



# THE CZECH REPUBLIC



Population: 10.6 million



Stonewall Global Diversity Champions: 62



## THE LEGAL LANDSCAPE

Stonewall uses broad legal zoning to group the differing challenges faced by employers across their global operations.

The Czech Republic is classified as a Zone 1 country, which means sexual acts between people of the same sex are legal and clear national employment protections exist for lesbian, gay, and bi people.

To help put this into context, it is important to note that two further zones exist:

In Zone 2 countries, sexual acts between people of the same sex are legal but no clear national employment protections exist on grounds of sexual orientation. In Zone 3 countries, sexual acts between people of the same sex are illegal.

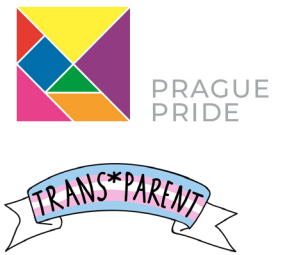
FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY	FAMILY AND RELATIONSHIPS	EQUALITY AND EMPLOYMENT	GENDER IDENTITY	IMMIGRATION
<p>Articles 17, 19 and 20 of the Charter of Fundamental Rights and Freedoms protect <b>the rights to freedom of speech, association and assembly</b>.</p> <p>There <b>are no LGBT-specific additions or restrictions</b> to these rights.</p>	<p><b>Sexual acts</b> between people of the same sex are <b>legal</b> under Section 187 of the Criminal Code.</p> <p>There is an <b>equal age of consent of 15 years</b> for sexual acts regardless of gender under Section 187 of the Criminal Code.</p> <p><b>Same-sex marriage is not legal</b> because marriage is defined as a union between a man and a woman under Section 655 of the Civil Code.</p> <p>There are <b>no additional marriage restrictions</b> specific to trans people.</p> <p>Same-sex couples can legally enter into <b>registered partnerships</b> under the Act on Registered Partnerships. These partnerships have <b>limited rights</b> compared to marriages, such as no 'common ownership' of property and no right to a survivor pension in the case of a partner's death.</p> <p>In 2016, the Constitutional Court ruled <b>people in registered partnerships could adopt</b>. However, only one partner can be the adoptive parent.</p> <p>In June 2017, the Constitutional Court ruled in favour of <b>both partners in a same-sex couple</b> being <b>recognised as legal parents</b> of a child they got through <b>surrogacy abroad</b> (Judgment of the Constitutional Court, file number I. ÚS 3226/16).</p> <p>No laws specifically address trans parenthood. However, <b>sterilisation is required for legal gender change</b> (see GENDER IDENTITY).</p>	<p>Article 3 of the Czech Charter of Fundamental Rights and Freedoms <b>guarantees the rights and freedoms of everyone</b>. There is no explicit reference to sexual orientation and gender identity.</p> <p><b>Employment discrimination</b> on the grounds of <b>gender identity and sexual orientation</b> is <b>prohibited</b> under Section 16(2) of the Labour Code.</p> <p>The <b>right to access employment</b> cannot be denied to an individual on the grounds of <b>sexual orientation and gender identity</b> under Section 4 of the Act of Employment.</p> <p>Hate crimes based on <b>sexual orientation or gender identity may be considered an aggravating circumstance</b> under Section 42(b) of the Criminal Code (Act No 40/2009).</p>	<p>Trans people <b>can change their legal gender on all identification documents</b>, including their birth certificate, under Section 72 of the Act on Registry, Names and Surnames. Trans people can also request a new social security number (which changes depending on gender) under the same law.</p> <p>Legal gender <b>can only be changed to male or female</b>. There is no option to change legal gender to a third gender.</p> <p>Legal gender change is <b>subject to being 18 years old, sterilisation, a medical opinion, and in the case of a married person, compulsory divorce</b>.</p> <p>Trans people <b>can change their legal name</b> on all identification documents under Section 72 of the Act on Registry, Names and Surnames. Legal names can be changed following a <b>legal gender change and confirmation from a health service provider</b>.</p>	<p>Under Section 180f of the Act on Residence of Foreigners in the Territory of the Czech Republic, <b>dependent long-term visas and residency permits are available</b> to same-sex partners if their partnership is officially registered.</p> <p>Czech courts <b>recognise the right to asylum</b> for the purpose of family reunification for officially registered same-sex partners under Sections 2, 13, and 14b of the Act on Asylum.</p> <p>The <b>right to asylum</b> on the grounds of persecution for being LGBT is <b>not explicitly recognised</b> under the Act on Asylum. However, case law has <b>acknowledged persecution on the grounds of being LGBT</b> as persecution for affiliation with a social group. <b>Asylum can be granted</b> on these grounds under Section 12b of the Act on Asylum.</p>



## A VIEW FROM THE CZECH REPUBLIC

Stonewall spoke to **Czeslaw Walek**, CEO and Chairperson of **Prague Pride**. Prague Pride organises the annual Prague Pride festival in addition to running campaigns, peer support services and the Pride Business Forum. Prague Pride is a principal member of the Czech marriage equality campaign.

Stonewall also spoke to **Viktor Heumann**, the co-founder and director of **Trans\*parent**. Trans\*parent strives for empowerment, social justice, promotion of rights and positive social changes for trans men, women and other non-cis people. It works towards creating understanding and acceptance of trans people at both the social and legislative level.



### Everyday life

**Czeslaw:** “In the past ten years there have been significant advances in LGBT acceptance. However, marriage equality has not yet been achieved (although there is a visible **nationwide campaign**) and trans people must be sterilised to change their legal gender. Also, as the LGBT rights movement is relatively new, many older LGBT people struggle to come out. Life for LGBT people can also vary depending on whether they live in a large city or more rural area. For instance, in Prague there is a lively and growing selection of LGBT groups and spaces.”

**Viktor:** “Trans people are pathologised and people think that trans people must want surgery to be ‘cured’, or they aren’t really trans. Multiple forms of discrimination impact exponentially on people’s experience of being trans. Roma trans women, in particular, face pervasive marginalisation and are often homeless.

Trans rights groups can operate freely but trans issues are often sidelined. Trans\*parent is currently working to change legal gender recognition requirements, especially forced sterilisation and divorce. Additionally, we are trying to alter the complicated and stigmatising process whereby trans people must change their legal name multiple times while transitioning, as Czech names are strictly gendered.

When trans people travel to the Czech Republic, they should be aware of the lack of acknowledgement of non-binary identities. Also, understanding of trans identities among medical professionals, public servants and the police can be low. Otherwise, the Czech Republic is mostly safe in terms of hate crimes, although verbal harassment can be common.”

### Visibility

**Czeslaw:** “LGBT visibility has improved significantly the last decade: there are now openly gay politicians, celebrities, and CEOs of large companies locally and nationally. However, visibility is limited to lesbian and gay people who aren’t trans. There are almost no public figures who are bi or trans. There is quite a lot of media coverage surrounding LGBT issues: Prague Pride and the topic of marriage equality both receive significant attention. While a minority of outlets and public figures react negatively, most coverage is positive.”

**Viktor:** “Most trans people try to be invisible in the Czech Republic. Media representation focuses on transitioning and ‘before and after’ photos. Non-binary people are also completely invisible because Czech society has very binary understandings of gender and a heavily gendered language.”

### Workplaces

**Czeslaw:** “LGBT people often feel the need to hide their identity at work for fear of negative reactions from colleagues. Many also fear that being out will negatively impact their careers. According to ‘LGBT+ First Job’, research conducted by Vodafone, Prague Pride and Out Now, in the Czech Republic only 24 per cent of LGBT people are out at work. Ten years ago, this was 11 per cent, so we are making progress, but we have further to go. For example, when young LGBT people get their first job, 47 per cent go back into the closet.

Prague Pride has worked with employers for nine years and we’ve seen some big successes, particularly with multinationals. Engaging with smaller or local companies can sometimes be challenging, as they often don’t see the benefits of LGBT inclusion. Prague Pride has just published **ten basic steps** for businesses to support LGBT employees.

To support LGBT organisations and LGBT equality externally, businesses can do things like circulating marriage equality petitions internally, carrying out charity fundraising events in offices, and signing open letters. Additionally, businesses can use their platforms to increase LGBT visibility via social media and adverts: this is a great opportunity to increase acceptance as well as benefitting businesses.”

**Viktor:** “Trans people face discrimination at work. This can include being outed, being fired or, for trans women, having salaries lowered or not getting a raise after transitioning. Bullying can happen and there can be issues regarding the use of facilities such as toilets. Most employers aren’t ready to support trans staff when they transition, which hurts trans employees and contributes to low levels of people being out at work.

To support trans staff, employers should have trans-inclusive policies and conduct training and workshops to support a shift in internal culture. There should also be a focus on non-binary identities. Businesses should ask trans organisations how best they can offer support and use their platforms to cultivate a positive discourse around trans identities. Public statements about the importance of trans inclusion would have a big impact too. Organisations can also help LGBT groups through pro bono support with research, physical spaces, and the use of their platforms.

Czech employers sometimes don’t understand the importance of trans inclusion, even if they are local branches of multinational organisations. Employers should ensure that organisation-wide standards are being fully implemented in the Czech Republic.”

### Healthcare

**Viktor:** “Many healthcare services are available but the quality is low and being trans is seen as something that can be cured with surgery and hormones, with little psychological support available. Legal gender recognition exists but with strict and discriminatory conditions. Trans people often face disrespectful behaviour from healthcare staff. Even when receiving transition-related healthcare, medical staff still won’t respect their gender identity. Psychologists and psychiatrists are also widely refusing to accept the validity of trans identities and sometimes push for therapy to ‘cure’ trans people.”

## LGBT INCLUSION IN THE WORKPLACE

Stonewall's **Global Workplace Equality Index** is the definitive benchmarking tool for global LGBT workplace equality. It's a great way to assess your organisation's progress and navigate the challenges of upholding inclusive values locally. The Global Index provides your organisation with a clear and rigorous action plan for your LGBT inclusion work across the globe.

The Index evaluates an organisation's performance across eight areas of employment policy and practice. In line with these areas, in Czech Republic employers can work to:

1. Implement LGBT-inclusive **policies and benefits**, such as anti-discrimination and bullying and harassment policies, transitioning at work policies, and equal partner and family benefits.
2. Carry out comprehensive **all-staff training** on sexual orientation and gender identity.
3. **Engage staff** by setting up local LGBT employee network groups and developing ally programmes.
4. Empower **senior leaders** to advance LGBT inclusion within your organisation and advocate for equality.
5. Assess whether you can **monitor** sexual orientation and gender identity data in order to understand and improve the experiences of LGBT employees.
6. Evaluate your **procurement** practices to ensure LGBT inclusion forms part of the tendering process and your engagement with potential and existing suppliers.
7. Work to understand the **local context** and support **local communities** by partnering with local LGBT groups.
8. Ensure your **mobility** policies account for employees' sexual orientation and gender identity and provide staff travelling to or from Czech Republic with adequate, LGBT-specific information.



## LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

### Allen & Overy

Allen & Overy's policies are explicitly inclusive of LGBT people, including those covering equal opportunities, bullying and harassment; dress codes; parental policies; discretionary leave; and transitioning at work. Staff benefits are also available regardless of gender. To ensure their implementation, learning about these policies is an integral part of the induction process for new employees. In the Czech Republic, Allen & Overy's local chapter of their global LGBT network, A&Out, have organised a number of events to demonstrate the Prague office's commitment to LGBT equality. Events have included inviting the entire office to dress in rainbow colours and writing messages on A&Out banners showing support for the LGBT community. Allen & Overy has also become a member of the Pride Business Forum, a local platform aimed at advancing LGBT equality in the workplace. They signed the 'Pride Business Forum Memorandum 2017+', highlighting their commitment to LGBT diversity and inclusion in the workplace and their desire to continue to advance this area in the future. Allen & Overy is also supporting the introduction of same-sex marriage legislation in the Czech Republic by supporting the 'Jsme fer' ('Let's be fair') initiative. Finally, Allen & Overy has provided pro bono legal support to Prague Pride.

### Citi

Citi ensures that LGBT people are included throughout their policies. Sexual orientation, gender identity and gender expression are explicitly covered in Citi's anti-discrimination and bullying and harassment policies. Partners of employees are also able to access equal benefits, regardless of gender. Citi's tendering processes for procurement include a supplier diversity and inclusion assessment that covers sexual orientation, gender identity and gender expression. Employees in the Czech Republic are required to attend online training on 'Fostering an Inclusive Environment', which specifically addresses LGBT identities. In 2018, Citi started working with the local LGBT organisation Prague Pride. Together they organised an LGBT diversity discussion with Ester Janeckova, a well-known Czech TV personality and ambassador for peer mentoring portal for LGBT people in crisis, Sbarvouven. In 2019, Citi donated \$4,300 USD to the portal. Citi has also publicly supported the marriage equality campaign and is featured on the 'Jsme fer' ('Let's be fair') webpage in addition to signing an open letter to the Czech Prime Minister in support of equal marriage. Finally, Citi signed the 'Pride Business Forum Memorandum', demonstrating their commitment to and support for LGBT diversity and inclusion in the Czech Republic.



## GET INVOLVED



### THE ANNUAL LGBT CALENDAR

**April** – Queer Eye

[www.pragueoffthemap.com/culture/festivals-of-all-kinds/2323.html](http://www.pragueoffthemap.com/culture/festivals-of-all-kinds/2323.html)

**May** – Prague Rainbow Spring [www.praguerainbow.eu](http://www.praguerainbow.eu)

**May** – Fun & Run [www.praguepride.cz/en/fun-run](http://www.praguepride.cz/en/fun-run)

**August** – Prague Pride [www.praguepride.cz/en](http://www.praguepride.cz/en)

**November** – Mezipatra Queer Film Festival [www.mezipatra.cz/en](http://www.mezipatra.cz/en)

**Throughout the year** – Queer Ball [www.queerball.cz/en](http://www.queerball.cz/en)

Check the events websites for the most up-to-date information on dates.



### FIND LGBT GROUPS AND COMMUNITIES

**Czech Tourists Club Queer** – a Czech tourist group organising regular walks in the countryside for the LGBT community and their friends.

[www.queer.kct.cz/o-nas](http://www.queer.kct.cz/o-nas)

**Platform for Equality, Recognition and Diversity (PROUD)** – a membership organisation carrying out thematic projects to advance LGBT rights and equality throughout Czech society. [www.proud.cz/en](http://www.proud.cz/en)

**Prague Pride** – a non-government organisation promoting a tolerant civil society and combatting discrimination towards LGBT people.

[www.praguepride.cz/en](http://www.praguepride.cz/en)

**The STUD, z.s** – an organisation working to support LGBT young people in the Czech Republic. [www.stud.cz/en](http://www.stud.cz/en)

**Society for Queer Memory/The Queer Memory Centre** – a group established to facilitate dialogue between generations of the LGBT community and build a museum and collection of artefacts documenting this.

[www.queerpamet.cz/inpage/society-for-queer-memory](http://www.queerpamet.cz/inpage/society-for-queer-memory)

**Trans\*parent** – a national organisation working towards positive social and legislative change for trans people that offers support for adults and teenagers.

[www.transparentprague.cz/english](http://www.transparentprague.cz/english)



### NATIONAL HUMAN RIGHTS INSTITUTION

**Public Defender of Rights** – [www.ochrance.cz/en](http://www.ochrance.cz/en)

The Public Defender of Rights is the Czech National Human Rights Institution where complaints of human rights violations on the grounds of sexual orientation and gender identity can be made.



## STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 62 ORGANISATIONS OPERATING IN THE CZECH REPUBLIC.

The **Global Diversity Champions** programme gives employers the tools they need to take a strategic and structured approach to LGBT equality initiatives globally and provides a network to keep them informed of legal changes and implications for their staff wherever they are in the world. Our team of workplace advisors offer tailored one-to-one advice on how to create LGBT-inclusive workplaces globally and members gain exclusive access to our full library of resources offering step-by-step guidance on different areas of LGBT inclusion. If you would like to receive support or want to be featured as a case study in one of our Global Workplace Briefings, contact [memberships@stonewall.org.uk](mailto:memberships@stonewall.org.uk)

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