



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
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REFERENCE: AA/follow-up/Czech Republic/55

3 September 2013

Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the combined fourth and fifth periodic report of the Czech Republic at the Committee's forty-seventh session, held in October 2010. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/CZE/CO/5). You may recall that in the concluding observations, the Committee requested the Czech Republic to provide, within two years, further information regarding the specific areas of concern identified by the Committee in paragraphs 23 and 35 of the Concluding Observations.

The Committee welcomes the follow-up report received on 21 November 2012, on time, under the CEDAW follow-up procedure (CEDAW/C/CZE/CO/5/Add.1). At its fifty-fifth session, held in July 2013 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made **in paragraph 23** of the concluding observations “to intensify its efforts by taking effective measures to prevent and prosecute acts of domestic and sexual violence and assist women victims of such violence”: In light of the assessments below, the Committee considers that the recommendation has been **partially implemented**.

Regarding the recommendation “to adopt its draft national action plan on the prevention of domestic violence”: The State party indicated that the National Action Plan for the Prevention of Domestic Violence 2011-2014 was approved by Resolution 262 of 13 April 2011. The Committee considers that the recommendation has been **implemented**.

Regarding the recommendation “to amend its Code of Criminal Procedure to ensure access to legal aid for victims claiming only immaterial damage”: The State party indicated that Act No. 181/2011 amending Act No. 141/1961, which came into force on 1 July 2011, has expanded the scope of application of adhesion proceedings to decisions concerning non-pecuniary damage claims. It added that the portfolio of trial rights and instruments available to parties that have sustained non-pecuniary damage has been expanded to the level available to damaged parties that have sustained property damage. The Committee considers that the recommendation has been **implemented**.

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Regarding the recommendation “to strengthen cooperation with and funding for nongovernmental organizations providing assistance to victims of domestic and/or sexual violence”: The State party provided some information on its support to the work of NGOs. Although the State party failed to provide detailed information, the Committee considers that it took some steps to strengthen cooperation with and funding for non-governmental organizations providing assistance to victims of domestic violence and/or sexual violence. The Committee considers that the recommendation has been **partially implemented**.

Regarding the recommendation “to further increase the number or capacity of shelters for battered women and girls”: The State party indicated that some of the tasks formulated in the National Action Plan on Domestic Violence focus on the increase of capacities of asylum shelter facilities for abused women. The Committee considers that the State party took some steps toward the increase of the capacity of shelters. It considers therefore that the recommendation has been **partially implemented**.

Regarding the recommendation “to use appropriate recording equipment and interrogation records in court proceedings to avoid re-victimization and unnecessary confrontation of victims with perpetrators”: The State party indicated that Act No. 459/2011 expressly permits the use of video conference equipment in criminal proceedings. The Committee considers that the recommendation has been **implemented**.

Regarding the recommendation “to take effective measures to reduce the length of maintenance and alimony proceedings, ensure that courts take into account the vulnerable position of the abused partner when deciding on the appropriateness of mediation and shared custody for children”: The State party indicated that it has passed Act No. 202/2012 on mediation, which provides that, if deemed suitable and appropriate, the presiding judge may order the parties to meet with a mediator first. The State party added that the purpose of this provision is to promote broad use of mediation in cases where this option is suitable. However, the Committee meant that the use of mediation should be used with cautious, due to the vulnerable position of the abused partner. In addition, the State party failed to provide information on the measures taken to reduce the length of maintenance and alimony proceedings and to ensure that the courts take into account the vulnerable position of the abused partner when deciding on shared custody for children. The Committee considers that the recommendation has **not been implemented**.

Regarding the recommendation “to review the definition of rape in the new Criminal Code so as to ensure that it covers any non-consensual sexual assault, including in the absence of resistance by the victim”: The State party referred to the provisions of the new Criminal Code without indicating whether a review of the definition of rape has been done in the new Criminal Code. The Committee considers that the recommendation has **not been implemented**.

The Committee recommends that the State party provide, **in its next periodic report**, additional information on actions taken to:

- 1) Provide training for the police, judges, prosecutors, social workers and health personnel on standardized procedures in dealing with victims;
- 2) Further strengthen cooperation with and funding for nongovernmental organizations providing assistance to victims of domestic and/or sexual violence;
- 3) Effectively implement the component of the National Action Plan on Domestic Violence focusing on the increase of capacities of asylum shelter facilities for abused women;
- 4) Reduce the length of maintenance and alimony proceedings, ensure that courts take into account the vulnerable position of the abused partner when deciding on the appropriateness of mediation and shared custody for children; and

- 5) Review the definition of rape in the new Criminal Code so as to ensure that it covers any non-consensual sexual assault, including in the absence of resistance by the victims.

Regarding the recommendation made **in paragraph 35** of the concluding observations “to adopt legislative changes clearly defining the requirements of free, prior and informed consent with regard to sterilizations, in accordance with relevant international standards, including a period of at least seven days between informing the patient about the nature of the sterilization, its permanent consequences, potential risks and available alternatives and the patient’s expression of her free, prior and informed consent”: The State party indicated that it enacted on 1 April 2012 Act No. 373/2011 which deals with sterilization-related issues in a comprehensive manner. It indicated that, according to this Act: i) sterilization can be performed for medical reasons and for other than medical reasons and is always subjected to the patient’s written consent; ii) the attending physician is obliged to inform the patient about the nature, permanent consequences and potential risks of the operation; iii) the information must be provided before a witness; and iv) hereafter an adequate period of time must elapse, which has to be at least 7 days, when performed for medical reasons, and at least 14 days for other reasons. The Committee considers that the recommendation has been **implemented**.

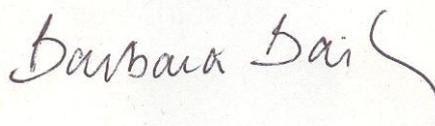
Regarding the recommendation “to review the three-year time limit in the statute of limitations for bringing compensation claims in cases of coercive or non-consensual sterilizations in order to extend it and, as a minimum, ensure that such time limit starts from the time of discovery of the real significance and all consequences of the sterilization by the victim rather than the time of injury; consider establishing an ex gratia compensation procedure for victims of coercive or non-consensual sterilizations whose claims have lapsed; provide all victims with assistance to access their medical records; and investigate and punish illegal past practices of coercive or non-consensual sterilizations”: The State party indicated that the Government Council for Human Rights approved on 17 February 2012 a recommendation on unlawful sterilizations of women, which has not yet been approved by the Government. The recommendation includes compensation of women who have been unlawfully and involuntarily sterilized and the establishment of an appropriate compensation mechanism. Even though the Council for Human Rights took steps toward the implementation of the recommendation, the Government itself has so far failed to take actions towards changing the legislation. The Committee considers that the recommendation has **not yet been implemented**.

The Committee recommends that the State party provide, **in its next periodic report**, additional information on actions taken to review the three-year time limit in the statute of limitations for bringing compensation claims in cases of coercive or non-consensual sterilizations in order to extend it and, as a minimum, ensure that such time limit starts from the time of discovery of the real significance and all consequences of the sterilization by the victim rather than the time of injury; consider establishing an ex gratia compensation procedure for victims of coercive or non-consensual sterilizations whose claims have lapsed; provide all victims with assistance to access their medical records; and investigate and punish illegal past practices of coercive or non-consensual sterilizations.

The Committee looks forward to pursuing its constructive dialogue with the authorities of the Czech Republic on the implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



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Rapporteur on follow-up  
Committee on the Elimination of Discrimination against Women