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## Chapter 21

# Human Rights Dimension of the Czech Foreign Policy

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The year 2015 brought some pacification in the Czech foreign policy in the area of human rights. The vivid discussion, which was held about human rights diplomacy and its suitable set-up in the Czech media during 2014, was silenced or, as the case may be, it was only brought to mind by a few isolated inputs and summarizing memoir. In the middle of the year, after long months of the preparations, new conceptual materials – *The Concept of Foreign Policy* and *The Concept of Support of Human Rights and Transformation Co-operation* were also officially adopted. Both texts showed that in the Czech human rights diplomacy as well as in the Czech foreign policy in general, no revolution was taking place. The objectives and priorities were completed in a partial way, not reassessed on principle. It also applied to the used tools and involved actors. The topic of human rights in the foreign policy remained politicized in 2015, but the level of its polarization was reduced considerably. It became one of many foreign policy topics again, which – with the exception of extraordinary events – did not generate any bigger interest of the public.

## **HUMAN RIGHT DIMENSION OF CZECH FOREIGN POLICY: BACKGROUND AND POLITICAL CONTEXT**

As the web of the Ministry of Foreign Affairs of the Czech Republic says: “*The basic principles of foreign policy of the Czech Republic in the area of human rights are included in the governmental statement, in the Concept of the Foreign Policy of the Czech Republic and in the Concept of Human Rights*”.<sup>1</sup> Two of the said documents, i.e. both concepts, were adopted newly in 2015 when they replaced *The Concept of the Foreign Policy of the Czech Republic*<sup>2</sup> from 2011 and *The Concept of Transformation Policy*<sup>3</sup> from 2010. Only the *Programme Statement* of the Government of Bohuslav Sobotka remained without change;<sup>4</sup> it was approved on 12. 2. 2014. The statement follows up the Coalition Treaty between ČSSD, the movement ANO 2011 and KDU-ČSL<sup>5</sup> of January 2014, in which the parties sign up for the support of human rights in the world and add that “*a special emphasis shall be put by them on respect to an indi-*

vidual, to social and economic rights and to the protection of the environment”.<sup>6</sup> The programme statement says in a similar spirit that “[...] the support of human rights [...] shall be a part of foreign policy of ČR. The Government is based on the premise that human rights include both the civil and political rights as well as economic, social and environmental rights and that they can only be supported efficiently in the conditions of mutual respect and dialogue.” The protection of human rights or, as the case may be, the support of social coherence and human dignity are also mentioned among the objectives, the pursuit of which is desired by the Czech Republic within the UN or, as the case may be, the European Union.

### ***Concept of the Foreign Policy of the Czech Republic from 2015***

The main starting point of Czech foreign policy is the *Concept of Foreign Policy of the Czech Republic*, the current version of which was adopted by the government on 13. 7. 2015.<sup>7</sup> The concept was formulated for a relatively long period, several months, and during the preparations, the text was repeatedly consulted with the representatives of various political forces, interest groups, non-governmental organizations, and wider public. Although it cannot be said, how much the inputs from outside influenced the final version of the text, the very inclusive nature of the process deserves appreciation because it was unprecedented in the Czech environment. The new Concept mentions human rights and also human dignity in several different places. In section 3, “*universality and indivisibility of human rights, respect for human dignity, equality, and solidarity*” are placed next to democracy, rule of the law and compliance with the principles of the UN Charter and international law, among the foundation values of Czech foreign policy. The section also explicitly, in a positive spirit, refers to “*the tradition of support of human rights as a prerequisite of dignified existence*”. The support of human dignity, including the protection of human rights, is also mentioned, again next to some other values (security, prosperity and sustainable development, service to citizens and good name abroad) among the objectives of Czech foreign policy identified in section 4.

Specifically, section 4.3 called *Human dignity and human rights* is focused on the human right dimension of foreign policy. The section emphasizes the importance of achieving human dignity, which is “*a value by itself but, at the same time, it contributes to international security [...] and to the sustainable development*”. The main tool of this achievement is the policy of supporting human rights and democracy. Human rights are, in compliance with the Programme statement, understood not only as the rights of the so-called first generation, i.e. civil and political rights, but also the so-called second generation rights, i.e. the economic, social and cultural rights. That particular concept corresponds to the fact how human rights are identified by the Czech legislation (*Charter of Fundamental Rights and Fundamental Freedoms*) and the law of the European Union (*Charter of Fundamental Rights of the EU*). The interconnection of the interstate, international and EU levels and coherence of the approach on such levels is something that is emphasized by the Concept. Furthermore, it underlines the importance of “*mutual respect and dialogue*” with foreign partners. This passage raised objections during the preparation of the document; therefore, it was completed

with a sentence, pursuant to which it was not possible to “*resign*” with respect to human rights “*in less favourable conditions either*”, i.e. when the dialogue was not possible or it did not lead to consensus.

In addition to the support of human rights and democracy, the achievement of human dignity shall be also realized with other tools. They include foreign development co-operation, which contributes, among other things, to eradication of poverty and social inequalities, humanitarian aid intended for victims of armed conflicts or natural catastrophes, support of international crime judiciary, which strives for punishing perpetrators of the most serious international crimes (crime of genocide, crimes against humanity, war crimes, crime of aggression). Other tools also include support of especially vulnerable and marginalized groups. It falls within the support of human rights, but in the text, it was set apart and placed independently due to not fully clear reasons. The Czech Republic promises to address three main issues in this area, which are the support of equal access to participation in public life, protection of religious minorities and strengthening of the position of women in the society and their participation in public life. Recently, the Czech Republic has been focused actively on the first issue,<sup>8</sup> regarding the other two, on the contrary, it is not much experienced and it cannot be said that it could serve as an example either (for example women participation in public life is not too high in the Czech Republic at all). Therefore, it will be interesting to see how the Czech Republic intends to be engaged in these issues.

The Czech Republic wanted to strive for the achievement of human dignity both by means of the international organizations and in bilateral relations. As for the organizations, the UN and its Human Rights Council, the Council of Europe, the European Union, the Organization for Security and Co-operation in Europe (OSCE) and International Labour Organization (ILO) are mentioned explicitly. Within bilateral relations, human dignity or, as the case may be, human rights are mentioned in the section concerning the United States of America, countries of Eastern Europe, China, and Cuba. While the USA are perceived as an ally in that particular area, the other states featured in the Concept as those that have/can have troubles with ensuring human rights (Eastern Europe, Cuba) or, as the case may be, those with whom it is necessary to lead a dialogue about human rights (China). The support of human rights or human dignity should not be limited to relations with just a few states. The concept classifies it as one of three main components of bilateral relations, next to political co-operation and economic diplomacy.<sup>9</sup> The relation of the said three components, which are sometimes placed contrary to each other (especially in the dimension of economic diplomacy vs. human rights<sup>10</sup>), remains without comment in the text.

With respect to the human right dimension, the Concept of the Foreign Policy of the Czech Republic from 2015 does not differ radically from the previous concept adopted in 2011. Both documents consider the support of human rights and democracy an important part of Czech foreign policy and want to ensure it both in the bilateral relations and in the multilateral forums. Some priority topics remain constant too, for example, the protection of human rights defenders. Nevertheless, there have been certain shifts. Both Concepts operated with the terms of human dignity, human rights, and democracy but the emphasis has been changing. The older Concept was

focused primarily on the support of democracy, which was understood as an automatic key to ensuring human dignity and human rights. Nearly the whole part called *Support of Democracy and Human Rights* (section 4.5) elaborates on furthering democracy. The actual human rights agenda was pushed out somewhere else, to sections covering international organizations (UN, Council of Europe) and bilateral relations (Russia, Countries of Eastern partnership). On the contrary, the new Concept perceives human dignity as the covering category and the support of human rights and democracy is understood as one of the tools of its realization. Democracy does not shade human rights anymore; both concepts are equally perceived as important and mutually not substitutable.

Another difference concerns the identification of human rights. The Concept from 2011 did not include identification but the list of thematic priorities established for the policy of the support of democracy and human rights hints that the priority emphasis was put on the political and civil rights. The economic, social and cultural rights were not ignored totally by the Concept, but ensuring them was the primary task of the development co-operation. The Concept from 2015 expressly signed up for the principles of “*universality and inseparability of human rights, within which the civil, political, economic, social and cultural rights were a necessary condition for the achievement of dignified existence, and denying them represented harm to human dignity and might be a source of international instability*” (section 4.3). It would hint that the definition of human rights has been extended. With respect to the fact that those general principles are not elaborated in detail further on and that the specific priorities mentioned by the Concept (support of human rights defenders, support of equal participation in public life) were mainly taken over from the previous Concept, it is a question how much such extension is taken seriously and what changes it will bring into Czech foreign policy in reality.

### ***Concept of support of human rights and transformation co-operation from 2015***

Two months later than the *Concept of Foreign Policy of ČR*, in September 2015 – this time not by the government but by the advisory board of the Minister of Foreign Affairs – the *Concept of Support of Human Rights and Transformation Co-operation* (hereinafter referred to as Concept of LPTS) was adopted.<sup>11</sup> It concerns a document, which is fully focused on the human rights dimension of Czech foreign policy; therefore, it develops and specifies the section 4.3 General concept in more detail. The text of the Concept of LPTS was developed again within the inclusive process, which included actors from the ranks of the state administration, non-governmental organizations, academic sphere, and wider public. The preparation of the document, which started in the first half of 2014, was simultaneously accompanied with vivid, sometimes nearly sharp public debate, which concerned both the actual text and possible speculations about its content, and the role of human rights in foreign policy (and outside of it) in general. The course of the debate was described in more detail in the last issue of this publication.<sup>12</sup>

The adoption of the Concept of LPTS represents a certain milestone in the development of the human rights diplomacy. It is so because even if the Czech Republic

had included the support of human rights and democracy in its key foreign policy priorities practically from its foundation, until the year 2015 it did not have a conceptual material establishing the objectives in this area. Such a material shortly existed at the beginning of the last decade. In 2002, the MFA adopted the *Concept of Czech Foreign Policy in the Area of Human Rights for the Period of the Years 2000–2002*, which identified the principles, objectives, and tools of the human rights diplomacy. The document was supposed to be updated regularly but it did not happen. Instead, it ceased to be used soon and was forgotten. In the following years, the Czech human rights diplomacy was based, in addition to the general documents, mainly on the annually adopted but not published *Directive for the Czech Delegation Procedure at the UN Human Rights Committee Session* and on the usual habits and traditions. In 2007, the MFA elaborated the material *Thematic Priorities of Foreign Policy of the Czech Republic in the Area of Human Rights* but it remained non-public.

In 2010, the advisory board of the Minister of Foreign Affairs approved the *Concept of Transformation Policy*.<sup>13</sup> The Concept replaced the older, non-public *Concept of Transformation Co-operation* from 2005. The transformation policy was defined in the text as “*the policy of support of human rights and democracy, which uses the specific experience of the Czech Republic in the process of social transformation, building democracy as well as non-violent resistance to the totalitarian regime, which preceded the start of the democratization*” (article 1). The document probably had ambitions to become a complex concept for the area of human rights diplomacy. However, it reflected the then prevailing narrow concept of human rights and persuasion about the primacy of the support of democracy. The selection of territorial and thematic priorities corresponds to it. The first category includes especially the states of East Europe and the Western Balkans, the second one includes the following topics: civil society, including human rights defenders; media and access to information; rule of the law and due, democratic administration; election processes; and equality and non-discrimination. The transformation policy should be realized with the use of tools of bilateral and multilateral nature and the so-called program of the transformation co-operation.<sup>14</sup> The program, which is unique in the world, is based on the financial support of one- to three-year transformation projects realized in co-operation of the non-governmental organizations from the Czech Republic and the target country.

The text of the *Concept of Transformation Policy* became the starting point for the formulation of the Concept of LPTS from 2015. The new document has a very similar structure and a part of the original priorities also remained preserved. Nevertheless, it tries to reflect a wider concept of human rights embedded in the *Programme Statement of the Government* and in the *Concept of Foreign Policy of ČR*. In the introduction, the document endorses indivisibility of the principles of democracy, rule of the law and human rights, all of which contribute to ensuring human dignity, and hence their support and realization belong, as it was already brought to mind, “*among the basic priorities of foreign policy of the Czech Republic*”.<sup>15</sup> This policy shall demonstrate three features – coherence, credibility, and openness; the content of these categories is not specified in more detail. The Concept, as it is also reflected in its name, understands the support of human rights and the support of democracy, marked in the

text with the term “the transformation co-operation”, as two significant but not necessarily fully interconnected areas of human rights policy.

The Concept emphasizes the importance of the Czech humanity tradition and the Czech historic experience, which can be shared by the Czech Republic with others. The preferred tool is a dialog; the Czech Republic wants to lead it “*both bilaterally and also multilaterally, with those who promote the principles of liberal democracy as well as with those who follow a different path, both with the governments and with the civil society*”.<sup>16</sup> It is not totally clear how the Czech Republic intends to face those who are not interested in such a dialogue or, as the case may be, do not take it seriously. The Concept refers to other priority areas of the Czech diplomacy, including the support of export, and states that there is not a contradistinction between them and the policy of the support of human rights and democracy. The general objective of the human rights diplomacy shall be to “*contribute to ensuring a more dignified life, support the rule of the law and the widest possible participation of inhabitants in the administration of public matters and lead a global dialogue on human rights resulting in their better achievement*”.<sup>17</sup> In addition to it, the human rights diplomacy shall facilitate efficient functioning of the international human rights bodies and effective operation of the Czech Republic in them, ensuring the international security or growth of prosperity. The Concept states that the Czech Republic wants to highlight violations of human rights regardless of where they happen.

More than one-half of the texts of the Concept of LPTS is occupied by the introduction of priorities of the policy of the support of human rights and democracy, especially the thematic priorities. There are altogether seven of them and most of them are not new at all. Five priorities are taken over from the Concept from 2010, namely: support of civil society, including human rights defenders; support of the freedom of speech and access to information, including freedom of media; support of equal and the widest possible political and public participation; support of building the institutions of a legal state; support of equality and non-discrimination. One priority, support of international human rights mechanisms and systematic considerations of human rights (so-called *mainstreaming*), follows up the document *Thematic Priorities* from 2007. At the same time, this document also included two of the first five priorities (civil society, freedom of speech). Newly the Concept of LPTS includes only the last, seventh priority, which is the support of human rights in the topics related to employment and the environment. It does not concern an area, in which the Czech Republic has been particularly actively engaged till now. It will be interesting to watch if it does so further on or if the last priority only remains an unfulfilled expression of the efforts to give a specific form to that wider perception of human rights, which is supported by the text in general. A big positive of the new Concept is the fact that it presents individual thematic priorities in detail and lists the steps, the realization of which by the Czech Republic is desirable in that sphere. It shall simplify the inspection of the fulfilment of the priorities.

In addition to the thematic priorities, the Concept of LPTS also identifies the territorial and intrastate priorities. In the first area, the inspiration by the Concept from 2010 is apparent again. Priority countries for the area of the transformation co-oper-

ation are taken over from it, where the Czech Republic wants to be oriented on “*the countries that are close to it culturally, geographically, historically or otherwise. The priority is [...] in East Europe and the Western Balkans.*”<sup>18</sup> For the policy of the support of human rights, no priority countries are established. The Concept only refers to the countries, concerning which the UN Human Rights Council adopts resolutions or for which it has an established special procedure, and for identification of bilateral priorities in the strategies of relations of the Czech Republic to individual regions. Therefore, the choice remains partially open and even in this case, it will be interesting to watch, how much the Czech Republic will deviate in the future from the current practice when its priority focus was on certain states (Burma-Myanmar, Belorussia, Cuba). Intrastate priorities are included into the Concept for the first time as an expression of the conviction that “*self-reflection of own conditions of the protection of human rights and ensuring coherence with other policies is a necessary prerequisite for a credible support of human rights in the world*”.<sup>19</sup> Nevertheless, the section does not state the actual priorities of the national policy of human rights, which is not in the competence of the MFA anyway, but rather the external commitments of the Czech Republic (ratification of treaties, provision of periodic reports etc.).

The text of the Concept ends with the list of the tools for the realization of the policy of the support of human rights and democracy. In comparison with the Concept from 2010, there is no bigger change. The tools include the activity in multilateral forums, developing of bilateral relations and the so-called program of transformation co-operation. Within the multilateral forums, the Concept confirms the key role of the UN Human Rights Council, the member of which the Czech Republic was already twice (2006 and 2011–2014) and for which it intends to stand for the period 2019–2021. In bilateral relations, the human rights agenda should be reflected in numerous activities, especially in the political dialogue or monitoring the conditions of respect for human rights in the country. The program of the transformation co-operation, the possible cancellation of which was excitedly discussed in media during the preparations of the Concept,<sup>20</sup> remains “*one of the main tools [...] of the policy in the area of human rights and support of democracy*”.<sup>21</sup> The program is still based both on the projects realized by non-governmental organizations from the Czech Republic and the target country, the topics of which should newly reflect the wider concept of human rights,<sup>22</sup> and on the local transformation projects managed directly by the diplomatic missions of the Czech Republic. The Concept, as it is stated at the conclusion of the document, shall remain valid without a time limitation but after five years the necessity of its update or revision shall be assessed.<sup>23</sup>

An overview of the content of the Concept of LPTS shows that this document – like the *Concept of the Foreign Policy of the Czech Republic* – does not bring any radical re-evaluation of the current approach to the support of human rights and democracy in foreign policy, the less any withdrawal from such a policy.<sup>24</sup> The new text can even be a certain disappointment to somebody because the debate, which accompanied its development, hinted that some changes could really occur in the Czech human rights diplomacy. This estimate materialized only partially. The Concept of LPTS stands for a wider concept of human rights than the prevailing one till now and, at the

same time, it emancipates human rights “from the submission” to democracy by placing both concepts next to each other as equally important. It also works more on the covering concept of human dignity and puts an emphasis on the role of the dialogue when furthering human rights. All these shifts have primarily become on the general level. Their influence on the specific human rights agenda of the Czech diplomacy has remained limited, as can be seen for example in the list of thematic priorities. Therefore, the Czech Republic has chosen the path of continuity and stability, not the one of a major change and brand new direction. Positives and negatives of this approach will become clear by the development in the future.

### ***Political context of the Czech human rights diplomacy***

The adoption of both new conceptual documents as well as the practical steps in the area of the foreign policy of the support of human rights and democracy did not generate any big interest of the Czech political representation. It is not too surprising because the Czech politicians did not get engaged more actively in the debate on human rights diplomacy in 2014 either. At the turn of the years 2014 and 2015, at least the representatives of the opposition parties (ODS and TOP 09) expressed their opinions, usually critical, about the prepared concepts. Their objections concerned both the used terms (unclear term “human dignity”, a mention about reform communism) and alleged efforts of the government and the MFA to forsake the legacy of Václav Havel and mislead the Czech Republic from the path of active human rights diplomacy.<sup>25</sup> In early March, a discussion seminar in the presence of the representatives of the government (Minister of Foreign Affairs Lubomír Zaorálek) and opposition (the chairman of ODS Petr Fiala) took place in the Chamber of Deputies of the Parliament about the prepared revision of the conceptual materials; however, the public report about the seminar does not provide any details about the content and tone of the speeches.<sup>26</sup> It is interesting that the actual adoption of the new concepts in July a September 2015 only generated little attention of politicians.<sup>27</sup>

Like in the previous period, even in 2015 a bigger interest of the political representation was raised by some travels of President Miloš Zeman than by the issues of the conceptual set-up of the human rights diplomacy. It concerned the May journey to Moscow and September journey to Beijing – both on the occasion of the celebrations of 70 years from the end of the Second World War. The criticism that fell on Zeman in those particular cases was similar and always included a reminder too that the Russian Federation and China were non-democratic states, which had long-term problems with the level of respect for human rights.<sup>28</sup> With respect to the fact that both foreign stays of the president went without interest-holding statements,<sup>29</sup> the responses were not so sharp as in 2014 and became silent soon. When China was visited by Prime Minister Bohuslav Sobotka two months later than Zeman, in November 2015, the political scene was silent.<sup>30</sup> During 2015, there were no elections, in which the topic of human rights in foreign policy could be aired.

Furthermore, within the whole year, attention was captured by the refugee crisis, which shadowed any other foreign (and actually even domestic) agenda to a great extent.



The topic of the support of human rights and democracy in the foreign policy of the Czech Republic remained politicized in 2015, but it underwent depolarization. The polarization in this publication means the presence of a certain topic in the political or, as the case may be, public space, the polarization of existence or non-existence of agreement on basic parameters of certain agenda, its meaning, relation to other areas of foreign policy and tools of practical realization. The human rights diplomacy is politicized in the long-term but the level of polarization has been changing gradually. In the first two decades of the existence of the Czech Republic, it was relatively low because the political forces in the country had a similar opinion about the policy of the support of human rights and democracy. The situation was changed in the last years when the past approach ceased to be understood as the only possible or necessarily right and critical voices started appearing. The hottest presentation of the topic was in 2014, even though the public debate, which accompanied it, included more journalists, experts, and activists than politicians. As seen above, the year 2015 brought a repeated pacification and stabilization of the agenda, which was still present in the political space but it did not stir strong passions (or such passions were not demonstrated strongly at least). The previous issue of this publication repeatedly brought to mind of the main camps, which existed in the Czech political scene in relation to human rights diplomacy. It concerns: a) activist internationalists that are oriented on the rights of the first generation, which are made superior to all other values; b) moderate internationalists that feel human rights in a wider context and, at the same time, they try to balance them with other interests; c) autonomists that acknowledge the importance of human rights but consider them a matter of individual states; and d) pragmatists that are not interested in human rights because they are focused on different areas (among other things on economic diplomacy). The form of the Czech human rights diplomacy was always determined by the first two camps primarily. While originally the voice of the activists was heard strongly (e.g. Václav Havel or Karel Schwarzenberg), while the moderates prevailed recently (e.g. Lubomír Zaorálek or Bohuslav Sobotka) – the clash for the new Concept was, at the same time, a clash between these two camps, of which the first one defended the current approach while the other one its slight modifications. The autonomists (e.g. KSČM) remain outside of the mainstream of the debates; on the contrary, the pragmatists (e.g. Miloš Zeman) become actively engaged in them recently. Many times, their attitudes are mistakenly interchanged with the attitudes of moderate internationalists, which was reflected, among other things, during the debates about the proposals of the new Concepts, when the opinions of the pragmatist (for example the effort to make the economic diplomacy superior to human rights) were attributed to moderate internationalists.

## **HUMAN RIGHT DIMENSION OF CZECH FOREIGN POLICY: AGENDA AND EVENTS**

The Practical implementation of Czech foreign policy concerning the support of human rights and democracy features a considerable level of stability and continuity. It

did not change in 2015 either. As we could see in the previous section, the new conceptual materials did not count on any prominent change either – both the main priorities and the tools of their realization remained practically constant. Probably the biggest (formal) shift occurred in the fact that the mandate of the Czech Republic in the UN Human Rights Council, where it had been active from 2011, ended as of the end of 2014. However, the Czech Republic compensated its absence with various initiatives both in relation to the Council itself and in other international forums.

In comparison with the previous years, there was a high number of such initiatives and certain efforts to diversify the activities in compliance with new Concepts were reflected in them. The agenda of the human rights diplomacy traditionally included the activities in international organizations; fulfilment of commitments from international treaties on human rights protection; achievement of thematic and territorial priorities; and realization of the transformation policy.

### *Activities of the Czech Republic in international organizations*

From the middle of June 2011 to the end of the year 2014, the Czech Republic was sitting in the UN Human Rights Council, the main human rights body of the UN, which replaced the UN Commission for Human Rights in 2006.<sup>31</sup> It was very active there, participated in all regular and special sessions and regularly presented independent speeches. In a majority of the said activities, it could continue even after the end of its mandate in December 2014, newly in the role of an observer state. In this way, the representatives of the Czech Republic became involved for example in the discussion about violations of human rights committed by the Nigerian terrorist organization Boko Haram,<sup>32</sup> came forward with speeches about the inclusion of women into the political decision-making<sup>33</sup> or freedom of assembly, association and freedom of speech<sup>34</sup> and spoke critically about the status of respect for human rights in some countries (Azerbaijan, Bahrain, China, Egypt, Eritrea, Democratic People's Republic of Korea, Russian Federation, Syria or Venezuela).<sup>35</sup>

Furthermore, the Czech Republic again brought up a resolution on equal participation in political and public matters, which was adopted by the Council on 1. 10. 2015.<sup>36</sup> The Czech Republic was bringing up a resolution on this topic regularly from 2013 and it always managed to enforce it (in all cases, it was always adopted consensually, without voting).<sup>37</sup> The resolution highlights the importance of possibilities of full political participation for all citizens, including the members of marginalized groups, and appeals to the states to ensure such a possibility. The position of the observer state enabled the Czech Republic to keep actively monitoring the events in the UN Human Rights Council and submit its own proposals there in 2015. Contrary to the period when it was a member, only the fact changed that as an observer, the Czech Republic had no right to vote. As it was confirmed by the new Concept of the Foreign Policy of the Czech Republic and the Concept of LPTS, the Council has remained a long-term priority of the Czech Republic. Therefore, already in 2013, a decision was made to bid for the formal membership in the Board, namely for the period of the years 2019–2021. The campaign for the re-election should become more intensive during 2016 or 2017.

The human rights topic was not presented by the Czech Republic only within the UN Human Rights Council. During 2015, its representatives were active in various other forums, where they tried to emphasize the importance of the human rights agenda. It shall be said that while doing so, they tried to reflect the newly set-up wider priorities of the Czech human rights diplomacy. Therefore, the Czech Republic repeatedly spoke for example about human rights of women and their participation in public life<sup>38</sup> and in October 2015 it co-sponsored a resolution concerning women, peace, and security in the UN Security Council.<sup>39</sup> On the contrary, this time the president of the republic was silent about human rights in his speech to the UN General Assembly on 29. 9. 2015. He focused his speech fully on the issues of the fight against terrorism.<sup>40</sup> However, in the past the leading politicians representing the Czech Republic in the general debate of the General Assembly on human rights, as one of the main foreign policy priorities of ČR, usually mentioned them and it would be good for the future to return to this practice on behalf of consistency of the approach and clarity of the Czech approach.

A big success for the Czech Republic was the election for a member of the UN Economic and Social Council (ECOSOC) on 21. 10. 2015.<sup>41</sup> The Economic and Social Council is one of six main bodies of the UN, which is focused, as hinted by its name, primarily on the economic and social topics, including the issues related to economic, social and (also) cultural rights. In the past, the Czech Republic was a member of the Council already three times, within the period 1996–1998, 1999–2001 and 2006–2008.<sup>42</sup> Now it has been in the Council for the fourth time, namely for the period 2016–2018. Here it represents, along with Moldavia, the East European group of states, where the Czech Republic still belongs. In the election, the Czech Republic was very successful, it obtained votes of 179 (out of the total 193) member states of the UN. At the time of the Czech membership, the Council shall monitor, among other things, the achievement of the so-called Agenda 2030, which shall ensure permanently sustainable development in the member states of the UN. It can be expected that at least for a part of the term of office, the Czech Republic could fill the vice-presidency position or even the presidency of the Council, as it already happened during one of the last memberships (in 1997, the Council was chaired by Karel Kovanda).

Outside of the UN, the Czech Republic was engaged in the human rights area especially in the OSCE and in the Council of Europe. In OSCE, probably the most visible demonstration of interest of the Czech Republic in the human rights agenda was the candidacy for the position of a representative for freedom of media at the end of 2015. The freedom of media or, as the case may be, more generally freedom of speech has belonged, in the long-term, to the main thematic priorities of the foreign policy of the Czech Republic. In the Council of Europe, the Czech Republic started preparing for presiding the Committee of Ministers RE within 2015, which should be assumed by it in March 2017 for half-a-year and which should be related to a number of human rights activities. The presidency will be an opportunity for the Czech Republic to promote various initiatives from its sphere of activities and obtain a wider political support in the international scene for such initiatives (for example in the very area of freedom of media). Finally, it is also worth mentioning that in late 2015, the Czech

Republic was elected to the Committee for the Protection of Cultural Property in the Event of Armed Conflict. The Committee was established by the Second protocol to the *Haag Convention on the Protection of Cultural Property in Armed Conflicts* from 1999 and its secretariat is ensured by UNESCO (specifically the department headed by a Czech citizen, Jan Hladík). Among other things, the Committee decides about the assignment of an increased protection to cultural property of extraordinary value for mankind.

### ***Fulfilment of commitments resulting from international treaties for the protection of human rights***

The Czech Republic is a party to a majority of significant treaties for the protection of human rights adopted by the UN and on the regional level by the Council of Europe. During 2015, this circle was extended by the *Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure*.<sup>43</sup> The Optional protocol was adopted on 19. 12. 2011 and came into force as of 14. 4. 2014. A big credit for its elaboration and approval is due also to Slovakia, among other states. The Optional protocol follows up the *Convention on the Rights of the Child* from 1989 and its two older Optional protocols – the *Optional protocol on the involvement of children in armed conflicts* from 2000 and the *Optional Protocol on the sale of children, child prostitution and child pornography* from the same year. The Czech Republic is a party to all said three older instruments. The instruments only implemented a weak control mechanism limited to the submission of regular state reports to the Committee on the Rights of the Child. The new Optional protocol expands the circle of available mechanisms by interstate and individual complaints and investigation procedure. The Czech Republic signed the Optional protocol in April 2015<sup>44</sup> and ratified it on 2. 12. 2015.<sup>45</sup> The protocol came into force in the Czech Republic in early March 2016, whereby a possibility became open to bringing complaints against the Czech Republic with respect to violations of children rights.<sup>46</sup>

On the contrary, there has been no shift in relation to some other human rights instruments, which have not been joined by the Czech Republic. It concerns especially the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* from 1990, which has not been ratified by other EU states either, the *International Convention for the Protection of All Persons from Enforced Disappearance* from 2006 where, on the contrary, the works on the ratification were commenced in 2015, and the *Optional Protocol to the International Covenant on Economic, Social and Cultural Rights* from 2008. However, the last from the said instruments fits well into the extended perception of human rights, which is advocated by the current foreign policy, and its ratification would be the logical step in the practical realization of that concept. With respect to the human rights treaties of the Council of Europe, in 2015 the Protocol No. 15 to the *European Convention on the Protection of Human Rights and Fundamental Freedoms* was ratified. The Protocol, adopted in 2013, shortens the period for the submission of a complaint to the European Court of Human Rights in Strasbourg from six to four months from the final interstate decision, limits the age of the candidates for judges at the ECHR to 65 years and anchors the

principle of subsidiarity. The Protocol shall come into force only after the ratification by all parties to the European Convention (as of 18. 6. 2016, approximately twenty ratifications were still missing).

During 2015, the evaluation of two periodic reports of the Czech Republic was finished, namely the introductory report on the *Convention on the Rights of Persons with Disabilities* submitted in 2013<sup>47</sup> and the combined 10<sup>th</sup> and 11<sup>th</sup> report to the *International Convention on the Elimination of All Forms of Racial Discrimination* submitted in 2014.<sup>48</sup> Both reports were discussed by the applicable committee – i.e. Committee on the Rights of Persons with Disabilities (CRPD) and the Committee on the Elimination of All Forms of Racial Discrimination (CERD) – within 2015 and concluding observations were adopted concerning them by the Committees. The CRPD report<sup>49</sup> seems fairly positive, but it includes a long list of measures, which should be realized by the Czech Republic for the sake of the protection of persons with disabilities (e.g. ensuring barrier-free approach to public buildings or implementation of the programmes of the inclusive education that has been intensively discussed in the Czech Republic nowadays). The CERD report<sup>50</sup> has focused, probably already as a tradition, especially on the position of the Romany minority and discrimination of its members for example in the access to education. Furthermore, it also includes recommendations including human trafficking or newly refugees and migrants (here CERD recommends to minimize detention of the asylum seekers).

The committees to the UN treaties, specifically the Committee on Human Rights, decided, pursuant to information available in the UN database, two cases against the Czech Republic in 2015.<sup>51</sup> The cases concerned the applications of descendants of Sudeten Germans about restitution of property seized to their ancestors after the end of the Second World War. In both cases, the Committee considered the complaint unacceptable, both because of the fact that the *International Covenant on Civil and Political Rights* did not anchor the right to the protection of property and with respect to the fact that the claimants had not proven the discriminatory conduct by the state. The European Court of Human Rights evaluated altogether 407 individual complaints in 2015. An overwhelming majority (403) was considered unacceptable, only four were resolved in merit, of which one before the Grand Chamber. Two of the cases were deleted from the list of the cases,<sup>52</sup> in the remaining two the Court agreed with the Czech Republic and did not find any violation of the European Convention (one case concerned an alleged violation of the ban of retroactivity of a continuing crime,<sup>53</sup> the second one respect for the right to a fair trial within the court review of the decision of the National Security Authority about cancellation of validity of the certificate for contact with concealed facts<sup>54</sup>). Therefore, the Czech Republic was extraordinarily successful in this area in 2015.

### ***Furthering thematic and territorial priorities of the Czech Republic in the area of human rights***

As we could see above, there was a partial re-definition or, as the case may be, completion of the thematic and territorial priorities of the Czech Republic in the area of human rights in 2015. Thematically, the constant focus remained on the support of civil

society, including human rights defenders; support of the freedom of speech and access to information, including freedom of media; support of equal and widest possible political and public participation; support of building the institutions of the legal state; and support of equality and non-discrimination. The support of international human rights mechanisms and mainstreaming of human rights and support of human rights in the topics related to employment and the environment were added. All these priorities were reflected in the activities the Czech Republic for example within the UN Human Rights Council, but also in other international forums and in bilateral relations. The Czech Republic followed up its previous initiatives; therefore, it is surely not surprising that a huge part of activities concerned the first four priorities. A good example is again the submission of the resolution on equal participation in the political and public matters in the Council. Nevertheless, the Czech Republic tried to expand the scope to new activities too, as is shown for example by the repeated speeches about the issues of rights of women or permanently sustainable development.<sup>55</sup>

The territorial priorities have not been subjected to any radical change either. The Czech human rights diplomacy has been still focused on the countries that are close culturally or otherwise to the Czech Republic, i.e. mainly the countries of East Europe and the Western Balkans. Although the Concept of LPTS only interconnects them with the area of the transformation co-operation, the real interest of the Czech Republic shall not necessarily remain limited in this way. Furthermore, the Concept claims that the Czech Republic will monitor especially the situation in the countries, which are a subject of interest of the UN Human Rights Council. It really happened, which was demonstrated by the focus of the speech presented to the Council by the Czech Republic in 2015. During the ordinary sessions (28<sup>th</sup>–30<sup>th</sup> sessions taking place in March, June and September 2015), the Czech Republic expressed its opinion about the status of human rights in the Democratic Republic of the Kongo, Eritrea, Iran, DPRK, Libya, Central African Republic and Syria – all these countries have been monitored by the Commission in the long-term. In addition to that, the Czech Republic, as already stated above, was involved in the discussion about violations of human rights committed by the Nigerian terrorist organization Boko Haram,<sup>56</sup> which were the topic of the only (23<sup>rd</sup>) special session of the Council that took place in 2015 (April 2015). The traditional “targets” of the Czech human rights diplomacy – Burma-Myanmar, Belorussia, and Cuba – generated smaller attention in 2015, which was related, among other things, to a certain liberalization of the first and third mentioned.

The Concept of LPTS anchored a new category of priorities, interstate priorities. The text declares that “*CR does not hesitate to submit the status of respect for human rights within its territory to an external inspection*”.<sup>57</sup> It really does so within the review and quasi/court proceedings described in the previous section. During 2015, the main external criticism fell on the Czech Republic not in the said proceedings but from the side of the UN High Commissioner for Human Rights Zeid bin Ra’ad Zeid al-Hussein. It happened in connection with the refugee crisis, specifically with the detention of the persons crossing the Czech territory on the way from the Balkans to West Europe in the detention facilities for the period of 40 and sometimes up to 90 days. The reservations also aimed at the conditions in the detention facilities, seizure

of personal things and obligation to contribute financially to the compensation of the costs of the stay. Zeid said that “*pursuant to credible reports from various sources, the cases of violation of human rights of migrants were neither isolated, nor random, but systematic. It is revealed that they are an integral part of the policy of the Government of the Czech Republic, which should discourage migrants and refugees from entering the country or staying in it*”.<sup>58</sup> The Czech Republic rejected the criticism by saying that “*in the Czech detention centres [...] there were reasonable, decent, and standard conditions*”.<sup>59</sup> Furthermore, the Czech Republic invited the High Commissioner to visit the country so that he would have an opportunity to assess the detention facilities by himself. The visit did not take place; the reservations against the period and conditions of detention of migrants and asylum seekers were also raised by some domestic bodies, for example, the ombudsman<sup>60</sup> and non-governmental organizations.<sup>61</sup>

### ***Transformation policy***

The transformation policy is focused on the support of the social transformation towards democracy or, as the case may be, it tries to evoke such a transformation. Even after the adoption of the new concepts, the so-called program of the transformation co-operation (TRANS) remains the key tool; its objective is to “*select, control and finance the projects and activities for the support of human rights and transformation*”.<sup>62</sup> The proposals of the projects are submitted by the Czech non-governmental organizations, the project is realized in co-operation with the subjects from the priority countries. They include the countries of the Western Balkans (Bosnia and Herzegovina, Serbia, Kosovo), countries of East Europe (Belorussia, Georgia, Moldova, Ukraine) and some other countries (Myanmar/Burma and Cuba). The projects should be aimed at the achievement of the priorities of the Czech human rights diplomacy and, therefore, they should also reflect the extension of the said priorities that occurred in 2015. It really happened during the tender for 2016.

The tender took place in the period from October to December 2015, i.e. already after the adoption of the new conceptual materials. Altogether 58 projects applied in the proceeding, of which four were eliminated due to formal reasons or, as the case may be, due to late submission. Out of the remaining 54 applications, the commission consisting of the representatives of the MFA and external experts decided to support 26 projects; two were included in the reserve sheet. The most successful applicant was the organization Člověk v tísni with five supported projects (and one in the reserve sheet).<sup>63</sup> Altogether the amount of 40 million CZK was divided for the projects of the transformation co-operation. In addition to this traditional proceeding, for the first time in 2015, there was a tender for the support of the projects of the platform of non-state non-profitable organizations active in the area of the transformation co-operation. One platform, DEMAS, applied in this tender and it also succeeded in it. In 2015, a tender for co-financing the European projects at the amount of 3 million CZK was also declared for the first time; four projects were supported from it. Other funds were invested to direct aid to pro-democratic structures in the priority countries within the projects controlled by diplomatic missions in the place (distribution of literature etc.).

## HUMAN RIGHT DIMENSION OF CZECH FOREIGN POLICY: IDENTIFICATION AND CHARACTERISTICS OF KEY ACTORS

The circle of institutional actors that contribute to the formulation and realization of the Czech foreign policy has remained constant in the long-term. Even in 2015, the main role belonged to the Ministry of Foreign Affairs of the Czech Republic and its Department of Human Rights and Transformation Policy (LPTP); David Juneka became its director in 2015. In addition to LPTP, the agenda is also cared for by other departments of the MFA (Department of International Law, Department of the UN, relevant territorial departments) and diplomatic missions and permanent missions (especially PM in New York, Strasbourg, Geneva and Vienna, PR Brussels). The role of other bodies of the state administration also remained without greater changes, for example those of the Ministry of Justice of the Czech Republic (it ensures the representation of the Czech Republic before the European Court of Human Rights), the Minister for Human Rights (they lead the Government Council of Human Rights), the President (external representation), the Parliament of the Czech Republic (ratification of international treaties) or courts (decision-making pursuant to the international treaties). The non-governmental sector has realized the transformation policy projects and contributed to the popularization of the topics of the human rights diplomacy among the wider public (e.g. the organization *Člověk v tísni* organized the festival of documentary films about human rights *One World* in March 2015). On the contrary, certain changes have taken place on the individual level. Probably the most visible change concerned one of the main protagonists of the debate on human rights in foreign policy from 2014, political scientist Petr Drulák. He finished in the position of the First Deputy to the Minister of Foreign Affairs as of 1. 7. 2015 and became the political deputy to the minister.<sup>64</sup> At the same time, he practically quit speaking publicly about the issues of suitable directions of the human rights diplomacy, which could be related to the fact that the debate about this topic became silenced at the turn of 2014 and 2015. The department was headed for the whole period by L. Zaorálek (ČSSD), who, as it was already said, belonged to the moderate internationalists. In addition to them, President M. Zeman, who belongs to the pragmatics, also had an influence, although more indirectly, on the formulation and realization of the Czech foreign policy in the area of human rights.<sup>65</sup> His approach to human rights did not always correspond to the approach of the government and the MFA, which did not facilitate achieving the principles of coherence, credibility, and openness that were supported by the Concept of LPTS.

With respect to the foreign actors, in the long-term the most important position belongs to the European Union, of which the Czech Republic has been a member since 2004.<sup>66</sup> During 2015, the Union faced an internal crisis caused by the plans of some states to leave it (Great Britain) and absence of agreement on the solution of the migration crisis. The differences in these matters did not prevent the EU from unified actions in relation to a big part of human rights topics discussed for example in the UN Human Rights Council but, at the same time, they revealed that the EU was not so united in terms of ideas and values, as it had appeared. In this context, the Czech



Republic was criticized for dealing with the migrants and unwillingness to support the system of redistribution of the asylum seekers (quotas). The reservations, which were formulated within this framework towards the Czech Republic by the UN High Commissioner for Human Rights Zaid, were already mentioned. The Czech attitude to the migration crisis or, as the case may be, the way how it was interpreted in the EU, could again raise some doubts, how much the Czech policy followed those principles of coherence, credibility, and openness anchored in the Concept of LPTS.

From the perspective of categorization of the manners of conduct, with which this publication operates, the Czech Republic can be labelled as a mainly proactive player in the area of human rights diplomacy that tries to act constructively as a co-operating actor. The Czech Republic has an idea about the direction where its foreign policy should be oriented in the area of human rights: this idea is elaborated in detail in both conceptual materials adopted in 2015. The Concepts also list specific thematic and territorial priorities of the Czech human rights diplomacy and the tools for the achievement of such priorities. At the same time, the Czech Republic is aware of the limitations, which it has as a country of a smaller size in that particular sphere. It is reflected, among other things, in the specialization in topics and regions, in relation to which the Czech Republic has a comparative advantage (long-term expertise, historical experience etc.). In the past, in the nineties, the Czech Republic underwent a period when it acted more offensively. As time passed, the co-operating *modus operandi* has prevailed, however. *The Czech Republic* tries to further its priorities in co-operation with other actors, primarily with the EU states, and at the same time, it is prepared to support, more or less actively, the initiatives brought up by such allies.

## **HUMAN RIGHT DIMENSION OF CZECH FOREIGN POLICY IN MEDIA, PUBLIC, AND ACADEMIC SPACE**

As we repeatedly stated in this publication in the past, foreign policy in the area of human rights belongs to the areas of the Czech diplomacy, to which only limited attention was paid by the media, academic sphere or the wider public. The exception was the year 2014 when in connection with the preparation of the new conceptual documents and by the criticism of the past human right approach from the new leadership of the MFA, the human rights diplomacy became a subject of a vivid public debate. This debate was slowly silenced in the last months of 2014 and in 2015 there were only a few outputs about the topic.<sup>67</sup> The symbolic dot behind the whole debate was the publication of the book *Lidská práva. (Ne)smysl české politiky (Human rights. (Non)sense of the Czech Policy)* at the end of 2015,<sup>68</sup> which was edited by two of the main protagonists of the debate, the legal philosopher Jiří Příbáň and philosopher and sociologist Václav Bělohradský. Other participants in the debate (e.g. Petr Drulák or Roman Joch) and some new authors (e.g. senatress Eliška Wágnerová or judge at the Constitutional Court Kateřina Šimáčková) also contributed to the book. The book confirms that the direction of the human rights diplomacy, as well as the perception of human rights in general, are not a subject of the opinion consensus in the Czech

environment, as it could have appeared in the past. In addition to the said publication, the discussion was only subjected to a certain reflexion in the last year's issue of this publication.<sup>69</sup>

During 2015, the public space was fully saturated by contributions about the migration crisis, its possible solution, and human rights aspects. The topic was sharply politicized and polarized, the authors favoured strongly either the position of absolute rejection and securitization of the migration or, on the contrary, they chose the moralizing discourse – both attitudes disabled a meaningful dialog.<sup>70</sup> Wider public also observed especially the events concerning migration, which generated considerably strong emotions in the Czech Republic.<sup>71</sup> Other human rights topics caused little attention, even though the initiatives from the previous years continued, as for example the initiative *Flag for Tibet*, in which nearly seven hundred town halls were involved, or the film festival *One World*, which was visited just in Prague by over 50,000 visitors pursuant to the information of the organizers.<sup>72</sup> The representatives of the academic sphere occasionally commented the current events and several conferences were organized concerning their topics.<sup>73</sup>

## CONCLUSIONS

According to the expectations, the year 2015 should have brought considerable changes to the Czech foreign policy in the area of human rights, but only partial changes and modifications occurred. The new conceptual documents adopted in that year, i.e. *The Concept of the Foreign Policy of the Czech Republic* from July 2015 and *The Concept of Support of Human Rights and Transformation Co-operation* from September 2015, followed up older instruments and completed them in a certain way, but they did not reject their background. The policy of the support of human rights and transformation co-operation still remains one of the priorities of Czech foreign policy. Human rights are now considered in a wider scope, they include the rights of the first and second generations and they are not subjected to the concept of spreading democracy. However, the list of human rights priorities is more or less the same as before and the addition of some new priorities (mainly the support of human rights in the topics related to employment and the environment) has been reflected in the practice of the Czech human rights diplomacy to a limited measure only.

A vivid public debate, which was stirred in 2014 about the role of human rights in foreign policy and about the concept of human rights in general, did not continue in 2015 any longer. The topic was shadowed by the issues of the migration crisis, about which the politicians, journalists, activists and the wider public spoke actively and often fairly emotionally. It resulted in a decline of the level of polarization of the human rights agenda, which was still present in the public space and there was not a total agreement on the set-up of its parameters, but the feeling of urgency of the solution of the issues related to it disappeared. At the same time, the year 2015 revealed that the foreign policy in the area of human rights faced two main challenges. The first one is represented by doubts of a part of the political representation about the scope, how

much it is suitable to fight for human rights on the international scene – doubts, which are formulated most sharply, though often only indirectly, by the camp of pragmatists. Another challenge is the (un)preparedness of the Czech Republic to respond to some problems, which arose in the international scale (e.g. migration crisis), and keep both the international commitments assumed by the Czech Republic within the years and the principles of coherence, credibility and openness, which should be featured by the Czech human rights diplomacy according to its Concept from September 2015.

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## Endnotes

- <sup>1</sup> The Ministry of Foreign Affairs of the Czech Republic: *Lidská práva a transformační politika*. On-line: [www.mzv.cz/jnp/cz/zahranicni\\_vztahy/lidska\\_prava/](http://www.mzv.cz/jnp/cz/zahranicni_vztahy/lidska_prava/).
- <sup>2</sup> The Government of the Czech Republic: *Koncepce zahraniční politiky České republiky*, Usnesení vlády č. 589, 20. 7. 2011.
- <sup>3</sup> The Ministry of Foreign Affairs of the Czech Republic: *Koncepce transformační politiky*, rozhodnutí Kolegia ministra zahraničních věcí, 15. 7. 2010.
- <sup>4</sup> The Government of the Czech Republic: *Programové prohlášení vlády České republiky*, Praha, February 2014.
- <sup>5</sup> *Koaliční smlouva mezi ČSSD, hnutím ANO 2011 a KDU-ČSL na volební období 2013–2017*, 6. 1. 2014.
- <sup>6</sup> *Ibid.*, sub-section 12. 3.
- <sup>7</sup> The Government of the Czech Republic: *Koncepce zahraniční politiky České republiky*, Usnesení vlády č. 563, 13. 7. 2015.
- <sup>8</sup> Since 2013, the Czech Republic has been regularly submitting a draft of the resolution about equal participation in political and public matters in the UN Human Rights Council.
- <sup>9</sup> The Government of the Czech Republic: *Koncepce zahraniční politiky České republiky*, op. cit., par. 5.2.
- <sup>10</sup> Cf. Švihlíková, Ilona: *Nemáme tah na branku*. Britské listy, 7. 5. 2013; Čulík, Jan: *Ekonomická diplomacie a prosazování lidských práv v zahraniční politice*. Britské listy, 7. 5. 2013.
- <sup>11</sup> *Koncepce podpory lidských práv a transformační politiky*, 1. 9. 2015.
- <sup>12</sup> For more details refer to Bílková, Veronika (2015): *Lidskoprávní rozměr české zahraniční politiky*. In: Kořan, Michal et al.: *Česká zahraniční politika v roce 2014. Analýza ÚMV*. Praha: Ústav mezinárodních vztahů, pp. 341–362.
- <sup>13</sup> The Ministry of Foreign Affairs of the Czech Republic: *Transformační politika*, 5. 7. 2010. On-line: [www.mzv.cz/jnp/cz/zahranicni\\_vztahy/lidska\\_prava/transformacni\\_spoluprace\\_1/koncepce\\_transformacni\\_spoluprace.html](http://www.mzv.cz/jnp/cz/zahranicni_vztahy/lidska_prava/transformacni_spoluprace_1/koncepce_transformacni_spoluprace.html).
- <sup>14</sup> The Ministry of Foreign Affairs of the Czech Republic: *Program transformační spolupráce*. On-line: [www.mzv.cz/jnp/cz/zahranicni\\_vztahy/lidska\\_prava/transformacni\\_spoluprace\\_1/koncepce\\_transformacni\\_spoluprace.html](http://www.mzv.cz/jnp/cz/zahranicni_vztahy/lidska_prava/transformacni_spoluprace_1/koncepce_transformacni_spoluprace.html).
- <sup>15</sup> *Koncepce podpory lidských práv a transformační politiky*, op. cit., section A.
- <sup>16</sup> *Ibid.*
- <sup>17</sup> *Ibid.*, section B.
- <sup>18</sup> *Ibid.*, section C.
- <sup>19</sup> *Ibid.*
- <sup>20</sup> Šafaříková, Kateřina: *Nové pojetí lidských práv à la ministerstvo zahraničí*. Česká pozice, 15. 10. 2014.
- <sup>21</sup> *Koncepce podpory lidských práv a transformační politiky*, op. cit., section D.

- <sup>22</sup> More detailed information about the programme of transformation co-operation is in a special annex to the LPTS Concept, refer to *Program transformační spolupráce*. On-line: [www.mzv.cz/file/1610427/Program\\_transformacni\\_spoluprace.pdf](http://www.mzv.cz/file/1610427/Program_transformacni_spoluprace.pdf).
- <sup>23</sup> *Koncepce podpory lidských práv a transformační politiky*, op. cit., section E.
- <sup>24</sup> Cf. Gershman, Carl: *Are Czechs giving up on moral responsibility?* The Washington Post, 16. 11. 2014.
- <sup>25</sup> *Odkaz na reformní komunismus v nové zahraniční politice dráždí ODS*. iDnes, 9. 12. 2014; *TOP 09: Nová koncepce zahraniční politiky je nečitelná*. Denik.cz, 6. 1. 2015; Ženíšek: *Koncepce zahraniční politiky nepracuje s jasnými pojmy*. TOP 09, 7. 1. 2015. See Zaorálek: *TOP 09 plaší. Koncepce zahraniční politiky se nemění*. Týden, 6. 1. 2015.
- <sup>26</sup> *Seminář Dialog s vládou: tradice a výzvy české zahraniční politiky*. The Chamber of Deputies of the Parliament of the Czech Republic, 5. 3. 2015.
- <sup>27</sup> Cf. *Schwarzenberg a Fiala kritizují české politiky. V diplomacii prý málo bojují za lidská práva*. Hospodářské noviny, 14. 9. 2015.
- <sup>28</sup> Cf. *5 důvodů, proč by Miloš Zeman neměl jezdit do Moskvy*. Echo24, 20. 3. 2015; *Zeman se v Moskvě hrbil před diktátorem, vadí Kalouskovi*. Aktuálně.cz, 10. 5. 2015; Fendrych, Martin: *Zeman v Číně opět zradil českou demokracii a Evropskou unii*. Aktuálně.cz, 3. 9. 2015; *Podlézání Číně obchodu nepomůže, pustili se do Zemana šéfové TOP 09 i ODS*. Blesk, 15. 9. 2015.
- <sup>29</sup> During his journey to China in 2014, Zeman captured attention with his statement that he had not come to the country to give lessons about human rights but that he wanted to learn how to stabilize the society. Refer to *Nepřijel jsem vás učit lidská práva, řekl Zeman v čínské televizi*. iDnes, 30. 10. 2014. Zeman himself corrected the statement a bit later on, refer to *Zeman opravil jeden ze svých kritizovaných výroků v Číně*. ParlamentníListy.cz, 10. 1. 2015.
- <sup>30</sup> Cf. Besser, Vilém: *Premiér Sobotka je zřejmě v jiné Číně, než byl prezident Zeman*. Svobodné fórum, 23. 11. 2015.
- <sup>31</sup> UN Commission on Human Rights was established in 1946; however, in the last years of its existence it was considered of little efficiency and excessively politicized. That is why it was decided about its cancellation and replacement with the UN Council for Human Rights (resolution of the General Assembly A/RES/60/251 of 15. 3. 2006). In comparison with the Commission, the Council is smaller (it has 47 members instead of 53), meets more often (three times instead of once per year), it can suspend membership to the states that grossly violate human rights (as it happened to Libya in 2011) and it has stronger authorities (e.g. the so-called universal periodic review – UPR – takes place on its soil).
- <sup>32</sup> *Human Rights Council condemns gross abuses perpetrated by terrorist group Boko Haram*, UN Press Release, 1. 4. 2015.
- <sup>33</sup> *Participation of women in decision-making*, Permanent Mission of the Czech Republic to the United Nations Office and other International Organizations at Geneva, 23. 6. 2015.
- <sup>34</sup> *HRC29: Czech Republic speaks for freedoms of assembly, association and expression*, Permanent Mission of the Czech Republic to the United Nations Office and other International Organizations at Geneva, 23. 6. 2015.
- <sup>35</sup> *The Human Rights Council holds general debate on human rights situations requiring its attention*, UN Press Release, 24. 6. 2015.
- <sup>36</sup> UN Doc. A/HRC/30/9, *Equal participation in political and public affairs*, 12. 10. 2015.
- <sup>37</sup> Viz UN Docs A/HRC/24/8, *Equal political participation*, 8. 10. 2013; A/HRC/30/9, *Equal participation in political and public affairs*, 3. 10. 2014.
- <sup>38</sup> *Náměstkyně ministra M. Štěpánková v otevřené debatě OSN k účasti žen na společenském dění*, Permanent Mission of the Czech Republic at the UN in New York, 12. 3. 2015; *Náměstkyně ministra M. Štěpánková vystoupila ve všeobecné rozpravě 59. zasedání CSW*, Permanent Mission of the Czech Republic at the UN in New York, 13. 3. 2015; *L. Zachariášová z Úřadu vlády ČR vystoupila v debatě OSN: "Productivity, Well-being and Gender Policies"*, Permanent Mission of the Czech Republic at the UN in New York, 13. 3. 2015.

- <sup>39</sup> UN Doc. S/RES/2242 (2015), *Women and peace and security*, 13. 10. 2015. Also refer to ČR kosponsorovala rezoluci k ženám, míru a bezpečnosti, Permanent Mission of the Czech Republic at the UN in New York, 14. 10. 2015.
- <sup>40</sup> General Debate at the United Nations, Czech Republic, H. E. Mr Miloš Zeman, President, United Nations, New York, 29. 9. 2015.
- <sup>41</sup> ČR was elected to the UN Economic and Social Council (ECOSOC), Permanent Mission of the Czech Republic at the UN in New York, 21. 10. 2015. 179 states, i.e. a big majority of the international community, voted for the Czech Republic.
- <sup>42</sup> The Czech Republic has been present in the long-term in some subsidiary body of the Council, for example, in the Social Development Commission Development (2001–2005 and 2005–2009) or in the Commission on Permanently Sustainable Development (1993–1994, 1998–2001, 2006–2009).
- <sup>43</sup> *Optional Protocol to the Convention on the Rights of the Child on a communications procedure*, in UN Doc. A/RES/66/138 of 19. 12. 2011.
- <sup>44</sup> ČR podepsala *Opční protokol k Úmluvě o právech dítěte zavádějící předkládání individuálních podání*, Permanent Mission of the Czech Republic at the UN in New York, 30. 4. 2015.
- <sup>45</sup> The Ministry of Foreign Affairs of the Czech Republic: *ČR ratifikovala Opční protokol k Úmluvě OSN o právech dítěte*, 4. 12. 2015.
- <sup>46</sup> Possibility of individual complaints against the Czech Republic has been possible nowadays on the basis of (*International Covenant on Civil and Political Rights* from 1966, *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* from 1984, *International Convention on the Elimination of all Forms of Racial Discrimination* from 1965, *International Convention on the Elimination of all Forms of Discrimination against Women* from 1979 and *Convention on the Rights of Persons with Disabilities* from 2006).
- <sup>47</sup> UN Doc. CRPD/C/CZE/1, *Initial reports of State parties due in 2011, Czech Republic*, 27. 6. 2013.
- <sup>48</sup> UN Doc. CERD/C/CZE/10-11, *Tenth and eleventh periodic reports of States parties due in 2014, Czech Republic*, 31. 3. 2014.
- <sup>49</sup> UN Doc. CRPD/C/CZE/CO/1, *Concluding observations on the initial report of the Czech Republic*, 15. 5. 2015.
- <sup>50</sup> UN Doc. CERD/C/CZE/CO/10-11, *Concluding observations on the combined tenth and eleventh periodic reports of the Czech Republic*, 25. 9. 2015.
- <sup>51</sup> UN Docs CCPR/C/113/D/1961/2010, *Y, Y, Z and A v. the Czech Republic*, Communication No. 1961/2010, 1. 7. 2015; CCPR/C/113/D/1967/2010, *B and C v. the Czech Republic*, Communication No. 1967/2010, 1. 7. 2015.
- <sup>52</sup> ECtHR, *R & L, S.R.O. v. the Czech Republic*, Application. No. 37926/05, 11. 6. 2015; and Šumbera v. the Czech Republic, Application No. 44410/09, 11. 6. 2015.
- <sup>53</sup> ECtHR, *Rohlena v. the Czech Republic*, Application No. 59552/08, 27. 1. 2015.
- <sup>54</sup> ECtHR, *Regner v. the Czech Republic*, Application No. 35289/11, 26. 11. 2015.
- <sup>55</sup> The Ministry of Foreign Affairs of the Czech Republic: *Místopředseda vlády Bělobrádek na summitu OSN k udržitelnému rozvoji*, 26. 9. 2015.
- <sup>56</sup> *Human Rights Council condemns gross abuses perpetrated by terrorist group Boko Haram*, UN Press Release, 1. 4. 2015.
- <sup>57</sup> *Koncepce podpory lidských práv a transformační politiky*, op. cit., section C.
- <sup>58</sup> *Vysoký komisař OSN pro lidská práva vyzývá Českou republiku, aby přestala zadržovat migranty a uprchlíky*, OSN ČR, 22. 10. 2015. Cf. *UN human rights chief urges Czech Republic to halt detention of migrants and refugees*, UN News Centre, 22. 10. 2015.
- <sup>59</sup> Czech PM: *“UN criticism of the Czech Republic is inappropriate”*. *Britské listy*, 22. 10. 2015. Compare *Czech diplomacy rejects UN criticism of migrant rights violation*. *České noviny*, 23. 10. 2015.
- <sup>60</sup> Public Defender of Rights: *Zařízení pro zajištění cizinců, Bělá-Jezová. Výhodnocení systematické návštěvy*, 13. 10. 2015.
- <sup>61</sup> Press release: *Prohlášení k nezákonnosti a bezúčelnosti zajišťování uprchlíků v zařízeních pro zajištění. Konsorcium nevládních organizací pracujících s migranty v České republice*, 3. 9. 2015.

- <sup>62</sup> *Koncepce podpory lidských práv a transformační politiky*, op. cit., section D.
- <sup>63</sup> The Ministry of Foreign Affairs of the Czech Republic: *Výsledky výběrového dotačního řízení Programu TRANS na rok 2016*, 18. 12. 2015.
- <sup>64</sup> *Drlák končí ve funkci náměstka ministra zahraničí. Bude tajemníkem*. Lidové noviny, 1. 7. 2015.
- <sup>65</sup> Cf. *Zeman o pojetí lidských práv: Nechci jít v Havlových stopách*. Lidové noviny, 24. 4. 2015.
- <sup>66</sup> Refer to Zemanová, Štěpánka (2008): *Europeizace zahraniční politiky v oblasti lidských práv*. Praha: Oeconomica.
- <sup>67</sup> Cf. Svoboda, Cyril: *Chránit důstojnost člověka*. Literární noviny, leden 2015, p. 4; Kmoníček, Hynek–Lorenc, Viktor: *V diplomacii je pragmatismus nezbytný*. Literární noviny, January 2015, p. 5.
- <sup>68</sup> Příbáň, Jiří–Bělohradský, Václav (eds.) (2015): *Lidská práva. (Ne)smysl české politiky*. Praha: Slon.
- <sup>69</sup> Bílková, Veronika: *Lidskoprávní rozměr české zahraniční politiky*, op. cit., pp. 341–362.
- <sup>70</sup> Patočka, Jakub: *Vůči tonoucím běžencům můžeme být buď humanisty, anebo sadisty. Ničím mezi*. Deník Referendum, 23. 4. 2015; Jungwirth, Tomáš: *Uprchlíci nejsou bestie. Bestie jsme my*. Deník Referendum, 27. 4. 2015; Keller, Jan: *Solidarita ve slepé uličce*. Právo, 30. 9. 2015; *Že jsme zaprdění Čecháčkové a rasisté, když nechceme uprchlíky? Ekonom Kohout nesouhlasí. Dává na stůl fakta ze svých cest a varuje, jak zle to dopadne*. ParlamentniListy.cz, 24. 6. 2015.
- <sup>71</sup> Cf. *Polovina Čechů by nepřijala uprchlíky z válečných oblastí, zjistil průzkum*. Aktuálně.cz, 7. 10. 2015; Buchtík, Martin: *Postoj české veřejnosti k přijímání uprchlíků – říjen a listopad 2015*. Centrum pro výzkum veřejného mínění, 30. 11. 2015.
- <sup>72</sup> *Jeden svět 2015: Závěrečná zpráva*. Praha: Člověk v tísni, 2015.
- <sup>73</sup> For example the conference *Uprchlíká krize a Česká republika*, which took place on 12. 11. 2015 in the building of the Law Faculty of the Charles University in Prague.