



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
22 February 2006

Original: English

[Start]

Committee on the Elimination of Discrimination against Women

Pre-session working group

Thirty-sixth session

7-25 August 2006

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

Czech Republic

The pre-session working group examined the third periodic report of the Czech Republic (CEDAW/C/CZE/3).

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.

2. The amendment to article 10 of the Constitution of the Czech Republic (effective as of 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 and on any instances where the Convention took precedence over a domestic act and/or where the Convention was used before the national courts.

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.

4. The report mentions that the implementation of the equal opportunities policy is especially poor at 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?

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).

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?

Violence against women

7. In both the report of the Special Rapporteur of the Commission on Human Rights 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).

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.

9. An international violence against women survey was conducted in the Czech Republic in 2003. 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.

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 labour 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.

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.

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.

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.

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?

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.

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?

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?

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

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 Labour 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?

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

21. The report states that a new Labour 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.

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

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 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.

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.

25. In its concluding comments on the second periodic report, the Committee stated that its concern about the rate of consumption among women of prescribed sedative and barbiturate drugs and requested for 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 being taken to prevent such abuse and provide alternative coping mechanisms for women, including rural and minority women, suffering from psychological/psychiatric problems.

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.

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.

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.

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)?

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 play to economically empower single women raising children?

Optional Protocol

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