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Public Defender of Rights

ANNUAL REPORT

ON PROTECTION AGAINST DISCRIMINATION

2019

Explanatory notes



link to a webpage



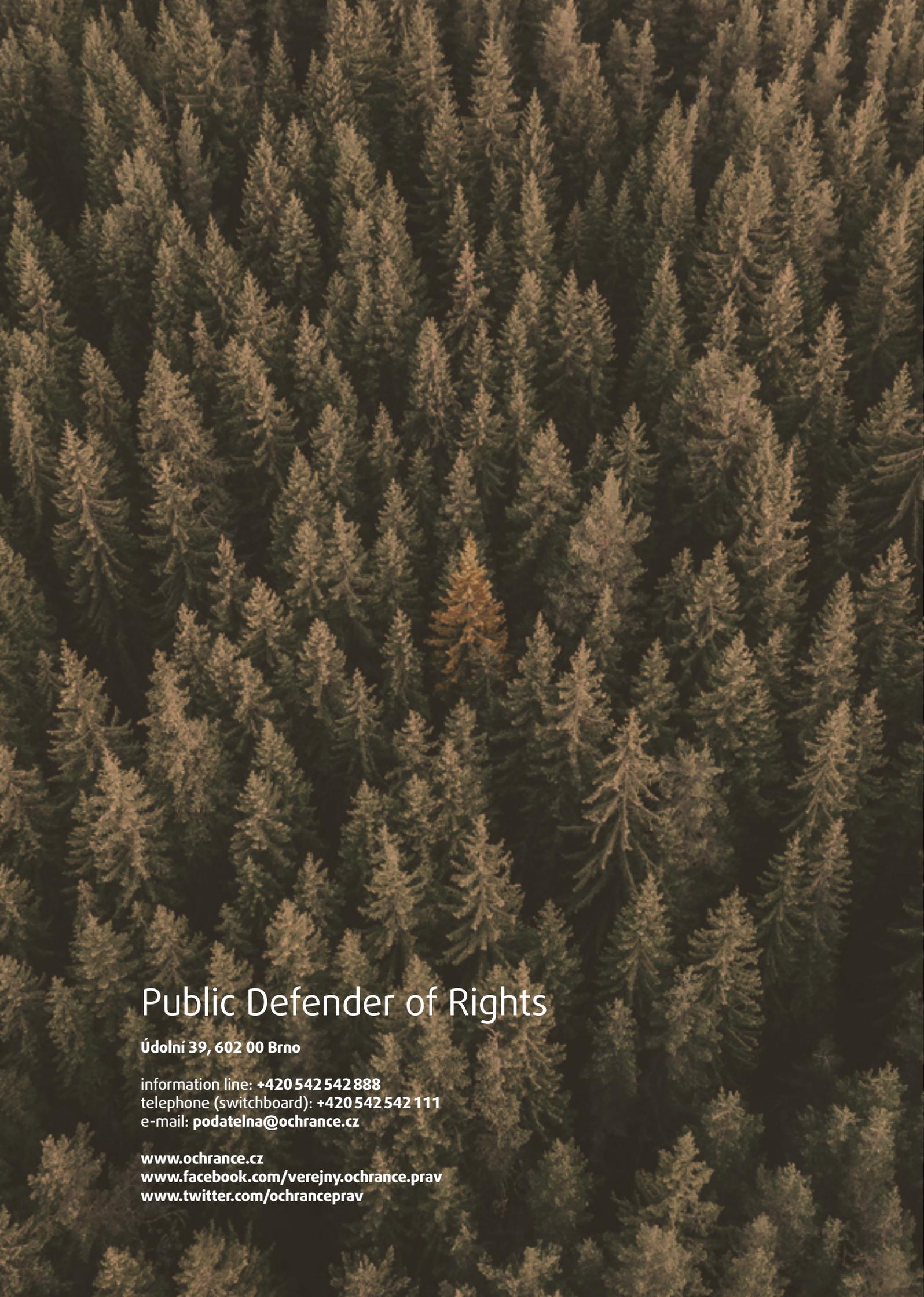
reference to a printed material

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. The Defender's recommendations concerning improvement of the conditions found and elimination of ill-treatment, if applicable, are directed both to the facilities themselves and to their founders as well as the central governmental authorities.

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

In January 2018, the Defender became a monitoring body for the implementation of rights recognised in the Convention on the Rights of Persons with Disabilities, also helping European Union citizens who live and work in the Czech Republic. The Defender provides them with information on their rights and helps them in cases of suspected discrimination on grounds of their 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 a secondary legal regulation, the right to become an enjoined party in Constitutional Court proceedings on annulment of a law or its part, the right to lodge an administrative action to protect a general interest or to file an application to initiate disciplinary proceedings with the president or vice-president of a court. The Defender may also make recommendations to the Government concerning adoption, amendment or repealing of a law.

The Defender is independent and impartial, and accountable for the discharge of his or her office to the Chamber of Deputies, by which he or she was appointed. The Defender has one elected deputy, who can be authorised to assume some of the Defender's competences. The Defender regularly informs the public of his or her findings through the media, the 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

The year 2019 marked the 10th anniversary of adoption of the Anti-Discrimination Act. Our activities in the past year thus often tied in to this milestone. We held discussions, reflected on past events and celebrated. Since the uncertain beginnings when the Anti-Discrimination Act was adopted in order for the Czech Republic to meet its obligations (following partially from EU law), it has become an integral part of the Czech legislation. Thanks to the Anti-Discrimination Act, people with disabilities, parents of children and people of advanced age (among others) have a legal recourse. The Act guarantees that decisions affecting people's lives will not be made based on prejudices and that they will be treated as individuals with their own personality, skills and experience.

I am very glad that actual victims of discrimination – a man with a visual impairment who was denied the opportunity to rent a municipal flat, a university lecturer harassed by her employer because of her age, and representatives of Roma children who were not admitted to a catchment school – shared their experience at an international conference taking place in the Czech Senate. The stories of real people help us understand the severe impacts of discrimination on human dignity and its other adverse effects on everyday life.

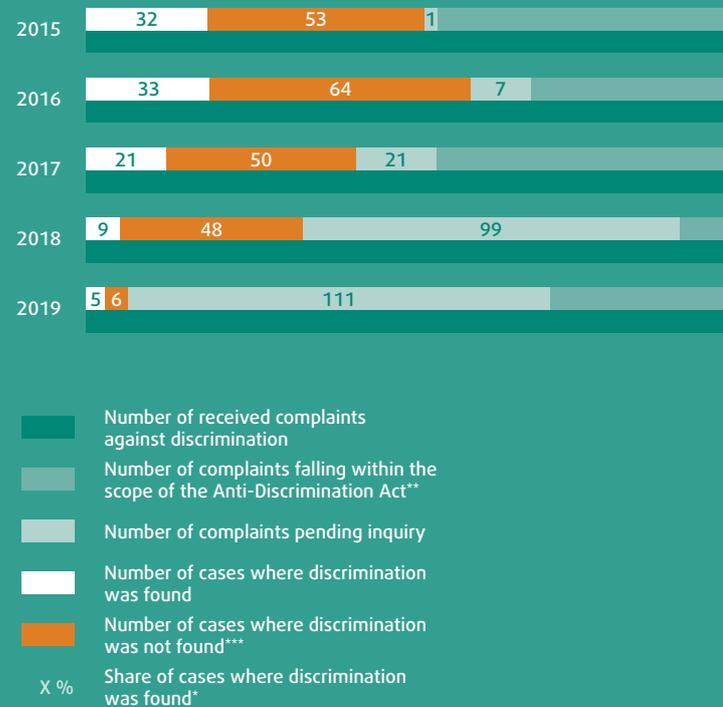
In addition to the anniversary of the Anti-Discrimination Act, we also dealt with other systemic issues in the area of equal treatment. In this Annual Report, you will learn how to deal with sexual harassment at the workplace, why greater transparency in remuneration is important, what we recommend to attorneys-at-law representing victims of discrimination, what the situation is of the LGBT community in the Czech Republic, and what the trends are in court decision-making concerning hate speech online.

I sincerely hope this text will prove to be an inspiration to your work.

Anna Šabatová

1. Complaints in focus

Numbers of complaints in 2015–2019



How many complaints did we address last year and what were the most common issues with which people approached us?

The number of complaints has increased significantly over the past ten years when we have carried out our mandate in the area of discrimination. We received 178 complaints in the first year of our activities, but this number grew to 403 complaints in the previous year. Year on year, the number of complains slightly increased: from 383 complaints in 2018 to 403 complaints in 2019.

Aside from providing direct help to the complainants, our work consists in communicating with international entities (32 files), co-operation with governmental authorities (14 files), responding to public queries (31 files), co-operation with non-profit organisations and the private sector (9 files), and independent research (2 files).

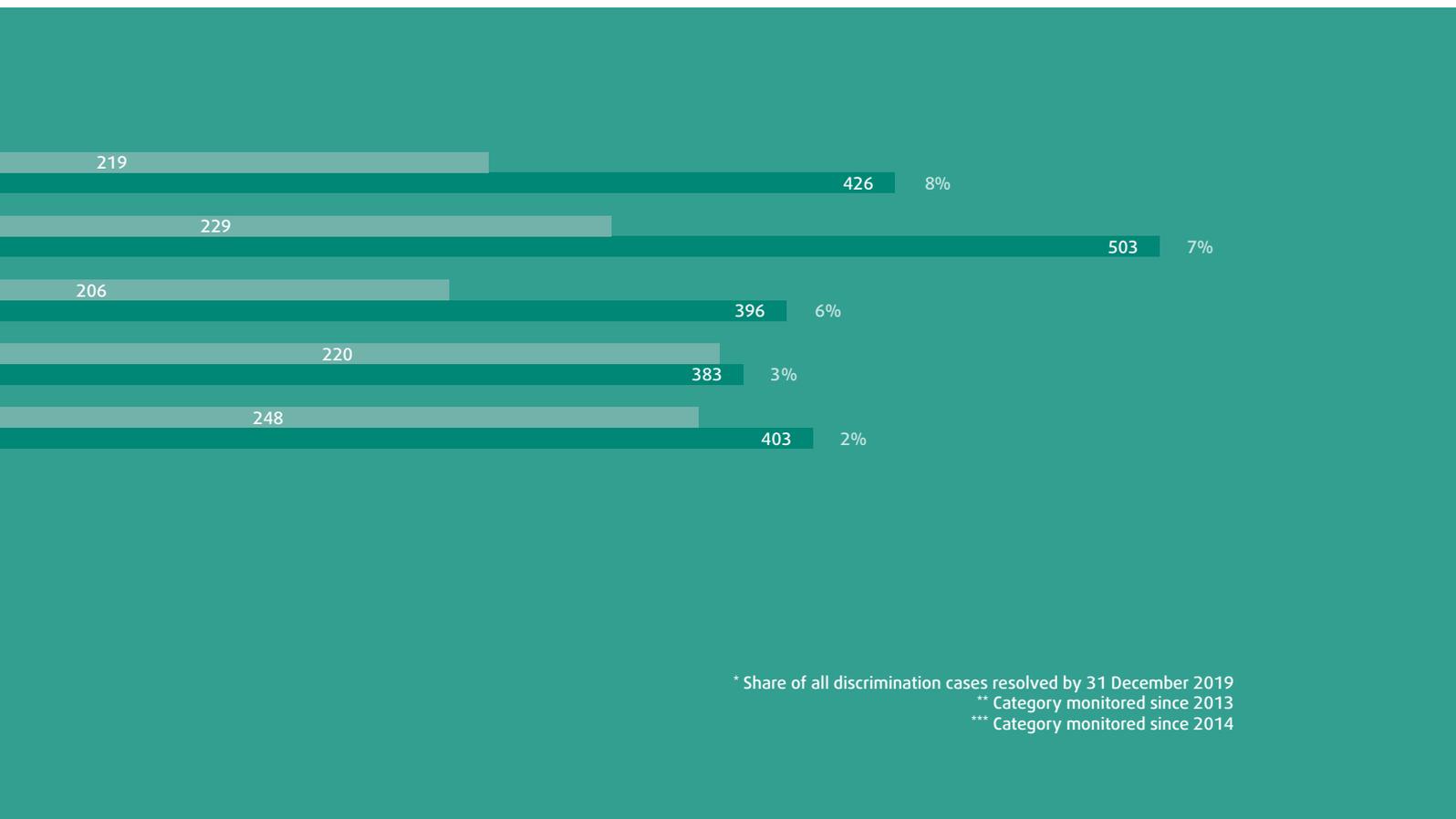
The number of discrimination complaints increased year-on-year:

from **383** in 2018  to **403** in 2019

What do these figures tell us?

In approximately 8% of the complaints, we found that discrimination likely had occurred (the proportion is lower for the years 2017, 2018 and 2019 because inquiries in several dozens of complaints have not been closed yet). Most cases involved direct discrimination, but a minority of cases concerned indirect discrimination;

other cases encompassed retaliation (victimisation), harassment, instruction to discriminate, or incitement to discrimination. In a few per cent of cases, We were unable to either prove or disprove discrimination due to a lack of evidence (this is a new category included since 2014).



* Share of all discrimination cases resolved by 31 December 2019

** Category monitored since 2013

*** Category monitored since 2014

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

In 2019, as in many previous years, people most often turned to us with complaints against discrimination in the area of work and employment (132 complaints). This is related to the indispensable role that work plays in a person's life, being essential to ensure income, provide people with a sense of purpose and self-fulfilment

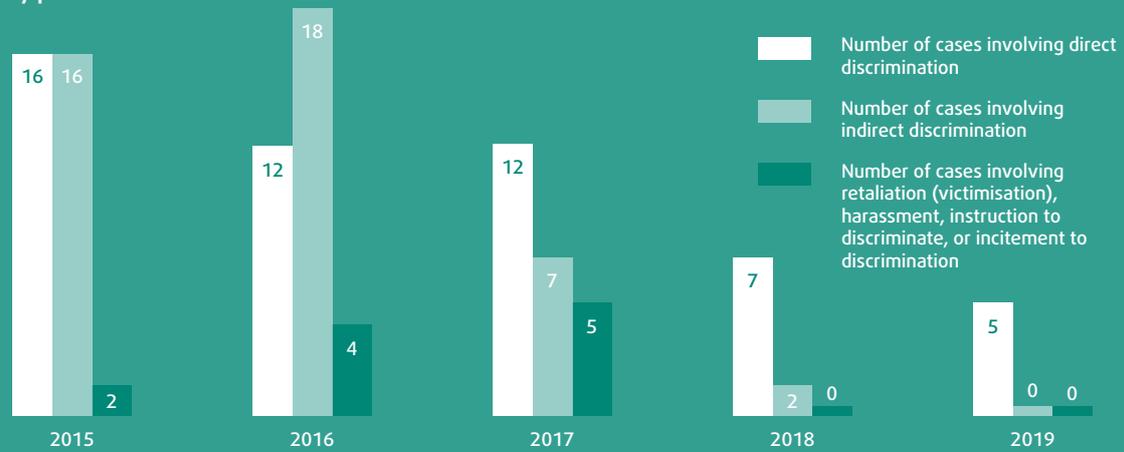
and help them form and maintain relationships. Obstacles in access to work and employment or unfair conditions at the workplace often result from factors that people are unable to influence, for example age, sex/gender, disability, race and ethnicity, which is considered very unfair. Consequently, people more often decide to try and deal with the situation. Significantly fewer discrimination complaints were raised in the area of goods and services (83), housing (51), education (50), other areas – miscellaneous (34), and other fields of public administration (38).



Did you know that...

...since 2009, when the Public Defender of Rights began to promote the right to equal treatment, we have found discrimination in a total of 242 cases? In most of the cases, this involved discrimination on the grounds of disability (78 cases), age (50 cases) and sex/gender (40 cases), especially in the sectors of goods and services (64 cases), and work and employment (62 cases).

Types of discrimination found from 2015 to 2019*



* Share of the files closed by 31 December 2019



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.

People most often complain about discrimination on grounds of race and ethnicity

The summary of complaints according to the claimed discrimination grounds shows (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 covered by the [Anti-Discrimination Act](#) or other legal regulations, or they did not specify any reason at all (these complaints fall under the “miscellaneous” category). These are often interpersonal conflicts motivated by antipathies which, although they may cause great difficulties, do not in themselves constitute discrimination in the legal sense of the word.

What are the most common grounds for discrimination complaints? After the exception of 2018, discrimination

on the grounds of disability returned to the first place in 2019 (109 complaints). Discrimination related to sex/gender rose from the fourth to the second place (53), while the third place was, just like in the previous years, occupied by discrimination on the grounds of age (48).

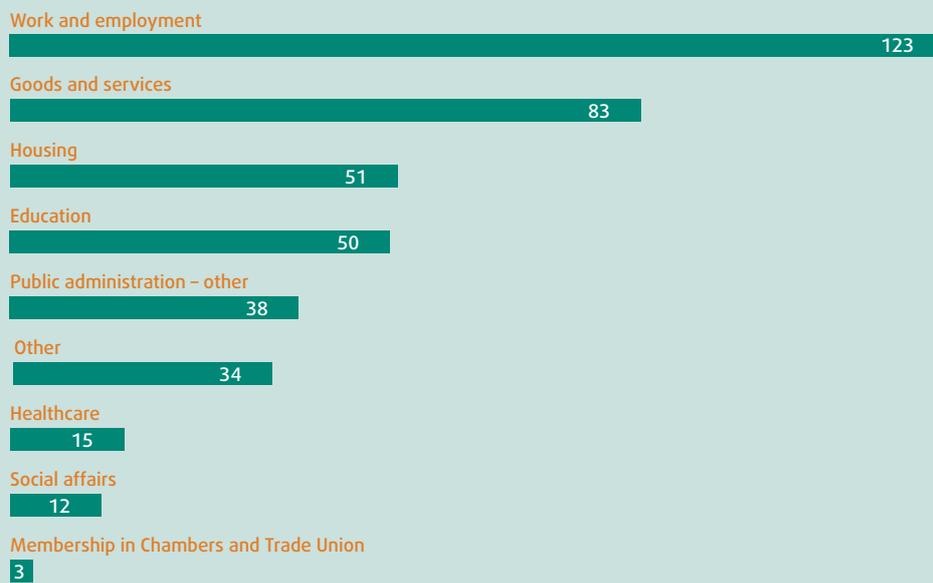
Multiple discrimination: when several discrimination grounds apply

People can often be discriminated against for several different reasons simultaneously. In such cases, we speak of multiple discrimination, where a person is subjected to unequal treatment consisting in several grounds of discrimination. In the year under scrutiny, we received 44 complaints against multiple discrimination, where the claimed grounds most often involved a combination of race and ethnic origin with other grounds (15 cases), sex/gender and age (6 cases), and age and disability (6).

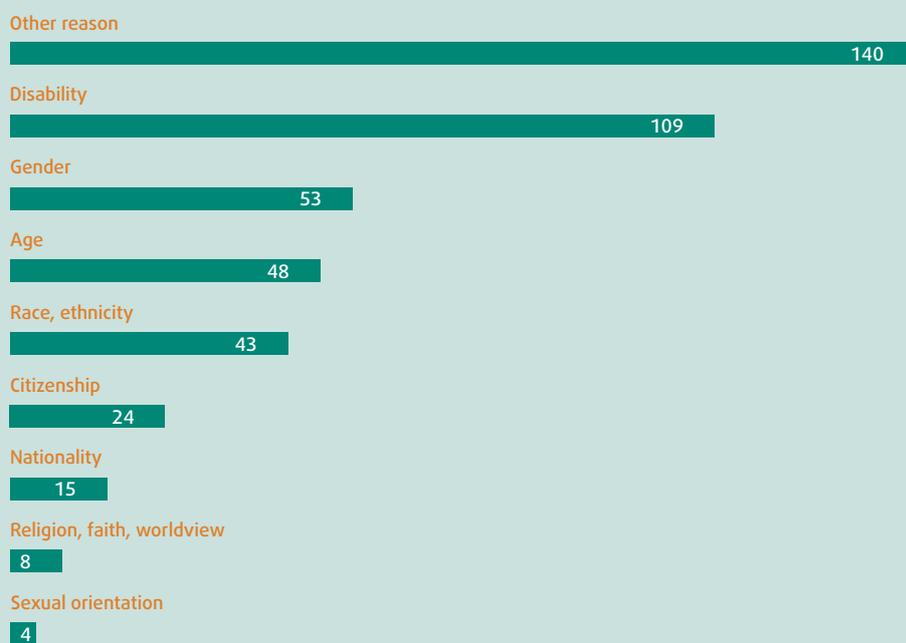


A subjectively perceived act of injustice does not necessarily constitute discrimination. In general, discrimination means different treatment in comparable situations without a reasonable justification. The feeling of being discriminated against is not sufficient in itself – legally speaking, discrimination only means conduct described and prohibited by law. The grounds and areas where discriminating between people is inadmissible are listed primarily in the [Anti-Discrimination Act](#).

Number of complaints by area



Number of complaints according to the claimed discrimination grounds



»»»»»»»»»» 2. Topic of the year: 10 years of the Anti-Discrimination Act

Throughout 2019, we commemorated the 10th anniversary of adoption of the Anti-Discrimination Act. We met with various organisations and institutions to assess the impacts of the Act on Czech society and to discuss possible amendments.

[At a roundtable](#), we talked with non-profit organisations about ways to effectively help victims of discrimination and discussed which data on equality we should collect in the future and how best to communicate issues of equal treatment with the general public.

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The Anti-
-Discrimination
Act celebrated its
tenth birthday.
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At [a regular roundtable](#) with administrative authorities, we discussed the most important decisions of the Supreme Administrative Court and the Constitutional Court. We also discussed possible changes in the Anti-Discrimination Act and suitable methods of educating public servants in the area of equal treatment.





At an [expert seminar](#), we talked with the invited experts about whether the Public Defender of Rights, as the national equality body, complied with the recent recommendations of the Council of Europe and the European Commission (the “Standards”). We also recalled the Defender’s milestone cases, which we collected in the [publication](#) titled “Discrimination” officially launched at this occasion.

We invited secondary school students to participate in discussions on equality. The students had the opportunity to express their views through documentary films made as part of the [Equal.doc](#) competition. The competition was won by a film produced by Ema Ostřížková

and Karolína Žáková from Ostrava. Their video feature titled simply “Discrimination” can be viewed on [YouTube](#) (with Czech and English subtitles).

We also considered the enforceability of law from the perspective of discrimination victims at an [international conference](#) which we organised in the Czech Senate thanks to Mgr. Miluše Horská, Vice-President of the upper chamber of the Czech Parliament. Among many issues, we discussed the [amendment](#) to the Anti-Discrimination Act submitted in the spring of 2019 by a group of members of the Chamber of Deputies, which reflects the Defender’s legislative recommendations.

In order to support ordinary people facing discrimination, we prepared and disseminated new leaflets introducing our success stories, i.e. cases where our help had made a difference. These true stories often involve discrimination on the grounds of [sex/gender](#), [sexual orientation](#) and [disability](#). These new materials supplement previous praised leaflets concerned with [racial](#) and [age](#) discrimination.



3. Czech courts' judgments concerning discrimination

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The courts give hope to the victims of discrimination.

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The ban on wearing the Muslim headscarf in school theory classes constitutes indirect discrimination

We were approached by a Somali Muslim girl who applied for study at a secondary medical school in Prague. She had a disagreement with the headteacher due to wearing “hijab”, the traditional Muslim headscarf. We concluded that the provision of the school regulations which prohibited the wearing of headdress was indirectly discriminatory on the grounds of religion. The Supreme Court confirmed our opinion and ruled that a prohibition of religious headdress worn during theory classes at school did not pursue any legitimate objective.

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

 [Judgment of the Supreme Court](#) of the Czech Republic of 27 November 2019, File No. 25 Cdo 348/2019

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Adherence to Islam, of which wearing hijab in the case of women is a symbol, may be unusual in Czech society and may even give rise to certain stereotypical fears in some citizens; however, under the principles of the Czech legal system, these personal and non-threatening expressions of religious faith must be tolerated by the majority, especially in the context of education, whose purpose is also to lead students to respect the rights of others and to teach them tolerance of other views.

(from the reasoning of the judgment)

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Teacher with visual impairment

We were approached by Ms Blanka, who works as a teacher at a secondary school. The headteacher had bullied her because of her visual impairment and ultimately had given her notice on the grounds of redundancy. We concluded that the school had discriminated against Ms Blanka on the grounds of disability. The District Court in České Budějovice agreed with us

and granted Ms Blanka compensation in the amount of CZK 75,000. The school eventually withdrew the notice.

 [Defender's Report](#) File No. 3381/2017/VOP of 28 August 2018

 Judgment of the District Court in České Budějovice, File No. 23 C 276/2017 of 25 February 2019

Workplace bullying

The plaintiff worked in the Fire Rescue Service and was bullied by her superiors. The District Court in Ústí nad Labem ruled that the employer had violated the principle of equal treatment in relation to the plaintiff by failing to pay bonuses and by drawing up an untrue performance evaluation. The plaintiff was granted satisfaction in the amount of CZK 200,000. The Regional Court in Ústí nad Labem then confirmed the conclusions

of the District Court and increased the amount of satisfaction to CZK 400,000. It justified this by pointing out that the plaintiff, who had performed a number of demanding tasks, must have perceived the non-payment of bonuses as a clear injustice.

 Judgment of the Regional Court in Ústí nad Labem, File No. 12 Co 346/2017 of 6 February 2019



4. Equal treatment in Europe

We monitor the activities of the Court of Justice of the European Union (CJEU) and of the European Court of Human Rights (ECtHR) in the area of equal treatment and non-discrimination. We selected a number of judgments rendered in 2019 which could influence the Czech legislation, court decision-making and the Defender's own work.

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Supreme European courts often issue rulings concerning discrimination.

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Since 2012, we have been providing information on our website concerning significant judgments rendered by important European courts. Do not miss our [news and updates](#).

Selected judgments of the Court of Justice of the European Union

Non-working day on Good Friday and extra pay for work only for Christians

In Austria, Good Friday is a public holiday. However, this only applies to employees adhering to certain Christian denominations, as stipulated in the relevant Austrian law. If the adherents to these churches do work on Good Friday, they are entitled to additional pay for work on a public holiday. Although Mr Markus is not a member of any of the relevant churches, he claimed that his employer pay a premium for the work he had performed on Good Friday. The case was ultimately heard by the CJEU.

The CJEU ruled that the national laws of the Member States granting additional pay for work on Good Friday only to employees of certain religious denominations directly discriminated against other employees on the grounds of religion. According to the CJEU, the employer should proceed in this case in that it should grant additional pay for work on Good Friday to all employees who work on that day. In this respect, the CJEU added that the Member State should bring its national law into accordance with EU law.

 [Judgment](#) of the CJEU (Grand Chamber) of 22 January 2019, Cresco Investigation GmbH v Markus Achatzi, C-193/17





An athletics association's rules cannot be discriminatory

The rules of competition of the German Athletics Association formerly stipulated that European citizens might participate in national championships if they had an entitlement to participate through a German athletics association or athletics community and had had that entitlement for at least one year. However, in 2016, the Association repealed this provision of its rules. From that moment on, foreigners were only allowed to participate "without classification" or they could participate only in the first round of a running competition or in the first three attempts of a technical competition. This meant that Mr Biffi, as a runner with Italian citizenship living in Germany, could never compete in the finals and fight for medals, even if he were the best competitor. He therefore decided to enforce his rights in court. The German court was not certain about the interpretation of EU law and turned to the CJEU.

The CJEU concluded that observance of the fundamental freedoms and the prohibition of discrimination on the basis of nationality provided for by EU law also applied to rules which were not public in nature (including the rules of an athletics association). Mr Biffi thus could have been a victim of discrimination. Assessment of specific cases is up to the national courts.

 [Judgment](#) of the CJEU of 13 June 2019, TopFit eV, Daniele Biffi v Deutscher Leichtathletikverband eV, C-22/18



Did you know that...

...the Public Defender of Rights also helps migrant EU citizens and their family members who live/work in the Czech Republic?

Since 1 January 2018, EU citizens have been protected by the Anti-Discrimination Act in the area of employment also on the grounds of their nationality (citizenship). This means that they have the same right to equal treatment in recruitment and employment as Czech citizens.

For more information on our assistance to EU citizens, go to our [website](#).

Selected judgements of the European Court of Human Rights

Inadmissibility of a different regime in prisons on the basis of sex

In 2001, an applicant from Latvia was sentenced to 20 years of imprisonment, which he served in a high security prison. In 2008, he applied for permission to take part in the funeral of his father. The prison director rejected the application, stating that only prisoners placed in lower security prisons were entitled to a leave. However, only men were placed in closed prisons with the highest level of security. Women who committed the same criminal offence were placed in semi-closed prisons and had the opportunity to leave such prisons in similar cases. The complainant pleaded that he had become a victim of discrimination on the grounds of sex.

The court came to the conclusion that dismissal of the application to leave the prison merely on the basis of the rules stipulated for the type of prison in which the applicant was placed based on his sex constituted discriminatory conduct. Consequently, in this particular case, his rights were infringed.

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Very weighty reasons would have to be put forward before such a difference in treatment of men and women could be regarded as compatible with the Convention. In particular, references to traditions and prevailing social attitudes in a particular country cannot, by themselves, be considered to amount to sufficient justification for a difference in treatment.

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(from the justification of the judgment)

 [Judgment](#) of the ECtHR of 10 January 2019 in case *Ēcis v. Latvia* (application no 12879/09)

The European Court of Human Rights further concluded that...

...inappropriate comments published on a discussion forum of a news portal do not constitute a violation of an applicant's right to respect for her family and private life under the European Convention on Human Rights. The court recalled that protection of private life (Art. 8 of the Convention) and freedom of expression (Art. 10 of the Convention) were equal and finding a fair balance depended primarily on the discretion of the individual States.

 [Judgment](#) of the ECtHR of 19 March 2019 in case *Høiness v. Norway* (application no 43624/14)

...it is not its task to determine the means to be used to provide for the educational needs of children with disabilities. The means can only be defined by national authorities. The court thus dismissed the application filed on behalf of a wheelchair-bound primary school pupil who believed that the school had provided insufficient reasonable accommodations to ensure his dignity and the right to education without discrimination. The court based its considerations on the fact that the complainant had never been prevented from attending the school and that the school had also supported him in other ways. The Court thus found the measures taken by the school sufficient.

 [Judgment](#) of the ECtHR of 25 June 2019 in case *Stoian v. Romania* (application no. 289/14)

...if a State requires that parents officially declare that their children are not Orthodox Christians in order to avoid participation in compulsory religious classes at a Greek national school, this is a violation of the right to education. The court followed from the fact that the States were obliged to respect the parents' right to raise and teach children in accordance with their religious beliefs.

 [Judgment](#) of the ECtHR of 31 October 2019 in *Papageorgiou and Others v. Greece* (applications no 4762/18 and no 6140/18)

»»»»»» 5. Whom did we help?

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We help create clear and fair rules for everyone.

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Fairer rules for assignment of municipal flats

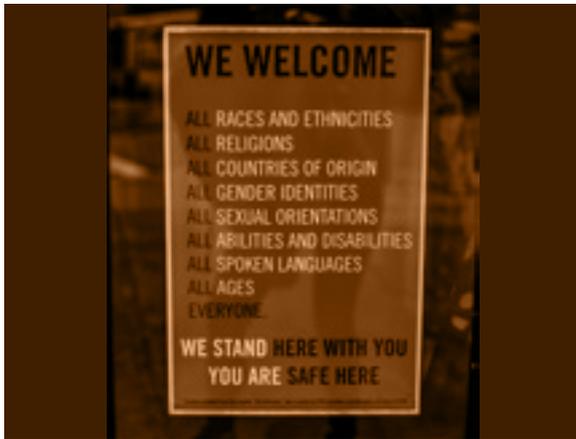
After an intervention by the Ministry of the Interior, Prague City Hall changed its rules for the assignment of municipal flats. In response to our notice, the Ministry reviewed the rules for assignment of municipal flats in Prague. The Ministry found a number of errors and Prague City Hall subsequently changed the rules. This example was also followed, e.g., by Prague 10 City Ward.

The main problem of the original rules that we pointed out was the condition stipulating a minimum income for applicants for social housing. According to these rules, a single mother with three children would have had to earn at least CZK 33,500 to be able to apply for social housing.

 [Defender's Report](#) File No. 5275/2016/VOP of 4 October 2017



Assistance with finding a paediatrician for children with severe disabilities



We were approached by a mother of a newborn boy with severe disabilities. Although the boy was in a stable condition, the hospital refused to discharge him until the mother found a paediatrician willing to register the boy as a patient. However, she was refused everywhere she turned.

We provided her with advice on how to deal with the paediatricians, especially to request that the reason for non-registration be confirmed in writing (to which she was entitled under the law). We also advised her to contact her health insurance company. In the end, the health insurance company helped her find a paediatrician for her son, who could then leave the hospital for home care.

Easier train travel for people with assistance dogs and wheelchair users

We dealt with several problems with train travel brought to our attention by people with disabilities. We inquired into a case of a woman who travelled by train on a wheelchair and with an assistance dog. However, the dog had to jump on and off the carriage because low-floor trains were not available on the route which she travelled. After we started our inquiry into the case, the transport company decided to allow (at its own risk) assistance dogs to board the train using lifting platforms. The carrier also granted the request for assistance to be provided by its employees in pre-ordered trips. It also promised to change the internal regulations and train the staff.

Similarly, we helped in a case where wheelchair-bound passengers complained about the barriers present at

some railway stops. We found that some of the information on the transport company's website was not entirely accurate and that the passengers could have been misled. The transport company accepted our recommendations and modified the website so as to make it easier to read.

 [Defender's Report](#) File No. 4475/2018/VOP of 18 February 2019

 [Defender's Report](#) File No. 4015/2019/VOP of 3 September 2019

 [Defender's press release](#) of 17 December 2019

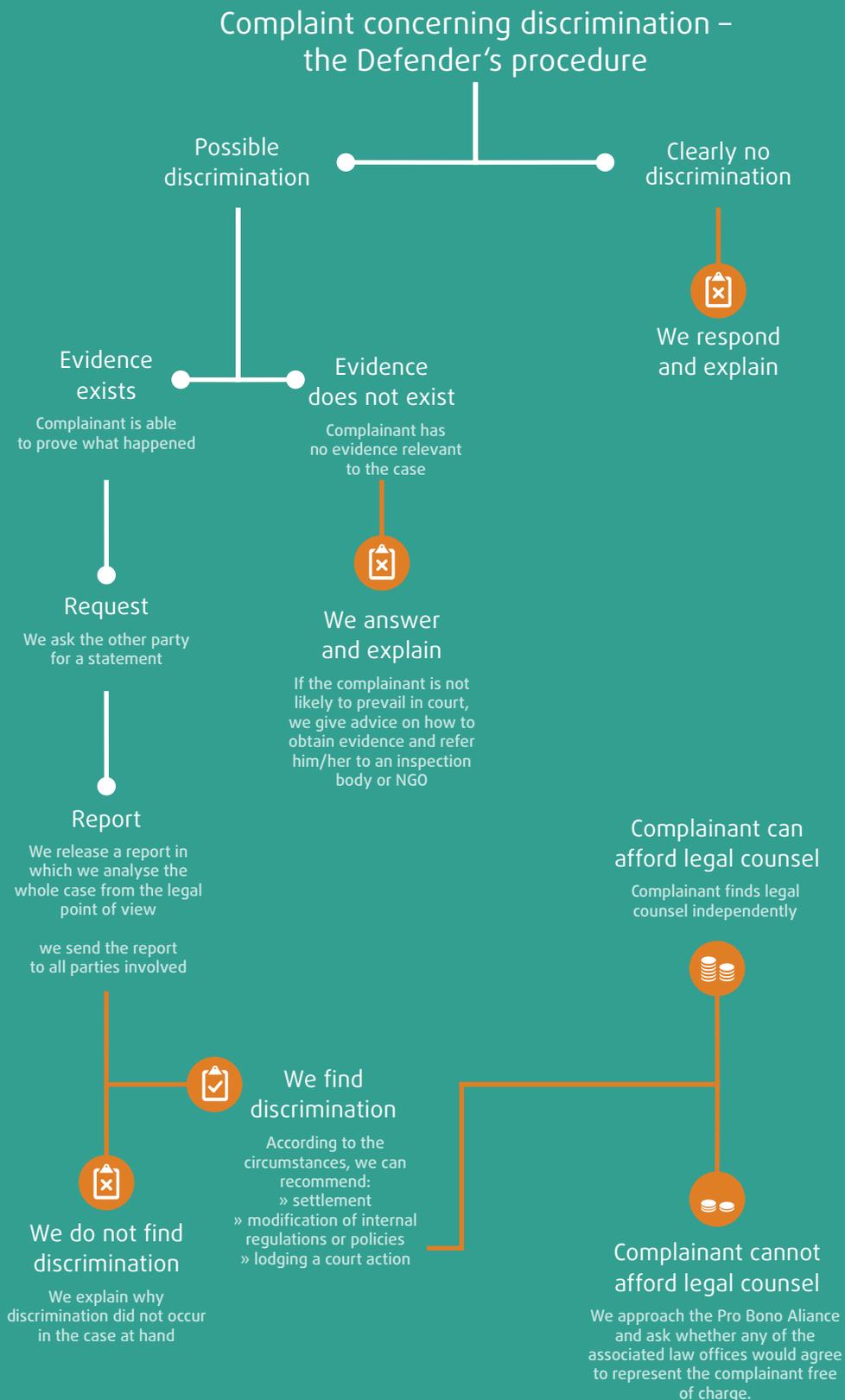
Resolving a misunderstanding with a speech therapist

We were approached by a father of a girl who had doubts as to the approach of a speech therapist to his daughter. The girl suffers from serious hearing problems but wants to learn to speak. Everyone in the family is deaf and she can thus find no one to support her in her attempts at speaking. The father thought that the speech therapist should pay closer attention to his daughter. He felt that the therapist was giving priority to children with different handicaps.

There was no animosity between the two parties and we therefore decided to try and resolve the issues at a personal meeting. The speech therapist explained to

the father that he had not given preferential treatment to the other children; he lacked the capacity to provide more intensive care and, as a matter of fact, the condition of his daughter did not call for such care. But it would be helpful for her to be in contact with a hearing/speaking community. He therefore promised to help her father look for a student who could spend some time with the girl. The father was satisfied with this result of the meeting and accepted the therapist's explanation.

 [Defender's Report File](#) No. 2500/2019/VOP of 20 January 2020



»»»»»»»»»» 6. Manual for civil service offices: How to deal with sexual harassment at work?

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We strive to ensure safe and dignified employment in public administration for everyone.

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Together with the Office of the Government of the Czech Republic, we issued a [manual](#) aimed at helping

people in the civil service prevent, and sensitively and effectively deal with cases of sexual harassment.

Why is it important to deal with cases of sexual harassment?

Sexual harassment is unlawful conduct that has adverse mental, physical, social and performance-related implications for the victims. Cases of sexual harassment

are also adversely reflected in the overall workplace climate and impact work satisfaction and productivity.

How can people in the civil service prevent sexual harassment?

They can perform regular surveys of the occurrence of sexual harassment, educate their employees and inform them of the unacceptability of sexual harassment (e.g. in internal regulations of the relevant civil service office).



How specifically to deal with sexual harassment?

When an office investigates a complaint raised by a potential victim, it is important:

- to express respect and understanding for the victim;
- not to downplay harassment;
- to reward the victim's courage;
- to obtain a description of the entire incident;
- to assure the person that the purpose is to clarify and resolve the case and that the information will not be disseminated;
- to prevent confrontation of the victim with the perpetrator.

If the office communicates with a person accused of sexual harassment, it must provide him/her with an

opportunity to describe the incident from his/her own perspective. It must emphasise its impartiality.

The office must also pay attention to the dynamic of the working team. Sexual harassment affects the other workers too, especially those who witnesses it.



The guide is practical. It contains a sample questionnaire for anonymous inquiry as well as an example of a sensitive interview with a victim of sexual harassment. See the annexes to the guide.

7. Legislative recommendations: Greater transparency in remuneration

The gap in remuneration between men and women performing the same work for the same employer in the private sector amounts to approximately 10%. In public administration, the gap is only a half of that number. This follows from the [survey](#) titled “Differences in pay for men and women in the Czech Republic: Workplaces, jobs, same work and breakdown of factors” published by the Ministry of Labour and Social Affairs in 2019.

However, women often are not aware that they receive unequal pay and cannot enforce the right guaranteed to them by the Anti-Discrimination Act and the Labour Code. One of the causes of this situation lies in insufficient access to information on remuneration rules. At the same time, the most recent public opinion [survey](#) conducted by the Ministry of Labour and Social Affairs

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The right to fair remuneration for work must not remain only on paper.

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shows that people agree that Czech employers should be more transparent in the area of remuneration.

In 2019, responding to an ongoing public debate, we proposed four legislative changes that should contribute to the enforcement of the right to fair remuneration in practice. These include namely the ones listed below.

Include the amount of pay for a job already in the job advertisement

Most employers in the private sector do not publish the amount of remuneration in their job advertisements even though indicating this amount would help applicants not to undervalue themselves and be able to negotiate on their salary based on their individual

characteristics (education, experience, etc.). We recommend that employers be obliged to publish the amount of salary (or salary range) together with the job offer. We were inspired in this by a Slovak regulation effective since May 2018.

Invalidity of confidentiality clauses

In their employment contracts, employees often agree not to disclose the amount of their salary. This practice prevents higher transparency in remuneration. The Labour Code does not contain any explicit provision to make such an arrangement invalid directly by operation of law. There is a widespread belief in society that these contractual arrangements are valid. We believe that

people should be able to speak about the amount of salary they receive with anyone if they want to. Such conduct is not (in the vast majority of cases) at variance with the justified interests of the employer. Therefore, we propose that the Labour Code explicitly stipulate invalidity of such confidentiality clauses.



Right to information about the average remuneration for a particular job

We recommend that workers should have the right to inquire about the average amount of remuneration for a group of persons who perform the same work and work of the same value, based on their gender. They should have this right during the entire term of the relevant labour-law relationship (typically in a situation

where an individual suspects discrimination in pay). This right should also be given to trade unions. We were inspired by the [legislation](#) in Germany according to which information can only be provided if at least six men and six women perform the same work or work of the same value. This ensures personal data protection.

Publication of the gender pay gap by large employers

We propose that large employers (entities with more than 250 employees) be obliged to publish differences in salaries received by men and women. Similar [legislation](#) applies in the United Kingdom. Companies already submit said information to the Czech Statistical Office for the purposes of [information system updates](#) concerning average earnings.

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If everyone was remunerated on the basis of their actual work, it would not be necessary to keep salaries secret. However, the pay often does not reflect the work itself but rather the ability to negotiate a higher salary. This means that we often reward self-confidence rather than work.

Anna Šabatová, “Nekupujte kytky, dejte ženám spravedlivou mzdu” (Don’t buy them flowers, give women a fair salary) ([Hospodářské noviny](#), 8 March 2019)

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Did you know that...

... in 2019, the Office of the Public Defender of Rights as the first organisation in public administration successfully completed a pilot test of the Logib tool?

Logib is a testing tool for employers developed in Switzerland. It evaluates gender pay gap in an organisation. The Ministry of Labour and Social Affairs is working on its introduction in the Czech environment as part of the “22% towards equality” [project](#).

The difference in remuneration within the Office of the Public Defender of Rights is just 1.6%, which is statistically insignificant. The press release is available [here](#).

8. Recommendation: Representing victims of discrimination

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The assistance of attorneys-at-law is crucial to effectively combat discrimination.

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I am aware that representing victims of discrimination may be very difficult. That is why I greatly appreciate the work of those attorneys who are, nonetheless, willing to represent victims of discrimination in court and help them protect their rights. And I have the utmost respect for lawyers who are willing to accept this uneasy task in pro bono cases.

Anna Šabatová,
Public Defender of Rights

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discrimination, attorneys-at-law are our important partners. Without them, judicial defence against discrimination would often be inconceivable. Therefore, we have prepared recommendations for them that should help them represent victims of discrimination in court.

In our recommendation, we summarise our co-operation with attorneys-at-law to date and present the results of a survey in which we asked selected attorneys-at-law about their experience in discrimination disputes. Based on these findings, we compiled a list of thirteen recommendations for effective representation of victims of discrimination. The recommendation also contains an overview of useful sources in the area of anti-discrimination law.

Thanks to the Anti-Discrimination Act, it is possible to defend oneself against discrimination in court, but only few people can manage this without professional legal advice. This is why, in cases where we find

 [Defender's Recommendation](#)
File No. 40/2019/DIS of 29 August 2019

 [Defender's press release](#) of 16 October 2019

What did we recommend to attorneys-at-law?

- 1/ Try to resolve discrimination disputes amicably.
- 2/ Use multiple sources when preparing your arguments.
- 3/ Pursue claims for pecuniary compensations for intangible damage.
- 4/ Use audio and video recordings as evidence.



- 5/ Draw attention to the shared burden of proof.
- 6/ Consider the judge during the court proceedings.
- 7/ Co-operate with other entities as required.
- 8/ Communicate with the client in an effective and sensitive manner.
- 9/ Be prepared to communicate with the media.
- 10/ Expect that discrimination disputes are quite demanding.
- 11/ Educate yourselves in the area of anti-discrimination law.
- 12/ Follow the activities of the Public Defender of Rights.
- 13/ Think strategically.

Practical seminars

We presented the Recommendation at a seminar for attorneys-at-law organised in co-operation with Pro Bono Alliance. The seminar presented contributions on anti-discrimination case law and selected attorneys-at-law talked about their experience with representing victims of discrimination. The participants thus learned practical information, e.g. on situation testing, out-of-court resolution of disputes and the role of the media in discrimination cases.

 [Article](#) of 25 September 2019 on the Advokátní deník (The Bar Journal) website

However, this seminar was not the only one we organised. As part of our long-term co-operation with the Pro Bono Alliance, we organised further seminars on the same topic – Anti-discrimination case law 2018, Discrimination in healthcare, and Law against discrimination.



Did you know that...

...since 2012, we have co-operated with the Pro Bono Alliance in arranging free legal advice to victims of discrimination?

We have already handed over 19 cases to the Pro Bono Alliance. Most often these were cases of discrimination on the grounds of disability. A majority of the cases ended successfully for the victims of discrimination, either with a favourable court decision or amicable settlement of the dispute.

9. Survey: Experience of LGBT+ people with prejudice, discrimination and violence



People with minority sexual orientation and transgender people have the right to dignity just as everyone else. We have long been trying to remove obstacles that hinder them from living peaceful and happy lives.



Which specific problems fundamentally impact LGBT+ persons' everyday lives? What makes their lives more difficult for them? What experience do they have with discrimination and violence? Which changes could contribute to making their lives better in the Czech Republic? Our survey titled "To be LGBT+ in Czechia: Experience of LGBT+ people with prejudice, discrimination, harassment and hate violence" was looking for answers to these questions. We published its results symbolically on 17 May on the occasion of the International Day Against Homophobia, Transphobia and Biphobia.

We were interested in the experience of LGBT+ people with various social prejudices, discrimination, harassment and hate violence. The method consisted in an on-line questionnaire. The invitation to fill in the questionnaire was disseminated through the main LGBT+ advocacy associations, their websites and social networks. A total of 1,981 people from the LGBT+ community participated in the survey.



Did you know that...

...on 17 May 1990, homosexuality was removed from WHO's International Classification of Diseases? At that point, homosexuality officially stopped being considered a mental disorder, but rather a non-pathological enduring preference of a human being.



The Czech general public perceives the situation of LGBT+ people much more favourably. For example, it follows from the results of the European Commission's special [Eurobarometer](#) survey of 2019 mapping discrimination in the European Union that only 34% of people believe that discrimination on the grounds of sexual orientation is common in the Czech Republic. In case of discrimination against transgender persons, the percentage is even lower.



The survey revealed, in particular, the following:

- LGBT+ people consider their position in the Czech Republic quite satisfactory (they gave it 6 points out of 10 possible).
- Three quarters of the respondents believe that LGBT+ people face discrimination in the Czech Republic.
- The position of transgender people is much more difficult than the position of gays and lesbians.

They perceive discrimination to a greater degree, they are less open to friends, families, colleagues and classmates.

- A large part of LGBT+ people often encounter various prejudices on the part of the majority society. This includes, for example, the opinion that gays and lesbians should not openly manifest their sexual orientation or that homosexuality is not natural.

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Without provocation, an older woman verbally attacked me at a railway station. Even though my partner and I only hugged, the woman started shouting at us, saying we were freaks of nature and should remain locked at home and be ashamed to be alive.

Markéta (20), lesbian

“



I condemn the efforts of various groups to dismiss LGBT+ issues and remove them from public discourse and public space.

Anna Šabatová, from “To be LGBT+ in Czechia” survey report



- Over the past 5 years, more than a third of LGBT+ people have experienced discrimination, which is approximately three times more compared to the general population. Most often, this concerns discrimination in the area of education (13% of all respondents).
- In more than 90% of cases, LGBT+ people did not defend themselves against discrimination and harassment.
- Manifestations of social aversion towards LGBT+ people are most often soft in character – jokes, sneers, humiliation and insults, rather than threats or physical violence. However, more serious manifestations of hatred have not disappeared completely.
- The most important measures that, according to the interviewed persons, would help them live better in the Czech Republic are related to family life. Access to marriage for same-sex couples has the greatest support among the interviewed. Up to 95% of them consider registered partnership to be an inferior form of union.
- The Government should draft a bill on the basis of which administrative gender reassignment for transgender people would cease to be conditional on invasive surgical alterations and sterilisation.
- The employers should effectively prevent harassment of LGBT+ people at the workplace and, if harassment does occur, choose effective measures to deal with it.
- Schools should consistently and competently examine every instance of suspected harassment in order to foster respectful behaviour among students.
- The Ministry of Education, Youth and Sports should ensure that information on sexual minorities is included in framework educational programmes.
- Universities should consider including the issues of sexual minorities, homophobia and transphobia in the mandatory curriculum for future teachers.
- Advocacy organisations should raise awareness among LGBT+ people of their rights and possibilities of defence against discrimination and hate violence.
- The Ministry of the Interior and the Police Presidium should educate public servants and police officers to avoid downplaying the problems faced by LGBT+ people or inappropriate responses to them.

The findings raised several concerns. For this reason, we decided to draw up a set of recommendations that could help improve the lives of LGBT+ people in Czechia. For example, we made the following recommendations:

- The Chamber of Deputies should evaluate the importance of marriage for same-sex couples and to carefully consider legalising gay marriage.



Marriage today is primarily a confirmation of the relationship between two people who love one another.

Anna Šabatová, “O manželství bez předudků” (On marriage without prejudice) (Lidové noviny, 17 September 2018). The text is also available on our [website](#).



 [Defender's survey](#) File No. 4/2019/DIS of 14 May 2019

 [Defender's press release](#) of 17 May 2019



10. Hate speech on the Internet

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We should not tolerate verbal expressions of hatred. If we do not respond to such attacks in time, they could escalate into much more serious physical violence.

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Hateful expressions frequently directed against various vulnerable groups (or their individual members) are currently a major cause for concern. Thanks to the development of technologies (the Internet and social media), such expressions spread alarmingly easily and fast, which means they can affect a large number of people and influence their thinking and behaviour. We consider it important for people to realise that the freedom of expression has its boundaries and crossing those boundaries might constitute an unlawful act. This also applies to online conduct.

In 2019, we organised or participated in the following events in connection to online hate speech:

- We believe that prevention is extraordinarily important from an early age. Therefore, we organised a roundtable titled “Education towards tolerance”, where we talked with representatives of the Ministry of Education, Youth and Sports, the Czech Schools Inspectorate, non-profit organisations, headteachers, regional school prevention co-ordinators and others on education about hate speech at schools. The materials from the roundtable are available [here](#).
- We met with representatives of the Office for Democratic Institutions and Human Rights (ODIHR). This institution organises an educational programme on hate crimes for public prosecutors (Prosecutors and

”

There are few problems of our times that concern me more than the spread of hatred online. The ability to reach a wide audience combined with virtual anonymity lead people to express staggeringly disgusting and inhuman views. The public must be made aware that the law applies on the Internet, too.

Anna Šabatová, the Public Defender of Rights, “Internet není anonymní. Právo platí i tam, shodli se experti (The Internet is not anonymous, the law applies there too, experts agree) ([iDNES.cz](#), 19 October 2019)

“



Hate Crimes Training, PAHCT), in which the Supreme Public Prosecutor's Office of the Czech Republic also participates. For more detailed information on the educational programmes organised by ODIHR for its member states, go to its [website](#).

- Together with the Constitutional Court and the Supreme Public Prosecutor's Office, we organised an all-day professional conference titled "Hatred on the Internet". It was intended especially for police officers, public prosecutors and judges and we discussed relevant current problems and challenges. You can find the materials from the conference [here](#).

Survey of case law concerning hate speech

In June 2019, we asked district courts to provide us with decisions issued in criminal proceedings in which the courts had decided on criminal offences involving hateful

motives committed in an online environment. We requested decisions issued from January 2016 to June 2019. We collected a total of 47 decisions meeting the set criteria.

What were our main conclusions based on the analysis of these decisions?

- In the period under review, only a minority of district courts (29%) dealt with disputes concerning online hate speech.
- The number of court decisions issued is clearly growing year-on-year.
- In most cases (60% of the decisions), hate speech is directed against whole groups of people defined by their nationality, ethnicity, skin colour, religion, sexual orientation, etc. In approximately one third of the decisions, these expressions were aimed against a specific person or a group of concrete persons.



Did you know that...

...the Defender has decided to summarise her findings to date on the topic of online hate speech in her recommendations addressed especially to the competent governmental authorities.

 [Defender's Recommendation](#) File No. 67/2018/DIS of 27. 1. 2020.



- Roma people (49% of decisions) and Muslims (23%) were the most common victims.
- Where a case concerning online hate speech was heard before a court, the perpetrator was convicted, at least in the first-instance proceedings: in 91% of cases. The most frequent punishments were a suspended sentence (10 months on average) or a fine (CZK 15,800 on average).
- Hateful expressions on the internet were almost always (91% of cases) committed by an individual with a clean criminal record and the perpetrators were men in most cases (94%).
- Most incidents (83%) adjudicated by the courts took place on Facebook.

 [Defender's survey](#) File No. 47/2019/DIS of 17. 1. 2020.



What made us happy in the past period?

The Ministry of the Interior changed the designation of its quarterly reports in which it informs about the situation in the area of crime motivated by hatred in Czechia. In addition to the word “extremism”, the title of these outputs newly also includes “prejudicial hatred”.

We believe that it is appropriate to remind the general public in various ways that this type of crime need not be committed only by extremists. The perpetrators are often “ordinary” citizens who are not members of any extremist movement.

You can read the reports of the Ministry of the Interior [here](#).

»»»»»» 11. We communicate

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Joint visions and mutual co-operation are the key to success.

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In 2019, we met with representatives of public administration and local governments, NGOs and the private sector. We invited them to look for a solution and acquainted them with our recommendations. In the form of awareness-raising events, we brought the area of discrimination and human rights closer to the students and the public.

Our work does not end when a report is released.

Staying in touch with important actors concerning our recommendations is necessary. Indeed, issuing a recommendation is often only the beginning of the road towards implementing the necessary changes.

In 2018, we issued a [recommendation](#) on inclusive education of Roma and non-Roma children. We followed up on this recommendation in 2019 and explained and discussed our conclusions at many opportunities. In February, we organised a roundtable on inclusive education with participation of the Ministry of Education, Youth and Sports, the Czech Schools Inspectorate and the

Ministry of the Interior. We also presented the conclusions of our recommendation to important stakeholders in the area of education, such as the Association of Primary School Headteachers and the Union of Towns and Municipalities of the Czech Republic. We shared our findings on segregation in education at a meeting of ombudspersons from Poland, Slovakia and Hungary.

We also continued pursuing the topic of availability of dental care for people with disabilities. In 2018, we conducted a [survey](#) through which we found that people with mental disabilities or autism spectrum disorders often





had to wait up to one and a half years for dental care. Last year, we therefore invited representatives of the Ministry of Health, health insurance companies, the Czech Medical Chamber, universities and hospitals to attend a roundtable meeting. The participants agreed on specific measures to be taken. For instance, it was necessary to

define specialised facilities that will treat tooth cavities under general anaesthesia. We also welcomed the fact that health insurance companies had decided to increase reimbursements for treatment of people with disabilities.

 [Defender's press release](#) of 28 February 2019

We co-operate with the State administration

We consider the inspection bodies to be key partners in enforcing the right to equal treatment. This is why we continued talks with the leading representatives of the Czech Trade Inspection Authority, the Czech Schools Inspectorate and the State Labour Inspectorate. We met with inspectors to discuss specific cases and share our

experience in the area of non-discrimination, and we also had the opportunity to participate in school inspections. We organised a traditional [roundtable](#) titled "Together against discrimination", where we met with representatives of inspection and central administrative authorities to discuss the ten years of the Anti-Discrimination Act.

Fair workplace

Exposure to discrimination or bullying at the workplace usually adversely impacts the life of an employee and carries long-term consequences; victims often believe that they must either learn to live with it or leave their job. Even if an employee raises a complaint against unequal treatment, employers are often unsure how they should respond. Therefore, we believe that it is important to talk to the employers about the ways to prevent undesirable situations and deal with potential

discrimination. Last year, we joined an educational and awareness-raising [project](#) titled "Respectful workplace in public administration". [We discussed](#) the topic of sexual harassment with state secretaries. We participated in a meeting of socially responsible employers from the [Business for Society](#) association. We also continue to participate in activities within the "22% towards equality" [project](#), which promotes equal pay.

Education of students

We are pleased that students are also interested in the topics of protection against discrimination and human rights. We were thus happy to participate in last year's events organised by the Pro Bono Alliance and Masaryk University: "School of Human Rights" and "Human Rights Live". We prepared workshops for students including concrete cases where we could showcase the ways of finding a balance between freedom and the right to equal treatment in real world conditions. We organised [visits](#) and summer internships for students of law, during which they had an opportunity to try out working in our Office. We also participated in the PročByNe (WhyNot?) motivational traineeship project thanks to which Sára (a student) could try "[shadowing the Defender](#)" for a couple of weeks.

”

I really enjoyed these two weeks, a whole new world opened to me. I was amazed by the environment, the people and the topics. The shadowing experience certainly made me see law in a different way and gave me lots of motivation for further study.

Sára, student trainee at the Public Defender of Rights

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We meet to talk about current issues

In matters related to discrimination, several entities must typically co-operate to find solutions. Therefore, in 2019 we continued meeting with stakeholder bodies and institutions to look for joint solutions to emerging challenges. We dealt e.g. with the following topics:

- Assistance to migrating EU citizens and their family members – for example, we dealt with issues related to social security, health insurance and healthcare, discrimination on the grounds of nationality and its linkage to other discrimination grounds (the materials from the roundtable are available on the [website](#)).
- Determining the sex of intersex children – in some cases, it is not possible to unambiguously determine the sex of a newborn child; however, the law

requires that a record of the child's sex be made in the relevant registers. The issue of intersex children and determination of their sex (including related medical tasks) is closely connected with the guaranteed rights of sexual minorities, the best interests of the child, the right not to be tortured and subjected to cruel and inhuman treatment, the right to protection of health and, last but not least, the right to private and family life (the Defender's [press release](#) of 5 November 2019, roundtable materials are available on the [website](#)).

We were also pleased to meet and hold a dialogue with the Minister of Education, Youth and Sports or the Deputy Minister of the Interior for the Civil Service, among others.





We get inspiration from abroad and share our experience

Other countries besides the Czech Republic are looking for a path to a fairer society free of discrimination. Therefore, activities such as international co-operation and sharing of experience, especially best practices, are very beneficial.

Last year, we were again involved in the work of Equinet, a network associating national equality bodies. We sent our representatives to working groups and executive bodies. We also visited workshops and seminars held by this organisation.

We lectured for the Academy of European Law (ERA) and presented our experience in combating discrimination to the participants of a two-day workshop in Bulgaria.

At request of the European Commission against Racism and Intolerance, we sent our statement on the situation in the Czech Republic.

 [Defender's opinion](#) File No. 52/2019/DIS
of 18 July 2019

For the Committee of Ministers of the Council of Europe, we drew up an opinion concerning enforcement of the judgement of the European Court of Human Rights in the Case of D. H. and Others v. the Czech Republic.

 [Defender's opinion](#) File No. 49/2019/DIS
of 14 May 2019

We also welcomed the delegation from Ghana led by the Minister for Gender, Children and Social Protection with the participation of the ambassador of the Czech Republic in Ghana. Visitors from Ghana were mainly interested in the topic of gender equality. We were glad to share our experience.

»»»»»» 12. What made us happy?

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The city of Brno provides stickers depicting a guide and assistance dog with the inscription “GUIDE AND ASSISTANCE DOGS WELCOME”, which people can place on doors of restaurants, schools and other premises.

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Volvo (Barbara Kubátová)

In car accidents, it is statistically more likely for women to suffer more serious injuries than men. This is the case because standard crash tests are usually performed on dummy figurines that are based on the proportions of the average male body, which, however, differs substantially from the average female anatomy. For 40 years, Volvo has been collecting data on the consequences of car accidents regardless of the body size of the passengers and their sex. These data are then used to develop security features for Volvo’s vehicles. Last year, the automotive company decided to freely share its data and findings with other car manufacturers so that more cars would become better suited to protect the safety of all their passengers.

 [Information](#) and [video](#) on car safety

Submission of an amendment to the Anti-Discrimination Act (Veronika Bazalová)

A group of Czech parliamentarians have drafted a change making it possible for anti-discrimination actions to also be lodged by legal persons established for the purpose of protection of victims of discrimination. The draft responds to results of the Defender’s [survey](#) on obstacles faced by individual victims in access to

justice (the costs and length of court disputes, legal uncertainty caused by a small number of precedents, doubts that a court action could make a difference, lack of information). Furthermore, the draft amendment equalises the position of the protected groups by enabling to use the principle of sharing the burden of proof in all types of anti-discrimination disputes. We have long [pointed out](#) this inequality.

 [Wording](#) of the amendment to the Anti-Discrimination Act

Dva tátové a zvědavá holka (Two Dads and a Curious Girl) (Karel Suda)

David and Michal Vaníček, known to the public as Two Dads, published Two Dads and a Curious Girl in October of last year. A beautifully illustrated book tells the story of a girl Eliška who lives with her parents in a small Czech village. A “rainbow” family moves into the neighbourhood. Eliška then learns about the life of a family with two dads and children. However, she is afraid of what her father would say, since he does not like gays and lesbians very much. Eventually, even the father finds out that being different does not always mean bad. The book is intended primarily for smaller children, but adults can certainly enjoy it as well. It will bring a smile to their faces, but perhaps also make them think about their own attitudes. The book offers a glimpse into an innocent child’s mind which,

unburdened by prejudice, can perceive various forms of human life as equal and does not look for issues where there are none.

 [Two Dads and a Curious Girl](#)

Facebook and Twitter page of a “Man who has it all” (Iva Fellerová Palkovská)

“Man who has it all” is a parody social media account highlighting gender stereotypes. The satirical account operates with the fiction that we live in a matriarchal world where women are the main breadwinners and occupy most managerial and political jobs. It posts various statements or questions to the public based on these reversed gender roles. The surreal posts then help highlight the absurdity of entrenched and persisting gender stereotypes. Commenters post funny responses to the original posts, further accentuating the parody, so they, too, are well worth reading.

 “Man who has it all” on [Facebook](#) and [Twitter](#)

Survey of the health consequences of age discrimination (Jiří Fuchs)

Scientists are joining lawyers in combating age discrimination. In April 2019, London University issued a study revealing a link between health and age discrimination. People who have experienced this form of discrimination report deterioration of their health more often than those who have not. For example, for heart diseases, the difference is 17%, as compared to 13% for those who have not experienced discrimination; for arthritis, the ratios are 44% compared to 38%, and for depression, the numbers are 19% compared to 12%. Exposure to age discrimination could thus play a role in people’s health problems. I believe that if the harmfulness of age discrimination is confirmed, this will help to convince society to condemn it.

 [Research](#) into the health impacts of age discrimination

National Geographic (Lenka Kříčková)

National Geographic launched a one-year project focusing on women and their lives. The magazine’s November issue is dedicated specifically to women and the evolution of their position in society and, at the same

time, is the first ever issue in which all the content (articles and photographs) were created exclusively by women. On this occasion, National Geographic published a book of photographs taken by women from its collection and made a documentary film about important women of today.

 [Contents](#) of a special issue of National Geographic

Welcome stickers for guide and assistance dogs (Hana Brablcová)

The city of Brno provides stickers depicting a guide and assistance dog with the inscription “GUIDE AND ASSISTANCE DOGS WELCOME”, which people can place on doors of restaurants, schools, libraries, cinemas and other premises. The purpose of the project is primarily to point out that dogs are not only allowed to enter the facility, but they are welcome there. People who use specially trained dogs will thus not have to worry about negative reactions of the staff to their presence, which is unfortunately sometimes the case. In this way, the public will be informed that guide and assistance dogs belong to the public space and there is no need to worry about their presence.

 Guide and assistance dogs welcome [sticker](#)

EU Work-life Balance Directive (Martin Šmíd)

The European Union has adopted a directive on work-life balance. The aim of the Directive is to remove the gender pay gap, arising especially as a result of interruption of a career due to care for children. The Directive also introduces new measures in the area of work-life balance, such as paternity leave, carers’ leave and the possibility to apply for flexible working conditions. EU Member States (including the Czech Republic) have three years to implement the Directive in their legislative frameworks.

 [News](#) on discrimination

Pacholek’s blog (Jana Vomelová)

In the summer of last year, Jiří Švihálek (also nicknamed Pacholek) and his wife got on a motorcycle to ride to a family party. Unfortunately, they did not reach their destination. During a traffic accident that they did not cause, they both suffered very serious injuries and Jiří Švihálek lost his leg above the knee. The young man

dealt with the situation, which many others might find unbearable, in an admirable way. He started describing his feelings and experiences from the accident and the period afterwards with a commendable calm and humour in a blog which was originally intended for friends only, but gradually attracted permanent enthusiastic followers. Pacholek's blog can encourage and inspire people with disabilities or anyone else dealing with a difficult life situation. Jiří Švihálek plans to adapt the blog to a book to be released under the title "Deník jednonožce" (A Diary of a One-Legged Man). Read something by Pacholek, I am sure you will then find many of your everyday problems much less daunting!

 Pacholek's [blog](#)

Essays, reviews and comments by Kamil Fila (Jan Slavíček)

A film critic and journalist, Kamil Fila has long been promoting (gender) equality in his texts, for which he was awarded the title of Genderman of the Year at the end of 2018. His remarks from the world of film and television often bring original perspectives concerning the stereotypes in depicting men and women. He deserves praise for doing so, especially because similar views expressed by a male journalist are not something common in the Czech environment (or elsewhere).

 [Essay](#) Proč jsem feministka (Why I am a feminist)

 [Essay](#) O sexismu Marka Ebena
(On Marek Eben's sexism)

Fair play (Jana Mikulčická)

A sense of fair play should be part of athletes' basic toolkit. Since the beginning of the Olympic Games in ancient Greece, it has been an accepted principle that competing honourably and giving others an equal opportunity to win is more important than victory itself. However, fans often forget about this principle. This was on display during a friendly match between the hockey clubs of Vítkovice and Prostějov. When Dominik Lakatoš from the Vítkovice team scored a goal by the end of the game, Prostějov "fans" began chanting racist slurs referring to his Roma ethnicity. However, Dominik Lakatoš was backed up by his teammates. All Vítkovice players went to the locker room in protest against this behaviour and the match was not finished. Vítkovice coach said: "We are one team, one family and we will not tolerate having members of our family exposed to such outrage. We made a snap decision, it was unanimous." I am glad that Vítkovice players showed

a team spirit and made it clear that racist slurs had no place in sports.

 [Report](#) on the hockey match

The Scoring Girls project (Anna Katerina Vintrová)

The main objective of the German association Háwar, e.V. is to work towards a world where everyone is equal regardless of their sex, religion or ethnicity. The projects launched by this association also include "Scoring Girls", brainchild of former Bundesliga football player of Kurdish origin Tugba Tekkal, who created it two years ago. The project aims to improve participation of children from the Middle East and socially disadvantaged families in sports, especially football. The project busts the myth that football is a game for men and girls from Muslim countries should not do professional sports. Last year, the Háwar association received the Civis Media Prize for a video about the "Scoring Girls" project.

 [Website](#) of Háwar, e.V.

 [Video](#) about the Scoring Girls project (in German with English subtitles)

Always Most! Petr Polák

At the beginning of the year, the Czech Television produced Most!, a TV series that took our television landscape by storm. The series was written by Petr Kolečko and Jan Prušinovský and tells the story of people from various minorities like no other Czech TV series has done before. Whatever the critics may say about it, showing the desires and wishes of Roma and transgender people from northern Bohemia in normal family situations, with humour and a bit of hyperbole, is the best thing the writers could have done to combat prejudices in our society. I admit that I, too, had to check whether there really was a non-profit organisation named "Dark Distress".

 Most [TV series](#)

Glossary of useful terms

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

Biphobia – see the term “homophobia”. Instead of gays and lesbians, this term refers to bisexuals.

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.

European Court of Human Rights – a Strasbourg-based court established by the Council of Europe, of which the Czech Republic is a member. It decides especially on applications lodged by individuals against the Member States. Its decisions identify (non-)violation of the Convention for the Protection of Human Rights and Fundamental Freedoms by a Member State and the court can also award damages to the applicant.

Heterosexuality – emotional and sexual attraction to persons of the opposite biological sex. A heterosexual woman is attracted to men while a heterosexual man is attracted to women. Heterosexuality is currently considered a social norm.

Homophobia – a set of intolerant, hateful attitudes towards gays and lesbians including loathing, hate and aversion. By its nature, homophobia is close to sexism and racism and can thus be included under the general category of xenophobia.

Intersex – a term for physical features situated on a scale between what is typically considered male and female. Intersex people are born with sex organs which do not precisely fit what medicine and society expect of male and female bodies.

LGBT+ – an internationally used abbreviation representing four groups of persons – lesbians (L), gays (G), bisexuals (B) and transgender persons (T). The “+” symbol denotes potential inclusion of other diverse sexual orientations and identities, as well as potential sexual fluidity.

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.

Hate speech – a term which is not defined either in national or international law. It is usually understood as a type of verbal expression motivated by prejudice and stereotypes towards certain groups of people. Hatred may be motivated, e.g., by the skin colour of the victim, their nationality (národnost) or ethnicity, gender, sexual orientation, faith, religion or age. Hate speech can be included in a broader category of hate violence, which also includes physical attacks motivated by hatred towards certain vulnerable groups. Some hate-motivated attacks can be classified as crimes within the meaning of the Criminal Code.

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.

Harassment – a form of discrimination consisting in unwelcome and unsolicited behaviour associated with grounds of discrimination leading to diminishment of a person’s dignity and creation of a threatening, hostile, humiliating, degrading or offensive environment (e.g. making disability jokes 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).

Prejudice (stereotype) – an entrenched opinion or conviction in society that is not based on reliable knowledge, but rather on mere assumptions and generalisations. People accept certain opinions that are commonly mentioned or are instilled in them by a person of authority without an individual being willing to check whether these opinions and judgments are based on reality.

Direct discrimination – an act or a failure to take action, 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.

Registered partnership – a Czech legal concept representing a legal union of two persons of the same sex. The law anticipates this union to be lasting, but unlike marriage, it does not anticipate it to facilitate raising children.

Segregation – spatial separation of various social groups into distinct areas; in educational contexts, this means placing children in schools or classes according to their ethnicity or social status.

Sexual harassment – a form of discriminatory conduct of sexual nature; see the term “harassment”.

Sexual orientation – permanent emotional and sexual preference (attraction) for men, women or both sexes.

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 of possibilities for combining work with other areas of life out of work such as family, friends, free time, leisure activities, etc. Work-life balance can be achieved e.g. through working part time, from home, etc. Work-life balance measures are important in relation to employment of mothers and their position on the labour market. Insufficient measures supporting the balance between work and private life, be they legislative measures or measures taken by the individual employers, may disadvantage members of certain groups of people and thus lead to their discrimination.

Civil service (office) – administrative authorities and other bodies or legal entities as defined by law; these are institutions in which civil servants are employed.

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.

Sterilisation – making an individual unable to reproduce.

Transgender person (people, men, women) – an umbrella term denoting those whose gender identity (experienced sex) differs from the biological sex assigned at birth. The term includes persons with transsexual past, transgender persons, transsexual persons, cross-dressers, etc. According to the current state of knowledge, being a “transgender person” does not represent a serious deviation from the norm, but rather a remedy of the state assigned in connection with birth.

Transphobia – see the term “homophobia”. Instead of gays and lesbians, this term refers to transgender persons.

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