

Statement of the Deputy Public Defender of Rights on performance of obligations following from the Convention on the Elimination of All Forms of Racial Discrimination

Summary

The fact that equal treatment and anti-discrimination protection are regulated both under public and private law doesn't prevent victims of racial or ethnic discrimination to assert their rights effectively. Rather than by inadequate regulation, access to effective legal protection in the Czech Republic tends to be hindered by lacking knowledge or application of anti-discrimination legislation by Czech courts and Czech administrative bodies; obstacles can also be found in society and in individual decision-making.

The State should collect data on ethnic and national minorities on a regular basis with a view to proving or disproving suspicions of racial discrimination. Furthermore, the State should promote research on this topic and develop long-term cooperation with universities and scientific-research institutions.

Establishment of a national human rights institution (NHRI) was not discussed in the relevant period. We must insist on a cautious approach regarding the competence of the Public Defender of Rights, because yet another change could obscure the Defender's role in the eyes of general public.

Although members of ethnic minorities comply about discrimination in access to work and housing, they do not usually want to enforce their rights in court. To obtain evidence on racial discrimination and qualified legal protection, the Defender co-operates with non-governmental organisations (IQ Roma servis, Counselling Centre for Citizenship, Civil and Human Rights (*Poradna pro občanství, občanská a lidská práva*), Pro Bono Alliance).

Since 2005, the Defender has repeatedly recommended that a law on social housing be adopted. His recommendation was not heard in the relevant period.

The Defender believes that equal access of ethnic minorities (especially of Roma people) to full education is of a crucial importance. The judgement of the European Court of Human Rights in Case *D. H. and Others v. the Czech Republic* has not yet been satisfactorily executed. In spite of the above, the Defender supports the steps set out in the Action Plan for the execution of the aforementioned judgement, approved in December 2012. Beyond the scope of the Action Plan, the Defender considers it equally important to introduce the obligatory attendance in the final year of preschool education and to change the system of funding of regional schools.

The State should focus not only on combating racial discrimination, but especially on prevention and support. According to the Defender, training and education should be aimed especially at judges and attorneys-at-law, journalists, pupils and students, and – last but not least – employers and service providers.

The Defender continues to call for a law on free legal advice which would improve the situation of needy victims of racial or ethnic discrimination in the Czech Republic.

Article 2: Legal and regulatory anti-discrimination measures

National legislation on protection against racial discrimination

The Public Defender of Rights does not agree with the Committee's opinion that fragmentary anti-discrimination legislation in the Czech Republic prevents victims of racial discrimination to enforce their rights. The fact that anti-discrimination provisions are included both in private- and public-law regulations naturally reflects the State's attempt to enable exercising of both the public (administrative punishments) and private interests (civil proceedings in court). Protection against discrimination is thus clearly improved, not diminished. Both methods seek to create a social environment where discrimination hardly occurs. While in the former case, the State proceeds *ex officio*, in the latter, it waits for a motion filed by the discrimination victim and especially for specific claims possibly enforced by the victim vis-à-vis the discriminating person. I do not think that it is necessary to change anything in this respect *de lege ferenda*.

We should consider unifying the list of grounds of discrimination,¹ but with the exception of "race, ethnicity, nationality", as these grounds have been incorporated in all the relevant regulations and, having regard to the constitutional order and ratified international treaties, they may never be omitted.

I believe that victims of racial discrimination in the Czech Republic have at their disposal standard instruments to remedy any violation of their human dignity (moreover, the instruments are completely in line with the "Racial Equality Directive"). They may turn to an administrative body with an instigation to initiate administrative proceedings or to a civil court with an anti-discrimination claim. The three grounds of discrimination constituting a single unity ("race, ethnicity and nationality") represent the most powerful grounds of discrimination, because the law does not allow any form of unequal treatment (in contrast to e.g. age, sex or disability) and the concept of shared burden of proof applies to all life situations.²

As Deputy Defender, let me remind you that even four years after its adoption, the Anti-Discrimination Act is still a new legal regulation and needs more time to become embedded in the legal awareness of the public. Moreover, the Defender's comparison obtained from the Equinet network shows that the Act is indeed a timeless and highly progressive piece of legislation. Therefore, I rather lean towards raising awareness among minorities and improving the co-ordination role of the Defender and inspection bodies. Non-governmental organisations also play a significant role.

¹ Cf. different grounds listed e.g. in the Anti-Discrimination Act, the Public Service Act or the Schools Act.

² Cf. Section 133a of the Code of Civil Procedure.

(on final recommendation No. 7)

National non-legislative instruments of protection against racial discrimination

As an equality body, I fully support sociological surveys on ethnic or national minorities. In his activities, the Defender has also noticed a lack of disaggregated data which would refute the suspicion of indirect discrimination (e.g. with respect to access to education or housing). I consider the selection of an appropriate method of determining ethnicity the cornerstone of the debate.³ The State should endeavour to ensure that ethnic or national minorities themselves claim allegiance to their ethnicity/nationality as is the case abroad. The State currently pursues no systemic approach to processing data on ethnic or national minorities in the Czech Republic; I think that central governmental authorities (e.g. specialised ministries) could co-operate more closely with universities and/or scientific-research institutions.

(on final recommendation No. 6)

Institutional background – Public Defender of Rights

In December 2009, the Department of Equal Treatment was established within the Office of the Public Defender of Rights; about 5-8 people (lawyers) have been employed there since February 2013. The lawyers assisted, and still assist, the Defender in fulfilling his tasks pursuant to Section 21b of Act No. 349/1999 Coll., on the Public Defender of Rights, as amended. The Office also co-operates with experts in sociology, pedagogy and health care.

The Defender co-operates with governmental authorities (State Labour Inspectorate, Czech Trade Inspectorate, Czech National Bank, Czech School Inspectorate), which have anti-discrimination protection among their tasks,⁴ as well as the non-governmental sector (see below), universities (teaching of anti-discrimination law, legal practice for students of faculties of law and social studies) and other entities from both private (LMC) and public sectors (Judicial Academy, Czech Statistical Office, Ministry of the Interior, Office of the Government).

Individual tasks of the Defender in the area of equal treatment in the relevant period are addressed separately.

1) Methodological assistance to discrimination victims

According to the classification used by the European Commission and the Equinet international association, the Public Defender of Rights is so-called promotion-type and legal support body.⁵ Therefore, the Defender does not issue any binding decisions establishing, amending or abolishing rights and obligations of persons (he grants no satisfaction and imposes no fines). The Defender sends letters to complainants who complain about unequal treatment⁶; in these letters, he evaluates their situation and gives advice on how to deal with unequal treatment, if appropriate. The Defender's

³ More on this topic at <http://www.ochrance.cz/en/discrimination/research/>.

⁴ In 2010, the Defender and relevant administrative bodies entered into memoranda of understanding based on which these bodies regularly hold round table meetings and share their experience; the Defender also attends joint inspections as an "invited party" (the Defender visited around 25 school counselling facilities together with the Czech School Inspectorate in 2012 to check placement of pupils in former schools for children with special needs).

⁵ Cf. <http://www.equineteurope.org/-Czech-Republic->.

⁶ The Defender often communicates by phone or via e-mail. The Defender prefers less formal communication with complainants with a view to providing faster help. Appointed employees of the Office of the Public Defender of Rights often visit the complainant to perform a local inquiry because the Office is seated in Brno and does not have any external workplaces.

reports are thus recommendatory in nature and are not legally binding.

Czech information on Defender's activities in this area is available at <http://www.ochrance.cz/diskriminace/>

English version is available at <http://www.ochrance.cz/en/discrimination/>

Even if the Defender does not evaluate a complainant's situation as discrimination, the complainant can turn to another public authority (usually to inspection bodies) or to a court and request protection. The Defender is always ready to inquire into any complaints aimed against the procedure of administrative bodies. However, he may not intervene in the decision-making process of courts. Nevertheless, the Defender also provides discrimination victims with methodological assistance during initiated proceedings.

Regarding alternative settlement of disputes (mediation, conciliation), I must point out that the Mediation Act (Act No. 202/2012 Coll.) did not become effective in the Czech Republic until 1 September 2012 and applicants could not actually obtain the qualifications needed to perform the role of a mediator until early 2013. The Defender thus cannot provide any data on this issue. At the same time, the Defender has not recorded any cases of other means of alternative settlement of disputes (agreements or out-of-court settlements).

In the future, the Defender intends to recommend mediation especially in cases where no legal relationship was established (although it should and could have been established), or where a legal relationship still exists (for ethnic minorities, these can primarily be the questions of access to work and housing). Moreover, it follows from experience of foreign anti-discrimination bodies that alternative settlement of disputes is also a useful tool for implementing the so-called reasonable accommodation measures for persons with disability. The same may obviously be true even for ethnic minorities in case of multiple discrimination.

2) Publishing reports and making recommendations

The Defender's inquiry reports are published (in an anonymous form) on the Defender's website.⁷ The reports are structured according to prohibited grounds (including race and ethnicity) and areas of life. The Defender thus helps increase awareness of the issue of racial and ethnic discrimination.

In addition to providing methodological assistance to discrimination victims (inquiry into specific complaints), also including people of Romani origin, the Defender focused on issues which might, or do, directly affect Roma people. These include access to municipal housing and access to work. To eliminate various forms of discrimination (including racial discrimination), the Defender has issued two recommendations.

The first one concerns fulfilment of the right to equal treatment in access to municipal housing (2010). The second recommendation is related to the requirement to submit a statement of criminal record as a criterion for employment (2011).

The Recommendation to towns and municipalities on how to prevent the creation and expansion of socially excluded areas, with emphasis on provision of housing (2009), is another important document. The latter recommendation ensued from co-operation between the Defender and the Ministry of the Interior as a part of the Good Governance edition.⁸

⁷ See <http://eso.ochrance.cz/Vyhledavani/Search>.

⁸ Available at <http://www.ochrance.cz/dalsi-aktivity/publikace/edice-dobre-spravni-praxe/>.

The issue of discrimination of ethnic minorities is also addressed in the Recommendation regarding the fulfilment of the right of foreigners to equal treatment (2010).

The recommendations are available, both in Czech and English, at www.ochrance.cz (section Discrimination/Recommendations).

3) Research

The most important research activity in relation to Roma people took the form of the Survey into the Ethnic Composition of Pupils of Former Special Schools (i.e. schools for children with special needs) (2012), responding to a long-term criticism of the Czech Republic from the Council of Europe and the European Court of Human Rights. The report on survey is also available, both in Czech and English, at www.ochrance.cz.

The survey gained appreciation at both national and international levels (especially from the Commissioner for Human Rights of the Council of Europe.⁹

The Defender currently monitors the execution of his legislative recommendations addressed to the Government and the Ministry of Education.

4) Communication with European entities

The Defender considers the membership in the Equinet network to be the most crucial aspect of this chapter (2010). The Defender shares knowledge with other equality bodies at the individual (via e-mail inquiries) and collective level (within Equinet working groups).

Regarding racial and ethnic discrimination,¹⁰ the Defender actively contributed his knowledge to the following Equinet thematic reports:¹¹

- *Equality bodies combating discrimination on the ground of racial or ethnic origin* (2013)
- *Equality in Law Practice Report on Implementation on the Implementation of the Race and General Framework Directive* (2013)
- *Equinet Equality in Law Practice Report 2012: Comparative Analysis of discrimination cases in Europe* (2013)
- *Equinet's work for rights of Roma people* (2012)
- *Dynamic interpretation: European Anti-discrimination Law in Practice V* (2012)

For more information on communication with European entities, see the Annual Report on the Activities of the Public Defender of Rights in 2012, page 100, below.

Regarding the establishment of an independent national human rights institution (NHRI) in compliance with the Paris Principles, let me point out that there have been attempts, since 2009, aimed at extending the Defender's area of competence (defender of the rights of children, information commissioner, protection of whistleblowers, etc.). The establishment of NHRI has not yet been discussed in the Czech Republic (or, at least, the Defender did not participate in any such discussion in the relevant period).

⁹ See <http://www.ochrance.cz/en/discrimination/news-from-discrimination/news-from-discrimination-2013/council-of-europe-commissioner-for-human-rights-appreciates-the-ombudsmans-work-in-the-field-of-eq/>.

¹⁰ Including discrimination based on nationality.

¹¹ Available at <http://www.equineteurope.org/-Equinet-publications->

In 2013, I would like to refer the author of the report to the following two documents:

- Equality in Law Practice Report on Implementation of the Race and General Framework Directive (2013), page 10;
- Concluding remarks of the Public Defender of Rights, JUDr. Pavel Varvařovský, in the Annual Report on the Activities of the Public Defender of Rights, page 183.

(on final recommendation No. 9)

Article 5: Rights specifically guaranteed by the Convention

Part I Article 5 (e): Economic, social and cultural rights

Right to work and housing

The Defender addressed certain rights (rights to work and housing) in some of his recommendations and reports (see above).

He also initiated several inquiries into socially excluded areas (Přednádraží in Ostrava, municipality of Předlice in the Ústí Region). The inquiries focused on (in)activity of administrative bodies in the area of construction law, bodies providing assistance in material need and bodies for social and legal protection of children. The Defender always carried out an inquiry on site and suggested a remedy.

Regarding management of municipal housing, the Defender issued a report on his inquiry in early 2013; in the report, he evaluated the criteria by which the Statutory City of Plzeň assessed applicants for municipal flats (the criteria aroused suspicion in relation to the ethnic origin of the applicants). Although the Defender did not consider the criteria directly discriminatory, he suggested several remedies.

The Defender has also long pointed out the need to adopt a law on social housing (since 2005). Last time he repeated his legislative recommendation in the Annual Report for 2012, page 16.

(on final recommendations No. 14 and No. 20)

Right to health protection

Regarding the issue of Roma children placed in institutions, I would appreciate it if the party submitting the periodic report notified the Committee of the results of the work of the Public Defender of Rights and his Office in years 2011–2013. The Public Defender of Rights as the National Preventive Mechanism (NPM) under the Optional Protocol to the Convention against Torture systematically visited dozens of facilities where children are placed *de facto* or *de iure*, regardless of their ethnic or national origin. The results of his work were presented both to the general public and to the legislature. He also drew up the Standards of Care for Children in Need. This currently represents a comprehensive, independent view of the Czech system of care for children in need, which should be taken into account when preparing any recommendations. The Defender focused (apart from treatment of children as such) on crucial aspects of work which should be provided on a non-discriminatory basis: activities for recovery of biological families, separation of siblings, aspects of substitute family care, activities of bodies for social and legal protection of children.

A Czech summary is available at <http://www.ochrance.cz/ochrana-osob-omezenych-na-svobode/aktuality-z-detenci/aktuality-z-detenci-2013/zachazeni-s-detmi-umistenymi-v-institucich/>. Shortened English version is available at <http://www.ochrance.cz/en/protection-of-persons-restricted->

[in-their-freedom/news/news-2013/efforts-to-improve-the-treatment-and-living-conditions-for-children-in-institutions/](#).

(on final recommendation No. 13)

Right to education and training

The Defender commented on the right to education of ethnic and national minorities in the Survey into the Ethnic Composition of Pupils of Former Special Schools (i.e. schools for children with special needs) (2012) and addressed several legislative recommendations to the Government and the Ministry of Education, Youth and Sport. Subsequently, he participated in drawing up the Action Plan for the Execution of the Judgement of the European Court of Human Rights in the Case of *D. H. and Others v. the Czech Republic*.

As of 28 February 2013 (the end of the period relevant for the periodic report), we can conclude that the judgement has not yet been satisfactorily executed. I consider the procedure that would lead to elimination of schools segregated by ethnic origin or disability very slow.¹² Despite the above, I have to appreciate the steps taken by the Ministry of Education, Youth and Sports and the Office of the Government during the last year.

Personally, I perceive the issue of education of ethnic minorities (mainly Roma children) to be crucial because, without education, Roma people cannot escape the trap of social exclusion and aspire to better social and cultural conditions. From moral (let alone legal) point of view, it is unacceptable if mentally health children are educated based on a reduced curriculum. Such errors deserve severe punishment. On the other hand, legal representatives of children who often insist on placement of their children in former schools for children with special needs, even where this is at variance with the best interest of the children, should also change their perception of education. Representatives of international organisations often shut their ears to these facts. This, however, does not diminish the State's obligation to provide children, by all available means, with compulsory full-time schooling according to their individual needs and on a non-discriminatory basis.

Therefore, the Czech Republic must ensure that all children have equal access to full education and, in line with the concept of equality, provide compensatory and support measures to children with special educational needs. I thus consider it crucial (especially in relation to children living in a non-stimulating environment) to introduce obligatory attendance in the final year of preschool education and to change the system of funding regional schools (children with special educational needs must become "attractive" for mainstream education).

Regarding the phenomenon of so-called preparatory classes, I consider it necessary that the Ministry of Education, Youth and Sport (Czech School Inspectorate) co-operate with the Office of the Government and carry out inquiries in schools located in socially excluded areas where children are most often assigned from preparatory classes to elementary schools for children with special needs ("practical elementary schools"). The aim is to refute or confirm the assumptions of unlawful administrative practice, which clearly affects the rights of children (and pre-determines their educational career at the very beginning).

Regarding the concept of learning support assistants, I am going to deal in my further research (2014) with criteria based on which regional authorities approve the establishment of positions of learning support assistants. At this point, I can only point out that I have been dealing with complaints filed by

¹² See the Defender's comments on the amendment to the Schools Act: <http://www.ochrance.cz/tiskove-zpravy/tiskove-zpravy-2013/pripominky-ochrance-k-navrhovane-novele-skolskeho-zakona/>.

parents of children with disabilities who are dissatisfied with the insufficient number of assistants at schools; however, I also consider such assistants necessary for overcoming the so-called social disadvantage, especially by pupils during the first five years in elementary schools.

(on final recommendation No. 12)

Article 6: Protection against all manifestations of racial discrimination

Law on free legal advice

The Defender has long pointed out the lack of a **law on free legal advice** which would, *inter alia*, allow victims of racial or ethnic discrimination to access effective legal protection. This shortcoming is persisting and should be mentioned in the periodic report.

For more information see the Annual Report on the Activities of the Public Defender of Rights for 2012, page 16

Reduction of the judicial fee for filing an anti-discrimination claim

The Defender also suggests that **the judicial fee for filing an anti-discrimination claim be reduced**. Although he is aware that victims of racial or ethnic discrimination will usually be exempted from paying the judicial fee, it cannot be excluded that judicial protection might remain unavailable even for employed victims of ethnic discrimination given the amount of the judicial fee.

For more information see the Annual Report on the Activities of the Public Defender of Rights for 2012, page 18

Procedural aspects of the Anti-Discrimination Act

The Defender also issued a Statement on Procedural Aspects of the Anti-Discrimination Act, which he (apart from publishing on the Internet) submitted to the presidents of all the regional, superior and supreme courts. He thus managed to clear up certain initial doubts which arose in 2010 as to substantive jurisdiction of courts dealing with anti-discrimination claims. This was a precautionary step because unnecessary disputes about jurisdiction could prolong the proceedings.

The Statement is available at <http://www.ochrance.cz/diskriminace/pravni-stanoviska-pro-odborniky/>.¹³

Situation testing

To support Roma complainants when obtaining evidence for possible court proceedings in respect of discrimination, the Defender entered into agreement concerning the so-called situation testing with two non-governmental organisations (IQ Roma Servis and Counselling Centre for Citizenship, Civil and Human Rights) in 2012. Both organisations have experience in testing ethnic discrimination in various areas of life (access to services, health care or work). Two cases of ethnic discrimination were successfully tested by February 2013 (access to leased housing, access to services). An anti-discrimination claim was filed in the former case, while the Czech Trade Inspectorate was asked to

¹³http://www.ochrance.cz/fileadmin/userupload/DISKRIMINACE/Stanoviska/Stanovisko_verejneho_ochrance_prav_k_nekterym_procesnim_aspektum_antidiskriminacniho_zakona.pdf

initiate administrative offence proceedings in the latter. Both sets of proceedings are still pending.

General information are available at <http://www.ochrance.cz/diskriminace/pomoc-obetem-diskriminace/situacni-testovani/>

and at <http://www.ochrance.cz/en/discrimination/assistance-to-victims-of-discrimination/situation-testing/>.

Free legal advice to discrimination victims

Needy complainants who belong to ethnic minorities can take advantage of an agreement concluded between the Defender and *Pro Bono Alliance*, an association co-operating with attorneys-at-law who offer their legal services free of charge. Legal advice in a specific case is then provided based on an agreement concluded between a partner law office or an attorney-at-law, who is a member of *Pro Bono Alliance*, on the one hand, and the complainant (client), on the other hand. The Public Defender of Rights does not interfere in this relationship in any way. The Public Defender of Rights provides especially assessment of discriminatory behaviour in terms of substantive law, including analysis of national and international case law and of former statements made by the Defender as an anti-discriminatory body. As a basic precondition for this co-operation, the complainant must be a member of an ethnic minority and, according to the Defender, a victim of discrimination.

No case related to racial or ethnic discrimination has yet been advanced to the *Pro Bono* association.

A press release on past achievements of the project (for information purposes) is available in English at <http://www.ochrance.cz/en/discrimination/news-from-discrimination/>.¹⁴

Article 7: Role of the State in education against racial discrimination

Education of judges and attorneys-at-law

For the next phase of combating racial discrimination, I believe it is of crucial importance to pay attention to education of judicial trainees and assistant judges as well as of judges themselves in the area of anti-discrimination law. The Defender is aware that, when preparing for their future career, judges are not acquainted with developments of anti-discrimination law in Europe, especially with case law of ECHR and CJ EU. Therefore, it can happen that the first-instance judge does not rule in compliance with generally binding regulations and case law and the discrimination victim will not be willing to file a remedy in view of the need to pay the costs of the proceedings.

Based on communication with the Ministry of Justice and the Judicial Academy, the first practical workshop on anti-discriminatory law for judges and public prosecutors was prepared for June 2013. However, considering the approaching effective date of the New Civil Code, an insufficient number of applicants registered for the workshop. The Judicial Academy is ready to organise a new workshop at the end of 2013.

The same applies to trainee attorneys-at-law and attorneys-at-law. Therefore, I am also going to ask the President of the Czech Bar Association to consider including anti-discrimination issues among optional lectures for trainee attorneys-at-law (and lectures for attorneys-at-law) and edit the search index of attorneys-at-law available at www.cak.cz to enable discrimination victims to look up attorneys-

¹⁴ <http://www.ochrance.cz/en/discrimination/news-from-discrimination/news-from-discrimination-2013/cooperation-of-the-public-defender-of-rights-with-pro-bono-aliance-shows-first-signs-of-success/>.

at-law who also represent their clients in anti-discrimination disputes. This area of expertise is not offered at the present time.

Education of employers and service providers

The purpose of Defender's activities in the area of equal treatment is not only to protect discrimination victims. The Defender should act preventively and provide adequate support and information even to entities accused of discrimination (especially to employers and providers of goods and services, including housing services).

It is thus important that the Defender as well as the central governmental authorities (in co-operation with relevant inspection bodies) co-operate with the private sector and help it fulfil the principles of equal treatment and anti-discrimination legislation, not just in the area of racial or ethnic discrimination. The co-operation can take the form of joint training, surveys, distribution of information leaflets or codes, establishment of information portal or awards (e.g. Ethnic-Friendly brand)

I strongly miss such activities on the part of the State.

Education in schools

Schools are another place where I lack awareness campaigns or educational events; schools have yet to become inclusive given the long-term education of Roma children in former schools for children with special needs, or so-called ghetto schools, which naturally formed in areas inhabited mainly by Roma people.

It follows from the most recent surveys¹⁵ that children and youth show a very low tolerance towards ethnic minorities; I consider this alarming in view of future development (and experience of Western Europe).

The Czech Republic should take swift action to improve the situation and schools (at all levels of the educational system) should gain the widest possible support for implementation of various programs.

Training of journalists in the area of racial discrimination

Partial analyses of media coverage by the (print, radio and television) media in the Czech Republic point to the fact that journalists report on events related to ethnic minorities living in the Czech Republic (especially to Roma people) in a stereotyped pattern and feed prejudice of the majority society, which results in discrimination against this minority (especially in the areas of work, housing and education). At this point, I can fully refer to the most recent analysis drawn up by the Office of the Government.

The State should thus more effectively promote research and training initiatives (concept of ethical journalism) which support responsible approach of all journalists when informing the public about ethnic minorities.¹⁶ Based on another example from abroad, it can be recommended that journalists, for example, try to join an ethnic minority for 24 hours and get involved in normal life situations (job

¹⁵ Press release of 28 May 2013 from the Multipolis project "How Czech pupils perceive the world around them" (*Jak čeští žáci vnímají své okolí*), available at http://www.multipolis.cz/media/11903/shrnuti_vysledku_vyzkumu_multipolis.pdf.

¹⁶ Reference to: <http://ethicaljournalisminitiative.org/assets/docs/107/024/7d0676b-793d318.pdf>.

search, going into a bar, etc.).

I can see that the Council for Radio and Television Broadcasting has not yet fully used its competence in this connection (apart from administrative proceedings and imposition of penalties). The Council should intensify its activity in this area because available evidence shows that self-regulation (in the form of the Syndicate of Journalists) is not very effective.

Anonymous CVs

The Defender has been co-operating with the LMC company in the matters of employment since 2012. During this co-operation, several workshops have been held with recruiters of large and medium-sized companies (employers) on the topic of Fair Recruitment. Cases of ethnic or racial discrimination were also discussed during the co-operation. It was quite interesting to find out that the representatives of employers knew all the duties following from generally binding regulations¹⁷ and all of them were able to perform qualified assessment of cases of racial discrimination. It was also delighted to find out that all the recruiters understand that racial discrimination in employment (whatever form it takes) is inadmissible.

Despite these findings, it cannot be concluded that there are no problems with employment of ethnic minorities in the Czech Republic. Although I believe that the issue of education and qualification is of crucial importance (see above), the State (the Ministry of Labour and Social Affairs) should support various innovative projects aimed at fighting prejudices of the majority society towards ethnic minorities. These include the project of “anonymous CVs” which was already implemented in Germany (it was initiated by the German equality body). I believe that this method could improve the position of all minorities (not just the ethnic minorities) which are unable to find a vacancy on the labour market.

More information can be found at the Defender’s website:

<http://www.ochrance.cz/diskriminace/aktuality-z-diskriminace/aktuality-z-diskriminace-2013/>.¹⁸

¹⁷ I mean especially the Labour Code, the Employment Act, the Residence of Foreign Nationals Act and the Anti-Discrimination Act.

¹⁸ <http://www.ochrance.cz/diskriminace/aktuality-z-diskriminace/aktuality-z-diskriminace-2013/anonymizovane-zivotopisy-jsou-sanci-pro-vsechny-ukazuje-pilotni-projekt-nemeckeho-telesa-p/>