



Office for Democratic Institutions and Human Rights

# CZECH REPUBLIC

PARLIAMENTARY ELECTIONS

20-21 October 2017

PRESIDENTIAL ELECTION

January 2018

OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT

5-7 June 2017



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**OSCE/ODIHR Needs Assessment Mission Report**

**I. INTRODUCTION**

In anticipation of an invitation from the authorities of the Czech Republic to observe the 2017 elections to the Chamber of Deputies of the Czech Parliament (parliamentary elections) and 2018 presidential election, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) undertook a Needs Assessment Mission (NAM) to the Czech Republic from 5 to 7 June 2017.<sup>1</sup> The NAM included Ms. Ana Rusu, OSCE/ODIHR Senior Election Adviser, and Mr. Alexey Gromov, OSCE/ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and preparations for the upcoming parliamentary and presidential elections. Based on this assessment, the NAM should recommend whether to deploy an OSCE/ODIHR election-related activity for either or both forthcoming elections, and if so, what types of activities best meet the identified needs. Meetings were held with officials from state institutions as well as with representatives of political parties, media, and civil society. A list of meetings is annexed to this report.

The OSCE/ODIHR would like to thank the Ministry of Foreign Affairs for their assistance in organizing the visit. The OSCE/ODIHR would also like to thank all of its interlocutors for taking the time to meet with the NAM and to share their views.

**II. EXECUTIVE SUMMARY**

On 20-21 October 2017 citizens of the Czech Republic will vote in parliamentary elections. 200 members of the Chamber of Deputies (MPs) will be elected for a four-year term through a proportional system combining open regional candidate lists and preferential voting. The president will be elected in January 2018 for a five-year term through a two-round system. The OSCE/ODIHR NAM interlocutors acknowledged the political significance of both elections, but highlighted the parliamentary elections as particularly important given the powers vested in the parliament.

Overall, OSCE/ODIHR NAM interlocutors expressed confidence in the electoral process and assessed the electoral legislation as giving a sound basis for the conduct of democratic elections. Legal framework comported several amendments since last elections observed in 2013 and addressed some prior OSCE/ODIHR recommendations, such as the introduction of comprehensive regulations on campaign finance and oversight and strengthened procedures for presidential candidate nomination process. Nevertheless, some OSCE/ODIHR recommendations remain unaddressed, including those related to the codification of electoral legislation, complaints and appeals process, public access to voter lists, as well as legal provisions for citizen observation of elections.

The administration of elections is decentralized and a number of state institutions, local governments, and election commissions share responsibilities in managing the process. The State Election Commission (SEC) is a permanent body in charge of coordinating the overall organization of

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<sup>1</sup> On 29 June, the Government of the Czech Republic invited the OSCE/ODIHR to observe the parliamentary elections.

elections and the Ministry of Interior is responsible for technical preparations. Several ministries, 14 Regional Offices, municipalities, and some 14,750 Polling Station Commissions with members representing political parties and presidential candidates fulfil specific roles. Voting abroad is organised by the Ministry of Foreign Affairs. All OSCE/ODIHR NAM interlocutors expressed full confidence and trust in the professionalism and impartiality of election administration at all levels.

The right to vote is granted to citizens who reached 18 years of age by the second election day, except those deprived of legal capacity. Voter registration is passive, except for people residing abroad who must actively register. There is no centralized voter register and municipal offices are responsible for voter registration. Each voter has the possibility to check the accuracy of personal data, although there is no possibility for public scrutiny of the voter lists. There are some 8.4 million voters registered. No concerns were expressed regarding the accuracy of the voter lists.

Political parties and movements as well as their coalitions can nominate candidate lists for the parliamentary elections. Standing independently for parliamentary elections is not allowed by law. Presidential candidates can be nominated by a group of at least 20 MPs or 10 senators, or through a petition signed by at least 50,000 eligible voters. Recent legal amendments introduced new requirements for nomination of independent presidential candidates, largely assessed as reasonable for the purposes of effective verification of the nomination procedure.

Women continue to be under-represented in public office, including in the parliament, government, and election administration. Nevertheless, attempts in 2015 to introduce gender quotas on candidate lists did not find the necessary support of the parliament to be adopted.

Campaign finance is comprehensively regulated, and a new office in charge of campaign finance oversight will operate for the first time in these elections. Many OSCE/ODIHR NAM interlocutors assessed its composition as non-politicised and professional and noted that the parliamentary elections will be an important test of its efficiency.

The media environment is pluralistic and offers a diverse range of opinions. Paid political advertisement is allowed only in print media. Contestants enjoy considerable equal free time at public television and radio channels, and broadcasters, public and private alike, are planning to cover the election campaign through a variety of formats, including debates. The broadcast media regulator monitors news coverage and election-related programmes with the monitoring results published some six months after the elections. While all OSCE/ODIHR NAM interlocutors positively assessed media freedom and access to media, concerns were raised over potential unprofessional behaviour of some commercial media owned by influential business people.

The legislation provides for multiple venues for handling complaints related to different aspects of the elections and provides a possibility for judicial appeal. While some deadlines for considering complaints and appeals are lengthy, all OSCE/ODIHR NAM interlocutors expressed full confidence and trust in the effectiveness of the current legal redress system.

All OSCE/ODIHR interlocutors expressed full confidence in the electoral process and the ability of the election administration to conduct professional and transparent elections. Some concerns were raised regarding the implementation of the new regulation on campaign finance and the complexity of media environment, including legal framework. Although these issues were not considered by electoral stakeholders as significantly impacting either of the upcoming elections, they would benefit from additional review. Based on this, and taking into account the complexity of the process that electoral stakeholders attribute to the parliamentary elections, the OSCE/ODIHR NAM recommends deploying an Election Assessment Mission (EAM) for the 20-21 October parliamentary elections to

review the implementation of a recently revised electoral legislation, including with a specific focus on voter registration, campaign finance, and oversight of media regulations.

The OSCE/ODIHR NAM does not recommend the deployment of any election-related activity ahead of the 2018 presidential election, since there are no additional elements of the electoral process that would merit assessment compared to the parliamentary elections. The OSCE/ODIHR also reiterates that a number of its previous recommendations remain valid and encourages the authorities to also consider the issues raised by interlocutors in discussions with the OSCE/ODIHR NAM. The OSCE/ODIHR stands ready to offer its assistance upon request in a post-electoral follow-up process.

### III. FINDINGS

#### A. BACKGROUND AND POLITICAL CONTEXT

The Czech Republic is a parliamentary republic with legislative powers vested in the bicameral parliament composed of Senate (upper chamber) and Chamber of Deputies (lower chamber). Executive power is exercised by the government led by a prime minister who is appointed by the president. Last elections to the Chamber of Deputies (parliamentary elections) took place in October 2013 and resulted in a government led by the Czech Social Democratic Party in coalition with ANO and Christian Democratic Union.<sup>2</sup> Following October 2016 elections to the Senate, the governing coalition retained the majority of seats in the upper chamber as well.

Parliamentary elections were called by President Miloš Zeman on 19 April 2017 and are scheduled for 20-21 October. These elections will take place in a context of steady economic growth and high employment rates. Pre-electoral environment is marked by a political turmoil over a potential conflict of interests concerning the former Minister of Finance, as well as discussions over migration issues.<sup>3</sup>

Presidential election is expected to take place mid-January 2018.<sup>4</sup> This will be the second direct presidential election following 2012 constitutional changes. Incumbent President Zeman already announced his intention to seek re-election.

OSCE/ODIHR NAM interlocutors noted political importance of both elections but highlighted the particular significance of the parliamentary elections given the powers vested in the parliament.

The OSCE/ODIHR has previously observed three elections in the Czech Republic.<sup>5</sup> The OSCE/ODIHR Election Assessment Mission for the 2013 presidential election concluded that the election was competitive, with a diverse and genuine choice offered to voters. The election was professionally organized and enjoyed a high level of public confidence.

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<sup>2</sup> Results of 2013 parliamentary elections are: Czech Social Democratic Party (50 seats), ANO (47 seats), Communist Party of Bohemia and Moravia (33 seats), TOP 09 (26 seats), Civic Democratic Party (16 seats), Christian Democratic Union (14 seats), Dawn – The National Coalition (14 seats).

<sup>3</sup> In early May, Prime Minister Bohuslav Sobotka announced potential resignation of the government on the basis of allegations of corruption activities of the Minister of Finance and ANO leader, Andrej Babiš. However, the government remained in place with the minister of finance replaced with another ANO nominee, thus keeping the ruling coalition in place until elections.

<sup>4</sup> According to the Constitution, presidential election is due between 6 January and 6 February 2018 and shall be called by the speaker of the Senate 90 days before it takes place.

<sup>5</sup> See all previous OSCE/ODIHR [reports on Czech Republic](#).

## **B. ELECTORAL SYSTEMS AND LEGAL FRAMEWORK**

The 200 members of the Chamber of Deputies (MPs) are elected under a proportional system with regional open lists in each of the 14 regions of the country. To enter the Chamber of Deputies, political parties have to pass 5 per cent nationwide electoral threshold, while coalitions of two parties have to gather 10 per cent of all valid votes and coalitions of three parties 15 per cent. The seats are then distributed among the contestants according to the method of the largest remainder with the Hare quota. Some OSCE/ODIHR NAM interlocutors mentioned that different thresholds may discourage the formation of political coalitions in the elections and noted the possibility for challenging the constitutionality of such a norm.

The number of parliamentary seats per region is allocated according to each region's proportion of valid votes cast in the nationwide total. Voters choose a candidate list from among those registered in a given region and may also mark up to four preferences for particular candidates on the list they choose. Candidates that receive at least five per cent of preferential votes have priority in obtaining a mandate, regardless of their position on the list. Other mandates are awarded to candidates by list order.

The president is elected directly by citizens for a five-year term under a two-round system and can serve for a maximum of two consecutive terms. If no candidate receives more than 50 per cent of valid votes cast in the first round, a second round is held two weeks later between the two leading candidates. The candidate who receives the greatest number of votes in the second round is considered elected.

Parliamentary elections are primarily regulated by the 1992 Constitution (last amended in 2013), the 1993 Charter of Fundamental Rights and Freedoms (last amended in 1998), and the 1995 Law on Parliamentary Elections (last amended in 2017). The election of the president is additionally regulated by the 2012 Law on Presidential Election (last amended in 2017). Other legislation applicable to both elections includes the Law on Elections to Regional Councils, the Law on Elections to Municipal Councils, the Law on Association in Political Parties and Movements (hereinafter Law on Political Parties), the Civil Procedure Code, the Criminal Code, the Law on Constitutional Court. The Czech Republic is a party to major international and regional instruments related to the democratic elections.<sup>6</sup>

Most of OSCE/ODIHR NAM interlocutors referred to the current electoral legal framework as providing a sound basis for the conduct of democratic elections, although some noted the complexity and some inconsistency of the legal provisions contained in diverse legal acts regulating different types of elections. The adoption of a unified electoral code has been discussed for 15 years, and several interlocutors informed the OSCE/ODIHR NAM that a draft bill is available but its adoption was postponed until after these elections.

Legal amendments brought to the legislation in 2016 and 2017 addressed some prior OSCE/ODIHR recommendations, including new regulations on campaign finance and additional safeguards for the nomination process of presidential candidates. Other OSCE/ODIHR recommendations remain

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<sup>6</sup> Including the 1950 European Convention on Human Rights, 1966 International Covenant on Civil and Political Rights, 1965 International Convention on the Elimination of All Forms of Racial Discrimination, 1979 Convention on the Elimination of All Forms of Discrimination against Women, 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1995 EU Framework Convention for the Protection of National Minorities (FCNM), 2003 UN Convention against Corruption, and 2006 Convention on the Rights of Persons with Disabilities. The Czech Republic is also a member of the Council of Europe's Venice Commission and Group of States against Corruption (GRECO).

unaddressed comprising those related to the consolidation of electoral legislation, compilation and update of voter lists, complaints and appeals process, and authority of media regulators.

While the Law on Presidential Election provides for international election observation, the legal framework does not include such provisions for parliamentary elections and remains silent when it comes to the rights of citizen observers to follow the electoral process, at odds with the OSCE commitments.<sup>7</sup> Nevertheless, this was not considered to be an issue by the OSCE/ODIHR NAM interlocutors who expressed high level of trust in the way in which elections are administered.

### C. ELECTION ADMINISTRATION

Parliamentary and presidential elections are administered by a number of institutions at national, regional, and local levels. The State Election Commission (SEC) is a permanent body composed of 10 members, of whom currently 3 are women. The SEC is chaired by the Minister of Interior and its members represent ministries in charge of the electoral process, the office of the president, and Czech Statistical Office (CSO).<sup>8</sup> The SEC coordinates the conduct of elections, announces and publishes final election results. The SEC is meeting on an *ad hoc* basis, behind closed doors, contrary to previous OSCE/ODIHR recommendations.

The Ministry of Interior (MoI) oversees the organizational and technical aspects of the conduct of elections nationwide and considers appeals against decisions of regional authorities related to the technical aspects. For presidential election, the MoI is also in charge of the registration of candidates and printing of ballots. The MoI developed a detailed calendar of procedures for the parliamentary elections, issued clarifications to regional and municipal authorities on different election related aspects, including cyber security issues. Together with other ministries, the MoI develops information campaigns for voters on voting procedures and candidates.

Regional Offices are located in each of the 14 multi-member electoral constituencies. In parliamentary elections, they are responsible for the registration of candidate lists in the respective administrative unit. Additionally, they provide technical support to the CSO, disseminate information from the MoI to the municipalities, print ballots, and handle complaints on technical aspects deriving from the management of elections at municipal level.

Municipalities inform voters about the voting time and place, administer voter lists, distribute ballots to voters, set up polling stations, and appoint Polling Station Commissions (PSCs), which then administer the voting process and counting at a respective polling station.<sup>9</sup> For the parliamentary elections, each contestant in a respective region can nominate one member and one substitute to each PSC. For the presidential election, candidates and parties represented in the parliament or respective regional councils may nominate their PSC members and substitutes. Vacant positions within PSCs are fulfilled by municipal workers or volunteers appointed by mayors.<sup>10</sup>

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<sup>7</sup> 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”.

<sup>8</sup> The Ministry of Foreign Affairs (MFA) is responsible for out-of-country voting, the Ministry of Justice for voting in prisons, the Ministry of Health for voting in hospitals, the Ministry of Labour and Social Affairs for voting in rest homes, the Ministry of Defence for voting in military premises, and the Ministry of Finance for allocating the budget for elections.

<sup>9</sup> Some 14,750 polling stations will be established for the upcoming elections. The law recommends that each polling station serves a maximum of 1,000 registered voters. Additionally, some 100 polling stations will be set up by the MFA.

<sup>10</sup> A PSC consists of a minimum of five members if it serves more than 300 registered voters, or of a minimum of four members if it serves fewer voters. Three-member PSC are formed abroad upon nominations from the MFA.

The CSO is responsible for the tabulation of election results. Around 500 result-collection points are established by the CSO across the country for processing the polling station result protocols. These points are mostly staffed with employees from the CSO and the access to them is strictly regulated. The preliminary results are progressively published online, and on the day following the second election day, the CSO sends the results to the SEC for approval.

All OSCE/ODIHR NAM interlocutors expressed full confidence and trust in the professionalism and impartiality of various state institutions dealing with the election administration, and no concerns were raised regarding the technical preparations and conduct of the elections.

#### **D. VOTER REGISTRATION**

The right to vote is granted to citizens who reached 18 years of age by the second election day, except those disenfranchised by an individual court decision for legal incapacity or whose freedom of movement has been restricted for the sake of protecting public health.<sup>11</sup> No restrictions to vote are set for convicted citizens, regardless of the nature of the crime or the duration of the sentence.

There is no centralized voter register in the country and municipalities are responsible for voter registration. Voter registration is passive, except for citizens residing abroad who must actively register with the MFA.<sup>12</sup> Eligible voters are entered into voter registers based on their residence data in the Population Register, administered by the MoI. Municipal offices update permanent voter lists as well as compile special voter lists to include people from hospitals, rest homes, and prisons. For both elections, the voters may receive an absentee voting certificate and vote at any other polling station in the country or abroad. There are no mechanisms in place to provide nationwide cross-checking of records in voter lists.

Both permanent and special voter lists are closed two days before the opening of polls. Nevertheless, voters, whose names are missing from the lists and who can prove their right to vote at a given polling station, can be included in the voter list on election days. There are approximately 8.4 million registered voters, including some 6,700 voters registered at embassies, consulates, and military missions abroad.

Even though each voter has the possibility to check personal data in the register, restrictions to publish the voter register for public scrutiny remain in the Law on Protection of Personal Data, at odds with previous OSCE/ODIHR recommendations. OSCE/ODIHR NAM interlocutors did not raise significant concerns with regard to the quality of voter lists, although some noted lack of sufficient information, in particular for Roma minority, on how to receive absentee voting certificates.

#### **E. CANDIDATE REGISTRATION**

Every voter aged 21 years or older on the second day of the elections is eligible to stand for parliamentary elections. Political parties and movements registered in the country as well as their

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<sup>11</sup> Article 29 of the 2006 UN Convention on the Rights of Persons with Disabilities (CRPD) requires States to “guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others”. See also, paragraph 9.4 of the 2013 CRPD Committee’s Communication No. 4/2011 (*Zsolt Bujdosó and five others v. Hungary*) which stated that: “Article 29 does not foresee any reasonable restriction, nor does it allow any exception for any group of persons with disabilities. Therefore, an exclusion of the right to vote on the basis of a perceived or actual psychosocial or intellectual disability, including a restriction pursuant to an individualized assessment, constitutes discrimination on the basis of disability”.

<sup>12</sup> The applications are submitted to the MFA by post or electronically. The MFA sends the data on voters to the MoI and further to municipalities to ensure that voters are not included in more than one list.



coalitions can nominate candidate lists for parliamentary elections.<sup>13</sup> Individual candidates cannot stand for parliamentary elections. To partially cover the costs for parliamentary elections contestants must pay a contribution in the amount of CZK 19,000 (some EUR 728) in each electoral constituency where they nominate a candidate list.<sup>14</sup> This fee is not refundable and is transferred to the state budget.<sup>15</sup>

A presidential candidate must be a voter of 40 years of age or older on the second day of the election, hold Czech citizenship and not be deprived of legal capacity. Candidates can be nominated by a group of at least 20 MPs or 10 senators. Citizens who have reached the age of 18 years can nominate a candidate through a petition signed by at least 50,000 voters.

Nomination documents should be submitted no later than 66 days before each election. Contestants in the parliamentary elections submit their documents to the Regional Offices, while the MoI verifies presidential candidate support signatures and other documents. The law envisages a possibility to correct mistakes found in the nomination documents. For both elections, the registration of contestants should be finalized 49 days before election day. In line with previous OSCE/ODIHR recommendation, 2017 legal amendments introduced new requirements for voters supporting a candidate. In addition to previously required name, address, and date of birth, the supporter will be asked to provide the number of the ID card in the supporting signature lists. While many OSCE/ODIHR NAM interlocutors found these amendments as placing additional burden on independent candidates, they also assessed them as reasonable for the aim of effective verification of the nomination procedure.

The Law on Presidential Election provides that the signature lists are checked to verify whether they include all the required information on supporters. A random sample of 8,500 signatories are then checked against their data in the Population Register. If more than three per cent of sample is found invalid, a second sample of 8,500 signatures is verified.<sup>16</sup> A candidate is considered registered if the number of valid signatures after the verification remains above the required 50,000 signatures. Overall, OSCE/ODIHR NAM interlocutors did not express any concerns with regard to the inclusiveness of the candidate registration process, both for parliamentary and presidential elections.

Women continue to be under-represented in public office with 40 out of 200 MPs, 16 out of 81 Senators, and 2 out of 17 ministerial posts. Attempts in 2015 to introduce gender quotas on candidate lists or other mechanisms aimed at increasing number of women in the parliament did not find the necessary support of the parliament.<sup>17</sup> Some OSCE/ODIHR NAM interlocutors mentioned possible counterproductive effects of measures of positive discrimination and emphasised the need to create more real conditions for engaging women in political life.

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<sup>13</sup> A maximum nationwide number of candidates, which may be nominated by a contestant is 343, with the largest number of candidates in regions ranging between 14 and 36.

<sup>14</sup> EUR 1 is approximately CZK 26.1 (*Czech Kronas*).

<sup>15</sup> The contribution is returned to a contestant only in case when its candidate list was not registered.

<sup>16</sup> According to the Law on Presidential Election, the MoI shall deduct from the total number of supporting signatures such number of signatures, which corresponds to the percentage of invalid signatures found in both samples.

<sup>17</sup> See UN Committee on the Elimination of Discrimination against Women [Concluding observations on the sixth periodic report of the Czech Republic](#) (14 March 2016), CEDAW/C/CZE/CO/6, paragraph 22.

## F. ELECTION CAMPAIGN AND CAMPAIGN FINANCE

The campaign period starts from the official call of the elections and continues until the promulgation of election results.<sup>18</sup> There is no campaign silence period before or on election days, but campaign activities are prohibited on election days at the voting premises and in their immediate vicinity. Publication of opinion polls is not allowed in the last three days before the elections and on election days before the closure of the polls. The law provides guarantees for “honesty” and “integrity” of election campaign and prohibits the publication of any false information regarding candidates and political parties. The 2016 legal amendments introduced labelling requirements for printed and broadcast advertisement materials to contain the name of the contestants and third parties who ordered their production.

All OSCE/ODIHR NAM interlocutors confirmed the ability of all contestants to campaign freely. Parties and candidates intend to convey campaign messages via rallies, billboards, door-to-door meetings, as well as debates in traditional and social media. OSCE/ODIHR NAM interlocutors considered that the campaign for parliamentary elections will focus on economic and social issues, efficiency of public administration, and foreign policy, including relations with the European Union. Several OSCE/ODIHR NAM interlocutors from political parties and media expect a considerable part of the campaign for parliamentary elections to focus on issues linked to recent conflict of interests by certain members of the government combining economic and political power.

Many OSCE/ODIHR NAM interlocutors noted an overall lack of activities held by political parties to reach voters representing national minorities and some highlighted instances of negative portrayal of Roma minority by several parties which could increase during the campaign period.<sup>19</sup> At the same time, it was estimated that Roma tend to be less active in politics which may lead to a comparatively lower voter turnout among them, a worrying trend among this minority.

In 2016, the Law on Political Parties and corresponding electoral laws were substantially amended, addressing majority of previous Council of Europe and OSCE/ODIHR recommendations related to campaign finance.<sup>20</sup> These include requirements for public disclosure of campaign related financial sources and incomes, detailed and timely reporting on campaign expenditures, including by third parties, clear regulation of campaign related in-kind donations and loans, strengthening campaign finance oversight, as well as gradual range of sanctions for potential financial infringements.

The law provides for a mixed campaign finance system, including both public and private financing. Political parties receive public funding for the reimbursement of campaign expenses as well as for their regular activities proportionally to the number of votes received in the parliamentary elections and the number of seats obtained.<sup>21</sup> Some OSCE/ODIHR NAM interlocutors noted the positive effect of the state funding on political parties on independence from business influence.

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<sup>18</sup> Campaign for the parliamentary elections formally started on 19 April.

<sup>19</sup> See also EU Advisory Committee on the FCNM [Fourth Opinion on the Czech Republic](#) (28 June 2016, ACFC/OP/IV(2015)004, paragraphs 9 and 53.

<sup>20</sup> See the 2016 [GRECO Fourth Interim Compliance report on the Czech Republic](#).

<sup>21</sup> After the elections, each contestant that won at least 1.5 per cent of votes nationwide is entitled to allocation from the state budget in the amount of CZK 100 for each vote received. Contestants that won three and more per cent of valid votes nationwide are also entitled to receive annually CZK six million. In addition, parties may receive CZK 200,000 for every 0.1 per cent between 3 and 5 per cent of votes received. Finally, the parties are entitled to CZK 900,000 annually for each elected member of the Chamber of Deputies and Senate.

The electoral laws do not restrict sources for private campaign funding, but prohibit anonymous contributions and set overall campaign spending limits for each election type.<sup>22</sup> The campaign expenditure for parliamentary elections is limited to CZK 90 million per contestant. For the first round of the presidential election, maximum campaign expenses for each candidate are set at CZK 40 million, while the total expenses for each of the two candidates reaching a potential second round are set at CZK 50 million. These limits include in-kind donations and campaign expenses incurred by third parties.<sup>23</sup>

Contestants for both elections are requested to open a dedicated bank account to carry out campaign related transactions. Each contestant as well as third parties are subject to public disclosure of campaign income and expenses on their specially dedicated websites (so-called ‘transparent accounts’), including publication of detailed financial reports 90 days after the promulgation of the election results and submission of the reports to the supervisory body.

The new law vested all campaign finance supervisory functions with the Office for the Oversight of Financing of Political Parties and Movements (hereinafter the Office for Oversight), which consists of a chairperson and four members appointed by the president for a six-year term.<sup>24</sup> The Office for Oversight registers third parties for their campaign activities, publishes campaign finance reports of the contestants on its website, and applies sanctions for potential infringements. Although the oversight of the campaign finance formally starts after the campaign, some OSCE/ODIHR NAM interlocutors noted that the Office for Oversight has enough authority to initiate checks earlier on its own initiative, as appropriate.

The new legal provisions will be applied for the first time in the upcoming elections and many OSCE/ODIHR NAM interlocutors expressed potential added value for an external review of the campaign finance system, including the supervisory role of the newly established Office for Oversight.

## **G. MEDIA**

Czech media landscape is diverse and pluralism of opinions is ensured through a variety of public and commercial television (TV) and radio broadcasters, print and online media at national and local levels. Main TV coverage is provided by the Czech Television (CT) public broadcaster and three national commercial TV stations: TV *Barrandov*, TV *Nova*, and TV *Prima*. The activity of both public and private broadcasters is regulated by the 2001 Law on Radio and Television Broadcasting Operation. Print media is regulated by a separate law.

Paid political advertising is prohibited in electronic media, both public and private, but is allowed in print media. According to the Law on Parliamentary Elections, public television and radio should allocate each 14 hours of free airtime equally between all contestants running for parliamentary elections. By law, in a presidential election, public television and radio offer each five hours of free

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<sup>22</sup> The Law on Political Parties prohibits political parties to receive funds from state, regional, and municipal authorities and entities affiliated with these authorities (except of the public funds allocated from the state budget), from charitable and trust organizations, from foreign organizations and citizens (except of the foreign political parties and foreigners entitled to vote in the Czech Republic).

<sup>23</sup> A third party may spend up to CZK 1,800,000 per a campaign.

<sup>24</sup> The Chamber of Deputies and the Senate each nominate a candidate for position of the chairperson. The other four members are appointed from among candidates elected by the Senate on the basis of nominations made by the President of the Supreme Audit Office, the Chamber of Deputies, and individual Senators. While the chairperson of the Office for Oversight may serve two terms, there are no limitations for other members of the Office.

airtime equally divided among all registered candidates. In the second round, each candidate is entitled to one more hour of free air time at public television and radio.

Since the beginning of the year, CT initiated preparations for upcoming parliamentary and presidential elections. Instructions and editorial procedures are being drafted in order to regulate compulsory and standard broadcasting in election period. Though the free-of-charge spots on TV and radio are under complete responsibility of political parties and candidates, CT checks them against instances of hate speech before broadcasting. Regular political coverage is provided by news and other programmes, and the CT closely monitors their content for six weeks before an election. CT informed the OSCE/ODIHR NAM that debates will be held among those contestants who the opinion polls predict to enter the parliament and among all presidential candidates.

Czech Television Council is the governing body of the public broadcaster. The Council is responsible, among other tasks, for the nomination of the CT general director, approval of the budget and status of the CT, management of the CT studios. Similar bodies exist and exercise control over Czech Radio and Czech Press Agency. All their members are appointed by the parliament. While all OSCE/ODIHR NAM interlocutors expressed trust in the objectivity and accuracy of the information provided by the CT and perceived it as an independent body free from political interests, some raised concerns over potential unprofessional behaviour of commercial media owned by influential business people.

The Council for Radio and Television Broadcasting supervises compliance with legal regulations in the area of radio and television broadcasting and monitors the respect of the principle of pluralism in the programmes. Among other prerogatives, it also grants, changes, and withdraws licences for the operation of radio and television broadcasting. The Council is also responsible to initiate administrative procedures against broadcasters when breaches of law are observed and to apply fines as necessary. For the upcoming elections, the Council plans to monitor five public and private TV channels and three radio stations with nationwide coverage. The report comprising analysis of the media monitoring findings will be available some six months after the election. While all OSCE/ODIHR NAM interlocutors expressed confidence in the impartiality and professionalism of the Council, some voiced concern with regard to campaigning online due to the lack of legal regulations of this media segment.

## **H. COMPLAINTS AND APPEALS**

Decisions on technical and organizational aspects of elections can be challenged by citizens with the administrative body that issued them and can be further appealed to the next level of administrative authority and then to regional courts. Complaints related to the voter lists can be submitted to the municipality, which should reply within two days. The decision of municipality may be appealed to the district court, which issues a decision within three days.

Complaints challenging decisions with regard to the registration of candidates should be lodged within 2 days and the decision is to be issued within 15 days. Cases related to the registration of candidate lists for parliamentary elections are considered by the regional administrative courts, while the electoral chamber of the Supreme Administrative Court serves as a first instance court for challenging candidate registration process for presidential election and any other issues related to the fairness of the elections.

There is no judicial remedy for alleged breaches of the campaign provisions before the election day. The only remedy is to challenge the validity of the elections, which can be submitted only after the completion of the electoral process. Any voter can file a motion with the Supreme Administrative Court to declare the election invalid. Supreme Administrative Court has 20 days to consider

complaints concerning election results and invalidity of elections to be filed within 7 days following their announcement. However, the time limit for considering the complaint may be extended if the issue is referred to the Constitutional Court. Although some OSCE/ODIHR NAM interlocutors mentioned that a codified approach to the electoral law would facilitate the handling of election related complaints at the level of administrative bodies, all interlocutors were of the opinion that the existing rich case-law in election related matters, combined with a comprehensive legal framework for complaints and appeals, provide sufficient guarantees for redress.

## **I. CONCLUSIONS AND RECOMMENDATION**

All OSCE/ODIHR interlocutors expressed full confidence in the electoral process and the ability of the election administration to conduct professional and transparent elections. Some concerns were raised regarding specific aspects of campaign finance and the complexity of media regulations, including legal framework. Although these issues were not considered by electoral stakeholders as significantly impacting either of the upcoming elections, they would benefit from additional review. Based on this, and taking into account the complexity of the process that electoral stakeholders attribute to the parliamentary elections, the OSCE/ODIHR NAM recommends deploying an Election Assessment Mission for the 20-21 October parliamentary elections to review the implementation of a recently revised electoral legislation, including with a specific focus on voter registration, campaign finance, and oversight of media regulations.

The OSCE/ODIHR NAM does not recommend the deployment of any election-related activity ahead of the 2018 presidential election, since there are no additional elements of the electoral process that would merit assessment compared to the parliamentary elections. The OSCE/ODIHR also reiterates that a number of its previous recommendations remain valid and encourages the authorities to also consider the issues raised by interlocutors in discussions with the OSCE/ODIHR NAM. The OSCE/ODIHR stands ready to offer its assistance upon request in a post-electoral follow-up process.

## **ANNEX: LIST OF MEETINGS**

### **Ministry of Foreign Affairs**

Martin Smolek, Deputy Minister of Foreign Affairs  
David Červenka, Director, Human Rights and Transition Policy Department  
Jan Kamínek, Human Rights & Transition Policy Department  
Miriam Šimkovičová, Consular Department

### **Ministry of Internal Affairs**

Ondřej Mátl, Director, Office of the Deputy Minister  
Václav Henych, Director, Department of General Administration

### **Czech Statistical Office**

Roman Bechtold, Deputy Head  
Jana Slavnikova, Unit for Processing of Election Results  
Zdeňka Burešová, Integration Programming and Statistical Projects Unit

### **Constitutional Court**

Vojtěch Šimíček, Judge

### **Supreme Administrative Court**

Tomáš Langášek, Judge

### **Council for Radio and Television Broadcasting**

Ivan Krejčí, Chairperson  
Zdeněk Malach, Director, Analytical Department  
David Chudoba, Analyst, Department of Television Analysis

### **Political Parties**

Ladislav Šínel, MP, Social Democratic Party  
Jan Zahradník, MP, Civic Democratic Party  
Karel Schwarzenberg, MP, TOP09  
Ondřej Benešík, MP, KDU – ČSL  
Markéta Filipová, Secretary of Foreign Affairs, KDU – ČSL  
Radek Vondráček, MP, ANO

### **Media**

Jiří Kokmotos, Head of Programme Department, Czech Radio Brno  
Vit Kolář, Executive Director, Czech Television  
Milan Fridrich, Director of External Communications, Czech Television  
Petr Mrzena, Director of News Programmes, Czech Television

### **Civil Society and Academia**

Miloš Gregor, Masaryk University  
Vít Hloušek, Professor of European Politics, Masaryk University  
Jan Holzer, Professor of Political Science, Masaryk University  
Lubomír Kopeček, Masaryk University  
Jakub Šedo, Masaryk University  
Katarina Klamková, Director, NGO IQ Roma service  
Karel Janeček, Co-ordinator, NGO IQ Roma service