

About you

* I am giving my contribution as

Civil society organisation/NGO

* Organisation name

Glopolis (in cooperation with the coalition of Reconstruction of State)

72 / 250

* 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:

<https://glopolis.org/> Glopolis is a networking and analytical centre, we interconnect diverse entities and opinions to collaborate for pluralist democracy, civic space and sustainability. We strive to understand the specific problems of civic space and environment in a broader context, to nourish a more active dialogue, to foster better relations between proponents of different perspectives, and to coordinate practical projects between different groups of non-profits and other actors

500 character(s) maximum

Transparency register number

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* Publication of your contribution and privacy settings

Public - Your personal details (name, organisation name, transparency register number, country of origin will be published with your contribution.

*

I agree with the [personal data protection provisions](#).

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

[overview topics for contribution.pdf](#)

Please provide any relevant information on horizontal developments here

The Czech Republic is considered as a consolidated or open democracy, however the democracy is in recession. COVID-19 crisis revealed the evident weaknesses of the state's governance, incl. the absence of a political vision, leadership and preparedness for complex challenges and appropriate responses to their actual and long-term effects:

- The inappropriate and unjustified restrictions on civil rights and freedoms and threat to the rule of law due to anti-COVID-19 measures: the Government's misuse in declaring a state of emergency, limitations of the right of assembly and access to information, and the executive's efforts to influence the judiciary.
- The minority Government relying on the support of the extremist parties and Prime Minister's conflict of interest opens an inapprehensible room for political barter leading to less transparent, predictable and evidence-based decision-making.
- The Government incompetent to think and act in a strategic way, rather focusing on micro-management. The ambiguities in competencies of individual institutions and the inability to communicate decisions uniformly and intelligibly to all involved continue.
- President bends the Constitution, legitimates extremist parties, pursues his own pro-Russian and pro-Chinese line in foreign policy, subverts the stability of Security Information Service.
- Media of public service at serious risk: the recently elected new members of media councils from anti-liberal camp shake the councils' credibility and independence. The public officials tend to provide information only to certain journalists and media.
- Reduction of civic participation in decision-making and proceedings: efforts to re-codify the Building Act limit the public participation in urban planning and construction procedures. The pro-forma CSOs participation is a symptom of closing consultation mechanisms. The Prime Minister attempts to distort election processes into the Governmental supervisory councils according to his preferences.
- Attempts to decrease public funding for agendas such as the rights of minorities and migrants, gender equality, support for human rights abroad, grant allocations to CSOs.
- Populism characterized many politicians' actions, fake news and disinformation media fuel the mistrust in public.

In responding the questionnaire, we refer to expert reports prepared within the Democracy Protection Network (<https://www.ochranademokracie.cz/>) which we collaborate with. Please see a more detailed assessment of particular areas in the links in the respective questions (the reports are in Czech language).

Justice System - Czechia

1.) Independence

Appointment and selection of judges, prosecutors and court presidents (The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)

Experts criticize non-transparent and untrustworthy selection process of the Chief Justice of the Czech Supreme Court by the President. The president did not comment directly on any of the candidates that judicial authorities labelled as appropriate, he chose an unknown person without explaining why he did so. Doubts about the regularity of the whole process are also raised by media reports that one of the conditions for the appointment was that the candidate would support the assignment of Zeman's related lawyer Zdeněk Koudelka to the Supreme Court. The

president did not comment on this suspicion. His approach in this case undermines confidence in the judiciary, which is essential for the stable functioning of the state.

<https://ochranademokracie.s3.amazonaws.com/ochranademokracie/production/files/2020/12/16/15/09/06/eef63165-6671-46ae-b8f0-23c3f5caacd7/report-justice-1.pol.2020.pdf>

Irremovability of judges; including transfers, dismissal and retirement regime of judges, court presidents and prosecutors

The events of the period under review also revived the debate on ethical rules for the conduct of judges. An important development in this area is the decision of the Disciplinary Chamber of the Supreme Administrative Court regarding Judge Alexander Sotolář. Sotolar in the role of chairman of the senate modified the protocols in the Opencard case. These then differed from the audio recordings of the meeting. The disciplinary senate found Sotolář guilty and removed him from the position of chairman of the senate of the Municipal Court in Prague. However, he was not removed from office as a judge

<https://ochranademokracie.s3.amazonaws.com/ochranademokracie/production/files/2020/12/16/15/09/06/eef63165-6671-46ae-b8f0-23c3f5caacd7/report-justice-1.pol.2020.pdf>

There is also no desirable progress in making the revocation of the Attorney General difficult. He can currently be recalled by the government without giving a reason. There are also no fixed terms of office for senior prosecutors, nor is there an obligation for competitions.

<https://ochranademokracie.s3.amazonaws.com/ochranademokracie/production/files/2020/12/16/15/09/06/eef63165-6671-46ae-b8f0-23c3f5caacd7/report-justice-1.pol.2020.pdf>

It is also important to mention, that the Amendment of the Law on Courts and Judges was passed by the House of Deputies on January 22, 2021 and will be debated in the Senate on March 17, 2021. Main improvements: 1) selection of judges, 2) selection of judicial officials, 3) legal duty of courts to publish judgments, <https://www.psp.cz/cgi-bin/win/sqw/historie.sqw?o=8&t=630>

Promotion of judges and prosecutors

Allocation of cases in courts

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

Experts evaluate positively the publication of the Men's Law. This book asks whether the legal system as it is set up today has the same effects on women and men. Experts hope that this event will open up the topic of women's perspective on the law and the role of women in justice.

<https://ochranademokracie.s3.amazonaws.com/ochranademokracie/production/files/2020/12/16/15/09/06/eef63165-6671-46ae-b8f0-23c3f5caacd7/report-justice-1.pol.2020.pdf>

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal liability of judges

Remuneration/bonuses for judges and prosecutors

Independence/autonomy of the prosecution service

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

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

A significant improvement in the functioning of the judiciary would be the adoption of firm and uniform rules for the selection of judges and judicial officers. An amendment to the Act on Courts and Judges, was passed by the House of Deputies. According to experts, the proposal represents an overall positive change, although it is very compromise.

<https://ochranademokracie.s3.amazonaws.com/ochranademokracie/production/files/2020/12/16/15/09/06/eef63165-6671-46ae-b8f0-23c3f5caacd7/report-justice-1.pol.2020.pdf>

- 2.) 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 "type of information".)

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

Resources of the judiciary (human/financial/material) (Material resources refer e.g. to court buildings and other facilities.)

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

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)

(Factual information presented in Commission Staff Working Document of 2 December 2020, SWD(2020) 540 final, does not need to be repeated)

Despite partial successes, especially in the form of the adoption of the law on the right to digital services, some development of the Citizen's Portal or approval of the possibility of accessing eGovernment services using a banking identity, it is evident that the digitization strategy is very limited. In the area of digital services, we are significantly below the EU average according to the Digital Economy and Society Index (DESI). Welcome step towards transparency of justice system is the project on database on lower courts judgments - the first, modest phase was launched in December 2021.

https://ochranademokracie.s3.amazonaws.com/ochranademokracie/production/files/2021/01/27/15/31/02/bbc30ea8-e812-433c-9c69-2c3052a938b1/souhrnna-zprava-verejna-sprava-2020_2.pdf

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)

Geographical distribution and number of courts/jurisdictions ("judicial map") and their specialization

- 3.) Efficiency of the justice systém (Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under "type of information".)

Length of proceedings

The good news is that the courts largely maintain a high standard of human rights protection in their decisions. The bad news is that they fail to protect their rights in a timely manner and keep up with the executive.

<https://www.rekonstrukcestatu.cz/archiv-novinek/experti-na-obcanska-prava-soudy-obcany-v-dobe-pandemie-chrani-dobre-zasahuji-ale-se-zpozdenim>

Experts also criticize the legislative delays in amending the Execution Rules. The proposal, which went through the 2nd reading on February 12, 2021 in the House of Deputies, was submitted a year and a quarter ago. And the first draft of the extensive amendment even dates from the summer of 2014.

<https://ochranademokracie.s3.amazonaws.com/ochranademokracie/production/files/2020/12/16/15/09/06/eef63165-6671-46ae-b8f0-23c3f5caacd7/report-justice-1.pol.2020.pdf>

Other - please specify

Anti-Corruption Framework - Czechia

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

List of relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption. Please indicate the resources allocated to these (the human, financial, legal, and practical resources as relevant)

- 5.) Prevention

Integrity framework including incompatibility rules (e.g.: revolving doors)

General transparency of public decision-making (including public access to information such as lobbying, asset disclosure rules and transparency of political party financing)

The Lobbying Act is awaiting 2nd reading in the House of Deputies,
<https://www.psp.cz/sqw/historie.sqw?o=8&t=565>

Rules on preventing conflict of interests in the public sector.

The Conflict of Interest Act, <https://www.zakonyprolidi.cz/cs/2006-159>

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

The Governmental Bill on protection of Whistleblowers, implementation of the EU directive, is awaiting the 1st reading in the House of Deputies,
<https://www.psp.cz/sqw/historie.sqw?o=8&t=1150>

List the sectors with high-risks of corruption in your Member State and list the relevant measures taken/envisaged for preventing corruption and conflict of interest in these sectors. (e.g. public procurement, healthcare, other).

public procurement, healthcare

Measures taken to address corruption risks in the context of the COVID-19 pandemic

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

6.) Repressive measures

Criminalisation of corruption and related offences.

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 the implementation of EU funds

Potential obstacles to investigation and prosecution of high-level and complex corruption cases(e.g. political immunity regulation).

Experts fear that with the approaching end of the current term of the Chamber of Deputies, there will be more cases where opponents of anti-corruption laws will delay their discussion, which may lead to their non-discussion and "falling under the table".

<https://ochranademokracie.s3.amazonaws.com/ochranademokracie/production/files/2020/12/16/15/09/06/eef63165-6671-46ae-b8f0-23c3f5caacd7/report-justice-1.pol.2020.pdf>

Other – please specify

Prime Minister's conflict of interest opens an inapprehensible room for political barter leading to less transparent, predictable and evidence-based decision-making.

Media Pluralism – Czechia

7.) Media authorities and bodies (Cf. Article 30 of Directive 2018/1808)

Independence, enforcement powers and adequacy of resources of media regulatory authorities and bodies

Experts concluded that while there was no significant restriction on freedom of expression, some of the government's actions were alarming. For example, it was a matter of limiting the number of journalists present at government press conferences, which may make it more difficult for journalists to be able to report independently on government decisions.

They also mention the initiative of the Ministry of the Interior to withdraw a video in which the performers discussed the possibilities of coronavirus treatment.

<https://www.rekonstrukcestatu.cz/archiv-novinek/nezhasinat-7-vlada-musi-i-v-krizove-dobe-respektovat-pravidla-pravniho-statu>

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

Members of Parliament who elect councilors to the media councils of public institutions, as well as councilors themselves, are likely to come into conflict with the law on Czech Television and Czech Radio. It demands that council members do not hold any position in political parties and movements, civic initiatives and social organizations and do not act in their favor. At the same time, people who recently publicly expressed support for specific parties (such as ČT councilor Luboš Xaver Veselý towards Trikolóra hnutí občanů) or are running for them (ČRo councilor Vítězslav Jandák as a ANO candidate or ČTK councilor Petr Žantovský for the SPD until the October Senate elections) are repeatedly elected to the council.

According to the experts, this development undermines the credibility of the public service media and acts as part of a strategy to disrupt the control institutions of a democratic state governed by the rule of law. The main problem of councils is their staff composition.

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

Applies also to answer 8

8.) Transparency of media ownership and government interference

The transparent allocation of state advertising (including any rules regulating the matter); other safeguards against state / political interference

Experts draw attention to the deteriorating functioning of public service media councils and developments in the media market, which include the launch of CNN Prima News and the sale of CME (TV Nova and others) to PPF's Petr Kellner Group.

The neutrality of the councils is threatened: Members of Parliament who elect councilors to the media councils of public institutions, as well as the councilors themselves, are likely to come into conflict with the Act on Czech Television and Czech Radio.

According to the experts, this development undermines the credibility of the public service media and acts as part of a strategy to disrupt the control institutions of a democratic state governed by the rule of law. The main problem of councils is their staff composition.

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Rules governing transparency of media ownership and public availability of media ownership information

There was a development in the case of the initiative of Transparency International - In the matter, Andrej Babiš faced suspicions that he still controls the media from the Mafra groups, which are part of the holding Agrofert - the Supreme Public Prosecutor to review the decision of the Regional Office of the Central Czech Region in matters of the offense of Prime Minister Andrej Babiš against the law on conflict of interests. The regional authority on March 20, 2020 decided that the Prime Minister did not have a conflict of interest.

https://ochranademokracie.s3.amazonaws.com/ochranademokracie/production/files/2020/12/14/14/50/16/66f266a6-e176-44ee-9e09-e978d9fc5d37/zprava-pracovni-skupiny-pro-ustavni-system-2020_1.pdf

9.) Framework for journalists' protection

Rules and practices guaranteeing journalist's independence and safety

Law enforcement capacity to ensure journalists' safety and to investigate attacks on journalists

Access to information and public documents

During the pandemic, the approach of public administration bodies to publishing information was also problematic. The head of the Institute of Health Information and Statistics Ladislav Dušek has refused to make available anonymized data from the health information system to the public and especially to researchers.

In addition, the Ministry of Health did not publish information on purchases of protective equipment for some time and refused to provide this information on the basis of the Act on Free Access to Information. This practice changed only after the media coverage of his progress.

<https://www.rekonstrukcestatu.cz/archiv-novinek/nezhasinat-7-vlada-musi-i-v-krizove-dobe-respektovat-pravidla-pravniho-statu>

Lawsuits and convictions against journalists (incl. defamation cases) and safeguards against abuse

Other - please specify

The coronavirus pandemic has also affected the media market. It led to changes in media consumption, which had economic impacts and affected the audience of individual media. The first trend was a significant drop in sales of printed periodicals.

There was a significant reduction in incomes from advertising in printed periodicals. On the contrary, there was a large increase in viewership of public media and television news.

Other institutional issues related to checks and balances – Czechia

10.) The process for preparing and enacting laws

Framework, policy and use of impact assessments, stakeholders'/public consultations (particularly consultation of judiciary on judicial reforms), and transparency and quality of the legislative process

Experts have long drawn attention to the controversial recodification of construction law, which, according to members of the group, will mean a fundamental weakening of the protection of public interests, such as the protection of the environment in construction projects.
https://ochranademokracie.s3.amazonaws.com/ochranademokracie/production/files/2020/10/19/14/16/59/8af1a7b2-b08c-4ed9-9015-0181a2dd67f4/zprava-pracovni-skupiny-pro-politicka-prava_2020_2.pdf

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)

Regime for constitutional review of laws.

COVID-19: provide update on significant developments with regard to emergency regimes 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 by Parliament of emergency regimes and measures in the context of COVID-19 pandemic*
- *measures taken to ensure the continued activity of Parliament (including possible best practices)*

The area of human (social) rights was significantly affected by the coronavirus pandemic and the measures taken in connection with it during the monitored period. Many of the measures taken were insufficient and some could put their target groups at greater risk. The measures were taken chaotically and were confusing for citizens. These factors, together with the economic effects of the pandemic, have made the crisis particularly severe for already disadvantaged groups, such as people at risk of poverty, people with mental disabilities, the elderly or migrants.

https://ochranademokracie.s3.amazonaws.com/ochranademokracie/production/files/2020/11/18/13/26/42/6db6f97d-7c3e-452d-b27f-44740bbdaa74/zprava-pracovni-skupiny-pro-lidska-socialni-prava-2019_2.pdf

The inappropriate and unjustified restrictions on civil rights and freedoms and threat to the rule of law due to anti-COVID-19 measures: the Government's misuse in declaring a state of emergency, limitations of the right of assembly and access to information, and the executive's efforts to influence the judiciary.

A significant event was the government's decision to postpone the elections to the Senate, which was declared null and void by the Supreme Administrative Court because the government did not have the authority to do so.

We consider the fact that the exclusive influence of health experts and epidemiologists on executive decision-making, which is further limited almost exclusively by economic considerations, to be worthy of special attention.

https://ochranademokracie.s3.amazonaws.com/ochranademokracie/production/files/2020/12/14/14/50/16/66f266a6-e176-44ee-9e09-e978d9fc5d37/zprava-pracovni-skupiny-pro-ustavni-system-2020_1.pdf

Experts are also concerned about developments in criminal justice. This is partly related to the coronavirus pandemic, which results in an increased incidence of domestic violence, and the protection of victims is currently insufficient.

<https://ochranademokracie.s3.amazonaws.com/ochranademokracie/production/files/2020/12/16/15/09/06/eef63165-6671-46ae-b8f0-23c3f5caacd7/report-justice-1.pol.2020.pdf>

11.) Independent authorities

Independence, 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#>

The preparation of a law on the Defender of Children's Rights is promising. This law would establish the function of a defender of children's rights, who could handle children's complaints about the actions of the authorities, visit places where children are deprived of their liberty, promote equal treatment of children, or carry out educational and awareness-raising activities. According to the experts, it seems that the friction between the ombudsman and his competencies and the competencies of the emerging function has been resolved.

<https://ochranademokracie.s3.amazonaws.com/ochranademokracie/production/files/2020/12/16/15/09/06/eef63165-6671-46ae-b8f0-23c3f5caacd7/report-justice-1.pol.2020.pdf>

Unfortunately, it is very difficult to rely on the help of the ombudsman, who, according to experts, does not perform his function properly, but repeatedly shows himself in an unacceptable way on the topic of discrimination.

https://ochranademokracie.s3.amazonaws.com/ochranademokracie/production/files/2020/11/18/13/26/42/6db6f97d-7c3e-452d-b27f-44740bbdaa74/zprava-pracovni-skupiny-pro-lidska-socialni-prava-2019_2.pdf

12.) Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data) and judicial review (incl. scope, suspensive effect)

Throughout the epidemic, the government did not provide anonymized data on its development to the general public, nor for scientific and analytical purposes. In addition, the government asked deputies to extend the state of emergency only with reference to the duration of the epidemic without detailed data.

The government has not complied with an order of the competent law (on the establishment of ministries), according to which § 22 of the ministry "shall inform the public in an appropriate manner about proposals for serious measures."

<https://www.rekonstrukcestatu.cz/archiv-novinek/nezhasinat-7-vlada-musi-i-v-krizove-dobe-respektovat-pravidla-pravniho-statu>

Implementation by the public administration and State institutions of final court decisions

In the Czech Republic, the problem of hate crimes has been downplayed for a long time. Organizations working on this issue are not sufficiently protected, and criminal proceedings are often not initiated. In cases where criminal proceedings are instituted, insufficient emphasis is still placed on the needs of the victim. Victims continue to be referred to civil proceedings.

The current functioning of the parole institution is also problematic. There is no effective concept for the operation of this tool, so there is a lack of support for convicts and preparation for their return to society. These activities are replaced by non-profit organizations with minimal support from the state.

Experts also criticize the absence of a concept of criminal policy in general. The criminal policy of the Czech Republic lacks a clear direction and continues to work with the outdated perception of punishment as retribution for crime. In the spirit of current trends, it would be desirable for criminal justice to focus more on compensating for the damage caused, accepting the perpetrator's personal responsibility, remedying interpersonal relationships, reintegrating

criminals and promoting the principle of victim-offender participation, for example through restorative programs.

<https://ochranademokracie.s3.amazonaws.com/ochranademokracie/production/files/2020/12/16/15/09/06/eef63165-6671-46ae-b8f0-23c3f5caacd7/report-justice-1.pol.2020.pdf>

13.)The enabling framework for civil society

Measures regarding the framework for civil society organisations (e.g. access to funding, registration rules, measures capable of affecting the public perception of civil society organisations, etc.)

The general regulatory and legal conditions for civic space could be assessed as satisfactory. However severe attempts to limit the civic space have become part of public discourse - they start from the offending proclamations of the political and state officials, and end up by proposals of the populist members of the Parliament to cut the public funding for NGOs in other than service delivery areas (mainly for agendas such as the gender equality, anti-corruption and watchdog, the rights of minorities and migrants, support for human rights abroad, civic participation etc.). During 2020, a Governmental policy on Cooperation of State Administration with NGOs is being prepared, with many promising goals and measures, however we see a lack of political will to really implement it at the Office of the Government with almost no funding and capacities. The pro-forma CSOs participation and moving agendas from Governmental/ministerial levels into a more administration levels is a symptom of closing consultation mechanisms. The Prime Minister attempts to distort election processes into the supervisory councils according to his preferences (e.g. the unprecedented distortion of an open procedure by nominating the Prime Minister's economic advisor J. Ungerman to EESC as a "CSO representative" - <https://denikn.cz/519955/spici-maltezskanadace-k-niz-se-maltezsky-rad-nezna-ma-eu-presvedcit-ze-babisuv-poradce-kope-za-neziskovky/>).

14.)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, etc.)

Other - please specify

According to an international survey, the impacts on the functioning of state administration at the regional level in the Czech Republic were the worst. Digitization in the Czech Republic is still driven mainly by initiatives outside the state administration. Politicians are increasingly tending to interfere in the professional performance of the state administration, from which experts are rushing to leave.

<https://www.rekonstrukcestatu.cz/archiv-novinek/experti-krize-odhalila-problemy-ceske-statni-spravy-a-nedostatecnou-digitalizaci>

In the current situation, the desired improvement would be strict compliance with the rule of law, especially by the executive. The main goal for the next period is therefore to return to the pre-coronavirus rule of law quality standard. Experts also call for a more active involvement of civil society in political and social events.

https://ochranademokracie.s3.amazonaws.com/ochranademokracie/production/files/2020/12/14/14/50/16/66f266a6-e176-44ee-9e09-e978d9fc5d37/zprava-pracovni-skupiny-pro-ustavni-system-2020_1.pdf