

CONTOURS OF NATIONAL ACTION PLANS ON BUSINESS AND HUMAN RIGHTS IN CENTRAL AND EASTERN EUROPE

Introduction

Central and Eastern Europe has been since the creation of the United Nations one of its five regional groups. This region spreads from Slovenia at the furthest west point to the most Eastern points of the Russian Federation. Societies in Central and Eastern Europe have in the past decades experienced systematic and wide-spread business-related human rights abuses, which range from violations of equal treatment and health and safety at work to protecting human dignity in the extractive industries.¹ Moreover, human rights defenders have generally and specifically in the field of business and human rights often faced prosecution.² As a result, Central and Eastern European

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¹ See, for instance, *BRIEFING: Business & Human Rights Challenges in Eastern Europe & Central Asia* (Business and Human Rights Resource Centre, 2015), <https://media.business-humanrights.org/media/documents/files/eeca-regional-briefing-february-2016.pdf>; *Workers and Minorities Bear the Brunt of Abuse, Business & Human Rights in Eastern Europe & Central Asia*, Business and Human Rights Resource Centre, 2014, <https://media.business-humanrights.org/media/documents/files/media/documents/eeca-regional-briefing-may-2014.pdf>; Jernej Letnar Čerňič, Gorazd Justinek, and Christian Bukor, “Spoštovanje človekovih pravic v družbah prve kotacije ljubljanske borze: raziskava letnih poročil,” *Pravnik: revija za pravno teorijo in prakso* 75 (11/12) (2020): 799–830; Claudia Ciobanu, “Bulgarian Villagers in Chronic Limbo over Coal Mine Expansion,” *Bankwatch*, last modified May 6, 2019, <https://bankwatch.org/story/beli-bryag>; Jernej Letnar Čerňič, “Business and Human Rights in Slovenia,” *Cambridge Core blog of the Business and Human Rights Journal*, April 17, 2019, <https://www.cambridge.org/core/blog/2019/04/16/business-and-human-rights-in-slovenia/>.

² *BRIEFING: Business & Human Rights Challenges*, 4–5. See also “Human rights in Eastern Europe and Central Asia: Review of 2019,” *Relief Web*, April 16, 2020, <https://reliefweb.int/report/world/human-rights-eastern-europe-and-central-asia-review-2019>.

countries share common recent history, culture and mentality.³ Corporations in the regions have often directly and indirectly interfered with the human rights of employees and the wider populations. Business and human rights has in the past lagged behind developments at the other continents and globally.⁴ Most states have not been fully involved in the preparation of soft law standards and potential binding standards on business and human rights. For instance, recently only a few states participated at the negotiations for the potential UN Business and Human Rights.⁵ Moreover, only few scholars from the region have been in past decades actively involved in research and building capacity on business and human rights.⁶

The UN Human Rights Council in June 2011 adopted the UN Guiding Principles on Business and Human Rights as an authoritative international document on business and human rights standards.⁷ The Guiding Principles establish a three-fold framework of state obligations and responsibilities in business and human rights. States have primary obligations to protect individuals against business-related human rights abuses, corporations are to respect and protect human rights, and thirdly state and corporations are to establish judicial, quasi-judicial and non-judicial mechanisms to enforce corporate and state responsibility. The UN Working Group has visited Azerbaijan and Georgia among the countries of Central and Eastern Europe.⁸ The UN Member States have been encouraged to adopt National Action Plans to implement the UN Guidelines in their domestic systems.⁹ So far 24 states have adopted National Action Plans on Business and Human Rights, including 4 states

³ See, for instance, Lavinia Stan, ed., *Transitional Justice in Eastern Europe and the Former Soviet Union*, (Routledge, 2009); Matej Avbelj and Jernej Letnar Čerņič, *The Impact of European Institutions on the Rule of Law and Democracy: Slovenia and Beyond* (Oxford, Hart, Bloomsbury, 2020).

⁴ Jernej Letnar Čerņič, "Mapping Business and Human Rights in Central and Eastern Europe," *Cambridge Core blog of the Business and Human Rights Journal*, December 2020, <https://www.cambridge.org/core/blog/2020/12/11/mapping-business-and-human-rights-in-central-and-eastern-europe/>.

⁵ United Nations Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights, Legally Binding Instrument to Regulate, in International Human Rights Law, the Activities of Transnational Corporations and other Business Enterprises, 6 August 2020, Article 2 (1), https://www.ohchr.org/Documents/HRBodies/HRCouncil/WGTransCorp/Session6/OEIGWG_Chair-Rapporteur_second_revised_draft_LBI_on_TNCs_and_OBEs_with_respect_to_Human_Rights.pdf; Jernej Letnar Čerņič and Nicolas Carrillo-Santarelli, eds., *The Future of Business and Human Rights: Theoretical and Practical Considerations for a UN Treaty* (Cambridge; Antwerp; Portland: Intersentia. cop., 2018).

⁶ Beata Faracik, Jernej Letnar Čerņič and Olena Uvarova have in 2019 founded the Central & Eastern European Business & Human Rights Association (<https://pihrb.org/ceebhra/>).

⁷ UN, John Ruggie, *Protect, Respect and Remedy: A Framework for Business and Human Rights: Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises*, A/HRC/8/5 (7 April 2008).

⁸ "UN Working Group on Business and Human Rights, Country visits of the Working Group," United Nations Human Rights. Office of the high Commissioner, accessed May 4, 2021, <https://www.ohchr.org/EN/Issues/Business/Pages/WGCountryVisits.aspx>.

⁹ See for a detailed study: Humberto Cantu Rivera, "National Action Plans on Business and Human Rights: Progress or Mirage?" *Business and Human Rights Journal* 4(2) (2019): 213–37.

from Central and Eastern Europe (Czech Republic, Lithuania, Poland and Slovenia).¹⁰ Georgia and also recently Ukraine¹¹ adopted its action plan as a part of its national action plan on business and human rights.¹² The Russian Federation as the largest country in Central and Europe has so far not adopted the National Action Plan.¹³ This article will briefly analyse contours of the National Action Plans on Business and Human Rights of the Czech Republic, Poland, Lithuania, Georgia, Ukraine and Slovenia by examining their qualities and deficiencies. It argues that the field of business and human rights in Central and Eastern Europe should be strengthened in order to effectively protect the human dignity of rights-holders.

I. National Action Plans on Business and Human Rights in Central and Eastern Europe

This section describes and examines all six National Action Plans on Business and Human Rights that have been so far adopted in Central and Eastern Europe. Moreover, it provides some recommendations on the improvement of those National Action Plans.

1. National Action Plans on Business and Human Rights of the Czech Republic

The Czech Republic launched its National Action Plan in February 2017.¹⁴ It is divided in three parts and follows the tripartite structure of the UN Guiding Principles. As for state obligation to protect, it includes detailed list of actions in several subfields such as:

Publication and dissemination of existing documents, education and awareness-raising, Criminal liability of legal persons in the field of human rights, Disqualification of a member of a body, protection of social service clients, Most serious infringements of working conditions, Trade in military equipment, Supply chains and conflict minerals, Non-financial reporting, public

¹⁰ “UN Working Group on the issue of human rights and transnational corporations and other business enterprises, State National Action Plans,” United Nations Human Rights. Office of the high Commissioner, accessed April 20, 2021, <https://www.ohchr.org/EN/Issues/Business/Pages/NationalActionPlans.aspx>.

¹¹ See, for instance, Nadia Bernaz, “Implementing the UNGPs in Eastern Europe: Is Ukraine the Example to Follow?” *Rights as Usual*, March 29, 2021, <https://rightsasusual.com/?p=1404>; Dafina Gercheva and Nicolaj Sonderbye, “Responsible Business Conduct Accelerates Social and Economic Development,” *UNDP Ukraine*, February 5, 2021, <https://www.ua.undp.org/content/ukraine/en/home/blog/2021/responsible-business.html#.YCP0cYZMD10.twitter->.

¹² “UN Working Group on the issue of human rights and transnational corporations and other business enterprises, State National Action Plans,” United Nations Human Rights. Office of the high Commissioner, accessed April 20, 2021, <https://www.ohchr.org/EN/Issues/Business/Pages/NationalActionPlans.aspx>.

¹³ Екатерина Аристова, “Бизнес и права человека в России,” *Европейский центр по правам человека Бюллетень* 23 (2015): 8–9.

¹⁴ “Czech Republic,” National Action Plan for Business and Human Rights, 2017–2022, accessed May 4, 2021, <https://www.ohchr.org/Documents/Issues/Business/NationalPlans/NationalActionPlanCzechRepublic.pdf>.

procurement, State aid, guarantees and subsidies, enterprises and companies in which the state has a shareholding, and External policy.¹⁵

The plan notes that “human rights standards encapsulate not only a legal commitment, but also moral and ethical responsibility independent of state authority and its enforcement of the law.”¹⁶ It adds that “respect for human rights is both a legal obligation and the least that can be expected of business ethics.”¹⁷ As for the access to remedy, it focuses among others on access to courts, collective actions and alternative and online dispute resolution, by specifying the name of concrete projects and measures to be adopted to reach the deadline.¹⁸ The Czech National Plan is overall well prepared and goes very in detail concerning state and corporate human rights obligations in business and human rights. It has distinguished itself from other National Action Plans in Central and Eastern Europe that it includes goals, timeline and indicators, which enable measurements of the set commitments concerning state and corporations and access to remedy. The Ministry of Human Rights is reported to have regularly supervised the implementation of the Plan.¹⁹

2. National Action Plans on Business and Human Rights of Georgia

Georgia adopted its National Action Plan on Business and Human Rights in 2018 as part of its National Plan on Human Rights.²⁰ Its Chapter 25 includes several objectives in the area of business and human rights. It does not, however, follow the structure of the UN Guiding Principles. It includes among others the following objectives: “25.21.1. Ensure support and political implementation for UN main principles concerning business and human rights,”²¹ “25.22.1. Conduct appropriate actions with the aim to ensure support and political implementation for UN main principles concerning business and human rights,”²² “25.23.1. Ensure awareness rising about UN main principles concerning business and human rights,” “25.24.1. Promote popularisation and elaboration of manual document on UN main principles concerning business and human rights,”²³ “25.25.1.

¹⁵ “Czech Republic,” National Action Plan for Business and Human Rights, 2017–2022, accessed May 4, 2021, <https://www.ohchr.org/Documents/Issues/Business/NationalPlans/NationalActionPlanCzechRepublic.pdf>. 9–28.

¹⁶ Ibid, 29.

¹⁷ Ibid.

¹⁸ Ibid, 41–51.

¹⁹ “Czechia,” National Action Plans on Business and Human Rights, accessed May 4, 2021, <https://globalnaps.org/country/czech-republic/>.

²⁰ “UN Working Group on the issue of human rights and transnational corporations and other business enterprises, State National Action Plans, Georgia,” United Nations Human Rights. Office of the high Commissioner, accessed May 4, 2021, <https://www.ohchr.org/EN/Issues/Business/Pages/NationalActionPlans.aspx>.

²¹ Ibid.

²² Ibid.

²³ Ibid.

Ensure conducting appropriate actions for public servants about UN main principles with the aim to provide information and raise awareness,”²⁴ “25.26.1. Raise awareness for the staff of judicial authority and investigative structures concerning human rights,”²⁵ “25.27.1. Ensure awareness rising about legal risks assessment for companies with the aim to prevent human rights violation”²⁶ and “25.28.1. Ensure strengthening high standard issues containing mechanisms, including out-of-court appeal.”²⁷ The Georgian National Action Plan does not provide for detailed commitments, goals and indicators state and corporate obligations in the field of business and human rights. As a result, it is of programmatic legal nature that does not grant rights-holders with the effective access to remedy. The UN Working Group on Business and Human Rights observed in the Statement at the end of visit to “Georgia that the content of the chapter on business and human rights should be improved post-2020 to capture fully all recommendations of the baseline assessment as well as our June 2020 report to the UN Human Rights Council.”²⁸ It urged the government to “...also consider developing a comprehensive National Action Plan on Business and Human Rights as per the guidance provided by the Working Group.”²⁹

3. National Action Plans on Business and Human Rights of Lithuania

Lithuania introduced in February 2015 its National Action Plan on Business and Human Rights as the first state in Central and Eastern Europe.³⁰ The Plan spans on only 6 pages, however it follows three pillars of the UN Guiding Principles. Lithuania recognized in its National Action Plan that it carries a positive obligation to ensure that companies in the Lithuanian legal order do not interfere with the human rights and freedoms of individuals.³¹ Lithuania has so far not played a significant role in the international community in business and human rights. As a rule, with a few exceptions, it has not actively participated in global debates on business and human rights, as only a few experts and non-governmental organizations have been active in this field. Government authorities have so far too often

²⁴ “UN Working Group on the issue of human rights and transnational corporations and other business enterprises, State National Action Plans, Georgia,” United Nations Human Rights. Office of the high Commissioner, accessed May 4, 2021, <https://www.ohchr.org/EN/Issues/Business/Pages/NationalActionPlans.aspx>.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Ibid.

²⁸ “Statement at the end of visit to Georgia by the United Nations Working Group on Business and Human Rights, Tbilisi, 12 April 2019,” United Nations Human Rights. Office of the high Commissioner, accessed May 4, 2021, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24474&LangID=E>.

²⁹ Ibid.

³⁰ “UN Working Group on the issue of human rights and transnational corporations and other business enterprises, State National Action Plans, Lithuania,” United Nations Human Rights. Office of the high Commissioner, accessed May 4, 2021, https://www.ohchr.org/Documents/Issues/Business/NationalPlans/Lithuania_NationalPlanBHR.pdf.

³¹ Ibid, 1–2.

confused business and human rights with discussions on corporate social responsibility. Initiatives for respect for human rights in the economy are present in Lithuanian society, but in rare cases they have exceeded corporate social responsibility initiatives such as philanthropy, donations and charitable campaigns.³² As for the access for remedies, the state has among others committed to introduce the possibility of class action in administrative procedure and to encourage self-regulation of business.³³ The Lithuanian Action Plan is somehow limited in nature and its extent. Perhaps this can be explained by its early adoption. The Lithuanian government has in spite of earlier commitments so far not established any Working Group for supervision of implementation. Nonetheless, it seems to be working on the 2nd version of its National Action Plan.³⁴

4. National Action Plan on Business and Human Rights of Poland

Poland is one of the largest economies in Central and Eastern Europe and one of the most advanced countries as to the developments in Business and Human Rights.³⁵ The National Action Plan on Business and Human Rights of Poland was adopted in May 2017.³⁶ It is divided into three parts and implementation of the National Action Plan. It is well prepared and it includes 58 pages. The Polish government notes that “is sending a clear signal to entrepreneurs, pointing out that the obligation to apply the UN Guiding Principles is the best way to promote a responsible approach to conducting business activity and thus implementing other international standards, including the OECD Guidelines for Multinational Enterprises.”³⁷ As for access to the remedy, the National Action Plan notes that “the Polish legal system provides people who have been victims of human rights violations in the context of a broadly defined economic activity with a range of legal measures to seek judicial protection.” It adds that “access to these instruments is wide and allows appropriate remedial action to be taken, depending on the nature of the violation.”³⁸ Although the Polish National Action Plan is a textbook example of good practices concerning business and human rights in Central and Eastern Europe, it has much room for improvement. The Polish government should in the Second version of the Action Plan include more detailed commitments in different areas of business and develop indicators and deadlines to measure business and human rights in practice.

³² “UN Working Group on the issue of human rights and transnational corporations and other business enterprises, State National Action Plans, Lithuania,” United Nations Human Rights. Office of the high Commissioner, accessed May 4, 2021, https://www.ohchr.org/Documents/Issues/Business/NationalPlans/Lithuania_NationalPlanBHR.pdf, 5–6.

³³ *Ibid*, 6.

³⁴ “National Action Plans on Business and Human Rights, Lithuania,” United Nations Human Rights. Office of the high Commissioner, accessed May 4, 2021, <https://globalnaps.org/country/lithuania/>.

³⁵ Beata Faracik, “Biznes i prawa człowieka. Odpowiedzialność, korzyści, etyka,” *Rzeczpospolita*, February 28, 2018, <https://www.rp.pl/>.

³⁶ Polish National Action Plan for the Implementation of the United Nations Guiding Principles on Business and Human Rights 2017–2020, Council of Ministers, 29 May 2017.

³⁷ *Ibid*, 28.

³⁸ *Ibid*, 37.

5. National Action Plan on Business and Human Rights of Ukraine

The development of the Ukrainian National Action Plan has been a long process, which started in 2017.³⁹ Ukraine first published the National Baseline Assessment on Business and Human Rights in 2019.⁴⁰ Ukraine thereafter published a National Action Plan on Business and Human Rights in March 2021.⁴¹ It is part of the national human rights action plan of the Republic of Ukraine.⁴² The chapter on business and human rights is only 2 pages long. Nonetheless, it notes that “business entities should apply a human rights approach in conducting business activities;” and “access to effective remedies should be guaranteed to victims of human rights violations related to business operations.”⁴³ Nonetheless, it includes several indicators that could be used when measuring the respect for business and human rights in practice.⁴⁴ The adoption of a chapter on business and human rights within the Ukrainian National Action Plan on Business and Human Rights is certainly the step in the right direction. It remains to be seen how the chapter will be implemented in practice and if Ukraine will in future adopt a stand-alone National Action Plan on Business and Human Rights.

6. National Action Plan on Business and Human Rights of Slovenia

The structure of the action plan of the Republic of Slovenia partially follows the UN Guiding principles.⁴⁵ It was launched in November 2018. The National Action Plan of Slovenia includes commitments as to pillar 1 and pillar 3. Pillar 2 on corporate responsibility for human rights has not been included in the special chapter. Nonetheless, the Action Plan recognizes that corporations have constitutional and statutory obligations concerning human rights. The Action notes that corporations that “...must comply with the Constitution and the laws of the Republic of Slovenia, as well as generally recognised standards and principles and the rules of international human rights law.”⁴⁶ Nonetheless, the absence of individual chapters on the obligations of corporations to respect human rights is difficult to understand, as there is already a legal basis for it in the Slovenian domestic legal system. Such a text contradicts the current constitutional system, which

³⁹ “Ukraine,” National Action Plans on Business and Human Rights, accessed May 4, 2021, <https://globalnaps.org/country/ukraine/>.

⁴⁰ *Business and Human Rights National Baseline Assessment Executive Summary*, <https://legalforum.nlu.edu.ua/wp-content/uploads/2019/06/executive-summary.pdf>.

⁴¹ “Ukraine,” National Action Plans on Business and Human Rights.

⁴² *Ibid.*

⁴³ Decree of the President of Ukraine, no. 119/2021, On the National Strategy for Human Rights, unofficial English translation, 4, accessed May 4, 2021, <https://globalnaps.org/wp-content/uploads/2021/05/ukrainian-bhr-chapter-2021-unofficial-english-translation.pdf>.

⁴⁴ *Ibid.*

⁴⁵ National Action Plan of the Republic of Slovenia on Business and Human Rights, November 2018, accessed May 4, 2021, https://www.ohchr.org/Documents/Issues/Business/NationalPlans/Slovenia_EN.pdf.

⁴⁶ *Ibid.*, 11.

already requires companies to respect and protect human rights.⁴⁷ Corporations are to respect the Constitution and the laws of the Republic of Slovenia.⁴⁸ The Plan list among priorities of Slovenia in its implementation the following areas: “Prevention of discrimination and inequality, and promotion of equal opportunities;”⁴⁹ “Promotion and protection of fundamental workers’ rights, also in transnational businesses and along the entire production chain;”⁵⁰ “Prevention of, and fight against, trafficking in human beings;”⁵¹ “Environmental protection, nature conservation, sustainable development;”⁵² and “Human rights due diligence.”⁵³ It appears that the Slovenian state could have perhaps shown a clearer commitment that corporations operating in Slovenia must respect and protect human rights.⁵⁴ The absence of a clear message in the action plan that corporations to respect and protect human rights in the Slovenian legal system diminishes the importance of the entire action plan.⁵⁵ The Slovenian government has through its Ministry of Foreign Affairs since the adoption of the National Action Plan regularly supervised its implementation.⁵⁶ It has mostly focused on the activities of the state-owned corporations.⁵⁷ Nonetheless, the Slovenian government should in the implementation system further develop indicators and set deadlines for implementation of its and corporate commitments concerning business and human rights. The measurement of human rights compliance of businesses will illustrate a real-life picture of business and human rights in Slovenia.

II. Challenges Concerning National Action Plans on Business and Human Rights in Central and Eastern Europe

States must protect the individual against violations by private entities and exercise control over companies that are allegedly involved in human rights violations on their territory, and increasingly also control companies when operating outside its borders. National Action Plans on Business and Human Rights are generally summaries of national laws and/or of non-binding commitments. Several authors have in the past argued that they cannot provide rights-holders with an effective access to justice for business-related human rights commitments.⁵⁸ The existing National Action Plans of Central and Eastern European states are in that regard no exception. Only a few states in Central and Eastern Europe

⁴⁷ Jernej Letnar Čer nič, “Človekovo dostojanstvo v gospodarstvu,” *IUS-INFO*, 1 December 2017.

⁴⁸ *Ibid.*

⁴⁹ National Action Plan of the Republic of Slovenia, 6.

⁵⁰ *Ibid.*

⁵¹ *Ibid.*

⁵² *Ibid.*

⁵³ *Ibid.*

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*

⁵⁶ Čer nič, “Business and Human Rights in Slovenia.”

⁵⁷ *Ibid.* See also Government of Slovenia, Business and Human Rights, accessed April 20, 2021, <https://www.gov.si/en/topics/business-and-human-rights/>.

⁵⁸ See, for example, Rivera, “National Action Plans;” Beata Faracik, *Implementation of the UN Guiding Principles on Business and Human Rights*, European Parliament, February 2017.

have so far adopted National Action Plans. On the other hand, the adopted four or five National Action Plans substantially vary in the quality and extent of state pronouncements on their and corporate responsibilities. For instance, National Action Plans on Business and Human Rights of Georgia and Lithuania do not entail detailed commitments and indicators, as they focus more on general and programmatic commitments. On the other hand, the National Action Plans on Business and Human Rights of the Czech Republic, Poland and Slovenia are in pair with best practices concerning National Action Plans. One of the deficiencies of National Action Plans at the global level has been that they often lack goals, timelines for implementation and indicators, which enable measurements of the set commitments. Such has been also the case with most Action Plans in Central and Eastern Europe. With the exception of the Czech National Action Plan, National Action Plans in Central and Eastern Europe do not include goals, timeline and indicators. States could strengthen supervision of the implementation of National Action Plans by improving the rule of law and quality of domestic systems by drafting goals, indicators and setting timelines for their implementation.

As for the implementation of National Action Plans, not all states have established periodic supervisions mechanisms. The implementation of business and human rights standards has been in the past decades as both state and corporate actors have not been able or willing to efficiently protect the rights of individuals.⁵⁹ Most countries in the region lack capacity both in their institutions and civil society to effectively address business-related human rights challenges. As a rule, much of the challenges in the business and human rights in the region have been connected to the general problems of the rule of law, weak institutions and limited access to justice in the case of human rights violations. As a result, the international community should support building capacity, knowledge, fairness, impartiality and independence concerning business and human rights in order to strengthen both civil society and government resilience to address business-related human rights abuses.⁶⁰ One of the ways for states to illustrate commitment to business and human rights is to develop a National Action Plan with detailed goals and deadlines to achieve them. In this way, civil society and state institutions could periodically supervise and measure how states and corporations comply with business and human rights standards such the UNGPs. As a rule, the reform of business and human rights requires strong institutions and the rule of law, which effectively safeguards human dignity of the rights-holders.

III. Way Forward

There is much room for improvement in the area of business and human rights in Central and Eastern Europe. Business-related human rights abuses are not uncommon in the region. In some countries business-related human rights abuses are even systematic and general. As a result, there is a great need for accountability for business-related human

⁵⁹ Čer nič, "Mapping Business and Human Rights."

⁶⁰ *Ibid.*

rights abuses. The general rule of law situation is far from ideal in the countries of Central and Eastern Europe. The rule of law in most countries in the region suffers due to the weak institution, corruption and collision of state and private interests. Rights-holders in the regions have often been voiceless in enforcing state and corporate accountability for business-related human rights abuses. Judiciaries are often not capable of providing the right to fair, independent and fair trial for victims of human rights violations.⁶¹ Tens of thousands of individuals from the region have since more than two decades turned themselves to the European Court of Human Rights.⁶² As, business-related human rights abuses have been an example of general and systematic violations.

The largest corporations in the region are often state-owned or connected to the highest government circles. States carry primarily obligations to respect, protect and fulfil human rights in the area of business of human rights and beyond. Their obligations are even greater in the context with state-owned corporations. Simultaneously, corporations have complementary negative and positive obligations to respect human dignity of the rights-holders. In the context of corporate governance, it is indispensable that corporations translate their rhetorical commitments in practice and to invest more resources in human resources that will be able to supervise the compliance of their operations. The progress in business and human rights hinges on the strengthening of the rule of law and institutions in those states. As a result, corporations in Central and Eastern Europe are to integrate respect for the rule of law at all levels of their business operations. Nonetheless, the step forward for business and human rights in the region would be that also the rest of countries in the region adopt National Action Plans and that they establish effective supervision of National Action Plans. States in Central and Eastern European are to work towards improving the rule of law and access to justice for victims of business-related human rights abuses. The field of business and human rights in Central and Eastern Europe requires reforms in order to effectively protect human dignity of rights-holders.

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⁶¹ Černič, "Mapping Business and Human Rights."

⁶² Jernej Letnar Černič, "Impact of the European Court of Human Rights on the Rule of Law in Central and Eastern Europe," *Hague Journal on the Rule of Law* 10, no. 1 (2018): 111–37.

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Йерней Летнар Чернич. Контури національних планів дій щодо бізнесу та прав людини в Центральній та Східній Європі

Анотація. Центральна і Східна Європа часто ставала об’єктом обговорення під час дебатів про бізнес і права людини. Країни в цих регіонах мають спільну історію, досвід і культуру. Права людини й основні свободи в минулому систематично порушувалися. Після процесів демократизації країни постраждали від низки порушень прав людини, пов’язаних із ними. Корпорації в регіонах часто прямо або опосередковано втручаються у права людини і суспільства загалом. Бізнес і права людини в минулому відставали від глобальних подій також через відсутність потенціалу та загальної незадовільної ситуації з правами людини.

У цій статті описані й обговорені контури Національних планів дій із бізнесу та прав людини Чехії, Польщі, Литви, Грузії, України та Словенії крізь призму їх сильних і слабких сторін.

Стверджується, що сфера бізнесу і прав людини в Центральній та Східній Європі зробила крок уперед за останнє десятиліття з моменту ухвалення Керівних принципів ООН з питань бізнесу та прав людини. Проте права людини слід і далі втілювати в життя, щоб ефективно захищати людську гідність носіїв цих прав.

Ключові слова: бізнес і права людини; корпоративна відповідальність; людська гідність; верховенство права; Центральна і Східна Європа.

Ernej Letnar Čerňič. Kontury национальных планов действий в области бизнеса и прав человека в Центральной и Восточной Европе

Аннотация. Центральная и Восточная Европа часто становилась объектом обсуждения в ходе дебатов о бизнесе и правах человека. Страны в этих регионах имеют общую историю, опыт и культуру. Права человека и основные свободы в прошлом систематически нарушались. После процессов демократизации страны пострадали от целого ряда нарушений прав человека, связанных с ними. Корпорации в регионах часто прямо или косвенно вмешиваются в права человека и общества в целом. Бизнес и права человека в прошлом отставали от глобальных событий также из-за отсутствия потенциала и общей неудовлетворительной ситуации с правами человека.

В этой статье описаны и обсуждены контуры Национальных планов действий в области бизнеса и прав человека Чехии, Польши, Литвы, Грузии, Украины и Словении сквозь призму их сильных и слабых сторон. Утверждается, что сфера бизнеса и прав человека в Центральной и Восточной Европе сделала шаг вперед за последнее десятилетие с момента принятия Руководящих принципов по вопросам бизнеса и прав человека ООН. Тем не менее, права человека следует и дальше воплощать в жизнь, чтобы эффективно защищать человеческое достоинство носителей прав.

Ключевые слова: бизнес и права человека; корпоративная ответственность; человеческое достоинство; верховенство права; Центральная и Восточная Европа.

Jernej Letnar Čerňič. Contours of National Action Plans on Business and Human Rights in Central and Eastern Europe

Abstract. Central and Eastern Europe has been often overseen in the debates on business and human rights. Countries in the regions share a common history, experience and culture. Human rights and fundamental freedoms were in the past systematically and generally violated. Since democratisation, countries have suffered from a wide range of related human rights abuses. Corporations in the regions have often directly and indirectly interfered with the human rights of employees and the wider communities. Business and human rights has in the past lagged behind global developments also in the light of the lack of capacity and general deficient human rights situation. This article describes and discusses contours of the National Action Plans on Business and Human Rights of the Czech Republic, Poland, Lithuania, Georgia, Ukraine and Slovenia by examining their strengths and deficiencies. It argues that the field of business and human rights in Central and Eastern Europe has made a step forward in the last decade since the adoption of the United Nations Guiding Principles on Business and Human Rights. Nonetheless, human rights should be further translated into practice to effectively protect human dignity of rights-holders.

Keywords: business and human rights; corporate accountability; human dignity; rule of law; Central and Eastern Europe.

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