



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

In my capacity as Rapporteur on Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honor to refer to the examination of the sixth periodic report of the Czech Republic, at the Committee's sixty-third session, held in February 2016. At the end of that session, the Committee's concluding observations (CEDAW/C/CZE/CO/6) were transmitted to your Permanent Mission. You may recall that in paragraph 46 on follow-up on the concluding observations, the Committee requested the Czech Republic to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 23 (a) and 29 (a) and (b) of the concluding observations.

The Committee welcomes the follow-up report received on time in March 2018 (CEDAW/C/CZE/CO/6/Add.1) under the CEDAW follow-up procedure. At its seventieth session, held in July 2018 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, urging the State party to **“take effective measures, including temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25. In that regard, the State party should amend its electoral law to implement the “zipper” system for election candidates”**: The State party indicated that one year after rejection by its government of the proposal to introduce quotas for electoral lists, on 1 July 2015, it approved an Action Plan for Equal Representation of Women and Men in Decision-making Positions 2016 – 2018, on 11 July 2016, which aims to promote the balanced representation of women and men in politics, public administration and public institutions, as well as in the private sector. It added that in this framework, an analysis of gender stereotyping in election campaigns is planned, and that the Office of its Government organized a workshop for political parties, on 8 December 2016, during which data on the representation of female candidates in regional and Senate elections, as well as the results of these elections were analysed, good practices, including party quotas, were presented and a manual entitled “15 Tips of Supporting Women within Political Parties” was produced. The State party also reported that its non-legislative measures have allowed for a gradual increase of the representation of women in politics, which is illustrated in the 30.3% share of women on electoral lists for the 2016 regional assemblies, their 20.3% representation in after these elections, their 28.6% representation in regional governments and their 19.8% share of senatorial seats after 2016 elections, which are all the highest numbers to date. Finally, the State party added that the president of the State party is a woman.

His Excellency
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The Committee welcomes the information provided by the State party on the adoption of an Action Plan for Equal Representation of Women and Men in Decision-making Positions 2016 – 2018, on 11 July 2016, and on efforts made to share good practices with regards to the promotion of the participation of women in the political sphere. It takes note of the representation of women at the regional and national level and notes that it remains regrettably low and fears that the situation will remain as such. While regretting the lack of measures taken to introduce effective temporary special measures, including by resubmitting a legislative proposal for such measures, such as the “zipper” system for election candidates, the Committee considers that the State party took some steps to implement the recommendations. It considers that the recommendation **has been partially implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, and responds fully to the recommendation. It thus considers that the quality of the information provided is **satisfactory**.

The Committee recommends that, in relation to **paragraph 23** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

Amend its electoral law to implement the “zipper” system for election candidates.

With regards to the recommendation made in **paragraph 29** of the concluding observations, urging the State party to “**review the three-year time limit in the statute of limitations for bringing compensation claims in cases of coercive or non-consensual sterilizations with a view to extending it and, as a minimum, ensure that the time limit begins from the time of discovery of the real significance and all consequences of the sterilization by the victim rather than the time of injury**”: The State party indicated that subsequent to its decision to establish a time-limit for non-material harm suffered by an infringement of personal rights, the Constitutional Court ordered that the time-limit for such claims needs to be examined from the perspective of good morals. It party referred to two claims for compensation, in which the Supreme Court, in 2011 and 2014, consequently refused to recognize the contention that claims had been time-barred. It added that this case law illustrates that the consideration the harshness of its consequences may outweigh the legally defined time-limits. The State party nevertheless indicated that an assessment of individual cases, often from distant past, would be arduous and problematic, especially because medical records and other underlying documentation may not have been preserved. The State party stressed that its law requires a doctor to provide information, in the presence of a witness, on the nature of the medical procedure that leads to sterilization, on its consequences and its potential risks, and that the patient must give consent in writing, seven or fourteen days after the provision of this information at the earliest. Finally, it added that the patient is required to give final consent for the procedure immediately before the operation.

The Committee welcomes the information provided by the State party that its law requires the informed consent of a patient for sterilization. It takes note of the illustration of case law, showing that a consideration of consequences of the time limit for bringing compensation claims in cases of coercive or non-consensual sterilizations may outweigh this limit. The Committee however considers that the lack of measures taken by the State party to review this three-year time limit with a view to extending it and, as a minimum, ensure that the time limit begins from the time of discovery of the real significance and all consequences of the sterilization by the victim, and the information provided by the State party that the assessment of individual cases from distant past would be problematic and reflects a rejection of the recommendation. It considers that the state party **has failed to cooperate with the Committee** in respect of this recommendation.

The Committee considers that the information provided by the State party is thorough and extensive, and responds fully to the recommendation. It thus considers that the quality of the information provided is **satisfactory**.

In relation to the recommendation urging the State party to “**establish an ex gratia compensation procedure for victims of coercive or non-consensual sterilizations**”: The State party informed that its government considers an application to court for compensation to be sufficient and in line with its international obligations, and that in 2015 the proposal for a bill on compensation for unlawfully sterilized persons was not approved.

The Committee takes note of the information provided by the State party that it considers an application to court for compensation to be sufficient and in line with its international obligations. The Committee considers that the information provided by the State party reflect rejection of the recommendation. It considers that the state party **has failed to cooperate with the Committee** in respect of this recommendation.

The Committee considers that the information provided by the State party is thorough and extensive, but fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 29** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

- 1. Review the three-year time limit in the statute of limitations for bringing compensation claims in cases of coercive or non-consensual sterilizations with a view to extending it and, as a minimum, ensure that the time limit begins from the time of discovery of the real significance and all consequences of the sterilization by the victim rather than the time of injury.**
- 2. Establish an ex gratia compensation procedure for victims of coercive or non-consensual sterilizations.**

Accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



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