



Quality in Gender+ Equality Policies

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1 Review of Equality Policies and Responsible Structures¹

1.1 A short history of the development of (gender) equality law or (gender) equality strategies or plans

1.1.1 General timing and content of equality laws and policies:

Since 1919 women have had the right to vote in the Czech Republic and since that time gender equality has also been written down in the constitution. In 1965 a law on equal treatment in the labour market became effective. After transition, men are entitled to parental allowance since 1990. A law for the basic abolishment of discrimination was passed in 1992; also the labour law included equal pay for equal jobs.

International Obligations

In 1982 Czechoslovakia signed CEDAW. The Czech Republic took over the participation in CEDAW in 1993, when Czechoslovakia split into the Czech Republic and Slovakia, and it signed also the Beijing Declaration from 1995. The Czech Republic signed the Optional Protocol to the Convention in December 1999 and it entered into force on 22 December 2000/26 May 2001. The Czech Republic submitted its initial report to CEDAW in 1994. The CEDAW discussions on the report took place on 26-27 January 1998, and CEDAW issued its final comments on 14 May 1998. The second periodic report contains a description of the changes achieved since the development of the initial report (1 January 1995 to 30 June 1999), and lists legal and other measures documenting progress achieved in the elimination of discrimination against women, changes in the status of women, measures aimed at eliminating the remaining obstacles to women's integration into political, social, economic and cultural life, and problems emphasized by CEDAW which the Czech Republic has not yet addressed. In 1998, in the evaluation of the report of the Czech Republic by CEDAW, it was stated that the report reflects "an overarching tendency on the part of the Government to conceive of women as mothers and within the context of the family, rather than as individuals and independent actors in the public sphere. The Committee considers that such a perception is a major obstacle to the implementation of the Convention because it reflects a fundamental misunderstanding of such critical concepts as gender roles, indirect discrimination and de facto inequality".

Development of gender equality policies since independence in 1993

The recent development of (gender) equality law has been strongly influenced by the EU pre-accession process and accession to the EU. As one of the first candidate countries, the Czech Republic approved the relevant legislation of chapter 13 of the *acquis communautaire* with the exception of the area of social security. In general, gender equality laws were adopted because they were part of the EU accession requirements. In 1998 the National Action Plan "Priorities and procedures of the government for the enforcement of the

¹ I thank Barbara Havelkova and Michaela Marksova-Tominova for providing input into the content of the whole report.

equality between men and women”² was published for the first time. This document deals with seven areas according to CEDAW and contains 40 measures dealing with gender equality which are assessed and up-dated every year by the government according to current society need. The »Summary report on the fulfilment of the Government priorities and procedures for the enforcement of equality between men and women« is commented on by ministries and NGOs; the comments are taken into consideration. In 2001 an additional measure was added to the report which requires individual ministries to draw up their own priorities and procedures to ensure equality in their own departments. In 2007, under the new conservative government, the publishing of the Priorities has already been postponed twice.

Since 1 January 2001 the Labour Code has been amended according to the EU directives. For the first time in Czech history the anti-discrimination law is applied in a law outside the constitution. The amendment incorporates the requirements of the directive on equal opportunities for men and women in their access to employment into the Czech legal order. It also includes the requirements of the directive on parental leave. The amendment comprises an explicit prohibition of any discrimination in access to employment, among others because of gender, and it explicitly forbids publishing advertisements that are discriminating. The amendment to the Act on the Civil Procedure aligns legislation with the requirements of the acquis on the burden of proof in gender discrimination litigation cases and the amendments to the Wages Act and to the Salary and Bonus Act align legislation with the requirements of the acquis in regard to equal pay (European Commission 2000, p. 66). In 2002 a national programme began for increasing the administrative capacity for the implementation of the acquis, also dealing with Labour and Social affairs and with economic and social cooperation, as well as a national programme dealing with “Equal Opportunities”. In 2004 another set of laws was created or amended, with a new Act on Employment, the Labour Code, the State Service Act, and the Military Act; all of which included some gender aspects.

There has been progress in the area of gender equality but there is still a lot to be done; for example the prohibition that women are not allowed to work underground still exists. Also in taxation legislation there has been a step backwards with the introduction of the common taxation of spouses.

Institutions

Institutions dealing with gender equality have only existed since 1998. In general, the institutions dealing with gender equality are separate from the institutions dealing with other inequalities.

Gender assessments

There have been no proper tools developed to implement, monitor and evaluate equality policies. Gender impact assessments of new legislation or in other areas of policy development are not made. It can also be assumed that no regular impact assessments are made for equalities other than gender. There is no systematic monitoring; the only monitoring

² The Czech title of the document is “Priority a postupy vlády při prosazování rovnosti mužů a žen”.

which is done is the evaluation of the yearly Priorities. However, the evaluation of this report is done by the same institution which also compiled the report. Therefore, objectivity might be a problem; also, it is sometimes not clearly stated what has been implemented and what has not. Often activities by NGOs are proclaimed as state activities.

Gender Budgeting³

In 2004 a brochure on gender budgeting was published in Czech in the Czech Republic. There was a wide informative media campaign at that time and a nation-wide conference, where the representatives of towns/cities and corporations were invited. There was also a project to analyse the costs of selected policies of the Ministry of Labour and Social Affairs from the point of view of men and women to support gender budgeting. Yet the introduction of gender budgeting was not compulsory. That is why gender budgeting is asserted on the public level only in some towns and corporations as a result of the good will of councils and mayors. After the elections in 2006, the situation became more difficult on the municipality level because some mayors who supported this method were replaced.

Gender statistics

There are systematic attempts to build statistics disaggregated by gender. One result of the twinning project on the implementation of gender mainstreaming in 2001 was the government decree in 2004 that gender statistics have to be compiled by the ministries. Furthermore, since 2003 the Czech Statistical Office has published the information booklet "Women and Men in Data" which is updated every two to three years; since 2004 there are also official statistics on domestic violence.

Anti-discrimination

A general anti-discrimination clause can be found in the Charter of Fundamental Rights and Freedoms. It is one of the first pieces of post-communist Czechoslovak federal legislation and has been part of the new constitutional order of the Czech Republic since 1993. One part of the Charter, article 3, guarantees equality in access to fundamental rights and freedoms and includes an open-ended list, expressly prohibiting discrimination on the grounds of sex, race, colour, language, religion or belief, political or other conviction, national or social origin, membership of a national or ethnic minority, property and birth or other status. However, it does not explicitly provide protection against discrimination on sexual orientation and disability grounds. According to case law, all grounds not explicitly mentioned are contained implicitly in the term "other status". The only body competent to interpret the Charter with binding effect is the Constitutional Court. The Constitutional Court can only deliver such an interpretation through a judicial decision. Until 2005 there has not been any judicial decision by the Constitutional Court dealing with discrimination on the grounds of age or sexual orientation.

Since the end of the 1990s with the Act on Employment and the Labour Code, discrimination is not only related to gender equality but also to other discriminations. Yet,

³ I owe this information to Kateřina Niklová, Gender Focal Point at the Ministry of Finance.

apart from the constitution, there is no other prohibition of discrimination concerning access to services⁴. All these changes, however, have not been easily accepted. The amendment to the Labour Code “has enjoyed little support in the country and provoked media criticism. This despite the fact that the law was intended to eliminate discrimination of all kinds” (Čermáková 2000, p. 10f).

Since the 1 January 2007 a new Labour Code is in practice. This Code refers all discrimination issues to a new Anti-Discrimination Law which at that time was not yet approved. The Czech Republic was in the process of passing a comprehensive Anti-Discrimination law which would cover all the inequalities defined by the EU. This law failed in the first attempt in 2006 and was approved in June 2007 by the government.

For the year European Year of Equal Opportunities (2007) the Czech Republic developed the “National Strategy of the Czech Republic for the European Year of Equal Opportunities for All (2007) - Towards a Just Society and Priorities for the European Year.” It discusses specific challenges for discrimination based on sex, sexual orientation, racial or ethnic origin, disability, age and on religion or belief and points out the priorities in this area for the year 2007.

Gender equality and other inequalities

Other inequalities are now recognised, but dealt with separately from gender equality⁵. The promotion of equality has existed for a long time but it only binds the state and not the individual. The term “class” is not well-regarded; but it is now more often discussed in relation to weak social groups in connection with another characteristic like region, immigrants, Roma, or old people.⁶ There exists a National Action Plan on Inclusion which deals with exclusion because of ethnicity/race, disability and age for 2004-2006. The Czech Republic participates in the 2005 – 2010 Decade of Roma inclusion, an international initiative involving job training and gender mainstreaming. The Roma issue received wide attention and also financial contributions both from the Czech Republic and the EU whereas gender equality was a neglected issue. For the first time in 2003 it was possible for NGOs working on gender issues to receive money from the state. Now with the EU Structural funds it is a completely different story. There are funds available for gender equality projects and the area is flourishing.

Government and NGOs

On the political level gender equality is usually supported by individual politicians, not as party policy. The Green Party is an exception since they took up gender equality as an issue during their election campaign in 2006. Sometimes the Social Democrats also take up

⁴ This assessment was made by Barbara Havelková.

⁵ More about other inequalities and discrimination: Bouckova, Pavla (2005). *Report on measures to combat discrimination. Directives 2000/43/ec and 2000/78/ec*. Country Report. Czech Republic. http://ec.europa.eu/employment_social/fundamental_rights/pdf/legnet/csrep05_en.pdf. E-text. 61p.

⁶ I owe this assessment to Barbara Havelková.

the issue. Among the most influential and active political actors were/are Vladimír Špidla⁷ and Anna Čurdová, both from the Social Democratic Party (ČSSD). The past and current governments do not address issues like the pay gap, equal representation of women and men in leadership and management positions, and vertical and horizontal gender segregation (Shadow Report 2004, p.9). The main focus is on reconciliation of family and work life.

After accession to the EU in 2004 and especially since the beginning of 2007 and the new conservative government, activities in this area have stalled on the part of the government. One example of this is the speech by Prime Minister Mirek Topolánek (ODS, Civic Democratic Party) for the Opening of the European Year of Equal Opportunities on 2 April 2007. He stated that “I am pleased that a rather conservative view of equality of opportunities has won in the European Union. Equality of opportunities was given priority before equality and equality of results. It was proved thousand times that in effect equalitarianism brings more and worse inequalities than it intended to get rid of....I am glad I do not need to talk here of discrimination on the basis of sexual orientation at all. We succeeded in getting rid of it and I do not know of any case where homosexuality or heterosexuality of an applicant for employment would be considered”.

In 1998 a decline of women’s NGOs since the establishment of the Czech Republic was noted and criticised by CEDAW. NGOs are not really officially involved in the policy process. Usually it is more unofficial lobbying, but it also depends on the issue. The only way NGOs can officially have influence is by membership in the Government Council. Proposals are made in the Council and if agreed upon they can be passed on to the government which can accept or refuse them. Sometimes draft documents are also sent to NGOs for comments. Long-standing NGOs like the Czech Women’s Union⁸ (employment), Gender Studies (gender issues), ProFem (domestic violence) were sometimes influential. Often, NGOs only react in response to the media. In 2006, a news-server with news on gender issues was founded by the NGO ProFem (www.ta-gita.cz).

One example of the successful consolidation of civil society in this area in the Czech Republic is the quick reaction by NGOs to the speech by the Prime Minister at the opening of the European Year of Equal Opportunities. It caused huge outrage among NGOs and they wrote a letter which was also sent to the EWL. However, there was no reaction by the government.

There are several NGOs now working on gender equality+ issues; for example the Czech Helsinki Committee, which first focused on emigration, human rights and minorities now also include gender. There is rarely systematic cooperation of the government and NGOs. Two examples of cooperation between the political level and the NGO-sector are the

⁷ Minister of Labour and Social Affairs from 1998-2001 and Prime Minister of the Czech Republic from 2002 – 2004; since 2004 Commissioner for Labour, Social Affairs and Equal Opportunities at the European Commission.

⁸ The Czech Women’s Union is the successor of the Communist Women’s Union which was dissolved as a federal organisation in 1990 which means that it “inherited” the property and the membership of the Communist Women’s Union.

Government Council for Equality and the Coordination Group on domestic violence at the Ministry of Interior.

Nonetheless, there are also NGOs which are not in favour of gender equality but instead are fiercely opposed; an example is the Czech Men's Union with which the Ministry of Finance is cooperating. The organisation has existed since 2004 and identifies itself as anti-feminist and as a counter-balance to women's organisations and the understanding of gender equality and equal opportunities as supported by the EU and the UN.

1.1.2 Relationship of country (gender) equality policies to EU

During the accession process

The obligation to implement the EU-directives dealing with gender equality was very influential on national legislation. It accelerated the passing of legislation in this area. The ambassador in the Czech Republic spoke often about gender roles and thereby made it a public issue. Also the EC-Delegation put emphasis on this issue. For example, in 2002 the EC-Delegation in the Czech Republic urged the Czech government to make gender equality a priority. At that time there were no women in the Czech Cabinet. NGOs used the obligations arising from the *acquis* to pressure the government into changing the existing legislation. However, the accession reports of the EC did not follow up any gender issues apart from the ones connected to legislation. The accession reports concentrated in the area of gender on the legislation for chapter 13 Employment and Social Policy, Trafficking and Institution Building. The main focus in the area of equalities was on Roma issues and not on gender equality. It was also stated that the implementation of the Beijing Platform for Action takes place in the context of entry of the Czech Republic into the European Union (1997, in the letter from the Permanent Mission of the Czech Republic to the United Nations (No. 3125/97).

In the "Agenda 2000 - Commission Opinion on the Czech Republic's Application for Membership of the European Union" it was noted that "concerning equal opportunity, the basic provisions of EC non discrimination law between women and men are covered" (European Commission 1997, p. 86). Yet it was pointed out in the Accession Partnership of the EU with the Czech Republic in 1998 that "complete alignment of the Community legislation, in particular in the field of equal treatment for women and men and health and safety *acquis*" is still necessary (Official Journal of the European Communities 2002, p. L 44/25).

The 1999 amendment to the Labour Code to forbid sexual orientation discrimination was heavily inspired by similar developments in European Union law. Already in 2000, the Czech Republic was one of the four candidate countries⁹ which were the furthest ahead in incorporating the *acquis communautaire* in the field of gender equality (European Parliament 2002, p. 13).

⁹ The other three countries were Lithuania, Hungary and Romania.

Furthermore, the strengthening of institutional structures and the adoption of legislation in line with the anti-discrimination acquis and the preparation for its implementation were required by the EU (Official Journal of the European Communities 2002, p. L 44/25). The alignment of legislation dealing with equal opportunities continuously progressed¹⁰.

The efforts undertaken resulted in the approval in 2003, published in the final progress report of the European Commission of the Czech Republic, that “the Czech Republic is essentially meeting the commitments and requirements arising from the accession negotiations in the areas of labour law, equal treatment of women and men, social dialogue, public health, employment policy, social inclusion and social protection and is expected to be in a position to implement this acquis from accession onwards” (European Commission 2003, p. 35). The same document also highlights that specific aspects in the fields of labour law and equal treatment of women and men needed further legal alignment (European Commission 2003, p. 35).

After EU accession in 2004

As shown above, the pre-accession process and the accession strongly influenced the development of equality laws and policies (Treaty of Amsterdam: Racial Equality; Employment; Directive on Gender Equality). The Czech Republic acceded to the EU in May 2004. Yet, transposition is not yet completed. Out of the ten directives of EU-legislation addressing equal treatment (mostly of men and women), the Czech Republic is in breach of nine¹¹. The European Commission has not yet started legal proceedings against the Czech Republic in the area of gender equality. Proceedings have been initiated against the Czech Republic concerning the transposition of the Race Directive since December 2005. On 27 June 2007 the European Commission sent a formal request to the Czech Republic¹² to fully implement EU rules banning discrimination on the grounds of race or ethnic origin (2000/43/CE). The Czech Republic was meant to have to harmonized its national law with the Council Directive 2000/43/EC¹³ on accession to the European Union (i.e. as of 1 May 2004). Concerning the Framework, directive proceedings have been initiated against the Czech Republic as the only one of the new Member States in December 2005. Furthermore, in the area of anti-discrimination the EU is the only reason for activities. In June 2007 the Czech Republic followed this by approving a comprehensive Anti-Discrimination law which gives the powers in this area to the Ombudsman.

¹⁰ European Commission 1999, p. 83; European Commission 2000, p. 111.

¹¹ Barbara Havelková (2007). “The life and death of the anti-discrimination bill – the transposition roller coaster in the Czech Republic”. Presentation at the *Jean Monnet Seminar “Advanced issues of European law”*. Dubrovnik.

¹² The other 13 countries concerned are Estonia, France, Greece, Ireland, Italy, Latvia, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, United Kingdom.

¹³ The directive is implementing the principle of equal treatment between persons irrespective of racial or ethnic origin; it places the obligation on EU Member States to appoint or set up a body competent to provide protection from discrimination.

1.1.3 Major controversies and shifts

There were major shifts in five sub-issues of QUING: paternity benefits and paternity leave, same-sex registered partnership, anti-discrimination, domestic violence and sexual harassment. The majority of these changes occurred after 2000.

The regulation of parental benefits and parental leave is now equal for men and women. In 2006 the law on same-sex-registered partnership was finally passed after several attempts. It was successful at that time because of the up-coming elections. In 2007 a comprehensive Anti-Discrimination Law was approved. Furthermore, in the area of domestic violence there has been continuous progress; two major shifts occurred in 2004 and 2007. The issues of registered partnership and domestic violence have also been the most successful concerning NGO-impact. Sexual harassment is now recognised as a crime and there exists legislation on this.

At the beginning of the 1990s gender equality was not established as a significant topic. Beijing, Beijing+5 and the accession to the EU were very influential. Because of Beijing the first institutions dealing with gender equality on the state level were founded. Since Beijing and the accession process to the EU, and especially since 1998 (with the establishment of the first institutions and national action plans), gender equality is accepted as a topic.

Several debates have been taking place in the area of gender equality. Discussions in parliament on gender equality were usually connected to EU-legislation, often with heavy opposition by the parliamentarians. For example, there were debates at the time of discussing the anti-discrimination bill. On the political level there existed not much support for this bill; the only argument for making it was that it is an EU-directive which has to be transposed; otherwise the Czech Republic will be fined. Špidla always supported this issue when he was a politician in the Czech Republic, but as a commissioner in Brussels since 2004 he no longer has that much influence in the Czech Republic. There are few politicians, male or female, who support it. Anna Čurdová, member of the Social Democratic Party and also former Chairwoman of the Council for Equal Opportunities for Men and Women was active and supportive in this field. The ODS was usually against such a law and lobbied very much against it. The CEP (Center for Economics and Politics), a pro-market Think Tank, held a conference and compiled a book to lobby against the anti-discrimination bill. Therefore, there existed more opponents than supporters for this law. Related to the parliamentary debates, there are also now more debates in the media concerning this issue.

Gender equality has always been treated separately from other equalities; there was no competition among equalities as such. During the accession process, the Roma issue received the most attention, publicly and financially. It was one of the priorities during the accession process, therefore it received large amounts of money both from the state and the EU. Gender equality on the other hand received relatively little.

Nevertheless, it is interesting to note that during the discussions about the anti-discrimination bill in parliament, gender equality received the strongest support.¹⁴

1.2 A short history of the development of gender equality machinery in government and its relationship with governmental institutions for other inequalities

1.2.1 Development of equality machinery

On the state level, gender and other equalities are treated separately institutionally. For equality issues apart from gender equality there are the following institutions (cf. 1.2.2. for the development of gender equality machinery):

The Ombudsman, the public defender of rights, has existed as an institution since 1999, but he only deals with maladministration of authorities; he has no specific authority in the area of gender equality. He has now also been given powers in the area of anti-discrimination when the new Anti-Discrimination Act becomes effective.

The enforcement of equality in the private sector lies with the Labour Offices and Labour Inspectorates.

There is one Minister without portfolio since 2007 who works on Human Rights, Minorities and Equal Opportunities; she mainly focuses on minorities and not on gender equality.

There are also several advisory and working bodies of the government:

- Government Council for Roma Community Affairs since 1997
- Government Council for Human Rights since 1998 which has two committees handling discrimination issues: the Committee for the Elimination of all Forms of Racial Discrimination and the Committee for the Elimination of All Forms of Discrimination against Women
- Government Council for National Minorities since 1968
- Government Board for People with Disabilities since 1991
- Government Commissioner for Human Rights since 1998
- Government Council for Seniors and for the Ageing of Population since 2006.

¹⁴ I owe this information to Barbara Havelkova.

1.2.2 Development of the gender equality machinery

The first institutions dealing specifically with gender equality have been in place since 1998. This followed after an interpellation by MP Hana Orgonikova (ČSSD) in April 1997 to Prime Minister Vaclav Klaus (ODS); the interpellation concerned the government's activities in relation to the National Report on the Implementation of the Beijing Platform for Action which was due in 1998. This was a turning point since beforehand no institutions existed.

In 1998 the state had not yet provided any specific funds for the implementation of the policy of equal opportunities despite the introduction of specific institutions. Since then, the government still has only provided limited personnel and financial resources for the practical implementation of gender policies.

Unit for Equal Opportunities, Ministry of Labour and Social Affairs since 1998

In 1998 the Ministry of Labour and Social Affairs was given formal responsibility for the cross-government coordination of equal opportunity issues and equal treatment for men and women (Government decree No. 6/98). As a consequence, a Unit for Equal Opportunities was established at the Ministry of Labour and Social Affairs. It was set up as a specialised unit of three people to co-ordinate issues relating to equal opportunities between men and women across administration and to work with NGOs in this field. Originally, the Unit was supposed to align Czech legislation with that of the European Union in the area of equal treatment of men and women. That is why the Unit was placed within the Department for European Integration and International Relations of the Ministry of Labour and Social Affairs, which means at the bottom of the organisational structure. Today, the Unit's agenda not only covers legislative matters but also includes the publishing of relevant documents and handbooks, organising of seminars and trainings for selected civil servants from other Ministries, and subcontracting surveys concerning gender issues. The Unit also functions as the secretariat of the Council for equal opportunities. Now there are five people working in the Unit, headed by JUDr. Dagmar Zelenkova. The most important tool that the Unit has at its disposal is the government Reports or Priorities. During the creation of the report, the Unit proposes concrete measures to individual ministries. However, the individual measures are subject to the approval of the ministries and can be modified by them. The Reports are based on information from the ministries, which is not checked. The Unit cannot set tasks for other ministries. It also cannot control them effectively.

CEDAW-Committee at the Government Council for Human Rights since 1999

The Government's Council for Human Rights (GCHR) was established by Government Decree No. 809 on 9 December 1998, as the government's permanent advisory body in the area of protecting human rights and basic freedoms. The GCHR monitors implementation and adherence to the Czech Republic's Constitution, the Declaration of Basic Rights and Freedoms, and other legal norms governing the protection and observance of human rights and basic freedoms. The GCHR also monitors the observance of international treaties and agreements in the area of the protection of human rights and basic freedoms in the Czech Republic, concerning gender equality this is primarily the Convention on the

Elimination of All Forms of Discrimination against Women (CEDAW). Following CEDAW the GCHR established the Committee for the Elimination of All Forms of Discrimination against Women in 1999. It also compiles a report on the implementation of CEDAW in the Czech Republic every four years. The Committee does not have any executive or control powers. It can only offer motions to the GCHR. Nevertheless, it was the first institution where NGOs could get involved in policy making, since half of the representatives were from ministries, the other half from NGOs. The first Committee was in place from 1999 to 2002. During the entire period of its existence, it submitted only one motion to the GCHR and it also met very irregularly. A new Committee was appointed early in 2003 and it meets on a monthly basis.

Government Council for Equal Opportunities since 2002

In 2002, the Czech Republic was admonished that “whilst excellent progress has been made on transposition of the acquis in the Czech Republic, the development of effective implementation and enforcement measures has been slow” (Commission of the European Communities 2002, p. 19). In the same year the Government Council for Equal Opportunities was created to help shape gender equality policies. It is an inter-ministerial consultative and advisory body with a mandate to promote European gender equality policy, but it does not have its own budget. It includes ministers, representatives of academia and NGOs and is an advisory body concerning equal opportunities issues. It can only develop recommendations and does not have the competence to take decisions.

The Council and the Unit for Equal Opportunities together are responsible for supervising all governmental decisions regarding gender equality.

Gender Focal Points since 2002

Vladimir Špidla (ČSSD) was Minister of Labour and Social Affairs from 1998-2001. During this time it was decided to introduce Gender Focal Points and to implement a twinning project on gender mainstreaming at the ministry. Since 2002, Gender Focal Points exist in each ministry (Government decree No. 456 from 9 May 2001). 50 percent of their working time is supposed to be for gender mainstreaming activities. This is difficult to achieve because of the strong hierarchical organisation of the ministries. It was up to the ministries to decide where to place the Gender Focal Points. Most of the Gender Focal Points are placed within the Human Resources Departments at desk officer level. One of the most important tasks of the Gender Focal Points is the elaboration of ministerial Priorities in the area of equal treatment of men and women. The quality of the documents differs substantially.

Permanent Commission on Family and Equal Opportunities, Committee for Social Affairs and Healthcare, Parliament since 2002

The Permanent Commission on Family and Equal Opportunities deals with issues of family and equal opportunities. It consists of eleven members.

Working Group on domestic violence since 2005

In 2005, the Municipal Police Directorate in Brno established, as the only police body in the country, a Working Group on domestic violence.

Concerns

On the regional or local level there are no structures responsible for the implementation of the equal treatment policy. There are no special units for victims of trafficking, sexual assault or rape anywhere in the country. Yet the regional governors can participate in the Council meetings as permanent members and some regions do take advantage of this opportunity and send their representatives to the meetings

Another concern is that the institutional mechanisms themselves have only a limited understanding of the concept of gender, gender stereotypes, gender equality, gender mainstreaming, and equal opportunities.

Furthermore, problems with the courts exist since it takes years to get a judgment. Gender discrimination is without precedence so there are only one to two cases per year.

Who?	Since when?
Ombudsman	Since 1999
Gender Focal Points in each ministry	Since 31 December 2001 (in place in every Ministry since the end of 2002)
Ministry of Labour and Social Affairs	Unit for Equality between Men and Women, Department for Integration into the European Union (1998), responsible for the coordination of the government policies of gender equality and for the harmonisation of the Czech legislation with EU law; serves also as Secretariat for the Governmental Council for Equal Opportunities
Government	<p>Committee for elimination of all forms of discrimination against women at the Government Council for Human Rights called this since 2001, exists since December 1999; serves as an advisory body to the Cabinet;</p> <p>Governmental Council for equal opportunities of women and men (2001): headed by an MP; it includes ministers, representatives of academia and NGOs. Advisory body concerning equal opportunities issues; it can only develop recommendations, not decisions.</p>
Parliament	Since June 2002: Permanent Commission on Family and Equal Opportunities in the Chamber of Deputies' Committee for Social Affairs and Healthcare: deals with issues of family and equal opportunities; consists of eleven members.

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2 Policy Histories of the issues chosen for QUING

The existing research on policies and policy processes in the Czech Republic is not comprehensive in general. Gender equality issues were mainly introduced by international actors like the UN and the EU. Domestic violence and registered partnership are the only issues where extensive and detailed analyses exist of the involvement of the various partners during the policy process. These are also the areas where NGOs have been the most active, so that might be an explanation why the policy processes are so well-mapped. Most NGOs only understood in the second half of the 1990s how the policy process works so their influence started slowly, but is increasing.

The transparency of the process is also a difficult issue. Ministries sometimes use NGO-documents and activities and claim them as their own (see the Summary Reports of the Government on the Fulfilling of the Priorities on the Enforcement of Equality of men and women which describes extensively NGO activities).

Concerning gender equality there is only one official institution by which NGOs can influence the policies. This is the Government Council on Gender Equality. However, since it is not obligatory for the government to take up the suggestions of this Council, it is not a very powerful institution.

Sometimes, NGOs are invited to comment on drafts of legislation (e.g.the first draft of the Anti-Discrimination Act); sometimes they are not (second draft of the Anti-Discrimination Act). There is no fixed procedure and it depends on the issue and the will of the partners involved. Furthermore, draft legislation can change drastically and very quickly in the legislative process and it is not always possible to find out why these changes occurred.

2.1 *Non-employment*¹⁵

2.1.1 Introduction and main actors

The QUING-project defined the following five subissues as important in non-employment:

1. Reconciliation of work and family life: flexibility, part-time work, maternity leave, paternity leave
2. Care work and Informal Work
3. Equal Pay/gender pay gap
4. Tax-Benefit Policies: social insurance, welfare regulations
5. Access to the labour market.

¹⁵ I thank Barbara Havelková, Alena Křížková, Pavel Čížinsky and Pavla Boučková for help and background information on this part.

For the Czech Republic, it is mainly reconciliation of work and family life, equal pay and tax-benefit policies that have been important. The main institution dealing with the issue of non-employment is the Ministry of Labour and Social Affairs (MLSAF). The MLSAF prepares the yearly National Action Plan for Employment since 1999. However, in the working group which prepares these plans there is no gender expert. This may explain the lack of gender sensitivity of the reports. In the area of non-employment several NGOs dealing with gender equality are active because most of the funding focuses on this issue; the main ones are Gender Studies and the Czech Women's Union¹⁶.

Reconciliation of work and family life: flexibility, part-time work, maternity leave, paternity leave

Reconciliation of work and family life is one of the topics of the Human Rights Reports by the Council for Human Rights of the Czech Republic issued yearly since 1998. One issue that is important is the inflexibility of the labour market and the scarcity of part-time jobs in the Czech Republic. In fact only 2% of Czech men work part-time, and 8% of Czech women. Little is done to change this situation.

In 1990 parental leave for fathers was introduced in the Czech legislation, but truly equal conditions for both mother and father were only introduced in January 2001. Parental leave is called parental holiday in Czech which appears to symbolise the standing this has in the Czech society. Since May 2006 a series of short documentary films on parental leave were shown, initiated by the Ministry of Labour and Social Affairs and screened by Czech Television. The documentaries discuss the motivation of fathers to participate in parental care, take parental leave etc.

Care work and Informal Work

Care and informal work are not that much discussed, also not from a gender point of view.

Equal Pay/gender pay gap

The gender pay gap has not been tackled on the political level even though it has been increasing in the Czech Republic. Equal pay is an issue in the media but not so much on the political level. In 2006 there was a small state campaign on the gender pay gap but without billboards. The national public awareness campaign sought to erase gender stereotypes and to promote more women to senior posts in both the public and private sectors.

Tax-Benefit Policies: social insurance, welfare regulations

There is still a differential age for pensions and differential treatment with regards to life insurance, calculated according to the life expectancy of women and men.

¹⁶ The Czech Women's Union is the successor of the Communist Women's Union which was dissolved as a federal organisation in 1990 which means that it "inherited" the property and the membership of the Communist Women's Union

Since 2006 gender relevant aspects of taxes are being paid more attention; it had previously been a neglected issue. Legislation is gender-neutral in wording; only concerning social provisions are men and women treated differently, e.g. childcare. The parental allowance has existed since 1990 (Act. No. 382/1990 Coll. on parental allowance), replacing the maternity allowance. The maternity allowance was only exclusively available for mothers caring for children up to three years of age; since then, it has been available for either parent.

Access to the labour market

The legislation concerning foreigners is changed nearly every year according to the policies of the Ministry of the Interior. In general, the situation of foreigners is not the best in the Czech Republic, but it does not distinguish between men and women. In the area of migration the Ministry of the Interior is the strongest actor, but it also has to pay attention to the Commissioner for Human Rights. The Ministry of Commerce and the Ministry of Labour and Social Affairs are also involved. There is no debate on what the government decides in this area; it is constrained to a field of experts. The IOM (International Organization for Migration) and the NGO Poradna are involved in this area as well. There are no gender-relevant aspects in the existing legislation; only that the ban of polygamy does not concern women.

In 2006 the government adopted a new priority in its *Priorities*: the analysis of migration and integration policies as they concern gender equality; the evaluation of these new measures is not yet available.

Sources

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2.1.2 Timeline

1995

Reconciliation of work and family life

In 1995 parental leave was prolonged from three to four years whilst the obligation of the employer to secure a job position for 3 years for a parent remained unchanged.

Primary Source

Marksová-Tominová, Michaela, ed. (2003). *Gender assessment of the impact of EU accession on the status of women in the labour market in CEE. National study: Czech Republic*. Prague: Gender Studies.
http://www.karat.org/documents/FINAL_BROZURA_KOMPLET.pdf. e-text. 69p.

Tax Benefits: social insurance, welfare regulations

In 1995, the Act on Pension Insurance (No. 155/1995 Coll.) was adopted. It contains conditions concerning entitlement to and the calculation of the old-age pension. It specifies uniform rules to determine the amount of old-age pension for men and women, with the exception of the age of eligibility for the pension. In 1995, the retirement age for old-age pension was 60 for men and 53-57 for women, depending on the number of children they had reared. The adoption of the Act on Pension Insurance in 1995 began the process of the gradual increase in retirement age, by two months a year for men and four months a year for women up to 2007, at which point the retirement age for men will be 62 and for women 57-61. The faster rate of increase for women will reduce the differential in retirement age for men and women. A draft amendment to the Act should see the retirement age for men and women increase after 2007 until a uniform age of 63 is reached in 2025. At the moment, a lower retirement age for women has been retained; giving birth to a child reduces the mother's retirement age even if she is not the primary caregiver. A man as a primary caregiver does not receive a similar reduction. The Act on Pension Insurance also introduced the widower's pensions under the same conditions as the widow's pensions, eliminating the inequality of widowers.

Primary Source

Act on Pension Insurance (No. 155/1995 Coll.)

Secondary Sources

Kotýnková, Magdalena, Věra Kuchařová, and Ladislav Průša. 2003. "Chapter 3: the gender dimensions of social security reform in the Czech Republic" In: *The gender dimensions of social security reform in Central and Eastern Europe*, ed. Fultz, Elaine, Ruck Markus and Silke Steinhilber, 109-185. Budapest. 76p.

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http://www.vlada.cz/assets/en/rvk/rlp/dokumenty/zpravy/zprava_2005_en.pdf. e-text. 100p.

1997

Access to the Labour Market

The Labour Code and the Decree of the Ministry of Health No. 261/1997 Coll. stipulate some work and workplaces that are **prohibited to all women**, pregnant women, new mothers (up to the end of the ninth month after a child birth) and to juveniles, and conditions under which juveniles exceptionally can execute such work for the purpose of vocational preparation.

Primary Source

Zákoník Práce (Labour Code)

Decree of the Ministry of Health No. 261/1997 Coll.

Secondary Source

Ministry of Labour and Social Affairs (2000). *Summary Report on the Fulfilment of the Government Priorities and Procedures for the Enforcement of the Equality of Men and Women*. <http://www.mpsv.cz/files/clanky/2019/Contents.pdf>. e-text. 54 p.

1998

Reconciliation of work and family life

One topic of the newly introduced *Government Priorities and Procedures for the Enforcement of the Equality of Men and Women* is called »Equalization of the Social Status of Women and Men Caring for Children and Needy Family Members« This topic aims to improve the social status of women and men caring for children and needy family members. It is touched on only very generally.

Primary Source

Ministerstvo práce a sociálních věcí ČR. Č. j.: 71/7714/98. Pro schůzi vlády české republiky. Věc : *návrh postupů a priorit vlády při prosazování rovnosti mužů a žen*. Ze dne 7.1.1998 (Ministry of Labour and Social Affairs of the Czech Republic. Nr. 71/7714/98. For the session of the Czech government. Subject: *Draft of the procedures and priorities of the government in the promotion of equality for men and women*).
<http://www.mpsv.cz/files/clanky/654/zprava.pdf>. e-text. 12p.

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Czech Version: http://www.mpsv.cz/files/clanky/655/uv_236_1998.pdf/

English Version:

http://www.ilo.org/pubcgi/links_ext.pl?http://www.un.org/womenwatch/confer/beijing/national/czech.htm. e-text. 6p.

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Secondary Sources

Pavlik Petr and Lenka Simerskova (2004). "Ensuring equal treatment of women and men in access to economic activity" in: Pavlik, Petr (2004). *Shadow Report on equal treatment and equal opportunities for women and men*. Prague. CD-Rom. p.56 – 68. 12p.

Equal pay/gender pay gap

One focus of the priorities is "Ensuring equal opportunities for women and men in access to economic activity". Only very general measures are given.

Primary Source

Ministerstvo práce a sociálních věcí ČR. Č. j.: 71/7714/98. Pro schůzi vlády české republiky. Věc : *návrh postupů a priorit vlády při prosazování rovnosti mužů a žen.* Ze dne 7.1.1998 (Ministry of Labour and Social Affairs of the Czech Republic. Nr. 71/7714/98. For the session of the Czech government. Subject: *Draft of the procedures and priorities of the government in the promotion of equality for men and women*). <http://www.mpsv.cz/files/clanky/654/zprava.pdf>

Usnesení vlády české republiky ze dne 8. dubna 1998 č. 236 o prioritách a postupu vlády při prosazování rovnosti mužů a žen. (Resolution of the Government of the Czech Republic of 8th April 1998, No. 236 on the Priorities and Procedures of the Government of Enforcement of Equality of Men and Women).

Czech Version: http://www.mpsv.cz/files/clanky/655/uv_236_1998.pdf/

English Version:

http://www.ilo.org/pubcgi/links_ext.pl?http://www.un.org/womenwatch/confer/beijing/national/czech.htm. e-text. 6p.

Ministerstvo práce a sociálních věcí ČR. Č. j. : 71/6846/99 dne 28. dubna 1999. Pro schůzi vlády České republiky: Věc : *Souhrnná zpráva o plnění Priorit a postupů vlády při prosazování rovnosti mužů a žen*. (Ministry of Labour and Social Affairs of the Czech Republic. Nr. 71/6846/99. 28. April 1999. For the session of the government of the Czech Republic. Subject: *Summary Report of the Fulfilment of the Priorities and Procedures of the government for the enforcement of equality of men and women*).
<http://www.mpsv.cz/files/clanky/2314/Vlada99za98.pdf>

Secondary Source

Pavlik Petr and Lenka Simerskova (2004). "Ensuring equal treatment of women and men in access to economic activity" in: Pavlik, Petr (2004). *Shadow Report on equal treatment and equal opportunities for women and men*. Prague. CD-Rom. p.56 – 68. 12p.

1999

Equal pay/gender pay gap

In 1999, the Government of the Czech Republic approved the *National Employment Plan*. The programme represents a medium-term employment strategy based on the needs of the Czech Republic. One of the objectives of the plan is to stipulate and implement a coordinated employment policy, which is linked to the government's overall economic, social, educational and regional policy. The strategy rests on four main pillars; the fourth pillar is devoted to supporting the elimination of any form of discrimination in the treatment of men and women concerning access to all types of work and remuneration for such work. The National Employment Action Plan is updated each year and evaluated in a separate document. The employment plan recognises women as among the more vulnerable groups of workers. It speaks about reducing the gender pay gap, but does not introduce any measures for it.

Primary Sources

National Employment Plan 1999

Secondary Sources

Kotýnková, Magdalena, Věra Kuchařová, and Ladislav Průša. 2003. "Chapter 3: the gender dimensions of social security reform in the Czech Republic" In: *The gender dimensions of social security reform in Central and Eastern Europe*, ed. Fultz, Elaine, Ruck Markus and Silke Steinhilber, 109-185. Budapest. 76p.

Marksová-Tominová, Michaela, ed. 2003. *Gender assessment of the impact of EU accession on the status of women in the labour market in CEE. National study: Czech Republic*. Prague: Gender Studies
http://www.karat.org/documents/FINAL_BROZURA_KOMPLET.pdf. e-text. 69p.

Access to the labour market

The conditions regulating the residence of foreigners in the Czech Republic, the entry in and exit from the Czech Republic are set out in Act no. 326/1999 Coll., on the residence of foreigners in the Czech Republic.

The status of bi-national couples is very complicated after the new Aliens Act, which has been effective since January 2000. This dramatically tightened the requirements for foreigners seeking to reside in the Czech Republic (e.g. by requiring foreigners to have health insurance paid for the entire length of their stay in the country).

Primary Source

Act no. 326/1999 Coll., on Residence of Foreigners in the Czech Republic, effective since January 2000

With effect from 1 October 1999, the Employment Act (No. 1/1991 Coll.) includes prohibitions of discrimination on the grounds of sex while enforcing employment rights. A citizen may not be denied the right to employment for reasons including sex, marital or family status or family obligations. The Act also prohibits discriminatory offers of employment. The amendment to the Labour Code to forbid sexual orientation discrimination was inspired by similar developments in European Union law. The Parliament also amended the Labour Code and included a provision penalising discrimination on the grounds of "sexual orientation" amongst other grounds listed. The new provision came into effect on 1 January 2001.

Primary Source

Amendment to the Employment Act (No. 1/1991 Coll.)

Amendment to the Labour Code, in effect since 1 January 2001

Secondary Source

Křížková, Alena and Marie Čermáková (2004) *Assessment of the National Action Plan for Employment for the period 2004 – 2006 from a gender perspective: Czech Republic 2004*. EGGSIE – EC's Expert Group on Gender, Social Inclusion and Employment. 40p.

2000

Reconciliation of work and family life: flexibility, part-time work, maternity leave, paternity leave

An amendment to the Labour Code introduced parental leave, which until the amendment came into effect was still called maternity leave; the amendment took effect on 1 January 2001. The amendment equalised the legal status for men and women regarding

child-care entitlements and established the necessary basis for the equal distribution between men and women of obligations related to the care for the home, children and dependent family members. The employer is obliged to provide male and female employees with parental leave upon their request. Parental leave is provided to mothers of children after completing maternity leave, and to fathers following the child's birth. Leave is provided to the extent that parents apply for, although not longer than the time at which the child reaches the age of three. The amendment also cancelled unequal conditions between female and male employees relating to business trips, transfers, the termination of the employment relationship and changes to working hours. This means that those provisions of the Labour Code that protect women caring for children and single men (e.g. widowers, divorcees) caring for children against dismissal, transfer, business trips, or which allow for flexible working hours, also began to apply for men who are not single (and have children up to the age of 8 or 15).

Primary Source

Amendment to the Labour Code

National Employment Plan 2000

Secondary Sources

Kotýnková, Magdalena, Věra Kuchařová, and Ladislav Průša. 2003. "Chapter 3: the gender dimensions of social security reform in the Czech Republic" In: *The gender dimensions of social security reform in Central and Eastern Europe*, ed. Fultz, Elaine, Ruck Markus and Silke Steinhilber, 109-185. Budapest. 76p.

Machovcová, Katerina (2006) "Ensuring equal treatment of women and men in access to economic activity" in: Pavlik, Petr (ed.). *Shadow Report on equal treatment and equal opportunities for women and men*. Prague. p. 68 – 79. CD-Rom. 9p.

Czech Republic (2000). *Reconciling work and family life within the framework of policy of equal opportunities for men and women in the Czech Republic: Position paper of the Czech Republic for the Council of Europe's Conference of European Ministers for Family Affairs*. <http://www.mpsv.cz/files/clanky/2023/2629.pdf>. e-text. 5p.

2001

Equal pay/gender pay gap

On 1 January 2001 a new Labour Code entered into force. It requires explicitly that employers provide women and men with equality in the work place, specifically with regard to wages, vocational training and promotion prospects.

Primary Source

New *Zákoník Práce* (Labour Code), entered into force on 1 January 2001

Secondary Source

Pavlik Petr and Lenka Simerskova (2004). "Ensuring equal treatment of women and men in access to economic activity" in: Pavlik, Petr (2004). *Shadow Report on equal treatment and equal opportunities for women and men*. Prague. CD-Rom. p.56 – 68. 12p.

2002

Tax-Benefits: social insurance, welfare regulations

In its 2002 report of the Government *Priorities and Procedures*, the Ministry of Labour and Social Affairs states that all social benefits that are provided in the Czech Republic are conceived as gender neutral. However, since statistical data on most benefits of social state support is not available it is impossible to say whether this is merely formal neutrality. One problem concerns, for example, maternity benefits (i.e. monetary help during maternity or in connection with giving birth – which is considered to be a sick benefit) and parental leaves (i.e. parental benefit – which is considered to be a social support benefit because it is time-off for which employees cannot claim wage compensation). While a man is entitled to parental leave directly after the birth of child, a mother can do it only after completing maternity leave; i.e. after 28 or 37 weeks. During maternity leave, the mother gets a benefit calculated as health insurance which is higher than the parental leave benefit. Only exceptionally does the father take the parental leave after the maternity leave ends. To sum up, the current construction of maternity leave and parental leave disadvantages fathers because their financial support when caring for the child is significantly lower during the same period (0-22 or 31 weeks after delivery) compared to the mother's. However, as a consequence it disadvantages women on the labour market because employers can be almost certain that it will be the mother who will stay at home with the child after delivery. While both parents can take parental and maternal leave simultaneously, the father will not be entitled to the parental benefit.

Primary Sources

Czech Version: Ministry of Labour and Social Affairs (2003). "Vyrovňování sociálního postavení žen a mužů pečujících o děti a potřebné členy rodiny" in: *Souhrnná zpráva o plnění "Priorit a postupů vlády při prosazování rovnosti mužů a žen" 2002*. p. 45 – 51. <http://www.mpsv.cz/files/clanky/933/zprava.pdf>. e-text. p. 6p./

English Version: Ministry of Labour and Social Affairs (2003). "Equalising men's and women's social status during their care for children and family members in need" in: *Summary Report on Fulfilment of the Priorities and Procedures of the government in promoting equality between men and women 2002*. p. 41 – 46. http://www.mpsv.cz/files/clanky/2016/report_2003a.pdf. 5p.

Secondary Sources

Pavlik, Petr (ed.) (2004). *Shadow Report on equal treatment and equal opportunities for women and men*. Prague: Gender Studies.

Equal pay/gender pay gap

Local employment bodies and employment offices promote the principle of equality between men and women and monitor compliance with labour-law regulations. Their monitoring of compliance with the prohibition on discrimination, as well as the principle of the same remuneration for work of the same value, resulted in a total of 63 fines being imposed on employers between 2000 and 2002. The fines amounted in total to CZK 3 863 000. The majority concerned discrimination on grounds of age and sex. The employment offices also stated that these forms of discrimination are generally covert and are very difficult to identify, prove and prosecute. As a result, the employment offices investigated a number of suspected cases of discrimination on the part of employers which remained unproven.

Secondary Sources

Pavlik Petr and Lenka Simerskova (2004). "Ensuring equal treatment of women and men in access to economic activity" in: Pavlik, Petr (2004). *Shadow Report on equal treatment and equal opportunities for women and men*. Prague. CD-Rom. p.56 – 68. 12p.

In 2002, the Employment Act underwent a further important amendment resulting in the prohibition of indirect discrimination. Indirect discrimination means such conduct which discriminates not directly but in its consequences, as well as conduct that instigates discrimination. The amendment from 2002 also established a legal framework for the implementation of so called positive action. According to the Act's specific wording, positive action may not be considered discriminatory.

Primary Source

Amendment to the Employment Act

Secondary Sources

Ministry of Labour and Social Affairs. (2004). *Souhrnná zpráva o plnění "Priorit a postupů vlády při prosazování rovnosti mužů a žen" 2003*.
<http://www.mpsv.cz/files/clanky/355/zprava.pdf>. e-text. 100p.

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http://www.mpsv.cz/files/clanky/2016/report_2003a.pdf. e-text. 97p.

Pavlik Petr and Lenka Simerskova (2004). "Ensuring equal treatment of women and men in access to economic activity" in: Pavlik, Petr (2004). *Shadow Report on equal treatment and equal opportunities for women and men*. Prague. CD-Rom. p.56 – 68. 12p.

Access to the labour market

The government decided on the basis of legislative analysis to implement the EU-Directives concerning discrimination through one comprehensive anti-discrimination law.

Secondary Sources

Bouckova, Pavla (2005). *Report on measures to combat discrimination. Directives 2000/43/ec and 2000/78/ec*. Country report: Czech Republic.
http://ec.europa.eu/employment_social/fundamental_rights/pdf/legnet/csrep05_en.pdf. e-text. 61p.

Pavlik Petr and Lenka Simerskova (2004). "Ensuring equal treatment of women and men in access to economic activity" in: Pavlik, Petr (2004). *Shadow Report on equal treatment and equal opportunities for women and men*. Prague. CD-Rom. p.56 – 68. 12p.

Machovcová, Katerina (2006) "Ensuring equal treatment of women and men in access to economic activity" in: Pavlik, Petr (ed.). *Shadow Report on equal treatment and equal opportunities for women and men*. Prague. p. 68 – 79. CD-Rom. 9p.

2003

Equal pay/gender pay gap

The anti-discrimination institutes introduced to Czech law through the first amendment of the Labour Code in 2000 were improved and supplemented by Act No. 46/2004 Coll., which was proposed to the Chamber of Deputies by the government in 2003 and which took effect on 1 March 2004. These included, for example, supplementing the definitions of direct and indirect discrimination, harassment and sexual harassment. The Labour Code newly enabled the enactment of positive measures to support equal representation of men and women. Anti-discrimination measures were also embodied in the Service Act and in the Act on the Service of Members of Security Corps.

Primary Source

Act No. 46/2004 Coll.

Pavlik Petr and Lenka Simerskova (2004). "Ensuring equal treatment of women and men in access to economic activity" in: Pavlik, Petr (2004). *Shadow Report on equal treatment and equal opportunities for women and men*. Prague. CD-Rom. p.56 – 68. 12p.

Access to the labour market:

Since 1 January 2003, the Code of Civil Procedure (Act No. 99/1963 Coll.) contains the principle of reversal of the burden of proof in labour cases where discrimination is on the ground of sex. The transfer of proof improves the chances on the part of victims of discrimination. Parties in cases of protection against discrimination on grounds of sex may be represented by a legal entity in the proceedings, for example by a non-governmental non-profit organization, if such organizations' activities include protection against discrimination as laid down in its statutes.

Primary Source

Code of Civil Procedure (Act No. 99/1963 Coll.)

Secondary Source

Pavlik Petr and Lenka Simerskova (2004). "Ensuring equal treatment of women and men in access to economic activity" in: Pavlik, Petr (2004). *Shadow Report on equal treatment and equal opportunities for women and men*. Prague. CD-Rom. p.56 – 68. 12p.

In 2003, the government presented an EU-compatible bill of a new Employment Act (enacted by the Chamber of Deputies in 2004). The abolition of Regulation No. 261/1997 Coll., which prohibited all women from certain jobs or workplaces, contributed to a gradual elimination of the rigid protective measures in the labour-law area.

Primary Source

Bill of a new Employment Act

Secondary Source

Pavlik Petr and Lenka Simerskova (2004). "Ensuring equal treatment of women and men in access to economic activity" in: Pavlik, Petr (2004). *Shadow Report on equal treatment and equal opportunities for women and men*. Prague. CD-Rom. p.56 – 68. 12p.

2004

Reconciliation of work and family life

An amendment to the Act on State Social Support which came into effect on 1 January 2004 cancels the original restrictive condition (the impossibility to earn extra money) applying to the entitlement to parental allowance . This means that a parent who is entitled to the parental allowance can earn extra money to improve the social situation of the family, because his/her income will not be monitored. However, the parent who takes the parental

allowance will be obligated to ensure the care for the child by another mature person during the entire period of his gainful activities. Before, the mother was allowed to earn up to 3,486 CZK per month without risking the loss of the parental allowance while the father could only earn extra money in exceptional cases, i.e. if he was considered as single under the existing laws (e.g. if the mother died or if her health condition rendered her incapable of taking care of the child). The existing form of the parental allowance thus did not definitely correspond to equal sharing of parental duties by both partners. It now gives parents on parental leave the right to carry out gainful employment without restriction, provided he/she secures proper, personal, all-day childcare by another adult person, although he/she can only place the child in a preschool facility for a maximum of five days a month.

Primary Source

Act No. 117/1995 of Coll., on the State Social Support, as amended

Secondary source

Ministry of Labour and Social Affairs of the Czech Republic (2004). *National Family Report (abridged version)*. http://www.mpsv.cz/files/clanky/4330/report_AJ.pdf. e-text. 31p.

Government Council for Human Rights (2003). *Report on the State of Human Rights in the Czech Republic*. https://www.vlada.cz/assets/en/rvk/rlp/dokumenty/zpravy/zprava2003_en.pdf. e-text. 105p.

Equal pay/gender pay gap

A July 2004 press release from the Ministry of Labour and Social Affairs indicates that 77 cases of wage discrimination had been discovered by the Labour Offices; however, this covers discrimination on all grounds and in the entire Czech Republic, and does not say anything about what sanctions were imposed.

Primary Source

Machovcová, Katerina (2006) "Ensuring equal treatment of women and men in access to economic activity" in: Pavlik, Petr (ed.). *Shadow Report on equal treatment and equal opportunities for women and men*. Prague. p. 68 – 79. CD-Rom. 9p.

The first National Action Plan for Employment from the Czech Republic to the European Commission is submitted. General targets like a national employment target for women are specified, but other gender aspects are neglected and no policies for reaching this target are developed. Gender mainstreaming is also not applied. The National Action plan is not connected with the section on employment in the *Priorities*.

Primary Source

Government of the Czech Republic (2004). *National Action Plan for Employment for the period 2004 – 2006* (approved by the Government of the Czech Republic on the 14th July 2004 by Resolution No. 696). http://www.mpsv.cz/files/clanky/1994/plan_2004-6.pdf. e-text. 48p.

Secondary Source

Křížková, Alena and Marie Čermáková (2004) *Assessment of the National Action Plan for Employment for the period 2004 – 2006 from a gender perspective: Czech Republic 2004*. EGGSIE – EC's Expert Group on Gender, Social Inclusion and Employment. 40p.

Access to the labour market

There was a governmental proposal about an anti-discrimination law covering the Article 13 EC grounds except gender. It also covered legal remedies of protection against discrimination. The reason for this proposal is that the laws are scattered and the victim can have different claims according to different legislation. The legislative system itself is weak when it comes to discrimination. There is no common law that would cover this topic. The law against discrimination is only sufficient in the area of employment/labour market (since 2002). The competencies mentioned in Art. 13 2000/43/EC are given to the Ombudsman, contrary to the reasoned opinion of the Legislative Council of the Czech Government.

Primary Source

Vládní návrh. ZÁKON o rovném zacházení a o právních prostředcích ochrany před diskriminací (antidiskriminační zákon) (Governmental proposal. Law about equal treatment and about legal measures protecting for discrimination (Anti-discrimination law). <http://www.diskriminace.cz/dt-zakony/antidiskrzakon1.12.2004.phtml>

Stanovisko legislativní Rady vlády 9. 8. 2006 (Reasoned Opinion of the Legislative Council of the Czech Government from 9. 8. 2004). http://www.diskriminace.cz/dt-zakon/legislativni_rada.phtml. e-text. 4p.

Secondary Sources

Pavlik Petr and Lenka Simerskova (2004). "Ensuring equal treatment of women and men in access to economic activity" in: Pavlik, Petr (2004). *Shadow Report on equal treatment and equal opportunities for women and men*. Prague. CD-Rom. p.56 – 68. 12p.

Bouckova, Pavla (2005). *Report on measures to combat discrimination. Directives 2000/43/ec and 2000/78/ec*. Country report: Czech Republic. http://ec.europa.eu/employment_social/fundamental_rights/pdf/legnet/csrep05_en.pdf. e-text. 61p.

According to the Employment Act applicable from 1 October 2004, family status should no longer be subject to questioning during job interviews; in practice however, it is likely that although female applicants know their rights, they provide the requested information because getting the job is more important to them, especially in regions with high unemployment. The act introduces an »employment integrating contribution« which can be paid to an employer who hires a job applicant that has received greater attention in employment mediation by the labour office; among these groups are women on parental leave. This could facilitate the return of women to the labour market after parental leave.

Primary Source

New Employment Act

Government of the Czech Republic (2004). *National Action Plan for Employment for the period 2004 – 2006* (approved by the Government of the Czech Republic on the 14th July 2004 by Resolution No. 696). http://www.mpsv.cz/files/clanky/1994/plan_2004-6.pdf. e-text. 48p.

Machovcová, Katerina (2006) "Ensuring equal treatment of women and men in access to economic activity" in: Pavlik, Petr (ed.). *Shadow Report on equal treatment and equal opportunities for women and men*. Prague. p. 68 – 79. CD-Rom. 9p.

Secondary Source

Křížková, Alena and Marie Čermáková (2004). Assessment of the National Action Plan for Employment for the period 2004 – 2006 from a gender perspective: Czech Republic 2004. EGGSIE – EC's Expert Group on Gender, Social Inclusion and Employment. 40p.

2005

Reconciliation of work and family life

In October 2005 the government approved the first 'national concept for family policies'. It covers general topics like the current situation of Czech families as well as specific topics like financial support and public services for families, families and the health system as well as families with specific needs.

Primary Source

Ministry of Labour and Social Affairs. *Národní koncepci rodinné politiky* (National concept for family policies) (2005). http://www.mpsv.cz/files/clanky/2125/koncepce_rodina.pdf. e-text. 59p.

In 2005 the Research Institute of Labour and Social Affairs carried out a study on reconciling family life and employment. One part of the study was to understand why so few fathers make use of parental leave.

Primary Source

Nešporová, Olga (2005). *Harmonizace rodiny a zaměstnání: Rodiny s otci na rodičovské dovolené, část 4* (Reconciliation of family and work: families with fathers on parental leave, part 4). Praha: VUPSV. http://www.vupsv.cz/Fulltext/vz_176.pdf. e-text. 87p.

Secondary Source

Nesporova, Olga (2006). *Fathers taking parental leave: impact on work-life balance*. Prague: Research Institute for Labour and Social Affairs. www.eurofound.europa.eu/working/2006/05/CZ0605019Ihtm. e-text. 2p.

A governmental bill on health insurance and a bill amending certain laws in connection with the adoption of the Health Insurance Act gave the right to maternity benefit to both men and women alike. The husband of the child's mother or the father of the child (but not the common-law husband or wife of the child's mother) will have the possibility of entering into a written agreement with the mother to take care of the child (and thus to receive maternity benefit). The bill does not take into account 'de facto' families, which often differ from biological families and often exist in a situation where there has been no marriage. A positive shift with the Health Insurance Bill is the fact that, for men who care for a child whose mother has died or for a child entrusted to them under a decision of the competent authority, the condition of whether or not they live with a common-law wife is no longer examined.

Primary Sources

Governmental Bill on Health Insurance and a bill amending certain laws in connection with the adoption of the Health Insurance Act. Parliamentary Press No. 1005 (<http://www.psp.cz/sqw/text/tiskt.sqw?O=4&CT=1005&CT1=0>, e-text, 158p.) and 1006 (<http://www.psp.cz/sqw/text/tiskt.sqw?O=4&CT=1006&CT1=0>, e-text, 95p)

Access to the labour market

In January 2005, the Government presented the Anti-discrimination Bill to the Chamber of Deputies. The Chamber of Deputies passed this bill in December 2005. The Senate rejected the bill, and therefore it will be debated by the Chamber of Deputies again in 2006. The bill defines the term "discrimination", the legal means that can be used to fight discrimination, and in what areas this protection is provided. The bill appoints the Public Defender of Rights (Ombudsman) as the institution which should systematically specialize in protection against discrimination. Apart from provision of legal aid in individual cases, the ombudsman should also conduct independent research and issue recommendations and

opinions. The Anti-discrimination Bill implements the European Community directives on non-discrimination in a uniform manner. In connection with the still incomplete transposition of these directives in Czech law in July 2005 the European Commission issued a reasoned opinion, in which it called on the Czech Republic to adopt the legislation required to achieve full harmonization with the racial equality directive. A formal request followed in June 2007.

Primary Sources

Nr. 866 Vládní návrh na vydání zákona o rovném zacházení a o právních prostředcích ochrany před diskriminací (antidiskriminační zákon) (Bill on Equal Treatment and on Legal Means for Protection against Discrimination). Parliamentary Press No 866.
<http://www.psp.cz/sqw/text/tiskt.sqw?O=4&CT=866&CT1=0>. e-text. 41p.

Vládní návrh na vydání zákona, kterým se mění některé zákony v souvislosti s přijetím antidiskriminačního zákona (Bill amending certain laws in connection with the adoption of the Anti-discrimination Act). Parliamentary Press No 867.
<http://www.psp.cz/sqw/text/tiskt.sqw?O=4&CT=867&CT1=0>. e-text. 10p.

Vládní návrh ZÁKON ze dne 2005, o rovném zacházení a o právních prostředcích ochrany před diskriminací (antidiskriminační zákon) Parlament se usnesl na tomto zákoně České republiky 7. 12. 2005. (Governmental proposal. Law about equal treatment and about legal measures protecting for discrimination (Anti-discrimination law). The decision of the parliament on this law. 7. 12. 2005). <http://www.diskriminace.cz/dt-zakony/antidiskrzakonps.phtml>. e-text. 6p.

Secondary Source

Government Council for Human Rights (2005). *Report on the State of Human Rights in the Czech Republic*.
http://www.vlada.cz/assets/en/rvk/rlp/dokumenty/zpravy/zprava_2005_en.pdf. e-text. 100p.

2006

Reconciliation of work and family life

From 1 February 2006 parents are allowed to place their child aged over three years in a kindergarten or similar facility for up to 4 hours a day, without losing their entitlement to the parental allowance.

Primary Source

Act No.204/2005 Coll., amending Act No. 117/1995 Coll. on state social support.

Secondary Source

Ministry of Labour and Social Affairs. *Family: Financial support for families*.
<http://www.mpsv.cz/en/1607>. e-text. 13p.

The Czech Republic developed a very general action plan for families with children. It describes measures on how to better support families with children; among the planned measures are also studies on the reconciliation of family and work life.

Primary Source

Ministerstvo Práce a Sociálních věcí (2006). *Akční Plán na podporu rodin s dětmi pro období 2006 – 2009*. http://www.mpsv.cz/files/clanky/2991/Akcni_plan.pdf. E-text. 10p.

Tax-Benefits: social insurance, welfare regulations

In June 2006, the first gender equality case was decided. The petition came from a father who has been denied pension benefits by the Czech Social Security Administration. He challenged the Czech Act on Pension Insurance which stipulated that fathers, in order to receive pension benefits for the period of child-care, had to register the time they spent caring for a child within a period of two years after they ceased to be the main carer. Mothers, on the other hand, were not restricted by any deadline and could inform the authorities years later when actually claiming their benefit. The Constitutional Court of the Czech Republic declared this provision unconstitutional. It did not accept the government's arguments that the measure was justified by administrative and fiscal effectiveness. The government stressed that it was difficult to resolve parental-leave disputes between mothers and fathers years after the occurrence when they reached pensionable age, so a provision ensuring legal certainty was needed, and that the fathers' administrative obligation to register was a milder alternative to having both men and women sign up. The Court disregarded evidence that 99 % of parents who go on parental leave are women, concluding that there was no reasonable justification for the measure and that, without actually applying the proportionality test, the measure was at any rate disproportionate. The language of the decision was that of formal equality.

Primary Sources

Law on pension insurance No. 42/1994 Coll.

Decision of the CCC Pl. ÚS 6/96 of 26 November 1996, published as No. 295/1996 Coll.

Decision of the CCC Pl. ÚS 15/02 of 21 January 2003 published as No. 40/2003 Coll.

Decision of the CCC Pl. ÚS 42/03 of 28 March 2006, published as No. 280/2006 Coll.

Decision of the CCC Pl. ÚS 42/04 of 6 June 2006, published as No. 405/2006 Coll.

Secondary Sources

Machovcová, Katerina (2006) "Ensuring equal treatment of women and men in access to economic activity" in: Pavlik, Petr (ed.). *Shadow Report on equal treatment and equal opportunities for women and men*. Prague. p. 68 – 79. CD-Rom. 9p.

Havelkova, Barbara (2007). "Burden of proof and positive action in decisions of the Czech and the Slovak Constitutional Courts - milestones or mill-stones for implementation of EC equality law? ". 38p.

Starting from the tax period of 2006, married couples who support at least one child are provided an option, under Sect. 13a, Act No. 586/1992 Coll., on income taxes as amended, to make use of the institute of calculation of tax on a joint tax basis, i.e. joint taxation of married couples. The institute may (even significantly) reduce a couple's overall tax liability subject to certain circumstances, in particular if one of the spouses has no taxable income or if the incomes of both spouses differ. Married couples may split their joint tax basis between them (each of the spouses taking a half after claiming tax exemptions, subject to satisfying requirements applicable to such claims). This is insensitive to developments concerning non-traditional forms of family life. It allows spouses who support at least one child who lives with them in one household to calculate taxes from a common tax base. This mostly benefits "traditional" families where the father has a high income, while the mother has none at all and looks after the house and children (this combination of one high and one non-existent income puts the couple in a lower tax range). The law disadvantages double income families especially where both spouses are high-earning, single parents or unmarried couples.

Primary Sources

Amendment to the Income Tax Act, sect. 13a, Act No. 586/1992 Coll., effective 1 January 2006.

Machovcová, Katerina (2006) "Ensuring equal treatment of women and men in access to economic activity" in: Pavlik, Petr (ed.). *Shadow Report on equal treatment and equal opportunities for women and men*. Prague. p. 68 – 79. CD-Rom. 9p.

Ministry of Labour and Social Affairs. *Family: Financial support for families*. <http://www.mpsv.cz/en/1607>. e-text. 13p.

Access to the labour market

On 8 March 2006 the first ever action in the CZ related to discrimination on the basis of gender was filed by a woman (Ms. Čauševič/Heating Company from Prague). It was the case of a manager who applied for a position in a financial company; she was sure that she did not get the job because she was a women. There was huge media response; the case

started in the beginning of 2006 and she lost in the court of the 2nd instance in 2007. She can now only appeal at the Constitutional Court.

Secondary Source

iDNES.CZ (2006). „První žena, která se soudila kvůli diskriminaci, prohrála“ (The first woman to go to court to fight against discrimination lost).

http://ekonomika.idnes.cz/prvni-zena-ktera-se-soudila-kvuli-diskriminaci-prohrala-p2v-/ekonomika.asp?c=A060925_150940_ekonomika_maf. E-text. 2p.

The anti-discrimination bill was voted down by the Czech Senate on 24 January 2006 and then, on 23 May 2006, found insufficient support in the House of Representatives where an absolute majority was needed.

Primary Source

Návrh zákona o rovném zacházení a o právních prostředcích ochrany před diskriminací (antidiskriminační zákon) /sněmovní tisk 866/6/ - zamítnutý Senátem (Bill of equal opportunities and of legal measures against discrimination (anti-discrimination law) Parliamentary Report 866/6 – rejected by the Senate).

<http://www.psp.cz/sqw/historie.sqw?T=866&O=4>. e-text. 9p.

The analysis of migration and integration policies as they concern gender equality has been added as a priority to the governmental report »Government Priorities and Procedures for the Enforcement of Equality of Men and Women«.

Primary Source

MPSV (2006). *Priorit a postupů vlády při prosazování rovnosti žen a mužů* (Government Priorities and Procedures for the Enforcement of Equality of Men and Women).

<http://www.mpsv.cz/files/clanky/2785/aktualni.pdf>. e-text. 9p.

2007

Reconciliation of work and family life: flexibility, part-time work, maternity leave, paternity leave

As of 1 Jan. 2007, the new Act No. 187/2006 Coll., on sickness insurance is coming into force. Integrated into the act are a series of new pro-family measures. The act will for example allow the insured parents to make one mutual exchange for the period of 9 days in the course of their care of a sick child (without losing their entitlement to the sickness benefit for caring of a sick child - so-called care benefit); the act will stipulate the entitlement to the

care benefit for an employee who is unable to perform her or his work due to providing care to a female member of the household throughout the time immediately following child birth if so required by the mother's condition, or due to caring of a child aged under 10 in case the person otherwise caring for such a child has given birth. The father of the child or husband of the woman who has delivered the child will become eligible, providing he so agrees with the mother of the child, to receive the maternity cash assistance, starting from the 7th week of the child's birth.

Primary Source

New Act No. 187/2006 Coll.

Secondary Sources

Ministry of Labour and Social Affairs. *Family: Financial support for families*.
<http://www.mpsv.cz/en/1607>. e-text. 13p.

Access to the labour market

The New Labour Code is in practice since 1 of January 2007; there are no longer clear definitions on discrimination in it but instead it refers to the Anti-Discrimination Law which was at that time not approved.

Since 4 May 2007 the anti-discrimination law has taken its final shape; the government decided that the Ombudsman should take care of anti-discrimination. This would give him power also in the private sector. On 11 June 2007 the government approved the legislation.

Primary Sources

Zákoník Práce (Labour Code) 262/2006.
http://www.mpsv.cz/files/clanky/3221/labour_code.pdf. e-text. 236p.

Antidiskriminační zákon ve znění předloženém vládě k 31. březnu 2007 (Anti-discrimination law presented at the reading of the government 31. March 2007).
http://www.diskriminace.cz/dt-zakon/antidiskriminacni_zakon_do_vlady.pdf. e-text. 43p.

Návrh zákon kterým se mění některé zákony v souvislosti s přijetím antidiskriminačního zákona (Bill for legislation which is related to the anti-discrimination law)
http://www.diskriminace.cz/dt-zakon/zmenovy_zakon_do_vlady.pdf. e-text. 12p.

Secondary Source

Discriminace (2007). *Aktuality*. <http://www.diskriminace.cz/dt-aktuality/>. e-text. 1p.

2.2 Intimate citizenship¹⁷

2.2.1 Introduction and main actors

In the QUING-project the following three subissues have been defined as relevant for the topic of intimate citizenship:

1. Divorce, separation, marriage
2. Civil partnerships and gay marriage, discrimination on the basis of sexual orientation
3. Reproductive rights, including abortion, reproductive assistance.

In the Czech Republic the following issues have received the most attention: gay marriage, discrimination on the basis of sexual orientation and reproductive rights, especially the case of coercive sterilisation.

Divorce, separation, marriage

The Czech courts usually place the child in the mother's custody. However, fathers entrusted with the care of their children and rotating custody of the parents has ceased to be an exception. Before the court awards a decision on divorce of parents of a minor, it will address their rights and obligations towards their child after the divorce and determine into whose custody the child will be placed and what the parents will contribute to the child's alimentation. If both parents are capable of bringing up the child and wish to do so, the court may place the child in a joint or rotational custody of both parents, if it is in the child's interest and if all his/her needs are accommodated.

Civil partnerships and gay marriage, discrimination on the basis of sexual orientation

Gay marriage

The main changes have been in the area of same-sex registered partnership in the Czech Republic. The Czech Republic decriminalised homosexuality as early as 1961, repealing Article 241 s. 1 of Act 86/1950 of the Penal Code: "an offence of an intercourse with a same-sex person". The remaining Article 244 of s. 140/1961 Coll. of the Penal Code nevertheless created a higher age of consent for homosexuals, and penalised: 1) adult homosexuals over 18 meeting with those under 18, regardless of mutual consent; 2) abuse of dependency; 3) accepting financial reward for homosexual behaviour; and 4) public offence. The lack of specificity in the crime of creating a "public offence" allowed it to be widely misused against gay people. Article 244 was repealed in July 1990. In 1992/3, the Cabinet drafted a set of amendments to the Civil Code; however, the articles on same sex relations were rejected. After continuous lobbying and several other attempts at introducing a bill on registered same-sex partnership the law was finally approved in 2006.

¹⁷ I thank Radek Miřáček for help and background information.

The main NGO-actors are the Gay and Lesbian League and the Association of Organisations of Homosexual Citizens (SOHO) in the Czech Republic. SOHO is a non-governmental non-profit organisation active in the Czech Republic since 1 January 1991.

One example of the media coverage of homosexuality is the show "The Chosen One". In December 2005 the first TV show "The Chosen One" competition finished in the Czech Republic. The show was very popular (about 40-50 percent of TV share). The winner Vladko had declared at the beginning of the competition that he was gay and had a partner. This issue was afterwards often discussed on the TV and raised awareness for homosexuality in the Czech Republic.

Anti-discrimination

From 1995 onwards anti-discriminatory provisions were slowly put into the legislation. A comprehensive anti-discrimination law is only being prepared to implement EU-legislation, this is the main reason given in government and parliament. The first draft of the Anti-Discrimination Bill was widely distributed. There was a special seminar, and NGOs were asked to contribute. The second time however there were no consultations, and since there was no new drafting there was no new working group. NGOs attempted to get involved in the lobbying in parliament. The Bill was rejected the first time in the Senate in 2006. The Green party, a rather small party, was responsible for positioning the Anti-Discrimination Bill as one of the priorities of the Czech government of 2007. In June 2007, the Anti-Discrimination Bill was finally approved.

Reproductive rights, including abortion, reproductive assistance.

Coercive sterilisations

Since 1991, coercive sterilisations have been illegal. Up until September 2005, 87 victims of coercive sterilisation have come forward. The overwhelming majority of the victims of coercive sterilisations were Romani women. Several actors took up the fight against coercive sterilisation: the Ombudsman issued an influential report in 2005; ERRC (European Roma Rights Centre) and partner organisations IC Roma Service (Brno), League of Human Rights (Prague and Brno) and Life Together (Ostrava) and the Public Defender of Rights (Ombudsman) supported the victims. In 2005, the Group of Women Harmed by Sterilisation was founded by 25 Romani women. The Ombudsman found that the claims of the women were mainly justified and lobbied for a change in the system.

Abortion

In 1957 abortions were legalized in Czechoslovakia, although with restrictions that depended on the current policy of the government. In 1986 the restrictions were lifted resulting in an increase in the number of abortions. The absolute peak in the number of abortions was reached in 1990 at over 100,000 per year, but has declined steadily since then, falling to less than 1/3 of the peak level by 2004. Reasons for this decrease have included the wider availability of contraception and better sex education. The public in the Czech Republic generally supports the legality of abortion.

Abortion in the Czech Republic is legal up to 12 weeks of pregnancy, with medical reasons up to 24 weeks of pregnancy, and at any time in the case of grave problems with the foetus. Those performed for medical reasons are covered by public health insurance; abortions for non-medical reasons have not been paid for by the public health system since 1992, but abortion is relatively affordable in the Czech Republic. In Czech, abortion is referred to as “interupce” or “umělé přerušeni těhotenství”, often incorrectly “potrat” (miscarriage).

There was a discussion on changing the legislation on abortion in 2004. This was the first motion of its kind since the transition. MPs received many emails that abortion should be made illegal. Those supporting the right to abortion did not petition at the time and the MPs did consider changing the legislation. Gender Studies then made a petition to support the right to abortion and in the end the bill to change the existing legislation was rejected.

Sources

Havlik, Kvetoslav (2005). “Gay man has won the big brother”. http://www.ilga-europe.org/europe/guide/country_by_country/czech_republic/gay_man_has_won_the_big_brother. e-text. 1p.

Government Council for Human Rights. *Report on the State of Human Rights in the Czech Republic*. 1998 (48p), 1999 (57p), 2000 (71p), 2001 (90p), 2002 (78p), 2003 (105p), 2004 (79p), 2005 (100p).
http://www.vlada.cz/en/rvk/rlp/dokumenty/zpravy/reports_default.html. e-text.

Wikipedia (2007). *Abortion in the Czech Republic*.
http://en.wikipedia.org/wiki/Abortion_in_the_Czech_Republic. e-text. 2p.

Hanáková, Petra (1999). „Feminism in Czech Republic Part 2: The Vicisitudes of Czech Feminism (continued)“ in: *Feminist Theory Website*.
<http://www.cddc.vt.edu/feminism/cz2.html>. e-text. 4p.

2.2.2 Timeline

1995

Civil partnerships and gay marriage, discrimination on the basis of sexual orientation

In 1995, two Civic Democratic Party Deputies (ODS), Anna Röschová and Milena Kolářová, presented a same sex partnership bill (it contained only inheritance rights and the right to the common use of a rented apartment). Its discussion was postponed several times and eventually never took place due to parliamentary elections.

Primary Sources

Same sex partnership bill

Secondary Source

Gay and Lesbian League (2007). *Updated history of same-sex partnership legislation in the Czech Republic*. http://www.ilga-europe.org/europe/guide/country_by_country/czech_republic/updated_history_of_same_sex_partnership_legislation_in_the_czech_republic. e-text. 2p.

Reproductive rights, including abortion, reproductive assistance

In 1995, the Prague district court granted fostering rights – albeit only after thorough and lengthy psychological tests – to a divorced lesbian mother, with full knowledge that she lives with her female partner, and that the two women would be raising the male child together. The downside of the decision is that the non-biological mother has no legal ties to the child and vice versa.

Secondary Source

ILGA Europe. 2001. *Equality for lesbians and gay men. A relevant issue in the EU accession process*. Bucharest: Arta Grafica.
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1998

Civil partnerships and gay marriage, discrimination on the basis of sexual orientation

The Association of Organisations of Homosexual Citizens (SOHO) in the Czech Republic together with a group of deputies (Jaroslav Zvěřina, Hana Orgoníková and Zuzka

Rujbrová, deputies of the Communist Party, the Social Democratic Party and the Civic Democratic Party) prepared a bill on same-sex registered partnerships. In January 1998 it was introduced for discussion in the Parliament of the Czech Republic. The Bill referred to the family law, explicitly excluding the possibility of common upbringing and adoption of children. The Cabinet assumed a negative position on 21 January 1998 and the Chamber of Deputies, after an extensive first reading, decided to turn the Bill down.

During the discussion in the Chamber of Deputies of the Parliament of the Czech Republic deputies of the SPR-RSČ and KDU-ČSL expressed not only factual arguments concerning the wording of the proposed law but also clear invectives against citizens with this orientation. The discussions were dragged out so that the bill would not be passed until the end of June 1998, i.e. the elections period. At the time of voting there were 161 deputies present (out of 200). To reject the bill there were 81 votes needed; finally 83 deputies voted in favour of rejection.

The public expressed its critical views through the mass media on the manner of discussions of the bill. The bill received the support of two thirds of citizens of the Czech Republic, important social institutions (Czech Helsinki Committee, National Commission for the Fight Against AIDS) and important personalities of social and political life.

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Secondary Sources

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Gay and Lesbian League (2007). *Updated history of same-sex partnership legislation in the Czech Republic.* http://www.ilga-europe.org/europe/guide/country_by_country/czech_republic/updated_history_of_same_sex_partnership_legislation_in_the_czech_republic. e-text- 2p.

1999

Civil partnerships and gay marriage, discrimination on the basis of sexual orientation

In 1999 another, more precise, bill on same-sex partnership was presented by representatives of all parliamentary political parties except the Christian Democrats. The Cabinet supported the Bill but the Chamber of Deputies dismissed it in the second reading. A wave of direct criticism arose in the media after the Parliament rejected the registered partnership bill for the third time. Deputy Tollner's offensive remarks on homosexuals were so widely criticised that in April 1999 the leadership of his party, the Christian Democrats (KDU-SL), was urged to disagree publicly with his statements and issued a formal apology. KDU-SL's Youth Group demanded that Tollner forfeit his mandate in the Parliament, but he refused to accede to this demand.

Primary Sources

Sněmovní tisk č. 124 (Parliamentary Press Nr. 124)

Návrh zákona o partnerském soužití osob téhož pohlaví a o změně a doplnění některých zákonů (Bill on the partnership of people of the same gender living together and on changes and additions to this bill). <http://www.partnerstvi.cz/rp-1999/navrh.phtml>. e-text. 3p.

Důvodoá zpráva k návrhu zákona (Reasons for the bill). <http://www.partnerstvi.cz/rp-1999/duvod.phtml>. e-text. 4p.

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Stanovisko ústavně právního výboru k návrhu zákona (16. června 1999) (Position of the Legislative Council on the bill (16 June 1999)). <http://www.partnerstvi.cz/rp-1999/upv1.phtml>. e-text. 2p.

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Stanovisko petičního výboru k návrhu zákona (17. června 1999) (Position of the position of Council on the bill (17 June 1999)). <http://www.partnerstvi.cz/rp-1999/pv1.phtml>. e-text. 2p.

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Stanovisko ústavně právního výboru k návrhu zákona (23. září 1999) (Position of the Legislative Council Committee on the bill (23. September 1999)). <http://www.partnerstvi.cz/rp-1999/upv1.phtml>. e-text. 2p.

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Secondary Sources

Gay and Lesbian League (2007). *Updated history of same-sex partnership legislation in the Czech Republic*. http://www.ilga-europe.org/europe/guide/country_by_country/czech_republic/updated_history_of_same_sex_partnership_legislation_in_the_czech_republic. e-text. 2p.

2000

Reproductive rights, including abortion, reproductive assistance

A court in town Plzen awarded 100 000 CZK to a woman sterilised there in 1998.

Secondary Source

European Roma Rights Centre, League of Human Rights, and Gender Studies. 2006. *Shadow report to the committee on the elimination of all forms of discrimination against women for the Czech Republic*. <http://www.llp.cz/subdomains/en/images/stories/files/finaljointcedawssubmission.pdf>. e-text. 43 p.

Civil partnerships and gay marriage, discrimination on the basis of sexual orientation

In 2000, following the initiative of the Government's Human Rights Council, the Ministry of Justice drafted a thorough and detailed Cabinet Bill on same-sex partnership. The Chamber of Deputies unexpectedly rejected it straight in the first reading. It returned to the Cabinet for revision, which never materialised as it was interrupted by parliamentary elections in 2002.

Primary Sources:

Usnesení vlády č. 598 (Decision of the government Nr. 598): *Usnesení vlády k návrhu Rady vlády ČR na přípravu věcného záměru zákona o partnerském soužití osob téhož pohlaví* (Decision of the government on the proposal by the government

Council of the Czech Republic on the decision on the preparation of the subject of the proposed bill of partnership of people living together with the same gender).
<http://www.partnerstvi.cz/rp-2001/vlada1.phtml>. e-text. 1p.

Ministerstvo spravedlnosti (Ministry of Justice):
Návrh věcného záměru zákona o registrovaném partnerství osob stejného pohlaví (Proposal on the subject of the proposed bill on registered partnership for people of the same gender).
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Usnesení vlády č. 179 (Decision of the Government Nr. 179):
Usnesení vlády k návrhu věcného záměru zákona o registrovaném soužití osob téhož pohlaví a o změně souvisejících zákonů (Decision of the government on the bill of changes of some law in the context with the reception of the law on partnership of people living together with the same gender and on the changes connected with this law).
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Ministerstvo spravedlnosti (Ministry of Justice):
Návrh paragrafovaného znění zákona o partnerském soužití osob téhož pohlaví (Proposed paragraph wording of the law on the partnership of people living together with the same gender). <http://www.partnerstvi.cz/rp-2001/navrh1.phtml>. e-text. 5p.

Usnesení vlády č. 925 (Decision of the Government Nr. 925):
Usnesení vlády k návrhu zákona o partnerském soužití osob téhož pohlaví (Decision of the government on the bill of people living together with the same gender).
<http://www.partnerstvi.cz/rp-2001/vlada4.phtml>. e-text. 1p.

Usnesení vlády č. 926 (Decision of the Government Nr. 926):
Usnesení vlády k návrhu zákona o změnách některých zákonů v souvislosti s přijetím zákona o partnerském soužití osob téhož pohlaví (Decision of the government on the bill of changes of some law in the context with the reception of the law on partnership of people living together with the same gender). <http://www.partnerstvi.cz/rp-2001/vlada5.phtml>. e-text. 1p.

Sněmovní tisk č. 1075 (Parliamentary Press Nr. 1075):
Návrh zákona o partnerském soužití osob téhož pohlaví (Bill on the partnership of people living together with the same gender). <http://www.partnerstvi.cz/rp-2001/1075zakon1.phtml>. e-text. 10p.

2001

Reproductive rights, including abortion, reproductive assistance

In 2001 the last documented case of coercive sterilisation of a woman took place.

Primary Source

Ombudsman (2006). *Final Statement of the Public Defender of Rights in the Matter of Sterilisations Performed in Contravention of the Law and Proposed Remedial Measures*. <http://www.ochrance.cz/documents/doc1142289721.pdf>. e-text. 79 p.

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European Roma Rights Centre, League of Human Rights, and Gender Studies. 2006. Shadow report to the committee on the elimination of all forms of discrimination against women for the Czech Republic. <http://www.llp.cz/subdomains/en/images/stories/files/finaljointcedawsubmission.pdf>. e-text. 43 p.

2003

Civil partnerships and gay marriage, discrimination on the basis of sexual orientation

In 2003, the Ministry of Justice drafted a new Bill on same-sex partnership. It was never considered by the Cabinet and Prime Minister Špidla proposed for the bill to be presented as a Deputies' initiative.

Primary Sources

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Důvodová zpráva k návrhu zákona - pracovní verze před připomínkovým řízením (Reasons for the bill – draft version before comments of the parliament). <http://www.partnerstvi.cz/rp-2003/duvod-prip.phtml>. e-text. 8p.

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Secondary Sources

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LG aktivisté (Lesbian and Gay activists): *Dopis LG aktivistů předsedovi vlády ČR ze dne 28. července 2003* (Letter of Lesbian and Gay activist to the chairman of the government of the Czech Republic 28. July 2003). http://www.partnerstvi.cz/rp-2003/dopis_predsedovi_vlady.phtml. e-text. 4p.

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Rada vlády pro lidská práva (Government Council for Human Rights): *Připomínky RVLP k vládnímu návrhu zákona* (Comments of the Government Council for Human Rights on the government bill). <http://www.partnerstvi.cz/rp-2003/prip-rvlp.phtml>. e-text. 5p.

Reakce RVLP na dopis LG aktivistů premiérovi ze dne 7. srpna 2003 (Reaction of the Government Council for Human Rights to the letter of LG activists to the premier 7. August 2003). http://www.partnerstvi.cz/rp-2003/2003-08-11-odpoved_rvlp.phtml. e-text. 4p.

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Putna, Martin (2003). "Homosexualita ve společnosti: rozpuštěná a vyčleněná". *Lidové Noviny*, 29. srpna 2003. ("Homosexuality in society: dissolution and detachment". *Lidové Noviny*, 23 August 2003). <http://www.partnerstvi.cz/rp-2003/2003-08-29.phtml>. e-text. 2p.

Martin C. Putna pro BBC (Svět po šesté, BBC, 1. 8. 2003). (Martin C. Putna interviewed by the BBC (The world after six, BBC, 1. 8. 2003). <http://www.partnerstvi.cz/rp-vatikan2003/2003-08-01-bbc-mcp.phtml>. e-text. 2p.

Gay and Lesbian League (2007). *Updated history of same-sex partnership legislation in the Czech Republic*. http://www.ilga-europe.org/europe/guide/country_by_country/czech_republic/updated_history_of_same_sex_partnership_legislation_in_the_czech_republic. e-text. 2p.

2004

Reproductive rights, including abortion, reproductive assistance

Complaints on coercive sterilisation were put forward to the Ombudsman in September 2004. The media gave extensive coverage of this issue and was cautiously sympathetic to the victims.

Primary Source

Ombudsman (2006). *Final Statement of the Public Defender of Rights in the Matter of Sterilisations Performed in Contravention of the Law and Proposed Remedial Measures*. <http://www.ochrance.cz/documents/doc1142289721.pdf>. e-text. 79p.

Eight Christian Democrats and a representative of the ODS introduced a bill in the House of Representatives to make abortion in the Czech Republic illegal; in the bill the only exceptions for legal abortion were abortions after a rape or if the pregnancy was life-threatening for the women. Doctors who perform abortions without these reasons should get a prison sentence of up to five years. This was the first time since 1989 of such a motion. The motion was rejected with 134 of 170 votes.

Secondary Sources

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Civil partnerships and gay marriage, discrimination on the basis of sexual orientation

In April 2004, representatives of all parliamentary political parties except the Christian Democrats drafted a new Bill on same-sex partnership, based on the proposal of the Ministry of Justice, taking into account the comments by the Gay and Lesbian League. The Cabinet did not express a positive view. The Bill passed through the first reading in the Chamber of Deputies in June 2004, the second reading in September and the third in October of the same year. However, due to a technical error, the bill returned back to the second reading for amendments which were discussed in November 2004.

Primary Sources

History of the law on the following websites: Czech parliament: <http://psp.cz/sqw/historie.sqw?o=4&T=650>, e-text, 1p., and on the NGO-website http://www.partnerstvi.cz/rp-2004/#poslanecky_navrh, e-text, 1p.

Process of the Law:

Vládní návrh zákona (Government Bill), e-text, 26p.

Poslanecký návrh zákona (Parliamentary Bill), e-text, 20p.

První čtení zákona (First reading of the law), e-text, 29p.

Petiční výbor PS PČR (Petition of the Council PS PČR), e-text, 8p.

Druhé čtení zákona (Second reading of the law), e-text, 13p.

Třetí čtení zákona (Third reading of the law), e-text, 1p.

Petiční výbor PS PČR (Petition of the Council PS PČR), e-text, 1p.

Opakované druhé čtení (Repetition of the second reading), e-text. 22p.

Opakované třetí čtení (Repetition of the third reading), e-text. 1p.

Secondary Source

Gay and Lesbian League (2007). *Updated history of same-sex partnership legislation in the Czech Republic*. http://www.ilga-europe.org/europe/guide/country_by_country/czech_republic/updated_history_of_same_sex_partnership_legislation_in_the_czech_republic. e-text. 2p.

2005

Divorce, separation, marriage

An amendment to the Act on the Stay of Foreigners (Act No 428/2005) continues the trend of a gradual improvement in the status of foreigners staying in the country long term and tighter conditions for the admission of new migrants. In particular, the amendment implemented *Council Directive 2003/86/EC on the right to family reunification* in the correct manner, incorporated in the law some of the ideas from the *Action Plan on Illegal Migration*, expanded the group of persons who are allowed to enter the Czech Republic without a visa to include holders of long-term and permanent residency permits in other EU Member States (i.e. they can remain in the Czech Republic without a visa for five days), extended the maximum validity period of permission to remain long-term in certain cases from one year to two years, defined in more detail the reasons for granting sufferance and imposed the obligation on accommodation facilities to provide foreigners with housing of a reasonable hygienic quality.

Primary Source

Amendment to the Act on the Stay of Foreigners (Act No 428/2005)

Secondary Source

Government Council for Human Rights (2005). *Report on the State of Human Rights in the Czech Republic*.

http://www.vlada.cz/assets/en/rvk/rlp/dokumenty/zpravy/zprava_2005_en.pdf. e-text. 100p.

Civil partnerships and gay marriage, discrimination on the basis of sexual orientation

In the final, repeated third reading on 11th February 2005 the Chamber of Deputies turned the bill on same-sex partnership down with 82 Deputies voting in favour of the Bill, 65 against, 18 abstaining and 35 absent. Given the fact that the quorum was 83 (i.e. a majority from 165 present Deputies), the Bill was turned down only by a single vote. As a result of this very close vote and because of the upcoming parliamentary elections (due in June 2006), the Gay and Lesbian League decided to ask the supporters of the registered partnership bill among the Deputies to present a slightly amended version soon. On 29 April 2005, representatives of all parliamentary political parties except the Christian Democrats submitted a new Bill to the Chamber of Deputies. The Cabinet, urged by Christian Democrats, proposed amendments to the Bill, which would cancel some of the rights that the partners could originally enjoy (these amendments were not taken into consideration and did not pass). The first reading took place in June 2005, followed by the second as well as third reading in December of the same year. The third reading on 16th December 2005 witnessed a clear majority of supporters of the Bill, with 86 Deputies voting in its favour, 54 against, 7 abstaining and 35 absent. This was the first time ever that a same-sex partnership Bill was adopted by the Chamber of Deputies and could continue its way through the legislative process.

Primary Sources

Nr. 969. Návrh na vydání zákona o registrovaném partnerství a o změně některých souvisejících zákonů (Bill on registered partnership and amending certain laws)

Parliamentary Press No 969. approved by the Chamber of Deputies of the Parliament of the Czech Republic in its third reading on 16 December 2005.

<http://www.psp.cz/sqw/text/tiskt.sqw?O=4&CT=969&CT1=0>. e-text. 33p.

Návrh zákona (2005) (Bill). (The law was on the programme of the 45th session of the parliament scheduled as topic Nr. 76, 24 July 2004). http://www.partnerstvi.cz/rp-2005/navrh_zakona.phtml. e-text. 21p.

Důvodové zprávy (Bill on registered partnership including the reasoned opinion)

http://www.partnerstvi.cz/rp-2005/duvodova_zprava.phtml. e-text. 10p.

Platná znění částí novelizovaných zákonů s vyznačením navrhovaných změn (Valid version of parts of the revised law with marked proposed changes).

http://www.partnerstvi.cz/rp-2005/platna_zneni.phtml. e-text. 25p.

Stanovisko vlády k návrhu zákona (25. května) (Position of the government on the bill (25. May)). http://www.partnerstvi.cz/rp-2005/050525_usneseni_vlady.phtml. e-text. 6p.

Secondary Source

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2005

Reproductive rights, including abortion, reproductive assistance

During 2005, the ombudsman received more than 80 complaints about unauthorized sterilisation. As the ombudsman is not competent to handle complaints that private individuals make about healthcare facilities, he passed on the complaints to the Ministry of Health. The Ministry set up an advisory body to investigate these cases. The advisory body issued an opinion on the first ten cases as a general overview and for each case separately. Given the time-consuming nature of the advisory body's investigation, the ombudsman decided, in accordance with the Ombudsman Act, to close his investigation after 50 cases had been studied. With regard to these cases, he drew up a report in which he criticised the Ministry, or more specifically the advisory body, whose results the Ministry had approved for the ombudsman, for its inadequate investigation and for the incorrectness or complete absence of any conclusions from the facts that had come to light. The Minister for Health responded to this report by convening another meeting of the advisory body in November 2005 to cover a new set of complaints; the advisory body was meant to propose remedial measures in cases where errors were discovered, within the scope permitted by the Health Care Act. The advisory body was also set the task of discussing the draft wording of the informed consent for patients prior to sterilisation, and draft amendments to legal regulations concerning sterilisation. The Minister for Health also referred to the preparations for the Health Care Act, which is intended to include new provisions on the sterilization procedure.

After receiving this opinion of the Minister, the ombudsman formulated his report with a proposal of remedial action. The ombudsman's report was officially published in January 2006. The report stated that "the ombudsman is convinced that the problem of sexual sterilization carried out either with unacceptable incentives or unlawfully exists in the Czech Republic and Czech society is faced with the task of resolving this situation". In conclusion, the ombudsman's report contains a proposal of legislative, methodological and reparatory measures that should be adopted. In the first half of 2006, the Committee for Human Rights and Biomedicine, commissioned by the Government Council for Human Rights, held detailed discussions on the ombudsman's report, including the recommendations it contains. In its final resolution of 25 January 2006, the Minister's advisory body stated that "there were errors in the performance of sterilization, but this was not a nationwide phenomenon, only an error by specific healthcare facilities".

Primary Sources

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Secondary Source

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2006

Civil partnerships and gay marriage, discrimination on the basis of sexual orientation

In mid-January 2006, a bill on registered partnership was discussed by three committees of the Senate, the Upper chamber of the Czech Parliament. One committee recommended the Bill to be passed; the two other did not take any position as they consisted of a balanced number of opposing and agreeing Senators. The plenary session was expected to be dramatic as the Senate is dominated by right-wing conservative parties (Civic Democrats and Christian Democrats) but its decision, taken on 26 January 2006 was favourable – 45 Senators in favour of the Bill, 14 against, 6 abstaining and 16 absent. Thus, the registered partnership acquired the support of the majority of Civic Democratic Senators and even two Christian Democrats. In early February 2006, the Bill was submitted to President Vaclav Klaus for signature. President Klaus, a conservative Civic Democrat, expressed his strong dissatisfaction with the Bill as it "raises same-sex partnerships to the

level of marriages". On 16 February 2006, President Klaus applied his constitutional right of veto and returned the Bill to the Chamber of Deputies.

As a result of this veto, Prime Minister Paroubek (Social Democrat) expressed his support to the Bill and urged all Social democratic Deputies to outvote the presidential veto (which can be done only by a majority of the entire Chamber, i.e. a minimum of 101 votes). In response, Civic Democratic supporters of the Bill accused the Prime Minister of politicising the issue of registered partnership due to the upcoming parliamentary elections. A majority of the twelve Civic Democratic supporters of the Bill from among the Deputies stated that they would not support it any more (including one of the Civic Democratic sponsors of the Act). After two postponements initiated by the Social Democrats who wanted to make sure there were enough Deputies present for the voting, the presidential veto was outvoted on 15 March 2006. The Bill got exactly 101 votes – 66 (out of 70) from among the Social Democrats, 26 (out of 41) from among the Communists, 7 (out of 10) from among the liberal Union of Freedom and 2 (out of 57) from among the Civic Democrats. The Bill shall be enacted by its publication in the Collection of Laws and will enter into effect three months thereafter. The first couples could become registered partners sometime in late June/early July 2006.

What the Czech Registered Partnership Act contains:

The partnership registration takes place in the presence of an employee of the Registry Office and it is the Registry Office that decides which premises should be used for this act. Each of the fourteen regions of the Czech Republic will have only one such office. The conditions for entering a partnership are as follows: the partners must be at least 18 years of age, legally competent and single (i.e. neither registered nor married). At least one of the partners must have Czech citizenship. The partners must not be next of kin in the direct line or siblings. The partnership can be dissolved by court decision only. Partners become "close persons" according to the Civil Code and can act on behalf of each other in common affairs. They have mutual duty to maintain and support. The surviving partner automatically belongs to the first inheritance group. The partners are commonly assessed for the purposes of social support and subsistence minimum legislation. They can participate in each other's business activities but are not allowed to employ one another. They are entitled to refuse to give testimony should this endanger the other partner (applies to petty offences, penal offences, tax and duty administration). The partners are entitled to select a counsel for each other, as well as to appeal from the judgement in favour of the sentenced partner. A partner is entitled to use his/her partner's rented apartment for the duration of the partnership and in certain circumstances can inherit the right to be a tenant after the partner's death. The marital status (like in the case of marriages) must be stated in the person's ID card. A partner who applies for a job at the Labour Office has the right to refuse a particular job offer based on the job character or place of employment of his/her partner.

What the law does not contain:

- estate by entirety
- common or double surname

- impact on citizenship, residence or work permit acquisition
- survivor's pensions
- advantages stemming from income tax law (e.g. joint taxation)
- financial compensation in case of partner's death
- adoption of children

Primary Source

Sbírka Zákonů (2006). Česká Republika. "Zákon ze dne 26. ledna 2006 o registrivaném partnersví a o změně některých souvisejících zákonů" Částka 38. Rozeslána dne 3. dubna 2006. Act No 111/2006 (Collection of Laws (2006). Czech Republic "Law from the day of the 26 January about registered partnership and of changes of some laws which are connected to it" Nr. 38. In force 3 April 2006. Act No 111/2006. e-text. 16p.

Secondary Source

Gay and Lesbian League. *Updated history of same-sex partnership legislation in the Czech Republic*. http://www.ilga-europe.org/europe/guide/country_by_country/czech_republic/updated_history_of_same_sex_partnership_legislation_in_the_czech_republic. e-text. 2p.

2.3 Gender-based Violence¹⁸

2.3.1 Introduction and main actors

In the QUING-project the following subissues have been identified in the topic of gender-based violence:

1. Domestic violence and violence in partnerships (marital rape)
2. Sexual assault and rape
3. Trafficking, prostitution
4. Sexual harassment and stalking
5. Forced marriage, honour crimes, FGM.

In the Czech Republic four out of the five subissues have been found relevant.

Domestic Violence

The issue of domestic violence has received the most attention, but it is not treated as a gender issue. Before 1989, and after, there were no regulations concerning domestic violence. There was no awareness that this is a specific problem, neither publicly nor legally. The existence of domestic violence was denied at first, and its importance downplayed by the general public and experts as well as the media and representatives of the state responsible for redressing the problem. The issue of domestic violence was taboo in the Czech Republic until the mid-1990s. Until 1998 it was still thought by the government that specific legislation on violence against women was unnecessary (CEDAW 1998). Progress is mainly due to the accession to the EU, international conventions and the activities of NGOs. “Repression of violence against women” has been part of the Government Priorities and Procedures for the Promotion of Gender Equality since 1998. The duty of the Czech Republic is to solve the issue of violence against women using standards established by UN international treaties, especially the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). Until 2004, the Czech Republic did not have a specific law that addressed the problem of domestic violence.

The years 2004 and 2007 were turning points in this area because new legislation became effective which allows the police to remove the violator from the household. Violence in partnerships is now recognised as a crime.

There are still no national action plans to combat violence against women in the Czech Republic and there are no specialised legislative instruments governing violence against women; the protection of women is an integral part of criminal law, social and family

¹⁸ Thanks to Marie Saša Lienau and Tereza Hulíková for help and background information.

law and the civil code. Even though there has been a lot of progress in the past few years, a complex law on domestic violence is still missing.

In 2003, the interdepartmental working group on domestic violence prepared and subsequently implemented a model inter-disciplinary project to create a legal framework and methodological procedures for the introduction of inter-disciplinary teams combining health, social and police assistance in detecting and prosecuting cases of domestic violence. The project included round-table expert discussions which proposed measures that could be used as the starting point for other steps and strategies designed to curb domestic violence. A report on the implementation and conclusions of projects will be handed to the government in the first half of 2004.

Since 2006, the task for a specialised team in the Ministry of Internal Affairs has been to monitor the prevalence of domestic violence, and the police of the Czech Republic have had a duty to manage a list of numbers of police interventions in cases of domestic violence.

A governmental campaign dealing with domestic violence was carried out in 2003. The campaign was aimed at the young generation and was done mostly online. Although the state institution has a duty to inform the public about the issue of domestic violence continuously, they only took part in a partial campaign in 2004, which was conducted in the form of a PC game – Game Over. This campaign had no significant effect on the target group, which primarily included young people. Also, a campaign led by the Ministry of Internal Affairs “No Violence” selling plastic bracelets did not significantly interest the public. None of these state campaigns involved cooperation with women’s NGOs that carry the onus of directly working with victims of domestic violence.

The main state actors are the Ministry of the Interior, Ministry of Health and the Ministry of Labour and Social Affairs. Since 1998 the Minister of the Interior and the Minister of Labour and Social Affairs have been appointed to provide comprehensive support to victims of violent crimes. The NGO White Circle of Safety (Bílý kruh bezpečí) focuses on domestic violence and has existed since 1989; it has been mainly funded by the Ministry of the Interior and does not treat domestic violence as a gender issue but instead as a topic for security nationwide, even though according to the numbers the issue is clearly gender-based. Other influential NGOs working on this topic are ProFem and ROSA. In 1995, these organisations, together with two other non-profit organisations, Elektra and Gender Studies, founded the Co-ordination Circle of Prevention of Violence against Women (Koordinační kruh prevence násilí na ženách). In 2003, the NGO ROSA became a co-ordinator of a Campaign against Domestic Violence against Women (www.stopnasili.cz), organized under the support of the Open Society Foundation Prague by ten Czech NGO’s from different regions of the Czech Republic. The campaign consisted of strong public relations and an advertising campaign (TV spots, print advertisements, posters, and stickers). This was combined with direct actions to the public, including a documentary movie on domestic violence. The campaign continues in 2004, and a new documentary on children, the innocent witnesses of domestic violence, is currently being prepared. ProFem and Bily kruh were involved in shaping the new article 215a. Since 2004 a network called Koordona exists, bringing together NGOs working in this area.

Sexual assault and rape

The issues of sexual assault and rape are non-issues in the Czech Republic. The criminal definition of rape is insufficient; a lack of consent is not a criteria. There is only one crisis centre for raped women.

Trafficking and prostitution

Trafficking

In the beginning anti-trafficking measures were only targeted at women, portraying women as victims. Data from 2004 suggest that the Czech Republic is a country of origin, transit and destination for trafficking. Women are trafficked from the former Soviet Union, the Balkans, Eastern Europe and Asia into the Czech Republic, and often onward to primarily Western Europe for sexual exploitation. The world-wide view of trafficking changed and also in the Czech Republic. Trafficking is no longer seen as a gender-based problem, but trafficking includes all forms of forced labour, not only sexually forced labour. The numbers of men and women trafficked in the Czech Republic for forced labour are equal. Migration and human trafficking are seen as complex problems which do not affect men and women differently even though some aspects of migration are clearly gender-relevant, e.g. many men leave their wives to work abroad. The Czech Republic has not ratified the UN-Palermo-Protocol/Convention.

The main actors in the area of trafficking are the Ministry of the Interior, the Police, IOM (since 1998) and NGOs like La Strada (since 1997), the Czech Catholic Charity Association and Pleasure without Risk. In 2005, a working party was set up at the Ministry of the Interior for the coordination of the support and protection of victims of trafficking in human beings. The IOM has implemented a campaign targeting clients in two places at the Czech/German border. It was financed by the Ministry of the Interior and there are now plans to broaden the campaign. There are four NGOs providing psycho-social and legal support for women victims of trafficking.

Prostitution

Prostitution is quite well accepted in society. Until 1999, prostitution in the Czech Republic was viewed as a marginal problem. NGOs, such as Rozkos bez rizika (Lust without risk), became active in the area to compensate for the state.

Sexual harassment and stalking

The issue of sexual harassment is not covered by NGOs. In the Czech Republic sexual harassment is sometimes translated as "sexualni haraseni", meaning "sexual rattling". What is often considered normal behaviour or "harmless fun" in communication would definitely classify as sexual harassment. In general, there is a lack of debate of gender equality issues. A good impression of the parliamentary debates can be gained by looking at

the debates when the first version of the sexual harassment bill was discussed 5-6 years ago. Men and women said that they do not need any provisions because Czech women are so clever that they can defend themselves. Women are dressed to be liked by men and feminists are ugly and cannot be harassed. A debate like this took place in the Senate and there was applause. It is argued that the legislation in this area in the US damaged the relations between women and men. Sexual harassment prompted a big discussion when it was first introduced.

Forced marriage, honour crimes, FGM

Forced marriage, honour crimes, FGM are not relevant for the Czech Republic, since they do not appear to be taking place there. One reason for this in part is that the Islamic community is very small and mainly consists of Islamic men and Czech wives. The Criminal Code does not contain any special provisions on genital mutilation.

Sources

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Hynková, Martina and Adéla Suralová (2006). "Sex as an industry" in: Pavlik, Petr (ed.). *Shadow Report on equal treatment and equal opportunities for women and men*. Prague. p. 95 – 109. CD-Rom. 14p.

Government Council for Human Rights. *Report on the State of Human Rights in the Czech Republic*. 1998 (48p), 1999 (57p), 2000 (71p), 2001 (90p), 2002 (78p), 2003 (105p), 2004 (79p), 2005 (100p).
http://www.vlada.cz/en/rvk/rlp/dokumenty/zpravy/reports_default.html. e-text.

Wikipedia (2007). *Abortion in the Czech Republic*.
http://en.wikipedia.org/wiki/Abortion_in_the_Czech_Republic. e-text. 2p.

Hanáková, Petra (1999). „Feminism in Czech Republic Part 2: The Vicissitudes of Czech Feminism (continued)“ in: *Feminist Theory Website*.
<http://www.cddc.vt.edu/feminism/cz2.html>. e-text. 4p.

2.3.2 Timeline

1998

Domestic Violence and violence in partnerships (marital rape)

The Czech Government began addressing the issue of violence against women in 1998 by including the issue in the *Government Priorities and Procedures for the Enforcement of equality for men and women*. It includes, in particular, the revision of valid legal regulations, the establishment of a platform for interdisciplinary cooperation in the issue of violence against women, help for victims of crimes and realization of a general informational campaign and research and calls it suppression of violence perpetrated against women.

Primary Sources

Czech Version: *Vláda české republiky Usnesení vlády české republiky Ze dne 8. Dubna 1998 č. 236 o prioritách a postupu vlády při prosazování rovnosti mužů a žen*. http://www.mpsv.cz/files/clanky/655/uv_236_1998.pdf. e-text. 1p./

English Version: Resolution of the Government of the Czech Republic of 8th April 1998, No. 236 on the Priorities and Procedure of the Government for the Enforcement of Equality of Men and Women. <http://www.un.org/womenwatch/confer/beijing/national/czech.htm>. e-text. 6p.

Ministerstvo práce a sociálních věcí ČR (1998). Č. j. : 71/7714/98. Pro schůzi vlády české republiky. *Věc: návrh postupů a priorit vlády při prosazování rovnosti mužů a žen*. (Ministry of Labour and Social Affairs of the Czech Republic (1998). Nr. 71/7714/98. For the session of the Czech Government. Topic: Draft of the procedures and priorities of the government for furthering equality of men and women). <http://www.mpsv.cz/files/clanky/654/zprava.pdf>. e-text. 12p.

Ministerstvo práce a sociálních věcí ČR. (1999). Č. j. : 71/6846/99 v Praze dne 28. dubna 1999. Pro schůzi vlády české republiky. *Věc: Souhrnná zpráva o plnění Priorit a postupů vlády při prosazování rovnosti mužů a žen*. (Ministry of Labour and Social Affairs of the Czech Republic. For the session of the government. Topic: general report of the fulfilment of the priorities and procedures of the government for the furthering of equality of men and women). <http://www.mpsv.cz/files/clanky/2314/Vlada99za98.pdf>. e-text. 25p.

Secondary Source

Pavlik, Petr (2004). "Violence against women" in: Pavlik, Petr (ed.). *Shadow Report on equal treatment and equal opportunities for women and men*. Prague. p. 69-78. CD-Rom. 9p.

2000

Domestic Violence and violence in partnerships (marital rape)

The NGOs ProFem and ROSA, which deal with domestic violence, filed with the Council for Human Rights through the specialized Section for Gender Equality a motion with the aim of achieving at least partial protection of victims of domestic violence under the Criminal Code. The motion presented a draft amendment to the provision of Section 215 of the Criminal Code, which changed the factual grounds of the criminal offence referred to therein, i.e., the maltreatment of a person entrusted to custody, in such manner that it covers, apart from the maltreatment of person entrusted to custody, also the maltreatment of a close person. Such change was supposed to deal with the frequently neglected impact of long-term and intensification of domestic violence on its victim. Another benefit of such change was the fact that the provision of Section 215 of the Criminal Code is not listed in Section 163a of the Criminal procedure Code among criminal offences whose prosecution may be commenced or carried out solely with the consent of the aggrieved party. The requirement regarding such consent makes it difficult or even impossible to prosecute most cases of domestic violence, which are characterised by their emotional and economic dependence of the victim on the perpetrator, who enforces such dependence by means of violence. The Ministry of Justice responded to this motion by an allegation that such a step is not in line with the overall concept and is not systemic and that the current wording of the Criminal Code sufficiently prosecutes the criminal activity, which is generally characterized as domestic violence. The activities of NGOs which provide practical assistance to the victims of domestic violence indicate, however, that the existing legislation is far from sufficient.

Primary Source

Council of the Government of the Czech Republic for Human Rights 2000 *Report on the State of Human Rights in the Czech Republic*.
https://www.vlada.cz/assets/en/rvk/rfp/dokumenty/zpravy/zprava2000_en.pdf. e-text. 71p.

2001

Domestic Violence and violence in partnerships (marital rape)

In 2001 a platform for interdisciplinary cooperation in the issue of violence against women, help for victims of crimes and realization of a general informational campaign and research was established. It was established by the Governmental Council for Equal Opportunities by the Czech Government according to Resolution No. 1033 from 10 October 2001. This Council is a coordinator in the field of violence against women, and it connects people at the highest level of the state administration. Each Ministry has to annually solve a specific task, which should be aimed at combating violence and helping victims. It is a multi-agency working group for an interdisciplinary solution to domestic violence which includes representatives of different ministries and NGOs. The working group contains representatives from the Ministry of the Interior, the Ministry of Labour and Social Affairs, the

Ministry of Justice, the Ministry of Health and the Ministry of Education, Youth and Physical Education, as well as the non-governmental organizations ROSA, proFem and the White Circle of Safety.

Primary Sources

Czech Version: *Vláda České Republiky usnesení vlády České Republiky ze dne 10. října 2001 č. 1033 o zřízení Rady vlády pro rovné příležitosti žen a mužů.*

http://www.mpsv.cz/files/clanky/1256/UV1033_2001.pdf. e-text. 8p./

English Version: *Resolution of the Cabinet of the Czech Republic dated 10 October 2001 No. 1033 on the Establishment of the Council of the Government for Equal Opportunities for Women and Men.* [http://www.cec-](http://www.cec-wys.org/prilohy/d6bbfbd5/Resolution_Council.pdf?PHPSESSID=0ddd0a9bcc066f3908e05cb8f3f1d118/)

[wys.org/prilohy/d6bbfbd5/Resolution_Council.pdf?PHPSESSID=0ddd0a9bcc066f3908e05cb8f3f1d118/](http://www.cec-wys.org/prilohy/d6bbfbd5/Resolution_Council.pdf?PHPSESSID=0ddd0a9bcc066f3908e05cb8f3f1d118/)). e-text. 1p.

Secondary Source

Pavlik, Petr (2004). "Violence against women" in: Pavlik, Petr (ed.). *Shadow Report on equal treatment and equal opportunities for women and men.* Prague. p. 69-78. CD-Rom. 9p.

Sexual assault and rape

Section 241 of the Criminal Code on statutory rape was amended by Act no. 134/2001 effective from April 2001. It involves a new definition of sexual assault. The original definition covering only vaginal penetration was broadened to include oral and anal sexual intercourse. On the basis of the broader definition of rape the protection accorded to rape victims under Section 241 was broadened to include not only female but also male victims.

Primary Source

Criminal Code, Section 241

Secondary Source

Council of Europe (2004). *Legislation in the Member States of the Council of Europe in the field of violence against women. Volume I.* Strasbourg.

[http://www.coe.int/T/E/Human_Rights/Equality/PDF_EG\(2004\)2_vol1_E.pdf](http://www.coe.int/T/E/Human_Rights/Equality/PDF_EG(2004)2_vol1_E.pdf). e-text. 9p.

Sexual harassment and stalking

The Amendment to the Labour Code expressly prohibits sexual discrimination and bans sexual harassment, defined as "undesirable conduct of a sexual nature". It provides guidelines on the burden of proof in cases of discrimination and sexual harassment that have been adopted. Employers are now prohibited from exhibiting both direct as well as indirect

discrimination. It banned all “unsolicited behaviour of a sexual character at the work place that is unwelcome, inappropriate or offensive”. This is effective from 1 January 2001.

Primary Source

Amendment to the Labour Code (Act No. 65/1965) by *Act No. 155/2000*

Secondary Sources

Pavlik, Petr (ed.) (2004). *Shadow Report on equal treatment and equal opportunities for women and men*. Prague: Gender Studies. CD-Rom. 128 p.

Council of Europe (2007). *Legislation in the Member States of the Council of Europe in the field of violence against women. Volume I*. Strasbourg. www.coe.int/equality. e-text. 13p.

2003

Domestic Violence and violence in partnerships (marital rape)

The Chamber of Deputies of the Parliament of the Czech Republic adopted a major amendment to Section 215 (expanded to include Section 215a) of the Penal Code whereby the crime of abusing a close person and a person living in a shared place of residence was introduced. A whole range of other measures is still missing, however (for example, victim protection measures: restraining orders, the possibility to evict a violent partner from the shared place of residence for a certain period of time etc.).

Primary Source

Section 215 (expanded to include Section 215a) of the Penal Code

Trafficking, prostitution

In September 2003, the government approved the first *National Strategy for the Fight against Human Trafficking for Sexual Exploitation in the Czech Republic* (Resolution no. 849 of 3 September 2003). The document is the first comprehensive material on human trafficking to have been adopted at governmental level and contains a report on the human trafficking situation in the Czech Republic and a list of measures that the government should implement in this sphere. It also includes a program entitled *Model of protection and support of victims of human trafficking with a purpose of sexual exploitation in the Czech Republic*, which is being tested experimentally as part of the project from March 2003 to May 2004. The strategy addressed only one sort of human trafficking, that of trafficking for the purpose of sexual exploitation.

Primary Sources

National Strategy for the Fight against Human Trafficking for Sexual Exploitation in the Czech Republic.

Ministry of the Interior (2003). *Report on the status of implementation of the crime prevention strategy for 2001 - 2003*. http://www.mvcr.cz/prevence/english/pril1_eng.pdf. e-text. 28p.

An amendment to the Criminal Code places trafficking on the country's list of "most serious crimes" warranting special investigation and prosecution.

Primary Source

Amendment to the Criminal Code

Secondary Source

General Assembly WOM/1582 (2006). "Czech Deputy Minister tells anti-discrimination committee of stepped up efforts to protect women against violence, trafficking, workplace exploitation". *Committee on elimination of Discrimination against Women Chamber A, 751st and 752nd Meetings*. New York: Department of Public Information. www.un.org/News/Press/docs/2006/wom1582.doc.htm. e-text. 8p.

Sexual harassment and stalking

On 10 December the first attempt to change the Labour Code was vetoed by the Senate, because a majority of senators objected to the use of the term sexual harassment (45 out of 66 voted to return the bill to the Chamber of Deputies for review). One example of the objection to the law is the comment by Senator Jaroslav Kubera, member of the Civic Democrats: »Our beautiful women, are independent, they can protect themselves but, on the other hand, they want to be courted, they want to hear that they have beautiful haircuts, splendid skirts or pants. ... I cannot support the desires of unsatisfied feminists who would never be threatened with any sort of sexual harassment«.

Primary Source

Senate (2003). *2. den schůze (10. prosince 2003)*. (Report from the second day of the 12th session, 10 December 2003). <http://www.senat.cz/xqw/webdav/psssenat/original/24408/21004>. e-text. 58p.

2004

Domestic Violence and violence in partnerships (marital rape)

Until 2004, acts of physical violence among adult family members were judged under §221-224 – bodily harm (causing bodily injury to another person intentionally or by negligence). The victim had to have injuries which required sick leave longer than 7 days. On 1 June 2004, §215 a) of the Criminal Code (No. 140/1969 Sb.) was enacted, which established as a new reason for criminal procedures: "Abuse of persons living in the same residence." The punishment is 0-3 years in a basic case (i.e. if someone maltreats a person, who is in a close relationship with him/her or who is living in the same premises) and 2-8 years in the case where violence is committed over the long-term or against more persons.

Anna Čurdova, Social Democrat MP points out how revolutionary this law was:

“I remember a time when an amendment to the Crimes Act was being discussed, the famous Paragraph 215a, submitted by Mrs. Senator Seitlová (...). I remember when those, who today reap the fruits of the media the most for a job well done, stood sharply against it. This is because they simply said that domestic violence is a private matter and even can be a form of foreplay. I see that some of you are shaking your heads in disbelief. Yes, those are however facts that are documented in the stenographer’s records from the proceedings of the Chamber of Deputies.”

Primary Sources

§215a of the Criminal Code (No. 140/1969 Sb.)

Čurdova, Anna (2007). “Legislative development in the Czech Republic in resolving the question of domestic violence – introductory contribution”. *International Congress: Let's stop domestic violence by means of law. 7. – 10. 1. 2007*. Prague: ProFem and Daphne. CD-Rom. 2p.

Secondary Source

Pavlik, Petr (2004). “Violence against women” in: Pavlik, Petr (ed.). *Shadow Report on equal treatment and equal opportunities for women and men*. Prague. p. 69-78. CD-Rom. 9p.

Also since 1 July 2004, according to the Criminal Code No. 283/2004, authorities active in criminal procedure have had a duty to inform the victim or witness (who can be endangered by the perpetrator if he/she is released from jail or if he/she escapes from jail) about the right to demand information about the release or escape of the perpetrator.

Primary Source

Criminal Code No. 283/2004

Within Resolution No. 1108 of 10 November 2004, the Government of the Czech Republic adopted a Guideline of the Council for Human Rights to ensure children’s rights to maintain regular, personal contact with both parents, when they are separated from one or both of the parents. However, this Resolution does not take into account the presence of domestic violence in the family, and the fact that this children’s right can often be misused as a source of continuing attacks against the parent who was a victim of domestic violence within the family.

Primary Source

Resolution No. 1108 of 10 November 2004

An expert panel presented at the International Congress of the Alliance Against Domestic Violence in October 2004 a proposal to the public of a law on protection from domestic violence. The bill was submitted by way of a Chamber of Deputies initiative presented that same year to the Chamber of Deputies of the Parliament of the Czech Republic. It was ratified by the Chamber of Deputies in March 2006, effective January 1, 2007.

Primary Source

Proposal of a law on protection from domestic violence

Trafficking, prostitution

In 2004 Criminal Code was amended with modification of the article on trafficking in human beings. Before it only dealt with trafficking for sexual intercourse purposes. It now includes everything like the UN-Protocol on forced labour. In this way, the Czech Republic broadened its understanding of trafficking.

Primary Source

Amendment of the Criminal Code

Secondary Source

General Assembly WOM/1582 (2006). "Czech Deputy Minister tells anti-discrimination committee of stepped up efforts to protect women against violence, trafficking, workplace exploitation". *Committee on elimination of Discrimination against Women Chamber A, 751st and 752nd Meetings*. New York: Department of Public Information. www.un.org/News/Press/docs/2006/wom1582.doc.htm. e-text. 8p.

The Strategy of crime prevention for the years 2004-2007 includes among other issues also trafficking.

Primary Source

The Ministry of the Interior (2003). *Strategy of crime prevention for the years 2004-2007*. <http://www.mvcr.cz/prevence/english/strategie.pdf>. e-text. 16p.

Sexual harassment and stalking

An amendment to the Labour Code by Act. No.46/2004 was approved on 17 January 2004, effective from 1 March 2004. It introduces more detailed definitions of direct and indirect discrimination, harassment, and sexual harassment, in order to enhance legal certainty and facilitate law enforcement. Sexual harassment is listed as a specific category of

legal violation and defines it as “an act of a sexual character that is perceived by the employees as unwelcome, inappropriate or offensive and whose intention or consequence leads to a lowering of dignity or to creating a hostile, humiliating or disturbing work environment”.

There was a “firestorm in the Senate, the media and offices around the country” when the law on sexual harassment was discussed (Spritzer 2004)

Primary Sources

Amendment to the Labour Code by Act. No.46/2004

Secondary Sources

Spritzer, Dinah A. (2004). “Harassment law sparks outrage”. 22 January 2004. *The Prague Post*. www.praguepost.com/P03/2004/Art/122/news2.php. e-text. 3p.

2005

Domestic Violence and violence in partnerships (marital rape)

In 2005, the Methodical Directive of the Director of Office of Criminal Police and Investigation was disseminated. It arranges the procedure of the Police of the Czech Republic during the announcement, verification and investigation in cases of domestic violence.

Primary Source

Methodical Directive of the Director of Office of Criminal Police and Investigation

Trafficking, prostitution

The second National Strategy for Combating Trafficking in Human Beings (2005-2007) was approved. It broadens the focus from only addressing trafficking for sexual exploitation to trafficking in human beings; one chapter covers human trafficking for the purpose of sexual exploitation.

Primary Source

Czech Version: Ministry of the Interior, Security Policy Department (2005). *Národní strategie boje proti obchodování s lidmi (pro období 2005-2007)*. Prague.

<http://www.mvcr.cz/dokument/2005/strategie.pdf>- e-text. 43p./

English Version. Ministry of the Interior, Security Policy Department (2005). *National Strategy of the Fight against Trafficking in Human Beings (for the period of 2005 - 2007)*.

http://www.mvcr.cz/dokument/2005/strategie_angl.doc. e-text. 48p.

The draft act to regulate prostitution focuses on two areas, prostitution of individuals as well as regulation on nightclubs. It tries to regulate prostitution without giving it a status as employment.

Primary Source

Czech version: Vládní návrh (2005). *Zákon ze dne ... 2005 o regulaci prostituce*. <http://www.mvcr.cz/dokument/2005/navrh.pdf>. e-text. 26p./

English version: Ministry of the Interior (2006). *The contents of the draft act to regulate prostitution*. <http://www.mvcr.cz/dokument/2006/prostitution.pdf>. e-text. 4p.

2006

Domestic Violence and violence in partnerships (marital rape)

The new Law 135/2006 on domestic violence which changes several laws in the field of protection against domestic violence was adopted in March 2006. This has been the result of lobbying by NGOs and the support of politicians and the involvement of judges. The law will be valid as of January 2007 and will bring these main changes: Police will have the right to expel a perpetrator of domestic violence from the house for a period of ten days if there is a risk of dangerous attack against life, health, freedom or peril of very severe humiliation. The decision to expel the perpetrator will be based on evidence of violence, with stress on previous attacks. Expulsion can also include the surroundings of the house. The period of ten days cannot be reduced, even if the victim would agree to this. Police should inform the victim about the possibility to file an application to prolong the period of expulsion. Police must report the eviction to the intervention centre within 24 hours. The act has amended the Police Act, Rules of Civil Procedure, Penal Code, and the Social Security Act.

Primary Source

Act. No. 135 /2006 on domestic violence

Secondary Sources

ROSA (2007). *Legislative v ČR (Legislation in the Czech Republic)*. <http://www.rosa-os.cz/index.php?id=18>. e-text. 4p.

Vargová, Branislava (2006). *Domestic Violence*. http://www.stopvaw.org/Legislative_Trends_and_New_Developments7.html. e-text. 5p.

2007

Domestic Violence and violence in partnerships (marital rape)

On 1 January 2007, the new Act about the expulsion of the perpetrator entered into force, which enables the police to expel the perpetrator from the residence for ten days. This

time-limit can be extended for up to one month. During this period, the victim has to be informed about her/ his rights and opportunities where she or he can seek help. At the beginning of the year several perpetrators have been expelled. The law had a huge resonance.

Primary Source

Law 135 /2006 on domestic violence

The enactment of the Law on Services (1 January 2007) should ensure the establishment of legislation concerning shelters. However, the law does not provide a specific definition of shelter for victims of domestic violence or a shelter with a secret address; standards for operation of these shelters have to be elaborated.

Primary Source

Law on Social Services

The Czech Republic has officially joined the Campaign of the Council of Europe to Combat Violence Against Women. On 5 December 2006, the Czech Republic began its role in the National European Campaign to combat violence against women, including domestic violence. The goal of this Campaign is to influence politicians and the public to change their approach to such a serious problem. Through this Campaign, the Czech Republic has joined an all-European movement combating violence against women which was developed from a long-established initiative of the Committee for Equal Opportunities for Women and Men of the Council of Europe. The Chamber of Deputies allocated approximately 20,000 Euro for this Campaign, which should be used to hold different seminars, conferences and exhibitions.

Primary Source

Campaign of the Council of Europe to Combat Violence Against Women.
<http://www.coe.int/t/dg2/equality/domesticviolencecampaign/countryinformationpages/>. E-text (website at the moment not accessible)

2.4 Concluding section

2.4.1 The relative importance of topics in the subissues and in generic gender+ equality policies

Gender equality has always been treated separately from other equalities; there was no competition among equalities as such. Yet during the accession process, the Roma issue received the most attention, publicly and financially. It was one of the priorities during the accession process, and therefore it received large amounts of money both from the state and the EU. Gender equality on the other hand nearly received little. Institutions are established separately for the different inequalities; there is no combined institution dealing with several inequalities at the same time.

The perception of gender equality issues has changed since the beginning of 1990s. Gender equality is now perceived as a relevant issue and gender is taken into consideration. Since 1998 institutions have been created and also National Action Plans developed, even though sufficient financial support is not yet being given.

The most important topics among the subissues were parental benefits and parental leave (especially for fathers), same-sex registered partnership, anti-discrimination, domestic violence and sexual harassment. The majority of the changes occurred after 2000.

2.4.2 The major changes in general and for the three issues

In general, the focus changed from policies on women to gender policies. Gender equality has been accepted as a topic as such.

Concerning non-employment, the changes in parental leave were very important: Parental leave and benefits are now equal for men and women.

Concerning intimate citizenship two main laws have been passed:
- A law on same-sex registered partnership in 2006, after several failed attempts since the beginning of 1990s to introduce such a bill.

- In 2007 a comprehensive anti-discrimination bill has been introduced after the failure of earlier attempts.

Concerning gender-based violence, the main changes took place in the area of domestic violence. The years 2004 and 2007 were turning points because of the passing of new legislation which furthers the protection of victims of domestic violence. Furthermore, sexual harassment has been accepted as an issue and legislation has been passed to fight against it.

2.4.3 The role of civil society and other political actors

There are individual political actors who have been influential in the area of gender equality politics, especially Vladimír Špidla and Anna Čurdová. The Green Party focused on gender equality and anti-discrimination during their election campaign in 2006. However, the support changes from issue to issue. The Christian Democrats support the issue of domestic violence, but they oppose the issue of same-sex registered partnership. The ODS is against an anti-discrimination law, but MPs supported the same-sex registered partnership.

Civil society has consolidated in the period analysed. Significant changes took place in the policy process, also caused by intensive work and lobbying by NGOs. This can be seen especially in the area of domestic violence and registered partnerships and the approved legislation and policies.

2.4.4 The impact of the EU and other international bodies

The EU and the UN brought the issue of gender equality onto the agenda of the Czech Republic. Because of the Beijing Platform Action the first institutions dealing with gender equality were created. Big changes in national legislation were necessary because of the accession process to the EU. Sexual harassment only became an accepted issue because of this process. Furthermore, without the obligatory implementation of the EU's directives on discrimination, the Czech Republic would probably still have no comprehensive Anti-Discrimination Act.