

# **Strategy for Cooperation Between Public Administration and Non- governmental Non-profit Organisations 2021-2030**

**Office of the Government of the Czech Republic**

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# 1 Introduction

## 1.1 Opening remarks and basic information on the Strategy

BASIC INFORMATION ON THE STRATEGY	
<b>Title of the strategy</b>	Strategy for Cooperation Between Public Administration and Non-governmental Non-profit Organisations 2021-2030
<b>Category of the strategy</b>	national, mid-term with an impact on the society as a whole
<b>Strategy commissioned by</b>	Government of the Czech Republic
<b>Supervisor responsible for the strategy design</b>	Office of the Government of the Czech Republic, Department of Human Rights and Minority Protection
<b>Coordinator of the strategy design</b>	Office of the Government of the Czech Republic, Department of Human Rights and Minority Protection, Secretariat of the Government Council for Non-governmental Non-profit Organisations
<b>Year of the strategy development</b>	2020–2021
<b>Strategy approved by</b>	Government of the Czech Republic
<b>Date of approval</b>	12.07.2021
<b>Form of approval</b>	Consideration by the Government
<b>Last update</b>	
<b>Related legislation</b>	Act No 89/2012 Coll., Civil Code Act No 3/2002 Coll., on freedom of religion and the position of churches and religious societies, and amending certain Acts Act No 99/1963 Coll., Civil Procedure Code Constitution of the Czech Republic (Act No 1/1993 Coll.) Charter of Fundamental Rights (Act No 2/1993 Coll.)
<b>Strategy implementation period</b>	01.06.2021 – 31.12.2030
<b>Responsibility for the implementation</b>	members of the CZ Government, to whom tasks are entrusted by the Strategy
<b>Origin and purpose of the strategy</b>	The Strategy follows on from the State Policy Regarding Non-governmental Non-profit Organisations 2015-2020. The Strategy seeks to ensure appropriate conditions for the existence and activity of non-governmental non-profit organisations (NGOs) and to enhance cooperation between public administration and NGOs.
<b>Outline of the problem addressed and of the Strategy content</b>	<p>The Strategy deals with the development of cooperation and partnership of public administration with the non-profit sector, i.e. NGOs, it sets up a basic framework of that development in the needed level of detail, and it proposes conditions for NGO activity, which should be achieved by implementing the Strategy in the period 2021-2030. The Strategy comes up with a vision of NGOs as stable and strong partners of public administration in meeting the needs of the Czech society through three defined strategic objectives focused on improving the social climate for the existence and activity of NGOs, or the non-profit sector, promoting effective partnership and cooperation with public administration and ensuring and maintaining appropriate conditions in terms of legislation and financing.</p> <p>The above progress will be achieved through three implementation documents or action plans. The Action Plan for the period 2021-2024 is submitted to the CZ Government for approval together with this Strategy.</p>

The **Strategy for Cooperation Between Public Administration and Non-governmental Non-profit Organisations 2021-2030** (the Strategy) represents a mid-term national strategic document that formulates the objectives of cooperation between public administration and NGOs and defines the strategic direction regarding the non-profit sector up to 2030. All of the proposed measures are based on long observed areas that are key for the existence and activity of NGOs and in which potential has been identified for the development of cooperation between public administration and the non-profit sector, based on available data and analyses. The Strategy takes into account basic political strategic documents, both horizontal (national and regional policies) and vertical (European and international documents). Emphasis is placed on compliance with the principles of sustainable development, set out in the Strategic Framework Czech Republic 2030 (Strategic Framework CZ 2030).

The defined strategic areas are united by the vision of **non-governmental non-profit organisations as stable and strong partners of public administration in meeting the needs of the Czech society**. Each of the pursued strategic areas is covered by one strategic and several specific objectives, the implementation of which is very desirable for improving the cooperation of public administration with NGOs. The Strategy strives to improve the social climate for NGOs' activity, with a focus on better informing about the benefits of NGO projects and activities that are financed from the state budget. A strong emphasis is put on promoting civic participation and effective partnership between public administration and the non-profit sector. The most important measures include a systemic change in the financing of NGO providers of community services and activities. A no less important part of the Strategy are measures that extend to territorial self-governing units and strengthen the partnership between regional authorities and the non-profit sector, such as introducing a single methodological environment for providing subsidies in the area of social services at the national and regional level.

The themes are described in more general terms and the measures, set out in Annex 1 hereto (the logical framework), are designed as type measures. The specific measures, which will enable the achievement of the required objectives in the strategic areas, will be further developed into action plans. The Strategy will be implemented through three action plans. The Action Plan for 2021-2024, attached as Annex 2 hereto, is submitted to the CZ Government for approval together with the Strategy proposal. The other action plans will be drawn up for the periods 2025-2027 and 2028-2030, and each will be submitted to the CZ Government together with a report on implementation of the action plan for the previous implementation period. The purpose of this approach is to ensure flexibility for the Strategy implementation, to effectively respond to current issues, identified challenges and achieved results.

**The aim of the Strategy is to continue supporting the non-profit sector, seek to ensure appropriate conditions for the existence and activity of NGOs and to enhance cooperation between public administration and NGOs. The Strategy is adopted at the time of the COVID-19 pandemic that underlines the importance and benefits of NGOs for the Czech society.** A prerequisite for implementing the Strategy is political support.

## 1.2 The purpose and origin of the Strategy

At its meeting on 19 February 2020, the Government Council for Non-governmental Non-profit Organisations (GCNGO) approved a proposal for establishing a Working Group for Designing a Strategy Regarding Non-governmental Non-profit Organisations 2021-2030 (the WG Strategy). The aim of the WG Strategy was to draw up a strategic document that would contribute to the development of cooperation between public administration and NGOs and to the development of the non-profit sector as such. The Strategy follows on from the state policy regarding the non-profit sector, applied to date. **After its approval, the proposed Strategy will seamlessly follow up the Government document State Policy Regarding Non-governmental Non-profit Organisations 2015-2020** (the State Policy) that laid down the framework of development of the sector in the period 2015-2020.

Despite its accentuation of new themes, the strategic document builds on, both in terms of time and topics, the implemented outputs and evaluation of results of the State Policy. It builds on available analyses relevant for the strategic areas and it takes into account recommendations and suggestions collected on the ground as part of public consultations. The document does not cover the specific needs of ministries in relation to NGOs but general, horizontal needs and goals. The specific needs of ministries in relation to NGOs are set out in specific sectoral strategies, e.g. the Social Inclusion Strategy 2021-2030, the Education Policy Strategy of the Czech Republic until 2030+ and other.

This strategic document was drafted in the period 2020-2021, largely in line with recommendations of the Methodology for the Preparation of Public Strategies<sup>1</sup>, and is divided into the analytical, strategic and implementation part, the last of which is further specified in the action plans. The framework set up this way enables the Strategy implementation to respond to current changes. A substantial aspect was the application of the participatory and transparent approach. As mentioned above, the formalised platform for designing the new Strategy was the WG Strategy, consisting of representatives of the ministries concerned, NGOs, academia and the private sector. At various stages of its preparation, the Strategy was presented to selected entities for consultation and also to the general public as part of public consultations (for more see Chapter 5).

The aim of the strategic document is, in the basic terms, to support the development of the non-profit sector, because its entities that largely include NGOs contribute to a balanced development of the Czech Republic (CZ) in the social, economic, cultural and environmental area. NGOs in the role of a stable and strong partner of public administration play a significant part in meeting the needs of the Czech society and increase the quality of life of the Czech population. The Strategy with its measures approaches the non-profit sector from two perspectives, in line with the principles contained in the fundamental strategic document the Strategic Framework CZ 2030.

The perspective of the **non-profit sector and NGOs as a value in itself** builds on the assumption that civil society is formed by citizens who take a voluntary part in the management of public affairs and the state creates appropriate conditions for them to do so. In doing that they exercise some of the basic human rights, the right to freely associate and participate in the management of public affairs. The Czech Republic has committed to increasing the inclusiveness of governance, i.e. the real possibility of getting its citizens involved in decision-making on public affairs, or in the design of public policies, as it is defined in the Strategic Framework CZ 2030: *There will also be greater use of participatory forms of democracy which emphasise direct involvement in the decision-making process, and deliberative democracy oriented towards discussion and mutual persuasion. In the Czech Republic, there must also be room for alternative thinking about how to govern democratically, because it is not possible to estimate the democratic needs "from scratch" and to develop appropriate forms for them for decades to come. The Czech Republic will create this directly, in the form of state support for scientific research and development. However, the source of innovation in democratic governance can also come from the proposals of various think tanks and NGOs...*<sup>2</sup>

The other perspective is the **role and involvement of NGOs in addressing the current needs of the society**: *"Public services play a key part - to increase the quality of life, they must be available to all CZ citizens in a sufficient standard (growing in the long term). With respect to specific problems of communities and rapid dynamics of change, it is necessary for the state to cooperate with institutions of other kinds with respect to the subsidiarity principle and on all levels – from supranational institutions and neighbouring countries, across local authorities, to various forms of partnership with not-for-profit organisations, entrepreneurs,*

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<sup>1</sup> MoRD. 2019. Methodology for the preparation of public strategies. [online]. Available at: <https://www.mmr.cz/cs/microsites/portal-strategicke-prace-v-ceske-republice/nastroje-a-metodicka-podpora/vystupy-projektu>.

<sup>2</sup> Strategic Framework Czech Republic 2030, p. 101. [online]. Available at: <https://www.cr2030.cz/strategie/dokumenty-ke-stazeni/>.

*labour unions, churches and last but not least, with communities on a local level.*"<sup>3</sup> Moreover, the non-profit sector and NGOs are partners for activities of applied research and innovation, which ranks them among important actors of the socio-economic development of the society, mainly in social innovation. Their innovation potential was encouraged and saturated in a number of support schemes, mainly in the ETA programme of the Technology Agency of the Czech Republic (TA CR). Non-profit organisations and NGOs thus prove they are an integral part of the innovation ecosystem of the country.<sup>4</sup>

It is in the interest of the state to create favourable conditions for the development of such institutions and such mechanisms that will enable public administration to make a maximum use of the potential of the civil society, its formal and informal structures. Therefore, the ambition of the Strategy is to define the key objectives of the development of cooperation between public administration and mainly NGOs in the horizon of ten years, i.e. from 2021 to 2030.

### 1.3 Users of the Strategy

The **primary user of the Strategy** is the **public administration**. Members of the primary user will participate in the Strategy implementation as supervisors or cooperating entities, and implement specific measures proposed in the action plans. The set commitments will be borne specifically by the central bodies of state administration,<sup>5</sup> mainly ministries or other bodies of public administration, e.g. the Czech Statistical Office (CZSO). For local and regional authorities, the proposed measures are only recommendations. The outputs of certain measures offer methodological support to those authorities, or may inspire them in creating regional and local policies. The implementation of selected measures will involve, to a certain extent, representatives of academia and NGOs in the role of cooperating entities.

**The secondary users of the Strategy** are mainly entities at which the measures will be targeted, without their being necessarily involved in the implementation. This is mainly the **non-profit sector**, or NGOs with national, regional or local scope of operation. A no less important group of users will be the **professional and lay public**, such as the media, politicians, citizens' initiatives and others, which should perceive a generally positive impact of the Strategy.

### 1.4 Definition of the basic terms

The segment of human activity and the target groups affected by the Strategy measures form a very heterogeneous but still a very compact whole. This heterogeneity also reflects in the use of the terminology describing the reality. There are different terms used to name the whole space of civil society as well as to name its organisations. This chapter outlines the terminological background and justifies the terminology used herein.

Civil society represents a sphere of human activity located between the family, the market and the state. Apart from the formal and organised, i.e. institutionalised, action of citizens, civil society also covers various informal citizens' initiatives, movements, networks or gatherings. Many terms are used both in CZ and abroad **to mark the formal, institutionalised action of citizens: the civil sector, the third sector, the non-profit sector, the voluntary sector or organised civil society. Those terms are used to name the same or similar segment of reality but they differ in the precise definition of its boundaries and in the different emphasis on its various aspects.**

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<sup>3</sup> Strategic Framework Czech Republic 2030, p. 28. [online]. Available at: <https://www.cr2030.cz/strategie/dokumenty-ke-stazeni/>.

<sup>4</sup> TA CR. Interim evaluation of the ETA programme. [online]. Available at: <https://www.tacr.cz/prubezna-evaluace-programu-eta/>.

<sup>5</sup> Apart from ministries, headed by members of the Government, there are other central bodies of state administration operating in the Czech Republic pursuant to Act No 2/1969 Coll., establishing ministries and other central bodies of state administration of the Czech Republic, such as CZSO, Office of the Government of the Czech Republic (OG CR), or the National Sports Agency.

In line with the terminology of the State Policy, the public administration widely uses the term non-profit sector, or non-governmental non-profit sector. **The non-profit sector describes a formal sector between the state and the market as an area of operation of private organisations focused on goals other than generating profit.**<sup>6</sup> So this perspective stresses mainly the financial aspect of the reality. It is a widespread but partially imprecise term because organisations that are not established to generate profit can generate profit (Skovajsa et al., 2010: p. 38).

**As civil organisations grow from the spawn of civil society and draw from it their human, material, cultural and value resources, we could alternatively use the term organised civil society.** This term may appear more apt than the above terms, as they have lost a clear link to civil society as the basis of organised activities (Skovajsa et al., 2010: p. 19). The term is meant to produce a positive definition emphasising organised activity as the vital expression of civil society - an entity that wishes to participate actively in political power and public discussion of societal themes. Moreover, the term organised civil society has become more widespread abroad and in academia in recent years.

With regard to the fact that many measures are to point out the role and heterogeneity of the sector in general, it is not crucial for this document to observe the indicated division and so the **Strategy makes a synonymous use of the terms non-profit sector, non-governmental non-profit sector and organised civil society.** This approach **enables us to accentuate a different aspect of the reality in a given context**, mainly where the intention is to highlight not only the non-governmental or the non-profit character of the sector but mainly its civil dimension. This approach is applied in particular in the general definition and in the themes discussing the social climate and participation and partnership.

A similar principle can be used to define the institutionalised entities of civil society. Civil society consists of citizens who voluntarily participate in the management of public affairs. They can do so in many ways, one of which is the engagement in civil society organisations.<sup>7</sup> **Institutionalised forms of civil society are called civil society organisations, non-profit organisations, non-governmental non-profit organisations, non-governmental organisations, charity organisations and other**, based on the context and different emphasis on a certain aspect of the given sectoral reality.

**To identify organisations in this space of society, we can use the internationally shared definition** that delimits the defining characteristics of the entities, the so-called **structurally-operational definition**<sup>8</sup>. It defines the characteristic features of NGOs: they are organised, not dividing the profit, institutionally separated from government institutions, capable of self-governance and having a voluntary element in the functioning of the organisation. **Based on that definition, it is possible to differentiate non-governmental (private) non-profit organisations from governmental non-profit organisations**<sup>9</sup> that exercise public

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<sup>6</sup> These terms have originated in the sectoral division of the economy, which uses the terms public sector (the state and local government, i.e. the public administration), the private market sector (the market, i.e. entities focused on generating profit), the private non-market sector (non-profit, civil, i.e. entities focused on goals other than generating profit) and the household sector (informal community, family). For more see Rektoušek in Skovajsa et al., 2010, p. 32. There are many sectoral definitions, occurring in theories, which divide national economy into three or four sectors based on multiple criteria. The Swedish economist Pestoff has divided national economy into four sectors based on: (1) the criterion of financing the operation and development - to profit/non-profit sector; (2) the criterion of ownership - to private/public sector; (3) the level of formalisation - to formal/informal sector. For more see Škarabelová, 2005, p. 33.

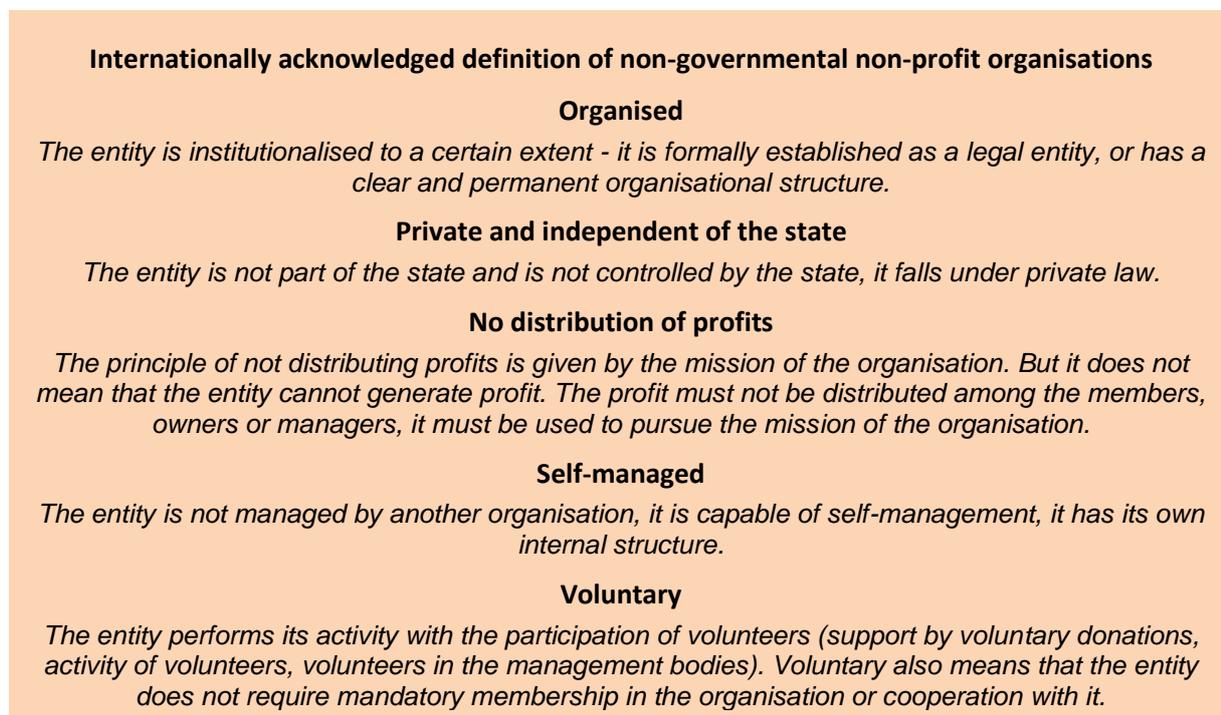
<sup>7</sup> Frič, P. 2015. Civil society and the definition of an NGO, development, state of play and trends. [online]. Available at: [http://www.vlada.cz/assets/ppov/rno/dokumenty/studie\\_fric\\_pro\\_web.pdf](http://www.vlada.cz/assets/ppov/rno/dokumenty/studie_fric_pro_web.pdf).

<sup>8</sup> This definition was drawn up in the 1990s as a response to the need to define specific and real features of private non-profit organisations, which will be applicable internationally regardless of various national or local specifics, and will enable international comparison. The authors of the structurally-operational definition are the American sociologist Lester M. Salamon and the German sociologist Helmut K. Anhaier.

<sup>9</sup> Governmental non-profit organisations are established by the state or by local or regional authorities. These are typically organisational units of the state or contributory organisations that primarily exercise the government or self-government authority and ensure public services (health, social, educational etc.). They may include various public-law institutions (e.g. public research institutions), state funds and other entities. Moreover, some public-law entities are not established directly by the state or its

**authority, e.g. contributory organisations.** Although there are borderline cases, we can determine with a high degree of precision whether a given institution belongs among civil society organisations (Skovajsa et al., 2010: p. 39).

**Figure 1: Defining elements of non-governmental non-profit organisations**



Source: Skovajsa, Marek et al. *The civil sector. Organised civil society in the Czech Republic*, Prague, Portál, 2010. Graphically adjusted

The above definition is also used by CZSO, which keeps the so-called **satellite account of non-profit institutions** (SANPI). The SANPI also monitors the above-mentioned borderline cases - institutions to which the structurally-operational definition cannot be fully applied. These are mainly political parties and political movements<sup>10</sup>, professional organisations, chambers including professional ones<sup>11</sup>, cooperatives<sup>12</sup>, public HEIs, trade unions and employer organisations including organisational units, interest associations of legal entities<sup>13</sup>, hunting communities<sup>14</sup>, churches and religious societies.

As the Strategy follows on from the State Policy, it uses the same key terms and adheres to the **closer definition of NGOs, which includes among the institutions in question private-law organisations governed by the Civil Code (associations, subsidiary associations, foundations, endowment funds and institutes) and some forms governed by special legislation, specifically public benefit societies, registered religious legal entities and educational legal entities.** This approach is applied mainly in the theme of the legal environment and financing of NGOs and is accentuated in the context of engaging private-law institutions, or NGOs, as partners of the state in addressing the current needs of the society.

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organisational unit, but are established by law (e.g. a public higher education institutions - HEIs). However, such entities are established also in public interest to perform tasks required by the state.

<sup>10</sup> Political parties are formally separated from the state but there is a close link between them and the state.

<sup>11</sup> Professional organisations are established by the state and e.g. professional chambers have mandatory membership (they do not have the voluntary feature).

<sup>12</sup> Cooperatives may generate and distribute profit by law (they do not have the feature of not distributing profit).

<sup>13</sup> They are strongly oriented on supporting their common interests.

<sup>14</sup> Act No 449/2001 Coll. on hunting very closely defines the conditions of membership in a hunting community.

## 1.5 Relevant strategic documents

Throughout the Strategy, there are links to key documents that determine the direction of the whole country and partially refer to strategies for the fields where NGOs operate (education, social services, health, fight against corruption etc.). The fundamental underlying documents include the **Strategic Framework Czech Republic 2030**, adopted in Government Resolution No 292 of 19 April 2017. The Strategic Framework CZ 2030 sets the course of the Czech Republic in the nearest decades, with a view to improving the quality of life in CZ and ensuring sustainable development in the social, economic and environmental aspects. It also serves as the implementation document for implementing the Sustainable Development Goals (SDGs<sup>15</sup>) in CZ. That document has, among other things, identified an opportunity in enhancing the ability of the state to provide public services through cooperation of the state with actors of another kind, including the non-profit sector which is in the document described as having a not negligible share in the implementation of the sub-visions, e.g. the vision of Area 1 - People and Society, or Area 2 - Economic Model. The role of the non-profit sector actors is significant also in that it extends to other target groups of the defined Strategic Framework. NGOs operating in the educational, social, environmental and other areas may directly contribute with their activities to some of the Strategic Framework CZ 2030 objectives and so strongly help to spread awareness of sustainable development. The National Concept of Cohesion Policy Implementation in the Czech Republic after 2020<sup>16</sup> that serves as the basic framework for designing the Partnership Agreement for the new programming period of the EU funds post 2020, assigns a role in the implementation of its agenda to providers from both the public and the private and non-profit sectors.

**As mentioned above, the Strategy does not cover the specific needs of ministries in relation to NGOs but general, horizontal needs and goals.** Still, it does not lose sight of the ministerial strategies and policies with regard to the role of NGOs as partners of public administration in implementing the ministerial policies and as providers of public services and activities. The Strategy is linked to specific sectoral strategies, concepts or action plans, including namely:

- Education Policy Strategy of the Czech Republic 2030+,
- Action Plan of the Czech Republic for the Open Government Partnership 2020-2022,
- Client-oriented Public Administration 2030, Public Administration Development Concept 2021-2030,
- Czech Republic's Foreign Policy Concept,
- Strategy of International Development Cooperation of the Czech Republic 2018-2030
- National Action Plan of Support for Social Responsibility of Organisations in the Czech Republic 2019-2023
- Social Inclusion Strategy 2021-2030,
- Draft Concept of Volunteering Development in CZ 2019-2025,
- State Environmental Policy of the Czech Republic 2030 with a perspective until 2050
- State Cultural Policy 2015-2020 (with a perspective until 2025), and the subsequent State Cultural Policy 2021-2025+,
- Strategy for Equality between Women and Men 2021-2023,
- National Strategy for Prevention and Reducing Harm Associated with Addictive Behaviour 2019-2027,
- Penitentiary Concept until 2025,
- Strategy for Equality, Inclusion and Participation of the Roma (Roma Integration Strategy) 2021-2030,
- Concept of Probation and Mediation Development until 2025, and other.

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<sup>15</sup> Sustainable Development Goals (SDGs) were adopted by the UN on 25 September 2015 as part of the document 2030 Agenda for Sustainable Development.

<sup>16</sup>National Concept of Cohesion Policy Implementation in the Czech Republic after 2020. [online]. Available at: [https://www.dataplan.info/img\\_upload/7bdb1584e3b8a53d337518d988763f8d/nkr-schvalena-verze.pdf](https://www.dataplan.info/img_upload/7bdb1584e3b8a53d337518d988763f8d/nkr-schvalena-verze.pdf).

The Strategy also reflects many documents adopted at the **European and international level**. The requirements to ensure civic participation are enshrined in European legislation through the Treaty on European Union (Article 11) and the EU Charter of Fundamental Rights<sup>17</sup>. The dialogue with civil society is also addressed by the European Economic and Social Committee (EESC) in its Opinion on The representativeness of European civil society organisations in civil dialogue<sup>18</sup>, emphasising that the experience and expertise of civil society players, the dialogue between them and with public authorities and institutions, at all levels, combined with negotiation and the quest for that convergence or even consensus, enable proposals to be made in the general interest. This enhances the quality and credibility of political decision-making, which becomes easier for the public to grasp and accept.

In the White Paper on European Governance<sup>19</sup> of 2001, the European Commission views the participation of civil society in designing and implementing EU policies as one of the basic principles of good governance and one of the priority activities helping to modernise the Community procedures and improve the democratic functioning of institutions. For the 2014-2020 programming period, the European Commission issued the European Code of Conduct on Partnership<sup>20</sup> aimed at enhancing consultation, participation and dialogue with various entities including non-profit organisations within the European structural and investment funds (ESIF).

The European Union Agency for Fundamental Rights in the report "Challenges facing civil society organisations working on human rights in the EU"<sup>21</sup> states that civil society organisations play a key role in strengthening fundamental human rights, whereby they contribute to functioning democracies.

The Organisation for Economic Cooperation and Development (OECD) has a whole host of research and recommendations on innovative practices of citizen participation and on new democratic institutions<sup>22</sup>.

The Czech Republic is one of the members of the voluntary initiative Open Government Partnership<sup>23</sup> (OGP), established upon the initiative of the USA administration. It started its activity officially in 2011 at the United Nations General Assembly. OGP supports its members in taking steps and commitments towards greater openness and higher accessibility of information, transparency, fight against corruption, higher civic engagement and use of new technologies for the benefit of civil society. The government of each member country draws up, in cooperation with civil society and according to standards issued by the OGP initiative,<sup>24</sup> a two-year national action plan. The rigorous implementation of that plan is a condition of OGP membership.

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<sup>17</sup> Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union and the EU Charter of Fundamental Rights in Official Journal of the European Union, C 202, 7 June 2016. [online]. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:2016:202:FULL>.

<sup>18</sup> Opinion of the European Economic and Social Committee on The representativeness of European civil society organisations in civil dialogue (2006/C 88/11) in Official Journal of the European Union, C 88/41, 11 April 2006 [online]. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52006IE0240&from=EN>.

<sup>19</sup> European Governance — a White Paper, COM(2001) 428 final, (2001/C 287/01) in Official Journal of the European Communities, C 287/1, 12 October 2001. [online]. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:2001:287:FULL&from=CS>.

<sup>20</sup> European Code of Conduct on Partnership. [online]. Available at: <https://ec.europa.eu/esf/BlobServlet?docId=443&langId=en>.

<sup>21</sup> FRA (European Union Agency for Fundamental Rights). 2017. Challenges facing civil society organisations working on human rights in the EU. [online]. Available at: [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2018-challenges-facing-civil-society\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-challenges-facing-civil-society_en.pdf).

<sup>22</sup> OECD. Innovative Citizen Participation. [online]. Available at: <https://www.oecd.org/gov/innovative-citizen-participation.htm>.

<sup>23</sup> Open Government Partnership, <https://www.opengovpartnership.org/>. In the Czech Republic, the information source in this respect is the website of the Ministry of Justice <https://korupce.cz/partnerstvi-pro-otevrene-vladnuti-ogp/>.

<sup>24</sup> OGP Participation & Co-Creation Standards. [online]. Available at: <https://www.opengovpartnership.org/ogp-participation-co-creation-standards/>.

## 2 Analytical part

The purpose of the analytical part of the Strategy is to describe selected problematic areas identified in the partnership of public administration and NGOs. Those areas then serve as the basis for formulating the strategic and specific objectives of the Strategy. The analytical part focuses only on selected problematic areas. Its ambition is not to cover and respond to all sectoral challenges and problems, it only points out the most important ones.

### 2.1 The role of the non-profit sector and NGOs in CZ

#### 2.1.1 Civil society and its roots

In its preamble, the Constitution of the Czech Republic defines the Czech Republic as a free and democratic state, founded on respect for human rights and on the principles of civil society. The term civil society<sup>25</sup> is not mentioned anywhere else in the Constitution nor in the Charter of Fundamental Rights, and it is not defined in any other legislation. However, it can be found in other regulations, such as Act No 424/1991 Coll. on association in political parties and political movements, or in the preamble to Act No 181/2007 Coll. on the Institute for the Study of Totalitarian Regimes and on the Security Services Archive and amending certain Acts. The term **civil society** is defined diversely in academic literature, nevertheless, experts agree on that its core is the **independent activity and self-organisation of individuals between the family, the market and the state**. The fundamental civil and political rights include the right of association, which is the basis for the self-organising activities of civil society.

Association and other civil activities have deep roots and date back to the 19th century when civil activities became an effective tool of the Czech National Revival and later helped to form the Czech free society, e.g. community theatre became not only a centre of entertainment but also a place of free association - a place where the Czech language and ideas strengthening the national self-confidence were heard. Gradually, a great number of patriotic societies were established, e.g. in 1861 the patriotic choir Hlahol and in 1862 the sporting and cultural union Sokol, which gradually became one of the most important Czech organisations of civil society. The first Czech political parties were also being established and social and political life was revitalised in general.

In 1867, a new Act on the Right of Association (No 134) was adopted. It was unique in that the establishment of unions was not subject to approval, as was the practice before, but only to notification. The associations established at that time were cultural, political,<sup>26</sup> charity, educational as well as foundations. Cooperatives, savings banks and banks are considered the core of social economy today. Donorship and volunteering found their place in the Czech society too. They were visible mainly in building representative national institutions such as the National Theatre. Those and other organisations began to form the foundations of the transformation of the society into a free Czech nation and state. A not negligible role was played by wealthy Czech entrepreneurs who very soon became patrons and philanthropists, e.g. Josef Hlávka or Anna Náprstková.

Civil association and other civic activities in the first two decades after Czechoslovakia was established were very diverse and well organised. The subsequent period of the Nazi and later the communist regime almost destroyed association and the civic life of the Czech society. The dictatorships abolished the democratic political system including human and civil rights and freedoms. The majority of civil society organisations were dissolved, many organisations had to strongly reduce or stop their activities. If they continued their operation, it was under

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<sup>25</sup> The use of this term in the preamble to the Constitution of the Czech Republic is attributed to Václav Havel.

<sup>26</sup> However, the law excluded women from participating in the activity of political associations. The removal of that exclusion was one of the goals of the fight for equality of women.

a strict state supervision.<sup>27</sup> Despite that, it was the civil society structures and movements that set the direction for the development of the Czech society with their activities, leading up to the events of 17 November 1989 - the event that started a new chapter in the development of civil society organisations in the Czech lands (Skovajsa et al., 2010).

The government of the new political arrangement after 1989 was also aware of the non-substitutability of the non-profit sector in the existence of a fully functional democratic society. One of the expressions of that awareness was establishment of the Endowment Investment Fund (EIF) by Act No 171/1991 Coll. on the competence of CZ authorities in the transfer of state property to other persons and on the National Property Fund of CZ. The EIF funding was to contribute to creating a strong and financially independent endowment sector that would take part in the development of organised civil society in CZ. For those purposes, the government earmarked 1% of the shares from the second wave of coupon privatisation of state property.

The role and importance of the non-profit sector for the Czech society can be viewed in many dimensions. Civil society is formed by active and participating citizens and civic participation is an important function and expression of civil society. Free, diverse and independent civil society is a reflection of an ideal democratic arrangement of society. NGOs, as its narrower organised part, are able to mediate participation, activate citizens and involve them in the activities. NGOs fulfil many functions in the society depending on the need, context and type of the organisation. They are important in the economic context but more so in the social, political and cultural one. NGOs are providers of services and activities to various groups of the population, with a significant share in health care, education, environmental protection, humanitarian and development aid and support of the economic, inclusive and sustainable development in line with the 2030 Agenda, making its goals relevant, useful and important for local actors. Apart from that, they function as supporters of the community with an emphasis on individual initiative, and as a means of expressing religious, ethnic, cultural and other interests.

Academic literature offers a typology of NGOs in CZ by function (Frič 2015, Potůček et al. 2005, Skovajsa et al. 2010). In terms of the type of activity performed by NGOs, we can differentiate between the **service function** where NGOs provide services to clients, such as social and health services, the **advocacy function**, lying in the promotion of values or public interests, such as environmental protection or the rights of disadvantaged groups, the **hobby function**, enabling people to do hobbies and interest activities e.g. in sports or culture and free time, and the **philanthropic function** where NGOs, usually in the form of foundations or endowment funds, provide funding for public-benefit purposes or charity donations. However, those activities very often overlap in practice and NGOs fulfil multiple functions, e.g. an NGO provides debt counselling as part of the service function, but it also performs the advocacy function as it seeks a systemic change in the legislative anchoring of that issue.

### 2.1.2 Definition of the non-profit sector in relation to the national economy - the socioeconomic dimension<sup>28</sup>

As mentioned above, to define organisations of the non-governmental non-profit sector as civil society organisations, the so-called structurally-operational definition is used as standard. That

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<sup>27</sup> Act No 68/1951 Coll., on voluntary organisations and associations cancelled the Austrian Act from 1867 and reintroduced the approval proceedings.

<sup>28</sup> This chapter has been drawn up on the basis of a study for the Strategy: Hyánek, Vladimír, Pařil, Vilém, Pejcal, Jakub. 2020. Study Delimitation of the civil sector and non-governmental non-profit organisations within the national economy. To analyse the socioeconomic dimension of the non-profit sector, the authors mainly drew on data of CZSO, which monitors data of the non-profit sector under the term "non-profit institutions" marking non-profit sector organisations. Therefore, that term is used across the chapter without modifications.

definition is used also by CZSO in its SANPI.<sup>29</sup> CZSO includes a broader set of actors under that definition than the Government Council for NGOs (GCNGO) - in total 18 legal forms that are further divided into institutional sectors (for more see Chapter 1.4). The concept of SANPI provides a more comprehensive picture and is applied in international comparisons, while the GCNGO approach is useful thanks to its narrower focus on those legal forms that we, in general, most often call the Czech "non-profit sector". The definition according to SANPI is reflected in Table 1.

**Table 1 - Non-profit institutions in the system of national accounts**

Type of institutional unit	Institutional sectors in the system of national accounts				
	Sector of non-financial corporations S.11	Sector of financial corporations S.12	Sector of general government S.13	Sector of households S.14	NPISH sector – non-profit institutions serving households S.15
Corporations (C)	C1	C2			
General government (G)			G		
Households (H)				H	
Non-profit institutions (N)	N1	N2	N3	N4	N5

Source: adopted from SANPI

### 2.1.2.1 Size of the non-profit sector / number of NGOs and number of NGOs by legal form

In 2018, there were 142 664 organisations considered to be non-profit institutions (NPIs) of various legal forms (or 142 633 NPIs excluding the general government sector).<sup>30</sup> Year on year, the number of entities grew by 1.31%. By far the most frequent legal form has long been *associations* (94 284), followed by *subsidiary associations* (24 611). Other important actors naturally include *religious organisations* (4 155), *public benefit societies* (2 655), *endowment funds* (1 904), *institutes* (1 048), *foundations* (538) and *educational legal entities* (314).

### 2.1.2.2 The share of non-profit sector GDP in the total GDP

In 2018, NPIs produced 1.78% of GDP, their output was CZK 145.4 bil. (however, nearly 43 % was produced by public higher education institutions - HEIs).<sup>31</sup> More than a half (60%) of the output was provided free of charge to households or for non-market prices (15%), for more see

Table 2.

Without including the general government sector, the NPI output in 2018 was CZK 83.1 bil. In 2018, NPIs offered their output mostly free of charge (62.57%), or against payments not

<sup>29</sup> CZSO considers a non-profit institution to be "a unit established in order to produce products and provide services", and its status "does not allow such production to be a source of income, profit or financial revenue for the units that established it, manage it or finance it" (CZSO, 2020).

<sup>30</sup> In some cases, the data are indicated both including and excluding the general government sector (S.13), mainly with regard to public HEIs which, despite their low number, have significant production and, in the narrower sense, are not considered NGOs.

<sup>31</sup> Hyánek, Pařil, Pejcal based on SANPI table SA000101 Aggregation of the non-profit sector: production account.

corresponding to real prices (20.79%). Output offered for market prices made up less than one sixth (15.62%).

**Table 2: Output of non-profit institutions and non-profit institutions excluding the general government sector for the period 2015-2018 in CZ (in CZK mil. or in %)<sup>32</sup>**

sector / reference period		market output (P.11)		output for own final use (P.12)		payments for other non-market output (P.131)		other non-market output, provided free of charge (P.132)		output in total (P.1)
		in million CZK	(%)	in million CZK	(%)	in million CZK	(%)	in million CZK	(%)	in million CZK
NPI	2015	13,507	11.72	15,458	13.41	19,922	17.29	66,352	57.58	115,239
	2016	14,171	11.76	16,135	13.39	20,984	17.42	69,191	57.43	120,481
	2017	15,811	12.29	17,131	13.31	20,904	16.25	74,833	58.15	128,679
	2018	16,905	11.63	19,422	13.36	22,296	15.34	86,730	59.67	145,353
NPIs excluding S.13	2015	10,293	16.91	1,201	1.97	14,284	23.47	35,080	57.64	60,858
	2016	10,887	16.51	1,071	1.62	15,420	23.39	38,559	58.48	65,937
	2017	12,135	16.54	973	1.33	16,377	22.33	43,866	59.80	73,351
	2018	12,982	15.62	845	1.02	17,275	20.79	51,986	62.57	83,088

Source: Hyánek, Pařil, Peřkal based on SANPI for the period 2015-2018, more specifically table SA000101 Aggregation of the non-profit sector: production account.

### 2.1.2.3 Classification of the services of non-profit institutions (CZ-COPNI)

Probably the most suitable definition by activity is offered by the CZ-COPNI classification, used by SANPI. CZ-COPNI classifies NPIs by the purpose on which NPIs spent their funds, while the orientation on multiple activities, typical for the sector, is taken into account. As illustrated by Chart 1, the largest share of NPI funding was spent in 2018 on recreation and culture<sup>33</sup> (30.9%), followed by education (18.0%), religion (10.9%), social work services<sup>34</sup> (8.6%), health (5.4%), political parties, labour and professional organisations (4.6%), housing (1.1 %), environmental protection (1.%) and services not elsewhere classified<sup>35</sup> (19.3%).

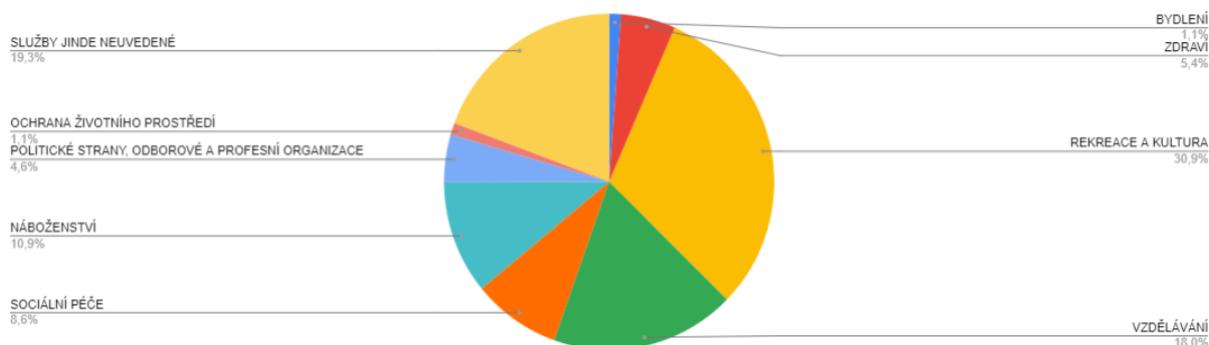
<sup>32</sup> Non-market output is output that is provided to other units free of charge or for prices that are not economically significant. Non-market output (P.13) is divided into two items: „Payments for non-market output“ (P.131), consisting of various payments and charges, and „non-market output, other“ (P.132), which is output provided free of charge, for more see the European System of Accounts ESA 2010, p. 73, available at [https://apl.czso.cz/nufile/ESA\\_2010\\_CSU.pdf](https://apl.czso.cz/nufile/ESA_2010_CSU.pdf).

<sup>33</sup> The area of recreation and culture covers also sports services (roughly 16.0% of the output) and support of hobby activities (roughly 1.4% of the output).

<sup>34</sup> This area includes also social work services with accommodation (roughly 2.5% of the output) and social work services without accommodation (roughly 6.2% of the output).

<sup>35</sup> This share also covers local and regional development (roughly 4.8% of the output), human rights protection (roughly 1.1% of the output) and humanitarian aid to other countries (roughly 1.9% of the output). Unfortunately, SANPI does not offer a more detailed breakdown of this share.

**Chart 1: Output of non-profit institutions excluding general government, broken down into areas according to CZ-COPNI in 2018 in CZ (in %)**



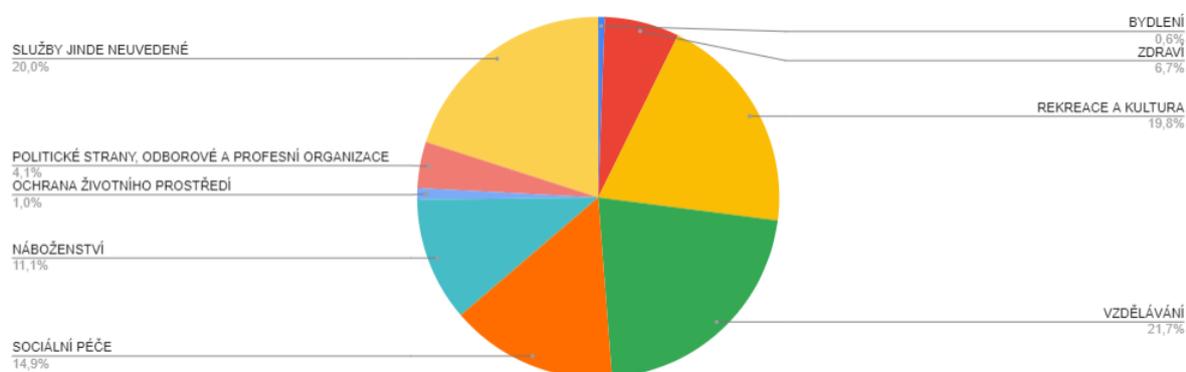
Source: Hyánek, Pařil, Pejcal based on SANPI for 2018, more specifically table SA000151 Output (P.1) of the non-profit sector by purpose, CZ-COPNI

#### 2.1.2.4 Number of employees working in NPIs

In 2018, NPIs employed in total 116 991 employees (in FTE), which is 2.2% of the total employment in CZ. NPIs *excluding general government institutions* (i.e. mainly excluding public HEIs) employed 65 705 employees (in FTE).

As shown by Chart 2 below, the distribution of employees among the areas is quite even. In 2018, the most employees worked in education (21.7%), followed by a small margin by recreation and culture (19.8%), social work services (14.9%), religion (11.1%), health (6.7%), political parties, labour and professional organisations (4.1%), environmental protection (1%), housing (0.6%) and services not elsewhere classified (20%).<sup>36</sup>

**Chart 2: Employment (in FTE) of non-profit institutions excluding general government, broken down into areas according to CZ-COPNI in 2018 in CZ (in %)**



Source: Hyánek, Pařil, Pejcal based on SANPI for 2018, more specifically table SA000154 Employment (FTE) of the non-profit sector by purpose, CZ-COPNI

#### 2.1.2.5 Number of hours worked by volunteers and expression of the value of volunteer work

In total (in FTE), NPI activities were carried out in 2018 with the help of 32 455 volunteers who worked 56.8 mil. hours. The value of volunteer work (for 2018 it corresponds to CZK 163.96

<sup>36</sup> This share also covers local and regional development (roughly 4.1 % of the employment), human rights protection (roughly 1.1 % of the employment) and humanitarian aid to other countries (roughly 3.5 % of the employment). Unfortunately, SANPI does not offer a more detailed breakdown of this share.

per hour<sup>37</sup>) was in 2018, according to SANPI, CZK 9.3 bil., with a year-on-year increase by 12 %.<sup>38</sup> It must be pointed out that **the amount does not reflect the total volunteering but only its part in the form of so-called organised volunteering.** The total value of volunteer work would (if including non-organised volunteering and volunteering outside the institutional sectors) reach a significantly higher amount.

## 2.2 Definition of the issue in question

The conceptual document is based on a number of research findings and practical experience. The specific problematic areas were included in the analytical part also based on the continuous professional activity of GCNGO, suggestions of the WG Strategy members and on outputs from public consultations, expert individual and group meetings.

An important input was the expert panel held in March 2020 and attended by representatives of public administration (ministries and local/regional authorities), academia, media, the private sector and mainly NGOs so that the participants represented the whole range of areas in which NGOs operate, such as social work and health care, education, charity, humanitarian aid, culture, environmental protection, human rights protection, minority rights protection, promotion of equality and non-discrimination, sports, free time and other. The broad expert panel made it possible to discuss and identify the challenges and obstacles faced by the non-profit sector at present. Moreover, it provided space for proposing solutions to the challenges identified.

The subsequent public consultation for the professional public, announced in June 2020 through the CZ Government website [www.vlada.cz](http://www.vlada.cz) and distributed by e-mail to the umbrella NGO organisations, confirmed the relevance of the earlier identified areas and topics. The next public consultation announced in December 2020 then presented to the general public the proposed set of objectives and measures.

This analysis takes into account the outputs of the Final Report on the Implementation of Tasks Arising from the State Policy,<sup>39</sup> which drew on expert background studies. The expert studies mapped and summarised findings from both academic research and experience on the ground. The purpose of the analysis was not to identify specific needs of ministries in relation to NGOs but to identify general, horizontal needs and objectives. The key findings from those studies are largely applicable also for the current period, and so represent one of the sources of designing this government document.

**The identified challenges were comprehensively approached and thematically broken down into three strategic areas:**

1. **social climate for the activity of NGOs,**
2. **participation and partnership between public administration and the non-profit sector,**
3. **legal environment and financing of NGOs.**

**Apart from the defined areas, there are other problematic areas or development opportunities for which sufficient background data, precise definitions and well-prepared solutions are still missing. The Strategy often points out such cases and leaves room for the newly identified challenges to be included in the system of**

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<sup>37</sup> The value of volunteer work is calculated from the set "median wage" taken by CZSO from the MLSA Information System on Average Earnings. [online]. Available at: <https://app.powerbi.com/view?r=eyJrIjojImMmQzNWQyNjctYmQzOC00NDY0LTlhYzYtNjc4NTI3YT13YzEzIiwidCI6ImM5ZmU1YTU4LTE0OTQtNDU3Zi04ZTQ2LTE1Njg5OTkzZmExZCIsImMiOi99>.

<sup>38</sup> Hyánek, Pařil, Pejcal based on SANPI for 2018.

<sup>39</sup> Final Report on the Implementation of Tasks Arising from the State Policy Regarding Non-governmental Non-profit Organisations 2015-2020. [online]. Available at: <http://www.vlada.cz/cz/ppov/rnno/aktuality/zaverecna-zprava-o-plneni-ukolu-plynoucich-ze-statni-politiky-vuci-nejstatnim-neziskovym-organizacim-na-leta-2015-az-2020--185951/>.

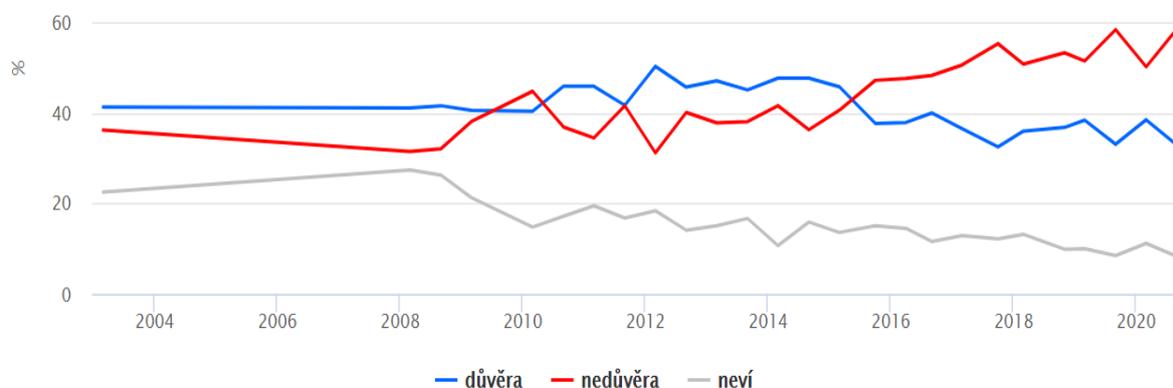
**objectives and measures as part of the process of updating the Strategy and designing the follow-up action plans.** The chapters below describe the state of play of the above areas.

### 2.2.1 Social climate for the activity of NGOs

The existence of a functional civil society is conditioned by reviving social trust in its institutions. The trust in institutions of public life is important for recognising their legitimacy, it can be viewed as an important cultural and civilisation source for the development of civil society. We can also speak of the confidence of citizens in the fact that public engagement is meaningful. The level of trust or mistrust can then reflect in the trust or mistrust in NGOs (Pospíšilová, Šťovíčková Jantulová, 2019: p. 61).

According to the last survey of the research unit of the Sociological Institute of the Czech Academy of Sciences, the Public Opinion Research Centre (abbreviated in both Czech and English as CVVM), it is apparent that **mistrust in non-profit organisations exceeds the trust (mistrust 50.2%, trust 38.5%, and 11.2% do not know)**. CVVM surveys the level of trust in selected institutions of public life regularly as part of the public opinion poll "Our society". The survey provides a unique cross-section of the Czech public attitudes and enables comparison over time, monitoring both the current opinion distribution and long-term trends. So the level of trust and mistrust in NGOs, apart from other selected institutions of public life, has been monitored permanently since 2008. From 2008 to 2020, the general trust in institutions as a whole did not change significantly, but the trust in NGOs decreased slightly while the mistrust grew notably, from the 2008 values (41.1% trust, 31.5% mistrust, 27.4% don't know) to 2020 values (38.5% trust, 50.2% mistrust, 11.2% don't know). The most dramatic fall occurred in the period 2012-2018 when NGOs began to be associated with the support of receiving refugees at the time of the European migration crisis.

**Chart 3: Trust in selected institutions of public life - non-profit organisations**



Source: Czech Academy of Sciences. CVVM. Available at: <https://cvvmapp.soc.cas.cz/#question24>

A survey commissioned by the NeoN platform<sup>40</sup> monitored 5 dimensions of trust and found that trust in NGOs as one group of organisations is little informative because the respondents had significantly different levels of trust in the individual organisations. In some areas, NGOs receive a surprisingly high ranking. The Czech public evaluates them based on the results of their work or the kind of activity they carry out. **The attitudes of the majority of the society are formed based on how the non-profit sector is presented in the media or how it is commented on by representatives of public life**, rather than based on factual information.

<sup>40</sup> NeoN is a non-formal network of 12 sectoral networks and platforms, established in 2018. The survey of Czech public's attitudes towards NGOs was made on a sample of 1214 respondents aged 18-75 years in October 2019. The data for the survey were collected by the Median agency. The analyses and the final report were drawn up by the company PAQ Research and the STEM institute. [online]. Available at: <https://glopolis.org/odolna-obcanska-spolecnost/vetsina-nevladnich-organizaci-ma-v-cesku-vetsi-podporu-nez-to-vypada-aktivnich-odpurcu-je-12/>.

The popularity of well established "trademarks" of NGOs is up to twice as high as the general popularity of the non-profit sector. A secondary analysis of data from existing surveys has shown that the trend in NGO perception broke already between 2012 and 2013 when NGOs started to face a negative attitude from people with left-wing orientation, pensioners, the unemployed and people with lower educational attainment, who had shown the lowest level of mistrust till then. According to a hypothesis, these were the postponed consequences of the financial crisis that manifested in CZ later than elsewhere. At the same time, various groups (radical, populist, misinforming media etc.) began to use public space and themes such as integration of migrants, gender equality, climate change or inclusion in education to further divide the society, encouraging resistance to the elites and anything foreign, and feelings of insecurity and threat. This division of society was thoroughly explored by the research *Divided by Freedom*.<sup>41</sup> The feeling that the society is divided to common people and the incapable out-of-touch elites has struck a part of the non-profit sector too, because a part of the public began to perceive many NGOs as part of the elites. Although the trust of the public in NGOs has decreased, it is still nearly twice as high as the trust in political parties and movements.<sup>42</sup>

According to the regular international evaluation of the non-profit sector, carried out by the United States Agency for International Development (USAID) using the methodology of the Civil Society Organization Sustainability Index (CSOSI),<sup>43</sup> which involves also many Czech experts and the academic community on behalf of CZ, it is apparent that **the public image of the non-profit sector gradually worsens slightly** (for more see Chart 4). The 2018 report of the CSOSI shows that the media make predominantly critical comments on the non-profit sector. The report also says that most NGOs cannot afford their own commercial presentation in the media. The majority of the public does not understand the importance and role of the non-profit sector and NGOs in the society. **People often do not realize that it is NGOs who provide a whole number of services the people are dependent on.**<sup>44</sup> An example can be the absolutely crucial activity of NGOs in the area of social services. Out of the total number of registered social services, 60% are operated by NGOs.<sup>45</sup> NGOs strongly dominate at least 26 out of 33 types of registered social services.<sup>46</sup> There are many indications that the public does not fully understand the definition of NGOs nor the principles of their work. As a result, people have a negative opinion of the work of NGOs or understand it as charity, ideally as an activity operated and provided free of charge.<sup>47</sup>

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<sup>41</sup> Czech Radio. *Divided by Freedom. The Czech society after 30 years*. [online]. Available at: <https://www.irozhlaz.cz/rozdeleni-svobodou>.

<sup>42</sup> Public Opinion Research Centre. *Time lines of selected questions from the survey Our Society. Trust in selected institutions of public life - September 2020*. [online]. Available at: <https://cvvmapp.soc.cas.cz/>.

<sup>43</sup> Civil Society Organization Sustainability Index (CSOSI) is a key analytical tool measuring the development of the civil sector in Central and Eastern Europe and Eurasia (E&E). The Index has monitored the development of the civil sector in 29 countries over the last 15 years. It explores the overall friendliness of the environment for civil society, focusing on the legal environment, the organisational base, financing, promotion of interests, provision of services, infrastructure and the public image. Each dimension is evaluated on a seven-point scale where 1 marks a very advanced level of development and 7 marks a low level. The index was developed in the United States Agency for International Development (USAID) in cooperation with organisations in the countries where the index is monitored. The partner of USAID in the Czech Republic is the Association of Public Benefit Organisations of the Czech Republic (AVPO), which organises the evaluation according to the American methodology and processes and summarises the outputs into a Czech report.

<sup>44</sup> AVPO. 2018. *Civil Society Organization Sustainability Index Czech Republic*. [online]. Available at: <https://www.avpo.cz/wp-content/uploads/2020/09/Index-udržitelného-rozvoje-OS-v-ČR-2018.pdf>.

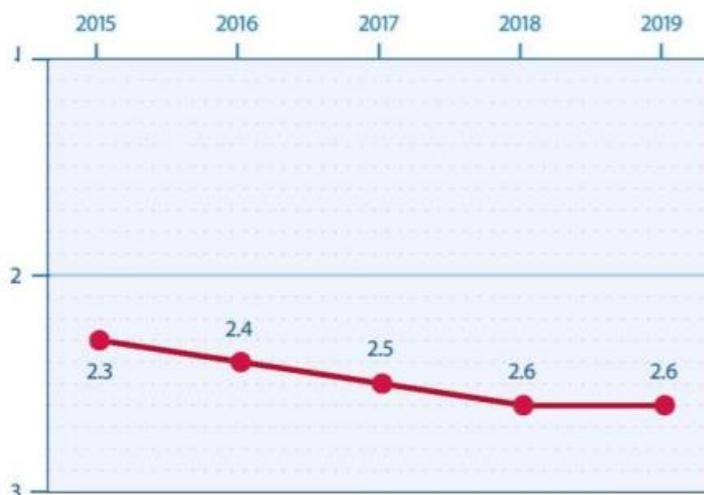
<sup>45</sup> MLSA. 2019. *Analysis of social services financing*. [online]. Available at: [https://www.mpsv.cz/documents/20142/225517/Anal%C3%BDza+financov%C3%A1n%C3%AD+soci%C3%A1ln%C3%ADch+slu%C5%BEeb\\_2019.pdf/3c8c3bf8-c747-09b0-9308-3838a646c465](https://www.mpsv.cz/documents/20142/225517/Anal%C3%BDza+financov%C3%A1n%C3%AD+soci%C3%A1ln%C3%ADch+slu%C5%BEeb_2019.pdf/3c8c3bf8-c747-09b0-9308-3838a646c465).

<sup>46</sup> Hyánek, Pařil and Pejcal. 2020. *Study Delimitation of the civil sector and non-governmental non-profit organisations within the national economy*.

<sup>47</sup> As part of the SANPI, CZSO monitors the share of the non-profit sector in the gross domestic product. The NPIs (non-profit institutions) excluding the general government sector offered their output in 2018 mostly free of charge (62.57%) or against payments not corresponding to real prices (20.79%). For more see the study "Delimitation of the civil sector and non-governmental non-profit organisations within the national economy", 2020, Hyánek, Pařil and Pejcal, 2020.

In 2019, moreover, the term "political NGO" found its place in public debate. It is used as a negative labelling for a broad range of NGOs - from anti-corruption, environmental, humanitarian ones to those working with migrants.<sup>48</sup>

**Chart 4: Civil Society Organization Sustainability Index in 2019, Public Image of Civil Society Organisations**



Source: AVPO, 2019 Report on the State of Sustainable Development of the Civil Sector in CZ

On the contrary, there are occasional activities that point out the invaluable benefit of the non-profit sector, published e.g. by the public service TV broadcasting<sup>49</sup> or by the Government Commissioner for Human Rights.<sup>50</sup> Representatives of the non-profit sector, despite their insufficient professional capacities for public relations, are beginning to realize the necessity to respond to the current mistrust from the public. An example is the informal platform Strengthening Czechia<sup>51</sup> or the campaign That's who we are.<sup>52</sup>

The negative rhetoric of some representatives of public life, strengthening the unfavourable social climate, is pointed out also by the United Nations organisation. The environment that enables free and independent functioning of civil society is not created only by public freedoms guaranteed by law and supported by institutions. **Public freedoms must be supplemented with political culture that recognises the value of civil society and supports its engagement. In implementing Sustainable Development Goal 17.17, states should encourage and promote effective public, public-private, and civil society partnerships.** High-level communications, awards and honours send out important signals about the value of civil society, same as the annual commemoration events, such as the International Day of Democracy or the Human Rights Day.<sup>53</sup>

<sup>48</sup> AVPO. 2019. Civil Society Organization Sustainability Index Czech Republic, [online]. Available at: <https://www.avpo.cz/wp-content/uploads/2020/09/Index-udržitelného-rozvoje-OS-v-ČR-2019.pdf>.

<sup>49</sup> Czech Television has long supported the non-profit sector and NGO clients in many ways, such as through benefit specials, i.e. special benefit episodes of shows such as StarDance, which are dedicated to a specific NGO and significantly contribute to raising public awareness of the activities of that organisation and the issue addressed by it. For more see: [CzechTV supports charity](#).

<sup>50</sup> Under the auspices of the Government Commissioner for Human Rights, the exhibition "Czech wave of solidarity or the Civil society in the fight against COVID-19" was organised in 2020. It highlighted the selfless help of the civil society during the coronavirus crisis in 2020. For more see: <http://www.vlada.cz/cz/ppov/rnno/aktuality/pozvanka-na-vystavu-ceska-vlna-solidarity-aneb-obcanska-spolecnost-v-boji-proti-covid-19-183375/>.

<sup>51</sup> A national initiative supporting NGOs, making visible their importance and benefit for the whole society. NGOs act as guardians of the values of democracy, solidarity, equality and tolerance in the society. For more see: <https://posilujemcesko.cz>.

<sup>52</sup> The campaign explains the work, history and diversity of NGOs to the public. It interconnects dozens of NGOs of various focus from volunteer fire-fighters and ice-hockey players through Amnesty International, Cirk la Putyka (circus art), Save the Food, to Homecoming (palliative care). For more see: <https://takovijisme.cz/>.

<sup>53</sup> UN. 2016. Practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned. [online]. Available at: <https://digitallibrary.un.org/record/841791>.

The negative nature of public discourse, having adverse consequences for civil society organisations, is pointed out by the report *Challenges facing civil society organisations working on human rights in the EU*, issued by the European Union Agency for Fundamental Rights. This situation undermines the public trust in NGOs, which makes citizens less likely to associate themselves with these organisations, support them, donate funds or treat them as credible sources of information.<sup>54</sup>

The unfavourable environment, often verbal and physical attacks, mainly against NGOs that carry out advocacy activities, is highlighted by the OSCE's Office for Democratic Institutions and Human Rights (ODIHR). It points to the smear campaigns and labelling of NGOs as "political NGOs". The organisation, therefore, **recommends that state institutions adopt measures to increase public awareness of the positive role of NGOs and of the importance of their activity for the general public.**<sup>55</sup> **The role of public interest defenders or the advocacy role are legitimate and substantial roles of NGOs** in mediating the participation of citizens in public affairs and is accepted in countries with a long tradition of strong civil society. Some advanced democracies, such as the Netherlands, conclude strategic partnerships for the advocacy and lobbying of NGOs in certain areas of common interest.<sup>56</sup> The success of NGOs in this role is influenced by many factors, such as the general legislative and regulatory environment, access to financing (from domestic and foreign sources, ensuring sufficient independence and stability), accessibility and quality of channels for dialogue with governments at all levels, and the building of trust in NGOs and public institutions.

Recently, the world has been witnessing the *shrinking of civic space*.<sup>57</sup> It is carried out by both state and non-state actors (e.g. private media) through legal means, such as repressive or otherwise burdening laws, and e.g. by verbal attacks and intimidation mainly in the on-line space or by targeted campaigns dishonouring NGOs, their work and employees.<sup>58</sup> This affects not only organisations defending public interests in controversial topics but also those that predominantly provide services. Such trends undermine pluralist democracy and fundamental internationally recognised rights, i.e. freedom of expression, association and assembly. With regard to the importance of sound civil society, such attacks threaten also the inclusive and sustainable development proclaimed in the 2030 Agenda.<sup>59</sup>

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<sup>54</sup> FRA. 2017. *Challenges facing civil society organisations working on human rights in the EU*. [online]. Available at: [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2018-challenges-facing-civil-society\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-challenges-facing-civil-society_en.pdf).

<sup>55</sup> ODIHR. 2019. *The Situation of Human Rights Defenders in the Czech Republic: Protection Gaps and Good Practices*.

<sup>56</sup> Government of the Netherlands: *Policy Framework 2016-2020: Dialogue and Dissent*. [online]. Available at: <https://www.government.nl/topics/grant-programmes/documents/regulations/2014/05/13/policy-framework-dialogue-and-dissent>.

<sup>57</sup> CIVICUS, the global civil society alliance, tracking the development of civic space at <https://monitor.civicus.org/>.

<sup>58</sup> The attacks on the legitimacy of NGOs are pointed out e.g. in the ODIHR Report. 2019. *The Situation of Human Rights Defenders in the Czech Republic: Protection Gaps and Good Practices*, and also report of the European Centre for Development Policy Management. 2020. *Claiming Back Civic Space Towards Approaches Fit for the 2020s?* [online]. Available at: <https://ecdpm.org/publications/claiming-back-civic-space-towards-approaches-fit-for-2020s/>. Defamation, libel and slander can be tracked both in statements of the lay public and among representatives of the political scene, e.g. [https://www.irozhlaz.cz/zpravdy-domov/kybersikana-neziskove-organizace-uprchlici-vyhruzne-maily\\_1810090600\\_dbr](https://www.irozhlaz.cz/zpravdy-domov/kybersikana-neziskove-organizace-uprchlici-vyhruzne-maily_1810090600_dbr); Political NGOs: a hidden threat. [online]. Available at: <https://sichtarova.blog.idnes.cz/blog.aspx?c=738119>; The hellish Okamura again attacked NGOs and journalists. Something unheard of has happened. [online]. Available at <https://www.parlamentnilisty.cz/arena/monitor/Pekelny-Okamura-znovu-uderil-na-neziskovky-a-novinare-Stalo-se-neco-nevidaneho-nabizime-FOTO-515975> and many other.

<sup>59</sup> ECDPM. 2020. *Claiming Back Civic Space Towards Approaches Fit for the 2020s?* [online]. Available at: <https://ecdpm.org/wp-content/uploads/Claiming-Back-Civic-Space-Towards-Approaches-Fit-2020s-Report-May-2020-ECDPM.pdf>.

### Identified challenges in the area Social climate for the activity of NGOs - summary

- ✓ negative tone of public discourse about NGOs (both lay and professional public),
- ✓ insufficient image of the civil sector and NGOs as equal partners to the state,
- ✓ insufficient active support of a positive definition and perception of the non-profit sector.

But we must look at a deeper dimension of this topic. **The degradation of the civic space is not only curtailment of the constitutional right of people to freely express their will, organise or protest. It is a symptom and part of a much larger trend of global democratic recession, populism or downright revival of authoritarianism.** At a time of sudden or global crises, there is a growing importance of mutual trust and cohesion in the whole society. Decades of research have shown that more open, inclusive, and accountable societies are more resilient societies – better able to adapt to shocks, to build consensus among sectors of the society, and to address inequalities and the root of so many of the disparate effects of disasters and long-term problems.<sup>60</sup> The data collected by Open Government Partnership<sup>61</sup> during the COVID-19 pandemic crisis have shown the existential need of building trust in public institutions, which has suffered immensely in both the Czech and international context in recent years.

### 2.2.2 Civic participation and partnership between public administration and the non-profit sector<sup>62</sup>

Good policies and good political decisions cannot be made without listening to citizens, without participation and consent of the people the decisions concern. The term participation, or civic participation, is a frequently used term but various actors use those terms with different meanings. The possibility for a citizen to have a say in public affairs - to pose themes in the public space or be publicly active - is one of the criteria of a healthy democracy, of good governance<sup>63</sup>, and is part of political and citizens' rights.<sup>64</sup> Civic participation<sup>65</sup> is considered an effective means of expanding the involvement of citizens in public affairs beyond the mere participation in elections. It represents a shift of a part of the influence on public decision-making from political and administration institutions, so-called public decision-makers, to citizens.

Public opinion polls of the Public Opinion Research Centre show that nearly two fifths of the respondents do not consider elections to be an effective way of influencing public affairs. On the contrary, 46% of respondents think that citizens should decide on important societal issues,

<sup>60</sup> Pradhan, S. 2020. Open Response, Open Recovery. Building Trust as the Antidote to COVID-19. [online]. Available at: <https://www.opengovpartnership.org/wp-content/uploads/2020/04/OGP-Open-Response-Open-Recovery-Article.pdf>.

<sup>61</sup> Arceand, S. a Foti, J. 2020. Open Government Approaches to Tackling COVID-19. [online]. Available at: <https://www.opengovpartnership.org/stories/open-government-approaches-to-tackling-covid-19/>.

<sup>62</sup> This chapter has been drawn up on the basis of a study for the Strategy: Miléřová, J. 2020. Decision-making closer to people. An overview study on civic participation and partnership between public administration and civil sector organisations, focusing on the central bodies of state administration.

<sup>63</sup> The main trends of CZ development in terms of good governance, as it is understood in sustainable development, are comprehensively analysed in the study Do we govern ourselves well? Governance in the context of sustainable development. [online]. Available at: [https://www.cr2030.cz/strategie/wp-content/uploads/sites/2/2018/05/ANAL%C3%9DZA\\_Vl%C3%A1dneme-si-dob%C5%99e.docx.pdf](https://www.cr2030.cz/strategie/wp-content/uploads/sites/2/2018/05/ANAL%C3%9DZA_Vl%C3%A1dneme-si-dob%C5%99e.docx.pdf)

<sup>64</sup> See the Universal Declaration of Human Rights, Art. 21. [online]. Available at: <https://www.osn.cz/wp-content/uploads/vseobecna-deklarace-lidskych-prav.pdf> or e.g. OHCHR (Office of the United Nations High Commissioner for Human Rights). [online]. Available at: <https://www.ohchr.org/EN/AboutUs/ManagementPlan/Pages/participation.aspx>.

<sup>65</sup> Literature uses the terms „civic participation“ and „civic engagement“ often interchangeably.

and 75% think citizens should decide on important local issues.<sup>66</sup> So a large proportion of citizens would like to decide directly on important societal issues. Apart from the traditional tools of democracy, such as elections, a significantly greater space opens up for representation and participation thanks to elements of so-called participatory and deliberative democracy.

Civic participation plays a key role in promoting democracy, the rule of law, social inclusion (reduction of inequalities and social conflicts) and just economic development.<sup>67</sup> The willingness of people to engage publicly enhances the trust in politics, involvement of citizens in the life of the community, it integrates the society and strengthens its cohesion. The participation of citizens in political, economic, social and cultural life deepens the relationship of people to democratic values. It is also an instrument of implementing SDGs.<sup>68</sup>

The emphasis on the use of participatory processes is contained in a number of international commitments that also apply to CZ, and in the practice of international organisations and states. The requirements to ensure civic participation are enshrined in European legislation through the Treaty of Lisbon and the EU Charter of Fundamental Rights.<sup>69</sup> Article 11 of the Treaty on the European Union lays down the duty of EU bodies to enable participation and to take part in a regular and meaningful dialogue with citizens and civil society organisations. **Through civil society (or its organisations), the EU wants to strengthen participatory democracy of the EU, its legitimacy and its better perception by EU citizens.** The partnership and participation principle is applied in many spheres of EU activity and the EU calls for implementation of certain participatory ways of governance and dialogue with citizens also at regional and local levels, as part of so-called municipal policies of Member States, including CZ.<sup>70</sup>

The European Commission supports processes of so-called *Structured Dialogue*, i.e. meetings and debates between policy makers and society stakeholders, in some programmes such as ESIF or Erasmus+, or in work with the youth and with civil society on trade policy.<sup>71</sup> The European Code of Conduct on Partnership<sup>72</sup> is to enhance consultations, participation and dialogue with regional, local and urban public authorities, trade unions, employers, non-profit organisations and other entities for social inclusion, equality of women and men and non-discrimination. Stronger partnership was supported in all phases of planning, implementation and monitoring of projects financed from ESIF.

At the global level, there is an important voluntary initiative - the OGP<sup>73</sup> established in 2011, in which CZ is a member. It represents a commitment to partnership between the government and civil society at the international and national level. OGP represents an opportunity to foster

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<sup>66</sup> Public Opinion Research Centre. 2020. Interest in politics and opinions on the participation of citizens in decision-making - February 2020. [online]. Available at: [https://cvvm.soc.cas.cz/media/com\\_form2content/documents/c2/a5157/f9/pd200306.pdf](https://cvvm.soc.cas.cz/media/com_form2content/documents/c2/a5157/f9/pd200306.pdf).

<sup>67</sup> OHCHR. 2018. Guidelines for States on the effective implementation of the right to participate in public affairs. [online]. Available at: [https://www.ohchr.org/Documents/Issues/PublicAffairs/GuidelinesRightParticipatePublicAffairs\\_web.pdf](https://www.ohchr.org/Documents/Issues/PublicAffairs/GuidelinesRightParticipatePublicAffairs_web.pdf) and outlined clearly in: Summary of Guidelines for States on the effective implementation of the Right to Participate in Public Affairs. [online]. Available at: [https://www.ohchr.org/Documents/Issues/PublicAffairs/Summary\\_Guidelines\\_on\\_Participation\\_EN.pdf](https://www.ohchr.org/Documents/Issues/PublicAffairs/Summary_Guidelines_on_Participation_EN.pdf).

<sup>68</sup> UN. 2015. Transforming our World: The 2030 Agenda for Sustainable Development. [online]. Available at: <https://sustainabledevelopment.un.org/post2015/transformingourworld/publication>.

<sup>69</sup> Consolidated versions of the Treaty on European union and the Treaty on the Functioning of the European Union and the EU Charter of Fundamental Rights in Official Journal of the European Union, C 202, 7 June 2016. [online]. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:2016:202:FULL>.

<sup>70</sup> Agora CE. 2016. Analysis of civic participation in the Czech Republic. [online]. Available at: <http://www.paktparticipace.cz/dokumenty/analiza>.

<sup>71</sup> European Commission. Structured Dialogue with partners at Union level. [online]. Available at: [https://ec.europa.eu/regional\\_policy/en/policy/communication/structured-dialogue-with-partners/](https://ec.europa.eu/regional_policy/en/policy/communication/structured-dialogue-with-partners/); EU trade meetings with Civil Society. [online]. Available at: <http://trade.ec.europa.eu/civilsoc/>; European Union. EU Youth Strategy. [online]. Available at: [https://ec.europa.eu/youth/policy/implementation/dialogue\\_en](https://ec.europa.eu/youth/policy/implementation/dialogue_en).

<sup>72</sup> European Code of Conduct on Partnership. [online]. Available at: <https://ec.europa.eu/esf/BlobServlet?docId=443&langId=cs>.

<sup>73</sup> Open Government Partnership (OGP) <https://www.opengovpartnership.org/>.

transparency and accountability in countries around the world.<sup>74</sup> Leading representatives of governments and the advocacy part of civil society have joined to create an accountable and inclusive governance responsive to initiatives and needs at the global and national level.

The basic commitments in the OGP declaration<sup>75</sup> are to:

- increase the availability of information about governmental activities,
- support civic participation,
- implement the highest standards of professional integrity throughout state administration,
- increase access to new technologies for openness and accountability.

Governments and civil society together draw up two-year action plans at the national level - in CZ, the current plan is the Fifth Action Plan CZ 2020–2022.<sup>76</sup>

In 2015, the OGP principles projected into the 2030 Agenda for Sustainable Development and its seventeen Sustainable Development Goals<sup>77</sup> where strengthening good governance and involvement of citizens are contained in two of the goals.<sup>78</sup> **CZ has projected the goal of increasing the inclusiveness of governance, i.e. the real possibility of its citizens to get involved in decision-making on public affairs or in the design of public policies, into the document the Strategic Framework CZ 2030.<sup>79</sup> Emphasis is placed on developing participatory and deliberative approaches as well as on developing the competences of state administration and citizens needed for full-fledged engagement in the public discourse.**

The trends captured by OECD<sup>80</sup> show that so-called deliberative approaches are increasingly applied in practice. The essence of the deliberative process is that the discussion involves those that are to be affected by the proposed solution and those who have something to say about it, e.g. the professional public and civil society. Unlike the participatory methods, the deliberative approaches are based on smaller groups of people, which enable the participants to be well informed about the topic and to consider different views in order to reach a public judgement on "what we can strongly agree on", to propose informed collective proposals and recommendations on complex political issues with a specific, real and favourable impact on the society. Deliberative processes are used at all levels of government and public administration and are used for a broad range of political issues - urban planning, healthcare, the environment, strategic planning, infrastructure, public services and many more. The composition of deliberative groups should meet a certain degree of representativeness but should not favour representatives of powerful interest groups. The impact of the decisions

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<sup>74</sup> For more see Krafchik, W. 2013. Advocacy from the Inside: The Role of Civil Society in Stanford Social Innovation Review. [online]. Available at: [https://ssir.org/articles/entry/advocacy\\_from\\_the\\_inside\\_the\\_role\\_of\\_civil\\_society](https://ssir.org/articles/entry/advocacy_from_the_inside_the_role_of_civil_society).

<sup>75</sup> Open Government Declaration. [online]. Available at: <https://www.opengovpartnership.org/process/joining-ogp/open-government-declaration/>.

<sup>76</sup> For more on the Open Government Partnership (OGP) see <https://korupce.cz/partnerstvi-pro-otevrene-vladnuti-ogp/>. The government coordinator of OGP in CZ is the Minister of Justice, and the basic forum for engaging civil society is the Working Committee of the Chairman of the Government Council for Coordinating the Fight Against Corruption Towards Open Government and Transparency of State Administration.

<sup>77</sup> UN. 2015. Transforming our World: The 2030 Agenda for Sustainable Development. [online]. Available at: <https://sustainabledevelopment.un.org/post2015/transformingourworld/publication>.

<sup>78</sup> In Goals 16 and 17, specifically sub-goal 16.6 Develop effective, accountable and transparent institutions at all levels, sub-goal 16.7 Ensure responsive, inclusive, participatory and representative decision-making at all levels, and sub-goal 17.17 Encourage and promote effective public, public-private, and civil society partnerships, building on the experience and resourcing strategies of partnerships. UN. Sustainable Development Goals (SDGs) [online]. Available at: <https://www.osn.cz/osn/hlavni-temata/sdgs/>.

<sup>79</sup> Strategic Framework Czech Republic 2030, par. 604 p. 100. [online]. Available at: <https://www.cr2030.cz/strategie/dokumenty-ke-stazeni/>.

<sup>80</sup> Representative deliberative processes are conducted to a greater extent in OECD countries (the most in Germany, Australia, Canada and Denmark). Over the last 10 years, the number of deliberative processes carried out within one year grew. For more see OECD. Innovative Citizen Participation. [online]. Available at: <https://www.oecd.org/gov/innovative-citizen-participation.htm>.

depends on the public officials agreeing that they will act on the basis of recommendations arising from deliberation.

A participation will be meaningful if adequate conditions are created, and the success of a participatory process is determined by its design: allowing sufficient time for the whole process, timing well the start of the participation in the decision-making process, the methods selected, the clarification of roles and clarity of the process. It is also important to clearly define the problem to be addressed in the process, and to ensure sufficient capacity both in public administration and in civil society. A combination of suitable tools of civic participation should ensure that it will go beyond a mere submission of comments. On the contrary, the parties involved should exchange their comments repeatedly. The essence is consultation and cooperation, mainly in formulating the proposed actions and the expected impacts. The involvement of everyone in the design of the proposal will prevent a situation where the variant submitted by the decision-makers in their final proposal is the one selected by public administration, possibly in occasional consultation with citizens, and built on such disintegrated information the administration considered suitable. It is also crucial to ensure public and political support for participation on both sides. Such support is shaped and enhanced thanks to the process as such and thanks to the results of cooperation of the participants.

CZ has successful examples of applying those approaches. In particular, at the local level, they include participatory budgeting, preparations of spatial plans, community planning of the development of social services, institutionalised local partnership - Local Action Groups and the LEADER programme, cultural planning and other. Significant is also the National Network of Healthy Towns, associating active self-governing units that involve citizens in the decision-making processes, the National Network of Local Action Groups, the Community Work Centre etc. There is a number of (mainly non-governmental non-profit) entities that have the knowledge for leading such processes, e.g. Agora CE<sup>81</sup> or the Centre for Social and Economic Strategies.<sup>82</sup>

Various advisory and working inter-ministerial bodies and committees have been established at the state administration level, involving representatives of civil society, mainly in the area of human rights. Conceptual and methodological materials have been drawn up on civic participation. In 2009, the Ministry of Interior (MoI) issued the Methodology for Involving the Public in the Preparation of Government Documents for the Purpose of Regulatory Impact Assessment (RIA)<sup>83</sup> and, in 2010, a follow-up Manual for Involving the Public in the Preparation of Government Documents.<sup>84</sup> Both documents require evaluation of their application and an update, they lack practical information on new and innovative tools and parameters for their use. A more up-to-date document is the Methodology for the Preparation of Public Strategies by the Ministry of Regional Development from 2019.<sup>85</sup> The concept Client-oriented Public Administration 2030<sup>86</sup> from the Ministry of Interior is the latest strategic document for the development of public administration, in which the overarching principle is client orientation (on individual citizens and legal entities) while maintaining effective functioning of public administration, and which contains Strategic Objective 5 Informed and participating citizens.

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<sup>81</sup> Agora CE. The Participation Methodology. [online]. Available at: <http://agorace.cz/nase-sluzby/metodika-participace/>.

<sup>82</sup> Mička, Pavel, Nekola, Martin, Ochrana, František, Potůček, Martin, Příklad, Jan, Veselý, Arnošt. 2013. The methodology of enhancing analytical, conceptual and implementation capacities of strategic management in regions, Charles University in Prague, the Faculty of Social Sciences, the Centre for Social and Economic Strategies. [online]. Available at: [https://ceses.cuni.cz/CESES-423-version1-metodika\\_pro\\_kraje\\_final.pdf](https://ceses.cuni.cz/CESES-423-version1-metodika_pro_kraje_final.pdf).

<sup>83</sup> MoI: 2009. Methodology for Involving the Public in the Preparation of Government Documents. [online]. Available at: <https://webcache.googleusercontent.com/search?q=cache:ziMwm-yBaU0J:https://ria.vlada.cz/wp-content/uploads/Metodika-pro-zapojovani-verejnosti-do-pripravy-vladnich-dokumentu-MV-2009.pdf+&cd=1&hl=cs&ct=clnk&gl=cz>.

<sup>84</sup> MoI: 2010. Manual for Involving the Public in the Preparation of Government Documents. [online]. Available at: <https://www.vlada.cz/assets/ppov/lrv/ria/metodiky/Manual-pro-zapojovani-verejnosti.pdf>.

<sup>85</sup> MoRD. 2019. Methodology for the preparation of public strategies. [online]. Available at: <https://www.mmr.cz/cs/microsites/portal-strategicke-prace-v-ceske-republice/nastroje-a-metodicka-podpora/vystupy-projektu>.

<sup>86</sup> MoI: 2020. The concept Client-oriented Public Administration 2030. [online]. Available at: <https://www.mvcr.cz/clanek/koncepcie-klientsky-orientovana-verejna-sprava-2030.aspx>.

The positive examples with elements of the deliberative approach and of involving the organised civil society included the preparation of the the Strategic Framework CZ 2030 (2015-2017)<sup>87</sup>, the Educational Policy Strategy of CZ 2030+,<sup>88</sup> the Regional Development Strategy of CZ 2021+,<sup>89</sup> the Rural Development Concept<sup>90</sup> and the Strategic Framework for the Development of Health Management in CZ - Health 2030.<sup>91</sup>

**The awareness of participatory processes<sup>92</sup> is growing among state administration, but the rather isolated cases still need to be interconnected. The Analysis of Civil Participation made a conclusion in 2016,<sup>93</sup> which is now being confirmed, that there is still need for a comprehensive and practical methodological support of participation as a key principle of public administration functioning, and the approaches are fragmented even within the thematic areas or levels of decision-making.** Political and administration institutions do not have the participation approach inherently anchored in their procedures and they declare support for participation rather formally but do not enter more intensive cooperation with the public, civil society and other actors. The Czech public administration still does not perceive civic participation as a way towards higher quality of decision-making, testing the impacts of the proposed measures, increasing the chances of their adoption and strengthening their legitimacy. It often approaches the obligation or commitment "to involve citizens" only formally. **The insufficiently developed tools for participation and the minimal requirements of participation in the Czech legal order lead public authorities to a rather formal application of participation.**

To promote basic values and common interests, active citizens associate in public benefit organisations, associations etc. Organisations pursuing similar objectives (environmental, human-rights, educational etc.) then cooperate and associate in NGO umbrellas or networks such as thematic coalitions, sectoral platforms or professional associations, which promote those objective among the public, in the media and in politics. Most of the umbrella organisations in CZ that show sustainability and long-term operation were created from the bottom up.

Many of them have developed into a formalised organisation with a secretariat and paid employees, which is connected with a certain level of centralisation and hierarchy. Important motives and also benefits of membership in them are mainly information and knowledge sharing among the organisations involved, trend-following (including know-how transfer from abroad), representation of common interests vis-à-vis other actors and joint projects. Many umbrellas have a positive effect inside their sector - they jointly draw up and adopt codes and standards of functioning, they build capacity for project and strategic management, or they monitor and evaluate their activity and collective impact. New members are accepted upon meeting certain criteria.

On the other hand, the umbrellas' management regularly evaluates the needs and satisfaction of members with the umbrella organisation. To sum up, the existence of umbrellas and networks associating NGOs contributes to higher professionalisation and cohesion of NGOs.

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<sup>87</sup> Strategic Framework Czech Republic 2030, p. 28.[online]. Available at: <https://www.cr2030.cz/strategie/dokumenty-ke-stazeni/>.

<sup>88</sup>MEYS: 2020. Education Policy Strategy of the Czech Republic 2030+. [online]. Available at: <https://www.msmt.cz/vzdelavani/skolstvi-v-cr/strategie-2030>.

<sup>89</sup> MoRD. 2020. Regional Development Strategy of the Czech Republic 2021+. [online]. Available at: <https://mmr.cz/cs/microsites/uzemni-dimenze/strategie-regionalniho-rozvoje-cr-2021>.

<sup>90</sup> MoRD. 2019. Rural Development Concept. [online]. Available at: <https://www.mmr.cz/cs/ministerstvo/regionalni-rozvoj/regionalni-politika/koncepce-a-strategie/koncepce-rozvoje-venkova>.

<sup>91</sup> MoH. Strategic Framework for the Development of Health Management in CZ until 2030. [online]. Available at: <https://zdravi2030.mzcr.cz/>.

<sup>92</sup> The State Policy has defined tasks related to strategic partnership with NGOs. The final report on the implementation of tasks arising from the State Policy shows that some ministries use the option of concluding agreements on long-term cooperation with their strategic partners from among NGOs. An example of applying that tool can be the Ministry of Justice that has concluded 22 long-term cooperation agreements with strategic partners from among NGOs.

<sup>93</sup> Agora CE. 2016. Analysis of civic participation in the Czech Republic. [online]. Available at: <http://www.paktparticipace.cz/dokumenty/analyza>.

**Since 2005, no representative research has been made on the position of umbrellas and evaluation of their involvement in strategic and conceptual communication with public administration or politicians.**<sup>94</sup> A brief survey among ten addressed sectoral umbrellas, carried out as part of an overview study serving as background material for drawing up the text of this Strategy, has identified the following challenges:

- for a good partner relationship with central bodies of state administration and local/regional authorities, the umbrellas consider it important to have sufficient time for providing and settling opinions, be able to come up with own topics and proposals, have timely access to the yet unpublished information and have the option to be members of working and advisory bodies,
- the main development obstacles include lack of mutual trust and respect, capacities on both sides, unclear approach to NGOs and unclear system mechanisms, misunderstanding of the role of umbrellas, frequent changes of ministers, organisational and personnel changes in ministries and failure of ministries to implement their own strategies,
- the activity of umbrellas would benefit from a mechanism that would enable them to receive sufficiently in advance notices of new documents being drawn up, including a contact person responsible for collecting suggestions and for integrating them into the document.

A naturally arising issue is the representativeness of NGO umbrellas and networks. Already in 2006, the European Economic and Social Committee (EESC) proposed nine conditions of representativeness<sup>95</sup> for representation at the European level. **The selection criteria, or the representativeness assessment procedure, must be defined, according to EESC, based on a participatory approach in cooperation with umbrellas and networks that are to be affected by that procedure.** EESC thus responded to the many political processes in the EU and the diversity of the organised European civil society. The condition of representativeness was also intended to increase the comprehensibility and the influence of organised civil society at the European level. For the Czech context it should be mentioned that EESC differentiates between "consultation" that is in principle open to all organisations that have expertise in the given sector, and "participation" as an option of the organisation to make a formal and active intervention in the collective procedure of decision-making in the general interest of the European Union and its citizens. According to EESC, representativeness is a prerequisite for participation because it ensures legitimacy.

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<sup>94</sup> Pospíšilová, T. 2005. Sectoral umbrella organisations in the civil sector of CZ 2005 - Research Report. And the follow-up study Pospíšilová, T. 2015. Umbrella organisations in the non-profit sector in the Czech Republic: situation, themes and proposed measures. [online]. Available at: [https://www.vlada.cz/assets/ppov/mno/dokumenty/studie\\_pospisllova\\_pro\\_web.pdf](https://www.vlada.cz/assets/ppov/mno/dokumenty/studie_pospisllova_pro_web.pdf).

<sup>95</sup> In order to be considered representative, a European organisation must meet nine criteria. It should: exist permanently at Community level; provide direct access to expertise of its members; represent general concerns that tally with the interests of European society; comprise bodies that are recognised at Member State level as representative of particular interests they defend; have member organisations in most of the EU Member States; provide for accountability of its members; have authority to represent and act at European level; be independent, not bound by instructions from outside bodies and interests; be transparent, especially financially and in its decision-making structures. EESC. Opinion of the European Economic and Social Committee on The representativeness of European civil society organisations in civil dialogue in Official Journal of the European Union (2006/C 88/11), C 88/41, 11 April 2006. [online]. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52006IE0240&from=EN>.

### **Identified challenges in the area Civic participation and partnership between public administration and the non-profit sector - summary**

- ✓ lacking comprehensive and practical methodological support of participation as a key principle of public administration functioning and missing interconnection of the rather isolated cases,
- ✓ insufficiently developed participation tools and minimum requirements of participation in the CZ legal order,
- ✓ unclear position and role of NGO umbrellas and networks,

### **2.2.3 Legal environment and financing of NGOs**

The legal order of the Czech Republic does not define an NGO and so this term is not covered by any specific legislation. The legislation referred to in the Strategy regulates the position of private-law entities that have a legal form and are considered NGOs based on the narrower definition provided by GCNGO (for more see Chapter 1.4).

After more than thirty years of the post-communist building of the non-profit sector, the legal environment for the existence and activity of NGOs can be described as adequate and balanced. NGOs are not covered by any special legislation that would burden them disproportionately and differentiate them from organisations set up for the purpose of conducting business. To acquire legal personality, they are obligated to register at courts of registration. That process is relatively simple and affordable.

Act No 89/2012 Coll., the Civil Code, as amended (the Civil Code) that took effect on 1 January 2014, generally regulates the position of NGOs, specifically of associations, foundations, endowment funds and institutes. Act No 304/2013 Coll. on public registers of legal and natural persons and on records of trust funds, as amended, regulates the duties of NGOs in terms of their registration and records. Since 1 January 2014, the monitored NGOs (with the exception of recorded religious legal entities<sup>96</sup>) have been registered in public registers maintained by courts of registration. NGOs are required to enter in the register mainly data on their name, registered office, purpose and members of their bodies, and also have a statutory obligation to deposit certain important documents in the collection of documents, such as statutes, minutes of meetings etc. In terms of the accessibility of information on NGOs, the public register has become a basic instrument for increasing their transparency (mainly of associations).

There has been a long-term legislative effort to anchor public benefit in the Czech legal order, e.g. as an Act on the status of public benefit. However, a many years' discussion on the definition and understanding of the term "public benefit" has not had a satisfactory conclusion.<sup>97</sup> The missing definition of this category in legislation causes certain problems in the Czech environment, e.g. a much stronger emphasis on the legal form of NGOs than on their purpose or content of their activity. For an NGO to deserve state support, it must be a legal

<sup>96</sup> Registered religious legal entities are, pursuant to Act No 3/2002 Coll., on freedom of religion and the position of churches and religious societies, registered in a register maintained by the Ministry of Culture.

<sup>97</sup> The last attempt dates back to 2015 when an amendment was proposed to the Act on the conditions of registering the status of public benefit in the public register according to the Civil Code. As opposed to the previous proposal from 2013, this amendment proposed substantial systemic changes and the Act did not contain, among other things, a link to any public-law benefit but provided for many other obligations and potential sanctions, which had long been criticised by NGOs as unnecessary. The process of discussing the government proposal and the earlier unsuccessful attempts to adopt it disclosed a more general problem associated with the existing concept of the public-benefit status in the legal order. It showed that there was not an objective way of meaningfully implementing Section 147 of the Civil Code. Therefore, the CZ Parliament agreed upon excluding the public-benefit status from the relevant provisions of the Civil Code with effect from 1 January 2018 (Act No 303/2017, amending some Acts in connection with cancelling the status of public benefit). The legal order only maintains the definition of a publicly beneficial legal entity in Section 146 of the Civil Code.

entity such as an association, foundation, endowment fund, public benefit society, institute and a special-purpose facility of churches, or also a church and religious society, regardless of whether the purpose and activity of the specific NGO can be considered publicly beneficial.

Although no other regulation on public benefit was adopted together with the effect of the Civil Code, a definition of a public-benefit tax payer was enshrined as of 1 January 2014 in Act No 586/1992 Coll. on income tax, as amended (the Income Tax Act) where the public-benefit tax payer is defined on the basis of the subject of its activity. However, that definition can be applied only for the purposes of the Income Tax Act. Apart from the above Acts, there are many other regulations that apply to the non-profit sector. The most important ones are mentioned below.

The financing of NGOs has specific features. In terms of acquiring financial resources, NGOs are legal entities that do not generate significant funding themselves but obtain both financial and non-financial means for their activity and projects from both public and private sources. This is a multi-source financing of NGOs.

From public budgets, NGOs receive subsidies, in some cases also donations, or are awarded public contracts. **Subsidies are the form of funding paid to NGOs mainly for the purpose of providing services or public benefit activities that are to be ensured by the state for the citizens but, due to the complexity of those services and to various limitations of the state, the services and activities are provided also by external private-law entities, including NGOs.** Thus, through NGOs, public administration implements state policy in areas where the meeting of such needs is more efficient and effective if carried out, for example, by NGOs. **According to SANPI, the most important source of financing of non-profit organisations in 2018 were** (excluding the general government sector that includes public HEIs and associations of health insurance companies) **transfers from public sources (28.97%),<sup>98</sup> followed by payment for non-market output (18.04%),<sup>99</sup> payment for market output (13.56%),<sup>100</sup> voluntary work carried out by citizens (9.73%), corporate donations (6.76%), foreign sources (5.11%),<sup>101</sup> membership subscriptions received from citizens (3.96%) and donations from citizens or individual donations from natural persons (3.42%), while the least substantial source of NPI financing (excluding the general government sector) is property income (1.01%).** The above data ordered in a four-year time series are illustrated by Table 3.

The volume of state subsidies for NGO projects, supported from subsidy schemes presented in the document "Main areas of state subsidy policy regarding NGOs to support public benefit activities" and intended to finance public benefit activities, rose slightly year on year until 2020. **Nevertheless, the key problems of that method of financing remain - mainly the provision of subsidies for only one budget year. Moreover, the subsidies are provided in the same year in which they are to be used.**

**The procedure of providing subsidies and repayable financial aid from the state budget and the procedure for their withdrawal are anchored in Sections 14 and 15 of Act No 218/2000 Coll. on budgetary rules, as amended.** In January 2018, an amendment to the budgetary rules took effect, regulating the relationship of the process of providing state budget subsidies to the Code of Administrative Procedure. The amendment brought clear rules and principles of providing and drawing subsidies from the state budget, such as the right to judicial review, the principles of process transparency or legitimate expectations, legal certainty and equal treatment. The budgetary rules also simplified the notification of some decisions by

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<sup>98</sup> These are subsidies and loans.

<sup>99</sup> Non-market output is produced as part of the main activity of non-profit institutions, is sold for non-market prices (i.e. prices lower than market ones, used to cover production costs) or is given free of charge.

<sup>100</sup> Market output is an ancillary activity of the NPI (not exempt from taxation) and is sold for market prices that cover the costs and include profit.

<sup>101</sup> These are donations, subsidies from the EU.

enabling the decisions fully rejecting an application for a subsidy or repayable financial aid to be notified by a public decree, and only in a manner allowing for remote access.

**Table 3: Sources of funding of non-profit institutions excluding the general government sector for the period 2015-2018 in CZ (in CZK mil. or in %)**

	2015		2016		2017		2018	
	in million CZK	(%)						
<b>Market output (P.11)</b>	10,293	14.29	10,887	14.08	12,135	14.03	12,982	13.56
<b>Non-market output (P.131)</b>	14,284	19.83	15,420	19.94	16,377	18.93	17,275	18.04
<b>Property income (D.4)</b>	849	1.18	844	1.09	573	0.66	966	1.01
<b>Transfers from corporations (D.751, i.e. S.11+S.12)</b>	5,349	7.43	6,120	7.91	6,014	6.95	6,471	6.76
<b>Transfers from public sources (D.751, i.e. S.13)</b>	16,871	23.42	19,444	25.14	24,909	28.79	27,738	28.97
<b>Transfers from citizens - donations (D.751, i.e. S.14)</b>	2,099	2.91	2,639	3.41	2,794	3.23	3,278	3.42
<b>Transfers from citizens - membership subscriptions (D.751, i.e. S.14)</b>	3,674	5.10	3,545	4.58	3,610	4.17	3,796	3.96
<b>Transfers from citizens - voluntary work (D.751, i.e. S.14)</b>	6,851	9.51	7,569	9.79	8,316	9.61	9,311	9.73
<b>Transfers from abroad (D.751, i.e. S.2)</b>	2,841	3.94	1,980	2.56	3,551	4.10	4,888	5.11
<b>total</b>	63,111		68,448		78,279		86,705	

Source: Hyánek, Pařil, Peřcal based on SANPI for the period 2015-2018, more specifically table SA000100 Aggregation of the non-profit sector.

However, the application of the Code of Administrative Procedure to the process of providing subsidies brought with it additional administrative acts required from the provider, such as mandatory recording of each application in a separate file and maintaining those files, ensuring the right of the parties to the procedure to inspect the file, and upon request the provider must ensure access of the administrative-proceedings party to all background documents of the subsidy proceedings (e.g. minutes of meetings of the project appraisal committee including reports, appraisal of the application by evaluators etc.) and some of the data must be anonymised. A higher administrative burden is produced also by the duty to draw up each decision on not providing a subsidy separately and to justify it in detail, and also justify every subsidy cut.

Another important regulation governing the provision of subsidies to NGOs at the level of state bodies are the **Government Guidelines for the Provision of Subsidies from the State Budget of the Czech Republic by Central Bodies of State Administration to Non-governmental Non-profit Organisations** (the Guidelines), the current version of which was approved in Government Resolution No 591 of 1 June 2020. The Guidelines, written and supervised by GCNGO, are a binding regulation for central bodies of state administration providing subsidies to NGOs and they unify the basic principles of providing subsidies to NGOs from the state budget (definition of subsidy beneficiaries, requirements of the subsidy award decision, options of the subsidy co-financing, deadlines within the subsidy award procedure etc.).

While the Guidelines regulate and unify the subsidy provision in terms of processes, the content is defined in another document drawn up by the GCNGO secretariat and approved by

the CZ Government, **the Main Areas of State Subsidy Policy Regarding NGOs to Support Public Benefit Activities**, annually for the upcoming budget year. The purpose of the document is to define the key areas of activities and services provided by NGOs and financed from the state budget. The document gives an overview of the areas of support within the competence of the state including a comprehensive overview of the subsidy programmes. The overview of the planned subsidy programmes is intended for the public and mainly for NGOs.

Up to 2016, an analytical document called "Analysis of the financing of non-governmental non-profit organisations from public budgets" was regularly drawn up. Due to certain inaccuracies, the regular preparation of the document was cancelled in Government Resolution No 639 of 9 September 2019. **The records of funding provided as subsidy are included in several state information systems** (CEDR – Central Register of Subsidies IS, RISPF – budget information system of programme financing, MONITOR), **but they do not provide the public with a comprehensive overview of subsidies provided exclusively to NGOs because the systems are complex and often very complicated, displaying the distribution of subsidies among a broad range of entities.** For that reason, it would be suitable in the future to create, at the state level, a single system for the registration and online administration of subsidy schemes, which would enable similar overview reports to be drawn up.

NGOs receive subsidies also from regional and municipal budgets based on Act No 250/2000 Coll. on budgetary rules of territorial budgets, as amended, and Act No 129/2000 Coll. on regions (establishment of regions), as amended, and Act No 128/2000 Coll. on municipalities (establishment of municipalities), as amended. The financing of public benefit services and activities within the independent powers of the regions shows certain challenges, mainly in the provision of social services. The Czech Republic registers 5 675 social services, of which 60% are provided by NGOs (3 437).

This number is not final because this group of providers includes only non-profit organisations providing care pursuant to Act No 108/2006 Coll. on social services, as amended.<sup>102</sup> The range of the provided services is very wide, from retirement homes and in-home nursing services through shelters and crisis assistance to social counselling services. To redistribute funding from the state budget (chapter 313 - MLSA) received to finance social services, the regions implement subsidy schemes that must comply with the MLSA rules, i.e. with the MLSA methodology for regions. The underlying documents for each subsidy scheme, mainly the system of distributing the funds and the calculation of optimal amounts of subsidies for each social service, are annually approved by MLSA before a region announces a specific subsidy scheme.

The unequal environment and the different conditions set for the providers of social services in a number of areas, mainly in the subsidy schemes of regions, has historically resulted also from the indistinct position of MLSA as a methodologist. With effect from 1 January 2015, based on an amendment to Act No 108/2006 Coll. on social services, as amended (Section 101a), the financing of social services from the state budget was transferred to the independent competence of the regions. At that time, the regions did not receive methodological assistance from MLSA, so 14 different subsidy schemes to finance social services were drawn up by the 14 regions and approved by MLSA. For that reason, the Strategy aims to strengthen the role of MLSA as the methodologist and the methodological guide for regions.

The indirect (non-financial) public support for NGOs at the level of municipalities is also non-negligible. Especially in smaller municipalities, it contributes significantly to the activity of NGOs, e.g. in the form of material, personnel, methodological, information, promotion and other support. The state can also share examples of good practice at the level of regions and municipalities, e.g. in multi-annual financing.

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<sup>102</sup> MLSA. 2018. Analysis of social services financing. [online]. Available at: [https://www.mpsv.cz/documents/20142/225517/Anal%C3%BDza+financov%C3%A1n%C3%AD+soci%C3%A1n%C3%ADch+slu%C5%BEeb\\_2019.pdf/3c8c3bf8-c747-09b0-9308-3838a646c465](https://www.mpsv.cz/documents/20142/225517/Anal%C3%BDza+financov%C3%A1n%C3%AD+soci%C3%A1n%C3%ADch+slu%C5%BEeb_2019.pdf/3c8c3bf8-c747-09b0-9308-3838a646c465).

Another important source of financing for the non-profit sector are EU funds. These sources that are released through national operational programmes or the Rural Development Programme are funding from the EU budget, which flows through the state budget and is often pre-financed from it but cannot be considered state budget subsidy. The administration of that funding is governed by EU regulations. NGOs are among the applicants under the operational programmes, e.g. the MoRD statistics show that in the current Operational Programme Employment, nearly a half of the successfully supported applications were submitted by NGOs.

Nevertheless, it is apparent from the feedback of NGOs in the monitoring committees of the current operational programmes, voiced at the platform of the Committee for the European Union of the GCNGO, and from a separate report drawn up for MoRD by an external organisation<sup>103</sup> that there are **objective obstacles preventing a more effective spending of that funding, such as demanding administration - an extensive set of rules, long periods for the managing authorities to act, a complicated and user-unfriendly information system for beneficiaries IS KP14+ and other. The NGO representatives add that suggestions from NGOs are given less attention than suggestions from public administration and HEIs. A no less important problem will be ensuring the mandatory 5% co-financing of the projects in the new 2021-2027 programming period.**<sup>104</sup>

Apart from EU funds, the main European programmes include **Union programmes**. Those programmes are currently used by Czech applicants below the European average. **The identified obstacles in using funding from those programmes include insufficient administrative capacity of the organisations concerned, competition of "more certain" funding from EU funds, insufficient sharing of data by the European Commission (e.g. on (un)successful applicants), the pre-financing and co-financing of projects, or legislative barriers in general.**<sup>105</sup> But Union programmes may represent an important source of financing with great potential for NGOs in the future.

The state supports NGOs also indirectly, by various exemptions from taxes or tax discounts. Out of tax regulations, the Income Tax Act has the greatest impact on NGOs. In Section 17a, the Income Tax Act introduced the definition of a public-benefit taxpayer which, however, is not linked to any other regulation and covers both private-law entities pursuant to the Civil Code and public-law entities pursuant to other regulations.<sup>106</sup> The conditions for reducing the taxable base of a public-benefit taxpayer are laid down in Section 20 par. 7 of the Income Tax Act. The Act also covers any tax exemptions for income from donations (gratuitous transactions). Donations and gifts are legally defined in the Civil Code. The non-profit sector is also subject to Act No 235/2004 Coll. on value added tax, with a very complicated scheme for this type of tax payers. If the donor is a value added tax (VAT) payer and provides non-monetary gifts, e.g. provision of services or donations in kind, VAT must be paid from the value

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<sup>103</sup> Institute of Evaluations and Social Analyses. 2018. Public consultation on simplification of the administrative demands of ESIF spending. Final report. [online]. Available at: <https://www.dotaceeu.cz/getmedia/f57de426-b5fd-41cc-95f2-1bc76ea01842/Verejna-konzultace.pdf.aspx?ext=.pdf>. The analysis was commissioned by MoRD.

<sup>104</sup> Co-financing rules for the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund, the European Maritime, Fisheries and Aquaculture Fund, the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy for the programming period 2021-2027, approved in Government Resolution No 354 of 12 April 2021.

<sup>105</sup> MoRD. 2020. Information on the options of coordinating the use of directly managed European Union programmes in the Czech Republic. MoRD in cooperation with OG CR submitted the document to the Government for information on 1 February 2021.

<sup>106</sup> The Act defines a public-benefit taxpayer as a taxpayer who, in line with its instrument of constitution, statute, articles of association, the law or decision of a public authority, performs a non-business activity as its main activity. The law also defines entities that are not public-benefit taxpayers. They include foundations and endowment funds which, according to their instrument of constitution, support persons close to the founder or their activity leads to the support of persons close to the founder. So, with the exception of those foundations and endowment funds, public-benefit taxpayers are all other standard NGOs (according to the GCNGO concept).

of the gift. For the donor, that VAT becomes another cost associated with the donation, which is an obstacle for many companies to providing corporate donations.<sup>107</sup>

Another source of financing for the non-profit sector is **private donations** (resources from private persons), both in the form of gifts from natural persons (individual giving) and in the form of corporate donations. The individual giving is, unlike the corporate donations, dominated by smaller givers who often do not deduct the gift value from their taxable base. The reason may be ignorance or the low value of the gift. As opposed to corporate donations, these are mostly financial gifts.<sup>108</sup> Surveys show that individual gifts (mainly as regular monthly payments) are less sensitive to the current economic situation than charitable contributions of corporations.<sup>109</sup> Moreover, the current situation related to the COVID-19 pandemic has affected the amount of gifts from the public to NGOs.

The situation in CZ in terms of the level of individual giving is not encouraging even from the world perspective. According to the World Giving Index (WGI), **the Czech Republic has ranked low for a long time in individual giving among European countries.**<sup>110</sup> Gifts are most often provided to help children, poor people and mainly those affected by natural disasters, to which the Czech public responds very sensitively.<sup>111</sup> Very sparse data are available on the volume of individual gifts. Some indication can be found in the SANPI data contained in Table 3, and in data of the Directorate General for Finances, or data from income tax returns (for more see Table 4). Those show only the gifts of natural persons who **deducted the value of the gifts from their taxable base,**<sup>112</sup> **which is the only tool of the state to support individual giving.** But individual givers reach that deductible percentage only very exceptionally, only for large and rare donations.

The task to analyse the options of deducting a part of a gift from income tax of natural persons was set out in the State Policy. In 2016-2017, a research was made on individual giving and Analysis of Individual Giving in Non-governmental Non-profit Organisations was carried out by experts from the Institute of Sociological Studies of the Faculty of Social Sciences, Charles University in Prague, and from the Sociological Institute of the Czech Academy of Sciences. Based on the research results and on a meeting of the Working Group for Individual Giving Support, a proposal was prepared for the Ministry of Finance (MoF) to enable deduction of a part of a gift from the income tax of natural persons who contractually commit themselves to support a specific NGO for at least 5 years. After an unsuccessful negotiation with the responsible MoF bodies in the autumn of 2017 and in connection with the preparation of new tax legislation, the work on this task was stopped. **However, GCNGO has an extensive analysis of individual giving, and measures to increase the motivation of individual**

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<sup>107</sup> EEIP. 2018. Project: Corporate donations in the Czech Republic: developments, state of play and obstacles to the development of its forms. Final report. [online]. Available at: <http://www.vlada.cz/cz/ppov/rnno/dokumenty/vyzkum-firemniho-darcovstvi-166863/>; Boukal, P. et al. 2013. Fundraising for non-profit organisations.

<sup>108</sup> EEIP. 2018. Project: Corporate donations in the Czech Republic: developments, state of play and obstacles to the development of its forms. Final report. [online]. Available at: <http://www.vlada.cz/cz/ppov/rnno/dokumenty/vyzkum-firemniho-darcovstvi-166863/>.

<sup>109</sup> Kalousová, P. 2015. Donorship and philanthropy of corporations and individual donors. [online]. Available at: <http://www.vlada.cz/cz/ppov/rnno/dokumenty/dilci-studie-ke-statni-politice-vuci-nno-na-leta-2015---2020-124147/>.

<sup>110</sup> Frič, P., Vávra, M. 2017. Analysis of individual giving in non-governmental non-profit organisations. [online]. Available at: [https://www.vlada.cz/assets/ppov/rnno/aktuality/analiza\\_individualni\\_darcovstvi\\_NNO\\_final.pdf](https://www.vlada.cz/assets/ppov/rnno/aktuality/analiza_individualni_darcovstvi_NNO_final.pdf).

<sup>111</sup> Kalousová, P. 2015. Donorship and philanthropy of corporations and individual donors. [online]. Available at: <http://www.vlada.cz/cz/ppov/rnno/dokumenty/dilci-studie-ke-statni-politice-vuci-nno-na-leta-2015---2020-124147/>.

<sup>112</sup>A natural person can deduct from its taxable base gratuitous transactions that in sum exceed 2% of the taxable base or equal at least CZK 1000 within the tax period. In sum, no more than 15% can be deducted from the taxable base (Section 15 of the Income Tax Act). But it must be taken into account that this does not cover small gifts not included in the tax return (including anonymous collections) and special-purpose sponsorship of companies. Moreover, some gifts go past the non-profit sector directly to the final recipients. In response to the extraordinary situation related to the COVID-19 pandemic, an amendment to the Income Tax Act took effect on 4 February 2021 (Act No 39/2021 Coll. amending Act No 586/1992 Coll. on income tax, as amended), temporarily raising the limit for deduction of gifts from the taxable base for both natural and legal persons. For natural persons, the limit for the deduction went up from 15% to 30%. This higher limit can be used for the tax period of calendar years 2020 and 2021.

**givers to donate funding to public-benefit purposes are a challenge for the upcoming period.**

Another form of private donations is **corporate donations**, perceived as part of Corporate Social Responsibility (CSR) as one of the possible tools of sustainable development in CZ.<sup>113</sup> This area is developing dynamically. It does not mean only the provision of financial donations to public-benefit purposes. Larger companies have set up positions of CSR managers who manage both corporate donations and develop elaborate programmes in which they combine different approaches - monetary donations, donations in kind, reduced prices of their services or pro bono services,<sup>114</sup> lending their employees as volunteers to NGOs, collections among their employees etc.

An increasing number of firms realise the need of responsible business conduct or become aware of their social responsibility. However, this can result in a reduced direct support for NGOs because the trend of responsible business conduct shifts the priorities of firms towards e.g. an environmental corporate policy, responsible relationship to suppliers and customers, or special treatment of employees, while the non-profit sector support becomes one of the parts of the corporate strategy of responsible business conduct. **Moreover, companies intensify pressure to reduce costs and so financial support for the non-profit sector does not rise significantly, in fact, it currently decreases due to concerns about the COVID-19 pandemic impacts. The Donors Forum data show that more than a third of the organisations (39%) have encountered withdrawal of donor support.**<sup>115</sup>

Data from the Directorate General for Finance show that even firms do not use in full the option of deducting the value of donation. The following Table 4 presents data on the values of corporate donations in CZ as they arise from tax returns of legal entities. **The number of donors slightly increases over time but the donated volumes are stagnating.** Legal entities can deduct from the taxable base the value of gratuitous transactions (if the donation value is at least CZK 2000) provided for purposes set out in Section 20 par. 8 of the Income Tax Act, in sum no more than 10% of the taxable base.<sup>116</sup>

The task to prepare and submit to the CZ Government a proposal of state support for corporate donations was set out already in the State Policy for 2015-2020. A working group for corporate giving was established but it faced a lack of background data. For this reason, a research project was commissioned from the EEIP company and its output was in 2018 **the report "Corporate donations in the Czech Republic: developments, state of play and obstacles**

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<sup>113</sup> CSR is included among the seven tools of sustainable development, currently available in CZ. MoE. 2020. Report on the quality of life and its sustainability. Evaluation of implementation of the Strategic Framework Czech Republic 2030. [online]. Available at: [https://www.cr2030.cz/zavazky/wp-content/uploads/sites/4/2021/01/III\\_d\\_materiál\\_Zpráva-o-kvalitě-života-a-udržitelnosti\\_část\\_1.pdf](https://www.cr2030.cz/zavazky/wp-content/uploads/sites/4/2021/01/III_d_materiál_Zpráva-o-kvalitě-života-a-udržitelnosti_část_1.pdf) (part 1) and [https://www.cr2030.cz/zavazky/wp-content/uploads/sites/4/2021/01/III\\_d\\_materiál\\_Zpráva-o-kvalitě-života-a-udržitelnosti\\_část\\_2.pdf](https://www.cr2030.cz/zavazky/wp-content/uploads/sites/4/2021/01/III_d_materiál_Zpráva-o-kvalitě-života-a-udržitelnosti_část_2.pdf) (part 2). At present, some large companies can be seen to present CSR activities as part of a long-term strategy of sustainable development. The basic idea of sustainable development is achieving a harmonious relationship between the environment, the social sphere, economic development and human personality development in the conditions of democracy. For more see also EEIP. 2018. Project: Corporate donations in the Czech Republic: developments, state of play and obstacles to the development of its forms. Final report. [online]. Available at <http://www.vlada.cz/cz/ppov/rnno/dokumenty/vyzkum-firemniho-darcovstvi-166863/>. Activities popularising CSR are supported by public administration e.g. through the conference "Through corporate responsibility and quality towards sustainability". For more see MoE. 2020. Report on implementation of the 2030 Agenda for Sustainable Development in the Czech Republic. [online]. Available at: [https://www.cr2030.cz/zavazky/wp-content/uploads/sites/4/2021/01/III\\_d\\_materiál\\_Zpráva-o-kvalitě-života-a-udržitelnosti\\_část\\_2.pdf](https://www.cr2030.cz/zavazky/wp-content/uploads/sites/4/2021/01/III_d_materiál_Zpráva-o-kvalitě-života-a-udržitelnosti_část_2.pdf).

<sup>114</sup> Highly qualified services, provided free (mainly legal, auditor services, tax consultancy, marketing services etc.).

<sup>115</sup> A repeated survey in the autumn of 2020, the results available in the video "Donorship Development 2020 - trends and threats of the current situation in donorship. Donor summit vol. 2020 - Klára Špíchalová, executive director of the Donors Forum. [online]. Available at: [https://www.youtube.com/watch?app=desktop&v=gAWZcnlBRI8&ab\\_channel=Darujspravne](https://www.youtube.com/watch?app=desktop&v=gAWZcnlBRI8&ab_channel=Darujspravne) (go to time 5:55).

<sup>116</sup> As mentioned above, the amendment to the Income Tax Act in effect from 4 February 2021 (Act No 39/2021 Coll. amending Act No 586/1992 Coll. on income tax, as amended) temporarily raised the limit for donation deduction for both legal and natural persons. For legal persons, the limit for the donation deduction went up temporarily from 10 % to 30%. This higher limit can be used for tax periods that ended between 1 March 2020 and 28 February 2022.

to the development of its forms",<sup>117</sup> which is the first comprehensive study of this phenomenon in the Czech Republic for the needs of public administration. The state support of corporate giving should be directed to several areas identified in the research as **insufficiently developed, such as accessibility of information on corporate donations, development of various forms of corporate giving and social acknowledgement of corporate donations.**

**Table 4: Deductible item "value of gratuitous transactions - donation(s)" used in income tax returns for the period 2014-2019 in CZ**

Tax period	Natural persons		Legal entities	
	Number of items	Amount in CZK millions	Number of items	Amount in CZK millions
2014	145,820	1,752	20,085	3,687
2015	151,263	1,792	21,795	3,737
2016	159,634	1,956	22,992	3,946
2017	169,584	2,274	24,210	3,703
2018	179,442	2,416	25,871	3,985
2019	187,724	2,472	26,463	5,047

Source: Financial administration. Data from tax returns. Data from assessed tax returns from the databases of the Tax Authority. Data for the tax period 2014-2019, as of 21 December 2020. Available at: <https://www.financnisprava.cz/cs/dane/analyzy-a-statistiky/udaje-z-danovych-priznani>

The research identified, and the proposal suggested, the need to promote the development of corporate giving through other support measures in the tax area, but it showed to be rather infeasible. It pertained to the issue of paying VAT for non-financial gifts, i.e. donations in kind and pro bono services. The aim was to find a mechanism of setting a lower taxable base to be taxed, and a way to document the symbolical price of the goods. In practice, this concerned the interpretation options of removing the obstacles related to the duty to pay VAT for non-financial gratuitous transactions from firms to public-benefit taxpayers. Based on a substantial comment raised by MoF as part of the inter-ministerial comment procedure in 2018, this proposal of state support for the development of corporate donations was withdrawn.

**Individual giving develops slowly while corporate giving does not show significant changes. With regard to the potential of the findings and support proposals, the measure regarding donation of non-financial gifts (services and unsaleable goods intended for disposal) for public benefit purposes by private-law entities remains one of the challenges of the new Strategy. The Czech Republic does not have quality sources for monitoring basic data and trends in the financing of NGOs from private sources.** The available data are processed by NGOs, often the umbrella associations, nevertheless, at a limited extent. **A suitable state policy including awareness-raising could contribute to the development of both private and individual giving.**

Another very important source of income for NGOs are **public charitable collections**, organised by many NGOs. It is, in fact, a type of donation by natural and legal persons, subject to Act No 117/2001 Coll. on public charitable collections and amending some Acts, as amended (the Public Collections Act). According to the Act, a public charitable collection is obtaining and gathering voluntary monetary contributions from an unspecified circle of contributors for a pre-defined public-benefit purpose, mainly humanitarian or charitable, development of education, physical education or sport, or protection of cultural monuments,

<sup>117</sup> EEIP. 2018. Project: Corporate donations in the Czech Republic: developments, state of play and obstacles to the development of its forms. Final report. [online]. Available at: <http://www.vlada.cz/cz/ppov/rnno/dokumenty/vyzkum-firemniho-darcovstvi-166863/>.

traditions or the environment. Public charitable collections can be organised by legal entities only.

**However, the Public Collections Act currently does not reflect the societal development that brings about a number of new online and financial instruments.** In response to the diverse applications of the Act by regions, in an effort to unify the procedures in applying the Act by regional authorities, the Ministry of Interior issued in 2019 a methodological guide for the Public Collections Act.<sup>118</sup> Still, the current regulation remains inadequate. The guide can be interpreted so that all individual giving is covered by the public charitable collection system. **In practice, it is unclear whether all individual giving is a public charitable collection (and subject to supervision by public authorities) or not. In general, account is not taken of the basic principle that the funding provided to a public charitable collection is of a private-law nature. At present, a public charitable collection is understood as a temporary source of funding to cover extraordinary events, and not as a long-term financial source of NGOs. Public administration is burdened by a large amount of administrative tasks,** incl. the out-of-date ways of organising the collections, the sealing and opening of the charity collection boxes also outside the NGO office, or the inadequate percentage to cover the operational costs of NGOs.

**Public administration statistics capturing the volumes of monetary contributions (gifts) gained in public collections are not maintained in the needed extent in CZ,** although every organiser of a public collection must submit an overview and accounts of its public collection to the relevant regional authority. Based on Section 26 par. 2 of the Public Collections Act, the MoI maintains a central registration of collections but currently it has no statutory duty to keep statistics capturing the volumes of monetary contributions (gifts) obtained through public collections.<sup>119</sup>

The current regulation in the form of the Public Collections Act does not require the monitoring and publishing of data in an informative scope. This aspect is important also in terms of transparency and public supervision, which can be demonstrated on an example of good practice from abroad, specifically in the Federal State of Rhineland-Palatinate, the authority, for example, appreciates comprehensible communication with the public and focuses on identifying dubious organisations. Press releases from the authority about banned collections serve as a warning for the public.<sup>120</sup> The ability to obtain funding through public collections can thus be deduced only from the frequency of conducting public collections or from the average revenues of the largest organisers of public collections from among NGOs compared with the other types of giving (the highest yield is achieved by the Three Kings Collection, organised annually by the Charity of the Czech Republic, in 2019 it collected CZK 122.3 million).<sup>121</sup> In the same way it can be deduced that public collections are a key tool for financing as well as for building the reputation of NGOs as trustworthy organisers of public collections.<sup>122</sup>

A specific example of a private source of NGOs is **volunteering**.<sup>123</sup> A significant share of voluntary, i.e. unpaid, work of volunteers in the operation of NGOs is one of the basic features

<sup>118</sup> MoI. 2019. Guide regarding Act No 117/2001 Coll., on public charitable collections and amending certain Acts (the Public Collections Act). [online]. Available at: <https://www.mvcr.cz/soubor/priucka-k-zakonu-o-verejnych-sbirkach.aspx>.

<sup>119</sup> The relevant regional authorities notify the MoI of all legal entities conducting a collection, the purpose and method of organising the collection, the name of the bank and the bank account number on which the contributions are collected, within 14 days of starting the collection. The regional authorities also have 14 days to notify the MoI of all decisions on that a collection cannot be held, or it is suspended or its purpose is changed.

<sup>120</sup> Parliamentary institute. 2019. Regulation of conducting public charitable collections. A comparison of the regulations in Slovakia, in Lower Austria and Upper Austria, and in Thuringia and Rhineland-Palatinate. [online]. Available at: [http://www.vlada.cz/assets/ppov/rnno/pskvs/Parlamentni\\_institut\\_analyza.pdf](http://www.vlada.cz/assets/ppov/rnno/pskvs/Parlamentni_institut_analyza.pdf).

<sup>121</sup> Charity Czech Republic. Results of the 2019 Three Kings Collection. [online]. Available at: <https://www.trikralovasbirka.cz/vysledky/vysledky-2019/>.

<sup>122</sup> Kalousová, P. 2015. Donation and philanthropy of corporations and individual donors. [online]. Available at: <http://www.vlada.cz/cz/ppov/rnno/dokumenty/dilci-studie-ke-statni-politice-vuci-nno-na-leta-2015---2020-124147/>.

<sup>123</sup> Volunteering/voluntary activity is a public benefit activity undertaken by a volunteer who is at least 15 years old, of their own free will, in their free time and without remuneration, consideration or other advantage, see part two, item 10 of the Government

of NGOs and usually a condition of their functioning. As evidenced by Hyánek, Pařil, Pejcal (2020), 16 million workers (in FTE) in the European non-profit sector are volunteers. This value corresponds to 55% of FTE of all non-profit sector workers, the remaining 45% of workers are paid employees. Volunteering has two forms in the NGO structures. It is (i) the voluntary service regulated by Act No 198/2002 Coll., on voluntary service and amending some Acts (the Voluntary Service Act), which is institutionally and financially supported by the state and represents a minority part,<sup>124</sup> and (ii) wide volunteering not subject to the above Act.<sup>125</sup>

Volunteering has a long tradition in the Czech Republic, as voluntary activities have been historically carried out by the multiple associations operating in the country. There is a developed volunteering sector that comprises various organisations undertaking voluntary activities in diverse areas, including strong organisations with a great tradition and experience. Voluntary activity generates significant value in CZ. According to data in SANPI<sup>126</sup>, people in 2018 worked 56.8 mil. hours as volunteers and **the value of voluntary work was CZK 9.3 billion**<sup>127</sup>, which is a year-on-year increase by 12% (calculated by CZSO based on the median wage<sup>128</sup>). As one volunteer can work for multiple non-profit organisations, SANPI publishes the number of volunteers as full-time equivalent (FTE) and not as the number of natural persons. In 2018, volunteers served 32 455 FTEs, as illustrated by Table 5.

**Table 5: Data on volunteers (in FTE), their number, number of hours worked by volunteers and the value of those hours (in CZK) for the period 2015-2018**

reported period	volunteers (FTE)	volunteers - number		volunteers - hours worked		value of volunteer work (CZK mil.)	
	NPIs	NPIs	NPIs excluding S.13	NPIs	NPIs excluding S.13	NPIs	NPIs excluding S.13
2015	29,184	29,184	29,184	51,974,585	51,973,645	6,865	6,865
2016	30,620	30,620	30,620	54,570,207	54,567,045	7,584	7,584
2017	31,324	31,324	31,324	55,446,593	55,444,273	8,329	8,329
2018	32,455	32,455	32,454	56,866,267	56,862,813	9,323	9,322

Source: Hyánek, Pařil, Pejcal based on SANPI for the period 2015-2018, specifically Table 1.2 Number of volunteers in FTE in non-profit institutions, and based on the description in SANPI

Apart from the Voluntary Service Act, volunteering is supported as a cross-cutting theme in strategic documents of many ministries. Some ministries, regions or municipalities support volunteering through subsidy programmes. Some volunteer centres and organisations are managed professionally, which has a positive effect on their long-term contribution to and development of volunteering. Such positive features are not the ideal situation but rather a base on which volunteering can be built and developed in CZ.

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Guidelines for the Provision of Subsidies from the State Budget of the Czech Republic by Central Bodies of State Administration to Non-governmental Non-profit Organisations.

<sup>124</sup> The Voluntary Service Act is within the competence of Mol. It grants accreditations for voluntary service projects and programmes and grants subsidies for them pursuant to the Act. For 2021, the organisations estimate that 22 257 volunteers will be covered by the subsidies.

<sup>125</sup> In general, volunteering is performed pursuant to general regulations, mainly the Civil Code. In practice, the majority part of volunteering falls within the general regulations. Another Act applied here is Act No 262/2006 Coll., the Labour Code, as amended, mainly due to the clear differentiation between volunteering and employment. Certain kinds of the voluntary activities are governed also by special legislation.

<sup>126</sup> CZSO. 2020. Satellite account of non-profit institutions. [online]. Available at: [https://apl.czso.cz/nufile/gh88j\\_e/SUN1%202005\\_2018.pdf](https://apl.czso.cz/nufile/gh88j_e/SUN1%202005_2018.pdf) a [https://apl.czso.cz/pll/rocenka/rocenka.indexnu\\_sat](https://apl.czso.cz/pll/rocenka/rocenka.indexnu_sat).

<sup>127</sup> It must be pointed out that the amount does not reflect the total volunteering but only its part in the form of so-called organised volunteering. The total value of voluntary activity would (if including non-organised volunteering and volunteering outside the institutional sectors) reach a significantly higher amount (Hyánek, Pařil, Pejcal, 2020).

<sup>128</sup> The value of volunteer work is calculated from the set "median wage" taken by CZSO from the MLSA Information System on Average Earnings. For 2018, the value is CZK 163.96 per hour. [online]. Available at: <https://app.powerbi.com/view?r=eyJrIjoimMzNWQyNjctYmQzOC00NDY0LTlhYzYtNjc4NTI3YT13YzEzliwidCl6ImM5ZmU1YTU4LTE0OTQlNDU3Zi04ZTQ2LTE1Nig5OTkzMExZClImMi0jh9>.

**No surveys of volunteers in households are carried out in the Czech Republic.** The CZSO estimates of that group of the population are based only on data available to CZSO from NGOs. Those data are not complete, however, and so the data on volunteers have limited validity. Based on findings on the ground, the number of volunteers and the number of hours worked as voluntary activity are greatly underestimated.

Based on an expert estimate, the number of volunteers is around 2 mil. persons<sup>129</sup> out of all citizens who have worked as volunteers during their lives. There is no other precise information or estimate of the number of volunteers and the activity carried out by them than the above. **There is no uniform reporting of the records of volunteers and their activity, which makes it difficult to obtain a better picture of volunteering as well as to provide higher support to volunteering**, e.g. more extensive subsidies or enabling the NGOs to co-finance their share in the subsidy with voluntary activity at a higher rate.

Tasks pertaining to volunteering were contained already in the State Policy 2015-2020. The working group established to carry out the tasks and GCNGO have concluded that the most conclusive tracking of voluntary activity is through the labour force sample survey, executed in households by CZSO. However, the task of the volunteering survey was not carried out for objective reasons in the reporting period, and so it remains as one of the challenges of the new Strategy.

The COVID-19 pandemic confronted volunteering with situations never encountered before, situations that were often not envisaged directly by the relevant rules and regulations. So practice poses the questions of **how to interpret and apply the existing rules or whether they should be changed. There are also ambiguities about what can be included in volunteering under the law and what is traditional volunteering. Those categories must also be clarified.**

#### **Identified challenges in the area Legal environment and financing of NGOs - summary**

- ✓ instability in NGO financing and insufficient tools to ensure the continuity of financing of the non-profit sector,
- ✓ inconsistent methodological environment in the system of social service financing and inconsistent approach of the state and regions to the providers of social services,
- ✓ obstacles preventing a more effective spending of funds from foreign sources,
- ✓ insufficient long-term support of individual and corporate giving,
- ✓ inconsistent interpretation and out-of-date legislative regulation of the institution of public charitable collections,
- ✓ insufficient background data on the non-profit sector,
- ✓ insufficient support and recognition of volunteering,
- ✓ missing extensive surveys on volunteering.

## **2.3 The baseline scenario**

In the case of not approving the Strategy and the first action plan that defines the measures for the first four years of the Strategy, it could be expected that the situation in this area will continue to be the same as it is now, which in practice means that it will remain inadequately addressed in some areas, but in some cases it could deteriorate. A specific example is the area of volunteering where the extraordinary situation of fighting the COVID-19 pandemic has revealed not only the strength and importance of volunteering for the operation of the whole

<sup>129</sup> Tošner, J. 2014. Study on volunteering. [online]. Available at: [http://www.vlada.cz/assets/ppov/mno/dokumenty/studie\\_tosner\\_pro\\_web.pdf](http://www.vlada.cz/assets/ppov/mno/dokumenty/studie_tosner_pro_web.pdf).

society but also how insufficient the state support of volunteering is. The conclusions of the stakeholders' meeting on the option of involving volunteers during the pandemic, convened by the Ministry of Interior through the central crisis committee, show that volunteering has its firm and integral position in providing aid in many areas.<sup>130</sup>

The lack of response to challenges for the development of non-profit sector entities, and the weak and non-systemic support of the non-profit sector may result in that CZ will not fully exploit the potential of one of the key partners of public administration in implementing SDGs and the the Strategic Framework CZ 2030.

## **2.4 Evaluation of the State Policy Regarding Non-governmental Non-profit Organisations 2015-2020**

The State Policy document has defined the state policy regarding NGOs until 2020 in a systemic way and defined four basic principles: the government will support the sustainability of strong, diverse and independent NGOs, strive for effective and transparent design of state policies regarding NGOs, including legislative measures, financing and institutional responsibility for their implementation. The government will also support volunteering and giving, considered to be an expression of the participation of citizens in public affairs, and will support effective and meaningful partnership and cooperation between state administration and NGOs.

To implement the above principles, 21 tasks have been set. Out of the 21 tasks, 18 were completed, 2 were partially completed and 1 task was not carried out.

Task I.b to expand the volunteering data monitored within the Satellite Account of Non-profit Institutions, maintained by the Czech Statistical Office, has been carried out only partially and its implementation continues. At its meeting on 4 September 2020, the GCNGO adopted a resolution expressing its consent with including a regular collection of data on volunteering by the CZSO among the planned measures in the follow-up Strategy.

Task I.h to submit an analysis of the options of deducting a part of donation from the income tax of natural persons who contractually commit themselves to supporting a specific NGO for at least five years, has also been met only partially. As part of the task, an extensive research of individual giving was carried out and an analysis drawn up, but in 2018 the Ministry of Finance presented its vision of a new concept of income tax for non-profit taxpayers. The preparation of the options of deducting a part of donation from the income tax of natural persons who contractually commit themselves to supporting a specific NGO for at least five years was redundant and probably counter-productive in such situation.

Task I.k to continuously monitor and evaluate the impacts of the Public Benefit Status Act was not carried out because the Act on public benefit status was not adopted.

In general, the execution of the tasks can be evaluated as basically successful. The reason for partial completion or non-completion of some tasks was mainly changes in other conceptual and strategic plans of the government, which made the performance of the tasks difficult or impossible. For example, the Act on public benefit status was not adopted and so the tasks related to it could not be executed. The progress of implementing the tasks including any obstacles identified and the potential of further development in the areas is described in detail on the website of the Office of the Government.<sup>131</sup>

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<sup>130</sup> Mol. 2021. Volunteering at the time of the pandemic. Version 2 with a modified text of the Ministry of Health. [online]. Available at: <https://www.mvcr.cz/clanek/dobrovolnicka-sluzba-500539.aspx?q=Y2hudW09Mg%3d%3d>.

<sup>131</sup> Final Report on the Implementation of Tasks Arising from the State Policy Regarding Non-governmental Non-profit Organisations 2015-2020. [online]. Available at: <http://www.vlada.cz/cz/ppov/rnno/aktuality/zaverecna-zprava-o-plneni-ukolu-plynoucich-ze-statni-politiky-vuci-nejstatnim-neziskovym-organizacim-na-leta-2015-az-2020--185951/>.

### 3 Vision and the basic strategic direction

The vision of the Strategy are **non-governmental non-profit organisations as a stable and strong partner of public administration in meeting the needs of the Czech society**. The vision stems from the basic premise that the state and its bodies recognise the positive contribution of NGOs' activity to the society, that through NGOs citizens influence public affairs from their own initiative and contribute to public good, and that the state is prepared to support the non-profit sector, bearing in mind that many public benefit activities can be effectively performed through that sector. The vision is, moreover, amplified by the social situation at the time the Strategy was designed.

The COVID-19 pandemic underlined even more the importance of cooperation and partnership between public administration and the non-profit sector and showed that the non-profit sector and NGOs as its institutionalised form are an essential component of a well-functioning and resilient society. It is all the more desirable that the state ensures more persistent and wider public awareness of the non-profit sector and its partnership with public administration and supports the development of conditions that will enable the non-profit sector and its entities to perform that role effectively and in dignity. Both the service NGOs that provide services to citizens and the advocacy NGOs that strive for systemic changes in various areas of public life are considered important. No less important are philanthropic NGOs that financially support other NGOs, and interest NGOs that promote and protect interests of their members, often extending to the more general public (for more see Chapter 2.1.1).

The non-profit sector with its functions and a broad range of activities forms an integral part of the national economy (for more see Chapter 2.1.2). The CZ Government considers the activity of NGOs irreplaceable in many respects and perceives the NGO activity as part of the system of services and activities for citizens and communities, but also as a legitimate way of citizens' participation in public life of the society: *"...Non-profit organisations operating in the educational, social, environmental and other areas may directly contribute with their activities to some of the Czech Republic 2030 objectives and so strongly help to spread awareness of sustainable development and to shape public opinion in this area."*<sup>132</sup>

In line with the above, **the Strategy focuses on three key areas:**

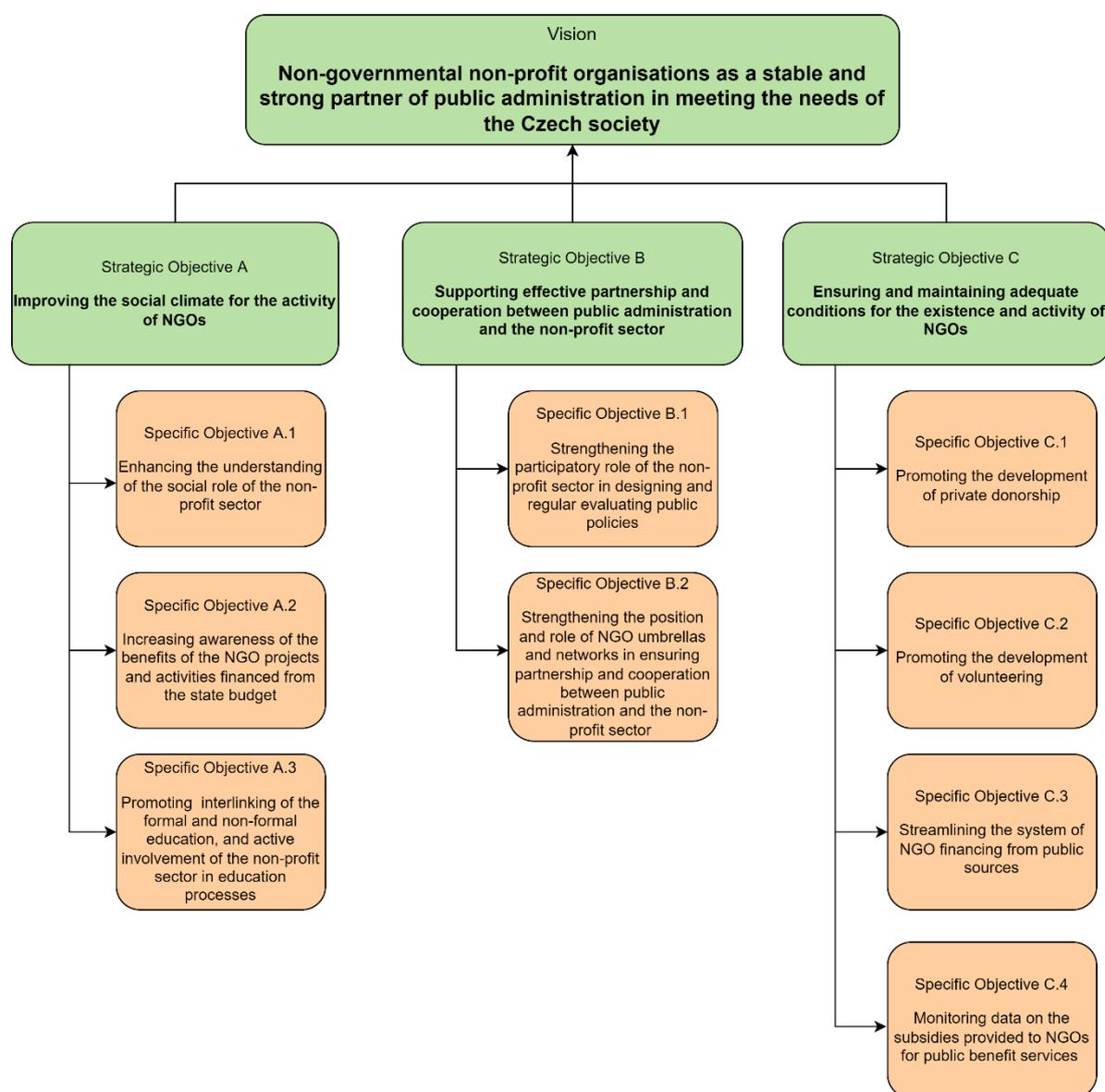
1. **social climate for the activity of NGOs,**
2. **civic participation and partnership between public administration and the non-profit sector,**
3. **legal environment and financing of NGOs.**

Each of the strategic areas is projected into a strategic objective that is implemented through a set of specific objectives and measures. The logical framework (the task part) representing the complex system of objectives and measures is provided in Annex 1 hereto. The measures set out in the logical framework are of type character. The specific measures, which will enable the achievement of the required objectives in the strategic areas, will be further developed into action plans. The Action Plan 2021-2024 contains measures the implementation of which will be confined within that period, but also selected measures that will be implemented for a period extending beyond the Action Plan.

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<sup>132</sup> Implementation plan of the Strategic Framework Czech Republic 2030, p. 66. [online]. Available at: <https://www.cr2030.cz/strategie/wp-content/uploads/sites/2/2018/10/Implementační-plán.pdf>.

Figure 2: Logical framework – the system of the Strategy objectives



### 3.1 Strategic Objective A Improving the social climate for the activity of NGOs

**Strategic Objective A Improving the social climate for the activity of NGOs is intended to enhance the understanding of the nature and social function of the non-profit sector, increase awareness of the benefits of projects and activity carried out by non-governmental non-profit organisations, and improve visibility of the partner cooperation between public administration and the non-profit sector among representatives of both the public administration and the professional and lay public.**

The public perception of NGOs is rather negative, thanks to frequent very negative statements by representatives of public life and thanks to the media image of non-profit organisations, but also to the relatively low public awareness of the activity and mission of NGOs. NGOs that are popular and whose activities are well known are those that perform mostly the service function

and provide their services in areas such as activities for children and youth, social services or humanitarian aid.

The rather negative perception is faced by organisations with the advocacy function, e.g. in the area of minorities, equality of women and men or the environment. In order to see the benefits of the advocacy role of the non-profit sector, it will be helpful to perceive NGOs as "critical allies" who act in the public interest and promote social cohesion or objectives that significantly contribute to that part of the public which is affected by the problems and decisions taken, such as disadvantaged groups of the population, residents of localities threatened e.g. by the construction of a waste incineration plant, people demanding free access to information etc. The perception of the non-profit sector as a critical ally concerns both the domestic and the foreign scene: *"The Czech Republic is aware of the contribution made by public institutions to the support of public and local administration, by non-profit organisations to the development of civil society, and by the private sector to the development of the business environment, and will continue to support their specific roles in the humanitarian and development areas."*<sup>133</sup>

To improve the social climate for the activity of NGOs, **it is absolutely essential to understand the role of the non-profit sector and its entities in the society. The content and benefits of that role must be sufficiently comprehensible and accessible both for public administration (officers) and mainly for the lay and professional public that includes the media and political representatives.** The proposed measures will raise awareness of the social role and topics of the non-profit sector.

**It is also essential that the public administration sends a very strong message to the public, pointing out the function of NGOs in meeting the current needs of the society.** The proposed measures to enhance the awareness of the benefits of the NGO projects and activities that are financed from the state budget will, therefore, focus on the **way of communicating the outputs and results of cooperation between public administration and NGOs.** It is also the way in which public administration can raise awareness of what is happening in public institutions and of how public policies are implemented, which can consequently enhance the positive perception of public administration institutions by the public.

It must also be ensured that the NGOs themselves effectively present their results and consciously highlight their partner cooperation with the public sector. The outputs obtained that way can be used by the ministries as background data for evaluating the benefit of the relevant policies and as such be used by the ministries in the active implementation of their communication strategies.

The proposed measures of this strategic objective proactively respond to the drawbacks identified on the ground and addressed by MoI in the strategic document Client-oriented Public Administration 2030 - Concept of Public Administration Development for the period 2021–2030,<sup>134</sup> specifically in Strategic Objective 5 Informed and participating citizens, Specific Objective 5.1 Improving the communication of public administration with the public, and in the measures of those specific objectives.

The revival of societal trust and the strengthening of trust in public life institutions including NGOs strongly rely on active civic engagement in public affairs. That is conditioned by an open attitude of the state and supported by a shift in the thinking of the society on how things can be done differently. The state can achieve that, among other things, by **cultivating the whole society through civic education. Emphasis is put on linking formal and non-formal education and on lifelong learning, which contribute to the development of key competences leading to sustainable development and stronger democratic values.** This

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<sup>133</sup> MFA. 2017. Strategy of International Development Cooperation of the Czech Republic 2018-2030. [online]. Available at: [http://www.czechaid.cz/wp-content/uploads/2016/09/Strategie\\_ZRS\\_CR\\_2018-2030.pdf](http://www.czechaid.cz/wp-content/uploads/2016/09/Strategie_ZRS_CR_2018-2030.pdf).

<sup>134</sup> MoI. 2020. The concept Client-oriented Public Administration 2030. [online]. Available at: <https://www.mvcr.cz/clanek/koncepce-klientsky-orientovana-verejna-sprava-2030.aspx>.

objective is in line with the new Education Policy Strategy of CZ till 2030+. <sup>135</sup> The unfavourable developments to-date in lifelong education and the missing linkage of formal and non-formal education are underlined in the Report on the Quality of Life and its Sustainability. Evaluation of implementing the the Strategic Framework CZ 2030. <sup>136</sup>

The last but not least way to improve the social climate for the activity of NGOs is raising awareness of the NGO activities but also of the self-regulatory instruments in the non-profit sector.

#### **Development topics in the area Improving the social climate for the activity of NGOs - summary**

- ✓ educating the lay and professional public including public administration in the benefits of NGOs and other civil activities,
- ✓ ensuring financial/non-financial support of communicating the impact, and social and economic benefit of the non-profit sector,
- ✓ supporting the promotion of the civil sector / NGO activities by public administration,
- ✓ promoting a systemic change in interlinking the formal and non-formal education, and active involvement of the non-profit sector in education processes.

### **3.2 Strategic Objective B Supporting effective partnership and cooperation between public administration and the non-profit sector<sup>137</sup>**

**Strategic Objective B Supporting effective partnership and cooperation between public administration and the non-profit sector aims to strengthen the participatory role of the non-profit sector, or of civil society representatives, in designing public policies, and the position and role of NGO umbrellas and networks that act as an aggregator of initiatives and information from the grass roots and as an important communication channel between the public sector and NGOs.**

A meaningful participation requires **a long-term commitment of public bodies to involving the citizens, cultivating politics and shifting the way of thinking of the society.** Experience gained from the COVID-19 pandemic crisis has led many countries to using new platforms or mechanisms for involving the public and actors across sectors in order to collect information and verify the needs and impacts of the government measures, with a view to reducing the negative impacts of the crisis.

The necessary conditions for ensuring a meaningful participation are: favourable political and legal environment for assembly, association and expression, encouraging participation; open and transparent public decision-making processes; participatory mechanisms accessible and inclusive for all including marginalised individuals and groups and enabling both online and

<sup>135</sup> MEYS. 2020. Education Policy Strategy of the Czech Republic 2030+. [online]. Available at: <https://www.msmt.cz/vzdelavani/skolstvi-v-cr/strategie-2030>.

<sup>136</sup> MoE. 2020. Report on the quality of life and its sustainability. Evaluation of implementation of the Strategic Framework Czech Republic 2030. [online]. Available at: [https://www.cr2030.cz/zavazky/wp-content/uploads/sites/4/2021/01/IIId\\_materiál\\_Zpráva-o-kvalitě-života-a-udržitelnosti\\_část\\_1.pdf](https://www.cr2030.cz/zavazky/wp-content/uploads/sites/4/2021/01/IIId_materiál_Zpráva-o-kvalitě-života-a-udržitelnosti_část_1.pdf) (part 1) and [https://www.cr2030.cz/zavazky/wp-content/uploads/sites/4/2021/01/IIId\\_materiál\\_Zpráva-o-kvalitě-života-a-udržitelnosti\\_část\\_2.pdf](https://www.cr2030.cz/zavazky/wp-content/uploads/sites/4/2021/01/IIId_materiál_Zpráva-o-kvalitě-života-a-udržitelnosti_část_2.pdf) (part 2).

<sup>137</sup> This chapter has been drawn up on the basis of a study for the Strategy: Miléřová, J. 2020. Decision-making closer to people. An overview study on civic participation and partnership between public administration and civil sector organisations, focusing on the central bodies of state administration.

offline participation; unlimited and timely access to information that is proactively spread; an established uniform institutional framework and standards of civic participation; financial and human resources and competences for participation (both on the part of the decision-maker and of the participating citizens); programmes of civic and media education and digital literacy for the general public, civil society and public officers.

The quality of societal decisions at all levels and across the society largely depends on the preparation of the decisions. **The accountability for the final decisions rests with the public bodies but participation of various sectors of the society in the preparation of the decisions and the decision-making process may be a great contribution for the state:**

- it enables public bodies to **deepen their understanding of specific problems**; it helps to identify gaps and available political and legislative options and their impact on specific individuals and groups,
- it improves **the competence and quality of public policy-making and service**,
- it increases the **legitimacy** of the decisions,
- it makes public institutions more **transparent** and **responsible** for their acts,
- it mobilises and **effectively uses resources** – the involved entities provide information from various areas, often in a quality and at an expert level the state would not be able to obtain,
- it builds **trust of citizens in institutions and decisions** affecting their lives,
- it builds mutual trust,
- it supports the development of **civic skills**,
- it increases the quality of **democratic governance**, and social cohesion,
- it strengthens **democracy**, respect for democratic principles and the rule of law.

The participatory approach will be applied already in the process of setting the conditions for applying the participatory approach to cooperation between public administration and civil society. This process will be based on principles such as transparency, objectivity, non-discrimination, possibility of verification and participation of organisations. The Czech Republic is one of the members of the voluntary initiative Open Government Partnership,<sup>138</sup> the agenda of which is implemented through two-year action plans. The proposed measure to draw up a methodology for the participation of civil society representatives in the participatory processes and to pilot that methodology in practice was defined in close cooperation with Ministry of Justice (MoJ), and is integrated as a commitment in the fifth Action Plan of the Czech Republic under the Open Government Partnership for the period 2020-2022, approved by the Government on 2 November 2020.<sup>139</sup> Its inclusion in the Strategy means it will exceed the time limits of the commitments in the OGP Action Plan.

For the public policy-making to be effective, it is important to communicate with the largest possible group of stakeholders. On the other hand, the information should be obtained from them quickly and effectively, i.e. at a reasonable cost. The most active NGOs are associated in thematic platforms of their relevant areas. The benefit of communication and cooperation of the state with inter-sectoral and sectoral NGOs, or thematic NGO umbrellas, can be seen in that the NGO umbrellas and networks:

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<sup>138</sup> Open Government Partnership (OGP) in Czech <https://korupce.cz/partnerstvi-pro-otevrene-vladnuti-ogp/> or Open Government Partnership (OGP) <https://www.opengovpartnership.org/>.

<sup>139</sup> MoJ. 2020. Action Plan of the Czech Republic for the Open Government Partnership 2020-2022. [online]. Available at: <https://korupce.cz/vlada-schvalila-akcni-plan-cr-partnerstvi-pro-otevrene-vladnuti-na-obdobi-let-2020-az-2022/>.

- can bring important information from the grass roots to the public administration and aggregate suggestions they systematically collect from their member organisations. They have a very good idea of what happens in their sector or topic and can inform the public administration about emerging problems or good practice;
- are an appropriate communication channel between state authorities and NGOs in a given sector or topic. The sectoral umbrellas often represent their member organisations in negotiations with state administration and can mediate a two-way flow of information. Thanks to an umbrella, the relevant sector or topic has a clear and direct communication point to which to turn to. They can nominate representative and quality representatives for both temporary and permanent advisory bodies of the state. The advantages of long-term direct cooperation for the state include higher-quality background materials, higher chances of reaching consensus, or strengthening confidence among the actors of the advisory body they represent;
- the state can also use the umbrella organisations to inform of new legislation, measures or crisis situations, and so enhance its strategic communication.<sup>140</sup>

The agendas of many sectoral and thematic NGO networks are naturally linked to certain ministries or selected public institutions. Still, the interconnection and coordination between the networks has its importance both for civil society and the state. It contributes to long-term communication and cultivation of discussion on themes of public decision-making that are inter-sectoral (e.g. strategic priorities for the development of the whole society and sustainable development) or are cross-cutting (e.g. the civil sector environment). The possible basic **parameters of representativeness vis-à-vis public administration** can be the facts that an umbrella organisation:

- represents a sufficiently wide range of civil society organisations (CSOs) that operate inter-regionally in a defined theme (environment, human rights, international development cooperation etc.). One theme may be covered by several umbrella organisations if they have clearly differentiated interests or different focuses within the theme,
- is independent of political parties,
- is transparent, mainly in terms of funding and decision-making procedures.

In line with the EESC opinion, efforts will be made to clarify and define the selection criteria, conditions or other parameters together with the umbrellas and the organisations affected by such aspects.<sup>141</sup>

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<sup>140</sup> At the time of the COVID-19 pandemic, that practice proved its worth e.g. in the migration sector - instead of contacting the individual organisations providing services to citizens, the Ministry of Interior could inform only the Migration Consortium which forwarded the information to its members and spread it among the foreigners.

<sup>141</sup> EESC. 2006. Opinion of the European Economic and Social Committee on The representativeness of European civil society organisations in civil dialogue. [online]. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52006IE0240&from=EN>

### Development topics in the area Supporting effective partnership and cooperation between public administration and the non-profit sector - summary

- ✓ drawing up a methodology of participatory processes,
- ✓ applying elements from the European Code of Conduct on Partnership,
- ✓ reviewing the definition of an inter-sectoral umbrella organisation and a network of NGOs,
- ✓ mapping the NGO umbrellas and networks,
- ✓ enhancing the financing of umbrella NGOs.

## 3.3 Strategic Objective C Ensuring and maintaining adequate conditions for the existence and activity of NGOs

**Strategic Objective C Ensuring and maintaining adequate conditions for the existence and activity of NGOs aims to ensure effective and transparent design of state policies regarding NGOs including legislative measures, financing and institutional arrangements.**

An important source of funding for the NGO activity are **transfers from public sources** (subsidies and loans), which is evidenced by CZSO data and by studies on the European non-profit sector (Salamon & Sokolowski 2018 in Hyánek, Pařil, Pejcal, 2020). NGOs can obtain funding from public sources in several ways: subsidies from the state budget, subsidies from state funds, subsidies from the budgets of regions/municipalities, subsidies from funds of the European Union and of the European Economic Area, and also through public contracts.

**The most frequent way are subsidies from the state budget, which opens opportunities to improve that system, from analysing the administrative burden brought about by the amendment to the budget rules,<sup>142</sup> which harmonised the provision of state budget subsidies with the Code of Administrative Procedure, up to striving for a systemic change in the financing of NGO providers of public-benefit services and activities, which would ensure a multi-year financing of services and activities provided by NGOs, and so level their position with contributory organisations in the field of providers of activities and services.**

A smaller but no less important share in the NGO financing in CZ is represented by **private donations**, i.e. gifts from natural persons and corporations. Individual giving as one of the income sources of Czech NGOs has great development potential because only less than 20% of citizens contribute annually to charity with rather smaller amounts. Private individual donations are one of the income sources for NGOs. Donations represent a way in which citizens can express their participation in public affairs. A repeated survey among NGOs, carried out by the Donors Forum in connection with the COVID-19 pandemic, shows that more than a half of the addressed NGOs (52%) had to deal with reduced donations from the public, and 74% of organisations faced cancellations of fund-raising events.<sup>143</sup> But it seems that building a massive base of individual donors could provide NGOs with a potentially very stable source of income, which appears to be specially needed at this time of the COVID-19 pandemic. Public policy should, therefore, publicly **highlight the emancipating value of**

<sup>142</sup>Act No 367/2017 Coll., amending Act No 218/2000 Coll., on budgetary rules and amending certain related Acts (the budgetary rules), as amended, and other related Acts, of 16 October 2017.

<sup>143</sup> A repeated survey in the autumn of 2020, the results available in the video Donorship Development 2020 - trends and threats of the current situation in donorship. Donor summit vol. 2020 - Klára Šplíchalová, executive director of the Donors Forum. [online]. Available at: [https://www.youtube.com/watch?app=desktop&v=gAWZcnlbRI8&ab\\_channel=Darujspravne](https://www.youtube.com/watch?app=desktop&v=gAWZcnlbRI8&ab_channel=Darujspravne) (go to time 5:55).

**giving, stimulate the interest of NGOs in individual donorship and in increasing the quality of their donor portfolio. The state should create better conditions for donor activities of small and medium-sized donors to make it more likely that they will become regular and long-term donors. The core efforts to create legislative support for individual giving should focus on promoting mass, regular and long-term donorship.**

In the Czech Republic, same as abroad, expectations rise that the corporate sector can significantly, apart from financial support (in the form of financial gifts, material gifts or services), help to maintain the quality of life in the community and the viability of NGOs and their activity. However, maintaining the current level of NGO support from corporate sources is threatened, and so it is important to open a discussion with representatives of corporations and public administration and to **seek ways to increase motivation to donate for public benefit purposes**. For that reason, the state should take steps in the field of corporate social responsibility to reverse that trend and **to encourage active involvement of the corporate sector in addressing societal, public-benefit topics, e.g. by auspices and participation of leading representatives of the CZ Government in award ceremonies or by sharing good practice. The state should define a strategic framework for the development of private donations, and support the creation of a model for monitoring such data in parameters that will enable a better overview of the situation in the non-profit sector and a development prognosis.**

**Public charitable collections**, i.e. obtaining funds from the public, are one of the important sources of funding for NGO activities in CZ, mainly from individual donors. Public collections are not only a financial source but, through the donations, the public expresses trust in the organisation organising the collection, and willingness to take part in the solution of problems that are the reason for the collection. Through public collections, citizens express their solidarity, sympathy, and demonstrate their share in the responsibility for their community and for the society in general. From this perspective, public collections are an expression of certain civil engagement in public affairs. According to data from the Central Register of Public Charitable Collections, maintained by Mol, more than 2 thousand collections were registered in 2020.<sup>144</sup>

Based on data of the Donors Forum, the collected amount ranges around CZK 650 million.<sup>145</sup> Those figures underline the need to revise the approach of public administration to the theme of public collections. **To remove both the major and minor drawbacks, organised discussion should be held with NGOs, experts and the public administration with a view to collecting proposals for an amendment or for a new draft of the regulation. The new draft of or amendment to the Act could newly set the approach to public charitable collections as a long-term financial source of NGOs, precisely define the concept and purpose of public collections and also clarify the administrative and technical aspects, such as inspection of public collections or capture of data on public collections.** In terms of transparency and public scrutiny, it appears suitable to publish information on the yields from collections over a given period, or on the amount of donations used nationally and per region. The private-law nature of that funding should be taken into account.

**Volunteering** has a long tradition in CZ and, today, volunteers work in many types of important services provided by the state, regions or municipalities. Voluntary activities have proven their worth mainly in work with children, the elderly, ill and disabled persons, and are a valuable complement to the basic care. Although volunteering cannot and does not replace activities intended for professional positions, the orientation of volunteers on lay support of human contact and on filling the free time of clients increases the quality of NGO services. Assistance to those in need is often unimaginable without volunteers and comprehensive care provided

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<sup>144</sup> Central Register of Public Charitable Collections maintained by the Ministry of Interior. [online]. Available at: <https://aplikace.mvcr.cz/seznam-verejnych-sbirek/SearchResults.aspx>.

<sup>145</sup> Donors Forum. 2019 map of donorship in the Czech Republic: figures, trends and impacts. [online]. Available at: <https://www.donorsforum.cz/o-dacovstvi/mapa-darcovstvi.html>.

by paid professional workers would be very difficult to finance for the state without the help of volunteers. Volunteers are important in many other areas such as sports, culture, environmental conservation, help in extraordinary situations (the pandemic) and many other. Their work also prevents social exclusion and other socio-pathological phenomena, which would subsequently require far greater economic costs.

Experience with the COVID-19 pandemic shows that volunteering has its firm and integral place in providing assistance in a host of areas, and so it is necessary for **the responsible ministries to integrate volunteering into their strategies and programmes within their scope of competence and provide it with the necessary support - from moral or media support to legal, methodological and financial support.**<sup>146</sup> **It is necessary to implement many measures that are essential for further development of volunteering: in the area of the volunteering infrastructure, approach of the responsible bodies of public administration at the national, regional and local level, the quality of volunteering management, and in publicity and general public awareness.** Funding invested in volunteering returns multiple times through the activity of volunteers. Investment in volunteering pays off at all levels. And so volunteering must be supported from all levels.

#### **Development topics in the area Legal environment and financing of NGOs - summary**

- ✓ streamlining the system of NGO financing from public sources, e.g. analysing the administrative burden of proceedings on granting subsidies from the state budget,
- ✓ monitoring the subsidies provided to NGOs for public benefit services in the social area,
- ✓ supporting the development of regular and long-term private donations,
- ✓ actively involving the corporate sector in addressing societal, public benefit topics,
- ✓ approaching public charitable collections as a source of long-term financing of NGOs,
- ✓ supporting the development of volunteering.

## **4 Implementation of the Strategy**

### **4.1 The Strategy implementation structure and implementation management system**

The implementation structure of the Strategy builds on the already established mechanism of implementing the State Policy. **The body responsible for implementing the Strategy is the Office of the Government of the Czech Republic. The coordinator is the GCNGO secretariat**, which is a unit within the OG CR Department of Human Rights and Minority Protection, performing the administrative and organisational tasks for GCNGO. A new element within the structure is the WG Strategy that monitors and evaluates the implementation of objectives and measures arising from the Strategy.

The tasks geared towards implementing the Strategy will be assigned to the supervisors (responsible bodies) of the individual measures through a Government resolution, and so will be binding for the ministries and their subordinate organisations, CZSO and other central bodies of state administration. The regions, municipalities, non-governmental non-profit

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<sup>146</sup> Through the Central Crisis Committee, the Ministry of Interior convened a meeting of the stakeholders, producing a document called Volunteering at the Time of the Pandemic. Version 2 with a modified text of the Ministry of Health. [online]. Available at: <https://www.mvcr.cz/clanek/dobrovolnicka-sluzba-500539.aspx?q=Y2hudW09Mg%3d%3d>.

organisations and other entities (academia, HEIs etc.) will be involved in implementing the Strategy on the principle of sharing, recommendations and voluntary engagement.

The Strategy will be executed through three consecutive action plans. The first action plan is proposed for the first four years, i.e. 2021-2024, the other two action plans will be three-year, i.e. 2025-2027 and 2028-2030. The proposed breakdown to time-limited implementation phases makes it possible to respond flexibly to current changes or challenges in the Strategy implementation, both in CZ and abroad.

## 4.2 Action Plan 2021-2024

Action Plan 2021-2024 is the first of the three planned action plans. It defines in more detail the selected set of measures that are set out in the logical framework of the Strategy implementation (Annex 1 - the task part of the Strategy). Each measure of the action plan has either a precise deadline or is implemented continuously, throughout the action plan duration, or for the whole implementation period of the Strategy. The logical framework indicates for each measure the responsible institutions (supervisors), the cooperating entities and the duration of the implementation. Action Plan 2021-2024 is provided in Annex 2 hereto.

## 4.3 Schedule

The Strategy is prepared for a period ending on 31 December 2030. The schedule includes several key milestones, see Figure 3.

**Figure 3: Timeframe for the implementation**

Date	Deliverable
June 2021	Submission of the Strategy to the Government for approval
March 2025	Submission of the Report on Implementation of Action Plan 2021-2024 and submission of the follow-up action plan to the Government for approval
March 2028	Submission of the Report on Implementation of Action Plan 2025-2027 and submission of the follow-up action plan to the Government for approval
December 2031	Submission of the Report on Final Evaluation of the Strategy to the Government for information

## 4.4 System of monitoring and evaluating the Strategy implementation

The implementation of the particular measures of the Strategy is monitored and evaluated through action plans. Regular overviews of implementing the action plans will be produced by monitoring. The basic monitoring and evaluation cycle will be one-year and will end with a monitoring report on implementing the action plan. At the end of each calendar year, the Strategy coordinator will collect background documents from all ministries, CZSO, NGOs and other entities on implementing the action plan and will draw up a monitoring report that will be submitted annually at the GCNGO meeting. Before the report is discussed at the GCNGO meeting, it will be presented and discussed at a meeting of the WG Strategy.

During the Strategy implementation, the action plans will cover three consecutive stages in the periods 2021–2024, 2025–2027 and 2028–2030. After the relevant period ends, the action plan will be evaluated and serve as a basis for drawing up a new action plan for the next period.

The support material for evaluating the action plans and preparing the next action plans will be the previous monitoring reports in which the relevant institutions describe the process of implementing the given measure and evaluate the progress achieved by implementing the measure in the given area. In cooperation with WG Strategy and consulted entities, the Strategy coordinator draws up a proposal of the new action plan that will be discussed by GCNGO together with the report on implementing the previous action plan. In the next step, the implementation report on the previous action plan and the new follow-up action plan will be discussed with the relevant actors, i.e. supervisors and any other consulted bodies, and then submitted to the Government.

As the action plans will be drawn up in the way described above, their content cannot be fully presumed. To prevent randomness, the Strategy sets out strategic and specific objectives as the mandatory minimum content of the action plans. This ensures a certain level of openness and flexibility while setting a minimum framework and ensuring space for new themes or modified approaches to existing unsolved issues that may be addressed by GCNGO during the relevant period.

In order to reflect the current changes in society and in legislation, the strategic and specific objectives will be revised in the middle of the Strategy period (or during the preparation of Action Plan 2025-2027), and the objectives will be adjusted or complemented as necessary. Any modified wording will be approved together with the Action Plan.

#### **4.5 Risk management system and prerequisites for the Strategy implementation**

The table below defines the basic risks that may be associated with the Strategy implementation. The risks are cross-cutting, i.e. they are common for all the defined strategic objectives. If the supervisors or cooperating entities identify new risks during the implementation, they report such findings as part of the regular evaluation of the implementation process to the implementation coordinator who submits the findings to the WG Strategy. That platform then proposes and approves corrective measures to reduce the significance of the risk or to eliminate the risk.

<b>Risk definition</b>	<b>Proposal to eliminate the risk</b>
Absence of political will to promote the Strategy.	Good communication strategy for promoting the Strategy - informing the relevant actors of the reasons, need for, purpose and content of the Strategy.
Insufficient or low-quality staffing of the implementation of the Strategy objectives and specific measures in the action plans.	Timely identification and planning of the needed personnel capacity to carry out the activities.
Insufficient allocation of funds for implementing the measures, for various reasons such as an economic downturn etc. (state budget, EU funds).	Good communication strategy for promoting the measures, including within the implementation structures of the operational programmes of EU funds in the 2021+ programming period (definition of the calls supporting the system of the Strategy objectives).
Pursuing own interests regardless of the set Strategy objectives (lack of inter-ministerial cooperation) and resistance of public	Maintaining the participatory approach to the design and implementation of the Strategy. Discussing the Strategy and the action plans in WG Strategy and at relevant platforms,

administration to change, unwillingness to adopt the proposed changes.	approving the documents in an inter-ministerial comment procedure and subsequently having them approved by the Government. Informing the relevant actors of the essence of the proposed changes, their benefits and impacts, and searching for intersections of opinions and integrating the actors' views and proposals into the solution.
Failure to achieve the Strategy objectives	Ongoing monitoring of the implementation and evaluation of progress towards the Strategy objectives, modifying the action plan as necessary to achieve the set objectives.
Insufficient reflection of the recommending materials.	Whenever a recommending document is produced, all relevant actors should be informed about it. Focusing on explanation of the purpose and potential benefits of the recommended procedures.

#### 4.6 Budget and sources of financing

The support for the development of the non-profit sector and cooperation between public administration and NGOs is a complex process running at various levels (national, regional, local). The implementation of the Strategy involves, apart from public institutions, also other entities such as NGOs or the academic community. The Strategy implementation will be financed from the state budget, mainly as part of the approved expenditure limits of the relevant budget chapters and mid-term outlooks of the budget chapters of the supervisors and co-supervisors.

The Strategy implementation does not require increased funding from the state budget or other public budgets. If the implementation of some measures has an impact on the expenditure of the budget chapters of the relevant ministries, such expenditure will be covered, if possible, within the approved expenditure limits of the chapters, by savings from other expenditure items or by regrouping of priorities within the chapter, with preference always given to expenditure pursuant to specific laws and other regulations.

### 5 Strategy design procedure

The Strategy is formulated in direct cooperation with representatives of public administration, NGOs, academia and the public.

The Strategy was prepared mainly by WG Strategy, established by GCNGO in its resolution of 19 February 2020. The members of WG Strategy are representatives of the following central bodies of state administration: MEYS, MFA, MIT, MLSA, MoA, MoC, MoD, MoF, MoH, MoI, MoJ, MoRD, MoT, OG CR, the National Sports Agency, CZSO and representatives of NGOs, academia and the private sector. Its task was to define and discuss topics leading to the development of cooperation between public administration and NGOs, to actively cooperate in the formulation and review of the vision, logical framework and system of measures that will individually enter the action plans.

The work on the Strategy began in early 2020 with a series of expert meetings and consultations attended by a wide range of invited entities, kicked off on 12 March 2020 at an all-day expert panel. The whole expert panel was divided into thematic working groups where

the participants discussed the current challenges, trends, obstacles and possibilities of development of the non-governmental non-profit sector.

In June 2020, a public consultation was announced under the title Call for NGOs to send comments on the proposal of priorities of the Strategy Regarding Non-governmental Non-profit Organisations for the period 2021-2030.<sup>147</sup> The Call received 62 comments. The comments confirmed the earlier identified problems and challenges, or expanded them with arguments.

In July 2020, WG Strategy met for the first time and its members discussed, specified and prioritised the themes or proposed new. Other expert meetings followed, focusing on specific strategic areas; thematic working groups were established on an expert basis - their members were mainly persons from academia and NGOs. The work of some thematic working groups involved ministries and other public institutions at a professional level. In those thematically focused meetings, the outputs from the expert panel were developed and expanded with comments from public consultation. The system of objectives was defined and specific measures were proposed. The logical framework set up that way was widely discussed at the second meeting of WG Strategy in October 2020 and then commented on by its members. The third meeting of WG Strategy was held in December 2020. The proposed logical framework of the Strategy was gradually presented and specified, and any disagreeing views were discussed.

Then, the WG Strategy members received the proposed text part of the Strategy for comments. The text reflected the output from Public Consultation on the New Strategy Regarding the Non-profit Sector (December 2020).<sup>148</sup> Comments were received from 74 organisations. The WG Strategy outputs, including the final proposal of the Strategy, were presented at regular intervals both to GCNGO and to its committees.

The above-named institutions bring experience from practice into the process and open new solutions, the platforms used offer space for diverse views and expertise, which together increases the quality and political neutrality of the whole process.

In the final phase, the document was discussed in the standard process of inter-ministerial comment procedure so that the document could be submitted to the Government.

The preparation of the Strategy followed the Methodology for the Preparation of Public Strategies.

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<sup>147</sup> The text of the call is available at: <http://www.vlada.cz/cz/ppov/rnno/aktuality/vyzva-pro-nestatni-neziskove-organizace-k-zaslani-podnetu-k-navrhu-priorit-strategie-vuci-nestatnim-neziskovym-organizacim-na-leta-2021-az-2030-181917/>.

<sup>148</sup> The text of the call for public consultation is available at: <http://www.vlada.cz/cz/ppov/rnno/aktuality/verejna-konzultace-k-nove-strategii-smerem-k-neziskovemu-sektoru-185673/>.

## 6 List of abbreviations

AVPO	Association of public benefit organisations of the Czech Republic
CAS	Czech Academy of Sciences
Civil Code	the New Civil Code taking effect in 2014
COVID-19	CoronaVirus Disease 2019
CSO	civil society organisation
CSOSI	Civil Society Organization Sustainability Index
CSR	Corporate Social Responsibility
CVVM	Public Opinion Research Centre
CZ	Czech Republic
CZSO	Czech Statistical Office
EESC	European Economic and Social Committee
EIF	Endowment Investment Fund
ESIF	European Structural and Investment Funds
EU	European Union
FTE	full-time equivalent
GCNGO	Government Council for Non-Governmental Non-Profit Organisations
HEIs	higher education institutions
MEYS	Ministry of Education, Youth and Sports of the Czech Republic
MFA	Ministry of Foreign Affairs of the Czech Republic
MIT	Ministry of Industry and Trade of the Czech Republic
MLSA	Ministry of Labour and Social Affairs of the Czech Republic
MoA	Ministry of Agriculture of the Czech Republic
MoC	Ministry of Culture of the Czech Republic
MoD	Ministry of Defence of the Czech Republic
MoE	Ministry of the Environment of the Czech Republic
MoF	Ministry of Finance of the Czech Republic
MoH	Ministry of Health of the Czech Republic
MoI	Ministry of the Interior of the Czech Republic
MoJ	Ministry of Justice of the Czech Republic
MoRD	Ministry of Regional Development of the Czech Republic
MoT	Ministry of Transport of the Czech Republic
NGO	non-governmental non-profit organization
NPI	non-profit institutions
ODIHR	OSCE's Office for Democratic Institutions and Human Rights
OECD	Organisation for Economic Co-operation and Development
OG CR	Office of the Government of the Czech Republic
OGP	Open Government Partnership
OSCE	Organisation for Security and Co-operation in Europe
RIA	Regulatory Impact Assessment
SANPI	satellite account of non-profit institutions
SDGs	Sustainable Development Goals
TA CR	Technology Agency of the Czech Republic
USAID	United States Agency for International Development
VAT	value added tax
WG	working group
WGI	World Giving Index

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