



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

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**Committee on the Elimination of Discrimination
against Women**
Thirty-sixth session

Summary record of the 752nd meeting (Chamber A)

Held at Headquarters, New York, on Thursday, 17 August 2006, at 3 p.m.

Chairperson: Ms. Schöpp-Schilling (Vice-Chairperson)

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In the absence of Ms. Manalo, Ms. Schöpp-Schilling, Vice-Chairperson, took the Chair.

The meeting was called to order at 3.05 p.m.

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

Third periodic report of the Czech Republic (continued) (CEDAW/C/CZE/3; CEDAW/C/CZE/Q/3 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.*

Articles 7 to 9 (continued)

2. **Mr. Sajda** (Czech Republic) said that deputy ministers were not required to belong to any political party, even though they usually did. They were professionals and prepared material for political decisions. All the people in his ministry, the Ministry of Labour and Social Affairs, were experts, not politicians. They did, however, consult with politicians, employers and employees, in order to find solutions.

3. **Mr. Schorm** (Czech Republic) said that the views of the Ministry of Justice on positive or affirmative action, in particular its commitment to ensuring equal representation of men and women in managerial posts, were set out in the responses to the list of issues and questions. Although, to his knowledge, general recommendation No. 25 had not been translated into Czech and disseminated, that could be done if the Committee thought it advisable.

Articles 10 to 16

4. **Ms. Zou** asked for more information on education. For example, which fields of study did boys and girls tend to choose? Was the dropout rate a problem and, if so, were there any special measures to address it, particularly among girls? According to the report, girls often did not register for disciplines traditionally studied by boys. Had any surveys been conducted to find out how that affected girls' employment prospects? Lastly, were there any special measures to enable ethnic minority women and girls, particularly those from poor families, to gain access to education?

5. **Ms. Simms** commended the Government on its efforts to encourage girls to move into traditionally male areas, but expressed concern about the education of Roma children. Presumably, the Government did not collect data disaggregated by race for fear of encouraging racial discrimination. However, that was a contradiction. A system was needed to ensure that account was taken of Roma children, their culture and their need to be integrated without losing that culture. She was also curious to know whether any gender-sensitive materials had been developed for young Roma women.

6. **Ms. Saiga** said that she still did not understand the difference between maternity leave and parental leave. In particular, how much maternity or parental leave were parents entitled to take and how much financial assistance did they receive during that time? She also wished to know whether fathers were taking parental leave too and, if not, what the Government was planning to do about it.

7. **Ms. Gaspard** said that the delegation's comment at the preceding meeting that there were many women in decision-making positions was contradicted by the report, which stated that the number of women was rising in lower decision-making positions, but falling in higher positions. What was the reason behind that trend? In addition, women did not seem to be represented equally in the various ministries. For example, there were many women in the Ministries of Culture, Social Affairs and Health, but very few in the Ministry of Justice.

8. **Ms. Morvai** said that she would be interested to know what the Government was doing to ensure that the principles of gender mainstreaming and gender equality in employment were understood and reinforced in the private sector. In particular, were any specific obstacles preventing private-sector employers from understanding those principles?

9. **The Chairperson**, speaking as a member of the Committee, asked whether there had been any court verdicts on indirect discrimination in the labour market.

10. According to the report, a parent was entitled to take parental leave until the child reached the age of 3, but a family allowance was paid until the child was 4. Why the discrepancy? Did that mean that the parent's job was guaranteed for only three years? The situation was unclear.

11. While commending the State party for increasing parental leave, she wondered whether it was really feasible for fathers to stay at home, unless they were students or unemployed. Under the current system, if the higher earner chose to stay at home, the family would be in a worse situation financially. Had that been taken into account? Some countries linked the parental leave benefit to the most recent pay level of the parent concerned, rather than fixing a set amount. She wished to know how many fathers had taken parental leave and whether parental leave was recognized in the pension system.

12. The response to question 22 (CEDAW/C/CZE/Q/3/Add.1) was unclear. It referred only to general employment programmes for Roma citizens, whereas the question was about measures undertaken to create economic opportunities for Roma women. For example, if the Government was trying to encourage women to enter traditionally male fields, why did the masonry work project relate only to men?

13. Could the delegation provide any data on the wage gap for 2002 onward? She was particularly curious to know whether there had been any attempts to quantify the weight of individual factors. Wage gaps often looked quite bad overall, but when elements such as periods of leave and seniority levels were factored out, discrimination, though still there, was easier to target. Lastly, she would be interested to learn whether there had been any attempts to re-evaluate pay levels in traditionally female sectors.

14. **Mr. Sajda** (Czech Republic) said that girls and boys had equal access to education from the age of 6 and went on to enjoy equal treatment throughout life. Any wage gap was simply due to the fact that there were more men than women in high-paying positions.

15. On the issue of gender mainstreaming and gender equality in employment, he said that the same laws applied to both the public sector and the private sector. Moreover, the Government could indeed take steps to ensure that the private sector followed those laws.

16. As to whether it was feasible for fathers to stay at home, he said that several thousand already did.

17. **Ms. Švecová** (Czech Republic) said that there was no discrimination on gender or other grounds in school admissions. If an educational establishment applied certain criteria, they were the same for all students, without exception.

18. Under the previous law, the Ministry of Education had not been required to keep separate data on Roma women and girls in education. It was, nonetheless, committed to helping children from disadvantaged backgrounds, in cooperation with regional and local authorities and school principals. The new law included criteria on how to identify socially disadvantaged children so that they could be given special help. For the purposes of the law, children from a family environment with a low social and cultural status, children for whom institutional or protective education had been ordered, or children involved in asylum proceedings in the Czech Republic were considered to be socially disadvantaged. All teachers in the system should, therefore, be able to identify and help such children.

19. The Ministry of Education had also introduced measures at the different levels of the education system. For example, the preschool level now included special classes tailor-made for children from disadvantaged backgrounds. At higher grade levels, school assistants were there to help them. The Ministry of Education was committed to setting up a system of preschool care for disadvantaged children, as demonstrated by the considerable amount of money that it had invested in such programmes.

20. Currently, plans were under way to provide an extended school day. Schools would not become boarding schools, since the pupils would go home at the end of the day, but activities would be provided to fill up the whole day. The intention was to increase children's motivation, enabling them to be more successful, and to improve cooperation between families and schools, involving parents in the whole process.

21. There were also special programmes for disadvantaged students in upper secondary schools. The funds were provided directly to the schools, and it was then each school's responsibility to use the funds to assist individual pupils, for example by helping their families to cover the school fees. Some measures of assistance to disadvantaged students were also provided at the tertiary level, based on a specific set of criteria for identifying those students.

22. She did not have precise figures on the school dropout rate, but the situation was not particularly dramatic. The rate varied from school to school, but was not at all bad by comparison with other European

Union member States. The country did not collect statistics relating children's ethnic background to their likelihood of dropping out of school.

23. Until recently, young people in the Czech Republic had tended to choose their fields of study according to existing ideas and stereotypes, but now there were signs of change, with some girls choosing disciplines that would have been inconceivable 10 years previously. Detailed data were available, but in general it could be said that girls tended to choose humanities, culture and health care, while boys concentrated on the natural sciences and technical subjects. In the case of apprenticeships, boys predominated. It would be a long-term process to change that situation.

24. **Mr. Sajda** (Czech Republic) added that a programme had been set up to investigate ways of changing young people's attitudes towards so-called male or female professions. One component of the programme involved training teachers to abandon stereotypical thinking about their pupils' occupational possibilities.

25. On the subject of immigration, he pointed out that the Czech Republic, which had once been a country from which people were emigrating, had become a transit country and finally a destination country. There were now 250,000 immigrants in the Czech Republic. The country had had to start working with minorities and collecting data on them, which had not been necessary before. However, at the same time it was subject to international conventions, some of which were in contradiction with others. There were thus constraints on the collection of personal data, which was why, in some cases, the Government did not have the information it needed to provide proper assistance to minorities.

26. **Ms. Hanslová** (Czech Republic) explained that women were entitled to 28 weeks' maternity leave, during which they were entitled to a maternity benefit of about 70 per cent of their usual salary. Six weeks after the birth of the child, it was possible for the father to draw the benefit instead of the mother, for 22 weeks (28 minus 6). After maternity leave, the parents could take parental leave and draw a parental benefit. They were entitled to parental leave until the child was 4 years old, but the parental benefit was paid only until the child's third year of life. Employers had to reserve a parent's position until the child reached the age of 4.

The number of fathers staying at home was increasing, but was still under 4 per cent.

27. **Mr. Bureš** (Czech Republic), remarking that the private sector comprised not only large companies but also small and medium-sized ones, described a programme of the Ministry of Industry and Trade to help women start up small businesses, often when they finished their maternity leave. The programme also provided grants to NGOs to organize training for such women. The results had been quite good, because the programme imparted not only technical knowledge but also the social skills which were necessary for starting a business.

28. **Mr. Sajda** (Czech Republic), responding to the question about the number of women in managerial positions, said that women occupied about 50 per cent of the top positions in Government ministries, defined as the level of a department head. However, some ministries traditionally had more men, while others had more women. In many ministries, moreover, the deputy minister was a woman.

29. **Mr. Schorm** (Czech Republic) explained that there had not yet been a court judgement relating to indirect discrimination.

30. **Ms. Saiga** said that she was still not clear on the matter of parental leave. The report had stated that leave was provided to fathers following the birth of a child, but the explanation just given had indicated that the first six weeks of leave were reserved for the mother. It had also been explained that the parental benefit amounted to about 70 per cent of the individual's salary. Given those two facts, where was the incentive for fathers to take parental leave in order to share the responsibility at home? Were there any thoughts of improving that situation?

31. **Ms. Simms**, referring to teenage pregnancies and their effect on girls' education, noted that the report described programmes that had been developed to offer sex education. However, the answer to the problem was not necessarily just to provide sex education to promote responsible sexual behaviour among girls; it also involved ensuring that men who impregnated teenagers were sent to jail, especially if they were men of the age of the girls' fathers, grandfathers and great-grandfathers, which was quite common. She asked whether the laws of the Czech Republic established an age of consent and whether anyone had been sent to jail for violating the rights of young women.

32. **The Chairperson**, speaking as a member of the Committee, sought information on women in decision-making positions in the public sector. While there seemed to be a general equality principle, and the law allowed the application of temporary special measures, she had not heard anything about practical mechanisms. Did ministries and public agencies have plans to increase the number of women in decision-making positions? She was not referring to quotas, but rather to conscientious efforts to improve the personnel situation over a given number of years by giving women preference over equally qualified men.

33. Secondly, she asked who paid for the maternity benefit and the parental leave. She also wished to know whether the criteria for socially disadvantaged children also included physical or mental handicaps. For example, it would not be desirable for a highly talented Roma girl to end up in a group of people whose disadvantages were qualitatively different and among whom her talents would not be recognized.

34. **Ms. Šimonović** asked whether the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children had now been ratified, as the Czech Republic's responses to the list of issues and questions (CEDAW/C/CZE/Q/3/Add.1) stated that the procedure had been stopped. She also asked for information concerning the number of shelters available to women victims of violence, and whether the Government provided funding for such shelters even if they were run by NGOs.

35. She also wished to know whether the Czech Republic's new law on domestic violence, to be adopted in 2007, would include a definition of violence against women in accordance with general recommendation No. 19. Noting that the Czech Republic's revised Criminal Code had a new definition of rape, which now included marital rape, she observed that the definition still appeared to be based on the threat or use of force, rather than on the absence of the woman's consent. She asked whether there was any intention to align the Criminal Code with the Council of Europe recommendation on the protection of women against violence.

36. **Mr. Bureš** (Czech Republic) explained that the United Nations Convention against Transnational Organized Crime and its protocols had been signed but

not yet ratified, due to an internal discussion about the criminal liability of legal persons. That was the only obstacle to ratification. It remained to be seen how the next Parliament would deal with the issue.

37. The definition of rape in the Criminal Code did not explicitly speak of marital rape, but the legal system of the Czech Republic covered all types of rape, whenever and however committed. The definition did refer to violence, as well as to the threat of violence, and to the abuse of disabled persons. In the Government's view, all forms of rape were covered by the Criminal Code.

38. **Ms. Hanslová** (Czech Republic) explained that the maternity benefit was paid from health insurance, and the parental benefit from social security. She did not have exact figures for the number of fathers taking parental leave, but it appeared that more highly educated parents were the ones most likely to welcome that possibility. For example, if the woman had a good job and the father took leave instead of the mother, that would enable her to remain in her job.

39. **Ms. Švecová** (Czech Republic) said that the Government was making every effort to ensure that talented girls from minority groups were not lost in the education system. However, although gifted students were entitled to special treatment by law, the support they received depended, in practice, on the policies and practices of their particular school.

40. **Mr. Bureš** (Czech Republic), responding to the questions put by Ms. Simms, confirmed that, under the Criminal Code, sexual intercourse involving an individual under the age of 15 was a criminal offence. While he did not have exact statistics on teenage pregnancies, their number had declined in recent years. As a general rule, fathers and mothers tended to be the same age.

41. **Mr. Sajda** (Czech Republic) said that, following the devolution of most administrative powers to the regions and municipalities, the central Government could not force them to implement equal opportunity laws. Nevertheless, it had been providing support and assistance by, inter alia, organizing a conference on equal opportunities and launching a number of related programmes and projects, some of which fell under the umbrella of the European Social Fund.

42. Under the new Employment Act, all employers were expected to abide by the principle of equal

opportunities for women and men. However, while most vacancy announcements published in the Czech Republic were gender-neutral, it was unclear whether the Act was applied as strictly in the private sector as it was in the public sector.

43. **Ms. Šimonović** recalled that, in 2004, the Committee against Torture had called for an investigation into allegations of involuntary sterilizations of Roma women in the Czech Republic. However, although the Ombudsman had acknowledged that illegal sterilization existed in Czech society, the remedial measures proposed by the advisory team set up by the Ministry of Health had not yet been implemented.

44. Involuntary sterilization was a problem in many countries. It constituted a violation of articles 10 (h), 12 and 16 of the Convention, and, according to general recommendation No. 24, also violated women's rights to informed consent and dignity. Furthermore, under article 5 of the European Convention on Human Rights and Biomedicine, to which the Czech Republic was a party, an intervention in the health field could be carried out only after the person concerned had given his or her free and informed consent. She therefore requested a progress report on the steps taken to combat that phenomenon. Had the draft law on health care been adopted? Were further legislative amendments envisaged with a view to clarifying the legal regime applicable to sterilization? She also wished to know whether any thought had been given to criminalizing involuntary sterilization, and whether victims were entitled to compensation or redress.

45. **Ms. Coker-Appiah** enquired about the status and content of the proposed national plan on HIV/AIDS for 2003-2007. Since that plan, if it had indeed been implemented, should be nearing completion, she asked whether any assessments designed to gauge its impact had been carried out.

46. The report did not contain any information about the HIV/AIDS infection rate in the Czech Republic. She wished to know whether the infection rate was increasing among married women or women in stable relationships, since they were at greater risk on account of their inability to insist on protected sex. She asked whether the State party's strategies to prevent HIV/AIDS infection and transmission included measures to address stereotypes, particularly the notion

that women were sex objects to be used and abused by men.

47. She also enquired as to the Government's disclosure policies in the area of HIV/AIDS. Many countries had strict patient confidentiality rules, which meant that partners of HIV-positive individuals, especially women, were at risk of infection because they were unaware of the danger. Lastly, she would like to know whether, in order to prevent mother-to-child transmission of the virus, antiretroviral drugs were freely available to pregnant women.

48. **Ms. Tan** said that, despite the Government's efforts, the employment situation in rural areas seemed to have deteriorated during the reporting period. She requested information about the unemployment rate in those areas, and also asked for specific examples of successful job creation initiatives.

49. The State party's response to question 22 (CEDAW/C/CZE/Q/3/Add.1) described only one measure designed to improve the economic opportunities of Roma women, namely a grant scheme. Moreover, of the 97 projects submitted under that scheme, only 1 had been recommended for funding, and, since that project involved masonry work, it primarily targeted men. The Government seemed to lack the political will necessary to improve matters. The Ministry of Labour and Social Affairs, in partnership with NGOs, must play a more active role in efforts to alleviate poverty in rural areas by channelling funds to initiatives designed to create jobs for vulnerable groups.

50. The State party should indicate the percentage of European Social Fund financing allocated to projects involving women from minority groups. Were sufficient efforts being made to disseminate information on the availability of that funding in rural and Roma communities? She wished to know whether rural women took an active part in decision-making, particularly within the framework of agricultural organizations, and whether the Government had taken any steps to encourage them to do so. Lastly, she asked whether the Czech authorities had adopted measures to ensure that rural women and ethnic minority women had access to continuing education so that they could enhance their employment opportunities.

51. **Ms. Simms** acknowledged that the State party was facing challenges in the area of rural development but commended the Czech Government for its attempts

to empower women by promoting their involvement in community tourism. Nevertheless, further steps must be taken to ensure that rural areas had adequate infrastructure to retain their inhabitants and to cope with an influx of tourists. The Czech authorities must make a concerted effort to change the face of those areas, thereby enabling rural women to take the lead within their communities.

52. **Ms. Tan** asked whether the Czech Republic intended to establish a user-friendly family court system staffed by specialists. In the event of divorce, how did the courts determine the portion of marital property awarded to spouses who had not made a financial contribution to the household but who had carried out unpaid work either within or outside the family?

53. **Ms. Bokpé-Gnacadjia** observed that the divorce rate in the State party was very high. While she was pleased that the adoption of the Family Act had led to a reduction in the length of divorce proceedings, she wished to know what happened in cases where the parties could not reach an amicable settlement. In particular, how did the courts deal with custody issues and the award of alimony and/or maintenance? She was concerned that the large number of children in State institutions reflected the inability of the Czech justice system to deal effectively with divorce and its consequences.

54. Table 83 illustrated the divorce rate for women, disaggregated by age. She noted that the table included statistics for women aged 15 to 19, and, in that connection, enquired about the minimum age for marriage in the State party. According to table 81, more men than women cited violence, neglect or abandonment as reasons for divorce. However, the majority of victims of violence in the Czech Republic were women. She therefore requested clarification of that apparently contradictory trend.

55. **Mr. Sajda** (Czech Republic), in response to the questions put by Ms. Šimonović, said that the issue of sterilization had attracted a great deal of media attention in the Czech Republic and that a range of views had been expressed. As stated in the responses to the list of issues and questions, an expert advisory team had been established by the Ministry of Health in order to investigate the allegations of involuntary sterilization. While the team had found evidence of

some negligence, it was clear that there had been no cases of non-consensual sterilization.

56. **Ms. Otáhalová** (Czech Republic) denied that no steps had been taken in response to the Ombudsman's report. The Ministry of Health advisory team already had before it the draft of a new Health Care Act regulating sterilization, and a decree coming into force in November 2006 would stress the requirement of informed consent. The issues of compensation and prosecution had not been addressed by the advisory team, but the Government Council for Human Rights had discussed the matter, and was working on a mechanism to provide compensation to victims, with a public apology, and launching a campaign and a research project.

57. The Czech Republic had an action plan, "Health for the Twenty-First Century", which aimed to reduce the incidence of HIV/AIDS and other sexually transmitted diseases. There were no statistics available on drug addiction among pregnant women, but they would be provided in the next report. The current report described the special prenatal and perinatal clinics in the Republic, whose staff and services were available to pregnant drug addicts.

58. **Mr. Sajda** (Czech Republic) stated that doctors had to report and investigate sexually transmitted diseases and it was a crime to knowingly give such a disease to another person.

59. On the subject of differences between urban and rural areas, there were no infrastructure differences between them in a country of only 10 million people and 68,000 square kilometres. Public transport was adequate, so work was accessible to all.

60. It was not possible to determine what percentage of projects supported by the European Social Fund were for women, because there were so many different types of project; every project implemented, however, had aspects focusing specifically on women, such as computer skills for rural women, who used e-mail extensively. Many families had a computer, and there were Internet cafes even in the villages.

61. **Mr. Schorm** (Czech Republic) pointed out that divorce was covered by family law, which determined issues of custody, maintenance and guardianship. Family law cases were heard by specialized judges in district courts of first instance, and the parties did not need to be represented by counsel. Custody was

determined upon application by the parents or guardians of the child. Property was distributed evenly upon the dissolution of a marriage, with maintenance to be paid by the richer spouse. No special mechanisms existed to enforce payment, although there were social security provisions to support custodial parents, usually mothers, who did not receive maintenance. The amount to be paid depended on the income of the spouse concerned.

62. The minimum age for marriage was 18, but could be lowered to 16 if a court decided that circumstances required it.

63. As for the reasons for marriage breakdown given in table 81, they were merely the allegations put forward by the parties and would not affect the judge's decision on whether the marriage had broken down irretrievably.

64. **Mr. Sajda** (Czech Republic) described how agriculture had changed in the Czech Republic upon the country's accession to the European Union, with whose subsidized farmers it could not compete. Agro-tourism was developing to replace traditional farming. The Roma lived mostly in towns rather than in the country; if unemployment was higher in villages, it was because people could live comfortably by combining unemployment benefits with subsistence farming, and did not feel the need to look for work.

65. **The Chairperson**, speaking as a member of the Committee, wondered why the criterion for rape was "seriously meant resistance" and not lack of consent as in other countries.

66. **Mr. Bureš** (Czech Republic) answered that there were three conditions which defined an act as rape: the use of violence, the threat of violence, or the inability of the victim to give consent, and the judge had to decide whether those conditions were present. The law on rape had been amended in 2001 to broaden the definition to include not only vaginal penetration, but also other sex acts.

The meeting rose at 5.05 p.m.