



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

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

**Consideration of reports submitted by States parties under
article 18 of the Convention**

Sixth periodic report of States parties due in 2014

Czech Republic*

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* The present document is being issued without formal editing.



Contents

	<i>Page</i>
Note	4
Introduction	5
Fulfilment of Individual Articles of the Convention	6
Article 1	
The legislative definition of sex discrimination	6
Institutional Framework of gender equality	7
Article 2	
Measures to eliminate discrimination against women	12
Violence against women	15
International Development Cooperation	25
Article 3	
Ensuring human rights and fundamental freedoms	25
Article 4	
Temporary special measures	27
Article 5	
Measures to change social and cultural habits	28
Measures for the proper understanding of maternity as a social function and the recognition of common responsibility of men	31
Article 6	
Combating human trafficking	32
Prostitution	34
Article 7	
Participation of women in political and public life	35
Elections to the Chamber of Deputies	35
Presidential elections	36
State administration	37
The judiciary	37
Businesses	38
Article 8	38
Article 9	39
Article 10	
Gender equality in education	39
Article 11	
Measures to eliminate discrimination against women in the labour market	41
Measures to prevent discrimination against women on the grounds of marriage or maternity ...	48

Article 12	
Measures to eliminate discrimination in health care	49
Article 13	
Measures to eliminate discrimination in other areas of economic and social life	52
Article 14	
Measures to eliminate discrimination against women in rural areas	58
Articles 15 and 16	
Promoting gender equality before the law and in civil matters, family relationships and matters relating to marriage	59
Article 20	
Meeting of the Committee on the Elimination of All Forms of Discrimination against Women	60
Glossary	61

Note

The Government of the Czech Republic approved the report by its resolution of 27 October 2014.

This report was elaborated by the Minister of Human Rights, Equal Opportunities and Legislation on the basis of information provided by central state administration authorities of the Czech Republic, higher territorial self-government units, non-governmental non-profit organizations, the academic sector and social partners.

Introduction

1. The Convention on the Elimination of all Forms of Discrimination against Women (hereinafter only the “Convention”) was approved in New York on 18 December 1979 and came into force under Article 27(1) as of 3 September 1981.
2. It was signed on behalf of the Czechoslovak Socialist Republic in Copenhagen on 17 July 1980 and came into force for the Czechoslovak Socialist Republic as of 18 March 1982, in accordance with its Article 27(2).
3. In 1994, the Czech Republic submitted to the Committee for the Elimination of All Forms of Discrimination against Women (hereinafter only the “Committee”) an initial report on the Convention for the years 1993-1994. The Committee reviewed the report on 26 and 27 January 1998. At its meeting of 8 August 2002, the Committee reviewed the second periodic report of the Czech Republic for the period from 1 January 1995 to 30 June 1999. The third periodic report of the Czech Republic for the period from 1 July 1999 to 31 December 2003 was reviewed by the Committee on 17 August 2006. The joint fourth and fifth periodic report of the Czech Republic for the period from 1 January 2004 to 31 July 2008 was reviewed by the Committee in October 2010.
4. On 22 October 2010 the Committee subsequently issued Final Recommendations ([CEDAW/C/CZE/CO/5](#)) where it called upon the Czech Republic to submit, inter alia, the Sixth Periodic Report in October 2014. The Sixth Periodic Report covers the period from 1 August 2008 to 31 July 2014. It focuses on the description of important changes that have occurred since the compilation of the previous periodic report and responds to problems highlighted by the Committee in its Recommendations.
5. The report describes legal and other measures that have been adopted and that reflect the progress achieved in eliminating discrimination against women, significant changes in the status of and achievement of equality for women, and the procedures intended to eliminate remaining obstacles to women’s involvement in political, social, economic and cultural life.
6. The report has been compiled by the Gender Equality Unit of the Office of the Government of the Czech Republic with the use of materials provided by the central administrative bodies, regions, the Public Defender of Rights (hereinafter only the “PDR”), the Constitutional Court, The Supreme Court, the Supreme Administrative Court, representatives of employers’ associations and trade unions, scientific institutions and non-profit organizations active in the area of support of the equality of women and men. The report has also been discussed by the Government Council for Equal Opportunities of Women and Men.
7. In its Czech version, the report does not use exclusively masculine gender, as is customary in the Czech language, and instead uses both genders. By doing this it strives to fulfil the goal, which is to remove gender stereotypes, as the association tests prove that generic masculine gender is related to a picture of a man and influences the establishment of a stereotypical view of the world.
8. The author of the report is aware of the philosophical difference between the terms “gender equality” and the “equality of men and women”, however for the purpose of this report these terms are considered synonyms.

Fulfilment of individual Articles of the Convention

Article 1

The legislative definition of sex discrimination

9. On 1 September 2009 the Act No. 198/2009 Coll., On Equal Treatment and Legal Protections against Discrimination and amending certain laws (the “Anti-Discrimination Act”) came into force. The Anti-Discrimination Act further specifies the general prohibition of discrimination set out in the Charter of Fundamental Rights and Freedoms.¹ In accordance with EU regulations the Anti-Discrimination Act is a comprehensive regulation of the right to equal treatment. According to the Anti-Discrimination Act harassment, sexual harassment, stalking, instruction to discrimination and incitement to discrimination are considered discrimination as well. Discrimination on grounds of sex also includes discrimination on grounds of pregnancy, maternity or paternity and due to sexual identification. In accordance with article 4 of the Convention it is not possible under the Anti-Discrimination Act to regard as discrimination measures designed to prevent or compensate for disadvantages arising from the person’s affiliation to a group of persons defined by any of the discriminatory grounds and provide her with equal treatment and equal opportunities.

10. The role of the so-called equality body in accordance with the relevant EU directives² is performed since 1 December 2009 by the PDR. Persons, who believe that they are victims of sex discrimination, can turn to the PDR with their individual complaints. In justified cases they are provided with methodological assistance in pursuing their complaints regarding discrimination.³ In the area of discrimination the PDR has extra power to investigate not only the procedures of administrative offices, but also of private persons, with a view to ensure the effective exercise of the right to equal treatment.

11. The amendment of the Act No. 435/2004, on Employment, effective from 1 January 2012, changed §4 due to the elimination of duplication contained in the Anti-Discrimination Act and the Employment Act. The Anti-Discrimination Act defines the areas in which discrimination is prohibited, defines the basic concepts, defines the prohibited discriminatory grounds and establishes the legal means of protection against discrimination. For this reason, the Employment Act only imposes a new obligation to respect the equality and prohibits any discrimination in the exercising of the right to employment.

12. In 2011, the European Court of Justice (hereinafter the “ECJ”) issued a decision in Case C-236/09 Test-Achats, which refers to Council Directive 2004/113/EC, which establishes the principle of equal treatment between men and

¹ Resolution of the Czech National Council no. 2/1993 Coll., The Charter of Fundamental Rights and Freedoms as part of the constitutional order of the Czech Republic.

² For example the Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions, Directive of the European Parliament and Council Directive 2006/54/EC of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in employment and occupation.

³ For details, see the provisions of §21b a) Act No. 349/1999 Coll. on Public Defender of Rights.

women in the access to goods and services and their provision. With this decision, effective from 21 December 2012, the ECJ abolished the option to use proportionate differences in premiums and benefits for insured men and women, if sex is a determining factor in the assessment of risk based on relevant and accurate actuarial and statistical data. Following this decision the Act No. 99/2013 Coll. has been adopted, amending certain laws in the field of insurance and pension insurance in connection with the abolition of exceptions from the principle of equal treatment under EU law. The purpose of this Act is to implement the judgment of the ECJ in question and to extend the principle of equal treatment between men and women in the insurance industry and achieve compatibility of the Czech law with the EU law.

13. In relation to the use of the Convention in the judicature of Czech courts it is possible to refer e.g. to judgment of the Supreme Court file No. 30 Cdo 4277/2010 of 13 December 2012, which stated that at the international level, protection against discrimination is regulated by the conventions, by which the Czech Republic is bound, i.e. the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and political Rights and the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child. The judgment concerned racial discrimination.

14. In terms of visibility of the Convention and the Committee's work the Gender Equality Unit continues with the disclosure of general recommendations of the Committee on the website of the Secretariat of the Government Council for Equal Opportunities for Women and Men (hereinafter as the "Council"). The project, supported by the Norwegian Funds, named "Domestic Violence and Gender-Based Violence/Mainstreaming of Equal Opportunities for Women and Men and Promoting the Reconciliation of Work and Private Life" (hereinafter referred to as "Project CZ 13"), the implementation of which has been started by the Gender Equality Unit in March 2014, will among other things include a publication informing about the Convention, the Committee's activities and also about institutional framework for gender equality in the country. The publication is planned for release during 2015, both in printed and electronic form.

Institutional Framework of gender equality

15. The Committee in its Concluding Recommendations for the Czech Republic invites to consider the re-creation of a special minister with responsibility for gender equality and strengthening the powers and resources of institutions active in the field of equality between women and men. The post of the Minister for Human Rights and National Minorities was established until 29 March 2010. After the resignation of the Minister for Human Rights and National Minorities in October 2010 the agenda of human rights, including gender equality, was the responsibility of the Government Commissioner for Human Rights. Then with effect from 1 December 2011 the agenda of gender equality, including Council Secretariat, moved to the remit of the Minister of Labour and Social Affairs. Following the appointment of the new government in January 2014, restoration of the independent position of the Minister for Human Rights, Equal Opportunities and Legislation, currently held by Jiří Dienstbier, and agenda of gender equality was subsequently moved to his area of responsibility as of 1 July 2014.

16. The advisory body of the government for the equality of women and men is the Government Council for Equal Opportunities for Women and Men. The Council was established in 2001 and its members are representatives of the individual ministries, social partners, the academic sector and civil society and expert public. At present, at least, the Council has the following working bodies for specific areas related to gender equality:

- Committee for the Prevention of Domestic Violence and Violence against Women (established in 2008);
- Committee for Balanced Representation of Women and Men in Politics and Decision-making (established in 2009);
- Committee on Institutional Framework for Equal Opportunities for Women and Men (established in 2009);
- Committee for the Reconciliation of Work, Private and Family Life (established in 2009);
- Working Group on Men and Gender Equality (established in 2012).

17. As success in this context can be considered not only that the Council and the various committees and working groups have been successfully established, but also that they are (especially in recent years) really active and produce series of initiatives aimed at promoting equality between women and men.

18. As mentioned above, the agenda of gender equality, including Council Secretariat, was in the period since 1 December 2011 under the auspices of the Minister for Human Rights (or the Government Commissioner for Human Rights). Subsequently, from 1 December 2011 until 30 June 2014, the agenda of gender equality, including the Council Secretariat, was under the responsibility of the Minister of Labour and Social Affairs. From 1 July 2014 the agenda is again the responsibility of the Minister for Human Rights, Equal Opportunities and Legislation, who is also the Chairman of the Council, and the agenda is incorporated within the Office of the Government.

19. On the basis of the 4th World Conference on Women held in Beijing in 1995, the Czech Republic adopted in 1998 a national action plan named “Priorities and Procedures of the Government in the Promotion of Equality between Men and Women” (hereinafter referred to as “Priorities”). The Priorities are a fundamental strategic document in the field of gender equality at the government level. It is a document that is annually approved by the Czech government, a part of which is both a report on equality between women and men in the preceding calendar year, as well as a list of tasks for individual departments for the following calendar year (or longer period) — the so-called Updated Measures. For the Priorities to be successfully implemented several factors are necessary — sufficient capacity on the part of those subjects that are responsible for their implementation and monitoring, relevance and continuity of the imposed tasks, and last but not least, the will to achieve them. In its resolution of 15 May 2013 No. 348 the Government of the Czech Republic, among other things, expects the creation of a medium-term strategic document for securing gender equality in the country.

20. In November 2012 the Gender Equality Unit launched the implementation of the project “Optimization of Institutional Support for Equal Opportunities for Women and Men in the Czech Republic” (hereinafter referred to as “Optimization

Project”), financed from the Operational Programme Human Resources and Employment. The project responds to the current situation of gender equality in the Czech Republic, when, compared with other countries (especially in the EU), many challenges remain, such as low employment of women in comparison to men’s employment, low rate of use of flexible forms of work, great barriers for the return of mothers into the labour market, a significant difference in pay between women and men (so-called gender pay gap), the low representation of women in decision-making positions, and much more. The basic objective of the project is to develop effective tools and policies to promote gender equality at the government level.

21. Thanks to the implementation of the Optimization Project the personnel of the Gender Equality Unit has been increased by seven workplaces in 2013. It also contributed to the restoration of activities that had to be limited due to the previous lack of human resources; for example materials that may be commented within the process of submission to the government are better monitored, there is a better interconnection and deepening of activities of the various committees and working groups, activities are being performed that are aimed at the public or a more active cooperation with non-profit, academic and business sector and with government coordinators of equal opportunities for women and men. Improvements can also be seen in the field of international cooperation, in maintaining contacts and transfer of experience with the promotion of equality between women and men from abroad. In cooperation with the committees of the Council a number of important initiatives have been developed and submitted to the Council. For example in 2013, negotiations on strengthening the capacity of the personnel capacity of the Department of Equal Treatment of the Public Defender of Right’s Office (hereinafter referred to as “PDRO”) was based on the initiative of the Committee on Institutional Framework for Equal Opportunities for Women and Men. One of the key outputs of the project is also the creation of the Strategy of Gender Equality for the period 2014-2020 (hereinafter only as the “Strategy”). In addition, a unified methodology shall be created within the Optimization Project in 2014 for assessing the impact on equality between women and men in the materials submitted to the government with a view to the effective implementation of the principle of gender mainstreaming in the government’s policies.

22. The Strategy will be the government’s framework document for the promotion of equality between women and men. It will be supported with the annually updated Priorities document, particularly in terms of setting targets that would be required in the period 2014-2020 by defining specific tasks in the Priorities and determination of the so-called minimum standard, which has been more or less achieved in individual departments and which needs to continue to be maintained. The Strategy will also provide a broader framework and complement other strategic and conceptual documents of the government, which are associated with the gender agenda. The Strategy will also act as a basic framework for future action plans, which will elaborate some of its topics — e.g. Action Plan for Balanced Representation of Women and Men in Decision-Making Positions (see Art. 7) and the Action Plan for the Prevention of Domestic Violence and Violence against Women (see Art. 2). By linking specific issues with a cross-cutting strategy it will be possible to improve the real situation in so far systematically unresolved complex agendas, such as multiple discrimination, or to reinforce the gender perspective in the areas, for which strategic documents already exist (e.g. social exclusion). In formulating objectives and measures the Strategy also draws from other sources,

which are mainly outputs from national statistical surveys, published mainly by the CSO and also previous Summary Report on the Implementation of the Priorities and Procedures for the Promotion of Equal Opportunities for Women and Men. Another valuable source of inspiration when developing the Strategy are also the European and international documents in the field of equality between women and men (including the Convention, the Committee's General Recommendations, the Beijing Declaration, the relevant recommendations of the Council of Europe and the EU Strategy for Gender Equality for the period 2010-2015).

23. The actual creation of the Strategy was preceded by a detailed initial analysis. Its preparation involved representatives and of the non-profit, academic and business sectors, social partners and members of the committees and working groups of the Council, departmental coordinators and coordinators of equal opportunities for women and men. During the creation of the Strategy an expert group was created composed of experts on gender issues, which actively cooperates with the Gender Equality Unit. Completion of the Strategy is planned for the second half of 2014, when an international conference will be held for its presentation.

24. The Committee encourages the Czech Republic to strengthen the powers of the PDR. In this regard The Office of the Government has prepared an amendment to Act No. 349/1999 Coll., The Public Defender of Rights, which proposes extending the powers of the supervisory body by including the power to propose the initiation of proceedings under Anti-Discrimination Act. The PDR could use this power if the violation of the right to equal treatment touched a larger or an indefinite number of persons, or if it could seriously compromise the public interest. At the time of preparation of this report the amendment is in the initial phase of the legislative process. Regarding the personnel capacities of PDRO, equal treatment agenda is dealt with by the Equal Treatment Department, which in the reporting period consisted of 5-7 lawyers and since 2011 also included one part-time sociologist. The number of lawyers of the Equal Treatment Department was as of 1 August 2014 increased to 10. Important factors that lead to the increase in PDRO personnel capacity were the initiative of the Council and also the pressure of the civil sector.

25. Based on Government Resolution of 20 April 2005 No. 464 the individual ministries established positions of coordinators of equal opportunities for women and men (so-called gender focal points), which deal with the agenda of gender equality for the given resort. Based on the regularly adopted Government Resolutions to the Summary Report on the Implementation of Priorities the individual departments also established working groups for gender equality. Methodological and coordination support of the activities of departmental coordinators is provided by the Gender Equality Unit. Thanks to the Optimization Project regular workshops for training and guidance of departmental coordinators are being organized since 2013.

26. The Committee encourages the Czech Republic to strengthen cooperation with civil society and women's organizations, political parties, professionals and experts in the field of education, the private sector and the media. The cooperation of government with NGOs working in the field of gender equality, representatives of the social partners, business sector and scientific institutions and other relevant stakeholders is an essential part of promoting equality between women and men. Non-governmental organizations play an irreplaceable role in promoting gender equality and raising awareness in this area. The government seeks to improve the

cooperation with non-governmental organizations, social partners and other relevant actors, among others, by the inclusion of their representatives in the Council, its committees and working groups. Political parties are included in the Council's activities particularly through the Committee of the Council for Balanced Representation of Women and Men in Politics and Decision-Making Positions, whose members are always two representatives (man and woman) of relevant political parties. Another means of cooperation are the subsidies to individual ministries designed to promote gender equality and prevention of domestic violence.

27. Based on the initiative of the Council Committee on Institutional Framework for Equal Opportunities for Women and Men the Council endorsed the creation of a separate grant programme for NGOs in the area of gender equality for 2014 and beyond. Under this initiative the MLSA announced on 31 October 2013 a grant procedure "Grant Programme for the Support of Public Purpose Activities of Non-Governmental Organizations Dealing With Equal Opportunities for Women and Men" for the year 2014 in the total amount of 5 mil. CZK. In 2014 a total of 10 non-governmental organizations active in the field of equality between women and men have been supported. This grant programme was transferred in 2014 together with the agenda of gender equality and the Secretariat of the Council from MLSA to the Office of the Government and it is expected to continue in the following years.

28. Important role in promoting gender equality at the regional level is played by regions and municipalities as local authorities. Cities in the Czech Republic still have the opportunity to join the European Charter for Equality of Women and Men in Local Life. There are so far four signatories in the Czech Republic, namely the villages Milotice, Staňkovice, Zaluží and the city district Prague 18 — Letňany. The Association of Towns and Municipalities of the Czech Republic is currently preparing in cooperation with the NGO Forum 50% a project within the programme "Let (wo)men have a chance" funded by the Norwegian funds, where one of the planned activities is awareness raising and dissemination of the Charter, as well as the revision of the collection of statistical data on representation of women and men in local politics. In cooperation with the Council's Committee on Institutional Framework of Equal Opportunities for Women and Men a discussion will be initiated on the establishment of the position of coordinator of equal opportunities between women and men in local government.

29. Since 2006 the MI has been organizing an Administrative Body of the Year competition "Half and Half" — Respect for Equal Opportunities. Its aim is to contribute to a better awareness of government authorities to this issue and support the implementation of gender equality policies and the principle of gender mainstreaming in the work of public administrative bodies in the country. In 2014 the 8th year of the competition took place. Regions also promote gender equality within their individual projects — e.g. Karlovy Vary, Ústí nad Labem and Liberec in the project "Working Together" aim to improve the employability and employment of people over 50 years of age and test flexible forms of work, namely the job-sharing form. Some regional offices also established the positions of coordinators of equal opportunities for women and men.

Article 2

Measures to eliminate discrimination against women

30. As noted above, on 1 January 2009 the Anti-Discrimination Act came into force, which, among other things, provides the legal means of protection against discrimination and stipulates that in case of an infringement of the rights and obligations arising from the right to equal treatment or discrimination, the one who was impacted by this conduct has the right, to seek that the other party refrains from discrimination, that the consequences of discrimination are removed and also reasonable satisfaction.⁴ Burden of proof in disputes about discrimination is based on the so-called shared burden of proof, where the victim of discrimination must state before the court the facts from which it may be inferred that there has been direct or indirect discrimination and subsequently the accused entities are required to prove that there was no breach of the principle of equal treatment.⁵

31. Other means of protection against discrimination include the ability to apply to the appropriate superior authority or control (e.g. the Czech Trade Inspection, Labour Inspectorate, etc.) or an attempt at amicable solutions in the form of the so-called mediation.⁶ The PDR also plays an important role (see Art. 1).

32. The PDR's experience shows that the problematic aspect of adopting measures to eliminate discrimination against women is the prevailing low percentage of reported and investigated cases (underreporting). In his practice the PDR faces the reluctance of victims of discrimination to take their claims to court. The PDR believes that this is mainly related to the low awareness of the possibility of such a procedure, a general distrust of citizens in the fairness of the Czech justice or the unwillingness or inability to bear the related costs.

33. In the period from 1 August 2008 to 30 June 2014 the PDR received a total of 1,161 complaints with the objection of violation of the right to equal treatment. In 66 cases discrimination has been ascertained (statistical data for the period until the end of 2013). A total of 128 complaints concerned gender discrimination (20 in 2010, 30 in 2011, 42 in 2012 and 36 in 2013). PDR dealt with, among other things, the following cases in the area of equal treatment between men and women:

- pay discrimination on grounds of sex;⁷

⁴ For details, see §10 of Act no. 198/2009 Coll., Anti-Discrimination Act.

⁵ For details, see the provisions of Act No. §133. 99/1963. Civil Procedure Code.

⁶ On September 1, 2012, Act no. 202/2012 Coll., on Mediation and amending certain laws entered force. Its goal is to enable all persons access to alternative solutions to their disputes via a method of fast amicable settlement with the assistance of a third neutral party that leads the meeting of the parties to create a mutually acceptable agreement.

⁷ Within this investigation the PDR among others stated that in the case where the employer remunerates its employees by a system that lacks transparency, the employer must prove in possible court proceedings that the system is neutral and does not lead to pay discrimination (File No. 89/2012/DIS/HRH, for details see http://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Kauzy/prace/Diskriminace_v_odmenovani_z_duvodu_pohlavi.pdf).

- provision of post-doctoral grants;⁸
- not taking a job because of parenthood;⁹
- distinction between men and women in the provision of benefits from pension schemes;¹⁰
- ex lege unequal treatment in the provision of health care.¹¹

34. The labour inspection authorities (i.e. State Labour Inspection Office and the regional labour inspectorates) are, based on Act No. 251/2005 Coll., on Labour Inspection, authorized to check employers' compliance with labour laws (i.e. especially the Labour Code and its implementing regulations, Employment Act and its implementing rules and regulations to ensure the safety and protection of health of the employees and workers at work). The supervisory activities of the labour authorities include the supervision of the prohibition of discrimination and unequal treatment at individual employers. The checks are always carried out ex officio, during some of the checks are used the suggestions received from employees or former employees.

⁸ Within this investigation the PDR among others stated that if the impact of seemingly neutral set of rules for interrupting work on post-doctoral grant project were such that they could discriminate against a person because of parenthood, it would fulfil the essence of indirect discrimination within the meaning of the provision. §3. 1 Anti-discrimination Act [and Art. 2. 1 point. b) Directive of the European Parliament and Council Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation]. The prohibited reason in this case would be gender, because discrimination on grounds of pregnancy, maternity or paternity is considered discrimination on grounds of sex, according to the Anti-Discrimination Act (provisions. §2. 4 of the same law). (File No. 81/2012/DIS/ZO for details see http://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Kauzy/prace/81-2012-DIS-ZO-ZZ.pdf).

⁹ Within this investigation the PDR among others stated that during the job interview employer must not ask the persons applying for a job questions related to parenting and child care. Such conduct may qualify as harassment, which is a form of discrimination. If the information thus obtained will become the basis for the decision not to accept the job applicant, this is direct discrimination based on sex. The same applies to the case where the applicant for employment refuses to answer illegal questions and consequently the negotiations on the conclusion of the employment relationship are terminated. (File No. 146/2012/DIS/HRH for details see http://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Kauzy/prace/146-2012-DIS-HRH-ZZ.pdf).

¹⁰ Within this investigation the PDR among others stated that in the case of differentiation of insurance payment based on gender is discrimination and also the administrative tort breach of the obligation of equal treatment (File No. 14/2013/DIS/HRH for details see http://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Kauzy/zbozi_a_sluzby/14-2013-DIS-ZZ.pdf).

¹¹ Within this investigation the PDR among others stated that the implementing decree, which categorizes women according to age and conditions the possibility of the artificial termination of pregnancy by age and number of children that a woman has given birth to could be considered discriminatory if such different legal regime did not have a relevant medical reason that would justify this disparity in the provision of health care (and legally would present a legitimate target) and if such a rule was not necessary and adequate. If a certain provision a priori excludes a certain group of people from access to health care based on age or sex (parenthood), this constitutes direct discrimination ex lege (provisions of §2. 3 and 4 Antidiscrimination Act). (File No. 32/2011/DIS/ZO for details see http://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Kauzy/zdravotni_pece/32-2011-DIS-ZO-ZZ.pdf).

35. Of the total number of suggestions for inspections the suggestions that lead to unequal treatment and discrimination make up approximately 3-4%. Development of the number of suggestions for inspections that the labour inspection authorities received in the years 2008-2013 is shown in the following table:

Table 1
Number of suggestions for inspection received by the labour inspection bodies in 2008-2013

	2008	2009	2010	2011	2012	2013
Number of suggestions	5 561	6 079	6 192	5 930	11 131	10 923
Of those due to unequal treatment of discrimination	191	203	226	244	371	401
Number of found cases of unequal treatment	107	104	129	109	94	162
Number of fines	13	14	29	24	69	75
Total amount of fines (thousands CZK)	367	811	779	780	2 700	2 460

36. Suggestions for inspection in most cases do not concern only this one area, but contain several areas of labour and, among others, also the area of discrimination and unequal treatment. In the records of the State Labour Inspection Office it is possible to determine the number of suggestions related to unequal treatment as a whole (i.e. including discrimination, unequal treatment, bullying, etc.). In general the complaints referring directly and only to discrimination occur sporadically. Moreover, it is necessary to count with deviations due to incorrect labelling of an act as discrimination, although this practice does not meet the defining elements of this phenomenon. Eligibility or provability of suggestions for inspection is determined approximately in a quarter of them. Complaints received regarding the activities of employers most often fall into the field of public administration (education, various authorities and social services). In the business sector these are mostly retailers, restaurants and other manufacturing companies.

37. Area of unequal treatment and discrimination in employment is supervised by labour inspection authorities since 2012 (until 2012 this activity was performed by labour offices). If the finds out that a specific gender is preferred in the selection of an employee (e.g. advertisements offering a specific job), usually impose appropriate penalties on the employer.

38. Although in terms of the total number of suggestions for inspection and total detections of violations of the law in the jurisdiction of the labour authorities this is an area with fewer occurrences, the State Labour Inspectorate and its regional labour inspectorates pay increased attention to the issue of discrimination and unequal treatment. Checks of equal treatment are already a regular part of the assignment of the major tasks in the field of labour relations and conditions (the area of health and safety at work does not usually include it, as there is a very specific focus). Each suggestion (whether directed to this area or to other areas) is given due attention.

39. The Committee recommends that the Czech Republic should ensure the provision of free legal aid in anti-discrimination cases. Free legal aid should be performed by the Czech Bar Association, but at the moment there is a lack of a

motivational tool for lawyers to provide such assistance, as well as a comprehensive regulation of its actual use in judicial proceedings. PDR's recommendations in this regard have not been taken into account to this date. In connection with the provision of free legal aid it is possible, among other things, to refer to §18 paragraph 2 and 3 of the Legal Profession Act, which states that a person, who does not qualify for an attorney appointed by the court and cannot claim legal services under this Act, has the right to have an attorney appointed by the Czech Bar Association upon his early proposal. The Association may in its decision on appointment of the attorney also define other conditions for the granting of legal services, including the obligation to provide legal assistance free of charge or for a reduced fee if the property and income situation of the applicant justify this. This legislation has not been amended since 2008.

40. Since 2012 the PDR recommends the Chamber of Deputies to request from the government legislation that will regulate the provision of free legal assistance. Since 2012 the PDR is cooperating with the civic association Pro Bono Alliance, which represents chosen victims of discrimination in court for free. In 2012 the Pro Bono Alliance represented two victims of discrimination on grounds of disability and one due to age. All three cases were successful and the victims' claims were settled outside the court proceedings. In 2013, the association gave the PDR three other cases. One of them was alleged sex discrimination. The parties reached an amicable settlement. The remaining two cases concerned discrimination on grounds of age (people eventually decided not to bring an action before the court).

41. An important change to strengthen the law to provide free legal aid, however, should bring the Act on State-Guaranteed Legal Assistance, which according to the Outlook of Legislative Work of the Czech Government for the years 2015 to 2017 should be submitted to the government by the Ministry of Justice by the end of 2015. Effective date of this Act is expected for December 2016. The purpose of the Act is to establish a system of legal aid and to ensure its provision to natural persons and legal persons who, due to their material need cannot use legal services to enable them to properly exercise and protect their rights.

Violence against women

42. The Government Resolution of 13th April 2011 No. 262 approved the National Action Plan for the Prevention of Domestic Violence for years 2011-2014 (hereinafter only as "NAP DV"). The draft of NAP DV was prepared by the Council's Committee for the Prevention of Domestic Violence and Violence against Women; its members are representatives of ministries, NGOs and other organizations active in the fight against gender-based violence.

43. NAP DV responds to the current situation in the Czech Republic, where domestic violence remains, according to the data of Ministry of the Interior, Ministry of Justice and statistics of research centres and social service providers, a widespread serious social phenomenon. NAP DV aims to provide a systemic and comprehensive solution to this issue. NAP DV contains 32 tasks imposed by individual ministries and other entities. Activities are aimed at the following areas: support for people at risk of domestic violence, protection of children affected by domestic violence, working with violent persons, education and interdisciplinary collaboration, society and domestic violence, analyses and studies and legislation.

The body charged with coordination of the implementation of NAP DV is the MI in cooperation with the Office of the Government. The Government of the Czech Republic is presented each year with a Summary Report on the Implementation of NAP DV for the given period. Supervision of the implementation of each task shall be provided by the Council for the Prevention of Domestic Violence and Violence against Women, which provides an opinion to the Summary Reports and formulates recommendations for the effective execution of the tasks.

44. Government Resolution of 8 January 2014 No. 31 charged the Minister for Human Rights, Equal Opportunities and Legislation, as the Chair of the Council, together with the Minister of the Interior, to submit an action plan for the prevention of domestic violence and violence against women for the years 2015-2018 to the government by 31 December 2014. This action plan is currently being prepared by the Council's Committee for the Prevention of Domestic Violence and Violence against Women and should, among other things, serve to implement the various provisions of the Council of Europe's Convention No. 210 on Preventing and Combating Violence against Women and Domestic Violence (hereinafter as the "Istanbul Convention"). The Czech Republic still has not signed the Istanbul Convention; however, its signature and ratification is expected in the coming period.

45. Several partial successes have been achieved during the fulfilment of NAP DV in individual years of its effectiveness: support of the activities of the multidisciplinary teams within the intervention centres:

- support of the specialization of some police teams in cases of domestic violence (e.g. Brno, Ostrava);
- improving the training of judges and prosecutors via the Judicial Academy;
- launch of pilot projects aimed at working with violent persons;
- organization of conferences and seminars to exchange good practice.

46. The challenge for the next period of implementation of the NAP DN remains particularly the support of complex work with the families with the occurrence of domestic violence (including therapeutic interventions for violent people), support of primary prevention in the school system and ensuring the availability of specialized social services for people affected by domestic violence.

47. In terms of assistance to victims of domestic violence it is important to adopt the Act No. 45/2013 Coll., on Crime Victims, which entered into force on 1 August 2013. The Act on Crime Victims significantly strengthens the rights of the crime victims, including victims of domestic violence and other forms of gender-based violence. The Act seeks to define the rights of the victim as a subject of special care by the state, the procedure for the prevention of secondary victimization, to regulate the provision of financial assistance to victims from the state and establish a legal basis for cooperation between the state and organizations that provide assistance to victims. The Act on Crime Victims specifies the so-called particularly vulnerable victim, which under this Act shall enjoy a higher level of protection. Particularly vulnerable are, among others, victims of human trafficking, victims of a crime against human dignity in sexual matters or crime that involved violence or threats of violence, if in this case there is an increased risk of secondary injury with regard to age or sex of the victim. According to the Act on Crime Victims the NGOs and other entities registered in the registry of providers may provide assistance to crime

victims, including free expert assistance to particularly vulnerable victims. The list of providers of crime victim assistance is maintained by the MI. Another important change is the introduction of the institute of preliminary measures in criminal proceedings, which brings additional possibilities of protection of crime victims during criminal proceedings.

48. On 1 January 2007, Act No. 135/2006 Coll., amending certain laws on protection against domestic violence, entered into force. This Act, among others, defined new powers of the Police of the Czech Republic in the form of the institute of expulsion, which is a preventive measure to protect people at risk of domestic violence and is imposed regardless of any subsequent criminal offenses of a violent person. On 1 January 2014 the Act No. 292/2013 Coll., the Special Court Proceedings, entered into force, which comprehensively regulates civil proceedings in the area of domestic violence.

49. Statistics of expulsion are continuously monitored since 2007. In the period since the introduction of the institute of expulsion in 2011 (except in 2008) it is possible to see the increasing trend of expelled persons. The year 2011 saw the largest number of reported persons (1430), and this number is approximately 66% higher than in 2007 (862). In 2012 there was a slight decrease in the number of expulsions to 1400, a slight decline continued in 2013, with a total for 1367 expulsions. The number of repeated expulsion in 2013 was 188, representing 14% of all cases of expulsion. Overview of the number of expulsions in the years 2007-2013 is presented in the following table:

Table 2
Number of expulsions in 2007-2013¹²

<i>Year</i>	2007	2008	2009	2010	2011	2012	2013
Number of expelled persons	862	679	789	1 058	1 430	1 400	1 367

50. Within the overall number of expulsions in 2013 the Czech Police identified 1,988 persons as vulnerable persons, including 172 men, 1,401 women and 415 minors. Most often these were cases of violence in marital cohabitation (503) and cohabitation of partners (422). The most vulnerable age category was 27-40 years (587). Within the expulsion cases a total of 773 families with the participation of 1,420 minors were threatened by domestic violence. In 2013 outside the expulsion cases the Intervention Centres were contacted by a total of 3,883 people, including 433 men, 3,346 women and 103 children. According to the settled case law, the offense of abuse of a person living in the same household (§199 of the Act No. 40/2009 Coll., Criminal Code) is defined as ill-treatment of a close person or another person living with the offender in a dwelling, characterized by a higher degree of coarseness and heartlessness and certain permanency. It is not necessary that the abused persons suffer health consequences, but it must be such actions that the abused persons for their cruelty, recklessness or painfulness feel as severe injustice.¹³ According to the Supreme Court judgment of 10 August 2011, the abuse may also be in the form of verbal attacks, which consist of very coarse and vulgar

¹² For details, see Association of employees of intervention centres CR: Statistics. Available at http://www.domaci-nasili.cz/?page_id=255.

¹³ For details, see the decision of NS 3 Tdo 1160/2005.

insults and insults of the injured person characterized by heartlessness and brutality.¹⁴ Abuse of persons living in the same household often takes other forms as well, such as economic exploitation and psychological violence. In this area it is appropriate to point out for example the judgment of the Supreme Court file No. 7 Tdo 342/2011 of 30 March 2011, in which it states that the offender's behaviour in terms of abuse of another person is to be treated as a whole, so even though the treatment consists of only isolated physical attacks, but also frequent psychological coercion, it can be concluded that by psychological violence accompanied with an occasional physical attack leads to that the affected person lives in constant mental stress and perceives the offender's actions as severe injustice. The Supreme Court responded to cases where it also considered as abuse of a person living in the common dwelling the actions of the culprit, the intensity of which cannot be retroactively trivialized by the fact that on the outside the injured woman showed no dissatisfaction with her marriage to third parties, when it is typical that the one who is exposed to abuse is at first trying to hide and conceal this fact, and therefore acts on the outside so as that the abuse would not be recognizable by a third-person.

51. In 2013, the Police of the Czech Republic recorded a total of 572 cases of crime of abuse of a person living in the same household. Compared to the previous year this represented a decrease by approximately 5%. In connection with this offense a total of 392 people were prosecuted in 2013, including 14 women. The following table shows the trends in the number of crimes of abuse of a person living in the same household in the monitored period.

Table 3
Number of crimes of abuse of a person living in the same household in 2008-2013¹⁵

<i>Crime of abuse of a person living in common household</i>	2008	2009	2010	2011	2012	2013
Cases found	522	507	568	661	603	572
Cases solved	425	410	477	534	494	445
Number of accused persons	400	384	436	485	463	392
- of that women	18	16	18	11	13	14

52. In 2013 the number of persons convicted for the crime of abuse of a person living in the same household decreased by 9% to 293. Of the total number of persons convicted in 2013 there were 10 women (2.9% of all convicted persons). Suspended prison sentences (197) continue to prevail over unsuspended prison sentences (90). Detailed statistics on the number of persons convicted for the crime of abuse of a person living in the same household are presented in the following table.

¹⁴ For details, see the decision of NS 3 Tdo 963/2011-32.

¹⁵ For more details see the Czech Police: Statistical summaries of crime. Available at http://www.policie.cz/clanek/archiv-statistics,statistical_summaries-kriminality.asp.

Table 4
Number of persons lawfully sentenced for the crime of abuse of a person living in the same household in 2008-2013¹⁶

<i>Number of persons lawfully sentenced for the crime of abuse of a person living in the same household</i>	2008	2009	2010	2011	2012	2013
Number of convicted persons	281	238	271	283	321	293
- of those women	5	8	9	9	11	10
Unsuspended sentences	72	56	68	75	96	90
Suspended sentences	200	171	201	205	219	197

53. In the area of statistical data on the prevalence of domestic violence the professional surveys conducted by scientific institutions and non-governmental organizations play a key role and help to identify the issue of domestic violence in all its scope. In 2012 the consultation centre for women's projects proFem published a study named "Economic Impact of Domestic Violence".¹⁷ In February 2012 a representative survey using the sample of 3,000 women in the Czech Republic in the age of 18-65 years was conducted for the purposes of this study. The survey showed that 40% of women have experienced some form of violence from their partner, 11% of the respondents had experienced violence in the last year. The total amount of the economic impact of domestic violence in the Czech Republic in 2010 was estimated at 1 328 200 000 CZK (in the analysis are included the costs of police, prosecutors, courts, infringement proceedings, subsidies for the provision of social services, health care, the cost of unemployment benefits and sick leave).

54. The ROSA civic association conducted in 2011 a survey among 172 high school students and female students aged 16-20 about their experiences with violence in relationships. It states that in 2011 almost every other student had knowledge of violence in their neighbourhood. A total of 17% of students said they had witnessed domestic violence between their parents.¹⁸

55. Help for victims of domestic violence is provided primarily through social services according to the Act No. 108/2006 Coll. on Social Services. As of 31 December 2013 a total of 407 social services have been registered in the register of providers of social services, which state as one of their target groups "victims of domestic violence". In 2013 the MLSA provided subsidies from the state budget to ensure the provision of social services, which list "victims of domestic violence" as one of their target groups, totalling 230,340,740 CZK. 34 of these social services have victims of domestic violence as their principal target group. MLSA provided subsidies to these services from the state budget in the amount of CZK 26,009,000.

¹⁶ For more details see the Czech Police: Statistical summaries of crime. Available at <http://www.policie.cz/clanek/archiv-statistics,statistical-summaries-kriminality.aspx>.

¹⁷ For details, see PROF: Economic impact of domestic violence. 2012 Available at: http://www.profem.cz/shared/clanky/103/profem-studie2b-web_1.pdf.

¹⁸ For details, see Civic Association ROSA: Survey among high school students on the topic of violence in the relationship, the perception of violence and safety. Available at: <http://rosa-os.cz/k-stazeni/statistiky/>.

21 of these services are specialized social services that have no more than one additional target group listed.

56. As of 31 December 2013 17 intervention centres have been registered in the register of providers of social services as social services specialized in providing assistance to victims of domestic violence. The amount of subsidies provided by MLSA to these intervention centres is presented in the following table:¹⁹

Table 5

The amount of subsidies granted by MLSA to intervention centres in the years 2009-2013

	2009	2010	2011	2012	2013
The amount of subsidies granted from the state budget to ensure provision of social services by intervention centres (mil CZK)	14 424	4 271	2 653	9 041	12 075

57. Under the European Social Fund (hereinafter only as “ESF”) the victims of domestic violence are a target group within one of the areas of support. These include projects to support the delivery of social services under the Social Services Act, focusing on the return of these people back into society, the labour market or on keeping them in the labour market or on access to services facilitating the return to the labour market. Further projects were supported with a focus on training of service providers in this field or to transfer knowledge and experience from abroad in the field of direct aid and prevention of domestic violence. A total of 39 projects related to domestic violence have been supported by the ESF.

58. The priority of the MI’s grant program “Prevention of Socially Pathological Phenomena” in 2013 was the prevention of domestic violence and crimes committed against one of the most vulnerable groups — the elderly, who are often without social contacts, isolated, with health problems, are dependent on care and therefore threatened by various forms of violence. The grant programme supported 6 projects of non-profit organizations in 2013, totalling CZK 1,435,000. In 2012, this grant programme focused on working with violent persons, and supported a total of 7 projects during this period totalling CZK 1,614,000.

59. Funding for the projects of non-governmental organizations and other entities active in the prevention of domestic violence is also ensured through the “Let (that) we have a chance” funded by the Norwegian funds. The first call for proposals under this program was launched in the first half of 2014 Program focuses addition to domestic violence and on equality between women and men. The total allocation for the years 2014-2016 of 154 mil. CZK.

60. In 2014 the Gender Equality Unit started the implementation of the Project CZ 13 supported by the Norwegian funds. One of its activities is the implementation of a media campaign that aims to raise social awareness about issues related to domestic violence and gender-based violence. The media campaign should consist of a television campaign, billboard/city light campaigns, websites, social media

¹⁹ Intervention centres have multi-source funding. In addition to the subsidies provided by the MLSA their respective regions and municipalities also participate in financing and financing proceeds also through individual projects.

campaigns and supporting elements such as leaflets and other related materials. These materials should be placed among others. in medical offices, maternity centres and selected social services. The awareness campaign will be launched in 2015.

61. Another of the planned activities under the Project CZ 13 in the field of prevention of domestic and gender-based violence is to support research in this area, promote the exchange of experience and good practice through professional conferences and seminars, and evaluation of policies in the prevention of domestic and gender-based violence by the Council's Committee for Preventing Domestic Violence and Violence against Women. Within the project CZ 13 the Office of the Government formed a partnership with the Norwegian NGO "Alternativ til Vold" (Alternative to violence), which, among other things is involved in the preparation of the Action Plan for The Prevention of Domestic Violence and Violence against Women for the years 2015-2018.

62. Within the Project CZ 13 and bilateral cooperation with Alternativ til Vold the Gender Equality Unit in cooperation with the Czech Republic's Permanent Mission to the UN in 2012 and 2013 organized a seminar at the meetings of the UN Commission on the Status of Women. The topic of the seminar in 2013 was "Experience in the implementation of Action Plans for the Prevention of Domestic And Gender-Based Violence" with UN Women, Alternativ til Vold, Zambia and Peru also involved in its organization. In 2014 the Gender Equality Unit organized a seminar "Violence against Women and its Impact on the Labour Market", which was presented by the Minister of Labour and Social Affairs Michaela Marksova. Participating in this project were the Slovak Republic, Alternativ til Vold and Czech Women's Lobby.

63. As for the training and education of police officers in the area of domestic violence, this issue is part of the curriculum in the four-year study programmes at the Police College and Secondary Police School in Holešov in the following courses: Law, Crime Control, Civics, Social Science Seminar, Information and Communication Technology and Security. In the area of tertiary education the concerned issues are included in educational programmes across the board in modules/subjects including: Criminal Law, Policing, Crime Control, Criminology, Criminology, Psychology, Multiculturalism, Communication and Police Ethics, Administrative Law, Ethics, Psychology for Traffic Police and Sociology for Traffic Police. A crucial factor for the education of policemen and policewomen is the training module Domestic Violence I, II, whose aim is to provide students with knowledge and skills in the field of implementation of decisions on the expulsion from the dwelling. The content of the module is the law on domestic violence in the legal order of the Czech Republic, the intervention centres and their importance, civic associations involved in helping victims of domestic violence, study of the regulation of the concept of expulsion within the Police Act, the decision on expulsion, its essentials and other police activities related thereto, supervision of the compliance with the decision on expulsion from common household and legal penalties for violation of the decision on expulsion.

64. Pedagogical staffs of the MI's police schools as well as policemen and policewomen also participate in workshops, seminars and lectures, for example the teacher's training according to Act. No. 45/2013 Coll., on Crime Victims, organized by the Police Presidium of the Czech Republic. The training of police school

teachers, policemen and policewomen utilizes a range of courses organized by the Police Academy, focusing on issues of domestic violence.

65. During the years 2010-2011 the Directorate of the Public Order Police (hereinafter only as “DPOP”) in collaboration with the Department of Education of the Riot Police and the Police College in Brno organized two training courses. These were the training course for heads and deputies of individual riot police units and the training courses for police officers of territorial riot police departments. Both courses included, among others, the issue of domestic violence (identification of actions with signs of domestic violence, assessment of the threat of a subsequent attack, the procedure for reporting and processing related documentation, case reports, the signs of domestic violence, etc.). The course for heads and deputies also covered the issue of stalking (defining the concept, assessment of dangerous stalking) and short-term protection. After the pilot testing during the first quarter of 2011, both courses have been gradually implemented in Brno, Holešov and Prague police schools. The acquired information is further transferred to other officers within specialized training courses.

66. Since 2012, the DPOP participated in the creation of a new concept of basic police training, which is now the same for all new police officers, regardless of their service classification. One of the goals of education is to train the ability to identify signs of domestic violence and apply the institute. The final version of the training programme has been already approved and since December 2013 the training follows this new concept. Basic knowledge of the above mentioned issues is a prerequisite for successful resolution of cases with signs of domestic violence.

67. Training of social workers and workers of social and legal protection of children (hereinafter only as “SLPC”) in the area of domestic violence is guaranteed and provided by the MLSA. Preparation and testing of special competence is organized by the MI via the Institute for Public Administration. Participating in the preparation and proficiency testing are employees of the municipal authorities of municipalities with extended powers and regional authorities, who are entrusted with the agenda of social-legal protection of children. A special part of the preparation for tests of proficiency includes a separate tutorial block on “Social and legal Protection in Domestic Violence”. Since 2011, the test questions for the oral part of the proficiency tests also include a separate question “ Social and Legal Protection of Children in Situations of Domestic Violence” and since 2014 the questions related to the protection of children against domestic violence are also included in the written part of the proficiency tests.

68. In 2010, the MPSV published the complex “Methodical Recommendation No. 3/2010 on the Process of Social and Legal Protection of Children in Situations of Domestic Violence” as a basic guideline and manual for the operation of social and legal protection of children in these cases.

69. In terms of protection of children from domestic violence the methodological recommendation is based on the key assumption that the child should be considered a secondary victim of domestic violence even if the child is not personally present to various attacks of the perpetrator of domestic violence against the direct victims of domestic violence. The positive emotional, intellectual and moral development of the child is always in danger if the child grows up in a household where there are occurrences of domestic violence between other persons, even if the child is not an eye-witness of domestic violence. In accordance with Act No. 359/1999 Coll., on

social and Legal Protection of Children it is always the child who is threatened by violence between parents or other persons responsible for the child's upbringing, or violence between other individuals. According to the World Health Organization the child who is in the role of a witness of domestic violence is considered/mentally abused and therefore in line with the Convention on the Rights of the Child the state has an obligation to take all necessary measures to ensure the effective protection of such threatened child.

70. In 2010 MLSA funded the publication of an information booklet of the proFem organization "Your right! — First Legal Aid to Women Who Are Victims of Domestic Violence", which was distributed free of charge for practical use to all the bodies of social-legal protection of children.

71. In 2008 the MH, in order to unify the procedures of doctors in providing health care to victims of domestic violence, published a methodological document "Procedure for Physicians when Providing Health Care to Victims of Domestic Violence". It can be applied even in cases where the threat of domestic violence is suspected and may be used by other health care workers. Attached to this document are also links to relevant organizations providing assistance to victims of domestic violence. In the context of lifelong education of medical personnel the MH certified a course titled "Technical Assistance to Patients at Risk of Domestic Violence — Non-Physicians Project".

72. Education of judges and prosecutors in the field of domestic violence is provided by the Judicial Academy. In recent years, this training focuses mainly on the application of the new Act No. 45/2013 Coll., on Crime Victims (among other things the right to protection against secondary victimization by law enforcement authorities in criminal proceedings), provisional measures in the prevention of domestic violence or the right of victims in criminal proceedings. The Judicial Academy also organizes specific training focused on domestic violence, namely a seminar titled "Domestic Violence from the Perspective of Criminal Law". Also ongoing is the education in the field of civil justice, which deals with the regulation of domestic violence in the Act No. 89/2012 Coll., The Civil Code and the procedural context in the Act No. 292/2013 Coll., on Special Judicial Proceedings.

Rape

73. The current definition of rape stipulated in §185 of the Act No. 40/2009. Criminal Code, defines rape as sexual intercourse, to which a person has been forced by violence or threat of violence or other severe injury or if the person's vulnerability has been abused in order to commit this crime. This definition is further specified by the case law of the Supreme Court. In this context it is possible to list e.g. the Decision of the Supreme Court ref. No. 7 Tdo 995/2010 of 1 September 2010, in which the Supreme Court interpreted the definition of the crime of rape as follows: "The crime of rape under §241 par. 1 of the Criminal Code (as amended on 31 December 2009 and from 1 January 2010 according to §185 par. 1 of the Criminal Code) could have been committed in two ways. The first alternative was an act, where the perpetrator, by using violence or threat of immediate violence, forced another person to have sexual intercourse or to other similar action. The second alternative was an act, through which the perpetrator abused another person's vulnerability to have sexual intercourse with the person or to other similar action.

Violence or the threat of immediate violence were not a common feature of both alternatives, but were only present in the first alternative. The absence of signs of violence or the threat of immediate violence in the second alternative is replaced by abuse of vulnerability. The latter alternative is not based on the characteristics listed in the first alternative with the addition of abuse of vulnerability.” The current definition of the crime of rape referred to in §185 of the Act No. 40/2009. Coll., Criminal Code, is designed to be broader than the previous definition and applies also to cases of sexual intercourse, which was not carried out by coitus or in a manner comparable to coitus.

74. The settled case law of the Supreme Court shows that the essence of sexual intercourse is the connection of the sexual organs of a man and a woman. In case of other similar sexual intercourse, this applies to cases in which there was no connection of the sexual organs of a man and a woman. The character of the similar sexual intercourse in these cases is typically provided by the fact that the sexual organ of one side of said connection is replaced by another body part. This includes on one hand cases in which the sexual organs are placed into different parts of a woman’s body e.g. in the mouth, rectum or armpit, and on the other hand there are cases where the woman’s sexual organ is connected with other parts of the body than the male sexual organ, e.g. the mouth, tongue or fingers being inserted, or when the offender inserted an object in the woman’s sexual organ. In case of sexual intercourse, in which only one party’s sexual organ is active sexual organ, it must be concluded that such contact is similar to coitus. Similar to sexual intercourse is also manual masturbation as an act of simulating friction, which occurs during coitus.

75. As shown in other decisions of the Supreme Court ref. No. 3 Tdo 929/2011-37 of 24 August 2011, the concept of abuse of vulnerability of another person is interpreted broadly and does not apply only to a state of absolute defencelessness. The Supreme Court in this decision, among others, stated that the state of defencelessness referred to in the definition of rape “does not consist only of absolute defencelessness, i.e. that the injured person is not able to express his or her will with regard to sexual intercourse with the perpetrator or is not able to offer any resistance, but also in case when these capabilities are drastically reduced (limited).²⁰ In this regard and regarding the practice of the Supreme Court it may be concluded that the perpetrators are convicted even in cases where the victim does not offer active resistance or does not obviously disagree with the conduct of the perpetrator, if there is reliable evidence that the person did not disagree with sexual intercourse due to being afraid or worried about the perpetrator’s further actions or due to the fact that the person is dependent on the perpetrator in any way. In this context, the individual (unique) features of each individual case should be stressed along with a careful evaluation of the way the injured party reacts to attack.

²⁰ The Supreme Court in this decision further stated that in a state of defencelessness may apply to a patient on whom a physician performs such procedure, which significantly reduces the possibility of noticing the doctor’s action and adequately respond to it (e.g. woman gynaecological examination). If the doctor in this situation performs sexual intercourse, he fulfils the legal element of abuse of vulnerability within the definition of rape.

International Development Cooperation

76. Gender equality and respect for human rights is enshrined in policy and implementation documents of the Czech Republic's international development cooperation as a cross-sectional priority. In line with this priority the Czech Republic is trying to apply the perspective of gender equality in programming, implementation and evaluation of development projects aimed at meeting the Millennium Development Goals. Among the specific projects of Czech international development cooperation in 2013 are e.g. activities aimed at educating women and girls (Afghanistan, Bosnia and Herzegovina, Senegal, Sudan), projects in the field of health and nutrition of pregnant women and mothers with small children and the prevention and treatment of specific female forms of cancer (Georgia, Cambodia, Central African Republic, Zambia). Projects related to the integration of disadvantaged people in education and the labour market also have a strong gender aspect. Some projects are also aimed at victims of domestic violence (Georgia, Pakistan and Serbia).

77. The following documents were, among others, adopted within the competence of the MFA in the period 2008-2014, which define the principle of equality between men and women as a cross-sectional priority:

- The Concept of International Development Cooperation of the Czech Republic for the period 2010-2017 (includes gender equality, respect for basic human, economic, social and labour rights of recipients of projects of the Czech Republic's international development cooperation);
- The Strategy of Multilateral Development Cooperation of the Czech Republic for the period 2013-2017 (includes women's rights, health care, education, etc.);
- The Methodology of the Project Cycle of the Bilateral International Development Cooperation Projects of the Czech Republic (the inclusion of gender equality as a cross-sectional principle);
- National Strategy for Global Development of Education for the period 2011-2015 (gender equality is one of the issues of global development education in the Czech Republic).

78. At the EU level, the Czech Republic participated in the implementation of the action programme named "EU Plan of Action on Gender Equality and Women's Empowerment in Development 2010-2015". This action programme, the implementation of which is annually evaluated by the EU, aims, among other things, to systematically incorporate the principle of equality between women and men in the development agenda and political dialogue with partner countries.

Article 3

Ensuring human rights and fundamental freedoms

79. As has been already mentioned, the agenda of gender equality is the responsibility of the Minister for Human Rights, Equal Opportunities and Legislation. A separate post of the Minister of Human Rights was renewed in January 2014 after the appointment of the new government (see Art. 1).

80. The advisory body of the government for human rights, the Government Council for Human Rights, whose chair is currently the Minister for Human Rights, Equal Opportunities and Legislation Jiří Dienstbier. The Government Council for Human Rights, as well as the Government Council for Equal Opportunities for Women and Men are advisory bodies whose activities fall under the Office of the Government. At present, the secretariats of both of these advisory bodies are organizationally included in the Human Rights Section of the Office of the Government, Department of Human Rights and Minorities, which ensures close cooperation and interconnection of the activities of the Government Council for Equal Opportunities for Women and Men and the Government Council for Human Rights.

81. Regarding the ratification of international human rights conventions, during the period in question the Czech Republic ratified the Council of Europe's Convention on Cybercrime and its Additional Protocol and signed the Convention against Sexual Abuse and Sexual Exploitation of Children. Ratifications of other conventions, e.g. Council of Europe's Convention on Action against Trafficking in Human Beings or the Istanbul Convention will follow. It is also possible to mention the Hague Convention on the International Protection of Adults, which entered into force in the Czech Republic on 1 August 2012. The Convention contains regulations of private international law governing the international protection of adults who suffer from a disorder, which prevents them from protecting their interests, whether personal or property.

82. During the period in question the following international conventions were also ratified in the area of human rights:

- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (ratified 26 August 2013);
- The UN Convention against Transnational Crime (ratified 24 September 2013);
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (signed on 10 December 2002 still not ratified, pending the Chamber of Deputies approval of the ratification, which is expected in the next period).

83. In order to ensure the full development and empowerment of women, the PDR is actively involved in awareness-raising and educational activities in the field of the right to equal treatment. Given that the scope of PDR's authority has expanded to the area of anti-discrimination law only in December 2009, the initial effort was to notify state agencies, non-profit and private sector about the newly acquired powers. PDR organizes his educational activity by areas of discrimination, or by occupation of the addressees of the education, not by discriminatory reasons. The events are therefore mostly focus on dealing comprehensively with anti-discrimination law with possible more detailed insight into discrimination on grounds of sex or discrimination against women.

84. According to the PDR's findings one of the recurring problems of ensuring the right to equal treatment between men and women is the weak role of supervisory authorities (e.g. the National Labour Inspectorate). The authorities generally lack sufficient material and personnel capacity to investigate cases of discrimination and there is also a lack of methodological assistance and continuous training by the central government. The project "Together for good governance", financed by the European

Structural Funds, should help improve this situation. Within this project the PDR organized a round table in 2013 named “Together against discrimination” for cooperating inspection authorities and selected central government bodies. The aim was to detect cases of discrimination and related problems in the activities of these bodies. A similar meeting took place at the beginning of 2014 and was dedicated entirely to gender discrimination. In addition, the PDR organized a specialized seminar “Labour Inspection and Discrimination in Labour Relations” in which the participants solved, inter alia, a case study of gender discrimination. Another important event of 2013 was the conference “Equality and Non-Discrimination in the Work of the PDR”, which aimed to discuss the current regulation of the right to equal treatment and to link theory with practice. The workshop “Discrimination in Access to Employment and Occupation”, organized within the framework of this event aimed to assess the situation of women — mothers in the labour market. The participants focused on the problematic perception of the role of women in society as passive or the duration of parental leave, which can be a disadvantage in the labour market.

Article 4

Temporary special measures

85. The Anti-Discrimination Act states that such measures are not considered discriminatory, which are designed to prevent or compensate for disadvantages arising from the person’s affiliation to a group of persons defined by any of the discriminatory grounds and provide the person equal treatment and equal opportunities. Anti-Discrimination Act thus follows the provisions of Art. 4 of the Convention (and the Committee’s General Recommendation No. 25 of 2004) that regulate the issue of special grant measures.

86. As shown by the developments provided in the Annex. 1, the relatively low level of representation of women in elected bodies persists in the Czech Republic. Trying to respond to this situation is the Council’s Committee for Balanced Representation of Women and Men in Politics and Decision-Making Positions, which suggested the implementation of legislative changes that would ensure for the elections to the Chamber of Deputies, regional councils and Prague City Council a minimum share of 30% of both women and men on the candidate lists. The MI transformed this proposal into an amendment to the relevant electoral laws in 2010. However, this amendment was not submitted to the government due to changes in the government and the continuing fundamental observations of certain ministries.

87. Based on the legislative plan of the government of the Czech Republic for 2014 the draft amendment to electoral laws was again prepared by the MI. The proposal seeks to ensure that the first two positions of the candidate list include both sexes; if there are more than two candidates on the list, each gender should have at least 30% of the candidates while meeting the requirement that for every three candidates following the first and second place on the list of candidates there is always at least one candidate of the opposite sex. Draft amendment to the electoral law was sent by the Minister of the Interior for external comments in July 2014. It should be submitted to the government by the end of January 2015.

88. On 22 May 2013, the Council’s Committee for A Balanced Representation of Women and Men in Politics and Decision-Making Positions along with the Subcommittee of the Chamber of Deputies Committee for Human Rights and the

NGO Forum 50% organized a seminar in seminar titled “Quotas as a Positive Action Tool” in the Chamber of Deputies. The seminar also included a discussion of representatives of political parties on the measures taken to promote the balanced representation of women and men in politics. This discussion was attended by representatives of the Social Democrats, Christian Democrats, Communists, LIDEM and the Green Party, which mutually shared information on good practice from their political parties. They agreed on several factors important for achieving higher representation of women in politics — particularly political parties’ openness to new female members and removal of barriers that prevent women from entering higher positions within political parties. Also helpful could be measures aimed at the reconciliation of the party and private life and platforms aimed at promoting of networking of women. Equally important is the promotion of women’s involvement in the context of intra-party structures and their placement in top positions of candidate lists. The fundamental role is played by the media, which largely shape the public discourse and often reproduce stereotypes about the roles of men and women.

89. Despite the low level of balanced representation of women and men in decision-making positions in the government (see Annex No. 1), most ministries currently do not apply positive measures for appointments to decision making positions. An exception in this respect is for example the MIT, which since 2004 has the principle of positive measure implemented in collective agreements, which states that in the case that several candidates have identical preconditions to perform in a decision-making positions the candidate of the underrepresented sex will receive priority. The same principle is contained in the MIT internal standard titled “Principles of Selection and Recruitment of MIT Employees”.

90. As regards the labour market, the measure for encouraging the employment of more difficult-to-employ persons is the active employment policy. It includes tools that motivate employers to recruit disadvantaged people in the labour market, where this category may include both men and women due to their specific characteristics (e.g. long -term unemployment, child care or care for other needy members of the household). Specific measures are financial contributions for employers, through which the state contributes towards the salary costs of job seekers, contributions to the creation of new jobs for specific categories of target groups, contributions to self-employment or organization of requalification courses. If a person is for any reason unable to find a suitable employment, it can be placed into one of the active employment policy. Increased attention during the implementation of active employment policy is paid to persons who take care of a child under the age of 15, most of which are currently women. A number of projects financed by the European Social Fund are also implemented in order to reconcile work and family life. The activities of social partners also play an important role for the promotion of gender equality in the labour market.

Article 5

Measures to change social and cultural habits

91. The Czech Presidency of the EU Council in 2009 helped move the topic of gender equality a little more into the spotlight of the Czech society. The Presidency also gave the opportunity to promote much stronger gender equality in international forums and linked to it has been a significant increase in the activities of the non-profit sector. Within the Czech Presidency the “European Conference on New

Ways to Overcome Gender Stereotypes” was held in Prague in May 2009. The topic of the conference were the tools and methods for overcoming gender stereotypes of children, in schools, in the media and in decision-making processes. At the conference the EU Member States presented their innovative practices, tools and methods that can be used in the European context to achieve positive change in public opinion.²¹

92. The area, which the Czech Republic does not neglect in combating gender stereotypes, is the area of media production, especially advertising. In the Czech Republic advertising in the field of public service is regulated by Act No. 40/1995 on Advertising Regulations and amending and supplementing Act No. 468/1991 Sb., on Radio and Television Broadcasts. This Act, among other things, prohibits advertising that is in conflict with good morals and that includes discrimination on grounds of race, gender or nationality or which endangers the morals in a generally unacceptable manner, reduces human dignity or contains elements of pornography, violence, or elements based on fear. Supervisory authorities in the field of public regulation of advertising are particularly the Council for Radio and Television Broadcasting, the Office for Personal Data Protection and the regional trade authorities. Self-regulatory supervisory authority is Advertising Council, which is a non-profit organization with the authority to issue unenforceable decisions via recommendations according to the Code of Advertising Practice issued by the Advertising Council.²²

93. The incidence of sexist and discriminatory advertisements is also monitored, among other things, by certain non-governmental organizations. Since 2009, every year the civic association NESEHNUTÍ (Unbent) announces a competition “Sexist Piggy”,²³ which aims to select the most sexist advertisement of the given year in the Czech Republic. The competition’s intent is not to judge the contractor, but to point out that sexist advertising has serious consequences, e.g. for the self-image of young people and may lead to tolerance of violence against women or possibly eating disorders. The competition’s results draw more attention each year. The NESEHNUTÍ non-profit organization, which organizes the competition, was in 2014 supported from a grant program established by the MLSA to directly support publicly purposeful activities of NGOs dealing with gender equality (see par. 27).

94. Another issue, which the Czech Republic has actively engaged in recent years, is the position of women in the academic sector. The Government Council for Equal Opportunities for Women and Men, focused on this topic in 2010 and based on the recommendation of the Council’s Committee for Institutional Framework of Equal Opportunities for Women and Men adopted a resolution on the need to address gender equality in research, development and innovation within the agenda of the

²¹ Proceedings of the conference is available at the Government Office website at: http://www.vlada.cz/assets/vydavatelstvi/vydane-publikace/gender_conference.pdf.

²² Code of Advertising Council is available at: http://www.rpr.cz/cz/dokumenty_rpr.php.

²³ More information about the contest is available [online] [cit. 07/05/2014] URL: <http://zenskaprava.cz/dlouhodoba-aktivita/sexisticke-prasatecko/>.

Council for Research, Development and Innovation. This recommendation was taken into consideration in the Government Resolution of 19 January 2011 No. 57.²⁴

95. Since 2001 the National Contact Centre — Women and Science (hereinafter only as “NCC-WS”), operates within the Department of Gender & Sociology of the Institute of Sociology of the AS CR, which aims to promote gender equality in science and research. In 2010, NCC-WS launched a mentoring project aimed at secondary school students who are interested in higher technical education. In 2014, NCC-WS launched a mentoring program aimed at scientists in their early scientific career (postgraduate students and post-doctoral positions) in order to enhance the progress of women in leadership positions in science. This program is funded under the EUPRO II.

96. As part of the tasks of the Ministry of Education a strategic document related to the equality of women and men named “State of Gender Equality in the Ministry of Education and Proposal of the Medium-Term Strategic Plan for Gender Equality” has been approved in September 2013, which will be the basis for further development of gender issues within the department. The objective of educational policy should be, inter alia, to eliminate the negative consequences of gender stereotypes, i.e. simplifying and generalising ideas about who men and women are and what they should be.

97. Other departments are also active in the area of combating gender stereotypes. Public administration institutions organize training of employees on issues of gender equality; the issue of equal rights between men and women is also part of the mandatory initial training of employees of all departments.

98. In practice, the activities in favour of combating gender stereotypes are usually parts of projects focused on education of employers on the topic of gender equality or projects focusing on local partnerships and networks in the field of equality between women and men or on women in business. For example MLSA states that a total of 34 projects supported by the ESF in the years 2008-2013 in their objectives directly declared the elimination of gender stereotypes. Overall, the ESF supported over 300 projects contributing to gender equality in the labour market (gender education of employers and state administration, individuals, projects focused on the involvement of women in the labour market, including women’s entrepreneurship, promoting active fatherhood, local campaigns and strategies to promote equality between women and men).

99. In 2014 the PDR conducted a research on the topic of women employed as paramedics with regard to Government Regulation No. 361/2007 Coll., which stipulated conditions for the protection of health at work. The aim of the research, the evaluation of which is still on-going, was, among others, to determine whether setting weight limits for handling heavy objects is not a discriminatory provision against women (and does not exempt them from the labour market). The research results should be known in early 2015.

²⁴ Recommendations, inter alia, identify the following causes of inequality between women and men in science: stereotypes and prejudices stemming from traditional male orientation of the scientific profession, emphasis on linear and uninterrupted career in science, horizontal and vertical segregation in science and absence of gender-neutral evaluation of scientific results and prospects. In its initiative the Council recommends to the Government Council for research, development and innovation that they consult their materials at the time of preparation with the Government Council for Equal Opportunities for Women and Men.

Measures for the proper understanding of maternity as a social function and the recognition of common responsibility of men

100. The concept of equality between women and men in today's Czech society is generally understood as a question concerning women and barring exceptions is viewed through the emancipatory lens of the women's rights movement. This view was and is logical and legitimate in the context of historically perceived unequal status of women. At present, however, as well as at the EU level, the crucial factor appears to be the concept of gender equality as related to both women and men and offering major benefits to both genders.

101. Legislation in the Czech Republic allows either parent to take the parental leave.²⁵ According to the Czech Social Security Administration ca. 74,100 cases of payment of maternity benefits have been started in 2013, of which in ca. 500 cases men are entitled to the benefit, which is about 0.7% of all payments. According to preliminary data of MLSA parental contributions in the past year were paid to ca. 294,700 recipients per month, of which 5,200 were men, i.e. ca. 1.8%.

102. The Council, upon the decision of its President based upon the Council Resolution of 29 May 2012 established a Working Group Men and Gender Equality (hereinafter only as the "Working Group"). The Working Group chose as one of its main topics the issue of social conditions for paternity in the Czech Republic.

103. In 2014, the Working Group finalized the report "Social Conditions for Paternity in the Czech Republic" (hereinafter only as the "Report"), which provided a basic overview of the main problems of men-fathers in the institutional and social settings of fatherhood in the country. The Report, which was submitted in August 2014 for the approval by the Council, presented a number of recommendations to strengthen the active role of fathers in Czech society — among others recommendations to MLSA to actively seek to reduce the pay gap between men and women, which is one of the causes for the lack of willingness of men to leave the employment due to all-day child care, start a debate on how to determine the amounts of maternity benefits to take into account previous level of income (with the determination of the maximum amount), not as a flat rate, equalized benefit, recommendation to support the institute of paternity leave, introduce the so-called paternity quota²⁶ or a recommendation to MF to introduce tax breaks for parents who share the care of their children, i.e. who divide the parental leave between themselves as evenly as possible.

104. Recommendations respond to the basic findings of the report "Social Conditions for Paternity in the Czech Republic", which states that the way men take care of their children is usually not only the result of their choices, but is also largely down to the social conditions and circumstances. Men are thus less actively involved in the care for their children, which is even more palpable after divorce, without being able to easily influence this situation. The Working Group assessed as

²⁵ The mother is entitled to parental leave after her maternity leave runs out (28 or 37 weeks if she gave birth to 2 and more children at the same time). The father has the right to begin the parental leave from the birth of the child until the day the child reaches 3 years of age, in any scope and at any time he requests it.

²⁶ I.e. the possibility for the parents to change during the non-transferable part of the parental leave with a duration of at least one month while reducing the parental contribution in the appropriate amount in the event that the other parent chooses not to do so.

positive, among other things, the tendency for a greater involvement of men in daily child care, greater public appreciation of active fatherhood, increased benefits from employers related to child care provided to fathers, etc.

105. Also in this area are representative of non-profit organizations contacted and involved in implemented projects and the design of specific measures that are created within the state administration. MLSA is trying to provide long term financial support to some of these organizations — one of them is “APERIO — Healthy Parenting”, which has served since 2001 as a service organization for current and future parents and employers or organization League of Open Men whose representatives are, among others, members of the Working Group.

Article 6

Combating human trafficking

106. The Czech Republic remains a source, transit, and destination country for trafficking for sexual and labour exploitation. Trafficking in Person Report 2013 states²⁷ that victims of sexual exploitation are women from Slovakia, Bulgaria, Moldova, Nigeria, the Philippines, Romania, Ukraine, Vietnam and the Czech Republic. Victims of labour exploitation are women and men from Bulgaria, the Philippines, Poland, Romania, Slovakia, Sri Lanka, Ukraine, Vietnam and the Czech Republic.

107. Despite the relatively low incidence of criminal proceedings in the field of human trafficking in the monitored period the Supreme Court dealt with this crime in several cases with a consistent focus on the fact that this crime is perceived as significantly socially harmful. For example in Decision File No. 4 Tdo 366/2010 of 14 May 2013 it stated that in determining the benefit of significant and large scale crime of human trafficking under §168 par. 3 c), respectively §168 par. 4 b) of the Criminal Code should be based on the net income of the offender gained by this criminal activity and It is not possible to include the perpetrator’s expenses related to the crime. It also applies that offender may not have obtained a significant or great extent because the elements of the cited crime assume a so-called specific intent of the perpetrator. The Decision File No. 5 Tdo 160/2012 of 28 March 2012 the Supreme Court has clearly distinguished between soliciting and human trafficking, emphasizing that the perpetrator of the offense of trafficking under §168 par. 2, 3 of the Criminal Code always takes place against the will of the injured person.

108. In 2013, the Police of the Czech Republic registered a total of 18 offenses of trafficking, while 11 of them were solved. In connection with these crimes was a total of 26 people were accused in 2013 (including six women). 5 people were convicted, 4 of them were given custodial sentences of 1 to 5 years, and one of them 5 to 15 years. Development of the crime of human trafficking in the previous period is presented in the following table:

²⁷ For details, see Trafficking in Persons Report 2013 Available at <http://www.state.gov/documents/organization/210738.pdf>.

Table 6
Number of detected/solved crimes of human trafficking in the years 2008-2013

<i>Number of cases of human trafficking detected by the police²⁸</i>	2008	2009	2010	2011	2012	2013
Detected	29	10	24	19	24	18
Solved	11	5	13	11	18	11
Investigated and prosecuted persons	22	32	35	29	22	25

109. On 18 April 2012 the government approved the National Strategy for Combating Human Trafficking in the Czech Republic for the period 2012-2015. The proposed measures are consistent with the objectives of the Strategy for Combating Organized Crime for the period 2011 to 2014, the Czech Government's Strategy for Combatting Corruption for the period 2011 and 2012 and the Directive of the European Parliament and of the Council on Preventing and Combating Trafficking in Human Beings and Protecting its Victims, repealing Framework Decision 2002/629/SVV (EU/36/2011).

110. As part of the development of crime prevention at the national level the Ministry of the Interior continues in the implementation of the project "The Support and Protection of Victims of Trafficking" The programme is designed for foreigners exploited in the Czech Republic and for Czech citizens exploited abroad or in the Czech Republic. Its aim is to provide likely trafficking victims adequate protection and support based on individual risk assessment. In 2013, included in this program were a total of 23 probable victims of trafficking from Romania, the Slovak Republic and the Czech Republic. Since the program was launched in 2003 a total of 143 victims of human trafficking were placed in it.

111. Within the MI was also created an Interdepartmental Coordination Group for Combating Trafficking in Human Beings, which was established on the basis of Government Resolution of 20 August 2008, No. 1006. MI publishes an annual Report on the State of Human Trafficking in the Czech Republic for the past year. In June 2012 an international seminar was held in Prague on "Combating Human Trafficking for Labour Exploitation — Inspections of Workplaces, Identifying Victims, Investigating Cases" organized by the Ministry of the Interior and the International Centre for Migration Policy Development with the support of the Dutch Ministry of Foreign Affairs.

112. In April 2013 the organization La Strada in cooperation with the Ministry of Interior organized an international conference on human trafficking. The conference focused on labour exploitation. At the conference was stated that one of the main obstacles of prosecution of trafficking for labour exploitation is unclear interpretation of the concepts of forced labour and other forms of exploitation. In September 2013 a workshop was organized titled "Role of Trade Unions in Tackling Human Trafficking", which was attended by representatives of NGOs, trade unions, labour inspectorates, the Ministry of Interior and the Czech Police. In December 2013 the La Strada organization launched a campaign against human trafficking and labour exploitation. The campaign, among others, contains a short video aimed at

²⁸ Blíže viz POLICIE ČR, Statistika. Available at <http://www.policie.cz/soubor/12-celkova-kriminalita-za-obdobi-od-01-01-2013-do-31-12-2013.aspx>.

tourists who come to Prague for sexual services. Tourists are encouraged to contact the organization La Strada in cases of suspected sexual exploitation.

Prostitution

113. A current topic in the Czech Republic is the question of whether and how to proceed with the phenomenon of prostitution. In 2013 the Prague City Hall continued in the preparation of the law on the regulation of prostitution, which builds on the legislative initiative of the 2005. The law aims to reduce the risks that are associated with prostitution, such as the substantial health and safety risks (disease, robbery, drug trafficking and gambling), and disruption of public order. The City Council submitted to the Chamber of Deputies a bill regulating prostitution and amending certain laws (hereinafter the “Act on the Regulation of Prostitution”) on 30 January 2014.

114. The Government at its meeting of 26 February 2014 discussed the draft law on the regulation of prostitution, examined and expressed its disapproval with the bill. In its negative opinion the Czech government also stated that there have been very different opinions on a number of technical issues of possible solutions regulation of prostitution in the past, both during professional discussions as well as in the Parliament during the previous regulatory proposals. Given the exceptional social sensitivity of the issue, the Czech government takes the view that any proposal for a comprehensive legislation regulating prostitution must be preceded by a broad political, social and professional discussion about the need for society to address this issue and the state’s approach to the regulation of prostitution. The situation in this case requires a much broader perspective and analysis of the views of organizations such as the protection of public order, health, social affairs, as well as towns and municipalities. Also considered Within the discussion should be the issues of the impact of the proposed regulation on personal integrity of prostituted persons, their safety, gender equality, the social consequences of the proposed modifications for prostituted persons, as well as their protection, including legal, medical, social and psychological counselling services. On 18 June 2014 the first reading of the draft law on the regulation of prostitution was held in the Chamber of Deputies and the proposal was forwarded to the Petitions Committee.

115. We are aware that any further development of the preparation of the Act on Regulation of Prostitution should be monitored, as in some cases the statutory regulation can have a significantly adverse impact on persons providing prostitution, which contributes to their further social exclusion or ostracism. For people affected by multiple discrimination, as in the case of Roma women and migrant women, this is doubly true. Any lingering stigma of prostitution in the Czech society may also interfere with the motivation of those involved in prostitution to disclose their status or contact the public authorities in cases of exploitation, violence, etc. The non-profit sector also maintains a negative stance to the draft law on the regulation of prostitution in its current form.

Article 7

Participation of women in political and public life

116. As was mentioned above, the representation of women in politics and decision-making positions remains relatively low. In order to promote a balanced representation of women and men in decision-making positions in government the annually adopted Priorities include, among others, the regular task of promoting the balanced representation of women and men in leadership positions in state bodies and companies where the state has a majority share.

117. At the end of 2013, the Gender Equality Unit started the implementation of the project “Preparation of the Action Plan for Balanced Representation of Women and Men in Decision-Making Positions and Other Related Measures”, which is funded by the European Commission’s PROGRESS. The main objective of the project is the preparation of an action plan to promote balanced representation of women and men in politics and decision-making positions (hereinafter the “Action Plan for Balanced Representation”), which will contain a set of tools and processes conducive to the balanced representation of women and men in decision-making positions in the Czech Republic. The project includes several workshops on the topic with Czech and foreign experts, conferences and also an analysis of the current situation of care facilities for children of preschool age. The project also aims to deepen the professional and media debate on the balanced representation of women and men in decision-making positions, creation of a comprehensive plan leading to improvement in this area and the related improved harmonization of work and family life; the resulting Action Plan for Balanced Representation will be subsequently submitted to the government. The project will be implemented by March 2015, and its total allocation amounts to 128,635 EUR.

118. In 2013 Council’s Committee for Balanced Representation of Women and Men in Politics and Decision-Making Positions together with the Council approved an initiative to adopt the “Strategy +1” as a measure towards removing barriers and creating conditions for equal representation of women and men in decision-making positions in the public administration. The aim of this initiative is that the government tasked ministries and other central bodies of state administration to adopt and uphold a strategy within their organizational structure and the organizational structure of the companies in which they have majority ownership, that will in each calendar year result in an increase in the number of the underrepresented gender at the given management level or by one until at least a 40% share of both women and men is achieved. Ministries and other central state administration bodies should also once a year inform the government on the adopted measures and the implementation of the “Strategy +1”, by evaluating the updated measures. The application of the “Strategy +1” should be more varied and better functioning government that can adequately respond to the needs of all citizens. Currently, the Gender Equality Unit is preparing the submission of the “Strategy +1” motion to the government.

Elections to the Chamber of Deputies

119. Regarding the representation of women on candidate lists in comparison with previous election years there was a slight downward trend in 2013 when the representation of women on electoral lists was only 26.9%. An analysis by the NGO

Forum 50% shows that the total number of 24 candidates subjects the one with the most nominated women was Sovereignty — Common Sense Party, with 66.5%. In contrast, no woman did run for the Roma Democratic Party — which participated in the election only in two regions. From the parties participating in nationwide elections the Free Party had the lowest share of women — 12%. The Change movement had the most balanced candidate lists in terms of representation of women and men, with 48.8% women and 51.2% men nationwide. The Change was also the only candidate entity that has nominated 7 female leaders, i.e. the leading woman candidate in exactly half of the regions.

120. The three parties that were represented in the Chamber of Deputies before the election nominated fewer women on their candidate lists than in previous elections. The largest decline occurred in the case of TOP 09, which has nominated 18% of women, which is about 6 percentage points less than in previous elections. The decline in women's representation could be seen on the lists of candidates in general (from 24% to 17% in the first five to 24% to 22% in the top ten). Even the Communist party nominated fewer women — 28% compared to 30% and the Social Democrats 24.5% versus 25%.

121. In the elections to the Chamber of Deputies in 2013 a total of 39 female MPs have been elected. Representation of women in the Chamber of Deputies compared to the previous period decreased from 22% to 19.5%. An analysis by the NGO Forum 50% also indicates that the reduction in the representation of women in the Chamber of Deputies was contributed by the fact that the three parties that were represented in the Chamber of Deputies in the previous period and also had a chance to cross the 5% election threshold nominated fewer women on the candidate lists than in the previous elections.²⁹ The analysis also showed that only the Green party and Change movement³⁰ had a balanced representation of men and women on candidate lists. The rate of women's representation in the lower houses of the Parliament of the Czech Republic continues to stay below the EU average, which in 2013 was 27%.³¹

Presidential elections

122. The Czech Republic's first ever direct presidential election took place in 2013. The total number of candidates³² in the first round of presidential elections was 9, 3 women and 6 men, i.e. ca. 33%. Only two male candidates advanced to the second round — Miloš Zeman (subsequently elected president) and Karel Schwarzenberg. Despite the relatively low number of female candidates it can be viewed as positive

²⁹ For details, see Forum 50%: Analysis of the results of elections to the Chamber of the Czech Republic 2013 Available at: <http://padesatprocent.cz/cz/zeny-v-politice/cz/zeny-v-politice/poslanecka-snemovna/analyza-snemovna-2013>.

³⁰ For details, see Forum 50%: Analysis of the results of elections to the Chamber of the Czech Republic 2013 Available at: <http://padesatprocent.cz/cz/zeny-v-politice/cz/zeny-v-politice/poslanecka-snemovna/analyza-snemovna-2013>.

³¹ For more details see European Commission: Women and Men in Leadership Positions in the European Union 2013, p. 20th Available at: http://ec.europa.eu/justice/gender-equality/files/gender_balance_decision_making/131011_women_men_leadership_en.pdf.

³² This is without counting the number of candidates without the necessary support from citizens, MPs and senators and candidates discarded after checking signatures by the Ministry of the Interior.

that the presidential election has opened a social and medial discussion on the possible election of a female president of the Czech Republic and the representation of women in politics in general.

State administration

123. In terms of women's representation in decision-making positions within the public administration in 2013 there have not been any major changes and individual sectors continued to show a high degree of vertical segregation by gender. During 2013 the 16-member government of Prime Minister Petr Nečas only included 3 women, equivalent to 18.8% of women in the Cabinet. After the resignation of Prime Minister Petr Nečas in June 2013, the President of the Czech Republic commissioned Jiří Rusnok to create a new cabinet, in which the 15-member government had only one woman, representing only 6.7% of women in the Cabinet. At present, the Czech government has 3 female ministers, which are at the forefront of MLSA, MJ, MLD, which corresponds to 17.6% of women in the Cabinet.

124. At the level of Deputy Ministers there were 13 women out of a total of 92 persons by the end of December 2013, which corresponds to 14.1% of women. In 2013, as well as in the previous year, the rule was that when moving down the hierarchy of decision-making positions in public administration the relative representation of women was growing — at the level of directors were 147 women out of a total of 434, which corresponds to 33.9% representation of women, and at the level of heads of departments there were 445 women from a total of 1,052, which represents 42.3% of women at this level of management. Regarding the representation of women in decision-making positions in the individual ministries, when compared to the previous year in each of the above mentioned level there was an increase by several per cent. Annex 1 shows the representation of women and men in the individual positions of ministerial departments.

The judiciary

125. The total percentage of female judges at all levels of courts is 61%. The total percentage of female judges in leadership positions at all levels of the courts is only 46%. Although the majority of the judges are women, it is possible to identify a persistently high level of vertical gender segregation in the Czech judiciary.

126. The women are most represented at district courts (65%), at regional courts their representation drops to 58% and at the High Courts to 47%. At the level of the Supreme Court there are only 23% of female judges and 43% at the Supreme Administrative Court.

127. Of the 1,238 prosecutors 53% were women in 2013. The number of state prosecutor corresponds to the number of prosecutors in the long-term and thus the representation of both sexes can be considered equal. The total percentage of female state prosecutors in leadership positions at all levels of public prosecutors is 50%.³³

³³ Details on the numerical representation of judges and prosecutors are processed as of 1 November 2013.

Businesses

128. In 2012 it was particularly the European Commission who focused on the issue of promoting balanced representation of women and men in the management of companies and has developed a draft Directive of the European Parliament and of the Council on Improving the Gender Balance Among the Members of the Supervisory Board/Non-Executive Board Members of Companies Listed on Stock Exchanges and Related Provisions (hereinafter referred to as “Proposal for a Directive on Gender Balance”). When discussing the Proposal for a Directive on Gender Balance in 2013 the Czech government adopted a negative opinion on the proposal. In 2013, the adopted the Council’s Committee for Balanced Representation of Women and Men in Politics and Decision-Making Positions adopted a resolution in which it called on the Czech government to reconsider its current position to the proposal. The same resolution has been adopted on 26 August 2014 by the Council. According to data from the European Commission there is a partial positive development in balanced representation of women and men in corporate management and the representation of women in administrative and supervisory boards of the largest Czech companies listed on the stock exchange — from 2010 to 2013 it increased by 6, 2 percentage points to the current 18.4% — but it still cannot be considered satisfactory.

129. Although women make up the majority of graduates from universities, including the economically focused, they remain significantly underrepresented in management of companies. According to many indicators and methodologies the representation of women in management in the Czech Republic is currently between 7 and 17%. In April 2012 McKinsey & Company prepared a study “Exploiting the Full Potential of Women in the Czech Economy”,³⁴ according to which the share of women in top management of the companies is only 17%.

130. On 26 April, 2013 MLSA organized, in collaboration with the Business for Society platform,³⁵ a round table on the promotion of higher representation of women in decision-making positions in the business sector, which was attended by top representatives of major companies operating in the country. The meeting included a discussion about the representation of women in management of companies in the Czech Republic in relation to the proposal for a directive on gender balance.

Article 8

In the reporting period there were no changes.

³⁴ See McKinsey & Company: Exploiting the full potential of women in the Czech economy. Available at http://flexipraca.sk/public/files/download/women_matter_cj.pdf.

³⁵ Business for the Society is the largest professional platform for companies for sharing and disseminating the principles of corporate social responsibility (CSR) and sustainable business in the country. One of the areas of interest of this platform is to support diversity in companies — for this purpose it created in 2013 the draft Memorandum Diversity 13+ on the promotion of equal opportunities in the labour market and active application of the principle of gender equality, which was joined by a number of major companies. See more <http://www.byznysprospolecnost.cz/diverzita-2013-.html>.

Article 9

In the reporting period there were no changes.

Article 10 Gender equality in education

131. The Czech Republic does not discriminate on the basis of gender or other reasons in inclusion in the education system, including courses within lifelong education. The Czech Republic does not use a separate form of education for boys and girls. When granting approval clauses to textbooks rules of review assessments are applied, taking into account gender-balanced approach in the preparation of the textbooks. It turns out that in terms of the achieved level of education, women have an increasingly better position, not only in comparison with the past, and currently achieve a higher level of education than men. Each level of Czech education system shows a relatively high degree of vertical and horizontal gender segregation. The most marked gender segregation of teachers is reflected in pre-school education, where the vast majority of teachers in kindergartens are women. In the school year 2011/2012 women accounted for 99.65% of all teachers of kindergartens. The number of full-time male teachers in kindergartens in the school year 2011/2012 accounted for only 92, while the number of female teachers in kindergartens in the same school year was 26 780. Similarly, women make up 84% of all male and female teachers in primary schools (see table 1 attached to the report). In addition to the low financial remuneration or low social prestige there are also gender stereotypes, among others, regarding the suitability of the teaching profession for men.

132. Despite the high degree of feminization of Czech education, men are more often than women (with regard to their representation among the teaching staff) engaged in management positions. Although the representation of men among teaching staff at the primary level is 14.9%, their representation among managers at the same level is 35%. Similarly, the majority of managers (58.1%) at the secondary school level are men, while their representation in the teaching staff at this level is only 35.3%.

133. The high degree of horizontal segregation by gender also persists among students. In the school year 2012/2013 there were a total of 9,504 girls in secondary schools with leaving examination focused on technical subjects, which corresponds to 15.3% of all students in technically focused secondary schools. Secondary schools with leaving examinations aimed at studying social sciences had a total of 87,521 girls in the school year 2012/2013, i.e. 68.3% of all students in these disciplines. A similar degree of gender segregation exists at universities. The technical-science universities have significantly more men (72%), while women have the majority among students of humanities and social sciences (66%) and economics (61%). The most significant rate of gender segregation exists in pedagogic studies where the representation of female students is 80%.³⁶

134. As was already mentioned, representation of women at all levels of higher education in the Czech Republic is steadily increasing. In 2011, women accounted for

³⁶ For details, see the CZSO, Focus on Women and Men 2013; Available at: http://www.czso.cz/csu/2013edicniplan.nsf/kapitola/1413-13-r_2013-13.

60.2% of the total number of students of master degree programmes and 40.6% of the total number of students of doctoral study programmes. The high and growing proportion of educated women, however, did not translate into the representation of women in research during the last decade. While the share of female students in the master's degree programmes in engineering has increased by 10.7 percentage points (to 31.8%) between 2001 and 2011 and the share of women in doctoral programmes has increased by 4.1 percentage points (to 25.7%), the representation of women among researchers in this area dropped by 3.7 percentage points (to 13.1%) since 2001. Aside from the increase in the share of women in medical sciences, where the representation of women among researchers is the highest and reaches 50.2%, the development of women's representation in other fields is either stagnant or declining.³⁷

135. The proportion of women among professors and associate professor is slightly increasing. Among the professors in 2011 there were 14.2% of women (i.e. an increase of 5.5 percentage points since 2001) and among associate professors 24.2% of women (an increase of 3 percentage points). Another example can be the underrepresentation of women in the management of state and public universities — there were only 4.2% of women in position of Rector, 14.2% in the position of members of the Scientific Council and 26.3% in the Academic Senates.³⁸

136. In the years 2008-2015 the Ministry of Education supports a project of the Institute of Sociology of the Academy of Sciences “National Contact Centre — Women and Science” (hereinafter “NCC-WS”). NCC-WS seeks to promote gender equality in the context of the Czech science, to set non-discriminatory grant rules, increase the number of women in scientific and decision-making positions and to raise the profile of female scientists. For this purpose, among others, the NCC-WS in cooperation with the Ministry of Education since 2009 annually announces the Milady Paulová award for successful female scientists. NCC-WS also organizes a mentoring program to attract girls to study at a university in the field of natural and technical sciences.

137. In 2013 was published the regular publication of the NCC-WS called Women in Czech Science: Monitoring Report for the year 2012 (hereinafter only as the “Monitoring Report”). The Monitoring report, among others, showed that the proportion of women among researchers in 2012 was the lowest since 2001 — in 2012 there were only 27.4% of women in the Czech science.³⁹ Thus, while the proportion of women among the students of universities gradually increases and exceeds that of men, the representation of women in science is decreasing. According to the Monitoring Report there is a fundamental lack of women in decision-making positions in research and higher education and among professor and associate professors. In 2012 the representation of women in decision-making bodies of leading research institutions and science policies reached only 14.3%, 14.9% among professors at universities and 25.7% among associate professors.

138. Therefore in September 2013 a medium-term concept of gender equality was approved under the auspices of the Ministry of Education, which aims, among other

³⁷ For details, see Tenglerová, H. The status of women in Czech science. Monitoring Report 2011 [online] [cit. 2014-25-09] URL: <http://www.zenyaveda.cz/files/postaveni-zen-in-the-czech-leads-2011-final-break-www.pdf>.

³⁸ Ibid.

³⁹ For details, see Tenglerová, H. 2014 Monitoring Report for the 2012 Prague: Institute of Sociology AS CR, vvi Available at: <http://www.zenyaveda.cz/files/monitorovaci-zprava2012.pdf>.

things, to achieve the following objectives: creation of a legal and political environment to ensure gender equality in science and research, to promote gender equality in professional career in science and research, achieving at least 40% representation of both sexes in decision-making positions and the inclusion of perspectives of equality of women and men in the development of scientific knowledge and innovation.

139. Closely related to gender equality in science is the setting of the rules of the Grant Agency of the Czech Republic (hereinafter referred to as “GACZ”) for the allocation of financial support for research projects from public funds. In 2013, the PDR dealt with a motion by NCC-WS which disputed discriminatory rules for interrupting work on a post-doctoral grant project (see par. 32). NCC-WS, among others, pointed to the fact that the postdoctoral grants can be awarded only once. If a researcher, who was awarded a grant, becomes pregnant and for this reason the grant is not performed, the scientist is then unable to participate in the competition again. NCC-WS also pointed to the rigid set of rules to interrupt interrupting work on grant projects, when requests for this interruption can be filed only by two fixed dates (1 January and 1 June of the calendar year). This setting is not favourable to the mother (or parents) because the date of commencement of maternity (or parental) leave cannot be fixed in advance and therefore situations occur, when it is necessary to suspend the grant project prior to the commencement of drawing of maternity or parental leave. This leads, among other things, to situations, where the researchers and solvers can have reduced maternity benefits. In his opinion the PDR, among others, stated that if the impact of a seemingly neutral set of rules for interrupting postdoctoral grant projects were such that they could discriminate due to parenthood, they fulfil the nature of indirect discrimination. Therefore the PDR due to the reason of possible indirect discrimination based on gender recommended that the GACZ change the rules for interrupting work on postdoctoral grants due to pregnancy and parenthood.⁴⁰ This recommendation should be addressed by the GACZ in the future.

140. In order to encourage girls to study information technology the Faculty of Information Technology of the Technical University in Brno organized its sixth annual summer school titled “FIT Suits Girls”. Part of the summer school was dedicated to discussion with several women, who linked their professional life with information technology. Participating girls had the opportunity to discuss how they can succeed in IT and what can be achieved in the field or how to combine a career in IT with their private and family life.

Article 11

Measures to eliminate discrimination against women in the labour market

141. The active employment policy supports part-time work via the “Socially Useful Jobs” instrument. Under this instrument the wage costs are refunded to the employers. In the case of recruiting candidates for part-time work, the employer receives a bonus compared to the recruitment of a candidate for a full-time job. The

⁴⁰ For details, see PDR: Final Report on the outcome of the investigation. Available at: http://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Kauzy/prace/81-2012-DIS-ZO-ZZ.pdf.

employers were informed about this possibility through LA CR informed. 4,300 job seekers were employed part-time under this measure from March 2013 until the end of June 2014.

142. Another operational programme is being prepared under the ESF for the period 2014 to 2020 (“Employment Operational Programme”), which is also specifically focused on the area of gender equality. Gender Equality Unit is active in providing information about this programme among departments in order to most effectively use the resources for the optimization of institutional framework for equality between women and men.

143. Focusing on the reconciliation of work and family life is also a MLSA campaign “Family and Work Audit”. This project was executed in the years 2011-2104, with the involvement of eight companies, three representatives of public administration, three non-profit and one contributory organization. The main objective of the audit was the development and optimization of pro-family oriented culture and initiate discussions leading to the creation of measures to support the harmonization of family and professional life. The benefit was the increase in the motivation of employees and the support of the economic interests of the company/organization. Regarding the reconciliation of work and family life there is an effort to encourage employers to play a more active role in offering different types of measures. It is also essential to promote social dialogue and collective bargaining, which contribute to the promotion of gender equality in the labour market.

144. Supervision over the observance of the right to equal treatment, including the right to equal pay for equal work or work of equal value, is performed by the labour inspection authorities. For more information about the number of checks and the fines see par. 34.

145. Eurostat’s statistic value for the gender pay gap in the Czech Republic for the year 2011 is 21.6%. Compared to the previous measurement in 2010 there was a decrease from 25.5%, i.e. there was a decrease of 3.9 percentage points. The average gender pay gap across the EU remains lower at 16.2%. However, compared to the previous period, the Czech Republic moved from the second highest difference in pay between women and men to fourth place behind Estonia, Austria and Germany.⁴¹

146. In 2014 was held the fifth year of the international event “Equal Pay Day”, which in the Czech Republic, similarly to other countries, was organized by the NGO “Business and Professional Women Prague”. During these events visitors have the opportunity to participate in conferences, meet with successful female managers and entrepreneurs from various fields and use the so-called mentoring. Last year was financially supported by the MLSA.

147. There are also on-going activities in the non-profit sector. An example is the non-profit organization “Gender Studies”, which was also supported by a grant programme in 2014, which was established by the MLSA to directly support publicly purposeful activities of NGOs dealing with gender equality (paragraph 27). The organization serves among other things as an information centre in the area of

⁴¹ The situation in the EU - Gender Pay Gap 2012 is available at: http://ec.europa.eu/justice/gender-equality/gender-pay-gap/situation-europe/index_en.htm.

discrimination in the labour market and performs a broad range of activities towards the public.

148. The social partners are also working intensively on the elimination of gender discrimination and promotion of equality between men and women. In this context it is possible mention in particular the activities of the Czech-Moravian Confederation of Trade Unions' Committee for Equal Opportunities, which in 2013 published a new version of a promotional leaflet which aims to encourage employees and workers to alert to discriminatory practices in the workplace and defend against them.

149. CZSO conducts its Labour Force Survey since 1992. An important criterion in relation to the reconciliation of work, private and family life is the data relating to hours worked in a week. Average weekly count is 40.8 hours. Men usually work 42.3 hours a week (43.0 hours in full-time and 21.2 hours in part-time), while women work 38.8 hours a week (40.7 hour and 21.3 hours).⁴² According to the same survey 70.4% of persons who work part-time are women. Most women work part-time in the age group between 30 and 44 years, which is the same for men. The sector, where most people work part-time, is wholesale and retail trade, repair of motor vehicles, services and sales. These areas are the same for both men and women.

150. The Labour Code allows the negotiation of a wide range of flexible forms of work between the employer and employee, such as: shorter working hours and other appropriate organization of working time; flexible working time; work from home partially or completely (homeworking); distance work (distance collaboration, teleworking); agreements on work performed outside an employment relationship, i.e. agreement on work and agreement on services; working hours account or job sharing.

151. Part-time forms of work are generally used less in the Czech Republic than in other EU countries, we must not forget, however, that part-time jobs are not the only option of flexible forms of work. Foreign findings show that the high rate of part-time work has a negative impact on the pay gap between women and men. It is therefore necessary to focus on general support of greater flexibility accompanied by stability of the labour market than solely on part-time work.

152. The introduction of flexible forms of work is a standard supported activity within the projects funded by ESF. Supported in particular is the introduction of flexible forms of work organization and their validation in practice; development of education and motivation of employers in the area of gender equality and the reconciliation of work and family life, raising awareness about the importance of measures to reconcile work and family life and the importance of flexible forms of work organization.

153. CZSO also monitors the level of economic activity of women in rural areas. For example in 2012 the economic activity of women in rural areas was lower than that of men (42.4% vs. 56.9%) and female unemployment rate in in rural areas in the same year was higher than male unemployment rate in rural areas (8.8% to 5.9%).⁴³ It is

⁴² Employment and unemployment according to the Labour Force Survey for 2012 is available at: <http://www.czso.cz/csu/2013edicniplan.nsf/p/3115-13>.

⁴³ For details, see the CSO, the focus on women and men 2013 2013 [online] [cit. 03/07/2014] URL: [http://www.czso.cz/csu/2013edicniplan.nsf/t/6D0027D654/\\$File/1413134437.pdf](http://www.czso.cz/csu/2013edicniplan.nsf/t/6D0027D654/$File/1413134437.pdf).

possible to explain this by the fact that in places with less labour available it is traditionally men who are trying to financially provide for their family and who due to the nature of some sectors (industrial and agricultural industry) are more likely to find a job. For more information about women in the rural areas see art. 14.

154. Those who are likely to be vulnerable to multiple discrimination are Roma women and foreign women living in the Czech Republic. As follows from the statistical estimates by the government, the total number of Roma job applicants consisted of 52.2% women (24,979). Overview of the participation of Roma women in the instruments and measures of active employment policy is provided in the following table:

Table 7
The estimated number of Roma women and Roma men participating in active employment policy in 2012

	<i>Requalification</i>	<i>Socially beneficial work</i>	<i>Socially purposeful jobs</i>	<i>Counselling programmes</i>	<i>Other tools</i>	<i>Individual action plans</i>
Number of Roma applicants	643	1 643	233	2 096	628	16 985
Of those women	265	598	97	908	276	8 364
Share in the active employment policy	9%	23,14%	3,28%	29,52%	8,84%	–
Share in all registered persons	1,34%	3,43%	0,48%	4,37%	1,31%	35,45%

	<i>Total</i>	<i>Men</i>	<i>Women</i>	<i>Men in %</i>	<i>Women in %</i>
Number of registered Roma applicants	47 854	22 875	24 979	47,8	52,2
Number of concluded individual action plans	16 985	8 621	8 364	50,8	49,2
Number of participants in socially beneficial work	1 643	1 045	598	63,6	36,4
Number of employees in socially purposeful jobs	233	136	97	58,4	41,6
Number of participants in requalification courses	643	378	265	58,8	41,2
Number of participants other tools of the active employment policy	628	352	276	56	44
Number of participants in counselling programmes	2 096	1 188	908	56,7	43,3
Number of participants in regional individual projects	1 460	838	622	57,4	42,6

Success rate of Roma applicants in individual segments of the labour market

	<i>Total</i>					
	<i>Men</i>	<i>Women</i>	<i>Men in %</i>	<i>Women in %</i>		
Total	11,4%	5 468	57,7%	3 143	42,3%	2 325
Men	64,8%	3 544	65,6%	2 063	63,7%	1 481
Women	35,2%	1 924	34,4%	1 080	36,3%	844

Source: Office of the Government, office of the Council for Roma Affairs.

155. The issue of employment of Roma women and migrant women is closely linked with the issue of employment agencies. According to the Trafficking in Persons Report for 2013,⁴⁴ which is published annually by the United States government and which is an important diplomatic tool for the involvement of other governments in the fight against human trafficking, the employment agencies are the main source of human trafficking in the country. The Report also asserts that the government of the Czech Republic fully complies with the minimum standards for the elimination of trafficking. The report particularly welcomes the adoption of new laws and regulations in the area of human trafficking, government regulation of the functioning of employment agencies and the introduction of criminal liability of legal persons and the increase of funds provided to NGOs providing social services to victims of trafficking.

156. The agenda of migration and integration of foreigners is currently mainly within the authority of the Ministry of Interior (since July 2008 the agenda associated with the coordination of the policy of integration of foreigners was transferred from the MV MPSV based on the government's decision), with an active participation of many non-governmental organizations offering information and within their training programs also specific tools for successful integration.

157. In 2000, similarly to the conceptual "Priorities and Procedures of the Government in Promotion of Equal Opportunities for Women and Men" was adopted the "Concept of Integration of Foreigners" (hereinafter only as the "Concept"), which was prepared by MI and since its creation also counts with the involvement of other departments and partners, especially from the non-profit sector. The concept reflects the fact that the integration of foreigners is a complex issue that touches many areas. In 2011 the Czech government adopted an updated "Concept of Integration of Foreigners — Living Together". Reports on the implementation of the Concept are presented annually to the government and the government of the Czech Republic annually approves a new procedure for implementing the Concept for the following year. The agenda of migration is also linked to the "National Strategy for Combating Human Trafficking in the Czech Republic for the period 2012-2015".

158. Council Committee on Institutional Framework of Equal Opportunities for Women and Men, the Government Council for Human Rights, the PDR and NGOs in the years 2012-2014 focused on the issue of health insurance of migrants living in the Czech Republic. The biggest problem with current insurance system for

⁴⁴ Trafficking in Persons Report is available online at: <http://www.state.gov/j/tip/rls/tiprpt/countries/2013/215450.htm>.

migrants legally residing in the territory of the Czech Republic for a period longer than 90 days is the exclusion of certain groups from the public health insurance system. These persons are dependent on commercial insurance, which, however, in comparison with public health insurance offers less favourable conditions. The female migrants are more strongly disadvantaged than male migrants in particular regarding gynaecological and obstetric care. The Government Council for Human Rights adopted on 7 October 2013 a resolution on the subject that called on the chairwoman to submit a motion to the government so that vulnerable groups of migrants would be incorporated into the public health insurance system in the shortest possible timeframe.

159. On 26 June 2014 a group of Deputies submitted to Chamber of Deputies a bill on private health insurance for foreigners staying in the Czech Republic, which placed an obligation on foreigners living in the Czech Republic to use private health insurance. The current version of the proposal is criticized by the non-profit sector, PDR⁴⁵ and some state authorities. On 21 July 2014 the government expressed disagreement with the proposal, among others on the grounds that the proposal is incompatible with EU law and gives the impression of imbalance of rights and obligations of the insurer and the insured person in favour of insurance companies. The government in its opinion also stated that the present bill does not match the planned concept of health insurance of foreigners in the Czech Republic, as this concept envisages that health services will be covered either by public health insurance or private health insurance, or services will be in some cases paid directly by the state. The government in its opinion also ordered that the Minister of Health, Minister of Interior, Minister of Finance and First Deputy Prime Minister for Economics prepare and submit to the Government an analysis of the issue of health insurance of foreigners by 31 August 2014. The draft law on private health insurance for foreigners staying in the Czech Republic was withdrawn by the petitioner in the first reading in the Chamber of Deputies.

160. In total the ESF supported 35 projects in the period 2007-2013 dealing with immigrants and refugees by a total sum of CZK 195,943,876 in two priority axes — social integration and international cooperation. Most of the projects focus on consultancy, especially on employment and law counselling, teaching the Czech language, educational activities, cooperation of non-profit organizations with municipalities, etc.

161. Most projects are generally focused on the target group of migrants (without gender differentiation). The emphasis on the group of female migrants is amplified in the project “Equal Chances on the Threshold of Czech Households”, which focuses on the topic of foreign women working in the Czech households in the Central Bohemia Region, which was selected for the pilot. The project is built on an effort to ensure equal rights and opportunities of foreign women in the labour market and society. The project also includes a public campaign and professional assistance to specific foreign women through the provision of free legal and social counselling.

162. Another example of a project aimed at the migrants is the project “Foreign Workers in the Labour Market”, which aims to open public debates and address

⁴⁵ PDR’s statement regarding the unacceptability of the draft law on private health insurance for foreigners is available online at: <http://www.ochrance.cz/tiskove-zpravy/tiskove-zpravy-2014/navrhovany-zakon-o-zdravotnim-pojisteni-cizincu-je-spatny-a-strani-pojistovnam/>.

taboo topics of labour safety of foreigners (accidents at work, occupational diseases) and to promote equal rights of foreigners in the labour market by developing international cooperation in this area through topical networks. Particular emphasis will be placed on foreign women in the labour market, since they are, based on experience of applicants, in a worse position than male foreigners.

163. The project “Stop Domestic Violence among People of Other Ethnic Groups — The Introduction of New Methods and Techniques within the Cooperation with the EU” aims to develop a methodology for working with foreigners living in the Czech Republic and their children and to work with people at risk of domestic violence. The aim of the project is the implementation of the methodology to the system of working with vulnerable persons and specific psychological, social and legal assistance to persons from the target group.

164. A discussion has started in the area of reconciliation of work, private and family life in recent years regarding the issue of pre-school childcare. According to data from the Ministry of Education the number of failed requests for child’s admission to kindergarten is constantly rising since the school year 2005/2006. This may point to the unsatisfactory situation in this area, however at the same time there is a risk of possible misinterpretation of this data, as the legal representative has the opportunity to submit more applications per child and the duplication of requests is becoming increasingly common.

165. In its resolution of 22 August 2012 No. 607 the government approved the draft act on the provision of childcare services in the children’s group and amending related laws, and the proposal was approved by the Chamber of Deputies on 23 September 2014. Children’s groups should present an alternative solution in the area of childcare. With an amendment to the Act on Income Tax the bill also modifies pro-family tax measures, i.e. introduction of the tax deductibility of employers’ costs in connection with the provision of childcare services for their employees and the introduction of tax deductions for income of the parents who use child care services in relation to the entry or return to the labour market.

166. Children’s group or any other form of child care facilities is already in operation at several ministries (MPSV, MO, MPO, Ministry of Foreign Affairs and Ministry of Finance) in 2014. Some other departments have also started preparations for the establishment of childcare facilities for children of their employees.

167. Another very important change brought about by the amendment to the Act on State Social Support in 2011,⁴⁶ is that children from two years of age can already attend crèches, kindergartens or other similar facilities without a time limit and their parents do not lose their right to parental allowance (until this amendment the attendance of children under three years of age was limited to a maximum of five days per month). Also updated was the rule for children younger than two years of age; they can now attend crèches, kindergartens or other similar facilities for up to 46 hours in a calendar month and yet parents do not lose their right to parental allowance. This change is essentially the introduction of a so-called time Account that the parents of children under two years of age may use up in whatever way suits

⁴⁶ In 2011 there was a change in the Act No. 117/1995 Coll., on State Social Support in relation to the parental contribution. This was amended by Act No. 364/2011 Coll. and particularly Act No. 366/2011 Coll. Changes entered force on 1 January 2012 and relate to greater flexibility when receiving parental allowance.

them within one month. The discussion on the introduction of time accounts was started by Council Committee for the Reconciliation of Work, Private and Family Life in 2010.

168. In July 2014 the Ministry of Education established a fund to support the development of capacities of kindergartens and primary schools. The main objective of capacity development in the regional education system is to set up a long-term support system in relation to demographic trends and labour market needs. The start of the implementation of the programme with the Ministry of Education's funding is designed in close relation to the management of capacity support for regional education programs from other chapters of the state budget and upcoming operational programs financed from EU Structural Funds.

169. An action plan should be created within the project "Preparation of the Action Plan for Balanced Representation of Women and Men in Decision-Making Positions and Other Related Measures" of the PROGRESS Community Programme, funded from EU sources (see also paragraph 116), part of which will be aimed at companies and the labour market in general. This chapter of the plan will introduce tools and recommendations dealing primarily with vertical gender segregation in the labour market, however, some of the tools should also be disrupt the horizontal gender segregation. Specifically, the action plan should offer positive motivation tools for employers to implement the principles of diversity (in both legislative and non-legislative area), recommend to establish institutional mechanisms for the creation of conditions of higher representation of women in the labour market (also in both the legislative and non-legislative area) and provide means of how to create social conditions for the elimination of cultural factors in the management of companies. The finalization of the action plan is expected in 2015.

Measures to prevent discrimination against women on the grounds of marriage or maternity

170. The amendment to the Labour Code by Act No. 365/2011 Coll. (with effect from 1 January 2012) was another positive change, namely that an employee shall not forfeit unused vacation days due to a collision with maternity leave or sick leave. If the vacation cannot be exhausted, the employer must according to §218 par. 2 of the Labour Code assign the vacation to the employee so that it will be exhausted by the end of the following calendar year. If, however, it cannot be exhausted in the following calendar year because the employee was recognized as temporarily incapable of work or because of maternity or parental leave, the employer pursuant to the provisions of §218 par. 4 of the Labour Code must determine the period for drawing the vacation days after these obstacles to work cease to exist. This led to a broader range of cases where the holiday will be provided after the obstacles to work on the part of the employee cease to exist. Until 31 December 2011, this option only concerned parental leave.

171. This removed an unjustified difference in the process — solution of situations where an obstacle of taking leave was parental leave on one side (whether drawn by a female employee after maternity or by a male employee at any time after the birth of the child, until the child reaches the age of 3) and on the second maternity leave, which was disadvantageous to women on maternity. If a male employee still has not exhausted his vacation days due to parental leave in the period during which the

female employee is entitled to take maternity leave, the right to vacation days did not cease to exist, however if a female employee has not exhausted her vacation days due to maternity leave, the right to vacation ceased to exist. Similarly the right to vacation ceased to exist in cases of long-term incapacity for work for employees who did not manage to exhaust their vacation days.⁴⁷

172. In relation to flexible work forms a judgment of the Supreme Court in 2014 showed a trend, that is still rather rare the case law, but positive nonetheless. The Supreme Court addressed the case of a woman, whose employer provided her the possibility to work part-time (due to child care), but it was removed after the retirement of her colleagues. The woman refused to be employed full-time and was laid off. According to the judgment of the Supreme Court of 9 July 2014 the employee has the right to a shorter working time or another appropriate organization of working time, which she may claim at court should the employer fail to voluntarily accommodate her request. If the employer refuses to accommodate the request or if he cancelled the decision to permit short-time work, he must prove in court serious operational reasons, which prevent this.⁴⁸ The importance of the decision of the Supreme Court consists mainly in preventing situations, where the employer automatically rejects a legal requirement of the employee caring for a child under the age of 15 to a suitable organization of working time with reference to operational reasons, without even evaluating his operational reasons.

Article 12

Measures to eliminate discrimination in health care

173. On 1 April 2012, the Act No. 372/2011 Coll., on Health Services and the Terms and Conditions for the Providing of Such Services entered force that very extensively regulates the rights of the patients. The Act responds to the needs arising from the Convention on the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine. Health services can be provided to the patients only with their free and informed consent. The cases in which health services can be provided without consent are very limited and defined by the law. The law defines the method of providing information to the patient about his medical condition and the proposed health services, determines the extent of the provided information, the conditions of consent, the possibility to refuse the provision of health services. Within the provision of health care the health services are provided without regard to sex, especially in cases where there is not a specific health issue of one sex. Regarding the treatment of women, the Czech Republic primarily supports prevention (see below). All healthcare providers must have in place a system of internal quality assurance and safety in their health care facilities and the medical staff compulsorily trained in the appropriate extent according to their competence.

174. A current topic in the field of women's health care in the Czech Republic is the care related with childbirth. Czech Gynaecological-Obstetrical Society of J. E. Purkyně issued several guidelines relating to the care of women during pregnancy and childbirth (e.g. principles of dispensary care in physiological

⁴⁷ For details, see para. § 218 para. 4 in conjunction with §222 paragraph. 2, first sentence of the Labour Code, as amended on 31 December 2011.

⁴⁸ For details, see the decision of the Supreme Court of 21 Cdo 1821/2013.

pregnancy, premature rupture of membranes, postdate pregnancy, principles for the provision of maternity care in the Czech Republic, etc.) The Czech Republic has a long tradition of preventive care for women, pregnant women and mothers. Regular annual preventive examinations are paid from the health insurance from the age of 15, during which a screening for cervical cancer is performed. Additionally screenings for breast cancer are performed at two-year intervals (and also paid from the insurance) from 45 years of age, and screenings for colorectal cancer from 55 years of age. Since 2014, direct inviting of women to this examination began in collaboration with health insurance companies.

175. The Czech Republic has some of the best results in the world in the care for the new-born. According to the World Health Organization the perinatal infant mortality in the Czech Republic is significantly lower than in most countries of the European Union and the Czech Republic with its values of perinatal mortality ranked as one of the top countries in Europe and worldwide. Care for pregnant women in prenatal and perinatal period, including payment for care during birth at the hospital (gynaecological-obstetric inpatient facilities) is also fully covered by public health insurance. Dispensary care is fully covered for pregnant women from the detection of pregnancy. If the woman decides for this care, she is observed throughout pregnancy in the prenatal clinic by a gynaecologist. At the first examination at the prenatal clinic the doctor decides on the basis of the available case history data and current clinical findings on the degree of potential risk; further monitoring and frequency of tests is guided by this assessment. During pregnancy a woman undergoes an average of 10 to 11 visits to the prenatal clinic; from the 36th week the woman goes to the obstetric facility, which she chose for childbirth. In the Czech Republic births take place only in those workplaces that meet the technical, material and personnel requirements established by law. This is how the mother and her child are guaranteed the right to the highest attainable standard of health and other rights arising mainly from the Convention on the Rights of the Child.

176. On 1 September 2010 came into force the Decree No. 221/2010 Coll., Requirements for Material and Technical Equipment of Health Facilities. This regulation was replaced in 2012 by Decree No. 92/2012 Coll., The Minimum Requirements for Material and Technical Equipment of Health Facilities and Home Care Contact Centres. Both regulations stipulate, among other things, how the midwife's workplace, where childbirths are not performed must be equipped (without the requirements of expensive equipment), and how the midwife's workplace, where physiological childbirths are performed, must be equipped. Required equipment was defined in order to ensure maximum safety of mothers and newborn children. From 1 January 2014 it is possible to cover from health insurance the care of a midwife who leads the physiological birth in a hospital, as well as midwife's care in prenatal period. Childbirth led only a midwife is performed as well as any other childbirth only in facilities designed for this purpose — i.e. in properly equipped hospitals. A doctor is summoned to the birth only in case of unexpected complications. This solution caters to pregnant women that do not wish for personal reasons to have a doctor at birth. On the other hand, it will be possible to provide the woman in labour and the newborn child immediate medical care if necessary.

177. Women and men may also benefit from prenatal courses, which can also inform the partner of the future mother, at their disposal there are delivery room visits and videos of births. Recently, women can also gain information at websites,

which provide both general and specific information, as well as information about health care facilities. Every woman can, on the basis of the obtained information, decide alone which facility she will visit before the birth and where she will give birth.

178. In 2009, the PDR focused in more detail on the topic of the operation of non-governmental health facilities where deliveries can be carried out with the help of midwives. In his own investigation he found out that the registering administrative authorities acted differently towards the registration applicants and sometimes even demanded the fulfilment of conditions beyond those defined by law.⁴⁹ The PDR therefore notified the Ministry of Health about the need for the adoption of implementing legislation, which would define clear factual, technical and personnel requirements for private medical facilities of this type.⁵⁰ The corresponding Decree on Requirements for Material and Technical Equipment of Health Facilities was adopted in 2010 and in 2012 was amended by the Decree on the Minimum Requirements for Material and Technical Equipment of Health Facilities and Home Care Contact Centres.

179. In the Czech Republic there is a possibility to leave the facility several hours after birth, or even sooner than the recommended 72 hours.⁵¹ The prerequisite is the signature of a release document. In order for the society to be better informed about this possibility, the Ministry of Health published in 2013 specific methodological guidelines, which recommend, how to proceed when leaving the hospital before the recommended 72 hours.⁵²

180. On 12th September 2013, the Council held a meeting in which the Council, inter alia, instructed the Board to set up a new working group to address the issue of gender equality in relation to obstetrics. This working group should focus on the situation in the Czech obstetrics comprehensively so that the free parental choice to choose the method, circumstances and place of birth or pregnancy, birth and postnatal care, can be implemented. Due to the elections to the Chamber of Deputies, the appointment of the new government and the subsequent transfer of the Secretariat of the Council the appropriate steps to establish this working group have not yet been completed, but its creation will occur during the autumn of 2014.

181. Regarding the Committee's recommendations 34 and 35 on illegal sterilization, the Government Council for Human Rights discussed at its meeting on 9 May 2011 the initiative of the Committee against Torture and Other Inhuman, Cruel or Degrading Treatment and Punishment regarding illegal sterilizations of women in the Czech Republic. The Government Council for Human Rights at its meeting in February 2012 approved a recommendation to the Government to compensate all the women who were sterilized in conflict with the law. According to

⁴⁹ The investigation report, sp. Ref. 2481/2009 / VOP / MP, available from:

[http://www.ochrance.cz/fileadmin/user_upload/STANOVISKA/Zdravotnictvi/Sprava_ve_zdravotnictvi/Stanovisko_porodni_asistentky.pdf](http://www.ochrance.cz/fileadmin/user_upload/STANOVISKA/Zdravotnictvi/Sprava_ve_zdravotnictvi/Zprava_porodni_asistentky.pdf).

⁵⁰ Final opinion, sp. Ref. 2481/2009 / VOP / MP, available from: http://www.ochrance.cz/fileadmin/user_upload/STANOVISKA/Zdravotnictvi/Sprava_ve_zdravotnictvi/Stanovisko_porodni_asistentky.pdf.

⁵¹ Period of 72 hours is the recommended time interval, based on expert knowledge. It is up to the woman whether to exercise this right.

⁵² For details, see Bulletin 8/2013 Ministry of Health, available online at: http://www.mzcr.cz/?Legislativa/dokumenty/vestnik-c8/2013_8527_2793_11.html.

the Government Council for Human Rights this applies to women who were sterilized between 1972 and 1991 and under the provisions of the law that was effective at that time were entitled to a cash contribution. The Council recommended indemnifying also those women who did not have a reasonable opportunity to claim compensation through legal means because of the lapse of the three-year limitation period for bringing an action for the protection of personality.

182. The Czech Republic already commented the Committee's recommendations regarding the illegal sterilization in the written information submitted to the Committee for the period from 1 November 2010 to 30 June 2012. Currently it is possible to say that on 2 July 2014 was held the opening session of the newly established interdepartmental working group on the issue of illegal sterilization, which is preparing a legislative proposal on compensation of wrongfully sterilized persons. The draft Act should be submitted to the government by the end of 2014. The draft Act envisages a comprehensive compensation of victims of coercive sterilization and satisfaction of their claims by the state. Victims therefore no longer need to bring to court civil action against a health care facility where the coercive sterilization took place. Within the indemnifying mechanism the applicants will be provided necessary information and advice to exercise their rights.

183. Free legal aid is currently provided in the Czech courts in individual cases. Destitute participants may in the absence of funds request a free appointment of a representative in civil proceedings or a representative of the injured party in criminal proceedings from the ranks of attorneys, whose costs are paid by the state, and they may also ask for forgiveness of court fees. Apart from NGOs the general legal assistance is also provided by the Czech Bar Association. The current government is also preparing a new comprehensive system of legal aid provided by the state, which should allow access to legal assistance not only in judicial or administrative proceedings, but also to general legal advice prior to the litigation, so that everyone could solve their problems amicably. Such system should be submitted to the government by the end of 2015.

184. The detailed regulation of the patient's informed consent to sterilization, including a seven (in the case of sterilization for health reasons) or a fourteen day period (in the case of sterilization for other reasons) between the provision of information about the procedure and the granting of consent is already incorporated into the Act No. 373/2011 Coll., on Specific Health Services. This law is one of the laws that greatly enhance the rights of patients and, among other things, emphasizes the protection of the rights of underage patients, patients deprived of legal capacity and patients with limited legal capacity so that they are not qualified to assess the provision of health services or their consequences and grant consent to their provision.⁵³

Article 13

Measures to eliminate discrimination in other areas of economic and social life

185. In 2013, the rate of risk of income poverty in the Czech Republic was 8.6%, a decrease compared to 2012, when the rate reached 9.6%. In the Czech Republic the

⁵³ For details, see Act no. 373/2011 Sb., On the specific health services.

indicator of the risk of poverty is in the long term the lowest of all EU countries. The system of social insurance, in which the citizens themselves financially contribute, includes sickness and pension insurance. Four benefits are paid from the sickness insurance: sickness benefits, maternity benefits, care benefits and compensatory allowance in pregnancy and motherhood. If they comply with the statutory conditions, all insured persons (mandatorily insured employees and voluntarily insured persons including the self-employed) are entitled to benefits under the uniform legislation, without distinction of sex, age, or ethnicity. Only the self-employed are not entitled to care benefits.

186. The pension insurance system provides old-age, invalidity and survivor pensions. The benefits are awarded to all insured, i.e. employed and self-employed persons if the legal conditions are met (the minimum term insurance and for pensions the reaching of the retirement age). Since 1996, the retirement age gradually increases and remains higher for men than for women (for women it further decreases with the number of raised children). In 2011 another regulation was adopted,⁵⁴ which brings the unification of the pension age for men and women at 66 years and 8 months in 2042.

187. The amount of the benefit is determined from the reduced income from which the insurance fee had been deducted and from the insurance period. In addition to the insurance period during which premiums were paid, the substitute insurance periods are also valued (fully or by 80%). Substitute periods are primarily times of care for kin, the duration of military service in the armed forces and time of care for a child under four years of age. The period of care for a child under four years of age is fully valued and corresponds with the average salary for the entire period of insurance. The system is uniform for all insured, without distinction of sex, age, ethnicity, etc. and there are no exceptions.

188. Insurance benefits (sick pay and pensions) are not focused on specific population groups (e.g. according to rural/urban areas, ethnic origin, health and disability, the extent of poverty with a particular focus on the situation of Roma women, migrant women and women with disabilities) and therefore are not monitored in the required breakdown. The issue of certain specific population groups (e.g. low-income, disabled, families with children, etc.) is tackled by the non-insurance benefits.

189. As of 1 July 2010 300,358 inhabitants were receiving care benefits. Of the total number of beneficiaries 38% of them were with grade I dependence (light dependence), 30% with grade II dependence (moderate dependence), 20% with grade III dependence (severe dependence) and 12% with grade IV dependence (complete dependence). Between the years 2008 and 2010 it is possible to observe a slight overall increase in the number of beneficiaries of care benefits (less than 5%). The decrease was recorded only in the grade I dependence group, in case of the other grades of dependence the number of beneficiaries increased, the highest increase in the grade IV dependence group (18%). Of the total number of beneficiaries of care benefits in 2010 (300 358) were 194 456 women (65%) and 210 167 individuals aged 65 years and over (70%). Most people receiving care benefits were aged 80-89 years — more than 113 000 people and represented 38% of all beneficiaries of the

⁵⁴ The change occurred Act no. 220/2011 Coll. Amending Act no. 155/1995 Sb. Pension Insurance, as amended, and certain other laws.

care benefit. Expenditure on social benefits for the year 2012 are shown in Table 9, welfare benefits paid in 2012 in each region are listed in Table 8.

Table 8
State social support in 2012 in the regions

Supplementary benefit (millions CZK) in the Czech Republic in 2012 in regions of the Czech Republic*

Territorial unit — Region (permanent residence of the recipient)	Total	Child benefit	Housing benefit	Parental allowance	Foster care - benefit of				Maternity grant	Funeral benefit	Social supplementary charge**
					Child's needs	Reward for foster parent	Adopt a child	Motor vehicle			
Praha	4 120.80	158.6	740.8	3 117.20	47.9	39.4	1.3	0.1	11.8	1.2	2.5
Středočeský	4 170.30	316.4	315.5	3 397	62.3	54.9	1.7	0.3	16.5	1.5	4.2
Jihočeský	2 028.30	206.9	244.7	1 489.80	37.5	35.1	0.8	0.6	8.6	1	3.2
Plzeňský	1 700.70	142.7	161.5	1 318.50	34.7	32.4	1.1	0.1	6.8	0.7	2.1
Karlovarský	1 085.10	128.4	234.1	664.8	27.6	21	0.5	0.2	6	0.4	2.1
Ústecký	3 244.70	371.3	824.7	1 913.10	57.9	51.2	1.7	/	17.1	1.3	6.4
Liberecký	1 584.80	154.1	288.9	1 075.90	29.3	24.9	0.7	0.3	7.1	0.6	3.1
Královehradecký	1 779.90	176.3	229.5	1 305.60	30.2	26.4	0.5	0.2	7.2	0.8	3.1
Pardubický	1 682.90	179.3	201.6	1 225.80	32.3	31.7	0.6	0.2	7.1	0.9	3.3
Vysočina	1 570.90	183.4	161.5	1 163.40	27.6	25	0.4	0.2	6.2	0.7	2.3
Jihomoravský	3 954.10	375.7	622.1	2 821.10	59.2	53.5	1.3	0.3	14.4	1.4	5.2
Olomoucký	2 136.30	239.5	333.5	1 465.20	43.6	39.3	0.7	0.1	9.5	0.8	4.1
Zlínský	1 789.10	198.2	219.2	1 296.10	34.8	30.4	0.8	0	6	0.8	2.8
Moravskoslezský	4 695.20	511.4	1 168.20	2 778.20	111	93	2.7	1.1	19.9	2.3	7.3
Total CR	35 542.80	3 342.40	5 745.70	25 031.70	635.9	558.1	14.9	3.8	144.1	14.5	51.9

Table 9
State social support in 2012

Average supplementary benefit in the Czech Republic in 2012*

Supplementary benefits	Total	of which			Foster care — benefit of				motor vehicle	Maternity grant	Funeral benefit	Social supplementary charge***
		Child benefit	Housing benefit	Parental allowance	child's needs	reward for foster parent	adopt a child					
	1	2	4	5	6	7	8	9	10	11	3	
		CZK	CZK	CZK	CZK	CZK	CZK	CZK	CZK	CZK	CZK	CZK
Average benefit	/	600	2 945	6 765	4 772	5 187	3 652	60 540	13 062	4 979	3 095	
Total CR/number of benefits**	11 494 094	5 570 195	1 950 174	3 700 352	133 274	107 600	1 718	62	11 030	2 905	16 784	
Total CR/amounts in mil. of CZK	35 542.80	3 342.30	5 745.70	25 031.60	635.9	558.1	14.9	03-Aug	144.1	14.5	51.9	
% of total number of benefits	100	48.5	17	32.2	1.2	0.9	0	0	0.1	0	0.1	
% of total amount	100	9.4	16.2	70.4	1.8	1.6	0	0	0.4	0	0.2	

* Data from the statements of the Czech national bank about the implementation of benefits (include the re-paid benefits, additional payments, overpayments and refunds).

** Number of benefit (number of benefits, additional payments, overpayments and refunds).

*** From 2012 deleted, mentioned additional payments are for the previous year.

Source: CZSO.

190. In recent years increasing attention is paid to the gender aspects of homelessness. In particular, there are on-going projects in the non-profit sector that aim to draw attention to the phenomenon of homelessness of women. For example the non-profit organization “Like Home”⁵⁵ bases its work on the assumption that is typical for the homelessness of women is its concealment and therefore less attention has been paid to it so far. A study carried out by the organization showed that survival strategies, risks and phenomena that accompany homelessness of women are gender specific. Attention must be paid to the homelessness of women also because it is related to the phenomenon of the feminization of poverty.⁵⁶

191. In the context of the high unemployment rate in rural areas it is essential to support the local availability of quality public services (esp. in the area of employment support). In 2014 MLSA created the “Concept for Preventing and Tackling Homelessness in the Czech Republic for 2020” (hereinafter only as the “Concept”), which should contribute to the achievement of goals regarding poverty, to which the Czech Republic has committed under the “National Reform Programmes” (hereinafter referred to as “NPR”). The specific objective of NPR regarding homelessness is to keep the number of people at risk of poverty, material deprivation or living in jobless households at the level of the year 2008 until 2020. The CR will simultaneously make efforts to reduce the number of people at risk of poverty, material deprivation or living in jobless households by ca. 30,000 people. The Concept responds to the needs of the CR as well as the EU demands to

⁵⁵ Website of the organization Like Home is available at: <http://jakodoma.org/english/>.

⁵⁶ The report “Back from the bottom: Focus on Women” is available on http://jakodoma.org/wp-content/uploads/2014/04/zprava_final.pdf.

strengthen social services targeted at the most disadvantaged groups. The Concept was also prepared in accordance with a written statement of the European Parliament of 16 December 2010 on “EU Strategy for Homelessness.”

192. Based on the information contained in the Concept, the estimated number of homeless people in the Czech Republic is approximately 30,000 people, according to experts. The last Census in 2011 was attended by only a part of the homeless persons, namely 11,496 people. Based on the information of the CZSO women accounted for 21.5% of this total.⁵⁷

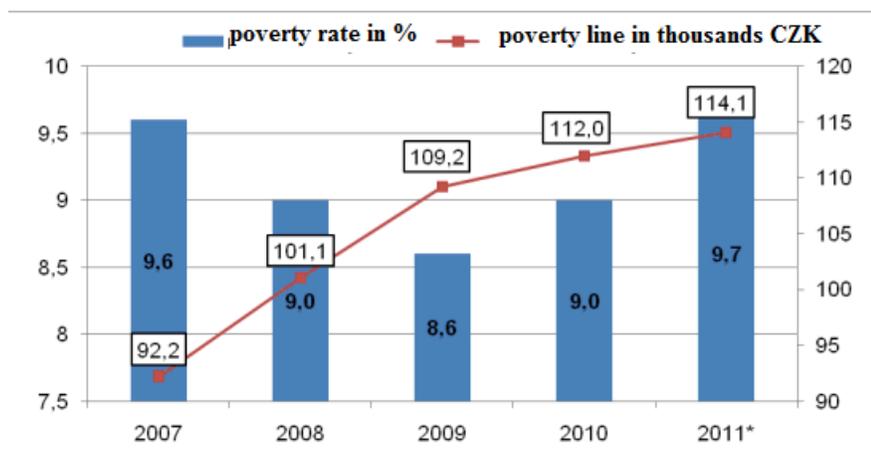
193. Apart from the already mentioned Concept a concept of social housing is being prepared, which will lead to the adoption of the law on social housing. One of the basic principles is the provision of housing (i.e. living in an apartment, not a hostel where women are particularly threatened by the loss of privacy, a lower level of security, stigmatization, etc.). Due to the fact that in the Czech Republic 93% of the children is entrusted to the care of mothers, some of which may be dependent on the existence of social housing, the provision of housing is an important measure to ensure a decent life for some single mothers.

194. The preliminary results of the EU-SILC 2011 (“European Union — Statistics on Income and Living Conditions”⁵⁸), which reflects the situation of households in 2010 and the spring of 2011, show that the level of risk of income poverty has increased over the previous year. According to preliminary data 1,008,000 persons (i.e. 9.7% of all inhabitants) were threatened by income poverty in the Czech Republic, i.e. 71,000 more than a year ago. More at risk of poverty were women (10.4% of all women) than men (8.9% of all men). Most people were at risk of poverty in single-parent families (34.7% of people), and especially in jobless households (45.7% of people), where their number increased by more than 5% as a result of an increase in long-term unemployment. Development of the risk of income poverty during 2007-2011 is captured along with the level of the poverty threshold in chart No. 1. The change in the previous trend of reducing this rate occurred in 2010 due to a slowdown in household income starting in 2009 due to the effects of the global economic crisis. In 2012 9.6% of people (990 300) were threatened by income poverty, the proportion of people at risk of poverty thus decreased.

⁵⁷ Details on the census of homeless persons available at [http://www.czso.cz/csu/2012edicniplan.nsf/t/93003FC1CD/\\$File/1804121006.pdf](http://www.czso.cz/csu/2012edicniplan.nsf/t/93003FC1CD/$File/1804121006.pdf).

⁵⁸ For details on the investigation of the EU-SILC available at http://epp.eurostat.ec.europa.eu/portal/page/portal/microdata/eu_silc.

Chart 1
Development of risk of income poverty rate in 2007-2011



195. However, the CR, is not idle in this area -the government approved by its resolution of 8 January 2014 No. 24 the national framework document on social inclusion and combating poverty under the name “Social Inclusion Strategy 2014-2020”, which covers the main areas of interest for social inclusion of socially excluded persons or persons threatened by social exclusion. The purpose of the Social Inclusion Strategy 2014-2020 is to contribute to meeting the national goals of poverty reduction and reducing social exclusion set by the National Reform Programme, which is based on the Europe 2020 strategy.

196. Regarding the combination of discrimination based on gender and ethnicity, the individual policies of social work in the Czech Republic are not based on ethnic principles, i.e. do not solve the problems of the Roma as an ethnic minority, which means that (with some exceptions in the form of estimates — see paragraph 152) they do not maintain explicit statistics according to particular nationality or ethnicity. Basic overview of the situation in the Czech Republic in the area of potential multiple discrimination (data on gender, age, residence and education) can be obtained from the Labour Force Survey.⁵⁹

197. In 2014, the NGO Word 21 conducted the “Research on the Situation of Roma Women in the Czech Republic”, which, shows, e.g. that a higher proportion of respondents are interested in learning and considers it essential to educate their children. The vast majority of respondents have alleged direct experience with discrimination in housing, but do not complain to the availability and quality of health care. A slightly larger number of Roma women prefer informal cohabitation to marriage, families still uphold the “traditional” division of roles with a caring woman and a man who earns money. Civic activity among respondents was not significant.⁶⁰

⁵⁹ “Labour Force Survey” is available at: http://www.czso.cz/vykazy/vykazy.nsf/i/vyberove_setreni_pracovnich_sil.

⁶⁰ “Research on the situation of Roma women in the Czech Republic” is available at: http://www.slovo21.cz/images/dokumenty/VZKUM%20O%20POSTAVEN%20ROMSKCH%20EN%20V%20R_pdf%20publikace.pdf.

Article 14**Measures to eliminate discrimination against women in rural areas**

198. One of the primary persistent problems of women living in rural areas is their economic status. Unemployment of women in the rural areas is persistently higher than female unemployment in the cities. In 2011, the unemployment rate for women in rural areas was 11.2%, while in urban areas the rate was 10.1% (see Article 11).

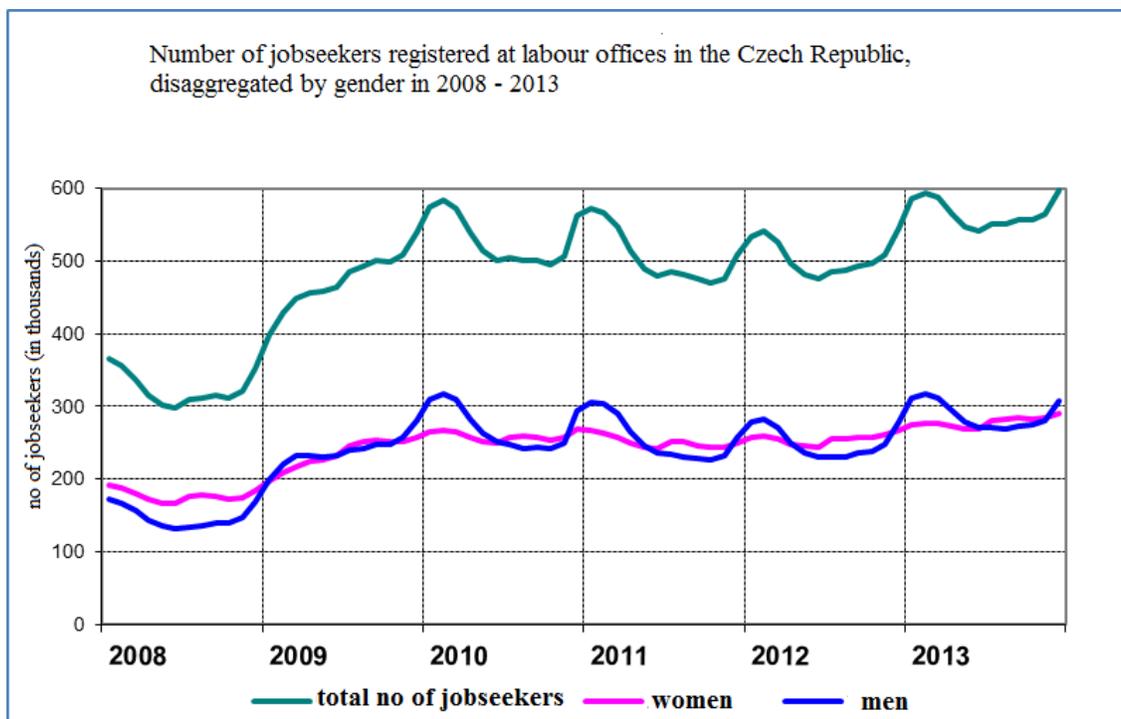
199. The common EU typology distinguishes between regions that are predominantly urban, mixed and predominantly rural. The regions of the Czech Republic fall in the following categories:

- predominantly urban — regions Prague and Central Bohemia
- predominantly rural — regions Pilsen, South Bohemia, Vysočina, Pardubice, Olomouc and Zlín
- Mixed — regions Karlovy Vary, Ústí nad Labem, Liberec, Hradec Králové, South Moravian and Moravian-Silesian regions.

200. As shown in the following chart according to the data for the entire country since 2008 it was women who were predominant in the records of LO CR; due to the global economic crisis, which affected mainly the industries with a higher employment rate of men, in the following years it was men who predominated. Differences in unemployment rates for men and women expressed by the proportion of unemployed persons were not significant in the individual regions, were related to the different sector structure of the region and the rate of the impact of the global economic crisis on the sector.

Chart. 2

Number of jobseekers registered at labour offices in the Czech Republic, disaggregated by gender



201. Within the implementation of employment policy via instruments and measures of active employment policy to increase employment the MLSA and LO CR primarily support applicants for employment who cannot find employment by other means due to their individual disadvantages. These are particularly persons who are continuously registered as job seekers, applicants for employment, who due to their health status, age (graduates without work experience, young people under 25 and people over 55 years of age) or child care receive increased attention. The MLSA and LO CR do not have special programmes or measures to promote gender equality within the active policy.

202. Within the prevention of social exclusion (e.g. women living in rural areas) the MLD together with the State Housing Development Fund supported a total 14,909 rental flats designated for social housing. These were social rental apartments built between 2009 and 2010 and designed especially for senior citizens, people with disabilities or entry level apartments input for the socially disadvantaged persons.

Articles 15 and 16

Promoting gender equality before the law and in civil matters, family relationships and matters relating to marriage

203. Marriages in the Czech Republic have long-term downward trend. In 2011, the Czech Republic held 45,137 weddings, which was the lowest since 1918. In 2012,

the number of marriages increased slightly with 45,206 marriages recorded.⁶¹ The current trend in the Czech Republic is informal cohabitation of partners (even among the Roma — see Art. 13).

204. In 2012 the new Civil Code No. 89/2012 Coll., was introduced, which came into effect on 1 January 2014. This newly adopted regulation has, among other things, a positive impact on equality between women and men.

205. The Civil Code newly includes the Act on Family. There have been some changes in the area of family law — especially in matters of determination of paternity, alimony and reimbursement of certain expenses for unmarried mothers, or maintenance obligations between divorced spouses. The Civil Code explicitly establishes protective provisions for the housing of families and also regulates housing after the dissolution of marriage. Family, marriage and parenthood enjoy special legal protection under the Civil Code; the spouses have equal responsibilities and equal rights. New to the Civil Code is the duty of a husband/wife when selecting their work, study and similar activities, to take into account the interest of the family, partner and minor children who have not acquired full legal capacity and who lives with her parents in the family household, or other family members.

206. Under the new regulation of proceedings regarding the judicial care for minors in Act No. 292/2013 Coll., on Special Judicial Proceedings, is with effect from 1 January 2014 established that all judgments sentencing to provide maintenance payments are legally enforceable (see §473 No. 292/2013). This means that these judgments are enforceable upon receipt by the obliged person who is required to pay child support, regardless of the effective date of the judgment and regardless of whether a person appeals against the judgment at the regional court or not. This treatment significantly accelerated the possibility of achieving the fulfilment of child support in cases where a person, who is a victim of domestic violence, seeks the determination and payment of maintenance for the child, who is in the person's care, from the father or the mother of the child. According to the Plan of Legislative Work of the Czech Government for 2014 the MLSA shall submit to the government by December 2014 the draft Act on Substitute Alimony, which should address, among other things, the difficult economic situation of divorced spouses in situations where the other parent does not pay the set alimony.

Article 20

Meeting of the Committee on the Elimination of All Forms of Discrimination against Women

207. The Committee urges the State party to accelerate the adoption of the amendment to Art. 20 par. 1 of the Convention on the dates of the Committee meetings. The adoption of the amendment was completed on 30 June 2014, when the amendment was deposited by the Czech Republic with the depositary.

⁶¹ More statistics on marriage is available at: <http://www.czso.cz/csu/redakce.nsf/i/snatecnost>.

Glossary

AEP	Active Employment Policy
AS	Academy of Sciences
CNB	Czech National Bank
CR	Czech Republic
CSSD	Czech Social Democratic Party
CZSO	Czech Statistical Office
DV	Domestic violence
EU	European Union
EU-SILC	Survey on Income and Living Conditions of Households European Union
GACZ	Grant Agency of the Czech Republic
IS	Information System
ISP	Information system on salaries
IT	Information Technology
KDU-CSL	Christian and Democratic Union — Czechoslovak People's Party
KSCM	Communist Party of Bohemia and Moravia
LIDEM	Liberal Democrats
MF	Ministry of Finance
MLD	Ministry for Local Development
MIT	Ministry of Industry and Trade
MLSA	Ministry of Labour and Social Affairs
MJ	Ministry of Justice
MS	Kindergarten
MoEYS	Ministry of Education, Youth and Sports
MI	Ministry of Interior
MH	Ministry of Health
MFA	Ministry of Foreign Affairs
NAP DV	National Action Plan for the Prevention of Domestic Violence for the years 2011-2014

NESEHNUTÍ	Independent Social-Ecological Movement
NCC-WS	National Contact Centre — Women and Science
NGO	Non-governmental organizations
UN	United Nations
OSPOD	The body of socio-legal protection of children
POP	Public order police
DPOP	Directorate of public order police
ECJ	European Court of Justice
SPŠ	Police High School
SVP	Educational care centre
TZ	Criminal Code
USA	United States
LO	CR-Labour Office of the Czech Republic
VOS	College
VPS	Police College
ZS	primary school
