

LIBERTIES

RULE OF LAW REPORT

2024

CZECH REPUBLIC

#ROLREPORT2024



CIVIL
LIBERTIES
UNION FOR
EUROPE



LIGA LIDSKÝCH PRÁV



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FOREWORD

This country report is part of the Liberties Rule of Law Report 2024, which is the fifth annual report on the state of rule of law in the European Union (EU) published by the Civil Liberties Union for Europe (Liberties). Liberties is a non-governmental organisation (NGO) promoting the civil liberties of everyone in the EU, and it is built on a network of national civil liberties NGOs from across the EU. Currently, we have member organisations in Belgium, Bulgaria, the Czech Republic, Croatia, Estonia, France, Germany, Hungary, Ireland, Italy, Lithuania, the Netherlands, Poland, Romania, Slovakia, Slovenia, Spain and Sweden, as well as a contributing partner organisation in Latvia.

Liberties, together with its members and partner organisations, carries out advocacy, campaigning and public education activities to explain what the rule of law is, what the EU and national governments are doing to protect or harm it, and gathers public support to press leaders at EU and national level to fully respect, promote and protect our basic rights and values.

The 2024 report was drafted by Liberties and its member and partner organizations, and it covers the situation during 2023. It is a ‘shadow report’ to the European Commission’s annual rule of law audit. As such, its purpose is to provide the European Commission with reliable information and analysis from the ground to feed its own rule of law reports, and to provide an independent analysis of the state of the rule of law in the EU in its own right.

Liberties’ report represents the most in-depth reporting exercise carried out to date by an NGO network to map developments in a wide range of areas connected to the rule of law in the EU. The 2024 report includes 19 country reports that follow a common structure, mirroring and expanding on the priority areas and indicators identified by the European Commission for its annual rule of law monitoring cycle. Thirty-seven member and partner organisations and one independent human rights expert contributed to the compilation of these country reports.

[Download the full Liberties Rule of Law Report 2024 here](#)

TABLE OF CONTENTS

About the authors	4
Key concerns	4
Justice system	6
Anti-corruption framework	12
Media environment and media freedom	16
Checks and balances	19
Civic space	22
Disregard of human rights obligations and other systemic issues affecting the rule of law environment	30
Contacts	34

CZECH REPUBLIC

About the authors



LIGA LIDSKÝCH PRÁV

The League of Human Rights (LLP) is a non-governmental non-profit human rights organization that monitors the state of respect for fundamental rights in the Czech Republic, and points out their violations. LLP has long advocated systemic changes in the area of violations of fundamental rights in the Czech Republic, through various instruments. At present, we focus on the protection of the rights of vulnerable people, including patients, mothers, people with psychosocial disabilities, children and involuntarily sterilised women.

Key concerns

Regarding the justice system, there is no progress. Although people generally trust that the judiciary and court proceedings are becoming shorter, long-standing problems persist. The necessary reforms have not been completed, including digitisation projects. Courts are losing staff and judges' salaries are being reduced, which could significantly negatively affect the quality of the judiciary in the future. When comparing this situation to the recommendations of the European Commission in their last Rule of Law Report, progress is not satisfactory. The reform of the Czech Republic's Public Prosecutor's Office has fundamental shortcomings. The implementation of digitisation projects is still slow, and the judiciary faces staffing

challenges that could affect the quality of work. Support for court experts is lacking. However, court proceedings are at least slightly faster.

As it relates to the anti-corruption framework, there was no progress from the previous year. The Czech Republic is progressing very slowly in the fight against corruption. GRECO highlighted that the Czech Republic has satisfactorily fulfilled only 3 out of 14 recommendations, with no significant progress by year-end. This progress is not satisfactory in relation to the Commission's recommendations, as efforts to ensure faster investigation of high-level political corruption have not succeeded, nor has information been shared about it. The new draft of the lobbying law was still not submitted. The Parliamentary Code of Ethics has not

been adopted. An amendment to the conflict of interest law still contains shortcomings and gaps.

With respect to the media environment and media freedom, improvement has been noted. There was an improvement in the ranking of Reporters Without Borders (from 20th to 14th), a stricter law on media ownership was adopted (unfortunately it does not include online media), amendments to the Act on Czech Television and the Czech Republic were approved, and the Senate will now decide on a third of the members of the Councils.

Additionally, there were no physical attacks on journalists and a major media law amendment was presented. Therefore, progress in this area compared to the 2023 recommendations is satisfactory.







In the area of checks and balances, there was no progress from the previous year, nor were there any improvements based on the 2023 recommendations (thus, non-satisfactory change). The National Human Rights Institution has not been established without any progress on this matter, nor the Office of Ombudsperson for Children.

In addressing issues related to civic space, there has been no progress in relation to the previous year. Cooperation between the government and the civil sector is functional. We do not agree with the unbalanced distribution of funds for the civil sector.




Regarding the disregard of human rights obligations and other systemic issues affecting the

rule of law environment, there was progress compared to the previous year. The situation of the protection of fundamental rights in the Czech Republic is not favourable, but it could be significantly worse. The solution to some key problems is moving forward (for example, the redefinition of rape), but many remain unsolved (for example, sterilization as a condition for official gender change). However, we also consider the ongoing discussion of key stakeholders to be partial progress.

State of play (versus 2023)

-  Justice system
-  Anti-corruption framework
-  Media environment and freedom of expression and of information
-  Checks and balances
-  Enabling framework for civil society
-  Systemic human rights issues

Legend

Regression	No progress	Progress
		

Justice system –

Key recommendations

- *Complete the tasks set out in the field of digitization of justice.*
- *Ensure sufficient staffing of the courts.*
- *Ensure more efficient court proceedings - especially in guardianship cases.*

Judicial independence

Appointment and selection of judges, prosecutors and court presidents

The newly elected President of the Czech Republic, Petr Pavel, had a major task in 2023: to appoint seven new Constitutional Court judges (out of a total of 15 judges). The President said that he wanted the selection process to be transparent and the Constitutional Court to be “diverse” in terms of the diversity of the personalities of the individual judges, their experience, professional and value orientation, world-view, age, gender (as of the end of 2023, there are four female judges on the Constitutional Court) etc.¹ The President first invited more than 20 institutions, including law schools and courts, to submit nominations for candidates for Constitutional Court judges. The nominations were then reviewed by the

President’s advisory panel, led by constitutional lawyer Jan Kysela.²

The selection process was only partially transparent, as only the outputs of the advisory panel’s meetings and the President’s subsequent actions in the form of nominations for Senate approval were publicly available, but not the actual course of the meetings of the advisory panel and the President.³ Individual candidates must be approved by the Senate of the Parliament of the Czech Republic. However, approval is not a mere formality. It is preceded by extensive debates, addressing objections from the Senate’s Constitutional and Legal Committee etc. Two of the President’s candidates were not appointed.

The first of them, Robert Fremr, was initially approved, but later withdrew his nomination in the wake of media pressure, which focused on

1 https://www.irozhlas.cz/zpravy-domov/petr-pavel-ustavni-soud-soudce-prezident_2303201633_bko

2 <https://advokatnidenik.cz/2023/09/04/vyber-ustavnich-soudu-se-z-vetsi-casti-odehrava-za-oponou-mini-petr-suk-z-ns/>

3 Ibid

his controversial past as a judge before 1989.⁴ Fremr justified his withdrawal by saying, among other things, that the distrust of part of society could jeopardise the overall trust in the institution of the Constitutional Court. The Fremr case then opened a discussion in society on the topic of coming to terms with the pre-November 1989 past and resulted in the fact that candidates with experience in the judiciary from the communist era were no longer nominated for the post of Constitutional Court judge. The second candidate, Pavel Simon, a judge of the Supreme Court, was not appointed in large part because of his formalist approach and some decisions that were later annulled by the Constitutional Court.⁵

In addition to the 'ordinary' Constitutional Court judges, the leadership of the Constitutional Court was also renewed. The President of the Court, Pavel Rychetský, who spent 20 years on the Constitutional Court, called on the President to select new Constitutional Court judges with a view to preserving the value of continuity of the Constitutional Court.⁶ He was later succeeded as President by Josef Baxa, the former President of the Supreme Administrative Court. Baxa promised that he

would exercise his mandate in a less activist way than his predecessor.⁷ The new Vice-Presidents are Vojtěch Šimíček and Kateřina Ronovská.

In addition to the Constitutional Court judges, Petr Pavel also appointed the Chairman of the Prague Regional Court and 52 new judges at the end of the year, of whom 31 are women.⁸

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

In 2023, the so-called third decade of the Constitutional Court came to an end. A total of seven out of fifteen Constitutional Court judges completed their terms of office, including the President of the Court, Pavel Rychetský, who served on the Constitutional Court for 20 years. It was then up to the President of the Republic, Petr Pavel, to appoint new Constitutional Court judges. For more see above.

4 https://www.irozhlas.cz/zpravy-domov/fremr-ustavni-soud_2308141558_jar

5 <https://denikreferendum.cz/clanek/35750-po-fremrovi-opacny-extrem-jak-sezmeni-vyber-ustavnich-soudcu>

6 https://www.irozhlas.cz/zpravy-domov/rychetsky-pavel-ustavni-soud-obmena-soudcu_2302201847_til

7 <https://ct24.ceskatelevize.cz/clanek/domaci/nejsme-aktivisticky-organ-ktery-by-chtel-nahrazovat-politiku-rika-novy-sef-ustavniho-soudu-baxa-3451>

8 https://www.ceskenoviny.cz/zpravy/2440308?_zn=aWQIM0QxODE0MjA2MzYzNjY2NzU0MDYwMi-U3Q3QIM0QxNzA0ODI4NDg1LjYyOCU3Q3RIJTNEMTcwNDgyODQ4NS42MjglN0NjJTNEMTMyN-TU2Mzc2OUI2Njg5QTNEQjBDQzIjBODIFNjNFMDU%3D

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

According to a Eurobarometer survey, public opinion in the Czech Republic on the independence of courts and judges improved by 8 percentage points year-on-year to 65%.⁹ People in the Czech Republic generally respond positively to the question of whether the position of judge effectively guarantees the independence of courts (6th highest rating).¹⁰ According to Czechs, the question of the independence of the judiciary also plays a role to a certain extent in terms of resistance to political pressure and interference in the affairs of courts.¹¹

However, the Vice-President of the Supreme Court, Petr Šuk, warns of a possible threat to the independence of justice. He claims that the Czech judiciary lacks sufficient funding. Last year, there was already discussion about the pitifully low salaries of court employees (e.g. assistants or administrative staff), who are essential for the functioning of justice. Now, the media reported that 160 administrative staff are at risk

of leaving.¹² Finance Minister Zbyněk Stanjura has pledged that their salaries will be increased and will reach the average salary in the public sector by 2025, excluding the salaries of teachers and armed forces.

As part of the so-called consolidation package, which is intended to bring money into the state budget, the government has changed the calculation of judges' salaries. Instead of the original calculation by multiplying the average wage in the national economy by the statutory coefficient of three, the coefficient of 2.822 will now be used.¹³ As a result, they will not actually increase by 6% in 2024, as planned. According to the head of the Judges' Union, Libor Vávra, dozens of judges are therefore planning to file a complaint with the Constitutional Court.¹⁴ The Vice-President of the Supreme Court then pointed out that the reduction of judges' salaries threatens to reduce the social attractiveness of the judicial profession, and the quality of justice could thus deteriorate.¹⁵

9 Perceived independence of the national justice systems in the EU among the general public, p. 2, see at <https://europa.eu/eurobarometer/surveys/detail/2667>

10 Ibid, p. 8

11 Ibid, p. 12.

12 https://www.irozhlas.cz/zpravy-domov/justice-administrativni-pracovnici-ostrava-exekuce_2311221320_pj

13 <https://ct24.ceskatelevize.cz/clanek/domaci/vlady-si-kupuji-voalice-za-nase-penize-soudci-se-ohradili-proti-uprave-svych-platu-1054>

14 <https://www.novinky.cz/clanek/domaci-stiznosti-na-platy-soudcu-prijdou-k-us-desitky-mini-sef-unie-40455368>

15 <https://www.ceskenoviny.cz/zpravy/2409149>

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

The process of reform of the Public Prosecution Service is still ongoing.¹⁶ The amendment to the Act on the Public Prosecution Service, submitted by the Ministry of Justice, aims to introduce statutory guarantees for the possibility of dismissing the Chief Public Prosecutor so that the Czech legal regulation reflects European standards of independence concerning the Public Prosecution Service. The draft amendment to the Act passed the second reading in the Chamber of Deputies and is now awaiting consideration by the Constitutional and Legal Committee.¹⁷

In last year's report on the state of the rule of law in the Czech Republic, the European Commission mentioned the main points of the new legal regulation.¹⁸ The Chief Public Prosecutor can be dismissed from his office according to two procedures, namely as part of disciplinary proceedings and, similarly to present, by a government decision, following a proposal by the Minister of Justice. The choice of the method of dismissal is therefore decided by the Minister of Justice.¹⁹ However, the dual track of the possibility of dismissal is associated

with practical problems, which the government's Legislative Council points out.²⁰ Within disciplinary proceedings, the Chief Public Prosecutor can appeal as a two-tier disciplinary proceeding is being introduced, not only for public prosecutors but also for judges or bailiffs. By contrast, the government's decision to dismiss will not be subject to the administrative procedure, so the procedural protections for the Chief Public Prosecutor are different. The law therefore specifies the conditions under which the Chief Public Prosecutor can be dismissed, but it does not provide the government with procedural rules for dismissal nor does it offer the Minister of Justice any guidance on which method of dismissal to choose. It is also not clear how any potential conflicts between the two methods of dismissal will be resolved.

In addition, there is also discussion about the length of the term of office of the Chief Public Prosecutor as part of the reform of the Public Prosecution Service, which the Ministry of Justice proposed should be seven years without the possibility of re-election. This is criticized by both the Chief Public Prosecutor's Office and the Government's Legislative Council.²¹ According to them, the term of office should be extended with the possibility of at least one re-election, as is usual for other positions.

16 <https://www.odok.cz/portal/veklep/material/ALBSCKJAZ4GG/>

17 <https://www.psp.cz/sqw/historie.sqw?o=9&t=463>

18 https://commission.europa.eu/publications/2023-rule-law-report-communication-and-country-chapters_en#files

19 <https://www.odok.cz/portal/veklep/material/ALBSCKJAZ4GG/>

20 Ibid.

21 <https://www.odok.cz/portal/veklep/material/ALBSCKJAZ4GG/>

As for the reform of the judiciary, it is closely linked to the reform of the Public Prosecution Service, as the already mentioned (old) new form of two-tier disciplinary proceedings also applies to judges (and consequently to bailiffs).²² In the past, there was already a two-tier disciplinary proceeding in the Czech Republic, but it was later abandoned and is now being reintroduced primarily due to the state's commitments in the context of the implementation of the National Recovery Plan and the GRECO recommendation.²³ In the first instance, two regional courts will be competent in terms of substance. The appeal will then be decided by the Supreme Court and the Supreme Administrative Court.

Criticism of the new legislation has been voiced in the media by some experts, regarding the potential strengthening of the position of the Minister of Justice in the form of the power to file a disciplinary complaint or enter into disciplinary proceedings. This strengthens the position of the Ministry of Justice as the centre of the administration of justice, as the Czech justice system would no longer be self-governing. Some experts then point to the unbalanced distribution of state power in favour of the executive. On the other hand, other experts point out that the potential for the Minister of

Justice to file a disciplinary complaint is only an extreme measure for ensuring the effective administration of justice. The proposal would then be decided by the courts, not the Minister of Justice.²⁴

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

In the Czech Republic, just under two-thirds of the population trust the courts. However, only 56% of people believe that a high-ranking official will actually go to prison if convicted of corruption. Similarly, the level of trust in the independence of the general courts is one of the lowest since the fall of communism.²⁵

Similar results were also found by the Eurobarometer of the European Commission, which found that the Czech Republic generally performs better than the average of EU countries.²⁶

As for people's trust in constitutional institutions, the most trusted institutions are the Constitutional Court and the institution of the President of the Republic (over half of the population). This is certainly good news with the

22 <https://www.odok.cz/portal/veklep/material/ALBSCKJAZ4GG/>

23 <https://www.odok.cz/portal/veklep/material/ALBSCKJAZ4GG/>

24 https://www.irozhlas.cz/zpravy-domov/prezident-soudcovske-unie-libor-vavra-platy-justice-ustavni-soud-propousteni_2311222147_elev; https://www.irozhlas.cz/zpravy-domov/ministerstvo-spravedlnosti-justice-zmeny-rozhovor_2311201124_trs

25 https://www.irozhlas.cz/zpravy-domov/pruzkum-soudy-justice-cesko-duvera_2307041500_bko

26 <https://europa.eu/eurobarometer/surveys/detail/2667>

inauguration of the new President Petr Pavel.²⁷ However, the STEM Institute for Empirical Research points out that people's trust in the Constitutional Court has slightly decreased. STEM attributes this to the controversies surrounding the selection of new Constitutional Court judges.²⁸

Other

Court proceedings in the Czech Republic have become somewhat faster than before.²⁹ Civil proceedings are now two days faster, and criminal proceedings are almost one month faster. However, the guardianship agenda, which covers not only proceedings involving children but also people with reduced legal capacity (i.e. proceedings concerning supportive measures, restrictions of legal capacity, or appointment of a guardian), remains heavily overloaded.³⁰ One of the related problems and possible reasons for the overload appears to be a shortage of qualified court experts, the number of which the Ministry of Justice plans to increase through a revision of the Act on Court Experts, including an adjustment of fees.³¹

The President of the Supreme Court, Petr Angyalossy, made jokes about rape at a seminar on professional ethics for future judges. He did not see anything wrong with his behaviour, despite the jokes being sexist and highly inappropriate for someone in Angyalossy's position.³²

Quality of justice

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

The European Commission already criticised the slow pace of digitization of the judiciary in the Czech Republic in its 2022 Rule of Law Report. Unfortunately, little has changed in this area. In the fall, the Ministry of Justice objected to a newspaper article that pointed out that digitization is stagnating and could cost the state CZK 1.5 billion (€58.9 million). The Ministry stated that digitization is one of the priorities of the current government, which

27 <https://www.stem.cz/duvera-v-ustavni-instituce-2>

28 <https://www.stem.cz/duvera-v-ustavni-instituce-2>

29 https://www.irozhlas.cz/zpravy-domov/soud-rychlost-cesko_2309111733_ako

30 <https://www.ceska-justice.cz/2023/09/v-rychlosti-soudu-panuji-rozdily-soudci-v-opatrovnickyh-agen-dach-jsou-pretizeni/>

31 https://www.irozhlas.cz/zpravy-domov/soud-rychlost-cesko_2309111733_ako; <https://www.novinky.cz/clanek/domaci-ministerstvo-spravedlnosti-zmirni-podminky-pro-znalce-hrozil-kolaps-systemu-40451054?zn=aWQIM0Q0OTU5MzQ2ODEwOTMxMDc0MjE4JTdDdCUzRDE3MDQ2NTkwOD-MuNTMwJTdDdGUIM0QxNzA0NjU5MDgzLjUzMCU3Q2M1M0Q3MUZGRkRBMUU3RjE2QjRD-Mzg3NDAxOTNGRkUyM0QyRQ%3D%3D>

32 <https://a2larm.cz/2023/10/patriarchat-chrochta-blahem-aneb-jak-predseda-nejvyssiho-soudu-vtipkoval-o-znasil-neni/>

is investing significant resources in the implementation of all planned innovative projects.³³ In March 2023, the Strategic Framework for eJustice 2023+ was approved, and in May, the Information Strategy of the Ministry of Justice for the period 2023-2028. Currently, work is underway on the eSIR portal (new bankruptcy register) and eSPIS (electronic case file).³⁴

At the end of the year, it was at least possible to present the eSbírka platform, an electronic collection of laws, and eLegislativa, an electronic tool for creating new legislation.³⁵

Work is also underway on the so-called eDokladovka, or electronic wallet, where people will be able to store their personal documents in digital form.³⁶

Anti-corruption framework

Key recommendations

- *Enact the Lobbying Act.*
- *Ensure proper and effective investigation of corruption cases.*
- *Ensure the existence of a code of ethics for both Houses of Parliament.*

Framework to prevent corruption

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

The Ministry of Justice is formulating a new lobbying law, but it remains inadequate. While exemptions for municipalities and churches have been removed, the proposed law still excludes the President of the Czech Republic, as well as parliamentary assistants.³⁷ The organization Rekonstrukce státu also criticises the stringent lobbyist documentation requirement,

33 <https://justice.cz/web/msp/tiskove-zpravy?clanek=reakce-ministerstva-spravedlnosti-na-clanek-idnes-digitalizace-justice-stoji-na-miste-statni-rozpocet-to-muze-stat-1-5-miliardy->

34 Ibid.

35 <https://www.mvcr.cz/clanek/elektronicka-sbirka-zakonu-i-elektronicka-tvorba-legislativy-resort-vnitra-predstavil-projekty-modernizujici-pristup-k-pravu-a-jeho-tvorbe.aspx>

36 <https://www.dia.gov.cz/>

37 <https://denikn.cz/1283452/ministerstvo-upravilo-zakon-o-lobbovani-zustava-v-nem-velka-dira-varuje-expert/>

which may deter some from transparently reporting their activities.³⁸ Adoption of the proposed law is further complicated by the fact that the Ministry of Finance objects to the costs of creating a lobbyist registry and six officials to handle the new agenda.³⁹ The adoption of the law is already taking too long, as criticized by the GRECO group.⁴⁰

Despite long-term recommendations from international institutions, including the UN, OSCE, GRECO, and the European Commission, the Czech Republic still lacks an ethical code for legislators. MPs and senators lack binding rules for accepting gifts or other advantages, interacting with lobbyists, or preventing conflicts of interest. The Chamber of Deputies began working on the creation of a code of ethics for deputies only at the end of 2023,⁴¹ while the Senate outright refuses to develop any ethical code.

Despite persistent conflicts of interest, Pavel Blažek continues to hold the position of

Minister of Justice. He is currently under investigation by the National Headquarters Against Organized Crime of the CPIS (NCOZ) police for corruption and dealings with Brno municipal property, overseen by the High Public Prosecutor's Office in Olomouc (VSZO). He appointed the High Public Prosecutor of VSZO and repeatedly requests information from the Prosecutor's Office regarding active cases, in which he himself is a suspect or someone he knows is accused.⁴² The Minister of Justice has also met several times with entrepreneur Martin Nejedlý,⁴³ who has ties to the Kremlin and Vladimir Putin's close circle, attracting attention from the Security Information Service (BIS) and NCOZ.⁴⁴ In November 2023, he dismissed the inconvenient whistleblower Jan Benýšek from the Ministry of Justice.⁴⁵

Rekonstrukce státu, Oživení, Frank Bold, and Transparency International have pointed out that the current setup of internal processes at the Office for the Protection of Competition fosters opacity, unpredictability, and uncertainty

38 <https://www.rekonstrukcestatu.cz/archiv-novinek/zakon-o-lobbovani-bez-nejvetsich-lobbistu-ministerstvo-predstavilo-deravy-a-prokorupcni-navrh>

39 https://www.irozhlas.cz/zpravy-domov/protikorupcni-zakony-urednici-kapacity-zakony-lobbing-oznamovatele_2

40 <https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/1680ab9d41>

41 <https://ct24.ceskatelevize.cz/clanek/domaci/ve-snemovne-vznika-kodex-poslance-ma-nastavit-mantinely-chovani-zakonodarcu-343924>

42 https://www.irozhlas.cz/zpravy-domov/natlak-na-zalobce-ministr-spravedlnosti-blazek-ziva-kauza-nezavislost_2303020600_mkl

43 <https://www.seznamzpravy.cz/clanek/domaci-kauzy-nejedly-priznal-dalsi-schuzku-s-blazkem-ale-neresili-jsme-nic-235845>

44 <https://www.transparency.cz/blazkovo-setrvani-ve-funkci-otrasa-virou-v-pravni-stat/>

45 <https://www.respekt.cz/tydenik/2023/51/blazkuv-podrizeny-chteji-se-me-zbavit>

in decision-making, creating the possibility of pressure to make expedient decisions. The organisations emphasise in particular that the Czech Republic is the only country in Europe where decisions (often involving billion-dollar contracts) are made by a single individual in the position of the chairman of the office. Decision timelines are unpredictable, leaving both the private and public sectors in uncertainty. Strong anti-corruption safeguards are lacking.⁴⁶ In July, there was a partial reform of the Office for the Protection of Economic Competition, reducing decision-making power concentration in the hands of the chairman, introducing, among other things, six-year terms for deputy chairpersons, qualification requirements for their appointment, and the possibility of dismissal only for legal reasons.⁴⁷ While this represents a step in the right direction, this reform does not address all problems and comprehensive reform is still needed.

The public procurement environment in the Czech Republic remains problematic, as evidenced by incidents such as the intervention by the General Staff of the Czech Army regarding the contract for the “internet network” of

soldiers.⁴⁸ Doubts also accompany the tender for the Prague metro section.⁴⁹

In May, the Chamber of Deputies overruled the Senate, rejecting the Senate’s proposal for a public procurement law, which suggested increasing the limits for small-scale contracts. The proposal aimed to raise the limits from two to three million for supplies and services, and from six to nine million for construction work. Despite concerns about weakening anti-corruption safeguards, where up to a quarter of contracts could be shifted from the regulated legal framework, ultimately, this did not happen. However, rejecting the Senate’s proposal also meant not adopting rules to strengthen the enforceability of the conflict of interest in public procurement. Members of the government and their companies can continue to compete for state contracts. Lastly, the bill expands the possibility of using the so-called vertical cooperation, an exception from the procurement law when one state entity provides services to another state entity. This change is expected to facilitate the operation of the new Digital Information Agency, which is intended to assist in implementing an IT system across public administration.⁵⁰

46 <https://www.rekonstrukcestatu.cz/archiv-novinek/proc-je-dobre-reformovat-urad-pro-ochranu-hospodarske-souteze>

47 <https://www.rekonstrukcestatu.cz/archiv-novinek/pomohli-jsme-prosadit-castecnou-reformu-uohs-dulezity-krucek-k-odstraneni-koncentrace-pravomoci-predsedy-uradu>

48 https://www.irozhlas.cz/zpravy-domov/generalni-stab-acr-armada-zasah-ncoz-policie_2309190835_ako

49 <https://www.transparency.cz/tendr-za-desitky-miliard-na-druhy-usek-metra-d-provazi-pochybnosti-vedeni-prahy-a-dopravni-podnik-spekulacim-nahravaji/>

50 <https://www.rekonstrukcestatu.cz/archiv-novinek/poslanci-prehlasovali-senat-v-novele-zakazkoveho-zakona-co-se-zmeni>

Rules on preventing conflicts of interest in the public sector

On 10 August 2023, the President of the Czech Republic signed a tightening amendment to the conflict of interest law, which came into effect on 1 January 2024. According to this amendment, politicians are now specifically prohibited from operating radio and television broadcasting or publishing periodicals. The law applies to the actual owner of the media operator, not the controlling person. A change in the functioning of the Supervisory Office for Oversight of Financing of Political Parties and Movement in the Czech Republic has also taken place.⁵¹ However, the law still contains numerous deficiencies and gaps that allow circumvention, potentially complicating public oversight, particularly as it fails to address issues related to public procurement and budgets in any meaningful way.

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

The Whistleblower Protection Act came into effect on 1 August 2023, marking a

positive step in the fight against corruption. However, it has several shortcomings highlighted by organisations such as Frank Bold, Oživení, Transparency International, and the Government Council for the Coordination of Anti-Corruption Efforts. These include the lack of protection for anonymous reports and the exclusion of disclosures involving offences below CZK 100,000 (€3,927).⁵² Moreover, the law was approved almost a year and a half after the expiration of the transposition deadline for the directive on the protection of persons who report breaches of Union law, exposing the Czech Republic to the risk of a fine of up to CZK 69 million (€2.71 million) from the European Commission.⁵³ The implementation of the law is also facing staffing issues, with the Ministry of Justice allocating roughly only a quarter of the employees originally envisaged in the explanatory memorandum to handle whistleblower protection matters.⁵⁴

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

In April 2023, with a three-month delay (originally scheduled to be released along with the action plan on 1 January 2023), the

51 https://www.irozhlas.cz/zpravy-domov/stret-zajmu-lex-babis-vlastnictvi-medii-politika-petr-pavel_2308101322_har

52 <https://www.transparency.cz/poslanci-schvalili-nekvalitni-zakon-o-ochrane-oznamovatelu-klicova-anonymni-podani-nejsou-zahrnuta-cesku-tak-hrozi-zaloba/>

53 https://www.irozhlas.cz/zpravy-domov/pokuta-evropska-komise-neprijeti-zakona-o-ochrane-oznamovatelu-54-milionu_2306250500_tec

54 <https://www.rekonstrukcestatu.cz/archiv-novinek/oznamovatele-korupce-v-ohrozeni-ministerstvo-nevycleni-lo-k-jejich-ochrane-dost-lidi>

anti-corruption strategy for the period beginning 2023 to 2026 was adopted.⁵⁵ It outlines four priority areas in the fight against corruption: an efficient and independent public sector, transparency and open access to information, prudent management of state assets, and the development of civil society. In July 2023, the anti-corruption action plan for 2023 and 2024 was also adopted. It includes a set of anti-corruption measures to which the Czech Republic

is committed at the international level. Many measures are repeatedly mentioned in the strategies, indicating a limited willingness to effectively implement them. It is essential not only to enact quality legislation but also to ensure proper implementation, meaning that authorities should have sufficient funds and personnel, operate independently, and be subject to functional oversight.

Media environment and media freedom

Key recommendations

- *Legal regulation of online media should be adopted.*
- *Expand the competence of the Supreme Audit Office to exercise control over the management of public media.*

Media and telecommunications authorities and bodies

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

The increase in fees for the use of the services of Czech Television and Czech Radio was

proposed in a major amendment to the laws on public service media. The definition of a fee-payer will change. Accordingly, everyone who has a mobile phone, tablet or computer will have to pay the TV and radio fee, or alternatively it is paid as a household. Both of these adjustments will have a positive impact on public media revenue. The public media will also have more options on where to advertise.⁵⁶

55 <https://korupce.cz/wp-content/uploads/2023/04/Vladni-koncepce-boje-proti-korupci-na-leta-2023-az-2026.pdf>

56 <https://www.rekonstrukcestatu.cz/archiv-novinek/novou-medialni-novelou-koalice-sve-programove-prohlase-ni-nenaplni>

Private media have protested against the amendment of the law, as they are opposed to public media receiving additional funding.⁵⁷

Unfortunately, it is only a one-time change and the concept of sustainable financing is still lacking.

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

In 2023, the Parliament approved an amendment according to which the Senate will elect a third of the board members of Czech Television and Czech Radio (till now, only the Chamber of Deputies had this authority). The television board will have 18 members instead of 15, and it will no longer be possible to dismiss the public media boards as a whole. These positive changes will strengthen the resistance of both media formats to potential political pressure.

Proposals for members of the Council of Czech Television and the Council of Czech Radio are to be submitted by organisations that have existed for at least ten years and represent cultural, regional, social, trade union, employer, religious, educational, scientific, ecological and national interests.⁵⁸

Pluralism and concentration

Levels of market concentration

The company *Seznam Média* (an online newspaper) wants to buy the company *Silky*, which is the majority owner in the publishing house of the newspaper *Právo*. The transaction, announced at the end of 2022, has been approved by the Office for the Protection of Economic Competition in 2023. According to the office, *Seznam.cz* and *Silky* do not directly compete because one of them is an online medium and the other is printed. On the contrary, they have been cooperating for a long time.

Rules governing and safeguarding the pluralistic media market, and their application (including regulating mergers, acquisitions and other ownership changes)

The ban on media ownership by top politicians will be stricter from 2024 (the amendment to the law was adopted in 2023). For example, politicians will not be able to transfer media ownership to a person close to them or to a trust fund, and there will be higher fines if this duty is breached.⁵⁹

57 <https://www.seznamzpravy.cz/clanek/ekonomika-firmy-ministerstvo-nahrava-ct-a-rozhlasu-stezuji-si-soukromu-media-238540>

58 https://www.idnes.cz/zpravy/domaci/senat-novela-zakona-o-ceske-televize-o-ceskem-rozhlasu-clenove-rad-verejnopravnich-medii.A230621_051329_domaci_kop

59 <https://zpravy.aktualne.cz/domaci/zakaz-vlastnictvi-medii-vrcholnymi-politiky-bude-prisnejsi-p/r~b-f05ea96376f11eeb1f50cc47ab5f122/>

This restriction does not affect online media, as the Czech Republic has no legal regulation of online media thus far.

Online media

Impact on media of online content regulation rules (including content removal obligations, liability rules)

Czech law still lacks a definition of online media, and therefore they are not subject to the same legal requirements as traditional offline media (print, radio and television). Nonetheless, a conflict of interest can arise concerning politicians and online content. The Senate, in its resolution from August 2023, called on the government to address this matter.

Reconstruction of the State (NGO) analysed the current state of Czech media legislation and the approach to the topic in other European countries and suggested different ways to define what constitutes online media.⁶⁰

Public trust in media

The overall trust of Czechs in the media reached a record low level in June 2023. This is evidenced by the latest results of the annual report of the Oxford Reuters Institute. According to the Digital News Report, only 30% of domestic respondents declared having trust in the

media. This is four percentage points less than in 2022.⁶¹

Safety and protection of journalists and other media actors

Frequency of verbal and physical attacks

More verbal attacks from government politicians (especially Pavel Blažek) were recorded this year. Blažek's regular targets include a pair of *Seznam Zprávy* investigative journalists, Adéla Jelínková and Lukáš Valášek. They brought to light serious revelations about the events at the Department of Justice and about the private contacts of Minister Blažek with Martin Nejedlý, the pro-Kremlin adviser to ex-president Miloš Zeman.⁶²

Confidentiality and protection of journalistic sources (including whistleblower protection)

As mentioned elsewhere in this report, the Whistleblower Protection Act came into effect on 1 August 2023, marking a positive step in the fight against corruption.

Access to information and public documents

The Constitutional Court ruled that the denial of information about obstetrics in the

60 <https://www.rekonstrukcestatu.cz/archiv-novinek/budou-online-media-konecne-v-hledacku-ceskych-zakonu>

61 <https://www.lupa.cz/aktuality/digital-news-report-duvera-v-ceska-media-je-rekordne-nizka/>

62 <https://www.transparency.cz/fialova-vlada-je-nervozni-zacina-napadat-media/>

Czech Republic was illegal. The publication of information about procedures performed in individual maternity hospitals is undoubtedly in the public interest, as information and

transparency can contribute to the improvement of the healthcare system as a whole. The ruling thus opened the way to information in the field of healthcare.⁶³

Checks and balances

Key recommendations

- *To establish the National Human Rights Institution.*
- *To establish the Office of Ombudsperson for Children.*
- *Change the Electoral Administration Act so that the so-called postal vote is introduced.*

Process for preparing and enacting laws

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

In March, an amendment to the valorisation of the pension was hastily adopted during a legislative emergency. Several experts, including the former President of the Supreme Court and Vice-President of the Constitutional Court,

Eliška Wágnerová, expressed reservations. She argued in particular that the conditions for declaring a legislative emergency were not met and highlighted the retroactivity of the adjustment.⁶⁴ The reduction in the valorisation of the pension came at the last minute, and the government did not act swiftly, despite being aware of rising inflation since the beginning of the year. A group of Members of Parliament submitted a proposal to the Constitutional Court to annul part of the pension insurance law. The court has not yet ruled, and a public hearing was scheduled for 10 January 2024.⁶⁵ The President of the Constitutional Court,

63 <https://www.usoud.cz/aktualne/odepreni-informaci-o-porodnictvi-v-ceske-republice-pred-ustavnim-soudem-neobstalo>

64 https://www.irozhlas.cz/zpravy-domov/eliska-wagnerova-snizeni-valorizace-uchodu-legislativni-nouze_2303250500_jg

65 <https://www.usoud.cz/aktualne/k-valorizaci-uchodu-probehne-verejne-jednani-ustavni-soud-zverejnil-dosavadni-stanoviska-stran>

Electoral framework

Limitations on the right to vote

In the Czech Republic, it is common for people to be restricted in their voting rights, both active and passive, as part of a proceeding to restrict their legal capacity. This has been confirmed by research by the Czech Public Defender of Rights. The research found that 55% of people with restricted legal capacity were allowed to retain their voting rights, but 35% had their active and passive voting rights restricted.⁷⁴ There are no indicators that this practice has significantly improved in the Czech Republic.

Enabling environment for the exercise of the right to vote: voter registration systems, accessibility of polling stations, remote/e-voting arrangements, threats and intimidation

The Chamber of Deputies has approved a draft law on election administration, which, among other things, allows citizens to request a voting card at any municipal office. This is made possible by a newly introduced centrally managed election information system, including a unified voter list, precinct election commissions, and a register of candidate lists.⁷⁵ The system also

facilitates electronically signing petitions in support of candidacy.⁷⁶ However, the proposal lacked provisions for the adjustment of postal voting methods in elections.

At the beginning of 2024, the Czech government supported a change to the Electoral Administration Act that would allow for the introduction of a so-called postal vote for citizens living abroad.⁷⁷ This voting method could be used as early as 2025, when the Czech Republic will hold elections for the Chamber of Deputies.⁷⁸ The possibility of introducing a postal vote was already discussed by the Andrej Babiš government, but it did nothing to implement it. This would mean that thousands of Czechs living abroad could now vote relatively easily, which could be significant in the event of a close election result. The opposition criticises the proposal, arguing that postal voting is easily manipulated and that it is not possible to guarantee that the ballot cast is a true and free expression of the will of the voter. However, it is also possible to question the current voting system, where it is possible to come to a polling station with a sealed envelope containing a ballot paper. It is not surprising that the current opposition criticises postal voting, as both opposition parties received only a negligible

74 https://www.ochrance.cz/uploads-import/ESO/Krizovatky_autonomie.pdf, p. 8

75 https://www.irozhlas.cz/zpravy-domov/zakon-o-sprave-voleb-hlasovaci-listky-volicke-prukazy-schvaleni_2310241922_til

76 <https://www.mvcr.cz/clanek/dalsi-krok-k-modernejsim-volbam-politicke-strany-se-shodly-na-efektivnej-si-sprave-voleb.aspx>

77 <https://www.odok.cz/portál/zvlady/jednani-detail/2024-01-03/>

78 https://www.irozhlas.cz/zpravy-domov/korespondencni-volby-hlasovani-v-zahranici-vlada_2401031658_dno

number of votes from Czechs living abroad in the last parliamentary elections.⁷⁹

Access to balanced and reliable information online and offline during electoral campaign: campaigning, media coverage, disinformation and misinformation

Presidential candidate and leader of the ANO movement, Andrej Babiš, circumvented the ban on political advertising on television by paying the company Česká muzika to broadcast a television program on the TV station *Šlágr*. Transparency International stated that the interview was conducted in such an uncritical and promotional manner that it constituted an election campaign. The disclosed payment in the transparent election account confirms that

both parties were aware of the purpose behind the interview. The issue is problematic as the television station broadcasts in the territory of the Czech Republic based on a Slovak licence with a foreign clause.⁸⁰ The Slovak Council for Media Services, prompted by Transparency International, imposed the highest possible sanction on the broadcasting company, stating that the program was thematically linked to news coverage without any effort to create balance, clarification, or to place the stated opinions in a broader context.⁸¹

Civic space

Key recommendations

- *Improve early detection of disinformation and strategic communication of the state.*
- *Start addressing gender-based violence against female politicians and publicly active women in a systemic way.*
- *Effectively address the issue of so-called flow-through accounts.*

79 https://www.irozhlas.cz/komentare/korespondencni-volba-hlasovani-zahranici-vlada-opozice-komentar-hartman_2401041630_edr

80 <https://echo24.cz/a/HdZJq/zpravy-domov-babis-placeny-rozhovor-obesel-zakaz-politicka-reklama-pripad-zabyva-slovenska-medialni-rada>

81 <https://rpms.sk/tlacove-spravy/tlacova-informacia-zo-zasadnutia-rady-pre-medialne-sluzby-dna-8-11-2023>

Freedom of association

Financing framework for CSOs, including availability of and access to public funding, rules on fundraising, rules on foreign funding, tax regulations (e.g. tax advantages for organisations with charitable or public benefit status, eligibility to receive donations via citizens' allocation of income tax to charitable causes, eligibility to use public amenities at low or no cost, etc.)

The government has decided that organisations caring for socially vulnerable individuals and families will have to financially contribute to some of their projects starting from November. In the case of new calls under the Employment Plus Operational Program after 1 November, the share from non-governmental non-profit organisations increased from 0% to 5%.⁸² This represented a mitigation of the original proposal, which envisaged co-financing by drawing 10% from European funds, 13% from nationwide calls, and 50% from Prague.⁸³ Non-profit organisations expressed their objection to the original proposal through an open letter.⁸⁴ A significant number of comments were also sent by the Government Commissioner for Human Rights, Klára Šimáčková Laurenčíková, and several ministries (MMR, MPSV, and MŠMT)

expressing negative opinions. However, this could still be a burden, especially for small non-profit organisations.

During the September meeting, the Committee of the Government Council for Non-Governmental Non-Profit Organisations addressed the reallocation of funds from the ESF+ to the Cohesion Fund within the Operational Program Transport (Operační program Doprava). The committee demands the return of unused funds to the ESF+. NGOs would use the financial resources primarily for launching the Housing Support Act, transforming psychiatric care, transforming residential services for people with disabilities, strengthening professional counselling in the field of indebtedness and debt relief, and helping people reintegrate into the regular economy, supporting Ukrainian children in education etc. Furthermore, co-financing is set at 5% for calls within the Program Partnerships OPZ+, despite the Minister of Labour and Social Affairs promising to negotiate 0%.⁸⁵

The committee met twice during the year and mainly addressed legislative issues. Specifically, it dealt with the issue of private donations, including the exemption of VAT on donated goods, systemic changes in financing, the

82 <https://www.novinky.cz/clanek/ekonomika-neziskovky-pecujici-o-lidi-v-nouzi-budou-platit-i-ze-sveho-ty-mensi-na-to-nebudou-mit-varuji-40445420>

83 https://www.irozhlas.cz/ekonomika/ministerstvo-financi-neziskove-organizace-vydaje-evropske-fondy_2308090600_ep

84 See https://www.glopolis.org/site/assets/files/1383/dopis_proti_navyseni_spolufinancovani-eu-fondy_2023-06-27.pdf

85 https://vlada.gov.cz/assets/ppov/rnno/zapisy-ze-zasedani/Zapis_RVNNO_25_09_2023.pdf

question of the deductibility of a gift to reduce the tax base, and amendments to the Public Collections Act and the Registered Social Enterprise Act under the guarantee of Ministry of Labour and Social Affairs.

Impact of rules on foreign funding, accounting and auditing rules, anti-money laundering regulations

The government has started addressing the issue of money laundering. At the end of August, the government instructed the Minister of Justice to draft and submit a bill regulating the option to confiscate illegally acquired property, which experts consider to be the fastest and most effective response. However, the deadline for this is set until 31 December 2024. According to foreign analyses, the Czech Republic is one of the most attractive countries for laundering proceeds from criminal activities, as it struggles to effectively address the issue of so-called flow-through accounts.⁸⁶ According to police statistics, approximately CZK 6 billion (€235.7 million) of unclear origin flowed from the east to Czech accounts in recent years. Empty properties, dormant companies, and suspicious amounts in accounts are prevalent in the Czech Republic.⁸⁷ Many experts feel that the government is not progressing fast and effectively

enough on this issue. If the proposal is not prepared until the end of 2024, there is a risk that the current government will not have enough time to review and approve it on time.

Several proposals related to money laundering emerged by the end of the year, excluding flow-through accounts. In August, for example, the government approved legislation allowing for the seizure of assets in cases where it is highly likely that they originate from illegal sources.⁸⁸ The Ministry of Finance's amendment expands the range of entities covered by the anti-money laundering law, currently affecting entities such as credit institutions, real estate agencies, auditors, and trustees of trust funds. The amendment would also extend the law's impact to insolvency administrators, restructuring administrators, operators of online lotteries and online bingo, as well as traders in precious metals⁸⁹ and virtual assets.⁹⁰ The amendment also raises the upper limit of fines for individuals for failing to conduct the required checks on institutions subject to the law to CZK 1 million. The amendment also introduces regulations for the transport of higher amounts of cash across Czech territory. Individuals transporting more than €15,000 in cash will be required, upon the request of Customs Administration, to disclose the owner and recipient of this cash and explain

86 <https://www.rekonstrukcestatu.cz/archiv-novinek/ceska-pracka-na-spinave-penize-pojede-jeste-bezmala-500-dni>

87 <https://ct24.ceskatelevize.cz/clanek/domaci/do-ceska-miri-miliardy-korun-z-vychodu-pres-prutokove-ucty-pro-tikorupcni-urady-apeluji-na-vladu-699>

88 <https://denikn.cz/1221639/k-zabaveni-majetku-by-stacilo-podezreni-ministerstvo-tak-chce-omezit-prani-spinavych-penez/>

89 <https://advokatnidenik.cz/2023/10/25/snemovna-podporila-zpriseni-pravidel-proti-prani-spinavych-penez/>

90 <https://advokatnidenik.cz/2023/11/20/mf-chce-rozsirit-zakon-proti-prani-spinavych-penez-i-na-kryptomeny/>

why they are transporting it. The same obligation will apply to sending more than €15,000 in cash through mail or other postal services to another European Union state.

Other

According to a report from the European Civic Forum published in March, the Czech Republic should improve the involvement of non-profit organisations in public policy and increase the level of cooperation between NGOs and the government, which is currently insufficient. This area is highly fragmented and not uniform in the Czech Republic. However, the report praises the adopted methodology of participation in policy formation and the functioning of advisory bodies. NGOs also lack assistance in coping with the record level of inflation. This, along with obstacles to long-term funding and insufficient digitalization, has had a negative impact on civil society organisations. On the contrary, the report highlights the strength and solidarity of the Czech civil society in addressing the consequences of Russian aggression in Ukraine and aiding people on the run.⁹¹

Freedom of peaceful assembly

Bans on protests

The City Hall of Prague cancelled a demonstration in support of Palestine with the slogan

“From the River to the Sea, Palestine will be free”. In its decision, the City Hall associated this slogan with terrorist attacks by the Hamas movement and the endorsement of genocide, as well as incitement to deny and restrict human rights based on nationality, religion, or political beliefs. The Municipal Court in Prague overturned the decision of the City Hall, stating that the disputed slogan could have multiple meanings, and it cannot be said to carry a clearly violent or even genocidal message, as asserted by the City Hall of Prague.⁹²

The Last Generation activists, who organised events such as the ‘March 30 for Prague’ (Pochod 30 pro Prahu), had their march route altered by the City Hall of Prague but were not prohibited. The City Hall requested that demonstrators proceed only on the footpath.⁹³ The Municipal Court annulled this decision of the Prague City Hall, disagreeing with the change of route. It stated that if a footpath is missing on a section of the road, pedestrians have the right to use the left roadside. The argument about the busy nature of the main road did not hold, as the court mentioned that temporary traffic restrictions on this road are common. Finally, it emphasised that each participant in the protest bears responsibility for their health, and the state should not assume that responsibility for them. However, the court agreed with the officials regarding the decision to prohibit blocking the main road, deeming it too intrusive to the

91 <https://civic-forum.eu/wp-content/uploads/2023/03/Civic-Space-Report-2023-CZECH-REPUBLIC-European-Civic-Forum.pdf>

92 <https://www.ceska-justice.cz/2023/12/zruseni-prosincove-demonstrace-na-podporu-palestiny-bylo-nezakonne-rozhodl-soud/>

93 https://prazsky.denik.cz/zpravy_region/praha-pochod-posledni-generace-aktiviste-magistrala-20230912.html

rights and freedoms of others.⁹⁴ The activists had demanded a reduction in the speed limit in cities from 50 km/h to 30 km/h. In addition to the ‘March 30 for Prague’ campaign, they launched the ‘30 for Brno’ campaign in March 2023. These campaigns involved challenges to relevant authorities, petitions, and, above all, protest gatherings. Since September 2023, they have focused on the unfinished humanization of the north-south main road and the fulfilment of Prague’s climate commitment.⁹⁵

Freedom of expression and of information

Criminalisation of speech

There have been several condemnatory judgments against disinformation agents. The Supreme Administrative Court upheld penalties for hate speech against Ukrainians for Tomáš Čermák and Patrik Tušl. The former had his suspended sentence confirmed, while the latter received a 10-month prison term. In August of last year, both men broadcast a video on social media denigrating Ukrainians.⁹⁶ Čermák also had an unconditional prison sentence of five and a half years confirmed by the High Court

in Prague for promoting terrorism and inciting violence against politicians.⁹⁷ Disinformation propagator Jakub Netík was also penalised for his statements against peace. In live Facebook videos, he repeatedly defended the Russian invasion of Ukraine and expressed regret that Russia did not advance further into Europe. The court found him guilty of the crime of publicly approving and justifying a crime against peace.⁹⁸ While these judgements are commendable, the court proceedings against disinformation agents have also revealed challenges, as supporters of Čermák and Tušl, through loud outbursts and chanting slogans, questioned the role of the justice system. Through social media, they send a message to the rest of society, gaining attention that could help them further spread disinformation.

Spread of and responses to disinformation

The Czech Republic continues to grapple with disinformation campaigns, particularly in connection with the war in Ukraine and Ukrainian refugees within its territory, as well as the conflict in Gaza. The tragic shooting incident at the Faculty of Arts of Charles University in Prague has also been an event awash in disinformation.⁹⁹

94 <https://www.ceska-justice.cz/2023/10/soud-stat-nesmi-omezovat-pravo-na-shromazdeni-obavou-o-zdravi-ucastniku/>

95 <https://www.posledni-generace.cz/faq/>

96 <https://domaci.hn.cz/c1-67232740-podminka-pro-cermaka-desetimesicni-vezeni-pro-tusla-soud-potvrdil-tresty-za-nenavistne-vyroky-o-ukrajincich>

97 <https://domaci.hn.cz/c1-67226130-cermak-pujde-na-5-5-roku-do-vezeni-vyzyval-k-nasili-vuci-politikum-prislaho-podporit-asi-stovka-lidi>

98 <https://www.novinky.cz/clanek/krimi-soud-potrestal-dezinformatora-netika-za-vyroky-proti-miru-40454138>

99 <https://cesti-elfove.cz/special-strelba-na-filosoficke-fakulte/>

The strained relationship between the Romani and Ukrainian communities is to a large extent a consequence of disinformation.¹⁰⁰ The wave of disinformation has also affected presidential elections, and according to a survey by the company Median, 63% of Czechs consider the uncontrolled spread of false and manipulative news to be a problem.¹⁰¹

However, there is a lack of consensus between the government and the opposition on the necessity of combating disinformation. It could be argued that the government, led by Prime Minister Petr Fiala, does not adequately address this issue. In the spring, the government's special office for disinformation was abolished without replacement. The fight against disinformation was taken over by the National Security Adviser, Tomáš Pojar, who, alongside this responsibility, manages a broad agenda and logically cannot dedicate enough attention to the issue of disinformation. In October, a disinformation advisor to the prime minister, Miloš Gregor, was appointed, but experts do

not view this step as effective. The advisor has not been granted any special powers, no budget allocation for the role, no team of staff, and no executive authority, significantly limiting his practical capabilities.¹⁰²

Miloš Gregor stated that many people, including politicians, perceive the fight against disinformation as censorship, mentioning the Freedom and Direct Democracy (Svoboda a přímá demokracie - SPD) political party, for example.¹⁰³ He further emphasised the need for the Czech Republic to improve in early detection of disinformation and strategic communication.¹⁰⁴ The spokesperson for the Czech Elves (Čeští Elfové) highlighted the importance of establishing strategic communication for the state, which is currently lacking. Civil initiatives or individuals within the armed forces still largely substitute the state's activities.¹⁰⁵ While praising the work of the KRIT (krizový informační tým) and CHH (Centrum proti hybridním hrozbám) teams at the Ministry of

100 https://www.irozhlas.cz/komentare/konflikt-ukrajinci-romove-nenavist-tolerance-dezinformace-komentar-hrstkova_2307250629_ara

101 https://www.irozhlas.cz/zpravy-domov/pruzkum-median-dezinformace-boj-z-dezinformacemi-konspiracni-teorie_2307090500_jgr

102 <https://www.respekt.cz/tydenik/2023/43/jmenovani-premierova-poradce-je-na-ucinny-boj-s-dezinformacemi-malo>

103 https://www.irozhlas.cz/zpravy-domov/gregor-dezinformace-poradce_2310312324_mst

104 <https://www.seznamzpravy.cz/clanek/domaci-politika-lide-nekterym-nesmyslum-uverili-kampan-uz-to-nezme-ni-rika-fialuv-poradce-241955>

105 <https://plus.rozhlas.cz/bojovat-s-dezinformacemi-mel-stat-nechava-ale-na-obcanskych-iniciativach-chybi-9013929>

the Interior,¹⁰⁶ there is a clear need for greater state involvement.

Online content regulation

The Supreme Administrative Court upheld the judgement of the Municipal Court in Prague, stating that the state's efforts to block disinformation websites in connection with Russia's attack on Ukraine did not constitute an unlawful infringement of public rights. According to the judges, it does not involve enforceable actions by public authorities but rather represents a non-binding political proclamation of a recommending nature. The organisations that filed the lawsuit are considering filing a constitutional complaint.¹⁰⁷

Attacks and harassment

Intimidation / negative narratives / smear campaigns / disinformation campaigns

At the end of May, supporters of former journalist Jana Peterková attacked the judicial guard and broke the doors of the courtroom. Chants and gestures reminiscent of the Gestapo and a fascist state echoed in the hallway. The police were called to the scene and detained two men.

Subsequently, eight people were charged with disorderly conduct, five of them additionally with violence against a public official, and one additionally with contempt of court. The group included Pavel Zítko, a former presidential candidate. Peterková was sentenced to a two-year suspended sentence by the court for spreading false information during the COVID-19 pandemic.¹⁰⁸ She has appealed to the Supreme Court. Peterková has repeatedly spread disinformation, denied the existence of the Czech Republic, the COVID-19 pandemic, claimed the Czech Republic was occupied by NATO forces, alleged an attempt was made to poison her in the hospital, and threatened that mobilisation would be declared after President Petr Pavel took office.¹⁰⁹ She publicly supports convicted disinformation agent Čermák, mentioned above.¹¹⁰

Verbal attacks

The StopHatred (StopNenávisti) project by the Forum 50% highlights gender-based violence against female politicians and publicly active women. This is a prevalent phenomenon both in the real world and cyberspace and can be one of the main barriers to increased political and public participation of women. They encounter

106 https://www.idnes.cz/zpravy/domaci/dezinformace-boj-vlada-absence-strategicke-komunikace-odbornici-sbirka.A230915_083228_domaci_vank

107 https://www.irozhlas.cz/zpravy-domov/zaloba-dezinformace-blokovani-weby-zasah-nss_2308101501_cib

108 <https://www.seznamzpravy.cz/clanek/domaci-zivot-v-cesku-kvuli-deni-u-soudu-s-peterkovou-je-obvinenych-osm-lidi-238778>

109 https://www.idnes.cz/zpravy/domaci/jana-peterkova-soud-dezinformace-poplasna-zprava.A231114_133734_domaci_sdlk

110 https://www.idnes.cz/zpravy/domaci/shromazdeni-policie-peterkova-cermak-zitko.A231106_132309_domaci_prch

stereotypical remarks regarding intelligence, competence, and appearance, as well as degrading and dehumanising comments. In the Czech Republic, this is a topic that is not sufficiently researched and remains systematically unresolved.¹¹¹

Online civic space

Digital surveillance

The government has approved a proposal according to which the Czech Telecommunication Office (ČTÚ) is to ensure unified supervision over new European regulations, thus becoming the national coordinator of digital services. In the future, its scope will expand to include oversight of the regulation on digital services, a portion of the data governance regulation, and the data regulation. For example, it will grant the status of trusted notifiers or authorised research workers to applicants who meet the legal conditions.¹¹²

The new agenda of the office will strongly impact the fundamental rights of citizens on the internet, such as freedom of speech or the right to information. The guardian of the Czech internet should be politically independent. However, the Ministry of Industry and Trade¹¹³ proposes abolishing the collective governing body. The current Council of ČTÚ will

be replaced by a chairman and two vice-chairmen. According to the proposal, these individuals will be appointed and dismissed by the government upon the recommendation of the Minister of Industry and Trade. This will lead to the concentration of decision-making powers in a single person, who is additionally appointed and dismissed solely at the discretion of the government. It is necessary to introduce safeguards for independence, rather than weakening independence.

Digital attacks to IT infrastructure

According to the director of the association VIA, nearly one-fifth of non-profit organisations in the Czech Republic do not address potential data leaks. Three-quarters do not have basic security rules documented. The research has shown that almost 40% of organisations have encountered some form of cyberattack. Nearly 50% of non-profits stated that they lack sufficient funds for adequate security and use personal computers as well as mobile phones.¹¹⁴

Attacks, threats and hate speech online

The current government praises Czech non-profit organisations, and President Petr Pavel officially supports them. In June, he even opened the castle to them during Children's Day. This marks significant progress compared

111 <https://padesatprocent.cz/cz/o-nas/projekty/stopnavisti-osveta-o-ruznych-formach-nasili-vuci-verejne-aktivnim-zenam>

112 <https://advokatnidenik.cz/2023/08/18/dohled-nad-jednotnymi-evropskymi-digitalnimi-predpisy-zajisti-ctu/>

113 <https://www.rekonstrukcestatu.cz/archiv-novinek/nezavislost-ctu-je-treba-s-novou-digitalni-agendou-posilit>

114 https://www.irozhlaz.cz/zpravy-domov/kyberzlocinci-neziskovsky-it-zabezpeceni-online_2309151342_lpr

to the previous government led by Andrej Babiš, which repeatedly attacked the non-profit sector. Similarly, former President Miloš Zeman did

not have a positive relationship with the non-profit space, which he publicly expressed.¹¹⁵

Disregard of human rights obligations and other systemic issues affecting the rule of law environment



Key recommendations

- *Ensure progress is made on creating systematic changes to address the discrimination of the Roma people.*
- *Resolve the issue of same-sex marriage as soon as possible.*
- *Abolish the requirement for sterilisation for legal sex change.*

Systemic human rights violations

Systemic discrimination against Roma people

One of the long-standing systemic human rights problems in the Czech Republic is the approach to the Roma people, their systemic discrimination, marginalisation and ostracisation. However, a positive step in this area is the establishment¹¹⁶ of the position of Government

Commissioner for Roma Minority Affairs, which was also praised by the UN High Commissioner for Human Rights Volker Türk.¹¹⁷

The Ministry of Education, Youth and Sports commissioned a new analysis, which shows that Roma children are still segregated within the educational system. Diagnosed with a mild mental disability, they are transferred from regular elementary schools to special schools. These children are then less employable in the

115 <https://hlidacipes.org/soros-neni-cimrman-predvlebni-utoky-na-neziskovsky-jako-cesko-slovensky-politicky-folklor/>

116 https://vlada.gov.cz/cz/ppov/zmocnenci_vlady/vladni-zmocnenkyne-pro-zalezitosti-romske-mensiny-201904/

117 <https://waps.ohchr.org/sites/default/files/documents/hrbodies/upr/sessions/session42/HC-letter-Czech-Republic-EN.pdf>

labour market, which causes the state to lose considerable money.¹¹⁸ According to the public defender of rights, Roma pupils are diagnosed with the mentioned diagnosis of mild mental disability up to 10 times more often than their non-Roma peers.¹¹⁹ The Ombudsman's research also shows that an average of 3.5% of pupils attending primary schools are Roma. On the contrary, among pupils with reduced educational needs, 26.2% comprise Roma pupils. This undesirable situation could be improved precisely by an improved diagnostic system for pupils.¹²⁰ After 16 years, the Czech Republic has still not fulfilled its obligations arising from the decision of the European Court of Human Rights in *D.H. v. Czech Republic*.¹²¹

Hate Speech

In mid-2023, the Ministry of the Interior recorded 69 hate crimes. At the moment, the police have resolved fewer than half (29).¹²² Hate speech, incitement to hatred, and spreading

alarmist (and/or disinformation) messages are commonplace on social networks. However, the police investigate significant cases.¹²³ An example is a case arising from the terrorist attack of the Hamas movement on Israel and the subsequent Israeli-Palestinian armed conflict, which saw the Supreme Prosecutor's Office issue an interpretative opinion on the legal assessment of possible hate speech.¹²⁴ In this context, for example, one of the demonstrations in support of Palestine was banned in Prague due to different interpretations of the slogan of the demonstration "From the River to the Sea Palestine will be free", some of which may have extremist undertones.¹²⁵ This case demonstrates the conflict that can arise between the right to freedom of expression and the right to protection from violence.

Same-sex marriage

In 2023, the initiative to enact the so-called marriage for all, i.e. the right to marry also for

118 https://www.seznamzpravy.cz/clanek/domaci-zivot-v-cesku-diskriminace-romu-trva-zdrave-deti-konci-ve-specialnich-skolach-a-s-diagnozou-232324?_zn=aWQlM0QzMTM1ODgzMzIyODk2Njk0NjQ5JTdDdCUz-RDE3MDUxNDE4MDcuNTIzJTdDdGUIM0QxNzA1MTQxODA3LjUyMyU3Q2MIM0RENDFCRE-U4MTFERjk0NUNEMUVCMYTY1MEZGRDNCRTQwMw%3D%3D

119 <https://www.ochrance.cz/aktualne/podle-pravidel-pro-zaky-s-lehkym-mentalnim-postizenim-se-porad-uci-vice-romskych-deti-nez-by-odpovidalo-zastoupeni-romu-mezi-vsemi-skolaky/>

120 Ibid.

121 <https://radiozurnal.rozhlas.cz/romske-deti-jsou-ve-vzdelavacim-systemu-stale-znevychodnovany-rika-michal-cerny-z-9103208>

122 <https://advokatnidenik.cz/2023/08/04/mv-letos-eviduje-69-nenavistnych-cinu-policie-objasnila-mene-nez-polovinu-z-nich/>

123 <https://www.irozhlas.cz/zpravy-tag/nenavist>

124 https://verejnazaloba.cz/wp-content/uploads/2023/12/1_sl_732_2023_14_male_stanovisko.pdf

125 https://www.irozhlas.cz/zpravy-domov/praha-magistrat-slogan-palestina-demonstrace-zakaz_2312012237_ava

same-sex couples, was a major issue in Czech society. Although it is up to each state to decide on this issue, it marked a symbolic expression of how the State is inclined towards equal rights for all groups of people. Along with the proposal for marriage for all, a proposal to amend the constitution was also discussed in the sense that only a union between a man and a woman is considered a marriage. Currently, the situation seems to be that the rights of gay couples could be equated with the rights of spouses, however, a union for same-sex couples would be called a partnership.¹²⁶ In addition to the legal aspect, the aforementioned symbolism is also important here, which in this case indicates that the State still perceives same-sex couples as somewhat inferior to heterosexual couples. At the same time, the absolute majority of Czechs support marriage for gay people.¹²⁷

Redefinition of rape

We see positive progress in the area of the redefinition of rape, which was approved by the government at the end of 2023.¹²⁸ According to this new development, it will be important to examine the will or defencelessness of the victim in assessing whether rape has occurred.

Originally, the definition was supposed to be based on the victim's disapproval, but this would not pass the current Chamber of Deputies.¹²⁹

Ban on corporal punishment

In the past, the Czech Republic was criticised by, for example, the European Committee for Social Rights, because its legal system does not contain an explicit prohibition of physical punishment for children. The Ministry of Justice is currently working on an amendment to the Civil Code.¹³⁰

Repeal of the sterilisation requirement for legal gender change

Gradually, at the ministerial level, work is also starting to abolish the sterilisation condition for legal sex change. The Czech Republic is one of the last countries in Europe that still has this inhumane condition for official gender change in the law.¹³¹ The plenum of the Constitutional Court will soon also decide on the abolition of the part of the Civil Code that anchors the condition.¹³²

126 <https://www.ceskenoviny.cz/zpravy/2434928>

127 <https://www.novinky.cz/clanek/domaci-vetsina-cechu-podporuje-manzelstvi-homosexualu-40435353>

128 <https://odok.cz/portal/veklep/material/ALBSCUSEM5LD/>

129 <https://ct24.ceskatelevize.cz/clanek/domaci/ne-znamena-ne-vlada-schvalila-zmenu-definice-znasilneni-opousti-podminku-pouziti-nasili-344332>

130 <https://www.novinky.cz/clanek/domaci-ministerstvo-chce-zakazat-telesne-tresty-deti-40447943>

131 <https://www.novinky.cz/clanek/domaci-zmena-pohlavi-bez-kastrace-i-kvuli-mladistvym-40447710>

132 <https://advokatnidenik.cz/2023/12/19/plenum-us-se-bude-znovu-zabyvat-podminkou-operace-pro-uredni-zmenu-pohlavi/>

Ratification of Istanbul Convention

The Czech Republic has still not ratified the so-called Istanbul Convention (Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence). Lawmakers are, with exceptions, rather negative about the adoption of the convention, given the fact that, according to them, Czech law has sufficient guarantees for the protection of victims of domestic violence. This is despite the fact that domestic violence is still very present in the Czech Republic, which is confirmed by the new action plan for its prevention for the years 2023-2026, which is inspired by the Istanbul Convention.¹³³

The government recommended that the Chamber of Deputies should accept the convention,¹³⁴ but the Senate committee later called it a superfluous ideological document.¹³⁵ Senator Chalánková pointed out the possible disruption of the traditional roles of men and women in the event of the adoption of the convention.¹³⁶ Senator Jirsa said the convention discriminated against men.¹³⁷ On the contrary, Member of Parliament Zuna and

Government Commissioner for Human Rights Klára Šimáčková Laurenčíková supported the adoption of the Istanbul Convention, and Laurenčíková points to the negative consequences of its non-acceptance, including the current high expenses for assistance to victims of domestic violence.¹³⁸ Both chambers of the Parliament are due to discuss the ratification of the convention soon,¹³⁹ but so far only a round table has taken place (without much progress).¹⁴⁰ Again, we are one of the last countries that has not yet ratified the convention.

133 https://www.tojеровnost.cz/wp-content/uploads/2023/08/AP_DGPN-2023_final.pdf

134 See https://www.irozhlas.cz/zpravy-domov/istanbulska-smlouva-umluva-snemovna-senat_2307260615_jgr

135 https://www.irozhlas.cz/zpravy-domov/nadbytecny-ideologicky-dokument-istanbulska-umluva-senat-ratifikace-ne_2308221424_nel

136 https://www.irozhlas.cz/zpravy-domov/istanbulska-umluva-vlada-ratifikace-ods-chalankova_2308260826_ank

137 <https://www.novinky.cz/clanek/domaci-senatori-istanbulska-umluva-diskriminuje-muze-40438812>

138 <https://denikn.cz/minuta/1238964/>; <https://www.seznamzpravy.cz/clanek/domaci-politika-vahani-s-istanbulska-umlouvou-nas-negativne-poskozuje-tvrdi-zmocnenkyne-237147>

139 <https://www.psp.cz/sqw/historie.sqw?o=9&t=486>

140 <https://www.novinky.cz/clanek/domaci-senatori-vyvraceli-myty-o-istanbulske-umluve-40446920>

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The League of Human Rights

The League of Human Rights (LIGA) is a Czech human rights non-governmental organisation that advances the rights and freedoms of all people of the Czech Republic. In our work, we mainly focus on the rights of especially vulnerable persons or those facing social exclusion, such as children, people with disabilities, or victims of police violence.

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The Civil Liberties Union for Europe

The Civil Liberties Union for Europe (Liberties) is a non-governmental organisation promoting the civil liberties of everyone in the European Union. We are headquartered in Berlin and have a presence in Brussels. Liberties is built on a network of 19 national civil liberties NGOs from across the EU.

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