

**Statistical data on complaints concerning discrimination on the grounds of Roma ethnicity (2010 – 2012)**

2010

	Number of complaints	Discrimination found
Employment/occupation	2	0
Housing	11	2
Education	4	1
Services	1	0
Health care	2	0

2011

	Number of complaints	Discrimination found
Employment/occupation	2	0
Housing	11	0
Education	5	1
Services	1	0
Health care	0	0

2012

	Number of complaints	Discrimination found
Employment/occupation	3	0
Housing	9	0
Education	2	0
Services	1	0
Health care	1	1

## ***Explanatory notes***

### ***Complaints delivered to the Defender by the Roma***

The competence of the Public Defender of Rights is set forth in Section 1 of Act No. 349/1999 Coll., on the Public Defender of Rights, as amended, and reflects (*inter alia*) the obligations of the Czech Republic under international law. Therefore, complaints relating to discrimination form a small (even if important) fraction of the rather broad activities of the Defender (which include the entire public administration and places where people are restricted in their freedom). It thus cannot be ruled out that the Defender is also approached by the Roma in these other areas of the Defender's competence (e.g. social security, construction law, infractions, local fees, social and legal protection of children etc.), where the Roma do not indicate their ethnicity.

As an equality body, the Defender rigorously distinguishes (within the filing rules) between areas where discrimination on the grounds of both race and ethnicity is prohibited [in view of the wording of 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), and Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin].

The main areas where the Defender monitors fulfilment of the anti-discrimination regulations in respect of ethnic minorities are: labour and employment, healthcare, goods and services, housing, membership in chambers and unions, the social sphere, education, other public administration and other (marginal) areas.

### ***Processing of explicit information on ethnicity***

The Public Defender of Rights does not automatically process information on the race and ethnicity of complainants. Information on the complainants' ethnicity can only be found by combining two methods – finding the relevant files (complaints) where discrimination on the grounds of race or ethnicity was claimed and reviewing the files.

Discrimination of a Roma person based on other grounds (e.g. disability, age, sex) can only be detected by going manually through all files where discrimination was claimed in the relevant (required) time period.

The Defender fully respects the principle of self-determination. Therefore, this statistic indicates as Roma primarily those complainants who declared themselves as such.

Given the fact that the Czech Anti-Discrimination Act also enshrines the concept of "presumed discrimination" (Section 2 (5) of the Anti-Discrimination Act), the list also includes cases where a person was subjected to unequal treatment because the other party presumed that this person was Roma, even though s/he does not consider himself/herself Roma.

In addition to the above, we must take into account complaints that are related to the Roma question in the broader sense, but were lodged by members of the majority society (both natural and legal persons). In those cases, the Defender did not initiate inquiries, or s/he was not informed of the identity of the victim of discrimination, or the complainant (e.g. an NGO) failed to submit a power of attorney granted by the victim of discrimination. Subsequently, these complaints were filed and disposed of in accordance with the Public Defender of Rights Act (see Section 12 of the Act).

Last but not least, the tables also include the Defender's research in the area of equal treatment concerning access to municipal housing (2010) and education (2011 and 2012). In those cases, the Defender found discrimination on the grounds of ethnicity in the procedure of bodies of regional and local government and entities providing for education of pupils with special educational needs.

### ***Evaluation of the results***

Despite the fact that the Defender received a substantial number of complaints from the Roma in areas covered by the Anti-Discrimination Act, we must note that most of the complaints were filed and disposed of for reasons set forth in Section 12 of the Public Defender of Rights Act (mostly due to the failure to supplement information and documents required to assess the case). It is not uncommon that a complainant withdraws his/her complaint and does not wish that the Defender take any further steps or discontinues communication with the Defender altogether.

The unsatisfactory situation (not only in the area of discrimination on the grounds of race and ethnicity) led the Defender to initiate co-operation with non-governmental organisations that have long been active in the area of discrimination on the grounds of race and ethnicity.

For the sake of completeness, we must underline that most of the complaints delivered to the Defender in 2012 were not processed as of 28 February 2013 (especially in the area of housing, where the processing of the complaints is more demanding).