



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

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**Committee on the Elimination of Discrimination
against Women
Sixty-third session**

Summary record of the 1386th meeting

Held at the Palais des Nations, Geneva, on Tuesday, 23 February 2016, at 3 p.m.

Chair: Ms. Hayashi

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The meeting was called to order at 3 p.m.

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

Sixth periodic report of the Czech Republic (continued) (CEDAW/C/CZE/6; CEDAW/C/CZE/Q/6 and Add.1)

Articles 7 to 9 (continued)

1. *At the invitation of the Chair, the delegation of the Czech Republic took places at the Committee table.*
2. **Ms. Baršová** (Czech Republic) said that there had been a lengthy debate in the Czech Republic on the possibility of amending the Citizenship Act. That new law was a positive development and was evidence of the Government's openness to dual and multiple citizenship.
3. **Ms. Pokorná** (Czech Republic) said that the new law on citizenship, which had come into force in January 2014, provided new avenues for obtaining Czech citizenship. That legislation had been introduced in order to provide the necessary tools to verify the veracity of the joint parental declarations used to determine the citizenship of newborn children.
4. **Ms. Cardona Ševčíková** (Czech Republic) said that 17 per cent of Czech ambassadors were female, and women made up 29 per cent of her country's special representatives to international organizations. A number of concrete measures had been introduced to promote a better work-life balance for persons working in those fields. For example, a kindergarten had been opened for the children of people working in the various ministries, and women were offered flexible working arrangements which included the option of working from home.
5. **Ms. Baršová** (Czech Republic) said that her Government needed to compile more detailed data on the number of women working in international tribunals and might need to amend the rules to make the appointment and nomination process more favourable for female candidates.

Articles 10 to 14

6. **Ms. Al-Dosari** said that, while the Committee appreciated the information on gender equality in education that had been provided in the State party's report, more detailed information would be appreciated on how textbooks had been adapted in order to incorporate a gender perspective and to promote gender parity. Was the subject of reproductive health and responsible sexual behaviour included in mandatory school curricula and in the National Action Plan for Inclusive Education? Further information on the steps taken to address the situation of the large number of girls who dropped out of education, especially Roma girls and girls belonging to socially marginalized groups, would be appreciated. Gender-based discrimination was apparently quite prevalent in secondary schools. What measures had been taken to eliminate such discrimination in the education system, especially in secondary and tertiary institutions? While the number of women in higher education was on the rise, the Committee would like to know what specific challenges needed to be overcome in order to encourage more women to undertake research and complete degrees at the Master's and PhD levels. What measures were being taken to tackle the issue of discrimination against women and gender-based stereotyping in management and decision-making roles in the education sector?

7. **Mr. Bruun** said that quite specific recommendations regarding employment had been made by the Committee following its last meeting with the State party. However, it appeared that rather limited progress had been made since then. The Committee would like to know what the State party planned to do differently in the coming years in order to implement the provisions of the Convention more fully. The persistence of vertical and horizontal gender segregation and the wide pay gap in the State party were matters of concern to the Committee. The low minimum wage, which a larger proportion of women than men received, placed wage earners below the poverty line. Were figures available on exactly how many women and how many men earned that wage and were there plans to raise it in the future? The efforts made by the State party to reconcile professional and family life were commendable, but the Committee would like to know how many men actually took parental leave and whether or not there were plans to encourage more men to do so. The Committee was also concerned that the support shown by the Government for flexible and part-time working arrangements could cause more women to end up in low-paid, part-time work.

8. Was it true that migrant women were excluded from the health coverage provided by the social security system? On the issue of access to justice in discrimination cases, some employees had reportedly encountered difficulties in filing complaints with the Office of the Ombudsman. The introduction of the *actio popularis* proceedings mentioned earlier by the delegation could be a potential remedy for that problem. Were there plans to establish such a procedure?

9. **Ms. Arocha Dominguez** said that the Committee was very concerned about the State party's decision not to provide compensation to victims of forced sterilization. More details about the reasons for that decision would be appreciated. The reference to "intellectual maturity" in paragraph 58 of the replies of the Czech Republic to the list of issues (CEDAW/C/CZE/Q/6/Add.1) introduced an element of subjectivity that could be a cause of concern. Who decided whether or not an individual was intellectually mature and what criteria were used to ensure that the assessment was conducted objectively, especially in the case of minors, ethnic minorities and migrants? The Committee was concerned that decisions regarding sterilization could be arbitrary if no proper mechanisms were in place to prevent that. Regarding the reference to hysterectomies performed following caesarean sections, if the reason for the hysterectomy was that there had been a pre-existing disease of the uterus, why would the pregnancy not have been interrupted? It was unclear why a modern, well-equipped hospital would need to carry out an emergency hysterectomy following a caesarean section.

10. **Ms. Baršová** (Czech Republic) said that progress in implementing the Committee's earlier recommendations had not been made as quickly as the Government would have liked, but nonetheless some progress had been made in, for example, narrowing the gender pay gap. The Government was also committed to raising the minimum wage. However, doing so was a complex undertaking that involved numerous stakeholders, including trade unions. For that reason, progress had been relatively slow.

11. **Ms. Viktorinová** (Czech Republic) said that the minimum wage had been increased to 9,900 Czech koruna as of 1 January. A five-year project supported by the European Social Fund aimed to reduce the pay gap in order to bring it into line with the European Union average. The project would include awareness-raising campaigns, support for the Labour Inspection Office and, potentially, the development of online tools to assist employers in carrying out wage audits. A family policy strategy was being developed to tackle the issues raised by the shortage of full-time positions for people who had accepted part-time work because that was all that they could find. The comprehensive strategy would include a range of measures and tools for dealing with that problem in the coming years and would also address the Committee's concerns relating to the pay gap. Employers would be

required to give their part-time employees priority when recruiting for full-time positions, and the legal framework for the protection of part-time workers would be strengthened.

12. It was true that there was an insufficient supply of childcare services in the Czech Republic. However a law had been adopted in November 2014 on the creation of affordable, non-commercial childcare services. The Government provided funding and methodological assistance to those centres, and tax deductions were also offered to parents to make childcare options more affordable. The fact that so few men (1.8 per cent) took parental leave was to be addressed in the family policy strategy. An expert commission had been set up on that subject and had proposed a number of measures, including an improved paternity benefit to be paid to new fathers and the combination of paternal and maternal leave allowances.

13. **Mr. Pavlík** (Czech Republic) said that the education system was deregulated and that schools were independent legal entities administered by municipal and regional councils. The Ministry of Education therefore did not have the authority to intervene in order to regulate the system. Textbooks did not have to have the approval of the Ministry of Education in order to be used in schools; however, there was a textbook certification process and a set of guidelines for that purpose which covered the incorporation of a gender perspective along with other aspects of their content. The underrepresentation of women in higher education and research positions was also difficult for the Government to remedy, since universities and other research institutions were fully independent from the State. The National Action Plan for Inclusive Education, which had been adopted in 2015, called for the introduction of a number of provisions that would benefit children with special needs and children belonging to ethnic minorities and other disadvantaged groups. It also set out the necessary funding arrangements to finance those measures. The Romani Integration Strategy covered primary and secondary education and promoted inclusive education for Roma children.

14. **Mr. Marounek** (Czech Republic) said that hysterectomies were usually carried out because of pre-existing disease, not as a method of forced sterilization. The attending physician informed the patient of the nature of the medical procedure, and the patient could then give her consent for the procedure after the statutory waiting period. However, if a hysterectomy was carried out as an emergency procedure, it was considered as urgent care and did not require the patient's consent so long as it did not conflict with her living will. Patients who were minors or who otherwise did not have the necessary legal capacity to give their own consent could undergo a sterilization procedure only after the consent of a legal guardian or on the recommendation of an expert committee which was subsequently reviewed by a judge. The attending physician also had to submit the patient's written consent to the court; if the patient was unable to give her consent because of a lack of intellectual capacity, an explanation of that situation also needed to be provided in the submission.

15. **Ms. Baršová** (Czech Republic) said that medical insurance was compulsory for migrants. Migrants who were permanent residents and those who were legally residing in the territory of the Czech Republic and had work contracts were covered by the general health insurance scheme. Persons in some other categories, such as those who had been issued a permit under family reunification provisions, were required to have insurance but were not eligible for the national health-care scheme.

16. **Ms. Pokorná** (Czech Republic) said that there were over 266,000 migrants in the Czech Republic and 182,000 of them had public health insurance coverage. In 2014, research on health care for migrants in the Czech Republic had led the Government to decide to introduce new legislation under which public health insurance could be granted to specific categories of migrants who had previously not been insured; under that legislation, health insurance companies would be required to provide insurance to all migrants residing

in the Czech Republic. It was hoped that the proposed legislation would be adopted by the end of 2016.

17. **Ms. Zachariášová** (Czech Republic) said that the National Contact Centre — Women and Science worked in close cooperation with government advisory bodies to promote equality between women and men through a range of activities, including the provision of inputs on political and strategic documents concerning science. As for the bill on the regulation of prostitution, that legislation was still pending in the Chamber of Deputies. It was, however, not supported by the Administration. Following the first reading, the bill had been considered by the Petitions Committee, as were all legal proposals; that body had also issued a negative opinion and recommended that the Chamber of Deputies should reject the bill and request the Administration to deal with the issue directly.

18. **Ms. Baršová** (Czech Republic) said that the ongoing debate on the bill on prostitution demonstrated that there was a lack of agreement on the issue; the Government would endeavour to adopt a more unified position in the near future.

19. **Ms. Viktorinová** (Czech Republic) said that, in the first half of 2015, some 127,000 employees had been earning the minimum wage; of those, 67,000 were men and 60,000 were women.

20. **Ms. Arocha Domínguez** said that more specific data should be provided regarding maternal health, including the number of caesarean sections and episiotomies that were carried out. The figures that were available appeared higher than those of the rest of Europe and above the levels recommended by the World Health Organization. Without detailed data, it was difficult to judge whether or not the number of such procedures was excessive.

21. **Ms. Al-Dosari** said that the reporting State should provide further information on the integration of Roma children in public schools. If the central government was not responsible for such affairs, it would be useful to know which institutions were expected to carry out such integration measures. As for women in decision-making positions, she wished to know whether any laws had been enacted to enable women to gain access to such positions without having to resort to gender equality mechanisms. Specific programmes should also be in place to help women in that regard.

22. **Ms. Baršová** (Czech Republic) said that the education of Roma children was a broad and complex issue. Roma children were one of the focuses of the effort to overhaul the education system in order to make it more inclusive for all disadvantaged groups. The Minister for Human Rights, Equal Opportunities and Legislation had launched an initiative whereby State school inspection teams identified those schools with higher concentrations of disadvantaged children, and persons from outside the school, who were usually Roma or close to the Roma community, were then invited to visit those schools in order to analyse the situation. That approach made it possible to determine whether schools were deliberately segregating Roma children from other children. Other measures aimed at helping disadvantaged groups included the establishment of the Agency for Social Inclusion, under the Ministry for Human Rights, Equal Opportunities and Legislation, which targeted the municipalities with the worst economic situations and the highest social exclusion indices, which also tended to be those with higher concentrations of Roma individuals. Since schools were primarily administered by the municipalities, the Government was working with them to find solutions at the local level. Municipalities also received financial support from the European Union funds that had been established to promote the integration of Roma and other marginalized communities. The Government Council for Roma Affairs had set up a scheme to assist municipalities and local communities to launch projects involving Roma minorities; they also provided support for children's extracurricular activities which might not otherwise be accessible. Implementation of the National Action Plan for Inclusive Education was under way but

much remained to be done. Moreover, segregation also continued to pose a challenge in the labour market. It was important to note that government policies were not the only factor in that regard; individuals also had preferences, whether or not they were based on stereotypes. The Government had a part to play in changing such attitudes, but it would take time for its efforts to produce results.

23. **Mr. Pavlík** (Czech Republic) said that, in addition to the education measures already mentioned, the Agency for Social Inclusion collaborated with the Ministry of Education, Youth and Sport to provide guidance for inclusive education initiatives; its efforts were focused almost exclusively on the Roma community. The Government was aware that a number of children had been inappropriately placed in certain primary schools. New legislation would establish an improved methodology for the school placement of children with special needs and would provide for the establishment of a supervisory body to monitor their placement. If parents were unhappy with that body's recommendation, they would be able to appeal it. Although inclusive education had been a priority for the Government since 2005, no funds had previously been specifically allocated for its promotion; it was hoped that the funds to be earmarked for that purpose as from September 2016 would make the system more effective.

24. Passing a law on the equal representation of women and men at the decision-making level in schools and universities would constitute a fundamental change in the education system. He did not believe that there was sufficient political will to introduce such an enormous change as yet.

25. **Mr. Marounek** (Czech Republic) said that episiotomies were carried out in between 5 and 70 per cent of vaginal deliveries in Europe; in the Czech Republic, the percentage hovered around 35 per cent but had been declining for years. Forceps were used in between 6 and 15 per cent of deliveries in Europe; in the Czech Republic, the figure had long been less than 2 per cent. Caesarean sections were a growing trend globally, in part because of the increasing average age of mothers: the Czech Republic represented the median in Europe, with caesarean sections accounting for some 25 per cent of all deliveries.

26. Sterilization should no longer be seen as a concern. The Czech Republic now had legislation that effectively protected women; physicians were in fact reluctant to carry out any sterilizations lest they be sued for malpractice. It was truly regrettable that a number of women had undergone forced sterilizations during the communist period when the country had been part of the former Czechoslovakia. Besides expressing those regrets and attempting to compensate those women, it was difficult to know what other measures to take, not least because so many medical records had been destroyed during the communist period. The Ombudsperson, when consulted years ago about the number of women concerned, had stated that it was estimated at fewer than 100. The Government would welcome suggestions on how better to handle the issue.

27. **Ms. Zachariášová** (Czech Republic) said that the working group established by the Government Council for Equal Opportunities for Women and Men to focus on the issue of gender equality in relation to obstetrics in the Czech Republic was preparing recommendations to be submitted shortly to the Government Council.

28. **Ms. Ameline** said that, in the context of the migration crisis in Europe, she would like to know what measures the reporting State had put in place to welcome migrant women, who were especially vulnerable to violence and trafficking. It was unfortunate that, despite the considerable progress made by the reporting State in fighting poverty in the past, the trend had reversed beginning in 2010. She wondered what measures were being taken to provide shelter and health care to the 9.7 per cent of people living under the poverty threshold. A clear-cut strategy was needed to ensure that women, who were especially vulnerable in such situations, did not suffer from multiple forms of discrimination. Lastly,

she would like to invite the reporting State to elaborate on the social and economic priorities that it had identified in rural areas with a view to ensuring that women were not merely beneficiaries of assistance measures but decision-makers who contributed to the country's development.

29. **Ms. Baršová** (Czech Republic) said that the Czech Republic was a relatively small country that had become industrialized in the nineteenth century, so there were few remote rural areas left. Disparities between regions naturally existed, however, and the shortage of affordable housing led to the concentration of disadvantaged persons in certain areas.

30. **Ms. Viktorinová** (Czech Republic) said that a set of measures and tools were in place to help shield women from poverty. Work was being done on the issue of advance alimony payments, and steps were being taken to narrow the gender pay gap. In particular, the Government intended to provide support for flexible working arrangements, which would have to be underpinned by improvements in the quantity and quality of childcare services. A subsidy for family support services was in place.

31. **Ms. Dianišková** (Czech Republic) said that legislation on social housing had been given preliminary approval in October 2015, and a bill would be submitted to the parliament within the coming months. The bill would provide for assistance for families that were on the verge of losing their homes and for older persons, single mothers, persons with disabilities and victims of domestic violence. Employment programmes were also in place to provide women with reskilling opportunities, and a grant of 50,000 koruna per person over a three-year period was available for that purpose. In addition, the Government had set up a system whereby a woman could raise her income by engaging in socially useful employment, often in the community, or could be given individual job placement assistance. Women with disabilities were provided with counselling, rehabilitation and individual action programmes.

32. **Ms. Baršová** (Czech Republic) said that the Government was focusing its efforts on marginalized areas. In 2014, an independent consultancy had conducted a mapping exercise to establish how many socially excluded localities there were in the country. It had identified 606 such localities, occupied by some 188 persons per locality, on average, for a total of between 95,000 and 115,000 persons. Most of those localities were situated on the outskirts of towns or near the borders of other countries. The Government, acting through the Agency for Social Inclusion, would draw on European Union funds to improve the situation. Homelessness was also a problem: depending on the methodology used to determine a person's status, there were 30,000 or more homeless people. Social services did what they could, but much was also done by NGOs, charities and churches. The Czech Republic had not been entirely prepared for the influx of refugees, although the signs of its imminence had been clear, and many of the participants in the public debate surrounding the subject were not well informed. The body responsible for dealing with the situation was the Government Council for Human Rights. It was, however, important to observe the distinction between refugees and migrants: some economic migrants wanted only to pass through the Czech Republic on their way to other countries.

33. **Ms. Pokorná** (Czech Republic) said that the Government had put in place a national plan for the integration of persons under international protection which provided for a number of different types of activities, including courses in the Czech language and on other aspects of Czech society. Refugees, including women with young children, also received housing assistance. Integration centres located throughout the country were open to all migrants and provided counselling, legal aid services and social services.

34. **Ms. Ameline**, after pointing out that the refugee crisis represented a departure from the traditional sort of migration flows, said that the Government should take account of the Committee's general recommendations on women in conflict prevention, conflict and post-

conflict situations and on gender-related dimensions of refugee status, asylum, nationality and statelessness of women, as well as Security Council resolution 1325 (2000) on women, peace and security. The State party was to be commended upon its decision to convey humanitarian aid to victims of the war in Syria through its embassy in Damascus.

Articles 15 and 16

35. **Ms. Nadaraia** said that the State party would be in breach of article 15 if it prohibited young women with intellectual disabilities from marrying. Moreover, a court that decided on a woman's legal capacity could also determine her ability to assume parental responsibilities under article 858 of the Civil Code. She would like to know when the Government planned to repeal articles 673 and 865 of the Code so that all women could enjoy the right to married life. It appeared that women with disabilities who cared for young children received no specific support apart from disability benefits. It was her understanding that they were granted only four hours of child support services per week and that no outreach or ambulance services were provided. As a result, the children of such women were often placed in institutions, even when such action was unnecessary. She wished to know how the Government intended to improve the situation and what policies were in place to enable women with disabilities to exercise their right to family life.

36. She wished to draw the State party's attention to the plight of migrant women, especially from Ukraine, who faced difficulties in obtaining visas, even if they had relatives in the Czech Republic. Online visa checkpoints were overloaded and usually inaccessible. Moreover, visas were very expensive. Those circumstances sometimes prompted Ukrainian women to enter the country illegally. How did the Government intend to rectify that situation?

37. **Ms. Baršová** (Czech Republic) said that the Government was aware that the visa application procedure was not functioning properly. The situation had been raised just the previous day at a meeting of the Government Council for National Minorities. At that meeting, it had been decided that the Committee for the Rights of Foreigners, which was a body of the Government Council for Human Rights, would take action to improve the system. She knew no further details, but some progress was being made.

38. **Ms. Belloňová** (Czech Republic) said that, following the entry into force on 1 January 2014 of the new Civil Code, the restrictions on marriage for women with disabilities were no longer in force except in extreme cases. Moreover, a court decision restricting the legal capacity of a person with disabilities had to be reviewed every three years. A restriction on legal capacity did not automatically mean that a person could not marry: the courts considered individual cases as a whole and then ruled on the legal capacity or ability to assume parental responsibilities of the person concerned. Statistics from the Department of Justice showed that, in 2014, there had been a total of 2,700 cases in which restrictions were placed on a person's legal capacity (the statistics did not distinguish between the sexes). In only 31 of those cases had women been deprived of parental rights, and in 188 cases their parental responsibilities had been restricted. In other words, parental responsibilities had been limited in only 10 per cent of the total cases of restricted legal capacity, and more men than women had been deprived of such rights. That kind of action was taken only in very serious cases of, for example, child abuse or serious neglect. Courts always based their decisions on the best interests of the child.

39. **Mr. Marounek** (Czech Republic) said that the Government ran a programme under which a mother with disabilities whose child was under 3 years of age could be placed in a Ministry of Health institution for a short time so that she could be shown how to care for her child at home and given counselling and support.

40. **Ms. Dianišková** (Czech Republic) said that, although women with disabilities who had dependent children received no specific benefits, they were provided with a mobility allowance and a childcare allowance, which, under proposals currently before the parliament, were due to be increased by 10 per cent in August 2016.

41. **Ms. Schulz** asked whether the draft Act on Substitute Alimony mentioned in paragraph 206 of the State party's report (CEDAW/C/CZE/6) had been adopted and whether, under that law, substitute alimony payments were made if a spouse did not pay alimony. If such a system was in place, she would like to know whether it also applied to partners in a de facto union. She also wished to know what economic consequences of the dissolution of such a union had been identified in the course of the research on that subject which the Committee had asked the State party to undertake in paragraph 41 of its previous concluding observations (CEDAW/C/CZE/CO/5). Lastly, with reference to paragraph 205 of the report, she would be interested to learn whether there had been any cases in which a person had claimed in court that his or her spouse had taken employment that was detrimental to the family. A similar provision in her country had been repealed because, owing to stereotyped views of women and men, the court's decision often went against the woman.

42. **Ms. Baršová** (Czech Republic) said that the Government would take the final point raised by Ms. Schulz into consideration.

43. **Ms. Dianišková** (Czech Republic) said that the Ministry of Labour and Social Affairs was currently drafting legislation on advance alimony and was in the process of consulting various ministries and deciding on detailed aspects of the provisions to be included in the text.

44. **Ms. Viktorinová** (Czech Republic) said that the economic consequences of the dissolution of a de facto union would be addressed under the Government's family strategy, which, it was hoped, would provide for greater flexibility in employment.

45. **Ms. Belloňová** (Czech Republic) said that partners in a de facto union did not have the same rights and obligations as a married couple, but the Civil Code provided for the right of the survivor of such a union to inherit the property of a deceased partner and to be transferred leases that had been in the deceased partner's name.

46. **Ms. Baršová** (Czech Republic) thanked the Committee for its questions. A number of issues had been raised for the first time, and the Government would make an effort to incorporate the Committee's views into its policies.

The meeting rose at 5.15 p.m.