

# **BRITISH HELSINKI HUMAN RIGHTS GROUP**

## **Statement on the Slovak Parliamentary Elections (25-26 September 1998)**

Four representatives of the BHHRG were accredited by the Slovak Central Electoral Commission (CEC) to observe the election and referendum held on 25-26 September. During voting-hours, they visited polling-stations in Bratislava, Dunajska Streda, Galanta, Nitra, Novy Zamke, Trencin and Vrable; in the first two of these vicinities, they also observed a count. The Group encountered numerous hurdles in gaining permission to observe the election and were only accredited shortly before polling commenced. This made it difficult to cover the country's electoral districts as comprehensively as they would have wished.

The Group had already sent 3 observers on a pre-electoral visit to assess the campaign period (its report is available on the BHHRG website), this statement will deal only with the voting days themselves and the immediate aftermath.

## **Election procedures**

- In view of the polarized and – especially following the events surrounding Markiza TV’s allegations of state interference during the preceding week – highly-charged political atmosphere in which these elections were held, the absence of any controversial (let alone violent) incident either on or between the two days of voting should be noted and commended. The BHHRG takes issue with the comments of senators D’Amato and Smith of the US Congress Helsinki Committee who stated on 2<sup>nd</sup> October that “Vladimir Meciar’s regime expediently sought to provoke chaos and disorder in the pre-election period and create an atmosphere of insecurity, instability and tension”. If anyone was guilty of such behavior it was those opposition members who made emotional allegations about impending government-organised disruption to BHHRG representatives during their pre-election visit in September. None of these materialised.

- An element in maintaining good practice on voting day is the method of choosing the chairman of the polling-station election commissions. It is usual in this part of the world to find this position being filled at the bidding of higher election authorities; in countries where there is already a concern about the political neutrality of the CEC, these suspicions are then reinforced at voter level. In Slovakia, by contrast, all chairmen we met had either been chosen for that role by other commission members (representing never less than five parties), or else selected by lot – thereby serving to strengthen the

confidence in the system of voters and officials alike. In their two days of observing BHHRG monitors found less than five chairmen out of over 20 polling stations who were HZDS members. Even so *Le Monde's* correspondent, Martin Plichta, referred to commission members in Slovakia as “functionaries” (presumably of the government) rather than party members in an article in the paper on 25<sup>th</sup> September.

- Also unusual in our experience was the ‘decoupling’ of the election from the referendum. When there is a concern about securing whatever turn-out is needed to validate the latter, it is again common practice in the former Eastern Bloc to count those as having cast a vote for a particular party or candidate as also participating in the referendum. (See the Russian parliamentary election and constitutional referendum of December 1993, for example). In Slovakia, the procedures for these two votes were completely separate, being handled by different commissions in different rooms.

- The actual method of voting in Slovakia is the same as that in the Czech Republic (i.e. choosing one from a sheaf of 17 papers identified by the party’s name and list of candidates). However, the Slovak system does not involve the less satisfactory Czech practice of sending the ballot papers to people’s home in advance.

We found commissions adept at handling these slightly cumbersome arrangements. We also found that, however awkward in some ways for the

voter, this method seemed to reduce the number of spoiled ballots – of which there were no more than a few in the counts observed. However, commission chairmen told our monitors that people were able to ask for another ballot paper if they made a mistake a practice that is not universal and one that could also produce organizational problems for a polling station as most seemed only to have received the same number of ballot papers as registered voters. In the future the rules should stipulate that unused papers cannot be taken out of the polling-station, since the very possibility of this gave rise to speculation about their potential misuse.

- In our experience, commission members were well-informed about the exact quantity of ballot-papers, envelopes and other voting materials they had been given. Scrupulous attention was also given to the procedures of sealing both ballot-box and room overnight.
- We also found that the majority of commissions were prepared to admit unaccredited domestic observers to watch – albeit not to ask questions about – the proceedings. Such observers as we came across (i.e. in about one-fifth of polling stations) said they had not seen anything noteworthy. On the other hand, commission members seemed uncertain about the level of information they could give out to accredited international observers, and in future clear, consistent guidelines for this would best be issued in advance.

- From a technical viewpoint, the least satisfactory aspect of these elections was the issuing of special certificates to voters who know they will be out of their registered district on election-day. Though these must be signed and stamped by the mayor for that district, there is, in theory, no safeguard against an unlimited number of these being distributed, thereby enabling large-scale multiple-voting. In reality, we did not encounter a polling-station which had accumulated more than 20 of these (about three per cent of the total number of voters there).

The OSCE made no reference to these certificates in their post-election briefing but there was concern about the potential for abuse of this mechanism, and after the election the HZDS alleged that hundreds of certificates had been used by students in polling stations in Bratislava (an opposition stronghold). If both the Czech and Slovak republics insist on keeping this unsatisfactory procedure in their respective electoral laws commissions should be required to stamp the identity papers of voters who submit certificates.

### **Post-election criticism**

Along with refusing to accredit domestic observers, the CEC also refused (with one exception) to grant accreditation to international bodies apart from the joint observation mission led by the OSCE. This had the consequence of giving the latter's post-election assessment unusual weight and authority.

It was, therefore, particularly interesting to note that, in its own debriefing of the 200 short-term observers sent into the field, the OSCE made many of the above points and arrived at a very positive overall assessment of the conduct of these elections. Indeed, the on-site OSCE co-ordinator, Kåre Vollan, stated at this meeting that on a scale of zero to one hundred they would put the voting-process at 80 and that of counting at 90 – both of them exceptionally high figures, he remarked.

However, in the joint preliminary statement issued a very short while afterwards, it was noticeable that this positive analysis was barely mentioned. Instead, in terms both of space and substance, much more room was given over to sharp criticism of several aspects of the preceding campaign. This may not have been unconnected with the news that the HZDS was, albeit marginally, ahead in the results. Original optimism would have been coloured by TV Markiza's somewhat hubristic predictions in the post-electoral period of a 35% victory for the SDK. Ms Helle Delg who chaired the OSCE meeting even went as far as openly expressing her worries that “no one steal the victory”.

Since these points are likely to cast a shadow over what was, in our view, an generally “free and fair” election we feel obliged to comment on the most tendentious of them.

- According to the OSCE/ODIHR statement, Article 23 of the election law (prohibiting privately-owned electronic media from broadcasting direct campaign material) is at variance with several international treaties and obligations to which Slovakia is a party. This objection, however, was not made by the OSCE in its final report on the Czech parliamentary elections of June this year – even though the same provision (which is a holdover from the former Czechoslovak election system) applies there, too. Slovak State Television, STV showed equal numbers of election broadcasts for all parties taking part in the elections, regardless of their existing parliamentary strength or prospects.

- Following on from this, the OSCE also argues that Slovak Television – as the only broadcasting company permitted to show information of this kind – “failed to fulfil its obligation of giving a balanced picture of the campaign”.

Yet the assessment made by the media monitoring organization, the *Osservatorio di Pavia*, and on which the OSCE statement was presumably based, points out that only “about 54% of the time [i.e. barely more than half] dedicated to politics by the public channels went to the government and the coalition parties, mainly to Prime Minister Meciar”. But also in its report on the Czech elections, the OSCE found nothing unnatural about the same phenomenon: “The Christian Democrats and the Freedom Union received

relatively high amounts of coverage because several of their leading members were in the Tosovksy government”.

- Furthermore, while acknowledging in its statement on the Slovak election that “campaign coverage on the main private television station was biased in favour of the opposition parties”, the OSCE is reticent about conveying the extent of this bias. Again, though, the *Osservatorio di Pavia*’s own assessment concludes that the station in question, TV Markiza, devoted 73% of its airtime to the opposition – considerably more, in fact, than state television gave to the government. This is all the more significant when you consider that, according to some estimates, Markiza has 50% audience-share against STV’s 20%.

- In a particularly churlish observation, the OSCE statement chides Prime Minister Meciar for using foreign celebrities in public appearances which “can hardly be seen to be done independently of the campaign”. But basking in the reflected glory of film-stars or sports-heroes is the norm in Western campaigns, for government and opposition politicians alike. (See US President Bill Clinton’s frequent appearances in the company of such Hollywood stars as Barbara Streisand and John Travolta). Evidently this is something the Slovak opposition parties understood better than the OSCE, as the country was covered by posters showing SDK leader Miklos Dzurinda shaking the hand of top Slovak sportsmen, while the internationally

celebrated opera-singer Petr Dvorsky actually ran for parliament on the list of the SOP, whose leader, Rudolf Schuster, had earlier brought Luciano Pavarotti to sing in his Kosice power-base.

- According to the OSCE, the “Central Election Commission was established in such a way that its political composition made objective decision-making very difficult”. While it is difficult to know what the OSCE means by the phrase “objective decision-making”, it is sure that they would have been loud in their objections \_ and justifiably so \_ had the CEC been packed with government-appointed “officials”. As it was, all 17 parties competing in the election delegated two members to the CEC. Although this may well have made its sessions lengthier and more heated than might otherwise have been the case, surely this is preferable to decisions emerging more rapidly but based on the views of a handful of “non-partisan” experts?

- Finally, the OSCE statement suggests that it thinks that it itself should be above criticism which is inappropriate for any organisation in a pluralist society when it complained that it had been “subjected to unfair criticism by State Television”. Whether or not such criticism is fair is obviously a matter of opinion; in any case, the OSCE is hardly a disinterested party in the matter. It would be a pity if the OSCE’s *amour propre* coloured its assessment of elections. As it happens, it was the OSCE’s much-criticised delay in releasing full and final results for the election which it had itself administered

(as well as organising its own monitoring) in Bosnia-Herzegovina two weeks earlier which appears to have been the occasion of this complaint.

### **Full Results**

Movement for a Democratic Slovakia (HZDS)	27%
Slovak Democratic Coalition (SDK)	26.33%
Democratic Left Party (SDL)	14.66%
Hungarian Coalition Party (SMK)	9.12%
Slovak National Party (SNS)	9.07%
Party of Civic Understanding (SOP)	8.01%

Turn-out: 84%.

Eleven out of the 17 parties contesting the election failed to cross the 5% threshold for representation in parliament including the Sloval Workers Party, which it been a member of the outgoing coalition.

## **Post-Election Developments**

84% of the Slovak electorate voted in the 1998 poll as against 75% in 1994. Such a dramatic increase in the turn-out is unusual in post-communist countries where almost all have experienced a decline in voter participation since 1990. One exception is Estonia where participation in the 1995 parliamentary elections showed an increase of 1% over the previous poll.

The joint opposition garnered c.59% of the vote. By virtue of pre-election agreements made between them not to cooperate with the HZDS it was obvious that the party, albeit narrowly ahead of all the others, could not form a government. The only possible coalition with the SNS would only bring the numbers up to 36% of the vote well short of the 50% necessary to form a government.

On 30<sup>th</sup> September Vladimir Meciar appeared on Slovak TV to announce that that the HZDS would not try to form the next government and that he would resign from office on 27<sup>th</sup> October. This response was not anticipated by the regular commentators on Slovak affairs. On 8<sup>th</sup> September Eduard Kukan of the SDK had stated that “it is impossible to think that he will leave office quietly” and Western diplomats were reported as not “discounting dirty tricks” by him to stay in power. According to the leading Slovak dissident Miroslav Kusy [Meciar] “is similar to Stalin in the Second World War. He is

not able to accept this debacle”. All such predictions have turned out to be untrue. In fact, the prime minister has said that he will not even take up his parliamentary mandate.

However, Meciar still remains the most popular politician in the country having received over 500,000 preference votes on the ballot. This, despite the fact that the American Embassy in Bratislava was telling people that Rudolf Schuster was the “most trusted” politician (with 72% of a poll conducted on the Embassy’s behalf) in the country.

Despite the positive assessment given to the election process itself by international observers, including members of the BHHRG, the climate of opinion in which the poll took place makes it difficult to assess the proceedings, in toto, as completely normal.

## **Foreign Involvement**

Since Vladimir Meciar and the HZDS-led government came to power in 1994 Slovakia has been subjected to a barrage of hostile criticism much of it unfounded or distorted. Large amounts of foreign money and energy seems to have been devoted to supporting the 'third sector' of NGOs and Foundations as well as newspapers, radio and TV in the country. Against this largesse the Slovak government, contrary to the received wisdom, has had few resources at its disposal to counteract what became a highly sophisticated media beat-up.

The Slovak opposition's influence over the Western media \_ due in part to its connection with ex-dissidents \_ meant that visiting journalists and academics were presented with a one-sided picture of the country which, sadly, they never set out to question. Much of this was caused by snobbery: HZDS members are constantly vilified for being 'old' and 'peasants' but they are also perceived as being 'lower-class' or even worse, lower middle-class.

## **Rock the Vote**

Foreign funding had also lavishly supported the organization *Rock volieb* (Rock the vote) organized on the American model to encourage young people to vote. Only 20% of the 18-25 age group apparently voted in the 1994

Slovak elections whereas 90% participation in 1998 has been recorded. Although the project's coordinator, Marek Kapusta, claimed to be fiercely non-partisan others saw opposition parties benefiting the most from the group's programme of targeting rock concerts, record shops and clubs. It also used slots on TV Markiza (but not Slovak TV) to spread its message.

Another NGO, the Anton Tunega Foundation (financed by Western institutions), provided the country's election commissions with members if they had failed to convene the necessary quorum of representatives of the different parties actually on the ballot paper. The organization provided over 400 commission members at the request of the Opposition. Interestingly, Marek Kapusta of *Rock volieb* thought that this an unwise practice for the 'third sector' which should not be vulnerable to criticisms of involvement in a country's politics.

*Rock volieb* whose membership includes 200 election monitors trained in Bosnia, will remain in existence in Slovakia until the local elections scheduled for November.

### **Role of the European Union and United States**

The EU and the US government have stated that Slovakia cannot be integrated into European structures or NATO with its present government – one which no one denied had been legitimately elected in 1994. Slovakia,

unlike the other Visegrad countries, was refused fast-track entry into the EU, at the Luxembourg Summit in 1997. The effect of this has been effectively to blackmail the population of Slovakia to vote in the way advocated by one set of local parties in turn supported by powerful and rich foreign states if they wish their small country “to join Europe.” No opinion polls assessed how far this foreign pressure influenced voters but conversational evidence suggests that certain groups were affected by the EU and US pressure.. For, it is very difficult for the population of a small, poor country in Central Europe emerging from over forty years of Communist rule and isolation behind the Iron Curtain to turn its back on the demands of the international community.

Whether or not the new Slovak government will succeed in producing the affluence, welfare benefits, foreign investment and seats at the top table in Brussels which it has promised remains to be seen. An enduring problem for the new Slovak government is likely to be that the negative image of the country assiduously disseminated over the last few years will not dissipate overnight. Foreign investors are already increasingly shy of the risks in emerging markets as the world economy totters on the brink of recession. Few will have been encouraged by the reporting of the Slovak election (despite its normality) to invest in the country in the current climate. That could leave the new regime to face a crisis of disappointed expectations sooner rather than later. It won't be the first democratically elected government to face that problem, but it will be Slovakia's first to do so. How

it reacts to future criticisms will be an important test of the new government's much-vaunted commitment to media and political liberty.