

**Summary Report on Fulfilment of the
Priorities and Policies of the Government in
Promoting Equal Opportunities for Women
and Men in 2009**

SUMMARY PROGRESS REPORT

The equality of women and men was not one of the themes of November 1989. The equality of women and men became part of government policy in the second half of the 1990s, with significant help from the international community and initiatives promoted by the EU. Since 1997-98, when the Czech government adopted the first programme documents in this area, there have been positive shifts in the public sector and also a strengthening, professionalization and "networking" of the civic sector. This development is accompanied by rapid growth in the social sciences disciplines which research the area in question.

However, the equality of women and men remains something of a "Cinderella" area. The tendency of relying on the natural development of society to bring about the desired changes still predominates. Resources aimed on this sphere are insufficient. The current state of affairs shows that this assumption is faulty. One should also point to the obligations which arise for the Czech Republic from the Convention on the Elimination of All Forms of Discrimination against Women. According to the Convention the Czech Republic is bound to eliminate stereotypes and traditional attitudes causing discrimination against women actively. On many of the monitored indicators on the position of women and men the Czech Republic is at the EU average or trails behind it. According to three different gender equality indices the Czech Republic is placed 18th, 21st and 18th respectively out of 25 EU countries (not including Bulgaria and Romania). Positive changes are being achieved only slowly. Some partial, relatively good indicators, e.g. the level of employment of women, can rather be credited to the distant past than to the two most recent free decades.

The present report, as each year since 1998, summarises and evaluates what has been achieved in the area of equal opportunities for women and men in Czech society over the last year. Equal opportunities policies are very significantly globalized and europeanised, and therefore the report includes the international and European dimension of activities and thus the description of institutional structures is also involved.

From the point of view of promoting the equality of women and men, 2009 was not a breakthrough year, but even so brought about several changes and new trends. The Czech Presidency of the EU, connected with a marked increase in the activities of the non-profit sector, helped to shift the topic of the equality of women and men more to the centre of attention of society. The Presidency also gave the Czech Republic the possibility to promote the equality of women and men on the international scene more emphatically. One of the flagships of the Czech foreign policy is the defence of human rights and support for democracy, therefore strengthening the theme of the equality of women and men could have become the permanent legacy of the Czech Presidency.

At the EU level the most significant event of 2009 was the entry into force of the Treaty of Lisbon. By strengthening the European Parliament, introducing civic initiatives and strengthening external policies, the Treaty also brings about potentially greater significance for Union policies for promoting gender equality. A symbolic opening act of a new era in the life of the EU in the field of the equality of women and men was the ceremonial opening of the European Institute for Gender Equality in December 2009.

The gender equality agenda in the Czech Republic fell into the remit of the Minister for Human Rights Michael Kocáb in 2009, who was also the Chairman of the Government Council for Equal Opportunities for Women and Men. At the domestic level there were several important changes. The adoption of the Antidiscrimination Act can be considered a

fundamental systemic change in the legislative area. The Act is beginning to fulfil both a standard-setting and public awareness role.

In terms of achieving the specific measures from the 2009 Priorities, it seems that central bodies are fulfilling certain partial and specific tasks well, e.g. in the areas of personnel, education and in some sections within their competence (e.g. domestic violence, trafficking in women). However, the complete conception of the equality of women and men across the breadth of departmental remits remains a problem. It is not proving possible to apply the strategy of gender mainstreaming, e.g. to apply gender budgeting.

In the institutional area, securing the equality of women and men has been implemented in 2009 through three steps: establishing working groups in departments to supplement the existing network of contact workers; setting up new committees of the Government Council for Equal Opportunities for Women and Men and expanding the remit of the Ombudsman who will function as a so-called equality body. Women and men who are victims of discrimination may turn to the Ombudsman, and one may assume that his work will also lead over the longer term to improvement of the work of other institutions entrusted with protection against discrimination, in particular the Labour Inspectorates and Labour Offices.

Through these steps the basis is being formed in the institutional area of a network which should in the future also include other players (especially at regional and local level) and function as a nationwide forum for dialogue and cooperation in this area.

At the regional and local authority level the situation of inadequate institutional support persists. During 2009 an Analysis of the Situation of Equal Opportunities for Women and Men in selected local authority offices was prepared. It mapped the situation and proposed realistic measures to promote change. The analysis, which was performed on a sample of 75 local government offices (of which 11 were regional offices, 16 were local offices of type III, 31 local offices of type II, and 17 offices of type I) shows that the regional offices are the most active in promoting equal opportunities, being more active than local offices of type III. Only one regional government office has an explicitly formulated strategy for equal opportunities for women and men, which it regularly evaluates. Only 4% of all government offices have defined specific priorities and measures in the area of equal opportunities for women and men, and in all cases these are regional government offices.

The measures from the 2009 Priorities placed emphasis on increasing the proportion of women in decision-making positions and in political life. Subsequently in 2009 a political debate was opened up and specialist work begun on increasing the representation of women in the Czech Chamber of Deputies, in the regional assemblies and in the Prague assembly. Implementation of reform of the Electoral Act was admittedly delayed, inter alia also because of the complexities of working out its optimum form (see the more detailed description in Chap. 2. 4. 2.), but this situation is no surprise. Similar reforms are not easy to implement anywhere else either. During the preparation of the electoral laws the question of the current constitutional framework with respect to the equality of women and men and possible changes to it was opened up. A current question is whether the present constitutional framework, guaranteeing the principle of equality (non-discrimination), should not be augmented by some form of provision supporting the equality of women and men on the part of the state.

One of the keys to achieving equality of women and men is strengthening the economic independence of women. However, there is a stagnation, which is documented by available comparisons with other EU countries. The employment level of women is still lower than the

average for all EU member states. The Czech Republic is also one of the seven member states where the difference in the employment rate between women and men has increased between 2003 and 2008. At the end of 2008 the so-called gender pay gap was on average 26% in the Czech Republic (median value 20.7%). Across the whole of the EU it was around 17.6% in 2007. The present difference in the remuneration of women and men is cautionary. One can only state repeatedly that there continue to exist marked differences in the access of women and men to the labour market, in employment and in remuneration.

The fundamental problem of balancing family and work life in the Czech Republic can be characterised as a separation between the worlds of work and family: "The Czech social state operates on the principle of separate worlds, where the world of work, and the world of care and family are defined as being fundamentally incompatible for women men who wish to share in care. Whereas at the European level the employment of women, which does not preclude founding a family and caring for children, is part of employment policy"¹

As a spring 2010 OECD report stated, the setup of a system which is significantly deflected towards the long-term economic deactivation of parents is not just a problem from the point of view of the equality of women and men, but is also a purely economic problem. The current setup of the system causes the mothers of small children to leave the labour market for years, which has multiple negative impacts, such as for example the economic dependence of women carers, their difficult reintegration into the labour market, unemployment, interruptions to and slowing down of their career growth, and lower pensions. On the basis of the measure set out in the 2009 Priorities the topic of reform of care for children under three years of age was confirmed as a problem and the options and conditions for a change were mapped out. The government subsequently decided that the relevant institutions will continue to deal with a partial solution - the possibility of the broader inclusion of children in kindergarten from two years of age. In the area of balancing family, personal and working lives overall, barriers of a systemic nature persist.

The availability of flexible working arrangements together with an adequate availability of external child care are the key issues for the balancing work, private and family life. In Czech society there is still a predominance of inflexible full working hours, with fixed start and end times. In general Czech women have less flexible employment than men, with the exception of part-time work, which at present is the predominant form of working time flexibility in the Czech Republic. More women than men work part-time - in the 3rd quarter of 2009 this was 70.09% women of those working part-time. The present report points out the possible risks on the basis of the latest Czech and Austrian studies. This model means a lower income which often does not secure independence in subsistence terms, while the possibilities of further training and progress to higher positions are limited. Furthermore, part-time work is not properly compatible with work in higher positions. It is essential to find ways to improve the quality of work in part-time employment and it is necessary to focus on the use of part-time work by men as well as women.

In 2009 work on improving the prevention of domestic violence and people trafficking continued - two areas where the situation has improved in recent years with the significant help of the non-governmental sector and also thanks to systematic work of the Ministry of Interior. Initiation of negotiations to draft the Council of Europe Convention on Combating Violence against Women and Domestic Violence will be an important step influencing the issues of domestic violence and human trafficking in future. The Convention assumes the

¹ Křížková, A., Vohlídalová, M. (2009), p. 53.

development of a national coordination body and monitoring mechanism and thus contributes also to the development of a more systematic approach in this area.

Activities in the civic sector were also supported and highlighted by the Czech Presidency of the EU. A visible trend towards tighter cooperation between the public sector and non-profit organisations is becoming evident. The outlines of the development of a wider advocacy network are becoming visible. In addition to non-profit organisations, its nodes will be institutions dealing with the promotion of gender equality on the government side. For the moment however this area has not been taken up as a concept. As a result of budget cuts the financing position for the non-profit sector is deteriorating.

The present report is an attempt to find better variants for the status of gender equality monitoring, but the set of measures proposed is firmly linked to previous measures. A more fundamental change should be brought about by the longer term strategy for gender equality (2011-2015 Priorities), the preparation of which is assumed to take place in the second half of 2010. A major breakthrough in the position of women and men cannot be expected without a new vision for gender equality and the will to put it into effect.

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1. INTRODUCTION

The equality of women and men was not one of the themes of November 1989. The equality of women and men became part of government policy in the second half of the 1990s, with significant help from the international community and initiatives promoted by the EU. Since 1997-98, when the Czech government adopted the first programme documents in this area, there have been positive shifts in the public sector and also a strengthening, professionalization and "networking" of the civic sector. This development is accompanied by a rapid growth in the social sciences disciplines (in particular, gender studies) which research the area in question in academic establishments.

Gender equality nevertheless remains a difficult political area. On the one hand the thesis, contained in the constitutional framework of the Czech Republic, that gender equality is a fundamental element and value of a modern liberal democratic society, is accepted by a broad spectrum of democratic forces. Gender equality is a question of justice and an essential prerequisite for the development of the potential of every individual. It is also a condition for the attainment of economic growth and social progress, a high level of employment and social cohesion.

On the other hand, sufficient resources are not devoted to this area and a dominant tendency of relying on the natural development of society to bring about the desired changes is evident. People forget that the economic and power rise of women, considered to be the greatest social change of the 20th century, is the result of a struggle for equality which has so far not achieved its goal. The attainment of gender equality is therefore still an urgent task and a challenge for Czech society. Positive changes are however being achieved only very slowly and stagnation prevails in some areas. This is documented by comparisons of the situation in the Czech Republic with that in other EU countries. On many of the monitored indicators on the status of women and men, the Czech Republic is at the EU average or trails behind it, as for example in overcoming differential remuneration of women and men. According to three different gender equality indices the Czech Republic is placed 18th, 21st and 18th respectively, out of 25 EU countries (not including Bulgaria and Romania).²

The present material, as each year since 1998, summarises and evaluates what has been achieved in the area of equal opportunities for women and men in Czech society over the last year. In view of its objective, which is to state and evaluate the implementation of government priorities and policies, the report is not intended to be a complete set of information on the status of achieving equality throughout society. It concentrates principally on the activities of ministries and other government offices in those areas which are identified (or have been in the past) as priorities by the government. However, the need for more comprehensive monitoring and evaluation of gender equality in all areas is undeniable. For this reason it is now proposed that while retaining the tradition title "Priorities and Policies of the Government for Promoting Equal Opportunities for Men and Women" (hereinafter the Priorities), in the future a annual report on gender equality in the Czech Republic be prepared for the preceding year, which will be augmented with information on task fulfilment. The

² Löfström, A. (2009): Gender equality, economic growth and employment 2009, p. 46. The study was prepared during the Swedish Presidency and was financed by the Swedish Ministry for Integration and Gender Equality. Here specifically GDI = Gender Development Index (OSN) – 18th place; GGG = Global Gender Gap Index (World Economic Forum) – 21st place; EU-GEU= EU Gender Equality Index (Plantenga et al 2009) – 18th place.

purpose of the report will be not only to describe the current status cogently and as far as possible comprehensively, but also to point out new, hitherto unresolved aspects and problems of gender equality.

The present summary report is divided as follows: After an introduction, it continues with a summary of starting points, priority areas and targets for equal opportunities policy. It goes on to describe the current status of equal opportunities in key areas. This part aims to bring a current view of the given segment, to describe the history of the approach to it, and indicate the dilemmas which it will be necessary to resolve. Emphasis is given on the current status and changes to it over the preceding year. Tasks for particular departments are developed from this part. One of the key tasks is the preparation of a new, long-term (five-year) strategy for gender equality promotion (hereinafter "The 2011-2015 Priorities"). Repetition of the current format of the Priorities has a long tradition, but it is reaching its limits through its growing distance from the originals (and annually updated Priorities) formulated in 1998. The current state means fragmentation and a loss of emphasis; it is difficult for the public to determine what the key strategic aims of the government are. In this way the Priorities do not fulfil their communication and public awareness role effectively. Nor did even the partial attempt to change the structure of the document in 2009 bring about a clear result - the division of measures by priority areas was replaced by a ranking of tasks by department, but the general aims were formulated only very abstractly and the measures by way of contrast too specifically. Thus in contrast to the intended effect, the Priorities lost their specific strategic aims.

The next 2011-2015 Priorities should take the form of a synoptic conceptual document, which will clearly articulate gender equality as a pervasive societal value, and will designate key areas, principles and strategic aims for the attainment of gender equality over a five-year time horizon. The 2011-2015 Priorities should form a framework for including long-term measures at government level and for setting out new and relevant tasks which will continue to be updated annually as required. The concept documents of the various departments and at the local government level should reference the 2011-2015 Priorities. This approach is advisable also with reference to events in the EU. In autumn this year the European Commission will publish a new Plan for the Attainment of Gender Equality for 2011-2015³ and in the first half of 2010 a new ten-year EU strategy for employment and growth will be adopted (Strategy EU 2020). For the preparation of a good strategy three elements are however necessary: the will of the government to take up equal opportunities policy again, a clear vision, and discussions with all interested parties. The present report should be a starting point for the new strategy. Therefore in addition to describing the current status and changes it also points out the questions with which a future strategy should deal.⁴

The report is complemented by appendices. The most extensive Appendix IVa presents summary information on the completion of tasks assigned by Government Decree No. 964 dated 20th July 2009. This part is primarily of a *monitoring* nature - it advises the government and the public about the activities of ministries and other government departments in meeting the assigned tasks. Further appendices record the activities of the Czech-Moravian

³ The form of the future plan is outlined in A Women's Charter adopted by the European Commission on the occasion of International Women's Day 8th March 2010. The following future priority topics may be deduced from it: equal economic independence for men and women; equal pay for the same work and for work of equal value; equality in decision-making; dignity, integrity and gender-based violence; gender equality outside the EU.

⁴ Summary Report (III.) thus has a hybrid nature: it is a summary of the implementation of previous priority tasks, but at the same time discusses possible future strategic goals. This form is conditioned by the specific circumstances of the origination of the document in 2010; it should not however become a model for preparation of the Priorities in future.

Confederation of Trades Unions, the Transport and Industry Union, and the activities of non-profit organisation (Appendices IVb, IVc and IVd). Appendix IVe contains an overview of EU indicators for monitoring fulfilment of the so-called Beijing Platform for Action. So far the indicators focus on nine areas and work on their development continues within the EU. It is therefore desirable to evaluate and expand the collection of relevant data and information. The report is completed by key statistical data (Appendix IVf).

2. GENDER EQUALITY IN THE CZECH REPUBLIC (2009)

2.1 Constitutional, European and international starting points for a policy on equal opportunities for women and men

The Czech government's policy on equal opportunities for women and men is formulated within the limits given by the constitutional framework of the Czech Republic, international law at global and regional level (UN, Council of Europe), and also ever more markedly by the law and policies of the European Union.⁵ These frameworks are given in the formulation of specific policies at executive or statutory level. A strategy for promoting gender equality cannot see in international and European law only a framework for national policies, but must also see in them instruments for their promotion. Nor are constitutional frameworks immutable - it is therefore true that constitutional rules (with the exception of those which define fundamental matters in a democratic state) can also be subject to considerations of change, with the aim of more effective promotion of equal rights and opportunities for women and men. A current question, opened up in the last year debate on the reform of electoral laws (see later) is whether the current constitutional framework, guaranteeing the principle of equality (non-discrimination), should not be augmented by some form of provision on support for the equality of women and men on the part of the state.

The constitutional dimension of the equality of women and men appeared in Czech (Czechoslovak) law as early as in 1920. The Constitutional Charter of the Czechoslovak Republic (No. 121/1920 Coll.) contained in Art. 106 para.1 a provision that "Privileges pertaining to gender, family and calling are not recognised" It thus gave a clear programme instruction for the surmounting of historical inequalities. In the current constitution the principal of gender equality is transmitted in the provisions of the Charter of Fundamental Rights and Freedoms (No. 2/1993 Coll.) which guarantees freedom and equality in dignity and rights and equality in the enjoyment of fundamental rights and freedoms without regard to gender.⁶ These provisions determine that equality regardless of gender is the inalienable and sacred right of everyone. The constitutional principle barring discrimination on the grounds of gender was expanded in 2009 through an antidiscrimination law which came into force on 1st September 2009.⁷

The value of equality in dignity and in rights regardless of gender is the constitutional starting point for a policy of equal opportunities for women and men; the objective of a policy of equal opportunities is to find effective instruments and appropriate ways of attaining equality in all spheres of the life of society in practice.

International and European law became the impulse for developing a domestic strategy for attaining gender equality at the end of the 1990s. The situation persists whereby initiatives come predominantly from these levels. Equal opportunities policies are very markedly globalised and Europeanised.

⁵ In the case of EU law and policies there is a linking-up of both streams (a Europeanisation) of policies. This is also determined by the fact that the EU, in contrast to federal states (e.g. the USA) has only very few Union executive and judicial bodies and entrusts implementation of Union policies to national bodies.

⁶ Art. 1 and 3 para. 1 of the Charter of Basic Rights and Freedoms.

⁷ Act No 198/2009 Coll., on equal treatment and the legal means for protection against discrimination and changes to certain laws (the Anti-discrimination Act). See also the 2008 Summary Report.

The key international treaty for attaining gender equality at the **global level** is the UN Convention on the Elimination of all Forms of Discrimination against Women.⁸ In 2009 the Czech Republic submitted to the Committee for the Elimination of Discrimination against Women (the monitoring body) its 4th and 5th periodic report on fulfilment of the Convention⁹; the Committee will consider the report in the autumn of 2010.

In addition to the Convention as an instrument of international law, a key element of the UN is the work of The Commission on the Status of Women - CSW, which is a commission of the Economic and Social Council (ECOSOC).¹⁰ The Commission was mandated by the UN General Assembly to consider compliance with the global action plan for attaining gender equality, the so-called Beijing Declaration and Beijing Platform for Action, which were adopted at the 4th UN Conference on Women (4th to 15th September 1995).¹¹ **The Beijing Platform for Action**, which defines the strategic aims and policies for improving the position of women in the world, was adopted with the strong support of EU member states and alongside EU primary law is a major inspiration and source of inputs for the development of EU policies in this area. 2009 was a year of preparations for the evaluation of the status of fulfilment of "Beijing" after 15 years; this topic dominated the Swedish Presidency of the EU in the 2nd half of 2009.¹²

At the global level the UN directs a great number of activities and initiatives at this area; these are implemented by a number of institutions and agencies.¹³ At the end of the decade the thought developed that the UN system would function better if a single key gender entity - based on existing institutions - were to be formed. The UN General Assembly adopted Resolution A/RES/63/311 on this matter in November 2009. The Czech Republic welcomes the proposal to set up a gender entity.

The protection of the human rights of women is also a topic for the work of the UN Human Rights Council, where the Czech Republic currently acts as an observer. The UN Human Rights Council manages the mandate of a special rapporteur against violence against women, its causes and consequences. The Czech Republic has focused long-term on the question of the non-discrimination of women and the struggle against domestic violence, as part of its involvement in the mechanism of the Universal Periodic Review of the state of human rights.¹⁴

⁸ Convention on the Elimination of all Forms of Discrimination against Women, New York, 18th December 1979. The Convention came into force on the basis of Art. 27 para. 1 on 3rd September 1981. In the Czechoslovak Socialist Republic it came into force in accordance with Art. 27 para.2 on 18th March 1982. The Convention defines discrimination against women as "any difference, exclusion or limitation conducted on the basis of gender, the consequences or aims of which are to disrupt or cancel the acknowledgement, use or assertion of women, regardless of their family status, on the basis of the equal status of men and women, human rights and fundamental freedoms in political, economic, social, cultural, civic and other areas."

⁹ See Czech Government Resolution No. 275 dated 9th March 2009 on the Fourth and Fifth Periodic Report on compliance with the UN Convention on Eliminating All Forms of Discrimination against Women

¹⁰ The Commission meets once a year, has 45 members (UN member states), appointed on the basis of even geographical representation.

¹¹ Czech translation see <http://www.vlada.cz/assets/clenove-vlady/ministri-pri-uradu-vlady/michael-kocab/rovne-prilezitosti-zen-a-muzu/dokumenty/Peking-1995.pdf>

¹² EU activities aimed at fulfilment of the Beijing Platform for Action are summarised in a publication issued during the Swedish Presidency Beijing + 15: The Platform for Action and the European Union. Report from the Swedish Presidency of the Council of the European Union. 2009.

¹³ They are for example: The Office of the Special Adviser on Gender Issues and Advancement of Women, the Division for the Advancement of Women, the United Nations Development Fund for Women (UNIFEM) and International Research and Training Institute for the Advancement of Women (INSTRAW).

¹⁴ This is a mechanism by means of which the UN Council for Human Rights assess the state of human rights in all UN member states once every four years.

Questions of the status of women are dealt with **at regional level** by the **Council of Europe**, which is the oldest European integration grouping. Within the Council of Europe system there does not exist - in contrast to the UN level - a convention which would pursue the issue of eliminating discrimination against women on a comprehensive basis. In promoting the ban on discrimination an important part is played by the system of the European Convention on the Protection of Human Rights and Fundamental Freedoms (in particular by Art. 14, the ban on discrimination and Protocol No. 7 governing the equality of women and men within marriage).¹⁵ But within the Council of Europe there do exist significant standards-setting activities focused on specific questions of the status of women. Discussions were initiated in 2009 on adopting the Council of Europe Convention on Combating Violence against Women and Domestic Violence.¹⁶ This activity follows on from the Recommendation of the Committee of Ministers of the Council of Europe Rec (2005)2, on the Protection of Women against Violence, the implementation of which is monitored by the Council of Europe. Like the recommendation, the Convention¹⁷ is to cover a broad spectrum of gender-based violence, i.e. violence which causes or can cause physical or psychological harm or suffering. It will pursue gender-based violence committed not only within the family, but also against the public, such as for example, sexual harassment, crimes committed in the name of honour, mutilation of female genitalia or forced marriages. The Convention will also cover domestic violence against all victims regardless of gender (in this its purview differs from the Recommendation already mentioned). The Convention assumes setting up its own monitoring mechanism to secure compliance with the Convention and also on the existence (setting up or assignment) of a national structure for its implementation. Further to adoption of the Convention it will be necessary to consolidate the current fragmented activities in this area, to define an implementation structure and expand the state's systematic activities to include issues which are not so far systematically monitored (for example, mutilation of female genitalia).

At the supranational level the most dynamic player is the **European Union**. The contribution of the EU in promoting gender equality, starting with the founding of the European Community in 1957, is key. At present the EU has a developed gender architecture, which comprises primary and secondary law, institutions and policies which are promoted using financial funds. This structure is considered the most progressive in the world.¹⁸ The current EU legislation (in particular secondary law) is described in previous summary reports¹⁹, we will therefore limit ourselves here to describing the latest developments.

For the EU the most important event of the year was completion of the ratification process of the **Treaty of Lisbon** and its subsequent entry into force on 1st December 2009. All existing articles governing gender equality were transferred by the Treaty of Lisbon into the reformed EU treaty framework (the EU Treaty (in Czech: SEU) and Treaty on the functioning of the EU (in Czech: SFEU) According to Arts. 2, 3 of the SEU and Art. 8 of the SFEU, gender equality is a value on which the Union is founded; support for gender equality is its aim; in all its activities the EU attempts to eliminate inequalities and to support equal treatment of women and men. In the same way further previous provisions governing the possibility of adopting antidiscrimination policies (Art. 19 SFEU) were incorporated, as well as the

¹⁵ Information on the European Convention on Human Rights and Fundamental Freedoms, basic case law and complaints against the Czech Republic are always given in the annual Reports on the State of Human Rights in the Czech Republic.

¹⁶ With this aim in mind the Council of Ministers of the Council of Europe has appointed an ad hoc Committee for the Prevention and Combating of Violence against Women and Domestic Violence (CAHVIO) and defined its mandate, see CAHVIO 2009 (1) dated 23rd February 2009.

¹⁷ The draft Convention is contained in CAHVIO (2009) 32 prov., dated 15th October 2009.

¹⁸ Ruminska-Zimny, E., 2009, p. 5.

¹⁹ See the Summary Report on Achieving the Priorities 2008, pp.13-14.

principle of equal remuneration for women and men for the same work or work of equal value (Art. 157 SFEU). The EU Charter of Fundamental Rights also became part of EU primary law; Art. 23 is devoted to gender equality. At first glance the Treaty of Lisbon did not bring about any significant changes in the area of gender equality, but through overall strengthening of the EU, by a greater role given to the European Parliament, by introducing civic initiatives and strengthening external policies, the Treaty brings a potentially greater significance for Union policies for achieving gender equality.²⁰

In addition to the culmination of one phase of primary law development, the discussion within the EU of two **acts of secondary law under preparation** continued in 2009 - a proposed directive on the application of the principle of equal treatment of self-employed women and men and a proposed directive on improving the status of pregnant women and nursing mothers in employment.²¹ The second proposal may support the trend in our country leading to a shortening in paternity/maternity leave with a concurrent increase in maternity financial support.

Of the important political documents, the EU Council adopted under the Czech Presidency the conclusions entitled "Equal Opportunities for Women and men in an Active and Dignified Old Age", which were approved on 8th June 2009.

From the standpoint of the political cycle (agenda setting - policy formulation - policy implementation - evaluation) the significance of international organisations is predominant particularly in the agenda setting and policy evaluation phases; EU activities in contrast run through all phases.²²

2. 2. Priority areas and aims of gender equality policy

In view of the already mentioned high level of globalisation and Europeanisation of the area of equal opportunities for women and men, since the establishment of an active government policy for promoting equal opportunities in 1997-1998, priority areas have been laid out in relation to the Beijing Platform for Action, which set out twelve key areas.²³ Later the European Commission strategy document - Plan to Achieve Equal Standing for Women and Men 2006-2010 was taken into account.²⁴

²⁰ Cf. Ruminska-Zimny, E., 2009, p. 14.

²¹ Draft Directive on applying the principle of equal treatment for self-employed men and women repealing Directive 86/613/EHS (KOM(2008)636), and draft Directive to change Council Directive 92/85/EHS introducing measures to improve health and safety at work for pregnant employees, employees soon after giving birth or breast-feeding employees (KOM(2008)637 in its final wording). The purpose of this second draft is to improve the position of pregnant and breast-feeding women in relation to the employer and to extend maternity leave (from 14 and 18 weeks). The original draft contained the principle of paying full wages over 18 weeks (with the option for member states to introduce a wages ceiling for these benefits); the draft is deemed controversial and agreement was not reached in 2009.

²² Implementation of equal opportunities policies is substantially supported by financial resources from the EU.

²³ These are: 1) women and poverty, 2) education and preparation of women for a career, 3) women and health, 4) violence perpetrated against women, 5) women and armed conflict, 6) women and the economy, 7) women in authority and decision-making, 8) institutional mechanisms to support women, 9) the human rights of women, 10) women and the media, 11) women and the environment, 12) the issue of children - girls

²⁴ The Plan (2006-10) contains the following areas: 1) achieving equal economic independence for men and women. 2) support for reconciliation of work, private and family life, 3) support for the equal representation of women and men in decision-making processes, 4) elimination of all forms of violence based on gender and people trafficking, 5) the elimination of stereotypes related to gender in society and 6) support for the equal standing of men and women outside the EU.

The first national action plan from 1998 set out following priority areas: 1) promotion of gender equality as a government policy, 2) legal anchoring of the prerequisites for equal opportunities for women and men and increasing the level of legal awareness, 3) securing equal opportunities for women and men in economic activity, 4) equalising the social status of women and men caring for children and family dependents, 5) taking account of women for their reproductive function and physiological differences 6) suppression of violence committed against women, 7) monitoring and evaluating the effectiveness of applying the principle of equal opportunities for women and men. These priority areas remained the same up to 2008. In the past year there has been an attempt to make a partial revision of the structure of the Priorities, but so far no new strategy aims have been laid out. In the material presented here the author has tended towards compromise. The basic structure of the report is made up of areas which derive from the priority areas given above, but they are augmented with some new topics.

The priority areas captured in the report on Priority implementation are as follows:

- ◆ Promoting gender equality as a government policy
- ◆ Equalising the proportion of women in authority and in decision-making processes.
- ◆ Institutional securing of gender equality
- ◆ The economic status of women, and the development of conditions for balancing work, private and family life
- ◆ The dignity and integrity of women, eliminating gender-based violence and people trafficking
- ◆ Overcoming gender stereotypes
- ◆ Promotion of gender equality in external relations

A new priority included is **promotion of gender equality in external relations**; this is for several reasons. In the first half of 2009 the Czech Republic presided over the EU and in this role had the opportunity to influence events at the international level much more markedly. It also acquired experience and capital which can be used in the future. The second and enduring reason is the interconnectedness of the contemporary world, the indivisibility of fundamental rights and also the fact that promoting human rights and democracy is the flagship of Czech foreign policy. The Czech Republic should also use its reputation in the human rights area to support international strengthening of gender equality and for this it needs to define existing foreign policy in the area of support for gender equality more clearly.

The report also includes information on other topics which hitherto were not denoted as priority areas.

- ◆ The role of non-governmental organisations, civic society and the role of scientific and research institutions in promoting equal opportunities for women and men.
- ◆ Promoting gender equality in science and research.

These topics are linked by the element of dynamic growth and the considerable efforts of players on the non-governmental side to change existing conditions. In both cases these are important topics to which the government should pay attention in the future, and decide whether they will become government priorities in the new strategy for the ensuing period.²⁵

²⁵ In the case of non-governmental organisation and civic society the priority area had to be formulated as

The report concentrates on equality of women and men and does not expressively include the wider aspects of gender equality. e.g. the situation of the gay, lesbian, bisexual and transsexual minorities. The reason for this is, on the one hand, that in connection with the promotion of the Priorities and with meetings of the Government Council for Equal Opportunities for Women and Men these questions have not yet been opened, and on the other hand, the situation is included in detail in the annual government reports on the status of human rights in the Czech Republic. Any inclusion of this perspective in the 2011-2015 Priorities will require the necessity for deeper philosophical reflection on the mission and aims of a traditionally defined "equal opportunities for women and men policy" and a more broadly conception of "gender equality policy".²⁶

Nor does the report focus in greater detail on Roma women, although the issue of Roma, including the situation of Roma women and girls is dealt with in detail in the Conception for Roma Integration and the associated Implementation Plan, the aim of both of which is to equalise the opportunities and initial disadvantages of Roma preventing them from taking a full part in the life of majority society. Since 2004 reports on the state of Roma communities are prepared and submitted annually to the government; these are also a source of information on the situation of Roma women and girls.²⁷

On 21st December 2009 the Czech government approved in Resolution No.1572 a new Conception for 2010-2013. The Conception also deals with the situation of Roma women - e.g. with the lower participation of Roma women in the labour market and the issue of life-time education and training. The Implementation plan for the Conception dated 21st December 2009, in point 1.6 charges the Minister for Human Rights to support on an ongoing basis equal opportunities for women in the Roma community, which means that in future the gender aspect in measures to improve the situation of Roma will be strengthened. The situation of Roma women will also be a topic of the Czech presidency of the *Decade of Roma Inclusion 2005 - 2015*, which is an international initiative of twelve countries mainly from Central and South-Eastern Europe.

Nor does the report similarly deal in greater detail with the situation of handicapped women, which is dealt with in the National Plan for Developing Equal Opportunities for Handicapped Persons. The National Action Plan for 2010-2014, which was approved by Government Resolution No. 253, dated 29th March 2010, deals with the situation of handicapped women in its second part.

The starting points for defining the basic aim are the already-mentioned constitutionally protected **values**, such as equality in dignity and in rights, the ban on discrimination and the recognition of gender equality as the initial organising principle of a democratic society.

With reference to these constitutional starting points it is the fundamental aim of gender equality policy to create such conditions that women and men have the same possibilities of shaping society and making decisions about their lives

support for the growth of this sector on the part of the state.

²⁶ In particular this is the question of whether the final aim to which society should aspire is the relativisation and overcoming of gender roles or securing the equality of these roles.

²⁷ The Reports are available at the website of the Government Council for Roma Minority Affairs at <http://www.vlada.cz/scripts/detail.php?pgid=493>

On the definition of the starting points for gender equality policy, the Summary Report for 2008 states that equal opportunities for women and men are the principle which secures women and the free possibility for women and men to develop their abilities, the possibility to be involved in social, family, economic and political life without limitation from prejudices and other obstacles. Equality of opportunities, including equal opportunities for women and men, is a fundamental human right. Complying with human rights means not only equality before the law, so-called equality de jure declared by legal regulations, but above all also equal opportunities de facto, that is real equality, equality in practice, equal opportunities to implement human rights.

There are some **specific aims** linked to the fundamental aim; these are either of an *horizontal nature* or are focused on individual areas (*sector aims*). These are:

- elimination of all forms of discrimination on the basis of gender
- taking more effective account into gender equality when implementing the widest possible spectrum of public policy
- development of an entire and functional institutional structure for promoting the policy of equal opportunities at central, regional and local levels
- development of partner relationships with non-governmental organisations and networks in the non-profit sector
- increasing the proportion of women in decision-making positions in public administration and in the economy
- greater participation of women in political life
- strengthening the economic status and independence of women
- improving the access of women, particularly from disadvantaged groups, to the labour market
- overcoming differences in the remuneration of women and men
- eliminating barriers that inhibit women from business
- development of the cross-society conditions for balancing family, personal and work life
- development of a wider spectrum of offer of financially affordable childcare up to three years
- consolidation and institutional cover for activities in combating of violence against women and domestic violence
- an effective struggle against trafficking in women
- full use of the possibilities of schools and other components of institutionalised training to provide public education
- finding new ways of uncovering and overcoming gender stereotypes
- finding effective ways of positively influencing the media towards non-stereotypical depiction of women and men
- permitting women and men the widest possible free choice in matters of personal identity, name and surname
- better articulation of gender equality as a topic in Czech foreign policy, inclusion of gender equality in the basic documents of foreign policy, including foreign development cooperation and transformation policy
- continuing in efforts to comply with UN Resolutions No. 1325 and 1820
- strengthening cooperation between the central coordinating body and academic establishments, including universities

Specific measures proposed by the submitter to the government for its approval (see draft appendix of government resolution), are linked to the achievement of these specific strategic

aims. The set of proposed measures does not however ensure full achievement of the aims as laid out, for a number of reasons. In many cases there is a need for wider political consensus on the form of specific measures. Setting out tasks without allocating the appropriate funds is also not possible. This is a question in case of systemic changes in particular. The new government must take a position on these fundamental systemic changes.

The set aims must be achieved and tasks completed both by the **methods** of targeted policies, as well as by the consistent implementation of a strategy leading to the achievement of gender equality - so-called gender mainstreaming.²⁸

In each of the identified key areas the text which follows presents the current situation and on the basis of its evaluation basic problem areas are set out, to which attention should be paid in the period which follows. It should be emphasised that the individual key areas are closely connected and their fulfilment is often very interlinked.

2.3 Promoting equal opportunities for women and men as part of government policy

Since 1998 the government's priorities have had as one of their aims "Promoting equal opportunities for women and men as part of government policy". On this priority area, the Summary Report for 2008 states: "This aim covers media policy, component methods within personnel policy, activities within the Council for Economic and Social Agreement, cooperation with non-governmental non-profit organisations, participation in international programmes, educational events, the preparation of legal regulations, conceptual materials, decision-making and evaluation processes, departmental priorities, grant aid policy, gender budgeting, gender analyses and their working up into concept materials". A list set out in this way tends to include the methods by which equal status for women and men as a horizontal topic should be promoted, but is not a definition of policies. In the updated priorities for 2009 one can, in reference to this, so define a total of 6 tasks out of the total of 32 (tasks 1, 2, 4, 5, 6, 10). Information on fulfilment of these component tasks is given in Appendix IVa.

Based on the information provided it is however difficult to accurately assess the overall state of promoting equal opportunities as a cross-sectional government policy, because the information provided is sometimes fragmentary and often incomparable. The basic trend is however clear, i.e. positive shifts in comparison to 2008 are not marked. However, differences between the approaches of individual departments are noticeable, where some departments (for example, the Ministry of Finance, the Ministry of the Interior) have much more elaborated and developed procedures for promoting equal opportunities than other ministries. Also for example at the Ministry of Defence since March 2009 there has been a (female) coordinator of equal opportunities for women and men subordinated directly to the Director of Personnel, and entitled to joins regular meetings of the section management. It can also be stated, that central bodies of the state comply well on some partial, specific tasks, e.g. in combating women trafficking , but the full adoption of gender equality across the

²⁸ In July 1997 the UN Economic and Social Council defined the concept of gender mainstreaming as follows: "It is the process of evaluating the impact on men and women in all planned activities, including legislation, policies or programmes in any area and at all levels. It is a strategy of making the interests and experiences of men and women an inseparable part of planning, implementing, monitoring and evaluating policies and programmes in all political, economic and social areas, so that men and women have the same prospects and inequality is not supported. The final aim is to achieve gender equality".
<http://www.un.org/womenwatch/daw/documents/ecosoc1997/eresAgreedConclusions1997-2.pdf>

whole breadth of departments' activities is a problem. Nor is there particular success in applying the gender mainstreaming strategy.

One example may be gender budgeting. In some EU countries this requirement is currently the subject of legal regulations (Austria, Spain, Belgium).²⁹ However, there is no success in applying this instrument at central level - ministries do not react to the annual reminder from the Ministry of Finance. As the Spanish Presidency has pointed out, on the basis of the 2001 OECD Conference, this strategic instrument should be applied by member states by the end of 2015.

Another method for gender mainstreaming is the consistent evaluation of legislation and concept documents in preparation from the standpoint of gender equality. The relevant rules - the Government Legislative Rules and the Government Rules of Procedure are appropriately amended. In January 2010 the Government Legislative Rules were amended by a partial provision, which now requires the explicit evaluation of decrees from the point of view of gender equality.³⁰ Consistent use of this instrument would however require strengthening of monitoring capacity. This role is open also to the civic and academic sectors; draft legislation is accessible to the public on the Office of the Government's internet library.³¹

The majority of ministries try to apply equal opportunities policy to their own employees, and in particular attempt to create the conditions for balancing family and work life. But the actual results are varied, for example flexible working hours have been introduced only at some ministries (they are being introduced by the Ministries of Transport, Finance, Labour and Social Affairs, it has been mentioned also by the Ministry of Justice). Ministries also promote equal opportunities policy in cooperation with non-profit organisations. Out of many activities one might give as an example the cooperation of the Ministry of the Interior with Gender Studies, o.p.s. on the project Government Office of the Year "Half and Half" - respect for equal opportunities, or the cooperation which has begun between the Ministry of Agriculture and the Czech Women's Union (for more detail, see Appendix IVa).

Some Ministries also support academic workplaces, for example the Ministry of Education works with the National Contact Centre - Women and Science (see below, and Appendix IVa).

An integral part of gender equality policy is elimination of discrimination. A strengthening of the legal framework has been brought about through the Antidiscrimination Act and one may assume that it will strengthen support for resolving discrimination cases using the law.

Since the entry into force of the Antidiscrimination Act (1st September 2009) there is no information available on any court decisions on discrimination on the grounds of gender, which might then be evaluated against the provisions of the Antidiscrimination Act.

In 2006 the Czech courts considered the first case of discrimination on the grounds of gender in the area of employment law. In March 2006 Mrs M.Č. took legal action against Pražská Teplárenská a.s. for alleged discrimination in the recruitment process for the position of Finance Director. In September 2006 the court of first instance rejected the action and this decision was confirmed by the appeal court in 2007.

²⁹ Jubeto, Y. - O'Hagan, A. (2010): Gender Budgeting. Proposal to the European Council.

³⁰ Czech Government Resolution No.36 dated 11th January 2010

³¹ Available at: <http://eklep.vlada.cz/eklep/page.jsf>

The plaintiff M.Č. then appealed to the Supreme Court. The Supreme Court dealt with the case in 2009 and on 11th November 2009 stated³² that the matter had been legally incorrectly assessed, since the courts of lower instance had incorrectly assessed the question of equal treatment of candidates for employment. The Supreme Court is of the opinion that the plaintiff was disadvantaged in comparison with other candidates in access to the job of Finance Director and therefore it is (using §133a para. 1 of the Act on Civil Procedure) up to the defendant (Pražská Teplárenská) to show that it distinguished between for other than forbidden discriminatory reasons. The court of lower instance has not dealt with this question and therefore its conclusions on the immateriality of the action cannot for the moment stand, according to the Supreme Court. The decision of the appeal court was reversed and the matter returned to the municipal court for further judgement.

2.4 Balancing the number of women and men in authority and in decision-making processes

Equalising the proportion of women in authority and in decision-making processes is one of the conditions for the correct functioning of every democratic society. However, this is not just from the human rights point of view. To include more women at various levels of the decision-making process also brings economic advantages, for example, in relation to economic growth. Researches show the benefit of women in management in financial and organisation performance.³³ It is therefore essential to activate and make full use of all talents regardless of gender.

It is desirable to involve the whole of society in support of both women and men in decision-making processes, from top institutions, through regional and local bodies, political parties, social partners, company managements, non-governmental non-profit organisations, educational and research institutions, the media and the general public.

Since 1998, as part of the Priorities, the government has had a strategic focus on the questions of supporting a greater representation of women in decision-making functions as part of various central bodies in public administration and also on the possibility of introducing positive measures to increase the number of women in legislative bodies.

2.4.1. Support for balanced representation of women and men within the central bodies of public administration

The first strategic-political document which was discussed by the Czech government and which was adopted in its Resolution No. 6 dated 7th January 1998 - Information on the State of Women in Society, did not deal in detail with the questions of the proportion of women in authority and in decision-making processes. The first measure for promoting the Priorities for 1998 nevertheless contained the requirement to support the selection of suitable female candidates for positions in government bodies and management positions both in Ministries and in administrative offices and institutions managed by them (Task No. 1.2.).

In the Summary Report on Promoting the Priorities for 1998 it is stated that although women predominate among specialist employees in ministries, the overall proportion of their placement in management positions at various levels does not exceed one-third. It applies generally on the access of women to decision-making position, that with every higher grade of functional position, the proportion of women occupying these functions falls.

³² Judgement ref. 21Cdo 246/2008.

³³ See Gender Equality - 2009, KOM(2009)77 in its final wording, with references to the literature. More recently also: More women in senior positions. Key to economic growth and stability. European Commission, DG Employment. Social Affairs and Equal Opportunities, Unit G1, Publications Office of the European Union, Luxembourg, 2010.

This state of affairs has more or less not changed up to the present, although since 2001 departments were to support the selection of suitable female candidates for decision-making positions "actively". The Summary Reports repeatedly state that the departments are satisfied with the recruitment procedure operating on the basis of prerequisite qualifications, expertise and the ability to hold the position in question, by means of which the principle of equal treatment of women and men in access to employment and also to specialist preparation and career progress is covered. One of the possible reasons for the low representation of women in decision-making processes is also, according to the departments, the allegedly low level of interest on the part of women in the position of director for departmental institutions, which is apparent in the small number of women who apply for these positions.

Since 2003 departments have been called on to adopt specific measures to achieve balanced representation of women and men in management functions and working groups.³⁴ A further incentive to active promotion of equal opportunities for women and men was the reformulation of the task in 2004, when the departments were charged with evaluating the aforementioned specific measures. Of course the departments did not advise that such measures had been adopted and logically also did not conduct evaluations. It follows from the reports of individual departments that most of them do not consider gender equality, or more precisely equal opportunities as a matter requiring specific steps and a continuing distaste is visible for introducing measures to increase the number of women in decision-making positions.

For 2008, measure 1.2. was formulated neutrally in gender terms ("use specific measures to support the balanced representation of women and men..."), evaluation of measures adopted was now no longer demanded and for 2009 this task was omitted entirely. In spite of this there have been positive changes at some institutions. For example in 2009 at the Ministry of Finance there was an increase compared with 2008 in the proportion of women of 26% for section director positions; in this a measure applies for recruitment procedures, that where candidates of both genders meeting all criteria are involved, account is taken of balanced representation of women and men. The Office for State Representation in Property Matters reached a proportion of 52% of women in management positions.

2. 4. 2. Equal representation of women and men in public and political management positions

Since 2001 the Summary Reports have also dealt with the proportion of women in public and political management positions. It is repeatedly stated that the participation of women in decision-making positions is higher at the local government level and is to be seen in an inclination to practical areas. The participation of women in "high" politics is minimal. A telling sign of the status of women and men in the Czech Republic was repeatedly zero representation of women both in the Cabinet (1992-1996, 1998-2002) and among the regional governors (*Czech: hejtman*) (2000-2004, 2004-2008).

The representation of women in the Chamber of Deputies of the Czech Parliament has been about 16% since 1999, which ranks the Czech Republic in the last third of the EU-27. An equally amazing and criticised fact is that in the Czech Republic as the only country in the

³⁴ These measures can be so-called positive measures (in cases of two equally eligible and capable applicants of differing gender, preference is given to the one who represents the underrepresented gender), gender-neutrally formulated job advertisements (so that women are motivated to apply for a position), direct approaches to particular women to have them apply for recruitment, mixed composition of selection panels, recruitment of women who have the potential to take up top management functions and their training, publicity for examples of successful women in management functions, introduction of measures to allow the harmonisation of family and work obligations (flexible working time, working from home, adapting work timetables to parental responsibilities) etc.

European Union there was a decline in the most recent elections to the Chamber of Deputies in 2006 (the number of female deputies fell from 17% to 15.5%, in absolute terms from 34 to 31 female deputies). After the 2008 elections to the Senate there were 14 women i.e. 17.3% in this chamber. According to the statistics of the Inter-Parliamentary Union this level of representation of women ranks the Czech Republic in 76th place out of 189 states. Following to the 2008 elections the representation of women in regional assemblies is 17.6%. The average number of women in local (town) assemblies is approximately 25%, but of course this average is in decline, subject to the declining size of towns and villages. Only two of the political parties (The Green Party and the Czech-Moravia Communist Party) implemented measures for supporting women when compiling their candidate lists, and only in the case of the Green Party was this measure binding.

2. 4. 3. Positive action in the form of legislative measures to support the equal representation of women and men in decision-making positions

The government has been aware of the low level of representation of women in decision-making positions for a long time. As early as 1999 the adoption of exceptional temporary measures to resolve this situation was proposed in the Priorities and Policies; the aim of these was to equalise the major disproportion in the representation of women and men in participating in crucial societal activities. The individual measures therefore included the task of judging whether the adoption of exceptional temporary measures for equalising major differences in the representation of women and men in crucial societal activities enjoyed sufficient support in the legislation (Task No. 1.7.).

This task was reformulated in subsequent years and charged the individual departments with preparing specific proposals for positive actions for later assessment. The only department to submit a proposal for positive action was the Ministry of Labour and Social Affairs. These were proposals for legislative measures in access to employment and to decision-making activities and in requalification.

A legal analysis performed by the Deputy Prime Minister and Chairman of the Legislative Council stated (Summary Report for 2000) that the present legal regulations form the framework for the implementation of measures aimed at eliminating any discrimination against women and men in participation in crucial societal activities, that is, their implementation also at a general level over and above just employment. However a general condition for adopting such measures is that they will not exceed the framework defined by the relevant international treaties adopted under Art. 10 of the Constitution, by the Constitution itself, by the Charter and indirectly also by decisions of the Constitutional Court.

In connection with this report members of the government were charged in 2001 with taking care when preparing legal regulations to introduce institutions to eliminate any discrimination in the representation of women and men in participating in crucial societal activities.

As of course stated in later Summary Reports, and it could be seen from the documentation submitted by individual departments for the preparation of the Summary Report, most of them had not adequately understood the task as set, and in complying with it had referred to the promotion of general principles of non-discrimination. In later years also this task was completed more formally than genuinely by the individual departments.

Nevertheless in 2003, through an initiative of the Government Council for Equal Opportunities for Women and Men a recommendation was generated for the government to charge the Minister of the Interior with preparing a design for an electoral law which would legislatively secure mechanisms for the equal representation of women and men in elected representative bodies, e.g. in the Chamber of Deputies, the Senate, regional, municipal and local assemblies and the European Parliament.

In 2004 therefore, in accordance with the Government's Legislation Plan for 2004, the Ministry of the Interior prepared a draft design for an electoral law and the conduct of referendum (the Electoral Act). The draft Electoral Act planned an regulation supporting larger representation of women in elections to the European Parliament and in elections to the Chamber of Deputies, where fully occupied candidates lists are assumed. According to the draft a political party which gained at least 1% of the total valid votes at these elections and whose candidate list contained at least one-third of women, would received 30 CZK for each vote given to the party. The contribution would be reduced in the event that the candidate list contained less than one-third of women.

The draft electoral act in question was not included for government discussion at the decision of the Prime Minister, so that discussions on its content could take place at the level of representatives of the political parties making up the coalition government. This discussion did not however take place, the coalition decided not to submit the proposed electoral changes and preparation of this design for an Electoral Act was not included in the Government's Legislation Plan for 2005 or 2006.

For 2009 the tasks for promoting gender equality were subject to overall reformulation. And in connection with the still unchanged and unsatisfactory situation on the representation of women in decision-making positions the Ministry of the Interior was charged for 2009 with Task No. 23 of preparing and submitting to the government (by 31st December 2009) a proposal for legislative changes which would secure a minimum of 30% of women and men on the candidate lists for elections to the Chamber of Deputies, regional assemblies and Prague municipal assembly.

The Ministry of the Interior prepared a proposal for changes in the laws affected and also a proposal for changes to the constitutional framework which, it was anticipated, would probably be essential to implement in connection with the changes to these laws. The proposal was circulated for comments on 14th December 2009 in the following form:

A list of candidates is to contain 30% women and men, or is otherwise invalid. A party is entitled to a bonus if it also achieves 30% of both women and men among its elected representatives. It was proposed that a sentence allowing the setting of rules for compiling candidate lists be added to the constitutional laws (The Constitution of the Czech Republic and the Charter of Basic Rights and Freedoms).

During preparation of the proposal the following were considered:

- **Constitutional level:**

- To make no changes to the Charter of Basic Rights and Freedoms or the Czech Republic Constitution.
- To change the provisions of the Charter of Basic Rights and Freedoms concerning electoral law to permit the introduction of measures for equalised representation not only in relation to women, but also in relation to other groups.
- To change the provisions of the Charter of Basic Rights and Freedoms and the Czech Republic Constitution concerning electoral law to permit the introduction of measures for equalised representation in relation to women.
- To change the provisions of the Charter of Basic Rights and Freedoms and the Czech Republic Constitution concerning equality to permit the introduction of various measures for achieving equality in general.

- **Legal level:**

- The obligation to include a minimum of 30% of both women and men on the lists of candidates, including financial penalties for failure to comply.

- The obligation to include a minimum of 30% of both women and men on the lists of candidates, with the penalty of invalidity of the list of candidates.
- The obligation to include on the lists of candidates in each consecutive group of three both a woman and a man (the so-called zip system).
- The obligation to include both a man and a woman in the first two places on a candidate list.

The date for submission of this proposal was extended to 31st March 2010 in view of the quantity and nature of the fundamental comments which were made as part of the inter-departmental commentary procedure on the proposals in question.

The proposal went through the outer commentary procedure and as part of handling the comments with the Minister for Human Rights and on the basis of recommendations from the Committee on the Equal Representation of Women and Men in Politics was further reformulated, the rule for compiling electoral candidate lists being set so that they contain a minimum proportion of 30% of men and of women and at the same time have a man and a woman in the first two places. If a body submitting a candidate list does not comply and the deficiencies in the list of candidate are not remedied in the time allowed, the list of candidate will be refused. By Resolution No. 166 dated 22nd February 2010 this task was charged to the Minister for Human Rights instead of the Minister of the Interior.

2. 4. 4. Public attitudes to the question of an equal representation of women in power and in decision-making processes

In a public opinion survey conducted for the Ministry of Labour and Social Affairs in December 2007³⁵ it is very clear that support in general from the public for the equal representation of women and men in politics and in decision-making position is relatively high. According to 87.4% of those questioned both women and men should be represented in management and decision-making bodies and councils, run by the state, the Chamber of Deputies and the Senate. In society the view has been strengthening over the long term that in recruiting for management positions, given equal abilities, preference should be given to those of the gender which is underrepresented at that particular level of management (in 2002 44.2% agreed with this statement, in 2007 it was 56.2%).

According to a CVVM³⁶ survey from June 2009, 88% of the population of the Czech Republic regards greater representation of women in politics as useful, 76% thinks that it is necessary to actively support the entry of women into politics and 58% supports quotas for candidate lists.

From 25th to 30th September 2009 Factum Invenio conducted a survey on equal opportunities for women and men for the Office of the Czech Government, Human Rights Section.³⁷ According to this survey, the majority of the Czech population also thinks that:

- Both women and men should be represented in management and decision-making bodies and councils managed by the state, Parliament or the Senate.
- The government would function better if there were more women in it.

³⁵ Available at: <http://www.vlada.cz/assets/clenove-vlady/ministri-pri-uradu-vlady/michael-kocab/rovne-prilezitosti-zen-a-muzu/dokumenty/archiv/trendy-2007.pdf>

³⁶ Available at: <http://padesatprocent.cz/cz/zpravodajstvi/v-cesku-vyznamne-stoupla-podpora-kvot-pro-zeny-v-politice>

³⁷ Available at: <http://www.vlada.cz/cz/clenove-vlady/ministri-pri-uradu-vlady/michael-kocab/rovne-prilezitosti-zen-a-muzu/dokumenty/trendy-socialne-politickych-mechanismu-ovlivnujicich-genderove-vztahy---pruzkumy-verejneho-mineni-2002---2008-40554/>

The views of the population on the individual statements are subject to significant shifts over the years. In this regard it is interesting that in spite of a marked inclination of society to the issue of gender equality and its critical position with regard to the low level of representation of women in decision-making positions, a considerable part of our political representation remains indifferent or indeed hostile to these questions.

2. 4.5, Summary

As the foregoing facts document, the representation of women in decision-making processes at central level continues to be low and developments in a positive direction is only very slow. It should be added that nor are developments positive at the regional and local level - as is shown by a recently performed analysis³⁸. The analysis showed that at all types of local government offices (regional, towns/villages of type III, II and I) the representation of women falls as the management level increases. The general rule also applies: the higher the local authority level, the lower the level of representation at the relevant management level.

In spite of the efforts concentrated on changing the electoral laws so as to support an increase in the proportion of women in decision-making processes, this has not been achieved so far. In connection with the completion of the preparation process for amendments of electoral laws for the Czech Chamber of Deputies, in the assemblies in the regions and in Prague (which is currently open) it is desirable to:

- begin specialist and public debate on the possibility and appropriate forms for strengthening the representation of women in other representative bodies - in towns/villages, in the Senate and in elections to the European Parliament,
- in connection with current trends in Europe, open the discussion on the options and ways of strengthening the role of women in decision-making positions and also in the business sector in key large companies.

It is also necessary to increase efforts to strengthen the proportion of women in the decision-making positions of public administration bodies. At the same time it is important to:

- better identify the specific barriers and problems on the part of organisations which slow the path of women to decision-making positions,
- strengthen the exchange of best practice between government offices,
- monitor the situation also at regional and town/village level.

2. 5. Institutional securing of gender equality

This part which is traditionally contained in Summary Reports is newly augmented with an international and European dimension. This approach shows institutional securing more truthfully as a network of players at various levels of governance, than as some kind of rigid structure of government offices, torn out of existing cooperation links. It also reflects the fact that a considerable part of policies and legislation is developed **at Union level**. Union structures and communication methods (which for the external observer are a difficult-to-penetrate world enclosed in the computer databases and Towers of Babylon of Brussels) are fundamental for the development and implementation of equal opportunities legislation and policies (and setting up a comparable function for the state is difficult). At the same time we should however underline that bodies at government and ministerial level are the key nodes

³⁸ Pavlík, P. – Smetáčková, I. [2009] An analysis of equal opportunities for men and women in selected local government offices. <http://www.vlada.cz/assets/clenove-vlady/ministri-pri-uradu-vlady/michael-kocab/rovnost-prilezitosti-zen-a-muzu/dokumenty/Analiza-samosprava.pdf>

of this network and without strengthening them no radical change to the current situation is possible. A further overlap to which the report devotes detailed attention is the institutional involvement of non-governmental organisations and the professional public in the preparation of political decisions.

2. 5. 1. The international and European dimension of institutional securing

An important role in the promotion of an equal opportunities policy is also played by the appearance of the Czech Republic at international forum, particularly at the UN General Assembly and its subordinate bodies, and dialogue with the monitoring mechanisms of international human rights conventions. As already has been mentioned, the key monitoring mechanism in relation to gender equality at UN level is the Committee on the Elimination of Discrimination against Women, to which the government submits information on compliance on commitments arising from the Convention on the Elimination of All Forms of Discrimination against Women. The term for discussion of the 4th and 5th periodic report on compliance with the Convention, submitted by the Czech Republic in 2009, was set for autumn 2010. In monitoring the situation a significant role is also played by transnational networks of non-governmental organisations promoting gender equality, of which Czech non-profit organisations form a part (see below).

Within the **Council of Europe** there exists within the structure of committees reporting to the Council of Ministers (which along with the Parliamentary Assembly is the statutory body of the Council of Europe) a Steering Committee for Equality between Women and Men (CDEG).³⁹ The committee is composed of representatives from member states and deals with all aspects of achieving equality for women within the region and prepares recommendations for the Council of Ministers and monitors the subsequent implementation of these recommendations.⁴⁰ The Committee also prepares ministerial conferences of the Council of Europe which provide an important impulse towards further development.⁴¹

Within the EU questions of equal opportunities for women and men have traditionally been dealt with on the part of the European Commission by its Directorate General for Employment, Social Affairs and Equal Opportunities, and this was the case in 2009 (former Commissioner Vladimír Špidla). Subsequent to the establishment of a new commission one may however expect changes in the future. The relevant department⁴² is still included in the same Directorate General, but the equal opportunities portfolio has been assigned to Commission Vice-President Vivianne Reding, into whose competence fall justice, fundamental rights and citizenship. This shift is an expression of a more general trend, where questions of discrimination and equality have "grown out" of the original labour and social affairs sector into the wider context of justice and fundamental rights. (A similar change occurred in the Czech Republic in the form of a shift of the gender equality department from the Ministry of Labour and Social Affairs to the competency of the Minister for Human Rights as of 1st January 2008). In the coordination of member states' policies the Commission

³⁹ The Steering Committee for the Equality of Men and Women, abbreviation CDEG is derived from the French title.

⁴⁰ The recommendations are key for setting up the agenda not only at regional, but also at national level. In addition to the already quoted Recommendation Rec2002(5), from which the activities aimed at combating violence against women are derived, the agenda was also substantially affected by Recommendation Rec(2003)3 on balanced representation of men and women in decision-making processes.

⁴¹ The 7th Council of Europe Conference on Gender Equality was held in Baku on 24th to 25th May.

⁴² Department G/1 - equality between men and women (D. Bankier). The department is part of the Directorate for Equality between Men and Women, Action to Fight Discrimination and Civic Society (B.Pyke).

is assisted by a number of working committees, particularly by the Advisory Committee on Equal Opportunities for Women and Men, made up of member state representatives.

On the part of the EU Council questions of equality of women and men are dealt with primarily by the EU Council in the formation of the Council for Employment, Social Policy and Consumer Protection. Before any documents reach the Council, they are discussed in the relevant working group (the Working Group for Social Issues) to which member state civil servants, always experts on the topic under debate, are sent.⁴³

The **European Women's Lobby** is an important umbrella non-profit organisation at the European level, through which the European Commission attempts to conduct a dialogue with non-profit organisations, and which is also used by the European Commission as an instrument for implementing Union policies. The European Women's Lobby (est. 1990) is an intermediary between the political authorities of the EU and women's organisations and it is (just as other European umbrella organisations in other areas) a recipient of financial support for operation of the organisation.

In 2009 the scope of Union structures was expanded by a new EU agency - the **European Institute for Gender Equality**, with its headquarters in Vilnius. The Institute celebrated the start of its work in its new headquarters in December 2009.⁴⁴ A mission of the agency, which will have 30 employees, is to collect and analyse comparable data, develop methodological tools and support the exchange of best practice and dialogue between interested parties and broaden public education.

2. 5. 2. Bodies at Government and Ministerial Level and in the Czech Parliament

2. 5. 2. 1. Government Council for Equal Opportunities for Women and Men and the central coordination unit

From 1st January 2008 the Minister for Human Rights was charged with the coordination of the gender equality agenda; from 12th June 2007 she was also Chairperson of the **Government Council for Equal Opportunities for Women and Men**. After Minister Džamila Stehlíková this function was performed by Michael Kocáb, Minister for Human Rights from 23rd January 2009 to 29th March 2010.

The department for gender equality continued to operate in 2009 within the division of the Minister for Human Rights; it has five systematised locations.⁴⁵ As previous Summary Reports have pointed out, the limited number of people charged with coordination of gender equality does not allow the section to perform all the functions which a national coordination section of this kind should. (The twinning project "Improvement of the public institutional mechanism for introducing, strengthening and audit of the promotion of equal opportunities for women and men" dated 2003 recommended 22 people). At the same time the agendas covered by the section, a major part of which arise from the activities of the Czech Republic in the international system and as an EU member state, are growing. The department currently provides the function of the secretariat of the Government Council on Equal Opportunities for Women and Men (and its committees); this agenda increased by leaps and

⁴³ Other specific questions are however the concern of other Council formations (e.g. combating people trafficking).

⁴⁴ The Institute was set up on the basis of EC regulation No. 1922/2006. The process of setting it up is very slow.

⁴⁵ As a result of personnel changes the department worked for part of 2009 and for the first third of 2010 with only 4 people.

bounds in 2008 and 2009. The new strategy must propose a way of dealing with this inadequate capacity. The simplest option is both to improve the efficiency of activities and at the same time increase the number of employees, subsequently converting this department into a section. Other solutions may also be considered. But it should be taken into consideration that the department fulfils functions the execution of which is a matter for the state (international and European agendas, activities at government level).

The Council for Equal Opportunities for Women and Men is a government advisory body and is composed of both representatives of public authority and of civic society and other players. The more active part of the Council were again in 2009 representatives of civic society. Their systematic and broader involvement in its work would however require financial resources to implement joint activities with the equality department. It is not inadequate regulation⁴⁶ which forms the barrier, but the financial possibilities of the Office of the Government.

There are four committees set up under the Government Council for Equal Opportunities for Women and Men: The Committee for the Prevention of Domestic Violence, the Committee for Balancing Work, Private and Family Life, the Committee for Institutional Implementation of Equal Opportunities Policy and the Committee for the Balanced Representation of Women and Men in Politics.

2. 5. 2. 2. Committee for the Prevention of Domestic Violence

The Committee for the Prevention of Domestic Violence was set up on 1st January 2008. During 2009 the Committee was concerned mainly with preparation of the National Action Plan for the Prevention of Domestic Violence. Discussion of this material will continue in 2010.

2. 5. 2.3. The Committee for the Balanced Representation of Women and Men in Politics

The Committee for the Balanced Representation of Women and Men in Politics was set up on 22. April 2009. A peculiarity of the Committee is the membership of representatives of the political parties (in addition to other representatives). Each political party may have two people on the committee, a man and a woman. The Committee deals with the institutional, political and social options for promoting balanced representation of women and men in politics. In 2009 the Committee handled the issue of the legal treatment of the contents of electoral candidate lists.

2. 5. 2. 4. The Committee for Institutional Implementation of Equal Opportunities Policy

The Committee was set up on 22nd April 2009, with two working groups created:

- 1. Priorities and policies of the government in promoting gender equality** - a working group focused on general initiatives on the current form of this document.

⁴⁶ According to the model statutes of the Government Council, payment for work is made in line with current regulations to those members of the Council who are not state employees for work which they do for the Council clearly on the basis of an order, (that is, as a service) or on the basis of an agreement for work performed outside their normal employment (external work agreements). Such pay is set at a value approved by the senior employee of the government office which provides for the running of the Council. The value of pay is proposed by the Council's Chairperson.

2. **Support for institutional implementation at local level** - a working group focused on support measures for institutional implementation at local level (regions, local authorities).

In 2009 the Committee dealt with preparation of submissions to the Council with the following topics - adoption of the European Charter on Gender Equality at local (town and village) level, balanced representation of women and men in government advisory bodies, the financing of the introduction of standards for gender equality in the work of local labour exchanges, gender equality in science and research at the level of government specialist and advisory bodies, gender equality in grant calls on European structural funds and resolving the participation of contact persons for equal opportunities for women and men in individual departments.

2. 5. 2. 5. The Committee for Balancing Work, Private and Family Life

The Committee was set up on 22nd April 2009, with two working groups created:

1. The **Family Policy Concept** - this working group focuses in particular on the revision, updating and changes to the pro-family policy concept, alternative forms of work and setting up child care services.
2. **Legislation for active fatherhood** - this working group is focused mainly on including active fatherhood in the legislative framework.

For a several years contact workers have operated in individual ministries (so-called gender focal point); these workers deal with the issue of equal opportunities for women and men. An important step towards strengthening the infrastructure for promoting gender equality at ministries was the **setting up in 2009 of gender equality working groups, operating in each ministry**. At each ministry the members of the working group is the contact worker (female or male) and people from other departments or sections at the ministry. Male and female workers responsible at ministries for equal opportunities for women and men meet on a regular basis; the organisational and coordination function for this network is supplied by the gender equality department.

2. 5. 2. 6. Bodies in the Czech Parliament

This report concentrates on government activity, but for completeness it is essential to say that there are also bodies established at both chambers of the Czech Parliament to deal with gender equality. In the case of the Chamber of Deputies this is the Standing Committee on Equal Opportunities, the work of which is focused not only on equal opportunities for women and men, but is intended to concentrate also on the fight against other forms of discrimination - for example, discrimination on the basis of race, age, handicap, nationality, ethnic origin or sexual orientation. This Standing Committee concentrates primarily on legislation in this area, both Czech and European. As far as the Senate is concerned, there is a Committee for Education, Science, Culture, Human Rights and Petitions, into whose purview the issue of gender equality would come.

2.5. 3 Gender equality body

Following long delays the Antidiscrimination Act (see above) was adopted in 2009. The Act completes the institutional landscape for promoting gender equality with an gender equality body.⁴⁷ This step is the most important systemic measure for strengthening the institutional structure since 1998.

⁴⁷ Directive 2006/54/ES, Art. 20.

From 1st December 2009 anyone who feels discriminated against, including discrimination for reasons of gender, may turn for help to the Ombudsman. The Ombudsman is thus a universal body for equality, and not just a body which is narrowly specialised on the fight against discrimination based on gender, which is in line with the previous trend in other European countries (e.g. Sweden). The Ombudsman will assess a complaint by someone who feels discriminated against, will propose a solution and assist a victim of discrimination in their next steps. If the person in question decides to take legal action to secure an end to the discriminatory behaviour, to obtain reasonable satisfaction or compensation for damage sustained, the Ombudsman will help him or her in securing proofs.

The work of the Ombudsman will be supported by a newly established equal treatment department, which has six employees. It is important in the equality of women and men that one of the areas where the Ombudsman will direct his or her attention is discrimination in employment on the grounds of gender in all phases (recruitment, employment contract signing, career advancement, employee transfers, training, or, for example, disagreements connected with the termination of employment), for the reason, among others, that in performing his original activities in protecting people against the actions of government offices, he has met with cases where the local labour inspectorates conducted their audits inconsistently when discrimination was raised. The activity of the Ombudsman within its original activity can also contribute significantly to improving the work of other institutions (labour inspectorates, labour exchanges). From the point of view of gender equality the Ombudsman also operates in the area of the provision of goods and services and access to them.

2. 5. 4. Regions and towns/villages

At the level of the regions and towns/villages there has not hitherto been a coordinating mechanism for gender equality policy. The only indicator of the coordination of policies with central policies is the status of regional representatives as permanent guests at meetings of the Government Council for Equal Opportunities for Women and Men (an option which is taken up by some regions).

The first step towards understanding the current position and finding a solution is the **Analysis of the Status of Equal Opportunities for Women and Men in Selected Local Authority Offices**⁴⁸. The Ministry of the Interior commissioned preparation of the Analysis in 2009 on the basis of the Priorities. The analysis was prepared by the Department of Gender Studies at the Humanities Studies Faculty of Charles University (authors: Ing. Petr Pavlík, PhD. and PhDr. Irena Smetáčková, PhD.) based on a sample of 75 local government offices (11 regional government offices, 16 type III local government offices, 31 type II local government offices, 17 type I local government offices). The analysis shows inter alia that in the promotion of equal opportunities, the most active are the regional government offices, who are more active than type III local government offices. Only one regional government office has an explicitly formulated strategy for equal opportunities for women and men, which it regularly evaluates. Only 4% of all government offices have defined specific priorities and measures in the area of equal opportunities for women and men, and in all cases these are regional government offices. The report contains recommendations which include for example expanding the supply of training activities, preparing methodological materials, setting up job positions whose content is the promotion of equal opportunities, drawing up of specific calls for funds, supporting networking, setting up an advice centre and research fora, monitoring of trends. Some of these recommendations are reflected in the proposed measures

⁴⁸ Pavlík, P. – Smetáčková, I. (2009) An analysis of equal opportunities for men and women in selected local government offices. Praha

(see draft Appendix to the Decree). The basic question which the Analysis concerns is the suitability and viability of setting job positions at regional government offices and type II and III local government offices. This question has not only a legal aspect (the need to change laws) but mainly a financial one. The Analysis confirms the assumption that in expanding institutional implementation it is most propitious to start at regional government level.

2. 5. 5. Summary

In 2009 there was a marked promotion of the strengthening of institutional mechanisms. At global and European levels there were steps to establish, or more precisely to consolidate so-called *gender agencies* (an entity within the United Nations, the European Institute for the Equality of Women and Men within the EU). Institutional mechanisms at national level were also strengthened. This strengthening included three elements: 1) The activities of the Ombudsman were augmented by an equality body, 2) Working groups were developed at the central executive level in ministries, 3) There was strong growth in the cooperation with non-governmental organisations and the academic sector by means of their inclusion in the work of the Council's committees and working groups. By means of these steps the basis is being formed of a network which should in the future also include other players (especially at regional and local level) and function as a nationwide forum for dialogue and cooperation in this area.

However at present some basic problems persist, including:

- Inadequate capacity within the central coordinating establishment - the department for gender equality
- Inadequate financial support for developing institutional implementation, including inadequate support for non-governmental non-profit organisations operating in this area.
- The absence of bodies to promote gender equality at regional and local government level (regions and type II and III local government offices)
- The absence of coordination mechanisms at regional level.

The tasks in this area are fundamental and cannot be completed without the redirection of financial resources. In its consequences this conclusion is at variance with the generally accepted requirement to reduce the number of civil servants and public administration employees, and thus has no easy resolution.

In relation to the new strategy it is therefore necessary to develop a realistic plan for institutional changes and the phasing of further steps. For the immediate future it is proposed to work on tasks which are not financially intensive. These include:

- Expanding the supply of training activities on the equal opportunities for women and men issue for regional and local government offices
- Through the distribution of methodological materials, support for local government offices.
- Preparing a study which would assess the legal options and financial impact of setting up job positions at regional government offices and type II and III local government offices for employees dealing with equal opportunities for women and men.

2. 6. The economic status of women, strengthening the economic independence of women, including the development of conditions within society as a whole for reconciliation of work and private and family life

2. 6. 1. The economic status of women

The achievement of economic independence is not only one of the aims of equal opportunities policy, but is at the same time also a prerequisite for the successful resolution of other problems (e.g. sharing care for children and dependents, combating domestic violence). The achievement of equal economic status for women and men is also one of the priorities of the EU. A study prepared for the Swedish EU Presidency in 2009, came to the conclusion that full achievement of gender equality would bring about GDP growth in individual member states of 15 to 45 percent. The Czech Republic could improve its position by 32 percent.⁴⁹ Unfortunately in relation to the current economic situation the submitter of the present report does not have available a gender analysis of the impact of the crisis or the impact of the various crisis measures and reforms from a gender perspective.

The long-term favourable trend in the strengthening of the role and status of women in the economy has been disrupted by the economic crisis in all EU countries. The consequences of the crisis have fallen more heavily on men for the moment, but there exists the risk that women will be affected later, e.g. in the form of budget cuts in the public sector, where women are more represented.⁵⁰ Budget cuts may impact women disproportionately in the social area, e.g. a general reduction in social benefits and other forms of support. An example is the controversial reduction of financial help during maternity.

According to the Lisbon Strategy the overall **employment level** was to achieve at least 70% by 2010 and the employment level of women at least 60%. The Europe 2020 Strategy⁵¹ has as an aim to attempt to achieve 75% employment of "women and men" from the ages of 20 to 64. Some member states (for example Sweden and Spain, presiding over the EU in the second half of 2009, and the first half of 2010 respectively) insist on having the same target vision of 75% for both women and men.

Even if from the perspective of international comparison the Czech Republic is placed in EU terms among those countries with higher employment of women (57,6 in 2008) and is thus coming markedly closer to the Lisbon target, the employment level for women is still lower than the average for all EU member states. The Czech Republic is also one of seven member states where the difference in employment rate between women and men increased between 2003 and 2008.⁵²

As of 31st December 2009 the number of unemployed in the Czech Republic had reached 385 thousand, of whom 189 thousand were women. In relative terms this is an increase of roughly two-thirds. The unemployment level for women is higher on a long-term basis (as of 31st December 2009 it was 10.3%) than that for men (as of 31 December 2009, 8.4%). The year-on-year growth in unemployment is shown both in the female part of the population (up by 60.1 thousand), and particularly in the male part (up by 94.2 thousand).⁵³ Thus the crisis, as

⁴⁹ Löfström, A. (2009): Gender equality, economic growth and employment 2009, p. 27.

⁵⁰ Gender Equality - 2010. KOM(2009)694 in its final wording.

⁵¹ European Council 25th and 26th March 2010. Conclusions.

⁵² Other countries are Slovakia, Poland, Bulgaria, Romania and Finland. See the statistic Appendix to Commission Report - Gender Equality - 2010, p.4

⁵³ <http://www.czso.cz/csu/csu.nsf/informace/czam020510.doc>

already mentioned, has not impacted primarily women, but in general the situation in the labour market has deteriorated and has potentially exposed women to a greater risk of discrimination. The Ministry of Finance and the Ministry of Defence, which have developed systems for assessing complaints, point out that in 2009 they recorded again complaints connected to pressure in the labour market (however this was not discriminatory behaviour, according to the institutions in question).

A continuing problem in Czech society is the large difference in remuneration between women and men. Women's pay is on average 74% of that of men (median: 79.3%). As at 31st December 2008 the so-called "**gender pay gap**" in the Czech Republic averaged 26% (median 20.7%). Across the whole of the EU the gender pay gap was some 17.6% in 2007.⁵⁴

Support for women in business is an increasingly discussed way of improving the economic activity of women. In the Czech Republic approx. 27% of women of the total number of women in work have a trade licence. In spite of the fact that this is a relatively high number in comparison with EU states, there is a clear high segregation towards typically "female" professions, such as hairdresser and beautician.

Some interesting findings relating to the economic situation of women are to be found in the **Analysis of the Tax Income of Individuals from a Gender Perspective**, compiled by the Ministry of Finance in 2009. The Ministry states that according to the central register as of the third quarter of 2009 there are 2.04m individuals registered, of whom 34.1%, i.e. approx. 696 thousand are women. Men have greater revenues in their businesses, but the revenue of women is increasing from year-to-year. The Analysis also shows that women are more honest in paying their taxes than men - 4 out of 5 men show tax arrears, as opposed to 1 out of 5 women. The Analysis further states that in the period under scrutiny the number of "women in business" grew significantly (in 2008 it approached half of the total number of self-employed people).⁵⁵ A woman in business is thus no longer the exception and is becoming a normal business partner for men, the Analysis states. At the same the Analysis points that being in business can for many women be a solution to how to manage running a family with a traditional division of roles - they are in business because they can better adapt to the needs of the family and the financial contribution from their business is not generally decisive for the family budget (see Appendix IVa of the Analysis for more details).

From a study commissioned by the European Commission in 2008 it follows that the potential barriers to doing business for women can be summarised in three areas: 1) Contextual barriers: choice of education, traditional views of women and stereotypes about women, science and innovation, 2) The innovation sector requires significant investment and women can be seen as less trustworthy creditors 3) Soft barriers: lack of access to technical-scientific and commercial networks, inadequate training in doing business, in model roles and business skills.⁵⁶ Support for women in business should attempt to eliminate these barriers.

More often than men, women in the labour market can come across discriminatory behaviour which is a barrier to their professional success. In 2009 there was an important development in case law relating to this area⁵⁷, in the well-publicised case of plaintiff M.Č. vs. Pražská Plynárenská a.s. (in this case, this was alleged discrimination in the selection procedure for

⁵⁴ Equality of men and women – 2010. KOM(2009)694, Statistical Annex, p. 6.

⁵⁵ The analysis monitors individuals submitting tax returns.

⁵⁶ Quoted in More women (2010), p.25.

⁵⁷ The growth of case law, including decisions by international courts and quasi-judicial bodies, in matters of gender-based discrimination and sexual-orientation discrimination are also monitored in the Reports on the State of Human Rights in the Czech Republic.

the position of Finance Director). The plaintiff appealed to the Supreme Court and the appeal court stated⁵⁸ that there had been an incorrect legal assessment of the matter, because the courts of lower instance had incorrectly applied in practice the principle of so-called reverse burden of proof (application of §133a para.1 of the Rules of Civil Procedure⁵⁹). In the matter under review the courts - at the general level - worked effectively from the correct legal opinion, but they did not however properly apply this to the determined factual state of the matter. For this reason the conclusions of the Municipal Court on the groundlessness of the claim could not stand, according to the Supreme Court. The decision of the appeal court was reversed and the matter returned to the Municipal Court in Prague for further judgement.⁶⁰

2. 6. 2. Balancing Work, Private and Family Life

The fundamental problem of balancing family and work life in the Czech Republic is accurately be characterised in the specialist literature as a separation between the worlds of work and family: "The Czech social state operates on the principle of separate worlds, where the world of work, and the world of care and family for women, and for men who wish to share in care, are defined as being fundamentally incompatible. Whereas at the European level the employment of women, which does not preclude founding a family and caring for children, is part of employment policy"⁶¹

The current set-up of the system is not only a problem from the gender equality perspective, but is also a purely economic problem. As a spring 2010 OECD Report stated: "Parenting contributions and other benefits available to families with small children reflect the preferences of Czech child care institutions, and are therefore significantly biased towards the relatively long-term economic deactivation of parents. A comprehensive review should be undertaken of those provisions of the tax and benefits systems which relate to families with dependent children- The aim of this should be a better linkage of work and family life and a setting of parameters which will be more neutral for parents' choices on how to combine work and family."⁶²

In the Czech Republic women predominate in care for children and other family dependents and the household. This is also a result of the differing income levels of women and men, where the parent with the higher income remains in work and the other stays at home (see above).

For the reconciliation of work, private and family life, the availability of flexible working arrangements is key, in addition to local and financially accessible child care. The sociologists Křížková and Vohlídalová (2009) who mapped the flexibility of working hours and work locations in the Czech labour market in relation to parenthood, came to the conclusion that "while in western Europe flexible working hours and part-time working are a relatively frequent form of organising working time, in Czech society there is still the predominance of an inflexible working day with fixed start and finish times. Czech women have in general less flexible employment than men, for who however negative types of flexibility or work arrangements combined with long working hours predominate. In the

⁵⁸ Verdict of the Czech Supreme Court dated 11th November 2009, ref. 21 Cdo 246/2008.

⁵⁹ Verdict of the Czech Supreme Court dated 11th November 2009, ref. 21 Cdo 246/2008.

⁶⁰ On the issue of discrimination in the Czech Republic see also the annual Reports on the State of Human Rights.

⁶¹ Křížková, A., Vohlídalová, M. (2009), p. 53.

⁶² OECD (2010): An economic overview of the Czech Republic 2010. Policy Brief, April 2010.

context of the predominant negative flexibility in the Czech labour market, the mothers of young children are threatened with job uncertainty considerably more than men".⁶³

In the Czech Republic at present one form of flexible working hours predominates - part-time working.⁶⁴ More women than men work part-time in the Czech Republic. As of 30th September 2009 this was 70.9% of the total number of people working part-time.⁶⁵ The reasons for working part-time in the Czech Republic are various: with men, health reasons and education predominate, with women, the need to take care of someone.

However, part-time working has its disadvantages, which are pointed out by both domestic and foreign specialist studies. From the latest extensive analysis of the quality of part-time work, prepared in neighbouring Austria for the needs of the Federal Minister for Women and Public Service⁶⁶, it follows that this form of work brings with it great risks for the status of women in the labour market. Even if employers consciously seek to offer high-quality part-time work, this model means a lower income which often does not secure independence in subsistence terms, the possibilities of further training and progress to higher positions are limited, part-time work not being very compatible with work in higher positions.⁶⁷ The reasons for this form of work are different between women and men. According to the Austrian study this is dominated for women by care for dependent family members, whereas for men by further education and training (the situation is similar here - see above). Austrian specialists have therefore come to a critical position on part-time working. But because part-time work often offers the only way of combining work and caring, or work and education/training, it is essential to search out all ways of improving the quality of part-time work, the study concludes. The Czech researchers also point out the risks of part-time jobs. Part-time jobs can be a dangerous trap of low wages, involuntary under-employment, job uncertainty and discrimination.⁶⁸

Other forms of flexible working can also have a negative impact, such as external short hours agreements, if these are an alternative to full-time working. Overall it applies that introducing gender specific flexible regimes or part-time jobs only for women (mothers) can lead to the marginalisation of certain groups in the labour market, a problem which is known from other countries (for example, from Austria and Germany).⁶⁹ When considering the expansion of part-time jobs, the proportion of which is low in the Czech Republic when compared with other countries, it is therefore necessary to aim for them to be used by both women and men.

One measure which has no negative side effects is, for example, flexi-time or working from home. It is therefore desirable to support the introduction of these. However, this is not the rule even in ministries - the data provided by these shows that they have been introduced at, for example, the Ministries of Transport, Finance, Labour and Social Affairs (see Appendix

⁶³ Křížková, A., Vohlídalová, M. (2009), pp. 54-55.

⁶⁴ This is a normal contract of employment but with the difference that a shorter than normal working week, with a correspondingly reduced wage/salary.

⁶⁵ Source: Czech Statistical Office, [http://www.czso.cz/csu/2009edicniplan.nsf/t/930033DF4D/\\$File/310109q344.xls](http://www.czso.cz/csu/2009edicniplan.nsf/t/930033DF4D/$File/310109q344.xls)

⁶⁶ Bergman, N., Papouschek, U., Sorger, C. (2010).

⁶⁷ These occurrences also existed according to the quoted Austrian study in companies which were considered examples of a good link between part-time working and the offer of high-quality work see Bergman, N., Papouschek, U., Sorger, C. (2010), p. 82.

⁶⁸ Vohlídalová, M. (2008); Křížková, A.- Vohlídalová, M. (2009), pp. 51-52.

⁶⁹ Křížková, A., Vohlídalová, M. (2009), p. 52. In some countries encountering this situation, they look for a solution in compulsory preferential employment of people working part-time when full-time places are vacated. On the topic of part-time working "for mothers one may also observe a polarisation in the civic sector, where this measure, promoted by one part, is called into doubt by another with reference to the risks involved.

No. IVa). One may summarise by saying that it is necessary to prevent the negative gender impact of flexible forms of working. Support for the use of these forms of work should be aimed both at men and at women.

Balancing work, private and family life is not only a question of setting the conditions, but also a question of the approach of individuals and society to the division of roles within the family. For this reason support for greater involvement of both parents in the bringing up of children is important - i.e. support for active fatherhood. In 2009 the Ministry of Labour and Social Affairs supported active fatherhood by means of the project which is still running, entitled "Daddy, how do I?". Its aim is to use a public education campaign to draw attention to, and develop active fatherhood as an important part of the male identity.

2. 6. 3. Providing care for children of pre-school age

The provision of care for small children is a problem in relation to the strengthening of the economic status of women. This problem is not unique to the Czech Republic, a fact which is also reflected in the so-called Barcelona Targets set by the EU Council in 2002 (each member state is to secure by 2010 care for at least 90% from three to the start of compulsory schooling and for at least 33% of children under the age of three).⁷⁰ In 2009 at the instigation of the Government Council for Equal Opportunities for Women and Men a group from the ministries affected dealt with this question. On the basis of a government decision this work will continue in 2010, when an analysis will be prepared of the options for including children from the age of two in kindergarten.

In the Czech Republic today care in kindergarten⁷¹ is secured for 93.3% of children from the age of three up to the start of compulsory schooling, but the availability of public kindergarten places (particularly in and around large cities such as Prague) is currently deteriorating as a result of the slight rise in the birth-rate in recent years.⁷² The problem of placing a child in kindergarten is encountered by parents who would like to make use of the shortened (i.e. two-year) variant of parental leave, but parents of children aged three years and older increasingly meet with a refusal. In the 2009/2010 school year 314 008 children attended kindergarten, with 20 000 applications unsatisfied. Care outside the family is secured for only 1.2% of children up to the age of three (this datum refers to care secured in healthcare facilities and crèches, or in child care in line with the Act on Business under Trade Licence). To be specific, in 2008 there were 46 crèches and micro crèches in operation with 1413 children in total. In the case of children up to two years of age, the Ministry of Labour and Social Affairs in its call for the submission of individual projects under the Human Resources and Employment Operational Programme "Equal Opportunities for Women and Men in the Labour Market and Balancing Work and Family Life" supports mainly individual care, or more precisely, care in small groups having regard to the young age of the children.

As far as care for children younger than three is concerned, the situation in the Czech Republic is the most extreme in Europe. Therefore the Czech Republic is also logically the country where parenting of children younger than 12 for women in the 25-49 age bracket has the greatest impact on employment of all EU countries. The difference in employment of

⁷⁰ Presidency conclusions, Barcelona 15 and 16 March 2002, SN 100/1/02 REV 1

⁷¹ One cannot fail to note that in the Czech title of this type of school („*mateřská škola*“; in English roughly: maternity school") there is a gender stereotype, and it would be appropriate when the time comes to amend §7 of the Schools Act to change this traditional title to a gender-neutral term.

⁷² Kuchařová et al. (2009)

women with children and without is up to 35 percent to the disadvantage of women with children - for men this is only 5 percentage points.⁷³

The current situation does not permit a large majority of parents caring for children up to three a real choice in relation to returning to work. At the present time this choice is systemically limited to families with high incomes who can afford to pay for individual care (childminder). According to Kuchařová the price of private care by a childminder is from 60-100 CZK/hour (in the case of the grey economy) and 130-150 CZK/hour (in the case of agency care).⁷⁴ If parents wish to place a two-year old child in a private kindergarten, the monthly school fee in the vicinity of Prague is at least 10 thousand CZK a month.⁷⁵ The most marked sign of the absence of suitable provision of care for children up to three, and one might say directly an anomaly of the system is the option of accelerated use of a two-year parental benefit on the one hand and the non-existence of systemic support from society for the care of children from two to three on the other. Thus a large proportion of women still have no real chance to decide freely on the length of their parental leave, despite the fact the allowing such a choice was one of the aims of its reform in 2008.

A partial solution might be found in expanding the option to include children from two years of age in kindergarten, as in the government's decision.⁷⁶ An analysis prepared for the government by the Ministry of Education shows that in the 2008/2009 school year a total of 26 384 children younger than three attended kindergarten, i.e. 24.8% of the population year (these children usually reach three years of age during their time in kindergarten from September to December of the calendar year). If the lower age limit were to be moved to two years, kindergartens could also take in children who are not yet sufficiently independent, who need the systematic attention of an adult. The Ministry assumes that in the event of an expansion of kindergarten capacity the number of children younger than three attending kindergarten would gradually rise to a maximum of 50% of the population year. Which admittedly brings about increased demands on the state budget, this question cannot of course be assessed in isolation. This is an investment across society, because a parent who has up to now been caring for a child will then be economically active, will pay taxes, while other state expenditures can be reduced as well.⁷⁷

2. 6. 4. Summary

In 2009 there was no improvement in questions of the economic status of women in Czech society. The employment of women stagnates, the large difference in remuneration of women and men continues, there is still no systemic solution for child care up to three years of age. This complex of conditions means that suitable conditions have not been developed for the reconciliation of working, private and family life, and thus for the attainments of gender equality. In the years to come measures will be discussed and basic systemic changes assessed which will of course always take place with regard to the balanced assessment of the

⁷³ See the statistic Appendix to Commission Report - Gender Equality - 2010, (Commission Staff Working Document SEC(2009) 1706. p. 12

⁷⁴ Kuchařová et al. (2009), p. 146

⁷⁵ Vohlídalová (2010)

⁷⁶ Czech Government Resolution No. 63 dated 18th January 2010, on the possibilities for a systemic resolution of the agenda for child care up to the start of compulsory schooling, charge the Minister of Education with preparing, in cooperation with the Minister of Health, the Minister of Labour and Social Affairs, the Minister of Finance and the Minister for Human Rights, a draft of further steps concerning this issue. At its meeting on 18th January 2010, the government recommended the elaboration of that part of the original materials that assumes a reduction in the age limit for children in kindergarten to two years.

⁷⁷ For example, costs for paying health insurance.

best needs of the child, the implementation of full parenting and the interest of parents to be fulfilled in their work.

In this area it is desirable to find more effective measures and to implement the following aims:

- To increase the employment of women
- To gradually overcome the vertical and horizontal segregation of the labour market
- To uncover and eliminate gender-based discrimination in the labour market in all its forms (recruitment, employment contract signing, giving notice, career advancement, transfer of employees, termination of employment)
- To set new conditions for balancing family, private and work life
 - To secure a wider spectrum of supply of financially acceptable childcare up to three years.
 - To introduce flexible working arrangements and allow work from home; at the same time to implement measures so that flexible working arrangements do not become a barrier
- To motivate public institutions to be an example, within the scope of their possibilities, of setting up conditions for balancing private, family and work life.
- To support women in business

In addition it is necessary to assess more fundamental systemic changes, inter alia:

- To consider and evaluate the possibility of removing the bar on concurrently receiving parental benefit and placing a child in daily child care
- To consider the option for a legal reduction in the period for receiving parental benefit (and at the same time increase the benefit received over a shorter period) and to evaluate the possible impact of this step with regard to the availability of child care.
- To consider the option of choosing the length and value of receiving parental benefit for a wider circle of recipients.

2.7 The dignity and integrity of women, eliminating gender-based violence and trafficking in people

An intensive discussion is being held in many international and national fora at the present time on the problems of the dignity and integrity of women, violence against women and trafficking in people, considered as the modern equivalent of slavery. In addition to the aforementioned activities of the Council of Europe aimed at the adoption of a convention to combat violence against women and domestic violence, which will undoubtedly mean a significant milestone in this area, the EU is also involved in the problem. In 2010 the European Commission should prepare and present its plan for a joint approach by member states.⁷⁸ Following on from the Council Conclusions adopted in March 2010, the European Commission will prepare a European strategy. In view of the topicality of the theme, the part which follows maps previous developments in more detail.

In its first political strategic document dealing with gender equality, which was discussed and adopted in Decree No. 6 dated 7th January 1998 - Information on the Status of Women in Society, the Czech government pointed out the issues of violence against women and domestic violence. It deals in particular with the questions of crimes with a sexual motive and violence committed within the family.

⁷⁸ The Plan will be prepared pursuant to the Council Conclusions - Elimination of Violence Perpetrated against Women in the European Union, adopted on 8th March 2010.

In the tasks set by the government for the various departments in 1998, the government set out ambitious aims for violence against women: Evaluation of the effectiveness of the legal regulations valid at that time and relating to the issue of violence against women and possible proposed measures to improve their effectiveness; support for the operation of interdisciplinary teams linking healthcare, social, legal and police help in uncovering and prosecuting cases of violence against women and targeting social work on help for the victims of violent crimes on the family; support for widening the network of safe houses for women victims of domestic violence.

In relation to the implementation of freedom of choice of healthcare facilities the low level of availability of independent midwives persists. On the issue of illegal sterilisation measures were taken which were effective from the perspective of preventing illegal sterilisations. The government expressed its regrets over the cases which had been uncovered of individual mistakes in the conduct of sterilisations. However, no special mechanism was developed for compensation, nor has a legal amendment yet been adopted, although this is expected in the future.

2. 7. 7. Domestic violence

This chapter will deal with the issue of domestic violence from a gender perspective, which is primarily with the issue of domestic violence by men against women.⁷⁹ Most government activities are derived from the annually updated Priorities, some activities intersect with those of the Ministry of the Interior and in particular with its crime prevention unit.

To a large extent the tasks arising from the Priorities also intersect with the activity of the Committee for the Prevention of Domestic Violence, which was established on 1st January 2008 as an advisory body to the Government Council for Equal Opportunities for Women and Men. However, the Committee then somewhat unsystematically (as part of its inclusion under the "gender" Council) at its establishing meeting decided to devote itself to the issue of domestic violence in its full breadth, that is to domestic violence in families against women, men, children, senior citizens, persons with health, mental or combined handicaps, including prevention and work with violent people. Thus in some of its activities the scope of its work goes beyond the area defined and affected by the Priorities, nevertheless the main area of its operations, that is the prevention of domestic violence against women as its almost exclusive victims is fully in keeping with the direction of the government Priorities material.

Domestic violence is generally considered to be violence which causes one partner to be in fear of the other. Through use of the power which this fear enables, the violent partner controls the behaviour of the other. Domestic violence can take the form of physical, sexual and psychological violence, forced social isolation and economic deprivation. From the perspective of prevention and control, in view of the intimate nature of the relationship between victim and aggressor and the use of cunning forms of cruelty, domestic violence is one of the most complicated areas in the range of violence perpetrated against women.

The development of legislation in relation to domestic violence

In the initial reports on fulfilment of the Priorities it was stated that the formal prerequisites set out in the legislation for punishing the perpetrators of violence against women had already

⁷⁹ It is also necessary to bear in mind the opposite problem, which is of domestic violence by women against men. On the basis of statistical information (92-98% of the overall numbers of victims of domestic violence are women) the focus of government measures is focused of course mainly on women (and children) as victims.

been developed (domestic violence could be, even if in a very complicated manner, pursued on the basis of the facts of actual bodily harm, restriction of personal freedom, blackmail and others). Specific changes to legal regulations were to be proposed by the Ministries of Justice and the Interior on an ongoing basis. The Ministry of Justice was later (2002) called on to consider an amendment to provision §215 of the Criminal Code (cruelty to a person entrusted to one's care) so that it would also treat as a crime cruelty to persons other than those so entrusted, and also to consider the option of adopting further legislative measures to suppress domestic violence and better protect its victims.

By an amendment to §163a of the Criminal Code from 1st January 2002 a partial improvement in the position of the victims of domestic violence was achieved, since bodies involved in criminal prosecutions no longer needed to obtain the agreement of the victim when prosecuting a perpetrator - next of kin. An amendment to the Criminal Code (Act No.91/2004 Coll.), effective as of 1st June 2004, amended domestic violence in part in the criminal law, by introducing a special set of facts for the crime of cruelty to a person living in a jointly occupied apartment or house - §215a of the Criminal Code.

In March 2006 the Czech Republic adopted a new legal amendment for protection against domestic violence: Act No. 135/2006 Coll., which changes some laws in the area of protection against domestic violence (hereinafter the "Act on Domestic Violence") in force from 1st January 2007. The Act on Domestic Violence formed the fundamental legal framework for resolving domestic violence, limiting dangerous attacks endangering the life and health by using police banishment orders (temporary separation of the violent person from the person under threat). It further amended the conditions for offering immediate psychological and socio-legal help in intervention centres to those threatened with domestic violence, and interdisciplinary cooperation between state, municipal and non-government organisations which participate in domestic violence prevention and help for persons under threat and their children under legal age. Special establishments - Intervention Centres, which came about on the basis of an amendment to the Act on Social Services as of 1st January 2007, offer crisis help to persons threatened with domestic violence (see below).

Act No. 273/2008 Coll., on the Czech Police (hereinafter the Police Act) came into force on 1st January 2009. The Police Act brought about a number of changes in the area of domestic violence. Banishment is taken to be a factual act and is no longer a decision issued in administrative proceedings. For the police this means a basic simplification of the procedure, where the police are henceforth no longer forced to prepare formal decisions with all the details, including justifications, complicated service of documents is dispensed with, and time limits for assessing the validity of banishment orders on appeal are lifted.

An amendment to the Rules of Civil Procedure, Act No. 218/2009 Coll. dated 22nd June 2009, came into force on 1st January 2010. It changes Act No. 99/1963 Coll., the Rules of Civil Procedure, as subsequently amended and certain other laws. The aim of the Act is to add provisions concerning domestic violence which are missing from the Rules of Civil Procedure, and also to specify more closely the individual institutes of domestic violence and eliminate interpretational difficulties from individual provisions arising in connection with the application of this institute in practice. Inter alia the amendment expands the demonstrative list of obligations which can be the subject of provisional measures, for example the obligation to refrain from unsolicited shadowing or harassment of the plaintiff in any way whatsoever. It further clearly sets out the requirements for a proposed setting up of provisional measure concerning domestic violence.

The new Criminal Code (Act No. 40/2009 Coll., the Criminal Code, in the wording of Act No. 306/2009 Coll.) came into force on 1st January 2010; this in essence took over the merits

for crimes contained in the previous amendment, but a new introduction were the facts for the crime of dangerous harassment (§354, known as stalking), which deals with the punishment of harassment which is often the continuation of domestic violence following the departure of the victim from a violent partner. Also special crime merits for the crime of manslaughter (§141) were introduced, allowing taking account of the special circumstances of a case of murder of a violent person by a maltreated person. The new Criminal Code also contains the crime of obstruction of an official decision and banishment order (§337 para. 2).

In 2009 the Ministry of Justice prepared an amendment to Act No. 549/1991 Coll., on Court Fees, as subsequently amended. On the basis of court practice the amended Act amends §11 para.2 of the Act by introducing relief from court fees for a plaintiff in matters of domestic violence in line with §76b of the Rules of Civil Procedure, regardless of the character of the person or the assets he or she owns.

Information Campaign

It was already stated repeatedly in the initial reports on the Priorities that so far within Czech society the social defence mechanisms for education against violence and for respect for human rights were not functioning sufficiently and effectively. In the interests of increasing public perception of the unacceptability of domestic violence and other forms of violence committed against women, since 1999 the Minister for the Interior, the Minister for Labour and Social Affairs and the Czech government representative for human rights (later the Minister of Education and in cooperation with non-governmental organisations) were repeatedly charged with organising an information campaign on the unacceptability of these forms of violence committed in particular against women.

In view of the lack of finances the campaign was rolled out eventually in 2003 and was focused mainly on prevention among young people from 15 to 25. The aim of the campaign was to inform young people about the basic facts on domestic violence and to teach them to recognise its signs in the early stages of a relationship. In view of the age of the target group in addition to the usual forms of campaign a non-traditional computer game was chosen in which young people could within a virtual relationship live through a domestic violence situation and learn to react to this situation. All materials (leaflets, radio spot, cinema advert, banners, CD information clip, etc.) arising in connection with the campaign were put on the www.domacinasili.cz website. The task of "implement a public information campaign" and "continue in public awareness activities" remained part of the Priorities up to 2008, although its implementation was limited and more or less drew on activities put in place as part of the 2003 campaign.

According to data provided by the Ministry of the Interior through its Information on Implementing Measures to Introduce Interdisciplinary Teams Linking Health, Social and Police Help in Uncovering and Prosecuting Cases of Domestic Violence in 2009, the Czech Police prepared a poster and puzzle on the topic of domestic violence which will be distributed to doctors' waiting rooms, schools, petrol stations, clubs, public transport vehicles and so on. In addition a puzzle for the public "Putting a STOP to domestic violence" was distributed by the Ministry of the Interior.

In 2009 Ministry of Labour and Social Affairs ordered the preparation of an information brochure for those threatened with domestic violence of some 90 pages, which will contain information on the legal resources for protecting victims of domestic violence (banishment orders, provision court measures, the criminal law), and on the options for social security and means for changing family conditions (divorce, child upbringing and maintenance). This information brochure will be published in 2010 in a total print run of 2 000 copies.

2009 also saw the issue of publications by the Profem o.p.s. organisation - Domestic Violence - Legal Essentials for Doctors and the handbook from the Rosa o.s. organisation for those working with children, entitled The Magic Book.

Activities of the Ministry of the Interior in connection with the functioning of interdisciplinary teams in uncovering and prosecuting violence against women

The question of the functioning of interdisciplinary teams in uncovering and prosecuting violence against women proved to be relatively complicated from the very beginning, since the Ministry of the Interior originally (1999) argued that the need to create these teams had not yet arisen. Therefore it was charged with assessing the effectiveness and prerequisites for the operation of these teams and following the results of this assessment to propose further steps. This task was later expanded to include the requirement to develop a working group composed of representatives of the departments responsible and representatives of the non-governmental sector, with the aim of resolving the question of the functioning of these teams. The group began its work in April 2002. In 2003 the Ministry of the Interior implemented its Model Interdisciplinary Project for Developing a Legal Framework and Methodological Procedures to Introduce Interdisciplinary Teams Linking Health, Social and Police Help in Uncovering and Prosecuting Cases of Domestic Violence.

The Project became the first step towards preparing a concept and the introduction of a system of coordinated interdisciplinary cooperation aimed at eliminating domestic violence in the Czech Republic. Based on this the Ministry of the Interior began ongoing coordination and monitoring of implementation of regularly updated measures focused on interdisciplinary solutions to the issue of domestic violence and the development of an integrated system of help for its victims.

With this purpose in mind an interdepartmental working group was set up in 2005, composed of representatives from the Ministries of the Interior, Justice, Labour and Social Affairs, Health, Education, the Czech Police and representatives of non-governmental non-profit organisations (KOORDONA and the White Safety Circle). This team of experts coordinates the activities of interested departments and monitors the implementation of updated legislative and methodological measures in the prosecution and punishment of domestic violence in the Czech Republic. A report on the current status and progress, but also on any continuing shortfalls is submitted to the Czech government by the Minister of the Interior each year by 31st March at the latest. The first "Information on Implementing Measures to Introduce Interdisciplinary Teams Linking Health, Social and Police Help in Uncovering and Prosecuting Cases of Domestic Violence" was submitted to the government in April 2005.

"Information on Implementing Measures to Introduce Interdisciplinary Teams Linking Health, Social and Police Help in Uncovering and Prosecuting Cases of Domestic Violence" for 2009 describes the situation for domestic violence over the previous year, particularly in connection with the three years experience already gained with Act No. 135/2006 Coll.⁸⁰ The material also contains selected statistical data, evaluation of proceedings in cases of offences against civic coexistence and information on grant-aided support for projects aimed at working with the violent and working with children as witnesses of domestic violence. Part of the material consists of an overview of implementation of measures on the part of individual departments and also the updating of these measures.

In 2009 the Ministry of the Interior (crime prevention unit) provided financial support for three projects by non-governmental non-profit organisations under the grant heading "Prevention of Domestic Violence with Emphasis on Work with Violent People", to the value of 525.000,- CZK. These are already completed, as well as pilot projects, focused on work

⁸⁰ Act No 135/2006 Coll. which changes certain laws in the area of protection against domestic violence.

with violent people, individual and group therapy, mediation in family relationships, aggression control etc., within the grant heading "Programmes Targeted at Children as Witnesses of Domestic Violence", five projects to the value of 900.000,- CZK. Outputs of the majority of the projects are manuals and methodologies for work with violent persons and with children as witnesses of domestic violence.

Provision of protection to those under threat and the issue of refuges

From the very beginning (1998) the Ministry of Labour and Social Affairs was tasked with expanding the network of refuges for women, victims of violence and also later to support the establishment of refuges with confidential addresses. The Ministry was also to provide support to non-governmental non-profit organisations dealing with these activities. In subsequent years the Ministry supported the operation of refuges through grants (2001-2006), but thereafter has not provided information on the fulfilment of this task.

One of the basic prerequisites for the efficient functioning of the fight against domestic violence was the creation of Intervention Centres (a total of 15 - one each in 13 regions, and two in one of them) in 2007, which was done on the basis of an amendment to the Act on Social Services No. 108/2006 Coll. An independent type of social service, the Intervention Centre, was created in accordance with §60a. Intervention Centres provide help to a person threatened with domestic violence within 48 hours of the delivery of a copy of the banishment order to the Centre. Services are provided on a walk-in, field or residential basis, where the basic activities of this service are of a socio-therapeutic nature, the provision of help in invoking one's rights and justified interests, and taking care of personal matters.

In the material "Information on Implementing Measures to Introduce Interdisciplinary Teams Linking Health, Social and Police Help in Uncovering and Prosecuting Cases of Domestic Violence" for 2009, the Ministry of the Interior states that the Czech Police regional directorates recorded a total of 743⁸¹ banishment orders for violent people from joint accommodation (of these 16 were women) in the Czech Republic in 2009.

In connection with these banning orders 762 women, 39 men and 911 children were under immediate threat of domestic violence. Data for the period under scrutiny also report a marked difference between individual regions. In terms of the absolute number of banning orders, the largest number of these cases occurred in the Ústí region (134). This was followed by the Moravia-Silesian region (111) and the South Moravian region (82). The regions with the lowest number of banning orders in absolute terms include the Hradec Králové region (16) and the Plzeň region (14).

A new grant programme from the Ministry for Regional Development should be of assistance to victims of domestic violence. For 2009 the Ministry has set up departmental priorities in the support for establishing apartments for persons with special needs, including people with under-age children in difficult family circumstances and the victims of domestic violence - in 2009 two grant headings were announced: Community Care Apartments and Entry-Level Apartments.

Activities of the Ministry of Foreign Affairs in the struggle against violence against women and domestic violence.

The Czech Republic has long been engaged internationally in the topic of the struggle against violence against women and domestic violence. It has raised over twenty questions and recommendations in this area to states recorded as part of the Universal Review of the State

⁸¹ These are Czech Police statistics.

of Human Rights, supports resolutions of the General Assembly and UN Council for Human Rights in this area, resolutions of the UN Security Council on women, peace and security and also relevant references in debates on other texts in international fora and participates in Union policy on the fight against violence against women.

Cooperation with non-governmental non-profit organisations

Individual departments have cooperated over the long term with a number of non-governmental organisations including in particular the White Safety Circle, the Czech Catholic Charity, ProFem, Rosa o.s., Gender Studies, o.p.s. and others. The umbrella grouping for a number of organisations devoted to the issue of domestic violence is the Coalition of Non-profit Organisations against Domestic Violence (Koordona). These organisations perform praiseworthy work, but often face a lack of financial resources.

Short statistical summary

The following statistical information draws on material from the Committee for the Prevention of Domestic Violence for the Day for the Prevention of Violence against Women (25th November) and the press release from the Minister for Human Rights for that day.⁸²

- Approx 50% of people over 15 years old know of a case of partner violence from hearsay.
- Approx 25% of people over 15 years old have encountered partner violence directly, most often in the role of witness, but not unusually in the role of victim
- 92 - 98% of the total number of victims of domestic violence are women.
- 2 - 5% of the total number of victims of domestic violence are men.
- In a large number of families in which violence occurs between partners there are children - 80%; in nearly 60% this violence occurs directly in their view.
- 97% of people older than 15 know, or at least suspect, what the idea of domestic violence means
- Only 19% of the public has sufficient information on how to react to domestic violence.
- 84% of the public thinks that domestic violence is a problem that the state should do something about.
- Some 10 000 people asked for help or advice about domestic violence in 2009.
- In 2009 non-profit organisations accommodated more than 1 000 people fleeing from violent people.
- More than 1500 children went into refuges with their mothers in 2009.

2. 7. 2. Trafficking in persons, and especially in women and children

Trafficking in persons is defined as follows by Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, which is part of the international Convention on Transnational Organised Crime, dated 13th December 2000, "Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation."⁸³ According to the Ministry of the Interior the following forms of human trafficking occur most often at present: For the

⁸² <http://www.vlada.cz/cz/clenove-vlady/ministri-pri-uradu-vlady/michael-kocab/tz/157--k-mezinarodnimu-dni-proti-nasili-na-zenach--64886/>

⁸³ <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>

purpose of sexual exploitation and forced prostitution; forced labour, practices similar to slavery, debentured slavery, forced services, work exploitation; for the purpose of the removal of human organs or tissue, forced begging or coercion into committing minor crimes, forced marriages.

Human trafficking is also dealt with by European regional organisations - the Council of Europe and the European Union. Within the Council of Europe the Convention on Action against Trafficking in Human Beings (No.197), which came into force in 2008., was opened for signature in 2005. The Convention embodies inter alia the responsibility of legal entities (this institution does not yet exist in Czech legislation) and the obligation of the state to prosecute the customers of trafficked persons. The Czech Republic has not yet signed this Convention, which has already been ratified by 26 countries from the Council of Europe and a further 17. The situation has not changed in 2009.

In the second half of 2009 there were discussions within the EU on a draft new framework decision for the Council on preventing and combating trafficking in human beings, and protecting victims, the aim of which is to improve the effectiveness of the fight and also the right of victims to correct, impartial, efficient and speedy investigation. This right should be fulfilled by the increasing recognition of the role of the victim in criminal proceedings.⁸⁴

In the Czech Republic the Ministry of the Interior has prepared a **National Strategy for the Fight against Human Trafficking** since 2003. The strategy for **2008-2011**⁸⁵ follows on from the measures of the previous two national strategies. In 2008 an Interdepartmental Coordination Group for the Fight against Human Trafficking was set up to combat people trafficking.

The strategy states that from a medium-term perspective neither the scope nor the forms of people trafficking in the Czech Republic are changing. In relative terms the most widespread form of human trafficking is the sexual exploitation of women. At present the Czech Republic is mainly a target and transit land, principally for women traded from the countries of the former Soviet Union, particularly the Ukraine, Russia and Moldavia. In this area of particular importance is the cooperation with non-profit organisations, which not only provide services to victims, but also provide knowledge of phenomena which are otherwise inaccessible to study. For example in 2009 the La Strada Czech Republic o.p.s. organisation published an enquiry into the conditions of Mongolian labour migration (8 men and 7 women were included) which shows that the position of labour migrants, male and female, is very poor. They live in isolation, the behaviour of employers to them is unacceptable and often illegal (e.g., lack of employment contracts, wage deductions and delays, failure to pay social and tax deductions, threats).⁸⁶

The activities of non-profit organisations helping victims could be undermined by some provisions of the **new Criminal Code** which came into force on 1st January 2010. The Criminal Code newly includes the crime of human trafficking and false imprisonment (§168, §170) in the list of merits of crime for which the failure to thwart or report it is also an offence.

⁸⁴ The European Commission published a draft in March 2009. Proposal for a Council Framework Decision on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA. In view of the entry into force of the Treaty of Lisbon the draft will however be resubmitted in the form of a Directive and will involve the European Parliament in the legislative process, as well as the Council.

⁸⁵ http://aplikace.mvcr.cz/archiv2008/rs_atlantic/mvcr/prevence/lidiobchod/9492.html

⁸⁶ La Strada Czech Republic, o.p.s.. Enquiry into the conditions of Mongolian labour migration - 2009, available at www.strada.cz

The non-profit organisations object that the obligation to thwart the crime of people trafficking and the crime of false imprisonment and the obligation to report the fact that these crimes have occurred, make it impossible for field workers to work effectively. It also impedes the provision of social services to this vulnerable group and threatens with criminalisation those whose work in humanitarian and other non-governmental organisations, as well as the victims themselves. The arguments put forward by La Strada Czech Republic o.p.s. are persuasive and their position is also supported by the Czech-Moravia Trades Union Confederation. Nor does the standpoint of the Security Policy Section of the Ministry of the Interior entirely dispel the concerns of the non-governmental organisations.⁸⁷

Nevertheless, the Ministry of Justice states in this respect that the "crime of human trafficking in accordance with §168 para.1 of the Criminal Code provides protection for children (i.e. persons under the age of 18) against sex abuse, removal of organs, forced labour including bondage and slavery. To stipulate that it will no longer be a crime to fail to thwart or report the sale of a child for such criminal purposes is indefensible before the public, in spite of the concerns of the La Strada organisation about the impediment to their work. Ministry of Justice assumes that this organisation also, if it were to acquire knowledge of serious crime against a child, either in preparation, being committed or already committed, would meet this legal reporting obligation without hesitation. As far as the crime of false imprisonment according to §170 of the Criminal Code is concerned, in the first paragraph this is a crime, in the second and third paragraphs this is a particularly serious crime, which in its intensity ranks among the most serious crimes (with an upper penalty limit of 16 years of imprisonment) and the liability for punishment for not reporting or impeding it is therefore essential".

In 2009 a priority of the Ministry of the Interior in combating human trafficking was the strengthening of the collection and exchange of data on people trafficking within the Czech Republic and the Union. During the Czech EU Presidency a specialised web page⁸⁸ was created as the basic instrument for cooperation between EU member states - this was a map containing information on the operation of national rapporteurs in individual states, their contact and relevant national materials. It was agreed with the European Commission that the contents of the pages would be taken and incorporated into a special web portal dedicated to people trafficking.

2. 7. 3. Summary

In the Czech Republic the issue of combating human trafficking falls into the agenda of the Ministry of the Interior, which has developed both the relevant strategy and the institutional mechanism. In view of this coverage of the topic it is not proposed to include new measures in this area in the gender equality strategy.

The coordination rule in combating domestic violence also falls currently into the agenda of the Ministry of the Interior. The Committee for the Prevention of Domestic Violence of the Government Council for Equal Opportunities for Women and Men (see above) also operates in this area; at its instigation the Council (in February 2010) approved the National Action Plan for the Prevention of Domestic Violence and at the same time a proposal for transferring

⁸⁷ The documents quoted, including the Ministry of the Interior's standpoint, are available on the La Strada website, <http://www.strada.cz>

⁸⁸ The web address is www.national-rapporteurs.eu

this agenda into the jurisdiction of the Minister for Human Rights. Whether this transfer is made or the coordination role remains at the Ministry of the Interior, following to the adoption of the Council of Europe Convention on Combating and Preventing Violence against Women and Domestic Violence, which is in preparation, it will be necessary to newly consolidate the whole area of activities in the field of violence against women, including:

- appointing the body which will be responsible at national level for implementation of the Convention
- limiting any possible inefficient duplication of public administration activities
- expanding public authority activities by areas which are not yet adequately covered (violence in the name of honour, mutilation of female genitalia).

At present the National Action Plan is in the commentary phase. "Information on Implementing Measures to Introduce Interdisciplinary Teams Linking Health, Social and Police Help in Uncovering and Prosecuting Cases of Domestic Violence" which is the material of Ministry of the Interior, which was submitted to the government for information on 9th April. An appendix to the material is an evaluation of the implementation and updating of the tasks for the coming period. For this reason there are no new measures aimed at this area as part of this material.

2. 8. Overcoming gender stereotypes

The view and assessment of women and men in society is very closely linked to the existence of so-called gender roles. This is a set of varied attitudes, activities and behaviour models whereas some of them are assigned to women and some to men within a given society. If gender roles are considered by society to be unalterable and untransferable to the other gender which means, that they come from "one's nature" or biological sex that means that a rule of gender stereotypes apply in its thinking. If it is the aim of society to permit women and men the chance to make free decisions about their lives, it is desirable that gender stereotypes be overcome. The aim is not uniformity and the denial of all differences between the genders, but equality, in particular equality of opportunities.

In 2009 on the basis of a task assigned to the Ministry of Education a manual of gender sensitive language for the school system was prepared⁸⁹, clarifying this issue and its meaning in the Czech linguistic environment. The manual calls for critical perception of texts and the spoken word in the public arena from the time of compulsory school, for clear naming of the participation of women in public life, their competencies and social contribution and for a reassessment of the traditional division of labour between women and men. The authors of the manual give specific examples of the use of discriminatory or stereotypical language and offer gender balanced alternatives for expression in Czech, English and German.

The Ministry of Education, as the coordinator of the education issues which forms children's ideas about the gender roles of women and men in a significant manner, should play a larger role in combating stereotypes in the period to come.

The media wield a great influence on public attitudes. In its possibilities for influencing the media the state is, strictly speaking, significantly limited, which does not of course mean that it should give up on activities aimed at the non-stereotype depiction of both women and men; it is however essential to find suitable means for influencing the media.

⁸⁹ Available at: http://www.msmt.cz/uploads/Skupina_6/Gender_pirucka_korektura.pdf

In May 2009, as part of the Czech Presidency of the EU Council, a European conference was held on new ways to overcome gender stereotypes. The topic of the conference was tools and methods for overcoming gender stereotypes in childhood, the media and in decision-making processes. Member states presented their innovations, tools and methods at the conference by means of which a positive change in public opinion can be achieved in the European context. The website of the Office of the Government has available for download a conference proceedings containing individual contributions and other materials.⁹⁰

2. 8. 1. Female surnames (family names)

The so far barely discussed issue of female surnames and the change of surname on marriage ties to gender stereotypes. So far the topic, with the exception of the question of female names derived from their male equivalents (see also below), has not been dealt with in detail either by the academic community⁹¹ or by the public authorities. There are no statistics concerning change of surname by women (and men) on marriage, nor the number of children who take their surname from their father or their mother. At the same time the practice of changing the surname for women and the standard of the patronymic are elements of a surviving patriarchal model of society and are thus an interesting indicator of its state. Throughout the world as well as in the Czech Republic there are certainly many women for whom their choice of surname is (or was) the result of pressure from surrounding society. A notable example is one of the most powerful women in the world - the current US Secretary of State Hillary Rodham Clinton.⁹²

Concerning the choice of surnames, current Czech legislation in essence respects the principle of choice of surname on marriage for both fiancés, and therefore a change to the law is not relevant.⁹³

More problematical however is the situation concerning the **derivation of female name forms from male forms**. Current legislation on the creation of surnames for women is based on the rule that women's surnames are formed in accordance with the rules of Czech grammar.⁹⁴ The legislation also states that in registering a marriage one may, at the bride's request, enter in the registry the name she will use when married, in the male form. This option is given however only to four categories of women: a) foreigners b) a Czech citizen who has or will have permanent residence abroad c) a Czech citizen whose husband is a foreigner and d) a citizen of nationality other than Czech. Similar limitations apply to the registration of a child's surname. When registering the birth of a child it is possible at the request of the parents to give the surname of a child of female sex in the male form, if the child is, in the words of the legislation a) a foreigner b) a citizen who has or will have permanent residence abroad c) a citizen, one of whose parents is a foreigner d) a citizen of other than Czech nationality.

⁹⁰ Available at http://www.vlada.cz/assets/clenove-vlady/ministri-pri-uradu-vlady/michael-kocab/rovne-prilezitosti-zen-a-muzu/aktuality/gender_conference.pdf

⁹¹ The topic is given comprehensive treatment in the work of D. Komanická, (2009): Women's surnames on marriage - A Study of the mechanisms for preserving patronymia and patrilinearity, FHS, Charles University Prague. Separate studies on the problem of women's surnames have been published by linguist Jana Valdrová.

⁹² Hillary Rodham Clinton began her professional career under her family name of Rodham, which she also used after her marriage, but was then forced to add her husband's surname to her own under pressure.

⁹³ But the work cited earlier from D. Komanická (2009) points out the possible problems when creating surnames for children whose parents have hyphenated surnames and also the limitation of given choices. The legal treatment of surnames and existing practice should without doubt be the subject of a broader gender analysis.

⁹⁴ See §69 of Act No. 301/2000 Coll. on Registries, Names and Surnames, and on a change to certain related laws.

The situation described above is the result of gradual development. Act No. 301/2000 Coll., on Registries, Names and Surnames and on changes to certain related laws newly permitted the use of non-derived surnames for women which are members of national minorities. In 2004 the Act was amended (by Act No. 165/2004 Coll.) and the options for the use of non-derived surnames were extended. This amendment was the result of an parliament deputies' initiative.⁹⁵

From the perspective of gender equality the current legislation is disputable, since it can in some cases violate the right of women to their own identity. It also raises questions from the perspective of constitutionality, because it distinguishes between people in the enjoyment of their fundamental rights on the basis of nationality and disadvantages women of Czech nationality, forcing them (if they wish to use a surname in its non-derived form) to declare themselves as being of other than Czech nationality. It is in contravention of the provision of Art. 2 of the Charter of Basic Rights and Freedoms, according to which everyone has the right to make a free choice of nationality and concurrently forbids in any way to influence such a decision or in any way to apply pressure leading to loss of nationality. The fact that the law can be easily circumvented by this form of declaration for a nationality other than Czech (which happens in practice) cannot in a state respecting the rule of law be a reason for overlooking the need for a more appropriate legal treatment.

Nor is the situation resolved by the other circumstances which condition the exception, because these only pragmatically resolve the situation of a narrow circle of women (foreigners, Czech citizens with a foreign husband and citizens living permanently abroad). Indeed they only underline the fact that there no longer exist strong reasons for sticking to the principle of deriving female surnames from male, since even today it is not applied systematically.

The issue of female surname derivation should be resolved in a more comprehensive manner (i.e. including the question of changing the surname without marriage and birth) and should be simultaneously based on the assumption, that every woman has the right to freely decide whether she will use her surname in the traditional derived (female ending) form, or in the non-derived (in the words of the law "male") form. A minimum and by no means complicated amendment to the law consists of removing existing restrictive conditions.

2. 8. 2. Summary

Gender stereotypes and their restricting impact accompany Czech society increasingly intensive. It is essential to try to have a positive influence on the environment which creates and reproduces gender stereotypes, that is principally in the education and the media.

Of particular importance is the following:

- to prepare an analysis of the school system from the gender equality perspective;
- to fully use the possibilities of schools and other components of institutionalised training to provide public education;

⁹⁵ The draft was submitted by deputy Pavel Hrnčíř. In his speech he stated that the draft reacts to a number of inputs received in particular from Czech female citizens of Czech nationality, for the most part living permanently abroad, who approach the deputy with problems which they have with the use of their surname in the so-called derived form (*ending in -ová*). (See debate and amendment to parliamentary material 466, electoral term 2002-2006, www.psp.cz) From the speech one cannot deduce whether and to what extent the draft was also a reaction to criticism from the Ombudsman and also to developments in EU case law (judgement of the European Court of Justice dated 2nd October 2003, C 148/02 re: Garcia Avello v. Belgium).

- to find new ways of uncovering and overcoming gender stereotypes;
- to find ways of efficiently informing and positively influencing the media towards non-stereotypical depiction of women and men;
- to amend legislation concerning the use of surnames to respect individuals' free choice and not to disadvantage women.

2. 9. Promotion of gender equality in external relations

A key task for the Ministry of Foreign Affairs is to secure equal and systematic promotion of the human rights of women in the area of human rights policy, transformational policy and development policy.

The Czech Republic actively operates as a part of the mechanism of the Universal Review of the State of Human Rights, founded in 2008. In the questions and recommendations to audited states, the Czech Republic regularly takes into account questions of the respect for the principle of non-discrimination, the fight against violence against women and domestic violence, education about human rights with emphasis on protecting the human rights of women and eliminating negative stereotypes. During its presidency of the EU Council the Czech Republic began implementation of the EU Instructions for a policy on combating violence against women. The representative offices of the Czech Republic all over the world were responsible for preparing reports describing the status of the country in which they operate and proposals for EU action including possible projects. Currently some of these representative offices are participating in the further implementation phase.

One of the areas where the Czech Republic could successfully promote gender equality in foreign relations is **foreign development cooperation**. This topic is the subject of a Policy Paper from the Institute of International Relations/ProEquality Centre dated September 2009.⁹⁶ The authors persuasively document the fact that without the inclusion of gender issue the Czech development cooperation will not be effective in meeting the Millennium Development Goals, limited public funds will not be used effectively and the Czech Republic will not be respected as a developed donor country; they are at the same time critical of the current state of implementation of this principle.

The Ministry of Foreign Affairs mentions on the promotion of gender equality in foreign development cooperation that it will devote a whole passage to gender equality as part of the new conception for foreign development cooperation for 2011-2015 and that the gender issue will be contained in new internal materials for the Czech development agency, and that greater emphasis will be placed on auditing an achievement of the gender aspects of the projects.

The system of foreign development cooperation of the Czech Republic is complemented by **transformation cooperation**, which is an independent part of government policy towards developing and transforming countries. It consists of support for democracy and defence of human rights, focus on development and strengthening of democratic institutions, states running under the rule of law, civic society and the principles of regular management of public affairs. It is characterised by cooperation with groups from civic society and non-governmental organisations and in some cases a contact with official state bodies in the

⁹⁶ Horký, O., Lukášová, M. (2009): Strategie začlenění genderu do české rozvojové spolupráce: ne móda, ale nutná podmínka efektivity (*in English A strategy for including gender in Czech development cooperation: not a fashion but a necessary condition for effectiveness*). Policy Paper. Ústav mezinárodních vztahů (*in English Institute for International Relations*)/Centrum ProEquality, 2009

recipient country may be deliberately ruled out.⁹⁷ An integral part of this policy should also be - depending on the conditions in the recipient country - support for the equal standing of women, which is a serious problem in certain transforming societies (e.g. Iraq). Emphasis on this dimension of human rights and democracy is thus far missing in the concept for transformation cooperation.

In the international context the Czech Republic shared in 2009 in promoting gender equality also through the participation of delegations at the meetings of international organisations. A major opportunity for promoting gender equality was at the same time the **Czech Presidency of the EU Council**.

An important event was the **session of the UN Commission on the Status of Women** (New York) in March 2009. The topic of the session was equal sharing of responsibility between women and men and equal participation of women in decision-making processes. The Czech Presidency maintained a joint position for all EU member states, which in comparison with other UN states, traditionally contained an emphasis on a high standard of promotion of gender equality. The Czech Republic also organised two meetings with non-governmental non-profit organisations and one parallel event - a seminar called "Balancing Family and Work Life from the EU Perspective"

In 2009 the **UN Commission on Population and Development** also dealt with the gender issue; the main point of its meeting was compliance with international obligations, mainly the Cairo Action Programme and the Millennium Development Goals. Following a complex discussion a resolution was adopted by the Commission calling for rigorous compliance with all obligations by all member states. Through the Czech Presidency, the EU had a significant impact on the form of the resolution in question concerning, for example, reproductive health, gender equality, education, public educations, planned parenthood, availability of contraception, improved access and quality of healthcare for sexual and reproductive health, the fight against sexually transmitted diseases including HIV/AIDS and the elimination of poverty.

During the meeting of the **International Labour Conference** (hereinafter the "ILO"), the highest body of the (UN) International Labour Organisation in June 2009, the Czech Republic as the presiding EU country, similarly to the previous case, coordinated and negotiated the joint EU position. One of the topics debated was that of "Gender Equality - The Basis for Dignified Labour" and a new Gender Equality Committee was established within the ILO. The Czech Presidency (in cooperation with Sweden) negotiated with the other member states of the ILO on behalf of the EU a compromise wording of the conclusions of the Gender Equality Committee, aimed mainly at the issue of the so-called feminisation of poverty, differences in remuneration, continuing vertical and horizontal segregation, bad working conditions, unsuitable work loads for women and inadequate education.

The Czech Republic also took part in the preparatory **regional meeting of the UN European Economic Commission** on compliance with the Beijing Platform for Action (Beijing+15) in November 2009 where mainly through EU coordination meetings the Czech Republic shared in developing a joint position on the "Chairman Conclusions" document. This document was then the basis for the jubilee meeting for the UN Commission on the Status of Women in March 2010 on the fifteenth anniversary of the Beijing Declaration and Platform for Action.

⁹⁷ Transformation Cooperation Concept (2005), see www.mzv.cz

In 2009 the Ministry of Foreign Affairs also devoted attention to fulfil UN resolutions No. 1325 on women, peace and security and No. 1820 on sexual violence during armed conflicts. During the Czech Presidency the Czech representation at the UN in New York was very active on the issue of women in armed conflicts. During the six months the Czech Republic spoke three times on behalf of the EU at the Security Council. In February, in cooperation with the European Commission, the permanent mission organised a seminar on improved cooperation between the UN and regional organisations in implementing UN Resolutions 1325 and 1820.

As an observer at the UN Council for Human Rights the Czech Republic shared in submitting resolutions condemning violence against women (A/HRC/7/24) and as part of its EU Presidency organised in February 2009 in Geneva an informal discussion between the EU and members of the Committee against Discrimination against Women on questions of the work of this committee and on the appropriateness of setting up a special mandate on discrimination against women in legal regulations. The Czech Republic is attempting to gain membership of the UN Council for Human Rights in 2011 and if successful it will as part of the Council's discussions promote the topics of the improved status of women and limiting violence against women.

2. 9. 1. Summary

Protecting human rights and supporting democracy are the cardinal topics of Czech foreign policy, foreign policy should therefore systematically incorporate the promotion of the human rights of women into all areas of its work. The promotion of gender equality policy should thus also be one of the priority areas of the plan for promoting gender equality in future. It is therefore desirable:

- to better articulate gender equality as a topic in Czech foreign policy, including gender equality in the basic documents of foreign policy, including foreign development cooperation and transformation policy;
- continuing in efforts to comply with UN Resolutions No. 1325 and No. 1820;
- to permanently cooperate with non-governmental organisations dealing with the promotion of the human rights of women;
- to systematically and in a targeted manner support UN programmes and institutions dealing with the human rights of women.

2. 10. Other current topics

2. 10. 1. The role of non-governmental subjects, the academic community and civic society in the promotion of gender equality

In 2009 also, non-governmental organisations implemented a substantial part of the activities in promoting gender equality. The Czech EU Presidency also led to a strengthening of their activities (see also Appendix No IVd of the presenting report).

In 2009 there was a continuation of the trend towards broader involvement of non-governmental organisations in the work of the Government Council for Equal Opportunities for Women and Men. From the perspective of the state as well as of the non-profit organisations the key question is therefore defining the **cooperation model**. Current development is leading to the cooperation model which exists at the EU level, whose dominant feature is that the non-profit organisations are a tool for implementing public policies. On the part of the state this approach is already reflected in the Summary Report on

Implementing Priorities and Policies from 1999, inter alia in the sentence "If non-governmental non-profit organisations participate in implementing state policy goals in the area of equal opportunities the Ministry of Labour and Social Affairs will support the execution of appropriate activities using its grant policy."⁹⁸

Favourable conditions exist on the part of non-profit organisations for implementing this model. These are given inter alia by the fact that in the civic sector upholding women's rights the so-called *new transactional activism* predominates.⁹⁹ This new type of activism arose in the countries of Central and Eastern Europe after 1989 with the aid of international donors and later EU funds. It consists of small advocacy organisations which are highly professional and show high levels of activity, but which are not able to show the support of large numbers of supporters indeed. Their activities are thus different from other types of political activism, e.g. from so-called *old participative activism*, which is represented by organisations which are able to mobilise their members to achieve their goals and enjoy reasonably good access to the political system (e.g. trades unions). An example of old participative activism is the Czech Women's Union, which is the only one to have a broader membership base and a network of local organisations.

The professionalization of the activity of advocacy organisations is closely linked to the influence of the EU, in the form of pressure for greater cooperation and the possibility of drawing finance from EU funds. According to Vráblíková and Císař (2010) the Europeanisation was a more important factor for non-profit organisations upholding women's rights than the transformation.¹⁰⁰ As a consequence of dependence on EU grants there are often changes in the agenda, organisations are shifting from informal voluntarism to business logic.¹⁰¹ According to research by the authors quoted, 72% of the "women's" organisations investigated had employees, the average number of these employees was 11.

Some of the organisation of this type are close to so-called think-tanks¹⁰² and are able to go into competition for resources with academic sector; part of their activities also overlap the work of business organisations (e.g. PR agencies, commercial providers of consultancy and advisory services). In addition there also exist organisations who provide social services to a certain group of clients as the most part of their work and as a rule are more narrowly specialised (into this area fall organisation helping the victims of domestic violence, trafficked women, etc.) However these organisations often combine both activities (for example La Strada Czech Republic, o.p.s.). Similarly to institutions and policies on the part of the state, as were described earlier, the non-governmental sector of organisations upholding women's rights is internationalised and Europeanised; for this sector too, the "motor of mobilisation" is the EU.¹⁰³

In the logic of the instrumental model outlined above non-profit organisations are (or more precisely can be) not only an instrument for policy implementation, but in the wider sense of the term also form part of the "institutional securing" of the implementation of public policies. Together with the institutional mechanisms on the part of the state they can thus develop a network of cooperating bodies of an advocacy network, which is already

⁹⁸ M. Marxová Tominová points to this sentence in Shadow Report 2004, p. 113

⁹⁹ sf. Císař, O., 2008, pp. 33-34.

¹⁰⁰ Císař, O., Vráblíková, K., 2010

¹⁰¹ Císař, O. - Vráblíková, K., 2010

¹⁰² By think-tanks are meant organisations dealing with research into policies, which are not dependent on the government and to a certain extent are also independent on social interests represented by companies, interest groups and political parties.

¹⁰³ Císař, O. 2008, p. 141.

happening to a certain extent. Good functioning of this model however requires some form of support to cover operating costs of the so-called umbrella organisations, such as currently the **Czech Women's Lobby** (see Appendix IVd). Public authorities however should also find a more effective form of communication with civic society in the broader sense - in this regard the Czech Women's Union represents an unused opportunity for the presence.

A significant role in promoting gender equality is also taken up by social partners; one should mention in particular the Action Framework for Gender Equality, arranged by social partners at European level, social dialogue and collective negotiations as important tools for developing equal opportunities for women and men.

The spectrum of players in the field of promoting gender equality is completed by academic workplaces. The 1990s brought about not only a flowering of non-governmental non-profit organisations, but also a significant growth in academic sphere dealing in gender studies. At present a Department of Gender and Sociology, founded as early as 1990, operates within the Institute of Sociology of the Academy of Sciences of the Czech Republic part of the department is the National Contact Centre - Women and Science (see below), which was founded in 2001. Gender studies are also taught at several university campuses (the Department of Gender Studies at the Faculty of Humanities of Charles University, Prague where the first Masters studies year began in the winter semester of 2005, the Centre for Gender Studies at the Faculty of Arts of Charles University Prague, a specialist workplace under the patronage of the Institute for Czech literature and literary studies; Gender Studies at the Faculty of Social Sciences at Masaryk University in Brno, where these are part of the programme at the Department of Sociology; and Gender Studies at the South Bohemian University in České Budějovice). The knowledge which these workplaces generate is made use of only minimally in policy formation.

One of the tasks in the new strategy of promoting gender equality should also be a more conceptual view of the role of non-profit organisations in all functions, including roles which are not discussed here, such as monitoring, including support for their work. It is desirable:

- in the interests of more effective promotion of gender equality, to develop the nascent model of cooperation between the state and non-profit organisations and to strengthen its functioning by more adequate material and financial support;
- to strengthen cooperation between the central coordinating body and academic workplaces, including universities dealing with gender issues

2. 10. 2. Equal Opportunities for Women and men in Science and Research

In connection with the growth in gender studies attention is also starting to be paid to gender equality in science, particularly through the National Contact Centre - Women and Science (hereinafter the "NCC - WS") which is a project of the Sociology Institute of the Czech Academy of Sciences which has been running since 2001. The work of the NCC - WS which is supported from the EUPRO programme administered by the Ministry of Education, contributes significantly to improving the visibility of the issue of equal opportunities for women and men in science. This topic is now also coming to government level through the mechanism of the Government Council for Equal Opportunities for Women and men.

According to the report on gender equality in science and research for 2008¹⁰⁴ inequalities persist between women and men in science and in some cases these differences are escalating. For example, the proportion of women among research workers is not increasing and has stagnated around a figure of 25% over the last seven years (up to the issuance of the report). In this respect the Czech Republic is behind the average for the whole of the EU. In 2005 the Czech Republic was in 22nd place in the ranking of all EU countries for the proportion of women working in research and development. When compared with new member states the Czech Republic is behind in terms of the proportion of female research workers by some 20 percentage points. Women in Czech science do not sufficiently participate in decision making, only very rarely attain the highest qualifications and are concentrated in financially less attractive areas of science and research sectors. No attention is paid to the gender dimension in strategies concerning research, development and innovation or tertiary education in the Czech Republic.

However in spite of this the Czech Republic has not adopted any specific programme to support gender equality in science. Nevertheless abroad programmes are frequently adopted to support increment the proportion of women in decision-making positions and on professorial boards, and there also exist grants for women in fields where they are significantly less well represented.

One of the problems which significantly affect male and female scientists who are parents of small children is the possibility of shifting the start of a grant or to interrupt its validity. On this matter, the NCC - WS in 2010 approached the Czech Republic Grant Agency ("GA CR") which was making this impossible. Based on this input the GA CR will in future make it possible to submit an individual request to suspend or defer an already awarded grant project; such a request will be assessed by the GA CR leadership from the perspective of the impact of the suspension on the urgency of the issue being worked on. (Against shifts and extensions to grants stands the risk of lack of topicality of the research). The new approach is made possible by a change in Act No. 130/2002 Coll., on Support for Research and Development, where from 1st July 2009 it will now be possible to extend the validity of a grant agreement and also the Antidiscrimination Act with a precise definition of direct and indirect discrimination.¹⁰⁵

During 2009 the issue of women in science was also highlighted during the Czech EU Presidency, when the Ministry of Education organised, in conjunction with the NCC - WS and the European Commission the 20th meeting of the so-called Helsinki Group on Women and Science¹⁰⁶ on 13th May 2009 and also a conference as part of the EU Presidency and the European Commission called "Changing Research Landscapes to Make Most of the Human Potential" on 14th and 15th May 2009 in the National House in Smíchov, Prague.

3. CONCLUSION:

¹⁰⁴ Tenglerová, H. (2008): The position of women in science and activities to support them. Monitoring report for 2008. SÚ AV ČR, v. v. i. , Praha 2008.

¹⁰⁵ Correspondence between the Czech Grant Agency and the National Contact Centre - women and science, March 2010. Copies of the correspondence were provided to the gender equality department. Also available on www.zenyaveda.cz (http://www.zenyaveda.cz/html/index.php?s1=1&s2=0&s3=0&s4=0&s5=0&s6=0&lng=12&user_url=&menu_id=1&m=1&typ=clanky&recid_cl=2497&menu_id=1)

¹⁰⁶ The group functions as an advisory body to the European Commission, makes commentaries on internal documents and gives inputs for the development of further activities in gender equality in science. The Czech Republic has two (female) representatives in the group.

From the point of view of promoting the equality of women and men, 2009 was not a breakthrough year, but even so brought about several changes and new trends in areas which are now being monitored as being of high-priority. The Czech Presidency of the EU, to which was linked a marked increase in the activities of the non-profit sector, helped to shift the topic of the equality of women and men somewhat more to the centre of attention of society. The Presidency also gave the Czech Republic the possibility of promoting the equality of women and men much more emphatically on the international scene. Strengthening the topic of the equality of women and men in foreign policy, the flagship of which is the defence of human rights and support for democracy could thus have become the permanent legacy of the Czech Presidency.

At the Union level the most significant event of 2009 was that the Treaty of Lisbon entered into force. By strengthening the European Parliament, introducing civic initiatives and strengthening external policies, the Treaty brings a potentially greater significance of Union policies for promoting gender equality. A symbolic act for the start of a new era in the life of the EU directly in the field of the equality of women and men was the ceremonial opening of the European Institute for Gender Equality in December 2009.

In domestic development small but important changes occurred. The adoption of the Antidiscrimination Act can be considered as a fundamental systemic change in the legislature. It can be shown that the Act is beginning to fulfil both a standard-setting and public awareness role.

There were three steps in the institutional securing of gender equality: establishing working groups in departments; setting up new committees of the Government Council for Equal Opportunities for Women and Men and expanding the competencies of the Ombudsman who will function as a so-called equality body. Women and Men who will be victims of discrimination may turn to the Ombudsman, and one may assume that his work will also lead over the longer term to improving the work of other institutions entrusted with a protection against discrimination, in particular the Labour Inspectorates and Labour Offices.

At the regional and local authority level the situation of inadequate institutional support continues. In 2009 a specialist study was prepared which mapped the state and proposed realistic measure for promoting change. Some of the recommendations from this study have been made part of newly proposed tasks.

The measures from the 2008 Priorities placed emphasis on increasing the proportion of women in decision-making positions and in political life. Subsequently in 2009 a political debate was opened up and specialist work begun on increasing the representation of women in the Czech Chamber of Deputies, in the assemblies of the regions and in Prague. Implementing reform of the Electoral Act was indeed delayed, inter alia also because of the complexities of working out its optimum form, but this situation is no surprising. Experience from other European countries shows that similar reforms are always the subject of pronounced political debate and are not easy to force through. In preparing the electoral laws the question was opened up of the current constitutional framework with respect to gender equality and possible changes to it.

As follows from the European comparison, the current set-up of the system which causes mothers of young children to leave the Czech labour market for long periods deviates strongly from practice in surrounding countries and is a barrier to economic growth. On the basis of the measure set out in the 2009 Priorities the topic of reform of care for children under three years of age was confirmed as a problem and the options and conditions for a

change were mapped out. The government subsequently decided that the responsible institutions will continue to deal with a partial solution - the possibility of the broader inclusion of children in kindergarten from two years of age. In the area of balancing family, personal and working lives, barriers of a systemic nature persist, which impede improvements.

Similarly there is stagnation in the whole area of balancing the economic positions of women and men, which is documented by available comparisons with EU countries. One can only state repeatedly that marked differences in the access of women and men to the labour market, in employment and in remuneration continue to exist. The large difference in remuneration of women and men to the detriment of women is alarming.

In 2009 continued a work on the prevention of domestic violence and people trafficking, two areas where the situation has improved in recent years with the significant help of the non-governmental sector. One important thing which will influence this area in the future was the start of negotiations to prepare a Council of Europe Convention on Combating Violence against Women and Domestic Violence. The Convention assumes the creation of a national coordination body and monitoring mechanism and thus contributes also to the development of a more systematic approach in this area.

Activities in the civic sector were also supported and highlighted by the Czech EU Presidency. A visible trend towards tighter cooperation between the public sector and non-profit organisations is becoming evident. The outlines are visible of the possible development of a wider advocacy network whose nodes, in addition to non-profit organisations, will be institutions dealing with the promotion of gender equality on the government side. For the moment however this area has not been taken up as a concept. As a result of budget cuts the position of financing the non-profit sector is deteriorating, the number of programmes focused on various aspects of gender equality and financed by ministries is declining.

In conclusion it must be mentioned that this Summary Report on the Implementation of Priorities and Policies is an attempt to find more optimal variants for monitoring the status of gender equality in Czech society. There can be no doubt that the current state of affairs differs from the goal, at which the next longer term strategy for gender equality (2011-2015 Priorities) should aim, the preparation of which is planned to be realized in the second half of 2010. A major breakthrough in the status of women and men cannot be expected without a new vision for gender equality and the will to put it into effect. Without the new vision and will that would be to the detriment of the whole of society.

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