

Equal Opportunities
for Women and Men

*Monitoring law and
practice in new member states
and accession countries of the
European Union*

2005

PARTICIPATING COUNTRIES:

Bulgaria
Czech Republic
Estonia
Hungary
Lithuania
Poland
Romania
Slovakia
Turkey



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Equal Opportunities for
Women and Men

Monitoring law
and practice in

Czech Republic

by Barbara Havelkova

2005

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Preface

BRINGING THE EU HOME

“Bringing the EU Home” is a three-year project (2004–2006) conceptualized as a follow up to the Program on Equal Opportunities for Women and Men in the European Accession Process (EOWM), which was a joint initiative of the Open Society Foundation Romania and the Network Women’s Program of the Open Society Institute*. The EOWM projects stemmed from the Open Society Institute project to monitor the progress of candidate countries as they prepared themselves for integration into the European Union and ensured that they met the Copenhagen political criteria, particularly in relation to the independence of the judiciary, minorities’ rights, and anti-corruption. Given the *acquis communautaire* in the field of equal opportunities for women and men, which accession countries are required to adopt and comply with, an independent programme, EUMAP, to evaluate the status of accession countries from this perspective was developed.

An assessment of the status of equal opportunities, *de jure* and *de facto*, was carried out in seven of the ten candidate countries: Bulgaria, the Czech Republic, Estonia, Hungary, Lithuania, Poland and Romania. The EU Directives on equal opportunities provided the framework for monitoring and analyzing corresponding legislation, institutions and practices. The Directives related to the principle of equal pay for work of equal value; equal treatment as regards employment; protection of pregnant, and breastfeeding women, and women who recently gave birth; the burden of proof in cases of sex-based discrimination, and non-discrimination against part-time workers were analyzed in 2001. The remaining Directives on self-employed workers, parental leave, and social security schemes were assessed in 2002.

The final report, including an overview and executive summary for each country, was published in November 2002. Each country report and executive summary was translated into the national language and used as an advocacy/research tool. 2002 and 2003 were years of intensive outreach efforts, both nationally and at the EU level. Countries organized roundtables and meetings for NGOs, government officials, lawyers, and media to publicize the findings of the reports. The English version was used for advocacy at the EU level, and sent to members of Parliament from EU and candidate countries. Country information was presented twice at meetings in Brussels, and the final reports were launched at the European Parliament in November 2002.

* Monitoring the EU Accession Process: Equal Opportunities for Women and Men 2002, <www.eonet.ro>

The project “Bringing the EU Home” aims to promote awareness, advocacy and enforcement of equal opportunity legislation at the national level and to build the capacity of national actors in civil society to use EU-level mechanisms effectively. In this context, new, updated monitoring was carried out in 2004.

A detailed assessment of the legislative developments, institutional mechanisms, policies, programs and research at the national level was carried out in Bulgaria, the Czech Republic, Estonia, Hungary, Lithuania, Poland, Romania, Slovakia* and Turkey.*

Each country report contains key recommendations related to legislation, institutional mechanisms, policies and programs, awareness raising and research initiatives and outlines specific areas of concern. On-going updates will be made to the reports and available online, in order to ensure different groups can access the most current information easily.

The project further aims to help raise the significance of equal opportunities on the European agenda within new member states and within the process of on-going and new accession negotiations, and create a unique platform for new member states and accession countries. It is therefore about “bringing the EU home.”

We would like to thank all individuals who were involved in this monitoring project and whose invaluable contributions and support made the publication of these reports possible.

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1. LEGISLATIVE OVERVIEW

1.1 Labor Law

Since 2002, the labor law has been enriched by many provisions concerning equal treatment. The legal framework for equality and non-discrimination in employment relationships in the Act No. 65 of 1965, Labor Code fulfils almost all formal requirements of European law. The attention now needs to be paid to the strengthening of the implementing structures and policies, and programs which would bring the *de facto* situation in line with the law. The application of the law by the Czech courts and administrative bodies will have to conform to the case-law of the European Court of Justice (ECJ), which interprets the equality provisions of the Treaty and the Directives. Considering its complexity and breadth, it will not be an easily achieved task.

Section 1(3) of the Labor Code requires employers to treat equally all employees in relation to their working conditions, including all forms of remuneration and other considerations, as well as vocational training, career, and promotional opportunities. Exceptions to the rule of equal treatment can only be stipulated in law.

Section 1(4) prohibits discrimination in employment on a number of grounds, including sex, marital and family status and family duties. Discrimination based on pregnancy or motherhood is considered discrimination on grounds of sex. An instruction to discriminate is deemed to be discrimination.

Section 1(5) states that unequal treatment based on special nature of the occupational activities is allowed if the required characteristic is genuine and determining, provided that the objective is legitimate and the requirements proportionate. Positive action is allowed.

Section 1(6–7) added the definitions of direct and indirect discrimination, the absence of which was criticized in the previous monitoring report.

Section 1(8–10) prohibits and re-defines harassment and sexual harassment in the workplace.

Section 7(4–5) offers remedies in cases of violation of the principle of equality or discrimination, such as cessation of the behavior; elimination of its effects; just satisfaction; and monetary compensation for non-material loss in the cases of impairment of dignity or reputation. Section 187 of the Labor Code on compensation of damages regulates material loss of the victims of discrimination.

The Labor Code continues to offer protection against dismissal to pregnant employees and employees on maternity leave, and parents caring for at least one child under three years of age (Section 48(1)). The provision materially covers parental leave, though it is not explicitly mentioned, and this fact has been criticized. Special protection continues to exist for pregnant women, women up to the ninth month after giving birth, and breastfeeding women in the field of health and safety at work (Sections 133(1) and (2)).

Part II Chapter VII of the Labor Code still forbids the employment of women underground, which is not in compliance with the EU law. Section 150, which prohibits “all inadequate or harmful work, especially work which endangers women’s maternal role” was amended by Act No. 436 of 2004, and from January 1, 2005 it will only prohibit the employment of women in works endangering motherhood. The Ordinance of the Ministry of Health No. 261 of 1997, which forbade certain works and working conditions to all women, pregnant women, mothers until the end of the ninth month after giving birth, and juveniles, was abolished and substituted by the Ordinance of Ministry of Health No. 288 of 2003. This only restricts the employment of pregnant and breastfeeding women, mothers until the end of the ninth month after giving birth, and juveniles in accordance with Council Directive 92/85/EEC. These changes represent an improvement towards the elimination of an over-emphasis on women’s biological differences.

It is still not obligatory for pregnant women to take maternity leave, which is in breach of Article 8 of the Council Directive 92/85/EEC. When taken, the maternity leave must not be shorter than 14 weeks and may not be completed or interrupted within six weeks after the birth.

Equality and anti-discrimination provisions practically identical with the ones in Section 1 of the Labor Code can also be found in:

- the newly passed Act No. 435 of 2004 on Employment (in effect from October 1, 2004), which prohibits discrimination in access to employment and advertisement of jobs;
- Act No. 218 of 2002 on State Service (in effect from January 1, 2005) which regulates the employment relationships of public servants;
- Act No. 312 of 2002 on Civil Servants in the Regions and Municipalities;
- Act No. 361 of 2003 on Service in Security Forces (in effect from January 1, 2005).

The principle of equal pay is elaborated in Article 4(a) of Act No. 1 of 1992 on Wages and Article 3 of Act No. 143 of 1992 on Salaries, which stipulates an obligation of equal pay for the same work and work of equal value.

1.2 Anti-Discrimination Law

The protection against discrimination in the above-mentioned legal instruments does not cover all situations in which discrimination occurs. A new complex anti-discrimination law has therefore been proposed. The law would cover all discrimination grounds in accordance with Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin; Council Directive 2000/78/EC dealing with age, disabilities, sexual orientation, belief and religion; and Council Directive 76/207/EC on equal treatment for men and women as amended by the Council Directive 2002/73. The new anti-discrimination law should protect against discrimination within and in access to employment and occupation, and within the so far not regulated fields of self-employment, education, consulting and retraining, membership and participation in trade unions and organizations of employers, social protection including social security, medical care, and access to goods and services, including housing. The law would also regulate remedies in case of a violation of the principle of equality and non-discrimination. As stipulated by Article 8(a) of Council Directive 2002/73/EC, the proposal also contains an institutional mechanism for the promotion, analysis, monitoring and support of equal treatment.

The proposal was approved by the Cabinet's Legislative Council on June 17, 2004, but since the fall of the Cabinet of Vladimír Špidla in August 2004, the bill has been waiting to be approved by the new Cabinet of Stanislav Gross. The chances of the bill being passed by the Parliament are not very high despite the fact that the NGOs are lobbying for its approval.

1.3 Overview of the Transposition of the Directives as of May 1, 2004

1.3.1 Council Directive 75/117/EEC

In the area of equal pay, Czech law is harmonized with Council Directive 75/117/EEC. However, much of the clarification of the EU law provisions by the ECJ has not been taken into account. For example, the comparison of remuneration according to both the Act on Wages and the Act on Salaries can only be made between two workers employed by the same employer. Thus the temporal aspect, the fact that remuneration can be compared with predecessors and successors,¹ as well as the possibility to compare between employees of different employers covered by the same

¹ Case C-129-79, *Macarthy's Ltd v Smith* [1980] IRLR 210.

collective agreement or belonging to the same holding² are left out. The definition of 'remuneration' is also problematic. The Act on Wages, which elaborates the principle of equal pay for the private sector, does not cover severance pay, travel expenses, sick pay, dividends from company shares or other securities, pensions, discretionary bonuses, and benefits such as mortgage allowances, cars, private medical insurance, discount fare rights and so forth. The general provision in Section 1(3) of the Labor Code includes the principle of equal pay and other consideration, but does not explicitly state "for the same work or work of equal value."

Since a government information campaign has so far been lacking (in breach of Article 7 of the Directive), it is difficult for employees to identify their rights. Litigation in the field of equal pay therefore does not exist. This creates a vicious circle, as the Czech courts, which could remedy the lack of detailed definitions in the legal instruments by applying ECJ case law, do not receive cases of discrimination in pay.

Measures ensuring the effective application of the principle of equal pay (Article 6) need to be taken. An example would be an obligation for employers to annually inform labor offices of the total levels of remuneration paid to men and women.

1.3.2 Council Directive 76/207/EEC as amended by the Council Directive 2002/73/EC

The recent amendments to the Labor Code and Act on Employment have added the definitions of direct and indirect discrimination, the lack of which was criticized by the previous monitoring report in 2002.

The protective measures have been only partly cleared away. Work underground is still forbidden to women.

1.3.3 Council Directive 86/613/EEC

No anti-discrimination amendments to the specific laws regulating self-employment, Act No. 513 of 1991, Commercial Code or Act No. 455 of 1991 on Trade License, have been made so far. The anti-discrimination provisions for self-employed workers are contained in the proposal of the complex anti-discrimination law.

² Case C-320-00, *Lawrence and others v Regent Office Care Ltd and others* [2000] IRLR 608, Judgment of September 17, 2002, opinion of AG Geelhoed, paragraph 49 which summarizes previous ECJ case law.

1.3.4 Council Directive 92/85/EEC

As the communist regime was very protective of the maternal role of women, most of the provisions in Council Directive 92/85/EEC have been part of the Czech legal system for years or decades. In some ways, the Czech provisions guarantee higher levels of protection. Thus, for example, a pregnant worker is protected from the moment of the conception of her child, meaning that informing the employer (as in Article 2) is not a prerequisite.

Article 8 has not been fully transposed, as maternity leave is still not obligatory in the Czech system.

For ante-natal examinations (Article 9), the law guarantees time-off work without loss of pay, as it does for any other medical examination.

1.3.5 Council Directive 96/34/EC

This directive was already transposed at the time of the last monitoring report. It should be noted that social security benefits for maternity leave are higher than the ones for parental leave, which may discriminate against fathers relieving mothers early on in the care for the child.

1.3.6 Council Directive 96/97/EC

The non-governmental schemes replacing or supplementing the statutory social benefits have not been regulated in Czech law thusfar. The bill on “occupational pension insurance” was rejected by the Parliament in November 2001. It is a matter of time until a new proposal, hopefully containing equality provisions, will be pushed through.

1.3.7 Council Directive 97/80/EC

As already stated in the previous Monitoring Report, the burden of proof has been shifted to the respondent by the Section 133(a) of Act No. 99 of 1963, Code of Civil Procedure. The provision however has not been explained well either to the public, or to the legal professionals. A judge from Northern Bohemia, unsatisfied with this

novelty in the rules governing burden of proof, has recently filed a petition proposing the annulment of this provision to the Constitutional Court.³

1.3.8 Council Directive 97/81/EC

The situation has not changed since the last Monitoring Report in that the Czech Labor Code still doesn't explicitly define part-time work, but Section 86 on "shorter working hours" and related provisions generally fulfill the requirements of the Council Directive 97/81/EC. It must be also noted that the demand for part-time work is said to be traditionally relatively low.⁴ Czech families typically have two full incomes. In the Czech Republic, 4.9 percent of workers are employed part-time (in the EU it is 33.4 percent).⁵

1.3.9 Council Directive 2002/73/EC

The provisions of the Czech Labor Code on direct and indirect discrimination, harassment and sexual harassment conform with Article 2(2) of the Council Directive 2002/73/EC.

Section 26(3) of Act No. 99 of 1963, Code of Civil Procedure now gives *locus standi* in discrimination cases to legal entities whose registered activity is protection against discrimination.

The proposed anti-discrimination law fulfils the obligation to form a body responsible for equal treatment (Article 8a). Social dialogue is promoted (Article 8b) to a limited extent, and dialogue with the NGOs (Article 8c) ought to be more intense.

Measures ensuring compensation and reparation for the loss or damage sustained as a result of discrimination (Article 6(2)) are in place. Whether the courts will award real and effective compensation and reparation remains to be seen in future case-law. So far, there is not much reason for optimism: the courts, in cases of racial discrimination

³ Interview with Mgr. Barbora Bukovská, Lawyer at the Counseling Center for Citizenship, Civil and Human Rights, Prague, August 9, 2004.

⁴ Interview with JuDr. Dagmar Zelenková, Head of the Unit for Equality between Men and Women at the MLSA, Prague, August 10, 2004.

⁵ D. Fischlová, *Analýza rozdílů ve výši příjmů mužů a žen – návrh modelového postupu zjišťování podílu diskriminace* (Analysis of the Gender Wage Gap: Proposal of a Model for Establishing the Extent of Discrimination) (Prague: VÚPSV, 2002), p. 31.

brought under Section 11 of the Act No. 40 of 1964, Civil Code, have so far not awarded amounts higher than 50,000 CZK (1,587 Euros).⁶

In keeping with EU law, the Czech Government should not stop at creating provisions eliminating inequalities, but should go further to promote equality. It would be advisable for example, to oblige employers with more than 50 employees to set annual Equality Plans for themselves.⁷

1.4 An Assessment of the Recommendations from the Previous Monitoring Report

At the level of legislation, the criticized lack of definitions of direct and indirect discrimination has been remedied. A law on occupational pension security and the law on equal opportunities have still not been passed.

The following policies or initiatives recommended in 2002 monitoring report have not as yet been satisfactorily executed:

- support of self-employed female workers;
- measures aimed at increasing women's salaries and wages;
- support of flexible working arrangements;
- increase of women's influence in party structures;
- specific information campaigns and awareness-raising.

The government implemented the recommendations of the previous monitoring report in that it commissioned some research and supported further the establishment of gender statistics, to some extent strengthened the institutional mechanisms on gender equality, and dedicated greater financial resources to the administration of gender equality. However, the overall funds dedicated to equality are not monitored. Training programs for the judiciary and lawyers recommended in the last monitoring report have also begun. The Judiciary Academy (educational center for judges) has, since the academic year of 2003–2004, included the topic of equality of men and women in their seminars on family and labor law. The courses are taught, however, by legal

⁶ Interview with Mgr. Barbora Bukovská, *op.cit.*

⁷ Ministry of Labor and Social Affairs, *Závěrečná doporučení z projektu Zlepšení veřejného institucionálního mechanismu pro zavedení, posílení a kontrolu prosazování rovných příležitostí pro muže a ženy* (Final Recommendations Resulting from the Project Improvement of the Public Institutional Mechanism for Applying, Enforcing and Monitoring Equal Treatment for Men and Women), (Prague: MPSV, August 2003), p. 20, available at <http://www.mpsv.cz/files/-clanky/3276/final.pdf>, accessed on July 27, 2004).

experts and not gender experts, so their contribution to understanding gender issues can be assessed as minimal.

2. INSTITUTIONAL MECHANISMS

Since 1998, several bodies have been established that are supposed to deal with issues of equality and discrimination against women. Their powers are restricted to report-writing and issuing recommendations though; none of them has the power to assign tasks, give binding directions or effectively inspect other government bodies. None of them has the competence to independently assist victims of discrimination within the meaning of Article 8(a) of the Council Directive 2002/73/EC.

2.1 Unit for Equality between Men and Women

The Unit for Equality between Men and Women (hereinafter the “Unit”) has been established as the lowest organizational unit of the Ministry of Labor and Social Affairs (hereinafter the “MLSA”) within its Department for Integration into the European Union following the Government Resolution No. 6 of 1998. The Unit was established to coordinate the government policies in the field of gender equality and ensure the harmonization of the Czech legal system with the European Law. It is also responsible for drawing up the Priorities and Procedures of the Czech Government in Promoting the Equality of Men and Women (hereinafter the “Priorities”) and writing the periodical Government Reports on the Fulfillment of the Priorities (hereinafter “Government Reports”). In addition, it serves as a Secretariat of the Government Council for Equal Opportunities for Men and Women.

The main partners of the Unit are the gender coordinators in the individual ministries. External partners are involved in connection with the creation of the Priorities, the Government Reports and the legislation; the trade unions and the NGOs participate in the amendment procedure of these documents. The media are informed through press releases or press conferences (a total of four were held in the years 2002 and 2003).⁸

⁸ Ministry of Labor and Social Affairs, *Report on the Fulfillment of the Priorities and Procedures of the Czech Government in Promoting the Equality of Men and Women* (Prague: MPSV, April 29, 2003), available at <http://www.mpsv.cz/files/clanky/4650/report.pdf>, accessed on July 21, 2004, and Ministry of Labor and Social Affairs, *Report on the Fulfillment of the Priorities and Procedures of the Czech Government in Promoting the Equality of Men and Women* (Prague: MPSV, May 12, 2004), available at <http://www.mpsv.cz/scripts/clanek.asp?lg=1&-id=696>, accessed on July 6, 2004.

The Unit is subject to the hierarchy of the MLSA, but as it is the body with major gender-expertise within the structure, its superiors cannot monitor its activities in this field with any further input. External monitoring is done by NGOs. The 2003 Government Report repeats the 2002 Government Report's statement that the MLSA "keeps in contact with non-governmental organizations... [MLSA] sends to most non-governmental organizations concerned with equality between men and women for comment materials pertinent to the issue."⁹ The authors of the Shadow Report however point out that the time-limit for sending comments within the amendment procedure is usually not longer than 10 days, which is very little. The know-how and capacity contribution of the NGOs is furthermore not remunerated.¹⁰

Access to information about the Unit and its activities is ensured by a link to the section "Equal Rights" on the MLSA website,¹¹ which is well maintained and up-to-date, and by press releases and press conferences. The Unit also publishes and distributes documents and brochures on the topic of gender equality.

For further information about the Unit, see Annex 2.1.

2.2 Committee for the Elimination of All Forms of Discrimination against Women

The Government Council for Human Rights was established by Government Resolution No. 809 of 1998. In 1999, the Committee for Elimination of All Forms of Discrimination against Women (hereinafter the "Committee") was set up as one of its nine sections. According to its Statute,¹² the Government Council for Human Rights is a permanent advisory body to the government, which monitors the fulfillment of the Czech Constitution and the Czech Republic's commitments under international treaties (including CEDAW) with respect to human rights. The Government Council for Human Rights proposes policy measures and makes other suggestions to better the implementation of human rights, and gives its opinions on the governmental and

⁹ *Ibid.*

¹⁰ P. Pavlík, ed., *Stínová zpráva v oblasti rovného zacházení a rovných příležitostí žen a mužů* (Shadow Report on the Fulfillment of the Priorities and Procedures of the Czech Government) (Prague: Gender Studies, o.p.s., 2004), p. 114.

¹¹ See: www.mpsv.cz.

¹² Office of the Government of the Czech Republic, *Statut Rady vlády České republiky pro lidská práva* (Statute of the Government Council for Human Rights), December 9, 1998, available at <http://wtd.vlada.cz/scripts/detail.php?abbrev=rvkrlpstatut>, accessed on July 21, 2004.

ministerial activities in the field of human rights. It also publishes an annual Report on the State of Human Rights in the Czech Republic.

The Government Council for Human Rights and its Committees may request information and opinions from administrative bodies, but neither of them has any executive or supervisory power in relation to the government. The Committee has a right to make suggestions to the Government Council for Human Rights (so far it has issued one¹³). The Committee's main task is to produce the Periodic Country Reports on the fulfillment of CEDAW obligations. The two reports issued so far are similar to the Government Reports on the fulfillment of the Priorities and the Reports on the State of Human Rights in the Czech Republic, in that they constitute an uncritical compilation of information from the government.

As is pointed out in the Shadow Report, the 2002 Report "devotes only about four pages (5 percent) to CEDAW-related issues. In addition, a large part of this space (almost 40 percent) presents standard information about the Council, the Second Periodical Report on Implementation of the CEDAW, the twinning project for equality of men and women, and the Priorities and Procedures of the Government in Promoting the Equality of Men and Women."¹⁴ The required critical attitude is missing in the analysis of the government's measures concerning women's rights.

The main partners of these mechanisms are the Czech Government and ministries, and international organizations. The civil sector is represented through its members in the bodies, but no specific programs or initiatives have been created. Communication with the media exists, but is particularly rare in the area of women's rights.

The access to information about the Committee and its activities is possible through the website of the Government Council for Human Rights.¹⁵ It can be assumed, however, that the public is not aware of the existence of the Committee.

For further information on the Committee, see Annex 2.2.

2.3 Government Council for Equal Opportunities for Men and Women

In October 2001, the Cabinet issued Resolution No. 1033 of 2001, which established the Government Council for Equal Opportunities for Men and Women (hereinafter the "Government Council"). The Government Council is a permanent advisory body

¹³ Pavlík, *op.cit.*, p. 27.

¹⁴ Pavlík, *op.cit.*, p. 26.

¹⁵ http://wtd.vlada.cz/pages/rvk_rlp.htm.

of the government in the area of creating equal opportunities for men and women. Article 2 of its Statute describes its activities as follows:

- (1) The Council shall draw up proposals aimed at promoting and achieving equal opportunities for men and women.
- (2) The Council shall, in particular:
 - a) discuss and recommend to the Government basic policies in implementing equal opportunities for men and women;
 - b) coordinate the main directions of ministerial policies in the field of equal opportunities for men and women;
 - c) set the range of priorities for ministerial projects to promote the implementation of equal opportunities for men and women;
 - d) identify current problems of society related to equal opportunities for men and women;
 - e) evaluate the efficiency of the implementation of the principle of equality between men and women.¹⁶

The Government Council has no executive or supervisory powers. It can only make recommendations to the government, but it influences the ministries through its members who are deputy ministers. The level at which they are placed in the ministry hierarchies allows them to assign tasks to their subordinates, other sections, and to the gender coordinator.

Neither basic knowledge, nor any training on gender issues is required of the deputy ministers, many of which therefore lack an understanding of elementary principles of gender discrimination and mechanisms of reproducing gender inequalities.¹⁷ Another problem is the low attendance of the meetings by government officials and especially by the Government Commissioner for Human Rights, who has so far attended a part of one out of a total of six sessions. The Government Council has so far not created any committees or working groups.

In 2002 the Government Council met twice, but issued no recommendation. In 2003, the Government Council recommended:

¹⁶ Government Council for Equal Opportunities for Men and Women, *Statute of the Government Council for Equal Opportunities for Men and Women* (Prague: October 20, 2001), available at <http://www.mpsv.cz/files/clanky/3132/statute.pdf>, accessed on July 22, 2004.

¹⁷ Pavlík, *op.cit.*, p. 23.

- the creation of information material on gender budgeting (already executed by the Ministry of Finance);
- the drafting of a parity election law;
- the adding of a “support of gender equality” item to the main areas of the government’s grant policy to NGOs (exists at the governmental level, but is not effectuated by the individual ministries);
- the drafting of a law to combat domestic violence (the abuse of a cohabiting person has been made into a crime; accompanying measures to combat domestic violence are in the process of adoption);
- the amendment of the Cabinet’s Rules of Procedure and Legislative Rules to include the requirement of statistical and other information segregated by gender in all material subject to the Cabinet’s deliberation (included by Government Resolution 1072 of November 3, 2004).¹⁸

The Government Council keeps contact with the civil sector through NGO representatives. No specific activities of the Government Council are directed towards the NGOs or the media. The two annual reports of the Government Council are available on the website of the MLSA.

For further information on the Governmental Council, see Annex 2.3.

2.4 Gender Focal Points

Government Resolution No. 456 of 2001 prescribed the creation of one gender focal point at each ministry. At least a half of the working time of one civil servant should be dedicated to the coordination of equal opportunities.

The responsible official (“gender coordinator”) should bear responsibility for being the contact person for gender-related issues in the field. Most ministries entrusted a clerk in the human resources department with this task. As the authors of the Shadow Report point out, these positions are not managerial and lack the competence necessary to push the gender agenda within the ministries. In the ministerial hierarchies they are usually more than two levels below the deputy ministers, members of the Governmental Council, which complicates their cooperation. It is not clear whether the gender coordinators receive enough support to concentrate on the gender agenda from their direct superiors, who are usually not acquainted with the field of equal

¹⁸ Government Council for Equal Opportunities for Men and Women, *Výroční zpráva Rady vlády pro rovné příležitosti mužů a žen za rok 2003* (2003 Annual Report of the Government Council for Equal Opportunities for Men and Women) (Prague: April 16, 2004), available at http://www.mpsv.cz/files/clanky/5679/zprava_2003.pdf, accessed on July 23, 2004.

opportunities.¹⁹ Furthermore, the insertion of a gender focal point into the human resources department shows that it is not regarded as pertinent to the agenda of the entire ministry.²⁰

Gender expertise is not required of the gender coordinators when taking up the position. The Friedrich-Ebert-Stiftung in cooperation with the MLSA organizes introductory gender training courses.

A formal platform for cooperation between the responsible officials existed until 2001, when the establishment of the Government Council shifted the policy and program-related decision-making to the level of deputy ministers. The gender coordinators meet informally about six to eight times a year at various seminars organized either by the Friedrich-Ebert-Stiftung or by the individual ministries, the attendance being usually about 10 out of 16 officers in 2002 to 2004. According to Mrs. Zelenková, gender coordinators also meet at other gender-related lectures and seminars upon receiving an invitation from the NGOs or organizers of the academic events (the gender coordinators' contact list is available on the MLSA website).

The gender coordinators do not decide on any funds for equality projects. Apart from the coordination of equal opportunity issues, the responsible officials prepare the priorities for their ministry and subsequently produce the relevant part of the Government Report.

Most of the focal points have not established strong links with civil society. Their work in the field of gender issues is monitored only internally; by the deputy ministers who are members of the Government Council. Information about equal opportunities and the priorities set within the ministries are available on about a third of their websites.

2.5 Permanent Commission on Family and Equal Opportunities in the Chamber of Deputies

The Permanent Commission on Family and Equal Opportunities in the Chamber of Deputies was founded after the elections in June 2002. It has 11 members from across the political spectrum. So far it has not been particularly active; it has only managed to organize training seminars for its members.²¹

¹⁹ Pavlík, *op.cit.*, pp. 24–25.

²⁰ *Ibid.*

²¹ M. Marksová-Tominová, ed., *Gender Assessment of the Impact of EU Accession on the Status of Women and the Labor Market in CEE* (Prague: Gender Studies, o.p.s., 2003), p. 14.

2.6 Labor Offices

Labor offices should play an important role in inspecting employers' fulfillment of their anti-discrimination obligations. In the current system, however, the labor offices fulfill two opposed functions. One is the placement service for the unemployed, which requires close and friendly cooperation with the employers. The second is their inspection competence, which means penalizing employers for breaches of the provisions of labor law. Because of the government's pro-employment policy, among other things, the latter function is to a great extent neglected. It does not result from the official statistics how many breaches of the principles of equality and non-discrimination based on sex have been established and penalized by the labor offices. The July 2004 Press Release of the MLSA²² for example indicates 77 discovered cases of wage discrimination, but this covers all discrimination grounds.

The functioning of the mechanism of administrative sanction should be improved through the division of competence. Recently proposed Labor Inspection Bill counts with the establishment of Labor Inspectorates²³ which will take over the examination powers. The effective supervision will also necessitate the training of the inspectors in the field of gender equality. The Government Report states that proving discrimination is difficult, as written documentation is often lacking, and the real discriminatory reason is usually disguised by a neutral explanation.²⁴ This can be healed by expertise on discrimination mechanisms.

²² Ministry of Labor and Social Affairs, *Úřady práce zkontrolovaly za pět měsíců 3887 firem* (MLSA Press Release: The Labor Offices Inspected 3887 companies in five months) (Prague: MPSV, July 2004), available at <http://www.mpsv.cz/files/clanky/tiskovky/-020704a.pdf>, accessed on July 6, 2004.

²³ The Labor Inspection Bill has been recommended for discussion in the Lower House in July 2004.

²⁴ Ministry of Labor and Social Affairs, *Souhrnná zpráva o plnění "Priorit a postupů vlády při prosazování rovnosti mužů a žen" v roce 2003* (Report on the Fulfillment of the Priorities and Procedures of the Czech Government in Promoting the Equality of Men and Women) (Prague: MPSV, May 12, 2004), p. 53, available at <http://www.mpsv.cz/scripts/clanek.asp?lg=1&cid=696>, accessed on July 6, 2004.

2.7 Trade Unions²⁵

The Czech-Moravian Confederation of Trade Unions (hereinafter, the “Confederation”) has had a women’s committee since 1992, but only in 1999 it has become active. Today it is called Committee for Equal Opportunities of Women and Men (hereinafter, the “Committee”) and works as an advisory body to the Council of the Confederation.

Out of the 34 trade unions united in the Confederation, 19 are represented on the Committee. The Committee meets approximately four times a year. The Confederation does not allocate any funds to the Committee, not even to cover the administrative costs.

In 2002, the Committee has managed to include the principles of equality into the Statute of the Confederation; the tripartite documents so far have remained untouched. As six of the members of the Committee are from the regions, the contact with the local level is eased. The regional councils of the Confederation as well as the experts (on collective negotiation, health and safety at work, etc.) from individual trade unions are briefed on issues of equality, given available materials published by the government or the NGOs, and regularly invited to seminars and conferences, which the Committee organizes approximately twice a year.

Currently the Committee is preparing monitoring of the examination of employer practices by the work councils and regular monitoring of the representation of women in the structure of the trade unions and the Confederation. It also plans trainings for the Regional Legal Counseling Centers’ lawyers on discrimination.

2.8 NGOs

There are about 60 women NGOs in the Czech Republic at the moment. Their activities range from humanitarian and social activities (helping the victims of domestic violence or trafficking in women, single mothers, mothers on and after maternity leave, women with breast cancer), to educational activities and lobbying.²⁶ They are either associations (professional, human rights, or specifically gender-themed) or clubs within political parties. Within the civil society, academic institutions play an important role as well.

²⁵ Interview with Dana Machátová, Chair of the ČMKOS (Czech-Moravian Confederation of Trade Unions) Committee for Equal Opportunities of Women and Men, Prague, August 16, 2004.

²⁶ Pavlík, *op.cit.*, p. 108.

The NGOs cooperate with each other on a long term basis; the umbrella organization “Association for Equal Opportunities” was established in 1998 and today unifies 21 organizations. The NGOs also unite for concrete projects. For example the development partnership for “Reconciling Family and Professional Life” within the European Union’s EQUAL Initiative associates 28 organizations, four of which are women’s NGOs.

The cooperation between the government and NGOs is recommended in the Priorities, but followed only by a part of the ministries. It consist mostly in using the NGOs expertise (training courses, NGO brochures and materials, sending documents for comments to the NGOs), and sometimes other *ad hoc* measures.²⁷ However, a more concrete conception of integration of women NGOs into the activities of the ministries is missing.

The financing of NGOs is coordinated by the Government Council for Non-State Non-profit Organizations. It prepares on annual basis a proposal of main areas of the government’s support for NGOs. Since 2001 the “support of equal opportunities of men and women” is one of the 17 main areas. Individual ministries, with the exception of MLSA for the year 2005, do not announce specific equality projects where women NGOs could apply for grants. Some get support under other non gender-specific projects, some of the NGOs providing social services receive office space *gratis* from the municipalities, but most are dependent on foreign foundations for their financing.

Gender mainstreaming is generally lacking where access to funds is concerned. An example of this is the non-distribution of the pre-Accession EU Funds to women organizations in 2002 and 2003. Marksová-Tominová points out that “within the whole process of accession, none of the involved state institutions has dealt with women's issues, unless they really had to. It is not surprising that the key players from the Czech Republic are not gender sensitive, but what is disturbing is that even the key players from the EU apparently did not enforce gender mainstreaming although they were supposed to.”²⁸

2.9 Czech-Swedish Twinning Project Improvement of the Public Institutional Mechanism for Applying, Enforcing and Monitoring Equal Treatment for Men and Women

The institutional mechanism for gender equality in the Czech Republic has been thoroughly analyzed within Czech-Swedish Twinning Project Improvement of the

²⁷ Ministry of Labor and Social Affairs, *Souhrnná zpráva o plnění, op.cit.*, pp. 17–18.

²⁸ Marksová-Tominová, *op.cit.*, p. 12.

Public Institutional Mechanism for Applying, Enforcing and Monitoring Equal Treatment for Men and Women. One of its outcomes was a report (“Twinning Project Recommendations”) containing recommendations to the Czech Government.²⁹ The document proposes not ideal solutions but rather realistic short- as well as long-term measures, which take account of the current financial situation and available human resources. Almost none of them have been put into practice since the release of the Recommendations in August 2003.

In the first place it emphasizes the importance of gender mainstreaming. Notwithstanding the proclamations in the Government Reports, most measures and policies are not systematically examined from the gender perspective. Most ministries haven’t so far even commissioned gender analysis of their departmental agenda.

On the level of the Cabinet, the Twinning Project Recommendations suggests a creation of a mission statement and more importantly an appointment of a minister responsible for equality between men and women. An already existing ministry (for example the MLSA) could take over the agenda. Within the MLSA, the Unit for Equality between Men and Women should be made into a department (a level above a unit in the organizational structure) and the number of its employees should be increased to 18. The Government Council should be chaired by the minister responsible for equality between men and women, and should create committees and working groups.

3. POLICIES, PROGRAMS AND AWARENESS-RAISING

3.1 Policies

3.1.1 National Plan of Action – National Gender Equality Strategy

The national plan of action, or national gender equality strategy, is called the Priorities and Procedures of the Czech Government in Promoting the Equality of Men and Women. The Priorities are divided into seven areas:

²⁹ Ministry of Labor and Social Affairs, *Závěrečná doporučení z projektu Zlepšení veřejného institucionálního mechanismu pro zavedení, posílení a kontrolu prosazování rovných příležitostí pro muže a ženy* (Final Recommendations Resulting from the Project Improvement of the Public Institutional Mechanism for Applying, Enforcing and Monitoring Equal Treatment for Men and Women) (Prague: MPSV, August 2003), available at <http://www.mpsv.cz/-files/clanky/3276/final.pdf>, accessed on July 27, 2004.

- promoting the principles of equality of men and women as part of government policy;
- providing legal support for gender equality and raising legal awareness;
- promoting equal opportunities for women and men in the access to economic activities;
- balancing social position of men and women caring for children and family members in need;
- considering women from the viewpoint of their reproductive function and physiological differences;
- eliminating violence directed at women;
- monitoring and assessing the effectiveness of promoting the principle of equal treatment of men and women.³⁰

Each of these seven areas contains several measures, which are to be fulfilled by all or some of the ministries. Each measure includes a deadline by a set date or is to be carried out continuously. But, as Marksová-Tominová points out, "...the deadlines have been often postponed from one year to another and some of the measures, where deadline says 'continuously' (meaning it should be fulfilled all the time), are not being fulfilled at all."³¹

The creation of the Priorities (definition of the areas and measures) is only partly based on detailed analyses of the field. As is noted in the Shadow Reports, the lack of conception obstructs a systematic elimination of inequality of men and women and results in many key aspects being left out, and in arbitrary formulation of measures which are to be taken.³²

3.1.2 Gender Budgeting

Following a recommendation of the Government Council for Equal Opportunities for Men and Women, the Cabinet assigned to the Ministry of Finance the task of preparing an informative methodology on gender budgeting. Gender Budgeting – in the form of a document containing instructions for the central government, regional,

³⁰ The English translation taken from: Ministry of Labor and Social Affairs, *Report on the Fulfillment of the Priorities and Procedures of the Czech Government in Promoting the Equality of Men and Women*, (Prague: MPSV, April 2003), available at <http://www.mpsv.cz/files/-clanky/4650/report.pdf>, accessed on July 21, 2004.

³¹ Marksová-Tominová, *op.cit.*, p. 14.

³² Pavlík, *op.cit.*, p. 7.

and municipal governments – was launched at a conference on June 21, 2004, and it has already become a target of various criticisms. The impact of the methodology on the system of budgets in the Czech Republic will probably not be great, but it stirred a needed discussion in the Ministry of Finance and the local authorities.

3.1.3 Gender Mainstreaming

The Government in its Resolution No. 456 of 2001 included the application of mainstreaming among its prime tasks. Assuring its use within the decision-making processes at the ministries is Priority 1.8. However, from the Government Report it is evident that there are several flaws in the fulfillment of the task. Most institutions feel they are meeting the requirements by organizing training courses for their employees. Some ministries (for example Ministry of Foreign Affairs, Ministry of Justice, and Ministry of Agriculture) see gender mainstreaming as a part of the human resources agenda only and consider the task fulfilled when non-discriminatory conditions for employment of men and women are ensured. A complete misunderstanding of the concept of gender mainstreaming can be seen in the reports from other bodies. Ministry of the Environment, for example, notes that because “the environment... is the same for all, the issue of equality between women and men is not explicitly dealt with in the strategic and conception materials.”³³ Ministry of Health and Ministry of Regional Development do not cite any concrete examples from which the use of gender mainstreaming could be derived.

The Government Resolution No. 608 of 2004, approved on June 16, 2004, took on the Governmental Council’s recommendation to amend the Cabinet’s Rules of Procedure and Legislative Rules to include the requirement of statistical and other information segmented by gender in all material subject to the Cabinet’s deliberation. This requirement was added by Government Resolution No. 1072 of 2004, approved on November 3, 2004. The amendment is particularly important, since the necessity to present materials containing gender analysis could exercise the necessary pressure on the so far non-compliant ministries; pressure which was lacking in the system of mere coordination of the promotion of equality by the MLSA Unit for Equality between Men and Women.

³³ Ministry of Labor and Social Affairs, *Souhrnná zpráva o plnění, op.cit.*, p. 31.

3.1.4 Women's Participation in the Labor Market

The third, fourth and fifth areas of the Priorities deal with women's access to economic activity. The government claims that it is supporting women to re-enter the labor market after extended periods of leave to care for children and family members through various measures. The labor offices are said to take special care of women coming back after a leave through re-qualification, adaptation and motivation courses.³⁴ Promotion of flexible working arrangements is identified as important, but possible risks to female labor force are mentioned. No concrete measures are mentioned; the government has so far not offered any incentives to change the unwillingness of employers to offer part-time jobs and other forms of flexible arrangements to employees.

The pressure resulting from the government's obligations towards the EU means that proclamations of the importance of gender equality appear in most important documents related to the labor market, for example the National Action Plan for Employment 2003. The Shadow Report however points out that "in general, the information offered [by the government in the field of women's access to the labor market] is usually so vague, misleading or irrelevant that it is impossible to determine whether most of the measures were acted upon. In addition, the government does not even attempt to address many key equal-treatment problems, particularly on tackling vertical and horizontal segregation by sex or building support structures for victims of sex discrimination and sexual harassment."³⁵

3.1.5 Policies to Reduce the Gender Pay Gap and to Remove Obstacles in Promotion

To the date no measures have been undertaken to reduce the gender pay gap. The Research Institute for Labor and Social Affairs has written an analysis of the difference in remuneration upon being commissioned by the MLSA.

The Priorities, especially area seven, urge the government bodies to apply the equality principle within promotion. Statistics however show, that the higher a position in the administrative hierarchy, the smaller the percentage of women in it. Women constitute 57.4 percent of the ordinary officers at the ministries. Among the unit heads, 32.6 percent are women, and among heads of departments 21.6 percent. Out of 97 deputy

³⁴ *Ibid.*, p. 52.

³⁵ Pavlík, *op.cit.*, p. 62.

ministers, only 15 are women.³⁶ The state administration doesn't set an example to the private sector in the field of equality in promotion.

Towards the private sector the government directed an information campaign promoting equality in the workplace. The MLSA published a sample Equality Plan which gets distributed to employers through various channels including the trade unions. No motivation measure or mechanisms to control the fulfillment of the principle of equality have been adopted.

3.1.6 The Involvement of Men in Achieving Gender Equality

The MLSA placed an order for a research Supporting Men in Using Parental Leave to the Institute of Sociology of the Academy of Sciences of the Czech Republic. The analysis states that campaigns influencing the male identity and campaigns supporting fatherhood are needed, as well as an easier access to flexible working arrangements for both men and women. The MLSA notes that achieving equality in sharing family responsibilities is a task for a whole generation. The MLSA itself does not contribute to this change by a single measure.³⁷

Much more in the field of reconciliation of family and professional life is currently undertaken by the NGOs and other participants of the Initiative EQUAL.

3.1.7 Educational Policies

The Priorities of the Ministry of Education for the year 2004 contain the most important areas for action (tasks), such as the elaboration of gender analysis and application of gender mainstreaming, education of teachers and government officials in gender issues, implementation of gender sensitive education, incorporating gender perspective into textbooks and curricula, and so on. The formulation of the measures, though, is often too general, which does not provide for an easy verification of their fulfillment.

An analysis of the fulfillment of the departmental Priorities for the year 2003 suggests that out of 24 tasks seven were not performed at all, 13 were partly, and only four of them were fully achieved.³⁸ To the latter belongs the establishment of a permanent working group, consisting of 13 members from the departments and external agencies

³⁶ Ministry of Labor and Social Affairs, *op.cit.*, p. 89.

³⁷ *Ibid.*, p. 61.

³⁸ Pavlík, *op.cit.*, p. 88.

responsible for the fulfillment of the Priorities. Unfortunately, the Czech School Inspection, the only body with the competence to inspect school and examine the fulfillment of the legal instruments and departmental guidelines, is not represented.

In the year 2003, equality of men and women was included as an item in the curricula of the civic education, but whether and how it's actually taught to pupils remains unclear.

According to the Priorities, attention should be paid to the *textbooks*. The approval of new study materials should contain an analysis from the gender perspective. As the authors of the Shadow Report point out, several departments of the Ministry of Education, as well as two external bodies are responsible for this, their activities are not coordinated, the procedure is different for the approval of study materials for elementary and secondary schools, and the whole system shows a conservative tendency by using only few reviews elaborated into a ready-made scheme for each study material. The reviewers, mostly specialists in the subject field, have no gender expertise and have at their disposition only a rough description of the gender criteria, which can be hardly applied without further explanation. The Ministry of Education is at present preparing a methodology for the examination of gender sensitivity of the study materials. Another task of the Priorities, the testing of materials already in use, has not so far been fulfilled.³⁹

Since the last Monitoring Report, a positive change has occurred in that all fields of studies have been open for girls as well as boys.⁴⁰ Further steps to eliminate sex-stereotyped choices in schools have not been undertaken.

3.1.8 Sexual Harassment

The MLSA has commissioned a research, titled Analysis of the Incidence of Harassment on Grounds of Sex and Sexual Harassment to the Institute of Sociology of the Academy of Sciences. Upon the completion of this analysis in spring 2005, the Unit will decide what programs will be appropriate.⁴¹

³⁹ *Ibid.*, pp. 82ff.

⁴⁰ Ministry of Labor and Social Affairs, *op.cit.*, p. 52.

⁴¹ Interview with JuDr. Dagmar Zelenková, *op.cit.*

3.1.9 Evaluation Process

Once the Priorities of the government are issued, individual ministries elaborate the ministerial Priorities. These documents contain a list of tasks and name departments responsible for their execution. The fulfillment is then assessed by the very same departments as they, at the beginning of the following year, report to the gender coordinator at the ministry. The coordinator has no supervisory power over these summaries. The veracity of these self-evaluations is for obvious reasons questionable. From the gender coordinator, the summaries are sent to the MLSA Unit which creates the Government Report. Again, the Unit has no power to verify the claimed fulfillment.

Since the establishment of the Council, the ministerial Priorities are presented by the deputy ministers and discussed at the sessions of the Council.

Six Government Reports have been written so far. Their quality, as the quality of the Priorities, is increasing due to a better understanding of various gender concepts, input from the EU, and greater experience of the responsible officials with the gender agenda. However, until the government and the ministries create a functional supervisory mechanism for evaluation of the fulfillment of the Priorities, the Government Reports can not be seen as a faithful account of the promotion of equality of men and women in the Czech Republic.

3.2 National Programs on Gender Equality

The only national program related to gender issues so far is the 2003 National Strategy to Combat all Forms of Trafficking in People with the Scope of Sexual Exploitation.

The Government Report claims that gender equality is promoted by the National Program on Computer Literacy of the Ministry of Informatics. However, no concrete measures supporting women are taken and the mere participation of women is considered a sufficient proof of helping women in the labor market.⁴² The Press Agent of the Ministry only points out, that women are more interested in participation in the Program than men, and that the most frequent participants of the courses are women over the age of 45.⁴³ The Ministry of Health notes that the reproductive health of women is helped by programs in its National Program of Health. No concrete

⁴² Ministry of Labor and Social Affairs, *op.cit.*, p. 55.

⁴³ Letter (e-mail) from Petra Kocourková from the Press Department of the Ministry of Informatics, August 10, 2004.

measures are mentioned.⁴⁴ National Plan of Employment's fourth pillar is dedicated to the Strengthening of Equality between Men and Women.

3.2.1 Program of Assessing the Implementation of Equal Opportunity Legislation

No specific mechanism has been put in place. The observance of labor law is examined by the labor offices. The trade unions also have power to examine employers' practices. However, the supervision of the observation of equality is mostly not on the agenda of the works councils. The Committee for Equal Opportunities of Women and Men of the Czech-Moravian Confederation of Trade Unions is currently preparing monitoring of the examinations of workplace practices by the trade unions, and of cases brought to the Regional Legal Counseling Centers of the Confederation in the area of equality. The Ministry of Justice monitors the discrimination litigation.

3.2.2 Alternative Reports

In spring 2004 an alternative report to the Government Report on the Fulfillment of the Priorities and Procedures of the Czech Government (above and below referred to as "Shadow Report") was published by a group of NGO activists and experts from the academia. The Shadow Report is divided into nine chapters:

- Priorities and procedures of the Czech Government in promoting the equality of men and women: a critical reading;
- Institutional and personal support of the equal treatment policy;
- Legal framework for the promotion of equal treatment and equal opportunities;
- Women in positions of power and in decision-making positions;
- Ensuring equal treatment of men and women in access to economic activity;
- Violence against women;
- Equality of women and men in the fields of education, youth and sports, including research and development;
- Equality of men and women in the healthcare sector, with special attention given to obstetrics;
- The state and women NGOs.

⁴⁴ Ministry of Labor and Social Affairs, *op.cit.*, p. 70.

The Shadow Report offers an in-depth analysis of the institutes and is a valuable source of information. Unfortunately the launching of it did not receive appropriate attention either from the media, or from the government.

3.2.3 Training and Other Programs

In cooperation with the Friedrich-Ebert-Stiftung, the MLSA organized training courses for gender coordinators. The Government Report states that various other ministries have their employees trained by the NGO experts.

The Swedish experts involved in the Twinning Project held nine seminars, two conferences and participated in various panel discussions. According to the Government Report, a total of 1,000 people were trained.⁴⁵

The European Structural Funds' policy objectives include the promotion of equality in access to employment, as well as to self-employment. The Czech National Development Plan specifies the strategy of access to these funds which are financed partly from the EU budget and partly by the Czech Government. The Operational Program of Development of Human Resources managed by the Administration of the Employment Services will specifically offer financial support to projects of employers, educational institutions and NGOs directed at retraining of women and support of flexible working arrangements. The Operational Program for Industry and Enterprise administered by the Ministry of Industry and Trade doesn't as yet expect to launch any specific program to support women entrepreneurs.

3.2.4 Social Security Schemes

The Czech Social Security system is awaiting a necessary overhaul (pension and sickness insurance, as well as social services). The Government Report considers the social security system gender neutral, dependent on objective circumstances. However a few differences in treatment should be pointed out.

The retirement age is different for men and women. In 1995, men retired at the age of 60, women at the age of 53 to 57 depending on the number of children. The retirement age is now being postponed; after 2012, men and childless women will retire at the age of 63, women with children between the ages of 59 to 62.

There is a gap in the old-age pension amounts. Women on average receive only 81 percent of men's pensions (1,425 CZK or 45 Euros a month less).⁴⁶ The reason for this

⁴⁵ *Ibid.*, p. 1.

is the gender pay gap – the system in itself can not be said to be discriminatory (the periods of maternal and parental leave are counted as time worked).

The maternal leave is a 28 weeks long time-off available to the mother which is financially supported from the sickness insurance. The financial help in motherhood is paid at the level of 69 percent of the average wage. Both parents are also allowed a parental leave, the mother after the end of the maternal leave, and the father at any point after the birth, until the age of three of the child. The parental benefit awarded to the person on parental leave is derived from the living minimum (a government-set poverty line). At present amounts to 3,573 CZK (113 Euros).⁴⁷

The difference between the levels of the two social benefits handicaps families where the mother returns to work soon after giving birth, and the father remains with the child. The father on parental leave is being discriminated, as a mother caring of a child of exactly the same age would receive higher support from the state. Furthermore, due to the higher salaries of men, the low level of parental leave also deters fathers from going on parental leave (in more than 99 percent⁴⁸ of cases, the mother goes). The fact that the employer has to secure the return of the employee on maternal or parental leave to his/her job and position, nurtures the unwillingness of employers to take on younger women.

3.3 Awareness-Raising

3.3.1 Government Campaigns

The Priority 1.1 states that the government should, within the framework of its media policy, emphasize the principle of equality of men and women, and inform about measures helping to support it in connection with the material competence of each ministry. Most ministries consider this task fulfilled when any text appears on their website which has to do with gender issues. To the credit of the MLSA it must be said, that they pay serious attention to the distribution of information through publications, website and their contact with the media. The quality of the presentations of other ministries varies.

⁴⁶ Czech Statistical Office and MLSA, *Women and Men in Data*, December 12, 2003 (Prague: CZSO, 2003), p. 58, available at <http://www.czso.cz/eng/edicniplan.nsf/publ/1416-03>, accessed on August 1, 2004.

⁴⁷ http://www.cssz.cz/narodni_pojisteni/np0407/clanek02.asp.

⁴⁸ Institute of Sociology, *Podpora využívání rodičovské dovolené muži* (Supporting men in using parental leave) (Prague: Institute of Sociology of the Academy of Sciences of the Czech Republic, October 2003), pp. 24ff, available at <http://www.mpsv.cz/files/clanky/712-pruzkum.pdf>, accessed on August 9, 2004.

In 2003, the government made an awareness-raising campaign about domestic violence and other forms of violence against women, which targeted especially the youth and where information technologies were used. The Government Report was suggesting that a campaign will be launched with the creation of the gender budgeting manual; however, the impact of the campaign and the attention of the media in June 2004, when the methodological material was presented, were minimal.

In the field of gender equality in the labor market, unfortunately, no specific campaigns were undertaken.

3.3.2 Trade Unions and NGOs

The Committee for Equal Opportunities of Women and Men of the Czech-Moravian Confederation of Trade Unions is distributing the materials published from the government or NGO to the employees. Unfortunately no financial resources are dedicated to awareness-raising on gender issues by the Confederation.

The NGOs have been particularly active in their information campaign fighting violence against women, but an ongoing awareness-raising exists also in other fields of equality.

4. RESEARCH AND STATISTICS

4.1 Gender Pay Gap

The characteristics of the female labor force in 2002 were described by the Czech Statistical Office as follows:

Employment of Czech women is high: the economic participation rate of women who were 15 and over was 51 percent (69 percent of men). Each tenth woman was only employed part-time (each thirtieth man was employed part-time). Ten percent of employed women worked in their own company, whereas the percentage of men was twice as high. Women employed full-time work five hours a week less than men, although women who work part-time work 2.5 hours a week more than men working part-time. The average monthly earning of women is a quarter less than that of men.⁴⁹

Since the fall of communism, the gender wage gap has been growing. The year 2000 has been a kind of turning point, but no substantial improvement can be seen.

⁴⁹ Czech Statistical Office and MLSA, *Women and Men in Data, op.cit.*, p. 18.

Table 1. Women's average wage as a percentage of the men's⁵⁰

	1996	1997	1998	1999	2000	2001	2002
Women's average wage as a percentage of men's	77.2	75.7	72.0	73.2	73.3	74.4	74.6

The wage gap goes across all levels of education, age groups and occupational status. Wages alter in different stages of life: the wage gap increases after the age of 30 and closes at the age of 40. It increases again after the age of 60 due to the fact that women are, unlike men, already retired, and their remuneration is additional to their pensions. The higher the education and post, the larger the gender pay gap. Women with university education earn only 65.1 percent of the remuneration of their colleagues, and in the occupational group with the highest salary (legislators and senior), the level reached only 58.7 percent in 2002.⁵¹

Table 2. Average gross monthly earnings, according to occupational groups in 2002⁵²

Occupation (ISCO-88 major group)	Average gross monthly earnings (CZK)			
	Total	Females	Males	Female/Male (in percent)
Total	18,133	15,217	20,404	74.6
Legislators, senior	37,191	25,122	42,763	58.7
Professionals	24,048	20,658	27,871	74.1
Technicians and associate professionals	19,343	16,931	22,735	74.5
Clerks	14,724	13,945	17,681	78.9
Service workers and shop and market sales workers	12,253	10,830	14,545	74.5
Skilled agricultural and fishery workers	11,596	10,928	12,314	88.7
Craft and related trade workers	15,281	11,483	16,135	71.2
Plant and machine operators and assemblers	15,088	12,145	16,287	74.6
Elementary occupations	10,601	9,367	12,169	77.0

⁵⁰ Czech Statistical Office, *Focus on women 1995–2002*, December 10, 2003 (Prague: CZSO, 2003), available at http://www.czso.cz/eng/edicniplan.nsf/publ/1413-03-1995__2002, accessed on August 1, 2004.

⁵¹ *Ibid.*

⁵² *Ibid.*

Table 3. Average gross monthly earnings according to education in 2002⁵³

Highest degree attained	Average gross monthly earnings (CZK)			
	Total	Females	Males	Female/Male (in percent)
Basic and incomplete	12,070	10,761	14,068	76.5
Secondary without graduation exam	14,409	11,244	15,769	71.3
Secondary with graduation exam	18,514	16,308	21,268	76.7
Higher professional, bachelors' courses	20,431	17,955	24,858	72.2
University	31,835	23,834	36,588	65.1

4.2 Gender Statistics: Monitoring Wage Gaps

The Specific Population Statistics Department of the Czech Statistical Office (hereinafter, "CZSO") is concentrating on the establishment of gender statistics. The CZSO has a representative on the Government Council for Equal Opportunities for Men and Women, the ministries are represented on the Editorial Board of the Focus on Women yearbook, as well as in the gender statistics working group in the CZSO.

A yearbook of gender statistics has been published under various names since 2000; the annual publication is called Focus on Women. The information booklet Women and Men in Data was firstly published in the year 2003 as a result of the Twinning Project. It is more user-friendly and its target group is the general public. It will be published once in two or three years, but an up-date of the 2003 version is planned already for 2005.⁵⁴ Both publications are available in Czech and English on the CZSO website.⁵⁵ Apart from Women and Men in Data and Focus on Women, one or two other studies concentrating on gender statistics are usually published annually by the Czech Statistical Office. For example in 2003, the booklet Women and Men in the Medical Statistics was published in cooperation with the Ministry of Health.

The Institute of Sociology of the Academy of Sciences, financed from the state budget, has established a research unit Gender and Sociology in 1990. Since then about 23 books were published. In the year 2000, the research unit started to issue a quarterly

⁵³ *Ibid.*

⁵⁴ Letter (e-mail) from Ing. Bohdana Holá, Head of Specific Population Statistics Department at the Czech Statistics Office, August 9, 2004, in response to our questionnaire.

⁵⁵ www.czso.cz

Gender–Equal Opportunities, and in the year 2002 a gender and science journal called *Context*. Today it employs eight researchers.

4.3 Gender Segregation in the Labor Market

Significant segregation of male and female labor force according to economic sectors exists in the Czech Republic. As well as in the old EU Member States, the reasons of the segregation vary from labor force requirements, to gender stereotyping. The historical communist regime's central planning and forced distribution of labor force, as well as the boom of certain sectors (especially in the private sphere) in the transformation period are characteristic of the Czech Republic.⁵⁶

4.4 Gender Composition of Central and Local Decision-Making Bodies

There is practically no field in the decision-making, where women were represented more strongly than men; and there has been no measure taken by the government so far to remedy this fact. Women can be traditionally found in positions where the fight for lucrative posts is lost in advance.⁵⁷

The percentage of women at the decision-making positions⁵⁸ in the Czech Republic:

- regional presidents and the mayor of Prague – no woman at all;
- top management – eight percent;
- senators – 12 percent;
- Bank Board of the Czech National Bank – 12 percent;
- Constitutional Court judges – 14 percent;
- ministers – after the summer-2004 Cabinet crisis, there are two women in a Cabinet of 18;
- deputies – 17 percent;
- deputy ministers – 17 percent;
- regional authority directors – 23 percent;
- Board of the Supreme Audit Office – 24 percent;

⁵⁶ Fischlová, *op.cit.*, p. 29.

⁵⁷ Marksová-Tominová, *op.cit.*, p. 50.

⁵⁸ Czech Statistical Office and MLSA, *Women and Men in Data*, *op.cit.*, p. 42.

- Supreme Court judges – 26 percent.

In the “influential” positions, where police, members of regional councils, directors of departmental institutions, members of political parties, section directors at ministries, members of municipal councils, heads of units at the ministries, journalists and judges (excluding Constitutional and Supreme Court) are examined, the only area where women were dominant, (63 percent) was among judges. Women have the least influence on decisions in the police, regional councils (13 percent) and as directors of departmental institutions (12 percent). There are also few female section directors at ministries (21 percent). We are more likely to find women at a lower level of management – every third ministry unit is headed by a woman. There are also few female representatives on municipal councils (23 percent). The parliamentary political party that has the most female members is the Christian Democratic Party (KDU-ČSL, with 53 percent), followed by the Communist Party (KSČM, with 44 percent), the Civic Democratic Party (ODS, with 35 percent), and the Social Democratic Party (ČSSD, which has only 26 percent of female members).⁵⁹

4.5 Family Patterns

The Czech Statistics Office describes a census household:

Most (56 percent) Czech households contain a couple, around half of them (26 percent) a couple with dependent children. Eight percent of households are incomplete families (as of March 1, 2001, 88 percent of them being households where a mother lived with dependent children). Single-member households accounted for 30 percent and more than half (56 percent) of them are women.⁶⁰

There are about 30,000 to 32,000 divorces each year. Care for children after divorce was awarded to the mother in 90.3 percent in 2002, and to the father in 7.2 percent of cases. The number of children entrusted to common or alternating care of both parents is rising gradually (2.1 percent in 2002).⁶¹

The fathers’ participation in the parental leave schemes has also been slowly increasing in the last years, but the gap between numbers of women and men going on parental leave is still abyssal (the share of men receiving the parental benefit in the years 2001–2003 has increased from 0.77 percent to 0.9 percent⁶²).

⁵⁹ *Ibid.*, p. 43.

⁶⁰ *Ibid.*, p. 14.

⁶¹ *Ibid.*, p. 16.

⁶² Institute of Sociology, *op.cit.*, pp. 24ff.

As far as opinions about the roles of men and women are concerned, the Czech public is still rather conservative. The mother is viewed as the care-taker, and the father as the bread-winner in the family. The persons under the age of 29 and the ones with higher education tend to be the least conservative.

The study “Supporting Men in Taking Parental Leave” also compared the family organization today with the situation that the parents of today experienced as children. Twelve percent of the decision-making in the family is done by the father, 12.4 percent by the mother and 75.6 percent by both parents (in the childhood of the respondents the respective figures were 31, 17.4 and 47.7 percent). Decision-making in the family today is far more democratic: both partners tend to participate. The performance of household duties (shopping, cleaning, cooking, caring for children, etc.) however, remains the woman’s task. (The women perform household duties ‘predominantly’ in 44.1 percent of households and ‘exclusively’ in 9.8 percent of the households, while in the remaining cases, the duties are shared.⁶³)

As the social policy is based on double income, women, apart from house-work, work mostly full-time in their jobs, therefore fulfilling a dual role⁶⁴ and carrying a double burden.

4.6 Data Disaggregated by Sex in Various Policy Fields

The yearbook of gender statistics Focus on Women is divided into sections on population, population and housing census, health, education, labor and earnings, social security, justice and crime, public life and decision-making, and families and households. The booklet Women and Men in Data offers various analyses of data disaggregated by sex in the fields of households, work and economics, education, decision-making processes, health, criminality and social system. This information is deemed sufficient by most ministries, they usually do not request other information from the CZSO than that contained in the publications.⁶⁵

4.7 Incidence of Sexual Harassment in the Workplace

An expert research has been commissioned by the MLSA for the period from autumn 2004 to spring 2005. No official results are therefore available at the moment. The

⁶³ *Ibid.*, p. 57.

⁶⁴ M. Čermáková, *Connections and Changes of Gender Differences in the Czech Society in the 1990s* (Prague: Institute of Sociology of the Czech Academy of Science, 2000).

⁶⁵ Letter (e-mail) from Ing. Bohdana Holá, *op.cit.*

research conducted by the Czech daily newspaper *Lidové noviny* in 2003 showed that two-thirds of Czech women have encountered sexual harassment in the workplace. A 2000 opinion poll of the GfK agency for the daily newspaper *Mladá fronta Dnes* suggested that 30 percent of employees have experienced sexual harassment, and four percent have been forced to sexual intercourse under pressure.

4.8 Gender Stereotypes in Schools

The prevalence of gender stereotypes in primary and secondary schools is a known fact. Most experts cite individual interviews with students to show that girls are discouraged from specializing in sciences, discouraged generally from resolving more complicated tasks, gender neutral role models are lacking in the study materials, and more time is allocated to boys than to girls in the classes.⁶⁶ There is unfortunately, as yet no complex research available in this field. Instead, the research projects of the Institute of Sociology have so far concentrated on women engaged in scientific activities or women's access to university education.

4.9 Childcare Services

Since the fall of communism, the number of facilities available has decreased. This can be partly attributed to the falling birth rate, and to higher unemployment of women. The accessibility has decreased especially in rural areas, where women are having problems placing their children in childcare facilities. Still, the network of nurseries (for children of zero to three years), kindergartens (three to five years) and wards for school children is relatively accessible and frequently used as compared to Western Europe. Čermáková points out that the Czech Republic belongs to countries with the longest average attendance of pre-school facilities (2.7 years total), and that 91 percent of children between three and five years of age attend kindergartens.⁶⁷

The quality of the facilities for children of employed women is increasing, "there are now more luxury and expensive kindergartens offering classes with fewer children, continued vacation operation, rehabilitation exercises in a swimming pool and other above-standard services."⁶⁸ A growth of prices is connected to the improvement of the

⁶⁶ L. Jarkovská, *Generově pozitivní výuka* (Gender-Positive Teaching), December 11, 2003, <http://www.obcan.ecn.cz/index.shtml?w=r&cx=146056> (accessed on August 13, 2004)

⁶⁷ Čermáková, *op.cit.*

⁶⁸ *Ibid.*

childcare facilities, which may lead to the diminished affordability of kindergartens for low-income families.⁶⁹

4.10 Disputes

The litigation in disputes concerning discrimination in *employment relationship*, *discriminatory dismissal*, and *breaches of equal pay principle* are monitored by the Ministry of Justice, which states⁷⁰ that since 1999 no decision has been made in either field. The media, however, has reported on at least one case of sexual harassment since 1999. A superior pawed a female tram driver in the Prague Transport Company. The court found the behavior of the superior inappropriate, but did not qualify it as sexual harassment.

As the discrimination on grounds of sex is not monitored separately, it is impossible to say, how many breaches of the principles of equality and non-discrimination based on sex have been established and penalized by the labor offices.⁷¹

4.11 Media Coverage of Discrimination Cases and Public Visibility of the Issues

The media coverage of gender issues is often a *collage* of simplifying citations of conservative politicians and so-called specialists offering flimsy explanations; gender experts are rarely quoted. The whole issue of discrimination in the labor market is not taken seriously, and especially sexual harassment is often ridiculed.

The image of the woman in the media in general is construed stereotypically. Her role in the family is emphasized and she is mostly defined through her relationship with men. Top female politicians have to explain, how they manage to combine work and family, and what does their partner think of their job; questions that a male politician never has to face. As Mr. Chleboun presented at the conference *Woman and the Media*,⁷² the most frequently appearing women in the Czech media are models, the most represented age group is 12 to 19 years.

⁶⁹ Marksová-Tominová, *op.cit.*, p. 60.

⁷⁰ Letter from Ing. Landkammer, Head of the Department of Informatics and Statistics of the Ministry of Justice, May 2004, in response to the author's request for information (number 97/2004-OI-ST/2).

⁷¹ Ministry of Labor and Social Affairs, *Úřady práce zkontrolovaly za pět měsíců 3887 firem* (MLSA Press Release), *op.cit.*

⁷² The conference took place in the Chamber of Deputies of the Parliament of the Czech Republic on November 24, 2004.

5. KEY AREAS OF CONCERN AND RECOMMENDATIONS

5.1 Key Areas of Concern

A general concern in the institutional mechanisms in the Czech Republic is the limited understanding of the concept of gender, gender stereotypes, gender equality, gender mainstreaming, and equal opportunities. The gender coordinators as well as the staff of the MLSA Unit are often committed to the agenda, but complexities of gender issues are either in some part misunderstood or intentionally avoided in order not to provoke the collaborators and superiors, and to achieve as much as possible under the guise of 'a reasonable person, no feminist'. The measures and means chosen for the pursuit of gender equality are therefore mostly rather conservative.

A very important mechanism missing in the Czech Republic is a body with competences specified in Article 8(a) of the Council Directive 2002/73/EC. The anti-discrimination law, which waits⁷³ to be approved by the government, offers two possible solutions. The first one is adding the agenda to the competences of the Ombudsman, the second (preferred by the NGOs and the Ombudsman himself) is the establishment of a new entity: the Center for Equal Treatment. The main tasks of the Center would be providing mediation, mediating legal assistance to victims of discrimination, issuing recommendations and opinions, conducting independent surveys, and informing the public. The competence to enter judicial proceedings as a third party and the competence to act on behalf of a group of victims before the court (class action) is unfortunately missing both from the Twinning Project Recommendations and from the draft of the anti-discrimination law.

The lack of political will on the top levels to deal with gender equality in the Czech Republic is a major problem. The fulfillment of the tasks is determined from the bottom – depends on the dedication of the individual officers or members of the bodies. Real scrutiny of the fulfillment of the tasks is not a priority of the government, and the strategy of ignoring the field of equal opportunities, chosen by some ministries, goes unpunished. The quality of the work therefore varies greatly across the institutions.

Another major concern is the lack of enumeration of the financial resources that should be and are dedicated to equality.

Many policy areas have not yet been tackled or still lacking in substantive as well as procedural aspects. The procedure of setting the tasks and the evaluation of their fulfillment are also a reason for concern. Most ministries have not commissioned a specific gender analysis of their departmental agenda. The lack is felt for example in the

⁷³ As of August 2004.

agendas of Ministry of Industry and Trade, Ministry of Culture, Ministry of Foreign Affairs, Ministry of Informatics, Ministry of Justice, Ministry for Regional Development, Ministry of Transport, Ministry of Environment, and Ministry of Education, Youth and Sports. From the available sources it can be concluded that the only institution methodically commissioning gender research is the MLSA, but some analyses are still lacking even in their departmental agenda (e.g., concerning childcare services and social services).

The basis of any decision should be a thorough gender-differentiated analysis of the situation. Carrying out an ongoing examination of the situation is necessary to accurately diagnose problems that need to be addressed. The subsequent formulation of tasks should be based on the results of these analyses and be more concrete and detailed. Only then can the fulfillment be credibly assessed. The evaluation process of the fulfillment of the tasks ought to be handed over to bodies unaligned with their execution.

The current activities of the MLSA are directed towards recipients who already are aware of the equality issue. The MLSA should be using commercial channels (for example billboards, TV and radio spots, and banners) as well, for the promotion of equality. At this moment, Mrs. Zelenková is rather skeptical about them, and points out that the Czech public is not used to experience social campaigns, and they might not work. At the same time she notes that the lack of human resources (“we would need to be a department with 20 employees to do it”), as well as financial resources (“it always depends on what we get approved”) play a decisive role in the preparation of campaigns.⁷⁴

5.2 Recommendations

5.2.1 Legislative Measures

- In the field of social security, the amount of benefit connected to motherhood and parenthood should be levelled.
- Occupational pension schemes should be adopted so as to conform with the principle of equality.
- The retirement age for male and female civil servants should be equalised, as the pension benefit constitutes pay within the meaning of the EC Treaty and case law.

⁷⁴ Interview with JuDr. Dagmar Zelenková, *op.cit.*

5.2.2 Institutional Mechanisms

- All institutions need to include gender as a factor in the creation of their budgets. Subsequently an overview must be available of the funds allocated specifically to gender equality programs, and of the government spending in general disaggregated by gender.
- Specific mechanisms should be created to assess the implementation of equality legislation in practice.
- The government should establish structures supporting the implementation of the *acquis communautaire* related to equal opportunities.

5.2.3 Policies and Programs

- An equality policy should be established at the regional and municipal levels, and one member of the council should be made responsible for equality, together with the establishment of focal points.
- The rules of procedure in the government should contain a requirement for gender analysis for all proposed programs, measures and legislation.
- The government should create incentives for employers to offer part-time jobs and other flexible forms of work.
- Measures should be introduced to reduce the gender pay gap; for example, employers should be obliged to annually report the overall level of remuneration paid to their employees disaggregated by sex.
- Incentives should be created to support men in the sharing of family responsibilities.
- Measures should be taken to eliminate sex-stereotyped choice in schools, including a revision of all existing textbooks from a gender perspective.
- Government officers at all levels of the administration should be trained on gender issues, drawing on the experiences of the NGOs.
- All ministries should commission a gender analysis of their departmental agenda.
- On this basis, the subsequent formulation of tasks should be elaborated more clearly and in more detail.
- The process of evaluation the fulfilment of tasks should be given to bodies unaffiliated with their execution.
- The monitoring of litigation in the field of discrimination of women should be done more effectively.

- In particular, the government should develop programs that promote women entrepreneurs, encourage the sharing of parental leave schemes by both parents, and address the topic of sexual harassment in the workplace.
- The experience of 'old' Member States should be drawn upon when creating future programs in the Czech Republic.

5.2.4 Awareness-Raising

- The MLSA should use commercial channels (for example billboards, TV and radio spots, and banners) for the promotion of equality, and future campaigns should: promote laws on gender equality once adopted, fight gender stereotypes in families, promote sharing of family responsibilities and especially support fathers on parental leave, explain the concept of sexual harassment and encourage women to fight this phenomenon, target specifically employees and inform them of their rights resulting from the principle of equal treatment and how to apply them, target specifically employers and inform them of their obligations.
- Cases decided by the courts should be publicized by the Ministry of Justice as part of the information campaign on equality.

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- Interview with Dana Machátová, Chair of the ČMKOS (Czech-Moravian Confederation of Trade Unions) Committee for Equal Opportunities of Women and Men, Prague, August 16, 2004.
- Interview with JuDr. Dagmar Zelenková, Head of the Unit for Equality between Men and Women at the MLSA, Prague, August 10, 2004.
- Letter (e-mail) from Petra Kocourková from the Press Department of the Ministry of Informatics, August 10, 2004.
- Letter from Ing. Landkammer, Head of the Department of Informatics and Statistics of the Ministry of Justice, May 2004, in response to author's request for information (number 97/2004-OI-ST/2).
- Letter (e-mail) from Ing. Bohdana Holá, Head of Specific Population Statistics Department at the Czech Statistics Office, August 9, 2004, in response to author's questionnaire.

ANNEXES

Annex 2.1 Unit for Equality between Men and Women

The Unit consists of a Head of the Unit and four subordinates. Expertise in the field of gender issues is not among the professional capacities required of the staff of the Unit at the moment when the position is assumed.

The budget published on the official website of the MLSA does not contain a specific category for equality programs. Neither the administrative costs nor the program costs are monitored. According to Mrs. Zelenková, Head of the Unit, there are high administrative expenses connected to gender mainstreaming but these are difficult to estimate, since employees in the whole MLSA are involved. According to Mrs. Zelenková, the following should be taken into account as program costs: grants to NGOs given especially in the area of social services; gender research (statistical and opinion polls) commissioned by the MLSA; publications of documents and brochures; information campaigns; the costs of the Czech–Swedish Twinning Project; and the Czech share of the EQUAL Initiative.⁷⁵

Annex 2.2 Committee for the Elimination of All Forms of Discrimination against Women

The Committee has 14 members, six of whom are government officials and eight are gender experts: the representatives of civil society or the academia. A Secretariat serves the Government Council for Human Rights as well as its Committees.

The administrative costs of the Government Council for Human Rights are covered from the budget of the Office of the Government of the Czech Republic. It doesn't have at its disposal any additional funds.

The Committee meets “as necessary” in “sessions closed to the public.”⁷⁶ The Committee used to meet irregularly (total of one meeting in 2002). Since the new Committee was appointed in 2003, it has held meetings on a monthly basis.

⁷⁵ Interview with JUDr. Dagmar Zelenková, Head of the Unit for Equality between Men and Women at the MLSA, Prague, August 10, 2004.

⁷⁶ *Jednací řád Rady vlády pro lidská práva* (Rules of Procedure of the Governmental Council for Human Rights), December 9, 1998, available at <http://wtd.vlada.cz/scripts/-detail.php?abbrev=rvkrlpjednacirad>, accessed on July 21, 2004.

Annex 2.3 Government Council for Equal Opportunities for Men and Women

The Government Council consists of 23 members. The Chair should, according to the Statute, be a Deputy Prime Minister. The position is however currently held by an MP Ana Čurdová (Social Democratic Party). The Governmental Council is further made up of 12 deputy ministers, the Government Commissioner for Human Rights, a representative of the National Statistical Office, one representative of employers and one of trade unions in the Council of Economic and Social Agreement of the Czech Republic, five representatives of the NGOs, and a gender expert. Presidents of the regions are invited to the sessions of the Governmental Council, but rarely attend.

The administrative costs of the Government Council are covered from the budget of the MLSA. It doesn't have at its disposal any additional funds.

Annex 4.1 Gender Pay Gap

The possible reasons for the existence of a gender pay gap in the Czech and Slovak Republics during the social and economic transformation were analyzed by Štěpán Jurajda from CERGE-EI. He points out that the share of discrimination in the wage gap percentage is hard to assess for the lack of data on the actual length of labor market experience, and the number of children of the employee.

According to Jurajda, the wage gap can be broken down into three parts:

- the gender wage difference attributable to differences in productive characteristics of men and women;
- the pay difference one can explain using measures of female segregation and so attribute to potential violations of the equal employment opportunity clauses; and
- the unexplained part of the gap, which represents an upper limit on the violation of the equal pay clause.⁷⁷

His analysis, based on a sample of over 800,000 workers and 2,000 firms, shows that despite the new law in force, only a minor change occurred in the structure of the gender pay gap between 1998 and 2002, and “within-firm sex segregation continues to account for about one third of the gender wage gap while its unexplained portion

⁷⁷ Štěpán Jurajda, *Czech Gender Segregation and Wage Gap with Anti-Discrimination Legislation* (Prague: Cerge-EI, 2004), p. 1.

remains just under two thirds.”⁷⁸ This means that women in the private sector earn roughly 20 percent less than men because of their sex.

Jurajda is the only researcher who shows the maximum level of discrimination. The Institute of Sociology of the Academy of Sciences, as well as the Research Institute for Labor and Social Affairs claim that discrimination is difficult to prove given the accessible data. The Government Report uses a Trexima (private contractor of the MLSA) research, and states that the “percentage remaining for the pay discrimination (men and women within the same employer, on the same level in the wage scale, doing the same work) is much lower than the total wage gap resulting from the statistics, and amounts to only about two percent.”⁷⁹

⁷⁸ *Ibid.*, abstract.

⁷⁹ Ministry of Labor and Social Affairs, *Souhrnná zpráva o plnění “Priorit a postupů vlády při prosazování rovnosti mužů a žen” v roce 2003* (Report on the Fulfillment of the Priorities and Procedures of the Czech Government in Promoting the Equality of Men and Women) (Prague: MPSV, May 12, 2004), p. 37, available at <http://www.mpsv.cz/scripts/clanek.-asp?lg=1&id=696>, accessed on July 6, 2004.

Annex 4.3 Gender Segregation in the Labor Market

Table A.1 Individual economical sectors, according to gender in 2003⁸⁰

Sector	Percentage of employees in the sector			Average wages in Czech Korunas			Percent ratio W/M
	total	men	women	total	men	women	
<i>Total</i>	<i>100.00</i>	<i>55.67</i>	<i>44.32</i>	<i>19,510</i>	<i>21,983</i>	<i>16,404</i>	<i>0.79</i>
Agriculture, forestry, fishing	4.23	2.91	1.32	14,423	15,495	12,064	0.50
Mineral mining	1.55	1.30	0.24	22,013	22,874	17,376	0.57
Processing industry	34.73	21.62	13.11	18,441	20,995	14,228	0.73
Manufacture and distribution of electricity, gas, water	2.94	2.22	0.71	22,144	23,069	19,280	0.60
<i>Industry total</i>	<i>39.23</i>	<i>25.16</i>	<i>14.07</i>	<i>18,860</i>	<i>21,277</i>	<i>14,541</i>	<i>0.71</i>
Construction	6.38	5.61	0.77	19,576	19,917	17,103	0.76
Trade, repairs	7.70	3.91	3.79	18,859	23,209	14,368	1.04
Catering and accommodation	1.25	0.55	0.69	14,391	16,187	12,945	0.79
Transport, warehousing, postal services and telecommunication	8.73	5.57	3.15	21,675	23,392	18,637	0.81
Finance and insurance	2.34	0.80	1.54	36,608	53,704	27,756	1.09
Real estate, research	7.01	4.02	2.99	22,754	26,258	18,039	0.89
Public administration, defense, social security	4.67	1.80	2.86	20,598	22,931	19,130	0.40
Education	8.17	2.03	6.14	18,023	21,863	16,754	0.42
Healthcare, veterinary and social activities	7.34	1.39	5.94	18,064	23,357	16,824	0.51
Other public and social services	2.89	1.87	1.01	17,404	18,171	15,988	0.65

⁸⁰ Czech Statistical Office, *Struktura mezd zaměstnanců v roce 2003* (The Structure of Wages of Employees in 2003), June 11, 2004, available at http://www.czso.cz/csu/edicniplan.nsf/-publ/3109-04-za_rok_2003, accessed on August 9, 2004.

Annex 4.4 Gender Composition of Central and Local Decision-Making Bodies

Table A.2 Selected data on numbers of females and males appearing on the lists of candidates for various elections in 2000 and 2002⁸¹

Indicator	Elections					
	Regional Council elections in 2000		Chamber of Deputies elections in 2002		Municipal Assembly and City of Prague elections in 2002	
	Total number	Percent	Total number	Percent	Total number	Percent
<i>Candidates appearing among the first ten positions on the lists of candidates</i>						
Total	1,550	100.0	2,836	100.0	764	100.0
Females	240	15.5	701	24.7	210	27.5
Males	1,310	84.5	2,135	75.3	554	72.5
<i>Candidates returned</i>						
Total	675	100.0	200	100.0	70	100.0
Females	97	14.4	34	17.0	8	11.4
Males	578	85.6	166	83.0	62	88.6

⁸¹ Czech Statistical Office, *Focus on women 1995–2002*, December 10, 2003 (Prague: CZSO, 2003), available at http://www.czso.cz/eng/edicniplan.nsf/publ/1413-03-1995__2002, accessed on August 1, 2004.

Annex 4.5 Family Patterns

Table A.3. Reactions of respondents to some “traditional” statements in 2003 (in percent)

Traditional statements	Definitely agrees	Rather agrees	Mostly agrees	Mostly dis-agrees	Does not know	Difference between M/W answers
The mother is more important for the upbringing of a child than the father.	21.6	35.9	57.5	41.0	1.5	W more often agree (by 5.7 percent)
Woman should be the one who takes care of a small child.	27.6	50.8	78.4	20.9	0.7	Irrelevant
The main task of the father is to be the bread-winner.	47.0	42.0	89.5	10.0	0.5	Irrelevant
When small children are involved, the parents should stay together even if they can't stand each other.	11.7	32.2	43.9	47.0	9.1	Irrelevant
The care after divorce should always be awarded to the mother (unless she's an alcoholic, incarcerated etc.).	15.3	38.3	53.6	34.5	11.9	W more often agree (by 22.7 percent)

Table A.4. Reactions of respondents to some “non-traditional” statements in 2003 (in percent)⁸²

Non-Traditional statements	Definitely agrees	Rather agrees	Mostly agrees	Mostly disagrees	Does not know	Difference between M/W answers
If men spent more time with their children the whole family would benefit.	32.4	55.7	88.1	7.9	4.0	W more often agree (by 5.3 percent)
The child can be equally well brought-up by one parent as well as by both of them.	8.3	34.7	43.0	51.4	5.6	W more often agree (by 6.4 percent)
Woman has a full right to decide to raise a child without a man.	29.6	46.4	76.0	18.6	5.4	W more often agree (by 6.8 percent)
When necessary, a father can be as good caretaker of a child as the mother.	16.8	50.9	67.7	25.7	6.6	M more often agree (by 10.2 percent)
The father should be present at the birth of his child.	8.0	29.5	37.4	32.8	29.7	W more often agree (by 8.1 percent)

⁸² In both tables the categories “Mostly agrees”, “Mostly disagrees” and “Doesn’t know” add up to 100 percent. *Podpora využívání rodičovské dovolené muži* (Supporting Men in Using Parental Leave) (Prague: Institute of Sociology of the Academy of Sciences of the Czech Republic, October 2003), pp. 33–34, available at <http://www.mpsv.cz/files/clanky/712/pruzkum.pdf>, accessed on August 9, 2004.

Equal Opportunities for
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WHAT IS THE SITUATION IN THE CZECH REPUBLIC?

Since 2002, Czech labor law has been strengthened with many provisions concerning equal treatment. The legal framework for equality and non-discrimination in employment relationships, Act No.65/1965, the Labor Code, meets almost all formal requirements of the EU Directives.

Since 1998 the Czech Republic has established several bodies to deal with issues of equality and discrimination against women, but none has the power to assign tasks, give binding directions, or effectively monitor other government bodies.

The Czech Republic's national gender equality strategy, is called the Priorities and Procedures of the Czech Government in Promoting the Equality of Men and Women. The only national program related to gender issues so far has been the 2003 National Strategy to Combat All Forms of Trafficking in Persons with a Focus on Sexual Exploitation.

WHAT DO THE FACTS SAY*?

- Women make up 14 percent of the highest national decision-making bodies (Parliament and Senate);
- Women continue to earn 74 percent of men's salary, with the highest discrepancy among employees with higher education;
- The male and female labor force is significantly segregated by economic sectors in the Czech Republic, women tend to group in the fields with lower revenues and they are under-represented in the higher managerial positions;
- The majority of women work full-time and take primary responsibility for childcare and housework.

* Sources of data: *Czech Country Report* (prepared as part of the report: *Equal Opportunities for Women and Men: Monitoring law and practice in new member states and accession countries*, available at www.osops.cz); and Ing.Petr Pavlik, Ph.D. (ed.) *Shadow Report on Equal Treatment and Equal Opportunities for Women and Men, Prague, 2004.*

DISCRIMINATION AGAINST WOMEN

“Discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

(Convention on the Elimination of All Forms of Discrimination Against Women, Article 1.)

THE EU'S COMMITMENT TO GENDER EQUALITY

“The EU has a long-standing commitment to promoting gender equality, enshrined in the Treaty since 1957.

The Community legal framework ensures that women and men are equal before the law. [...] Moreover, equal treatment legislation is a firmly established integral part of the *acquis communautaire* that countries applying for EU membership have to respect.”

(Community Framework Strategy on Gender Equality (2001-2005), Introduction; http://europa.eu.int/comm/employment_social/equ_opp/index_en.htm)

THE ACQUIS COMMUNAUTAIRE

“The *acquis communautaire* is the body of common rights and obligations which binds all Member States within the European Union. It comprises Community law, all acts adopted under the second and third pillars of the European Union and the common objectives laid down in the Treaties.”

(http://www.eu2005.lu/en/savoir_ue/glossaire/glossaire_a/index.html#Acquis%20communautaire)

WHAT DO THE EXPERTS SAY?

- In the field of equal treatment between women and men, it is necessary to move from a legislative focus and strengthen implementing structures, policies, and programs in order to ensure an impact on women's daily lives;
- Government institutions do not reflect adequate understanding of the concepts of gender, gender equality, gender stereotypes, and equal opportunities.

WHAT NEEDS TO BE DONE?

- Government officers at all levels of the administration should be trained on gender issues;
- The government should create incentives for employers to offer part-time jobs and other flexible forms of work to men and women alike;
- Measures for law enforcement (such as strategic litigation, campaigning) should be introduced to reduce the gender pay gap;
- Specific mechanisms should be created to assess the implementation of equality legislation in practice.

DID YOU KNOW:

Fathers' participation in parental leave schemes has been slowly increasing in recent years, but there is still a large gap between the numbers of women and men who take parental leave. The share of men who received parental benefits between 2001 and 2003 increased from 0.77 percent to 0.9 percent.

MORE INFO:

www.osops.cz