



Office for Democratic Institutions and Human Rights

CZECH REPUBLIC

PARLIAMENTARY ELECTIONS

8-9 October 2021

ODIHR NEEDS ASSESSMENT MISSION REPORT

7-11 June 2021



Warsaw
19 August 2021

TABLE OF CONTENTS

I.	INTRODUCTION.....	1
II.	EXECUTIVE SUMMARY.....	1
III.	FINDINGS.....	3
A.	BACKGROUND AND POLITICAL CONTEXT.....	3
B.	LEGAL FRAMEWORK.....	4
C.	ELECTORAL SYSTEM.....	4
D.	ELECTION ADMINISTRATION.....	5
E.	VOTER REGISTRATION.....	6
F.	CANDIDATE REGISTRATION.....	6
G.	ELECTION CAMPAIGN.....	7
H.	CAMPAIGN FINANCE.....	7
I.	MEDIA.....	8
J.	COMPLAINTS AND APPEALS.....	10
IV.	CONCLUSIONS AND RECOMMENDATION.....	10
	ANNEX: LIST OF MEETINGS.....	11

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ODIHR Needs Assessment Mission Report

I. INTRODUCTION

In anticipation of an invitation to observe the 8 and 9 October 2021 parliamentary elections 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 7 to 11 June.¹ 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 elections. Based on this assessment, the NAM recommends whether to deploy an ODIHR election-related activity for the forthcoming elections, and if so, what type of activity best meets the identified needs. Due to the global health emergency and consecutive introduction of restrictions on cross-border travel throughout the OSCE region, the ODIHR NAM was conducted remotely, using the means of information and communication technologies. This approach was chosen due to the current extraordinary situation, but in-person visits remain the standard way for conducting the NAMs. Online meetings were held with officials from state institutions, as well as representatives of political parties, media and civil society. 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. 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

The Czech Republic is a parliamentary republic with a government led by the prime minister who is appointed by the directly elected president. On 28 December 2020, President Miloš Zeman called the elections of 200 members of the Chamber of Deputies for 8-9 October 2021. The Chamber of Deputies is elected under a proportional system through 14 regional open candidate lists.

The up-coming election will be held in the context of a certain level of disillusionment with the government's handling of the COVID-19 pandemic, the Prime Minister Andrej Babiš's allegations of conflict of interest and possible involvement in misuse of EU funds as well as the recent unsuccessful motion of no-confidence brought by the opposition. Women continue to be under-represented in public and elected office.

The Election Law has been amended on several occasions since the last parliamentary elections. Notably, the 2021 legal amendments modified the allocation of parliamentary seats and reduced the nationwide electoral thresholds for coalitions. The Ministry of Interior has submitted a bill to the parliament to allow for temporary measures facilitating voting of people affected by the COVID-19. Many previous ODIHR recommendations remain unaddressed, including those concerning the need for the consolidation of electoral legislation, limitations on the suffrage rights, criminal liability for defamation and the status of citizen and international observers. Nonetheless, most ODIHR NAM interlocutors consider the electoral legal framework conducive to holding democratic elections.

¹ On 22 July 2021, ODIHR received an official invitation to observe the parliamentary elections.

The State Election Commission is co-ordinating the overall organization of elections, and the Ministry of Interior is responsible for technical preparations. A number of state institutions, local governments and election commissions share responsibilities in managing the process. All ODIHR NAM interlocutors conveyed a high level of trust in the integrity and professionalism of the election administration, including the 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. 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 registered voters. Most ODIHR NAM interlocutors expressed a high level of confidence in the accuracy of the voter registers.

Voters aged 21 years or older on the second election day are eligible to stand for the elections. Only political parties, movements and their coalitions may nominate candidates. Contrary to international standards and OSCE commitments, the law does not allow individual candidates to stand. There are no special legislative measures aimed at enhancing the representation of women in elected office and women hold 45 of the 200 seats in the outgoing Chamber of Deputies. ODIHR NAM interlocutors raised no concerns with regards to the inclusiveness of the candidate registration process.

The official campaign period started on 28 December. All ODIHR NAM interlocutors expressed confidence in the ability of contestants to campaign freely and anticipate the on-going campaign to be competitive. At the same time, some interlocutors expressed concerns about growing disinformation and did not exclude harsh or inflammatory rhetoric. Campaign topics are expected to include management of the COVID-19 pandemic by the current government, economic recovery, social welfare and environmental protection.

Election campaigns may be financed from public and private funds, including loans. The law does not provide any limits on the overall campaign income for a party, but places limitations on individual donations. Each contestant as well as third parties are required to publicly disclose campaign income and expenses before and after the election days. Overall, ODIHR NAM interlocutors expressed trust in the Office for the Oversight of Financing of Political Parties and Movements; however, they noted that both financial and human capacity of the Office could be enhanced to further strengthen the oversight of campaign finance.

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. Contestants enjoy considerable equal free airtime on 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. While all ODIHR NAM interlocutors positively assessed media freedom and the access to media, concerns were raised over political pressure on the public broadcaster, biased coverage by some commercial media outlets and the concentration of media ownership.

Decisions on different aspects of elections can be challenged by citizens with the administrative body in charge of these aspects and appealed to the next level of the administrative authority and further to the administrative 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 conduct of transparent democratic elections. Many interlocutors stated that they would welcome a potential ODIHR observation activity, recognising the value of an external assessment for further improvements of

elections. Others opined that only a few aspects such as conduct of the campaign, including online, and functioning of the media would merit specific attention by ODIHR.

On this basis, the ODIHR NAM recommends deploying an Election Expert Team for the 8-9 October parliamentary elections to assess the campaign, media landscape and campaign coverage in the media. ODIHR also reiterates that many of its previous recommendations remain valid and reaffirms its readiness to support the authorities in a post-electoral 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 comprises the Senate (upper chamber) with 81 Senators directly elected for a six-year term and Chamber of Deputies (lower chamber) with 200 seats. Elections to the Chamber of Deputies (hereinafter parliamentary elections) were called by the president on 28 December 2020 and are scheduled for 8-9 October 2021.

The last parliamentary elections took place in October 2017 and resulted in a minority government led by the political movement ANO 2011 in coalition with Czech Social Democratic Party (ČSSD) and supported by Communist Party of Bohemia and Moravia (KSCM).² In the 2018 Senate elections, ruling parties lost the majority in the Senate, while in the 2020 regional elections, ANO 2011 again emerged with the most support.³ Many ODIHR NAM interlocutors acknowledged the political importance of the elections, and noted a certain level of public disillusionment with the government's handling of the COVID-19 pandemic, the Prime Minister Andrej Babiš's involvement in misuse of EU funds and the recent unsuccessful motion of no-confidence brought by the opposition.⁴

Women remain under-represented in public offices, holding 45 seats (22.5 per cent) in the outgoing Chamber of Deputies and 12 Senator positions (18.8 per cent). There are 2 women among 15 judges of the Constitutional Court and 13 women out of 36 judges of the Supreme Administrative Court. Women held only 4 out of 13 ministerial posts in the outgoing government.⁵ Several ODIHR NAM interlocutors mentioned that critical and at times aggressive rhetoric, partially owing to the prevalence of gender stereotypes against female politicians, feature in political discourse. The UN Human Rights Committee (HRC) 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.⁶

² The 2017 parliamentary elections resulted in nine parties and movements in the Chamber of Deputies: ANO 2011 (78 seats), Civic Democratic Party - ODS (25 seats), Pirate Party (22 seats), Freedom and Direct Democracy - SPD (22 seats), the KSCM (15 seats), the ČSSD (15 seats), Christian Democratic Union - Czechoslovak People's Party (KDU-CSL, 10 seats), TOP09 (7 seats), Mayors and Independents Movement - TOP09+STAN (6 seats).

³ ANO 2011 – 178 (21.1 per cent) of the total 675 seats in regional councils, followed by Pirates and ODS with 99 seats each, Mayors and Independents – 91 seats and KDU-CSL with 53 seats among other contestants.

⁴ See [Final Audit Report](#) of the European Commission of the functioning of the management and control systems in place to avoid conflict of interest in Czechia.

⁵ One of the main goals of the 2014-2020 [Strategy for Equality of Men and Women in the Czech Republic](#) was to achieve “degree of representation of women in decision-making positions in public and private sphere at least at the amount of 40%.” The government is developing Equality Strategy for after 2021.

⁶ See [UN HRC Concluding Observations](#) on the fourth periodic report of Czechia (6 December 2019), CCPR/C/CZE/CO/4 (hereinafter UN HRC Concluding Observations), paragraphs 18 and 19.

ODIHR has previously observed four elections in the Czech Republic.⁷ The ODIHR Election Assessment Mission for the 2017 parliamentary elections concluded that the elections “were competitive and pluralistic. Voters had a wide choice of candidates from an extensive spectrum of political parties. Contestants were able to campaign freely and all fundamental freedoms were largely respected”.

B. LEGAL FRAMEWORK

Parliamentary 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 1995 Law on Parliamentary Elections (Election Law, last amended in 2021). Other relevant laws include the Law on Elections to Regional and Municipal Councils, the Law on Association in Political Parties and Movements (hereinafter Law on Political Parties), the Law on Constitutional Court and relevant provisions of the Civil Procedure Code, Administrative Procedure Code, and Criminal Code. 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.⁸

The Election Law has been amended on several occasions since the last parliamentary elections. Notably, following an inclusive and consultative process, the February 2021 legal amendments modified allocation of parliamentary seats and reduced nationwide thresholds for coalitions.⁹ Other amendments relate to the allocation of free-of-charge venues for campaign posters and the mandatory training of polling staff. Most previous ODIHR recommendations remain unaddressed, including those concerning the need for consolidation of the electoral legislation, limitations on the right to vote and to stand, criminal liability for defamation and the status of citizen and international observers.¹⁰ Nonetheless, all ODIHR NAM interlocutors expressed confidence in the legal framework and regarded it conducive to holding democratic elections.

ODIHR has previously recommended the consolidation of the electoral legal framework. The adoption of an electoral code has been discussed for some 20 years, and several interlocutors informed the ODIHR NAM that a draft bill is available but its adoption has been postponed for political reasons.

C. ELECTORAL SYSTEM

The 200 members of the Chamber of Deputies (MPs) are elected for four-year term under a proportional system with regional open lists in each of the 14 districts that correspond to the country’s administrative regions. To enter the Chamber of Deputies, political parties or movements have to pass 5 per cent

⁷ See all previous ODIHR [election-related reports on the Czech Republic](#).

⁸ 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 EU 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 Group of States against Corruption.

⁹ Section II.2.b of the 2002 Venice Commission’s Code of Good Practice in Electoral Matters recommends that “The fundamental elements of electoral law, in particular the electoral system [...] should not be open to amendment less than one year before an election”.

¹⁰ 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 [Paragraph25.odihr.pl](#).

nationwide electoral threshold, while coalitions of two parties have to gather 8 per cent of valid votes and coalitions of three parties need to obtain 11 per cent.¹¹

By law, only political parties, movements and their coalitions may field candidates. Voters may choose up to four preferences from among the candidates in the list of their choice. Candidates that receive at least 5 per cent of preferential votes have priority in obtaining a mandate, otherwise the mandates are awarded to candidates by list order. Many ODIHR NAM interlocutors mentioned that the recent amendments to the electoral system are expected to deliver more proportional results than in the past.

D. ELECTION ADMINISTRATION

The elections are administered by multiple bodies and institutions at national, regional and local levels, including State Election Commission (SEC), MoI, Czech Statistical Office (CSO), Ministry of Foreign Affairs (MFA), 14 Regional Offices, 6,254 municipalities and some 14,800 Polling Station Commissions (PSC). Voters abroad may vote in 109 polling stations established by the MFA.¹² All ODIHR NAM interlocutors expressed full confidence and trust in the professionalism and impartiality of various state institutions dealing with the administration of elections.

The SEC is a permanent body composed of 10 members, half of them are currently women. The Minister of Interior chairs the SEC, and other SEC members represent ministries in charge of the electoral process, the office of the president, and the CSO. The SEC coordinates the conduct of elections, announces and publishes final results. Its meetings are not public contrary to previous ODIHR recommendation, although the ODIHR NAM was informed that the SEC may grant access to the sessions upon request of the stakeholder. Election contestants have no representation in the SEC.

The MoI oversees the technical aspects of the elections, including distribution of voter registration data to municipalities, and production of ballot papers and envelopes. In an effort to facilitate voters' participation during the COVID-19 pandemic, the MoI has proposed a bill to allow for temporary alternative voting options, such as 'drive-through' polling stations, for voters affected by the COVID-19.¹³ The majority of ODIHR NAM interlocutors supported these measures, but some opined that more could be done for those staying abroad and other mobile voters, including through postal voting. The MoI plans to launch a voter awareness campaign in different formats, including on modified voting procedures and on the rules for marking the ballots.

The Regional Offices are responsible for the registration of candidate lists in the respective administrative units, provide logistical support to the CSO and train the PSCs. Municipalities are in charge of informing voters about the voting time and place, administer voter lists, distribute ballots to voters, set up polling stations, and appoint the PSCs. Each contestant in a respective region may nominate one member to each PSC. Vacant positions within the PSCs are filled by municipal workers or volunteers appointed by mayors.¹⁴

¹¹ Previously, coalitions of two parties had to gather 10 per cent of all valid votes, coalitions of three parties 15 per cent and coalitions of four and more parties – 20 per cent.

¹² According to the MFA, 9,481 voters have registered for voting at embassies and consular offices of the Czech Republic.

¹³ Voters affected by the COVID-19 can also request mobile ballot box to vote at home, vote at special drive-through stations or vote at special polling stations established in medical facilities. On 21 July the parliament approved the bill proposed by the government on special methods of voting.

¹⁴ 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.

The CSO is responsible for the tabulation of election results through 507 result-collection points at the regional and central levels.¹⁵ These points are staffed with employees from the CSO and access to them is strictly regulated. The CSO plans to train the staff as well as test the results transfer system prior to the election days. Special security measures are planned by the CSO to prevent potential cyber-attacks and ensure secure transfer of the results from polling stations. The preliminary results are published online, broken-down by polling station on the day following the second election day.

E. VOTER REGISTRATION

Citizens aged 18 years or older on the second election day are eligible to vote. Despite previous ODIHR recommendations and contrary to the Convention on the Rights of Persons with Disabilities (CRPD), the Election Law continues to disenfranchise citizens deprived of legal capacity, including persons with intellectual or psychosocial disabilities.¹⁶

Voter registration is decentralized and passive; however, citizens residing abroad must actively register with the MFA.¹⁷ Municipal authorities administer and update the voter registers using data from the population register that is maintained by the MoI. Voters are automatically included in the voter lists based on the permanent residence. Special voter lists are compiled based on the information provided by corresponding detention centres, prisons or healthcare facilities. Voters may apply for the Absentee Voting Certificates (AVCs) to the municipality of their permanent residence to vote at any other polling station.¹⁸

By law, voters are given the possibility to verify the accuracy of their personal data in the voter lists; however, the voter lists are not published, and there is no public scrutiny of voter registration. Despite the previous ODIHR recommendation, voters whose names are missing from the lists and who can prove their residence within a given polling precinct, can be included in the voter list on election days.¹⁹ There are approximately 8.4 million registered voters. ODIHR NAM interlocutors did not raise any concerns with regard to the accuracy of voter lists.

F. CANDIDATE REGISTRATION

Every voter aged 21 years or older on the second election day is eligible to stand for the elections. Only political parties, movements and their coalitions may nominate candidates. The law does not provide the possibility for individual candidates to stand which is contrary to international standards and OSCE commitments.

Prospective contestants should submit their candidate lists to the Regional Offices, in each of the 14 electoral constituencies, until 3 August. The Regional Offices are to decide on the registration of eligible lists by 20 August. Contestants must pay a non-refundable contribution of CZK 19,000 (some EUR

¹⁵ The CSO provides the PSC with special software to ensure effectiveness and accuracy of results management. For these elections such software will be provided to over 90 per cent of polling stations, with the exception being polling stations in small and remote rural communities.

¹⁶ 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 2019 UN HRC Concluding observations.

¹⁷ 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.

¹⁸ Voters may apply for the AVCs in-person up to two days prior to election days and online - up to seven days.

¹⁹ Voters are included in voter lists on election days without a prior administrative or judicial review. The law does not require the voters to sign the voter lists, which serves an important safeguard against potential manipulations.

740) in each constituency where they nominate a candidate list.²⁰ Overall, ODIHR NAM interlocutors did not express any concerns with regard to the inclusiveness of the candidate registration process.

The legislation as well as internal policies of many parties do not include any special measures aimed at enhancing the electoral participation of women. While the Czech Republic has committed to promoting gender equality in political and public life, the majority of ODIHR NAM interlocutors did not consider it necessary to introduce special measures to promote women as candidates.²¹

G. ELECTION CAMPAIGN

The campaign period starts from the official call of the elections and continues until the promulgation of election results. There is no campaign silence period, but it is prohibited to campaign on election days at the voting premises and in their immediate vicinity.²² The law stipulates honesty and integrity in conduct of the election campaign and prohibits the publication of any untruthful information with regard to candidates, parties, movements, or coalitions. Besides contestants, natural or legal persons may also register as a third party and independently conduct a campaign in favour of a certain contestant or against them. All printed and broadcast campaign materials must be labelled with data on who ordered it and who prepared it. Municipal authorities designate areas and locations where contestant may post their campaign materials free of charge.

Political parties met with by the ODIHR NAM generally did not raise concerns with regard to the ability to campaign freely despite potential restrictions due to the COVID-19 pandemic, but expressed concerns about bias of certain media in their political coverage as well as growing disinformation, some of which were attributed to foreign influence. The current political climate is polarized, and many ODIHR NAM interlocutors anticipate the campaign to be competitive but did not exclude harsh or inflammatory rhetoric against leading politicians. Some ODIHR NAM interlocutors raised concerns over increased sexist rhetoric, especially on social networks, against women, including those in public office, as well as anti-migrant speeches.

Political party representatives met with by the ODIHR NAM informed that as the campaign intensifies the campaign topics would include, among others, management of COVID-19 pandemic by the current government, economic recovery, social welfare and notably environmental protection. Political parties plan to use both conventional and online tools to attract the voters.

H. CAMPAIGN FINANCE

Campaign may be financed from public and private funds, including loans.²³ Political parties receive public funding for campaign expenses as well as for their regular activities proportionally to the number of votes received in the last parliamentary elections and the number of seats obtained.²⁴

²⁰ EUR 1 is approximately CZK 25.5 (*Czech Koruna*). The contribution is returned to a contestant only in case its candidate list was not registered.

²¹ CEDAW Committee reiterates its recommendation in its [concluding observations on the sixth periodic report of the Czech Republic](#) (14.03.2016, CEDAW/C/CZE/CO/6, paragraph 23), that the Czech Republic “take effective measures, including ... a) Amend its electoral law to implement the “zipper” system for election candidates; (b) Set specific goals, targets and time frames to increase the representation of women, including Roma women, in legislative assemblies, the Government and the public administration, in particular at the senior levels”.

²² Publication of opinion polls is not allowed in the three days before and on the election days before the close of polls.

²³ Contestants are requested to open a dedicated bank account to carry out campaign related transactions.

²⁴ After the elections, each contestant that won at least 1.5 per cent of votes nationwide is entitled to the state support of CZK 100 for each vote received. Contestants are entitled to CZK 6 million annually if they gained 3 per cent of the votes in the last parliamentary elections, and additional payments if they got between 3 and 5 per cent of votes. A party is also entitled to CZK 900,000 per year for every mandate of a deputy or senator. According to the Ministry of Finance, in 2020, the [parties and movements received](#) CZK 563 million as state support.

The law does not provide any limits on overall income for a party, but places limitations on individual donations.²⁵ The law sets a ceiling for campaign expenditure by parties, movements and coalitions at CZK 90 million (some EUR 3.5 million) per contestant.²⁶

Each contestant as well as third parties have to disclose campaign income and expenses on their special websites (so-called ‘transparent accounts’), including by publication of detailed financial reports 90 days after the promulgation of the election results and submission of the reports to the supervisory body.²⁷ The law does not provide for any deadline for the verification of the campaign finance reports, and there is no requirement for parties to audit their reports.²⁸ Many ODIHR NAM interlocutors acknowledged a reasonable level of transparency in political and campaign finances, but noted that some high-level politicians tried to circumvent the law.

The oversight of campaign finance is with the Office for the Oversight of Financing of Political Parties and Movements (hereinafter the Office for Oversight).²⁹ 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. However, some ODIHR NAM interlocutors did not consider these sanctions as sufficiently dissuasive, including due to lengthy administrative proceedings for their application. Although the oversight of the campaign finance formally starts after the election day, the Office may *ex officio* initiate checks earlier or act upon complaints, as appropriate. Overall, ODIHR NAM interlocutors expressed trust in the Office for Oversight; however, they also noted that both the financial and human capacity of the Office could be enhanced to further strengthen the oversight of campaign finance.

I. MEDIA

The Czech media landscape includes a range of public and private television (TV) and radio stations, print media outlets and online media. TV remains the main source of information, with the public *Czech TV (ČT)* and private *TV Nova* and *Prima TV* dominating the market in terms of audience. The relevance of online media as a source of news continues to grow.³⁰

The Charter of Fundamental Rights and Freedoms ensures freedom of expression and the right of access to information and prohibits censorship. Despite previous ODIHR recommendations, defamation remains a criminal offense punishable with imprisonment.

All broadcasters are required to grant balanced and objective coverage to any party or movement in their news and political programmes.³¹ Paid political advertising is allowed only in print and online

²⁵ The sum of donations per year for one donor cannot exceed CZK 3 million. Donations from the state and municipalities or their enterprises, charitable organizations, foreign legal entities and non-citizens is prohibited.

²⁶ These limits include in-kind donations. Third parties may spend up to CZK 1,800,000 per a campaign.

²⁷ By the legal deadline of 5 January, 26 contestants opened designated bank accounts for these elections. Registered third parties report only election-related expenses, but the deadline for the publication of reports on their websites is only 10 days after promulgation of election results.

²⁸ Financial reports should include data on monetary and in-kind donations, including information on their market value, campaign expenses and financial debts.

²⁹ The Office for Oversight 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 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 limits for other members of the Office.

³⁰ According to the [Internet World Stats](#), internet penetration in the Czech Republic stands at some 87 per cent.

³¹ 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.

media. According to Election Law, public TV and radio should allocate each 14 hours of free airtime, equally between all contestants running for the elections. Though contestants bear responsibility for the content of the free-of-charge spots, ČT checks them against instances of hate speech before broadcasting. Regular campaign coverage is provided by news and other programmes.

Many ODIHR NAM interlocutors expressed their concerns over recent threats against journalists by some high-ranking politicians, as well as instances of hostile rhetoric against media outlets, including accusations of manipulation of public opinion, emanating from public officials.³² Some media interlocutors were worried by growing difficulties in gaining access to information held by the president.³³ 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.³⁴

Many ODIHR LEOM interlocutors voiced their concerns that the increasing political influence of local tycoons over the media undermines their editorial independence.³⁵ ODIHR has previously recommended to limit media ownership concentration and media cross-ownership.³⁶

The ČT Council is the governing body of the public broadcaster. The Council is responsible, among other tasks, for the nomination of the ČT director general and approval of the budget. Similar bodies exist and exercise control over Czech Radio and Czech Press Agency. All members of the mentioned governing bodies are appointed by the parliament, and therefore many ODIHR NAM media interlocutors perceive them to be under political influence.³⁷ Most ODIHR NAM interlocutors expressed trust in the independence and objectivity of the ČT; however, some interlocutors regarded efforts to oust the Director General of the ČT as an attempt to erode the independence of the public broadcaster and realign its programming ahead of the elections.³⁸

The Council for Radio and Television Broadcasting (CRTB) is in charge of overseeing the broadcast media coverage of the campaign.³⁹ For the elections, the CRTB does not plan to carry out a comprehensive monitoring; however, it will monitor debates on the ČT and Czech Radio and focus on ensuring objective and balanced coverage. No ODIHR NAM interlocutors voiced any concerns regarding the work of the CRTB; but some noted that the lengthy administrative proceedings in case of violations of broadcasting rules undermine the effectiveness of the oversight mechanism.

³² See also [UN HRC Concluding Observations](#), paragraphs 36 and 40.

³³ The president's office has recently made a [statement](#) that it will no longer provide information to selected media outlets who attempted to acquire information from Office of the President in a "non-standard and unserious way".

³⁴ See [UN Committee on the Elimination of Racial Discrimination](#) Concluding Observations on the combined twelfth and thirteenth periodic reports of Czechia (19 September 2019), CERD/C/CZE/CO/12-13m paragraphs 11 and 12. See also [news item](#) by the OSCE Representative of Freedom of Media of 17 February 2021.

³⁵ The most evident figure is Mr. Babiš, who simultaneously bought the MAFRA media group and entered politics in 2013. This reinforced the widespread impression that purchasing media by some businessmen was driven by an intention to keep a strong political influence.

³⁶ See also paragraph 38 of the [UN HRC Concluding Observations](#).

³⁷ [These concerns were further expressed](#) on 18 March, when during its selection process for the next ČT Council election, the Electoral Committee of the Chamber of Deputies, which is dominated by the ANO party led by Prime Minister Andrej Babiš, again shortlisted several candidates who critics say have been chosen for their political loyalties or longstanding criticism of the broadcaster, rather than their expertise or independence.

³⁸ In November 2020, the ČT Council – a 15-member body elected to exercise public control over the outlet – dismissed its advisory board, the five-member Supervisory Commission. In disagreement, the president and vice president of the ČT Council promptly resigned.

³⁹ The Council is entitled to initiate administrative procedures in cases of breaches of the law and apply fines.

J. COMPLAINTS AND APPEALS

Decisions on technical and organizational aspects of elections can be appealed to the next level of administrative authority in charge of the issues in question and further to the respective regional administrative court. Requests for amending the voter lists can be made to the resident municipality, which should reply within two days. Such a decision may be further appealed to the regional court which should issue a final decision within three days. Complaints related to registration of candidate lists should be lodged within 2 days with the regional court, which should make a final decision within 15 days.

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. Any voter or contestant registered in the respective constituency can file a motion with the Supreme Administrative Court (SAC) within ten days following the publication of election results. The SAC has 20 days to consider complaints concerning election results. The validity of election results can be also challenged to the Constitutional Court, if the constitutionality of an aspect of elections is of concern. In this case, no time limit for considering such complaint by the Constitutional Court is defined by the law.

While the existing legal framework and related court decisions have provided sufficient guarantees for effective redress, the UN HRC has expressed concern regarding the independence of judges and the Prosecutor's Office from the executive and legislative branches and their susceptibility to political interference.⁴⁰ Nevertheless, all ODIHR NAM interlocutors expressed trust in the effectiveness of election dispute resolution mechanism.

IV. CONCLUSIONS AND RECOMMENDATION

All ODIHR NAM interlocutors expressed full confidence in the electoral process and conduct of transparent democratic elections. Many interlocutors stated that they would welcome a potential ODIHR observation activity, recognising the value of an external assessment for further improvements of elections. Others opined that only a few aspects such as conduct of the campaign, including online, the participation of women, and functioning of the media would merit specific attention by ODIHR.

On this basis, the ODIHR NAM recommends deploying an Election Expert Team for the 8-9 October parliamentary elections to assess campaign, media landscape, campaign coverage in the media and the participation of women. ODIHR also reiterates that many of its previous recommendations remain valid and reaffirms its readiness to support the authorities in a post-electoral reform process.

⁴⁰ See [UN HRC Concluding Observations](#), paragraph 32 and 33.

ANNEX: LIST OF MEETINGS

Ministry of Foreign Affairs

Martin Smolek, Deputy Minister of Foreign Affairs
Petr Kubalek, Consular Department
Jan Kaminek, Human Rights Department

Ministry of Internal Affairs

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

Czech Statistical Office

Jana Slavníková, Head, Election Results Department
Pavel Skotnica, Director, Statistic Information Department
Pavel Charvát, Head, Information Privacy Department
Lucie Polívková, Head, International Cooperation Department
Jan Cieslar, Spokesperson

Constitutional Court

Vojtěch Šimíček, Judge

Supreme Administrative Court

Tomáš Langášek, Judge

Office for the Oversight of Financing of Political Parties and Movements

Tomáš Hudeček, Deputy Director
Jan Outlý, Member of the Board

Public Defender of Rights

Zuzana Jarabinská, International Relations Officer

Council for Radio and Television Broadcasting

Dagmar Zvěřinová, Director
Vilma Hušková, Deputy Director

Political Parties

Pavel Žáček, MP, Civic Democratic Party
Josef Šmída, Foreign Affairs Secretary, Green Party
Vít Rakušan, Chairperson, *Mayors and Independents*
Vojtěch Píkal, MP, Deputy Chair of House of Representative, Pirate Party
Ondřej Veselý, MP, Social Democratic Party
Ondřej Kolář, Member of the Board, TOP09

Media

Martin Řezníček, Deputy Editor-in-Chief of News, Czech Television
Filip Nerad, News Department, Czech Radio
Barbora Chaloupková, Editor, *Respekt* Newspaper
Andrea Procházková, Editor, *Respekt* Newspaper

Civil Society and Academia

Veronika Šprincová, Director, Forum 50%
Šimon Pánek, Director, *People in Need*
Jakub Šedo, Masaryk University