



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Forty-seventh session

Summary record of the 956th meeting

Held at the Palais des Nations, Geneva, on Thursday, 14 October 2010, at 10 a.m.

Chairperson: Ms. Pimentel (Vice-Chairperson)

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In the absence of Ms. Gabr, Ms. Pimentel, Vice-Chairperson, took the Chair.

The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined fourth and fifth periodic reports of the Czech Republic (CEDAW/C/CZE/5; CEDAW/C/CZE/Q/5 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of the Czech Republic took places at the Committee table.*

2. **Mr. Walek** (Czech Republic), introducing the combined fourth and fifth periodic reports of the Czech Republic (CEDAW/C/CZE/5), said that, in order to clarify the Convention's meaning for the general public, there were plans to publish all the Committee's general recommendations in 2011. In another move to publicize the Convention, the Government's responses to the list of issues had been circulated to all ministries and a number of other bodies before the Government had finally approved them in June 2010.

3. Although Czechoslovakia had been one of the first countries to give women the vote and to grant them full civil and political rights, there was not one woman in the Cabinet. However, three out of four chairpersons of the lower chamber of Parliament were women and the number of female Members of Parliament was the highest in history, thanks to the wider use of preferential votes for individual candidates on party lists in the May 2010 elections. Seven parliamentary committees were chaired by women. At the local level, women's membership of town councils ranged from 19.5 per cent to 26 per cent and they made up 17.6 per cent of the members of regional assemblies. Unfortunately, a new bill to promote greater representation of women in elections had been withdrawn after serious concerns had been expressed about its constitutionality.

4. In the field of education and science, the Ministry of Education, Youth and Sports was determined to reduce gender segregation in schools and stereotyped choices of occupation, while boosting the percentage of women studying for science degrees, in a bid to increase women's representation in senior positions in the scientific world. Overall, the Czech Republic was aiming to achieve a women's employment rate of 65 per cent by 2020.

5. The new Government's policy statement showed that it intended to combat crimes against women, create conditions enabling parents to return to work sooner, enhance the social position of the family through the closer involvement of both parents in childcare and encourage the development of alternatives to family care by offering tax incentives for the expansion of childcare services.

6. With regard to the institutional framework, he explained that the Gender Equality Unit served as the secretariat of the Government Council for Equal Opportunities for Women and Men and that its primary task was to coordinate the gender focal points in ministries. It also had the important duty of preparing the annual action plan to achieve gender equality.

7. As for legislative changes and new policies, the Czech Republic's ratification of the United Nations Convention on the Rights of Persons with Disabilities demonstrated its commitment to addressing the needs of women with disabilities. Since its inception, the Office of the Ombudsman had issued two legal opinions dealing with gender discrimination, one on discrimination in the provision of goods and services, the other on wage discrimination. The equality unit in that Office gave individuals the practical means to assert their right to non-discriminatory treatment and part of its work was to support

other bodies, such as labour inspectorates, which were responsible for tackling discrimination.

8. The new Criminal Code had defined some new offences including stalking, and also abortion without the women's consent. An amendment to the Criminal Procedure Act, which would enter into force in 2011, would enable courts to award non-material damages, a step forward which would benefit victims of criminal offences such as rape. The new Act also ensured that victims would have access to free legal aid. The draft national action plan on prevention of domestic violence proposed rules for assisting child victims of domestic violence, standards for shelters and reform programmes. In 2009 and 2010, the Judicial Academy had held seminars on trafficking in human beings, domestic violence and the amendments to the Criminal Code. There were plans to arrange similar courses in 2011.

9. One crucial measure proposed in the 2010 action plan for the creation of equal opportunities for women and men was the elaboration of a gender strategy for 2011 to 2015 that would make gender equality a cross-cutting principle, establish key areas and strategic targets and focus more on vulnerable groups of women. The Committee's comments would be taken into account when drafting the strategy.

10. The current Government attached priority to Roma integration and improving the situation of Roma women through education, training and participation in the labour market. As President of the Decade of Roma Inclusion 2005–2015, the Czech Republic intended to convene an international conference on the situation of Roma women. The Ministers of Education, Labour and Social Affairs and the Government Commissioner for Human Rights had discussed measures for using Roma women's potential to foster integration and for improving Roma children's education. The purpose of the Gypsy Spirit prizes, which were being awarded for the second year, was to show the general public that Roma women and men were an integral part of society and that they contributed to society's development by enhancing diversity.

11. The Interdepartmental Coordinating Commission had proposed in its 2009 report on trafficking in human beings in the Czech Republic that recommendations should be drawn up in 2010 on ways of promoting the exchange of information between judicial authorities and improving data collection.

12. In the health field, professional ethics courses had become an obligatory part of the training given to doctors, dentists and pharmacists. In April 2010 the Ministry of Health had distributed a booklet informing clients and potential patients, including Roma women, of their rights and options. Several Roma women who had undergone involuntary sterilization had submitted compensation claims to the national courts and the European Court of Human Rights. While there were no plans to introduce a specific compensation scheme, new legislation to regulate sterilization was expected to enter into force in 2012.

13. Since the significant progress achieved in adopting and enforcing anti-discrimination legislation and in combating domestic violence would not have been possible without the participation of civil society, the Government was going to seek new avenues of cooperation between the governmental and non-governmental sectors in the future.

14. **Mr. Flinterman** wished to know how the State party ensured that everyone was aware of the full scope of the Convention and that the provisions of the Anti-discrimination Act were interpreted in light of the Convention and the Committee's concluding comments and general recommendations. He requested information on the availability of legal aid for women who wished to bring a court action on grounds of discrimination. He was curious to know how much the new special remedy under section 10 of the Anti-discrimination Act cost and whether it was easily accessible. Was legal representation required? Had the procedure been used and, if so, with what outcome?

15. He had been interested to note the Ombudsman's new role as an equality body. Given the wide scope of the Anti-discrimination Act, he wondered if the Office of the Ombudsman had enough human and financial resources and sufficient powers to bring about systemic change. Had the Ombudsman cited the Convention in the two cases mentioned in the delegation's introductory statement?

16. **Ms. Ameline** asked what obstacles stood in the way of the Czech Republic's full incorporation of the Convention into domestic law. Why had some international treaties on trafficking not been ratified? It was worrying that there were no female ministers in the Czech Republic. What factors might favour the achievement of de facto as opposed to de jure gender equality?

17. Did the Government intend to recognize ethnic minorities? What were the Government's real aims: to settle the Roma or align their rights on those of the general population? Could the Czech Republic supply Europe with a solution to the issue of the Roma? She wondered if the Government was prepared to offer more than a mere apology for the involuntary sterilization of women.

18. **Ms. Jaising** said that there was a low level of registration of Roma in the Czech Republic and no statistics on them. She wondered what the obstacles were. It would be useful to know whether the mobile lifestyle of Roma was protected or whether they were forced to settle. She asked how Roma's rights as a minority were addressed in the equality framework. Were they considered a linguistic minority, with special protection for their language?

19. **Ms. Arocha Domínguez** asked for clarification of the status of the Gender Equality Unit since its transfer to the Human Rights Office in 2008. She asked what resources the four equal opportunities committees of the Council for Equal Opportunities for Women and Men had set aside specifically for women, given that the Council's mandate covered both women's and men's rights. She wondered whether the State party had considered adding a fifth committee to focus on the rights of vulnerable groups, including the Roma. The lack of information on Roma gave rise to the question of whether there were specific policies for Roma women, since they suffered distinct forms of discrimination.

20. **Mr. Flinterman** said that the Czech Republic had not yet implemented any temporary special measures, despite the recommendation to do so in the Committee's previous concluding comments (CEDAW/C/CZE/CO/3). He asked why the Ministry of Defence had not implemented the temporary special measure referred to in the State party's report (paras. 49–50). How many women were there in the Armed Forces?

21. The State party had also failed to implement temporary special measures to encourage women's participation, owing to concerns that the measures were unconstitutional. Given that the Convention took legal precedence over the Constitution, he requested more detail on that issue and wondered whether it could be set aside in order to allow the State party to fulfil its obligations under the Convention.

22. **Ms. Patten** asked whether the State party was engaging with the private sector to accelerate equality through temporary special measures. She suggested that the State party should introduce special measures on employment for Roma women.

23. Recalling that the Convention's definition of discrimination included indirect and unintentional discrimination as well as multiple discrimination, she wondered what the situation of vulnerable groups such as older women and women with disabilities was in the Czech Republic and whether there were any temporary special measures in place for them.

24. **Ms. Baršová** (Czech Republic) said that, since language could act as a barrier to increasing the visibility of the Convention, the Government was planning to hold a press conference in Czech on the Committee's recommendations on the report.

25. The Anti-discrimination Act of 2009 and the Office of the Ombudsman were mechanisms available to people who believed that they had suffered discrimination. Victims of discrimination were helped in the first instance by the Ombudsman, who analysed their situation and detailed the available remedies. There was no requirement to have legal representation when pursuing legal proceedings on discrimination, although it was advisable. Legal counsel could be provided through NGOs.

26. The Anti-discrimination Act was viewed as a standard-setting piece of legislation that helped resolve problems and define regulations. Although there had been no reference to the Convention in the two cases of alleged sex discrimination which the Ombudsman had already handled, the Anti-discrimination Act had been applied and it was unlikely that the Convention would have affected the outcome of either case.

27. **Mr. Konůpka** (Czech Republic) said that the Constitutional Court of the Czech Republic was competent to hear all cases on human rights violations, including those based on the Convention. The Convention had not often been invoked in court because the parties involved preferred to invoke the equivalent domestic legislation. Statistics on the laws cited in court were compiled from completed cases so as yet there were none on the Anti-discrimination Act in that regard.

28. **Mr. Walek** (Czech Republic) said that it was illegal for the State to hold data on ethnic minorities. There were two figures for the Roma population of the Czech Republic: approximately 11,800 people had self-identified as Roma in the 2001 census, whereas the most recent sociological survey commissioned by the Government had put the figure for Roma at 189,000.

29. Roma were protected by the Constitution and were specifically mentioned in the Act on Rights of Members of National Minorities. The Roma language was protected by the European Charter for Regional or Minority Languages, to which the Czech Republic was a party, and the Government offered funding to promote the Roma language. There was also a Government Council for Roma Affairs, which was a consultative body chaired by the Prime Minister and comprising a number of Government ministers and 14 representatives of the Roma. The Council had four subcommittees and 14 Roma regional advisers. In some areas the Council had local Roma advisers and social workers.

30. A lack of coordination in the past between the municipal and national levels had led to the establishment of the Agency for Social Inclusion. The Agency helped locate funding and technical know-how for local programmes for Roma in socially excluded areas. It was currently active in 23 municipalities and in 2011 that figure would rise to 32.

31. Roma integration was a priority on the Government's human rights agenda. A policy statement on Roma integration had been issued in 2009, and a strategy developed for 2011. The Czech Republic had taken a leading role in promoting Roma integration at the European level and had put forward the 10 Common Basic Principles on Roma Inclusion during its presidency of the Council of Europe.

32. There were no current plans on measures to provide compensation to women who had been involuntarily sterilized.

33. **Ms. Špondrová** (Czech Republic) said that, until the 2010 elections, the Council for Equal Opportunities for Women and Men had been directed by the Prime Minister. The new Prime Minister was expected to announce the name of the Commissioner for Human Rights soon. Close links with the Prime Minister were a significant political advantage for the Council.

34. **Ms. Holušová** (Czech Republic) said that the amendments to the Criminal Code had increased the penalties for trafficking. The Czech Republic hoped to ratify the United Nations Convention against Transnational Organized Crime, in the near future. Trafficking

fell under the mandate of the Ministry of the Interior, which had developed a national plan to combat trafficking for 2008 to 2011. Government policy on transnational organized crime also addressed trafficking.

35. **Ms. Špondrová** (Czech Republic) said that, in practice, the Council for Equal Opportunities for Women and Men focused almost entirely on women, and particularly on the issue of domestic violence, since studies showed that women were the main victims. Women were also the focus of work on equality in public and political life, whereas work on the domestic sphere targeted both sexes, to encourage men and women to share domestic tasks.

36. The Committee for the Institutional Safeguarding of Equal Opportunities for Women and Men had conducted two studies on sexual harassment in tertiary education. The studies had shown that women were more likely than men to suffer sexual harassment in higher education and the Committee had therefore focused its efforts on women.

37. Approximately two thirds of women in the Armed Forces were in non-combat posts. Overall, women made up between 10 and 15 per cent of the Armed Forces, a figure that was rising for the 30 to 34 age group. The numbers of men and women in senior military posts were relatively balanced.

38. **Ms. Baršová** (Czech Republic) explained that the electoral bill had been deemed unconstitutional because it conflicted with articles of the Constitution that protected political parties' freedom to present candidates. Some people had argued for a new provision in the Constitution that would permit the introduction of a 30 per cent quota for women candidates, but it had proved impossible to reach political consensus on its wording. However, a number of legal opinions had been produced, which meant that the effort had not been fruitless.

39. **Ms. Awori** asked whether the Czech Republic had a time frame for the adoption of a national action plan for the prevention of domestic violence for the period 2010–2014. What plans did the Government have for comprehensive research into domestic violence and the impact of existing legal measures and strategies? What research had been conducted into the social and economic impact of domestic violence? She wondered how many women had died as a result of such violence.

40. She asked the delegation to comment on reports that sexual violence and rape were taboo subjects in the Czech Republic, that many dangerous stereotypes of AIDS still persisted and that the number of reported rapes did not reflect the true incidence of rape. The attrition rate of prosecution for rape offences was also said to be high because criminal proceedings were often discontinued, which meant that, despite the 500 to 600 rapes reported annually, only some 150 perpetrators were convicted. One third of those prosecutions allegedly ended in parole. She therefore wished to know if the sexual violence prevalence rate had ever been computed. She also requested information on education and training for the police, prosecutors and judges. Were any public-awareness campaigns being run on the issue of sexual violence? Was there a time frame for the introduction of the new measures under the Criminal Code to enable rape victims to claim non-material damages and to receive legal aid?

41. **Ms. Hayashi** asked whether nationwide research had been carried out, and whether the State party had analysed its policy on Roma women, before the draft national action plan on prevention of domestic violence had been finalized. What training did the police receive on informing victims of domestic violence about sources of medical, legal and psychological assistance? Were medical personnel sensitized to the gender issues involved in sexual violence?

42. She asked whether it was true that the court often tried to mediate when children's custody was contested by parents. How did the national action plan approach the custody of children of violent parents? She drew attention to the fact that many other countries' courts took the view that mediation was inappropriate in the event of domestic violence and regarded the latter as a reason to deprive parents of their right of custody.

43. **Ms. Chutikul** pointed out that it was impossible for a country to combat human trafficking effectively unless it ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. She wished to know how work to combat trafficking in human beings was divided between the Ministry of the Interior and the Interdepartmental Coordinating Commission.

44. Making enrolment in the Programme of Support and Protection of Human Trafficking Victims in the Czech Republic conditional upon victims' cooperation with law enforcement agencies was contrary to the Recommended Principles on Human Rights and Human Trafficking (E/2002/68/Add.1). State practice could even be interpreted as discriminatory, since it appeared to be based more on the State's interest in prosecuting perpetrators than on an intention to protect victims of human rights violations. She therefore urged the State party to reconsider that practice.

45. There was a need for the systematic identification of victims of trafficking based on an all-inclusive definition and for a standard procedure involving specialized police units, labour inspectors, social and health workers and NGOs. The establishment of such a procedure would save time, because the assistance and protection programme could then be put into operation as soon as the victims were officially identified. She asked if there were any plans to introduce measures along those lines.

46. Roma women and children and those of other ethnic communities were not specifically mentioned as target groups, although they were vulnerable to cross-border trafficking and exploitation, and she wished to know what provision had been made for their inclusion in the victim-protection programme.

47. She asked if the Government was aware that the duty to notify a crime under the Criminal Code could have adverse consequences. It should consult NGOs that worked with trafficking victims in order to identify those consequences and devise practical measures to avert them.

48. Had the Czech Government signed any cooperation agreements with undocumented migrant workers' countries of origin to stem the flow of such migration?

49. **Ms. Ara Begum** said that an alternative source of information had indicated that the Czech Republic was a country of origin, transit and destination for trafficking in Roma women for sexual and labour exploitation. It was regrettable that the alarming statistics on human trafficking quoted in the responses to the list of issues did not include disaggregated data on recovery, prosecution, punishment or rehabilitation, or on groups of women and children who were vulnerable to trafficking. She therefore requested the provision of such data in the State party's next periodic report.

50. Did the Czech Republic run any training courses on identifying and assisting victims of trafficking and on referral to the asylum system of those in need of protection? She sought assurances that victims received the requisite assistance and protection irrespective of their participation in criminal proceedings. What measures were taken to deal with the trafficking of children from other countries? Had the Czech Republic entered into any agreements with countries of origin, transit and destination to combat the trafficking of human beings for forced labour? She wondered if the Roma community had been alerted to

the dangers of trafficking and if there were any plans for prevention campaigns targeting the Roma, persons living in situations of social exclusion and especially vulnerable persons.

51. **Ms. Ameline** asked what resources were available to implement the national strategy to combat trafficking and what measures were in place to bring home to the general public and to potential victims the serious nature and size of the problem. Even after the recent amendments, the Criminal Code did not cover all the offences in question. Tough sentences for traffickers might have a dissuasive effect.

52. Since trafficking and illegal labour were linked, she wondered if there were any plans to introduce legislation to curb the black economy or to strengthen immigration law. She also requested information on the Czech Republic's cooperation with other countries in the European Union and elsewhere to combat trafficking and on the resources available to back policy on that subject.

53. **Ms. Holuřová** (Czech Republic) said that in the Czech Republic, the prevention of domestic violence rested on three pillars: the expulsion of the perpetrator from the family home, the victim's right to apply for interim protective measures and the care of victims in 1 of the 17 intervention centres. Some 4,000 women contacted intervention centres every year. The police, judiciary and social workers all received training in combating domestic violence.

54. As to prostitution and trafficking, she said that the Interdepartmental Coordinating Commission had been set up in 2008 and consisted of representatives of ministries and NGOs. The police, the Ministry of the Interior, NGOs and the International Organization for Migration (IOM) provided various forms of assistance within the framework of the Programme of Support and Protection of Human Trafficking Victims in the Czech Republic. The Ministry of the Interior had issued internal guidelines on support for victims of trafficking and the police had set up special units to combat both domestic violence and trafficking. Unfortunately, none of the campaigns targeting potential victims of trafficking and prostitution focused on Roma women or other vulnerable groups.

55. The new Criminal Code contained a provision on the subject of forced labour. The Czech Republic was participating in many international projects concerning migrants from Viet Nam, Ukraine and Mongolia since the victims of forced labour came mostly from those countries. She undertook to provide more detailed information within a few days.

56. **Ms. Špondrová** (Czech Republic) said that the national action plan on prevention of domestic violence had been submitted to the Government. The Prime Minister was expected to approve its formal adoption within a few weeks. The plan was the fruit of work by several interdisciplinary teams.

57. In partnership with the Ministry of the Interior and the Ministry of Justice, the Committee for the Prevention of Domestic Violence was keen to extend its mandate to cover sexual violence, including rape. It also intended to raise awareness of sexual violence against women with a national campaign that it hoped to link to the 2009 Government campaign on violence against children.

58. **Mr. Konůpka** (Czech Republic) said that the Ministry of Justice was aware of NGOs' concerns about trafficking legislation, and was considering further amendments to the Criminal Code to ensure that people working for NGOs and providing humanitarian aid to adult victims of trafficking could not be prosecuted for failing to notify the authorities of an offence of trafficking. The amendment was expected to come into force in 2011.

59. **Ms. Zou Xiaoqiao** asked for more detail on the measures that protected the Roma language. She wondered whether the State party had a comprehensive action plan to increase the visibility of the Convention in the Czech Republic and to train all relevant stakeholders on its provisions.

60. **Mr. Flinterman** said that the Committee's general recommendation No. 25 recommended that States parties should include a provision on temporary special measures in their Constitution or other legislation in order to ensure that such measures could be adopted.
61. He asked the delegation to clarify whether Czech citizens could bring complaints based on violations of the Convention to the Constitutional Court. If so, he would appreciate some examples. Was that also the case for other international treaties to which the Czech Republic was a party?
62. **Ms. Ameline** asked whether the Human Rights Office was an independent institution in accordance with the Paris Principles.
63. **Ms. Halperin-Kaddari** said that the definition of rape in the amended Criminal Code took account of the abuse of vulnerability. She asked whether that provision also applied when vulnerability was a result of the perpetrator's actions. She would like to know whether the Criminal Code penalized rape when there was no resistance from the victim.
64. **Ms. Awori** asked if there was any research on the prevalence of sexual violence that could assist the Government in drawing up an informed policy. She would appreciate an answer to her question on how many women had died as a result of sexual violence.
65. **Ms. Ara Begum** asked what measures the Government was taking to address the problem of trafficking in children for the purposes of sexual exploitation and to rehabilitate trafficked children. She asked how many shelters were available for victims of trafficking and victims of domestic violence.
66. **Mr. Walek** (Czech Republic) said that the Programme of Support and Protection of Human Trafficking Victims would be reconsidered from a human rights perspective.
67. **Ms. Baršová** (Czech Republic) said that a good deal of training on gender equality was provided to officials, especially to those in the judiciary and the police, and to all new Government employees. She agreed that more could be done to increase the visibility of the Convention.
68. Government policy was, as far as possible, based on research. Unfortunately, financial restraints meant that outdated research was often the only source available. In developing its policy on rape, the Government used research by NGOs. The Council for Equal Opportunities for Women and Men often used studies by the Academy of Sciences, a public research institute.
69. **Mr. Konůpka** (Czech Republic) said that any Czech citizen could bring a complaint to the Constitutional Court. The Court was competent to hear cases on violations of any of the international treaties to which the Czech Republic was a party.
70. **Mr. Walek** (Czech Republic) said that the Government promoted the Roma language by funding Roma books and teaching.
71. **Ms. Baršová** (Czech Republic) said that the Human Rights Office was a Government body, not an independent institution. The Ombudsman, however, was increasingly fulfilling the role of independent human rights institution, as defined in the Paris Principles, as its area of activity expanded.
72. **Mr. Konůpka** (Czech Republic) said that, under the amended Criminal Code, an immediate threat of violence was no longer a condition for defining an act as rape. It was enough for there to have been a threat of violence at some point in the past, before the offence was committed. It had been recognized that resistance was not a key factor in establishing an offence of rape. Cases where there was no resistance should be covered by the provision in the Code relating to a past threat of violence.

73. **Ms. Holušová** (Czech Republic) said that the police received training on how to question child victims of trafficking and there were special facilities for such children. NGOs ran a number of facilities to support trafficked children and help them to reintegrate into society.

Articles 7–9

74. **Ms. Belmihoub-Zerdani** said that the level of women's political representation in the Czech Republic was low compared to other European countries, and suggested that the State party should focus, in the first instance, on increasing women's involvement in local politics. She asked whether Roma living in the Czech Republic were full citizens with Czech nationality.

75. **Mr. Walek** (Czech Republic) said that Roma were Czech citizens with Czech nationality. He agreed that there were problems in collecting statistical data on Roma but said that they had been circumvented by conducting sociological surveys.

76. **Ms. Murillo de la Vega** expressed concern at the recent fall in the number of women in decision-making positions in Government. She said that the gender ratio of political representatives should be the same as it was in society as a whole and advised the State party that quotas were a useful tool for increasing women's political participation. She suggested that the Council for Equal Opportunities for Women and Men should analyse the outcome of the 2010 elections and make recommendations on the bill to introduce quotas for female election candidates.

77. **Ms. Pánová** (Czech Republic) said that the representation of women at the regional and local level was similar to that at the national level. In the forthcoming elections women accounted for approximately 30 per cent of candidates on the party lists. Between 20 per cent and 30 per cent of the top 10 places on party lists were occupied by women. Voting procedures had changed recently, so it was not yet possible to say how that would affect women's representation at municipal level.

78. **Ms. Stromšíková** (Czech Republic) said that there were a number of women in high-level positions in the diplomatic and foreign services, and that the gender ratio of newly recruited staff was close to equal.

The meeting rose at 1 p.m.