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2023 Rule of Law Report Country Chapter on the rule of law situation in Czechia

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COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS

2023 Rule of Law Report

The rule of law situation in the European Union

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ABSTRACT

Reforms aimed at enhancing the transparency and independence of the justice system continued. A new unified selection procedure for judges is now being applied and a reform of the system of disciplinary proceedings regarding judges is being prepared at ministerial level. The reform of the prosecution service was submitted to the Parliament. Progress on the digitalisation of justice continues to be slow, with the e-file project being delayed. While the salary freeze for judges and public prosecutors was lifted as of 2023, assistant staff in courts and public prosecution is underfunded compared to average salaries in the public sector. The justice system performs well in terms of overall efficiency.

A new Government Anti-Corruption Strategy 2023-2026 was adopted, with an Action Plan expected to be approved by the Government. The Anti-Corruption Council was reactivated and activities of various technical working groups have resumed. Resources of, and cooperation between, institutions in the fight against corruption remain adequate, and the track record of investigations, prosecutions and convictions remains stable. High-level corruption cases remain a point of attention due to delays in some proceedings, while allegations of political interference in a high-level corruption case are a cause of concern. Enforcement in foreign bribery cases remains limited, although an adequate framework is in place. The revised legislation on asset declarations was adopted and implemented and legislation on conflict of interest is progressing through Parliament. Ethics rules for civil servants are being reviewed but there is still no comprehensive ethics framework for both chambers of the Parliament. Post-employment rules remain applicable only in limited cases. Legislation on lobbying was sent to the Government for adoption. Reforms of the political party financing framework are ongoing, while amendments to the Constitution to strengthen the Supreme Audit Office have not been taken forward. The law on whistleblower protection was adopted by the parliament in June 2023.

A series of legislative reforms have amended various laws regulating the media. Amendments to the Act on Radio and Television Broadcasting are expected to strengthen the independence of the Czech media regulator. A bill amending the Czech Television Act and the Czech Radio Act, which together provide the framework for the supervision and independence of Czech public service media, is expected to strengthen the independence of the supervisory bodies of public service media, thereby enhancing the independent governance of public service media. Furthermore, amendments have been made to the Act on Free Access to Information which regulates access to information held by public authorities.

The number of acts adopted in accelerated legislative procedures remains high. An amendment to entrust the Ombudsperson with the function of a National Human Rights Institution is in preparation. Work continues to enhance the participation of civil society in policy-making processes but stakeholders report instances of worsening transparency. Organisations and rights defenders in the fields of gender equality and non-discrimination continue facing a difficult environment, while a review of the financing framework for CSOs is ongoing.

RECOMMENDATIONS

Overall, concerning the recommendations in the 2022 Rule of Law Report, Czechia has (made):

- Some progress on taking forward the reform of the prosecution service retaining the original aim to introduce safeguards for the dismissal of the Prosecutor General and other chief public prosecutors, taking into account European standards on the independence and autonomy of the prosecution.
- No progress yet on taking measures to reduce the length of proceedings to ensure a robust track record of investigations, prosecutions and final judgments in high-level corruption cases.
- No progress on strengthening the integrity framework for members of Parliament, in particular by ensuring that Codes of Ethics are in place for both Houses of Parliament.
- Fully implemented the recommendation on the revision of legislation on asset declarations and some progress on the revision of legislation on conflict of interests, including by clarifying the definition of beneficial ownership and progress with further reforms relating to transparency of information on media ownership.
- Some progress on strengthening the rules and mechanisms to enhance the independent governance of public service media taking into account European standards on public service media.
- Some progress on taking steps to establish a National Human Rights Institution taking into account the UN Paris Principles.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the commitments made under the national Recovery and Resilience Plan relating to certain aspects of the justice system and the anti-corruption framework, it is recommended to Czechia to:

- Continue to advance the reform of the prosecution service retaining the original aim to introduce safeguards for the dismissal of the Prosecutor General and other chief public prosecutors, taking into account European standards on the independence and autonomy of the prosecution.
- Take measures to reduce the length of proceedings and ensure independence of investigation and prosecution in high-level corruption cases.
- Strengthen the integrity framework for members of Parliament, in particular by complementing the existing rules as regards revolving doors and lobbying.
- Complete the revision of legislation on conflicts of interest, including by clarifying the definition of beneficial ownership and progress with further reforms relating to transparency of information on media ownership.
- Advance with the process aimed at strengthening the rules and mechanisms to enhance the independent governance of public service media taking into account European standards on public service media.
- Continue to advance the legislative changes to establish a National Human Rights Institution taking into account the UN Paris Principles.

I. JUSTICE SYSTEM

The Czech justice system is composed of 86 district courts, eight regional courts, two high courts, the Supreme Court and the Supreme Administrative Court. The Constitutional Court is tasked with guaranteeing constitutionality of legislation, and with the protection of fundamental rights and freedoms. The central body of state responsible for the administration of the courts is the Ministry of Justice. The Ministry of Justice performs state administration of high, regional and district courts to the extent stipulated by law, either directly or through the presidents of these courts. These various authorities take into account the opinions of the relevant judicial councils, which are established at the Supreme Court, the Supreme Administrative Court, high courts, regional courts and larger district courts. Judges are appointed by the President of the Republic, from candidates selected by selection committees and presented by the Minister of Justice. The Prosecution Service is part of the executive branch. Public prosecutors are appointed into their office for an indefinite time by the Minister of Justice on a proposal from the Prosecutor General. The Prosecutor General is appointed and recalled by the Government on a proposal from the Minister of Justice. Czechia participates in the European Public Prosecutor's Office (EPPO). The Bar Association is established by law and is independent. It performs public administration in the area of the legal profession and provides self-regulation for the entire profession. The self-governing power of the Bar is limited by the power of the Minister of Justice in the areas listed by law.

Independence

The level of perceived judicial independence in Czechia is now high among both the general public and companies. Overall, 65% of the general population and 60% of companies perceive the level of independence of courts and judges to be 'fairly or very good' in 2023¹. According to data in the 2023 EU Justice Scoreboard, the perceived judicial independence among both the general public and companies has consistently increased in the last years. Both figures have increased in comparison with 2022 (57% for the general public and 55% for companies), as well as showing a substantial positive evolution in comparison with 2016 (47% for the general public and 37% for companies).

The new unified selection procedure for judges is being applied. The amendment to the Act on courts and judges entered into force on 1 January 2022² and the new selection procedure has been applied since then. It unified the practice in all courts and introduced a more transparent and robust system with a public set of rules³. The selection committee consists of

¹ Figures 49 and 51, 2023 EU Justice Scoreboard. The level of perceived judicial independence is categorised as follows: very low (below 30% of respondents perceive judicial independence as fairly good and very good); low (between 30-39%), average (between 40-59%), high (between 60-75%), very high (above 75%).

² Act No 218/2021, amending Act No 6/2002 Coll., on courts, judges, lay judges and administration of courts and on amendment to some other acts. Input from Czechia for the 2023 Rule of Law Report, p. 1.

³ Sections 105a and following for the selection procedure of presidents of the courts and sections 109 and following for the selection procedure of candidates for a position of a judge of the Act No 6/2002 Coll., as amended. Information provided in the context of the country visit to Czechia from the Ministry of Justice and the Supreme Court. To be noted that Czechia has the second lowest proportion of female judges at the Supreme Court (17%) in the European Union. Figure 36, 2023 EU Justice Scoreboard.

five members, with judges constituting the majority⁴. This is in line with European standards⁵. The new procedure is generally evaluated positively despite being perceived as more complex and demanding on resources⁶. An amendment to ministerial decree No 516/2021, which regulates the selection of judges, is currently in preparation⁷, to address concrete practical issues that have emerged so far in the application of the new procedure.

The reform of the system of disciplinary proceedings regarding judges is being prepared at ministerial level. As reported in the 2022 Rule of Law Report, the legislative process had to be interrupted in 2021 due to the end of the parliamentary term⁸. The new version of the reform is about to be sent to inter-ministerial consultation procedure⁹. The aim of the reform is expected to remain the same as the one presented in 2021, namely to introduce the possibility to appeal decisions taken by a disciplinary court, which reflects European standards¹⁰ and follows a GRECO recommendation¹¹.

Some progress has been achieved on the reform of the prosecution service. The 2022 Rule of Law Report recommended to Czechia to ‘take forward the reform of the prosecution service retaining the original aim to introduce safeguards for the dismissal of the Prosecutor General and other chief public prosecutors, taking into account European standards on the independence and autonomy of the prosecution’¹². The draft law, which amends the process of appointing and dismissing district, regional and chief prosecutors, as well as the Prosecutor General, was submitted to the Parliament on 2 June 2023¹³. The currently applicable system of dismissal of the Prosecutor General by the Government on the proposal of the Minister of Justice, as

⁴ Two of the members are employees of the Ministry of Justice, two are judges appointed on the proposal of a president of respective regional court and one is a judge appointed on a joint proposal of the presidents of the Supreme Court and the Supreme Administrative Court. The committee for selection of court presidents has five members; its composition varies depending on the instance of the court, but in general one member is Deputy Minister of Justice, one expert on organization of courts and three court presidents. Secs. 105e and 116(3) of Act No 6/2002 as amended.

⁵ Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe, para. 47.

⁶ Contribution from the Reconstruction of the State and the Network for the Protection of Democracy for the 2023 Rule of Law Report, p. 11; contribution from CCBE for the 2023 Rule of Law Report, pp. 27-28. Contribution from Civil Liberties Union for Europe for the 2023 Rule of Law Report, Czech Republic, p. 4. Information provided in the context of the country visit to Czechia from the Ministry of Justice, the Supreme Court, the Supreme Administrative Court and the Union of Judges.

⁷ Draft Decree amending Decree No 516/2021 Coll., on the professional judicial examination, selection and training of judicial candidates, selection of candidates for the office of judge, selection of court presidents and amending Decree No 37/1992 Coll., on the rules of procedure for district and regional courts, as amended.

⁸ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, pp. 3-4.

⁹ Input from Czechia for the 2023 Rule of Law Report, p. 2. Information provided in the context of the country visit to Czechia from the Ministry of Justice.

¹⁰ Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe, para 69; Venice Commission, Report on the Independence of the Judicial System Part II: The Prosecution Service (CDL-AD(2010)040), para 43; Venice Commission, Rule of Law Checklist (CDL-AD(2016)007).

¹¹ GRECO Fourth Evaluation Round – Evaluation Report, recommendation ix, introducing the possibility for judges to challenge disciplinary decisions including for dismissal before a court.

¹² 2022 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 2.

¹³ Bill No. 463, Draft law amending Act No. 283/1993 Coll., on the public prosecution service; Information provided in the context of the country visit to Czechia from the Ministry of Justice.

described in the 2022 Rule of Law Report¹⁴, remains in the draft¹⁵. Nevertheless, new safeguards would be introduced, as the dismissal should be limited by two substantive conditions¹⁶ and the draft introduces a possibility for the Prosecutor General to challenge the decision before the Supreme Administrative Court¹⁷. While this reform would constitute an improvement to the current regime, European standards call for clarity on the conditions for the pre-term dismissal of the Prosecutor General, an *ex ante* opinion of an expert body as to whether there are sufficient grounds for dismissal, and a fair hearing of the Prosecutor General in dismissal proceedings¹⁸. The draft also envisages the term of the office of the Prosecutor General to be seven years, non-renewable¹⁹, which is in line with European standards²⁰. A discussion has emerged on whether a longer term of office, corresponding with the length of the term of court presidents, would be more appropriate²¹. The draft law also sets out new eligibility criteria for Prosecutor General candidates.²² European standards recommend that the method of selection should be such as to gain the confidence and respect of the public as well as of the members of the judicial and prosecutorial system and legal profession²³. Therefore, there has been some progress on the recommendation made in the 2022 Rule of Law report.

Quality

Progress on the digitalisation of justice continues to be slow, with e-file being delayed. The Ministry of Justice has been implementing a project, supported also by the Recovery and

¹⁴ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 5. Currently the Prosecutor General may be dismissed by the Government on a proposal of the Minister of Justice without stating reasons.

¹⁵ Section 9, para. 6 of the draft amendment.

¹⁶ Section 9 para. 6 of the draft amendment sets two conditions, under which the Government may dismiss the Prosecutor General: i) if the Prosecutor General fundamentally undermines, by culpable gross breach of his or her duties or grossly inappropriate conduct or behaviour, confidence in the proper functioning of the prosecution system, in particular confidence in the legality of his or her actions or in his or her impartiality or professionalism; ii) or has fundamentally undermined the reputation of the prosecution system. Section 10 para. 6 stipulates that before the end of their seven-year-long term, district, regional and chief prosecutors would be dismissed exclusively in disciplinary proceedings.

¹⁷ Section 9b of the draft amendment.

¹⁸ Venice Commission, Independence of the Judicial System, Part II: The Prosecution Service, CDL-AD(2010)040, paras. 39-40.

¹⁹ Section 9, paras 1 and 5 of the draft amendment.

²⁰ Opinion No. 9 (2014) of the Consultative Council of European Prosecutors to the Committee of Ministers of the Council of Europe. European norms and principles concerning prosecutors, p. 79, para 56.

²¹ Information provided in the context of the country visit to Czechia from the Office of the Prosecutor General, Union of Public Prosecutors. Reconstruction of the State (2023), Justice Minister Blažek plans to make the prosecutor's office more dependent on the government (*Ministr spravedlnosti Blažek chystá vyšší závislost státního zastupitelství na vládě*), <https://www.rekonstrukcestatu.cz/archiv-novinek/ministr-spravedlnosti-blazek-chysta-vyssi-zavislost-statniho-zastupitelstvi-na-vlade>. Transparency International (2022) Minister Blažek resigns on legal regulation of independent prosecutor's office (*Ministr Blažek rezignuje na zákonnou úpravu nezávislého státního zastupitelství*), <https://www.transparency.cz/ministr-blazek-rezignuje-na-zakonnou-upravu-nezavisleho-statniho-zastupitelstvi/>.

²² Section 9 para. 3 newly stipulates that there is a requirement of at least 10 years of legal experience of the candidate, including at least 6 years as a public prosecutor. Para. 2 also specifies that candidate may be appointed only if his or her expertise, professional experience, people management skills and moral qualities provide guarantees for the proper performance of the office of the Prosecutor General.

²³ Opinion No. 9 (2014) of the Consultative Council of European Prosecutors to the Committee of Ministers of the Council of Europe. European norms and principles concerning prosecutors, p. 79, para 56.

Resilience Facility²⁴, to introduce unified recording equipment in the meeting rooms of courts, which will enhance the transparency of proceedings. Since 1 July 2022, first instance decisions of district courts in civil matters are published in a publicly accessible database²⁵. Despite these steps, stakeholders continue to point out that in the core digitalisation projects, in particular the e-file or the information management system for public prosecution ('ELVIZ'), progress has been very slow, and suggest that advancing digitalisation is one of the major areas for improvement of the justice system²⁶. Serious shortcomings in the implementation of the eJustice strategy by the Ministry of Justice, including the e-file system, have also been identified by the Supreme Audit Office, which assessed it as ineffective²⁷. The deployment of the pilot e-file in selected courts is expected in the second half of 2024. ELVIZ is closely linked with the e-file, so its implementation is expected to start in 2024, with a pilot system to be rolled out in 2027²⁸.

The Supreme Audit Office detected shortcomings in the handling of compensations due to unlawful decisions or maladministration, including by bailiffs. The audit²⁹, which focused on how the Ministry of Justice spent money to compensate for illegal decisions or maladministration between 2016 and 2021, showed that the Ministry handled 49% of claims for compensation after the legal deadline, often with significant delays or after the complainant filed the case against the Ministry in court. Complaints about maladministration by bailiffs represented an important part of the overall claims. As already noted by the 2021 Rule of Law Report, enforcement and insolvency proceedings and a so-called "debt trap" affect a high number of people and may negatively impact their fundamental rights, such as the right to an adequate standard of living³⁰. Despite several legislative changes coming into effect³¹, including special dedicated periods when a defined group of debtors³² had the opportunity to discharge their debt in a simplified and less costly manner, the number of people affected by debt enforcement remains significant³³.

²⁴ Component 1.2: Digital Public Administration Systems, Annex to the Proposal for a Council Implementing Decision on the approval of the assessment of the recovery and resilience plan for Czechia, COM(2021) 431 final. 52021PC0431 – EN – EUR-Lex, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=COM:2021:431:FIN>.

²⁵ Several categories of decisions are exempted, such as payment orders and certain decisions on divorce, cf. Art. 2 and Annex I of Decree No. 403/2022. Accessible at <https://rozhodnuti.justice.cz/soudnirozhodnuti/>. The database is to gradually widen its scope also to court decisions in other than civil matters.

²⁶ Contribution from the CCBE for the 2023 Rule of Law Report, p. 25, and Civil Liberties Union for Europe for the 2023 Rule of Law Report, Czech Republic, p.p. 6-7.; Information provided in the context of the country visit to Czechia from the Czech Bar Association and the Supreme Court. See also 2022 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 5.

²⁷ Supreme Audit Office, Control conclusion from the control action 21/28, Digitalisation at the Ministry of Justice, November 2022, <https://www.nku.cz/assets/kon-zavery/k21028.docx>.

²⁸ Written information provided in the context of the country visit to Czechia from the Ministry of Justice.

²⁹ Supreme Audit Office, Control conclusion from the control action 21/38, State funds spent on compensation, October 2022, <https://www.nku.cz/assets/kon-zavery/k21038.docx>.

³⁰ 2021 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 5, reported that, over 700 000 people faced enforcement proceedings.

³¹ Act No 286/2021 amending Act No 99/1963, the Code of Civil Procedure, as amended, Act No 120/2001 on bailiffs and enforcement activities (the Enforcement Code) and amending other acts, as amended, and certain other acts.

³² Natural persons who have a pecuniary debt to the state and other public creditors, which is enforced by a bailiff. Act No 214/2022 on specific grounds for stopping enforcement and amending related acts.

³³ More than 667 000 people were affected by debt enforcement as of 19 April 2023. Since 2017, when the number of affected people was at its highest (863 000), the number decreased gradually every year until 2022

While the salary freeze for judges and public prosecutors was lifted as of 2023, assistant staff in courts and public prosecution is underfunded. The salaries of judges, public prosecutors and other high-level officials were frozen between February and December 2022 at the level of 2020, due to the economic consequences of the COVID-19 pandemic, as noted in the 2022 Rule of Law Report³⁴. The freeze was lifted as of 2023, leading to a 13% increase of judges' and prosecutors' basic salaries³⁵. In contrast, stakeholders have pointed to comparatively low salaries of assistant staff in courts and public prosecution leading to difficulties in recruiting qualified staff for these posts, which undermines the proper functioning of the prosecution and judiciary³⁶.

Efficiency

The justice system performs well in terms of overall efficiency. After a temporary increase in the length of litigious civil and commercial cases as a result of the COVID-19 pandemic and related measures³⁷, the justice system returned to an overall trend, as reported in the 2021 and 2022 Rule of Law Reports³⁸, of improvements in efficiency (141 days in the first instance litigious civil and commercial cases in 2021 compared to 165 days in 2020)³⁹. There has also been a further improvement in the length of administrative cases (265 days in first instance courts in 2021 compared to 317 days in 2020 and 356 in 2019)⁴⁰, which, however, remain lengthy compared to other types of cases.

II. ANTI-CORRUPTION FRAMEWORK

Czechia has the legislative and institutional framework to prevent and fight corruption largely in place. The Conflicts of Interest and Anti-Corruption Department of the Ministry of Justice is in charge of the coordination and monitoring of the national Anti-Corruption Strategy 2023-2026, which is Czechia's strategic framework for anti-corruption at the governmental level. The Anti-Corruption Council acts as an advisory body to the Government. In cooperation with

(666 420). Information published by the Chamber of Bailiffs of the Czech Republic, <https://statistiky.ekcr.info/statistiky>.

³⁴ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 6.

³⁵ Input from Czechia for the 2023 Rule of Law Report, p. 2.

³⁶ Staff in civil service receives higher wages than staff in courts and prosecution doing the same work at the same level of competence. Information provided in the context of the country visit to Czechia from the Supreme Court, Supreme Administrative Court, Union of Prosecutors, Prosecutor General's Office, Union of Judges and Czech Bar Association. See also Contribution from the CCBE for the 2023 Rule of Law Report, p. 24, contribution from the Reconstruction of State/Network for the Protection of Democracy, pp. 14-15, and contribution from Civil Liberties Union for Europe for the 2023 Rule of Law Report, Czech Republic, p. 5. See also press releases of the Union of Public Prosecutors, 'The Union of Prosecutors supports efforts to increase the salaries of administrative staff', 20 October 2022, <https://www.uniesz.cz/unie-statnich-zastupcu-podporuje-snahy-o-navyseni-platu-zamestnancu-administrativy/> and 'Information on the salaries of administrative staff in the Prosecution Service', 16 November 2022, <https://www.uniesz.cz/informace-k-platum-administrativnich-pracovniku-ve-statnim-zastupitelstvi/>, and joint warning of the Union of Judges and Presidents of Courts, 20 October 2022, <https://advokatnidenik.cz/2022/10/20/predsedove-soudu-varovali-pred-kolapsem-justice-ktery-je-postupny-ale-neodvratny/>.

³⁷ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 7.

³⁸ 2021 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 5, 2022 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 6.

³⁹ Figure 6, 2023 EU Justice Scoreboard.

⁴⁰ Figure 8, 2023 EU Justice Scoreboard.

the prosecution service, the National Organised Crime Agency is the police unit with country-wide competence to investigate high-level corruption offences⁴¹. The Financial Analytical Office acts as Czechia's Financial Intelligence Unit. The Supreme Audit Office reviews the state's management of public revenue and expenditure and its findings may contribute to the identification of corruption risks.

The perception among experts and business executives is that the level of corruption in the public sector remains relatively high. In the 2022 Corruption Perceptions Index by Transparency International, Czechia scores 56/100 and ranks 16th in the European Union and 41st globally⁴². This perception has been relatively stable over the past five years⁴³. The 2023 Special Eurobarometer on Corruption shows that 76% of respondents consider corruption widespread in their country (EU average 70%) and 17% of respondents feel personally affected by corruption in their daily lives (EU average 24%)⁴⁴. As regards businesses, 61% of companies consider that corruption is widespread (EU average 65%) and 37% consider that corruption is a problem when doing business (EU average 35%)⁴⁵. Furthermore, 23% of respondents find that there are enough successful prosecutions to deter people from corrupt practices (EU average 32%)⁴⁶, while 24% of companies believe that people and businesses caught for bribing a senior official are appropriately punished (EU average 30%)⁴⁷.

A new Anti-Corruption Strategy 2023-2026 was adopted in April 2023, while the overall record of the government on anti-corruption policy has been criticised. The new 2023-2026 Anti-Corruption Strategy was adopted in early April 2023. At the same time, the Ministry of Justice was tasked to submit an action plan for the years 2023-2024 by June 2023. This approval comes after a number of delays in its preparation, given both the Strategy and Action Plan needed to be in force from 1 January 2023⁴⁸. The document follows the four pillar approach of its predecessor, the 2018-2022 Strategy⁴⁹. The Strategy focuses on the implementation of GRECO recommendations, awareness raising in state institutions and law enforcement, introducing legislation on lobbying and updating conflict of interest and political

⁴¹ Other cases of corruption are dealt with by regional directorates of the police, with the National Organised Crime Agency being able to take over the cases at any time. This Agency also serves as a law enforcement contact point for OLAF as regards crimes against financial interest of the EU.

⁴² Transparency International (2022), Corruption Perceptions Index 2022, pp. 2-3. The level of perceived corruption is categorised as follows: low (the perception among experts and business executives of public sector corruption scores above 79); relatively low (scores between 79-60), relatively high (scores between 59-50), high (scores below 50).

⁴³ In 2018 the score was 59, while, in 2022, the score is 56. The score significantly increases/decreases when it changes more than five points; improves/deteriorates (changes between 4-5 points); is relatively stable (changes from 1-3 points) in the last five years.

⁴⁴ Special Eurobarometer 534 on Corruption (2023). The Eurobarometer data on citizens' corruption perception and experience is updated every year. The previous data set is the Special Eurobarometer 523 (2022).

⁴⁵ Flash Eurobarometer 524 on Businesses' attitudes towards corruption in the EU (2023). The Eurobarometer data on business attitudes towards corruption as is updated every year. The previous data set is the Flash Eurobarometer 507 (2022).

⁴⁶ Special Eurobarometer 534 on Corruption (2023).

⁴⁷ Flash Eurobarometer 524 on Businesses' attitudes towards corruption in the EU (2023).

⁴⁸ Ministry of Justice (2023), The government approved the concept on fighting corruption until 2026.

⁴⁹ These pillars are an effective and independent public authority, transparency and open access to information, the efficient use of state property, and the development of civil society. Ministry of Justice (2022), Statement for International Anti-Corruption Day, Ministry of Justice (2023), Government Anti-Corruption Concept 2023-2026, p. 5 and 2022 Rule of law Report, Country Chapter on the rule of law situation in Czechia, p. 8.

party financing legislation, measures on public procurement, among other measures. The Strategy and action plan take on board some actions from the previous Strategy that were not fully implemented⁵⁰. Notably, a new corruption measuring methodology – under development as part of Czechia’s Recovery and Resilience Plan – will be used and taken into account in the new Strategy and action plan⁵¹. An evaluation of the 2021-2022 action plan was carried out and published in April 2023. Overall, the in-depth assessment indicates most tasks are largely implemented with the exception of a number of legislative amendments where mainly parliament still has to act⁵². While the government announced willingness to be ambitious in the new strategy⁵³, civil society has been critical. Both the Strategy and the overall government anti-corruption policy are seen as lacking ambition, with many initiatives – including the Strategy itself – being delayed, despite the envisaged reforms and the reactivation of the Anti-Corruption Council being considered positive developments overall⁵⁴.

The Anti-Corruption Council was reactivated and activities of various technical working groups have resumed. The Anti-Corruption Council, an advisory body to the government which includes civil society, met twice at the end of 2022 following over a year of inactivity⁵⁵. The Minister for Legislation now chairs the Council, and activities of various technical working groups have resumed⁵⁶. Civil society, while welcoming the increased activity of the Council, point to recent concerns when the government ignored recommendations of the Council⁵⁷.

An adequate level of resources of and cooperation between institutions in the fight against corruption continues to lead to a steady flow of investigations, prosecutions and convictions. As reported in past years, cooperation between and resources of the relevant law enforcement institutions remains at a good level⁵⁸. Authorities report that efforts are being made

⁵⁰ Ministry of Justice (2023), Government Anti-Corruption Concept 2023-2026, pp. 2-5, Ministry of Justice (2022), Statement for International Anti-Corruption Day and Information received from the Ministry of Justice in the context of the country visit to Czechia.

⁵¹ As required under the Czech Recovery and Resilience Plan, milestone 205, the methodology will likely be finalised by end of 2023. See Annex to the Council Implementing Decision on the approval of the assessment of the recovery and resilience plan for Czechia, p. 131. Ministry of Justice (2023), Government Anti-Corruption Concept 2023-2026, pp. 3-4 and 11-12; Information received from the Ministry of Justice in the context of the country visit to Czechia.

⁵² Ministry of Justice (2023), Evaluation of the implementation of the mentioned measures in the Action Plan for the fight against corruption for 2021 and 2022.

⁵³ “In the past period, international comparisons have shown that the Czech Republic has stagnated in the fight against corruption, so it is now necessary to implement several fundamental measures, the fulfillment of which would help to improve the situation not only in abstract rankings, but in the actual life of its citizens.” Ministry of Justice (2022), Statement for International Anti-Corruption Day.

⁵⁴ Contribution from Transparency International for the 2023 Rule of Law Report, p. 13 and information received from Transparency International, Frank Bold and Reconstruction of the State in the context of the country visit to Czechia. See also Transparency International (2022), ‘Petr Fiala’s cabinet is failing to curb corruption. ODS is the main blocker of change’.

⁵⁵ Anti-Corruption Council (2022), The Government Council for the Coordination of the Fight against Corruption discussed the draft law on the protection of whistleblowers and Anti-Corruption Council (2023), Meeting records.

⁵⁶ Anti-Corruption Council (2022), The Government Council for the Coordination of the Fight against Corruption discussed the draft law on the protection of whistleblowers.

⁵⁷ In particular as regards recommendations on the draft whistleblower legislation. Contribution from NeoN/Glopolis for the 2023 Rule of Law Report, p. 15 and information received from Transparency International, Frank Bold and Reconstruction of the State in the context of the country visit to Czechia.

⁵⁸ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 10.

to strengthen in particular regional police directorates to improve corruption investigations⁵⁹. The structure of the National Agency against Organised Crime (NCOZ) was also streamlined to focus more exclusively on corruption and organised crime⁶⁰. A new uniform analytical tool⁶¹ will aid the police in all of their investigations as of 2023, which should further strengthen analytical capacity also in corruption-related investigations⁶². In 2022, the Czech law enforcement authorities opened 231 corruption-related investigations (compared to 150 in 2021) and prosecuted 187 individuals for corruption offences or suspicions thereof (compared to 140 individuals in 2021)⁶³. In total, 145 persons were brought before a court (compared to 134 in 2021)⁶⁴, while 100 were convicted for corruption in the course of 2022 (compared to 114 individuals in 2021). Last year has seen 32 acquittals for corruption (compared to 15 in the previous year), with the majority of cases relating to either the offence of bribery, or of arranging an advantage in the context of public procurement⁶⁵. Cooperation with the EPPO is going well⁶⁶. The European Anti-Fraud Office (OLAF) reports Czech authorities issued no indictments and dismissed five cases where OLAF sent recommendations to the national authorities between 2018-2022⁶⁷.

High-level corruption cases remain a point of attention due to delays in some proceedings, on which there has been no progress yet, while possible political interference in a high-level corruption case raises concern. The 2022 Rule of Law Report recommended for Czechia to “take measures to reduce the length of proceedings to ensure a robust track record of investigations, prosecutions and final judgments in high-level corruption cases”. A number of high-level corruption and corruption-related investigations and cases involving both former and current high-level officials continue, and additional cases were detected⁶⁸. While overall investigations and prosecutions of corruption cases remain stable, there is no disaggregated data on specific high-level corruption cases. The government acknowledged such cases take more time due to their highly complex nature and has committed to better focus activities of

⁵⁹ Input from Czechia for the 2022 Rule of Law Report, pp. 4-5 and information received from the Ministry of Interior and Justice and the National Organised Crime Agency in the context of the country visit to Czechia.

⁶⁰ In particular, the departments dealing with cybercrime, terrorism and extremism were split off in a separate agency. Input from Czechia for the 2022 Rule of Law Report, p. 5.

⁶¹ In essence, a digital solution to input data and analysis uncovered during investigations.

⁶² Information received from Ministry of Interior and Justice in the context of the country visit to Czechia.

⁶³ Input from Czechia for the 2022 Rule of Law Report, statistical annex. Written contribution received from the Prosecution Service in the context of the country visit to Czechia.

⁶⁴ This includes: indictments, motions for punishments, and agreements on guilt and punishment.

⁶⁵ Written contribution received from the Prosecution Service in the context of the country visit to Czechia.

⁶⁶ No major issues are reported. Contribution from the EPPO for the 2023 Rule of Law Report, p. 6 and information received from the National Organised Crime Agency and the Union of Public Prosecutors in the context of the country visit to Czechia.

⁶⁷ When OLAF concludes an investigation, it often issues recommendations to the competent national and European authorities. OLAF invites these authorities to take action to redress the fraud, corruption or other illegal activity uncovered by the investigation. OLAF’s recommendations are intended to protect the EU budget and to uphold the rule of law. They help to ensure that OLAF’s investigations act as a deterrent to potential fraudsters. OLAF Annual Report 2022, Statistical Annex, Table 12.

⁶⁸ The case of former Prime Minister Babis, who was indicted in a case linked to subsidy fraud led to acquittal of all defendants in first instance. The fraud allegedly took place in 2008 and charges were already brought forward for the first time in 2016. The prosecutor has appealed. Examples of high-level corruption cases include a procurement scandal linked to municipal transport and the Prague city Council (Dozimetr) and a case in Brno in relation to corruption and fraud linked to municipal apartments sales. See information received from the National Organised Crime Agency and the prosecution service in the context of the country visit to Czechia; Contribution from NeoN/Glopolis for the 2023 Rule of Law report, p. 17 and Reconstruction of the State (2022), Lessons from the Dozimetr case: How to prevent the control of city companies by corrupt people?

NCOZ on corruption and organized crime and charged the police to evaluate and make changes to the organization of detectives and investigators.⁶⁹ Authorities stressed that the changes to the mandate of the NCOZ could help with the efficiency of investigations, and that court proceedings generally proceed relatively quickly⁷⁰. The prosecution maintains there is no major issue with high-level cases, and states these are generally handled efficiently⁷¹. Concerns persist however in the performance of the entire chain of judiciary in high-level corruption cases, in particular due to the perception of an increased length of the proceedings at all stages of the process including the investigation, prosecution and adjudication when high-level figures are involved⁷². In addition, allegations of interference (political or otherwise) continue to influence such high-level proceedings and the public perception thereof⁷³. During the reporting period, concerns were raised over possible interference of the sitting Minister of Justice in a corruption case involving some of his former associates⁷⁴. This situation of alleged interference

⁶⁹ Input from Czechia for the 2023 Rule of Law Report and Czech Government, Opinion on the Recommendations of the EC Rule of Law Report 2022, p. 1. Civil society indicates no specific measures were identified. Contribution from Transparency International for the 2023 Rule of Law Report, p. 10.

⁷⁰ Input from Czechia for the 2022 Rule of Law Report, p. 4; Information and written contribution received from Ministry of Justice in the context of the country visit to Czechia; Czech Government, Opinion on the Recommendations of the EC Rule of Law Report 2022.

⁷¹ Information received from the Public Prosecutor's Office in the context of the country visit to Czechia.

⁷² To note that, in all corruption cases, the average length of proceedings from the start of investigation to the final verdict ranged between 449 and 1361 days in 2022, depending on the offence, although this data does not differentiate between high-level and "regular" defendants. (Data from Written contribution received from the Prosecution Service in the context of the country visit to Czechia). In the 2023 Justice Scoreboard, Czechia has the 4th highest average length of proceedings (out of 17 Member States that possess this data) in bribery-related cases up until 1st instance decision.

⁷³ This includes for example issues in concrete cases such as a presidential pardon following a corruption conviction (2022 Rule of Law Report p. 9); the lengthy investigation and prosecution period in the Capi Hnizdo case and other cases (see above and 2022 Rule of Law Report p. 9); the allegations of interference in the Brno apartments case (see rest of paragraph), etc. Civil society also highlights extensive use of delaying tactics by defendants. Information received from Transparency International, Frank Bold and Reconstruction of the State in the context of the country visit to Czechia.

⁷⁴ The alleged interference included targeted information requests, as Minister of Justice Pavel Blažek used a procedure under section 13 of the Public Prosecutor's Act to request information about the case involving municipal apartments in Brno, which has implicated a number of his fellow party members from the time he was active in municipal politics there. The prosecution replied to the requests in line with section 13 of the legislation and refused to give information going beyond this scope. Although the law only allows for the status of the case to be shared (and no other details on the investigation or evidence), the request is seen as highly unusual and a source of possible political interference. See Information provided by the prosecution service and civil society in the context of the Country visit to Czechia and Seznam Zprávy (2023), Blažek asked for the names of the judges in the 'Apartments case'. The alleged interference also referred to involvement in the promotions and disciplinary proceedings of prosecutors and judges, includes the refusal of the Minister to promote a certain judge to Vice President of the Regional Court of Brno based on previous criminal rulings (seen as exceptional, as the Minister generally accepts the candidate proposed by the court president); the initiation of disciplinary proceedings against a Vice President of the Municipal Court of Brno, after this judge released some information on a corruption case in Brno following a freedom of information request; and the refusal of the Minister to nominate a Chief at the Supreme State Prosecutor's Office in Olomouc, which oversee the corruption case in question. See Reconstruction of the State, Analysis: Pavel Blažek sends constitutionally undesirable power signals inside the judiciary; Union of Judges, press statement; Information received from Transparency International, Frank Bold and Reconstruction of the State, the Union of Judges and the Union of Prosecutors in the context of the country visit to Czechia.

was criticised by the prosecution⁷⁵ and civil society⁷⁶ while the Ministry of Justice asserts that the Minister in his actions acts strictly in accordance with the law⁷⁷. On this basis, there has been no progress yet on the 2022 recommendation.

Enforcement in foreign bribery cases remains limited despite a framework being in place.

The situation as regards foreign bribery cases remains stable over the past years, with Czechia on its way to fulfill the remaining recommendations from the OECD Working Group on Bribery⁷⁸. While the necessary structures are in place, only a limited number of cases are detected and prosecuted⁷⁹. Investigators do signal difficulties to prove corruption as a predicate offence in such cases, indicating that it is often easier to identify and prove money laundering elements afterwards, especially in cases where there is no possibility for mutual legal assistance⁸⁰.

There has been some progress on the revision of conflict of interests legislation, which was approved by the Chamber of Deputies, including as regards the clarification of the definition of beneficial ownership. The 2022 Rule of Law Report recommended *that* Czechia “complete the revision of legislation [...] on conflicts of interest, including by clarifying the definition of beneficial ownership and progress with further reforms relating to transparency of information on media ownership.” Revised legislation on conflicts of interest⁸¹ was pending in parliamentary procedure since December 2021. During 2022 and the first half of 2023, work on the initial draft legislation on conflict of interest did not progress in Parliament, which was criticised by civil society⁸². However, similar provisions on conflict of interest, attached to the legislation on political party financing, were eventually approved on 16 June 2023 by the Chamber of Deputies⁸³. It still needs to proceed to the Senate⁸⁴. The revision is expected to clarify the definition of the actual beneficial owner of certain companies or conglomerates and to prohibit public officials and companies they own to accept subsidies and investment incentives. The revision also includes provisions focused on avoiding conflicts of interest in

⁷⁵ Deník (2023), “This is the fourth time Blažek has asked for information about the housing case. It is unfortunate”, says the chief prosecutor. The Union of Public Prosecutors also criticised the requests via their social media channels, stating they could constitute possible interference. See Union of Public Prosecutors (2023), Facebook post on Minister Blažek and Union of Public Prosecutors (2023), Tweet on Minister Blažek.

⁷⁶ The Network for the Protection of Democracy stated that “Minister Blažek is seriously undermining the democratic rule of law and an independent judiciary” while Transparency International called for the minister’s resignation. See Transparency International (2023), Transparency International asks Prime Minister Fiala to dismiss Justice Minister Pavel Blažek; Network for the Protection of Democracy (2023), The opinion of the experts of the Network for the Protection of Democracy: Minister Blažek is seriously undermining the democratic rule of law and an independent judiciary.

⁷⁷ Input from Czechia for the 2023 Rule of Law Report

⁷⁸ Remaining recommendations focus on legislative reforms that are ongoing, such as the Public Prosecutor’s Act and the Protection of Whistleblowers Act. 2022 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, pp. 10-11.

⁷⁹ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, pp. 10-11.

⁸⁰ Information received from the Financial Analytical Office in the context of the country visit to Czechia.

⁸¹ Bill presented by a group of Members of Parliament, amending Act No. 159/2006 Coll., on the conflict of interest. Parliament Bill 110, <https://www.psp.cz/sqw/historie.sqw?o=9&t=110>.

⁸² Transparency International (2022), Fiala’s government gave up efforts to resolve Babiš’s conflicts of interest through amendments in the related law; Contribution from NeoN/Glopolis for the 2023 Rule of Law Report, p. 16.

⁸³ Input from Czechia for the 2023 Rule of Law Report and Parliament Bill 312, <https://www.psp.cz/sqw/historie.sqw?o=9&T=312>

⁸⁴ Ibid

cases of media ownership⁸⁵. The Office for the Supervision of the Finances of Political Parties and Movements would obtain only verification powers in relation to media ownership. Initially proposed ideas such as a revision of the sanctioning mechanism with an increased focus on applying mitigating measures before a fine is issued, and additional monitoring powers for the Office for the Supervision of the Finances of Political Parties and Movements, were not included in the final text adopted by the Chamber of Deputies⁸⁶. As such, some progress has been registered on this part of the 2022 recommendation, as regards revision of legislation on conflicts of interest, including the clarification of the definition on beneficial ownership.

The asset declarations regime was revised to bring it into compliance with a 2020 Constitutional Court ruling, fully implementing this part of the recommendation. The 2022 Rule of Law Report recommended that Czechia “Complete the revision of legislation on asset declarations [...]”. As reported in 2022⁸⁷, the revised asset declaration legislation was signed into law and entered into force from 1 July 2022⁸⁸. Asset declarations are now once again accessible by the public, although only upon request⁸⁹. Civil society has criticised provisions in the legislation that make it possible to impose charges for the public disclosure of these declarations⁹⁰, and a further extension of the reporting obligations (such as declarations of spouses and dependents) is not taken up in this law, although a GRECO recommendation on this topic remains outstanding⁹¹. From July 2022 to early March 2023, the Ministry of Justice approved 55 requests of access to the declarations⁹². Given the state of play as described in this paragraph, there has been full implementation of this part of the 2022 recommendation, as regards revision of legislation on asset declarations.

Ethics rules for civil servants are being reviewed but no progress has been made on the ethics framework for both chambers of the Parliament. The 2022 Rule of Law report recommended to Czechia to “strengthen the integrity framework for members of Parliament, in particular by ensuring that Codes of Ethics are in place for both Houses of Parliament”. As mentioned in past reports, there are still no codes of ethics in place for either chamber of Parliament, and a comprehensive framework is lacking in relation to gifts and benefits for members of Parliament⁹³. Although the Government has committed to start negotiations with

⁸⁵ In particular, upon taking up office, a person would have to either divest and stop being beneficial owner of media companies or stop their broadcast and/or publishing activities.

⁸⁶ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 11.

⁸⁷ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, pp. 11-12.

⁸⁸ Act No 180/2022 Coll., amending Act No 159/2006 Coll., on the conflict of interests.

⁸⁹ Information received from the Ministry of Justice in the context of the country visit to Czechia.

⁹⁰ The information provided through such access requests can only be used to verify if conflicts of interest exist. Publishing information can be heavily charged, which could affect the watchdog role of civil society and journalists. Contribution from Reconstruction of the State and the Network for the protection of democracy for the 2023 Rule of Law Report, p. 18 and contribution from Transparency International for the 2023 Rule of Law Report, p. 14.

⁹¹ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, pp. 11-12. This issue was the subject of a recommendation from GRECO Fourth Evaluation Round - Interim Compliance Report, recommendation iii, paras. 18-22 and contribution from GRECO for the 2022 Rule of Law report.

⁹² Most declarations (51) aimed at the so-called “executive” public officials. Overall, access to about 700 declarations was requested. Written contribution by the Ministry of Justice received in the context of the country visit to Czechia.

⁹³ 2021 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 9 and 2022 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 12.

both Houses⁹⁴, no steps have been taken to establish such a Code in the Senate⁹⁵. There are political negotiations at the level of the Chamber of Deputies, the outcome of which should be the organization of a round table of representatives of political parties, where a basic consensus on the content of the Code should be defined⁹⁶. In particular, the Senate adopted a resolution on the 2022 Rule of Law report stating that the Code of Ethics is unnecessary, preferring to rely on the Constitution and existing rules of procedure⁹⁷. However, as substantiated in past Rule of Law reports, these existing rules do not adequately cover a number of issues that may raise ethical concerns⁹⁸. Recommendations from other bodies in this field on the same topic also remain unfulfilled⁹⁹. In conclusion, no progress was made on the 2022 recommendation to strengthen the integrity framework for members of Parliament.

Post-employment rules remain limited, covering the civil service and the government only in limited cases. Overall, rules on ‘revolving doors’ remain unchanged. As reported in past years, only limited rules exist in the civil service, and for government functions in certain limited circumstances¹⁰⁰. These rules have not been amended by the recent change in civil service legislation¹⁰¹, nor will any such rules be included under the foreseen legislation on lobbying¹⁰². The lack of broader rules on revolving doors represents a gap in the legal framework¹⁰³. Legislation on the civil service was revised. According to this revised legislation, all senior civil servants¹⁰⁴ will from now on be appointed to their service posts for a fixed period of time, specifically for 5 years¹⁰⁵. Should a senior civil servant hold the same service post repeatedly, they must succeed in selection process once again after the five year period has come to an end. All senior civil servants now have to rotate after five years in a certain position. This is seen by the government as reducing corruption risks¹⁰⁶. The Code of

⁹⁴ Czech Government, Opinion on the Recommendations of the EC Rule of Law Report 2022, p. 1.

⁹⁵ Information received from the Administration of the Parliament in the context of the country visit to Czechia.

⁹⁶ There have also been discussions between the Secretariat of the Speaker of the Chamber of Deputies and NGOs on the content of the Code. Input from Czechia for the 2023 Rule of Law Report.

⁹⁷ Senate, Resolution K 198 / 13 / 02 - Resolution of the Committee on European Union Affairs on the Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on the 2022 Rule of Law Report, <https://www.senat.cz/doc2html/290581033/index.html>.

⁹⁸ This includes for example ethical and integrity issues related to parliamentary conduct, training, possibility of confidential advice on integrity issues, establishment of a culture on prevention and avoidance of conflicts of interest, etc. See also GRECO, Fourth Evaluation Round – Evaluation Report, Czechia, recommendation ii, para 42 and 2021 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 9 and 2022 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 12.

⁹⁹ The recommendations from GRECO to adopt a Code of Ethics in both chambers of Parliament likewise remain unfulfilled. GRECO Fourth Evaluation Round – Interim Compliance report, Czechia, recommendation ii, paras. 13-17 and contribution from GRECO for the 2022 Rule of Law report.

¹⁰⁰ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 12

¹⁰¹ Information received from the Ministry of Justice in the context of the country visit to Czechia.

¹⁰² Information received from the Ministry of Justice in the context of the country visit to Czechia.

¹⁰³ Contribution from Reconstruction of the State and the Network for protection of democracy for the 2023 Rule of Law Report, p. 17 and input from Transparency International for the 2023 Rule of Law Report, p. 14.

¹⁰⁴ With the exception of the Heads of the Units (considering they represent the lowest managerial level). See Act No. 234/2014 Coll., on civil service, as amended

¹⁰⁵ With the exception of the Chief State Secretary – for 6 years.

¹⁰⁶ Input from Czechia for the 2022 Rule of Law Report, p. 8.

Ethics for the civil service, however, remains under review, without a clear timeline for adoption¹⁰⁷.

Legislation on lobbying is under preparation by the government. A draft law on lobbying is under preparation and was submitted to the Government for adoption in May 2023; following extensive consultations¹⁰⁸. After government adoption, the draft law will need to enter the parliamentary procedure¹⁰⁹. Such legislation is included in Czechia's Recovery and Resilience Plan and was recommended by GRECO¹¹⁰. The law, intended to enter into force on 1 January 2026, would introduce lobbying rules for the first time, including a transparency register with obligations for both the lobbyist and the lobbied actor. The lobbied parties would be obliged to maintain a legislative footprint. It appears that, while early versions of the draft law indicated that the Office for the Supervision of the Finances of Political Parties and Movements would be responsible for the transparency register and monitor and sanction any violations,¹¹¹ in more recent version of the law the Ministry of Justice will act as the responsible authority¹¹².

Reforms of the political party financing framework, in particular as regards the role of the Office for the Supervision of the Finances of Political Parties and Movements, are ongoing. Changes are planned to the framework on political party financing as the Office for the Supervision of the Finances of Political Parties and Movements, under new management, is planning for ambitious reforms¹¹³. In particular, the law on political parties is being amended to make the management of the Office more inclusive and, especially, to include more elements of collective decision-making¹¹⁴. A further amendment introduced by a number of Deputies which focuses on beneficial ownership and funding from foreign sources appears to be

¹⁰⁷ The redrafted code could include case studies or an advisory commission for civil servants on ethical issues, but drafting remains ongoing. See 2022 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 12 and Input from Czechia for the 2022 Rule of Law Report, p. 8.

¹⁰⁸ Bill on Lobbying, <https://odok.cz/portal/veklep/material/ALBSCLNJNIW48/> and Bill accompanying the Act on Lobbying <https://odok.cz/portal/veklep/material/ALBSCLNK8YRH/>.

¹⁰⁹ Input from Czechia for the 2022 Rule of Law Report, p. 7; The Ministry of Justice submits a proposal for the regulation of lobbying to the interdepartmental comment procedure.

¹¹⁰ Czechia has committed to adopt legislation on lobbying by 31 March 2026 under its Recovery and Resilience Plan (milestone 206). See Annex to the Council Implementing Decision on the approval of the assessment of the recovery and resilience plan for Czechia, pp. 131. Concerns have been raised by GRECO that in the absence of such legislation, the transparency of contacts with lobbyists remains low. GRECO Fourth Evaluation Round – Interim Compliance Report, recommendation i, paras. 7-12 and contribution from GRECO for the 2022 Rule of Law Report.

¹¹¹ Failure to register could lead to fines up to CZK 100.000; while lobbyists could also face a ban on lobbying for up to three years or an administrative penalty. Bill on Lobbying <https://odok.cz/portal/veklep/material/ALBSCLNJNIW48/> and Information received from the Ministry of Justice in the context of the country visit to Czechia.

¹¹² Bill on Lobbying <https://odok.cz/portal/veklep/material/ALBSCLNJNIW48/>.

¹¹³ Contribution from Transparency International for the 2023 Rule of Law Report, p. 14; Information received from the Office for the Supervision of the Finances of Political Parties and Movements in the context of the country visit to Czechia.

¹¹⁴ Bill amending Act No. 424/1991 Coll., on association in political parties and political movements, <https://odok.cz/portal/veklep/material/ALBSCGJCN2AI/>. Parliament Bill 312, <https://www.psp.cz/sqw/historie.sqw?o=9&t=312>. See also input from Czechia for the 2022 Rule of Law Report, p. 8-9; Bill 312 was approved by the Chamber of Deputies on 16 June 2023. Information received from the Office for the Supervision of the Finances of Political Parties and Movements in the context of the country visit to Czechia.

stalled¹¹⁵. The Office has become more transparent and started publishing all the sanctions it has imposed over the years of its operation on political parties, legal persons and natural persons¹¹⁶. Further reforms of the Office and the political parties' legislation are expected but remain at an early stage of discussion. They would center on closing some loopholes in existing declaration requirements and introducing a threshold so that smaller movements or parties, with few means, would be excluded from filing certain declarations¹¹⁷. In addition to its current duties, the Office is expected, based on the revised legislation on conflict of interest, to become the responsible authority for conflicts of interest, which would require further changes to its mandate¹¹⁸.

Amendments to the Constitution to strengthen the Supreme Audit Office have not been discussed or re-introduced, while public procurement rules are being updated as the area remains exposed to corruption risks. Despite a government commitment in that regard¹¹⁹, constitutional amendments to extend the mandate of the Supreme Audit Office to local governments and state-owned companies, have not been reintroduced or discussed following their rejection by the Senate in 2022. The Government has reiterated its commitment to extend the mandate of the Supreme Audit Office - at least to include the public service media. It has however indicated that it will first proceed with amendments to the Act on Control of Public Finances during 2023 before starting to consider amendments to the Supreme Audit Office' mandate¹²⁰. While the Supreme Audit Office has restated its wish for these amendments to be included as an objective in the new anti-corruption strategy, the mandate of the Supreme Audit Office is not mentioned therein¹²¹. Public procurement procedures are seen as a particular area at risk for corruption, including by law enforcement authorities¹²². The Flash Eurobarometer on Businesses' attitudes towards corruption in the EU shows that 28% of companies in Czechia (EU average 26%) think that corruption has prevented them from winning a public tender or a public procurement contract in practice in the last three years¹²³. There is scope to improve public procurement practices, considering that in 2022 the majority of contracts were awarded

¹¹⁵ Bill by deputies Vladimír Balaš, Lucie Potůčková, Lukáš Vlček and others amending Act No. 424/1991 Coll., on association in political parties and political movements, Parliament Bill 268, <https://www.psp.cz/sqw/historie.sqw?o=9&t=268>.

¹¹⁶ The information on the various sanctions is available on the homepage of the office <https://www.udhpsch.cz/>

¹¹⁷ Information received from the Office for the Supervision of the Finances of Political Parties and Movements in the context of the country visit to Czechia.

¹¹⁸ Information received from the Office for the Supervision of the Finances of Political Parties and Movements and the Ministry of Justice in the context of the country visit to Czechia.

¹¹⁹ The Government committed to this revision in the 2021 coalition agreement, but no progress has been noted since then. 2021 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 10 and 2022 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 13.

¹²⁰ Written contribution received from the Government Offices in the context of the country visit to Czechia.

¹²¹ Ministry of Justice (2023), Government Anti-Corruption Concept 2023-2026; Information received from the Supreme Audit Office in the context of the country visit to Czechia.

¹²² Information received from the National Organised Crime Agency and the Public Prosecution Office in the context of the country visit to Czechia.

¹²³ Flash Eurobarometer 524 on Businesses' attitudes towards corruption in the EU (2023). This is 2 percentage points above the EU average.

without using quality-based criteria¹²⁴. The public procurement legislation was amended to ensure compliance with EU legislation, simplify procedures and address loopholes¹²⁵.

Revised legislation on whistleblower protection was adopted. Legislation on whistleblower protection, aiming to transpose the EU Whistleblower Directive, was adopted by parliament and signed by the President in June 2023¹²⁶. The draft law was criticised by the opposition and civil society for not going further to include in its scope¹²⁷ misdemeanors as well as anonymous reporting¹²⁸. Following that criticism, the responsible committee in the Chamber of Deputies voted to include reports on some other crimes not covered by the EU Directive and some misdemeanors within the scope of the final version of the law¹²⁹.

III. MEDIA PLURALISM AND MEDIA FREEDOM

Freedom of expression and the right to information are guaranteed by the Czech Charter of Fundamental Rights and Basic Freedoms. The Act on Radio and Television Broadcasting guarantees the independence of the Czech media regulator while the Czech Television Act and the Czech Radio Act provide the framework for the supervision and independence of Czech public service media. The Act on Free Access to Information regulates access to information held by public authorities¹³⁰.

The independence of the media regulator, the Council for Radio and Television Broadcasting, has been strengthened. Amendments to the Act on Radio and Television Broadcasting which, among others, transposed the Audiovisual Media Services (AVMS) Directive¹³¹, came into force in September 2022¹³². The changes eliminated the role of the Prime Minister in the nomination and dismissal of Council members and both procedures are now placed fully in the hands of the Chamber of Deputies. At the same time, under the amended Act, the Chamber of Deputies may only dismiss individual Council members and not the entire Council, thereby strengthening the independence of the Council as a body. Furthermore, the amended Act requires the Chamber of Deputies to provide substantiated reasons for any dismissal decision and provides for a right of reply and a right of defence before the Chamber

¹²⁴ 2023 European Semester, Country Report Czechia, p. 53.

¹²⁵ Bill amending Act No. 134/2016 Coll., on public procurement; <https://odok.cz/portal/veklep/material/ALBSCCJG5R9R/>. Parliament Bill 249, <https://psp.cz/sqw/text/historie.sqw?o=9&T=249>.

¹²⁶ Input from Czechia for the 2022 Rule of Law Report, p. 7. See also Law 352/0 – draft law on Whistleblowers protection.

¹²⁷ This concerns elements that go beyond the EU Whistleblower Directive, such as anonymous reporting.

¹²⁸ Information received from Transparency International, Frank Bold and Reconstruction of the State in the context of the country visit to Czechia; Anti-Corruption Council (2022), The Government Council for the Coordination of the Fight against Corruption discussed the draft law on the protection of whistleblowers; Joint Press release of Transparency International, Oživení and Reconstruction of the State (2023), The government of Petr Fiala (ODS) approved the draft law on protection whistleblowers who fight corruption and input from Reconstruction of the State for the 2023 Rule of Law Report, p. 18. Following civil society criticism, parliament voted to include misdemeanors within the scope of the law.

¹²⁹ Information received from Transparency International, Frank Bold and Reconstruction of the State in the context of the country visit to Czechia.

¹³⁰ Czechia ranks 14th in the 2023 Reporters without Borders World Press Freedom Index compared to 20th in the previous year.

¹³¹ Directive (EU) 2018/1808 of 14 November 2018.

¹³² Act 242/2022 Coll. Act on Video-sharing Platform Services and on Amendments to Some Related Acts.

of Deputies for any member facing dismissal. The 2023 Media Pluralism Monitor (MPM) has maintained its low-risk score for this area¹³³.

Some progress has been made to enhance the independence of public service media governance. The 2022 Rule of Law Report recommended to Czechia to “strengthen the rules and mechanisms to enhance the independent governance of public service media taking into account European standards on public service media”. A bill amending the Czech Television Act and Czech Radio Act which aims to overhaul the nomination and dismissal processes of the members of the Czech TV and Radio supervisory boards was approved by the Senate on 21 June 2023 and sent to the President for signature¹³⁴. In order to reduce the risks of concentration of political interests¹³⁵, the bill provides that the Senate shall have a say in the nomination and dismissal of members of the Czech TV and Radio Councils¹³⁶. Furthermore, the bill stipulates that only individual supervisory board members, and not the entire board, may be dismissed. These changes, if adopted, are considered by at least one stakeholder to be an improvement as they are likely to enhance the independence of public service media¹³⁷. With regard to funding, Law No. 348/2005 governs the funding of Czech public service media which is, apart from advertising revenues, largely dependent on a fee levied on households which has not been revised since 2008. Concerns as to the sustainability of public service media under these conditions continue to be voiced by media freedom CSOs¹³⁸ as well as by the MPM which, pending the adoption of the above-mentioned bill, continues to consider this a high-risk area¹³⁹. In view of the proposed amending bill, it is considered that some progress has been made on the 2022 recommendation in relation to enhancing the independent governance of public service media¹⁴⁰.

A reform has given the media regulator additional access rights to data on media ownership held by the Ministry of Justice. An amendment to the Act on Evidence of Beneficial Owners¹⁴¹ which came into effect on 1 October 2022, now explicitly permits the Council for Radio and Television Broadcasting to access and verify data on the ownership of relevant companies. The MPM considers that clarifications to the term ‘beneficial owner’ introduced by the Act on the Registration of Beneficial Owners¹⁴² have limited scope given the absence of media-specific provisions, thereby maintaining its high-risk rating for this area in spite of these developments¹⁴³. No specific rules establishing a review of media market plurality exist¹⁴⁴ while high concentration continues to characterise different media sub-

¹³³ 2023 Media Pluralism Monitor, country report for Czechia p. 11.

¹³⁴ Senate Bill No 105, https://www.senat.cz/xqw/xervlet/pssenat/historie?cid=pssenat_historie.pHistorieTisku.list&forEach.action=detail&forEach.value=s5114.

¹³⁵ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 16.

¹³⁶ The Senate shall appoint 6 members and the Chamber of Deputies 12 members, respectively, of the Czech TV Council while the Senate shall appoint 3 members and the Chamber of Deputies 6 members, respectively, of the Czech Radio Council.

¹³⁷ Contribution of the International Press Institute for the 2023 Rule of law report, p. 15.

¹³⁸ Written input received from the European Centre for Press and Media Freedom.

¹³⁹ 2023 Media Pluralism Monitor, country report for Czechia p. 17.

¹⁴⁰ According to the European Parliament’s Flash Eurobarometer: News & Media Survey 2022, 50% of respondents in Czechia stated that they trust public TV and radio stations, above the EU average of 49%.

¹⁴¹ Act No. 37/2021 Coll.

¹⁴² Act No. 245/2022 Coll.

¹⁴³ 2023 Media Pluralism Monitor, country report for Czechia p. 13 and see Pillar II, page 14 above.

¹⁴⁴ European Media Freedom Act Impact Assessment, Shaping Europe’s digital future (europa.eu).

sectors, in particular the regional daily press market¹⁴⁵. The fact that there are no rules ensuring transparency in the distribution of state advertising remains an issue of concern¹⁴⁶.

Various amendments have been introduced to legislation regulating access to public information¹⁴⁷. In order to comply with Directive (EU) 2019/1024¹⁴⁸, the amendments extend the list of entities which are obliged to provide access to those over which the State or local authorities exercise a dominant influence. The amendments also introduce a number of new exceptions to the general obligation to provide access to information: if the information request is deemed to be a means of coercion on the natural person to whom the information relates; where a request would impose a disproportionate burden on the obliged entity; where the requested information is not in the possession of the public entity; where there is no legal obligation to hold such information; where disclosure may jeopardise equality of parties to judicial, arbitration or other proceedings and where disclosure could directly or significantly disrupt the protection of critical infrastructure. MPM has lowered its risk assessment for this area to low risk in the light of the lifting of specific measures adopted during the Covid-19 pandemic which had led to a restriction of this right¹⁴⁹.

Concerns continue to be voiced, in particular, with regard to the economic challenges faced by independent media. In a development relevant to the safety of journalists, the Police Act – which already provided for police protection in normal circumstances within the territory of the Czech Republic¹⁵⁰ - was amended to add other persons, besides officials occupying constitutional roles and foreign dignitaries, whom the Minister of the Interior, on a proposal made by the Police President, may designate as persons in need of police protection¹⁵¹. While stakeholders note an improvement in the political climate with regard to journalists¹⁵², the MPM has maintained its medium risk rating for this area, referring to a further deterioration of journalists' working conditions in 2022 due to the economic recession which have led to budget cuts and redundancies, to the considerable number of SLAPP-like cases involving prominent journalists in the country as well as to an increase in the number of online attacks, including verbal abuse and threats, especially targeting female journalists¹⁵³. The Council of Europe Platform to promote the protection of journalism and the safety of journalists received one alert since the publication of the last rule of law report¹⁵⁴, relating to a demonstration during which several journalists were subjected to racist abuse and harassment by protestors¹⁵⁵.

¹⁴⁵ 2023 Media Pluralism Monitor, country report for Czechia p. 13-14.

¹⁴⁶ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 16 and 2023 Media Pluralism Monitor, country report for Czechia p. 17.

¹⁴⁷ Act No. 241/2022 Coll. of 31 August 2022 was published, amending Act No. 106/1999 Coll., on Free Access to Information, as amended, Act No. 123/1998 Coll., on Free Access to Environmental Information, as amended, and Act No. 130/2002 Coll., on the Support of Research and Development from Public Funds and on the Amendment to Some Related Acts, as amended.

¹⁴⁸ Directive (EU) 2019/1024 of 20 June 2019 on open data and the re-use of public sector information.

¹⁴⁹ 2023 Media Pluralism Monitor, country report for Czechia, pp. 10-11.

¹⁵⁰ Section 50 of Act No. 273/2008 Coll., the Police Act, as amended.

¹⁵¹ Section 49 of Act No. 273/2008 Coll., the Police Act, as amended.

¹⁵² Information received from the Endowment for Independent Journalism, the Association of Czech Journalists, the European Centre for Press and Media Freedom and the International Press Institute in the context of the country visit to Czechia.

¹⁵³ 2023 Media Pluralism Monitor, country report for Czechia p. 11.

¹⁵⁴ Council of Europe, Platform to promote the protection of journalism and safety of journalists.

¹⁵⁵ The government stated that the police had opened an investigation into the incidents.

IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES

Czechia has a bicameral parliamentary system of government¹⁵⁶ with a directly elected President. Legislative proposals can be submitted by a member of the Chamber of Deputies, a group of members of the Chamber of Deputies, the Senate, the Government, or representative bodies of higher self-governing regions¹⁵⁷. The Constitutional Court can carry out ex-post constitutional review. In addition to the justice system, the Ombudsperson's Office and the civil society play a role in the system of checks and balances.

Some progress has been achieved to establish a National Human Rights Institution, as an amendment to entrust the Ombudsperson with that function is in preparation. The 2022 Rule of Law Report recommended to Czechia to 'take steps to establish a National Human Rights Institution taking into account the UN Paris Principles'¹⁵⁸. On 22 November 2022, a preparatory committee established by the Minister for Legislative Affairs to this aim held its first meeting. The committee involves representatives of Ministries of Justice, Social Affairs, European Affairs and Legislation, as well as other stakeholders, including the Office of the Public Defender of Rights.¹⁵⁹ The purpose of the draft amendment of the Act on the Public Defender of Rights¹⁶⁰ is to entrust the Ombudsperson with competences as National Human Rights Institution. Also, a special position of the Children's Ombudsperson should be created to promote and better protect children rights. It is expected that during 2023, the draft amendment will be discussed, finalised and submitted to the Government for consideration and further action¹⁶¹. Therefore, there has been some progress on the implementation of the recommendation made in the 2022 Rule of Law Report.

The number of legislative acts adopted in accelerated procedures remain high. Out of a total of 84 bills passed in 2022, 20 acts were adopted in a fast-track legislative procedure and 18 in a shortened emergency legislative procedure¹⁶². That constitutes a slight increase compared to 2021¹⁶³. The main reasons for the use of accelerated procedures were an influx of refugees from Ukraine, assistance to the citizens endangered by poverty due to the increased prices for energy or high inflation, and the need to accelerate the transposition of EU directives into Czech law¹⁶⁴. However, the use of the legislative emergency procedure in one particular case was challenged before the Constitutional Court by a group of Member of Parliament on 5 May 2023¹⁶⁵. When it comes to consultations during legislative procedures, stakeholders have

¹⁵⁶ Composed of the lower chamber, the Chamber of Deputies (*Poslanecká sněmovna*) and the higher chamber, the Senate (*Senát Parlamentu České republiky*).

¹⁵⁷ Constitution of Czechia, Art. 41.

¹⁵⁸ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 2.

¹⁵⁹ Input from Czechia for the 2023 Rule of Law Report, p. 15.

¹⁶⁰ Act 349/1999 Col.

¹⁶¹ Contribution from the European Network of National Human Rights Institutions for the 2023 Rule of Law Report, p. 1; Information provided in the context of the country visit to Czechia from the Office of the Government.

¹⁶² Input from Czechia for the 2023 Rule of Law Report, p. 19.

¹⁶³ Input from Czechia for the 2023 Rule of Law Report, p. 19; 2022 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, p. 17.

¹⁶⁴ Input from Czechia for the 2023 Rule of Law Report, pp. 19-20.

¹⁶⁵ Act No. 71/2023 Coll., amending Act No. 155/1995 Coll., on the pension insurance. "Movement ANO has appealed to the Constitutional Court over the change in pension indexation. However, the senators managed to do it before", available at <https://ct24.ceskatelevize.cz/domaci/3583923-ano-se-kvuli-zmene-valorizace-duchodu-obratilo-na-ustavni-soud>. While a group of Senators filed a constitutional complaint to the Constitutional Court before the group of Members of Parliament, they withdrew their complaint few days

raised concerns about the very short deadlines set by the Government in procedures related to important legislative acts, which limit their possibility to be effectively involved in the process¹⁶⁶.

On 1 January 2023, Czechia had four leading judgments of the European Court of Human Rights pending implementation, an increase of two compared to the previous year¹⁶⁷. At that time, Czechia's rate of leading judgments from the past 10 years that remained pending was 18% (compared to 5% in 2022) and the average time that the judgments had been pending implementation was 4 years and 7 months (compared to 7 years 8 months in 2022)¹⁶⁸. The significant change in data is influenced by two new cases from 2022 pending implementation, and a case pending implementation for 14 years, which concerns discrimination in education of Roma children.¹⁶⁹ On 15 June 2023, the number of leading judgments pending implementation remains four¹⁷⁰.

Work continues to enhance the participation of civil society in policy-making processes, but stakeholders report instances of worsening transparency. As noted in the 2022 Rule of Law Report, civil society representatives are regularly consulted in the decision-making process, but there is no formal framework in place to ensure a systemic and transparent approach to the participation of civil society¹⁷¹. A study¹⁷² commissioned by the Secretariat of the Government Council for NGOs and published in September 2022 revealed that while the state administration shows an interest in cooperating with CSOs, barriers to full engagement exist, including lack of capacities on both sides, of access to information by the CSOs, or of awareness by the state administration on possible partners and ways how to engage them¹⁷³.

later. "The senators who had appealed to the Constitutional Court to reduce the indexation withdrew the proposal. The one from ANO remains", available at *Senátoři, kteří se kvůli snížení valorizace obrátili na ÚS, vzali návrh zpět. Zůstává ten od ANO — ČT24 — Česká televize (ceskatelevize.cz)*.

¹⁶⁶ Information received in the context of the country visit of Czechia from the Public Defender of Rights and civil society organization. Contribution from the European Network of National Human Rights Institutions, pp. 186-187. See also Annual Civic Space Report 2022, Czech Republic, p. 15.

¹⁶⁷ The adoption of necessary execution measures for a judgment by the European Court of Human Rights is supervised by the Committee of Ministers of the Council of Europe. It is the Committee's practice to group cases against a State requiring similar execution measures, particularly general measures, and examine them jointly. The first case in the group is designated as the leading case as regards the supervision of the general measures and repetitive cases within the group can be closed when it is assessed that all possible individual measures needed to provide redress to the applicant have been taken.

¹⁶⁸ All figures are calculated by the European Implementation Network and are based on the number of cases that are considered pending at the annual cut-off date of 1 January 2023. See the Contribution from the European Implementation Network for the 2023 Rule of Law Report, p. 2.

¹⁶⁹ Judgment of the European Court of Human Rights of 24 March 2022, *Pálka and Others v. the Czech Republic*, 30262/13, pending implementation since March 2022; Judgment of the European Court of Human Rights of 3 February 2022, *Komissarov v. the Czech Republic*, 20611/17, pending implementation since February 2022; Judgment of the European Court of Human Rights of 13 November 2007, *D.H. and Others v. the Czech Republic*, 57325/00, pending implementation since 2007.

¹⁷⁰ Data according to the online database of the Council of Europe (HUDOC-EXEC).

¹⁷¹ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Czechia, pp. 19-20. See also Annual Civic Space Report 2022, Czech Republic, pp. 12-15 and contribution from Reconstruction of State/ Network for the Protection of Democracy, p. 28. Information received in the context of the country visit from NeoN/Glopolis, Reconstruction of the State and Transparency International.

¹⁷² Analysis of the cooperation between the state administration with umbrella organisations and networks of CSOs, https://www.vlada.cz/assets/ppov/rnno/dokumenty/Vyzkumna_zprava_NNO_strechy_FIN.pdf.

¹⁷³ Input from Czechia for the 2023 Rule of Law Report, p. 27, information received in the context of the country visit of Czechia from the Office of the Government – Government Council for Non-Governmental Non-profit

These aspects are expected to be addressed, among others, by the methodology for the participation of NGOs in the working and advisory bodies of the central authorities and in the creation of their policy documents, approved on 22 June 2022 by the Government Council for NGOs, which is now tested in several ministries¹⁷⁴. Stakeholders also report instances of worsening transparency and conditions for participation, in particular as regards legislative initiatives in the field of anti-corruption¹⁷⁵. Concerns have also been voiced over the lack of willingness by the government coalition to receive feedback in order to preserve consensus achieved by the coalition parties on legislative proposals¹⁷⁶.

Organisations and rights defenders in the fields of gender equality and non-discrimination continue facing a difficult environment, while a review of the financing framework for CSOs is ongoing. Civil society space in Czechia continues to be considered as ‘open’¹⁷⁷. Civil society has made a considerable contribution in the wake of the war in Ukraine, in particular providing help to refugees, which has been recognised in positive statements from the Prime Minister and the members of the Government¹⁷⁸. At the same time, stakeholders point at the spread of NGO-related negative narratives, which particularly affect organisations and defenders working to improve the lives of LGBTIQ people, and which include insults, verbal violence, hate speech, or spreading disinformation, including from politicians¹⁷⁹. These organisations, as well as organisations promoting gender equality, also report limited access to state funding¹⁸⁰. The financing framework for CSOs is undergoing review by a new expert group under the auspices of the Government Council for NGOs, with the aim to evaluate the current system of financing and to initiate a systemic change that will

Organisations and Analysis of the cooperation between the state administration with umbrella organisations and networks of CSOs, https://www.vlada.cz/assets/ppov/rnno/dokumenty/Vyzkumna_zprava_NNO_strechy_FIN.pdf, pp. 12-14.

¹⁷⁴ Input from Czechia for the 2023 Rule of Law Report, p. 27. Information received in the context of the country visit of Czechia from the Office of the Government – Government Council for Non-Governmental Non-profit Organisations. The Unit of the Secretariat of the Government Council for Non-Governmental Non-Profit Organisations will also take into account all the recommendation from the Analysis during the implementation of other measures from the Strategy for Cooperation Between Public Administration and Non-governmental Non-profit Organisations 2021-2030.

¹⁷⁵ Contribution from Reconstruction of the State/Network for the Protection of Democracy for the 2023 Rule of Law Report, p. 28. Information received in the context of the country visit to Czechia from Transparency International CZ and Reconstruction of the State.

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¹⁷⁷ Rating given by Civicus, Czech Republic. Ratings are on a five-category scale defined as: open, narrowed, obstructed, repressed and closed.

¹⁷⁸ Input from Czechia for the 2023 Rule of Law Report, p. 25. Contribution from NeoN/Glopolis for the 2023 Rule of Law Report, p. 27.

¹⁷⁹ Annual Civic Space Report 2022, Czech Republic, p. 9. Written information received in the context of the country visit to Czechia from Glopolis/ NeoN.

¹⁸⁰ Total amount of state subsidies for CSOs for 2023-25 is 7 417 mil (276.6 mil. EUR) budgeted for 18 thematic areas (as approved by government). The area of equal opportunities for women and men belongs to the smallest (0.09 per cent of the total allocated amount), together with the fight against corruption (0.065 per cent of the total allocated amount). Input from Czechia for the 2023 Rule of Law Report, p. 26. Contribution from Civil Liberties Union for Europe for the 2023 Rule of Law Report, Czech Republic, p. 14. Written information received in the context of the country visit to Czechia from Glopolis/ NeoN.

lead to a more efficient and simplified funding of publicly beneficial services and activities provided by CSOs¹⁸¹.

¹⁸¹ Input from Czechia for the 2023 Rule of Law Report, p. 26. Stakeholders continue reporting financing difficulties for CSOs noted already in the 2022 Rule of Law Report, p. 20. Annual Civic Space Report 2022, Czech Republic, p. 4, contribution from Reconstruction of the State/Network for the Protection of Democracy for the 2023 Rule of Law Report, p. 27, and from Civil Liberties Union for Europe for the 2023 Rule of Law Report, Czech Republic, pp. 13-14.

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* *The list of contributions received in the context of the consultation for the 2023 Rule of Law report can be found at https://commission.europa.eu/publications/2023-rule-law-report-targeted-stakeholder-consultation_en.*

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Annex II: Country visit to Czechia

The Commission services held virtual meetings in March 2023 with:

- Administration of the Parliament
- Anti-Corruption Council of the Government
- Association of Journalists
- Czech Bar Association
- Czech National Committee of International Press Institute
- Council for Radio and Television Broadcasting
- Endowment for Independent Journalism
- European Centre for Press and Media Freedom
- Financial Analytical Office
- Frank Bold/Reconstruction of State
- League of Human Rights
- Ministry of Culture
- Ministry of Interior
- Ministry of Justice
- National Organized Crime Agency
- NeoN/Glopolis
- Office for the Supervision of the Finances of Political Parties and Movements
- Ombudsman
- Prosecutor General's Office
- Supreme Administrative Court
- Supreme Audit Office
- Supreme Court
- Transparency International Czech Republic
- Union of Judges
- Union of Public Prosecutors

* The Commission also met the following organisations in a number of horizontal meetings:

- ALDA (European Association for Local Democracy)
- Amnesty International
- Civil Liberties Union for Europe
- Civil Society Europe
- Culture Action Europe
- European Centre for Press and Media Freedom
- European Civic Forum
- European Federation of Journalists
- European Partnership for Democracy
- European Youth Forum
- Free Press Unlimited
- Front Line Defenders
- ILGA Europe

- International Commission of Jurists
- International Federation for Human Rights (FIDH)
- International Planned Parenthood Federation European Network
- International Press Institute
- JEF Europe
- Osservatorio Balcani e Caucaso Transeuropa
- Philea
- Reporters Without Borders
- SOLIDAR
- Transparency International EU