

# Shadow Report: Czech Republic

## The 63<sup>rd</sup> CEDAW Session



Shadow report with regard to the consideration of the Sixth Periodic Report submitted by the Czech Republic to the United Nations Committee on the Elimination of Discrimination against Women for the 63<sup>rd</sup> Session in 2016.

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## INTRODUCTION

The Czech Women's Lobby (CWL), as a network of 28 NGO's and academic institutions focusing on gender equality, submits this Shadow report with regard to the consideration of the Sixth Periodic Report submitted by the Czech Republic to the United Nations Committee on the Elimination of Discrimination against Women, under Article 18 of the United Nations Convention on the Elimination of All Forms of Discrimination against Women (hereafter "Convention"). The considered reporting period is from 1 August 2008 to 31 July 2014, with some exceptions where the relevant information is provided as of the end of 2015.

The Shadow report structures a number of human rights abuses, cases of discrimination, as well as inadequate or questionable laws, policies and practices in several areas pursuant to the Articles of the Convention. The submitted text is not comprehensive; it does not cover all the areas of the Convention. The Shadow report is submitted for the 63<sup>rd</sup> session of the United Nations Committee on the Elimination of Discrimination against Women.

## EXECUTIVE SUMMARY

In reporting period the Czech Women's Lobby regards the following issues as the most pressing: continuing **discrimination against Roma population in general and Roma women** in particular (in access to education, affordable and decent housing, labour market, violation of their reproductive rights) and **migrant women** (in access to public health care insurance, violation of their rights in the labour market etc.); **persisting violence against women** and the lack of political willingness to address these issues (including domestic violence and prostitution-related violence); increasing **risk of poverty for women** (especially in cases of women headed solo-parent household – including transfers of poverty to children – and elderly women) and the **lack of affordable social housing** for poor families; violation of women's **reproductive rights in obstetric care**; and last but not least the lack of specific measures to increase **women's political and economic decision-making participation and representation**.

The Czech Republic is one of the remaining countries that have not yet signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (so called Istanbul Convention). **See article 2.1 – Violence against women.**

Approximately half of the estimated number of Roma residing in the Czech Republic lives in conditions of social exclusion. In many respects Roma women face intersecting forms of discrimination as both women and members of the Roma ethnic minority. The Government of the Czech Republic lacks a clear concept of collecting statistical data on the socially excluded Roma population and on the multiple discrimination against Roma women. **See article 3.1 – Discrimination against Roma and consequences for Roma women.**

The Czech Republic has not signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families adopted by the UN in 1990. Similarly the signature of the Convention Concerning Decent Work for Domestic Workers adopted by ILO in 2011 was dismissed during a debate in the Parliament of the Czech Republic. **See article 3.2 – Discrimination against women migrants.**

There is a large amount of sexist advertising in public space, including political campaigns by major political parties. **See article 5 – Stereotyping and cultural prejudices.**

Even though trafficking and prostitution have been given some attention, there is a lack of emphasis on the necessity to deal with related issues from the standpoint of assisting women in prostitution

and on providing sufficient long-term support for the 'exit' programmes. Moreover, the debates in the government and parliament fail to reflect the European Parliament resolution of 26 February 2014 on sexual exploitation and prostitution and its impact on gender equality. **See article 6 – Trafficking and prostitution.**

Czech political scene proves that the higher the decision making position is, the lower the representation of women. There is also discrimination against Roma in political participation. **See article 7 – Political and public life.**

The Czech Government has not yet systematically tackled gender equality in its Development Cooperation programs and activities and this is manifested in a deficiency of specialists, tools and implementing plan. Similarly, the Government's engagement with the United Nations Security Council Resolution (UNSCR) 1325 on women, peace and security has remained marginal, lacking a national policy framework. **See article 8.2 and 8.3.**

The new legislation introduces discriminatory measures against the children of migrant women, who are born out of wedlock and whose fathers are Czech citizens, in their access to citizenship. **See article 9 – Nationality.**

The Czech Republic's education system suffers from several problems in the following areas: gender polarization of educational trajectories, unequal representation of women and men in teaching professions, a lack of gender perspective in curricula, and a lack of systematic effort to promote gender equality. In the academic sector, horizontal and vertical gender segregation remains, including differences in salaries between women and men.

Discrimination of Roma children in education system takes 3 main forms: 1) over-representation of Roma pupils in the so-called practical elementary schools (ie. primary schools for pupils with mild intellectual disability), 2) segregation of Roma in mainstream education and 3) other forms of differential treatment in mixed mainstream schools. **See article 10 – Equality in education.**

The existing gender inequality in the Czech labour market is characterized by a constantly wide gender pay gap (21.5% in 2013). Vertical segregation of the Czech labour market is constantly strong. The unemployment rate had an increasing trend since 2008, due to the impact of the economic crisis. Moreover, the measures taken within the active employment policy in the Czech Republic disregard the negative effects of part time jobs, which have become rather involuntary underemployment than a work-life balance tool. Women with small children are often employed with fixed term contracts (10.5 % of employed women compared to 7.4 % of men) or in other types of precarious jobs. These trends expanded in the aftermath of the economic crisis. Specific problems include discrimination against Roma (specifically against Roma women in the labour market), and discrimination against migrants (specifically against women migrants in the labour market). **See article 11 – Employment.**

Although the CEDAW committee highlighted already in 2010 deficiencies in the field of women's reproductive rights and called on the Czech Republic to remedy the situation, there have been no significant changes during the reporting period. The law proposal of the Minister for Human Rights, Equal Opportunities and Legislation for remedial measures in cases of illegal sterilization of Roma women has been disapproved by the Czech Government in September 2015. The Czech Republic has not taken measures to eliminate discrimination against migrants in access to public health insurance. This type of discrimination negatively affects women migrants especially in connection with pregnancy, childbirth and child care. **See article 12 – Healthcare and family planning.**

There has been a long-term deficiency in public child care institutions and the proportion of men on parental leave has remained minimal, without any significant changes. In the Czech Republic it is

women who are most at risk of poverty and social exclusion. One of the most endangered groups are solo mothers. Women face also higher probability of old age poverty. If we observe people living alone, in 2013 14.7% of women and 7% of men aged 65+ were at risk of poverty.

The Czech Republic needs to address the situation of people without homes, including adoption of gender specific measures to respond to the needs of women without homes. The proportion of women among people without homes is rising. Moreover, there is a lack of provision of social housing. Instead of addressing the problem of business with poverty via lodging housing at the expense of poor people and families, the government proposals further harm people without access to standard housing. **See article 13 – Economic and social benefits.**

Lack of public transport in the rural areas complicates not only commuting to work, access to lifelong education and prospects of increasing qualifications, but also the possibility of combining work and family. This in practice has a negative impact particularly on women and also complicates their access to health care centres and other services. **See article 14 – Rural women.**

## THE ARTICLES

### 1. Article 1 – Definition of discrimination

Appropriately reported in the Sixth periodic report submitted by the Czech Republic.

### 2. Article 2 – Policy measures to be undertaken to eliminate discrimination

#### 2.1. Violence against women

The Czech Republic is one of the few remaining countries that have not yet signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (so called Istanbul Convention). The Governmental Council for Equal Opportunities of Women and Men adopted a resolution in its session dated 8 January 2013, which called for the commencement of ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. The government of the Czech Republic responded to the call with resolution no. 348 of 15 May 2013, in which it imposed on the Ministry of Justice of the Czech Republic to prepare documents for signing the Istanbul Convention by 30 June 2014. Subsequently this date was postponed by the governmental resolution no. 930 of 12 November 2014 to 30 June 2015, however even this deadline was not kept. To this day, the Czech Government declared that the document will be signed in the first half of 2016 and it will be put to the vote in the Parliament by the first half of 2018.

There has been positive progress in the related legislation; however relevant laws do not deal with “gender-based violence”. Despite partial positive steps, the below cannot be considered sufficient:

- Special training for police, of people providing service to victims of gender-based violence. These currently running programmes disregard the perspective of gender-based violence. Cases of professional lectures given by police officers within the domestic violence and the gender-based violence prevention programme continue to be larded with sexist remarks and victimizing approaches are not rare.
- Local accessibility of specialist services for victims of violence, including working with violent individuals.
- Long-term sustainability and stability of the service. This issue relates to the funding system especially in the cases of NGO providers. NGO’s support in the field of gender-based violence is insufficient and recently it has been predominantly dependant on the European co-funding resources (ESF, EEA). Therefore it is difficult to secure long-term and continual support (duration of the service is influenced by grant deadlines or by determined maximum length of the project). In the case of co-funding from the state budget, the situation is no better: subsidies are provided only for one calendar year and with a delay of several months.

### 3. Article 3 – Guarantee of basic human rights and fundamental freedom

#### 3.1. Discrimination against Roma and consequences for Roma women

In 2012, the World Bank, UNDP and the European Union Agency for Fundamental Rights carried out a survey named *The Situation of Roma in 11 Member States*, which compared the Roma and non-Roma population. This report shows that there are 10 to 12 million Roma living in the EU, making the community Europe’s largest minority. In many countries, including the Czech Republic, they belong to marginalised groups; they often face social exclusion, poverty and anti-Gypsyism. They have poorer access to housing and services and they show poorer health conditions in comparison to the majority of the population. They suffer from discrimination in respect to access to education and

employment and in the area of political representation. Their participation in the functioning of society is insufficient. In many respects, Roma women face multiple discrimination, as women and as members of the Roma ethnic minority. All Roma face prejudicial and stereotypical behavioural patterns regardless of their social status.<sup>1</sup> The Government of the Czech Republic lacks a clear concept for collecting statistical data on the socially excluded Roma population and the multiple discrimination against Roma women.

The Czech Government acknowledged in November 2014 that the Roma population continues to be victims of discrimination in their access to housing, education, medical care and the labour market. Yet, the practical steps to remedy this situation have not yet been proposed. In the annual Report on the situation of the Roma minority, the government also acknowledged the disproportionate representation of Roma children in practical schools (these schools are intended for children with the diagnosis of mild intellectual disability). **The Czech Republic has been criticized by the European Union and the UN Committee on Economic, Social and Cultural Rights. The European Commission launched infringement proceedings against the Czech Republic for breaking the European Union (EU) anti-discrimination legislation in response to the high number of Roma children unlawfully enrolled into practical schools.** See chapter 10.3 Discrimination against Roma in access to education.

**Approximately half of the estimated number of Roma residing in the Czech Republic lives in conditions of social exclusion.** These statistics represent about 80 000 to 100 000 people. Social exclusion means worsened access to institutions and services, i.e. assistance, exclusion from social networks and a deficiency or lack of social contacts outside of the socially excluded locality. 70 to 100% of people living in conditions of social exclusion are unemployed, usually have low qualifications, are dependent on the state welfare benefits, and live in poor housing conditions or in provisional dwellings. The conditions of social exclusion bring about deteriorated health, indebtedness and socio-pathological phenomena. Parents living in the conditions of social exclusion have limited or no access to pre-school education facilities.

### **3.2. Discrimination against women migrants**

With respect to the rights of women migrants and elimination of any form of discrimination against them, the situation within the Czech legislation is still rather unsatisfactory. This is not only with regard to the absence of remedial measures in the form of adopting necessary laws, or the ratification of international treaties, but also with regard to adopting other laws that actually strengthen violation of the migrants' rights. Some aspects have already been emphasised by the Committee on the Elimination of Discrimination against Women in 2010, however this has not yet met a positive response.

**The Czech Republic has not signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families adopted by the UN in 1990. Similarly the signature of the Convention Concerning Decent Work for Domestic Workers adopted by ILO in 2011 was dismissed during a debate in the Parliament of the Czech Republic.** Both of these international treaties would bolster the women migrants' status and would promote their rights in the Czech Republic. Although ratification of these conventions does not require fundamental changes in the Czech legislation, their adoption would strengthen the rights of migrants and their possibilities to enforce them. This is especially the case for people working in the shadow economy who are more

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<sup>1</sup> European Union Agency for Fundamental Rights & UNDP. 2012. *The Situation of Roma in 11 EU member states. Survey results at a glance* [online]. Luxembourg: FRA, UNDP. [cit. 26. 6. 2014]. Available from: <[fra.europa.eu/sites/default/files/fra\\_uploads/2099-FRA-2012-Roma-at-a-glance\\_EN.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/2099-FRA-2012-Roma-at-a-glance_EN.pdf)>.

vulnerable to discrimination, exploitation and abuse. This significantly concerns women, for example in the sphere of domestic work and other cleaning jobs.

Recent research argues there are thousands of migrant domestic workers in the Czech Republic<sup>2</sup>. Based on the research findings the authors estimate that about half of domestic workers does not have employment contract. Most of domestic workers in the Czech Republic perform cleaning and other housework, followed by child care. The research showed that the most pressing issue for domestic workers in the Czech Republic is labour exploitation (after hours without proper pay, work 6 to 7 days a week 12 to 14 hours, worse for live-in domestic workers, extensive complaints about quality of their work – a form of bullying etc.).

Nevertheless, the *Convention Concerning Decent Work for Domestic Workers* itself has also some limitations – it does not concern workers working on a trade licence or undocumented migrants. Particularly, in the Czech Republic the migrant workers on trade licence do not have access to public health insurance.

**The Czech Republic has not taken measures to eliminate discrimination against migrants' in their access to public health insurance**, and this is despite the fact that the commitment is embodied in the Government Strategy for Equality of Women and Men in the Czech Republic for 2014 – 2020 of 12 November 2014 (Czech Government Resolution no. 930). The Ministry of Health in particular clearly tends to postpone or block this issue. This discrimination negatively affects women migrants, especially in case of pregnancy, childbirth and child care. See Article 12 (Health), section 12.2 Discrimination of migrants in access to health care.

Migrants are at risk of violation of their rights due to their residency permit being linked to their work permit. In the case of women migrants who are self-employed and have given birth to a child, this leads to problems with maintaining their legal status, since childcare does not correspond to the original purpose of residency. Migrants with restricted access to the Czech labour market (third country nationals with some exceptions) have in particular limited labour mobility due to the requirements of their labour permits (since 2014 a new institute of employee card is issued for a specific employment) which makes a change of employer subject to approval of the Ministry of Interior Affairs. In the case of conflict with one's employer, the law does not provide migrants with the withdrawal period, thus increasing the migrant's dependency on employers and their vulnerability to violation of rights. Women are therefore specifically exposed to a higher risk of gender-specific forms of discrimination, such as sexual harassment and gender-based violence.

**Furthermore, migrants whose residency status depends on family unification are at risk in cases of violence in partnership because of their dependency legal status. This is predominantly the case of women.** This reinforces dependency of women migrants on their partners and their vulnerability to violation of rights, and sometimes even to cases of domestic violence.

#### **4. Article 4 – Temporary special measures to achieve equality**

No legislative temporary measures to enhance the representation and participation of women in decision-making processes have been introduced. For response to the CEDAW Committee's questions on the lack of temporary special measures in political and economic sphere (paragraph 4) see section 7.1 and 7.3. of this report.

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<sup>2</sup> Ezzeddine, P. et al. (2014). *Migrantky a nájemná práce v domácnosti v České republice*. Praha: SIMI. See also <http://www.pracovnicevdomacnosti.cz/en/for-public/research.html>



Neither have temporary measures to eliminate multiple discrimination of women of ethnic and/or national minorities been launched. See the need to address concrete issues in other articles.

## 5. Article 5 – Stereotyping and cultural prejudices

### 5.1. Gender stereotypes in media production

**There is a large amount of sexist advertising in public space**, including political campaigns of major political parties. This problem is reflected in civic space by the anti-award Sexist Piggy organized by the organization NESEHNUTÍ. This happens frequently **despite the fact that valid laws for the regulation of advertising exist in the Czech legal system** (law no. 40/1995 Coll., on advertising regulation). The Regulation Act prohibits advertising that is “contrary to good morals, it cannot contain any discrimination based on race, sex or nationality (...), it must not jeopardize morality in a generally unacceptable manner, reduce human dignity and contain elements of any violence and pornography.” However, this Act is not applied de facto – supervisory authorities (especially the Regional Trade Office) do not have sufficient expert capacity to evaluate the problematic advertising competently and thus, problematic advertising is usually not removed from public space. Also jurisprudence and expert opinion are missing in the field of advertisement.

The Ministry of Industry and Trade took some steps to prepare a methodology which would unify processes applied by regional trade offices in the assessment of sexist advertising as stated in the reply by the Czech State to the Committee’s preliminary questions (paragraph 16). However, this is still in the stage of internal discussions and the methodology which should have been prepared by the end of the year 2015 according to the reply is not available to public or NGOs’ experts.

## 6. Article 6 – Trafficking and prostitution

The governmental Sixth Periodic Report describes in detail the debate on the draft act on regulating prostitution. Even though this issue has been given relatively some attention, **it lacks the emphasis on the necessity to deal with related issues from the standpoint of assisting women in prostitution and on providing sufficient long-term support for the ‘exit’ programmes.** Moreover, the debates in the government and parliament fail to reflect the European Parliament resolution of 26 February 2014 on sexual exploitation and prostitution and its impact on gender equality.

## 7. Article 7 – Political and public life

### 7.1. Under-representation of women in political decision-making bodies

Czech political scene proves that the higher the decision making position is, the lower the representation of women. Equally, the ratio of women in the elected council bodies is higher than their number in executive positions.

For example, currently under Bohuslav Sobotka’s government there are only 3 female ministers, making female participation 17.6%. In 2008 the first women regional governors were elected (thus making it 15%); since 2002 only men have been governing the regions. In the chartered towns immediately after the election in 2010, only 1 female regional governor (4%) was elected, and in 2014 two female regional governors were elected (8%). The representation of women in the European Parliament reached the historical maximum – just under 24% – in 2014. The representation of women reached its historical maximum in the Parliament of the Czech Republic in 2010 for the last decade, however, it dropped again to 19.5% after the election in 2013. The total representation of women in the Senate fluctuated between 17.3% and 18.5% between 2008 and 2014. In the local

politics, the representation of women is greater than in the national politics, and greater than in the Parliament of the Czech Republic.

Despite this unfavourable development, currently there are no system measures looking into the representation of women in the politics. The only remaining tools are the measures taken inside each political party and the preferred voting system on the side of the voters which, however, proves as rather uncertain.

Following the unsuccessful initiative which took place in 2010, the Ministry of Interior together with the Minister for Human Rights, Equal Opportunities and Legislation introduced in 2014 amendment regulating proportion of women and men on candidate lists. According to this proposal on the first two positions of the list both sexes must be represented and in all following threesome 1 person must be of the opposite sex. This rule was to be applied in national and regional elections. Non-compliance would result in a financial penalty - the public funding provided to parties based on the number of elected deputies would be decreased to 166.250 CZK/year. The draft, however, concerns the elections of regional councils and of the Chamber of Deputies only. The election to the European Parliament, Senate and others are not covered in the draft. The minimal total ratio of men and women on candidate lists was set to 30%. The sanction was proposed as a financial penalty in the form of reducing the contribution for gained mandates. There is a restriction that the penalty can only be imposed on parties represented in the Chamber of Deputies (i.e. when collecting more than 5% votes), not on all parties entitled to the state contribution (over 3%).

The amendment passed through inter-ministerial consultation process with contradictory result. Therefore the amendment was revised. The version of May 2015 states that on the first three positions on the list 1 person must be of the opposite sex and the proportion of each sex on the list must be at least 40 % (in case there are only 2 candidates on the list, both sexes must be represented). The scope and legal sanctions were not changed. The amendment was approved by the Government Legislative Council, but it was voted down in the government in June 2015. Only Social Democratic ministers backed the amendment, the other two government parties voted against it.

Recommendations:

- Consistent and systematic monitoring of women representation in the entire political spectrum. Not only quantitative but also qualitative evaluation of the situation (discovering the cause of low representation of women in politics). Proposing adequate measures and their updating in connection to the current development.
- Passage of the amendment of the Election law ensuring equal representation of women and men on candidate lists including the order of first positions. Imposing an effective sanction for breaching the rule. This requirement was already formulated in the Final recommendations of the Committee for the Elimination of Racial Discrimination in 2010, however, in the reporting period no remedial measures have been taken.

## **7.2. Discrimination against Roma in political participation**

Until today, Czech Roma do not have any political representation. No member of Parliament is Roma; they are underrepresented in administration and local governments and their participation in the creation of new policies is limited. In the last election to the Chamber of Deputies of the Parliament of the Czech Republic in autumn 2013 there was an exceptionally high number of Roma candidates; 20 Roma candidates ran in the election. However, not one was elected. The highest body dealing with Roma issues is the Governmental Council for Roma Minority Affairs, in which half of the members are Roma. However, as an advisory body of the Czech Government, the Council has no

decision-making power. For Roma women, the situation is exacerbated by the traditional gender stereotype perpetuated within the Roma communities.

### **7.3. Low women's participation in economic decision-making**

In March, the European Commission issued the 2014 Report on Equality between Women and Men in the EU, which among others evaluates the development of representation of women and men on the boards of large listed companies. The Report shows that representation of women remains very low (in the EU it is at 20.2% on average). The Czech Republic took the second worst position with the representation of women in these positions being only 3.5%. The Czech Republic is also descending in the ranking of the World Economic Forum's Global Gender Gap Report. In 2014 the Czech Republic came in at 96<sup>th</sup> place out of 142 analysed countries. It has so far been the worst result for the Czech Republic (in contrast to 2007, the country fell by 34 ranks). The current opinion of the Czech Government expressed in the Framework position on the proposal for a *Directive of the European Parliament and of the Council on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures* is negative. This position was issued in November 2011 during the term of the previous government and it does not reflect the change of priorities of the Czech Government in the area of gender equality.

Recommendations:

- Consistent and systematic monitoring of representation of women in board posts of business corporations. Proposing adequate measures and their updating in connection to the current development.
- Government approval and support of the proposal for a directive of the European Parliament and of the Council on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures.

### **7.4. Low women's representation in public media**

Directors of major television and radio broadcasting companies are all men. The public television broadcaster and its regional studios' directors are all men. Amongst seven directors of each division of the Czech TV there is only one woman, similarly amongst seven executive directors there is also only one woman. Underrepresentation of women exists in the lower positions as well, where the news directory, for example, has within five subordinate sections only one female as head of section. There is only one woman in the Czech Television Council (out of 15; i.e. 7%).

The situation in the public Czech Radio is similar. The director of the Czech Radio is a man, all eight regional stations are managed by men, as well as all four broadcasting centres. There is only one woman amongst the chief editors of each station who typically runs "Junior Radio" targeted at children and youth.

Recommendations:

- Consistent and systematic monitoring of representation of women in managerial positions of public media.
- Implementation of positive action supporting women representation in public media management.

## **8. Article 8 – Participation at the international level**

### **8.1. Representation of women in the EP, foreign diplomacy and international organisations**

Representation of female MEPs in the European Parliament reached its historical maximum in 2014, which is still insufficient at less than 24%. Current amendments of the Election draft law do not deal with low participation of women on candidate lists to the European Parliament. The ratio of Czech female and male diplomats is at 3.5%; from the long-term perspective it is stagnating and decreasing. The participation of women in leading positions of the regional councils fluctuates between 15% and 20%. We observe that in the area of the Czech Republic's representation abroad and in international organizations, the participation of women in the long term perspective has not increased and that no remedial actions have been taken. The Czech Government together with the Ministry of Foreign Affairs refuses to recognise the issue of low female representation of the Czech Republic abroad and in international organisations, thus they do not plan to take temporary measures to correct gender inequality in this area.

Female diplomats posted abroad do not have free preventive medical care in pregnancy, during childbirth (except for a lump sum corresponding to a flight ticket to their home country) and the puerperium that should be covered by the employer. The postnatal care is not covered either. Despite that, if a woman decides to stay abroad during pregnancy and maternity leave, after the first 30 days the accommodation is not covered, nor is the compensation allowance for the increased cost of living abroad (that represents the main source of income for her and usually for her family too) paid to her any longer. The endowment of tuition fees is suspended for the other children of the diplomat together with the allowance for the accompanying husband or partner.

In the majority of cases these disadvantageous rules for female diplomats mean insuperable obstacles for women with families leaving to work abroad. In May 2014 a change in the internal rules of the Ministry of Foreign Affairs that enabled the receiving of maternity allowance abroad together with compensation allowance for increased cost of living abroad, at least for the first thirty working days and further upon consent of the Ministry in justified cases, does not solve the problem.

Recommendations:

- Ensure free preventive medical care during pregnancy, childbirth and the puerperium and postnatal care to all posted women diplomats.
- Enable receiving maternity benefit abroad as well as compensation allowance for increased costs of living, uninterrupted use of diplomatic apartments / housing and tuition fee endowment to the other children living in the same household and allowance to accompanying husband or partner.

### **8.2. Development cooperation and humanitarian assistance**

The Ministry of Foreign Affairs' (MFA) activities with contributing to the fulfilment of the Convention primarily includes bilateral and multilateral cooperation. On the policy level some strategic documents remain gender-blind e.g. the Foreign Affairs Concept 2011-15. Other documents include a gender perspective such as the Development Cooperation Concept for 2010-2017, which adopted a twin-track approach to gender equality in the Ministry's development agenda. However, this policy progression has not so far been translated into action at the practice level. The MFA lacks gender expertise as well as practical guidelines or an action plan to do so. The main implementation process, that is, project cycle management, is missing gender goals, indicators and supporting tools. In spite of including a gender perspective in projects' evaluations, the real impact of gender mainstreaming on local communities remains unknown, due to inadequate reporting processes. Moreover, statistics on projects with gender equality elements do not exist although Czech non-

governmental organizations (NGOs) run several women's empowerment projects in the health and education fields. On multilateral level, the Czech Republic (CR) contributed to UN WOMEN only once, in 2014. This sum was the smallest amount of all Czech contributions made to the UN agencies that year. This is especially worrying considering that multilateral cooperation assumes almost 70% of the CR's Development Cooperation budget. And while human rights and transition (to democracy) policy promotion are considered to be a flagship of the Czech foreign affairs, the Ministry's conceptual documents failed to include women's rights in general and the twin-track approach in particular. In spite of this, Czech NGOs focused some of their activities on women's empowerment within the human rights framework.

In conclusion, gender equality in the CR's development agenda remains systematically unaddressed, especially in bilateral cooperation and the actual impact of recent policy steps continues to be unclear. Due to this deficit, the MFA has been tasked to prepare gender analyses of Czech Development Cooperation by the end of 2015.

Recommendations:

- Assign the position of a Gender Specialist for international affairs within the MFA.
- Develop the Czech action plan on gender equality and women's empowerment in development based on findings from gender analyses of the Czech Development Cooperation (due at the end of 2015) and international gender equality principles.
- Intensify special projects that empower women and activities within standard projects, including funding policy, and evaluate these activities using baseline and follow up measures to identify their outcomes and impact.
- Ensure that evaluations include detailed analysis of the projects' impact on both sexes, and particularly in the context of ownership of resources and sustainability.
- Strengthen the gender equality focus of the Czech Multilateral Cooperation and increase financial support to UN WOMEN.

### **8.3. Implementation of UN Security Council Resolution 1325**

The Czech Government has so far failed to systematically address women, peace and security issues (WPS) by developing a national policy or action plan (NAP) in response to UNSCR 1325, despite being present in conflict-affected countries. As a result, i.e. the Czech Provincial Reconstruction Team (PRT) in Afghanistan (2008 – 2013) operated without a Gender Specialist and the evaluation report entirely lacked a gender perspective. Hence, it is not possible to assess the Czech PRT's contribution to gender equality or to UNSCR 1325.

Formally, several brief references has been made to the commitment towards the UNSCR 1325 within the Czech Government's policy framework, particularly in the Government Strategy for Equality of Women and Men in the Czech Republic for 2014 – 2020 and in the Development Cooperation Concept for 2010-2017. Some progress has been made by the Unit in 2014, identified in the Report on the National Action Plan for Gender Equality in its recommendation to relevant ministries to develop a NAP on 1325. According to the Unit, the process of developing a NAP on 1325 should start in 2015.

On the ministerial level, in 2014 the Ministry of Defence started preparing its internal Action Plan on UNSCR 1325 (APMD), adopting it in June 2015. The APMD, which was not consulted with civil society, is structurally weak, lacks goals and Specific Measureable Achievable Relevant and Time-bound (SMART) indicators, and commitments to budget, reporting, monitoring, and evaluation. More specifically, the plan omits the context of conflict-affected countries in its actions, thus missing the principal dimension of the UNSCR 1325.

Recommendations:

- Assign a principal governmental department with responsibility to oversee an NAP (including its formulation, implementation and evaluation) and allocate adequate financial and human resources for NAP's preparation.
- Involve civil society and other actors in this process from the start and dedicate adequate time (at least 6 months) for consultations.
- Ensure that the drafting process corresponds to international standards/good practices (civil society consultation, working groups, research and audit, formulation of SMART indicators, impact monitoring and evaluation).
- Ensure the NAP's policy coherence with other development and defence related policies.

## **9. Article 9 – Nationality**

### **9.1. Discrimination against migrant women's children born out of wedlock whose fathers are Czech citizens in access to citizenship**

On 1 January 2014 the new Czech Citizenship Act took effect. It introduces tightening of the effective law in respect to setting new conditions for naturalization and in adjustment of the administrative proceedings to the detriment of the applicants.

Moreover, the new legislation introduces measures discriminatory against children whose father is a Czech citizen but is not the child mother's husband. Although according to the new law, a child whose parent is a Czech citizen acquires the Czech nationality permanently as stipulated by the Act; its new enactment introduces an exception for children who are born outside wedlock and whose father is a Czech citizen and mother is a foreigner from a third country: in these cases a DNA paternity test will be required. Child born out of wedlock with a Czech citizen (i.e. if the child's mother is single or married to a foreigner but her child's father is a Czech citizen) shall acquire the citizenship under following conditions:

- Upon determination of paternity of a Czech citizen, a child shall acquire Czech citizenship if the paternity was decided by court (the citizenship shall be acquired upon the legal effect of the judgment).
- On the day of affirmative declaration of the parents (before the court or at the Registry Office) of paternity of the Czech citizen, a child whose mother has a permanent residency in the Czech Republic, is a EU/EEA citizen or has no citizenship will acquire the Czech citizenship.
- On the day of affirmative declaration of the parents (before the court or at the Registry Office) of paternity of the Czech citizen, a child whose mother does not belong to any of the above mentioned groups, shall acquire Czech citizenship if the parents submitted DNA paternity test to the Birth, Death and Marriage Registry.

## **10. Article 10 – Equality of education**

### **10.1. Gender segregation in the education system**

With respect to gender equality, the Czech Republic's education system suffers from several problems in the following areas:

Gender polarization of educational trajectories. On the high-school and university levels, representation of girls and boys is very uneven in individual study subjects. There is a very small share of girls in subjects preparing students for occupations that are traditionally considered male

(e.g. machine engineering or plumbing) and vice versa - there is a very small share of boys in subjects preparing students for occupations that are traditionally considered female (e.g. health care services or cosmetics).

Unequal representation of women and men in teaching profession. There is a negligible share of men who teach little children. In 2014 they represented 0.4% of teachers in public kindergartens, 14.3% in elementary schools.<sup>3</sup> The Ministry of Education prepared a campaign "Men in schools!" which was not realized and did not produce any effect.<sup>4</sup>

A lack of gender perspective in curricula. The basic pedagogical documents "Curriculum Framework" do not contain gender perspective. With regard to that, teachers are not pressed to teach about gender roles and gender stereotypes. Textbooks do not question gender stereotypes either. It is not required to involve gender equality issues in the teachers' training.

A lack of systematic effort to promote gender equality. The Ministry of Education use an annual document "Priority for Promoting Equality of Men and Women" and a working group for gender equality. These instruments were not very efficient in the reported period, especially in the last two years. The paradox is that the Ministry adopted the new "Strategy for Promoting Gender Equality" a year ago, but it does not come into force. Moreover, the institutional conditions, especially the position of the coordinator for gender equality, remain poor.

## **10.2. Gender segregation and discrimination in the academic sector**

Generally we can state that in the academic sector, horizontal and vertical gender segregation remains, including differences in salaries between women and men. In 2003 there were only 15.4% women professors and 26.6% female associate professors (even though the proportion of women is gradually rising, with respect to gender equality, it is not sufficient) at Czech universities. The board of the Czech Rectors Conference is purely masculine; within the organization there are 6 women rectors in contrast to 55 male rectors. The Council of Higher Education (RVŠ) and Accreditation Commission are also unequal. In 2010, of which the last data is available on the international scale, the representation of women in the executive and decision-making position of research positions was the lowest in Europe.

Similarly, the gender segregation persists amongst university students with women being concentrated in the social science and humanities. In 2013 women formed 42.1% of natural science students and only 30.9% of students of technical studies in contrast to 81.9% students of pedagogy, teaching and social care studies. At the same time, social sciences and humanities are most under pressure of public spending cuts in the long term perspective, they have been attacked and their development has been neglected due to the reduction in financial resources that the academic sector has been facing.

Recommendations:

- Review the reform framework of the tertiary education through gender perspective and increased attention to diversity. Take a definite standpoint towards social sciences and humanities that are significantly feminized, and based on expertise debate propose a strategy for their further development with respect to their society-wide relevance and

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<sup>3</sup> Genderová problematika zaměstnanců ve školství. Available from: <http://www.msmt.cz/vzdelavani/skolstvi-v-cr/statistika-skolstvi/genderova-problematika-zamestnancu-ve-skolstvi>

<sup>4</sup> See Smetáčková, I. (ed.). 2015. Stínová zpráva o stavu genderové rovnosti v České republice v roce 2015. Praha: Česká ženská logy, p. 94–101. Available from: <http://czlobby.cz/cs/dokumenty/stinova-zprava-o-stavu-genderove-rovnosti-v-ceske-republice-v-roce-2015>

sources of funding taking into account nature of their outputs, i.e. independently of the evaluation methods and funding sources of technical studies.

- Adopt active measures leading to securing gender equality in the whole tertiary education system, and most importantly call to universities to include gender issues in their Codes of Ethics.
- Active university support of women in their postgraduate studies.
- Obligation for all the public educational and research institutions to publish statistics classified by gender and qualification of applicants for tenders and grants, including the internal ones.
- Selection and implementation of one of the quota systems, primarily for selection of candidates to the decision-making bodies at all levels of universities as well as to the institutions directly influencing universities (e.g. RVŠ, Ministry of Education Youth and Sport).
- Balancing the representation of women in the decision-making positions, counselling and expert Science and Research groups (VaV) and all the Science, Research and Innovation (VVI) stakeholders. Active measures need to be taken in terms of increasing participation of women in decision-making and executive positions in research.

### **10.3. Discrimination against Roma in access to education and the role of Roma women**

Roma children in the Czech Republic experience permanent discrimination in primary education. Discrimination of Roma children in education system takes 3 main forms: 1) over-representation of Roma pupils in the so-called practical elementary schools (ie. primary schools for pupils with mild intellectual disability), 2) segregation of Roma in mainstream education and 3) other forms of differential treatment in mixed mainstream schools. Up to today the Czech institutions have failed to adequately address these issues. Successive governments have been holding an unsystematic approach, instead of making a systemic reform. The previous Minister of Education Marcel Chládek even refused the findings of the Amnesty International report on Ethnic Discrimination against Romani Children in Czech Schools<sup>5</sup>, stating that it is a matter of failure of individuals.

In July 2012 the Czech School Inspectorate published the thematic Report Progress in Transformation of Former Special Schools in the School Year 2011/2012. The proportion of Roma pupils who attended these schools following a specific educational programme for pupils with mild intellectual disability was according to qualified estimates carried out by school directors at 26.4%, which does not correspond to the incidence of mild intellectual disability diagnosis in the population.

Segregation of Roma children in schools started in the 1950's. Whereas 84% out of all Roma children of the given age group attended elementary school in the 1970's, in the 1980's it was 79% and in 1990 just 59%. As the number of Roma children in primary schools dropped, their number in special schools was on the rise. Consequently, about a half of today's generation of Roma mothers came from special or practical schools. This has an impact on the Roma women's chances in the labour market and also on their prospect of asserting their children's rights to a discrimination-free education. It is necessary to support the programmes for active inclusion of the Roma community, predominantly Roma mothers to effectively promote their children's right to good quality education.

In 2012 the Organisation for Economic Co-operation and Development (OECD) analysed the educational system in the members stated in its Equity and Quality in Education: Supporting Disadvantaged Students and Schools report. The comparison shows that the current system in the Czech Republic does not take any steps towards the inclusion of disadvantaged groups of children, pupils and students to the mainstream education system and on the contrary a social stratification

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<sup>5</sup> See Amnesty International Report from April 2015: <http://www.amnesty.cz/download/file/500>



model persists within the Czech society. It means that the socio-economic mobility does not increase for disadvantaged children. The Czech Government has acknowledged the problem, however, only formally; in the newly adopted Strategy for Roma Integration 2020 the targets of interventions in schools and in the whole spectrum of education from ensuring pre-school care of Roma children to the support of the tertiary education and education of adult Roma are stipulated. There have been no specific moves taken but we can justifiably expect that these measures will be underfunded to such an extent that their implementation will be disabled.

## **11. Article 11 – Employment**

### **11.1. Gender inequalities in the labour market**

The gender employment gap has been stable for over 15 years, at an average level of 17 per cent, and the gender economic activity gap has been at an average level of 18 per cent (Czech Statistical Office 2013). The employment rate for men is at 77.1% and that of women at 61.8%. The Czech Republic is an EU country with one of the highest gender gaps in employment and this remains unchanged since 2004, on the contrary to the trend in other EU countries. The unemployment rate had an increasing trend since 2008, due to the impact of the economic crisis. In the last quarter of 2014, 5% of male active population was unemployed and the unemployment rate for women was 6.9% (Eurostat 2015).

The employment rate for Czech women with and without children under six varied between 49 per cent in 2009 and 40 per cent in 2014 in the 20–49 age group. Hence, **Czech women face one of the highest employment impacts of parenthood among all EU countries** (32.3 percentage points lower employment due to motherhood, EC 2014).

**The existing gender inequality in the Czech labour market is also characterized by a constantly wide gender pay gap (21.5 % in 2013).** The gender inequality in pay between women and men has been significantly higher in the Czech Republic than the EU average (the average gender gap pay was about 16 – 17.5%) and the Czech Republic is one of the countries with the highest difference in the remuneration of women and men. The gender pay gap in the Czech Republic is the highest for the group aged 35 to 44 (which applies to all of the EU) – in the Czech Republic it is the period when mothers of small children return to the labour market after maternity leave (the average age of women at first childbirth is 28; the most common family model is two children and a consecutive parental leave after three years). Furthermore, the gender pay gap grows in the age group 65+ and it is reproduced in the gender pension gap (see Article 13.2). In general, women older than 55 belong to another group discriminated against in the Czech labour market. On the one hand, only 9,5 % of women and 2,9 % of men are employed part time, but this proportion often means underemployment of young or older people. On the other hand women with small children have difficulties to find a stable part-time job. Although, according to the effective Labour Code, pregnant employees and/or employees caring for a minor under 15 or for a specific group of persons have the right to shorter working hours or another suitable regulation of weekly working time based on their request which an employer is obliged to satisfy unless so called serious operational reasons prevent that, the institute of serious operational reasons is being misused against the employees caring for another person<sup>6</sup> and the state has not taken any measures leading to a clear definition of serious operational reasons. Above that, the measures taken within the active employment policy in the Czech Republic disregard the negative effects of part time jobs, which have become rather involuntary underemployment than a work-life balance tool. Moreover, **women with small children**

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<sup>6</sup> See the Supreme Court judgement file reference no. 21 Cdo 1821/2013 of 9.7.2014

**are often employed with fixed term contracts** (10.5 % of employed women compared to 7.4 % of men) or in other types of precarious jobs. These trends expanded in the aftermath of the economic crisis.

The Czech Republic belongs to the countries with the lowest wage in the EU (since 1.1.2015 the minimum wage has been CZK 9 200). The scheduled wage-increase is too slow with respect to the fact that the income of workers with minimum wage falls under the poverty line (for 2013 it was CZK 9 674). Women are more at risk of poverty, social exclusion, including working poverty than men. As women more often care for children entrusted in care after divorce or breakup, higher risk of poverty of women is also reflected in the higher intergenerational poverty transfer. Children in the Czech Republic are an age group with the highest risk of poverty and social exclusion (higher than seniors).<sup>7</sup>

Vertical segregation of the Czech labour market is constantly strong. Only 3.1 % of employed women are employed in the management positions (compared to 6.7 % of men) and this proportion has been decreasing from 3.8 in 1995 and 3.9 in 2001. Even though women prevail among university graduates (61 % in 2014), they represent only 26 % of legislators, senior officials and managers.

### **11.2. Discrimination against Roma and specifically against Roma women in the labour market**

The unemployment rate among the Roma population has been rising despite the attempts of effective measures implementation. The long-term unemployment is faced by Roma more often than by the majority of the population; in many Roma households, more economically active members are unemployed. The unemployment rate in socially excluded areas is estimated at between 70 to 100%. In excluded areas, illegal work is more frequent. About half of the estimated total number of Roma residing in the Czech Republic lives in conditions of social exclusion.

According to the data provided to the media by the Head of the Department for Social Inclusion at the Governments Office, around 56 % of Roma at productive age (ca. 70 000 persons) stay completely outside the labour market; they are neither employed nor registered as unemployed. The data also showed that almost 40 % of Roma at a productive age are employed, but 12 % are only employed on a temporary and irregular basis. The report also states that the average Roma worker earns around 40 % of the national average wage, i.e. a little above the average minimal wage.<sup>8</sup> The unemployment of the Roma population is a result of discrimination in the labour market but also of segregation in the education system and their settlement in the areas of higher unemployment rate and poor regions with cheap housing.

The low level of education determines the Roma women to unqualified work as cleaning ladies, shop assistants, manual workers or cooks in restaurants. In comparison to the majority of the population, the employment rate of Roma women is half lower (31%). The status of women within the Roma community is gradually changing towards a pragmatic tendency to adjust role distribution to the situation. Due to high unemployment and low level incomes, Roma men cease to be the main family providers. According to research carried out by the organization Slovo 21 from 2014, one third of Roma women consider themselves as solo parents<sup>9</sup>. Entering the labour market after maternity leave and parental leave is, due to deficient education, rather problematic for Roma women; another negative factor is the lack of access to pre-school educational facilities. The same research also shows

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<sup>7</sup> [http://ec.europa.eu/eurostat/statistics-explained/index.php/File:People\\_at\\_risk\\_of\\_poverty\\_or\\_social\\_exclusion,\\_by\\_age\\_group,\\_2013.png](http://ec.europa.eu/eurostat/statistics-explained/index.php/File:People_at_risk_of_poverty_or_social_exclusion,_by_age_group,_2013.png)

<sup>8</sup> European Network Against racism (ENAR) Shadow Report 2013–2013, p. 20; <http://cms.horus.be/files/99935/MediaArchive/publications/shadow%20report%202012-13/Czech%20Republic.pdf>

<sup>9</sup> SLOVO 21. 2014. *Position of Roma Women in the Czech Republic*. Praha: Slovo 21, z.s.

that 79% of Roma women respondents are willing to undergo additional education or requalification. Further education of the Roma population, chiefly women, seems to be one of the few tools for improving their chances to get employed.

### **11.3. Discrimination against migrants and specifically against women migrants in the labour market**

The economic crisis has worsened discrimination against minorities and migrants and increased the employment gap between ethnic minorities and the majority of the population. The most common manifestation of discrimination at work is in lower wages, precarious and difficult working conditions, harassment and abusive dismissal, work without formal contract, and non-payment or informal payment of wages. These discriminatory practices occur despite the existence of EU legislation prohibiting discrimination in employment. The ENAR shadow report highlights that these laws are not always as efficient as they should be, especially in terms of the numerous obstacles to bringing cases to court and the difficulty to prove discrimination, a lack of trust in the judicial system, lack of awareness of legal protections, and the length and cost of proceedings.<sup>10</sup>

In 2012, the Ministry of Labour and Social Affairs adopted a series of restrictive policies which were geared towards third-country foreign nationals, such as new obstacles to obtain a work permit, a ban on employment of third country nationals through employment agencies and an increasing of the penalties for irregular work. These policies contributed to a further deterioration of the situation of migrants on the Czech labour market, who were already detrimentally affected by the economic crisis.

**The ENAR shadow reports criticizes the Czech Republic especially for its restrictive policy towards foreigners in the field of employment, long-term lack of solution to unemployment of the Roma minority and the inadequate mechanisms for legal protection of victims against discrimination in employment. The report suggests that the Czech Republic should improve the data collection mechanism, creating jobs for disadvantaged groups, adopting a law on free legal aid and social housing, moving away from restrictive policies towards foreigners and development of anti-discrimination laws, for example increasing the powers of the ombudsman when discovering discrimination.**

One of the most vulnerable groups of migrants are women working as domestic workers. Recent research argues there are thousands of migrant domestic workers in the Czech Republic.<sup>11</sup> Based on the research findings, the authors estimate that approximately half of domestic workers do not have an employment contract. The research showed that the most pressing issue for domestic workers in the Czech Republic is labour exploitation (after hours without proper pay, work 6 to 7 days a week 12 to 14 hours, worse for live-in domestic workers, extensive complaints about quality of their work – a form of bullying etc.). In these precarious conditions, those women working on a trade licence are able to negotiate better working conditions for themselves. Nevertheless, at the same time they face other risks due to increasing legal restrictions for requirements for obtaining trade licence for migrants, exclusion of workers working on trade licence from the labour protection laws (in many aspects excluding migrants without permanent residence anyway), and from the access to public health insurance.

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<sup>10</sup> European Network Against racism (ENAR) Shadow Report 2013–2013, <http://cms.horus.be/files/99935/MediaArchive/publications/shadow%20report%202012-13/Czech%20Republic.pdf>

<sup>11</sup> Ezzeddine, P. a kol. 2014. *Migrantky a nájemná práce v domácnosti v České republice*. Praha: SIMI. Available at: [http://www.migrace.com/docs/140925\\_vysledky-vyzkumu-najemne-prace-v-domacnosti-v-cr.pdf](http://www.migrace.com/docs/140925_vysledky-vyzkumu-najemne-prace-v-domacnosti-v-cr.pdf)

## **12. Article 12 – Healthcare**

### **12.1. Women’s reproductive rights and discrimination against midwifery care**

Although the CEDAW committee warned about deficiency in the field of women’s reproductive rights in 2010 and called on the Czech Republic to redress the situation, there have been no significant changes in the observed period. The Ministry of Health, the Czech Gynaecological and Obstetrical Society and the Czech Medical Chamber continuously boycott cooperation with Midwives’ professional organisations. The working group for obstetrics and midwifery of the Ministry of Health was dismissed in 2014. Despite the establishment of a new Working group by the Government Office there are no signs of a changed position of obstetrics.

Different studies show that in many respects, Czech women are not satisfied with the care provided by maternity hospitals. The most pressing problems are as follows:

- Separation of babies from mothers after the delivery is common. Bonding is encouraged only in a small number of hospitals. The child is left with the mother only if so decided by the physician.
- Normal childbirth is not supported in Czech hospitals. Women opt for a home childbirth as a negative choice. They want to avoid the routine procedures they have to face in hospitals which they perceive as endangering for both themselves and the babies. The situation is better in some smaller hospitals.
- Women must fight to be able to give birth without medicaments, episiotomy and continuous monitoring.
- In hospitals, women must pay for their partner or another person to be present and support them during childbirth (accompanying midwife, doula, usually CZK 1000 to 1500 per person).
- The percentage of C-sections in hospitals is increasing as well as medication during childbirths. Non-pharmacology methods of pain relief are scarcely used. Episiotomy is a routine procedure. Only some maternity hospitals allow women to stay in a bathtub during childbirth or to give birth in water. Some hospitals charge fees for using a bathtub.
- Following a C-section, women are hospitalised in intensive care units without their children.
- In many maternity hospitals, women do not have privacy during childbirth. Even in hospitals midwives do not enjoy the powers granted by law. All care must be ordered by a physician to be paid from public health insurance.

The Health Services Act defines a physician/gynaecologist as the primary provider of birth services. Midwives are not mentioned as health care service in the Act. The nursing care related to childbirth and puerperium is defined vaguely and the care standards approved by the Ministry of Health are not included. Midwives’ professional organisations comment on the acts and decrees in the long term, however, most proposals are considered irrelevant. Regional authorities arbitrarily prevent creation of a network of independent midwives who must face injustices by clerks dismissing applications for registration in accordance with legal regulations applicable in the European Union. If a midwife wants to work independently, the regional authority always restricts her powers.

### **12.2. Discrimination against migrants in access to healthcare insurance**

The Czech Republic has not taken measures to eliminate discrimination against migrants in their access to public health insurance. This type of discrimination negatively affects women migrants especially in connection with pregnancy, childbirth and child care. About one third of the women migrants from countries outside of the EU residing in the Czech Republic over a long period – approximately 100 000 individuals – is excluded from the public health insurance system. They are

self-employed persons (OSVČ), students, family members of migrants from third world countries, but also the wives and husbands of Czech citizens. They have to ensure their fundamental human rights to health through commercial insurance conditions of which are significantly worse in comparison to the public one. In spite of the declared promises of the current government there have been no remedial measures taken in terms of elimination of discrimination of certain migrant groups and individual binding deadlines are being constantly postponed.

The Parliament of the Czech Republic has even adopted some other measures that are in contradiction to respecting migrants' rights and to EU directives. Discrimination of migrants in the area of unemployment benefit and health insurance has been confirmed by adopting an amendment to a law on residency of foreigners on the territory of the Czech Republic – EU, approved by the Parliament on 23 April 2014 and signed by the President of the Czech Republic on 6 May 2014. **This situation is in breach of the Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State that entitles migrants working in the Czech Republic to at least six months of equal rights in the area of health insurance and in case of job loss.**

Recommendations:

- The most appropriate solution is the inclusion of all legal migrants residents living in the territory over a long period of time to public health insurance, which would be most likely favourable for all participating parties (migrants, health centres and even the public health insurance system) excluding commercial insurance companies that would lose profits.

### **12.3. Illegal sterilization of Roma women**

The Committee on the Elimination of Discrimination against Women at its forty-seventh session in 2010 urged the Czech Government to adopt remedial measures in cases of illegal sterilization of Roma women. Although the Minister for Human Rights, Equal Opportunities and Legislation submitted a document "Legislative Intention for the Act on Compensation of Victims of Illegal Sterilization" to be considered by the Czech Government, it has been disapproved. Today there are no plans for the adoption of remedial measures in this matter which were recommended by the Ombudsman already in 2005.

### **12.4. Discrimination against lesbian women living in registered partnership in access to artificial insemination**

In contrast to married women or women with heterosexual partners, a woman living in a registered partnership together with her partner cannot legally request artificial insemination. Restriction to access to artificial insemination for lesbians living in registered partnership is a direct discrimination against persons with non-heterosexual orientation.

## **13. Article 13 – Economic and social benefits**

### **13.1. The lack of public child-care for pre-school age children and fathers' participation in child-care**

There has been a long-term deficiency of public (non-commercial) child care facilities and the proportion of men on parental leave has remained minimal and without any significant changes. Both aspects make it more difficult for mothers with small children to return to the labour market. The lack of public child care facilities is reflected in the highest risk of poverty of solo parent families. During the considered period there were legislative changes in terms of parental benefit facilitating

return of women to the labour market, nevertheless the lack of public child care facilities actually prevents mothers from returning to the labour market. In comparison to other European countries, the Czech Republic remains a country with the most negative impact of maternity on women's employment.

Since 2014, crèches (institutions for children aged 0 – 3) have been in the legal vacuum (before 2014 they were assigned to the Ministry of Health). Kindergartens that provide care and education to children aged 3 – 6 are assigned to the Ministry of Education, Youth and Sport. Although unification of all pre-school education under the Ministry of Education, Youth and Sport would enable an effective setting for childcare group aged 0 – 6, this step is opposed by the government. Despite decreasing the age limit for accepting children to kindergarten to 2 years of age, due to insufficient capacities in the public kindergartens, younger children (in some regions up to 4 years of age) are often not accepted.

In 2014 the Act on Children's Groups became effective; its aim is to support the establishment of child care facilities for children between the ages of 1 to entry age for primary school in order to facilitate the return of mothers to the labour market. The long-term negative aspect of this solution to the shortage of places in childcare facilities is the fact that the Act on Children's Groups does not impose an obligation to include educational program. In contradiction to the current trends in the family policy and despite the recommendation of the UN Committee on the *Elimination of Discrimination against Women from 2010*, the Czech Republic has not introduced the right of a child to pre-school education, nor paternity leave or a quota for the other parent within the parental leave (one week for fathers is currently under consideration).

### **13.2. Feminization of poverty and risk of poverty for solo parents and elderly women**

In the Czech Republic it is mostly women who are at risk of poverty and social exclusion. One of the most vulnerable groups are solo parent mothers. According to statistics from 2013, **in the Czech Republic almost 28% of solo parent families are on the brink of the poverty line**<sup>12</sup>, where in 90 percent of cases the only adult family member is a woman. Failure of the second parent to pay alimony (in majority of cases, a father) increases the risk of poverty.

Failure to pay alimony is a widespread problem that has a serious negative economic and social impact on a number of solo parent families, especially women, and on the legitimate interests of children. The estimates of One Parent Families Association show that 38% of divorced parents who have been court ordered to pay alimony do not pay them. Following the Policy Statement of the Government of the Czech Republic, the Ministry of Labour and Social Affairs prepared a legislative intent on the Act on Advance Alimony Payment which was submitted to the inter-ministerial consultation procedure on 10 December 2014, however, the draft has not yet been submitted to the Czech Government.

Dropping out of work due to parental leave, having a part time job, or working under a nonstandard work contract and similar circumstances result in lower average wages women earn and in lower contributions to the social system, and consequently in lower pensions. Women face higher probability of old age poverty than men. By 31 December 2013 the average pension of men was CZK 12 149 and average pension of women was CZK 9 951, which is in case of women living alone on the

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<sup>12</sup> <https://www.czso.cz/documents/10180/25385875/13548367+1600211419.pdf/cf7fd53a-3895-4048-9010-39b6ac46e785?version=1.0>

brink of poverty line. **If we consider people living alone, in 2013 14.7% of women and 7% of men aged 65+ were at risk of poverty.**<sup>13</sup>

### **13.3. Women without homes**

The Czech Republic needs to address the situation of people without homes, including adoption of gender sensitive measures to respond to the needs of women without homes. Women comprise for approximately 1/5 of all people without home in the Czech Republic and there is an increasing trend. Moreover, women without homes are often caring for children which transfers the risk of poverty and homelessness to children as well. At the same time, women on the street are more vulnerable to specific gender-based violence. The Czech Government does not address the problem of homelessness adequately and does not focus on gender-related vulnerabilities.

The most common reason for women to become homeless is their inability to pay the housing costs. The group most endangered by homelessness are women with more children and lower education. Therefore providing social housing for low income families and individuals shall be fundamental for solving the issue of women's homelessness. Other causes of homelessness involve problems within relationships (breakup, divorce, domestic violence, etc.).

People without access to standard housing depend on accommodation in lodging houses (so called sub-standard housing). In recent years the business with poverty by means of providing lodging housing became a wide-spread practice in the Czech Republic. Although the government declares the necessity to deal with this problem, the adopted solutions so far harm people in need and in risk of homelessness. The amendment of the Act on Assistance in Material Need (no. 252/2014 Coll.) included the condition of the approval of the municipality with the entitlement of the supplement for housing to concrete individuals and families. This effectively opens the door for discrimination against specific social groups, e.g. Roma, in some locations depending on the municipality. **The proposed correction of this discriminatory practice by the Ministry of Labour and Social Affairs removes this problematic condition; however it also limits the amount of the supplement for housing for people living in lodging houses to 80% of the standard amount. Instead of dealing with the problem of business with poverty via lodging housing at the expense of poor people and families, the proposal further harms people without access to standard housing.**

### **13.4. Discrimination against migrants and specifically against women migrants**

The Czech Republic has a discriminative law on entitlement to unemployment benefit and public health insurance, which are linked to permanent residency but paid from the contributory scheme, to which foreigners without permanent residency contribute as well. See Article 12 (Healthcare), section 12.2 Discrimination of migrants in access to healthcare insurance.

## **14. Article 14 – Rural women**

**The government does not systematically pay attention to the status of women in the rural areas,** nor is there consistent data collected for mapping the situation. The only comprehensive strategy dedicated to the development of rural areas is the *Regional development strategy for 2014 – 2015* (Ministry of regional Development), which however disregards women's specific needs and their status. Further strategies like the *Government Strategy for Equality of Women and Men in the Czech Republic for 2014 – 2010*, *Social Inclusion Strategy 2014–2020*, and *Strategy for Employment in the Czech Republic until 2020* provide only random mention of the rural areas (e.g. "including rural

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<sup>13</sup> <http://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do>

area“). *The National Reform Programme of the Czech Republic for 2014* dedicated only a brief paragraph to this topic, titled “Rural development and fostering employment”, treated from the perspective of priority sectors not specific population groups.

**The Public transport network has been minimalized in many regions; some small municipalities and sparsely populated areas do not have any public transport at all or only on work days (two services per day, including outbound service).** This forces the local population to use their own means of transport which is expensive, thus not accessible to everybody. The question also is to what extent women, especially aged 65 and above, have access to car and/ or hold a driving licence.

**Lack of public transport in the rural areas complicates not only commuting to work, access to schools, child care facilities and care facilities in general, lifelong education and training, but in result it makes it difficult for women balancing work and family life; it also complicates access to health care centres and other services.**

Recommendations:

- Include rural women with special attention to the age group 65+ as a specific group to relevant government strategies.
- Consistent and systematic monitoring of status of women in the rural areas, especially in so called rural peripheries and generally poor regions with lower density of population and in small municipalities of up to 500/200 inhabitants.

#### **15. Article 15 – Equality before the law**

No changes during the reported period.

#### **16. Article 16 – Marriage and family life**

Appropriately reported in the Sixth periodic report submitted by the Czech Republic.