



## **European network of legal experts in gender equality and non-discrimination**

### **NEWS REPORT**

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| <b>Country:</b>                  | Czech Republic   |
| <b>Title:</b>                    | Research report by the Czech Ombudsman: Victims of discrimination and obstacles in access to justice |
| <b>Date:</b>                     | 30 July 2015   |
| <b>Expert:</b>                   | David Zahumenský   |
| <b><u>Context</u></b>            |  |
| <b>Issue at stake:</b>           | Access to justice for victims of discrimination in the Czech Republic                                |
| <b>Ground of discrimination:</b> | All grounds  |
| <b>Source:</b>                   | National equality body (Ombudsman)   |
| <b>Field:</b>                    | Access to justice  |
| <b>Applicable law:</b>           | Anti-Discrimination Law, other legislation   |

### **Content**

On the 1<sup>st</sup> July 2015 the Public Defender of Rights (Ombudsman) introduced a report called "Discrimination in the Czech Republic: victims and obstacles they face in access to justice", which focused on the following issues: Opinion of the General Public, Stakeholders in equal rights and Monitoring of court judgments and activities of administrative authorities.

#### **1) Opinion of the General Public**

In the last five years, about 11% of the Czech citizens over 18 have experienced discrimination or harassment in any ground. The questionnaire was given to a representative sample of 2079 respondents. This means that several tens of thousands of people in the Czech Republic face discrimination annually. People most feel discriminated against when searching for a job (66% respondents who had personal experience with discrimination) or performing a job (38%), mainly on age (62%) and sex (24%).

Most respondents with personal experience of discrimination admitted that they refrained from complaining while only about a tenth of the respondents decided to deal with the issue and complain to the authorities or organizations. This is related to the fact that almost 75% of the Czech population believe that discrimination victims have little chance of getting justice. The main obstacle is the scarce confidence in the capabilities of the authorities.

#### **2) Opinion of Stakeholders in Equal Rights**

According to judges (67), inspectors (30) and representatives of NGOs (19), the people who most often fail to complain include retired people, employees (particularly in big companies), low education groups and members of various minorities. This is due to the lack of information (people rarely know whether a certain behavior fulfills the definition of discrimination, how to defend, who can help them, how to obtain evidence and what remedies may be achieved), discouragement when some cases and their consequences are made public, as well as fear of authorities, courts, trials and judgments.

### **3) Monitoring of Court Judgments and Activities of Administrative Authorities**

There are very few applications claiming discrimination. The Ombudsman obtained 56 judgments of first instance courts in discrimination cases between 2004 and 2014. Most of these have been provided by courts and the Ministry of Justice, and some were already known to the Ombudsman. Since the Anti-Discrimination Law became effective (on September 1, 2009), an average 6 applications have been filed annually (the actual number may be higher- the Ombudsman most likely has not received all court judgments as the records of the Ministry of Justice are not complete).

The success rate of the applications of discrimination victims is low. Out of 22 applications in which the applicants claimed damages, the court ruled in favor of only one application and awarded damages of 51 000 CZK (€ 1 889). It is more likely that the alleged discrimination victim will have to pay the court costs rather than be awarded damages. While damages were awarded only in one case (out of 22), the applicants had to reimburse the opposing party for the court-related costs in 15 out of 56 cases.

People filed their discrimination claims more often with authorities rather than the courts. Between 2010 and 2014, while the State Labor Inspection Office obtained on average 317 claims annually related to an alleged violation of equal treatment at workplace, the Czech Trade Inspection Authority received 74 applications annually claiming discrimination of a consumer and the Czech School Inspectorate dealt annually with 15 applications concerning the principle of equal access to education.

In the period in question, the authorities penalized those discriminative activities which were corroborated by evidence in writing (discriminating job advertisements) or by witnesses (inspectors buying products or demanding services). The levied fines for discriminating job advertisements reached 23 850 CZK on average (€ 883). The average fine levied by the Trade Inspection Authority for double standard of prices for Czechs and foreigners was 43 750 CZK (€ 1 620).

#### **The Ombudsman proposes 15 key measures which include the following:**

- Create targeted information campaigns aimed at increasing the awareness of disadvantaged groups.
- Continually educate judges, attorneys, inspectors, clerks, teachers, social workers, police officers, health care personnel and other groups.
- Award damages to discrimination victims in trials.
- Provide free legal aid to discrimination victims and introduce a database of attorneys specialized in anti-discrimination law.
- Introduce actio popularis into legal codes in discrimination cases.
- Ensure that the issue of fair treatment is a regular part of inspections from authorities.
- Levy effective, adequate and deterring fines for violating discrimination rules.

#### **Internet link source:**

<http://spolecne.ochrance.cz/dokumenty-ke-stazeni/konference/konference-diskriminace-v-cr-obet-diskriminace-a-jeji-prekazky-v-pristupu-ke-spravedlnosti/> (Last accessed on 30 July 2015)