

# ACTIVIZENSHIP

CIVIC SPACE WATCH REPORT 2020 - STORIES FROM THE LOCKDOWN





**CZECHIA**

## Civic space in Czechia is rated "Open" on the CiViCUS Monitor.

**C**SOs helped Czech democracy to grow amidst the post-communist transition but, as in other Eastern European countries, they are still facing low trust by the public, weak government recognition and insufficient media attention. In recent years, and especially since the 2017 elections, the public perception of NGOs has been characterised by a steady decline, mirroring similar developments across Central and Eastern Europe. This distrust reflects societal fears and suspicions that opportunistic political forces are sometimes exploiting to limit democracy<sup>1</sup>. They have repeatedly attacked voices that are critical of their actions by labelling them as “political”, threatening cuts of state funding and closing their access to the policy-making. Nevertheless, these worrying developments do not affect the overall sustainability and resilience of the Czech CSOs. In this context, the COVID-19 crisis magnified these trends: on the one hand, democratic voices have been targeted by smear campaign of politicians; on the other hand, civic actors have been on the frontlines to respond to the socio-economic and democratic challenges raised by the pandemic.

<sup>1</sup> Activizenship #3 - Democracy under stress - rebuilding trust - rights for all (2019).

## THE SECTOR IN NUMBERS

Population of the country (2020)

**10.69 million**

Number of CSOs registered in the country (2020)

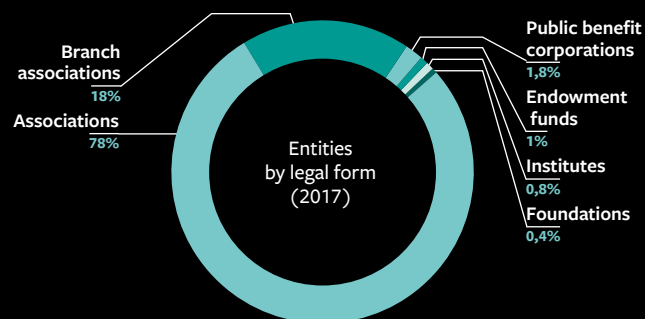
**130.000** (-0,43% compared to 2019)

Number of people employed by the sector (2017)

**105.292**

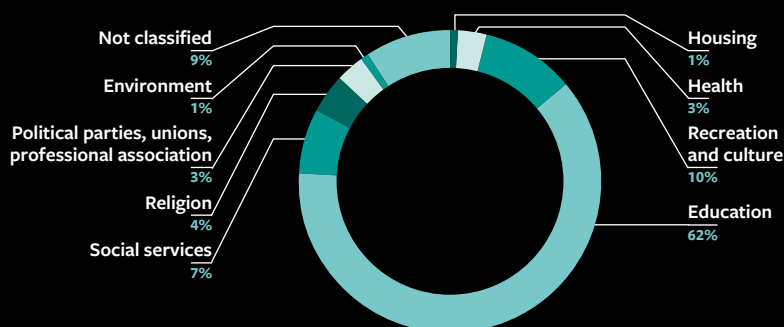
Number of volunteers (2017)

**26,964** (0,24% of the total population)



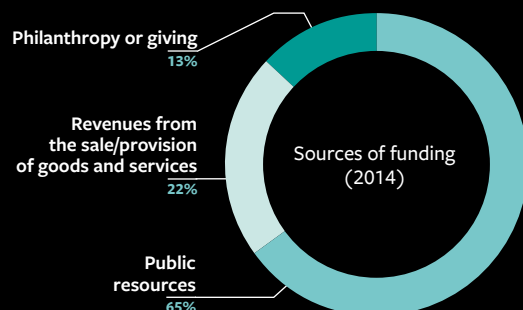
SOURCE: 2019 CIVIL SOCIETY ORGANIZATION SUSTAINABILITY INDEX, BY UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT BUREAU FOR DEMOCRACY, CONFLICT AND HUMANITARIAN ASSISTANCE CENTER OF EXCELLENCE ON DEMOCRACY, HUMAN RIGHTS AND GOVERNANCE (2020)

## DISTRIBUTION OF CSOS BY FIELD OF ACTIVITY (2013)



SOURCE: CIVIL SOCIETY IN CENTRAL AND EASTERN EUROPE: CHALLENGES AND OPPORTUNITIES, ERSTE STIFTUNG STUDIES (2017)

## THE ECONOMIC WEIGHT OF THE SECTOR



SOURCE: CIVIL SOCIETY IN CENTRAL AND EASTERN EUROPE: CHALLENGES AND OPPORTUNITIES, ERSTE STIFTUNG STUDIES (2017)

Budget of the sector (2016):



\*THE MAJORITY OF THE FUNDING GOES TO SPORT AND SPORT ACTIVITIES: IN 2017, IT REACHED ONE-THIRD OF THE OVERALL AMOUNT

SOURCE: 2018 CIVIL SOCIETY ORGANIZATION SUSTAINABILITY INDEX, BY UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT BUREAU FOR DEMOCRACY, CONFLICT AND HUMANITARIAN ASSISTANCE CENTER OF EXCELLENCE ON DEMOCRACY, HUMAN RIGHTS AND GOVERNANCE (2019); 2018 REPORT ON THE STATE OF CIVIL SOCIETY IN THE EU AND RUSSIA, EU-RUSSIA CIVIL SOCIETY FORUM (2019)

Level of trust towards the sector (2019)

Autumn 2019:

**33% trust NGOs** (-5% compared to spring 2019)

**58% do not trust** (+6% compared to spring 2019)

SOURCE: PUBLIC OPINION RESEARCH CENTER (CENTRUM PRO VÝZKUM VEŘEJNÉHO MÍNĚNÍ)

# CIVIL SOCIETY IN TIMES OF PANDEMIC

## Victim of the virus, or more resilient than ever?

By Pavel Havlicek, Association for International Affairs

In the past months, the Czech Republic has been no exception in being hit hard by the COVID-19 pandemic. The Czechs, including their civil society, have gone through turbulent times and moments of sudden lockdown. After the gradual release of measures, they are again getting ready for a potential second wave.

Despite the initial shock and the economic struggle, as the crisis has unfolded, civil society has shown remarkable resilience by substituting - to a large degree - the state in taking immediate action and providing protection and public benefits to the most vulnerable groups in society.<sup>1</sup>

Fortunately, Czechia has so far not become one of the countries in which the elites systematically abused their power at the expense of the citizens, as

we have seen - for example - in Hungary or Poland. And even if some representatives of the Government made these attempts, the Czech society, independent media and civil society as well as the political opposition, courts and legal experts pushed them back to strike a balance between the protection of public health and democratic norms and values.

But it is still necessary to carefully watch measures taken by the Czech as well as other European governments and monitor their implementation—and, if necessary, to oppose these changes. Civil society, as an essential pillar of checks and balances, is going to play a crucial role in this and, if given sufficient resources, it will call on the Czech institutions to restore the normal state of play and democratic order in Czechia once the crisis is over. But for that, EU institutions should also play their part by empowering civil society to act and

to reclaim citizens' rights and freedoms back to a full extent.<sup>2</sup>

### CZECH DOMESTIC LANDSCAPE

In recent years, the whole of EU has suffered from democratic backsliding and the erosion of the rule of law as well as from a weakening of other fundamental values, particularly in the Central and Eastern European member states. In that sense, Czechia fits the regional pattern even if the state of its civil society is barely comparable with Hungary or even Poland, where the state authorities have been pressuring the “unlike-minded” groups into isolation using financial, administrative and other means for the last couple of years.

Despite this, Czech civil society lies - and its representatives perceive

<sup>1</sup> <https://www.gmfus.org/blog/2020/04/17/eu-must-learn-its-work-abroad-support-civil-society-home>

<sup>2</sup> <https://www.euractiv.com/section/freedom-of-thought/opinion/does-the-eu-care-about-democracy-at-home/>

## CZECH CIVIL SOCIETY LIES – AND ITS REPRESENTATIVES PERCEIVE THEMSELVES AS – SOMEWHERE IN BETWEEN FACING REAL ISSUES AND HAVING GOOD CONDITIONS FOR THEIR WORK

themselves as – somewhere in between facing real issues and having good conditions for their work.<sup>3</sup> Most significantly, it is the unpredictable political, legal and financial environment that makes the life of civil society organisations (CSOs) in Czechia more complicated. Czech CSOs now have to pay more attention to civic space developments, which might limit their work and scope of activities, especially in the context of the COVID-19 related restrictions.

Nevertheless, the overall state of Czech civil society is – despite some negative trends – far from being hopeless, rather the opposite. On the one hand, the polarisation of the Czech society – increased after the 2017 parliamentary elections which strengthened the political extremes and weakened pro-liberal democracy circles<sup>4</sup> – generally confirms the negative trends. On the other hand, it generally leads to the promotion of activism and stronger engagement in support of civil society, including by financial contributions from citizens.<sup>5</sup> The Czech civil society seems to realise the potential challenges that it is facing and reflects them in its work and flexibly

reacts to the new political environment as well as, most recently, to the COVID-19 pandemic. As a good example of this effort, the Million Moments for Democracy (*Milion chviliek pro demokracii*) movement has been actively opposing the negative changes and acting as a watchdog to the Czech Government and national authorities by – for example – organising some of the biggest demonstrations over the last thirty years bringing together hundreds of thousands of pro-democratically minded Czech citizens.

### STATE RESPONSE TO THE COVID-19 EMERGENCY

Since the beginning of the pandemic, the Czech government-imposed limitations on most civic rights and fundamental freedoms to protect public health.<sup>6</sup> Even if the communication of these limitations was rather chaotic, not systematic or well-coordinated, the measures never got out of control or substantially differed from other European countries and their response to the pandemic. One specific element was the mandatory rule to wear face masks since day one of the crisis. This was a shock for the society since the state did not provide the means and tools for all citizens to follow its new regulations and, in the first place, the Czechs had to rely on their own resources. Apart from that, Czech authorities also introduced a strict limit to the freedom of movement, travelling or commuting abroad. They also restricted public gatherings, demonstrations and public forms of protests.

Despite the severity of these measures, the Government remained somehow accountable and open to criticism for their enforcement. However, there were two concrete issues related to the Czech legislative response that the civil society, as well as political opposition and others in the society, criticised. First, the State of emergency and related

restrictions were adopted by the Ministry of Health under the Law No. 258/2000 on Protection of Public Health<sup>7</sup> rather than by the Government under the Crisis Act powers. This was challenged in Court<sup>8</sup> because it raised issues of separation of powers and accountability of the Government to the Parliament. The Government finally decided to only amend the Law on Protection of Public Health instead of introducing a special emergency law related to COVID-19 pandemic, as encouraged by the pro-transparency groups in the Czech civil society.<sup>9</sup>

Second, access to information on public procurement was effectively put on hold under the emergency regime. The Ministry of Health and Ministry of Interior responsible for purchases of most of the personal protective equipment (PPE) claimed they would announce any information after the state of emergency. However, this involved suspicion of corruption, clientelism and ill-governance. It was questioned by the

<sup>7</sup> [http://ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=72639&p\\_country=CZE&p\\_count=261](http://ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=72639&p_country=CZE&p_count=261)

<sup>8</sup> <https://www.ceska-justice.cz/2020/04/mestska-soud-praze-omezovat-prava-mela-vlada-svymi-narizenimi-nikoliv-ministerstvo/>

<sup>9</sup> <https://www.rekonstrukcestatu.cz/archiv-novinek/nezhasinat-opozice-navrhla-reseni-jak-na-rychle-nakupy-ochrannych-pomucek-bez-korupcnich-rizik>

#### Association for international Affairs

(AMO) is a non-governmental not-for-profit Prague-based organization founded in 1997. Its main aim is to promote research and education in the field of international relations. AMO facilitates expression and realization of ideas, thoughts, and projects in order to increase education, mutual understanding, and tolerance among people. AMO represents a unique and transparent platform where academics, business people, policymakers, diplomats, media, and NGOs can interact in an open and impartial environment. During COVID-19, the organisations carried out a series of workshops and information sessions about impacts of COVID-19 on different regions of the world; debunking and fact-checking information related to COVID-19 pandemic, especially related to third parties, such as Russia, China and others.

<sup>3</sup> [https://eu-russia-csf.org/wp-content/uploads/2019/04/190327\\_RU-EU\\_Report2018\\_allpages.pdf](https://eu-russia-csf.org/wp-content/uploads/2019/04/190327_RU-EU_Report2018_allpages.pdf)

<sup>4</sup> <https://www.milionchviliek.cz/>

<sup>5</sup> [https://eu-russia-csf.org/wp-content/uploads/2019/04/190327\\_RU-EU\\_Report2018\\_allpages.pdf](https://eu-russia-csf.org/wp-content/uploads/2019/04/190327_RU-EU_Report2018_allpages.pdf)

<sup>6</sup> <https://www.rekonstrukcestatu.cz/archiv-novinek/nezhasinat-7-vlada-musi-i-v-krizove-dobe-respektovat-pravidla-pravniho-statuu>



## THE AUTHOR

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## HUNDREDS OF NEW PROJECTS AND INITIATIVES WERE DRIVEN BY BOTH LOCAL AND NEIGHBOUR COMMUNITIES AND TRADITIONAL, WELL-ESTABLISHED CSOS

political opposition, independent media, CSOs as well as the law enforcement bodies.<sup>10</sup> The public tenders of PPE, including from China and other proxies, were of particular concern due to the low quality and excessive price.

As far as the freedom of association, expression and assembly were concerned, the governmental measures rather substantially restricted them. This was the case when applying the concept of social distancing, wearing of masks or limitations on public gatherings and physical contacts to a maximum of 2 people (except for relatives) at the time of the highest spike in the number of cases. This, logically, had severe limitations for the citizens as well as the work of civil society, including when providing help and services and working with beneficiaries or engaging in educational activities, conducting advocacy and having their voice heard. Freedom of assembly was mostly affected due to the lockdown. And even though some associations remained active, they had to move their activities to the online space and look for new opportunities of how to work and stay engaged. Freedom of expression remained relatively open even if most of the public space was occupied with COVID-19 related news, and it was

difficult to pass other messages across. However, even in this domain, there were individual cases of authorities pressuring civil society,<sup>11</sup> independent media and individual activists<sup>12</sup> critical of their actions. This was, for example, the case when the Czech Prime Minister claimed that, since the beginning of the pandemic, he missed the help and support from civil society, which was resolutely refuted by the third sector and consequently led to an apology from Andrej Babiš.<sup>13</sup>

Nevertheless, during the whole COVID-19 period, the system of checks and balances composed of the parliamentary control, independent courts as well as citizens oversight worked and remained in place for the whole time. And the Government had to pay attention to all three main components of the public control. For example, when the ministry of interior decided to postpone the by-elections for the Czech Senate due to the complicated situation of public health, the Czech courts quickly reacted and ordered to remedy the situation.<sup>14</sup> The same was true for exceeding competences of the Ministry of Health, unregulated public tendering or potential conflict of interests of the Prime Minister.

## CIVIL SOCIETY'S RESILIENCE

While the COVID-19 pandemic meant a shock and danger, it also provided a good opportunity for civil society, neighbour and local communities to get engaged and help each other during the difficult but shared moment. Hundreds of new projects and initiatives were driven by both local and neighbour communities

<sup>11</sup> <https://osf.cz/2020/04/03/vyjadreni-neziskove-organizace-sehravaji-zasadni-rolu-v-dobe-koronaviru/>

<sup>12</sup> <https://www.seznamzpravy.cz/clanek/jermanova-skutecne-poslala-policii-na-zachranarku-a-pak-psala-at-ji-nechaji-byt-108822>

<sup>13</sup> <https://denikn.cz/333552/neziskovky-v-krizi-nepomahaji-napsal-babis-od-prvniho-dne-zachranujeme-nejslabsi-bouri-se-organizace/>

<sup>14</sup> [https://www.irozhlas.cz/zpravy-domov/nejvys-si-spravni-soud-doplnovaci-volby-do-senatu-jaroslav-kubera-teplce\\_2004011559\\_aur](https://www.irozhlas.cz/zpravy-domov/nejvys-si-spravni-soud-doplnovaci-volby-do-senatu-jaroslav-kubera-teplce_2004011559_aur)

<sup>10</sup> [https://drive.google.com/file/d/11C\\_zyt1XlIzDJcJUzDgHrSKOizJLont/view](https://drive.google.com/file/d/11C_zyt1XlIzDJcJUzDgHrSKOizJLont/view)



and traditional, well-established CSOs, to a large degree supplementing the role of the state in providing help to the vulnerable and those in need.<sup>1516</sup>

Among them, the Czech scout movement cooperated with ELPIDA,<sup>17</sup> an organisation working with the elderly, to deliver help (e.g. groceries or medicine) and all necessary PPE. Over the last couple of months, thousands of scouts have joined the call and volunteered to help those in need with different services and provide support. On top of that, the Czech scouting created over 120 volunteer teams, to also engage and help locally, including by printing protective shields on 3D printers or distributing disinfection and organising phone calls to lonely people and seniors in particular.<sup>18</sup>

The social programme of one of the biggest Czech NGOs People in Need (*Člověk v tísni*) has been widely praised for its work on the topic of public indebtedness<sup>19</sup>, raising public awareness of the issue and increasing financial literacy as well as providing a response to executions and financial problems of citizens.

A group of Czech CSOs “Reconstruction of the State” (*Rekonstrukce státu*) has recently launched a campaign “Nezhasínat!”<sup>20</sup> (*Do Not Turn Off the Light!*) that aims at positively influencing the public decision-making process and making it more transparent and based on clear rules and values. The initiative has offered its recommendations on the legislative response to the COVID-19 pandemic, making the public procurement more transparent or on the state’s

approach to the issue of economic compensation and recovery. Its expertise and know-how were often taken on board by the political opposition and, in several instances, also by the coalition government when preparing its materials and legislative response.

Finally, the COVID19CZ<sup>21</sup> informal group brought together a diverse group of IT professionals and technology companies that worked with the state on the creation of a system of online tracing of infected citizens, the so-called Smart Quarantine (“Chytrá karanténa”), or on

## THE TRADITIONALLY PROBLEMATIC AREA OF FINANCIAL SUSTAINABILITY HAS FURTHER DETERIORATED AS A CONSEQUENCE OF THE PANDEMIC

the localisation of public authorities’ response towards COVID-19 pandemic by developing and implementing technological solutions. The platform also launched a project e-Facemask (“e-Rouška”) that helped to monitor the risk cases and decrease the danger for other citizens, even if the state then struggled to run both concepts on the national level. In addition, the group put together a new production line for respirators, sophisticated face masks and protective shields. COVID19CZ was also involved in developing smart and technological solutions for the communication of the Czech authorities, including an online dashboard, or working on the data-driven strategic communication to the citizens too.

It was important that civic activism – and organised CSOs at the heart of it

– got quickly mobilised and put resources together to provide PPE, additional financial means or medical and psychological help to those most in need. It was almost a euphoric period of social cohesion in the Czech Republic, so much unlike the previous years of societal polarisation, when people came together to help each other during such a challenging moment. Thanks to this engagement, the public credit of Czech civil society that was previously rather low (based on data from CVVM)<sup>22</sup> increased, and many initiatives and informal groups emerged. Even if the attacks from right and left extremes, including among the political parties in the Czech Parliament related to the access to public funding and financial support from abroad continued, civil society was shielded thanks to its exhausting work for the public benefit and the lack of political consensus on these issues.<sup>23</sup>

## FINANCIALLY STABLE AND RESILIENT?

Financial sustainability and balanced financial management have traditionally been an issue in the Czech civil society sector, at least since the 2004 enlargement and the subsequent departure of many Western donors and CSOs. The data of Donors Forum<sup>24</sup> from 2018 confirm that private donations remain rather limited, which allows for only limited diversification of funding of NGOs. Most Czech CSOs are dependent on a single source of funding.<sup>25</sup>

The traditionally problematic area of financial sustainability has further deteriorated as a consequence of the

<sup>15</sup> <https://www.google.com/maps/d/u/o/viewer?mid=1Q-FosGdbkLSWlreiikoQHRI-Irw26w6168dl=49.9446771580517%2C15.095325044598887&z=9>

<sup>16</sup> Some other are mentioned in the publication of the CSO European Values here: <https://www.europeanvalues.net/vyzkum/lessons-learned-and-best-practices-from-the-czech-republic-covid-19/>

<sup>17</sup> <https://www.elpida.cz/skautskapomoc>

<sup>18</sup> <https://www.skaut.cz/velkasrdce/>

<sup>19</sup> <https://www.clovekvtisni.cz/co-delame/socialni-prace-v-cr/dluhove-poradenstvi>

<sup>20</sup> <https://www.rekonstrukcestatu.cz/archiv-novinek/rekonstrukce-statu-spousti-projekt-nezhasinat-pri-nese-politikum-plan-jak-resit-dusledky-pandemie-podle-zakona-a-transparentne>

<sup>21</sup> <https://www.covid19cz.cz/>

<sup>22</sup> [https://cvvm.soc.cas.cz/media/com\\_form2content/documents/cz/a5011/f9/p0191008.pdf](https://cvvm.soc.cas.cz/media/com_form2content/documents/cz/a5011/f9/p0191008.pdf)

<sup>23</sup> <http://civicspacewatch.eu/czech-republic-the-communist-party-of-bohemia-and-moravia-kscm-move-against-non-profits-attempting-to-cut-them-out-from-state-financial-support/>

<sup>24</sup> <https://www.donorsforum.cz/o-dacovstvi/darcovstvi-v-cesku.html>

<sup>25</sup> <https://www.avpo.cz/2017/neziskovsky-sektor-v-roce-2016-darilo-se-mu-je-ale-potreba-dbat-na-zvy-seni-duveryhodnosti/>



pandemic.<sup>26</sup> The Czech Government – with few exceptions, e.g. in the social sector – did not introduce special financial tools or aid programmes to help the civil society sector, which would go beyond the concessions offered to businesses, e.g. partial financial compensations, postponement of tax declarations, or other forms of tax relief etc. A part of CSOs could not even qualify for the standard state's aid of such kind. Additionally, the economic struggle was caused partially by the limitation of regular activities<sup>27</sup>, reduction of social entrepreneurship or other forms of engagement with the public, including in educational, advocacy or service-related activities due to social distancing. This also meant a reduction of public donations, reshaping of priorities in the donor community or redirection of granting schemes.<sup>28</sup>

According to data from the beginning of the crisis provided by the Open

## THE STATE HAS PURSUED A PRAGMATIC POLICY OF COOPERATION WITH CIVIL SOCIETY, WHILE OFTEN CRITICISING NGOS FOR THEIR ENGAGEMENT IN PUBLIC LIFE AT THE NATIONAL LEVEL

Society Fund Czech Republic,<sup>29</sup> nearly half (47%) of the 346 interviewed CSOs reported significant cuts in their income, possibly leading to inability to pay salaries or insolvency. Around 60% were afraid of sustaining the levels of employment and keeping all their staff (up to 79% among ecological CSOs). In addition, more than 70% of the Czech CSOs reported that the crisis would have a significant impact on their activities and operations. Besides, more than 80% of organisations expected that they would not be able to meet their contractual obligations and/or deliver services to beneficiaries. The latter was even higher (95%) among organisations working with children

and youth, which reported high levels of instability and inability to plan and engage in a meaningful way with their respective beneficiaries.

Also, already at the beginning of the lockdown, 24% of organisations had substantially limited their traditional services and support to their communities.<sup>30</sup> This was particularly true for social CSOs engaging in palliative and hospice care (40%) and more than half (54%) of organisations working with excluded and disadvantaged communities. This clearly illustrates the extent of the problem in social care and services and further underscores the inability of the state to take care of the vulnerable parts of the society, including the elderly, the ill, the homeless or other disadvantaged communities, e.g. on the socio-economic basis.

At the same time, as a result of this state's inability to provide help and support to the most vulnerable parts of the society, 20% of CSOs claimed they had to restructure and expand their services and provide additional means and capacity to accommodate people's needs. Again, in social care working, this figure was even higher, rising to 45%. Therefore, it is possible to conclude that almost half of CSOs working in social work and services had to switch and/or update their regular projects and activities and start providing *de facto* humanitarian aid to citizens. While the state's capacity to do so remained rather limited, civil society continued to substitute its functions in this area, and even extend them. The state has pursued a pragmatic policy of cooperation with civil society, while often criticising NGOs for their engagement in public life at the national level. However, both the practical-qualitative and quantitative research showed that Czech CSOs were somehow successful in adapting to the new situation and looking for new ways

<sup>26</sup> [https://www.vlada.cz/assets/ppov/rnno/legislativa-a-financovani/2008/zapis\\_VLF-11\\_6\\_2020.pdf](https://www.vlada.cz/assets/ppov/rnno/legislativa-a-financovani/2008/zapis_VLF-11_6_2020.pdf)

<sup>27</sup> [https://www.vlada.cz/assets/ppov/rnno/legislativa-a-financovani/2008/zapis\\_VLF-11\\_6\\_2020.pdf](https://www.vlada.cz/assets/ppov/rnno/legislativa-a-financovani/2008/zapis_VLF-11_6_2020.pdf)

<sup>28</sup> In this regard, Czechia is no exception among the countries of Central and Eastern Europe and similar trends and challenges were reported in Poland, Slovenia and Croatia or Bulgaria and other countries in the CEE and elsewhere around Europe: More-Hollerweger, E., Bogorin, F.-E., Litofcenko, J. & Meyer, M. (2020). Civil Society in Central and Eastern Europe: Monitoring 2019, Vienna: ERSTE Stiftung.

<sup>29</sup> It is necessary to acknowledge that this research was not fully representative and served only as a selective insight into the situation of civil society sector: [https://osf.cz/wp-content/uploads/2020/05/Nadace-OSF\\_prizkum\\_COVID-2020.pdf](https://osf.cz/wp-content/uploads/2020/05/Nadace-OSF_prizkum_COVID-2020.pdf)

## THE IMPACT OF THE COVID-19 CRISIS:

**A survey by Open Society Fund Czech Republic carried out between 27 March and 8 April 2020 found:**

- ▶ **47%** of the 346 interviewed CSOs reported significant cuts in their income
- ▶ **60%** were afraid of sustaining the levels of employment and keeping all their staff
- ▶ **over 70%** reported that the crisis would have a significant impact on their activities and operations
- ▶ **24%** had substantially limited their traditional services and support to their communities
- ▶ **20%** had to restructure and expand their services and provide additional means and capacity to accommodate people's needs

Source: Dopady pandemie COVID-19 na neziskové organizace, Nadace OSF (2020), [https://osf.cz/wp-content/uploads/2020/05/Nadace-OSF\\_prizkum\\_COVID-2020.pdf](https://osf.cz/wp-content/uploads/2020/05/Nadace-OSF_prizkum_COVID-2020.pdf)

<sup>30</sup> Ibid.

and solutions for their situations and/or beneficiaries.

Nevertheless, the negative trend of declining financial contributions from citizens and private donors, as well as limited support from the state, will most likely affect the financial sustainability of the Czech civil society in the future.

### **CIVIC PARTICIPATION ALLOWED?**

Civic participation of CSOs in the Czech decision-making processes on the national, regional and local levels are normally facilitated by the respective bodies of the state. The practice, however, shows that there are no clear rules and guidance on the nomination process of CSOs to advisory and consultation councils on any level. The composition of these bodies (if formally existing at all) has sometimes been problematic due to civil society's limited capacity, as well as the state's willingness to listen.

At the national level, it is the Government's advisory body Council of Non-State Non-profit Organisations (RVNNO) that operates under the leadership of the Czech Prime Minister and brings together 33 representatives of Czech CSOs (16) and the representatives of the ministries and other state's stakeholders. This

is the formal communication channel between the state and the civil society, but its working groups are also devoted to monitoring and assessing the EU and Czech legislation, following the financial matters. They also facilitate the dialogue between individual ministries and representative of various parts of the Czech civil society. In 2019, this format of cooperation was reformed, which meant that civil society representatives lost the majority, although they are still successful in submitting topics of public interest to the highest places of the Czech decision-making process. Despite that, there is still a substantial space for improvement in terms of efficiency of its work and leadership on reform issues, which are often stuck due to the lack of political will and interest.<sup>31</sup> Additionally, the meetings of this body formally did not take place during the lockdown and its activities were moved online.

Also, the Czech state is not following the principles of the Open Governance Partnership (OGP) by having a strong and transparent dialogue with the civil society or allowing its involvement in the decision-making at a systematic level. Even if there are some examples of good practice, e.g. related to the Ministry of Foreign affairs or Health, this is not a general trend, and the establishment of a long-term, stable and productive cooperation has proved to be troublesome. The state authorities often seem not interested in cooperation with civil society or CSOs' advocacy and, sometimes, even close the access and/or counter the efforts in this field. Such cooperation often works better on the local and regional level due to the lower level of bureaucracy.

In the past, the Office of the Czech Government together with RVNNO prepared a strategic document "*State Policy with Respect to NGOs for the Years*

## **THE CONDITIONS OF ADVOCACY-DRIVEN NGOS HAVE WORSENERD OVER THE LAST COUPLE OF YEARS**

2015 – 2020"<sup>32</sup> on the development of relations between the state and civil society, including the area of civic participation by civil society. Even though this was a well-balanced guiding document, it mostly remained on the paper and did not transfer into reality with concrete policy changes. Currently, its new version is being elaborated for the period 2021-30.

These issues have been amplified by COVID-19 due to lack of physical contact. Since the beginning of the pandemic, access to decision-makers has been rather limited. The advocacy work has been made more complicated by the additional limitations to access to information as well as the closing of the whole decision-making process at some levels. These challenges have particularly affected some advocacy oriented CSOs that already had conflicts with the representatives of the ruling elite in the past.

The conditions of advocacy-driven NGOs have worsened over the last couple of years. These organisations are often labelled as "political NGOs" or "eco-terrorists" when they engage in the public debate, to some degree sidelined from the decision-making process or refused funding from the public authorities<sup>33</sup>. This has been the case for environmental NGOs as well as watchdogs and others. For example, even before COVID-19, anti-corruption organisations and activists, including Transparency International Czech Republic and its head David

**THE STATE AUTHORITIES OFTEN SEEM NOT INTERESTED IN COOPERATION WITH CIVIL SOCIETY OR CSOS' ADVOCACY AND, SOMETIMES, EVEN CLOSE THE ACCESS AND/OR COUNTER THE EFFORTS IN THIS FIELD**

<sup>31</sup> [https://eu-russia-csf.org/wp-content/uploads/2019/04/190327\\_RU-EU\\_Report2018\\_allpages.pdf](https://eu-russia-csf.org/wp-content/uploads/2019/04/190327_RU-EU_Report2018_allpages.pdf)

<sup>32</sup> [https://www.vlada.cz/assets/ppov/rnno/dokumenty/statni\\_politika\\_EN.pdf](https://www.vlada.cz/assets/ppov/rnno/dokumenty/statni_politika_EN.pdf)

<sup>33</sup> <https://arnika.org/ods-top-09-a-ano-trestaji-sve-kritiky-ztratou-grantu-podporu-ztratily-arnika-a-auto-mat>

Ondráčka, had *de facto* been targeted by the smear campaign of the Prime Minister. These tensions are linked to the CSO's consistent criticism for conflict of interests of the Prime Minister<sup>34</sup> and the Minister of Agriculture both at the Czech and European levels. During the last couple of months, tensions with anti-corruption organisations were exacerbated when the European Parliament passed a resolution<sup>35</sup> on the conflict of interests of the Czech Prime Minister's engagement in the future Multi-Annual Financial Framework of the EU for 2021-27. Moreover, during the pandemic, the Czech Government took advantage of the limited public oversight to proceed with the largest public tender in Czech history to construct additional blocks of the nuclear power plant Dukovany. This issue had previously been heavily debated in the public<sup>36</sup> and the move was criticised by the political opposition, independent media and civil society groups. Even if these issues never reached a systemic level, the COVID-19

pandemic made this situation even more complicated.

### CONCLUSION

Over the past months, the Czech civil society demonstrated a high level of resilience and adaptation to the new conditions and challenging environment created by the COVID-19 pandemic and the public lockdown imposed by the Czech Government. Despite the economic challenges, the Czech civil society proved capable of delivering help and support to the citizens, collected money and provided services for the elderly, the ill and other disadvantaged and excluded people. As a consequence, the public credit of the civil society increased and citizens in general recognised the added value of civic activism for the public good and well-being as well as management of public affairs, including by delivering ready-made solutions (e.g. in the IT and data sphere) to the state.

During the recovery from coronavirus pandemic and its forthcoming socio-economic consequences, civil society and independent media will play a crucial role in increasing societal resilience and restoring the public trust in the state and its institutions. Civil society will also be instrumental for the full restoration of democracy, human rights, or the rule of law to pre-pandemic times. For the EU, it is therefore of critical importance to make the right choices regarding EU future instruments for upholding European values and supporting civil society in its member states, including in Czechia.

Therefore, this is the right moment to support civil society in Czechia and across the whole EU and in this sense deliver on the EU's ambitious priorities set by European Commission President Ursula von der Leyen and put in the portfolio of Czech Commissioner Věra Jourová covering the democratic consolidation, restoration of the rule of law, and rebuilding the trust and confidence

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in the EU values. The agreement of the European Council on the MFF serves as a solid basis for that—if it is soon translated into concrete projects and policies to serve the interests of Czech and other European citizens.<sup>37</sup> In this regard, the newly agreed Rights and Values Programme offers a good (although limited) opportunity for additional funding and help to the civil society sector as well as upholding the common European values, especially when put together with the EU Democracy Action Plan, the rule of law monitoring or the media action plan. ■

The analysis is updated to 5 October 2020.

<sup>37</sup> <https://www.gmfus.org/blog/2020/07/23/mffs-half-empty-glass-supporting-eu-rights-and-values>

<sup>34</sup> <https://www.transparency.cz/firmy-ze-sveren-skych-fondu-dostaly-v-navrhu-zakona-zasadni-vyjimku/>  
<sup>35</sup> <https://www.europarl.europa.eu/news/cs/press-room/20200615IPR81227/parlament-zada-vysetreni-mozneho-stretu-zajmu-ceskeho-premiera>  
<sup>36</sup> <https://www.rekonstrukcestatu.cz/archiv-novinek/pruhlednejši-dukovany-diky-registru-smluv-chybi-ale-dohled-nku>

**THE CZECH CIVIL  
SOCIETY DEMONSTRATED  
A HIGH LEVEL OF  
RESILIENCE AND  
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NEW CONDITIONS  
AND CHALLENGING  
ENVIRONMENT  
CREATED BY THE  
COVID-19 PANDEMIC**





*Being separated from the person you love, each in a different country, thousands of miles apart, and not knowing when you will see each other again, sounds like a nightmare. However, during the lockdown, it was a reality for many couples. There were exceptions for government regulations that prohibited foreigners from entering and leaving the Czech Republic, but these only apply to spouses and family members. Therefore, gay and lesbian couples found themselves divided by yet another curtain. This situation showed once again how equal marriage would make life easier for many couples. Marriage equality is the main goal of the **We are fair** initiative. **We are fair** immediately noticed the discrepancy and pointed out that the government had reprehensibly forgotten couples in the registered partnership. Thanks to their actions, the government updated its policies and registered couples were able to rejoin.*

Dr. Ladislav Jackson

# LOVE BEYOND BORDERS

## LGBTI activists advocate for couple reunification

Interview with Czesław Walek and Filip Milde, We are fair

**Can you tell us about the We are fair initiative? When was it founded, who are its members and goals?**

**CZESŁAW WALEK:** The *We are fair* initiative is a coalition of six non-profits that came together with one single goal: to pass the marriage equality bill in our country. The initiative formally started in April 2017, and it is a mixture of public awareness campaigns and public advocacy. We work a lot with the public to explain why we believe that marriage equality is simply fair. We work across the country; we travel a lot for discussions and debates. We also work with decision-makers, mostly with Members of Parliament because they are the ones that will eventually make the decision, but also with civil servants. We gather as much support as possible. We work with the business sector; I believe more than 70 businesses put their logo on our initiative supporting marriage equality. We also have around 60 mayors

who signed a pledge for marriage equality. We work with believers, people that are religious and are supporting marriage equality, giving the religious argument for marriage equality. We work with other non-profits that are not specifically LGBTI but that support marriage equality, with youth groups. One of our biggest activity was collecting physical signature for a petition on marriage equality and, in five months, we gathered over 70 000 signatures, which for the Czech Republic is a huge number because we are a fairly small country. This shows that there is huge public support. The data from a public opinion poll from 2019 show that 67% of the Czechs supports marriage equality.

Legally, from 2006, we have a law on registered partnerships which is not the same as marriage equality; there is quite a huge number of differences between rights and obligations. Since 2009, we have an anti-discrimination

law that protects us from discrimination. When we talk about the situation for Czech LGBTI, there are not many physical attacks, but there are quite a few verbal abuses. But 91% of those are not reported by LGBTI people because they are afraid the police will not investigate them, or they believe

**ACTIVISTS, IN GENERAL, ARE IN A DANGEROUS POSITION, AND WE SEE THAT PEOPLE ACTING FOR WOMEN'S OR MIGRANTS' RIGHTS ARE OFTEN ATTACKED ON SOCIAL MEDIA OR BY EMAIL**





Czesław Walek

they are not important enough. When you look at the region, I would say that the Czech Republic is still a beacon of hope for LGBTI people, if you compare with what is happening in Poland or Hungary. Having said that, our politicians are pretty inactive when it comes to enacting laws or policies that would improve the quality of life for LGBTI people. Since the registered partnerships law, not much has happened in terms of public policies. That is why when you look at the ILGA Europe rainbow map, the Czech Republic scores pretty low.

**How is it to be an LGBTI activist in the country? Do you face any specific challenge, or do you tend to feel safe?**

**CZESLAW:** Of course, there are some challenges. We always have to be aware that you could become the target of some attacks either online or offline, especially around the Prague Pride festival, when the media are writing a lot about us. But I would say that, generally we feel safe. Activists, in general, are in a dangerous position, and we see that people acting for women's or migrants' rights are often attacked on social media or by email. From times to times that happens to LGBTI activists as well. But I would say that still, the majority of us feels safe.

**FILIP MILDE:** there is a small conservative organisations scene. They are new organisations been established, but they are learning fast, even from us. They are changing the words they are using when campaigning. But it is very different from Slovakia, Hungary, Poland... where those organisations have a really strong impact. Here, the general media and the public started to label them as 'extremists', so it is a very different landscape. Although there a few Parties in the Parliament supporting them. The situation in

THEY WERE MAKING  
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WAS NOT THE CASE

the Parliament is more conservative than the reality in the society, where 67% of the Czech population supports marriage equality

**How has the pandemic impacted the LGBTI community in the country?**

**CZESLAW:** I would say that when it comes to the LGBTI community, it impacted us quite tremendously, similarly to other countries. First, let's talk about mental health: we provide a peer mentoring crisis prevention portal, and we could see that there was an increase in the number of our clients during the pandemic. Young people mainly contacted us: they were suddenly closed with families that are often not sympathetic to their situation. They are either homophobic or transphobic and do not accept different sexual orientations or gender identities; they do not want to talk about it. For those kids, it was very stressful; they had to face the coming out issue much more

than in normal circumstances when they could be themselves in their other circles. Here those other circles disappeared. We did some quick survey on Facebook to learn what people were missing, and the first thing was being in touch with their friends.

The other thing is people with HIV because their immune system is in danger, but also because the organisation that provides them with free tests had to close down. During the lockdown, there was no testing, and there is fear that this will increase the spreading of HIV.

There were also challenges in the decision-making of the Government. Of course, the Government was making decisions on a daily basis and was not thinking of every minority. They were making decisions thinking that they would apply to all, but it was not the case. For example, when the Government slowly opened the borders, they opened them only to family members and married couples, they did not think of registered partners or partners that live together but are not institutionally together. We were pointing out those things, and the Minister of Interior corrected it.

**How was the work of the organisation affected?**

**CZESLAW:** The work of the organisation was affected quite a bit. When the pandemic broke out, the only discussion that was happening concerned the pandemic; nothing else was going on. The first vote in Parliament on the marriage equality bill that we hoped would happen in March, was postponed to – probably – the fall.

WE OFFERED HELP  
NOT ONLY TO LGBTI  
PEOPLE BUT TO ANYBODY  
WHO WANTED TO  
USE OUR SUPPORT



Filip Milde

Our work was also affected by the fear of losing some of the funding – which we did actually. „We are fair“ coalition is informal, and the administration and organisation are going through the Prague Pride organisation. So, I would rather talk about their funding. Part of it comes from public grants, mainly from the European Commission and the city of Prague. 1/3 comes from corporations and the rest from individual donations or from activities. For example, during the Prague Pride festival, we do some activities that generate income. What was affected was the last part: because we cannot organise the festival physically, we lost some of the funding from there. That is a big blow. We lost some funding from corporations that were linked to the festival, and then we lost some individual donations. When it comes to public funding, everything was already signed, so they did not take it back. But the question is what will happen next year when the economic crisis will hit. There is a risk that the states will reshuffle EU funds based on their needs. In the Czech Republic, this will mean that they will be cutting some of the grants that we would be applying to. So, we start to count less on public funding.

We also had to postpone some events and to create a pandemic group that was meeting every week to prepare some crisis scenario for our organisation.

At the beginning we did not know how long it was going to last so, I have to say, the first months were pretty stressful. But we dealt with it – I think – pretty well. We created three or four crisis scenarios, and we followed them.

### **What initiatives did the organisation carry out to support people during the pandemic?**

**CZESLAW:** We have been running many different initiatives. First, we did some legal counselling. Our lawyer prepared some documents where she explained how LGBT people, especially rainbow families, could be affected by the governmental decisions, especially around the lockdown. She also ran some Facebook

**WE ALSO HELPED TO ENLARGE THE GROUP OF PEOPLE VOLUNTEERING TO SEW MASKS AND DELIVER THEM TO PEOPLE IN NEED: THE ELDERLY, THE HOSPITALS...**

live streaming answering questions. Throughout the lockdown, we had an email address where people could ask us questions about legal issues.

**PHILIP:** When the country went in lockdown, we immediately understood that probably marriage equality was not going to be the main priority for the society and so we had to act differently. We offered all our social media and all our database of addresses – tens of thousands of addresses: people could reach us if they needed help or if they could provide support or services. We did this already the day after the lockdown. We offered help not only to

LGBTI people but to anybody who wanted to use our support. The second step was providing support to organisations and people that were affected the most. We create a fundraiser event, a broadcast of an online theatre play called “Homo40”. It was very successful: we collected almost 3000 euros, which is amazing considering that people were really concerned about money and it was very difficult. All the funding collected during the streaming for two weeks was donated to three affected groups: actors, single parents, and students. Concerning the last group, we cooperated with a group of medical students who launched an initiative of sewing masks. As an organisation, we helped them to spread the word about their activity, to use social media better and with the graphic design of their project. We also helped to enlarge the group of people volunteering to sew masks and deliver them to people in need: the elderly, the hospitals... This was the third group to which the resources from fundraising went. We continued helping people for almost two months: from March to end of April, besides helping couples and lobbying to include more categories in the law, to allow couples separated to cross borders.

### **Can you tell more about this initiative?**

**CZESLAW:** There were several ways in which we tackled this issue. Our advocacy officer wrote a blog post to explain this issue. The blog post was shared on social media by politicians, and this started a chain reaction. Then we called on the registered partners affected to contact us and share their stories. We wrote several articles to share these stories. These stories were picked up by the mainstream media; they appeared on the most-read tabloid Blesk.cz. I think it was a combination of our community engagement with our followers and our advocacy and media outreach.

**ONE THING WE IDENTIFIED ACROSS THE REGION IS FEAR OF SCAPEGOATING BY POPULIST POLITICIANS (BUT NOT ONLY) AS THE ECONOMIC CRISIS IS COMING AND PEOPLE WILL BE ANGRY**

**FILIP:** On the contrary, I think it is interesting to notice that those organisations that stand to keep the family between man and woman were not very active during the pandemic if not to advocate against trans' rights. On social media, people were commenting how they should be ashamed for this. Even their supporters said that this is not what they should have been doing at that time.

**Is the initiative organised also transnationally in Europe?**

**If yes, how?**

**CZESLAW:** "We are fair" is a solely national initiative: we lobby to change the law in the Czech Republic. However, we are in touch with other initiatives of this kind, and we share the experiences and lessons, especially in the area of communication and messaging. When it comes to COVID-19 crisis, again, those initiatives were solely domestic. We did not cooperate with others transnationally, but we were in communication with organisations in other countries. There were tons of webinars organised to share experiences and knowledge.

**Do you think that the European Union can be an ally in your struggle? In what way?**

**CZESLAW:** I was personally on a webinar with Commissioner Reynders and

vice-President Jourova, where we discussed the situation of LGBTI people in COVID-19 times. One thing we identified across the region (Czech Republic, Hungary, Poland, Slovenia...) is fear of scapegoating by populist politicians (but not only) as the economic crisis is coming and people will be angry. You can see it already in Hungary and Poland. What the EU should do is pushing for proper legislation on hate speech and hate crime.

**What lessons can be learned from this initiative that can potentially inform a post-COVID-19 institutional and societal response?**

**Czeslaw:** The lesson I take away from COVID-19 is that despite the initial nervousness and confusion, we all came together and started discussing how to help not LGBTI people but all people in need, and that is what we did. That was great, and I am happy that we all agreed with this approach.

**FILIP:** We cooperated with groups and organisations that we never cooperated with before, and this enriched us with new connections, experiences and inputs. We were also able to reach new audiences. The situation showed what is most important for people: to be together,

to be with the people we love, that there is no real difference between us and people who can go and marry tomorrow if they decide so. This is a big lesson learned for the public, I think.

**CZESLAW:** Yes, I think that we all learned that in those times of crisis, governments do not think about everyone. They think about this general population, what they understand as 'normal' and whoever comes a little bit away from this normal is just left behind. Of course, they had to make decisions in a matter of hours; they had to think about the entire nation. But this shows how important it is to be part of this big structured protection system – which in this case is marriage – because, in times of crisis, the Government does not think about you. It gave us more arguments and urgency to push for marriage equality. I just hope that this situation will not mean a further delay in the adoption of the marriage equality bill. ■

The interview was carried out on 13 July 2020.

**THIS SHOWS HOW IMPORTANT IT IS TO BE PART OF THIS BIG STRUCTURED PROTECTION SYSTEM – WHICH IN THIS CASE IS MARRIAGE – BECAUSE, IN TIMES OF CRISIS, THE GOVERNMENT DOES NOT THINK ABOUT YOU**



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**Printed by:**  
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**Published under**  
Creative Commons

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ISSN 2491-2603

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The opinions expressed in the present articles do not necessarily reflect the views of the European Civic Forum.

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





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