

Czech Republic

(18th session)

167.The Committee considered the initial report of the Czech Republic (CEDAW/C/CZE/1) at its 370th and 371st meetings, on 26 January 1998, and at its 373rd meeting on 27 January 1998 (see CEDAW/C/SR.370, 371 and 373).

168.In introducing the report, the representative of the Czech Republic indicated that more than two years had elapsed since her country's initial report had been submitted and, consequently, her statement would focus on important changes in protecting women's rights as individuals.

169.The representative referred to the ratification of a number of International Labour Organization (ILO) instruments, including ILO Conventions 89, 100 and 101. She also cited several legislative reform measures that had been taken, including amendments to the Employment Act (1/1991); Act on Wages (1/1992); Act on Salaries (143/1992); and Act on Pension Insurance (155/1995). The representative then briefed the Committee on the differential entitlements in retirement pensions between women and men, and among women based upon the number of children.

170.Although no fundamental changes in health or social insurance had occurred since 1994, certain health insurance benefits had been transferred to the State social allowance system in 1995, with the goal of unifying State social allowances and benefits and thus providing support under a single system to families with children.

171.Recent changes had led to the development of civil society, including women's organizations, resulting in activities, conferences and workshops that addressed specific women's issues, such as domestic violence, violence against women in general and women victims of criminal acts.

172.The representative then briefed the Committee on specific programmes for women related to education and vocational training and described some of the socio-economic factors that significantly influence women's position in society and in the labour market. She also noted the importance of kindergartens and their linkage with the rate of female employment.

173.The representative indicated that Decree No. 261/97 specified explicitly the jobs and workplaces which are prohibited for all women, pregnant women, mothers until the end of the nine months after childbirth and youth, respectively. She also referred to draft legislation that specified conditions for occupational health and safety.

174.The representative cited a number of women's health programmes and projects, including those related to HIV/AIDS, which focused primarily on the reproductive health of women.

175.The representative stated that prostitution, although not considered a criminal offence, was a growing problem, which was primarily attributed to illegal migration. She also expressed concern that organized prostitution continues to be a lucrative source of money for criminal gangs. A number of measures have been adopted by the Czech Republic to fight prostitution, including the creation of a special unit for detecting organized crime.

176.The representative referred to the foundations of the Czech legal system, which protect women's rights, focusing on individual citizens, based upon the principle of uniform, general and equal protection of both men and women.

177.In concluding her presentation, the representative of the Czech Republic indicated that she looked forward to the Committee's questions so that she could provide a complete and objective picture of women in the Czech Republic.

Concluding comments of the Committee

Introduction

178.The Committee compliments the Government of the Czech Republic for exhibiting a clear commitment to the promotion of the human rights of its citizens since the independence of the country and for ratifying the Convention without reservations. It is also pleased to note the positive spirit in which its comments and suggestions has been received by the delegation of the Czech Republic.

179.The additional and updated information presented in the oral report of the representative of the Czech Republic is welcomed by the Committee, as an aid to its understanding of the conditions of women and the extent of the implementation of the Convention in the Czech Republic.

Positive aspects

180.The Committee is particularly satisfied at the information included in the oral report of the delegation about the very creation of an inter-ministerial coordinating body within the Ministry of Labour and Social Affairs. Similarly, the reported effort to draft a National Plan on the basis of the Beijing Platform for Action by a commission on the status of women is especially welcomed by the Committee.

181.The Committee notes that there have been significant gains in the status of women in the Czech Republic, particularly with regard to education and participation in economic life, as well as social support services, such as child care.

182.The Committee is also happy to note the high standards of health coverage in general, and for maternal health in particular, that exist throughout the Czech Republic. In this context, it is especially gratified to note the exceptionally low infant and perinatal mortality rates attained by the Czech Republic.

183.The Committee is pleased to note that the legal system of the Czech Republic gives supremacy to international treaties over domestic legislation and that numerous equality provisions can be found in the Constitution, the Charter of Fundamental Rights and Freedoms and in several other codes.

Factors and difficulties affecting the implementation of the Convention

184.The Committee observes that the report of the Czech Republic and its oral introduction to the Committee reflect 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.

185.The Committee is distressed to note that, while the Government is eager to improve the living conditions of women in the Czech Republic, the structural and cultural causes of gender inequality are not fully appreciated by the Government. Having emerged from the restrictions of a totalitarian State, where full employment of women and institutional caretaking of children has been emphasized, the Czech Republic's current policies directed at women and family overemphasize motherhood and family roles for women. The Committee considers the absence of special measures to elevate women's status, save those pertaining to the protection of pregnancy and motherhood, to be a major constraint to the full implementation of the Convention.

Principal subjects of concern

186.The Committee notes with concern that Czech law does not provide a clear definition of discrimination and/or address de facto inequalities between women and men.

187.Though the creation of an intra-ministerial coordinating unit on women's issues within the Ministry of Labour and Social Affairs is welcomed, the Committee considers that such a body cannot be viewed as a sufficient national machinery. The Committee views the absence of a national machinery with adequate resources and personnel as a severe constraint to the implementation of the Convention and the Beijing Platform for Action.

188.The Committee is very concerned about women's inadequate and declining representation in decision-making positions in the political and economic spheres and at the Government's apparent lack of attention to this phenomenon. This is reflected in the absence of any special temporary measures to remedy the situation, as well as the lack of Government willingness to consider any such measures.

189.The decline in the number of women's non-governmental organizations since the early days of the Czech Republic's establishment is also noted with concern by the Committee. The Committee considers the existence of an active civil society, in which a wide range of views and attitudes on gender equality find expression, to be highly beneficial for the promotion of equality between women and men. It also encourages Government cooperation with non-governmental organizations representing different women's interests and perspectives in the implementation and monitoring of the provisions of the Convention.

190.The Committee notes with particular concern the absence of special legislation on violence against women and is alarmed by the Government's perception that there is no need for such legislation. The Committee considers the absence of data on the extent and prevalence of such violence in the Czech Republic to be a critical deficiency. It also expresses concern about the lack of information on any preventive measures and/or programmes to support victims of violence, raise public awareness of the issue and sensitize health professionals and law-enforcement personnel on the topic.

191.The Committee notes with concern the lack of measures and programmes to promote a positive image of women as actors in all areas at all levels of public life and to encourage equal sharing of family responsibilities by men in the media.

192.The Committee notes with concern that, in the Czech Republic, prostitution and trafficking in women are approached exclusively in the context of combating organized crime. These crimes are closely related to economic transition and socio-political changes. The Committee acknowledges the adverse effects of such developments as rising unemployment and increasing poverty as factors contributing to prostitution and trafficking in women.

193.The Committee views the Czech Republic's policy of creating "household management" schools, which, although not formally sex segregated, basically cater to female students and train them for traditional stereotypical roles, as promoting gender stereotyping. The same applies with regard to the practice of some schools admitting only boys because of their "different physical abilities". In stressing the importance of encouraging girls and boys to choose non-traditional fields of study in order to eliminate discrimination against women, the Committee expresses its heightened concern about such schools.

194.The Committee notes with concern that the Government appeared reluctant to direct girls to scientific and technological fields of study.

195.The Committee is very concerned about the prevailing wage disparities between women and men and the segregation of women in low-paying and low skilled work, which had been one of the results of privatization and economic rationalization.

196.The Committee also notes with concern the increase in over-protective measures for pregnancy and motherhood, as well as early retirement policies for women. It also noted that the cultural glorification of women's family roles could exacerbate the negative impact of economic rationalization policies on women.

197.The Committee is very disturbed about the high rate of induced abortions in the Czech Republic, particularly in the face of the wide availability of contraceptives. It is further dissatisfied to learn about the lack of information and training of health professionals with regard to contraceptives. Owing to the partial nature of the information provided in the oral report, the Committee is not entirely satisfied with the information provided on women's general health in the Czech Republic.

198.The Committee is especially disappointed not to have received answers to its questions on the implementation of the provisions of articles 7, 8 and 16 of the Convention in the Czech Republic's oral responses. In particular, the very high divorce rate that prevails in the country, its causes, as well as the legal status of protection, if any, accorded to women in de facto unions are of special concern to the Committee.

Suggestions and recommendations

199.The Committee recommends that a definition of discrimination modelled on article 1 of the Convention be incorporated in the constitution and other relevant laws.

200.The Committee recommends that the Government of the Czech Republic give impetus to the establishment of an adequately resourced national machinery with a clear mandate to implement, coordinate and monitor the provisions of the Convention. It further recommends that, as a future member of the European Union, the Czech Republic draw upon the experiences of the European Union countries, make efforts to get assistance from such countries as it designs machinery, and review its legislation and policies in the area of discrimination against women.

201.The Committee urges the Government of the Czech Republic to review its perspective on special temporary measures in the area of women's political and economic participation in leadership positions. In this context, it recommends instituting numerical goals and targets, as well as a plan of action with timetables to boost women's participation in these areas.

202.The Committee also urges the enactment of a special law and introduction of policies to combat all forms of violence against women, together with promotion of education and media programmes sensitizing the public on this issue. In addition, it recommends introduction of training for the judiciary, law enforcement officers, lawyers, health professionals and others whose work is relevant in the context of violence against women. The Committee strongly recommends that the Czech Republic initiate comprehensive research to assess the extent and nature of violence against women in the country.

203.The Committee recommends a comprehensive study and analysis of the effects of the economic and socio-political transition of the country on women. It is necessary to carry out such a study from a gender perspective to determine the differential impact of the transition on women and men and to determine the differential policies that are required.

204.The Committee strongly recommends the formulation and implementation of effective policies to combat prostitution and trafficking of women. The Committee suggests that measures to combat these crimes require not only services to victims and sanctions for perpetrators, but the design and implementation of comprehensive national social and economic policies to create new opportunities for women. It therefore recommends that the Government

take effective action to combat feminization of poverty and to improve the economic situation of women in order to prevent trafficking and prostitution.

205.The Committee urges the Government to launch specific training programmes to educate health professionals, as well as mass campaigns to inform the public on the use of contraceptives and misuse of induced abortions as a means of family planning.

206.The Committee strongly stresses the need to promote the image of women as individuals and independent actors in the public sphere and recommends that the Government launch comprehensive, systematic, goal-oriented efforts to balance the existing positive emphasis placed on women's role in the private sphere in laws, policy measures and governmental attitudes, with an equal emphasis on their public sphere functions. In this regard, the Committee also recommends that the Government encourage men, through public media campaigns, school curricula and special temporary measures, such as effective use of paternity leave, to share family responsibilities equally with women.

207.The Committee requests the wide dissemination in the Czech Republic of the present concluding comments in order to make the people of the Czech Republic, and particularly government administrators and politicians, aware of the steps that have been taken to ensure de facto equality for women and the further steps required in this regard. It also requests the Government to continue to disseminate widely, and in particular to women's and human rights organizations, the Convention, the Committee's general recommendations and the Beijing Declaration and the Platform for Action.