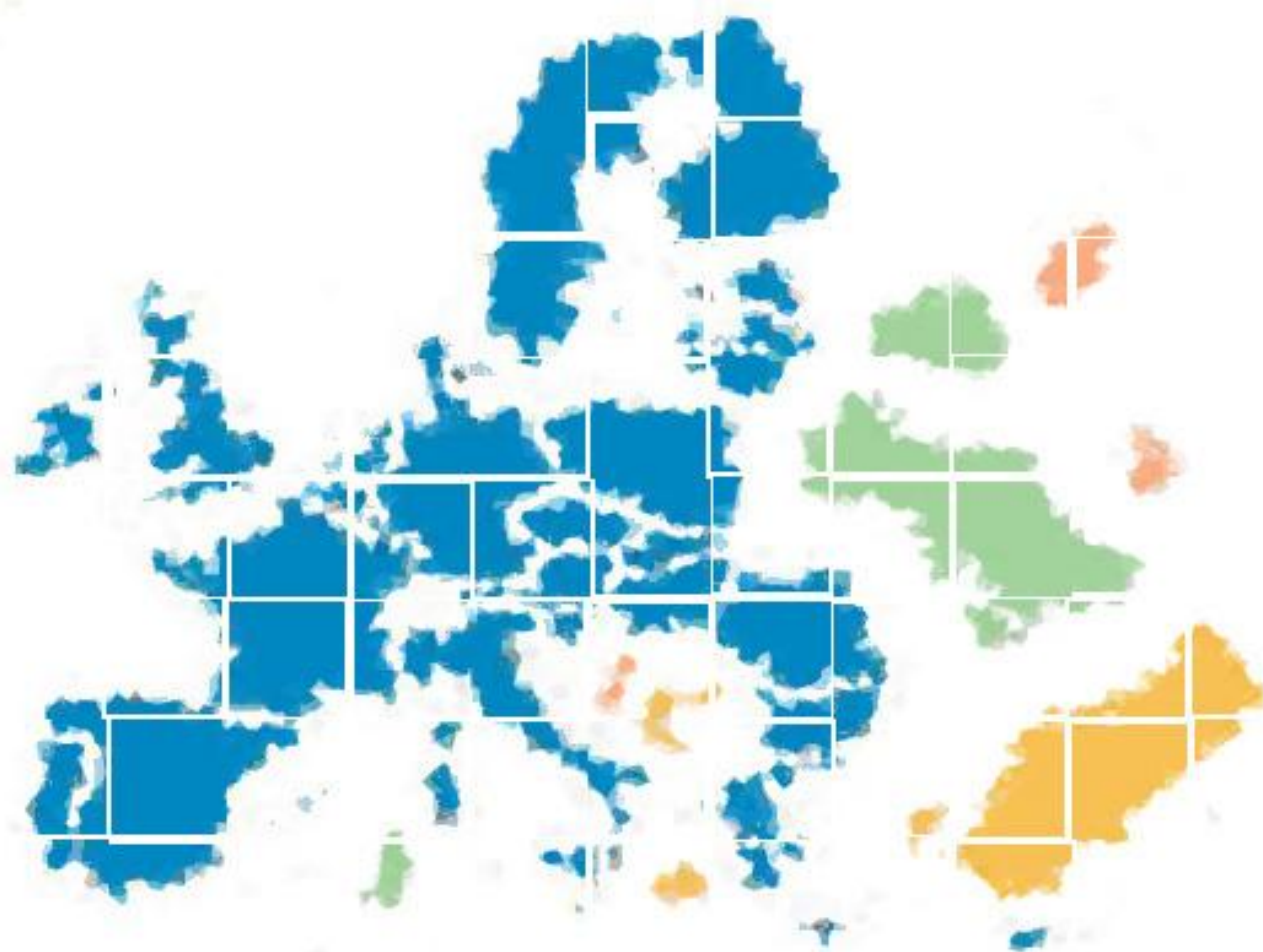


Frontiers of Democracy

**How to Develop Effective and Inclusive Policies
*Experiences from the Czech Republic***

Martin Šimáček



2016

Center for European Neighborhood Studies

The Center for European Neighborhood Studies (CENS) is an independent research center of the Central European University (CEU) located in Budapest, Hungary. Its main goal is to contribute to an informed international dialogue about the future of the European Union in the world, while capitalizing on its Central European perspective and regional embeddedness.

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Frontiers of Democracy

Embedding Democratic Values in Moldova and Ukraine

Moldova and Ukraine, countries of the European Union's Eastern Partnership program, are undergoing complex processes of democratic transformation, but with weak embeddedness of democratic values and principles drawbacks can occur. It is embeddedness that helps to overcome the challenges of transformation and pushes countries beyond mere frontiers of democracy towards becoming strongly committed democratic communities. The goal of the [“Frontiers of Democracy: Embedding Democratic Values in Moldova and Ukraine”](#) project of the CEU Center for European Neighborhood Studies is to facilitate embedding democratic values in the societal ethos in Moldova and Ukraine by providing a forum for discussion of the difficulties of such a complex process and by drawing on the transition experience of the Visegrad countries (the Czech Republic, Hungary, Poland and Slovakia).



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The opinions expressed here are those of the author.

About the author

Martin Šimáček

Martin Šimáček is the director of the newly established think tank for public policies in the Czech Republic called Institute for Social Inclusion. He graduated in journalism at the Charles University in Prague in 2001 and in public and social policy in 2016. In 1999, he worked as an interpreter for asylum seekers from Central and Eastern Europe in the UK. From 2001, he worked for the People in Need Foundation as director of the Central Bohemian branch of Social Integration Programs, as well as a desk officer of the Slovakia branch, which focused on work in Roma settlements. In 2007-2009, he worked for the Ministry of Education in the section of social programs in education. In 2009, he helped to introduce social work in the region of Samagrelo in Georgia. In the years 2009-2015, he led the Agency for Social Inclusion of the Office of the Government of the Czech Republic. In the years 2013-2014, he represented the Czech Government Commissioner for Human Rights during the time when the position was not occupied. Since 2015, he is an adviser to the Minister of Labor and Social Affairs.

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The background for my contribution to the topic of tolerance in society comes from my professional experiences with the reality of the Czech Republic, a more or less mono-ethnic state in a very calm region with a relatively good standard of living. The Czech Republic is generally not seen as a welcoming country for asylum seekers. Yet, there are about half a million foreigners¹ in the country of 10 million. Additionally, the largest minority is the Roma with approximately 170 thousand people. Almost half of them live in so-called excluded localities, which are situated in several of those regions which are threatened by higher unemployment and structural problems. Most of them are fully unemployed, over-indebted, undereducated, under-qualified, and also dependent on social benefits.

26 years after the regime change and on the path to liberal democracy, we cannot say that in the area of social inclusion, tolerance and non-discrimination we have done everything well. On the contrary, lots of problems are unsolved, postponed and ignored. Nonetheless, we have experiences which can be useful not only for us, but hopefully also for Ukraine and Moldova.

The legislative, institutional and strategic framework

Following 1990, it took the Czech government a very long seven-year period until it paid attention to the problem of the so-called excluded Roma localities for the first time. Finally, it accepted the first report on situation of the Roma in 1997,² but it still was very fragmented, and not based on complex data. The first overview on the situation of excluded Roma localities was prepared only in 2006, when a map of excluded places was also published.³ Thus it took

¹ Czech Statistical Office, “Foreigners: Number of foreigners,” accessed on October 3, 2016.

https://www.czso.cz/csu/cizinci/1-ciz_pocet_cizincu

Center for Integration of Foreigners, “Where can I find statistics about migration?” accessed on October 3, 2016. <http://www.cicpraha.org/en/pro-verejnost/zakladni-informace-o-imigraci-v-cr/kde-hledat-statistiky-tykajici-se-migrace.html>

² Government of the Czech Republic, “Resolution of the Government of the Czech Republic dated October 29, 1997 no.686+P to the Report on the situation of the Roma community in the Czech Republic and the present situation of the Roma community,” accessed on October 3, 2016.

https://albatros.odok.cz/usneseni/usneseni_webtest.nsf/0/4AB277D7C79B9F38C12571B6006D1F2C

³ Čada, Karel, *Analysis of Socially Excluded Localities in the Czech Republic* (Prague: GAC spol. s r. o., 2015)

<https://www.esfcr.cz/documents/21802/791224/Analysis+of+Socially+Excluded+Localities+in+the+CZ.pdf/681c6783-18ca-4f45-a3ea-ac97b5ce11a4>

16 years until the public administration obtained robust information about the problem, yet, almost no solution followed. Independently, there were some NGO programs running to tackle the exclusion, but there were no regular social services, and most of the Roma children from the excluded localities were educated in segregated schools, while the number of people with long-term unemployment constantly increased.

Generally, one could conclude based on this that one should not postpone the analysis of the real situation on the field. Some can claim that they know what is going on, but that is not true. As long as exact data is not available, one cannot build real policies. We should also mention the “wow effect” when the map was published in the Czech Republic: suddenly, evidence for real policies was available, and the politicians were pushed to act on real solutions.

Another key factor in terms of gathering information is the relevance of the collected data, the chosen methodology and the overall approach. For example, the report for the Czech government in 1997 was based on an ethnic approach. The Roma population was tightly connected with the situation in socially excluded localities, which is why the localities were officially named “socially excluded Roma localities. This in turn affected the discourse about social exclusion resulting in talks about “Roma problems”. Consequently, proposed solutions were also determined by this. As a reaction, the governmental committee for Roma affairs, and three years later the network of regional coordinators for Roma affairs with connection to the Roma advisors on the municipal level were established. This approach led to the transfer of responsibility from the official public administration to the parallel “administration” of Roma representatives, who were often incompetent to find solutions lacking also real power and authority.

On the other hand, and despite the network of Roma coordinators, not enough protection was provided against discrimination until 2000, when the Ombudsman’s office was formed. Thanks to the strong personality of all ombudspersons, the office of the ombudsman became very respected, but remained without relevant capacity and formal authority. This highlights another key lesson: the systematic and independent protection of human rights must be secured from the beginning as an opportunity available for every citizen and respected by the public administration.

One should remember, however, that different governmental committees may not be strong enough, may not be respected by government members, and can be left without real opportunity to affect the legislative processes. Having representative bodies can be one of the preconditions for the protection of human rights, but in itself, it is still not a guarantee that public authorities would respect them. The protection of human rights and respect for the needs of poor and marginalized people must be part of the mainstream political approach, and what is more, of every single executive decision.

Human rights and marginalized people are respected only in those cases when, during the preparation of crucial acts and key systems, they are in the center of attention. For example, the following acts must be also oriented

toward the protection of marginalized groups: the act on social services, the act on pro-family policies, the act on the social and legal protection of children, the act on institutional care, the act on pre-school and school education, the act on employment, the act on social living, the act on social benefits, but also even the act on consumer loan. Furthermore, one has to look one level higher to the codes, as well: to the Labor Code, or the Civil Code, and so on.

When all these systems run well and pay enough attention to marginalized people, then the probability of human rights violations and system failures is lower. Of course, every single representative (official) of the system must do her or his work well. It is important on all levels: on the level of responsible decision makers, but also on the level of officials, who are in everyday contact with people and are responsible for the real sensitivity of the systems. Altogether, it is a very long process beginning with the creation of a good law or functional system (for example, the act on education) and ending with people implementing it (in this case, teachers and other teaching staff). The good performance of civil services is the question of, on one hand, good conditions for the staff including good remuneration and useful professional training, and on the other hand, good formal environment, methodology and organization of these services.

Generally, public policies must be developed strategically with a long-term vision, with the participation of experts and with professionalism. First, they must react to the reality, real problems and the needs of people. Every particular political step, every decision must be assessed in relation to long- and mid-term strategies. These principles are well known also as principles of evidence-based policy making, but it is still very important to recite them. For example, in the Czech Republic, many policies are still not evidence-based and are not built in mind with connection to the overall strategic frame. Of course, one can protest that there are a lot of different strategies of very different quality in every single area. Hundreds and hundreds even. And again, in the Czech Republic, there are plenty of governmental, regional and local strategies which are without real impact to the particular situation of particular people, and which do not develop the area, but rather conserve it. Often it is not easy to orient oneself in the maze of strategies, which are finally ineffective, non-respected and unfulfilled. This is not a reason though for not preparing strategies. On the contrary, this is the reason for accepting good methodology, which is binding for the preparation of strategies in the civic administration. It is also necessary to have very clear governmental decisions on the methods of preparing and implementing strategies, and it is very useful to have accepted formal frames as well as formal processes. These bring an important common understanding of the methodology, on which everyone responsible for preparing the strategy – creator or sponsor – can insist.

The role of civil society in addressing social inclusion

Last but not least, a clear methodology about the participation of actors on all levels must be adopted. This should include all key actors: authorities, bureaus, and relevant organizations – none should be omitted. Additionally, the participation of the primary beneficiaries, ordinary people in specific situations, should be guaranteed, as well. Sometimes (or we should say, mostly) citizens and NGOs are not involved in the processes in the Czech Republic, and strategic frames are created at random, isolated and without anything concrete.

Let's take a look at the position of NGOs. As mentioned, non-governmental organizations were the first actors, who implemented programs to support social inclusion and protect human rights during the 1990s, several years after the regime change and many years before the public administration started to be able to react to the situation in the excluded localities and to that of marginalized people. At that time, just like today, they were mostly in the position of the 'unwanted': those, who are an annoyance, while being under-financed at the same time, and not taken to the table with the representatives of the public administration. Things are slowly changing, and some organizations are stronger and stronger, well-experienced, able not only to support concrete people, but also to perform good advocacy work, and to cooperate with public administration, politicians, and international networks.

The public administration must know that non-governmental organizations (not all, but many of them) are naturally close to the field with specific know-how, which is irreplaceable, and which enables them to formulate specific suggestions to improve the various systems and legislation. Public administration must know that non-governmental organizations can represent the interests of very specific groups of people with weak voices. Supporting such NGOs through financing their work and creating an environment especially for their participation in procedures must be very natural for the public administration. Every big national or regional office should have its own advising body of non-governmental organizations. The mandate of these non-governmental organizations must be clear and specific. It is not acceptable to grant a place at the meeting table only to those who are obsequious and not creative instead of to those who are critical, if needed and justified, while doing their job in the interest of the client (citizen) but often against the interest of the public administration. Great work must be the invitation to the process. Only with those organizations, which do their job well and understand their goals, can the public administration take some steps forward.

Sometimes – not only in the Czech Republic – we can hear that several big organizations receive all the available money from grants and that the smaller ones are disadvantaged in this competition for financial resources. It might be true, but one can also see this through the work done by those who

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are successful and – of course after couple of years – are bigger than the others. Sometimes one can even hear – in the Czech Republic, mostly in the area of Roma integration – that big “non-Roma” organizations steal money that is earmarked for Roma organizations. This has been a huge dispute during the last 26 years, but without any sense. The dividing line must not lie between the Roma and non-Roma organizations, but between those who contribute to the achievement of defined goals, and those who do not.

Public administration, with the involvement of the civil society, should define the visions, goals and priorities of policies as well as the role of NGOs in achieving them. The administration then must define a clear and transparent environment for financing (the agreed) activities in transparent processes. Finally, it must be prepared to fully cooperate with providers and use their results for the public interest. At the same time, officers must know that apart from the established organizations some new ones still emerge. They could provide very important opportunities and must be fully supported from the side of the public administrations.

Finally, the differences between non-governmental organizations and grassroots organizations should be mentioned. There seems to be a contradiction between traditional NGOs and grassroots organizations, but it does not have to be the case. Both type of organizations should be respected in their positions and roles and taken to the meeting table as partners. Only open discussions can bring about some understanding about each other and create cooperation. Grassroots organizations, which might not be that predictable, are sometimes unstable, but very natural and authentic, must have their role in the process of creating policies.

The Agency for Social Inclusion: A positive example from the Czech Republic

In 2008, the Agency for Social Inclusion was created in the Czech Republic to support the integration of people in excluded localities. The Agency has the role to cooperate across the public administration and municipal level with ministries, cantons and cities or villages, and it primarily helps local authorities to create functional, locally-oriented policies on social inclusion. With this task in mind, the Agency must be very open to cooperate with all local partners: traditional NGOs (which are, by the way, among the most powerful, competent and important partners of the Agency), but also with grassroots organizations and individuals. The Agency has created during the years a very open method of participation and cooperation in the process of local strategic planning. Nowadays, the Agency is one of the most open state institutions in the Czech Republic and its model can be used as a good practice for cooperation between the public administration and the civil sector in solving the very complex problem of social exclusion.

Finally, we can see that well-experienced people from the NGO sector can gradually take the responsibility and step into public administration with very good knowledge concerning the reality, the needs of ordinary people, as

well as expertise to identify solutions. All of these experiences can be used inside the public administration to improve strategies and policies. So, the circle closes: in the Czech Republic, more and more people coming from the field join the administration and support systematic changes, also on the level of legislation. Based on this experience I can say that the opportunity should be given to ordinary people in the beginning of all transfer processes to create their new future, to contribute and be active. This bottom-up energy comes one step before the creation of new structures (mostly non-governmental organizations), and it can be very useful in order to prevent the postponing or obstruction of finding solutions to real problems, and, of course, in creating an open and tolerant society.

Conclusion and recommendations in points

- Do not postpone analyzing the real situation in the field.
- The systematic and independent protection of human rights must be secured from the beginning as an opportunity available for every citizen.
- The protection of human rights and respect for the needs of poor and marginalized people must be part of the mainstream political approach.
- Human rights and marginalized people are respected only in those cases when, during the preparation of crucial acts and key systems, they are in the center of attention.
- Public policies must be developed strategically with a long-term vision, with the participation of experts and with professionalism.
- Public administration must know that non-governmental organizations (not all, but many of them) are naturally close to the field and have specific know-how, which is irreplaceable.
- Public administration must know that non-governmental organizations can represent the interests of very specific groups of people with weak voices.
- The mandate of non-governmental organizations in the processes must be clear and specific.
- Well-experienced people from NGOs can gradually take the responsibility and step into the administration with a very good knowledge about the reality, the needs of ordinary people, and expertise to find solutions. All of these experiences can be used inside the public administration to improve strategies and policies.

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