



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

**Pre-session working group**

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**Responses to the list of issues and questions with  
regard to the consideration of the combined fourth  
and fifth periodic report**

**Czech Republic\***

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

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## I. Introduction

1. The Czech Republic hereby delivers to the Committee on the Elimination of Discrimination against Women (the “Committee”) the following observations on the list of problems and questions with regard to the consideration of periodic reports, sent to it by the Committee on 16 March 2010 (CEDAW/C/CZE/Q/5). The Czech Republic would like to remind the Committee that comprehensive statistical information on men and women is included in the annual publications by the Czech Statistical Office entitled *Zaostřeno na ženy, na muže* (*Focus on Women, on Men*), which are bilingual, i.e. they are published in Czech and English, and are also available at:

<http://czso.cz/csu/2009edicniplan.nsf/p/1413-09> (Czech version)

<http://czso.cz/csu/2009edicniplan.nsf/engkapitola/1413-09-2009-16> (English version)

2. In several questions, the Committee is interested in the situation of Roma women and girls. The problems of the Roma, including the situation faced by Roma women and girls, are detailed in the Roma Integration Concept (the “Concept”) and subsequent Implementation Plan, aimed at balancing opportunities and compensating for the initial disadvantages of the Roma which prevent them from participating fully in the life of mainstream society. Since 2004, reports on the situation of Roma communities have been prepared annually and presented to the Government; the Czech Republic refers to these reports as a source of information on the situation of Roma women and girls.<sup>1</sup>

3. On 21 December 2009, the Czech Government approved a new Concept for the period from 2010 to 2013 under Resolution No. 1572. The Concept also covers the situation of Roma women, e.g. the lower participation of Roma women in the labour market or the issue of lifelong learning. In paragraph 1.6, the Implementation Plan for the Concept of 21 December 2009 enjoins the Minister for Human Rights to continually promote equal opportunities for women in the Roma community, which means that the gender aspect of measures to improve the situation of the Roma will be strengthened in the future. Roma women play a very important role in Roma communities; they are crucial for the family lifestyle, for securing the everyday needs of family members, and for the raising and education of children. Many women from excluded Roma families take the initiative on themselves as they seek to deal with their family’s difficult living situation; they take an active approach and search for sources of help. However, the responsibility assumed by the Roma women places an excessive burden on them which leaves them with little opportunity for self-realization and for personal development.

4. The lack of opportunities among Roma women is not related only to their social status and their ethnicity as members of the Roma minority, which they either declare themselves or have attributed to them by their surroundings. A role here is also played by the traditional status of Roma women in the family, which is associated with maternity and a nursing role; in their milieu (family, the broader community) women are expected to fulfil their ambitions in the natural environment of the community. However, the opportunities for Roma women to break away from their traditional status is reduced by the simple fact that excluded Roma in general have little chance of social advancement or full participation in society.

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<sup>1</sup> Reports are available on the website of the Government Council for Roma Affairs at <http://www.vlada.cz/scripts/detail.php?pgid=493>.

5. Roma women will also be the theme of the Czech Presidency of the Decade of Roma Inclusion 2005–2015, which is an international initiative of twelve countries in Central and Eastern Europe, linking the participating governments, international institutions and Roma civil society.<sup>2</sup> One of the Presidency’s priorities is the subject of “Roma women – viewing the integration policy in all areas”. The Roma women’s group *Manushe*, which has operated since 2000 as part of the Slovo 21 civic association, will be involved in driving this priority forward. Since 2005, this group has been a member organization of the Czech Women’s Lobby and the European Women’s Lobby, and draws together more than 170 Roma men and women.

6. The new entity which began operating in the field of Roma integration in 2008 is the Agency for Social Inclusion in Roma Localities, which acts as a coordinating body for the implementation of the state policy on Roma integration at local level. The objective is to reduce and eliminate social exclusion in Roma localities. The Agency is currently working at the design stage; the project is run by the Department for Social Integration in Roma Localities at the Office of the Government.

7. The situation faced by disabled women is addressed by the National Plan for the Creation of Equal Opportunities for Persons with Disabilities. The National Action Plan for 2010–2014, which was approved under Government Resolution No. 253 of 29 March 2010, covers the situation of disabled women in Part Two.

8. Information on the situation of women refugees and migrants is included in the annual reports on the migration situation in the Czech Republic.<sup>3</sup>

9. The Czech Republic is ready to submit detailed explanations and information during the consideration of the report.

## II. Information in response to the Committee’s questions

### A. General

#### Reply to the issues raised in paragraph 1 of the list of issues (CEDAW/C/CZE/Q/5)

10. The preparation of the fourth and fifth periodic reports began in October 2008, when the Government Commissioner for Human Rights (the “Commissioner”), who, under Government Resolution No. 302 of 19 April 2010, is responsible for preparing reports on the implementation of the Convention, asked central government authorities to provide documentation for the report. The Commissioner also invited the governors of all the Czech regions, members of the Government Council for Human Rights and the Government Council for Equal Opportunities for Women and Men who represent the professional public, civic associations and the academic community in these bodies, the Ombudsman and senior bodies of the judiciary to collaborate in the preparation of the report. Of the fourteen Czech regions approached, ten contributed to the report.<sup>4</sup> On behalf of non-governmental organizations, the women’s organizations Gender Studies, o.p.s. and Fórum 50% sent documentation. On behalf of the courts, the Constitutional Court and the Supreme Court sent an overview of their case-law. The Government Council for Equal Opportunities

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<sup>2</sup> The Czech Republic will preside over this initiative from 1 July 2010 to 30 June 2011.

<sup>3</sup> The reports are available on the website of the Ministry of the Interior at <http://www.mvcr.cz/clanek/migracni-a-azylova-politika-ceske-republiky-470144.aspx?q=Y2hudW09NA%3D%3D>.

<sup>4</sup> The City of Prague, South Moravia, South Bohemia, Karlovy Vary, Olomouc, Pardubice, Central Bohemia, Ústí nad Labem, Zlín and Vysočina.

for Women and Men and its technical apparatus made a significant contribution to the report. The final form of the report is largely influenced by central government authorities; the contributions of nongovernmental organizations are complementary in nature.

11. In the interdepartmental comment procedure in February 2009, all members of the Government had the opportunity to comment on the report. This opportunity was taken by the Ministry of the Interior, the Ministry of Health, the Ministry of Defence, the Ministry of Labour and Social Affairs, the Ministry of Culture, the Ministry of Finance, and the Ministry of Industry and Trade. The comments were mostly of a technical and complementary character. Other members of Government either endorsed the text of the report or made no comment. The report was approved by the Government under Resolution No. 275 of 9 March 2009. The Czech Parliament did not discuss the report.

#### **Reply to the issues raised in paragraph 2 of the list of issues**

12. The previous concluding observations were approved under Government Resolution No. 96 of 5 February 2007. The Government took due note of those observations and ordered all of its members to consider them in their activities. Prior to discussion within the Government, the concluding observations passed through standard procedure in accordance with the Government's Rules of Procedure, i.e. interdepartmental comment procedure, during which all of the Ministries were able to study them in detail and had the opportunity to express comments on them. The concluding observations were subsequently submitted, in a letter from the Prime Minister, to the Chairpersons of both Chambers of the Czech Parliament for their information.

## **B. Constitutional, legislative and institutional framework**

#### **Reply to the issues raised in paragraph 3 of the list of issues**

13. At the time of writing, the State party does not have comprehensive information about whether the provisions of the Convention have been invoked in national courts. The lack of references to the Convention in court proceedings should be viewed in the context of the Czech legal system and legal culture and practice, as the content of the Convention is on an equal footing with rights and obligations under domestic law, including constitutional law, acts and regulatory standards. In case of an alleged violation of a right protected by the Convention, the parties invoke the corresponding national legal provisions.

#### **Reply to the issues raised in paragraph 4 of the list of issues**

14. The Anti-discrimination Act includes the prohibition of discrimination on grounds of sex in Section 2 (3) and (4), Sections 6 to 9, and Sections 13 to 18; these provisions cover several forms of discrimination (direct and indirect discrimination, harassment, sexual harassment, persecution; instructions and incitement to discriminate are also regarded as discrimination). The prohibition of multiple discrimination is not expressly provided for in the Act, but is prohibited, as can be inferred by applying general principles of legal interpretation. The definition of discrimination in the Anti-discrimination Act is consistent with the definition of discrimination in the Convention, but it is a specific rule that applies only to defined areas, such as employment, social matters, and culture, including housing and education.<sup>5</sup>

<sup>5</sup> Specifically, under Section 1 of the Anti-discrimination Act, these areas are (i) the right to employment and access to employment; (ii) access to a profession, entrepreneurship and other self-employment; (iii) employment, civil service positions and other salaried activities, including compensation; (iv) membership of, and involvement in, trade unions, works councils and employer

15. As the State party has mentioned in the submitted report, under Article 10 of the Czech Constitution the Convention is directly binding and, if invoked, takes precedent over an act. The Anti-discrimination Act itself refers to international treaties in Section 1 (1).

**Reply to the issues raised in paragraph 5 of the list of issues**

16. The Ministry of the Interior prepared a draft general principle for the Act on Elections and the holding of referendums (the Electoral Code) in 2004. The proposed Code anticipated provisions promoting the greater representation of women in elections to the European Parliament and in elections to the Chamber of Deputies, where electoral lists are fully occupied. However, the draft Electoral Code was not included in the Government negotiations so that a discussion on its content could be held by the representatives of political parties forming the coalition. The coalition government then decided not to submit the draft electoral amendments.

17. In 2009, in the document “Priorities and Procedures of the Government in Promoting Gender Equality” (*Priority a postupy vlády při prosazování rovnosti žen a mužů*) the Ministry of the Interior was enjoined, under Task No. 23, to draw up and submit to the Government (originally by 31 December 2009) draft legislative changes that would ensure a minimum 30% share of both women and men in electoral lists for elections to the Chamber of Deputies, regional assemblies and Prague City Assembly.

18. Compared to the original assignment, work on the preparations became protracted, mainly because the fundamental issues of the constitutionality and effectiveness of the legal norm and the specific form of the proposal had to be discussed. The draft is being finalized by the Government Commissioner for Human Rights. However, a parliamentary debate in the current parliamentary term (i.e. before the parliamentary elections in May 2010) is no longer possible. The new Government and the new Parliament will decide how to proceed. For more details, see the answer to paragraph 22. The Czech Republic recognizes the need to combat stereotypes in the division of labour between men and women and to discuss gender roles in society and within the decision-making process. Many stakeholders support the aim to increase the number of women in the Czech Republic’s representative bodies, but would prefer to see voluntary action within political parties.

**Reply to the issues raised in paragraph 6 of the list of issues**

19. The number of lawsuits for gender discrimination, as is clear from the table below (Table 1), is not high. However, this cannot be interpreted simply as the ineffectiveness of the law. Rather, women at risk of discrimination in the workplace select other, non-judicial, forms of dispute resolution. The preference for this form of solution is indicated by individual letters and questions from women to the public authorities, such as the Minister for Human Rights and the Government Commissioner for Human Rights, as well as online advice centres providing legal advice that focuses on women’s issues, for example in relation to parental leave and returning to work. Other forms of non-judicial dispute resolution in discrimination cases could be the possibility of contacting labour inspectorates and employment offices if discrimination occurs in the workplace; women suffering from discrimination can also contact the Ombudsman, as an “equality body” (these non-judicial forms of dispute resolution are covered in more detail below). It is also true that the possibility of mediating an out-of-court settlement is not satisfactorily covered by

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organizations, including the benefits that these organizations provide to their members; (v) membership of, and involvement in, professional bodies, including the benefits that these public corporations provide to their members; (vi) social security; (vii) the granting and provision of social benefits; (viii) access to health care and the provision thereof; (ix) access to goods and services, including housing, if offered to the public, or the provision thereof.

legislation; this possibility is currently regulated by law only in criminal proceedings, whereas the private sector does not yet have an established tradition, and one of the alternative dispute resolution options is not yet sufficiently well known in the Czech Republic. The financial cost of litigation is another significant factor.

20. In terms of content, the prohibition of discrimination as specified in the old Labour Code (Act No. 65/1965, Section 1, Section 7 (4)) in the period from 2004 to 31 December 2006 was very similar to the provisions in the Anti-discrimination Act.

Table 1

**Court rulings in labour cases involving alleged sex discrimination**

	2004	2005	2006	2007	2008
Disputes arising from an employment relationship involving discrimination on grounds of gender – women	-	1	5	3	5
Termination of employment due to discrimination	-		2	1	1
Wage discrimination on grounds of gender	-		5	-	4

*Source:* Ministry of Justice, regional and district courts.

21. The fact that from January 2007 to June 2009 there was no specific legal norm defining discrimination does not mean that the law itself did not cover the prohibition of discrimination in employment relations. A court could have interpreted the concept of discrimination with regard to the following circumstances:

- The Czech Republic's constitutional laws and existing case law
- Analogy, especially by reference to the Employment Act (Act No. 435/2004 Coll.), which governs related issues
- EU law (which contains detailed definitions of discrimination)
- International law, including the Convention

22. This problematic situation was also the subject of a seminar on the Labour Code which was organized by the Ministry of Justice (4 to 6 February 2009), and which, inter alia, concentrated on equal treatment from the perspective of the Labour Code in the absence of the Anti-discrimination Act. The seminar rounded off the problematic situation of the non-adoption of the Anti-discrimination Act by observing that the issue of discrimination, in a situation where the Anti-discrimination Act had not been adopted, was covered only by the Labour Code (Section 16) and the Charter of Fundamental Rights and Freedoms. Legal means of protection prior to the adoption of the Anti-discrimination Act were not defined by any specific rule, but stemmed from the nature of the case: there was the *action negatoria* (for an employer to refrain from a situation which has arisen and is ongoing) and compensation with satisfaction (ranging from an apology to the pecuniary satisfaction according to the provisions on privacy under the Civil Code). Appointment to a position or recruitment could not be the subject of an action; this precluded compensation, even at the amount of wages the employee would have achieved if he/she had been recruited.

**Reply to the issues raised in paragraph 7 of the list of issues**

23. From 1 January 2008, the gender equality agenda was given a higher profile and was made stronger when it was transferred to the Minister for Human Rights. The Minister for Human Rights was in a position to take this agenda forward more vigorously than in a situation where the agenda was the responsibility of the Minister for Labour and Social

Affairs, who had a very large agenda. As a member of the Government (the Cabinet), the Minister for Human Rights participated in Government decision-making on all issues and promoted gender equality. The Minister for Human Rights was also chairperson of the Government Council for Equal Opportunities for Women and Men (from 12 June 2007 until the resignation of Minister Michael Kocáb on 29 March 2010).<sup>6</sup>

24. The administrative apparatus of the central coordination unit, i.e. the Gender Equality Unit, did not receive additional staffing in this period; on the other hand, there was no reduction in the number of staff either. This fact should be noted in the context of a Government decision in force in the Czech Republic to make permanent reductions in the number of people employed in State administration.

25. The institutional structure was strengthened significantly by the creation of an independent body on equal treatment (see the response to paragraph 8 below). The Unit of the Ombudsman's Office, which deals with this issue, currently has six professional staff.

26. Some other Acts (e.g. the Labour Inspection Act, the Consumer Protection Act, the Czech Trade Inspectorate Act and the Schools Act) also provide for government authorities to check on the fulfilment of gender equality obligations and tackle discrimination disputes in the form of administrative procedure. In some areas, however, the effectiveness of administrative punishment would need to be increased. For more details on the powers of employment offices and labour inspectorates, see Question 11.

#### **Reply to the issues raised in paragraph 8 of the list of issues**

27. Under the Anti-discrimination Act, on 1 December 2009 the Ombudsman became the domestic equality body. Therefore, there has been an equality body in the Czech Republic for four months (situation as at April 2010). The agenda is handled by the Equal Treatment Unit, which has six full-time employees (three women and three men). The Ombudsman's activities are funded by a separate heading of the national budget.

28. Section 21b of the Ombudsman Act lays down that the Ombudsman shall contribute to the promotion of the right to equal treatment of all persons irrespective of racial or ethnic origin, nationality, sex, sexual orientation, age, disability, religion or belief, and to this end shall: (a) provide victims of discrimination with the methodological assistance they need in pursuing their complaints about discrimination, (b) carry out surveys, (c) publish reports and issue recommendations on matters relating to discrimination, and (d) arrange for the exchange of available information with the competent European bodies. The methodological assistance consists mainly of providing the client with a written, qualified legal analysis (final report) of the situation in which the client regards him- or herself to be a victim of discrimination. The client is helped in the gathering of evidence if necessary. The Ombudsman is also ready to arrange mediation for victims of discrimination, where appropriate, and in particular to propose the best way of proceeding in their specific case. If a case of alleged discrimination is put to a court for a ruling, the Ombudsman cooperates with the Czech Bar Association. However, the Ombudsman is not entitled to bring an action to a court of his/her own accord. Nor is the Ombudsman authorized to bear the costs of proceedings or to represent a client before the courts.

29. In cases of discrimination, the Ombudsman intends to issue, on his/her own initiative, four or five recommendations a year which are independent of complaints brought by victims (e.g. focusing on the labour inspectorate, see below). Recommendations

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<sup>6</sup> On 29 March 2010, Michael Kocáb resigned as Minister for Human Rights. As of 19 April 2010, the agenda of equal opportunities between men and women has fallen directly under the Prime Minister and within the competent of the Government Commissioner for Human Rights.

are addressed to the general public, while a complaint of discrimination made by a specific complainant is a confidential document between the complainant and the Ombudsman.

**Reply to the issues raised in paragraph 9 of the list of issues**

**1. Minister for Human Rights and Government Council for Equal Opportunities for Women and Men**

30. The position of Minister for Human Rights was created in 2007, with responsibility for human rights, the rights of national minorities, including the Roma situation, people with disabilities and NGOs. As mentioned above, on 1 January 2008 the Minister for Human Rights took over the gender equality agenda from the Ministry of Labour and Social Affairs. As a member of the Government (the Cabinet), the Minister for Human Rights participated in Government decision-making on all issues and promoted gender equality at Cabinet meetings. Besides the post of Minister for Human Rights, the post of Government Commissioner for Human Rights continued to exist. On 19 April 2010, following the resignation of the Minister for Human Rights, the Government named Michael Kocáb (the resigning Minister for Human Rights) as the new Government Commissioner for Human Rights, thus ensuring continuity in this area. The Commissioner is also responsible for the gender equality agenda.

31. The Government Council for Equal Opportunities for Women and Men (the "Council") is a permanent advisory body to the Government in the field of creating equal opportunities for women and men. The Council was set up by Government Resolution No. 1033 of 10 October 2001. In particular, the Council:

- (a) Discusses and recommends to the Government the policy guidelines for the Government's approach to promoting equal opportunities for women and men;
- (b) Coordinates the guidelines for departmental policies on equal opportunities for women and men;
- (c) Appoints the group of priorities for departmental projects to promote equal opportunities for women and men;
- (d) Identifies current problems in society related to equal opportunities for women and men;
- (e) Evaluates the effectiveness of implementing a principle of equality between women and men.

32. After 2008, the Government Council set up four working bodies (committees). They are:

- The Committee for the Prevention of Domestic Violence
- The Committee for the Reconciliation of Professional, Private and Family Life
- The Committee for the Balanced Representation of Women and Men in Politics
- The Committee for the Institutional Safeguarding of Equal Opportunities for Women and Men

33. From 1 June 2007, the Minister for Human Rights was the Chairperson of the Council. Since 19 April 2010, the office of Council Chairperson has been held by the Prime Minister; the Government Commissioner for Human Rights is one of two vice-chairpersons.

## 2. Contact staff at ministries

34. Task described in the response to paragraph 14 was accomplished. Government Resolution No. 456 of 9 May 2001 enjoined members of the Government to create, as of 1 January 2002, at least one half-time job in each Government department for an employee who would be fully devoted to the gender equality agenda. This Resolution was implemented. Government Resolution No. 464 of 20 April 2005 recommends that members of the Government, as of 1 October 2005, expand their current organization structures to include at least once full-time position or two half-time positions for employees working solely on gender equality. The Government recommendation of 2005 has been respected by some Government departments – for example, one such full-time employee can be found at the Ministry of the Interior.

35. The job description of contact workers is adapted to the specificities of the various Ministries; in addition to conceptual work mainly concerning the creation of departmental priorities and the coordination of activities related to equal opportunities, the contact workers also, for example, deliver lectures as part of the initial training of new employees and are responsible for cooperation with NGOs.

36. Following on from this, under Government Resolution No. 486 of 15 May 2002 members of the Government were required to draw up departmental priorities and practices in promoting gender equality in areas falling within the scope of their Ministry. Staff responsible for equal opportunities between men and women at Ministries meet regularly; the Gender Equality Unit is responsible for the organizational and coordination function of this network.

37. Based on Government Resolution No. 964 of 20 July 2009, working groups on gender equality were set up at all Ministries in January 2010. The composition of these groups has been conceived so that their members cover gender equality issues in the competence of the given Ministry.

## 3. Regional and local authorities

38. A key role in the support of regional and local authorities as they promote equal opportunities is played by the Ministry of the Interior. Since 2007, the Ministry of Interior, along with the non-profit organization Gender Studies, o.p.s., has held a competition for the best authority in terms of equal opportunities for women and men: the competition “Fifty-Fifty” Authority of the Year – Respect for Equal Opportunities. The competition aims to increase authorities’ sensitivity to gender equality, monitor measures introduced by authorities in this area, and support the implementation of gender mainstreaming principles in the work and practices of the authorities themselves.

39. In the first year (2007), 39 authorities entered the competition. In the second year (2008), 62 authorities entered the competition. In the third year, 142 authorities entered the competition. The fourth annual competition is now under way, and the results will be officially announced at a conference organized by the Ministry of the Interior and Gender Studies, o.p.s. on 17 June 2010 in Prague.

40. In connection with the competition “Fifty-Fifty” Authority of the Year – Respect for Equal Opportunities, the Ministry of the Interior established a working group on gender equality in which all 14 regional authorities in the Czech Republic are represented. The group meets three times a year and assesses the gender equality situation in each region.

41. In 2009, a survey of the gender equality situation at selected local and regional government authorities took place at the initiative of the Ministry of the Interior as a task under the Government Priorities and Practices in Promoting Equal Opportunities for Women and Men. The survey was called “Analysis of Equal Opportunities for Women and

Men at Selected Self-government Authorities”, and was processed by the Department of Gender Studies, Faculty of Humanities, in collaboration with the Department of Educational Psychology, Faculty of Education, Charles University.

42. In accordance with the assignment, 200 authorities of all types were approached. Of these, 84 authorities responded to the questionnaire; 75 returned it completed and 9 explicitly refused to fill it in. At all types of authorities, the share of women declines at each ascending level of management. Also, as a general rule of thumb, the higher the level of self-government, the lower the representation of women at the relevant management level. Regional authorities are the most energetic at promoting equal opportunities for women and men. As is clear from the questionnaire survey conducted as part of the latest “Fifty-Fifty” Authority of the Year – Respect for Equal Opportunities, most of them report that the share of women in the position of department director or head of unit is at least 40%.

43. The Government Council for Equal Opportunities for Men and Women also focuses on the development of activities locally. As mentioned above, regional authorities (governors) have the status of permanent guests of the Council. The Committee for the Institutional Safeguarding of Equal Opportunities, which draws up initiatives for the Council, is also active in this field.

#### **Reply to the issues raised in paragraph 10 of the list of issues**

44. The implementation of all proposals, as contained in the specific project cited, would certainly be useful, but would require large financial investments in human resources (e.g. a higher number of employees at the central coordination unit – the Gender Equality Unit, and an increase in the number of coordination officers at Ministries). Therefore, gradual steps are being taken which do not require large investments. As stated above, working groups on equal opportunities for women and men were set up at all Ministries as of January 2010. To improve cooperation, the Government Council for Equal Opportunities for Women and Men decided that all contact workers at the Ministries (gender focal points) who lead these groups or are members thereof would enjoy the status of permanent guests of the Council, with the right to attend all of its sessions. This significantly strengthened the existing network of cooperating Ministries.

### **C. Visibility of the Convention and Optional Protocol**

#### **Reply to the issues raised in paragraph 11 of the list of issues**

##### **1. General observations on improvements in awareness of the Convention and the Optional Protocol**

45. The Committee’s general recommendations evaluated as the most topical in terms of the situation in the Czech Republic were translated into Czech and published on the website of the Gender Equality Unit at the Office of the Government. Translations of recommendations into Czech will be continuously added and then published in printed form.

46. The Committee’s recommendations addressed to the Czech Republic were submitted to the Chamber of Deputies of the Czech Republic for its information.

47. Information on the Convention is included in staff training provided by Ministries and is incorporated into educational events and addresses prepared by the Gender Equality Unit (e.g. speeches by the Minister for Human Rights).

48. It is also worth mentioning education via the Framework Education Programmes in all types of schools according to their different levels, from preschool through to university education. At primary schools, this education enables pupils to express themselves as

independent, free and responsible persons, to exercise their rights under the Convention and elsewhere, and to recognize their surroundings and behaviour which they can no longer tolerate and which violates fundamental human rights or democratic principles.

## **2. Awareness of employees of the judiciary and enforcement**

49. The Ministry of Justice organizes training aimed at increasing knowledge about discrimination against women and equality. Examples are given below.

50. Every year, the director of the Ministry's Justice Department holds lectures on labour law for HR unit staff and court administration directors which emphasize equal treatment for all employees, non-discrimination, respect for the principle of equal pay, etc.

51. The Prison Service starts to train its employees in human rights in the Basic Training that each new officer is required to take after recruitment, and in the initial course for civilian employees. It then continues in the educational, training and self-learning courses taken by employees. A new development in gender issue training is the offer to participate in the e-learning course "Equal opportunities for women and men", organized by the Ministry of the Interior – Institute of State Administration, which is another step in deepening the training available in this field.

52. The emphasis on the presence of the topic of equal opportunities between women and men is a long-term trend in the educational and training process for judges, prosecutors, and other staff of the Ministry of Justice as provided by the Judicial Academy. The issue has long been conceptually included in the Judicial Academy's education plans, and training in this area is constantly monitored and evaluated.

## **3. Disadvantaged groups**

53. As regards the most disadvantaged groups, including Roma women, it should be noted that one of the strategic objectives of the Roma Integration Concept (see introduction) is to promote lifelong learning among socially excluded Roma, with an emphasis on the development of functional literacy and other key competencies. Here, in relation to women, the Concept proposes interlinking educational activities with the provision of childcare services to enable Roma women to participate in these activities as, due to motherhood, they are cut off from opportunities for further education for a long time. This goal is not focused directly on promoting knowledge of the Convention, but is a prerequisite and basis for raising the awareness of this risk group of women of their rights.

54. In 2009, the Anti-discrimination Act entered into effect, and many awareness and educational activities in the public sector focused on this law. For example, the Ministry of Defence, in its lecture series on equal opportunities, held a lecture entitled "Equal Opportunities for Women and Men – New Legislation" (in cooperation with the Office of the Government), which was attended by 68 managers, policy and professional employees, on 9 November 2009. In 2009, the Ministry of Labour and Social Affairs prepared a seminar on this subject in collaboration with Gender Studies, o.p.s. The seminar was designed for managers and policy staff.

55. Large-scale activities to raise awareness about women's rights to equal treatment, including the rights of women from disadvantaged groups, have been carried out by the nongovernmental sector, with many of these activities co-financed by the national budget. The main source of funding is the EU funds. When the Anti-discrimination Act entered into effect, many of these activities focused on its application in practice. For example, in August 2009 the non-profit organization Centrum proEquality, Otevřená společnost, o.p.s. [Open Society] initiated an eighteen-month project under the Human Resources and Employment Operational Programme (ESF) aimed at increasing the capacity of public administration, where the primary activities are seminars for labour inspectorates and

employment offices on equal opportunities for women and men and on anti-discrimination legislation.

#### 4. Activities of the Ministry of the Interior and the Police in relation to vulnerable groups (domestic violence, human trafficking)

56. Awareness of vulnerable groups of women is ensured by the Ministry of the Interior and the Police, not only by awareness resources (leaflets, DVDs, brochures, the Information Service run by the Crime Prevention Department at the Ministry of the Interior, the periodical *Policista*), but also by educational activities, particularly for professionals and police officers (seminars, workshops, conferences). In these activities, the Ministry works closely with the nongovernmental sector (intervention centres, support centres for victims of domestic violence, shelters, etc.).

57. This year (2010) saw the completion of the eight-part film series “Diagnosis: Domestic Violence”, which is intended for those who deal with domestic violence and will also raise awareness among the general public. It will be distributed through police prevention officers, crime prevention managers regionally and locally, the staff of the relevant NGOs and the Crime Prevention Department at the Ministry of the Interior. In 2009, a puzzle was distributed among the public on the theme of domestic violence, called “Stop domestic violence”.

58. In 2009, the Ministry of the Interior gave financial support to NGO projects under the grant title “*Prevention of domestic violence, with an emphasis on working with violent persons*”. There were three such projects totalling CZK 525,000; they were not just pilot projects, but also projects already established that focus on working with the aggressors, and providing these persons with counselling, individual and group therapy, mediation in family matters, anger management, etc. Furthermore, NGOs, in their multidisciplinary cooperation, focus on education and awareness activities and media coverage in this area. The project outputs will be a code of practice for working with violent persons/aggressors and educational programmes.

59. Under the grant title “Programmes aimed at children as witnesses of domestic violence”, in 2009 the Ministry of the Interior also financially supported five projects with a total amount of CZK 900,000. These are pilot and established projects that focus on working with children who have experienced domestic violence, removing learned stereotypes, anger management, therapy for mothers with children, etc.

#### 5. Special means of protection

60. A new special remedy was introduced by the Anti-discrimination Act. It is regulated by Section 10 of the Act:

“(1) If rights and obligations arising from the right to equal treatment are infringed or if discrimination occurs, the person affected by such action shall be entitled, in the courts, in particular to have the discrimination discontinued, to have the consequences of discrimination redressed, and to be granted reasonable satisfaction.

(2) If redress under paragraph (1) appears to be insufficient in particular because, as a result of discrimination, the reputation or dignity of a person, or that person’s standing in society, is significantly impaired, that person shall also be entitled to financial compensation for non-material loss.

(3) The amount of compensation under paragraph (2) shall be determined by a court in relation to the seriousness of the loss incurred and to the circumstances under which the infringement of the right occurred.”

## **6. Cases of discrimination**

61. Over the first four months of his work, the Ombudsman, as an equality body, handled two cases of alleged sex discrimination, which were closed with the conclusion that discrimination was not found. Since the start of 2010, a further five cases of alleged sex discrimination are under investigation; the total number of complaints received where the subject is discrimination is 99 (situation as at 19 April 2010).

## **7. Cases of sex discrimination – see also Table 1 above**

62. Violations of equal treatment are also inspected by employment offices (recruitment) and, as of 1 July 2005, by labour inspectorates (employment). The Labour Inspectorate Act (Act No. 251/2005) considers discrimination in employment to be an offence for which it is possible to impose a fine of up to CZK 400,000. Equal treatment in access to employment is also regulated by Act No. 435/2004 on employment, under which a violation of the ban on discrimination can be penalized with a fine of up to CZK 1,000,000.

63. The State Labour Inspectorate publishes an annual Activity Report, part of which covers equal treatment. From their inception until 1 January 2007, labour inspection authorities have received eight complaints concerning equal treatment and discrimination in general. In the period from 1 January 2007 to 1 September 2009, labour inspection authorities received 550 such complaints. Throughout the reporting period, the most common breach of equal treatment by employers related to pay; they failed to provide all employees (regardless of sex) the same wages, salary or remuneration for equal work or work of equal value. Conversely, between 2004 and 2008 the labour inspection authorities were unable to prove any discrimination on the basis of a specific discriminatory reason (sex, age, etc.). In 2009, discrimination was established in three cases, although this was on grounds of age rather than sex. In 2009, the labour inspection authorities discovered 64 violations of equal treatment and discrimination in general in inspections at 60 employers.

64. The Ministry of Labour and Social Affairs periodically publishes information on inspections carried out by employment offices over a specific period. Employment offices in 2006 registered 34 cases of sex discrimination; in the first half of 2008 there were 24 cases.

## **D. Temporary special measures**

### **Reply to the issues raised in paragraph 12 of the list of issues**

#### **1. Improvements in the representation of women**

65. In 2009, the Czech Republic — as also stated in the information under paragraph 22 below — started work on the reform of electoral laws so that the electoral lists for elections to the Chamber of Deputies of the Czech Parliament, the regional assemblies and Prague City Assembly contain a 30% share of both women and men, and so that the top two places are occupied by a man and then a woman or by a woman and then a man.

66. Measures to improve the representation of women in appointed positions have been adopted by a number of Ministries. For example, at the Ministry of Justice, women occupy half of the senior positions (Ministry: 51%; courts: 45%; public prosecutors: 50%). However, here, as in the private sector, the higher up the ladder of power, the smaller the proportion of women. Since May 2009, for the first time in 11 years, the Minister for Justice has been a woman.

67. The Czech Ministry of Justice seeks to promote the principle of gender equality, measured in terms of the proportion of men and women, outside the Ministry too. An example is the draft Rules for the Selection of Candidates for the Office of Judge of the European Court of Human Rights, which the Ministry of Justice submitted to the Government in August 2009. These rules contain “positive” measures for the equal representation of men and women (i.e. in the selection procedure for judges of the European Court of Human Rights, the participation of women is particularly welcome as they are the underrepresented sex in the current composition of the court).

## 2. Status of Roma women – multiple discrimination

68. Temporary special measures related to Roma women and girls are adopted as part of the policy to integrate the Roma minority. These measures are being implemented particularly in the education of Roma children (e.g. preparatory [foundation] grades in schools, the creation of teaching assistant positions, and scholarships for Roma pupils).

## E. Stereotypes

### Reply to the issues raised in paragraph 13 of the list of issues

69. The main problem in effectively combating gender stereotypes lies in the fact that such stereotypes are widespread and rooted in broad layers of society, and that they largely reflect the true state of society. For example, a survey conducted by Factum Invenio in September 2009 aimed at identifying the situation faced by mothers of children up to 10 years (605 respondents) in major cities in the Czech Republic. Fifty-four per cent of respondents reported that they had personally encountered discrimination based on their parenthood or motherhood, 70% of respondents knew of someone in their neighbourhood who had personally experienced or been exposed to discrimination on account of their parenthood. Other research shows that, in relation to potential employers, most commonly women are asked in job interviews about the number of children they have and their childminding arrangements (63%), they are not recruited on account of their parenthood (actual or potential) (43%) and they are not permitted anything less than full-time hours (35%).<sup>7</sup> The gender stereotypes reflected in the above discriminatory attitudes of employers, however, reveal the fact that in the Czech Republic young children are cared for in the vast majority of cases by women (see also the low number of men who receive a parental allowance); in this respect, employers’ concerns are not entirely unfounded. Nevertheless, in this context it should be noted that stereotypical thinking cannot possibly justify such an approach and it is necessary to try to change public opinion in this area (see next paragraph).

70. Another important factor which limits official authority’s influence on public opinion is that some quarters of society are very critical about any Government effort to “educate” the public – it is therefore difficult to find appropriate educational resources for the general public. This fact can be explained by the profoundly negative experience that the older generations, who remember the Communist regime before 1989, have of the promotion of “correct” ideas from that era.

71. Another problem is the lack of funds, which is directly linked to efforts to revive Government finances and not deepen the budget deficit. Whereas, in relation to specific groups (e.g. civil servants), it is possible to take advantage of existing educational activities,

<sup>7</sup> The research by Ipsos – Tambor was commissioned by Gender Studies, o.p.s.

the general public needs to be addressed with more costly approaches, such as campaigns in the popular private media.

72. Evaluations of specific activities carried out by Government authorities are always included in the Government document “Government Priorities and Procedures in Promoting Equal Opportunities for Women and Men” for the relevant year.

### 1. Certain specific activities

73. In May 2009, Prague hosted the international European Conference on New Ways to Overcome Gender Stereotypes. The subject of this conference focused on tools and methods for overcoming gender stereotypes in childhood, in the media and in decision-making processes. Representatives of civil society and EU Member States at the conference presented their innovative practices, tools and methods capable of achieving a positive change in public opinion. The proceedings of the conference, including contributions and other materials, were published on the website of the Office of the Government (in English).<sup>8</sup>

74. One way of overcoming traditional gender roles in the family (including stereotypes) is the greater involvement of both parents in the raising of their children – i.e. the promotion of active fatherhood. In 2009, the Ministry of Labour and Social Affairs supported active fatherhood through the project “Daddy, how do you do this?”<sup>9</sup> The project seeks to answer the question of whether fathers in the Czech Republic really are less interested in their children’s upbringing, or just lack suitable conditions to be more involved in child care. The project will also explore how the general public, and fathers in particular, embrace efforts to promote the principles of “active fatherhood” (well-established in many other countries) in Czech society.

75. In 2009, the Ministry of Education, Youth and Sports prepared a manual of gender-sensitive language in the education sector, which clarifies this issue and its importance in a Czech language environment. The manual calls for a critical perception of text and speech in public spaces even among school-aged children, for the clear designation of participation by women in public affairs, and their responsibilities and societal benefits, and for a review of the traditional division of labour between women and men. The women who wrote the manual provide specific examples of the use of discriminatory or stereotypical language and offer gender-balanced alternative expressions in Czech, English and German.

76. The Czech Government also provides financial support to organizations that combat gender stereotypes. For example, Gender Studies o.p.s. has published several comics pulling down stereotypes about women and men. In 2007, the European Contact Group distributed the publication “Women Working from Home in the Czech Republic” [*Práce žen z domova v České republice*] summarizing the results of research into work from home in the Czech Republic, and colouring books entitled “Dad–Mum, Mum–Dad – in the Kitchen, in the Car” [*Táta-máma, máma-táta – v kuchyni i u fiata*], which demolishes stereotypical views of male and female roles in the family in a fresh way.

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<sup>8</sup> Available at [http://www.vlada.cz/assets/clenove-vlady/ministri-pri-uradu-vlady/michael-kocab/rovne-prilezitosti-zen-a-muzu/aktuality/gender\\_conference.pdf](http://www.vlada.cz/assets/clenove-vlady/ministri-pri-uradu-vlady/michael-kocab/rovne-prilezitosti-zen-a-muzu/aktuality/gender_conference.pdf).

<sup>9</sup> For more details see the website of the Ministry of Labour and Social Affairs, <http://www.mpsv.cz/cs/8351>.

## F. Violence against women

### Reply to the issues raised in paragraph 14 of the list of issues

77. The draft National Action Plan of Prevention of Domestic Violence (the “Plan”) was drawn up by the Committee on Domestic Violence Prevention, as part of the Council for Equal Opportunities for Women and Men. The committee, whose members are representatives of Ministries, NGOs and other entities, was established on 1 January 2008 as an advisory body for the prevention of domestic violence.

78. For the requirements of the Plan, domestic violence is not regarded strictly solely as a form of violence against women, even though it is often “gender-conditioned”. The National Action Plan also applies to other groups of victims, especially children, the elderly, the disabled, and members of minorities, but also men.

79. The National Action Plan aims to treat the problem of domestic violence from a social perspective. The plan builds on the basic pillars for tackling domestic violence (prevention and repression), and in this sense proposes the following prime objectives:

- (a) Support of those at risk of domestic violence;
- (b) Children at risk of domestic violence;
- (c) Work with violent persons;
- (d) Training and interdisciplinary collaboration;
- (e) Society and domestic violence;
- (f) Research (cross-sectional);
- (g) Legislation (cross-sectional).

80. The plan does not pretend to include all measures currently necessary to eliminate domestic violence. Its aim is primarily to create a fundamental basis for continuous activities in each area. In this regard, it is envisaged that, following an evaluation of the results achieved, the document will be updated once a year in the context of a consultation on the summary report on the National Action Plan, and that newly formulated measures will be added.

81. The National Action Plan was approved in February 2010 by the Government Council for Equal Opportunities for Women and Men; it is now being finalized ready for submission to the Government for discussion and approval. It is particularly necessary to ensure the coordination and harmonization of new activities with existing activities organized by the Ministry of the Interior. The system for coordinating domestic violence prevention will be finalized following the adoption of the Council of Europe Convention on Combating Violence against Women and Domestic Violence.

### Reply to the issues raised in paragraph 15 of the list of issues

82. In 2007, a total of 862 persons (854 males/8 females) were expelled; in 2008, a total of 671 persons (14 females/657 males) were expelled; in 2009, a total of 743 persons (16 females/727 males) were expelled. The different numbers reported between regions may be influenced by different circumstances and conditions, e.g. the social and demographic composition of the population, unemployment, the economic level of the region, the level and availability of social services for people at risk, the adequate training of police officers and other experts, etc.

83. The highest numbers are reported by regions (North and South Moravia) where, prior to the introduction of the concept of expulsion orders, pilot projects were successfully implemented by Bílý kruh bezpečí (*White Circle of Safety*). In Brno, there is also a special

Domestic Violence police team, members of which deal solely with cases of domestic violence. However, it should be noted that in all regions of the Czech Republic there are interdisciplinary teams, whose members meet regularly and address specific cases.

84. The Public Order Police Directorate of the Czech Police Presidium, which coordinates domestic violence issues within the Police Force, has taken measures throughout the period that expulsion orders have existed to ensure that public order police officers and criminal police officers competent to enforce expulsion orders are trained in how to apply expulsion correctly. In this respect, in 2009 the Directorate secured funds to train instructors authorized to provide training in domestic violence and the SARA DN method, used to identify risk factors pointing towards future domestic violence. Training will continue in 2010. Police officers can contact the Public Order Police Directorate with questions, suggestions, comments and requests for guidance, including via a discussion forum on the Intranet site run by the Czech Police Presidium.

85. Observations about police work in the field of domestic violence and expulsion, which are received by the Public Order Police Directorate every year in its methodological work at all regional police directorates and their subordinate organizational units, at working meetings with executive officers, are used to improve police work and to correct any bad practices. This methodological activity also influences the work of police officers in statistically underpinning incidents reporting signs of domestic violence and expulsion in the Czech Police Force's information systems, thereby contributing to improvements in input data.

86. To improve public awareness about the nature of domestic violence, how to proceed and where to seek effective help, posters, information cards and leaflets have been produced and distributed to all regional police directorates and their subordinate organizational units. They have also been placed in the waiting rooms of doctors, medical facilities, petrol stations, means of public transport, etc. Cooperation with Bílý kruh bezpečí o.p.s. is particularly fruitful. In 2009, the Public Order Police Directorate signed a cooperation agreement with this organization for the training of police officers. Certain procedures and other developments in the field of domestic violence are also consulted with Bílý kruh bezpečí.

#### **Reply to the issues raised in paragraph 16 of the list of issues**

87. Section 185 (Rape) of the new Criminal Code penalizes a perpetrator who, by violence or the threat of violence or the threat of any other severe injury, forces another person into sexual intercourse, or a perpetrator who exploits another person's vulnerability to commit such an offence. The term "sexual intercourse" means not only sexual intercourse in the form of coitus, but also sexual intercourse performed in a similar way (e.g. anal or oral sex), and even the mere groping of another's genitals, chest, etc.

88. The crime of rape by means of coitus or a method comparable to coitus is a specific aggravating circumstance leading to the penalty under paragraph (2) (a), which is reflected in a significantly more stringent punishment. The standard punishment (paragraph (1)) encompasses only conduct involving the gratification of sexual instinct on the body of another by a means more moderate than coitus (or method similar to coitus).

89. To answer the question, it is important to explain the concept of vulnerability. For this crime, vulnerability is viewed in its broadest sense. This means:

- Absolute vulnerability – i.e. a situation where the victim is imperceptive, is incapable of own judgement, and can in no way affect the perpetrator's action (e.g. the victim is unconscious, under the strong influence of alcohol or drugs, or in an artificial or hypnotic sleep)

- Mental vulnerability – i.e. a situation where the victim is in such mental condition, or on such a rational level, that she is unable to properly assess the situation, understand and appropriately react to it (a person suffering from mental illness, mentally retarded persons, etc.)
- Physical vulnerability, when the victim is in such a condition that she cannot defend herself, or cannot effectively defend herself as she would like (a person imprisoned, paralyzed, an elderly person, etc.)

90. Case law defines the abuse of vulnerability. Abuse of vulnerability exists if the victim, without the fault of the perpetrator, is in such a state, in which, due to the circumstances of the offence, she is unable to express her will with regard to sexual intercourse, or in which she is unable to put up resistance. Under Section 119 of the Criminal Code, a crime is committed by violence when it is committed on a person whom the perpetrator has forced into a state of vulnerability by deceit or other similar means.

91. It follows that, in cases of rape, any act of a sexual nature committed against a non-consenting person is punishable, even in the absence of resistance, if the vulnerability of that person is abused.

#### **Reply to the issues raised in paragraph 17 of the list of issues**

92. In the crime statistic sheets for courts and public prosecutor offices, one of the monitored circumstances of a crime can be defined as “discrimination of the opposite sex”. Cases where a crime is a heightened manifestation of discrimination of the opposite sex should be monitored. This does not comprise the monitoring of a closed set of crimes, because the perpetrator’s motive may have various manifestations (essentially this is a situation analogous to the method for monitoring crime motivated by racial hatred). Statistically, information on “domestic violence” (yes/no) is also reported.

93. Since 2009, court statistics and public prosecutor office statistics have included information about the victims of all crimes (victim – child, female, male, senior), including the relationship between the perpetrator and the victim (spouse, former spouse, common-law spouse, child living in a shared household, intergenerational relationship, any other person living in a shared dwelling or house). In 2007 and 2008, these data were collected only in relation to domestic violence (Section 215a of the Criminal Code).

94. The Czech Statistical Office publishes an annual data publication entitled Focus on Women, on Men (*Zaostřeno na ženy, na muže*), Chapter 6 (Judiciary, Crime) of which includes several tables (6-1 to 6-4) dedicated to victims of crime. Table 6-1 classifies murder by motive; among other things, murders motivated by personal relations are monitored. Table 6-3 contains data on selected crimes (murders are not included here; the data are provided by the Czech Police Presidium) according to the victim-perpetrator relationship. Focus on Women, on Men also publishes the results of sociological surveys and investigations, one of which is Trends in Socio-political Mechanisms Affecting Gender Relations, where Tables 2 and 3 concern the issue of domestic violence.

95. As mentioned above, Focus on Women, on Men for the current year (and for previous years in the archives) can be found on the Czech Statistical Office’s website:

<http://czso.cz/csu/2009edicniplan.nsf/p/1413-09> (Czech version)

<http://czso.cz/csu/2009edicniplan.nsf/engkapitola/1413-09-2009-16> (English version)

#### **1. Number of women murdered by husbands, partners**

96. The State party does not have information on the number of women murdered by their husbands or partners. Table 6-1 of the above publication classifies murder by motive;

among other things, murders motivated by personal relations are monitored. In 2008, 98 murders were motivated by personal relations, of which 38 victims were women and 48 victims were men.

## **G. Trafficking and prostitution**

### **Reply to the issues raised in paragraph 18 of the list of issues**

97. In order to ratify the United Nations Convention against Transnational Organized Crime, signed by the Czech Republic on 12 December 2000, it is necessary to regulate the responsibility of legal entities for conduct punishable under international treaties. Based on an analysis and international comparison of legislation on this issue, carried out by the Ministry of the Interior, the Minister for Justice, on the basis of Government Resolution No. 1451 of 30 November 2009, was enjoined to draw up and submit a bill facilitating the prosecution of legal entities for crimes by the end of May 2010. The bill on the criminal liability of legal entities and proceedings against them was submitted for assessment in comment procedure, and by the end of May the bill should be submitted to the Government for consideration. If approved, it will be submitted to the Czech Parliament for debate.

### **Reply to the issues raised in paragraph 19 of the list of issues**

98. In this case, new regulations are included in the new Code, i.e. this is a major legal reform discussed and prepared for a very long time. The law, which has 418 sections, was subjected to rigorous debate as a whole. The explanatory memorandum to the law states that the new definition corresponds to the evolving needs of society.

#### **1. Legal status**

99. The criminal offence of trafficking in human beings (under Section 168 of the Penal Code) has two constituent elements:

- Paragraph (1) covers trafficking in children for their sexual abuse, for the production of pornography, for the removal of organs from their body, for service in the armed forces, for slavery, etc., (it also covers the perpetrator benefiting from such actions).
- Paragraph (2) covers trafficking in adults for the same purposes as in paragraph (1) who are in a situation that excludes their free will (violence has been used against them, deceit, abuse of their mistake, distress or addiction, etc.). Again, the perpetrator benefiting from such actions is also punishable in respect of such a constituent element.

100. Failure to report the criminal offence of human trafficking means that the perpetrator meets the constituent elements of the crime of “failure to notify a crime” – Section 367 of the Penal Code.

101. Therefore, not reporting actions meeting the first and second constituent elements above is a crime.

102. A person who, by reporting a crime, would place him- or herself or a close person at risk of death, bodily harm, other serious injury or criminal prosecution is not subject to the notification duty. Further, a lawyer does not have such a notification duty in connection with his practising of the law. Nor is a cleric of a registered church subject to the notification duty when a crime is made known during confession or in connection with the exercise of a right similar to a confession which must be held in strict confidence.

103. Presumably, people who have become victims of trafficking, or the field staff working with them, will not be prosecuted for failure to notify as by doing so they could expose themselves to the above risks.

## 1. Current debate

104. The issue of the criminality of failing to notify the crime of human trafficking became a subject of discussion prompted by the initiative and concerns of NGOs (particularly La Strada CZ, o.p.s.) in 2009.

105. The non-profit sector contacted the Ministry of the Interior with the concern that such legislation is ultimately dangerous for society because the obligation to immediately report the crime of human trafficking will affect field workers who come into daily contact with the criminal environment, as well as the victims of such crime.

106. First and foremost, it should always be borne in mind that the duty to report or obstruct a criminal offence referred to in the list does not always arise when a person learns of information that a crime has probably been committed. According to the case law of the Supreme Court, it is necessary to require that reliable knowledge of a perpetrator of the crime of failing to notify a crime include all circumstances of an act by another person which are important in determining that the act was a crime subject to the notification duty. The notification duty cannot be required in a case where a person receives only vague information or indications.

107. The conditions of impunity for those who fail to obstruct or fail to notify the criminal offences entered in the exhaustive list, comprise, as mentioned above, the risk of death, bodily harm, other serious injury or criminal prosecution of the perpetrator or persons close to him or her.

108. Workers from an organization helping victims of this type of crime or providing health and social services to persons offering paid sex are not ordinary unbiased citizens in relation to the criminal environment; their working environment and the content of their work are inextricably linked to a socially deviant environment and often to an environment where organized crime may be present. Their cooperation with the police must therefore be as sensitive as possible (including, for example, the fact that the police will state the contact address of a field worker's organization as his/her place of residence) so that the worker does not lose the "confidence" of the environment he or she works in. Any other approach would prevent workers of such organizations from performing socially very useful work, and, given the extent of organization among criminal groups in human trafficking, could imply a very specific and serious threat to the health or lives of these workers.

109. Naturally, the assessment of specific cases cannot be prejudged, but it can be noted that workers of organizations assisting victims of organized crime or workers who provide social and health services to persons offering paid sex are exposed to such a high risk that in specific cases they will frequently be classified under the category of persons qualifying for impunity as defined in Section 367 and Section 368 of the Penal Code.

### **Reply to the issues raised in paragraph 20 of the list of issues**

110. Some statistics on human trafficking are provided in the Report on Human Trafficking in the Czech Republic for 2009, prepared by the Ministry of the Interior. That report shows that there were five women victims of human trafficking in 2009, three of whom fell within the age group 18–30 years, while the other two women were aged 15–18 years; all these women were citizens of the Czech Republic. As far as the crime of procuring is concerned, in 2009 there were 66 recorded victims, of whom 53 were women and 13 children (no specification of the age distribution or sex of the children is available). Since 2003, 102 victims of trafficking have been enrolled in the Programme of Support and Protection of Human Trafficking Victims in the Czech Republic (the "Programme"). In 2009, 13 victims of human trafficking were identified and placed in the Programme; they subsequently made use of Programme services. These victims comprised 9 women and 4 men. Eight cases involved victims of trafficking for labour exploitation (4 males and 4

females) and five cases involved sexual exploitation (all women). As at 31 December 2009, a total of 20 victims remained in the Programme (15 women and 5 men, for the period 2006–2009). With regard to investigations and prosecutions of persons in connection with the crime of trafficking, in 2009, 32 were prosecuted, of whom 5 were women (i.e. 15.6%). The Crime Prevention Department of the Ministry of the Interior is the Programme coordinator.

111. Two NGOs (La Strada ČR, o.p.s. and the Prague Archidiaconal Charity [*Arcidiecézní charita Praha*]) and one intergovernmental organization — the International Organization for Migration (IOM Prague) — are involved in the Programme. Updated Programme Cooperation Agreements have been signed with these organizations. Other cooperating NGOs in 2009 were the Organization for Aid to Refugees (*Organizace pro pomoc uprchlíkům*) and Pleasure without Risk (*Rozkoš bez rizika*).

112. The programme offers help to trafficking victims and motivates them to cooperate with law enforcement agencies so that they contribute to the punishment of perpetrators. It is implemented via a national reference mechanism involving Government and intergovernmental institutions and, on the basis of a cooperation agreement, nongovernmental organizations, which help people with a background in prostitution, support identified victims of trafficking, and carry out preventive activities.

113. NGOs offer trafficked persons emergency psycho-social and health care, housing, support for their integration into normal life, etc. Arrangements are made to provide foreigners illegally in the country with residential status.

114. For victims of trafficking who are not able to cooperate with law enforcement agencies (e.g. because of their reduced intellect, high degree of psychological disturbance), an indication of their will is sufficient to enrol them in the Ministry of the Interior Programme of Support and Protection of Human Trafficking Victims (e.g. an effort by the victim to leave the criminal environment, an expression of will to cooperate with law enforcement agencies together with a statement from a nongovernmental organization or the police that he or she is a victim of trafficking). Such a victim may stay without the requirement of cooperation with law enforcement agencies on the basis of a medical certificate; these are specific cases. Victims who are not interested in joining the Programme may be provided with assistance by NGOs outside the framework of the Programme from other sources (e.g. subsidies from the Ministry of Labour and Social Affairs, European funds).

#### **Reply to the issues raised in paragraph 21 of the list of issues**

115. The prostitution scene is an area associated with serious crime (drug-related crime, human trafficking, the commercial sexual exploitation of children) and health risks. The Czech Republic is aware of these facts. In a bid to regulate prostitution, in 2006 a Bill on the Regulation of Prostitution was presented to the Chamber of Deputies. However, no consensus was reached and voluntary prostitution is not currently legally regulated and is not criminally punishable. This does not affect the operations of law enforcement agencies which deal with the problem of prostitution primarily from the criminal aspect, prosecuting the crimes of human trafficking, procuring, disorderly conduct, the endangering of juveniles and so on.

116. In the field of voluntary prostitution, there are clearly more women than men. As for forced prostitution, forced male prostitution has not yet been identified. According to information contained in the Report on Human Trafficking in the Czech Republic in 2009, prostitution tends to be operated in rental apartments, as well as in erotic establishments and nightclubs and, ultimately, in the form of street prostitution. In 2009, there was a decline in street prostitution, which is gradually being forced to the outskirts of cities; there was also a

fall in the number of sex clubs, especially those in border regions. Prostitution provided in private dwellings remained the same or increased slightly.

117. The legislature is also conscious of the harmful impact of prostitution on children's moral development, and that is why Section 190 of the new Penal Code enshrines the criminal offence of prostitution endangering children's moral development. This crime is committed by a person who engages in prostitution near a school, educational or other similar facility or place that is reserved or intended for the stay of children or for visits by children. Those who organize, guard, or otherwise provide prostitution in those locations will also be prosecuted.

118. Prostitution and related phenomena may also be combated with the tools of civil proceedings. Noteworthy in this context is Judgement of the Municipal Court in Prague of 24 January 2007, No. 9 Ca 140/2005-46, published in the Collection of Rulings of the Supreme Administrative Court under No. 1269/2007, which confirmed the penalty for an operator of a "gentleman's club" who, by distributing advertising leaflets, lured people who were visiting the capital to visit his club. The court took the view that the handbills, on which women were depicted in erotic lingerie or various trappings, or completely naked in lascivious positions and with bare buttocks and breasts, were contrary to public decency (Section 2 (3) of Act No. 40/1995 on the regulation of advertising).

119. The Ministry of the Interior provides grants to NGOs under grant schemes to prevent human trafficking and to assist the victims of such trafficking. The non-profit organization Pleasure without Risk was awarded a grant of CZK 296,000 for 2010; this organization specializes directly in assisting individuals with risky sexual behaviour and lifestyles (mainly prostitutes). In the past, its preventive activities have included seeking out victims of trafficking and informing them of the Programme of Support and Protection of Human Trafficking Victims. Fieldwork for this project by Pleasure without Risk was supported in Prague, Central Bohemia, Ostrava, South Bohemia, Karlovy Vary, Chomutov, Ústí nad Labem and Liberec.

## H. Participation in political and public life, and decision-making

### Reply to the issues raised in paragraph 22 of the list of issues

120. In the Czech Republic in general, in terms of women's access to decision-making positions, the higher the rank, the lower the representation of women holding such posts. This situation is changing only very slowly. However, the Government is trying to influence developments in a positive direction, and therefore in its Government Priorities and Procedures in Promoting Equal Opportunities for Women and Men it has repeatedly (since 1998) called on individual Ministries and institutions to provide active (since 2001) support for "the selection of suitable female candidates for posts in governmental bodies and senior positions in Ministries and in the administrative offices and institutions they control". In 2004, the Government called on the Ministries to take concrete measures to achieve the balanced representation of women and men in managerial positions and in working teams,<sup>10</sup> and ordered them to evaluate these measures.

<sup>10</sup> Such arrangements may be affirmative action (in the case of two equally competent and capable candidates of different sexes, the one that is of the less represented sex is given preference), gender-neutral wording for advertisements (so that the women are encouraged to apply for the position), the direct addressing of specific women to come forward in the selection process, the mixed composition of the selection committee, the search for women who have the potential to take on a senior management position and their education, the publication of examples of successful women in

121. For 2008, the measure was worded in gender-neutral terms (“concrete measures to promote the balanced representation of men and women...”), and gradually positive change can be seen at certain institutions. For example, in 2009 the Ministry for Regional Development increased the proportion of women department directors by 17%, with a similar situation at the Ministry of Education Youth and Sports (20%). At the Ministry of Finance, in 2009 there was a year-on-year rise in women department directors by 26%; a measure is in place according to which, in selection procedures bringing together candidates of different sexes who meet all criteria, the balanced representation of women and men is taken into account. The Office of Government Representation in Property Affairs reported a 52% share of women in senior positions.

122. The Government also promotes the equal representation of women and men in decision-making positions by requiring the individual Ministries to carry out the regular training of managers. Likewise, in 2008 the Ministries were ordered to set up a working group on equal opportunities for women and men.

123. In the 2008 Senate elections, the ratio of female candidates to male candidates was 20.5%; the ratio of women elected to men elected was 22.7% (see Table 2.).

Table 2

**Elections to the Senate of the Czech Parliament**

Year	Women			Men			Candidates women/men (%)	Elected women/men (%)
	Candidates	Elected	Success rate (%)	Candidates	Elected	Success rate (%)		
2002 elections	26	3	11.5	142	24	16.9	18.3	12.5
2004 elections	37	3	8.1	160	24	15.0	23.1	12.5
2006 elections	39	6	15.4	165	21	12.7	23.6	28.6
2008 elections	34	5	14.7	166	22	13.3	20.5	22.7

Source: CZSO.

124. In the elections to regional assemblies, the ratio of female candidates to male candidates was 41.2%; the ratio of women elected to men elected was 21.4% (See Table 3).

Table 3

**Elections to regional assemblies**

Year	Women			Men			Candidates women/men (%)	Elected women/men (%)
	Candidates	Elected	Success rate (%)	Candidates	Elected	Success rate (%)		
2000 elections	1 689	97	5.7	6 036	578	9.6	28.0	16.8

leadership roles, the introduction of measures which facilitate the reconciliation of reconcile family and work obligations (flexible working hours, work from home, no meetings at times when children are picked up school), etc.

Year	Women			Men			Candidates women/men (%)	Elected women/men (%)
	Candidates	Elected	Success rate (%)	Candidates	Elected	Success rate (%)		
2004 elections	2 161	102	4.7	6 148	573	9.3	35.2	17.8
2008 elections	2 394	119	4.9	5 812	556	9.5	41.2	21.4

Source: CZSO.

125. The mayors of chartered cities are known as *primátor* [m.] or *primátorka* [f.] and represent their cities in much the same way as a mayor of a village or municipality (*starosta/starostka*). Chartered cities in the Czech Republic are: Kladno, České Budějovice, Plzeň, Karlovy Vary, Ústí nad Labem, Liberec, Hradec Králové, Pardubice, Jihlava, Brno, Zlín, Olomouc, Přerov, Chomutov, Děčín, Frýdek-Místek, Ostrava, Opava, Havířov, Most, Teplice, Karviná and Mladá Boleslav. Of the 23 chartered cities and Prague, two have a woman mayor (8.3%).<sup>11</sup>

126. Regarding statistics, the Czech Statistical Office provides data on candidates and those elected in all types of elections which take place in the Czech Republic. These data can be found on the CZSO's website on election statistics at <http://www.volby.cz/> and in Chapter 7 of Focus on Women, on Men.

127. In 2003, based on an initiative of the Government Council for Equal Opportunities for Women and Men, the recommendation was made to the Government to task the Minister of the Interior with the preparation of a General Principle for an Electoral Act legislatively providing mechanisms to ensure the equal representation of women and men in elected representative bodies, such as the Chamber of Deputies, the Senate, regional, city and municipal assemblies, and the European Parliament.

128. In accordance with the Government Plan of Legislative Work, the Ministry of the Interior prepared a draft general principle for the Act on Elections and on the Holding of Referendums (the Electoral Code) in 2004. The draft Electoral Code anticipated provisions promoting the greater representation of women in elections to the European Parliament and in elections to the Chamber of Deputies, where electoral lists are fully occupied. Under the draft, a party receiving, in these elections, at least 1% of total valid votes and presenting electoral lists where at least a third of the candidates are women, would receive CZK 30 per vote for that party. If less than a third of the candidates in the electoral list are women, the contribution would be reduced.

129. However, following a decision by the Prime Minister, the draft Electoral Code was not included in the Government negotiations so that a discussion on its content could be held by the representatives of political parties forming the coalition. This discussion, however, never took place. The coalition decided not to submit the draft electoral changes, and the preparation of the general principle for the Electoral Code was not included in the Government Plan of Legislative Work for either 2005 or 2006.

130. With regard to the still unchanged and inadequate situation concerning the representation of women in decision-making decisions, in 2009, the Ministry of the Interior was enjoined to draw up and submit to the Government (by 31 December 2009) draft legislative changes that would ensure a minimum 30% share of both women and men in

<sup>11</sup> Source: Official sites of individual cities.

electoral lists for elections to the Chamber of Deputies, regional assemblies and Prague City Assembly.

131. After the draft had been prepared and external comment procedure had taken place, this task was taken out of the hands of the Minister of the Interior on 22 February 2010 and transferred to the Minister for Human Rights, with a deadline of 31 May 2010. The submitting party drew up the draft using input from the Minister of the Interior.

132. The proposed amendment supplements the electoral laws with a rule for the compilation of electoral lists to include a minimum 30% share of both women and men, while the top two candidates in the list should feature one man and one woman. If a party running for election fails to meet this obligation and the defects in the electoral list are not remedied in the time limit provided, the electoral list will be rejected.

133. At present, comments arising from interdepartmental comment procedure are being handled; in this procedure, some Ministries raised critical comments on the actual wording of the changes, on the nature of the penalty for failure to comply with legal requirements, and on the draft as a whole.

134. To reinforce the theme of the equal representation of women and men in politics, the Committee for the Balanced Representation of Women and Men in Politics was formed on 22 April 2009 (as an advisory body to the Government Council for Equal Opportunities for Women and Men). A feature specific to this Committee is the composition of members representing political parties (in addition to other representatives). Each political party may be represented in the Committee by two persons – a man and a woman. The Committee deals with the institutional, political and societal possibilities of promoting the balanced representation of women and men in politics. The Committee is currently dedicated to the issue of legislation on the content of electoral lists.

135. The representation of women in the diplomatic service has been consistently lower in the long term. Female diplomatic staff account for 36% of the diplomatic staff of the Ministry of Foreign Affairs as a whole; at headquarters the representation of women is 43%, while abroad it is 30%. At headquarters, 16% of department directors are women; women make up 27% of the heads of working groups. Twelve per cent of the Czech Republic's heads of missions are women.

136. In the past three years, the number of men and women recruited has, on average, become equalized. The management of the Diplomatic Academy, which is responsible for selecting candidates for work in diplomacy, applies a gender perspective in its selection procedure. The full selection process consists of four rounds: an evaluation of the written applications submitted, a written part – a Czech language test and an essay on a foreign policy issue, psychological tests and an interview.

137. The professional advancement of diplomatic staff is governed by the Career Regulations; its basic criteria are the completion of cycles of postings abroad and work at headquarters, ongoing training and work appraisals. The rules on promotion also require postings to countries with worse living conditions. The holding of a management position at headquarters or abroad is also assessed. For the purposes of granting diplomatic ranks, maternity and parental leave are counted as working time at headquarters for a maximum of three years per child. Appointments to senior positions at headquarters are not subject to selection procedure. The filling of managerial positions abroad is a matter for the Personnel Board, composed of senior Ministry staff (decisions on the appointment of deputy chiefs of mission), the Minister (decisions on the appointment of a consul general), or the Government, on a proposal from the Minister (decisions on the appointment of ambassadors).

138. The Ministry of Foreign Affairs is aware of the need to devote greater efforts to reconcile the professional and family lives of its staff. This year, the Ministry of Foreign Affairs set up a Working Group on Equal Opportunities for Women and Men to conduct an interim analysis of the situation and to find ways of taking better account of gender aspects in the functioning of the Ministry. This group is an independent advisory and initiative body of the Secretary General of the MoFA in gender issues, not only in the internal running of the MoFA, but within the physical jurisdiction of the Ministry.

## I. Education

### Reply to the issues raised in paragraph 23 of the list of issues

139. Tables 6.1, 6.2, and 6.3 in the report show the number of male and female students at universities, while Table 7.4 shows the number of male and female researchers, by qualification, in the Government and university sector, expressed as FTE (Full Time Equivalent – the average registered number of researchers recalculated to full-time hours dedicated to research and development activities). The complaint is therefore probably related to Table 7.5, which shows those persons who have completed tertiary education (HRSTE – Human Resources in Science and Technology), by field of study and sex, i.e. the total number of persons having completed tertiary education in the Czech Republic. This number cannot be compared with the number of male and female students at present. Rather, it is the absolute number of male and female university graduates in the Czech Republic. While the current trend of an increasing number of female students in tertiary education is reflected in this figure, historical trends, where the numbers of men in tertiary education used to be higher, dictate that the number of women who have completed tertiary education in the Czech Republic is lower than the number of men with this education.

140. The gender structure of the university graduation success rate works in favour of women (2006: 56% women versus 44% men, 2008: 57% women versus 43% men). More than half of university graduates (around 55%) comprise women in various types of full-time degree programmes; only in terms of PhD graduates do men account for two thirds. In this respect, the claim that more women than men are university students but more graduates are men is not based on fact.

141. Regarding the numbers of female professors and PhD holders, it is true that men (2006–2008) tend to hold more positions as academic staff at universities; female academic staff accounted for around 37–39% of all women employed at public universities, and 5% were research workers. Among men, approximately 8% are researchers. In this area, men clearly predominate. Only 11–12% of university professors are women. The main reason for this situation is the impact of the gender stereotype that women cannot be good scientists because of their maternal responsibilities and household duties, and therefore women are displaced to lower positions (support and creation of conditions for men).

### Reply to the issues raised in paragraph 24 of the list of issues

142. Compulsory school attendance in the Czech Republic is nine years. Completion of compulsory schooling before nine years of attendance is not possible. Even in cases where children have very severe disabilities, an appropriate form of education is chosen. Not even Roma girls can complete basic [i.e. lower secondary] school attendance prior to nine years of schooling; the question remains as to what programmes they should follow and with what sort of success rate.

143. New data are available from the study “The educational paths and educational opportunities of Roma pupils of basic schools in areas of excluded Roma communities” [*Vzdělanostní dráhy a vzdělanostní šance romských žáků a žáků základních škol v okolí vyloučených romských lokalit*], carried out by GAC s.r.o. in 2009. The aim of this study

was to provide a comprehensive picture of the educational trajectories and opportunities of Roma pupils from socially disadvantaged backgrounds studying at different types of basic schools [i.e. schools providing education for pupils up to the age of approximately 15 years] by comparing them with the trajectories and opportunities of their classmates attending the same school. By focusing on the educational paths and opportunities of Roma children (compared to their non-Roma classmates), this research fills a gap in our understanding of the course and causes of the educational lagging suffered by a large proportion of the Roma population which is socially excluded or at risk of social exclusion.

144. The research confirmed the hypothesis that there are educational inequalities between Roma and other children attending schools in the vicinity of socially excluded localities. While, on average, about one in twenty girls and one in ten boys from the majority population who start attending the first grade of a monitored school drop out of the original class (after failing a grade or transferring to a specialized school), about half of the Roma children drop out of their original class. The situation is worse among boys than girls. Among Roma boy pupils, the chances of completing basic school with the peers they originally enrolled with are approximately fifty per cent.

145. The most problematic years are grades 1 [6/7 year olds] and 5. A commonly stated reason for the lower educational success of Roma pupils from socially disadvantaged backgrounds is their high absenteeism. The study confirms that the rate of absence among Roma children is almost three times that of their other peers. While, in the lower tier of basic school, this level of absenteeism can be attributed to a higher sickness rate, in the upper tier it is evidently an important indicator of the relationship that children have to school; the high rate of absenteeism is caused by a desire to avoid school. The information contained in the analysis also shows that Roma girls in mainstream education are more successful at basic school than boys and are less likely to drop out of the mainstream.

#### **1. Measures in support of keeping girls in mainstream education**

146. Targeted awareness of Roma girls from disadvantaged backgrounds is fostered within the teaching at basic school and through the mass media, i.e. in a manner that is entirely normal for the population as a whole. Specific activities are also carried out through projects aimed at integrating the Roma community.

147. One means of easing the entry of Roma children, including girls, into — and keeping them in — mainstream education is the teaching assistant programme, which is in operation at nursery, basic and upper secondary schools. The programme is funded by the Development Programme of the Ministry of Education, Youth and Sports. In 2008, the Ministry supported 400 teaching assistants for socially disadvantaged children, pupils and students; in 2009, 430 applications were submitted for this grant.

148. Roma girls, like boys, are supported under a grant scheme of the Ministry of Education, Youth and Sports entitled “Support of Socially Disadvantaged Roma Secondary School Students”. These grants, totalling CZK 10 million, are awarded twice a year. Roma girls account for around 50% of those using the scheme.

#### **Reply to the issues raised in paragraph 25 of the list of issues**

149. The Ministry of Education, Youth and Sports is preparing a new decree on the education of children, pupils and students with special educational needs and exceptionally gifted children, pupils and students. This decree contains new conditions for the education of socially disadvantaged children, pupils and students; an emphasis is placed on creating the necessary conditions for the education of such pupils in mainstream schools. The decree will create conditions for the more successful education of pupils with special educational needs in mainstream education. It should make a significant contribution to reducing the number of pupils with special educational needs, especially socially disadvantaged pupils

educated in special schools. Currently, an average of 2 out of 10 Roma girls are transferred to a programme for the slightly mentally disabled during their compulsory school attendance (with non-Roma girls the figure is one out of a hundred; the figure for boys is three out of a hundred).

**Reply to the issues raised in paragraph 26 of the list of issues**

150. In the Czech Republic, no direct measures have been introduced to encourage male students to study subjects which are traditionally female dominated. However, in 2009 the Ministry of Education, Youth and Sports organized a conference — with international input — on “Men in Schools”, which addressed the issue of involving more men in the educational process. Career guidance centres inform candidates about the possibilities of studying subjects which are traditionally dominated by the opposite sex.

151. In light of the foregoing, no evaluation of such measures has been carried out, unless they are performed by organizations which have introduced similar programmes. These are:

- The Czech Technical University Mentoring Programme
- The Try IT Project (<http://www.zkusit.cz/proc-zkusit/index.php>)
- Brno University of Technology (<http://www.fit.vutbr.cz/holky/holky/>)
- TechYes (<http://www.techyes.info/search.php?rsvelikost=sab&rstext=all-phpRS-all&rsrazeni=priorita&rstema=10>)
- A project to increase the integration of young, beginner employees, especially women, into research in the field of comprehensive environmental protection (<http://www.envi-young.cz/>)

152. The Government Priorities and Procedures in Promoting Equal Opportunities between Women and Men in 2009 approved measures in the competence of the Ministry of Education, Youth and Sports which are now being implemented and which should contribute to the non-stereotyped choice of further study and occupation:

- Implement the principle of gender-sensitive education and training in the upcoming teaching profession standards
- Train consultants on career guidance, job mediation and other employees at employment offices in equal opportunities between women and men

**J. Employment, social and economic benefits**

**Reply to the issues raised in paragraph 27 of the list of issues**

153. The updated Government Priorities and Procedures in Promoting Equal Opportunities between Women and Men in 2009 approved measures which are now being implemented and which should help to increase the participation of women in decision-making and managerial positions and close the gender pay gap. These include the requirement for labour inspectorates, in their checks on compliance with labour-law regulations, to focus on observance of rules on the prohibition of sexual discrimination, including respect for the principle of receiving equal pay for equal work or work of equal value, and to draw up methodology to this end.

## 1. Women in managerial positions

154. At the eleven largest quoted companies in the Czech Republic, the percentage of women represented in the highest decision-making positions is 13%. At the central bank, 14% of decision-making positions are held by women.<sup>12</sup> In order to promote the balanced representation of men and women and to propose concrete measures in the future, the Government is focusing on the detailed mapping of this entire area. Under the Government Priorities and Procedures in Promoting Equal Opportunities between Men and Women, the Ministry of Industry and Trade was set the task, in 2009, of “ensuring that, in state enterprises and public limited companies in which the state has a shareholding, equal opportunities between men and women are promoted on the management and supervisory boards, and monitoring gender representation on such boards”.

## 2. Differences in pay between men and women

155. The Czech Statistical Office is mapping data on the gender pay gap (GPG). The only way to try to determine the proportion of labour market discrimination in relation to the overall GPG would be to adjust this indicator for the interference of various structures – age, education, sector of economic activity, etc., which is not statistically feasible. The Czech Statistical Office follows the median wages of employees and GPG according to various factors (age, education, etc.). These data can be found, for example, at:

[http://czso.cz/csu/cizinci.nsf/datove\\_udaje/gender\\_pracemzdy](http://czso.cz/csu/cizinci.nsf/datove_udaje/gender_pracemzdy) or

<http://czso.cz/csu/2009edicniplan.nsf/p/3107-09>

156. The protection of employees against earnings discrimination, including women from disadvantaged groups, women with disabilities, and elderly and Roma women, is ensured by Section 110 of Act No. 262/2006, the Labour Code. Section 110 of the Labour Code provides a detailed list of all the aspects according to which remuneration may be provided for work (wages, salaries, fees by agreement).

157. Based on this detailed list, all employees have the opportunity to demonstrate that they have performed equal work or work of equal value and thus enforce their right, before the competent arbitral bodies, to equal (or different) pay. This positive direct definition of equal pay has been more effective than simply listing the grounds of discrimination (sex, age, nationality or ethnic group, etc.).

158. The elimination or reduction of potential discriminatory practices can be achieved by applying the above provision:

1. In the creation of employer wage systems, where, in implementing them via collective or other agreements (employment contracts or other agreements), wage regulations or wage assessments, it is possible, on the basis of the above provision of the Labour Code, to check (by means of the contracting parties, inspection bodies, courts) whether they constitute discriminatory practices (the selection of discriminatory criteria or other discriminatory practices).

2. In the enforcement of equal pay for equal work or work of equal value by individual employees, either directly at the employer or through an inspection body or by means of a judicial dispute.

3. To guide the procedure of inspection bodies (labour inspectorates) and for general use in the process of employment remuneration, the Ministry of Labour and

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<sup>12</sup> Database: Women & Men in Decision Making, European Commission.

Social Affairs prepared a methodological guide for checks on wage relations in gender pay that can be used in assessing individual cases of pay discrimination.

159. \*\*\*In 2006, the courts heard five cases of alleged wage discrimination; in 2008, there were four such cases (see Table 1 above).

160. The pan-European information campaign on the gender pay gap<sup>13</sup> also aims to close pay gaps. The Gender Equality Unit at the Office of the Government, as the coordinating body for gender equality, is involved in this campaign. It mainly helps to disseminate information and provide explanations and information to the Czech media and members of the public who express an interest.

### Reply to the issues raised in paragraph 28 of the list of issues

#### 1. Parental leave

161. Parental leave, in Czech law, qualifies as a barrier to work on the part of the employee. The Labour Code addresses only the issue of leave from work, but not the financial security of the employee. Both parents are entitled to parental leave, which is granted to the mother at the end of her maternity leave and to the father from the child's birth; they are granted parental leave for the period they request, which may not extend beyond the time the child reaches the age of three years (Section 196 of the Labour Code). Maternity leave and parental leave may be drawn by a female employee and a male employee at the same time (Section 198 (1) of the Labour Code). It follows that if the mother draws maternity leave, the father of the child may take parental leave at the same time (from the birth of the child) and thus they can take care of the child together. Likewise, they may both take parental leave simultaneously and jointly care for the child. In this context, a distinction needs to be made between the entitlement to parental leave and the entitlement to a parental allowance. Parental leave is not tied to a parental allowance; the parental allowance may be drawn by only one of the parents.

Table 4

#### Average number of parental allowances qualifying for the year, broken down by the gender of the beneficiary

Year	Total number of benefits	Beneficiary		
		Woman	Man	Number of men (%)
2009	362 044	356 027	6 017	1.7
2008	359 886	353 562	6 324	1.8
2007	342 548	337 685	4 863	1.4
2006	308 234	304 003	4 231	1.4

Source: Ministry of Labour and Social Affairs maternity allowance – men.

162. From 1 January 2009, when the new Sickness Insurance Act entered into effect, in relation to the maternity allowance, the mother may rotate child care with her husband or with the father of the child; each of them is entitled to the maternity allowance for such child care for the duration and under the conditions provided for under the Sickness Insurance Act (Section 32 (1) (e) of Act No. 187/2006 on sickness insurance). Rotation is possible from the beginning of the seventh week after childbirth; there is no limitation on the frequency of rotation. If childcare rotation is used, the payment of the maternity

<sup>13</sup> For more information on the problem, see <http://ec.europa.eu/social/main.jsp?catId=681&langId=en>.

allowance to the mother is stopped, and payment of this benefit is then started for the man from his sickness insurance, provided that he meets the conditions for entitlement to the payment, and vice versa. As regards the provision of this benefit on the grounds that the beneficiary has taken a child into permanent care, the law makes no distinction between the gender of the persons who have taken over care of the child, and either of the entitled persons may apply for this benefit.

163. Statistics on the receipt of the maternity allowance by men have been available since 2010. In January 2010, 1.7% of men drew the maternity allowance, in February 2010 the figure was 1.8% of men. The share of men awarded a maternity allowance is therefore the same as the proportion of men receiving a parental allowance.

## **2. Paternity allowance**

164. The proposed “paternity allowance” is part of the “Pro-family Package”. The paternity allowance should be a new benefit under sickness insurance designed to forge a link between father and child in the earliest stage of the child’s life, or between the person who has taken the child into permanent care replacing parental care and that child in the initial phase after taking over care of the child. The insured (the father of the child) will have to take paternity leave within six weeks of the child’s birth or within six weeks of taking over care of the child (for children up to seven years of age). The paternity allowance should be granted for a period of one week as of the date the paternity leave commences. The paternity allowance per calendar day should be 70% of the daily basis of calculation.

165. This document was approved by the Government, in the form of a general principle for the law, on 19 November 2008. In its articulated version, this measure was incorporated into the Bill on the Promotion of Families with Children. This bill is currently at the stage of first reading and is included on the agenda of the 75th meeting of the Chamber of Deputies of the Czech Parliament. Its approval depends on the subsequent legislative process. It is unlikely that this law will be passed in the current parliamentary term.

### **Reply to the issues raised in paragraph 29 of the list of issues**

#### **1. Women with disabilities**

166. In the future, the Czech Republic wants to pay more attention to the situation of disabled women through its National Plan for the Creation of Equal Opportunities for Persons with Disabilities, approved under Government Resolution No. 253 of 29 March 2010. With this in mind, it tasked the Government Board for People with Disabilities to conduct a specific analysis focused on women with disabilities in the Czech Republic, i.e. to determine whether there are differences in their position compared with men in the Czech Republic and compared with the situation of women based on the results of existing expert studies in the EU and the world, including their position in the labour market and their wages. Based on the results of the analysis, specific measures will be set to improve the situation of women with disabilities.

167. At the same time, the Government enjoined all members, when adopting all organizational, legislative and factual measures that relate to the lives of persons with disabilities, to ensure equal conditions for women with disabilities.

#### **2. Women refugees**

168. The Asylum Act (Act No. 325/1999) includes measures reflecting the specific needs of women and girls:

“For reasons worthy of special consideration, or at the express request of the applicant for international protection, the Ministry will arrange for an interview and, if it is within its capabilities, interpreting by a person of the same sex. (Section 23) The operator of a reception centre or asylum residential centre shall take account of the specific needs of applicants for international protection where such applicants are an unaccompanied minor, a person under 18 years of age, a pregnant women, a person with disabilities, a person who has been tortured, raped, or subjected to other serious forms of psychological, physical or sexual assault, and in cases worthy of special consideration any other person. An unaccompanied minor, on completion of the initial acts, shall be placed by a court in an educational facility for institutional care or in care of a person identified in the court’s decision.”

(The Asylum Act, i.e. Act No. 325/1999, Section 81)

169. Based on the regulations above, the situation of women refugees-migrants (particularly lone women with children, handicapped and elderly women, or young lone women) is the subject of greater attention, psychosocial support and protection in the asylum procedure.

170. Specific measures aimed at their support and protection are carried out by the Refugee Facilities Administration at its residential facilities, with due regard to the individual needs of particular women or their children. Special attention is also paid to women after they have been granted asylum as part of the preparations for their integration and stay in integration asylum centres. In this respect, the Asylum and Migration Department of the Ministry of the Interior works closely with the Refugee Facilities Administration in the selection and provision of suitable housing under the State Integration Scheme. However, the fulfilment of women’s individual housing needs to some extent depends on the objective situation in the housing market – i.e. the supply of suitable housing intended for the integration of refugees. The Refugee Facilities Administration and NGOs focus on helping women migrants find a footing in the labour market and on preparing for their future economic self-sufficiency. Support generally includes a range of appropriate language and retraining courses; assistance to lone women with children is also aimed at creating the necessary educational and learning environment for their preschool and school-age children.

171. The Supreme Administrative Court, in its decision-making, also places a special emphasis on the status of women asylum seekers in their countries of origin; through its rulings, it creates guidelines for further procedure by all administrative bodies responsible for taking decisions in proceedings on the granting of international protection. In its judgment published under No. 364/2004, the Supreme Administrative Court found that women are capable of forming a social group where, based on their very belonging to that group, under certain circumstances this may constitute a reason to grant asylum even if not all of the group’s members are at risk of harassment. The Supreme Administrative Court passes similar judgments in cases where the asylum seeker is subjected to domestic violence. In accordance with the position of the European Council on Refugees and Exiles on women seeking asylum and women refugees of December 1997, it is of the opinion that domestic violence may, in specific cases, be defined as persecution or the risk of serious injury, depending on whether the applicant’s country of origin is able and willing to provide protection against such conduct. In this respect, the private-sector barrier keeping victims of domestic violence from the provision of international protection was overcome, and victims of domestic violence may be granted asylum on the ground that they belong to a particular social group. See, for example, Judgment No. 4 Azs 31/2009-93 of 29 July 2009, available at [www.nssoud.cz](http://www.nssoud.cz). The particularly oppressive situation faced by women in the Democratic Republic of Congo was taken into account by the Supreme Administrative Court in its Judgement No. 4 Azs 175/2007-49 of 24 January 2008, available from [www.nssoud.cz](http://www.nssoud.cz),

under which it granted asylum to the wife of a prominent political leader who was defending the interests of his ethnic group.

### **3. Migrant women**

172. Women are in the minority in terms of the number of foreigners legally residing in the Czech Republic. In 2008, of the total number of foreigners legally residing in the Czech Republic, 264,424 (i.e. 60.3%) were men and 173,877 (i.e. 39.7%) were women. Women are also in the minority in terms of migrants detained for illegal immigration – of the total number of 3,829 foreigners arrested in 2008 for illegal immigration in the Czech Republic, 2,714 (approximately 70.9%) were men and 1,054 (i.e. about 27.5%) were women and 61 (about 1.6%) were children.

173. An interesting fact is the low representation of women among prosecuted foreign nationals. The share of men in this category in 2008 was 90.4% (in absolute terms 7,752 persons) and the proportion of women was 9.6% (in absolute numbers 820 people). Compared to 2007, the number of men prosecuted increased by 311 persons; among women prosecuted, the growth was slower – by 82 persons.

174. Integration measures include an emphasis on supporting women migrants and their integration into society. Integrative activities are carried out at mothers' community centres to support women with children. Financial assistance for all courses (language, social-cultural orientation in society, etc.) is subject to the provision of childcare so that women can also attend the courses. Leaflets with information on issues of pregnancy and childbirth and the rights of women migrants to social benefits in relation to their maternity are distributed through non-profit organizations. The intercultural skills of health professionals, educators, social workers, etc., are being improved so that they are able to respect the cultural specificities of female migrants.

### **4. Elderly women, pensions**

175. An entitlement to a pension is contingent on the prerequisite period of insurance and on reaching a given age (i.e. the retirement age, or an age derived from that age, or the age of 65 years).

176. On 1 January 2010, the first stage of the pension reform came into effect, as implemented by Act No. 306/2008 amending Act No. 155/1995 on pension insurance, as amended, Act No. 582/1991 on the organization and provision of social security, as amended, and certain other laws. This Act will result, inter alia, in a gradual increase in the retirement age to 65 years for men, childless women and women with one child, to 64 years for women with two children, to 63 years for women with three children, and to 62 years for women with at least four children. A bonus in the form of credit for the time spent raising a child will therefore remain for women only in the framework of this stage. With effect from 1 January 2010, the age at which the additional period for an entitlement to full (partial) disability benefit is ascertained in light of the percentage assessment of disability benefit is unified for men and women (for men and women, the retirement age set for women of the same birth date who have not raised any children).

## **K. Health**

### **Reply to the issues raised in paragraph 30 of the list of issues**

177. On 23 November 2009, the Czech Government adopted Resolution No. 1424 further to an initiative by the Minister for Human Rights and the Government Council for Human Rights (which has long dealt with this issue), in which it expressed regret at the individual errors identified in the sterilization of women in contravention of a Ministry of Health

directive. The public and the sterilized women welcomed the apology and the first steps in this matter.<sup>14</sup> This initiative also proposes further steps and procedures to ensure that such actions never happen in the future.

178. In the preparations for the Government resolution, however, no agreement was reached on financial compensation for the victims or on the issue of a decree on sterilization superseding the current directive. Due to the withdrawal of the Act on Specific Health Services, which, inter alia, was meant to address the treatment of sterilization surgery, no change in legislation has been forthcoming.

179. The Government, in its resolution from November 2009, enjoined the Minister for Health to take action making it easier to detect the practice of illegal sterilization and prevent a recurrence of similar cases in the future. This mainly concerned information about the implementation of measures proposed by the advisory body in relation to illegal sterilization and their effectiveness, the incorporation of the sterilization issue into the agenda of the Professional Forum, and the contacting of directly managed organizations and, via regional authorities, medical facilities in the Czech Republic which provide care in the field of gynaecology and obstetrics in order to verify compliance with legal regulations in cases of sterilization.

180. The Minister for Health subsequently provided information to the Government on the implementation of these measures at a meeting held on 25 January 2010. The Ministry of Health has taken steps to improve public awareness through its website and through the brochure "Patient Adviser" (*Rádce pacienta*), which was published in April 2010 and has since commenced distribution.

181. As mentioned above, in the Government Resolution the Minister for Health was also ordered to verify compliance with the law when sterilizations are carried out. In this respect, it was verified that sterilization panels have been set up to discuss requests for sterilization, signed by the applicant, that minutes are taken of sterilization panel meetings, and that these minutes are kept in compliance with applicable legislation. It was also confirmed that informed consent is used according to the model published in Ministry of Health Journal 8/2007. In addition, some establishments use an extended form of informed consent.

182. It can be concluded that the measures taken are effective in preventing illegal sterilization. However, no special mechanisms have been created for compensation and no new legislation has been adopted, although this is envisaged in the future.

### **Reply to the issues raised in paragraph 31 of the list of issues**

#### **1. Health situation of Roma women – programmes**

183. In the Czech Republic, ethnic or other affiliation is not taken into account in the provision of health care. All citizens are equally entitled to receive health care based on latest knowledge in medical science. Similarly, in the Czech Republic there is no difference between health care for women in cities and for women in the country.

184. Act No. 48/1997 on public health insurance provides for the same quality health care for all women in the Czech Republic. Working women, like men, have health insurance covered in part from their income, and in part by their employer. The State pays for the health insurance of mothers on maternity leave and parental leave. All women are entitled to preventive care at a gynaecologist once per year from the age of 15 years, and to dispensary care during pregnancy. The network of health facilities in the Czech Republic is

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<sup>14</sup> See also the response at <<http://www.ipsnews.net/news.asp?idnews=49444>>.

very dense; the population per general practitioner and per specialist physician is on a par with the average reported by developed European countries. The ratio of the population to the number of inpatient beds in health facilities fully meets the needs of health care in urban areas and in rural regions; at present, health care provided to women in the gynaecological and obstetrical departments of hospitals in rural areas is not facing the urban problems associated with the baby boom. The medical care required in connection with childbirth and newborn care is fully covered. In the provision of professional pre-hospital emergency care, which includes the transfer of pregnant women to give birth in hospital, a time limit of 15 minutes from receipt of an emergency call has been set for the whole of the Czech Republic.

185. Details of the SASTIPEN Project, which addresses the specifics of access to health care in excluded Roma communities, are provided in paragraph 33 below.

## **2. Elderly women**

186. The health status of older women is not monitored separately. In the Czech Republic, there are screening programmes aimed at the early detection and diagnosis of the most common cancers – breast cancer screening, cervical cancer screening and colorectal cancer screening. Although these screening programmes are not only intended for elderly women, some of these tests are provided to them on preferential terms. Breast cancer screening is performed at two-year intervals from 45 years of age, without any further restrictions on age. All women are entitled to a preventive examination by a gynaecologist once a year. This examination includes screening for cervical carcinoma. Screening for colorectal cancer in the Czech Republic has been carried out since 2009. All citizens are entitled to preventive screening tests from the age of 50 years; from the age of 55, these tests may also include colonoscopy screening (once every 10 years).

## **L. Rural and Roma women**

### **Reply to the issues raised in paragraph 32 of the list of issues**

187. The projects of the Ministry of Agriculture are carried out through collaboration with NGOs operating in rural areas in order to ensure that as much awareness as possible penetrates rural areas and generally conducive to rural development:

- Občanské sdružení Pomoc Týn nad Vltavou (Týn nad Vltavou Aid, civic association)
- Obecně prospěšná společnost Domov sv. Anežky Týn nad Vltavou (Home of St Agnes, Týn nad Vltavou, non-profit company)
- Občanské sdružení Farmářské centrum (Farmers' Centre, civic association)

188. These NGOs work closely together and implement projects that have a positive impact on equal opportunities between women and men. These include:

- Village amenities – benches, tables, children's corners
- Signposting tourist trails (family trips – hiking, biking)
- Parkland, planting of new vegetation
- Construction of a sports and cultural park
- Training seminars
- Tourism development
- Support for the preservation of folk traditions as part of regional development

189. The mission of these non-profit organizations is to support people with disabilities and to provide assistance to the socially underprivileged and the elderly. Assistance and cooperation with these NGOs lies in the field of rural awareness, which includes respect for equal opportunities between women and men. The Ministry of Agriculture provides the necessary information in the following areas in particular: employment, education, retraining, social matters, grants in the context of the early termination of agricultural activities due to advanced age (under Regulation No. 69/2005). These non-profit organizations have established cross-border cooperation with similar organizations in Austria, and there is mutual interest in exchanging information and experience in the life of rural women and establishing further cooperation.

190. Other successful projects under the Rural Development Programme in another region included a grant for the municipality of Nasavrky to create the necessary social space required for the envisaged cultural and social development of the community. The grant helped to create premises where locals could meet for various social and cultural events. It also contributes to the development of club life in the village. In Kleštice, a grant was awarded for the transformation of a former residential building into a multipurpose facility so that people of all ages could meet. A municipal library was built here with Internet access and a room for ceremonies to “welcome new citizens” [akin to a secular christening]. The Programme also included the construction of the ten-kilometre Gruň – Bílý Kříž trail, which also supported regional tourism.

#### **Reply to the issues raised in paragraph 33 of the list of issues**

191. In the Czech Republic, statistics in these areas (health, housing, employment) are not systematically collected with regard to nationality or ethnic affiliation. The information that is available comes from expert analyses and studies.

192. As mentioned above (see response to paragraph 12), the Czech Republic is keen to focus on the situation of Roma women and girls in the period from 2010 to 2013.

#### **1. Health of Roma women and girls**

193. Information about the health of the Roma population was gathered by the research project Roma Population and Health, Czech Republic — National Report 2009,<sup>15</sup> which was part of the European project Health and the Roma Community — Analysis of the Situation in Europe, EU-funded and involving seven countries. The research included 677 respondents aged over 16 years, of whom 45.3% were women and 54.7% were men, and 327 respondents aged 0–15 years, of whom 55.9% were boys and 44.1% were girls. The research shed a broad range of light on the health of the Roma population in the Czech Republic. It concluded that “in general terms, the health situation of the Roma appears to be quite favourable in the research period” (p. 69). As regards the health of Roma women, it was found that, as with the majority population, the differences in the evaluation of current health status between men and women are very narrow. Women tend to suffer from the accumulation of several diseases slightly more than men (20% of men, 30% of women). Of the individual diseases and health problems, the women suffer most visibly from depression (9% men, 17% women), and migraines or headaches (21% men, 35% women). Roma women also suffer from hypertension more than men (22% versus 15%). Slightly more women than men limit their daily activities due to medical complications (28% women, 19% men). Of the findings that relate to the population as a whole, it can be noted that the study captured the relatively early onset of obvious deterioration in the health of the Roma,

<sup>15</sup> Ed. Fondation Secretriado Gitano, Madrid 2009. See <http://www.vlada.cz/assets/ppov/zalezitosti-romske-komunity/dokumenty/Sastipen.pdf> (in Czech).

which starts as early as advanced middle-age (45–59 years). Smoking is widespread among the Roma; the proportion of daily smokers is many times higher than the majority population.

194. Further information about the health of Roma women and girls is included in the Reports on the Situation of Roma Communities. They indicate that socially excluded Roma underestimate the impact of prevention – many of them neglect their preventive examinations and only contact a doctor when they have health problems; other worrying features of the health conditions in Roma communities is the failure to keep to treatment regimens, inadequate dietary habits (related to both sexes), and frequent pregnancies among young girls.

195. To improve the health of the Roma, the project SASTIPEN – Health and Social Assistants was introduced in six regions of the Czech Republic in 2008. This project involved the pilot introduction of health and social workers to help in prevention, registration with doctors and insurance companies, etc. Currently, there is a perceived need to expand the number of such workers.

## 2. Employment of Roma women and girls

196. As in the case of health care, in employment it is necessary to point out the lack of statistical data relating to the specific unemployment rate of Roma men and women, because the employment offices do not keep ethnicity-based statistics. The research study “Czech Republic: Improving the Employment Chances of the Roma” (World Bank, Office of the Government, Prague 2008, p. 9) indicates that the unemployment rate is much higher than the Czech average for both Roma men and Roma women. See Table 5.

Table 5

### Labour market status indicators: Roma versus the national average

	Unemployment rate		Relative participation in the workforce		Ratio of employment to number of inhabitants	
	Roma	CR	Roma	CR	Roma	CR
Working-age population (25–64 years)	11.7	5.4	44.2	69.9	39.1	66.1
Sex						
Men	10.3	4.3	61.3	78.1	55.0	74.8
Women	14.0	6.8	30.5	61.5	26.3	57.3

*Source:* This table is taken from the Report on the Situation of Roma Communities in 2008.

*Note:* The data for the Czech Republic are from 2007, the data on Roma are from May 2008.

197. According to the study, the employment of Roma in the labour process is low – up to 57% of Roma of working age (over 15) do not participate in the labour market, i.e. they are unemployed or seeking employment.

198. The Report on the Situation of Roma Communities in 2008 states that one of the most vulnerable groups within Roma communities is mothers who have just completed parental leave and are looking to return to the labour market after long-term childcare. These women often have limited work experience and low skill levels. They often also have specific requirements regarding working hours because they need to balance their working and family life (in this respect, there is a preference among Roma women to work part-time, which is unusual for low-skilled jobs in the Czech Republic).

199. In 2008, the Public Employment Services worked to place Roma in the labour market in cooperation with approximately 310 organizations, of which 231 employers, 51 NGOs and 26 Roma organizations. Below is an educated guess by experts from employment offices concerning the number of Roma job-seekers who have been placed in active employment policy instruments.<sup>16</sup>

Table 6  
Roma job-seekers (educated guess)

Active employment policy	Community service		Socially effective jobs		Retraining		Other		Total
	Total	Women	Total	Women	Total	Women	Total	Women	
	<b>1 154</b>	447	<b>143</b>	41	<b>505</b>	185	<b>180</b>	70	

200. The “Social Integration and Equal Opportunities” programme (funded by the EU) is designed to promote social inclusion; the “Roma” programme “Promoting the Social Integration of Roma Localities” is also included here. The aim is the social inclusion of members of socially excluded Roma communities by ensuring the availability, quality and control of services, including the elimination of barriers hindering their access to education and employment, and access to investment support. Approximately CZK 1.1 billion has been earmarked for this area in the 2007–2013 period. The programme’s managing authority is the Ministry of Labour and Social Affairs, which should also have more detailed statistics. An interdepartmental working group on Roma community issues has been set up and operates under the programme’s Monitoring Committee.

201. With regard to discrimination against Roma women in the field of labour relations, the labour inspection authorities received no complaints in the monitored period.

### 3. Housing

202. Regarding Roma housing, it is necessary to consider two categories. On the one hand, there are the problems of marginalized Roma who live in socially excluded localities, and on the other hand, there are the housing conditions of the Roma who live outside these locations and are integrated into broader society. The State’s efforts are designed to address the situation faced by the first group. Housing is one of the areas monitored and evaluated by the annual reports on the situation of Roma communities.

203. As the Report on the Situation of Roma Communities in 2008 observes, socially excluded Roma still occupy a marginalized position in the housing market, where they are more easily subject to structural barriers and inequalities. In connection with housing, there is a growing trend of spatial segregation and social decline among the inhabitants of socially excluded localities. Poor quality housing often negatively affected other areas of their life (e.g. health, educational opportunities and leisure). The State is seeking primarily to prevent the emergence and spread of socially excluded localities, e.g. through the operations of the new Agency for Social Integration in Roma Localities. The Agency strives to promote effective regional and community planning and implement targeted measures to assist the inhabitants of excluded communities.

<sup>16</sup> Source: “Information from the Ministry of Labour and Social Affairs on the Report on the Situation of Roma Communities in 2008”. Quantitative data were obtained through a questionnaire survey conducted at regional level for the fulfilment of the Action Plan for the Decade of Roma Inclusion in 2009.

204. Current challenges are an increase in the supply of affordable housing for low-income Roma households, the combating of discrimination and illegal practices by entities in the housing market, and the implementation of social programmes targeted at improving the socio-economic situation of the Roma and at the development of skills needed to find and retain housing in the open housing market. The success of these measures will depend very much on the willingness and readiness of local government authorities to participate in the implementation of strategies and measures in the housing sector.

**4. Protection of Roma women and girls from all forms of violence, including their transportation to other countries for sexual and economic exploitation**

205. As stated above, the Czech Republic does keep records (or statistics) based on ethnicity. Prostitution is usually cited as one of the socio-pathological phenomena (alongside drug abuse, alcoholism, and gambling) which occur frequently in socially excluded localities. Roma girls and women can also contact field social workers operating in risky (Roma) communities about prostitution-related problems. Of all the cases dealt with by social workers in 2008, prostitution concerned 1% (i.e. 51 cases).<sup>17</sup>

206. According to information from the Ministry of the Interior, women from other countries (often very distant) tend to be victims of trafficking.

207. The Czech Republic provides grants to help both victims of trafficking and victims of violence against women. This assistance takes the form of project funding (e.g. through the Ministry of the Interior) or the relevant social services (through the Ministry of Labour and Social Affairs).

209. Financial assistance provided through social services is reflected in Tables 7 and 8 below. These programmes also provide assistance to Roma women and girls.

Table 7

**Grants for “social services for victims of trafficking”**

<i>Social service</i>	<i>Total grant in 2009</i>
Shelters	<b>CZK 1 070 000</b>
Emergency assistance	<b>CZK 2 856 500</b>
Social counselling	<b>CZK 1 000 000</b>
<b>Total</b>	<b>CZK 4 926 500</b>
	<i>Number of services in 2009</i>
Shelters	<b>1</b>
Emergency assistance	<b>2</b>
Social counselling	<b>2</b>
<b>Sum total</b>	<b>5</b>

<sup>17</sup> Report of the Situation of the Roma Communities in the Czech Republic in 2008.

Table 8  
**Grants for “social services for victims of domestic violence”**

<i>Social service</i>	<i>Total granted in 2009</i>
Shelters	<b>CZK 14 040 000</b>
Intervention centres	<b>CZK 15 914 639</b>
Emergency assistance	<b>CZK 585 744</b>
Social counselling	<b>CZK 6 555 200</b>
Telephone crisis intervention	<b>CZK 3 723 000</b>
Outreach programmes	<b>CZK 0</b>
<b>Total</b>	<b>CZK 40 818 583</b>
	<i>Number of services in 2009</i>
Shelters	<b>14</b>
Intervention centres	<b>16</b>
Emergency assistance	<b>2</b>
Social counselling	<b>12</b>
Telephone crisis intervention	<b>2</b>
Outreach programmes	<b>1</b>
<b>Total</b>	<b>47</b>

#### **M. Amendment to article 20, paragraph 1, of the Convention**

##### **Reply to the issues raised in paragraph 34 of the list of issues**

210. The Czech Republic has long supported resolutions of the UN General Assembly calling for the approval of this amendment. The Ministry of Foreign Affairs has prepared a proposal for discussion by the Government and Parliament, which, after the elections in May 2010, will be submitted to the new Government and then to Parliament for approval. The entire process is expected to be completed by the end of 2010.