Czech Republic

1. Discriminatory Family Code

The Czech Family Act sets the minimum age of marriage at 18 years for both sexes, although courts may exceptionally allow minors over 16 years to enter into marriage.\(^1\) According to the Czech Statistical Office, twelve 16 year old females, nineteen 17 year old females and one 17 year old male were married for the first time in 2012.\(^2\)

Concerning early marriage, The United Nations (UN) reported that 0.2% of women between 15 and 19 years of age were married, divorced or widowed in 2011; compared to no boys in that same age range.\(^3\) The Czech Statistical Office also reported an adolescent fertility rate of 12 births per 1 000 girls aged 15-19 in 2012, with data indicating that the vast majority of babies born to adolescents that year took place outside of marriage (2 893 out of 3 036 births).\(^4\)

Under Czech law parental authority is shared by both parents, and women and men can be the head of the household.\(^5\)

The Czech Civil Code provides for equal inheritance rights for wives and daughters, by stipulating that the children and spouse of the deceased inherit in equal portions.\(^6\)

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Women and men have equal rights to initiate divorce,\(^7\) in which case child custody and maintenance is determined by the court in the best interest of the child, although parents can submit an agreement regulating the exercise of parental responsibility to the court for approval. Numerous factors are taken into account by the court in deciding on the child’s custody; including the parents’ ability and reliability to up bring the child, and which of the parents has so far taken care of the child’s emotional, intellectual and moral upbringing.\(^8\) Almost 50 % of marriages in Czech Republic end in divorce according to official statistics.\(^9\)

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\(^1\) Family Act No. 94/1963 Coll., s.13(1)
\(^2\) Czech Statistical Office (2013)
\(^3\) UNDESA (2013)
\(^4\) Czech Statistical Office (2013)
\(^5\) Family Act No. 94/1963 Coll., s.34(1) and s.19(2)
\(^6\) Civil Code (Act No. 40/1964 Coll.), s.473(1)
\(^7\) Family Act No. 94/1963 Coll., s.24(1)
\(^8\) Family Act No.94/1963 Coll., s.26
\(^9\) Czech Statistical Office (2013)
Studies indicate that **domestic work** is mostly undertaken by women. According to dual-working couples surveyed in 2004, over 70% of women said that they spent more than half of the total time spent by the household on domestic tasks.\(^\text{10}\) Moreover, a 2006 study found that Czech women spend approximately 23 hours per week doing housework, compared to 15 hours for men, and that gender divisions in domestic work further increase once the couple has a child.\(^\text{11}\)

A new Civic Code came into force in January 2014, which also covers the Family Code.\(^\text{12}\)

### 2. Restricted Physical Integrity

 Violence against women has been of great concern in Czech society, prompting recent legislative amendments and government action to tackle this serious issue. This includes the adoption of a National Action Plan for the Prevention of Domestic Violence for 2011-14.\(^\text{13}\) The Czech Republic has not signed the Istanbul Convention.\(^\text{14}\)

Czech law criminalises **domestic violence** since 2004 and defines it as the maltreatment of a person living in a jointly occupied flat or house, whether a next of kin or not.\(^\text{15}\) Although there is no definition of what constitutes “maltreatment”, the National Action Plan for the Prevention of Domestic Violence specifies that domestic violence is not restricted to physical violence and can be expressed in many other ways, for example through psychological, sexual or economic abuse, and often through a combination of these forms. The Action Plan further clarifies the definition of domestic violence by stating that it is characterised by its long-term and private nature, as well as an escalation of violence and an unambiguous split of roles, thereby creating “a relationship of dependency of the victim on the perpetrator”, and the “normalisation” of the act within their lives. The crime is punishable by up to three years’ imprisonment, and two to eight years in the event where the act is committed with particular cruelty, or on more than one person, or if it has continued for a prolonged period of time.

Several legal provisions have been introduced to reinforce this legislation on domestic violence. Since January 2007 police can expel perpetrators from their dwelling and immediate surroundings for a period of ten days, if there are serious grounds to believe that future attacks will be committed. The consent of the victim is not needed and the length of the eviction can be extended by the court for up to one year.\(^\text{16}\) Various tools have been developed to assist police officers in deciding on whether to issue an emergency eviction order, such as a Spousal Assault Risk Assessment guide and

\(^{10}\) Brites, R. et al. (2007)

\(^{11}\) Tomešová Bartáková, H. (2010)

\(^{12}\) Ministry of Justice

\(^{13}\) Government of the Czech Republic (2011)


\(^{15}\) Criminal Code (Act No. 91/2004 Coll.) s.215(A)

\(^{16}\) Domestic Violence Act (Act No. 135/2006 Coll.), s.21
instruction cards, and all police officers are required to undertake basic training on domestic violence. After issuing an eviction order, police are legally obliged to inform the competent intervention centre within 24 hours, which must then contact the victim within 48 hours.

Moreover, the National Action Plan for the Prevention of Domestic Violence introduces an integrated approach to fighting domestic violence. The plan focuses on strengthening support for persons endangered by domestic violence; helping children who witness domestic violence so as to prevent the intergenerational transfer of violent behaviour patterns; providing social and therapeutic services for violent persons; establishing interdisciplinary co-operation and continuous education for all actors involved in tackling domestic violence; breaking down deeply-rooted cultural and social stereotypes; conducting analyses and studies; and strengthening legislation.

According to Violence against women: an EU-wide survey (2014), in Czech Republic 21% of women have been victims of domestic violence and according to a survey conducted by proFem NGO in 2012 11% of women between 18 and 65 years of age experienced some form of domestic violence in 2011. According to proFem NGO 2% of cases of domestic violence led to prosecution.

There is no free legal assistance for the victims offered by the state. There are several NGOs providing these services, but these are dependent on project funding and thus their services are not guaranteed. The shelters for the victims are also run by NGOs and have no stable support from the state. Women have to pay for their stay in these shelters.

Rape has been a criminal offense in the Czech Republic since 1950; however, the definition was expanded under the new criminal code in 2001 to protect men and to include sexual contact in addition to sexual intercourse. Rape is defined as using violence, threatening to use violence or committing other serious harm, to coerce someone to take part in sexual intercourse, or taking advantage of someone's defencelessness for such purposes. Defencelessness is characterised by the inability to resist or to manifest one’s will, for reasons including unconsciousness, deep sleep, consumption of drugs or alcohol, and insufficient maturity due to age. The amended provisions of the Criminal Code have enlarged the definition of the crime, which now

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17 Kelly, L. et al. (2011)
18 Kelly, L. et al. (2011)
19 Government of the Czech Republic (2011)
20 proFem (2012)
21 proFem (2012)
22 proFem (2012)
Includes acts previously qualified as extortion, and also removed the need to obtain the victim’s consent for prosecution.

While there is no specific reference to spousal/marital rape in the current Czech Criminal Code, the pre-1950 clause in the criminal code that excluded marital/spousal rape from punishment was removed from the new criminal code in 1950. Therefore, while the criminal code does not contain any specific reference, it is seen to cover all types of rape.  

In practice, it is reported that victims of rape are not well informed about where to turn to for help, that police officers lack adequate training in how to deal with rape, and that general awareness and education about rape is low. The Code of Criminal Procedure offer legal aid free-of-charge if the aggrieved person petitions the court for compensation and proves a lack of financial means to cover legal assistance. It does not take immaterial damage (emotional/psychological) into account when assessing the victim’s compensation.

The Committee on the Elimination of Discrimination against Women (CEDAW) has expressed concern over the low prosecution and conviction rates of domestic violence and rape, and the lenient sentences given to perpetrators of such acts. There were 198 convictions for rape in 2012 out of 669 reported cases.

Transforming social attitudes towards violence against women remains a priority. In 2012, out of the women surveyed by proFem NGO who acknowledged having experienced domestic violence, only 10.0 percent went to the police, 8.0 percent sought psychological help, 5.0 percent consulted with legal or health professionals, and 3.0 percent talked to social workers. Moreover, a recent report published by the European Women’s Lobby in 2013 indicates that rape is only believed to be reported in 8.0 percent of cases, and even less in the case of spousal rape or rape in the family (3.0 percent), and underreporting is believed to be even more prominent in immigrant communities, owing to fear of losing immigration status or different cultural environments.

There are reports that common stereotypes and myths about rape and rape victims remain. These include the idea that victims are responsible (e.g. through provocative behaviour, inappropriate clothing, seduction of the perpetrator), that most rapes are

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23 US Department of State (2013)
24 Czech Women’s Lobby (2010)
26 CEDAW (2010)
27 US Department of State, (2013)
28 European Commission (2010)
29 US Department of State, (2013)
false accusations, and that the perpetrator is a mentally unstable person, and not someone from the victim’s vicinity.  

**Sexual harassment** was incorporated into the Czech Labour Code in 2004 to comply with European Union (EU) accession requirements, and a second definition was introduced in 2009 through the adoption of the Anti-discrimination Act. The two definitions are similar and centre on the purpose or the consequence of the act, which is to diminish another person’s dignity. As stated above however, these laws are not implemented in practice, and the absence of specific procedures available to victims continues to weaken this legal framework.

Attitudes towards sexual harassment are of concern, with reports suggesting that it is seen as “normal” or ignored in the workplace. A study conducted by the Sociological Institute of the Czech Academy of Sciences in 2005 showed that approximately two thirds of the population reported having experienced jokes with sexual connotations or comments about their private lives in the workplace, and over half of the working population reported having heard talk involving sexual innuendo. Women are more often victims than men, with 13.2% reporting having personally experienced sexual harassment in the workplace, compared to 3.9% of men. Women are especially vulnerable to sexual harassment in traditionally male sectors, such as agriculture and manufacturing, with respectively 42% and 30% of women workers reporting personal or indirect sexual harassment. There are no reports that **female genital mutilation** is practiced in the Czech Republic.

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Women have the right to **abortion** upon request up to the 12th week, with medical recommendation up to the 24th week of pregnancy, and anytime if there is a serious medical issue. According to the most recent UN reports, the general abortion rate was 10.7 abortions per 1,000 women aged 15 to 44 in 2010.

Regarding **contraception**, Antenatal and family planning services are available, with latest UN figures reporting antenatal care coverage of 94.8% in 2010, and an unmet need of only 4.3% for women aged 15 to 49 in 2008. According to the same source,

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30 European Commission (2013)
31 Employment Act (Act No. 245/2004 Coll.), s.4 (8-10)
32 Act No. 198/2009, s.4(2)
33 European Commission (2011)
34 Ibid.
35 Ibid.
37 UNDESA (2013)
38 WHO (2013)
39 UNDESA (2013)
77.6% of women used some form of modern contraception in 2008. Moreover, the mean age at first birth has risen from 22.4 in 1980 to 27.8 in 2011.\textsuperscript{40}

The Czech government officially apologised in 2009 for the \textbf{coercive sterilisation} of women, which occurred without their knowledge during abortions or caesarean sections, as recently as 2007.\textsuperscript{41} According to the Czech Government Human Rights Commissioner, Romani, disabled and socially disadvantaged women (including dissidents during the Communist era) were targeted by these illegal practices.\textsuperscript{42} Of continued concern is the fact that these women have largely been unable to pursue compensation claims before Czech courts due to statutory limitation regulations. The Czech government is under growing pressure from the international community to address this legal gap, leading to a recent statement by Human Rights Minister Jiří Dienstbier on 12 March 2014 that the Government will start drafting a law on compensation.\textsuperscript{43}

In 2013, the Prague City Council presented a bill before the Parliament proposing to legalize \textit{prostitution}, which includes withdrawing from the UN Convention for the Suppression of the \textit{Traffic in Persons} and of the Exploitation of the Prostitution of Others.\textsuperscript{44}

\section*{3. Son Bias}

Recent data does not indicate a son bias. The country had a male/female sex ratio at birth of 1.06,\textsuperscript{45} while the latest male/female for the working age population (15-64) is estimated to be 1.01.\textsuperscript{46}

There is no evidence to suggest that Czech Republic is a country of concern in relation to missing women.

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Moreover, primary and secondary school enrolment rates between 2008 and 2012 were almost identical for both sexes.\textsuperscript{47}

\section*{4. Restricted Resources and Assets}

There are no reported restrictions to women’s \textbf{secure access to land, access and control over non-land assets, or access to financial services}. According to 2011 data from the World Bank, there were only very slight differences in access to financial services, with

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\item UNECE, Gender Statistical Database
\item EWL, 11 October 2010
\item Romea.cz (2013)
\item Romea.cz (2014)
\item Bill for the regulation of prostitution\url{http://www.psp.cz/sqw/text/orig2.sqw?idd=91718}
\item UN Women (2011), op. cit., Annex 4
\item CIA (2014)
\item UNICEF (2013)
\end{itemize}
\end{footnotesize}
25.2% of women in possession of a credit card in the last 12 months, compared to 27.8% of men; 60.4% of women in possession of a debit card in the last 12 months, compared to 61.7% of men; while 8.8% of women had obtained a loan from a financial institution in the last 12 months, compared to 10.2% of men; and 33.4% of women had saved at a financial institution in the last 12 months, compared to 37.8% of men. Moreover, according to World Economic Forum, 81% of men and women in the Czech Republic had an account in a formal financial institution in 2013.

5. Restricted Civil Liberties
There are no laws which affect women’s free access to public space and freedom of movement, although in practice several attacks against Romani women have been reported, in a climate of growing hostility and discrimination against Romas. Freedom of expression and freedom of assembly for all citizens are enshrined in the Czech Charter of Fundamental Rights and Basic Freedoms.

The Czech Government has not adopted national quotas to increase women’s political participation. However the Social Democrats Party (Česká strana sociálně demokratická – ČSSD) has voluntarily set a quota of 25% of its seats to women. No quotas have been established at the sub-national level.

Women remain under-represented both in parliament and in local governments. According to 2013 data from the Inter-Parliamentary Union (IPU), women make up only 19.5% of the Senate. At the local level, the Czech Statistical Office reports that 17.6% of women were elected into regional councils in 2008, while 26.4% of women were elected into local councils in 2010.

The Government adopted a resolution in 2010 in which it committed to reducing gender imbalances in power and decision-making processes, to promoting gender equality at the government level (e.g. by organising compulsory training on gender equality for government employees, and by disseminating information on gender equality on departmental websites, through interviews and press releases), and to institutionalising equal opportunities for women and men (e.g. through new training modules for local government offices and gender equality considerations in job descriptions).  

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48 World Bank (2011)  
49 World Economic Forum (2013)  
50 European Roma Rights Centre (2012)  
51 Art.17 (freedom of expression) and art.19 (right of peaceful assembly)  
52 International IDEA, Stockholm University and Inter-Parliamentary Union (2013)  
53 Ibid.  
54 Ibid.  
55 Government of the Czech Republic (2010)
Despite these measures, women represented only 7.1% of Government ministers in 2011.\(^{56}\) As regards leadership positions more generally, women represented 61.1 percent of judges in 2011;\(^ {57}\) only 4.0 percent of heads of university in 2010;\(^ {58}\) and 12.0 of corporate managers in 2012.\(^ {59}\) The CEDAW has expressed concern over the under-representation of women, in particular of Roma women, at all levels of decision-making.\(^ {60}\)

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The Czech Republic has adopted legislation prohibiting gender-based discrimination in the workplace. The Labour Code stipulates equal treatment and non-discrimination in labour relations (for work of equal value), and prohibits employers from asking about family status or pregnancy during job interviews.\(^ {61}\) Moreover, the 2009 Anti-discrimination Act prohibits discrimination on grounds of sex, inter alia, in employment and other areas, and states that discrimination on grounds of pregnancy and maternity constitute discrimination on grounds of sex.\(^ {62}\)

Women in the Czech Republic also have a right to paid maternity leave starting eight weeks prior to their expected date of delivery.\(^ {63}\) Under the Labour Code women employees are entitled to 28 weeks of maternity leave, 37 weeks if they give birth to two or more children at the same time, and 14 weeks if the child is stillborn. The duration of maternity leave cannot be shorter than 14 weeks, not terminated or suspended during the six weeks following delivery.\(^ {64}\) The Government fully finances paid maternity leave, which equals to 70% of wages.\(^ {65}\) It is prohibited for employers to terminate women's contracts during maternity leave.\(^ {66}\)

According to a report published by the European Commission in 2013,\(^ {67}\) the gender gap in employment remains at 17% percentage points since 2002. Moreover, the report indicates that the number of female employees working part-time in the Czech Republic is much lower than the EU average (8.5% in 2011, compared to 31.6% in the EU), and that parenthood has a significant negative impact on female employment due to the lack of formal childcare facilities. Indeed, the report indicates that no Czech children under three years of age were in childcare for more than 30 hours per week in 2010,  

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\(^{56}\) UNECE  
\(^{57}\) Ibid.  
\(^{58}\) Ibid.  
\(^{59}\) European Commission (2013)  
\(^{60}\) CEDAW (2010)  
\(^{61}\) Labour Code (Act No. 262/2000 Coll.), s.16 and s.316 respectively  
\(^{62}\) Anti-discrimination Act (Act No. 198/2009), s.2  
\(^{63}\) Sickness Insurance Act (Act No. 187/2006), s.32  
\(^{64}\) Labour Code (Act No. 262/2006 Coll.), s.195  
\(^{65}\) Sickness Insurance Act (Act No. 187/2006), s.84 and s.37  
\(^{66}\) Labour Code (Act No. 262/2006 Coll.), s.53(d)  
\(^{67}\) European Commission (2013a)
while another EU source reports that only 45 crèches were running in the whole country in 2011. As a result, mothers take on the responsibility of childcare and generally withdraw from the labour market for at least three years after childbirth due to the low availability of part-time work and flexible working hours, and then face difficulties re-entering the market. According to the same report, the Czech Republic has the second lowest rate of employment for women with small children between zero and six years of age (35.8% compared to the EU average of 59%). The report also mentions an “exceptionally strong gender bias” in the distribution of women and men across occupations. Finally, the report also points to an increase in the gender pay gap in the Czech Republic, from 23.4% in 2006 to 25.5% in 2010, well above the EU average of 16.4% in 2010.

The Czech government is taking measures to address these issues and meet the targets of the Europe 2020 Strategy, namely a 75% employment rate for women and men aged 20-64. In its National Reform Programme for 2013, the Government made a commitment to financially support the establishment of corporate kindergartens, which were introduced through legislative reforms in 2012; and to adopt new legislation introducing Child Groups (a new type of childcare services for pre-school children, accessible from six months of age), along with tax deductions for employers who provide childcare for their employees, and a discount on income tax for parents who pay for childcare services due to their return to or entry into the labour market. It appears that this legislation has not yet been adopted at the time of writing.

There are no gender inequalities in access to ICT. According to latest UN data for 2013, 73% percent of females used Internet over a three month period, compared to 75% percent of males, while 69% percent used Internet on a weekly basis, compared to 72.0 percent of males. Moreover, access to computers was almost identical between sexes (73% of women used computers, compared to 75% of men).

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68 European Commission (2014)
69 Government of the Czech Republic (2013a)
70 UNECE
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