



Czech Republic

**End-of-Term Self-Assessment Report
on the Action Plan of the Czech Republic
Open Government Partnership
2020 to 2022**

Submitted by: Minister of Justice
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Introduction

The submitted End-of-Term Self-Assessment Report on the Action Plan of the Czech Republic for Open Government Partnership 2020 to 2022 (hereinafter the “Self-Assessment Report”) evaluates the fulfilment of commitments of the [Action Plan of the Czech Republic for Open Government Partnership 2020 to 2022](#) (hereinafter the “Fifth Action Plan”) from its approval by Resolution of the Government of the Czech Republic of 2 November 2020 No. 1129 until 31 August 2022 in accordance with the [OGP Participation and Co-Creation Standards](#) (hereinafter the “Standards”) and the [OGP National Handbook](#), published by the Open Government Partnership (hereinafter “OGP”) international initiative on the basis of the prescribed template. A longer period of time is only assessed where expressly specified in the Self-Assessment Report.

The assessed Fifth Action Plan fulfilled all four core OGP principles – access to information, civil participation, accountability, technology and innovation. Although the Czech Republic perceives its commitments under the OGP primarily as supportive of its other activities and strategic goals, it also sought a more proactive approach to promoting the values of open government in close connection with the Government anti-corruption strategy documents. As in previous periods, as part of the interconnection of its national action plans and the implementation of the objectives of the 2030 Agenda for Sustainable Development, the Czech Republic monitored the fulfilment of goal *“16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”*, in particular the targets *“16.5 Substantially reduce corruption and bribery in all their forms”*, *“16.6 Develop effective, accountable and transparent institutions at all levels”* and *“16.7 Ensure responsible, inclusive, participatory and representative decision-making at all levels”*. Following the adoption of *Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility*, the fulfilment of the commitment *“4.2 Raising awareness of the issue of whistle-blowers on illegal activity”* also contributed to the fulfilment of the reform *“4.3.1. Protection of whistle-blowers”*, included in component 4.3 on anti-corruption reforms within the *National Recovery Plan of the Czech Republic*, financed from the EU budget.

Especially during the ongoing Covid-19 pandemic and subsequent recovery, the Czech Republic considered it very important that all funds were spent efficiently and economically and that the scope for possible corruption was significantly reduced in cooperation with civil society. To meet this objective, it followed the ongoing commitment to raise awareness of the issue of whistleblowers, but also the commitments to develop a methodology for the participation of civil society representatives in participatory processes and to consult the possibility of creating a comprehensive publicly accessible open-data database of providers and recipients of public funds from grant titles. The commitment to develop the methodology was one of the first steps towards the wider use of participatory processes, leading to an increase in the effectiveness of the measures taken and at the same time to a reduction in the risk of uneconomical use of public funds. At the same time, the Fifth Action Plan, with its commitments to publish court decisions and open data on education and the educational system, continued the long-term effort of the Czech Republic to make as much data available to the general public as possible.

1 Action Plan Process

During the whole monitored period, the fulfilment of commitments of the Fifth Action Plan was assessed and commented on by the [Government Anti-Corruption Council Chair's Working Commission for Open Government and State Administration Transparency](#) (hereinafter the "Working Commission"). Within the framework of OGP processes, the Working Commission plays the role of a multi-stakeholder forum, bringing together representatives of state administration as well as the non-government sector – non-profit organisations, the academia and the trade unions. The Working Commission usually met once every three months in person or, due to the Covid-19 pandemic, on-line and in a hybrid form, or as needed discussed important procedural steps and submitted documents per-rollam. The Statute and the Rules of Procedure of the Working Commission are determined by the [Statute](#) and the [Rules of Procedure](#) of the Government Anti-Corruption Council, which are published on-line. The minutes of the Working Commission meetings were also published on-line. Considering the aforementioned, it can be concluded that the minimum requirement of Standards No. 1.1 was met.

Information on the fulfilment of commitments, in addition to the minutes of Working Commission meetings, was published on a regular quarterly basis on the website korupce.cz, in the section dedicated to the Partnership for Open Governance (<https://korupce.cz/partnerstvi-pro-otevrene-vladnuti-ogp/>), for the Fifth Action Plan in particular in the section on its implementation (<https://korupce.cz/partnerstvi-pro-otevrene-vladnuti-ogp/narodni-akcni-plan-nyap/paty-akcni-plan-2020-2022/faze-implementace/>). The above-mentioned section of the website korupce.cz serves, together with the section on the Working Commission and the news section, as a national site for OGP and as an OGP document repository. An exception from the quarterly publication frequency was only the last half-year of fulfilment of the Fifth Action Plan, when progress was discussed within the framework of individual items on the agenda of the Working Commission concerning the development of the Action Plan of the Czech Republic on Open Government Partnership 2023 to 2024 (hereinafter the "Sixth Action Plan"), and was as such referred to in the minutes of the meetings concerned. Collectively, progress in the last six months will only be taken into account in this Self-Assessment Report. The general public beyond the scope of the members of the Working Commission was therefore continuously informed of the progress of fulfilment of the Fifth Action Plan and had an opportunity to submit comments both in writing, by post and via a dedicated email address, and by phone and in person at the Working Commission meetings, which could be attended by others interested, not only its members, subject to prior agreement. Considering the aforementioned, it can be concluded that the minimum requirements of Standards No. 2.1, 2.2 and 5.1 were met.

Within the framework of co-creation of the Self-Assessment Report, the Working Commission approved per-rollam the co-creation schedule on 4 October 2022; after that, between 10 and 24 October 2022, the draft Self-Assessment Report was submitted to the interdepartmental commenting procedure and, at the same time, published on 11 October 2022 as part of public consultation. The received comments were then settled. No comments were received separately as part of the public consultation. On 10 November 2022, the draft Self-Assessment Report was also discussed by the Working Commission; a member of the Working Commission representing Transparency International Czech Republic submitted comments on the Self-Assessment Report




and these comments were also reflected, i.e. accepted. At the meeting, the Working Commission also recommended the Government to approve the Self-Assessment Report.

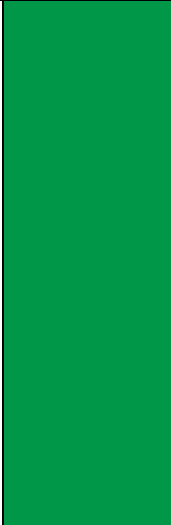
2 Use of IRM Recommendations

Since the [IRM Interim Evaluation Report 2018–2020](#), that covered the process of developing the Fourth Action Plan, assessed the nature and focus of its commitments and also contained recommendations for the development of the Fifth Action Plan, was published with a delay and as late as during the public consultation in May 2020, the IRM recommendations for the development and subsequent implementation of the Fifth Action Plan could only be reflected to a limited extent. The recommendation to continue efforts to open up the judicial system, reflected in Commitment No. 4.1, the recommendation to adopt a whistleblower protection law in Commitment No. 4.2, and the recommendation to exert further pressure on open data in Commitment No. 4.3 were partially taken into account, just like the recommendation to create a long-term strategy for open governance, which was reflected in Commitment No. 4.4. The recommendation to reform access to information was not reflected in any commitment because of the advanced stage of the process of co-creation of the Fifth Action Plan.

3 Assessment of the Commitments

Below is the progress towards each commitment contained in the Action Plan, using colour highlights for the progress made.

 Completed or substantial progress	 Limited progress	 Not started / With severe delays
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Commitment	Assessment of Progress (Green/ Amber/ Red)	Facts/evidence supporting the assessment	Reasons for the assessment	Next steps
4.1 Publishing the decisions of lower courts (lead implementing agency: Ministry of Justice)		<p>The decisions of lower courts have been and still are published at the website https://rozhodnuti.justice.cz/, created for this purpose.</p> <p>An amendment to Act No. 218/2021 Coll., on Courts and Judges, (https://aplikace.mvcr.cz/sbirka-zakonu/ViewFile.aspx?type=c&id=39153), stipulated a statutory</p>	<p>The website first published decisions in agenda C (civil rights agenda), with agendas Co (civil rights agenda – appeals), Nc (guardianship agenda – first proposal), T (criminal agenda), To (criminal agenda – appeals) added gradually on the basis of evaluation.</p> <p>The most significant shift in the fulfilment of the commitment in</p>	<p>The publication of decisions of lower courts will continue in the future on the basis of the law; the Ministry of Justice administers and operates the state administration information system Database of decisions of district, regional and high courts.</p> <p>Considering the extent of publication</p>

		<p>database of decisions in Section 118a, with effect from 1 July 2022. It specifies that the database is publicly accessible in a manner that allows remote access and that district, regional and high courts publish their final decisions in the database. The categories, the procedure for publication and the scope to which the decisions are published are determined in a decree of the Ministry of Justice. At the time of preparation of the Self-Assessment Report, the decree was subject to the interdepartmental commenting procedure, with entry into force proposed from 1 January 2023. After that, on 2 November 2022, it was submitted to the working commissions of the Legislative Council of the Government for discussions.</p> <p>As of 31 August 2022, a total of 271,361 court decisions were published in all the monitored agendas.</p>	<p>terms of its degree and quality was the enactment of the obligation to publish certain court decisions on-line.</p> <p>Application and portal features allowing the publication of court decisions were developed in cooperation with the Ministry of Justice during the entire period of fulfilment of the commitment. Follow-up educational activities were also carried out in cooperation with the Judicial Academy.</p> <p>Detailed information on the progress of fulfilment of the commitment was published on an ongoing basis at: https://korupce.cz/parterstvi-pro-otevrene-vladnuti-ogp/narodni-akcni-plan-2020-2022/faze-implementace/zavaze-k-4-1-zverejnovani-rozhodnuti-nizsich-soudu/</p>	<p>of other categories of court decisions, it is evident that the Ministry of Justice has not so far started to publish all types of decisions extensively. After the pilot operation of the software equipment, the administrative burden for court personnel turned out not to be insignificant. In this regard, there is still great potential for further expansion of agendas, but hand in hand with the streamlining of the publication process.</p> <p>However, further elaboration of this issue through follow-up commitments within the framework of OGP Action Plans does not seem to be necessary anymore.</p>
<p>4.2 Raising awareness of the issue of whistle-blowers on illegal activity (lead implementing agency: Ministry of Justice)</p>		<p>After approval by the Government, the draft law on whistleblower protection and the draft law amending certain laws in connection with the adoption of the law on whistleblower protection were</p>	<p>Considering the adoption of the draft law on whistleblower protection and the related amendment law, the legislative process was interrupted because of the end of the term of office of the Chamber</p>	<p>After the settlement of the interdepartmental commenting procedure, the draft law on whistleblower protection and the draft law amending certain laws in</p>

		<p>discussed in the Chamber of Deputies only in the first reading on 12 May 2021 as House Prints 1150 and 1151: https://www.psp.cz/sqw/historie.sqw?o=8&t=1150 a https://www.psp.cz/sqw/historie.sqw?o=8&t=1151. Discussion of draft laws ended with the end of the mandate of the Chamber of Deputies in October 2021. After adjustments, the draft laws were again submitted to the interdepartmental comments procedure which took place between 29 April and 27 May 2022: https://apps.odok.cz/veklep-detail?pid=KORNCDXFM97V and https://apps.odok.cz/veklep-detail?pid=KORNCDXG54QV.</p> <p>A public contract was prepared for the supplier of the media campaign to support whistleblower protection. An external public consultant cooperated on the public contract and a contract was concluded with that consultant https://smlouvy.gov.cz/smlouva/17754231?backlink=3cj0i. A logo was also created, to be used in the media campaign.</p> <p>Training courses and workshops are being prepared as part of the “Strengthening the</p>	<p>of Deputies of the Parliament of the Czech Republic and had to start again. During the period concerned, the draft laws were therefore re-submitted into the legislative process at the government level.</p> <p>As a consequence of the delay in adopting the whistleblower protection legislation, other activities under the commitment were also delayed.</p> <p>Detailed information on the progress of fulfilment of the commitment was published on an ongoing basis at: https://korupce.cz/partnerstvi-pro-otevreny-vladnuti-ogp/narodni-akcni-plan-2020-2022/faze-implementace/zavaze-k-4-2-zvyseni-povedomi-o-problematice-oznamovatelu-protipravniho-jednani/</p>	<p>connection with the adoption of the law on whistleblower protection were submitted on 26 September 2022, in a version for the Government’s deliberations, and their legislative process will continue with discussions in the working committees of the Legislative Council of the Government, with their approval by the Government and with the discussions at the parliamentary level.</p> <p>At the same time, other activities included in the concluded as well as in the continued commitment, associated with the implementation of the ” Strengthening the Fight against Corruption by Increasing General Awareness of the Public Sector Focusing on Judges, Prosecutors and Public Administration” project, will continue.</p> <p>Commitment is included as a follow-up commitment in the Sixth Action Plan.</p>
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		<p>Fight against Corruption by Increasing General Awareness of the Public Sector Focusing on Judges, Prosecutors and Public Administration” project, to be held in the course of 2023.</p>		
<p>4.3 Open data on education and the education system;</p>		<p>A public contract for the information system eEdu-I was successfully awarded, a contract was concluded and the implementation stage started by the end of the period concerned:</p> <ul style="list-style-type: none"> • System number of the public contract for the supplier of the eEdu-I system: N006/21/V00013 836 https://nen.nipez.cz/SeznamZadavacichPostupu/ZakladniInformaceOZadavacimPostupuM-1141935755-70203554/ZakladniInformaceOZadavacimPostupu-1141935755-70203554 • Contract ID in the Register of Contracts: 17595535 https://smlouvy.gov.cz/smlouva/18929679?backlink=4tz6d • Interim output documentation was accepted as part of fulfilment of the public contract for eEdu-I. Detailed 	<p>Compared with the original commitment specification, there was one major change in the method of its fulfilment, and a new schedule with new milestones and outputs was accepted then.</p> <p>Specifically, on 14 October 2020, the Ministry of Education, Youth and Sports (MEYS) decided to cancel the crucial public contract of the entire MEYS DIS project (Delivery and Operational Support of MEYS DIS) due to serious reasons stipulated in Section 127(2)(d) of the Public Procurement Act, because there were reasons in the procurement procedure requiring special consideration, for which the contracting authority could not be required to continue the procurement procedure. The MEYS therefore decided to conclude the Departmental Information System project (MEYS DIS)</p>	<p>Commitment is included as a follow-up commitment in the Sixth Action Plan.</p>

		<p>analysis and Detailed implementation draft.</p>	<p>whose implementation was to be financed from ESIF funds and was to take place in 2020 to 2023.</p> <p>The Education Information System (EIS) became a successor project. EIS will be fully funded from chapter 333 of the state budget. The main goals of EIS and MEYS DIS remained the same. Unlike MEYS DIS, which was expected to be built in one complex stage between 2020 and 2023, EIS will be implemented in individual stages whose outputs will be specific functional units – eEdu-I, eEdu-II and eEdu-III.</p> <p>Detailed information on the progress of fulfilment of the commitment was published on an ongoing basis at: https://korupce.cz/partnerstvi-pro-otevrenost-vladnuti-ogp/narodni-akcni-plan-ny-paty-akcni-plan-2020-2022/faze-implementace/zavazek-4-3-otevrenost-data-o-vzdelavani-a-vzdelavaci-soustave/</p>	
<p>4.4 Development of methodology for the participation of civil society representatives in participatory processes (lead implementing agency:</p>		<p>The methodology of participation of non-profit organisations in advisory and working bodies and in the development of state administration</p>	<p>The finalization, approval and follow-up implementation of the methodology were</p>	<p>Commitment is included as a follow-up commitment in the Sixth Action Plan. The entire period of the implementation</p>



<p>Ministry of Justice, Office of the Government of the Czech Republic)</p>		<p>documents was prepared and, on 28 June 2022, approved by the Government Council for Non-Governmental Non-Profit Organisations (hereinafter the “GCNGO”). The Council also commissioned the Secretariat of the GCNGO to arrange for the pilot verification of the methodology at the ministries. The methodology was published at: https://www.vlada.cz/cz/ppov/rno/dokumenty/metodika-participace-nejstatnich-nejziskovych-organizaci-v-poradnich-a-pracovnich-organech-a-pri-tvorbe-dokumentu-statni-spravy-197878/.</p>	<p>postponed compared to the original plan.</p> <p>The delay in completing the methodology was caused by the following factors, one of which contributed significantly to improving the quality of the resulting document, in the implementing agency’s opinion; it consisted of efforts to discuss the proposal and comment on it on as many relevant platforms and forums as possible. The other factor was related to the repeatedly postponed meeting of the GCNGO where the methodology was planned to be introduced before its distribution for public consultation.</p> <p>Other reasons for the postponement included change of Government, handover of the agenda to the new management of the Office of the Government of the Czech Republic, impossibility to convene the GCNGO meeting because of a planned revision of the status of advisory bodies and also inappropriate overlap of activities planned for the second half of 2022 with the presidency of the Czech Republic in the Council of the EU.</p>	<p>of the Sixth Action Plan would be spent to implement the methodology as it constituted the implementation phase in the original commitment.</p>
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<p>4.5 Consultations on the possibility of creating a comprehensive publicly accessible open-data aggregated database of providers and recipients of public funds from grant titles (lead implementing agency: Ministry of Justice)</p>		<p>To meet the commitment, the Ministry of Justice held two public consultations and invited the stakeholders concerned. The first consultation took place on 21 June 2021, the second on 30 September 2021. Minutes of the consultations are available at: https://korupce.cz/wp-content/uploads/2022/10/2021-06-21-Zaznam-z-verejnych-konzultaci-k-zavazku-OGP-c.-4.5.pdf and https://korupce.cz/wp-content/uploads/2022/10/2021-09-30-Zaznam-z-verejnych-konzultaci-k-zavazku-OGP-c.-4.5.pdf.</p> <p>The Final Report was compiled on the basis of the outcome of the</p>	<p>Consultations were held in the expected scope and with the desired participation of representatives of state administration as well as local governments and non-profit organisations. Due to the ongoing Covid-19 pandemic, the deadline for public consultations was postponed by 1 month, to 30 September 2021. Nevertheless, the Final Report was prepared, commented on and published, in cooperation with the stakeholders concerned, almost four months ahead of the specified deadline.</p> <p>Detailed information on the progress of fulfilment of the commitment was published on an ongoing basis at: https://korupce.cz/partnerstvi-pro-otevrene-vladnuti-ogp/narodni-akcni-plany-nap/paty-akcni-plan-2020-2022/faze-implementace/zavazek-4-4-zpracovani-metodiky-pro-ucast-zastupcu-obcanske-spolecnosti-v-participativnich-procesech/</p>	<p>The implementing agency is planning no other steps because the content of the commitment has been met. Considering the topics of the commitment, possible further steps and their potential implementing agencies are mentioned in the Final Report.</p>



		<p>consultations and sent to consultation participants for comments between 8 and 19 April 2022. On 21 April 2022, the Final Report was published on the commitment card on the webpage: https://korupce.cz/wp-content/uploads/2022/04/Zaverecna-zprava-zavazek-4.5-OGP.pdf</p>	<p>vladnuti-ogp/narodni-akni-plany-nap/paty-akni-plan-2020-2022/faze-implementace/zavazek-4-5-konzultace-k-moznosti-vytvoreni-souhrne-verejne-pristupne-open-data-agregovane-databaze-poskytovatelu-a-prijemcu-verejnych-prostredku-z-dotacnich-titulu/</p>	
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4 Lessons and Insights

Based on the results above, what are your key lessons and insights learned in developing and implementing the Fifth Action Plan?

As regards the commitment to raise awareness of the issue of whistleblowers, the risk of including legislative targets and milestones in commitments within the OGP Action Plans was once again manifested. Even if representatives of the executive branch do their best to achieve the target on the basis of a Government resolution, it is not possible to ensure, given the principle of separation of powers, that the target or milestone of the commitment is accomplished by the legislative branch by the expected deadline and in the pre-defined form.

As far as the commitment of development of methodology for the participation of civil society representatives in participatory processes is concerned, the working body of the GCNGO used, for the first time, an arrangement in which state administration and non-profit organisations were represented in the working group in parity and the group was chaired by two co-chairpersons (one representing state administration, the other representing non-profit sector) with the same powers. This arrangement proved to be functional and contributed to the resulting top quality of the document.

5 Recommendations

Based on the results above, what critical actions need to be carried out? What adjustments are required? What other tasks not necessarily identified in the Fifth Action Plan are needed to progress the commitments? Who needs to be involved so that results will be achieved?

To achieve results in the continued commitment for raising awareness of the issue of whistleblowers, it is essential to finalize the legislative process of the draft whistleblower protection law and draft law amending certain laws in connection with the adoption of the whistleblower protection law, which would significantly improve the conditions necessary for the successful accomplishment of the purpose of the commitment. Regardless of the status of the approval process for the aforementioned legislation, however, it is also necessary to continue with other steps associated with implementing the “Intensifying the fight against corruption by

raising public sector awareness with focus on judges, law enforcement agencies and public administration” project” which do not directly depend on the adoption of the laws.

As regards the continued commitment for development of methodology for the participation of civil society representatives in participatory processes and on the basis of the pilot introduction of the methodology into practice, the methodology will be adjusted as needed to make it as practical for state administration representatives as possible, so it could become a broadly used document. However, political support is also a necessary prerequisite for the introduction of a culture supporting participation in the practice of the Czech Republic. In this respect, raising awareness is therefore necessary not only in state administration but also among politicians.

List of abbreviations

Covid-19	Coronavirus disease 2019
ČR	Czech Republic
eEdu-I	First stage of building of the Education Information System
eEdu-II	Second stage of building of the Education Information System
eEdu-III	Third stage of building of the Education Information System
ESIF	European Structural and Investment Funds
EU	European Union
ID	identifier
IRM	Independent Review Mechanism
EIS	Education Information System
MEYS	Ministry of Education, Youth and Sports
OGP	Open Government Partnership
DIS	Departmental Information System
GCNGO	Government Council for Non-Governmental Non-Profit Organisations
PPA	Act No. 134/2016 Coll., on Public Procurement