



Office for Democratic Institutions and Human Rights

THE SLOVAK REPUBLIC
PARLIAMENTARY ELECTIONS
20-21 SEPTEMBER 2002

FINAL REPORT



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OSCE/ODIHR Election Observation Mission
Final Report

I. EXECUTIVE SUMMARY

The OSCE Office for Democratic Institutions and Human Rights Election Observation Mission to the Slovak Republic has concluded that the 20/21 September election for Slovakia's parliament, the National Council, was in compliance with Slovak legislation, and with OSCE commitments and with standards for democratic elections.

For the third time since division of Czechoslovakia in 1993, Slovakia went to the polls to elect all 150 deputies to the national parliament. This newly elected National Council is expected to guide Slovakia toward accession to both NATO and the European Union during its four year term.

A calm, low key campaign marked the pre-election period, with personalities more featured than policy issues. Of the 25 parties contesting the election, seven passed the 5% threshold needed to enter parliament. No one party gained a majority, and a coalition of four center-right parties comprised of Slovak Democratic and Christian Union (SDKU), the Hungarian Coalition Party (SMK), the Christian Democratic Movement (KDH) and the Alliance for New Citizens (ANO) formed a new government. Voter turnout was just over 70%.

Credibility, transparency, and accountability of election procedures were improved by recent passage of a number of amendments to the electoral legislation. Nonetheless, shortcomings that need remedial action include: the Central Election Commission (CEC) rulings should be made legally binding on lower level commissions; provision in the law should be made for the presence of international and domestic observers; and, electronic media treatment of the electoral campaign should be clarified by legislation.

Electoral administration received a high degree of public trust, enhanced by the inclusion of party-nominated members on election commissions at all levels. Domestic and international observers were liberally accredited by the CEC, despite lack of a legislative requirement to do so. Few complaints and appeals were registered during the campaign, and all were addressed adequately.

Slovak public television and radio fulfilled their legal obligations regarding provision of airtime to the contesting parties, and also maintained balanced coverage of the campaign. Private media provided broad-spectrum coverage of parties, candidates, and issues. Notably, however, Slovakia's most popular private television channel lacked fairness in its primetime news coverage, favoring the party of one of its principal owners, himself a parliamentary candidate.

National minorities were represented by one Hungarian and two Roma parties: the former easily won 20 seats in the new National Council, and will form part of the governing coalition; neither Roma party received significant support, thus there will be no Roma deputies in the new parliament. Women accounted for 22.9 percent of all candidates, and will be represented by at least 20 deputies in the new parliament.

A number of recommendations in this report set out ways in which the election process might be improved. The OSCE/ODIHR stands ready to work with the authorities to address these recommendations.

II. INTRODUCTION/ACKNOWLEDGEMENTS

The Slovak Ministry of Foreign Affairs invited the OSCE/ODIHR to send an Election Observation Mission (EOM) to observe the quadrennial election to the National Council of the Slovak Republic. The EOM, headed by Michael G. Wygant (USA), opened its office in Bratislava on 23 August, and ceased operations on 25 September. Eleven experts and long-term observers from eight OSCE participating States were deployed in Bratislava, Banská Bystrica and Košice. There was no short-term observation on the election days as this was not deemed necessary.

The OSCE/ODIHR would like to express its appreciation to the Ministry of Foreign Affairs, the Ministry of Interior, the Slovak Statistical Office, the Central Election Commission, and other authorities for their assistance throughout this observation period.

III. POLITICAL BACKGROUND

The 20–21 September 2002 election to the National Council of the Slovak Republic was the fifth such election since the re-establishment of multi-party democracy in 1989/90, and the third since Slovakia's independence. Previous parliamentary elections were held in 1990, 1992, 1994, and 1998.

In the 1998 election, the Movement for a Democratic Slovakia (HZDS) of then-Prime Minister Vladimir Meciar received 43 of the 150 seats in the National Council, followed by the Slovak Democratic Coalition (SDK) with 42 seats, the Party of the Democratic Left (SDL) with 23 seats, the Party of the Hungarian Coalition (SMK–MKP) with 15 seats, the Slovak National Party (SNS) with 14 seats, and the Party of Civic Understanding (SOP) with 13 seats. After the election, a coalition government led by SDK Chairman Mikulas Dzurinda was formed, including SDK, SDL, SMK–MKP, and SOP.

During the four years preceding the 2002 elections, the party landscape changed significantly in that all parliamentary parties, with the exception of the SMK–MKP, split apart and several new extra-parliamentary parties emerged. Of these, Smer (Direction), led by former SDL member Robert Fico, and the Alliance of a New Citizen (ANO) of Pavol Rusko, a major owner of Slovakia's most popular television station, became significant players on the political scene.

The 2002 National Council election assumed special significance because Slovakia's avowed aim to enter both NATO and the European Union is likely to take place during the term of the new parliament.

A total of 26 political parties were registered by the Central Election Commission (CEC) for this election. These parties nominated a total of 2,773 candidates. Two parties, the Slovak People's Party and the Party of the Self-Employed in Slovakia, withdrew their applications before the candidate lists were finalized, while one party, Active Women, was rejected because its application was incomplete. When the Democratic Party (DS) decided to withdraw from the election on 15 September, and asked its voters to support the Slovak Democratic and Christian Union (SDKU) of Prime Minister Mikulas Dzurinda, that left 25 party lists for voters to consider. All parties ran independently, although in some cases, members of other parties were included on candidate lists. Parties running in the election covered the entire political spectrum from far left to extreme right. One party, the SMK-MKP, represented the Hungarian national minority, while two parties represented the Roma community. The SMK-MKP candidate list also included representatives of other national minorities, however, their positions on the list were too low to qualify for a seat in parliament.

IV. LEGAL FRAMEWORK

The legislative framework governing elections in the Slovak Republic is composed of five legal acts:

Act 80/1990 on Election of the National Council
Act 46/1999 on Election of the President
Act 302/2002 on Election of Regional Self-Governing Bodies
Act 346/1999 on Election of Municipal Self-Governing Bodies
Act 564/1992 on Referenda

General principles concerning elections are enshrined in the 1992 Constitution of the Slovak Republic. In addition, there are also a number of relevant acts that include provisions related to elections.¹

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- Act 38/1993 on the Organization of the Constitutional Court of the Slovak Republic, on the Proceedings before the Constitutional Court and on the Status of its Judges
- Act 308/2000 on Broadcasting and Retransmission,
- Act 239/1994 on Limitation of Expenditures of the Political Parties on Advertising before Election to the National Council of the Slovak Republic,
- Act 424/1991 on Association in Political Parties and Movements,
- Act 81/1966 on Periodical Press and other Mass-Media,
- Act 84/1990 on Right to Assembly,
- Criminal Code, Art 177,
- Civil Procedure Code, Articles 200f-200g.

There have been several modifications to electoral legislation since the election of 1998 partly due to a Constitutional Court ruling of 1999 that declared eight electoral law articles to be unconstitutional. This ruling produced a new act (223/1999), amending unconstitutional provisions of the law. Thus, the following amendments were approved by the National Council:

- The threshold for coalitions to enter parliament was changed from 5% for each party in the coalition, to a combined total of 7% for coalitions of 2 or 3 parties and 10% for four or more parties. Coalition lists appear on a single ballot paper, whereas before each party had its separate list of candidates. The provision stating that a member of one party cannot be on the list of another political party was deleted.
- A controversial provision prohibiting election campaigning on private media contained in Article 23 was deleted.
- The rule about substitute candidates on party lists for the National Council was modified to take into account preference votes expressed by the voter. Should a substitute candidate receive at least 10% preference votes he/she has priority over candidates ranked higher on the party list.

While some controversial issues were resolved by these amendments, parliament has yet to make further substantial change in the law, although several attempts to do so were undertaken in the past session. Notably, a draft law was presented to the National Council in September 2001, but was not adopted. This draft included provisions for creating several constituencies. It proposed a reduction from 10% to 3% in the percentage of preference votes required for a candidate to move up on a candidate. Further proposed modifications included: detailed rules for campaigning in private media; reduction from 14 to 7 days of the blackout period for publication of opinion polls; and a provision that parties pay a bond of 1,000,000 SKK (approximately 23,500 EUR) when applying for registration of its candidate list, to be refunded should the party obtain more than 2% of the vote.

Slovakia's five electoral acts contain a number of discrepancies and mutual inconsistencies. Examples include: differing procedural aspects depending on type of election (modalities of expressing preferences); length of the political campaign and period of media silence; opinion poll silence period; times for polling; and, enfranchisement for certain categories of voters (e.g. prisoners are allowed to vote only in Presidential elections). Nonetheless, it should be noted that legislation for election to the National Council provides the basis for a transparent and accountable electoral process.

The Central Election Commission (CEC) meetings are not open to the public. However, during the pre-electoral period, the CEC opened its sessions to EOM observation, and provided for similar access at the district and polling station level. The CEC issues regular instructions to district and polling station commissions. Observation findings showed that any instruction coming from the CEC to the districts was received and perceived as binding, however, that is not enforceable by law.

National Council elections are carried out under a proportional system created from one single constituency covering the entire country. Candidates for parliamentary seats are

selected according to their ranking on lists submitted by their party, and appearing on the electoral ballot. Should a candidate receive preference votes amounting to 10% or more of the preference votes cast for his/her party, then his/her name moves to the top of the list. Candidates rarely succeed in gaining that many preference votes (only one in this election), and thus this system appears designed to give political parties a great deal of power in choosing candidates for parliamentary seats. Similar provisions apply to substitute candidates. According to Article 48 of the National Council electoral law, as amended in 1999, substitutions on the party list are made by the party according to the qualifications of a member of parliament whose mandate has expired, unless some other candidate has obtained 10% or more of the preference votes cast in the election. In practice, if a candidate has received 10% of the preference votes, he/she would already be at the top of the list and would not be able to be a substitute.

The law is also ambiguous regarding the possibility of so-called “silent coalitions”. As noted above, a provision prohibiting members of a party to be listed as candidates for other parties was deleted. Thus, the law is silent regarding whether *de facto coalitions* are possible. For example, during this election, the SDL gave slots to two other parties, including placing the three party leaders on the same campaign poster, giving the appearance that a *de facto coalition* had been forged.

The electoral law to the National Council does not include provisions for domestic and international observers: Article 32 merely states that only persons with permission granted by the CEC shall have the right to be present for vote counting in electoral commissions. During the 1998 election, a domestic non-governmental organization, *Obcianske Oko*, requested accreditation for about 2,000 domestic observers. The CEC did not reply to this request, and therefore the organization filed a motion with the Constitutional Court pleading that its right to obtain information from State bodies, as provided for in the Constitution, had been violated. The Court agreed and its decision constituted a precedent for the presence of observers in Slovak elections; therefore the CEC accredited 365, mostly domestic, observers for this election.

Finally, the National Council election law neither defines what is meant by the political campaign, nor specifies what constitutes a violation of political campaign practices. The only mention is a provision of Article 23 IX, which states that a breach of the rules on managing the election campaign is regulated in accordance with the separate acts indicated in the footnote above.

V. ELECTION ADMINISTRATION

Slovakia’s electoral legislation provides for a three-tiered system of electoral commissions, conforming to Slovakia’s administrative division into eight regions, 79 districts, and a number of municipalities. The country forms a single electoral constituency. The CEC oversees the preparedness of lower level commissions to fulfill their lawful tasks. Below the CEC there are 79 District Election Commissions (DEC) – one for each district. The DEC, in turn, oversee subordinate precincts, with a polling station established in each precinct. For this election there were 5,885 polling stations, each with its Polling Station Commission (PSC). Electoral commissions are composed of members nominated by all parties contesting

the election. Each registered party was entitled to delegate two members and two substitutes to the CEC and one member and one substitute to each subordinate commission. All chairmen and their deputies were selected by consensus or by casting lots.

On average, there were 16 members in each DEC, and 11 members in each PSC, which permitted representation on all commissions of a number of political parties. As this election included a large number of parties, membership on the commissions was higher than in previous elections. Within six districts there were a few polling stations in which party nominated members fell below the minimal number provided by law (five for regular polling stations and seven for polling stations at which soldiers from military units on the territory of the precinct vote). As provided by law, the heads of district offices, after conferring with party representatives, approved proposals by mayors for filling vacant positions with non-partisan members. It is unclear why representatives of political parties should be consulted for the appointment of non-partisan members. This procedure is difficult to follow, especially when the time for organizing PSCs is short. For example, the late withdrawal of the Democratic Party only five days before the election necessitated rapid re-configuration of a number of commissions on a very tight deadline.

Duties of the electoral commissions mainly focused on conduct of voting and counting procedures for the PSCs, tabulation of results at district level for the DECs, and on the registration of party lists, as well as the tabulation and announcement of results by the CEC.

The law provides for a clear distinction between the role of electoral commissions and the supportive role played by various Ministries and other governmental administrative bodies. The Ministry of Interior plays the principal role of coordinating and supervising the implementation of a detailed program adopted by the Government. Under this program duties and responsibilities for organizational and logistical tasks in the preparation and conduct of the election, with deadlines for each activity, were assigned to Ministries and State agencies, as well as to heads of district offices and municipalities and their mayors, as follows:

- The Ministry of Finance releases funds from the state budget to cover expenses related to the preparation and conduct of elections;
- The Ministries of Defense, Transport, and Post and Tele-communications ensure conditions for voting by military, Railway Police and Railway Forces units;
- The Ministry of Justice issues instructions explaining the Supreme Court's legal procedures for the registration of candidates and District Courts' legal procedures regarding questions about voter lists. This Ministry also arranges for voting by persons held in detention pending trial.

Each District Office provides guidance to the municipal administrations within its geographic area and supervises their activities in conducting the elections. District Offices organize training for DEC members and mayors, as well as for PSC Chairmen, their deputies and recorders. The Head of the District Office appoints the DEC recorder, convenes the first meeting of the DEC, and appoints other members to PSCs when numbers appointed by political parties fall below legal requirements.

Each municipality administration is tasked with updating its voter register. The municipality accepts applications requesting changes in the voter list, and also issues voting certificates to voters who wish to cast their ballot in a polling station outside the election precinct in which they reside. The municipality provides special areas for placing election posters and advertising materials of registered parties and candidates, and sends to electors the candidates lists and voting invitations that indicate the time, place and polling station, where one should vote. Mayors appoint PSC recorders, organize election precincts and location of polling stations, call the first meetings of the PSCs, and secure the stamping of voter envelopes, while ensuring the delivery of election material (ballot papers, envelopes, voter lists) to the PSCs within their municipality.

The Statistical Office of the Slovak Republic plays a major role in an election. To accomplish its mission the Office has created Summarization Units (SUs) for the CEC, and for each DEC, thus providing for secure computerized tabulation of electoral results. Working under oath, employees of the Statistical Office provide instructions for voting and counting procedures at PSC level, and for tabulation procedures at CEC and DEC level. Heads of DSUs train PSC Chairmen, their deputies and recorders about counting procedures and how to file protocols giving results and how to produce annexes for preference votes. On election days DSU officials check the correctness of PSC protocols and annexes delivered to the DEC. DSUs either approve protocols as submitted or return them to PSCs for technical correction. Approved protocols are then recorded on computers and a computer copy of each protocol is sent to the PSC Chairman who submitted it, for review and comparison with the signed original. After all PSC protocols within a district are delivered, the DSU prepares a DEC protocol that is submitted to DEC members for checking. When approved, a copy of the DEC protocol, signed by the DEC Chairman, and the DSU Head, is faxed to the CSU. This double system of checks and controls ensures a high level of security against technical or deliberate mistakes and complete transparency for the entire tabulation process at DEC level. At the next stage, a similar procedure governs the processing of annexes containing results of preference voting.

Municipal offices register voters through a permanent citizens register that is updated periodically. Voters are entitled to check with their municipality to verify their inclusion on the register. Complaints about exclusion from the voter list, or regarding corrections, may be submitted to the municipal office, which is supposed to respond within 24 hours. If a voter is refused, the municipality's decision may be appealed to the local court. Voters may also register on the election days at a polling station, upon submission of required identity documents. A registered voter applies for a voter certificate at the municipal office. Persons without permanent residence in Slovakia are allowed to vote at any polling station by presenting a passport. To avoid possible double voting, the CEC issued a directive requiring that persons voting with a passport must furnish additional proof that they are residing permanently abroad. Voting outside the territory of the Slovak Republic is not provided for under current legislation. Due to a law on personal privacy protection, voter lists are not open for public inspection and no requests for exclusion of any person from the list are permitted.

Comprehensive training of electoral officials was organized at all levels of electoral administration. The following three booklets formed the basis of this training, and were used to handle inquiries during voting and the vote count:

- Comments on the Election Law, and regulations and articles extracted from laws related to elections;
- Methodological instructions for voting and counting procedures;
- Instructions concerning the responsibilities of municipalities and local organs of State administration during the elections.

VI. ELECTION CAMPAIGN

By law, the official campaign period, during which political parties participating in elections are entitled to free airtime on public Slovak Television and Slovak Radio, starts 30 days before an election and ends 48 hours before the polls open. During this period, parties are also entitled to equal access to services of local and regional governments such as municipal billboard space. Parties may advertise in print media but not on private broadcasting media. For the last 48 hours prior to poll opening, and until polls close, campaigning is prohibited; in addition, there is a 14-day blackout period prior to the balloting during which opinion polls may not be published.

Under legislation adopted in 1994, expenditure for billboards, posters, advertisements or sponsorship of radio and television programs is limited to 12 million Slovak crowns (approximately 277,000 EUR) per party or coalition. This includes expenditures by a party, as well as by any third entity advertising on behalf of that party. The period covered by this legislation is from the day the election is formally called until election day, but not to exceed five months. Advertising agencies, publishers and broadcast media operators are obliged to submit relevant documentation to the Finance Ministry and the CEC within one month of an election. Sanctions against parties for overspending, and for commercial entities for not submitting required documentation, are provided for in the law.

There is no legal provision preventing parties from campaigning before the official start of the campaign, and indeed several parties launched their campaigns well in advance. For example, Smer launched an "Around Slovakia in 80 Days" tour on 29 June. Moreover, Smer and other parties also put up billboards and posters well before the official campaign period. While major parties campaigned actively and extensively, most of the smaller parties conducted more limited campaign activities, mainly due to their lack of funding and membership.

Overall, the campaign was notably calm and low-key. Most parties relied on conventional campaign techniques such as billboards, posters, advertisements in print media, information stands in public spaces, and public meetings. Meetings generally failed to attract large audiences. Even in regional centers, such meetings by the major parties numbered in the hundreds rather than thousands. Departing from the last election, many major parties chose to hold their closing rallies outside Bratislava, usually in Kosice or Banska Bystrica.

While the overall tone of the campaign was measured and rhetoric used by most parties did not go beyond acceptable limits, there were exceptions. Noticeably during the closing days of the campaign, some parties' campaign tone became more confrontational, including verbal

attacks on other parties and their leaders. There were also instances of campaigning targeted against national minorities. Among the more significant parties, the Slovak National Party (SNS) and the Real Slovak National Party (PSNS) ran TV spots which were clearly anti-Hungarian, while a few of Smer's spots played on anti-Roma sentiments. Several smaller parties also used xenophobic, racist, and occasionally anti-Semitic rhetoric in their campaign. Some parties violated campaign-related provisions by putting up posters and stickers in places where this was not permitted. SNS leader, Ana Malikova, and several of her supporters were caught placing their campaign material on top of other parties' posters; moreover, several other parties engaged in similar activities.

A matter involving church-state relations unfolded on 27 August when Archbishop Jan Sokol of Trnava issued a "Prayer Ahead of the Elections" which was distributed in his diocese's churches on 8 September. In his letter, the archbishop called on Catholics not to vote for "non-believers, liberals and former Communists" and indirectly also condemned Smer, ANO and SMK-MKP. The letter was sharply criticized by several parties, and also went well beyond the pastoral letter of the Slovak Bishops Conference, read out in all churches the same day, that simply called on the faithful to vote according to their conscience but without recommendations. Later, the President of the Conference of Slovak Bishops, Frantisek Tondra, openly voiced disagreement with some aspects of Archbishop Sokol's letter, terming it a private initiative.

No single issue dominated the election campaign. However, all parties stressed the need to resolve economic problems, reduce unemployment, and reform both the health sector and the education system. All major parties clearly supported NATO and EU membership, therefore foreign policy issues were not overly contentious.

Non-governmental organizations were notably active throughout the election campaign. Their election-related activities, included voter education, get-out-the-vote campaigns, as well media and campaign monitoring. While some programs were targeted at the public and the electorate in general, others were aimed at specific groups such as Roma, women, or first-time voters.

VII. COMPLAINTS AND APPEALS

Regarding electoral complaints and appeals, the law provides for such cases in two instances: appeals against decisions of a municipality related to the voter register (Article 8); and, against CEC decisions regarding the registration of party candidate lists (Article 19 IV). In addition, the Constitutional Court may annul elections or cancel election results as provided for in the Constitution (Article 129 II), and further specified in paragraph 59 of Act 38/1993, regulating the organization of the Constitutional Court. Moreover, citizens and legal entities are entitled to file a complaint with the Constitutional Court alleging violation of fundamental rights and freedoms enshrined in the Constitution, which has been interpreted to include the right to vote.

The law contains no other provisions for complaints to be brought before the electoral administration, with the exception that the CEC is competent to deal with allocating airtime on TV and radio for party advertising (as provided in Article 23 VIII mentioned above).

There are no legal provisions to address the wide range of issues related to election fairness that can only be brought to the Constitutional Court as violations of fundamental and individual rights. In spite of the loophole, this system seems to be well accepted and functions in practice. During the pre-electoral period very few complaints were received and all were adequately handled.

In one instance, while registering party candidate lists, the CEC refused registration to one applicant. It ruled that the Active Women party had failed to produce required attachments to its application. This party appealed to the Supreme Court, which upheld the CEC's decision. In other action, the CEC deleted the names of 12 candidates from five different parties lists. Two of the parties, the Association of Slovak Workers (ZRS), and the Democratic Party (DS), appealed these decisions to the Supreme Court. The Court overturned the CEC decision regarding the DS candidate's deletion, but upheld the CEC ruling as regards the ZRS.

VIII. MEDIA

A. LEGAL FRAMEWORK FOR THE MEDIA DURING THE ELECTION CAMPAIGN

As provided under Article 23 of the Election Law to the Slovak National Council, the media campaign started on 21 August and ended 48 hours before the opening of the polls (i.e. at mid-day on 18 September). By law, both Slovak Television and Slovak Radio allocated 21 hours of broadcasting time to the parties contesting the elections. These 21 hours had to be divided equally among the parties, and lottery selection determined individual slots. The parties were responsible for the content of their advertisements. Disputes over the allocation of airtime to parties were to be resolved by the CEC whose decision in this matter was binding.

Thanks to the 1999 amendments to the Election Law, campaigning on private electronic media is no longer expressly prohibited, however, what is permitted remains subject to controversy. All the electronic media are subject to Act 308/2000 on Broadcasting and Retransmission that ambiguously prohibits public statements in favor of a political competitor during an election campaign (Article 32, Section 11). The Council for Broadcasting and Retransmission, a member of the European Platform of Regulation Authorities (EPRA), oversees operations of all electronic media and is responsible for ensuring that all legal requirements are met.

Except for the 48-hour moratorium noted above, print media are not subject to legal restrictions during the election campaign. Existing libel laws (four articles from the Penal Code and one from the Simple Offenses Act) may still repress newspaper criticism of political and administrative authorities. Legal proceedings lodged against a journalist in June 2001 by the chancellery of the President of the Republic sparked a debate in Parliament and signaled the beginning of a process to revise the articles in question. On 8 November 2001, Parliament rejected the draft revision of these articles by a majority of one.

B. EOM MEDIA MONITORING

From 21 August to 17 September, the EOM monitored the first channel of publicly owned Slovak Television, STV1, and the private television station *Markiza*, both from 16:00 to 24:00 hours. On Sundays, lunchtime roundtables on STV1 were also monitored. The second channel of Slovak Television, STV2, was monitored from 18:00 to 18:30 hours, during which time advertisements furnished by the contesting parties were broadcast. A total of 458 hours of broadcasting time was monitored.

Four daily newspapers were monitored: the tabloid-type *Nový Čas* that is the market leader in terms of circulation (around 144,000), *Pravda* (around 63,500), *Sme* (around 51,000), and *Národná obroda* (around 60,000 printed copies). *Nový deň*, whose editor-in-chief Hana Pravdová was a candidate for HZDS, was monitored only during the first week of the election campaign.

C. THE COUNCIL FOR BROADCASTING AND RETRANSMISSION VERSUS *MARKIZA*

The Council for Broadcasting and Retransmission oversees operation of all electronic media and is responsible for ensuring the objectivity and impartiality of news programs and current affairs programs (article 16 Act 308/2000). According to the Council and to Memo 98 (an independent Slovak media-monitoring NGO), in the months prior to the start of the official election campaign *Markiza* violated the above-mentioned principles several times. The Council charged that *Markiza* lacked objectivity and fairness by giving overly positive coverage to the ANO party, whose leader Pavol Rusko owns a major interest in the station. Because of the channel's favorable coverage of ANO, the Council ordered *Markiza* to broadcast an announcement admitting its bias. Finally, on 29 August, after ignoring the Council's order for weeks, and being fined 1,000,000 SKK (approximately 23,300 EUR), *Markiza* broadcast the required statement. On 4 September the Council again fined *Markiza* for 500,000 SKK (approximately 11,650 EUR) for a charitable contribution it made on *Spor* that appeared during *Markiza* primetime news on 24 August. This statement placed ANO in dispute with the public broadcaster concerning the use of airtime for a political advertisement. The Council found that advertising the contribution was promoting ANO. EOM monitoring also revealed *Markiza*'s bias favoring ANO, both quantitatively and qualitatively, during the formal election campaign period.

D. VIOLATIONS OF THE MORATORIUM DURING THE ELECTION CAMPAIGN

According to Article 23, Section 5, of the election law, official pre-election campaigning by the contesting political parties must end 48 hours before the polls open. This meant that the moratorium on election campaigning started on 18 September at 14:00 hours and ended on 21 September at 14:00 hours when the polls closed. During the moratorium, the provision of any information, positive or negative regarding political parties or candidates running is prohibited.

On 19 September, *Pravda* violated this moratorium by printing interviews with Prime Minister Mikulas Dzurinda and Robert Fico. A supplement on the election, including information about the main parties, was contained in the same edition of the paper. Also on 19 September, *Nový Čas* published a negative article about the SDKU campaign. On the

same day, the Party of the Democratic Left (SDL) filed a complaint with the CEC that charged both dailies with violating the moratorium. As provided in legislation, the CEC filed a complaint with the Culture Ministry, which has jurisdiction in such matters.

On 20 September, *Nový deň* violated the moratorium by publishing on its front page a photograph of a crowd demonstrating against Dzurinda and his government, and also included a critical article against the incumbent prime minister. Other negative stories about Dzurinda and his government appeared in the same edition of this daily, which is close to the HZDS.

E. FINDINGS OF THE ELECTION MONITORING

Slovak Television complied with the Election Law by fairly allocating the time reserved for contesting parties. Approximately eleven hours were dedicated to round tables broadcast on STV1 on Thursday evenings, and on Sundays at lunchtime; around ten hours for political advertisements were broadcast on STV2 from 18:00 to 18:30.

Beyond the required hours, STV1 displayed a much more balanced attitude toward the party competitors than was displayed during the 1998 elections. From EOM monitoring it could be said that public television was not used to damage the opposition. Coverage was mostly broad-based and neutral. Moreover, in general, political coverage appeared to be low, perhaps because of ambiguities in section 11 of article 32 of Act 308/2000.

On STV1 primetime news 41% of the coverage dedicated to political communication was given to governmental activities. President Rudolf Schuster received 25% of such coverage, neutral in quality. HZDS was the most covered party with 13%. Opposition representatives, and those representing non-parliamentary parties received opportunities for direct speech. However, as in 1998, 50% of the time for direct speech was given to government officials.

Of total broadcast time monitored, *Markiza* dedicated only 3% to politics. The station's main political focus was centered on primetime news and the Tuesday evening current affairs program, SITO, which gave opportunities for interviews to representatives from the 15 most competitive parties. Primetime news dedicated 14% of its broadcasts to political communication, of which 32% was given to the government, one third of that negative in tone. President Schuster received 25% coverage, mainly neutral in tone. ANO placed third in coverage, at 13% mostly neutral and positive. HZDS followed with 12%, half of that negative in tone. As for direct speech, ANO received more time than all the other contesting parties. However, 40% of the time for interviews was given to government officials.

Nový Čas gave 34% coverage to HZDS, one third of that negative. President Schuster came second with 27% mostly neutral attention. Third place went to ANO, with 14%, largely positive. The Government received 5%, mainly neutral coverage.

Pravda gave 20% coverage to HZDS, half of that negative. Almost 20% of coverage was given to the Government, balanced in tone. Third place went to ANO, with 10%, largely positive.

Sme gave HZDS coverage of 17%, mainly negative, while its 15% coverage of SMK was largely positive. The Government was treated neutrally. Fourth place went to ANO, with 10% largely positive coverage.

As for *Národná obroda*, the newspaper gave 20% of its coverage to ANO, mostly positive. HZDS came second with 19%, mainly negative treatment. The Government received 19%, more balanced in the tone.

During the first week of the election campaign *Nový deň* gave HZDS 48% coverage, all greatly positive. Its 24% reporting on the Government was mainly negative, as was the 7% dedicated to SMK. SNS received only 2%, but largely positive coverage.

IX. PARTICIPATION OF WOMEN

In the outgoing National Council, 20 of its 150 members, or 13.3%, were women. In the retiring government, there was one woman deputy prime minister, and another served as minister, accounting for 10% of 20 cabinet members. The new parliament will include 22 women, or 14.7% of the membership. This number, however, will be subject to change as the new cabinet is formed. Newly appointed ministers will relinquish their parliamentary seats for their term of office, seats that will then be filled by party members of lower rank on their party's candidate list. Women may give up seats to join the cabinet, and women deputies could replace men named to the cabinet.

For this election, parties fielded a total of 2,773 candidates, of which 635, or 22.9%, were women. Among the seven parties that will be represented in this parliament, women accounted for 19.1% of candidates (201 out of 1,050). Notably, the share of women holding higher positions on the candidate lists was lower. Among the candidates on all party lists, women accounted for 16.9% of the top10 candidates, and for 20.5% of the leading 25 candidates. However, it should be noted that this proportion was lower for the parties actually elected to the new parliament, for which women made up 8.6% of the top 10 candidates, and 14.9% of the top 25.

Women elected to the new parliament include: SDKU – 6; Smer – 5; HZDS – 5; 2 each for KDH, ANO, and KSS; and one for the SMK–MKP. With 20 mandates, the SMK–MKP would normally have elected two women (their two top women candidates were in positions 17 and 20); however, one woman was displaced by a lower placed candidate who moved up the list on the basis of preference votes.

X. PARTICIPATION OF NATIONAL MINORITIES

Under the Slovak Constitution, everyone has the right to freely decide on his or her nationality, and discrimination based on nationality is prohibited. National minorities have the right to develop their own culture, to disseminate and receive information in their mother tongue, the right of association, and the right to establish and maintain cultural and educational institutions. In addition, national minorities have, “under conditions defined by

law”, the right to education in their own language and the right to use their language in dealing with the authorities.

According to Slovakia’s 2001 census, 14.2% of the population identified themselves as belonging to national minorities. Of these, 9.7% identified as Hungarians, while 1.7% identified as Roma. Other national minorities, including Czechs and Ruthenians, each made up less than one percent of the total population. Hungarians, who live predominantly in the south and south east of the country, have been represented in national politics since the 1990 elections. Currently, the principal party representing ethnic Hungarians is SMK–MKP. It has been a member of the government coalition since 1998. Although there are other ethnic-Hungarian political parties, the SMK–MKP was the only party representing the Hungarian national minority in the 2002 parliamentary election. With a solid base of support, and given the high level of education and political participation among ethnic Hungarians in Slovakia, the SMK–MKP had no problem entering the parliament.

While the official census puts the Roma population at 89,920 persons, there is general agreement that the actual figure for Roma living in Slovakia is substantially higher. Various estimates place the true Roma population at from 380,000 to 500,000, or 7–9% of Slovakia’s total population. While Roma live in most parts of the country, they are concentrated in the East, around Kosice, Presovo, and Spis. Often, Roma are not well integrated into mainstream society but live in separate settlements, of which Slovakia has over 600. Education levels among Roma are below average, while their unemployment is substantially above the national average. Prejudice against Roma is widespread, and in some communities Roma and non-Roma lead a completely separate existence. Apparently, many Roma are not registered as residents in the places where they actually reside and therefore have difficulty voting. Analysis suggests however, that numbers falling into this category are not high, and that lack of registration is generally not due to discrimination but to the fact that many Roma fail to re-register when they change their place of residence.

Unlike ethnic Hungarians, who have political representation at the national level, and the country’s smaller minorities, which are generally well integrated and tend to vote as does the majority population, the Roma situation is different. Roma are less involved in national politics, and among those who are politically active, with around 20 registered Roma political parties, fragmentation is high. Slovakia has several Roma mayors and municipal councilors, but there is no Roma representation in the new parliament, nor were there any Roma deputies in the outgoing National Council. Voter turnout among the Roma community is substantially below the national average. Partial election observation by non-governmental organizations in Roma settlements suggests that turnout in this election varied between 10 and 50%.

Two parties representing the Roma, the Political Movement of Roma in Slovakia (ROMA), and the Roma Civic Initiative of the Slovak Republic (ROISR) participated in this election. Several other parties included Roma on their candidate lists, but placed them in positions too low to qualify for a parliamentary seat. Neither Roma party gained a significant share of the vote; ROISR received 8,420 votes (0.29%), and ROMA 6,234 (0.21%). In none of the country’s 79 districts did the combined Roma parties’ vote exceed 4%. It is notable that Roma membership on electoral commissions at all levels was higher than in previous elections, indicating heightened attention to one of the building blocs leading to greater political involvement.

XI. ELECTION DAY PROCEDURES AND RESULTS

A. PROCEDURES

The EOM did not include short-term observers, therefore no systematic observation of polling and counting procedures on the election days was undertaken.

In keeping with local tradition, voting extended over two days, as follows: 20 September from 14:00 to 22:00 hours and 21 September from 7:00 to 14:00 hours. Polling over two days offers greater flexibility for electors, and thus might increase voter participation. The mid-day start of the vote count by PSC members who are rested provides for faster and more accurate work by the commissions, decreasing technical errors. This practice does, however, require measures to ensure overnight security of election materials. No problems with protection of the polling stations and election materials were reported to the EOM.

At the polling station each voter confirmed his/her identity either by presenting an identity card, or by verification of two other voters known to the PSC. Then, a set of 25 ballot papers, and an envelope bearing the municipality stamp and the dry seal of the PSC was handed to the voter, who proceeded to the voting booth to select one ballot paper, circle up to four ordinal numbers (if any) of preferred candidates on the selected ballot, put it in the envelope and place the envelope in the ballot box. Unused ballot papers were collected in boxes especially prepared for this purpose, or remained with the voter. Mobile ballot box voting was provided for persons unable to come to the polling station.

After the PSC vote count protocol was signed, members of the commission received a copy of the protocol, including annexes containing the results of party preference voting, and signed by the Chairman. This same procedure was followed by the DEC's, thus securing the confidence of candidates about the correctness of the count and tabulation of the results.

B. RESULTS

Election results by party vote were announced by the CEC at 10:00 hours on 22 September, while final official results, including the list of winning candidates, were published together with the official signing of the CEC Protocol at 10:00 hours on 23 September. The Statistical Office went beyond legal requirements and, utilizing the good practice from previous elections, provided all contesting political parties a diskette containing complete results by polling station at 10:00 hours on 23 September.

Voter registration totaled 4,157,803, of which 2,913,267, or 70.07%, cast their votes, compared to 84.24% voter participation in 1998. Of the 25 parties competing in the election, seven managed to pass the 5% threshold needed to acquire seats.

The following table shows distribution of seats by party in the new Slovak National Council:

DISTRIBUTION OF PARLIAMENTARY SEATS

Party	Valid Votes	Ratio	Integer Part	Remainder	Additional Seats	Total Seats
SDKU	433,953	27.8578	27	0.8578	1	28
SMER	387,100	24.8500	24	0.8500	1	25
HZDS	560,691	35.9937	35	0.9937	1	36
KSS	181,872	11.6753	11	0.6753		11
SMK	321,069	20.6111	20	0.6111		20
KDH	237,202	15.2273	15	0.2273		15
ANO	230,309	14.7848	14	0.7848	1	15
Total	2,352,196		146		4	150

Somewhat over 18% of valid votes cast went to parties that will not be represented in the National Council: this number of “lost” votes represented an increase of more than 3% compared with the 1998 election.

An additional three parties, the Real Slovak National Party (PSNS), the Slovak National Party (SNS), and the Movement for Democracy (HZD), received more than 3% of the vote and are thus entitled to a State subsidy of 60 Slovak crowns (approx.1.45 euro) for each vote received.

In 1998 no candidate entered parliament due to preference votes, but in this election voters made more use of preferences. Among the winning parties, a total of 31 candidates received more than 10% preference votes. However, 30 of these candidates were placed high enough on their party list to guarantee a mandate even without preference votes. But, one candidate (SMK–MKP) did succeed, owing his parliamentary seat to preference votes that moved him up from position 23 to position four on his party’s list.

XII. RECOMMENDATIONS

While this elections to the Slovak National Council met international standards and commitments for democratic elections, ODIHR suggests some further steps that might be considered by the Slovak authorities for enhancing future electoral exercises. The following recommendations represent proposed improvements that would deal with issues discussed in this report. The main recommendations are:

- Revision of electoral acts should be considered in order to eliminate inconsistencies and harmonize different electoral practices governing different types of elections.
- The election legislation should specify that CEC meetings be open to the public; that CEC regulatory instructions to lower levels of election administration be legally binding; that a mechanism be devised whereby the CEC deals with complaints related to electoral

fairness; and, that the CEC is legally empowered to issue binding instructions on procedural issues, especially for cases not regulated by law.

- Rules for the substitution of candidates on party lists could become more specific by establishing priorities between rankings made by party, and preferences expressed by voters.
- Defining the electoral campaign, and describing what constitutes a violation should be incorporated into the electoral law of the National Council; especially needed is clarification about what constitutes prohibited political advertising; furthermore, a complaint mechanism to deal with such violations should be devised.
- Provision in the law for domestic and international election observers ought to be made, as well as rules for their accreditation.
- The integrity of the election process could be further strengthened if at the end of the first polling day a protocol listing the number of electors who have voted, and the number of envelopes issued, should be prepared by each PSC. Protocols containing election results could also list the number of voters added to the voter list on polling days, as well as information about all invalid ballots. Copies of signed DEC and PSC protocols should be publicly posted on the premises of each commission to enhance transparency of sensitive election activities.
- The provisions allowing DEC to disregard results from a PSC that has failed to submit them within 24 hours (as now required by law) should be revised, as this provision could cause de facto disenfranchisement of voters.
- Consideration could be given to providing periodic announcements of partial election results as they are received by district, and at the CEC, and ultimately to publication of final results by polling station, in addition to providing this data on diskettes to political parties as in the current practice.
- Slovak Television might consider devising more attractive ways to broadcast roundtables and political advertisements, with provision for better audience participation.
- Civic and voter education programs targeting the Roma community should be instituted to increase political participation by the Roma minority.

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is the OSCE's main institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Document).

The ODIHR, based in Warsaw, Poland, was created in 1990 as the Office for Free Elections under the Charter of Paris. In 1992, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 80 staff.

The ODIHR is the lead agency in Europe in the field of **election** observation. It co-ordinates and organizes the deployment of thousands of observers every year to assess whether elections in the OSCE area are in line with national legislation and international standards. Its unique methodology provides an in-depth insight into all elements of an electoral process. Through assistance projects, the ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include the following six thematic areas: rule of law, civil society, freedom of movement, gender equality, trafficking in human beings and freedom of religion. The ODIHR implements more than 100 targeted assistance programs, seeking both to facilitate and enhance State compliance with OSCE commitments and to develop democratic structures.

The ODIHR **monitors** participating States' compliance with OSCE human dimension commitments. It also organizes several meetings every year to review the implementation of OSCE human dimension commitments by participating States.

The ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies. The Office also acts as a clearing-house for the exchange of information on Roma and Sinti issues among national and international actors.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR [website](http://www.osce.org/odihr) (www.osce.org/odihr), which also contains a comprehensive library of reports and other documents, including all previous election reports and election law analyses published by the ODIHR.