

Czech Republic

by Lubomír Kopeček

Capital: Prague
Population: 10.56 million
GNI/capita, PPP: \$32,710

Source: World Bank *World Development Indicators*.

Nations in Transit Ratings and Averaged Scores

NIT Edition	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
National Democratic Governance	2.75	2.75	2.75	2.75	2.75	3	2.75	2.75	2.75	3.00
Electoral Process	1.50	1.50	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25
Civil Society	1.50	1.75	1.75	1.75	1.75	1.75	1.75	1.75	2.00	2.00
Independent Media	2.25	2.50	2.50	2.50	2.50	2.75	2.75	2.75	2.75	2.75
Local Democratic Governance	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75
Judicial Framework and Independence	2.25	2.00	2.00	2.00	1.75	1.75	1.75	1.75	1.75	1.75
Corruption	3.25	3.25	3.25	3.25	3.25	3.50	3.50	3.50	3.50	3.50
Democracy Score	2.18	2.21	2.18	2.18	2.14	2.25	2.21	2.21	2.25	2.29

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

The year 2017 was characterized by major political conflicts that had a negative impact on government stability in the Czech Republic. The main source of these conflicts was Andrej Babiš, the key figure of the government party ANO (“YES” in Czech), and controversies related to his businesses. Babiš was finance minister and deputy prime minister in the government until May 2017, and prime minister from December 2017 following new elections. Before the October parliamentary elections, relations worsened within Prime Minister Bohuslav Sobotka’s coalition government of Social Democrats (ČSSD), Babiš’s ANO, and the Christian Democrats (KDU-ČSL). They reached such an impasse that after Babiš and ANO won in October, it became difficult to form a cabinet that would have the confidence of enough parties in the Chamber of Deputies.

Babiš made his political career by presenting himself as a technocrat and attacking “traditional parties,” meaning most other political formations. Until February 2017, he had been the owner of Agrofert, a giant agrochemical holding that also owns a large part of Czech media. Under pressure from the law on conflict of interests that had been amended in 2016, the ANO leader transferred Agrofert and media outlets owned by him to trust funds, although he maintained indirect control. The government experienced a crisis in May, following suspicions that Babiš attempted to evade taxes in his business dealings. After Babiš refused to step down as minister of finance and deputy prime minister, Prime Minister Sobotka (ČSSD) announced his own resignation. In this way, he tried to remove Babiš from the cabinet, albeit at the cost of bringing the whole government down. President Miloš Zeman, whose constitutional role includes accepting the resignations of government members, supported Babiš’s ANO, and contrary to constitutional convention interpreted Sobotka’s intent to resign as the resignation of only the prime minister, and not the whole cabinet. Even after the prime minister changed his decision and suggested that the president remove only Babiš from office, Zeman used delaying tactics to avoid taking action.

The atmosphere during this government crisis was strongly influenced by the release of anonymous audio recordings, which implied that Babiš had abused his influence over the media and the administrative apparatus of the government. This revived long-standing debates about the danger of connecting economic, political, and media power through the person of Babiš. The government crisis ended with an uncomfortable temporary agreement between the parties. Babiš agreed to leave his ministerial position, and the government coalition was formally maintained until the parliamentary elections, but in reality it had lost its ability to carry out its agenda.

In a striking development before the parliamentary elections that showed how low relations within the government had fallen, in September the Chamber of Deputies lifted Babiš’s immunity to allow his prosecution in a case involving alleged fraud in the use of EU subsidies for the Stork Nest (*Čapí hnízdo*) farm belonging to Agrofert. The prosecution of the ANO leader significantly increased the barriers between his party and other parliamentary formations.

The October parliamentary elections were fully competitive. The election process was not accompanied by any significant violations, although some local election committees made certain errors in counting votes, which raised doubts about the quality of the organization of the elections. The controversies related to Babiš’s business essentially had no negative effect on ANO’s election result. ANO won the elections by a large margin, gaining about 30 percent of the votes and nearly two-fifths of the seats. Coming in second was the right-wing Civic Democratic Party (ODS), with about 11 percent, an improvement over its result in the 2013 elections, and a relative success after several years of crisis in the party. By contrast, the largest government party ČSSD won only 7 percent, its worst result since the beginning of the 1990s.¹

In an affirmation of a trend, established or long-standing parties such as the Communists (KSČM) also lost support. By contrast, several new parties succeeded, especially Tomio Okamura’s far-right Freedom and Direct Democracy (SPD) and the Pirate Party, which obtained around 10 percent of votes each. The rise of the SPD was based on sharp anti-immigration and antiestablishment appeals. A total of

nine political parties made it to the new parliament, the biggest number since the formation of the Czech Republic in 1993. This set of changes in party politics makes the future trajectory of the Czech Republic much less predictable. Accompanied by some pressures on independent media, it also creates a risky situation for the democratic regime.

Negotiations to form a new government showed the low coalition potential of ANO, with which only the far-right SPD was willing to form a government coalition. Babiš was not interested, however, due to the extreme profile of SPD, but ANO, SPD, and the Communists did cooperate in filling a number of important initiatives in the Chamber of Deputies.

In the end, Babiš decided to form a one-party (ANO) minority government supplemented by nonpartisans. In obtaining support for it in the Chamber of Deputies, he was able to rely on his informal alliance with President Miloš Zeman, against whom ANO had not nominated its own rival candidate for the presidential election in January 2018. Zeman helped Andrej Babiš in postelection negotiations in November to increase pressure on other parties and declared publicly that in case Babiš's first government fails in the vote of confidence, he will give him another chance and appoint him the prime minister for a second time. The president's one-sided support for the winner of the elections caused great debate and criticism from other parties.

In foreign policy, President Zeman significantly deviated from the government's position on several topics throughout the year, thus continuing his course from previous years. He repeatedly spoke out in favor of lifting sanctions against Russia, called Russia's annexation of Crimea a *fait accompli*, and voiced his strong Euroscepticism. President Zeman's opinions on these issues are close to the far-right SPD and to the Communists, who question the pro-Western orientation of Czech foreign policy.

Score Changes:

- **National Democratic Governance rating declined from 2.75 to 3.00** due to government instability throughout the year and difficulty forming a new government following parliamentary elections.

As a result, Czech Republic's Democracy Score declines from 2.25 to 2.29.

Outlook for 2018: The minority government of Andrej Babiš ended the year still without a vote of confidence in the Chamber of Deputies. Coalition negotiations may be restarted in 2018, but there are limited options for formation of a government due to the existing grudges and red lines of the different parties involved. Interparty negotiations will particularly complicated and prolong the Stork Nest farm case related to Andrej Babiš. Babiš has secured the possibility of repeatedly trying to create a new government thanks to the support of the President Zeman. But his government will probably be a minority cabinet. Even if such a cabinet gains confidence, it will be difficult for them to enforce government's agenda through parliament and its future will be uncertain.

MAIN REPORT

National Democratic Governance

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
2.75	2.75	2.75	2.75	2.75	3.00	2.75	2.75	2.75	3.00

- Czech politics in 2017 were influenced by major conflicts in the government coalition formed by the Social Democrats (ČSSD), ANO, and the Christian Democrats (KDU-ČSL). The conflicts were caused mainly by the economic activities of Andrej Babiš, the leader of ANO, deputy prime minister, and minister of finance, connected with his giant agrochemical holding Agrofert. Under the pressure of the amended law on conflict of interests, Babiš transferred the holding to two trust funds in February, but he still had indirect control over them through people connected to him.²
- The first half of the year was influenced by a political debate mainly about Babiš's alleged tax fraud. Babiš had bought bonds from Agrofert for about \$70 million in 2013 and 2014, avoiding taxes because the interest payments on bonds were exempted from tax. At the same time, the debate also focused on where Babiš got the money for such an expensive purchase of bonds.³ In mid-March, the Chamber of Deputies passed a resolution requesting that Babiš dispel the suspicion of tax evasion by the end of April—otherwise, Prime Minister Bohuslav Sobotka (ČSSD) would make Babiš face the consequences.⁴ Babiš refused to resign from office and called the accusations against him a calculated campaign.⁵
- The biggest government crisis in the existence of Sobotka's cabinet started at the beginning of May, with significant interventions by President Milos Zeman. The crisis began with Prime Minister Sobotka's surprise resignation announcement; Sobotka said that if he removed Babiš from office, he would make him a martyr.⁶ In the spirit of constitutional norms, Sobotka considered his resignation to be the end of the whole cabinet. However, President Miloš Zeman, an ally of Babiš, took a controversial position from the point of view of the constitution, holding that only the prime minister had resigned, and not the whole cabinet. Sobotka subsequently decided to propose the individual removal of Babiš from office. The president responded with delaying tactics, claiming that there was no reason for this step.
- The political atmosphere during the crisis was strongly influenced by audio recordings from the anonymous "Julius Šuman group" published on Twitter, implying that Babiš was misusing his media outlets and police files against his political rivals (see Independent Media). The government crisis ended in the second half of May with an agreement between the coalition parties. ANO agreed to remove Babiš from his ministerial positions, and Ivan Pilný (ANO) became the new Minister of Finance. Although the government coalition survived the crisis, it stopped being able to carry out its agenda in the parliament, and relations between ANO and the other two parties became very tense.⁷
- These controversies took a toll on the government. Public confidence in the government, according to the CVVM agency, dropped sharply from 40 percent in April to 23 percent in May; confidence in the president also dropped from 55 percent to 41. This confidence was only partially restored in the following months. In October, Sobotka's cabinet had the trust of 29 percent of respondents, while the president was trusted 50 percent of respondents.⁸
- Conflicts centered on Babiš continued in the lead-up to the October elections. In August, the police requested that Babiš's parliamentary immunity be lifted by the Chamber of Deputies, so that he could face prosecution for fraud involving European Union (EU) subsidies and harming the financial interests of the EU. The charges were in connection with a subsidy of over \$2 million for renovating the Stork Nest (*Čapí hnízdo*) farm, a case that had already been the subject of political debates in March 2016. Stork Nest belonged to Babiš's Agrofert Holding until 2007, at which point it was separated from the

larger company, allowing it to qualify for the EU subsidy for small firms (for which Agrofert would be ineligible). The farm remained outside of the holding company for five years, the period required by the EU, but later the farm returned to Agrofert Holding.⁹

- The political debate around lifting Babiš's immunity for prosecution was extremely tense. Babiš said the request to lift his immunity was a "last desperate attempt to liquidate" him.¹⁰ Minister of Justice Robert Pelikán (ANO) claimed that "the only possible reason" for the request shortly before elections was to influence them.¹¹ Lawmakers voted to allow prosecution of not only Babiš, but also Jaroslav Faltýnek, vice chairman of ANO, who had been a senior manager at Agrofert. The Chamber of Deputies agreed to allow the prosecution of Andrej Babiš at the beginning of September by the votes of nearly all government and opposition deputies, except for most ANO deputies.¹² In October, the police charged Babiš and Faltýnek as well as several other people including members of Babiš's family who were involved in the case as co-owners of the Stork Nest farm.¹³ Following the October elections, Babiš and Faltýnek regained their mandates and their immunities, and their prosecution was therefore formally discontinued. The new Chamber of Deputies is expected to vote on lifting their immunity again.¹⁴
- The parliamentary elections held on October 20 and 21 were a political earthquake, resulting in radical changes of party politics and extreme fragmentation of the Chamber of Deputies, increasing the number of parties from seven to nine.¹⁵ ANO strengthened considerably, gaining 29.6 percent of votes and 78 out of 200 seats, up from 18.7 percent in 2013. Coming in second was the Civic Democratic Party (ODS) with 11.5 percent (25 seats), which also strengthened in comparison to 2013. ODS was closely followed by two formations that succeeded for the first time in parliamentary elections, namely the Pirate Party with 10.8 percent of votes and Tomio Okamura's far-right Freedom and Direct Democracy (SPD) with 10.6 percent, each receiving 22 seats. The winner of the 2013 elections, ČSSD, lost significantly, gaining only 7.3 percent (15 seats). The Communists (KSČM) also dropped to a mere 7.8 percent of votes (15 seats). These were the worst results for these left-wing parties since the 1990s. Three other parties passed the 5 percent election threshold by a narrow margin: KDU-ČSL (5.8 percent, 10 seats), TOP 09 (5.3 percent, 7 seats), and the Mayors and Independents (5.2 percent, 6 seats).
- The strong results of the two protest parties, the Pirate Party and SPD, were among the surprises of the parliamentary elections. The Pirates presented themselves among other things with slogans about transparency in politics and direct democracy.¹⁶ SPD added to the focus on direct democracy harsh rhetoric against immigrants, the political mainstream, and terrorist threats, including requests to ban Islam in the Czech Republic and to leave the EU.¹⁷ The election result of ODS was generally considered to be a signal of their restoration after years of party crisis.¹⁸ By contrast, the leader of TOP 09 Miroslav Kalousek and the leader of KSČM Vojtěch Filip both announced their resignations as party leaders following the poor election results. Prime Minister Bohuslav Sobotka had already resigned from leading ČSSD in June.
- The success of Babiš's ANO was due to consistent messaging that created the image of a technocratic and competent party that is a capable manager of state finances.¹⁹ Babiš presented the government's economic achievements as his personal achievements. The most visible of these were gradual implementation of electronic cash registers registering business transactions online, high economic growth (over 4 percent in the first half of the year), and very low unemployment rate (below 3 percent in June).²⁰ Similarly, Babiš used the increase of pensions and salaries in public administration to take ownership of traditionally left-wing issues. ANO also continued its long-standing rhetoric against "traditional politicians" and "traditional parties," meaning the older political formations, that were supposedly trying to eliminate Babiš and his party.²¹ Despite the controversies, Babiš remained one of the most popular politicians in the country, although his popularity did decrease during the year (from 46 percent in February to 37 percent in September).²² In October, the Slovak Constitutional Court quashed earlier rulings that stated that Babiš had been wrongly referred to as an agent of the communist secret police before 1989; the Court sent the case back to the lower level.²³ (Since Babiš was born in what is now Slovakia, archival materials associated with him are stored there.) The verdict did not have a significant influence on ANO voters one week before the elections.

- President Zeman, who has a significant constitutional role in forming the cabinet, supported the ANO leader both before and after the elections. He stated in September that he would appoint the expected election winner Babiš as the new prime minister “even if he is in police custody.”²⁴ Zeman’s position was thus completely different from summer 2013, when after the fall of Petra Nečas’s cabinet he refused to give the center-right government parties another chance to form a cabinet, referring to the alleged risk of their ministers facing prosecution.²⁵ He confirmed his positive attitude towards ANO after the October elections, and entrusted Babiš with leading the negotiations about the new cabinet. At the same time, he declared that should the cabinet created by ANO fail to pass the vote of confidence in the Chamber of Deputies, he would appoint Andrej Babiš as the prime minister again. Zeman also claimed that Babiš’s cabinet could work without confidence from the parliament for a period of time.²⁶ ANO did not nominate their own candidate for presidential elections in January 2018, which was a big advantage for Zeman in his reelection campaign. The leader of ANO and the president thus supported each other.²⁷
- Other parliamentary parties with the exception of Tomio Okamura’s far-right Freedom and Direct Democracy (SPD) refused to join a government coalition with ANO after the elections. The main reason was Babiš and his, albeit formally discontinued, prosecution in the Stork Nest case.²⁸ The SPD was not acceptable to ANO as a government partner, however. ANO, SPD, and the Communists cooperated in electing the leadership of the new Chamber of Deputies, i.e., its chairperson, deputy chairpersons, and chairpersons of some parliamentary committees.²⁹ In December, President Zeman officially appointed a minority ANO government led by Andrej Babiš as prime minister. However, the other parties were not willing to tolerate it by giving a vote of confidence, leaving the government’s future uncertain at the end of the year.
- President Zeman caused significant controversy several times during the year with speeches concerning foreign policy that deviated significantly from the government’s position. For example, in June he compared the way the EU functions to the concept of limited sovereignty from the Soviet Union era, because it supposedly diminishes Czech sovereignty in a similar way. He also spoke out in favor of a referendum on Czech membership in the EU, which government politicians refused.³⁰ In his speech at the Parliamentary Assembly of the Council of Europe, Zeman rejected sanctions against Russia, called the annexation of Crimea by Russia a *fait accompli*, and recommended that Ukraine reach an agreement with Russia about compensation. Both the prime minister and the foreign minister disassociated themselves from the speech, which had prompted a very critical reaction from Ukraine.³¹ President Zeman’s opinions on the EU or Russia were close to the far-right Tomio Okamura’s SPD and the far-left Communists, and significantly deviated from the pro-Western orientation of Czech foreign policy.

Electoral Process

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
1.50	1.50	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25

- Elections are free and fairly conducted in the Czech Republic. The 2017 October parliamentary elections were fair and competitive. The electoral process was transparent, however minor errors were identified in the evaluation of the preferential votes by local election committees.
- A 2016 legislative overhaul had an effect on the parliamentary election campaign. The most significant change was the introduction of financial limits on campaign costs, with each party being allowed to spend no more than about 4 million dollars. Another change was the obligation of parties standing in the election to open a transparent bank account where transactions connected with its campaign, including gifts, would be registered.³² A new Authority for Supervising Economic Activities of Political Parties and Movements was established at the beginning of the year for auditing election campaigns.³³ There were also numerous debates and disputes in the months before the election, mainly about what

is and what is not an election campaign. The new authority was very strict in interpreting election legislation, and initiated several dozen administrative actions, handing down fines in some cases (the administrative actions were not public but most parliamentary parties received fines).³⁴ The financial limits on campaign costs and other changes in election legislation significantly influenced the behavior of parties. ANO, especially, had to scale down its campaign, which had originally been planned as much bigger.³⁵

- Transparency International (TI), which monitored the parties’ campaigns, found that parties mostly respected the new election legislation. However, TI pointed out that the legislation on campaigns did not cover social media such as Facebook, Instagram, etc., although their significance has increased considerably compared to the past.³⁶
- Disagreements about what constitutes an election campaign also took place ahead of the January 2018 presidential elections. Similar regulations are applied to presidential elections, including maximum financial limits on the campaigns of presidential candidates, the obligation to have a transparent bank account, and campaign auditing by the Authority for Supervising Economic Activities of Political Parties and Movements. Current President Milos Zeman sparked a big debate when he announced his candidacy in March and stated that he would not campaign at all.³⁷ Throughout the year, however, Zeman frequently visited many regions (just like in previous years), drawing criticism from the supervising authority, who viewed it as campaigning. According to the representatives of the authority, the costs of these visits should have been covered at least partly by Zeman himself, and not from public funds.³⁸
- The variation between the percentage of votes for parties and the number of seats won was influenced by the Czech Republic’s proportional representation system, especially by the different sizes of the 14 electoral districts where seats are distributed. In districts with a low number of seats (5-13), the small parties are often unable to win a single seat unless their support in the given district is considerably higher than the national average.³⁹ By contrast, the electoral system favors large parties—in this case ANO, which won in all electoral districts by a significant margin.
- Candidates of 31 political formations ran in the elections, which is the highest number of parties since the formation of the Czech Republic in 1993. However, about one third of parties managed to nominate their candidates only in certain districts. Voter turnout was 60.8 percent, which was about the same as in 2013.⁴⁰ Elections to the Chamber of Deputies have traditionally seen higher voter turnout than other types of elections (local, regional, Senate, EU) except for presidential elections.
- The Supreme Administrative Court received nearly 80 complaints after the parliamentary elections, which was much more than after the previous parliamentary elections in 2013. However, the court rejected almost all complaints. It did state in several cases that election committees had made some errors in counting votes, but according to the court these had no effect on the election results in the given district.⁴¹ The only intervention of the Supreme Administrative Court in the election results was in the Central Bohemia region, where the court observed that the local committees counted incorrectly the preferential votes of ODS, leading to someone else becoming one of the elected deputies of this party. In its decision, the court also pointed out systemic deficiencies in organizing elections and recommended a unified election code for all election types in order to unify the procedures, a technical change in the appearance of ballots, and increased inspection of the counting above the level of local election committees.⁴²

Civil Society

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
1.50	1.75	1.75	1.75	1.75	1.75	1.75	1.75	2.00	2.00

- The civic sector is lively and expanding. According to the public registry, about 130,000 nongovernmental organizations (NGOs) were operational in April 2017, which is 6,000 more than at the end of 2014. Associations are the most frequent type of NGOs, with over 93,000 operational in April.⁴³ Nevertheless, public confidence in NGOs is decreasing. According to a survey conducted by CVVM in March 2017, only 36 percent of respondents trusted such organizations, 51 percent did not trust them, and the rest were unsure. This is notably lower than the results of an older survey from September 2014, when 48 percent of respondents trusted NGOs and 36 percent did not.⁴⁴ The decrease in confidence is probably mainly connected with the topic of immigration, in which some NGOs are visibly and not always successfully involved.⁴⁵ The other important factor was the negative discourse around NGO activity, especially the statements of some important political actors. For example, President Zeman described NGOs in one interview in January as being like “leeches (*pijavice*) on the body of the state budget.”⁴⁶ However, public institutions including municipalities and regional councils mostly do not view NGOs negatively, with the exception of some associations involved in zoning and construction projects, especially in road infrastructure, where long-term and fractious disputes take place that are well covered by the media.⁴⁷
- There has been a trend in recent years of ongoing NGO professionalization, influenced by the difficulty of obtaining and administering public funds, especially from the EU.⁴⁸ This is because a large part of NGOs depends on public funding. Sobotka’s cabinet tried to prepare a program that would involve more support from private companies but according to a report published in July, it was unsuccessful.⁴⁹
- Several big public protests against government policy and some representatives of the executive took place throughout the year. About one thousand people demonstrated in Prague at the end of February against the law on electronic cash registers (EET), which then minister of finance Andrej Babiš had justified as a measure that would reduce tax evasion. The demonstration was organized by the Association of Entrepreneurs and Managers and other groups.⁵⁰ There was also a petition against EET, signed by over 20,000 people by the end of July.⁵¹ EET was strictly opposed by right-wing opposition (ODS and TOP 09), and even the government parties pledged to revise the system in their election programs. In December, the Constitutional Court cancelled some parts of the law on EET, especially the new planned phases that would have expanded it during 2018, but the core remained.⁵²
- The biggest demonstrations took place during the spring government crisis (see National Democratic Governance). On May 10, about 20,000 people demonstrated for the resignations of then minister of Finance Babiš and President Zeman in Prague, with smaller demonstrations held in several other big cities.⁵³ The demonstrations were repeated a week later with a smaller number of participants.
- Radical anti-Islam and anti-immigration groups were active mainly on social networks failed to organize larger gatherings during the year as they had done in 2015, at the peak of the migration crisis. Several anti-Islam and anti-immigration formations did run in the parliamentary elections, and Tomio Okamura’s far-right SPD was successful (see National Democratic Governance). Okamura, who was elected one of the deputy chairpersons of the lower chamber, has extensive political experience: he was successful in the 2013 parliamentary elections as leader of another formation, Dawn of Direct Democracy, which was seen as less xenophobic than SPD.⁵⁴ Concerns regarding right-wing extremism were bolstered by the behavior of some SPD representatives. For example, at the end of October a ČSSD minister accused SPD party secretary Jaroslav Staník of saying in the parliament restaurant, while under the influence of alcohol, that “Jews, gypsies and gays should be gassed,” which Staník however later denied.⁵⁵ This and several other events at the time, such as the attack by several men on an African man in a tram in Prague, triggered a public debate on growing xenophobia in the country and the impact of the rise of the far right.⁵⁶

Independent Media

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
2.25	2.50	2.50	2.50	2.50	2.75	2.75	2.75	2.75	2.75

- Earlier trends present in the Czech Republic’s media sector continued in 2017. Among these were the strengthening of multimedia news coverage on the internet and the decline of print paper circulation, save for minor exceptions.⁵⁷ The number of TV stations has also been growing and has increased by 20 new channels since 2015.⁵⁸ In this context, some media outlets have branched out; for example, Seznam.cz, which runs a news site and other services with written and video content and is also the most popular Czech search engine, received a license for TV broadcasting in October.⁵⁹ Another continuing trend was pressures on the public media.
- The anonymous Twitter account “Julius Šuman group” received much public attention in 2017. The name is that of a former officer of the communist secret police who had allegedly been in charge of “agent” Andrej Babiš before 1989. Starting at the beginning of May, the Twitter account released several audio recordings featuring ANO leader and then minister of finance Babiš speaking with journalist Marek Příbil, who had worked for the *MF Dnes* daily newspaper belonging to Babiš’s Agrofert Holding media division. The conversations focused on the publishing of compromising materials against several of Babiš’s Social Democratic opponents, with information coming from police files. The ANO leader also used very coarse language about some of these opponents. *MF Dnes* reacted to the releases by firing Příbil, but some outlets pointed out, based on analyzing his older articles, that he was only doing “dirty work” for the *MF Dnes* editor-in-chief and head of the whole media group.⁶⁰ Babiš claimed the recordings were a provocation, but did not deny having met with Příbil.⁶¹ The recordings contributed to Babiš’s removal from the cabinet at the end of May (see National Democratic Governance).
- Just like in previous years, some politicians criticized the news coverage of the public media, especially Czech Television. In mid-June, the Czech Television Council (elected by the parliament to control television) rejected Babiš’s complaints, especially those regarding reports on his alleged tax evasion (see National Democratic Governance). The council argued that the complaints were unfounded. Babiš said the council’s decision was a reflection of the influence of political parties on the news service.⁶² President Zeman’s spokesman repeatedly criticized the portrayal of the president on Czech Television news.⁶³ The most radical criticism of public Czech Television and Czech Radio came from SPD leader Tomio Okamura immediately after the parliamentary elections, when he said they should be nationalized, pointing out among other things the way they had been ridiculing him.⁶⁴ Okamura specified his idea of nationalization as a change in their financing, wherein license fees from viewers would be replaced by financing directly from the state budget. President Zeman and the Communists have previously supported the same change in financing, but most parliamentary parties rejected it and responded the same way to Okamura’s proposal.⁶⁵
- A big debate erupted in September following the Czech Television’s decision not to broadcast the documentary “Selský rozum” (Peasant Common Sense) before the elections. Co-produced by the Czech Television, it describes the negative impacts of Agrofert on Czech rural areas. The director of the Czech Television justified the decision to not show the documentary by saying that it brought no new perspectives which had not been presented on television before.⁶⁶
- At the end of September, the Council for Television and Radio Broadcasting (a supervisory body elected by the parliament like the Czech Television Council) notified Barrandov TV, which is owned by significant actors on the television market, that they had broken the law in their discussion program “Duel Jaromíra Soukupa,” but imposed no sanctions. The program, named after its host, general manager and co-owner of the television station, Jaromír Soukup, leaned heavily towards ANO politicians as guests, therefore violating the legal obligation of objectivity and balance of broadcasting, according to the council.⁶⁷ Barrandov TV also aroused much attention throughout the year with its

program “Týden s prezidentem” (The Week with the President), in which President Zeman commented on the political situation every week with Soukup acting as a friendly host.⁶⁸

- Just like in its annual report for 2015, the annual report of the Security Information Service (BIS) for 2016, published in October, warned about the active information influence of Russia on news sites in the Czech Republic, connecting it with Russian intelligence services in the country. As a new development, the report also mentioned the influence of Chinese intelligence services on Czech media.⁶⁹
- The Prague Security Studies Institute published a report in November, analyzing the content of nine disinformation websites (e.g., Sputnik.cz, Aeronet) and two Facebook pages in the last week before the parliamentary elections. These websites and pages are connected with Russian disinformation activities in the Czech Republic. According to the analysis, they provided very negative information about most parliamentary parties, especially ČSSD, KDU-ČSL, and the right-wing TOP 09. By contrast, these media provided very positive information about the far-right SPD and (slightly less) about the Communists. The disinformation websites were critical about the election winner ANO, but the party was occasionally perceived “as a possible ally of protest parties in their clash with the political establishment.”⁷⁰

Local Democratic Governance

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75

- The Czech constitution guarantees self-governance and the country is divided into 14 regions. There are more than 6,200 municipalities of various sizes at local level. Over three-quarters of them have less than 1,000 inhabitants.⁷¹ Regions and municipalities can manage their budgets and own property. Citizens elect local and regional assemblies, which further elect local and regional councils, mayors, and regional governors.
- Local governance is traditionally viewed by citizens with considerable trust. According to public opinion surveys, about 60 percent of respondents trust their mayors and local councils in the long term, which is much higher than the level of confidence in the parliament or government. Confidence in regional councils and governors, the political representation of higher self-governing territorial units, is lower, at slightly above 40 percent.⁷²
- Local politics in big cities was relatively stable throughout the year and there was no problem of local government coalitions falling apart, as had been common in 2015 and 2016. The situation was different in 2 of 13 regional government coalitions, specifically in the Central Bohemia and South Bohemia regions, where the composition of regional governments partially changed after disputes between coalition parties. In South Bohemia, the regional governor who is elected by the regional assembly also changed. In April, Jiří Zimola (ČSSD), who faced suspicions regarding his real estate holdings, was replaced by Ivana Stráská from the same party.⁷³ Zimola, a popular politician who had originally considered running for a position in the ČSSD leadership at the party convention in March, was also removed from the candidate list for parliamentary elections by Sobotka’s leadership in May. The removal provoked strong disagreement from the ČSSD organization in South Bohemia, where many members including the new governor refused to run for the party in the parliamentary elections. Zimola claimed that suspicions raised about his real estate holdings were “coordinated with some people from ČSSD leadership”⁷⁴
- In the October parliamentary elections, the formation Mayors and Independents was successful for the first time in history running as a separate party, passing the 5 percent threshold by a narrow margin. This formation, which has no clear ideological orientation, was formed in 2004 as an alliance of several hundred local and regional politicians, who promote mainly local interests. In the 2013 parliamentary

elections, it ran together with the right-wing TOP 09. For the 2017 elections, it originally formed an electoral coalition with KDU-ČSL, but the coalition fell apart in July due to fears that it would not pass the 10 percent threshold which applies to electoral coalitions of two parties. Jan Farský, the electoral leader of the Mayors and Independents, presents himself as a strong advocate of transparency in public administration.⁷⁵

Judicial Framework and Independence

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
2.25	2.00	2.00	2.00	1.75	1.75	1.75	1.75	1.75	1.75

- Courts in the Czech Republic are independent. However, confidence in the justice system is undermined by the extremely long duration of some court processes, the complexity and contradictoriness of many laws, and different decisions in basically identical cases by different courts, even in cases closely watched by the public. These problems have been openly acknowledged by some top judicial authorities. For example, the head of the Constitutional Court, Pavel Rychetský said in April 2017, “Our criminal justice system, especially in the area of more complicated cases, is obviously very slow and uncertain.” Rychetský also criticized the “low professionalism” of the police and public prosecutor's office.⁷⁶ This situation has had a negative impact on public confidence in the justice system.⁷⁷
- During the year, several trials continued relating to the case of Jana Nečasová (formerly Nagyová), the former head of office of Prime Minister Petr Nečas until summer 2013 and now his wife. Nečasová's arrest in 2013 in charges relating to corruption and abuse of office caused the cabinet fall, initiated a major political crisis, and resulted in early parliamentary elections in which ANO succeeded for the first time. By year's end, none of the Nečasová trials, ongoing since 2014, had resulted in a final judgment. This led to debates about the lawfulness of the actions of the police and the prosecutor's office in this matter.⁷⁸ In January, Nečasová was put on probation by the Prague Municipal Court for disclosing a secret report of the Security Information Service to the lobbyist Ivo Rittig, who was also sentenced in the same trial together with his lawyer. However, the High Court overturned the judgment against all three of them in September and ordered the Municipal Court to add more evidence.⁷⁹
- In another trial, in which Nečasová is accused together with three former army intelligence officers of abusing her public position by ordering the army's intelligence service to spy on Nečas' then wife, Radka, the Municipal Court took the case from District Court judge Helena Králová in January at the suggestion of Minister of Justice Robert Pelikán (ANO) due to her biased interpretation of evidence. Králová had acquitted Jana Nečasová and the three former officers twice, but superior courts had always overturned her judgments and remitted the case for a rehearing.⁸⁰ The decision to take the case away from Králová was confirmed by the Constitutional Court. In the spring, the case of misusing the army's intelligence service was heard for the third time by the district court with a different judge. At the end of November, the court gave Nečasová a two-year jail sentence suspended for three years, and the three former army officers were given similar sentences.⁸¹ Nečasová and the officers appealed the ruling.
- In another matter which had contributed to the fall of Nečas' government, in September, the trial of former prime minister Nečas started; Nečas was accused of bribing three former ODS deputies with high positions in state enterprises in exchange for their stepping down as deputies. This was the first time in the history of the Czech Republic that a former prime minister stood trial. Many commentaries criticized the prosecutor's office for pressing charges too late, because several years had passed since the affair occurred.⁸² Two other people, including Jana Nečasová, were charged in this case together with Nečas. Nečasová was also accused of not paying the tax for gifts she had received as head of office of the prime minister. She claimed she paid the tax (amounting to about \$35,000) in October

2017. Similarly, as in the previous matter, the judge of this case was Helena Králová. In December, the Minister of Justice, Pelikán, temporarily dismissed Králová from her office due to her disregard for the opinions of the higher courts in several cases. The hearing of the case was therefore postponed until the Supreme Administrative Court's decision on the future of the judge.⁸³

- In April, the Supreme Court overturned the High Court's judgment from 2016 regarding Marek Dalík, a former lobbyist who was a close associate of former prime minister Mirek Topolánek (ODS), because of the incorrect application of old and new criminal law. The subordinate High Court then gave its new judgment in July, giving Dalík a 5-year sentence, one year more than in the original judgment, for attempted fraud in connection with a contract for armored vehicles for the Czech Army in 2007.⁸⁴ Dalík, who had been released from prison after the Supreme Court's ruling in April, returned to prison in November.
- In May, the High Court in Prague sentenced Jan Silovský to six years in prison for his effort to join the Islamic State. Silovský was the first Czech citizen who is publicly known for wanting to join the terrorist group. The sentence was an increase on the February judgment of the Regional Court in Pilsen. The case made use of the new counterterrorism law adopted by parliament at the end of the 2016.⁸⁵
- In July, the Supreme Court accepted a complaint by Minister of Justice Pelikán in the case of David Rath, the former regional governor (ČSSD) of the Central Bohemian Region. In a trial going on since 2013, Rath was sentenced to eight and a half years in prison and a high financial penalty for corruption and bid rigging, but the High Court in Prague overturned the judgment at the end of 2016 due to the unlawfulness of police wiretaps, which the prosecution had relied on significantly. The Supreme Court decided the wiretaps were acceptable, but the whole case must start all over. The Prague Regional Court therefore started rehearing the case in October, with 10 other people being accused besides Rath.⁸⁶
- At the beginning of September, Prime Minister Bohuslav Sobotka (ČSSD) received much public attention when he testified in Prague District Court in the case of privatization of the state's stake in the large mining company OKD in 2004, when he was the Minister of Finance. In the trial, which has been going on since 2015, two high-ranking state officials and the assessor are accused of setting a low price of the state's stake. Sobotka was himself criticized for the low price of the state's stake for many years, and the OKD case was often brought to public attention throughout the years mainly by Andrej Babiš.⁸⁷
- The growing number of protective orders issued by the Financial Administration (Finanční správa) became a hot topic during the year. Over 1,500 protective orders were issued in 2016 and over 600 were issued in the first four months of 2017 (compared to only 450 in 2013).⁸⁸ Protective orders allow authorities to collect expected taxes in advance if officers of the Financial Administration have reasonable suspicion that the business would not pay it later. In practice, this procedure mostly leads to paralyzing and destroying the given business.⁸⁹ The courts to which some businesses resorted determined that in some cases the actions taken by the Financial Administration were unlawful. In an interview for the media in April, Supreme Administrative Court judge Karel Šimka pointed out the excessively destructive effects of protective orders.⁹⁰
- In August, the debate about protective orders flared up again after the publications of anonymous recordings by the "Julius Šuman group" (see Independent Media). Andrej Babiš, who as the Minister of Finance oversaw the Financial Administration, said in the recording that "his people" had put pressure on the FAU company.⁹¹ FAU owned a fuel depot on the grounds of one firm in the Agrofert Holding, unwilling to sell it to Agrofert, and ended up bankrupt in 2014 after an intervention from Financial Administration. In response to the recording, Babiš denied having directed the officers of Financial Administration against the company in any way and said that the recording was a "manipulation."⁹² The Regional Court in Ostrava decided at the end of summer that two protective orders against FAU were unlawful, and this judgment was confirmed by the Supreme Administrative Court in November. The cabinet and the Chamber of Deputies discussed protective orders in September, with right-wing parties ODS and TOP 09 strongly criticizing them. In response to the

criticism of protective orders, Babiš's replacement as Minister of Finance Ivan Pilný (ANO) admitted in September that "they caused unjustified destruction of some businesses."⁹³

Corruption

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
3.25	3.25	3.25	3.25	3.25	3.50	3.50	3.50	3.50	3.50

- Corruption has long been a problem in the Czech Republic. According to a March 2017 survey by CVVM, respondents attribute the biggest influence on politicians' decision-making to bribes and corruption.⁹⁴
- In the programs of most political parties in October elections, the traditional topics of corruption and the fight against it were not as prominent as in the 2013 elections, and they rarely appeared in party election slogans.⁹⁵ But many parties significantly focused on criticizing the concentration of political, economic, and media power in the hands of Andrej Babiš and the related risks.
- The government coalition of ČSSD, ANO and KDU-ČSL failed to push through some of the anticorruption laws originally expected by the government program, such as expanding the authorities of the Supreme Audit Office so that it could audit state and municipal companies, or the law on professional nominations to supervisory boards of state enterprises. Anticorruption laws were abandoned at various stages of the legislative process.⁹⁶
- There was a big dispute during the year concerning the change of the law on the register of contracts passed in 2015, which introduced the obligation for most public institutions to publish the contracts they make. Without publication in the register, the contract is void. The radical changes to the original law passed by the lower chamber assumed the exemption of about 70 percent of contracts, but this did not pass in the upper chamber. The following proposal passed by the lower chamber in June and confirmed by the upper chamber several weeks later was more moderate in the extent of changes; the biggest change is the exemption of business contracts by some businesses and agencies owned by the state and other public institutions.⁹⁷
- Minister of Education Kateřina Valachová (ČSSD) resigned from office in May. The reason was the arrest of one of her deputies, who was accused together with chairman of the Czech Football Association Miroslav Pelta of misappropriating state subsidies intended for sport.⁹⁸ In June, the police arrested the director and two other people from a state forestry company subordinate to the Office of the President and accused them of bid rigging.⁹⁹
- The Czech Republic's score in Transparency International's 2017 Corruption Perceptions Index (CPI) improved slightly, from 55 to 57 (where 0 is regarded as highly corrupt and 100 as very clean); the country shared the 42nd place in the world with Cyprus, Dominica, and Spain.¹⁰⁰ In comments from early 2017, TI's Czech Republic director David Ondráčka said that, "many things have objectively improved, but corruption has not disappeared, it is just done in more sophisticated ways. Influential interest groups no longer need to break laws, but they rather push through changing the laws, legalizing their activities in this way."¹⁰¹ In assessing the state of corruption, TI pointed out state capture (privatization of the state), with mainly the business-political empire of Andrej Babiš on one side and traditional actors connected with lobbyists on the other side.¹⁰²

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