



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

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**Committee on the Elimination of Discrimination  
against Women**

**Seventh periodic report submitted by Czechia under article  
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\* The present document is being issued without formal editing.

\*\* The annexes to the present document may be accessed from the web page of the Committee.



## Article 1

### Legal Definition of Gender Discrimination

1. Fundamental rights and freedoms are guaranteed to everyone, irrespective of sex, race, skin colour, language, faith and religion, political or other opinion, national or social origin, membership of a national or ethnic minority, property, birth, or other status by Constitutional Act No 2/1993 Coll., the Charter of Fundamental Rights and Freedoms, as amended (hereinafter referred to as the “Charter”), which is part of the constitutional order of Czechia.

2. The right to equal treatment and the prohibition of discrimination are further defined in Act No 198/2009 Coll., on Equal Treatment and Legal Means of Protection against Discrimination and on Amendments to Certain Acts (the Anti-Discrimination Act), as amended (hereinafter referred to as the “ADA”). The ADA sets out, inter alia, the areas in which discrimination is prohibited, outlines key concepts, defines prohibited grounds of discrimination, and establishes legal means of protection against discrimination. The ADA prohibits direct and indirect discrimination. According to Section 2(2) of the ADA, harassment, sexual harassment, persecution, instruction to discriminate, and incitement to discriminate are considered discrimination.

3. Czechia’s legal system allows potential discrimination victims to be represented in court proceedings, in which they seek protection, by a legal person whose activities listed in the statutes include protection against such discrimination. Specifically, this possibility is enshrined in Section 26(3) of Act No 99/1963 Coll., the Code of Civil Procedure, as amended. The Code of Civil Procedure in Section 133a(1)(a) and (c) facilitates the plaintiff’s evidentiary status as a potential victim of gender discrimination through the so-called shared burden of proof. If the plaintiff alleges facts before the court from which it can be inferred that discrimination has occurred, the defendant is subsequently obliged to prove that there has been no breach of the principle of equal treatment.

4. Concerning the use of the Convention in the case law of Czech courts, we can point to the Supreme Court judgment of 22 September 2016, Case No 33 Cdo 2039/2015, in which the competent panel of the Civil and Commercial Division referred to the Concluding Observations of the UN Committee on the Elimination of All Forms of Discrimination against Women of 10 October 2010 in interpreting the provisions of Act No 326/1999 Coll., on the Residence of Foreigners in the Territory of the Czech Republic and on Amendments to Certain Acts, as amended. The main ideas of the Convention are also reflected in the Supreme Court’s decision-making practice through the application of national or European law.

5. Concerning national case law on discrimination, in 2020, the Office of the Public Defender of Rights (hereinafter referred to as the “OoO”) conducted research on the Czech courts’ decisions on discrimination suits 2015–2019. The number of lawsuits has increased compared to the period 2010–2014.<sup>1</sup> While 56 lawsuits were filed between 2010 and 2014, there were 90 lawsuits between 2015–2019. Sex was the third most frequent discriminatory ground in 2015–2019 (18 lawsuits). Of these, fifteen concerned labour and employment.

6. Since 1 December 2009, the Public Defender of Rights (hereinafter referred to as the “Ombudsperson”) has been acting as an equality body in accordance with the relevant EU directives. The Ombudsperson is another public institution under Article

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<sup>1</sup> [https://www.ochrance.cz/uploads-import/DISKRIMINACE/Vyzkum/2020-vyzkum\\_judikatura-DIS.pdf](https://www.ochrance.cz/uploads-import/DISKRIMINACE/Vyzkum/2020-vyzkum_judikatura-DIS.pdf).

2(c) of the Convention that ensures the effective protection of women against any act of discrimination. Persons who believe they are victims of gender discrimination (including pregnancy, parenthood, and gender identity) may contact the Ombudsperson with their complaint. In justified cases, the Ombudsperson provides methodological assistance in filing a motion to initiate proceedings on the grounds of discrimination. Furthermore, concerning discrimination, the Ombudsperson has the power to review the activities of both administrative authorities and private individuals to ensure the effective application of the right to equal treatment.

7. Regarding awareness of the Convention and the Committee's activities, the Department of Gender Equality (hereinafter referred to as the "Department") continues to publish the Committee's general recommendations in the Czech language on the website of the Secretariat of the Government Council for Gender Equality (hereinafter referred to as the "Council").

### **Institutional arrangements for gender equality**

8. The Government Strategy for Equality between Women and Men in the Czech Republic for 2014–2020 (hereinafter referred to as "Strategy 2014–2020") was adopted by the Resolution of the Government of the Czech Republic (hereinafter referred to as the "Government") No 931 of 12 November 2014. The follow-up Gender Equality Strategy 2021–2030 (hereinafter referred to as "Strategy 2021+") was adopted by the Resolution of the Government No 269 of 8 March 2021. The strategies are Government documents implementing gender equality policy in Czechia, with the aim of providing a framework for public administration measures that will contribute to achieving gender equality.

9. Strategy 2014–2020 was implemented by the annual Gender Equality Action Plan which was adopted by the Government since 1998 and was an annex to the annual Gender Equality Report.

10. The Gender Equality Report is a periodic summary report providing information on developments in gender equality. It included the Report on the Implementation of the Strategy 2014–2020, which assessed the implementation of the Strategy 2014–2020 and the Gender Equality Action Plan. Since 2014, the Gender Equality Report has contained recommendations of the Council as an advisory body to the Government.

11. The implementing documents of Strategy 2014–2020 were also the Action Plans for the Prevention of Domestic and Gender-Based Violence, the Action Plan for Balanced Representation of Women and Men in Decision-Making for 2016–2018 (hereinafter referred to as the "Balanced Representation Action Plan"), and the Action Plan of the Czech Republic for the Implementation of UN Security Council Resolution No 1325 (2000) on Women, Peace and Security and Related Resolutions for 2017–2020 (hereinafter referred to as the "NAP WPS 2017–2020").

12. Strategy 2021+ is the second framework government document for implementing gender equality policy in Czechia. Its integral part is its link to policies implemented or coordinated at the EU level. Strategy 2021+ is also closely linked to international human rights obligations, and it builds on some of the recommendations of international organisations. The Strategy 2021+ takes into consideration an intersectional approach. Moreover, some measures of Strategy 2021+ are specifically targeted at particularly disadvantaged groups of women (e.g. women aged 65+, single mothers, or Roma women).

13. The financing for Strategy 2021+'s measures is ensured primarily from the ESF+ (especially OP Employment+) and the EEA and Norway Grants. However,

Strategy 2021+ also contains measures directly impacting the state budget – mainly measures concerning the allocation increase of some existing grant programmes.

14. Strategy 2021+ is divided into eight thematic chapters. The Work and Care chapter focuses primarily on eliminating gender inequalities in the labour market and care of children or other dependent persons. The Decision-Making chapter addresses the low representation of women in politics and other decision-making positions of public interest. The Safety chapter addresses domestic and sexual violence and safety in public space, including cyberspace. The Health chapter focuses on gender inequalities in healthcare, including childbirth and postnatal care. Gender inequalities in education, science and research are covered in the Knowledge chapter. The Society chapter focuses on eliminating gender stereotypes, reducing gender inequalities in the media and culture, and supporting the civil sector. The External Relations chapter focuses on gender equality in foreign policy. The last chapter, Institutions, aims to ensure sufficient capacity at public administration level to promote gender equality effectively and implement Strategy 2021+.

15. Strategy 2021+ is designed as an open strategy: the specific objectives may be followed by further sets of measures and action plans, both for sub-sectors and the regional dimension. Examples include the action plan for the prevention of domestic and gender-based violence or the action plan on the WPS Agenda.

16. Since 2000, the Czech Statistical Office and the Office of the Government of the Czech Republic (hereinafter referred to as the “Government Office”) have been publishing the annual publication Focus on Women and Men, which is a collection of statistical data on the differences between women and men in various areas of life. Strategy 2021+ requires the Government Office to submit proposals for optimising data collection to the editorial board Focus on Women and Men at least once a year and formulate recommendations for other relevant actors, which will contribute to further streamlining the data collection system.

17. The gender equality agenda, as a cross-cutting agenda, has been located at the Government Office since 1 January 2015. The Department has been coordinating the gender equality agenda since 1 January 2017. Before 2017, the agenda was under the responsibility of the Gender Equality Unit, which was located within the Human Rights and Minority Protection Department. The existence of a stand-alone Department has strengthened the agenda’s implementation on a symbolic level, i.e., concerning recognition of its importance and cross-cutting nature, and in practice, as it has enabled faster approval and implementation of the Department’s sub-tasks. In addition to implementing and coordinating the agenda, the Department also acts as the secretariat of the Council, its committees and working groups.

18. The post of Minister for Human Rights, Equal Opportunities and Legislation, who was responsible for gender equality, was abolished in December 2017. The gender equality agenda was subsequently placed under the responsibility of the Minister of Justice with effect from 13 December 2017. Since 11 July 2018, gender equality has been the responsibility of the Prime Minister. Due to the transfer of the agenda under the Prime Minister, the position of the Government Commissioner for Human Rights was re-established in June 2018.

19. Established in 2008, the Council is a permanent advisory body of the Government on gender equality. Members of the Council include the Government Commissioner for Human Rights, representatives of ministries, OoO, social partners, civil society, and other experts. According to the Council’s statute, the civil service is represented at the level of a deputy minister, or secretary of state. The Chairperson of the Council is a member of the Government responsible for gender equality and equal opportunities, currently the Prime Minister.

20. The Council currently has the following working bodies on specific areas related to gender equality:

- Committee for Prevention of Domestic Violence and Violence against Women (established in 2008);
- Committee for Balanced Representation of Women and Men in Politics and Decision-making (established in 2009);
- Committee on the Institutional Framework for Gender Equality (established in 2009);
- Committee on Social Policy, Family and Care (established in 2009);
- Working Group on Men and Gender Equality (established in 2012);
- Working Group on Obstetrics and Midwifery (established in 2013);
- Working Group on Grant Programme Support for Publicly Beneficial Activities in the Field of Gender Equality;
- Working Group on Roma Women's Issues (established in 2021).

21. In 2020, the Working Group on the Gender Impacts of the COVID-19 pandemic was established. The Working Group was terminated in 2022.

22. In November 2012, the Gender Equality Unit launched the implementation of the project “Optimisation of Institutional Provision of Equal Opportunities for Women and Men in the Czech Republic” (hereinafter referred to as the “Optimisation Project”) co-financed by the Operational Programme Human Resources and Employment. The Optimisation Project ran until 30 November 2015. Due to its implementation, the number of positions in the Gender Equality Unit was increased.

23. The Optimisation Project was followed up by the project “Implementation of the Government Strategy for Gender Equality in the Czech Republic for the Years 2014–2020 and Related Activities” (hereinafter referred to as the “Implementation Project”) co-financed by the Operational Programme Employment, which was implemented from 1 February 2016 to 31 December 2022.

24. Setting aside the Implementation Project, two systematised positions in the Department were financed from the state budget during the reviewed period. In 2017, the Department had 12 systematised positions, two of which were part-time. In 2018–2021, the number of systematised positions decreased to 11, including one part-time position. In 2022, there were 11 systematised full-time position in the Department.

25. During the reviewed period, the Department also implemented the project “Domestic Violence and Gender-Based Violence / Implementation of Equal Opportunities for Women and Men and Support for Reconciliation of Work and Private Life”, and the project “Enhanced capacities and methodological support in prevention of domestic and gender-based violence” which is still ongoing. Both projects are co-financed by the Norway Grants (see Article 2 for more details).

26. By the Resolution of the Government No 347 of 30 May 2018, the Standard of the Position of Ministerial Coordinators for Gender Equality was approved. The Standard sets out, inter alia, the placement of the ministerial coordinator for gender equality (hereinafter referred to as the “gender focal point”) within the ministry, the characteristics of the position, working hours, the qualification, and the competencies of gender focal point. However, compliance with the Standard is merely recommended and, therefore, not enforceable.

27. To unify the existing approaches to implementing gender audits and to define minimum criteria for gender audits, the Government Office issued the Gender Audit

Standard in 2015, which was pilot-tested in 2016–2022. Subsequently, an analysis of the implemented gender audits was prepared. Based on its findings, a revised standard is being developed.

28. In 2015, the Government Office published the Gender Impact Assessment Methodology for Materials Presented to the Government. The Methodology aims to improve the gender impact assessment in legislative and non-legislative materials submitted to the Government. Since 2018, the Department has organised seminars for public administration employees on gender impact assessment and using the Methodology. Moreover, three analyses of the utilisation of the Methodology were conducted as of 22 May 2023. The analyses highlighted the low level of utilising gender impact assessment and contained a list of recommendations.

29. In 2021–2023, the Government Office and the Organisation for Economic Cooperation and Development have been implementing a project “Strengthening Government Capacities to Ensure Gender-Sensitive and Inclusive Reconstruction: Supporting Better Implementation of Gender Equality Goals in the Czech Republic” funded by the European Commission under the Technical Support Instrument. The project aims to review and strengthen the institutional framework for gender equality in Czechia. As such, it examines how gender equality is promoted at the government level and provides recommendations by the OECD. The main outputs of the project include a report that reviews the institutional framework and two action plans for selected ministries, namely the Ministry of Education, Youth and Sports (hereinafter referred to as the “MoEYS”) and Ministry of Labour and Social Affairs (hereinafter referred to as the “MoLSA”).

30. Strategy 2021+ is implemented through the Government Office’s grant programme “Support for Publicly Beneficial Activities in the Field of Gender Equality”. The grant programme was established in 2015 and is administered by the Department. It is designed to support the activities of non-governmental non-profit organisations (NGOs) that support the implementation of Strategy 2021+. From 2022 onwards, municipalities’ gender equality activities are supported from the grant programme, too. The annual allocation of the programme amounted to CZK 7 million between 2015 and 2018. From 2019 onwards, it is CZK 4 million. Activities promoting gender equality are also partially supported by grant programmes of the MoLSA (the Family Grant Programme), Ministry of the Interior (hereinafter referred as the “MoI”) (the Grant Programme for the Prevention of Socially Pathological Phenomena), Ministry of Justice (hereinafter referred as the “MoJ”) (Development of Services for Victims of Crime), and Ministry of Culture (grant programme in filmmaking and media focusing on popularisation of media production and media professionalisation to support projects by female and male journalists, including mentoring and leadership, with the aim of achieving balanced representation of women and men in decision-making in the media).

31. Between April 2017 and March 2020, the MoEYS implemented a project entitled “Optimisation of the Institutional Safeguarding of Gender Equality at the MoEYS”. The project was financed by the European Social Fund under the Operational Programme Employment and the state budget. Its financial allocation was CZK 6,869,344.88. The project primarily aimed at anchoring gender equality within the structures of the MoEYS, incorporating gender mainstreaming into the MoEYS work, and ensuring a functioning system after the project ends.

## Article 2

### Measures to Eliminate Discrimination against Women

32. The ADA has been the key legal instrument for protection against discrimination since 2009. It regulates, inter alia, legal means of protection against discrimination. These include, in addition to judicial protection, contacting a competent controlling or superior authority (e.g., the Czech Trade Inspection Authority, State Labour Inspection Office, etc.), and an amicable solution in the form of mediation. The Ombudsperson plays an important role, too.

33. Since 2012, the Ombudsperson has been recommending that the Chamber of Deputies of the Parliament of the Czech Republic (hereinafter referred to as the “Chamber of Deputies”) adopts a law on free legal aid to improve the situation of indigent victims of discrimination. To eliminate all forms of discrimination against women, the MoJ reduced the court fee for filing an anti-discrimination lawsuit in 2017. Act No 549/1991 Coll., on Court Fees, as amended, was amended several times in the reviewed period – the amends concerned, inter alia, the criteria for exemption from court fees. For example, Act No 297/2021 Coll, on One-off Compensation for Persons Sterilised in Violation of the Law and on Amendments to Certain Related Acts, extended the scope of cases in which court fees are exempted to cases concerning the compensation for persons sterilised in violation of the law, effective from 1 January 2022. Furthermore, the amendment to Act No.85/1996 Coll., on advocacy, as amended (Act No.258/2017 Coll.), effective from 1 July 2018, significantly complemented the legal aid system regulated by the procedural codes. The Advocacy Act provides for the right of anyone who does not meet the conditions for the appointment of an attorney by the court, or who cannot secure legal services otherwise, to have the Czech Bar Association designate an attorney to provide legal advice or legal services upon their request.

34. The Ombudsperson cooperates with the NGO Pro bono alliance to provide free legal assistance.

35. Between 2014 and 2021, the Ombudsperson received approximately 3,046 complaints alleging violations of the right to equal treatment, of which 191 alleged gender discrimination (38 in 2014, 53 in 2015, 55 in 2016, 48 in 2017, 39 in 2018, 38 in 2019, 37 in 2020 and 26 in 2021). The Ombudsperson addressed, among other things, discrimination in access to housing or services, healthcare, education, and employment. Regarding labour issues, the complaints concerned sexual harassment in the workplace, termination of employment due to parenthood, systematisation of civil service posts, or termination of employment during the probationary period after a female employee informed her employer about her pregnancy. There were also complaints about discrimination in housing. The conclusions of these and other discrimination complaints are available on the Ombudsperson’s website.

36. Labour inspection bodies are authorised to control the individual employers’ adherence to the prohibition of discrimination and unequal treatment. Labour inspection bodies received 318 complaints in 2016, 298 complaints in 2017, 286 complaints in 2018, 99 complaints in 2019, 65 complaints in 2020, 257 complaints in 2021, and 276 complaints in 2022. Concerning equal treatment and non-discrimination, the inspection most often encounters complains that point to “bullying” in the workplace (mobbing or bossing) or other forms of employer conduct where employees are not provided with satisfactory working conditions. Unequal treatment in specific area, such as concerning working hours or pay, is pointed out less frequently. Complaints concerning the non-compliance with the prohibition of discrimination based on one of the statutory grounds are rare.

37. The State Labour Inspection Office (hereinafter referred to as the “SLOI”) was involved in the implementation of the project “Gender equality in the labour market with a focus on (un)equal pay for women and men” (hereinafter referred to as “22% TO EQUALITY”). Due to its involvement, there was a specific focus of equal pay audits during the period under review. 5 cases of non-compliance with equal treatment, 3 cases of discrimination, and 1 case of unequal pay were discovered in 2021. In 2022, 15 findings related to unequal treatment, discrimination, or unequal remuneration were reported. In 11 cases, the breach of the obligation to ensure equal treatment of employees was discovered. In 2 cases, the employer failed to comply with the prohibition of discrimination. In 2 cases, equal pay was not ensured. Due to the inability to detect unequal pay and identify equal work and work of equal value, the SLOI, in cooperation with the MoLSA, proceeded to test the analytical tool Logib in monitoring activities. A methodology on equal pay audits is being developed, focusing on equal pay for women and men.

38. Labour inspection bodies do not only monitor equal treatment and non-discrimination in the workplace but also provide advice to raise awareness on these issues. The SLOI also continues further training of specialist inspectors who have been entrusted with this inspection area.

### **Women, Peace and Security Agenda**

39. NAP WPS 2017–2020 was adopted by the Resolution of the Government No 12 of 9 January 2017. The NAP WPS 2017–2020 was closely linked to the Strategy 2014–2020 and was one of its implementing documents.

40. Specific achievements have been recorded within the implementation of NAP WPS 2017–2020, including the appointment of the first female general of the Army of the Czech Republic and the gender-non-stereotypical marketing policy of the University of Defence, which consistently promotes study opportunities for women. Women soldiers and police officers were also encouraged to participate in foreign military and civilian missions.

41. The follow-up National Action Plan of the Czech Republic for the implementation of UN Security Council Resolution No 1325 (2000) on Women, Peace and Security and related resolutions for 2021–2025 (hereinafter referred to as “NAP WPS 2021–2025”) was adopted by the Resolution of the Government No 1218 of 23 November 2020. Czechia has set the following objectives in NAP WPS 2021–2025:

- Strengthen women’s participation and leadership in all areas related to peace and security;
- Systematically strengthen gender integration in all areas related to peace and security;
- Actively participate in strengthening conflict prevention through the promotion of women’s rights and gender equality;
- Provide and support adequate development and transformation cooperation and humanitarian aid that addresses the needs of women and girls.

42. NAP WPS 2021–2025 contains specific measures leading to the achievement of these objectives. Together with NAP WPS 2021–2025, the Government also approved the establishment of an inter-ministerial working group on the Women, Peace and Security Agenda, which had previously operated informally.

43. The Ministry of Defence has its own intra-ministerial action plan on the WPS Agenda on the occasion of the 15th anniversary of the adoption of Resolution 1325 in 2015.



## Foreign policy measures

44. Protecting human rights, including the rights of women and girls, remains the core objective of Czechia's foreign policy. In accordance with the Concept of Foreign Policy and the Concept for the Promotion of Human Rights and Transitional Cooperation, Czechia strives to strengthen women's position in society, promotes equal opportunities for women and men, and actively speaks out against violence against women and girls, including sexual violence in armed conflicts, at meetings of the UN, Council of Europe, and other international organisations.

45. Within its membership in the UNHRC, Czechia actively promotes the rights of women and girls, especially in issues related to women's participation in public and political life. Since 2013, Czechia has co-introduced a resolution aimed at equal participation in political and public affairs, including strengthening the participation of women and girls (the resolution was most recently proposed in September 2021). In the framework of the Universal Periodic Review (UPR) of the UNHRC, Czechia has formulated, inter alia, recommendations focusing on sexual abuse and trafficking of women, gender-based discrimination, eradication of female circumcision, and combating sexual and gender-based violence, including domestic violence.

46. The MoFA's Department of Human Rights and Transformation Policy oversees the Transformation Cooperation Grant Programme, within which projects are implemented to educate and spread awareness of human rights and support democratization processes and civil society worldwide. Gender equality is considered a horizontal priority in all implemented projects at the project identification and evaluation/selection stage. Following the Development Cooperation Strategy of the Czech Republic for 2018–2030, cross-cutting criteria, including gender equality, are reflected in cooperation programmes with all priority countries of bilateral development cooperation and in the identification forms of all development programmes and projects. The fulfilment of these criteria is continuously evaluated within project monitoring and evaluations of development cooperation and humanitarian aid projects and programmes. In January 2018, MoFA certified the Methodology for the Evaluation of the Cross-Cutting Principles of the Czech Development Cooperation, which included the cross-cutting principle of gender equality. The Methodology was developed within the TAČR project by INESAN to serve as a basis for project identification, formulation, and monitoring.

47. Gender equality is a cross-cutting (horizontal) priority within humanitarian aid in relation to the cross-cutting priorities set out in the Development Cooperation Strategy of the Czech Republic for 2018–2030. Interim and final reports, as well as in project monitoring and evaluations, serve as a basis for ascertaining how the priority is ensured. Some humanitarian projects specifically address the needs of particularly vulnerable groups, including women. Supported activities include preventing sexually motivated violence and addressing the health and social consequences of its manifestations; providing protection and livelihood for displaced women and single mothers; ensuring access to education combined with protection from violence for adolescent girls; and health and nutrition care for pregnant women and underage girls. These projects are financed in the form of grants for Czech NGOs and cash donations to relevant programmes of relevant international humanitarian organisations, especially UNICEF.

48. Following Russia's military aggression against Ukraine, the MoFA has announced a call for submission of grant applications for humanitarian aid projects under the grant title "Special-purpose grants to non-government non-profit organisations in the framework of humanitarian aid", grant call "Urgent Aid to Ukraine". Five projects were recommended for support, with grants totalling

CZK 46,450,000. The projects focused, inter alia, on psychological and psychosocial assistance to war victims, emphasising the needs of women and children. In December 2022, Czechia provided a grant to UNFPA. UNFPA focused on the provision of maternity health services, the establishment of centres for internally displaced persons and victims of sexual violence with an emphasis on providing psychological and legal assistance, the training of health professionals, and the provision of mobile health teams of sexual and reproductive health and psychosocial assistance professionals.

## Article 3

### Ensuring Human Rights and Fundamental Freedoms

49. The Government Council for Human Rights is an advisory body to the Government on human rights. According to its statute, the Chair of the Government Council for Human Rights is a member of the Government responsible for human rights and equal opportunities – currently the Prime Minister. The functioning of the Government Council for Human Rights and the Government Council for Gender Equality is ensured by the Government Office.

50. Czechia is party to eight of the nine core UN human rights conventions; Czechia has still not signed, and therefore not ratified, the UN Convention for the Protection of All Migrant Workers and Members of their Families.

51. In the period under review, the following UN international human rights treaties were ratified:

- International Convention for the Protection of All Persons from Enforced Disappearance (signed 19 December 2016, ratified 8 February 2017);
- Optional Protocol to the Convention on the Rights of the Child establishing a communications procedure (signed 30 April 2015, ratified 2 December 2015);
- Optional Protocol to the Convention on the Rights of Persons with Disabilities (signed 30 March 2007, ratified 24 August 2021).

52. The following international human rights treaties of the Council of Europe were ratified in the period under review:

- Protocol No 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms (signed 5 November 2013, ratified 18 March 2015);
- Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (signed 17 July 2014, ratified 2 May 2016);
- Council of Europe Convention on Action against Trafficking in Human Beings (signed 2 May 2016, ratified 29 March 2017);
- Council of Europe Convention against Trafficking in Human Organs (signed 15 March 2015, ratified 21 September 2017);
- Additional Protocol to the Convention on Human Rights and Biomedicine concerning Genetic Testing for Health Purposes (signed 24 October 2017, ratified 16 May 2019);
- Additional Protocol to the Convention on Human Rights and Biomedicine concerning Biomedical Research (signed 11 May 2018, ratified 12 May 2020).

53. Following observation No 19 of the Concluding Observations, Czechia informs that by the Resolution of the Government No 114 of 8 February 2016, the Minister of

Justice was instructed to submit to the Government a proposal for legislative measures to ensure the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (hereinafter also referred to as the “Istanbul Convention”). MoJ included the draft legislative changes in the Act No 287/2018 Coll., amending Act No 40/2009 Coll., the Criminal Code, as amended (hereinafter referred to as the “Criminal Code”), and certain other acts, which entered into force on 1 February 2019.

54. Following the possibility of submitting the proposal for ratification of the Istanbul Convention, a debate on its content was initiated. Mandated by the Council, the Department prepared a brochure responding to some of the concerns associated with the ratification of the Istanbul Convention, and the Analysis of the implementation of the Istanbul Convention in selected countries of the Council of Europe. The analysis shows that the concerns voiced most frequently in Czechia are not substantiated based on the practice of the countries surveyed and the recommendations of GREVIO and the Committee of the Parties. On the contrary, after the Istanbul Convention ratification, states have adopted measures to prevent violence against women, intensified awareness-raising activities and often strengthened the financing for these measures.

55. To open a serious debate on the Istanbul Convention ratification, seminars and conferences were organised for the members of parliament and the wider public in the regions.

56. The MoJ submitted the proposal for the ratification of the Istanbul Convention to the inter-ministerial comment procedure on 2 February 2020. After addressing all substantive comments and following the co-signing by the MFA, MoJ submitted a proposal for the ratification to the Cabinet on 27 July 2020. However, the then Minister of Justice withdrew the proposal from the Cabinet meeting, and the submission of the Istanbul Convention for ratification was postponed. The Government had not discussed the proposal before the end of its term. Following the formation of the new Government after the October 2021 election, the MoJ postponed the deadline for considering the ratification until 31 January 2023 to provide sufficient time for political debate. On 21 February 2023, the MoJ recirculated the proposal for the Istanbul Convention ratification to the inter-ministerial comment procedure.

## **Article 4**

### **Temporary Special Measures**

57. The legal regulation allows for the adoption of temporary special measures. Section 7(2) of the ADA states that measures aimed at preventing or compensating for disadvantages resulting from a person’s membership in a group of persons defined by one of the grounds referred to in Section 2(3), which includes sex and ensuring equal treatment and equal opportunities are not considered discrimination. Hence, while taking such measures is not compulsory, entities are assured that the measures will not be considered as discrimination.

58. The recommendation of the Council aimed at removing obstacles and creating conditions for balanced representation of women and men in decision-making positions (hereafter referred to as the “+1 Strategy”) was approved by the Government in 2016. The recommendation provides an overview of tools to promote a balanced representation in decision-making to achieve at least 40% representation of women and men in decision-making. Ministries and other central authorities shall inform the Government once a year of the measures taken. In November 2022, the methodology

for the Initiative on the Implementation of +1 Strategy was completed, including examples of good practice. Following the methodology, the training for gender focal points took place in November 2022.

59. Pursuant to Section 8(3)(c) of Act No 21/1992 Coll., on Banks, banks are obliged to ensure that a policy promoting diversity in the selection of members of the statutory body, members of the board of directors and members of the supervisory board is implemented. Two of the seven the Czech National Bank's Board members are women, including the deputy governor.

60. Act No 256/2004 Coll., on Capital Market Undertakings, as amended, requires relevant issuers to describe in their annual reports the application of the diversity policy, for example regarding age, sex, or education and expertise criteria, including information on the objectives of the policy, how the diversity policy is applied and the results of its application in the relevant financial year. If the issuer does not apply the diversity policy, it shall justify not applying this policy. The Department has conducted an assessment of the implementation of this obligation. Out of the 26 companies subject to the obligation, only 7 companies indicated in their 2020 annual reports that they have a diversity policy in place (12 companies indicated that they do not have a diversity policy in place and for 7 companies the information could not be traced/disclosed). In the context of low compliance with this obligation, the Department, in cooperation with the Ministry of Finance (hereinafter referred to as the "MoF") and the Czech National Bank, developed a manual on describing the diversity policy in annual reports containing examples of good practice.

61. The transposition of Directive 2022/2381 of 23 November 2022 of the European Parliament and of the Council (of the EU) on the improvement of gender balance among directors of listed companies and related measures (hereinafter referred to as "WoB Directive") began in 2023.

## **Article 5**

### **Measures to Eliminate Gender Stereotypes**

62. The systematic identification of ways to effectively eliminate gender stereotypes and unconscious prejudices in all spheres and at all levels of society is one of Czechia's priorities. Strategy 2021+ addresses this area specifically in the Society chapter. Furthermore, it is also reflected in other chapters as a horizontal priority (e.g., Work and Care, Knowledge, Health, etc.).

63. Concerning fields of study, women continue to make the majority in education, upbringing, and health and social care. Men are more likely to pursue study and career paths in engineering, manufacturing, construction, and ICT; however, there has been an increase in the participation of female students in these sectors since 2005. Increased participation of women in STEM fields is also a goal of the EU's Digital Education Action Plan (2021–2027), implemented, among others, through the "Girls Go Circular" project, which is designed primarily for girls aged 14–19 and teaches them digital and entrepreneurial skills and the circular economy through e-learning. Every year, the MoEYS in cooperation with the National Contact Centre – Gender and Science of the Institute of Sociology of the Czech Academy of Sciences (hereinafter referred to as the "NCC") awards the Milada Paulová Prize for Research to women, thus creating role models for female students to follow a non-stereotypical path.

64. During the reviewed period, measures were taken to combat gender stereotypes in employment and education. Career counsellors, job mediators and other employees

of the Employment Office of the Czech Republic were trained on gender stereotypes and how to avoid them when offering job opportunities. The Action Plan for Balanced Representation included measures to introduce gender-sensitive advertising and establish gender-mixed selection committees. Most ministries have been implementing these measures.

65. The equal distribution of childcare and household responsibilities was addressed in the Government's "This is Equality!" media campaign, aired in 2017. The campaign's TV spots showed men taking parental leave or women taking turns with their husbands to care for their children and returning to work earlier. The "This is equality!" campaign continues to address gender stereotypes on its website, social media, and promotional materials.

66. Understanding and applying the principle of gender equality in society remains one of the main goals of school education under Act No 561/2004 Coll., on Pre-school, Primary, Secondary, Higher Vocational And Other Education (the Education Act), as amended (hereinafter referred to as the "Educational Act"). Methodological support for teachers and pupils on gender-sensitive approaches has been developed. Furthermore, the handbook for career and educational counsellors has been updated with examples of gender non-stereotypical careers. The fight against gender stereotypes will be strengthened in the revisions of the framework educational programmes and in designing textbooks and educational materials.

67. The Department also focused on gender stereotypes in politics. The published "Analysis of Gender Stereotypes and the Portrayal of Women and Men in Election Campaigns" focuses on election programmes, pre-election debates, and the depiction of women in the 2017 Chamber of Deputies and 2018 presidential election campaigns.

68. 2021 brought a significant court decision concerning sexist advertising, which has long been the focus of only NGOs, primarily the NESEHNUTÍ citizen association. The Supreme Administrative Court ruled in the case of Index Čechy s.r.o. that a leaflet containing a nearly naked female body, without any relation to the advertised service, is contrary to good morals, reduces human dignity, and constitutes discrimination against women. According to the decision of the Supreme Administrative Court, the advertising message carries not only a promotional but also a cultural function, as it reflects social reality and can shape and form it. Therefore, according to the Supreme Administrative Court, it is important that advertising does not depict socially undesirable phenomena that degrade the position of women in society.

## **Domestic and gender-based violence**

69. Action plans for preventing and combating domestic violence have been adopted in Czechia since 2011. Following the National Action Plan for the Prevention of Domestic Violence 2011–2014 (hereinafter referred to as the "DV Action Plan 2011–2014"), the Action Plan for the Prevention of Domestic and Gender-Based Violence 2015–2018 (hereinafter referred to as the "DV Action Plan 2015–2018") was approved by Government Resolution No 126 of 23 February 2015. After its expiration, the Action Plan for the Prevention of Domestic and Gender-Based Violence 2019–2022 (hereinafter also referred to as the "DV Action Plan 2019–2022") was adopted by Government Resolution No 318 of 6 May 2019. Preparations for a follow-up action plan began in 2022.

70. Compared to the DV Action Plan 2011–2014, the DV Action Plan 2015–2018 and the DV Action Plan 2019–2022 have expanded their focus to include other forms of gender-based violence defined by the Istanbul Convention. According to the available statistical data, in the context of Czechia, these are mainly rape, sexual

abuse or dangerous stalking; these forms of violence have, therefore, been paid more attention in the follow-up DV action plans. Both the DV Action Plan 2015–2018 and the DV Action Plan 2019–2022 are based on a gender-specific approach to these forms of violence, thus recognising the gender-specific needs of women and men in the roles of persons at risk as well as in the roles of perpetrators of violence. The intention of the follow-up DV Action Plans is to reflect intersectionality across measures, while covering all forms of domestic and gender-based violence, regardless of the gender of the person and the persons at risk of these forms of violence.

71. The DV Action Plans have been developed by the Gender Equality Unit (in the case of the DV Action Plan 2015–2018) or by the Department (in the case of the DV Action Plan 2019–2022) in cooperation with the Committee for the Prevention of Domestic Violence and Violence against Women (hereinafter referred to as the “DV Prevention Committee”), which is a working body of the Council. The DV Prevention Committee brings together experts on domestic and gender-based violence from the public administration, NGOs and social service providers, the academic sphere, police forces, and the judiciary.

72. The DV Action Plans respond to the current situation in Czechia, where domestic violence remains a serious and widespread social phenomenon, according to data from the MoI, the MoJ, and statistics from research centres and social service providers.

73. The DV Action Plan 2019–2022 contained 24 measures with 68 outputs divided into 3 strategic areas: prevention, protection and support of persons at risk (including children), and access to justice.

74. The main priorities of the DV Action Plan 2019–2022 included ensuring the regional availability of specialised services for persons at risk of violence and their children, such as reception centres, crisis beds and telephone crisis assistance, together with therapeutic programmes for violent persons. It also enhanced the training, methodological guidance and cooperation of the helping professions and focused on violence prevention through awareness-raising activities and school education. In 2021, the Government approved an update of the DV Action Plan 2019–2022. The update includes, among other things, new measures to prevent cyber violence, violence against senior men and women, and increased protection for victims of domestic and gender-based violence during crises, such as the COVID-19 pandemic and related restrictive measures. The entry into force of Act No 250/2016 Coll., on the liability for offences and the procedure on them, made it possible to impose the obligation to undergo an appropriate programme for managing aggression or violent behaviour on persons committing violence in close relationships. The protection of persons appearing in misdemeanour proceedings has also been extended (e.g., with regard to the protection of personal data).

75. The DV Action Plan 2019–2022 contained 34 measures for 2020. Of these, 15 (44.1%) were implemented, 14 (41.2%) were partially implemented, and 5 (14.7%) were not implemented. If we also include measures that were partially implemented or not implemented in 2019, 50 measures were to be implemented in 2020. Of these, 15 (30%) were implemented, 18 (36%) were partially implemented, and 17 (34%) were not implemented. The latest report on the DV Action Plan 2019–2022 implementation shows that out of 61 measures with a deadline for implementation in 2021 or partially implemented or not implemented in previous years, 23 (37.7%) were implemented, 17 (27.9%) were partially implemented, and 21 (34.4%) were not implemented.

76. Czechia still lacks specialised services for domestic and gender-based violence victims and their children. An important change in this respect is to be brought about by the amendment to Act No 108/2006 Coll., on Social Services, as amended, which

should support the specialisation and availability of social services for victims of domestic and gender-based violence. In the previous term, the Government failed to discuss the draft amendment. It is expected to be resubmitted in 2023.

77. Since 2020, the MoF has administered the “Human Rights, Roma Inclusion and Prevention of Domestic and Gender-Based Violence” programme funded by Norway Grants. Approximately CZK 580 million was allocated for the programme, of which approximately CZK 156 million was allocated for the Domestic and Gender-Based Violence programme area for four years.

78. The MoLSA continues implementing the “Family and Protection of Children’s Rights” grant programme. The prevention of violence against women and children, including domestic and sexual violence, is supported within the grant areas Preventive Activities in Support of Families, and Support for Work with Children and Families in the Agenda of Social and Legal Protection of Children. The financial allocation of the grant programme amounted to CZK 94–100 million per year between 2015 and 2019. The allocation was increased to CZK 120 million in 2020, and CZK 140 million in 2021.

79. Since 2013, the MoJ has administered the “Development of Services for Victims of Crime” grant programme, which provides services to victims of crime based on Act No 45/2013 Coll., on Victims of Crime (hereinafter referred to as the “Victims Act”). The financial allocation of the programme was CZK 6.6–10.4 million per year in 2015–2021.

80. The MoI continued to implement the “Prevention of Socially Pathological Phenomena” grant programme, focusing on preventing domestic violence and crimes against seniors. Projects focusing on working with violent persons are supported by the grant programme. The grant programme allocation was CZK 1.6–2 million per year in 2015–2022. In 2022, it was reduced by 6% to CZK 1 880 000.

81. The budget for social services was increased. While the state budget subsidies for social service providers amounted to CZK 8.57 billion in 2015, they were increased to CZK 18.6 billion in 2019. In 2021, CZK 21.41 billion was prepared for subsidies in this area.

82. Under the Victims Act, victims of violence against women are considered particularly vulnerable victims, effective from 1 July 2021, without the need to assess their increased vulnerability in individual cases. Particularly vulnerable victims require particularly sensitive treatment respecting their individual needs. For this reason, it is stipulated that their questioning must be conducted in a particularly sensitive manner, considering the specific circumstances that make the victim particularly vulnerable. It must be conducted in such a way that it does not have to be repeated, and measures are to be taken, where possible, to prevent direct visual contact with the person against whom the proceedings are being conducted and/or with the suspect, if the victim so wishes. In pre-trial proceedings, the questioning is carried out by a person trained for that purpose, and in premises adapted or adjusted for that purpose. Questions directed at the victim’s intimate area may be asked only if necessary to clarify facts relevant to the criminal proceedings. Such questions must be asked in a particularly gentle and comprehensive manner, so that the questioning does not have to be repeated; their wording must be adapted to the age, personal experience, and psychological state of the victim while maintaining the necessary sensitivity. In addition, the victim has the right to object to the focus of the question at any time.

83. In this context, it is necessary to point out one of the basic principles of the Victims Act, according to which the Police of the Czech Republic (hereinafter referred to as the “Police”), law enforcement and criminal justice and other public

authorities, entities registered in the register of providers of assistance to victims of crime, providers of health services, experts, interpreters, defence lawyers and the media are obliged to respect the personality and dignity of the victim, approach the victim with courtesy and gentleness, and accommodate the victim to the extent possible. At the same time, there is a requirement to comply with the principle of preventing secondary victimisation and non-discrimination of the victim.

84. The amendment to Act No 273/2008 Coll., on the Police of the Czech Republic, as amended, was approved in 2021, thanks to which a child occupying a common household where violence occurs is automatically considered a person at risk. Police officers are obliged to provide the person who has been expelled with information about assistance for persons with violent behaviour or the possibility of undergoing a therapeutic programme for perpetrators of violence.

85. Training of police officers on domestic violence continued during the reviewed period. There is also regular training for methodologists of regional police directorates and territorial departments of the Police on crime victims and domestic and gender-based violence. Methodologists, per Instruction No 291/2017 of the President of the Police, provide training on domestic violence and crime victims for police officers of the Anti-riot Police Service and the Criminal Police and Investigation Service. In 2021, 4,315 police officers were trained. Twenty-four new methodologists were trained as part of an accredited training programme, including practical training in communication with domestic violence victims and particularly vulnerable victims in the interrogation room. Within a project funded by Norway Grants, the Government Office started training the Police in 2022 to increase their competencies in online sexist hate-speech and gender-based cyber-violence.

86. The Judicial Academy trains judges and prosecutors on domestic violence. In recent years, this training has focused particularly on the application of the Victims Act (among other things, the right to protection against secondary victimisation by law enforcement and criminal justice), interim measures in the area of domestic violence prevention and the rights of victims in criminal proceedings. The Judicial Academy also organises training focused specifically on domestic violence. Training on civil justice, which addresses the regulation of domestic violence in Act No 89/2012 Coll., the Civil Code (hereinafter referred to as the “Civil Code”) and the procedural context in Act No 292/2013 Coll., on Special Court Proceedings, is also ongoing. Based on the measures of the DV Action Plan 2019–2022, the Judicial Academy annually offers courses for judicial trainees, judges and prosecutors on child custody decision-making and modification of contact between a violent parent and a child; a course for judges on court decision-making in cases of rape and other forms of violence against women; and training aimed at further deepening the specialisation of prosecutors in cases of domestic and gender-based violence.

87. In 2018 and 2019, the MoI implemented the “Don’t Be Blind to Domestic Violence III” project, which pilot-tested 15 signalling regulations with technology enabling a person at risk to call for immediate help at the push of a button. The project has so far been implemented on the territory of the Regional Police Directorate of the Central Bohemia Region (territorial departments of Kladno and Příbram).

88. On 18 September 2017, the Government approved the Family Policy Concept. Victims of domestic violence and other crimes are identified in the Concept as persons at risk of social exclusion (a group of persons at immediate risk to health or life). The Concept also includes measures aimed at providing primary prevention services. A new Family Policy Strategy is currently being prepared.

89. Act No 135/2006 Coll., which entered into force on 1 January 2007, made evicting a violent person from the common household possible. Statistics on the number of persons evicted have been continuously monitored since 2007. While there



was a sharp increase from 862 evictions per year in 2007 to 1,430 evictions per year in 2011, the number of people evicted gradually stabilised at 1,250 to 1,350 annually. However, during the COVID-19 pandemic, in 2020 and 2021, the number of evictions dropped to 958 cases.

90. Except for a slight decrease in 2018, the number of criminal offences of abuse of a person living in a common household recorded by the Police between 2014 and 2019 stabilised at 515 to 541 cases per year. However, in 2020, there was a sharp decline to 428 cases. In 2021, 403 cases were recorded – a further decrease of 25 cases. The clear-up rate for the crime was 57.1%, which represented a decrease of 2.7 p.p. compared to the previous year. Thus, the COVID-19 pandemic and related restrictive measures resulted in both the decrease eviction rate of violent persons from common household and in the number of abuse crimes addressed by the Police. However, the causes of these declines require a more in-depth separate analysis. Ill-treatment of cohabitants continues to show a clear gender pattern: data show that 95–98% of those prosecuted yearly are men.

91. On 6 April 2022, the Government approved the Crime Prevention Strategy for 2022-2027, including its implementation plan. The Crime Prevention Strategy contains seven priorities. Each priority has its strategic objectives, which are subsequently developed into 50 specific objectives and almost 200 measures.

## **Rape and sexual harassment**

92. The Police recorded approximately 600–700 cases of rape annually in previous years. However, according to expert studies, this is approximately 5–10% of the actual occurrence of rape.<sup>2</sup> The number of reported rape crimes increased from 639 to 773 in 2021, which represents an increase of 134 and the sharpest overall increase in the past 13 years. The clear-up rate for reported rape was 58.0% last year. Perpetrators are usually men. Women accounted for 1.3% of those prosecuted in 2021 (a decrease of 0.4 p.p. compared to the previous year).

93. In 2021, the Government Office, within the framework of the Norway Grants project, organised 126 workshops for children and youth on preventing sexual violence. The interest in training is so high that it is not possible to fully meet the demand with the current capacities. 2,475 people were trained in 2021. Additionally, two in-depth training sessions for future teachers were held in 2021: one at the Faculty of Education of Masaryk University (April 2021), where 11 individuals were trained, and the other at the Faculty of Education of the University of Ostrava (November 2021), where 14 individuals were trained.

94. In 2019, the Government Office, in cooperation with the OoO, published a handbook for authorities “Prevention of Sexual Harassment in the Public Administration”. The handbook aims to help authorities prevent sexual harassment in the workplace and handle cases of sexual harassment sensitively and effectively when they occur. The handbook was distributed to the ministries and other government bodies. Furthermore, following its publication, training for state secretaries and the heads of HR departments on the prevention of sexual harassment in the workplace was conducted in cooperation with the OoO and the Civil Service Section of the MoI. Four training sessions were held for the civil service offices in 2021.

95. High-profile cases of sexual harassment and sexual violence resonated in the media and public space throughout 2021. In this context, a society-wide discussion

<sup>2</sup> <https://www.vlada.cz/assets/ppov/rovne-prilezitosti-zen-a-muzu/dokumenty/AP-DN---grafikaFINAL.pdf>, [https://www.profem.cz/shared/clanky/970/V%C3%9DZKUMN%C3%81%20ZPR%C3%81VA\\_sexualni%20nasili\\_2021%20-%20Copy%201.pdf](https://www.profem.cz/shared/clanky/970/V%C3%9DZKUMN%C3%81%20ZPR%C3%81VA_sexualni%20nasili_2021%20-%20Copy%201.pdf).

on the need to review and redefine the crime of rape has been re-opened. Several organisations providing assistance to victims of domestic and sexual violence pointed out the need to redefine the crime so that it includes the absence of consent. Following the establishment of the Chamber of Deputies after the October elections, the Subcommittee on Domestic and Sexual Violence, which should further address this issue, was established under the Committee on Constitutional and Legal Affairs. On 22 September 2022, the Council adopted a resolution highlighting the need to redefine the crime of rape so that its essence is the absence of the victim's consent to sexual intercourse. In the resolution, the Council recommended that the Minister of Justice submits to the Government a draft amendment to the Criminal Code so that the definition of the crime of rape under the provisions of Section 185 of the Criminal Code includes an explicit reference to the absence of consent.

96. In 2021, the Government Office published the results of a sociological research "Incidence of Sexual Harassment on Public Transport". According to the research, one in three women and one in ten men in Czechia have experienced sexual harassment on public transport. 18% of people feel unsafe from sexual harassment when travelling on public transport. Slightly fewer respondents (14%) reported feeling threatened during the pandemic. Women (24% vs. 10% of men) and young people report higher levels of concern. The research also investigated what would increase the passengers' feeling of safety. Most respondents would prefer emergency buttons (66%), higher police involvement (54%), and training for drivers and conductors on how to respond to incidents of sexual harassment (48%).

## **Article 6**

### **Combating Trafficking in Human Beings**

97. Human trafficking victims belong to a group of particularly vulnerable victims for whom the Victims Act provides special measures to prevent aggravation of stress and reduce the risk of secondary harm and victimisation beyond the general treatment provided to all victims. Women are protected from trafficking and forced prostitution by criminalising trafficking, pimping, and enticement to sexual intercourse. Effective from 1 July 2021, there was a legislative change to the criminal offence of enticement to sexual intercourse (Section 202 of the Criminal Code). The current definition covers offenders who have sexual intercourse with a child or engage in sexual self-gratification, exposure or other comparable conduct with a child for their own sexual gratification, provided that they offer, promise, or provide remuneration, advantage, or benefit to the child or another person. The same legal protection applies to migrant women and girls if the crime was committed on the territory of Czechia.

98. Human trafficking victims may be held criminally liable for their actions., However, the fact that they committed the act directly due to their status as victims may be considered a circumstance excluding the illegality of the act (extreme urgency). If the conditions are met, the punishment may also be waived, or the imprisonment may be exceptionally reduced.

99. Trafficked women who are staying in Czechia illegally are subject to the standard administrative deportation regulations like other illegally staying foreigners. However, if they participate in the Programme for the Support and Protection of Victims of Human Trafficking and cooperate in criminal proceedings, they may obtain residence status and other benefits provided by the Programme. They are informed of participation in the Programme and are given time to consider their participation.

100. Czechia has adopted the National Strategy to Combat Human Trafficking in the Czech Republic for 2016–2019 and the follow-up National Strategy to Combat

Human Trafficking in the Czech Republic for 2020–2023. A report on the state of human trafficking is published annually. This form of implementation is financed from the MOI budget. The funding for the Programme for the Support and Protection of Victims of Human Trafficking is realised through public procurement procedures.

101. The National Strategy to Combat Human Trafficking in the Czech Republic for 2020–2023 sets the following specific objectives: combating trafficking in children; strengthening the identification of victims; prevention and assistance to victims of trafficking; cooperation in the combat against human trafficking at national and international level.

102. For all crimes, including human trafficking, Police statistics disclose only the number of criminal offences by the object of the assault; hence, it is not possible to provide the number of victims. However, starting in 2022, the number of victims human trafficking is reported in the statistics of the courts and prosecutors, which are collected centrally by the MoJ. Improving data collection in human trafficking is one of the tasks of the National Strategy to Combat Human Trafficking in the Czech Republic for 2020–2023.

103. In 2017, a new instruction of the Police President on human trafficking activities was adopted, which primarily brought the involvement of liaison officers for minorities, to a similar extent as for members of the immigration police. Liaison officers for minorities have been involved in the police system to combat human trafficking because a substantial part of the cases detected and investigated have been and still are linked to the Roma community and socially excluded locations.

### **Situation of Ukrainian refugees**

104. As a result of Russia's aggression against Ukraine, almost 504,107 temporary protections have been issued in Czechia as of 2 April 2023. In 2022, Czechia had the highest number of temporary protections issued in the EU per capita. According to a July 2022 study by the MoLSA, children accounted for 35% of the arrivals from Ukraine. Women accounted for 72% of those of working age. Since the beginning of the conflict, Czechia has been providing, within the social services system, the necessary assistance and support to persons who left Ukraine due to the war. Ukrainian citizens are currently entitled to a humanitarian benefit equal to the minimum subsistence level for 150 days after being granted temporary protection. Vulnerable persons – such as pregnant women or mothers caring for young children – are entitled to the benefit beyond this period. In the first year of Russia's aggression against Ukraine, Czechia spent CZK 28.5 billion to help Ukrainian refugees and asylum seekers.

### **Article 7 and Article 8**

#### **Women's Participation in Political and Public Life**

105. According to Article 21(3) of the Charter, the right to vote is universal and equal and is exercised by secret ballot. Therefore, all adult citizens of Czechia have the right to vote without any restrictions based on race, skin colour, affiliation to nation or nationality, language, sex, religion, political or other beliefs, social origin, property, birth, or other status. The voter votes in person; proxy voting is not allowed.

106. According to Article 21(4) of the Charter, citizens have access to elected and other public offices on equal terms. Restrictions based on sex are not permitted.

107. In 2014, the Minister of the Interior, in co-operation with the Minister for Human Rights, Equal Opportunities and Legislation, presented a bill to introduce a minimum percentage of women and men on the candidate lists for elections to the Chamber of Deputies and regional assemblies. The bill was submitted to the Government on 30 April 2015. The Government discussed the bill at its meeting on 1 July 2015 but did not approve it, which halted the legislative process. However, some political parties have voluntarily adopted quotas to ensure balanced representation. The Green Party introduced intra-party quotas in its statutes as early as 2011. The Czech Social Democratic Party (ČSSD) adopted intra-party quotas in 2014 but abolished them in 2019 when adopting new statutes.

108. The implementation of the Strategy 2021+ measure that focuses on preparing alternative legislative measures to promote balanced representation of women and men in politics began in 2021. An expert working group was established to discuss the possibility of introducing rules for the representation of women and men on candidate lists. Moreover, a seminar “Chile’s experience with gender quotas on candidate lists” was organised by the Department and the Embassy of the Republic of Chile in September 2021. The alternative solutions for legislative measures to promote gender balance in politics should be prepared by the end of 2023. Subsequently, the proposal on the most appropriate measure to promote gender balance on candidate lists should be submitted.

109. The Balanced Representation Action Plan was approved by the Resolution of the Government No 632 of 11 July 2016. The Action Plan was the first comprehensive strategic document at the level of the Government focusing specifically on balanced representation.

110. The Balanced Representation Action Plan contained 35 measures to be implemented throughout its implementation period. Gradual promotion of gender-sensitive advertising, the establishment of gender-mixed selection committees, and the publication of a handbook for political parties (15 Tips on How to Support Women within Political Parties and Movements) are among the partial achievements of the Balanced Representation Action Plan.

111. Gender audit is another tool to promote higher representation of women in decision-making. The implementation of gender audits was mandated by both the Balanced Representation Action Plan and the 2018 Updated Measures of the Government’s Priorities and Procedures for Promoting Gender Equality. By the end of 2022, most central government bodies conducted gender audits.

112. Awareness-raising activities on women’s representation in decision-making continued. In 2016, the Department, in cooperation with the Committee for Balanced Representation of Women and Men in Politics and Decision-making, organised a workshop “Promoting Balanced Representation of Women and Men in Politics”. The workshop focused, among other things, on analysing the present situation, sexism in election campaigns, and recommendations for supporting women in politics. In 2019, the Department and the OSCE organised a seminar “More Women in Politics: How to Achieve It?”. The seminar presented international standards and included a roundtable with representatives of political parties and a practical workshop. Representatives of seven political parties and movements, including six parties represented in the Chamber of Deputies, attended the seminar. In 2021, a seminar “Gender and the Czech Republic. Why are there no women in politics?” was held to support gender-balanced representation in political parties and movements. The seminar aimed to promote balanced representation of men and women in politics, and the involvement of young people in politics. Representatives of five political parties and movements attended the seminar.

113. The +1 Strategy was approved by the Resolution of the Government No 466 of 23 May 2016. The +1 Strategy originated in response to the persistently low representation of women in decision-making in public administration. It represents a practical tool in the form of measures through which public authorities can achieve a more balanced representation of women and men in decision-making.

114. Strategy 2021+ addresses increasing the representation of women in decision-making (not only in public authorities, national and local government, but also in the management of companies) and in politics. The chapter on Decision-Making contains 2 strategic objectives, 9 specific objectives, and 34 measures.

### **Chamber of Deputies**

115. In 2021, elections to the Chamber of Deputies were held. 31.6% of the candidates were women, and the proportion of women elected increased to 25.5% (from 22% in the previous period) – the highest-ever representation of women among both candidates and those elected. 9 women MPs were elected based on preferential voting. Women won 566,000 more preferential votes in the 2021 election than in the previous election (1,215,951 preferential votes in total – an increase of 87%). The campaign of the civil initiative “Circle a Woman” encouraged voters to give preferential votes to women, reaching more than one million people. As of October 2022, 26% of the MPs in the Chamber of Deputies were women (due to the resignation of a male MP who was replaced by a female MP).

116. With the new composition of the Chamber of Deputies, its leadership changed relatively significantly. Compared to the previous electoral period (2017–2021), during which neither the position of the Speaker nor the five Vice-Speakers was filled by a woman, there are currently two women among the five Vice-Speakers of the Chamber of Deputies. Similarly, the position of the Speaker is held by a woman. However, regarding the leadership of the Chamber of Deputies’ bodies, the situation has not changed significantly. Although women make up 26% of the MPs, only four of the 18 committees of the Chamber of Deputies are chaired by women. Of the 14 commissions, three are chaired by women. Women chaired six of the 18 committees and one of the 16 commissions in the previous electoral period.

117. The Department updated the handbook “15 Tips on How to Support Women within Political Parties and Movements” in 2022. The handbook provides political parties and movements across the political spectrum with specific recommendations and proven tools to encourage greater involvement of women in politics.

### **Senate of the Parliament of the Czech Republic**

118. Elections to the Senate of the Parliament of the Czech Republic are held every two years in one-third of the constituencies. The Senate is elected through a majoritarian electoral system. In case no candidate receives over 50% of the votes in the first round, a second round is held, to which the top two candidates with the highest number of votes advance.

119. The Senate has long been characterised by the lowest proportion of female representation, in part due to the majoritarian electoral system. In the 2022 election, women made up 24.4% of the candidates and 33.3% of the elected senators. Currently, women make up 18.5% of the senators.

120. One of the positions of the five Vice-Presidents and the President of the Senate is currently occupied by a woman. Women chair one of nine committees, one of six subcommittees, and none of seven standing commissions.

## **The European Parliament**

121. The European Parliament elections were held in May 2019. Seven female MEPs were elected. Hence, women currently account for one third of the MEPs.

## **Municipal level**

122. In municipal elections, the representation of women on the candidate lists and among those elected has traditionally been the highest. In 2022, 33.3% of those who ran for municipal councils and 29% of those elected were women. Compared to the 2018 election, this represents an increase of 1 p.p. Hence, there has been a continuous, albeit very gradual, growth in women's representation at the municipal level.

123. Most female mayors hold office in small municipalities with fewer than 1,000 inhabitants (28%). Meanwhile, the lowest number of female mayors hold office in large cities with more than 100,000 inhabitants (just under 8%). This indicated that as financial resources and the size of municipalities increase, the number of female mayors decreases.

## **Presidential election**

124. In January 2018, the second direct election of the President of the Czech Republic took place. Although nine personalities ran for the presidency, no women were among the candidates. This marked a significant change compared to the previous election in 2013, in which three women ran for the presidency (33% of the total number of presidential candidates).

125. According to a 2018 analysis by the Government Office, the absence of female presidential candidates was not significantly reflected in the media, nor did it prompt a broader societal discussion about the role of women in politics or the reasons leading to gender asymmetry in candidacy for the highest constitutional office. Topics related to the status of women in society and gender equality were almost absent from the candidates' campaigns. One of the few opportunities to comment on this topic was the candidates' response to a question about their stance on the #MeToo campaign, which resonated strongly in Czech society during the campaign. All participating candidates were either reserved or outright dismissive of the campaign.

126. Three women officially announced their presidential candidacy for the 2023 election. The topic of insufficient representation of women's life experiences in decision-making and the political sphere is slowly but gradually gaining attention in the public and media space, even in the context of the upcoming presidential elections. According to a 2022 STEM/MARK survey, 65% of respondents could imagine a female president.

## **Public administration**

127. In December 2021, the new government of Prime Minister Petr Fiala was formed. Following the resignation of the Minister of the Environment (Anna Hubáčková) in October 2022, two women are part of the Government – the Minister of Defence (Jana Černochová), and the Minister of Science, Research, and Innovation (Helena Langšádlová). This corresponds to 11.8% representation of women in the Cabinet. The previous Government had four women serving as ministers (Minister of Finance, Minister of Labour and Social Affairs, Minister of Justice, Minister of Regional Development).

128. As of December 2021, the representation of women among State Secretaries was 27% (4 women). Compared to 2018, when only one woman held the position of the State Secretary, this represents a relatively significant shift (in 2020, four women held the position).

129. While the representation of women among Deputy Ministers decreased by 3 p.p. to 30% compared to 2020, there is a slight increase in the representation of women in the positions of Directors (28% compared to 26% in 2020) and Heads of Units (46% compared to 42% in 2020).

130. Women have long been under-represented among ambassadors, with 18% of women serving as ambassadors in 2022.

## Justice

131. The overall percentage of female judges at all levels of the courts is 60%. However, women are disproportionately under-represented at higher levels of the judiciary. Female judges are over-represented in district (67%) and regional courts (54%). However, their representation decreases at higher instances, with 44% at municipal courts, 35.5% at the Supreme Administrative Court, and under 17% at the Supreme Court.<sup>3</sup> As of 22 May 2023, only 12 out of the 15 positions of judges of the Constitutional Court were filled, and women held none of them. There are no women in the leadership of the Supreme Court. However, one woman is a deputy chairwoman in the Supreme Administrative Court. Strategy 2021+ addresses vertical gender segregation and mandates the MoJ to analyse the specific causes for low representation of women in leadership within the judiciary and propose solutions.

## Companies

132. The representation of women in the management of companies in Czechia remains below the EU average. In the 2021 Gender Equality Index, Czechia ranked last in terms of economic decision-making (women's representation in companies' management).<sup>4</sup> While the average representation of women on the supervisory boards or boards of directors of the largest publicly traded companies in the EU stands at 32%, it is 11 p.p. lower in Czechia.<sup>5</sup>

133. The NGO Open Society addresses the issue of women's representation in the management of companies and maps, among other things, women's participation in decision-making in the private sphere through the so-called gender map.<sup>6</sup> By the end of 2021, women held only 10.3% of the positions of chairpersons of boards of directors and supervisory boards of publicly traded companies with state, regional and municipal ownership.

134. In January 2022, the Department updated the analysis of the representation of women and men in the management of state-owned companies based on the data from ministries. Compared to 2018, there were no major changes in the supervisory boards and boards of directors. Out of a total of 520 persons serving on these boards in 65 of such companies, 83 are women (16%). Women's representation on supervisory boards

<sup>3</sup> <https://www.czso.cz/documents/10180/142141209/3000022107.pdf/64e2a824-15dd-4f17-a11e-0437068351a6?version=1.3>.

<sup>4</sup> <https://eige.europa.eu/gender-equality-index/2021/domain/power/CZ>.

<sup>5</sup> [https://eige.europa.eu/gender-statistics/dgs/indicator/wmidm\\_bus\\_bus\\_\\_wmid\\_comp\\_compbm](https://eige.europa.eu/gender-statistics/dgs/indicator/wmidm_bus_bus__wmid_comp_compbm).

<sup>6</sup> <http://www.genderovamapa.cz>.

was 20%, and in boards of directors, it was only 8%. In 2018, women's representation on supervisory boards was 17% and on boards of directors 10%.

135. In 2022, the Department evaluated the implementation of the obligation of relevant issuers to describe the application of the diversity policy in their annual reports.<sup>7</sup> Out of the 26 companies subject to the obligation, only 7 companies indicated that they have a diversity policy in place in their 2020 annual reports (12 companies stated that they did not have a diversity policy in place, and information was not found/disclosed for 7 companies). This was the second assessment of this obligation – in the previous evaluation based on the 2018 annual reports, 4 companies indicated that they implemented the diversity policy (17 companies stated that they did not apply the diversity policy, and information was not found/disclosed for 6 companies). In connection with this obligation, a handbook was created in 2021 and incorporated into the Czech National Banks's materials that are shared annually with issuers of listed securities in connection with the preparation of their annual reports.<sup>8</sup>

136. In 2020, the European Committee of Social Rights published a decision (hereinafter referred to as the "ECSR decision") stating that Czechia breached the European Social Charter due to a lack of functional measures to support balanced representation of women in the decision-making bodies of private companies.<sup>9</sup> The conclusions of the decision were reflected in Strategy 2021+, which includes several measures aimed at increasing women's representation in statutory bodies and senior management of companies.<sup>10</sup>

137. The WoB Directive was adopted in 2022. The directive aims to improve gender balance among supervisory board members or non-executive directors of listed companies. Czechia must transpose the WoB Directive by 28 December 2024. A working group has been working on the transposition of the WoB Directive and implementation of the ECSR decision since 2022. Among others, the MoJ and MoF are represented in the working group.

138. Women's representation in companies is also addressed by the Business for Society platform, which organises the Top Responsible Company competition. The competition recognises Czech companies for implementing diversity tools. In September 2018, Business for Society, in cooperation with the Government Office, co-organised a roundtable to exchange good practice between the public and private sectors. In April 2022, the Government Office, in cooperation with Business for Society, organised another roundtable to share experiences and exchange good practices between companies with state ownership and private companies in promoting diversity, focusing on balanced representation of women and men in decision-making in companies.

## Article 9

139. There were no changes in equal rights of women and men to acquire, change or retain their nationality during the reported period.

<sup>7</sup> This is the obligation referred to in Section 118(4)(1) of Act No 256/2004 Coll., on Capital Market Undertakings, i.e. the obligation of relevant issuers to describe in their annual reports the application of the diversity policy, including the identification of good practices in the area of diversity policy, with regard to criteria such as age, gender or education.

<sup>8</sup> <https://www.vlada.cz/assets/ppov/rovne-prilezitosti-zen-a-muzu/dokumenty/Manual-k-popisu-politiky-rozmanitosti-ve-vyrocnich-zpravach.pdf>.

<sup>9</sup> [https://hudoc.esc.coe.int/fre/#{%22sort%22:\[%22ESCPublicationDate%20Descending%22\],\[%22ESCDcIdentifier%22:\[%22cc-128-2016-dmerits-en%22}\]](https://hudoc.esc.coe.int/fre/#{%22sort%22:[%22ESCPublicationDate%20Descending%22],[%22ESCDcIdentifier%22:[%22cc-128-2016-dmerits-en%22}]).

<sup>10</sup> Specifically, these are measures 1.5.1 to 1.5.5 in the Decision-Making chapter.



## Article 10

### Gender Equality in Education

140. The right to education is guaranteed to everyone in Czechia under Article 33 of the Charter. Similarly, Section 2(1) of the Education Act stipulates that education is based on the principles of equal access to education for every Czech citizen or citizen of another Member State of the European Union without any discrimination on the grounds of race, skin colour, sex, language, faith and religion, nationality, ethnic or social origin, property, birth and health or another status of the citizen.

141. Section 2(2) of the Education Act sets out the general aim of education as understanding and implementing the principle of gender equality in society. This provision thus allows for measures to eliminate gender stereotypes. However, despite this legal provision, it has been found that some primary schools specify different curricula for girls and boys in the area of “Human and the World of Work”. Some schools teach boys about technology, technical drawing or bicycle assembly, while girls learn household maintenance, dining, and food preparation.

142. In 2016, the amendment to the Education Act came into force with the issuance of Decree No 27/2016 Coll. on the Education of Pupils with Special Educational Needs. As a result of this change, pupils are now more likely to access support measures that enable them to pursue mainstream education. This measure responded to a situation where Roma pupils were being educated to a greater extent in special and remedial schools.

143. In 2020, several important documents were adopted to contribute to gender equality in education and science. The MoEYS adopted the Strategy for Education Policy of the Czech Republic 2030+ (hereinafter also referred to as the “Education Strategy”) and the Plan for Promoting Gender Equality of the MoEYS for 2021 to 2024 (hereinafter referred to as the “Education Plan”). The Education Strategy is a document of a general, overarching nature, outlining the priorities to be addressed in the specified period, particularly in regional education, non-formal and informal education, and lifelong learning. The Education Strategy has two main strategic objectives: transforming the content of education (SO1) and reducing social inequalities in education (SO2). Strategic objective 2 emphasises the individualisation of teaching, which should significantly strengthen teachers’ competence in innovative forms and methods of work that take gender equality into account, with an emphasis on the specifics of girls’ and boys’ education. The aim is also to transform the content and methods of education to develop the potential of all pupils in schools, while considering gender equality and eliminating gender stereotypes. The Education Plan sets out measures to further deepen support for practical application of gender equality in the MoEYS’s internal processes (emphasising workplace diversity) and its thematic agendas. School safety is ensured by considering severe, repeated verbal and deliberate physical attacks by a pupil against school staff or other pupils as particularly serious breaches of the obligations set out in the Education Act, which may result in conditional expulsion from school. Concerning primary prevention, the MoEYS continues to issue methodological documents. The methodological recommendation on primary prevention of risky behaviour in children and youth describes the various institutions in the prevention system and recommends procedures for schools and school facilities when risky behaviour occurs in children and young people. The materials focus on phenomena such as domestic violence, risky sexual behaviour, homophobia, and school bullying, and they are now being updated. For example, a new document on school bullying was published in 2020.

144. On average, Czech women attain a higher level of education than Czech men. While men dominate among graduates of secondary school study programmes without the final exam (maturita), women are higher represented among graduates of secondary school study programmes with the final exam, higher vocational schools, and universities.

145. Horizontal segregation still poses a significant problem. Although there are no legal or other formal barriers preventing girls and boys from studying certain subjects, pupils are led to different choices of school subjects and subsequently different career paths from an early age due to stereotypical views on the abilities of women and men that persist in Czech society. The representation of girls and boys in kindergartens and primary schools is, of course, balanced. However, girls outnumber boys in all types of secondary schools, except for those without maturita examination. Girls choose so-called “traditionally female fields” such as healthcare and education, while boys choose “traditionally male fields” such as mechanical and electrical engineering. However, when comparing the proportions of newly enrolled girls and boys and graduates, we see a slight increase in the number of boys in “traditionally female fields” and girls in “traditionally male fields”. The PISA 2018 survey revealed that among the students who had the highest scores in maths and science, 8% of girls and 14% of boys envisaged a career in STEM fields, whereas in healthcare, 28% of girls and 11% of boys did. Horizontal segregation perpetuates persistent inequalities in the labour market, which further hinders the effective reallocation of labour concerning the changing demand for knowledge and skills. This is then linked to different salaries within jobs and sectors, and similarly to the level of prestige. Generally, “female” occupations are associated with lower pay and prestige.

146. Concerning horizontal segregation, the MoEYS, together with the National Institute for Education (hereinafter referred to as the “NIE”)<sup>11</sup> and experts from the non-profit sector, provided teachers with the web portal<sup>12</sup> in 2017-2018, where information on gender-sensitive teaching and gender-fair career choices was available. In November 2018, the NIE organised a conference “Digital Technologies in Education – Practical Uses”, which focused on gender-sensitive education in ICT. Some universities also addressed the low participation of women in STEM: for example, the Czech Technical University launched the “I belong here” campaign in 2017, which used video spots and female role models to attract female applicants to study engineering.

147. In 2019, the MoEYS, in cooperation with Gender Studies, o.p.s., reprinted a methodological handbook “Choosing a Career Without Prejudice” to assist in career education at schools. The reprint was implemented within a project called Optimization of Institutional Assurance of Gender Equality at the MoEYS.

148. In 2020, the publication “Path to Gender-Sensitive Education” was published – a methodology for those working with future or current teachers. The publication contains practical activities, which can be incorporated into the classroom. The Institute of Sociology of the Czech Academy of Sciences held two seminars on gender-sensitive education.

149. The Institute of Sociology of the Czech Academy of Sciences continued to publish the journal *Gender a výzkum* (Gender and Research). In 2020, it focused, among other things, on Economy 4.0 and digitalisation of work, which has emerged as an important issue, particularly during the pandemic.

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<sup>11</sup> As of 1 January 2020, the National Pedagogical Institute of the Czech Republic (NPI CR), its successor organisation, has taken over the activities of the NIE.

<sup>12</sup> <https://www.nidv.cz/old/gender-ve-skole>.

150. The Education Plan is one of the tools to mitigate horizontal segregation. It includes measures such as training of future and current teachers to promote internal differentiation of teaching and non-stereotypical assessment of male and female pupils or introducing/enhancing gender non-stereotypical gender education and career guidance.

151. Gender segregation manifests itself across teaching disciplines. In 2020, 99.4% of nursery schoolteachers were women. Women also constituted the majority among teachers in primary (84%), secondary (60%), and higher vocational schools (66%). In contrast, 64% of academic staff in universities were men. The low representation of men in the education sector is not only due to low salaries and low social status, but also due to the aforementioned gender stereotypes and the resulting perception of the teaching profession in nursery or primary school being unsuitable for men.

152. Regarding job classification, management positions are predominantly occupied by men, even though most employees in education are women. In 2020, women made up the majority of teachers in all types of schools except universities. Meanwhile, among managers, they made up the majority only in primary and nursery schools. Nonetheless, even in primary and nursery schools, there were proportionally more men in management positions than would be consistent with their overall representation in a given type of school. Vertical segregation also persists at universities. In 2019, women were slightly more prevalent among university lecturers (54.7% of women and 45.3% of men). However, in 2020, men made up the majority of assistant professors (41% of women and 59% of men), associate professors (27% of women and 73% of men), and professors (15% of women and 85% of men). Despite the steady increase in the representation of women among professors and associate professors, growth over the past decade has been slow. While there was minimal change in the number of female professors between 2015 and 2020, there was a 2 p.p. increase in women's representation among associate professors over the same period.

## Women and science

153. Women make up the majority of university graduates. Women made up 62% of science, mathematics, and statistics graduates in 2020, but their representation is not fully reflected in science and research, where they are still a minority. While more women graduate from universities, they do not pursue career in science for various reasons, including due to inappropriate funding and policies. This is mirrored in the statistics which show that in 2021, women made up only 27% of researchers. In general, the highest proportion of women in science and research is in the government sector (41%), followed by the higher education sector (36%). In contrast, the lowest proportion is in the business sector (14%).

154. In 2021, women accounted for 43.7% of doctoral students, the second lowest figure in the EU. However, since 2010, the number of women completing PhDs has been growing faster than the number of men. In most EU countries, the proportion of female doctors in IT is low. Czechia is the second country after Hungary with the lowest share (16.7%). At the same time, less than one-fifth of women were self-employed in IT, science, and engineering, which is the lowest proportion, with Slovakia, Poland, Hungary, and the UK. The gender gap due to horizontal segregation is amplified because women are less likely to be entrepreneurs than men.

155. One of the tools to improve this phenomenon is the adoption of Gender Equality Plans (GEPs). At institutional level, they set objectives and measures for a specific institution. The NCC has been helped with their creation, implementation, and increasing the competencies of responsible persons. The NCC had addressed the issue via international projects GENDERACTIONplus (2022–2024) and

GENDERACTION (2019 – 2021), aimed to support the fulfilment of priority 4 of the European Research Area (gender equality and gender mainstreaming in science, research, and innovation). One of the topics of GENDERACTIONplus is the monitoring of GEPs. The adoption of GEPs has been positively influenced primarily by the European Commission's decision to make the plan a condition for participating in the competition for funding in the Horizon Europe research support program. From 2023, the plan is also required by the most significant provider of research funding in Czechia – GA ČR. Based on the current mapping of the situation by the NCC, as of January 2023, 70 organisations conducting research in the public sector (66%) had a GEP. Of these, 71% (20 out of 28) were higher education institutions and 64% (50 out of 78) were public research institutions. The largest increase in the number of plans occurred in 2022: while 11 institutions had a GEP in 2011; 69 institutions had a GEP in 2021. Most of the GEPs already adopted or planned for 2022 were also preceded by a gender audit. Thus, during 2021, universities made considerable efforts to meet European requirements and improve their institutional settings concerning gender equality.

156. The National Research, Development, and Innovation Policy of the Czech Republic 2021+ was adopted in 2020. It is the first strategic document in this area that includes measures aimed at gender equality (primarily in human resources development and reconciliation). Specific steps to ensure gender equality in research, development, and innovation are set out in the Recommendation for research, development, and innovation providers to address working conditions in research. Strategy 2021+ is also a key document that sets several objectives and priorities for gender equality in research. Based on the annual evaluation, the chapter on Knowledge is one of the best-implemented chapters, also thanks to the CZERA and STRATIN+ shared action projects funded by the MoEYS, within which the NCC deals with the issue.

157. The Government approved and submitted to the European Commission the Jan Amos Komenský Operational Programme, which, in addition to the state budget, is one of the most important sources of funding for policies and measures in education, science, and research. The programme's main objectives include strengthening gender equality in education and better use of women's potential in research and development. Another important funding source for activities in this area will come from the EU Recovery and Resilience Facility under the National Recovery Plan.

158. In 2021, Czechia supported the Ljubljana Declaration on Gender Equality in Research and Innovation, which was presented during the Slovenian Presidency of the EU Council.

159. The MoEYS, in cooperation with the NCC, has been awarding the Milada Paulová Prize to women scientists for lifetime contributions to science since 2009. The prize aims to recognise the contribution of eminent women publicly and financially, and thereby inspire budding female scientists or students. Over a hundred individuals have already competed for the prize.

160. The Working Group on Gender Equality was established under the Research, Development and Innovation Council in 2021 to improve gender equality in science and coordinate providers. The Working Group's agenda was expanded in 2022 to include topics related to the situation of emerging scientists and working conditions in general.

## Article 11

### Gender Equality in Employment

161. Women do not need their husband's or partner's permission to choose their profession, occupation, or job.

162. Women can work in all areas of work and industry. The Act No. 262/2006 Coll., Labour Code, as amended (hereinafter referred to as the "Labour Code"), prohibits the employment of women in jobs that endanger their maternity. Decree No 180/2015 Coll., on Prohibited Work and Workplaces, lists the work that is prohibited for pregnant employees, breastfeeding employees and employees who are mothers until the end of the ninth month after childbirth.

163. The Labour Code explicitly states that all employees of an employer are entitled to the same pay under an agreement for the same work or for work of equal value. The Labour Code further defines what is meant by equal work and work of equal value. At the same time, the ADA obliges employers to ensure equal treatment in pay matters by taking measures that are a precondition for effective protection against discrimination.

164. Despite this legislation, the gender pay gap (hereinafter referred to as the "GPG") persists. The GPG was 16.4% in 2020. Czechia remains among the countries with the highest GPG in the EU; however, it is also among the countries that are closing the GPG the fastest. A project of the MoLSA "22% TO EQUALITY" plays an important role in combating the GPG. In 2022, the follow-up project "Equal Pay" was approved. The project is still financed by the EU's Operational Programme for Employment. The project focuses, among other things, on increasing the competence of the State Labour Inspection Office to monitor compliance with the right to equal pay for equal work and work of equal value.<sup>13</sup> Sociological, economic and legal studies and analyses were created within the project, focusing, in particular, on the decomposition of the GPG, i.e., refining the calculation of gender pay inequalities and identifying its causes. Good foreign practices were also collected, focusing on identifying policies and legislative and non-legislative measures to promote transparency to set up processes leading to the GPG reduction in Czechia. As a part of the project, a free legal advice centre is operated, an online pay calculator has been made available to the public on the project website, the Swiss equal pay analytical tool for employers Logib has been transferred and pilot tested in the Czech environment, and practical methodologies for equal work and work of equal value have been developed. A study trip to Iceland was also organised, where representatives of the MoLSA, the Government Office, the Czech-Moravian Confederation of Trade Unions, and the non-profit sector got acquainted with the Icelandic Equal Pay Standard ISO 85/2012. The Action Plan for Equal Pay of Women and Men for 2023–2026 was approved by Government Resolution No 1097 of 21 December 2022. Measures in the Action Plan focus, for example, on promoting pay transparency, equal pay inspections, reconciliation of work and personal life, and education and awareness-raising.

165. Measures aimed at eliminating the GPG are also included in Strategy 2021+, under the Work and Care chapter, strategic objective Reducing the gender pay gap. The measures propose, inter alia, support for pay transparency, equal pay inspections, monitoring of statistical data, and legislative changes.

166. Directive 2023/970 of the European Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or

<sup>13</sup> <https://www.rovnaodmena.cz/>.

work of equal value between men and women through pay transparency and enforcement mechanisms will also impact pay transparency. The Directive aims to address the persistent lack of enforcement of the right to equal pay by introducing pay transparency standards that will strengthen the position of workers in exercising their right to equal pay.

167. The ADA prohibits discrimination based on sex in employment and occupation. Discrimination on the grounds of pregnancy, maternity or paternity and on grounds of gender identity is also considered discrimination on the grounds of sex. Employers are, therefore, prohibited from discriminating based on sex in access to employment and may not ask whether a job applicant is pregnant or planning a family. The Labour Code explicitly states that, in connection with negotiations before the commencement of an employment relationship, the employer may require from the individual only the data directly related to the conclusion of the employment contract in question.

168. Because of childcare, women have shorter insurance periods and lower pensions than men. Therefore, in 2018, an amendment to Act No 155/1995 Coll., on Pension Insurance, was adopted, ensuring a faster valorisation of low pensions. The basic pension is now 10% of the average wage, not 9% as it was before the amendment. Act No 323/2021 Coll., amending Act No 155/1995 Coll., on Pension Insurance, as amended, and Act No 582/1991 Coll., on the Organisation and Implementation of Social Security, as amended, came into force in January 2023. The amendment increased the old-age pension by CZK 500 per month for each child raised. The law aims to reduce the gender pension gap that arises due to childcare. The gender pension gap in Czechia persists. Women are more often registered in lower income groups of old-age pensions, and a significant difference in old-age pensions between women and men is registered in higher income groups (above CZK 15,000 per month), to the disadvantage of women. In 2021, the gender pension gap was 16.9% to women's disadvantage.

169. Teleworking is an important tool for reconciling work and private life. The Labour Code allows the use of this tool, and its use increased significantly during the COVID-19 pandemic. In relation to telework, a draft law amending the Labour Code was sent for inter-ministerial comment procedure in 2022. The draft amendment regulates the general conditions for arranging telework and addresses matters related to, for example, the reimbursement of telework costs and safety at work. Support for flexible forms of work and reconciliation of professional and personal life also follows from the programme statement of the Government.

170. On 1 January 2021, an amendment to the Labour Code entered into force, introducing the institute of a shared workplace in the provisions of Section 317a. In 2023, Act No 216/2022 Coll., amending Act No 589/1992 Coll., on Social Security Insurance Contributions and Contributions to State Employment Policy, as amended, and other related acts will enter into force. The amendment was adopted to support the introduction of part-time work. Employers who employ persons who are disadvantaged in the labour market (persons over 55, parents and carers, students, or people with disabilities) for shorter service or working hours will be entitled to a discount on insurance premiums. The discount on insurance premiums per calendar month is 5% of the total assessment bases of the employees to whom the discount is applied. The amendment addresses the low rate of part-time job offers and aims to promote its use, in particular, to help parents with young children return to the labour market more quickly.

171. In October 2021, an amendment to the Children's Groups Act was passed with the aim of ensuring high quality, accessible, modern services for the youngest children from 6 months to compulsory school age through stable state funding. A new decree was also approved to implement certain provisions of the Children's Groups Act,

aiming to set requirements for the premises and operation of children's groups for up to 12 children, as well as care quality and nutritional standards for children under 3 years of age. As a result of these changes, a comprehensive and connected system of quality pre-school services is now developing dynamically in Czechia. As of 17 April 2023, the MoEYS registered 1,510 children's groups with 20,323 places for children. An amendment to the Children's Groups Act is currently being prepared to define the so-called neighbourhood children's group. The MoLSA also continuously monitors the quality and development of children's groups, and for this purpose, is preparing several projects – setting up a framework for systematic monitoring and evaluation and a targeted communication strategy towards municipalities as potential founders.

172. Children over the age of three are entitled to a place in nursery schools under the Education Act. In 2018, the paternity postnatal care benefit was introduced, which fathers can use at the time of their child's birth. This benefit allows fathers to take up to 7 days of weekly leave and a sickness insurance benefit of 70% of the daily assessment base. In connection with the transposition of Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on Work-life Balance for Parents and Carers and repealing Council Directive 2010/18/EU (hereinafter referred to as the "Work-Life Balance Directive"), further modifications have been made to the paternity postnatal care benefit. Effective from 1 January 2022, the benefit can be taken for 2 weeks (14 calendar days). Since its introduction, approximately 40% of fathers have used the benefit.

173. In 2019, the Ombudsperson published the Collection of Opinions No. 20 on Discrimination.<sup>14</sup> In 2021, the Ombudsperson drew attention to the discriminatory practice of abolishing vacant systematised positions. Some offices abolished the positions of employees on maternity or parental leave as if they were vacant. The Ombudsperson also proposed remedial measures, such as revising the civil service regulations that lay down the rules for submitting systematisation so that it is clearly established that when abolishing civil service, positions, it is not permissible to abolish positions solely because they are temporarily vacant due to maternity or parental leave, and that these jobs, for the purposes of abolishing positions, are not considered vacant.

174. Employers are obliged to ensure equal treatment in matters of the right to employment. This means taking such measures that are a precondition for effective protection against discrimination and that may be reasonably required in good morals, considering the circumstances and personal conditions of the person who has the duty to ensure equal treatment. Equal treatment also includes ensuring equal opportunities. The ADA explicitly provides that it is not discrimination to adopt measures aimed at preventing or compensating for disadvantages resulting from a person's membership in a group of persons defined by a discriminatory ground, including sex, and to ensure equal treatment and equal opportunities.

175. The Government has not adopted any specific strategies to ensure women's representation in professional chambers and unions.

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<sup>14</sup> [https://www.ochrance.cz/fileadmin/user\\_upload/Publikace/sborniky\\_stanoviska/Sbornik\\_Diskriminace.pdf](https://www.ochrance.cz/fileadmin/user_upload/Publikace/sborniky_stanoviska/Sbornik_Diskriminace.pdf).

## Article 12

### Measures to Eliminate Discrimination in Health Care

176. On average, women in Czechia live longer than men. In 2020, life expectancy at birth was 75.3 years for men and 81.4 years for women.

177. The higher life expectancy of Czech women is also reflected in the higher representation of women in the over-65 age group: in 2020, there were 1,248,871 women (23.0%) and 909,451 (17.2%) men in this group.

178. A current topic in women's health in Czechia is care in relation to childbirth. In 2015, the Working Group on Obstetrics was established under the Council, comprising a multidisciplinary team of doctors, midwives, and experts on health law, statistics, sociology, and economics. The Commission for Obstetrics was established at the Ministry of Health (hereinafter referred to as the "MoH") in 2021, which is an advisory, initiating, and coordinating body of the MoH for obstetrics-related issues. Since its establishment, the development of the Conception of Care for Mother and Child during Pregnancy, Childbirth and Postpartum, which stems from Strategy 2021+, has been its priority.

179. Czechia has a long tradition of preventive health care for women, pregnant women, and expectant mothers. Health insurance covers regular preventive check-ups for cervical cancer screening once a year from the age of 15. Since 2012, HPV vaccination for 13-year-olds has been fully covered by public health insurance. HPV vaccination for boys between the ages of 13 and 14 has been covered by public health insurance since 2018. Beginning in 2022, the vaccination is covered even after reaching the age limit if its administration was postponed due to adverse health condition. Breast cancer screening is carried out (and paid for) at two-year intervals for women from the age of 45, and colorectal cancer screening from the age of 55.

180. Czechia achieves one of the best results worldwide in new-born pathological care. According to Eurostat data, the infant mortality rate in Czechia is significantly below the EU average. Care for pregnant women in the prenatal and perinatal period, including payment for medical (or medically indicated) care during childbirth in a maternity hospital (inpatient gynaecological and obstetric facility) is also fully covered by public health insurance. Dispensary care is fully covered for pregnant women from the date of detection of pregnancy. If she so chooses, a woman is monitored by a gynaecologist throughout the pregnancy in the prenatal clinic.

181. Care related to childbirth is still exclusively concentrated in healthcare facilities. Midwives' care is paid for by public health insurance only if indicated by a doctor.<sup>15</sup> Strengthening interdisciplinary cooperation between various professions will be addressed in the Conception of Maternal and Child Care that is being prepared at the MoH.

182. A debated topic is the freedom of parents to choose the method, circumstances, and place of birth, or pregnancy, childbirth, and postnatal care. On the initiative of the Working Group on Obstetrics, the Government received the Council's Recommendation on Independent Birthing Centres in mid-2018. The recommendation included, among other things, a revision of legal regulations, namely Act No 372/2011 Coll., on Health Services, and Decree No 92/2012 Coll., on Requirements for Minimum Technical and Material Equipment of Health Care Facilities and Home Care Contact Points, to remove obstacles to the establishment of

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<sup>15</sup> The above does not apply in the case of midwives in the case of a physiological delivery in an inpatient health care facility.



independent birthing centres. The Government has not discussed the recommendation. However, at the Council meeting on 22 October 2018, the Prime Minister supported the establishment of a pilot birthing centre in Prague. Subsequently, the MoH began to work on the conceptual support of so-called alongside midwifery units within maternity hospitals, which should enable births led by a hospital midwife. The first such unit, which allows births led by a hospital midwife at doctor's discretion, was established within maternity hospitals in 2018. Although the established unit does not fulfil the Council's recommendation on stand-alone birthing centres, it represents progress and expands options concerning care provided in connection with birth. In the following years, other units have been gradually opened. In 2021, in addition to Prague, midwifery units were established in Brno and Frýdek-Místek. However, the demand for the units' services still far exceeds supply. Limited access to the units' services, apart from their absence in most regions, is also due to the fact that a financial contribution from expectant mothers is required, due to the services provided. In its 2022 programme statement, the Government committed itself to support women in their choice of care provider during pregnancy, childbirth and afterwards by making midwifery care available, emphasising the continuity of care provided by one person.

183. Two European Court of Human Rights (hereinafter referred to as "ECtHR") judgments are related to the exercise of parental free choice. In the case of *Hanzelkovi v. Czech Republic*,<sup>16</sup> complainants primarily argued that as a result of their forced return to the maternity hospital, which they had left on the day of delivery, their right to respect for private and family life within the meaning of Article 8 of the European Convention on Human Rights was violated, and that they had no effective remedy against this interference by the public authorities, as required by Article 13 of the Convention. In this case, the ECtHR found that the complainants' right to respect for private and family life and their right to an effective remedy had been violated. In the case of *Dubská and Krejzová v. Czech Republic*,<sup>17</sup> the ECtHR has concluded that preventing the practice of midwife profession during home births does not constitute a violation of mothers' right to private life protected by Article 8 of the European Convention on Human Rights. However, in its reasoning, the ECtHR encouraged a change in practice in Czechia, specifically calling on the Czech authorities to constantly reassess the relevant legal provisions in light of developments in medicine, science, and law.

184. Midwives can enter into a contract with a health insurance company throughout Czechia. However, a 2018 VOP investigation found regional imbalances in the provision of healthcare by midwives. In some regions, insurance companies have concluded contracts with both gynaecologists and midwives. As a result, midwives' services in these regions are covered by public health insurance upon doctor's indication. Therefore, women in these regions can choose the provider of their prenatal and postnatal care. In other regions, however, women must pay for the midwife's care themselves. According to the Ombudsperson, women in all regions should have the option to choose.

185. In 2021, an amendment to the Public Health Insurance Act was approved, through which the MoH tried to address some of the legislative restrictions on the practice of midwifery. Specifically, the obligation of a medical indication for the reimbursement of midwife care "in the case of physiological childbirth in an inpatient health care facility" has been abolished. However, the amendment did not sufficiently resolve the restriction of independent practice and the payment for their care from public insurance, as compensation for a visit to a pregnant woman or a mother in her

<sup>16</sup> Judgment of 11 December 2014 in Case No 43643/10.

<sup>17</sup> Judgment of the Grand Chamber of 15 November 2016 in Cases Nos 28859/11 and 28473/12.

postpartum period is still not possible without a medical indication. The amendment also increased the maximum age for performing IVF covered by public health insurance by one year (until the day of reaching 40).

186. The MoH issued an interpretative opinion on the legal aspects of performing artificial termination of pregnancy at the request of foreign women arriving from Ukraine as part of the migration wave. The opinion was issued in Czech, Ukrainian and Russian. In the second half of 2021, the awareness-raising project “Let Them In” was launched. The project was dedicated to removing barriers and prejudices faced by the midwifery profession. Through sharing of childbirth stories, a historical overview of the development of the midwifery in Czechia, interviews with health professionals and health care workers, and other expert opinions, the project appeals to both the public and lawmakers.

187. The Civil Initiative Šestinedělky conducted a nationwide survey on support for breastfeeding in maternity hospitals between 2014 and 2017. The survey, in which 3,894 women participated, shows that none of the Czech maternity hospitals fulfilled all ten steps of WHO and UNICEF’s successful breastfeeding, even though some of them held the Baby-friendly Hospital (BFH) certificate. In response to this, the Council instigated the initiative for the thorough implementation of the Baby-friendly Hospital Initiative 2018. The initiative was approved on 28 June 2021 under No 11/2021.

188. The 2017 Family Policy Concept envisages improving the quality of obstetric care in hospitals and maternity hospitals in terms of increasing the privacy of mothers, respecting their wishes in birth plans, and reducing unnecessary medical interventions while maintaining the current high standard of obstetric and neonatal care. To provide expert guidance to professionals in the development of the concept of care for mother and child in the prenatal and neonatal period, the MoH added to its website in 2021 the Czech translation of parts of the WHO documents – Recommendations on care during childbirth for a positive birth experience and Recommendations on prenatal care.

189. Women were negatively affected by the anti-pandemic measures. A deterioration in access to expectant mothers and interference with their rights was reported globally both in the beginning of the pandemic and in 2021. Due to ongoing restrictions, women in Czechia faced particularly restrictions on having a third person companion during childbirth and increased separation from their children in case of COVID-19 infection. Some women, fearing they would have to give birth in a maternity hospital without their chosen companion, opted instead for birth at home, even though they had not originally planned it. In 2021, the Working Group on Obstetrics adopted the recommendation to support the choice of childbirth companion during the COVID-19 pandemic measures. On the Council’s recommendation, MoH took the recommendation into account and, effective from 12 April 2021, abolished this restriction, allowing the expectant mother to be accompanied by any person of her choice.

190. The pandemic has highlighted the need to address mental health. Local and international studies have pointed deteriorating mental health among women with children and youth. Although some experts believe there hasn’t been an overall increase in the incidence of mental illness over the past two years, there has been an increase in its severe forms. Women are more likely to suffer from neurotic, stress, and somatoform disorders (168,000 women and 66,000 men) and take sick leave due to mental health issues for slightly longer periods. Men more often externalise their mental health problems (through substance abuse, risky behaviour, gambling machines), are more often hospitalised for “alcohol consumption disorders” and are significantly more likely to end their lives voluntarily. Women, on the other hand, are

more likely to be admitted to hospitals for attempted voluntary termination of life. Girls aged 15–19 are a particularly vulnerable group in this respect. Social networks play a negative role in this regard. According to the survey “Dangerous Internet Challenges as Seen by Czech Children”, 19.1% of the respondents encountered suicide instructions (the second most frequent instruction next to making weapons, 21.5%) and self-harm instructions (9%). Related and strongly gendered phenomena are eating disorders, which are more common among women.

191. The Government Office addressed mental health issues throughout 2021. In May 2021, it organised a workshop with employers that focused on the links between working conditions and mental health. Specifically, the workshop dealt with the so-called “right to disconnect” as a tool for eliminating work stress. Other tools to support employees’ mental health were addressed, too. At the Mutual learning seminar organized by the European Commission, the Government Office presented good practice in gender mainstreaming of mental health policies. As part of the presentation, Strategy 2021+ and other initiatives, mainly commented documents, were introduced. Participants were also acquainted with a draft brochure that aims to inform mental health care providers about gender issues.

192. Following observation No 33 of the Concluding Observations, Czechia informs that the MoH has initiated a series of consultations with stakeholders to ensure access to health insurance for foreigners during their stay in Czechia. The ongoing mapping of the situation will result in an analysis that will be presented to the MoI, the MoF, and other stakeholders in the near future. Although several options are currently being considered to solve the problem, such as a new law, negotiations with commercial insurance companies, or adjustments to the scope of public health insurance, it is assumed that ensuring access to health insurance for foreigners will be solved by submitting new legislation on health insurance for foreigners. In August 2021, an amendment to Act No 326/1999 Coll., on the Residence of Foreigners, as amended, came into force. According to this amendment, a child born in Czechia to a mother with a long-term residence permit is now insured through public health insurance but only for a limited period – from the date of their birth until the end of the calendar month in which they reach 60 days of age.

193. Concerning observation No 29 of the Concluding Observations, there has been a major legislative progress. On 1 January 2022, Act No 297/2021 Coll., on the Provision of a Lump Sum of Money to Persons Sterilized in Violation of the Law, entered into force. Victims who were involuntarily sterilized between 1966 and 2012 are entitled to compensation of CZK 300,000. Applications can be submitted within 3 years from the Act’s entry into force. It is estimated that approximately 400 women should receive the compensation. However, based on the data of the MoH, this number will likely be exceeded, as 280 applicants were already granted the compensation by 21 March 2023.

194. Experts have emphasised the need to consider gender aspects of the COVID-19 pandemic since its beginning, which highlighted gender aspects of health. These may be also applied to the diagnosis and treatment of other diseases. At least in 2020, women made up the majority among those infected (almost 350,000 men and 382,000 women). This disparity might be due to various levels of exposure to the virus, e.g., at work. In contrast, men made up the majority of those admitted to hospitals in most age groups, especially in the 60–69 age group (6,439 men and 4,098 women). The significant discrepancy was recorded in the 80+ age group (6,696 men and 10,019 women), which is due to women generally living longer than men. Mortality rate of men was higher too, both in absolute numbers (6,725 men and 5,276 women) and per 100,000 inhabitants (127.5 men and 97.2 women). In the spring of 2021, the results of the MoH survey and the “Life during the Pandemic” survey were published, in which the attitudes of the Czech public towards the vaccination against COVID-19

were mapped. The results show that 50% of women and 41% of men were not interested in vaccination in December 2020. However, the proportion of negative attitudes gradually decreased during 2021; according to the latest data (February 2022), 12% of women and 10% of men would refuse to be vaccinated.

195. In 2020, there were 96,175 general nurses (or midwives), of whom 98% (94,065) were women. Although there is a rising trend of men in this position, the desegregation or increase in the representation of men in this sector is still minimal. Despite the feminisation of the sector, which is generally characterised by low earnings, there has been an increase in salaries and wages for general nurses in recent years. Over the last five years, the earnings have increased by 71%. Salaries of employees in health and social services rose by 11.3% year-on-year. As of 1 January 2022, the salaries of health care professionals increased by 6%. However, income disparities persist. For example, men earn 8% more than women as nurse practitioners. The health unions are, therefore, proposing to unify remuneration under the tariff salary system.

## **Article 13**

### **Family Allowances**

196. To support equal sharing of domestic and family responsibilities, and the involvement of men in childcare for and establishing a relationship with their newborn child, an amendment to Act No 187/2006 Coll., on Sickness Insurance, introduced the paternal postnatal care benefit. Since February 2018, fathers can take a week off during the postpartum period with a benefit of 70% of the daily assessment base, i.e., the same amount as the maternity allowance. The condition for drawing the benefit, according to Section 38a (2) of the Sickness Insurance Act, participation in sickness insurance. In connection with the transposition of Work-Life Balance Directive, further adjustments have been made to the paternity postnatal care benefit. Effective from 1 January 2022, the benefit can be claimed for 2 weeks (14 calendar days). Since its introduction, approximately 40% of fathers have used the benefit.

197. Amendment to Act No 117/1995 Coll., on State Social Support, introduced flexible use of parental allowance with effect from 1 January 2018. The amendment aimed, inter alia, to increase fathers' involvement in care, as father claim that a decrease in the family's income is the most frequent barrier to their involvement. A subsequent amendment to Act No 117/1995 Coll., on State Social Support, increased the parental allowance from CZK 220,000 to CZK 300,000, or from CZK 300,000 to CZK 450,000 in the case of the birth of multiple children. The increase in the parental allowance applies to all parents who will be claiming the allowance for a child under the age of four as of 1 January 2020 and to all parents who start drawing the parental allowance at any time from 1 January 2020. The amendment also increases the limit for concurrent reception of parental allowance and attendance at childcare facilities for children under two years of age from 46 to 92 hours per month.

198. The amendment to Act No 187/2006 Coll., on Sickness Insurance, introduced long-term nursing allowance. As of June 2018, it is possible to take three months off work to care for a close person and receive a benefit equal to 60% of the daily assessment base, i.e., at the level of sickness benefit. In connection with the transposition of Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on Work-life Balance for Parents and Carers and repealing Council Directive 2010/18/EU, the hospitalisation condition for entitlement to the benefit was shortened to 4 days (compared to the previous seven days). Furthermore,

the benefit can be drawn for persons in a terminal condition, and in this case, prior hospitalisation is not required.

## **Article 14**

199. There were no changes in gender equality in rural areas in the period under review.

## **Articles 15 and 16**

### **Promoting Equality between Women and Men before the Law and in Civil, Family and Matrimonial Matters**

200. The principle of equality enshrined in Article 3(1) of the Charter applies to all fundamental rights, including the right to protection against unwarranted interference with private and family life under Article 10(2) of the Charter. Parenthood and the family are protected under Article 32 of the Charter. Women are guaranteed special care during pregnancy under Article 32(2) of the Charter. The care and upbringing of children is parents' right under Article 32(4) of the Charter. The ADA does not apply to personal relationships. Independent courts oversee the observance of family law.

201. Family law and family relations are governed by the Civil Code. Independent courts decide on relationships within the family under civil law. Religious, customary rules, and decisions of indigenous peoples are relevant to Czechia.

202. Under Section 687 of the Civil Code, men and women have equal duties and rights in marriage and can marry at the same age, i.e., at eighteen years after acquiring full legal capacity. Children over 16 and under 18 can only marry with the court's approval. Only a person under 18 who intends to get married pursuant to Section 367 of Act No. 292/2013 Coll., on Special Court Proceedings, may file a petition for such a marriage. Their parent or legal guardian do not have the authority to file the petition. Engagements, including engagements of children, have no legal effect. Polygamous marriage is prohibited by both civil law and criminal law as the offense of bigamy under § 194 of the Criminal Code.

203. The court shall declare the marriage null and void at the request of the spouse whose will to enter into the marriage was made under duress consisting in the use of violence or threats pursuant to Section 684 of the Civil Code. Therefore, a forced marriage can be annulled if one of the spouses was forced into the marriage by violence.

204. In 2018, a bill was submitted to the Chamber of Deputies of Czechia that would allow same-sex couples to marry. However, the bill was not adopted during that electoral term. On 7 June 2022, a new similar bill was submitted to the Chamber of Deputies. The Government expressed a neutral position on the bill. The bill was referred to the Committee on Constitutional and Legal Affairs for consideration.

205. The civil marriage ceremony is performed by a public authority pursuant to Section 658 of the Civil Code. In the case of a religious marriage, the wedding registrar is obliged to deliver a report on the conclusion of the marriage to the registry office in the administrative district where the marriage was concluded within three working days of the conclusion of the marriage, pursuant to Section 666 of the Civil Code.

206. Only independent courts can restrict parental responsibility and the legal capacity to marry. This is stipulated by Section 673 of the Civil Code, which prohibits

marriage to persons whose legal capacity has been restricted in this area, and Section 865(2) of the Civil Code, which states that if the court decides to restrict the legal capacity of a parent, it shall also decide on their parental responsibility.

207. Pursuant to Section 687 of the Civil Code, spouses are obliged to respect each other, live together, be faithful to each other, respect each other's dignity, support each other, maintain a family community, create a healthy family environment, and jointly care for children. Spouses have no right to punish or discipline each other. The man has not had the status of the head of the family since 1950. Spouses choose a common surname when getting married. Women do not need their husband's consent when choosing a job or profession.

208. Parents have the same rights and obligations towards their children. According to Article 32(3) of the Charter, children born in and out of wedlock have equal rights. Parents in an LGBT relationship do not lose their rights.

209. In the event of divorce, the courts decide on the subsequent custody of the parents, which may be exclusive, alternate, or joint according to Section 907 of the Civil Code. When deciding, the courts consider the child's best interests based on Article 3 of the Convention on the Rights of the Child. In cases of violence in the family, children become the subject of social legal protection of children based on Article 6 of Act No 359/1999 Coll., on Social Legal Protection of Children. The courts must then properly assess all the circumstances of the case and determine what form of custody is best for the child.

210. Lesbian mothers do not lose their parental rights because of their sexual orientation.

211. Act No 115/2006 Coll., on Registered Partnership, introduced the possibility for same-sex couples to enter into a registered partnership. A registered partnership is not identical to marriage, and these unions differ in several respects. Pursuant to Section 3020 of the Civil Code, the provisions of Parts One, Three and Four of the Civil Code on marriage and on the rights and obligations of spouses apply similarly to registered partners. Part Two of the Civil Code governing family law does not apply to registered partners. Therefore, a registered partnership does not establish joint property, and a registered partner cannot adopt their partner's child. The Constitutional Court dealt with a case concerning the adoption of the child by an unmarried couple in 2015 and determined that the exclusion of child's adoption by the partner of an unmarried parent is constitutionally compliant.<sup>18</sup>

212. The law does not regulate informal unions, but it does recognise them in some areas. For example, it treats the notion of the partner as the notion of a close person. It is legally presumed that persons who live together permanently are close persons according to Section 22 of the Civil Code. The rights of women and men are equal in these unions. Informal unions have no legal regulation concerning their creation or dissolution. A man and a woman in an informal union cannot enter into a registered partnership.

213. The conclusion of the marriage established the joint property of spouses. However, the law allows for deviations from the general regulation. According to Section 708 of the Civil Code, the joint property of the spouses is subject to a statutory regime or a contractual regime or a regime established by a court decision. According to Section 716 of the Civil Code, fiancés and spouses may agree on a matrimonial property regime different from the statutory regime. A contract on matrimonial property regime must be in the form of a public instrument. The contract may not exclude or modify the provision on the usual furnishing of the family home pursuant

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<sup>18</sup> The ruling of the Constitutional Court No Pl. ÚS 10/15.

to Section 718 of the Civil Code. The contract must not have the effect of excluding the husband's ability to provide for the family in accordance with Section 719 of the Civil Code. According to Section 724 of the Civil Code, in case of a serious reason, a court shall, on the application of a spouse, cancel joint property or reduce its existing scope. According to Section 729 of the Civil Code, in the separate property regime, a spouse may dispose of their property without the consent of the other spouse.

214. Both spouses can apply for a divorce and declare the marriage void.

215. Men and women have equal inheritance rights. The spouse belongs to the first class of heirs according to § 1635 of the Civil Code. An informal partner (companion) who lived in a common household their partner for at least one year prior to the partner's death and cared for the common household or was dependent on them for support is included in the second and third classes of heirs under Sections 1636 and 1637 of the Civil Code.

216. Each child must be registered at the registry office within three working days of birth in accordance with Section 15(4) of Act No 301/2000 Coll., on the Records of Births, Marriages and Deaths, and on the Changes of Names and Surnames. An entry in the birth register is made based on a written report of the birth of a live or stillborn child, or based on a verbal notification of the birth of a child outside a health facility, if the child's mother has not been provided with health services pursuant to Section 14 of the Act. The birth must be reported to the registry office by the health care provider in whose health care facility the birth took place. Otherwise, the doctor who first provided medical services at birth or after birth shall notify the birth in accordance with Section 15 of the Act. A parent, legal representative, court-appointed guardian or natural person who has become aware of the birth is also obliged to notify the birth. Failure to do so constitutes an offence for which a fine of up to CZK 10,000 may be imposed pursuant to Section 79a of the Act.

217. On 1 July 2021, Act No 588/2020 Coll., on Substitute Alimony for Dependent Children and on Amendments to Certain Related Acts came into force. The Act regulates the conditions for providing substitute alimony for a dependent child in cases where the person who has a duty to support the child fails to fulfil this obligation. Substitute alimony is a social benefit provided and funded by the state.