



Convention on the Elimination of All Forms of Discrimination against Women

25 August 2006

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**Committee on the Elimination of Discrimination
against Women**
Thirty-sixth session
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Concluding comments of the Committee on the Elimination of Discrimination against Women: Czech Republic

1. The Committee considered the third periodic report of the Czech Republic (CEDAW/C/CZE/3) at its 751st and 752nd meetings, on 17 August 2006 (see CEDAW/C/SR.751 and 752). The Committee's list of issues and questions is contained in CEDAW/C/CZE/Q/3, and the responses of the Czech Republic are contained in CEDAW/C/CZE/Q/3/Add.1.

Introduction

2. The Committee expresses its appreciation to the State party for the third periodic report which followed the Committee's guidelines, and referred to its previous concluding comments. It also expresses its appreciation to the State party for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarification in response to the questions posed orally by the Committee.

3. The Committee commends the State party for its delegation headed by the Deputy Chairman of the Government Council for Equal Opportunities of Women and Men and Deputy Minister of Labour and Social Affairs, and which included women and men representing different ministries and Government offices. The Committee expresses its appreciation for the constructive dialogue held between the delegation and the members of the Committee.

Positive aspects

4. The Committee commends the State party for the adoption of its national action plan entitled "Priorities and procedures of the Government in promoting equality of women and men" which has been drawn up in accordance with the Beijing Platform for Action and the Committee's concluding comments issued on the occasion of the consideration of the State party's initial report, and which has been updated on an annual basis since 1998.

5. The Committee commends the State party on a number of recent laws aimed at eliminating discrimination against women and promoting gender equality and at achieving compliance with the State party's obligations under the Convention. In particular, it welcomes the Education Act of 2004; the Act on Labour Inspection of 2005; the adoption of the new Labour Code in 2006, which prohibits direct and indirect discrimination; and Act No. 135/2006 Coll. amending current laws in the area of protection against domestic violence which will enter into force on 1 January 2007.

Principal areas of concern and recommendations

6. While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all ministries and to Parliament so as to ensure their full implementation.

7. While noting that the State party's efforts to promote gender equality appear to be oriented primarily towards the framework of the European Union provisions, the Committee is concerned that the Convention has not been given the central position as a legally binding human rights instrument and the basis for the elimination of all forms of discrimination against women in all fields covered by the Convention. It also notes that while the Convention takes precedence over national law, the provisions of the Convention have never been invoked before national courts.

8. The Committee calls on the State party to base its efforts to eliminate discrimination against women on the wider scope of the Convention as a legally binding human rights instrument. It encourages the State party to ensure that the Convention and its Optional Protocol and the Committee's General Recommendations are made an integral part of legal education and training of judges, lawyers and prosecutors. It also requests the State party to raise awareness among women of their rights under the Convention and the communications and inquiry procedures provided by its Optional Protocol.

9. While the Committee notes the adoption or amendments of laws, such as the criminal law and the labour law, which prohibits direct and indirect discrimination on the basis of sex, it remains concerned that there is no general anti-discrimination law that contains a definition of discrimination against women in line with article 1 of the Convention. It is also concerned that the adoption of a number of laws that are critical to ensure women's full enjoyment of their human rights is still pending, including the anti-discrimination law, the electoral code and laws in the area of health care.

10. The Committee recommends that a definition of discrimination against women in line with article 1 of the Convention be included in the appropriate domestic legislation, such as in the new anti-discrimination law. It also calls on the State party to put in place procedures for the effective implementation, monitoring and enforcement of such a law. It also strongly encourages the State party to take prompt action on pending laws, particularly in the area of health

care and the electoral code, so as to ensure that a comprehensive legal framework in full compliance with the Convention is in place in the State party.

11. The Committee notes that its previous recommendation on strengthening the national machinery has not been sufficiently addressed by the State party and that the current institutional structure of its national machinery in the form of the Gender Equality Unit in the Ministry of Labour and Social Affairs, gender focal points within ministries, the Government Council for Equal Opportunities of Women and Men and the Government Council for Human Rights do not have sufficient decision-making power, visibility and human and financial resources to effectively coordinate all efforts to accelerate implementation of the Convention and promotion of gender equality in all sectors at the national, regional and local levels.

12. The Committee reiterates its recommendations that the State party strengthen the institutional structure of the existing national machinery in order to make it more effective by providing it with decision-making power, visibility, human and financial resources so that it can effectively implement its mandate and monitor progress towards reaching the goal of gender equality across all ministries and Government agencies. It encourages the State party to ensure that gender focal points within each ministry are composed of senior level staff with direct access to decision makers. The Committee also reiterates its recommendation that the State party establish regional and local gender equality machinery and to ensure effective coordination among all relevant mechanisms and entities on gender equality at the national, regional and local levels. The Committee encourages the State party to continue to raise awareness and build capacity of Government officials and staff at the national, regional and municipal levels on gender equality on an ongoing basis.

13. While noting that the State party has undertaken public information campaigns in the areas of gender stereotypes and domestic violence, the Committee remains concerned about the persistence of deep-rooted, traditional stereotypes regarding the roles and responsibilities of women and men in the family and in society at large, and which are reflected in women's educational choices, their situation in the labour market and their low level of participation in political and public life.

14. The Committee urges the State party to strengthen its efforts at overcoming persistent and deep-rooted stereotypes that are discriminatory of women. It encourages the State party to enhance cooperation with civil society, political parties, the private sector and the media with the aim of disseminating targeted information to specific audiences, such as decision makers, education professionals, youth, and marginalized groups, on the principles of non-discrimination and gender equality as laid out in the Convention. Such awareness-raising efforts should use a variety of media, including radio, TV, electronic and print. It also encourages the State party to integrate gender equality issues systematically in all other information campaigns. It recommends that awareness-raising campaigns be targeted at women and men, girls and boys on a variety of themes, including the participation of women in all employment settings and in public life; on balance of work and family responsibilities for both women and men; and on zero-tolerance of all forms of violence against women.

15. While welcoming the adoption of an amendment to the Criminal Code that penalizes domestic violence and the law amending certain laws in the area of

protection against domestic violence (Act No. 135/2006 Coll.) that will enter into force on 1 January 2007, and that provides for restraining orders and intervention centres, the Committee is concerned about the low number of convictions and of sentences for perpetrators of violence against women, as well as the current definition of rape.

16. The Committee calls upon the State party to ensure full implementation and close monitoring of the effectiveness of Act No. 135/2006 Coll. amending current laws in the area of protection against domestic violence, including of the new intervention centres foreseen in that Act so as to ensure that all women victims of violence, including those living in rural areas and particularly Roma women, have access to immediate means of redress and protection. The Committee calls upon the State party to provide adequate funding for the new intervention centres as well as for shelters and other support services for victims of violence, such as 24-hour hotlines run by the Government and non-governmental organizations. The Committee also recommends that the State party provide ongoing training and capacity-building for all those working with victims of violence, including police officers, judges and prosecutors, medical professionals and social workers nationwide, including in rural areas. The Committee also calls on the State party to ensure that the criminal definition of rape penalizes any sexual act committed against a non-consenting person, including in the absence of resistance.

17. While the Committee commends the State party for having adopted a National Strategy against Trafficking in Human Beings following the Committee's recommendation in its previous concluding comments, the Committee remains concerned about the persistence of trafficking in women and girls and the exploitation of prostitution. The Committee is concerned that the State party has not yet ratified the Convention against Transnational Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

18. The Committee recommends that the State party increase its efforts to prevent human trafficking, including by taking appropriate measures to suppress the exploitation of prostitution in the country, and to provide updated information on measures taken in its next periodic report. It also encourages the State party to adopt the Convention against Transnational Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in order to accelerate progress both in preventing and combating trafficking in women and children.

19. The Committee reiterates its concern about the continuing underrepresentation of women in Parliament and Government, including in standing and ad hoc committees, at the international level, and in the private sector. The Committee is also concerned about an apparent reluctance within Government ministries to apply temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures. It is also concerned about the suspension of the adoption of the draft election bill that envisaged at least 30 per cent representation of either sex.

20. The Committee encourages the State party to take sustained measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 and to establish concrete goals and timetables so as to accelerate the increase in the

representation of women in elected and appointed bodies in all areas of public life, including in the foreign service, at all levels, and to monitor their achievement. It further encourages the State party to proceed with the finalization and adoption of the new election bill that envisages adequate temporary special measures. It also recommends further efforts to increase the number of women in appointed positions, in decision-making positions in public administration, and in the private sector. Such measures should include the setting of time-bound targets; implementation of awareness-raising campaigns; provision of financial incentives to political parties; and development of targeted training and mentoring programmes for women candidates and women elected to public office. The Committee urges the State party to carefully monitor the effectiveness of measures taken and of results achieved in its next periodic report.

21. The Committee is concerned that Roma women and girls remain in vulnerable and marginalized situations, especially in regards to health, education, employment and participation in public life and decision-making. The Committee also regrets the insufficient data provided on the situation of Roma women and girls in these areas, as requested by the Committee in its previous concluding comments.

22. The Committee recommends the State party to take effective measures to eliminate the multiple forms of discrimination against Roma women and girls and to enhance respect for their human rights through effective measures, including temporary special measures in accordance with article 4, paragraph 1 of the Convention and general recommendation 25 of the Committee. It also calls on the State party to accelerate achievement of Roma women's de facto equality by strengthening the coordination among all agencies working on Roma, non-discrimination and gender equality issues, particularly in the areas of health, education, employment and participation in public life. It urges the State party to implement targeted measures to eliminate discrimination against Roma women in all areas within specific timetables, to monitor their implementation and achievement of stated goals, including within the Decade of Roma Inclusion 2005-2015, and to take corrective action whenever necessary. It calls upon the State party to provide in its next periodic report a comprehensive picture of the situation of Roma women and girls, including data disaggregated by sex in regard to their educational opportunities and achievements, access to employment and health-care services and participation in public life and decision-making.

23. The Committee is particularly concerned about the report, of December 2005, by the Ombudsman (Public Defender) regarding uninformed and involuntary sterilization of Roma women and the lack of urgent Government action to implement the recommendations contained in the Ombudsman's report and to adopt legislative changes on informed consent to sterilization as well as to provide justice for victims of such acts undertaken without consent.

24. The Committee urges the State party to take urgent action to implement the recommendations of the Ombudsman/Public Defender with regard to involuntary or coercive sterilization, and adopt without delay legislative changes with regard to sterilization, including a clear definition of informed, free and qualified consent in cases of sterilization in line with the Committee's general recommendation 24 and article 5 of the European Convention on

Human Rights and Biomedicine; provide ongoing and mandatory training of medical professionals and social workers on patients' rights; and elaborate measures of compensation to victims of involuntary or coercive sterilization. It also calls on the State party to provide redress to Roma women victims of involuntary or coercive sterilization and prevent further involuntary or coercive sterilizations. The Committee requests the State party to report on the situation of Roma women pertaining to the issue of coercive or involuntary sterilization, in its next periodic report, including a detailed assessment of the impact of measures taken and results achieved.

25. While welcoming the provisions in the Employment Act, the Labour Code and the Act on Labour Inspection which prohibit direct and indirect discrimination and sexual harassment, and provide for parental leave, the Committee remains concerned about the consistent wage gap between women and men and the concentration of women in certain employment sectors as well as the low representation of women in managerial and decision-making positions.

26. The Committee requests the State party to closely monitor the effective implementation of the new legal framework in the Employment Act and Labour Code and to ensure compliance with the anti-discrimination provisions, including their systematic monitoring by labour inspectors, and the collection of data on complaints filed. It encourages the State party to raise awareness about these provisions through public information campaigns. The Committee also recommends that the State party take measures to ensure that the private sector fully abides by the anti-discrimination provisions in these laws. The Committee further requests the State party to assess the wage gap between women and men by comparing "male-dominated" and "female-dominated" sectors and to take remedial steps. The Committee also urges the State party to monitor the use of the new parental leave provisions by women and men as an indicator of shared family responsibilities and to develop incentives to encourage more men to avail themselves of parental leave.

27. The Committee is concerned that women living in rural areas may not benefit fully and equally from the State party's legislative and policy framework for the promotion of gender equality. The Committee is also concerned about the absence of development programmes for rural women to support them in obtaining the skills and resources necessary to become competitive in the labour market.

28. The Committee urges the State party to give full attention to the needs of rural women and ensure that all policies and programmes aimed at promoting gender equality, including those in regard to health, education, employment and elimination of violence against women, reach the rural areas and are fully implemented at county level. The Committee recommends to the State party to undertake a comprehensive assessment of the situation of rural women and implementation of article 14 of the Convention and to present its findings, including data, in the next periodic report.

29. The Committee regrets the limited availability of statistical data disaggregated by sex and age as well as by ethnicity, and by urban and rural areas, which makes it more difficult for the Committee to assess progress and trends over time in the actual situation of women and their enjoyment of their human rights in regard to all areas covered by the Convention.

30. The Committee calls upon the State party to enhance its data collection and analysis of such data in all areas covered by the Convention so as to assess more accurately the actual situation of women and their enjoyment of their human rights, disaggregated by sex, ethnicity, age, by urban and rural areas as applicable, and to track trends over time, and to design and implement better targeted policies and programmes aimed at promotion of gender equality. It also calls upon the State party to monitor, through measurable indicators, the impact of laws, policies and action plans and evaluate progress achieved towards realization of women's de facto equality. The Committee requests the State party to include in its next report such statistical data and analysis.

31. The Committee encourages the State party to translate into the Czech language the Committee's general recommendations and to distribute them widely together with the text of the Convention and its Optional Protocol.

32. The Committee calls upon the State party to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

33. The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

34. The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

35. The Committee notes that States' adherence to the seven major international human rights instruments¹ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of the Czech Republic to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

36. The Committee requests the wide dissemination in the Czech Republic of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

37. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its fourth periodic report, which was due in March 2005, and its fifth periodic report, due in 2009, in a combined report in March 2009.
