

No Revolution Has Taken Place: The Post-2015 Human Rights Foreign Policy of the Czech Republic

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In 2015, two new conceptual documents were adopted in the Czech Republic, under the Government of Bohuslav Sobotka – the general *Concept of the Czech Republic's Foreign Policy* (available in English [here](#)) and a more specific *Concept of Human Rights Promotion and Transition Cooperation* (available in Czech [here](#)). The former document replaced an older text entitled *Conceptual Basis of the Foreign Policy of the Czech Republic* (available in English [here](#)) which had been adopted in 2011 by the Government of Petr Nečas. The latter document builds on the 2010 *Concept of Transition Policy* but it is broader in scope, covering not only transition policy/cooperation but also human rights promotion.

The adoption of the new conceptual documents was preceded by a lively public debate in which publicists, scholars and politicians from the Czech Republic and, partly from outside, took part. The debate started in spring 2014, after the then Deputy Minister of Foreign Affairs Petr Drulák had published a series of articles (see [here](#) and [here](#) in Czech) criticizing the narrow focus and selectivity of human rights foreign policy of the previous governments and announcing the intention of the Ministry of Foreign Affairs (MFA) to revise this approach. The exchange of ideas, relating to the concept of human rights in general and to the role of human rights in foreign policy of the Czech Republic more specifically, lasted till the first months of 2015. It was highly polarized and, at instances, emotional.

In the debate, fears were expressed that the Czech Republic was at the brink of a revolution in its human rights foreign policy. The country was, purportedly, getting ready to sweep away the heritage of the post-1989 development, abandoning the idea of the universality of human rights, turning its back to the promotion of civil and political rights, closing down the TRANS programme (financially supporting pro-democratic projects carried out by Czech and foreign non-governmental organizations) and changing its thematic and territorial priorities (see the article by the president of the National Endowment for Democracy [Carl Gershman](#) in English or by the Czech journalist [Kateřina Šafaříková](#) in Czech). The revolution was to find its expression in the new conceptual documents whose drafting started in the first half of 2014.

With the new *Concept of the Czech Republic's Foreign Policy* (hereafter "FPC") and *Concept of Human Rights Promotion and Transition Cooperation* (hereafter "HRPC") already adopted and implemented for more than year, we can assess whether the fears have turned out to be well-founded.

This Reflection argues that no revolution has taken place in the human rights policy of the Czech Republic. The elements of continuity clearly prevail over those of discontinuity. The Reflection also shows that the new conceptual documents have introduced original elements which could bring about modifications, albeit not of revolutionary nature, in the human rights foreign policy. These elements, however, have been insufficiently developed in the FPC and HRPC and, due to that, they have had a limited practical impact. Finally, the Reflection considers what accounts for the gap between the original estimates for and the final result of the recent revision of the Czech human rights foreign policy.

No Revolution in the Czech Human Rights Foreign Policy

In the period 1993-2015, the Czech foreign policy for the promotion of human rights revealed certain characteristic features. Although these features, or at least some of them, got under criticism from Drulák and other politicians and publicists taking part in the 2014 debate, they have not been altered in any significant way either in the new conceptual documents or in the practice of the Czech foreign policy. The new concepts (FPC and HRPC) build on the previous instruments, maintaining the pre-2015 structures and institutions largely intact. The practice of the Czech foreign policy, formed on the basis of the Concepts, has not witnessed any important shift either. The elements of continuity prevail over those of discontinuity, as can be demonstrated by several examples.

First, the promotion of human rights has remained one of the crucial pillars of the Czech foreign policy. The FPC ranks *"human dignity, including the protection of human rights"* among five main objectives of this policy, alongside security, prosperity and sustainable development, serving the people, and nurturing a good reputation abroad. The HRPC confirms that *"democracy, the rule of law and the protection of human rights are inseparable and interrelated principles /.../ whose promotion belongs among the main priorities of the Czech Republic's foreign policy"*.

Secondly, the Czech Republic continues to adhere to the idea of universality of human rights. This idea is particularly stressed in the HRPC which states explicitly that *"human rights are universal and indivisible in their content and territorial scope"*. The FCP also qualifies human rights as universal, adding – from a more practical perspective – that *"human rights and democracy can be effectively supported in a situation where mutual respect and dialogue exist, but cannot be abandoned even in less favourable circumstances"*. This premise finds its expression in practical steps that the Czech Republic takes in its foreign policy. It regularly criticizes human rights violations committed in various foreign countries. It also regularly participates in the discussions taking place within the [Universal Periodic Review](#) (UPR), a UN mechanism introduced to scrutinize human rights record of all countries of the world; and it does so regardless of who the country under scrutiny is (over the past years, the Czech Republic has formulated recommendations for countries as diverse as Belarus, China, Norway or the United States of America).

Thirdly, the Czech Republic has not turned its back to the promotion of civil and political rights. As we will see in more details in the next section, the understanding of human rights has been broadened rather than narrowed down in any way.

Fourthly, the promotion of human rights continues to be closely linked to the promotion of democracy and transition policy/cooperation – a term conventionally used in the Czech context to refer to the promotion of democracy – has remained an integral part of the Czech foreign policy. The CFP stems from the premise that *“a policy of promoting human rights and democracy is fundamental to the safeguarding of human dignity”* and the HRPC expressly refers to *“the specific experience of the Czech Republic with the process of social transformation and building of a democratic society”*. The promotion of human rights and transition cooperation are now seen as two equally important “legs” on which the “body” of the foreign policy aimed at promoting human dignity stands. The TRANS programme has not, despite the expectations to the contrary, been closed down. Equally as before 2015, it is the main tool of the transition cooperation, with the budget temporarily cut down in 2014 but then increased again, quite substantially, in 2015. The results of the TRANS programme competitions after 2015 mirror to a large extent those of the pre-2015 period, in terms of the identity of successful applicants and the topics of the selected projects.

Finally, the thematic and territorial priorities of the human rights foreign policy of the Czech Republic have not undergone any significant redefinition.

Prior to 2015, the priorities were listed in the 2010 *Concept of Transition Policy* and a 2007 non-public document entitled *Thematic Priorities of the Foreign Policy of the Czech Republic in the Area of Human Rights* (available in Czech [here](#)). Under these documents, the thematic priorities encompassed: support for civil society, including human rights defenders and non-governmental organizations; freedom of expression, including freedom of media; cooperation with international human rights mechanisms; the rule of law; election processes; and equality and non-discrimination. Territorial priorities were defined only for the area of transition policy. Here, the focus was to lie on countries which are culturally, geographically, historically or otherwise close to the Czech Republic, i.e. countries of Eastern Europe and Western Balkan, and other (post) communist countries in the world (such as Cuba).

The 2015 HRPC identifies the following thematic priorities: support to international human rights mechanisms and human rights mainstreaming; support to the civil society, including human rights defenders; freedom of expression and access to information, including freedom of media; political and public participation; the rule of law; equality and non-discrimination; and promotion of human rights in the topics relating to employment and environment. With the exception of the last priority, all the other have been taken over from the previous documents. As to the territorial priorities, the Czech Republic should, in its human rights foreign policy, *“pay special attention to countries which are object of specific resolutions by the UN Human Rights Council”*. The HRPC, for obvious reasons, offers no list of such countries. It gets, however, more specific with respect to transition cooperation. Here, the territorial priorities include countries *“culturally, geographically, historically or otherwise close to the Czech Republic”*, especially countries of Eastern Europe and of Western Balkan. Again, there is no shift.

Some Evolution in the Czech Human Rights Foreign Policy?

The previous section showed that no revolution has taken place in the human right foreign policy of the Czech Republic with the adoption of the FPC and HRPC in 2015. In spite of that, these documents contain some new, original elements which, if (and only if) adequately developed and operationalized, could bring about certain changes, albeit not of revolutionary nature, in the Czech approach. Yet, this potential has not materialized yet. The new elements are defined in vague and general terms and, consequently, their impact on the practical implementation of the Czech foreign policy has been (so far) very limited. This section gives three examples of such new elements.

First, the FPC and HRPC place high emphasis on human dignity. Mentioned already, albeit in a cursory way, in the older instruments, human dignity has newly been enhanced among the most important values of the Czech foreign policy. The FPC describes human dignity as one of the overarching objectives of the Czech Republic's foreign policy, at the level of, and complementary to, security or prosperity and sustainable development. Neither the FPC nor the HRPC defines what human dignity is. It is nonetheless obvious that the term is used in a very broad meaning, encompassing everything individuals need to live a dignified life. The promotion of human rights and transition cooperation are two of the "legs" – to resort again to the metaphor used above – that carry the "body" of the foreign policy aimed at promoting human dignity, alongside development cooperation, humanitarian aid and the promotion of international law (especially human rights law, international humanitarian law and international criminal law).

Conceptualizing human rights and transition cooperation within a broader framework of human dignity and, consequently, promoting a holistic approach to human beings could have positive effects. It could, for instance, contribute to a better cooperation and coordination between the various "legs", which have so far operated quite autonomously. It could also give concrete form to some of the human rights mainstreaming initiatives. Yet, so far, this does not seem to be happening. Human dignity has been put to the centre of attention on the rhetorical plane but this has not brought about any important changes in practice. The "legs" continue to walk each in its own direction, without much coordination, creating the risk that the "body" will not be able of any coordinated move forward.

The same largely applies to the second example, relating to the indivisibility of human rights. The FPC and HRPC repeat several times that all human rights are indivisible and that "*the Czech Republic grounds its promotion of human rights and of democracy on the principle of the indivisibility of civil, political, economic, social and cultural rights*". Describing human rights as indivisible thus primarily entails a rejection of hierarchy between the two traditional generations of human rights (first generation – civil and political rights, second generation – economic, social and cultural rights). It is another turn towards a holistic approach to human beings and to their complex needs.

If taken seriously, such a turn could entail an important change in the Czech foreign policy. Prior to 2015, the Czech Republic, though never formulating its position explicitly, *de facto* adhered to a narrow understanding of human rights in its foreign policy. The focus was placed on civil and political rights, whereas economic,

social and cultural rights were relegated to the sphere of development cooperation or humanitarian aid (and were not conceptualized as human rights). With the adoption of the new conceptual documents, this narrow approach should have been abandoned and replaced with a broader one.

Yet, one may doubt whether this has really happened. It is true that the list of thematic priorities of the Czech foreign policy, originally containing only items from the area of civil and political rights, has been newly complemented by one priority concentrating on economic, social and cultural rights, namely the promotion of human rights in the topics relating to employment and environment. This priority, however, especially when compared to the other ones, is drafted in very vague and general terms, giving the impression that it has been added to the list more out of the wish not to leave second generation rights completely aside than out of any real interest the Czech Republic would have in this concrete agenda. Thus, again, the rhetoric commitment to the principle of indivisibility of human rights has not been translated into practical initiatives.

The third example consists of the inclusion, among the priorities of the Czech human rights foreign policy, of a new category – domestic priorities. The idea behind, as put in the HRPC, is that *“self-reflection of one’s own human rights record /.../ is a necessary precondition for a credible promotion of human rights in the world”*. More links should therefore be established between the promotion of human rights within the Czech Republic and outside it.

Again, this is more easily said than done. While the two spheres have never operated in a complete clinical isolation, the communication between them has mostly revolved around the implementation of international obligations by the Czech Republic (for instance within the UPR mechanism). It has also been somewhat one-sided, with actors from foreign policy having – largely through the implementation of the obligations – a heavier bearing on the domestic policy in the area of human rights than vice versa. Domestic human rights institutions, on the contrary, have had only limited involvement in, for instance, the determination of priorities of human rights foreign policy. This has led to certain inconsistencies with the Czech Republic sometimes deciding to focus externally on an issue which has not been very high on the agenda domestically or in which the Czech Republic has not been really a champion (equality and non-discrimination, employment rights etc.). Thus, although the FPC and HRPC declared the intent to redefine the relationship between the two spheres, no concrete initiatives seem to have so far ensued from that declaration.

What Has Precluded the (R)evolution?

The adoption of the new conceptual documents in 2015, as noted by other scholars as well (see [here](#) in English and [here](#) in Czech), has stayed short of bringing about any important changes in the human rights policy of the Czech Republic. For those who followed the public debate in 2014, this outcome might seem quite surprising. After all, during the debate, it was repeatedly suggested that the Czech Republic was getting ready to make a radical break from tradition and to either embrace a fully new approach to human rights foreign policy or to abandon this policy altogether. Why has this break not materialised? What accounts for the gap between the original estimates for and the final result of the recent revision of the Czech human rights foreign policy?

Several important factors have been at play here. One is the exaggerated nature of the original estimates. The option of making a U-turn in the human rights foreign policy has clearly never been contemplated by the Government of Bohuslav Sobotka. The original impression that it might be so, stemmed partly from certain incautious formulations contained in the articles by Petr Drulák (e.g. his call for the abandonment of the Havel-ist approach) and partly from the misinterpretation of what Drulák, and the MFA more broadly, were actually advocating for. For instance, the declared intention to focus on the promotion of *all* categories of human rights, in line with the principle of indivisibility, got (mis)interpreted as narrowing down, rather than broadening, the understanding of human rights in foreign policy. Some misinterpretations might have resulted from genuine misunderstanding, other might have had the origin in an attempt to prevent, out of sincere belief or personal interest, any changes in the human rights foreign policy and maintain the *status quo*.

That revolution has not taken place because it has never been “scheduled” in the first place, does not explain why no (significant) evolution has taken place either. Drulák, when calling for the abandonment of the Havel-ist approach, and the Government, when deciding to revise the conceptual documents, must have intended to introduce at least some changes in the human rights foreign policy. Yet, in the end, the FPC and HRPC contain just a few new, original elements which, moreover, are drafted in very vague and general terms.

The reason for this seem to be twofold. On the one hand, there has evidently been no political will to proceed to a more important reconceptualization of the Czech human rights foreign policy. The absence of such may be read as suggesting that the Czech political elite, after all, stands firmly behind the traditional approach and does not see any need to revise it. It might, however, also mean that there has never been a political consensus over human rights foreign policy in the government coalition or that this consensus, while originally present, has gradually vanished, probably, to a large extent, due to the highly polarized nature of the 2014 debate. On the other hand, the drafters of the FPC and HRPC have failed to pass from words to deeds or, more exactly, to translate general principles into concrete measures. Again, we may only speculate whether this failure has simply stemmed from the (just mentioned) lack of political will, or whether those behind the revision process have, in fact, never had a very clear idea as to what they want to achieve in practice, pondering the problematic merely from the theoretical perspective.

How the Czech human rights foreign policy has – or, rather, has not – changed with the adoption of the FPC and HRPC is, therefore, rather clear. Why the revision of the conceptual documents has ended up with this result and, also, whether the result is satisfactory or not, remains open to further discussion.

Veronika Bílková

bilkova@iir.cz