



Office for Democratic Institutions and Human Rights

THE SLOVAK REPUBLIC

PRESIDENTIAL ELECTION

3 April 2004

OSCE/ODIHR Election Assessment Report



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I. EXECUTIVE SUMMARY

The OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) received an invitation from the government of Slovakia to observe the presidential election of 3 April 2004. In response, the OSCE/ODIHR deployed a short-term mission to assess the election process, with a focus on legislative and organizational issues.

The first round of the presidential election in Slovakia, was held on 3 April 2004. The field of twelve candidates provided voters with a genuine choice. A referendum held on the same day was closely linked to the election, both politically and administratively; the combination of the two votes highlighted some inconsistencies in election laws and procedures. The ODIHR Election Assessment Mission did not return for the second round of the presidential election on 17 April.

Slovakia has a multiplicity of election laws for various types of elections. The overall legislative framework provides a sound basis for democratic elections. However, the rules and procedures for various types of elections differ both in the details of voting procedures and in substantial matters such as the length of the campaign periods and who has right to vote. Harmonizing or consolidating the various laws would remove such inconsistencies.

A significant deficiency of the presidential election law is its lack of penalties or sanctions for violators. In addition, the extremely short official campaign period (thirteen days) and the low spending limits for political advertising during the official campaign are sources of dissatisfaction for some candidates. Campaign financing is not entirely transparent. There is no specific legal provision allowing for international or domestic election observers, although in practice both types of observers are accredited.

The election commissions at all levels are made up of political party and candidate representatives, resulting in transparency and public confidence in the election administration. In practice, however, the Central Election Commission does not have enforcement powers. The Ministry of Interior and the National Statistics Office, which are charged with most administrative and organizational tasks relating to the elections, operate professionally and effectively. There is general satisfaction with the voter lists. The advent of the election and referendum on the same day underscored some duplication: there were separate election commissions and separate polling stations established for each vote.

The political campaign was low key and generally positive in tone. Several candidates, however, began so-called “image campaigns” long before the official campaign period, in apparent circumvention of the law. The campaign focused more on personalities than on issues; the referendum was perhaps the most discussed political issue of the campaign. The voter turnout was a relatively low 48%. Roma voters participated in even lower numbers, but faced no legal or administrative impediments. The electronic and print media adhered to legal requirements, although public television was frequently criticized by candidates and others for dull and unimaginative coverage of the campaign.

The first round victory of Vladimir Meciar and Ivan Gasparovic confounded the pollsters. The immediate, gracious concession of the third place candidate, Eduard Kukan, despite his extremely narrow loss (0.2% or about 3,600 votes), underscored the general confidence in the election system and the strength of Slovakia’s democracy.

II. BACKGROUND TO THE ELECTION ASSESSMENT MISSION

On the basis of the invitation from the government of Slovakia, a six-person OSCE/ODIHR Election Assessment Mission headed by Peter Eicher (USA) visited Slovakia from 27 March to 6 April 2004. The Mission met with officials from the Ministry of Foreign Affairs, Ministry of Interior, Slovak National Council, Constitutional Court, Confederation of Trade Unions, National Statistics Office, the Central Election Commission, the Central Referendum Commission, lower level election commissions, the Roma Plenipotentiary Representative, candidates and their representatives, the media, domestic election observer groups, NGOs, independent experts and others. A member of the Assessment Mission visited eastern Slovakia, where he held meetings with regional election officials and leaders of the Roma community. On election day, Mission members visited polling stations in Bratislava, Trenchin, and several towns of eastern Slovakia.

Because of the short duration of the Assessment Mission and its small size, it was not able to assess in detail all aspects of the electoral process. Likewise, a few visits to polling stations were not a sufficient basis upon which to draw conclusions in regard to the process of voting throughout the country. The Assessment Mission did not return for the second round on 17 April; this report is therefore based on the Mission’s assessment of the first round.

The OSCE/ODIHR expresses its appreciation to the government of Slovakia for the invitation to observe the elections, as well as to all the offices and individuals who met with and assisted members of the Assessment Mission. Particular thanks are due to the officials of the Ministry of Foreign Affairs.

III. BACKGROUND TO THE PRESIDENTIAL ELECTION

The April 2004 election was the second time that Slovakia’s president has been elected by direct, popular vote; the first was in 1999. Although most political power in Slovakia resides with the parliament – the National Council – the presidential election was

regarded as particularly important since the new president will preside over Slovakia's first years as a member of NATO and the European Union.

The election was also especially significant since it coincided with a national referendum sponsored by trade unions and opposition parties on whether to shorten the term of the current National Council and hold early elections this year. The referendum and the presidential campaign were closely linked politically; both the timing and the substance of the referendum were major issues in the presidential campaign. The Assessment Mission therefore examined the referendum to the extent that it impacted on the presidential election.

In accordance with the Constitution, the election for president was called by the Chairman of the National Council on 8 January 2004. The referendum was called by President Schuster on 4 February 2004; his decision to hold the referendum on the same day as the presidential election was politically controversial, although within his discretion under the law and not without precedent.

IV. LEGISLATIVE FRAMEWORK

The legislative framework includes a separate act for each type of election (presidential, parliamentary, regional, municipal, European Parliament and referendum), as well as a range of other laws relevant to the election process. The 1992 Constitution of the Slovak Republic contains general principles concerning elections and referenda. The legislative framework provides the basis for democratic elections.

The 3 April presidential election took place under a presidential election law (Act 46/1999) adopted in March of 1999. A number of recommendations for improvements to the law made by the OSCE/ODIHR following the 1999 presidential elections have not been implemented.

The various election laws were adopted separately as the need arose and lack uniformity. Some of the inconsistencies include differences in who has right to vote, the length of the electoral campaigns, provision for observers, whether the election takes place over one day or two, the number of voters assigned to each polling station, whether single or multiple ballots are used and whether ballot envelopes are used during voting. The National Council recently adopted significant revisions to the parliamentary election law, but the bill was rejected by the President. At present, there is no systematic effort underway to revise or amend the broad legal framework for elections, although most of the Assessment Mission's interlocutors acknowledged that such an effort would be worthwhile. *The authorities should harmonize the provisions of the various election laws and should consider consolidating the different laws into a single code containing common provisions and specific sections related to different types of elections.*

A. ELECTION SYSTEM

The President is elected by direct, secret vote for a five-year term. No more than two consecutive terms are allowed. A citizen must be at least 40 years old to run for president.

To be elected in the first round, a candidate must win the votes of more than half of all registered electors. If no candidate secures sufficient votes to win in the first round, a second round is held within 14 days between the two candidates who won most votes. In the second round, the candidate who gets a simple majority of votes cast is elected president.

The first round requirement to win the votes of over 50% of registered voters to be elected, increases the likelihood for a second round. For example, with a 70% voter turnout, a candidate would need well over 70% of the votes cast to win. In this election, with a turnout of 47,94%, a second round would have been required even if a single candidate had won every vote. *The authorities might consider whether an acceptable amelioration would be to adopt the more common condition that a first round victory require more than half of the valid votes cast, provided that at least half of the registered voters cast a ballot, rather than the valid votes of more than half the registered electors.*

A referendum question is considered as adopted if over half of registered electors cast votes and the majority of votes cast are “yes.”

B. RIGHT TO VOTE

Every Slovak citizen aged 18 or more on election day, who resides on the territory of Slovakia, is entitled to vote in presidential elections. *There is no provision for voting by citizens outside the country; the authorities should consider ways to remedy this deficiency.* However, the recently adopted amendments to the parliamentary election law – which were not approved by President Schuster – would have provided for out-of-country voting, but only for parliamentary elections. In addition, prisoners may vote for the office of president, but not in other types of elections.

This exemplifies the need for harmonization of the various election laws. A general approach to this issue is offered in the Council of Europe Venice Commission’s Code of Good Practice in Electoral Matters. Under these guidelines, disenfranchisement must be based on mental incapacity or on conviction for serious crimes, based on a court decision.

C. CAMPAIGNING

The presidential election law (Article 15) stipulates a campaign period beginning 15 days before election day and ending 48 hours before the start of the elections. It defines electoral campaigning as: “activities of the candidates, political parties, political movements or other subjects in favor of the election of the candidate including advertising through radio and TV broadcasting... and mass media, large size carriers, posters and other carriers of information.” The same article prohibits campaigning outside the stipulated timeframe.

All the Election Assessment Mission’s interlocutors, including candidates, complained that the actual 13 day period for official campaigning is too short and does not allow candidates adequate time to present themselves to the public. To circumvent this restrictive provision, several candidates began so-called “image campaigns” well before the official campaign period. “Image campaigns” included billboards and other advertising promoting candidates, but without explicit requests that electors vote for the

candidate in question. Such “image campaigning” appears to be contrary to the election law and is certainly contrary to its spirit. On 15 March, in fact, the Central Election Commission (CEC) adopted a decision that the posting of billboards promoting the image of candidates is illegal before the official campaign period. However, the CEC has no enforcement powers and the law has no penalty provisions so “image campaigning” continued. *The authorities should amend the law to lengthen the official campaign period, and amendments to the law should be adopted to provide for their enforcement and to institute penalties for violations.*

D. CAMPAIGN FINANCING

The presidential election law (Article 16) restricts the candidates’ expenditures for campaigning during the official campaign period to 4 million Slovak crowns (about €100,000). Major candidates consider the spending limit too low. Candidates must disclose their expenditures to the Ministry of Finance, which can impose sanctions if they exceed the limit. However, the Ministry does not have the power to investigate candidate expenditure reports. There are no limits on expenditures outside the short campaign period, meaning that the expensive “image campaigns” are not included in expenditure calculations. Moreover, campaign expenses funded by political parties may in some cases fall under the purview of the law on political parties rather than the law on presidential elections. As a result, they are reported not to the Ministry of Finance but in a separate annual report to the National Council. Overall, the campaign financing system is not sufficiently transparent or adequately enforced. *The authorities should consider measures to improve the transparency, disclosure and enforcement of campaign financing.*

E. COMPLAINTS AND APPEALS

The presidential election law does not include specific provisions regarding electoral complaints. This leaves a significant gap in the law since there are no clear remedies in the event of campaign irregularities or other complaints concerning the fairness of the election process. Since the election commissions have no enforcement power, aggrieved parties can only bring complaints before the courts. The Constitutional Court can be addressed if a citizen believes his or her fundamental rights or freedoms have been violated by local, territorial or national governmental bodies. A complaint to the Constitutional Court is only admissible if the claimant has exhausted all lower level judicial remedies. If the Constitutional Court finds a sufficiently serious violation, it can annul an election or cancel the results; it has done so in elections to local or regional bodies. However, the Constitutional Court does not have lesser sanctions available, which could put it in a difficult position considering the gravity of annulling the results of a presidential election.

Presidential candidate, Jozef Šesták, lodged a complaint with the Constitutional Court claiming that several candidates violated the law by displaying billboards prior to the official campaign period. The Court ruled the complaint inadmissible on a number procedural grounds, including failure to exhaust lower level remedies and that the complaint was against individuals rather than against government bodies.

Very few official complaints were filed. *Nevertheless, there is a need to strengthen the law to make clear how and where complaints should be filed, the sanctions to be imposed*

in case of violations of the law, and the body responsible for enforcement of the law. One option would be to give the CEC greater authority to decide on complaints, without denying citizens the right to appeal such decisions in a court of law.

F. REFERENDUM LEGAL ISSUES

As noted, the election was closely linked with the referendum, both politically and administratively. The referendum posed the question whether the National Council should pass a constitutional law that would shorten its four-year term so that early elections could be held in 2004. Several of the most hotly debated political questions in the presidential campaign were, in fact, legal questions surrounding the referendum.

In the first instance, there was some concern whether the question posed in the referendum was constitutionally valid. While the Constitution states “that a referendum can be used to decide ... important issues of public interest” (Article 93(2)), the Constitution also sets the term of the National Council at four years. The President could have consulted the Constitutional Court on this issue before approving the referendum, but chose not to do so. As a result, legal analysts and experts debated whether the question put to the voters was a valid one. Had the referendum passed, it might well have led to a Constitutional Court case.

There was also some uncertainty whether the National Council would have been obliged to implement the referendum results if it had passed. According to Article 98(2) of the Constitution, proposals resulting from a referendum “will be promulgated by the National Council of the Slovak Republic ... in the same way as it promulgates laws.” While this wording may have left some room for interpretation, the experts consulted by the Election Assessment Mission considered that the referendum result might have been politically and morally binding, but not legally binding on the National Council.

G. ELECTION OBSERVERS

There is no specific legal provision in the presidential election law or other election laws with regard to election observers. The presidential election law does include a provision empowering the CEC to grant permission for individuals to be in the rooms where precinct election commissions conduct the vote counts. In practice, the CEC (and the Central Referendum Commission) consider requests for observation of both the voting and counting. They granted several such requests; as far as the Election Assessment Mission is aware, they did not refuse any requests. Nevertheless, *to eliminate any uncertainty and to bring the law into compliance with OSCE commitments and best practices, the authorities should adopt a specific legal provision permitting domestic and international observers to monitor elections.*

V. ELECTION ADMINISTRATION

A. ELECTION COMMISSIONS

Elections in Slovakia operate under a three-tiered election administration: a Central Election Commission (CEC); 50 District Election Commissions (DEC) covering recently

created administrative districts; and a Precinct Election Commission (PEC) for each polling station. There were 5,863 polling stations for the presidential election, serving a maximum of 1,000 voters each. (In contrast, there were 5,119 PECs for the referendum, serving up to 2,000 voters each. In practice, there were about 260 referendum PECs that exceeded this legal limit, in a few cases by over 1,000 voters.)

The political parties represented in the National Council are entitled to appoint one member and one substitute to election commissions at all levels, as are petition committees of registered candidates for the presidential election. Political party representation on election commissions guarantees the transparency of their activities and engenders substantial public confidence in their operations. There must be at least five members of each commission; if the political parties do not make sufficient appointments, extra members are appointed by district offices or mayors.

The CEC supervises the activities of lower level commissions, considers complaints, decides on observation requests and discusses information on organizational issues provided by the Ministry of Interior, which makes most of the operational arrangements for elections. There is a lack of clarity in the law as to whether the CEC can issue binding instructions to lower level commissions, although this did not present a problem in practice. As noted above, the CEC does not have enforcement powers. *As a matter of good practice, the law should be amended to strengthen the CEC, in particular by making clear that it can issue binding instructions to lower level commissions.*

For presidential elections, the CEC is formed just 30 days before the vote. For the 3 April election, the CEC met infrequently (only three times up to 31 March). The CEC is thus most important not for its administrative or organizational work but for its role in ensuring the transparency of the election process, providing a check on the State administrative organs, overseeing the tabulation and announcing the results.

Because of the multiplicity of election laws, separate election hierarchies are established for each election taking place. For the two votes on 3 April, for example, separate election commissions at all levels and separate polling stations were established for the presidential election and the referendum. The duplication and extra expense of establishing parallel structures for two votes on the same day – rather than having the same election administration supervise both processes – highlights the utility of consolidating the election legislation. In this case the duplication also became a political issue, with some voters complaining that polling stations for the two votes were deliberately placed at some distance from each other to discourage voters from participating in the referendum. In fact, some polling stations for the two events were inconveniently far apart (as much as 2-3 kilometers), although this appeared to be in isolated instances. Mayors are responsible for determining the location of polling stations.

B. MINISTRY OF INTERIOR AND STATISTICAL OFFICE

The Ministry of Interior carries out most of the organizational aspects of the election. A special department within the Ministry oversees preparations and supports the work of the CEC. The Ministry published instructions defining the duties and responsibilities of the municipalities and the local state authorities, as well as a booklet with guidance for all commissions. The Ministry organized the printing of ballot papers and their delivery to

the municipalities, and oversaw the training of election commissions. It carried out its work in an efficient and timely manner.

The Statistical Office of the Slovak Republic is responsible for tabulating the election results, and did so accurately and professionally. It provided district “summarization units” with computers, personnel, and appropriate software. It set out instructions and procedures for the computerized processing of the results. To enhance security, a separate telecommunications line was established exclusively for the transmission of election results.

C. VOTER LISTS

Permanent voter lists are drawn up and maintained by the municipalities based on voters’ places of residence. If a voter is somehow omitted from the lists, he or she can be added on election day by presenting an official identification card proving residency in the precinct. There is a high level of confidence in the accuracy of the voter lists in Slovakia. Candidates and parties across the political spectrum appeared satisfied with the lists. There were just over 4.2 million voters on the lists for the presidential election.

Eligible voters who cannot vote at their regular polling station are entitled to request a voter’s card that enables them to vote at any polling station. Some interlocutors asserted that the system of providing voting cards could lead to double voting, since an elector could theoretically vote with a voting card and then vote again in their home precinct with identification and proof of residency. *Although there were no specific complaints or indications of such misuse during the current election, it would be beneficial to have a safeguard in place to foreclose the possibility of double voting.* This could be simply done through a change in law or regulation to require municipalities to inform PECs which voters are issued voter cards so their names can be annotated on the precinct lists. This was recommended by the CEC in 1999, but not enacted into law or current practice.

D. REGISTRATION OF CANDIDATES

To be registered, a prospective candidate must be nominated by at least 15 members of the National Council or must submit a nomination petition signed by 15,000 voters. This disparity results in uneven conditions for the candidates, requiring much more effort by independent candidates. The requirement did not, however, engender any complaints from candidates or prospective candidates. Nominations are reviewed and approved by the Chairman of the National Council. In a system enjoying less public confidence than Slovakia’s, it would be problematic to have a political figure such as the Chairman of the National Council charged with ruling on candidate registration; more often, this would be a responsibility of the CEC.

Presidential elections must be called no less than 55 days before election day. The deadline for candidate nomination documents is 21 days later. The Chairman of the National Council has seven days to take decisions on nominations and an additional day to notify candidates. Rejected candidates may appeal to the Supreme Court within three days. In principle, this tight timeframe might mean that a presidential candidate is not approved and able to appoint representatives to the CEC at the outset of its work (30 days before the election). *This potential problem could be remedied by lengthening the 55 day*

period prior to which elections must be called. The 3 April election was called 86 days in advance, leaving adequate time for all procedures.

E. VOTING, COUNTING AND TABULATION

The Election Assessment Mission was able to visit only a very small number of polling stations and therefore could not draw any broad conclusions on the conduct of voting or counting at polling stations.

Tabulation was performed by “summarization units” of the Statistical Office at district level and by the Statistical Office under the supervision of the CEC at national level. The Statistical Office has the capability to publish election results by polling station on the internet as soon as official results are received from precincts on election night. The CEC, however, did not adopt a decision authorizing such a procedure. *Since the technical capability already exists for internet publication, it would be a good practice and would increase the transparency of the process for the election authorities to publish the polling station results on the internet as they are received on election night.* As it was, preliminary results were made available to news agencies from about 3:00 a.m. on 4 April and preliminary final results at about 5:00 a.m. The official announcement of the final results of the presidential election and the referendum was at 11:00 a.m. The Statistical Office provided a disk with all PEC results to political parties, candidate representatives and the Election Assessment Mission.

VI. POLITICAL CAMPAIGN

All 12 candidates who submitted nomination documents were registered. Eight were nominated by petition committees that succeeded in gathering 15,000 signatures. One of the candidates – Lubomir Roman – subsequently withdrew his candidacy, but remained on the ballot. The field of candidates provided a genuine choice for the voters. The large number of candidates reflected an increased political fragmentation in Slovakia. The seven political parties elected to the National Council in 2002 have split into 11 factions or groups and the governing coalition in the National Council no longer commands clear majority support.

The campaign was generally regarded as low key. The candidates campaigned positively and there were few personal attacks. Campaigning focused more on personalities than issues.

The most significant problem with the campaign was the prevalence of early campaigning, as described in section IV.C, above. There were some complaints that the incumbent President and the Foreign Minister, both of whom were candidates, took undue advantage of their official positions by traveling extensively within the country in their official capacities for what were in effect campaign trips before the official campaign period. This was apparently not a violation of law, since the presidential election law does not address the issue; however, use of public resources for campaigning would be inconsistent with OSCE commitments on equal treatment of candidates by the authorities.

A. THE REFERENDUM AS A POLITICAL ISSUE

Perhaps the most discussed issue during the campaign was the referendum, in which voters were asked if they wanted early elections to replace the National Council. In effect, the referendum presented the potential for a “reverse election” if it had succeeded. The referendum was initiated by the Confederation of Trade Unions, which with the support of some political parties launched a petition drive that collected 600,000 signatures, almost twice the number required to initiate a referendum. The referendum was controversial because of uncertainty surrounding the constitutionality of the question posed to voters (see section IV.F, above) and because the National Council has more power than the presidency. The referendum’s timing, coinciding with the presidential election, also sparked much speculation as to how the two votes would interact and which candidates might benefit from the parallel voting.

Article 98 of the Constitution requires that over 50% of registered voters participate and that over 50% of those voting support the question posed for the referendum to be valid. Leaders of several parties supporting the government urged voters not to participate in the referendum. Some analysts questioned the appropriateness of government officials urging voters not to vote; the government, for its part, asserted that it was the political parties, not the government, which were urging a boycott. This distinction was lost on many voters, who found it difficult to distinguish between a statement by a senior official in his official capacity or in his political party capacity. In the end, only 35,86% of registered voters participated, so although they voted overwhelmingly in favor, the referendum was invalid.

B. ROMA PARTICIPATION

The Assessment Mission looked into the question of Roma participation in the election, since there have occasionally been concerns surrounding this issue in previous elections. While the official census places the Roma population at about 90,000 persons, it is generally believed that the actual figure is substantially higher, perhaps around 400,000 persons. Anecdotal evidence suggests that some Roma are not registered as residents in the communities in which they live, and would therefore have trouble voting. However, this problem does not appear to be systematic or due to discrimination, but rather because some Roma may fail to reregister when they change their address. In general, Roma participation in elections is estimated to be somewhat lower than that of the general population. This is generally attributed to the social marginalization of some Roma communities.

In February 2004, there were mass protests and looting in several Roma communities of central and eastern Slovakia as a result of a newly implemented system of social allowances. This was followed by the deployment of additional police and army troops to those regions. A member of the Assessment Mission visited several of the towns where disturbances had taken place (e.g., Trebisov, Caklov, and Levoca) and found that the security force deployment did not discourage Roma participation. On the contrary, Roma turnout appeared higher in these towns, especially for the referendum, as Roma citizens took their grievances to the ballot box. Outside these towns, however, Roma participation appeared lower. Roma leaders and political parties have diverse views and did not unite

behind a single candidate in the presidential election, although it appeared that many Roma supported the referendum.

C. WOMEN'S PARTICIPATION

None of the twelve candidates for president were women.

Generally, however, women in Slovakia appear to be reasonably active in politics as candidates, party members and voters. There are 28 women in the National Council (18.7%). Women serve as chairperson or vice chairperson of significant political parties. Many women are expected to stand in the upcoming elections for the European Parliament. However, no women serve as ministers in the current cabinet.

Women were well represented and very active at all levels of election administration.

VII. THE MEDIA

The Assessment Mission could not undertake a full media monitoring, but met with a range of media representatives from television, radio and print media, and discussed media performance with candidates, political parties, NGOs and other political observers.

There is a high degree of media freedom in Slovakia. The presidential election law provides equal campaign conditions for all candidates in the public and privately owned media. In accordance with the law, the publicly owned TV and radio broadcasters allocated free airtime for the candidates on an equal basis. The law also provides for the sale of airtime to all candidates on an equal basis; however, it appeared that candidates rarely used the opportunity for paid political advertisements in the first round of the presidential race.

While the publicly owned TV broadcaster *STV* followed legal requirements, it was widely criticized by candidates, political parties and viewers for what was characterized as dull and unimaginative coverage of the campaign. It declined to air debates among the candidates and instead allocated free time for individual interviews, using questions provided by each candidate for his interview, with no sharp or probing questioning of the candidates. Candidates also complained that the interviews were aired on *STV's* second channel rather than the more popular first channel. *STV* management claimed that its format guaranteed better information to voters on political platforms and ideas. It appears, however, that *STV's* low key coverage contributed to muting public interest in the campaign.

In contrast, the publicly owned radio broadcaster *Slovenský Rozhlas* broadcast the free airtime on its most important channel. It aired both candidate spots and round tables at which listeners could intervene with questions for the candidates.

Public and private electronic media devoted little airtime to the election campaign during regular news and current affairs programs. They asserted that this was due mainly to fear of potential fines that could be imposed by the Council for Broadcasting and Retransmission (under Act 308/2000) if their broadcasts were deemed to be political

promotion of a candidate. The Council monitors a selection of programs from all the electronic media to ensure the Act is respected. However, some private media outlets dedicated a few of their regular programs to the election campaign. Among those, the privately owned TV *Markíza* broadcast a roundtable among the four candidates with the highest ratings in opinion polls during its program "SITO" on 31 March, the last day of the campaign.

Up to the time the Assessment Mission left Slovakia, the Council for Broadcasting and Retransmission had received only three complaints. In contrast, during the previous presidential elections in 1999, there were 21 complaints to the Council.

The print media in Slovakia has a high degree of editorial freedom. Restrictions during a presidential campaign include the requirement to print a right of reply in case of false or misleading information, and a requirement to respect the 48-hour campaign silence period before election day. No complaints about the conduct of the press were raised with the Election Assessment Mission.

On 22 March, three days after the start of the official presidential campaign, the official referendum campaign began. In accordance with the law on referendums, only the publicly owned *STV* and *Slovenský Rozhlas* were allowed to broadcast the referendum campaign. In accordance with Article 12.1 of the law, *STV* provided the seven political parties represented in the National Council the opportunity to broadcast TV spots on the second channel, but only four did so. The publicly owned radio *Slovenský Rozhlas* organized five round tables with representatives from the seven political parties; all but one took part. No complaints were raised about the media's coverage of the referendum campaign. However, the law does not provide free air time for civic groups sponsoring a referendum. In this instance, for example, although the Confederation of Trade Unions led the effort to collect 600,000 signatures to require a referendum, only the political parties were provided with air time.

In sum, candidates could present their platforms and campaign freely in the media, while the media were able freely to cover the presidential and referendum campaigns in accordance with legal provisions. Voters had access to a variety of media outlets and although coverage was often dull, sufficient information was available for voters who sought it out to enable them to make an informed choice.

VIII. SECOND ROUND

No candidate won an absolute majority of the votes of all registered voters in the first round of the presidential election. Former Prime Minister Vladimir Meciar won the largest number of votes. Contrary to published pre-election opinion polls, Ivan Gasparovic emerged in second place, earning the right to challenge Meciar in the second round on 17 April. Eduard Kukan missed entering the second round by just over 3,600 votes, or about 0.2% of votes cast; his gracious concession immediately after the announcement of final results underscored popular confidence in the election system and the strength of Slovakia's democracy. Ivan Gasparovic was elected president in the second round.

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is the OSCE's principal 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 as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 100 staff.

The ODIHR is the lead agency in Europe in the field of **election observation**. It coordinates 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 thematic areas: rule of law, civil society, freedom of movement, gender equality, legislative support, and trafficking in human beings. The ODIHR implements a number of targeted assistance programs annually, 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, and assists with improving the protection of **human rights**. It also organizes several meetings every year to review the implementation of OSCE human dimension commitments by participating States and to discuss particular thematic areas.

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 participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihr).