



## SUBMISSION

### SHADOW REPORT TO THE COMMITTEE ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN FOR THE CZECH REPUBLIC

Under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

For its Consideration at the 47<sup>th</sup> Session 4 – 22 October 2010

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APERIO – Society for Healthy Parenting, Association of Women Entrepreneurs and Managers, Czech Association of Doulas, Czech Doulas, Czech Helsinki Committee, Czech Women's Union, European Contact Group, Forum 50 %, Gender Studies, Movement for Active Motherhood, Klub K2, Manushe, Moravian Association of Women Entrepreneurs and Managers, National Contact Centre - women and science (Institute of Sociology, Academy of Science), NESEHNUTÍ Brno, Department of Gender and Sociology, Institute of Sociology, Academy of Science), Open Society, proFem, Revue 50 +, Family Center Pexeso, ROSA – Center for Survivors of Violence, Union of Midwives

THE SHADOW REPORT WAS COMPOSED TOGETHER WITH LA STRADA CZECH REPUBLIC, PERSEFONA AND THE FACULTY OF EDUCATION, CHARLES UNIVERSITY

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## Submitting Organizations

The **Czech Women's Lobby** is a network of 22 organizations and academic institutions promoting women's rights in the Czech Republic. The Czech Women's Lobby is a member of the European Women's Lobby (EWL).

Main aims and priorities of the Czech Women's Lobby:

- cooperation, networking and laying down common points of view and positions of Czech women's and gender NGOs,
- promotion in the media and opening important public discussions, defining drawbacks connected with the question of equal opportunities for women and men,
- lobbying and promotion of interests of all girls and women living in the Czech Republic from the European perspective, i.e. interests of women from marginalized and socially excluded groups, women from ethnic and national minorities and foreign/migrant women,
- cooperation with the Czech executive branch, providing expert base,
- monitoring in the field of gender equality,
- acknowledgment and promotion of diverse values and needs of women with regard to their cultural, national, ethnic, religious, social, sexual and other specific identities.

The following shadow report was composed by the member organizations of the Czech Women's Lobby (see below for their list).

**European Contact Group in the Czech Republic** ([www.ekscr.cz](http://www.ekscr.cz)): Constitutional, legislative and institutional framework; Employment, social and economic benefits; Health

[Eva Kavková, Kateřina Machovcová, Hana Víznerová]

**Aperio** ([www.aperio.cz](http://www.aperio.cz)): Employment, social and economic benefits; Health<sup>1</sup>

[Eliška Kodyšová]

**Forum 50 %** ([www.padesatprocent.cz](http://www.padesatprocent.cz)): Temporary special measures; Participation in political and public life, and decision-making

[Marcela Adamusová, Michaela Appeltová]

**Gender & Sociology Department, Institute of Sociology, Academy of Science of the Czech Republic** (<http://www.soc.cas.cz/departments/en/4/42/Gender-Sociology.html>): Employment, social and economic benefits

[Alena Křížková]

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<sup>1</sup> The issue of health was done in cooperation with Petra Ali Doláková.

**Gender Studies** ([www.genderstudies.cz](http://www.genderstudies.cz)): Constitutional, legislative and institutional framework; Violence against women; Employment, social and economic benefits; editing and proofreading

[Nina Bosničová, Kristýna Ciprová, Alexandra Jachanová Doleželová, Linda Sokačová]

**ProEquality Centre of the Open Society** ([www.proequality.cz](http://www.proequality.cz)): Constitutional, legislative and institutional framework; International dimension of the fulfilment of CEDAW

[Petra Kubálková, Míla O'Sullivan, Blanka Šimůnková]

**Rosa** ([www.rosa-os.cz](http://www.rosa-os.cz)): Violence against women

[Petra Švecová, Marie Vavroňová]

together with:

**The Faculty of Education, Charles University** ([www.pedf.cuni.cz](http://www.pedf.cuni.cz)): Education

[Irena Smetáčková]

**La Strada Czech Republic** ([www.strada.cz](http://www.strada.cz)): Trafficking and exploitation of prostitution

[Petra Kutálková]

**Persefona** ([www.persefona.cz](http://www.persefona.cz)): Violence against women

[Jitka Čechová, Hana Jandová]

## Executive Summary

The Czech Women's Lobby (CWL), as a network of 22 NGO's and academic institutions focusing on gender equality, submits this Shadow Report to the United Nations Committee on Elimination of Discrimination against Women, commenting on the combined Fourth and Fifth Periodic Reports of the Czech Republic, submitted under Article 18 of the United Nations Convention on the Elimination of All Forms of Discrimination against Women (hereafter "Convention").

The Shadow Report addresses a number of categories of human rights abuse, as well as inadequate or very problematic laws, policies and practices in several areas of relevance to the Convention. The submitted text is not comprehensive, it does not cover all areas of the Convention. Its structure is based on the "List of issues and questions with regard to the consideration of periodic reports," presented by the Committee on the Elimination of Discrimination against Women, and is extended by the international dimension of the fulfilment of the Convention.

Since 1998, the Czech Republic has been compiling, on a yearly basis, its main document of the **gender equality machinery**, *Priorities and Procedures of the Government in the Promotion of Equality for Women and Men* and has also been monitoring its fulfilment. However, the document has been missing concrete indicators and time-frame and thus has been criticized by gender NGO's. In 2009, the Czech Republic finally adopted the Antidiscrimination Act and the legislation covering discrimination, as a result, now responds to the requirements of the European Union. It was, however, mainly the fear of financial fines charged by the EU, rather than the political will and the wish to be in agreement with the law, that made the Czech political participation, after six years, adopt the Act. However, the law enforcement is very low; there are very few (almost no) discrimination cases and the issue is on the very periphery of the interest of labour inspectorates. Finally, the new government formed after the elections in May 2010 dissolved the position of Minister of Human Rights and Ethnic Minorities, who was responsible for gender equality for the past three years. Even if the executive powers of the Minister were much weaker than those of other ministers, as she/he had very limited budget and no ministry behind, with dissolving this position and no concrete policy in the agenda of human rights, let alone gender equality, the fear is of backlash in the position of women in the Czech Republic and halt in the advancement of women's rights.

As regards the issue of **violence against women**, the report focuses on two areas: sexual violence and domestic violence. Sexual violence, or more precisely rape, is tabooed in the CR and is connected with many myths and stereotypes – not only in the minds of the general public, but also in the understanding of experts and institutions that deal directly with rape survivors. Several laws were introduced in relation to domestic violence, e.g. the introduction of the crime "battering of a person living in a same house or dwelling" (§ 215a). As a breakthrough moment, we can consider mainly the Act 135/2006 adopted in January 2007, introducing the notion of "banishing of the violent person from the home or house" for 10 days (protection orders). Furthermore, with effect starting January 2010, a Law No. 40/2009 entered into force and the new Penal Code introduced stalking into Czech legislation. In 2007, intervention centres, moreover, were established in all regions of the Czech Republic (in relation to the act on banishing the person from the same house and as a

part of Act on Social Services, 108/2006). Despite the existence of the laws, domestic violence is still not seen as an all-society problem, which corresponds to low awareness of the issue. Furthermore, as one of the few EU countries, the Czech Republic is still questioning and denying the gender background of violence between partners. This attitude affects the work of the police and courts, but also the common view on violence.

The Czech Republic is one of the last countries in Europe to sign and ratify the Council of Europe Convention on Action against Trafficking. This convention is of great importance when it comes to upholding human rights when forming policy to prevent and combat **human trafficking**. Looking at it from a long-term perspective, a low number of human trafficking cases have been exposed, investigated and prosecuted in the Czech Republic. Even though the legislation has, since 2004, allowed for prosecution on the grounds of human trafficking in areas outside of the sex business, there still has to take place a single definitive verdict in this field.

No temporary measures, either non-legislative or legislative, to enhance the representation and participation of **women in decision making-process** have been introduced. Women are still highly underrepresented in all areas of decision-making. Even in feminized sectors, such as education, health-care system, care services, etc., women are underrepresented in top positions. All the critical points on Article 7 and 8 of the Convention raised in the last Shadow Report are still valid. Recruitment and appointment processes can be characterized by the lack of political will to pay attention to vertical and horizontal segregation, let alone awareness of the lack of women of various ethnic backgrounds in decision-making.

There have been some changes in institutional mechanisms related to the issue of **education**. A new department titled “Social Programs in Education” was established, including a division “Equal Opportunities in Education”. However, gender inequalities persist in a subtle and latent way and deeply influence study, professional and life careers of women and men. There is still significant horizontal segregation in secondary schools and universities. It is also questionable whether the machinery will survive in the period after the 2010 elections.

The **employment** rate of those aged 15 – 64 had an increasing trend until 2008, when it reached 66,6%. With the employment rate of men at 75,4% and of women at 57,6%, the Czech Republic is an EU member state with one of the highest gender gaps in employment – 17,8 percentage points in 2008. Women are at a disadvantage at the labour market. The main deficiencies that remain and that place women at a disadvantage at the Czech labour market are the segregation of the labour market by sector, specialization and position, discrimination, difficult reintegration into the labour market after parental leave and the difficulty of combining family and working lives. All of these factors have an influence on salary inequality, which for some groups of women (single mothers, women after parental leave, women with small children in general, older women, women from ethnic and national minorities) represents a high risk of social exclusion.

In relation to the topic of **health**, the Report focuses mainly on reproductive rights, as, for example, the midwifery care is intentionally restricted by the state and is not covered by the public health insurance. The Ministry of Health has, repeatedly, blocked the founding of a birth centre. The legislative process is directed in such a way that women wishing to deliver

in a place other than hospital will soon have no legal options of birth assistance. The report only touches shortly upon the topic of illegal sterilization of women, as separate reports produced by other organizations will be submitted to the CEADAW Committee.

Gender equality is not only an issue of the national policy and therefore the Report introduces a description of the **international dimension of the fulfilment of the Convention** as well. The Czech Republic is failing to apply the obligations set by the Convention on policies that have an impact beyond the national level. An increased emphasis in regard to international policies and gender mainstreaming should be put especially on development cooperation and humanitarian aid, human rights and transition promotion policy and implementation of the UN Security Council Resolution (UNSCR) 1325 on women, peace and security.

Although **migrants** are entitled basic human rights while residing in the Czech Republic, their practical requisition is often impossible. Migrants, often, have minimal knowledge about, for instance, employers' duties, and they frequently do not have resources to contact legal advisors. Non-governmental organizations provide numerous free services. But it can be assumed that the number of migrants receiving help from this source is just a top of the iceberg of all those in serious need. The issue of migrant women is mainstreamed into several chapters.

The report does not include the analysis of **NGO activities** in regard to gender equality and the relevant reported areas. This is due to the lack of space and the intention to monitor government activities, or more precisely, the lack of government activities and policies. It is, nevertheless, important to mention that NGO's are the most active actors in connection to gender equality in all of the above mentioned areas. They do trainings, media and information campaigns, provide legal help, lobby, open public discussions, work with relevant target groups, cooperate on researches, etc. Even though the state institutions often use, in their reports, achievements of NGO's to describe the society's *status quo*, systematic support of such organizations is missing and the state financially covers the activities almost only in the context of co-financing the resources provided by the European Social Fund.

Women and men are equal *de jure*, while *de facto* equality is still a distant goal. Most of the recommendations given by the CEDAW Committee at its 36<sup>th</sup> session are still relevant. Even though the Czech Republic already has a single, unitary Antidiscrimination Act, recommendations concerning the electoral law have not been taken into consideration (even though the Minister for Human Rights and Ethnic Minorities made an effort in this respect). The institutional machinery, which got to an improving point with the position of the Minister for Human Rights and Ethnic Minorities, is now being restricted again. In general, Czech politicians do not approach the Convention seriously and do not take it into consideration when making political decisions.



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

### **1.1. Institutional framework**

#### **1.1.1. Priorities and Procedures of the Government in the Promotion of Equality for Women and Men**

Since 1998, the Czech Republic has been compiling, on a yearly basis, a document called *Priorities and Procedures of the Government in the Promotion of Equality for Women and Men* and has also been monitoring the fulfilment of the given goals in, what is called, *A Summary Report on Achieving the Priorities and Procedures of the Government in the Promotion of Equality for Women and Men* (each ministry prepares its own report). The *Priorities and Procedures* lacks concrete indicators and a long-term strategic part, which would take into consideration the current status of the position of women and men in the Czech Republic and which would create a framework for the target status, is also missing.

#### **1.1.2. Minister for Human Rights and Ethnic Minorities**

The post of the minister for human rights has the status of a minister without portfolio, meaning that the minister in question does not occupy the same level as those of other departments and therefore lacks the authority to push through equal opportunities policy. The minister for human rights comes under the wing of the Office of the Government of the Czech Republic which does not have the same powers and budget as individual ministries. The position, moreover, was dissolved after the elections in 2010.

In the Government Office, a Gender Equality Unit is situated, with very few human resources being responsible for the national action plan and duties to the EU and other international treaties.

#### **1.1.3. Other gender equality machinery**

The Government Council for Equal Opportunities for Women and Men is an advisory body which has no executive power. Lately, working groups have come with proposals of actions that would strengthen gender equality in the Czech society (mostly thanks to their NGO members); however these suggestions remain ignored by the government.

The position of a gender focal point at each ministry is a part-time position at the bottom of a ministry's hierarchy. Positive action was taken at the Ministry of Education where a department for equal opportunities was established, with sufficient human resources. It is, nevertheless, questionable, whether the department stays in place after the elections in 2010.

No machinery is officially set up at the regional and local level; it is left to the regional units to set it up. The regions are motivated by the Ministry of the Interior's contest called "The Regional Office of the Year with Equal Opportunities."

### **1.2. Antidiscrimination legislation**

#### **1.2.1. Ombudsperson**

The Antidiscrimination Act imposes on the ombudsperson the duty to provide methodical legal assistance, the duty to carry out research, to publish reports, to issue recommendations on questions relating to discrimination and to ensure the exchange of available information with the relevant European bodies. However, the law does not currently provide him/her with sufficient instruments or means to realize these tasks. Debate and dispute over the extent of the assistance provided to the victims of discrimination has raged from the very beginning of the preparation of the Antidiscrimination Act. The ombudsperson does not have sufficient powers or a sufficient mandate or funding to bring about systemic change.

### 1.2.2. Courts

Number of discrimination cases, based on all grounds of discrimination, not only sex, taken to the court is very low (between 4 and 10 cases a year). Discrimination cases may take a number of years, which reduces the effectiveness of protecting victims from discrimination through corrective action, and also disproportionately increases the funds needed to administer cases. Czech courts are very unpredictable in their decision-making and the outcome more often depends on the local jurisdiction of the court than on the circumstances of the cases and the presentation of argumentation. The non-existence of written evidence is often a reason that leads to the decision to resolve a case without the courts, as discrimination is difficult to prove.

### 1.2.3. The inspection activities of administrative institutions

The most important inspection institute in the sphere of discrimination at the labour market is the labour inspectorate. Such a body has the power to inspect and sanction employers' discriminatory conduct. Penalties can reach up to CZK 1 million, although in practice such figures are not applied to breach of labour relations relating to the issue of discrimination. The issue of discrimination is on the very periphery of the labour inspectorates' interest. Negative experience with their inspection activities has been verbalized by experts in the field and by victims of discrimination. Among the reasons for the low interest shown by inspectorates in the issue of discrimination is their underestimation of its impact, a lack of finances and personnel needed in such an institutions and their insufficient methodical management by the Ministry of Labour and Social Affairs.

### 1.3. The integration policy of the Czech Republic

Although migrants are entitled basic human rights while residing in the Czech Republic, their practical requisition is often impossible.

Migrants, often, have minimal knowledge about, for instance, employers' duties, and they frequently do not have resources to contact legal advisors. Check-ups of the State Labour Inspection show that 68% of labour agencies infringe upon the Labour Code and the related legislation.

### 1.4. Recommendations for Government Action

**1.4.1.** To create a permanent position of the minister for human rights. The post of the minister should, further, be at the same level as at the other departments. The provision of a separate departmental budget is related to the creation of the post of the minister for human rights.

**1.4.2.** To rework the *Priorities* and to compile a long-term action plan for a term of over 4 years which would take into consideration the current status of the position of women and men in the Czech Republic and which would create a framework for the target status.

**1.4.3.** To strengthen the position of the ombudsperson as the Czech Equality Body.

**1.4.4.** To amend the Antidiscrimination Act (after an assessment of its year-long effect) with the aim of reinforcing measures against discrimination and improving the situation for the victims of discrimination when enforcing the law.

**1.4.** To strengthen the function of the Labour Inspectorate, so that it becomes capable of performing checks repeatedly and respond to each incitement properly.

## 2. Temporary Special Measures

**2.1.** No temporary measures, either non-legislative or legislative, to enhance the representation and participation of women in decision-making processes have been introduced. Neither have temporary measures to eliminate multiple discrimination of women of ethnic and/or national minorities been launched.

**2.2.** Individual ministries and their organizations claim to recruit their employees on the basis of knowledge and experience and not according to their gender, with some of the bodies asserting that they respect the principle of equal opportunities for women and men. In 2007, The Ministry of Justice introduced the rules for a gender-sensitive and balanced recruitment process and the Ministry of Defence implemented the rules related to employee training in equal opportunities and to monitoring the recruitment process from a gender perspective.

**2.3.** The Action Plan of the government as well as individual ministries did not formulate concrete measures to increase the representation of women in decision-making positions. Neither did they set short-term goals, with assigned responsibility and adequate sanctions for failing to increase the number of women. Individual action plans mostly include the “monitoring clause” only. Majority of the ministries witnessed a decrease of women in top ministry positions (deputy ministers, heads of departments).

### **3. Violence against Women**

#### **3.1. Sexual violence<sup>2</sup>**

##### **3.1.1. Background information**

The issue of sexual violence/rape in the Czech Republic is tabooed and many dangerous myths and stereotypes related to it persist. Not only the general public, but also experts from institutions that deal directly with rape survivors and media representatives are influenced by prejudicial attitudes. This plays a significant role in limiting justice for rape survivors. A number of reported rapes is very small (foreign researches show that criminalist data present only 3–8 % of the general

number of rapes). In addition to the problem of being severely underreported, the attrition rate of rape offenses is also very high – criminal proceedings get laid aside, are discontinued, or are never even initiated. The statistics unfortunately tell us nothing about the reasons behind the attrition rate. Out of the 500 to 600 rapes reported annually in recent years, only approximately 150 perpetrators are convicted. The fact that a third of these prosecutions result in parole (i.e. the perpetrators had been found guilty but never served a day in prison) is appalling.

##### **3.1.2. Data, researches, strategic documents**

So far, there has been no complex research on the issue of rape (data and information on rape, in particular on the prevalence of these crimes, the number of complaints lodged with the police (including those dismissed without investigation) and the number of complaints that result in prosecutions) in the Czech Republic. There is no state strategy (be it either the National Action Plan or any other complex document) tackling the issue of rape.

##### **3.1.3. Interdisciplinary cooperation**

The victims are not informed about where to turn for further help. The police do not sufficiently point them to different psychological or legal clinics that work with sexual violation victims. To a certain level, this is due to the fact that there is no complex network of these organizations; moreover the victim does not learn about the existing ones from the police. No mutual trust between public authorities and the non-profit sector may be viewed as one of the reasons for this.

##### **3.1.4. Medical treatment**

The approach of physicians to sexual violation victims is not uniform. We also register a lack of practical experience with the work with victims of sexual violation. This causes a different quality of proof material, or the risk of its insufficient procurement.

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<sup>2</sup> For more information see the source of the text: Shortcomings in Rape Survivor Care – Quality of Services for Rape Survivors in the Czech Republic (Čechová, J., Jandová, H., In Čiprová, K. (2010). Pod hladinou: fakta a mýty o znásilnění Praha: Gender Studies.

### **3.1.5. The police force**

Inadequacies both in training and in personal predispositions of police officers who deal with rape survivors have been noticed. Usual techniques to raise the survivor's sense of safety and comfort, such as the presence of a close, supportive person or a psychologist, or assuring the survivor of confidentiality, are not used.

### **3.1.6. Legislation imperfection concerning the victim of sexual violence**

Free legal advice can be obtained only with significant difficulties. Only the aggrieved party that applied to the penal court with a claim for damages of loss of property may demand the services of a free attorney in a penal procedure. In a case of sexual violence, often there is no material damage, only the moral, immaterial, one. A victim of sexual violence, consequently, has no access to this form of free legal representation. The institute of secrecy of a witness, in the sense of secrecy of his/her identity and personal data (even though the aggressor knows the appearance of the victim, he/she does not have to know his/her name, address or have information about his/her personal life), is used only very rarely in sexual violation cases.

### **3.1.7. Education and awareness**

Insufficient knowledge has grave negative effects on the process of addressing specific cases of rape. Educational opportunities for professionals are not utilized (due to the lack of motivation, financial means or insufficient support by the employer). As far as the general public is concerned (including potential rape survivors and their family and friends), the levels of awareness of rape are extremely low and are also subject to stereotypes.

## **3.2. Domestic violence**

### **3.2.1 Background information**

Since 1998, some legislation changes have been pushed through, thus a legislative basis

for the prosecution of domestic violence and for providing help to victims of domestic violence has been created. Now, the Czech Republic has a comprehensive system of legislative rules that enables provision of assistance to violence victims. However, there are still many problems that reduce the effectiveness of the fight against domestic violence.

### **3.2.2. Research on domestic violence**

In the Czech Republic, there is, currently, no representative survey on domestic violence or analysis of its impact on society or its economic performance. Among statistics on crime published by the Ministry of Interior, a relation to domestic violence is not taken into account and neither is information on the gender of a perpetrator or a victim. As a result, we, for instance, do not have at our disposal a number of women murdered in the context of domestic violence and this lack is worsening the possibilities of research on domestic violence.

### **3.2.3. Laws exist, the practice is different**

While the Czech Republic has laws allowing the prosecution of violent behaviour (abuse of persons in common dwelling, restriction orders and, since January 2010, dangerous stalking), violent behaviour in the family is not always assessed as a form of violence. The Czech Republic still lacks trained professionals among those professions that are in contact with victims and their families – professionals who are able to recognize violence and assess a level of its danger. We also lack specialized courts on custody which would specialize on the issue of family violence, as well as highly qualified legal experts who could work with the phenomenon of violence in the family and who would be able to correctly identify the situation.

### **3.2.4. National Action Plan**

Non-profit organizations, currently, mainly focus on the National Action Plan of Prevention of Domestic Violence for the years

2010-2014 to be approved and adopted by the Czech government. The National Action Plan was prepared by the working group on the prevention of domestic government within the Government Council for Equal Opportunities for Women and Men and approved by the Council. It is now waiting for the reaction of the new government.

### **3.3. Recommendations for Government Action**

**3.3.1.** Collect data and publish statistical information about rape, conduct research on the issue of rape.

**3.3.2.** Development of cooperation between authorities and institutions that come into contact with the victims of sexual violence. Closer cooperation between NGO's that help rape survivors and state authorities, the police and the courts; systematic funding of NGO's.

**3.3.3.** Standardization of medical treatment in cases of sexual violence, so that it is precisely defined what treatment the physician must perform and what formal requisites must be covered in his/her records (for example by creating a pre-printed form to be filled in).

**3.3.4.** Consistent briefing of the victims by penal law enforcement authorities, especially the police, ideally in the written form. The amendment of the Code of penal procedure, so that the general attorney can be appointed to represent the victim, even if he/she applies to the penal court with a claim for damages of immaterial loss. Support of non-profit organizations providing legal consultations. The use of technical equipment in the buildings and examination rooms to separate the criminal from the victim, the use of recording equipment etc.

**3.3.5.** Continuing education is needed within the police force and other actors as, such as judges, judicial experts, physicians, etc.

**3.3.6.** A comprehensive effort to raise awareness, to educate and to increase competencies of people who potentially deal

with survivors, potential rape survivors, and the general public.

**3.3.7.** The government should strengthen its cooperation with experts from specialized organizations to start a process of evaluation of already applied measures and to improve them when needed (high-risk victims' evaluation, system of multiagency cooperation etc.).

**3.3.8.** Domestic violence and its history should be taken into account when deciding on whom to give the custody of children. The government should prepare and put through measures reflecting the conviction that the rights of parents are important, but the rights of children and their interests are a priority. In cases where there is domestic violence and the child and the other partner are in danger from the perpetrator, the share custody should not be applied.

**3.3.9.** The government should ask for a representative study on domestic violence in the Czech Republic.

**3.3.10.** A number of people murdered or killed in intimate partner relationships should be monitored and included in official statistics.

## **4. Trafficking and exploitation of prostitution**

**4.1.** The Czech Republic is one of the last countries in Europe to sign and ratify the Council of Europe Convention on Action against Trafficking in Human Beings (2005). This convention is of great importance when it comes to upholding human rights when forming policy to prevent and combat human trafficking. No steps were recorded to be taken towards the signing of this document and preliminary results of monitoring policy implementation in this area suggest that the Czech Republic is not in accordance with the human-rights-related obligations of the convention.

**4.2.** On January 1, 2010, law no. 40/ 2009 Sb. in the Penal Code came into effect which, among other things, brought into practice

what is known as the 'duty to report'<sup>3</sup> crimes related to the criminal act of human trafficking and the deprivation of individuals' freedom. It is believed that the 'duty to report' clause may have a markedly negative impact on the practical implementation of prevention policy, particularly in the field of identifying trafficked persons. The very identification of a potentially trafficked person is an important part of strategies to combat this serious criminal activity. We also believe that the new law is at variance with the possibilities of trafficked persons to enforce their rights as specified by other national and international documents<sup>4</sup>. The Ministry of Interior has developed an overview for agencies active in criminal prosecution to help with their approach to the statutes mentioned above. This step can be viewed positively and is significant, even if it is a provisional solution, which does not ultimately solve the problems listed above.

**4.3.** Looking at it from a long-term perspective, a low number of human trafficking cases have been exposed, investigated and prosecuted in the Czech Republic<sup>5</sup>. Even though the legislation has, since 2004, allowed for prosecution on the grounds of human trafficking in areas outside of the sex business, there still has to take place a single definitive verdict in this field. Media and non-governmental organizations talk of hundreds, in some cases even thousands, of foreigners working in slave-like conditions on the Czech soil. It is not, therefore, possible to say that human trafficking is not a problem that affects the Czech Republic. Barriers in the fields of identification, investigation and construction

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3 Statutes § 168 and § 170 of law no. 40/2009 Sb. in the Penal Code

4 For more information, please see <http://www.strada.cz/attachments/5/5d2ab2f1df3e14373fb40643639422f1.pdf>.

5 Number of criminal convictions/ sentences handed out in 2006 2/0, 2007 4/3, 2008 3/3, 2009 1/0, for more information, see: <http://www.mvcr.cz>: 2009 status report on trafficking in human beings in the Czech Republic.

of a definition are impeding trafficked individuals from gaining access to justice<sup>6</sup>.

#### **4.4. Recommendations for Government Action**

**4.4.1.** Ratify the Council of Europe Convention on Action against Trafficking in Human Beings.

**4.4.2.** Exempt the criminal act of human trafficking and the deprivation of individuals' freedom from the list of activities to which the 'duty to report' applies.

**4.4.3.** Evaluate the current form of policy to prevent and combat human trafficking outside of the sex business with regards to its effectiveness and gender balance. Focus on the creation and application of guidelines which allow trafficked individuals outside of the sex business to gain access to justice, indeed which take into consideration the possibility of aid being offered to trafficked individuals, regardless of whether they are or are not willing to cooperate with prosecuting bodies.

**4.4.4.** Evaluate the current guidelines pertaining to trafficked individuals from the point of view of gender sensitivity. Make sure those women who work in harder-to-reach spheres of the economy/services gain access to information about how to avoid being trafficked and where to turn for help in case of need.

### **5. Participation in political and public life and decision-making**

**5.1.** The UN Committee in its comments on the third Periodical Report of the Czech Republic "reiterates its concern about the continuing underrepresentation of women in Parliament and government, including in standing and ad hoc committees, at the international level, and in the private sector"<sup>7</sup>.

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6 Provisional outcomes of a research paper which will be published by La Strada in the fall of 2010.

7 See: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/480/60/PDF/N0648060.pdf?OpenElement>.

The combined fourth and fifth Report concludes that the representation of women in decision-making processes has not changed since the last Report. Women are highly underrepresented in all areas of decision-making. Even in feminised sectors, such as education, health-care system, care services, etc. women are underrepresented in top positions<sup>8</sup>.

**5.2.** All the critical points on Articles 7 and 8 of the Convention raised in the last Shadow Report are still valid.

**5.3.** Recruitment and appointment processes can be characterized by the lack of political will to pay attention to vertical as well as horizontal gender segregation, let alone awareness of the lack of women of various ethnic backgrounds in decision-making<sup>9</sup>.

**5.4.** The annual report on implementation of the Czech national action plan on equal opportunities for women and men does not make any statement on the actual measures taken or strategies implemented to increase the representation of women in decision-making positions by the Czech Government and public administration.

**5.5.** Low representation of women in decision-making processes overall as well as on parties' candidate lists continues, in spite of the fact that almost 90 % of the public supports higher participation of women in politics, according to the public opinion polls conducted in 2006 and 2007<sup>10</sup>. These polls also demonstrate that 75 % of the public believes in the necessity of active engagement of women in politics.

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8 For more information on the updated data, see *Women and Czech Society* (Shadow Report on the Implementation of the Beijing Action Platform: <http://www.proequality.cz/en/articles.html?articleID=352>), proEquality 2010, *Gender Yearbook of Education*, 2009, or *Focused on Women, on Men*: <http://www.czso.cz/csu/2007edicniplan.nsf/publ/1413-07-2007>.

<sup>9</sup> The relevant statistical data does not exist, however.

<sup>10</sup> Conducted by CVVM for Forum 50 % in June 2006, November 2006, May 2007 and November 2007.

**5.6.** Horizontal gender segregation is typical of ministries as well as of government advisory bodies, whereby institutions for energy, economics or science and research are almost exclusively composed of men and bodies devoted to education, health care and human rights are largely made up of women.

**5.7.** In the parliamentary elections of 2006, despite the overall increase in their numbers on ballots, women were placed in non-elective positions. Their representation in the Parliament thus dropped to 31, i.e. 15.5 %.

**5.8.** Elections to the Senate between 1996 and 2006 can be characterized by a gradual increase in women running for office. After the elections in 2006, the representation of women senators increased to 19 %. To correct an optimistic interpretation, the drop after the 2008 election demonstrates that changes are coincidental: for example, the Civic Democratic Party did not nominate a single woman candidate in any of the 27 constituencies.

**5.9.** Two local elections took place during the period of the fourth and the fifth periodical reports: to local and regional assemblies. In general, we can say that the representation of women has varied between 17.6 and 26.3 %. After the 2006 local elections, the lowest representation, 12.5 %, was in the statutory cities with only 3 mayoresses out of 24. In almost half of these cities, there were even no women mayor-deputies, including the three biggest cities of the Czech Republic (Prague, Brno, Ostrava).

**5.10.** The underrepresentation of women is striking also in companies with the state share where the management is appointed. Men control the administrative and supervisory board at VZP (General Health Insurance Company). There is not a single woman in the management of the Czech Rail. The Czech Post has two female members (out of a total of twelve members) in its supervisory board and there is just one female manager out of six at Lesy ČR (Czech Forestry Commission), the

woman being the HR manager. Prague Airport has one woman on its five-member board of directors and one woman on its nine-member supervisory board.

**5.11.** The area of justice is one in which the overall number of female representatives is higher than the overall number of men (there have been around 20 % more female judges than male judges over the past five years). There are almost twice as many female judges than male at the district level, but this difference decreases as the level of a court gets higher. The ratio is almost identical at the high courts and is in favour of men, with almost 75% representation, when it comes to the Supreme Court of the Czech Republic. Only the Supreme Court of the Czech Republic has a female presiding judge, with the Supreme Administrative Court and both high courts chaired by men. It is also important to mention the Supreme Public Prosecutor's Office which has continually been led by women since 1999.

**5.12.** The representation of women at the Ministry of Foreign Affairs has been steadily increasing since 2004. The process may have been slow, but no other ministry can claim a similar development. As of 2010, the representation of women ambassadors is 12 %. General directions for prospective employees do not include any clause on anti-discrimination or on promotion of equal opportunities for women and men. The actual positions offered by the ministry are even worded illegally – they are gendered, which is prohibited<sup>11</sup>.

**5.13.** It can be concluded that the Article 7 of the Convention is being fulfilled *de iure*, but not *de facto*. Women, let alone women of Roma and/or other ethnic/racial backgrounds, are still highly underrepresented in a majority

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<sup>11</sup> According to the Labour Code, the positions have to be advertised in a gender-neutral form, i.e. to include both a male and a female version of the position's name. This is not happening on the Ministry of Foreign Affairs webpage with secretaries designated, linguistically, as females, consulate workers as male and IT technicians also as male.

of decision-making positions in public administration and politics. The full implementation of the right to be elected (Art. 7a of the Convention)<sup>12</sup> faces a lack of political will, especially within the political parties. So far, the government has not run any campaign to enhance the representation of women in politics and/or decision-making positions, neither has it adopted any effective measures. Thus, women are highly underrepresented in articulation of public policies and in their execution (Art. 7b).

## **5.14. Recommendations for Government Action**

**5.14.1.** To adopt an amendment to the election laws containing quotas for the representation of women and men on candidate lists for the elections to the Chamber of Deputies of the Parliament of the Czech Republic, regional assemblies and the City of Prague;

**5.14.2.** To determine specific indicators and a time framework for increasing the representation of women in decision-making positions in all areas of decision-making – ministries, governmental advisory bodies, various commissions and councils, in education, the armed forces, energy etc.;

**5.14.3.** To recommend the inclusion of a clause on anti-discrimination and promotion of equal opportunities for men and women in every public office's rules of organisation;

**5.14.4.** To compile a system of motivational and education programmes for bringing women into decision-making positions;

**5.14.5.** To reinforce the mandate of the Department for Equal Opportunities at the Office of the Government to include inspection powers and the possibility of imposing sanctions for not observing the rules of equal representation of women and men in the decision-making positions of ministries; to

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<sup>12</sup> But also some groups of men (of a younger age or other than Czech ethnic background).



ensure sufficient funds and human resources for the Department of Equality;

**5.14.6.** To ensure a system of financing of non-profit organizations dedicated to equal representation of women and men in senior positions;

**5.14.7.** To compile a system of education in the sphere of gender equality in decision-making that applies to all levels of public administration, media and the public.

## **6. Education**

### **6.1. Background Information**

In spite of ambitious political proclamations, a level of attention paid to and effort invested into gender equality in the Czech educational system is relatively low. While equal access to education is guaranteed by the Constitution, gender inequalities persist in a subtle and latent way and deeply influence study, professional and life careers of women and men. Moreover, a strong critical voice is present in the Czech educational discourse which ridicules the value of gender equality as well as the attempts to promote it.

Besides that, we can still witness a lack of political initiatives in the field, even though some progress in changing institutional structures has occurred during the last few years which brought gender equality at least a symbolic significance. Concretely, a new department of “Social Programs in Education” was established, including a division called “Equal Opportunities in Education”. Increased personnel resources and an elevation of the gender equality agenda in the organizational structure of the Ministry represent a key change. However, it is questionable whether the department will survive in the period after the 2010 elections.

### **6.2. Gender segregation in education**

Despite the constitutionally guaranteed equal access to all levels and types of schools, participation of women and men in education

differs. There is still a significant degree of horizontal segregation, mainly at secondary schools and universities. A typical educational trajectory for women includes the preparation for such occupations as a nurse, teacher, beautician etc., whereas a typical trajectory for men leads to a technical vocation.

Although horizontal segregation is decreasing, the process is very slow. Research projects carried out in 2005, 2007 and 2008 showed that decisions of students, their parents, but also teachers and career counsellors, are deeply influenced by gender stereotypes. In combination with institutional barriers, this results not only in horizontal segregation, but also vertical segregation at the highest levels of tertiary education (Ph.D. and post-docs).

### **6.3. Gender stereotypes in curriculum**

Since 2006, a curriculum reform has been carried out in the Czech Republic. All levels and types of schools, except tertiary education, have to follow the Framework Education Program (FEP) which defines educational areas, objectives and key competencies, but offers schools space to meet them in their own unique way. The FEPs also contain some educational goals related to gender equality. However, wording of pertinent sections of the text is usually very general and tricky. For example, the word “pohlavi” (English “sex,” by which organisms are classified as female or male on the basis of their reproductive organs and functions) is used instead of “gender”. Because teachers usually do not possess an adequate understanding of what gender stereotypes are, how they are produced and reproduced and why they could be harmful, they meet the FEP demands in accordance with gender stereotypes. The problem is the wording of the FEP (too vague, language does not reflect gender equality) as well as the lack of relevant knowledge and understanding on the part of teachers.

### **6.4. Female and male teachers**

The share of women among teachers is significantly disproportional. This is because

teaching, especially on the elementary school level, is seen as an occupation for which women have special talents due to their nature, i.e. gender stereotypes pertain to teaching profession as such. Contrary to their representation, women and men are unequal in the educational system at least in two ways: a) with an increasing level of education, a number of women decreases; b) with an increasing position in school management, a number of women decreases. There is also a significant gender pay gap; in elementary and high schools, it is 18 % which is surprisingly high considering that salaries on these levels follow the stable rules which are supposed to be gender neutral.

As mentioned above, teachers' knowledge and understanding of gender stereotypes are usually low, because they have virtually no opportunity to learn about them. It is not a compulsory subject in pre-gradual study programs at Faculties of Education; the same goes for life-long training programs.

## **6.5. Recommendations for Government Action**

**6.5.1.** Teacher pre-gradual and life-long educational programs should provide them with an understanding of gender stereotypes and gender equality policies.

**6.5.2.** Campaigns focusing on gender atypical career choices for pupils at elementary and secondary schools, as well as their parents and teachers, should be carried out.

**6.5.3.** Detailed and continuous monitoring of gender aspects in the educational system (participation of women and men, treatment, evaluation, achievements etc.) and specific research projects on different topics should be implemented.

**6.5.4.** A combination of gender and other potentially disadvantaging characteristics, such as ethnicity, age, sexual preference or handicaps, should be studied and addressed in school policies.

**6.5.5.** Collaboration between the state and non-governmental organizations should be encouraged and supported.

## **7. Employment, social and economic benefit**

### **7.1. Employment, unemployment, trends**

#### **7.1.1. Employment**

The employment rate of those aged 15 – 64 had an increasing trend until 2008, when it reached 66,6%. With the employment rate of men at 75,4% and of women at 57,6%, the Czech Republic is an EU country with one of the highest gender gaps in employment – 17,8 percentage points in 2008. The unemployment rate had a decreasing trend until 2008, when it reached 4,4% - 3,5% for men and 5,6% for women (Eurostat – unemployment rate of population 15+). Since 2009, the employment rate has been decreasing, due to the impact of the economic crisis.<sup>13</sup> In the first quarter of 2010, the employment rate was 64,1% - 72,3% for men and 55,7% for women. The unemployment rate grew to 9,7% in the first quarter of 2010 (measured by the Ministry of Employment and Social Affairs). Women made up 47,5% of the unemployed population between 15 and 64 years of age.<sup>14</sup>

Statistical reports, analyses and governmental documents<sup>15</sup> are focusing on the rise of unemployment due to the global financial crisis and emphasize the fact that

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13 Development of the structure of the unemployed in this year. Czech Statistical Office 2009. [http://www.czso.cz/csu/csu.nsf/informace/czam080409\\_analyza\\_b09.doc](http://www.czso.cz/csu/csu.nsf/informace/czam080409_analyza_b09.doc)

14 Employment and Unemployment in the CR by the results of Labour Force Sample Survey 1st quarter of 2010. Czech Statistical Office 2010. <http://www.czso.cz/csu/2010edicniplan.nsf/p/3101-10>

15 The national program of the European year of the fight against poverty and social exclusion of the Czech Republic. (available at: <http://www.mpsv.cz/files/clanky/7456/material.pdf> last accessed 1st August)

unemployment rate is rising faster in case of men. The other side of the situation, however, is the fact that men are also those who can find new jobs more easily and more quickly compared to women. There is a danger of new measures concentrating on men, even if there is a significant number of unemployed women and long-term unemployed women and the process of finding a new job is more difficult for them than for men. Also, policies targeted at older women, women graduates, women after parental leave, migrant and Roma women are completely missing.

### 7.1.2. Segregation

The Czech labour market is highly segregated. Of 107 employment categories (total number of the 4-digit ISCO classification), in 2008, 45.7% of employed women were concentrated in 10 categories only. Women create 84% of all administrative workers (ISCO code 343) and this category accounts for 8,5% of all employed women in the Czech Republic; 98% of all nurses and care-takers are women (ISCO code 323) and this category accounts for 6% of all employed women. At the same time, 41% of employed men are concentrated in 10 completely different categories. Men prevail among technical and manual workers.<sup>16</sup>

Vertical segregation of the Czech labour market is also strong. Only 4,4% of all employed women work in managerial positions, compared to 8,4% of men. Women make only 28% of managers in the Czech Republic. Czech women significantly prevail in lower management positions.<sup>17</sup> There are no policies or measures to tackle the strong gender segregation of the Czech labour market.

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16 The structure of wages of employees in 2008. Czech Statistical Office 2009.  
[http://www.czso.cz/csu/2009edicniplan.nsf/publ/3109-09-v\\_roce\\_2008](http://www.czso.cz/csu/2009edicniplan.nsf/publ/3109-09-v_roce_2008)

17 Employment and Unemployment in the CR by the results of Labour Force Sample Survey - Annual averages 2008. Czech Statistical Office 2009.  
<http://www.czso.cz/csu/2009edicniplan.nsf/publ/3115-09-2008>

### 7.1.3. Gender discrimination and Gender pay gap

Horizontal but also vertical segregations are the main cause for the wide gender pay gap in the Czech Republic. In 2009, the overall gender gap in average earnings of men and women was 27 percentage points. In management positions, this gap was 48 percentage points. In lower administration positions, the gap was 17 percentage points.<sup>18</sup>

Within-job pay inequality plays a significant role at the Czech labour market. Czech women doing the same job in the same establishment earn about 10% less than their male co-workers.<sup>19</sup>

The Antidiscrimination law was passed in 2009 (198/2009) and it says: "Employers are required to ensure equal treatment in employment opportunities and access to employment, access to the professions, business and other self-employed, work and other activities, including remuneration." In the Czech Republic, the legal system lacks legitimacy and the practice of employment relations is very different from the existing regulations prohibiting discrimination. Discriminatory questions on family situation, plans and childcare arrangement is a common practice encountered by most Czech women at the point of hire. Women with small children, childless women over 30 years of age, older women and Roma women are the groups most vulnerable to discrimination. The problem of multiple discrimination has not been opened yet in the Czech political debate. Women with low education levels are often abused by temporary work contracts, chaining of such contracts, by work without any contract or bad working conditions.

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18 The structure of wages of employees in 2009.

<http://www.czso.cz/csu/2010edicniplan.nsf/p/3109-10>

19 Křížková, A., A. M. Penner, T. Petersen (2010). "The Legacy of Equality and the Weakness of Law: Within-Job Gender Wage Inequality in the Czech Republic." *European Sociological Review* 26: 83-95.

## **7.2. Work-life balance**

The Czech Republic is a EU country with the highest employment impact of parenthood on the women indicator. In 2007, for instance, the difference between the employment rate of women aged 20-49 with and without children aged 0-6 years was 43,2 percentage points. This phenomenon is due to discrimination based on motherhood at the Czech labour market, low availability of flexible and part-time working arrangements and a low availability of childcare services for small children. For men, this indicator was -8,9 in 2007, meaning that men with small children in this age category are employed even more often than men without small children.<sup>20</sup>

### **7.2.1 Insufficient capacity of childcare facilities and services (especially for children under 3 years of age)**

Czech national and regional family policies suffer from the lack of sociological and demographic analyses of population development and effects of family policies. Problems are caused by the conception of maternity and parental leave – mainly by the insufficient capacity and availability of childcare facilities and services, especially for children under 3 years of age. There are about 30 nurseries (for approximately 1, 000 children) in today's Czech Republic, although the demand is growing these days. Moreover, parents do not have many alternatives. Besides public childcare facilities, parents can use private nurseries and kindergartens or baby-sitting services, which are not affordable for all social groups. The lack of preschool facilities (for children 3-6 years old) is even more painful for the majority of parents. The access to preschool is almost non-existent especially for children of divorced parents and women working part-time.

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<sup>20</sup> European Commission. Compendium of indicators 2009.

### **7.2.2. Non-functional system for mothers (and also fathers) who return to work after parental leave**

In the Czech Republic, maternity and parental leaves last up to 3 years of the child (depending on the choice the parents make). This gives an opportunity to people to personally care for their children, but, on the other hand, the system fails, if mothers or fathers want to combine parental leave with work and also when they return from parental leave back to the labour market. There are several reasons for this situation: three years is quite a long time for getting back to the same position or to the same employer, insufficient capacity of childcare facilities and an inflexible labour market do not guarantee the option of combining work and care even after the child reaches 3 years. Employers do not respect basic legal norms which cover the rights of the mothers and fathers to return to the labour market after the parental leave.

### **7.2.3. Absence of flexible working arrangements enabling the combination of family and work life**

Only 6,2 % of all employees work part-time (more women – 10, 2 % – than men) in the Czech Republic. This situation complicates the position of parents and other disadvantaged groups at the labour market. Also, other forms of flexible working arrangements are not widespread in the Czech Republic. This is caused by the lack of interest of employees to work part-time (mostly because of the low income this entails), but even more so by employers who are not willing to offer positive flexibility when full-time employment is “the norm”.

There have been some gender-biased political attempts to increase the proportion of part-time employment by tax deduction for employers who would employ parents on part-time. This action does not take into account negative experience with part-time jobs in other European countries (especially as a trap for women at the labour market). It is important to promote part-time employment as a transitional form of work suitable for

certain life periods, but full-time arrangement should remain a standard way of employing people.

#### **7.2.4. Fathers' leave**

The government is not planning to introduce a period of the parental leave reserved for fathers only (for the second parent) to promote their involvement in childcare.

### **7.3. Refugee women and migrant women at the labour market**

**7.3.1.** Migrant women, generally, face problems, such as multiple discrimination, harassment and bullying, exploitation etc. Women, who are in a particularly precarious position, are the migrants from the third countries who possess a long-term residence permit bound with either work or entrepreneur permission (both documents are necessary for a legal stay in the country). Several problems might occur when becoming pregnant/having children in this context:

- employed women mostly have a fixed-term contract, so even though they are entitled to a maternity/parental leave, they risk losing their legal status in the country which is bound with economic activity/ongoing employment contract,

- migrant women, especially, are negatively influenced by the overall lack of childcare (for children 0-6),

- general problems connected to gender inequality at the labour market (for instance horizontal segregation, gender pay gap, harassment) also constitute an even more serious problem for migrant women – risk of losing current employment contract is too high and the consequences too fatal, so it is unimaginable for this group of women to effectively protect their own rights.

**7.3.2.** Entrepreneurs (third countries nationals, without permanent residence), both men and women, have to fulfil extra-duties, especially a required record in the trade register means higher demands on

accounting, which raises financial demands for small entrepreneurs or creates a situation in which they are not capable of managing the business on their own, thus again become dependent on “clients”.

### **7.4. Recommendations for Government Action**

**7.4.1.** Include clear policies, targets, measures and indicators to reduce horizontal and vertical segregation and narrow down the gender pay gap in the government *Priorities and Procedures of Implementing Equal Opportunities for Women and Men*.

**7.4.2.** Support and develop the public childcare facilities system, which plays an important role in the Czech educational system. Develop a new system of financing nurseries, which will better distribute its costs between state, regions and parents. Redefine hygienic and space norms for nurseries and kindergartens, which will better meet the real needs of children. Conduct a study on childcare facilities and services based on sociological and demographical data, which will be used for the preparation of a long-term strategy in this area. Improve communication between state and local authorities, which are responsible for childcare facilities.

**7.4.3.** Strengthen antidiscrimination policies by concrete targets, measures and evaluation criteria and organize awareness-raising events and education of legal experts and introduce penalties for those who break the Antidiscrimination law.

**7.4.4.** Promote best practices in work-life reconciliation and employment of parents.

**7.4.5.** Award employers – both from the public and the private spheres – realizing programs promoting work-life reconciliation and equal opportunities.

**7.4.6.** Organize awareness-raising campaigns for employers and employees on the topic of flexible working arrangements. Inform the public not only about the positive aspects of part-time work, but also about its possible

negative consequences. Set policies and measures to prevent discrimination of women and men working part- time.

**7.4.7.** Introduce a gender perspective and the use of gender mainstreaming in all research reports, conceptual documents and annual reports.

**7.4.8.** Motivate fathers in participation in childcare by introducing “paternal leave”, the time of parental leave reserved only for fathers (or the second parent) to support gender equality.

**7.4.9.** Include the perspective of migrants, especially of migrant women, in strategic documents and programs on equality of men and women. Open a discussion on legislative provisions protecting migrant mothers/pregnant women. Open a discussion on the role of the Labour Offices in providing service to migrant workers before they reach permanent residence (option to receive counselling, re-qualification etc.).

**7.4.10.** Strengthen the capacities of the State Labour Inspection to do employer check-ups and to record cases of discrimination.

## **8. Health**

### **8.1. Reproduction Health Choices**

**8.1.1.** Pregnancy, childbirth and postpartum care in the Czech Republic is provided almost exclusively by obstetricians in hospitals or in the private practice; birth almost always takes place in hospitals. The low perinatal mortality rate is, thus, “bought” by relatively high intervention and medicalization rates, and therefore morbidity. The cesarean section rate grew from 12.6% in 1999 to 21.9% in 2008. Women’s wishes and needs are often disregarded by the staff, and many interventions are carried out routinely, in spite of the outcomes of the scientific research on the effective care in perinatology. Newborns are, in many cases, separated from their mothers, for up to several hours, with no health-related reasons behind such a procedure. Mothers wishing to leave the

hospital with their healthy babies in less than 72 hours after birth are sometimes not allowed to do so and are threatened with the arrival of the police. Hospital practices still continue to breach the principle of informed consent and to violate the right to family life of parents and babies alike. Thus, women’s access to effective health care in compliance with their wishes and with the scientific research findings is seriously limited (which represents insufficient compliance of the State with the article 12 of CEDAW).

**8.1.2.** Midwifery care, proven to be safe for healthy women in terms of perinatal mortality, is intentionally restricted by the state and is not covered by the public health insurance. Independent midwives are not allowed to lead births of their clients in hospitals. The Ministry of Health has, repeatedly, blocked the founding of a birth centre and has obstructed the work of and access of women to independent midwives. Primary care and prevention in pregnancy and postpartum are, therefore, very limited.

**8.1.3.** Women wishing to deliver in a place other than hospital will soon have no legal options of birth assistance. Obstetricians do not assist at out-of-hospital births as their professional standards forbid it. The Ministry of Health has drawn legislation on technological and material equipment of healthcare providers (waiting for approval by the Legislative Council of the Government as of July 2010) requiring that midwives assist birth only in hospital-like settings and that intensive care equipment and facilities are available at all times, thus making homebirths and birth centre births with midwifery assistance impossible.

**8.1.4.** Mothers of babies born at home or mothers who insisted on an early discharge from hospital face further obstacles. Due to the internal methodological directive of the Pediatric Chamber, no paediatrician without neonatological qualification may accept into his/her care an infant younger than 72 hours. Civil registration offices in Prague have, repeatedly, refused to register babies born at

home and issuing a birth certificate when only a midwife's birth certification was provided. The reason given to explain such a procedure has been fear of child trafficking. An Ombudsman's report dated March 19, 2010 stated, however, that such a practice had no legal basis and should be stopped.

## **8.2. Access to healthcare for migrant women**

Act 326/1999 Coll., on the Residence of Foreign Nationals in the Czech Republic, introduces special conditions to migrants in regard to health insurance (especially, their duty to document insurance for the whole permitted stay) and it also excludes certain migrant groups from the Act 48/1997 Coll., on Public Health Insurance. Thus, it is not possible to claim that all women in the Czech Republic have an access to quality healthcare – this applies only to citizens, migrants with permanent residence, asylum holders and employed migrants. Migrants, who have not yet obtained permanent residence and are not employed (e.g. entrepreneurs, people coming on grounds of family reunion) cannot enter the public healthcare system. They are obliged to contract private insurance ("travellers' health insurance"), which leads to major problems: it is financially demanding, because the fee has to be paid in advance for the whole stay, the standard of care is lower – not all of the procedures are covered, there are many exceptions and options for the insurance company to deny reimbursing the care provided, so many procedures have to be paid directly.

For women, this is especially problematic, since healthcare during pregnancy and labour demands a more expensive insurance scheme and an extra fee is required for the care of the infant. Newborn children might not be able to access the public healthcare services and there are reported cases where children born with special needs were refused to be insured by private insurance companies. Not being insured for the whole stay in the country might lead to expulsion.

## **8.3. Illegal sterilization of women**

Reproductive health includes, apart from other things, the fact that people are capable of having children and of freely deciding if, when and how often they will have them. From this perspective, the fundamental issue of illegal sterilizations in the Czech Republic, in particular of Roma women, was addressed in the period in question. In 2004, the ombudsman, in particular thanks to an initiative from non-governmental organizations (namely, the European Roma Rights Center, the League of Human Rights, Life Together and IQ Roma Service), began to investigate the issue of sterilizations carried out illegally. The ombudsman received over 80 complaints regarding unauthorized sterilizations in 2005. He sent these complaints to the Ministry of Health, however the results of its investigation, which was performed by an advisory board, attracted criticism. In the cases investigated, the ombudsman arrived at the conclusion that there had been a serious breach of the right that sterilization be carried out only with the informed agreement of the woman. According to the ombudsman, in the case of the Roma women before 1990, an element of pressure exerted by social workers was also involved. The ombudsman prepared several recommendations in the areas of legislation, methodology and compensation. On 11/23/2009, the government adopted a resolution that expressed "regret over the individual errors discovered during the performance of sterilization in contradiction to the directive of the Ministry of Health of the Czechoslovak Republic".<sup>21</sup>

## **8.4. Recommendations for Government Action**

**8.4.1.** The Ministry of Health should start an open discussion with NGO's and midwives'

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<sup>21</sup> The point 8.3. "Illegal Sterilisation of women" is quoted from: Křížová, E., Sovová, P., Víznerová, H., Zahumenský, D. "Women and Health" in *The Shadow Report on the Implementation of the Beijing Platform for Action in the Czech Republic (Beijing +15)*. Open Society, p.b.c. 2010.

associations to draw from their experience and know-how.

**8.4.2.** Revise the legislation on technological and material equipment of healthcare providers according to international midwifery standards. Support quality midwifery care by adopting international midwifery standards for independent midwifery practice, to make midwife-assisted out-of-hospital birth a safe and available maternity care option.

**8.4.3.** The Ministry of Health should draft a Protocol of Normal Birth Care and supervise the quality of care in maternity hospitals in order to improve the maternity care practices and respect for the rights of the birthing and postpartum women.

**8.4.4.** The newly established working group of the Government Council for Human Rights and Biomedicine should facilitate cooperation of the Ministry of Health with organizations of midwives and parents drawing the necessary legislation and ensuring an increase in numbers of independent midwives and their inclusion into the health care system.

**8.4.5.** Legislative changes – ensure access of specific groups of migrants to the system of public healthcare (entrepreneurs, family members), especially as concerns the situation of minors, regardless of their residence status.

## 9. International Dimension of the Fulfilment of CEDAW<sup>22</sup>

### 9.1. Background Information

In the fourth and the fifth Periodic Reports on the implementation of the Convention, the Czech government fails to mention applying of the obligations of the Convention to national policies and activities which have an impact beyond the national level. In this context, women's/gender organizations are concerned that the overall approach at the governmental level, represented mainly by the Ministry of Foreign Affairs (MFA), in applying gender mainstreaming to national policies has not been managed in a systematic way and has, so far, failed to be given substantial political attention. Women's/gender organizations stress that an increased emphasis on gender mainstreaming is required especially in the following areas: (i) development cooperation and humanitarian aid, (ii) human rights and transition promotion policy, and (iii) implementation of the UN Security Council Resolution (UNSCR) 1325 on women, peace and security.

### 9.2. Development cooperation

The MFA activities with possible contributions to the fulfilment of the Convention include bilateral and multilateral cooperation. On the policy level, the strategic and conceptual documents are predominantly gender-blind and no practical guidelines/toolkits have been issued to support the dual track of gender mainstreaming in programming. However, in 2009, the MFA commissioned a strategy for mainstreaming gender into the Czech Development Cooperation (CZDC) and used some of its recommendations in the new Development Cooperation Concept for 2010-

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<sup>22</sup> The text partially draws on the text by Míla O'Sullivan and Blanka Šimůnková International Dimension of the Fulfilment of the Beijing Platform for Action, in Tereza Wennerhelm Čáslavská, Petra Kubálková ed., Shadow Report on the Implementation of the Beijing Platform for Action in the Czech Republic (Beijing + 15), ProEquality Centre/Open Society, p.b.c., March 2010



2017. This document declares gender equality as one of the cross-cutting approaches. Nevertheless, given the fact that the MFA lacks the expertise in the field of gender and development, the actual impact of these recent policy steps remains to be seen.

### **9.3. Human rights and transition promotion policy**

Although human rights provision and transition promotion programming are considered a flagship of the Czech foreign affairs, its prerequisite – support of women’s rights – is not explicitly emphasized within them. Similarly to the CZDC, the strategic and conceptual documents, as well as programming guidelines, fail to consider the dual track of gender mainstreaming. Some progress has been made in the new Transition Promotion Program Concept (2010) which includes gender equality as one of the categories within the thematic priority of equality and non-discrimination. Nevertheless, this general statement offers little space to directly support women’s rights. Women’s/gender organizations further stress that beside the MFA, the Government Commissioner for Human Rights, who has competency for monitoring the fulfilment of the Convention, has not yet outreached the foreign affairs and neither has the national government Gender Equality entity.

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

Significant deficiency persists in the implementation of the UNSCR 1325 on women, peace and security and related commitments (UNSCR no. 1820, 1888, 1889) in the national policies and practices of the Czech Republic. Besides the MFA as the key actor to be held accountable, these commitments involve also the Ministry of Defence, the Ministry of Interior, and the Gender Equality government entity. Women’s/gender organizations are concerned that the Czech Republic has not yet developed

a national action plan for the implementation of UNSCR 1325 or an alternative mechanism. Moreover, the level of the fulfilment of the resolution has not yet been systematically mapped in the Czech context.

### **9.5. Recommendations to Government Action**

**9.5.1.** Ensure gender mainstreaming on two levels (dual track): gender equality as a cross-cutting issue and specific support to women’s empowerment in all strategic and conceptual documents of development cooperation, humanitarian aid, human rights and transition promotion policy;

**9.5.2.** Develop practical guidelines for gender mainstreaming in all phases of the project cycle and a methodology of gender indicators for all programming of development cooperation, humanitarian aid, human rights and transition promotion policy;

**9.5.3.** Actively support the new agency UN Women, including allocation of substantial financial resources through multilateral cooperation;

**9.5.4.** Create a strategic document for fulfilling the UN Security Council Resolution No. 1325 on women, peace and security and related regulations, and ensure coherence with other development and defence related policies;

**9.5.5.** Ensure systematic gender equality training for all government officials working in related areas in the ministries as well as for those sent on foreign missions;

**9.5.6.** Create a mechanism and prepare a strategic document to involve other government entities (i.e. gender equality and human rights units) in gender mainstreaming in foreign affairs.