



Office for Democratic Institutions and Human Rights

# CZECH REPUBLIC

**PRESIDENTIAL ELECTION**  
**13 and 14 January 2023**

**ODIHR NEEDS ASSESSMENT MISSION REPORT**  
**10-13 October 2022**



Warsaw  
8 December 2022

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**CZECH REPUBLIC  
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**ODIHR Needs Assessment Mission Report**

## **I. INTRODUCTION**

In anticipation of an invitation to observe the 2023 presidential election and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) to the Czech Republic from 10 to 13 October.<sup>1</sup> The NAM included Alexey Gromov, ODIHR Senior Election Adviser, and Kakha Inaishvili, ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and the preparations for the election. Based on this assessment, the NAM should recommend whether to deploy an ODIHR election-related activity for the forthcoming election and, if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions as well as representatives of political parties, media, civil society and the international community. A list of meetings is annexed to this report.

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

## **II. EXECUTIVE SUMMARY**

The Czech Republic is a parliamentary republic with a government led by the prime minister. The president is the head of state and is directly elected for a five-year term, with a limit of two consecutive terms. A candidate who receives more than 50 per cent of valid votes cast in the first round is elected president. If no candidates pass this threshold, a second round is held two weeks later between the two leading candidates. The Senate called the presidential election for 13 and 14 January 2023.

The legislation regulating presidential elections was last changed in 2019 obliging the municipal authorities to designate free-of-charge areas for campaign posters and introducing mandatory training of polling station staff. Many previous ODIHR recommendations remain unaddressed, including those related to the consolidation of electoral legislation, the status of citizen observers, creation of centralized voter register, and appointment of public broadcasters' oversight bodies. Nonetheless, most ODIHR NAM interlocutors consider the electoral legal framework conducive to holding democratic elections.

The State Election Commission co-ordinates the overall organization of elections, and the Ministry of Interior (MoI) is responsible for technical preparations. Several state institutions, local governments as well as election commissions share responsibilities in administering the process. All ODIHR NAM interlocutors conveyed a high level of trust in the integrity and professionalism of the election administration, including with regards to election day proceedings.

The right to vote is granted to citizens who are 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 register voters locally. Each voter can check the accuracy of personal data, although there is no possibility for public

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<sup>1</sup> On 7 December 2022, ODIHR received an official invitation to observe the presidential election.

scrutiny of the voter lists. There are some 8.4 million registered voters. Most ODIHR NAM interlocutors expressed confidence in the accuracy of the voter lists.

Voters aged at least 40 years old can be nominated as presidential candidates by a group of at least 20 members of the Chamber of Deputies or 10 senators, or through a petition signed by at least 50,000 eligible voters. Nomination documents should be submitted to the MoI by 8 November, while the registration of contestants should be finalized by 25 November. Overall, ODIHR NAM interlocutors did not express any major concerns about the candidate registration process.

By law, the official campaign period started on 2 July. All ODIHR NAM interlocutors expressed confidence in the ability of contestants to campaign freely. At the same time, some anticipate negative campaigning against major candidates and the use of inflammatory language, especially on social networks. ODIHR NAM interlocutors expect the campaign to focus, among other topics, on international security and energy crises, inflation, migration, and socio-economic issues.

Election campaigns may be financed from public and private funds, including loans. The law does not limit amounts of campaign incomes, including from foreign sources, but sets limits for campaign expenditures and prohibits anonymous contributions. The law provides for reporting and disclosure requirements, but few ODIHR NAM interlocutors cited the lack of audits and of sufficiently detailed reporting requirements as factors diminishing the transparency of campaign finance. While several ODIHR NAM interlocutors confirmed overall objective work of the body in charge of the campaign finance oversight, some perceived this institution as non-impartial and questioned the lack of effective financial investigations.

The media environment is diverse, with a wide variety of commercial and public broadcasters as well as print media. Paid political advertisement is allowed only in print and online media, but contestants are entitled for a considerable equal free airtime on public television and radio channels. Public and private broadcasters are planning to cover the election campaign through various formats, including debates. While all ODIHR NAM interlocutors positively assessed media freedom and access to media, several raised concerns over biased political coverage by some commercial media outlets and the concentration of media ownership.

Citizens may challenge decisions on different aspects of election with the administrative body in charge of these aspects and appeal to the next level of the administrative authority and further to the administrative court. Election results can be challenged only after the second round of election to the Supreme Administrative Court and further to the Constitutional Court. All ODIHR NAM interlocutors expressed trust in the effectiveness of the election dispute resolution mechanism.

All ODIHR NAM interlocutors expressed full confidence in the electoral process and the ability of the election administration to organize elections professionally and transparently. Many ODIHR NAM interlocutors raised concerns related to intolerant and discriminatory rhetoric during the election campaign, particularly on social networks. While most interlocutors welcomed a potential ODIHR observation activity, recognising the value of an external assessment for further improvements, others opined that only a few aspects, such as conduct of the campaign online and in the media, as well as campaign finance regulations would merit specific attention by ODIHR.

On this basis, the ODIHR NAM recommends deploying an Election Expert Team for the 13 and 14 January 2023 presidential election to assess the campaign in media and online as well as to review aspects of campaign finance. ODIHR also reiterates that many of its previous recommendations remain valid and reaffirms its readiness to support the authorities in a post-election reform process.

### III. FINDINGS

#### A. BACKGROUND AND POLITICAL CONTEXT

The Czech Republic is a parliamentary republic, with a government led by the prime minister, who is appointed by a directly elected head of state – the president. The bicameral parliament is comprised of the Senate (upper chamber) with 81 senators directly elected for a six-year term and the Chamber of Deputies (lower chamber) with 200 members (MPs). On 1 July 2022, the president of the Senate called the presidential election for 13-14 January 2023. Many ODIHR NAM interlocutors referred to ongoing public debates about whether the country needs direct presidential elections taking into account limited competences of the president and overpopulistic promises given by prospective candidates to voters.

The 2021 elections to the Chamber of Deputies (parliamentary elections) resulted in a shift of the power to then opposition coalition SPOLU comprised of right-wing parties, the Civic Democratic Party (ODS, 34 seats), TOP09 (14 seats), and the Christian Democratic Party (KDU-ČSL, 23 seats). The former ruling movement ANO received 72 mandates. The coalition of the social liberal Pirate Party (4 seats) and the centre-right Mayors and Independents (STAN, 33 seats) came third, while the radical right-wing Freedom and Direct Democracy (SPD) party received 20 seats.

Women remain under-represented in public offices, holding 51 out of 200 MPs (25.5 per cent) and 15 out of 81 Senators (17 per cent). There is only 1 female judge among the current 14 judges of the Constitutional Court and 13 out of 36 judges of the Supreme Administrative Court. Only 2 out of 17 ministerial posts are held by women. The UN Human Rights Committee has previously expressed concern about the persistently low representation of women in public and political life, in particular in decision-making positions, and noted the absence of temporary special measures to reverse this trend.<sup>2</sup> Some ODIHR NAM interlocutors referred to a shortage of sufficient childcare facilities as well as lack of resolute efforts by political parties to promote women in their structures as main reasons obstructing political participation of women.

ODIHR has previously observed five elections in the Czech Republic.<sup>3</sup> Most recently, ODIHR deployed an Election Expert Team to the 2021 parliamentary elections. Its final report contains 10 recommendations, including 3 priority ones, for the authorities to improve the electoral process and bring it closer in line with OSCE commitments.<sup>4</sup>

#### B. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The presidential elections are regulated by the 1992 Constitution (last amended in 2013), the 1993 Charter of Fundamental Rights and Freedoms (last amended in 1998), and the 2012 Law on Presidential Election (last amended in 2019). Other relevant laws include the Law on Parliamentary Elections, the Law on Elections to Regional and Municipal Councils, the Law on Association in Political Parties and Movements (Law on Political Parties), the Law on the Constitutional Court, and relevant provisions of the Civil Procedure Code, Administrative Procedure Code and Criminal Code.

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<sup>2</sup> See [UN Human Rights Committee 2019 Concluding Observations](#) on the fourth periodic report of Czechia, (hereinafter UN HRC 2019 Concluding Observations) Paragraphs 18 and 19.

<sup>3</sup> See previous [ODIHR election-related reports on the Czech Republic](#).

<sup>4</sup> In Paragraph 25 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”. See ODIHR Electoral Recommendations Database at [Paragraph25.odihr.pl](#).

The framework is supplemented by the Ministry of Interior (MoI) regulations. The Czech Republic is a party to major international instruments related to democratic elections.<sup>5</sup>

The Law on Presidential Election was last amended in 2019, among other changes, obliging the municipal authorities to designate free-of-charge areas for campaign posters and introducing mandatory training of polling station staff. While the Law on Presidential Election provides for international election observation, the legal framework remains silent about the rights of citizen observers to follow the electoral process. Many previous ODIHR recommendations remain unaddressed, including on consolidation of electoral legislation, status of citizen observers, centralized voter register, and the appointment of public broadcasters' oversight bodies. Nonetheless, most ODIHR NAM interlocutors consider the electoral legal framework conducive to holding democratic elections. According to the MoI, several amendments to the current legislation are under government discussion, including concerning centralized voter registration, campaign regulations, and the election management bodies.

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. A candidate receiving more than 50 per cent of valid votes cast in the first round is elected president. Otherwise, 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 elected.

### C. ELECTION ADMINISTRATION

The election is administered by multiple bodies and institutions at national, regional, and local levels, including the State Election Commission (SEC), MoI, Czech Statistical Office (CStO), Ministry of Foreign Affairs (MFA), 14 Regional Offices, 6,254 municipalities, and around 15,000 Polling Station Commissions (PSC). Voters abroad may vote in some 110 polling stations established by the MFA. All ODIHR NAM interlocutors expressed full confidence in the professionalism and impartiality of the institutions administering elections.

The SEC is a permanent body composed of ten members, half of whom currently are women. The SEC is chaired by the Minister of Interior, and other members represent ministries in charge of the electoral process, the office of the president, and CStO. Election contestants have no representation at the SEC. The SEC co-ordinates the conduct of elections, announces and publishes final election results. The SEC meetings are not public despite previous ODIHR recommendations, although the ODIHR NAM was informed that the SEC might grant access to their sessions upon request of stakeholders. In addition, the SEC has authorised representatives of the media, political parties, international organizations as well as voters to observe election day proceedings at polling stations.

The MoI registers candidates, distributes population register data to municipalities, and produces ballot papers and envelopes. Together with other state bodies, the MoI develops information campaigns for voters on voting procedures and candidates. For the upcoming election, the MoI developed a detailed calendar of key activities and posted essential information for voters and

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<sup>5</sup> Including the 1950 European Convention on Human Rights (ECHR), 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 (CEDAW), 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1995 Council of Europe Framework Convention for the Protection of National Minorities, 2003 UN Convention against Corruption, and 2006 Convention on the Rights of Persons with Disabilities (CRPD). The Czech Republic is also a member of the Council of Europe's Venice Commission and the Group of States against Corruption (GRECO).

prospective candidates. The MoI plans to launch a voter awareness campaign, including in formats adapted, in consultation with relevant organizations, to voters with disabilities.

The Regional Offices provide logistical support to the CStO, control compliance with campaign rules and impose sanctions for violations of campaign rules and train the PSCs.

Municipalities inform voters about the voting time and place, administer voter lists, distribute ballots to voters, set up polling stations and appoint the PSCs which administer voting and counting of votes. PSC members are nominated by the voters from the candidates' nominating groups or parties represented in the parliament or respective regional councils no later than 30 days before election day.<sup>6</sup> Vacant positions within the PSCs are filled by municipal workers or volunteers appointed by mayors.

The CStO is responsible for the tabulation of election results through 427 result-collection points at regional and central levels.<sup>7</sup> These points are staffed by employees from the CStO, and access to them, including for observers, is strictly regulated. The CStO informed the ODIHR NAM of their plans to provide, together with municipalities, a cascade training for their staff on counting and tabulation procedures, as well as test the results transfer system prior to the election days. Special security measures planned by the CStO aim to prevent potential cyber-attacks and ensure secure transfer of the voting results from polling stations. The preliminary results are published online, broken down by polling station, on the day following the second election day.

#### D. VOTER REGISTRATION

Citizens aged 18 years or older on the second day of the election are eligible to vote. The legislation continues to disenfranchise citizens deprived of legal capacity, including persons with intellectual or psychosocial disabilities, contrary to the Convention on the Rights of Persons with Disabilities (CRPD) and despite previous ODIHR recommendations.<sup>8</sup>

Voter registration is decentralized and passive; however, citizens residing abroad must actively register with the MFA by 24 December.<sup>9</sup> Municipal authorities administer voter lists and update their registers using data from the population register that is maintained by the MoI. Voters are automatically included in the voter lists based on their permanent residence. Special voter lists are compiled based on the information provided by corresponding detention centres, prisons, or healthcare facilities.

Voters may apply in person, by post or online for Absentee Voting Certificates (AVCs) to the municipality of their permanent residence and vote at any polling station.<sup>10</sup> The data on the number

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<sup>6</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 PSCs are formed abroad upon nominations from the MFA.

<sup>7</sup> The CStO provides the PSCs with special software and collects data via a secured election network to ensure accuracy and protection of the data.

<sup>8</sup> According to Articles 12 and 29 of the [CRPD](#), "State Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life" and ensure their "right and opportunity [...] to vote and be elected". Paragraph 48 of the CRPD Committee's [General Comment No. 1 to Article 12 of the CRPD](#) states that "a person's decision-making ability cannot be a justification for any exclusion of persons with disabilities from exercising [...] the right to vote [and] the right to stand for election". See also Paragraphs 46 and 47 of the [UN HRC 2019 Concluding Observations](#).

<sup>9</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.

<sup>10</sup> Voters may apply for the AVCs in-person up to two days prior to election days and online - up to seven days.

of issued and used AVCs is not collected and cross-checked at a central level. ODIHR has previously recommended improving the control over the use of the AVCs.

By law, voters are given the possibility to verify the accuracy of their personal data in the voter lists upon request, at their respective municipalities; however, the preliminary voter lists are not published excluding public scrutiny. Despite a previous ODIHR recommendation and contrary to the international good practice, voters whose names are missing from the lists and who can prove their residence within a given precinct can be included in the voter list on election days by the PSCs. There are approximately 8.4 million registered voters. No ODIHR NAM interlocutors raised any concerns about the accuracy of the voter lists.

## E. CANDIDATE REGISTRATION

Voters aged at least 40 years old on the second day of the election may stand as candidates. Nomination of candidates should be supported by a group of at least 20 MPs, or 10 senators, or by at least 50,000 voters.<sup>11</sup> By the deadline of 25 November, the MoI registered nine candidates, of whom only one is a woman. By law, groups of MPs or senators as well as citizens may support only one candidate. Several ODIHR NAM interlocutors expressed opposite opinions on whether individual MPs and senators may or may not support more than one candidate and noted lack of clarity on whether the signatures of senators who left the Senate after the October 2022 Senate elections would be still considered valid.<sup>12</sup>

The MoI verifies support signatures for the candidates together with other documents. Besides checking the completeness of information in supporting signature lists, the MoI selects a random sample of 8,500 signatures and checks against their data in the population register. If more than 3 per cent of the sample is found invalid, a second sample of 8,500 signatures is verified.<sup>13</sup> A candidate is considered registered if the number of valid signatures after the verification remains above the required 50,000 signatures.

Verification procedure is not public, but candidates receive a detailed list of errors discovered. The law envisages the possibility of correcting mistakes found in the nomination documents. As of the time of holding the NAM, some 20 people, including 3 women, announced their plans to stand for the presidency. Overall, ODIHR NAM interlocutors did not express any concerns with regard to the candidate registration process.

## F. ELECTION CAMPAIGN

The official campaign period started on 2 July and continues until the promulgation of election results. There is no campaign silence period before or on election days, but it is prohibited to campaign on election days at the voting premises and in their immediate vicinity.<sup>14</sup> In addition to contestants, natural or legal persons may also register as third parties and independently campaign in support of or against a specific contestant. All printed and broadcast campaign materials must be labelled with

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<sup>11</sup> The MoI informed the ODIHR NAM that a possibility of collecting electronic signatures in support of candidates has been discussed but not supported in the parliament.

<sup>12</sup> See Chapter VI of the [Decision of the Supreme Administrative Court of 13 December 2017](#) for more details.

<sup>13</sup> By law, if the MoI finds that the second control sample contains invalid entries of 3 or more per cent of the citizens signing the petition, it shall deduct invalid signatures found in both samples from the total number of signatories. Paragraph 8 of the Explanatory Report to the 2002 [Venice Commission Code of Good Practice in Electoral Matters](#) reads: “The signature verification procedure must follow clear rules [...], and be applied to all the signatures rather than just a sample”.

<sup>14</sup> Publication of opinion polls is not allowed in the last three days before the election and on election days before the closure of the polls.



data on who ordered and prepared them. Municipal authorities designate areas and locations where contestants may post their campaign materials free of charge. The constitution guarantees freedoms of association, and peaceful assembly and none of the ODIHR NAM interlocutors noted any concern about their ability to campaign freely.

The law stipulates honesty and integrity in the conduct of the election campaign and prohibits the publication of any untruthful information with regard to candidates, parties, movements, or coalitions. Nonetheless, several ODIHR NAM interlocutors reiterated that disinformation, including from foreign countries, misleading messages on specific topics, such as immigration and the use of negative campaigning and inflammatory rhetoric against major opponents, especially on social networks, would be part of the upcoming election campaign. Some ODIHR NAM interlocutors expect the campaign to focus on international security and energy crises due to the war caused by the Russian Federation's invasion of Ukraine, inflation, migration, and socio-economic issues. Contestants are expected to use both conventional and online tools to attract the voters.

## G. CAMPAIGN FINANCE

The Law on Political Parties and the Law on Presidential Election regulate campaign finance. Campaigns may be financed from public and private funds, including loans. Contestants are requested to open a dedicated bank account to carry out campaign related transactions.<sup>15</sup> Individual donations to candidates are not limited, and the law does not provide for any limits on campaign income. Foreign donations are allowed but the law prohibits anonymous contributions. For the first round, maximum campaign expenses for each candidate are set at CZK 40 million (some EUR 1.6 million), while the total expenses for each of the two candidates standing for a second round are set at CZK 50 million.<sup>16</sup> These limits include in-kind donations and campaign expenses incurred by third parties.<sup>17</sup>

The Office for the Oversight of Financing of Political Parties and Movements (hereinafter the Office for Oversight) oversees campaign finance, registers third parties for their campaign activities, publishes candidates' accounts and campaign finance reports on its website, and applies sanctions for infringements.<sup>18</sup> Several ODIHR NAM interlocutors were of the opinion that the campaign finance regulations could be further improved, including with regards to the third party campaigning and more effective sanctions in presidential elections.<sup>19</sup>

Although the oversight of campaign finance formally starts after the campaign, the Office for Oversight may, *ex officio*, initiate checks earlier or act upon complaints. While several ODIHR NAM interlocutors confirmed overall objective work of the Office for Oversight, some perceived the institution as non-impartial due to alleged party affiliation of some of its members, and questioned the lack of effective investigations held by the Office in case of alleged financial irregularities.<sup>20</sup>

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<sup>15</sup> By the time of conducting the NAM, [19 prospective candidates had opened bank accounts](#).

<sup>16</sup> EUR 1 is approximately CZK 24.5 (*Czech Koruna*).

<sup>17</sup> A third party may spend up to CZK 1,000,000 during the election.

<sup>18</sup> The mandate of the current members of the Office for Oversight expires in December 2022. It consists of a chairperson and four members appointed by the president for a six-year term. The Chamber of Deputies and the Senate each nominate a candidate for the position of chairperson. The other four members are appointed by the Senate on the basis of nominations made by the President of the Supreme Audit Office, the Chamber of Deputies, and individual Senators. The chairperson of the Office for Oversight may serve up to two terms, and there are no term limitations for other members.

<sup>19</sup> Several interlocutors informed the ODIHR NAM that a case regarding the constitutionality of a need for the third campaigning parties to register was currently subject to consideration by the Constitutional Court.

<sup>20</sup> The GRECO 2018 [Second Compliance Report on the Czech Republic](#) concluded that the “[o]ffice would benefit from being re-examined regarding its true independence, efficiency, resources and proactive response to complaints”.

Each contestant as well as registered third parties are subject to public disclosure of campaign income and expenses on their special websites (so-called “transparent accounts”). Contestants should publish detailed financial reports within 90 days after the promulgation of the election results and submit those to the supervisory body.<sup>21</sup> According to the Office for Oversight, it has published detailed methodology of campaign finance reporting on its website, and provides necessary guidance and clarifications if contestants or political parties request those. Despite previous ODIHR recommendation, the law does not provide for any deadline for the verification of the campaign finance reports, and there is no requirement for their audits. Few ODIHR NAM interlocutors cited the lack of audits and of sufficiently detailed reporting requirements as factors diminishing the transparency of campaign finance.

## H. MEDIA

The media landscape is vibrant and pluralistic. It includes a range of public and private television (TV) and radio stations, print media outlets, and online media. TV remains the main source of political information, while the relevance of online media as a source of news continues to grow.<sup>22</sup> Main TV coverage is provided by the public broadcaster Czech Television (CT) and national commercial TV stations *TV Nova* and *TV Prima*. According to many ODIHR NAM interlocutors, the Czech media, in general, do perform their watchdog function and provide the voters with a meaningful possibility to make an informed choice from among all political options.

The Charter of Fundamental Rights and Freedoms ensures freedom of expression and the right of access to information and prohibits censorship.<sup>23</sup> Despite previous ODIHR recommendations, defamation remains a criminal offense punishable with imprisonment. However, some ODIHR NAM interlocutors confirmed that defamation lawsuits are rarely applied in practice against the media.

All broadcasters are required to grant balanced and objective coverage to contestants in their news and political programmes.<sup>24</sup> Paid political advertising is allowed only in print and online media. According to the Law on Presidential Election, between 28 December and 11 January, public TV and radio should each provide five hours of free airtime equally divided among all registered candidates. In the second round, each candidate is entitled to one more hour of free airtime on public TV and radio. Regular political coverage is provided by the news and other programmes. Since the beginning of the year, public broadcaster Czech Radio has developed special programmes about the upcoming presidential election, including voter education materials. It also plans to have weekly analytical programmes after the end of candidate registration. Some ODIHR NAM interlocutors regretted insufficient funding of public broadcasters, which potentially might jeopardize their independence.

The media environment is characterised by a significant concentration of media houses by a handful of local businesspersons. While all ODIHR NAM interlocutors positively assessed media freedom and access to media, several raised concerns over biased political coverage by some commercial media outlets. ODIHR has previously recommended limiting media ownership concentration and cross-ownership.<sup>25</sup> In 2021, the Czech Republic adopted the Law on Registration of Beneficial Owners which, among others, obliges companies to disclose their ultimate owners. Nevertheless, several ODIHR NAM interlocutors have noted that the effect of this law is yet to be seen.

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<sup>21</sup> Financial reports should include data on monetary and in-kind donations, including information on their market value, campaign expenses, and financial debts. Registered third parties report only election-related expenses, and the deadline for the publication of reports on their websites is 10 days after elections.

<sup>22</sup> Internet penetration, as of January 2022, stands at around 87 per cent according to the [Internet World Stats](#).

<sup>23</sup> In addition, the right to information is also protected by the Law on Freedom of Information.

<sup>24</sup> 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.

<sup>25</sup> See also [UN HRC 2019 Concluding Observations](#), Paragraph 38.

Several international and media advocacy organisations have previously expressed concerns regarding threats and hostile rhetoric towards journalists and media outlets, especially in cases emanating from high-ranking politicians and public officials.<sup>26</sup> The UN Committee on the Elimination of Racial Discrimination has previously expressed concerns about the prevalence of hate speech and a growing hostility towards journalists who attempt to cover issues related to migration independently and impartially.<sup>27</sup>

The Council for Radio and Television Broadcasting (CRTB) is in charge of supervising compliance with the regulations of broadcasting and is responsible for overseeing the broadcast media coverage of the campaign.<sup>28</sup> A systematic analysis of election campaign coverage takes place only after the elections, while before election days, the CRTB reacts exclusively upon complaints.<sup>29</sup> Recent amendments to the Law on Radio and Television Broadcasting aimed at strengthening the independence of the media regulator and, among others, changed the nomination rules, and transferred the functions of the appointment and dismissal of Council members from the prime minister to the Chamber of Deputies.<sup>30</sup>

## I. 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 administrative courts. Complaints related to the voter lists can be submitted to the municipality, which should reply within two days. Such a decision may be further appealed to the regional administrative court, which should issue a final decision within three days.

The electoral chamber of the Supreme Administrative Court (SAC) serves as a first instance court for challenging candidate registration and any other issues related to the fairness of the elections. Any voter or candidate can file a motion with the SAC within seven days following the announcement of election results, but only after the second round; the Court has 20 days to consider complaints concerning election results.<sup>31</sup> The only remedy for alleged breaches of the campaign rules is to challenge the validity of the elections after the completion of the electoral process. The validity of election results can be also challenged to the Constitutional Court as a second instance, if the constitutionality of an aspect of the elections is of concern. In this case, no time limit for considering such a complaint by the Constitutional Court is defined by the law. Nevertheless, the ODIHR NAM was informed that election-related cases would be given a priority to ensure effective remedy.

While existing extensive case law and legal framework for complaints and appeals provide sufficient guarantees for redress, the UN Human Rights Committee has previously expressed concern regarding the independence of judges from executive and legislative branches and their susceptibility to political interference.<sup>32</sup> Nevertheless, all ODIHR NAM interlocutors expressed trust in the effectiveness of election dispute resolution mechanism.

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<sup>26</sup> See [UN HRC 2019 Concluding Observations](#), Paragraphs 36, 37 and 40.

<sup>27</sup> See [UN Committee on the Elimination of Racial Discrimination](#) 2019 Concluding Observations on the combined twelfth and thirteenth periodic reports of the Czech Republic, Paragraphs 11 and 12.

<sup>28</sup> The Council is also responsible for initiating administrative procedures when breaches of the law are observed and applying fines as necessary.

<sup>29</sup> The report comprising the media monitoring findings will be available some six months after the election.

<sup>30</sup> When dismissing a Council member, the Chamber of Deputies should provide substantiated reasoning.

<sup>31</sup> 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.

<sup>32</sup> See [UN HRC 2019 Concluding Observations](#), Paragraphs 32 and 33.

#### **IV. CONCLUSIONS AND RECOMMENDATION**

All ODIHR NAM interlocutors expressed full confidence in the electoral process and the ability of the election administration to organize elections professionally and transparently. Many ODIHR NAM interlocutors raised concerns related to intolerant and discriminatory rhetoric during the election campaign, particularly on social networks. While most interlocutors welcomed a potential ODIHR observation activity, recognising the value of an external assessment for further improvements, others opined that only a few aspects, such as conduct of the campaign online and in the media, as well as campaign finance regulations would merit specific attention by ODIHR.

On this basis, the ODIHR NAM recommends deploying an Election Expert Team for the 13 and 14 January 2023 presidential election to assess the campaign in media and online as well as to review aspects of campaign finance. ODIHR also reiterates that many of its previous recommendations remain valid and reaffirms its readiness to support the authorities in a post-election reform process.

## **ANNEX: LIST OF MEETINGS**

### **Ministry of Foreign Affairs**

Martin Smolek, Deputy Minister of Foreign Affairs  
Martin Pizinger, Deputy Director, Human Rights Department  
Jan Kaminek, Adviser, Human Rights Department  
Michal Korecky, Consular Department

### **Ministry of the Interior**

Ondřej Mátl, Head, Office of the Deputy Minister  
Tomáš Jírovec, Director, Elections Department  
Lucie Fišarová, Elections Department

### **Czech Statistical Office**

Eva Krumpová, First Vice President  
Zdeňka Burešová, Head, Integration Programming and Central Processing Unit  
Jana Slavníková, Head, Unit for Processing of Election Results  
Ondřej Procházka, Expert, Unit for Processing of Election Results

### **Constitutional Court**

Vojtěch Šimíček, Judge

### **Supreme Administrative Court**

Tomáš Langášek, Judge

### **Office for the Oversight of Financing of Political Parties and Movements**

Frantisek Sivera, Member

### **Political Parties**

Pavel Žáček, MP, Civic Democratic Party  
Hayato Josef Okamura, MP, Christian Democratic Party  
Petr Gazdík, MP, Mayors and Independents  
Vojtěch Pikal, Member, Pirate Party  
Ondřej Kolář, MP, TOP09

### **Media**

Filip Nerad, Head, Foreign Editorial Department, Czech Radio  
Robert Čásenský, Editor, *Reporter* magazine

### **Civil Society and Academia**

Veronika Šprincová, Director, Forum 50%  
Václav Krása, Chairperson, Czech National Disability Council  
Marek Chromý, Chief Analyst, Transparency International  
Jan Dupák, Senior Legal Adviser, Transparency International  
Markéta Svobodová, Research and Project Assistant, Transparency International

### **Diplomatic Missions Resident in the Czech Republic**

Representatives of diplomatic missions of Armenia, Belgium, Germany, Latvia, Norway, Türkiye<sup>33</sup>

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<sup>33</sup> The ODIHR NAM extended an invitation for a meeting to representations of all OSCE participating States resident in the Czech Republic.