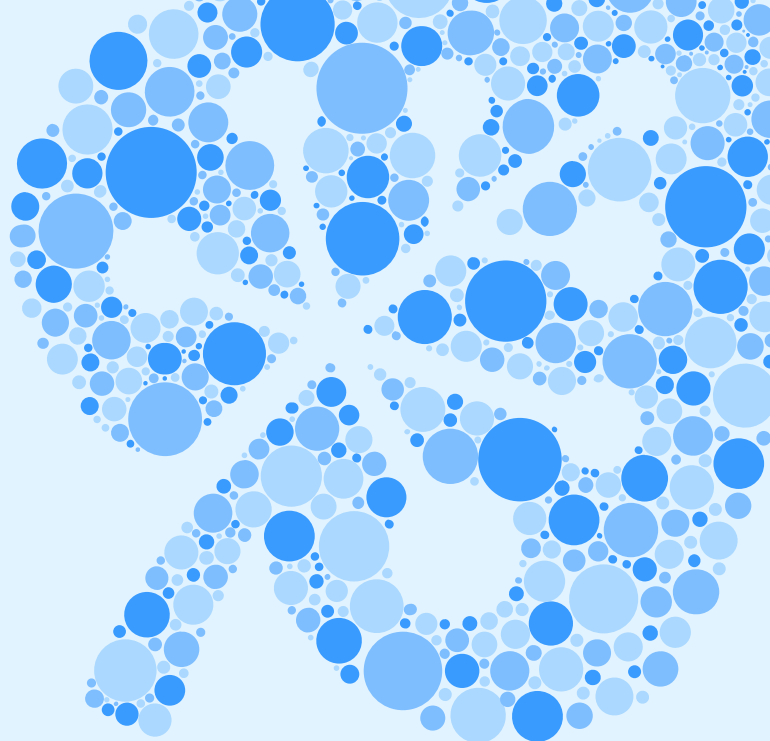




NETWORK
FOR THE PROTECTION
OF DEMOCRACY



Report on the State of Czech Democracy

Confluence of Crises Stretches Democracy to Its Limits

JULY ——— DECEMBER 2022

The Expert Report on the State of Czech Democracy is part of a long-term and systematic expert monitoring that serves as an important source of knowledge for the actors of the Network for the Protection of Democracy in their work to safeguard the principles of the democratic rule of law. The Report summarises the main developments, trends and recommendations in eight key areas that are important to the healthy functioning of Czech democracy, newly complemented with a chapter on the perspective of the Czech public:

1. Security, Defense and Foreign Affairs	<u>p. 5</u>
2. Constitutional system	<u>p. 7</u>
3. Public Prosecution and Judiciary	<u>p. 10</u>
4. Social Rights	<u>p. 13</u>
5. Political and Civil Rights	<u>p. 17</u>
6. Civil Service	<u>p. 20</u>
7. Media	<u>p. 22</u>
8. Conditions for Civil Society	<u>p. 25</u>
9. Public Opinion and Changing Moods in Society	<u>p. 30</u>

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How did Czech democracy fare in the second half of 2022?

It has not been easy, but so far we have made it. This is how experts might sum up what Czech democracy has been through in recent months. It is not over though. There is a need to move from putting out fires to addressing long-term challenges. Without that, the Czech Republic and our democracy will stagnate. Moreover, this will happen at the cost of growing citizen dissatisfaction and distrust.

The second half of 2022 was marked by the ubiquitous campaign for the presidential elections and brought the **thirtieth birthday of our Constitution**. According to the experts, this presented a good opportunity to reflect on how to **strengthen the stability of the constitutional system** and, with this in mind, on how to transform the constitutional position of the head of state. The last two presidents have tested their constitutional powers to the limit, and now may be a good time for us to learn from that experience.

The Czech Republic has **successfully handled the presidency of the Council of the EU, managed to maintain support for the Ukraine and Ukrainian refugees, and overcome the worst when it comes to energy price crisis**. The current government continues to declare its pro-democracy orientation as a priority. This is reflected, inter alia, in the emphasis on the protection of human rights and the rights of some minorities, for example in the establishment of the post of Government Commissioner for Roma Affairs. Despite this, there have been periodic disruptions, such as from the Minister of Justice Pavel Blažek and the now former President Miloš Zeman, who have teetered on the edge of their competences in relation to the Judiciary. Therefore, it will continue to be important to monitor not only the interference in the independence of the Judiciary, but also, among other things, the freedom of speech restrictions in the fight against disinformation.

Czech society is facing **one of the deepest crises of trust in institutions and in other people since the birth of the Czech Republic**. This is probably the toll of three years of trials that have stretched our democracy to its limits. Experts point to the threat of energy poverty and the social impact of inflation, the mobilisation of the anti-systemic scene and the growing pressure, not only in economic terms, on civil society and the media. All this amounts to a warning signal for our democracy. A society where people do not trust each other will find it difficult to search for answers to important questions together. And this is the case regardless of whether they relate to the consequences of the immense national budget deficit or the wider challenges of a rapidly changing world.

On top of that, the much needed systemic changes are not taking place. General distrust, exacerbated by negative public reactions to proposed changes, may lead to delays or half-hearted reform measures. At the same time, the civil service system and decision-making processes in the state administration (e.g. consultation in writing laws), education (e.g. inclusion of children from the Ukraine, inclusiveness and the societal role of universities), as well as social, health and psychiatric services, which are still largely provided in an institutional setting, require extensive reforms. In addition, recent crises have exposed serious failures in some areas of the state administration and its services, such as the dramatic overload of labour offices and the dysfunctionality of the welfare system.

People are experiencing many of these problems firsthand. At a time of great uncertainty, this is dangerously deepening dissatisfaction with key political institutions and democracy itself. While **society as a whole remains stable** – middle-class self-esteem is still high and solidarity with Ukrainian refugees persists – this is far from being the case for all sections of society. It is time for the state administration **to be able to perceive the needs of citizens and address them effectively** in its services, as well as its strategic communication.

Related to this is **the long-standing problematic perception of the role of the civil service**. Experts object to the opinion that the numbers of civil servants should be simply reduced, rather than reformed. On the contrary, competent civil servants, are needed for long-term and strategic governance, especially at the central level. A self-confident civil service is also essential for our **resilience to foreign influences and attempts by vested interests to control the state**.

For institutions that act as **the safeguards for the democratic rule of law, good conditions need to be guaranteed**. The media and civil society have shown great resilience, but they face a drain on funding at a time when finances are sorely needed. It is necessary to improve the economic situation of small newsrooms and public service media and **develop a supporting environment for independent media in other ways**. In the near future, growing tensions in society may weaken the ability of civil society organisations (CSOs) to help in the areas of social services and human rights and to fulfil their role as watchdogs of democracy and partners in constructive debate on social issues. This is also why civil society needs **to be systematically involved in cooperation with the civil service** on the basis of clearly defined mechanisms.

Main conclusions of expert working groups:

- Security experts recommend strengthening **strategic resilience against authoritarian regimes** (p. 5).
- Constitutional experts suggest reviewing **the constitutional status of the president** and monitoring the process of selecting constitutional judges (p. 7).
- Justice experts warn about Minister Pavel Blažek **undermining the independence of the judiciary** (p. 10).
- Social rights experts point out **the negative impact of inflation on households**, especially in the context of a dysfunctional benefits system (p. 13).
- Political and civil rights experts identify **ill-considered measures to combat disinformation** as a potential threat to freedom of expression (p. 17).
- Public administration experts criticise **the longstanding failure of strategic governance** (p. 20).
- Media experts worry about **the expansion of executive power in relation to the media** (p. 22).
- Experts on civil society call for **greater involvement of CSOs in the decision-making processes in the government and the civil service** (p. 25).
- Experts on public opinion point to an exceptionally **negative assessment of democracy and a significant drop in interpersonal trust** (p. 30).



Report on the State of Defence, Security and Foreign Affairs

JULY ——— DECEMBER 2022

In a Nutshell

Experts assess the implementation of the recommendations from the first half of the year mostly positively. Czech support to the Ukraine remained high in the second half of the year. The need for it continues into the next year. Political unity within the EU and NATO has also been maintained to a large extent and it is essential to maintain the current joint position. However, the system of sanctions against the Russian Federation should be more robust and effective, especially in the practical implementation of individual packages of measures. The importance of dialogue and consensus-building in deciding on measures against the Russian regime should be emphasised.

The government's response to the confluence of several crises can be considered more or less sufficient. In the topic of the energy crisis, it should be stressed that the full impact of this crisis has not yet been felt in the Czech Republic, although its effects have already been felt by some sections of the society, particularly those with lower incomes. The epidemic of respiratory diseases has not broken out to such an extent as to pose a serious threat to the Czech security. The willingness of citizens to support the Ukraine has been weakened to some extent. Experts describe the government's communication of this issue as insufficient for the time being.

Experts: **Ing. Pavel Bratinka; Mgr. Jan Charvát, M.A., Ph.D.;**

Int. M. et MA Pavel Havlíček

Coordinator of the Working Group: **JUDr. Miroslav Crha**

Main Findings

The Czech Presidency of the Council of the European Union Has Been Successful

The Czech Presidency of the Council of the European Union has attracted a great deal of attention and not only in the areas of security, defence and foreign relations. In general, the Presidency can in retrospect be evaluated positively, which also contributed to the improvement of the Czech Republic's position at the EU level. Importantly, the Czech Presidency

managed to maintain EU unity on key issues even during the war in Ukraine. The unblocking of the Hungarian veto on macro-financial assistance to Ukraine, the approval of the eighth and ninth sanctions packages against the Russian Federation, and the negotiation of a gas price ceiling on the European gas exchange can also be appreciated.

Positive Trends ↗

- ↗ Continued military support to Ukraine and systematisation of refugee assistance.
- ↗ Gradual halting of energy price increases.

Negative Trends ↘

- ↘ Insufficient government communication regarding the war in Ukraine.
- ↘ Gradual decrease in public willingness to support Ukraine and Ukrainian refugees.
- ↘ Mobilisation of the radical, anti-systemic scene.

The Most Serious Impacts of the Energy Crisis Have Been Avoided

Ensuring energy security has strongly guided the direction of security policy over the past six months. European countries, including the Czech Republic, took the necessary measures to stabilise energy price levels, averting catastrophic impacts on businesses and households. At the same time, it should be stressed that we have still not felt the full impact of this crisis. It is therefore

essential to ensure a long-term sustainable energy system and diversity of supply of key raw materials. This is especially so given the fact that despite the compensation of the Russian gas supply shortfall by LNG, the price is still well above the previous years' averages. This may pose a significant challenge to both the competitiveness and financial sustainability of the entire system in the future.

The Entry of Sweden and Finland to NATO is Being Delayed

The process of Sweden and Finland joining the North Atlantic Alliance could not be completed by the end of 2022 due to the ambivalent or outright negative attitudes of Hungary and Turkey. Both candidate countries undoubtedly belong to NATO. Indeed, the Secretary-General of the alliance, Jens Stoltenberg, said as much at a press conference in Istanbul in November. Especially in the run-up to the elections in Turkey in May and the NATO summit in July, increased diplomatic pressure from Turkey

can be expected. In spite of the complicated political situation, it should be noted that both countries were given security guarantees even before the actual approval by the entire alliance. The key was to set up the process through bilateral agreements mediated by NATO, which are now gradually being implemented. However, incidents such as the burning of the Koran have not helped, even though the Swedish Government was not involved in any way and has condemned this activity.

There Has Been Mobilisation of the Radical, Anti-System Scene

During the fall, there was a series of demonstrations in response to the high increases in energy prices and the government's slow response. Importantly, these demonstrations have taken on the form of anti-government demonstrations with a distinctly pro-Russian undertone, demanding the end of military support to Ukraine and the

return to the "business-as-usual" international trade with the Russian Federation. This narrative was then partly used by the ANO movement and its chairman Andrej Babiš in the presidential campaign, but it has also become the prescription for far-right groups and Tomio Okamura's SPD party.



"From its supporters led by Western allies, Ukraine needs long-term, predictable, and robust financial, political, and military support to enable the Ukrainians to overcome the ongoing Russian offensive and continue in liberating their territory until a victorious end entailing the return of all Ukrainian territories to governmental control in Kiev."

— Pavel Havlíček



"For many people, loyalty to democracy depends on their economic success. If they are concerned with how to survive and pay their electricity bills, any other issues become remote."

— Jan Charvát

Recommendations of the Expert Group for the Next Period

1. Carefully maintain the current united position within the EU and NATO in supporting Ukraine in its fight against Russian aggression.
2. Strengthen the strategic resilience of key sectors of the Czech economy and continue to diversify the supply of strategic raw materials.
3. Fundamentally strengthen the effectiveness of the government's strategic and crisis communication, especially in the context of ongoing societal crises at several levels.
4. Continue the dialogue across the EU and NATO in terms of long-term and sustainable support to Ukraine in the area of military supplies and building Western production capacity to sustain both the Ukrainian military and the supply of Western forces in the future.



Report on the State of the Constitutional System

JULY ——— DECEMBER 2022

In a Nutshell

The Czech Constitution celebrated its 30th birthday during the monitoring period. With regard to the election of a new President of the Republic and the expected changes in the makeup of the Constitutional Court judges, it would be desirable to consider implementation of changes aimed at strengthening the overall stability of the constitutional system. These proposals appear on a regular basis, especially around similar anniversaries, and now it would seem to be a good time to address them seriously. It is important, however, to avoid ill-considered changes such as the recent amendment of the Charter of Fundamental Rights and Freedoms.

The monitoring period was marked by concerns about steps of the outgoing President of the Republic in relation to the Constitutional Court, as well as by the anticipation of the election of a new President of the Republic.

The key issue for the constitutional system in the upcoming months is the manner in which the replacement of the constitutional judges will take place, as well as who will have a say in this process and whether they will be replaced by respected professional authorities with unquestionable personal integrity from among judges, academicians and representatives of other legal professions. Women should not be forgotten in their selection.

Experts: **JUDr. Lukáš L. Červinka; prof. PhDr. Karel Müller, Ph.D.;**
JUDr. Maxim Tomoszek, Ph.D; Mgr. Hubert Smekal, Ph.D.

Positive Trends



- Submission of an amendment to the Political Parties Act addressing the problems of the current functioning of the Office for Supervision of Political Parties and Political Movements.
- Adoption of an amendment to the Presidential Election Act to allow people in quarantine or isolation to vote.

Negative Trends



- Movement on the edge of competence by the Minister of Justice (Pavel Blažek) and the President of the Republic (Miloš Zeman) in relation to the judiciary (see the report on the State of the Public Prosecution and the Judiciary).
- The President of the Republic's procrastination in nominating a Constitutional Court judge after the Senate rejected Petr Poledník.
- Frequent comments on political events by the President of the Constitutional Court.
- Obtaining the signatures of some civic candidates for the President of the Republic for a fee.

Main Findings

We Should Consider Changing the Terms of Office of Constitutional Judges

The problem of the concurrent mandates of Constitutional Court judges still persists. The mandate of 7 Constitutional Court judges will expire in 2023, the mandate of 4 Constitutional Court judges will expire in 2024 and the mandate of 2 Constitutional Court judges will expire in 2025. In the event of a conflict between the President of the Republic and the Senate, the Constitutional Court may fail to have the quorum necessary to make decisions. At the same time, the President of the Republic has a key

influence on the composition of the Court only in odd-numbered terms. Therefore, constitutional amendments are under consideration. Consideration should be given to extending the mandates of constitutional judges to 12 years, introducing a ban on repeating mandates (the German model) and spreading their mandates more evenly over time (not relying on their “automatic distribution” over time, but for example spreading them through drawing lots).

After the Presidential Elections, There Is an Opportunity to Review the Constitutional Status of the President of the Republic

The end of Miloš Zeman's term of office invites reflection on his constitutional tenure, as well as possible changes to the Constitution that will ensure the continuation of the parliamentary form of government. We should return to the original setting of the conditions for filing a constitutional action against the President of the Republic; the requirement of a “constitutional majority” in both chambers of Parliament effectively prevents the effective enforcement of constitutional order. It is

also worth considering whether the appointment of the members of the Bank Board of the Czech National Bank should not require the consent of another constitutional body, such as the Senate, as is the case with constitutional judges. However, any amendment to the Constitution should be subject to a thorough discussion to avoid hasty and ill-considered steps such as the recent “gun” amendment to the Charter of Fundamental Rights and Freedoms.

Miloš Zeman Comments on the Appointment of the New President of the Constitutional Court

At the end of his presidential term, Miloš Zeman repeatedly declared that he had the authority to appoint Pavel Rychetský's successor as President of the Constitutional Court. Such a move would, however, be in a clear contradiction to the principle of rule for time; the mandate of Pavel Rychetský's term of office will end only on 7 August

2023. The active criticism and condemnation of these statements by other constitutional actors is to be welcomed, as well as averting this threat. Particularly in situations where the composition of a constitutional protection body is at stake, it is essential that representatives of other constitutional bodies actively speak out in its defence.

A New Law on Election Administration Is in the Pipeline

The Ministry of the Interior has [introduced](#) a long-delayed bill [on election administration](#). The draft provides for one-day elections. It fixes the date of local, regional and senate elections in the first week of October and strengthens the permanence of Senate electoral district boundaries. The adoption of a comprehensive amendment will unify the often arbitrarily different procedures and rules for

the administration of the various elections. The planned computerisation of certain processes, the introduction of a single voters' list and the simplification of the issuance of voters' cards are also to be welcomed. However, the transition to a one day-long election should be subject to a thorough public debate.

Recommendations of the Expert Group for the Next Period

1. As the new President of the Republic takes office, it would be appropriate to open a debate on the revision of their constitutional status towards a long-term guarantee of the parliamentary form of government, as well as a debate on setting the terms of office of constitutional judges.
2. The process of selecting new constitutional judges should be closely monitored.



Report on the State of the Public Prosecution and the Judiciary

JULY ——— DECEMBER 2022

In a Nutshell

An important issue of the monitoring period – and a major disappointment – was the draft amendment to the Prosecutor's Office Act. In addition to the initial attempt to maintain the current and long-criticised model of appointing and removing the chief prosecutor, the draft contained several other problematic points discussed below. Overall, the proposal is weak in the area of safeguards against political influence on the prosecutorial system in specific issues, which are unacceptable in a democratic state governed by the rule of law.

During the monitoring period, the Minister of Justice repeatedly teetered on the edge of his competences in relation to the Judiciary. His actions were sending constitutionally undesirable power signals inside the Judiciary. The President of the Republic acted in a similar manner (on his role, see the Report on the State of the Constitutional System).

The Prosecution and the Judiciary have long been troubled by insufficient and protracted digitalization. Moreover, in the current economic situation, the undignified salaries of judicial staff is coming to the fore and threaten the proper administration of justice. Undesirable trends can also be observed in the debates on the judicial selection process; the proposal to prevent applications to multiple selection procedures should be rejected, in line with the statement of the Secretary-General of the Constitutional Court.

Developed by a group of experts based on input from persons working as attorneys at law, in the Prosecution service and in the Judiciary.

Positive Trends



- Judgement of the Supreme Administrative Court of 12 October 2022, in which the court stated that only a public prosecutor can be appointed as the chief prosecutor and that his appointment or removal by the government is subject to judicial review.
- Selection of the contractor for the development and implementation of eISIR and shared parts of the long-delayed eJustice project.

Negative Trends



- Lack of attention by the Ministry of Justice to the management of expert witnesses and failure to respond to suggestions from judges on the performance of expert witnesses in specific cases.
- Decades of debate on the recodification of procedural law not coming to a successful conclusion and the lack of clarity as to whether there is any political will on the part of the Minister of Justice to push it through.
- Miloš Zeman's statements regarding the possibility of his appointment of the new President of the Constitutional Court before the end of Pavel Rychetský's term of office, violating the rule of law principle and threatening the stabilisation of the constitutional system (see the Report on the State of the Constitutional System).

The Draft Amendment to the Public Prosecutor's Office Act Has Been the Target of Criticism for Legitimate Reasons

The draft amendment to the Public Prosecutor's Office Act presented in the autumn envisaged maintaining the model in which the Chief Public Prosecutor could be dismissed by the government without providing reasons for such a decision. After criticism from the general public and the professional community, the Minister of Justice decided to withdraw and modify the proposal. However, apart from the issue of the selection and removal of the Chief Prosecutor, the proposal contained other problematic points. While the appointment of a chief or regional prosecutor (and even a deputy chief prosecutor) is subject to the requirement of minimum experience from within the prosecution service, the proposal allowed experience

from other branches of law, including advocacy, to count towards the experience required for the appointment of the chief prosecutor. It will not be easy to prevent attempts to take control of the Prosecutor's Office "from above" (e.g. by installing a politically friendly lawyer), or to "cement" it (if the appeal becomes more difficult). The possibility of reappointment of Chief Prosecutors is also problematic, for the same reasons as the unconstitutional model of reappointment of court presidents, especially given that the influence of the chief prosecutor on the decision-making of the prosecutor's office can be quite immediate, unlike that of court presidents.

The Proposed Changes to the Judicial Selection System are Undesirable for the Judiciary as a Whole

The Ministry of Justice, in cooperation with the court presidents, has proposed a change to the implementing decree on the selection of judges, which would make it impossible to apply for multiple competitions for judicial positions (organised in a decentralised way at the level of regional court districts). This would lead applicants to engage in tactical thinking, resulting in less overall competition overall and thus a potentially lower quality of future judges. The proposal would "make life easier" for the presidents of regional courts, without jeopardising their significant influence on the selection process through greater centralisation. However, a better

solution for the Judiciary as a whole would be to organise centralised selection procedures with oral interviews at the regional level. In the comment procedure, the Secretary General of the Constitutional Court, [outlining](#) a number of problematic consequences of the proposal, expressed his opposition to the proposal. The judges of the Supreme Administrative Court also indicated their opposition. Along with low salaries of judicial assistants and the introduction of the institute of judicial candidates, this proposal presents another obstacle to the best of the best remaining in the Judiciary and becoming judges.

Pavel Blažek and Miloš Zeman Are Teetering on the Edge of their Competences in Relation to the Judiciary

Justice Minister Pavel Blažek is teetering on the edge of his competence in relation to the Judiciary, and outgoing President Miloš Zeman has followed suit. In view of the events in Poland and Hungary, such actions should be closely monitored. Among others, their actions send constitutionally undesirable power signals inside the Judiciary. The Minister refused to appoint Aleš Novotný as Vice-Chairman of the Regional Court in Brno (at the suggestion of the President of the Court), because of his previous decision-making (later he [admitted](#) that he learned about the reasons he provided ex post only after

his decision). The President of the Republic then refused to appoint two candidates for judges proposed by the Government on the grounds of their previous decision-making in the public prosecutor's office. Similarly problematic is the filing of a disciplinary action by the Minister against the judge of the Municipal Court in Brno, Aleš Dufek, for his actions in cases in which the Minister has personal ties to the accused. Also troubling were the Minister's attempts to influence the activities of the Olomouc High State Prosecutor's Office by imposing conditions on the appointment of the proposed candidate,

...

as well as the Minister's publicly reporting the conclusions of a dubious "orally delivered analysis" which was not made public. The announcement by the outgoing President

of the Republic that he may appoint the President of the Constitutional Court "for future reserve" is covered by the chapter on the State of the Constitutional System.

The Digitalization of Justice Is Dragging

The Supreme Audit Office (SAO) [stated](#) in its audit conclusions that between 2016 and 2021 there was only a minimal shift in the digitalization of justice. However, in 2022, a contractor was finally selected for [the contract](#) to develop and implement of the eISIR system and the shared parts of the long-delayed eJustice project. It will be important to monitor this development further. Complaints from

within the Judiciary about the functioning of the existing information systems are on the increase. In 2022, serious failures in the so-called document centre occurred, causing significant delays in the publication of documents in the public registers and adjourning hearings (due to difficulties in sending and delivering documents). These problems are recurrent and the Ministry has failed to rectify the situation.

Low Salaries of Judicial Staff Threaten the Functioning of Courts and Prosecutor's Offices

The low salaries of judicial staff are a serious problem that threatens the functioning of the courts and prosecutor's offices. Salaries of support and professional staff are uncompetitive not only with the private sector but also with the rest of the public sector. Particularly in the context of current inflation, the situation is difficult to sustain, being detrimental to the staff or the quality of their support to judges and prosecutors. At the same time, the estimated

resources needed to increase their salaries to the average level in the public sphere are relatively low in the context of the overall state budget. According to top court officials, the current state of affairs is threatening [the collapse](#) of the Judiciary. The Finance Minister's promise to match the funds over the next three years is therefore insufficient in the current situation; the increase should be faster.

Recommendations of the Expert Group for the Next Period

1. The draft Law on the Public Prosecutor's Office should respond to the comments outlined above.
2. The salaries of auxiliary and professional staff in the Judiciary should be quickly increased to a level average in the public sphere.
3. It is necessary to monitor:
 - a) proposed changes to judicial selection procedures,
 - b) the selection procedure for the President of the Regional Court in Prague,
 - c) further developments in the computerisation of the Judiciary (and the eJUSTICE project).



Report on the State of Social Rights

JULY ——— DECEMBER 2022

In a Nutshell

Also in the second half of 2022, a significant proportion of households has been negatively affected by unprecedented inflation and high energy and housing prices. The state has responded by seeking to valorise some social benefits and encourage their uptake, but these are still helping only a fraction of people in unfavorable economic circumstances. The immense overload – and in some cases collapse – of the Labour Offices has shown that the current complex and restrictive social benefit system does not work as a reliable tool for protection. In some cases, it is not even an appropriate solution (e.g. to high housing prices or to the situation of people in foreclosure). The integration of refugees from Ukraine is proceeding at an encouraging pace and with the increasing involvement of experts from the civil service and NGOs. However, data on housing, labour market, education and language training show gaps that need to be addressed early – while measures are relatively less costly and can deliver quick results. In the area of social and mental health services, there is still no positive change. In the second half of 2022, a series of tragedies came to light, highlighting that the provision of these services in an institutional setting is inherently problematic. Transformation that would move the system away from institutions and towards community-based services is nowhere in sight. In the Czech Republic, large capacity institutions are still built and repressive strategies are often applied in attempts to prevent similar tragedies.

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Coordinator of the Working Group: **Mgr. Vendula Menšíková**

Positive Trends



- Adoption of an amendment to the law favouring part-time work, inter alia, to facilitate women's return to the labour market after maternity/parental leave, in line with the requirements of the Directive of the European Parliament and of the Council on Work-Life Balance for Parents and Carers.
- Negotiation under the Czech Presidency of a Directive of the European Parliament and of the Council strengthening the application of the principle of equal pay for men and women for equal or equivalent work through pay transparency and enforcement mechanisms. Member States will have to transpose it into national law within three years.
- The election of Vít Alexander Schorm, a candidate with the necessary professional experience, as Deputy Ombudsman.
- The approach of the Commissioner for Human Rights, Klára Šimáčková Laurenčíková, to the student strikes of the *Universities for Climate* initiative

Main Findings

THREAT!

The Social Benefit System is not a Reliable Tool for Protection and Long Unaddressed Problems Worsen Labor Offices Overburden

In the last year, in contrast to the long-standing stigma and increasing control mechanisms in the social benefit system, the political discourse has shifted towards benefits being a legitimate tool for assistance. Efforts towards the long neglected valorisation are a good sign. However, introduced changes do not address the long-standing systemic problems (complex administration, strict controls, stigma, limited availability of information, minimal capacity for counselling and social work, extremely low remuneration of workers), which worsen the acute overload (and in some cases collapse) of the Labour Offices. As a result, social benefit system continues to fail as a tool of protection for the majority of vulnerable people. Only a small fraction of eligible people are receiving them (e.g. the housing benefit in 2021 was received by one in three eligible households and one in ten for the elderly; the number of benefit recipients has increased by only one third in the last year despite the significant deterioration in the situation). In addition, late payments are extremely problematic for many new and existing recipients (risk of debt, loss of housing). Social workers often address dysfunctional benefit systems instead of providing support. Particularly at risk are people in foreclosure and insolvency, where entitlement to benefits is calculated according to income before deductions. The set-up of the withholding system means that their income may be lower than their benefits (this is particularly the case for those working in larger cities). Since for many people the income from legal work cannot cover the cost of living, people in foreclosure are often pushed into working in the informal economy. This brings negative consequences for individuals (high vulnerability due to unenforceability of labour rights, limited social protection in case of illness, injury or old age, health effects of long-term insecurity, etc.) as well as for the state and society as a whole (tax evasion, lower trust in the state and its institutions, etc.). The method of calculating the unseizable minimum, which is not linked to state social benefits and the real cost of living, only exacerbates this problem.

Poor Conditions in Social and Mental Health Services Persist and Needed Changes Are at a Standstill

In the second half of 2022, a series of human rights violations in residential facilities of social and health psychiatric services came to light. The publication of previously classified psychiatric hospital assessment reports by the Ministry of Health (MZV) from 2018–2019 revealed serious human rights violations, including allegations of ill-treatment and torture. The revelation of the

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and the overall strengthening of the human rights agenda at national level.

- Submission of a new draft law on election administration, which, among other things, includes the impossibility of limiting the right to vote for people with disabilities who have limited legal capacity. Approval of the text proposed by the Ministry of the Interior would bring the Czech Republic closer to implementing the UN Convention on the Rights of Persons with Disabilities.
- A shift in the public perception of social benefits as a legitimate instrument of assistance.

Negative Trends



- Weakening of the Ombudsman's office as a result of the withdrawal of the agenda entrusted to Monika Šimůnková by Ombudsman Křeček and Šimůnková's subsequent resignation as Deputy Ombudsman.
- Lack of implementation of the June 2019 EU Directive on Work-Life Balance for Parents and Carers (despite the obligation to do so by 2 August 2022).
- Continued lack of involvement of NGOs in the development of strategy and legislation on the status of temporary protection holders from Ukraine.
- Proposed changes to the funding system for teaching assistants for children, pupils and students with special educational needs. Curbing the extent of provided support could complicate the inclusion of pupils with disabilities in the educational process.

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violent murder of Dorota Š. by a social worker at her facility and the subsequent inaction of state authorities further highlighted the insufficient protection of people with disabilities living in these institutions. These and many previous cases point to the inherently problematic nature of providing social services in institutional settings, where clients are typically confined, have little choice, and where care is provided in a way that makes clients dependent on it. Professional organisations and international human rights institutions have long called for the transformation of social and health psychiatric services to respect the dignity and choice of clients, enhance their capacity for independent living and enable support in a natural environment. Such a transformation will not be possible without ensuring quality training and decent working and pay conditions for social workers. Yet in this regard, the Czech Republic is at a standstill. To prevent similar tragedies, the Ministry of Labour and Social Affairs (MPSV) proposes exclusively repressive strategies that do not address the root of the problem. There is no systematic deinstitutionalisation of social services and more large-scale facilities are being built.

Criminal Regulation Overestimates the Danger of Some Addictive Substances

The practice of recent years shows that the system of criminal repression in the Czech Republic in relation to illegal drugs disproportionately judges certain acts whose risk to society is in fact relatively low. As a result, in recent years there has been an over-criminalisation of cases such as the cultivation and processing of cannabis for personal use and the use of cannabis for home production of ointments (e.g. the Koláčný family case), the use of psychedelics in an informal medical context (e.g. the Kordys case) and the dissemination of information about cannabis (e.g. the Robert Veverka case and the Legalizace magazine case). Some of these offences are punished more severely than violent crimes. The current set-up of criminal regulation of addictive substances in the Czech Republic overestimates the health and societal danger of addictive substances. There is a need to better balance society's interest in protection against addictive substances (keeping the rate of use as low as possible) with the negative effects of repression (increased the dangerousness of use, development of the illegal market, harsh criminal sanctions, etc.).

- The draft amendment to the Teaching Staff Act, which again fails to establish school social pedagogues as teaching staff (in contradiction to the National Action Plan for Inclusive Education and, in particular, the schools' need for schools to be able to comprehensively address the social situation of children).
- The unavailability of individual housing as the biggest obstacle to refugees' adaptation. In addition to the lack of available housing on the market, the lack of social support is also a cause (e.g. refugees cannot apply for housing support).
- Insufficient integration of children from Ukraine to the Czech educational system, especially in the case of secondary school students. This may pose a risk to their further integration and reinforce the risk of future precarisation.
- Overestimation of the social dangers of illegal drug-related offences and their disproportionate criminalisation.
- Lack of political will and support to continue psychiatric reform towards the development of comprehensive community-based psychiatric services instead of large psychiatric institutions where serious human rights violations, including ill-treatment or torture, take place.
- Lack of inclusiveness of universities that further reproduces and exacerbates social inequalities. The openness of universities to the needs of individuals and society still largely remains declaratory and is complemented only by ad hoc initiatives of some faculties.

Recommendations of the Expert Group for the Next Period

1. Set up a system of automatic valorisation of key benefits (minimum subsistence, child allowances, all components of the standard cost of living, etc.) in relation to inflation.
2. Strengthen the capacities of the Labour Offices, simplify the administration of benefits, strengthen the capacity of counselling and social work and support staff with adequate remuneration and supervision – and guarantee the timely processing of benefit claims.
3. Prevent late payment of social benefits to new and existing beneficiaries and reduce the risk of losing entitlement to benefits due to late payment of rent.
4. Guarantee income protection for people in eviction and insolvency. Set up a system for calculating the unseizable amount that would reflect the real cost of housing in the area and ensure that people have a higher real income (after the eviction or insolvency deduction) than they would if they didn't work.
5. Ensure housing affordability not only through social benefits and income growth (wages, pensions), but open the debate on using other instruments, e.g. rent regulation, property taxation.
6. Change the criminal regulation in the field of addictive substances in the Czech Republic to reflect the danger of each individually.
7. Investigate the Border Violence Monitoring Network's complaints to the General Inspection of Security Forces (GIBS) regarding the involvement of Czech police officers in police violence at the Macedonian border.
8. Ensure a better match between the competences and qualifications of people from Ukraine and the work they perform in the Czech Republic (80% of people from Ukraine now work in less skilled jobs than previously in Ukraine). Extend support to language courses and flexible jobs for carers.
9. Start the process of systematic deinstitutionalisation of social and psychiatric services. It is essential that both the Ministry of Health and the Ministry of Labour and Social Affairs adopt a clear long-term vision and a concrete plan for the transformation of these services, taking into account the interconnectedness of the two systems.
10. Initiate a broader dialogue with university representatives on the role of higher education institutions in society and the overall social responsibility of universities.
11. Simplify the system for claiming compensation for unlawful sterilisation so that it is easily accessible to victims.
12. Effectively and responsibly transpose the Directive which strengthens the application of the principle of equal pay for men and women for equal or equivalent work through transparency of pay and enforcement mechanisms.
13. Effectively and responsibly transpose the Directive on work-life balance for parents and caregivers.



"Not only acute inflation and energy prices, but also the long-term rapid increase in housing prices severely limit the ability of many households to secure basic economic stability. Today we see how this increases the vulnerability of people in rental housing, including the middle class. This problem raises the question of whether it is sustainable to address it solely through the system of benefits, which de facto become a state transfer to the more affluent groups in society, or whether it is time to open up the debate on the capping of housing prices or increasing property taxation, which is low in the Czech Republic. It is also essential to ensure income protection, for example by increasing the minimum and guaranteed wage, promoting collective bargaining, and so on."

— Lucie Trlifajová



"The case of Dorota Š. and many others repeatedly remind us of the need to deinstitutionalize social and psychiatric services. Moreover, the Czech Republic is obliged to do due to its ratification of the UN Convention on the Rights of Persons with Disabilities. Only social and psychiatric services that respect dignity and human rights, provided by professionals that enjoy decent working conditions, can prevent the tragedies we have repeatedly witnessed."

— Šárka Dušková



Report on the State of Political and Civil Rights

JULY ——— DECEMBER 2022

In a Nutshell

The government's plan to fight disinformation entails ideas that may threaten freedom of speech. While specific legislative proposals to fight disinformation are moving in a good direction, including through collaboration with outside experts, they lack the provision for an automatic judicial review, an important safeguard against misuse. The state continues to ignore the decision-making practice of the Court of Justice of the EU on metadata monitoring of electronic communications that criticises its unjustified blanket nature. The state expects citizens to use electronic forms of communication and does not respect their right not to use digital tools. The right to information has been both enhanced and restricted at the same time. While there has been a refinement that forces state-owned joint stock companies to provide information, the list of exemptions from the requirement to provide information is growing. During the GDPR implementation into Czech law, public administration was given an exemption. As a result, the public service cannot be fined for its violations. The exemption has a negative impact on the effectiveness of the enforcement of the right to privacy.

Experts: **JUDr. Jan Hořeňovský; JUDr. RNDr. Jitka Jelínková, Ph.D.;**
JUDr. Petr Kolman, Ph.D.; Ing. Mgr. Oldřich Kužílek;
Mgr. et Mgr. Jan Vobořil, PhD.

Coordinator of the Working Group: **Mgr. Jakub Černý**

Positive Trends



- Abandonment of the practice of interventions against disinformation that lack a legal basis and increased efforts to create a legislative basis for such interventions.

Negativní trendy



- Introduction of digital solutions that discriminate against digitally excluded citizens, without the provision of fully-fledged non-digital alternatives.
- Long-term failure to address the issue of citizens' data security, where personal data are transferred to tech giants from outside the EU through various digital analytical or security tools, violating legislation currently in effect.
- The persistently poor practice of the Ministry of the Interior in assessing the authenticity of citizens' signatures in support of presidential candidates' nominations.

Main Findings

Proposed Legislation to Fight Disinformation Still Lacks Automatic Judicial Review

The initially vague and freedom of speech endangering proposal of the Ministry of the Interior for the legal regulation of the fight against disinformation is gradually evolving for the better. The Ministry of the Interior has adopted a more participatory approach to drafting this sensitive legislation and has allowed for partial

involvement of experts from outside the public service. Still, the proposals continue to lack automatic judicial review of decisions in which the public administration restricts the freedom of speech. The truthfulness criterion also lacks, meaning that even factually proven information may be subject to restrictions.

THREAT!

Government's Plan to Fight Disinformation Threatens to Curb Free Speech

The Plan includes a commitment to amend the Criminal Code to include the offence of *"knowingly and deliberately disseminating disinformation with the aim of significantly damaging the democratic character of the state or its key security interests"*. What is particularly problematic is the vague term "disinformation", which in the narrow sense of the word coincides in content with "false emergency" (its dissemination of which is already punishable under the Criminal Code). In its broader sense, it could also cover

true opinions and value judgements. More generally, the Plan, similarly to some politicians, makes vague use of the term "disinformation" and unwisely advocates for its criminalisation, which could have a strong negative effect on society. Moreover, the vagueness of the formulation violates the basic principles of criminal law. What is missing from the debate, is the protection of true allegations, which may be harmful but impossible to be criminalised.

The State Does Not Respect the Right to Non-Digital Alternatives

The public administration does not respect the right of citizens not to be coerced into using digital tools. Without offering a non-digital alternative, these are required for example in the case of extending refugee protection for refugees from Ukraine or applying for refugee accommodation allowance. This discriminates against people who cannot, or do not want to, use digital tools. Similarly, the automatic introduction of data boxes is problematic; fortunately, non-business natural persons have been exempted from it. The compulsory establishment

of data boxes for business or non-business legal persons is in many cases also problematic. The state should focus on persuading the public to use digital channels and making these forms of communication more attractive to users, rather than mandating them. At the same time, it should accept that there will always be a group of people who will not choose this option and count with it in available solutions. This should be taken into account when assessing the impact of the forthcoming legislation and in the preparation of individual digitization projects.

The Right to Information Has Been Both Improved and Restricted at the Same Time

The amendment to the Act on Free Access to Information clarifies the obligation for state-controlled joint stock companies to provide information, but at the same time extends the exemptions to the provision. In practice, these

exemptions make it more difficult to get information on the activities of local government chambers and especially the national, city and regional government-controlled corporations.

The Right to Privacy Is Difficult to Enforce Without Sanctions

The practice of CCTV systems overuse, coupled by inadequate protection of the data collected through them, persists. This is both in the field of law and order (municipal camera systems) and police (camera recordings made by the police). The Personal Data Protection Office does not have sufficient capacity for the necessary methodological, interpretative and control activities. Moreover, the irresponsible behaviour of the public administration

is further supported by the impossibility of imposing sanctions on the public administration for breaches of the GDPR. This exception enshrined in Czech law goes against the meaning and purpose of the GDPR legislation and raises questions about its compliance with European law. The Personal Data Processing Act should be amended to introduce the possibility to sanction breaches in this area.

Recommendations of the Expert Group for the Next Period

1. Take into account the prevention of digital exclusion in the regulatory impact assessment.
2. Introduce the possibility to sanction public authorities for breaches of the GDPR.
3. Strengthen the capacity of the Personal Data Protection Office for methodological and monitoring activities.



“Instead of digitizing the internal processes of the public administration, digitization is being conceived as forcing citizens to communicate electronically and use electronic tools. Instead of digitizing the state, the state is asking citizens to digitize themselves.”

— Jan Vobořil



“The term misinformation is overused and extremely vague. Instead of trying to introduce new criminal offences to combat disinformation, it would be better to opt for less repressive mechanisms to combat this unfortunate information phenomenon. We should focus especially on the field of education.”

— Jan Hořeňovský



“The public administration has no internal mechanisms to enforce its compliance with the GDPR legislation. Moreover, fines have been done away with. This means that it is not possible to recover damages from an erring official, because these do not arise in the absence of a sanction.”

— Oldřich Kužilek



Report on the State of Civil Service

JULY ——— DECEMBER 2022

In a Nutshell

The civil service has long been failing in the area of strategic governance. It is able to address partial and pressing challenges, but it is less effective in solving cross-government tasks or challenges that span beyond the horizon of the current electoral period. Strengthening the role of the Government Office could be one solution. The practice of rather different decision-making by the numerous detached departments of the central offices persists. Ministries should focus on methodological guidance and standardisation. The amendment to the Civil Service Act opens up the civil service, which is positive, yet it neither contributes to greater efficiency nor does it succeed in retaining and developing the staff skills and experience. On the contrary, the government is cutting the numbers of civil servant posts without reducing their overall workload through agenda reduction or automation. The proposal of the government's National Economic Council (NERV) to merge municipalities is pointing to a pertinent problem – the highly fragmented structure of many small municipalities – but it would probably not lead to the desired savings. Rather, savings should be sought in cooperation and higher efficiency in the execution of agendas.

Experts: **doc. Ing. Marie Bohatá, CSc.**; **PhDr. Petr Jüptner, Ph.D.**; **Ing. Edvard Outrata;**
prof. PhDr. Martin Potůček, CSc., MSc.; **JUDr. Ivan Přikryl;** **JUDr. Marie Sciskalová, Ph.D.**
Coordinator of the Working Group: **Mgr. Jakub Černý**

Main Findings

State Administration Addresses Only Topical Issues, Lack of Competences Hinders Strategic Governance

The role of the Office of the Government and the leadership of the civil service as conceptualiser, coordinator and controller of tasks that go beyond the horizon of one government's term of office and the remit of one department is significantly underestimated. Current approaches – the drafting and control of strategies by ministries, the

establishment of inter-ministerial committees and ad hoc advisory bodies, and the absence of effective multi-year funding – do not allow the government to effectively manage larger tasks that require the concentration of the material, intellectual and institutional capacities needed to address them.

Positive Trends



- Efforts to coordinate central and regional government administration at the Ministry of Interior.
- Continued efforts to make state administration more efficient.

Negative Trends



- Failure of strategic governance in public administration.
- Persistence of non-cooperation between ministries in addressing cross-cutting challenges.
- Persistence of non-standardised decision-making by the public administration's sub-departments in different regions

THREAT!

NERV's Proposal to Merge Municipalities Is Not Heading in the Right Direction

NERV's warning about the problem of a fragmented municipal structure is well founded, but the expected savings would likely be swallowed up by transaction costs and perhaps an increase in the cost of vacant councillors. The primary purpose of amalgamation (targeted at units of ideally 5–10,000 inhabitants) should be to create the conditions for the provision of a wider range of services

at a higher quality. Savings would thus be generated by reforming service delivery rather than by cutting costs for municipalities. In general, however, any mergers should be preceded by state-supported and strengthened inter-municipal cooperation (e.g. the institution of a joint municipal authority, which could increase the efficiency of municipalities even without mergers).

A Unilateral Reduction in the Number of Civil Servants Is Inefficient

The indicator of the number of civil servants is a biased and one-sided indicator of the efficiency of the state administration, unless the performance of agencies is reduced or automated. Applied populistically, it can do more harm than good. A better

way is to strengthen the competences and responsibilities of senior officials, simplify management processes and enable flexible work with the organisational and personnel resources of the authority.

The Amendment to the Service Act Is a Move in the Right Direction, but with a Caveat

The separation of the political and professional levels of management in terms of nomenclature (the new name "Director-General") is positive, but unfortunately there has been no real clarification of powers and responsibilities between the political and official management of the department. The speeding up of selection procedures and the opening up of the civil service to job seekers from other sectors, or the five-year terms for middle management, are also positive, but the civil service is at risk of losing

quality senior officials with an institutional memory to over-competition. This is because the civil service has no effective mechanism to retain over competed but quality civil servants in the civil service. At the very least, it would be convenient to allow for "rotation" of senior officials in positions across ministries. The abolition of the limit on the number of political deputies can be assessed as neutral, with the caveat that it risks swelling the political apparatus at the expense of funding for civil servants.



"The state administration does not handle agendas that require effective cooperation of three or more ministries, and this is significant in the area of public social services, such as housing support, health and social care, pension reform, etc."

— Martin Potůček



"In the long term, there is a need to balance the need to renew the public service so that it does not become stale, and to maintain its institutional memory so that it becomes professionalised."

— Edvard Outrata

Recommendations of the Expert Group for the Next Period

1. Strengthen the competence of the Government Office to ensure and control tasks that go beyond the horizon of the government's term of office or the competence of a single ministry.
2. Introduce compulsory rotations at least for the positions of chief personnel officers (i.e. state secretaries).
3. Clearly defining the responsibilities of the heads of ministries and linking them to the corresponding competences.



Report on the State of the Media

JULY ——— DECEMBER 2022

In a Nutshell

The long-term trend of unfavourable economic conditions for independent media continues. The economic situation of small newsrooms, especially local ones, is unsustainable. The real value of public service media revenues has been in dramatic decline – the level of TV and radio fees has not changed since 2008. A boost is needed to restore true plurality in a media market dominated by a few large publishing houses. It could come in the form of state aid, media legislation reform or the forthcoming European rules on media freedom. The state's attention towards this agenda does not necessarily bear positive impact though; strengthening the role of the executive branch in relation to the media (such as in the context of the fight against disinformation, for example), carries the risk of undue political influence on the media. Rather, the state's aim should be the creation of favourable conditions for the existence of independent media. Strengthening political independence is also important in the case of public service media. A cautiously positive step is the “small amendment” to the system of election to their Councils. The government's new interest in the media may result in long-awaited changes. If journalists are involved in this process and the government resists the temptation to subordinate the media to the executive, this could turn out to be a positive development.

Experts: **prof. PhDr. Karel Müller, Ph.D.; Adriana Dergam;**

Mgr. Lenka Waschková Císařová, Ph.D.;

Mgr. et Mgr. Marína Urbániková, Ph.D.; Petr Orálek

Coordinator of the Working Group: **JUDr. Miroslav Crha**

Positive Trends



- The “Small Amendment” strengthening the independence of the Councils of the Czech Television and the Czech Radio.
- A realistic chance that the Czech Republic will effectively support independent media.
- The Media Freedom Act currently being negotiated at the EU level potentially a positive impulse.

Negative Trends



- Economically disadvantageous operation of independent media, which is expected to further deteriorate.
- Fear that strengthening of the role of the executive, for example in combating disinformation, may open a Pandora's box of state undue influence on the media.
- Increasing state activity in support of independent media, for example, potentially leading to the opposite effect, i.e. the use of mechanisms that increase political pressure on the media.

Main Findings

Countering Disinformation Is Desirable, but Implementation Is Lagging Behind

Initially vague and for the freedom of speech dangerous legislative proposal put forward by the Ministry of the Interior is gradually changing for the better. The Ministry of the Interior has shifted to a more participatory way of drafting such a sensitive legislation and has allowed for partial involvement of experts from outside the civil

service. Meanwhile, the proposals still lack automatic judicial review of decisions in which the public administration restricts freedom of speech. There is also no criterion of truthfulness, meaning that even factually proven information can become subject to restrictions.

THREAT!

The “Small Amendment” Is Not Ambitious Enough; Public Service Media Funding Needs to Be Addressed

The “Small Amendment” to the legislation on the Czech Television (ČT) and the Czech Radio (ČRo) provides safeguards against political control of their boards. It will now be impossible to recall the entire board. Its members will be elected not only by the Chamber of Deputies but also by the Senate. However, this change can be considered to be an unambitious patch to a law that in fact needs a complete revision. Moreover, it does not respond to the essential and very acute need to change the system of funding the

public service media. Experts recommend that the problem of funding be tackled systematically – a one-off increase only postpones a true solution. The debate should not be reduced to changes in the amount of the fee paid, or changing who pays. Other models of financing the public service media should also be considered, such as a special progressive tax used in Scandinavia. It is essential to maintain the separation from the state budget so that politicians cannot take advantage of budget changes to put pressure on public service media.

Support for the Media Must Be Sensitive, Apolitical and Data-Based

It is practically not profitable to run independent media in the Czech media market environment. Small media in particular are in a difficult economic situation and expect things to get worse. Rather than a free market, we see the dominance of a few media houses. State support for the media is therefore crucial for media market pluralism in the future. However, a change from the current situation where the state tends to ignore the media, carries many risks as well.

In particular, the media fear that support will be granted on a political basis. Therefore, according to experts, support for the media should rather focus on creating sustainable conditions for their functioning. This can be helped, for example, by indirect support methods, such as tax breaks or cheaper distribution of print media. Media representatives' participation in setting up the system, measurability of its impact and their thorough evaluation is essential.

The Czech Republic Could Take Inspiration From the Slovak Act on Media Services

The Czech Republic has long lacked an institution that would deal with the media environment with sufficient insight and that would be able to promote pluralism across media types. A source for inspiration can be found in Slovakia, where the equivalent of the Czech Broadcasting Council was transformed into the Council for Media Services, which oversees not only broadcasting but also

audiovisual services on the internet and online platforms. The Czech Broadcasting Act of 2001 (patched many times) is insufficient not only because it fails to take into account the development of internet media and see them in the context of broadcast ones, but also because it does not follow modern regulatory approaches such as cooperation with professional organisations (self-regulation).



“Media support needs to be thought of in a social context – you can’t simply hand out money to media outlets that are popular in Prague. The goal is to change the conditions that today allow disinformation to spread, not to convince the already convinced.”

— Adriana Dergam



“Supporting the media through a one-off sprinkling does not solve anything. We need to explore the possibilities of support used abroad and map media deserts at the local level.”

— Lenka Waschková Císařová

Recommendations of the Expert Group for the Next Period

1. Reform the funding of public service media so that their budgets are sustainable without periodic interference from politicians.
2. Focus media support on creating a pluralistic market environment, rather than subsidising selected media.
3. Prevent disproportionate expansion of the role of the executive in relation to the media and draft all media policies with the involvement of representatives of the journalistic profession.



Report on the Conditions for Civil Society

JULY ——— DECEMBER 2022

In a Nutshell

The second half of 2022 was mainly characterized by the continued engagement of civil society in addressing the consequences of Russia's war against Ukraine. Many new initiatives emerged in response to the current needs of society, and different parts of civil society became involved in addressing the integration of refugees, the energy poverty, strengthening the resilience of the Czech Republic towards the influence of non-democratic regimes, making the relevant civil service processes more effective, and many others. Some actors from the non-profit sector have also actively participated in the agenda and events of the Czech Presidency of the Council of the EU. However, the consequences of the Russian invasion of Ukraine have revealed long-standing shortcomings in the functioning of the state, for example in the area of integration of foreigners, education or social policy, and with it the limits of the state's ability to quickly and effectively assist its citizens. In addition, the record inflation rate has also had a negative impact on the organised parts of civil society, which support the state in addressing the above-mentioned shortcomings

Also due to ineffective strategic communication of the state, insufficient conditions for independent journalism and unsustainable funding of public media, the negative effects of disinformation fail to be mitigated. Growing tensions in society threaten to turn against organised civil society and undermine its ability to serve its role in the areas of social services and human rights, and fulfil its role as watchdogs of democracy and partners for constructive debate on social issues. Improving the overall climate for the work of non-governmental non-profit organisations (NGOs) and strengthening understanding of the social function and benefits of the non-profit sector is one of the priorities of the government's strategy for cooperation with NGOs. However, the state lacks sufficient capacities and resources for external communication of cooperation with NGOs, as well as strengthening a culture of cooperation.

Experts: **Ing. Radka Bystřická, BcA. Jan Gregor, Ing. et Mgr. Jana Miléřová,**
Mgr. Blanka Mouralová, Marta Smolíková

Coordinator of the Working Group: **Mgr. Vendula Menšíková**

Positive Trends



- The continued resilience of civil society and the emergence of new initiatives responding to new challenges.
- Appreciation of public solidarity and the work of people from non-governmental non-profit organisations, delivered by the Prime Minister and the Commissioner for Human Rights on the occasion of International Human Rights Day, which, in the words of the Prime Minister Petr Fiala, contribute to the resilience of Czech society and its ability to cope with current and long-term challenges.
- Positive assessment of the existing cooperation and declaration of the importance of involving NGOs and their umbrella organisations in public policy-making – mainly for their expertise, representativeness and reliability (see findings of the research of the Government Council for NGOs and conclusions of the Strategic Partnership Conference*).

* <https://glopolis.org/konference-strategicka-partnerstvi/> and <https://www.vlada.cz/cz/ppov/rnno/dokumenty/analiza-spoluprace-statni-spravy-se-stresnimi-organizacemi-a-sitemi-nestatnich-ne-ziskovych-organizaci-198802/>

Main Findings

The State's Non-Conceptual Approach to Civil Society Organisations Persists

Even after 30 years, the state administration does not have clarity about how to approach, deal with and support different parts of civil society. Little understanding of the different types and roles of CSOs has translated into a lack of a conceptual approach and, in some cases, questioning of the importance of supporting them. Thus, differentiation in approach is mainly done by defining the volume of state subsidies for CSOs, where attention is drawn to the area of physical education and sport with almost 40% of the subsidy share. When setting up advisory bodies, some ministries do not distinguish between civil society, experts and academicians, eventually economic and social partners, which may marginalise the role of CSOs in the long-term. 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.

Inflation and High Energy Prices Put NGOs Under Pressure

High inflation rates and unprecedented energy prices increase CSOs expenses and at the same time put financial support from private donors under pressure. The state has not yet offered them a solution. Non-profit organizations' budgets are, and will likely continue to be, under cost pressure for a long time. Rising energy prices alone mean that allocated grants and subsidies are insufficient to implement the services and activities supported. Many budgets were created at a time of incomparably lower prices and are insufficient to cover today's actual costs. Energy costs in particular threaten to drain a large part of the organisations' financial reserves. The situation is further complicated by the deteriorating economic situation. Even the revenue side of non-profit budgets is likely to face a risky period, despite long-term positive trends in individual philanthropy. Corporate philanthropy is highly volatile and uncertainty about future may translate into a drop in donations. The same uncertainty may affect the otherwise relatively mature individual philanthropy sector. Early data from France, the UK and Italy, for example, already suggest a trend of declining individual giving. While this may not be indicative of what lies ahead for the Czech Republic in the long term, it does remind us of the need to be mindful of the financial stability of non-profits.

- The establishment of the new position of the Government Commissioner for Roma Minority Affairs in the Czech Republic and the appointment of Mgr. Lucie Fuková in December 2022.
- Start of preparations of the law establishing the institution of the Children's Ombudsman and negotiations on the establishment of an independent human rights institution (INRI).
- Establishment of an expert working group on systemic change in the financing of non-profit organisations at the Government Council for NGOs (RVNNO).
- Acceptance of RVNNO's recommendation to the Ministry of Interior related to the law amendment and handbook change to simplify and clarify the rules for organising public collections, following two years of confusion.
- Submission of a partial amendment to the Public Procurement Act, exempting transfers of subsidies between partners in subsidy projects from the scope of the Act, as a result of NGO coordination and advocacy work.
- The use of an open call for nominations to some advisory bodies of the Government (e.g. the Government Council for NGOs and its EU Committee) and representatives of the RVNNOs to selected monitoring committees of EU funds (OP JAK, OP TAK, etc.) in accordance with the new Methodology of Participation.
- Advanced level of philanthropic culture in the Czech Republic and continued growth of individual philanthropy despite negative influences such as inflation and rising energy prices.

Civil Society Should be Involved in Decision-Making, Including in Policies Related to the Use of European Funds

There is a lack of a culture of participation and a widely shared understanding of its nature and benefits to public decision-making at the central level. A related issue is that public administrations do not have a clear approach as to why, how, what and whom (which organisations, networks or citizens directly) to involve and how to organise this cooperation. Expertise, information, and agreement on values are important for the public administration in relation to CSOs, or their engagement is mandated by regulation or methodology. CSOs have to actively seek cooperation and finance its cost from their own resources.* Inconsistent participation mechanisms make access to information and decision-making difficult, especially in the case of complex processes such as the National Recovery Plan and the effective use of EU funds. A mechanism for the transparent selection of partners to “represent” the non-profit sector is missing. However, in cases where cooperation with CSOs does exist (mainly in the field of environmental protection and social services), it is generally positively assessed by both parties and the influence on the final form of government documents is often decisive. The Participation Methodology adopted by the Government Council for NGOs in June 2022 is ready to be tested in several ministries and can help to unify and anchor participatory approaches.

* https://www.vlada.cz/assets/ppov/rnno/dokumenty/Vyzkumna_zprava_NNO_strechy_FIN.pdf.

THREAT!

Efforts to Make the Construction of Nuclear Reactors Easier Demonstrate Potential Future Pressures on Civil Rights

In November, the Ministry of Industry and Trade submitted for inter-ministerial comment procedure a substantive plan to abolish the standard method of permitting construction projects related to nuclear power generation. The rationale for its introduction was to ensure energy security in the context of climate protection. However, the proposed simplification of the conditions for authorisation – especially for constructions requiring extraordinary security guarantees – is without precedent. The proposal would fundamentally restrict not only the right of citizens to comment on the project, but also the rights of the local authorities, the concerned public authorities, as well as those of the owners of the property concerned. With regard to the current state of the climate, the need to rapidly decarbonise and ensure energy security is an important and legitimate objective, which will necessarily require a certain degree of simplification of the permitting process. However, we should be wary of it becoming a pretext for a fundamental restriction of civil rights guaranteed by the Constitution (in particular the right to self-government, the right to a favourable environment or the state's obligation to protect natural resources).

Negativní trendy



- ✎ The continued resilience of civil society and the emergence of new initiatives responding to new challenges.
- ✎ Appreciation of public solidarity and the work of people from non-governmental non-profit organisations, delivered by the Prime Minister and the Commissioner for Human Rights on the occasion of International Human Rights Day, which, in the words of the Prime Minister Petr Fiala, contribute to the resilience of Czech society and its ability to cope with current and long-term challenges.
- ✎ Positive assessment of the existing cooperation and declaration of the importance of involving NGOs and their umbrella organisations in public policy-making – mainly for their expertise, representativeness and reliability (see findings of the research of the Government Council for NGOs and conclusions of the Strategic Partnership Conference*).
- ✎ The establishment of the new position of the Government Commissioner for Roma Minority Affairs in the Czech Republic and the appointment of Mgr. Lucie Fuková in December 2022.
- ✎ Start of preparations of the law establishing the institution of the Children's Ombudsman and negotiations on the establishment of an independent human rights institution (INRI).

* <https://glopolis.org/konference-strategicka-partnerstvi/> and <https://www.vlada.cz/cz/ppov/rnno/dokumenty/analiza-spoluprace-statni-spravy-se-stresnimi-organizacemi-a-sitemi-nestatnich-ne-ziskovych-organizaci-198802/>

Recommendations of the Expert Group for the Next Period

1. Seek further additional ways to reduce tensions in society, for example through effective strategic communication within and outside the civil service, including the recognition of the diverse roles and activities of civil society actors (citizens and CSOs) and the importance of their involvement in decision-making as an important value in democracy.
 2. Targeted support to the development of participation across the government and civil service, e.g. through effective piloting of the Methodology of Participation, the evaluation of CSO engagement, long-term capacity and competence building on the part of the state (for setting up and managing participatory processes) and civil society partners (for engagement), and overall strengthening of their transparency (e.g. in terms of nominations and opportunities for participation in advisory and working bodies).
 3. Proactively address the impacts of inflation and rising energy prices on the financing of CSO activities through measures such as capping energy prices, exceptional increases in already approved subsidies, etc.
 4. In the area of the use of digital technologies, promote forms of sustainable long-term cooperation so that CSOs are not dependent solely on emergency expert volunteer help.
 5. In programmes for the development of digital competences, take into account the size and operational reality of CSOs, which are typically rather smaller and need to develop basic IT user skills and IT management instead of specialised IT positions.
 6. Complete the amendment of the Public Collections Law that respects the context of already existing legislation (e.g. in the areas of anti-money laundering and e-privacy measures) and the role of public collections in the mix of individual fundraising methods.
 7. Comply with the timetable for the provision of grants to NGOs indicated in the Government's Principles. Delays in the announcement of subsidy programmes (e.g. the Ministry of Labour and Social Affairs programme for financing social services of a supra-regional and national character) threaten the funding of NGOs in the first half of the year.
 8. Look for opportunities to strengthen the financial stability of NGOs to protect them from drops in income from individual and company donations.
- Establishment of an expert working group on systemic change in the financing of non-profit organisations at the Government Council for NGOs (RVNNO).
 - Acceptance of RVNNO's recommendation to the Ministry of Interior related to the law amendment and handbook change to simplify and clarify the rules for organising public collections, following two years of confusion.
 - Submission of a partial amendment to the Public Procurement Act, exempting transfers of subsidies between partners in subsidy projects from the scope of the Act, as a result of NGO coordination and advocacy work.
 - The use of an open call for nominations to some advisory bodies of the Government (e.g. the Government Council for NGOs and its EU Committee) and representatives of the RVNNOs to selected monitoring committees of EU funds (OP JAK, OP TAK, etc.) in accordance with the new Methodology of Participation.
 - Advanced level of philanthropic culture in the Czech Republic and continued growth of individual philanthropy despite negative influences such as inflation and rising energy prices.



“In state cooperation with non-governmental non-profit organisations (NGOs), there is a need to address the issue of how to move from the pragmatic support for NGOs to provide state-commissioned services to the idea that cooperation with civil society organisations in itself is a value that strengthens any democracy – and towards mechanisms of cooperation that take this into account. There are many different examples from the EU we can draw on, as the Conference on Strategic State-NGO Partnerships in Democratic Europe showed.”

—— Blanka Mouralová



“Inflation and rising energy prices place greater demands on the financial security of NGOs. It is therefore extremely important that subsidies for public services and NGO activities take into account the current economic and social situation and are paid on time and not only later in the calendar year, as has long been the informal practice.”

—— Marta Smolíková



“NGOs buy a different mix of things and services from the average consumer, but inflation affects them as well. Energy prices especially are a big problem for NGOs. Moreover, inflation also has a significant impact on NGO employees, who have generally lower wages than employees in other sectors and are thus naturally more vulnerable.”

—— Jan Gregor



NETWORK
FOR THE PROTECTION
OF DEMOCRACY

Czech Democracy in the Eyes of the Public

Special Report on Public Perception of Democracy Prepared in Cooperation
with the STEM Institute for Empirical Research

STEM 

JULY ——— DECEMBER 2022

In a Nutshell

The quality of democracy can be assessed in many different ways. The State of Czech Democracy report assesses the health and stability of Czech democratic institutions over the long term. Across topics, experts name the strengths of our democracy and point out where the situation has taken a turn for the worse. But how is democracy viewed and experienced by “demos” – the people who, according to the Constitution, are the source of state power?

This special report, produced in collaboration with the STEM Institute for Empirical Research, aims to add to this perspective. What grade would people give to Czech democracy? How would they evaluate the work of the government, parliament or the president? How much trust do they have in other people? And how might all this be related to how they are doing economically? We will also look at one of the most pressing questions of today, namely what people think of the reception of refugees from Ukraine. The answer to this question may serve as an indicator of how confident the society remains in its ability to help those in need, even though it is going through difficulties of its own. This report presents the results of a sociological survey with the aim of adding the voice of the public to that of experts, private and civil society interest groups and journalists in the public discourse.

The report concludes that Czech society is in one of the deepest crises of trust in institutions and other people since the beginning of the Czech Republic in 1993. This is probably the result of three years of trials. However, the self-confidence of the middle class is still at a high level, solidarity with the Ukrainian refugees persists and the society as a whole remains stable.

Experts: **Mgr. Jaromír Mazák, Ph.D., ředitel výzkumu STEM;**
PhDr. Martin Buchtík, Ph.D., ředitel STEM

Positive Trends

- There is a stable share of citizens (about one-fifth to one-quarter) who positively assess the quality of democracy in the Czech Republic regardless of external shocks (COVID-19, the war in Ukraine, energy prices and overall high inflation).
- We observe a stable support for the reception of refugees from Ukraine (55 to 60% of the Czech public). This indicates a confident middle class, ready to help those in need even in times of uncertainty and falling real wages.

Negativní trendy

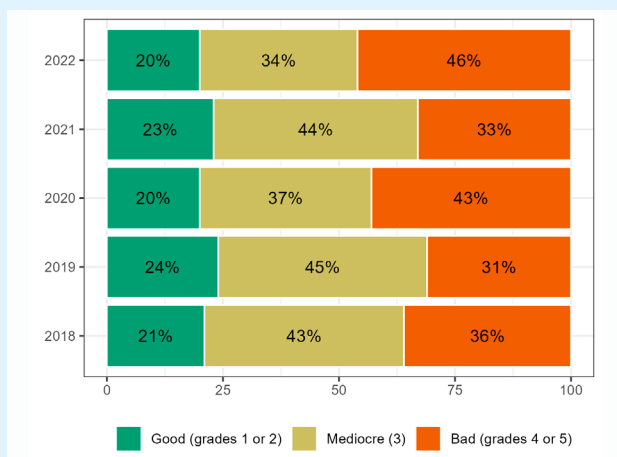
- We see an exceptionally negative assessment of democracy in 2022 by a large part of the public (46 % give a grade of 4 or 5, i.e. the worst and second worst grade), which in recent times is comparable only to assessment in the “covid year” of 2020.
- Trust in other people in society is at a record low after a dramatic drop. This may mean a long-term problem of crippling the Czech society’s ability to act: if people do not trust each other, it is harder to find consensus on reforms and other important steps.
- There was a decline in trust in key political institutions – the government, the parliament and the president. In 2022, trust dropped to some of the lowest values in the history of our country, comparable only to the crisis of the

Main Findings

Almost Half of People Rate the Quality of Democracy Negatively and The Overall Mood is Worsening

The public's assessment of the quality of democracy reflects the general mood of the times, as well as economic developments. Thus, it serves as an indicator of how people feel about the functioning of public affairs in a broader

Figure 1: What grade would you give our society in the following areas? One is an excellent grade, five is a failing grade, three is a good grade. The area of "QUALITY OF DEMOCRACY".



Note: In all years, the survey took place towards the end of the year (in November or December; in 2021 in October).

The Pandemic Has Set Off a Period of Scepticism Towards Political Institutions and So Far, the Trend Continues

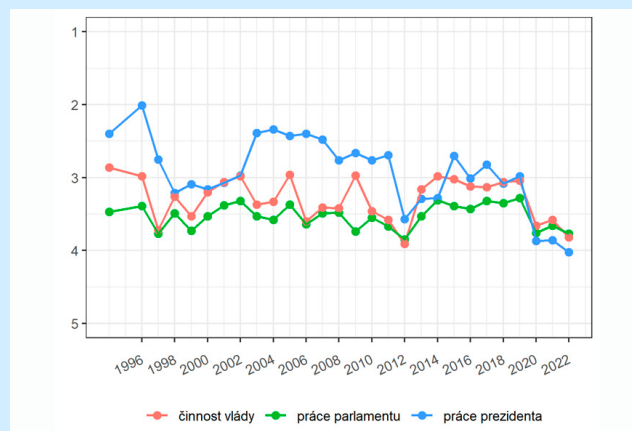
Looking specifically at the 2022 public's assessment of the performance of the government, parliament and the president in the context of the assessment of previous years (Figure 2), two facts are apparent. First, citizens, on average, tend to rate the performance of key political institutions as only mediocre (grade 3) or even worse (except for the assessment of the president's performance in some years) over the long term. Second, the last year was one of the worst ever in this assessment since the early 1990s. Meanwhile, the low grades of all three key political institutions have been ongoing since the beginning of the COVID-19 pandemic. It is as if the pandemic set off a period of scepticism in the political establishment, which continues regardless of who is in power – whether the ANO and ČSSD coalition (2020 and 2021) or the current governing coalition (2022). Particularly telling is the decline in the approval rating of the president, who has

late 1990s and the culmination of the global economic crisis in the Czech Republic.

- The number of households whose financial situation worsened compared to the previous year was the highest since the early 1990s. If this trend continues, there is a risk of weakening the middle class and an increase in potential supporters of extreme or populist solutions.
- There are indicators that the support for the reception of Ukrainian refugees could be fragile. Support, despite its persistence to date, could be undermined by a protracted crisis, poor government action or populist attacks.

sense. In Figure 1, we see that over the last five years, we have consistently had about one-fifth to one-quarter of citizens who rate the quality of democracy positively (scores of 1 or 2). This proportion remains the same regardless of whether it was the economically strong years of 2018 and 2019, the difficult COVID disease years of 2020 and 2021, or the past year marked by the war in Ukraine and dramatic inflation. However, we see a change in the proportion of those who rate the quality of democracy as a 3 (a sort of average, mediocre rating) and those who rate it as worse (a 4 or 5). At the end of 2022, people rated the quality of democracy particularly harshly (46 % gave it a grade of 4 or 5), comparable perhaps only to the first covid year.

Figure 2: Average rating of the performance of the selected political institutions on a school-like scale from 1 (highest rating) to 5 (worst rating)



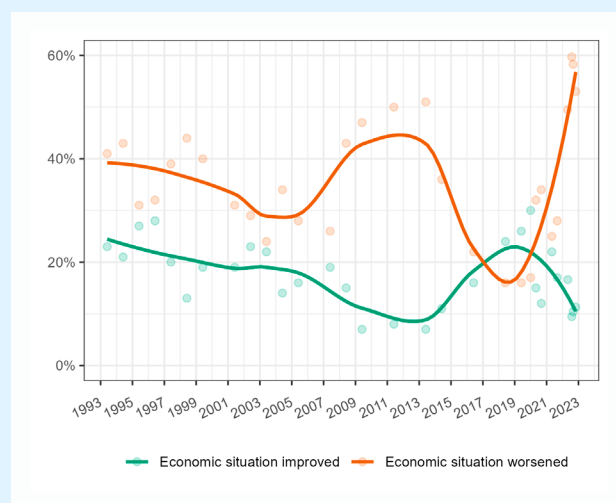
Note: In all years, the survey was conducted in January and respondents were instructed to rate the institutions' performance over the previous year.

historically tended to enjoy the best ratings. However, in 2022 his ratings were historically at its lowest, probably due to his general inactivity and the war in Ukraine which highlighted the short-sightedness of his previous position on Russia.

More Than Half of All Households Are Experiencing A Drop in Their Financial Situation, Threatening Not only Their Standard of Living But Also Their Perception of Democracy

The fact that Czech society is not experiencing good years may also be behind the worse assessment of the quality of democracy as well as those in power. The COVID-19 pandemic has disrupted the life of most. The consequences of the war in Ukraine, coupled with uncertainty and a level of inflation which the Czech society had not experienced even in the transformation period of the 1990s, followed close behind. Thus, in 2022, households have seen their real wages fall for the first time since the culmination of the effects of the global economic crisis in 2013 – and much more significantly so. While pension indexations have led to the preservation of the living standards for the elderly (even though probably not their increase), low-income families, families with children, and people living in family houses, whose heating costs have risen the most, are in a financially difficult situation. As a result, between 50 % and 60 % of people in 2022 perceived that their household's financial situation had worsened compared

Figure 3: Compared to 12 months ago, do you think your household's financial situation has: deteriorated a lot, deteriorated a little, stayed the same, improved a little, or improved a lot?



Note: The graph plots the proportion of people in the merged category of “very + slightly improved” and “very + slightly worsened”. The answer “stayed the same” is omitted for the sake of the graph's clarity.

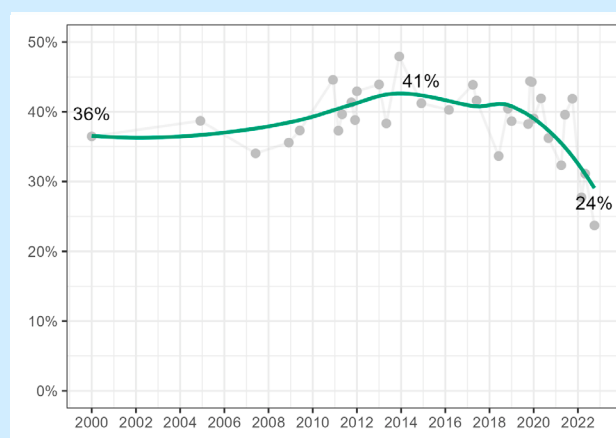
to the year before. This is higher than ever before and in stark contrast to years 2018 and 2019, when fewer than 20 % of people reported these conditions.

Unprecedented Decline in Interpersonal Trust Illuminates Deeper Divisions in Society

A decline in interpersonal trust is the high price we pay for the current developments. We measure it as the proportion of respondents who said that most people can be definitely or rather trusted. This proportion has in recent years been between 35 % and 45 %. However, all three measurements in 2022 show lower values, even as low as 24 % in the second half of 2022 (Figure 4). This is a dramatic drop. It is noteworthy that over the last economic crisis peak (2011–2013) and in the years of the COVID-19 pandemic (2020 and 2021), the values of interpersonal trust were significantly higher (around 40 %). We believe that the current decline in interpersonal trust is mainly related to the fact that, as a result of the war in Ukraine, the year 2022 has raised the topic of the Czech Republic's general course since 1989 and its geopolitical affiliation. The split in society between those who support a pro-Ukrainian, pro-Western interpretation of the current situation and those who see NATO and EU countries as also fundamentally responsible for the war in Ukraine has become fully apparent. However, this is a symptom of a deeper division. While the former still accept the post-Velvet Revolution vision of our

country's “return to the West”, the latter have often stopped believing in it and would rather see the Czech Republic as a neutral bridge between the West and the East without a clear inclination towards one or the other.

Figure 4: Do you think most people can be trusted?

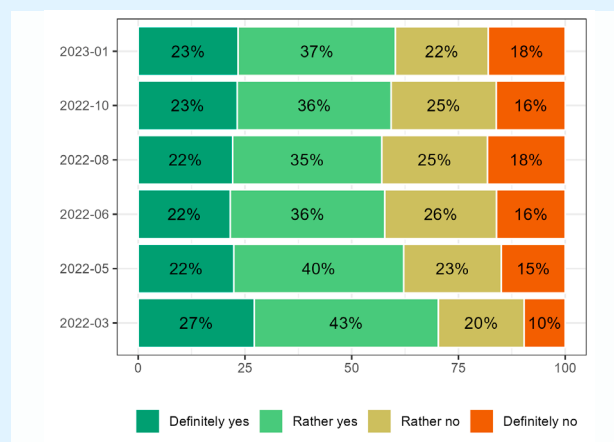


Note: The graph shows the proportion of respondents who chose “definitely yes” or “rather yes”. The answers “definitely not” and “rather not” add up to 100 %.

Solidarity With Ukrainian Refugees Remains Relatively High and Stable

The positive news against the backdrop of the rather worrying overall developments over the recent years is the fact that the level of solidarity of the Czech public with Ukrainian refugees remains relatively high. Last spring, after the launch of the Russian invasion of Ukraine, support for accepting refugees was as high as 70 %. This surprised many observers given the anti-refugee sentiment during the European Migration Crisis (2015 and 2016). Subsequently, there was some decline but the support for Ukrainian refugees soon stabilised at between 55 and 60 % (Figure 5). The stabilisation of attitudes may also be related to the fact that the topic of Ukraine has become somewhat exhausted in the public debate. Given that the arrival of another large number of refugees is now highly unlikely given the situation on the front line, there is less impetus for changes in attitudes. However, the integration of Ukrainian refugees remains a major challenge for the future.

Figure 5: More than 200,000 (March, May, June 2022) / 300,000 (August, October 2022, January 2023) refugees have fled the war to the Czech Republic. In your opinion, is it right that the Czech Republic is accepting these refugees?



What's Next For Us?

1. Declining but still high inflation rates will increase the pressure on tight household budgets.
2. While the poor economic situation – thanks also to some mitigating measures by the government – is not affecting the stability of the society as a whole, it is likely that the situation of the COVID-19 pandemic will recur in that its impacts on different social groups will be varied.
3. We expect the worsening of social problems linked to the poor economic situation of socially vulnerable groups. Above all, we can expect radicalisation, including excesses of radicalised individuals, widening disparities in educational outcomes depending on the socio-economic situation and a further increase in (petty) crime. There is already a 19% increase in crime in 2022 compared to 2021, albeit after a long-term decline.
4. The decline in interpersonal trust is a serious warning sign for our democracy. A society where people do not trust each other will find it hard to agree on how to respond to the challenges of a rapidly changing world, but also to the challenges of a huge state budget deficit. A general distrust exacerbated by a negative public reaction to every proposed change may lead to delayed or half-hearted reform measures.
5. There are feelings among many of the supporters of accepting refugees that the government is overdoing it with aid, and concerns that the presence of Ukrainian refugees will have negative effects on the quality of social services, or will lead to a worsening economic situation. A protracted crisis, poor actions by the government, inadequate communication or the opposition's efforts to stir up political conflict around migration may lead to a drop in public support and threaten the successful integration of Ukrainian refugees into Czech society.
6. Some economic outlooks, including estimates of future energy prices, are now relatively optimistic. Although social sentiment will improve more slowly, we do not expect it to further deteriorate.



"As the war in the Ukraine continues, the Czech Government will have to fight major battles for the trust of citizens on the domestic scene. Changes in public sentiment will depend on the government's ability to cushion the effects of inflation and communicate a convincing vision for the domestic agenda."

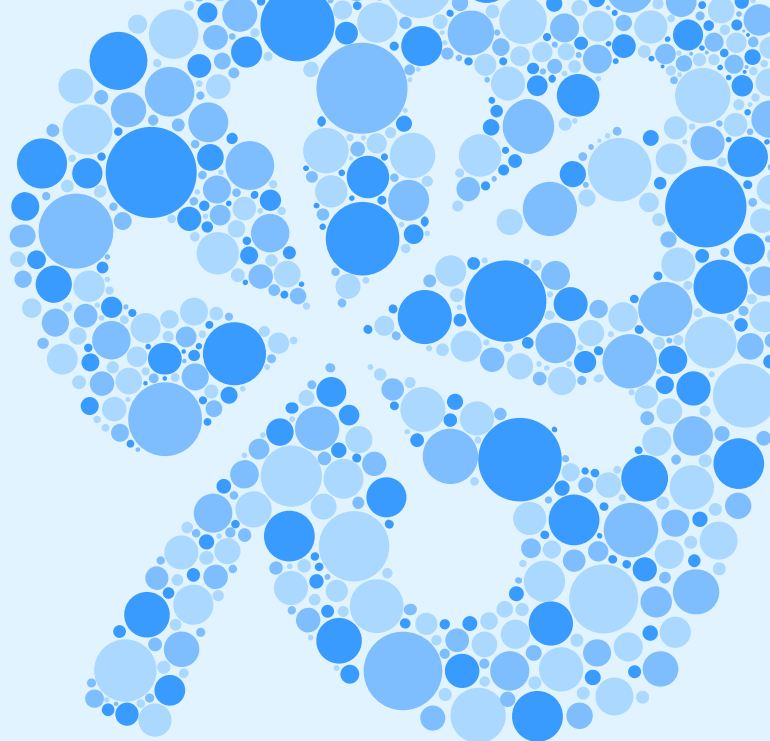
— Jaromír Mazák

About the STEM Institute

The STEM Institute for Empirical Research has been conducting sociological research on the State of Czech Society since the early 1990s. We focus on the topics of trust in society and its institutions, the public's relationship to international institutions (EU, NATO), quality of life, education, philanthropy and civic participation, and the adaptation of Czech society to climate change. We publish our findings in the form of extensive research reports, in cooperation with the media and in the form of shorter



press releases on our website. In the second half of 2022, STEM conducted research on topics that unite and divide Czech society, and published them in cooperation with Aktuálně.cz as the [Czechia Together Project](#). We believe that sociological research should mediate the voice of citizens on an ongoing basis and in relation to various topics, so that the public debate is based on data, not just myths and whims of the moment.



The Czech Network for the Protection of Democracy was established in 2020 in response to fears of democratic backsliding and shrinking civic space in the CEE region. The Network connects more than 80 leading experts with civil society from across the country, as well as a wide spectrum of opinion. Together they monitor trends, opportunities and threats to the rule of law, human rights and civil society. Engaged civil society organizations, companies, informal groups and individuals form an active network equipped with an online platform to share information and mobilize.



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