

# 2023 Rule of Law Report - targeted stakeholder consultation

Fields marked with \* are mandatory.

## Introduction

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The annual Rule of Law Report lies at the centre of the European rule of law mechanism, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, three editions of the Rule of Law Report have been published in 2020, 2021 and 2022.

In the preparation of the first three editions of the Rule of Law Report, the Commission has relied on a diversity of relevant sources, including from Member States, country visits, and stakeholders' contributions collected through the targeted stakeholder consultation [1]. The information provided has informed the Commission's country-specific assessments in preparing the Report. Building on the positive experience from the first three editions of the Rule of Law Report, the Commission is now inviting stakeholders to provide written contributions for the preparation of the 2023 Rule of Law Report through this targeted consultation.

The contribution to be provided should include (1) information on measures taken to implement the recommendations addressed to the Member State in the 2022 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and (2) any other significant developments since January 2022 [2] falling under the 'type of information' outlined in the next section.

The input should be short and concise and summarise information related to one or more of the areas referred to in the template. You are invited to focus on the areas that relate to the scope of work and expertise of your organisation. Existing reports, statements, legislation or other documents may be referenced with a link (no need to provide the full text). Stakeholders are encouraged to make references to any contributions already provided in a different context or to Reports and documents already published. Contributions should focus on significant developments both as regards the legal framework and its implementation in practice.

**If you wish to submit information concerning several Member States, you will have to fill-in the questionnaire separately for each Member States (due to the size of the questionnaire). There is no limit to the number of contributions submitted by a single participant. In such cases, you are not required to repeat the information in the section "about you" that is non-mandatory nor the information on horizontal developments.**

Please provide your contribution by **20 January 2023**. Should you have any requests for clarifications or encounter difficulties in filling in the questionnaire, you can contact the Commission at the following email

address: rule-of-law-network@ec.europa.eu.

[1] For the consultation for the 2022 Report, see [https://ec.europa.eu/info/publications/2022-rule-law-report-targeted-stakeholder-consultation\\_en](https://ec.europa.eu/info/publications/2022-rule-law-report-targeted-stakeholder-consultation_en)

[2] Unless the information was already submitted in the consultation for the previous Rule of Law Reports.

## Type of information

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The topics are structured according to four pillars: I. Justice system; II. Anti-corruption framework; III. Media pluralism; and IV. Other institutional issues related to checks and balances. The replies could include aspects set out below under each pillar. This can include challenges, current work streams, positive developments and best practices:

### **Legislative developments**

- Newly adopted legislation
- Legislative drafts currently discussed in Parliament
- Legislative plans envisaged by the Government

### **Policy developments**

- Implementation of legislation
- Evaluations, impact assessment, surveys
- White papers/strategies/actions plans/consultation processes
- Follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- Important administrative measures
- Generalised practices

### **Developments related to the judiciary / independent authorities**

- Important case law by national courts
- Important decision/opinions from independent bodies/authorities
- State of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, heads of independent authorities included in the scope of the questionnaire[1])

### **Any other relevant developments**

- Respondents are free to add any further information, which they deem relevant; however, this should be short and to the point.

If there are no changes, it is sufficient to indicate this and the information covered in the contributions for the previous Rule of Law Reports should not be repeated.

[1] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

## About you

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\* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☒ Civil society organisation/NGO
- ☐ International organisation
- ☐ Judicial association or network
- ☐ Media organisation or association
- ☐ Public authority or network of public authorities
- ☐ Other

\* Organisation name

250 character(s) maximum

Main Areas of Work

- ☐ Justice System
- ☐ Anti-corruption
- ☐ Media Pluralism
- ☒ Other

If "Other", please specify

Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

500 character(s) maximum

Transparency register number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

\* Country of origin

Please add the country of origin of your organisation

- ☐ Afghanistan
- ☐ Albania
- ☐ Algeria
- ☐ Andorra
- ☐ Angola
- ☐ Antigua and Barbuda
- ☐ Argentina
- ☐ Armenia
- ☐ Australia
- ☐ Austria
- ☐ Azerbaijan
- ☐ Bahamas
- ☐ Bahrain
- ☐ Bangladesh
- ☐ Barbados
- ☐ Belarus
- ☐ Belgium
- ☐ Belize
- ☐ Benin
- ☐ Bhutan
- ☐ Bolivia
- ☐ Bosnia and Herzegovina
- ☐ Botswana
- ☐ Brazil
- ☐ Brunei Darussalam
- ☐ Bulgaria
- ☐ Burkina Faso
- ☐ Burundi
- ☐ Cabo Verde
- ☐ Cambodia
- ☐ Cameroon
- ☐ Canada
- ☐ Central African Republic
- ☐ Chad
- ☐ Chile
- ☐ China
- ☐ Colombia
- ☐ Comoros
- ☐ Congo
- ☐ Costa Rica
- ☐ Côte D'Ivoire
- ☐ Croatia
- ☐ Cuba
- ☐ Cyprus

- ☒ Czechia
- ☐ Democratic Republic of the Congo
- ☐ Denmark
- ☐ Djibouti
- ☐ Dominica
- ☐ Dominican Republic
- ☐ Ecuador
- ☐ Egypt
- ☐ El Salvador
- ☐ Equatorial Guinea
- ☐ Eritrea
- ☐ Estonia
- ☐ Eswatini
- ☐ Ethiopia
- ☐ Fiji
- ☐ Finland
- ☐ France
- ☐ Gabon
- ☐ Gambia
- ☐ Georgia
- ☐ Germany
- ☐ Ghana
- ☐ Greece
- ☐ Grenada
- ☐ Guatemala
- ☐ Guinea
- ☐ Guinea Bissau
- ☐ Guyana
- ☐ Haiti
- ☐ Honduras
- ☐ Hungary
- ☐ Iceland
- ☐ India
- ☐ Indonesia
- ☐ Iran
- ☐ Iraq
- ☐ Ireland
- ☐ Israel
- ☐ Italy
- ☐ Jamaica
- ☐ Japan
- ☐ Jordan
- ☐ Kazakhstan
- ☐ Kenya
- ☐ Kiribati
- ☐ Kuwait
- ☐ Kyrgyzstan

- ☐ Laos
- ☐ Latvia
- ☐ Lebanon
- ☐ Lesotho
- ☐ Liberia
- ☐ Libya
- ☐ Liechtenstein
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Madagascar
- ☐ Malawi
- ☐ Malaysia
- ☐ Maldives
- ☐ Mali
- ☐ Malta
- ☐ Marshall Islands
- ☐ Mauritania
- ☐ Mauritius
- ☐ Mexico
- ☐ Micronesia
- ☐ Monaco
- ☐ Mongolia
- ☐ Montenegro
- ☐ Morocco
- ☐ Mozambique
- ☐ Myanmar
- ☐ Namibia
- ☐ Nauru
- ☐ Nepal
- ☐ Netherlands
- ☐ New Zealand
- ☐ Nicaragua
- ☐ Niger
- ☐ Nigeria
- ☐ North Korea
- ☐ North Macedonia
- ☐ Norway
- ☐ Oman
- ☐ Pakistan
- ☐ Palau
- ☐ Panama
- ☐ Papua New Guinea
- ☐ Paraguay
- ☐ Peru
- ☐ Philippines
- ☐ Poland
- ☐ Portugal

- ☐ Qatar
- ☐ Republic of Moldova
- ☐ Romania
- ☐ Russian Federation
- ☐ Rwanda
- ☐ Saint Kitts and Nevis
- ☐ Saint Lucia
- ☐ Saint Vincent and the Grenadines
- ☐ Samoa
- ☐ San Marino
- ☐ Sao Tome and Principe
- ☐ Saudi Arabia
- ☐ Senegal
- ☐ Serbia
- ☐ Seychelles
- ☐ Sierra Leone
- ☐ Singapore
- ☐ Slovakia
- ☐ Slovenia
- ☐ Solomon Islands
- ☐ Somalia
- ☐ South Africa
- ☐ South Korea
- ☐ South Sudan
- ☐ Spain
- ☐ Sri Lanka
- ☐ Sudan
- ☐ Suriname
- ☐ Sweden
- ☐ Switzerland
- ☐ Syrian Arab Republic
- ☐ Tajikistan
- ☐ Tanzania
- ☐ Thailand
- ☐ Timor-Leste
- ☐ Togo
- ☐ Tonga
- ☐ Trinidad and Tobago
- ☐ Tunisia
- ☐ Turkey
- ☐ Turkmenistan
- ☐ Tuvalu
- ☐ Uganda
- ☐ Ukraine
- ☐ United Arab Emirates
- ☐ United Kingdom
- ☐ United States of America

- ☐ Uruguay
- ☐ Uzbekistan
- ☐ Vanuatu
- ☐ Venezuela
- ☐ Viet Nam
- ☐ Yemen
- ☐ Zambia
- ☐ Zimbabwe

First name

Surname

Email Address of the organisation (this information will not be published)

#### \* Publication of your contribution and privacy settings

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- ☒ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**
- ☐ Public - Your personal details (name, organisation name, transparency register number, country of origin will be published with your contribution).
- ☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2023 rule of law report.pdf](#)

## Questions on horizontal developments

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In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.



## Overview topics for contribution

[list of topics 2023 Report.pdf](#)

Please provide any relevant information on horizontal developments here

*5000 character(s) maximum*

## Questions for contribution

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The following four pillars (I.-IV.) are sub-divided into topics (A., B., etc.) and sub-topics (1., 2., 3., etc.). For each of the topics and sub-topics, you are invited to provide (1) information on measures taken to implement the recommendations addressed to the Member States in the 2022 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2022 Rule of Law Report and (2) any other significant developments since January 2022[1]. Please include a link to and reference relevant legislation/documents (in the national language and/or where available, in English) if relevant. Significant developments can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

If there are developments you consider relevant under each of the four pillars that are not mentioned in the sub-topics, please add them under the section "other - please specify". Only significant developments should be covered.

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

[1] Unless already covered in the input for the previous Rule of Law Reports.

Member State covered in contribution [only one choice possible]

**If you wish to submit information concerning several Member States, please fill in the questionnaire separately for each Member State. There is no limit to the number of contributions submitted by a single participant.**

- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☒ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece

- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden

## I. Justice System

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Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the justice system (if applicable)

*3000 character(s) maximum*

Despite clear recommendations to reform the prosecution service in order to introduce safeguards for the dismissal of the Prosecutor General and other public prosecutors, the Ministry of Justice presented a draft law which has completely ignored not only this recommendation but also the government's own policy statement.

There are no requested safeguards whatsoever. On the other hand, a fixed term of the Prosecutor General and other chief prosecutors was introduced in the draft. This change would be appreciated, but it was accompanied by a new term limit - the Prosecutor General might exercise his office only once. A combination of this term limit, fixed term of office and no safeguards on the dismissal of the Prosecutor General would lead to an even more unstable environment and increased the risk of exercising political influence over the prosecution.

<https://www.transparency.cz/ministr-blazek-rezignuje-na-zakonnou-upravu-nezavisleho-statniho-zastupitelstvi/>

<https://www.rekonstrukcestatu.cz/archiv-novinek/ministr-spravedlnosti-blazek-chysta-vyssi-zavislost-statniho-zastupitelstvi-na-vlade>

### A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

*(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)*

*3000 character(s) maximum*

In the light of long time concerns over the independence of prosecution from undue political influence in the Czech Republic and lacking safeguards for the dismissal of chief prosecutors, there were very questionable moves of the newly appointed minister of justice P. Blažek towards the High Public Prosecutor's Office in Olomouc (2nd level of the prosecution out of 4, dealing with the gravest cases of organized crime and corruption in the country). The long-time chief of this institution Ivo Ištvan, criticized heavily by the now government party ODS (party of the prime minister and the minister of justice), resigned shortly after the appointment of the new government and it took half a year before a new chief was appointed by the minister of justice. Some close former co-workers of the minister (and reportedly according to media the minister himself), are investigated by this very prosecutor's office. The timing of this appointment during the main summer holidays, misrepresented statistics used by the minister for criticism of the former leadership of the institution and inappropriate demands of the minister for the newly appointed chief signalize that the minister's choice might have been influenced by his personal interests.

<https://www.transparency.cz/pozadavky-pro-kandidata-na-vrchniho-statniho-zastupce-v-olomouci-ovlivnuje-stret-zajmu-ministra-blazka/>

Irremovability of judges, including transfers, (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

*3000 character(s) maximum*

Promotion of judges and prosecutors (incl. judicial review)

*3000 character(s) maximum*

Allocation of cases in courts

*3000 character(s) maximum*

Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

*3000 character(s) maximum*

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

*3000 character(s) maximum*

Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information

3000 character(s) maximum

Independence/autonomy of the prosecution service

3000 character(s) maximum

see above

Independence of the Bar (chamber/association of lawyers) and of lawyers

3000 character(s) maximum

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

3000 character(s) maximum

In 2022, the presidential campaign was underway, with former Prime Minister Andrej Babiš running for president while facing charges of EU subsidy fraud in connection with his farm. The debate has been about whether an accused person facing trial can become the country's president and how the judiciary can deal with this highly politicized and visible case. The verdict came four days before the elections, when the Municipal Court in Prague acquitted Babis on 9 January 2023. The judge ruled that the prosecutor had failed to prove the prosecution's case. There was insufficient evidence that Babiš deliberately lied in his application for the subsidy and concealed his links to his giant conglomerate Agrofert. The verdict leads to an ambivalent conclusion as to whether this is evidence of an independent judiciary and a functioning rule of law. Or, on the contrary, it demonstrates the inability of the prosecution to professionally gather evidence and bring a quality indictment, thus pointing to a not very functional justice system. It is clear that the independence of the judiciary is one of the values, but the professionalism and courage of prosecutors and police officers is also indispensable.

<https://ct24.ceskatelevize.cz/domaci/3556382-rozsudek-ohledne-capiho-hnizda-je-dle-fialy-treba-respektovat-babis-je-pro-cesko>

## B. Quality of justice

*(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section*

*2)*

Accessibility of courts (e.g. court/legal fees, legal aid, language)

3000 character(s) maximum

Resources of the judiciary (human/financial/material)

*(Material resources refer e.g. to court buildings and other facilities)*

3000 character(s) maximum

Training of justice professionals (including judges, prosecutors, lawyers, court staff)

3000 character(s) maximum

Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID-19 pandemic)

3000 character(s) maximum

In June 2022, the Supreme Audit Office (SAO) completed an audit of the economy and effectiveness of spending on computerisation in the Ministry of Justice. In its final report, it concludes that the development of eJustice made minimal progress between 2016 and 2021. Although the MoJ has spent a total of CZK 331,508,680 on the implementation of the eJustice Strategy till 7 April 2022, it has managed to meet only two specific objectives out of 20. The MoJ has introduced an automatic random assignment generator of judges to individual cases and ensured provision of information on court decisions. Out of 37 planned activities, the MoJ achieved only eight. For example, the Ministry has not ensured friendly and easy communication with litigants and the public, including the provision of information. It has not ensured remote viewing of case files, data sharing between departmental information systems, electronic filing, electronic monitoring of convicts. Of the 59 information systems in operation, 50 are burdened with at least one major problem.

<https://www.nku.cz/scripts/rka/detail.asp?cisloakce=21/28&rok=0&sestava=0>

Use of assessment tools and standards (e.g. ICT systems for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

3000 character(s) maximum

Geographical distribution and number of courts/jurisdictions ("judicial map") and their specialization, in particular specific courts or chambers within courts to deal with fraud and corruption cases

3000 character(s) maximum

## C. Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section

2)

Length of proceedings

3000 character(s) maximum

Other - please specify

3000 character(s) maximum

The ruling of Czech Constitutional Court in favor of homosexual families is still not reflected in legal regulation. The government failed to implement also the rulings of Czech Constitutional Court in favor of LGBT+ people. Czech law prohibits joint same-sex parental rights. The Czech Constitutional Court ruled already in 2016, that same-sex joint parental rights acquired under foreign law must be recognised by Czech law (it is unclear whether this relates to surrogacy or also adoption rights as in 2021 the Constitutional Court ruled again against). Consequently, forms of birth certificates of children must be amended accordingly, introducing an option of same-sex parents. So far only opposite-sex couple parents form exist. In 2021 the Ministry of Interior finally prepared the corresponding amendment to its own decree which sets out the birth certificate forms. However, this amendment was criticised (as part of the official inter-ministerial commentary process) by the President (who holds strong anti-LGBT+ views) and the Czech Conference of Bishops (congregation of Roman Catholic Bishops, which was in the past given the privilege to comment on bills of laws). The Ministry of Interior has subsequently removed the implementation of the Constitutional Court ruling from the draft decree amendment citing lack of time to reconcile all the comments. [https://www.usoud.cz/fileadmin/user\\_upload/Tiskova\\_mluvci/Publikovane\\_nalezky/2017/I.\\_US\\_3226\\_16\\_an.pdf](https://www.usoud.cz/fileadmin/user_upload/Tiskova_mluvci/Publikovane_nalezky/2017/I._US_3226_16_an.pdf)

Judgment of European Court of Human Rights declaring that mandatory sterilizations of trans\* people, required as a condition for legal gender recognition, constitute a violation of the European Convention of Human Rights. Despite this, the Czech Republic continues to uphold such condition.

Victims of hate-crimes motivated by the victims deemed sexual orientation or gender identity receive less protection in the criminal justice system than victims of hate crimes based on other motives, such as race or religion. This is due to the fact that Czech Criminal Code does not treat all victims the same.

Since January 2022, a law has been in force that allows compensation for victims of unlawful sterilizations.

Victims can submit a claim to the Ministry of Health, which reviews it. However, these procedures did not proceed as intended when the new law was passed. By the end of September 2022, 421 applications had been submitted. Of these, the Ministry has processed 231 applications. Only 129 of these have been successful. No appeals have been successful. We can mention the following shortcomings: 1. Instead of the stipulated time limit of 2 months, the Ministry processes applications sometimes for up to 10 months, so women wait for a decision for an unreasonably long time. 2. So far, victims without medical records (or incomplete ones) have not been compensated, even in cases where medical records have been shredded in violation of the law, or despite the fact that the law allows for further evidence

## II. Anti-Corruption Framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission's attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the anti-corruption framework (if applicable)

*3000 character(s) maximum*

### A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic authorities. Indicate any relevant measure taken to effectively and timely cooperate with OLAF and EPPO (where applicable)

*3000 character(s) maximum*

Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption

*3000 character(s) maximum*

Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators

*3000 character(s) maximum*

The Government's Council for Coordination of the Fight against Corruption physically met after a year and a half on 14 November 2022. It discussed, among other things, the draft law on the protection of whistleblowers, the government's concept for the fight against corruption for the period 2023-2026 and the Czech Republic's Action Plan of Partnership for Open Government for the next two years. On the Whistleblower Protection Bill, the Council adopted a recommendation that the Government extend the substantive scope of the Bill to cover all offenses. The Council further recommends that the Government maintain and extend the obligation to receive and investigate anonymous notifications to public procuring entities and legal persons dominantly owned or controlled by the State. The discussion of the Czech Republic's Open Government Partnership Action Plan for the next two years was suspended due to the need to add new items (e.g. the creation of a transparent register of subsidies, a methodology for small-scale public procurement and an analysis of the functioning of the register of beneficial owners of companies). The Action Plan includes as a commitment the pilot implementation of the participation methodology. The interruption of the discussion jeopardised the December deadline for its adoption.

Zaznam-z-25.-jednani-Rady-vlady-konaneho-dne-14.-listopadu-2022.pdf

## B. Prevention

Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training). Please provide figures on their application

*3000 character(s) maximum*

General transparency of public decision-making, including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing

*3000 character(s) maximum*

The asset declarations of public officials have been made public via signed individual requests thanks to the amendment of the Law on Conflict of Interest in 2022. However, a new fine could be imposed on a person, which uses the obtained data for other purposes than checking on possible conflicts of interests. This theoretically threatens the work of investigative journalists and other watchdog organizations.

Rules and measures to prevent conflict of interests in the public sector. Please specify the scope of their application (e.g. categories of officials concerned)

*3000 character(s) maximum*

Despite many public statements of the current government ministers and members of the Parliament in the past, there was no visible support for the necessary changes of the Law on Conflict of Interest, which proved to include several loopholes that make it very difficult to enforce some of the provisions to prevent the conflict of interest (tried in many ways by former prime minister Andrej Babiš and his companies). The needed amendments to the law were presented by the members of Parliament from all 5 government parties in December 2021, but since then the proposal was not discussed. One of the reasons is obvious resistance of the now opposition led by Andrej Babiš to the proposal, but the government representatives are reluctant to push for the legislation at all.

Measures in place to ensure whistleblower protection and encourage reporting of corruption.

*3000 character(s) maximum*

The new government decided to change the draft law on whistleblowing in a way that lowers the level of protection. Mainly, there are changes to the material scope of the law, which would cover less cases than the former proposal of the previous government. Secondly, the anonymous reporting would not be protected at all. Both of these changes were criticized by the anti-corruption NGOs and the governmental council for fight against corruption (including also several ministries, law enforcement and academia) agreed on the unsuitability of such changes. The recommendation of the government council, however, was ignored by the government. The draft law should be discussed in the Parliament in 2023.

<https://www.transparency.cz/navrh-zakona-o-ochrane-oznamovatelů-z-pera-ministra-blazka-je-horsi-nez-od-jeho-predchudkyne-benesove/>

<https://www.transparency.cz/fialova-vlada-brani-protikorupcnim-opatrenim/>

<https://www.rekonstrukcestatu.cz/archiv-novinek/vlada-petra-fialy-ods-schvalila-navrh-zakona-o-ochrane-oznamovatelů-ktery-jde-naproti-korupci>

List the sectors with high-risks of corruption in your Member State and list the relevant measures taken /envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. public procurement, healthcare, citizen investor schemes, risk or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector)

*3000 character(s) maximum*



In June 2022, the police carried out the Dozimetr operation to investigate corruption at the Prague City Hall related to the management of the city's transport company. The Dozimetr case highlighted that municipal companies still provide much room for corruption and clientelism. A double standard for awarding public contracts is also to blame. This is because the law allows municipal companies operating in certain sectors (energy, public transport, etc.) to award contracts outside the regime of the law, i.e. directly, without a transparent procedure or open competition. These contracts can be in the order of tens or hundreds of millions of crowns.

According to available information, an organized criminal group was operating in the Prague Transport Company, which was also headed by the Deputy Mayor of Prague. The revelations were mainly due to whistleblowers who reported requests for bribes.

Anti-corruption organisations have long warned that the greatest corruption risks at the municipal level of public administration are in city and municipal companies. The way members of the management and supervisory bodies of municipal companies are selected is crucial. The laws hardly regulate this area.

<https://www.rekonstrukcestatu.cz/archiv-novinek/dvoji-metr-pro-pridelovani-verejnych-zakazek-musi-zmizet-aneb-pouceniz-kauzy-dozimetr>

<https://www.rekonstrukcestatu.cz/archiv-novinek/ochrana-oznamovatelukorupce-jako-ponauceniz-kauzy-dozimetr>

<https://www.rekonstrukcestatu.cz/archiv-novinek/pouceniz-kauzy-dozimetr-jak-zabranit-ovladnutimestskeho-firem-korupcniky-72bb565a-c43d-48f8-a2d8-ef960dfea477>

Any other relevant measures to prevent corruption in public and private sector

*3000 character(s) maximum*

## C. Repressive measures

Criminalisation, including the level of sanctions available by law, of corruption and related offences, including foreign bribery

*3000 character(s) maximum*

Data on investigation and application of sanctions for corruption offences, including for legal persons and high level and complex corruption cases and their transparency, including as regards to the implementation of EU funds

*(Please include, if available the number of (data since 2019): indictments; first instance convictions; first instance acquittals; final convictions; final acquittals; other outcomes (final) (i.e. excluding convictions and acquittals); cases adjudicated (final); imprisonment / custodial sentences through final convictions; suspended custodial sentences through final convictions; pending cases at the end of the reference year)*

*3000 character(s) maximum*

Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

3000 character(s) maximum

Experts and many politicians described the granting of a presidential pardon to the director of the Lány Forest Administration, a contributory organisation of the Office of the President of the Republic, as a denial of the rule of law. He was convicted of influencing a selection procedure. The subject of the criticism was the personal acquaintance of the pardoned person with the President, the speed with which the pardon was granted after the final verdict, the non-standard procedure for the pardon and the reasons given by the President for the pardon. The justifications for the pardon were described as dilettantish and untrue, and above all, calling into question the objectivity of the Czech courts. In this sense, it was rejected by the Judges' Union, the President of the Constitutional Court and the President of the Union of Public Prosecutors. On 26 April, the Senate's Standing Committee on the Constitution of the Czech Republic and Parliamentary Procedures stated that the pardon of Miloš Balák was contrary to the rule of law, but that the pardon itself did not give rise to the possibility of a constitutional action.  
[https://cs.wikipedia.org/wiki/Milost\\_pro\\_Milo%C5%A1e\\_Bal%C3%A1ka](https://cs.wikipedia.org/wiki/Milost_pro_Milo%C5%A1e_Bal%C3%A1ka)

Information on effectiveness of non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders

3000 character(s) maximum

Other - please specify

3000 character(s) maximum

### III. Media Freedom and Pluralism

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Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding media freedom and pluralism (if applicable)

3000 character(s) maximum

In this year's Reporters Without Borders report on media freedom in individual countries, the Czech Republic improved from fortieth to twentieth place - all it took was for the de facto owner of a key media house to leave the government. Even so, Czech journalism suffers from a high degree of oligarchization and the heavy burden of conflicts of interest from the days of former Prime Minister and current presidential candidate Babiš.

At the same time, the media has to cope with a failing funding model for smaller independent media and the deteriorating condition of public media. The plurality of online media is illusory, because advertising revenue is concentrated in a couple of hands and other media are significantly underfinanced.

This has hit regional media particularly hard. In many counties, there is no independent news source, meaning communal politics in many parts of the country is not covered by independent media at all.

Regional media face unfair competition from city hall journals, which are subsidized by municipality budgets and while they are generally not independent, research shows that readers are mostly unable to differentiate between them and actual media.

[www.lokalnik.cz](http://www.lokalnik.cz)

This trend is likely to be reinforced by the unintended consequence of the amendment to the law implementing the European Directive into Czech copyright law. In addition to the license fee, the Czech amendment also introduces a fine of up to 1% of the worldwide annual turnover of search engine operators for infringing the law. As a result, Google was the first in the Czech Republic to decide to end its licensing program after it also shut down a site that described philanthropic and other activities in support of Czech publishers. The consequence will be a drop in revenue for many publishers, some are concerned about reducing the availability of news to regional readers or strengthening the dominance of the domestic distribution channel.

This year, the Ministry of Culture has prepared a proposal aimed at making the Czech Television Council and the Czech Radio Council more independent and functional - the so-called "small amendment", which regulates the way members of the Council are elected. The small amendment is an improvement, but it is absolutely minimalist. It diffuses political influence in electing council members by involving both chambers of the Parliament in electing new members on a rolling basis. However, it does not set out any substantive criteria for candidates regarding their independence or competencies. Compared to the original proposal, it also lacks a provision that would allow courts to review election and dismissal decisions of parliamentary bodies. However, the modernisation of technologically outdated laws is not in the pipeline. Above all, there is a lack of willingness to reform the system of financing public media. Again, only a partial amendment is being worked on, which will increase the inadequately low license fees.

## A. Media authorities and bodies

*(Cf. Article 30 of Directive 2018/1808)*

Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

*3000 character(s) maximum*

COSs (as the Reconstruction of the State, the Independent Journalism Foundation and the anti-corruption organisation Revival - Oziveni) have launched the independent.media initiative (nezavisla.media). Together, they aim to achieve a change in the legal set-up of the media, which will lead to greater pluralism, political independence and help regional journalism. Together they have put together 5 main recommendations for changes in the conditions of functioning of private and public media:

1. Strengthening the plurality of media councils
2. Improving control over the management of public media
3. Modernization of audiovisual media regulators
4. New rules against conflicts of interest for media owners (and for online media)
5. Support for regional journalism

<https://nezavisla.media/>

Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

*3000 character(s) maximum*

Media experts have long been calling for a major amendment to the laws on Czech Television and Czech Radio. This year, the Ministry of Culture has prepared proposals aimed at making the Czech Television and Czech Radio Councils more independent and functional. The most important change is to involve the Senate in the election of members of media councils. Another major benefit of the current draft is that it abolishes the possibility to dismiss the media council as a whole. According to media experts associated with the nezavisla.media project, the government's draft is moving in the right direction, and MPs should discuss and approve it as soon as possible.

Representatives of Reconstruction of the State, the Independent Journalism Foundation and CZ IPI also recommend that MPs add further safeguards to the draft against political control of media councils, such as setting criteria for selecting candidates for the council or the possibility of judicial review of the process of electing and removing council members and reviewing the councils' decisions.

<https://www.rekonstrukcestatu.cz/archiv-novinek/experti-vyzyvaji-poslance-aby-schvalili-navrh-pro-vetsi-nezavislost-medii-verejne-sluzby>

Existence and functions of media councils or other self-regulatory bodies

*3000 character(s) maximum*

Experts are concerned about the increasing role of the state authorities, which come with partial adjustments of the legal environment in the field of media, instead of strengthening the instruments of self-regulation. At the same time, the media have so far shown little willingness or activity in achieving meaningful self-regulation.

## B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

*3000 character(s) maximum*

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions
- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

3000 character(s) maximum

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners, as well as any rules regulating the matter

A regulation on conflict of interest, which would prevent top politicians from owning media, is not being addressed.

## C. Framework for journalists' protection, transparency and access to documents

Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications

3000 character(s) maximum

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

3000 character(s) maximum

On 17 November, which is celebrated in the Czech Republic as the Day of Struggle for Freedom and Democracy, an anti-government demonstration of several thousand people also took place, verbally attacking the publicly-owned Czech Television. The Czech Television reporter and RomeaTV contributor Richard Samek was attacked with racist verbal abuse. As a reaction to that the police took immediate action. Journalist colleagues expressed their support for Richard Samek on social media. Police are also dealing with the assault of journalist Radek Bartoníček of Aktuálně.cz by participants in the same protest.  
<https://romea.cz/cz/domaci/policie-zacala-setrit-rasisticky-utok-na-novinare-richarda-samka-romea-cz-zna-identitu-agresora>

Access to information and public documents (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

3000 character(s) maximum

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

3000 character(s) maximum

Other - please specify

3000 character(s) maximum

The current situation related to the Russian Federation's attack on Ukraine may have implications for citizens freedom of expression, so the Supreme State Prosecutor's Office informed in February 2022. If someone publicly (including at demonstrations, on the Internet or on social networks) expresses approval of (accepts or supports) the Russian Federation's attacks on Ukraine or, in this context, expresses support for or praises the leaders of the Russian Federation, he or she could, under certain conditions, face criminal liability for the crime of approval of a crime under the Criminal Code, or for the crime of denying, questioning, approving or justifying genocide.

<https://verejnazaloba.cz/nsz/informace-k-moznym-trestnepravnim-limitum-svobody-projevu-ve-vztahu-k-situaci-na-ukrajine/>

Shortly after Russia invaded Ukraine, mobile operators and the CZ.NIC association blocked access to pro-Russian disinformation websites. Although this step was first presented as an initiative of private entities, it later turned out that it was an official instruction of the National Cyber Operations Centre of the Military Intelligence of the Ministry of Defence. The CSOs H21 Institute and Open Society filed a joint lawsuit against the Department of Defense for illegally cracking down on disinformation websites. They, without calling the subject matter into question, challenged the way the state used while violating the rule of law, freedom of expression, the right to receive information, freedom of thought and scientific research. This lawsuit has since been dismissed, with the court stating that extra-judicial censorship of websites would be a gross violation of civil rights, but that the ministry letter was an informal and non-binding request rather than a legally relevant instruction. This is a positive results in that pro futuro mobile operators, hosting providers and ISPs are safe to ignore such letters, however, the CSOs still disagree about the nature of the letter and thus they are appealing the decision. The CSOs urged to use the current threats as an opportunity to clarify the general constitutional limits for shutting down disinformation sites. A law to this effect is now being drafted and again, it has become a sensitive matter.

<https://www.ih21.org/aktuality/tiskova-zprava-institute-h21-a-otevrena-spolecnost-zaluji-ministerstvo-za-postup-pri-zasahu-proti-dezinformacnim-webum> and <https://www.otevrenaspolecnost.cz/aktuality/8064-upresnujici-prohlaseni-k-zalobe-institute-h21-a-otevrena-spolecnost-x>

## IV. Other institutional issues related to checks and balances

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Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the system of checks and balances (if applicable)

3000 character(s) maximum

The Government has taken first steps to establish a National Human Rights Institution taking into account the UN Paris Principles, yet its institutional setup is still unknown (likely it will be built around the current institutional infrastructure of the Public Defender of Rights Office). The Bill shall also establish the position of a Children's Ombudsperson and ensure a more robust participation of vulnerable groups.

The Public Defender of Rights Office thought, since 2020 accompanied by a controversy about the person at its head, was weakened by the resignation of the Deputy Ombudsperson due to fundamental differences of opinion with the Head of the Office which were exacerbated by the removal of her complete agenda. The Office has thus lost a recognised human rights expert with a wealth of experience. Before this happened, the Senate of the Parliament of the Czech Republic stated that "the Ombudsperson has long and repeatedly made prejudicial or xenophobic statements in the public which may have the effect of discouraging victims of discrimination from seeking assistance from the Public Defender's Office". In October, the Chamber of Deputies elected a former representative of the Czech Republic before the European Court of Human Rights in Strasbourg a new Deputy Ombudsman. This election does not yet address the merits of the problem. At the same time, a modification of the Ombudsman Act is being discussed. As one of the measures, an introduction of removability of the ombudsperson is part of the debate, which might make sense given the particular circumstance of the controversy surrounding the head of the office, but might not be an ideal solution from the point of view of the general principle. The return of stability and undisputed credibility to the Office would be important not only in view of its current responsibilities but also in the prospect of it becoming a National Human Rights Institution.

## A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'[1] /public consultations (particularly consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process

[1] *This includes also the consultation of social partners*

*3000 character(s) maximum*

The CSO Reconstruction of the State warned in its press release in May 2022 about the non-transparent process of the drafting of a partial amendment to the Service Act. The government had submitted the amendment through a parliamentary initiative. A high-quality service law is a basic condition for the modernisation and digitalisation of the civil service, and its amendments should be drafted on the basis of professional and social consensus and in cooperation with the opposition. Above all, however, the partial positive effect of the amendment will not replace the need for a major reform. The Civil Service Law needs a comprehensive overhaul, not just piecemeal corrections. Experts on public administration therefore called on the government to start preparing a major reform and to involve both experts and the opposition in its drafting.

<https://www.psp.cz/sqw/historie.sqw?o=9&T=215>

<https://www.rekonstrukcestatu.cz/download/ulMA0g/tz-k-male-novele.pdf>

The Ministry of Social Affairs is preparing a Family Policies Strategy. It invited certain stakeholders from among NGOs to participate. Among them, inexplicably, is also an organization (Alliance for Family) whose main goal is to prevent any improvement of lives of LGBTIQ people and to harass and stigmatize homoparental families. The organisation suggested that homosexuality is an illness, actively lobbies against any legislation helping LGBTIQ people, uses disinformation techniques (claiming two moms or two dads damage a child's development), and demands censorship information of about LGBTIQ people (e.g. complaining to public television after the television aired a programme featuring same-sex couple with their child). Even though these and many other harmful actions of the organization are well documented and publicly known the organization is kept on the panel of stakeholders consulted for the Family Policies Strategy.

Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

*3000 character(s) maximum*

Regime for constitutional review of laws

*3000 character(s) maximum*

COVID-19: provide update on significant developments with regard to emergency regimes/measures in the context of the COVID-19 pandemic

- judicial review (including constitutional review) of emergency regimes and measures in the context of COVID-19 pandemic
- oversight (incl. ex-post reporting/investigation) by Parliament of emergency regimes and measures in the context of COVID-19 pandemic
- processes related to lessons learned/crisis preparedness in terms of the functioning of checks and balances

*3000 character(s) maximum*



## B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

(Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

3000 character(s) maximum

After five years of operation, the Interior Ministry has prepared a reform of the Office for Supervision of Political Parties. The Office oversees fair electoral competition and transparent financing of political parties. The Office currently suffers from insufficient legal definition of its functioning. This leads to conflicts of competence, inefficiency and undermines confidence in its independence. The amendment of the law is intended to clarify the mutual competences and responsibilities of the President and the members of the Authority and to provide a collective safeguard of independence. Together with the election of a new Chairperson in December, this should ensure more effective oversight of political parties and election campaigns.

<https://www.rekonstrukcestatu.cz/archiv-novinek/ferova-volebni-soutez-potrebuje-nezavisle-a-kompetentni-rozhodci-novela-posili-dohledovy-urad>

Statistics/reports concerning the follow-up of recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years

3000 character(s) maximum

## C. Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

3000 character(s) maximum

Judicial review of administrative decisions:

- short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)

3000 character(s) maximum

Follow-up by the public administration and State institutions to final (national/supranational) court decisions, as well as available remedies in case of non-implementation

3000 character(s) maximum

As part of the audit of state funds spent by the Ministry of Justice to pay compensation caused by an unlawful decision or maladministration, the Supreme Audit Office (SAO) found that between 2016 and 2021, 49% of claims were processed after the legal deadline. In 35% of the cases sampled, the Ministry did not initiate even the first action before the expiry of the deadline. The vast majority of these are poor decisions by bailiffs. From the SAO's point of view, the amount of money spent wastefully on default interest and costs as a result of its previous inaction is important. From the point of view of the citizen, this is bad news about the prospect of getting fair compensation.

<https://www.nku.cz/scripts/rka/detail.asp?cisloakce=21/38&rok=0&sestava=0>

## D. The enabling framework for civil society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration and dissolution rules)

*3000 character(s) maximum*

On 21 December 2022, the Government created a new post of Government Commissioner for Romani Minority Affairs and filled the post with Mgr. Lucie Fuková. This step is part of the implementation of the Strategy for Equality, Integration and Participation of the Roma for the years 2021-2030.

[https://www.vlada.cz/cz/ppov/zmocnenci\\_vlady/vladni-zmocnenkyne-pro-zalezitosti-romske-mensiny-201904/](https://www.vlada.cz/cz/ppov/zmocnenci_vlady/vladni-zmocnenkyne-pro-zalezitosti-romske-mensiny-201904/)

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services.

*3000 character(s) maximum*

The Government's Strategy for Cooperation Between Public Administration and NGOs 2021-2030 defines the first of the three Strategic Goals as Improving the societal climate for activities of CSOs. It aims at strengthening understanding of the nature and social function of the non-profit sector, increasing awareness of the benefits of projects and activities of CSOs and increasing the visibility of partnership cooperation between the public administration and the non-profit sector, both among representatives of the public administration and the professional and lay public. The Strategy includes concrete measures to be implemented and coordinated mainly by the Office of the Government. However the implementation is much dependent on the capacities of the respective departments, which is not sufficient to the date, so the implementation is delayed. <https://www.vlada.cz/cz/ppov/rnno/dokumenty/strategie-spoluprace-verejne-spravy-s-nestatnimi-neziskovymi-organizacemi-na-leta-2021-az-2030-189753/>

There was a problematic impact of the Czech transposition of the EU AML directives into the Act No. 37 /2021 Coll., on the Register of Beneficial Owners, noted in relation to the registration and activities of legal entities/civil society organisations (e.g. associations, institutes, public benefit societies, foundations).

The brutal attack on LGBT+ people in Bratislava (Slovakia) on October 12, 2022, caused a wave of responses throughout the Czech public and officials. The Government Council for Human Rights adopted the statement stressing that prejudicial violence and hate attacks are unacceptable against any section of society, and urging the Government of the Czech Republic to systematically strengthen the prevention of hate attacks against all vulnerable groups and the protection of the rights of members of these groups.

<https://www.vlada.cz/assets/ppov/rlp/cinnost-rady/zasedani-rady/Usneseni-k-utoku.docx>

At the same time the organizations and activists working to improve the lives of LGBTIQ people are targeted by insults, verbal violence, hate speech and sometimes hate crimes solely due to their work. These attacks come from a large part from Czech politicians and have many different forms. From questioning their right to engage in public debate, spreading disinformation and lies about LGBTIQ people, inciting social disharmony and fear mongering by claiming that LGBTIQ people represent a danger to society and many other forms. This also involves several ministers and other prominent members of the current government especially from the conservative parties. Recent homophobic terrorist attack in Bratislava, in which two queer people were murdered, shows how dangerous is spreading hate and stigmatization by political elites. As mentioned above, the Czech Criminal Code provides less protection to victims of hate crimes motivated by the victim's sexual orientation and gender identity than to other victims.

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

*3000 character(s) maximum*

The Government Council for NGOs presented Recommendations prepared by the Working Group on Public Collections to the Ministry of Interior in order to be reflected in the amendments to Act No 117/2001 Coll., Act on Public Collections and on Amendments to Certain Acts (Act on Public Collections) planned for 2023 ([https://www.vlada.cz/assets/ppov/rnno/pskvs/Doporuceni\\_pro\\_pracovni\\_skupinu\\_MV\\_01-03-2022\\_pro\\_VLF.pdf](https://www.vlada.cz/assets/ppov/rnno/pskvs/Doporuceni_pro_pracovni_skupinu_MV_01-03-2022_pro_VLF.pdf)). The recommendations promote the fundamental change in the legal conditions for organising public collections, primarily by narrowing the regulation to cash collections from persons from whom no identifiable information is available; for other types of collections, registration of the collection would be voluntary. The law application practice needs to be unified, and supported by additional awareness among organisers of collections; the proposed adjustments take into account technological developments since the adoption of the law and efforts to remove identified obstacles from practice.

The new Expert Group on systemic change in funding of public benefit services was established on June 28, 2022 by the Government Council for NGOs ([https://www.vlada.cz/cz/ppov/rnno/ex\\_skup\\_fin/expertni-skupina-k-systemove-zmene-financovani-verejne-prospernych-sluzeb-a-cinnosti-ze-statniho-rozpocetu-198755/](https://www.vlada.cz/cz/ppov/rnno/ex_skup_fin/expertni-skupina-k-systemove-zmene-financovani-verejne-prospernych-sluzeb-a-cinnosti-ze-statniho-rozpocetu-198755/)). The Expert Group has a two-year mandate and is composed of 14 representatives of respective ministries and 14 experts from non-profit sector. The task is to evaluate the current system of financing publicly beneficial services and activities and to initiate a systemic change in financing that will lead to a more efficient and simplified funding of publicly beneficial services and activities provided by CSOs. So far, 13 key issue areas have been identified to be addressed and elaborated

Experts of the Network for the Protection of Democracy warn that the unprecedented rate of inflation is negatively impacting the financial viability of civil society organizations. High inflation makes it difficult for CSOs to deliver activities/services commissioned at much lower prices and leads them to deplete their financial reserves. Moreover, the deteriorating economic state of households and companies may likely lead to a decreased volume of their income from private sources in the near future. The government has so far taken no steps towards countering this development (such as introducing a ceiling on the price of energies for CSOs, ad hoc special increases in grant budgets etc.).

There is an active resistance from a part of the political spectrum to financially support activities leading to improving the lives of LGBTIQ people, which makes accessing funding for LGBTIQ organizations difficult. In 2022, a problem of insufficient and poor quality legal consultancy provided to asylum seekers and foreigners residing in refugee facilities and detention centres emerged.

Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

*3000 character(s) maximum*

On June 22, 2022, the Government Council for NGOs approved the Methodology for the participation of non-governmental non-profit organisations in advisory and working bodies and in the drafting of state administration documents (Methodology) and instructed the Council Secretariat to ensure pilot testing of the Methodology in the ministries. (see minutes from the Council meeting - [https://www.vlada.cz/assets/ppov/rnno/zapisy-ze-zasedani/Zapis\\_RVNNO\\_28\\_06\\_2022\\_FIN.pdf](https://www.vlada.cz/assets/ppov/rnno/zapisy-ze-zasedani/Zapis_RVNNO_28_06_2022_FIN.pdf) and the Methodology - <https://www.vlada.cz/cz/ppov/rnno/dokumenty/metodika-participace-nestatnich-neziskovych-organizaci-v-poradnich-a-pracovnich-organech-a-pri-tvorbe-dokumentu-statni-spravy-197878/>)

In 2022, the Secretariat of the Government Council for NGOs commissioned a research with the aim to describe the existing cooperation of the state administration with umbrella and networks of CSOs, including the criteria on the basis of which cooperation is established bilaterally. The Analysis of the cooperation between the state administration with umbrella organisations and networks of CSOs was published in September 2022 and discussed at different gatherings. (<https://www.vlada.cz/cz/ppov/rnno/dokumenty/analiza-spoluprace-statni-spravy-se-stresnimi-organizacemi-a-sitemi-nestatnich-neziskovych-organizaci-198802/>).

On 14 December 2022, the Chamber of Deputies began debating a package of laws to reform the building permitting process. From the point of view of environmental organisations, the new rules would restrict the public's ability to comment on proceedings where interests under the Nature and Landscape Protection Act are affected. They describe this as a return to the pre-1989 political culture. The introduction of a so-called single environmental position, which neither associations nor the public can comment on, is not only contrary to the government's programme statement but also to the country's efforts to contribute to the promotion of democracy at the international level.

. (Neumlčujte nás! Sedmdesát organizací a spolků vyzývá poslance, aby upravili stavební právo | Zelený kruh ([zelenykruh.cz](https://www.zelenykruh.cz)), [ucast\\_verejnosti\\_vyzva\\_poslancum\\_obecny.pdf](#) ([klimavlegislative.cz](https://www.klimavlegislative.cz)))

In addition, the Ministry of Industry and Trade is preparing a substantive plan for an amendment to the Line Act, where it proposes to abolish standard processes for the licensing of new nuclear reactors and related infrastructure under the banner of climate protection. The abolition is to be based on the assessment of all pros and cons and the settlement of comments from the affected stakeholders, namely public administration experts, municipalities, landowners and the public living in the project area. The most complicated nuclear power plant-type structures, which deserve careful assessment and balancing of impacts, are to be authorised quickly and without the possibility of criticising the proposal.

## E. Initiatives to foster a rule of law culture

Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society etc.)

*3000 character(s) maximum*

There has not been any system measures promoting the EU Rule of Law Report 2022 and monitoring the recommendations at the level of government so far. The report was promoted at the Committee for the EU under the Government Council for NGOs (the meeting on September 29 with the aim to stimulate the engagement of the Committee in the RoL process - see the minutes and presentation at <https://www.vlada.cz/cz/ppov/rnno/vybor-pro-eu/2008/26--zari-2022-200553/>, [https://www.vlada.cz/assets/ppov/rnno/vybor-pro-eu/2008/Priloha-c--3\\_Zprava\\_EU-Pravni-stat2022\\_proVEU\\_J-Milerova.pptx](https://www.vlada.cz/assets/ppov/rnno/vybor-pro-eu/2008/Priloha-c--3_Zprava_EU-Pravni-stat2022_proVEU_J-Milerova.pptx)).

Other - please specify

Equality of citizens in front of the law is a basic principle on which democracy stands. It is also expressed in Czech constitution. Yet, Czech law continues to deny some of its citizens same rights as others have solely based on the fact that such citizen lives in same-sex relationship or based on the fact that such citizen-child has same-sex parents. This concerns in particular the lack of equal access to marriage and joint parental rights. Czech law also prevents recognition of joint parental rights acquired by adoption in another EU member state.

The insufficient inclusiveness of the education system has been a long-standing issue in the Czech Republic. The number of teaching assistants which were introduced to be a part of the solution, will now be reduced, which may prevent many children, especially those with more challenging learning needs, from accessing education. That is why a number of CSOs (the League of Human Rights, ČOSIV, Together, Nautis, AP SPC, Smiling Crocodile) as well as the ombudsperson have criticized the amendment to the Education Act, which abolishes the individual support measure of teaching assistants for pupils in primary schools and after-school clubs. The number of teaching assistants and the scope of their activities should be newly determined according to predefined school parameters (e.g. number of classes in the school, number of classes with pupils with level 4 and 5 support measures, number of pupils in the school, number of pupils with level 3 and higher support measures, number of children in the school day care centre...). However, setting parameters will not ensure individualised support for all children in need. Children with special needs with level 3 support measures, especially children with disabilities and challenging behaviour, as well as private schools with lower class sizes, which often strive for inclusivity, schools in socially weak localities, or so-called small classes with few children in different year groups, may be most at risk.

<https://cosiv.cz/cs/2022/11/27/pripominky-k-navrhu-novely-skolskeho-zakona/>

The reduction in funding for the salaries of teaching assistants for 2023 was averted by an amendment in the Chamber of Deputies also based on pressure from non-profit organizations.

<https://cosiv.cz/wp-content/uploads/2022/12/Stanovisko-k-zakonu-o-statnim-rozpoctu-final-%E2%80%93-kopie.pdf>

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