



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
29 October 2010

Original: English

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

Summary record of the 957th meeting

Held at the Palais des Nations, Geneva, on Thursday, 14 October 2010, at 3 p.m.

Chairperson: Ms. Pimentel (Vice-Chairperson)

Contents

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

Combined fourth and fifth periodic reports of the Czech Republic (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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

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

Combined fourth and fifth periodic reports of the Czech Republic (continued)
(CEDAW/C/CZE/4-5; CEDAW/C/CZE/Q/5 and Add.1)

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

Articles 10 to 14

2. **Ms. Bailey**, commending the State party on its efforts in the area of education, said that a number of concerns had been raised in the report and opening statement regarding the situation of Roma girls. While universal primary education was compulsory, the success and absentee rates of Roma children pointed to inequalities in the education system. Illness had been identified in a national study as one of the causes of absenteeism among Roma children, and that raised the question of whether the children had equal access to health services. The study also noted that Roma children tended to avoid school. Clarification was therefore needed on the extent to which absenteeism was attributable to cultural factors or to an unfriendly school environment for Roma children. Although the report made clear that Roma girls in the mainstream education system were more successful than boys at the basic school level, more information on girls in alternative educational settings would be useful. She would like to know how the Agency for Social Inclusion in Roma Localities dealt with problems facing Roma girls. The separate tables on the numbers of female and male students given in the report (tables 6.2 and 6.3) did not make clear the sex distribution in schools. A single table with data on fields of study, disaggregated by gender, would help to show whether there was gender segregation in different subject areas. While the report referred to measures to increase the participation of girls in technical areas of study, the data pointed to a decline in that respect. She would like to know whether any further steps had been taken to address the issue.

3. While female students outnumbered males in higher education, there were few women professors and PhD holders. She asked whether any temporary special measures had been taken to promote the advancement of women in academia.

4. **Mr. Bruun** said that the issues raised in regard to employment related not just to the economic crisis but also to structural problems of female and hidden unemployment. The Czech Republic offered fewer public childcare services than most other European countries. While benefits such as paternity allowances were welcome, the fact that pro-family measures were not mandatory and could even be vetoed by an employer was a cause of concern. He would like more specific information on the steps being taken to provide adequate public childcare as a means of addressing female unemployment.

5. Turning to the question of multiple discrimination, he said that details on what was being done to promote employment and combat discrimination against Roma and migrant women in the labour market were needed. He would appreciate clarification of the labour inspectorates' role in enforcing national anti-discrimination legislation and urged the State party to consider adopting temporary special measures.

6. **Ms. Patten** said that occupational segregation was still a problem. She would like clarification on the measures taken in both the public and private sectors to promote the participation of women in scientific and other highly skilled professions and in senior management positions and to combat stereotypes. She asked whether temporary special measures had been taken to encourage women to enter non-traditional occupations. Had progress been made under the new Labour Code in improving wages in occupations where women predominated? It was unclear whether the Code, particularly section 110, provided for objective job evaluation mechanisms with a view to raising the low status of female-

dominated occupations. She asked whether there was a special mechanism to adjudicate matters relating to wage discrimination. She commended the State party on its introduction of the new Labour Code and wished to know what measures had been taken to strengthen its implementation and to reinforce the labour inspectorates. She would welcome any details on awareness campaigns to accelerate progress towards equality and temporary special measures to address discrimination, especially against vulnerable women such as women with disabilities, Roma women and older women. It would be useful to know whether incentives were given to private enterprises to encourage them to adopt such measures.

7. **Ms. Rasekh**, commending the Czech Republic on its low maternal mortality rate, said that reports that women were increasingly afraid to use hospitals to give birth were a cause of concern. Such fears were caused by the fact that hospitals were dominated by male doctors who were not sensitive to patients' rights, including the right to privacy and dignity. Women underwent unnecessary Caesarean sections and forced sterilization, with consent for such operations often being obtained during delivery, while the women concerned were under stress. There was also a lack of communication between health-care providers and patients in obstetrics and gynaecology units.

8. In its previous concluding observations (CEDAW/C/CZE/CO/3, para. 24), the Committee had urged the Czech Republic to take urgent action to prevent coercive sterilization. She reiterated the request set out in paragraph 30 of the list of issues for information on coercive or involuntary sterilization of Roma women and mechanisms established to compensate such women. She failed to understand why no legislation to ban the practice had been adopted. She also wondered whether the State party had adopted a bill of patients' rights. It would be useful to have details on the ethics training provided not only to medical students but also to practising doctors and the number of female gynaecologists and obstetricians in the health-care system. Lastly, she would be grateful for an account of the health-care services and health insurance schemes available to aliens in the country.

9. **Mr. Bruun** said that he would like clarification on the legal requirements for giving consent, formal or otherwise, for sterilization operations. He noted the three-year time limit to file a claim for compensation for involuntary or coerced operations and wondered what remedies were available to persons who discovered that they had been sterilized without their consent after that period had elapsed.

10. **Ms. Coker-Appiah**, also referring to the three-year time limit, said that the majority of cases of forced sterilization had occurred during the communist period when the country was a part of the former Czechoslovakia. However, as a successor State, the Czech Republic could not repudiate its responsibility for the acts and omissions of the previous regime. She urged the State party to review its position so that all women might exercise their right to compensation under the law.

11. **Ms. Zou Xiaoqiao**, commending the State party on achievements made since the submission of its previous report, nevertheless noted with regret that no information had been provided on the rights covered by article 13. She would like to have more information on the benefits provided under the social insurance system, including pensions, unemployment benefits, poverty relief and assistance to persons with disabilities. It would be helpful to know what percentages of men and women received social benefits. Referring to the part of the common core document dealing with the national poverty line (HRI/CORE/CZE/2009, para. 20), she requested further information on government programmes to support the poor and sex-disaggregated poverty figures.

12. She would also like to know whether Czech women could access mortgages, bank loans and other forms of credit without facing direct or indirect discrimination and whether any specific measures, including microcredit programmes, were available to support female business start-ups. Lastly, she asked how the State party ensured women's equal

participation in sports and cultural activities and their full involvement in the related decision-making processes.

13. **Ms. Hayashi** said that she would like to examine concerns expressed at previous meetings of United Nations treaty bodies regarding the situation of minority women in rural areas — particularly with regard to housing — and the absence of an integration strategy in nearly all municipalities where socially excluded communities were found. She asked whether the establishment of the Agency for Social Inclusion had been one of the responses to those bodies' recommendations, whether the agency was fully operational and whether it had brought any real change. She also enquired about the impact of legislative amendments that had relaxed the restrictions on rental increases and had given landlords the right to evict tenants at will after two years' notice.

14. **Mr. Hartoš** (Czech Republic) said that the Ministry of Education, Youth and Sports had been tasked by the previous Government with developing two action plans to address social exclusion, one focusing on inclusive education and the other on early intervention. Both plans were in their preliminary phases and would not be fully operational for five years, but certain components were already in place. For example, the Ministry was already funding over 400 teaching assistants to support socially disadvantaged pupils in kindergartens and in primary and secondary schools. At the secondary level, around 50 per cent of the beneficiaries were Roma girls. Two amendments to Czech legislation on education had been drafted and a final decision from the new Minister was imminent. If adopted, the amendments would make education accessible to all children, irrespective of disability or social or ethnic status. Acknowledging the gender gap among PhD students and university professors, he said that the fundamental social factors underlying that situation meant that change would take time, despite the Ministry's efforts.

15. **Mr. Walek** (Czech Republic) explained that the role of the Agency for Social Inclusion was to implement policies for systematic change at the local level. Responsibility for policy development lay with the Ministry of Education, Youth and Sports.

16. **Ms. Masalová** (Czech Republic) said that equal access to health care was guaranteed under the Council of Europe Convention on Human Rights and Biomedicine as well as under national law. She was not aware of any situation in which health care was not accessible; the Czech Republic was a small country with an extensive and stratified network and had no shortage of inpatient beds or physicians.

17. **Mr. Walek** (Czech Republic) added that health-care assistants were available to support Roma men and women in accessing services.

18. **Ms. Baršová** (Czech Republic) said that the issue of women in research and science had recently been taken up by the Government Council for Equal Opportunities for Women and Men. In conjunction with the Academy of Sciences National Contact Centre – Women in Science, the Council planned to produce a policy document for the Government that should enable it to address women's unacceptably low level of representation among research workers.

19. **Ms. Špondrová** (Czech Republic) said that the Ministry of Education had been tasked with developing and implementing targeted programmes under the National Action Plan to help prepare girls and boys for careers considered atypical from the standpoint of gender. The programmes should be ready for implementation by the start of the 2011/12 academic year. As the National Action Plan also called for more extensive equal opportunities training for future teachers, modules on gender-sensitive teaching approaches should be introduced into the curricula before the end of 2011.

20. **Mr. Janeček** (Czech Republic) said that, in view of the Czech Republic's widening gender pay gap, wage discrimination had been made a particular focus of labour inspections. Before the end of 2011, the Ministry of Labour would produce a methodology for evaluating the objective value of work and assign one employee in each of its

inspectionates to deal with gender equality issues. The number of annual wage inspections had more than doubled since 2006, resulting in a parallel increase in the number of infractions identified.

21. The current Government was taking steps to address the shortage of childcare facilities. A package of pro-family measures had been designed by the previous Government but had not been approved before the elections. The bill was now being reworked, but with many of the original measures retained, and would be submitted for approval in February 2011. A mutual family aid system was envisaged that would allow parents to provide childcare for neighbours on a remunerated basis. That arrangement would constitute declared work, and labour laws would apply. Tax incentives would be offered to employers who created or provided childcare services. A new form of non-commercial mini-kindergarten was envisaged that would allow NGOs, employers and local authorities to become service providers with minimal formalities, and administrative obstacles in general would be relaxed. However, the paternal leave provisions contained in the original package had been discarded because of budget constraints. The Ministry had until the end of 2011 to complete its review of the system and propose the requisite policy adjustments. In addition, the system of parental benefits had been adjusted to give parents more flexibility. In the future, any amount within a predetermined range could be drawn every three months until the maximum entitlement had been disbursed.

22. The Ministry had until the end of 2011 to draft a policy to address the pronounced gender segregation existing in the labour market. Currently, 3 per cent of the Czech Republic's funding from the European Social Fund was allocated to gender equality issues, including horizontal occupational segregation. Temporary special measures were permitted under the new Labour Code but had been used rarely, if at all, and there had been few awareness-raising efforts. Campaigns were planned that would seek to educate employers and employees about the flexible working arrangements, including homeworking, permitted under the Code.

23. The Government had drawn up a new action plan on equal opportunities for persons with disabilities, based on the approach recommended under the United Nations Convention on the Rights of Persons with Disabilities, which the Czech Republic had ratified. The gender perspective was a cross-cutting element of the plan, which had been approved in March 2010. Approximately 1 million Czechs, just over half of them women, had some form of disability. Under the national plan, the Ministry had been tasked with analysing the situation of those women and proposing measures and legislation before the end of 2011.

24. About one third of migrant workers in the Czech Republic were women. The number of undocumented foreign workers had declined in the past year after legislation had been tightened to restrict the types of work in which migrants could be engaged and to impose stricter penalties on agencies that used trafficked or forced labour or, more generally, placed migrants in undeclared forms of employment. As a result, the number of private agencies — and likewise the scope for abusing migrant workers — had also declined significantly.

25. Women over the age of 50, pregnant women and those returning from maternity leave were considered vulnerable groups. They were given priority under the labour market policy, more time was allocated to them at labour offices and they received individual employment plans. The Government intended to increase capacity at labour offices so that more assistance could be given to vulnerable groups, including Roma women.

26. Financial incentives were provided for employers who created jobs for people from disadvantaged groups, and benefits were paid to unemployed people who founded their own businesses or became self-employed. Approximately one third of women in the Czech Republic were entrepreneurs, and they received the corresponding benefits.

27. **Mr. Walek** (Czech Republic) said that he did not believe that women in the Czech Republic would be afraid to give birth in hospitals; it was rather a matter of choice. He would nevertheless request the spokesperson for the Ministry of Health to give further details on that and other health questions.

28. **Ms. Köhlerová** (Czech Republic) said that, although there were no specific laws on patients' rights in the Czech Republic, those rights had been strengthened under general health legislation over the years. The country had an ethics code of patient rights, and a booklet that set out patient rights in a clear and simple format had been well received, especially in rural areas and among the older population. An updated and extended patients' rights policy, which had been amended in the light of patients' comments, was to be submitted for approval. Doctors received ethics training both prior to qualification and throughout their careers. There were approximately 1,025 female and 1,378 male obstetrician-gynaecologists. The statistics disproved the statement that women were afraid to give birth in hospitals, since 99 per cent of births took place in health institutions. No complaints regarding inadequate health care in delivery rooms had been received by the Ministry of Health. There had been irregularities with regard to sterilizations in the past, but the Ministry of Health had sought to rectify the situation by acting upon the recommendations of an advisory body which had investigated past practices. The informed consent scheme would be further amended to introduce a waiting period between completion of the consent form and surgery as well as to incorporate information on the risks and consequences involved.

29. **Mr. Konůpka** (Czech Republic) said that compensation in respect of illegal sterilizations was made on the basis of existing legislation. The three-year time limit in respect of claims had been upheld by the Constitutional Court but was under appeal before the European Court of Human Rights.

30. **Mr. Janeček** (Czech Republic) said that there was an extensive social security safety net in the Czech Republic. People with disabilities could receive a State pension if they met certain requirements, as well as a care allowance, assessed by a social worker, of between CZK 11,000 and 2,000, although the minimum amount would be reduced to CZK 800 in 2011 as a result of forthcoming budget cuts. State social support benefits were available to families. No distinction was made between men and women in the payment of family benefits, since they were paid to the household. Further subsistence payments were made to both men and women experiencing difficulties as a result, for example, of the recent floods in the Czech Republic. State benefits were payable to those earning less than 60 per cent of the median average wage.

31. **Ms. Baršová** (Czech Republic) said that, if the combined periodic reports had lacked information on credit and bank loans, it was because no specific problems in that area had been brought to the Government's attention. People could lodge complaints with the ombudsman if they believed that they had been discriminated against when applying for a mortgage or bank loan, but no such complaints had been received. Difficulty in obtaining affordable housing or bank loans was a social problem experienced by people with low incomes, rather than a gender issue. There might be inequalities in the distribution of funds for sporting or cultural activities by local authorities, and further scrutiny of that area would be undertaken.

32. **Mr. Walek** (Czech Republic), referring to article 14, said that, according to a study conducted in 2005 by the Ministry of Labour and Social Affairs and the Council for Roma Affairs, housing was inadequate in some 30 socially disadvantaged areas. The Government had created the Agency for Social Inclusion in 2008 in order to work with municipalities to seek solutions for social housing, education and other local issues. As part of that initiative, people from such areas had been integrated into mainstream housing.

Articles 15 and 16

33. **Ms. Halperin-Kaddari** said that a comparative survey conducted by the Commission on European Family Law had led her to believe that the Czech Republic could improve its family legislation. She wished to know whether the Government had conducted any empirical research on the economic consequences of divorce and on any resulting gender disparities. Studies conducted in many countries had shown that divorce was a major contributor to the feminization of poverty. Before amending its divorce laws, she would advise the State party to investigate that point. She sought the comments of the delegation concerning current legislation on alimony payments, as she understood that they were paid under exceptional circumstances rather than as a general rule and that a person's degree of responsibility for the breakdown of the marriage was taken into account. She was concerned that, although there was supposed to be an equal distribution of property following divorce, the definition of "property" was not broad enough since it did not cover intangibles, including career assets such as pension rights. She also wished to know whether women's property rights were recognized in the case of de facto unions.

34. **Ms. Jaising** said that the combined reports lacked certain types of information on marriage and the family, although they contained excellent demographic data on marriage and divorce. Since policy decisions were often based on statistical data, she wished to know what implications arose from the decline in the number of marriages in the Czech Republic and the fact that almost 50 per cent of marriages ended in divorce. The consequences for divorced or newly single women in respect of childcare and other issues should be explored, since the majority of households in the country were headed by single women. Had any policies been formulated for the high proportion of widows aged 75 and over in the population? Noting that most citizens claimed to adhere to no particular religion, she wondered whether Czech marriage laws were completely secular. She also wished to know whether marriage and divorce among Roma women were subject to the same laws as other citizens and whether customary marriages were permitted. What was the divorce rate among Roma women and how was community property regulated?

35. **Mr. Konůpka** (Czech Republic) said that decisions on alimony payments were based on each spouse's ability to earn a living and the degree of fault attributed to each spouse for the breakdown of the marriage. However, should a woman be incapable of earning a living following a divorce, she would be awarded alimony irrespective of her degree of fault. Courts had handed down decisions based on those issues in approximately 2,000 cases in 2009 and in over 1,000 cases for the first six months of 2010. Czech courts were required to interpret domestic legislation on the division of marital assets in accordance with the European Convention on Human Rights, which contained a very broad definition of community property.

36. **Mr. Walek** (Czech Republic) said that the Government had not conducted any empirical research on the economic consequences of divorce or on any resulting gender disparities or on the specific situation of single women. Although such women did enjoy their full rights as Czech citizens, both matters would be worthwhile future areas of study.

37. **Mr. Janeček** (Czech Republic) said that single parents were a priority and had received increased social benefits in recent years. The system had been abused, however, and the Government had been forced to reduce those benefits as a result.

38. An action plan formulated in 2008 to meet the specific needs of the ageing population would guarantee the rights of widows aged 75 and over. Measures included a special care allowance for older persons with disabilities and pensions that took into account the income of late spouses. A large portion of the State budget was allocated to elderly people, with additional support from NGOs and the European Social Fund. There were also plans to de-institutionalize services for the elderly and provide home-care

services. The Government was encouraging older persons to remain active by removing any barriers to their continued participation in all areas of life, including the labour market.

39. **Ms. Špondrová** (Czech Republic) said that only civil and religious marriages were legally recognized in the Czech Republic and that religious marriages had to be conducted in a registered place of worship. Divorce was only possible through the courts. Roma were subject to the same marriage laws as anyone else.

40. **Ms. Rasekh**, referring to comments on women's fears about giving birth in hospital, said that the real issue was that the majority of women were given no choice. She asked what steps had been taken to improve Roma women's access to reproductive health-care services. Were women given a clear definition and explanation of sterilization as part of the informed consent procedure? Was there an established complaints system for the health sector? She questioned the claim that no complaints had been received, since reports indicated that several complaints about involuntary or coercive sterilization and unnecessary Caesarian sections had been brought to court since 1990.

41. **Ms. Murillo de la Vega** asked whether the Government planned to introduce a licensing system for independent midwives practising outside of the hospital system, in line with European practice and guidelines. The procedure for obtaining informed consent to sterilization should take a woman's level of income and functional literacy into consideration and ensure that sufficient information on reproductive health was provided to enable her to make a fully informed decision. Failing to do so would place a woman at a disadvantage and constitute a violation of human rights.

42. **Ms. Ara Begum** asked what legislation was in place to ensure that older women had access to health care, housing and employment, were able to participate in public life and decision-making, and were protected from violence.

43. **The Chairperson**, speaking in her capacity as an expert, requested clarification on what remedies were available to women who discovered that they had been sterilized without their consent after the three-year deadline for complaints had expired.

44. **Ms. Köhlerová** (Czech Republic) said that women were given a full definition of sterilization, together with a clear diagram showing what the surgery entailed and an explanation of the risks and consequences; they were informed that, after the surgery, conception would be possible only through artificial insemination.

45. The issue of women being afraid to give birth in hospital was not a question of women being denied a choice, but health professionals preferred hospital deliveries to ensure the health and safety of mothers and babies. The law stated that a person had the freedom to choose a physician or health-care provider, although it was not always possible in practice. By law, the Ministry of Health must respond to any complaint lodged with it; the problem was that many complaints did not reach the Ministry.

46. Turning to the licensing of midwives, she said that the State was not intentionally restricting their practice. The problem was that some independent midwives had faced a temporary setback because they were unable to afford the facilities and equipment required to meet the standards established by the new decree. A period of adjustment was needed before evaluating the new legislation and making any necessary amendments. Again, the overriding concern was to guarantee the health and safety of mothers and babies.

47. **Ms. Baršová** (Czech Republic) said that, while de facto unions were not illegal, they were recognized only in certain situations. The Civil Code, for example, guaranteed equal property rights for persons sharing the same household. New legislation concerning same-sex couples also applied to de facto unions.

48. **Mr. Walek** (Czech Republic) said that the Anti-Discrimination Act prohibited all forms of discrimination, including discrimination on the grounds of age, and existing legislation therefore provided for the protection of older persons.

49. **Mr. Konůpka** (Czech Republic) said that no case law existed in the Czech judicial system involving Roma women who had been sterilized without their consent. In the absence of precedents, therefore, compensation for women who learned that they had been sterilized after the three-year limit could not be ruled out.

50. **Mr. Walek** (Czech Republic) thanked the experts and said that he hoped that the delegation had provided satisfactory responses to their questions.

51. **The Chairperson** commended the Czech Republic on the various measures that it had taken to ensure gender equality but said that a number of pressing concerns remained, such as the low level of representation of women in the workplace, politics and government; discrimination against vulnerable groups of women, including women with disabilities, migrant, refugee and older women and Roma women; and violence against women, including sexual abuse, trafficking and domestic violence. She appreciated the frank and constructive nature of the dialogue and hoped that the State party would make every effort to address the Committee's concerns with a view to full implementation of the Convention.

The meeting rose at 5.15 p.m.