



European network of legal experts in gender equality and non-discrimination

FLASH REPORT

Country:	Czech Republic
Title:	COVID-19 measures – ban on presence of fathers during birth of child
Date:	25 May 2020
Expert:	Kristina Koldinská
<u>Context</u>	
Issue at stake:	As of 18 March, fathers can not be present during delivery of their children
Grounds of discrimination:	Gender
Field of application:	Pregnancy and maternity
Source:	National legislation, policy development
Applicable law:	Act No. 258/2000 Coll., on public health, emergency measure of the Minister of Health No.: MZDR 12344/2020-1/MIN/KAN from 18 March 2020

Content

Key points of analysis: With agreement of the Government, the Ministry of Health issued an emergency measure, according to which it's forbidden to visit patients in hospitals, including fathers who accompaigh their wife/partner during delivery of their child. This measure, which is strictly applied by all hospitals, raised a debate on reproductive rights. The main argument of the Ministry is preserving health of caring personnel (physicians and nurses). Not only NGOs, but also the governmental working group in the field of obstetrics have reacted and asked the Ministry to rethink this measure.

Your personal assessment for the Commission's eyes only: The reaction of lawyers working in the field has been really strong, so that the ministry is probably going to change its mind and abolish this measure. Also the Human Rights Commissioner asked the minister to evaluate, if a proportionality principle has been respected in this case. Interpretation of human rights NGOs and watchdogs is it was not. It can not be excluded, that cases will be brought to courts.

Internet link source:

<https://www.vlada.cz/cz/ppov/rovne-prilezitosti-zen-a-muzu/aktuality/mimoradne-jednani-pracovni-skupiny-k-porodnictvi-o-zruseni-zakazu-pritomnosti-otce-u-porodu-180639/>;
https://www.mzcr.cz/dokumenty/mimoradne-opatreni-zakaz-navstev-pacientu-v-zdravotnickych-zarizenich-v-vyjimk_18766_1.html;
<https://www.ceska-justice.cz/2020/03/liga-lidskych-prav-zakaz-otcu-u-porodu-hrube-zasahuje-prava-nastavajicich-rodicu/>.