



Public Defender of Rights
OMBUDSMAN

SUMMARY REPORT

ON PROTECTION AGAINST DISCRIMINATION

2015



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Explanatory notes

 website link

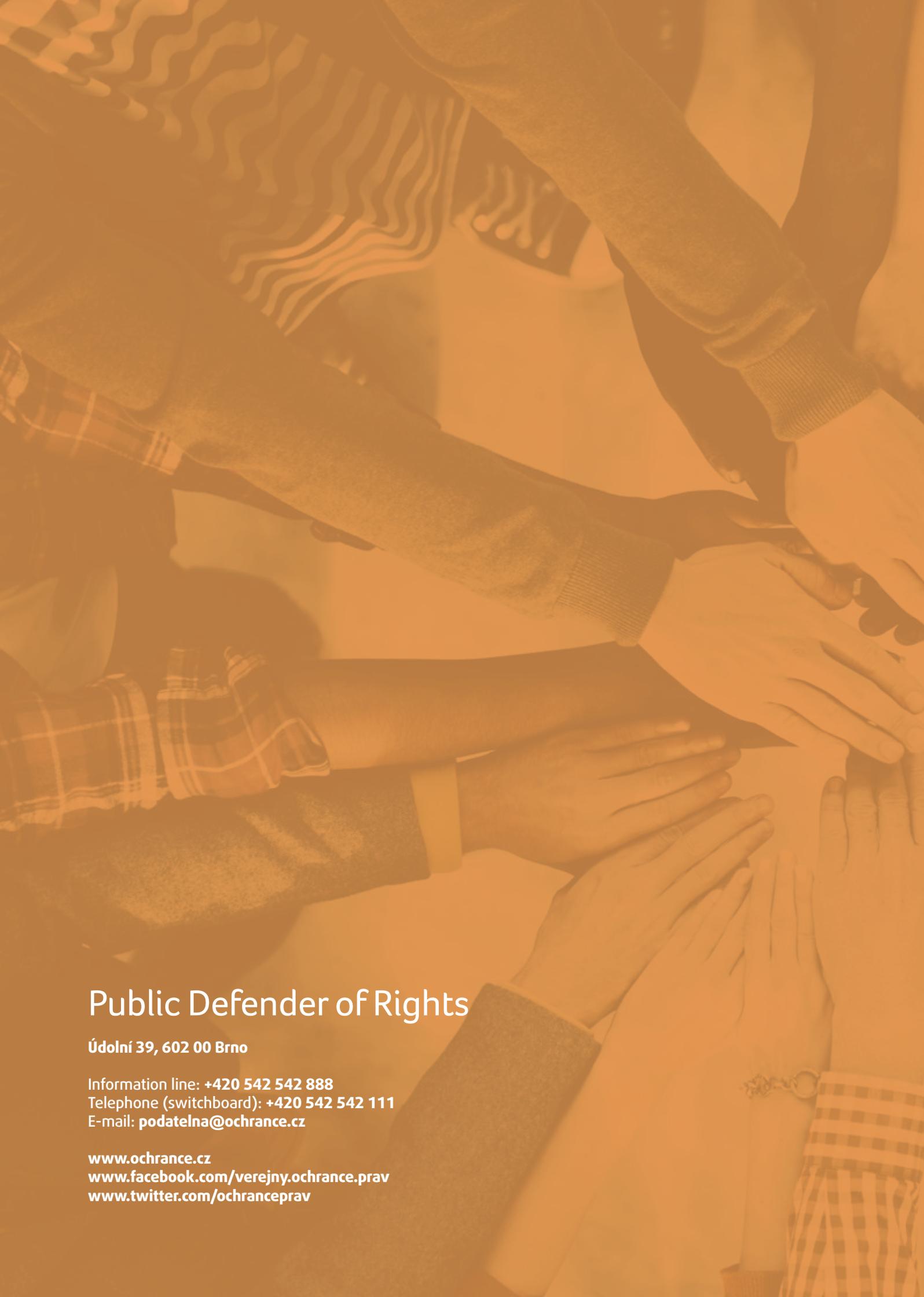
 booklet link

Public Defender of Rights

Equal treatment and discrimination

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THE MISSION OF THE PUBLIC DEFENDER OF RIGHTS

This Report deals solely with the activities of the **Public Defender of Rights as the National Equality Body**, a role which was bestowed on the Defender at the end of 2009.

Act No. 349/1999 Coll., on the Public Defender of Rights, vests broader powers in the Defender.

Since 2001, the Defender has been **defending individuals against unlawful or otherwise erroneous procedure of administrative authorities** and other institutions. With respect to such conduct, the Defender may peruse administrative and court files, request explanation from the authorities and carry out unannounced inquiry on the spot inspections. If the Defender finds shortcomings in the activities of an authority and fails to achieve 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 on their freedoms, 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 presents his or her general findings and recommendations in summary reports on visits and formulates standards of treatment on their basis. Recommendations of the Defender concerning improvement of the detected conditions and elimination of ill-treatment, if applicable, are directed both at the facilities themselves and at their operators and the central governmental authorities.

Since 2011, the Defender has also been **monitoring detention of foreigners and the manner in which administrative expulsions are conducted**.

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 a secondary or interested party to the proceedings before the Constitutional Court concerning abolishment of a law or its part, the right to file an administrative action to protect a general interest or application to initiate disciplinary proceedings with the Presidents or Vice-president of courts. The Defender may also make recommendations to the Government concerning adoption, amendment or abolishment 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 a 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 DEFENDER

This is the first time I present to the public a separate Summary Report on my activities related to the right to equal treatment and protection against discrimination. Why is that the case?

The Defender was bestowed with the role of equality body in 2009. The Czech Republic thus fulfils its obligation following from membership in the European Union. Proper implementation of the tasks entrusted to the Defender requires knowledge of not only written law (Regulations and Directives), but also the case-law of the Court of Justice of the European Union, strategic documents of the European Commission and outputs of the European Union Agency for Fundamental Rights. Moreover, it is necessary to be aware of the activities of other organisations – especially the UN and the Council of Europe. It is expected that the Defender will provide information on his/her findings not only to national institutions, but also to international organisations and other parties dealing with discrimination. Without a separate summary report, many interesting opinions and activities of the Defender would remain hidden from the public and experts. This would be a missed opportunity, especially in today's world where information is so easily accessible and transmissible.

Since the beginning of 2015, the most important cases from the Defender's agenda can be found on the Internet in the records of the Defender's opinions ([RDS](#)). This makes our conclusions permanently accessible to the public. In view of the above, this Report is not (and does not intend to be) a simple summary of interesting cases. Instead, we present the individual topics on which we concentrated in the past year and try to find links between them; where applicable, we formulate additional recommendations for improvement. It should also be noted that most recipients will read the Report in electronic form. If so, they are just one click away from our database.

In 2015 we completed a study which showed that only a fragment of discrimination victims turn to the Ombudsman for help. An overwhelming majority of people would rather report discrimination to the police. The 2015 Eurobarometer survey carried out by the European Commission brought similar results. Therefore, I consider it important to constantly increase awareness throughout society regarding the Defender's anti-discrimination competence. We have hopefully written this Report in a simple, interesting and accessible language which is understandable to as many people as possible. If you like our Report, we will be glad if you further disseminate it among your acquaintances and colleagues.

I have never made any secret of my affinity to human rights issues. I am thus glad to see that over time, the Public Defender of Rights is becoming an organisation which increasingly contributes to the protection of fundamental human rights and freedoms in the Czech Republic, including through its anti-discrimination activities. It is not an easy task. Therefore, I appreciate that I can work with people who understand activity and assistance in this area as a mission which they pursue with all dedication. In the past year they published a commentary on the Anti-Discrimination Act, lectured at important events in the Czech Republic and abroad, helped ordinary people, pointed out the pressing problems of our society and, most importantly, did not fear the impact of the media coverage our work triggered. They deserve acknowledgement and thanks for all they do.

I wish you inspiring reading

Anna Šabatová

»»»»»» 1. Focus on Complaints

The number of discrimination complaints has been increasing

in 2010 **178**  **379** in 2015

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

The number of complaints has more than doubled since discrimination was included in our agenda more than six years ago: while we received **178 complaints** in 2010, the number grew to **379** by 2015.

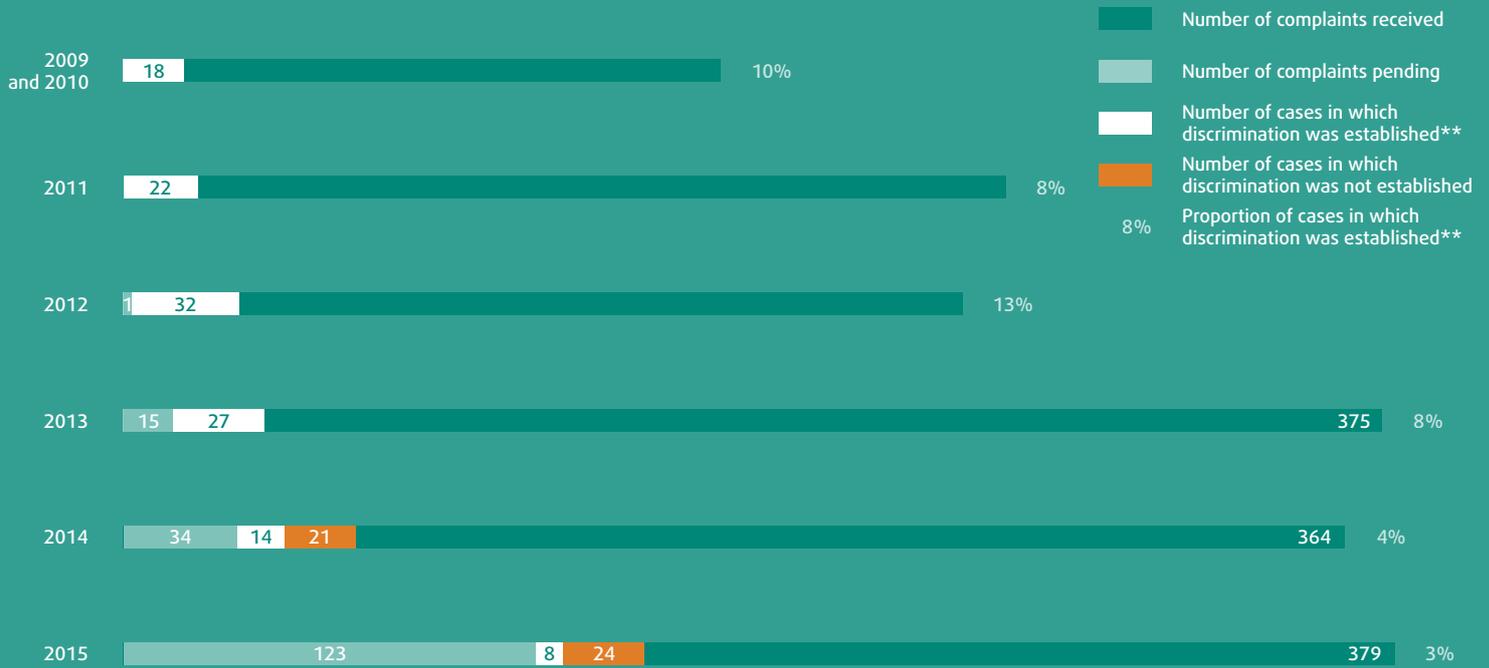
In addition to helping individuals, we also communicate with international bodies (40 files), respond to queries from the public (21 files), and work with governmental authorities (15 files), non-profit organisations and the private sector (8 files). We also give recommendations relating to equal treatment (4 files).



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

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

Numbers of complaints in 2009*-2015



* Protection against discrimination became the Defender's competence effective from 1 December 2009; December 2009 was included in 2010.

** Proportion of files completed by 31 December 2015

What do these Figures Tell us?

In approximately one complaint out of ten, it is found that discrimination most likely occurred (the proportion is lower in 2014 and 2015 because assessment of several dozens of complaints has not been completed as yet). Most of the cases involved direct discrimination; indirect discrimination is less frequent. Several other cases involved victimisation, harassment, instruction to discriminate and incitement to discrimination. In a few per cent of cases, the documents obtained did not suffice to confirm (rule out) discrimination (this is a category monitored since 2014).



What is the difference between direct and indirect discrimination? What is the substance of harassment and victimisation? You don't really know that? Not to worry – a glossary is enclosed at the end of the Report where we explain all the important notions.



Types of discrimination established in 2009–2015*



* Of the files completed by 31 December 2015



Did you know that...

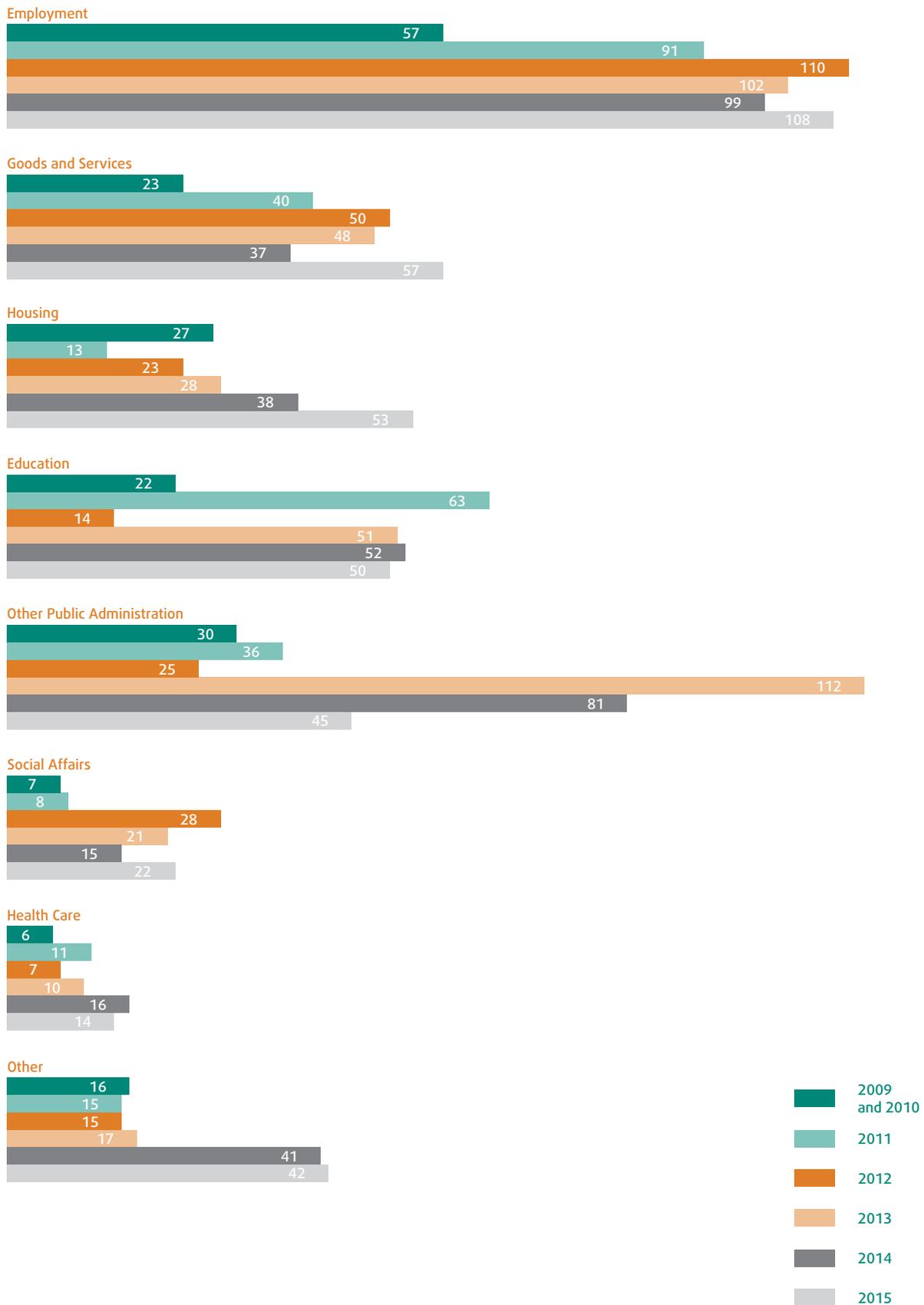
... since 2009, when the Public Defender of Rights began to promote the right to equal treatment, the Defender has found discrimination in a total of 122 cases? Most of the cases involved discrimination on the grounds of disability (38 cases), age (25 cases) and sex (23 cases), especially in the sector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

Most Complainants Claim Discrimination in the Area of Labour and Employment

In 2015, as in a majority of the past years, people most often turned to us with complaints concerning discrimination in the area of labour and employment (108 complaints). We believe that this is related to the indispensable role of work in human life: in addition to material safety, it gives people a feeling of usefulness and self-fulfilment and helps establish social relations.

Consequently, if people face restrictions on access to labour and employment or unfair conditions at the workplace created for reasons the person concerned is unable to influence (such as age, sex, disability, race and ethnicity), they regard this as serious ill-treatment and decide to deal with their situation/circumstances more often than those affected by other forms of discrimination. Significantly fewer complaints (57) were raised in the area of provision of goods and services, followed by housing (53 complaints) and education (50 complaints).

Number of complaints by area



People most often Complain about Discrimination on the Grounds of Disability

The summary of complaint numbers by discrimination grounds shows that discrimination continues to be a rather vague notion. In the past five years people most often complained about discrimination on grounds that are not recognised by the Anti-Discrimination Act and other legislation, or did not specify any reason at all. These are often conflicts between people motivated by

personal animosity 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 year, discrimination on the grounds of disability was claimed most often (86 complaints), followed by discrimination on grounds of race and ethnicity (65 complaints) and sex (45 complaints). In comparison with the preceding years, there were fewer complaints about discrimination on the grounds of age (41 complaints in 2015 as compared to 67 complaints in 2014).



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.

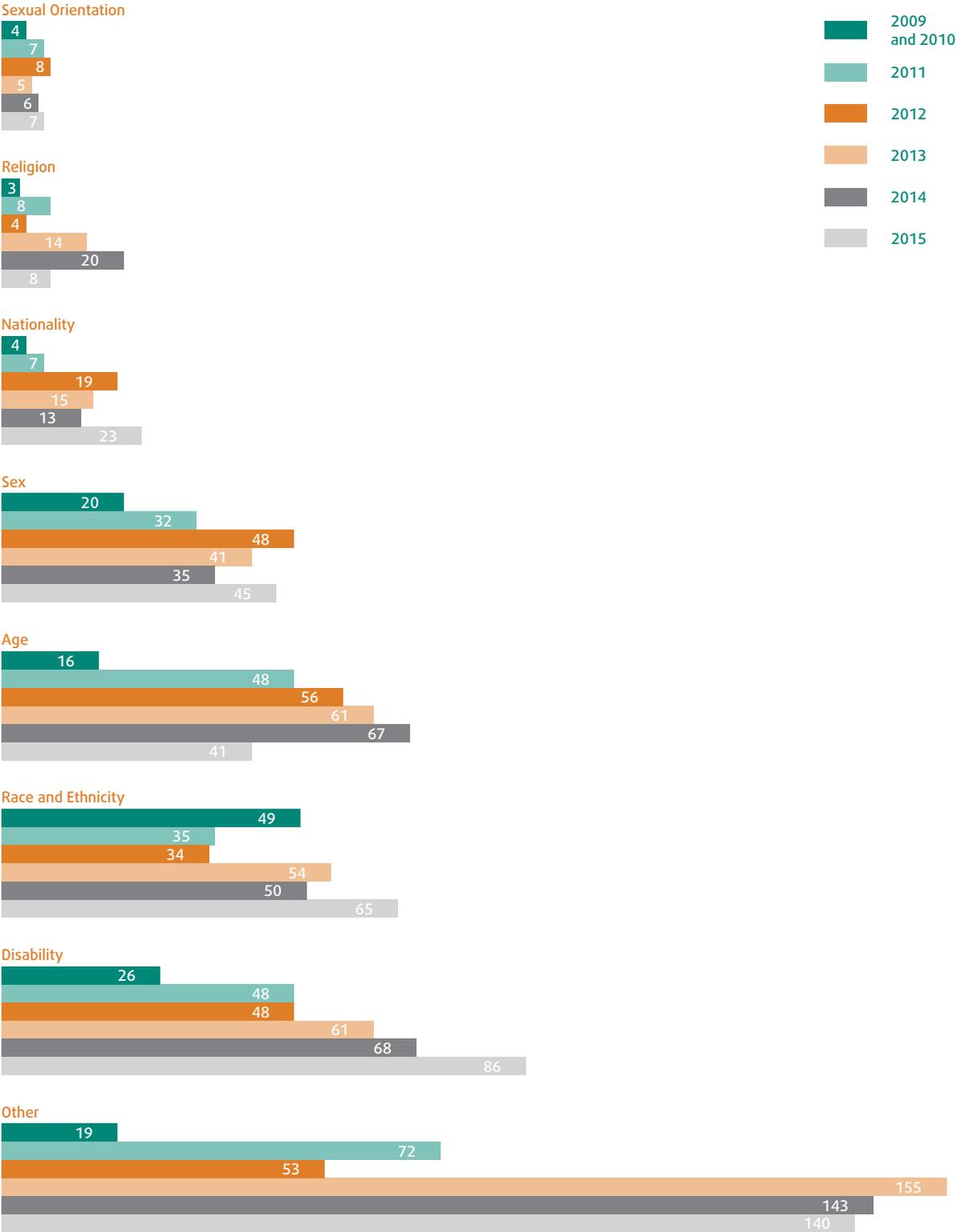
Phenomenon of Multiple Discrimination: Several Discrimination Grounds Concurrently

In many cases, someone can be considered a victim of discrimination based on several different facts. In that case, we refer to “multiple discrimination”, where unequal treatment results from several discrimination grounds. This year we received a total of 32 complaints about multiple discrimination (31 complaints last year), most often a combination of age and sex (9 complaints), followed by age and disability (3 complaints) and disability and race or ethnicity (3 complaints). Discrimination was found in none of these cases, although we are still inquiring into one third of the complaints.

 Equinet, a network associating European institutions for equal treatment, will concentrate on multiple discrimination in 2016. The Czech Defender is a member of the network. Go to www.equineteurope.org



Number of complaints by discrimination grounds claimed



»»»»»» 2. How do we Proceed when Assessing Discrimination?



Did you know that...

... since 2012, the law offices working together with the Pro Bono Alliance offered their services in 10 discrimination cases? Most of the cases were successfully resolved by agreement. In 2015 the cases concerned discrimination in access to municipal housing on the grounds of ethnicity and unequal pay of an employee with a disability.

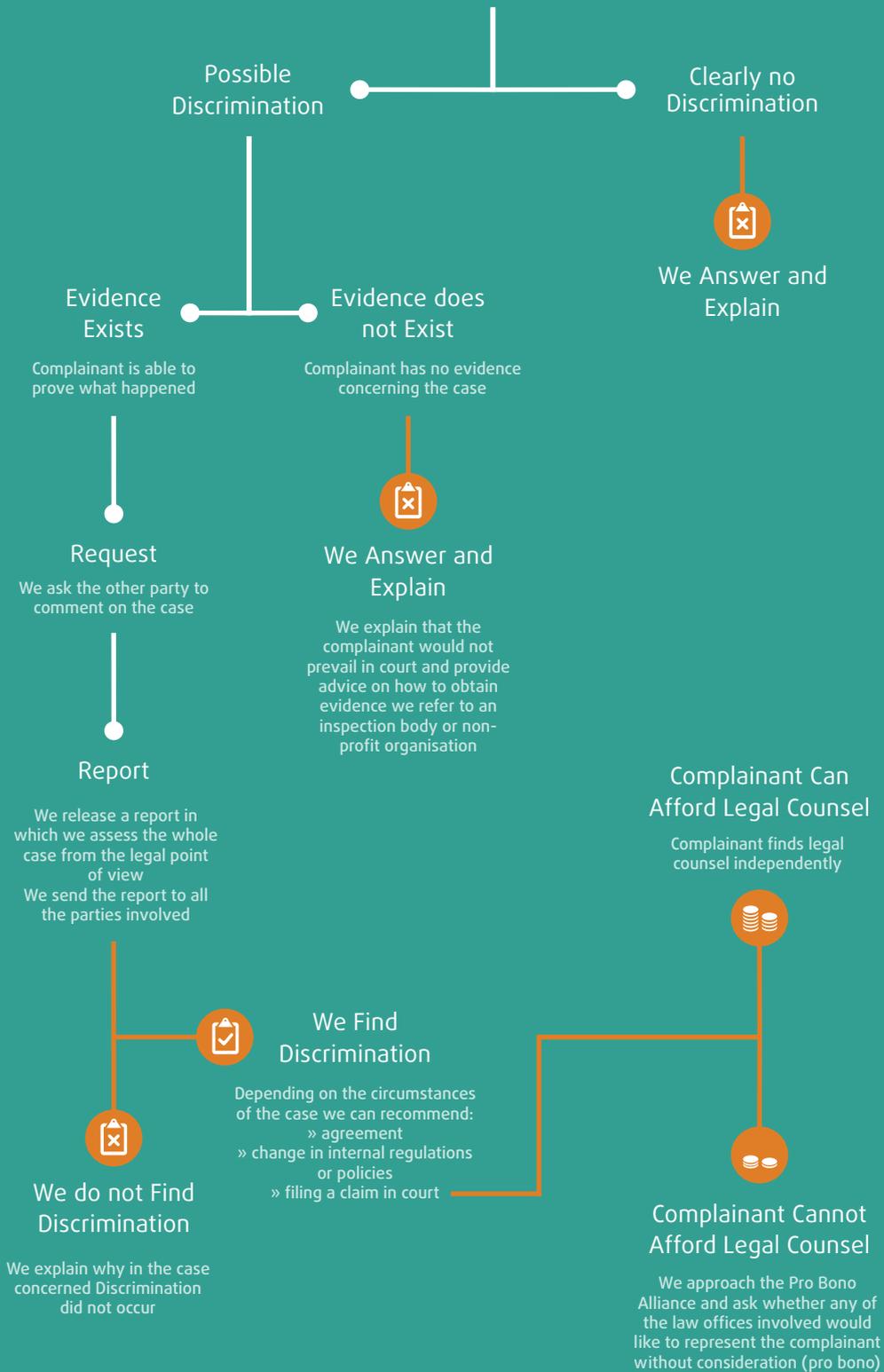


More at website
www.probonoalliance.cz

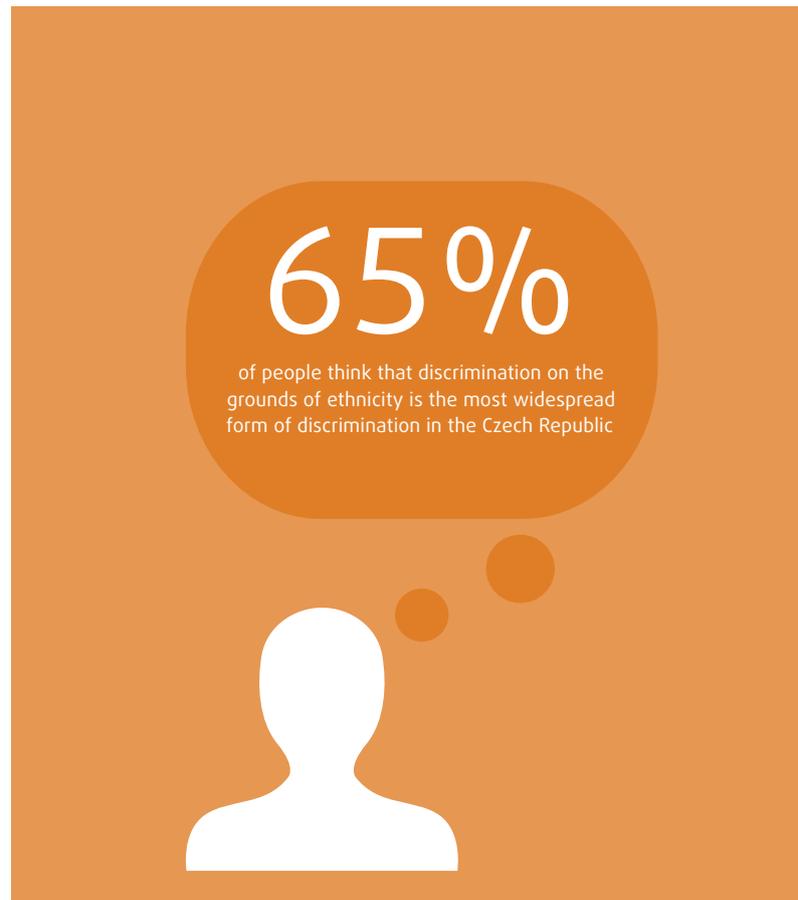
Who were the People we Helped in 2015?

- **a patient who was not allowed to be accompanied by her guide dog to a spa**
 - » the spa changed the operating and accommodation rules in favour of people with disabilities
- **all persons under fifteen years of age – they are now allowed to collect a parcel or registered mail at a post office**
 - » the post originally provided the service only to people over the age of fifteen
- **two Roma women in access to municipal housing**
 - » the towns where the women and their children lived changed their view and granted the applications
- **a consumer whose insurance company paid out the outstanding balance of indemnity under vehicle accident insurance policy**
 - » the insurance company originally reduced the indemnity on the grounds of age
- **unmarried couples and registered partners who apply for an allowance from the housing development fund**
 - » the allowance was originally designed for married couples only
- **a university student with a mental disorder who can now take exams in writing**
 - » originally, only oral exams were admissible

Complaint Concerning Discrimination



3. Survey: Why People do not Take Action against Discrimination?



The survey further showed that:

- People do not report discrimination because they do not believe that anything could change; they do not have enough evidence and fear possible “retaliatory” steps.
- People would most often report discrimination to the Police (58%); 16% would contact the Defender. Some did not know at all to whom they should turn.
- Members of marginalised groups feel helpless and believe that the loss they would suffer if they reported discrimination would be greater than the gain from successful litigation.

What is the situation regarding courts and inspection bodies?

3/4



of the respondents believe that it is difficult to enforce their rights as discrimination victims.

30



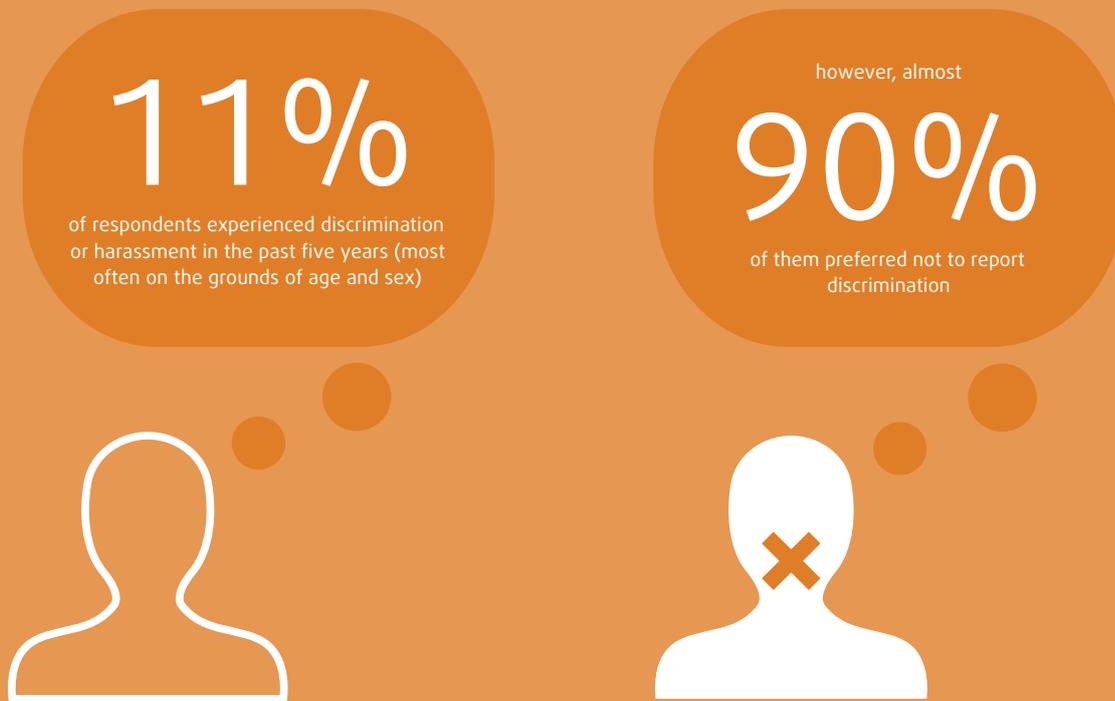
people filed only anti-discrimination claims in 2009–2014, where

6x



the court upheld the plaintiff’s claim. In only one case the court granted compensation for intangible damage in the amount of CZK 51,000.

- in addition, courts are reluctant when dealing with a shift of the burden of proof (especially in harassment cases) and discrimination in redundancy cases;
- inspection bodies punish primarily discriminatory conduct about which there is written evidence (job advertisements) or are directly witnessed by inspectors (dual prices for domestic and foreign customers);
- the low fines imposed by administrative authorities do not have a deterring effect; as a result, the inspection bodies encounter certain offences repeatedly.



What is necessary to change?

15



measures were recommended on the basis of the survey for more effective enforcement of anti-discrimination law

These include, for example:

- creating a promotional campaign and **a campaign raising awareness** for the public and the vulnerable groups;
- **training for judges**, lawyers, inspectors, social workers, medical staff and police officers;
- **amendments to legislation** (reduction of the court fee for filing an anti-discrimination claim, provision of free legal aid, enactment of “public action”, equal procedural protection for all victims of discrimination in courts);
- **imposing** effective, deterring and **reasonable penalties** in administrative proceedings.



A full report on the survey is available on the Defender's website at bit.ly/obet_diskriminace

»»»»»» 4. Topic of the Year: Equal Pay

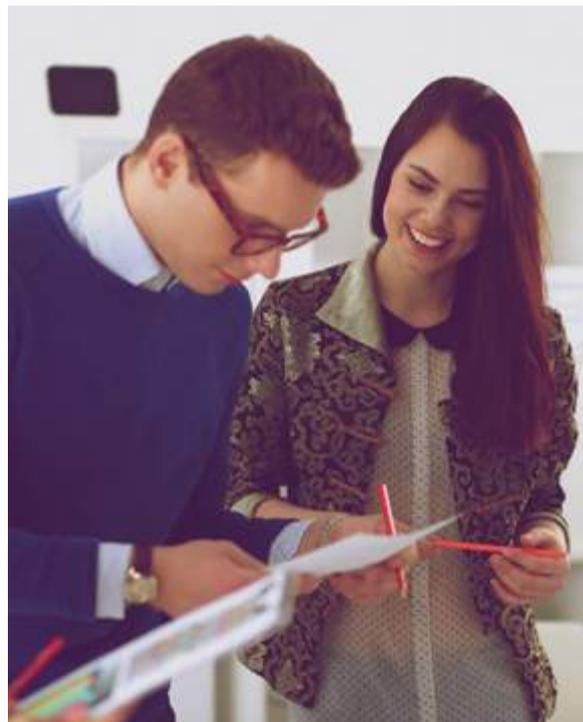
”

We believe it is unjust if people performing the same work or work of a similar value receive different pay, either due to their sex, disability or the fact they also receive old-age pension. Unequal pay is undignified and the government does not do everything required to prevent it.

“

Therefore, in 2015 we

- A/ **recommended that the Ministry of Labour** and Social Affairs take concrete **systemic steps** in countering unequal pay for women and men;
- B/ **criticised the Government Regulation on minimum wage** which, at variance with the constitutionally guaranteed rights of persons with disabilities, determines lower minimum salaries for recipients of disability pension;
- C/ **called on** the State Labour Inspectorate to perform **more thorough inspections of** equal pay at work;
- D/ accepted partnership in the project dubbed **“Pay attention to gender pay gap!”**, as part of which we engage in debates with the general public, secondary school students and social partners in all regions of the Czech Republic. The project is being implemented by the NORA Gender Information Centre, a benevolent association.



»»»»»» 5. Discrimination in the Courtroom



Evidence of discrimination must not be of purely formal nature. Otherwise, the court violates the right to fair trial.

The Constitutional Court admitted the Defender's earlier legal opinion in the case of a man claiming discrimination on the grounds of sex with respect to termination of his employment. The man had worked as a tutor in a children's home. The Court noted that the Defender had previously criticised the procedure of the Labour Inspectorate which investigated the case, but failed to find any discrimination. The Defender had found that the Inspectorate's inspections were purely formal. The lower-instance courts should thus not have used the inspection results and should have proceeded with taking additional evidence. When they failed to do so, they violated the plaintiff's right to a fair trial. We welcome the fact that the Constitutional Court took the Defender's findings into account and forced the courts and Labour Inspectorates to approach discrimination cases more responsibly.

 Defender's Report File No. 5798/2013/VOP of 16 September 2013
Court ruling: judgement File No. III ÚS 880/15 of 8 October 2015

A real estate broker may not discriminate at the owner's request

The District Court in Litoměřice upheld the Defender's conclusion that a real estate broker may not refuse a person interested in housing just because he or she is of Roma ethnicity. Not even with reference to the wish of the owner of the flat or house. The court also admitted a recording of a telephone conversation as evidence. We analysed this breakthrough (and final) verdict in detail with the Association of Real Estate Brokers and agreed on further co-operation. We trust that a society-wide discussion will contribute to fairer environment on the housing market.

 Defender's Report File No.112/2012/DIS of 10 September 2014
Court ruling: File No. 14 C 46/2013 of 14 August 2015

Who turned to the court based on the Defender's advice?



a child with a disability who had been excluded from an after-school group



a woman who had been dismissed from her job on the grounds of maternity



a child with a disability whose parents had been paying the learning support assistant "from their own pocket" for several years



a blind man to whom a municipality refused to lease an apartment on the grounds of his sensory impairment

We know, however, that litigation is not the only solution...

... and we always endeavour to resolve disputes amicably. Sometimes it is enough to give advice, in other cases positive change comes with the Defender's inquiry or steps taken by a pro bono counsel. We often manage to remedy widespread discriminatory practices. By doing so, we prevent future recurrence of such discrimination.

Protection of a Discrimination Victim in Court – shared burden of proof

In anti-discrimination claims heard by courts, the burden of proof (the duty to prove a claim) is with both the plaintiff and the defendant. The plaintiff must prove that the defendant treated him/her less favourably than others. However, nobody can prove the motivation of the other party. It is hence up to the defendant to prove that he or she treated the plaintiff differently for a reason other than a one which is prohibited one.

Myths Accompanying Shared Burden of Proof

A number of myths accompany the concept of shared burden of proof. Which are the most widespread?



Shared burden of proof is unconstitutional.

In fact, shared burden of proof is **not unconstitutional**, as confirmed by the **Constitutional Court** in judgement File No. Pl. ÚS 37/04 of 26 April 2006. The Court also explained how to use shared burden of proof in line with the right to a fair trial.



Shared burden of proof is an invention of Brussels bureaucrats.

It is not. Considerations concerning the form of evidence in discrimination cases were **subject to U.S. courts' decision-making** as far back as the 1970s. The U.S. Supreme Court concluded that proving (discriminatory) motivations is difficult if not impossible for the plaintiff. It is easier for the defendant to prove a fact justifying a legitimate motivation. The **Court of Justice of the European Union adopted these considerations** in the late 1980s.



Shared burden of proof undermines the principle of presumption of innocence.

The principle of presumption of innocence is applicable only in criminal proceedings. Guilt must be proven by prosecuting bodies and not by the defendant in criminal proceedings.

Anti-discrimination claims are heard in civil proceedings, which do not involve decision-making on “guilt and punishment”. These are so-called adversary proceedings in which both parties (the plaintiff and the defendant) are expected to engage actively. If the burden of proof is shifted to the defendant, **this does not mean that the defendant is guilty of discrimination**. The defendant must specify and provide evidence of the actual grounds for his or her conduct.



**The defendant is required to prove something he or she has not done.
The plaintiff is not required to prove anything, which encourages frivolous actions.**

In fact the defendant is not required to prove something he or she has not done. If the defendant is not guilty of discrimination, he or she must provide the actual grounds for his or her conduct. If, for example, a dismissed employee turns to courts claiming discrimination on the grounds of age, the employer has the right to advise the court of the actual reasons for terminating the employment (for example, poor performance, high error rate on the part of the former employee, etc.).

Even the plaintiff will not avoid the requirement for providing evidence – he or she must prove that the defendant was guilty of less favourable treatment (for example, by refusing to serve the plaintiff in a restaurant). However, the plaintiff can only allege prohibited discrimination grounds present in the unfavourable treatment. The plaintiff has no way of proving the defendant’s motivations (“we simply can’t see into other people’s minds”). Thus, if the plaintiff fails to prove that unfavourable treatment occurred, he or she will lose the dispute. If the plaintiff succeeds in proving unfavourable treatment, this does not automatically mean that he or she will prevail in the dispute. The defendant may be able to prove other motivations for his or her conduct (for example, the guest was not served because he had repeatedly showed signs of intoxication in the restaurant and insulted other guests). Consequently, a plaintiff who claims discrimination but remains passive in the proceedings will lose the dispute.



All Discrimination Victims should be Entitled to Equal Procedural Safeguards

The Anti-Discrimination Act prohibits difference in treatment on protected grounds (such as race, disability, sex) in selected areas of life (such as employment, housing, health care). However, the Code of Civil Procedure lays down the shared burden of proof (rebuttable presumption of discrimination) only in certain cases (see the diagram below).

For example, if a service, education or health care is denied to a member of an ethnic minority, it is sufficient if the person concerned proves in court the existence of unfavourable treatment and asserts that the treatment was unfavourable on the grounds of his or her ethnicity. The burden of proof is then shifted to the defendant – it is up to him or her to prove that his or her conduct was not motivated by the plaintiff’s ethnicity. However, in the

same situation involving an elderly person or a person with a disability, the burden of proof is not shifted.

In December 2015 the Government discussed a draft amendment to the Anti-Discrimination Act comprising two possible options of amending the Code of Civil Procedure. The Government chose the option without the proposed change in the shift of the burden of proof. The Chamber of Deputies received the Bill on 23 December 2015 (parliamentary press no. 688).

Therefore, the Defender recommended in her [2015 Annual Report](#) that the Deputies amend Section 133a of the Code of Civil Procedure in terms of equal application of shared burden of proof in all discrimination cases.

How to proceed? The Defender’s recommendation is as follows:



“If the plaintiff’s testimony in court implies that the defendant is guilty of discrimination

- A/ on the grounds of race, ethnic origin, nationality, sex, sexual orientation, age, disability, religion or belief in matters of
 - 1/ right to employment and access to employment;
 - 2/ access to occupation, enterprise and other forms of self-employment;
 - 3/ employment relationships, service relationships and other dependent activities, including remuneration;
 - 4/ membership of and activities in trade union organisations, works councils or employers’ organisations, including the benefits provided by such organisations to their members;
 - 5/ membership of and activities in professional associations, including the benefits provided by such public corporations to their members;
 - 6/ social security;
 - 7/ granting and provision of social benefits;
 - 8/ access to and provision of health care;
 - 9/ access to and provision of education and professional training;
 - 10/ access to and provision of goods and services, including housing, if provided to the public;
- B/ on the grounds of race or ethnic origin in access to public contracts and membership in associations and other interest groups; or
- C/ on the grounds of nationality in legal relations in which a directly applicable regulation of the European Union concerning the free movement of workers applies 56 b);

the defendant is obliged to prove that the principle of equal treatment was not violated.

56 b) Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union.”

Shift of the Burden of Proof

Section 133a of the Code of Civil Procedure

Current Situation

Grounds of Discrimination

» race and ethnicity

» sex

» religion, faith, worldview
» disability
» age
» sexual orientation

» nationality*

Areas of Life

» health and social care
» access to education and training
» access to public contracts
» access to housing
» membership in associations and other interest groups

» goods and services

» work or other dependent activities
» occupation, enterprise and other forms of self-employment
» membership in organisations of employees or employers
» membership in professional associations

Proposed State of Affairs

All grounds under Section 2 (3) of the Anti-Discrimination Act

All areas of life under Section 1 (1) of the Anti-Discrimination Act

*Although nationality constitutes a protected grounds of discrimination under the Anti-Discrimination Act, it is not mentioned in the Code of Civil Procedure.

Discrimination by Association

Why is Protection Extended to a Broader Range of Persons?

Anti-discrimination law protects against unequal treatment on grounds the persons did not choose themselves (e.g. age, disability, sex, sexual orientation). However, people close to these persons may also be affected by discrimination.

For example, if five people walk into a restaurant and are denied service by the owner on the grounds that one of them has a different colour of skin or different skin tone, this will influence all five people in the group. In this regard, it is irrelevant how close they are to each other. They may be a family, a group of friends, or even business partners. They are all affected by unfavourable treatment.

So, who else is Protected by Anti-Discrimination law?

In 2015, the Court of Justice of the European Union defined a range of protected persons in another of its judgements. In the town of Dupnica in Bulgaria, a utilities company placed electricity meters on concrete columns, up to six or seven metres above ground. This was not done in all parts of the city – only in its Roma district. In the other districts, the electricity meters were placed less than two metres above ground. Ms Nikolova, who was not Roma herself but had a grocer's shop in the quarter, objected to this practice as she was also affected by it. She could not check electricity use and the correctness of invoices.

The Court of Justice stated that if the reason for the restricted access was the Roma ethnicity of most of the district's inhabitants, protection against discrimination also extended to its non-Roma residents and entrepreneurs.

This means that according to the Court of Justice, a person's relation to the persons identified by the relevant grounds of discrimination was not important. It is only important that another person is affected



Did you know that...

... protection against discrimination extends not only to persons identified by one of the grounds of discrimination (e.g. the Roma people, persons with disabilities, senior citizens), but also to their families, friends and others? As early as in 2008, the Court of Justice of the European Union decided that an employer could not force a female employee out of her job by bullying just because she had to take care of a child with disability. It concluded that such a conduct was discriminatory, even though the employee herself did not have any disability.

by discriminatory conduct, for example because he or she lives in the same town district.

What next?

Aside from the people "identified" by one of the grounds of discrimination, the range of protected persons extends primarily to the members of their family. This means that if, for example, a person with disability is denied a municipal flat, anti-discrimination law will also protect the cohabiting spouse or partner.

Such approach not only extends protection to people close to the person "identified" by the grounds of discrimination but, in effect, again to the person him/herself. If people who get "close" to such a person were not protected, this person could find him/herself in situation of even greater social exclusion than he or she may already be facing. While the range of protected persons is extended in the Czech Republic, too, in view of the decision of the Court of Justice, the Public Defender of Rights would nonetheless like to have this concept expressly incorporated in the Anti-Discrimination Act. However, the Chamber of Deputies has yet to accept her recommendations.



Have you heard about the cases of discrimination by association (also called "associative discrimination") that the Defender has inquired into?

The Defender has dealt with four cases of discrimination by association.

In 2015, she closed inquiry into two of the cases.

Defender's Report: File No.172/2013/DIS of 1 September 2015

Defender's Report: File No.788/2015/VOP of 8 October 2015

7. Discrimination in the Staffroom

Have you ever heard about mobbing or bossing? These are all forms of bullying at the workplace. The Defender as well the Labour Inspectorate have found that, to their surprise, bullying is also present at universities. The Defender is increasingly encountering cases of bullying and discrimination against teachers in primary and secondary schools, even in kindergartens. The persons affected feel bullied by their superiors or colleagues.

What exactly have we encountered?



Discrimination complaints most often concern discrimination and bullying on the grounds of age...



This year, the Faculty refused to extend my fixed-term employment contract, and the same happened to two other colleagues. All three of us are around 60 and the Dean has made it clear he wanted to get rid of the older staff.

(Lucie, academic worker)



... disability...



Sometimes, I have to leave the class because of my health problems. The deputy headteacher abuses this fact; she started checking the times when I come into classes and whether I am present, all in a bullying fashion. She accuses me of avoiding my duties.

(Adam, secondary school teacher)



... sex, e.g. in case of parents who are taking care of children...



The problems started when I got pregnant and delivered prematurely. I was scolded, for example, that I hadn't reported the pregnancy, that I was making teaching time-tabling difficult, etc. I had offered my help even during my maternity leave, but I didn't get a positive response and nobody was interested in my help or return to work. The situation culminated when my employment was not extended.

(Lucie, academic worker)





... or, surprisingly, a situation where a man enters a workplace dominated by women.



A female colleague slapped my butt in the staffroom and the other colleagues were just watching, saying nothing. When I went to get a shower, one colleague asked me derisively if I wanted her to scrub my back.

(Martin, elementary school teacher)



When does bullying become discrimination?

Bullying may be motivated by race, ethnicity, nationality, sex, sexual orientation, age, disability, religion, belief or worldview. If this is the case, the bullying will be classified as discrimination.

What about bullying motivated by other reasons?



I have defended my son, who was hit by the headteacher during school time. My colleagues then told me that I was a back-stabber. The headteacher told me she would use all means at her disposal to get me out of the school. Later, I got dismissed as redundant. Afterwards, the after-school group was supervised by the head of the school canteen. (Andrea, after-school group supervisor)

(Andrea, after-school group supervisor)



→ Even ordinary personality clashes can turn into bullying, which is prohibited by Czech law.

How can you deal with the situation effectively?

- Inform your supervisor that you are being bullied by your colleagues (mobbing);
- invite an independent party (a “mediator”) to help resolve the conflict;
- file a complaint with the Labour Inspectorate;
- file a complaint with the Defender if you believe you are being discriminated against or in case you do not agree with the steps taken by the Labour Inspectorate;
- file a court action.



An advice for everyone:

The employer is obliged to provide a **reasoned response** to an employee’s complaint (e.g. against bullying or discrimination). Otherwise, the employer violates the Labour Code.



Defender’s Opinion: File No. 5560/2014/VOP of 18 May 2015



Would anybody file a lawsuit to defend against bullying?

The Defender is aware of only one such case that is now pending trial. We recommended filing the court action after a thorough deliberation.

Defender’s Report: File No.134/2013/DIS of 14 December 2015

8. Is the Czech Republic Treating Transgender People Fairly?



Who are transgender people? See the glossary at the end of the report!

Do you like your body? Would you get scared if you had to live for a day in a body that is not yours? And what if that single day became your whole life? This is to illustrate the feelings of transgender people, i.e. people who do not identify with their biological gender. Last year, we received an increased number of complaints from transgender people.

Children or one's own identity?

Transgender people in the Czech Republic cannot achieve an administrative change of their sex, unless they undergo a surgery (sex reassignment surgery) that results in their sterilisation. Given the intolerability of remaining in a foreign body and the societal pressure (discrimination), transgender people often opt for the surgery despite their desire to have children.

”

My identity lies in my brain, not in my groin. That's how it has always been. I do not suffer from any disorder. The fact I did not develop into a man is not my problem; it is a fault of the State that it keeps wrong records about me and refuses to change them. At my age, a surgery is not advisable. I am not even interested in it.

(René, 49)

“



All 28 Member States of the European Union have the same duty to respect the private and family life of transgender people. However, different countries interpret the duty differently. Most (22) Member States make it possible for a person to achieve a change of their legal gender. Nearly a half of the countries (13) do not require a person to be sterilised to achieve this change. This is the case not only in countries like Sweden, United Kingdom or Germany, but also in Spain and Poland.

Will the Czech Republic join these countries in the future?

The requirement to undergo a sex reassignment surgery leads to difficulties and, sometimes, to insurmountable obstacles.

”

I am married with a one year old child. I have initiated the procedure to change my sex from male to female. One of the requirements for sex change is to be unmarried. However, to get a divorce, we would have to live separately for at least 6 months. That's not possible, we are a family and we want to be together.

(Nikola, 28)

“

Once male, forever male?

Transgender entrepreneurs are required to get a new trade licence after they undergo sex change. Data contained in both licences are published together, which enables anybody to see that the person had undergone sex change.

”

When my trade licence terminates, my contracts with suppliers will terminate as well. At least two out of four suppliers will not extend the contracts. The trade licensing authority is thus forcing me to cease all activities and begin anew by negotiating terms with the suppliers, which will result in unfavourable terms for me.

(Petra, entrepreneur)

“

Does it all end when the sex change is over?

When people ask their former employer for a certificate of employment (employee's card) after a longer period of time, they will usually get it. However, if the employees have changed their sex in the meantime, they are out of luck. But what if an employee needs a proof of experience in the field, but at the same time wants to keep his/her sex change hidden from the new employer?

”

I need the employee's card in order to be able to prove my work experience. The accountant refuses to issue it under my new name. That is even though I managed to get all the other documents and diplomas reissued under my new name – I just need the employee's card.

(Josef, teacher)

“

→ We are currently inquiring into both of these cases.
We will tell you about what we found in the next report.

Re-taking the graduation exam?

We also inquired into the case of a complainant who wanted to have her secondary school-leaving certificate reissued under her new name.

”

The school told me that they were not obliged to do that and they didn't have anything to do with it. I then personally contacted the Ministry of Education, where they sent me back to my school. I don't know what to do now.

(Veronika, student)

“

We helped Veronika to draw up a new request, on the basis of which the school did issue a new school-leaving certificate. Remedy was achieved without court or Czech Schools Inspectorate's intervention.



Transgender people currently face many obstacles. Their position in many areas of life would improve if they were not forced into sterilisation and a sex reassignment surgery.

9. Accessibility – Freedom of all People to Move Freely

Did you know that new or newly reconstructed buildings of government authorities, malls and even sport arenas have to be accessible to everyone including persons with disabilities? Accessible buildings are not important only to people with disabilities. They also help people with limited mobility, mothers and fathers with baby carriages and people who have suffered an injury and have to use crutches.



Public buildings that have no access for disabled persons may violate the Construction Code and expose people with disabilities to indirect discrimination.

Where arranging for disabled access is unreasonably difficult, this does constitute indirect discrimination. In those cases, the following factors are taken into consideration:

- the benefit that a particular disabled access solution brings to people with disabilities;
- the affordability of disabled access free solutions for the developer;
- availability of financial or other forms of assistance in implementation of barrier-free solutions;
- the possibility of implementing different solutions.

 For more details, see the “Accessibility Decree” – Decree No. 398/2009 Coll., on the general technical requirements providing for the barrier-free use of structures



Last year, we assessed a building used as a municipal cultural centre. The building had not been given disabled access even after an extensive reconstruction. Therefore, we approached the mayor of the municipality and sought an explanation. Adding a barrier-free entrance and sanitary conveniences for people with disabilities would be sufficient.

 Defender's Press Release of 11 February 2016

By train like a parcel

People with disabilities may encounter a number of obstacles when using means of public transport. Based on a complaint filed by a wheelchair-bound person, we focused on train travel. Using questionnaires, we asked people with disabilities about their experience with train travel:

”

Personnel at a railway station work until 7:30 p.m. I need a mobile platform lift when embarking and disembarking a train. I also need the station personnel to use the service lift to get from the platform to the station hall to exit the railway station. Therefore, I can't be arriving home later than at half past seven in the evening. I had to cancel my planned trip, because due to my scheduled timetable in Prague, I wouldn't have been able to get back home by half past seven in the evening.

(Jana, wheelchair user)

”

”

Once, I had to sleep in the train because the platform lift operator went home earlier. This happened even though I had arranged for my travel in advance.

(Karel, wheelchair user)

”

”

Eventually, I have learnt that four wheelchair-bound people would have to travel in the service carriage with parcels; the assistants would have to stand somewhere around, they wouldn't be able to use the toilet because the corridor was long and narrow and the railway employees would not help us with the wheelchair users as this was not their responsibility.

(Dagmar, wheelchair users' assistant)

”

Defender's Report: File No.75/2013/DIS of 16 March 2015

We also met with non-profit organisations helping people with disabilities, either physical, sensory or mental.

The meeting yielded the following experience concerning train travel:

- complicated reservations for barrier-free carriages;
- non-functional platform lifts for embarking trains;
- railway personnel do not know how to communicate with people with disabilities.



We plan to look for solutions during 2016. The disability itself is not a barrier. Barriers arise in our society, which is where we should strive to remove them.



Where to look for help?

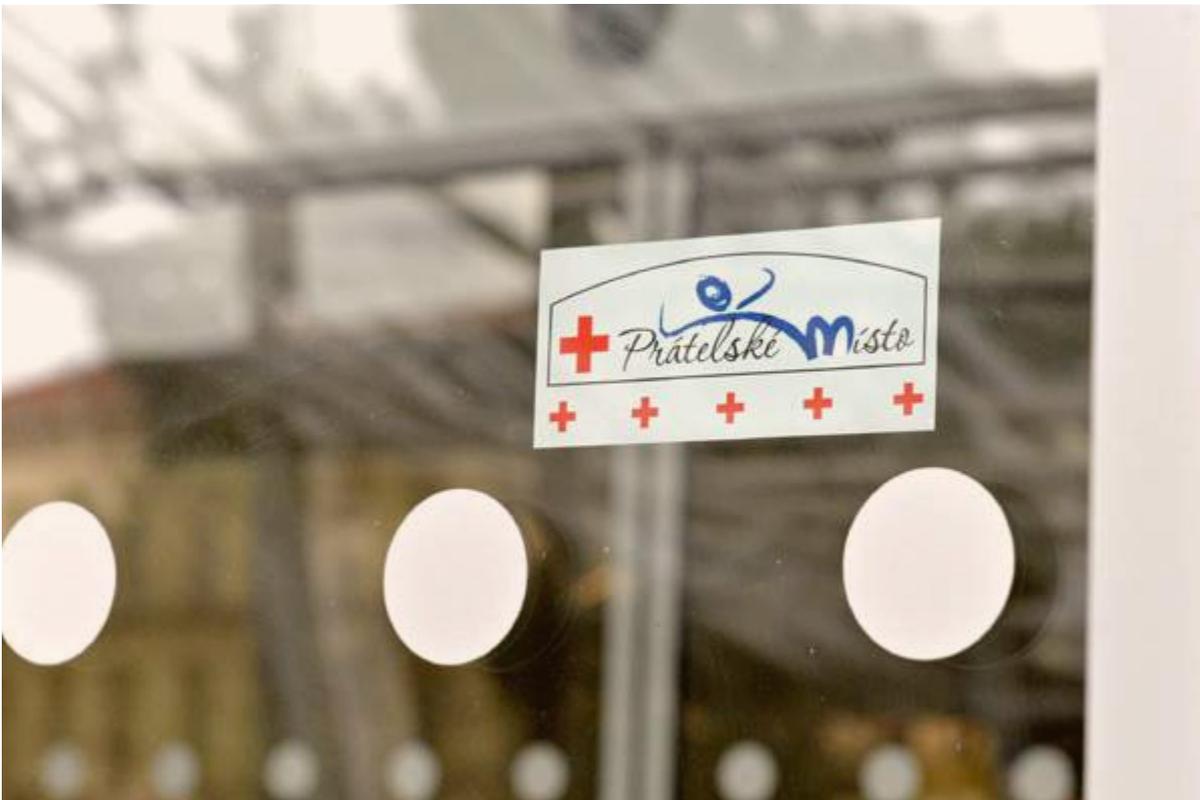
- contact the owner of the building or service provider and ask why the building (service) is not barrier-free accessible to persons with disabilities;
- contact the Building and Construction Authority (in case of a building), the Czech Trade Inspectorate (in case of services and goods), or the Railway Authority (in case of train travel);
- if they fail to help you, contact the Public Defender of Rights.

From the cases we dealt with:

Last year, we helped Ms Milada who wanted to visit the spa for a convalescence stay. Ms Milada relies on her assistance dog because of her disability. However, the spa wouldn't allow her to be accompanied by her assistance dog. However, after the Defender's intervention, the spa changed its internal regulations and now they now allow people to stay even with their assistance dogs.

We strive to lead by example, we have become a Human Friendly Place

Employees of the Office of the Public Defender of Rights have completed training on how to communicate correctly with sight and hearing impaired people. We received the Human Friendly Place award from the Red Cross for the both barrier-free easily accessible environment and accessibility of our website at www.ochrance.cz to people with sight and/or hearing impediments.



Defence of people with disabilities

We expect that sometime during 2016, we will become the national body for monitoring issues concerning people with disabilities, as recommended by the UN Committee – the text of the recommendation is available on the website of the Czech National Disability Council.

 [Article 33 of the Convention on the Rights of Persons with Disabilities](#)

We will then systematically deal not only with accessibility, but also other rights of disabled people.

»»»»»» 10. We Support Work-life Balance

Did you know that the Office of the Public Defender of Rights:

- operates a children's group for children of its employees;
- offers an opportunity to work from home based on an agreement on "home office";
- employs 12.1% of its employees on part time basis;
- allows employees on parental leave to develop professional qualifications together with the others and to collaborate on selected projects from home?

We presented the ways our employees achieve work-life balance, as well as the steps the Office takes to enable this, on Facebook during autumn:



With our co-operation, the non-profit association Alternativa 50+, o. p. s. continued the debate concerning the employers' duty to grant requests filed by employees who take care of children or other dependent persons (e.g. senior citizens and people with disabilities) to have their working hours adjusted (Section 241 of the Labour Code).

 You will find further information on the project and its results on Alternativa 50+ website at <http://alternativaplus.cz/projekty-a-aktivity/zlepsovani-antidiskriminacni-a-socialni-legislativy-ve-prospech-znevychodnenych-zen/>

In addition to this, we were approached by people whose employers denied such requests:

”

... I have no way of getting my child to kindergarten at 4:30 a.m. so that I could start my morning shift at work...

“

(Věra, accountant)

Another employee tried to arrange for adjustment of her working hours with the employer. She did not succeed and lost her job.



I wanted to ask whether the termination of my employment on the basis of termination of my post was lawful, considering the fact that the newly hired colleague now performs the same work I had done until then.

(Martina, financial consultant)



Do you take care of a child or someone else who depends on you? The employer must grant your request for adjustment of your working hours, unless grave operational reasons prevent them prevented from doing so by serious operational reasons. Not granting it may result in a violation of the Anti-Discrimination Act.

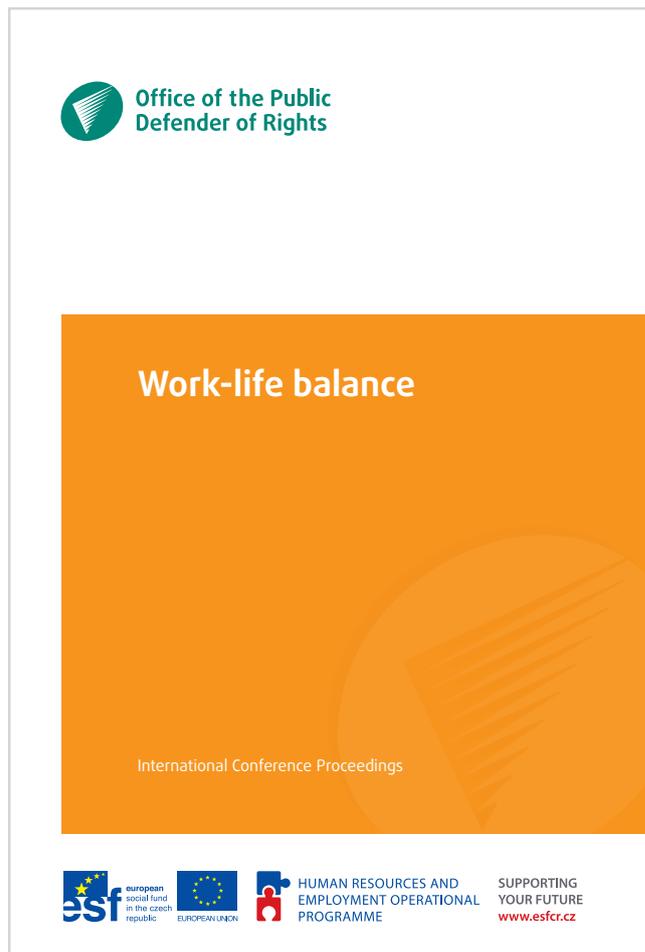


Defender's Report File No.211/2012/DIS of 17 June 2015

We have also issued proceedings a reader from the international conference titled Work-life balance.



Find the booklet at website: bit.ly/work_life_ENG



11. We Fight against Sexist Advertising

”

Sexism in advertising infringes on the dignity of both men and women. This is why I oppose sexist advertising.

“

Anna Šabatová,
Public Defender of Rights

We joined a project led by NESEHNUTÍ, a non-profit organisation, aimed at combating sexism in advertising. In 2015, we jointly managed to organise:

- the “How to Assess Sexist Advertising” conference;
- three expert meetings;
- [a short series on sexism-free advertising on the Defender’s Facebook page](#);
- [a handbook titled “Legal Battle against Sexist Advertising”](#).

Sexist advertising is not only unethical, but also unlawful – if you are concerned about a particular advert, you may file a complaint with:

- **the Council for Radio and Television Broadcasting in case of TV or radio advertising;**
- **regional trade licensing authorities in case of billboards.**



12. The Long Road to inclusive Education



Did you know that...

... we also issued comments on another amendment to the Schools Act, which introduces a mandatory year of pre-school education, and also on the decree concerning education of children with special education needs? We believe we have achieved a major success in that all children will spend their mandatory year of pre-school education in kindergartens and not in a preparatory classes. That will be the case only if a child's compulsory school attendance is postponed.

Changes in School Regulations

The last year saw the adoption of the "inclusion" amendment to the Schools Act (Act No. 82/2015 Coll.); a number of our recommendations was incorporated in the amendment. The debate on inclusive education was tense even in the Parliament. Eventually, the deputies heeded our recommendation to leave out problematic paragraph 5 of Section 16a. There was a risk that, if it stayed in the Act, some children would be treated as mentally retarded, despite this not being confirmed by the physicians.

 Defender's Opinion: File No. 5/2011/SZD of 6 January 2015

How to educate Roma children?

We found out that children with mental disabilities now attend mainstream education schools more and more often. However, it is chiefly majority children who benefit from the openness and availability of assistance. On the other hand, Roma children are often educated in schools with significantly limited curriculum (the so-called practical elementary schools), which complicates their future prospects on the labour market. This would not be the case if the government paid attention to our recommendations.

We recommend especially to:

- limit the opening of preparatory classes in segregated schools;
- separate counselling facilities from elementary schools in terms of staff, organisation and equipment;

- supervise the counselling facilities through activities of the Czech Schools Inspectorate, with participation of clinical psychologists and psychiatrists;
- collect relevant data regarding factors of ethnicity and to improve monitoring of the movement of children from/out of mainstream education.

 The Council of Europe is interested in our opinions. Read the opinion we sent in connection with this issue.
Defender's opinion: File No. 16/2015/SZD of 20 February 2015

We defended children with hearing disabilities attending any school

In compliance with the Convention on the Rights of Persons with Disabilities, the Act on Communication Systems of Deaf and Deafblind Deaf-blind Persons and the Anti-Discrimination Act, we call on

the Ministry of Education, Youth and Sports:

- **to adjust the conditions for activities of interpreters of the sign language in regional and university education;**
- **to set conditions for organisation of courses of the Czech Sign Language for both parents;**
- **to create a reference framework for the Czech Sign Language; only this will enable to evaluate whether the teacher is sufficiently fluent in the Czech Sign Language;**

the Czech Schools Inspectorate:

- **to ensure activities of native speakers of the Czech Sign Language (hearing impaired) as consultants;**
- **to provide information on how to educate hearing impaired children integrated in mainstream education schools;**
- **to obtain opinions of the consultants (hearing-impaired experts) as an integral part of the inspection file.**

 **Defender's Report on education of students with hearing impairment:**
File No. 4958/2012/VOP of 20 November 2015



Primary schools must treat children fairly during enrolment

We advised that during enrolment in the 1st grade, primary schools must comply with the principle of equal access to education. They should not make any unjustified differences between first-graders e.g. concerning the time at which the application was filed or the results of the school readiness test. We insist on a transparent approach to the parents and children (i.e. publishing the criteria in advance) and also on a partnership between the founding authority and the school, which will enable to respond to an increased interest in the school on the part of children with priority admission right.

Revealing discrimination in enrolment may often prove very difficult. Read about the difficult case of two Roma boys who were not admitted in the 1st grade.

 **Defender's Report: File No. 5202/2014/VOP of 16 April 2015**

Children with disabilities, too, have the right to go on school residential trips

Non-discrimination in access to and provision of education under the Anti-Discrimination Act and the schools regulations also apply to school residential trips. A school has the duty to enable children with disabilities to participate in school residential trips, unless this represents an unreasonable burden to the school. This can reasonably be achieved e.g. by training another school employee (aside from assistant teachers) who participates in the trip to assume the responsibilities normally carried out exclusively by assistant teachers.

 **Defender's Report: File No. 105/2013/DIS of 11 February 2015**

We will monitor compliance with all our recommendations carefully over 2016.

»»»»»» 13. Awareness-raising and Educational Activities

Throughout the year, we have discussed discrimination with public servants, employers, politicians, judges, attorneys-at-law, students of primary and secondary schools and colleges, and ordinary people in the regions.

We have also met personally with representatives of the vulnerable groups (the Roma, people with disabilities and the senior citizens) and discussed practical possibilities to protect their rights. We were encouraged by their welcoming response and we managed to further develop co-operation with key partners in the public and private sector.

We draw inspiration from abroad, because they have longer experience with equal treatment there.

More than ever before, we tried to develop international partnerships, especially within the Equinet network, an international association of the national equality bodies. Employees of the Office of the Public Defender of Rights participate in all four Equinet working groups (law, communication & media, gender, policy formation) and Petr Polák, the head of the Department of Equal Treatment, has been elected into Equinet's Executive Board. Therefore, we observe pan-European developments in great detail. We strive to apply our findings in practice to the greatest possible extent.

This is the list of the most important events we organised or actively participated in:

Calendar 2015

January

Seminar for the State Labour Inspectorate (in Opava); topics: inspecting equal treatment and non-discrimination at the workplace

Seminar for field social workers (in Ústí nad Labem); topics: discrimination in the area of housing and employment



February

Public debate "Pod Proudem" (in Prague); topics: current issues in the life of transgender people

Meeting with university students (in Jihlava); topics: discrimination on the grounds of age

Seminar for police officers in the Southern Moravian Region (in Brno); topics: discrimination on the grounds of ethnicity

Briefing of the Committee of Ministers of the Council of Europe organised by the Open Society Justice Initiative (in Strasbourg); topics: current developments concerning enforcement of the Judgement of the European Court of Human Rights in case D. H. and Others v. Czech Republic



March

Roundtable for administrative authorities and non-profit organisations (in Brno); topics: discrimination on the grounds of religion, faith and worldview

Roundtable for employers and administrative authorities (in Brno); topics: female paramedics and equal access to employment

Meeting with students of the faculties of law (in Brno); topics: discrimination on the grounds of race, ethnicity and nationality



April

Seminar for attorneys-at-law co-operating with the Pro Bono Alliance (in Brno); topics: discrimination in the provision of financial services

Seminar for the Union of Industry and Trade (in Prague); topics: discrimination in labour-law relationships

Conference titled "Autism in view of the citizen, family and society" (in Prague); topics: the Defender's opinion concerning persons with autism spectrum disorders

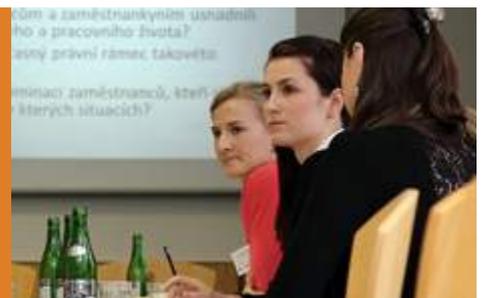
Tenth National Seminar of the European Network of Ombudsmen (in Warsaw); topics: the Ombudsman against discrimination



May

Annual seminar of the European Commission Against Racism and Intolerance (ECRI) (in France); topics: the role of equality bodies in combating non-reporting of discrimination and racially-motivated acts

Public awareness event at two secondary schools (Vlašim and Jablonec nad Nisou) topics: Diversity



June

Conference titled "Government's strategy in the area of gender equality for 2014 – 2020" (in Prague); topics: equal pay for men and women under the equality body's supervision

Conference titled "Atypical jobs – the road to greater employment" (in Prague); topics: balancing work and care from the point of view of anti-discrimination law, temporary agency work



July

Conference discussing results of the research project “Discrimination in the Czech Republic: victims of discrimination and the obstacles on their way to justice” (in Brno); topics: non-reporting discrimination, monitoring of the activities of courts and administrative authorities



August

Roundtable for the Association of Real Estate Agencies of the Czech Republic (in Brno); topics: equal access to market (unregulated) housing

Public awareness event in a socially excluded area (in Kladno and Karlovy Vary); topics: discrimination on the grounds of ethnicity in the area of housing and employment



September

Roundtable titled “Legal aspects of assessing sexist advertising (in Prague); topics: legal stand against sexist advertising

Public hearing in the Senate of the Parliament of the Czech Republic (in Prague); topics: protection against bullying

Seminar for attorneys-at-law co-operating with the Pro Bono Alliance (in Prague); topics: introduction into anti-discrimination law



October

Seminar of the “Parents for Inclusion” alliance (in Prague and Brno); topics: including disadvantaged children in the system of school catering and after-school groups

Roundtable titled “Discrimination as an obstacle to work-life balance” (in Brno); topics: serious operational reasons and the Defender’s experience



November

Roundtable for employers (Brno); topics: discrimination in the area of labour law

Roundtable titled "Obstacles in train travel" (in Brno); topics: accessibility of train travel to people with disabilities

Seminar for attorneys-at-law co-operating with the Pro Bono Alliance (in Prague); topics: religious symbols in the public space



December

Seminar as part of the "Judicial academy for judges and assistants" (in Brno); topics: anti-discrimination law and judgements of common courts in the Czech Republic

Conference titled "Equality bodies and the new freedom of movement directive – challenge or opportunity" (in Paris); topics: discrimination on the grounds of nationality and the implementation of Directive 2014/54/EU

Conference titled "Council of Europe and the role of National Human Rights Institutions, Equality bodies and Ombudsman offices in promoting equality and social inclusion" (in Helsinki); topics: Discrimination in Europe



Glossary of Terms

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.

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

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.

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

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

Harassment – unwelcome behaviour associated with grounds of discrimination leading to diminishment of a person and creation of 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 is also present in behaviour that may be justifiably seen as a precondition for a decision (e.g. when information on the planned number of children is requested from prospective female employees).

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.

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.

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

Instruction to Discriminate – an instruction from a senior employee obliging a person in a subordinate position to discriminate against another employees or, for instance, customers in sales of goods or services.

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.

Sexism – actions based on the belief that women are of a lesser value than men or vice versa. The term is used to identify prejudices or discriminatory conduct based on gender and behaviour, conditions or attitudes that reinforce stereotypes and social roles traditionally associated with men or women.

Sexist Advertising – advertisement utilising depictions of men or women which may be humiliating or offensive, or depicting male or female bodies solely as an object to draw attention, without any connection to the product being advertised. This kind of advertising entails discrimination based on gender.

Transgender people – people who do not identify with their biological sex. They may identify with the opposite sex or with no sex at all. Some transgender people choose to undergo sex reassignment surgery, while others consider this kind of treatment unacceptable. The identities and lifestyles of transgender people may be very diverse.

Victimisation – punishment or disadvantaging of a person who reported discrimination or harassment.

SUMMARY REPORT ON PROTECTION AGAINST DISCRIMINATION 2015

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