



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General

12 April 2010

Original: English

Committee on the Elimination of Discrimination against Women

Pre-session working group

Forty -seventh session

4-22 October 2010

List of issues and questions with regard to the consideration of periodic reports

Czech Republic

The pre-session working group considered the combined fourth and fifth periodic report of the Czech Republic (CEDAW/C/CZE/5).

General

While noting that the combined fourth and fifth periodic report was elaborated by the Government Commissioner for Human Rights on the basis of information provided by, inter alia, non-governmental organizations (NGO) (p.2), the Committee would be interested in receiving additional information on the process of preparing the report. This information should indicate the nature and extent of the participation of Government departments and institutions, including the Government Commissioner for Human Rights, details on consultations held with NGOs, particularly with women's organizations and whether the Government submitted the report to the Parliament.

With reference to the recommendation contained in paragraph 6 of the previous concluding observations of the Committee (CEDAW/C/CZE/CO/3) and to the State party's indication in paragraph 127 of the Common Core document (HRI/CORE/CZE/2009) that concluding observations are available to the public on the web page of the Government, please explain whether the previous concluding observations were submitted to all Ministries and to the Parliament so as to ensure their full implementation.

Constitutional, legislative and institutional framework

Given the supremacy of the Convention over the State party's domestic legislation, please indicate whether the provisions of the Convention have been invoked in national courts and provide examples of pertinent case law.

Please indicate whether a definition of discrimination against women in line with article 1 of the Convention and covering acts of discrimination by public and private actors, in accordance with article 2 of the Convention, has been incorporated in the Anti-discrimination Act adopted in June 2009. Please also explain whether the Anti-discrimination Act prohibits discrimination on the grounds of sex, and multiple forms of discrimination against women in all areas covered by the Convention.

The Committee, in its previous concluding observations (CEDAW/C/CZE/CO/3, para. 9) noted with concern that the adoption of a number of critical laws to ensure women's full enjoyment of their human rights was still pending, including the electoral code. Please provide updated information on the status of adoption of this code.

Please indicate how effective was the prohibition of discrimination enshrined in the previous Labour Code and provide data on the number of complaints filed by women for direct and indirect discrimination in labour relations and for harassment and sexual harassment from the year 2004 to 1 January 2007 when the new Labour Code entered into force. The State party's report indicates that the new Labour Code of 2007 does not define discrimination but refers to the Anti-discrimination Act adopted in June 2009 (para. 103). Please explain what legal provisions were used to protect women against discrimination in labour relations between January 2007 and June 2009.

The Committee, in its previous concluding observations, recommended that "the State party strengthen the institutional structure of the existing national machinery in order to make it more effective by providing it with decision-making power, visibility, human and financial resources..." (CEDAW/C/CZE/CO/3, para. 12). Please provide information on follow-up measures undertaken in response to these recommendations.

The report indicates that under the Anti-discrimination Act a special antidiscrimination department is to be established in the Office of the Ombudsman, thus creating an "equality body" within the meaning of the relevant European Union directive (para.10). Please provide information on the mandate and functions of this "equality body" as well as its responsibility in relation with the elimination of

discrimination and gender equality.

Please also provide information on the establishment of regional and local gender equality machinery and on measures taken to ensure effective coordination among all relevant mechanisms and entities on gender equality at all levels, as recommended by the Committee in its previous concluding observations (CEDAW/C/CZE/CO/3, para. 12). Please also clarify the roles and responsibilities of the Minister for Human Rights and National Minorities and the Council for Equal Opportunities for Women and Men thereof. The report indicates that since 2005 each Ministry is obliged to create at least one full-time or two half-time jobs for employees working on gender equality (para. 14). Please inform the Committee on any concrete development in this regard.

The report refers to the project “Improvement of the Public Institutional Mechanism for the Introduction, Implementation and Monitoring of Equal Treatment of Men and Women” completed in 2003 (para. 16). Please provide information on the proposals made to “further reinforce and improve” the institutional mechanism and indicate their status of implementation.

Visibility of the Convention and Optional Protocol

Please outline the measures taken to make widely known the Convention, the Committee’s general recommendations, and the Optional Protocol to the Convention, especially for the law enforcement officials and the judiciary, as recommended by the Committee in its previous concluding observations (CEDAW/C/CZE/CO/3, para. 8). What actions are being taken to sensitize women, in particular the ones belonging to the most disadvantaged groups, such as Roma women, women with disabilities, and older women about their rights under the Convention and the relevant domestic legislation and to encourage them to seek redress against discrimination? Have any special remedies or avenues of redress been developed to enable women to pursue their rights? Please provide information on cases of discrimination on the grounds of sex and gender that have been filed with bodies mandated to receive complaints, such as the Government Commissioner for Human Rights, the outcome of these cases and remedies provided.

Temporary special measures

In its previous concluding observations (CEDAW/C/CZE/CO/3, paras. 20 and 22), the Committee recommended that the State party, in accordance with article 4, paragraph 1, of the Convention and the Committee’s general recommendation No. 25 (2004) introduce temporary special measures to accelerate the increase in the representation of women in elected and appointed bodies in all areas of public life, eliminate the multiple forms of discrimination against Roma women and girls and enhance respect for their human rights. Please indicate if temporary special measures in the above-mentioned fields have been taken or are envisaged and if so, provide information on their impact.

Stereotypes

The report indicates considerable efforts made by the State party to eradicate stereotyped attitudes regarding the roles of women and men in private and public life. Please indicate whether an impact assessment of the various initiatives undertaken has been carried out to identify the most persistent obstacles in this regard. What efforts have been made to address stereotyped attitudes towards women experiencing multiple forms of discrimination on the grounds of their ethnicity, age, disability or other characteristics? Are any temporary special measures introduced or envisaged in this regard?

Violence against women

Please explain whether the “National Action Plan of Prevention of Domestic Violence” mentioned in the report is finalized and provide additional information on the priorities identified in the Plan (para. 37). Please explain the rationale for the selection of the National Action Plan’s target groups and indicate the time-frame for the adoption and implementation of the Plan.

The report indicates that, since 2007, it is possible to issue expulsion or restriction orders against a perpetrator of domestic violence from common residence (para. 32). However, the number of such orders issued varies significantly between regions. Please inform the Committee whether any step has been taken to explain the underlying causes of such differences. Following this observation, has the State party envisaged additional measures targeting the most affected regions as well as those where a comparatively small number of expulsion occurred due to insufficient information and support provided to women and professionals working with victims of domestic violence?

Does the definition of rape in the new Criminal Code penalize any sexual act committed against a non-consenting person, including in the absence of resistance, as recommended by the Committee in its previous concluding observations (CEDAW/C/CZE/CO/3, para. 16)?

The report provides very limited sex disaggregated data on forms of gender-based violence. Please indicate whether the State party has established or envisages establishing a systematic and regular gathering and analysis of data and information, including sex-disaggregated statistics on the type and extent of gender-based violence. Please also provide data, if available, on women murdered by their husbands, partners or ex-partners.

Trafficking and exploitation of prostitution

The report indicates that the Czech Republic is still unable to ratify the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children “due to the absence of legislation stipulating responsibility of legal entities for selected criminal offences” (para. 64). Please explain the obstacles that persist in adopting the necessary legislation and the measures taken to overcome them.

The Committee was informed that the latest amendment to the Penal Code (40/2009 Coll.) which entered into force on 1 January

2010, inter alia, prescribes the “notification duty” to report on crimes of trafficking in human beings. Please explain how the “notification duty” to report these crimes will be implemented in practice. Has a risk assessment been carried out in order to identify the possible negative impact of such a policy on the effective and timely identification of women victims of trafficking?

The report provides information on victims of trafficking enrolled in the “Programme of Support and Protection of Human Trafficking Victims in the Czech Republic” (para. 72), but data provided on victims assisted and supported through the Programme are gender neutral. Please, provide updated and detailed statistics on the number of women victims of trafficking, including minors, as well as on complaints, investigations, prosecutions, convictions, and penalties imposed on the perpetrators of such crimes and on compensation received by the victims. Please also explain what protection and assistance is available to victims who, due to security risks and precaution measures, are not able or do not wish to cooperate with authorities responsible for criminal proceedings.

In the previous concluding observations the Committee recommended the State party to take appropriate measures to suppress the exploitation of prostitution (CEDAW/C/CZE/CO/3, para. 18). Please indicate what measures were taken and elaborate on the current extent of prostitution, its forms, and characteristics and on policy development towards prostitution, including projects and programmes aimed at empowering women practicing prostitution and at supporting those who wish to leave prostitution.

Participation in political and public life, and decision-making

While acknowledging that the representation of women at top political posts in the Czech Republic is still low, the report is silent on measures taken by the State party to increase the representation of women in elected and appointed bodies, as recommended by the Committee in its previous concluding observations (CEDAW/C/CZE/CO/3, para. 20). Please explain the steps taken to give effect to those recommendations. The data provided in the report are not sufficient and clear to assess progresses achieved in implementing the State party’s obligations under articles 7 and 8 of the Convention. Please provide data on women candidates for the election to the Senate in 2008 and on women elected as Senators as well as on women candidates to the last elections to regional assemblies and on women elected as regional counsellors. The report is silent on the percentage of women majors. Women are also significantly underrepresented in the diplomatic and foreign services. Please elaborate on criteria and process for appointment and promotion of women in diplomatic services and obstacles identified to their participation in the highest diplomatic ranks, as well as any measures taken or envisaged to increase the participation of women in the fields covered by article 8 of the Convention.

Education

The figures mentioned in the report (table Nos. 6.2, 6.3 and 7.4) indicate that while the number of female students at the University has been higher than male students since 2004, the number of women graduates is lower than the number of male graduates. The statistics also show that the number of women professors, assistant professors and Ph.D. holders is extremely low. Please clarify the reasons for the lower proportion of women graduating from University and explain what proactive measures, including temporary special measures, the State party has undertaken to support women’s academic carrier.

The report indicates that “it is a fact that a substantial part of Roma girls face major obstacles in completing basic school attendance” (para. 90). Please provide statistical data on dropout rates for Roma girls, and provide information on measures undertaken to support them continuing their education. Have any programmes been adopted to financially support Roma secondary school female students.

In 2007, the Committee on the Elimination of Racial Discrimination noted with particular concern that a disproportionately large number of Roma children of the Czech Republic attended “special schools” and recommended that the State party review the methodological tools used to determine the cases in which children are to be enrolled in special schools (CERD/C/CZE/CO/7, para. 17). Please provide information on the steps taken by the State party to implement the recommendations of the Committee on the Elimination of Racial Discrimination and indicate whether Roma girls continue to be overrepresented in “special schools”.

The report refers to measures adopted to increase the participation of girls in technical branches (para. 91). Please inform the Committee whether similar measures were introduced to encourage boys to take up studies that are traditionally female dominated. Has any evaluation of policies to encourage diversification of study choices been carried out?

Employment, social and economic benefit

The Committee, in its previous concluding observations, expressed concern about “the concentration of women in certain employment sectors as well as the low representation of women in managerial and decision-making positions” (CEDAW/C/CZE/CO/3, para. 25). Please elaborate on the efforts being made to address this situation and provide updated data in this regard. Taking into consideration the persistent very wide gender pay gap, please also explain the steps taken to close the wage gap and to give effect to the recommendations contained in paragraph 26 of the previous concluding observations.

Please provide information on the percentage of men taking parental leave since the entry into force of the new Sickness Insurance Act of January 2009, which permits rotation between mothers and fathers in child care and grants them equal rights to maternity allowance (para. 62). Please also compare this percentage with the number of men that were taking parental leave on the basis of the parental allowance. Please also provide updated information on the Government’s intention to introduce a father’s leave as part of the pro-family package approved in November 2008 (para. 63).

The report is silent on the situation of women with disabilities, refugee and migrant women and girls. Please provide such information, in particular with regard to their economic and social situation and indicate what measures are in place to support these groups of women. Please give details about the situation of older women, in particular in terms of their entitlements to pension benefits and other forms of social assistance.

Health

The Committee, in its previous concluding observations (CEDAW/C/CZE/CO/3, para. 24) urged the State party to take urgent action to implement the recommendations of the Public Defender of Rights of 23 December 2005 with regard to involuntary or coercive sterilization. Please clarify whether the necessary legislative changes on informed consent to sterilization have been adopted and are in force. Please also report on the situation of Roma women pertaining to the issue of coercive or involuntary sterilization, including a detailed assessment of the impact of measures taken and results achieved, as requested by the Committee in its previous concluding observations (CEDAW/C/CZE/CO/3, para. 24). Has the Government established mechanisms to enable women who have been sterilized without informed consent between 1973 and 1990 to obtain compensation, as recommended by the Czech Public Defender of Rights in 2005?

While noting that the responsibility for health and its reinforcement at various levels and in different settings is being promoted under the “Health for All in the 21st Century” and that the Government promotes projects aimed at the improvement of reproductive health of women (paras. 98 and 100), the Committee would like to receive information on projects addressing the health situation of Roma women and the specific health needs of older women.

Rural and Roma women

The report notes that the State party has implemented several initiatives and projects to address the situation of rural women. Please provide information on the impact of the financial support provided to “plans of rural entities” through the “Rural Development Programme-Rural Financial Opportunities after 2006” on access by rural women, including older and Roma women in rural areas, to education, transport, social and other services.

Please provide statistical data on the status of Roma women and girls in the areas of health, housing, employment, and participation in public life and decision-making as well as information on measures taken to enhance the protection of Roma women and girls against all forms of violence, including trafficking to other countries for the purpose of sexual and economic exploitation. Please also provide information on measures taken to implement the previous recommendations of the Committee (CEDAW/C/CZE/CO/3, para. 22).

Amendment to article 20, paragraph 1

Please indicate what progress has been made towards acceptance of the amendment to article 20, paragraph 1 of the Convention, pertaining to the Committee’s meeting time.