

Non-governmental non-for-profit organizations in the Czech Republic

Written by: Mgr. Sára Pokorná, Agora CE, Petra Rezka 12, Prague 4, Czech Republic



This is a brief introduction to non-governmental sector coalitions, their work and results. To give the reader a better understanding of NGOs in the Czech Republic, we provide some information about the current situation and history. For the same purpose, it is important to understand grassroots, as they are the key players in the non-for-profit sector while their situation is not clear unlike, for example, offices of international NGOs.

1. Non-for-profit organizations in the Czech Republic

NGO landscape has changed dramatically in the Czech Republic since 1989. Although immediately after the revolution there was no proper detailed legislation, the state adopted a supportive and a very liberal approach which was, undoubtedly, connected with the enthusiasm for civil initiatives at the time. Legislation was changed partially due to the Czech Republic's accession to the EU; a better differentiation between different types of NGOs was introduced together with stricter rules for accepting government funds. In general, prior to accession to the EU the situation was stable, and the state's approach was supportive in early

1990s, turning indifferent towards the end of the decade. After accession to the EU, Czech NGOs lost most of their foreign donors; on the other hand, they could draw funds from the EU structural funds. This was one of the causes of the crisis which hit the non-governmental sector in 2008 during transition from the first program period (2003 – 2007) to the second one (2008 – 2017), when there was a 10 month' gap in financing because the government was slow in distributing cash from the second wave of the European funds. This gap itself caused a collapse of some organizations. (Černý, 2012)

The non-governmental sector typically includes culture, activities related to care for monuments and art, science and research, healthcare and social services, environmental protection and education, human rights protection, community development, work with children and youth, recreation and sport. Another – specific – area covers support for NGOs themselves– PR, information service, consulting focused at fundraising etc. This corresponds with International Classification of Nonprofit Organizations categories which also include trade unions, international organizations, civil and advocacy groups.

Besides their area of focus, NGOs can be classified using other approaches interesting for systematic analysis of the NGO sector. For instance, we can divide organizations into those which provide services and those that defend interests. Another classification, which also works in the Czech Republic, splits NGOs into those that defend interests of their members and those that conduct activities aimed at the public good. Czech NGOs can be divided into several groups; the first one includes organizations providing leisure activities, mainly sport, and they are the ones which were established to benefit their members. Other organizations provide social services and healthcare, complementing or even substituting services of the state. Final category includes organizations which provide development and humanitarian aid, advocacy organizations and so-called “umbrella organizations” representing groups of NGOs which have something in common, defending their interests, providing networking opportunities and information. Czech umbrella organizations are often members of similar international organizations and, as such, they exercise certain influence on processes within the EU.

From the point of view of internal organization, there are certain differences between traditional organizations and those established after 1989. These younger NGOs tend to have a horizontal structure; traditional organizations have a more rigid hierarchy and a lower

degree of horizontal corporate communication. As time went by, these younger NGOs began to organize themselves vertically too, for example, in the above “umbrella” organizations; some of the nationwide or international organizations have centralized and established a certain degree of internal structures and hierarchy. Quoting Černý, “the need to establish higher structures in the NGO sector arose in late 1990s due to zoning and strategic planning and preparation for EU structural funds. At the time, it was very difficult to establish any kind of network (Vajdová 2001a, 2001b), and the most efficient networks were the ones established in an area of interest, such as Zelený kruh for the environment, Council of Children and Youth, national sports federations etc...” (Černý, 2012)

Czech laws define seven types of NGOs: these are registered associations (zapsané spolky), registered institutes (zapsané ústavy), community benefit organizations (obecně prospěšné společnosti), auxiliary associations (pobočné spolky), foundations (nadace), **endowments (nadační fondy)** and church organizations (církevní organizace); registered association is the most frequent form used, and laws regulating NGOs are rather complicated, including the Civil Code, Commercial Code and, of course, the Tax Code.

The process of establishing a registered association is simple – there are some formal requirements (founding members, statute...), and an application for entry in the NGO Register. The NGO Register is kept by the Ministry of Justice which can reject registration for six reasons only; these include unclear intention (situations when the association is called a football club, but it describes its activities as fishing). In such cases, the application will be returned with a recommendation to clarify the intention. Besides such formal requirements, registration will be rejected if its planned activities violate the law (a typical example would be violation of S. 198a of the Criminal Code, Inciting Hatred towards a Group of People, or Limiting Their Rights and Freedoms). Activities of a registered association, unless they are criminal, cannot be banned.

1.1. NGOs in numbers

NGO sector has developed together with the development of civil society; therefore, it is hardly surprising that the number of NGOs in the Czech Republic has increased from 3,879 in 1990 to approx. 129,000 in 2017. Legislation has also changed to reflect NGO diversity and, compared to 1990, when there was only one legal category of such organizations, a civil

association, seven NGO categories exist in 2017. Registered unions (there are over 93,000 of them) are the most common. To give you an idea, for instance, local sports clubs are typically established in the form of a registered union. It is also possible that some of the registered unions are effectively inactive.

1.2 Grassroots organizations in the Czech Republic

“Grassroots” is a term which is often used in the non-for-profit sector; however, it is not easy to come up with a definition of what grassroots are because of the diversity of organizations, movements or unions which we call “grassroots”, as well as their typical variability. Typically, grassroots organizations do not have employees; therefore, they are based on short-time work (within the scope of a specific project) and voluntary work. For better understanding, they can be described as follows: “On the one hand, there are organizations such as volunteer fire departments or gardeners’ union which are, in a way, a real manifestation of volunteer self-help activities carried out within the defined community; at the same time, they are an example of civil society organizations which have been around for decades. On the other hand, there are those grassroots initiatives and movements which strive to achieve a change in society, and they are typical for their episodicity – they cease to exist after their goal is achieved. That is either because the problem they were trying to solve, has been solved, or because they establish their position and become a part of institutionalized organizations and agenda of national authorities or large professional organizations. In any case, they stop being grassroots organizations”. (V. Černý 2012)

Grassroots organizations face many problems, the largest of which is lack of capacity and funds. As the result, they suffer from insufficient strategic planning, poor financial management, high employee fluctuation and insufficient use of technologies. It is mainly small organizations that are in a difficult situation because they do not have a chance of managing the administration of larger EU grants which could lend them stability for a fixed period. They also lack capacity for searching and applying for resources systematically and, therefore, they depend on local public administration, which is often unpredictable, as well as on private donors and membership fees. This situation, to a large extent, makes organization planning and development impossible. Another frequent problem is the fact that it is not unusual for applications to be approved – and funds to be distributed – under a schedule which, practically, brings funds to cover activities for a certain period retrospectively, which,

of course, makes activities of the affected NGOs more difficult. For instance, support for the year can be paid in April only, which means that there is a window of several months during which the organization must cover its costs using its own resources temporarily and wait for reimbursement. For small organizations, it is a big problem because they usually do not have sufficient reserves to invest in “waiting”.

At the local level, grassroots organizations also find themselves competing for a limited amount of funds or clients or competing against private or public entities. For example, “Organizations focused at leisure activities and culture (that is most of grassroots organizations in the Czech Republic) perceive their relationship with the private sector and with commercial services in general as a problem. For example, the requirement to pay commercial rent has been one of the reasons why some non-governmental organizations have lost possibility to use leased facilities, especially in areas, where municipal administration insists market rent”. (Černý 2012)

From the point of view of cooperating with other entities, grassroots often face misunderstanding of their significance for society, insufficient coordination and cooperation with other service providers and, often, inadequacy of formal requirements which are sometimes distant from real-life conditions. They are pushed to fulfil requirements which do not support their activities or even make them more difficult.

For grassroots activities, it is necessary to establish a stable environment with clear conditions of funding and long-term strategic planning by municipal administrations to ensure that public administration actions are comprehensible, and so that public officials understand such organizations. It is also important to support an environment where different organizations would not have to compete against each other, or against private or public entities. Both these points need to be supported by more awareness about grassroots activities and their significance.

At the national and international level, grassroots organizations communicate through platforms and umbrella organizations (if they communicate at all), where they can be members similarly to established NGOs.

2. Cooperation between NGOs and the government

In 1992, Council for Foundations was established in the Czech Republic; later, in 1998, it was transformed into Government Council for Non-Governmental Non-profit Organizations (GCNNO). Representatives of both state authorities and NGOs are members of this Council. GCNNO accumulates, discusses and submits NGO-related materials to the government to create a proper environment for existence and activities of NGOs. These materials discuss state subsidies, legislative and political measures. Their activities thus have the strongest impact on small organizations which rely on state funds for most of their funding. It assists cooperation between ministries, other agencies and local self-governance authorities in NGO support – therefore, among other, this is the body which can support inter-agency cooperation to make the environment more homogenous and clear. It studies, analyzes and publishes information about NGO situation in the EU and about NGO and relevant measures.

2.1 Cooperation between government authorities and NGOs in drafting strategic documents

Relationships between ministries and the non-governmental sector depend on whether a ministry needs and must communicate with NGOs. This explains why there are such differences between individual ministries. Compared to the central level, regional cooperation is much better. The degree of involvement of an NGO in ministry work depends on several factors, e.g. expertise level, content and interest proximity between the NGO's area of focus and the ministry. However, what is the most important, is the ministry's degree of openness towards NGOs, as well as NGO's interest in engagement. Ministries exercise two approaches, on the one hand, it is an open approach, where there are frequent consultations with NGOs and their active involvement, mainly, in the review procedure. On the other hand, sometimes, the degree of openness is very low, and ministers engage only a selective choice of partners, if any, including them only to prevent conflicts during final approval of documents. Therefore, it depends on whether the ministry is willing to let other parties join the process and is interested in their potential contribution, or whether it rather tries to watch its area to ensure that as few people as possible participate in the processes.

2.2 NGO role in foreign policy

NGO role in foreign policy is a specific area. The Czech Republic has an International Development Cooperation Council where the Czech Forum for Development Cooperation (FoRS) is represented as an associated member. FoRS has only a consultative role but it does have the right to submit proposals, recommendations and opinions. There is also the Czech Development Agency which is in charge of Czech development cooperation, especially, from the position of a donor. It often funds developmental projects of NGOs - NGOs here both implement the projects and assist the Czech Development Agency in their identification and formulation. Another entity is the Department for Human Rights and Transformation Policy of the Ministry of Foreign Affairs. It selects, manages and finances projects and activities aimed at assisting transformation and human rights. NGOs are generally in a reactive position in foreign policy; they do not have the ambition and the desire to form it actively.

2.3

The situation can be summarized as follows: at the government level, there is the Government Council for NGOs which is responsible for NGO status and support in the Czech Republic. It co-defines conditions for the NGO sector and has an influence on their change. Position of NGOs regarding government authorities varies, and the degree of cooperation depends greatly on conceptual documents of individual ministries, their habitual practice and current staff. Foreign policy area is very different, also because it is NGOs who propose and implement many developmental and humanitarian projects, acting as valuable partners due to their experience in this area. Which is in stark contrast with foreign policy in general, where NGOs do not have any ambition of interfering.

3. Forming coalitions for influencing and adoption of new legislation – practical examples

3.1 DEMAS



Demas is a platform established for supporting democratic processes in human rights in 2008. Its goal is to represent NGOs active in this area in negotiations with domestic and foreign partners from NGOs, donors, state institutions, politicians, international organizations or think tanks. It works to increase visibility of Czech human rights and democratization activities and searches for funds and opportunities for international cooperation.

Demas also takes part in reviewing legislation, for example, in 2016, through Měj se k světu initiative, it participated in reviewing and discussing Česko 2030, a strategic document prepared by Czech government; this document is a strategic framework which lays down long-term development priorities of the Czech Republic which are expected to increase quality of life in the Czech Republic for today's and tomorrow's generations.

For systematic purposes, Demas has established 4 working groups for Eastern Partnership, Russia, West Balkans and the EU; other working groups are established as needed, for example, one for Middle East. Demas is an active participant of the Human Rights and Democracy Network (HRDN) by taking part in its meetings, joint statements and research, and by informing its members about HRDN activities. Its member organizations include Czech offices of international organizations such as Amnesty International, Transparency International Czech Republic, large and small Czech organizations such as People in Need, Forum 2000 Foundation, International Association Civic Belarus, Archdiocese Charity Prague and others.

In 2016, DEMAS participated in the making and subsequent distribution of a material called Do's and Dont's for European Parliament. This material is a guide for European Parliament and its members laying down basic rules for public diplomacy for working with human rights defenders. DEMAS published its position in response to the open letter by President, Prime Ministers and Chairmen of both chambers of Czech Parliament on the relations between the Czech Republic and China, in which they reacted to the meeting between His Holiness Dalai Lama and some members of the cabinet. DEMAS position was further endorsed by organizations Češi Tibet podporují, Potala and Lungta. This position received wide coverage both in Czech and international media.

3.2 Reconstruction of the State



NGOs, citizens in the regions, companies and politicians to endorse legislation which, the Reconstruction of the State believes, is essential for a functional democracy. Its goal is to have nine anti-corruption laws identified by experts (approx. 40 experts in anti-corruption legislation) adopted by 2017 as an essential contribution to improving the work of state institutions and political parties. Reconstruction of the State guarantors are representatives of five organizations involved in this project: Oživení, Naši Politici, Centrum aplikované ekonomie, Otevřená společnost and Frank Bold, which initiated the whole project and has overseen its coordination.

These laws are:

- Transparent political party and election campaign financing
- Electronic declaration of assets as of first day in office
- Disclosing contracts in an online database
- Termination of anonymous stock
- Professional nomination to supervisory boards
- Depoliticizing public administration
- Public prosecution service free of political obstruction
- Transparent legislative procedure
- Broadening control powers of the Supreme Audit Office of the Czech Republic

In the beginning, the so-called Reconstruction of the State ambassadors approached MPs and political parties asking them to sign a declaration stating they would vote for anti-corruption legislation proposed by the Reconstruction of the State. This initiative was signed by 141 politicians who were later elected to the Parliament. The following political parties endorsed the initiative: ČSSD, ANO 2011, TOP 09, KDU-ČSL, KSČM, Czech Pirate Party, the Green Party and Změna. Reconstruction of the State then launched a campaign entitled “I Don’t

Vote for Blah Blah”, in which it distributed leaflets to four million Czech households describing the project’s requirements and names of politicians and parties which declared they would endorse the proposed legislation.

Reconstruction of the State is carrying out long-term monitoring and informs whether politicians support relevant legislation and publishes regular reports. Constituents can thus check individual politicians before the elections to see whether they voted for legislation they had promised to support. Reconstruction of the State has published detailed “report cards” of individual political parties, including commentary provided by the party itself.

In 2017, five out of nine laws were passed, namely Transparent Political Party and Election Campaign Financing, Electronic Declaration of Assets as of First Day in Office, Disclosing Contracts in an Online Database, Termination of anonymous stock and Transparent Legislative Procedure. Three more acts are in the negotiation process in some form right now, and one is in a completely unsatisfactory form, according to the Reconstruction of the State (Depoliticizing Public Administration).

Although it was originally focused on pre-election period and subsequent informing about the pathway to legislation, for the period following the 2017 election, the initiative decided to transform into three areas of interest because the original model cannot be repeated, the initiative believes. These areas of interest are: support of anti-corruption and pro-transparency legislation, implementation of the adopted “reconstruction” legislation in practice and their defense against attempts to weaken or revoke them, as well as promotion of basic principles of responsible democratic governance in the Czech Republic. From the Reconstruction of the State’s point of view, adoption of legislation has been an important step which needs to be monitored in the future.

3.3 Women’s organizations lobby in preparing the draft of domestic violence bill



In 2002, Bílý kruh bezpečí and Phillip Morris ČR a.s. initiated the establishment of the Alliance Against Domestic Violence. The main idea behind the Alliance was to support systemic changes in dealing with domestic violence cases. Subsequently, in 2014, an expert group was established to draft a bill, which was then endorsed and passed into law enforceable from January 1, 2007, as Act No. 135/2006 Sb. Thus, a private corporation and an NGO together

managed to push forward one of the largest legislative changes in the history of the Czech Republic which provides protection to victims of domestic violence, and the Czech Republic has become one of the states with a pro-active approach to this topic.

The Alliance has conducted a sociological survey to collect representative data on domestic violence in the Czech Republic, launched a media campaign and organized a National Congress in 2004. Bílý kruh implemented a pilot project of interdisciplinary cooperation of experts and professionals who encountered victims of domestic violence, proposed changes to related legislation and ran awareness raising campaigns for professionals and the public.

Around 2002, the Alliance began cooperation with the Police of the Czech Republic. Police force was trained by Alliance experts and received information about reacting to domestic violence cases and communicating with the victim correctly. A project entitled Interdisciplinary Team ran in Ostrava in 2003 – 2005; it included representatives of state authorities, local public administration and NGOs and it was supported by Philip Morris. A counselling centre – Dona Centrum – was established in Ostrava to create and update a database of contact details of organizations providing relevant services, to implement a system of keeping records of domestic violence cases and share such data within an interdisciplinary team. The centre also focused on data processing, team member supervision, counselling and proposal of standardized procedures for domestic violence cases. This project was focused on first contact between an expert or a public official with a domestic violence victim. An extensive training was provided to people from supporting professions, manuals for individual elements were distributed – these offered guidelines on identification of domestic violence and communication with the victim, and information leaflets for the public were published.

3.4 Zelený kruh



Zelený kruh is an association of 27 environmental NGOs; the association's mission is to support civil society development related to protection of nature and the environment. It promotes positive legislative, financial and other conditions supporting both efficient environmental protection and development of civil society in this field. It defends and promotes citizens' rights in the field of environmental protection, and it is

interested not only in the environment but also in the economic and social impact; it communicates with politicians, representatives of public administration and experts.

As part of its activities, it monitors environmental laws and processes, including those which influence citizens' capability of participating in environmental decision-making. It informs its members about legislation, coordinates legislative campaigns, elaborates joint statements and analyzes MP's voting on key legislation.

Zelený kruh track record includes negotiations about lignite extraction limits, an attempt to implement Aarhus Convention into Czech legislation, and a contribution to Natura 2000 effort when half a million of people demanded from the European Commission to preserve legislation protecting nature and bringing back endangered species of animals and plants.

In cooperation with Nadace Via, Zelený kruh wrote the Appeal for fairer, faster, better and simpler decision making in construction. This is a reaction to the fact that decision making often takes too long, causes losses to investors and damages quality of the environment for people. Authors of the Appeal believe that complicated and fragmented rules for decision making in permitting construction and insufficiency of authorities and administrative courts are the main reason for this unacceptable situation. So, they have come up with five demands which they are now trying to endorse.

The demands described in the Appeal for fairer, faster, better and simpler decision making in construction are:

- To unify the approval procedure in a way to make the rules unified, clearer, and with a minimum of exceptions. The procedure should be the same, transparent and easy to understand for all construction.
- People should be granted a guaranteed right to defend quality of their life, therefore, citizens impacted by construction need the same rights as the investor.
- Decisions should be made on the merits, not on formal grounds, and law must enable courts and authorities to review complaints on the merits, not only formal correctness of a decision.
- It is necessary to ensure enforceability of decisions because it is not acceptable to resolve disputes between citizens and investors after construction has been almost

completed. This violates the right to fair and efficient trial and undermines trust in the rule of law. Because even after the court has decided that local inhabitants were right, remedy does not come. Potential post factum remedy causes injury to the owner or user of the building.

- It is necessary to enable authorities and courts to make decisions faster because frequent delay of permitting procedure is caused by frequent change of rules and insufficient professional capacity and human resources of the authorities. For this reason, it is important to build their capacities significantly. The state also needs to increase capacity of administrative courts so that they can meet new deadlines without being overloaded.

The Appeal is pending and Zelený kruh monitors legislative activity, informs about negotiations and is trying to exercise pressure to have the laws changed.

3.5 EDUin



EDUin is a community benefit society established in 2010; it defines its mission as an attempt to initiate public debate on education with an emphasis on the needs of a changing world. It became a platform for a dialog on education, and rather than focusing on changing legislation and achieving specific changes (it tries to provide unbiased information), it brings together actors connected with education: teachers, the academia, politicians and citizens because education is a topic which is relevant, either directly or indirectly, for everybody, be it as students, parents or employers.

EDUin's key areas include systematic PR activities in education, facilitation of communication between the media and the professional community, initiation of a discussion across the board on efficiency and quality of education, networking for professionals and other stakeholders in education, popularization of research, survey and analysis findings and popularization of how we learn and educate ourselves.

Every week, EDUin publishes its newsletter, Beduin, where it informs about research results and makes them available to the Czech audience by translating them; the newsletter also contains information about current situation, it gives teachers and students an opportunity to publish their articles and it gives decision makers, public figures and experts an opportunity to explain their position. It offers different points of view on the same topic and tries to give an opportunity to representatives of disagreeing parties. EDUin's commentators also present their opinions adding them to the discourse. They organize round tables, panel discussions, lectures and workshops, giving people space for a live discussion.

EDUin's projects include Parents are Welcome, where it supports schools in developing strong cooperation and communication with their students' parents, and I Want to Teach, a project which helps teachers teach better and looks for ways of turning teaching into a valued and prestigious profession, increasing teaching profession's credit in the Czech Republic and support personal involvement of individuals which can contribute to increasing education quality. EDUin also gives an award for innovative approaches and projects in education. Representatives of municipalities can participate in a project entitled Education Towns which helps them narrow down their education priorities and find strategies of their implementation. It helps connect important representatives of different sectors and forge local partnerships for implementing long-term education strategies. The project is focused on education in the broadest sense of the word (formal and informal), using all mechanisms and institutions active in the field of education (schools, libraries, youth centres, theatres, education organizations etc.).

3.6 Summary

Czech NGOs are united in platforms, usually, based on their areas of interest, creating platforms which seek systemic changes in certain areas, uniting NGOs and private and public entities. Both umbrella organizations and such platforms engage in negotiations looking to change legislation; from the platforms we've mentioned, only EDUin is not involved in activities which are directly linked to creation or changes of legislation. They play an important part as representatives in international organizations, where they practically acts as representatives of the Czech Republic.

Also considering the size of the Czech Republic, it is easy to understand why there is only one, not more, organizations uniting NGOs active in each area of interest. These are: DEMAS as a joint platform for NGOs promoting democratic processes and human rights, Reconstruction of the State uniting actors interested in anti-corruption legislation, Alliance Against Domestic Violence representing organizations helping victims of domestic violence, Zelený kruh supporting environmental organizations and EDUin active in education. These platforms are not the only ones, but they are the largest ones in their areas of interest, or the ones with the strongest track record.

As joint platforms or initiatives, these entities have a stronger position compared to its members individually, and, as such, they are often more successful in pursuing their goals. Organizations usually do not have capacity and funds for efficient attempts to achieve systemic changes; therefore, joining forces in umbrella organizations and cooperating with other entities is certainly logical and useful.

4. Conclusion

The above makes it clear that the development of NGOs in the Czech Republic since 1989 has shifted towards stronger cooperation, which also results with a higher impact of their joint efforts. These joint platforms and associations managed to change legislation, which is, in itself, a great success of the NGO sector. As they gain experience, all actors learn to work with qualified NGOs which are ready for action and bring new ways of looking at issues and give citizens an opportunity to engage actively in public life. Clearer legislation and the basic degree of stability of the environment have made a significant contribution to this shift (although there is still way for improvement). Reconstruction of the State offers as an example of a significant shift as it was able to bring together the private and the NGO sector, citizens and politicians, to do that very efficiently, and to lobby successfully for changes in legislation. It is important to realize that a similar initiative would have had very different conditions 15 years ago, and its chances for success would have also probably been lower.

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