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Exchange of good practices on gender equality

Implementation of gender mainstreaming

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Gender mainstreaming in the Czech Republic

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1. Introduction

One of the main preconditions for the Czech Republic's accession to the EU in 2004 was the implementation of the directives of the *Acquis communautaire*.¹ The Czech government did not start any equal opportunity initiatives until 1998 when the EU held detailed meetings on equal opportunity policy with the accessing countries. April 1998 brought an abrupt shift when an interim Czech government passed a resolution on the "Priorities and Procedures of the Government for Promoting Equal Opportunities for Women and Men in the Czech Republic" (hereafter Priorities). The gender equality goals in this document corresponded to EU equal treatment directives and the UN's Beijing Platform. The resolution bound the Czech Ministry of Labour and Social Affairs to an annual review of its progress toward meeting these goals, and although it was not a law with direct bearing on citizens, for the first time the resolution established a mechanism to facilitate the future creation of equal treatment laws and their enforcement.

1.1. Gender equality infrastructure and its development

The gender equality infrastructure in the Czech Republic consists of a) the Government Council for Equal Opportunities for Women and Men (Council) founded in 2001; b) the "gender focal points" created in 2002 which is a part-time job that is on the agenda of equal opportunities in each ministry; and c) by the Ombudsman's office since 2009.

Since 2007 there were many changes in the institutional setting of the Council. Since January 1, 2008 the agenda of equal opportunities for women and men is no longer coordinated by the Ministry of Employment and Social Affairs, but by the Ministry for Human Rights and National Minorities, which meant moving this agenda item under the government administration. At the same time a secretariat of the Government Council for Equal Opportunities for Women and Men has been created as a part of the government administration. Later, the Ministry for Human Rights and National Minorities was abolished and reduced to a function of the Government Commissioner for Human Rights under the government administration. The Council meets about three times a year, it does not have any decision power, and it is only one of the advisory bodies of the government. In 2009 four specialised committees were created under the Council:

- The Committee for the prevention of domestic violence and violence against women,

¹ The Czech Republic submitted its official application to the EU in 1996 but the process of gender equality legislation harmonisation did not start before 1998.

- The Committee for the reconciliation of professional, private and family life,
- The Committee for a balanced representation of women and men in politics,
- The Committee for the institutional coverage of equal opportunities for women and men.

With respect to ensuring gender mainstreaming policy at individual ministries, all ministries were charged with establishing one position (at least half of a full-time equivalent) for a so-called “gender focal point” employee as of January 1, 2002. The introduction of this institution into practice was not approached properly and the results of its work testify to this. The agenda of the “gender focal point” has often been attached to the agenda of human resources at each respective ministry. This resulted in ambiguity about the employee’s function and the work activities of the person occupying this position. The goal of the position is to promote gender equality throughout ministerial departments, but sometimes it is (and especially at the start it was) mistaken for gender equality only at the ministry as a workplace.

In 2009, with the implementation of the Antidiscrimination Act (ADA), the agenda of the Ombudsman has been extended to act as an equality body. Women and men who have been victims of discrimination are able to refer to the Ombudsman, and it is expected that the work of this office in the longer term will lead to supporting the work of other institutions responsible for protection against discrimination, especially labour inspectorates and offices.²

The Committee of the Czech-Moravian Confederation of Trade Unions for Equal Opportunities for Women and Men also operates at the central national level with members from each trade union. This committee focuses on working conditions, equality in wages, equal opportunities for women and men in access to employment and gender stereotypes.

No regional infrastructure for gender mainstreaming exists in the Czech Republic; the only infrastructure is on the central governmental level.

1.2. Policy context and summary of missing elements relevant to the good practices under review

The Priorities is a political document containing tasks for every ministry to fulfil during the respective year. **The fundamental problem with this policy instrument is that it is not binding for the actors** (for example ministers). **Therefore, the policy is very far from the Belgian good practice: a federal law on gender mainstreaming.** The tasks in the Priorities are defined very generally and do not change each year. The Priorities do not necessarily contain new policies nor oblige the actors to develop strategies. But rather, it generally defines priority areas and tasks are formulated in terms of analysis requests, monitoring and the general promotion of equality, etc.

There is a fundamental lack of infrastructure for gender equality policy especially because no institutions and policies exist on a regional level. The existing infrastructure is lacking cooperation, coordination and systematic training. Also, the other essential

² Souhrnná zpráva o plnění Priorit a postupů vlády při prosazování rovných příležitostí pro ženy a muže v roce 2009. (available at: <http://www.vlada.cz/assets/ppov/zmocnenec-vlady-pro-lidska-prava/rovne-prilezitosti-zen-a-muzu/dokumenty/Zprava-za-rok-2009.pdf> last accessed the 30th April 2011)

elements for the implementation of gender mainstreaming that result from the good practices described, especially present in the Swedish good practice, are missing in the Czech Republic. These are: widespread political agreement on the importance of gender equality (or theory), systematic gender disaggregated statistics, funding for infrastructure on all levels (not only governmental), legislation for gender mainstreaming, training and the education of politicians and policy makers in gender equality.

2. Transferability issues

It is possible to assess the transferability of the good practices of Belgium and Sweden to the Czech Republic based on two examples of attempts to institutionalise gender equality policy/mainstreaming in the country.

2.1. Legal approach: Law on gender mainstreaming (Belgium)

In July 2009 the Czech Republic finally passed the Antidiscrimination Act (ADA), which had already been referred to in the Labour Code since 2006. After very critical discussions, the Act was finally approved in 2008 by the Parliament of the Czech Republic, but it was vetoed by the president. Subsequently Parliament outvoted the presidential veto. The lack of this piece of vital legislation during the 2006-2009 period meant that protection against discrimination was entirely inadequate. The Czech Republic did not meet the European standard and was lacking protection against discrimination on the basis of gender and additional characteristics affecting access not just to the labour market but also to services, etc.³

The reasoning for the approval of the ADA, some debates around it and the reasoning of the President of the Czech Republic for the dismissal of the ADA can give us clues to the transferability of the Belgian good practice to the Czech Republic.

After the ADA was approved by the Parliament of the Czech Republic, the Senate approved it with a resolution: "The Senate considers the anti-discrimination law for the implementation of requirements arising from European law since the Czech Republic is threatened with sanctions. However the Senate does not identify with the nature of its standards, which interferes in an artificial way with the natural development and cultural diversity of Member States and the requirement of equality with regards to the outcome of this law supersedes the principle of freedom of choice."

Afterward, the President of the Czech Republic Vaclav Klaus learned from this resolution when he rationalises his decision to veto the ADA as follows: "I consider the law unnecessary, counterproductive and poor, and its impact to be very problematic." According to the President's resolution, "The Czech Republic does not discriminate against anyone; ...the law entitles citizens to equal treatment in civil law relations, which is by definition impossible; ...it substantially interferes with a region that has been in Europe for centuries and is shaped by customary principles and ethical

³ The first draft of the Antidiscrimination law was prepared and discussed in the Czech Parliament in 2004. The draft law implemented Article 21 of the Charter, directive 76/207/EEC as amended by directive 2002/73/EC, directives 75/117/EEC, 79/7/EEC, 86/378/EEC (as amended by 96/97/EC), 86/613/EEC, 97/80/EC, 2000/43/EC and 2000/78/EC. In 2009, the Czech Republic was the last member state of the EU where it was not possible to obtain effective protection against discrimination, although the Czech Republic should have already adopted the anti-discrimination law before its entry into the EU.

principles.” Klaus explains further that this legal norm tries “to legislate good behaviour” and the law states that good behaviour must be maintained primarily by law, rather than by education in the family, and generally accepted and unwritten patterns of normal behaviour in our society, natural patterns, habits, etc. He notes that the ADA is another attempt to regulate human life by law. The philosophy of the ADA denies the fact that everyone is a completely unique collection of congenital and learnt capabilities, characteristics and assumptions. The law denies that we can expect different success, diligence and efficiency from each person, as well as different behaviour. The ADA act seeks to remove inequality, which Klaus claims is a natural phenomenon.⁴

There are two main transferability constraints evident from this reasoning:

- **Missing a basic understanding of equality as a shared value** (knowledge) which is, among others, a conclusion of **lacking education and training** in gender equality issues;
- **Gender culture**, characterised by traditional attitudes, neo-liberal values and the idea of free choice and a free market; a gender culture that **confuses equal treatment for gender blindness**.

2.2. Systematic integration: gender equality perspective in all policy areas (Sweden)

In 2002 the PHARE twinning project “Improving the Public Institutional Mechanism for the Application, Promotion, and Control of Equal Treatment of Men and Women” was launched. The Czech Republic’s partner country in this project was Sweden. The project was aimed at designing the optimal model of the institutional structure for the introduction of, enforcement, and monitoring of the promotion of equal opportunities for women and men.

The project produced a number of recommendations for improving institutional provisions aimed at gender equality in the Czech Republic:

- 1) The government shall demonstrate its political will by issuing a “mission statement”, which would define equality of women and men and the exact goals of the government in this area.
- 2) The government shall appoint a minister for gender equality. This function could be assigned to an already appointed minister, who is responsible for the majority of aspects of equality, for example, the minister responsible for labour and social affairs.
- 3) The Ministry of Labour and Social Affairs shall change its name to the Ministry of Labour, Equality of Women and Men, and Social Affairs.
- 4) The government shall prepare and submit a bill to parliament requiring that official statistics relating to individuals be differentiated for women and men.
- 5) The government shall issue a regulation requiring that all materials submitted to the government contain analyses from the perspectives of women and men, including statistics broken down by gender.

⁴ Prezident Václav Klaus: Antidiskriminační zákon je špatný, published on May 16, 2008 at Europortál (available at: <http://euportal.parlamentnilisty.cz/Articles/2738-prezident-vaclav-klaus-vetoval-antidiskriminacni-zakon.aspx> last accessed the 28th April 2011).

The Czech Republic essentially ignored most of these recommendations. Only the second recommendation was partly implemented with the establishment of the position of the Government Commissioner for Human Rights under the government administration (See Chapter 1.1.).

The Swedish recommendations from the twinning project well represent the complex approach to gender mainstreaming presented in the Swedish good practice: the Act on Official Statistics and the Act on Gender Mainstreaming, a broad political agreement on the issue, the strategy for gender mainstreaming and clear objectives shared by dedicated actors on all political levels. Here the main constraint for implementation of these recommendations and for the transferability of the Swedish good practice to the Czech Republic is the **missing political will and missing the commitment and cooperation of actors.**

In post-1989 development, the values of emancipation and equality were widely refused as **“the legacy of the Communist political system”**. In that period (1948-1989) the emancipation of women was promoted from the top political level and the lived practice (of gender inequalities and unavailable services) contrasted with the ideology. After 1989 the rejection of Communism labelled efforts to promote gender equality as an import of Western feminism hostile to men. As a consequence **gender equality and any strategy with this goal is considered as something coming either from the past, from the top or from outside, therefore “unnatural”, foreign and external to Czech society.**

3. Policy debate

In the Czech Republic, there is no political agreement on gender equality policy needs, nor is the need for all government activities and policies to be informed from an equality perspective present. Gender mainstreaming is not a part of the political process in the Czech Republic, neither at the central nor the regional level.

In 2010 a new gender specific initiative favouring gender equality appeared in the area of linguistics and education. A handbook called “The Culture of Gender-Balanced Expression”⁵ was written by three experts in gender linguistics and was supported by and published on the webpage of the Ministry of Education, Youth and Sports. This handbook presented suggestions and advice for those who are interested in how to express themselves more gender appropriately. Even though this initiative did not bring new policies or binding measures it triggered a wave of negative reactions among linguists and journalists. Many of these experts, but also the general public, expressed their opinions without even reading the text and they anticipated that this would become a binding regulation. Finally the Ministry of Education, Youth and Sports withdrew the Handbook from the webpage without any explanation. This is a very negative step taken by the Ministry, which originally supported this project also as a part of their tasks required by the Priorities. This whole story is an example of how Czech gender politics exists outside any concept or direction.

A long-term strategy for gender equality (Priorities 2011-2015) that is under preparation might bring some change. Without a new vision of gender equality and the political will to implement it, it is not possible to expect any turning points in this area.

⁵ Valdrová, J., Knotková-Čapková, B., Paclíková, P. 2010. The Culture of Gender-Balanced Expression. Prague: Ministry of Education, Youth and Sports.