



Office for Democratic Institutions and Human Rights

**SPAIN
PARLIAMENTARY ELECTIONS
14 March 2004**

OSCE/ODIHR ASSESSMENT REPORT



**Warsaw
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OSCE/ODIHR Assessment Mission

I. EXECUTIVE SUMMARY

The Spanish parliamentary elections of 14 March 2004 were the ninth general elections since the first democratic elections held in 1977. The election system is characterized by public trust in its honesty and integrity, as well as by the public's confidence in the election administration. The election demonstrated a vibrant pluralism and provided a real choice for the voters, who ultimately exercised their rights on the election day.

Sadly, the elections were overshadowed by the devastating terrorist bombings of 11 March. The bombings plunged the country into mourning just as the electoral campaign was reaching its climax. The heavy voter turnout (over 77.2%) showed that terrorism was unable to derail the democratic processes in Spain, although it may have influenced the democratic choice of some voters.

Spain has a strong election law and an efficient, well organized election administration. The electoral system includes a number of unusual elements. For example, the method of selecting polling station officials, by drawing lots among all persons on the voter lists, ensures active citizen involvement in the election administration. Ballots and ballot envelopes are not controlled but circulate freely until the moment they are placed in the ballot box, a practice that would be problematic in a system enjoying less public confidence. Although the election law requires secret voting, polling station procedures can compromise the secrecy of the ballot and open voting is common; these shortcomings should be addressed by the authorities. An outstanding deficiency of the law is the absence of a provision for international observers or domestic nonpartisan observers.

The political campaign was active and ranged across many issues. In the wake of the terrorist bombings, all political parties suspended their campaign activities for the final days of the electoral period. Women played an active part in the election as voters, political party activists, and candidates. Minority groups were also active, and several regional minority-based parties won seats in the parliament.

In the Basque region, the electoral environment continued to be marred by intimidation of the population by certain groups of separatists. As a result, national political parties were constrained in their ability to campaign freely and voters were limited in their freedoms of expression, association and assembly. In 2003, the Basque-based political party *Batasuna* was banned under a new Political Parties Law, on the grounds that it supported terrorism.

The print and electronic media provided extensive and diverse coverage of the election, enabling the voters to make an informed choice.

II. BACKGROUND TO THE ELECTION ASSESSMENT MISSION

The OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) received an invitation from the Spanish delegation to the OSCE to observe the elections in Spain scheduled for 14 March 2004. The OSCE/ODIHR accepted the invitation, in line with its program of assessing electoral practices in established democracies as well as in countries in transition. It deployed a short-term mission aimed at a general overview of the election process, with a focus on legislative and organizational issues.

A six-person OSCE/ODIHR Election Assessment Mission headed by Peter Eicher (USA) visited Spain from 7-17 March 2004. The Mission met with officials from the Ministry of Foreign Affairs, Ministry of Interior, Office of the Voter List, Ombudsman's Office, the Central Election Commission and lower level commissions, candidates, the media, independent experts and others. Two members of the Assessment Mission visited Bilbao, where they held meetings with persons involved in the electoral process at regional level. On election day, Mission members visited polling stations in Madrid and Bilbao.

Because of the short duration of the Assessment Mission and its small size, it was not able to assess in detail all aspects of the electoral process. Likewise, a few brief visits to polling stations were not a sufficient basis upon which to draw firm conclusions in regard to the Election Day process of voting throughout the country.

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

III. THE LEGISLATIVE FRAMEWORK

A. ELECTION SYSTEM

The Constitution vests legislative power in a bicameral parliament, the *Cortes Generales*, comprised of the Chamber of Deputies and the Senate. It stipulates that elections are to be held on the basis of proportional representation in separate election districts corresponding to fifty provinces. Each province is allocated a minimum number of representatives in each chamber. The Senate is considered the "chamber of territorial representation". Special provisions ensure representation of Spain's islands and the cities of Ceuta and Melilla. The Constitution states that elections are to be held on the basis of "universal, free, equal, direct, and secret suffrage".

The General Election Regime ("the election law" or "the law") is a comprehensive statute which provides the primary framework for elections and implements the Constitution's electoral provisions. The law is a superior election statute. It is a highly detailed and internally consistent instrument that addresses the entire range of legislative issues related to parliamentary elections. While some practices described in

the law are rather unusual and potentially problematic, they are addressed in a conscientious manner.

The law fixes the number of seats in the Chamber of Deputies at 350 (102 of which are distributed equally to provinces and in lesser number to other jurisdictions, and the remainder based on population). It also effectively establishes the number of senators as 208 elected by popular vote (based on a minimum number for provinces and other jurisdictions, with additional mandates awarded based on population). Another 49 senators are indirectly elected by the assemblies of the Autonomous Communities (which can each designate one senator), as well as an additional senator for each one million inhabitants of the territory.

Candidates to the Chamber of Deputies are presented on the basis of party lists in each province. The party lists are “closed”, i.e., the voters must vote for an entire candidate list. To obtain representation in the Chamber, the candidate list must surpass a threshold of 3% of the valid votes cast in the province. In practice, however, parties need a substantially higher percentage to win seats. The D’Hondt method is used to allocate the available mandates among the parties running in the various provinces.

For the Senate, in contrast, voters select individual names from lists of candidates provided by the parties and may vote for candidates from more than one party. Senators are thus elected in the provinces under a majority or first-past-the-post system.

Because of the way in which electoral mandates are divided among provinces with very different levels of population, small provinces are somewhat over-represented. For example, a member of the Chamber of Deputies from Madrid represents about 140,000 voters, whereas a member from the province of Soria represents only about 30,000 voters. While it is quite reasonable for an electoral system to be based on provincial boundaries and therefore to have slight variations in the weight of each vote, the discrepancy in the value of each vote for elections to the Chamber of Deputies is unusually large and raises an issue of the equality of the vote. This is especially true since the constitution stipulates that deputies should be elected by *equal* suffrage and designates the Senate – not the Chamber of Deputies – as the “chamber of territorial representation”. *The authorities may wish to evaluate whether the current distribution of seats in the Chamber of Deputies meets the constitutional stipulation and international standards on the equality of votes.*

The electoral system works to the advantage of large parties and regionally-based parties. Small, nationally-based parties are likely to be under-represented by comparison. For example, the national party *Izquierda Unida* (IU) won about 5% of the national vote and was awarded five seats in the Chamber of Deputies. In comparison, the Catalan-based *Convergencia i Unió* (CiU) won just over 3% of the national vote but was awarded ten seats, since its votes were concentrated in a particular region rather than spread throughout the country. Even more striking, the Basque-based *Partido Nacionalista Vasco* (PNV) won just 1.6% of the national vote but was awarded seven seats in the Chamber of Deputies. The electoral system has had the intended effect of enhancing stability in the Chamber of Deputies by assuring dominance by large national parties. A possibly unintended result of the

system is that small, regionally-based parties often control the balance of power in the Chamber and therefore may wield power far out of proportion to the population they represent.

B. BALLOTS

The legal provisions for the production and distribution of ballots and ballot envelopes are unusual. The State is responsible for ensuring the availability of ballot papers at the polling stations, but “without prejudice to their possible preparation by the political groups that compete in the elections”. In practice, this means that once the format of the ballots has been approved by the election administration, political parties may produce and distribute their own ballots according to the approved model. The government covers the cost of ballot printing by political parties. Parties may mail ballots to voters at their homes, and may hand them out freely on the streets or elsewhere. Ballots and ballot envelopes are not numbered or controlled in any way before the moment they are dropped into ballot boxes.

This system was described as having numerous advantages and was generally seen as acceptable by those with whom the Assessment Mission met. The positive elements include the opportunity for electors to reflect on their ballot choices long in advance of polling day; the option of marking the ballot in the privacy of their own homes; the option of voting in person or by post; and the rapidity of voting at the polls since many voters arrive with ballots and envelopes ready to be placed in the ballot boxes. The questionable aspects of this system include the high cost of printing and distributing tens of millions of extra ballots and envelopes; the costs of mailing duplicate ballots and envelopes to voters by political parties; and the potential for influence and intimidation of voters who complete ballots before arriving at polling stations, especially at small towns in the Basque region. Completing ballots outside of polling stations could also raise concerns about the secrecy of the vote. Nevertheless, the system is well accepted in Spain, and does not seem to have been the source of problems, as would be likely if such a system were used in a country without the same enormous levels of public confidence in the honesty and integrity of the election administration.

Another unusual element of the law is a provision for the destruction of voted ballots immediately after the count. The polling station commissions are responsible for destroying the ballots – except those considered invalid or subject to some claim – in the presence of political party representatives at the polling station. This procedure makes it impossible to recount ballots at a later stage if a serious dispute should arise. In practice, such disputes seldom if ever arise and the system has worked adequately. Nevertheless, it would provide a helpful safeguard to retain the ballots for a period of time following the count in case a recount were to become necessary. *The authorities should consider adopting a legal provision to safeguard the counted ballots at least until the final results of the elections are announced and all appeals processes have been completed.*

C. OBSERVERS

The election law does not include provision for international observers or nonpartisan domestic observers during voting, although the vote count is open to the public. Article 91.3 of the law specifies the persons who have the right to enter polling stations, setting out a sizable list of eligible individuals, among them “individuals designated by the administration”. This provision opens the possibility that observers could be authorized by regulation, without the need to amend the law. *Ultimately, however, to eliminate any uncertainty or uneven practices in regard to observers and to bring the law into compliance with OSCE commitments and best practices, the authorities should adopt a specific legal provision permitting nonpartisan domestic observers and international observers to monitor elections.*

IV. THE ELECTION ADMINISTRATION

The election administration is based on a four tier structure, consisting of the Central Election Commission (CEC), Provincial Election Commissions (PEC), District or Zone Election Commissions (DEC) and Polling Station Commissions (PSC). The election commissions at all levels are considered to be independent, nonpartisan and competent. They appear to enjoy the full confidence of candidates and political parties. This general satisfaction extends also to the Ministry of Interior, which has a significant role in the technical preparations of the elections, as described below.

With the exception of the Basque region where there are serious problems (see Section IV, below), there is an extremely high level of public confidence in the credibility of all aspects of the electoral process, including the electoral system, the voter register, the voting, counting and announcement of results. It is extremely rare to see such comfort with and confidence in all aspects of a system.

A. THE CENTRAL ELECTION COMMISSION

The CEC is composed of thirteen members, of whom eight are judges of the Supreme Court and five are university professors of law or political science. The CEC is a permanent body, appointed near the beginning of each new parliamentary term. It shares staff with the parliament. The CEC has broad powers including:

- Issuing instructions to lower level commissions;
- Resolving disputes;
- Directing and supervising the Office of the Voter List;
- Taking disciplinary action against electoral officials; and
- Imposing administrative sanctions, including fines.

The CEC operates independently, impartially and professionally. Its decisions are normally taken by consensus.

The CEC meets infrequently outside of electoral periods, and meets as needed – usually about twice a week – when an election process is underway. The CEC holds its meetings in closed session, reflecting both its judicial composition and a conviction

that its independence and freedom from outside pressures are increased by private deliberations. Although private meetings reduce the transparency of the CEC's operations, the political parties and others involved with the election seem well satisfied with this approach. As with other unusual aspects of the Spanish system, the lack of transparency – which could be a serious problem in other countries – is tolerable because of the high levels of public trust in the election administration.

B. OTHER ELECTION ADMINISTRATION BODIES

A Provincial Election Commission is formed in each province, composed of three magistrates and two professors. Unlike the CEC, the Provincial Election Commissions are not permanent bodies; they are seated three days after the call for elections and continue their term for 100 days after the elections. The Provincial Commissions have important duties including receiving candidate nominations, designing ballot papers, and tabulating results. District or Zone Election Commissions are formed for areas designated under the law, including the cities of Ceuta and Melilla.

Polling Station Commissions (PSCs) are created by city councils under the supervision of higher level election commissions. The method of their formation is unusual, if not unique: all members of the PSCs are selected by lot from among all the names on the voter list for each polling station. The president of the PSC must have a university or other degree. Substitutes are also drawn by lot for each PSC member. Service on the PSCs is mandatory and failure to appear results in a legal penalty. If an individual is unable to serve, he or she may request to be relieved of the responsibility; in practice, however, exemptions are rarely granted. The system has the advantage of involving citizens directly in the election process and of providing a randomness that should help insure the impartiality of PSCs. The disadvantages are that persons with no experience are often administering the voting process and that citizens are often unhappy to be chosen.

The Ministry of Interior plays a significant role in administering elections under the supervision and control of the CEC and lower level election commissions. The Ministry is responsible for the procurement, logistics and distribution of all election materials including ballots, ballot boxes and voting booths. The Ministry arranges for some voter education spots to appear in the media. The Ministry also organizes a system for the electronic tabulation of the preliminary results of the elections, which are announced on election night by the Minister of Interior rather than by the CEC. The Ministry handles these various functions by contracting them out to private companies, through a process of public tenders. While this process has proved efficient, it would seem to be of some concern for private companies to be charged with tabulating the provisional voting results; this could become a serious concern if Spain should decide to move to a system of electronic voting or electronic tabulation. The Ministry organized an unofficial test of electronic internet voting in three towns around Spain during the 14 March election. Another example of the Interior Ministry's heavy involvement in the election is the assignment of ministry representatives to each polling station to assist polling officials as necessary.

C. POLLING

There were some 56,000 polling stations serving approximately 34.6 million electors. Polling stations are generally located in schools and other public buildings, with several polls in each building. Each poll can accommodate up to 2,000 people, although most are considerably smaller. Political parties may have representatives at each poll and the larger parties usually do. Voters may bring a pre-voted ballot with them to the polling station or may select a ballot and envelope from a table set up in the open at the polling station. If they wish, voters may use a voting booth (which in some instances may also have ballots of some or all of the parties inside). The voter places the ballot corresponding to the political party of his or her choice in a special envelope (for the Chamber of Deputies) or marks and places a ballot into a special envelope (for the Senate). The voter then shows his or her ID card to the head of the Polling Station Commission, who reads out the name. Other members of the PSC verify the voter is on the list and register his or her name. Political party representatives also have a copy of the voter list and can verify that the voter is eligible and has not yet voted. The head of the PSC then takes the envelope and puts it into a transparent ballot box. The whole process in most cases is completed in less than one minute. The atmosphere appeared very relaxed, informal and efficient.

D. BALLOT SECRECY

The law is clear and unambiguous with respect to the requirement for the secrecy of the vote; article 86.1 of the law states “the vote shall be secret”. However, this provision is clearly not a matter of concern in terms of the management of the voting system. In the few polling stations visited by Mission members, voters who chose to use the polling booths were very much in the minority. Most voters chose to mark their ballots or select the ballot of their choice and place it in an envelope outside the booth, or brought pre-prepared ballots with them to the polling station. The placement of ballots and envelopes on tables in the open at polling stations encourages open voting. Moreover the placement of the booths and tables was such that the voters’ choice could often be easily discerned by observers. In practice, the voting system does compromise the secrecy of the ballot and violates the election law. Current practice may also open the door for possible intimidation, especially in Basque country, where some electors may fear to pick up certain ballots from the ballot table or to vote in a voting booth. *The authorities should ensure that the secrecy provisions of the law are implemented.* This could be easily done, for example by requiring voters to vote in a booth.

E. POSTAL VOTING

Every elector can choose between voting in person and postal voting. This is intended to ensure that all electors have the opportunity to vote. Many of the Mission’s interlocutors, however, expressed concerns about the inadequate time provided for sending out and returning postal ballots, especially the 200,000 postal votes outside of Spain. The essence of the problem is that the postal voting system is linked to the timetable for candidate registration. For the 14 March elections, for example, ballots

were to be sent out on 23 February but because of delays in proclaiming candidates, 30% could not be sent until 2 March. The deadline for return of ballots was 12 March for postal voters in Spain and 17 March for those outside Spain. Considering transit times for ballots in the mail both directions, this left a very narrow window for voters to return their ballots. A substantial proportion of postal ballots are usually received late and therefore become invalid, undermining the purpose of the system. This is particularly serious since the number of postal votes is sufficiently large that it could significantly affect the outcome of an election. One election commissioner suggested two options to resolve the postal voting problem: (1) move the candidate nomination deadline forward by one week; or (2) extend the deadline for receipt of postal votes, especially from outside Spain. Each of these proposed solutions has drawbacks: one would shorten the candidate registration period and the other would result in a delay in announcing the official results. *Nevertheless, the shortcomings of the current system of postal voting suggest that the authorities should consider measures to improve the process.*

F. VOTER REGISTRATION

Spain has a passive system for voter registration. The Office of the Voters List within the National Statistics Institute is responsible for preparing the voter lists under the supervision of the CEC. Data is provided by municipalities and by consulates abroad. The voter registers available to the public include only the name, date of birth and ID number of each voter. Political parties may receive lists which include addresses for their use for campaign purposes. The voter lists are updated monthly. For the 14 March election, the list as of 1 November was used, but persons turning 18 up to polling day were automatically added to the voter lists. Twenty-five days before polling day, the Statistics Institute sends out voter cards to everyone on the lists, giving the location of their polling station. Voters are also given the opportunity to correct their entries on the voter lists. The Mission heard little or no criticism of the voter lists and was told that there are very few complaints, suggesting that the lists are accurate and well maintained.

G. TRAINING

Polling station officials receive no formal training but are provided with a detailed operational manual issued by the Ministry of Interior. If the officials have problems or questions on polling day, they can seek the assistance of the Ministry of Interior officials present at each polling station or they can contact a telephone “help desk” operated by the Ministry. Although this system reportedly works well, there is a possibility that untrained polling station officials could make mistakes or could be susceptible to undue influence by either Interior Ministry or political party representatives at the polls. *It would be a good practice for the authorities to institute training for polling station officials.*

H. TABULATION

Counting of votes commences at 8:00 P.M., immediately after the close of the polls. Vote counts are open to the public. The process of counting and the tabulation of provisional results are rapid, efficient and impressive. The nationwide provisional

results are announced within two or three hours of the closing of the polls. While provisional results are forwarded from the PSCs through Ministry of Interior channels, official results are forwarded through the local courts to next higher level election commission. Official results are announced several days later, after votes from abroad have been received and counted and after any complaints have been resolved.

I. COMPLAINTS AND APPEALS

The complaints process appears to operate in a timely and satisfactory manner. There appear to be very few complaints. A member of the CEC asserted that in the past 30 years there has not been even one major case of electoral fraud. Any complaints which do arise are decided by the CEC, which usually takes its decisions unanimously. Challenges to CEC decisions can go to the Supreme Court and then to the Constitutional Court. The Ombudsman deals with complaints respecting late postal votes, disabled access, voter registration and reluctance to work as an election official.

V. THE ELECTION CAMPAIGN

The election law provides for an official campaign of just 15 days, a very short period but one the political parties consider sufficient to convey their messages. As a practical matter, informal campaigning begins as soon as the election is called – 54 days before polling day – or even earlier. In a sense, the campaign for the 14 March 2004 elections can be seen as having begun in 2003, with the major parties having used the local and regional elections of May 2003 as a “rehearsal” for the 2004 contest.

The election campaign saw a generational change in leadership of the main political parties, with Mariano Rajoy taking over the leadership of the ruling *Partido Popular* (PP) after Prime Minister José María Aznar announced that he would not seek a third term. José Luís Rodríguez Zapatero headed the *Partido Socialista Obrero Español* (PSOE) following the defeat of his predecessor Joaquín Almunia in 2000. The PP had held power for eight years and had controlled an absolute majority in the Chamber of Deputies since 2000. It started the campaign with a lead of 5% over the opposition PSOE in the opinion polls.

The campaign began in a rather low profile manner, with the major parties avoiding harsh confrontation, but gave way to a much more adversarial style in the two weeks before election day. The campaign included both rallies and street campaigning, but was most heavily conducted through the mass media. The major parties appeared to campaign in a highly professional manner, following ‘scripts’ which had been laid out in advance and attempting especially to influence the electronic media, in particular television, in order to convey their messages to the voters.

The selection of candidates by the major political parties in general follows a rather centralized pattern, with the party organizations at the local and provincial levels proposing the candidate lists for their respective constituencies, but with the national

organs making the final decisions and sometimes imposing candidates from outside the province in question.

A. ISSUES

The campaign was overshadowed by the devastating terrorist bombings of 11 March in Madrid. The bombings, just three days before the election, caused more than 200 deaths and led to an immediate cessation of campaign activity by all the parties. Spain was plunged into three days of official mourning, which lasted through election day. The events dramatically changed the political climate and agenda, and appeared to affect voter attitudes toward the major parties.

Prior to the bombings, the election campaign centered mainly on economic and social policy on the one hand and the 'territorial question' and Spanish unity on the other. While economic and social policy issues largely reflected a division between the major parties on the right and left (PP vs. PSOE), the territorial issue was also central to the campaigns of the regionally-based parties such as CiU and PNV, which advocate greater autonomy for Spain's regions. A number of other issues, including terrorism, the war in Iraq, crime, housing and education also featured in the campaign, but to a lesser extent.

B. WOMEN

Women are active in politics in Spain. All major parties include a considerable and increasing representation of women both on their candidate lists and in responsible positions of the party organizations at the national level. In the Chamber of Deputies, the proportion of women has ranged between 25 and 30%. The various political parties have used different means to advance women, from quotas and positive discrimination in the PSOE and IU to more informal procedures in the PP. Both chambers of the parliament have been presided by women (the Senate between 1999 and 2003 and the Chamber of Deputies since 2000). In the 14 March election, 95 women were elected to the Chamber of Deputies and 39 to the Senate, a slight decrease over their previous numbers.

C. NATIONAL MINORITIES

There are no legal impediments to the participation of minorities in elections in Spain. Regional minority parties dominate the political scene in some provinces, where they command much voter support and control provincial councils. On the national level, the Roma population, which is said by some sources number up to 600,000, have been elected to various local, provincial and national positions. The increasing social integration of Roma has included increased participation in elections. Roma have formed numerous associations and non-governmental organizations, as well as a few political parties which have won representation at the local level. The last such party to be formed, *Alianza Romani* (ARO), was founded in January 2004 but chose not run in the 14 March elections, although it is planning to present candidates for the elections to the European Parliament to be held in June. Among the major political parties, only the PSOE fielded the candidature of a Roma, a woman who held the 20th position in a closed list to the Chamber of Deputies. Other national parties have

fielded Roma candidates in local elections, and a Roma once held a seat in the Chamber of Deputies. Some political parties have addressed issues of special interest to Roma in their platforms, such as the renewal of the National Development Plan for Roma and ameliorations in education, housing, and employment.

VI. ELECTIONS IN THE BASQUE REGION

Special circumstances surrounded the election environment in the Basque region. Unlike the rest of Spain, the election campaign could not be carried out in full freedom in the region, as a result of intimidation by violent separatist groups, in particular the ETA. The intimidation interfered with the ability of candidates and political parties to conduct their campaigns, and put limits on voters' freedom of expression, association and assembly.

The generalized climate of intimidation seemed to limit especially the political activity of the main nationwide political parties, the PP and the PSOE. For example, all their members of the Basque regional parliament must be protected by security agents. According to members of these parties interviewed by the Assessment Mission, this in itself poses a significant impediment to direct contact with electors in street rallies and leads the parties to hold indoor events instead. These parties also faced difficulties in organizing candidate lists for the Basque constituencies and were forced to recruit candidates from other regions.

The climate of intimidation also jeopardizes a free vote, especially in rural areas. Recalling that voting in a voting booth is not compulsory in Spain, in some areas voters might fear to use a booth and vote in secret, since this action in itself could lead to suspicion. The large national parties also have difficulties recruiting polling station workers in Basque country; this may also reflect the atmosphere of intimidation.

In 2003, the Basque-based political party *Batasuna* was prohibited by a Supreme Court ruling on the basis of a new Political Party Law adopted the previous year. The Court found that *Batasuna* was associated with, and supported, terrorist groups and aims. The banning of political parties is an extremely serious step, which should not be taken except in the gravest circumstances. In this instance, the Spanish Supreme Court issued a lengthy, detailed and reasoned argument for its decision, making clear that *Batasuna* was not banned for its separatist platform, but for supporting violence and terrorism.

VII. THE MEDIA

A large number of print and electronic media outlets actively covered the election campaign, offering a wide variety of opinions and information to the public. Print media include national newspapers such as *El País*, *ABC*, *El Mundo*, and *La Razón*, as well as local newspapers and magazines. They reported actively on election developments, interviewed candidates and carried editorials on election related issues. Print media published paid political advertising, applying the same rates to all contestants on an equal basis. According to the election law, political advertising in

the media should not exceed 20% of a party's total campaign expenditures. Parties asserted that this was sufficient to enable them to get their messages across to the voters.

While print media has wide distribution, most of the electorate relies primarily on television for information about current events and election issues. Public television, *Televisión Española (TVE)*, comprises two national channels. There are also two major private television channels, *Tele Cinco* and *Antena 3*. In addition, there are up to two public television channels in each of the autonomous regions, regulated by a general law and also by rules adopted by the parliaments of each region.

The election law establishes that public television cannot accept paid campaign advertising and that it has an obligation to provide free time, which is divided among all contestants according to a formula based on the number of votes and seats obtained by each party in the last elections to the Congress of Deputies. If a party did not run or did not win representation in the last elections, it still has the right to ten minutes of free time. In addition to free time for advertising, public television provides time to political parties in its news and information programs; this time is also allocated on the basis of the parties' previous election results. The specific allocation of time among parties is decided by the CEC upon the proposal of the Administrative Council of *Televisión Española*.

Parties can appeal to the CEC against any decision on the allocation of time or in regard to other aspects of media coverage of the electoral campaign. In general, political parties can also submit complaints to the CEC about the behaviour of public and private television for any acts or decisions that infringe the principle of pluralism or the neutrality of information during the electoral period.

During the electoral campaign period both public and private television must obey the same rules, as set out in the election law.

Some of the regulations described above apply only to the 15 days of the "official" campaign, rather than to the entire electoral period which lasts 54 days beginning with the announcement of the elections. According to some observers, this may allow the larger political parties to begin their electoral campaign before the start of the official campaign period and thus to avoid some regulations designed to favour pluralism; this could be remedied by making the regulations applicable for the entire electoral period.

According to the law, and as established in an instruction issued by the CEC in 1999, the government cannot carry out public information campaigns during the electoral period, with the exception of public information campaigns on the electoral process and campaigns that are indispensable to safeguard the public interest. In particular, government campaigns cannot allude to successes by the government during its tenure nor utilize images used in the electoral campaign of the governing party. During the 14 March elections, the CEC applied this instruction against the Labour Ministry, ordering it to stop immediately a campaign promoting the government record on social policy.

Under provisions of the election law, any published polls relating to the election must set out the polling methodology, which can be challenged by electoral authorities. Publication of polls within five days of the voting is prohibited. If a poll is conducted by a State body, its results must be disclosed to election participants within 48 hours, upon request. On 14 March, public television aired the results of an exit poll as soon as polling stations closed.

The election law also contains provisions regarding televised debates, although in practice such debates among the leading candidates are not commonly held in Spain. In the lead up to the 14 March elections, public television reserved air time for a debate among interested candidates, without specifying how many or whom among them should participate. Unfortunately, however, the political parties failed to reach agreement on format and participation, so no televised debates were held, depriving the public of a potentially important opportunity to become more informed about the candidates and to compare their programs and points of view. Instead, public television aired interviews with individual candidates.

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Document).

The ODIHR, based in Warsaw, Poland, was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 100 staff.

The ODIHR is the lead agency in Europe in the field of **election observation**. It coordinates and organizes the deployment of thousands of observers every year to assess whether elections in the OSCE area are in line with national legislation and international standards. Its unique methodology provides an in-depth insight into all elements of an electoral process. Through assistance projects, the ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include the following thematic areas: rule of law, civil society, freedom of movement, gender equality, legislative support, and trafficking in human beings. The ODIHR implements a number of targeted assistance programs annually, seeking both to facilitate and enhance State compliance with OSCE commitments and to develop democratic structures.

The ODIHR monitors participating States' compliance with OSCE human dimension commitments, and assists with improving the protection of **human rights**. It also organizes several meetings every year to review the implementation of OSCE human dimension commitments by participating States and to discuss particular thematic areas.

The ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies. The Office also acts as a clearing-house for the exchange of information on Roma and Sinti issues among national and international actors.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

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