

Czech Republic

1. Discrimination in the family

a) Overarching legal framework for marriage

Women and men have equal rights to enter into marriage in the Czech Republic (Civil Code, Section 656). The Czech Civil Code (Section 655) defines marriage as a permanent union of a man and a woman which main purpose is the foundation of a family, proper upbringing of children and mutual support and assistance. Both civil marriage and religious marriage are recognised and dependent on civil registration (Civil Code, Section 657) or a wedding certificate issued by the Registry Office (Civil Code, Section 666) respectively. Marriage requires the consent of both partners (Civil Code, Section 656(1)). The law recognises the right for the partners to choose to take the surname of one as a common surname, to both keep their surname or agree on a common surname for both of them and one of them keep his/her original surname and use it as a second one (Civil Code, Section 660). A court should declare a marriage invalid on the application of a spouse who has entered marriage without informed consent- under use of violence or threat or as a result of an error regarding the identity of the fiancé or of the nature of the act of marriage (Civil Code, Section 684(1)).

More than half of the population over 20 years is married, although the number of marriages has reportedly declined since the early 1990s. Czech people marry less often and at a later age than in the past (Eurostat, 2015).

b) Child marriage

The legal age for marriage is 18 years for men and women (Civil Code, Section 30(1)). However, the Court can approve a marriage of a minor older than 16 only in exceptional cases in accordance with the social purpose of marriage (Family Act, Section 13(1)). It is further stated that an invalid marriage should become valid if the spouse (older than 16) is pregnant (Family Act, Section 13(2)).

Child marriage is not a common practice in the Czech Republic, except in the Romani community where there are reports of some members married before reaching legal age (US Department of State, 2016).

c) Household responsibilities

Women and men have equal rights and duties in the household as wife and husband (Civil Code, Article 687(1)). They are obliged to respect each other, be faithful to each other, support and maintain the family, create a healthy family environment and jointly care for children (Civil Code, Article 687(2)). Women and men have mutual maintenance duties (Civil Code, Article 697(1)). As for marital property, partial community of property of spouses as a legal regime is the basic institution (Civil Code, Article 709(1)) yet spouses can agree on a different contractual regime (Civil Code, Section 716). Women and men have also equal rights in terms of parental responsibility, when they are in possession of the full capacity to undertake legal act (Civil Code, Article 865(1)). The law provides women and men with the

same right to choose where to live regardless of the marital status (Charter of Fundamental Rights and Freedom, Article 14(1)).

The Civil Code also covers informal relationships. There is a specific maintenance obligation when a man is in an informal relationship and the woman is pregnant. If the child's father and mother are not married, the child's father must provide her with maintenance for two years from the birth of the child and provide her with a reasonable contribution to cover the costs associated with pregnancy and childbirth (Civil Code, Article 920(2)). On the initiative of the pregnant woman, the man whose paternity is presumed has the duty to reimburse the costs associated with pregnancy and childbirth (Civil Code, Article 920(3)).

The only formal relationship legally regulated in the Czech Republic for same-sex partners is the civil union (Registered Partnership, 2006). Partners in this type of union have mutual duty to maintain and support each other (Registered Partnership, Section 8(1)).

d) Divorce

Men and women have equal rights to initiate divorce. Divorce may be granted at the request of one of the spouses. (Family Act, Article 24(1)). The first proceeding always deals with minor children custody and child support (Family Act, Article 26(1)) and the second proceeding deals with the divorce itself and the common property division. The divorce proceedings cannot be finalized prior the court's ruling on the children custody (Family Act, Article 25). Women have the same rights as men to be the legal guardian of their children after divorce or separation. The court determines the rights and responsibilities of the spouses concerning the child for the period following the divorce. In particular, the court will designate the spouse who will have custody of the child as well as the manner in which the mother and the father will contribute to the child's maintenance (Family Act, Article 26(1)). If both parents are found to be able and interested in upbringing the child, the court can decide on common or alternative custody (Family Act, Article 26(2)). Regarding parental responsibility, the law gives priority to an agreement reached between the mother and the father (Family Act, Article 26(3)) yet the agreement needs the court's approval to be valid. The Court prioritises the child's interest when deciding on custody (Family Act, 26(4)). In practice, the child support awarded is low. High default rate of child support payment coupled with a lack of efficiency in the implementation of the law by courts results in a heavy financial burden on the caring parent, which happens to be the mother in most cases (Havelkova, B., 2017).

Joint property of spouses ceases to be held jointly after divorce. The former common obligation and rights are dissolved through a settlement. The property rights and duties are administered according to the agreement reached by the spouses (Civil Code, Section 765(1)). In case of disagreement, a court might settle the dispute (Civil Code, Section 765(2)). The shares of the spouses regarding their joint property are presumed to be equal (Civil Code, Article 742(1)a).

The divorce rate ranges between 45% and 50% in Czech Republic, and is one of the highest in Europe (Eurostat, 2015).

e) **Inheritance**

The law provides for equal rights to inherit for daughters and spouses. If the deceased has not made a will, his or her heirs are classified into six succession classes under the law, excluding each other; in other words, if the heirs of the first class inherit, the second class heirs do not inherit anything. The decedent's children and spouse are considered as first class of heirs and inherit equally (Civil Code Section 1635(1)). Regarding second class heirs, the spouse always inherits at least half of the decedent's estate (Civil Code, Section 1636(2)).

A surviving spouse has also a right to maintenance from the decedent's estate for six weeks after the death of his/her spouse. If a widow is pregnant, she has the right to fair maintenance until the end of the sixth week after birth; the mother of the decedent's child who was not married to the decedent has the same right (Civil Code, Section 1666(1)).

Women and men have the same rights to make a will (Civil Code, Section 1496). In case where the deceased has made a will, the law protects mandatory heirs that include the descendant's children or if they do not inherit, their children (Civil Code, Section 1643(1)). The law limits the grounds on which a mandatory heir can be disinherited (Civil Code, Section 1646). Mandatory heirs can be disinherited only if they failed to provide the decedent with the necessary assistance at a time of need, they fail to show genuine interest in the decedent, they have been convicted of a criminal offence committed under circumstances which indicate their perverse nature, or permanently leads a dissolute life (Civil Code, Section 1646(1)) or if they lack the capacity to inherit (Civil Code, Section 1646(2)). Minor relatives in the descending order must receive at least the equivalent of three-quarters of their statutory share of succession (Civil Code, Section 1643(2)); adult relatives in the descending order must receive at least one-quarter of their statutory share of succession (Civil Code, Section 1643(2)). The surviving spouse and any relatives in the ascending order are not mandatory heirs but the surviving spouse has the right of ownership of movable things which form the basic equipment of a family household even in cases where she is not an heir (Civil Code, Section 1667).

For informal relationships, if the partners have lived together in the common household for at least one year before the death of one of the partner, the living partner can inherit from his/her position in the second class of heirs or in the third class of heirs (Civil Code, Article 1636(1) and 1637(1)).

2. Restricted Physical integrity

a) **Violence against women**

Czech Republic signed the Istanbul Convention in May 2016 but has not ratified it yet. The Government has adopted the Strategy for Equality of Women and Men in Czech Republic for 2014-2020, which covers gender stereotypes, legislation, data collection and engaging men in gender equality inter alia. It also contains specific goals and indicators addressing violence against women in public and private spheres. In 2008 the Council for Equal Opportunities for Women and Men established a Committee for the prevention of domestic violence in charge of the National Action Plan for the Prevention of Domestic and Gender-Based Violence 2015-2018.

The Action Plan for the Prevention of Domestic and Gender-based Violence for 2015 – 2018 is the first national plan to cover all forms of gender-based violence in the Czech Republic. It focuses on prevention and assistance to the victims of gender-based violence and sets tasks to particular ministries (CEDAW, 2016c). The national plan includes definitions as well as seven areas of action:

assisting persons endangered by domestic and gender-based violence, children endangered by domestic and gender-based violence, work with violent persons, education and interdisciplinary cooperation, society and domestic and gender-based violence, analysis, study and data collection, legislation. In each area, major problems have been identified and are being tackled by specific tasks supplemented by an indicator. The agency in charge of the action and a deadline are also provided. Notably, the national plan seeks to create more crisis housing, to provide free legal assistance to victims and create a 24-hour free of charge phone line for victims of domestic and gender-based violence. The Act on Crime Victims has considerably strengthened the assistance to victims of domestic violence and other gender-based violence (Act No. 45/2013 Coll.). The Act defines the rights to victim as a subject of special care by the state. It also regulates the provision of financial assistance to victims and serves as a legal basis to establish cooperation between the state and organisations providing assistance to victims (CEDAW, 2016a).

An important challenge in addressing interpersonal violence lies in the criminal proceedings that rely on the victim to press charges against the perpetrator. For instance, in cases of sexual coercion but also for offences of bodily harm and stalking, the consent of the victim is required to pursue prosecution (Criminal Procedure Code, Section 163). This provision aims to protect the autonomy of the victims and respect their rights to decide about the course of the prosecution, yet in reality it can be perceived as a burden for the victim who takes on the responsibility for prosecuting the perpetrator. There are reports that women revoke their consent to pursue prosecution and once the consent has been revoked, it cannot be granted again (European Women's Lobby, 2014). The legislator tried to address this issue by stating further that the consent might not be required in circumstances showing that the consent was not given or was withdrawn in distress caused by threats, coercion, dependence or subordination (Criminal Procedure Code, Section 163a).

Special training for police and staff providing services to victims of gender-based violence are part the domestic violence and gender-based violence prevention programme. However the CEDAW committee noted that the content of these lectures and trainings is not always gender-sensitive (CEDAW, 2016 and Czech Women's Lobby, 2015). The lack of funding of services for victims of violence is also a challenge regarding long-term sustainability and stability of those services provided by NGOs for the most part (Czech Women's Lobby, 2015). Violence against women may be more widespread than what the statistics reflect: women may fear facing social stigma and thus choose not to report incidents of violence. The lack of knowledge regarding institutions and services for women victims of violence may also impact the reporting rate (FRA, 2014). Violence against women in immigrant communities may be particularly underreported because victims fear losing their immigration status (US Department of State, 2016).

b) Domestic Violence

An important step toward the prevention of domestic violence was the adoption in 2004 of the Act no. 91/2004 Coll., addressing abuse of a person sharing a common home. Domestic violence is a crime punishable by up to three years in prison, with longer sentences in aggravated circumstances (Criminal Code, Section 199). Domestic violence is defined in the Action Plan for the Prevention of Domestic and Gender-based Violence for 2015 – 2018 as all acts of physical, sexual, psychological, economic and other forms of violence occurring in families, or households, between former or existing spouses,

partners or close persons regardless if the violent person shares, or has shared the same household with the person affected the violence.

As of 2007, the Czech police was given the power to institute expulsion of a violent person from the common household for a period of ten days that can be prolonged by the court for a period of one year maximum (Act No. 135/2006 Coll.). Special provisions against domestic violence in regard to restraining orders are also contained in the Code Civil, applicable to partners in both formal and informal relationships (Civil Code, Sections 3021 and 751-753). There is a duty for all authorities active in criminal procedure to give sufferers or witnesses who are endangered by an accused who is at liberty an opportunity to ask for information about the accused (Act No. 283/2004). Dangerous stalking has been introduced in the Criminal Code since 2010 (Criminal Code, Section 354). The provision deals with cases of violence or potential violence among persons/partners whose situation cannot be classified as domestic violence. It is punished with imprisonment of up to one year or with a ban on an activity.

The Czech Republic also provides an online platform for counselling on domestic violence since 2007 (iDnes.cz). The questions are answered by psychologists and lawyers (European Commission, 2013).

Domestic violence is one of the most common forms of violence against women in the Czech Republic (United Nations, 2013). Organisations providing professional, social, psychological and legal counselling to victims of domestic violence are quite active but their activity is dependent on uncertain funding (European Commission, 2015). In general, domestic of violence remains in the private sphere and a lack of public awareness regarding this issue is observed. According to the Eurobarometer survey of 2016, 37% of the respondents said that domestic violence is not a common issue in the country, and 8% believed it is not an issue at all.

c) Rape

Rape is defined in the Criminal Code, Section 185 as “whoever forces another person by violence or threat of violence or threat of other serious harm to take part in sexual intercourse, or whoever abuses his/her inability to defend him/herself for such purpose, shall be sentenced to a term of imprisonment of six months up to five years.” The definition is further specified in a case law (Decision of the Supreme Court ref. No. 7 995/2010 of 1 September 2010) in which the Supreme Court interpreted the definition of rape crime according to two alternatives. In this jurisprudence, the Supreme Court thus confirms that a perpetrator can be convicted in cases where the victim does not obviously disagree or show active resistance to engage in sexual intercourse if there is substantial evidence that the victim did not expressly disagree because of fear of the perpetrator’s further actions or because of dependence on the perpetrator (CEDAW, 2016a). Rape can be sentenced by imprisonment up to 18 years in aggravated circumstances (Criminal Code, Section 185(2-4)). The current definition of rape does not explicitly encompass marital rape. Although it is considered that rape is still underreported, there has been an upward trend in the number of rape convictions in the last years (US Department of State, 2016).

d) Sexual harassment

The definition of sexual harassment was enacted in the Labour Law (No. 46/2004). Harassment means any unwanted conduct associated with the grounds of race, ethnic origin, nationality, sex, sexual orientation, age, disability, religion, belief or opinions, taking place with the purpose or effect of diminishing the dignity of a person and creating an intimidating, hostile, degrading, humiliating or offensive environment, or which could be legitimately perceived as a precondition for a decision affecting the exercise of rights and obligations following from legal relations. Sexual Harassment means any conduct -defined above- of a sexual nature (Antidiscrimination Act, 2009). According to the Antidiscrimination Act, there is no specific procedure available to victims of sexual harassment but the act provides for a shifted burden of proof (Civil Procedural Act, Article 133a).

Most cases of sexual harassment take place in the workplace. The victims usually prefer to seek advice on how to stop the harassment rather than going to court and risk losing their jobs (US Department State, 2016). Cases of sexual harassment are few in number. Victims experience negative social backlash when reporting: in one of the case of sexual harassment presented in court, the victim was represented negatively in the media (European Parliament, 2015). Milder forms of sexual harassment still seem to be tolerated in the workplace such as comments about the appearance or clothing of a female colleague or gender-discriminatory jokes (European Commission, 2011).

e) Female genital mutilation

There is no law addressing specifically female genital mutilation (FGM) in the Czech Republic. The lack of data about the prevalence of FGM lead the Government to include this issue into the Government strategy for Equality of Women and Men in Czech Republic for 2014-2020. Information on harmful practices in particular FGM is to be publicly available and spread among the concerned persons. (Government strategy for Equality of Women and Men in Czech Republic for 2014-2020, Article 7).

Although there is no explicit law, there is space for FGM issues to exist within the Czech legal framework. A paragraph of the Penal Code (Paragraph 199) addressing violence against women and children could be applied to FGM as a form of physical abuse within a family or the household. Bodily harm offences protections could also be used (Penal Code, Paragraphs 145-146). In addition, the system of judicial protection against domestic violence can be extended to abused children which could cover FGM (Domestic Violence Act, 2006). The principle of extraterritoriality could also be applied to FGM practiced outside the borders of Czech Republic. General child protection law could possibly be invoked in cases of FGM such as the Social and Legal Protection of Children Act (No. 359/1999) (EIGE, 2013).

There is a lack of data on the prevalence of FGM in the Czech Republic. Given the homogenous structure of the population, which includes very few people from countries where FGM is performed, FGM is usually not considered to be an issue (EIGE, 2013).

f) Abortion

Abortion is legal on any ground in the Czech Republic upon a woman's written request submitted to a gynaecologist employed by a health establishment if the pregnancy has not passed the twelfth week. (Act No. 66/1986 Coll.). The request may be denied only if the gynaecologist determines that the

abortion would be detrimental to the women's health. Abortion over 12 weeks of pregnancy is available if genetic testing shows a high probability of handicap for the child and on the basis of recommendation of a specialized physician. If the woman is under 16, consent of her legal representative is required (Law on abortion, Section 6(1)). If she is between 16 and 18, her legal representative must be notified but their consent is not required (Law on abortion, Section 6(2)). Additional restrictions apply to women who have had an abortion within six months: they cannot undergo the procedure unless they have had two deliveries, are above 35 or if the pregnancy was the result of a rape (Population Policy Data Bank). Access to abortion is also restricted for women who are not permanent residents in the Czech Republic (Law on Abortion, Section 10). This measure, originally introduced in 1973 to fight against abortion tourism from Western European countries, continues to discriminate against certain migrants with short-term visas or without documents.

An unauthorized abortion, meaning a person who assists a pregnant woman or induces her to interrupt her pregnancy by herself or asks or allows someone else to interrupt her pregnancy in a manner other than authorized by law, is sentenced to a term of imprisonment up to one year (Criminal Code, Article 227).

In the recent years, improvements of services provided by the family planning and effective awareness raising regarding reproductive health have contributed to promoting safe and more responsible sexual behaviour (Kocourkova, J. 2016).

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A court can restrict a person's legal capacity in particular if the person is subject to mental disorder (Civil Code, Section 57). Restriction of legal capacity entails restriction of family and reproductive rights. The CEDAW committee notes that those provisions may be used to restrict young women with intellectual and psychosocial disabilities sexual and reproductive health rights (CEDAW, 2016).

3. Restricted Access to productive and financial resources

a) Secure access to land and assets

The law provides for equal rights to married and unmarried women and men over the ownership, use, decision-making power, and use as collateral over land and non-land assets (Civil Code, Sections 3(e) and 112, Charter of the Fundamental Rights and Freedoms, Article 11). Marital property is the statutory regime and both women and men have equal rights to maintain, dispose and administer the common property as wife and husband (Civil Code, Section 708). Women and men have also equal rights to own, use, make decision and use as collateral regarding lands and non-land assets after divorce or separation (Civil Code, Articles 742(1)a and 765). The law also provides for co-ownership with equal rights in cases of informal relationships (Civil Code, Sections 1115-1125).

b) Secure access to formal financial resources

Women and men have equal rights to open a bank account in the Czech Republic (Directive 2014/92/EU). Women have also equal rights to men to obtain credit. The law prohibits discrimination by creditor on the basis of sex in access to credit (Antidiscrimination Act, Section 1(1))

j). However, in practice, several barriers may deter women's right to access financial resources. According to a study of the European Commission on women's entrepreneurs in the Czech Republic, in order to qualify for a bank loan, at least one year of entrepreneurship history is often required. Another condition sometimes applied is to offer personal real estate as collateral. In practice, women have lower rates of property ownership than men. Women may be also financially less attractive than men for the banks as they tend to aim for lower loan amounts compared to men. The same study suggests that banks discriminate against women on maternal or parental leave fearing that they would not have proper time to commit to their business because of childcare (European Commission, 2015a). Women may turn to entrepreneurship due to the lack of available childcare and work-life balance in formal employment, even if their first choice would have been employment (Institute of Sociology, Academy of Sciences of the Czech Republic, 2015).

c) Workplace rights

The Czech Republic has ratified ILO Conventions C100, C111 but not C156, C183 and C189.

All forms of discrimination are prohibited in employment (Labour Code, Section 16(2)). Direct discrimination, indirect discrimination, harassment, sexual harassment, persecution, instruction to discriminate and/or incitement to discrimination as well as the instances in which different treatment is permissible are regulated in the Antidiscrimination Act of 2009. Discrimination based on sex is prohibited, as is discrimination based on "gender identification", pregnancy and maternity, all assimilated to discrimination based on sex (Antidiscrimination Act, Section 2(4)). The law is therefore relevant for women, men and transgender people. There are currently no laws incorporating the concept of multiple discrimination or intersectional discrimination in national legislation. Compliance to the law regarding discrimination in employment is monitored by the Ministry of Labour and Social Affairs (European Parliament, 2015). The law prohibits employers from asking women about pregnancy and family status (Labour Code, Section 316(4)). In cases of discrimination, the burden of proof has been shifted onto the employer in civil procedure (Act No. 99/1963 Coll., Section 133a).

Employers are obliged to ensure the equal treatment of all employees regarding their working conditions, remuneration for work and the provision of other monetary considerations and considerations of a monetary value, professional training, and the opportunity to be promoted or other advancement in employment (Labour Code, Section 16(1)).

The law guarantees equal pay for equal work or for work of the same value (Labour Code, Section 110), however, the principle of equal pay for men and women is not explicitly mentioned. In addition, there are no formal guidelines for remuneration to ensure pay transparency (Institute of Sociology, Academy of Sciences of the Czech Republic, 2015). The gender pay gap in the Czech Republic remains one of the highest in the EU (European Parliament, 2015). Proving pay discrimination based on sex is rather difficult and many employees may be reluctant to sue their employer by fear of losing their job (European Parliament, 2015).

Czech law provides a maternity leave of 28 weeks, or 37 weeks of leave if the woman gave birth to two or more children at the same time (Labour Code, Section 195). The law further states that maternity leave related to confinement cannot be shorter than 14 weeks and cannot terminate or be

suspended before the expiry of six weeks from the date of childbirth (Labour Code, Section 195(5)), thus making maternity leave obligatory. Paid paternity leave is guaranteed in the Czech Republic since February 2018. The Parliament approved an amendment to the law on health insurance in April 2017 introducing a paid paternity leave of one week for Czech fathers with sickness insurance. Fathers are entitled to take the paternity leave at any time in the six weeks following the child's birth. Parental leave is also available to men and women before the child reaches the age of three (Labour Code, Section 196). Women are entitled to parental leave after maternity leave while parental leave applies to the father following the child's birth (Labour Code, Section 196). Women and men can take maternity leave and parental leave concurrently (Labour Code, Section 198(1)).

Czech law guarantees men and women a return to the same job after maternity leave and parental leave (Labour Code, Section 47). The same rule applies for civil servants (Act No. 234/2004 Coll. on civil service, Section 70). Czech law also provides for a family benefit, the parental allowance, which is guaranteed until the child turns four (Act No. 117/1995).

The lack of affordable childcare facilities is a major problem in the country (European Parliament, 2015). The Government addressed this issue by adopting the Act on Child Group in 2014 which aims at increasing accessibility of childcare for all children between the age of one and six (European Commission, 2015a).

The social security system of the Czech Republic is one of the most generous in the EU (European Parliament, 2015). Women and men do not have the same rights regarding the pensionable age within the obligatory pension scheme. Pensionable age for women depends on the number of children raised while this provision does not apply to men (Pension Insurance Act, Section 32). According to the current system, the pensionable age will be equal for men and women in 2044 (European Parliament, 2015).

The government has identified multiple barriers to women's participation in the labour market including: long parental leave and the low uptake among fathers, discrimination of mothers and gender stereotypes, lack of available and affordable public childcare for children under six, low availability of flexible working arrangements, opaque promotion and hiring rules, the glass ceiling as well as the intersection of inequalities (Institute of Sociology, Academy of Sciences of the Czech Republic, 2015). According to a study of the European Commission, women are expected to take on childcare responsibility while at the same time there is also a social expectation to work in paid employment, creating a de facto double burden on women (European Commission, 2015a).

4. Restricted Civil liberties

a) Citizenship rights

According to the Czech Citizenship Act of 2014, married and unmarried women and men have equal rights to acquire, change and retain nationality (Citizenship Act, Sections 3-5). The legitimacy to acquire citizenship is governed by the principle of *ius sanguinis* (the right of blood). A child whose parents are Czech citizen acquires the Czech nationality permanently. The law contains an exception for children who are born outside wedlock and whose father is a Czech citizen and mother is a

foreigner from a third country: in this case, a paternity test will be required. Children born out of wedlock with a Czech citizen can acquire the citizenship upon determination of paternity or on the day of affirmative declaration of the parents of paternity of the Czech citizen (Citizenship Act, Section 6-7).

Women and men have equal right regarding the application for an identity card (act no 328/1999) or a passport (Act No 329/1999). They also have equal rights to travel outside of the country (Charter of Fundamental Rights and Freedoms, Article 14(1)).

b) Voting

Women and men have equal rights to vote at the age of 18 (Constitution, Article 18(3) and Charter of Fundamental Rights and Freedoms, Article 21(3)).

c) Political voice

The right of all citizens to participate in the conduct of public affairs is guaranteed by Article 21 of the Charter of Fundamental Rights and Freedoms.

The Government has adopted an Action Plan for Equal Representation of Women and Men in Decision-Making position for 2015-2018. The 35 specific measures in the Action Plan are expected to increase gradually the representation of women in decision-making positions in the public administration and other institutions of public interest, in politics and in commercial companies and in the labour market as well as removing barriers to equal representation of women and men in decision-making positions.

Women's representation in Czech politics remains low and has hardly increased over the years. The current political system disadvantages women, in particular when compiling party lists. The only tools for voters to support women candidate are the measures taken inside each political party and the preferential vote which, however, proves as rather uncertain (CEDAW, 2016a). Not only are women underrepresented in elected public offices, but they also have a low share of decision-making power within political parties (European Parliament, 2015). In 2015, the Minister for Human Rights proposed an amendment of the electoral act in order to introduce a 40% quota for women on political candidate lists. The proposal was however rejected by the Government (European Commission, 2016). Public opinion is largely negative regarding temporary social measures. A common counterargument has been to argue that there are many disadvantaged groups in the society and that one should not be given priority over the others (CEDAW, 2016c). Although the Anti-discrimination Act 2009 provides room for "positive measures", it does not cover explicitly political participation.

Political parties have adopted voluntary quotas to increase women's representation in political life. For instance, *Česká strana sociálně demokratická* (Social Democrats) requires that 25% of those elected by the party to be women. If the party fails to meet this percentage, the Social Democratic Women's Organization can nominate additional female candidates (quota project).

In the judiciary, there is a high rate of female representation, however, women remain clustered at lower levels of power (CEDAW, 2014) and diversity is not necessarily reflected among those women.

In particular, Roma women continue to be underrepresented in the judiciary but also at all levels of decision making in public life (CEDAW, 2016).

d) Access to justice

Access to justice for women and men is one of the basic rights guaranteed by the Charter on Fundamental Rights and Freedoms, which is part of the Czech constitutional order (Charter on Fundamental Rights and Freedoms, Article 37(2)). The Czech Constitution also provides for an independent judiciary (Constitution, Articles 81-82). Men and women have the same right to sue and to be sued (Civil Code, Sections 15 and 23). They also have equal evidentiary weight testimony in court (Charter of Fundamental Rights and Freedoms, Articles 36 and 37). The Charter on Fundamental Rights and Freedoms also guarantees the right to free court-appointed counsel in criminal proceedings (Charter on Fundamental Rights and Freedoms, Article 40(3)). These provisions provide access to legal aid only in court proceedings possibly making it difficult for people with limited resources to access legal advice pre-litigation. Courts can appoint free legal counsel if this is proven necessary (Civil Procedure Act, Section 138). There is no specialized legal aid service for women, which translates into a lack of gender-sensitivity in the whole system. Eligibility tests for legal aid often consider the overall household income rather than the woman's individual income, which is often lower. It may not be socially acceptable for women to seek legal aid in the Czech Republic and research has found that few women know where to find legal assistance or are aware of how legal services work. Women may also be reluctant to share some intimate information in an environment that lacks gender sensitivity. Women may thus prefer out-of-court settlements (UNODC, 2016). The length of proceeding has also been found to be an issue in the country (European Parliament, 2015).

There are no specific time limits for accessing courts in discrimination cases (FRA, 2011). The number of gender discrimination lawsuits filed remains low (CEDAW, 2016). In disputes about discrimination, the burden of proof is shifted (CEDAW, 2014), meaning that the victim of discrimination must present the facts before the court and subsequently the accused entities have to prove that there was no breach of the principle of equal treatment. The general public opinion often perceives the perpetrator of discrimination as the victim (European Parliament, 2015). According to the Public Defender of Rights, the low rate of discrimination cases is due to the low awareness of the Act, distrust in the fairness of the Czech justice system, and costs of procedure (CEDAW, 2014). The Czech Public Defender of Rights (Ombudsman) founded in 2001 is an equality body providing legal support to victims of discrimination (Equinet). The Czech Public Defender of Rights has limited litigation powers, it can intervene before the court in public interest issues bound with state governance and can formally decide on complaints by providing recommendation and advice to the parties, however, those are not legally binding.

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The law prohibits advertising that is "contrary to good moral, it cannot contain any discrimination based on race, sex or nationality (...), it must not jeopardize morality in a generally unacceptable manner, reduce human dignity and contain elements of any violence and pornography" (law no. 40/1995 Coll., on advertising regulation). Gender discriminatory advertising happens frequently in Czech public space, including political campaigns (European Women's Lobby, 2015). The European

Women's Lobby reports a lack of practical enforcement of the Act due to insufficient capacity of supervisory authorities to identify and remove sexist advertisement (European Women's Lobby, 2015).

While there are no specific laws governing the production or dissemination of gender statistics, the Strategy for Equality of Women and Men in the Czech Republic for 2014 – 2020 sets the objective of systematic retrieval and utilization of statistical data for analysis and proposal of policies and measures aimed at improving gender equality.

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