

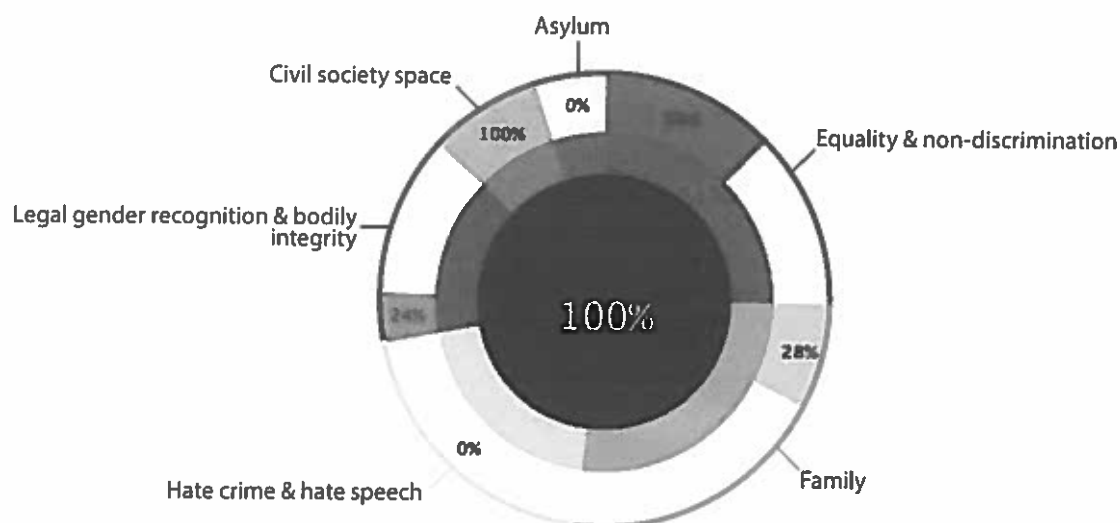
Czech Republic



Proposals to fill several of the outstanding legislative gaps in family law and hate crime were put forward in 2016, although they were still pending at the end of the year. One topic not currently provided for by law is access to second-parent adoption procedures for same-sex couples. A bill on the topic continued to make its way through the legislative process, provoking some politicians to make derogatory statements about same-sex couples. The Constitutional Court did rule that same-sex couples who have entered a registered partnership cannot be barred from adopting individually. Also, the justice ministry initiated a proposal to add sexual orientation and gender identity to the bias-motivation grounds in the Penal Code. LGBTI activists reported that nationalistic, populist sentiment crept into some political rhetoric in the Czech Republic, notably in the run-up to elections. Encouragingly, recent opinion polls suggest that the general public still feel supportive towards LGBTI equality – with a majority in favour of equal marriage, and strong majorities expressing support for civil unions and the prospect of same-sex couples adopting.

For more information on developments in 2016, visit www.rainbow-europe.org where you can read the full country chapter.

Legal and policy situation in **Czech Republic** as of 31 December 2016



In order to improve the legal and policy situation of LGBTI people,
ILGA-Europe recommend:

- Ensuring marriage equality for all.
- Drafting and adopting legislation to allow same-sex couples to have access to second parent adoption.

Bias-motivated speech

- During July's parliamentary debate on the proposed second-parent adoption law (see **Family**), MP Pavlína Nytrova (Czech Social Democratic Party, CSSD; centre-left) commented that if the bill was introduced "homosexuals will try to have sex with children". On Twitter, Minister of Labour and Social Affairs Michaela Marksova disassociated the Social Democrats from her party colleague's comments, saying Nytrova should move to another political group. The CSSD leader and prime minister, Bohuslav Sobotka, distanced himself from Nytrova's statements but did not call on her to leave the party.

Bias-motivated violence

- In April, the Ministry of Justice put forward a proposal for a bill to amend the Penal Code by adding explicit references to sexual orientation and gender identity to the grounds for bias-motivated violence. This proposal had not been approved by the government by the end of the year.

Equality and non-discrimination

- Following the regional and Senate elections in October, MP Jan Chvojka (CSSD) became Minister for Human Rights. When he was appointed, Mr Chvojka stated that he intended to have a different approach than his predecessor, saying that he will focus on human rights that the majority of the population can profit from, as human rights are not just for minorities but for everyone. Since Mr Chvojka took office, the Ministry of Human Rights have not made any steps to actively protect the rights of LGBT people.

Family

- On 28 June, the Constitutional Court ruled that the legal provision barring same-sex couples from adopting after they entered into a registered partnership was unconstitutional. The Court abolished section 13(2) of the Registered Partnership Act which stated that people in a same-sex registered partnership could not adopt as individuals, even though this was a possibility if they were single. Registered partners still cannot jointly adopt a child.

- A bill, originally submitted to parliament in September 2013 by a group of MPs, allowing same-sex couples to access second-parent adoption was included on the House of Representatives' agenda in July. The debate session ended without a first round vote, as the House adjourned for summer recess. While the 2013 initiative was still ongoing, another second parent adoption bill was prepared by the Ministry of Human Rights and the Ministry of Justice. This second bill was approved by the government in October by 12 votes to two. The bill was submitted to the parliament but it had not been included in the legislative agenda for debate by the end of the year.

- During 2016, the Supreme Administrative Court dismissed a petition from a same-sex couple, asking for the second father of a child to be recognised as a parent. The gay couple at the centre of the case (one of whom is a Czech citizen) had adopted a child in the USA, and the Czech father's parentage had previously been recognised by the Czech courts. The case was submitted to the Constitutional Court and was still pending at the end of 2016.

Foreign policy

- On 13 July, during the Montevideo Global LGBTI Human Rights Conference, the Czech Republic, together with 30 other states, joined the Equal Rights Coalition, a coalition committed to work towards equal rights and the eradication of discrimination and violence against LGBTI people.

Freedom of assembly

- In August, Prague's Pride March attracted over 40,000 participants according to police estimates, a record number in the festival's six-year history.

Health

- In late January, Prague's Public Health Authority announced it was going to initiate criminal investigations against 30 gay men. These men were living with HIV and had been diagnosed with a sexually transmitted infection (STI) in the past 12 months. NGOs believed that the police

were beginning an investigation to see if the men had violated provisions Sections 152 and 153 of the Criminal Code (used to prosecute the “spread of infectious diseases”). European NGO networks sent an open letter to the Public Health Authority on 14 February, stating that their behaviour was intimidating and that evidence-based practice in HIV prevention, testing and care needed to be used instead.

Public opinion

- Between 3 – 20 June, the Centre for Public Opinion Research carried out a series of interviews with 1005 members of the public on their attitudes towards gay men and lesbian women. The results were published on 25 July and 48% of those surveyed stated that coming out would cause problems for someone in their local town/village; 43% disagreed. 37% of respondents said they had friends who identified as gay or lesbian, 9% said they didn't know if they had. 74% agreed with same-sex civil partnership and 51% thought that same-sex couples should be allowed to marry. When asked about adoption, 62% said that same-sex couples should have access to adoption.