

Finally, the conclusive chapter examines the relevant international conventions on human rights of women. The human rights of women and girls are an inseparable part of universal human rights. However, they possess some kind of particular features expressed in specialized international treaties and regimes of implementation. Problems of the international legal protection of women have their own genesis that began in the early 1920s. The initial conventions, most of which were European, were intended to protect women against extreme forms of exploitation related to their biological differences (trading women); to protect women at work and to improve her working conditions. The conventions bound countries — parties to the conventions — to adopt domestic measures of a protective character in the fields of labour, administrative and criminal law.

The UN Charter (1945) and the Universal Declaration of Human Rights (1948) brought principal qualitative changes in the concept of the protection of women's rights, integrating the human rights agenda into the system of international law in general and in relation to women in particular. Principles of universality of human rights, equal rights of men and women and the prohibition of discrimination on the ground of sex created a basic legislative framework for both consequential domestic legislation and international rules intended to help women develop, to protect them and not to discriminate against them. Under the UN Charter (sec.55), the majority of relevant conventions are drafted and adopted in the UN itself and associated international organizations (such as ILO, UNESCO). Until recently, many conventions have been adopted within the framework of those international organizations, either fully directed to women or regulating some aspects of their status.

The conventions can be divided into three categories as far as their content is concerned: first, conventions containing provisions exclusively of a non-discriminating character (for example, The Convention on Political Rights of Women, 1952); the second category covers all conventions of a mixed character containing both non-discriminatory and protective measures (The Convention on the Elimination of All Kinds of Discrimination against Women, 1979). The third category comprises conventions intended to protect women as far as their biological differences is concerned (The Convention on Restrictions on the Trading of People and Exploitation of Other Persons, 1950).

As for their function, the conventions represent unifying instruments sui generis and the parties are obliged to arrange for consequential domestic legislation to implement the content of individual provisions of the conventions. Those are formed in two ways: either as obligations of an activation character or as obligations aimed to a concrete situation.

The most important instrument of international legal protection of women is the Convention on Elimination of All Forms of Discrimination against Women. It can be considered the main tool of the protection of women's rights, universal as to its effectiveness and versatile as to its scope and subject matter.

The supervision of the implementation of obligations from the Convention is vested in the Committee for the Elimination of Discrimination against Women, the body established by the Convention. Its function is „consiliary“, i.e. correct implementation of the Convention is ensured through comments on reports that must be submitted by the parties to the Convention. General recommendations and reports of the Committee submitted by the Economic and Social Council of the General Assembly of the UN serve the same purpose.

The Czech Republic is a party to all relevant international treaties. It succeeded in them by a unilateral legal act in accordance with the rules set up by international law after the split-up of the Czechoslovak Federal Republic that had been bound by them. The conventions have been taken over by Czech legislation without being newly ratified or declared, which ensures their domestic validity.

## CONCLUSIONS

The role of a woman, her ideas about her place in society and efforts to carry them out, have changed in many aspects in the recent period of fast and fundamental changes in the

political and economic life of the Czech society, where family is considered to be an elementary unit in the private field.

Consequently, many things have changed and are still changing in legislation in force. These are often very important differences which should be known to women first of all. In the past, women, especially those who were more passive and possessed lower education, expected the State organs, or various social and trade union organizations, to secure their legal interests (for example, in industrial issues). The State paternalism passed away, however, the passive and ignorant attitude towards the solution of one's problems in life has not disappeared at all. Moreover, many troubles could be prevented if the level of knowledge was better and the approach towards the implementation of one's ideas, or self-defence, was more active.

The purpose of this publication, in addition to its pedagogical value, is to provide primarily such information which would be useful for further legislation or theoretical research in other fields. The publication intends to persuade its reader that current information for women is obviously much appreciated. It is expected, that considering in general a good level of education, Czech women are able not only to understand the value of the information, but also to process and utilize it.

In any kind of society, whether highly developed or not, there is a certain number of persons who, due to different and various reasons, subjective or objective (or the combination of both), become disconcerted and helpless, who need someone else's assistance. This often happens to women, usually to those who are not alone but have children, fully dependent on their mothers care and adequate social position.

The complexity of many legal issues — concerning property, housing, social security or industrial relations — usually requires highly qualified advice and help, encompassing the source of necessary information. This publication should also serve as such a source — those in the most urgent need of help usually possess insufficient funds to hire an attorney at law. Activities of many humanitarian associations are directed to women as well, preferably to those with dependent children. However, not always, particularly in private matters, can the women obtain qualified legal aid there. This field as yet has been neglected in the accelerating process of transformation to a market economy.

This study, which points out problems in an extensive way, may arouse discussion among citizens as well as in various governmental or non-governmental institutions. We cannot turn a blind eye to the problems, and the problems cannot be concealed with any ideology. Human problems, appearing in relation to the position of women, must be solved actively, bravely and with good will.

## RECHTLICHE STELLUNG DER FRAU IN DER TSCHECHISCHEN REPUBLIK

### *Zusammenfassung*

Die Arbeit besteht aus fünf selbständigen Studien, welche die Hauptgebiete dieser Problematik umfassen, einschliesslich des völkerrechtlichen Schutzes der Menschenrechte der Frauen.

Die erste Studie widmet sich dem bürgerlichen und Familienrecht. Schon in der Geschichte hatte die Frau im böhmischen Landesrecht eine fast gleichberechtigte Stellung. Sie konnte volle Selbständigkeit erreichen, im Gegensatz zum römischen und deutschen Recht. Erst viel später unterschied das Allgemeine bürgerliche Gesetzbuch zwischen Mann und Frau im Bereich der ehelichen Rechte und Pflichten sowie in einigen Fragen, die die rechtliche Stellung der Mutter betrafen.

Eine volle und ausnahmslose Gleichberechtigung erreichten die Frauen in der tschechoslowakischen Gesetzgebung in der zweiten Hälfte dieses Jahrhunderts. Diese Frage stellt also kein „Problem“ dar, dessen Lösung zur legislativen Veränderungen führen sollte.