign. Paragraph 1 prohibits party campaigning in private media, and Paragraph 3 forbids

both public and private TV and Radio to broadcast election speeches and election programs and to publish any external expressions which promote the contesting political parties outside the 21 hours allocated to party promotion in the public TV and Radio. The intention of these regulations may have been to provide equal rights to all contestants during the campaign. However, the unusual restrictions on the coverage of the campaign clearly violate the possibilities for the electronic media to conduct regular political journalism during the campaign. It raises a number of borderline problems, despite the recommendations worked out by the Council for TV and Radio. The Council's recommendations on the coverage of incumbent government have not been adhered to by State Television. Programmes of various stations have been taken off the air and one heavy fine has been issued for violation of the Article 23 of the election law. These decisions may be according to the law, but the total picture does not comply with the intention of balanced campaigning, without restrictions on regular political journalism.

It is doubtful that this election law provision (Article 23) is in accordance with the Slovak Constitution (Article 26), or with OSCE Commitments 7.7 and 7.8 of the Copenhagen Document, or the Council of Europe's Convention for Protection of Human Rights and Fundamental Freedoms (Article 10), of which Slovakia is a signatory.

#### *Election Observers*

The election law does not provide for observers, neither domestic nor international to monitor the elections. Whereas the CEC decided to establish a modality that allowed international observers to work in accordance with the CSCE Copenhagen Document of 1990, a similar arrangement was regrettably not reached to allow for non-partisan domestic observers. It is strongly recommended that a framework is worked out to allow for non-partisan observers to observe future elections, in line with paragraph 8 of the OSCE Copenhagen Document.

The modality for international observers has been complicated and not fully understood in all parts of the country. However, good will from the central authorities solved most problems that arose.

#### *Voters Registers*

The permanent voters registers are compiled locally, independent of the central citizens register, even though they are cross checked. It is recommended that efforts be made to combine the two in the future, to avoid all possibilities for double entries, and to keep the List of Voters as updated as possible. The new procedures set out in the law for verification of the lists of voters were implemented differently in various municipalities. The procedure should be amended in such a way that voters are able to check the full local list, not only their own entry, still keeping data protection aspects in mind.

#### *Publication of Results*

The Statistical Office of Slovakia has set up a system for publishing partial results based upon signed District Election Commission protocols. Early publication of partial results, even based upon polling station results should be encouraged, thus further strengthening the transparency of the count and aggregation process.

The plan to promptly make all tabulation of results down to polling station level available to contesting parties, is highly commendable.

#### *Polling Stations*

The polling station procedures are generally efficient and well considered. Improvements can be made for recording information more clearly on protocols, in particular on reconciliation of figures and recording of ballot material issued and retained.

### *The Referendum*

A referendum was held on the election days. The law on referendum had not been brought in line with the election law. Therefore the possible administrative advantages of organising the two events simultaneously and efficiently was lost.

### The Campaign

No major incidents occurred and no party has forwarded any serious complaints about interference or intimidation during rallies. The main parties tended to organise large events in areas where their support was already known to exist. For more than half of the seventeen registered parties observers did not find evidence of rallies or meetings for the public being organised.

In general, political issues were not emphasized, while criticising opponents was widespread. When the private TV Station Markiza called for assistance during the power struggle in the management on 15 September, the opposition spontaneously organised rallies that drew considerable support in several cities. Markiza had live broadcasts of support rallies, including appearances by opposition politicians, some of which used this opportunity to campaign for their parties.

Complaints were raised, however, on the use of public infrastructure by the parties in office. The use of foreign celebrities connected to public appearances by the Prime Minister can hardly be seen to be done independently of the campaign.

On 24 September, the Speaker of the Parliament, Ivan Gasparovic, addressed voters on STV in connection with the elections. The fact that in his speech he used phrases alluding to slogans found on HZDS billboards could be interpreted as a violation of the campaign silence and gave his address a partisan tone.

Prior to the election the State Television pursued a negative campaign against the OSCE Observer Mission and challenged the integrity of the OSCE election observation reports. This is a very unusual step to be taken by the public TV in an OSCE participating state, and it might have contributed to some of the minor problems for observers locally.

### Media

Throughout the election campaign, the Osservatorio di Pavia monitored three television channels (STV1, STV2 and TV Markiza) for 18 hours per day and two radio channels (Slovensko 1 and Radio Twist) during their evening news. It also monitored five newspapers (*SME*, *Pravda*, *Slovenská Republika*, the Hungarian-language *Új Szó*, and *Novy Cas*).

The results of the monitoring show that the media, as a whole, provided pluralistic information: voters could form their own opinion from information provided by a spectrum of media. However, few of the media monitored were truly balanced.

Despite the fact that the media as a whole provided comprehensive information and a variety of views, it is a major concern that Slovak Television failed to meet internationally acknowledged standards for public broadcasters. This becomes even more relevant given the restrictions imposed on broadcasters by Art.23 of the election law.

Among the electronic media, STV1 and STV2 gave clear preference to the ruling parties and to government officials. About 60% of the total time dedicated to politics by STV was given to the government and the coalition parties, and mainly to Prime Minister Meciar (about 40%). This led to a significant bias on both public television channels, despite the fair distribution of the 21 hours dedicated to the parties= election campaign (Volby =98).

TV Markiza, on the other hand, gave opposition parties wide coverage.

Regarding radio, the prime time news on Slovensko 1 broadcast a neutral content, but still gave the government and the ruling parties considerably more coverage than the opposition. Prime time news on Radio Twist generally showed a balanced attitude.

Between the print media monitored *Slovenská Republika* was clearly in favour of the government and HZDS, while the other four newspapers were consistently critical of the government and the ruling parties.

### Election Day

Election day was carried out in a peaceful and orderly manner. The turn-out was high, and the commissions were able to manage an efficient process. The polling station commissions had a truly multi-party composition.

Observers reported the following:

- X Intimidation of voters were observed in very few polling stations.
- X Domestic observers were present during the polling in less than ten percent of the polling stations.
- X Family voting is quite common.
- X The count in the polling stations was conducted in efficiently and in accordance with the rules laid out in laws and regulations.
- X The techniques for applying seals on ballot boxes was not consistent throughout the country.
- X The detailed procedures for the sequence of events during the count was not always understood by the commission members.

The observers' general assessment of the voting and the counting processes was very good.

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*Upon invitation from the Slovak Ministry of Foreign Affairs, the Organisation for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission in Slovakia in the beginning of August 1998. The OSCE Election Observation Mission would like to thank the Slovak authorities and parties for their supportive co-operation.*

*Ms. Helle Degn, President of the OSCE Parliamentary Assembly, and Chairperson of the Foreign Affairs Committee in the Danish Parliament was designated by the OSCE Chairman-in-Office as his Representative to the Election in Slovakia.*

*Mr. Kåre Vollan was appointed by the OSCE/ODIHR as the Head of Election Observation Mission, upon being seconded by the Government of Norway.*

*This statement is based upon the collective findings of observers seconded by 31 countries, by parliamentarians and public officials representing the OSCE Parliamentary Assembly, the Council of Europe Parliamentary Assembly, European Parliament, the OSCE participating States, local Embassies, as well as a number of international NGOs. In total, 206 short term observers and 25 long term observers and core staff members were deployed throughout the Slovak Republic. Osservatorio di Pavia conducted a detailed analysis of the two public TV channels, the private TV station Markiza, radio stations and newspapers, upon being seconded by the Italian government.*

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