**QUESTIONNAIRE**

**“NON - DISCRIMINATION AND EQUALITY IN FAMILY AND CULTURAL LIFE”**

In accordance with its mandate, the UN Working Group on the issue of Discrimination against Women in Law and Practice (hereinafter “the Working Group”) developed this questionnaire to gather information on how laws and practices discriminate against women within the family and cultural life. Additionally, this questionnaire has the objective of highlighting good practices and lessons learned in advancing equality between women and men within the family and in cultural life.

Regarding family life, the questionnaire focuses on issues of equality in marriage and rights and responsibilities within the family. In relation to cultural life, the questionnaire addresses issues linked with the right to have access, participate in and contribute to all aspects of cultural life, including arts, sports and cultural activities.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) clearly establishes the State obligation to “take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations”[[1]](#footnote-1). It also establishes the obligation to modify the socio-cultural patterns and gender stereotypes to eradicate all practices based on the inferiority or superiority of either of the sexes as well as to ensure that family education recognizes the common responsibility in the upbringing and development of children.[[2]](#footnote-2) Moreover, the Convention reaffirms the State obligation to eliminate discrimination and guarantee equality in the cultural sphere.[[3]](#footnote-3)

In addition, the International Covenant on Economic, Social and Cultural Rights recognizes the right of all people to enjoy their cultural rights in conditions of equality as well as the right to enjoy the benefits of scientific progress.[[4]](#footnote-4) Furthermore, the Human Rights Committee in its General Comment 28 on the *Equality of Rights Between Men and Women* also reaffirms that the right to equality before the law include equal status within the family and regardless of marital status.[[5]](#footnote-5)

The UN Working Group wishes to thank all stakeholders for responding to this questionnaire by **31 July 2014.**

**Questionnaire**

**General**

1. **What status/hierarchy does your Constitution give to international human rights treaties versus domestic law?**

**Please explain.**

According to the Art. 10 of the Constitution of the Czech Republic international (human rights) treaties have priority over domestic law:

“Promulgated international agreements, the ratification of which has been approved by the Parliament and which are binding on the Czech Republic, shall constitute a part of the legal order; should an international agreement make provision contrary to a law, the international agreement shall be applied.”

The Charter of Fundamental Rights and Basic Freedoms (in Czech: Listina základních práv a svobod) is a part of the Czech constitutional system. The document is somewhat analogous to the Universal Declaration of Human Rights.

1. **Has your State ratified international human rights treaties with reservations to provisions dealing with equality in family life?**

Yes ( ) No (X )

**If yes, are there plans to withdraw these reservations? Please explain.**

Yes ( ) No ( )

1. **Are the principles of non-discrimination on the basis of sex/gender and equality between men and women established in the Constitution of your State?**

Yes ( X ) No ( )

**If yes, please provide references, describe how they are defined (name the specific articles) and whether they cover family and cultural life.**

In the Charter of Fundamental Rights and Basic Freedoms, Chapter One, Article 3:

*“(1) Everyone is guaranteed the enjoyment of the fundamental rights and basic freedoms without regard to gender, race, colour of skin, language, faith and religion, political or other conviction, national or social origin, membership in a national or ethnic minority, property, birth, or other status.”*

1. **Are there any specific anti-discrimination or gender equality laws in your State?**

Yes ( X ) No ( )

**If yes, please provide references and briefly describe the content of this law(s), in particular whether it covers family and cultural life.**

Anti-discrimination Act - the law bans unequal treatment on the basis of sex, age, disability, race, ethnic origin, nationality, sexual orientation, religious affiliation, faith or world-view. The law does not restrict anyone in their personal, public or political life. Its first priority is to strengthen the position of the individual.

1. **Have there been any recent legal reforms in your State to guarantee non-discrimination and equality between men and women in family and cultural life? If yes, please explain and provide examples.**

Yes ( ) No ( X )

1. **Are there any customary, religious law or common law principles/provisions that discriminate against women in family and cultural life? If yes, please explain and provide examples.**

Yes ( ) No ( X )

1. **Are there any good practices that you can share regarding the elimination of sex discrimination in family and cultural life in your State? If yes, please explain and provide examples.**

Yes ( ) No ( X )

1. **What actions have been taken by your State to eradicate negative gender stereotypes, including in the media? Please provide examples.**

Structural changes

The Government Council for Equal Opportunities for Women and Men was established as a permanent Government advisory body in the area of creating equal opportunities for women and men (Government Resolution No. 1033 of 10 October, 2001).

The Council drafts proposals for the promotion and achievement of equal opportunities for women and men.

Projects

In 2012 the Optimization of Institutional Scheme for Equal Opportunities for Women and Men in the Czech Republic started, financed by European Structural fund (it will finish in 2015). Its main goals are: building up a thematic network with partners, creating a medium-term strategy for equal opportunities for women and men, optimization of functioning of the Government Council for Equal Opportunities for Women and Men, proposal for optimizing the collection of relevant statistical data, creation of a methodology for assessing the impacts of documents on equality between women and men submitted to the Government of the Czech Republic.

Project funded by the Norway grants:

Gender Equality Unit\* is planning to implement a project titled “Domestic and Gender-based Violence & Mainstreaming Gender Equality and Promoting Work-Life Balance” within the Norway Grants. One of the key activities is a media campaign focused on a broad public aiming at changing gender stereotypes in the fields of gender based violence and balance between work and private life. The campaign will be implemented in 2015 using TV spots, website, social media campaign and other forms of campaigns.

*\* Gender Equality Unit (GEU) of the Human Rights and Minorities Protection Department at the Office of the Government of the Czech Republic (until 30 June 2014 at the Ministry of Labour and Social Affairs) – in the framework of interdepartmental comments procedures, the GEU monitors materials submitted to the Government and, within the bounds of possibility, assesses impacts of these material on equality between women and men and provides comments and proposals.*

1. **Are tribunals upholding the principles of equality and non-discrimination in matters relating to family and cultural life? If yes, please provide any relevant case-law/jurisprudence.**

Yes ( ) No ( X )

1. **Are there any other mechanisms to monitor draft legislation, specific provisions in draft legislation or reverse decisions discriminating against women in family or cultural life?**

Yes ( X ) No ( )

**If yes, please provide any relevant examples.**

There is a GIA process (gender impact assessment) only partially developed within uniform Impact Methodology (“RIA”) – a clause on discrimination impact. Gender Equality Unit can give an objection to legislative material during the common comment procedure.

**Family Life­- Equality within marriage**

1. **Is there a legal designation of head of household? If yes, is the head of household the male member of the family? What rights or obligations are attributed to the head of household?**

Yes ( ) No ( X )

1. **Do women have the same rights as men in your State in relation to:**

( YES ) The minimum age for marriage – if the age of marriage is different for men and women, please provide information

( YES ) The right to enter into marriage

( YES ) The freedom to choose a spouse and to express consent

1. **With permission or authorization from parents/guardians/courts, at what minimum age can men and women marry in your State? What enforcement measures are provided by law in this regard?**

Men and women can marry at the minimum age of 18, by court permission at the age of 16 (only in specific cases).

1. **Is there a reference to dowry in the legislation of your State, for example, in marriage contracts or in traditional practice? If yes, please explain.**

Yes ( ) No ( X )

1. **Are forced marriages prohibited in your formal and customary laws? If yes, please provide any relevant references.**

Yes ( ) No ( X )

1. **Are forced marriages or arranged marriages practiced in your State? If yes, please explain.**

Yes ( ) No ( ) cannot be answered due to non-existence of relevant data

1. **Is polygamy illegal in your State? If no, is it legal for both men and women?**

Yes ( X ) No ( )

1. **Is the registration of marriage compulsory in the following cases?**

( Yes ) civil marriage

( Yes ) religious marriage

1. **Are same sex-marriages allowed in your State? If yes, please provide references.**

Yes ( ) No ( X )

The Czech Republic laws allow only “partner registration” of the same sex – Law No. 115/2006 on Partner Registration.

1. **Are same-sex relations criminalized in your State? If yes, please provide references.**

Yes ( ) No ( X )

1. **Is equality guaranteed between husband and wife in law and practice with respect to:**

( Yes ) The right to choose a family name

( Yes ) The right to choose a profession and occupation

( Yes ) The right to choose the place of residence

( Yes ) The right to have and retain one’s nationality

( Yes ) The freedom of movement (including the right to travel abroad)

**Please provide references.**

Women and men are equal in these rights.

1. **Do both spouses have the same rights in law and practice with respect to:**

( Yes ) ownership of property and land

( Yes ) management and administration of property and land

( Yes ) enjoyment and disposition of property and land

**Please provide references.**

Women and men are equal in these rights.

1. **Are women who get married subjected to any form of male guardianship? If yes, what are the specific conditions of this guardianship and what kind of restrictions does it impose on women?**

Yes ( ) No ( X )

1. **Do parents have same rights and responsibilities regarding to:**

( Yes ) Deciding the number and spacing of children

( Yes ) Guardianship, wardship and trusteeship

( Yes ) Adoption of children

( Yes ) Care of children

( Yes ) Education of children

( Yes ) Alimony

**Please provide references.**

Women and men are equal in these rights.

1. **Are de facto unions recognized in law in your state?**

Yes ( X ) No ( )

**If yes, please explain in which law(s) and how this is defined.**

Law No. 89/2012 Coll. Civil Code. It is defined as “common household”.

1. **Do men and women have the same legal rights with respect to dissolution of marriage?**

Yes ( X ) No ( )

**If yes, please explain in which law(s) and how this is defined.**

Law No. 89/2012 Coll. Civil Code, Part 5: Termination of marriage (http://www.czechlegislation.com/en/89-2012-sb)

1. **Do men and women have the same rights in law and practice when a marriage or union ends in terms of:**

( Yes ) Equal share of the marital property and land

( Yes ) Custody of children

( Yes ) Remarriage

**Please provide any references**.

(http://www.czechlegislation.com/en/89-2012-sb)

1. **Is it contemplated in the legislation of your State that, in the event of a divorce, women should remain in the family or common household? If yes, please explain in which law(s) and how this is defined.**

Yes ( ) No ( X )

1. **Are legal provisions guaranteeing non-financial contributions, including care of children, the sick and elderly in the family, taken into account in the division of marital property upon divorce?**

Yes ( X ) No ( )

**If yes, please provide references.**

There are only legal provisions guaranteeing care of children (http://www.czechlegislation.com/en/89-2012-sb).

1. **Are rights of widow(er)s the same for women and men in terms of:**

( Yes ) Custody of children

( Yes ) Property and land distribution

( Yes ) Remarriage

( Yes ) Freedom to choose residence

**Please provide references.**

 (http://www.czechlegislation.com/en/89-2012-sb)

1. **Do women have access to legal aid in relation to family matters?**

Yes ( X ) No ( )

**If yes, please explain.**

They have the same possibilities according the Civil Code.

**Equality within the family**

1. **What is the legal definition/concept of “family” in your State?**

The Czech Republic has no legal definition or concept of “family”.

1. **In law (including customary law) are men and women equal in the family in your State?**

Yes ( X ) No ( )

**If yes, please provide any references.**

There is no difference between women and men in these types of legislation.§687, Law No. 89/2012 Coll. Civil Code:

(1) The spouses have equal duties and equal rights.

(2) A married couple are obliged to respect each other, they are obliged to live together, be faithful to each other, mutual respect for their dignity, support to maintain the family community, creating a healthy family environment and jointly care for children.

1. **Do men and women have the same social status within the family in your State? If yes, please provide any references.**

Yes ( ) No ( X )

In most cases, women are still seen as mothers and housekeepers and men are seen as breadwinners.

1. **Does your State have data on the number of hours spent by women and by men on functions in the home or in care for family members, including children and the elderly? If yes, please explain.**

Yes (the data are not collected by the State but by NGOs or academic departments)

Women: approximately 21 hours per week

Men: 9,4 hours per week

(data from: 2010/2011)

1. **Do men and women in the family have the same rights, in law and practice, with regards to inheritance (including equal rank in the succession)?**

Yes ( X ) No ( )

**If yes, please explain. In addition, is there evidence of waiver of inheritance rights by women?**

The same rights including evidence of waiver are guaranteed by the Civil Code.

1. **Does family education in your State include a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of the children?**

Yes ( X ) No ( )

**If yes, please provide any references.**

 In “Framework educational programme for basic education”.

1. **If equality is guaranteed in law and practice, does this apply in all different types of families?**

Yes ( X ) No ( )

**If yes, please provide any references.**

There is no legal definition of “family” and no definition of a “type” of the family. For example, the social system pays benefits according to financial “background” of the family, not according a “type”.

**Violence within the family and marriage**

1. **Are there any of the following traditional practices in your State?**

( - ) Female Genital Mutilation

( - ) Honour Killings

 ( - ) Son Preference

( - ) Dowry Deaths

( - ) Polygamy

( - ) Prohibition of work or travel without the permission of a guardian

( - ) Other

**If yes, is there legislation prohibiting such practices in your State? Please provide any information on other actions taken to eradicate these practices.**

There is no evidence that the above mentioned traditional practices take place in a greater scale. However, there might be some cases of the FGM or other traditional practices in migrant communities.

1. **Is/are there any anti-domestic violence legislation/regulations in your State?**

Yes ( X ) No ( )

**If yes, please provide any references.**

On 1 January 2007, the law on protection against domestic violence (Act No. 135/2006) came into effect. The law introduced a systemic and comprehensive approach to prevention and protection against domestic violence. It provides for and mainly links procedures of the police, the judiciary and social services at resolving cases of domestic violence. This law enshrined, inter alia, a new entitlement of the Police of the Czech Republic in the form of institutes of expulsion.

1. **Does your State have a legal definition of discrimination which covers gender-based violence or violence against women, which includes domestic violence?**

Yes ( ) No ( X )

1. **Does your State have a national policy to eliminate gender-based violence or violence against women, including domestic violence?**

Yes ( X ) No ( )

The National Action Plan for the Prevention of Domestic Violence for the Years 2011 – 2014 (<http://www.mpsv.cz/files/clanky/12501/NAP_15-04-2011_en.pdf>)

1. **Is marital rape considered a crime in the legislation of your State?**

Yes ( X ) No ( )

1. **Is adultery considered a crime in the legislation of your State? If yes, is it equally punished for men and women? Please provide any references and further explanation.**

Yes ( ) No ( X )

**45. Are there any public campaigns in your State to raise awareness that violence against women and girls is a human rights violation?**

Yes ( X ) No ( )

 **If yes, do they attempt to change the attitudes of men?**

The Ministry of Labour and Social Affairs will launch a broad media campaign focused on gender-based violence (including domestic violence) in 2015. The campaign will be implemented as a part of a project funded by the Norway Grants. One of its goals will be to change the attitude of men towards acceptability of gender-based violence.

**46. What measures have been taken in your State to raise awareness among law enforcement officials regarding violence against women and girls, including domestic violence? Please explain and provide examples.**

There is a regular obligatory training of police officers on the specific issues connected to domestic violence and other forms of gender-based violence cases, including instructions on how to avoid secondary victimization.

There is a regular training (voluntary) for judges and public prosecutors on the specific issues connected to domestic violence and other forms of gender-based violence cases.

**47. Are there special law enforcement units to respond to complaints of violence against women and girls, including domestic violence?**

Yes ( X ) No ( )

  **If yes, do these include female law enforcement officers?**

There are specialized police units in some of the main cities (Brno and Ostrava) for cases of domestic violence. They include both women and men who are intensively trained in sensitive approaches towards victims of domestic violence.

**48. Please provide information on the incidents/complaints of domestic violence, sexual assault including rape, and child abuse against women and girls in your State.**

Since *expelling from common dwellings* has been enshrined in the Czech legislation in 2007, records have been kept on the number of such cases. The data show that so far the peak number of the cases was in 2011 (1,430 cases), showing a downward trend since that time (1,407 cases in 2012 and 1,367 cases in 2013). The prevailing people at risk are women and children – in 2013 the Police identified 1,988 people as those at risk, of which 172 were men, 1,401 women and 415 children. Most frequently, it was violence in marriages (503) and *de facto* relationship (422). The age category of people at the highest risk was the category of 27–40 years (587). In cases of expelling from common dwelings, 773 families with 1,420 minor children were in danger of domestic violence. In 2013, intervention centres were contacted by 3,883 people, of which were 433 men, 3,346 women and 103 children.

Another area in which statistical indicators related to domestic violence can be monitored is the number of crimes of torture of a person living in common dwellings. Similarly as in case of expelling from common dwellings, the occurrence of crime of torture of a person living in common dwellings has been showing a slight decrease in recent years. The number of convicted persons for crime of torture of a person living in common dwellings reached its peak in 2011, when it was 283 people (of which 9 were women). Approximately a quarter of the convicted people were sentenced without probation, when this ratio did not change significantly in 2008–2011.

As far as the crime of rape is concerned, the overwhelming majority of victims of this crime are women (in 2012 women accounted for 98.8% of victims of rape) and rapists were mostly men (there were five women in the total of 404 people prosecuted or investigated in relation to the rape crime in 2012). Since 2012 a moderate decrease in the number of detected cases has been reported.

In 2013 793 cases of sexual abuse of children were reported to the Police of the Czech Republic. In total 579 persons (44 women) were prosecuted in cases of sexual abuse of children. Statistics on gender of victims of sexual abuse of children are not available.

**49. Are there shelters or safe houses for women and girls who are victims of gender-based violence, including domestic violence in your State?**

Yes ( X ) No ( )

**If yes, are these available to women and girls living in rural and remote areas?**

Generally, shelters for victims of gender based violence are mainly available in regional cities. Availability of shelters in rural and remote areas is rather limited.

**Participation in cultural life**

**50. Are men and women equally entitled in law and practice to interpret cultural traditions, values and practices in your State?**

Yes ( X ) No ( )

**If yes, please describe and provide examples.**

The Preamble of the Constitution of the Czech Republic mentions “citizen”, it does not explicitly distinguish between women and men.

(<http://www.psp.cz/cgi-bin/eng/docs/laws/1993/1.html>)

**51. Are there restrictive dress codes for women which do not apply to men? If yes, please describe and provide examples.**

Yes ( ) No ( X )

**52. Are women in the country allowed to be a member and fully participate in cultural and scientific institutions in your State?**

Yes ( X ) No ( )

**If yes, please describe and provide examples.**

According to law, there is no restriction pursuant gender. However, in practice there are some problems with full participation of women in scientific institutions (because of glass ceiling). There is an effort to enhance participation of women in decision-making positions.

**53. Are women entitled in law and practice, independently of their marital status, to decide freely whether or not to participate in certain cultural events, traditions and practices in your State?**

Yes ( X ) No ( )

**If yes, please describe and provide examples.**

There is no difference between women and men. Women can participate (or not) in any events they want to.

**54. Are there any specific actions to recognize and value the contributions of women to culture in your State?**

Yes ( X ) No ( )

**If yes, please describe and provide examples.**

Milada Paulova Award

In 2009 the Ministry of Education, Youth and Sports introduced the Milada Paulova Award, for lifelong achievement in science for women researchers (<http://en.zenyaveda.cz/220-milada-paulova-award/2062-milada-paulova-award/>).

Women and Science

Established in 2001, the National Contact Centre for Women and Science contributes to building gender equality in science and research. It stimulates debates and petitions for measures and steps to eliminate discrimination and gender inequalities in science. (http://en.zenyaveda.cz/about-the-project/2380-who-we-are/).

**55. Do you have data regarding the participation of women in arts, science, sports and in the proportion of public funding allocated to women in these activities?** **If yes, please provide information.**

The data regarding the participation of women in science are available at the website of the Czech Statistical Office: [http://www.czso.cz/csu/2012edicniplan.nsf/t/F0003691B3/$File/141312881.pdf](http://www.czso.cz/csu/2012edicniplan.nsf/t/F0003691B3/%24File/141312881.pdf))

There are no data regarding the participation of women in arts and sports.

**56. Has your State developed any temporary special measures to enhance the participation of women in arts, science, sports and any other cultural activity?**

Yes ( X ) No ( )

**If yes, please provide specific examples of these temporary special measures.**

“FIT fits girls” campaign - The Faculty of Information Technology (FIT) of Brno University of Technology organizes a number of activities for secondary and comprehensive school students. The aim of these activities is to increase their interest in studying information technologies, and to present the types of study at the FIT. A major part of the activities aims at convincing potential students as well as the public that information technologies are an interesting way of life for not only boys and men but also for girls and women.

Similar types of activities enhancing the participation of girls and women in studying technical professions are organized by the Sound Design Department of Film and TV School Academy of Performing Arts in Prague.

For Women in Science programme – in partnership with UNESCO, the For Women in Science program provides support for women researchers on all continents and at different points in their careers.

**57. Are women allowed and encouraged by your State to participate in all sports?**

Yes ( X ) No ( )

**If yes, please describe and provide examples.**

They are allowed. However, there is no particular encouragement for women to participate in all sports. Women do sports “traditionally” attributed to men like football or ice hockey but not at the same scale.

**58. Is any special dress code provided in the legal regulations for all women exercising sports in your State? If yes, please describe and provide examples.**

Yes ( ) No ( X )

**59. Are there any differences in your State in conditions for women’s access to museums, parks, theaters, sports stadiums and other facilities where culture, sports and science are disseminated in comparison with men? If yes, please describe and provide examples.**

Yes ( ) No ( X )

**60. Is your State promoting the participation of women in the arts? If yes, please describe and provide examples.**

Yes ( ) No ( X )

**61. Have there been any cases in your State in last decade of women artists prosecuted for the performance of art, allegedly violating public authority or morals? If yes, please describe.**

Yes ( ) No ( X )

1. Article 16, UN Convention on the Elimination of All Forms of Discrimination against Women, adopted by the UN General Assembly on 18 December 1979 (AG Resolution 34/180) and entered into force on 3 September 1981. [↑](#footnote-ref-1)
2. *Ibid* art. 5. [↑](#footnote-ref-2)
3. Article 1, and 13(c), UN Convention on the Elimination of All Forms of Discrimination against Women, adopted by the UN General Assembly on 18 December 1979 (AG Resolution 34/180) and entered into force on 3 September 1981. [↑](#footnote-ref-3)
4. International Covenant on Economic, Social and Cultural Rights adopted by UN General Assembly resolution 2200A (XXI) of 16 December 1966 and entry into force on 3 January 1976. [↑](#footnote-ref-4)
5. UN Human Rights Committee, General Comment No. 28 on article 3 “Equality of Rights between Men and Women”, adopted on 29 March 2000 (HRI/GEN/1/Rev.9 (Vol. I)). [↑](#footnote-ref-5)