



**Civic Space Report 2023**

**CZECH REPUBLIC**



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### **About European Civic Forum**

European Civic Forum (ECF) is a pan-European network of nearly 100 associations and NGOs across 29 European countries: big federations of associations, national platforms uniting hundreds of thousands of NGOs, and smaller groups working at community level or engaging with the public on local issues. We work to build a democratic and civic Europe that delivers on people's needs.



### **About Civic Space Watch**

Civic Space Watch collects findings and analyses from actors in Europe on the conditions for civil society to operate, capturing national and trans-European trends in civic space. Through ongoing monitoring of social media and regular contact and interviews with a strong network of members and partners on the ground, we strive to provide easy access to resources and improve information sharing within civil society across Europe with, policy-makers and the media.

## Key Developments

- 🔍 CSOs responded to the aftermath of Russia's war against Ukraine and contributed to the resilience of Czech society and its ability to cope with current and long-term challenges.
- 🔍 CSOs participation and dialogue fragmented across the government administration, but promising steps for improvements.
- 🔍 Negative impact on CSOs due to record inflation rates, barriers to long-term funding and lack of resources, incl. digitalisation.

**In 2022, the political landscape in the Czech Republic has been defined by the Presidency of the Council of the EU and the crisis brought on by Russia's aggression against Ukraine, which civil society swiftly responded to in many forms.**

Despite a large increase in private donations to CSOs to provide assistance to the people affected by the war, funding remains a challenge for the sector. While the government seems to be open to policy dialogue, the state administration lacks the tools and culture to promote effective civic participation. This is more problematic in cases of stakeholders' involvement in complex processes such as the implementation of the National Recovery Plan. The power of disinformation, ineffective strategic communication of the government and insufficient conditions for independent journalism fail to dampen tensions in society, that is coping with increasing economic crises and threaten to turn against civil society. Organisations and activists working to improve the lives of LGBTQI+ people report being targeted by insults, verbal violence, hate speech, and sometimes hate crimes solely due to their work.

# Institutional, political and socio-economic landscape

The October 2021 election results led to a new Czech government made up of a conservative-liberal coalition of five parties with Prime Minister Petr Fiala from the Civic Democratic Party (ODS). Former PM Andrej Babiš' political party, ANO, is now in the opposition, whereas the communists' and social democrats' presence in the Chamber of Deputies ended after 32 years. Therefore, there is no leftist party in the parliament. The government has made lots of efforts to find political agreements before any proposal goes into the Chamber of Deputies in order to keep the coalition convergent and stand in the 2022 ongoing elections campaigns. The real political debate has been dribbling out.

The Czech Presidency of the Council of the EU in 2022 took much of the political attention and capacities of the Government and its administration. Its performance has received positive responses from the EU level. However, these achievements have barely been visible to citizens and the government has not been able to "sell" them sufficiently to the Czech public. CSOs have been striving to get involved in preparing and implementing the Czech Presidency, which is still to be evaluated.

The country has been facing severe consequences of Russia's brutal attack on Ukraine, which triggered a wave of refugees from Ukraine (the Czech Republic hosts the largest number of refugees relative to the population, with a total of 470 000 refugees, 44 per 1 000 inhabitants<sup>1</sup>). The unprecedented solidarity of Czech society was manifested in various forms: people have sent billions of Czech Crowns to charity collections, worked as volunteers in refugee centres and train stations, transported war refugees from the Ukrainian western border in their own cars, and accommodated them in their homes. CSOs, citizens initiatives, and informal groups with a great engagement of volunteers demonstrated a unique ability to respond immediately after Russia's attack on Ukraine to help people from Ukraine, adapt their activities, and balance the missing capacities and procedures of the state. CSOs proved their ability to connect and build new coalitions in order to promote the necessary agenda.

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<sup>1</sup> Data from <https://www.mvcr.cz/clanek/statistika-v-souvislosti-s-vaikou-na-ukrajine-archiv.aspx> and <https://data.unhcr.org/en/situations/ukraine>

However, the energy crisis, rising costs of living, and high inflation (up to 17.8 per cent, the fifth highest in the EU) have increased public uncertainty and fears<sup>2</sup>. The crises have also revealed the insufficiently addressed policy areas (long-standing underfunding of the infrastructure for effective integration of migrants, lack of affordable housing and law on social housing, lacking school capacities, the inefficient social benefits system, etc.), and problematic budgetary and tax policy leading to high deficit and severe structural imbalances in public finances<sup>3</sup>. Although the government has been adopting supportive measures, a significant part of the Czech population has been in danger of energy poverty<sup>4</sup> and other social problems. These may cause public support for Ukraine to dry up and reinforce populist tendencies in Czech public policy.

In 2022, the presidential campaign was underway, with former Prime Minister Andrej Babiš running for president while facing charges of EU subsidy fraud in connection with his farm. The debate has been about whether an accused person facing trial can become the country's president and how the judiciary deals with this highly politicised and visible case. The verdict came four days before the elections when the Municipal Court in Prague acquitted Babiš on 9th January 2023. The judge ruled that the prosecution had failed to prove its case. There was insufficient evidence that Babiš deliberately lied in his application for the subsidy and concealed his links to his giant conglomerate Agrofert. The verdict leads to an ambivalent conclusion as to whether this is evidence of an independent judiciary and a functioning rule of law. Or, on the contrary, if it demonstrates the inability of the prosecution to professionally gather evidence and bring a quality indictment, thus pointing to a less functional justice system. It is clear that the independence of the judiciary is one of the values, but the professionalism and courage of prosecutors are also indispensable.

In this year's Reporters Without Borders (RSF), World Press Freedom Index on media freedom, the Czech Republic improved from fortieth to twentieth place - all it took was the de facto owner of a key media house (Andrej Babiš) leaving the government. Even so, the Czech media suffers from a high degree of oligarchisation and a heavy burden of conflicts of interest from the days of the former Prime Minister and presidential candidate Babiš. At the same time, they have to cope with a failing funding model for smaller independent media and the deteriorating condition of the public media. Independent media still do not have the necessary state support and the government has not taken steps to increase license fees. Without urgent action to change the law, there will be redundancies,

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<sup>2</sup>The two biggest fears the Czech people associate with the war in Ukraine are the price increase and the fear of disruption of supplies of natural gas and other raw materials. The fear of a military threat has still been the third highest, whereas the impact of the refugee crisis or threats to civil liberties are less pressing among people.

<https://www.stem.cz/dopady-valky-cesi-se-boji-vice-zdrazovani-a-nedostatku-plynu-nez-uprchlicke-krize/>

<sup>3</sup><https://www.rozpoctovarada.cz/vyjadreni-nrr-k-vysledkum-statniho-rozpoctu-za-rok-2022/>

<sup>4</sup> <https://hnutiduha.cz/publikace/energeticka-chudoba-jeji-reseni>

technological obsolescence, and a decline in the quality of public service media. Media law reform has not yet taken place.

The Government has not been able to counter the spread of disinformation because of failure in strategic communication, to support pluralistic independent media, and sustainable funding for public service media. This is not helpful against the declining public trust<sup>5</sup>.

The brutal attack on LGBTIQ people in Bratislava in Slovakia on 12 October 2022, stimulated a wave of public responses throughout the Czech civil society and some officials and accented the urgency to forward the legislation on the law on same-sex marriage. The legislation process has been stuck in the Chamber of Deputies, and lawmakers have divided into relatively irreconcilable sections over it. As the Chair of the Chamber of Deputies stated: "In the 21st century, we should all have equal rights, not segregated by sexual orientation."

## Appointments to key institutions

The Prime Minister appointed Klára Šimáčková Laurenčíková a new Government Commissioner for Human Rights only in May 2022 (after the position was vacant for several months), by which the human rights agenda got an ambitious and well-respected personality. Although the Commissioner is not part of the government, she has still been able to bring up a range of issues affecting vulnerable groups and minorities to the governmental level, such as the integration of refugees, systemic changes to support for people with intellectual disabilities and challenging behaviour, gender equality, well-being and mental health of children, etc.

The Public Defender of Rights Office/Ombudsman, which since 2020 has been accompanied by a controversy about the person at its head - Mr. Stanislav Křeček, was weakened by the resignation of the Deputy Ombudsperson due to fundamental differences of opinion with the Head of the Office which were exacerbated by the removal of her complete agenda. The Office has thus lost a recognised human rights expert with a wealth of experience. Before this happened, the Senate of the Parliament of the Czech Republic stated that "the Ombudsperson has long and repeatedly made prejudicial or xenophobic statements in the public which may have the effect of discouraging victims of discrimination from seeking assistance from the Public Defender's Office".

In October 2022, a new Deputy Ombudsman (former government agent before the European Court of Human Rights) was elected by the Chamber of Deputies. At the same time, a modification of the Ombudsman Act is being discussed. The return of stability and undisputed credibility to the Office

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<sup>5</sup> The public trust in Government is one of the lowest (28,5 %) and distrust is increasing (68,1 %) -

<https://cvmapp.soc.cas.cz/#question6>

would be important not only in view of its current responsibilities but also in the prospect of it becoming a national human rights institution, which is still lacking in the Czech Republic.

# The regulatory environment for civic freedoms

## Freedom of association

The key legislation for an association is set in the Civil Code which covers the major legal entities of CSOs (associations, subsidiary associations, institutes, foundations, endowment funds) and in the legislation on churches and religious societies<sup>6</sup>. The conditions for registration, merger, or dissolution of legal entities of CSOs have not changed nor deteriorated in 2022. However, Czech CSOs face burdensome bureaucratic and administrative obligations. These are often the results of complicated legislation on taxation, and lacking digitalisation and communication among different parts of the state. For example, some state granting authorities do not effectively use the information readily available in the state administration register and delegate unnecessary administrative obligations to an applicant or CSO when applying for state subsidy.

During 2022, there were concerns about the impact of the Czech transposition of the EU AML directives on the register of beneficial owners<sup>7</sup>, as the law did not address the automatic transcription of data from public registers for particular legal entities. Furthermore, the public benefit corporations, foundations, or institutes established by a municipality, a county, or a state were not able to prove to have a beneficial owner<sup>8</sup>. The situation was partly improved by the amendment of the Act only effective from 1st October 2022.

## Protests held on diverse issues

Freedom of peaceful assembly is regulated by the Act on the right of assembly<sup>9</sup>. A public assembly - such as meetings, street parades, demonstrations, or happenings open to everyone and held in a

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<sup>6</sup>The New Civil Code No. 89/2012 Coll., and the Act No 3/2002 Coll., on freedom of religion and the position of churches and religious societies and amending certain acts.

<sup>7</sup> The Act No. 37/2021 Coll., on the Register of Beneficial Owners,

<sup>8</sup> See the minutes from the Committee on Legislation and Financing under the Government Council for NGOs - [https://www.vlada.cz/assets/ppov/rnno/legislativa-a-financovani/2008/Zapis\\_Vybor\\_pro\\_legislativu\\_financovani\\_06\\_09\\_2021.pdf](https://www.vlada.cz/assets/ppov/rnno/legislativa-a-financovani/2008/Zapis_Vybor_pro_legislativu_financovani_06_09_2021.pdf) and [https://www.vlada.cz/assets/ppov/rnno/legislativa-a-financovani/2008/Zapis\\_VLF\\_01\\_27\\_2022.pdf](https://www.vlada.cz/assets/ppov/rnno/legislativa-a-financovani/2008/Zapis_VLF_01_27_2022.pdf)

<sup>9</sup> Act No. 84/1990 Coll., on the right of assembly.

public space - does not require a permit from a public authority but is subject to notification within given time limits, free of charge. Assemblies may not be held within a radius of 100 meters of the buildings of the Legislative Assembly and the Constitutional Court. The competent authority may - in line with the exact conditions set by law - prohibit the assembly (before it starts), dissolve the assembly, or fine penalties if the conditions laid down by law are breached.

In 2022, there were several larger demonstrations called on very diverse issues which demonstrate that citizens enjoy the right of peaceful assembly. The largest assemblies were organised in the support of Ukraine and against Russia's aggression. The blue and yellow flags flew on the buildings of most institutions across the country. Through the demonstration "We all stand with Ukraine,"<sup>10</sup> Czechs joined similar demonstrations in cities across Europe and hosted a live speech by President Volodymyr Zelenskyy. The demonstration Czechia against Fear<sup>11</sup> was organised shortly after the protests against hatred and violence to remember victims of prejudicial violence after the murder of LGBTQI+ people in Bratislava<sup>12</sup>, demanding legal protection for LGBTQI+ people and the adoption of a law on marriage for all.

However, conspiracy and pro-Russian followers and the former organisers of the anti-vax protests managed to mobilise tens of thousands of people in Prague's Wenceslas Square as part of the initiative 'Czech Republic First'. They demanded: negotiations with Russia on cheap energy supplies, against the EU, the resignation of the government, military neutrality, and asked for "freedom of expression" on social media, by which they mean the ability to share any content regardless of its factual content<sup>13</sup>. The trade unions failed in getting the crowds into the streets as an alternative action to address the inadequacy of government measures to help people in the energy and economic crisis, however without the anti-system, anti-democratic dimension.

The high school and university students staged strikes against the inaction of politicians in the fight against the climate crisis. Fridays For Future also organised an Eastern European climate strike in Prague, where the topic of human rights was given a lot of space in connection with the LGBTQI+ attack in Bratislava. Occupation strikes organised by the Universities for Climate Association culminated in a protest on the national holiday of 17 November. This is traditionally a date for large public events for the celebration of democracy, but the anti-democratic groups organised protests there as well. The physical assault of two journalists from an independent media outlet and the Czech

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<sup>10</sup> Organised by Million Moments for Democracy - <https://www.facebook.com/events/v%C3%A1clavsk%C3%A9-n%C3%A1m%C4%9Bst%C3%AD-110-00-praha-%C4%8Desk%C3%A1-republika/we-all-stand-with-ukraine-evropa-toj%C3%AD-za-ukrajinou/552731506427842/>

<sup>11</sup> The demonstrations Czechia Against Fear - <https://milionchvilek.cz/ceskoprotistrachu>

<sup>12</sup> The demonstration and petition against violence organised by Prague Pride - <https://spolecneprotinnavisti.cz/>

<sup>13</sup> Information taken also from the article at Denik referendum - <https://denikreferendum.cz/clanek/34753-nejvetsi-demonstrace-roku-2022-proti-ruske-agresi-homofobii-i-proti-demokracii>

TV were reported during the protest march to the Czech Television building. The conspirators criticised Czech Television's news coverage as unbalanced, biased against Ukraine and supporting COVID-19 vaccination, and demanded a space to speak on live TV.

In 2022, no serious problems caused by the authorities or the police were noted. However, there were several cases reported at the meetings organised by former Prime Minister Andrej Babiš during his pre-election tour through the country. In one case, non-uniformed police officers knocked over a schoolboy. Cases in which the procedure and tactics of the police officers were examined by the police internal control office also occurred. These incidents demonstrate high tensions in society and the decline in the ability of people to lead any dialogue respecting different opinions.

## Developments relating to disinformation

The freedom of expression and right to information is set in the Charter of Fundamental Rights and Freedoms as part of the Constitutional order of the Czech Republic, and in the Freedom of Access to Information Act<sup>14</sup>.

The Supreme State Prosecutor's Office informed citizens that the current situation related to Russia's attack on Ukraine may also have implications for their freedom of expression<sup>15</sup>. If someone publicly (including at demonstrations, on the Internet or on social networks) expresses approval of (accepts or supports) the Russian Federation's attacks on Ukraine or, in this context, expresses support for or praises the leaders of the Russian Federation, he or she could, under certain conditions, face criminal liability for the crime of approval of a crime under the Criminal Code, or for the crime of denying, questioning, approving or justifying genocide.

Shortly after Russia invaded Ukraine, mobile operators, and the CZ.NIC association blocked access to pro-Russia disinformation websites. Although this step was first presented as an initiative of private entities, it later turned out that it was an official instruction of the National Cyber Operations Centre of the Military Intelligence of the Ministry of Defence. The CSOs H21 Institute and Open Society filed a joint lawsuit against the Department of Defense for illegally cracking down on the disinformation websites<sup>16</sup>. They challenged the state's action for using means that violated the rule of law, freedom

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<sup>14</sup> Act No. 106/1999 Coll., Act on Free Access to Information

<sup>15</sup> <https://verejnazaloba.cz/nsz/informace-k-moznym-trestnepravnim-limitum-svobody-projevu-ve-vztahu-k-situacina-ukrajine/>

<sup>16</sup> Press Release: <https://www.ih21.org/aktuality/tiskova-zprava-institute-h21-a-otevrena-spolecnost-zaluzi-ministerstvo-za-postup-pri-zasahu-proti-dezinformacnim-webum> and <https://www.otevrenaspolecnost.cz/aktuality/8064-upresnujici-prohlaseni-k-zalobe-institute-h21-a-otevrena-spolecnost-x>

of expression, the right to receive information, freedom of thought, and scientific research. The CSOs urged that the current threats should be used as an opportunity to clarify the general constitutional limits for shutting down disinformation sites. A law to this effect is now being drafted and again, it has become a sensitive matter.

# Safe Space

## LGBTQI+ rights remain targeted despite increased actions against online hate speech

The Constitutional Court has stated earlier, that hate speech on the internet must be combated in a democratic society, even in serious cases through criminal law<sup>17</sup>. Although the Czech legal system does not define the term "hate speech", it can still be punished according to the Criminal Code. In 2022, the police were more active in investigating cases of hate speech in the online space. Several cases have already been recorded in connection with those approving of Russia's aggression, incitement against Ukrainians for defamation of the nation, and incitement to hatred in the public space and social networks. Some of the manifestations are already being prosecuted by law enforcement authorities<sup>18</sup>. The police opened an investigation into the racist attack on the journalist of Czech TV during the pro-Russia protest on 17th November<sup>19</sup>.

Organisations and activists working to improve the lives of LGBTQI+ people report being targeted by insults, verbal violence, hate speech, and sometimes hate crimes solely due to their work. These attacks come largely from Czech politicians, including several ministers and other prominent members of the current government, and take on many different forms. Hateful comments range from questioning their right to engage in public debate, to spreading disinformation and lies about LGBTQI+ people, and inciting social disharmony and fear-mongering by claiming that LGBTQI+ people represent a danger to society.

A recent homophobic terrorist attack in Bratislava, in which two queer people were murdered, shows the dangerous consequences of spreading hate and stigmatisation. The Czech Criminal Code provides less protection to victims of hate crimes motivated by the victim's sexual orientation and gender identity than to other victims. There is active resistance from a part of the political spectrum

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<sup>17</sup> <https://ct24.ceskatelevize.cz/domaci/3423282-ustavni-soud-se-vymezil-vuci-nenavisti-na-internetu-reagoval-tak-na-kauzu-komentare-u>

<sup>18</sup> [https://www.irozhlas.cz/zpravy-domov/schvalovani-ruske-agrese-trestne-ciny-valka-na-ukrajine-policie-uprchlici\\_2204211147\\_vtk](https://www.irozhlas.cz/zpravy-domov/schvalovani-ruske-agrese-trestne-ciny-valka-na-ukrajine-policie-uprchlici_2204211147_vtk)

<sup>19</sup> During a demonstration against Czech Television in Prague, one of the participants called him a "gypsy bastard" - <https://romea.cz/cz/domaci/policie-zacala-setrit-rasisticky-utok-na-novinare-richarda-samka-romea-cz-zna-identitu-agresora>

to financially support activities leading to improving the lives of LGBTQI+ people, which makes accessing funding for LGBTQI+ organisations difficult.

The Government Council for Human Rights adopted a statement stressing that prejudicial violence and hate attacks are unacceptable against any section of society, and urged the Government of the Czech Republic to systematically strengthen the prevention of hate attacks against all vulnerable groups and the protection of the rights of members of these groups<sup>20</sup>.

## Lack of concrete measures to support civic space defenders

The authorities promote human rights and civic space defenders through important value-based proclamations, but less through concrete measures. On the occasion of International Human Rights Day, Prime Minister Petr Fiala and the Commissioner for Human Rights Klára Šimáčková Laurenčíková recognised the solidarity of the public and the work of people from CSOs, which, in the words of Prime Minister Fiala, contributes to the resilience of Czech society and its ability to cope with current and long-term challenges<sup>21</sup>.

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<sup>20</sup> <https://www.vlada.cz/assets/ppov/rlp/cinnost-rady/zasedani-rady/Usneseni-k-utoku.docx>

<sup>21</sup> <https://www.vlada.cz/scripts/detail.php?id=201568&tmplid=50>

# State lacks conceptual approach to civil society

The negative narrative of “political NGOs” has been anchored in the Czech public space and concerns organisations working in the areas of anti-corruption, democracy, environment, human rights, gender, minorities, or integration of migrants. The term has shown up with varying degrees of intensity during times and emphasises that organisations which do not deliver public services should not receive public funding. It is fuelled by many public figures and politicians, and by disinformation and hate speech in the public space. This narrative stems from misunderstanding the value of different roles and functions of CSOs in a democratic society, but also civic engagement and active citizenship.

Little understanding of the different types and roles of CSOs has translated into, in some cases, questioning the importance of supporting them. The differentiation in approach is thus mainly through the definition of the volume of state subsidies for CSOs, where the focus is on physical education and sport with almost 40 per cent of the share. When setting up advisory bodies, some ministries do not distinguish between civil society and experts and academics, or economic and social partners, which may marginalise the role of CSOs. In many other areas, the lack of a conceptual approach with adequate methodological support from the state is replaced by individual ministries' and regional governments' own interpretations.

The Government's Strategy for Cooperation Between Public Administration and NGOs 2021-2030<sup>22</sup> was adopted in July 2021. It recognises the necessity to improve the societal climate for CSOs' activities and aims at strengthening understanding of the nature and social function of the non-profit sector, the benefits of activities of CSOs and increasing the visibility of partnership cooperation between the public administration and the non-profit sector. However, the implementation is largely dependent on the capacities of the Office of the Government and the respective ministerial departments. Due to the insufficiency of these capacities, the implementation of the Strategy is delayed. Given that the new government publicly declares its recognition of CSOs (noticeable especially in the management of refugees from Ukraine) and, in particular, through the Government

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<sup>22</sup> The Strategy for Cooperation Between Public Administration and NGOs 2021-2030 -

<https://www.vlada.cz/cz/ppov/rnno/dokumenty/strategie-spoluprace-verejne-spravy-s-nestatnimi-neziskovymi-organizacemi-na-leta-2021-az-2030-189753/>

Commissioner for Human Rights that spreads awareness, particularly about the importance and significance of CSOs<sup>23</sup>, the implementation is expected to take off.

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<sup>23</sup> See e.g. her speech at the conference mentioned below and the speech of the Prime Minister and Government Commissioner for Human Rights from December 2022 on Human Rights Day.

# Funding for civil society

## Inefficient and unevenly distributed funding for CSOs

CSOs have adapted to the dramatically changing environment due to COVID-19, the impact of the war in Ukraine, and rising costs in terms of their services and operations. Few CSOs (especially those providing relief and emergency assistance) have grown significantly, while many others have struggled with uncertain funding sources or have sought to diversify them. Organisations that already had key organisational and fundraising processes set up or in place coped better with the changes, which is still not common practice for many CSOs in the Czech Republic. The Czech labour market still lacks sufficient workforce, especially in professions such as IT, communication specialists and fundraisers, which is a clear problem for the sector's stabilisation or growth.

Despite the crises, private Czech donations increased in 2022, thanks to the huge wave of solidarity but also technologies making donating much easier. The number of individual donors is slightly increasing, as is the amount they send. Inflation does not seem to be discouraging people from donating, but rather encouraging them to match the value of the money<sup>24</sup>.

Regarding state funding, as every year the government approved the main areas of state subsidy policy toward CSOs for 2023<sup>25</sup>. The total amount is 7,417 mil (276,6 mil. EUR) was budgeted for 18 thematic areas. The largest part of state subsidies (39,7 per cent) is as usual planned for sport and physical training, whereas the envelopes for the activities in the areas of education, environment or ethnic and Roma minorities receive only a fraction of the sum (1,3 per cent and less). The smallest support goes to equal opportunities for women and men (0,09 per cent) and the fight against corruption (0,065 per cent). CSOs working in such areas have to seek public grant opportunities within the EU funds or at local municipalities.

CSOs face barriers due to insufficient capacities and processes - either to prepare complicated project applications for the Czech and EU grant call for proposals, meet the administrative and reporting requirements, or have effective fundraising systems and communication campaigns in

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<sup>24</sup> <https://www.novinky.cz/clanek/domaci-darcovstvi-pres-krizi-lame-rekordy-40418286>

<sup>25</sup> The Main areas of state subsidy policy towards Non-State Non-Profit Organisations in Support of Public Benefit Activities for 2023 <https://www.vlada.cz/cz/ppov/rnno/aktuality/hlavni-oblasti-statni-dotacni-politiky-vuci-nejziskovym-organizacim-na-podporu-verejne-prospernych-cinnosti-pro-rok-2023-197441>

place to build a stable base of private donors. These limitations increase the dependence on one type of funding.

CSOs, which are mainly funded by Czech public budgets, face funding uncertainty and the impossibility of financial planning due to the lack of multi-year public funding. A CSO has to undergo the annual cycle every year from the submission of a grant application to a grant decision. Timing and length of the granting process at the side of grant providing authority delays payments of the subsidy and puts CSOs in cash-flow risks. The condition of securing co-financing for a state-funded project can be a serious obstacle for many CSOs. The Czech subsidy system is lacking a definition of partnership that would enable transfers of part of a grant between partner organisations without the duty to launch a public procurement procedure and VAT consequences. While CSOs can get support to implement highly innovative digital projects (financially and with volunteers), most continue to lack basic digital infrastructure and digital competencies, as there is a lack of appropriately targeted programmes, high costs, and operational realities.

The Government Council for NGOs established a new Expert Group on systemic change in the funding of public benefit services to deal with the identified issues mentioned above<sup>26</sup>. The Expert Group composed of representatives of ministries and CSOs experts has a two-year mandate to evaluate the current system of financing publicly beneficial services and activities and to initiate a systemic change in financing that will lead to more efficient and simplified funding of publicly beneficial services and activities provided by CSOs<sup>27</sup>.

The exemptions from taxes or tax discounts are an indirect way to support CSOs. In response to the extraordinary situation related to the COVID-19 pandemic, the limits for deduction of gifts from the taxable base for both natural (from 15 per cent to 30 per cent) and legal persons (10 per cent to 30 per cent)<sup>28</sup> were temporarily raised. This higher limit can also be used for the tax period for 2022. The Income Tax Act<sup>29</sup> also introduced the definition of a public-benefit taxpayer which, however, is not linked to any other regulation and covers both private-law entities pursuant to the Civil Code and public-law entities pursuant to other regulations. The Act also covers any tax exemptions for income from donations (gratuitous transactions). Donations and gifts are legally defined in the Civil Code.

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<sup>26</sup> [https://www.vlada.cz/cz/ppov/rnno/ex\\_skup\\_fin/expertni-skupina-k-systemove-zmene-financovani-verejne-prospesnych-sluzeb-a-cinnosti-ze-statniho-rozpoctu-198755/](https://www.vlada.cz/cz/ppov/rnno/ex_skup_fin/expertni-skupina-k-systemove-zmene-financovani-verejne-prospesnych-sluzeb-a-cinnosti-ze-statniho-rozpoctu-198755/)

<sup>27</sup> [https://www.vlada.cz/assets/ppov/rnno/ex\\_skup\\_fin/Priloha\\_1\\_Zapis\\_Agregace\\_temat\\_FIN\\_1.pdf](https://www.vlada.cz/assets/ppov/rnno/ex_skup_fin/Priloha_1_Zapis_Agregace_temat_FIN_1.pdf)

<sup>28</sup> An amendment to the Income Tax Act took effect on 4 February 2021 (Act No 39/2021 Coll. amending Act No 586/1992 Coll. on income tax, as amended)

<sup>29</sup> The Act No 586/1992 Coll., on income tax, as amended, Section 17a, and the conditions for reducing the taxable base of a public-benefit taxpayer are laid down in Section 20 par. 7.

In response to widespread implementation problems, an Amendment to the Act on Public Collections<sup>30</sup> is requested for 2023. The recommendations of the Working Group to the Ministry of Interior are to promote a fundamental change in the legal conditions for organising public collections, primarily by narrowing the regulation to cash collections from persons from whom no identifiable information is available. The law application in practice needs to be unified and supported by additional awareness among organisers of collections; the proposed adjustments consider the technological developments since the adoption of the law and efforts to remove identified obstacles from practice<sup>31</sup>.

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<sup>30</sup> Act No 117/2001 Coll.

<sup>31</sup> [https://www.vlada.cz/assets/ppov/rnno/pskvs/Doporuceni\\_pro\\_pracovni\\_skupinu\\_MV\\_01-03-2022\\_pro\\_VLF.pdf](https://www.vlada.cz/assets/ppov/rnno/pskvs/Doporuceni_pro_pracovni_skupinu_MV_01-03-2022_pro_VLF.pdf)

# Civil dialogue and right to participation

There is still a lack of a culture of participation and a lack of widely shared understanding of its nature and benefits in public decision-making at the central governmental level. A related issue is that public administrations do not have a clear approach to why, how, what and whom (which organisations, networks or citizens directly) to involve and how to organise this cooperation. Expertise, information, and value consensus are important for the public administration in relation to CSOs, or if they are mandated to engage by regulation or methodology. CSOs must actively seek cooperation and finance the costs from their own resources. Inconsistent participation mechanisms make access to information and decision-making difficult, especially for complex processes such as the National Recovery Plan and the effective use of EU funds.

At the central government level, the basic framework for participation is through the establishment of advisory and working bodies under the Government<sup>32</sup> and ministries, and through appointments of government commissioners for different agendas (e.g. for human rights). In addition, a structure of monitoring committees and platforms for the preparation and implementation of the EU funds has been established for the current operational period<sup>33</sup>. There is no simple way to get access to information on the actual structure and membership composition of different committees.

The Government Council for Non-State Non-Profit Organisations/NGOs is a permanent advisory, initiating, and coordinating body of the Government. In 2022, based on the changed statute the number of members increased to 36, of which 13 represent the non-state sector. Thanks to coordinated action, a parity of seats was filled with active representatives of CSOs and their networks, which increased the effectiveness of the body. For CSOs, this Council is the most important formal body both for raising specific issues and for spreading impulses for the development of a culture of participation in the Czech Republic. The Council met for the first time in the new composition on 13 October 2022<sup>34</sup>.

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<sup>32</sup> See the list of Advisory and Working bodies of the Government at <https://www.vlada.cz/cz/pracovni-a-poradni-organy-vlady/> and statutes at <https://www.vlada.cz/cz/ppov/ppov-50611/>

<sup>33</sup> See the outdated document with Platforms for implementation of EU funds edited by the Ministry of Regional Development at <https://www.dotaceeu.cz/getmedia/5619e205-e168-4759-a39f-66f19f36f810/Platformy-pro-implementaci.pdf.aspx?ext=.pdf>

<sup>34</sup> [https://www.vlada.cz/assets/ppov/rnno/zapisy-ze-zasedani/Zapis\\_RVNNO\\_13\\_10\\_2022.pdf](https://www.vlada.cz/assets/ppov/rnno/zapisy-ze-zasedani/Zapis_RVNNO_13_10_2022.pdf)

For the first time in 2022, the Secretariat of the Government Council for NGOs commissioned research with the aim to describe the existing cooperation of the state administration with umbrella and networks of NGOs, including the criteria on the basis of which cooperation is established bilaterally<sup>35</sup>. The analysis revealed that 66 per cent of the respondents from the state administration declared interest in cooperation with CSOs. A significantly prevailing reason for the interest in cooperation on their part (82 per cent) is the expertise and information provided by CSOs. The Ministry of Labour and Social Affairs, the Office of the Government, and the Ministry of Regional Development have the most cases of cooperation with CSOs and their umbrella organisations. The existence of a regulation requiring a participatory process, usually coming from the EU, was cited as another relevant reason. misunderstanding between the state administration and CSO umbrella organisations about the main obstacles to cooperation persists (lack of CSO capacity, lack of access to information for CSOs, low awareness of the state administration about partners among CSOs and how to engage them - see research findings<sup>36</sup>). However, in cases where cooperation with CSOs exists (mainly in the field of environmental protection and social services), it is generally positively evaluated by both parties and the influence on the final form of government documents is often decisive.

On 22 June 2022, the Government Council for NGOs approved the Methodology for the participation of CSOs<sup>37</sup> and instructed the Council Secretariat to ensure pilot testing of the Methodology in the ministries<sup>38</sup>.

In the context of the Czech Republic Presidency to the Council of EU, CSOs have presented a joint contribution to the priorities of the Czech Presidency<sup>39</sup> in order to increase the participation of CSO on issues relevant to the Presidency. The Conference on Strategic Partnership for Democratic Society

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<sup>35</sup> <https://www.vlada.cz/cz/ppov/rnno/dokumenty/analyza-spoluprace-statni-spravy-se-stresnimi-organizacemi-a-sitemi-nestatnich-neziskovych-organizaci-198802/>

<sup>36</sup> <https://www.vlada.cz/cz/ppov/rnno/dokumenty/analyza-spoluprace-statni-spravy-se-stresnimi-organizacemi-a-sitemi-nestatnich-neziskovych-organizaci-198802/>

<sup>37</sup> The Methodology for the participation of non-governmental non-profit organisations in advisory and working bodies and in the drafting of state administration documents

<sup>38</sup> See minutes from the Council meeting [https://www.vlada.cz/assets/ppov/rnno/zapisy-ze-zasedani/Zapis\\_RVNNO\\_28\\_06\\_2022\\_FIN.pdf](https://www.vlada.cz/assets/ppov/rnno/zapisy-ze-zasedani/Zapis_RVNNO_28_06_2022_FIN.pdf) and the Methodology <https://www.vlada.cz/cz/ppov/rnno/dokumenty/metodika-participace-nestatnich-neziskovych-organizaci-v-poradnich-a-pracovnich-organech-a-pri-tvorbe-dokumentu-statni-spravy-197878/>

<sup>39</sup> <https://glopolis.org/koordinace-neziskoveho-sektoru-neon/non-profit-organisations-offered-their-know-how-in-the-preparation-and-implementation-of-the-czech-eu-presidency-programme/>

in Europe<sup>40</sup> was organised to provide space to promote dialogue and cooperation between representatives of public administration, parliament, CSOs, and other actors in the Czech Republic and the EU. While the outcomes of the conference were disseminated to relevant stakeholders already at the end of 2022, the Committee for the EU of the Government Council for NGOs will assess the involvement of civil society in the implementation of the Czech Presidency programme in the first quarter of 2023.

## Nomination procedures needed for transparency

Much of the existing cooperation is mainly informal, and based on long-term relationships. A transparent selection of partners for "representation" of the non-profit sector has been lacking. The open call for nominations was used for some advisory bodies of the Government (e.g. the Government Council for NGOs and its EU Committee) and representatives of the Council to select monitoring committees of EU funds in accordance with the new participation methodology.

However, in some cases, the choice of partners for consultations was problematic as it did not follow the open calls process. The Ministry of Social Affairs e.g. is preparing a Family Policies Strategy. It invited certain stakeholders from among CSOs to participate. Among them, inexplicably, is also an organisation (Alliance for Family) whose main goal is to prevent any improvement of the lives of LGBTQI+ people and to harass and stigmatise same-sex families. The organisation suggested that homosexuality is an illness, actively lobbies against any legislation helping LGBTQI+ people, uses disinformation techniques (claiming two moms or two dads damage a child's development), and demands that information about LGBTQI+ people must be censored (e.g. complaining to public television after the television aired a programme featuring a same-sex couple with their child). Even though these and many other harmful actions of the organisation are well documented and publicly known, the organisation is kept on the panel of stakeholders consulted for the Family Policies Strategy.

As a rule, there is no formal space for the CSO sector to comment on prepared government materials. With few exceptions, CSOs do not have access to the electronic library of the legislative process<sup>41</sup>. Based on the implementation plan of the Strategic Framework Czech Republic 2030 approved by the Government in September 2022, an umbrella organisation of environmental CSOs, Green Circle, was

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<sup>40</sup> The conference was organised on October 17-18, 2022 by Glopolis in cooperation with the Office of the Government of the Czech Republic - Department of the Secretariat of the Government Council for NGOs, Foundation Partnership and Spiralis and under the auspices of the Czech Minister for European Affairs. See <https://glopolis.org/konference-strategicka-partnerstvi/> and the Report - [https://glopolis.org/site/assets/files/1365/publikace\\_best\\_practices\\_cz\\_web.pdf](https://glopolis.org/site/assets/files/1365/publikace_best_practices_cz_web.pdf).

<sup>41</sup> So called the non-public part of the eKLEP - <https://odok.cz/portal/>.

able to comment with access to eKLEP for a test period from March 2023 to December 2024. Testing the involvement of umbrella CSOs in the inter-ministerial comment process for environmental proposals is a measure to help develop practices that increase the inclusiveness of governance from the perspective of citizens in order to improve the quality of governance.

In 2022, the Migration Consortium, which brings together CSOs working with migrants, became another umbrella organisation with access to eKlep as they were invited to provide comments for Lex Ukraine 4.

# CSOs push back in trying times

Many CSOs have provided indispensable support to the state and the country in dealing with the impacts of the Russia's aggression on Ukraine in the forms of the necessary assistance to people who have fled, expertise and data from the field, and policy recommendations to a wide area of integration, education, social care, environment, and other agendas. However, the many challenges are taking a toll on the health and organisational stability of many (especially small and medium-sized) organisations. CSOs often face uncertain funding sources, which do not correspond to the sudden growth of activities, increased workload, administrative and legislative obstacles, and many are lagging behind with digitalisation.

At the end of the Czech EU Presidency, Czech CSOs addressed a joint appeal to the government<sup>42</sup> related to the application of the EU funding conditionality mechanism against Hungary and supported the joint efforts led by the other European CSOs active in this matter.

Public trust in public institutions has been declining over the past seven years, while distrust has been rising. According to a time series of selected questions from the CVVM "Czech Society" survey, March 2022, trust in non-profit institutions is slightly improving, with only 37.8 per cent of respondents stating that they trust non-profits, while 50.8 per cent report distrust<sup>43</sup>. The unique research series "Czechia Together"<sup>44</sup> has shown that there have been several underlying themes driving society. The most critical is whether Czechs feel that their voice is heard, whether they feel successful and whether they believe their children have a chance to succeed.<sup>45</sup>

State authorities have limited (if any) opportunities to strengthen trust in civic actors, and even if they tried to do so, any efforts would be easily undermined by populist proclamations by political actors,

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<sup>42</sup> See Press release on the open letter to the Minister of Finance Zbyňek Stanjura before the meeting of the Council of European Finance Ministers in December 2022 to consider the measures to protect the Union budget against violations of the rule of law in Hungary and the application of the general conditionality regime -

<https://glopolis.org/en/koordinace-neziskoveho-sektoru-neon/press-release-on-the-open-letter-to-the-minister-of-finance-zbynek-stanjura/>

<sup>43</sup> CVVM - Public Opinion Research Centre - <https://cvvmapp.soc.cas.cz/> and <https://cvvmapp.soc.cas.cz/#question24>

<sup>44</sup> Aktuálně.cz, in cooperation with Česká spořitelna, STEM and other partners, has prepared the Czechia Together project intended to help better understand what is happening in the society during the crisis

<https://zpravy.aktualne.cz/domaci/cesko-spolecne/r~dd52c6544af311edbc030cc47ab5f122/>

<sup>45</sup> Cited Martin Buchtik, the director of STEM - <https://zpravy.aktualne.cz/domaci/rozhovor-putinovi-se-dari-zdejsi-spolecnost-delit-nastesti-a/r~6eaae5c44ec211ed8c6f0cc47ab5f122/>.

hate speech and misinformation. There are several reasons for this, to name but a few: state authorities lack strategic communication, capacity, and tools to communicate effectively to citizens, civic education is still insufficient, and inter-ministerial cooperation and multi-stakeholder engagement in policy development and implementation are the results of fragmented efforts rather than a systemic approach championed by the administration.

## New initiatives in civic space are emerging

There have been several initiatives and coalition building across the civic sector, responding quickly to the needs and challenges of society and new agendas stimulated by the migration situation, energy crises or the Czech EU Presidency.

- 🔍 NeoN<sup>46</sup> - an informal network of networks associating 18 umbrella organisations and other CSOs across thematic fields to increase collective impact and strengthen democratic and civic space, civic participation and cooperation of the state with the civil society.
- 🔍 Let's help Ukraine<sup>47</sup> - a joint initiative created under the Migration Consortium with a number of CSOs and the private sector to coordinate assistance to people from Ukraine.
- 🔍 The Network for Defence of Democracy<sup>48</sup> - an informal network of companies, CSOs, informal groups and individuals to avert acute threats to democracy, cooperating with experts on topics of rule of law.
- 🔍 Resilient Czechia<sup>49</sup> - an informal initiative of five CSOs to advocate for executive and legislative measures to strengthen the Czech Republic's resilience to the influence of undemocratic regimes.
- 🔍 Energy to People<sup>50</sup> - an initiative of environmental and social care CSOs aiming at fighting the impact of energy poverty and promoting measures for clean and affordable energy for all.
- 🔍 Together and Digital<sup>51</sup> - a platform of CSOs for the digital transformation of the state.

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<sup>46</sup> <https://glopolis.org/en/koordinace-neziskoveho-sektoru-neon/>

<sup>47</sup> [\\_https://www.pomahejukrajine.cz/](https://www.pomahejukrajine.cz/)

<sup>48</sup> <https://www.ochranademokracie.cz/>

<sup>49</sup> <https://odolnejsicesko.cz/>

<sup>50</sup> <https://energielidem.cz/>

<sup>51</sup> <https://spolecneadigitalne.cz/>

Such initiatives are necessary to increase the collaboration across the civil society, its resilience and effectiveness, at the same time there is only limited funding provided from the private sources, and none from public funding.

# Recommendations

## To the Government of the Czech Republic

### The regulatory environment for civic freedoms

- 🔍 Ensure that the Act on Public Collections and connected laws are amended according to the recommendations prepared by the working group and presented to the Ministry of Interior.

### Safe Space

- 🔍 Ensure effective and strategic communication across the government administration and state officials and seek ways to depolarize the country and promote the recognition of the diverse roles of CSOs and the value of open civic space, and civic involvement in decision-making as an important value of democracy.
- 🔍 Systematically strengthen the prevention of hate attacks against all vulnerable groups and the protection of the rights of members of these groups through legislation.
- 🔍 Refrain from attacks on LGBTQI+ persons and condemn these attacks at the highest level.
- 🔍 Strengthen the Czech Criminal Code to ensure protection to victims of hate crimes motivated by the victim's sexual orientation and gender identity.

### Funding for CSOs

- 🔍 Proactively address the impact of inflation and rising energy prices on the financing of CSOs activities through measures such as capping energy prices, extraordinary increases in already approved subsidies, etc.
- 🔍 Open grant programmes to support the development of digital competences and digital infrastructure of civil society organisations, especially smaller and medium-sized ones, as well as to develop other capacities and processes necessary for ensuring open and safe digital civic space.

## **The right to participation and dialogue between the sector and governing bodies**

- Stimulate and organise multi-stakeholder debates on the merit and recommendations from the EU Rule of Law Reports at the Governmental and parliamentary levels, engaging the civil society organisations and other actors and actively follow-up the outcomes from such debates to improve the rule of law and civic space in the Czech Republic.
- Ensure the necessary political support, administrative capacity and resources for the implementation of the Strategy for Cooperation between Public Administration and NGOs 2021-2030.
- Ensure effective piloting and evaluation of the Methodology for the Participation of Civil Society Organisations in Consultative Bodies and in the Preparation of Public Administration Documents.
- Subsequently, apply participatory processes widely, build capacity and competences for setting up and managing participatory processes, and establish a long-term mechanism for evaluating participation in decision-making across ministries and central authorities. Accompany the process with awareness raising to promote a "culture of participation".

## **About the contributor:**

Glopolis is a hub for analysis and networking that supports CSOs, state administrations and businesses to work together more effectively to address common challenges to democratic principles, green economy and inter-connected, cohesive society.



NeoN is the Czech coalition of 18 umbrella organisations and networks, together associating more than 540 CSOs, and collectively striving for sustainable democracy, vibrant civic space and effective collaboration with the state. Glopolis provides a backbone coordination for NeoN. <https://glopolis.org/en/ngo-sector-coordination/>



**Co-funded by  
the European Union**

The European Civic Forum benefits from the financial support of the Citizens, Equality, Rights and Values Programme of the European Union. The content of this publication is the sole responsibility of the European Civic Forum and the European Commission cannot be held responsible for any use which may be made of the information contained therein.

