

Czech Republic

by Jeremy Druker

Capital: Prague
Population: 10.3 million
GNI/capita: US\$22,690

The data above was provided by The World Bank, *World Bank Indicators 2009*.

Nations in Transit Ratings and Averaged Scores

	1999-2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Electoral Process	1.75	1.75	2.00	2.00	2.00	2.00	2.00	1.75	1.75	1.50
Civil Society	1.50	1.50	1.75	1.50	1.50	1.50	1.50	1.50	1.25	1.50
Independent Media	1.75	2.00	2.50	2.25	2.25	2.00	2.00	2.25	2.25	2.25
Governance*	2.00	2.00	2.25	2.25	2.25	n/a	n/a	n/a	n/a	n/a
National Democratic Governance	n/a	n/a	n/a	n/a	n/a	2.50	2.50	3.00	2.75	2.75
Local Democratic Governance	n/a	n/a	n/a	n/a	n/a	2.00	2.00	1.75	1.75	1.75
Judicial Framework and Independence	2.25	2.50	2.50	2.50	2.50	2.50	2.25	2.00	2.00	2.25
Corruption	3.25	3.75	3.75	3.50	3.50	3.50	3.50	3.50	3.25	3.25
Democracy Score	2.08	2.25	2.46	2.33	2.33	2.29	2.25	2.25	2.14	2.18

* Starting with the 2005 edition, Freedom House introduced separate analysis and ratings for national democratic governance and local democratic governance to provide readers with more detailed and nuanced analysis of these two important subjects.

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

EXECUTIVE SUMMARY

In 2008, the Czech Republic weathered the world financial crisis but fared far worse on the political front, with a shaky governing coalition unable to implement the radical reforms necessary to overhaul the tax, health, and pension systems. When Parliament did adopt more aggressive measures, government officials did a poor job selling the changes to the public, and as a result, the Social Democrats won in both regional and Senate elections. This in turn led to the unreformed Communist Party, for the first time since the 1989 Velvet Revolution, joining left-wing coalitions in several of the country's regions and the return to power of Communist apparatchiks determined to halt any major reform. Furthermore, while the country prepared to take the rotating European Union (EU) presidency in January 2009, President Václav Klaus, a leading Euro-skeptic, won reelection and promptly upped his diatribes against the Lisbon Treaty—taking a stance in direct contrast with the government, which constitutionally sets foreign policy goals.

National Democratic Governance. The ruling coalition continued to struggle to pass any major legislation and refused to seek consensus with the opposition. *The Czech Republic often resembles a fully functioning democracy—stable and secure, with checks and balances in place—but political instability and a poor communication policy have put real reform in doubt, leaving the national democratic governance rating at 2.75.*

Electoral Process. Presidential, Senate, and local elections all took place without any serious violations or complaints. However, the Czech system still allows too little room for new faces in politics, and civic participation remains stunted. *There was little to no progress in political party development or inclusion of the Roma minority, but the country's reputation for competitive, well-run elections was again strengthened, improving the electoral process rating from 1.75 to 1.50.*

Civil Society. The reputation of nongovernmental organizations (NGOs) continues to grow, as has the level of funding from individuals and companies. Yet many politicians consider the more advocacy-oriented organizations, especially those attempting to change public policy, as unnecessarily interfering in and complicating their work. Extremist groups seemed emboldened in 2008, as highlighted by attempts late in the year to attack a mostly Roma-inhabited housing estate in north Bohemia. *Continued growth in the reputation and activities of NGOs is offset by an increase in interethnic tension and mandates a downgrade in the rating for civil society from 1.25 to 1.50.*

Independent Media. Czech media are independent and diverse, but critics continue to speculate about behind-the-scenes political and financial interference. *An unsavory example of two of the country's most popular media acting in the service of one political grouping, as well as the wholesale banning of the publication of police wiretaps, holds the rating for independent media at 2.25.*

Local Democratic Governance. While more control systems need to be put in place to rid the local administration of clientelism and improve efficiency, local governments have continued to prove their worth and have found relative popularity among citizens. *With vibrant political competition intact and the power of local officials growing, the local democratic governance rating remains at 1.75.*

Judicial Framework and Independence. Despite progress in digitalizing the judicial system, diversifying the composition of judicial review boards, and revamping the criminal code, the Justice Ministry repeatedly called into question its commitment to preserving the independence of the judiciary. *From alleged high-profile meddling in a corruption case to the strengthening of the president's role in naming the heads of courts, the executive branch's intention to increase its power over the judiciary seemed evident, lowering the country's ranking for judicial framework and independence from 2.00 to 2.25.*

Corruption. Positive steps were taken in the fight against corruption, but the year lacked the radical advancements promised in the government's ambitious anticorruption strategy. *Further revelations over the intersection of business, political, and criminal interests, as well as the lack of progress in passing well-needed restrictions on lobbying, keep the country's corruption rating at 3.25.*

Outlook for 2009. The Czech Republic will take the helm of the EU in 2009—the first former Soviet-bloc nation to have such an honor. Yet if the government and opposition fail to initiate a peace pact preventing the calling of a vote of no confidence over the course of the six-month presidency, it could become very difficult for Prime Minister Mirek Topolánek and the Civic Democrats. This situation will become more bleak if coalition partners, struck by their own drop in popularity, become less reliable and if the financial crisis finally starts to make a greater impact on the economy.

MAIN REPORT

National Democratic Governance

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
n/a	n/a	n/a	n/a	n/a	2.50	2.50	3.00	2.75	2.75

The institutions of governance in the Czech Republic are stable and democratic. No single party dominates the political scene, and regular rotations of power occur at national and local levels. Political parties generally agree on the nature and direction of democratic change, with one major exception—the largely unreformed Communist Party (KSČM), which has not served in a post-1989 government and continues to attract those nostalgic for the old regime. The KSČM holds 26 of the 200 seats in the powerful lower house of Parliament, but the refusal of other political parties to include it in coalitions has greatly complicated the process of forming stable governments among the remaining, often conflicting parties. That was again the case in 2006, as parliamentary elections in June of that year ended in a tie between the two main left- and right-wing camps. Only many months later, after a series of false starts and a short-lived minority government, did the leaders of the Civic Democrats (ODS), the Christian Democrats (KDU-ČSL), and the Green Party (SZ) manage to cobble together a coalition that survived a vote of no confidence—after two rebels-turned-independents from the Social Democrats (ČSSD) agreed to abstain.

Since then, the government has spoken continually of reforms but has been hard-pressed to pass the major legislation needed for real change, in part because of the coalition's dependency on the same ČSSD outcasts, as well as Prime Minister Mirek Topolánek's inability to put down a rebellion within his own party. Some reforms have squeezed through Parliament—including a flat tax, mandatory health payments, and new social benefit regulations—but most analysts deemed them ineffective in bringing down the country's massive deficit.

The lack of significant progress is also closely tied to the failure of the country's leaders to seek consensus across party lines; on the contrary, the animosity between Prime Minister Topolánek and Jiří Paroubek, the ČSSD head, excludes practically any cooperation on the national level. Heading into the Czech presidency of the European Union (EU), the ruling coalition and opposition had great difficulty agreeing on the terms of a "peace pact," whereby the opposition would promise not to call a vote of no confidence in the government when ministers would be absent, fulfilling their EU responsibilities.

Prime Minister Topolánek's position was considerably shaken by ODS's disastrous showing in the regional and Senate elections, which some viewed as a referendum on the government's performance during its first year and a half in

power. Many political observers felt that cabinet officials had done a particularly poor job explaining the need for the unpopular reforms and the small steps they had implemented. According to polling carried out during the regional elections, the low ODS voter turnout was caused by a lack of communication, as well as a misunderstanding of or ignorance about key aspects of the reforms. As a result, it seems unlikely that Prime Minister Topolánek's cabinet will be able to push forward with the second stage of pension reform, an overhaul of the health system, and slashing the deficit.

In general, lobbying the executive and the Parliament remains largely unrestricted, and the public continues to believe that special interests play a major role in determining the political agenda. Since the 2006 murder of businessman František Mrázek, the reputed king of the Czech underworld, the daily *Mladá Fronta Dnes* has published dozens of articles revealing a web of contacts between Mrázek, the police, the Interior Ministry, the Office of the Prime Minister, and the secret services. Revelations seeping out from high-profile investigations have suggested that one part of the Czech police serves the government and the other favors the opposition. In the same vein, throughout 2007–2008, compromising information on well-known people's supposed or real collaboration with the Communist secret police appeared periodically in the media, often for apparently political purposes. The newly established Institute for the Study of Totalitarian Regimes should partly rectify this situation, but some political analysts have expressed doubts that it can remain independent with a supervisory board chosen by politicians.

Although the legislature is independent from the executive branch, critics charge that such autonomy has not prevented the Parliament from passing an excessive number of its own poorly prepared laws. The legislative process is further complicated by the ability of parliamentary deputies to make an unrestricted number of proposed amendments during the second reading of bills. This tradition often disorients even the most attentive parliamentarians and serves to derail long-needed legislation and sneak in calculated additions that have little to nothing in common with the debated bill. As a result, the Parliament sometimes passes error-ridden laws requiring repeated revisions as well as numerous amendments that serve only to complicate the interpretation of laws.

Some analysts believe that the Constitution creates an overlap of executive power between the government and the president. The position of the president is chiefly ceremonial yet retains some important powers, such as forming a government. For example, President Václav Klaus, in office since 2003, has sought out candidates closely tied to his political philosophy when appointing new governors to the central bank and new justices to the Constitutional Court. In addition, despite government criticism of his activities, he has espoused his personal views at various international forums and during official visits, clashing with the official government line on issues such as the Lisbon Treaty, global warming, and the introduction of the euro. As the Czech presidency of the EU approached at the end of 2008, Klaus appeared to be even more outspoken, despite his lack of authority for setting foreign policy.

Electoral Process

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
1.75	1.75	2.00	2.00	2.00	2.00	2.00	1.75	1.75	1.50

Political organizations in the Czech Republic have no problem registering or campaigning. Although shaky coalition governments have been the norm in recent years, the system itself is solidly multiparty, with a strong opposition and diversity at all levels of government.

Despite the lack of intimidation, fraud, or any other type of manipulation on the part of the authorities, the deadlock following the 2006 parliamentary elections led to increased calls for changes to the electoral legislation, which could happen as early as 2010. The Justice Ministry is currently considering various alternatives guaranteeing small parties more seats and allowing the winning party to form a stronger, more stable government with them. This will eliminate the need to rely on rebels and outcasts from other parties to pass legislation and thus reduce political corruption.

The Czech Republic uses a parliamentary system with two houses. Real political power resides in the Chamber of Deputies, the 200-seat lower house, with deputies elected by proportional vote on party ballots. The 81-seat Senate is elected on the basis of single-mandate districts. The Senate can return approved bills to the lower house, but the Chamber of Deputies can override the Senate by a simple majority.

Several elections took place in 2008. President Václav Klaus was reelected in February, defeating Jan Švejnar, a Czech-born U.S.-based economist. Klaus garnered 141 votes from among the 279 legislators present, only a 2-vote margin of victory (in a joint session, both houses elect the president for a five-year term by a simple majority, though the Justice Ministry has been working on a bill to allow for direct elections in the future). As in years past, these elections were not without their intrigues: Several independent senators said they were threatened after voting for Klaus in an earlier round; others stayed home for questionable health reasons; and Social Democrat Evžen Snítily voted for Klaus and was prompted expelled by his party, which claimed he had been blackmailed.

The ČSSD won a landslide in the October regional elections, taking all 13 regions at stake and adding nationwide 175 seats to their present number, while the ODS lost 111 mandates.

The ČSSD succeeded with a centrally driven, populist campaign encouraging people to use their votes as a referendum on the central government. Billboards focused on unpopular steps taken by the government—such as the institution of obligatory medical payments and support for the stationing of a radar station on Czech soil as part of the planned U.S. missile defense shield. In contrast, local ODS candidates ran their own campaigns and failed partly as a result of corruption scandals in regional capitals.

By mid-November, it was clear that the ČSSD would lead in at least five regions with either direct or indirect support of the Communists, who for the

first time since 1989 would share in the administration of the country. Some new coalitions vowed to use regional government funds to pay mandatory doctors' fees for citizens—which would effectively overturn one of the central government's key health sector reforms.

In the first round of Senate elections, ČSSD took 23 seats, ODS gained only 3 (in Prague), KSČM took 1, and the Christian Democrats and Greens gained none (one-third of the Senate's 81 seats were at stake). Some analysts viewed the loss of an ODS Senate majority as a welcome development bringing greater diversity and new thinking to the Senate. The addition of more senators with a favorable attitude toward the EU (from the ČSSD) also increased the chance of passing the Lisbon Treaty.

In 2008, President Václav Klaus reneged on his promise to stand above the party fray and threw his weight behind three ODS Senate candidates, saying he could not help but support the party that had helped him win reelection.

Political party membership remains low. The KSČM is the largest party (nearly 72,000 members), followed by the KDU-ČSL (37,150), the ODS (30,805), the ČSSD (around 20,000), and the SZ (2,500). A low membership base has clear repercussions for the political elite: With relatively few members to choose from, parties often recycle the same personalities and reward loyalty rather than expertise.

In addition, the country's largest minority, the Roma, are effectively shut out of national politics. Although the number of Roma is estimated at between 200,000 and 250,000, there are currently no Roma parliamentarians. Mainstream parties believe that placing Roma candidates on their lists may do them more harm than good among average voters, while prospective Roma are not politically organized to compete effectively for votes. Roma are, however, active at the local level.

Civil Society

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
1.50	1.50	1.75	1.50	1.50	1.50	1.50	1.50	1.25	1.50

Nongovernmental organizations (NGOs) have fully recovered from several scandals that tarnished their early post-Communist existence, and most Czechs now see NGOs as influential organizations that help solve social problems and are essential to a well-functioning democracy. Consequently, there has been an increase in donations to nonprofits from individuals and the business sector.

NGOs in the Czech Republic fall into four main types: civic associations, public benefit organizations, foundations, and foundation funds. The civic association—a legal entity comprising groups of individuals in pursuit of a common interest—is the most common. By December 2008, the Czech Statistical Office had reported 65,386 civic associations, ranging from political think tanks to hobby groups and sports clubs—a growth of over 3,500 from the past year. The office also reported 21 new foundations, bringing their total to 411.

The nonprofit sector's relationship with the political elite varies. The state is the largest funder of NGOs, providing extensive financial support through grants and coordinating nonprofit activities through the Council for NGOs. However, the NGO community generally does not look highly upon the council. NGO representatives also sit on advisory bodies of various ministries. On the other hand, many politicians—most prominently President Klaus—believe NGOs attempt to influence public policy and interfere unnecessarily in their work. The political elite is wary of more “aggressive” forms of action, such as demonstrations and petition drives, and is quick to label the initiators as politically motivated. Many officials prefer NGOs to serve strictly as service providers, filling in where the state does not or cannot.

NGO experts generally view the legal framework as adequate in terms of easy registration and independent operation, though the inability to clarify the term *nonprofit organization* in Czech legislation has created problems since the 2004 passage of a new Law on Value-Added Tax. The law lowered the limit above which organizations must pay a value-added tax to 1 million crowns (US\$52,000) and made no distinction between for-profit and nonprofit organizations—disadvantaging NGOs that earn funds through their activities. But amendments to the law in early 2006 removed the tax from donations made through mobile phone text messages, a popular form of giving in the Czech Republic.

The state has failed to secure sufficient EU structural funds to replace resources once donated by a plethora of foreign foundations and governments before the country joined the EU. But rising donations from locally based individuals and companies have relieved some of the burden. The Czech Donors Forum reported in 2007 on the growing importance of the concept of corporate responsibility in the business sphere, with leading companies now donating 2 percent of their gross profit—on a par with donors in Western Europe and far ahead of Slovakia and Hungary.¹

Grassroots initiatives are still not commonplace, with the exception of several high-profile causes such as the protest of the United States' plan to station a radar base on Czech territory as part of a missile defense system. Such public movements, however, usually remain dependent on a core group of activists.

The picture of right-wing extremism parties in the Czech Republic is mixed. Some Czech experts see them in decline, without public support or a unifying leader, and increasingly marginalized, as evidenced by the victory of fewer candidates from right-wing extremist parties in local elections. But a July 2007 report by the Interior Ministry on extremist activity asserted that neo-Nazi activity was on the upswing, and the U.S. State Department's *Human Rights Report on the Czech Republic* noted that “latent societal discrimination” against the Roma had sometimes erupted into violence. The most blatant case took place in November 2008 when a running battle between far-right protesters and police broke out in the northern Bohemian town of *Litvínov* after marchers attempted to advance on a housing estate populated mainly by Roma. The government subsequently appealed to the Supreme Administrative Court to outlaw the far-right Workers' Party, which had organized the march and polled relatively well in the country's local elections.

Independent Media

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
1.75	2.00	2.50	2.25	2.25	2.00	2.00	2.25	2.25	2.25

Press freedom has long been secure in the Czech Republic, and no major media are state owned. Media are generally free of political or economic bias, though allegations still surface of pressure from both business and political interests. The national print media offer a diverse selection of daily newspapers, weeklies, and magazines. Foreign corporations own many of these publications, including nearly all the Czech dailies. Media-related legislation includes minimal ownership restrictions and none on foreign ownership.

In the fall of 2008, Prime Minister Topolánek's chief rival in the ODS, Vlastimil Tlustý, along with journalists from two of the country's most popular media, TV Nova and the daily newspaper *Mladá Fronta Dnes*, photographed Tlustý in a hot tub with a young woman. The photographs were offered to people around Prime Minister Topolánek to see if they would attempt to "blackmail" Tlustý with the supposedly compromising snapshots. (While those close to the prime minister refused to take the bait, a young ODS parliamentary deputy did and ended up resigning after the scandal broke.) The two media were unapologetic despite much criticism for using undercover methods for a story of debatable public importance and, even more questionably, acting in the service of one political grouping to the detriment of another.

Though Parliament has yet to accede to politicians' calls for new press legislation, in October 2008 the lower house did approve a controversial amendment to the criminal code that aims to restrict publishing of information related to criminal acts. Critics, including the European Newspaper Publishers Association, have charged that the bill protects perpetrators as well as victims and unjustly institutes a blanket ban on the publication of conversations wiretapped by the police, leaks of which have become a frequent occurrence in the press.

With improved news and current affairs coverage over the past few years, the public television and radio stations, Czech TV and Czech Radio, serve as largely effective counterweights to the more biased press. In the past, however, Czech TV's financial difficulties have made it particularly vulnerable to political and business interests.

The Chamber of Deputies appoints Czech TV's supervisory board and controls viewer fees supporting the station. Beginning in 2008, Czech TV was banned from running advertising except during key cultural or sporting events, to the multimillion-dollar benefit of the commercial stations. It has long been assumed that the private stations' powerful lobbying has had an undue influence on parliamentary deputies, resulting in laws favoring commercial stations over public broadcasters. In the summer of 2008, the Czech Radio Board terminated Radio Wave, which had catered to a younger audience. Council members' arguments against the station—based partly on an incorrect translation of one supposedly

corruptive song—indicated an overall lack of tolerance for alternative music and lifestyles.

After a long-delayed process of licensing digital television—including political haggling over license regulation, alleged attempts by politicians to increase their control, and lawsuits filed by failed license bidders—several stations began broadcasting in 2008. It remains to be seen, however, whether the relatively small advertising market will be able to support many of them over the long term.

Local Democratic Governance

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
n/a	n/a	n/a	n/a	n/a	2.00	2.00	1.75	1.75	1.75

After long delays, the development of local government structures and authority has become one of the Czech Republic's bright spots. Landmark legislation passed in 1997 led to the creation of 14 regions, which began functioning in 2001. The central government handed over significant powers to these regions in the fields of education, health care, and road maintenance. Additionally, 205 newly created municipalities replaced 73 district offices, which ceased all activities by the end of 2002.

Self-governed regions and municipalities own property and manage separate budgets. Voters directly elect regional assemblies, which then choose regional councils and governors. The regional councils may pass legal resolutions and levy fines. Directly elected municipal assemblies appoint municipal councils and mayors. Municipalities wield considerable power over areas such as welfare, building permits, forest and waste management, and motor vehicle registration.

The regions have made considerable progress in tackling problems neglected by the central government (such as education). Overall, the success in regional management and greater autonomy has made a strong case for allowing regional governments to manage a larger share of the tax money they help collect. As a November 2008 poll by the Center for Public Opinion showed, Czech citizens trust their local (63 percent) and regional representatives (46 percent) far more than the lower house of Parliament (20 percent) or the Senate (24 percent).²

For the bulk of their budgets, however, regions essentially act as middlemen for the state, sending money to predetermined recipients. Politicians in regional governments complain that they are now in charge of roads, hospitals, schools, and old-age homes, among other things, but the central government decides how much money to send to cover these budget items. The failure of funds flowing from the center to keep pace with these newly added responsibilities has proven particularly vexing for officials from smaller towns (where the state returns up to six and a half times less money per capita than Prague).³ Still, a recent article in *Mladá Fronta Dnes* claimed that the situation was improving and that in 2007, the regions had a total budget of 125 billion crowns (US\$6.5 billion), with “just” 75 billion designated by the state.⁴

In 2007, almost 1,400 mayors from across the country signed on to an initiative entitled “A Contract of Municipalities and Cities Against Tax Discrimination.”⁵ Under pressure from these local officials (including a threat to file a suit at the European Court of Human Rights [ECHR]), the cabinet allocated an additional 1 percent of tax income for 2008 to local municipalities—in total around 4.5 billion crowns (US\$233 million). This was one of the first times the municipalities teamed up to make their combined strength felt.⁶

Greater transparency and corruption-fighting instruments at the national level have not kept up with the transfer of responsibilities and finances to local governments, and endemic cronyism remains a critical problem. Experts believe that most corruption now takes place at the local level, since the economy has been privatized and wrongdoing is more visible on the national stage. An article in the investigative weekly *Respekt* described a system where public tenders are only a formality: The same construction firms repeatedly win in their respective spheres of influence throughout the country, with local politicians pre-selecting the winning companies.⁷ The lack of oversight on such dealings is a major part of the problem, as the Supreme Audit Office (NKU) currently has no legal right to examine the financial management of regional governments or municipalities.

Judicial Framework and Independence

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
2.25	2.50	2.50	2.50	2.50	2.50	2.25	2.00	2.00	2.25

The Czech Republic’s four-tiered judicial system consists of district courts (86), regional courts (8), high courts (2), and the Supreme Court. The Czech Constitutional Court is a well-respected institution that may be addressed directly by citizens who believe their fundamental rights have been violated. Although the Czech judiciary is constitutionally independent, the minister of justice appoints and dismisses the chairmen and deputy chairmen of the courts. Since 1993, reform attempts have preserved the Ministry of Justice’s central role in overseeing the judiciary, drawing criticism that the executive could compromise the true independence of the courts.

Cases of overt meddling remain rare, but one high-profile case made headlines in 2008 when it became clear that the deputy chairman of the Supreme Court, the chief state attorney, and a former minister of justice had attempted to get a corruption case shelved involving Deputy Prime Minister Jiří Čunek for fear an indictment could shatter the ruling coalition. The scandal ignited criticism that the executive, in the form of the Ministry of Justice, continues to hold too much power over the Office of the State Attorney. The Czech Republic is the only European country where the minister of justice names the highest state attorney and where state attorneys (as well as their careers and salaries) are so dependent on the executive.

The Justice Ministry clashed repeatedly with the judicial community throughout the year over changes to legislation governing the sector. Until recently, a judicial disciplinary board composed solely of judges has reviewed accusations of misconduct, drawing repeated criticism that solidarity among judges has resulted in lenient punishments that damage the reputation of the profession as a whole. In 2008, for example, a television station secretly recorded a judge accepting a bribe to release confidential information; a review board had previously found the judge had falsified case documents but left him in his function with only a light punishment. In October, a law came into effect mandating that half of the review board will be made up of lawyers who are not judges—one state's attorney, one attorney, one attorney, and one person of another legal profession—selected by the chief state attorney, the chairman of the Czech Bar Association, and the deans of the law faculties, respectively. The law also established term limits for various high court functionaries, including chairmen and deputy chairmen.

Perhaps more crucially, the law dramatically increases the role of the president, who will now name the two vice presidents of the Supreme Court and the heads of all other courts, except the lowest district courts, along with the chief of the Supreme Court and Supreme Administrative Court. The president can submit direct complaints against particular high court judges, including the chairmen and deputy chairmen of the Supreme Court and Supreme Administrative Court. These moves to strengthen the executive were worrying considering President Klaus's long-running and unsuccessful effort to fire Iva Brožová, chairwoman of the Supreme Court, and his attempt to appoint her rival as deputy chairman.

While initially President Klaus's Constitutional Court justice appointments raised some concern over their impartiality, the Constitutional Court reasserted its independence with its apparent willingness to defy Klaus on Brožová's dismissal and, in late 2008, over the constitutionality of the Lisbon Treaty. The executive has, however, refused to recognize Constitutional Court decisions (such as rent control and pension payments for Czech citizens who worked for Slovak companies).

In the last decade, the Czech Republic lost numerous cases at the ECHR over the length of Czech court proceedings. While some areas continue to have significant backlogs, partially as a result of unresolved cases from the 1990s, the overall situation is improving slowly, partly because recent reforms have meant less administrative work for judges. Still, a predominantly negative view of the performance of the country's judges persists, with 72 percent of those polled by the STEM research agency expressing doubts that the courts function well and almost the same number questioning their objectivity and impartiality.⁸

The Justice Ministry aims to have most paperwork online by 2012 and continues to draw plaudits for computerizing the justice system. The E-Insolvency Register and E-Criminal Register have been available since 2007, and further plans include an "info-court" to allow citizens to view court cases via the Internet. The government encourages citizens to propose changes to draft bills before they are submitted to the cabinet and incorporated 30 of the 330 comments received on a draft of the new criminal code before submitting it to Parliament for review.⁹

The Czech Republic has been the only EU country without antidiscrimination, International Criminal Court, and civil service legislation—a potential source of embarrassment with the country’s EU presidency set to start in January 2009. In April 2008, the country passed an antidiscrimination bill in line with the UN Convention and EU standards, but it was vetoed a few weeks later by President Klaus, who called the bill “useless, counterproductive, and of low-quality.”¹⁰ In contrast, the Equal Rights Trust, a U.K.-based organization, has repeatedly criticized current Czech law, stating, “The existing Czech legal system lacks definitions of discrimination and fails to provide even minimal protection against discrimination in certain areas of activity, including education, social security, and health.”¹¹ By year’s end the country had lost a legal dispute with the European Commission over the inability to pass the law and had to pay several thousand euros in court fees.

As of December 2008, it was unclear whether President Klaus would also veto the similarly long-delayed passage of the draft bill on the International Criminal Court, approved by the Senate in July and the lower house in October. Implementation of the Law on the Civil Service approved six years ago has been repeatedly delayed owing to political disputes.

Implementation is also lagging on the 2001 amendment to the labor code mandating equal treatment for all employees, as women remain underrepresented in senior positions and are paid less than men for similar jobs. Overall, few women hold seats in the Parliament or attain other positions of political power. Only 15 percent of the representatives in both houses of Parliament are women.¹² In 2008, former health minister Milada Emmerová became the first female regional governor. According to a 2005 Open Society Institute report on equal opportunity, no significant government measures have been undertaken to remedy these problems, and the bodies that do exist to combat discrimination remain powerless to do more than simply report.

Discrimination against the Roma in employment and housing also presents a serious problem. A 2006 government report estimated that 80,000 Roma—roughly a third of the country’s Roma population—live in ghettos, with between 95 and 100 percent unemployment. According to the Open Society Justice Initiative, even though fewer Roma children are now automatically sent to schools for the mentally handicapped, and many more are entering higher education, segregation in education remains widespread. In a landmark decision in November 2007, the ECHR ruled that segregating Roma students into special schools is a form of unlawful discrimination in breach of Article 14 of the European Convention (prohibiting discrimination), taken together with Article 2 of Protocol No. 1 (securing the right to education).¹³ However, one year later, the European Roma Rights Center concluded that the ruling had made a minimal impact, with Roma children still “dramatically overrepresented” in such schools.¹⁴

In a rare show of cooperation between the ruling coalition and the opposition, the lower house of Parliament finally passed a new criminal code to replace its 1961 predecessor. The new code includes lowering the age of criminal responsibility from 15 to 14, instituting tougher sentences for violent crimes, recognizing new crimes

such as stalking, specifying alternative forms of punishment, and differentiating between soft and hard drugs. The bill would take effect in early 2010, if approved by the Senate and the president.

Corruption

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
3.25	3.75	3.75	3.50	3.50	3.50	3.50	3.50	3.25	3.25

Improvements in the area of corruption occur gradually in the course of the country's maturation rather than through political will or popular demand. While most in the Czech Republic can live their daily lives without engaging in corrupt behavior, complaints do arise over the need to bribe or “give gifts” to expedite services from the public administration.

Although few people encounter corruption directly, the perception of illegal activity, especially concerning the political elite, is widespread. Many view existing anticorruption measures as insufficient to dismantle the intricate web of connections between political and business elites.

Lack of transparency in major business deals involving the state remains a serious problem at both national and local levels. While the country's highest control body, the NKU, has uncovered massive irregularities and overspending on various government contracts, politicians generally ignore its findings, calling the agency incompetent and toothless. Current law does not allow the NKU to impose sanctions. Furthermore, journalists often do not invoke their rights under the Law on Freedom of Information, and officials frequently refuse to provide the requested information.

In the 2008 Transparency International Corruption Perceptions Index, the Czech Republic landed in 45th place (out of 180 countries), with the same rating as last year, 5.2 (10 indicates a country without corruption). In a press release, the Czech branch of Transparency International cited several positive developments—including the launch of a national anticorruption hotline, an analysis of corruption risks at government agencies, changes to criminal legislation that restrict money laundering and allow the seizure of illicit income from corruption, and the gradual professionalization and computerization of the public administration at all levels.

On the downside, Transparency International cited the lack of rules for legitimate lobbying; the need to better protect whistle-blowers and to restrict political pressure on officials; insufficient investigation of white-collar crime among politicians and high officials; and suspect property transactions at local and regional levels.¹⁵ New conflict-of-interest legislation bore its first fruit in June 2008, when officials had to submit asset declarations, but controversial amendments passed in the spring exempted judges and state attorneys from this obligation.

Czech media reported that the government reneged on some of its promises,

such as the creation of a special team of prosecutors dealing with the most serious cases of corruption (a new amendment to the criminal code does, however, allow the use of special agents to uncover corruption) and the writing of a law that would delineate the differences between lobbying and corruption. In addition, the daily *Mladá Fronta Dnes* wrote that ministries continued to behave just as opaquely as their predecessors, refusing to supply information because of supposed business or state secrets, despite pledges of greater openness and transparency.¹⁶

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