

## **2017 United Nations Forum on Business and Human Rights**

### **National action plans and access to remedy**

#### **Statement by the Czech Republic**

**29 November 2017**

The Czech Republic would like to thank the UN Working Group on Business and Human Rights for organizing this session on National action plans, providing an opportunity for sharing experience and lessons learned in the development and implementation of NAPs.

We are happy to announce that on 23<sup>rd</sup> October 2017, the Government of the Czech Republic approved its National Action Plan on Business and Human Rights for the years 2017 – 2022.

The whole process of implementing the UN Guiding Principles through a NAP was launched in December 2015, at an international expert seminar to which our Dutch, German and OHCHR colleagues were invited to share their experience and provide guidance. Representatives of different Ministries, business, trade unions, business associations, academia, NGOs were present. The seminar was jointly organized by the Ministry of Foreign Affairs and the Office of Minister for Human Rights, Equal Opportunities and Legislation – the NAP process was thus initiated by two governmental departments. A separate meeting with representatives of business associations and corporate sector to explain our intentions was organized. To have a basis for our work, the Ministry of Foreign Affairs commissioned a study on UN Guiding Principles' implementation in the Czech Republic, prepared by an academic institution.

Minister for Human Rights subsequently established a working group which comprised governmental as well as non-governmental stakeholders (representatives of business, business associations, trade unions, NGOs and respective ministries). His Office was leading the drafting process which took one and half year.

The NAP preparation process provided an opportunity to evaluate the mechanisms that were already in place. The Action Plan formulates tasks for the governmental departments and recommendations to business. It covers all three pillars of the UN Guiding Principles and follows the individual principles. For each topic, the NAP provides a short description of the current state, formulates concrete tasks, assigns the responsibility to a particular department and sets a deadline.

The part of the NAP devoted to the first pillar covers issues such as education and awareness-raising, criminal responsibility of legal entities in the area of human rights, protection of social services' clients, labour conditions, trade in arms, conflict minerals, non-financial reporting, public procurement, State-owned companies.

The second pillar, addressed to business, explains what is behind the corporate responsibility to respect human rights, the concept of due diligence or requirement of transparency. The NAP recommends businesses to introduce due diligence and suggests criteria of an effective due diligence mechanism.

As this session focuses primarily on access to remedy, we would like to brief you more thoroughly on the part of the NAP devoted to the third pillar, describing judicial and non-judicial mechanisms'

functioning in the Czech Republic. Overloading of courts and excessive administrative requirements, low awareness of alternative mechanisms of dispute settlement and costly professional legal assistance were identified as the main obstacles to effective law enforcement.

The NAP elaborates on legal representation before the court and provision of legal assistance. It sets the task to analyse situations of legal representation by legal entities or cost-free legal assistance. It further focuses on access to evidence and requests a complex analysis of proceedings on access to means of proof. As for the issue of collective action, it sets the task to prepare its introduction into civil judicial proceedings. In relation to access to courts, the NAP requests continuation of work on introducing electronic judicial files and mapping of current trends and opportunities in modernization of justice functioning. It further elaborates on alternative and on-line dispute settlement.

Adoption of the NAP is just a beginning of our work on the topic of business and human rights in the Czech Republic. Our NAP is supposed to be a living document – fulfilment of the tasks set in the document will be evaluated and the NAP might be updated. A mid-term report should be prepared by the end of 2020 and a final report by the end of 2022. A thorough study will be commissioned to assess the current state of play in the area of business and human rights.

The Czech Republic would like to thank members of the Working Group as well as colleagues from other EU countries for sharing their experience and assisting us throughout the process.

I thank you.