



**OSCE**



## **Election Observation Mission Czech Republic 1998**

### **Preliminary Statement - 21 June 1998**

This is the preliminary statement of the Organisation for Security and Co-operation in Europe's (OSCE) Election Observation Mission for the 19 & 20 June elections to the Chamber of Deputies of the Czech Republic. This statement is issued prior to the publication of the official results. A final report will be issued by the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) in July.

The OSCE Election Observation Mission would like to thank the Ministry of Foreign Affairs for its invitation to observe the elections, and the National Election Commission for its support and co-operation.

#### **Summary of Conclusions**

- The 1998 elections to the Chamber of Deputies of the Czech Republic were carried out in general accordance with the law and were conducted in a transparent manner, enjoying the confidence of political parties and the public.
- The electronic and print media generally gave a full and balanced coverage of the election campaign and the competing political parties, with all parties enjoying a fair level of exposure.
- There needs to be clarification of some aspects of the election law, particularly with regard to the registration of parties for the election.
- Election days were very well organised and voters participated in large numbers and in a calm and orderly manner. Polling Station officials carried out the process in an efficient manner and in general accordance with the electoral provisions.
- The OSCE Observation Mission concludes that the 1998 elections for the Chamber of Deputies were held in accordance with the Czech Republic's commitments as an OSCE participating State.

#### **The Electoral Framework**

The Election Observation Mission considers that the Czech electoral system and legislation provides for an open election environment in which registered political parties are able to compete on an equitable basis for representation in the parliament. However, several aspects of the election framework might be re-considered for future elections in order to further strengthen the democratic process.

Under current legislation, the issue of party registration for the election is somewhat ambiguous, as parties failing to pay the financial bond were still given campaign access to public radio and were active on election commissions. The allocation of campaign media time and positions on election commissions is generally reserved only for those parties actually competing in the election.

A number of complaints were made to the observation mission by some parties regarding the financial bond and the 5% national threshold, claiming both are too high and limit their chances for competing in the election and gaining representation in parliament. However, it is common practice in many countries that some sort of filtering process exists to limit the number of parties wishing to participate in the elections. A threshold of 5% for gaining seats in parliament is also not unusual.

It is recognised, nonetheless, that the application of this threshold on the national rather than the regional level, especially when considered in conjunction with the financial bond, does make it somewhat harder for smaller and regional-based parties to be successful in the election. Ultimately, such stipulations are the prerogative of a country's parliament to set, but it is important that a consensus on the limit for a threshold and the extent of any financial bond is established.

Current legislation does not provide Czech citizens abroad at the time of the election the facility to vote. Such a provision for citizens outside the country on election day is common practice in many countries, through a variety of mechanisms, and could be considered for future elections.

The election law should provide for international and non-partisan domestic observers. It is regrettable that a delegation from the widely known US-based International Republican Institute, whilst being accredited, was not given permission to observe the counting process. According to OSCE commitments, all accredited observers from appropriate organisations should have full access to all aspects of the electoral process.

It was noted that some parties appeared to start campaigning prior to the official campaign period. It is not entirely clear from the election law what constitutes official campaigning, and thus what party activities, if any, are allowed prior to the start of the official campaign period.

The electoral legislation needs to articulate the penalties for violations of the law, with a clear legal mechanism established for enforcing such penalties. In general terms, diverse electoral legislation related to the election, such as laws concerning the role of the media, could be consolidated, which would help in the overall clarification and application of some aspects of the electoral procedures.

### **The Election Campaign and Media**

The election campaign was conducted in a calm atmosphere. Contention over the so-called 'Gentleman's Agreement', under which most parliamentary parties agreed not to use billboards and to limit their campaign spending, was the most notable feature. There was debate over what constituted election campaigning and a number of un-attributed election posters also appeared. Though not legally binding, it is clear that the spirit of the agreement was broken, which can serve to undermine the credibility of the parties in the eyes of the public.

The public media met its legal obligations during the campaign period, sharing campaign-allocated airtime between parties. Reporting was generally balanced, and all parties competing in the election enjoyed a fair share of the airtime.

Public radio's allocation of airtime to parties which did not pay the bond, was abused by one non-bond paying party, which utilised its airtime to campaign for another party. Unlike public radio, public TV decided not to allow airtime for parties which failed to pay the bond. This abuse and inconsistency further highlights the need for clarification of the law on campaigning on public media, with access to be granted only to parties contesting the election.

Party advertising is not permissible on private TV, but news broadcasts and other programming, whilst focusing more on major parties, provided full and balanced coverage of the campaign and political events.

By virtue of the programming of the public and private media, Czech voters had access to a relatively balanced diversity of political information on the parties contesting the election.

### **The Voting and Counting Processes**

Based on the reports from OSCE observers around the country, the voting and counting processes were generally carried out in full accordance with the law. The election authorities and polling station officials are to be congratulated for their organisation of the election.

The processing of votes at the various levels was carried out in a transparent manner. It is clear that the electoral process enjoys the confidence of political parties and the general public alike.

Despite a number of minor irregularities, the OSCE observation mission can conclude that the voting and counting procedures were carried out in accordance with OSCE commitments.

- Mr. Mark Power-Stevens was appointed by ODIHR as the On-site Co-ordinator of the Election Observation Mission.
- Ms. Tone Tingsgard, a Member of Parliament of Sweden and Head of the OSCE Parliamentary Assembly delegation, was appointed as a Special Representative of the OSCE Chairman-in-Office to the Election Observation Mission.
- The statement is based upon the findings of the 7-person long-term observation mission of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR), which has been present in the Czech Republic since 13 May.
- The statement also incorporates the election day observations, in accordance with ODIHR methodology, of some 70 observers, operating in teams of 2-persons, who covered all 8 regions of the country. International observers represented 20 OSCE participating States, and included a 24-person delegation from the OSCE Parliamentary Assembly as well as members of the diplomatic community representing OSCE States.

• **For further information please contact:**

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