

2023 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

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

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

Type of information

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

* 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

Reconstruction of the State + Network for the Protection of Democracy

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

Reconstruction of the State (rekonstrukcestatu.cz is a CSO focused on good governance, civil service reform, anti-corruption policy, media pluralism, and digital rights. We do analytical work and advocacy.

Network for the Protection of Democracy includes 8 expert working groups (<https://www.ochranademokracie.cz/>) on key issues of democratic rule of law. Our focus is also civic participation (170 member organizations) and involving citizens as well as experts in decision making processes.

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

57221111091-19

* 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

Miroslav

Surname

Crha

Email Address of the organisation (this information will not be published)

[REDACTED]

* 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

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

A major development that affected all of Europe is the Russian invasion and war in Ukraine. Czech Republic was particularly impacted by an influx of refugees, but the country and its government showed clear identification with EU and NATO and provided significant assistance to Ukraine.

However, there are many more dimensions to the invasion. In particular, it showed the need to bolster our resilience to economic and information influence from Russia and other non-democratic states.

Reconstruction of the State launched an advocacy initiative to promote policy to improve economic resilience of CZ and EU. It can be found at <https://odolnejsicesko.cz/en/> , recommendation at https://odolnejsicesko.cz/wp-content/uploads/2022/10/Recommendations-of-the-non-profit-platform-on-strengthening-the-resilience-of-the-Czechia_EU-.pdf

Questions for contribution

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

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

One of the recommendations in the 2022 report was to take forward the reform of the prosecution service to introduce safeguards against the dismissal of the Prosecutor General. We consider the proposal presented by the Ministry of Justice to be contrary to this recommendation. The proposal does not include safeguards against dismissal, but it does loosen the requirements for eligibility to be named Prosecutor General. Making these requirements less strict would allow for a wider discretion to name a candidate based on political, rather than competency, criteria. In particular, there is no requirement for the Prosecutor General to have served a given number of years as a prosecutor. Therefore it would be possible to name a prosecutor and then immediately promote them to Prosecutor General. The proposal was taken back to be reworked after public outcry, but we are unable to predict whether the updated version will bring significant improvements. The minister has since said that safeguards against the dismissal of the Prosecutor General will be added, but the devil may be in the detail.

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

President Milos Zeman refused to appoint two judges (proposed by the government). Zeman justified it by saying that their "sins caught up with them". Both are prosecutors; one of them was supervising a high-profile (unsuccessful) corruption case against the former minister of defense.

<https://www.seznamzpravy.cz/clanek/domaci-politika-zeman-odmitl-jmenovat-dva-soudce-217328>

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

Shortly after the new minister of justice Pavel Blazek assumed his position, Superior Prosecutor in Olomouc Ivo Istvan (tasked with a sensitive anti-corruption and serious white-collar crime agenda) resigned. Pavel Blazek fiercely criticized him a few years ago; he labeled him a bane of the state and democracy (<https://ct24.ceskatelevize.cz/domaci/1048626-ods-utoci-na-istvana-ministryne-spravedlnosti-je-zdrzenliva>) since he supervised the criminal proceedings against the former prime minister Petr Necas (Blazek's former boss).

Promotion of judges and prosecutors (incl. judicial review)

3000 character(s) maximum

After many years of discussions and unsuccessful attempts, minister of justice Pavel Blazek proposed an amendment to the Act on Prosecutors. However, the initial proposal did not, in any respect, fetter a widely-criticized power of the government to remove the Supreme Prosecutor at will. After the backlash from NGOs and Prosecutors, the minister of justice pledged to rework the proposal. Yet, there are further problems with the proposal (e.g., the future government-appointed Supreme Prosecutor would be exempt from minimum prosecutorial practice requirements - he could be just an experienced private attorney).

In the meanwhile, the Supreme Administrative Court ruled that the appointment and removal of the Supreme Prosecutor (by the government) can be, in principle, reviewed by Administrative Courts (decision no. 6 As 68 /2022 - 75). Until then, the government's power to appoint/remove her has been deemed judicially unreviewable.

A reform of the law on courts and judges came into effect, which unites the selection procedure of judges across courts. This is seen by the Network's experts as a beneficial step in improving fairness, however, there is a risk that a stricter process will lead to difficulty in hiring judges, which could result in a decrease in total number of judges and overwhelming work-loads for judges. Impacts of the reform should be closely monitored and evaluated, ideally in the form of ex-post RIA (Regulatory Impact Assessment). For context, ex-post RIA is absolutely not common practice in Czechia - in fact, it has only ever been done once (for the civil service act).

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

Pavel Blazek publicly announced (<https://www.novinky.cz/clanek/domaci-blazek-istvana-nenahradi-nikdo-z-jeho-tymu-40398184>) that he will refuse to appoint anyone from Istvan's colleagues as his successor. After the Supreme Prosecutor proposed Radim Danhel, Blazek publicly announced an "audit" of the Superior Prosecutor Office in Olomouc and heavily criticized the way Ivo Istvan managed it (he later refused to disclose the audit and claimed that he his inferiors informed him about the audit orally). Blazek conditioned the appointment of Radim Danhel on his promise to reorganize the Superior Prosecutor Office in Olomouc.

It is noteworthy that the Superior Prosecutor Office in Olomouc supervises an investigation (<https://www.transparency.cz/pozadavky-pro-kandidata-na-vrchniho-statniho-zastupce-v-olomouci-ovlivnuje-stret-zajmu-ministra-blazka/>) of alleged Blazek's involvement in a corruption scandal in Brno (in which also his party colleagues are involved (<https://zpravy.aktualne.cz/domaci/pavel-blazek-ministr-spravedlnosti-policie-manipulace-brno/r~e7e15b2a3d7111ecb02dac1f6b220ee8/>)); some media reported that also Pavel Blazek is being investigated in this case (<https://zpravy.aktualne.cz/domaci/pavel-blazek-ministr-spravedlnosti-policie-manipulace-brno/r~e7e15b2a3d7111ecb02dac1f6b220ee8/>)).

Minister of justice Pavel Blazek refused to appoint the vice-president for a criminal section of the Regional Court in Brno (proposed by the court president). Blazek justified it by saying (https://www.irozhlas.cz/zpravy-domov/ods-ministr-spravedlnosti-blazek-kauza-jmenovani-soudce_2208291910_kth) that his decision-making resulted in successful claims for compensation against the state. Despite the backlash from NGOs, judges and prosecutors, Blazek did not appoint him. (Judge Aleš Novotný convicted Alena Vitaskova in a complicated criminal corruption case /she is a close ally to the President Milos Zeman with whom Blazek keeps a warm relationship/ (<https://www.novinky.cz/clanek/domaci-spojka-mezi-hradem-a-vladou-prezident-znal-blazka-nejvic-40406707>); moreover, the criminal section of that Regional Court would be deciding corruption cases against Blazek's party colleagues (<https://zpravy.aktualne.cz/domaci/pavel-blazek-ministr-spravedlnosti-policie-manipulace-brno/r~e7e15b2a3d7111ecb02dac1f6b220ee8/>)).

Minister of justice Pavel Blazek initiated a disciplinary proceeding (<https://ct24.ceskatelevize.cz/domaci/3554348-blazek-podal-karnou-zalobu-na-soudce-ktery-poskytl-dokumenty-v-kauze-brnenskyh>) against the interim vice-president for a criminal section of the Regional Court in Brno. Judge Aleš Dufek granted the request for information concerning a high level corruption case in Brno (a case with Blazek's party colleagues and the acting minister for environment involved; before becoming a minister of justice, Blazek worked for over 20 years in Brno municipal politics). According to Blazek, the judge broke the law by granting the information request.

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

Disciplinary proceedings are generally very lenient on judges. Even severe ethical violations are met with minimal sanctions. The Network's Experts (https://ochranademokracie.s3.amazonaws.com/ochranademokracie/production/files/2022/08/12/14/04/48/d4121ea7-76cd-416f-ac30-116d781fb0cb/report23_justice_1_6_22.pdf) have particularly noted the case of judge Sotolář. Sotolář directly manipulated the case file, editing protocols from witness hearings (as a result, audio recordings showed different statements than the protocols) in a high-profile corruption case known as Opencard. The case was particularly sensitive in that the ethical violation was not in favor of the defendant, but the opposite. Sotolář found defendants guilty, but his judgment was defeated at a higher court. Despite this, the disciplinary

process only led to Sotolář losing the position of 'judge senate chair' (comparable to president of a court chamber), not the position of a judge.

The current disciplinary process for judges, prosecutors, and executors has been criticized by GRECO in 2018 and by ECHR in 2022. It would be beneficial to add a second instance to the proceedings, ideally by creating a specialized disciplinary appeal chamber. This step would not only bring the proceedings in line with international standards, but would also help improve the consistency of decisions across disciplinary chambers and would dispel the concerns about their independence.

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

Apart from the criticism of the proposed reform above, we would like to bring to your attention the recommendations of government's advisory council for combatting corruption. In December 2022, the council approved following positions. Please note that Rekonstrukce státu is sharing these positions as a member of the advisory council. As of writing this, the minutes from the council's December session have not yet been published, but they will be eventually available at this address: <https://korupce.cz/rada-vlady/zaznamy-z-jednani/?a=rada-vlady>

Usnesení XXVI/1

Rada vlády pro koordinaci boje s korupcí upozorňuje Ministerstvo spravedlnosti a vládu, že návrh změny zákona o státním zastupitelství v podobě, ve které byl předložen do mezirezortního připomínkového řízení, nenaplnuje programové prohlášení vlády ve věci slibu „zpřesnit podmínky pro odvolání nejvyššího státního zástupce“ a doporučuje návrh v tomto ohledu přepracovat.

Hlasování:

13 PRO, 0 PROTI, 2 ZDRŽELI SE

Usnesení bylo schváleno.

Usnesení XXVI/2

Rada vlády pro koordinaci boje s korupcí doporučuje vládě v souladu s čl. 4 odst. 2 písm. b) jednacího řádu Rady

I. neschválit návrh zákona, kterým se mění zákon č. 283/1993 Sb., o státním zastupitelství, ve znění pozdějších předpisů, zákon č. 201/1997 Sb., o platu a některých dalších náležitostech státních zástupců, ve znění pozdějších předpisů, a zákon č. 7/2002 Sb., o řízení ve věcech soudců, státních zástupců a soudních exekutorů, ve znění pozdějších předpisů, a

II. vrátit jej předkladateli, pokud nebudou v rámci probíhajícího mezirezortního připomínkového řízení zapracovány níže uvedené body:

1. zákonnou podmínkou pro jmenování nejvyššího státního zástupce musí být mimo dalších podmínek uvedených v návrhu zákona i praxe státního zástupce nejméně v délce 10 let,

2. nejvyššího státního zástupce bude možné odvolat pouze cestou kárného řízení shodně jako u ostatních vedoucích státních zástupců,

3. funkční období nejvyššího státního zástupce musí být stanoveno na 10 let,
III. při nezpracování těchto připomínek má Rada za to, že předložený návrh zákona snižuje nezávislost státního zastupitelství.

Hlasování:

8 PRO, 0 PROTI, 7 ZDRŽELO SE

Usnesení bylo schváleno.

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 January 2023, Andrej Babiš was acquitted in EU funds fraud case (<https://www.theguardian.com/world/2023/jan/09/czech-presidential-candidate-andrej-babis-acquitted>) involving his property Čapí hnízdo. He was accused of fraudulently obtaining an EU small business fund subsidy for a project that was a part of his vast conglomerate. The court found that the prosecutor did not sufficiently prove that Babiš was aware that he was ineligible and that there was an intention of fraud. Babiš hailed the acquittal as a just end to a politically-motivated case and praised the justice system for showing that, in the end, it is independent. The presiding judge on the other hand noted the low quality of the prosecution's work (<https://www.seznamzpravy.cz/clanek/domaci-zivot-v-cesku-zalobce-se-odklonil-od-podstaty-kauzy-capi-hnizdo-rika-soudce-222876>). Many observers found the decision farcical, as from a common sense perspective, it appears unjust that one of the richest men in the country can benefit from a small business subsidy. The whole case appears to be damaging to the justice system's credibility. Babiš' supporters are angry he was put on a 'political trial', Babiš' opponents are angry he was acquitted in a 'clear-cut case'.

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

Non-judge staff of courts is extremely underfunded. While judges earn approx. from 49 000 to 99 000 EUR per year (before taxes), full-time assistant judges (trainee judges) earn approx. 15 000 EUR per year (before taxes). Assistant judge's responsibilities include, among other things, preparing complete drafts of judicial decisions; only graduates (masters' level) of accredited law schools can apply for assistant judge positions.

The situation of non-legal staff is even worse. Some full-time administrative assistants earn only 10 000 EUR per year (before taxes) (<https://ct24.ceskatelevize.cz/domaci/3536614-nizke-platy-odrazuji-odborniky-od-prace-u-soudu-lide-utikaji-rika-sef-unie-vavra>) /almost all of them are women/.

Non-prosecutorial staff of prosecutorial offices face the same problem.

The Union (<https://www.ceska-justice.cz/2022/10/prace-na-soudech-je-mnoho-i-kdyz-se-zrusi-zapisovani-poptavka-po-zamestnancich-neubude-mini-vavra/>) of Judges lobbied for salary increases (<https://ct24.ceskatelevize.cz/domaci/3536614-nizke-platy-odrazuji-odborniky-od-prace-u-soudu-lide-utikaji-rika-sef-unie-vavra>) in the wake of the cost-of-living crisis, but with only limited success. The vice-president of the Supreme Court warned that courts are at risk of collapse (<https://ct24.ceskatelevize.cz/domaci/3537506-soudum-hrozi-kolaps-tvrdi-jejich-predsedove-na-platy-uredniku-zadaji-15-miliardy>).

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

3000 character(s) maximum

Salaries of assistant judges (trainee judges) are not competitive. University-educated assistant judges in Prague earn well below the living wage (<https://www.dustojnamzda.cz/>); therefore, some of them struggle to live dignified lives without relying on social benefits or family support. This has detrimental effects on the future composition of judges; people from low-income backgrounds may be excluded. Moreover, the requirements of judicial or attorney traineeships and exams are quite hostile to women who would not like to postpone having children (part-time contracts are strictly limited or non-existent).

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

The ministry of justice failed to implement major steps towards the digitalisation of judicial information systems and judicial proceedings. The Supreme Audit Office audited the ministry and concluded that the digitization of justice has progressed only minimally.

<https://www.nku.cz/cz/pro-media/tiskove-zpravy/elektronizace-justice-pokrocila-jen-minimalne--resort-musi-vyuzivat-technicky-i-moralne-zastarale-informacni-systemy-id12847/>

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

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With contributions from the Network's experts: Prof. PhDr. Karel Müller, Ph.D., JUDr. Lukáš Lev Červinka, JUDr. Maxim Tomoszek, Ph.D. <https://www.ochranademokracie.cz/temata/statni-zastupitelstvi-a-soudnictvi>

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

An amendment to the Freedom of Information Act was passed in 2022. It introduces a number of positive elements. For example, it enshrines obligations to inform about the salaries of high-ranking officials and introduces information obligations for state-owned companies, including Czech energy giant ČEZ. The debate on the amendment once again showed little willingness on the part of conservative politicians to strengthen the right to information. The amendment therefore contains certain exceptions that may cause problems in application practice.

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

In the Czech Republic, there are no rules regarding the revolving door problem. This is an issue as civil servants and politicians becoming lobbyists is common.

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

Rekonstrukce státu is observing a consistent practice of “black box government”. The current government is composed of 5 parties in an uneasy coalition. In order not to show their disunity, they are taking measures which potentially hurt the quality of their legislative decision-making. There are several symptoms:

- The coalition is trying to minimize the activity of its MPs, as much of the legislative process is to be done at the government level, with minimal changes to bills in parliament.
- An informal institution of K5 (Coalition 5 - one member from each party) holds major power by giving political approval to any proposed legislation coming from ministries. In effect, civil servants are replaced by party experts and advisors.
- Consultations for proposed legislation happen in a very close circle of civil servants, party representatives and VIP stakeholders. It is highly inaccessible to civil society, which does not have access to working documents and cannot give meaningful feedback and input.
- Government plans, strategies, and priorities are not communicated to stakeholders, media, or the public.

There is also a lack of rules on lobbying. After the last proposal failed to finish the legislative process before last year's parliamentary elections, the proposal was resubmitted recently. The bill is a compromise with many areas for improvement.

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

Two years ago, the Constitutional Court abolished free access to the central register for violating politicians' right to privacy. For more than a year, the public has not had access to the asset declarations. It was only last year that Parliament passed an amendment to the Conflict of Interest Act to remedy this. All politicians' asset declarations are now available in the Ministry of Justice's register on an individual request basis. In relation to access to the register on the basis of an individual application, the amended law also regulates the identification of the applicant. The conflict of interest law, and thus the obligation to file a declaration, does no longer apply to unpaid councillors of smaller and smallest municipalities and to unpaid deputy mayors of the smallest municipalities. The existing data on them disappeared from the register.

The amendment of the Conflict of Interest Act also introduced a controversial section that imposes heavy fines for the disclosure of information on property declarations. For example, the media would not be able to write how much top politicians earned and what they bought with the money. If they did, they would face a fine of CZK 50,000. (more here in Czech: https://www.irozhlas.cz/zpravy-domov/novela-zakona-ke-stretu-zajmu-pokuta-za-zverejneni-informaci-registr-priznani-50_2206160500_tec)

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

3000 character(s) maximum

Czech Republic is still infringing on EU law by not having transposed the Whistleblowing Directive. In November 2022, the government approved the whistleblower protection bill, which now heads to the Parliament. Rekonstrukce státu considers the new bill a significant downgrade from the previous government's proposal.

Despite Babiš government's anti-corruption track record, their version of the bill was the result of a compromise reached with anti-corruption experts. Fiala government decision to take the proposal back and rework it was unnecessary - and at a time when the transposition period had already passed, detrimental.

The new bill's major issues were described by the government's advisory council for combatting corruption (<https://korupce.cz/rada-vlady-pro-koordinaci-boje-s-korupci-jednala-o-navrhu-zakona-o-ochrane-oznamovatelů/>). The government however decided not to follow the recommendations of its own advisory body.

Transparency International, Oživení, and Rekonstrukce státu have published a press release detailing the bill's problems (<https://www.rekonstrukcestatu.cz/download/zW5mDA/spolecna-tiskova-zprava-zakon-o-ochrane-oznamovatelů.pdf>). According to Jan Drupák of Transparency, the law will be worthless - the protection is so weak that no one is going to report anything serious. It will just add more administrative work to employers and public administration. One of the main issues is that the protection only applies to crimes, not misdemeanors. Therefore individuals and companies will have to make decisions on what qualifies as a crime. This is unprecedented and will only add a major source of uncertainty for all involved. Another issue is that the bill does not protect anonymous whistleblowers. Furthermore, the external reporting channel is set to be the Ministry of Justice. The ministry is of course not independent of political power, which is an issue.

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

These sectors continue to be public procurement, subsidies, and EU funds allocation. Particularly at risk are 1) small scale procurement (tenders below 2, respectively 6 millions CZK, where less strict rules apply), 2) 'sektorové zakázky' - utilities procurement, which are basically unregulated if under 140 million CZK (in case of construction procurement).

Generally, the system for allocating EU funds is not sophisticated - there is an absence of a coherent strategy and consistency in decision-making. This is not of such gravity that we would consider these funds at risk of misappropriation - but it is detrimental to the effectiveness of spending.

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

3000 character(s) maximum

Combatting corruption is impeded by the generally low quality of strategic decision making in the civil service. According to the Network's experts, the government is largely unable to deal with long-term strategies and instead focuses on immediate tasks. One of the proposed measures is strengthening the role of the Office of the Government. Due to the Competency Act, the office is weak and unable to lead cooperation across ministries.

Civil service is continually unable to attract and keep highly qualified workforce. Civil servants have to contend with low wages and instability. The government is also currently cutting the number of civil servant jobs - without reducing the amount of work by automatization or reforming the scope of administration.

C. Repressive measures

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

3000 character(s) maximum

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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

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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

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III. Media Freedom and Pluralism

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

The 2022 Report recommended strengthening the rules and mechanisms to enhance the independent governance of public service media. A small but positive change in this regard is happening. The so-called 'small amendment' of the Law on Czech Television and Law on Czech Radio is in parliament and on track to being passed. The amendment is a minimalist version of a proposal submitted by Rekonstrukce státu and Nadační fond nezávislé žurnalistiky (Foundation for Independent Journalism). We praise the government coalition for trying to pass the law despite intense filibustering by the opposition.

The small amendment is an improvement, but also a missed opportunity. It diffuses political influence in electing council members by involving both chambers of the Parliament in electing new members on a rolling basis. It also removes the possibility of dismissing the whole council at once. 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.

More information about Rekonstrukce státu initiative to promote independent media can be found at <https://nezavisla.media>.

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

Outside of the small amendment to the public service media councils, there has been no development since last year. There is no ongoing effort to modernize outdated regulation in other areas of media governance - audiovisual regulation, competition, etc. Rekonstrukce státu and experts of the Network recommend starting a major reform of media law to bring it up to date for the digital age. However, the Ministry of Culture, which is responsible for media regulation, is so far focused only on public service media legislation. A larger amendment is in the works. We hope it will include more from our original proposal (which is publicly usually referred to as senator Smoljak's proposal - we are in active cooperation) including competency criteria for council member position eligibility.

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

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

3000 character(s) maximum

Czech media law has long been very liberal at heart. This is in large part caused by very surface-level and outdated legislation. The Press Law has not been updated since before the spread of online media. Many journalists, media experts, and media-focused lawyers find this situation in a sense favorable, as a stronger role of state regulation could threaten independence or add additional cost and pressure on an already barely surviving industry (we have gathered this information across meetings and roundtables with Network experts, media interest groups and a workshop with regional journalists organized by our partner Oživení). At the same time, media have so far shown little willingness or activity in achieving meaningful self-regulation. A major reason for this is the dysfunction of the Czech media council, Syndikát novinářů. Syndikát has major advantage in a wide membership across the country (though weaker among the younger generation of journalists) and a fortune of well over 200 million CZK (payout from a real estate dispute with the Czech state regarding the residence of Syndikát's pre-revolution predecessor). Despite these resources, Syndikát exhibits almost no activity, be it in advocating for journalists' interests or as a self-regulator. Disenchanted with Syndikát's functioning, some journalists are now calling for a renewed effort to set-up a better institution to represent the profession.

Meanwhile, Czech independent media, particularly those not part of major media houses (A Babiš's MAFRA, PPF Group's CME, Křetínský's CMI and Dospiva's Penta, which are often seen as oligarchic and their weekly reach is between 30 - 70 % of population each (<https://www.nfnz.cz/oligarchizace-medii-neni-mytus/>)) are facing unsustainable financial conditions. 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. Great resource: <https://www.lokalnik.cz/>. This also creates a rift between the big and small players, which further complicates any effort to self-regulate.

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

There is currently no system to ensure fair and transparent allocation of state advertising. The recently proposed Action Plan to Combat Disinformation includes a strategy to defund disinformation servers, effectively setting out criteria that would disqualify manipulative news sources from state advertising income. There are several reasons why this development is worrying. Ministry of Culture, competent in media regulation, was not involved in drafting of the plan, rather it is co-created by a government advisor and Ministry of Interior. The Action Plan is untransparent (only became public as a leak) and the discourse surrounding it is heavily securitized. It will be essential to ensure that the defunding effort does not actually focus on media critical of the government. The same applies for a plan to create a fund for independent media, which is also part of the Action Plan.

Czech Republic is also in the process of creating a system of strategic communication. Its non-existence has been often criticized, particularly during the height of COVID-19 pandemic, as the Czech government was unable to present its steps. The creation of this system will likely bring increased state advertising budgets, so the question of their allocation becomes ever more important.

We hope EMFA will help strengthen the impartiality of state advertising allocation.

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

A major development in 2022 was the government's controversial push against alleged pro-Russian disinformation websites. Institute H21 and Otevřená společnost (non-profit organizations defending civil rights) filed a lawsuit against the ministry of defense for demanding - without a legal basis - that CZ.NIX, the largest Neutral Internet Exchange Point (IXP) in the Czech Republic, disables the website addresses of alleged disinformation servers. The ministry attached a list of these servers, not including any proof or argumentation on how they have been chosen. In the letter (https://www.irozhlas.cz/zpravy-domov/vz-rozvedka-armada-blokace-webu-cenzura-svoboda-projevu_2204050644_cib), the blocking is described as: "In accordance with a resolution of the Czech government, we wish to ask you for cooperation [...] We request [...] a preventative measure, that is: technical disabling of access to proposed disinformation servers, which are listed in the attachment [...] The goal of this government measure is to limit the spread of untruthful and misleading information.". The legal status of this 'request' is unclear; the letter makes it appear as a performance of a government decision, but there is in fact no legal basis that would give the

government the power to block websites or demand that this is done by a private subject.

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 result 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 as a recommendation and thus they are appealing the decision.

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

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

We are not aware of any development in this field in 2022.

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

3000 character(s) maximum

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

As far as Rekonstrukce státu experts are aware, SLAPPs are not a widespread concern in the Czech Republic. However, as part of anti-disinformation push, the government is planning a revision of different legal options to combat disinformation. Potentially, this could mean strengthened anti-libel legislation, which could as an unintended consequence open the door to more SLAPPs. It is a major concern that the anti-disinformation policy is being drafted by the Office of the Government and Ministry of Interior, who are looking at it from a security perspective, rather than by Ministry of Culture, which is responsible for media regulation.

Other - please specify

3000 character(s) maximum

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IV. Other institutional issues related to checks and balances

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 Ombudsperson's Office). The Bill shall also establish the position of a Children's Ombudsperson and ensure a more robust participation of vulnerable groups.

There are yet more abuses of presidential powers in 2022. A major concern is that the president refused to name a minister proposed by the prime minister - this is not within the powers of the president, who has to name a minister who the PM chooses. The constitution does not give a time limit to do so, which allows president Zeman to delay without consequence.

Furthermore, the final day of the 2023 report consultation (Jan 20, 2023), the president issued a presidential pardon to Jana Nečasová (<https://www.seznamzpravy.cz/clanek/domaci-zivot-v-cesku-zeman-udelil-milost-jane-necasove-223946>). Jana Nečasová (then Nagyová) was a lover (currently wife) of prime minister Petr Nečas. As the head of the Office of (Nečas) Government, she illegally ordered the military intelligence service to spy on the prime minister's then wife. The president pardoned Nečasová's suspended sentence - possibly because she might be found guilty in another case. On the same day, it was revealed that prime minister Fiala refused to sign the presidential abolition in a case involving president Zeman's closest allies (<https://www.ceskenoviny.cz/zpravy/denik-n-fiala-nepodepsal-abolici-ve-dvou-kauzach-zemanovych-spolupracovniku/2314112>), who stand accused of destroying classified files regarding the Vrbětice case, in which Russian GRU agents detonated a major munitions stockpile in the Czech Republic. While the president can issue pardons freely, for an abolition the prime minister's signature is needed.

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

In June 2022, the Government Council for NGOs approved the Methodology for the Participation of non-governmental non-profit organisations, yet its pilot testing has not yet begun (it shall be ensured by the Council Secretariat). A relatively weak culture of participation remains prevalent, with widely inconsistent

practices across the public service.

The government has also shown a very lukewarm approach to the advisory council on combatting corruption. It did not call a meeting of the council for over a year after being elected. And when it finally met, no ministers nor the PM were present, unlike with previous governments. Consequently, the government ignored the council's position regarding the Whistleblower Protection Act.

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

Experts of the Network for the Protection of Democracy have pointed out that the Ombudsperson's Office has been weakened by long-term professional differences among the Ombudsman Křeček and his Deputy Šimůnková, which resulted in Šimůnková's agendas revoked, leading to a de facto paralysis of her ability to perform her role and, eventually, to her resignation. The appointment of the new deputy does not solve the crux of the issue at stake, as he, also, has not been given any work agendas. Experts fear that any reform responding to the professional failures of the current Ombudsman could potentially weaken the institution and its independence on politicians.

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

An individual cannot request a judicial review of administrative inaction; there are only a few limited exceptions. If the public authority fails to initiate an administrative proceeding against a 3rd party, an individual cannot challenge it, even if the public authority manifestly breaches the law by failing to initiate the proceeding. Actio popularis requests for judicial review are procedurally extremely limited. More information can be provided by filip.jelinek@frankbold.org.

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

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

A new position of the Government Commissioner for Issues of the Roma Minority has been formally created on 21 December 2022 as part of the implementation of the Strategy for Equality, Integration and Participation of the Roma for the 2021-2030 period (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

Experts of the Network for the Protection of Democracy have appreciated the Prime Minister's repeated recognition of the role of the civil society and its activities both domestically and abroad in the aftermath of the Russian invasion of the Ukraine. Yet the government is failing, experts conclude, in a wider goal of translating that into a more stable positive attitude towards the role of the civil society, for example by effective strategic communication that would clearly communicate the role and value of the civil society both towards the public service and the wide public – and which could help counter the spread of NGO-related negative narratives. This is despite the fact that the “improvement of the societal climate for the functioning of NGOs” is one of the three strategic priorities of the governmental Strategy of the Cooperation Between the Public Service and NGOs for years 2021 – 2030 and despite the establishment of the position of the Government Commissioner for media and disinformation. An NGO-led initiative is being prepared that will map the very practical impacts of disinformation on NGOs and propose counter measures.

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

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.).

The administrative burden of accessing and reporting funds from the government across multiple strands of funding (and therefore multiple reporting systems) is extremely high and results in inadequate costs on the side of the NGO recipients. Still, experts of the Network for the Protection of Democracy appreciate progress in the relatively slow process of digitalization of the public service, with the formal establishment of the Digital and Information Agency being the most promising latest step of the current government. The role of the Agency is to coordinate the digitalization of the public service and transfer the multiple information systems of the public service under one roof and unified governance.

On the other hand, experts point out that the long-term lack of funding (both private and public) for the internal digitalization of CSOs and the development of CSO employees' digital competences negatively impacts the health of CSOs. It either undermines the financial stability of those that have to finance their digitalization and IT costs from grants' indirect costs. Those that cannot afford to pay these costs – typically CSOs dominantly financed from public funds in social, health and prevention services – then run high costs of the lack of digitalization, which makes their services more expensive to the state. They risk security threats and a growing digital gap that may be all the more expensive when eventually in a truly acute need of being closed down. Experts warn that the public service has so far largely failed to take into account the specific needs of CSOs with 50 or less employees in designing programmes intended to support the development of digital competences and digitalization.

An important positive development, according to the experts of the Network for the Protection of Democracy, has been the revision of the rules for public collections through a legislative amendment currently being prepared (based on recommendations made by the Government Council for NGOs to the Ministry of the Interior). The adoption of the bill could do away with the confusion and inconsistencies in the law's application across regions.

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

The Government Council for NGOs is the main body of the Government exclusively dealing with CSOs, their issues and the environment they operate in. It is also the permanent body for a structured participation of CSO representatives and experts. The position of the Government Commissioner for Human Rights was vacant between January and May 2022, which rather weakened the body, yet the appointment of the new Commissioner Šimáčková Laurenčíková, along with an appointment of new members in August 2022 revived the institution and the various Councils. Experts appreciate the transparent process of open nominations to the Government Council for NGOs and its Committee for the EU and several committees for monitoring operational programmes that is in line with the new Methodology for the Participation of NGOs.

The Methodology for the Participation of non-governmental non-profit organisations has been approved yet its piloting has not yet begun. Experts of the Network for the Protection of Democracy conclude that the culture of participation is relatively underdeveloped and, more importantly, inconsistent across the public service, with some ministries more experienced than others. The public service still lacks a unified standard of participation and capacities and competences to develop and manage it, as well as develop evaluation mechanisms.

Another obstacle towards the participation of CSOs that has persisted throughout 2022 – particularly in the legislative process – has been the consistent effort of the broad government coalition to develop and maintain consensus especially in the early stages of legislative negotiations. This has largely precluded CSOs from having access to lobbying opportunities and influence legislation in the early stages of drafting, reducing their material influence.

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 been no follow-up discussion in the Parliament or in the Governmental bodies on the previous Rule of Law report besides a short discussion in the Senate and promotion in the Committee for the EU under the Government Council for NGOs. Czech politicians have practically not commented on it and it has not gained any traction in the media, including the public service media. No follow-up mechanism regarding the report's recommendations has been introduced. Currently, a consortium of the Network for the Protection of Democracy and the network of NGO networks NeoN have launched an initiative bringing politicians' attention to the process and its recommendations and plan to engage the media and interested public. We are open to cooperation and can be contacted via mirek@ochranademokracie.cz.

Other - please specify

3000 character(s) maximum

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