

## CZECH REPUBLIC

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## 1. GENDER EQUALITY: LEGAL AND INSTITUTIONAL FRAMEWORK ON WOMEN'S RIGHTS AND EQUAL OPPORTUNITIES; DE JURE AND DE FACTO DISCRIMINATION

### *Legal framework*

The principle of the equal rights of men and women is enshrined in Articles 3 and 10 of the Czech Constitution:

Article 3 states that "Part of the constitutional order of the Czech Republic is the Charter of Fundamental Rights and Freedoms" and Article 10 states that "Ratified and promulgated international accords on human rights and fundamental freedoms to which the Czech Republic has committed itself are immediately binding and are superior to law."

Proven discrimination in an employment offer may be penalized in accordance with the provisions of Articles 8 and 9 of Act No. 9/1991 of Coll. by a penalty of up to CZK 250,000 (approximately USD 6,050) and, for repeat offenders, by a penalty of up to CZK 1 million (approximately USD 24,000). Employment control bodies, such as the Labour Exchanges and the Ministry of Labour and Social Affairs, control the situation and impose sanctions.

A new Labour Code will enter into force on 1 January 2001, bringing a major change to the field of equal opportunities, in particular with regard to the fundamental principle of equal treatment for men and women in access to employment, vocational training and promotions, working conditions and the prohibition of any kind of discrimination in employment relations on the grounds of sex. The fact that this principle is included in the general part of the Labour Code shows its general relevance in the entire Czech labour legislation.

The Czechoslovak Socialist Republic signed the United Nation Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in Copenhagen on 17 July 1980. The Czech Republic came into existence on 1 January 1993 after the division of the Czech and Slovak Federal Republic into two independent states. The Czech Republic became a member of the UN on 19 January 1993, and took over all the obligations relating to human rights protection from the former Czechoslovakia, including CEDAW. The Czech Republic submitted an extensive Initial Report on the Convention covering the period of 1993-1994 to the Committee on the Elimination of Discrimination against Women in 1994 (hereinafter referred to as the "Committee"). The Committee discussions on the report took place by the end of 1997, and on 26-27 January 1998, the Committee issued its final evaluation on aspects related to the implementation of the Convention. The second periodical report contains a description of the important changes achieved since the development of the Initial Report (between 1 January 1995 and 30 June 1999), and lists the approved legal and other measures documenting progress achieved in the elimination of discrimination against women, important changes in the status of women, measures aimed at eliminating the remaining obstacles to women's integration into political, social, economic and cultural life, and problems emphasized by the Committee but which the Czech Republic has not yet been able to deal with.

### *Institutional mechanisms*

There are three bodies that may be viewed as institutional mechanisms dealing with discrimination against women or equal opportunities. However, due to the lack of adequate financial resources (nothing in the Czech State budget is assigned to the implementation of a policy on equal opportunities for women and men, or to the improvement of women's status) and a lack of personnel, none of these three bodies can be considered an adequate national mechanism for women's emancipation.

a) On 1 February 1998, the Ministry of Labour and Social Affairs established a Division for Equality between Men and Women within the Ministry (as part of the Department for Integration into the European Union) with three female employees. In order to fulfil its assumed co-ordination role, the Ministry initiated an interdepartmental Committee for Equal Opportunities for Men and Women. Members of this committee, appointed by individual Ministers, are civil servants mainly from the Personnel Departments, most of whom have no understanding of the role of the Committee or of their own role.

b) The Government committed itself to human rights protection and promotion after the June 1998 elections. In September 1998, a Commissioner of the Government of the Czech Republic for Human Rights was appointed. The Commissioner does not act as a protector of rights in individual cases involving citizens or other persons.

In December 1998, the Government set up the Council of the Czech Republic for Human Rights (hereafter the Council) as an advisory and co-ordination body of the Government for the issues of the protection of human rights and fundamental freedoms of persons within the jurisdiction of the Czech Republic. The main task of the Council is to monitor the fulfilment of the Czech Republic's international commitments and the implementation of obligations arising from international conventions and treaties. Unfortunately, the Government Commissioner for human rights, who acts as the Council's chairperson, considers women's rights to be totally unimportant.

Regarding the international obligations assumed by the Czech Republic, the Council has formed advi-

sory bodies (expert sections to monitor the observance of ratified treaties in particular areas of human rights and freedoms). According to the Council statute, one of the eight sections is dedicated to equal opportunities for men and women. As of 31 July 1999, the section had 18 members, three of whom were men; 11 members represented NGOs and experts from the public and seven members worked in central administration. The secretary, who is a female employee of the department for human rights, coordinates the activities of the section. However, she only covers the agenda of women's rights part-time.

c) After the 1998 elections, a Subcommittee for equal opportunities for men, women and the family was set up under the Committee for Social Affairs and health care at the initiative of one social democratic female member of the Parliament (deputy). In addition to the parliamentary deputy, representatives of women's NGOs are also members of the Subcommittee. So far, the Subcommittee has not produced any gender-related initiatives.

An ombudsperson office was set up this year but it has not yet begun its work (the head of the office shall be elected by the Parliament) and it is not clear what the mandate and divisions will be.

None of the institutions/bodies mentioned above have any power to resolve complaints of discrimination or other aspects, and women are not aware of their existence.

### *De jure and de facto discrimination*

It is still impossible to ascertain whether judicial protection has been applied in cases of gender discrimination in the Czech Republic because the appropriate items (i.e. types of discrimination) were not considered either by the statistical classification list of disputes or by the penal statistical register of the Ministry of Justice until 1999. A new statistical classification list includes items on "disputes in employment relations with the motive of discrimination based on gender and the suppression of women's rights" and on "wage discrimination based on gender", but the data is not yet available.

It is however expected that the effectiveness of the courts in such disputes will increase due to the reform of the judicial system under preparation by the Ministry of Justice. The resolution of disputes in cases of gender-based discrimination should also improve due to amendments to the civil procedure code. The proposed section 133a states (in accordance with directive No. 97/80/ES on shifting the burden of proof in cases of discrimination based on gender) that: "In matters of employment, declared facts regarding the participant's direct or indirect discrimination based on his/her gender shall be regarded by the court as proven, unless proceedings reveal the opposite." On 16 June 1999, the Government approved a draft amendment to the Civil Judicial Order, by Resolution No. 589, which shifts the burden of proof from the plaintiff to the defendant in relation to the prosecution of discrimination in labour relations.

It should be mentioned that there are no legal clinics teaching students how to tackle cases of discrimination and, with one exception, no specific training for lawyers has taken place.

The women's organization "proFem" (a counselling centre for women's projects) organized a training entitled "Advocates for Women" for young women graduates from the Faculty of Law. After the training, a Legal Advisory Centre for Women was meant to be established, but it not been realised yet due to a lack of personnel and other resources.

In May 1999, an organization called "Athena" was founded: it is an association of female lawyers whose aim is to take on legal cases concerning gender discrimination, sexual harassment, domestic violence etc. Again, due to a lack of resources, its activities have not yet begun.

## **2. WOMEN'S SOCIAL AND ECONOMIC RIGHTS**

### **2.1. Women and Education**

Czech legislation does not generally discriminate between men and women with regard to access to education. The principle of co-education has been followed since 1921, setting the basis for equal access to education. Currently, a new Education Act is being prepared that includes specific provisions on the respect of equality between men and women (boys and girls). According to the CEDAW report, there are a few cases in which physical or health demands limit girls' participation (Ministry of Health decree No.261/1997); the new Education Act should also remove these barriers. Finally, through the future harmonization of legislation with the European Union, the equal opportunities of men (boys) and women (girls) will be ensured by accepting the conclusions related to the legal regulations of Chapter 18 - Education, Training and Youth. These conclusions will take the form of a recommendation and will be legally binding on the Czech Republic.

In practice, however, there is a deficit in the number of women who receive university education (both graduate and post-graduate). Although more women apply to university, about 10% more men are accepted. Certain quotas often limit the chances women have to study at university.

Public education in the Czech Republic is free of charge at all levels; private schools and universities do not have a long tradition in the Czech Republic and only represent a small proportion of the educational system. In the completion of primary school, there are no differences between girls and boys (according to the CEDAW report, only about 1.6% of students end compulsory education before the last year of primary school). The relevant data describing dropouts from secondary education does not exist, although a comparison of the number of students accepted and the number completing secondary education suggests that girls are more successful in the completion of their education. The family background of dropouts is not statistically monitored, probably due to the fact that as only a small percentage drop out, it is not relevant in the Czech Republic. However, there is a strong correlation between the education of parents and their children. (Parents with a university degree are more likely to have children who attend university; parents with only primary education are more likely to have children who only complete primary or secondary education). Persons living in rural areas are more likely to have slightly less education than persons living in urban areas. No relevant data comparing both genders exists, but according to the experts, there is no significant difference between the level of education reached by girls/women and boys/men in rural and urban areas.

There are no significant religious tendencies affecting girls who want to study.<sup>1</sup>

## 2.2. Women and the Labour Market

### *Access to jobs*

In 1998, women represented 44.4% of the workforce in the Czech Republic (Czech Statistical Yearbook). The general unemployment rate (ILO) in the last trimester of 1998 was 5.7% for men and 9.3% for women (Czech Statistical Yearbook 1999).

According to the latest CEDAW report, "inequality persists in the remuneration and segregation of women as a result of the employment of women in positions of lower pay or requiring lower qualifications". There are also lower wages in female-dominated spheres. Several sectors are disregarded or stigmatised because of their feminisation. In 1998, women's average earnings represented only 70% of men's.

Women in the Czech Republic do not usually reach leading positions either in the public or private sector.

Females' representation in the civil sector of the Czech national economy: by CZ-NACE, 1998

Sector	Total workforce	Females
TOTAL	4,792,146	44.4%
Agriculture, hunting and forestry	242,291	34.1%
Fishing, fish farms, service activities incidental to fishing etc.	2,419	17.2%
INDUSTRY TOTAL	1,559,481	37.4%
Mining and quarrying	71,275	16.7%
Manufacturing	1,409,959	39.1%
Electricity, gas and water supply	78,247	26.0%
Construction	378,133	10.4%
Wholesale and retail trade, repair of motor vehicles, motorcycles and personal and household goods	766,533	51.7%
Hotels and restaurants	152,906	55.0%
Transport, storage and communications	328,021	35.0%
Financial Intermediation	86,857	65.8%
Real estate, renting and business activities	389,362	43.1%
Public administration and defence, compulsory Social Security	178,270	58.8%
Education	302,654	75.7%
Health and social work	258,790	77.7%
Other community, social and personal service activities	148,429	45.1%

Source: *Czech Statistical Yearbook, 1999*

The Czech labour market is visibly segregated according to gender. Women dominate the non-manual jobs without management or director personnel, and the most unskilled worker categories. According to wage and payment categorization, women dominate the lower levels and men increasingly occupy the highest levels. According to Marie Cermakova from the Sociological Institute of Czech Academy of Sciences, stereotypes and women's priorities only represent one indicator causing such segregation: the lack of legislation preventing discrimination in the labour market has a major influence on this phenomenon. The lower wages received by women further support this segregation; men are discouraged from entering

such professions because of the low wages and at the same time women have few opportunities to enter the leading positions. In this way, the current situation remains unchanged. However, the new Amendment to the Czech Employment Act is expected to bring changes to the existing labour market through the prohibition of both direct and indirect discrimination based on gender, family or matrimonial status; the equal treatment of men and women in employment; the equalization of childcare (introduction of "parental leave"); the consistent introduction of the principle of "equal pay for equal work" and the prohibition of sexual harassment. Such changes will be of a formal character at first but are later expected to bring some major changes to the Czech labour market.

It must be noted that there are certain categories of women in the Czech Republic who are discriminated against in the labour market: women with small children, women close to the retirement age (over 50 years) and women with only primary education represent the most vulnerable groups. Women with the greatest chances are women with a university degree, young women in certain professions and also women with a university degree who work in professions with higher levels of feminisation: doctors, judges, teachers and social workers.

In order to comply with EU requirements, the Czech Ministry of Labour Affairs, together with the Ministry of Education, Youth and Physical Education, are currently trying to ensure possibilities of state support for the re-qualification of certain groups of persons, particularly women who were out of the labour market for a long period of time, mainly due to child care.

#### *Working conditions*

There is an enormous difference between male and female wages in the Czech Republic. The average female wage is 28% (1999) lower than the average male wage (in full-time jobs) despite the fact that, in general, Czech women have a similar or better education and more qualifications than men. In fact, women dominate the middle-skilled labour force. They earn comparatively the most in sectors in which they are the least represented. The wage difference differs depending on individual jobs, however it is very low for example in the case of primary teachers. According to Marie Cermakova, neither the principle of equal pay for equal work nor the principle of equal remuneration for men and women has been established yet in the Czech Republic. This aspect is not sufficiently monitored since the indicator "price of labour" that allows for the qualified comparison of various professions has not yet been introduced. The new Amendment to the Employment Act does provide a formal legal framework, but until a good quality comparison becomes available, the law will remain a mere intention.

Proportion of women's average wage compared to men (in %) according to education and age, 1998

Education	Elementary	74.6
	Vocational and Secondary without leaving exam	71.6
	Complete secondary with leaving exam	72.9
	Higher	64.9
Age	Up to 19 years	84.6
	20 – 24 years	82.6
	25 – 29 years	73.4
	30 – 34 years	67.1
	35 – 39 years	68.4
	40 – 44 years	69.4
	45 – 49 years	70.6
	50 – 54 years	74.1
	55 – 59 years	77.4
60 years and over	65.5	

Source: *Second Periodical Report on the Fulfilment of CEDAW by the Czech Republic from the period of 1995 to 31 June 1999.*

The Constitution of the Czech Republic guarantees citizens' equal rights in terms of access to all forms of education. Czech parents' eligibility for parental allowances is conditional: parents are not allowed to exceed a certain number of hours of employment or study, a fact that limits their ability to gain further qualifications, etc. However, the Czech Employment Act guarantees that previous employment shall be kept for women/men who look after their child up to the age of three.

For women, few further training opportunities exist, mainly in the bigger towns or cities. Local labour offices are responsible for such opportunities, which are provided free of charge only to registered unemployed citizens. "Most k životu", a further training organisation for women, was established by a group of women in the north of the country.

Although the relevant data does not exist, the reality reveals that Czech women are likely to be fired more easily than men, especially in regions with high unemployment.

In the Czech Republic, a number of legislative tools regulate the times and conditions of women's work. Such legal provisions take two forms: a) legal tools that protect pregnant women and women with babies up to 9 months of age, b) legal tools protecting all women.

Certain activities are forbidden to all women:

- Types of jobs and work stated in the Czech Labour Law (working underground, mining professions etc., although there are some exceptions i.e. for women in leading positions);
- Types of jobs and work stated in the public notice of the Ministry of Health.

Other types of work are forbidden to pregnant women and mothers of children up to 9 months of age:

- Types of work that, according to the medical report, endanger the pregnancy or the health of the mother up to 9 months after giving birth;
- Overtime (pregnant women and women with children under one year of age);
- Types of jobs and work stated in the public notice of the Ministry of Health.

Other provisions protect the parents of small children: i.e. parents caring for small children cannot be forced to go on long business trips, etc.

There are differences between rural and urban areas in the Czech Republic. However, the most significant differences exist between the 'developing' and 'crisis' regions of the country. Women in crisis regions have major difficulties finding paid work and have poor infrastructures (childcare facilities, schools, transportation etc.).

Women's situation and their position in the labour market have changed radically in the past 10 years. The transition to a free market economy brought major changes to the lives of Czech women.

The unemployment rate, and specifically the unemployment rate for women, has risen significantly. Women have to change jobs more often, although they do have better opportunities in the fields of education, certain sectors of employment and self-employment. The time spent by women at work has increased, as has the percentage of women working overtime.

According to M. Cermakova, "The percentage of women in high positions at work has remained stable throughout the 1990's at 3.7% (9.1% for men)."

### *Women's work within the family*

There remain a traditionally high percentage of employed women in the Czech Republic because of the continuing dependence of most households on two incomes. The majority of women carry full time jobs. However, the traditional family model in which the mother is responsible for running the household and caring for children continues. The role of the man/husband within the family has not changed significantly in the past several years.

Therefore, women are usually exposed to "the double working day", in which they have a full time job and also care for the home and the children. Until 1990, the situation of childcare facilities etc. allowed such a model although it is now becoming increasingly difficult for Czech women to combine both spheres. In addition, employers often discriminate against women because of their family status and age. Women with small children or women who are expected to become pregnant soon encounter difficulties in entering the labour market and even if they are successful, their contract is limited.

Women who stay home with their children after the usual period of paid parental leave (4 years) are exceptional (less than 1%). Parental leave is supported both culturally and by the state although the small number of women who stay home and care for their children for longer periods are also generally accepted/welcomed by society.

Women tend to delay marriage and having their first child. There has been a drop in the fertility rate although social policy guarantees social protection for pregnant women and women caring for small children. <sup>2</sup>

## **2.3. Women and Property Rights**

Czech legislation does not discriminate against women with regard to their right to own property. Men and women have the same rights in this respect, which are secured under the Constitution. Specifically, articles 3 and 11 of the Charter of Human Rights and Freedoms state that "Everyone has the right to own property. The proprietary rights of all owners are of equal legal content and protection. Inheritance is secured."

Regarding the right to inherit property, the equality of men and women is enshrined in Article 3 of the Constitution. The Czech Civil Code secures the right to inheritance (enactment 7, §460 and further).

## 2.4. Women in the Family

### *Married couples*

The Family Code, section 18, governs marital rights and states that: "Men and women have the same rights and duties in matrimony". Women and men do not need the family's permission to get married, but in accordance with §13 of the Family Code, they are not allowed to marry if they are under 18 years of age. Exceptionally, court permission can be granted - but only to persons 16 or older. Such permission is usually obtained if the bride is pregnant (which is normally the only ground for a request).

In accordance with §8 of Family Code, men and women are obliged during the wedding ceremony to declare their free will to marry and whether they will use the common family name of one spouse or keep their original family names, or if they will use both names. In the event that they choose to keep their original family names, they must declare which family name their children will take. In most cases, the spouses take the husband's family name. Choosing the wife's family name is rare (and is done for example if the husband's family name is bizarre). Preserving each family name is quite common among couples that marry at a later age, and for second and third marriages. The number of couples using both family names is also increasing.

It must be noted that women's family names do not reflect their marital status. However, in the Czech language, the family name shows whether a person is male or female by using the suffix "ova", which originally meant "woman who belongs to her husband or father". The issue is currently being discussed but the possibility of changing the law is only realistic for women who will marry a foreigner. Women who marry Czech citizens will remain liable to use the "ova" suffix.

The Family Code (Head 3 §§18-21) governs spousal relationships. In general, the Family Code states that spouses have equal rights and duties. Property itself is mentioned in the Civil Code (§143 and further) and refers to the "common property of the spouses": both the husband and wife can use all common property equally, with the exception of "non-standard disposals" (e.g. selling the family house or flat). Fiancées can also sign a "prenuptial agreement", in which they can specify future possession.

The legal status of the couple's property is enshrined in §143 of the Civil Code, which states that the "common property of spouses" encompasses "everything obtained during matrimony". Exceptions include inherited items, gifts, items for personal use and items obtained by restitution (a special process in the Czech Republic through which property nationalised during the Communist era is returned to its original owners or their descendants). This means that everything owned by one spouse prior to marriage remains his or her personal property throughout the marriage and in the case of divorce it does not form part of the divided property.

The distribution of property upon divorce is generally referred to in §150 of the Civil Code, which states that the "shares are the same". This section is used when spouses have the most "common" type of common property. If they have a "prenuptial agreement" or signed an agreement on the different use of their property during the marriage, such agreements take precedence. §150 is only used in the event that the former couple is unable to come to an agreement about the property even within a 3-year legal period. (Following the divorce decision, a 3-year legal period is given to settle property distribution). §149 states that a written agreement is required for the distribution of real property. Where there is no written or verbal agreement regarding other goods, ownership will ultimately be decided on the basis of which spouse used the goods in the 3-year period following the divorce decision.

§18 of the Family Code states that "Men and women have the same rights and duties. They are obliged to live together, be faithful, mutually respect the dignity of the other, help each other, care for the children together and create a healthy family environment." Although the equal participation of the spouses in all family duties is referred to in the law, the practice is very different. According to the Statistics Institute of the Czech Academy of Science, the responsibility for the household lies mainly with the women. For example, 70% of the population considers that laundry is purely a woman's duty; only 3% of couples admitted sharing such activities equally and less than 1% believe it is mainly a man's duty. It is fair to concede that the traditional family model maintains a stronghold in Czech society, especially among the older generations.

§18 states that both parents are obliged to care for the children, and §34 states that parental responsibility belongs to both parents.

The Czech Republic is generally a non-religious country and it is therefore very rare for problems relating to a child's religion to arise. The child's education is normally the common decision of the parents, based on private discussions. Where there is strong disagreement between the parents about the child's future, under §37 neither parent may decide for the child and the court must appoint a committee to represent the child's interests.

From a legal point of view, economic dependence determines the decision-making power between spouses. §19 declares that the financial or material support of the family can be compensated by personal care for the household and children.

In cases of divorce, custody is always given to the mother. Enforcing a parent's legal obligation to financially support a child does not present a major problem in the Czech Republic. A divorce decision stipulates the monthly amount of money a parent is obliged to pay to the custodial parent and the long-term avoidance of paying alimony is a criminal act.

Polygamy is illegal in Czech legislation and, according to §210 of the Criminal Code, double marriage is a crime punishable by up to 2 years imprisonment. However, about 2/3 of married men and 1/3 of married women admit having had an extra-marital sexual relationship (according to a survey carried out by DEMA and the Sexology Institute UK, 1999). Czech society tolerates male infidelity more than female infidelity and the traditional model of the family and relationships still prevails, leaving women's sexuality neglected.

#### *Unmarried couples*

The legal status of unmarried couples is rather vague. The ownership of acquired property is regulated as for single persons, to which group they legally belong. The main problem has to do with inheritance. In the event that one partner dies, the other may benefit as an heir only if the deceased had no children (in contrast to a spouse, who would inherit together with the children). Unmarried couples are very common, particularly among young persons, who usually live together for several months or years before deciding to get married. Society agrees with this practice since it is believed that young couples are less likely to get divorced early if they live together prior to marriage.

#### *Children's status*

In accordance with Article 32 of the Declaration of Human Rights, the legal position of children born within wedlock is the same as children born outside of wedlock and the mother's status before giving birth has no influence on the child. Single mothers do not generally have a negative reputation (with the rare exception of very religious families). Some women even choose this status, usually if they are economically independent and want a child but did not find an acceptable husband or father, other than biological. Single mothers are usually supported by their families because their economic situation is much more difficult than for the rest of society (employers do not want to hire single mothers or divorced women with custody of their children).

Paternity is determined by section 52 of the Family Code. The father is taken to be the husband of the child's mother at least 300 days prior to the birth. If the parents are unmarried, the common statement of both parents can determine paternity before a court or public notary. If paternity was not declared by either of the previous methods, the mother can initiate court proceedings and the judge then decides the paternity of the child. Czech legislation also foresees a situation in which the child is delivered within 300 days following divorce but a man other than the husband claims to be the father. In this case, paternity is determined by the common declaration of all three persons.

## **2.5. Reproductive Rights and Access to the Healthcare System**

Abortion is legal in the Czech Republic and governed by the Abortion Act No.66/1986, which is very liberal and makes abortion accessible. According to the Act, pregnancy can be terminated once a written request is registered, and provided the pregnancy is within the 12th week and the woman's health allows for the abortion. Pregnancy can be terminated with the agreement of a doctor when the life or health of the mother or foetus is in danger, or if the foetus has a genetic defect. Women under the age of 16 require the parents' or guardian's consent and the parents or guardian of a woman aged between 16-18 will be notified once the pregnancy has been terminated. Women do not need the consent of the partner/husband. Women must pay for an abortion themselves unless the pregnancy is terminated for medical reasons. The total maximum price (including gynaecological exam prior to abortion, the abortion itself, hospitalisation costs and check-up) ranges from CZK 2,876 – approximately USD 69 (before the end of the 8th week of pregnancy) to CZK 3,634 – approximately USD88 (between the 7th and 12th week). Such prices represent approximately 1/4 and 1/3 of the average monthly salary respectively.

The Czech Republic has a well-developed public health care system available to its citizens. The vast majority of services are covered by obligatory health insurance. Men and women have equal access to health care, whether in urban or rural areas - although the rural population often needs specialized clinics and hospitals that only exist in the cities.



Since 1993, the Czech Republic has implemented the program of the World Health Organization "Investment into the health of women" whose aim is to ensure screening for breast and cervical cancer. A number of health clinics and hospitals have mammography equipment and doctors tend to recommend women to have regular gynaecological check-ups and mammography examinations. Gynaecological examinations are normally fully covered by public health insurance and are available to all women. Mammography exams are only covered if the exam is done on the basis of a doctor's recommendation.

In the Czech Republic, a group of women established "Jantar", a centre to provide support and information for women affected by breast cancer.

Unfortunately no major media or other campaigns on women-related diseases/health services have taken place or played a significant role in the Czech Republic. However, from time to time the media provides important information on such diseases and health care services. Although gynaecological and other health services are accessible to all women in the Czech Republic, more information and educational programs are needed.

In the Czech Republic, in the complex health care provided to individuals and families, more attention is paid to women: health care connected to pregnancy, delivery and the postnatal period is fully covered by the compulsory public health insurance.

All women have good access to gynaecological care. Gynaecological clinics or doctor's offices exist in almost every town, although women from rural areas generally have to travel some tens of kilometres (20-30) to reach a hospital or clinic with obstetrical care.

In the Czech Republic, nearly 100% of births are professionally assisted. According to the CEDAW Report, about 25% of pregnant women are hospitalised for at least one week before delivery; 43% are registered as at-risk pregnancies, and 12% undergo a Caesarean section. The mortality rate for mothers is less than 10 per 100,000 live births.

Since the beginning of the 1990's, the Czech Republic has implemented a policy of integrating physically disabled persons into society. The Czech Ministry of Finance supports those who employ disabled persons; the Ministry of Labour and Social Affairs provides cash and pension benefits, and health insurance companies provide financial support for certain necessary equipment. A number of ministries provide financial support to nationwide NGOs that support persons with disabilities.

Women with physical disabilities are placed into four different categories according to their health condition and receive an invalidity pension from the public system of social insurance. A number of additional benefits are also available to them depending on the nature of their disability (contributions to increased living costs etc.).

Women caring for disabled children receive a full parental allowance until the child reaches the age of 7. Afterwards, there is a special benefit under the social care scheme called "contribution to the care of a close person" (No.100/1988 Coll., §80-85) which provides financial support to unemployed persons caring for someone in need of full-time assistance. A number of additional benefits are also available.

### 3. WOMEN'S POLITICAL RIGHTS AND PARTICIPATION IN PUBLIC LIFE

#### *Women in elected bodies*

The right to vote and to be elected are defined by the Constitution as follows:

Article 18: "(1) Elections to the Chamber of Deputies shall be held on the basis of universal, equal, and direct suffrage by secret ballot, according to the principles of proportional representation. (2) Elections to the Senate shall be held on the basis of universal, equal, and direct suffrage by secret ballot, on the basis of the majority system. (3) Every citizen of the Czech Republic, on reaching the age of 18, has the right to vote."

Article 19: "(1) Every citizen of the Czech Republic who is eligible to vote and has reached the age of 21 may be elected to the Chamber of Deputies. (2) Every citizen of the Czech Republic who is eligible to vote and has reached the age of 40 may be elected to the Senate. (3) The mandate of a Deputy or a Senator shall be effective upon his or her election."

Women do not head any political parties in the Czech Republic; only the Junior Club (an organization of young people that exists in nearly all parties) of the Christian Democratic Party (KDU – CSL) elected a woman as its head.

The Czech Parliament has two Chambers, each of which has several committees. There are 13 committees in the Chamber of Deputies, one of which is headed by a woman. Women do not head any of the six political clubs. In the Senate, there are 9 committees, two of which are headed by women and 4 political clubs, one of which is headed by a woman.<sup>3</sup>

Women in representative bodies of the Czech Republic based on election results:

Election terms	Body	Total No. of elected persons	Number of women out of total	Share of women in %
November 1994	Municipal, town, district and local authorities	62,160	11,100	17.9
June 1996	Chamber of Deputies of the Czech Parliament	200	30	15.0
November 1996	Senate of the Czech Parliament	81	9	11.1
November 1996	Municipal, town, district and local authorities	62,412	12,785	20.5

(Source: 1999 CEDAW Report)

The representation of men and women in the Czech Parliament according to elections results:

Year	1981	1990	1992	1996		1997	
				Chamber of Dep.	Senate	Chamber of Dep.	Senate
Women	58	22	19	30	9	30	9
Men	142	178	181	170	72	170	72
Women (%)	28.0	11.0	9.5	15.0	11.1	15.0	11.1

(Source: 1999 CEDAW Report)

1998 (latest) elections - candidates and elected representatives

	Candidates			Elected representatives			% of elected women candidates
	Total	women	women in %	Total	women	woman in %	
Chamber of Deputies	3,631	756	20.1	200	30	15.0	4.0
Senate (27 districts)	137	12	8.8	27	3	11.1	25.0
Town councils	163,649	40,774	24.9	59,986	12,257	20.4	30.1
Local and district boards	15,945	5,477	34.3	2,426	528	21.8	9.6

(Source: 1999 CEDAW Report)

No gender policy has been initiated by women in either of the two Chambers. The only Czech political party that has officially tackled women's issues is the Czech Social Democratic Party (CSSD), which has an internal women's organization of Social Democratic Women (SDW). CSSD is the only political party that applies a 25% quota for all party bodies. For several years, the women elected under the quota were chosen from amongst the SDW members. The 1999 party Congress adopted a new party statute: the quota on women was maintained, but in order to fill it, any woman can be nominated and elected regardless of her membership in the SDW and it is up to the party committee (i.e. district, regional, central) to nominate the women. This could be interpreted as a loss of political power for the SDW, although it could also be seen as openness toward other women within the party.

Although the political parties decided to put many more men than women on their lists for the 1998 local elections, over 50% of women were elected from the lists of independent candidates.

#### Women in Government

Since the last elections in June 1998, the Czech Social Democratic Party has appointed a new cabinet without a single woman member. At the beginning of 2000, the prime minister announced that he was going to replace about five of the cabinet ministers. Again, there were no women among the predicted appointees. When asked by a journalist why this was so, the prime minister replied: "When I compared possible female and male candidates, the males appeared in all cases as better experts." Following the statement, a social democratic MP, who is a chairwoman of the Social Democratic Women, created a women's shadow cabinet to demonstrate to the prime minister and the public that there are women in the Czech Republic who are high-level experts perfectly capable of being cabinet ministers.

Between 1990 and 1998 there were only 5 women present in the Governments of CSFR (Czech and Slovak Federal Republic and Czech Republic) and only two women (Minister of Justice and Minister of Healthcare) in the provisional government (from January to June 1998).

Concerning the assignment of women to various governmental agencies, the only statistics available deal with the number of women in the Czech Departments. Other than that, there are hardly any women in such positions. For example:

For the past eight months a woman has worked as the head of the main state health insurance (General Health Insurance Company);

For the last ten years a woman has been the manager of a privatised company exporting weapons and military equipment;

For the past nine months a woman has been the head of the State Penitentiary Service;

A woman heads the National Security Office for Nuclear Power

Number of employees according to positions as of 31 December, 1999

Position	Minister	Deputy Minister		Head of Division			Head of Department (incl. independent department)			Other experts			Department institutions manager			Head of detached departments	
		M	W	M	W	%W	M	W	%W	M	W	%W	M	W	%W	M	W
Ministry of Transport and Communications	M	3	2	16	2	11	33	8	20	104	102	50	-	-	-	-	-
Finance	M	3*	1	30	7	19	84	59	41	351	625	64	11	1	8	-	-
Culture	M	3	1	6	7	54	11	12	50	45	141	76	-	-	-	-	-
Local Development	M	7*	0	14	6	30	30	16	35	105	167	61	-	-	-	9	0
Defence ++	M	11+++	1	62	0	0	120	7	6	586	264	31	-	-	-	-	-
Employment and Social Security	M	6*	1	7	9	56	25	27	51	106	134	76	75	15	17	8	7
Trade and Industry	M	5	1	47	8	15	48	18	27	223	274	55	486	66	12	-	-
Justice	M	2	0	12	2	14	10	19	66	74	160	68	6	0	-	-	-
Education, Youth And Physical Education	M	5*	0	25x	3	11	12	3	20	109	229	68	19	1	5	64***	22***
The Interior	M	2	2	45	9	17	160	40	20	-	-	-	-	-	-	-	-
Foreign Affairs	M	4	0	35*	8	19	46	9	16	112	93	45	95+	12+	11	-	-
Health	M	5	1	10	12	55	9	11	0	61	158	72	70**	18**	20	-	-
Agriculture	M	4	0	20	4	17	29	18	-	-	-	-	6	0	-	62	5
The Environment	M	3	2	21	6	22	43	19	31	149	198	57	-	-	-	9	0
Office of the Prime Minister	4Mxx	3	2	12	6	50	2	2	100	14	4	29	5	3	60	0	0
<b>Total</b>		<b>66</b>	<b>14</b>	<b>362</b>	<b>89</b>	<b>20</b>	<b>662</b>	<b>268</b>	<b>29</b>	<b>2039</b>	<b>2549</b>	<b>56</b>	<b>773</b>	<b>116</b>	<b>13</b>	<b>152</b>	<b>34</b>

\* Including Chief Executive of the Minister's Government  
 \*\* Organizations managed directly by the M. of Health  
 \*\*\* Heads of education offices  
 X Including Chief Executives

+ Heads of representations abroad  
 ++ Incl. the Main Home Guards Office and General Staff of the Czech Army  
 +++ Incl. the Commander of Home Guards of the Czech Republic, the Head of General Staff and division Chief Executives

(Source: CEDAW Report from 1999 of the Czech Republic; the overview was elaborated for the purposes of the Priorities '98 program)

### Women in public life

There are no available statistics regarding women in the **banking sector**, but it is very rare for a woman to hold a top banking position and no comments have ever been made in the media on these issues. Currently, there is one smaller bank headed by a woman.

One of the areas continually monitored by the Ministry of Trade and Industry is the representation of women in management positions outside the sector controlled by the Ministry's administration. The Ministry claims that professional qualifications and individual abilities are the main criteria for filling management positions, whether in state enterprises or as appointed members of controlling bodies of joint-stock companies (representative or supervisory committees) in which the Ministry of Trade and Industry represents the state. By 31 December 1998, there were 5 women working as the managers (out of 26 such positions) of state enterprises established in line with Act No. 77/1997 of Coll. There were 37 female managing directors in 243 residual state enterprises and no female managing directors in the seven state-owned enterprises with non-transformed proprietary relations.

Many women are employed in the **media** but they often work at the lower levels of news production. They do hold positions such as editors and assistants, often covering so-called "female topics" such as health care, social welfare, regional news, culture, and social life. Women have greater chances in the regional media and newspaper supplements:

- Public TV channels – all 3 directors have always been men, there is 1 woman out of 11 members in top management;
- The council for television broadcasting (nominated by the Parliament) has 9 members, with one female member as of 1997;
- The editors-in-chief of the main departments of the public TV channels are all men; out of 15 senior editors, there are 4 women; and out of the 19 members of the sports department, there is one woman;
- The director of public radio broadcasting, as well as the directors of the regional sections of the public radio channels, have always been men (one woman directs the channel in the town of České Budějovice);
- Out of the 12 members of the Council for Radio and TV Broadcasting (approved by the Parliament), there are two women.

Women represent 70% of all persons working in the NGO sector, but there are no statistics concerning how many of them hold leading positions. The number of "women's NGOs" has decreased since the beginning of the 90's - none of them received any funds from the Czech State, apart from a few grants for certain concrete social purposes. The former monopoly socialistic organization Czechoslovak (now Czech) Union of Women remains the richest and largest women's organization and it retains some of the former property. Since the formation of the Czech Republic, the number of women's NGOs has decreased. There are currently 25 to 30 women's NGOs in the Czech Republic, mostly focusing on specific areas of public interest and usually of a charitable nature. Only some of these NGOs aim to improve the status of women in society and to enforce equal opportunities policies and the number of NGOs alone is not an indicator of the quality and scope of their work. Some minor organizations recently dissolved or merged into larger groups that can advocate their goals more effectively. The Association for Equal Opportunities was founded in December 1998 as an umbrella organization of women's NGOs (the Union has non-membership status there).

Women make up about one half of the **judicial system**. Although no relevant statistics exist, there are public lists containing the names of all judges and prosecutors at all levels (several hundred persons). The numbers from these lists indicate that there are much fewer women in higher positions.

#### Representation of men and women in the highest positions of the judicial system

Name of the institution	Head	Deputies	Total number of employees	Number of women	Share of women in %
The Office of the Highest State Prosecutor	1 F	2 M	28	14	50
The Office of the High State Prosecutor (in Prague)	1 M	1 F+1 M	35	15	43
The Office of the High State Prosecutor (in Olomouc)	1 M	1 M	17	4	24
The Office of the Highest Judge	1 F	2 M	52	14	30
The Office of the High Judge (in Prague)	1 M	3 M	102	49	48
The Office of the High Judge (in Olomouc)	1 M	1 F+1 M	33	11	33

Source: Websites – lists of names of judges and prosecutors of the Czech Republic

There is only one Bar Association (the Advocates Chamber) to which all lawyers and advocates must be members and it is headed by a man.

According to the CEDAW Report, the percentage of women **teachers** decreases as the level of education increases. Currently, women represent 33% of all university teachers in the Czech Republic.

#### Representation of women holding university positions in the Czech Republic

	Men	Women	Share of women in %
TOTAL	10,500	5,204	33.1
Professors	1,447	109	7.0
Associate professors	2,974	716	19.4
Assistant professors	5,401	3,798	41.0
Assistants	521	421	44.0
Lecturers	157	200	56.0

Source: *Institute for Information in Education*

It is clear from this data that women play a significant role in their different positions at **universities**. However, it is also clear that the percentage of women decreases as the scientific degree rises. Most women hold positions as lecturers and assistants (44.0% and 56.0% respectively); there are few women professors (7.0%) or associate professors (19.4%). The number of female deans and rectors is not monitored in the Czech Republic although a small number of women do hold such positions.

The Czech Government only began to deal with the status of women systematically, i.e. the equality of women and men, at the end of 1997 upon the initiative of Members of Parliament in the Czech Republic. The Government obliged the Minister of Labour and Social Affairs to coordinate Government policy on the status of women and, simultaneously, delegated the Minister to propose the elementary objectives of this policy. This initiative resulted in the program document *Priorities and Procedures for Enforcement of Equal Opportunities of Men and Women '98*. By approving this document the Government expressed its will to contribute effectively to the elimination of existing *de facto* and formal obstacles that prevent women from achieving status comparable with men, thereby responding to the real state of social relations in which the effects of inequality between men and women could threaten or limit the fulfilment of human rights. The document (*Priorities*) is being reviewed every year.

## 4. VIOLENCE AGAINST WOMEN

### 4.1. Domestic Violence

It was only after 1989 that domestic violence began to be seen as a problem. Since the beginning of 1990, a few NGOs dealing with domestic violence have started activities in the field. They were the first to consider domestic violence as a serious social problem and have tried to influence the attitude of public and state authorities on this issue. For several years, State and municipal authorities refused to deal with the problem but the situation is changing slightly at present. The Government mentioned violence against women in 1998 in its *Priorities for Equal Opportunities of Men and Women*. However, there is still little being done in the field: no support is given to centres that provide aid to women victims of domestic violence, no changes have been made to the legislation, and no campaigns to raise public awareness have taken place.

Public perceptions are changing slowly but prejudices about domestic violence remain prevalent. Women victims of domestic violence are often persuaded to stay with a violent partner as violence is often seen as something which is perhaps not normal, but which at least ought to be tolerated.

The media's approach towards domestic violence varies: there are some discussions and articles about the topic. On the other hand, myths about domestic violence are quoted in other articles by the same media. It can be said that the issue of domestic violence is not considered a problem and is rarely discussed for that reason - if we look at the phenomenon from an agenda setting point of view, domestic violence was described as a problem in previous years, but the issue then "disappeared" after a few months.

There are no special legal provisions addressing domestic violence in the Czech Republic. If an offence is committed within the family, it is judged like other offences under Czech legislation. As a result, the wider context of domestic violence is not considered and some aspects of domestic violence are not taken into account (continuity of the violence, special psychological aspects for the victim etc.)

There are no figures on domestic violence in the Czech Republic, but experts estimate the situation and figures to be similar to those in Western European countries.

Although the concrete situation of every woman is different in violent situations, some general factors can be noted. Victims receive no special assistance and there is a lack of shelters in the Czech Republic and a lack of professionals trained to deal with victims of domestic violence - psychologists, social workers, policemen, doctors, nurses, etc. As a result, the situation for women victims of domestic violence is very difficult. The only available services come from NGOs. If a woman decides to leave a violent partner it is very difficult to find a shelter, and the possibility of finding or buying a flat being is hardly an option. A woman victim of a violent husband can go to the police station to report the crime but she usually has to face policemen's lack of understanding and will to deal with the case, which in fact represents a second victimization for her. It is very stressful for a woman if the case goes to court: there is no special legal aid (free of charge) available and judges are not informed of the specifics of the problem. A woman victim of domestic violence also faces pressure from the offender, his family and sometimes even her own family. She must approve of the prosecution and consent three times throughout the process.

Since there are no appropriate services for women, the act of leaving a violent partner depends on the individual situation of each woman. Several factors are significant in making such a decision: economic dependence on the husband/partner, concern for the children, lack of adequate protection after leaving a relationship, fear of solitude and loneliness.

Police officers in the Czech Republic are not trained to work with victims of domestic violence and view it as a private matter without witnesses that is too difficult to deal with. Sometimes, they are concerned about doing "work for nothing" as the police fear the woman will eventually withdraw her complaint. Generally, police officials are not too receptive and sensitive to cases and complaints of domestic violence and sometimes even blame the victim or persuade her not to start the case etc. They do not understand the special problems faced by victims of domestic violence and they do not know how to work with them. For a long time, there were no special programmes on domestic violence for policemen in the Czech Republic. At present, voluntary courses (seminars) on domestic violence are starting to be organized at the Police Academy in Prague, but policemen without a degree from the Police Academy (it is not obligatory to study there in order to become a policeman) and already qualified policemen are not trained at all.

No governmental programs have addressed this issue so far.

## 4.2 Sexual Abuse

### *Women victims of rape*

Rape is punishable by law in the Czech Republic; §241 of the Criminal Law states that "A person who forces a woman to have intercourse by using violence or threat of violence, or who abuses a defenceless woman when committing such a crime, shall be punished by imprisonment for a period ranging from 2 to 8 years." (Imprisonment shall be from 5 to 12 years if the woman is 14 years or younger or if the offender caused the victim a major health detriment; and from 10-15 years if the abovementioned act causes the death of the victim).

According to the Police Presidium of the Czech Republic, out of 675 reported cases of rape in 1998, 541 (80%) were resolved.

Rape is among the most hidden criminal acts in the Czech Republic. A research project from the early 1990's carried out by the Czech Institute on Sexology showed that about 1/8 of all Czech women stated that they had been raped in the past. Only 3 out of every 100 women admitted reporting the crime to the police. According to the NGO White Circle of Safety, the situation regarding rape is worsening, although no relevant data or research exists.

No specialized department or institution deals specifically with rape. The Czech Police run a Department for Violent Criminal Offences including rape. There is no special police procedure for questioning rape victims and there are no specialized training courses for police or prosecutors investigating rape cases. The White Circle of Safety (NGO) gives lectures on the trauma of victims in general and although rape is included, it is not the sole issue. Such training courses are held at the Police Academy, Institute for Postgraduate Training of Judges upon the request of an institution (i.e. not on a regular basis).

According to White Circle of Safety, rape is not viewed as a major problem in the Czech Republic, a fact that is partially caused by the fact that only very few victims report the crime to the police. However, the lack of sensitivity and interest on behalf of the police contributes to the small numbers of reported cases.

In cases of rape, victims do not need to file the complaint themselves. However, the Criminal Law, specifically §163a, states that the approval of the victim is necessary if the woman was raped by her husband or partner (such approval is not required if the victim was seriously injured or under 15 years of age). This paragraph also applies to cases of attempted rape: women are repeatedly asked for approval in such cases. New

legislation, in which the approval of the woman would not be required if she filed the complaint herself, is under preparation although the amendment has not been passed by the Czech Parliament yet.

The procedures in cases of rape show the effects of a lack of appropriate training: normally the woman victim files a complaint at the local police department; the victim is normally questioned for the basic information not in a separate room, but in front of people in the waiting room. Later, there is a more specialized questioning by a criminologist (forensic detective) and then a report is filed. The victim is then taken for a medical examination and evidence is obtained. Several days later, the victim is invited for more detailed questioning. However, very few of the abovementioned activities help to reduce the victim's trauma as much as possible. According to Petra Vitousova from the White Circle of Safety, the police often leave the victim in the hospital after the medical examination without providing or securing her transportation home and when the victim is asked to identify the perpetrator from a group of persons, she often has to face the offender since there are only one-sided mirrors in a few police stations. During the medical examination, victims are not offered a female doctor and the doctors never underwent any training regarding the examination and treatment of rape victims. During the actual investigation, the victim must undergo an examination by a sexologist or psychiatrist who often tests her "trustworthiness" and ask her irrelevant, traumatizing questions.

If the relevant procedures are known, the victim can file a written request during the trial to the chair of the senate to exclude the public and the offender from the session. The offender is later informed of the questioning. However, approval is not always granted to victims.

Legal provisions and practice concerning the proof of rape are the same as in all other criminal offences: testimony, judicial expert's opinion, secured substantial evidence, etc.

In the Czech Republic, the perpetrator cannot avoid legal sanctions by marrying the victim after the alleged rape, but this would give the victim a status by which she would not have to give evidence because she may "harm a close person" (§100 of the Czech criminal law). Evidence and reports obtained in earlier questioning would, however, remain valid.

According to Petra Vitousova, victims of rape often feel that their families and other people would indirectly blame them for what happened. In Czech society, rape is still viewed as a crime that can be avoided if the girls/women follow certain unwritten rules: i.e. avoid certain places and don't walk alone at night, etc. A certain level of condemnation of the victim is obvious and people tend to avoid open discussions concerning the crime and the victim's feelings.

#### *Marital rape*

There is still a strong belief that women in a couple or marriage cannot be raped since it is traditionally considered their obligation to have sexual intercourse with their husband/partner at any time. Although marital rape is a crime according to §241 and §163 of the Czech Criminal Law, in practice the police rarely take such offences seriously and it is difficult to provide the relevant evidence unless the victim is seriously injured. The number of such cases is not known because the data is not included in police statistics.

Unfortunately, there are no specialized NGOs dealing with marital rape. There are a few NGOs which deal with victims of domestic violence in general, or rape in general, but none that are specialized in marital rape: "ROSA" deals with victims of domestic violence, the White Circle of Safety deals with victims of crime in general, and "ELEKTRA" helps victims of sexual abuse in childhood. However, a number of general crisis centres and hotlines exist from which victims of rape can receive basic information and psychological support.

#### *Other forms of sexual abuse*

§242 of the Czech Criminal Law states that "A person who has sexual intercourse with a person under the age of 15 or who in any other way sexually abuses such a person entrusted to his/her care by abusing the person's dependency shall be sentenced to imprisonment of between 2 and 10 years". Incest is strictly judged and if the offender causes severe injury to the victim of sexual abuse he/she shall be sentenced to 5 to 12 years imprisonment.

§243 of the Czech Criminal Law provides protection against sexual abuse for persons under the age of 18, and also against the demoralization caused by an adult (i.e. leading an immoral and idle life). The person can be sentenced to up to 2 years imprisonment.

A research project carried out by Dr. P.Weiss and Dr. J.Zverina in 1998 (Sexual Behaviour of the Population of the Czech Republic, Gema, Praha 1999) shows that 9% of women (1/2 within the family) and 5% of men (1/3 within the family) have been sexually abused before reaching the age of 15. In 1999, The Police Presidium of the Czech Republic announced that 1,440 cases of the maltreatment of children of a "moral nature" have been reported. According to Jirina Dolanska from Elektra, "only experts view the sexual abuse of children as a significant problem". The public does not realize yet how important or broad the problem is. On the contrary, the pressure often translates onto the victims of sexual abuse and a number of myths are present. More information campaigns targeting the broad public, but mainly persons working with children and young people, are needed.

Sexual harassment has not been given any media or public attention for a long time. Until the late 1990's, public discussions regarding this issue were virtually non-existent. In 1999, the Czech agency Sofres-Factum, in its research project regarding sexual harassment (522 female respondents), found that nearly 1/2 (45%) of the women had superiors who had abused their positions to have an intimate contact. 40% of the respondents found such contact very unpleasant, while 2/5 found it sometimes pleasant and sometimes not.

It was only in 2000 that coordination with European Union legislation brought important changes regarding this issue. In July 2000, a new amendment to the Czech Employment Act was passed. The new provisions make sexual harassment in the workplace illegal and therefore provide the legal background that had previously been missing. §7 (2) bans humiliating a person's human dignity and defines sexual harassment as one such example. According to the new labour law, sexual harassment is "behaviour of a sexual nature that is unwanted, inappropriate or offensive and which could be understood by another employee/worker as a condition for making a decision that would influence the functioning of the rights and duties arising from the working-legal relations". The new legislation has drawn public and media attention to the problem of sexual harassment. However, media reflections are mostly inaccurate and the topic tends to be trivialized not only by men but also by women. Campaigns on public awareness are therefore vital.<sup>4</sup>

### 4.3. Women and Sexual Exploitation

#### a) Prostitution as a Social Reality

Until 1989, prostitution had been considered a "parasitical" way of life and certain sanctions were in effect. The relevant paragraph of the Criminal Code was removed in 1989 and no other legislation was adopted, which is why prostitution, in terms of its legal status, is currently neither punished nor considered a "job".

In the last two years, the Czech Ministry of Interior - the Crime Prevention Department - has prepared draft legislation containing a provision that deals with the issue of prostitution and which is viewed as fairly progressive. The provision attempts to describe prostitution as a form of work or employment that is connected to further opportunities for women working in the sexual industry: social and health insurance and benefits, etc. The proposal was not passed in the first reading and the content of the proposal interferes with the existing Convention from 1949 that was never rendered void. So far, it is not clear if the law will ever come into effect. However, if prostitution gains the legal status of employment or self-employment, then other legal provisions specifically regarding prostitution would no longer be necessary since the existing labour law would regulate the relations between employees and employers or self-employed. Workers would also be covered by the social security system.

Currently, workers in the sexual industry are not entitled to any benefits unless they contribute to the system themselves (normally the employer pays part of the contribution). This means that such workers cannot change their lifestyle if or when they want since they do not have the basic financial background to do so and the state does not provide even minimal support.

There are some areas in the Czech Republic (for example, the Czech-German border) where prostitution, and particularly street prostitution, gains an entirely new dimension. There are practically deserted towns that serve only to provide sexual services. The town councils attempted to protect citizens by writing and implementing a number of public notices. However, such notices often interfered with existing legislation and were viewed as limiting citizens' personal freedom and therefore proved unsuccessful. Prague is a special case since it attracts a lot of tourists. There have been attempts in the past to move all workers in the sexual industry into one area – a sort of red light district – but, again, those who proposed this policy realized that they had no legal power in the absence of legal provisions regarding prostitution and it would be against the law to punish women prostitutes working in the attractive touristy parts of the city.

Until 1999, prostitution in the Czech Republic was viewed as a marginal problem and no governmental policy was issued to prevent the spread of various STDs and the HIV virus. The role of the state has been taken over by a number of NGOs that are street-work organisations providing prostitutes with condoms, lubricants and offering at least minimal HIV and STD testing. Some of them, such as *Rozkos bez rizika (Lust without Risk)*, do cover a wider range of the problems, operating a mobile ambulance and offering a number of gynaecological examinations and testing. However, the problem of long-term continuous care and treatment prevails.

There are several projects, mostly joint Czech-German projects, dealing with these issues. For example, the project "Jana" in western Czech Republic opened a gynaecological consulting office that offers women anonymous examinations free of charge; continuous treatment is also guaranteed. Such organisations are expected to co-operate with state-operated Regional Hygienic Stations. However, the prostitutes are often insulted during examinations and are sometimes asked for personal data. According to Iveta Bartunkova from LaStrada CR, such policies have been abused in the past as women prostitutes were forced to undergo such tests unaware of their legal rights. New forms of co-operation with the RHS are expected these days - the Regional Hygienic Stations are expected to support NGOs operating in the field of prostitution.



Other organisations also came into existence (i.e. Karo in Cheb, one in the Liberec area, Breclav region etc.), but the state has yet to provide them with any significant support.

A number of organisations work in the field of homosexual prostitution (i.e. the Sance project, Sokrates project in Most, etc.) and although homo-prostitution creates higher risks regarding the spread of HIV and other STDs, such organisations receive only minimal support from the state.

The issue of social security for prostitutes is not covered by any NGO and there are currently no training centres that target workers in the sexual industry. Some existing NGOs have made some efforts, but there have been no successful projects (mainly for financial reasons).

§204 of the Czech Criminal Law punishes the procurement of prostitutes.<sup>5</sup>

## **b) Trafficking in Women**

According to the Criminal Law, trafficking in women is a distinct crime. Paragraph §246 states that a person who “decoys, recruits or carries a woman abroad for the purpose of sexual intercourse with someone else shall be sentenced to 1-5 years imprisonment” (or 3-8 years if committed by an organized group or if the victim was under 18 years of age, or if the crime was committed for the purpose of using the woman for prostitution). This article is the only legal norm that mentions the issue of trafficking in women as such.

Czech legislation does not operate with terms such as forced labour or slavery. However, international law documents do apply, for example the European Convention on Human Rights. No one can be forced to work or be kept in a certain place against his/her will. The International Covenant on Civil and Political Rights also provides a basis for dealing with the issue of trafficking in women (no one can be subject to cruel or degrading treatment, no one can be forced to perform forced or obligatory work, everyone has the right to fair and satisfactory working conditions, the right to social security etc.).

In addition, other paragraphs in the Criminal Law may indirectly apply to trafficking in women, including: §204 (procuring prostitutes); §235 (blackmail); §241 (rape); §242, 243 (sexual abuse).

A law on witness protection was recently adopted, but it does not deal specifically with women victims of trafficking and there are no laws regarding the social security of victims of trafficking. Therefore, not even minimal social support for such persons exists.

Concerning citizens of other countries, foreign law applies. Such legislation states that a person who stays on the territory of the Czech Republic illegally is obliged to leave within 30 calendar days. There is no special provision dealing with victims of trafficking. Such persons are not entitled to any financial, material or other support. A number of women victims of trafficking are given the status of “undesirable” and their passports are stamped to that effect. The state does not provide any financial aid to cover travel costs to the country of origin. There have been cases in which the foreign police deported the victim to the border of her country of origin and left her there without even minimal financial or other help. A number of recommendations dealing with this issue are currently in existence but so far there are no legal provisions or practice.

Where trafficking in women is mentioned in the Czech criminal law, emphasis is placed on the border-crossing element. Professionals view this as an essential problem since attention is concentrated on the migration aspect of trafficking, rather than on the problems of fraud, violence, coercion, kidnapping etc. Unlike the border-crossing element, such aspects are not specified in the legislation dealing with trafficking in women.

In relation to trafficking in women, the Czech Republic is a country of origin, destination and transit but no official data documenting this phenomenon exists.

According to LaStrada CR, a whole range of factors determine or contribute to the reality of trafficking including the economic situation of the country, standards of living, the general position of women and their education on women’s human rights and independence. Women who are brought up to be independent are not as easily subordinated or made dependent on others. The economic situation, and more specifically the country’s labour market, often forces women to search for alternative employment opportunities. When they cannot find a job in the country of origin, they tend to look abroad and are then put at higher risk. A country’s legislation is also important: the ability to deal with criminality in general, and specifically with organised crime, plays an important role in the degree to which trafficking will develop in a country. There have been no specific research projects related to trafficking in women carried out in the Czech Republic. LaStrada CR reportedly received stereotypical answers to the question “Why did you leave and decide to go abroad...?”; economic factors prevailed. In the Czech Republic, women living in economically poorer areas are at a higher risk of being trafficked.

Women victims of trafficking seldom report their cases to the Czech police, as there is minimal motivation to do so and they do not want their cases to become more visible and risk stigmatisation or even physical violence from the kidnappers. They do not profit in any way from reporting the crime, on the contrary, doing so puts them at a greater risk since there is no structure to protect women either during proceedings or in the future. LaStrada CR has been working on the prevention of trafficking in women since 1995. Its activities have expanded in the last two years and the focus is currently not only on victims of trafficking, but also on the professionals who work, or could work, in the area of trafficking prevention or who come in contact with victims (for example providing special training for social workers, psychologists, ped-

agogical and the police). Recently, LaStrada received some financial support from the Czech government (the Municipality of Prague run a Complex Co-operation Program of Crime Prevention together with the Ministry of Interior and LaStrada received a grant to train municipal employees and other civil servants).

Although some co-operation between the Government and NGOs has taken place on the prevention campaign organized by the International Organisation for Migration, little attention - if any - is paid to the problem of trafficking in women. When Czech victims of trafficking return to the Czech Republic, they do not have any financial resources, clothes, accommodation, or identification documents; they often have mental and physical problems and are afraid to go back to where they used to live. Without any identification documents, they are not entitled to any financial or other support from the state and therefore cannot provide for their basic living needs. Although substantial, the assistance provided by La Strada is insufficient by far. A number of lobbying initiatives have recently become more powerful. The European Union has also pointed to the problem of trafficking in women and views the lack of a solution as an obstacle to further negotiations in the accession process, a fact that constitutes strong pressure on the Czech government.<sup>6</sup>

## 5. WOMEN'S STATUS WITHIN DISTINCTIVE GROUPS

### 5.1. Women and Sexual Orientation

As early as 1961, the Czech Republic was one of the very first countries in the world to decriminalize homosexuality ("the offence of intercourse with a same-sex person" - S.241 of the Penal Code). The remaining Article 244 S.140/1961 Coll. nevertheless required a different age of consent for homosexuals (compared with heterosexuals) and considered the following to be criminal: 1. the relationship of an adult homosexual (over 18) with someone under 18 despite their mutual consent; 2. the abuse of dependency; 3. accepting financial reward for homosexual behaviour; 4. public indecency. The last case was particularly easily misused against gay people. The article was repealed in July 1990 and the country thus came closer to a truly democratic system. The breakthrough legislation introducing a general anti-discrimination clause in Czech Law for the first time ever came in 2000. The Parliament amended the Labour Code, encompassing a provision penalizing discrimination *inter alia* on the grounds of "sexual orientation". The law, which practically reproduces EU wording, will come into force on January 1, 2001.

Although Czech society can be considered fairly tolerant towards sexual minorities, the wide spectrum of pressing issues for lesbian, bisexual and gay minorities appears to be limited to the question of registered partnership, and "coming out". However, even the call for registered partnerships is absurdly interpreted by some politicians and citizens alike as asking for privileges over heterosexual citizens or for unjustified rights. Other issues such as parenting, professional concerns or violence against homosexuals are more or less ignored. The Government presents an annual report on human rights in the Czech Republic and includes a section on homosexual minorities; however, the section is restricted to a short descriptive paragraph solely on the subject of registered partnership. A counselling body focusing on human rights - the Human Rights Council of the Government of the Czech Republic - was established in 1999. The homosexual community has two honorary representatives on the board of two of its think tank sections.

There remain a number of discriminatory elements in Czech society. For example, the existing questionnaire for Blood Donors poses a biased question about the donor's sexual orientation and places homosexuals among the groups at risk. Czech lesbians and gays may not enter into legal relationships and if they raise children, they do not enjoy the same rights as heterosexuals (nor do their children).

The Czech media tends to be rather understanding of minority issues and for the most part reports on a positive note. Interestingly, a wave of upfront criticism arose in the media circles after the Parliament rejected the partnership for the third time.

In 2000, the Czech gay and lesbian movement will celebrate its 10th anniversary. Much has been done since its establishment to make the community more visible. A number of magazines came into existence (i.e. Soho revue - currently known as *Gaycko*, which is a national magazine, and the lesbian magazines *Promluv*, *Alia*, and *Incognito*). Also, documents and programs with homosexual themes appeared on the radio and television. The topic was also presented in various magazines in which psychologist presented the issue. Open events, such as the festival of female lesbian culture APRILES (currently APRILFEST) were organized. As a result, the Czech public now knows more about homosexuality. The young generation of lesbians and gays speak openly and admit their sexual orientation. However, according to recent research in the national newspaper "*Lidove noviny*", there is still little tolerance towards homosexuals and Czech gay and lesbian protests and information campaigns are more of a "quiet" policy.

Currently, 29 of the official lesbian and gay groups are united under the organization SOHO (the Union of Organizations of Homosexual Citizens), and other informal groups or individuals organize various events.

Most of the organizations united under SOHO are gay groups. In general, Czech women do not normally feel the need to be associated, which is reflected by the situation of lesbian organizations. The oldest female organization "L-klub Lambda Praha" still exists and, like the newly established Circle of A-club, has a rather assembling character. The action group "PROMLUV", which published the lesbian/feminist magazine *Promluv* for a number of years and organized the APRILES festival, is also falling apart. However, its most active members have recently united with other lesbian and feminist women and now represent an independent group of lesbian feminist activists.

## 5.2. Women in Prison

Women comprise about 1/10 of all criminal offenders in the Czech Republic. Women's criminal activity does differ from men's: generally, women participate in less consequential and mainly non-violent criminal activity: over 1/3 of all women prosecuted in 1998 involved property-related offences, specifically robbery and pick-pocketing; another 1/3 involved economic crimes, especially *inter alia* fraud. In the same year, women comprised 9% of all violent criminal offenders. Women were prosecuted for 30 out of a total of 303 murders committed in the Czech Republic in 1998. Generally, after being convicted, women do not engage themselves in recidivist criminality.

Differentiation of offenders according to types of crime - CR 1998

	Property crimes	Violent crimes	Economic crimes	Moral crimes	Other
No. of prosecuted offenders	54,627	18,546	16,887	1,514	37,697
Share of women	4,722	1,660	3,962	90	3,228
% of women	8.6	9.0	23.5	6.0	8.6

Source: *Statistics of the Police Presidium, 1998*

Currently, there are 58 women convicted of murder in Czech prisons. The number of cases in which women committed the crime in response to violent behaviour is not monitored (the total number of cases of domestic violence is not known either). However, according to Alena Maresova from the Institute for Criminology and Social Justice of the Czech Ministry of Justice, there are a significant number of such cases.

According to Act No. 293/1993 of Coll., article 7, women in custody are kept separately from men. There are two women-only prisons in the Czech Republic; one in Pardubice and another in Opava (this prison has two completely separate parts, one is for women only). The prison in Ruzyně in Prague also has a new separate building for women (it is a new prison run by the clergy for women with short sentences). Out of 616 currently imprisoned women, 432 are in the Pardubice prison and 76 in Opava. The rest are imprisoned in Ruzyně (custody prison) in Prague.

According to Article 2 of Act No. 293/1993 of Coll., "the personal dignity of a person in custody may not be humiliated and he/she cannot be subject to any physical or psychological pressure". Rape in custody has not been monitored so far and no cases have been reported. Any form of torture, either in custody or in prison, is illegal and no major violations have been reported or monitored.

According to Alena Maresova, prisons for men and women differ regarding their facilities, rules, etc. Generally, it can be said that the conditions in men's prisons are stricter than in women's prisons.

Pregnant women cannot be put in solitary confinement. According to Act no.110/1994 of Coll. on rules governing prison sentences, "If a convicted woman is found to be pregnant, the prison director will - based on a doctor's proposal - immediately recommend that the sentence be interrupted." Women with very small children can also normally have their sentences interrupted. Current Czech legal provisions allow for women with children under the age of three to be kept together in prison, but Czech prisons cannot accommodate such provisions yet. A new prison to be opened in Jirice is planned to have such facilities for women and their children.<sup>7</sup>

## 6. WOMEN AND ARMED CONFLICT/REFUGEES

The Czech Republic has been in a peaceful geographical area for the past few decades and the country has not been endangered by any armed conflict. At the same time, both governmental and non-governmental organizations have participated in activities providing aid to refugees from regions affected by war. According to Dana Nemcova from the Czech Helsinki Council, during the asylum-granting procedure,

refugees are treated in accordance with the laws of the Czech Republic and no major abuses of such rights by state institutions have been reported. Regarding the equal treatment of men and women, no discrimination is known to take place, but little attention is paid to the specific needs of women refugees (although special measures would be welcome in cases of single mothers or women victims of trafficking).

The public and the media's approach to refugees and asylum seekers have been either indifferent or slightly negative. Currently though, Czech society is becoming accustomed to the trend of refugees arriving in the country. Such changes in people's attitudes are influenced by a number of NGOs that provide aid to asylum seekers and refugees. In addition to providing aid, their activities also include the publication of materials, lectures, and information campaigns aimed at deepening the level of tolerance of the Czech population towards other nationalities. A number of programs targeting women refugees and asylum seekers can be found in the work of various non-profit organizations. They mainly take the form of therapy or women's clubs aimed at solving problems that are specific to women and for which there is no other place to go.<sup>8</sup>

#### Endnotes:

<sup>1</sup> Source: 1999 CEDAW report, interview with Diana Bensova

<sup>2</sup> Sources: Interview with Marie Cermakova from the Sociological Institute of the Czech Academy of Sciences; 1999 CEDAW Report; Czech Statistical Yearbook 1999

<sup>3</sup> Source: Web sites of Chamber of Deputies and Senate of the Czech Republic

<sup>4</sup> Sources: Interview with Petra Vitousova, White Circle of Safety, Prague; interview with Dr. P. Weiss, Institute on Sexology; interview with Jirina Dolanska, Elektra

<sup>5</sup> Source: Interview with Iveta Bartunkova, LaStrada Czech Republic

<sup>6</sup> Source: Interview with Iveta Bartunkova, LaStrada CR, o.p.s., 14.5.2000; Internal materials of LaStrada CR, o.p.s.; Booklet *Advocates for Women*. Praha 1999. Profem, o.p.s

<sup>7</sup> Source of information: interview with Dr. Alena Maresova, the Institute for Criminology and Social Justice of the Czech Ministry of Justice

<sup>8</sup> Source: Interview with Dana Nemcova, Czech Helsinki Council