

OSCE/ODIHR Submission of Information about an OSCE Participating State or Partner for Co-operation under Consideration in the Universal Periodic Review Process

Participating State: The Czech Republic

UPR Working Group Session and Date of Review: 42nd Session, 23 January-03 February, 2023

Background

1. The Czech Republic has been a participating State in the Organization for Security and Co-operation in Europe (OSCE) since 1993 when it was admitted as a new participating State (the Czechoslovak Socialist Republic was an original signatory of the CSCE Final Act) and has thus undertaken and recently reaffirmed a wide range of political commitments in the “human dimension” of security as outlined in relevant OSCE Documents.¹
2. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) has been mandated by OSCE participating States, including the Czech Republic, to assist them in implementing their human dimension commitments. ODIHR assistance includes election observation and assessment activities as well as monitoring and providing assessments, advice and recommendations relating to implementation of commitments in the fields of human rights, democracy, tolerance and non-discrimination, and the situation of Roma and Sinti in the OSCE-Area.
3. The present submission provides publicly available country-specific information that may assist participants in the Universal Periodic Review process in assessing the situation in the Czech Republic and its implementation of past recommendations, as well as to formulate new recommendations that may be relevant to enhancing the enjoyment of human rights and fundamental freedoms in the Czech Republic.

Election-related activities

4. ODIHR has assessed five elections in the country, most recently the 2021 parliamentary elections. ODIHR sent a Needs Assessment Mission (NAM) for the 2018 presidential election but did not recommend deployment of any election-related activity. The findings of the Final Report of the Election Assessment Mission for the 20-21 October 2017 parliamentary election and Election Expert Team for the 8-9 October 2021 parliamentary elections are summarized below.

Parliamentary elections, 8-9 October 2021

¹ OSCE Office for Democratic Institutions and Human Rights, *Compendium of OSCE Human Dimension Commitments: Volume 1, Thematic Compilation (third edition)*, and *Compendium of OSCE Human Dimension Commitments: Volume 2, Chronological Compilation (third edition)*, 2011; OSCE Summit Meeting, Astana 2010, *Astana Commemorative Declaration: Toward a Security Community*, 3 December 2010.

5. Following an invitation from the government of the the Czech Republic and based on the findings and conclusions of the NAM conducted from 7 to 11 June 2021, ODIHR deployed an Election Expert Team (EET) to observe the 8 and 9 October parliamentary elections. The ODIHR EET assessed aspects of the electoral process related to the conduct of elections during the COVID-19 pandemic, the election campaign, the media landscape and campaign coverage, as well as the participation of women in elections.
6. The ODIHR EET final report concluded that the elections “took place against the backdrop of a polarized political context, and many interlocutors perceived the elections as a plebiscite on Prime Minister Andrej Babiš, who was challenged by the newly created coalition of SPOLU as well as the Pirate Party and Mayors and Independents (STAN), composed of several mid-size parliamentary parties.”² The final report of the EET made 10 recommendations of which the following selection is of particular importance:
 - As previously recommended, considerations could be given to creating a central voter register with a view to integrate nationwide voter registration data, facilitate cross-checks of voter lists against multiple or faulty entries, and control the use of the absentee voting certificates.
 - To safeguard media pluralism, authorities should consider introducing measures to prevent excessive concentration of media ownership, and extending these regulations to all types of media.
 - Comprehensive efforts by the state and political parties should be made to promote women’s effective participation and decision-making in public and political life. Special measures to increase the number of women in elected positions should be considered. Among others, a system linking public funding of parties to a requirement for making a gender audit could be established, with an aim to review current intra-party practices that curb equitable representation of women within party structures.

Presidential election, 12-13 January 2018

7. In anticipation of an invitation from the authorities of the Czech Republic to observe the 2017 elections to the Chamber of Deputies of the Czech Parliament (parliamentary elections) and 2018 presidential election, and in accordance with its mandate, ODIHR undertook a NAM to the Czech Republic from 5 to 7 June 2017.³
8. The ODIHR NAM report concluded that ODIHR “*does not recommend the deployment of any election-related activity ahead of the 2018 presidential election, since there are no additional elements of the electoral process that would merit assessment compared to the parliamentary elections. OSCE/ODIHR also reiterates that a number of its previous recommendations remain valid and encourages the authorities to also consider the issues raised by interlocutors in discussions with the OSCE/ODIHR NAM.*”

Parliamentary elections, 20-21 October 2017

² ODIHR EET Final Report for the 8-9 October 2021 Parliamentary Elections.

³ ODIHR Needs Assessment Report for the Parliamentary Elections 20-21 October 2017 and Presidential Election 12-13 January 2018.

9. Following an invitation from the government of the Czech Republic and based on the findings and conclusions of the NAM conducted from 5 to 7 June 2017, ODIHR deployed an Election Assessment Mission (EAM) to observe the 20 and 21 October parliamentary elections.
10. The ODIHR EAM final report concluded that the “*elections of 200 Deputies of the lower chamber of parliament 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. The elections took place in a context marked by a government crisis and ongoing police investigations against the former Minister of Finance and leader of the political movement ANO.*”⁴ The following key recommendations were presented:
 - The role of the Office for Oversight could be further strengthened by increasing its administrative capacity. The mechanism of sanctions should be further developed to make them deterrent, linking, for example, the outcome of the review of the campaign finance reports with the state funding.
 - To ensure transparency and accountability of the voter registration process, an efficient mechanism of voter lists compilation and verification should be developed. Consideration could be given to creating a central voter register with a view to integrate nationwide voter registration data, facilitate cross-checks of voter lists against multiple or faulty entries, and control the use of the Absentee Voting Certificates.
 - Greater efforts should be made to include women on candidate lists, especially in winnable positions. Temporary special measures, including state subsidy premiums for political parties and other mechanisms, should be developed to promote women’s participation in elections.
 - Authorities should consider amending the legal framework to limit media ownership concentration and media cross-ownership by extending it to print and online media in order to safeguard media pluralism. Media companies should be required to publish accurate data on their ownership to strengthen transparency.

Electoral Follow-up in the Czech Republic

11. Final reports include priority recommendations and as such are treated as a central element of any follow-up process. In view of the above-mentioned, ODIHR visited Prague to present the ODIHR final report on 20-21 October 2017 parliamentary elections in the Czech Republic.
12. ODIHR recommendations focused on the role of the Office for the Oversight of Financing of Political Parties and Movements, transparency and accountability of the voter registration process as well as creation of a central voter register, promotion of participation of women in elections including by introduction of temporary special measures, and the need for amendments to the legal framework to limit media ownership concentration and media cross-ownership. Participants also discussed a number of other topics, including codifying electoral legislation, election observation by civil society,

⁴ ODIHR EAM Final Report for the 20 and 21 October 2017 Parliamentary Elections.

election-day procedures, as well as lifting criminal liability for defamation.

13. The authorities stated their intention in following-up on recommendations.⁵ ODIHR confirmed its willingness to support the participating State, including through a review of legal amendments and technical expertise on certain processes, in line with its mandate and upon request of the host country. It should be noted that many previous ODIHR recommendations remain unaddressed.

Tolerance and non-discrimination issues

14. OSCE participating States have made a number of commitments to promote tolerance and non-discrimination and specifically to combat hate crime, and ODIHR supports states in their implementation of those commitments. In this context, ODIHR produces an annual report on hate crime to highlight the prevalence of hate crimes and good practices that participating States and civil society have adopted to tackle them. ODIHR also helps participating States design and draft legislation that effectively addresses hate crimes; provides training that builds the capacity of participating States' criminal justice systems and the law-enforcement officials, prosecutors and judges that staff them; raises awareness of hate crimes among governmental officials, civil society and international organizations; and supports the efforts of civil society to monitor and report hate crimes.
15. In respect of the 2020 Hate Crime Report and ODIHR's key observations, ODIHR recognized the Czech Republic's efforts to report hate crime data to ODIHR and to build prosecutors' capacities in addressing hate crimes. However, based on the available information, it observed that the Czech Republic's hate crime recording and statistics do not sufficiently distinguish hate crimes from other crimes. In addition, ODIHR suggests that the Czech Republic would benefit from raising awareness and building the capacity of police and law enforcement officials about hate crimes.
16. With regard to support for hate crime victims, ODIHR observes that there is both a general victim support system and a specific support system for hate crime victims in the Czech Republic. Czech law recognizes hate crime victims as victims with specific needs. However, it is recommended to formalize co-operation between law enforcement and civil society in this area and introduce a procedure for conducting individual needs assessment (INA) by law enforcement is recommended.
17. ODIHR's 2020 publication "OSCE Human Dimension Commitments and State Responses to the COVID-19 Pandemic" reported that, as the coronavirus is widely considered to have spread from China to other countries, intolerance and discrimination was significantly directed towards people perceived to be of Asian descent in the early phase of the pandemic, including cases in the Czech Republic.⁶
18. ODIHR's recommendations to the Czech Republic on this basis of this publication include:
 - Condemn any form of discrimination and hate crime and abstain from any statement or action that exacerbates vulnerabilities;

⁵ In para 25 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves "to follow up promptly the ODIHR's election assessment and recommendations". See also the [ODIHR Electoral Recommendations Database](#).

⁶ OSCE/ODIHR: [OSCE Human Dimension Commitments and State Responses to the COVID-19 Pandemic](#), 2020, p. 17.

- Respond swiftly to hate crimes, including those motivated by gender or sex, to record and investigate them so that the perpetrators can be brought to justice and adequate penalties imposed. Support victims as they report their experiences, and ensure the availability of all necessary psychological, social and legal support for victims, including through close co-operation with civil society. Relevant authorities should also publicly condemn any such acts and ensure that perpetrators are brought to justice;
- Consider, where states have not done so, providing the possibility to report hate crimes online and allowing third-party reporting to police by civil society groups and equality bodies;
- Assess and improve relevant mechanisms for hate crime recording and data collection, including gender disaggregated data and assess the existing current victim support systems.
- Ensure that the consequences of the current pandemic, including the economic crisis, do not affect states' capacities to provide support to victims of hate including through appropriate funding to non-state actors and civil society organizations;
- Build law enforcement and justice sector capacities to recognize and effectively investigate hate crimes and to ensure that specialized training, focused on hate crime victims and their needs, is provided for officials and civil society organizations within the victim support structures. Enact policies, through inter-agency co-operation, to address hate crimes in a comprehensive manner;
- Celebrate and harness the strength of diversity within the participating State, as a means of overcoming current and forthcoming social and economic challenges of the pandemic.

Roma and Sinti issues

19. ODIHR has a specific mandate to assist participating States in implementing the OSCE Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area⁷ and three subsequent OSCE Ministerial Council decisions⁸. ODIHR issued the First Status Report on the implementation of this Action Plan in 2008⁹ and the Second Status Report in 2013¹⁰. Both reports explored the efforts of participating States as well as challenges in meeting their commitments in the areas of public policy, non-discrimination, socio-economic issues, education, and public and political participation, and the rights of Roma and Sinti in crisis and post-crisis situations.¹¹
20. ODIHR noted that the outbreak of the COVID pandemic was accompanied by a sharp surge in racism in many OSCE participating States, including the Czech Republic. ODIHR recommends elaborating effective policies addressing the vulnerability that Roma already faced long prior to this health crisis, including educational and other measures in response to increasing instances of discrimination resulted by mass media portrayal of Roma in a biased and negative manner.¹²

⁷ OSCE Ministerial Council, Decision No. 3/03, "Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area" (OSCE Action Plan), Maastricht, 1-2 December 2003.

⁸ OSCE Ministerial Council Decisions No. 6/08 adopted in Helsinki on 5 December 2008, No. 8/09 adopted in Athens on 2 December 2009 and No. 4/13 adopted in Kyiv on 6 December 2013.

⁹ "Implementation of the Action Plan on Improving the Situation of Roma and Sinti Within the OSCE Area", 24 September 2008, OSCE/ODIHR.

¹⁰ "Implementation of the Action Plan on Improving the Situation of Roma and Sinti Within the OSCE Area", "Status Report 2013", 24 October 2013, OSCE/ODIHR.

¹¹ *Ibid.*

¹² *Op. cit.* footnote 6 (OSCE Human Dimension Commitments and State Responses to the Covid-19 Pandemic), p. 144.

