



Final Recommendations

Improvement of the Public Institutional Mechanism for Applying, Enforcing and Monitoring Equal Treatment for Men and Women

Twinning project: CZ 2001/IB/SO-01

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1. Introduction

The overall aim of this twinning-project between Sweden and the Czech Republic was originally to assist the Czech Republic to comply its legislation on gender equality with Community law. However, one and a half year has passed since the twinning covenant was signed. During this period the EU Commission has approved the Czech legislation as being in accordance with the *acquis communautaire*. Thus the overall aim of the project is no longer of primary interest and importance.

Due to the fast development on the level of legislation the secondary aim of the twinning project has become the primary one: to provide a basis for transforming and improving the institutional structure as regards gender equality in order to ensure that gender equality is not merely a matter of formality and gender neutral legislation. An institutional structure is a necessary precondition for implementing real and substantive gender equality on all levels and in all areas of society.

In order to assist the candidate country in enforcing and implementing the legislation on gender equality the twinning project has arranged two conferences and nine seminars with in total of 487 participants. The project has also produced:

- * an assessment report on the gender situation in the Czech republic;
- * a report on the improvement on gender statistics;
- * a booklet with gender statistics;
- * an overview of the EU gender equality legislation and relevant judgments of the European Court of Justice;
- * an analysis of best practices as regards institutional structures in Member States;
- * three manuals with examples of useful models and working methods for achieving substantive gender equality and
- * an information brochure aimed at labour and municipal offices.

In this final report the twinning-project presents its final and reasoned proposals on how to improve the institutional capacity on gender equality in the Czech Republic. The report begins with an outline of the special features of the gender situation in the Czech Republic in chapter two. In the third chapter the requirements of EC-law as regards the institutional

framework is presented before a description of the present institutional framework in the Czech Republic. Finally, in chapters four and five the reasoned proposals are presented. The proposals are divided into such proposals that are directly connected to an institutionalised structure and such proposals that concerns necessary support structures or related issues.

2. The situation in the Czech Republic

Lack of gender equality is a democratic problem common to all European countries due to ideas and politics with roots stretching far back in history. Though the situation and the problems vary from country to country there are common traits in all states: the different consequences of the division of society into two parts. The one part is the public sphere traditionally inhabited by men with rights and duties to the state as well as to each other. The other part is the private sphere, that is to say the households and the families where women belonged and where initially there were no rights at all. The division of society into a public and a private sphere still exists in European countries today.

One of the most characteristic features in the Czech Republic of today is the lack of awareness in questions related to gender equality among the public. There has been no broad movement that has required changes of stereotypical gender roles, increased representation of women in politics and the media or an end to the discrimination of men in the private sphere as regards their role as fathers, etc. There are signs that this is beginning to change. According to an opinion poll on gender relations carried out for MoLSA by TNS Factum, in April 2003, the majority of the public agrees with equal rights for both sexes. The vast majority (93%) thinks that everyone – whether man or woman – should have a job which makes them self-sufficient and independent. Both sexes should be represented in managerial and decision-making institutions (84%) and housework should be divided in such a way so that men and women have the same amount of free time for leisure and relaxation (85%). Both sexes should bring up and care for the children equally (84%) and should have the same chance of gaining custody of the child following divorce (81%).

When it comes to the particular aspects of gender inequality, e.g. political representation, labour-market participation, wage discrimination and unemployment rates the situation is similar to that of many countries of the EU.

In the following are given some examples of the situation related to gender equality:

Women's political representation in the Senate is 12,5 per cent and 17 per cent in the Chamber of Deputies. Though women's participation in the labour market is above the EC average of 42 per cent in 2000, women's wages are at the EU average of 75 per cent of men's wages. There is a vertical as well as horizontal division of labour, where women are to be found at lower levels and in certain lower paid sectors.

Unemployment figures have increased for both women and men over the last decade but the increase is consistently higher for women. In the group of long-term unemployed there are 20 per cent more women than men. One reason is the extension of parental leave from two to three years in 1994. The number of men taking parental leave is negligible, whereas many women lose touch with the labour market during parental leave and need retraining when reentering the labour market. Another factor that may contribute to increased unemployment figures for women is the decrease in childcare facilities. The number of places available at day-care centers (crèches) has decreased by 95 per cent from 1989 to 2001 and the number of places available in kindergartens by 21 per cent over the same period. The decrease of the number of places in kindergarten is explained by the falling nativity rate. In the year 1990 just over 130 000 children were born in the Czech Republic, in the year 2000 only 90 000 children i.e. almost a third less, were born. As of September 2001, the number of children in the Czech Republic waiting for a place in kindergarten was 2 770. In other words, the system of childcare facilities for children above the age of 3 is functioning very well. The decrease of the number of crèches, on the other hand, is higher than is warranted simply by the falling nativity rate.

The centralisation of crèches may increase the difficulty for women to return to work as well as the risk of becoming long-term unemployed. Lately, the kindergartens have been opened to children aged 2,5 years and above, under the prerequisite that the child is able to manage certain things on its own. It is a good step that will contribute to solve the concerns mentioned.

3. Requirements of EC law

The existence of different national institutions, their competence and organization, is a matter that to a large degree falls outside the competence of the European Communities though certain institutions are supposed to exist in democratic states governed by the rule of law. Certain municipal institutions are required by international conventions on human rights in order to safeguard the respect as well as the guarantying of human rights in an efficient way. In a similar way even the EU requires certain institutions in order to guarantee the efficient implementation of EC law.

As regards primary legislation, that is to say the Treaty of Rome, article 2 and 3 are of importance in relation to gender institutions. According to these articles the promotion of equality between women and men is one of the overall goals of the EU that shall be carried out in all areas of the EU activities. In other words, the promotion of gender equality should be mainstreamed through out all measures undertaken at EU level as well as on national level. The articles do not mention any particular institution but it goes without saying that there would be no gender mainstreaming without relevant and competent institutions.

When it comes to secondary legislation directive 2002/73 amending directive 76/207 on equal treatment as regards working conditions put forward some important requirements. According to article 8a Member States shall create or appoint a particular body or bodies for promotion, analysis, monitoring and support of equal treatment of women and men. The competence of the body shall include assistance to victims of discrimination, the conducting of independent surveys concerning discrimination and the publishing of independent reports and recommendations. According to article 8b the Member States shall promote dialogue between the social partners on the labour market in order to foster equal treatment. Finally, according to article 8c Member States shall encourage dialogue with appropriate non-governmental organizations with a view to promoting the principle of equal treatment of women and men.

4. Recommendations for improving the institutional framework of

gender equality in the Czech Republic

In this chapter of the report the recommendations for improvement of the institutional structures to implement substantive gender equality are presented.

The starting point of the recommendations is that a lot already has been done to establish institutional structures for gender equality at ministerial level. Progress has been quick during the last five years. No major changes are therefore proposed at this level. The recommendations that are put forward primarily aim at giving the already existing institutions more stability, better resources and a clearer political support.

The following bodies are presently involved in issues related to equality between women and men:

- The Government Council for Equal Opportunities for Women and Men;
- The Cedaw-committee placed under the Government Council for Human Rights;
- The Unit for Equality between Women and Men at the Ministry of Labour and Social Affairs;
- The Gender Focal Point in each ministry;
- The Permanent Commission for Family and Equal Opportunities (the Chamber of Deputies of the Parliament); and
- The Council of Economic and Social Agreement of the Czech Republic.

The recommendations have been written taking the following circumstances into consideration.

First, they have not been based on ideal solutions, but rather on such proposals as can be considered as realistic against the backdrop of the current situation. A realistic approach has therefore been taken towards the economic and human resources that can be made available. Most of the recommendations are not very taxing from an economic point of view and they do not require a lot of personnel. This is reflected in the fact that no recommendations have been made to the effect of creating a separate ministry or a special authority for gender equality, even though a ministerial post is suggested. It is also reflected in the fact that recommendations have been divided in **short-term and long-term recommendations**.

Short-term recommendations are measures considered to be the best initiative steps to take in order to achieve the long-term goal. The period in which the short-term recommendations may be realized is **one to four years**. Long-term recommendations are solutions, which could be obtained within a period of **five to ten years**. When no distinction is made between long- and short term recommendations, the recommendations are considered to be possible to undertake in a short term perspective.

Second, the recommendations are built on the assumption that an increasing number of politicians will engage in gender equality as a political issue. Politicians, in their capacity as decision-makers, stand to gain from complete and unbiased background material containing statistics disaggregated by sex and a gender analysis.

Third, the recommendations have taken into account the experiences from gender mainstreaming that show that the development of specific working methods and models for mainstreaming gender equality should be executed within each concerned subject area, by the civil servants normally working with the subject matter, in co-operation with experts on gender equality.

4.1 Mainstreaming strategy

Gender mainstreaming is the strategy to achieve gender equality that has been introduced throughout the work of the EU. This strategy should be carried out side by side with specific gender equality projects so that a twofold strategy can be applied.

Gender mainstreaming means that everyone – politicians, civil servants, employers and employees – should have a gender perspective in the performance of their daily work. For every decision to be taken the following questions must be answered:

- Who does the decision concern?
- What effect will the decision have on women and men respectively?
- Who gets what under which conditions?

4.2 The Government

Experience in the European Union and elsewhere shows that the commitment of top level

political and administrative management is crucial for a successful implementation of any strategy for gender equality, whatever the political and administrative culture.

In order for the strategy of gender mainstreaming to succeed, it is therefore desirable that gender equality issues are more concretely and visibly tied to the Government and to individual persons in the Government.

The following recommendations are made:

- a) It is recommended that the Government demonstrates its political will by issuing a political “mission statement”, defining gender equality and the specific goals of the Czech Government in this area. This could be combined with a statement that it is the Government’s intention to mainstream a gender equality perspective into all policies and programmes. Similar statements have been made by the European Commission and by the Governments of Sweden and Portugal. It is recommended that the Government in the same statement stresses that each minister has a specific responsibility for having an integrated gender perspective in the policy areas and decisions taken within the policy field of his or hers ministry.
- b) It is recommended that the Government appoints a Minister for Gender Equality. The post can be given to an already appointed minister within a ministry with responsibilities for as many aspects of gender equality as possible, for instance the Ministry for Labour and Social Affairs.

The Minister for Gender Equality should be responsible for gender mainstreaming; for the coordination of gender policies and their enforcement and for the work of the Department for Gender Equality mentioned in a recommendation below.
- c) It is recommended that the Ministry of Labour and Social Affairs would become the Ministry of Labour, Gender Equality and Social Affairs
- d) It is recommended that the Government prepare a Bill for Parliament, proposing a law demanding that the production all official statistics related to individuals disaggregated by women and men.

e) It is recommended that the Government by a decree demands that all materials that are sent to the Government should contain an analysis from a gender perspective, including, when applicable, statistics disaggregated by sex.

4.3 Governmental Council for Equal Opportunities for Women and Men

Short term recommendations:

a) It is recommended that the Governmental Council should be kept, with the Minister for Gender Equality as its mandatory chair and the statutes amended accordingly. The main tasks of the Council would be the same as are given in the current statutes, but with more stress put on the issues of coordinating the work for the establishment of gender mainstreaming in all the ministries and evaluating the efficiency of the implementation of gender equality.

b) It is recommended that committees with expertise within strategic issues for gender equality are formed under the umbrella of the Council, as foreseen in its statutes. Each committee should have an employee from the Department for Gender Equality at MoLSA participating in the capacity of secretariat. A first committee on gender statistics should be created during autumn 2003. Examples of other themes for such committees could be the political representation of women, parental leave and desegregation of the labour market. Each committee should have the task to elaborate a recommendation on the implementation of a basic gender equality policy to be approved by the Council and put forward to the Government within a two year period.

c) It is recommended that the Council meet more frequently than today, with a minimum of four meetings a year.

4.4. The Ministries

Short-term recommendations:

a) It is recommended that a deputy minister, a director general or another high level senior official directly placed under the Minister in each ministry is appointed as the civil servant responsible for the integration of a gender equality perspective in the ministry's operations, (hereinafter "the deputy minister"). The responsibility should be inscribed in each ministry's internal rules of procedure.

After the coming into force of the law no. 218 of April 26, 2002 (on service of public servants in administrative authorities and on remuneration of such servants and other employees in administrative authorities) a person in an equal position to that of the deputy minister should substitute him/her.

b) Directors of departments are responsible for the factual accuracy of the materials produced by the civil servants at his or her department. It is therefore recommended that the internal rules of procedure for each ministry introduce an obligation for each director of department to integrate a gender equality perspective within the subject area of his or her department. Materials produced by a department should contain an analysis from a gender perspective and, when applicable and available, statistics disaggregated by sex.

c) The departments will need time to develop and/or extend their knowledge on gender analysis and gender impact assessments. Therefore it is recommendable that realistic, time-bound and measurable targets are set for the introduction of recommendation b). During the first year it is recommended that the departments should ensure that 10% of all documents and materials put forward to the responsible Minister should contain an analysis from a gender perspective that should be accounted for in the proposal. During the second year each department should ensure that 20% of all documents and materials put forward to the responsible Minister should contain an analysis from a gender perspective that should be accounted for in the proposal, etc., until the level is reached where all relevant proposals are covered.

d) It is recommended that each ministry elaborates a proper work descriptions for the gender focal points working within the ministry. A sample job description will be elaborated by the Department of Gender Equality at MoLSA.

e) It is recommended that policy makers and civil servants should be continually trained in general gender equality issues as well as in gender knowledge specific to their respective subject area. If the necessary knowledge for training does not exist within the organisation, it should be gathered from the support structures that are available to the organisation. The training should be organised by the State Administration Institute.

Long term recommendations:

f) To ensure that every relevant document or material put forward to the responsible Minister should be preceded by a gender impact assessment or an analysis from a gender perspective that should be accounted for in the proposal.

g) Eventually to ensure the same procedure within the various authorities placed under the umbrella of the respective ministry.

h) It is recommended to initiate projects on engendered budgets in the government and the regional councils. This should be a task for the Ministry of Finance, who should be the responsible party for acquiring knowledge, starting up and following through such a project.

4.5. The Ministry of Labour and Social Affairs

Short term recommendations:

a) It is recommended that the Unit for Equality between Women and Men should be replaced with a Department for Gender Equality situated in the same ministry as the Minister for Gender Equality.

b) The department should be organized in units with the following areas of responsibility:

- **Methodology; development, application and evaluation.**

At least four persons should be working on acquiring knowledge about and elaborate concrete working methods for gender mainstreaming and gender impact assessment.

The methods should be adapted so as to suit Czech conditions and Czech administration. The methods should be disseminated and spread as widely as possible. The unit should also be responsible for evaluating the methods applied and analyse their effectiveness. It should work in close cooperation with the unit responsible for contacts with gender focal points and experts in the regions.

- **Contacts with gender focal points and experts in the regions.**

At least four persons should be working at spreading and teaching the working methods elaborated by the unit on methodology. The unit should be responsible for cooperation with gender focal points and regional experts by giving advice and consultation on their work, encouraging practical experiments related to gender mainstreaming at ministerial as well as regional and local level.

The unit should arrange at least four meetings a year for the gender focal points and the experts in the regions.

- **Working life and promotion of the under-represented sex**

At least four persons should work at this unit, which should co-operate with social partners and concentrate on labour related issues, such as equal pay for equal work or work of equal value and gender equality plans. It should also specialize in the promotion of the under-represented sex at all levels, both within public and private bodies. The unit should co-operate closely with the units working on wage policy, labour law and collective bargaining, conferring with them on how to integrate a gender equality perspective in their various subject areas.

- **International issues, international relations and legal affairs**

The unit should have three employees which should keep the department informed about international development and, through coordination with colleagues at the other units, prepare the necessary materials and reports for EU working groups, formal and informal ministerial meetings, UN negotiations, ILO, OECD and the European Council, etc.

The unit should also handle legal matters related to gender equality, such as commenting proposals of new Bills, provide materials for negotiations on new EU directives relating to equality between women and men, etc.

- **The Government's Programming Document related to Gender Equality, (Annual Priorities and Procedures)**

The unit should be responsible for proposing measures for the Government's Annual Priorities within the area of gender equality, the administration and support for the Governmental Council and its committees, for writing the ministry's own priorities and for arranging of the Minister's regular meetings with NGOs. The unit should have five employees.

- c) It is recommended that the financial resources and the number of staff is significantly increased so that the Department has sufficient resources to be able to give substantial support to the work on gender equality within all the other ministries. The new staff should, to the extent possible, be educated in gender issues.

4.6. Gender Focal Points

In order to be able to fulfill the task of integrating a gender equality perspective in their daily operations, the departments in the various ministries will need to consult with persons knowledgeable in working methods for gender mainstreaming. **A support structure** with knowledge of gender mainstreaming and issues related to gender equality therefore needs to be created within the ministries. The support structure must have the staff necessary to meet with the demands from the departments that are to implement the new measures. In spite of recent measures to diminish the number of civil servants in the ministries, it is therefore recommended that the overall number of gender focal points will be increased.

Another important reason for increasing the number of gender focal points is to ensure continuity and sustainability. The current system, one employee working half time in each ministry, involves a considerable risk of a gender focal point not being able to pass on his or her knowledge to his/her successor. The time and effort put into the education of that particular gender focal point would go to waste. This is unfavourable for the long term building of experience and expertise within the ministry.

It is recommended that the gender focal points keep working half time with issues related to gender equality and half time with issues related to other subject areas. There are several reasons for this recommendation. First, it is easier to get a more concrete view of how to integrate a gender equality perspective into the daily operations of a ministry if one is active within other subject areas as well as gender equality. Second, from a continuity point of view it is preferable to have two or four employees working half time with gender equality, rather than one or two persons working full time.

Short term recommendations:

a) In each of the following ministries; Ministry of Labour and Social Affairs, Ministry of Education, Ministry of Health, Ministry of Finance, Ministry of Interior, Ministry of Justice and Ministry of Regional Development, it is recommended that the number of gender focal points be increased, from one to four. The focal points should assist the deputy minister and the departments in their task to integrate a gender equality perspective in their daily operations. The gender focal points are preferably to be placed directly under the deputy minister.

b) Tasks for which these specific gender focal points should be appointed:

- **Methodology; development, application and evaluation.**

This includes; to give advice on working methods and guidelines for gender mainstreaming adapted to suit the specific requirements of the departments, to suggest how the methods that have been applied may be evaluated and to analyse the effect of the methods applied within the ministry.

The various departments should co-operate with the focal point in adapting the working methods to suit their needs. The elaboration of methodologies and guidelines should also be carried out in consultation with the Department of Gender Equality at MoLSA.

- **The Ministry's own priorities**

This includes; to propose concrete and measurable targets for further activities related to gender equality within the ministry, as well as timetables for when these targets should

be achieved. It also includes elaborating routines for follow-up, evaluation and reporting on the decided targets.

- c) In the ministries not enumerated under a) it is recommended that the number of gender focal points are increased from one to two persons. They should be moved from the Department of Human Resources to the Secretariat of the responsible deputy minister. Exception can be made for the gender focal points in the ministries of Defense and Foreign Affairs, if it is deemed to be more efficient to keep the gender focal points in the human resources department (where issues related to appointments are handled) rather than in other departments handling other subject areas, such as development policy, etc.
- d) It is recommended that the Gender Focal Points receive proper work descriptions elaborated by the Human Resources Department of their respective ministry. The Department of Equality Between Women and Men at MoLSA will draft one model work description.
- e) The gender focal points should continuously receive training in issues related to gender equality and working methods for gender mainstreaming, their follow-up and evaluation. The training should be carried out by the State Administration Institute.

4.7 Gender statistics

Gender mainstreaming means that every proposal, decision and measure must be analysed from a gender perspective in order to map its consequences for women and men respectively. Gender statistics are a necessary tool for gender mainstreaming. It is needed to monitor and evaluate policies and measures and to provide an unbiased basis for policies and measures.

Facts and figures are important indicators of similarities and differences in the position of women and men in society. Statistics disaggregated by sex helps to determine whether or not men's and women's needs are met to equal measure. Statistics disaggregated by sex does not, however, provide any explanations as to why the situation has developed in a certain way. Those explanations have to be sought through other methods.

Short-term recommendations:

- a) The CSO, the ministries, the regions and all statistical units should by law be obliged to produce all official statistics related to individuals disaggregated by women and men.
- b) The CSO, the ministries and the regions should by a decree be obliged to collect statistics that reflect gender issues and problems, such as the division of unpaid labour within the households between women and men.
- c) It is recommended that the CSO, in cooperation with the new Department for Gender Equality should produce regularly, every second or third year, an easily understandable booklet on gender statistics which provides fundamental facts about the situation of women and men regarding issues such as the population; health; education; time use; child care; care of elderly; parental leave, gainful employment; salaries; income; violence and crime; influence and power.
- d) The head or the deputy head of the CSO should be a permanent member of the Governmental Council on Equal Opportunities.

Long-term recommendations:

- e) To create a gender equality index according to the Swedish Statistical Office's manual (available at http://www.h.scb.se/SCB/BOR/SCBBOJU/jam_hm_en/jam_index.htm) consisting of about ten to fifteen different variables that are important from a gender perspective in order to have a tool for comparing the level of gender equality in the different regions. This index should be available at the CSO website.

4.8 Gender NGOs

One of the most urgent tasks is to raise the level of awareness and knowledge among broad layers of the population. NGOs are in this regard important actors, helping to increase the knowledge and awareness of gender issues.

According to the newly adopted directive 2002/73/EC, article 8c, Member States shall encourage dialogue with non-governmental organisations that have a legitimate interest in contributing to the fight against discrimination on the grounds of sex.

Five NGO representatives, including an umbrella organization, are presently members of the Governmental Council for Equal Opportunities. Nevertheless, the broad layers of gender NGO's would benefit from an institutionalized dialogue with the Minister for Gender Equality.

a) In accordance with directive 2002/73/EC, it is recommended that an institutionalized dialogue should be developed between a representative of the Government and gender NGOs. It is recommended that the Minister for Gender Equality meet two times a year with representatives from all women's and men's NGOs. The meetings should be administered by the Department for Gender Equality at MoLSA.

The aim of the meetings would be two-fold; the Minister should provide information about what is being done at ministerial level, future initiatives to be taken by the Minister and the development of gender issues at international level. The meetings would be ideal to provide NGOs with information about various calls for tender or projects that may be in the starting up phase within the EU. The NGOs should in their turn provide the Minister with input regarding what may be considered as the most urgent gender issues in society and inform the Minister of their activities.

4.9 A state authority with responsibility for gender equality

Today there is no state authority that can fulfill the requirement of article 8a) in EC directive 2002/73 and the amendment of directive 76/207 on equal working conditions. Such an institution must be created; either in the shape of a new Center for equal treatment or within an expanded Ombudsman for Human Rights with extended power, wider competence and

increased resources. A Center for equal treatment is under discussion in relation to a future anti-discrimination law. The principles for such a law were sent to the Government for approval on June 30, 2003.

It is important that the horizontal gender perspective can be guaranteed within a general institution. It means that the gender perspective has to be applied in every case of discrimination whatever other grounds there are; ethnicity, sexual orientation, disability etcetera.

Short term recommendations:

a) To create or appoint a body with the competencies required by article 8a) in directive 2002/73, (appeal body).

The competence for the body should include:

- providing independent assistance to victims of discrimination in pursuing their complaints about discrimination;
- conducting independent surveys concerning discrimination;
- publishing independent reports and making recommendations on any issue relating to such discrimination.

b) If the body forms part of an institution responsible for combating all forms of discrimination there must be a particular gender department with sufficient human as well as financial resources. The future law should guarantee the fulfillment of the requirement of directive 2002/73, that is to say that the proposal for the future body should stipulate that a department responsible for gender equality should be established.

c) The law on the body for equal treatment should expressly stipulate that a gender perspective should be mainstreamed and guaranteed within the whole range and in all aspects of the body's activities.

Whatever the grounds of discrimination, there is always a gender dimension. Women as well as men have an ethnic origin; both women and men may be disabled; both sexes grow old and so on. For this reason it is necessary to have a horizontal gender perspective which means that gender equality must be mainstreamed and guaranteed within all the other

grounds of discrimination. This is in accordance with articles 2 and 3 of the Treaty of Rome where it is stated that the promotion of equality between women and men is a guiding principle of the European Union and that a gender perspective should be included in all the activities of the Union.

d) According to article 6.2 in directive 2002/73 victims of discrimination shall have a right to compensation or reparation for loss as well as damage, that is to say economical as well as non-economical reparation. The compensation and reparation shall be real and effective.

The future anti-discrimination law should stipulate a possibility for the body to propose the offender to pay victims of discrimination monetary compensation covering economical as well as non-economical loss.

4.10 Regional institutions

There are no formal institutions guaranteeing gender equality in the regions today. The task of proposing such a structure covering the regions is, for several reasons, a complicated one.

First, the competencies in the regions are divided along the lines of The Governments policies carried out within the regions within the “transferred sphere of activities” whereas the policies decided upon by the regions elected bodies falls within the “independent sphere of activities”.

Second, the recent abolishment of the districts has already given cause to an extensive reorganisation within each region. The Regional Authorities have received more personnel, but also an increased amount of work.

Third, the public administration reform is not finalised.

Fourth, although the regions have been open-minded and showed great willingness to discuss the issue, they have evinced a certain hesitancy towards a mandatory institutional structure covering the regions.

Against the backdrop of these facts, a realistic approach has been taken towards the economic and human resources that in the current situation can be made available for gender equality in the regions.

One of the best examples of organisation is that of the German Lander, where the institutions at federal level are reflected at regional level. All the Lander governments have equal opportunities institutions that cover all policy fields. For the sake of clarity, it is recommended to create a machinery in the regions that corresponds, as far as possible, to the one at national level. Among other things, this would entail the creation of a unit or a department for gender equality in each Regional Authority, but this does not seem to be a realistic alternative for the time being. Therefore, the short term recommendations have centered on creating gender equality experts at regional level. Since the overall strategy is to integrate a gender perspective in political decision-making, the gender equality expert should be placed in connection to where the political decisions are made.

The expert should work full time. Since there are no other support structures at regional level, it is necessary to have a person working full time in order to achieve any changes. In a long term perspective it is, however, advisable to have several experts for the same reasons as are stated under the passage on gender focal points.

As examples of best practices from other countries it can be mentioned that there are four regional offices with 11 employees in the Austrian counties. Sweden has one expert for gender equality in each of its 21 counties. The expert acts as a resource for the county administrative board in the boards efforts to integrate a gender equality perspective in all operations.

Short term recommendations:

a) Following the model given in the EU Treaty, art 3 p.2, it is recommended to inscribe in the Act on Regions the obligation for the Council, the Regional Assembly and the Regional Authority to work for eliminating inequalities and to promote equality between women and men in all areas of activity. The obligation has to encompass both the transferred sphere of activity and the independent sphere of activity. An obligation could, for instance, be included under Chapter 1 of the Act on Regions or under specific paragraphs, such as paragraphs 35, 59, 66 and 67. It is important to codify the obligation in order to authorise the issue and to indicate the necessity of acquiring expertise on gender equality at regional level. There can be no promotion of equality between women and men without relevant expertise and competent institutions.

b) It is recommended that every Regional Council should appoint one member to be the equivalent to a Minister of Gender Equality at regional level. A suggestion could be a deputy hejtman in charge of social care, health or education. The Regional Council Member should be formally responsible for mainstreaming gender equality in the organisation's operations and for the overall enforcement of gender equality in the region. In the case where no Regional Council member is appointed, the Director should take over this responsibility.

c) It is recommended that one civil servant should be appointed to work full time with gender equality and assist the member of the Regional Council responsible for gender equality issues. The expert should preferably be placed directly under the person responsible for gender equality. The expert should provide knowledge on how to integrate a gender equality perspective in political decision-making.

The expert should also be a link between the region and the Department for Gender Equality at MoLSA. S/he should arrange seminars for politicians and civil servants, explaining the importance of background material containing statistics disaggregated by sex and/or an analysis from a gender perspective. S/he should also encourage the practical use of methods for gender mainstreaming.

d) Regional experts on gender equality should receive training in gender equality issues at least four times a year. The training should be arranged by the Institute for Local Administration. Meetings with the regional experts should be arranged four times a year by the responsible unit within the new Department for Equal Opportunities at the Ministry for Labour and Social Affairs.

e) The expert at regional level should conferr with the contact persons at municipal level within their respective region, (see recommendation below). The regional experts should arrange four meetings a year for the contact persons in the municipalities with extended competencies. They should also, if needed and wished for, assist the contact persons to arrange seminars on gender equality within the municipalitites by giving advice on experts to contact or materials to use.

f) The expert at regional level is responsible for cooperation with women's and men's organisations associated to gender equality within the region, as well as cooperation with regional authorities and other regional experts.

Long term recommendations:

g) It is recommended to create a Unit for Equality between Women and Men in each Regional Authority.

h) It is recommended to create a gender focal point in every department of a Regional Authority.

i) It is recommended that a project on engendering the regional budget will be initiated in every region.

4.11 Municipalities

Because of the number and size of municipalities, it is not realistic to suggest a transversal structure for gender equality touching each municipality. In Germany, it has taken the network of municipal equal opportunities board 20 years to grow to its current extent, now reaching the number of 1900. Most of the Federal Lander now have a statutory basis for establishing municipal equal opportunities boards. They are embedded in the respective Land equal opportunities statutes, local authority constitutions or municipal regulations.

Even if there is no possibility to build up a network covering all municipalities, it should be realistic to start with the bigger municipalities with extended competencies. The level of cooperation between the municipalities and the Regional Authorities seems to vary from region to region, but for efficiency and accumulation of experience it would be recommendable with a clear link between the experts working with gender equality at regional level and the persons responsible in the municipalities with extended competencies.

- a) Following the model given in the EU Treaty, art 3 p.2, it is recommended to inscribe in the Act on Municipalities the obligation for the Municipal Assembly and the Municipal Council to work for eliminating inequalities and to promote equality between women and men in all areas of activity. The obligation has to encompass both the transferred sphere of activity and the independent sphere of activity. An obligation could, for instance, be included under Chapter 1 of the Act on Municipalities or under specific paragraphs, such as paragraphs 84, 85, 102 and 109. It is important to codify the obligation in order to authorise the issue and to indicate the necessity of acquiring expertise on gender equality at regional level. There can be no promotion of equality between women and men without relevant expertise and competent institutions.
- b) It is recommended that each municipality with extended competencies appoint one member of the Municipal Council and one head of department within the Municipal Authority as responsible for issues related to gender equality.
- c) It is recommended that the persons responsible for gender equality at municipal level should conferr with the regional experts in building a network with women's and men's organisations associated to gender equality. They should also encourage the practical use of methods for gender mainstreaming at the Municipal Council and the Municipal Authority.
- d) The persons appointed should receive training in gender equality issues at least four times a year. The training should be arranged by the Institute for Local Adminsitration.

4.12 Labour offices

The network of labour offices is spread throughout the Czech Republic. Their number, their tasks and their placement indicate that they could be important institutions in the work for achieving substantive gender equality. The labour offices have an important role in provide information on work opportunities, the possibilities for training, retraining, education and vocational guidance.

When doing so, it is recommendable that employees of the labour offices inform women and men about the advantages of making untraditional choices of education and career, such as a bigger range of working opportunities for each individual, increased possibilities for women and men not to have to move in order to get a job, a more efficient use of human resources for the society as a whole, increased possibilities to provide the labour market with labour force within the areas where it is most needed, less pay discrimination and increased well-being at work places. However, this would require training of the employees at the labour offices, which in its turn requires increased resources.

Training on gender equality of employees at the labour offices is also desirable from the point of view of the implementation of the fourth pillar of the employment strategy concerning gender equality.

Short term recommendations:

- a) It is recommended that the employees of the labour offices should be trained in issues related to gender equality, to enable them to map the overall conditions of women and men on the labour market from a gender perspective, i.e. the educational level of women and men respectively, the proportion of women and men in gainful employment, the proportion of women and men with low income, unequal sex distribution by industry, child care facilities, etc. The training should be conducted by the future Centre of education.
- b) It is recommended that staff with specific areas of responsibility touching upon professional or vocational guidance should be trained in gender equality to enable them to give informed advice to jobseekers and young people, increasing the possibility of them making non-traditional choices.
- c) It is recommended that the provisions regarding training put forward under a)-b) also would be valid for the newly created bodies for labour inspections. Civil servants working with workplace inspections should be provided with training in gender issues in general, as well as in issues directly related to work place inspections, such as equal pay, access to promotion, harassment and sexual harassment.

4.13 Legislative improvements

The European commission has approved the Czech legislation as being in accordance with the requirements of EC law. There are, however, still improvements that can be made in connection to future harmonization to EC law.

One improvement that is recommended, and which is in line with newly adopted EC-directive 2002/73, article 8b, is to encourage employers to promote equal treatment of women and men in the workplace in a planned and systematic way. Inspiration can be found in the Swedish Equal Opportunities Act and its system of yearly plans of action.

Short term recommendations:

a) To complement the Labour Code or the future anti-discrimination law with a positive duty for employers with more than 50 employees to promote equality between women and men at the work place with the help of yearly plans of action, that should be followed up each subsequent year by reports on the results. It is advisable that companies that do not fulfill this obligation should be fined. The fine should be proportionate to the size of the company, i.e. its annual turnover.

Long-term recommendations:

b) Extend the duty to have plans of action to employers with more than 20 employees.

4.14 Social partners

The newly adopted EC-directive 2002/73, article 8b, declares that Member States have an obligation to take adequate measures to promote social dialogue between the social partners with a view to fostering equal treatment.

Short term recommendations:

a) It is recommended that this obligation should be fulfilled by introducing the subject of equality between women and men in the workplace and, more specifically, the subject of how to promote equality between women and men in a planned and systematic way, at the plenary sessions of the Council of the Economic and Social Agreement of the Czech Republic. When the Council discusses items such as labour law relations, collective bargaining, wages and salaries, labour safety and human resource development, the

differences in situation between women and men should be taken into consideration and deliberated upon.

b) In addition to this, it is recommended that the plenary session regularly (at least at two sessions each year) should discuss the issue of how to promote equality between women and men in the work place.

c) It is recommended that the Council of the Economic and Social Agreement establish an expert body (Working Team or Working Group) on equality between women and men in the work place.

5. Recommendations for support structures

The following recommendations concerns areas that strictly speaking do not form part of an institutionalized structure for gender equality, but still are very important to advance gender equality overall.

5.1. Political representation

The low representation of women in the Senate and the Chamber of Deputies as well as in the regional political institutions is a matter of concern. Efficient measures are essential in order to obtain balanced participation of women and men. In the European Union, a Council resolution of 27 March 1995 on the balanced participation of women and men in decision making (95/C 168/02) (OJ C 168, 4.7.1995) and a Council recommendation of 2 December 1996 on the balanced participation of women and men in the decision-making process (96/694/EC) (OJ L 319, 10.12.1996), have been adopted.

In the recommendation from 1996, the Council of Ministers recommends Member States to “...adopt a comprehensive, integrated strategy designed to promote balanced participation of women and men in the decision-making process and develop or introduce the appropriate measures to achieve this, such as, where necessary, legislative and/or regulatory measures and/or incentives;...” . The recommendation also calls upon Member States to “...promote balanced participation by women and men at all levels in governmental bodies and committees;...”

The best known example of legislative measures was, after a long debate, introduced in France in 2000 (Loi no 2000-493 du 6 juin 2000 tendant à favoriser l'égal accès des femmes et des hommes aux mandats électoraux et fonctions électives) The so called "loi de parité" stipulates that every ballot list should be composed by every second a woman, every second a man, etc. If a political party submits a list that does not live up to this requirement, it is fined by a reduction of state subsidy. The fine is proportionate to the difference in the number of women and men on the list. The law is not applicable to all levels of political decision-making. At the levels where it is applicable it has yielded results, although equal representation has not been achieved. In municipalities with more than 3500 inhabitants the representation of women was 47.5% after the elections in 2001, as compared to 25.7% in 1995. In bigger municipalities it has gone from 21.7% in 1995 to 33% in 2001. The results have been weaker in the elections to the Senate.

Belgium provides another good example on how an improved representation of women may be obtained in reasonable time. According to Belgian law, the number of candidates of one sex may not exceed two thirds of the total number of candidates on a ballot. If this requirement is not respected and the seats reserved for women or men are not filled, the law stipulates that they remain empty throughout the term of office. The system was first tried in local elections in 1994. The number of elected women rose with as much as 50%, from 10% to 20% in local bodies. The measures regarding representation have now been inscribed in the Constitution (amendment adopted on January 23, 2002). The effect of the Belgian law is however limited to the extent that the law does not stipulate any specific order for the presentation of the candidates on the ballots.

A combination of the French and the Belgian systems would probably be very efficient, with a requirement of every other woman every other man on each ballot, but with sanctions for non-fulfilment stipulated according to Belgian law. However, this does not seem realistic in the current situation. Although more than half of citizens think that the Government would work better if there were more women in it, measures for equalising opportunities i.e. so-called 'positive discrimination' are considered controversial, (Opinion poll on gender relations carried out for MoLSA by TNS Factum, 18-23 April, 2003). However, it is important to open up the debate and give the public time to discuss different options of how to improve the situation.

a) In accordance with the Council recommendation from 1996, article I 3 (a), it is recommended to

“... promote or improve the collection and publication of statistics to provide a clearer picture of how women and men are represented at all levels of the decision-making process in the political, economic, social and cultural spheres;...”

This can be done by extending the chapter relating to decision-making in the publications related to gender statistics produced by the CSO and the Department of Equality between Women and Men at MoLSA.

b) In accordance to article I 3 (b) in the same recommendation, it is recommended to “...support, develop and encourage quantitative and qualitative studies on the participation of women and men in the decision-making process, and especially on the legal, social or cultural obstacles impeding access to and participation in the decision-making process for persons of either sex, on strategies for overcoming such obstacles...”

A start could be made by the Department of Equality between Women and Men at MoLSA applying for a research grant in the subject area.

c) It is recommended that a public debate is opened by and encouraged by the Government, with a view to adopt a system of reserved seats according to the Belgian model in the Senate, the Chamber of Deputies, the Regional Assemblies and the Municipal Assemblies, in order to obtain a balanced representation of women and men.

5.2 Gender research

Research is of fundamental importance in order to produce knowledge about gender relations. It is often through research practitioners are provided with necessary facts and in-depth studies that creates a basis for better understanding of how to integrate a gender equality perspective within a certain subject area. Results of gender research must be as widely disseminated as possible. Equally obvious is the need of financial and human resources for research.

Long term recommendation:

To create a Gender Research Institute within the Academy of Science.

5.3. Reconciling work and family

The European Union Council Recommendation of 31 March 1992 (92/241/EEC) on child care identifies different measures needed in Member States. One of these measures is to promote increased participation of men in the care and upbringing of children. In the amendment of the equal treatment directive (2002/73/EC), paternity leave is mentioned for the first time ever in community law. Member States that have recognized the right to paternity leave is to provide men taking such leave with protection against dismissal, and ensure that they shall be entitled to return to their jobs or to equivalent posts on terms and conditions that are no less favourable to them.

It can be mentioned that France recently has introduced 14 days of fully paid paternity leave. The leave is paid by the employer up to the existing social security ceiling. In Ireland men working in the public sector have the right to 3 days of paid paternity leave. In Sweden fathers are entitled to 10 paid “fathers days” in connection to the birth of a child, in addition to the 60 days of the parental leave that are reserved for fathers and non-transferrable.

An active policy for reconciliation of work and family for both women and men is also important to raise the nativity rate. It has shown to be more successful to help women and men to combine employment with raising children, rather than to encourage specialization (women staying at home for several years, men seen as breadwinners). The lowest nativity rates are currently found in the Member States with the highest number of unemployed women.

In recent years there has been a debate in the Czech Republic concerning child custody after divorce and the fact that men very seldom receives custody of their children. In order to improve this situation, the role of fathers need to be encouraged.

a) It is recommended that fathers should have the right to the same conditions of financial compensation as mothers during the first 28 weeks after the birth of a child. It

would be an important first step to equalise the rights of mothers and fathers and to dismantle gender stereotypes relating to mother- and fatherhood.

b) It is recommended to encourage the role of fathers by introducing 10 days of paid leave for fathers in connection to child birth. The level of compensation should be equal to that of the sickness leave benefit.

c) It is recommended that fathers and mothers should have the right to take turns to stay at home with a child when the child is ill. They should have the right to alternate the days they stay at home within one and the same period of illness of the child. This would increase the freedom of choice of parents, it would improve women's position on the labour market, it would dismantle gender stereotypes relating to mother- and fatherhood and it would improve flexibility both for employers and employees.

Long term recommendations:

d) In the long term it would be advisable to shorten the time during which cash benefits are paid due to parental leave (now until the child has reached the age of four), but compensating this by substantially raising the level of the allowances during the leave.

5.4 Men's violence against women, prostitution and trafficking

EC law does not contain any legally binding acts related to men's violence against women, prostitution and trafficking, partly due to lack of competence. However, men's violence against women, prostitution and the slavery of today - called trafficking - are grave violations against the most fundamental human rights; the right to the own individual and bodily integrity and the right to own oneself.

A good example of how to counteract domestic violence can be found in Austria, which has enacted legislation, (the Enforcement Act), which allows a Civil Court to issue an interim injunction, banning the perpetrator from the home of the person at risk. The legislation has proved to be very efficient. According to Austria, shortcomings are however still evident in the sphere of the criminal judiciary. A high percentage of proceedings instituted are quickly dismissed, not only because victims of violence refuse to give evidence, but also because

the deed is not deemed punishable. Violence in the private sphere is still perceived as a privileged offence. This shows the importance of coordinating legislation and creating a consistent approach towards men's violence against women.

Short-term recommendations:

- a) It is recommended that the law would introduce a possibility for courts to issue an interim injunction banning the perpetrator from the home of the person at risk of being abused, even if it is a shared home.
- b) Set up women's protection shelters.

Long-term recommendations:

- c) Improve the professional education and set up training programs for the police on investigation of cases of domestic violence, rape and sexual assault.
- d) Set up treatment programs for perpetrators.
- e) Criminalize the purchase of all forms of sexual services; services purchased on the street, in brothels, in so-called massage parlours and in escort services.