



Czech Republic



Progress in the Czech Republic was mixed. The participation of three leading presidential election candidates in a panel debate on the rights of LGBTI people during the second Prague Pride events sent a positive signal with regard to future progress towards greater LGBTI equality. A law providing access to gender reassignment for trans people entered into force; while a positive step towards legal recognition of trans people, the law includes various requirements that do not meet human rights standards. Reluctance towards greater recognition of same-sex partners indicate that the country is still not at ease with the recognition of the need to respect the rights of LGBTI people in private and family life.

Access to goods and services

- In February, the President of the Czech Republic signed a new *Civil Code*, which was intended to codify private laws into a single piece of legislation. It removed discrimination against same-sex couples in the field of housing by eliminating the automatic establishment of joint leases for spouses. Joint lease may only arise on the basis of an agreement between the tenants and the lessor.

Bias motivated speech

- In August, Petr Hájek, an adviser to President Václav Klaus, wrote a controversial article criticising the Pride Parade. Mr Klaus refused to condemn the comments even posting a statement on his own website saying, “I do not feel any pride in the event either”.
- In August, Tomáš Vandas, the Chairman of the Workers’ Party of Social Justice (DSSS), stated that, “Public promotion of ‘sexual difference’ fits into the permanent campaign against the traditional family and the upbringing of children, in short, against life itself”.
- In August, leaders of anti-choice groups signed a petition circulated by the World Congress of Families condemning the United States Embassy in Prague for their plans to participate in the Pride Parade. The petition stated that “Washington is aggressively promoting the ‘gay’ agenda internationally, including same-sex ‘marriage’ and the stigmatization and marginalization of any who object to the same.” The US Embassy was represented at the 2011 Pride in Prague.
- In August, the Czech Movement for Life (HPZ), an anti-choice organisation, also protested against the Pride Parade as the culmination of the Prague Pride festival. Its President, Michal Ucháč said that “the ‘homosexual ideology’ destroys the family, freedom and the nation”. It supported demonstrations against the march held by conservatives from the Citizen Initiative D.O.S.T. (Trust, Objectivity, Freedom, Tradition) and the Young Christian Democrats. D.O.S.T. chairman Michal Semín said: “The festival mostly represents a week-long party of homoeroticism and [the] pornographic industry.”

Family

- In August, Czech authorities refused to issue a certificate of Czech citizenship for two twins adopted in California by a gay couple of which one of the partners is a Czech citizen. The authorities argued that through this decision, they aimed to preserve public order in the Czech Republic. If this couple were heterosexual, the certificate would have been issued automatically. According to the Czech citizenship law, children born to Czech citizens abroad also receive Czech citizenship. Under the current legislation, registered partners cannot adopt in any circumstance, while single people can.
- By August, a total of 1,390 same-sex couples had entered into registered partnerships in the Czech Republic since the law came into force in July 2006. The majority of the couples are male. According to a Czech activist, in the first half of 2012, 102 same-sex couples entered into registered partnerships.

Freedom of assembly

- In August, the second Prague Pride Parade took place peacefully. The mayor hosted an opening night reception to launch the celebrations. A few days earlier, Prague Pride had hosted a debate on LGBT rights, attended by three leading candidates in 2013’s presidential election. 80 events took place during Prague Pride, including a discussion about living as an LGBT person within the Roma community.

Legal gender recognition

- Following the adoption of the new *Civil Code* in February, as of January 2014, trans people wanting to undergo gender reassignment will see their marriage or registered partnership automatically come to an end.
- In April, a new *Act on Specific Healthcare Services* entered into force. This act, adopted in 2011, sets the conditions under which a trans person may undergo gender reassignment treatment. The applicant must (i) get a diagnosis of gender identity disorder, (ii) provide evidence of their ability to permanently live as a person of the opposite sex, (iii) prove that they didn’t enter into marriage or registered partnership or that the marriage or

registered partnership came to an end, and (iv) receive a positive decision from the expert committee. Gender reassignment is then performed through surgery which includes terminating the reproductive function of the trans person (i.e. forced sterilisation). The decision of the expert committee (which consists of seven persons – including an unspecified representative of the Ministry of Health) has to be unanimous.

Public opinion

- In May, a poll conducted by the Public Opinion Research Centre of the Institute of Sociology of the Academy of Sciences (CVVM Institute) showed that 75% (compared to 72% in 2011) of Czechs believe that same-sex couples should have access to registered partnerships, and 51% supported marriage equality for same-sex couples. Whilst around 37% (compared to 33% in 2011) supported equal adoption entitlements for same-sex couples, 55% (compared to 60% in 2011) opposed the introduction of legislation that would make such adoptions legal.
- According to Eurobarometer 2012, 23% of Czechs believe sexual orientation discrimination is widespread. This is significantly below the EU27 average (46%). 23% believe gender identity discrimination is widespread. This is significantly below the EU27 average (45%). Czechs scored 4.9 on a scale from 1 ('totally uncomfortable') to 10 ('totally comfortable') when asked how comfortable they would feel with an LGB individual in the highest elected political position in their country. This is slightly below the EU27 average (6.6). The Czechs scored 4.2 on a similar scale when asked about a transgender/transsexual person in the highest elected political position in their country. This is slightly below the EU27 average (5.7).

Social security and social protection

- In March, the Public Defender of Rights ruled that a same-sex couple had been treated the same as a different-sex couple regarding access to family benefits for registered couples. The complainant was raising a child with her registered partner and as such was entitled

to a parental benefit. When her partner gave birth to another child, the Labour Office required the complainant to return her parental benefit as only the partner looking after the youngest child is entitled to this benefit. The Public Defender upheld the decision of the Labour Office arguing that there was no discrimination on the ground of sexual orientation as the complainant was treated the same as someone in a different-sex couple.

Member organisations of ILGA-Europe

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