

# THE 1998 PARLIAMENTARY ELECTIONS IN SLOVAKIA



**A Report Prepared by the Staff of the  
Commission on Security and Cooperation in Europe**

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**Commission on Security and Cooperation in Europe**  
**234 Ford House Office Building**  
**Washington, DC 20515-6460**  
**(202) 225-1901**  
**csce@mail.house.gov**  
**http://www.house.gov/csce/**

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## **ABOUT THE ORGANIZATION (OSCE)**

The Conference on Security and Cooperation in Europe, also known as the Helsinki process, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. Since then, its membership has expanded to 55, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia. (The Federal Republic of Yugoslavia, Serbia and Montenegro, has been suspended since 1992, leaving the number of countries fully participating at 54.) As of January 1, 1995, the formal name of the Helsinki process was changed to the Organization for Security and Cooperation in Europe (OSCE).

The OSCE is engaged in standard setting in fields including military security, economic and environmental cooperation, and human rights and humanitarian concerns. In addition, it undertakes a variety of preventive diplomacy initiatives designed to prevent, manage and resolve conflict within and among the participating States.

The OSCE has its main office in Vienna, Austria, where weekly meetings of permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations and periodic consultations among Senior Officials, Ministers and Heads of State or Government are held.

## **ABOUT THE COMMISSION (CSCE)**

The Commission on Security and Cooperation in Europe (CSCE), also known as the Helsinki Commission, is a U.S. Government agency created in 1976 to monitor and encourage compliance with the agreements of the OSCE.

The Commission consists of nine members from the U.S. House of Representatives, nine members from the U.S. Senate, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair are shared by the House and Senate and rotate every two years, when a new Congress convenes. A professional staff of approximately 15 persons assists the Commissioners in their work.

To fulfill its mandate, the Commission gathers and disseminates information on Helsinki-related topics both to the U.S. Congress and the public by convening hearings, issuing reports reflecting the views of the Commission and/or its staff, and providing information about the activities of the Helsinki process and events in OSCE participating States.

At the same time, the Commission contributes its views to the general formulation of U.S. policy on the OSCE and takes part in its execution, including through Member and staff participation on U.S. Delegations to OSCE meetings as well as on certain OSCE bodies. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from OSCE participating States.

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## **SUMMARY<sup>1</sup>**

On September 25 and 26, the Slovak Republic held elections for 150 seats in the unicameral legislature, the Slovak National Council. The 1998 Slovak elections marked an historic turning point for Slovakia: would free and fair elections be held which would pave the way for an opposition coalition to assume power and restore Slovakia to the path of parliamentary and constitutional democracy, the rule of law, and European integration, or would the Meciar regime corrupt the election process to hold onto power?

During the pre-election day phase, the Meciar regime purposely sowed confusion and disorder, creating a climate of uncertainty, instability, and tension. Beginning in March, a manufactured parliamentary deadlock prevented the election of a new president, creating a constitutional crisis; while that office remained vacant, presidential powers were assumed by Prime Minister Meciar and his associate, the Speaker of the parliament. A controversial new election law, which entered into force three months prior to the elections, restricted freedom of the media. During the campaign itself, state-run television broadcasted biased programming supporting the Meciar government. In the constitutional vacuum left by the absence of a president, competing claims to the position of chief of the armed forces emerged a few weeks before the election. Just days before the election, the Minister of Interior made veiled threats to use the army in connection with the elections.

Nevertheless, over the two-day period during which balloting was conducted (September 25-26), there were relatively few significant problems with the technical administration of the voting and the results appear to reflect the will of the people. The party of Vladimir Meciar, the Movement for a Democratic Slovakia (HZDS), received slightly more support than any other party. HZDS, however, did not win enough seats to form a majority government on its own nor does it have partners with enough seats to form a majority coalition. Accordingly, it would seem to fall to the opposition parties to form a coalition government.

In Slovakia, however, where Vladimir Meciar's ruling coalition has so frequently violated the rule of law in his effort to stay in office, this course of events can not be taken for granted. Will Ivan Gasparovic, the current Speaker of the parliament and a member of Meciar's party, quickly convene the new parliament to select a new Speaker and begin forming a new government, or will the Meciar government delay, or even derail, a new coalition's effort to take office? During its post-election press conference, held the day after the closing of the polls, representative of the OSCE Chair-in-Office, Helle Degn, sharply noted that the formation of a government is the ultimate purpose of elections and, until this step is taken, the OSCE's election observation process will not be concluded.

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<sup>1</sup>This report is based, in part, on staff participation in the OSCE election observation mission, September 22-27, 1998.

## **THE SETTING/BACKGROUND**

Slovakia emerged as an independent state when the Czechoslovak Federal Republic dissolved on January 1, 1993, roughly three years after the Communists were ousted from power. Parliamentary elections for Slovakia's 150-seat, unicameral legislature, the Slovak National Council, were last held on September 30-October 1, 1994. No party emerged with a majority from those elections. The HZDS, the largest vote-getter with 61 seats, subsequently formed a coalition with the far right-wing Slovak National Party (SNS, 9 seats) and the far left-wing Association of Slovak Workers (12 seats). Since 1994, the government has been led by Prime Minister Vladimir Meciar.

Vladimir Meciar, a skilled campaigner and politician, came to power in free and fair elections. Genuinely popular, he was poised to take his place in history not only as the father of an independent Slovak state, but as the father of a democratic Slovakia. Instead, the Meciar regime has doggedly pursued policies which, taken as a whole, have eroded the rule of law, parliamentary and constitutional democracy, and respect for basic human rights norms — moving Slovakia off the path of integration into Trans-Atlantic institutions and into increasing international isolation. (The details of these problems are described in the Commission's comprehensive 1997 report, *HUMAN RIGHTS AND DEMOCRATIZATION IN SLOVAKIA*.) Among the most significant of these developments, relative to the elections:

- There has been a pattern of violence against individuals who are in opposition to, or critical of the government, including journalists and political party leaders. The Government has failed to investigate many of these crimes and has pardoned some individuals believed responsible for serious violations of the law.
- The government willfully manipulated a duly-convened referendum (on the direct election of the presidency and issues related to NATO) in May 1997, contrary to explicit rulings of the Constitutional Court.
- The parliament has refused to seat two duly-elected parliamentarians (Frantisek Gaulieder and Emil Spisak), contrary to rulings of the Constitutional Court.

Having chosen intimidation and coercion over the rule of law, Vladimir Meciar — a man who rose to power as a genuine populist — approached the 1998 elections as a hostage of his own policies. Public opinion poll data (which was relatively consistent in the months leading up to the elections) indicated that, while Meciar's party would most likely be the single largest vote-getter, it would fall well short of achieving even a simple majority (over fifty percent), let alone the three-fifths parliamentary majority needed to change the constitution or elect a new president. Moreover, only one other party predicted to return to parliament (the far right Slovak Nationalist Party) had indicated a willingness to form a coalition with the HZDS — and even together those two parties were not predicted to have the votes necessary to form a majority government.

Meanwhile, opposition parties ranging from the left to the right were, in effect, driven together by Meciar's heavy-handed tactics.<sup>2</sup> Notably, five opposition parties (the Christian Democratic Movement, the Democratic Union, the Democratic Party, the Social Democratic Party of Slovakia, and the Slovak Green Party), reorganized themselves in 1997 as the Slovak Democratic Coalition (SDK). By mid-1998, opinion polls suggested that this coalition, along with the Hungarian Coalition, the Party of the Democratic Left, and a newly-formed party called the Party of Civic Understanding, would have the electoral strength to form a coalition government. As 1998 wore on, they increasingly demonstrated the political will and intent to do so.

Against this backdrop, several factors spurred speculation that Meciar was prepared to hold power through any means necessary: Meciar's blatant disregard for the rule of law, particularly in the case of the frustrated 1997 referendum and the Gaulieder case; the increasing popularity of the opposition parties, combined with the diminishing likelihood that Meciar and his allies could win a majority vote at the polls; and, finally, speculation that Meciar and his closest allies were afraid to lose power lest they be held legally accountable not only for their willful violations of the constitution but for various allegedly illegal financial dealings connected with the privatization process.

By January 1998, opinion polls suggested that nearly 40 percent of the electorate in Slovakia did not expect the September elections to be free and fair. Events in the months preceding the elections did little to assuage these fears and were marked by the manufacture of successive *crises-du-jour* by the Meciar government. During this period, the Meciar regime purposely sowed confusion and disorder, creating a climate of uncertainty, instability, and tension.

The events below are among those of the pre-election period which have marred the overall context of the Slovak elections:

- In March 1998, the five-year term of Slovakia's first President, Michal Kovac, came to an end. The parliament, however, was unable to muster a three-fifths majority to elect a new president. Accordingly, during this critical pre-election period, presidential powers were consolidated in the hands of the Prime Minister and his hand-picked Speaker of the parliament, Ivan Gasparovic. Using those presidential powers, Meciar pardoned those responsible for subverting the referendum process in 1997 in violation of the constitution. He also pardoned unnamed persons connected with the kidnaping of President Kovac's son in 1995.

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<sup>2</sup>In fact, Meciar's style of leadership had led to defections from his own party. A first wave of defections led to the formation in 1994 of the Democratic Union, today a member of the Slovak Democratic Coalition Party. The defection of Frantisek Gaulieder in 1996 threatened to start a second wave, but a subsequent bomb attack on Gaulieder's home seemed to have stemmed it.

- Just a few months short of the September elections, the Slovak parliament adopted new and controversial amendments to the election law.<sup>3</sup> (The amendments were criticized by the OSCE/ODIHR Needs Assessment Mission report, issued on July 20, 1998.) Among the amended law's shortcomings:
  - ▶ Under the guise of regulating campaigning, the law restricted the press from engaging in legitimate news reporting during the pre-election period.
  - ▶ The amendments increased the authority of the Ministry of Interior in connection with the organization and administration of the election, although Minister of Interior Krajci had been involved in frustrating and manipulating the 1997 referendum in violation of the Slovak Constitution (as determined by the Constitutional Court). Minister Krajci was simultaneously engaged in running the campaign for Prime Minister Meciar's party and administering the elections.
  - ▶ The amended law vests some authority to review compliance with the law in the Supreme Court; this was widely viewed as an effort to avoid legal scrutiny by the Constitutional Court, which has demonstrated its independence from the government in several key decisions.
- After amendment of the election law, Meciar's party challenged the legality of the registration of the Slovak Democratic Coalition.<sup>4</sup> On August 14, the Supreme Court ruled in favor of the Slovak Democratic Coalition, upholding the validity of its registration. The court case, however, fulfilled two Meciar objectives. First, for a full week during this critical campaign period, much of the opposition was thrown into disarray as it sought to respond to this legal challenge. Second, the somewhat predictable decision favoring the opposition provided Meciar with a rebuttal to the accusation that the election law shifted authority to the Supreme Court (versus the Constitutional Court) because the Supreme Court has been more likely to rule in favor of the ruling coalition.
- During the pre-election phase, STV, the official state-run television station and the only television station with country-wide coverage, presented consistently biased coverage in favor of the Prime Minister and his party. During the pre-election phase, an opposition radio station, Radio Twist, had its power cut on at least two occasions, in apparent harassment. During the pre-election phase, there were some incidents of journalists being subjected to

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<sup>3</sup>The amended law was adopted on May 18, 1998, and went into force on June 18, 1998.

<sup>4</sup>The amended election law purported to prohibit coalitions. The five parties comprising the Slovak Democratic Coalition (SDK) had, accordingly, formally registered themselves as a single party with a single slate of candidates, but had retained their well-established name, Slovak Democratic Coalition, presumably to enhance voter recognition. The HZDS challenge was based, in part, on the retention of the word "coalition" in the SDK's name.

harassment or intimidation; for example, two police officers reportedly attacked Vladimir Bacisin, an investigative journalist for NARODNA OBRODA in August.

- A few weeks before the elections, the ownership of the only independent television station, TV Markiza, was legally challenged by a company, Gamatex, controlled by Marian Kocner, an ally of the Prime Minister. In asserting his control over the station, Kocner used a contingent of armed guards to take physical control of the offices on August 18. On September 8, the Council for Radio and Television Broadcasting forced Markiza to cancel a program under the guise of regulating campaigning. On September 15, armed guards returned to TV Markiza and removed the director and 20 employees.
- Various statements by government officials and government-controlled media raised doubt as to Slovakia's willingness to permit international observation of the elections and denigrated the integrity of international election observers. The Meciar regime ultimately denied credentials to two international observation organizations (the Washington-based National Democratic Institute and the International Republican Institute),<sup>5</sup> while providing observation credentials to the British Helsinki Committee, a non-governmental organization that has defended the Meciar regime against its international critics.
- Statements by Minister of Interior Krajci challenged the legality of domestic election observers, although such observers are, in fact, permissible even under Slovakia's recently amended and more restrictive election law. Moreover, OSCE documents specifically call for such domestic observation. One non-governmental Slovak observation group reported that some volunteers had decided not to participate as election observers based on a fear that, in light of Minister Krajci's statement, they would be arrested.
- On August 20, in a legally dubious move, Speaker of the Parliament Ivan Gasparovic swore in Colonel Marian Miklus as the new Army Chief of Staff, to replace General Jozef Tuchyna; Tuchyna had previously announced that he would resign, effective September 30. After Miklus' appointment, however, Tuchyna asserted that his putative removal, prior to September 30, was illegal. Consequently, since August 20 both Tuchyna and Miklus claimed to be in charge of the army. A few days before the election, Interior Minister Krajci made remarks suggesting the army would be deployed in connection with the elections, although the authority to maintain order during the elections is vested in the regular police.

## **THE ELECTIONS**

Czechoslovak elections in 1990 were monitored by international observers and were deemed generally free and fair. After that time and until this year, elections in Czechoslovakia, and in the Czech and Slovak Republics after the 1993 dissolution of Czechoslovakia, have not been monitored by the international community. In light of the increasing challenges to the rule of law presented by the Meciar government, particularly in connection with the May 1997 referendum and the refusal

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<sup>5</sup>Ultimately, these organizations were able to have some observers accredited under OSCE auspices.

to seat two duly elected parliamentarians, the OSCE participating States decided to mount an election observation mission to Slovakia for the 1998 elections.<sup>6</sup>

For the OSCE-led monitoring, approximately 12 long-term observers were joined by 211 short-term observers. Norwegian diplomat Kare Vollan was named to head the election observation mission. Reflecting the perception that Slovakia's elections mark a turning point for the country's post-Communist, post-independence democratization process, OSCE Chairman-in-Office Bronislav Geremek designated the President of the OSCE Parliamentary Assembly, Danish parliamentarian Helle Degn, as his representative to head the overall monitoring effort, which included parliamentarians from over twenty OSCE countries. She was joined for the elections by the director of the OSCE's Office for Democratic Institutions and Human Rights, Ambassador Gerard Stoudmann.

At stake in Slovakia's parliamentary elections were 150 seats in the unicameral legislature, distributed according to a system of country-wide proportional representation. Parties were required to meet a five-percent threshold in order to be seated in the parliament. Seventeen political parties were registered for the elections.

After the two days of balloting, OSCE monitors made a variety of observations:<sup>7</sup>

- There had been an unprecedented state media campaign against the OSCE election observation effort prior to the elections. Some observers believe this accounted for the hostility they met at some polling stations. In most instances, observers reported they were met in an appropriate and professional way by the Polling Election Commissions (PECs).
- The opening of the polling stations went well and ballot boxes were generally in proper order at the time the polls opened.
- Observers reported widely different approaches by the PECs to the sealing of ballot boxes, which demonstrated a lack of clarity regarding what was required. Most ballot boxes were, nevertheless, adequately sealed.
- PECs were genuinely multi-party and included representatives of all major parties, providing an important element of oversight and transparency for the operation of the elections. At the

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<sup>6</sup>As a condition for allowing the OSCE to mount an election observation mission to Slovakia, Slovak officials required the OSCE to observe the Hungarian and Czechs elections, held earlier in the year, to demonstrate "even-handedness." OSCE observers have quipped that this has made the Slovak elections the most expensive elections for the OSCE to monitor outside of Bosnia-Herzegovina.

<sup>7</sup>This is a summary of issues raised during the OSCE debriefing held by the observers on Sunday, September 27. A full and detailed report on these issues will be issued by the OSCE/ODIHR at a later date.

same time, it was noted that the election law automatically provided seats on the PEC for any and all registered parties; many PECs included members of parties which were founded very recently and unable to get even one percent of the vote, fostering the suspicion that these parties were created in order to stack the PEC with people operating on behalf of one of the ruling coalition parties.

- The observers reported some problems with voting materials not being properly sealed at the end of the first day, diminishing confidence in the security of those materials overnight, between the two days of the balloting.
- Voter registration lists were in proper order and, in general, there was no appearance of multi-voting. Identification was properly checked. In instances where individuals were not allowed to vote, observers believed the decisions of the PECs were justified.
- Some concern was expressed about the fate of unused ballots (each voter was given 17 ballots, using one to indicate their choice and discarding 16). There was suspicion that some voters had been coerced to provide their unused ballots as proof that they had voted for Prime Minister Meciar's party (which would be the missing ballot). Most observers reported that voters placed their unused ballots in trash bins at the polling place, which suggests that fears of this kind of coercion were not realized on any significant scale.
- A few observers reported instances of overcrowding. The practice of family voting persisted, in rural areas especially.
- Many observers reported that domestic observers were not allowed inside the polling station to which they were assigned; in some cases, they were.
- Although there were some reports of an army presence at the polling stations, observers generally suggested the army and police presence was minimal and appropriate for the task of maintaining order.

The results of the elections are as follows:

<b>Party</b>	<b>% of votes (Out of 100%)<sup>8</sup></b>	<b># of seats (Out of 150)</b>
Movement for a Democratic Slovakia (the party of Prime Minister Meciar)	27.0	43
Slovak National Party (a member of Meciar's ruling coalition)	9.0	14
Slovak Democratic Coalition	26.3	42
Party of the Democratic Left	14.6	23
Hungarian Coalition Party	9.1	15
Party of Civic Understanding	8.1	13

## **THE POST-ELECTIONS PERIOD AND HUMAN RIGHTS OUTLOOK**

The 1998 Slovak elections marked an historic turning point for Slovakia: would free and fair elections be held, permitting an opposition coalition to take office and restore Slovakia to the path of parliamentary and constitutional democracy, the rule of law, and European integration, or would the Meciar regime corrupt the election process to hold onto power?

Notwithstanding their efforts to manipulate the campaign process, Vladimir Meciar's ruling coalition lost this election. It remains to be seen, however, whether Meciar and his allies will now seek to steal the results of the elections, by exploiting the continued absence of a president and the powers he and Speaker Gasparovic assumed in the void. For their part, the loosely organized parties which won this election have formidable tasks ahead of them: organizing a cabinet; reaching agreement on priorities; maintaining cohesion as Meciar moves into a position of opposition; and rebuilding the economy (which many now believe Meciar and his cronies have run into the ground). Ultimately, whether the opposition can meet these challenges depends on whether it is first allowed to form a government. As Helle Degn said during her post-election briefing, the formation of a government is the ultimate purpose of elections, and until this step is taken, the OSCE's election observation process will not be concluded.

From a human rights perspective, a new government will have several advantages over the previous regime — not the least of which is that it is not the previous regime. For four years, the

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<sup>8</sup>Parties which failed to meet the five-percent threshold are not listed here; their votes were re-allocated to parties which met that threshold.

Meciar government has chipped away at its own credibility with the international community until, at last, none remains. A new government will have the chance to prove that Slovakia really is ready to join its neighbors on the European stage. For its part, the international community is anxious to support Slovakia in that effort.

There are several areas where the new government could demonstrate its commitment to address the concerns raised by the previous regime. In particular, the new government should:

- fill the constitutional void by selecting a new president;
- quickly adopt measures which will enhance confidence in Slovakia's respect for free speech and freedom of the media, including repealing the country's seditious libel law;
- adopt a comprehensive language law, consistent with the recommendations of the OSCE High Commissioner on National Minorities, that will ameliorate the fears of the country's Hungarian minority;
- demonstrate zero tolerance for the violence and discrimination against the country's Romani minority which has led many Roma to seek refuge in the United Kingdom.

The people of Slovakia have been offered, yet again, the opportunity to have an independent *and* democratic state. The burden on her new leaders is a heavy one: history will not be forgiving if this opportunity is squandered.