

# BEING **AI**WARE: INCORPORATING CIVIL SOCIETY INTO NATIONAL STRATEGIES ON ARTIFICIAL INTELLIGENCE

## **CZECH REPUBLIC**

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## INTRODUCTION

The Czech Republic was one of the first European Union (EU) countries to write and adopt its National AI Strategy (NAIS) on May 6, 2019. The strategy situates itself in the context of the broader national digital strategy, drafted in accordance with the EU digital strategy, which has three pillars, namely: economy and society, Czech Republic-EU relations, and e-government. The NAIS is considered as a part of the implementation of the first two pillars. The Czech Republic followed the structure for writing a NAIS indicated by the European Commission [Coordinated Plan on AI](#) of 2018 and does not include a chapter specifically dedicated to human rights. However, the authors of the NAIS argue that human rights are inherently part of the strategy and its implementation and that compliance with these existing rights and related (international) legislation is at the foundation of every new policy.

The preparations for the NAIS started in 2018 under the responsibility of Ministry of Industry and Trade (hereafter: Ministry) and the Office of the Government (hereafter: Office). The Office was tasked with the coordination of the process, whereas the Ministry was mainly responsible for the substantial writing. For this purpose, the Director of the Ministry established a writing team of people working in the Ministry and one independent external expert. During the writing phase of the first draft, however, other stakeholders were involved in co-writing certain chapters as well. These stakeholders included representatives of social partners, such as the chamber of commerce and academics.

## THE PROCESS TOWARDS A STRATEGY: INTERGOVERNMENTAL AND MULTISTAKEHOLDER INVOLVEMENT

Ahead of the drafting, the government undertook a preliminary exercise of mapping and analysis of the use and potential of AI for Czech Republic. Upon completing this mapping exercise and analysis, the Director of the Ministry assigned the writing of certain chapters and related topics of the strategy to the different team members, who worked in collaboration with relevant stakeholders. The chapters in relation to the business sector and socio-economic impacts of AI were assigned to the independent external expert, who reached out and cooperated on this with other academic researchers in that specific field. Likewise, the chapters dealing with the legal and ethics aspects of AI were co-analysed and written mostly by

academics working in that specific field. During this phase, the Ministry and the researchers organised a public workshop in order to further discuss the existing findings and collect additional input from a broader group of stakeholders involving mainly tech-businesses, AI academic researchers and legal experts and one civil society organisation. By adopting this multi-stakeholder process approach, the government of Czech Republic aimed to write the first draft of their national strategy through evidence-based policy work.

After the Director of the Ministry put together the first draft based on all the delivered chapters, the document went out for a so-called “interservice consultation”, that is, for review and comments by all ministries of the Czech Republic. At the same time, the document was disseminated to other external stakeholders including the Chamber of Commerce and the representatives of academics as well as legal and ethics researchers. The feedback received from both consultation processes was then incorporated into the final version. Noteworthy is that this entire mapping, writing, consulting, rewriting, and publishing process took a total of only three months.

## WHAT IS THE PERCEPTION ON INCLUSION AND PARTICIPATORY PROCESSES?

**I**t is an achievement of the Czech Republic to have been able to write a national strategy in just three months and include a wide variety of stakeholders both within the government, throughout the ministries, and other relevant public institutions and academics. It is clear that the people that have worked on this had the necessary and relevant technical, legal and scientific background to be able to analyse and provide input on such short notice.

When it comes to other segments of civil society, however, such as human rights organisations, it is evident that these stakeholders had no role in the process. An explanation offered by our interviewees for this is that at the time of the drafting, not many civil society organisations working on civic freedoms and human rights thought they were able to contribute to that debate, due to lack of specific knowledge on the topic compounded by a lack of sense of urgency at that time: for instance, concerns around facial recognition technology, racial and gender-based bias and other human rights aspects of AI were not very much on the agenda of civil society organisations in general at that time in Europe, including the Czech Republic. However, the interviewees do acknowledge that this seems to be changing now and there appears to be more general awareness and interest in the public on AI and its impact on society. This seems to be case especially for those CSOs that are not necessarily focussed

on AI, emerging technologies or related privacy rights, but that do work in the field of human rights and fundamental freedoms.

## CONCLUSIONS AND RECOMMENDATIONS

**T**he Czech Republic decided to prioritize a speedy process over consulting with civil society voices that may not be experts on AI or new technologies in general, but civil society organisations and human rights defenders are the ultimate experts and actors in the field of human rights and fundamental freedoms.

Meaningful participation of civil society in the drafting process of a national AI is particularly crucial where the content of such strategy has an impact – either positive or negative – on human rights and fundamental freedoms. Therefore, at the time of reviewing its NAIS, the Czech Republic government should proactively reach out to a broader spectrum of civil society representatives – including but not limited to academics or social partners – and promote a more inclusive debate, prioritising adequate representation of the voices of vulnerable and marginalised groups.

In order to facilitate spontaneous participation of non-tech-focused CSOs in the debate around a NAIS, the Czech Republic government should also invest in the promotion of AI literacy and awareness-raising campaign on the impact of the use of AI, particularly in the public sector, on everyday life.

Furthermore, when drafting the new AI strategy, its structure and content should include a specific chapter on how the participation of CSOs and marginalised groups was ensured and how it will be further developed for the implementation of the strategy itself.

Finally, a section of the NAIS should be dedicated to clarifying how the NAIS will ensure compliance with human rights, with the inclusion of the criteria envisaged for human rights impact assessments to be conducted throughout the lifecycle of AI technologies, especially when such technologies are designed and/or used in the public sector.



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