



Office for Democratic Institutions and Human Rights

SLOVAK REPUBLIC

PARLIAMENTARY ELECTIONS

29 February 2020

**ODIHR Election Assessment Mission
Final Report**



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ODIHR Election Assessment Mission Report¹

I. EXECUTIVE SUMMARY

Following an invitation from the authorities of the Slovak Republic, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Assessment Mission (EAM) for the 29 February 2020 parliamentary elections.

Elections were held in an environment where a plurality of contestants competed under equitable conditions where fundamental freedoms were respected. Voters were provided with ample and diverse information enabling them to make an informed choice. The election administration overall ensured an orderly process, including on election day.

The legal framework provides an overall sound basis for the conduct of democratic elections. However, a number of previous recommendations remain to be addressed and certain aspects are not regulated clearly and exhaustively, in particular the provisions on electoral dispute resolution, disclosure of campaign finance, and campaign silence. Contrary to international good practice, a number of amendments were introduced less than a year before elections, some of them without inclusive consultations.

The election administration led by the State Commission for Elections and the Control of Political Parties Funding (SEC) enjoys broad stakeholder confidence. The extensive involvement and the support provided by the Ministry of Interior (MoI) in the preparation for elections raises questions regarding the SEC's independence and capacity. As the interest in postal voting available to voters abroad increased considerably, some issues with ballot delivery were reported and some concerns were raised regarding the capacity of municipalities to properly manage postal voting and the transparency of the process at the MoI.

Voter registration is passive, with municipalities updating the voter register. Voters are registered based on residence and can request absentee voting. A mobile ballot box can be used by homebound voters, as well as those in special care and penitentiary institutions.

A broad range of political parties contested the elections. Registration procedures, including new party membership-related requirements, did not pose challenges for aspiring contestants. However, some of the restrictions on the right to stand, including those based on residency, conviction, and incapacity, as well as the lack of provisions for individual candidacy are at odds with international obligations and standards.

Most parties developed comprehensive campaign programs and enjoyed ample and equitable opportunities to reach out to voters. The campaign was dominated by public discontent with perceived corruption and the erosion of the rule of law. Calls for change, justice, and decency in politics

¹ The English version of this report is the only official document. An unofficial translation is available in Slovak.

dominated the campaign. Concerns over the spread of nationalistic rhetoric featured prominently in the campaign. These concerns had a mobilizing effect and saw a boost in civic engagement. At odds with international good practice, the legislation contains no regulations against the misuse of public resources during campaigns and provides an extensive ban on pre-election opinion polls.

There are no legal or voluntary special measures aimed at enhancing the participation and representation of women. Women were just over 20 per cent of candidates and of the newly elected parliament. Issues related to gender equality were addressed only in a few of the parties' platforms, focusing mainly on family-related policies. Gender-disaggregated data on the composition of the election administration is not available.

The SEC oversees party financing and shares the responsibility for campaign finance with the MoI. The latter has the main oversight authority and verifies final campaign finance reports, while the SEC is the appeal body for its decisions. Most ODIHR EAM interlocutors assessed the campaign finance framework positively despite claims of some parties circumventing the transparent accounts by bulk payments to companies or cash withdrawals. The recent amendment prohibiting third parties from contributing to campaigns was criticized by several stakeholders as potentially decreasing transparency and limiting political participation.

The freedom of expression and the right to information were generally respected; however, high damages in civil libel cases and the criminalization of defamation present challenges. Media offered voters pluralistic information about contestants. The investigation of the 2018 murder of a journalist received considerable coverage throughout the campaign. While mainstream media was the most popular source of information, social media also played an important role.

Citizen and international observers are allowed to follow voting and counting procedures. Although the ODIHR EAM was welcomed at all levels of the election administration and could carry out its activities freely, the legislation and practical arrangements do not permit access to all stages of the electoral process and no accreditation is provided.

National minorities' electoral participation is guaranteed by law and is facilitated in practice, including through information materials in minority languages. Many political parties campaigned actively for minority votes and enhanced efforts to nominate minority candidates. Roma voters were considerably more engaged during these elections, and issues related to vote-buying noted in the past were significantly less prevalent.

The law and regulations do not stipulate clear procedures for handling complaints, including on election day, and no expedited timeframes are envisaged. The SEC handled complaints in a transparent and timely manner, while the process at the MoI was negatively assessed due to absence of public information on procedures, decisions taken and the lack of review of campaign finance complaints during the electoral period. Only parties contesting the elections are eligible to appeal election results.

In line with ODIHR's methodology, the EAM did not observe election day proceedings in a systematic or comprehensive manner but visited a limited number of polling stations. The voting and counting processes were orderly, in keeping with procedures. The results were released online in a timely manner, with final results announced by the SEC on 1 March.

This report offers a number of recommendations to support efforts to bring elections in the Slovak Republic closer in line with OSCE commitments and other international obligations and standards for

democratic elections. Priority recommendations focus on the necessary legislative changes, including regarding candidacy rights, defamation, complaints procedures, and the rights of persons with disabilities, as well as on the need to ensure a clear delineation of mandates and the independence of institutions. ODIHR stands ready to assist the authorities to further improve the electoral process and to address the recommendations contained in this and previous reports.

II. INTRODUCTION AND ACKNOWLEDGEMENTS

Following an invitation from the authorities of the Slovak Republic to observe the 2020 parliamentary elections, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Assessment Mission (EAM) from 18 February to 4 March.² The ODIHR EAM was led by Jillian Stirk and consisted of six experts drawn from six OSCE participating States. The EAM was based in Bratislava and visited Hlohovec, Košice, Plavecký Štvrtok, Šamorín, and Trnava.

The electoral process was assessed for compliance with OSCE commitments, other international obligations and standards for democratic elections, and with national legislation. In line with ODIHR's methodology, the EAM did not observe election day proceedings in a systematic or comprehensive manner but visited a limited number of polling stations.

The ODIHR EAM wishes to thank the Ministry of Foreign Affairs and European Affairs (MFA), the Ministry of Interior (MoI), and the State Commission for Elections and the Control of Political Parties Funding (SEC) for their co-operation and assistance, as well as to express gratitude to representatives of other state and municipal institutions, judiciary, election commissions, political parties, media, civil society, academia, resident diplomatic community, and other interlocutors for sharing their views.

III. BACKGROUND AND POLITICAL CONTEXT

Slovakia is a parliamentary republic with legislative powers exercised by the unicameral parliament, the National Council. Executive authority is vested with the government, led by the prime minister appointed by the president. The head of state is directly elected for a five-year term. The 2019 presidential election was won by an anti-corruption lawyer Zuzana Čaputová. On 4 November 2019, the Speaker of the National Council called parliamentary elections for 29 February 2020.

The last parliamentary elections held in March 2016 brought eight parties to the parliament, three of which formed a coalition government comprising Direction – Social Democracy (Smer – SD), the Slovak National Party (SNS), and MOST – Híd.³

The murder of an investigative journalist and his fiancée in February 2018 triggered a wave of anti-government and anti-corruption protests, resulting in the resignation of the former Prime Minister

² See [previous ODIHR election reports on the Slovak Republic](#).

³ Parliamentary seats were distributed as follows: Smer - SD - 49, Freedom and Solidarity (SAS) - 21, Ordinary People and Independent Personalities (OL'aNO - NOVA) - 19, SNS 15, Kotleba People's Party Our Slovakia (Kotleba - L'SNS) - 14, We Are the Family (SME Rodina - Boris Kollár) - 11, MOST - Híd - 11, and Network (SIET) - 10.

Robert Fico and the appointment of his deputy, also from Smer - SD, Peter Pelligrini, as the head of government. The ongoing investigations into the murder and media reports linking high-level state officials and the businessman being investigated in connection with the killing featured prominently in the election discourse.

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

Parliamentary elections are primarily governed by the 1992 Constitution, the 2014 Act on Conditions for the Exercise of the Right to Vote and on the Amendments to Certain Acts (Elections Act), the 2005 Law on Political Parties and Political Movements (Political Parties Act), and the 2014 Election Campaign Act. The Constitution and all listed legal acts were last amended in 2019.⁴

Contrary to international good practice, a number of amendments to the legal framework were adopted less than a year before elections.⁵ This included changes to political party and campaign financing rules, which were seen by many ODIHR EAM interlocutors as substantial and affecting the electoral framework. These were passed by the parliament through an abridged two-day legislative procedure.⁶ A number of political parties, civil society representatives and media questioned the timing of these amendments shortly before the elections and criticized the absence of an inclusive political and public discussion.⁷

To ensure the stability of the legislation, electoral reforms should be undertaken well in advance of elections, through open and inclusive consultations with all election stakeholders.

The legal framework is conducive to holding democratic elections. However, a number of earlier ODIHR recommendations remain to be addressed and certain aspects are not sufficiently regulated. This includes a need for an adoption of additional provisions to clarify handling of electoral disputes, including on election day, disclosure of campaign finance, and election campaign. The SEC did not fully clarify legal provisions by, for example, pro-actively identifying gaps, consolidating responses to past stakeholder inquiries about the meaning and implications of some legal requirements, and adopting supplementary regulations and instructions.

⁴ In addition, the 2005 Criminal Code (last amended in 2019), the 1967 Administrative Procedure Code (last amended in 2018), and the 2000 Act on Broadcasting and Retransmission (Broadcasting Act; last amended in 2019) are also applicable.

⁵ Most recent amendments were introduced in June and November 2019. Section II.2.b of the 2002 Council of Europe (CoE) European Commission for Democracy through Law (Venice Commission) [Code of Good Practice in Electoral Matters \(Code of Good Practice\)](#) states that the fundamental elements of electoral law should not be open to amendment less than one year before an election and paragraph 58 states that “electoral law must enjoy a certain stability, protecting it against party political manipulation.” Also see [the Interpretative Declaration on the Stability of the Electoral Law \(CDL-AD\(2005\)043\)](#).

⁶ According to parliamentary records, changes were initiated by six members of the parliament from the governing coalition, and were discussed and adopted in three readings on 26 and 27 June 2019.

⁷ While the shortened procedure was formally requested by the MoI and supported by the government, the MoI's senior representatives involved in the administration of elections expressed concerns to the ODIHR EAM about their lack of involvement in the consultations.

The 150-member parliament is elected through a proportional open-list system in a single nationwide constituency for a four-year period.⁸ Parties must obtain five per cent of the valid votes to participate in the distribution of seats, while the thresholds for coalitions of up to three and four or more parties are set at seven and ten per cent, respectively. Voters may cast up to four preferential votes for candidates on the chosen list. Candidates that receive three per cent of valid votes cast for relevant party or coalition that crossed the threshold have a priority in obtaining a mandate, regardless of their list position. Other mandates are awarded by list order.

V. ELECTION ADMINISTRATION

Elections are organized by a multi-layered administration comprising the SEC, 49 District Election Commissions (DECs), 5,998 Precinct Election Commissions (PECs), the MoI and its district offices, the Statistics Office, as well as municipal authorities.

The roles, activities and institutional structures of the SEC and the MoI are intertwined. The organization of elections is overseen by the SEC, a permanent independent 14-member body appointed after each parliamentary elections.⁹ The SEC is hosted by the MoI and assisted by an office composed of five employees. The MoI is in charge of technical preparations for elections and provides methodological support to the election administration. The Director of the MoI Department of Elections, Referendum and Political Parties is the SEC's secretary. The technical assistance provided by the MoI in the organization of elections was positively evaluated by most ODIHR EAM interlocutors. However, its extensive involvement and the support provided in the preparation for elections raises questions regarding the SEC capacity to fulfill its mandate as an independent body provided for by law.¹⁰

Sufficient institutional capacity of the SEC to perform its duties should be ensured. The competences and activities of the MoI and SEC should be clearly delineated.

The SEC adopted decisions at regularly held sessions.¹¹ While the Rules of Procedures provide that sessions are not public, the SEC considers that any stakeholder may participate upon request. Most decisions issued during the sessions observed by the ODIHR EAM were unanimous, with minutes published promptly on the SEC website. According to the SEC, its decisions are binding for lower-level commissions, although this is not clearly stated in the law.

⁸ The ODIHR EAM was informed of discussions about the merits of shifting from a single to multiple constituencies; however, no formal legislative proposals have been made.

⁹ Ten members are nominated by parliamentary political parties, while four members are nominated by the Constitutional Court, the Supreme Court, the General Prosecutor, and the Supreme Audit Office. There are no women among the SEC members.

¹⁰ Article 13 (1) of the 2014 Elections Act provides for SEC's institutional independence and principle of its politically balanced representation. Paragraph 76 of the [Code of Good Practice](#) points out that "it may not always be appropriate to have a representative of the Ministry of the Interior in the commission" and adds that the "co-operation between the central electoral commission and the Ministry of the Interior is possible if only for practical reasons, e.g. transporting and storing ballot papers and other equipment. For the rest, the executive power should not be able to influence the membership of the electoral commissions."

¹¹ The SEC convened six times following the announcement of elections. In urgent cases, when members cannot convene, some decisions may be taken through online correspondence.

The election legislation could be amended to clearly specify that SEC decisions on procedural matters are binding for lower-level election commissions.

PECs manage the voting and counting processes, with DEC's supervising their activities and tabulating results at the district level. DEC's and PEC's are composed of at least five members nominated by parties contesting the elections. If not enough members or substitutes are delegated, municipal or district offices provide additional personnel. No gender-disaggregated data on the composition of the election administration is available.¹²

Consideration could be given to gathering and publishing gender-disaggregated statistics pertaining to the electoral process, including for the composition of election commissions.

The Statistics Office administers the tabulation of results by setting up units at district and SEC levels and provides a system allowing PEC's and DEC's to fill in results protocols electronically.¹³ Most ODIHR EAM interlocutors expressed confidence in the professionalism and expertise of the election administration.

The MoI and municipalities facilitate postal voting available to voters permanently or temporarily abroad upon filing a request at least 50 days before election day. The registration of voters is first processed by the MoI and then by the municipalities.¹⁴ Interest in postal voting increased considerably compared to past elections.¹⁵ Two civic organizations developed web-based applications to facilitate registration of voters abroad.

A variety of issues with ballot delivery were reported, resulting in discussions in the public domain about the vulnerabilities in the process. Errors occurred due to incorrect information provided by some voters, mishandling of documents by administrators, and different conditions provided by foreign postal services. Several interlocutors expressed concerns about the capacity of some municipalities to properly manage postal voting and the transparency of the process at the MoI due to the lack of clearly stipulated procedures on the handling of ballots and the lack of information on practical arrangements put into place. Some interlocutors pointed out the lack of information campaigns by the election administration. Public calls were made for the MFA to consider providing technical assistance and facilitating voter information abroad.

The procedures for the processing of postal ballots by the municipalities and the Ministry of Interior could be further detailed and the respective activities rendered more transparent. Consideration could be given to designating greater resources to municipalities to enable them to perform their duties effectively.

¹² Article 48d of the 1997 United Nations (UN) Committee on the Elimination of Discrimination Against Women (CEDAW) [General Recommendation No. 23](#) requires state parties to provide “statistical data, disaggregated by sex, showing the percentage of women relative to men who enjoy those rights.” Paragraph 40.13 of the 1991 [OSCE Moscow Document](#) obliges States to “ensure the collection and analysis of data to assess adequately, monitor and improve the situation of women.”

¹³ While optional, 63 per cent of PEC's used the system, compared to 37 per cent in 2016.

¹⁴ The MoI and municipalities process applications, dispatch ballots, and distribute returning envelopes with ballots to respective PEC's and to the special commission at the MoI handling votes of voters with no permanent residence in the country. Voters who voted by post are circled in voter lists to prevent multiple voting.

¹⁵ A total of 55,141 requests were registered and 48,925 ballots were returned and taken into account in these elections, compared to 17,278 in 2016.

VI. VOTER REGISTRATION

Citizens 18 years of age and older have the right to vote, except those under a “legally set restriction of personal freedom due to protection of public health”.¹⁶ In 2017, the Constitutional Court repealed the restrictions on the right to vote based on a deprivation of legal capacity, which applied to persons with intellectual or psychosocial disabilities, and for those serving prison sentences for particularly serious crimes as being not in conformity with the Constitution, the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of Persons with Disabilities (CRPD).

A total of 4,432,419 voters were registered for these elections. Registration is passive and decentralized. Municipalities are vested with the responsibility for maintaining the voter list based on the information in the central population register, own records and updates provided by other institutions. Voters are registered according to their residence and may verify and request corrections to their records and appeal decisions of municipalities in courts.¹⁷

Voters may request absentee voting certificates (AVC) from their municipalities to vote in any polling station in the country. Requests for AVCs can be made by post or electronically 15 days before elections. The requests in person or via proxy – at least one day before elections. Municipalities hold registers of issued VCs. Voters may be added to voter lists on election day based on a court decision, if they use a VC or if they are not included in the lists, but their permanent residence is within the boundaries of the precinct and has been verified by the PEC. Voters can use an expired identification card or a proof of request of a new one if they are already included in the voter list.

VII. CANDIDATE REGISTRATION

Voters 21 years of age or older with permanent residence in the country are eligible to stand as candidates. Legally incapacitated persons and persons who have served a prison sentence for committing an intentional crime, regardless of the gravity of the crime, are not eligible to stand if the sentence has not been expunged. Limitations on candidacy rights based on criminal conviction, incapacity and residency requirements are contrary to international commitments and standards.¹⁸

Candidate lists can be put forward by political parties, movements and coalitions. There are no provisions for individual candidacy. Two individuals applied to the SEC for registration as candidates but were rejected.¹⁹

¹⁶ The restriction applies to persons with serious infectious diseases under observation following formal decision of the medical institution.

¹⁷ Several complaints reviewed by the SEC on election day were related to the accuracy of voter lists. The SEC submitted complaints to the General Prosecutor for further investigation.

¹⁸ Paragraph 15 of the 1996 UN Human Rights Committee (HRC) [General Comment No. 25](#) to Article 25 of ICCPR states that “Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation”. Paragraph 24 of the 1990 [OSCE Copenhagen Document](#) provides that restrictions on rights and freedoms must be strictly proportionate to the aim of the law. Article 29 of [CRPD](#) requires states to “guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others”.

¹⁹ One individual unsuccessfully challenged the non-registration by the SEC at the Supreme Court.

Restrictions on the right to stand as candidates, including those based on criminal conviction, disability and residency should be reviewed in line with international obligations and standards.

Parties and coalitions registering candidate lists were required to pay an electoral deposit and to meet the newly introduced requirements regarding the size of party or statutory body membership and the rules on party naming.²⁰ Registration requirements did not appear to pose challenges for aspiring contestants.²¹ In an open and inclusive process, the SEC registered candidates lists of one coalition and 24 political parties. The majority of parties nominated the maximum number of candidates, with a total of 2,736 candidates registered, 632 of them women. Subsequently, one political party and 25 candidates withdrew or were recalled by nominating parties.²²

The number of women fielded by parties varied considerably. The PS-Spolu coalition included the highest number of women candidates, 35.3 per cent, while women comprised only a quarter or less of all candidates on the lists of most parties. Although some parties made efforts to include women on winnable positions on their lists, on average, there were only two women in top 10 positions across all lists. While 32 women were elected in these elections, the highest representation of women in the legislature thus far, this number represents only 21.3 per cent of the total composition.²³ No legal or voluntary special measures for promoting the participation and representation of women are in place.²⁴

Consideration should be given to adopting legal, administrative, and other temporary special measures to enhance the participation of women. Parties could be encouraged to set internal goals for candidate lists, including requirements for the placement of women on winnable positions.

Parties and candidates may withdraw until two days before the election. Notwithstanding the requirement for withdrawal notices to be posted on the MoI website and in polling stations on election day, this late deadline could lead to voters being unaware of adjustments to candidate lists, impacting their ability to make an informed choice or resulting in the casting of votes for candidates who have withdrawn but remained on the ballot.

²⁰ The electoral deposit of EUR 17,000 is returned to applicants that are denied registration and to parties receiving at least two per cent of the valid votes. Following the 2019 amendments, parties are required to have either twice as many members as the number of nominated candidates or at least 45 party members who are, at the same time, delegates of the party council. Also, names and abbreviations of parties may not contain names of their founders.

²¹ Two parties, SME Rodina and Kotlebovci - L'SNS, contested the elections with adjusted names as per new requirements. The Communist Party of Slovakia, which has initially intended to run in elections, did not apply for registration citing the need to pay the electoral deposit among the reasons.

²² Party *Hlas Pravice* withdrew from the elections in favor of SAS.

²³ This is far below the 30 per cent target of the 1995 UN Fourth World Conference on Women [Beijing Declaration and Platform for Action](#). Twenty-nine women were elected in the 2016 parliamentary elections.

²⁴ [CEDAW](#) Article 4.1 states that the adoption “of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination”. Article 22 of the CEDAW Committee [General Recommendation No.23](#) states that “political parties must embrace the principle of equal opportunity and democracy and endeavor to balance the number of male and female candidates”. Paragraph 23 of the 1999 [OSCE Istanbul Document](#) commits participating States to “making equality between men and women an integral part of our policies”.

VIII. ELECTION CAMPAIGN

The campaign, which started on 5 November 2019 and ended 48 hours before election day, was pluralistic and competitive. Contestants competed in an environment where equitable campaign conditions were guaranteed and fundamental freedoms respected.

Most political parties developed comprehensive campaign programs outlining their promises on key social, economic, and governance issues, which they emphasized during numerous campaign events, thematic televised debates, and through other campaign formats.²⁵ The campaign was dominated by the persistent public anger over the murder of the journalist and the discontent with perceived widespread corruption and the erosion of the rule of law. The overarching campaign topics were calls for change, justice, and decency in politics. Issues of gender equality were addressed only by a few parties, focusing mainly on family-related policies and, to a limited extent, on the ratification of the Istanbul Convention.²⁶

With pre-election opinion polls having forecast a fragmented parliament, political parties, especially those in opposition, sought to reassure voters about their ability to form a stable government despite programmatic differences. Concerns over the spread of the nationalistic rhetoric and ideology featured prominently in the campaign.²⁷ These concerns had a mobilizing effect and saw a boost in civic engagement, with the launch of several initiatives calling on voters to vote and to reject divisive ideologies and extremism.²⁸

In November 2019, despite criticism from a number of political parties, officials and institutions, the parliament extended the 14-day prohibition for the publication of opinion polls to 50 days.²⁹ The President's veto of the amendment was overruled by the parliament, resulting in a motion by the President to the Constitutional Court. In December 2019, the Constitutional Court suspended the application of the amendment, leaving the previous 14-day deadline in force pending full review by the Court after the elections.³⁰ Extensive prohibitions on publication of opinion polls raise questions of compliance with the principle of freedom of expression and with the right to receive and impart information.³¹

²⁵ Several political parties and media outlets shared their concerns with the ODIHR EAM regarding the lack of clarity on the scope of prohibitions during the 48-hour campaign silence, including regarding the use of interactive billboards, online media, and social networks.

²⁶ Slovakia signed the CoE [Convention on Preventing and Combating Violence Against Women](#) (Istanbul Convention) in 2011 but has thus far not ratified it.

²⁷ In April 2019, the Supreme Court ruled on a motion by the General Prosecutor to ban the Kotlebovci - L'SNS party in connection with the party's program and activities violating the Constitution, laws, and international treaties. The Supreme Court rejected the motion on the grounds of the plaintiff having not borne the burden of proof.

²⁸ Such campaigns included For Decent Slovakia, Not in My City, Not in My Costume, and For a Better Country.

²⁹ Among others the criticism was expressed by the Prime Minister, the Minister of Foreign Affairs, and the Ombudsperson.

³⁰ Despite the ban, during the 14-day period, a crowd-funded civic initiative [50dni.sk](#) ordered and distributed formally to persons who contributed to the campaign the results of two opinion polls.

³¹ Paragraph 8 of the CoE Committee of Ministers' [Recommendation CM/Rec\(2007\)15](#) stipulates that "any restriction on [...] publication/broadcasting of opinion polls (on voting intentions) on voting day or a number of days before the election should comply with Article 10 of the European Convention on Human Rights (ECHR), as interpreted by the European Court of Human Rights." In its [Comparative Study of Laws and Regulations Restricting the Publication of Electoral Opinion Polls](#), Article 19 has concluded that "bans of longer than 24 hours will rarely, outside of special circumstances, [...] be able to be justified."

The extensive ban on the publication of opinion polls before elections could be reviewed to ensure conformity with the guarantees of freedom of expression and information.

In the last two weeks of the campaign, the governing Smer - SD initiated an extraordinary parliamentary session to pass a social package, to abolish highway fees, and to vote on the ratification of the Istanbul Convention in a shortened procedure. The initiative was condemned by a number of political parties and organizations, who questioned the legality of applying a shortened procedure to the issues on the agenda, raised concerns over budgetary implications, and criticized it as being election-related political move. ODIHR has previously recommended introducing, in line with international good practice, a legal prohibition of misuse of public resources in order to prevent authorities from taking advantage of their positions for campaign purposes.³²

To ensure a level playing field, provisions to ban the misuse of public resources should be considered. This could include a prohibition on announcing and initiating, during electoral campaigns, major social projects and measures of public significance, which might create a favorable perception of the initiating parties.

IX. CAMPAIGN FINANCE

Regulations on political party and campaign finance were amended in 2018 and 2019, introducing higher limits for membership fees and party income, increasing sanctions and removing the possibility for third parties to contribute to campaigns. Some previous ODIHR and CoE Group of States against Corruption (GRECO) recommendations were not addressed by the amendments.

A. SOURCES OF FUNDING

Parties may receive donations, in-kind contributions, membership fees, loans or revenues from assets, as well as subsidies for votes, activity and mandates. A yearly limit of EUR 10,000 for membership fees per member is in place, while a donor, both individual and legal entity, may direct up to EUR 300,000 in financial or in-kind contributions. The relatively high donation limit may be ineffective in preventing undue influence of large donors.³³ Anonymous and foreign donations, as well as donations from state institutions are not allowed.

Consideration could be given to reducing the annual limit for donations.

The 2019 amendments to the Political Parties Act imposed a ceiling of EUR 3.5 million per party for

³² Paragraph 1.3 of the ODIHR and Venice Commission [Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources During Electoral Processes](#) recommends that "[...] in order to prevent the misuse of administrative resources to imbalance the level playing field during electoral competitions, the legal framework should state that no major announcements linked to or aimed at creating a favorable perception towards a given party or candidate should occur during campaigns."

³³ Paragraph 175 of the [ODIHR/Venice Commission Guidelines on Political Party Regulation](#) states that "Reasonable limitations on private contributions may include the determination of a maximum level that may be contributed by a donor. [...] Legislation mandating contribution limits should be carefully balanced between ensuring that there is no distortion in the political process in favour of wealthy interests and encouraging political participation, including by allowing individuals to contribute to the parties of their choice." The minimum monthly salary for 2019 was EUR 520.

aggregate incomes from membership fees, donations, in kind contributions and loans for the length of the parliamentary term, with liquidation as a sanction for incompliance. Immediate resort to liquidation, one of the harshest sanctions conceivable, appears to be disproportionate in light of international standards and good practice and was criticized as such by some ODIHR EAM interlocutors.³⁴

Liquidation as a sanction for exceeding the party income limit could be reviewed to ensure proportionality. Dissuasive administrative fines, such as reduction or loss of eligibility for public funds, could be considered as alternatives or as preceding steps in a gradually escalating range of sanctions.

B. CAMPAIGN EXPENDITURE

The expenditure limit per party for the election campaign is set at EUR 3 million including costs incurred 180 days before the announcement of elections. Transparent accounts must be used by parties to receive donations and for campaign expenditures.³⁵ Only bank transfers from identifiable donors are permitted and funds have to be returned by political parties in the case of cash payments. Some political parties made bulk sum payments to companies managing their campaigns, without providing a detailed breakdown of expenses.³⁶ Moreover, one political party withdrew large amounts of cash for its campaign expenses.³⁷ There are no regulations on the unused funds remaining after the campaign.

The removal of a possibility for third parties to make contributions and to incur expenses did not appear to have affected campaigns of political parties met with by the ODIHR EAM. However, some ODIHR EAM interlocutors disputed the removal of third parties as potentially detracting from campaign finance transparency and limiting political participation.³⁸ The introduction of regulations on third parties in 2014 was welcomed by ODIHR and GRECO.³⁹

³⁴ Article 16 of CoE Committee of Ministers' [Recommendation Rec\(2003\)4](#) states that "States should require the infringement of rules concerning the funding of political parties and electoral campaigns to be subject to proportionate, effective and dissuasive sanctions". Paragraph II.5 of the Venice Commission [Guidelines on Prohibition and Dissolution of Political Parties and Analogous Measures](#) states that "The prohibition or dissolution of political parties as a particularly far-reaching measure should be used with utmost restraint." Paragraph 224 of the [ODIHR/Venice Commission Guidelines on Political Party Regulation](#) cautions against immediate resort to such measures as prohibition and dissolution in cases of incompliance. It adds that "where a party is a habitual offender with regard to legal provisions and makes no effort to correct its behaviour, the loss of registration status might be appropriate."

³⁵ Transparent account is a dedicated bank account specially created by political entities for receiving donations and expenditure reporting with details of all transactions made available for public scrutiny.

³⁶ According to [Transparency International](#), out of a total of 19 million EUR spent by political parties, one third was directed to intermediary agencies. Smer - SD, For the People (Za L'udí), and OĽaNO resorted to this practice most extensively.

³⁷ Cash withdrawals are permitted, and no thresholds are in place. While this is not a usual practice, the Kotlebovci - L'SNS transparent account reflected several cash withdrawals adding up to EUR 61,100.

³⁸ Several civil society organizations have shown interest in participating in the campaign. Some have indicated that the current narrow definition of campaigning limits their ability to carry out election-related information campaigns.

³⁹ See [ODIHR EAM Final Report on the 2016 parliamentary elections](#) and 2014 [GRECO Addendum to the Second Compliance Report on Slovakia, Third Evaluation Round](#). ODIHR [Handbook for the Observation of Campaign Finance](#) recommends that "third parties should be free to fundraise and express views on political issues as a means of free expression, and their activity should not be unconditionally prohibited. However, it is important that some form of regulation be extended to third parties that are involved in the campaign, to ensure transparency and accountability."

Consideration could be given to providing appropriate regulation for third party financing, reconciling the objectives of ensuring transparency and accountability with the guarantees of freedom of association and expression.

C. DISCLOSURE AND OVERSIGHT

The SEC performs oversight of political party financing and the overall control of election campaign financing. Parties must publish annual reports verified by the SEC with the support of specialized auditors selected by lottery.

Political parties are required to publish by 31 March on their website a detailed list of donations, membership fees, and in-kind contributions for the preceding calendar year if the value of any of those is higher than two minimum monthly wages at the time of acceptance.⁴⁰ The list of loans should be published within 30 days of concluding loan agreements. Interim and quarterly reports for campaign and party finance, respectively, are not provided by the law.

Political parties are required to submit to the MoI a report on campaign expenditures within 30 days after elections.⁴¹ The reporting template is overly general and does not require the disclosure of incomes. The MoI performs oversight tasks with the support of its district offices and provides guidance to political parties. A team of two employees monitors the transparent accounts. The MoI can perform checks, but no controls have been performed during the election campaign (see *Complaints and Appeals*). The legislation does not explicitly require the MoI to publish its reports on oversight activities.⁴² Several ODIHR EAM interlocutors raised concerns regarding the capacity of the MoI to provide comprehensive and effective oversight of the long campaign and pre-election campaign period.

The provisions on campaign financing could be amended to include regulations to report on incomes and on unspent campaign funds. To increase the transparency of campaign finance, the MoI could be obliged to publish its oversight reports within clearly established timeframes.

The MoI may impose fines on political parties for campaign finance violations, while the SEC may apply sanctions for breaking the 14-day ban on opinion polling and the 48-hour silence period. The SEC serves as the appeal body for the MoI's decisions. The MoI's extensive involvement in campaign finance oversight is in contradiction with international good practice, which emphasizes the importance of vesting this function with an independent body.⁴³

⁴⁰ A recent amendment raised the threshold from one to two salaries.

⁴¹ The report should contain information about costs for commissioned opinion polls, advertising, travel, companies set up by parties, value of in-kind contributions and gratuitous services, as well as a summary of expenses incurred 180 days before the announcement of elections. The report has to be published even if no costs have been incurred.

⁴² Paragraph 194, 200 and 206 of the [ODIHR/Venice Commission Guidelines on Political Party Regulation](#) states that voters must have access to the relevant information as to the financial support given to political parties in order to hold them accountable.

⁴³ See Article 14 of the CoE Committee of Ministers [Recommendation 2003\(4\)](#), Paragraph 212 of the [ODIHR/Venice Commission Guidelines on Political Party Regulation](#), and [GRECO Addendum to the Second Compliance Report on Slovakia, Third Evaluation Round](#), 16 October 2014.

Consideration could be given to vesting the authority for campaign finance oversight with an independent institution endowed with adequate capacity and resources.

X. MEDIA

A. MEDIA ENVIRONMENT

The media landscape is pluralistic. The print media market is dominated by *Nový Čas*, *Plus Jeden Deň*, *Sme*, *Pravda*, and *Hospodárske noviny* newspapers. Television is the most popular source of political information; commercial channels *TV Markíza* and *TV JOJ*, public broadcaster *RTVS*, and privately owned news-only *TA3* play a dominant role. Television is followed by online media with leading portals *aktuality.sk*, *sme.sk*, *topky.sk* and *dennikn.sk*.⁴⁴ Podcasts are a strong growth area for news consumption.

According to some media research, trust in mainstream media is low.⁴⁵ Such mistrust is fuelled by dismissive comments by some public figures, who criticize journalists for the lack of impartiality in news reporting and the alleged manipulation of public opinion. In addition, with a decline in advertising revenues, several previously foreign-owned media groups were sold to buyers who tend to use the media to boost their political influence.⁴⁶ This is seen as contributing to a growth in self-censorship among journalists and further erosion of public trust in media.

B. LEGAL AND REGULATORY FRAMEWORK

Freedom of expression and the right to information are guaranteed by the Constitution and are generally respected. However, high damages in civil libel cases and the criminalization of defamation present challenges to freedom of expression and are at odds with international obligations and standards and previous recommendations.⁴⁷

Media conduct during elections is regulated by the Election Campaign Act, the Broadcasting Act, and the Slovak Press Act. The September 2019 amendments to the latter reintroduced the right of reply for politicians and public officials whose honour or reputation has been damaged by media content. Refusal by the media to publish a reply may be punished by up to EUR 5,000 in damages. Such provisions can lead to self-censorship and undue interference in the editorial independence of the media when reporting on matters of public interest.⁴⁸

⁴⁴ According to [MEMO 98 survey](#) from January 2020, nine per cent of the population indicates social networks, mainly Facebook, as their primary source of information about domestic politics.

⁴⁵ See the [Reuters Institute 2019 Digital News Report](#).

⁴⁶ CEU Center for Media, Data and Society [Media Influence Matrix: Slovakia](#), 2020, Freedom House [Freedom in the World: Slovakia](#) report, 2019.

⁴⁷ Article 48 of the UN HRC [General Comment No. 34](#) concludes that such use of laws is contrary to the ICCPR. Defamation convictions are also contrary to [OSCE commitments](#) and violate the journalists' right to freedom of expression, guaranteed under Article 10 of ECHR. See also the 23 March 2018 [statement](#) by the OSCE Representative on Freedom of the Media (RFOM) and the 11 February 2020 CoE [Media Freedom Alert](#).

⁴⁸ See the 6 February 2019 OSCE RFOM [statement](#) and the March 2019 [Legal Review of the Right of Reply as Prescribed by the Statute on Periodic Press and News Agencies of Slovakia](#).

To protect media freedom, defamation should be decriminalized and the provisions for the right of reply for politicians and public officials repealed.

Online media are not regulated. The European Union's Audio-Visual Media Services Directive, due to be adopted by the Slovak government before September 2020, will extend the scope of media regulation to audio-visual content on video-sharing platforms such as YouTube or Facebook, but will not cover all social media content.

Media conduct is overseen by the Council for Broadcasting and Retransmission (CBR) and, in the case of public service media, also by the RTVS Council. Members of both bodies, including the RTVS Director, are appointed by the parliament. This appointment procedure was seen by several ODIHR EAM interlocutors as not sufficiently safeguarding the impartiality and independence of both bodies from political influence. The absence of safeguards for secure and transparent funding of RTVS poses further challenges for its independence and credibility.

To protect the credibility and independence of the public broadcaster, consideration could be given to introducing additional safeguards against the dominance of any political force in the management appointment process and to ensuring the stability of its funding.

C. MEDIA COVERAGE OF THE ELECTION CAMPAIGN

Voters benefited from a wide coverage of the campaign by various media, which allowed them to make an informed choice. Besides political advertising, which was limited on the public broadcaster to 10 hours for all contesting parties taken together on television and radio, each, candidate could participate in political broadcasts, including debates. However, *TV Markíza* was the only channel to cover the campaign more intensively.⁴⁹ Based on the results of opinion polls, SNS did not qualify for the final debate on RTVS at which the largest audience was expected; however, the SNS candidate was invited following the decision by the public broadcaster to re-define the earlier adopted selection criteria. This move was criticized by many ODIHR EAM interlocutors.

Polarizing, divisive and hateful narratives were present in the online domain. Some of these sources often supported the agenda of the extremist political parties, thus promoting their interests, often without explicitly mentioning them. Election-related articles in online media generated a higher number of interactions than websites and social networks pages and groups considered to be publishing problematic content.

XI. ELECTION OBSERVATION

The Elections Act allows citizen and international observers to observe voting and counting, but does not explicitly provide for access to all stages of the electoral process, including tabulation and the

⁴⁹ According to local media monitors, Smer-SD and SNS clearly dominated in news coverage on RTVS, and SNS was dominant in TA3 broadcasts. The ample coverage of Smer - SD and SNS has been partly connected to the official functions performed by the parties' representatives in the outgoing government. See [MEMO 98 Media Monitoring Report](#).

activities of the Statistics Office, which is at odds with international commitments and good practice.⁵⁰ Moreover, the Elections Act does not stipulate the rights of observers, and no accreditation procedures are in place. The MoI distributed an instruction to PECs to allow the access of observers. The ODIHR EAM was granted access to all institutions and information, attended two SEC meetings, and was able to observe the entire process without limitations.

The legislation should explicitly grant access for citizen and international observers to all stages of the electoral process.

XII. PARTICIPATION OF NATIONAL MINORITIES

The rights of persons belonging to national minorities are guaranteed by the Constitution, including the right to education in the mother tongue, to use minority languages in official communication, and to participate in decision-making on matters affecting minorities. Slovakia has ratified the CoE's Framework Convention for Protection of National Minorities and the European Charter for Regional or Minority Languages. Municipalities are obliged by law to provide official information in minority languages in localities, where minorities make up 20 per cent of residents.⁵¹ In addition, the Elections Act provides for voter information and invitations to vote in minority languages.

Hungarians and Roma are the largest minority groups, comprising some eight and two per cent of the population, respectively.⁵² While the interests of the Hungarian minority were represented in these elections by two well-established political parties, MOST-Híd and Magyar Közösségi Összefogás - Mad'arská komunitná spolupatričnosť (MKÖ-MKS), there was no candidate list on behalf of the Roma community. A number of political parties sought to attract minority votes, including through targeted messaging and designated sections of campaign platforms.⁵³ Notably, parties enhanced efforts to nominate Roma candidates, including some on winnable positions, and to interact with Roma voters more directly, not only through community leaders.⁵⁴ While seen as considerably more engaged during these elections, the level of political participation among the Roma remained low, with the absence of valid identification documents having been cited as a barrier for some.⁵⁵ Issues

⁵⁰ Paragraph 8 of the 1990 [OSCE Copenhagen Document](#) provides that "the participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place". Paragraphs II.3.2.a-b of the [Code of Good Practice](#) stipulate that "observers should be given the widest possible opportunity to participate in an election observation exercise" and that "observation must not be confined to the election day itself [...]. It must make it possible to determine whether irregularities occurred before, during or after the elections."

⁵¹ According to the Law on Usage of Ethnic Minority Languages, Bulgarian, Czech, Croatian, Hungarian, German, Polish, Romani, Ruthenian, and Ukrainian are recognized as minority languages.

⁵² Official 2011 census data indicated that there were 458,467 Hungarians and 105,738 Roma in Slovakia. The data published in 2019 by the Government Plenipotentiary for Roma suggested that there were over 440,000 Roma.

⁵³ During the campaign, Opre Roma Initiative signed a memorandum with eight political parties, which pledged to take Roma interests into account in future policymaking and governance.

⁵⁴ While there were no official statistics on the number of minority candidates as there are no ethnicity disclosure requirements, ODIHR EAM interlocutors estimated that there were some 35 Roma candidates across party lists. The highest number of minority candidates was assessed to be on the MOST-Híd list.

⁵⁵ International good practice suggests a wide range of possible initiatives for enhancing minority participation. See, for example, paragraphs 76 and 106-108 of the [ODIHR/Venice Commission Guidelines on Political Party Regulation](#).

related to vote-buying involving minority communities reported in the past were evaluated by ODIHR EAM interlocutors as having significantly subsided.

XIII. COMPLAINTS AND APPEALS

The election legislation channels election-related complaints predominantly to the MoI and the SEC.⁵⁶ The MoI decisions can be appealed to the SEC, while those of the SEC are subject to administrative justice in Bratislava regional court and further in the Supreme Court in the final instance.

According to the SEC, it received around 100 ‘communications’ during the pre-electoral period.⁵⁷ These were reviewed during SEC sessions in a transparent and timely manner. However, most of the complaints were considered to be outside of the SEC’s jurisdiction and were referred to the MoI, while some were not dealt with on merit and decisions published online were at times overly brief and generic. The MoI has reported to have responded to all pre-election complaints it received.⁵⁸ No information on the number of complaints received and considered or on the results of the review were available. The MoI decided to deal with campaign finance complaints after the election day due to lack of institutional capacity and in order not to be seen as biased towards any political party.⁵⁹

Existing regulations leave stakeholders without clarity on the process and on applicable timeframes. Contrary to international commitments and good practice, no expedited timeframes for the resolution of election-related disputes are envisaged.⁶⁰ Both the MoI and the SEC stated that the general 60-day deadline under the Administrative Procedure Code is applicable. No instructions or complaint forms have been provided to PECs to facilitate efficient processing of election day complaints and PEC members with whom the ODIHR EAM spoke had no clarity on applicable procedures.⁶¹

The legislation should provide more clarity to guarantee the resolution of election-related disputes within expedited timeframes. In addition, election administration bodies could consider producing standard operating procedures for handling complaints, including by PECs on election day, emphasizing the requirements for publication of reasoned decisions.

The Constitutional Court examines the constitutionality and legality of election results based on petitions that may be submitted after the announcement of election results. The law leaves the Court 90 days to rule on such petitions. However, this deadline does not reconcile with the legal requirement for the newly-elected parliament to hold the first session no later than 30 days after the announcement of election results. The Constitutional Court informed ODIHR EAM that the 90-day deadline is non-

⁵⁶ Other institutions involved in the review of election-related complaints include the Ministry of Culture, CBR, General Prosecutor, and the police.

⁵⁷ SEC categorized all received complaints, appeals and proposals as ‘communications’.

⁵⁸ The ODIHR EAM did not directly observe the review of complaints by the MoI and was not provided with conclusive information about the exact process.

⁵⁹ According to the MoI, it received some 15 complaints alleging irregularities in campaign financing.

⁶⁰ Paragraph 5.10 of the [1990 OSCE Copenhagen Document](#) provides that “everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity.” In addition, paragraph 95 of the [Code of Good Practice](#) stipulates that “appeal proceedings should be as brief as possible, in any case concerning decisions to be taken before the election”.

⁶¹ The general approach adopted was, unless a minor technical issue was involved, to turn to DEC’s or the MoI for guidance.

binding and may be prolonged since its lapse entails no legal consequences.⁶² The right to challenge election results is granted only to political parties contesting the elections, without a possibility of appeals by citizen observers and voters, at odds with international commitments and good practice.⁶³

To enhance confidence in the process, the deadlines for the review of complaints by the Constitutional Court and for the beginning of work of the new parliament should be reconciled. The legislation could be further revised to provide individual citizens, or a reasonable quorum of voters, with the right to appeal election results.

XIV. ELECTION DAY

In accordance with the ODIHR's methodology, the EAM did not observe election day activities in a systematic and comprehensive manner but visited a limited number of polling stations in Bratislava, Plavecký Štvrtok, and Šamorín, as well as the special polling station for processing of out-of-country votes at the MoI premises.⁶⁴ The minimum number of PEC members was ensured, although some ODIHR EAM interlocutors considered that additional members would have been useful in view of the high turnout and the need to facilitate mobile voting. In general, polling station staff demonstrated the appropriate knowledge of election day procedures.

Most of the visited polling stations were not accessible for voters with reduced mobility.⁶⁵ Assistive tools for voters with visual impairments, such as tactile ballots or candidate list guides, and easy to read information materials were not developed and not available in polling stations.⁶⁶ In addition to the possibility to request a mobile ballot box, when voting in polling stations, persons requiring assistance may request it, in line with international standards, from a person of their choice and commission members are prohibited to provide such assistance.

Legislative measures could be considered and greater practical efforts undertaken to facilitate voting by persons with disabilities, including through ensuring the accessibility of polling stations and development of accessible information materials and of assistive tools.

⁶² One petition filed with the Constitutional Court in April 2019 in connection with the presidential election was decided upon only in April 2020, partially due to the lack of quorum between February and October 2019.

⁶³ Paragraph 5.10 of the 1990 [OSCE Copenhagen Document](#) states that “everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity”. Also, paragraph II.3.3.3.f of the [Code of Good Practice](#) states that “all candidates and all voters registered in the constituency concerned must be entitled to appeal. A reasonable quorum may be imposed for appeals by voters on the results of elections.”

⁶⁴ General polling hours between 7:00 and 22:00 were extended in five polling stations due to exceptional circumstances. According to the SEC, these were due to technical reasons, as well as deaths and health issues of some commission members.

⁶⁵ Paragraph 41.5 of the 1991 [OSCE Moscow Document](#) calls on participating States “to encourage favorable conditions for the access of persons with disabilities to public buildings and services”. [CRPD Article 29](#) requires state parties to ensure that “voting procedures, facilities and materials are appropriate, accessible and easy to understand and use.” See also the 2016 Committee on the Rights of Persons with Disabilities [Concluding Observations on the Initial Report of Slovakia](#).

⁶⁶ One party, Za L'udi, published an easy-to-read booklet for the election campaign. The public radio service provided technical instructions on how to vote, while three channels that organized debates with candidates provided sign language interpretation (RTVS, TA3, Markíza TV).

The counting and tabulation processes were well organized. The Elections Act does not provide for a copy of the results protocol to be posted in polling stations. In addition, the MoI instructions do not provide for copies of the protocol at the PECs on the basis that municipalities can publish them.⁶⁷

To enhance transparency of counting procedures, consideration could be given to allow the election administration to post results protocols in polling stations and to enable stakeholder access to them.

Results protocols validated by DEC's were published in real time on a webpage developed by the Statistics Office. Final results were announced on 1 March. One political party, Vlast', and the PS - Spolu coalition, which did not enter the parliament based on the published results, filed complaints with the Constitutional Court citing omissions in the counting process and other irregularities. On 29 April, the Court rejected both complaints as "unsubstantiated".

XV. RECOMMENDATIONS

These recommendations, as contained throughout the text, are offered with a view to further enhance the conduct of elections in the Slovak Republic and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with past ODIHR recommendations that remain to be addressed.⁶⁸ The legislative reforms should be undertaken well in advance of elections and through an inclusive consultation, including with civil society. ODIHR stands ready to assist the authorities of the Slovak Republic to further improve the electoral process and to address recommendations contained in this and previous reports.

A. PRIORITY RECOMMENDATIONS

1. To ensure the stability of the legislation, electoral reforms should be undertaken well in advance of elections, through open and inclusive consultations with all election stakeholders.
2. Sufficient institutional capacity of the SEC to perform its duties should be ensured. The competences and activities of the MoI and SEC should be clearly delineated.
3. Restrictions on the right to stand as candidates, including those based on criminal conviction, disability and residency should be reviewed in line with international obligations and standards.

⁶⁷ Paragraph 46 of the [Code of Good Practice](#) recommends that "there must be enough copies of the record of the proceedings to distribute to ensure that all the aforementioned persons receive one; one copy must be immediately posted on the noticeboard, another kept at the polling station and a third sent to the commission or competent higher authority."

⁶⁸ In paragraph 25 of the [1999 OSCE Istanbul Document](#), all OSCE participating States committed themselves "to follow up promptly the ODIHR's election assessment and recommendations". The follow-up of prior recommendations is assessed by ODIHR EAM as follows: the recommendation 10 from the ODIHR [final report on the 2016 parliamentary elections](#) is fully implemented. The recommendation 19 was mostly implemented. The recommendations 9, 15, 16, and 20 were partly implemented. The recommendations 8, 15, and 17 from the ODIHR [final report on the 2019 presidential election](#) were implemented partially; recommendations 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 13, 14, 16, 19 and 20 were not implemented, while recommendations 12 and 18 were not evaluated in the context of parliamentary elections.

4. Consideration could be given to vesting the authority for campaign finance oversight with an independent institution endowed with adequate capacity and resources.
5. To protect media freedom, defamation should be decriminalized and the provisions for the right of reply for politicians and public officials repealed.
6. The legislation should provide more clarity to guarantee the resolution of election-related disputes within expedited timeframes. In addition, election administration bodies could consider producing standard operating procedures for handling complaints, including by PECs on election day, emphasizing the requirements for publication of reasoned decisions.
7. Legislative measures could be considered and greater practical efforts undertaken to facilitate voting by persons with disabilities, including through ensuring the accessibility of polling stations and development of accessible information materials and of assistive tools.

B. OTHER RECOMMENDATIONS

Election administration

8. The procedures for the processing of postal ballots by the municipalities and the Ministry of Interior could be further detailed and the respective activities rendered more transparent. Consideration could be given to designating greater resources to municipalities to enable them to perform their duties effectively.
9. The election legislation could be amended to clearly specify that SEC decisions on procedural matters are binding for lower-level election commissions.
10. Consideration could be given to gathering and publishing gender-disaggregated statistics pertaining to the electoral process, including for the composition of election commissions.

Candidate registration

11. Consideration should be given to adopting legal, administrative, and other temporary special measures to enhance the participation of women. Parties could be encouraged to set internal goals for candidate lists, including requirements for the placement of women on winnable positions.

Election campaign

12. The extensive ban on the publication of opinion polls before elections could be reviewed to ensure conformity with the guarantees of freedom of expression and information.
13. To ensure a level playing field, provisions to ban the misuse of public resources should be considered. This could include a prohibition on announcing and initiating, during electoral campaigns, major social projects and measures of public significance, which might create a favorable perception of the initiating parties.

Campaign finance

14. Consideration could be given to reducing the annual limit for donations.

15. Consideration could be given to providing appropriate regulation for third party financing, reconciling the objectives of ensuring transparency and accountability with the guarantees of freedom of association and expression.
16. The provisions on campaign financing could be amended to include regulations to report on incomes and on unspent campaign funds. To increase the transparency of campaign finance, the MoI could be obliged to publish its oversight reports within clearly established timeframes.
17. Liquidation as a sanction for exceeding the party income limit could be reviewed to ensure proportionality. Dissuasive administrative fines, such as reduction or loss of eligibility for public funds, could be considered as alternatives or as preceding steps in a gradually escalating range of sanctions.

Media

18. To protect the credibility and independence of the public broadcaster, consideration could be given to introducing additional safeguards against the dominance of any political force in the management appointment process and to ensuring the stability of its funding.

Election observation

19. The legislation should explicitly grant access for citizen and international observers to all stages of the electoral process.

Complaints and appeals

20. To enhance confidence in the process, the deadlines for the review of complaints by the Constitutional Court and for the beginning of work of the new parliament should be reconciled. The legislation could be further revised to provide individual citizens, or a reasonable quorum of voters, with the right to appeal election results.

Election day

21. To enhance transparency of counting procedures, consideration could be given to allow the election administration to post results protocols in polling stations and to enable stakeholder access to them.

ANNEX: FINAL RESULTS

	Total	Percentage
Total number of PECs	5,998	
Total number of registered voters	4,432,419	
Total number of voters who took part in the elections	2,916,840	65.80
Voters who voted in person in polling stations	2,865,284	98.23
Voters who returned postal votes from abroad	48,925	1.67
Number of valid votes	2,881,511	

Distribution of valid votes to political parties and the allocation of seats

Party Nr.	Party Name	Votes	Percentage	Seats
1	Andrej Hlinka's Slovak Peoples Party (Slovenská ľudová strana Andreja Hlinku)	8,191	0.28	
2	Good Choice (Dobrá Vol'ba)	88,220	3.06	
3	SAS	179,246	6.22	13
4	SME Rodina	237,531	8.24	17
5	Slovak Revival Movement (Slovenské Hnutie Obrody)	1,966	0.06	
6	Za L'udí	166,325	5.77	12
7	We have had enough! (Máme Toho Dost'!)	9,260	0.32	
9	SNS	91,171	3.16	
10	Democratic Party (Demokratická strana)	4,194	0.14	
11	OLaNO - NOVA, Christian Union (KÚ), Zmena Zdola	721,166	25.02	53
12	PS - Spolu	200,780	6.96	
13	Mayors and Independents (Starostovia a Nezávislí Kandidáti)	2,018	0.07	
14	99% - Civic Voice (99 % - občiansky hlas)	991	0.03	
15	Christian Democratic Movement (Kresťanskodemokratické hnutie)	134,099	4.65	
16	Slovak League (Slovenská liga)	809	0.02	
17	Homeland (Vlast')	84,507	2.93	
18	MOST – HÍD	59,174	2.05	
19	SMER – SD	527,172	18.29	38
20	Solidarity - Working Poverty Movement (Solidarita - Hnutie pracujúcej chudoby)	3,296	0.11	
21	People's Voice (Hlas L'udu)	1,887	0.06	
22	MKÖ-MKS	112,662	3.90	
23	Labor of Slovak Nation (Práca slovenského národa)	1,261	0.04	
24	Kotlebovci – ĽSNS	229,660	7.97	17
25	Socialisti.sk	15,925	0.55	

ABOUT 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 Summit Document). This is referred to as the OSCE human dimension.

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 150 staff.

ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights** and fundamental freedoms consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked persons, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

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.

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).