



Public Defender of Rights  
OMBUDSMAN


# SUMMARY REPORT

ON PROTECTION AGAINST DISCRIMINATION

# 2016

## Explanatory notes

 website link

 booklet link

Public Defender of Rights

Equal Treatment and Discrimination

# »»»»» Content

■	The mission of the Public Defender of Rights	5
	Foreword by the Defender	7
■	1. Focused on complaints	8
	2. Anti-discrimination in Czech courts	14
	3. Topic of the year: Assistance to persons with disabilities	18
	4. Survey: 10 years of registered partnership	22
	5. Recommendations on enrolment of first-graders	24
	6. Segregation in schools: an unresolved problem	26
	7. Let us put an end to age discrimination!	29
	8. Parenthood must not be an undue burden	32
	9. Pay Transparency is necessary!	35
	10. Standards for national equality bodies	36
	11. Let's talk together	38
	12. Welcome developments	40
	Glossary of useful terms	43



# Public Defender of Rights

Údolní 39, 602 00 Brno

Information line: +420 542 542 888

Telephone (switchboard): +420 542 542 111

E-mail: [podatelna@ochrance.cz](mailto:podatelna@ochrance.cz)

[www.ochrance.cz](http://www.ochrance.cz)

[www.facebook.com/verejny.ochrance.prav](https://www.facebook.com/verejny.ochrance.prav)

[www.twitter.com/ochranceprav](https://www.twitter.com/ochranceprav)

# THE MISSION OF THE PUBLIC DEFENDER OF RIGHTS

This Report deals solely with the activities of the Public Defender of Rights as the national equality body, a role which was bestowed on the Defender at the end of 2009. Act No. 349/1999 Coll., on the Public Defender of Rights, as amended, gives the Defender a broader range of powers.

Since 2001, the Defender has been defending individuals against unlawful or otherwise incorrect procedure of administrative authorities and other institutions as well as against their inactivity. The Defender may peruse administrative and court files, request explanations from the authorities and carry out unannounced inquiries on site.

If the Defender finds errors in the activities of an authority and fails to achieve a remedy, the Defender may inform the superior authority or the public.

Since 2006, the Defender has acted in the capacity of the national preventive mechanism pursuant to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Defender systematically visits facilities where persons are restricted in their freedom, either *ex officio* or as a result of dependence on the care provided. The purpose of the visits is to strengthen protection against ill-treatment. The Defender generalises his or her findings and recommendations in summary reports on visits and formulates standards of treatment on their basis. The Defender's recommendations concerning improvement of the conditions found and elimination of ill-treatment, if applicable, are directed both to the facilities themselves and to their founders as well as the central governmental authorities.

Since 2011, the Defender has also been monitoring detention of foreign nationals and the performance of administrative expulsion.

The special powers of the Defender include the right to file a petition with the Constitutional Court seeking the abolishment of a secondary legal regulation, the right to become an enjoined party in Constitutional Court proceedings on annulment of a law or its part, the right to lodge an administrative action to protect a general interest or to file an application to initiate disciplinary proceedings with the president or vice-president of a court. The Defender may also make recommendations to the Government concerning adoption, amendment or repealing of a law.

The Defender is independent and impartial, and accountable for the performance of his or her office to the Chamber of Deputies, which elected him or her. The Defender has one elected deputy, who can be authorised to assume part of the Defender's competence. The Defender regularly informs the public of his or her findings through the media, the Internet, social networks, professional workshops, round tables and conferences. The most important findings and recommendations are summarised in the annual report on the activities of the Public Defender of Rights submitted to the Chamber of Deputies.



Mgr. Anna Šabatová, Ph.D.  
Public Defender of Rights

# FOREWORD BY THE DEFENDER

Each annual report represents an opportunity to evaluate our activities and successes, as well as the numerous continuing challenges we encounter in the area of protection against discrimination. Nevertheless, I am happy to say that our collective efforts in the last year resulted in an improved situation of the persons who approached us for help and we also managed to draw attention of the responsible institutions to certain systemic shortcomings. To our satisfaction, most of the responsible entities accepted our recommendations. I would like to present a few examples.

For several years now, we have been receiving complaints from people claiming discrimination because of their disability. For this reason, in 2016 my colleagues and I concentrated on tackling the obstacles faced by people with disabilities. We count among our greatest successes that the Government agreed to draft a bill regulating the rights of persons with disabilities accompanied by assistance dogs.

The year 2016 marked the 10th anniversary of the Registered Partnership Act, which provides for civil unions of same-sex couples. We inquired whether the 14 registry offices which can officiate the conclusion of a registered partnership treat homosexual couples equally as the heterosexual ones. We found that most registry offices treated everyone equally, or changed their procedure during our inquiry, which we of course appreciated.

In reaction to frequent questions, we issued a recommendation for schools providing a guideline on how to ensure equal access to education in connection with enrolment of first-graders. We prepared a simple orientation tool for headteachers to help them differentiate between children justly and in a non-discriminatory manner. Based on our recommendation, the Ministry of Education, Youth and Sports amended the decree on elementary education, adding more details and specifications, and adjusted its guidelines. The Czech Schools Inspectorate incorporated our conclusions in its inspection activities. This represents another example of effective co-operation between the authorities and the Defender.

However, we have not achieved complete success in all the issues we dealt with. One of the outstanding issues is the wide gender pay gap. We are determined to continue discussing its causes and present potential solutions. This is why we have invested a significant effort in a project aiming to improve public awareness of this negative phenomenon. Discussions with high-school students revealed that they find equal pay very important. We have also initiated co-operation on preparing new guidelines for the district labour inspectorates on how to inspect equal pay. We might say there is light at the end of the tunnel.

Concerning European affairs, the discussion on Equinet standards for national equality bodies reached a conclusion. In the future, the standards should ensure independence and sufficient powers to all European equality bodies to promote shared European values: the rule of law and protection of human dignity from discrimination. This will surely be a long-term effort, but it has to start somewhere. We are happy that we were able to contribute to the formulation of the standards.

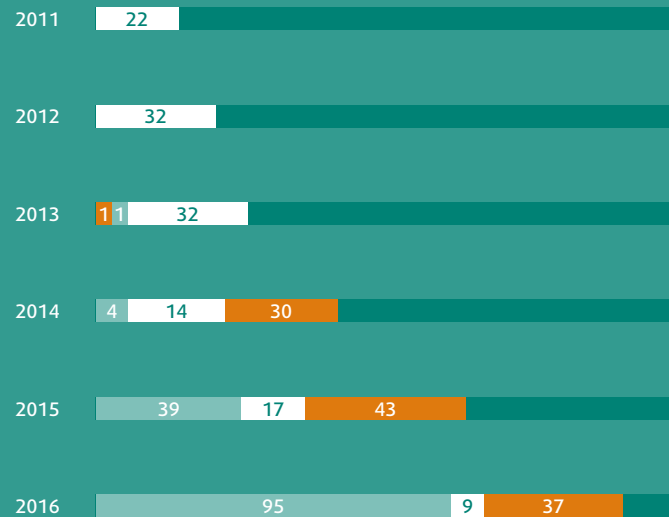
In contrast to the previous report, we chose to approach this one slightly differently. Since the media often claim that 2016 was an *annus horribilis*, we decided to conclude our report by mentioning encouraging news as well: positive developments that surprised us in the area of equal opportunities and raised our spirits. I hope you will find this new chapter interesting.

I wish you inspiring reading!

Anna Šabatová

# 1. Focused on complaints

Numbers of complaints in 2011–2016



## How many complaints did we address last year and what are the issues people present to us most often?

Over the 7 years we have been dealing with the topic of discrimination, the number of complaints received more than doubled: whereas in the first year of our activities in this area we received 178 complaints, the number rose to 451 complaints last year.

Aside from providing direct help to the complainants, our work consists in communicating with international entities (33 files), responding to public queries (24 files), co-operation with governmental authorities (15 files), co-operation with NGOs and the private sector (11 files), and independent research (1 file).



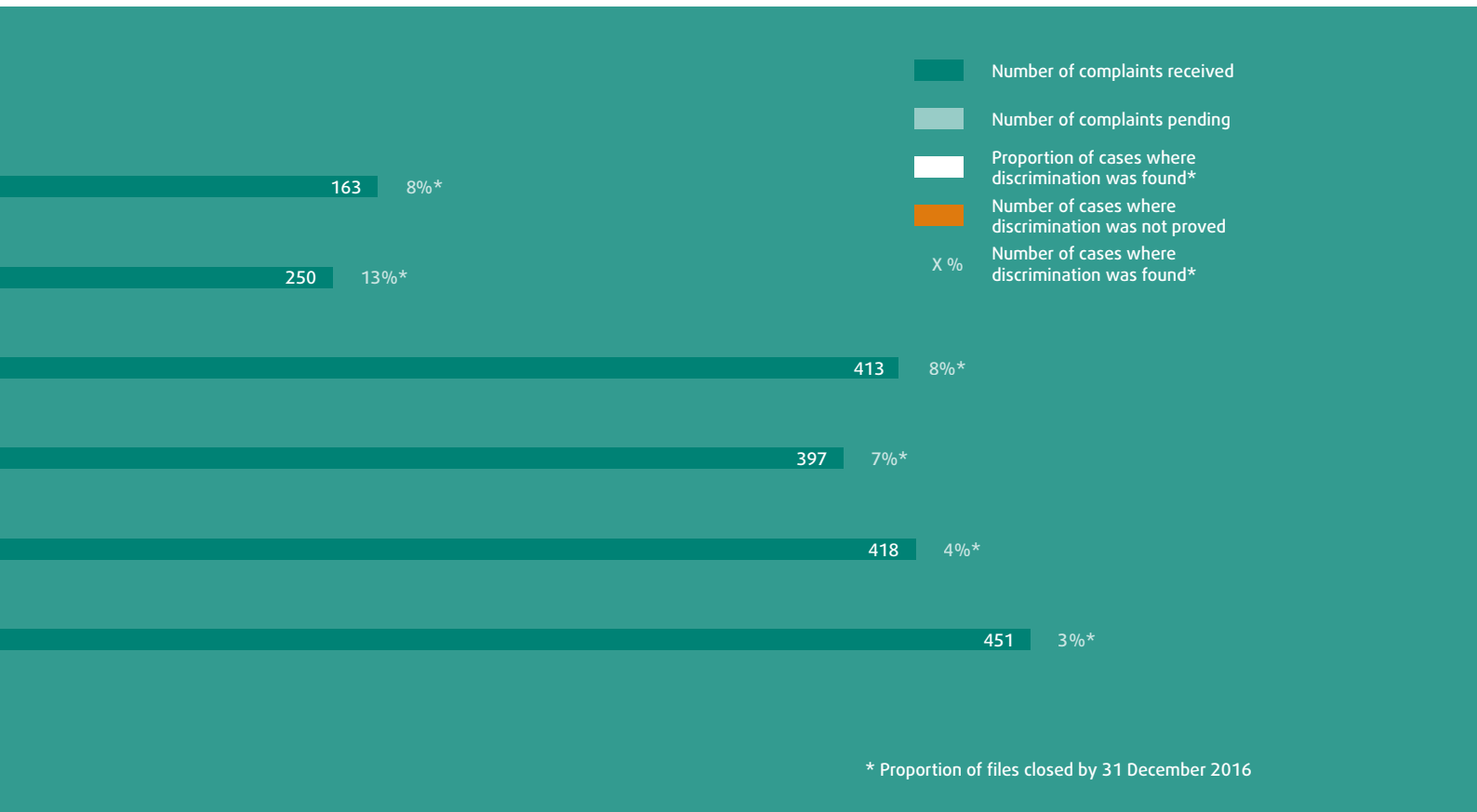
## Do you know who is the most typical complainant addressing us?

We receive the highest number of complaints from Prague (21%) and the South Moravian Region (19%). Men account for 57% complainants; women prevail over men only in complaints against discrimination on the grounds of sex (55% of such complaints were lodged by women).

The number of discrimination complaints is increasing







## What do these Figures Tell us?

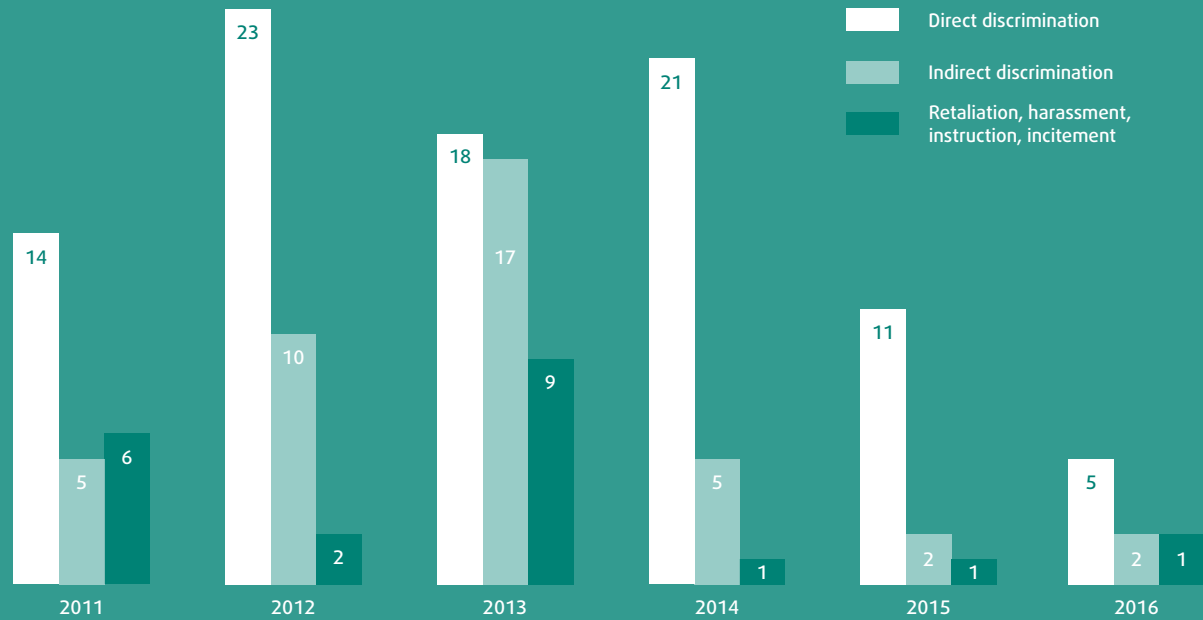
In approximately one complaint out of ten, we found that discrimination likely did occur (the proportion is lower in 2015 and 2016 because inquiries in several dozens of complaints have not been closed yet). Most cases related to direct discrimination, a minority to indirect discrimination; other cases involved retaliation, harassment, instruction or incitement to discrimination. In a few per cent of cases, we were unable to either prove or disprove discrimination due to the lack of evidence (this is a new category included since 2014).



What is the difference between direct and indirect discrimination? What is the substance of harassment and retaliation? Are you not sure? That is alright. We have prepared a glossary for you explaining all the important terms. You will find it at the end of this report.



## Types of discrimination found between 2011 and 2016\*



\* Share of the files completed by 31 December 2016



### Did you know that...

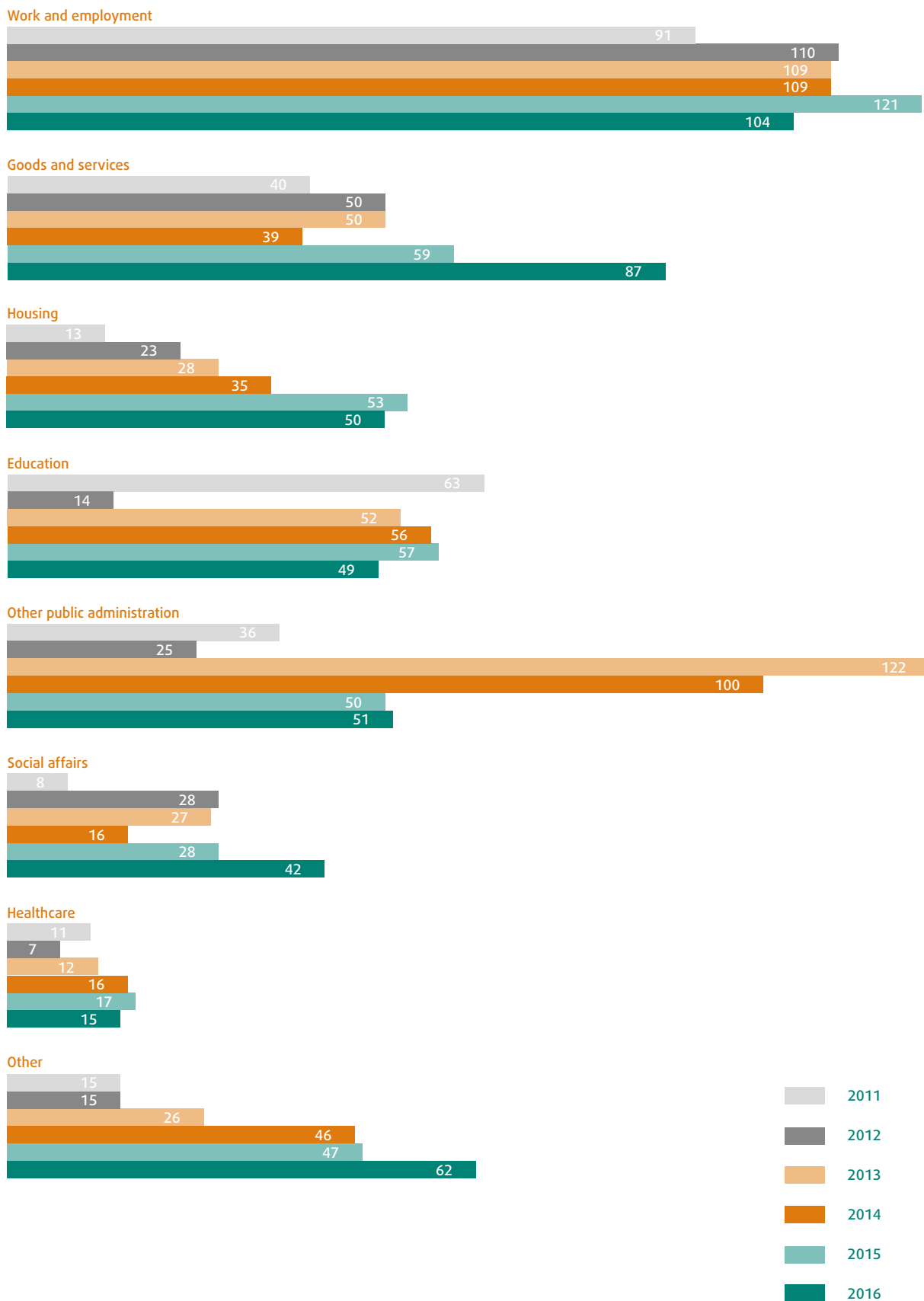
... since 2009, when the Public Defender of Rights began to promote the right to equal treatment, the Defender has found discrimination in a total of 122 cases? Most of the cases involved discrimination on the grounds of disability (38 cases), age (25 cases) and sex (23 cases), especially in the sector of provision of goods and services (36 cases) and labour and employment (29 cases).

### Most discrimination complaints are filed in the area of work and employment

In 2016 as in many previous years, people most often turned to us with complaints against discrimination in the area of work and employment (104 complaints). We believe that this is related to the indispensable role of work in a person's life: in addition to income, it provides people with a sense of purpose and self-fulfilment and helps them build and maintain social

relations. Consequently, if people face obstacles in access to work and employment or are subjected to unfair conditions at the workplace for reasons they are unable to influence (e.g. age, sex, disability, race and ethnicity), they regard such treatment as very serious and often decide to try and deal with their problems. Significantly fewer discrimination complaints (87) were raised in the area of goods and services, followed by the "other" category (62 complaints), other public administration issues (51 complaints), housing (50 complaints) and education (49 complaints).

## Number of complaints by area



## People most often complain about discrimination on the grounds of disability

The summary of complaints according to the claimed discrimination grounds shows that “discrimination” continues to be a rather poorly understood concept. In the past five years, people most often complained about discrimination on grounds that are not recognised by the Anti-Discrimination Act or other legal regulations, or did not specify any reason at all (these

complaints fall under the “other” category). These are often interpersonal conflicts motivated by antipathies which, although they may cause great difficulties, do not in themselves constitute discrimination in the legal sense of the word.

What are the most frequent reasons for complaints against discrimination? As in the previous year, discrimination on the grounds of disability was claimed most often (104 complaints), followed by discrimination on the grounds of race and ethnicity (69 complaints) and age (48 complaints).



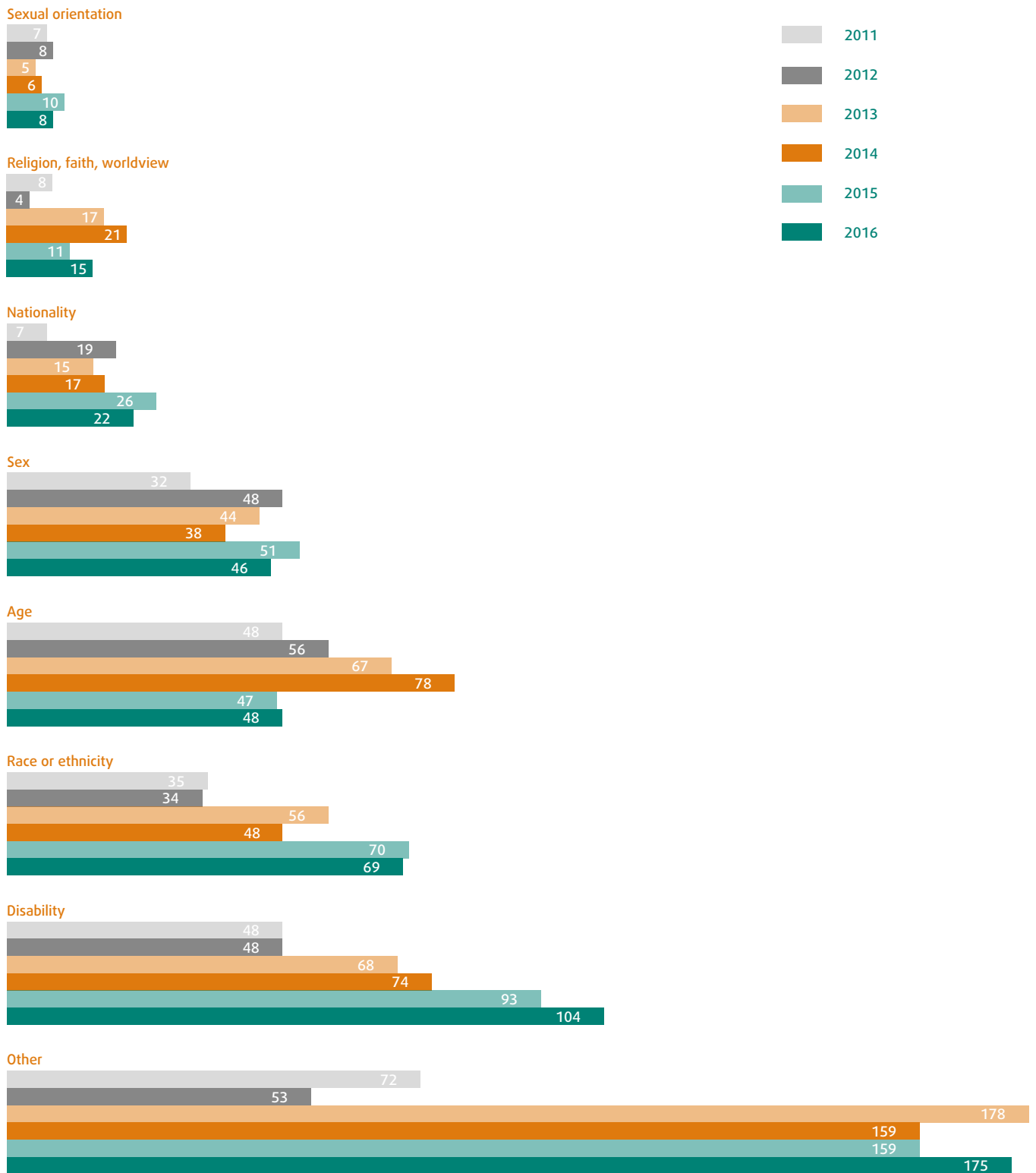
A subjectively perceived act of injustice **does not** necessarily constitute discrimination. In general, discrimination means difference in treatment in comparable situations without reasonable justification. It is not enough merely to feel discriminated – only conduct described and prohibited by law is considered to be discrimination. The grounds and areas where discriminating against people is inadmissible are laid down especially in the Anti-Discrimination Act.

## Multiple discrimination: when several discrimination grounds apply

In many cases, someone can be discriminated against for several different reasons. In that case, we refer to multiple discrimination, where a person is subjected to unequal treatment consisting in several grounds of discrimination. This year, we have received 29 complaints against multiple discrimination, where claimed grounds most often involved a combination of race and ethnic origin with nationality (6 cases) and disability with age (5 cases).



## Number of complaints according to the claimed discrimination grounds



## 2. Anti-discrimination in Czech courts

”

1. A person living in a registered partnership may adopt a child.
2. Elementary schools must accept pupils with disabilities if they fall under their catchment areas.

These are the two key court decisions rendered in 2016.


“

### How many anti-discrimination actions were lodged in 2016? And how many were resolved by Czech courts?

Complete and accurate records of court decisions in the area of combating discrimination are still not available. Despite our suggestions delivered to the Ministry of Justice as part of a survey conducted in 2015, there has been no development in this respect. Therefore, we still rely on fragmentary information provided by co-operating organisations and information from the complainants themselves. In 2017, we are planning to again map the case law in the area of combating discrimination through a survey.

Some of the complainants who approached the Defender lodged anti-discrimination actions with Czech courts in 2016, including:


- two Roma boys who were discriminated against in enrolment in the first grade;

 Defender's [Report](#): File No. 5202/2014/VOP of 16 April 2015


- a university professor who was subjected to harassment due to her age;

 Defender's [Report](#): File No. 134/2013/DIS of 14 December 2015

- a boy with a disability who faced trouble in obtaining funding for a learning support assistant;


 Defender's [Report](#): File No. 3343/2014/VOP of 15 September 2015

- an asylum seeker who was not allowed to wear a headscarf (“hijab”) in non-practical classes;


 Defender’s [Report](#): File No. 173/2013/DIS of 2 July 2014

In three of our cases, extrajudicial settlement was achieved. Victims of discrimination thus achieved satisfaction (apology, restoration of the previous state of affairs, or financial compensation) even before the judgement was issued. Specifically, this occurred in the following cases:


- spouses who were rejected by a dentist because of their Roma origin;

 Defender’s [Report](#): File No. 67/2012/DIS of 23 May 2012

- an employee with kidney stones who was mobbed at work;

 Defender’s [Report](#): File No. 5560/2014/VOP of 18 May 2015

- a female science worker who was fired after returning from parental leave;

 Defender’s [Report](#): File No. 7930/2014/VOP of 16 July 2015


These cases demonstrate the people’s willingness to try and achieve settlement if they find it satisfactory. This was the reason why we created an [information leaflet on mediation](#) in 2016. We believe that some discrimination lawsuits may be resolved through mediation, thus avoiding lengthy and costly court proceedings.

## Legal aid


---

In 2016, we again contacted Pro Bono Alliance, a non-governmental association of law offices providing legal services free of charge. They were happy to assist us, including in the following cases:

- a priest who was subjected to harassment in the Church due to his Roma origin;

 Defender’s [Report](#): File No. 810/2016/VOP of 5 January 2017

- person who opposed mandatory sterilisation for the purposes of the so-called administrative sex change

 Defender’s [Report](#): File No. 206/2012/DIS of 29 June 2015



### Did you know...


...we have co-operated  
with Pro Bono Alliance since 2012?


For more details on our co-operation, visit  
[www.probonoalliance.cz](http://www.probonoalliance.cz).



## Even a person living in a registered partnership may adopt a child

Neither heterosexual nor homosexual persons have a right to adopt a child – there is not such right. However, all people – regardless of their sexual orientation – should have an equal opportunity to apply for being included in the official list of persons suitable for adopting children. A situation where a person is automatically deprived of this opportunity by law, simply because he or she entered into a registered partnership, constitutes discrimination. In 2016, our legal opinion was confirmed by the Constitutional Court. The Constitutional Court was deciding in the case that we inquired into in 2014. For this reason, we entered the proceedings as an intervening party.

 [Brief](#) for the Constitutional Court:  
File No. 10/2015/SZD of 22 April 2015

 [Judgement](#) of the Constitutional Court:  
File No. Pl. ÚS 7/15 of 14 June 2016




“It is a fact that persons living in a registered partnership are undoubtedly entitled to protection of privacy, in terms of both its internal and external forms. This protection and respect for privacy on the part of the State cannot be fully exercised if these persons continue being stigmatised by the fact that the law completely prohibits both partners from applying for an adoption of a child.”

(reasoning of the judgement rendered by the Constitutional Court)

## Elementary school’s obligation to accept children with disabilities

The District Court in Vyškov found discrimination of a child with autism spectrum disorder in access to elementary education. The school was resisting his admission for a long time, arguing inter alia that the conditions in the school were not suitable for providing an assistant. However, the court did not accept this argument.

The court awarded the boy CZK 50,000 in damages for emotional distress and ordered the municipality (the school’s founding authority) to issue a written apology to the claimant. The municipality did not appeal against the judgement and the decision thus became final.

 Judgement of 18 March 2016:  
File No. 10 C 250/2014-127




“If the school lacked experience and information on integrating a pupil with this kind of a handicap, it should have proceeded responsibly and prudently, should have consulted the founding authority, and should have obtained information from other schools more experienced in integration of pupils with the same or similar disabilities.”


(excerpt from the reasoning of the judgement of the District Court in Vyškov)

## Other important court decisions

The Regional Court in Brno ruled that the Czech Trade Inspection Authority could not base its decision to impose a fine for discrimination solely on its inspection findings that were included in the inspection record. If the inspected entity objected and presented evidence casting doubt on the inspection findings, this evidence had to be taken into account within administrative proceedings.

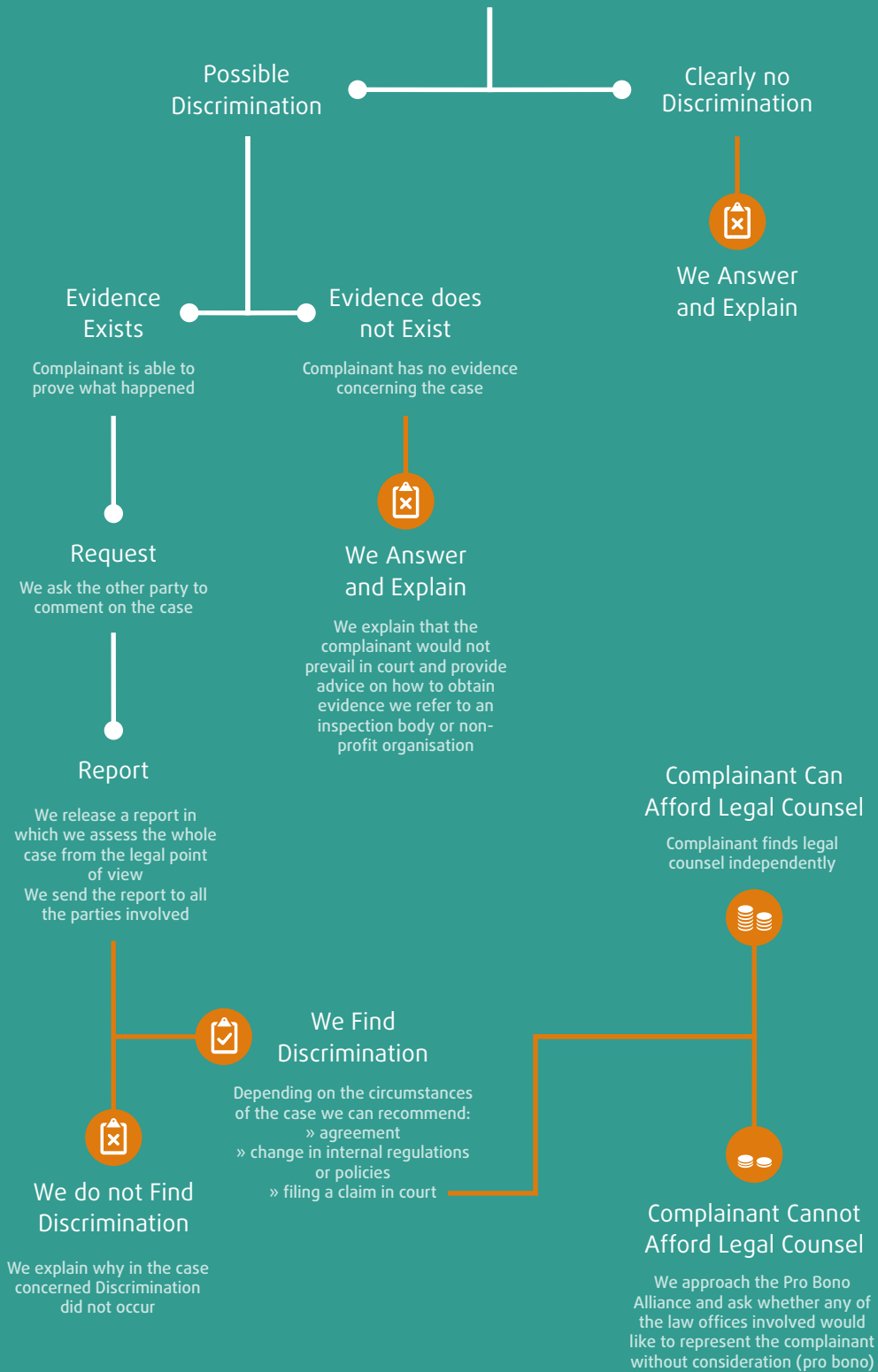
 [Judgement](#) of the Regional Court in Brno of 30 June 2016: Ref. No. 30 A 44/2015 – 33

The Municipal Court in Prague clearly ruled that if an anti-discrimination claim was lodged by parents on behalf of their minor child, a guardianship court had to approve this step. A court action is not an ordinary matter. If a court decides on such action without the consent of the guardianship court, the proceedings will be vitiated by defect resulting in an incorrect decision in rem.

 Resolution of the Municipal Court in Prague of 2 May 2016: Ref. No. 21 Co 148/2016 – 256



## Complaint Concerning Discrimination - How Does the Defender Proceed?



# 3. Topic of the year: Assistance to persons with disabilities

”

We wish to remove obstacles preventing people with disabilities from equal participation in society.

“

Some people use a non-spoken language, for some a dog is more than just a pet and still others need a spoken Czech translation of news from abroad to stay informed. The needs of people with disabilities vary and society should accommodate them as much as possible. We, too, are trying to make this happen.

## New draft legislation on specially-trained dogs

We are often encountering cases where assistance and guide dogs are not allowed to help people with disabilities in certain places.



“They insist that a dog in trams and buses must wear a muzzle, despite it being trained to assist blind persons by handing them things they dropped, for example an ID card or other documents, wallet, mobile phone and other things that are not exactly cheap to get.” (Robert, 50)

“We are certainly surprised that Asta cannot accompany us anywhere in the spa, help us with undressing, handing us things and so on. She will just be locked in the room for days on end.” (Iva [35] and Karel [41])

For this reason, we have recommended that the Government introduce a bill to regulate certain rights of people with disabilities accompanied by specially trained dogs. The Government accepted our recommendation and tasked the Ministry of Labour and Social Affairs to prepare the bill. The bill should primarily:


- define the premises accessible to persons accompanied by guide and assistance dogs (e.g. public authorities' offices, courts, banks, cultural facilities or various commercial premises); and
- stipulate the status and conditions for training of guide and assistance dogs.

 [Legislative recommendation](#): File No. 23/2015/SZD of 11 April 2016

## New decree on interpreting to and from the Czech Sign Language at a university

---

Interpreting from and to the Czech Sign Language at Czech universities is still regulated merely by a methodological guideline of the Ministry of Education, Youth and Sports. We recommended that a decree be issued and the Ministry agreed with our suggestion. University students with hearing impairment will thus soon enjoy the same guarantees as those in lower-level schools. The ministry is preparing the decree in co-operation with universities. It should come into force on 1 September 2017.

 Defender's [Report](#): File No. 4958/2012/VOP of 20 November 2015

## Subtitles are not the best solution for everybody

---

In its world news reporting where a foreign language is spoken, Czech TV relies solely on the use of Czech subtitles. This is not suitable for people with visual impairments, who would prefer a voice-over such as the one Czech TV used in the past. We recommended to Czech TV to return to its previous practice of providing a voice-over. This is yet to occur. However, Czech TV will co-operate with visual impairment advocacy groups to improve the audio description of its reporting. We will also continue to discuss the accessibility of news reporting in 2017.

 Defender's [Recommendation](#): File No. 44/2015/DIS of 27 May 2016

## Equal minimum wage for everyone

---

From 2013 to the end of 2016, the minimum wage for persons receiving disability pension was lower in comparison to other people. We criticised the relevant Regulation of the Government for a long time. As we exhausted all means to achieve a remedy, we filed a petition with the Constitutional Court to abolish the unequal minimum wage rates on the grounds of their incompatibility with the principle of non-discrimination.

”

“I believe that the work performed by people receiving a disability pension is of a value comparable to the work of others.”

(Anna Šabatová, quote from the petition to the Constitutional Court)

“

The Constitutional Court discontinued the proceedings since the Government equalised the minimum wage in 2017. The new minimum wage for 40 working hours a week is now equally set to CZK 11,000 per month (CZK 66 per hour).

 [Petition](#) to the Constitutional Court: File No. 16/2015/SZD of 19 February 2016


 [Decision](#) of the Constitutional Court: File No. Pl. ÚS 6/16 of 3 January 2017

## The right to equal treatment sometimes requires proactive approach


---

Despite our many successes, people with disabilities continue to face problems. Various organisations are still not aware that they have a duty to help people with disabilities proactively, i.e. adopt suitable measures to accommodate them. If they neglect this duty due to ignorance or deliberately, they are committing discrimination. This can occur e.g. in the following situations:


A municipality refuses to establish a reserved parking place for a person with a disability. The Anti-Discrimination Act clearly states that road owners must consider the utility of the reserved parking space and take into account potential other possibilities that could help a person with a disability resolve their problems with parking. The municipalities must consider each application individually.

 Defender's [Report](#): File No. 3609/2015/VOP of 13 December 2016

A housing co-operative refuses to install a video doorbell in the flat of a member with a hearing impairment. As part of refurbishment of the building's doorbell system, the housing co-operative would incur no significant extra costs if it provided the deaf member with a video doorbell, which would serve her the same as audio doorbells serve the other co-operative members.

 Defender's [Report](#): File No. 2587/2015/VOP of 24 June 2016

A municipality refuses to provide a barrier-free flat to a client of a nursing home who is unable to walk the stairs (by exchanging it for his existing flat), even though it has a barrier-free flat available. The municipality did not provide a convincing explanation justifying its refusal.

 Defender's [Report](#): File No. 1307/2014/VOP of 25 February 2016

## Court proceedings are not always necessary...

---

We are always happy when we change an incorrect procedure of a public authority or remove discriminatory conduct on the part of an individual informally – based on a recommendation, at a personal meeting or by advising the victim of discrimination to take steps against unlawful treatment (for instance by filing a complaint).

This is how we helped the following people:



a wheelchair-bound girl who is now able to call in help from platform operator while accessing the post office; the signalling equipment was originally non-functional and the girl was thus unable to see to her official matters. We opened dialogue with the post office and helped file a complaint with the Czech Telecommunication Office.



a man with mental illness who finally received a flat; previously, the municipality repeatedly rejected his applications for a municipal flat, fearing he would be unable to coexist with healthy individuals. We reminded the municipality of its duties under the Municipalities Act and the Anti-Discrimination Act, after which the municipality changed opinion and assigned a flat to the man.



a student of an elementary art school who got a classification mark in piano and violin lessons despite missing many classes because of problems caused by his disability; the school originally refused to excuse the hours absent. We helped the student's mother to draft a petition and to argue by referring to specific provisions of the decree on elementary art education. The school accepted the mother's petition.

## We are learning the Czech Sign Language

We wish to be more accessible to complainants communicating via the Czech Sign Language. Some members of our staff are thus learning the basics of the Czech Sign Language. It is a lot of work...



# 4. Survey: 10 years of registered partnership



The year 2016 saw the 10th anniversary of the Registered Partnership Act, i.e. it marked 10 years from the moment when gays and lesbians were first allowed to enter into a civil union in the Czech Republic. Therefore, we decided to take a closer look at the conditions under which people enter into partnerships and compare the authorities' approach to spouses and

registered partners. We focused on the possibilities of choosing the place and time of entering into the partnership as well as the usual fees.

We contacted 14 registry offices with the power to officiate the conclusion of a registered partnership (1 authority per Region).



What is the difference between standard registry office and a registry office with the power to officiate?  
See the glossary at the end of the report!

Currently, 11 out of 14 registry offices apply the same conditions concerning the choice of place of marriage/entering into a registered partnership.

However, in three regions, couples entering into a registered partnership were unable to change the ceremony's venue. In the Hradec Králové Region, Ústí nad Labem Region and Olomouc Region, people could only enter into a registered partnership in the ceremonial hall. We believe such a procedure is at variance with the principle of helpfulness of public administration. We are hereby again requesting that the relevant authorities change their procedure.

The situation is similar as regards the choice of time as 12 out of 14 authorities permit to choose the time of the registered partnership ceremony under conditions

comparable to a marriage. The only exceptions are the Hradec Králové Region and the Ústí nad Labem Region. We believe the absence of any possibility to influence the circumstances of the ceremony constitutes a violation of the Registry Act.

The survey revealed that most registry offices with the power to officiate make no differences between registered partners and spouses. However, we consider the current legal regulation imperfect. This is why in 2017, we will try to open a professional debate concerning the possibilities to improve the legal regulation and close unintended gaps.

 Defender's Report: File No. 30/2016/DIS  
of 30 December 2016



### Did you know that...

**71%**

of poll respondents believe gays and lesbians should have the same rights as heterosexual people

**89%**

of poll respondents would permit the conclusion of a registered partnership while abroad

**86%**

of poll respondents would grant people entering a registered partnership a leave of absence from work under the same conditions as people entering a marriage

**51%**

would permit churches to officiate the conclusion of a registered partnership

Source: NMS Market Research survey (2015)

### Other events...

In summer, we were approached by David and Martin. The registry office in Ústí nad Labem refused to grant their request to conclude a registered partnership in a synagogue in Děčín, 30 kilometres from Ústí. They were a bit unlucky in this regard because in 10 out of 14 regions, their request would have been granted. We tried to persuade the registry office, but without success. In the end, they had to hold two ceremonies. One formal at the registry office and the other for themselves and their close ones at the synagogue. Nevertheless, we wished them love and good fortunes in the future!



# 5. Recommendations on enrolment of first-graders

”

We want to ensure enrolment of first-graders is fair and just.

“

We have often been approached by people complaining against the situation concerning the enrolment of first-graders. Headteachers of schools which receive more applications for enrolment than they can satisfy are coming up with various criteria to facilitate the selection of children. Long queues often form in front of the sought-after schools on the enrolment registration date. For this reason, we issued recommendation to schools on how to proceed in these situations.



Read our recommendation on enrolment: [bit.ly/ZS\\_dochazka](https://bit.ly/ZS_dochazka)

Did you know that the Schools Act stipulates only one criterion for admission of first-graders? Children from the catchment area (i.e. children with permanent residence within the school's district) take precedence. Headteachers may not enrol a child from outside the catchment area at the expense of children from within the catchment area.



Are you not sure about the meaning of terms such as school district, catchment school or children from the catchment area? See the glossary at the end of the report!

If the number of children in the catchment area applying for enrolment exceeds the school's capacity, the headteachers may prioritise based on pre-defined criteria such as:

- deferred school attendance;
- older sibling already enrolled in the school;
- having attended a kindergarten attached to the same elementary school.



## However, headteachers should avoid questionable criteria such as:

- results of the school readiness test;
- order in which applications were received;
- distance from home.

The most objective and fair method to choose in cases of excess applicants in the catchment area is transparent drawing of lots.

We issued a useful guideline for headteachers: [bit.ly/ZS\\_prijimani](https://bit.ly/ZS_prijimani)

Municipalities are obliged to create proper conditions for compulsory school attendance of their children. Schools should thus communicate with their founding authorities and address insufficient capacities in time.



Beginning from 2017, enrolment of first-graders will be taking place **from 1 April to 30 April**.

## What should you do if your child is not enrolled?

- insist on being issued a written decision;
- file an appeal.

### WHEN?

Within 15 days of receiving the decision

### TO WHOM?

To the headteacher of the relevant school

### WHO WILL DECIDE?


The Regional Authority

If you are not satisfied with the resolution of your appeal, you may lodge an administrative action. For more information, go to [bit.ly/spravvizaloba](https://bit.ly/spravvizaloba)

Based on our recommendation, the Ministry of Education, Youth and Sports amended the decree on elementary education, adding more details and specifications, and adjusted its guidelines.

 [Ministry of Education Guidelines](#) of 16 December 2016

The Czech Schools Inspectorate incorporated our recommendations in its inspection activities.

 [Thematic report](#) of the CSI of 21 March 2016

## 6. Segregation in schools: an unresolved problem

”

The Czech legislation lacks effective instruments to combat segregation of Roma children in schools.

“

Segregated education of Roma children is a perpetual problem of the Czech education system. Czech headteachers have the duty to report the number of Roma children attending their schools.

The Ministry of Education's data show the following:



- There are 83 elementary schools in the Czech Republic where over a half of all children are Roma;
- Roma children form between a quarter and a half of all pupils in another 136 schools.

These numbers show a certain improvement if compared to the situation 10 years ago. However, over a quarter of Roma children are still being educated in very ethnically homogeneous schools.

In a number of cities and towns, there is a continuing practice of educating the Roma outside standard elementary schools, or separately from non-Roma children within the same elementary school. They either have “their” schools close to their homes, or the school administration places them in separate classes, as one of the cases we inquired into revealed.

”

*“When we took our kids to school, we were surprised when the headteacher told us that Roma children would be placed in a separate class. She said that this was an ‘experimental class’ for children from socially disadvantaged families. Our children were not even allowed to leave the classrooms during breaks in order not to mingle with non-Roma kids.”*

Ms Eva (28)

“

In this case, we recommended that the founder take steps to remedy the indirect discrimination of Roma children and educate all pupils equally. The authority did not accept our recommendation. Not even the Czech Schools Inspectorate was able to resolve the situation. None of the parents lodged a court action.

 Defender's [Recommendation](#): File No. 16/2017/DIS of 16 June 2016

Our activities and the individual complaints further revealed that:


- Roma children are often refused informally; headteachers do not provide a written decision and only inform the parents that they cannot admit the pupil for capacity reasons. Such refusals are often the case in kindergartens;
- some schools also deliberately make admission of the child conditional on passing certain tests;
- sometimes a headteacher speaking over the phone says a place is available, but refuses the child when they meet in person and the headteacher realises they are Roma.

”


“The headteacher of the kindergarten told me over the phone they had spare capacity and my son would be admitted. However, when we met in person she behaved completely differently. She only spent 10 minutes with me and my son and told me he would not be admitted. Her attitude to us changed entirely when she saw we were Roma. I felt humiliated and very disappointed. Why is such a person allowed to be the headteacher?”

*Ms Antonie (31)*

“

 Defender's [Report](#): File No. 5872/2015/VOP of 25 July 2016

This is why we closely monitor whether the Czech Schools Inspectorate procedure in carrying out inspections is effective and whether it thoroughly verifies the headteachers' motives for rejections.

 Defender's [Report](#): File No. 7857/2014/VOP of 2 January 2017



### In these cases, the following is good to know:

- prohibition of discrimination applies at all levels of education (including kindergartens);
- headteachers may not refuse a child of a different nationality or ethnicity just because minority children are usually educated in a different school;
- a school must always admit a child from its catchment area;
- admission of a child into a kindergarten or an elementary school cannot be subject to any test;
- in case of a refusal to admit a child, the parents should request a written copy of the non-admission decision in order to be able to file an appeal;
- it is possible for a person who has the parents' trust (e.g. a relative or a representative of an NGO) to be present during oral proceedings at the school;
- in case of any doubts concerning the school's conduct, parents may contact the Czech Schools Inspectorate;
- if neither the school nor the Czech Schools Inspectorate ensures a remedy and the issue is related to the child's nationality or ethnicity, the parents should lodge a court action;
- the Public Defender of Rights provides free aid to victims of discrimination if they choose to defend themselves (e.g. through a court action).



We acknowledge that efforts to desegregate education must be comprehensive. They require a change of the anti-Roma attitudes on the part of headteachers as well as the majority of Czech parents.

On the other hand, we plan to approach the competent authorities in towns and cities where segregation of Roma children is ignored as well as governmental authorities with a power to deal with these issues. In 2017, we will continue in our efforts also in co-operation with the Agency for Social Integration, the Ministry of the Interior and the Czech Schools Inspectorate.

# 7. Let us put an end to age discrimination!

”

Older people wish to remain active, participate in social life and work under dignified conditions. For these reasons, the issue of age discrimination requires our attention. Sooner or later, it may affect anyone of us.

“

## Recruiting

---

Proving discrimination on the grounds of age is not easy. We are often approached by job seekers who encountered very non-standard selection procedures.

”

*“I advanced into the final round of the selection procedure for an integrated development plan manager. The procedure was cancelled and re-started with different conditions, where the employer left out the requirement of prior experience in the field. The selection committee included an unsuccessful candidate from the first round. In the end, a young woman who would not have met the experience requirements in the first round got the job. When I asked in what way she was more qualified than I, nobody gave me an answer.”*

Mr Aleš (63)

“

”

*“I was let go for reasons of redundancy. I left my job of 18 years and I am still looking for employment. I applied for a position for which I am well qualified. I was included in the selection procedure. Subsequently, I received a notice that the procedure had been suspended and, two months later, I received an e-mail saying the selection procedure had been cancelled altogether. I asked about it, but I didn't receive any direct answer. Eventually I found out they had hired two new employees. Isn't this discrimination?”*

Ms Šárka (56)

“

Non-transparent conduct on the part of employers may raise suspicions of age discrimination in persons applying for the given position. Especially if they have faced rejection before. We recommend to improve recruitment and communicate better with the rejected applicants. We understand this is not always possible, but it does pay off.




### Did you know that...


complete silence or evasive answers from the employers in recruitment may represent one of the reasons for a shift of the burden of proof in court proceedings? This is based on a 2012 [decision](#) of the Court of Justice of the European Union.

## Collective bargaining agreement – discrimination in cold print

We have inquired into cases where collective bargaining agreements included provisions constituting direct discrimination on the grounds of age. In one of these cases, the agreement included a provision stating that vacancies or new job positions would preferentially be filled with employees in “productive age”. Under another agreement, the employer only awarded contractual severance pay to employees who were under pensionable age. Since in either of these cases we could not find any reason following from the nature of the job that would

justify different treatment, we concluded that these agreements were discriminatory. The first case is currently being dealt with by a labour inspectorate, while the other is subject to proceedings before the Supreme Court.

 Defender’s [Report](#): File No. 182/2013/DIS of 6 June 2016

 Defender’s [Report](#): File No. 7077/2015/VOP of 9 May 2016

## Harassment

We believe any kind of mobbing/bossing of older employees is completely unacceptable.

”

“Since I reached the pensionable age, my boss had it in for me. I alone had to report in her office each morning to receive my tasks for the day. She also decreased my discretionary extra pay. It was clear to me she was trying to force me out of the job.” Ms Zuzana (60)

“

”

“My boss called me to his office and told me that I would definitely not continue as the head of my department until I retired. He suggested that I apply for a transfer to a lower position. He threatened to send me on a long-term study stay, even though he knew I was taking care of my sick mother. Since I refused his suggestion, he took away my discretionary benefits and set the members of my team against each other. Then he rebuked me for the failure to manage my department. I am mentally and physically exhausted because of this.” Ms Blanka (54)

“

District labour inspectorates play an important role in controlling mobbing and bossing. We organised a round table on the aforementioned topic to share our experience. We are also preparing recommendations to ensure cases such as these are properly investigated. Next year, we will focus our attention on harassment in civil service and armed corps, which lie outside the competence of the labour inspectorates under the Labour Inspection Act.

Age discrimination need not always be instigated by the employer.

”

“I received a petition from the parents of children attending the school where I am the headteacher. I was stunned by their request that their children not be taught by teachers in advanced pensionable age. I do not agree with the parents’ opinion. However, I am fighting for my own job here and the pressure is mounting.” Mr Miloslav (41), headteacher

“

In our opinion, such a petition may constitute incitement to discrimination. However, several important conditions must be met. Do you want to know more? Read our opinion.

Defender’s [Report](#): File No. 5505/2014/VOP of 1 March 2016

## Change of guard at the workplace has its legal boundaries

The most complicated cases involve situations where the employer is pressuring employees beyond pensionable age to leave the job voluntarily. If they refuse, the employer stops paying discretionary salary components and eventually makes their jobs redundant. Such an employer may, e.g., claim that in assessing redundancy, he gave priority to employing mothers with children over women in pensionable age. Even though

a change of guard and age diversity is important at every workplace, the Czech law does not permit the aforementioned procedure. One such case will be decided by the court.



Defender’s [Report](#): File No. 8024/2014/VOP of 26 January 2016



## 8. Parenthood must not be an undue burden

”

Parenthood brings about the responsibility for raising children. It is not fair to burden the parents by additional problems in their work, studies, access to services or in relation to the education of their children.

“

### Parents often face problems due to the following reasons:

→ A university refuses to accept that a mother who is a student could have been on parental leave before she notified the university.

”


“I did not agree with the Rector’s procedure; he assessed a tuition fee to me even though I was on parental leave. I documented the fact during the first semester of my studies, but from the viewpoint of the Rector, I had only been on parental leave from the moment when I notified it, not from the date of birth of my son who was 1 year old at that time. I felt very offended by this, it’s as if he was trying to completely disregard the fact I am a parent!”

Ms Veronika, student

“



Although the student did not file a lawsuit and paid the fee, the Ministry of Education, Youth and Sports unified the methodology used by colleges and universities. For this reason, we hope this case of discrimination was the first as well as the last of its kind.

 Defender’s [Report](#): File No. 2695/2014/VOP of 7 September 2016




→ Hospitals do not account for a situation where hospitalised children would be accompanied by the father instead of the mother.

”

“We did not know that the father wanted to stay with the children in the hospital. The mother was on maternity leave and they had no other children at home.”

head nurse at the department

“

 Defender's [Report](#) File: No. 3973/2015/VOP of 22 December 2016

→ An employer does not want to accommodate the needs of parents who are taking care of children with disabilities.

”


“I have an extraordinarily gifted 7-year-old. When he was little, we had to go to hospital almost every month because of his immunity problems. Last year, he was diagnosed with Asperger's syndrome. I was fired by my employer of almost 15 years two days ago. About a month before the decision was taken and I received the notice, a new colleague joined our team.”

Ms Milada, accountant

“



We came to the conclusion that the law does not grant employees the right to perform work from outside the workplace (e.g. from home), even if they are taking care of a child with a disability. However, they must not be punished if they ask for some kind of adjustment.

 Defender's [Report](#): File No. 48/2013/DIS of 5 February 2016



Did you know that...

...the Court of Justice of the European Union [dealt with a case](#) of a mother who was harassed by the employer because she was taking care of a child with a disability. In the milestone British case of Coleman v. Attridge Law, the Court first mentioned the so-called discrimination by association.

→ Schools are not trying to help parents when they have special requirements for children's meals due to health or moral reasons.

Even though the schools have the means, they do not provide for dietary meals.


”

“We've dealt with many problems over the years. However, the chief problem we and the other parents have is the complete lack of co-operation on the part of the kindergarten's canteen – and this will likely happen again when our daughter starts an elementary and later secondary school. The schools will argue, and by that I mean they'll simply decide, that they lack the 'personnel and facilities' to prepare dietary meals, and that will be the end of it.”

Mr Jaroslav, father of little Klára (4)

“

We have already commented on this issue. Currently, we are inquiring into several new cases.

 Defender's [Report](#): File No. 4419/2014/VOP of 23 June 2015

 [Judgment](#) of the Supreme Administrative Court of 5 May 2011, Ref. No. 2 Aps 3/2010 – 112, No. 2350/2011 Coll. SAC



The issue of special requirements for meals on moral grounds was addressed by the Supreme Administrative Court in 2011: “The constitutionally guaranteed freedom of belief is not infringed if a school child is permitted to bring a meal that conforms to the religion or world view of the child or its legal representatives to the school, asks the school canteen to reheat it and eats it there during lunchtime.”



# 9. Pay Transparency is necessary!

”

We want women to receive the same pay for their work as men in the same or comparable jobs.

“

The Czech Republic's results in the area of equal gender pay are not encouraging. Statistical data shows one of the widest gender pay gaps in Europe; according to the data collected by the Ministry of Labour, it currently stands at 22.5%. The European average is 16.7%. Estonia is the only country scoring worse than the Czech Republic.

For this reason, we invested our effort as an official partner in an awareness-rising project led by GIC Nora. The project took place from September 2015 to June 2016 and received financial support from the Open Society Fund Prague and the Norwegian funds. The main goal of the project was to increase public awareness of the issues related to gender pay gap.

In all 14 regions of the Czech Republic, we gradually:

- organised public discussions after the screening of the British film *Made in Dagenham*;
- hosted thematic lectures for students of secondary schools and universities;
- discussed the issue with employers and social partners (incl. authorities) at round table meetings.

## Did you know that...

the campaign for equal pay was joined by the Minister of Education, Kateřina Valachová, photographer Antonín Kratochvíl, biathlete and decorated athlete Gabriela Soukalová and writer Michal Viewegh?

We participated in the media stage of the project. We informed the public of the individual events on our website and social networks.

What are the main causes of the gender pay gap?

- different careers paths of men and women;
- persisting traditional gender roles (man as the breadwinner, woman as the housewife).

In the final stage of the project, we participated in drafting the final position paper on unequal pay: [bit.ly/paygap\\_dokument](http://bit.ly/paygap_dokument) (in Czech)

In the future, we wish to achieve implementation of some of the measures recommended to the Member States by the European Commission in its [Recommendation](#) of 7 March 2014 on strengthening the principle of equal pay between men and women through transparency.

We have also initiated co-operation on preparing new guidelines for the district labour inspectorates on how to inspect equal pay.

# 10. Standards for national equality bodies

”

All developed democracies are based on equality in dignity and rights. Without independent and effective equality bodies, this ideal value will never be put into practice. Standards are a good way to achieve the goal.

“

Equality bodies exist in all Member States of the European Union as well as in some other countries. They differ in terms of their size, powers, budget and organisation. Some equality bodies only focus on equal opportunities of men and women, while others have wider responsibilities (e.g. ombudsman institutions and human rights institutions).



Do you wish to learn more about equality bodies abroad? How many complaints they deal with, how many people they employ and whether they can represent discrimination victims in court proceedings or impose fines? Visit the English-language website of the Equinet network at [bit.ly/EQ\\_directory](https://bit.ly/EQ_directory)

Not all equality bodies in Europe are independent and have the necessary means to effectively promote the right to equal treatment. In the past, we witnessed:

- cuts in the budgets of equality bodies which were then unable to effectively perform their duties;
- politicians interfering with equality bodies’ activities (e.g. by firing senior employees because they commented on controversial topics);
- national parliaments conferring new competences on equality bodies that were unrelated to equal treatment, or failing to provide for the necessary personnel and financial means to perform these new competences.

After intensive discussions between representatives of European equality bodies, Equinet – the European Network of Equality Bodies – issues a working paper titled “Developing Standards for Equality Bodies”.

These standards rest on four pillars:



## MANDATE

---

Equality bodies are independent statutory bodies. They must have a broad mandate to promote and support the achievement of full equality in practice and to combat and eliminate all forms of discrimination in all areas of society.



## COMPLETE INDEPENDENCE

---

Equality bodies must have complete independence so that, without interference from any quarter, they can implement their powers, identify their own priorities, communicate an understanding of equality, diversity and non-discrimination and choose how they manage and deploy their human and financial resources.



## EFFECTIVENESS

---

Equality bodies must have the powers and the human and financial resources necessary to deploy all their functions and powers to a scale and in a manner that can achieve an impact and realise their full potential.



## INSTITUTIONAL ARCHITECTURE

---

Equality bodies work within a wider institutional infrastructure to combat discrimination and promote equality at national level, and must be appropriately accessible to discriminated individuals in order to achieve full equality in practice.



You can read the [full text](#) of the Standards in English at [bit.ly/equality\\_CZ](http://bit.ly/equality_CZ)

The working paper was presented at a number of professional events abroad. Discussion on how these standards could be incorporated in EU law will continue in 2017. We are going to participate.



### Did you know that...


in 2017, Equinet will celebrate the 10th anniversary of its establishment?  
[Download the calendar](#) for the year 2017 with marked important international days and positive stories, which was published on this occasion.

# 11. Let's talk together

We consider the previous year a very successful one. We have presented equal treatment to audiences in the Czech Republic and abroad. In 2016, we managed to organise three prestigious international events in the Czech Republic with participation of experts from abroad. As always, we have received assistance from our partner institutions which have long been active in the area of combating discrimination.

## International conference titled "Gender Pay Gap"

22 January 2016, Brno | in co-operation with GIC Nora | 60 participants

 Conference proceeds for download [bit.ly/conf\\_paygap](http://bit.ly/conf_paygap)

## Expert seminar on "Gender Equality in Education"

19 to 20 May 2016, Prague | in co-operation with Equinet – the European Network of Equality Bodies | 50 participants

 Presentations from the seminar for download [bit.ly/equ\\_gender](http://bit.ly/equ_gender)

## Round table "Against Racial Discrimination and Intolerance in the Czech Republic"

3 November 2016, Prague | in co-operation with the European Commission against Racism and Intolerance (ECRI) and the Minister for Human Rights | 60 participants

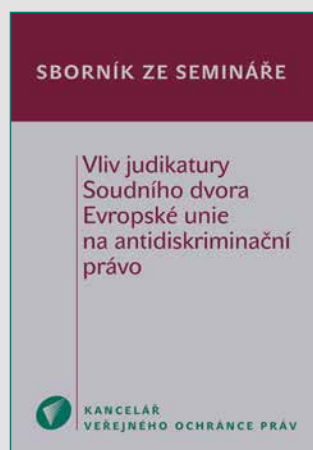
 Press release, video and audio recording for download [bit.ly/stul\\_ecri](http://bit.ly/stul_ecri)

## New conference proceeds

We have issued conference proceeds from two expert events that took place in the previous years:

Equality and Non-Discrimination in the Activities of the Public Defender of Rights

Impact of the Case Law of the Court of Justice of the European Union on Anti-Discrimination Law



## For attorneys-at-law

---

We held lectures as part of four expert seminars for the benefit of law offices co-operating with the Pro Bono Alliance. The topics concerned were:

- Discrimination in the provision of goods and services
- Sanctions in anti-discrimination law
- Reasonable adjustments for people with disabilities
- Harassment at workplace

## Public administration

---

We have been meeting with public administration representatives at round tables, expert seminars, lectures and meetings on an ongoing basis.

The topics we discussed:

- discrimination in civil service
- inspecting pay of persons with disabilities
- effective protection of consumers against discrimination
- dietary meals, vaccination and supporting measures for children with disabilities
- discriminatory generally binding decrees
- problems faced by persons with visual impairment
- complaints against discrimination in healthcare
- segregation in housing and schools
- persisting shortcomings in inspections of equal treatment at the workplace
- equal opportunities of men and women in the civil service

## Non-governmental organisations

---

We met with NGOs at the regular round table and discussed the chief issue of protecting the rights of persons with disabilities. Seventeen organisations accepted our invitation. We actively participated in four events organised by the following non-profit organisations:

- Nesehnutí
- Open Society Fund
- Prague Pride
- Social Housing Platform

## Students

---

We offered internships to fifteen law school students from Prague, Brno and Olomouc. We also welcomed a number of one-day excursions in the Office and again held a lecture on discrimination at the School of Human Rights.

## International relations

---

With our Slovak colleagues from the Ombudsman's Office, we discussed surveys, discrimination in public administration, segregation of Roma children in schools and cases of discrimination by association.

We actively participated in meetings of all Equinet working groups. We provided our contributions to individual publications.

### We are proud of:

practical manuals on equal pay

 Manual: [bit.ly/case\\_equalpay](https://bit.ly/case_equalpay)

a leaflet on issues of equal treatment of migrants

 Leaflet: [bit.ly/equinet\\_integration](https://bit.ly/equinet_integration)

studies on the so-called intersectional discrimination

 Studies: [bit.ly/equinet\\_inter\\_dis](https://bit.ly/equinet_inter_dis)


# 12. Welcome developments



We wish to show that 2016 saw a number of positive developments. For this reason, we have selected a number of commendable feats in the area of equal treatment achieved by various people and organisations. Lawyers of our Office's department of equal treatment explain the context. Do you agree with us?

## The Czech Republic signed the Istanbul Convention.

"In May, the Czech Republic signed the Council of Europe's Istanbul Convention and will hopefully soon ratify it. This is one of the most comprehensive international treaties aimed at prevention and combating of violence against women and domestic violence. The signatory states agree, inter alia, to combat all forms of this kind of violence. I am very glad that the Czech Republic chose to join other European countries which have taken steps against the serious violation of human rights, which violence against women undoubtedly is, and strive to make Europe a safer place for everybody." (Jana Vomelová)

 [Link](#) to the Istanbul Convention

## Czech NGOs support greater powers of the Defender

"In spring, 33 non-governmental organisations made their voices heard. They informed the Government and Parliament members of society-wide importance of expanding the powers of the Defender (i.e. to lodge public anti-discrimination actions or file petitions to the Constitutional Court to annul laws or their parts). It was important for me to see that our work is appreciated by civic society and that we are not alone in combating prejudice." (Barbara Kubátová)

 [Press release](#) of the League of Human Rights

## Opinion of Advocate General Sharpston in the "headscarf case"

"Given the prevailing Islamophobic attitudes, the opinion of the Advocate General in the French case involving wearing a headscarf at work, decided by the Court of Justice of the EU, is a victory of law and reason over prejudice and fear. The Advocate General presented brilliant arguments and her opinion should be re-issued as an introduction to European law of religious symbols. I strongly recommend it." (Eva Nehudková)

 [Link](#) to the opinion of the Advocate General

## Trade licensing authorities finally have a manual on how to assess sexism in advertising


"The Ministry of Industry and Trade issued a manual for regional trade licensing authorities to help them assess whether an advertisement is at variance with good morals, specifically whether or not it is discriminatory on the grounds of sex. The manual provides a clear definition of the forms inappropriate advertising may take, including the reasons why it is inappropriate; it will surely be useful to achieve uniform practice among the individual regional authorities. I am happy that the Ministry drew from the materials provided by the non-profit organisation Nesehnutí, which has been tackling the issue of sexist advertising in the Czech Republic for a long time and has accumulated considerable experience in this area." (Jana Kvasnicová)

 [Manual](#) issued by the Ministry of Industry and Trade



## Easier conditions for administrative sex change in Norway and France

“Norway and France decided to express their respect for transgender people and excluded the necessity of medical intervention from the process. Administrative sex change without medical intervention is already possible in Denmark, Malta and Ireland. These countries consider the choice of one’s own identity as an integral part of the integrity of human beings. Another 12 European Union countries are taking positive steps and do not make sex change conditional on sterilisation, which is inhuman. Unfortunately, the Czech Republic belongs to a minority of countries which still require sterilisation. Let’s hope this will change soon.” (Vojtěch Pospíšil)

 [Press release](#) of Amnesty International

 [BBC news report](#) on the case


## Anti-discrimination law course for everyone

“I teach at a faculty of law and know that there is a dearth of equal treatment courses available to students. I welcome the initiative of the Council of Europe, which has prepared an e-learning course as part of the HELP programme on protection against racial discrimination, homo- and trans-phobia. Any lawyer with an average command of English can obtain useful information directly from the most qualified of institutions. I hope there will be more projects like this one.” (Iva Palkovská)

 [Link](#) to an e-learning course

## Airbnb’s commitment to non-discrimination

“I like to travel and I am sure nobody would like to experience discrimination on the grounds of ethnicity, sex or age while on holiday. This is why I think it is important that Airbnb, a web service offering accommodation in 190 countries and advertising over one million offers a year, introduced a new non-discrimination policy. People refusing the commitment to non-discrimination will not be able to use the service. Equal treatment simply transcends national borders.” (Zuzana Ondrůjová)

 Look at the [Airbnb policy](#)

## Social inclusion project in Brno

“Education, work and housing are key areas in the process of social inclusion. I am happy that these areas are addressed by the Strategic Plan for Social Inclusion prepared in Brno. In addition to the effort to ensure that as many children as possible go to kindergartens and to improve inclusiveness of pre-school and elementary education, the city of Brno has also started dealing with the issue of social housing. Pilot projects based on the principle of ‘housing first’ will surely bring positive results comparable to the results of similar projects abroad. I hope our home city will become an example to others.” (Lucie Obrovská)

 [Strategic Plan](#) for Social Inclusion in Brno



## Second edition of an excellent commentary to the Anti-Discrimination Act

“Anti-discrimination law is a living entity. The authors of the first commentaries to the Czech Anti-Discrimination Act have returned to the topic 6 years later with a new edition including recent case law in the area. As a lawyer, I am happy to see that the second edition also explains the Anti-Discrimination Act using the reports, recommendations and expert opinions of the Defender and her team.” (Jiří Šamánek)

 [Expert commentary](#)

## Senior citizens are important!

“The number of Czech citizens over 65 years has been steadily increasing. For this reason, more and more people are encountering a lack of understanding or indifference to things that come with age. In the last year, we worked with several initiatives aimed at the rights of senior citizens; they showed us how little suffices to improve the quality of life of older people. The “Hurá na výlet” association organises trips for the elderly to fill their spare time and avoid various kinds of bogus promotion events. The “Lepší senior” endowment fund wishes to promote the interests and optimistic life attitude on the part of senior citizens through public lectures. I wish them a lot of success in their mission.” (Ivana Šilhánková)

 [“Hurá na výlet” association](#)

 [“Lepší senior” endowment fund](#)


## Roma schools can be desegregated

“While preparing a publication for Equinet, I encountered an interesting case from Croatia. For several years now, Roma children in the municipality of Kutina have been able to attend non-segregated schools. The number of Roma children going to schools increased over the years and their results also improved. This is the fruit of co-operation among the Croatian Ministry of Education and the local authorities and schools. This shows that all what is needed are will and patience. I hope the same will be possible in the Czech Republic soon.” (Veronika Bazalová)

 [The case in Croatia](#)

## Discrimination by association on the grounds of sexual orientation in Europe

“A child being brought up by a lesbian couple was not admitted to an elementary school in Budapest; a man seen on TV participating in a gay pride march was fired by his employer; a bakery in Northern Ireland refused to bake a cake to support same-sex marriage. National courts found the so-called discrimination by association in all three of these milestone cases. The courts did not accept arguments referring to possible harassment of the child and the religious beliefs of the employer, respectively, as justification for less favourable treatment. It is great that in 2016, discrimination by association became a part of courts’ practice on the national level. It is definitely a source of inspiration for Czech judges.” (Petr Polák)

 The case in [Poland](#)

 The case in the [UK](#)

 The case in [Hungary](#)

## Glossary of useful terms

---

**Anti-Discrimination Act** – Act No. 198/2009 Coll., on equal treatment and legal remedies for protection against discrimination and on amendment to certain laws (the Anti-Discrimination Act). This is a general law that prohibits discrimination in the areas it defines (e.g. work and employment and access to goods and services) and stipulates the underlying definitions of discrimination and the associated terminology.

**Grounds of discrimination** – one of the grounds listed by the Anti-Discrimination Act (i.e. race, ethnicity, nationality, sex, sexual orientation, age, disability, religion, faith or worldview) or some other legal regulation, which may not be used to discriminate between individuals.

**Direct discrimination** – an act or failure to take action, where one person is treated less favourably than another is, has been or would be treated in a comparable situation, on any of the grounds of discrimination.

**Indirect discrimination** – conduct or an omission where a person is put in a disadvantageous position on the basis of an apparently neutral provision, criterion or practice. In the sense of the Anti-Discrimination Act, such conduct occurs on the same grounds as direct discrimination. Provision, criterion or practice is not considered indirectly discriminatory if it is objectively justified by a legitimate aim and the means of achieving it are reasonable and necessary.

**Harassment** – unwelcome behaviour associated with grounds of discrimination diminishing personal dignity and creating a threatening, hostile, humiliating, degrading or offensive environment (e.g. making jokes about disability or depicting women or ethnic minorities at the workplace in an offensive manner). Harassment also consists in a behaviour that may be justifiably seen as a precondition for certain decisions (e.g. when a prospective female employee is asked about how many children she plans to have).

**Retaliation** – punishment or unfavourable treatment of a person who reported discrimination or harassment.

**Instruction to discriminate** – an instruction from a senior employee obliging a person in a subordinate position to discriminate against another employee(s) or, for instance, customers in the selling of goods or services.

**Incitement to discrimination** – persuading someone to discriminate against his or her employees or customers without there being a hierarchical relationship between the instigator and the person who commits discrimination.

**Court of Justice of the European Union** – the court tasked with interpreting EU law in order to ensure its uniform application in all Member States, as well as settling legal disputes

between the individual Member States and institutions of the European Union. Its mission is to ensure that the Member States and authorities of the European Union adhere to EU law.

**Registry office** – a governmental authority with the power to officiate marriages. These may be municipal authorities, authorities of city wards or districts and the military authorities in military training areas. (Section 3 of Act No. 301/2000 Coll., on the registries of births, deaths and marriages, names and surnames, as amended).

**Registry office with the power to officiate conclusion of a registered partnership** – a governmental authority before which people can conclude a registered partnership. These are 14 authorities which generally form a part of the regional capitals' city halls. (Registry offices with the power to officiate conclusion of a registered partnership are defined by Annex 4 to the Decree of the Ministry of the Interior No. 207/2001 Coll., implementing Act No. 301/2000 Coll., on the registries of births, deaths and marriages, names and surnames, and amending certain related laws).

**School district** – municipal area, parts of a municipality or multiple municipalities defined by the municipality in a generally binding ordinance.

**Catchment school** – an elementary school founded by a municipality or an association of municipalities that is based within the school district where the given child/pupil resides, or the school facility for the performance of institutional education, protective education or preventive educational care where the pupil/children is placed.

**Non-catchment school** – an elementary school in whose school district the pupil/child does not permanently reside; attendance of such a school is based on the choice of the child's legal representatives.

**Children/pupil from the catchment area** – a child or a pupil with permanent residence in the school district of the school to which he or she is applying or which he or she attends.

**Segregation** – separation of various social groups into distinct areas; in educational context, this means placing children in different schools or classes based on their ethnicity or social status.

**Gender pay gap (GPG)** – the average difference between men's and women's wages or salaries (in relation to the men's average salary or wage). It is indicated as a percentage (%). Higher GPG does not necessarily indicate discrimination. To a large degree, the gap may be explained by other factors that affect men and women differently (education, profession, employment, number of hours worked, etc.).

# SUMMARY REPORT ON PROTECTION AGAINST DISCRIMINATION 2016

---

Editorial board

Mgr. Anna Šabatová, Ph.D.; Mgr. David Slováček; Mgr. Petr Polák

Editor

Mgr. Bc. Monika Hanych

Published by Office of the Public Defender of Rights in 2017

Graphics and design: Omega Design, s.r.o.

ISBN 978-80-87949-46-7