



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

Distr.: General
17 May 2006

Original: English

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

Pre-session working group for the thirty-sixth session
7-25 August 2006

**Responses to the list of issues and questions for
consideration of the third periodic report**

Czech Republic*

* The present document is being issued without formal editing.

Constitution, legislation and national machinery for the advancement of women

1. *Please provide information on the process of preparing the third periodic report of the Czech Republic. This information should indicate which Government departments and institutions were involved and the nature and extent of their participation, whether consultations were held with non-governmental organizations and whether the report was presented to Parliament.*

The process of preparing the third periodic report commenced in July 2003, when the Government's Commissioner for Human Rights requested government authorities to provide him with documents that would underlie the process of preparing the report. This request was distributed to the Ministry of Informatics, Ministry for Regional Development, Ministry of Environment, Ministry of Culture, Ministry of Education, Youth and Sports, Ministry of Health, Ministry of Agriculture, Ministry of Transport, Ministry of Labor and Social Affairs, Ministry of Industry and Trade, Ministry of Defense, Ministry of Finance, Ministry of Justice, Ministry of Foreign Affairs, and Ministry of the Interior.

In August that same year, the Government Commissioner for Human Rights also invited to participation in preparing the report governors of all administrative regions of the Czech Republic to participate, members of the Government Council for Human Rights, members of the Government Council for Equal Opportunities for Women and Men and members of the Committee for the Elimination of All Forms of Discrimination against Women of the Government Council for Human Rights,¹ who represent the professional public, civic associations and the academic community on these advisory bodies.

Of the fourteen administrative regions of the Czech Republic that were approached with the request, nine regions participated in preparing the report.² For NGOs, only the Czech Women's Union provided documents required for the preparing of the report. In addition, NGOs had an opportunity to comment on the contents of the report in interdepartmental comments procedure.³ This opportunity was used by the civic association ROSA – the Information and Advisory Center for Women – Victims of Domestic Violence, Open Society Fund Prague, La Strada Czech Republic, and the Union of Czech and Moravian Production Cooperatives. The final version of the report was substantially influenced by central governmental authorities, while contribution by NGOs may be referred to as supplemental.

The Government of the Czech Republic adopted the report by Resolution No 342 of 14 April 2004. The Parliament of the Czech Republic did not consider the report.

2. *The amendment to article 10 of the Constitution of the Czech Republic (effective as from 1 June 2002) gives international agreements precedence over domestic Acts (para. 27). Please provide information regarding the legal status of the Convention in the national legal system,*

¹ The Government Council for Human Rights is an advisory body of the Czech Government in the field of human rights and fundamental freedoms; the Committee for the Elimination of All Forms of Discrimination against Women is a standing committee of the Council, established in accordance with the Statute of the Council. The Government Council for Equal Opportunities for Women and Men is an advisory body of the Czech Government in the area of creating equal opportunities for women and men.

² Karlovy Vary, Zlín, Hradec Králové, South Bohemia, Vysočina, Olomouc, Ústí nad Labem, Moravia-Silesia and Liberec regions.

³ The report was sent for comments to the following NGOs: Open Society Fund Prague, Gender Studies, the Czech Women's Union, Rosa, Profem, Poradna pro ženy v tísní [Consultation Center for Women in Distress], Bílý kruh bezpečí, Nesehnutí Brno, La Strada.

and on any instances where the Convention took precedence over a domestic act and/or where the Convention was used before the national courts.

Article 10 of the Czech Constitution provides that “*Promulgated international agreements, the ratification of which has been approved by the Parliament and which are binding on the Czech Republic, shall constitute a part of the legal order; should an international agreement make provision contrary to a law, the international agreement shall be applied*”. The Convention on the Elimination of All Forms of Discrimination against Women became part of the Czech Republic’s legal order in 1987, when it was promulgated in the Collection of Laws under No 62/1987.

Unfortunately, we are unable to provide any information regarding application, as the case may be, of the Convention in proceedings before national courts as the Ministry of Justice does not keep any statistics of such cases.

3. *The report indicates that the prohibition of discrimination in legal relations is contained in the Act on Employment (para. 17) and that new legislation is being elaborated (para. 30). Please provide information on other laws that contain the prohibition of discrimination against women in areas covered in the Convention and remedies available in cases of discrimination.*

Legal aspects of access to employment, i.e. relations prior to execution of the labor contract and implementation of the national employment policy, are provided for by the **Employment Act (435/2004 Coll.)**. The Employment Act imposes on the relevant parties⁴ the obligation to safeguard equal treatment of all individuals asserting their right to employment. The Act prohibits any direct or indirect discrimination based on various grounds, including sex. Discrimination also includes any conduct involving inducing, abetting or compelling to discriminate.

Relationships between employees and employers existing from the moment of execution of the labor contract are provided for by the **Labor Code (65/1965 Coll.)**. The Labor Code also applies to contracts for work and labor-law relationships where employment of the employee is based on election or appointment; in the latter case, the Labor Code applies from the moment of such election or appointment. Definitions contained in the Labor Code are consistent with those used in the Employment Act as to the prohibition of direct or indirect discrimination on various grounds, and prohibition of harassment and sexual harassment and their respective definitions. Discrimination also includes any conduct involving inducing, incitement or causing pressure leading to discrimination.

Payment of wages and compensation for stand-by, and determination and application of average wages for labor-law purposes, is covered by the **Act on wages (1/1992 Coll.)**⁵. The Act sets out the

⁴ The Czech Republic represented by the Ministry and employment authorities; employers; employers are deemed to include also organizational units (branches) of foreign legal entities or foreign natural persons authorized to conduct business in the Czech Republic pursuant to special laws; and legal entities, natural persons and other entities carrying out activities in accordance with the Act.

⁵ Act on wages, compensation for stand-by and average earnings. The Act does not provide for the payment of wages and compensation for stand-by to employees whose compensation is regulated by a special law (e.g., Act No 143/1992 Coll., on salary and stand-by compensation in budgetary and certain other organizations and bodies, as amended; Act No 201/1997 Coll., on salaries and certain other particulars concerning public servants and on amendments to Act No 143/1992 Coll., on salary and stand-by compensation in budgetary and certain other organizations and bodies, as amended, as amended and restated by Act No 155/2000 Coll.

principle of equal pay for equal work or for work of equal value. Equal work or work of equal value means work of equal or comparable complexity, responsibility and difficulty, performed in equal or comparable work conditions, with equal or comparable labor skills and qualification of the employee, and subject to equal or comparable performance and results, under employment arrangement with the same employer. Employees performing the same work or work of equal value are entitled to equal wage.

The anti-discrimination clauses in the Labor Code will reasonably apply to the service of agents of the Czech Security Information Service, which are regulated, inter alia, by the **Act on the Security Information Service (154/1994 Coll.)**.⁶

The **Act on the service of officers of the Police of the Czech Republic (186/1992 Coll.)** refers to anti-discrimination clauses contained in the Labor Code and in the Employment Act which, as was the case with the Act on the Security Information Service, will also apply to persons serving in security forces⁷, to their remuneration, service procedures and organizational matters.

The **Act on Service Relationship of Members of Security Forces (361/2003 Coll.)**, which expressly prohibits discrimination in service arrangements and defines terms associated with discrimination, will from 1 January 2007 substitute existing laws regulating service arrangements of members of the Police of the Czech Republic, the Security Information Service, the Fire Rescue Corps of the Czech Republic, the Customs Administration of the Czech Republic, the Prison Service of the Czech Republic and the Office for Foreign Relations and Information. The new Act prohibits any such conduct on the part of security forces as discriminates against a person not directly, but rather consequentially, including inciting to discriminate. Neither the security force nor any member may abuse the rights and obligations ensuing from the service arrangement to the detriment of another party to the service arrangement or with a view to degrading his/her human dignity. Both direct and indirect discrimination on various grounds is prohibited in service arrangements, including discrimination because of sex. Harassment and sexual harassment is considered as a form of discrimination; discrimination also includes any conduct involving inducing, abetting or compelling to discriminate.

The **Service Act (218/2002 Coll.)**⁸ regulates legal arrangements of employees of administrative authorities performing the state administration as service which the Czech Republic provides to the public; organizational matters of public service, training of individuals for service, service relations of public servants in administrative authorities, remuneration of these persons, procedures related to service, remuneration of other employees employed by administrative authorities, and organizational matters related to employment of these employees. The envisaged effective date of the Act is 1 January 2007. The Act provides the principle of equal treatment of all public servants as to the conditions for performance of service, remuneration and other

⁶ The Act regulates in particular the status, responsibilities, coordination, cooperation and control of Czech intelligence services, assignment of tasks to intelligence services, reporting by and providing information to intelligence services.

⁷ The term security forces is understood to mean the Police of the Czech Republic, the Fire Rescue Corps of the Czech Republic, the Customs Administration of the Czech Republic, the Prison Service of the Czech Republic, the Security Information Service and the Office for Foreign Relations and Information.

⁸ The Act on the service of public servants in administrative authorities and on remuneration of public servants and other employees of administrative authorities.

consideration in cash, training and education and career opportunities. The Act prohibits any discrimination in service relations on various grounds, including sex. The Act prohibits any such conduct as discriminates against a person not directly, but rather consequentially. No person may abuse the rights and obligations ensuing from the service arrangement to the detriment of another public servant or with a view to degrading his/her human dignity, or to the detriment of any other persons. Conduct degrading the human dignity of public servant includes sexual behavior which is unwelcome, inappropriate or offensive, or that may reasonably be perceived by another public servant as affecting the performance of rights and obligations ensuing from the service arrangement.

The **Act on professional soldiers (221/1999 Coll.)** provides for the establishment, modification, dissolution and content of service arrangements of professional soldiers. It provides the obligation of service authorities to safeguard equal treatment of all applicants for service and all soldiers while creating conditions for the performance of service duties, in particular as regards professional training and career promotion, remuneration, other consideration in cash and consideration of monetary value. The Act prohibits discrimination against applicants for service and soldiers on a variety of grounds, including sex.⁹ The Act further prohibits any such conduct on the part of service authorities as is discriminatory not directly, but rather consequentially. Degrading a soldier's dignity is defined as undesirable behavior of sexual nature as well as all forms of harassment of nature other than sexual that are intended to interfere with the soldier's dignity, to create intimidating, hostile, humiliating and abasing or offensive atmosphere, and that are unwelcome, inappropriate or may reasonably be perceived by another soldier as a condition for making decisions that affect the performance of rights and obligations ensuing from the service arrangement. Such conduct also involves inducing others to discriminate.

The **School Act (561/2004 Coll.)**¹⁰ defines the rights and obligations of natural and legal persons in respect of education and responsibilities of central and local government authorities within the school system. Every citizen of the Czech Republic or any other EU Member State has the right of equal access to education without any discrimination whatsoever due to a variety of reasons, including sex. Persons that are not citizens of the Czech Republic and legally stay in the territory of the Czech Republic (i.e. nationals of third countries) have access to elementary, secondary and higher professional education on the same conditions as nationals of the Czech Republic, including education in the course of institutional, corrective or protective upbringing. The School Act contains an express clause regarding education of ethnic minorities, religious education, training of students with special educational needs and extraordinarily talented students. In the context of the Act on the rights of members of ethnic minorities (273/2001 Coll.), the School Act provides conditions of so-called "minority education system".

The **Act on operation of radio and television broadcasting (231/2001 Coll.)** regulates the rights and obligations of legal and natural persons in operating radio and television broadcasting, imposing on the broadcaster the obligation not to include in the programming any advertisements and "teleshopping" offending belief and religion or political or other creed, or "teleshopping"

⁹ The Act prohibits discrimination because of race, color, sex, sexual orientation, belief and religion, nationality, ethnic or social origin, property, birth, marital and family status and obligations to the family, pregnancy or maternity or breast feeding.

¹⁰ Act on preschool, elementary, secondary, higher professional and other education.

involving discrimination based on sex, race, color, language, national or social origin or affiliation with a national or ethnic minority.

The **Act on regulation of advertising (40/1995 Coll.)** prohibits advertisements conflicting with good morals. In particular, advertisements must not involve any discrimination based on sex, race or nationality or offend religious or national feelings, jeopardize morals in a generally unacceptable manner, degrade human dignity, contain elements of pornography, violence or elements making use of the motive of fear, and must not offend political creed.

The **Act on supplemental pension insurance with a state contribution (42/1994 Coll.)** provides for supplemental pension insurance with a state contribution obtained from pension funds, operations of pension funds, and state control of supplemental pension insurance. The Act prohibits discrimination against parties to supplemental pension insurance based on a variety of reasons, including sex. Discrimination based on sex does not involve situation where, for purposes of calculation of the amount of pension, data are used that are stated in mortality charts separately for men and for women.

The **Act on public procurement (40/2004 Coll.)** defines legal and natural persons that are obligated to award contracts through public procurement procedure, defines the public procurement procedure, types of procurement procedures, procedure of granting licenses, public tender for proposals and supervision over public procurement. The Act imposes on the contracting authority the obligation to comply with the principle of equal treatment and transparency in respect of all tenderers and bidders.¹¹ The same obligation is contained in the new Act on public procurement (137/2006), which will enter into force on 1 July 2006.

The **Act on voluntary service (198/2002 Coll.)** provides conditions subject to which the state supports voluntary service organized under this Act and performed by volunteers without compensation. The sending organization,¹² in selecting volunteers with whom it will execute agreements and in negotiating the terms and conditions for performance of voluntary service, is obligated to proceed on the basis of the equal treatment principle.

Concerning remedies:

In areas governed by the Labor Code, the Employment Act, the Service Act, the Act on Professional Soldiers and the Act on Service Relationship of Members of Security Forces, the victim of behavior violating her or his right to equal treatment or breaching the prohibition of discrimination has the right to seek under these Acts that such conduct or behavior be discontinued and the consequences thereof be remedied.¹³ If an employee's dignity or respectability was degraded to a substantial extent and

¹¹ The Act provides one exception. If an employer with more than 50% of total number of employees being persons with disability participates in an open or narrow tender, such tender being a below-limit public tender for supplies or a below-limit public tender for services, the price offer presented by this employer shall be assessed as the lowest offer if it does not exceed the price offers of other tenderers by more than 20%.

¹² Defined as a legal person (organization) with registered office in the Czech Republic which selects, registers and trains volunteers for voluntary service, and enters with them into agreements on voluntary service subject to valid accreditation being held by such organization.

¹³ Pursuant to the Act on the service of officers of the Police of the Czech Republic, these rights also apply to officers of the Police of the Czech Republic, and to agents of the Security Information Service pursuant to the Act on the Security Information Service.

sufficient remedy was not made as specified above, the employee shall be entitled to compensation in cash for non-monetary damage. The amount of compensation is to be determined by court at the affected party's request, taking account of seriousness of the damage so caused and the circumstances in which the rights and obligations were breached.

In general, protection from discrimination may be sought on the basis of lawsuit for protection of personality in accordance with the **Civil Code (40/1964 Coll.)**.¹⁴ This type of protective action does not, however, constitute court protection from violation of the right to equal treatment and protection from discrimination, but only court protection against behavior that may be subordinated to protection of personality.

The **Act on labor inspection (251/2005 Coll.)**, in effect from 1 July 2005, provides a mechanism of control of any violations of labor laws. Before the effective date of the Act, employment authorities acted as inspection authorities in the area of compliance with labor laws. They were responsible for monitoring instances of violation of the prohibition of discrimination imposed by the Labor Code and by the Employment Act. The newly established inspectorates assumed responsibility for control of compliance with the prohibition of discrimination related to labor-law relations, including remuneration and compensation for wages and salary, while employment issues remained within the remit of employment authorities.

The Act on labor inspection has also introduced partial change in regulation of misdemeanors and administrative torts in respect of equal treatment. These misdemeanors are currently defined in two laws, namely in the Act on labor inspection and in the Act on employment. Violations of the prohibition of discrimination contained in the Employment Act and in other labor laws had been considered pursuant to the Act on employment until the end of June 2005. From the date of promulgation of the Act on labor inspection, only those misdemeanors and administrative torts related to employment are prosecuted under the Employment Act that may be committed by a natural or legal person by breaching the prohibition of discrimination or by failing to ensure equal treatment. The Act on labor inspection provides broader definitions of misdemeanors of natural persons and administrative torts of legal persons in the field of equal treatment.¹⁵ Fines imposed by labor inspectorates for violations of the principle of equal treatment are substantially lower than those imposed by employment authorities for similar violations.

The **Code of Civil Procedure (Act No 99/1963 Coll.)** provides the principle of shifting of the burden of proof in labor matters in the event of discrimination based on various grounds, including sex. The principle of shifting of the burden of proof means that the burden of proof is with the defendant, i.e., the discriminating party must prove that it did not discriminate.

In matters of service arrangements and related proceedings, the **Service Act (218/2002 Coll.)**¹⁶ introduces refutable legal presumption, on the basis of which a service authority considers as

¹⁴ §§ 11 - 13 of the Czech Civil Code.

¹⁵ In addition to breach of the general prohibition of discrimination set out in the Labor Code, the Act also refers to unequal treatment of employees in terms of remuneration for work and granting of other financial consideration and consideration of financial value, professional training, opportunity of promotion, persecution of employees who lawfully assert their rights, and failure to discuss with the employee his/her complaint related to the rights and obligations ensuing from labor-law arrangement.

¹⁶ The Act on the service of public servants in administrative authorities and on remuneration of public servants and other employees of administrative authorities.

proven allegations to the effect that a party to the proceedings was directly or indirectly discriminated against based on his/her sex, nationality or race unless evidenced to the contrary in the proceedings.

In proceedings before a service authority the **Act on professional soldiers (221/1999 Coll.)** introduces the principle of shifting of the burden of proof. Allegations to the effect that a party to the proceedings was directly or indirectly discriminated against based on his/her sex, nationality or race are deemed proven unless evidenced to the contrary in the proceedings.

Pursuant to the **Act on the service of officers of the Police of the Czech Republic (186/1992 Coll.)**, allegations to the effect that a party to the proceedings was directly or indirectly discriminated against based on his/her sex, nationality or race are deemed proven unless evidenced to the contrary in the proceedings.

The **Act on Service Relationship of Members of Security Forces (361/2003 Coll.)**, which will from 1 January 2007 substitute the Police Act, embodies also provisions on the transfer of burden of proof.

4. *The report mentions that the implementation of the equal opportunities policy is especially poor at the regional and municipal levels (para. 20) and that an advisory council (Government Council for Equal Opportunities for Men and Women) was established to aid the Government in addressing this deficiency. How are the Council's recommendations implemented and what impact do they have on improving employment opportunities for women?*

The government Council for Equal Opportunities for Women and Men (hereinafter the "Council") is a permanent advisory body of the Czech Government in the field of creating equal opportunities for women and men. In accordance with its Statute, the Council addresses any deficiencies in implementation of the equal opportunities policy, i.e., among other things, proposes solutions to any problematic situations at the level of administrative regions and municipalities. An important factor in this context is the fact that sessions of the Council are on a regular basis attended by representatives of regions and a representative of the Union of Cities and Municipalities of the Czech Republic, who provide their comments and assessment in respect of documents presented by the Council in relation to the issues of equality of women and men, and inform the Council about regional activities in the area of equal opportunities. The representatives then forward the information received at Council sessions within the organizational structure of their respective agencies and offices and use it to the benefit of their regions.

Since its establishment in 2002, the Government Council for Equal Opportunities for Women and Men has adopted and presented to the Government a total of 10 **recommendations to the Government of the Czech Republic**. Issues of implementation of the equal opportunities policy at the level of regions and municipalities were addressed in particular by the following recommendations:

- draw up methodology for budgeting from the point of view equality of women and men (in 2003). On the basis of this recommendation was drafted a manual titled "Informative Methodology – Budgeting in Terms of Equality of Women and Men, 2004", which is intended for those who participate in drafting and pursuing public budgets. The methodology was distributed to all municipalities as ancillary material in support of their work;

- as to the areas of state subsidy policy vis-à-vis non-governmental non-profit organizations for 2004, add new areas such as labor life, political life, gender issues (general awareness), or the roles and stereotypes of both sexes (year 2004). The Ministry of Labor and Social Affairs declared for the year 2005 the subsidy title “Program in Support of Promotion of Equality between Women and Men”, under which 16 non-profit organizations were granted non-investment subsidies in the aggregate amount of CZK 3,033,933;
- adopt legislation safeguarding effective protection against domestic violence (in 2004). The act amending certain laws related to the protection against domestic violence was promulgated in March 2006 and will enter into effect on 1 January 2007;
- carry out public information campaign regarding issues of equal opportunities for women and men (in 2005). The public information campaign regarding issues of equal opportunities for women and men is being implemented by the Ministry of Labor and Social Affairs in cooperation with the Government Commissioner for Human Rights.

No recommendation of the Council has explicitly addressed improvement of job opportunities for women, but nonetheless this issue was indirectly considerably affected by the subsidy policy of the Ministry of Labor and Social Affairs as many projects were aimed at improving job opportunities for women.

5. *Please provide information on the results of the Government’s efforts to strengthen national machineries through its twinning project, “The improvement of the public institutional mechanism for the introduction, implementation and monitoring of equal treatment of men and women” mentioned in the report (para. 21).*

With a view to improving the promotion of equality between women and men, the Czech Republic asked the European Union in 2000 to provide expert advisory assistance. The European Union’s twinning project “Improvement of the Public Institutional Mechanism for Applying, Enforcing and Monitoring Equal Treatment for Men and Women” started on 1 August 2002 and ended on 31 July 2003. Sweden succeeded in the tender procedure for implementer of the project, as the country’s achievements in respect of equality of women and men are generally appreciated.

The overall goal of the twinning project between Sweden and the Czech Republic in the framework of the EU PHARE program was initially to help the Czech Republic to harmonize its laws applicable to equality of women and men with the Community law. In the meantime between assignment of the project and the start of its implementation, the European Union acknowledged that the Czech law was compatible with the laws of the European Union (*acquis communautaire*). Therefore, the originally secondary goal of the project gained prevalence: to create a basis for transformation and improvement of institutional structure in the matter of equality of women and men.

The project resulted in short-term and long-term recommendations for the Czech Republic. The assessment was based on the fact that the institutional structure was substantially satisfactory, and recommendations therefore aimed at the goal of giving existing institutions more stability and clear political support.

The recommendations are gradually being implemented, for example:

- adoption of governmental draft bill amending certain laws providing protection against domestic violence; this bill allows temporarily banishing the offender from the flat or house inhabited together with the endangered person, or from its immediate vicinity;
- governmental draft bill on sickness insurance¹⁷ levels up the entitlement of fathers and mothers to the same financial compensation for a period of time from 6 weeks up to 28 weeks from birth of the child; after this time limit, equal financial compensation is guaranteed by prior regulations;
- draft bill on sickness insurance makes it possible for fathers and mothers to have the right to take turns in taking care of sick child, even in the course of one sickness of the child;
- in view of the low rate of representation of women in politics, the governmental draft elections bill envisages at least 30% representation of either sex in the candidate lists;¹⁸
- by its Resolution No 1072 of 3 November 2004, the Government decided that any material presented to the Government that relates to natural persons must contain an analysis in terms of equality of women and men, including statistics broken down by the sex;
- by its Resolution No 1619 of 14 December 2005, the Government decided on training ministers and other senior governmental officials (e.g. deputy ministers) in respect of equal opportunities for women and men;
- by its Resolution No 464 of 20 April 2005, the Government recommended to members of the Government to increase the number of officials of individual ministries that will be responsible for issues of equality of women and men;
- the Ministry of Finance, in cooperation with the Ministry of Labor and Social Affairs and non-governmental non-profit organizations, drafted in 2004 a methodology for budgeting from the perspective of equality of women and men (gender budgeting); an extensive information campaign was carried out, targeting municipalities and regions as well as the general public;
- the frequency of sessions of the Government Council for Equal Opportunities for Women and Men has increased to an average of four sessions annually;
- plenary sessions of the Czech Republic's Council of Economic and Social Agreement discuss implementation of the national plan of action for equality of women and men;
- governmental officials are continuously trained in equality issues;
- the Ministry of the Interior provides professional training and organizes training programs for police officers dealing with investigation of cases of domestic violence, rape and sexual assaults.

¹⁷ Despite the veto of the President of the Czech Republic, the bill was passed by the Parliament in April 2006.

¹⁸ Debate regarding the elections act has been temporarily suspended and will be resumed at the decision of the Government that will be formed after parliamentary elections to be held in June 2006.

Stereotypes

6. *The Committee recommended, in its previous concluding comments, that policies be developed and programmes implemented to ensure the eradication of traditional sex role stereotypes in the family, in employment, in politics and in society. In response to this recommendation, the report discusses studies that have been conducted and that confirm that traditional stereotypes of women prevail (paras. 71-76). In addition to the training of public officials described, what proactive steps is the Government taking to promote an environment that is supportive of gender equality and equal sharing of family responsibilities?*

Given the considerable influence of the media, it appears most effective to disseminate information and promote awareness of the general public concerning equality of women and men and the need to overcome gender stereotypes through the media, i.e., for example, by means of press releases, public discussions and appearances in the media, documentary programs etc. The topics of society-wide discussions will include motivation of men to go on maternity leave, use of gender-neutral terms, or the support of women wishing to apply for managerial and political posts. This introduces a gender element to everyday life, thus indirectly undermining gender stereotypes.

Since 1 October 2003, the Ministry of Labor and Social Affairs has been implementing a **public information campaign on unacceptability of domestic violence**, aimed in particular at prevention among young persons between 15 and 25 years of age. The campaign should provide young people with facts about domestic violence and learn to recognize its manifestations in early stages of a relationship. At the same time, they should be informed that a relationship where one of the partners tends to commit domestic violence should be wound up as soon as possible. This campaign continues to date.¹⁹

The Ministry of Labor and Social Affairs and the Czech television [the Czech public TV provider] have prepared a **series of reportages**, dedicated to parents and in particular to unemployed women. The reportages inform the public about what should be done before taking a job, what are the options in looking for a new job, provides tips for interviews and other important information.

In early 2006, the Government has undertaken preparation of a **public information campaign designed to overcome gender stereotypes**, in particular in terms of employment, family and administration of public affairs.²⁰ As concerns employment, attention will be paid in particular to hitherto untraditional occupations of men and women, access of women to senior managerial posts, or equal remuneration; as regards family, attention will be paid mainly to good balance between the roles of men and women in the family; and in the area of the administration of public affairs attention should be paid mostly involvement of women in the process of decision making and management. The campaign should be a long-term one, should promote public discussion and quite clearly declare the necessity to eradicate gender stereotypes and the benefit to the society of proper implementation of equal opportunities for women and men.

¹⁹ All material created in connection with the campaign, including a computer game drawing in an entertaining manner attention to existence of domestic violence and instructing the young as to what domestic violence in fact is about and how to defend oneself against it, is available at www.domacinasili.cz.

²⁰ The campaign will be implemented by the Ministry of Labor and Social Affairs in cooperation with the Government Commissioner for Human Rights.

Proactive support and promotion of steps designed to eradicate gender stereotypes and consistent pursuance of equality of women and men is embodied in all measures of the Czech Republic's national action plan entitled "**Priorities and Procedures of the Government in Promoting Equality of Women and Men**". The Ministry of Labor and Social Affairs as coordinator of the national agenda related to the position of women and men in the society presents to the Government on an annual basis a summary report on accomplishment of the goals set out in this programming document.²¹

All research and survey papers drawn for the Ministry of Labor and Social Affairs in the field of equality of women and men are available at the Ministry's web site, and their completion is accompanied by a press conference. Many survey reports are also distributed free of charge by their implementers to interested parties and to entities that can be expected to make use of them.

Eradication of traditional stereotypes and roles of women in the family and promotion of equal sharing of family responsibilities is facilitated, among other things, by a different construction of **welfare allowances** and social care benefits, supporting incomes of families in specific situations. These benefits are based on respecting the principle of gender equality and are conceived as gender-neutral. The conditions and amount of entitlement to individual benefits, and the procedure of their granting are determined not in a link to sex, but in a link to specific situations, in particular care of children and needy members of the family and payments for their needs.

Pursuant to the new **School Act (561/2004 Coll.)**, **framework educational programs** are prepared for each branch of learning; with a view to eradicating the traditional stereotypes and roles of woman in family, employment and in the society, the programs address the issue of equal opportunities for women and men. Thus, students should become able to do away with traditional stereotypes and acquire a new insight into this social issue.

Violence against women

- 7. In the report of the Special Rapporteur on violence against women (E/CN.4/2003/75/Add.1, para. 1965) and in the Committee's previous concluding comments, concern was expressed regarding the Government's current definition of rape, which is based on the use of force, not on the lack of consent, and that rape is not criminalized within marriage. The report indicates the legislative limitations for tackling domestic violence and the inadequate protection for victims due to the requirement of their consent for prosecution. Kindly give a detailed overview of the legislative measures to tackle violence against women, including criminal law and civil law remedies, such as restraining orders, and of the new code of criminal procedure that deals directly with domestic violence, which should have come into effect on 1 January 2005 (para. 49).²²*

²¹ The document was adopted by Government Resolution No 236 in April 1998.

²² Although the Committee refers to "code of criminal procedure", the question relates to the proposed draft Penal Code. Para 49 of the report, to which the Committee refers, refers in the Czech language to the Penal Code; thus, the translation to the English language was incorrect – note by the Human Rights Department of the Government Office.

In terms of criminal law, violence against women is addressed in the Czech law by the Penal Code (Act No 140/1961 Coll.), in particular in Chapter VI (Crimes against Family and Young Persons), Chapter VII (Crimes against Life and Health) and Chapter VIII (Crimes against Freedom and Human Dignity).

The principal body of the crime of **rape**²³ were changed on the basis of an amendment to the Penal Code²⁴ in effect from 1 May 2001, reading as follows: “*Who by the use of force or under the threat of imminent violence forces another to copulation or similar sexual intercourse or makes use of another person’s helplessness for such an act, shall be punished by imprisonment for two to eight year.*” Other qualified merits with more severe punishment involve cases where victims of rape are persons below the age of fifteen or eighteen.

The merits of the crime of rape are the overcoming of seriously meant resistance (i.e., lack of consent with copulation or similar sexual intercourse). The overcoming of resistance may involve the use of force or threat of imminent violence or abuse of another person’s helplessness.

Abuse of helplessness means that the offender takes advantage of the fact that the victim is in a condition (not caused by the offender) that he/she is unable to express his/her refusal to engage in sexual intercourse with the offender, or is unable to offer any resistance. Examples of helplessness: unconsciousness, severe inebriation, deep sleep. The condition of helplessness also applies to a person that is tied or bound, or is in a condition of mental illness in which he/she is unable to realize the meaning of resistance to sexual intercourse being forced upon him/her.

If, however, the offender caused the helplessness of the victim with the intention of taking advantage of such condition to engage in sexual intercourse, such act shall not constitute abuse of helplessness, but shall constitute rape with the use of force. The Penal Code in its general interpretation provisions stipulates in § 89(6) that the crime is committed with the use of force also in the event that it was committed on a person whom the offender caused to be in the condition of helplessness by guile.

It follows from the foregoing that the crime of rape is not primarily based on the use of force, but its criminalization rests primarily in the overcoming of seriously meant resistance.

The victim of rape may be any person (i.e., a woman, man, husband/wife, common-law spouse, etc.). The crime of rape may be committed by both a man and a woman. **Thus, rape committed between spouses, too, is a crime pursuant to the Penal Code.** Criminal prosecution based on the crime of rape between spouses is limited only by the fact that it may be instigated (and pursued) only subject to the consent of the party injured.²⁵ In practice, it happens that the person raped (the wife, as a rule) later withdraws her consent and prosecution has to be discontinued. If, however, the accused spouse declares that he (she) insists on criminal prosecution, the prosecution continues.²⁶ Criminalization of rape within marriage can be evidenced by practice of the courts of justice.²⁷

²³ § 241 of the Penal Code.

²⁴ Act No 144/2001 Coll.

²⁵ § 163 of the Code of Criminal Procedure (Act No 141/1961 Coll. on Criminal Judicial Procedure).

²⁶ § 11(3) of the Code of Criminal Procedure.

²⁷ E.g. R 97/1955.

Re domestic violence

Current regulation contains several measures allowing combating violence against women. The Act on the Police of the Czech Republic (283/1991 Coll.) allows the police to arrest for 24 hours a person who poses an imminent threat to the life or health of others.²⁸ If the aggressors conduct becomes punishable under criminal law, the police's authorization will be expanded to include instruments offered by the Code of Criminal Procedure.²⁹ Preventive custody is an important instrument in this respect.³⁰ Pursuant to civil laws, the court may issue a preliminary injunction ordering the aggressor to refrain from violent behavior and, as a rule, the aggressor will be banished from the common household.³¹

A crime applicable especially to domestic violence was incorporated in the Penal Code by amendment implemented by Act No 91/2004 Coll., which entered into effect on 1 June 2004. The crime defined in § 215a of the Penal Code ("Maltreatment of a person living in common household") rests in behavior that has the nature of maltreatment (physical or mental) and aims against persons living in common household with the offender.³²

The court practice understands the term "maltreatment" to mean bad treatment of a person living together with the perpetrator in a flat or house, such treatment being marked by a higher degree of cruelty and ruthlessness and certain continuity, which the affected person perceives as being severely wronged (this may involve beating, burning or other bodily injury, and also mental or sexual violence, emotional blackmail, abuse, threatening, forcing to provide humiliating services or to begging or engaging in activities that inadequately mentally or physically overburden the maltreated person, etc.). The continuity of perpetrator's behavior must be considered in the context of intensity of maltreatment. It is not a condition that the behavior must result in any injury to the health of the maltreated person; the test rather is that the maltreated person perceives such behavior as severe wrongdoing due to its cruelty, ruthlessness or painfulness. Maltreatment may have the form of physical violence as well as of mental abuse. If maltreatment results in bodily injury or even death, the perpetrator's behavior will in addition be considered as the crime of battery or, where applicable, murder.

A person not living with the offender and the victim in common household may be considered as organizing, aiding or abetting (i.e. taking part) in this crime.

²⁸ § 14(1)(a) of the Act.

²⁹ Act No 141/1961 Coll. on Criminal Judicial Procedure.

³⁰ § 67(3) of the Code of Criminal Procedure.

³¹ § 74 et seq. of Act No 99/1963 Coll., the Code of Civil Procedure.

³² § 215a – Maltreatment of a person living in common household

(1) Who maltreats a close person or another person living in common household shall be sentenced for up to three years in prison.

(2) The offender shall be sentenced for two to eight years in prison

a) if he/she committed the act referred to under (1) above in an especially cruel manner or against several persons, or

b) if he/she continues committing such act over a longer period of time.

The punishment for the crime of “maltreatment of a person living in common household” has been made more severe by the Government’s proposed draft Penal Code,³³ which was not passed by the Parliament of the Czech Republic in March 2006.³⁴

The following crimes frequently accompany domestic violence: violence against a group of persons or an individual,³⁵ battery,³⁶ unlawful restraint,³⁷ rape³⁸ or blackmail.³⁹ Certain deliberate violent crimes (such as battery, blackmail or unlawful restraint), which are typical for domestic violence, have been excluded from the provisions of the Code of Criminal Procedure (141/1961 Coll.), providing for criminal prosecution subject to the consent of the party injured,⁴⁰ and the instigation of prosecution of these crimes is obligatory and thus does not require the consent of the party injured.

The law amending certain laws in the area of protection against domestic violence⁴¹ reacts to certain persisting problems in the field of domestic violence, which failed to be addressed by introduction of criminal prosecution of domestic violence offenders in 2004. These problems include, inter alia, the fact that it is the victim who is compelled to leave the common household, not the person committing violence. The law introduces the institute of “banishment”, control of compliance with the obligations imposed on the violent person upon banishment, and subsequent care of the endangered person by an intervention center, consisting in psychological, social and legal assistance and, last but not least, the ability of the victim to present to the court a request for an injunction that would order the party endangering this person by his/her violent behavior to leave the flat or house and its vicinity and not to return there for a specified period of time.

The institute of banishment as a measure taken by the police at the site is construed as preventative reaction to dangerous behavior of a violent person in terms of the risk of threat of future assaults. Duration of banishment imposed by the police authority under the proposed regulation amounts to ten days, this being a sufficient span of time for the endangered person to contemplate, with the assistance of the intervention centre, further course of action in the matter at hand. The decision on banishment

³³ Chamber of Deputies print No 744 (see www.psp.cz).

³⁴ § 173 entitled “Maltreatment of a Person Living in Common Household”

§ 173 - Maltreatment of a Person Living in Common Household

(1) Who maltreats a close person or another person living in common household shall be sentenced for six months to two years in prison.

(2) The offender shall be sentenced for two to eight years in prison, if he/she

a) committed the act referred to under (1) above in an especially cruel manner,

b) caused severe bodily injury by such behavior,

c) committed such act against at least two persons, or

d) continues committing such acts over a longer period of time.

(3) The offender shall be sentenced for five to twelve years in prison, if the act referred to under (1) above resulted in

a) severe bodily injury of at least two persons, or

b) death.

³⁵ §197 of the Penal Code.

³⁶ § 221, § 223, § 224 of the Penal Code.

³⁷ § 231(1) of the Penal Code.

³⁸ § 241 of the Penal Code.

³⁹ § 231 of the Penal Code.

⁴⁰ § 163(1) of the Code of Criminal Procedure.

⁴¹ Act No 135/2006 Coll., in effect from 1 January 2007.

is a decision issued in administrative proceeding and, as such, is reviewable by regular and extraordinary remedies.⁴² An offender committing serious or repeated acts in order to thwart the decision on banishing would be punished for the crime of thwarting an official decision.⁴³

One of the basic preconditions for effective functioning of the new concept will be the establishment of intervention centers⁴⁴ which, in addition to providing professional social, legal and psychological assistance, would also perform coordinative and informative functions between cooperating public administration authorities, in particular authorities responsible for social and legal protection of the child, health facilities, the police and courts. Pursuant to the act, intervention centers will be authorized to monitor cases of domestic violence and draft methodological instructions for cooperation between the institutions involved.

8. *The report indicates that crimes associated with domestic violence will be monitored statistically from 1 January 2004 (para. 46). Please provide statistical data collected up to now.*

Over the 19 months of the amendment to the Penal Code being in force, criminal investigation has been instigated in respect of 846 persons suspected of committing the crime of maltreatment of a person living in common household,⁴⁵ out of which number criminal prosecution was instigated against 559 persons. The difference between the number of started criminal proceedings and instigated criminal prosecutions is attributable to cases that were suspended in accordance with the applicable provisions of the Code of Criminal Procedure or where criminal prosecution was discontinued.

Compared with 2004, the number of instigated criminal prosecutions increased in 2005 nearly four times, and the number of persons suspected of committing the crime increased approximately three times. Out of 846 persons in respect of whom criminal proceedings were started, 48% were indicted (409), 16% were convicted (135), out of that 3 women.

For statistical data concerning maltreatment of a person living in common household please see Annex 1.

9. *An international violence against women survey was conducted in the Czech Republic in 2003.⁴⁶ Kindly provide information about the findings of this survey, what lessons have been learned and what follow-up has been undertaken in response to the findings.*

The International Violence against Women Survey has contributed substantially to identification of important aspects of violence against women, and constitutes a compact instrument for solving many questions and equivocalities that exist in the context of this issue. In its main part, the survey sought to determine the incidence of various forms of physical and sexual violence by men against women. The survey has highlighted a fact that is often neglected: that violence against women in general is considerably more concentrated within the intimate relationship than in situations between the women

⁴² Regular remedy being appeal, which, however, has no suspensory effect.

⁴³ § 171 of the Penal Code.

⁴⁴ By amendment to the Act on jurisdiction of Czech Republic's authorities in social security matters (114/1988 Coll.).

⁴⁵ § 215a of the Penal Code.

⁴⁶ The output of this survey was published in International Survey of Violence against Women – "Czech Republic 2003: a contribution to sociological exploration of family violence" – Simona Pikálková (ed.), 1st edition, Prague, Academy of Sciences of the Czech Republic, Sociologic Institute, 2004.

and other men. With the exception of sexual violence, all types of physical attacks the subject of the survey were more frequent within a partner relationship than where the attacker was a stranger, or a friend or acquaintance. Violence by men other than partners consisted for the most part in sexual violence. Violence committed within a partner relationship is more frequent, is characterized by more severe forms and leads to more severe consequences in the form of bodily injuries and mental impacts than attacks from the “outside”. It appears that violence within intimate partner relationships has a specific nature of its own that is to a considerable extent conditional on the gender-based hierarchy of power within the couple; this violence also tends to recur and to fixate the power asymmetry in the “man – woman” couple.

Results of the survey in the Czech Republic indicated a generally high rate of victimization of women, both within and outside a partner relationship. About 38% of women in the Czech Republic have had a lifetime experience with physical or sexual violence (within the framework of specifically defined forms of violence) on the part of their partners (current or former husband/partner), and an almost the same percentage of women (37%) has had experience with violence of a man other than her partner. Overall, 59% of women have experienced at least one form of violence, this being a figure representing a majority of the female population surveyed. The victimization rates over the recent twelve months and five years reflect the current risk of victimization – in particular in respect of annual rates. The overall probability that a woman will face aggression of a man in a twelve-month period amounts, according to the survey, to approximately 15%, whereas the risk that the partner will be the aggressor is slightly higher than in the case of a stranger. The results of the survey indicate certain important facts: although a majority of women have had a lifetime (albeit unique) experience with violence, victimization per year probably does not exceed 10% and is strongly conditional on age.

Outputs of the IVAWS confirmed that violence within partner relationships is a serious problem in the Czech Republic. In line with this finding, fulfillment of the measures referred to above has from the beginning of 2005 been monitored by an inter-departmental expert team coordinated by the Ministry of the Interior, comprised of representatives of the Ministry of Justice, Ministry of the Interior, Ministry of Labor and Social Affairs, Ministry of Health, Ministry of Education, Youth and Sports, the civic association Bílý kruh bezpečí, and Koordona – a coalition of organizations against domestic violence. Monitoring is based on material made available by the governmental authorities involved, the Police of the Czech Republic, non-governmental non-profit organizations, regional authorities and authorities of municipalities with extended responsibilities, and also on statistical data provided by the Police of the Czech Republic and the Ministry of Justice.

Trafficking and exploitation of prostitution

10. *Amendment (Act No. 134/2002 Coll.) to the Criminal Code (No. 140/1961 Coll.) provided a more inclusive definition of human trafficking so that it is now a crime to traffic a person both to and from the Czech Republic. However, as stated in the report, the amendment only addresses those crimes of a sexual nature and does not criminalize trafficking for other purposes such as forced labor and removal of organs. The Government’s report mentions that a bill is in preparation for the ratification of both the Convention against Transnational Organized Crime and the Protocol*

to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Please discuss the obstacles that persist in amending domestic legislation.

The Czech Republic signed the UN Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, in 2000. Ratification of both documents has thus far been impeded by the unresolved issue of liability of legal entities for crimes as required by a number of other international contractual instruments. The issue of criminal liability of legal entities has been tackled as part of recodification of the Penal Code which, however, was rejected by the Chamber of Deputies of the Czech Parliament at the beginning of 2006. In view of this principal obstacle, it is impossible to expect that proposals for ratification of these documents will in the near future be presented to the Government.

Legal regulation of human trafficking has been affected by two major amendments to the Penal Code, namely Act No 134/2002 Coll., that modified the definition of the substance of the crime of trafficking in women to trafficking in persons for sexual purposes, and in particular Act No 537/2004 Coll., which with effect from 22 October 2004 incorporated a new crime in the Penal Code – trafficking in persons.⁴⁷ The Penal Code also provides penalty for trafficking in children.⁴⁸

The new crime of trafficking in persons⁴⁹ covers both trafficking in persons for sexual purposes and trafficking in persons for other purposes. In accordance with definition in the “Palermo Protocol”, the Penal Code distinguishes trafficking in children (where there is no need to use any form of coercion, deception or duress) and trafficking in persons above eighteen years of age. The statutory definition of trafficking in persons covers not only transnational trafficking (from or to foreign countries), but also involves domestic trafficking in human beings. In addition, the list of purposes of trafficking in persons has been expanded to include all forms of exploitation (formerly only trafficking in persons for the purpose of sexual intercourse), i.e. sexual exploitation in general, forced or coerced labor, slavery, servitude etc. The crime of trafficking in persons has been included under the amendment in the list of especially serious crimes, which allows criminal investigation and prosecution authorities to use certain special investigation methods, extended duration of custody, or restriction of the possibility of release on probation from prison etc.

11. Please provide information about the data gathered and results achieved thus far with the project for the prevention, elimination, and prosecution of human trafficking, particularly in women and children (para. 96), as well as with the model for the support and protection of victims of human trafficking.

The Model for the Support and Protection of Victims of Human Trafficking was originally conceived in the framework of the UN project for “prevention, elimination and prosecution of human trafficking, particularly in women and children”, and was tested from March 2003 to April 2004. The *Program for the Support and Protection of Victims of Human Trafficking* has

⁴⁷ § 232a of the Penal Code. § 246 – Trafficking in Persons for Sexual Purposes was abolished by amendment No 537/2004 Coll.

⁴⁸ § 216a of the Penal Code.

⁴⁹ § 232a of the Penal Code.

been in place since 2004 as part of the **National Strategy for Combating Trafficking in Persons for the Purpose of Sexual Exploitation**.⁵⁰ The Program aims at identification of victims of trafficking in persons, and is implemented by the Ministry of the Interior in cooperation with the Police of the Czech Republic Unit for Detecting Organized Crime and non-governmental organizations.⁵¹

The purpose of the Program is to provide victims of human trafficking with support, safeguard their personal protection and protection of their human rights, at the same time motivating them to collaboration with investigation and prosecution authorities engaged in detecting and prosecuting criminal activities related to trafficking in persons. In the course of 2005, seventeen victims of human trafficking were enlisted in the Program, who collaborated with investigation and prosecution authorities and in several cases contributed substantially to investigation of criminal activities of perpetrators of this crime and related crimes. Victims enlisted in the Program are also provided with assistance in connection with residence of these persons in the Czech Republic pursuant to the Act on the Stay of Foreigners in the Territory of the Czech Republic (326/1999 Coll.) At present a total of 35 victims of human trafficking collaborate with investigation and prosecution authorities. Victims enlisted in the Program may terminate their participation in the Program as follows: at their own request if they choose voluntarily to return to their country of origin; upon conclusion of criminal proceedings if the perpetrators were convicted with final effect; or if further participation of victims in criminal proceeding is no longer necessary. It is impossible to determine precise data concerning victims rescued, as the Program will be assessed later.⁵²

12. *The report indicates that there has been an influx of trafficked foreign women into the Czech Republic. Please provide statistical data on the number of victims rescued, perpetrators punished and the rehabilitative and protective services provided to victims. Please clarify whether provision of such services is conditional upon testifying against traffickers.*

The rate of human trafficking for sexual exploitation has recently somewhat declined. Prostitution is not as widespread as it had been in the 1990s, due to decreased demand. On the other hand, human trafficking for labor exploitation is on the rise. Victims of human trafficking (both for sexual and labor exploitation) typically come from Eastern Europe (the Ukraine, Moldavia, Bulgaria, Russia, Slovakia, Lithuania etc.), and less frequently from certain other countries of the former USSR (e.g. Armenia and Georgia). Recently, there has been a significant increase in the number of Asian victims, mostly from Vietnam, China and Mongolia.

The numbers of victims enlisted in the **Program for the Support and Protection of Victims of Human Trafficking** are stated in the answer to question 11, and so are details concerning the terms and conditions for providing rehabilitative and social services. Enlisting in this Program is conditional on collaboration with investigation and prosecution authorities (after expiration of the “reflection

⁵⁰ Government Resolution No 849 of 2003.

⁵¹ La Strada, IOM, Rozkoš bez rizika [Bliss without Risk].

⁵² A Methodological Instruction of the First Deputy Minister of the Interior Regarding the Operation of the Program for the Support and Protection of Human Trafficking in the Czech Republic was issued on 2 August 2005, and an Instruction of the Minister of the Interior No 28/2005 on establishment of an interdisciplinary working group for the support and protection of victims of human trafficking was issued on 12 September 2005.

period”). The victim statistics below indicate the numbers of victims identified, not those enlisted in the Program.

Statistical data relating to human trafficking are stated in Annex 2.

13. *The Government states in its report that prostitutes advertising sex for sale behind windows, exposing themselves to the public, is “an entirely new phenomenon” (para. 103) in the Czech Republic. The report also describes the objectives of an act (under preparation) to regulate prostitution, as well as police measures. Please provide updated information as to its adoption, including on the number of women that have benefited from any new protection measures.*

By its Resolution No 232 of 1 March 2006, the Government withdrew the draft bill on regulation of prostitution from further consideration by bodies of the Chamber of Deputies of the Czech Parliament.

Participation in political and public life

14. *Please provide updated statistical data on the political participation of women in the Parliament and Government, including in the Foreign Service, and in the judiciary. What efforts is the State party undertaking to ensure equal representation of women and men in public bodies in all areas and at all levels? Do these efforts include temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee’s general recommendation No 25?*

Political representation of women in the Czech Republic is still very low. Current representation of women in the Czech Parliament amounts to 12.3% in the Senate and 15.5% in the Chamber of Deputies.

With a view to ensuring equal representation of women and men in public bodies, the Czech Republic has in the course of the monitored period undertaken the following steps, including also special temporary measures pursuant to article 4, paragraph 1 of the Convention and the Committee’s general recommendation No 25:

In 2002 was promulgated the **Act on officials of local governmental units (312/2002 Coll.)**, which entered in effect on 1 January 2003. This Act created a legal framework for implementation of special temporary measures.⁵³

The Government has included among the annually updated measures of the national action plan “Priorities and Procedures of the Government in Promoting Equality of Women and Men” the following language: “Actively support, by specific measures, the selection of appropriate female candidates for positions in governmental bodies and for senior positions at ministries and their subordinated administrative bodies and institutions. Assess the measures undertaken with a view to achieving balanced representation of women and men in managerial positions and in labor collectives.” The Government annually evaluates accomplishment of this priority by individual ministries which, however, informed the Government that the positions of women in decision-making processes had not been reinforced to any considerable degree. The proportion of women declines as the hierarchic level of the position increases. Most ministries inform that selection procedures for

⁵³ § 38 of the Act.

senior posts are subject to requirements based on competencies, professional experience and skills, not gender.

Education

15. *It is noted in the report that in 2001 the "transfer of certain items, rights and obligations" from the national Government to the regions has left the Ministry of Education limited in its power to "bring about changes requiring the participation and means of another organizer" (para 139). Please clarify this statement further, and in particular how it impacts on the State party's ability to fully adhere to its obligations under article 11 of the Convention.*

The cited "transfer of certain items, rights and obligations" from the state to administrative regions refers to Act No 157/2000 Coll., on the transfer of certain items, rights and obligations from the ownership of the Czech Government to the ownership of administrative regions, which in terms of redistribution of delegated and independent authority of local governments in the school system, and also in view of the new system of financing, has limited the ability to "bring about changes requiring the participation and means of another organizer". The State party's ability to adhere to its obligations under article 11 of the Convention on the Elimination of All Forms of Discrimination against Women is nonetheless unaffected as the legal tools enforcing and safeguarding these obligations have not been affected by the transfer referred to above.

16. *In its concluding comments in 2000, the Committee noted with concern that the Government appeared reluctant to direct girls to scientific and technological fields of study. Does the Government offer financial incentives, such as scholarships, for young women who elect to study in scientific, technical and other fields traditionally dominated by men?*

The issue of support for women in science and research has been included among the themes of the National Research Program II. To a certain extent, it is also dealt with in the cross-cutting program "Human Resources" (P1-3), the themes whereof include increasing the participation of women in post-graduate study programs, or providing publicity through the media to successful involvement of women in research.

The Government does not provide any scholarships or other financial incentives to women who elect to study in scientific, technical and other fields traditionally dominated by men.

17. *The Special Rapporteur of the Commission on Human Rights on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance noted that the educational system of the Czech Republic places Roma children (70 to 80 per cent) into "special" schools, which are below the standards of schools within the mainstream (E/CN.4/2000/16/Add.1, para. 15). What measures is the Government taking to eliminate segregation or the "parallel system of education" as referred to by the Special Rapporteur, within its educational system, and how are Roma women and girls benefiting from such measures?*

The Ministry of Education, Youth and Sports objects to the allegation that the educational system in the Czech Republic has considerably harmed Roma children by teaching them at special schools. This allegation disregards the national system of supportive measures in place in the recent years, which,

although now obsolete and modified by the new educational legislation, has never deliberately harmed Roma children based on racial discrimination.

The new School Act (561/2004 Coll.)⁵⁴ has substantially modified the organizational structure of the Czech Republic's educational system. At present, no parallel system of education is being created for students with a health or social handicap, but students with special educational needs are taught according to their parents' requirements at various schools with alternative educational programs. Equal access to education for all, including girls and women, is embodied in the general provisions of the School Act.⁵⁵

18. *Please provide statistical data on dropout rates for Roma girls, and programs in support of continuation of their education.*

Statistical data concerning Roma girls with incomplete education are not available. Data regarding completed or uncompleted education are not categorized according to race. Educational programs in support of education of minorities in a distance form are included in the program of Secondary Pedagogic School and College in the cities of Most and Ostrava - Poruba and Evangelical Academy in Prague. The programs in question are entitled "Social work in the environment of ethnic minorities" and "Pedagogy for assistants in the educational system".

Employment

19. *The report states that an amendment to the Act on Employment and Powers of Authorities of the Czech Republic in the Employment Sphere, together with the Labor Code, allow for "the possibility of adopting so-called positive action in favour of members of a sex that is underrepresented in decisive company activities, as well as positive action to eliminate discrimination for other reasons" (para. 18). The report also indicates that there is still resistance to introducing any form of positive action, and that more than half the ministries have not adopted such measures (para. 158). What plans does the Government have to overcome such resistance so as to ensure compliance with article 4, paragraph 1 of the Convention, and the Committee's general recommendation No 25?⁵⁶*

A new **Act on employment (435/ 2004 Coll.)** was promulgated in 2004, which regulates temporary measures in accordance with article 4, paragraph 1 of the Convention and the Committee's general recommendation No 25.⁵⁷

⁵⁴ Act on preschool, elementary, secondary, higher professional and other education

⁵⁵ § 2(1)(a) of the School Act:

"(1) Education is based on the principles of

a) equal access of every citizen of the Czech Republic or any other Member State of the European Union to education without any discrimination whatsoever based on race, color, sex, language, belief and religion, nationality, ethnic or social origin, property, birth, and health condition or other status of the citizen,"

⁵⁶ See footnote 4 – note by the Human Rights Department of the Government Office.

⁵⁷ Provision of § 4(4) of the Employment Act:

"§ 4

Equal Treatment and Prohibition of Discrimination in Application of the Right to Employment

(4) In addition, considered as discrimination shall not be statutory measures designed to prevent or counterbalance disadvantages ensuing from a person's affiliation with a group defined by any of the grounds specified in paragraph (2) above, and measures undertaken in accordance with § 6(1)(e) and § 8(1)(c)."

This question is closely related to questions 6 and 14 concerning eradication of gender stereotypes and participation of women in political and public life. The Government acknowledges the need to continuously increase awareness of the general public about the necessity to eradicate these stereotypes, in the framework of the campaign described in more detail under paragraph, which is aimed at promoting the role of women in decision-making in and management of public affairs, as well as by means of society-wide discussion on this theme. The campaign should set as a theme for public discussion the possibility of introducing quotas for participation in making decisions on public affairs. The governmental draft bill on elections now under preparation envisages introduction of at least a thirty percent obligatory representation of either sex in the candidate lists.⁵⁸

The Ministry of Justice has taken a negative stand in respect of positive or affirmative action due to its arguable consistency with the fundamental value of the democratic society – individual equality of all persons. The priority of the personnel policy of the Ministry of Justice is to eliminate actual objective barriers preventing equal representation of women and men in labor collectives and managerial posts. The Ministry focuses on continuous training of employees as to equal opportunities, on safeguarding equal access to lifelong learning within the Ministry's remit for men and women, on transparency of choosing from among candidates, composition of selection committees balanced in terms of gender, elimination of those aspects of labor positions that might discriminate against a male or female candidate for a particular position indirectly, i.e. in consequence (e.g. by inappropriate working hours arrangement, frequent business trips etc.), and fully respects the employee's obligations to his or her family. These are permanent measures. Temporary measures within the meaning of article 4, paragraph 1 of the Convention and the Committee's general recommendation No 25 include, by way of example, the contemplated inciting of women's interest in participating in selection procedures for positions in which women are generally less frequently represented at the Ministry (see also paragraph 14). This incentive will be done in the form of a language in the text of the notice on selection procedure inviting women to apply for the position. Female applicants, if any, will also be informed as to the possibility of the employer's accommodating steps designed to harmonize their professional and family responsibilities. Temporarily, selection procedures for senior positions will be subjected to stricter supervision. Capabilities and skills required for proper performance of work duties must be known in advance to all parties involved and recorded in a clear form so that the decision on admission or rejection of a particular applicant is easy to review where necessary.

The reluctance of certain ministries to adopt affirmative action, such as quota, still persists. In the light of the upcoming June 2006 elections to the Parliament, any further plans related to overcoming the reluctance to introduce any form of affirmative action will thus be up to the newly composed Government.

20. *In its previous concluding comments, the Committee was concerned about the lack of judicial proceedings initiated by women challenging acts of discrimination in the Czech Republic. The report states that even though the cases concerning discrimination in employment relationship have been monitored for the period from 1999 to 2002, not a single case had been brought to the court for adjudication in labour law disputes for reasons of sexual discrimination (para. 62).*

⁵⁸ Debate regarding the elections act has been temporarily suspended and will be resumed at the decision of the Government that will be formed after parliamentary elections to be held in June 2006.

What is the Government's understanding of the reasons of this lack of legal redress sought by women and what, if any, steps have been taken to enable women to use that avenue?

In recent years, the approach of employers in the Czech Republic to gender issues has improved considerably, due also to the operations of many foreign companies in the Czech market, which actively implement the policy of equal opportunities. The question why women fail to bring cases of their discrimination to the court and do not seek legal redress even though the Czech law allows the handling of disputes for reasons of discrimination can be answered by explaining that litigation is time consuming and strenuous, and also that seeking legal redress before courts is not yet a customary way of resolving disputes in the Czech Republic, and also further that no domestic court ruling as yet exists that would motivate women to undertake this method of solving the situation at hand.

On 8 March 2006, i.e. on the International Women's Day, the **first woman in the Czech Republic filed a lawsuit on the grounds of labor discrimination based on sex**. This is a precedential litigation, which is also unique in that the plaintiff is a financial expert in a senior position. The company sued allegedly discriminated against her because she is a woman.

In 1999 and 2004, the Ministry of Labor and Social Affairs issued **publications with a selection of rulings of the European Court of Justice (ECJ)** concerning equal opportunities of women and men, the purpose of which was to provide the public with general information about ECJ verdicts in the area of equal opportunities. A third publication with ECJ rulings will be published in the course of 2006.

The Ministry of Labor and Social Affairs continuously informs the public with a view to increasing general awareness about all possibilities of seeking remedies for discriminatory conduct, including the possibility of litigation, and after exhausting all available domestic remedies, also about the possibility embodied in the Optional Protocol.

The Ministry of Justice is currently preparing a sociological study with a view to ascertaining whether employees of the Ministry of Justice and institutions within the Ministry's remit know how to act in the event they suspect discrimination. Appropriate measures will be taken according to the results of the study. The Ministry of Justice considers **publication of an informative brochure entitled "Equal Opportunities for Women and Men in Armed and Security Forces from the Perspective of Law"**⁵⁹ as an exemplary measure taken in this respect. The target group of the informative brochure includes officers of the Prison Service of the Czech Republic, an organization falling in the remit of the Ministry of Justice, and the brochure's contents include, inter alia, information about possibilities of dealing with the issues of discrimination and sexual harassment.

21. The report states that a new Labor Code is currently being drafted to "take into account the need to allow employees, both men and women, to combine family and work life, including in untypical forms of work" (para. 232). Please provide an update on the status of this code as well as any additional information related to the Government's efforts to ensure that both the public and private sector allow for flexible working arrangements.

⁵⁹ The brochure was issued in 2005 at the end of stage I of the interdepartmental project of the Ministry of the Interior, Ministry of Defense, Ministry of Finance and Ministry of Justice. The project's name was "Ways to Improving the Quality of the Conditions for Performance of Service by Members of Security Forces and Armed Forces". Priorities of the project include improving the quality of the condition for performance of service by women and increasing legal awareness of women serving in security forces.

The **governmental draft Labor Code** was presented to the Parliament of the Czech Republic in September 2005. In the course of the legislative process, the Chamber of Deputies overruled Senate's veto, and the Code is now awaiting the signature of the President of the Czech Republic.

The fundamental principle of the new Labor Code, providing that entities are allowed to do anything that is not expressly prohibited by law, creates more space for flexible working arrangements of employees taking care of children and family. The proposed draft reflects the needs of employees taking care of children or other persons.⁶⁰ The employer is obligated to allow these employees shorter working hours or another appropriate adjustment of the working arrangements unless this is prevented by serious operational reasons. Pregnant women and female employees taking care of a child under one year of age may not be assigned to work overtime. Flexibility is also ensured by that men and women may be employed for an indefinite period of time without limitation as substitute for a temporarily absent employee for the duration of obstacles to work or maternity or parental leave.⁶¹ The new Labor Code in principle maintains the hitherto high standard of labor conditions, including for employees taking care of children.

22. *What measures have been undertaken to create further economic opportunities for vulnerable groups of women, especially Roma women?*

In the framework of financial assistance of the EU Structural Funds for the programming period 2004-2006, the Czech Republic has undertaken measures under the Operational Program "Human Resource Development" targeting employment and inclusion of persons threatened with social exclusion. These measures are linked to the experience of projects of the European Union under the PHARE program and the Community EQUAL Initiative. The measure "**Promoting Equal Opportunities of Women and Men in the Labor Market**"⁶² in a targeted manner promotes equalization of the position of women and men in the labor market and is designed to contribute to the solving of unequal position of women and men in the labor market, improve harmonization of family and professional life, and help in eliminating discrimination and stereotypes in the labor market. Other measures, including "**Promoting Pro-active Employment Policy**"⁶³ and "**Promoting Competitiveness**",⁶⁴ deal with the position of women in accordance with policies of the European Union at the level of the equal opportunities horizontal theme, designed to contribute to promotion of non-discriminatory treatment of all players in the labor market. Dealing with the position of women threatened by social exclusion

⁶⁰ § 241 of the new Labor Code:

(1) In assigning employees to shifts, the employer shall take account of the needs of female or male employees taking care of children.

(2) If a female or male employee taking care of a child under 15 years of age, a pregnant female employee or an employee who demonstrates that he or she mostly alone in the long term and consistently cares of a substantially or fully helpless person demands shorter working hours or any other appropriate adjustment of weekly working hours, the employer shall be obligated to grant such demand, unless prevented by serious operational reasons.

(3) The employer shall not assign to overtime work pregnant female employees or female or male employees taking care of an infant below 1 year of age.

⁶¹ § 39 of the new Labor Code.

⁶² Measure 2.2 of the Operational Program "Human Resource Development".

⁶³ Measure 1.1 of the Operational Program "Human Resource Development".

⁶⁴ Measure 4.1 of the Operational Program "Human Resource Development".

in the labor market by reason of cumulative disadvantage due to affiliation with an ethnic minority, in particular Roma, is the subject of another measure.⁶⁵ A Grant Scheme has been set up, and two requests for presentation of projects have been announced. The first announcement has already been concluded; the Ministry of Labor and Social Affairs has received 97 projects, out of which 21 related to Roma citizens. Unfortunately, due to low quality of projects, only one of the projects was recommended for financing, which, however, related rather to men (masonry work). A total of 138 projects were submitted under the second announcement, and their formal evaluation and assessment of eligibility is currently being conducted.

On the basis of public announcements it is possible to submit applications for financial assistance for projects by the European Social Fund (ESF). The projects may be submitted and implemented by persons and organizations from the business and non-profit sector. The goal is, inter alia, to provide consultation and develop programs for acquiring labor skills in non-traditional occupations for women, promotion of creation of new job opportunities, and support for new entrants to the labor market: expanding the supply of jobs with flexible working arrangements, part time employment etc. Supported activities also include access to continued learning and retraining for women, labor market analysis from the viewpoint of equal opportunities, lifting barriers to equal access to education and employment.

On the basis of the selection process are implemented individual projects that were assessed as beneficial for accomplishing the set goals of the relevant measures and other forms of positive measures for specific disadvantages in the labor market, and as projects suitable for financing by the European Social Fund in compliance with EU policies. Making use of the experience with implementation of projects, it will be possible to identify suitable tools for tackling the issue of equal opportunities for women and men in the labor market.

The Ministry of Labor and Social Affairs is currently processing proposals for tackling the issue of unemployment of Roma women in the Czech Republic, which will be then forwarded to all employment authorities. These proposals relate to launching courses to improve communication skills of unemployed Roma citizens, improve their access to information, and free-of-charge long-term retraining courses. The proposals also envisage establishing more jobs in the area of publicly beneficial work, while municipalities should use their best efforts in cooperating with organizations that offer jobs for low-skilled persons. Another item of the proposed solution is to make better use of the work of field social workers who would map the network of potential employers with whom they would subsequently discuss the possibility of employing Roma citizens. Another objective of the Ministry of Labor and Social Affairs in dealing with these issues is to ensure greater involvement of Roma non-governmental non-profit organizations in the project “Decade of Roma Inclusion for 2006–2015”.

Health

23. *The report refers to the State party’s national health programme (paras. 252-254). Please indicate whether the programme includes the implementation of public awareness campaigns to inform and encourage discussion, among all age groups, about health issues such as sexually*

⁶⁵ Measure 2.1 of the Operational Program “Human Resource Development”.

transmitted diseases, contraceptive use, violence against women and mental illness. If there is no such component, please indicate how public awareness about such issues is strengthened.

The current version of the National Health Program is entitled the “Long-Term Program for Improving Health of the Population: Health for All in the 21st Century (hereinafter the “HEALTH 21 Program”). This Program is the national alternative of the World Health Organization’s program and has been adopted as a long-term interdepartmental program.⁶⁶ Its main objective is through 21 goals to set up a functioning model of comprehensive health care and promotion of health of the entire society. Individual objectives of the Program address activities relating to reduction in incidence of sexually transmitted diseases, as well as to education towards reproductive health (use of contraception) and improvement of mental health. The HEALTH 21 Program does not directly tackle issues specifically targeting violence against women, but it does generally deal with reducing the incidence of bodily injuries resulting from violence.

The National Health Institute, health institutes based in regional centers and in particular non-governmental non-profit organizations have significantly contributed to dissemination of relevant information. All these institutions are eligible for financial assistance from the national budget of the Czech Republic through subsidy programs of the Ministry of Health and the Ministry of Labor and Social Affairs.

24. *The report also makes reference to the high rate of cervical cancer (para. 266), “largely because few women go to preventive examinations”. Kindly indicate steps and measures that are in place, or contemplated, to encourage women to take full advantage of preventive health care programmes.*

The Ministry of Health has established a “Commission on Cervical Cancer Screening”, which deals with the persisting high incidence of cervical cancer in the Czech Republic and prepares organization of the cervical cancer screening program in the Czech Republic.⁶⁷ The purpose of screening is to offer women in the Czech Republic qualified preventive (screening) examinations of the cervix at laboratories complying with modern diagnostic criteria. The objective of screening is to increase timeliness of detection of malignant cervical cancer and pre-cancerous condition, thus reducing mortality caused by cervical cancer in the Czech Republic. The Commission has drafted a standard setting out criteria and conditions for screening of cervical cancer in the Czech Republic.⁶⁸ The expected date for launching a pilot project, approving a new code and criteria is 1 July 2006.

25. *In its concluding comments on the second periodic report, the Committee stated its concern about the “rate of consumption among women of prescribed sedative and barbiturate drugs” and requested more information in the Government’s third periodic report. The steady rise in abuse of sedatives and barbiturates by women is shown in table 76 of the report. Please clarify whether any studies have been conducted to investigate the causes of such a trend and what measures are*

⁶⁶ Government Resolution No 1046 of 30 October 2002.

⁶⁷ Screening means organized, continuous and evaluated efforts to timely detecting malignant cervical cancer by means of preventive cytological examinations in the population of women who do not feel any direct manifestations of the presence of cancer and do not visit gynecologist regularly or at all.

⁶⁸ This standard will be published in the Bulletin of the Ministry of Health.

being taken to prevent such abuse and provide alternative coping mechanisms for women, including rural and minority women, suffering from psychological/psychiatric problems.

Since the 1990s, the situation within the society has changed dramatically. The number of diagnosed addictions of women increases and approximates the number of diagnosed addictions of men. These sinister developments, which have dramatically continued up to the present, are indeed due to a number of factors. The rise in abuse of sedatives, mainly benzodiazepine, is seen in the whole population, not just women. Unfortunately, doctors, in particular general practitioners, but psychiatrists as well, play a significant part in this trend. The society becomes strongly individualized and the family is losing its traditional importance. Hand in hand with abuse of alcohol by women goes the abuse of substances that effectively help in overcoming maladaptation, stress and all forms of growing strain. The society comprises a considerable number of individuals who are unable to fulfill their ideas of life and resort to surrogate mechanisms.

Characteristic features of female alcoholism include lonely drinking and combining alcohol with addictive drugs (tranquilizers, analgesics). In the light of analysis of current situation and easily documentable trends we may expect that this problem will keep growing. To determine the causes of such trend is difficult, methodology would be too complicated, a survey would be too costly, and in respect of data collection it would be necessary to also take account of phenomena such as rationalization of abuse. Nonetheless, the Ministry of Health currently has no knowledge of any such project being carried out.⁶⁹

26. *The report states that a health care act is currently being drafted that “broadens the possibility for sterilization on other than health grounds” (para. 272). Please provide the status of such legislation as well as a clarification of the conditions permitting such a procedure.*

Bodies of the Chamber of Deputies of the Czech Parliament currently consider the **governmental draft bill on health care**.⁷⁰ This draft bill also regulates the issue of sterilization. The governmental draft bill on health care defines sterilization as surgical procedure which prevents fertility without removing or damaging the generative glands. According to the governmental draft bill on health care, sterilization may be performed on health or other than health grounds.

Pursuant to the draft bill on health care, sterilization on other than health grounds may be performed in a person above eighteen years of age subject to the following conditions:

1. A person older than eighteen years of age submits a request in writing to the operator of a health facility where sterilization is to be performed; the request in writing constitutes a part of medical file; particulars of the request for sterilization on other than health grounds are to be specified by a regulation of the Ministry of Health.
2. Sterilization of a person above eighteen years of age is not prevented by serious health reasons.
3. The request will be considered by a competent physician.

⁶⁹ These issues will be discussed at the May 2006 session of the Ministry of Health Commission on Implementation of the Psychiatric Policy.

⁷⁰ Chamber of Deputies print No 1151.

4. Prior to performing sterilization, the physician is obligated to advise the person older than eighteen years of age in which sterilization is to be performed as to the nature of the procedure, its permanent consequences and potential risks; this information must be provided in the presence of another physician as witness; the person older than eighteen years of age may demand that this information be provided in the presence of an additional witness of his/her choice; the protocol signed by the doctor, witnesses and the person older than eighteen years of age constitutes a part of medical file.
5. Sterilization may be performed if the person older than eighteen years of age who submitted the request expresses his/her free, informed and qualified consent before starting the procedure; the attending physician will record such consent in the medical file and will sign the record; the person older than eighteen years of age will also sign the record.
27. *The report of the Czech Public Defender of Rights from 23 December 2005 concludes that “The Ombudsman is convinced that in the Czech Republic, the problem of sexual sterilization - carried out either with unacceptable motivation or illegally - exists, and that Czech society stands before the task of coming to grips with this reality.” Kindly clarify the measures, including legislative measures, undertaken or planned to respond to this conclusion, including compensation of victims of coercive sterilization and prosecution of those responsible for abuses.*

The Ombudsman has asked the Ministry of Health for assistance in the matter of reviewing medical files of sterilization of women pursuant to Ministry of Health Directive of 17 December 1971, on sterilization (hereinafter the “Directive”). To this end, an advisory team has been set up at the Ministry of Health. The advisory team has concluded the review of cases in respect of which medical documentation could be found.

The advisory team has noted that cases of professional misconduct in performing sterilization did occur; however, these cases did not occur on the nationwide scale but only happened at certain health facilities. In some cases, not all of the conditions set out in the Directive were complied with, while in others were found administrative errors, and in others errors in terms of medical indication.

Surgical interventions were effected between 1961 and 2004. In nine cases, medical files could not be obtained as they were destroyed by flood.⁷¹ In three cases, medical files were discarded.⁷² In one case, medical documentation was not delivered and could not be found.

Of the total of 76 cases reviewed

- sterilization was not performed in 12 cases,
- requirements of the Directive were complied with in 14 cases,
- requirements of the Directive were not complied with in 41 cases,
- doubts as to genuineness of signatures (three crosses etc.) were found in 8 cases.

From the effective date of the Convention on Human Rights and Biomedicine, five cases have been reviewed. The requirements of the Directive were complied with in three cases, and were not complied with in two cases. The advisory team suggested that the Minister of Health should

⁷¹ Two hospitals in northern Moravia.

⁷² Ostrava Fifejdy.

appoint a central expert commission on five cases to assess whether sterilization was performed in compliance with applicable requirements or not.

In compliance with the conclusions of a session held on 25 January 2006, the advisory team proposed that the Ministry of Health should take the following remedies:

1. draft the wording of informed consent for sterilization and publish the same in the Bulletin of the Ministry of Health,
2. issue a methodological interpretation of the Ministry of Health to be published in the Bulletin of the Ministry of Health as the outcome of the examination carried out by the advisory team,⁷³
3. provide information to the lay public through the web site of the Ministry of Health,⁷⁴ leaflets and brochures about the requirements for sterilization, including risks and consequences of this procedure, and about the rights of patients in general,
4. as part of post-graduate education, provide doctors with training on the rights of patients in general, including the requirement of the patient's informed consent with medical care,
5. in cases with incorrect procedure and causality, i.e., in cases where there occurred serious misconduct, set up a central expert commission⁷⁵ and, according to its findings, decide on further course of action or, where applicable, lodge a complaint with investigation and prosecution authorities,
6. inform the Ombudsman about remedial measures approved and about interruption of proceeding in cases where verification of data is required,
7. in cases where medical documentation was destroyed by natural disaster, advise the relevant health facilities as to proper methods of handling medical documentation – medical documentation should be adequately stored so as to prevent similar damage to other documents,
8. inform the relevant health facilities as to the necessity of consistent compliance with applicable regulations concerning sterilization.

The Ministry of Health has not as yet decided about implementation of the measures proposed by the advisory team.

Rural women and ethnic minority women

28. *The report refers to efforts made to improve the economic potential of rural women as their opportunities are “deteriorating in practical terms” (para. 279). Please provide an assessment of the impact of the efforts made by the Ministry of Labour and Social Affairs and the Ministry of Agriculture, in collaboration with a variety of organizations, to improve the economic potential of women living in rural communities.*

This question is closely related to question 22, and most of the programs referred to in the answer to that question also apply to rural women.

⁷³ This interpretation will react in particular to the giving of special informed consent.

⁷⁴ www.mzcr.cz

⁷⁵ Regulation No 221/95 Coll., on central expert commissions.

At the EU level exists the Program Relating to the Community Framework Strategy on Gender Equality 2001 - 2006. The European has announced for 2006 a request for projects relating to the promotion of equal opportunities for women and men, in particular at regional level. The Czech Republic currently exerts considerable efforts with a view to become involved in two projects under this Program, as active dissemination of information about equal opportunities directly at regional level would certainly play an important role in overcoming gender stereotypes and, by extension, in improving the economic potential and employment of rural women.

The Ministry of Agriculture in collaboration with non-profit organizations, based on the Government Resolution “Priorities and Procedures of the Government in Promoting Equality of Women and Men”, updated annually, carried out the following activities in support of rural women.

Seminars and conferences:

- 2001 – “The rural woman”
- 2002 – “Women in small towns and municipalities: Potential – Opportunities – Pluriactivity”
- 2003 – “Woman – consumer”
- 2004 – “The woman and food legislation”, “The computer does not bite” – a computer course for seniors, “Women and entrepreneurship in regions”
- 2005 – “The woman and equal opportunities”, “Women, business and equal opportunities”

The Ministry of Agriculture also supports activities designed to reinforce the economic potential of rural women with a health handicap. These projects deal with social integration of handicapped persons means of training and their employment in agriculture. The main principle is direct cooperation and contact of handicapped persons with healthy people and employees.⁷⁶

Another project planned by the Ministry of Agriculture in collaboration with municipalities is to construct and operate protected housing “Klas” – the home of peaceful and active old age for seniors. Its purpose is care of persons who lived and worked in rural areas. The home should be constructed in the Silesia-Moravia region.

Collaboration with these organizations is very good, keeps intensifying, and continues also in 2006. Their joint activities bring about practical benefits and expand opportunities for placement in the labor market. All activities have been assessed positively by both female and male participants, collaborating non-profit organizations and governmental bodies.

29. *What programmes exist or are planned to address the lack of documentation needed by Roma women for access to essential services for the realization of their fundamental civil, political, social and economic rights (including birth certificates, identification cards and passports)?*

In the framework of its subsidy policy the Ministry of Labor and Social Affairs has been providing since late 1990s financial resources to organizations engaging in field social work. Social service of this type targets, among others, “persons living in socially excluded locations”, including in particular Roma communities. Field social workers help their clients to solve their current problems in respect of employment, housing, obligatory school attendance of children, etc. It is often ascertained that clients lack certain documents that are necessary for the exercise of certain fundamental civil, political

⁷⁶ Carried out at Home of St Agnes at Týn nad Vltavou and Neratov Association in Eastern Bohemia.

and economic rights. In such cases, field social workers seek to obtain new documents, e.g. duplicates of birth certificates, so that their clients may exercise their rights. The Ministry of Labor and Social Affairs is currently in the process of preparing a systemic project funded by the European Social Fund in support of field social work with a view to improving its quality and creating a compact system in this area.

According to the Ministry of the Interior, the information that Roma women in the Czech Republic lack documents that are necessary to access services essential for realizing fundamental civil, political and economic rights (such as birth certificates or identification cards) does not reflect reality. Under the current regulation of acquiring and losing citizenship of the Czech Republic, all persons are subject to strictly defined conditions, regardless of sex or ethnic origin. Therefore, the Ministry of the Interior does not plan any programs addressing this issue.

Equality in marriage and civil law

30. *In light of the fact that the divorce rate is steadily rising in the Czech Republic (para. 285 and tables 78-84) and that traditional family roles prevail (para. 224), what role does the State party play to economically empower single women raising children?*

The State party provides economic support to single parents (not just women) raising children in the form of state social support and social care. The system of state social support allowances follows the life cycle of the child from its birth up to completion of the educational process, and financially helps families to cope with difficult situations in life, caused for example by incompleteness of the family or insufficient income. A state social support allowance explicitly addressing the single status of a parent is the social supplement. As to social care allowances, the one addressing the single status of the parent is the supplement for subsistence of a child.

Optional Protocol

31. *Please describe steps taken to publicize and encourage the use of the Optional Protocol to the Convention.*

The publication of the Ministry of Labor and Social Affairs “**Compliance with the Convention on the Elimination of All Forms of Discrimination against Women II**”, published in 2003, contains, besides the text of the Convention, also the text of the Optional Protocol. The publication was distributed to public administration bodies and is available to all citizens as well as to any and all other persons and organizations. NGOs, in particular those involved in protection of human rights and representing victims of discrimination in seeking remedy, have been instrumental in distributing the publication.

The web site of the Ministry of Labor and Social Affairs, under the heading “Equal opportunities for women and men”, features laws, regulations and other documents with relevance to equal opportunities of women and men within the Ministry’s remit and in the society as a whole, including the Convention and the Optional Protocol.⁷⁷

⁷⁷ www.mpsv.cz

The web site of the Ministry of Foreign Affairs contains information to the public regarding the conditions for filing a notice according to the Optional Protocol. A part of this information also is a mailing address of the Committee on the Elimination of Discrimination Against Women where such notices are to be sent, and the internet address of the High Commissioner of the United Nations for Human Rights, where a model form for filing a notice is available.

Annex 1 (re Question 8)

**Criminal offence of abuse of a person living in a common household
(domestic violence, § 215a of the Penal Code)**

		1 st half of 2004	2 nd half of 2004	2004 total	1 st half of 2005	2 nd half of 2005	2005 total
Police of the Czech Republic	criminal proceedings instituted (number of persons)	9	187	194	343	-	652
	suspended (number of persons)	0	21	21	128	-	72
	prosecution instigated (number of persons)	1	120	121	220	-	438
court statistics	number of persons suspected of having committed a criminal offence	9	152	161	291	-	546
	number of persons prosecuted	3	93	108	143	-	419
	out of which women	0	3	3	7	-	13
	number of persons indicted	-	-	41	-	-	368
	out of which women			1			11
	number of persons convicted	-	-	1	-	-	134
	out of which women			0			3

Source: Ministry of the Interior

Annex No 2 (re Question 12)**Number of instances ascertained by the Police of the Czech Republic of trafficking in human beings**

Year	1998	1999	2000	2001	2002	2003	2004	2005
Number of offences ascertained	34	23	13	27	15	10	13	16
Number of offences solved	34	22	13	25	10	9	12	11
Number of investigated and prosecuted persons	49	38	21	26	12	19	30	18

Source: Ministry of the Interior

Number of persons convicted, and punishments imposed, for trafficking in human beings

Year	1998	1999	2000	2001	2002	2003	2004	2005
Total number of convicted persons	5	25	16	15	20	5	12	20
Number of persons sentenced to prison for 1 to 5 years	3	17	6	7	5	1	3	8
Number of persons put on probation	2	8	10	8	15	4	9	12

Source: Ministry of the Interior

Number of victims of trafficking in human beings as recorded by the Police of the Czech Republic

Year	2003	2004	2005
Number of victims – females	2	3	10
Number of victims – males	1	0	0
Number of victims – groups	8	10	6
Number of persons in groups	50	69	27
Total	53	72	37

Source: Ministry of the Interior