

Concluding comments of the Committee on the Elimination of
Discrimination against Women: Czechoslovakia

Second periodic report

219. The Committee considered the second periodic report of Czechoslovakia (CEDAW/C/13/Add.25) at its 199th meeting, on 27 January 1992. The report contained detailed answers to the questions put by the Committee on the initial report, which was useful. But the report did not clearly reflect the changes that had occurred under specific headings and articles. To that extent, it did not comply with the guidelines of the Committee.

220. According to the report, it was uncertain how the new constitutional changes would affect the status of women in areas such as work, family responsibility, etc. Women currently had a lower level of political participation than previously.

221. There were reports that the system of child care funding had changed, and that that might mean fewer places and higher costs.

222. Women's earnings remained much lower than those of men, and the workforce continued to be segregated, so that there were few women in technical vocations. Studies on time use showed that women continued to bear the greatest burden of domestic work.

223. There had been changes in the abortion law, but it was uncertain whether adequate provision had been made for access to information and services on contraception.

224. In her introductory statement, the Government representative stated that since the submission of the report currently before the Committee, in July 1989, revolutionary political and social changes had taken place in her country. A pluralistic democracy, based on the freedom of each individual and the realistic implementation of his or her rights, had replaced the old regime after its collapse in November 1989. Free elections had been held in June 1990 and the economy was being transformed into a free-market economy. She would therefore present the Committee with the assessment of her Government concerning the second periodic report and describe developments that had taken place since the November 1989 revolution. Also, she would inform the Committee of the policy of the Government regarding the solution of problems of equal rights for women.

225. She stated that the report before the Committee did not reflect the current situation in her country, but was based on the concept of centrally directed management in all spheres of society, including the issue of equal rights for women. That concept had led to optimistic programmes, such as the full employment of women. For ideological reasons, however, in practice, women's problems had not been dealt with systematically by the old regime, except in certain areas, such as the right to work, social security and quotas on women's participation in political life. She stated that that had also led to the detrimentally excessive feminization of some fields, such as education.

She went on to say that the data that had been provided in the report did not reflect the optimistic spirit of the text, and a more complex and objective view of the situation of women in Czechoslovakia would be presented to the Committee in the third periodic report, to be submitted by the end of the year.

226. The representative said that the new developments that had taken place in 1990 and 1991 had occurred with regard to equal human rights for all citizens; to legislation oriented towards equality, abandoning a paternalistic approach to women and families; to the social and economic spheres; and to institutional guarantees. The Federal Ministry of Control had been entrusted with initiating, conceptualizing and coordinating a new approach for dealing with problems concerning the equal status of women. The Convention on the Elimination of All Forms of Discrimination against Women and the Nairobi Forward-looking Strategies, both of which were little known by Government officials or the public, would serve as cornerstones in that regard. Another element was the understanding of the new Government and non-governmental organizations that the true equality of women must go hand-in-hand with the creation of political, social, health, cultural, educational and ecological conditions for comprehensive social development. She added that it was generally accepted by her Government that the social shocks of transition were affecting women much more than men.

227. She went on to state that the transformation of the economy and patterns of social behaviour were giving rise to social uncertainties and to a temporary real decline in the standard of living, leading to expected or existing crisis situations. The permanent attention of governmental and representative bodies would be required to integrate questions of women's equality into that complicated situation.

228. In order to address those issues, the Government had adopted in February 1991 a document entitled "Principles of the policy of the Government of the Czech and Slovak Federal Republic in the sphere of implementation of the rights of women" (resolution No. 120/91). That resolution contained the basic principles which constituted the right framework for facing the needs of women in her country. The principles had been drawn from the experience of other countries, from the work of the Commission on the Status of Women, from international events, as well as from the constitutional law on the International Bill of Human Rights 3/ and the Convention on the Rights of the Child, 4/ which had been ratified by her Government. The adoption of those principles had been preceded by a broad discussion, and several ministries and institutions had participated, both at the level of the Federation and of the two Republics. Initiatives by women's organizations set up after the dissolution of the former "Czechoslovak Union of Women" had also been taken into account. The principles defined the policy of the Governments of the Federation and of the two Republics on legislation, in the socio-economic field, on safety at work, on health insurance, on the participation of women in the management of society, on education (including research work) and with regard to institutions. The representatives said that the principles did not embody, in a concrete form, necessary national (republic) mechanisms, as recommended by the Commission on the Status of Women. She explained that the principles were to be translated into concrete measures in 1992 and 1993 on

the basis of a document already submitted for debate by the Government. That document addressed the issue of competence at the federal and republic levels. It dealt with activities in conjunction with the International Year of the Family, and with a preparatory meeting, which her Government was interested in hosting, for the Fourth World Conference on Women: Action for Equality, Development and Peace. She stated that the complex of measures remained however an open question that would be widely discussed with political parties and non-governmental organizations and would be updated accordingly. She said that matters of equal status of men and women were expected to be reflected in the upcoming pre-election period and the election in June 1992, in particular since women's representation in political bodies was extremely low.

229. The representative then proceeded to provide answers to the questions raised by the Committee.

Articles 1 to 4

230. The Committee noted that the new Constitution was said to guarantee equality and to provide equal access to the courts. It requested information on whether there were specific anti-discrimination laws under which women could have recourse to courts in case of alleged violation of rights, to complain of discrimination.

231. What remedies and enforcement mechanisms were available, and what kind of decisions had been made. The question was asked how the constitutional changes of the previous two years had affected women in politics and in other areas, such as work and family responsibility.

232. The representative informed the Committee that no specific anti-discrimination laws had been introduced in the legal system, nor did the draft of the new Constitution contain such a law. She said that no discriminatory laws existed in the legal system, but that did not mean there was no discrimination de facto. She pointed to two major constitutional changes, the first being the abolition of the leading role of the Communist Party of Czechoslovakia, which implied the loss of power of affiliated organizations, such as the Czechoslovak Union of Women. Since no new women's organizations had been formed prior to the 1989 election, there was no organizational support for women. The second major constitutional change was the adoption of the Charter of Basic Human Rights and Freedoms as an integral part of the Constitution, which guaranteed women an equal position in society.

233. The representative stated that up to September 1990 activities regarding women's rights had been coordinated by the Ministry of Labour and Social Affairs. That was now entrusted to the Deputy Prime Minister. Co-responsibility was assigned to the Minister of Control for working out the policy of the Government in the field of implementation of women's rights, and for the preparation of concrete measures. The Minister, a woman, was the coordinator of all future aims relating to State policy towards women.

234. The representative said that resolution No. 120/91 on the "Principles of the policy of the Government of the Czech and Slovak Federal Republic in the sphere of implementation of the rights of women", referred to above, implied that a federal committee responsible for the issues of women and families was

not going to be established for the time being. She gave as the reason that at the federal level there was competence only in the field of human rights. However, the establishment of such an institution was under consideration. She said that no concrete responsibility had so far been set up in the Czech Republic, but that the Slovak Republic had set up a Governmental Committee on the Woman and the Child. Its activities were only just beginning, so no details were available. It functioned as a coordinating body of the Government and of non-governmental organizations on the basis of honorary membership. The establishment of relevant commissions was under way in the Federal Assembly, the Slovak Republic and the Czech Republic. The representative then referred to a list of tasks within the competence of federal bodies. Since the report before the Committee had been prepared by the old regime, no information on procedures and participation concerning its preparation were available. The representative informed the Committee that 14 women's organizations were registered in Czechoslovakia with varying membership.

235. It was asked to what extent women had been involved in drafting the new Constitution and which organizations were active in supporting the new Constitution.

236. The representative said that women members of Parliament were participating in that drafting. The coordination of women's questions in that process would be the responsibility of the Deputy Prime Minister and the Minister of Control.

237. Information was requested on the roles of the Federal Ministry of Labour and Social Affairs and of the Government Committee on Women in implementing the Convention; and what their sizes and budget were.

238. The Committee wanted to know which organization was responsible for preparing the current report and for disseminating information on the Convention and the work of CEDAW.

239. The representative was asked what effect the work of the Governmental Committee on Women had had on improving the situation of women; what national machinery for the advancement of women had been established as a result of constitutional change; and what governmental departments or agencies were responsible for implementing programmes related to the status and equality of women.

240. She was asked whether reference had been made to the recommendations of the Committee in preparing the report, and which women's organizations had been consulted in that regard. It was also asked how many organizations there were and what their membership was.

Article 5

241. The Committee asked what the new family policy was; what measures there were to combat stereotyped images and stereotyped roles of men and women; what measures were being taken to ensure that fathers took part in child rearing and that domestic work was shared on an equal basis; and which agency was responsible for taking those measures.

242. The representative first referred to the above-mentioned Principles. As to whether the new family policy encouraged women to return to traditional family roles, she stated that it was supposed to have exactly the opposite effect, but that the market economy system might have such an influence because of unemployment. Statistics showed that more than 50 per cent of the unemployed were women. She said that the number of single-income households in the traditional pattern would grow. Currently, that might be the image of success and so might become fashionable. No data referring to the matter were available. She stated that both sexes received the same education, but since the "imperative role" of the State regarding education was gone, girls schools or family schools were emerging. They seemed to be a success and, according to the representative, proved that 40 years of egalitarian education had not changed fully the stereotyped images of men and women. Parental leave and allowance were accorded under the same rules to both parents, but it seemed that specific education was needed in order that fathers also would be willing to use parental leave.

Violence against women (articles 2, 5, 11, 12 and 16)

243. Violence against women was not identified as an issue needing special attention. It was treated as an offence under the general criminal law.

244. In answer to whether it was planned to introduce special laws and protective measures for women, the representative stated that unfortunately it was not.

Articles 7 and 8

245. The Committee noted that the number of women in Parliament and in the ministries appeared to have been reduced from 10 per cent in 1987 to 6 per cent in 1990, and that there were no women in ministerial positions. It asked what measures were being taken to encourage greater participation e.g. temporary special measures.

246. The representative answered that approximately 10 per cent of the members in the three parliaments were women, and that the speaker of the Czech Parliament was a woman. Each of the three Governments had one woman minister. She said that it was currently not possible to use temporary special measures, as they had been used by the previous regime and were thus currently very unpopular.

247. In answer to queries on women's organizations, she mentioned the Zonta Organization and the Organization of Women Entrepreneurs, and said that the old Czechoslovak Union of Women was being restructured. Currently, 14 women's organizations were registered. No details on their work were so far available.

248. Information on women's activities in political parties, trade unions and other political organizations would be provided in the third periodic report. She added that currently there were 6 women ambassadors out of a total of 65 (9.2 per cent). They served in such important posts as Australia, Austria and the United States of America. The diplomatic corps had 19 women members out of 400 (about 5 per cent). Women in the three parliaments accounted for between 8 and 12 per cent, and women heads of departments accounted for between 10 and 60 per cent. In the Ministry for Foreign Affairs, for example, five directors of departments were women (16.7 per cent). In the Czech

Ministry of Privatization, 60 per cent of the leading positions were held by women.

Article 10

249. The Committee noted that the initial report mentioned the high proportion of women in higher education and in the professions. It also referred to special provisions for working women and mothers to study. While women had access to higher education and to the professions, few women underwent vocational training in the technical areas. It was asked whether there were measures to change that and to ensure that women had full and equal opportunity in all fields of employment.

250. The representative explained that the old Communist regime had sent men into the production process as soon as possible, which left a higher percentage of women in higher education. That phenomenon was now disappearing. Reasons for the low numbers of women in technical areas included hard physical labour and the past under-estimation of intellectual work and higher salaries in technical fields that attracted men and made areas such as education (where feminization is 71.3 per cent), medicine, justice, science and state departments less attractive to men. Those areas were more flexible than the production sphere and thereby more attractive to women.

251. On other questions, she referred to the traditional division of family responsibilities. In some 90 per cent of all couples, the wife took maternity leave. Most women did not return to their previous posts because they could not assume the dual responsibility of full-time parenting and full-time employment. Under the socialist system, cheap and universally accessible child care had existed, but it was of low quality. The new market economy seemed to have improved the quality, but it was becoming financially inaccessible for many. As the number of single-income families was likely to increase, most likely the income would be the husband's. The general population welcomed that new development, and women saw it as the "freedom to choose", since that way of life had been inaccessible in the past. On another question the representative replied that although de jure an equal right to education existed, the gypsies received a much lower level of education. Efforts were under way to remedy that. Efforts were also under way to integrate disabled students into regular classes.

Article 11

252. It was said in the initial report that women's wages were lower (69 per cent of men's) because they performed less skilled work. It was also recognized that women's special skills, e.g. dexterity, were not always reflected in pay, and that men's greater mobility enabled them to earn more in construction. Information was requested on what was being done to implement the Committee's recommendation on equal pay and job evaluation and on the current rate of unemployment for women: whether it was disproportionate to men's unemployment and whether any particular age groups were especially affected.

253. Other questions raised were whether many women were discouraged from entering the employment market, because of lack of skills training and child care; what plans there were to end segregation in the labour market and to

eliminate distinctions, which precluded women from certain sectors; and what the current position was on funding nurseries for working parents. It was asked whether all women who needed to do so could have access to such nurseries.

254. The second periodic report had identified lack of leisure for women as a problem. It was asked what further action was planned to overcome that.

255. The representative answered that no concrete measures had been adopted. Legislative measures guaranteed the right to equal wages, but problems arose in its implementation. Of the total number of unemployed, from 55 to 65 per cent were women, with the highest proportion in Prague. Unemployment affected mainly graduates, and tax measures sought to stimulate their employment. More than 80 per cent of the women in their productive years were employed. The transition to a market economy was changing that percentage. An evaluation of measures taken in that regard would be presented in the third periodic report. Remuneration was based on a wage scale which was unfavourable to women. The criteria that defined the exacting character of the labour and established that hard physical labour was better paid held true in State enterprises. No data on private enterprises were available. Parental leave had been extended to fathers in 1987, but fathers using it were still the exception as society considered it unusual, strange and even humiliating for men. A new law was currently in effect concerning maternity allowance, establishing that both parents were entitled to it for the first three years of the child's life. Currently, the allowance amounted to 900 Koruny per month. That was in line with the new family policy, but the social climate needed to be changed in order to provide both partners with the same opportunities to choose. Many nurseries had had to close down, and the situation was in flux. Data might become available later in the year.

256. The report stated that International Labour Organisation (ILO) Convention 89 on night-work and other provisions prohibiting certain work for women were to be reviewed in 1988.

257. Several questions on this issue were answered by the representative. The Government was ready to submit ILO Convention No. 89 to Parliament for ratification. The new Labour Code, which should be in force by 1 January 1993, should satisfy the provisions of that Convention. Nothing had changed with regard to social benefits. Women were treated as individuals with certain exceptions (soldiers' wives could benefit from a special allowance). Unemployed women were treated in the same way as men. Concerning the informal sector, she stated that it had not existed in the socialist economy, except for the black market. Services provided by women had included cleaning, babysitting, sewing, gardening and the selling of products. The private sector had appeared only two years ago. It was currently very difficult even to classify the informal sector.

Article 12

258. The representative was asked how unemployed women would be affected by changes in the funding of health care, of which employers were to bear a portion of the cost. It was stated that cases of AIDS had been reported and she was asked what preventive and educational measures were being taken that were directed to women.

259. She stated that the participation of clients in the costs of health-care services was not being considered for the next year. Complete coverage was still provided by the State. More details would be provided in the third periodic report. Information on AIDS should be provided in schools. An AIDS prevention information campaign had also recently been started by the Ministry of Health Care. No measures specifically addressed to women had been taken. As of November 1991, there had been 25 cases of AIDS, and 128 cases of HIV positive, among them 9 women. The national family policy referred basically to parental leave and allowances, tax policy and social security measures. More information would be presented in the third periodic report. Contraceptive means had become more accessible in terms of availability, not in terms of affordability. The fertility rate had been stable for the last five years.

260. The report mentioned a national family policy. Information was requested on that. Also, there had been moves to alter the abortion laws and to reduce the high number of abortions. The Committee asked whether adequate provisions had been made for sex education and family planning and contraception to offset the greater difficulty and cost of abortion, and whether those measures had had any effect on the fertility rate.

Article 16

261. In the initial report it was said that the property of husband and wife was shared equally on divorce, and that women's domestic contribution was given equal value. Examples of illustrative court decisions were requested. It was asked if there were any studies to evaluate the value of women's unpaid domestic work.

262. The representative stated that upon divorce, the allowance to be paid by the parent who did not take the children consisted of two parts, namely, for the upkeep and education of the children and for the care itself. Property acquired during marriage was divided equally upon divorce. No studies had been conducted to evaluate the value of unpaid domestic work.

263. Members of the Committee congratulated the representative on the candid comments and thanked her for the clear and informative answers and remarks provided. They wished her success in her future endeavours.

264. Members then asked a number of additional questions. One member asked how the Government assessed the major qualitative changes of recent years, and whether they had helped women. She inquired about the tendency of divorce rates and suggested that the Government should assess the role of women's organizations in the changing society. Many members referred to the lack of a national machinery for women. It was said that such machinery was very much needed, one reason being to avoid the danger of a backlash concerning women's role and status, which, it was feared, was emerging in areas such as part-time work or with women staying at home, and the dangers that might stem from the new family policy. It was said that national machinery for women, not for women and the family, was absolutely necessary, and the representative was wholeheartedly advised that there was a need for such machinery. One expert suggested that the women's movement could be the basis for such machinery and that it should have channels to reach the authorities and those in power, so as to have proper influence on the decision-making process. It was also noted

that women seemed to be seen as part of the family, which was considered to be a basic conceptual problem. Women were beings in their own right, it was said, and the family was only one part of their being. A choice had to be made whether to see men and women as individuals or as members of families. That choice had repercussions on tax, employment and social security policies. One expert said her country had the chance to start afresh. She suggested introducing equality officers in unemployment agencies to break through tradition and to overcome stereotyped thinking. It was further pointed out that without the establishment of quotas or numerical goals it was very difficult for women to obtain their fair share. One expert noticed a passive attitude on the part of women and the authorities in dealing with issues. She referred to the existence of 14 women's organizations and to the lack of clarity regarding their programmes, as well as to the absence of a definition of discrimination in the law.

265. With women's professional future in danger due to the changing economy, one expert wondered why they were not getting organized. It was also asked what kind of collaborative retraining efforts were under way for women who were losing their jobs in the transitional economy. The question was raised whether women were aware and able to take advantage of the emerging market economy: whether they could become businesswomen and if there was enough government support; and whether they were ready to take the initiative in the small and medium-sized enterprise sector. Concern was expressed on the closing of nurseries and the impact that had had on working women, in particular also regarding young women and their career possibilities. Clarification was sought on the informal sector. It was conceded that it was not easy to deal with a situation of transition. The fact had to be faced that transition affected women in particular. The representative was asked how the Government planned to assist women in that difficult situation.

266. Some members asked whether there had been an increase in prostitution. Members requested clarification on the legality of abortion. The question was also raised as to who prescribed contraceptives, whether they were free and how women obtained access to contraceptive means. Several experts reminded the representative of their concern on the issue of violence against women. It was asked whether forced sterilization of gypsies occurred. Clarification was sought on the role and functions of the Ministry of Control.

267. The representative stated that women in her country did not know what problems they were facing. There was no pressure from society to take certain steps. Problems were many and manifold. She thanked the members for their comments.