

Independent Reporting Mechanism

Czech Republic
Co-Creation Brief 2024

Open
Government
Partnership



Independent
Reporting
Mechanism

Introduction

This brief from the OGP's Independent Reporting Mechanism (IRM) serves to support the co-creation process and design of the Czech Republic's seventh action plan and to strengthen the quality, ambition, and feasibility of commitments. It provides an overview of the opportunities and challenges for open government in the country's context and presents recommendations. These recommendations are suggestions, and this brief does not constitute an evaluation of a particular action plan. Its purpose is to inform the planning process for co-creation based on collective and country-specific IRM findings. This brief is intended to be used as a resource as government and civil society determine the next action plan's trajectory and content. National OGP stakeholders will determine the extent of incorporation of this brief's recommendations.

The co-creation brief draws on the results of the research in prior [IRM reports for Czech Republic](#) and draws recommendations from the data and conclusions of those reports. The brief also draws on other sources such as [OGP National Handbook](#), [OGP Participation and Co-creation Standards](#), and IRM guidance on [the assessment of OGP's minimum requirements](#), to ensure that recommendations provided are up-to-date in light of developments since those IRM reports were written, and to enrich the recommendations by drawing on comparative international experience in the design and implementation of OGP action plan commitments as well as other context-relevant practice in open government. The co-creation brief has been reviewed by IRM senior staff for consistency, accuracy, and with a view to maximizing the context-relevance and actionability of the recommendations. Where appropriate, the briefs are reviewed by external reviewers or members of the IRM International Experts Panel (IEP).

The IRM drafted this co-creation brief in April 2024.

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Section I: Action Plan Co-Creation Process

The co-creation process for the Czech Republic's [sixth action plan \(2022-2024\)](#) included a public workshop, a government-wide crowdsourcing of commitment ideas, a public consultation of the draft plan, and opportunities for civil society organizations (CSOs) outside of the multistakeholder forum (MSF) to participate. More ministries and CSOs participated than in previous cycles. However, the government sent back the draft action plan to the Government Council for the Coordination of the Fight Against Corruption for further discussion, resulting in the addition of three commitments.

While the Czech Republic met [OGP's minimum requirements](#) for co-creation during the last action plan, stakeholders believe future processes could benefit from a more relaxed approach to CSO-government dialogue. Having co-created six action plans, the Czech Republic could consider a different approach to prioritization and discussion of potential topics, with the aim of developing commitments that align more closely to civil society's priorities.

The IRM recommends the following steps to improve the co-creation process:

- Develop an outreach strategy that encourages and secures broader public engagement in the early stages of co-creation.
- Consider a less formal approach to dialogue within the MSF.
- Obtain high-level political buy-in for the OGP process, particularly during the early stages of co-creation.

RECOMMENDATIONS

Recommendation 1: Develop an outreach strategy that encourages broader public engagement in the early stages of co-creation.

For the next co-creation process, the MSF and the Ministry of Justice could conduct additional public outreach, particularly to organizations outside the MSF. The co-creation process could start with an open survey to collect priority areas for further discussion in the MSF. In Latvia, for example, the government organized a month-long public [survey](#) to collect priority topics which could be addressed in the action plan. The results were used in MSF meetings to discuss potential commitments.

The outreach could target established networks working on specific social issues (such as marginalized groups or environmental protection), as well as local government associations, civil society networks, and focus groups. Since these groups will likely be unfamiliar with OGP, the MSF and the government may need to allocate more time and resources to help them understand how their priorities could be addressed in OGP action plans. The Ministry of Justice and the MSF could prepare a memo summarizing the background of OGP in the Czech Republic, [as done in Finland](#).

Recommendation 2: Consider a less formal approach to dialogue within the MSF.

Civil society told the IRM that the formality of the MSF meetings during the previous co-creation process limited the opportunities for open discussion. They noted that informal discussions outside the MSF helped build government-civil society trust and clarified their expectations. For the next co-creation process, the MSF could consider a less formal approach to dialogue, particularly at the early stages. This approach could help stakeholders

develop a common understanding of priorities for the action plan and set expectations for the action plan to address. For example, in the Slovak Republic, the government hired an external facilitator to organize MSF meetings during the co-creation of their 2022-2024 action plan, which enhanced dialogue between the government and civil society. For Ireland's 2023-2025 action plan, a facilitator wrote a [summary report](#) from all five co-creation workshops. The report was submitted to Ireland's MSF for their consideration. The Czech Republic could adopt a similar approach to create an equal base for all parties to participate in the MSF.

Recommendation 3: Obtain high-level political buy-in for the OGP process, particularly during the early stages of co-creation.

The discussion of the draft sixth action plan within the [Government Council for the Coordination of the Fight Against Corruption](#), which is a higher advisory body than the MSF, helped add more ambitious commitments to the final action plan. According to CSOs, this was a clear sign of political will for the OGP process that had been lacking in the MSF. For the seventh action plan, the Ministry of Justice could build on this momentum by proactively engaging ministries to identify potential priority areas and establish strong political ownership of the action plan. This could lead to the inclusion in the action plan of priority areas outside ongoing government programs. Additionally, high-level government involvement in the MSF could demonstrate a strong political commitment to open government, facilitate more efficient decision-making, and increase the public visibility of OGP.

Section II: Action Plan Design

AREAS OF OPPORTUNITY FOR COMMITMENTS

The Czech Republic adopted a new [Anti-Corruption Strategy \(2023-2026\)](#) in 2023, focusing on implementation of [recommendations of the Group of States Against Corruption \(GRECO\)](#). The Czech Republic could use the seventh OGP action plan to implement key provisions of this strategy, by creating a mandatory register on lobbying, implementing recent whistleblower protection legislation, and improving public procurement transparency. In addition, the Czech Republic could build on commitments in the previous action plan around beneficial ownership transparency and public participation in policymaking. The government and civil society could select the most ambitious reforms in the action plan to pursue as [Open Gov Challenges](#).

AREA 1. Lobbying transparency

The Czech Government [agreed on a draft lobbying law](#) which is expected to be adopted by parliament in 2025. Lobbyists will be obliged to report their activities in a central register, and the person being lobbied will be obliged to keep a 'lobbying trail' (legislative footprint) outlining who has been lobbying on a piece of draft legislation or policy.

The next action plan could ensure that the register meets international best practices in data publication, such as adding unique identifiers for each lobbyist and public official, and displaying data in open, downloadable format, [as in France](#). The Ministry of Justice could work with civil society to monitor and report irregularities in the register and develop guidance on a legislative footprint to ensure a harmonized approach in reporting lobbying activities. This could involve identifying the key information required in a legislative footprint, and requirements for regularly publishing the information.

Useful resources:

- [International Standards for Lobbying Regulation](#);

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- OGP: [Common challenges in lobbying transparency](#);
- Transparency International: [Recommendations on lobbying for OGP action plans](#);
- Finland ([2019-2023](#)), Ireland ([2014-2016](#) and [2021-2023](#)), and Latvia ([2019-2021](#)) are working on this policy area;
- Partners that can provide technical support: [Rekonstrukce státu](#), [Transparency International \(TI\) Czech Republic](#).

AREA 2. Whistleblower protection

The Czech Republic [passed](#) a Whistleblower Protection Act in 2023. The seventh action plan offers an opportunity to implement the key provisions of the law and ensure adequate protections for whistleblowers. For example, the IRM's [2022 Co-creation Brief for the Czech Republic](#) recommended strengthening the role and independence of the government agency receiving whistleblowing complaints, providing support against retaliation, and requiring institutions and businesses to communicate with their workers about their whistleblowing policies. In addition, the 2023-2026 Anti-Corruption Strategy includes goals around whistleblower protection that could be included in the action plan, such as supporting institutions to establish internal reporting systems, conducting educational activities aimed at the public (including through the media), and training judges, public prosecutors, public sector employees, and private sector entities in whistleblower protection.

Useful resources:

- OGP: [Open Government Reforms Need to Protect Whistleblowers](#);
- OECD: [Whistleblower Protection](#);
- Estonia ([2020-2022](#)), Italy ([2016-2018](#)), Latvia ([2017-2019](#)), and Spain ([2020-2024](#)) are working on this policy area;
- Partners that can provide technical support: [Blueprint for Free Speech](#), OECD, TI Czech Republic.

AREA 3. Beneficial ownership transparency

The previous action plan included a commitment to analyse the quality of beneficial ownership (BO) data. Meanwhile, the 2023-2026 Anti-Corruption Strategy aims to resolve irregularities in the BO register and change how entries are assessed. In the seventh action plan, the Czech Republic could ensure ongoing access of the data in the BO register for parties with legitimate interest, in line with the [recent EU Anti-Money Laundering Directive](#). The Czech Republic could also introduce mechanisms to verify the accuracy of the information on the BO register. Several OGP members have introduced verification mechanisms for their BO registers. For example, [the Slovak Republic](#) consults third parties to verify all information on its register, while [in Denmark](#), the Danish Central Business Register automatically cross-checks submitted information with various governmental registers. Additionally, the Czech Republic could publish BO information as open, machine-readable data in the register, such as the [Beneficial Ownership Data Standard](#).

Useful resources:

- Open Ownership: [Verification of Beneficial Ownership Data](#);
- Tax Justice Network: [Beneficial ownership verification](#);
- OGP: [Beneficial Ownership Leadership Group](#);
- Partners that can provide technical support: [Open Ownership](#), [Tax Justice Network](#), TI Czech Republic.

AREA 4. Public procurement

The 2022-2024 action plan included a commitment to adopt rules for contracting authorities in awarding small-scale contracts. However, these rules are not legally binding. The EU 2023 Rule of Law report for the Czech Republic [noted](#) there is room to improve public procurement practices, considering that in 2022 the majority of contracts were awarded without using quality-based criteria. Meanwhile, the 2023-2026 Anti-Corruption Strategy calls for increasing public monitoring of the awarding and implementation of public procurement.

In the next action plan, the Czech Republic could continue to improve transparency and oversight of public procurement, particularly small-scale contracts below the legal threshold set by the EU. The Czech Republic could ensure information on the [Register of Contracts](#) is available as open data using the Open Contracting Data Standard (OCDS). In addition, the next action plan could aim to support Czech municipalities to publish their procurement information in a central platform. Future commitments could also improve public monitoring of and engagement in the procurement process, like [OpenCoesione](#) in Italy.

Useful resources:

- Open Contracting Partnership: [guidance on implementing the OCDS](#), and [global principles for both disclosure and participation in public procurement](#);
- Transparency International: [guide](#) to curbing corruption in procurement, and [recommendations](#) for how OGP members can incorporate open contracting commitments in their action plans;
- OECD: [Public Procurement Toolbox](#), including a [checklist](#) for implementing their transparency principles and many country case studies.
- Partners that can provide technical support: Open Contracting Partnership, TI Czech Republic.

AREA 5. Public participation in policymaking

The EU 2023 Rule of Law report for the Czech Republic [noted](#) that civil society representatives are regularly consulted in the decision-making process, but there is no formal framework to ensure a systemic and transparent approach to the participation of civil society. The 2022-2024 action plan sought to [pilot new guidelines](#) on the participation of CSOs in public decision-making. In the next action plan, the Czech Republic could make these guidelines legally binding across ministries and require ministries and government agencies to publish their feedback to civil society and public input on draft legislation. The Czech Republic could institutionalize civil society engagement in policymaking and strengthen sectoral-focused consultations. For example, Mexico has a [legally established citizen council](#) for formulating all public policies. Also, Latvia has [committed](#) to strengthening the representation of sectoral partners in decision-making by requiring ministries to maintain regular dialogue in their activities with civil society, social partners, experts, and industry representatives.

Useful resources:

- European Commission: [Recommendations from December 2023 on promoting the engagement and effective participation of citizens and CSOs in public policy-making processes](#);
- OECD: [Guidelines for citizen participation processes \(September 2022\)](#);
- European Center for Not-for-profit Law: [Overview of civil participation in decision-making in Council of Europe member states](#);

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- Council of Europe: [Code of Good Practice for Civil Participation in the Decision-Making Process.](#)