

STATEMENT OF THE NDI PRE-ELECTION DELEGATION ON SLOVAKIA'S 1998 PARLIAMENTARY ELECTIONS

Bratislava, September 3, 1998

This statement is offered by a six-member international pre-election delegation organized by the National Democratic Institute for International Affairs (NDI) in connection with Slovakia's parliamentary elections, to be held on September 25 and 26, 1998. The delegation visited the Slovak Republic from August 30 to September 4.

The purposes of the delegation's mission are to express the support of the international community for a democratic election process in Slovakia, to assess electoral conditions and the political environment in which the elections are taking place, and to offer an impartial report on pre-electoral conditions and climate. The delegation has conducted its assessment on the basis of international standards for democratic elections. NDI does not seek to interfere in the election process. Nor does it intend to render a definitive assessment of the elections, given that the elections are three weeks away. Ultimately, it will be the people of Slovakia who determine the legitimacy of the process.

NDI works to support democratic institutions and processes worldwide. The Institute has conducted more than 40 international election observer delegations and more than 60 pre-election delegations around the world. It has established a reputation for independence, impartiality and professionalism in conducting electoral assessments.

This pre-election delegation included election experts and political and civic leaders from Belgium, Israel and the United States. Delegation members have participated in numerous election assessments and international election observer delegations in Central and Eastern Europe, and around the world.

The delegation included: Annemie Neyts-Uyttebroeck, Minister of State of Belgium, Deputy President of Liberal International, Member of the European Parliament, and former Member of the Belgian Parliament; Professor Shlomo Avineri, Director of the Institute for European Studies at the Hebrew University of Jerusalem and former Director-General of Israel's Ministry of Foreign Affairs; Swanee Hunt, former United States Ambassador to Austria and Director of the Women and Public Policy Program at the Kennedy School of Government at Harvard University; and Kenneth Wollack, President of NDI. The delegation is joined by Robert Norris, NDI Project Director for Election Processes in Slovakia, and Robert Benjamin, NDI Senior Program Officer for Central and Eastern Europe.

The delegation is making its observations and findings based upon: NDI's continuous presence in Slovakia since 1993; the Institute's analysis of this year's changes to the parliamentary election law; review of reports by other organizations involved with the electoral process in Slovakia; and analysis of information presented to the delegation during its meetings in the country.

In the course of its work, the delegation met with representatives of

ruling and opposition parties, the Central Election Commission, the Constitutional Court, the Supreme Court, civic organizations, and print and broadcast media.

Given the importance of these elections for the ongoing democratization process in Slovakia, these elections have naturally gained the attention of the international community. To support this process, NDI has formed an International Advisory Committee composed of political figures from around the world who are observing events in the country. The Committee includes: former United States President Jimmy Carter; former Russian Prime Minister Yegor Gaidar; former Canadian Prime Minister Joseph Clark; former Irish Prime Minister John Bruton; former German Minister of Economic Affairs Otto Graf Lambsdorff; member of the British House of Lords and Deputy Director of Project Liberty at The John F. Kennedy School of Government at Harvard Shirley Williams; former United States Senator Paul Simon; U.S. congressmen Steny Hoyer and John Porter; and Swanee Hunt. NDI will present this delegation's report to the Committee and to others in Slovakia and the international community.

An accurate and complete assessment of any election must take into account all aspects of the electoral process. These include: 1) conditions set up by the election law; 2) the pre-election period before and during the campaign; 3) the voting process; 4) the tabulation of results; 5) the investigation and resolution of complaints; and 6) the conditions surrounding the formation of a new government. Therefore, as this delegation visited Slovakia only during the pre-election period, it does not pre-judge the overall process.

At the same time, no election can be viewed in isolation of the political context in which it takes place. Accordingly, the pre-election period must be considered when evaluating the democratic nature of elections.

Political and Electoral Observations

The conduct of previous parliamentary elections has been viewed positively by the Slovak electorate and the international community. However, the May 1997 referendum--in which the government, two days before the vote, defied a Constitutional Court ruling and deleted a ballot question on the direct election of Slovakia's President--raised grave concerns about the government's commitment to an open electoral process. As a result, less than 10 percent of the electorate voted.

As late as January 1998, public opinion polls indicated that nearly 40 percent of the citizenry did not expect the upcoming parliamentary elections to be free and fair. Under such circumstances, extraordinary steps were necessary to restore confidence in Slovakia's electoral process and to build consensus on the political and legal framework for the legislative polls.

Regrettably, these steps were not taken. Instead, there has been a series of unilateral actions that appear to have been designed to favor the ruling party and to erect obstacles for the opposition. While the precise impact of these actions on the elections may be difficult to measure, they nevertheless affect the integrity of the process and its perception. The result has been a flawed pre-election process, characterized by polarization, uncertainty, and anxiety.

These actions include the following:

Referendum amnesty

Those involved in implementing the discredited May 1997 referendum were granted amnesty in March 1998.

Changes to the parliamentary election law

A simple majority passed significant changes to the parliamentary election law only four months prior to the vote and without any attempt to achieve consensus among competing political parties on the legal framework of the elections.

- The new election law severely penalizes electoral coalitions, compelling the leading opposition groupings to reorganize their structures and redesign their electoral strategies in the run-up to the elections.
- The law effectively restricts political coverage of the elections by private broadcast media.
- In contrast to previous legislation, the new law limits transparency by preventing public scrutiny of voters' lists as a whole.
- The law places significant components of the electoral administration under the Ministry of Interior, despite the fact that the Ministry was directly involved with the May 1997 referendum.
- The law, along with the sudden appearance of new political parties sympathetic to the government, enables the governing parties to have a working majority on election commissions at the national, district and precinct levels.
- The law does not provide for nonpartisan Slovak and international election monitors. This omission runs counter to accepted international practices and conflicts with Slovakia's commitment to invite observers from appropriate organizations, both foreign and domestic, as provided in the Organization for Security and Cooperation in Europe's 1990 Copenhagen Document (Paragraph 8). Although international observers were ultimately invited, the selective nature of the invitations and the difficulties encountered by those who have already arrived in Slovakia are not in accordance with the spirit of the Copenhagen Document and general international norms.

Media coverage

Credible reports have documented that Slovak Television (STV), contrary to its public mandate, is providing biased and unbalanced news coverage of the election campaign. This imbalance is exacerbated by the fact that STV is the only televised news source which covers the entire country. The news coverage by private media has only partially offset this situation.

Incidents of intimidation

While the pre-election period has been generally peaceful, there have been credible reports over the past year of physical violence perpetrated against individual journalists working for private media. While some of the incidents may not be directly related to the elections, the unwillingness to investigate these cases raises concern that these actions may be politically motivated. Coupled with a blanket amnesty in March of those allegedly involved in criminal activities, these cases of violence have contributed to negative perceptions about the overall political environment.

Despite the above-mentioned problems, the delegation was impressed by some positive aspects of the election process:

- Parties across the political spectrum are actively participating in

the electoral process. Apart from isolated incidents, they are campaigning freely throughout the country. They are also organizing themselves to serve on election commissions at the nearly 6,000 polling sites throughout the country. The planned implementation of parallel vote tabulations should enhance confidence that the vote count will be accurate.

- A large number of citizens' groups are involved in voter education and election monitoring activities. They demonstrate a growing civic culture and a desire to broaden popular political participation in the country. It is especially gratifying that hundreds of young people and women are leading and participating in many of these important efforts.

Recommendations

In the spirit of international cooperation, the delegation offers the following recommendations that, if implemented, could enhance public confidence in the election process. These recommendations are based on NDI's experience in Slovakia, the region, and beyond.

The authorities should grant accreditation to nonpartisan domestic election observers who have already demonstrated professionalism and impartiality, and have shown a capacity to train and deploy several thousand observers on election day. Like their international counterparts, they should be granted full access to the voting and counting processes. Domestic election observers are accepted throughout the world as an essential component of a transparent election process and as an important way to promote civic awareness.

The Council of Radio and Television Broadcasting should ensure that the mandate of state-owned media to provide the citizens of Slovakia with balanced and accurate news information is carried out in accordance with Article 26 of the Slovak Constitution.

Article 23(1) and (3) of the parliamentary election law should be officially and concretely interpreted in such a manner as to enable private broadcast media to cover all aspects of the election campaign period freely and fully.

As voters go to the polling stations on September 25 and 26, the delegation hopes that there is among them a perception that the election process is worthy of their trust. The delegation trusts that all parties and governing bodies, in adhering to the principles of a democratic election process, will work toward this important goal.

The delegation would like to express its appreciation to the party representatives, election officials, members of the media, members of the judiciary and civic activists with whom it met. Had these individuals not taken time at this important moment to provide information and to share their views, the delegation could not have completed its work.

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