

**Statement of the Head of the Delegation of the Czech Republic,
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**47th session of the Committee on Elimination
of Discrimination against Women**

Fourth and Fifth Periodic Report of the Czech Republic

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Introduction

Madame Chair, distinguished Committee Members, Ladies and Gentlemen,

My name is Czeslaw Walek, I am Director of the Governmental Office for Human Rights, it is my honour to lead the Czech delegation on this Committee meeting to review Fourth and Fifth periodic report of the Czech Republic on the Convention on Elimination of All Forms of Discrimination Against Women. I would like to thank the Committee members for reviewing our periodic report as well as additional responses to the list of issues and questions with regard to the consideration of this periodic report.

In my statement, I would like to focus on following issues. *First*, I will talk about what we have done and what we plan to do in order to use the full potential of Convention. I will also mention briefly the procedure of preparing our Fourth and Fifth Periodic Report and additional information. *Further* I would like to give a general overview of the approach of the Czech Republic to gender equality, focusing on current situation after parliamentary elections in May 2010. *Then* I will describe the mechanism of mainstreaming of gender equality issues by the state authorities. *Finally*, I would like to sum-up the main developments after the submission of the Fourth and Fifth Periodic Report and additional questions to it.

Making CEDAW more visible, preparation of reports to the Committee

Madame Chair, distinguished Committee Members, Ladies and Gentlemen,

If used properly, The Convention on the Elimination of all Forms of Discrimination Against Women presents the most powerful instrument to

enhance the issue of gender equality on national level. In order to make the real meaning of the Convention more accessible to experts and public, selected general recommendations by the Committee, focused for instance on issues of violence against women, political and public life or temporary special measures, were translated into the Czech language. Now, the recommendations nos. 1-10, 13, 19, 23-25 are available on the web page of the Government Council for Equal Opportunities for Women and Men in the Czech language. We plan to continue translating recommendations with the aim to publish a bilingual version of all general recommendations in 2011.

As regards the valuable work of your Committee, the Czech Republic has long supported resolutions of the UN General Assembly calling for the approval of an amendment to article 20, paragraph 1. The Ministry of Foreign Affairs has already prepared the proposal, which will be submitted to the Government very soon and then to Parliament for its approval.

Now, let me address briefly the procedure of the preparation of documents that we already submitted to the Committee. The procedure of the preparation of the Fourth and Fifth Periodic Report was already described in the Observations. Here I would like to add a few words relating to the process of a preparation of the Observations. The material was prepared during spring 2010. Before submission to the Government, the Observations were sent to all ministries. In addition, the list of issues was consulted with other bodies, including the Government Council for Equal Opportunities for Women and Men, regional authorities, higher courts, the Ombudsman and the Czech Statistical Office. Important comments were provided by social partners, in particular the Czech-Moravian Confederation of Trade Unions and the Czech Chamber of Commerce. The Czech Government approved this list of issues on 7 June 2010.

Gender equality in the Czech Republic -as a policy of the state administration

Madame Chair, distinguished Committee members, Ladies and Gentlemen, the Czech society has a long history of struggle for equal rights of women. The turning point in the struggle was the establishment of the independent Czechoslovak Republic in 1918. Czechoslovakia was one of the first countries where women gained the voting rights and full civil and political rights. Since 1920, the Constitution banned legally any prerogative bases on sex. Nevertheless, the path to real equality was not straightforward. Ninety years later we still have to struggle with persisting problems and face new challenges.

New developments in the area of equality of women and men after “1989 Velvet Revolution” are linked directly to the World Conference in Beijing in 1995. Subsequently, in 1998 the first strategy concerning equality of women and men was discussed by the Czech Government. Since 1998, the Czech Republic has developed a substantial institutional mechanism and specific procedures, through which we strive to achieve gender equality not only *de iure* but also *de facto*.

Let me touch upon some most recent political developments.

In May 2010, the elections to the lower Chamber of the Parliament took place in the Czech Republic and a new government has been formed by three “central right” coalition parties. While there is no woman in the cabinet, there are three women out of four members in the chairmanship of the lower chamber of the Parliament including the Chairperson – Miroslava Němcová. The number of female MPs elected was the highest in the history. There are now forty-four women in the Chamber of Deputies out of two hundred members. Further, I

would like to mention that in the Parliament as a whole, presently seven women are chairing Parliamentary Committees.

The new Government in its Policy Statement considers the respect for human rights to be the founding stone on which the society and the democratic order of the country stands. The Government stressed in the Statement that it will support all measures aimed to help all citizens to protect their constitutional rights. The government decided to devote its attention to the fight against crime, including crime committed against women. The Government also supports the social integration of people from excluded areas, especially with the help of the governmental Agency for Social Integration.

In addition, the Government in its Policy Statement decided to improve conditions for faster return of parents with children to work. The government wants to create conditions for further development of the family policy and childcare – for instance with the aim of improving the social position of the family and increasing the involvement of both parents in childcare. In connection to these provisions, the Government intends to support a development of alternatives to a family care. Therefore, it will support through a tax allowance further development of childcare services (for instance company kindergartens, maternal and family centres or an institution of neighbour childcare).

Institutional framework/mechanism and the implementation of the CEDAW

Madame Chair, distinguished Committee Members, Ladies and Gentlemen, as I have pointed out earlier, in the Czech Republic we have developed, a stable institutional mechanism to promote gender equality. The Czech Republic has already informed this Committee that in 2001 the Government has established the Governmental Council for Equal Opportunities for Women and Men. That is

consultative body consisting of state officials and independent experts on issues of gender equality.

Currently, the Council has four committees focusing on following topics – reconciliation of work and private life, institutional mechanism for equality of women and men, prevention of domestic violence and equal representation of women and men in politics. The involvement of civil society experts is crucial for work of committees and the Council in general.

An important component of the institutional framework is the Gender Equality Unit within the Human Rights Office located at the Office of the Government of the Czech Republic under prime minister responsibility. The unit was established in 1998 within the Ministry of Labour and Social Affairs and from 2008, it is an integral part of abovementioned Human Rights Office. It serves among others as a secretariat of the Government Council on Equal Opportunities for Women and Men (and its committees). The primary task of the unit is to act as a national coordinator of gender equality. In connection with this, the unit coordinates so called “gender focal points”, contact staff at ministries who are fully devoted to the gender equality agenda. In the last year, the structure was completed by establishment of working groups for gender equality at all ministries. Groups are composed of the most relevant officials. Groups provide support to the gender focal points.

One of the main tasks of the Gender Equality Unit is preparation of an annual National Action Plan to achieve gender equality in the Czech Republic. The National Action Plan represents a conceptual basis for the government policies related to the status of women in the society. The Convention for the Elimination of All Forms of Discrimination against women and the Beijing Platform for Action are main sources of an inspiration for the action plan. The plan is called “Priorities and Policies of the Government in Promoting Equality of Women and Men” and contains measures to be implemented by particular ministries and other state authorities or for all members of the Government. The

National Action Plan was adopted by the Czech Government for the first time in 1998 and since then it has been updated annually.

In last five years, two significant developments further enhanced this institutional structure.

In the period of consideration, a mechanism has been established under the supervision of the Ministry of Interior to deal with domestic violence. The aim is to put into practice and coordinate effectively new measures to combat violence against women such as the expulsion order and precaution measures. The coordination structures involve the police, the Ministry of Interior, representatives of justice and nongovernmental organisations. This coordination mechanism was significantly improved in last couple of years. Now, it involves intervention centres in all regions that provide assistance to victims of domestic violence. It is good example of fruitful cooperation between public and non-governmental sector.

Secondly, more recently, in 2009, due to entering into force of anti-discrimination legislation, a new independent equality body has been put into place by extending the mandate of the Czech Ombudsman, formally called the Public Defender of Rights.

Summary of the Fourth and Fifth Report and Observations and updated information

Madame Chair, distinguished Committee Members, Ladies and Gentlemen, in the following part, I would like to sum-up the most important development in the implementation of the Convention by the Czech Republic since the delivery of the Fourth and Fifth periodic report and the Observations on the list of issues and questions.

Legislative changes and new policies

Let me start with some new legislative measures.

The Convention on the Elimination of all Forms of Discrimination against Women demands in its Article 2 to adopt legislative measures to eliminate any discrimination. In this respect, it is important to notice that in September 2009 the Czech Republic has ratified the UN Convention on the Rights of Persons with Disabilities. One of the general principles of the Convention is equality between men and women. Furthermore, its Article 6 contains provision on women with disabilities. By ratification of this Convention, the Czech Republic has claimed its responsibility for this group of women with specific needs. It is yet another step forward to address the demands of women with disabilities.

We have already informed the Committee that the Antidiscrimination Act came into a force in September 2009. The Act not only provides for legal remedies, but also establishes the equality body, as I have already mentioned above. The antidiscrimination unit within the Office of the Ombudsman is operational since December 2009. The equality body provides victims of discrimination with the methodological assistance, which means that the person who lodged the complaint receives a legal opinion on her or his situation and advice on how to proceed. The body further carries out surveys, publishes reports and issues recommendations on matters relating to discrimination. The Ombudsman issues also legal opinions on specific matters.

Since December 2009, the equality body already analysed fourteen individual complaints and issued seven legal opinions, out of which two deal with gender discrimination. One opinion relates to discrimination in provision of goods and services and the other addresses gender discrimination in remuneration. Both opinions provide a very useful guidance for persons who believe to be victims of gender discrimination. By adopting the antidiscrimination Act and establishing the equality unit within the Ombudsman

Office, finally a gap has been closed between the right of a person not to be discriminated against and the practical means, to enforce this right. Equally important is the fact that, activities of the equality body enhance level of expertise of other bodies involved in tackling discrimination, such as labour inspectorates.

One of the most important recent changes in the Czech legal system is adoption of the new Criminal Code entering into the force from January 1 2010. The new Criminal Code introduces some new criminal offences. In a part two of the Code there are criminal offences against pregnancy of woman including the illegal abortion without consent of a pregnant woman or the subornation of a pregnant woman to a miscarriage. The new Criminal Code also introduces a new criminal offence closely linked to domestic violence, the so-called stalking. It is described as a long-term persecution of person, which may invoke reasonable fear for life or health or life, or health of a close person. There can be imposed sentence up to one year and in special cases up to three years.

In addition, I would like to inform you also about a change in Criminal Procedure Act which is currently under discussion. The Czech Republic is repeatedly criticized for absence of possibility to claim non-material damage within the criminal procedure. Victims may claim this non-material damage only in a civil procedure, which is not very effective especially for victims of criminal offences such as rape. Likewise, the victim that suffered non-material damage is currently not entitled to obtain a free legal aid within a criminal procedure. Both issues are addressed by the amendment to the Criminal Procedure Act. It will enable courts to award non-material damage within the criminal procedure. The Act will also assure an access to the free legal aid by victims of crime. This amendment is currently in an interdepartmental comment procedure and it is expected to enter into force during next year.

Madame Chair, distinguished Committee Members, Ladies and Gentlemen, now I would like to touch upon non-legislative measures and policies adopted recently.

In the cooperation with the non-governmental sector, we try to develop new policies to tackle domestic violence. One of the most recent activities is the submission of a draft of the National Action Plan of Prevention of Domestic Violence to the Government. The Action Plan was prepared by the Committee for Prevention of Domestic Violence of the Governmental Council for Equal Opportunities of Women and Men and the Gender Equality Unit. The Government is expected to discuss the Plan during upcoming weeks. The Plan for instance proposes rules for assisted contact of children – victims of domestic violence - with parents accused of violent behaviour. Furthermore, it proposes standards of procedure for asylum houses and creation of rehabilitation programs for violent persons.

In achieving better outcomes in elimination of violence against women, it is very important to have effective justice system. The Ministry of Justice is systematically working on improvement of awareness of judges on these relevant issues. In 2009 and 2010, the Academy of Justice arranged seminars concerning trafficking in human beings, re-codification of Criminal Act and domestic violence. There is a plan for 2011 to arrange similar seminars, which will again focus on trafficking in human beings and domestic violence.

As I have already mentioned, the Government of the Czech Republic annually adopts a National Action Plan in the area of equal opportunities of women and men. The most recent National Action Plan was adopted by the Government on 14 June 2010. On the same day, the Czech Government adopted the Summary Report on Fulfilment of the Priorities and Policies of the Government in Promoting Equal Opportunities for Women and Men in 2009. To achieve more effective mechanisms for evaluating the progress made, the Government from 2009 approves not only measures, but also relevant indicators.

One of crucial measures proposed by the 2010 Plan is to elaborate a new, long-term gender strategy for next five years from 2011 to 2015. The strategy should present a comprehensive plan, which will articulate gender equality as a crosscutting principle. It will establish key areas, principles and strategic targets in achieving gender equality. Through this strategy a fulfilment of the Convention on Elimination of All Forms of Discrimination against Women as well as Beijing Action Platform will continue. In the preparation of the Strategy and further National Action Plans, we will also take into account the observations of this respective Committee. In line with your comments, we also plan to devote more focused attention to vulnerable group of women, such as women with disabilities, migrant women or Roma women.

Speaking of Roma women, let me first underline that the current government considers Roma integration as one of its main priorities in area of human rights protection. As prime minister mentioned on the opening of the International Steering Committee meeting of the Decade of Roma Inclusion – education and employment are two priorities that we will focus in next couple of years. The Czech Republic is currently chairing the Decade of Roma Inclusion. It is an international initiative of twelve European countries. The main goal of the Decade is to evaporate poverty, social exclusion and discrimination of Roma. One of the Czech presidency priorities is the situation of Roma women. This involves two aspects: 1) focus on active role of Roma women in an integration process and 2) focus on individual emancipation of Roma women through education, training and participation in the labour market. The Czech Republic intends to prepare a manual regarding the participation of Roma women in the integration processes. The Czech presidency will hold an international conference focusing on situation of Roma women.

The idea of making use of the potential of Roma women to foster integration and to close the gap between minority and majority was underline more recently, in the meeting of minister of education, minister of labour and

social affairs and the government commissioner for human rights with Roma women. The goal of the meeting was to discuss new measures of the government in social benefit spheres affecting among others Roma. Discussion was particularly focusing on education of Roma children.

Finally, I would like to mention the Gypsy spirit awards that are announce for the 2nd year already by the Governmental Office of Human Rights. Its main goal is to underline and publicize positive examples and practice of Roma integration. We want to show to general public that Roma women and men are integral part of our society, contributing to its development through diversity.

Trafficking in Human Beings

Trafficking in human beings is very important issue, which I also would like to address briefly. The Convention on Elimination on All Forms of Discrimination against Women stipulates in its Article 6 a requirement for the state parties to suppress all forms of trafficking in women. It was also one of the issues mentioned in the Fourth and Fifth Periodic Report of the Czech Republic and in the Observations. I would like to give you few updates. As we informed you, the Ministry of Interior annually prepares the National Strategy to Combat Trafficking in Human Beings. The Interdepartmental Coordinating Commission has already published its annual Report on Trafficking in Human Beings in 2009 in the Czech Republic. Among proposed measures for 2010 are: recommendations to strengthen the information exchange by bodies participating in the criminal proceedings or improvement of data collection. The Government is aware of the seriousness of trafficking in human beings and has declared its commitment to combat it in its Policy Statement.

Political and Public Life

Madame Chair, distinguished Committee Members, Ladies and Gentlemen, the information concerning electoral acts has been already submitted to the Committee in writing. In addition, let me inform you that the process of legislative drafting was completed in May 2010. Nevertheless, the draft did not meet with consensus. Both ministries and public remained divided with regard to the proposal. In particular, serious concerns were raised that the draft does not comply fully with the Czech Constitution. Neither was there a consensus on the issue whether a constitutional amendment is necessary. Under these circumstances and facing new parliamentary elections, a decision to withdraw the legislative proposal was made.

Meanwhile, the parliamentary elections to the lower chamber of the Parliament took place in May 2010. A new system of voting allowed for a more extensive use of preferential votes for individual candidates placed on party lists. This turned out to be one of the elements, which lead to increased number of female MPs elected. As I already mentioned above, 44 female MPs were elected which makes 22% of the total number of deputies.

At present at the local level, the ratio of female mayors is 18%. Women represent 26% of members of the municipal councils, 23% in city councils and 19, 5% in councils of the biggest statutory cities. A situation on a regional level is similar. In the regional assemblies women make 17, 6%.

The situation in relation to the draft electoral laws and the outcome of parliamentary elections was discussed by the Council for Equal Opportunities of Women and Men on 1 July 2010. The Council entrusted its Committee for Political Participation to analyze the legislative process also in relation to parliamentary elections and to elaborate a new strategy aimed to increase the number of women in decision-making positions, especially politics.

Education, Science

The Ministry of Education, Youth and Sports continues to fulfil its annual plan of activities including strengthening of equal opportunities of women and men, comprising gender equality dimension in curricula, textbooks and methodology materials for all grades of schools. The Ministry also intends to work towards reduction of gender segregation of educational system and stereotypical choice of occupation and balancing rate of high-qualified women in participating in science-pedagogical degrees.

The Council for Equal Opportunities of Women and Men has recently discussed another issue – the unsatisfactory low representation of women in the science, especially in leading positions. We would like to address this matter in forthcoming months.

Employment and Labour Relations

One of the important preconditions for full emancipation of women is the economic independence. At present, the level of employment of women in age group between twenty and sixty four is 61, 4%. Recently, within the framework of the EU policies, the Czech Republic has set a target to increase the participation of women in the labour market and to achieve 65% of employment rate of women in ten years time. A potential source to increase the employment rate of women is women coming back to work after parental leave and older women.

Health Care

The Czech Republic was repeatedly questioned by the Committee on the problem of the uninformed and involuntary sterilization of women. As we have already informed the Committee, the Czech Government expressed its regret for

individual errors of sterilization of women. The Czech Republic also has taken series of systemic steps to prevent the occurrence of involuntary sterilisation in the future. The Ministry of Health has also checked that the health care providers comply with the rules on sterilisation as regards the informed consent.

A new decree of the Ministry of Health concerning study programs of general medicine, dentistry, pharmacy and general practical medicine, effective from 1 July 2009, has made the basic professional ethics, including the legal provisions a new obligatory part of the education. It aims at a better communication between doctor and patient with emphasis on the rights of patients and their application. The extent of education is seventeen hours of ethic and fifteen hours of medical law in relation to patient rights.

In April 2010, the Ministry of Health also prepared a “Patient Guide” distributed to all regions of the Czech Republic, to regional field coordinators through Government Council for Roma Minority Affairs and to health-social workers working in socially excluded areas. This booklet informs clients and potential patients, among which Roma women are one of the main target groups, on their rights and options in the area of health.

Regarding discussed compensation for involuntarily sterilized Roma women, the Czech Republic is of the opinion that this can only be achieved through individual complaints within the framework of existing laws. At present several cases are pending before courts, including three cases which are currently dealt with by the European Court of Human Rights. At this moment there are no plans to introduce a new, specific, ad hoc compensation scheme.

As we already informed the Committee, the Czech Republic is committed to adopt a new legislation on special specific health services as a part of the complex health care reform. The act on special health care services will regulate the issue of sterilisation in detail. The new legislation is expected to enter into force in 2012.

Conclusion

Madame Chair, distinguished Committee Members, Ladies and Gentlemen, successful enforcing of gender equality is a barometer of a general level of development of a particular society. The Czech Republic has in the last five years moved forward in promoting the principle of gender equality. Significant improvements have been achieved in two areas: in the antidiscrimination legislation and its enforcement and in combating domestic violence. In both areas, new structures have been created which could effectively provide assistance to women in need.

I would like to underline that this progress could not have been achieved without initiative and involvement of civil society, especially women non-governmental organisations. Their role in promoting emancipation of women is indispensable. Therefore, we would also work on introducing new ways of more effective cooperation between the governmental and non-governmental sector in the future.

Madame Chair, distinguished Committee Members, Ladies and Gentlemen, thank you for your attention. Together with my colleagues from governmental office for Human Rights and from ministries of Health, Interior, Justice, Labour and Social Affairs and Education, Youth and Sport, we will do our best to answer all your questions satisfactorily. I will introduce my colleagues promptly while answering your particular questions.