

A high divorce rate is traditionally one of the negative features of population development in the Czech Republic. This is influenced by various social factors, not least of which is the ease of divorce, i.e. existing legislation on the subject. The originally stringent laws based on Church law with its stress on the indissolubility of marriage have been replaced by ever more liberal laws which have then been further simplified by court rulings. Divorce was established as the only legal way of dissolving a marriage in the Czech Republic in 1950, when the family law abolished the two-track provisions dating back to 1918, i.e. of divorce from the bed and board and dissolution of the marriage. A new and important amendment to the family law was introduced in 1964, when the subjective aspect of the principle of guilt in a divorce was replaced by a basically objective point of view of whether the marriage was fulfilling its social role, i.e. the proper upbringing of children. The lasting breakdown of relations between husband and wife became a reason for divorce. On 1 August 1998 the new Family Law (no. 91/1998 Sb.) came into force in this country. This allows the court to dissolve a marriage after an irretrievable breakdown of relations, if the marriage has lasted at least one year, the husband and wife have lived separately for at least six months and the petition for divorce has the agreement of the other partner. If one of the partners does not agree to the divorce and did not have the major responsibility for the break-up of the marriage, divorce is only possible after at least three years of separation. The new law also sets a requirement of a written agreement as to the separation of shared property, rights and responsibilities in cohabitation, an agreement on the upbringing of dependent children and, where relevant, the payment of maintenance.

The Number of Divorces Has Been Affected by Changes in Legislation

After a long period of increasing liberalisation of divorce the new Family Law is in fact more conservative and may make divorce more difficult, particularly in the early years of a marriage, as well as placing greater emphasis on saving a marriage with dependent children. The lasting rise in divorce in the Czech Republic cannot however be attributed solely to the liberalisation of divorce law. Changes in the law were often in response to a growing number of broken marriages and new provisions in the law make it possible to dissolve those marriages which were not functional. Subsequent sudden changes in the rate of divorce are generally related to changes in the divorce law. Under the 1998 law there will be a considerable period during which new practices will be worked out and the level of divorce can be expected to fall in the early years of a marriage and there is unlikely to be an increase in the number of moribund marriages. The law does not however prohibit divorce by mutual consent, even when there are dependent children, or the emergence of de facto marriages where one or both partners are already married but have been refused a divorce.

Tab. 3.1: Divorce 1990–1998

	1990	1991	1992	1993	1994	1995	1996	1997	1998
Number of Divorces	32,055	29,366	28,572	30,227	30,939	31,135	33,113	32,465	32,363
Crude Divorce Rate	3.09	2.85	2.77	2.93	2.99	3.01	3.21	3.15	3.14
Index of Divorce	35.2	40.8	38.6	45.8	52.9	56.7	61.4	56.2	58.8
Divorces per Married Persons ¹	12.4	11.5	11.2	11.9	12.2	12.4	13.3	13.1	13.1p
Total Divorce Rate	38.0	34.8	33.9	36.2	37.5	38.4	41.7	41.9	42.0p

¹per 1,000 married woman as of 1 July of the given year

The absolute number of divorces has risen throughout the post-war period and reached its peak in 1996, when 33,000 divorces were granted, which is almost three times the level in 1950. This cannot be explained by the rise in the number of new marriages (which had in fact fallen in the preceding years) nor by a rise in the total number of existing marriages. The cause should be sought in people's value systems, in the external living conditions and in the relative ease of obtaining a divorce. The fall in the number of divorces at the beginning of the 1990s aroused some hopes of a new stabilisation of the family and a fall in the rate of divorce in the new conditions, but by 1993 the number of divorces had again risen to the level of 1985–1989. Hopes of a new and positive trend were thus disappointed, even though the rate of divorce in the first three years of a marriage has fallen slightly. The historical maximum number of divorces in 1996 was linked with the announcement of plans to make divorce in the first three years of marriage more difficult. Changes in 1997 and 1998 confirm the suspicion that no fundamental change in the behaviour of married

people can be expected in the near future and that the annual number of divorces is likely to continue at around 32,000.

Divorce Rate Continues to Rise

The crude divorce rate in the 1980s was approximately 3 divorces per 1,000 inhabitants and as the population remained variations were due only to changes in the number of divorces each year. The divorce rate has risen since 1993 and in the second half of the 1990s there have been more than 13 divorces for 1,000 existing marriages. The marked rise in the index of divorce in the 1990s is influenced primarily by the fall in the number of marriages (by 36% between 1990 and 1997). The level of divorce in a given year is shown by the total divorce rate which takes in to account the specific divorce rate of married men and women according to their age group and the duration of the marriage. This indicator passed the 40% level for the first time in 1996 and in 1997–1998 42% of marriages could be expected to end in divorce, which places the Czech Republic among those European countries with the highest rate of divorce (Sweden and Finland 48%, Norway 44%, United Kingdom 43%, Denmark and Switzerland 41% – 1997 or 1996).

Tab. 3.2: Divorce Rates by Age and Sex¹

Age Group	Men					Women				
	1990	1994	1995	1996	1997	1990	1994	1995	1996	1997
15–19	12	11	10	13	6	15	15	13	13	13
20–24	31	30	31	32	32	31	31	31	32	32
25–29	26	29	29	32	31	24	26	26	29	29
30–34	22	23	23	26	25	19	20	21	23	23
35–39	19	18	19	20	21	16	16	16	18	19
40–44	14	15	15	16	17	12	12	13	14	14
45–49	10	10	10	12	12	7	8	8	9	9
50–54	5	6	6	7	7	4	4	4	5	5
55–59	3	3	3	4	4	2	2	2	2	2
60–69	1	1	1	1	1	1	1	1	1	1
70+	0	0	0	0	0	0	0	0	0	0
Total	12.4	12.2	12.4	13.3	13.1	12.4	12.2	12.4	13.3	13.1

¹number of divorces per 1,000 married men/women of the given age group

The Number of One-Parent Families with Children is Increasing due to Divorces

The rate of divorce according to age was relatively stable in the first half of the 1990s but has shown a clear rise since 1996. The only exception to this was for women aged 15–19, where the lower number divorcing was influenced by the rise in the age at marriage. There was no rise in the level of divorce among older people, i.e. among women over 55 and men over 60. The highest rate was recorded in the 20–29 age group, for both men and women. The divorce rate falls with rising age and duration of marriage, but the percentage of people divorcing is still relatively high. The higher rate of divorce for men aged 25 and above than for women in the same age group was due both to the difference in the ages of men and women at marriage and the age difference between husband and wife and to the fact that men are more likely to marry for a second or third time.

The percentage of the population who are divorced depends both on the traditionally high divorce rate and on the falling level of nuptiality among divorced persons. This means that the percentage of divorced persons has risen markedly since the beginning of the 1990s, particularly in the 30–59 age group for both men and women. Among people up to the age of 25, particularly women, the falling level of nuptiality and the rising age at marriage has led to a slight fall in the percentage of divorced people. Since 1994 the percentage of divorced persons in the 25–29 age group and among people over 60 has stabilised somewhat, for both men and women. The highest percentage of divorced persons is found in the 40–49 age group, where in 1997 every seventh man and every sixth woman had the marital status as "divorced". These figures are however affected by a change in marital status if the divorce is followed by remarriage.

Fig. 3.1a: Percentage of Divorced Men in the Population (as of 31 December of the year, in %)

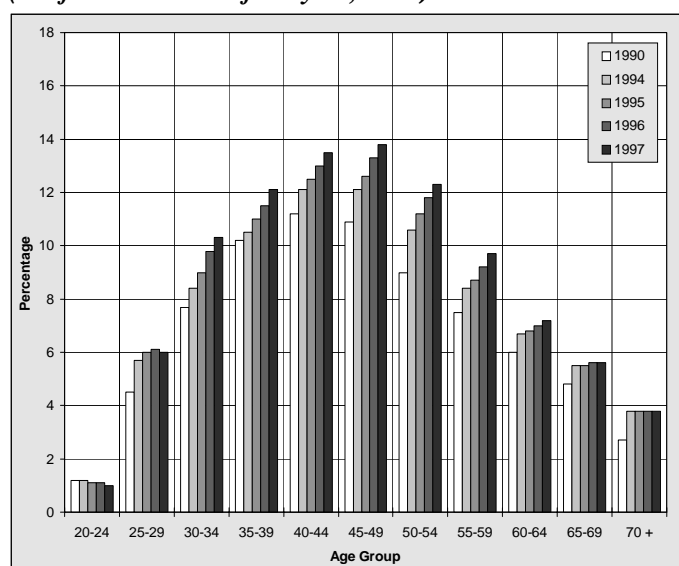
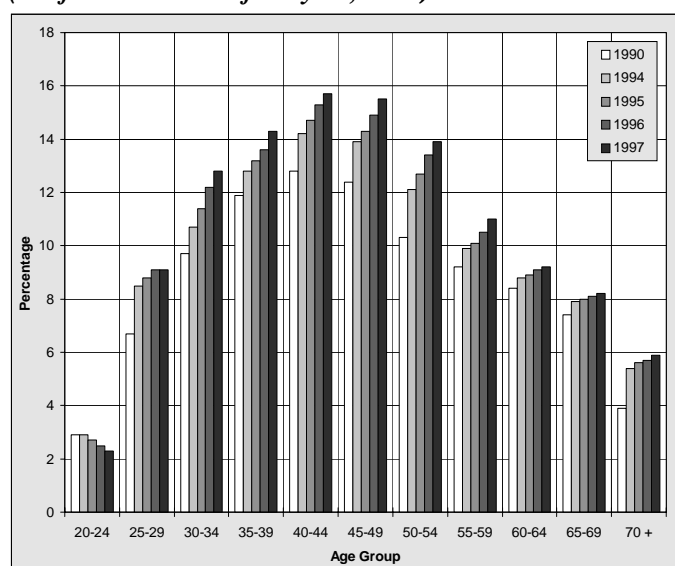


Fig. 3.1b: Percentage of Divorced Women in the Population (as of 31 December of the year, in %)



The rate of divorce according to the duration of the marriage rose between 1990 and 1997 in the fourth to ninth years of a marriage in particular, but fell in the first three years of marriage. At the beginning of the 1990s the divorce rate was highest in the third and fourth years of a marriage while in 1997 this peak had shifted to the fourth and fifth years and the divorce rate has risen among marriages of longer duration. The greatest rise in the divorce rate in the 1990s was among the relatively large number of marriages from 1990, when the number of marriages rose by about 10,000 due to the planned abolition of loans for newly married couples. An analysis of the total divorce rate, i.e. by the length of marriage shows the percentage of marriages that would end in divorce in a particular year if the rate of divorce remained unchanged. At the beginning of the 1990s this stood at 34–38% of marriages, while in 1996–1998 it was around 42%.

Tab. 3.3: Divorce Rates by Duration of Marriages (divorces per 100 marriages)

Duration of Marriage in Years	1990	1991	1992	1993	1994	1995	1996	1997
0	0.75	0.69	0.59	0.40	0.40	0.37	0.42	0.46
1	2.69	2.44	2.26	2.15	2.08	1.89	2.01	2.04
2	3.24	3.04	2.87	3.09	3.11	2.97	3.04	2.89
3	3.21	2.93	2.75	3.09	3.22	3.46	3.35	3.26
4	2.78	2.58	2.55	2.75	2.77	3.05	3.29	3.23
5	2.45	2.24	2.23	2.43	2.57	2.61	3.00	3.03
6	2.13	1.98	2.07	2.14	2.18	2.34	2.55	2.72
7	1.94	1.81	1.83	1.96	2.02	2.09	2.37	2.41
8	1.58	1.68	1.57	1.75	1.79	1.86	2.10	2.20
9	1.52	1.45	1.47	1.67	1.67	1.70	1.91	1.91
0-4	12.67	11.68	11.02	11.48	11.58	11.74	12.11	11.88
5-9	9.62	9.16	9.17	9.95	10.23	10.6	11.93	12.27
0-9	22.29	20.84	20.19	21.43	21.81	22.34	24.04	24.15
10-14	6.55	5.49	5.45	5.98	6.21	6.52	7.09	7.25
15-19	4.36	3.97	3.83	4.14	4.33	4.37	4.81	4.82
0-19	33.20	30.30	29.47	31.55	32.35	33.23	35.94	36.22
20-24	2.79	2.51	2.53	2.66	2.90	3.00	3.31	3.21
25+	1.96	1.98	1.94	2.00	2.30	2.20	2.49	2.47
Total Divorce Rate	37.95	34.79	33.94	36.21	37.50	38.43	41.74	41.90

Tab. 3.4: Divorces by the Number of Dependent Children

Number of Children	1990		1994		1995		1996		1997	
	Number	%	Number	%	Number	%	Number	%	Number	%
1	12,709	54.9	12,902	57.9	12,880	58.3	13,690	58.4	13,274	58.7
2	8,956	38.7	8,124	36.4	8,003	36.2	8,504	36.3	8,144	36.0
3+	1,470	6.4	1,263	5.7	1,225	5.5	1,244	5.3	1,185	5.3
Divorces Involving Children	23,135	100.0	22,289	100.0	22,108	100.0	23,438	100.0	22,603	100.0
Divorces Not Involving Children from a Total Number of Divorces	8,920	27.8	8,650	28.0	9,027	29.0	9,675	29.2	9,862	30.4

Falling Natality is Leading to More Divorces Involving only One or No Children

One negative outcome of the high divorce rate is the number of one parent families. Almost 70% of all divorces involve dependent children (under the age of 18), although this number is lower than at the beginning of the decade and the number of childless couples divorcing is slightly higher. During the 1990s the distribution of divorces according to the number of dependent children changed somewhat. The falling rate of natality has meant a gradual rise in the percentage of divorces of couples with only one child (from 55% of all marriages with children in 1990 to almost 59% in 1997) and a parallel decline in the percentage of divorces involving two or more children. The latter fact is partly due to the fact that larger families are at the present time most common among families of believers who feel a higher sense of responsibility for the family and children, or among people whose fertility is not controlled and these two groups are less likely to divorce. The highest divorce rate according to the censuses of 1980 and 1991 is among young childless couples or those with only one child, and falls as the number of children rises.

The relative ease of obtaining a divorce is shown by the outcome of divorce proceedings. In the 1990s the number of divorces granted rose and in 1997 82% of petitions were granted and less than 1% rejected. Reconciliation is less and less common as an outcome of divorce proceedings, falling from 20% in 1990 to only 15% in 1997. In two thirds of cases it is the women who asks for a divorce. Too great an importance should not be placed on this, however, since the majority of divorces (around 90%) have the consent of both partners and it is a mere formality whether the petition is lodged by the man or the woman.

Tab. 3.5: Result of Petitions for Divorce (in %)

	1990	1991	1992	1993	1994	1995	1996	1997
Number of Divorce Petitions	41,641	38,263	36,897	38,269	38,614	38,766	40,451	39,592
Of Which:								
Divorce Granted	77.0	76.8	77.4	79.0	80.1	80.3	81.9	82.0
Divorce Refused	1.6	1.4	1.0	0.7	0.8	0.8	0.7	0.7
Reconciliation	20.2	20.6	19.9	18.4	17.2	16.9	15.2	15.0
Other Decision	1.2	1.2	1.7	1.9	1.9	2.0	2.2	2.3
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

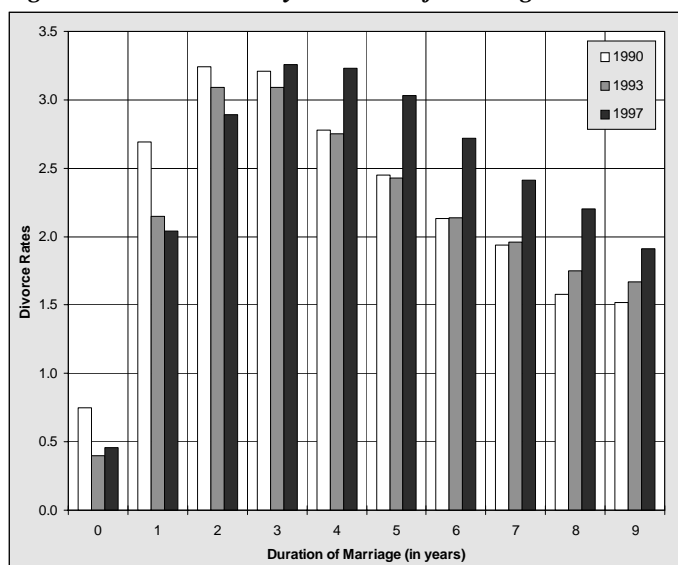
A statistical analysis of the causes of marriage breakdown provides only a general idea since more and more couples are opting for socially acceptable causes such as personality differences. In 1990 this was given as the cause in 40% of divorces and in 1997 in half of all divorces. The second most common cause stated by both men and women is infidelity, but it is becoming less common. The more responsible attitude towards marriage and the family on the part of women is shown by the fact that in almost one fifth of all divorces no cause was given and one sixth were dissolved due to the husband being an alcoholic or showing no interest in the family.

Tab. 3.6: Causes of Marriage Breakdown Ending in Divorce (in %)

Cause of Breakdown	On the Part of the Man					On the Part of the Woman				
	1990	1994	1995	1996	1997	1990	1994	1995	1996	1997
Personality Differences	40.5	49.1	48.7	49.3	49.2	40.5	49.1	50.0	50.3	50.5
Infidelity	15.0	13.7	12.9	12.4	12.3	13.2	11.5	10.5	9.5	9.0
Alcoholism	10.3	9.2	9.4	8.8	8.7	0.9	0.8	0.7	0.7	0.8
Lack of Interest in the Family	7.6	6.4	7.3	7.4	7.4	2.5	1.3	1.8	1.9	1.7
Over-Hasty Marriage	5.6	4.2	4.4	3.9	4.0	5.6	4.2	4.5	3.9	4.0
Ill-treatment, Criminal Conviction	2.7	1.8	2.1	1.9	2.0	0.1	0.1	0.2	0.1	0.1
Sexual Incompatibility	2.7	2.0	1.7	1.5	1.5	2.7	2.0	1.7	1.5	1.5
Other Causes	8.9	9.2	9.8	11.3	11.6	10.7	12.4	13.1	14.3	14.6
Cause Not Given	6.7	4.4	3.7	3.5	3.3	23.8	18.6	17.5	17.8	17.8
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

The high divorce rate in the Czech Republic was commonly explained by the low age at marriage and the immaturity of young couples, the high level of nuptiality, the lack of effective contraceptives and the resulting high percentage of marriages because the woman was pregnant, the lack of education for marriage and responsible parenthood and the high rate of female employment without the provision of corresponding services. The social prestige of the family was weakened and there

Fig. 3.2: Divorce Rates by Duration of Marriage



was a sense that the influence of the family in children's upbringing could be replaced by collective organisations. From the beginning of the 1990s the Czech Republic has seen changes which could have a positive effect on the changing divorce rate – the average age at first marriage and the birth of a first child is rising, more couples are choosing to live together before marriage, the number of pregnant brides is falling and more couples are choosing to live together outside marriage. The fall in the divorce rate in the first three years of marriage can as yet only be seen as a promising indication of stronger relationships between couples against the background of the falling number of marriages. A decline in the divorce rate in the next few years may also appear due to the fact that women who are divorced with children often find themselves in a difficult situation and so they may be less inclined to ask for a divorce or alternatively may make a greater effort to save their marriages. The experience of those countries which experienced similar changes in the 1970s and 1980s are not however promising and the Czech Republic is likely to continue to have one of the highest divorce rates in Europe.