



The EU Mutual Learning Programme in Gender Equality

Preventing sexual harassment


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Combatting sexual harassment in the Czech Republic

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Abstract

Sexual harassment in the Czech Republic is a pending issue due to several factors, among which are the high level of latency, the lack of available data in all relevant areas, the general backlash against gender equality and sexual harassment in the mainstream media, as well as among politicians and prominent public figures. The public discussion has increased in the past few years, mostly because of the Czech's own #MeToo in the highest politics, which has brought to light further cases of sexual harassment and gender-based violence in other areas of our society. However, the Czech Republic still lacks sufficient cooperation and coordination among all the relevant actors from the public and the private sector and NGOs, as well as a complex approach to sexual education. Both of these areas – cooperation and coordination, and sexual education in the Netherlands and in Denmark can be a great source of inspiration for combatting sexual harassment in the Czech Republic.

1. Institutional and legislative context of sexual harassment

Studies in the Czech Republic have shown that sexual violence and sexual harassment are pending issues. While 600 cases of rape are reported every year, the actual number of committed rapes is likely around 12 000. Almost 55 % of women over 18 have experienced some form of sexual violence and/or harassment at least once in their life.¹ Sexual harassment is present in public transport², where one in three women has experienced it, at universities³, in the workplace⁴ as well as in public⁵. The chief problems surrounding sexual harassment are the high level of

¹ One in two women has experienced some form of sexual violence/harassment, Profem, 2021. Available [here](#).

² Sexual harassment in public transport, Office of the Government of the Czech Republic, 2021. Available [here](#).

³ Pavlík, Petr; Smetáčková, Irena, 2011. *Sexual Harassment at Universities: Definition, Methodology, Research Results*.

⁴ Křížková, Alena, 2006. *Sexualizovaná realita pracovních vztahů: analýza sexuálního obtěžování v České republice*. Praha: Sociologický ústav Akademie věd ČR. Available [here](#).

⁵ Research of L'Oréal Paris from 2022 realised in cooperation with IPSOS: „International Survey on Sexual Harassment in Public Spaces“, available [here](#).

latency⁶, the lack of available data in all relevant areas, alongside the backlash against gender equality and the discussion about sexual harassment in the mainstream media as well as among politicians and prominent public figures⁷.

Under the Czech legislature, sexual harassment constitutes a form of discrimination prohibited under the Anti-Discrimination Act⁸, which was passed to transpose the Equal treatment directive, rather than with a concern for equality.⁹ Moreover, the Labour code establishes that the employer shall ensure equal treatment of all employees, including prohibition of discrimination in the form of sexual harassment. If breaching the provisions, the employer can be fined by the Labour Inspectorate. However, the jurisprudence of the Czech courts in relation to sexual harassment in the workplace is very scarce. This also applies to gender discrimination jurisprudence in general. For example, only three cases of discrimination in the workplace on the grounds of sex were being resolved by the Czech courts between 2015 - 2017.¹⁰

Serious acts which could also constitute sexual violence such as rape and sexual coercion are criminal offenses.¹¹ The current definition of rape in Czech legislative is problematic, as it is based on the use of or threat of violence, and not on the lack of consent.¹² There are ongoing discussions and efforts to redefine the definition, so that it would include consent and criminalise the lack of thereof.¹³ The criminal code is accompanied by the Act on the Protection of Victims of Crime (also a transposition of EU law - the Victim's rights directive) which aims at the elimination of secondary victimisation. Effective January 2022, victims of rape (and domestic violence) are considered particularly vulnerable victims.

Sexual harassment in the workplace can and is also addressed in complaints to the Public Defender of Rights.¹⁴ The Public Defender of Rights does not deliver binding decisions and has limited possibilities in relation to collection of proof; however, his or her findings provide a useful insight into the extent and forms of sexual harassment and can be used in judicial proceedings. Unfortunately, the incumbent Public Defender of Rights Stanislav Křeček is a controversial person, voicing racist opinions¹⁵, who has just recently removed all agenda from his deputy which has led

⁶ Action Plan for the Prevention of Domestic and Gender-based Violence for 2019 – 2022, Office of the Government of the Czech Republic. Available [here](#).

⁷ For example former minister of justice Daniela Kovářová, who focused part of her lecture at the Faculty of Law of Charles University in Prague on [the negative aspects of women's emancipation](#).

⁸ Act No.198/2009 Coll., Antidiscrimination Act.

⁹ Havelková, Barbara, 2017. *Gender equality in law: uncovering the legacies of Czech State socialism*. Oxford: Hart Publishing. Human rights law in perspective, p. 229.

¹⁰ Havelková, Barbara, 2017.

¹¹ Act No. 40/2009 Coll., Criminal Code, § 185, § 186.

¹² Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA-.

¹³ Active in the initiative is for example [the Czech Amnesty International](#) or [Konsent](#).

¹⁴ Complainants shall first contact the Czech labour inspection before filing a complaint to the PDR.

¹⁵ "European Commission: Czech ombudsman's discriminatory remarks are of serious concern, we will take action." Available [here](#).

to her resignation. As a result, the whole office has been weakened and we cannot rely on it for any progress.

On the governmental level, the institutional support of gender equality in general and prevention of gender based violence in particular is coordinated by the Government Council for Gender Equality.¹⁶ It adopts a long-term strategy for gender equality; the current strategy in place is adopted for the period of 2021-2030.¹⁷ Furthermore, the Government Council for Gender Equality in cooperation with its Committee for Prevention of Domestic Violence and Violence against Women regularly prepare and monitor the Action Plan for the Prevention of Domestic and Gender-based Violence.

On the Parliamentary level, the Chamber of Deputies set up a sub-committee for domestic violence and sexual violence in 2022. Due to its recent foundation (following the elections in 2021), results of its activities are yet to be seen.

Further institutional support is provided by the National Contact Centre for Gender and Science (NKC), a research department at the Czech Academy of Sciences, focusing specifically on gender sociology of science, feminist science and technology studies, as well as gender equality in research. NKC provides qualitative research, studies and analyses, but also advisory services to public administration and support to research and higher education institutions implementing institutional change for gender equality. NKC is a member of the international project UniSAFE, focused on research and prevention of gender-based violence at universities and research organisations.¹⁸

Support is also coming from the NGO sector and independent initiatives. One of the most active in prevention of sexual harassment is “Konsent”, an NGO focused on sexual education, pointing out the importance of consent and prevention of sexual harassment at high schools and universities as well as private companies.¹⁹

1.1 Reflection on the Czech #MeToo

Despite the initial non-existence of a true MeToo movement accompanied by a backlash against the idea of #MeToo²⁰, in 2021 the Czech Republic had its own high-profile cases of sexual violence and sexual harassment. Those included mainly cases from the field of higher education, but also from the fields of medicine and sports, which has definitely helped to reignite the conversation about sexual violence, sexual harassment and consent in general. One of these high-profile cases concerned the youngest member of the Parliament, Dominik Feri, who was accused of attempted sexual coercion and rape. The testimonies of multiple survivors of sexual violence were brought up in cooperation of two independent news media. Shortly after the

¹⁶ The Council was established by Government Resolution No. 1033 of 10 October 2001.

¹⁷ Gender Equality Strategy for 2021 - 2030, Office of the Government of the Czech Republic, available [here](#).

¹⁸ <https://genderaveda.cz/en/>

¹⁹ <https://konsent.cz>

²⁰ OEL, Ann M. a David B. OPPENHEIMER, ed., 2020. *The Global #MeTooMovement*. USA: Full Court Press, available [here](#).

investigative report was published, MP Dominik Feri resigned from the Parliament and left his political party. He is currently being prosecuted for rape. The case is closely followed by the media and professionals and the decision of the court may set a benchmark for how seriously the abuse of power and sexual violence shall be condemned in our society. It has also helped to push forward the conversation about the low sentences imposed for sexual crimes - in the Czech Republic, every second perpetrator of rape receives a suspended sentence.²¹

Multiple other cases have been brought to light, including numerous occasions of sexual harassment at different Czech universities and a case of sexual harassment and sexual abuse and violence committed by doctor Jan Cimický, a well renowned psychiatrist accused of abusing his own patients.²²

1.2 Education system

The efforts to push forward sexual education in the Czech educational system were the strongest around 2010, when the ministers of education Liška and his successor Dobeš tried to push forward sexual education in the framework education programmes. Despite their attempts, the ministers were faced with resistance, among others from initiatives focused on anti-gender and anti LGBTQ+ agenda and were subsequently forced to pull back. Current studies show that students have been getting their information about sex and sexual education mostly from the internet or their peers, while school was - for most of them - the last resource of information. Some students said they did not get any information related to sexual education from their schools at all.²³

Education in the prevention of domestic and gender-based violence (including sexual harassment), which presents an important part of sexual education at primary and secondary schools is laid down in the Action Plan for the Prevention of Domestic and Gender-based Violence, adopted on the governmental level. More importantly, sexual education in the Czech Republic is also specifically laid down in the framework education programmes of the Ministry of Education, Youth and Sports.²⁴

However, the provisions of the framework education programmes remain rather vague and therefore the implementation remains upon the discretion of individual schools. While it gives some of the schools space to implement it rather openly, it allows for the rest not to implement it at all. Moreover, the concepts in the framework education programmes are still mostly focused on reproductive biology or prevention of sexually transmitted diseases, as noted in the report from the Netherlands, while the issues of prevention of sexual harassment or consent remain mostly neglected.

²¹ Data from the programme “*How we punish*” available [here](#).

²² “*Anatomy of sexual abuse in the office. She left Cimický with even more stress, yet she kept coming back*”, available [here](#).

²³ Survey Report - Sex Education in Secondary Schools, Czech Secondary Schools Union, 2020. Available [here](#).

²⁴ Framework education programmes of the Ministry of Education, Youth and Sports. Available [here](#).

With regard to higher education, universities are obliged to report to the Ministry of Education, Youth and Sports in its annual report whether or not they address sexual harassment and if they have procedures in place to address sexual harassment (with references to specific internal regulations, documents or information).²⁵ Moreover, the topic of 'ethical principles in the university environment, including measures against discrimination against different groups of people and sexual harassment; raising awareness about the relevance of gender issues among students and staff' was selected among the priorities of the Ministry, for which the Ministry will provide funding to the universities.²⁶

2. Good practice examples

In the area of sexual harassment prevention, some of the good practices that can be pointed out are the following:

National Contact Centre for Gender and Science

- Community for change: a community of individuals as well as institutions among research organisations and universities, who are committed to gender equality promotion, including prevention of sexual harassment. Within the community, NKC provides expert consultations, good practice examples and regular newsletters and organises conferences and workshops on various topics, allowing its members to network and connect as well as providing them with up-to-date knowhow.
- Learning modules: NKC prepares online and free learning modules on topics related to gender equality (gender-based violence and sexual harassment module will be available at the end of 2022/beginning of 2023), accredited by the Ministry of Education. Modules are available to anyone interested in the particular topic, but mostly are recommended for persons responsible for the agenda within the institution, so they can get a certification and provide further support within their institution on a train the trainers basis.

Konsent (NGO)

Konsent prepares methodologies which are freely available for schools and teachers, providing guidelines on how to communicate and teach children and young adults about consent and prevention of sexual harassment.²⁷

Universities

Following the recent numerous cases of gender-based violence and sexual harassment, universities have started to appoint ombudspersons responsible for investigation of complaints from employees and students, including complaints concerning sexual harassment, recommendations of respective actions and

²⁵ Outline of the annual university's report, 2021. Ministry of Education, Youth and Sports. Available [here](#).

²⁶ Centralised Development Programme for Public Universities for 2023 available [here](#).

²⁷ The methodology available [here](#).

coordination, methodological, preventive and educational activities. The university ombudspersons are planning to create a professional organisation and one of the more prominent ombudspersons was recently elected as a board member of the European network of ombudspersons in higher education, which could help with bringing international expertise to the Czech Republic. The ENOHE annual conference will be held in Prague in 2023.

3. Transferability aspects and lessons learnt

Data collection

The problem in the Czech Republic, among others, is the lack of regular data on prevalence. The inspiration here can come from the Netherlands, where regular studies are being conducted on sexual health. However, the potential issue could be the motivation of people to participate given the lack of sensitivity towards the issue.

Cooperation and coordination

Closer cooperation and overall coordination of gender-based violence and sexual harassment agenda is something that could be very beneficial for the Czech environment. Inspiration can come from the Dutch cooperation between health professionals, the police and social workers in the Centres of Sexual Violence. Sharing relevant knowledge and experiences with different aspects of sexual violence could help increase the sensitivity towards the issue as well as facilitate the finding of more effective and practical solutions. The issue here can be the lack of capacities – both personal and financial. Such initiative would most likely need institutional and/or other financial support. Similar level of cooperation that could serve as an inspiration is the Danish Alliance against sexual harassment. Unfortunately, the tripartite negotiations in the Czech Republic omit the issues of sexual harassment and therefore it cannot be relied on the employee associations to push the topic within the negotiations.

The Dutch organisation “Emancipator” is another example of cooperation which could be further implemented on a national level, especially when it comes to internal capacity building as well as capacity building of independent professionals. Men are important actors of change and should be included in the process as well.

Education

Important lesson and inspiration is the emphasis on sexual education in both the Netherlands and in Denmark. The importance of mandatory sexual education at schools and regular data-collection on sexual harassment is clear. It would be beneficial for the Czech Republic to focus on a systematic approach towards sexual education, which is now rather weak and often responsibility of the NGOs. On a positive note, the Czech Republic has implemented a system for the universities to report to the Ministry of Education, Youth and Sports whether or not they address sexual harassment and if they have procedures in place to address sexual harassment.

Politics

The topic of women's position, discrimination and unfair treatment in politics has been a subject of discussion in the recent years, mostly pushed forward by independent initiatives and NGOs, very occasionally by the politicians themselves. It would be beneficial to conduct studies on sexual harassment in politics as well as within the political parties in order to collect data and open up the discussion about different displays of sexual harassment and potential solutions.

4. Recommendations within the Czech context

- Encourage and strengthen the discussion about sexual harassment within education with the Ministry Education as well as other relevant stakeholders. This could help provide institutional support and prevention of sexual harassment within the larger scope of sexual education system on a national level, as is the case in the Netherlands and as a result making sexuality education mandatory in primary and secondary schools.
- Educate the general public about the role of bystanders and the ways they can react when witnessing sexual harassment. Given that in the Czech society the prevailing atmosphere is rather to restrain from action when it comes to sexual harassment, inspiration from abroad about the proactive role of bystanders could help change the cultural patterns.
- Sufficient funding for institutions and organisations focused on prevention of sexual harassment.
- Focus closely on sexual harassment on the streets, which is a serious form of sexual harassment with high level of prevalence - data show that more than 77 % of women have already experienced street harassment.²⁸
- Adopting intersectional approach towards sexual harassment in the Czech context as well as within the EU context in order to prevent the risk of multiple discrimination and sexual harassment.

²⁸ Research of L'Oréal Paris from 2022 conducted in cooperation with IPSOS: „International Survey on Sexual Harassment in Public Spaces“, available [here](#).