



ombudsman

Public Defender of Rights


SUMMARY REPORT

ON PROTECTION AGAINST DISCRIMINATION

2017

Explanatory notes

 link to a webpage

 reference to a printed medium

The Public Defender of Rights

Equal treatment and discrimination

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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. Recommendations of the Defender concerning improvement of the conditions found and elimination of ill-treatment, if applicable, are directed both to the facilities themselves and to their operators and the central governmental authorities.

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

In January 2018, the Defender started to act as a monitoring body reviewing the implementation of rights recognised in the Convention on the Rights of Persons with Disabilities, and helping foreign European Union citizens who live and work in the Czech Republic. The Defender provides them with information on their rights and helps them in case of suspected discrimination on the grounds of citizenship. The Defender also co-operates with foreign bodies with similar responsibilities regarding Czech citizens abroad.

The special powers of the Defender include the right to file a petition with the Constitutional Court seeking the abolishment of secondary legal regulations, the right to become an enjoined party in Constitutional Court proceedings on annulment of a law or its part, the right to file an administrative claim to protect a general interest or application to initiate disciplinary proceedings with the president or vice-president of a court. The Defender can 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, Internet, social networks, professional workshops, roundtables 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 PUBLIC DEFENDER OF RIGHTS

November 2017 marked the tenth anniversary of the judgement in the case of D.H. and Others v the Czech Republic. The European Court of Human Rights ruled that the Czech Republic was guilty of indirect discrimination against Roma children in the Ostrava region regarding their access to education. The Czech Republic has been repeatedly criticised by various institutions for its segregation of, and discrimination against, Roma children. It has been ten years since this landmark ruling and yet, the situation has unfortunately not changed much, and segregation remains a serious problem in our country.

Segregation in schools is one of the most dangerous forms of discrimination. It kills any hope of a bright future the segregated children might have, and intensifies their feeling that the majority society is hostile towards them. Furthermore, it validates the belief that some children are inferior and best avoided by the children from the majority society. Such approach is destructive for future coexistence, it endangers social cohesion and undermines the democratic structure of the society.

To support high-quality education of Roma children and to commemorate the anniversary of the D.H. and Others v the Czech Republic ruling, we have created a miniseries of five episodes called “Každé dítě má právo na kvalitní vzdělání” (Every Child Deserves a High-Quality Education). You can watch the videos featuring Arnošt Goldflam, Jana Horváthová, Pavel Liška, Jan Bendig, and Kateřina Šimáčková on our social media. We also put a great amount of hope into the ongoing inclusion at schools, which carries the potential to break the barriers preventing access to the mainstream education for children who have not been very lucky in life.

Racism endangers the whole society. It devalues people on the grounds of their skin colour, origin, or religion. We were upset by the increasing tensions in the society, which is why we decided to pay an increased attention to the victims of discrimination on the grounds of race, ethnicity, and nationality in 2017.

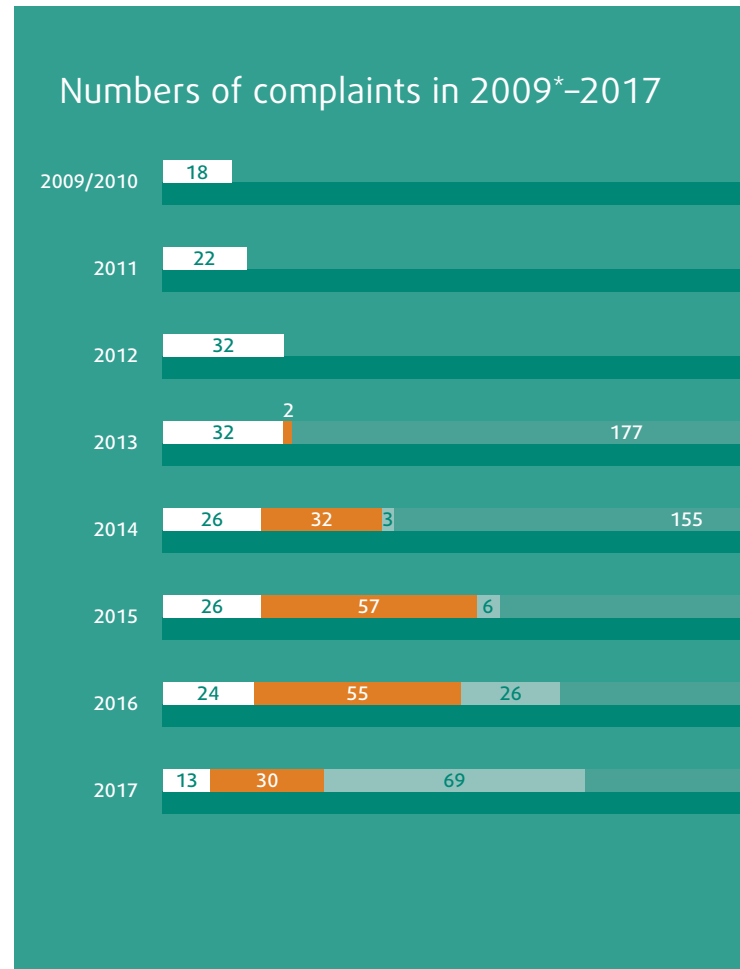
We saw the wave of hateful attacks against the pupils and employees of an elementary school in Teplice after the school published a picture of the first-graders in the Teplice Deník newspaper, and were filled with concern. We approached the Supreme Public Prosecutor, the Police Presidium, and the European Commissioner with this matter.

In the past few years, the amount of successful legal actions concerning discrimination has been increasing. As the number of judgements grows, the courts get more confident in their procedure in such cases, and we can soon expect a positive level of legal certainty as to what constitutes discrimination and what does not. Moreover, we are promoting an amendment of the Code of Civil Procedure regarding the shift of the burden of proof, as the current legislation discourages the victims of discrimination from turning to courts.

The most frequent complaints in 2017 were those connected to discrimination on the grounds of disability and discrimination was mostly experienced in workplace. The Report for 2017 covers all the issues we addressed in the area of discrimination. I have only mentioned few of them in this foreword. I hope you will find this report interesting and inspirational.

Anna Šabatová

1. Focused on complaints



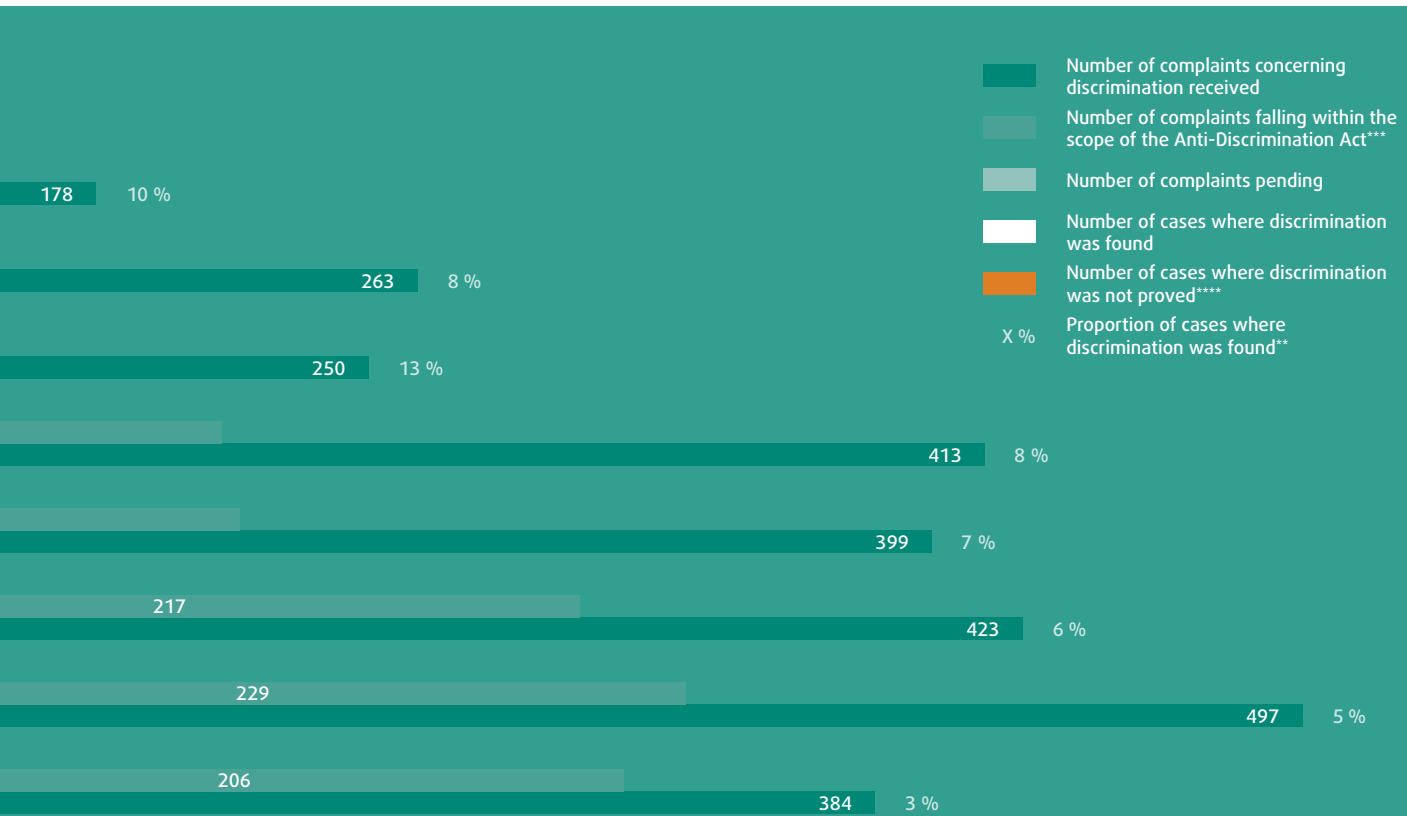
How many complaints did we address last year and what are the issues people present to us most often?

The number of complaints has significantly increased in the eight years we have been addressing discrimination. While we received 178 complaints in the first year, their number grew to 384 in 2017. However, the number of complaints decreased year-on-year as in 2016 we received 497 complaints, i.e. 113 more.

Aside from providing direct help to the complainants, our work consists in communicating with international entities (37 files), co-operation with governmental authorities (22 files), responding to public queries (19 files), co-operation with NGOs and the private sector (11 files), and independent research (2 files).

The number of discrimination complaints decreased year-on-year:





* The Defender assumed competences in the area of combating discrimination as of 1 December 2009; December 2009 is counted as part of 2010
 ** Proportion of all files concerning discrimination addressed until 31 December 2017
 *** Category monitored since 2013 **** Category monitored since 2014

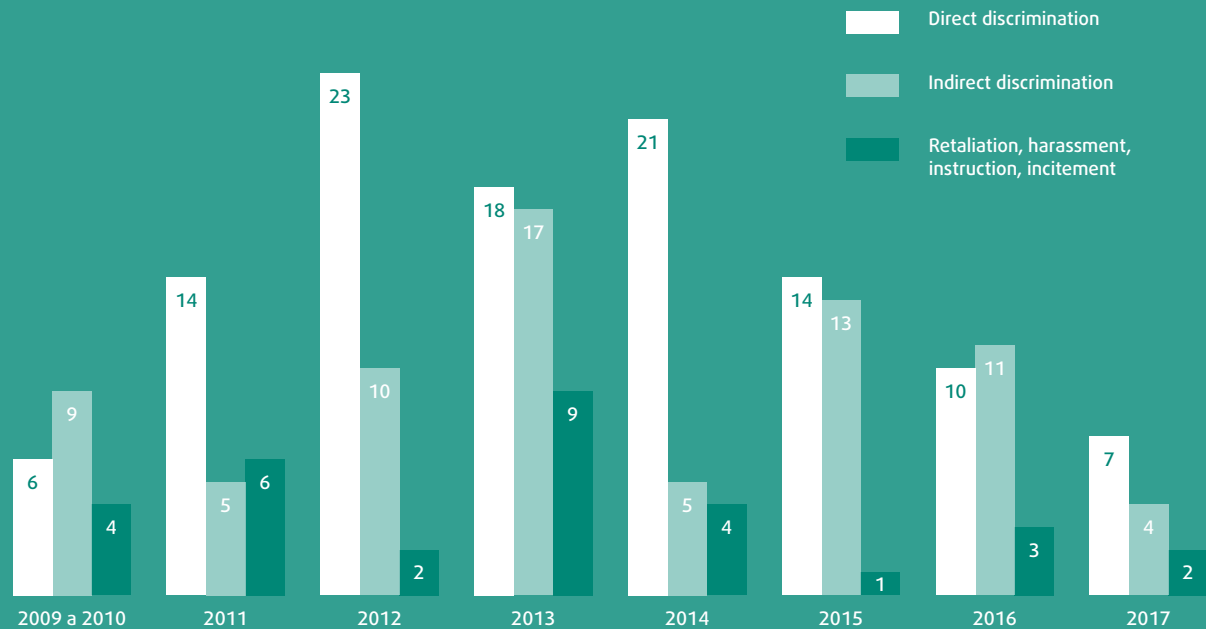
What do these figures tell us?

In approximately **8 % of the complaints**, we found that discrimination likely did occur (the proportion is lower in 2016 and 2017 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 2009 and 2017*



* Number of the files completed by 31 December 2017



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 192 cases? Most of the cases involved discrimination on the grounds of disability (67 cases), age (42 cases) and sex (35 cases), especially in the sector of provision of goods and services (50 cases) and work and employment (47 cases).

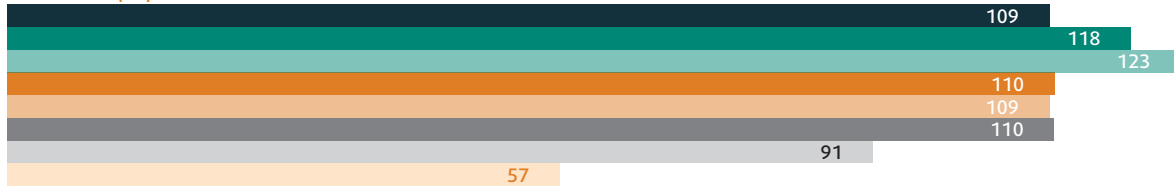
Most discrimination complaints are filed in the area of work and employment

In 2017, as in many previous years, people most often turned to us with complaints against discrimination in the area of work and employment (109 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.

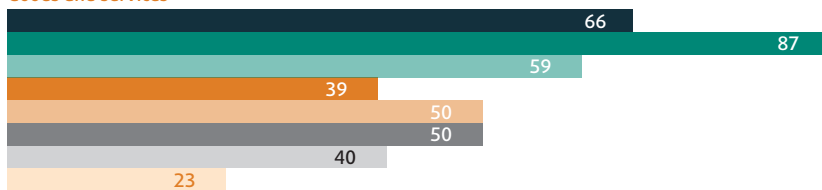
Consequently, if people face obstacles in access to work and employment or are subjected to unfair conditions at the workplace for reasons they are unable to influence (e.g. age, sex, disability, race and ethnicity), they regard such treatment as very serious and often decide to try and deal with their problems. Significantly fewer discrimination complaints (66) were raised in the area of goods and services, followed by the "other" category (47 complaints), education (46 complaints), housing (43 complaints), and other public administration issues (41 complaints).

Number of complaints by area

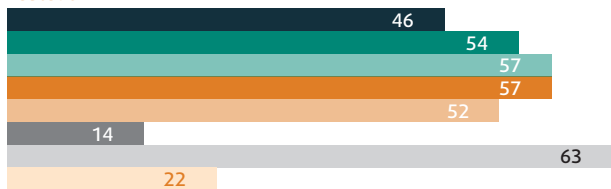
Work and employment



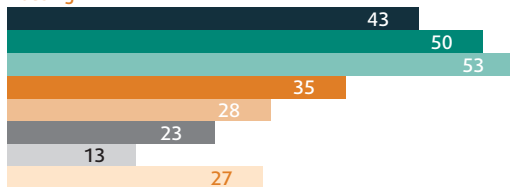
Goods and services



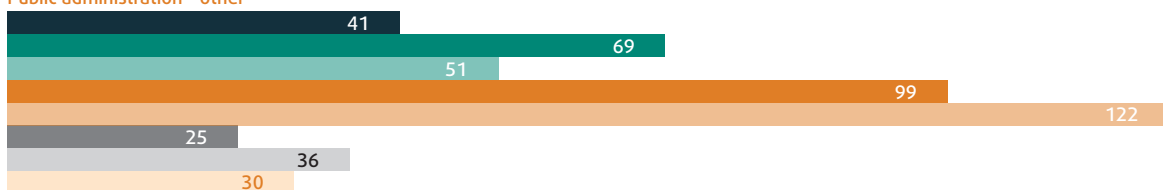
Education



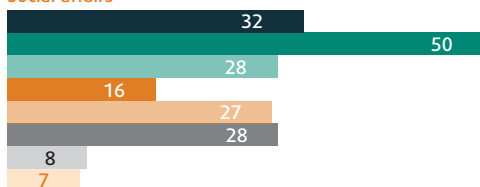
Housing



Public administration - other



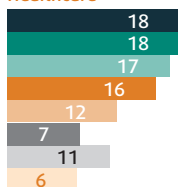
Social affairs



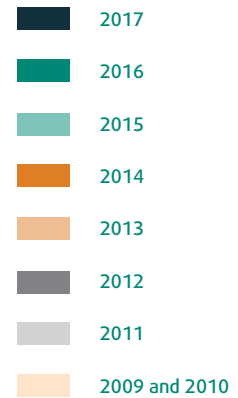
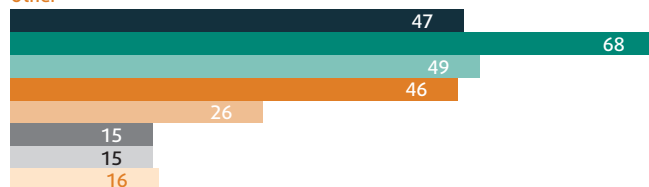
Membership of professional chambers and trade unions



Healthcare



Other



People most often complain about discrimination on the grounds of disability

The summary of complaints according to the claimed discrimination grounds shows, as well as in the previous years, that “discrimination” continues to be a rather poorly understood concept. In the past seven 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 conflicts between people motivated by personal antipathy that may be very unpleasant but do not represent discrimination in legal terms.

What are the most frequent reasons for complaints against discrimination? As in the past two years, discrimination on the grounds of disability was claimed most often (84 complaints), followed by discrimination on the grounds of race and ethnicity (58 complaints) and age (36 complaints).



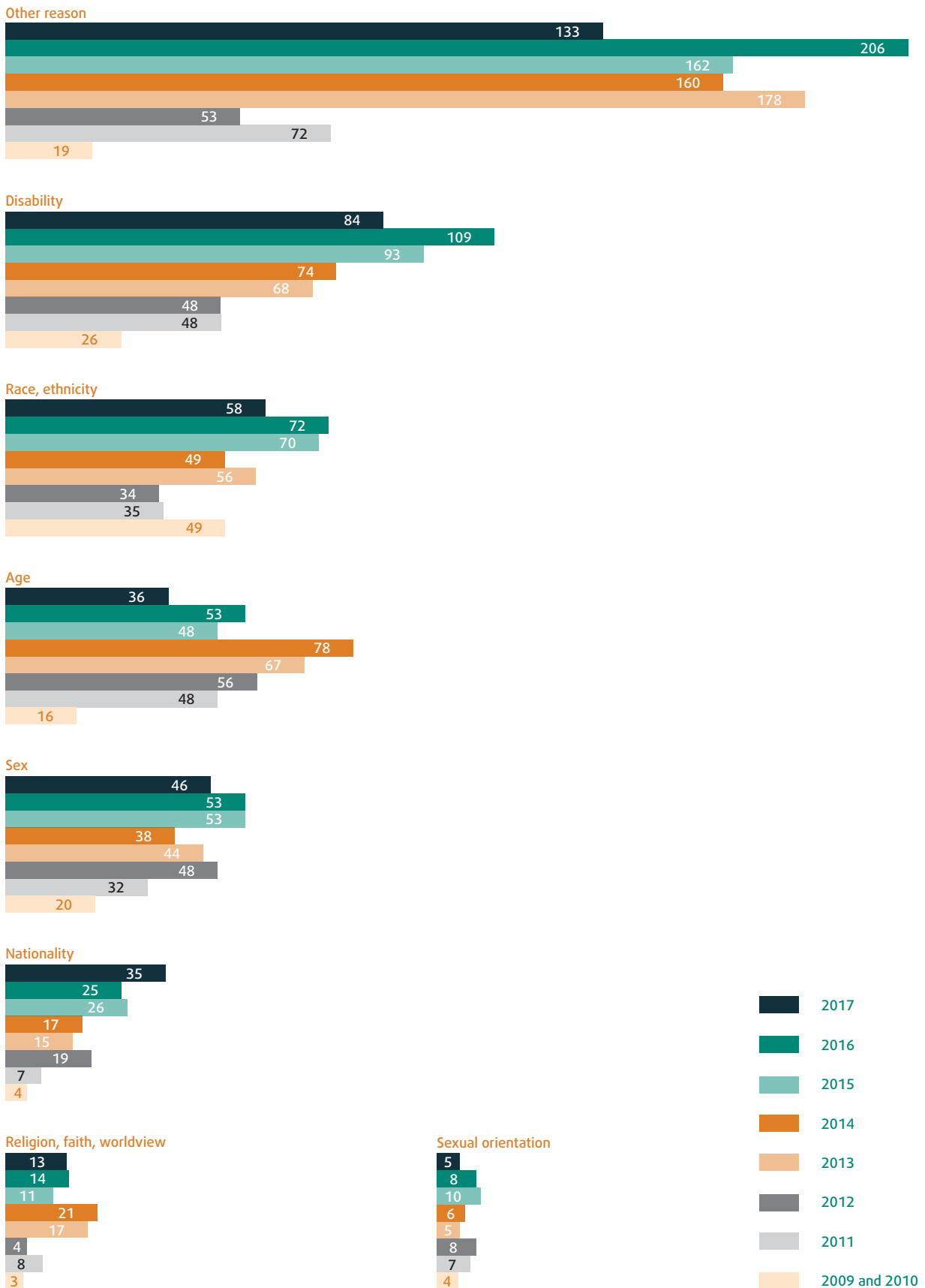
A subjectively perceived act of injustice does not necessarily constitute discrimination. In general, discrimination means difference in treatment in comparable situations without reasonable justification. It is not enough merely to feel discriminated – only conduct described and prohibited by law is 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 24 complaints against multiple discrimination, where claimed grounds most often involved a combination of race and ethnic origin with nationality (5 cases) and race and ethnic origin with disability (4 cases).



Number of complaints by discrimination grounds claimed



2. Anti-discrimination in Czech courts

”

The courts usually agree with the opinions of the Defender’s Office.

“

The victims of discrimination are successful with their claim requesting that the defendants should refrain from discriminating against them, remedy the consequences, issue apologies, and provide pecuniary compensation for intangible damage. In some cases, out-of-court dispute resolution – mediation – is also possible. Here is an overview of the most important discrimination rulings of Czech courts of 2017.

Refusal to enrol Roma children in the first grade

The headteacher of a school found out that several Roma children wished to enrol in his school. He was afraid that the school would become known as a “Roma school” and tried to reduce their number. He only opened one class and selected the children based on a “school readiness” test. The headteacher spoke in the media about the need to regulate the number of Roma children enrolling in the school. Two of the rejected Roma boys defended themselves in court. The court found that the rejection of the boys at enrolment constituted discrimination and ordered the school to issue a written apology.

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

 [Judgment](#) of the District Court in Ostrava of 1 March 2017, File No. 26 C 42/2016-124




“The psychological significance of enrolment in the first grade is incomparable with any other admission procedures in a person’s life, since it is the first time a child is in direct contact with a public institution representing the State. It is especially important for Roma children to feel accepted and trustful during their first contact with an institution, because they often face prejudice and condemnation at a very young age, which makes them more vulnerable than children from the majority society.”


(reasoning of the judgement of the District Court in Ostrava)

Severance pay for an employee of senior age

An employee of a heating plant was made redundant due to an organisational change. Pursuant to the collective bargaining agreement, she was entitled to a severance pay in the amount of fourteen times her average monthly salary, since she had worked at the heating plant for more than thirty years. However, she did not receive the severance pay, because she was entitled to old-age pension at the same time. At court, she pleaded discrimination on the grounds of age. The courts of lower instances did not consider this discrimination. They stated that severance pay's purpose is to help overcome a difficult social situation while the employee is looking for a new job. Only the

Supreme Court agreed with the plaintiff and stated that the severance pay, agreed beyond the scope of the statutory severance pay, constituted indemnification for employment lost through no fault of the employee and a form of an employee benefit. Employees should be entitled to the benefit regardless of whether or not they are entitled to old-age pension.

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

 [Judgment](#) of the Supreme Court of the Czech Republic of 18 January 2017, File No. 21 Cdo 5763/2015

Rejection of a blind applicant for a municipal flat

Our Office was asked for help by an unsuccessful applicant for a municipal flat. The City Hall refused to enter into a lease agreement with him, even though he had offered to pay the highest rent. The reason was that the flat was supposedly not suitable for him, as he is blind. We noted that the City Hall discriminated against the applicant on the grounds of disability. The


court agreed with our opinion, and imposed on the City Hall the obligation to publish an apology and pay reasonable satisfaction to the applicant in the amount of CZK 50,000.

 Defender's [press release](#) of 22 August 2017

The following people filed an action based on our help in 2017:




Civil servants contesting unequal remuneration after return from parental leave

 Defender's [Report](#): File No. 6862/2016/VOP of 11 August 2017




Roma tenants discriminated against by the City Hall (the landlord)

 Defender's [Report](#): File No. 107/2013/DIS of 15 April 2015



An employee of a public higher-education institution, who was assigned work by her employer even though she was taking care of an ill family member at that time and who received disciplinary warnings as a consequence of that


 Defender's [Report](#): File No. 3532/2016/VOP of 27 March 2017

The Defender's cases to be heard at the Supreme Court

Wearing a hijab during non-practical lessons

An asylum seeker who was not allowed to wear a hijab during non-practical lessons by her secondary school applied for an appellate review with the Supreme Court. The first-instance court rejected her plea of discrimination. The second-instance court ruled in favour of the school. It stated that the school should be a neutral place, in which the right not to be exposed to any religious symbols and not having to consider their meaning should be respected. The plaintiff does not consider an exposure to external manifestations of religion a violation of fundamental rights of individuals. The Supreme Court should therefore consider whether the school can forbid the student of Muslim origin to

wear a hijab during non-practical lessons, referring to the school regulations which ban wearing of any head-dress.

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

 [Judgment](#) of the District Court for Prague 10 of 27 January 2017, File No. 17 C 61/2016-172

 [Judgment](#) of the Municipal Court in Prague of 19 September 2017, File No. 12Co 130/2017-228

Termination of the service relationship of an HIV positive police officer

The police terminated the service relationship of an HIV positive officer. It was stated in his medical report that he had become medically unfit to work. The officer worked at the Unit for Protection of Constitutional Officials. He believed that his medical condition did not prevent him from performing his duties (guarding of premises, examination of passing vehicles). The lower courts acknowledged that being HIV positive constitutes a disability, and the prohibition of discrimination therefore applied. However, they stated that the dismissal of the police officer was in accordance with the decree on medical fitness. The police officer considers the decree

obsolete, and had applied for an appellate review with the Supreme Court.

 Defender's [Report](#): File No.157/2012/DIS of 22 March 2013

 [Judgment](#) of the District Court for Prague 7 of 16 May 2017, File No. 10C 239/2013-241

 [Judgment](#) of the Municipal Court in Prague of 9 November 2017, File No. 20 Co 343/2017-279

Free legal aid: Achievements of the attorneys-at-law co-operating with the [Pro bono alliance](#) in favour of our clients.




Video doorbell.
A housing co-operative at first refused to install a video doorbell for its member with a hearing impairment.

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



A barrier-free flat
A municipality refused to exchange a flat for a barrier-free one, even though it had a barrier-free flat available.

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

In 2017, we referred a case of a blind man who was dissatisfied with the practice of Czech television to the Pro bono alliance. We believe that Czech subtitles for the news programmes reporting from abroad are not the best solution for the blind and partially sighted. Unfortunately, there was no improvement regarding the audio-description of the reports after our intervention. The court's decision regarding the availability of news to people with disabilities will be crucial for the future practice of the media.

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



Did you know that...

...the fee for filing an anti-discrimination action has been lowered?

The Parliament complied with the Defender's recommendation from 2012. As of 30 September 2017, the judicial fee for filing an anti-discrimination claim is CZK 1,000. The courts may still decide to waive the fee if there are grounds to do so. We believe that this measure will mean easier access to justice for discrimination victims.


[Act](#) No. 549/1991 Coll., on court fees, as amended. (Court Fees Rates attached, item 40)

Which other judgments do we find important?

Ruling of the Supreme Administrative Court on the overview of discrimination grounds

The Czech Trade Inspection Authority imposed a fine in the amount of CZK 50,000 on a hotel that refused to accommodate Russian citizens. They would only be accepted to the hotel if they signed a declaration that they did not agree with the Crimea occupation. The CTI Authority found such a requirement equal to discrimination as the guests were treated differently on the basis of their citizenship. The hotel challenged the fine by a legal action. It argued that the Consumer Protection Act does not list prohibited grounds, and therefore it is necessary to base the decision on the grounds stated in the Anti-Discrimination Act, which

does not contain any provisions on discrimination on the grounds of citizenship. However, the Supreme Administrative Court stated that the Anti-Discrimination Act grants individuals the right to seek judicial protection in case of discrimination on the "strongest" prohibited grounds, but it does not stipulate that discrimination cannot occur on different grounds as well, and that the Czech Trade Inspection Authority is not entitled to impose a fine based on such conduct.

 [Judgment](#) of the Supreme Administrative Court of 16 August 2017, File No. 338/2016-27

Acknowledgement of parenthood of a homosexual couple

Two spouses (men) living in California in the United States of America are parents to a boy born using a surrogate mother. One of the men has relatives in the Czech Republic. Since the family visits them occasionally, they wanted the son to have a Czech birth certificate as well. However, the Supreme Court did not recognise the second man as a parent, as it would be contrary to the public policy. The Constitutional Court annulled the ruling on the grounds that the Supreme Court did not take the best interest of the child into consideration.

 [Judgement](#) of the Constitutional Court file No. I. ÚS 3226/16 of 29 June 2017



"The State's obligation to respect the right to family life does not only mean that it cannot prevent individuals who are related with each other from living together and maintain the relationship. If individuals already have family life established on a legal basis, it is also the obligation of all public authorities to act in such a way that the relationship can develop, and all legal guarantees protecting the relationship between children and parents must be respected."

(reasoning of the judgement rendered by the Constitutional Court)

3. We keep you informed!



Major European courts help us fight against discrimination and unequal treatment.



2017 was especially fruitful when it comes to interesting judgements. That is why we chose **10 most important judgements** of the European Court of Human Rights (ECtHR) and Court of Justice of the European Union (CJ EU), as they can **directly influence** the development of legislation and the decision-making practice of the Czech courts and authorities. We will also consider them in our activities.

Since 2012, we have regularly informed about judgements of international and European courts on our website. Follow the [news](#) and stay informed.

Selected judgements of the European Court of Human Rights

A. P., Garçon and Nicot v. France (App. No. 79885/12, 52471/13 and 52596/13)

States should not require sterilisation of individuals who, due to their gender identity, intend to undergo an administrative sex change. The ECtHR considers the opposite practice a breach of the right to private and family life of transgender people.

 [News](#) on discrimination of 28 July 2017



Did you know that...

...even Czech law makes administrative sex change conditional on sterilisation?

In light of this judgement, the Defender is currently promoting removal of the condition of sterilisation from the applicable regulations.

B. V. v. Belgium (App. No. 61030/08)

A failure to thoroughly investigate a criminal complaint made by a victim of rape constitutes breach of the right to protection against cruel, inhuman or degrading treatment or punishment. The complainant has been raped twice and sexually assaulted once by her colleague. The Belgian authorities dismissed her complaint on the grounds of insufficient evidence, which was confirmed by Belgian courts.



Violence at the workplace is inadmissible. Nevertheless, it does occur. For this reason, we joined an educational and awareness-raising project entitled [Důstojné pracoviště ve veřejné správě](#) (*Respectful Workplace in Public Administration*). We hope that it will prevent and eliminate violence in public administration workplaces.

Carvalho Pinto de Sousa Morais v. Portugal (App. No. 17484/15)

During a gynaecological surgery, the patient's nerve was damaged, which affected her sexual life and mental health. She sought damages from the hospital, which the courts did not award in the amount she requested. The ECtHR ruled that the reduction of damages for an older woman with two children with the reasoning that sex life is no longer important for her constitutes

discrimination on the grounds of gender and age. The ECtHR pointed out cases, in which the Portuguese courts awarded much higher damages to men in similar situations.

 [News](#) on discrimination of 30 October 2017

Kacper Nowakowski v. Poland (App. No. 32407/13)

The Polish governmental authorities breached the applicant's right to protection of family life by not taking reasonable measures to facilitate the applicant's contact with his minor son. They focused on the communication barrier – the applicant is multiply disabled (suffering from a hearing impairment and speech disorder), and

only communicates with sign language, while his son with hearing impairment only communicated orally – while they should have looked for ways to overcome the barrier.

 [News](#) on discrimination of 31 May 2017



Ratzenböck and Seydl v. Austria (App. No. 28475/12)

If the State introduces a legal union of homosexual couples that is distinct from marriage and reserved for such couples only (i.e. registered partnerships), this does not constitute a breach of the right to private and family life and the right to equal treatment even if the State does not allow heterosexual couples to enter into such union.



In 2017, we talked about the conditions of concluding registered partnership in the Czech Republic with registry offices and the Ministry of the Interior. See the roundtable documents at <http://bit.ly/2rV83W>

Škorjanec v. Croatia (App. No. 25536/14)

A person can fall victim to discrimination not only on the grounds of race or ethnicity, but also on the grounds of being actually or allegedly involved with a person who is of a certain race or ethnicity. In this case, which concerned a Roma man's girlfriend, who had been verbally and physically assaulted, the court adjudicated

that the governmental authorities commit a breach of the prohibition of inhuman or degrading treatment and the non-discrimination rule where they fail to ensure effective protection for such persons.

[News](#) on discrimination of 25 July 2017

Selected judgments of the Court of Justice of the European Union

Jyske Finans A/S v. Ligebehandlingsnævnet (Case C-668/15)

When arranging for a loan to buy a car, a Danish credit company required an additional proof of identity of a client, because he was born in Bosnia and Herzegovina and not in Denmark. However, he was a Danish citizen. The client pleaded discrimination on the grounds of ethnicity. However, the CJEU did not establish discrimination. It stated that ethnicity consists of sharing a nationality, religion, language, cultural and traditional origin, or history. Ethnicity cannot be defined by merely one criterion, such as the country of birth.

[News](#) on discrimination of 17 August 2017



Should the same case happen in the Czech Republic, discrimination on the grounds of ethnicity could not be established either. However, it could constitute a violation of Section 6 of the Consumer Protection Act, which contains a non-exhaustive list of reasons. The competence to assess the respective acts of the entrepreneur would lie with the Czech Trade Inspection.

Ypourgos Esoterikon and Ypourgos Ethnikis paideias kai Thriskevmaton v. Maria-Eleni Kalliri (Case C-409/16)

A Greek police academy conditioned the admission of applicants by the requirement of height of at least 1.7 metres. The court ruled that such a condition constituted indirect discrimination on the grounds of gender.

The requirement is disadvantageous for more women than men and cannot be considered appropriate and necessary to achieve the objective of ensuring physical fitness for the performance of police tasks.

Wearing an Islamic headscarf in a workplace

In the case of **Samira Achbita v. G4S Secure Solutions NV (Case C-157/15)**, the court concluded that the internal regulation of a private company prohibiting employees from displaying religious symbols is not discriminatory against Muslims if it is a coherent and systematic policy of neutrality towards customers.

In the case of **Asma Bougnaoui v. Micropole SA (Case C-188/15)**, it ruled that if a private company prohibits its employee from wearing a Muslim headscarf solely on the basis of a customer's wish, it constitutes discrimination on the grounds of religion.



Research conducted by the European Union Agency for Fundamental Rights has shown that many Muslim men and women living in the EU encounter discrimination. The most common grounds of discrimination is their wearing of the Islamic headscarf. The research available at: <http://bit.ly/2xnDnvH>

[News](#) on discrimination of 27 July 2017



Did you know that...

...ECtHR, too, heard cases concerning Islamic headscarves in 2017? In cases **Belcacemi and Oussar v. Belgium (App. No. 37798/13)** and **Dakir v. Belgium (App. No. 4619/12)**, it ruled that a prohibition of covering's one face in public does not constitute discrimination. In case **Hamidovic v. Bosnia and Herzegovina (App. No. 57792/15)**, it ruled that imposing a punishment for a mere refusal to remove a head-dress in the courtroom violates the freedom to manifest religious belief.

4. Which laws need to be changed?

”

1. Unification of rules of shift of the burden of proof.
2. Change in provision of compensation for intangible damage.
3. Abandonment of the practice of mandatory sterilisation of transgender individuals.

“

We do not support constant changes to laws and regulations. However, we would like to summarise our past recommendations that have not yet been followed. At the same time, we added some new recommendations for changes. We would like to discuss them as soon as possible.

Shift of the burden of proof in discrimination disputes

All potential discrimination victims should be entitled to equal procedural safeguards before courts. The current provisions concerning the shift of the burden of proof under Section 133a of the Code of Civil Procedure do not cover all cases in which the Anti-Discrimination Act prohibits different treatment. That is why many victims of discrimination do not turn to courts.

Change in provision of compensation for intangible damage

The courts award pecuniary compensation for intangible damage if other claims (injunction to stop the discrimination or apology) are not sufficient to remedy the violation of human dignity. That is at variance with the law of the EU, which states that courts should always award financial compensation. Although the government proposed the necessary amendment to Article 10 of the Anti-Discrimination Act, it withdrew it in 2017. The Czech case-law shows that the amendment is still necessary.

Abandonment of the practice of mandatory sterilisation of transgender individuals.

The European Court of Human Rights stated in 2017 that it is contrary to Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms to require sterilisation from people who want to change

their gender in official documents. However, Czech laws (the Civil Code, the Specific Health Care Services Act) contain the requirement and should therefore be changed. Some trans people cannot or do not want to undergo the surgery for serious medical or personal reasons.

Legislation on specially-trained dogs

The Ministry of Labour and Social Affairs was to submit a draft of the new act by the end of 2016. That did not happen. We still insist on a legal regulation defining the areas which individuals accompanied by specially-trained dogs will have the right to enter, and to adjust the status and conditions of training of such dogs so that the health of their owners would not be jeopardised.

Discrimination by association

Discrimination by association occurs if someone is treated less favourably because s/he has a close (most often family) relationship with a potentially discriminated person. However, this form of discrimination is not directly stipulated by law, and follows from the case law. In addition, the knowledge of the concept of discrimination by association can be reasonably required of courts and authorities, but not those who are primarily subject to the Anti-Discrimination Act (individual natural persons and legal entities). Therefore, our recommendation is primarily concerned with anchoring and clarifying the rights (of employees and consumers) and obligations (of employers and sellers), which has already been done in Austria, Slovakia, Croatia, Bulgaria, Spain, and Denmark

Adding disability as a discrimination grounds to selected regulations


If a member of the security corps becomes medically unfit in the long term, s/he must be dismissed. Indeed, the Medical Fitness Decree does not enable physicians to take into account the actual impact of an illness on the performance of service. Some persons with disability are thus prevented from serving in security corps, even though their medical condition might not prevent the performance of service. The Professional Soldiers Act shows a similar defect. That must be changed!



In 2017, we commented on schools decrees four times.


We have prevented the deepening of separate education of people with disabilities and the reduction of the number learning support assistants per class.

 [Comments](#) of 21 July 2017

 [Comments](#) of 9 November 2017

We are not happy with the proposed changes in education of pupils and students with hearing disabilities. We want an extensive support of the students with hearing disabilities at universities, and courses of deaf communication systems for their parents that will enable them to fully communicate with their children.

 [Comments](#) of 15 May 2017

 [Comments](#) of 9 November 2017

5. Whom did we help?



When people know their rights and obligations, they can live happier lives.





We are happy to see that our arguments matter. Our activities prove that discrimination can be eliminated even without the intervention of courts. Either the individuals can defend themselves against discrimination (based on our advice) or we intervene directly.

In 2017, we helped




People with disabilities to get reserved parking spaces in the place of their residence


 Defender's [Report](#):
File No. 864/2016/VOP
of 13 February 2017

 Defender's [Report](#):
File No. 5945/2016/VOP
of 14 February 2017




A family with an autistic child that needed a bigger municipal flat

 Defender's [press release](#)
of 8 June 2017

 Defender's [Report](#):
File No. 5517/2016/VOP
of 11 April 2017




A civil servant who asked for shorter working hours in order to take care for her child

 Defender's [press release](#)
of 27 July 2017




A man who needed a certificate of his experience before the administrative sex change in order to be issued a certificate of employment

 Defender's [Report](#):
File No. 7121/2015/VOP
of 2 May 2017



A boy with a disability, who encountered problems while transferring to a new school

 Defender's [press release](#)
of 11 January 2018



A man with a disability who eventually agreed with his former employer an apology and financial compensation for discriminatory termination of employment

 Defender's [Report](#):
File No. 7030/2014/VOP
of 17 October 2017

When the case goes beyond the interests of the individual

We encounter cases where, in the end, our intervention will also help other people.


Bank changes the rules of marketing campaigns in relation to minors

The bank offered a discount on the purchase of a mobile phone. However, it turned down a minor client. We notified the bank that absolute impenetrability of the age limit for providing services was not acceptable. In our opinion, the reasonable solution would be to condition the purchase of the phone by the consent of the legal representatives. We also recommended that the bank informs better on the availability of promotions to minors. The bank adopted our recommendations.

 Defender's [Report](#): File No. 5618/2016/VOP of 6 April 2017

We advised an employer of the fair conditions for the payment of severance pay

We helped an employer in public administration with the introduction of a severance scheme. We have assured the employer that discrimination on grounds of age will not occur if the severance pay system is transparent and all employees eligible for old-age pension will be informed well in advance that they can either stay in the employment or terminate it and receive a severance pay.

 Defender's [Opinion](#): File No. 84/2016/DIS of 16 May 2017

How to best inform students with disabilities about the possibilities of adapting their studies to their current medical condition?

If individuals with disabilities are not sufficiently informed, they cannot exercise the right to adapt their studies to their medical condition. That is why Charles University accepted our recommendations, and informs new students with specific needs of the conditions of the studies immediately upon their first login to the information system. In our view, the university will thus avoid discriminatory disputes similar to one that we dealt with there in 2017.

 Defender's [Report](#): File No. 5355/2015/VOP of 16 March 2017



Missing evidence – a continuous problem

Despite these achievements, we encounter cases where discrimination cannot be clearly proven due to a lack of evidence. Most often, we experience the lack of evidence in the area of employment. In 2017, for example, we dealt with a case of a

- trainee attorney-at-law who pleaded sexual harassment at work.

”


My boss repeatedly requested me to kiss him and made sexual propositions. At a birthday party, he told me to take off my clothes and jump into the pool. When I refused, he threatened not to raise my salary.

(Kamila, trainee attorney-at-law)

“

 Defender's [Report](#): File No. 2569/2016/VOP of 6 April 2017

- A man over 50 years of age who was not taken on to a position as an official at a public higher-education institution

 Defender's [Report](#): File No. 5849/2015/VOP of 23 March 2017

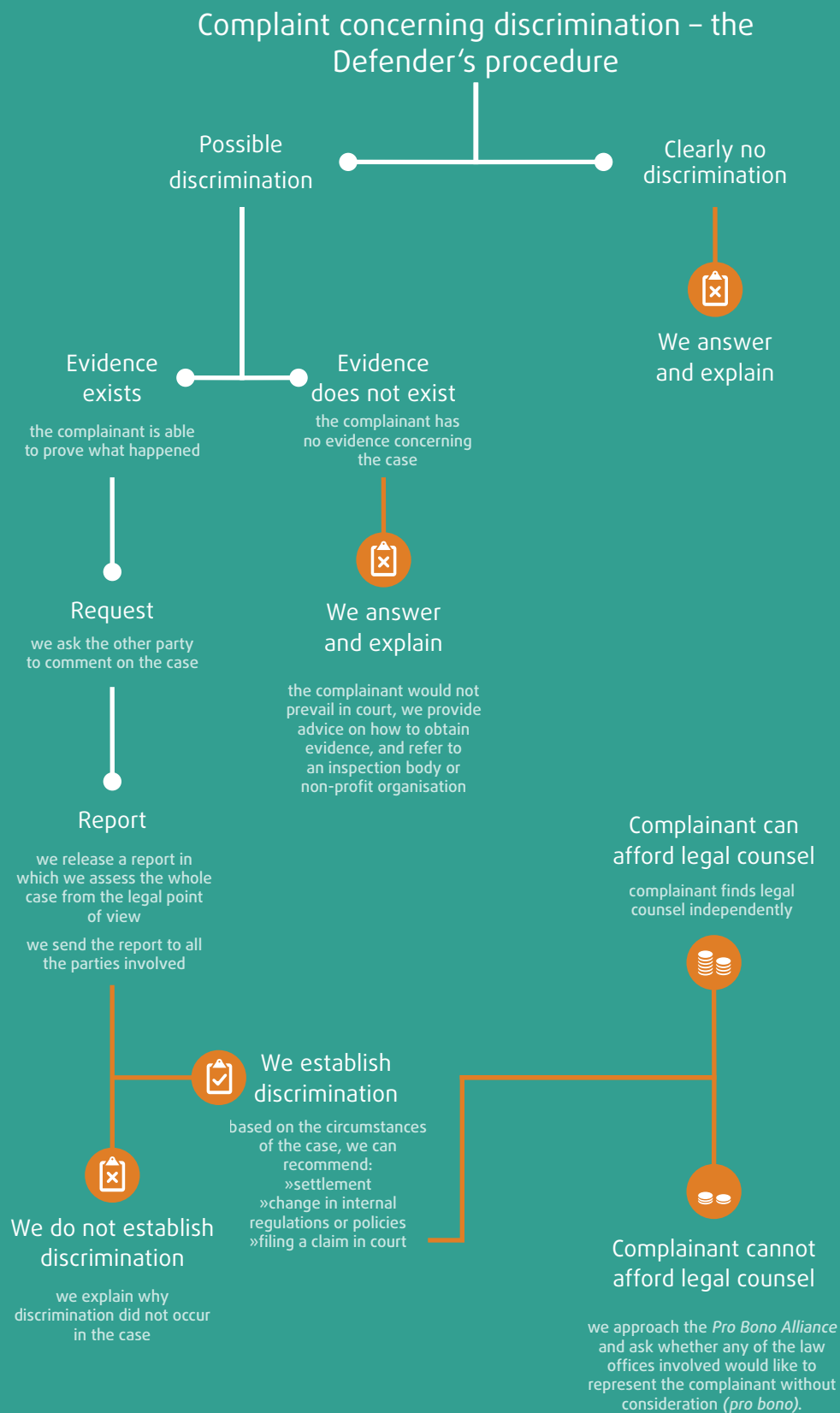
- A woman who was fired by her employer after returning from parental leave

 Defender's [Report](#): File No. 1206/2015/VOP of 1 March 2017



We encounter discrimination at the workplace (especially in the form of harassment) more and more often. We thought about how to best help lawyers, union organisations and associations to which the victims of discrimination turn. Therefore, we created a [leaflet](#) with 10 basic points: How to help the victims of mobbing?






6. Survey: Do the Ministries manage to provide for work-life balance?

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Providing flexible forms of work and measures that make it easier to balance work and life has an impact not only on the satisfaction of the employees, but also on the development of all State organisations.

“

- Only 4% of civil servants and ministry employees work shorter hours. Another 10% of the employees addressed in the survey would be interested in doing so.
- There is an even greater difference between the reality and the interest of the employees in performing the service from a different location (telecommuting): in 2016, telecommuting was used by only 3% of civil servants, but another 49% expressed their interest in it.

 Defender's [Report](#): File No.101/2017/DIS of 22 December 2017

If a civil servant has care responsibilities, the service authority has a duty to adopt work-life balance measures, provided that this does not interfere with the proper performance of the service tasks. If the authority does not take appropriate measures, this constitutes discrimination against the civil servant, who can defend herself/himself with an anti-discrimination action.

It follows from the survey carried out at most of the Ministries, that:

- There are certain standard measures applied in the area of work-life balance at the Ministries; these measures enable to easier combine work and out-of-work duties of the employees; however, the survey confirmed existing differences among the individual Ministries.



Did you know that...

...to improve the work-life balance, a service authority may:

- set the beginning and end of the working hours and flexible schedule of working time;
 - approve shorter working time;
 - arrange the possibility to work from another place;
- establish kindergartens and other child care facilities (children's groups).

- The Ministries often use only some of the flexible forms of work that are available. Only flexible scheduling of working time is available everywhere; in contrast, shorter working time or work from other places are only available to a few percent of civil servants, even though many more are interested.
- We appreciate that the Ministries are trying to provide care for pre-school children – usually a children's group or, on the basis of a contract, a children's group of another Ministry is used, and the demand is almost entirely satisfied in this respect. However, only two Ministries also set up an area dedicated for short-term use and stay of children, although a large part of the civil servants addressed in the survey would be interested in a children's play area at the workplace.
- The survey confirmed that the issue had to be approached cross-sectionally – across generations and age groups, as well as in the context of various life situations. Currently, most attention is devoted to parents with small children, especially mothers, although there is room also in this area for further improvement in work-life balance (see children playgrounds, care for children during school holidays, care for children under 3 years of age, etc.).
- One of the prerequisites for an effective solution to work-life balance is an actual awareness of the requirements, needs and satisfaction among the employees. The Ministry of the Interior evaluates the application of work-life balance measures in the area of civil service; however, it is not entirely clear how the results are applied at each individual Ministry and, especially, what conclusions are drawn on their basis by the Government's Council for Gender Equality and the Department for Gender Equality at the Office of the Government of the Czech Republic.

The Annual Report of the Ministry of the Interior on work-life balance in the performance of public service is available [here](#).



International conference

We organised a two day conference concerned with work-life balance: "Work-life Balance in the Public Sector". There were 70 participants present.

The video records and all other materials from the conference are available [here](#).

In 2018, there will also be a workshop to discuss how to improve the State service. We will also publish information leaflets for the employees and management of the service authorities.



7. Topic of the year: Race, ethnicity, nationality

”


Let us judge people according to their individual qualities, regardless of the unchangeable characteristics they were born with.


“

Racism impoverishes society because it leads to false and misleading prejudices about people who differ in skin colour or origin, and constitutes deep interference with their dignity at the same time. The increasing tension in society towards people of different ethnicity lead us to pay more attention to the victims of discrimination on the grounds of race, ethnicity, and nationality in 2017. Our activities have affected all areas of life listed in the Anti-Discrimination Act (from employment through education to housing).

Examples is what we need!

We created an information leaflet made up of stories of three Roma men and women who successfully stood up against discrimination, and distributed it to a wide range of organisations. Real stories of success inspire others. We believe that gradually, we will convince people coming from underprivileged groups of population to turn to us and fight discrimination. It is worth it!

 The leaflet in the [Czech language](#)

 The leaflet in the [Roma language](#)

Churches are not entitled to discriminate on the grounds of Roma origin either

Antidiskriminační zákon poskytuje církvím a náboženským společnostem v souladu s jejich ústavně zaručeným právem na vnitřní autonomii širokou výjimku z rovného zacházení při zaměstnávání duchovních a jiných osob. Mohou zaměstnávat pouze muže či osoby určitého vyznání. Tato výjimka se ale nevztahuje k rase a etnickému původu. Ani církve se proto nesmí dopustit obtěžování svých zaměstnanců z důvodu etnicity

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

10 year anniversary of the judgement of the European Court of Human Rights in the case of D. H. and Others v. the Czech Republic

In 2017, we commemorated the 10th anniversary of the key ruling in which the Czech Republic was condemned for discrimination against Roma children. Roma children were and still are over-represented in schools originally designed for children with mild mental disabilities. We have been trying to make a stop to such discrimination of Roma children since 2009.

 [News](#) on discrimination from 14 November 2017

We believe that the changes are being made very slowly. We keep pointing out the spatial segregation of Roma children in education, and request that the governmental authorities deal with it.


”

Segregation in schools is one of the worst forms of discrimination, as it causes waste of talent and significantly affects the lives of the children concerned. It undermines the democratic structure of the society and strengthens the vicious circles of marginalisation and discrimination that endanger social cohesion.

“

Anna Šabatová, ombudswoman

Nils Muižnieks, Council of Europe's Commissioner for Human Rights

 [Article](#) “Nevzdávejme se inkluze” (*Let's not give up on inclusion*) for the *Moderní řízení* journal published on 19 December 2017

To support high-quality education of Roma children, we have created a miniseries of five episodes called “Každé dítě má právo na kvalitní vzdělání” (*Every Child Deserves a High-Quality Education*). You can watch the videos featuring Arnošt Goldflam, Jana Horváthová, Pavel Liška, Jan Bendig, and Kateřina Šimáčková on YouTube. The videos reached 25 thousand views.

 [Miniseries](#) “Každé dítě má právo na kvalitní vzdělání” (Every Child Deserves a High-Quality Education)

We motivate Roma parents to enrol their children to schools that are not segregated. If they encounter resistance of the school management, they should defend themselves against such discrimination. For this purpose, we created information material that we have sent to organisations working with Roma parents. We also updated our recommendations regarding fair enrolments. We urge the founders and schools to be cautious when using the school readiness tests as these may have a discriminatory effect.

 The leaflet in [Czech](#) and [Roma](#) language.

 [Updated recommendation](#) on enrolment of first-graders of 28 February 2017

We demand that the Czech Schools Inspectorate penalises spatial segregation. It is not enough that the Inspectorate finds a violation of the Schools Act and files an application to remove the headteacher. It must also commence infraction proceedings and impose a fine for discrimination that will be effective, proportionate and, most importantly, dissuasive.

 Defender's [Report](#): File No. 5495/2015/VOP of 10 May 2017

In co-operation with Open Society Fund Praha and Open Society Justice Initiative, we organised an international legal seminar on strategic litigation. After the seminar, we showed a Czech-British documentary called “Europe: Which Children Matter?”, and discussed the integration of Roma children into the educational mainstream.

 [International legal seminar](#) on strategic litigation


Czech financial support to an Albanian segregated school?

The European Roma Rights Centre notified us of the case of an Albanian school attended, according to the findings of the local authorities (the Albanian ombudsman among others) exclusively by Roma children. The school was supported by the Czech Ministry of Foreign Affairs within the foreign development co-operation, as the Ministry provided financial aid to the school for its reconstruction after a flood. Even though supporting of segregation is generally against the law, the Ministry did not err in this case – by providing financial aid at the time, it helped to ensure the education of children from the Roma community for whom a different school would not be available in the local conditions.

 Defender's [Report](#): File No. 5596/2015/VOP of 26 May 2017


Worse lease terms for a Roma family

A housing co-operative consented to a sublease of a flat to a family only for an extraordinarily short term – only three months – on the grounds that the subtenants were Roma. Such procedure constitutes direct discrimination. Fortunately, the housing co-operative rectified the situation and the family still lives in the flat to everybody's satisfaction.

 Defender's [Report](#): File No. 3449/2017/VOP of 11 October 2017

Access of EU citizens and long-term residents to municipal housing

Some municipalities and cities have stipulated in their rules for renting housing that the applicant must be a Czech citizen or a citizen of an EU Member State. Both of these conditions are at variance with the prohibition of discrimination. We informed the Ministry of the Interior and the city halls of cities that are divided into city wards and municipal districts about our legal analysis as these institutions may oversee the rules for renting flats in the municipalities and city wards and municipal districts. Some municipalities

 Defender's [Report](#): File No. 3893/2015/VOP of 28 February 2017

Screening of passengers at the airport must be transparent and fair

Roma passengers were not allowed to check in at Prague's airport while travelling to Canada, even though they had valid travel documents. At first, three individuals, who had not introduced themselves and were not wearing any name tags, asked the Roma passengers about the purpose of their trip in the departure hall, and then ordered them from the airport without providing a reason.

”

We called the Embassy of Canada to Czech Republic. The Embassy employee who was dealing with the call did not understand what the problem could be. I wanted the man who banned us from boarding the flight to talk to her, but he refused. I also addressed the foreign police officers who said that they would let us go, and they had no problem with us, but they needed a boarding pass. I also called the airline and they also told me that everything was in order from their side...

“

(Michal, 51, passenger prevented from boarding the flight)

We could not prove with certainty that discrimination on the grounds of ethnicity had occurred. However, we recommended a correct procedure for similar situations to the airline, the airport, and the security agency which checks the passengers' travel documents, in order to protect the rights to equal treatment. We have not encountered similar cases since.

 Defender's [Report](#): File No. 4637/2015/VOP of 20 December 2017



Did you know that...

...in 2017, we also dealt with an unfair job advertisement, discrimination of foreigners when entering Prague's clubs, and problems regarding education of children with mother tongues other than Czech? We requested that the responsible administrative authorities provide remedies (to stop the discrimination). For that reason, we will come back to these issues in 2018.



8. We are against any demonstrations of hatred

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Respect and mutual understanding are values that need to be protected and supported, as they contribute to peaceful coexistence.

“

In 2017, we dealt with various forms of hate expressed towards ethnic minorities (most often the Roma). We believe that it is important to combat not only the most striking and reprehensible acts, but also the verbal statements that dehumanise members of minorities in a creeping way. We demand professional and responsible conduct from both governmental authorities and private individuals. We believe that most people in this country do not feel hate and want to live together in a reasonable way and without conflict.

Police must act without prejudice

On our own initiative, we dealt with the police's procedure in the case of racially motivated attacks on the ROMANO DROM 2016 art camp of the Čhavorenge children's choir under the leadership of Ida Kelarová in co-operation with the artists of the Czech Philharmonic. The police made an error, as they failed to come to the camp after a shooting had been reported there, and did not verify whether the camp participants were still in danger and did not help calm the situation at all. Moreover, the police officer acted inappropriately and unprofessionally towards the attendants of the camp while they were providing an explanation. He degraded the seriousness of the shooter's actions and did not pay adequate attention to the persons present. The police admitted their mistake and promised to be more involved in similar cases in the future.

 Defender's [Report](#): File No. 5996/201/VOP of 6 March 2017

Racist public statements on the position of transport assistants

We recommended a transit company to disassociate itself from racist public statements made by two members of its Supervisory Board. The statements suggested that the transport assistants are a measure aimed against passengers of Roma origin. However, such practice would constitute direct discrimination; moreover, the statements themselves were stigmatising for the Roma, and the public might have considered them an official opinion of the transit company.

 Defender's [Report](#): File No. 3522/2017/VOP of 30 August 2017

Offensive statements of a housing co-operative representative

We were notified of a video in which a spokesman for a housing co-operative made offensive statements against the Roma. We found discrimination in the form of harassment. The housing co-operative removed the video from its website.

 [Report](#) of the Public Defender of Rights of 16 November 2017, File No. 3868/2016/VOP

Hate attacks on pupils attending the Plynářenská elementary school in Teplice

A photo of local first-graders led to a wave of hate speech, especially on Facebook, as well as verbal attacks on the employees of the Teplice elementary school. Teplice's Deník daily published the picture on its website. There are, among others, Roma, Vietnamese and Arab children in the class. According to the reports available to us, the police began to investigate the case. We have publicly expressed the support to the headteacher, the teaching staff, parents, and all the children.


We asked the Supreme Public Prosecutor, the Police President, and the Commissioner of the European Commission to see to it that the matter was properly investigated and the perpetrators were punished.



One of the biggest challenges nowadays is to try to re-establish the boundaries of what is acceptable to say, what a free discussion is, and what already constitutes inadmissible hatred – and is subject to the Criminal Code.

(Anna Šabatová, ombudswoman)




 [Article](#) „Anna Šabatová podpořila kampaň ONI JE DO PLYNU. MY JE DO ŠKOL!“ (Anna Šabatová supports the THEY WANT THEM IN A GAS CHAMBER, WE WANT THEM IN SCHOOLS campaign) of 20 November 2017



What did we do in the area of **hate speech** online in 2017?

- We gathered information on the relevant legislation and activities organised in the area at both national and international level.
- We attended professional events both in the Czech Republic and abroad.
- We asked organisations helping various vulnerable groups of population (mostly the Roma and refugees) to share their experience.
- We filed a report with the Supreme Public Prosecutor requesting him to carry out a review of the closed cases of the District Public Prosecutor's Office for Prague 1, as we had reasons to believe that the Office had been neglecting hate crimes committed on the Internet in the long-term.
- We have drawn up an information leaflet for discrimination victims. There we provide advice as to how to defend oneself against hatred on the Internet.

 The leaflet is available [here](#).

What have we found out?

- The current legislation allows for punishment of hate speech.
- However, the individual bodies dealing with the issue need to work together more closely.
- There is no will to clearly take a stand against hate speech and show that it is inadmissible in a democratic society, and that it really deserves adequate punishment.
- There is no thorough monitoring of hate crimes.

What are our plans?

We will discuss the existing knowledge with the key players in the field (the Police President, the Minister of the Interior and the Minister of Justice, the Supreme Public Prosecutor and the EU Commissioner for the Czech Republic). We hope that together we will find and introduce specific measures to make the situation better.

9. More joyous parenthood

”

Raising children brings about a lot of joy, but also a lot of problems. The least we as a society can do is to be kind to parents.

“

We have been supporting parents in their difficult, nevertheless key role for the society in the long term, and we are trying to reduce the difficulties related to parenthood to the minimum. Women who are returning to their jobs after their maternity leave are often faced with worse working conditions, unequal pay, and also efforts of their employer to terminate the employment.

”

As a single mother, I do everything I can to take care of my children without the help of my distant relatives and the State. However, I am not as flexible in time as my colleagues who do not have children. My employer tried to force me to leave my job by continuously worsening my working conditions. However, I did not give up and kept fulfilling all the tasks properly. In the end, my employer made a fictitious change in organisation so that he could lay me off.

“

(Klára, assistant to the Board of Directors of a financial institution)

In the case of Ms Klára, we concluded that the employer's conduct might have constituted discrimination. Our opinion helped Ms Klára with the negotiations – she eventually terminated her employment, but under much better terms. That will give her enough time to find another job.

”

Changes had been made at my work while I was on maternity leave, and my colleagues' personal extra pay was increased. However, when I came back to work, I was granted the personal extra pay in its original amount. My salary was thus CZK 8000 lower than the salary of my colleagues who were doing comparable work. My superiors were happy with my work, but they had not made an official evaluation of my performance, which is the requirement for the increase of the personal extra pay, for more than a year. However, they managed to evaluate my colleagues within a few months.

“

(Petra, a ministry employee)

 Defender's [Report](#): File No. 6862/2016/VOP of 11 August 2017

Petra filed an action with the court, which is yet to decide on it.


Even men face obstacles in their work related to parenthood. For example, employers sometimes do not realise that men can also take parental leave.

”

...we looked into everything and concluded that the ideal solution for us would be me taking the parental leave... I was in a six-month probationary period at work, but I decided to tell my employer about this possible solution in advance... to simply act fair... in two days, my employer terminated my employment during the probationary period.

(Libor, on parental leave)

“

 Defender's [Report](#): File No. 3849/2016/VOP of 23 March 2017

Parents and their children face limitations in other areas as well. For example when shopping. Even a seemingly trivial thing as a prohibition to entry a shop with a pram might be a big complication in the everyday life of a parent. And there is often no valid reason for such ban.

”

I experience not being let into a shop with a pram daily, and so do my friends. Leaving my child alone in front of the shop is unacceptable to me, because it is not safe. Therefore, the bans often force me to go to the supermarkets, which are far away.

(Martina, on parental leave)

“

We concluded that a prohibition to entry a shop with a pram constitutes discrimination in this case. We also found failings in the procedure of the Czech Trade Inspection Authority, to which the complainant turned first. In the end, a solution was reached – the shop changed its rules.

 Defender's [press release](#) of 23 November 2017

 Defender's [Report](#): File No. 6899/2015/VOP of 17 August 2017



10. Even HIV positive people have the right to equal treatment


”

We want HIV positive people not to be confronted with prejudices in their everyday lives, and not to be faced with unjustified obstacles.

“


Distribution of HIV medication to foreigners

A hospital was giving out medication to HIV positive patients – citizens of other Member States for only one month, even though it was giving it out for three months to Czech citizens. The hospital may not act in this manner towards patients who have permanent residency in the Czech Republic as this would constitute discrimination on grounds of nationality, which is prohibited by the European Union law. The procedure is in order in relation to patients who only have temporary residency in the Czech Republic, however, the hospital should take the patient’s personal circumstances into account and if the patient is likely to stay in the Czech Republic for a longer period of time, give out the medicine for three months.

 Defender’s [Report](#): File No. 3951/2016/VOP of 6 November 2017


Problems with getting a dentist

HIV positive individuals often face difficulties while looking for a dentist. Oftentimes, dentists refuse to register them, which is at variance with law. In one of these cases, the rejected patient turned to the Regional Authority with an application for initiation of administrative proceedings. The authority initiated the administrative proceedings with the dental clinic only after repeated intervention by the Ministry of Health. We criticised the authority’s hesitance. We asked it to proceed responsibly and expeditiously next time.

 Defender’s [Report](#): File No. 3210/2016/VOP of 5 December 2017

Can an HIV positive individual undergo liposuction?

An HIV positive man wanted to undergo liposuction, but several clinics of aesthetic surgery refused to perform the operation due to his diagnosis. However, the clinics were not entitled to do that. In view of the HIV infection specifics, the clinics may require additional examinations for HIV positive clients in order to make sure that the operation will be safe for them. We drew up recommendations for clinics of aesthetic surgery as to how to proceed when approached by an HIV positive patient.

 Defender’s [Report](#): File No. 3744/2016/VOP of 5 January 2018



Did you know that...

...your doctor cannot arbitrarily refuse to treat or register you?

For the doctor to be entitled to reject a patient, one of the statutory grounds needs to be met. Such grounds is that the doctor is at full capacity or has not concluded a contract with your health insurance company. General practitioners may also refuse patients if the distance between their residence and the doctor's office makes it impossible for the doctor to perform his field services.

If a doctor refuses you, they must issue a written report for you.
Otherwise they may face a fine of up to CZK 100,000.

Are you HIV positive? That's your problem!

Even a single insensitive comment by a nurse towards an HIV positive patient can meet the definition of harassment. It is always necessary to evaluate the context of each case and take all the circumstances (even the seemingly less significant ones) into account. After a patient learnt of the long waiting times for a specialised examination, which he had not anticipated, he got angry in the waiting room. During the confrontation, the nurse told him that being diagnosed with HIV is his own problem. We have thoroughly evaluated both the objective (creation of a humiliating, degrading environment) and the subjective aspect (subjectively perceived lowering of dignity) of the harassment, and we concluded that both were met. We recommended the hospital to apologise to the patient.

 Defender's [Report](#): File No. 1494/2017/VOP of 4 December 2017

I am gay and in good health. Can I donate blood?



I am gay. I wanted to donate blood just like many other people. However, two transfusion centres turned me down due to my sexual orientation, even though I emphasised that my sexual behaviour was not risky.

(Matyáš, a student)



We are against stigmatisation. For that reason, we do not want gay people to be automatically considered promiscuous or infected with a serious disease (HIV, hepatitis B or C). Rejecting a person as a blood donor based solely on their sexual orientation constitutes direct discrimination. We do not consider it discriminatory to refuse a man who had sexual intercourse with another man in the past year. However, we have recommended the professional companies to subject this condition to a regular evaluation, taking into account current developments in medical and epidemiological knowledge as the time period is shorter in other EU Member States.

 Defender's [Report](#): File No. 3997/2016/VOP of 14 December 2017

11. Our new competence: Protection of rights of EU citizens

”

Citizens of the Member States of the European Union are entitled to freely travel to other Member States for work and have the right to equal treatment in recruitment and during employment just as the domestic nationals.

“

Each Member State is to designate a body to which workers from the EU can turn if

- they believe they are being discriminated against on grounds of nationality,
- face other problems, or
- have a question related to their moving to another state.

The Public Defender of Rights became such body by an amendment to the Anti-Discrimination Act approved on 11 October 2017.

That means that since 1 January 2018,

- we have been advising people who have the suspicion they are being discriminated against on the grounds of nationality,
- dealing with obstacles related to free movement of EU citizens at a systemic level,
- conducting polls and research,
- communicating with bodies in other Member States and with EU bodies in order to make free movement of persons easier..




Does any of your family members or a friend work in another Member State of the EU? Do you know that they are having trouble there related to the move?

They can contact the body with the same role as ours for free.

The list of all the bodies can be found at the [European Commission's](#) website.

This topic is not new for us. We were able to help the EU citizens in various areas before as well.

For example, we dealt with a case of a student who was not granted a scholarship for students in difficult social situations by her university

 Defender's [Report](#): File No. 253/2012/DIS of 11 March 2015

We helped a family who was not getting any parental allowance in the Czech Republic nor in Germany, despite being entitled to it

 Defender's [Report](#): File No. 2331/2015/VOP of 17 August 2015

We helped a woman to obtain an identification card with a new surname after she entered into a registered partnership in Germany and accepted her partner's surname

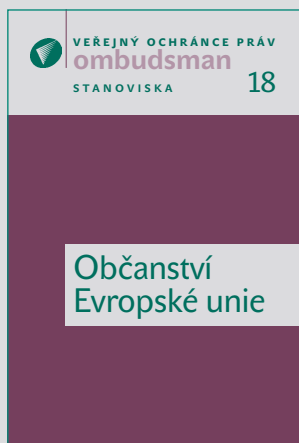
 Defender's [Report](#): File No. 5108/2010/VOP of 20 May 2011

The Czech Trade Inspection Authority imposed a fine on a vendor who laid down different conditions for granting a loan to citizens of the Czech Republic and other citizens of the European Union.

 Defender's [Report](#): File No. 465/2015/VOP of 23 May 2016

New collection

We have also published a collection of opinions that summarises the legal regulations in areas related to the free movement of persons and summarises the cases we have dealt with.



Did you know that...

...protection of the rights of the EU citizens and their families is not the only news? On 1 January 2018, the Public Defender of Rights also became a monitoring body under the UN Convention on the Rights of Persons with Disabilities.

Follow our [website](#) and social media.

»»»»»»»»»» 12. The inspection bodies must get better

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The inspection bodies represent hope for many people who do not have the courage and money for legal proceedings. Their role in elimination of discrimination is irreplaceable.


“

We can investigate the procedure of the inspection bodies. Most often, we are in touch with the State Labour Inspectorate, the Czech Trade Inspection Authority, and the Czech Schools Inspectorate. We issue reports and opinions. If we find any error, we try for the authorities to avoid the same mistakes in the future. We are glad that the authorities listen to our conclusions, discuss them, and mostly also adopt them.

State Labour Inspectorate

If an employer treats workers in the “productive age” more favourably, we believe that this constitutes discrimination on the grounds of age. The Inspectorate has to impose a fine for such conduct. It is not possible for the inspectors to impose and fine, and, after the employer has lodged an appeal against the fine, cancel the fine and stop the proceedings. The inspectors and lawyers within any branch of the Inspectorate need to communicate with each other more about the issue of discrimination.

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

 Defender’s [Report](#): File No. 8106/2016/VOP of 29 August 2017

If an employer claims that salaries of the older employees have not been increased in the light of certain criteria (for example non-renewal of their qualification test), it is necessary to ascertain whether these criteria were also an impediment to salary increase for younger employees in the same or comparable positions. If the Inspectorate fails to do so, its findings on equal pay are not complete.


 Defender’s [Report](#): File No. 3207/2015/VOP of 25 September 2017

The Inspectorate is obliged to determine whether an employer provides conditions for taking reasonable measures in favour of people with disabilities. In this particular case, a reasonable measure in favour of the employee could have consisted in a change of the delivery areas for motorised delivery persons, provided that this would not be an unreasonable burden on the post office. However, the Inspectorate did not inquire whether the employer was considering such measure at all. This must change in the future.

 Defender’s [Report](#): File No. 7251/2015/VOP of 6 June 2017

Czech Trade Inspectorate


We dealt with the question of how a real estate agency can avoid liability for an infraction (discrimination). We believe that the solution would be an immediate termination of co-operation with the landlord when the agency finds out that the landlord insists on a discriminatory requirement.

 Defender's [Report](#): File No. 4956/2016/VOP of 14 August 2017

If the real estate agency fails to do so, the Czech Trade Inspection Authority should impose an effective, appropriate and dissuasive penalty. Otherwise the penalty would be in conflict with the Racial Equality Directive.

 Defender's [Opinion](#): File No. 4006/2015/VOP of 2 January 2017

Some sellers condition the consumers' access to the products or services on their political opinions (for example, their support of a particular political party). Political opinions cannot be confused with world view. It is for the inspector to assess whether, in the particular case, the public interest in the protection of the consumer outweighs the right to freedom of expression enjoyed by entrepreneurs as legal persons.


 Defender's [Opinion](#): File No. 68/2017/DIS of 16 October 2017

Czech Schools Inspectorate


We demand that cases of discrimination or bullying are addressed by the Inspection, in particular in the form of inspections, in order to guide the school to an effective remedy or to impose a fine in offense proceedings. Otherwise, the inspections are likely to be ineffective, as they may encounter persistent reluctance on the part of the founder to change anything at the school.

 Defender's [Report](#): File No. 4043/2016/VOP of 13 July 2017

There are cases where the only witnesses of the investigated events or unlawful conduct of teachers were particular pupils. In order to clarify the case, they should be interviewed in a sensitive manner by the inspectors. The inspectors have the status of obligated persons under the Inspection Rules. Consent of legal representatives is not required for the purposes of provision of information.

 Defender's [Report](#): File No. 1922/2015/VOP of 10 January 2017

Parents are fighting over at which school their child with disabilities will be educated. The father wants a special school, the mother wants a regular school. The headteacher of the special school knows about their dispute, and yet admits the child in the school. The Inspection considers the headteacher's conduct to be legal. However, we do not agree. The headteacher did not act in good faith (he knew of the dispute between the parents), therefore his decision was unlawful. The headteacher should have refer both parents to a court. The court may then appoint a guardian ad litem with whom the school may further negotiate. We communicated the opinion to the Inspectorate, but also to the bodies for social and legal protection of children at all Regional Authorities.

 Defender's [Report](#): File No. 2142/2015/VOP of 23 February 2017



We only have limited opportunities to help at schools. At the beginning of the school year 2017/2018, we have prepared an information leaflet, where we clearly explain what issues we can provide advice for and what procedures we can investigate.

The leaflet is available [here](#).

13. Catering at schools for everyone

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School catering influences children’s concentration during lessons and the regularity of their attendance.

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We have encountered cases where there are other impediments to using the school canteen than the difficult financial situation of the parents. These difficulties are often experienced by parents of children disadvantaged in health (typically with food allergies and intolerances), and parents of children with vegan or vegetarian diets.

”

We are vegetarian, which is why the offer of the school lunches was absolutely unacceptable for us. I wanted to prepare food for my son that he would take with himself in an insulated lunch box so that the teachers at the kindergarten would not have to re-heat it. However, I was not allowed to do that, even though parents of children with food allergies are allowed to bring food for their children. Moreover, the kindergarten head-teacher insists that our son must always have the meat on his plate, even though he does not have to eat it. Our temporary solution is to pick our son from the kindergarten before lunch as often as we can.

“

(Tereza, mother of a three-year-old son)



Situation 1: Children disadvantaged in health

The Anti-Discrimination Act stipulates the schools' obligation to adequately meet the needs of children disadvantaged in health. If a school cannot prepare meals complying with a certain diet due to valid reasons, it must at least provide for storage and the possibility to re-heat the food brought by parents.

 Defender's [Report](#): File No. 6059/2015/VOP of 23 August 2017

Situation 2: Children requiring a certain diet based on a worldview

Parents who ask for an alternative diet are in a more complicated situation, as the school is not obliged to fully comply with their requirements. On the other hand, if a school offers a choice from more than one options of meals, there is no obstacle preventing the school from offering at least one vegetarian option. In any case, the school must ensure the possibility for vegans and vegetarians to eat their own food at the school canteen together with other students, otherwise its conduct would be discriminatory.

IMPORTANT NOTE! The rules are slightly different for kindergartens

Having regard to the age of the children in the care, the situation regarding catering is different in kindergartens. Kindergartens are obliged to reach an agreement with the children's legal representatives on the extent and manner of the children's catering. In order for the agreement to be concluded, it is necessary to make helpful steps in relation to both children with food intolerances and children whose legal representatives have decided to be vegetarian or vegan.

 Defender's [Report](#): File No. 6481/2017/VOP of 15 November 2017



»»»»»»»»»» 14. Let's talk together

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A series of very varied activities – that was 2017

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In 2017, we organised expert conferences, seminars, roundtables, work meetings, benefit concerts, film screenings, and a discussion with the public. We held student practical trainings and piloted a lesson on discrimination at elementary schools. We participated in international activities.

First benefit concerts at our premises

We wanted to support a good cause. We organised two piano concerts. We managed to raise CZK 25,000. We divided the money between two associations:

- META, which supports pupils whose mother tongues are different from Czech, and their integration into Czech schools.
- Konsent and its campaign “Když to nechce, tak to nechce” (No means no), whose objective is to destroy the myths about sexual assault and rap





Did you know that...

... women often first encounter sexual harassment and physical violence at a very young age – both at school and in public? However, nearly half of them do not report the incidents.

...according to the findings of the FRA, half of the women in the EU have experienced sexual harassment? The number is even higher in the area of work and employment. Three quarters of female managers and experts have experienced sexual harassment.

...the European commissioner Věra Jourová has declared 2017 to be the year against violence on women, and the EU acceded to the Istanbul Convention?

We wanted to know more about the Istanbul Convention. The Profem organisation organised a very interesting workshop for us.



For social workers

We established co-operation with the Association of Educators in Social Work. We organised four workshops in [Prague](#) and [Olomouc](#) for them. Some of the educators directly integrated the obtained information in their teaching. The Charles University even started a voluntary course concerned with the issue of discrimination.

For attorneys-at-law

In co-operation with the *Pro Bono Alliance*, we held five workshops. The topics concerned were:

- Basics of anti-discrimination law
- Harassment at work
- Equal pay: How to win a court case?
- Religious symbols at work and in education
- Material distress. Discrimination on the grounds of ethnicity

 [Link to the workshops: http://www.probonoalliance.cz/cz/aktuality/seminare-ve-spolupraci-s-kvop-106](http://www.probonoalliance.cz/cz/aktuality/seminare-ve-spolupraci-s-kvop-106)




Public administration

We organised traditional "Together against discrimination" roundtable for administrative authorities. We trained 90 inspectors of the Czech Schools Inspectorate on the issue of segregation. We focused on the issues connected with education of children with mother tongues other than Czech


 [Roundtable](#) "Together against discrimination!"

 [Seminar](#) "Selected issues of equal access to education"

 [Roundtable](#) "Pupils whose mother tongues are other than Czech and Czech language exams – an obstacle in access to secondary education?"

NGOs

At the traditional roundtable, we discussed the most important issues regarding health care, education, and housing. We participated in events organised by Prague Pride, Byznys pro společnost, Open Society Fund Prague, and Stálá asociace konferencí ve vzdělávání.

 [Roundtable](#) "The year 2016 and the fight against discrimination"

Elementary schools


We visited several elementary schools. We piloted a lesson on discrimination.

The teachers of (not only) civic education can download the lesson intended for pupils of seventh to ninth grades at the Výchova k občanství portal at (www.vychovakobcanstvi.cz).



Private sector

An increasing number of complaints from the insurance industry led us to organise a roundtable. With the insurance companies, we discussed fair terms and conditions. We shared our experience with the claims of discrimination in providing different kinds of insurance products.


 [Roundtable](#) "Right to equal treatment in insurance"

International co-operation

Equinet – European Network of Equality Bodies

The network associating equality bodies celebrated 10 years of existence. Within the network, we have been involved in four workgroups (law, policy making, gender, research). Petr Polák, the Head of the Equal Treatment Department, won another term as the member of the Equinet Executive Board, and Veronika Bazalová, one of our lawyers, acted as a moderator of the Equality Law workgroup focused on anti-discrimination law. We also welcomed 15 colleagues from around Europe at a seminar on equal pay in Brno.

 Defender's [press release](#) of 9 October 2017


 [Seminar](#) on equal pay.



Communication with other institutions abroad

As part of our work, we also communicate with international institutions on the issue of equal pay. We shared our findings with:


— United Nations

 Defender's [Report](#): File No.1707/2017/PDCJ of 30 March 2017

— European Commission against Racism and Intolerance

 Defender's [Opinion](#): File No. 60/2017/DIS of 29 August 2017

— Committee on the Elimination of Racial Discrimination

 Defender's [Opinion](#):File No. 57/2017/DIS of 13 July 2017

— European Committee of Social Rights

 Defender's [Opinion](#): File No. 69/2017/DIS of 27 September 2017

— Committee on the Rights of Persons with Disabilities

 Defender's [Opinion](#): File No. 90/2017/DIS of 28 November 2017



»»»»»»»»»» 15. Welcome developments

”

We wish to show that 2017 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?

“

Czechitas Digital Academy (Veronika Bazalová)

The [Czechitas](#) organisation strives to bring more women into the world of information technologies. They organise courses on programming, web development, graphic design, and data analytics. They also organise an intensive Digital Academy, which prepares qualified applicants for junior positions in data processing and visualisation. A fifth of the Academy’s capacity is reserved for mothers on their maternity leave and women with children younger than 15, who want to get back on the labour market.

A better solution to cyberbullying (Hana Brablčová)

The Ministry of Education, Youth and Sports has updated its [methodological guideline](#) providing the schools with instructions on how to deal with cyberbullying. The schools can proceed more effectively in the uneasy cases of their pupils who face aggression in the Internet. Until recently, the schools had not known how to handle similar situations. The pupils might now feel safer, which is a necessary requirement of providing high-quality education.

The ‘They Want Them in a Gas Chamber. We Want Them in Schools!’ collection (Jana Mikulčická)

A photograph of the first-graders at the Plynárenská Elementary School led to hateful comments on social networks. However, they did not remain unanswered, and in reaction to the negative comments on the first-graders, who some of the “debaters” did not hesitate to point to a gas chamber, a financial collection was established, proceeds of which will be used not only to support this particular school, but also for scholarships for Roma students. I consider the collection a great way to deal with hatred –turning it into something good. What the authors of the hateful comment surely had not anticipated was that in the end, their actions would lead to support of education of the very children they would like to exclude from our society.



The ‘They Want Them in a Gas Chamber. We Want Them in Schools!’ [collection](#)

Support for lonely seniors (Jana Vomelová)

I am very glad to see that a number of activities have been organised in the past few years to help various groups of people, from orphan children to seriously ill patients. That is, of course, very important and praiseworthy. However, I sometimes feel that senior citizens, who are alone late in their lives, are being somewhat neglected. That is why I was well impressed with the [Ježíškova vnučata](#) project, whose objective is for volunteers to fulfil Christmas wishes of lonely residents of retirement homes. I was following the development of the projects on its website and on social media, and I was thrilled to see the amount of solidarity, joy, encounters and new friendships that the project led to. Let us have more of such projects!

2017 – the year of marriage for everyone (Karel Suda)

In 2017, six countries over the world, including two of our neighbouring countries, Germany and Austria, introduced legislation on marriage for all couples regardless their sexual orientation. In some cases, the change was expected, in others it was not. In any case, more and more homosexual couples are thus getting the same legal recognition as heterosexual ones. The division of the forms of bonds according to sexual orientation of the couples is ceasing to exist. I am very pleased with such a development. My wish is for similar changes to be made in the Czech Republic soon, too.

Third sex – The Federal Constitutional Court (Eva Nehudková)

Some children are born with genitalia that are not decidedly male nor female. These people are called intersex, and there are quite a lot of them. According to the UN, about 1.7% of the worldwide population are intersex people. Both in the Czech Republic and abroad, intersex people face discrimination and violation of their fundamental rights. In many countries, this is caused by the fact that the law only knows two categories of sex. The Federal Constitutional Court in Germany acknowledges that. It has therefore recently ruled that intersex children do not have their sex stated in their birth certificates. The Federal Constitutional Court ordered the government to adopt legislation that would stipulate a third category to the male and female sexes by the end of 2018. The choice of sex will be up to the child in the future. I believe that the approach of the Federal Constitutional Court should

serve as an example for a change in the Czech Republic. We need to accept that people are different from each other, and do not always fit into predefined categories.

Men – Feminists. (Dagmar Krišová)

The Genderman initiative awarded men who positively contributed to the gender equality debate in 2017. The objective was to “draw attention to the men who are not afraid of gender equality, who support it and realise that it is their problem, too, and that the responsibility lies with them for a great part”. I am delighted to see that there are more and more men who do not perceive feminism as a threat to their masculinity but as a way to a fairer society. I hope to hear their voices more often.

 [Press release](#) of Otevřená společnost, o. p. s.

Girl Scout stands up against hatred (Barbara Kubátová)

A photographer captured the sixteen-year-old Scout Lucie Myslíková in a shot from a neo-Nazi rally in Brno on 1 May 2017. In the picture, the girl, surrounded by soap bubbles, calmly faces a vigorously gesturing neo-Nazi supporter with a smile on her face, while a member of the riot police is standing behind the pair. The [photo](#) quickly became viral all around the world. The thing that pleased me the most, however, is the calm and maturity with which Lucie Myslíková reacted to the attention of media in the aftermath, and that she repeatedly stated that she believed that standing up against hatred was essential.

Introduction of postnatal care benefit for fathers (Jana Kvasnicová)

Fathers no longer need to use their annual leave to take care of their children and partners. If they take a week off during the first six weeks after their child is born, they will be granted a benefit from the state, similar to the maternity benefit. This is different from parental leave – which fathers already are entitled to take – as the parental leave benefit can only be collected by one of the parents. With the new legislation, both parents can be home now, and both are entitled to receive compensation for income from the state. One week is not a lot, but it is the first step towards fairer family support. The measure corresponds to the actual situation, as most new fathers have been taking some kind of time off work anyway.

Stop to the hateful comments on social media (Iva Fellerová Palkovská)

Hateful comments on the Internet are a fairly common phenomenon nowadays, and it is very difficult for people to defend themselves against it. In Germany, a law has been adopted that stipulates that social networks with more than two million registered users are obliged to erase the hateful comments. Anyone can report harmful content, and the operator of the social network must evaluate it and potentially erase it within 24 hours. Not complying with the law will result in high fines for the operators. Hopefully, the regulation will help cultivate the environment of social networks. Then we could find inspiration in it for the Czech Republic.

Breakthrough court ruling in Great Britain: travelling on a wheel chair (Jiří Fuchs)

Mr Paulley is a wheelchair user. He needed to travel from Wetherby to Leeds, which is approximately 20 km away. However, he could not get on the bus, as the wheelchair bay was already occupied by a pram with a sleeping baby in it. The bus driver asked the woman with the pram to vacate the area, but she refused. Mr Paulley filed an action, and in January 2017, the Supreme Court of the United Kingdom rendered its decision. According to the court, in transport, it is impossible to apply the “first come first served” policy with respect to people with disabilities. Transport companies should actively seek to meet the needs of people with disabilities, who generally face greater difficulties. While the court did not rule that wheelchair users had an absolute right to occupy the designated spaces, it clearly stated that people with disabilities should have priority in occupying the designated spaces over passengers with no disabilities. This is an important legal argument that could be used for cases in the Czech Republic as well.

 [Press release](#) of the British equality body of 18 January 2017

Book: *Gender Equality in Law* by the lawyer Barbara Havelková (Petr Polák)

Why is it that no woman has ever succeeded with an anti-discrimination action in the Czech Republic? Why have all the regulations regarding the support of equality of men and women come from abroad, and why do they cause so much hysteria amongst politicians? Why did anti-discrimination law get labelled as “social engineering efforts”? Is there really so much discontinuity between the period of socialism and the time after 1989 as some people say? In a very sophisticated way, Barbara Havelková reveals the heritage of socialism in the interpretation and application of antidiscrimination law (with a focus on gender). The peak of the book is her brilliant analysis of judgments by Czech common courts, and identification of the shortcomings of our courts in dealing with discriminatory cases (exaggerated formalism and fundamental ignorance of how discrimination occurs at the levels of individuals and society). This is an extremely valuable critical contribution to the stagnant legal theory in the Czech Republic.

 [Information](#) on the book



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 listed (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.

Long-term resident – a status granted by the Ministry of the Interior. To obtain it, a non-EU national must meet the following conditions: 5 years of uninterrupted residence in the Czech Republic, not causing any serious violation of public policy or threat to the security of the State or other Member State of the EU, proving the availability of funds for permanent residence in the Czech Republic.

Supervision over local governments – a form of supervision over compliance (in addition to inspection), which is carried out by the Ministry of the Interior in relation to towns and municipalities and by the individual city halls in relation to the city wards and districts. Only specific acts of the municipality body (resolutions, decisions and other measures) can be subjected to supervision (i.e. review). The Ministry of the Interior may suspend the effect or enforcement of an act subject to a review and submit an application to its cancellation with the Constitutional Court. Supervision is therefore aimed at an authoritative remedy.

Hate speech – is not defined in any national nor international law. It is usually understood as a type of verbal expressions caused by prejudices and stereotypes towards certain groups of people. The reason for such hate may be, for example, the skin colour of the victim, their nationality or ethnicity, gender, sexual orientation, faith, religion or age. Hate speech can be included in the broader category of hate violence motivated by hatred towards certain vulnerable groups, which includes physical attacks as well. Some hate attacks can be classified crimes in the sense of the Criminal Code.

Inclusive education – inclusion of all children into the learning process, without exceptions, i.e. teaching children without “special educational needs” together with children with a different mother tongue, exceptionally gifted, with learning difficulties, socially disadvantaged

or with disabilities, all in the same classroom. An inclusive school educates all kinds of children together and approaches each one individually according to their needs, which it regularly evaluates.

Labour Inspectorate – District Labour Inspectorates and the State Labour Inspectorate monitor compliance with duties following from the labour law, collective bargaining agreements and internal regulation of employers. In justified cases, the Labour Inspectorate may impose penalties for infractions or administrative offences.

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).

Migrant worker – a worker who is a national of one Member State and is employed in the territory of other Member State. Individuals who do not currently have a job but try to find it are also considered workers.

Incitement to discrimination – persuading someone to discriminate against his or her employees or customers without there being a relationship of seniority and subordination between the instigator and the person who commits 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. Within the meaning 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).

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.

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

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

Accessibility – the principle of accessibility represents the basic requirement to remove obstacles preventing the effective exercise of the rights of persons with disabilities. It comprises accessibility of buildings and other publicly accessible spaces, including workplaces, as well as services available or provided to the public.

Race Equality Directive – Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. The directive bans discrimination on grounds of race and ethnicity in a number of areas of life. In addition to employment, it also applies to social security, health care, social benefits, education, and goods and services, including housing, if offered publicly.

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

Work-life balance – a situation where the balance of life at work and out of work matches the individual's

priorities, needs or plans in life; it represents the optimum possibilities for combining work with other non-working areas of life such as family, friends, free time, leisure activities, etc.

Service relationship – contractual relationship between a civil servant and the State: to be accepted into a service relationship, it is necessary to meet the requirements stipulated by the Civil Service Act

Service authorities – administrative authorities and other bodies or legal entities as defined by law; these are institutions in which civil servants are employed

Civil Service Act – Act No. 234/2014 Coll., on civil service, as amended; the Civil Service Act provides for the service relationship of civil servants of the service authorities, and expressly lays down the duty to create conditions for work-life balance of civil servants

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. **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 listed (e.g. work and employment and access to goods and services) and stipulates the underlying definitions of discrimination and the associated terminology.

SUMMARY REPORT ON PROTECTION AGAINST DISCRIMINATION FOR 2017

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