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B-1049 Brussels*

Country report

Non-discrimination

Transposition and implementation at national level of
Council Directives 2000/43 and 2000/78

Czechia

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Reporting period 1 January 2025 – 1 January 2026

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EXECUTIVE SUMMARY

1. Introduction

Society in Czechia, a country with a population of 10.5 million, has become increasingly homogenous during its post-war history. In 1945, as part of the settlements following the Second World War, legislation was approved to expatriate most Germans (the largest minority in Czechoslovakia) and Hungarians. The majority of the Czechoslovak Roma and Jewish populations had perished in German concentration camps and many members of the Jewish minority who survived the Holocaust were expatriated as German nationals. The traditional doctrine of Czechoslovak national identity, cultivated since the country's independence in 1918, was abandoned by post-war communist Governments, when separate Czech and Slovak nationalist trends finally prevailed. The Czechoslovak Federation was established in 1969 and was finally dissolved in 1993 when the separate countries of Czechia and the Slovak Republic were formed.

Furthermore, the legacy of the 40-year communist regime has had a negative effect on Czechia, attributing formalistic and imprecise meanings to justice and the rule of law. One of the tasks of the Czech anti-discrimination legislation is therefore to overcome the narrow and formalised perceptions of equal treatment and protection against discrimination held by public and political bodies.

During the communist regime, a number of measures against the Roma community were introduced. In 1959, a nomadic style of life was prohibited and measures were implemented to disperse Roma people across the Czechoslovak territory in permanent settlements. Roma language and culture was suppressed. Roma people were depicted as unwilling to work and adhere to laws. Today, the introduction of special measures in education and employment to balance disadvantages encountered by the Roma minority is still perceived by the majority of the public as giving unjustified advantages on the ground of ethnic origin.

Securing equal access to mainstream education for Roma children is still problematic. This issue had been highlighted previously by decisions and reports by various Council of Europe and UN bodies, including the European Court of Human Rights in its judgment *D.H. and others v. the Czech Republic* of 2007.¹ In 2014, infringement proceedings were initiated by the European Commission and are still ongoing (for reasons outlined in Section 7 below). Case law from the Czech courts, as well as legal opinions given by the Czech Ombudsman (the equality body) show that this issue remains current despite some positive developments described in Section 3.2.7 below.² Although legislative measures have been taken to avoid discrimination against Roma, it appears that the current mindset of Czech society may still lead to the segregation of Roma pupils and other undesirable phenomena.

2. Main legislation

Czechia has ratified all the instruments for combating discrimination within the two main international human rights systems, the United Nations and the Council of Europe, including the UNESCO Convention against Discrimination in Education, ILO Convention No. 111, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of Persons with Disabilities (CRPD). Czechia is also a party to the Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights and the

¹ European Court of Human Rights, *D.H. and Others v. Czech Republic*, No. 57325/00, 13 November 2007.

² See e.g. Constitutional Court (Ústavní soud), No. III. ÚS 1136/13, 12 August 2015, <https://nalus.usoud.cz/Search/GetText.aspx?sz=3-1136-13>. In this judgment, the Constitutional Court did not find discrimination although it clearly referred to the test of indirect discrimination established in ECtHR case law. The Czech Ombudsman criticised a director's attempt to restrict the number of Roma pupils accepted in the first year of a primary school and found direct discrimination in this case. Public Defender of Rights, Legal opinion No. 5202/2014/VOP, 16 April 2015, <http://eso.ochrance.cz/Nalezene/Edit/2812>.

International Covenant on Economic, Social and Cultural Rights. The national legal system is framed by the Czech Constitution, which refers to the Charter of Fundamental Rights and Freedoms of Czechia as part of the constitutional provisions.

Czechia transposed the EU equality directives into its national law in 2009 in the Anti-Discrimination Act.

3. Main principles and definitions

Definitions of direct and indirect discrimination, harassment and instructions to discriminate as well as victimisation are included in the Anti-Discrimination Act. The legislation provides protection from discrimination of natural persons. Legal persons are not expressly covered by the personal scope of the Anti-Discrimination Act. However, they are protected by the anti-discrimination provision in the Charter, as confirmed by the Constitutional Court e.g. when it considered alleged unequal treatment in taxation (concerning consumption taxes).³

The Act on service by members of the security services⁴ contains definitions of direct and indirect discrimination and harassment.

The Act on service by members of the armed forces⁵ contains a definition of harassment, but no definitions of direct and indirect discrimination. Like the Act on service by members of the security services, this act also contains a provision prohibiting instructions to discriminate.

Provisions on discrimination by association, multiple and intersectional discrimination are completely absent from Czech national legislation. Discrimination by assumption is, on the other hand, covered by the Anti-Discrimination Act.

Exemption on the grounds of genuine occupational requirements is provided for in the Anti-Discrimination Act, the Labour Code and the laws governing state service, service in the armed forces and in the security services. A reasonable accommodation clause for disability discrimination is provided in the Anti-Discrimination Act.

4. Material scope

The Czech anti-discrimination provisions implementing the directives cover labour relations, including employment and working conditions, dismissals and pay, and membership of and involvement in an organisation of workers or employers. Implementation applies to both the public and private sectors.

They also cover access to employment (job recruitment, re-qualification etc.) on all grounds included in the EU equality directives – sex, race and ethnicity, religion, disability (state of health), age and sexual orientation.⁶ The Anti-Discrimination Act also covers certain roles in public administration that are subject to special regulation, such as judges, public prosecutors, parliamentary deputies and others. Other areas covered by the Anti-Discrimination Act include membership of organisations whose members carry out a particular profession, self-employment, vocational training and education at all levels. The

³ Constitutional Court (Ústavní soud), Brno/Pl. ÚS 3/13, 15 October 2013, <https://nalus.usoud.cz/Search/GetText.aspx?sz=Pl-3-13>, see also: Constitutional Court (Ústavní soud), Brno/ IV. ÚS 13/98, 3 September 1998, <https://nalus.usoud.cz/Search/GetText.aspx?sz=1-13-98>.

⁴ Act No. 361/2003, on service by members of the security forces, 23 September 2003, Section 77.

⁵ Act No. 221/1999, on service by members of the armed forces, 14 September 1999, Section 2(3).

⁶ In an important case of 2016 concerning sexual orientation, the Constitutional Court asserted that registered partners can adopt children, referring to the European Convention on Human Rights (Articles 8 and 14), Czech Charter of Fundamental Human Rights and a number of decisions of the ECtHR. See: Constitutional Court, Pl. ÚS 7/15, 14 June 2016, <https://nalus.usoud.cz/Search/GetText.aspx?sz=Pl-7-15>.

Anti-Discrimination Act also provides protection on all grounds with respect to access to healthcare, housing, social security, social advantages and access to goods and services.

The Anti-Discrimination Act prohibits discrimination on the grounds of racial or ethnic origin, religion or belief, age, disability and sexual orientation. The Anti-Discrimination Act also covers nationality (in Czech: *národnost*) as a separate ground. In Czech law and language this term is not identical to citizenship (in Czech: *občanství*). The sense of the term is closer to national origin but does not mean exactly the same thing. According to the Czech Constitution, nationality may be freely chosen by the individual. This ground therefore covers both national and ethnic origin, whether this is a status by birth or simply chosen by the individual. Its scope with respect to the grounds covered is enumerative. On 1 January 2018, the Anti-Discrimination Act was amended to contain a reference to Regulation (EU) No. 492/2011 meaning that, in situations relating to free movement of workers where the regulation applies, EU citizenship will also be deemed a discrimination ground.⁷

The Act on service by members of the security forces (police officers, firefighters, customs officers, prison officers, members of the Security Information Service and officials of the Office for International Contacts and Information) does not provide for disability as a protected ground. The Act on service by members of the armed forces (i.e. soldiers), does not provide for age and disability as protected grounds.

There are on-going debates whether these exclusions are in compliance with the applicable EU law and international treaties. The Ombudsman has expressed the view that a full exclusion of the discrimination grounds is contrary to the EU law and can also be deemed a breach of the Convention for the Protection of Human Rights and Fundamental Freedoms.

5. Enforcing the law

The system of laws provides for civil, criminal and administrative enforcement. There are no serious problems regarding transposition of the equality directives in Czech legislation (the most arguable point being the full exception for discrimination grounds of disability and age for the security and armed forces). However, there are still some problems in relation to the enforcement of the existing laws.⁸

Where discrimination is alleged, civil actions may be brought under special provisions of the Anti-Discrimination Act. The Civil Procedure Code also applies, as does the shift of the burden of proof.⁹ Nevertheless, according to the Civil Procedure Code, the shifted burden of proof does not apply in all situations.¹⁰ In 2015, the Ombudsman recommended that Section 133a (relating to the burden of proof in discrimination cases) be amended in order to apply shifted burden of proof in all discrimination cases,¹¹ but despite some attempts the recommendation has not been put into practice.

The number of discrimination lawsuits remains low but is increasing slightly: until 2023 the courts usually adopted no more than 10 decisions in discrimination cases per year, in 2024 there were over 40 decisions and in 2025 more than 20. In 2020, the Ombudsman

⁷ Chamber of Deputies (2015), *Sněmovní tisk 688/0* (Press of the Chamber of Deputies No. 668/0), <http://www.psp.cz/sqw/text/tiskt.sqw?O=7&CT=688&CT1=0>.

⁸ See also: Tomšej, J. (2020) 'Sanction systems in the light of the EU Directives 2000/43/EC and 2000/78/EC: a comparative study of Slovakia, Czechia and Poland', *European Equality Law Review* No. 2/2020.

⁹ See Section 133a of Act No. 99/1963, Civil Procedure Code (*Zákon č. 99/1963 Sb., občanský soudní řád*), 4 December 1963.

¹⁰ For example, it does not apply in cases where a person with disability complains about access to services or education.

¹¹ Public Defender of Rights (Ombudsman) (2015), *Výroční zpráva o ochraně před diskriminací* (Annual report on protection against discrimination), p. 23, http://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Vyrocní_zpravy/2015-DIS-vyrocní-zprava.pdf.

published a study on the case law of Czech courts from 2015 to 2019; according to the research, only 90 lawsuits regarding discrimination were initiated during that period, with age and gender in employment being the most invoked discrimination grounds and fields.¹² However, the statistics only cover lawsuits where claims are raised under the Anti-Discrimination Act. Situations where discrimination appears as an argument, for instance, in a lawsuit regarding unfair dismissal or providing a payment under a contract, would not be included.

In practice, the number of cases where sanctions have been imposed because of an act of discrimination is limited. The proceedings are slow. Legal assistance is provided in limited circumstances through court-appointed lawyers and the Czech Bar Association. In the past, there was also a collaboration between the Czech Ombudsman and a NGO Pro Bono Alliance which provided free-of-charge legal support in cases selected by the Czech Ombudsman.¹³ While the framework for this cooperation is still in place, recently it appears that no cases have been taken over by the NGO.

NGOs and similar bodies cannot challenge discrimination before Czech courts either through *actio popularis* or class actions. According to the Ombudsman, better cooperation between NGOs and state institutions should be developed in order to improve access to justice for victims.¹⁴

Trade unions and organisations can represent their members as parties in proceedings on any matter, with the exception of business or trade disputes, although these powers are not frequently used. Furthermore, they cannot act in support of the victims.

On situation testing of discrimination, the Czech courts have already accepted in some cases¹⁵ that everyone is authorised to verify whether they can exercise their rights. The claimant usually has the same claims as if the case involved no situation testing. The Supreme Court also confirmed that financial compensation for victims may be provided in such cases (although this approach may not apply in all cases).¹⁶

In practice, situation testing is used by NGOs in order to prove discrimination in access to employment, services and housing.

Whether the sanctions imposed for discrimination are effective and dissuasive is doubtful. The law leaves it to the court to determine the amount of non-material damages, and the actual amounts awarded by the courts vary widely, with a general tendency to award relatively low amounts. The sums awarded as compensation for discrimination can vary in practice between EUR 200 (CZK 5 000) and EUR 16 000 (CZK 400 000).¹⁷ On the other hand, when claimants lose cases, they may be liable to compensate the defendant for costs, which amount in practice to around EUR 1 000 to EUR 2 000 but may be significantly higher in long-lasting, complicated lawsuits.

¹² Public Defender of Rights (Ombudsman) (2020), *Rozhodování českých soudů o diskriminačních sporech 2015-2019* (Discrimination case law of Czech courts 2015-2019), available at: https://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Vyzkum/2020-vyzkum_judikatura-DIS.pdf.

¹³ Public Defender of Rights (Ombudsman) (2015), *Diskriminace v ČR: Oběť diskriminace a její překážky v přístupu ke spravedlnosti* (Discrimination in the Czech Republic: Victims of discrimination and obstacles hindering their access to justice), https://www.ochrance.cz/uploads-import/ESO/CZ_Diskriminace_v_CR_vyzkum_01.pdf.

¹⁴ Public Defender of Rights (Ombudsman) (2015), *Discrimination in the Czech Republic: Victims of discrimination and obstacles hindering their access to justice*, p. 84, https://www.ochrance.cz/uploads-import/ESO/CZ_Diskriminace_v_CR_vyzkum_01.pdf.

¹⁵ Supreme Court (Nejvyšší soud) /30 Cdo 2314/2012, 28 February 2013, http://www.nsoud.cz/Judikatura/judikatura_ns.nsf/WebSearch/BD306CF3DD626402C1257B410032B5CB?openDocument&Highlight=0.

¹⁶ Supreme Court (Nejvyšší soud) /30 Cdo 2314/2012, 28 February 2013.

¹⁷ Public Defender of Rights (Ombudsman) (2020), *Rozhodování českých soudů o diskriminačních sporech 2015-2019* (Discrimination case law of Czech courts 2015-2019).

According to the Criminal Code, crimes relating to racial discrimination and discrimination on the grounds of religion or belief are to be prosecuted as crimes inciting hatred or violence on the grounds of race or religion or belief. The Criminal Code also makes provision for strict definitions of crimes affecting life, health or personal freedom when motivated by racist or religious hatred. In fact, criminal prosecutions for crimes relating to racial and religious discrimination are quite rare and are usually for serious criminal offences such as racially motivated murder or propagation of neo-Nazism.

Administrative enforcement consists of sanctioning misdemeanours and administrative offences. Relevant administrative procedures provide investigative powers for administrative bodies, such as the Labour Inspectorate or the Czech Trade Inspectorate. Fines will be imposed in cases of discrimination prohibited by the national law. In practice, administrative enforcement may be an easier and more accessible tool for victims of discrimination who decide not to commence a lawsuit; however, there are no statistics available on the number of complaints filed by individuals to administrative bodies.

There has been no notable action in recent years to encourage dialogue with NGOs with a view to promoting the principle of equal treatment. Promoting dialogue between social partners with regard to the principle of equal treatment in practices within the workplace is a task that comes under the jurisdiction of the tripartite agreement (bringing together key stakeholders in the labour market: employers, trade unions and the Government) and the Ministry of Labour. However, there have been no further significant developments or opportunities in this respect.

Other than the above, and other than quotas for persons with disabilities mentioned in Section 5(b) of the report, the author is not aware of any specific programmes or positive actions targeting specific groups such as persons with disabilities, Roma or LGBTIQ+ people.

6. Equality bodies

The equality body in Czechia was established with effect from 1 December 2009. The Anti-Discrimination Act does not establish a new body but awards the functions required by Article 13 of Directive 2000/43/EC to the Public Defender of Rights (Czech Ombudsman). The Czech Ombudsman also has the remit of the equality body with powers in regard to the full scope of the Anti-Discrimination Act.

Within the anti-discrimination legislation, the Ombudsman contributes to combating racism and xenophobia and to the promotion of equal treatment of all persons, irrespective of sex, race, ethnic origin, sexual orientation, age, disability, religion or faith and nationality (in Czech: *národnost*). It can provide independent assistance to victims, conduct research and publish independent reports and make recommendations. The Czech equality body is independent and has a very proactive approach.

In 2025, the Ombudsman resolved 508 complaints relating to discrimination.¹⁸ This is similar to the figures in previous years. Many complaints do not refer to any discrimination grounds and as such cannot be reviewed by the Ombudsman. In 2025, the number of such cases has, however, decreased, so the Ombudsman effectively had to deal with more cases than in the previous years. More information can be found in section 7.10.a of this report.

Current personnel and financial capacities allow the Ombudsman to provide only limited assistance to victims and the time taken by the Ombudsman's team to analyse cases is often rather long. The Czech Ombudsman is not empowered to provide victims with representation before the courts. The Ombudsman can only evaluate whether a case

¹⁸ Defender of Rights (Ombudsman) (2026), *Výroční zpráva 2025* (Annual report 2025), available at: <https://www.senat.cz/xqw/webdav/psssenat/original/119389/100255>.

involves discrimination or not and provide the victim with an opinion as to whether the case is likely to be successful before the Czech courts.

7. Key issues

There are no transposition issues regarding the Racial Equality Directive 2000/43/EC and Directive 2000/78/EC. However, some problems arise in the implementation of the goals of the Directive and in securing equal access to education for Roma children in practice.¹⁹

In 2015, an improvement was achieved with the amendment to the Schools Act and in particular the introduction of Section 16(9) of the Schools Act, which provides for better integration of pupils with disabilities (which is often implied for Roma children – arguably often as a misdiagnosis) and those with special educational needs generally, which was accepted in February 2015. Among other things, the amendment establishes a preference for individual rather than group integration.²⁰ This means that, wherever possible, a pupil should be integrated individually into the mainstream environment with adequate support. The main parts of the amended provisions came into force on 1 September 2016 and introduced a system of inclusive education. Several positive improvements were adopted, such as various supporting measures²¹ for pupils with special educational needs, a system of financing of those measures and the establishment of a review body in the field of diagnostics. Although some improvements can be seen in practice, the 2015 reforms have proven insufficient to address systemic segregation. Following the worsening of the situation between 2017 and 2021, as of 2025, approximately 130 segregated schools remain in operation.

Significant legislative developments occurred in 2025. Act No. 267/2025, enacted in August 2025 with effect from 1 September 2025 and 1 January 2026, introduced: mandatory school psychologists or special pedagogues in larger primary schools; indexed funding to address inequalities among schools based on pupil composition; and the expansion of free language preparation, doubling the entitlement from 200 to 400 hours over a two-year period for pupils whose first language is not Czech and extending eligibility to Czech citizens with insufficient proficiency in the Czech language. Decree No. 306/2025 amended Decree No. 27/2016, known as the Inclusive Decree, with new rules on teaching assistant allocation and the provision of support measures.

In recent years, the Constitutional Court issued two landmark rulings: in 2023, holding that requiring parents to pay for teaching assistants is contrary to the constitutional principle of free basic education (Article 33(2) of the Czech Charter of Fundamental Rights and Freedoms); and on 17 December 2025, striking down separate enrolment procedures for Ukrainian refugee children as unconstitutional segregation. This latter ruling resulted from abstract (*ex post*) constitutional review under Article 87(1)(a) of the Constitution, initiated by a group of senators,²² who challenged Section 2(5) and (6) of Act No. 67/2022 as amended by Act No. 24/2025.

Despite these legal advances, international pressure has intensified. The European Commission issued an additional formal notice on 3 October 2024, threatening infringement proceedings concerning Czechia's failure to secure equal access to education for Roma children in breach of the Racial Equality Directive. The Council of Europe continues enhanced supervision of the *D.H.* judgment execution, with Czechia submitting an interim report in January 2025 and a new action plan on preschool participation in

¹⁹ See also: Defender of Rights (Ombudsman) (2021), *Implementation of the Right to Equal Treatment and Protection against Discrimination, Monitoring Report 2020*, available at: https://www.ochrance.cz/uploads-import/ESO/OMBUDSMAN-NF_monitor-z-01_EN.pdf.

²⁰ A term used in the Czech school system, where 'group integration' means the creation of special study groups or classes in the mainstream school.

²¹ Specified by Decree No. 27/2016, on the education of pupils with special educational needs and talented pupils, 28 January 2016, <https://www.zakonyprolidi.cz/cs/2016-27>.

²² The group was led by senators belonging to TOP 09, a liberal leaning centre-right party.

December 2025. The Ministry of Education, National Pedagogical Institute, and PAQ Research launched the methodological portal Desegregace.cz in December 2025, providing 44 specific interventions based on pilot projects in 10 Czech cities.

Notwithstanding the above, while the 2024-2025 legislative reforms represent the most comprehensive overhaul of Czech education law since 2004, effective implementation remains uncertain following the October 2025 change of Government.

In the author's view, another potential point of non-compliance with EU law might be found in relation to the wording of Section 10 of the Anti-Discrimination Act, which states that victims of discrimination can be awarded monetary compensation for non-pecuniary damage as a subsidiary remedy. Specifically, Section 10 of the Anti-Discrimination Act provides that should none of the forms of redress appear adequate, the victim of discrimination also has the right to monetary compensation for non-pecuniary damage. Although the monetary compensation for non-pecuniary damage should be awarded alongside another form of redress, in Czechia, it inherently represents a subsidiary remedy.²³ As a result, the author has doubts as to whether this provision is in compliance with Article 15 of Directive 2000/43/EC, which states that payment of compensation to the victim must be effective, proportionate and dissuasive, as well as Article 17 of Directive 2000/78/EC and Article 8d of Directive 2002/73/EC.

A further concern regarding compliance arises in relation to the standing of associations. Article 7(2) of Directive 2000/43/EC (and the corresponding Article 9(2) of Directive 2000/78/EC) requires Member States to ensure that associations, organisations or other legal entities with a legitimate interest may engage, either on behalf of or in support of the complainant, with their approval, in any judicial or administrative procedure for the enforcement of obligations under the directives. Czech procedural law, however, does not allow non-governmental organisations to act on behalf of or as a representative of victims of discrimination in court proceedings.

There are also concerns with regard to the compliance of Act No. 361/2003 on service by members of the security forces and Act No. 221/1999 on service by members of the armed forces with Directive 2000/78/EC. These acts provide for the complete exclusion of some discrimination grounds (age and/or disability) from the equal treatment principle within the public service relationships regulated by those acts. There appears to be no justification for such a broad exception, and the Ombudsman has found there to be a breach of the CRPD and the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).

²³ Public Defender of Rights (Ombudsman) (2015), *Diskriminace v ČR: Oběť diskriminace a její překážky v přístupu ke spravedlnosti* (Discrimination in the Czech Republic: Victims of discrimination and obstacles to the access to justice), pp. 99-100.

INTRODUCTION

The national legal system

Czech law consists of ordinary (statutory) law and constitutional law. The main source of the Czech constitutional law is the Czech Constitution (Act No. 1/1993) and the Charter of Fundamental Rights and Freedoms (Act No. 2/1993, the Charter). The Charter plays a critical role in the protection of individuals against discrimination.

The only body competent to interpret the Charter with binding effect is the Constitutional Court.²⁴ The Constitutional Court can only deliver such interpretation through a judicial decision.

The Constitutional Court has the jurisdiction to annul laws and other legal enactments if they are in conflict with the Charter, Constitution or constitutional laws.²⁵ According to the Constitutional Court, it also has a jurisdiction to do so when such laws are in conflict with international treaties on human rights.²⁶

If conflict between a law and the constitutional order arises in a lower court, its judge is obliged to refer the case to the Constitutional Court.²⁷ However, in the event of conflict between Czech law and EU law, even the lower courts must apply EU law as a matter of priority.²⁸ All ordinary laws are on a lower level of the hierarchy and are equal to each other. Ordinary laws are superior to ministerial decrees or Government resolutions, which can only regulate issues if ordinary laws expressly allow this.

List of main legislation transposing and implementing the directives

Official title of the Law: Act No. 2/1993, Charter of Fundamental Rights and Freedoms Abbreviation: Charter Latest amendment: Constitutional Act No. 162/1998, in force since 1 January 1999 Grounds covered: sex, race, colour, language, religion or belief, political or other orientation, national or social origin, adherence to national or ethnic minority, property, birth or other status Material scope: fundamental rights declared by the Charter

Official title of the Law: Act No. 198/2009, Anti-Discrimination Act Abbreviation: Anti-Discrimination Act Date of adoption: 23 April 2009 Date of entry into force: 1 September 2009 Latest amendment: 1 January 2018 Web link: https://www.ochrance.cz/uploads-import/DISKRIMINACE/pravni_predpisy/Anti-discrimination-Act.pdf Grounds covered: race, ethnic origin, nationality (<i>národnost</i>), sex, sexual orientation, age, disability, religion or belief or other conviction Civil/administrative/criminal law: Civil law Material scope: public employment, private employment, access to goods or services (including housing), social protection, social advantages, education Principal content: Act on equal treatment and on the legal measures of protection against discrimination

²⁴ Constitution of the Czech Republic, 1 January 1993, Article 89(2), 'Enforceable rulings of the Constitutional Court shall be binding for all agencies and individuals.'

²⁵ The jurisdiction of the Constitutional Court to annul laws stems from Article 87(1) of the Czech Constitution.

²⁶ Constitutional Court (Ústavní soud) No. Pl. ÚS 36/01, 25 June 2002. All case law of the Constitutional Court can be found at: <https://nalus.usoud.cz/Search/GetText.aspx?sz=Pl-36-01>.

²⁷ According to Article 95(2) of the Czech Constitution.

²⁸ Constitutional Court, No. Pl. ÚS 19/04, 21 February 2006, <http://nalus.usoud.cz/Search/GetText.aspx?sz=Pl-19-04>.

Official title of the Law: Act No. 361/2003, on service by members of the security forces Abbreviation: Act on service by members of the security forces Date of adoption: 23 September 2003 Entry into force: 1 January 2007 Latest amendment: 1 January 2026 Web link: https://www.zakonyprolidi.cz/cs/2003-361/zneni-20220101 Grounds covered: age, race, colour, sex, sexual orientation, religion and belief, political orientation, national origin, nationality (<i>národnost</i>), ethnic or social origin, property, birth, marital and family status²⁹ or family duties, membership of trade unions and other organisations Civil/administrative/criminal law: Administrative law Material scope: public employment Principal content: Rules on non-discrimination of members of the security forces
Official title of the Law: Act No. 262/2006, Labour Code Abbreviation: Labour Code Date of adoption: 21 April 2006 Entry into force: 1 January 2007 Latest amendment: 1 January 2026 Web link: https://www.zakonyprolidi.cz/cs/2006-262 Grounds covered: sexual orientation, racial or ethnic origin, nationality, citizenship, social origin, descent, language, health condition,³⁰ age, religion or belief, property, marital and family status and family relationships or obligations, political or other opinion, membership and activity in political parties or political movements, trade unions or employers' organisations Civil/administrative/criminal law: Civil law Material scope: employment relations, labour relations, rights and duties of an employer and an employee Principal content: Rules on non-discrimination in employment
Official title of the Law: Act No. 435/2004, on employment Abbreviation: Employment Act Date of adoption: 13 May 2004 Entry into force: 1 October 2004 Latest amendment: 1 January 2026 Web link: https://www.zakonyprolidi.cz/cs/2004-435 Grounds covered: sexual orientation, racial or ethnic origin, nationality, citizenship, social origin, gender, language, health condition,³¹ age, religion or belief, property, marital and family status and relationship or obligations to the family, political or other opinion, membership and activity in political parties or political movements, trade unions or employers' organisations Civil/administrative/criminal law: Administrative law Material scope: state employment policy, protection against unemployment Principal content: Rules on non-discrimination in the area of state employment policy
Official title of the Law: Act No. 561/2004, on preschool, primary, secondary, higher technical and other education Abbreviation: Schools Act Date of adoption: 24 September 2004 Entry into force: 1 January 2005 Latest relevant amendment: 1 January 2026 Web-link: https://www.zakonyprolidi.cz/cs/2004-561/

²⁹ This would also include same-sex families.

³⁰ The law uses the term health condition instead of disability. In the author's opinion, it would fully cover the concept of disability.

³¹ The law uses the term health condition instead of disability. In the author's opinion, it would fully cover the concept of disability.

Grounds covered: race, colour, sex, language, belief and religion, nationality, ethnic or social origin, property, birth and health condition³² or other status of the citizen,
Civil/administrative/criminal law: Administrative law
Material scope: conditions of preschool, primary, secondary, higher technical and other education
Principal content: Rules on non-discrimination in education

³² The law uses the term health condition instead of disability. In the author's opinion, it would fully cover the concept of disability.

1 GENERAL LEGAL FRAMEWORK

Constitutional provisions on protection against discrimination and the promotion of equality

The constitutional law of Czechia includes the following articles dealing with non-discrimination:

Article 3 of the Charter guarantees equality in access to fundamental rights and freedoms and includes an open-ended list, expressly prohibiting discrimination on the grounds of sex, race, colour, language, religion or belief, political or other conviction, national or social origin, membership of a national or ethnic minority, property and birth or other status. The Constitutional Court confirmed that age may fall under the category of 'other status'.³³ Other grounds, such as disability or sexual orientation arguably also fall under 'other status', but there is no definitive statement on that.

Sexual orientation has not yet been expressly confirmed as a discrimination ground under the Charter. However, in the 2016 judgment regarding adoption by same-sex couples, the Constitutional Court referred to Article 1 of the Charter, which states that 'all individuals shall be equal in their rights and dignity'.³⁴

These provisions apply to all areas covered by the directives. Their material scope is broader than those of the directives.

The constitutional anti-discrimination provisions are directly applicable, but cannot be enforced against private persons.

³³ Constitutional Court, judgment No. II. ÚS 1609/08, of 30 April 2009.

³⁴ Constitutional Court, Pl. ÚS 7/15, 14 June 2016, <http://nalus.usoud.cz/Search/GetText.aspx?sz=Pl-7-015>.

2 THE DEFINITION OF DISCRIMINATION

2.1 Definition of the grounds of unlawful discrimination within the directives

With the exception of the definition of disability in Section 5(6) of the Anti-Discrimination Act, there are no definitions in the strict sense of any of the grounds.

However, the grounds of unlawful discrimination are interpreted as follows.

a) Racial or ethnic origin

There is no normative definition of racial or ethnic origin in Czech national law. Czech law does not clearly distinguish between the terms 'race' and 'ethnic origin'. The widely used academic *Commentary on the Anti-Discrimination Act* distinguishes race and ethnicity in the following manner: 'Race refers to physiological signs, whereas ethnicity also involves social signs such as nationality, language, culture, history or religious tradition.'³⁵ Nationality constitutes a separate discriminatory ground; nationality, as opposed to ethnic origin, depends on the free choice of the individual.³⁶ However, in connection with discrimination towards Roma people, the discrimination based on ethnic origin is used for reference, although the Constitutional Court employs the terms ethnic or racial discrimination interchangeably.³⁷ In 2015, the Czech Ombudsman stated that ethnic origin is the ground of discrimination requiring the strongest protection and that the law considers it to be particularly unacceptable. Later in the statement, the Ombudsman continues using both racial and ethnic origin as terms.³⁸ Most recent literature summarises that it is more usual to refer to discrimination against Roma as discrimination on the basis of ethnic origin.³⁹

The Constitutional Court considers differentiation based on racial or ethnic origin as absolutely prohibited, however, it is doubtful whether in practice that ensures the applicants any specific position before the Constitutional Court.⁴⁰ For example, in the case of *D. H. and Others*, the Constitutional Court did not ascertain indirect discrimination of Roma pupils in the field of education. In that case, the Constitutional Court declared that the fact that Roma children represent about 70 % of the pupils in special schools is a fact demonstrated by the statistics and does not present an individual infringement.⁴¹

It emerges from the *Commentary on the Anti-Discrimination Act* that the Constitutional Court gives greater attention in its case law to other criteria of differentiation rather than to racial discrimination, although racial discrimination was classified as a 'traditionally prohibited discrimination ground' in its case law.⁴²

³⁵ Boučková, P., Havelková, B., Koldinská, K., Kühn, Z., Kühnová, E., Whelanová, M. (2016), *Antidiskriminační zákon Komentář* (Commentary on the Anti-Discrimination Act), Praha, C. H. Beck, p. 44.

³⁶ Boučková, P., Havelková, B., Koldinská, K., Kühn, Z., Kühnová, E., Whelanová, M. (2016), *Antidiskriminační zákon Komentář* (Commentary on the Anti-Discrimination Act), Praha, C. H. Beck, p. 59.

³⁷ Constitutional Court, No. I. ÚS 1891/13, 11 August 2015, https://nalus.usoud.cz/Search/GetText.aspx?sz=1-1891-13_1.

³⁸ Public Defender of Rights (2015), *Zpráva o nezjištění diskriminace* sp. zn. 788/2015/VOP (Report on discrimination No. 788/2015/VOP), Brno, Veřejný ochránce práv, <http://eso.ochrance.cz/Nalezene/Edit/3302>.

³⁹ Tomšej, J. in Tomšej, J., Polák, P., Koldinská, K., Presserová, P. (2023): *Antidiskriminační zákon a související předpisy. Praktický komentář* (Practical commentary on the Anti-Discrimination Act and related regulations), Prague, Wolters Kluwer, p. 34.

⁴⁰ Boučková, P., Havelková, B., Koldinská, K., Kühn, Z., Kühnová, E., Whelanová, M. (2016), *Antidiskriminační zákon Komentář* (Commentary on the Anti-Discrimination Act), Praha, C. H. Beck, p. 49.

⁴¹ Constitutional Court, No. I. ÚS 297/99, 20 October 1999, <https://nalus.usoud.cz/Search/GetText.aspx?sz=1-297-99>.

⁴² Boučková, P., Havelková, B., Koldinská, K., Kühn, Z., Kühnová, E., Whelanová, M. (2016), *Antidiskriminační zákon Komentář* (Commentary on the Anti-Discrimination Act), Praha, C. H. Beck, p. 49. However, the commentary does not specify these other criteria.

Protection against racial discrimination also includes the protection of national minorities. There is no difference between national and ethnic minorities in the Czech legislation. Act No. 273/2001 on the rights of members of national minorities only recognises national minorities, who are:

'A community of citizens of the Czech Republic who live on the territory of the present Czech Republic and as a rule differ from other citizens by their common ethnic origin, language, culture and traditions; they represent a minority of citizens and at the same time they show their will to be considered a national minority for the purpose of common efforts to preserve and develop their own identity, language and culture and at the same time express and preserve interests of their community which has been formed during history.'⁴³

There are 14 officially recognised national minorities, including Roma, which are represented in the Government Council for National Minorities.⁴⁴

The author is not aware of any court decisions providing comprehensive definitions of racial or ethnic origin. There are different approaches to gathering data on Roma individuals in practice. This may include both self-reporting as well as identification by another person. The *Practical Commentary on the Anti-Discrimination Act* recommends the combining of both approaches or their modification (identification by other members of the same minority, identification based on objective statistical data etc).⁴⁵

Concerning criminal punishment of racial discrimination, the Criminal Code specifically penalises the foundation of and participation in an organisation promoting racial discrimination or the crime of racially motivated murder.⁴⁶

Recital 17 of Directive 2000/78/EC is not expressly reflected in national anti-discrimination legislation.

b) Religion or belief

There is no normative definition of religion or belief in Czech national law. Detailed regulations on churches and religious organisations exist, but their purpose is to regulate the existence of churches and religious organisations as legal entities *sui generis*,⁴⁷ rather than to provide detailed regulations for the protection of freedom of belief. Freedom of religion is not limited only to churches and religious organisations listed in the state register. Act No. 3/2002 on the freedom of belief and the status of churches and religious

⁴³ Act No. 273/2001 on the rights of members of national minorities (*Zákon č. 273/2001 Sb, o právech příslušníků národnostních menšin a o změně některých zákonů*), 10 July 2001, Section 2(1).

⁴⁴ The national minorities represented in the Government Council for National Minorities (Rada vlády pro národnostní menšiny) are the Belarusian, Bulgarian, Croatian, Hungarian, German, Polish, Roma, Ruthenian, Russian, Greek, Slovak, Serbian, Ukrainian, and Vietnamese minorities.

⁴⁵ Tomšej, J.: § 2 in Tomšej, J., Polák, P., Koldinská, K., Presserová, P. (2023): *Antidiskriminační zákon a související předpisy. Praktický komentář* (Practical commentary on the Anti-Discrimination Act and related regulations), Prague, Wolters Kluwer, p. 33.

⁴⁶ Act No. 40/2009, Criminal Code (*Zákon č. 40/2009 Sb., trestní zákoník*), 8 January 2009, <https://www.zakonyprolidi.cz/cs/2009-40>.

⁴⁷ The status of churches and religious organisations as legal entities *sui generis* is created by their registration with the state. It is up to churches and religious organisations to decide whether to register. Those that do not wish to register can exist and conduct services and other activities, unless they violate the legal order or represent a danger to public safety, restrict personal freedom or violate the rights of others. On registration, churches and religious organisations have, under certain conditions, access to special rights, e.g. the right to teach religion in schools, the right of their priests/ministers to be paid by the state, the right to confidentiality of information with regard to the police and other parts of the official administration etc. The laws set out the requirements for registration. One of the most important requirements is that the proposal for registration must be submitted by three individuals with Czech citizenship and it must include a list of signatures of at least 300 people who support the registration.

organisations,⁴⁸ declares the right to freedom of thought, conscience and religion. Any religion may still be practised, but they are not all subject to regulation under the Act on the freedom of belief and the status of churches and religious organisations.

A definition that set out what comprises a religion or belief would probably be constitutionally problematic.⁴⁹ Constitutional interpretation allows only for a negative definition and characterises religious freedom as:

'Forum internum, which means every individual has the freedom to profess a certain religion and third parties and especially public authorities may not encroach on this freedom. It enjoys so-called *status negativus, resp. libertatis* (G. Jellinek),⁵⁰ and as such it is perceived not as a "positive" right, but as a right of a "defensive" character. It is characterised by a line demarcating the individual's free space which public authorities are not permitted to enter.'⁵¹

Freedom of belief should still be protected, but no one can predict or determine what and how individuals will believe and what issues may be important for the expression of such beliefs.

In general, there are few cases of religions discrimination, a fact that goes hand in hand with the secular nature of the country and low number of religious minorities.

c) Disability

Section 5(6) of the Anti-Discrimination Act defines disability as physical, sensory, mental, psychological or other impairment, which restricts or may restrict individuals in their right to equal treatment within the scope of the Anti-Discrimination Act. In the view of the author of this report, the term 'mental' relates to intellectual disabilities, while 'psychological' relates to psychosocial disabilities. In other words, the law says that it protects people who face difficulties asserting their right to equal treatment where this difficulty is related to a disability. This disability must be long term, meaning it has lasted, or is expected to last, according to medical opinion, for a minimum of one year.

The Czech Ombudsman has previously highlighted that long-term illness is only protected under the current definition of disability in the Anti-Discrimination Act if all definition criteria for disability are fulfilled.⁵² Although the legal literature recognises disability as resulting from the interaction of a person with the environment, a certain type of diagnosis is still required. According to the *Commentary on the Anti-Discrimination Act*⁵³ and the Public Defender of Rights, the Czech Anti-Discrimination Act is based on a social model of disability.⁵⁴ Nevertheless, judicial interpretation may still be required to see whether it is in fact in absolute conformity with the concept of the social model of disability used in the Convention on the Rights of Persons with Disabilities and the definition adopted by the

⁴⁸ Act No. 3/2002 on the freedom of belief and the status of churches and religious organisations (*Zákon č. 3/2002 Sb., o svobodě náboženského vyznání a postavení církví a náboženských společností*), 27 November 2001.

⁴⁹ Article 15(1) of the Czech Charter of Fundamental Rights and Freedoms reads as follows: 'Freedom of thought, conscience and religion is guaranteed. Everybody has the right to change his/her religion or faith or to be without any religious creed.'

⁵⁰ Jellinek, G. (2011), *System der subjektiven öffentlichen Rechte* (System of Subjective Public Rights), Mohr Siebeck, Tübingen, p. 13.

⁵¹ Constitutional Court, Pl. ÚS 6/02, 27 November 2002, <http://nalus.usoud.cz/Search/GetText.aspx?sz=Pl-6-02>.

⁵² Examples where the Ombudsman confirmed the definition of disability as including kidney stones or HIV (also in its initial stage). See Public Defender of Rights (2015), *Zpráva o zjištění diskriminace*, sp. zn. 5560/2014/VOP (Report on discrimination No. 5560/2014/VOP), Brno, *Veřejný ochránce práv*.

⁵³ Boučková, P., Havelková, B., Koldinská, K., Kühn, Z., Kühnová, E., Whelanová, M (2016), *Antidiskriminační zákon Komentář* (Commentary on the Anti-Discrimination Act), Praha, C. H. Beck, p. 109.

⁵⁴ Public Defender of Rights (2015), *Zpráva o zjištění diskriminace*, sp. zn. 159/2011/DIS (Report on discrimination No. 159/2011/DIS), Brno, *Veřejný ochránce práv*.

CJEU in *Skouboe Werge and Ring*.⁵⁵ However, the amendment to the Schools Act adopted in 2015, the aim of which is to support the integration of children with special needs into mainstream schools, while primarily using a medical approach, partly introduces the social model of disability by defining children with special needs through the identification of support measures (i.e. means to overcome the interactional environmental barriers) required to satisfy their educational needs.

On several occasions, the Czech Ombudsman has interpreted disability relatively widely. For example, the Ombudsman has concluded that asymptomatic HIV infection—despite its limited influence on an individual's overall state of health, as well as ability to carry out work etc—should be considered as a disability.⁵⁶ The conclusion has in the meantime been confirmed by courts and literature.⁵⁷

In addition to the definition provided by the Anti-Discrimination Act, a certain overlap of terms can be found in different laws. In general, definitions apply only within the material scope of the specific laws containing them. Although the Anti-Discrimination Act would, in all likelihood, be interpreted in accordance with the applicable CJEU judgments and hence would rely on the social model of disability, social security law is still predominantly based on the medical model, which considers persons with disabilities as passive beneficiaries of benefits.⁵⁸ These other definitions would, however, not impact a court's assessment of whether a certain state of health represents disability in the sense of the Anti-Discrimination Act. For example, the Social Services Act describes disability in Section 3(g) as: 'physical, mental, psychic, sensory or combined disability, which causes or may cause that the person is dependent on the care of someone else.'⁵⁹ The legislation governing construction uses the phrase 'persons with limited mobility and orientation',⁶⁰ which includes persons with disabilities, older people, pregnant women and people accompanying a minor under three years of age or in a pram or pushchair. In contrast, Act No. 329/2011 contains various categories of persons with disabilities in order to distinguish their entitlement to special allowances for mobility and for special aid.⁶¹ These definitions would, however, only be applied in the area of social security governed by the relevant acts; they do not have the potential to influence how Czech non-discrimination law will be interpreted.

The Employment Act, which governs access to employment and the services and activities of employment offices, does not define discrimination (since 2012).⁶² However, Section 67(2) of the Employment Act retained a special definition of disability. This definition only applies to the employment of persons with disabilities where certain positive measures are in place (it does not have any implications for non-discrimination in general).

⁵⁵ European Court of Justice, judgment of 11 April 2013, *Skouboe Werge and Ring*, C-335/11 and C-337/11, ECLI:EU:C:2013:222, <http://curia.europa.eu/juris/document/document.jsf?text=&docid=136161&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=2009148>.

⁵⁶ Public Defender of Rights (2013), Investigation Report on Dismissal from Service on the Grounds of Diagnosis of an HIV Infection, (*Zpráva o šetření Propuštění ze služebního poměru z důvodu diagnostikování onemocnění virem HIV*), available at: https://www.ochrance.cz/fileadmin/user_upload/ESO/157-2012-DIS-JSK-EN_01.pdf.

⁵⁷ Polák, P in Tomšej, J., Polák, P., Koldinská, K., Presserová, P. (2023): *Antidiskriminační zákon a související předpisy. Praktický komentář* (Practical commentary on the Anti-Discrimination Act and related regulations), Prague, Wolters Kluwer, p. 41.

⁵⁸ Boučková, P., Havelková, B., Koldinská, K., Kühn, Z., Kühnová, E., Whelanová, M (2016), *Antidiskriminační zákon Komentář* (Commentary on the Anti-Discrimination Act), Praha, C. H. Beck, p. 109.

⁵⁹ Act No. 108/2006 on Social Services (*Zákon o sociálních službách*), 14 March 2006, <https://www.zakonyprolidi.cz/cs/2006-108>.

⁶⁰ Decree No. 398/2009, on general barrier-free accessibility requirements (*Vyhláška č. 398/2009, o obecných technických požadavcích zabezpečujících bezbariérové užívání staveb*), 5 November 2009, states that this category includes persons with a physical, visual, hearing or intellectual disability, older people, pregnant women, persons accompanying a child in a pram or pushchair or a child younger than three years of age, <https://www.zakonyprolidi.cz/cs/2009-398>.

⁶¹ Act No. 329/2011 on providing allowances to persons with disabilities. (*Zákon o poskytování dávek osobám se zdravotním postižením*), 13 October 2011, <https://www.zakonyprolidi.cz/cs/2011-329>.

⁶² Act No. 435/2004 on Employment (*Zákon č. 436/2004 Sb., o zaměstnanosti*), 13 May 2004, <https://www.zakonyprolidi.cz/cs/2004-435>.

This definition of disability relies on an official decision by the social security authorities, granting one of three levels of disability. The Employment Act states that persons with disability are natural persons who are recognised by the social security authorities as (a) on the third level ('people having a serious disability'), or (b) on the first or second level of disability, or (c) 'disadvantaged in terms of health'. The concept of someone 'disadvantaged in terms of health' is defined in Section 67(3) of the Employment Act as a:

'Person, whose capabilities enable him/her to perform permanent employment or other gainful occupation, but his abilities to be or to stay integrated in terms of work, to perform his existing occupation, to apply a gained qualification or to gain a new qualification are considerably limited for the reason of his unfavourable and long-lasting state of health.'

The amended Section 67(4) of the Employment Act determines in more detail the term 'unfavourable and long-lasting state of health' as a situation that is going to last longer than one year and that considerably limits person's physical, sensory or mental abilities and therefore has an impact on their employment. It is important to note that although the entitlements of all the three groups are in essence the same, a person qualified as 'disadvantaged in terms of health' according to Section 67(2)(c) cannot be a person falling under the scope of (a) or (b) described above. In order to be recognised as a person disadvantaged in terms of health it is necessary to be awarded this status by the district social security administration according to the amendment to Act No. 582/1991.⁶³ An employer employing a person 'disadvantaged in terms of health' is entitled to various allowances according to the Employment Act and such a person can be included in the compulsory percentage of employed persons with disabilities according to Section 81 of the Employment Act.

Since 1 January 2012, the Employment Act has referred to the Anti-Discrimination Act in regard to protection against discrimination, for example on the ground of disability. Potentially, the existence of several different legal definitions could cause problems of implementation in situations where individuals are refused reasonable accommodation provided for by Article 3(2) of the Anti-Discrimination Act, because they are not officially recognised as having a disability. However, there is no evidence that those problems are actually caused by the existence of several definitions.

The Employment Act states that a person with a disability must deliver an expert assessment or an official certificate to prove their disability status (Section 67(5) of the Employment Act). This is an administrative requirement that does not oblige the person with disability to bear any additional burden. The certificate is issued in the course of the registration of a person's disability status for the purpose of the Employment Act and does not involve any costs for the individual concerned. It is not needed in order for an individual to raise any claims under national non-discrimination law.

Since 2018, the Czech Ombudsman has served as the national CRPD monitoring mechanism. The CRPD is applicable in Czechia and prevails over national laws; it is assumed that the courts would therefore interpret any national norm concerning disability in accordance with the CRPD, although this needs to be confirmed. The competence of the Czech Ombudsman has led to the creation of a separate department for the protection of persons with disabilities. Although this department is a standalone department that does not belong in the non-discrimination section of the Ombudsman office, its activities often also relate to non-discrimination and they have strengthened the activity of the Ombudsman in the area of disability.

⁶³ Act No. 582/1991 on the organisation and performance of social security (*Zákon o organizaci a provádění sociálního zabezpečení*), 17 December 1991, <https://www.zakonyprolidi.cz/cs/1991-582>.

d) Age

There is no normative definition of age and no interpretative terms used to define age in national law. There is insufficient case law to provide greater clarity on this topic.

The age of an individual can be determined from any personal documents, including information on an individual's date of birth. No definition of age or of age discrimination exists. In addition, there are no restrictions related to the scope of age as a protected ground, nor a minimum (or maximum) age below which the anti-discrimination legislation would not apply.

It is argued that the potential of an individual to succeed in the labour market decreases as their age increases. According to statistics, individuals who are at least 50 years old represent more than a third of all the unemployed.⁶⁴ This is reflected in the structure of unemployment benefit, in which individuals below 50 years of age can receive such benefit for up to 5 months, individuals between 50 and 55 can receive it for up to 8 months, and individuals older than 55 years can receive it for up to 11 months (Section 43(1) of the Employment Act).⁶⁵

e) Sexual orientation

There is no normative definition of sexual orientation in Czech law. In the view of the author of this report, there is no reason to doubt that the prohibition in the law is intended to include discrimination against homosexual and bisexual people. Discrimination of trans and intersex people would be covered under gender discrimination.

Arguably, most of the cases of discrimination on grounds of sexual orientation in Czechia relate to discrimination in employment, but none of them has reached the highest Czech courts. However, in an important case of the Constitutional Court regarding the provisions of the Act on registered partnership⁶⁶ that had forbidden registered partners or one of them from adopting a child, the Court referred to the legal literature explaining that sexual orientation is inborn and an unchangeable state and thus stated that it cannot be the pretext for any discrimination.⁶⁷

2.2 Multiple and intersectional discrimination

In Czechia, multiple discrimination is not expressly prohibited in the law. This does not mean that victims of multiple discrimination would not have rights to redress. In practice, they would have to claim discrimination for several reasons, which would not lead to any practical complications (as a single claim can still be raised). The *Commentary on the Anti-Discrimination Act* recommends paying specific attention to cases of alleged multiple discrimination, because such discrimination could have a more harmful impact on society and leads to greater infringement of a victim's rights.⁶⁸

In Czechia, there is no case law dealing with multiple discrimination. Since 2020, the Czech Ombudsman no longer publishes statistics on cases of multiple discrimination, which are dealt with like any other discrimination cases.

⁶⁴ Ministry of Labour and Social Affairs, *Struktura uchazečů a volných míst* (Structure of applicants and vacant job positions), available at: <https://data.mpsv.cz/web/data/struktura-uchazecu-a-volnych-mist>.

⁶⁵ After the cut-off date for this report, in early 2025, an amendment to the Employment Act was proposed which changes these age limits, so this data is very likely to change during 2025.

⁶⁶ Act No. 115/2006 on registered partnership (*Zákon č. 115/2006 Sb., o registrovaném partnerství*), 26 January 2006, <https://portal.gov.cz/app/zakony/zakonPar.jsp?idBiblio=62343&nr=115~2F2006&rpp=15#local-content>.

⁶⁷ Constitutional Court, Pl. ÚS 7/15, 14 June 2016, <http://nalus.usoud.cz/Search/ResultDetail.aspx?id=93271&pos=1&cnt=1&typ=result>.

⁶⁸ Boučková, P., Havelková, B., Koldinská, K., Kühn, Z., Kühnová, E., Whelanová, M. (2016), *Antidiskriminační zákon Komentář* (Commentary on the Anti-Discrimination Act), Praha, C. H. Beck, pp. 133, 137.

In Czechia, in the author's view, multiple discrimination should be taken into account when deciding on discrimination cases (e.g. when imposing a sanction). There is, however, no case law where this is clearly stated.

In Czechia, intersectional discrimination is not expressly prohibited in the law. However, in the author's view, similar conclusions as for multiple discrimination must be drawn.

In Czechia, in the author's view, intersectional discrimination should be taken into account when deciding on discrimination cases (e.g. when imposing a sanction). There is, however, no case law where this is clearly stated.

2.3 Assumed and associated discrimination

a) Discrimination by assumption

In Czechia, discrimination based on a perception or assumption of a person's characteristics is prohibited in national law.

Section 2(5) of the Anti-Discrimination Act provides for prohibition of discrimination on the ground of assumed characteristics. This provision protects against discrimination based on subjective attitude, for example refusing to rent a flat to a person assuming that he/she is a Roma person or a homosexual although this assumption is not correct in reality. This provision is applied in cases of direct discrimination, but is not usually applied in cases of indirect discrimination.⁶⁹

b) Discrimination by association

In Czechia, discrimination based on association with persons with particular characteristics, is not expressly prohibited in national law.

The Anti-Discrimination Act does not expressly provide for prohibition of discrimination on the ground of association. However, the definition of direct discrimination in Section 2(3) of the Anti-Discrimination Act also allows for a broader interpretation, in conformity with EU law, encompassing discrimination based on association with persons with particular characteristics.⁷⁰

According to the *Practical commentary on the Anti-Discrimination Act*, the concept of discrimination by association needs to be followed by the Czech courts at least in the discrimination grounds and fields covered by the EU directives as they have an obligation to interpret national law in accordance with EU law. With regards to other fields and grounds where the Czech law goes beyond the directives, the authors interpret the case law of the Supreme Court and published opinions of the Czech Ombudsman in a way that discrimination by association would most likely be invoked successfully even in these areas.⁷¹ In this context, the Czech Supreme Court confirmed in one ruling that even parents of a deceased child with disability can claim disability discrimination.⁷² However, the ruling does not mention the concept of discrimination by association or confirm it is the parents

⁶⁹ Boučková, P., Havelková, B., Koldinská, K., Kühn, Z., Kühnová, E., Whelanová, M. (2016), *Antidiskriminační zákon Komentář* (Commentary on the Anti-Discrimination Act), Praha, C. H. Beck, p. 200.

⁷⁰ Public Defender of Rights (2014), *Souhrnná zpráva o činnosti veřejného ochránce práv 2014* (Summarising report on Ombudsman's activities in 2014), Brno, Veřejný ochránce práv, http://www.ochrance.cz/fileadmin/user_upload/zpravy_pro_poslaneckou_snemovnu/Souhrnnazprava_VOP_2014.pdf.

⁷¹ Polák, P. in Tomšej, J., Polák, P., Koldinská, K., Presserová, P. (2023): *Antidiskriminační zákon a související předpisy. Praktický komentář* (Practical commentary on the Anti-Discrimination Act and related regulations), Prague, Wolters Kluwer, p. 60.

⁷² Supreme Court of the Czech Republic, No. 30 Cdo 2260/2017, 13 December 2017, http://www.nsoud.cz/Judikatura/judikatura_ns.nsf/WebSearch/97BBF6819C18E0CFC12582550041967C?openDocument&Highlight=0.

who suffered discrimination. As a result, additional judicial interpretation is needed to reach a clear conclusion.

The Czech Ombudsman issued a recommendation back in 2015 in which it proposed the enactment of an explicit prohibition of discrimination by association.⁷³ The same recommendation was reiterated in the 2020 report.⁷⁴ However, the recommendation has not yet been followed by the legislature.

In 2025, the decision C-38/24 *Bervidi* was frequently quoted in academic discussions. Even though Czech law lacks an explicit acknowledgement of discrimination by association, parents of children up to the age of 15 can benefit from a right to claim adjustments to working time (Section 241(2) Labour Code). A rejection must rely on a serious operational reason. This entitlement, however, does not extend to remote working requests (Section 241a Labour Code) where the employer's only obligation is to explain the reasons for such a rejection in writing. However, there seems to have been no case in which an employee has exercised this right before courts.

2.4 Direct discrimination (Article 2(2)(a))

a) Prohibition and definition of direct discrimination

In Czechia, direct discrimination is prohibited in national law.

Currently, two definitions of direct discrimination exist in Czech legislation. The Anti-Discrimination Act, Section 2(3), defines discrimination as any 'conduct, including omission, where one person is, has been or would be treated less favourably than another in a comparable situation' (on specified grounds). In addition, there is a special definition included in Section 77(2) and (3) of the Act on the service of members of security forces. For the purpose of this law, direct discrimination is deemed to be any conduct whereby a member (of the security forces) is treated less favourably than another is, has been or would be treated in a comparable situation on specified grounds.⁷⁵ Both definitions comply with the definitions given in the directives.⁷⁶ Furthermore, the Labour Code explicitly refers to the definition of direct discrimination contained in the Anti-Discrimination Act.⁷⁷

b) Justification for direct discrimination

In Czech terminology, the term 'justified discrimination' does not exist, nor is there any term equivalent to 'lawful' or 'permitted' discrimination. Where there is discrimination, it is always unlawful; if it is justified, it is not discrimination, but lawful differential treatment. This difference is purely a matter of legal terminology. With regard to justification, the anti-discrimination clauses in ordinary laws do not logically permit any justification as regards race.

Section 7(1) of the Anti-Discrimination Act states that different treatment on grounds of sex, sexual orientation, age, disability, religion, belief or opinions in social security, healthcare, education and access to goods and services will not constitute discrimination, if the difference of treatment is objectively justified by a legitimate aim and the means of

⁷³ Public Defender of Rights (2014), *Souhrnná zpráva o činnosti veřejného ochránce práv 2014* (Summarising report on Ombudsman's activities in 2014), Brno, Veřejný ochránce práv, http://www.ochrance.cz/fileadmin/user_upload/zpravy_pro_poslaneckou_snemovnu/Souhrnná-zpráva_VOP_2014.pdf.

⁷⁴ Public Defender of Rights (Ombudsman) (2020), *Rozhodování českých soudů o diskriminačních sporech 2015-2019* (Discrimination case law of Czech courts 2015-2019), available at: https://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Vyzkum/2020-vyzkum_judikatura-DIS.pdf.

⁷⁵ Act No. 361/2003 on the service of members of security forces (*Zákon č. 361/2003 Sb., o služebním poměru bezpečnostních sborů*), 23 September 2003, <https://www.zakonyprolidi.cz/cs/2003-361>.

⁷⁶ There is no case law indicating that the term 'one person' in this provision should be interpreted as excluding groups of persons from protection.

⁷⁷ See Section 16(2) of the Labour Code.

achieving that aim are appropriate and necessary. The provision provides for differential treatment that is lawful as long as there are objective reasons for such treatment.

The rules on protection of persons with disabilities are in the position of *lex specialis*, therefore special conditions also apply to disability in this respect. However, no specific provision or jurisprudence explains the extent to which differential treatment on the basis of disability is justified and therefore does not amount to unlawful discrimination. The Czech Ombudsman seems to adopt the view that differential treatment based on impairments relating to a disability (such as tiredness), where it is not reasonably justified and where reasonable accommodation can be provided, amounts to direct discrimination.⁷⁸ It emerges from the case law of the Constitutional Court that the differential treatment can be justified under two conditions: it pursues a legitimate aim and is proportionate (according to the test of direct discrimination).⁷⁹ The *Commentary on the Anti-Discrimination Act* specifies in four steps how justification of differential treatment should be verified. The four steps, which must be fulfilled cumulatively, consist of identification of the legitimate aim, possibility of reaching this aim, proportionality in comparison with the right to equal treatment and examination of alternative measures.⁸⁰ Within the decision-making practice of the courts, the test of direct discrimination was sometimes modified or combined with other tests. Therefore, there is no well-established case law clearly defining criteria for justification of differential treatment.⁸¹

From that point of view, there appears to be no material discrepancy between the Czech law and the applicable directives.

According to the Constitutional Court, discriminatory intent need not be proven to establish direct discrimination.⁸² In practice, this approach is followed by other courts including the Supreme Court, which usually do not examine this element when reviewing discrimination cases.

2.5 Indirect discrimination (Article 2(2)(b))

a) Prohibition and definition of indirect discrimination

In Czechia, indirect discrimination is prohibited in national law. The prohibition of indirect discrimination is included in Sections 1(3) and 2(2) of the Anti-Discrimination Act and in Section 77(4) of the Act on service by members of the security forces.

In current legislation, two definitions of indirect discrimination are provided. According to Section 3(1) of the Anti-Discrimination Act, indirect discrimination means an act or omission where a person is put at a disadvantage compared to other persons on any of the specified grounds on the basis of an apparently neutral provision, criterion or practice.⁸³ In addition, there is a special definition included in Section 77(4) of the Act on the service of members of security forces. For the purpose of this law, indirect discrimination is deemed

⁷⁸ Public Defender of Rights (2015), *Zpráva o zjištění diskriminace sp. zn. 49/2013/DIS* (Report on discrimination No. 49/2013/DIS), Brno, Veřejný ochránce práv; Public Defender of Rights (2015), *Zpráva o zjištění diskriminace sp. zn. 48/2013/DIS* (Report on discrimination No. 48/2013/DIS), Brno, Veřejný ochránce práv.

⁷⁹ See, among others: Constitutional Court, Pl. ÚS 31/13, 10 July 2014, <http://nalus.usoud.cz/Search/ResultDetail.aspx?id=84884&pos=1&cnt=1&typ=result> and Constitutional Court, Pl. ÚS 49/10, 28 January 2014, <http://nalus.usoud.cz/Search/ResultDetail.aspx?id=82406&pos=1&cnt=1&typ=result>.

⁸⁰ Boučková, P., Havelková, B., Koldinská, K., Kühn, Z., Kühnová, E., Whelanová, M. (2016), *Antidiskriminační zákon Komentář* (Commentary on the Anti-Discrimination Act), Praha, C. H. Beck, p. 319.

⁸¹ See, for example: Píčová, L. (2014), 'Žonglování Ústavního soudu s diskriminačními testy' (Juggling of the Constitutional Court with the discrimination tests) *Bulletin Centra pro lidská práva a demokratizaci*, no. 7, vol.8/2014, Praha, p. 18.

⁸² Constitutional Court, No. Pl. ÚS 37/04, 26 April 2006, <http://nalus.usoud.cz/Search/GetText.aspx?sz=Pl-37-04>.

⁸³ There is no case law indicating that the term one person in this provision should be interpreted as excluding groups of persons from protection.

any ostensibly non-discriminatory conduct that discriminates against another member (of the security forces) on the grounds specified in the act.

There are cases where indirect discrimination has been used to address structural discrimination; an example of this may be the landmark Czech Supreme Court case regarding racial segregation of Roma pupils in primary education.⁸⁴

These definitions conform to the definitions given in the directives.

b) Justification test for indirect discrimination

According to Section 3(1) of the Anti-Discrimination Act, indirect discrimination as specified in the provision will not be taken to occur if such a provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

No definite answer can be given as to what test must be satisfied to justify indirect discrimination, as there is a lack of case law on indirect discrimination in Czechia. Nevertheless, some decisions have indicated that the concept of indirect discrimination is interpreted rather narrowly by the Czech courts.⁸⁵

2.5.1 Statistical evidence

a) Legal framework

In Czechia, there is legislation regulating the collection of personal data. Since 26 May 2018, the topic has been exclusively governed by Section 6 of the GDPR, which superseded the previous Data Protection Act. On the national level, the topic is further regulated by Act No. 110/2019 on processing of personal data. There are currently no doubts about the compliance of the national legislation with Article 9 GDPR.

In Czechia, national law does not explicitly deal with statistical evidence as a potential type of evidence to establish indirect discrimination. Based on the Civil Procedure Code, any source can be used as evidence unless it is prohibited by the Civil Procedure Code, which is not the case in respect of statistical data. However, courts have the right to make their own judgments regarding any evidence, its meaning, impact and importance. As a result, it is possible for a claimant in a discrimination lawsuit to refer to statistical data from a reliable source, which must be provided to the court (and there have been several cases where this has happened in practice). However, it is up to the court to determine in the context of each individual case whether such statistical evidence would be sufficient proof of discrimination.

As a general rule, any data submitted by any of the parties can be reviewed in the court proceedings and used as a basis for a decision. The law only restricts access to classified data under Act No. 412/2005 on the protection of classified data and security clearance (data regarding national security). Such data can only be disclosed with the express consent of the relevant public authority, and public access to the court hearings must be restricted. In addition, the court may also restrict public access to the court hearings in other cases involving sensitive data (trade secrets and other important interests, obscene and immoral information etc).

⁸⁴ Supreme Court of the Czech Republic, No. 25 Cdo 473/2021, 5 May 2022, https://rozhodnuti.nsoud.cz/Judikatura/judikatura_ns.nsf/WebSearch/2A32AD763CFC9A92C125889000161213?openDocument&Highlight=0.

⁸⁵ Supreme Court of the Czech Republic, No. 21 Cdo 2754/2014, 28 January 2016, http://www.nsoud.cz/Judikatura/judikatura_ns.nsf/WebSearch/F2920E361E6DF0F6C1257F950030ECE?openDocument&Highlight=0, or Supreme Court of the Czech Republic, No. 21 Cdo 230/2015, 24 March 2016, http://www.nsoud.cz/Judikatura/judikatura_ns.nsf/WebSearch/A18EA2659D293180C1257FC0003BFA5A?openDocument&Highlight=0.

Other protected categories of data would also include special categories of personal data under Article 9 GDPR. This includes personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation. However, personal data protection only applies if the data relates to an identifiable individual. As a result, the data can be reviewed by courts in an anonymised form, or in the form of a statistic that does not refer to any individuals.

b) Practice

In Czechia, statistical evidence is used in practice to establish indirect discrimination. Both the Czech Supreme Court and the Czech Constitutional Court confirm that relevant statistical evidence (both official and unofficial) can act as evidence of indirect discrimination if it establishes that a certain seemingly neutral criteria disproportionately affects a minority group.⁸⁶

Use of statistical evidence in cases other than those involving indirect discrimination has not been ruled out expressly but it does not seem to happen often in practice.

2.6 Harassment (Article 2(3))

a) Prohibition and definition of harassment

In Czechia, harassment is prohibited in national law. The prohibition of harassment in general is provided and defined in Sections 1(3) and 2(2) of the Anti-Discrimination Act.

In Czechia, harassment explicitly constitutes a form of discrimination.

According to Section 2(2) of the Anti-Discrimination Act, harassment and sexual harassment, on the grounds specified in the law, will be considered to be discrimination. According to Section 1(3) of the Anti-Discrimination Act, discrimination, including harassment, is prohibited.

Harassment is prohibited in relation to all grounds covered by Section 2(3) of the Anti-Discrimination Act and falls within the material scope of Article 1(1). The Anti-Discrimination Act contains definitions of both harassment and sexual harassment, which comply with the definitions of the directives. According to Section 4(1) of the Anti-Discrimination Act, harassment means any unwanted conduct associated with the grounds specified in Section 2(3) of the law, (a) taking place with the purpose or effect of diminishing the dignity of a person and creating an intimidating, hostile, degrading, humiliating or offensive environment,⁸⁷ or (b) which could be legitimately perceived as a precondition for a decision affecting the exercise of rights and obligations following from legal relationships.

According to the Anti-Discrimination Act, the bad intention of the discriminator need not be proved, although intention or impact are significant elements for the courts to take into account. The term 'unwanted conduct' constitutes an objective criterion and therefore, it is essential to decide whether an ordinary person would feel that such behaviour is unwanted. The *Commentary on the Anti-Discrimination Act* specifies the means of harassment, such as there being multiple discriminators, long-standing and one-off harassment, hostile environment and 'quid pro quo' conduct.⁸⁸ Sexual harassment means

⁸⁶ Constitutional Court, No. III. ÚS 1136/13, 12 August 2015; Supreme Court, No. 25 Cdo 473/2021, 5 May 2022.

⁸⁷ There is no case law indicating that the term 'one person' in this provision should be interpreted as excluding groups of persons from protection.

⁸⁸ Boučková, P., Havelková, B., Koldinská, K., Kühn, Z., Kühnová, E., Whelanová, M. (2016), *Antidiskriminační zákon Komentář* (Commentary on the Anti-Discrimination Act), Praha, C. H. Beck, pp. 241-247.

any conduct of a sexual nature under the definition mentioned above (including same-sex sexual harassment).

Harassment is also prohibited by Section 77(2) of Act No. 361/2003 on service by members of the security forces. According to Section 77(5) of the Act on service by members of the security forces, harassment means conduct that is rightly perceived by another member as unwelcome and the aim or consequence of which leads to a reduction in that person's dignity or creates a hostile or degrading environment. Section 2(3) of Act No. 221/1999 on service by members of the armed forces prohibits discrimination and all acts resulting in discrimination, although harassment is not forbidden explicitly.

In the past, there have been cases where the Czech Ombudsman has interpreted harassment in a rather broad way (e.g. an inappropriate verbal response of a nurse towards a patient).⁸⁹ There seems to be no reason to argue the approach would now be different.

Neither harassment in general nor racial harassment constitutes a specific criminal offence.

Serious instances of harassment may amount to one of the criminal offences established by the Criminal Code.⁹⁰ Crimes of racial hatred or violence, or on the grounds of religion or belief, are part of the group of crimes defined as gravely affecting community relations under Sections 352, 355 and 356 of the Criminal Code. These are crimes of violence against a group or individual; crimes of defamation of a nation, ethnic group, race, belief or conviction; instigation of hatred against a group of persons; and restriction of the rights and liberties of a group or an individual. Furthermore, support and expressions of support for movements organised to suppress the rights and freedoms of others are punishable, in accordance with Sections 403 and 404 of the Criminal Code. Apartheid and racial and other segregation and discrimination against a group are crimes according to Section 402 of the Criminal Code.

In addition, there are strict definitions for crimes that are racially motivated or based on religious hatred or belief. These are considered variations of general categories of crimes. These strict definitions of crimes concern the most violent crimes affecting life and health (Sections 140-167 of the Criminal Code). They include crimes of murder, bodily harm and grievous bodily harm.

In areas not covered by the Anti-Discrimination Act or other laws containing a definition of harassment, redress can only be provided on the basis of provisions concerning protection of the personal rights of individuals contained in the Civil Code.⁹¹

b) Scope of liability for harassment

Where harassment is perpetrated by an employee, in Czechia the employer is liable and the employee can be liable, depending on the circumstances of individual cases. As a primary rule, employers should be liable for all damages that are caused by their employees in the course of the performance of work-related duties.⁹² The aforementioned rules would also apply to any compensation for discrimination including harassment. However, in situations where such harassment is not directly linked to the performance of

⁸⁹ HIV community (2017), 'To je váš problém!' Podle Bulovky žádné pochybení ('That's your problem!' According to Bulovka hospital no mistake was made), 16 January 2017, available at: <http://www.hiv-komunita.cz/clanky/to-je-vas-problem-podle-bulovky-zadne-pochybeni.html>.

⁹⁰ Act No. 40/2009, Criminal Code (*Zákon č. 40/2009 Sb., trestní zákoník*), 8 January 2009, <https://www.zakonyprolidi.cz/cs/2009-40>.

⁹¹ Act No. 89/2012, Civil Code (*Zákon č. 89/2012 Sb., občanský zákoník*), 3 February 2012, <https://www.zakonyprolidi.cz/cs/2012-89>.

⁹² See Act No. 262/2006, Labour Code, 21 April 2006, Section 265, <https://www.zakonyprolidi.cz/cs/2006-262>.

work, direct claims against an employee are also possible. There is, unfortunately, no case law that would give clearer guidance on this topic.

The *Practical Commentary on the Anti-Discrimination Act* supports the opinion that the liability of an employer for any harassment should be evident in situations where the harassment is caused by a manager of the employee or where an employer is aware of such harassment and fails to take any actions. An employer may avoid any liability for harassment by diligently adopting measures to prevent it after discovering it.⁹³

According to the Ombudsman, 'an employee, who has a position of an authorised representative', is liable for discrimination in the meaning of Section 4(3) of the Anti-Discrimination Act, if he had sexually harassed another employee and afterwards dismissed that person from employment.⁹⁴

Natural or legal persons are liable where damage is caused by activities conducted by persons acting on their behalf. Persons acting on the behalf of a natural or legal person are not themselves liable; however, the natural or legal person may have a right of recourse against such persons. Therefore, liability in all the respects mentioned above is theoretically possible or at least not excluded. It always depends on the facts of the individual case.

Czech law does not provide a clear response as to whether an employer or provider of education, social protection (including healthcare), social advantages, goods or services can be held liable for third-party harassment, i.e. for failing to address harassment between staff/persons under their charge and third parties. In the author's view, such liability is likely in a situation where someone is aware of deliberate abuse and fails to take any remedial action – such as instructing the harasser to desist, reassigning the complainant, or adopting internal policies addressing third-party conduct.

2.7 Instructions to discriminate (Article 2(4))

a) Prohibition of instructions to discriminate

In Czechia, instructions to discriminate are prohibited in national law, namely in Section 2(2) of the Anti-Discrimination Act. According to Section 4(4) of the Anti-Discrimination Act, the concept is defined as an abuse of authority in the instruction of a subordinate to discriminate against a third person.⁹⁵ There is no specific provision on liability of legal persons for such actions. Legal persons are liable for instructions to discriminate under the general liability rules of the Civil Code. Article 4(5) of the Anti-Discrimination Act, which is subsidiary to Article 4(4), regulates incitement to discrimination between formally equal subjects, i.e. subjects whose relationship is not hierarchical (for example, a vendor-vendee relationship).⁹⁶

Czech law is not clear as to whether instruction to discriminate includes – besides explicit instructions – preferences, suggestions, encouragement or pressure. In the author's view, there may be a tendency to interpret the term 'instruction' in a rather narrow way. On the other hand, in a vertical relationship where one party is subordinate to another, even subtle language could be regarded as an instruction.

⁹³ Presserová, P. in Tomšej, J., Polák, P., Koldinská, K., Presserová, P. (2023): *Antidiskriminační zákon a související předpisy. Praktický komentář* (Practical commentary on the Anti-Discrimination Act and related regulations), Prague, Wolters Kluwer, p. 117.

⁹⁴ Public Defender of Rights (2014), *Souhrnná zpráva VOP za rok 2014* (Summarising report on Ombudsman's activities in 2014), Brno, Veřejný ochránce práv, http://www.ochrance.cz/fileadmin/user_upload/zpravy_pro_poslaneckou_snemovnu/Souhrnnazprava_VOP_2014.pdf, p. 85.

⁹⁵ There is no case law indicating that the term 'third person' in this provision should be interpreted as excluding groups of persons from protection.

⁹⁶ Boučková, P., Havelková, B., Koldinská, K., Kühn, Z., Kühnová, E., Whelanová, M. (2016), *Antidiskriminační zákon Komentář* (Commentary on the Anti-Discrimination Act), Praha, C. H. Beck, pp. 254-255.

In Czechia, instructions to discriminate explicitly constitute a form of discrimination.

In Czechia, instructions to discriminate do not require a hierarchical relationship between the instructor and instructed person. The law is silent on this question, but in the author's view, an instruction may be regarded as relevant even in situations where there is no clear hierarchy but the individual who commits discrimination was influenced by another person.

b) Scope of liability for instructions to discriminate

In Czechia, the instructor is liable, and the discriminator can be liable, depending on the facts of the individual case. As a primary rule, employers should be liable for all damages that are caused by their employees in the course of performance of work-related duties.⁹⁷ Where the damage was caused by an employee who acted on behalf of someone else based on their instruction, the person who gave the instruction should be primarily liable. Persons acting on behalf of a natural or legal person are not themselves liable under civil law; however, the natural or legal person may have a right of recourse against such persons, provided that they were employed to act on their behalf. They might also be criminally liable. Generally, any person giving instructions to discriminate, which leads to a criminal offence (for example, under Sections 352, 355, 356 or 402 of the Criminal Code), might be found guilty according to Section 24 of the Criminal Code. Section 356 of the Criminal Code creates a specific crime of public incitement to hatred against a group of people or the restriction of their rights. Specifically, support and expressions of support for movements organised to suppress the rights and freedoms of others are punishable, in accordance with Sections 403 and 404 of the Criminal Code.

Therefore, establishing liability in all the respects mentioned above is theoretically possible or at least not excluded. It always depends on the facts of the individual case.

For example, where an employee has been instructed by an employer to discriminate against fellow employees, Czech law theoretically enables the victims of discrimination to take actions against both sides. In practice, the discriminating employee could claim that he/she was instructed by the employer to carry out the discriminatory conduct and that a failure to comply with such instruction could be sanctioned and therefore he had no option other than to comply with the unlawful request. Depending on the specific circumstances, it is possible that such a defence could be successful and that only the liability of the employer would be confirmed by a court.

Under the Anti-Discrimination Act, incitement to discriminate by an instructor who is not in any hierarchical relationship to the discriminator will also be deemed discrimination. As the discriminator will usually have full discretion to refuse such incitement, it is likely that both the instructor and the discriminator will be deemed liable in such a case.

2.8 Reasonable accommodation duties (Article 2(2)(b)(ii) and Article 5 Directive 2000/78)

a) Implementation of the duty to provide reasonable accommodation for persons with disabilities in the area of employment

In Czechia, the duty to provide reasonable accommodation is included in the law. It is defined.

According to the Section 3(2) of the Anti-Discrimination Act, indirect discrimination on grounds of disability also means a 'refusal or failure to take appropriate measures to enable a person with a disability to have access to a certain employment, working activities, career progression or other promotion, to use employment advice, or participate in other

⁹⁷ See Act No. 262/2006, Labour Code, 21 April 2006, Section 265, <https://www.zakonyprolidi.cz/cs/2006-262>.

vocational training, or to use services available to the public, unless such a measure represents a disproportionate burden'.⁹⁸ The legislation goes beyond Directive 2000/78 since it declares that failure to provide reasonable accommodation for a person with a disability is a form of indirect discrimination.⁹⁹ Unlike the Directive, the Anti-Discrimination Act does not give an illustrative list of reasonable accommodation. The law covers access to services as well as all relevant aspects of employment. It applies to private sector employees as well as to the public sector.

The Anti-Discrimination Act lists certain elements that need to be taken into consideration when addressing whether a certain measure represents a disproportionate burden. One of these elements is the availability of financial or other assistance (from state benefits or any other available resources) to make the measure happen. In practice, people who can prove their disability status may be eligible to a monetary contribution towards a special aid (Sections 9-12 of Act No. 329/2011, on providing benefits to persons with disabilities) based on which various aids can be co-funded.

The law sets out the general basis for the evaluation of what might be regarded as a 'disproportionate burden' in the context of the duty to provide 'reasonable' accommodation. According to the Section 3(3) of the Anti-Discrimination Act, particular attention should be paid to:

- the extent to which the measure would accommodate the needs of the person with disability;
- the financial and other costs which would be incurred in taking the measure and any disruption to the natural or legal person's activities;
- the availability of financial or other assistance for taking the measure;
- the adequacy of alternative provision or arrangements to accommodate the needs of the person with disability.

According to the *Commentary on the Anti-Discrimination Act*, other factors might be relevant in practice, such as any health and safety risks for the person for whom the reasonable accommodation should be provided, but also risks for other persons. This should be considered in any event and the list in the Section 3(3) might be interpreted as being non-exhaustive.¹⁰⁰

The duty to provide reasonable accommodation is also imposed on employers acting within the scope of the Employment Act and the Labour Code. According to Section 103(5) of the Labour Code, employers are obliged at their own cost to secure for persons with disabilities (i.e. individuals who can prove their disability status) the necessary workplace accommodation, labour conditions, protected workshops and workplaces, special training and guidance. These obligations on employers exist independently alongside the anti-discrimination protection of the Anti-Discrimination Act.

The state does not provide any financial assistance that would be directly linked to the instrument of reasonable accommodation. However, the Employment Act introduces certain tools of financial support payable by the labour offices to employers who employ persons with disabilities that can be used in some cases. Notably, under Section 76 of the Employment Act, employers can claim a contribution to cover any operational costs for employing an individual with disability (who is officially recognised as such), up to the amount of EUR 1 920 (CZK 48 000) a year.

⁹⁸ Act No. 198/2009, Anti-Discrimination Act (*Antidiskriminační zákon*), 23 April 2008, <https://www.zakonyprolidi.cz/cs/2009-198>.

⁹⁹ Boučková, P., Havelková, B., Koldinská, K., Kühn, Z., Kühnová, E., Whelanová, M. (2016), *Antidiskriminační zákon Komentář* (Commentary on the Anti-Discrimination Act), Praha, C. H. Beck, p. 219.

¹⁰⁰ Boučková, P., Havelková, B., Koldinská, K., Kühn, Z., Kühnová, E., Whelanová, M. (2016), *Antidiskriminační zákon Komentář* (Commentary on the Anti-Discrimination Act), Praha, C. H. Beck, p. 230.

According to prevailing interpretation, protection should be awarded to all persons with disabilities, regardless of whether they are registered as persons with disabilities by the social security authorities. However, such individuals need to prove their status by disclosing the particulars of their state of health that give rise to their classification as a person with disabilities.

b) Case law

Under Czech Supreme Court case law, reasonable accommodation claims can be successful only if the defendant is either aware, or must have been aware given all circumstances of the case, that the claimant has a disability that has (or may have) influence on their working activity and which represents (or may represent) an obstacle to their full engagement in working life on an equal basis with other employees.¹⁰¹

In 2024, the Supreme Court reviewed an employer's refusal to allow an employee with asthma to work during COVID due to her medical condition.¹⁰² The case related to the private sector. In accordance with the decrees of the Ministry of Health which were valid for a short period of time in 2020, all employees, regardless of any medical conditions, had to wear face masks in all indoor areas of buildings. The employee, who suffered from asthma, provided her employer with a medical certificate stating that she could not work the entire shift with her respiratory passages covered. However, the employer compelled her to either wear a mask or leave the workplace and not come to the office, and in the case of the latter she was told to take vacation, unpaid leave or sick leave.

The crucial aspect of the Court's ruling was its emphasis that the first and second instance courts had not considered whether or not there was discrimination based on disability or a health condition. Thus, the Supreme Court set aside all the previous court rulings. As the case was eventually settled, no judgments that would give a clear resolution to the case are available.

In 2022, the Supreme Court confirmed that the duty to adopt reasonable accommodation measures includes an obligation on the employer to transfer an employee with disabilities to a suitable alternative role.¹⁰³ The case related to the public sector (the claimant worked for the Czech prison service). The Supreme Court followed the direction of the CJEU in *HR Rail SA*, C-485/20.¹⁰⁴

There are no available statistics regarding the practice of employers with regard to this duty. In the author's view, the general awareness of the right to reasonable accommodation is very low, and many persons with disabilities do not claim any accommodation simply because they are not aware of such a right.

c) Definition of disability and non-discrimination protection

There are no differences in the definition of disability regarding eligibility to claim reasonable accommodation and entitlement to claim protection from discrimination.

However, certain measures defined by the Czech social security system defined above (notably those provided under Act No. 329/2011 on providing benefits to persons with disabilities, and the Employment Act) can only be awarded to individuals who have been officially assessed as being eligible for such disability benefit. This group will be narrower than the concept of disability under the Anti-Discrimination Act. There are no apparent differences between the public and the private sector.

¹⁰¹ Supreme Court, No. 21 Cdo 1844/2020, 12 August 2020.

¹⁰² Supreme Court, No. 21 Cdo 1577/2022, 19 February 2024.

¹⁰³ Supreme Court, No. 21 Cdo 916/2022-291, 27 July 2022.

¹⁰⁴ For more details, please refer to the previous report covering the period of 1 January 2022 – 1 January 2023; CJEU, judgment of 12 February 2022, *HR Rail SA*, C-485/20, ECLI:EU:C:2022:85.

d) Failure to meet the duty of reasonable accommodation for persons with disabilities

In Czechia, failure to meet the duty of reasonable accommodation in employment for persons with disabilities is recognised as a form of discrimination in both the private and the general public sector.

The failure to meet the duty of reasonable accommodation is deemed to be indirect discrimination on the ground of disability, according to Section 3(2) of the Anti-Discrimination Act. Potential sanctions are the same as for other actions in discrimination cases. General rules concerning administrative procedures, covering both misdemeanours and administrative offences, apply. Relevant administrative procedures provide investigative powers for administrative bodies and inspectorates, as established within the scope of specific laws. These administrative bodies, such as labour inspectorates or trade inspectorates, are empowered to impose sanctions for prohibited activities and violations of obligations. According to Section 10 of the Anti-Discrimination Act, the victim can also bring a general anti-discrimination civil action. The Civil Procedure Code and the shift of the burden of proof apply.

There is no duty of reasonable accommodation if the specific measure to be taken represents a disproportionate burden e.g. for the employer. However, the concept of disproportionate burden has not been further developed by the Czech courts.

e) Duties to provide reasonable accommodation in areas other than employment for persons with disabilities

In Czechia, there is a duty to provide reasonable accommodation for persons with disabilities outside the employment field.

A right to reasonable accommodation can also be invoked from the UN Convention on the Rights of Persons with Disabilities (CRPD). Although the Czech Constitutional Court refers to the CRPD in some judgments, this mostly happens in cases on issues other than reasonable accommodation.¹⁰⁵

The same concept of reasonable accommodation applies not only in the area of employment and labour relations, including advice to jobseekers or vocational training but also to services provided to the public. This term is interpreted as services provided to an undefined group of persons, such as advertising, notice boards of premises, housing and services provided by mobile operators, restaurant operators, hairdressers and so on. Furthermore, transport services might also fall under the scope of Section 3(2). According to the *Commentary on the Anti-Discrimination Act*, it would not be systematic if the duty to provide reasonable accommodation did not cover healthcare and education. However, the Anti-Discrimination Act does not recognise healthcare and education as services provided to the public and in this respect, judicial interpretation is needed. Provisions concerning reasonable accommodation do not relate to the access to or design of goods.¹⁰⁶

The duty to provide reasonable accommodation in the area of services provided to the public has been interpreted in a wider sense by the Czech Ombudsman, to also cover access to public parking places or to higher education.¹⁰⁷

Legislation does not define the term 'disproportionate burden', although it states that when deciding which specific measure represents a disproportionate burden, it is necessary to weigh the benefit for the person with disability against the financial costs, along with the

¹⁰⁵ See e.g. Constitutional Court, I. ÚS 1935/24, 4 March 2026.

¹⁰⁶ Boučková, P., Havelková, B., Koldinská, K., Kühn, Z., Kühnová, E., Whelanová, M. (2016), *Antidiskriminační zákon Komentář* (Commentary on the Anti-Discrimination Act), Praha, C. H. Beck, pp. 227-229.

¹⁰⁷ Polák, P. in Tomšej, J., Polák, P., Koldinská, K., Presserová, P. (2023): *Antidiskriminační zákon a související předpisy. Praktický komentář* (Practical commentary on the Anti-Discrimination Act and related regulations), Prague, Wolters Kluwer, p. 87.

availability of finances and other means of realising the measure and the availability of alternative measures that could satisfy the needs of the person with disabilities. In employment, it is argued that a measure that the subject is obliged to adopt according to a specific law is not considered to be a disproportionate burden; however, judicial interpretation is needed to conclude whether this rule also applies in other areas, such as social protection.¹⁰⁸

Since 2016, Czech education has operated an 'inclusive system', which supports pupils with disabilities or special needs. A detailed analysis of the topic can be found in Section 3.2.7 below.

f) Duties to provide reasonable accommodation in respect of other grounds

In Czechia, there is no legal duty to provide reasonable accommodation in respect of other grounds in the public and/or the private sector. This is also not regulated in any collective agreements.

¹⁰⁸ Boučková, P., Havelková, B., Koldinská, K., Kühn, Z., Kühnová, E., Whelanová, M. (2016), *Antidiskriminační zákon Komentář* (Commentary on the Anti-Discrimination Act), Praha, C. H. Beck, pp. 231-233.

3 PERSONAL AND MATERIAL SCOPE

3.1 Personal scope

No case law is available in Czechia regarding the use of AI and automated systems.

3.1.1 EU and non-EU nationals (Recital 13 and Article 3(2), Directive 2000/43 and Recital 12 and Article 3(2), Directive 2000/78)

In Czechia, the following residence/citizenship/nationality requirements are applied for protection under the relevant national laws transposing the directives.

Anti-discrimination provisions apply to every natural person, irrespective of nationality, citizenship or residence status,¹⁰⁹ as specified in Section 1(3) of the Anti-Discrimination Act. According to Section 20 of the amended Schools Act, effective from 1 January 2008,¹¹⁰ equal access to education is guaranteed to every Czech citizen, EU national and any lawfully residing third-country national. In respect of primary education, the law guarantees its provision irrespective of the legality of a third-country national's residence in Czechia.

According to Section 1(2) of the Anti-Discrimination Act, the law does not apply to legal regulations in respect of the conditions of entry and stay of third-country nationals and stateless persons in the territory of Czechia. Such provision would, however, not cover relatives of EU citizens who enjoy rights under the EU regulations on freedom of movement.

3.1.2 Natural and legal persons (Recital 16, Directive 2000/43)

a) Protection against discrimination

In Czechia, the personal scope of the Anti-Discrimination Act (Section 1(3)) covers natural persons for the purpose of protection against discrimination. Legal persons are not expressly covered by the personal scope of the Anti-Discrimination Act, although they are protected by the anti-discrimination provisions of Article 1 (general differential treatment) and Article 3(1) (differential treatment in access to rights) of the Charter.

b) Liability for discrimination

In Czechia, the personal scope of the Anti-Discrimination Act (Section 1(3)) covers natural and legal persons for the purpose of liability for discrimination. There is no difference between natural and legal persons with regard to liability for discrimination, nor liability for damage/non-material injury caused by persons who act on instructions from a superior.

3.1.3 Private and public sector including public bodies (Article 3(1))

a) Protection against discrimination

In Czechia, the personal scope of national law covers private and public sectors, including public bodies, for the purpose of protection against discrimination. This is implied by the wording of Section 1(3) of the Anti-Discrimination Act.

There are no specific provisions stating whether particular laws would apply only to public bodies. Generally, laws (such as the Anti-Discrimination Act) apply to both public and private bodies. The application of some laws can be restricted to certain types of public

¹⁰⁹ As a result, protection against discrimination potentially also applies in the case of migrant workers who are present in the Czech Republic without the necessary permits.

¹¹⁰ Amendment to the Schools Act, Act No. 343/2007 (*Zákon č. 343/2007 Sb., kterým se mění zákon č. 561/2004 Sb. a některé další zákony*), 27 November 2007, <https://www.zakonyprolidi.cz/cs/2007-343>.

bodies (such as municipalities, state authorities, police etc). In such cases, this is stated in the law itself.

b) Liability for discrimination

In Czechia, the personal scope of the Anti-Discrimination Act as defined by Section 1(3) covers private and public sectors, including public bodies, for the purpose of liability for discrimination. The national provisions comply with the directives.

3.2 Material scope

No case law is available in Czechia regarding the use of AI and automated systems.

3.2.1 Conditions for access to employment, to self-employment or to occupation, including selection criteria, recruitment conditions and promotion, whatever the branch of activity and at all levels of the professional hierarchy (Article 3(1)(a))

In Czechia, national legislation prohibits discrimination in the following areas: conditions for access to employment, to self-employment or to occupation, including selection criteria, recruitment conditions and promotion, whatever the branch of activity and at all levels of the professional hierarchy, for the five grounds, in both private and public sectors, as described in the directives. These are specified in Section 1(1) together with Sections 5(3) and 5(4) of the Anti-Discrimination Act.

Access to self-employment is regulated by Act No. 455/1991, the Trade Licensing Act. The Act itself does not contain any provisions expressly discussing discrimination. However, it provides that individuals may register to act as self-employed individuals if they meet certain basic criteria (full legal capacity, a clean criminal record as detailed by the Act), and no concerns have been raised around the compliance of the process with non-discrimination rules. Notably with regards to full legal capacity, an obstacle for an individual to obtain a trade licence would lie in the fact that their legal capacity has been restricted by a court decision (usually as a result of a mental health disorder). Such a requirement seems genuine and proportionate.

The national legislation does not expressly deal with discrimination due to gender identity, gender expression and sex characteristics. The Anti-Discrimination Act contains gender as a discrimination ground. It also states that discrimination on the basis of 'sexual identity' would be deemed gender discrimination.¹¹¹ In the author's assessment, the term 'sexual identity' can be interpreted to cover gender identity, gender expression and sex characteristics even though they are not expressly mentioned in the Act.

3.2.2 Employment and working conditions, including pay and dismissals (Article 3(1)(c))

In Czechia, national legislation prohibits discrimination in the following areas: working conditions including pay and dismissals, for all five grounds and for both private and public employment (Section 1(1)(c) with Section 1(3) of the Anti-Discrimination Act).

The Czech Labour Code contains a general prohibition of discrimination (Section 16 of the Labour Code) as well as a principle of equal pay for work of equal value (Section 110 of the Labour Code). Remuneration should be determined using criteria described in the Labour Code, irrespective of any discrimination grounds.

No pay gap reporting is currently provided for under Czech law.

¹¹¹ The Anti-Discrimination Act contains gender as a discrimination ground. It also states that discrimination on the basis of 'sexual identity' would be deemed gender discrimination.

The national legislation does not expressly deal with discrimination due to gender identity, gender expression and sex characteristics. The Anti-Discrimination Act contains gender as a discrimination ground. It also states that discrimination on the basis of sexual identity would be deemed gender discrimination. In the author's assessment, the term 'sexual identity' can be interpreted to cover gender identity, gender expression and sex characteristics.

3.2.3 Access to all types and to all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience (Article 3(1)(b))

In Czechia, national legislation prohibits discrimination in vocational training outside the employment relationship, such as adult lifelong learning courses or vocational training provided by technical schools or universities (Section 1(1)(a), Section 1(1)(i) of the Anti-Discrimination Act; Sections 16(1)(2) and 110 of Act No. 262/2006, the Labour Code).

The national legislation does not expressly deal with discrimination due to gender identity, gender expression and sex characteristics. The Anti-Discrimination Act contains gender as a discrimination ground. It also states that discrimination on the basis of sexual identity would be deemed gender discrimination. In the author's assessment, the term 'sexual identity' can be interpreted to cover gender identity, gender expression and sex characteristics.

3.2.4 Membership of, and involvement in, an organisation of workers or employers, or any organisation whose members carry on a particular profession, including the benefits provided for by such organisations (Article 3(1)(d))

In Czechia, national legislation prohibits discrimination in the following areas: membership of, and involvement in workers' or employers' organisations as formulated in the directives for all five grounds and for both private and public employment (Section 1(1)(d) and Section 1(1)(e) of the Anti-Discrimination Act).

The national legislation does not expressly deal with discrimination due to gender identity, gender expression and sex characteristics. The Anti-Discrimination Act contains gender as a discrimination ground. It also states that discrimination on the basis of sexual identity would be deemed gender discrimination. In the author's assessment, the term 'sexual identity' can be interpreted to cover gender identity, gender expression and sex characteristics.

3.2.5 Social protection, including social security and healthcare (Article 3(1)(e) Directive 2000/43)

In Czechia, national legislation prohibits discrimination in the following areas: social protection, including social security and healthcare as formulated in the Racial Equality Directive (Section 1(1)(f) and 1(1)(h) of the Anti-Discrimination Act). In addition to race or ethnicity, the grounds of age, disability, religion, belief and sexual orientation are also covered by the legislation.

The national legislation does not expressly deal with discrimination due to gender identity, gender expression and sex characteristics. The Anti-Discrimination Act contains gender as a discrimination ground. It also states that discrimination on the basis of sexual identity would be deemed gender discrimination. In the author's assessment, the term 'sexual identity' can be interpreted to cover gender identity, gender expression and sex characteristics.

Access to social services including social housing would be covered by the non-discrimination principle.

a) Article 3(3) exception (Directive 2000/78)

Czech legislation does not rely on the exception in Article 3(3) of the Employment Equality Directive.

3.2.6 Social advantages (Article 3(1)(f) Directive 2000/43)

In Czechia, national legislation prohibits discrimination in social advantages as formulated in the Racial Equality Directive (Section 1(1)(g) of the Anti-Discrimination Act). In addition to race or ethnicity, the grounds of age, disability, religion, belief and sexual orientation are also covered by the legislation.

The national legislation does not expressly deal with discrimination due to gender identity, gender expression and sex characteristics. The Anti-Discrimination Act contains gender as a discrimination ground. It also states that discrimination on the basis of sexual identity would be deemed gender discrimination. In the author's assessment, the term 'sexual identity' can be interpreted to cover gender identity, gender expression and sex characteristics.

3.2.7 Education (Article 3(1)(g) Directive 2000/43)

In Czechia, national legislation prohibits discrimination in education as formulated in the Racial Equality Directive (Section 1(1)(i) of the Anti-Discrimination Act). Age, disability, religion, belief and sexual orientation are also covered by the legislation (in addition to race or ethnicity).

The national legislation does not expressly deal with discrimination due to gender identity, gender expression and sex characteristics. The Anti-Discrimination Act contains gender as a discrimination ground. It also states that discrimination on the basis of sexual identity would be deemed gender discrimination. In the author's assessment, the term 'sexual identity' can be interpreted to cover gender identity, gender expression and sex characteristics.

The Schools Act contains a general anti-discrimination clause,¹¹² forbidding discrimination against EU and Czech citizens. According to Section 2(1), education must be based on the principles of equal access of all citizens of Czechia or nationals of any other EU Member State to education without any discrimination based on any ground such as race, colour, sex, language, belief or religion, nationality, ethnic or social origin, property, kith or kin, or the health condition or any other status of a citizen. The law makes no reference to discrimination on the basis of sexual orientation (or, for example, sexual orientation of parents).¹¹³ Discrimination of transgender and intersex pupils would be covered by gender discrimination. The non-discrimination provisions of the Anti-Discrimination Act therefore apply to its material scope. The Anti-Discrimination Act prohibits discrimination in access to education and provision of education. Furthermore, although the Schools Act does not expressly mention disability, it is assumed that it would be covered under health condition.¹¹⁴

¹¹² Act No. 561/2004, Schools Act, 24 September 2004.

¹¹³ Currently there is no available case law addressing this question.

¹¹⁴ Polák, P. in Tomšej, J., Polák, P., Koldinská, K., Presserová, P. (2023): *Antidiskriminační zákon a související předpisy. Praktický komentář* (Practical commentary on the Anti-Discrimination Act and related regulations), Prague, Wolters Kluwer, p. 152.

The main and only strategy document is the *Strategy on Education 2030+*,¹¹⁵ which sets the development goals for education and lays down priorities for upcoming years. Its aim is to modernise the Czech educational system, to prepare it for new challenges, especially those exacerbated by the pandemic, and to focus on persisting problems. This strategy is also related to the Government Strategy of Roma Equality, Inclusion, and Participation 2021-2030 (*Strategy 2021+*), which addresses the topic of education as well as Roma empowerment, anti-Gypsyism, housing, employment, or health and data collection (for example on numbers of Roma children in children's homes, foster care and institutional care).¹¹⁶ No other education-related documents were adopted.

Czechia continues to face significant inequalities in the education system, which create obstacles and difficulties for many students, particularly those with special educational needs or who are of Roma origin. Data from 2022 shows that support for disadvantaged pupils is insufficient.¹¹⁷ While the Ministry of Education has previously issued grant calls to support schools with above-average representation of socially disadvantaged students in line with the *Strategy 2030+*,¹¹⁸ allocating up to CZK 2 billion (almost EUR 79 million) to support such schools, specific impacts are not yet observable. Even though there are up to 140 000 socially disadvantaged pupils in the Czech Republic, their material, educational and personal support is deficient. According to specialised NGOs, the state should better support the involvement of teachers' assistants and invest in this field. Yet, on the other hand, public opinion is convinced that education is within reach to everyone equally in accordance with their abilities and competence (85 % of Czechs believe this to be the case).¹¹⁹

Due to the ongoing military aggression of Russia in Ukraine, a large number of Ukrainian refugees remained in the Czech Republic through 2024 and 2025, including a significant number of refugees of Roma origin. According to data from the Ministry of Education, a total of 53 246 children of Ukrainian refugees were enrolled in schools as of 30 September 2024, representing roughly 2.8 % of all students.¹²⁰ In the 2025/2026 school year, this number remained relatively stable as the situation in Ukraine continued. Significant legal developments occurred regarding Ukrainian refugee children in 2025. Act No. 24/2025, amending the so-called *Lex Ukrajina*, which entered into force on 11 February 2025, introduced the possibility for the special enrolment of Ukrainian refugee children into first grades (school directors could, in agreement with the founder, carry out special enrolment between 1 June and 15 July).

However, on 17 December 2025, the Constitutional Court issued a groundbreaking decision declaring the latter change unconstitutional.¹²¹ The Court held that separate enrolment

¹¹⁵ Ministry of Education, Youth, and Sports (2020), *Strategy on Education 2030+*, strategy document, available at: https://www.msmt.cz/uploads/brozura_S2030_en_fin_online.pdf.

¹¹⁶ Czech Government, Strategy for Roma Equality, Inclusion and Participation 2021 – 2030, available at: https://www.vlada.cz/assets/ppov/zalezitosti-romske-komunity/roma_czech_republic_strategy_en.pdf.

¹¹⁷ Romea (2022), 'Kvalitnější podpora sociálně znevýhodněných žáků by byla prospěšná pro celou společnost. Stát by v budoucnu ušetřil na sociálních dávkách' (Better support of socially disadvantaged pupils would be beneficial for the society as a whole. The state would save money on social subsidies) – news article, available at: www.romea.cz/cz/zpravodajstvi/domaci/kvalitnejsi-podpora-socialne-znevychodnenych-zaku-by-byla-prospesna-pro-celou-spolecnost.stat-by-v-budoucnu-usetril-na.

¹¹⁸ Ministry of Education, Youth, and Sports (2023), 'MŠMT podpoří znevýhodněné školy dvěma miliardami korun' (Ministry of Education Will Support Disadvantaged Schools With CZK 2 Billion) – press release, available at: <https://www.msmt.cz/ministerstvo/novinar/msmt-podpori-znevychodnene-skoly-dvema-miliardami-korun>.

¹¹⁹ Romea (2022), 'Možnost získat vzdělání podle obyvatel ČR nejvíc ovlivňuje píl. Rasa či národnost hraje prý minimální roli' (The Chance to Obtain Education Is Mostly Influenced by Personal Efforts, Czech People Think. Race or Nationality Play a Marginal Role) – news article, available at: <https://romea.cz/cz/domaci/moznost-ziskat-vzdelani-podle-obyvatel-cr-nejvic-ovlivnuje-pile-rasa-ci-narodnost-hraje-pry-minimalni-rolj>.

¹²⁰ Ministry of Education, Youth, and Sports (2024), 'Základní informace k ukrajinské problematice v regionálním školství' (Basic Information on Ukrainian Issues in Regional Education), press release, <https://www.edu.cz/wp-content/uploads/2024/12/Zprava-aktualni-pocty-ukrajinskych-uprchliku-v-CR-2024-PODZIM.pdf>.

¹²¹ Constitutional Court of the Czech Republic, Judgment of 17 December 2025, Pl. ÚS 25/25.

procedures for Ukrainian children led to possible ethnic segregation and discrimination against a particularly vulnerable group. This ruling has immediate implications for the organisation of school enrolment from 2026 onwards, effectively prohibiting separate enrolment procedures for Ukrainian children.

The situation regarding financing in the education sector remained contentious in 2025. The Government's plan to shift responsibility for funding non-teaching staff (such as caretakers, cooks, cleaners and assistants) from the state budget to regional and municipal authorities, initially scheduled for September 2024, was postponed to 1 January 2026 following significant opposition from municipalities and regions. This postponement ensured continued state financing of these positions through 2025. However, concerns persisted throughout 2024-2025 about inadequate funding and the long-term sustainability of non-teaching positions once the transfer occurs.

In 2024, the Government introduced a comprehensive proposal to amend the Schools Act. The proposal aimed to establish systematic and uniform rules for pedagogical support positions in primary schools, including provisions defining catchment areas for pedagogical-psychological counselling centres. The proposal introduced flexibility in the regulation of the number of teaching hours funded for each school from the state budget and addressed inequalities among schools caused by uneven representation of socially and economically disadvantaged pupils by introducing indexed funding reflecting the complexity of education provided. After parliamentary debate throughout late 2024 and early 2025, the amendment was approved by Parliament in May 2025, signed by the President in July 2025, and published in the Collection of Laws on 4 August 2025 as Act No. 267/2025.¹²² The main provisions entered into force on 1 September 2025, with financing provisions taking effect from 1 January 2026.

Pupils with disabilities

In Czechia, the general approach to education for pupils with disabilities does raise problems.

The process of legislation changes started with amendments in 2015. The amendment to the Schools Act, Act No. 82/2015¹²³ was adopted based on the *Strategy for Education in 2020*, in which equal access to education for all children is a top priority. It brought in fundamental changes concerning the inclusive education of pupils with disabilities with effect from 1 September 2016. The law no longer referred to 'pupils with disabilities' that were characterised by type of diagnosis, but instead described them by the degree of support needed, primarily using a medical approach, but also taking into account their cultural environment.

Section 16(2) of the Schools Act currently provides the following list of supporting measures, i.e. necessary adjustments in education:

- counselling help in a school or special counselling centre;
- adjustments in the organisation, content, evaluation, forms and methods of education (including teaching of subjects of special pedagogic care or extending the length of secondary or higher education);
- adjustments to the conditions of education and the conclusion of education;
- compensation tools, special textbooks or special educational tools, communication systems for deaf and deaf-blind pupils, Braille and the supporting communication systems;

¹²² Act No. 267/2025, amending Act No. 561/2004, on Pre-school, Basic, Secondary, Higher Vocational and Other Education (the Schools Act), published in the Collection of Laws on 4 August 2025.

¹²³ Act No. 82/2015 amending Act No. 561/2004, the Schools Act (*Zákon č. 82/2016 Sb., kterým se mění zákon č. 561/2004 Sb., školský zákon*), 19 March 2015.

- adjustments in the expected results of education according to the education programmes;
- education according to the individual educational plan;
- engaging a teaching assistant;
- engaging another teacher, interpreter of sign language, rewriter for deaf people;
- making construction or technical modifications of areas where education is provided to improve their accessibility.

Specific supporting measures must be ensured for the education of people who cannot perceive speech through the sense of hearing (education in a communication system of deaf and deaf-blind people, teaching of written Czech language using the methods of teaching foreign language parallel with education in sign language). Education of people with alternative ways of communicating must be provided through a communication system that reflects the needs of such people.

Under Section (9) of the Schools Act, placement of pupils with mental, physical, visual or hearing disability, a serious speech defect, serious development disorder, learning or behaviour disability, multiple disabilities or autism into a special school, class department or study groups, is possible only as a subsidiary measure if supporting measures are not deemed sufficient for the pupil's inclusion in regular classes. A written request by a pupil or their statutory representative, the recommendation of the special counselling centre and compliance with the best interest of the pupil is needed for a pupil's placement in a special school. However, if the statutory representative of a pupil with special educational needs defined in Section 16(9) of the Schools Act decides that s/he wants his/her child to be educated in a mainstream school in line with a recommendation made by a special counselling centre, the school will be obliged to provide the child with maximum support in the form of a broad range of support measures that include assistance of other expert staff including a teacher's assistant, adjustment of the organisation and methods of instruction and/or provision of necessary assistive devices. The children also have the right to obtain secondary education textbooks free of charge according to Section 27(5) of the amended Schools Act.

Details about support measures and the system of education of children with special educational needs are defined in Decree No. 27/2016, known as the Inclusive Decree. The Decree was amended by Decree No. 306/2025, which entered into force on 1 September 2025 (with some provisions effective from 1 January 2026).¹²⁴ The Decree sets out an overview of support measures, including individual educational plans for pupils with special needs, the duties of a teaching assistant, the support measures for pupils using special communication systems, interpreters of sign language, rewriters for deaf people, the procedure for providing support measures and the organisation of the education of pupils with a need for support measures etc.

A groundbreaking decision in this area was the ruling of the Constitutional Court from 2023,¹²⁵ which addressed the obligation of educational institutions to ensure adequate measures for the education of students with special educational needs in the sense of the Schools Act. The Court stated that it is unacceptable for parents to have to pay for an assistant for their son with autism and mild mental disabilities, as it is contrary to the constitutional principle of free education (Section 33(2) of the Czech Charter of Fundamental Human Rights). According to the Court, schools must demonstrate that they have made every effort to adopt appropriate adjustments to facilitate inclusion. This decision will undoubtedly have significant implications for the obligation to meet the needs of these students.

¹²⁴ Decree No. 306/2025, amending Decree No. 27/2016, on the education of pupils with special educational needs and gifted pupils, effective from 1 September 2025.

¹²⁵ Judgment of the Constitutional Court of 15 November 2023 (published on 5 December 2023), no. III. ÚS 1068/22, available at: https://www.usoud.cz/fileadmin/user_upload/Tiskova_mluvcí/Publikovane_nalezy/2023/3_1068_22_AN.pdf

The Schools Act introduces an important monitoring mechanism to address concerns about decisions taken by special pedagogical centres (*speciálně pedagogická centra*) – SPCs.¹²⁶ The SPCs provide pedagogical, psychological and other help to clients with disabilities (complex diagnoses, individual and group work with pupils and so on). Pupils and schools have the right to appeal to an independent central authority¹²⁷ against a decision taken by the SPC. This central authority is empowered to review the evaluation of the educational needs of the child and if necessary, to change the decision of the SPC. Section 16a defines the function of special counselling centres, which provide consulting help on request by a pupil or their statutory representative. These centres issue reports and recommendations, which are necessary for the implementation of certain supporting measures.

The SPCs can choose from a variety of up-to-date tests measuring intelligence, however, those tests cannot be the sole basis for determining special education needs. New tests of adaptive skills (social and practical skills) have been developed. Efforts to develop the adaptive skills test and to intensify the application of dynamic diagnostics in practice continue.¹²⁸

The SPCs make suggestions to the schools where pupils in need of assistance study. The Czech School Inspectorate found that more than 80 % of schools follow these suggestions entirely.¹²⁹

It can be argued that inclusive education in Czechia is fragile and it is crucial that it is safeguarded. Unfortunately, there is a tendency towards restricting the access to effective aid of pupils with special educational needs, demonstrated by attempts to amend the Inclusive Decree.

In 2025 there were significant legal developments regarding pupils with disabilities. Act No. 267/2025 introduced the mandatory provision of school psychologists or special educational pedagogues in primary schools with an average of 180 or more pupils, effective from 1 January 2026. The law establishes the concept of PHPmax (maximum hours of direct pedagogical work financed from the state budget) and provides a three-year transitional period for schools unable to recruit qualified staff.

From 1 September 2026, each standard first grade class in primary schools with 15 or more pupils will receive funding for a teaching assistant for 20 hours of direct pedagogical work per week from the state budget.

Decree No. 306/2025 amending the Inclusive Decree introduced new Section 5a regulating the provision of support by psychologists or special pedagogues when standard support measures cannot be provided, rules for the cumulation of teaching assistant positions in first grades (maximum 1.0 FTE per class with exceptions for classes with four or more pupils requiring support measures of levels 3-5), updated formulas for calculating the standardised financial complexity of personal support measures, and restrictions for schools with fewer than 180 pupils to provide only one support measure by psychologist or special pedagogue per school.

¹²⁶ Decree No. 73/2005, on the education of children with special educational needs (*Vyhláška č. 73/2005, Ministerstva školství, mládeže a tělovýchovy*), 9 February 2005, <https://www.zakonyprolidi.cz/cs/2005-73>, Decree No. 72/2005, on providing consulting services in schools and school advisory institutions (*Vyhláška č. 72/2005, Ministerstva školství, mládeže a tělovýchovy*), 9 February 2005, <https://www.zakonyprolidi.cz/cs/2005-72>.

¹²⁷ Pedagogical and Psychological Counselling Division of the National Institute for Education.

¹²⁸ Committee of Ministers (2016), *Complementary Report on the execution of the judgment in D. H. and Others*, 6 September 2016, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806a89f0>.

¹²⁹ Czech School Inspectorate (2018), *Quality and efficiency of education and educational system in the school year 2017/2018 (Kvalita a efektivita vzdělávání a vzdělávací soustavy ve školním roce 2017/2018)*, [https://www.csicr.cz/cz/Dokumenty/Vyrocní-zpravy/KVALITA-A-EFEKTIVITA-VZDELAVANI-A-VZDELAVACI-S-\(1\)](https://www.csicr.cz/cz/Dokumenty/Vyrocní-zpravy/KVALITA-A-EFEKTIVITA-VZDELAVANI-A-VZDELAVACI-S-(1)).

Concerns arose in early 2025 regarding the financing of support measures for pupils with disabilities. Following the planned transfer of responsibility for funding non-pedagogical staff to regional and municipal authorities from 1 January 2026, uncertainty emerged about whether local authorities would have sufficient resources to maintain current levels of support. The National Council of Persons with Disabilities issued a warning in February 2025 that the financing of support measures for pupils with disabilities could be jeopardised by this change.¹³⁰

a) Trends and patterns regarding Roma pupils

In Czechia, there are specific trends and/or patterns (legal and societal) in education regarding Roma pupils, such as segregation.

Segregation of Roma pupils was declared as discrimination in relation to their right to education in the ECtHR judgment in *D.H. and Others v. the Czech Republic* back in 2007. Despite several positive steps, which are also described in this report, segregation remains an issue in the Czech education system.

In 2022, the Czech Government settled a case where an individual claimed discrimination before the ECtHR under very similar circumstances as in the *D. H.* case (i.e. being placed into a special school facility for children with mental disability merely based on his Roma origin). The discrimination, however, happened back in 1995. The state, arguably aware of the failure, will now pay him compensation of EUR 4 000.¹³¹

In late December 2023, Czechia submitted an Action Plan for the Execution of the Judgment¹³² to the Committee of Ministers of the Council of Europe, outlining the Ministry of Education's current approach to ensuring equal educational access for Roma pupils.¹³³ The plan details measures to be implemented in the coming years, organised into three thematic sections (so-called project cards): (1) Support for Schools; (2) Reform of the Counselling System; and (3) Ethnic Desegregation. These measures are based on the 'Analysis of the Causes of the Higher Proportion of Roma Pupils Educated in Classes Established According to § 16 Paragraph 9 of the Education Act,'¹³⁴ In March 2024, an oral hearing on the execution of the *D.H. and Others* judgment took place during the Committee of Ministers' session in Strasbourg. The Committee welcomed the proposed measures and urged their prompt implementation according to the specified timeline. Consequently, Czechia was expected to submit a comprehensive report on the adoption of all announced measures by the end of 2025. In December 2025, the Office of the Government Commissioner submitted a new action plan for supporting participation of Roma and socially disadvantaged children in preschool education to the Committee of Ministers, developed in cooperation with the Ministry of Education, Ministry of Labour and Social Affairs and the

¹³⁰ National Council of Persons with Disabilities (NRZP) (2025), 'Information No. 18-2025: Financing of Support Measures for Pupils with Disabilities at Risk', 27 February 2025, available at: <https://nrzp.cz/2025/02/27/informace-c-18-2025-financovani-podpurnych-opatreni-pro-zaky-ozp-ohrozeni/>.

¹³¹ ERRC (2022), 'Czech Republic pay settlement to Romani man in school segregation case before ECtHR' – press release, available at: www.errc.org/press-releases/czech-republic-pays-settlement-to-romani-man-in-school-segregation-case-before-european-court. No ECtHR judgement was issued in the case as the settlement happened before a decision could be made.

¹³² Ministry of Justice (2023), *Akční plán výkonu rozsudku D.H. a ostatní* (Action Plan for the Execution of the Judgment *D.H. and Others*), <https://msp.gov.cz/documents/12681/3594730/Příloha+č.+1+D.H.+a+ostatní+Akční+plán+2023-12-21.pdf/7600f5b5-8a39-4371-886e-eb5b10ae6f08>.

¹³³ Ministry of Justice (2024), '*D.H. a ostatní proti České republice – diskriminace romských dětí v přístupu ke vzdělání*' (*D.H. and Others v. Czech Republic – discrimination of Roma children in access to education*), <https://msp.gov.cz/en/web/msp/-/d-h-a-ostatni-proti-ceske-republice-diskriminace-romskych-deti-v-pristup-ke-vzdelani>.

¹³⁴ PAQ Research, STEM (2023), (Analysis of the causes of a higher proportion of Romani students being educated according to the framework educational programme for elementary education in classes established under Section 16(9) of the Schools Act and recommendations for education and other relevant areas), research report.

Ministry of Health.¹³⁵ This plan focuses on removing barriers to participation in preschool education, improving awareness among Roma parents, reducing financial burdens on families, strengthening capacities of kindergartens and preventing segregation.

To improve the situation with regard to the segregation of Roma students, the Ministry of Education, alongside key partners, signed a Memorandum of Cooperation on 15 April 2024 to combat ethnic segregation in schools.¹³⁶ The Ministry of Regional Development joined this initiative later in 2024, helping to provide targeted support to schools in the areas most affected by segregation.¹³⁷ This Memorandum was developed in line with the implementation of the action plan, with collaboration continuing through 2025 and beyond. It includes measures such as teacher training, increasing funding for schools in socially excluded areas, and creating mechanisms to monitor segregation practices.

Despite this, it is clear that two issues remain apparent: (i) the higher prevalence of Roma pupils in classes for pupils with special needs/schools for pupils with disabilities, and (ii) the accumulation of Roma children in schools or classes where they form a majority of pupils and are thus segregated.

In 2018, the Ombudsman issued a recommendation in which it provided a detailed analysis of the situation and concluded that such segregation has the following consequences:

- decrease in the likelihood of reaching higher degrees of education;
- strengthening social exclusion and increasing social tension between groups of people;
- increasing the difficulty of pedagogical work and creating a risk of overloading teachers;
- exodus of pupils of majority ethnicity and teachers from some schools;
- decreased economic activity of graduates of segregated schools;
- increase of the costs for the segregated school;
- in summary, substantial loss in Czechia's gross domestic product.¹³⁸

No notable actions have been implemented as a direct response to the recommendation. On the other hand, several developments discussed below have taken place in the subsequent years.

Czechia has been criticised repeatedly by international institutions because of the persistent problem of segregation of Roma children in schools with reduced curricula, separate from mainstream schools. Irrespective of all proclaimed statements concerning the unification of primary education, the system still remains divided into mainstream schools and special schools. For example, infringement proceedings against Czechia were initiated by the European Commission on 25 September 2014 for the alleged failure to secure equal access to education for Roma children. The proceedings call into question Czechia's compliance with the Racial Equality Directive (2000/43/EC), Articles 2(2)(a), 2(2)(b), 2(3) and 3(1)(g), which prohibit discrimination in access to education on the

¹³⁵ Ministry of Justice of the Czech Republic, Office of the Agent of the Czech Government (2025), 'Interim report on the Execution of the Judgment of the European Court of Human Rights in the case of D.H. and Others v. the Czech Republic', 17 January 2025, available at:

<https://mezisoudy.cz/storage/files/tinyMCE/D.%20H.%20and%20Others%20Interim%20report%20on%20the%20Execution%20of%20the%20Judgment%20En%20fin%202025-01-17.pdf>.

¹³⁶ Ministry of Education, Youth and Sports (2024), *Memorandum k řešení otázky etnické segregace ve školství* (Memorandum on addressing ethnic segregation in education), <https://msmt.gov.cz/memorandum-o-spolupraci-pro-ukoncovani-etnicke-segregace-ve>.

¹³⁷ Ministry of Education, Youth and Sports (2024), *Instituce spojují síly pro rovný přístup a kvalitní vzdělávání* (Institutions join forces for equal access and quality education), <https://msmt.gov.cz/instituce-spojuji-sily-pro-rovny-pristup-a-kvalitni>.

¹³⁸ Public Defender of Rights (2018), *Doporučení veřejné ochránkyně práv ke společnému vzdělávání romských a neromských dětí* (Suggestions of the Public Defender of Rights in the field of joint education of Roma and non-Roma children), available at: https://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Vyzkum/Inclusive_Education_of_Roma_and_non-Roma_Children_EN.pdf.

grounds of race or ethnicity. Although Czechia subsequently abolished the system of 'special' or 'practical' schools, findings by the Commission indicated that Roma children continued to be disproportionately placed in separate classes or schools designated for pupils with mental or physical disabilities or significant developmental or behavioural disorders. In addition, many Roma children attending mainstream education were segregated into separate classes or schools with lower educational standards, often exclusively for Roma students. Consequently, on 3 October 2024, the Commission issued an additional formal notice to Czechia, giving the country two months to respond and address the identified shortcomings.¹³⁹ As of late 2025, Czechia remains under infringement proceedings and faces the possibility of referral to the Court of Justice of the European Union if the situation does not improve.

The European Commission against Racism and Intolerance (ECRI), a body monitoring human rights within the Council of Europe, stated in its evaluation report published in 2023 that the Czech Republic had not implemented the recommendations arising from ECRI's 2020 report, particularly regarding the reduction of the number of Roma children enrolled in special education and the cessation of all forms of de facto segregation affecting Roma children in schools.¹⁴⁰ According to ECRI, Czech authorities have made policy attempts to eradicate the segregation of Roma children in schools and have allocated certain financial resources to address this issue. However, these efforts have not led to any significant changes in practice. The Government Commissioner for Human Rights has expressed her intention to focus on addressing the segregation of Roma pupils along with the Commissioner for Romani Affairs.¹⁴¹

Even the Council of Europe's highest body, the Committee of Ministers, has been expressing concern since 2015,¹⁴² that the percentage of Roma pupils in classes or groups for children with 'mild intellectual disabilities' remains disproportionate and has urged the authorities to ensure the necessary support to pupils entering or transferred to mainstream education. According to 2023 data from the Ministry of Education, more than a quarter (26.2 %) of students educated under the rules with reduced requirements, which are intended specifically for children with mild mental disabilities, are Roma.¹⁴³

According to the October 2025 'Situation Report on Segregation of Roma Pupils', commissioned by the Ministry of Education, there are approximately 130 segregated schools in Czechia where at least a third of students are Roma.¹⁴⁴ The data reveals a concerning trend: 78 schools have more than 50 % Roma pupils, and 46 schools exceed 90 % Roma pupils. In special classes within mainstream schools, Roma pupils constitute 22 %, and in special schools, 15 %. The report estimates that approximately one third of Roma pupils do not complete basic education. Between 2017 and 2021, the proportion of schools where at least 50 % of students are Roma increased from 57 to 66 schools, and

¹³⁹ European Commission (2024), 'October infringements package: key decisions', Press release, 3 October 2024, reference INF/24/4561, available at: https://ec.europa.eu/commission/presscorner/detail/en/inf_24_4561.

¹⁴⁰ European Commission against Racism and Intolerance (2022), *ECRI Conclusions on the implementation of the recommendations in respect of the Czech Republic subject to interim follow-up*, available at: <https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendation-in-respec/1680aa6865>.

¹⁴¹ Romea (2023), 'Evropská komise: Romské děti stále trpí segregací ve školách! Česká republika neřeší problém dostatečně' (European Commission: Roma children still suffering segregation in schools! Czech Republic not adequately addressing the issue), news article, 10 March 2023, available at: <https://romea.cz/cz/domaci/evropska-komise-romske-deti-stale-trpi-segregaci-ve-skolach-ceska-republika-neresi-problem-dostatecne>.

¹⁴² Council of Europe (2015), *1222 DH meeting of the Ministers' Deputies*, March 2015, https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805c5200.

¹⁴³ Public Defender of Rights (2023), 'Podle pravidel pro žáky s lehkým mentálním postižením se pořád učí více romských dětí, než by odpovídalo zastoupení Romů mezi všemi školáky' (According to the rules for students with mild mental disabilities, more Roma children are still learning than corresponds to the representation of Roma among all students), press release, 4 September 2023, available at: <https://www.ochrance.cz/aktualne/podle-pravidel-pro-zaky-s-lehkym-mentalnim-postizenim-se-porad-u-ci-vice-romskych-deti-nez-by-odpovidalo-zastoupeni-romu-mezi-vsemi-skolaky/>.

¹⁴⁴ Ministry of Education, Youth and Sports (2025), 'Situační zpráva o segregaci romských žáků' (Situation Report on Segregation of Roma Pupils), October 2025.

schools with at least 75 % Roma pupils increased from 25 to 30 schools. According to 2022 data, it is estimated that 49 % of Roma children are educated in segregated schools and facilities, which is 20 percent points more than in 2016.

To conclude on a more positive note, in 2022, there was a significant judgment issued by the Supreme Court concerning the issue of segregation (which is not defined or addressed in the legal order besides the UNESCO Convention against Discrimination in Education which has been ratified by Czechia).¹⁴⁵ It condemned segregation as a practice that may not be justified as it inherently goes against human dignity. It elaborated on the concept of segregation, stating that the essence of segregation;

'lies in the very fact of separation of individuals belonging to certain race or ethnic group as such treatment is offensive and stigmatising in itself and brings feelings of exclusion and inferiority [...] Racial segregation in education cannot be justified by stating that segregated pupils receive the same quality of education; even if that were true, it would mean subscribing to the doctrine of "separate but equal", which has been strongly rejected in the past and must be rejected even now.'

The judgment affirmed that in cases of segregation in education, the burden of proof shifts to the respondent. According to the Supreme Court, the existence of statistical evidence (official or unofficial) would be sufficient to initiate such a shift.

The Ministry of Education continued to issue targeted grant calls in 2025 to support schools with above-average representation of socially disadvantaged pupils, including specific programmes for supporting the integration of the Roma minority covering thematic areas such as preschool education, cooperation between families and schools and the prevention of early school leaving.¹⁴⁶ Maximum point scores in grant evaluations require involvement of Roma assistants. A separate programme provides financial support of CZK 7 500-12 000 (EUR 300 – 480) per Roma pupil in secondary schools, with a total allocation of CZK 6.3 million (EUR 250 000) for 2026.

3.2.8 Access to and supply of goods and services that are available to the public (Article 3(1)(h) Directive 2000/43)

In Czechia, national legislation prohibits discrimination in the following area: access to and supply of goods and services as formulated in the Racial Equality Directive.

According to Section 1(1)(j), the Anti-Discrimination Act applies to 'access to goods and services, including housing, to the extent that they are offered to the public, or in their supply'. In addition to race or ethnicity, the grounds of age, disability, religion, belief and sexual orientation are also covered by the legislation.

The national legislation does not expressly deal with discrimination due to gender identity, gender expression and sex characteristics. The Anti-Discrimination Act contains gender as a discrimination ground. It also states that discrimination on the basis of 'sexual identity' would be deemed gender discrimination. In the author's assessment, the term 'sexual identity' can be interpreted to cover gender identity, gender expression and sex characteristics.

a) Distinction between goods and services available publicly or privately

In Czechia, national law distinguishes between goods and services available to the public (e.g. in shops, restaurants, banks) and those only available privately (e.g. limited to members of a private association).

¹⁴⁵ Supreme Court, No. 25 Cdo 473/2021, 5 May 2022.

¹⁴⁶ Ministry of Education, Youth and Sports (2025), 'Call for Applications for Grants to Support Integration of the Roma Minority in 2025', available at: <https://msmt.gov.cz>.

The Act on consumer protection contains a general clause prohibiting discrimination against consumers on any ground in the area of the provision of goods and services. In this respect discrimination means any differentiation between consumers that cannot be justified by legitimate reasons. The law applies only if the supply of goods and services is related to business activities. In all other respects, the Anti-Discrimination Act applies. The wording of the Anti-Discrimination Act shows that the application of the prohibition of discrimination is limited to the sale of goods and provision of services carried out in public and targeted at the public. The provisions of the Anti-Discrimination Act do not apply to goods and services offered or provided on a private basis (e.g. offering goods to members of a private association).

3.2.9 Housing (Article 3(1)(h) Directive 2000/43)

In Czechia, national legislation prohibits discrimination in the following area: housing as formulated in the Racial Equality Directive.

The Anti-Discrimination Act applies to the material scope of 'housing' defined within the wider scope of services provided and offered to the public, as specified in Section 1(1)(j); such a term would be interpreted to cover social housing as well. In addition to race or ethnicity, the grounds of age, disability, religion, belief and sexual orientation are covered by the legislation.

The national legislation does not expressly deal with discrimination due to gender identity, gender expression and sex characteristics. The Anti-Discrimination Act contains gender as a discrimination ground. It also states that discrimination on the basis of sexual identity would be deemed gender discrimination. In the author's assessment, the term 'sexual identity' can be interpreted to cover gender identity, gender expression and sex characteristics.

a) Trends and patterns regarding housing segregation for Roma

In Czechia, there are patterns of housing segregation and discrimination against Roma.

The law does not contain any specific prohibition of segregation in housing. Czech cases of discrimination in housing with regard to Roma have been concerned with housing of a lower standard rented by private owners, of a type most suited to the provision of temporary or short-term shelter accommodation. Such housing is usually provided on the basis of contracts to provide 'accommodation' only, instead of full tenancy agreements. These accommodation contracts also provide lower levels of legal security for the person occupying the accommodation than tenancy agreements do. However, Roma encounter discrimination both from other tenants and from private providers of housing. This leads to Roma being concentrated in segregated areas, where certain issues related to low stability or security of tenure arise. On the other hand, this can also be attributed to the total lack of social housing programmes in the municipalities. In respect to municipal housing, there is very little chance that any citizen, regardless of ethnicity, would be provided access to social housing under more favourable conditions, as the availability of such housing is too low. This is because new municipal flats are not being built and applicants often have to wait for previous residents to leave.

Another important topic affecting the Roma community and their housing segregation is the recent development regarding social benefits provided for accommodation. Czech law defines two main benefits for housing purposes: a housing contribution (*příspěvek na bydlení*) provided on the basis of Act No. 117/1995 on state social support, and a supplementary housing contribution (*doplátek na bydlení*) provided on the basis of Act No. 111/2006 on help in material need.

For a long time, social housing was subject to ongoing discussions without any legislative framework. In the absence of legal regulation at national level, it was up to the political representatives of each municipality to decide whether or not their town/city would have a social housing system. Several Governments promised to adopt an act on social housing to define the standards in this area. The process of enactment of this legislation was, however, slow due to strong pushback and criticism. In June 2024, the Government approved a bill on support in housing and submitted it to the Chamber of Deputies. While the bill was criticised by some as insufficient, after a lengthy parliamentary debate the Chamber of Deputies adopted the Housing Support Act in April 2025, and the Senate approved it in May 2025.¹⁴⁷ The Act was signed by the President in June 2025 and entered into force on 1 January 2026. It introduces several measures to improve access to housing, including the establishment of a network of contact points providing advice aimed at preventing the loss of housing, financial contributions to municipalities that make their apartments available to persons in housing need, and a voluntary system of guarantees for private landlords. An accompanying statute (Act No. 176/2025) amends several related laws, including adding a simplified eviction order procedure in the Code of Civil Procedure to protect landlords against unlawful occupation by former tenants. The Act targets households with incomes up to 1.43 times the subsistence minimum, a threshold that critics consider too restrictive. The system is expected to take some time to become fully operational.

The expected impact of the new law on the Roma minority is mixed. On the one hand, Roma households are likely to be among the principal beneficiaries: they are disproportionately represented among persons living in substandard accommodation, dormitories (*ubytovny*) and socially excluded localities, and the new contact points, financial support for municipalities making apartments available, and guarantee scheme for private landlords are designed precisely for households facing barriers to accessing standard housing. The expanded support for preventing the loss of housing may also address one of the structural drivers of Roma residential segregation. On the other hand, several features of the new framework limit its likely effectiveness for Roma households. The income threshold of 1.43 times the subsistence minimum excludes a significant portion of low-income Roma families whose earnings marginally exceed this limit but who nonetheless cannot access standard housing due to discrimination by private landlords. Participation by municipalities and private landlords is voluntary, meaning that in localities where local political will is weak or anti-Roma sentiment is strong, the new law's instruments may remain largely unused. The simplified eviction procedure introduced by the accompanying Act No. 176/2025 has also raised concerns among NGOs as it could disproportionately affect Roma households in unstable tenancy arrangements. The actual impact will therefore depend heavily on implementation at the municipal level and on the willingness of private landlords to participate in the guarantee scheme.

¹⁴⁷ Act No. 175/2025, on the provision of certain measures in support of housing.

4 EXCEPTIONS

4.1 Genuine and determining occupational requirements (Article 4 Directive 2000/43, Article 4(1) Directive 2000/78)

In Czechia, national legislation provides for an exception for genuine and determining occupational requirements.

Genuine and determining occupational requirements are defined in Section 6(3) of the Anti-Discrimination Act, as well as in Section 16(3) of the Labour Code. The Anti-Discrimination Act prescribes that differential treatment can be justified if there is a factual reason based on the nature of the work or activity.

According to the Anti-Discrimination Act an exception is possible if it is based on 'substantive grounds consisting in the nature of the performed work or activities and the requirements made are appropriate to that nature'. Differential treatment does not constitute discrimination where, by reason of the nature of the labour activities or context in which they are to be carried out, it follows that such a ground constitutes a genuine and determining occupational requirement, provided that the objective for such an exception is legitimate and the requirement is proportionate. No case law is available in this regard.

The author is not aware of any situation where national law (legislation or case law) would not be in compliance with CJEU case law regarding genuine and determining occupational requirements (notably C-157/15 *Achbita*; C-188/15 *Bougnaoui* and C-148/22 *Commune d'Ans* as well as C-229/08 *Wolf*).

4.2 Employers with an ethos based on religion or belief (Article 4(2) Directive 2000/78)

In Czechia, national law provides for an exception for employers with an ethos based on religion or belief.

Section 6(4) of the Anti-Discrimination Act contains an exception applicable to 'dependent work in churches or religious organisations, where from the character of such work or the circumstances in which it is carried out, it follows that a person's religion, belief or opinions constitutes a genuine and determining, justified and legitimate occupational requirement with respect to the ethos of the church or religious organisation'. The Act does not refer to an exception based on other grounds (e.g. sexual orientation); while there is no case law available, it appears unlikely that a court in a discrimination lawsuit would accept that the exception has a wider scope than that expressly stated in the law as that would also constitute a breach of the Directive.

4.3 Armed forces and other specific occupations (Article 3(4) and Recitals 18 and 19, Directive 2000/78)

In Czechia, national legislation provides for an exception for the armed forces in relation to age and disability discrimination (Article 3(4), Directive 2000/78/EC).

The regulation is divided between Act No. 361/2003 on service by members of the security forces, and Act No. 221/1999 on service by professional soldiers.

In Czechia, national legislation does not provide for a definition of armed forces. However, the former act provides a definition of 'security forces'¹⁴⁸ and the latter act provides a definition of a 'professional soldier'.¹⁴⁹

In Czechia, the scope of the exception is not limited to safeguarding the combat effectiveness of the armed forces.

In Czechia, the scope of the exception extends to other non-combat staff, such as civilians employed in administrative positions in the army, subject to the condition that their relationship with the army is governed by acts on public service mentioned below, rather than by a standard employment contract. National law differentiates between a standard employment contract governed by the Labour Code, and a public service that is discharged on the basis of special laws summarised below. To the extent that a particular activity is carried out in a public service relationship rather than an employment relationship, the exception will apply.

Section 77(2) of Act No. 361/2003 on service by members of the security forces (governing the service of firefighters, customs officers, prison officers, the Security Information Service, officials of the Office for International Contacts and Information, and police officers) does not provide for disability as a protected ground.¹⁵⁰ Age is provided as a ground for discrimination in this legislation. Section 2(3) of Act No. 221/1999 governing the service of professional soldiers does not provide for age and disability as protected grounds.¹⁵¹

The Czech Ombudsman has challenged the compliance of the aforementioned acts with Directive 2000/78/EC.¹⁵² The Ombudsman expressed the view that where the EU law enables Member States to stipulate a certain exception from the right to equal treatment, the Member State must define the extent of such an exception. A full exclusion of the rule of equal treatment as such cannot be deemed a lawful exception. In the view of the Ombudsman, this also completely negates the requirement of prohibition of discrimination on the basis of disability with regard to all matters concerning all forms of employment, in the sense of Article 27(1)(a) of the UN Convention, and can also be deemed a breach of the Convention for the Protection of Human Rights and Fundamental Freedoms.

4.4 Nationality discrimination (Article 3(2))

a) Discrimination on the ground of nationality

In Czechia, national law includes exceptions relating to difference of treatment based on nationality.

¹⁴⁸ Under Section 1(1) of Act No. 361/2003 Coll., on the Service Relationship of Members of the Security Forces, a "security force" is defined as comprising the Police of the Czech Republic, the Fire Rescue Service of the Czech Republic, the Customs Administration of the Czech Republic, the Prison Service of the Czech Republic, the General Inspection of Security Forces, the Security Information Service, and the Office for Foreign Relations and Information.

¹⁴⁹ Under Section 1(1) of Act No. 361/2003 Coll., on the Service Relationship of Members of the Security Forces, a "security force" is defined as comprising the Police of the Czech Republic, the Fire Rescue Service of the Czech Republic, the Customs Administration of the Czech Republic, the Prison Service of the Czech Republic, the General Inspection of Security Forces, the Security Information Service, and the Office for Foreign Relations and Information.

¹⁵⁰ Protected grounds are sexual orientation, gender, language, belief or religion, political or other opinions, membership of trade unions and other associations, property, origin, race, skin colour, nationality, ethnic or social origin, age, pregnancy and maternity, marital and family status, obligations towards the family.

¹⁵¹ Protected grounds are race, skin colour, gender, sexual orientation, belief and religion, nationality, ethnic or social origin, property, origin, marital and family status, obligations towards family, maternity, pregnancy or breastfeeding.

¹⁵² Public Defender of Rights (2013), *Zpráva o šetření Propuštění ze služebního poměru z důvodu diagnostikování onemocnění virem HIV* (Investigation Report: Dismissal from Service on the Grounds of Diagnosis of an HIV Infection), available at: https://www.ochrance.cz/fileadmin/user_upload/ESO/157-2012-DIS-JSK-EN_01.pdf.

Anti-discrimination provisions apply to every natural person, irrespective of nationality, citizenship or residence status. However, according to Section 1(2) of the Anti-Discrimination Act, the law does not apply to legal regulations in respect of the conditions of entry and stay of third-country nationals and stateless persons in the territory of Czechia. According to the Schools Act, equal access to education is guaranteed to every Czech citizen, EU national and any lawfully residing foreigner. In respect of primary education, the law guarantees its provision irrespective of the legality of a foreigner's residence in Czechia.¹⁵³

In Czechia, nationality (as in citizenship) is not explicitly mentioned as a protected ground in the national Anti-Discrimination Act.

Section 2(3) of the Anti-Discrimination Act provides for sex, race, ethnic origin, sexual orientation, age, disability, religion, belief or other conviction, and nationality (*národnost*) as protected grounds. This term nationality (*národnost*) is not identical to citizenship (*občanství*). According to prevailing interpretation, the term nationality (*národnost*) means a person's membership of a particular nation as a historically established community of people characterised by common historical development, specific culture, common language, or relation to a particular territory etc. However, no clear judicial interpretation exists. In fact, the Czech Ombudsman has previously mentioned alleged discrimination based on citizenship, e.g. against citizens of other EU Member States in access to municipal housing.¹⁵⁴

On 1 January 2018, the Anti-Discrimination Act was amended to contain a reference to Regulation (EU) No. 492/2011. In situations relating to the free movement of workers where the Regulation applies, EU citizenship is also deemed a discrimination ground.¹⁵⁵

b) Relationship between nationality and 'racial or ethnic origin'

The Anti-Discrimination Act applies to discrimination on the ground of nationality (*národnost*). This term is not identical to citizenship (*občanství*). In cases of indirect discrimination, there could be significant overlap between the grounds of nationality and racial or ethnic origin.

4.5 Health and safety at work (Article 7(2) Directive 2000/78)

In Czechia, there are no exceptions in relation to disability and health and safety at work (Article 7(2), Directive 2000/78/EC).

4.6 Exceptions related to discrimination on the ground of age (Article 6 Directive 2000/78)

4.6.1 Direct discrimination

a) Justification of direct discrimination on the ground of age

In Czechia, national law allows for specific justifications for direct discrimination on the ground of age.

The possible justifications related to the ground of age in regard to access to employment and occupation are identified in Section 6(1) of the Anti-Discrimination Act, which allows

¹⁵³ Amendment to the Schools Act No. 343/2007, Section 20.

¹⁵⁴ Public Defender of Rights (Ombudsman) (2010), 'Žadatelé o obecní byty jsou posuzováni podle diskriminačních kritérií', (Assessment criteria for applicants to municipal housing), <http://www.ochrance.cz/aktualne/tiskove-zpravy-2010/zadatele-o-obecni-byty-jsou-posuzovani-podle-diskriminacnich-kriterii/>.

¹⁵⁵ Chamber of Deputies (2015), *Sněmovní tisk 688/0* (Press of the Chamber of Deputies No. 668/0), <http://www.psp.cz/sqw/text/tiskt.sqw?O=7&CT=688&CT1=0>.

for two exceptions linked to age only. The first allows for differential treatment on the ground of age where the law sets a condition of minimum age, professional experience or period of employment. In order to qualify for the exception, the condition must be essential for proper exercise of the employment or occupation or for access to certain rights and obligations connected with the employment or occupation. Essentiality of a minimum age must be interpreted in the sense of Article 6(1) of the Directive 2000/78.

The second exception allows for differential treatment where the requirement for vocational training necessary for the proper performance of occupational duties is disproportionate in comparison to the date at which the person applying for the job reaches pensionable age. The aim of this provision is to prevent unreasonable costs of measures that an employer must provide in order to enable the performance of a job (for example specialised training that takes longer than the period until retirement). An additional exception, which has not yet been challenged in court, is related to age and sex and allows for differential treatment in regard to different pensionable ages for men and women. This exception does not apply to social security provisions for workers.

Apart from the specific exceptions provided for in Section 6 of the Anti-Discrimination Act, a general justification for differences in treatment on the grounds of age is applicable on the basis of Section 7(1), if the difference in treatment is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary. This provision goes beyond Article 6 of the Directive 2000/78, as it covers several discrimination grounds, and it applies to less favourable as well as more favourable treatment (positive measures). There are no judicial cases on it yet.

b) Permitted differences of treatment based on age

In Czechia, national law permits differences of treatment based on age for any activities within the material scope of Directive 2000/78/EC.

Section 6(1) of the Anti-Discrimination Act states that unequal treatment due to age in employment shall not be deemed discrimination if a condition of a minimum age, certain degree of professional experience or length of service with an employer is necessary for the proper performance of employment or vocation or for access to certain rights or obligations connected with employment. However, the law does not explicitly list any potential legitimate aims as in Article 6 of Directive 2000/78.

Besides identifying specific exceptions on the ground of age, national law permits differences of treatment based on age in many other respects. These include in the first place, age requirements for certain professions, established by specific laws. The general test for lawful differential treatment applied by the Constitutional Court, given in 1995, was broad in character: 'It is for the state to lay down conditions under which one group of persons is given more advantages than are enjoyed by others on the precondition that this occurs in the public interest and for public benefit ...'¹⁵⁶ The test of the Czech Constitutional Court corresponds more closely to the position taken by the CJEU in C-411/05, *Félix Palacios de la Villa v Cortefiel Servicios SA*,¹⁵⁷ than to the test applied by the CJEU in C-144/04, *Mangold v. Helm*.¹⁵⁸ The Anti-Discrimination Act provides for a

¹⁵⁶ Constitutional Court, No. Pl. ÚS 9/95, decision of 28 February 1996. The case was related to provisions of an amendment to the Act on service by members of the armed forces that omitted certain periods when calculating serving soldiers' entitlements to some occupational benefits; this act is no longer valid. A group of MPs called for the repeal of this law, with regard to the right to fair remuneration for work in accordance with Article 28 of the Charter. The Constitutional Court upheld the law and rejected the complaint.

¹⁵⁷ European Court of Justice, judgment of 16 October 2007, *Félix Palacios de la Villa v. Cortefiel Servicios SA*, C-411/05, ECLI:EU:C:2007:604, <http://curia.europa.eu/juris/document/document.jsf?text=&docid=70359&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=299971>.

¹⁵⁸ European Court of Justice, judgment of 22 November 2005, *Mangold v. Helm*, C-144/04, ECLI:EU:C:2005:709;

justification test which is along the lines of Article 6(1) of the Employment Equality Directive 2000/78/EC but there is no case law related to it as yet.¹⁵⁹

c) Fixing of ages for admission to occupational pension schemes

Czech law is silent on the potential use of age criteria in actuarial calculations.

In Czechia, the Supplementary Pension Scheme Act allows occupational pension schemes to fix ages for admission to the scheme taking up the possibility provided for by Article 6(2).

1. Directly fixed conditions of age:

- minimum age requirements for employment/self-employment;
- minimum and maximum age limits set for certain professions.

2. Indirectly fixed conditions of age:

- conditions of pay depending on years of experience;
- minimum age requirements set indirectly for professions requiring a certain level of education and a minimum period of training;
- age requirements set indirectly for professions requiring specialist skills.

These requirements are, in theory, justified by the state's interest in the responsible performance of certain important occupations and its interest in public safety. Because these requirements are laid down in special laws, there are two possible ways of challenging these conditions or requirements in the ordinary courts, as follows.

First, there is the possibility of challenging their conformity with the Constitution. Secondly, there is the possibility of invoking the direct or indirect effect of EU legislation and having the ordinary law set aside because of the primacy of EU law. This would be the case when the legislation or its interpretation contradicts EU legislation.

In more than one of its later judgments, the Constitutional Court asserted that arbitrariness should also be avoided, thus acknowledging that stricter tests are applied by other bodies: '... in repeatedly expressed opinions of the UN Committee for Human Rights, inequality is admitted (...) only on the precondition of non-arbitrariness, that is, that the inequality is based on reasonable and objective criteria'.¹⁶⁰ However, it seems that the opinion of the UN Committee did not fully change the opinion of the Constitutional Court.

'It is for the state to decide whether one group of people will be provided with more advantages than another in the interest of ensuring the functions of the state. The state shall not proceed in a completely arbitrary manner; the law can only award benefit to one group and at the same time place disproportionate duties on others with reference to public values.'¹⁶¹

<http://curia.europa.eu/juris/document/document.jsf?text=&docid=56134&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=299971>.

¹⁵⁹ See, for example, Constitutional Court, No. Pl. ÚS 31/13 (162/2014), decision of 10 July 2014, http://nalus.usoud.cz/Search/GetText.aspx?sz=Pl-31-13_1.

¹⁶⁰ Constitutional Court, No. Pl. ÚS 33/96, decision of 4 June 1997, <http://nalus.usoud.cz/Search/GetText.aspx?sz=Pl-33-96>.

¹⁶¹ Constitutional Court, No. Pl. ÚS 33/96, 4 June 1997. As a result of an amendment to the Act on higher education, permanent employment contracts of teachers in higher education institutions were changed to contracts terminating on 30 September 1994. A group of MPs called for the amendment to be revoked, on the basis of the Charter and international agreements, for example ILO Discrimination (Employment and Occupation) Convention No. 111. The Constitutional Court upheld the constitutional conformity of the law and rejected the complaint.

In the Czech constitutional system, there is relatively restricted, but gradually increasing space for the judiciary to consider whether or not the limits set by national legislation meet the constitutional justification criteria or standards required by EU legislation.¹⁶²

4.6.2 Special conditions for younger or older workers

In Czechia, there do not appear to be any special conditions set by law for older and younger workers in order to promote their vocational integration.

Special conditions for younger workers are discussed below (see section 4.6.3). However, it is difficult to decide whether their purpose is to promote vocational integration. Instead, they seem to be in place to protect the healthy development of children and young people under 15 years of age.

There are no special conditions for the protection of older workers.

4.6.3 Minimum and maximum age requirements

In Czechia, there are exceptions permitting minimum and/or maximum age requirements in relation to access to employment and training.

Directly fixed conditions for age

Minimum age requirements for employment/self-employment

The Labour Code sets a general minimum of 15 years of age for persons entering into contracts of employment (together with the requirement that the person must have finished their mandatory elementary school attendance before commencing work).¹⁶³ Work by children younger than 15 years of age is forbidden, except for artistic, cultural, advertising or sporting activities regulated by conditions established by the Employment Act. Such activity must be proportionate to the child's age, not dangerous, must not endanger their education, school attendance or presence in educational programmes and must not be harmful to their healthy physical, psychological or moral development. Such activity may be carried out by the child only on the basis of permission issued by employment offices and up to a maximum limit, as defined by the law.

The age threshold differs for specific professions, with the minimum age often set at 18 years and usually dependent on some material condition for performing a specific type of work. Certain types of employment are prohibited for workers under the age of 18 years. The general minimum age for self-employment is 18 years, but in specific cases it can differ in accordance with special requirements for various types of self-employment, for example, the training or qualifications necessary for certain activities to be carried out properly. Since 2014, according to the new Civil Code, it is possible to become self-employed from the age of 16 in certain exceptional cases. Minors might be recognised as having legal capacity if their ability to make their living is proved and they have the consent of their legal representatives.¹⁶⁴

Employees younger than 18 years of age have a set length of working day and certain working conditions under the Labour Code: it prohibits night work and work exceeding normal working hours for workers under the age of 18 years; in certain circumstances it requires employers to secure medical examinations of employees under 18 years of age; and it also restricts overtime.

¹⁶² Decisions of the Constitutional Court, No. II.ÚS 1174/09, 13 January 2010, <http://nalus.usoud.cz/Search/GetText.aspx?sz=2-1174-09>; No. Pl. ÚS 53/04, 16 October 2007, <http://nalus.usoud.cz/Search/GetText.aspx?sz=Pl-53-04>.

¹⁶³ In Czechia, compulsory education is for nine years, but the maximum age by which this requirement must be complied with is 17 years.

¹⁶⁴ See Act No. 89/2012, Civil Code, 3 February 2012, Section 37.

In some cases, there are minimum age requirements to guarantee some experience necessary to perform certain jobs or functions. The minimum age for judges is 30 years. The minimum age for the functions of the Czech Ombudsman and his or her deputy and for judges of the Constitutional Court is 40 years. The same minimum age applies for members of the Senate. The minimum age for eligibility to be elected as a member of the Chamber of Deputies is 21 years.

Maximum age limits set for certain professions

There are maximum age limits for some professions. Czech law typically states a mandatory retirement age for certain professions, and upon reaching the mandatory retirement age, individuals may no longer request access to employment at the relevant position. Cases where mandatory retirement age is imposed are described in section 4.6.4(c) below.

Indirectly fixed conditions of age

Conditions of pay dependent on years of experience

The Labour Code governs the pay of state employees, employees of state organisations and local government. Pay is determined according to set categories and minimum pay rates, for which employees qualify in accordance with a combination of criteria relating to qualifications and years of experience.

Minimum age requirements set indirectly for professions requiring a certain level of education and a minimum period of training

Indirect minimum age requirements are common for professions and occupations governed by special laws, for instance occupations that require a specific type of education and additional periods of training. Such requirements apply to medical doctors, judges, lawyers, prosecutors and many other professions. A minimum age requirement is indirectly imposed by the years necessary to complete the required education and training.

Age requirements set indirectly for professions requiring specialist skills

These requirements are indirectly derived from the skills required to perform the profession. For instance, in order to perform their professional duties, different types of services, such as the fire service, prison service or army, require certain occupational skills determined by specific laws and requiring certain physical and psychological health conditions. These laws usually do not include age as a protected ground of discrimination (see section 2.1 above).

4.6.4 Retirement

a) State pension age

In Czechia, there is no state pension age at which individuals must begin to collect their state pensions. The minimum pension age for individuals born after 1971 is 65; for individuals born in or before 1971, the minimum pension age depends on a number of criteria (year of birth, gender, and, for women, the number of children they have).¹⁶⁵

If an individual wishes to work longer, the pension can be deferred.

An individual can collect a pension and still work.

¹⁶⁵ This measure was challenged on the national level and, subsequently, it was discussed by the European Court of Human Rights with the conclusion that there was no violation of the Convention (ECtHR judgment of *Andrle v. the Czech Republic*, No. 6268/08, 17 February 2011).

b) Occupational pension schemes

In Czechia, there is a standard age when people can begin to receive payments from occupational pension schemes and other employer-funded pension arrangements.

In Czechia, there are no mandatory occupational pension schemes or employer-funded pension arrangements. However, employers can contribute to their employees' private pension or life-insurance contributions, which are the subject of contracts between individual employees and private pension funds.

Usually, the age when people can begin to receive payments from a private pension is 65.

If an individual wishes to work longer, payments from such occupational pension schemes can be deferred. An individual can collect a pension and still work.

c) State-imposed mandatory retirement ages

In Czechia, there are state-imposed mandatory retirement ages only for certain specific professions. Czech law typically states a mandatory retirement age for certain professions, and upon reaching the mandatory retirement age, individuals may no longer request access to employment at the relevant position or carry it out. This includes judges¹⁶⁶ and public prosecutors,¹⁶⁷ whose office is terminated *ex lege* at the end of the year in which they reach 70 years of age. The service of state employees ceases on 31 December of the year in which the member reaches the age of 70 years.¹⁶⁸ Similarly, the service of a member of the security forces (for example the Police of Czechia, Fire Rescue Brigade, Prison Service) ceases on 31 December of the year in which the member reaches the age of 65 years.¹⁶⁹

Except those specific cases, in Czechia, there is no state-imposed mandatory retirement age.

d) Retirement ages imposed by employers

In Czechia, national law does not permit employers to set retirement ages (or ages at which the termination of an employment contract is possible) by contract and/or collective bargaining and/or unilaterally.

National law does not contain any specific provision in this respect as it is based on a principle that the employment relationship can only be terminated in one of the ways defined in the Labour Code.

e) Employment rights applicable to all workers irrespective of age

The law on protection against dismissal and other laws protecting employment rights apply to all workers irrespective of age, even if they remain in employment after attaining pensionable age or any other age. Exceptions from this rule, as provided for certain specific professions, are mentioned above.

f) Compliance of national law with CJEU case law

¹⁶⁶ Act No. 6/2002 on judges, courts, judges on the bench and the state administration of courts and on the amendment to some other acts (*Zákon č. 5/2002 Sb., o soudech a soudcích*).

¹⁶⁷ Act No. 283/1993 on state prosecutor's office (*Zákon č. 283/1993 Sb., o státním zastupitelství*).

¹⁶⁸ Act No. 234/2014 on state service (*Zákon č. 234/2014 Sb., o státní službě*), 1 October 2014, <https://www.zakonyprolidi.cz/cs/2014-234>.

¹⁶⁹ Act No. 361/2003 on service of members of security forces, 23 September 2003, <https://www.zakonyprolidi.cz/cs/2003-361>.

In Czechia, national legislation is in line with the CJEU case law on age in relation to compulsory retirement.¹⁷⁰

In Czechia, there is no compulsory retirement age (except for certain professions mentioned above) and the national legislation is generally compliant with the CJEU case law.

4.6.5 Redundancy

a) Age and seniority taken into account for redundancy selection

In Czechia, national law does not permit age or seniority to be taken into account in selecting workers for redundancy.

The Czech Labour Code does not define any selection criteria for redundancy and leaves it up to the employer to determine such criteria. A potential breach of equal treatment rules consisting in discrimination for some of the discrimination grounds is a valid reason to challenge redundancy. If an employer chose to select an individual to be made redundant on the basis of his/her age, the employee could claim unfair dismissal.

In practice, older employees can theoretically be impacted by redundancies in cases where the selection criteria relate to some elements of performance (e.g. flexibility, ability to learn new methods of work, speed of response etc.) where some older employees may be perceived as weaker than younger employees, or to salary level, given that senior workers may receive higher salaries. If the employer proves that the selection criteria was not age but some of the aforementioned considerations, it is unlikely that an employee could successfully take an action against the dismissal if the employer proves that the selection criteria were reasonable and the evaluation of such criteria was fair.

According to an older opinion of the Ombudsman, an employer cannot justify dismissals of older employees on the ground of a preference for mothers of minors while selecting workers for redundancy.¹⁷¹

b) Age taken into account for redundancy compensation

In Czechia, national law provides for compensation for redundancy (severance pay). Such compensation is not affected by the age of the worker but depends on the seniority of employees.

The minimum amounts of severance pay are determined as follows:

- one month's average earnings for employees with less than one year of service;
- two months' average earnings for employees with more than one year but less than two years of service;
- three months' average earnings for employees with more than one year but less than two years of service.

A higher severance pay can be stipulated in a collective agreement, internal policy or individual agreement. Higher amounts may also apply in case of some specific methods of distribution of working hours (known as an account of working hours).

As the statutory severance pay stops increasing after two years of service, there is little room to argue that age can have an important impact on the level of the redundancy compensation.

¹⁷⁰ CJEU, judgment of 6 November 2012, *European Commission v. Hungary*, C-286/12, ECLI:EU:C:2012:687.

¹⁷¹ Public Defender of Rights (2016), *Zpráva o šetření, sp. zn. 8024/2014/VOP* (Report on inquiry No. 8024/2014/VOP), Brno, Veřejný ochránce práv, <http://eso.ochrance.cz/Nalezene/Edit/3710>.

In 2017, the Czech Supreme Court confirmed unlawful discrimination in a case where old-age pensioners were eligible to lower severance payments under a collective labour agreement.¹⁷²

Similar conclusions were confirmed by the Ombudsman in a case where an employer excluded individuals receiving an old-age pension from the provision of bonuses.¹⁷³

4.7 Further exceptions necessary in a democratic society: Public security, public order, criminal offences, protection of health, protection of the rights and freedoms of others (Article 2(5), Directive 2000/78)

In Czechia, national law does not include exceptions that seek to rely on Article 2(5) of the Employment Equality Directive.

- Public security: None.
- Public order: None.
- Criminal offences: None.
- Protection of health: None.
- Protection of the rights and freedoms of others: None.

4.8 Any other exceptions

In Czechia, there are no other exceptions to the prohibition of discrimination (on any ground covered by this report) provided in national law.

¹⁷² Supreme Court, No. 21 Cdo 5763/2015, 18 January 2017, http://www.nsoud.cz/Judikatura/judikatura_ns.nsf/WebSearch/57FAF5FF6117C51AC12580EB004C8E48?openDocument.

¹⁷³ Defender of Rights (Ombudsman) (2022), *Výroční zpráva* (2021 Annual Report), available at: https://www.ochrance.cz/dokument/zpravy_pro_poslaneckou_snemovnu_2021/vyrocní-zprava-2021.pdf.

5 POSITIVE ACTION (Article 5 Directive 2000/43, Article 7 Directive 2000/78)

a) Scope for positive action measures

In Czechia, positive action is permitted in national law in respect of racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Sections 7(2) and 7(3) of the Anti-Discrimination Act provide for positive measures (i.e. positive action). The law allows for positive measures to be implemented within the whole material and personal scope of the law, including all grounds covered by the EU directives. The law forbids positive measures introducing rules of automatic preference.

According to the Section 7(1), a difference in treatment is not discriminatory in certain fields (social protection and advantages, healthcare, education, goods and services) on certain grounds (sex, sexual orientation, age, disability, religion, faith or world view) if such treatment is (i) objectively justified by a legitimate aim and (ii) necessary and proportional.

Regarding access to employment, Section 7(3) states that a positive measure cannot lead to a preference for a candidate with fewer professional skills and capabilities than other candidates. The law would not permit an employer to refuse to select the most suitable candidate in order to provide preferential treatment to a candidate with disability.

There are no further requirements (aside from those mentioned above) set in the law that must be met in order for positive action to be implemented.

It is worth highlighting that positive action is used less in Czechia than it is in some other European countries.¹⁷⁴

b) Quotas in employment for persons with disabilities

In Czechia, national law provides for a quota for the employment of persons with disabilities.

Under Section 67(2) of the Employment Act, companies with more than 25 employees must apply one or a combination of three measures:¹⁷⁵

- Employ a certain percentage of employees with disability – i.e. individuals who are acknowledged as such by the social security authority (4 % of all employees).
- Commission goods or working programmes from employers who employ more than 50 % employees with disability working in specially established protected workplaces or from persons with disability who are self-employed.
- Provide payments to the state budget for an employee with disability who should have been employed but was not. The amount of the payment for one person with disability who should have been employed is calculated as 2.5 times an average monthly salary and is paid on a yearly basis.¹⁷⁶ This payment becomes a part of general state income and is not earmarked for any specific purpose. For example, there is no requirement to use these payments to develop programmes to assist persons with disabilities.

¹⁷⁴ Boučková, P., Havelková, B., Koldinská, K., Kühn, Z., Kühnová, E., Whelanová, M. (2016), *Antidiskriminační zákon Komentář* (Commentary on the Anti-Discrimination Act), Praha, C. H. Beck, p. 323.

¹⁷⁵ Act No. 435/2004 on Employment, 13 May 2004, Section 81(2).

¹⁷⁶ Act No. 435/2004 on Employment, 13 May 2004, Section 82(1).

The state pays allowances to employers whose staff comprise more than 50 % employees with disability.¹⁷⁷ The allowances provided constitute 75 % of the average wage in Czechia in the preceding year for a person classified as having a full disability. For a person classified as having a partial disability or being disadvantaged on health grounds, the allowances constitute 0.33 times the average wage. Moreover, the state contributes to the establishment of protected workplaces for persons with disability, which serves to arrange the necessary equipment. There is a condition that this protected workplace must be occupied for at least three years.

The quota system has been criticised for its lack of effectiveness by organisations for persons with disabilities. Criticism has focused on the preference of employers for making payments to the Government. This may also be caused by the fact that there are no rules on automatic preference for persons with disabilities. In December 2025,¹⁷⁸ the employment offices registered 43 499 unemployed persons with disability, which represented 12.3 % of all 354 314 registered jobseekers, which is very similar to the figures from previous years. By the end of December 2025, the Labour Office was financially supporting 246 persons with disability through contributions for their work placement. Out of 87 422 available job positions, 6 192 positions could be suitable for persons with disabilities; which would mean that there would be 7 applicants with disabilities for each available position.

¹⁷⁷ Act No. 435/2004 on Employment, 13 May 2004, Section 78.

¹⁷⁸ Labour Office of the Czech Republic/Ministry of Labour and Social Affairs (2026), press release of 9 January 2026, 'V roce 2025 se přes Úřad práce ČR rozhodlo vzdělávat rekordních 143 tisíc osob. Nezaměstnanost v prosinci dosáhla 4,8 %' (In 2025, a record 143 000 persons decided to undertake education through the Labour Office. Unemployment in December reached 4.8 %), available at: <https://mpsv.gov.cz/v-roce-2025-se-pres-urad-prace-cr-rozhodlo-vzdelavat-rekordnich-143-tisic-osob-nezamestnanost-v-prosinci-dosahla-4-8->. Up-to-date data are available on the MPSV open data portal at <https://data.mpsv.cz/portal>.

6 REMEDIES AND ENFORCEMENT

6.1 Judicial and/or administrative procedures (Article 7 Directive 2000/43, Article 9 Directive 2000/78)

a) Available procedures for enforcing the principle of equal treatment

In Czechia, the following procedures exist for enforcing the principle of equal treatment:

Civil judicial procedures (tort claim)

Section 10 of the Anti-Discrimination Act introduced the possibility of a general anti-discrimination civil action. Victims of discrimination have the right to demand that 'discrimination be stopped, and that redress and satisfaction be given. Only when this would be unsatisfactory, in particular where the dignity of the person and their respect in society was considerably affected, do victims also have the right to claim monetary compensation'.¹⁷⁹ In addition, victims of discrimination can bring an action in accordance with special provisions of the Employment Act.¹⁸⁰ Section 133a of the Civil Procedure Code¹⁸¹ and the shift of the burden of proof apply in both cases. The procedure is binding for the parties. There are no different procedures for employment in the private and public sectors.

According to a judgment of the Czech Supreme Court, following the death of a person who has been discriminated against, discrimination claims may also be filed by their close persons (such as close relatives) if they feel personally affected by the discrimination.¹⁸²

Criminal judicial procedures

The Criminal Code sets penalties for crimes relating to racial discrimination and discrimination on the grounds of religion or belief.¹⁸³

The Criminal Code covers only the most serious incidents, such as those involving racial hatred or violence, and acts motivated by hatred, violence on grounds of religion or belief or propagation of neo-Nazism. Crimes of racial hatred or violence or on the grounds of religion or belief are part of a group defined as crimes that gravely affect community relations, under Sections 352, 355 and 356 of the Criminal Code. These are crimes of violence against a group or an individual as a member of that group; crimes of defamation of a nation, ethnic group, race, belief or conviction; instigation of hatred against a group of persons and restriction of the rights and liberties of a group or an individual as a member of that group. Furthermore, support and expressions of support for movements aiming to suppress the rights and freedoms of others are punishable according to Sections 402 and 403 of the Criminal Code. The procedure is binding. There are no different procedures for employment in the private and public sectors.

Administrative judicial procedures

The Code of Administrative Court Procedure regulates judicial review of administrative decisions.¹⁸⁴ Besides other things the court reviews the decisions of administrative bodies, which have identified as discriminatory certain practices of petitioners. The procedure is

¹⁷⁹ This is the exact formulation of the law, but in court practice, monetary compensation for discrimination is rarely awarded.

¹⁸⁰ See Act No. 435/2004 on Employment, 13 May 2004, Section 4(10).

¹⁸¹ Act No. 99/1963, Civil Procedure Code, 4 December 1963.

¹⁸² Supreme Court of the Czech Republic, No. 30 Cdo 2260/2017, 13 December 2017, http://www.nsoud.cz/Judikatura/judikatura_ns.nsf/WebSearch/97BBF6819C18E0CFC12582550041967C?op=OpenDocument&Highlight=0.

¹⁸³ Criminal Code (*Trestní zákoník*), 1 January 2010.

¹⁸⁴ Act No. 150/2002, Code of Administrative Court Procedure (*Soudní řád správní*), 1 January 2003.

binding for the parties. There are no different procedures for employment in the private and public sectors.

Administrative procedures

According to the Ombudsman's research covering the period 2010-2014, victims of discrimination turned to administrative bodies more frequently than to courts, a situation that is probably caused by a number of barriers to accessing the courts such as court fees, length of judicial proceedings etc. Several years after the research was concluded, the finding still seems valid. Administrative procedures cover both misdemeanours and administrative offences. Relevant administrative procedures provide investigative powers for administrative bodies and inspectorates, as established within the scope of specific laws. They are empowered to impose sanctions for prohibited activities and violations of obligations. However, they may not award compensation for damage to a victim of discrimination who has taken their particular claim to court pursuant to Section 10 of the Anti-Discrimination Act.

The administrative bodies generally act *ex officio* and usually require no fee associated with accepting the complaint. Every administrative body has a duty to inform the complainant on its action regarding the claim and therefore, the complainant has free access to exclusive and necessary information.¹⁸⁵

The duty to protect people from discrimination has been placed upon several administrative bodies in Czechia: the National Labour Inspectorate, local labour inspectorates, the Czech Trade Inspectorate, the Czech School Inspectorate, supervising bodies in advertising and TV and radio broadcast, the Czech Telecommunications Office, the Energy Regulatory Office and the Czech National Bank. Those administrative bodies may impose sanctions, but they may also lead preventive actions. However, the Ombudsman stated that only a limited number of officers have sufficient legal qualifications to deal with discrimination cases submitted to administrative bodies.

Those administrative bodies are generally competent to investigate misdemeanours and administrative offences involving discrimination and to impose sanctions. However, administrative bodies and inspectorates established in fields other than employment and trade inspection, which fall within the scope of the Racial Equality Directive (2000/43/EC) and the Employment Equality Directive (2000/78/EC), do not have administrative procedures to protect against discrimination in most cases. This is mainly due to the lack of material provisions in specific laws (see for example the Act on Czech agriculture and food inspection).¹⁸⁶

Where the powers of other specialised inspectorates or administrative bodies do not apply, local government authorities (through their misdemeanour commissions) are vested with the power to investigate acts of discrimination.

The same situation exists in regard to professional self-governing organisations established to supervise specific occupations (e.g. the Czech Bar Association, the Union of Judges, the Czech Medical Chamber and many others).

National Labour Inspectorate and Local Labour Inspectorates

In theory, natural or legal persons or employers who violate the Employment Act or the provisions of the Labour Code on discrimination may be fined up to EUR 40 000

¹⁸⁵ Public Defender of Rights (Ombudsman) (2015), *Discrimination in the Czech Republic: Victims of Discrimination and Obstacles Hindering their Access to Justice* (Diskriminace v ČR: Oběť diskriminace a její překážky v přístupu ke spravedlnosti), p.109, https://www.ochrance.cz/uploads-import/ESO/CZ_Diskriminace_v_CR_vyzkum_01.pdf.

¹⁸⁶ Act No. 188/2002 on Czech agriculture and food inspection (*Zákon č. 188/2002 Sb., o Státní zemědělské a potravinářské inspekci*), 20 March 2002.

(CZK 1 million).¹⁸⁷ In practice, however, the sanctions imposed are much lower. The procedure is binding for the parties.

The Employment Act defines the duties of employment offices¹⁸⁸ and the Administrative Code¹⁸⁹ governs their procedures. Procedures can be initiated by a complainant or on an employment office's own initiative. In the event that a complaint is initiated, the complainant is not an actual party in the administrative procedure. Penalties imposed by labour inspectorate bodies become income for the state budget. As part of the inspection, officials of the inspectorate may enter the workplace, interview the employees and impose measures to remove the deficiencies identified through the inspection.

Czech School Inspectorate

The Czech School Inspectorate is the national body responsible for ensuring that schools comply with national legislation. It also monitors discrimination in the education system. The Schools Act contains an open list of discrimination grounds because of the term 'other status'. Every year, the Czech School Inspectorate issues an annual report, which includes discrimination cases. According to the 2025 report, in the school year 2024/25, 13 complaints regarding discrimination were filed, of which 2 were evaluated as justified. No further detailed data about the cases has been published.¹⁹⁰

Czech Trade Inspectorate

Monitoring of discrimination with regard to access to goods and services is governed by the Act on consumer protection, which refers to the powers of the Czech Trade Inspectorate (CTI), which is subordinate to the Ministry of Industry and Trade. Under the Act on the Czech Trade Inspectorate, the CTI is authorised to inspect legal and natural persons who sell or supply goods and services. The Czech Trade Inspectorate carries out supervisory activity in the sphere of goods and services in a situation where no special supervisory body exists. The law presupposes that investigations and sanctions must always be linked to findings by the CTI inspectors and does not allow administrative proceedings to be launched in response to petitions filed and evidence produced by other legal or natural persons. Although the CTI is required to collaborate with civil associations and use in its work complaints, information and petitions from private citizens, it can only initiate administrative proceedings after an inspection has been conducted. Evidence produced by consumers can only serve as a reason to carry out an inspection. The procedure is binding for the parties. The Czech Trade Inspectorate may impose a fine up to EUR 120 000 (CZK 3 million) for violating the prohibition of discrimination.¹⁹¹

According to the annual evaluation of the inspections focusing on consumer discrimination, in 2025, the Czech Trade Inspection carried out a total of 106 inspections, in 49 of which (46.23 %) it identified a breach of legal provisions. In 11 cases the inspection body expressed a suspicion of discriminatory conduct, representing 10.38 % of all inspections carried out. Three cases amounted to discrimination on the basis of age (restriction of access to services or goods); two cases concerned persons with disabilities (refusal of entry of a person accompanied by an assistance dog and refusal of grocery purchase); three cases concerned less favourable treatment of persons of a different nationality (including differentiated pricing); and one case concerned a social media post refusing services to persons of non-Czech nationality. In two cases, multiple grounds of discrimination were combined (e.g. restriction of access to rental housing on the basis of age, social status,

¹⁸⁷ See Act No. 435/2004 on Employment, 13 May 2004, Sections 139 and 140.

¹⁸⁸ See Act No. 435/2004 on Employment, 13 May 2004, Section 7.

¹⁸⁹ Act No. 500/2004, Administrative Code (*Správní řád*), 1 January 2006.

¹⁹⁰ Czech School Inspectorate (2025), *Kvalita vzdělávání v České republice: Výroční zpráva 2024/2025* (Quality of education in Czechia: Annual report 2024/2025), available at https://www.csicr.cz/CSICR/media/Prilohy/2024_p%5c5%99%5c3%adlohy/Dokumenty/VZ_2025_everze.pdf.

¹⁹¹ Act No. 634/1992 on the protection of consumers (*Zákon č. 634/1992 Sb., o ochraně spotřebitele*), 16 December 1992, Section 24(14)(c).

gender or parenthood; and restriction of access to services on the basis of ethnic origin, religion, belief or political opinion announced on social media). On the basis of identified breaches, 42 fines totalling EUR 21 500 (CZK 520 000) became final in 2025, of which 11 fines amounting to EUR 16 000 (CZK 388 000) related to confirmed discriminatory conduct. The Czech Trade Inspectorate noted that the relative amount of breaches of the prohibition of discrimination remained broadly comparable to previous years, with a slight increase of 3.06 % compared to 2024.¹⁹²

Misdemeanour commissions in municipal offices

Only natural persons can be subject to misdemeanour procedures. The material scope of misdemeanours is covered by special procedures under the Misdemeanours Act. Acts of discrimination can be sanctioned in accordance with the provisions on misdemeanours against community relations.¹⁹³ According to the law, it is an offence to restrict or to deny the assertion of rights by members of a national minority or to cause harm to a person because of their membership of a national minority or their ethnicity, race, colour, sex, sexual orientation, language, belief or religion. As with administrative proceedings, the complainant is not a party in this procedure (the one exception is where material damage to their property was caused by the misdemeanour). The procedure is binding for the parties.

b) Barriers and other deterrents faced by litigants seeking redress

The Czech Ombudsman constantly criticises the barriers that remain in enforcing the Anti-Discrimination Act, such as difficulties in establishing elements of proof, inaccessibility of good legal advice and length of proceedings.¹⁹⁴

However, it appears that the issue may be wider. The level of awareness of anti-discrimination rules may be different in different layers of society. Those who are most affected by the discrimination may be the least aware of the rights they enjoy and the applicable processes, which makes them even more vulnerable. In respect of some discrimination grounds (e.g. disability, sexual orientation), victims may be prevented from raising an action against discrimination due to a fear of negative publicity about the case and a public disclosure of their status, which can sometimes lead to stigmatisation. There do not seem to be any actions to remedy this.

From the view of a claimant, court proceedings may seem financially onerous and very long. The length of proceedings is relatively unpredictable: although some cases are handled by a court within a few months, some discrimination proceedings have lasted many years, which leads to significant costs and frustration for the claimant.

Court fees are low and usually do not represent an obstacle in itself; in most cases, a fee of EUR 40 (CZK 1 000) is payable when filing a lawsuit. A higher fee may be payable only if multiple claims are raised in one lawsuit. The court fee, however, is usually just a fraction of the costs of legal proceedings, with the major expense being the fees of the lawyer representing the claimant, and the lump sum reimbursement of the lawyer of the defendant in case the claimant loses the case. Also, the reduced court fee only applies in first instance court proceedings. When an unsuccessful claimant appeals against a first instance decision,

¹⁹² Czech Trade Inspection Authority (2026), 'Česká obchodní inspekce zjistila v roce 2025 případy diskriminace spotřebitele' (Czech Trade Inspection Authority detected cases of consumer discrimination in 2025), press release, available at: <https://coi.gov.cz/>; reported also in InfoDnes.cz (5 May 2026), available at: <https://www.infodnes.cz/zpravodajstvi/70621-diskriminace-v-obchodech-inspektori-potvrdili-poruseni-zakona-v-11-pripadech>.

¹⁹³ See Act No. 200/1990 on misdemeanours (*Zákon o přestupcích*), 17 May 1990, Section 49.

¹⁹⁴ Public Defender of Rights (Ombudsman) (2014), *Souhrnná zpráva o činnosti veřejného ochránce práv 2014* (Summarising report on Ombudsman's activities in 2014), Brno, Veřejný ochránce práv, p. 79, http://www.ochrance.cz/fileadmin/user_upload/zpravy_pro_poslaneckou_snemovnu/Souhrnnazprava_VOP_2014.pdf.

the full court fee would be payable. In 2020, the Ombudsman recommended that the Government should amend the regulation to make the court fee for appeals equal to the first instance court fees.¹⁹⁵

In 2019, the Ombudsman issued a recommendation for lawyers representing victims of discrimination.¹⁹⁶ The recommendation presents a variety of principles for legal representation that are useful in discrimination cases, such as to try to resolve discrimination cases peacefully, to claim non-material damages, to make use of audio and video recordings, to point out the shift of the burden of proof, to involve other subjects, and to stay in touch with the Ombudsman.

The Ombudsman also released a set of recommendations for decision makers to improve the access to justice and effective protection of LGBT+ victims of discrimination.¹⁹⁷ These recommendations are generally applicable and desirable as they would be beneficial for all victims. The suggested changes are to lower the judicial fee for discrimination cases, to broaden the shift of the burden of proof to all discrimination cases, to introduce into the law discrimination by association, and to amend the Anti-Discrimination Act in order to broaden the financial compensation. More specifically, the Ombudsman also proposed the consideration of introducing same-sex marriages, permitting trans individuals to change gender without mandatory surgery and sterilisation, and introducing LGBTIQ+ as a protected category in hate crimes.

Both recommendations gained some public attention, but no actions seem to have been taken in response by the relevant stakeholders.

The Ombudsman also stressed that the costs of litigation dissuade victims from filing anti-discrimination cases, because courts often do not award costs of the proceedings to either party. An average cost of proceedings is approximately EUR 1 470 (CZK 36 794) and the highest awarded costs reached approximately EUR 5 700 (CZK 142 877).¹⁹⁸ According to the Ombudsman's research, underreporting of discrimination mainly concerns women, senior citizens, Roma people, third-country nationals and LGBTIQ+ persons.¹⁹⁹

In recent years, legislative initiatives to grant the Ombudsman the competence to file lawsuits and give NGOs the possibility of filing *actio popularis* suits have been unsuccessful.²⁰⁰

It is possible to bring a case whether or not the employment relationship concerned has been terminated. Procedural time limits for litigation are only rarely set. One exception relevant in this context is that of an action for unlawful dismissal, which must be submitted within two months of the date of dismissal.

¹⁹⁵ Public Defender of Rights (2020), *Rozhodování českých soudů o diskriminačních sporech 2015-2019* (Discrimination case law of Czech courts 2015-2019), available at: https://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Vyzkum/2020-vyzkum_judikatura-DIS.pdf.

¹⁹⁶ Public Defender of Rights (2019), *Representation of victims of discrimination: Recommendation* (Zastupování obětí diskriminace: Doporučení veřejné ochránkyně práv), available at: https://ochrance.cz/fileadmin/user_upload/ESO/40-2019-DIS-LK_Doporučení_Zastupování_obětí_diskriminace.pdf.

¹⁹⁷ Public Defender of Rights (2019), *Being LGBT+ in the Czech Republic (Být LGBT+ v Česku)* - research paper, available at: https://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Vyzkum/Vyzkum-LGBT.pdf.

¹⁹⁸ Public Defender of Rights (2015), *Discrimination in the Czech Republic: Victims of Discrimination and Obstacles Hindering their Access to Justice* (Diskriminace v ČR: Oběť diskriminace a její překážky v přístupu ke spravedlnosti), p.135, https://www.ochrance.cz/uploads-import/ESO/CZ_Diskriminace_v_CR_vyzkum_01.pdf.

¹⁹⁹ Public Defender of Rights (2015), *Discrimination in the Czech Republic: Victims of Discrimination and Obstacles Hindering their Access to Justice* (Diskriminace v ČR: Oběť diskriminace a její překážky v přístupu ke spravedlnosti), p.80, https://www.ochrance.cz/uploads-import/ESO/CZ_Diskriminace_v_CR_vyzkum_01.pdf.

²⁰⁰ Czech Parliament, House of Deputies (2019), publication 424, available at: <https://www.psp.cz/sqw/historie.sqw?o=8&T=424>.

c) Number of discrimination cases brought to justice

In Czechia, there are no available statistics on the number of court cases related to discrimination brought to justice. The available statistics only cover the number of lawsuits that have been finally decided.

d) Registration of national court decisions on discrimination

In Czechia, discrimination decisions are registered as such by national courts.

In 2025, decisions were reached in the following discrimination cases:²⁰¹

Type of lawsuit	Number of cases
Employment, containing an element of gender discrimination	2
Employment, containing an element of disability discrimination	1
Employment, containing an element of discrimination against employees caring for children or other persons	0
Employment, containing an element of discrimination against minors	0
Termination of employment related to gender discrimination	1
Gender discrimination in salary	2
Other employment, involving discrimination	7
Discrimination in areas other than employment	10
TOTAL	23

The data shows a decrease compared to 2024 in which the highest number of court decisions ever (43) was reported.

In 2020, the Office of the Public Defender of Rights published a comprehensive report on all registered discrimination cases before national courts in the years 2015–2019.²⁰² The data gathered by the report is conclusive and important. While a new report is expected to be issued in summer 2026 it does not appear that the environment has changed significantly. The main conclusions from the report are:

- between 2015 and 2019, the Czech courts dealt with only 90 discrimination cases;
- out of these claims, claimants of discrimination were unsuccessful in 54 cases;
- overall, the most commonly claimed ground of discrimination was disability;
- the most commonly claimed field of discrimination was employment (60 % of all cases);
- courts hardly ever granted monetary compensation (in only 12 cases out of 59 cases where it was claimed);
- usually, courts did not grant compensation for the judicial costs to either of the parties;
- according to the Office of the Ombudsman, the low likelihood of obtaining damages in discrimination cases means a lack of a preventive, satisfactory and dissuasive effect. As a result, the Ombudsman reiterated its recommendations to amend the Czech Anti-Discrimination Act as explained in section 6.5(b), below.

²⁰¹ Based on information provided by the Ministry of Justice to the author upon his request.

²⁰² Public Defender of Rights (2020), *Rozhodování českých soudů o diskriminačních sporech 2015-2019* (Discrimination case law of Czech courts 2015-2019), available at: https://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Vyzkum/2020-vyzkum_judikatura-DIS.pdf.

6.2 Legal standing and associations (Article 7(2) Directive 2000/43, Article 9(2) Directive 2000/78)

a) Engaging on behalf of victims of discrimination (representing them)

In Czechia, associations/organisations/trade unions are entitled to act on behalf of victims of discrimination.

According to Section 11 of the Anti-Discrimination Act, associations can provide legal assistance to victims of discrimination and submit motions to administrative bodies responsible for monitoring lawful conduct of natural and legal persons in different areas. However, this provision does not constitute any special right of these associations to represent victims of discrimination. The associations can also seek payment from clients for providing the legal assistance.

According to Section 26(3) of the Civil Procedure Code, in matters regarding discrimination on grounds of gender, racial or ethnic origin, religion, conviction, disability, age or sexual orientation, a party to proceedings can be represented by a legal entity that according to its articles of incorporation focuses on protection against discrimination within its activities. In this respect, the term legal entity should be understood, in compliance with the directives, in a broad sense. Therefore, any non-profit organisation with a legitimate aim to promote equal treatment can represent the victims.²⁰³ The organisation can only represent the victim as a chosen representative, based on the power of representation. These associations or other organisations have no legal duty to act on behalf of victims. Similar legislation also applies to other types of procedures. According to an older recommendation of the Ombudsman, better cooperation between NGOs and state institutions should be developed in order to improve victims' access to justice; the recommendation does not seem to have been fully followed as yet.²⁰⁴

b) Engaging in support of victims of discrimination (joining existing proceedings)

In Czechia, associations/organisations/trade unions are not entitled to act in support of victims of discrimination in joining court proceedings as a party. Such support is currently limited to advising and representation in legal proceedings.

It is possible for associations/organisations/trade unions to submit *amicus curiae* briefs. Such a course of action is, however, not expressly provided for in national laws and courts do not have an obligation to take such briefs into account.

c) Submitting observations, e.g. amicus curiae briefs/letters

In Czechia, associations, organisations and trade unions are not entitled to submit observations to courts or other adjudicating bodies, such as *amicus curiae* briefs, in discrimination cases.

There is no dedicated statutory regulation of *amicus curiae* in Czech procedural law, but the procedure exists in practice before the Constitutional Court on the basis of general procedural provisions that allow courts to obtain opinions from non-parties. Czech legal scholarship acknowledges that while the legal order does not formally recognise the 'friend of the court' brief, such submissions are in practice solicited or accepted by the Constitutional Court. Given the low number of discrimination lawsuits, there are no recent examples where this would happen in a discrimination lawsuit.

²⁰³ Boučková, P., Havelková, B., Koldinská, K., Kühn, Z., Kühnová, E., Whelanová, M. (2016), *Antidiskriminační zákon Komentář* (Commentary on the Anti-Discrimination Act), Praha, C. H. Beck, p. 411.

²⁰⁴ Public Defender of Rights (Ombudsman), (2015), *Discrimination in the Czech Republic: Victims of Discrimination and Obstacles Hindering their Access to Justice* (Diskriminace v ČR: Oběť diskriminace a její překážky v přístupu ke spravedlnosti), p.84, https://www.ochrance.cz/uploads-import/ESO/CZ_Diskriminace_v_CR_vyzkum_01.pdf.

It would be unusual for associations, organisations or trade unions in Czechia to approach lower level courts with *amicus curiae* briefs.

d) *Actio popularis*

In Czechia, national law does not allow associations/organisations/trade unions to act in the public interest on their own behalf, without a specific victim to support or represent (*actio popularis*).

Actio popularis is not permitted in respect of discrimination claims in Czechia. Since 2013, the Czech Ombudsman has proposed on several different occasions that the legislation be amended so that in discrimination cases NGOs could bring *actio popularis* complaints before the courts. National legislation permits *actio popularis* in the consumer and environmental fields.

In recent years, legislative initiatives to grant the Ombudsman the competence to file lawsuits and give NGOs the possibility to file *actio popularis* suits have been unsuccessful.²⁰⁵

e) Class action

In Czechia, national law does not allow associations/organisations/trade unions to act in the interest of more than one individual victim (class action) for claims arising from the same event.

6.3 Burden of proof (Article 8 Directive 2000/43, Article 10 Directive 2000/78)

In Czechia, national law requires a shift of the burden of proof from the complainant to the respondent.

A shift of the burden of proof in discrimination cases is required by Section 133a of the Civil Procedure Code. According to this provision, the defendant must prove that there was no breach of the principle of equal treatment if the claimant states before the court facts from which it may be inferred that there has been direct or indirect discrimination (including instruction to discriminate):

- on grounds of sex, racial or ethnic origin, religion, faith, belief, disability, age or sexual orientation in employment or access to employment, profession, business or self-employment, including access to these, membership of clubs and other organisations of workers or employers, membership and activities in professional chambers;
- on the basis of racial or ethnic origin in the provision of health and social care, access to education and training, access to public procurement, access to housing, membership of associations and interest in the sale of goods in a shop or service;
- or based on sex in access to goods and services.

According to the law, the burden of proof may also shift in cases of harassment. In practice, this will have limited consequences as a court would always require a victim of harassment to prove that the harassment behaviour has taken place.

Also, according to the Section 133a of the Civil Procedure Code, the shifted burden of proof does not apply in all situations (for example, it does not apply where a person with disability complains about access to services or education). Therefore, the Ombudsman recommended the amendment of Section 133a in order to apply the shifted burden of proof

²⁰⁵ Czech Parliament, House of Deputies (2019), publication 424, available at: <https://www.psp.cz/sqw/historie.sqw?o=8&T=424>.

in all discrimination cases.²⁰⁶ However, the Government did not accept the recommendation.

The shift of the burden of proof is only applicable to civil procedures. In a case from 2015, the Constitutional Court criticised lower courts for not applying the shift in the burden of proof, although the complainant had claimed discrimination on the ground of sex regarding his dismissal from employment. This is evidence of a more general problem with the application of the shift of the burden of proof before the Czech courts. Moreover, the Ombudsman reproached the lower courts because documents presented by the complainant were not sufficiently evaluated and the statement of the Ombudsman (which had made the criticism that the Labour Inspectorate had not investigated the alleged discrimination well) was ignored.²⁰⁷

According to case law of the Constitutional Court,²⁰⁸ in order for the shift of the burden of proof to happen, the claimant must (a) claim and prove that he/she was disadvantaged or treated in an unusual way, and (b) claim (but not necessarily prove) that such disadvantage or unusual treatment occurred as a result of some of the discrimination grounds. Where it is not entirely clear that the relevant discrimination ground is present in the claimant's situation (e.g. the claimant is a person with disability), this must also be proved by the claimant. If these conditions are fulfilled, the burden of proof transfers and the defendant is obliged to prove that the disadvantage or unusual treatment was based on other, non-discriminatory reasons.

6.4 Victimisation (Article 9 Directive 2000/43, Article 11 Directive 2000/78)

In Czechia, there are legal measures of protection against victimisation.

Section 4(3) of the Anti-Discrimination Act, on victimisation, applies to the whole scope of the law and to all grounds. The reversal of the burden of proof, as stipulated by the Civil Procedure Code, also applies to victimisation. Victimisation also concerns people other than those who were victims of discrimination. Section 4(3) provides broader protection than the directives, since it covers all the grounds stipulated in the Anti-Discrimination Act.

6.5 Sanctions and remedies (Article 15 Directive 2000/43, Article 17 Directive 2000/78)

a) Applicable sanctions in cases of discrimination – in law and in practice

Section 10 of the Anti-Discrimination Act provides for sanctions that can be imposed in civil law proceedings (such as monetary or non-monetary compensation to the victim of discrimination).

In all cases below, the applicable sanctions are the same for all discrimination grounds.

Administrative sanctions according to specific laws and the Act on misdemeanours

In theory, administrative sanctions of up to EUR 40 000 (CZK 1 million) can be imposed in the area of access to employment and labour law. The Czech Trade Inspectorate may impose a fine up to EUR 120 000 (CZK 3 million).

²⁰⁶ Public Defender of Rights (Ombudsman) (2015), *Výroční zpráva o ochraně před diskriminací* (Annual report on protection against discrimination), p. 23, http://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Vyrocní_zpravy/2015-DIS-vyrocní-zprava.pdf.

²⁰⁷ Constitutional Court, No. III. ÚS 880/15, 8 October 2015, http://nalus.usoud.cz/Search/GetText.aspx?sz=3-880-15_1.

²⁰⁸ Constitutional Court, No. III. ÚS 880/15, 8 October 2015, http://nalus.usoud.cz/Search/GetText.aspx?sz=3-880-15_1.

However, the amounts actually imposed are much lower and the number of cases concerning discrimination where a sanction is imposed is very limited. In some cases, administrative sanctions cannot be considered as dissuasive, effective and proportionate. However, according to an earlier study, in cases involving discriminatory job advertisements, the Czech Employment Inspectorate imposed an average fine of EUR 954 (CZK 23 850) and the highest sum reached EUR 10 000 (CZK 250 000). The Czech Trade Inspectorate mostly deals with double pricing, where an average fine reaches EUR 1 750 (CZK 43 750). According to the Ombudsman's research, the administrative bodies particularly penalised discriminatory activities that were sufficiently supported by documentary evidence or personal testimony.²⁰⁹

Criminal sanctions according to the Criminal Code

In criminal proceedings, courts can impose the following penalties: imprisonment, community work, loss of honorary titles and awards, loss of military rank, bans on certain activities, property confiscation, financial penalties, forfeiture of items, expulsion from Czechia for a determinate or indeterminate period (which would result in deportation) and a ban on residence.²¹⁰

In cases concerning criminal acts related to ethnic or religious violence and hatred, punishments primarily consist of imprisonment. In less severe cases, the courts will impose community work. In practice, criminal prosecutions for crimes relating to racial and religious discrimination are quite rare and are usually for serious criminal offences such as racially motivated murder or propagation of neo-Nazism. Where discrimination occurs, the investigative bodies usually conclude that the act committed is not so dangerous to society as to be regarded as a crime and consequently refer these incidents to misdemeanour commissions for administrative investigation.²¹¹

In criminal proceedings, compensation can be awarded by the court to the victims of a criminal act. In recent years, the jurisprudence of the criminal courts tends to award somewhat higher compensation, especially where the harm suffered by the victim involves the death of a close relative, serious damage to health or mutilation.

Civil sanctions (claims for pecuniary damages and non-pecuniary damages)

While pecuniary damages can generally be claimed by individuals who suffer material loss due to unlawful acts or any other violation of a duty established by law or a contract, non-pecuniary damages can only be claimed where this is expressly permitted by law. In cases where non-pecuniary damages are caused by acts of discrimination, the Employment Act, the Civil Code (in provisions concerning protection of personal rights) and the Section 10 of the Anti-Discrimination Act allow for non-pecuniary damages to be claimed. Reinstatement, *restitutio in integrum*, apologies and injunctive relief can all be claimed under certain circumstances. The amount of non-pecuniary damages awarded in such procedures is determined by the court, which takes into account the seriousness of the damage and the circumstances of each case.²¹²

The court can award non-pecuniary damages up to the amount requested by the claimant, but can also award a lower amount. The amounts vary considerably – courts have awarded

²⁰⁹ Public Defender of Rights (Ombudsman) (2015), *Discrimination in the Czech Republic: Victims of Discrimination and Obstacles Hindering their Access to Justice* (Diskriminace v ČR: Oběť diskriminace a její překážky v přístupu ke spravedlnosti); https://www.ochrance.cz/uploads-import/ESO/CZ_Diskriminace_v_CR_vyzkum_01.pdf, p. 137.

²¹⁰ See Act No. 40/2009, Criminal Code, 8 January 2009, Section 27.

²¹¹ Office of the Public Defender of Rights (2014), *Discrimination in the Czech Republic: victims of discrimination and barriers in access to justice*, p. 40. Available at: https://www.ochrance.cz/fileadmin/user_upload/ESO/CZ_Diskriminace_v_CR_vyzkum_01.pdf.

²¹² See Act No. 89/2012, Civil Code, 3 February 2012, Section 13(3), and Act No. 435/2004 on Employment, 13 May 2004, Section 4(11).

claimants in discrimination cases amounts ranging from EUR 200 (CZK 5 000) (as awarded in 2004 by the Olomouc High Court in a case of racial discrimination in housing) to EUR 16 000 (CZK 400 000) in cases relating to racial discrimination in employment, services or housing.

- i) National legislation provides for preventive and socio-preventive sanctions, such as injunctions or structural injunctions

Section 10 of the Anti-Discrimination Act states that claimants in non-discrimination lawsuits can request the court to rule that the defendant is obliged to refrain from discrimination or to eliminate the consequences of a discriminatory act. This is rarely used in practice.

From a procedural point of view, as court proceedings can be lengthy, the Civil Procedural Code makes it possible for individuals to request an injunction, either if there is a need for temporary regulation of the relationship between the parties, or if there is a fear that the enforcement of a future judgment would be hypothetically at risk. Such a temporary injunction can be awarded at the beginning of a lawsuit and usually has to be decided on within 7 days. In the author's view, these measures can also be applied in discrimination lawsuits if the claimant can prove that an immediate resolution is needed. For example, if an individual is refused necessary healthcare, an injunction can be awarded if otherwise their health will be put at risk.

- ii) In national law, there are no specific sanctions for cases of collective redress (*actio popularis* or class actions)

National law does not regulate collective redress like *actio popularis* or class actions; as a result, there are no specific sanctions for these cases.

- iii) In national law, there are no sanctions in place to deal with cases of mass discrimination, particularly as a result of the use of AI or automated systems

There have not yet been any cases of mass discrimination, such as resulting from the use of AI or automated systems; therefore, there are no specific sanctions for such cases.

- b) Pecuniary sanctions – maximum and average amounts

Individuals may claim compensation for discrimination in accordance with Section 10 of the Anti-Discrimination Act. Amounts of compensation awarded by the courts to compensate private individuals are not, as a principle, limited by a ceiling.

There is no official information or guidance concerning the amounts of compensation.

According to the Ombudsman's research on discrimination cases between 2015 and 2019, the highest litigated monetary compensation claimed for non-pecuniary damage was EUR 400 000 (CZK 10 000 000), and the highest litigated sum awarded was EUR 16 000 (CZK 400 000). The average amount of monetary compensation for non-pecuniary damage claimed was EUR 3 183 (CZK 79 569). However, in 42 cases out of 59 where compensation for non-pecuniary damages was claimed, no compensation was awarded at all. As a result, the Ombudsman has repeatedly criticised the provision of Section 10 of the Anti-Discrimination Act, which indicates that compensation for non-pecuniary damage has a supportive character. In the Ombudsman's view, the formulation should be removed and replaced with a reference to general civil law regulations that stipulate how compensation for non-pecuniary damages should be determined. No more recent data is available.²¹³

²¹³ Public Defender of Rights (Ombudsman) (2015), *Discrimination in the Czech Republic: Victims of Discrimination and Obstacles Hindering their Access to Justice* (Diskriminace v ČR: Oběť diskriminace a její

Information on fines imposed by public authorities can be found in section a) above.

c) Assessment of the sanctions²¹⁴

Legally, any sanctions for discrimination should meet the criteria set by the Directive and the CJEU case law and be effective, proportionate, dissuasive, and meet the principles of procedural effectiveness²¹⁵ and equivalence.²¹⁶

In the author's view, sanctions imposed in accordance with the Anti-Discrimination Act are not sufficiently effective. The Czech legislation could be – according to the author's opinion – seen as contrary to the principles set out above, as it understands monetary compensation of non-pecuniary damages as a secondary method of compensation that comes into play only in the most serious, highly specific cases. While the directives do not expressly require Member States to establish monetary compensation, the author would question whether all the requirements of the directives (in particular with regard to the dissuasive effect of damages) can be achieved in such a situation. Any discrimination causes damage, such as psychological hardship, stress and humiliation, and victims should be eligible for compensation.

Similarly, when it comes to the assessment of the practice of the courts, the proportionality of such sanctions must be questioned. It is up to the court to determine the amount of non-material damages, and the actual amounts awarded vary widely, with a general tendency to award relatively low amounts that are likely barely to compensate for the harm and humiliation suffered. To a certain degree, such differences can be explained by the uniqueness of each individual case. On the other hand, lack of case law seems to lead to the inconsistent approaches adopted by different courts.

In the author's view, the sanctions probably do not meet the EU criteria in respect of dissuasiveness. The sanction system currently in place does not include in any way the preventive or punitive aspects that are required to deter discrimination.

In the author's view, Czechia may be in breach of the principle of equivalence, as the regulation of compensation of non-pecuniary damages in the Anti-Discrimination Act differs from the general regulation of non-pecuniary damages in the Czech Civil Code.

Following the introduction of the current Civil Code that became effective as of 1 January 2014, Czech civil law takes a positive position on claims for non-pecuniary damages.

Section 2956 of the Civil Code contains a general obligation for a tortfeasor (the wrongdoer) to compensate not just material damages but also any non-pecuniary harm which, according to express statement in the law, also includes mental suffering.

Under Section 2957 of the Civil Code, the manner and amount of adequate satisfaction must be determined so as also to compensate for circumstances deserving special consideration. These circumstances include intentional conduct, causing harm by trickery, threat, abuse of the victim's dependence on the tortfeasor, multiplying the effects of the

překážky v přístupu ke spravedlnosti), p. 135, https://www.ochrance.cz/uploads-import/ESO/CZ_Diskriminace_v_CR_vyzkum_01.pdf.

²¹⁴ The following part summarises the author's findings that have been published previously. See: Tomšej, J. (2020) 'Sanction systems in the light of the EU Directives 2000/43/EC and 2000/78/EC: a comparative study of Slovakia, Czechia and Poland', *European Equality Law Review* No. 2/2020.

²¹⁵ See notably judgment of 16 December 1976, *Rewe-Zentralfinanz eG and Rewe-Zentral AG v. Landwirtschaftskammer für das Saarland*, Case 33-76.

²¹⁶ Judgment of 21 January 2016, *'Eturas' UAB and Others v. Lietuvos Respublikos konkurencijos taryba*, C-74/14, EU:C:2016:42; judgment of 27 June 2013, *ET Agroconsulting-04-Velko Stoyanov v. Izpalnitelen direktor na Darzhaven fond 'Zemedelie' — Razplashtatelna agentsia*, C-93/12, EU:C:2013:432; judgment of 6 October 2015, *Dragoș Constantin Târșia v. Statul român and Serviciul Public Comunitar Regim Permisi de Conducere și Immatriculare a Autovehiculelor*, C-69/14, EU:C:2015:662.

offence by making it publicly known or as a result of discriminating against the victim with regard to their gender, health condition, ethnicity, religion or other similarly serious reason. Account should also be taken of the victim's fear of loss of life or serious damage to their health, if such concerns were caused by the threat or other causes.

The provisions stated above would be applied in cases covered by the Civil Code, such as cases for compensation of any damage to life or health, as well as any personality claims such as infringements of human dignity, privacy etc. However, there is no clarity regarding the relationship between the Anti-Discrimination Act and the Civil Code. While some experts argue that the Civil Code should be the primary source of regulation for any non-pecuniary claims,²¹⁷ courts in the majority of non-discrimination cases do not apply these provisions. This may lead to a peculiar situation where in civil law relations discrimination is deemed to be a factor increasing the amount of non-pecuniary damages, but in discrimination lawsuits any non-pecuniary damages are deemed to be a subsidiary measure that will only be awarded in some cases where the claimant proves an offence of increased gravity.

The adoption of the Civil Code in 2014 also created an expectation that amounts of non-pecuniary damages would increase. This has also been recently seen in an important case regarding gender equality where an unsuccessful candidate was (in addition to a written apology published in a prominent media source) awarded monetary compensation of CZK 300 000 (approximately EUR 12 000), which is significantly higher than average amounts awarded before 2020.²¹⁸

The judgement mentioned above was issued after, in 2020, the Supreme Court cancelled the previous decisions of a first and a second instance court, challenging their ruling that a public apology is a sufficient means of compensation. The Supreme Court held that the courts did not take into account all necessary factors and criteria for awarding monetary compensation. More specifically, it argued (in accordance with the Civil Code rules discussed above) that gender discrimination itself represents a circumstance deserving special attention when determining the manner and amount of compensation, and that the situation should have been assessed from the viewpoint of intensity, duration and extent of unfavourable consequences for the claimant. This is fully in line with the recommendation of the Ombudsman mentioned above. It appears likely that this guidance will now lead courts to be more open to higher awards even in matters involving grounds other than gender.

d) Enforcement and monitoring of the implementation of sanctions

i) Courts and adjudicating bodies' mechanisms to monitor or enforce their decisions

If a court imposes a sanction on a defendant, it is primarily the role of the claimant to monitor the enforcement of the decision. Where pecuniary compensation is not paid out, the claimant may approach a public enforcement office (in Czech: *exekutorský úřad*) and demand that the claim is enforced.

ii) Possibility for courts and other adjudicating bodies to retain jurisdiction after sanctions have been imposed

The enforcement proceedings are referred to as *execution* (*exekuce*) of a judgment in local legal terminology. A court needs to authorise a public enforcement office to carry out such execution based on a confirmation that there is a final and binding court decision that has not been fulfilled. The public enforcement office may freeze bank accounts, seize bank

²¹⁷ Kühn, Z. (2016), '§ 10', in Boučková, P., Havelková, B., Koldinská, K., Kühn, Z. and Kühnová, E. and Whelanová, M., *Antidiskriminační zákon (Anti-Discrimination Act)*, 2nd edition, Prague, C. H. Beck, p. 369.

²¹⁸ Judgment of the Municipal Court in Prague, No. 54 Co 64/2022, 21 April 2022. An extraordinary appeal against this decision was dismissed by the Czech Supreme Court and the decision is now final.

funds, instruct employers to carry out salary deductions, seize movable property or real estate and take any reasonable steps to satisfy the claimant's claim.

The costs of the enforcement proceedings are normally borne by the defendant. If the defendant has no property and the enforcement proceedings are therefore unsuccessful, it will usually be the claimant who will have to bear these costs. This may negatively impact the enforcement procedures where claimants do not possess sufficient funds to bear this risk.

- iii) Further steps/measures courts or adjudicating bodies can take in the case of non-compliance with the sanction

Courts do not have mechanisms for monitoring whether a decision has been fulfilled or the ability to take active measures to enforce decisions. In Czech law, courts and adjudicating bodies do not have specific procedural mechanisms at their disposal to enforce compliance with sanctions imposed in discrimination cases beyond the standard enforcement framework.

- iv) The burden of enforcing sanctions

If a court awards compensation to a victim and the defendant fails to pay it, it is up to the victim to initiate enforcement proceedings.

7 BODY FOR THE PROMOTION OF EQUAL TREATMENT (Article 13 Directive 2000/43)²¹⁹

Czech law is, in its current form, only partially compliant with Council Directive (EU) 2024/1499. Since the Anti-Discrimination Act (Act No. 198/2009) took effect in 2009, the Czech equality body has been the Public Defender of Rights (Ombudsman), which largely already satisfies much of what the Directive demands structurally – notably the requirements on independence and budgetary and organisational provision. The gaps lie mainly in mandate and powers: the investigation of discrimination cases needs to be fleshed out with explicit procedural rules (including on the duty of public and private entities bound by the equal-treatment obligation to cooperate with the Ombudsman), and currently, the Ombudsman lacks the power to conduct alternative dispute resolution and to bring or join court proceedings.

The process of the transposition of the Directive is expected to be completed in 2026.

7.1 National equality body

a) General 'architecture' of equality bodies

The only equality body in the Czech Republic is the Czech Public Defender of Rights, which is also referred to as the Czech Ombudsman.

The introduction of the Czech Anti-Discrimination Act (Act No. 198/2009) was accompanied by an amendment to Act No. 349/1999 on the Public Defender of Rights (Article 21(b)), which assigned the role of anti-discrimination body to the Public Defender of Rights (the Czech Ombudsman). The Czech Ombudsman has responsibility for all grounds covered by the equality directives and will provide support to individuals when filing discrimination complaints, conduct research and publish reports and recommendations.

Effective 1 July 2025, the Act on the Public Defender of Rights was substantially amended as a new position of Children's Rights Ombudsman was created. The Children's Rights Ombudsman is not involved in any of the activities of the Czech equality body. The new regulation has not transposed the Directive 2024/1499 and no other draft law was published to implement this Directive by 1 January 2026.

b) Designated body for the promotion of equal treatment irrespective of racial/ethnic origin according to Article 13 of the Racial Equality Directive

The Czech Ombudsman also carries out the role of the designated body according to Article 13 of the Racial Equality Directive.

The Czech Ombudsman is relatively active in the area of promoting racial equality.

It is open to inquiries from individuals across the Czech Republic but there are no major initiatives focusing on access to the Ombudsman in areas other than Brno where its office is located.

The Czech Ombudsman has made efforts to make the building where its office is located accessible to users with disabilities.

The services of the Czech Ombudsman are accessible on an equal basis for all, without cost.

²¹⁹ Assessments and views concerning compliance with EU law throughout Section 7, notably for Directive 2024/1499 whose transposition deadline is 19 June 2026 after the cut-off date for this report, reflect the author's opinion.

7.2 Political, economic and social context for the designated body

The overall political climate regarding equality and discrimination issues is relatively positive. Compared to previous years, there have been fewer issues and cases that would attract the attention of the media.

On 1 January 2026, Stanislav Křeček held the position of Ombudsman, and Vít Schorm the position of Deputy Ombudsman. The non-discrimination department is managed by Křeček, while Schorm supervises work on the protection of rights of individuals with disabilities.

The current Ombudsman is a controversial figure as he made several public statements questioning the importance of non-discrimination rules and criticising the Roma community.

The posts of both the Ombudsman and the Deputy Ombudsman will be subject to election in 2026. As of 1 January 2026, it was made publicly known that the current Ombudsman will not run for re-election.

7.3 Institutional architecture

In Czechia, the designated body forms part of a body with multiple mandates.

In addition to its non-discrimination responsibilities, the Ombudsman must act in relation to the following matters:

- unlawful acts by the state administration, acts of the state administration that are contrary to the rules of the democratic state governed by the rule of law and proper administration, as well as inactivity of the state administration (public Ombudsman);
- regular visits to places where persons restricted in their freedom by public authority, or as a result of their dependence on care provided, with the objective of strengthening the protection of these persons against torture, or cruel, inhuman and degrading treatment, or punishment and other forms of ill-treatment;
- monitoring detention of foreign nationals and the execution of administrative expulsion, transfer or transit of detained foreign nationals and of the punishment of expulsion imposed on foreign nationals placed in deportation custody or serving prison sentences;
- supervision of observation of international treaties regarding rights of persons with disabilities (including, but not limited to the Convention on the Rights of Persons with Disabilities – the CRPD);
- competence in the field of free movement of citizens of the EU/EEA and their family members.

In addition, from 1 January 2018, the Ombudsman is also competent to carry out the following activities in relation to workers from other EU countries:

- (a) providing methodological assistance to citizens of the European Union when initiating proceedings on the grounds of discrimination;
- (b) carrying out surveys and analysis of the exercise of the right of free movement of citizens of the European Union;
- (c) publishing reports and recommendations on questions relating to the exercise of the rights of EU citizens;
- (d) publishing up-to-date information on the rights of the citizens of the European Union in Czech and at least one other official language of the European Union;
- (e) ensuring the exchange of available information with relevant national, international and international bodies.

Another law - also in effect from 1 January 2018 – introduced a new obligation for the Ombudsman to monitor the execution of international treaties relating to the rights of persons with disabilities. The Ombudsman thus serves as the national CRPD monitoring mechanism. For this purpose, the Ombudsman will:

- (a) promote the fulfilment of the rights of persons with disabilities and propose measures to protect them;
- (b) carry out research;
- (c) publish reports and issue recommendations on questions relating to the fulfilment of rights of persons with disabilities;
- (d) and ensure the exchange of available information with relevant national and international bodies.

This step is in accordance with the concluding observations of the UN Committee on the Rights of Persons with Disabilities of 10 April 2015, in which the committee recommended that the Ombudsman adopt the role of the independent monitoring mechanism.

Accordingly, the Ombudsman established a council, consisting mainly of representatives of NGOs protecting persons with disabilities. The purpose of the council is to advise the Ombudsman when it acts as the monitoring body. The council meets on a regular basis.

Further, the Ombudsman has the power to file an application for the annulment of regulatory acts (legislation other than laws, e.g. regulations of the Government or ministries) with the Constitutional Court if there is a conflict with the constitutional law. Furthermore, on the invitation of the Constitutional Court, the Ombudsman can be an intervener in proceedings regarding constitutional complaints. This competence has repeatedly been exercised by the Ombudsman. For example, on 28 February 2018, the Ombudsman entered the proceedings regarding the annulment of provisions of the Act on assistance in material need. The Ombudsman also has a role of *amicus curiae* in cases that it has examined prior to the court proceedings, although its opinions are not binding for the court. The Ombudsman can be a guardian, usually of children, in proceedings before the Constitutional Court. Furthermore, if the Ombudsman proves serious public interest, it can file an action to a court against an administrative body.

The Ombudsman does not have any other competence relating to human rights and is not obliged to carry out UN reporting (besides the CRPD reporting stated above).

Notwithstanding some of the current Ombudsman's public comments, the Czech Ombudsman remains active in the field of non-discrimination. This can be evidenced by several opinions and recommendations published in this area, as well as a number of cases where the Ombudsman has taken action.

7.4 Status of the designated body – general independence and resources

- a) Status of the body
 - Separate or other legal status or personality

The Czech Ombudsman represents a legal body that is entirely separate from other administrative bodies and possesses a separate legal personality.

- Selection of governing body

Both the Ombudsman and the Deputy Ombudsman are elected by the Chamber of Deputies of the Czech Parliament for a period of six years. Candidates are proposed by the President and the Senate of Czechia (each has the right to propose two candidates from which the Chamber of Deputies will select one successful candidate).

The Czech Ombudsman may not be a member of a political party or a political movement.

- Sources of funding

The Office of the Ombudsman is funded predominantly from the Czech state budget. The Ombudsman also sometimes participates in projects funded from other sources.

- Powers to recruit and manage staff

The Czech Ombudsman has the power to freely recruit and manage their staff (except for the Deputy Ombudsman) and is authorised to carry out all rights and responsibilities of an employer towards all staff with the exception of the Deputy Ombudsman, who can be recalled only as described below.

- Accountability

The Czech Ombudsman is responsible to the Chamber of Deputies of the Czech Parliament. The Ombudsman is obliged to submit an annual report on their activity by 31 March of the following year to the Chamber, following which the report will be published. In addition, the Ombudsman must inform the Chamber about their office's activities every three months.

b) Independence of the body

The Czech Ombudsman and the Deputy Ombudsman can only be recalled from their positions by the Chamber of Deputies if they have carried out activities that are not compatible with the position of the Czech Ombudsman, or if they were found to be a member of a political party or political movement. They can only be criminally prosecuted with the prior consent of the Chamber of Deputies; where such consent is withheld, any prosecution must be suspended until the end of the term of the Ombudsman.

The Czech Ombudsman is fully independent as per Section 5 of the Act on the Public Defender of Rights and cannot receive any binding instructions from any other state authorities. The law does not provide for any process to recall the Ombudsman (or the Deputy Ombudsman) from their position as a result of the way in which they manage the office, a lack of activity or political disagreement with their approach. Public authorities, including criminal authorities, are only entitled to inspect or remove the Ombudsman's files with the consent of a court, and with the consent of the Ombudsman or the Head of the Chamber of Deputies.

In practice, the Ombudsman has a high level of independence. The Ombudsman has sufficient room to determine the scope of the office's activities and objectives and there seem to be no strong political pressures in respect of the way in which the Ombudsman acts.

c) Resources

- The annual budget of the body

The functioning of the Ombudsman is covered by the Czech state budget. According to publicly available information, the total expenses of the Ombudsman in 2025 amounted to approximately EUR 6.9 million (CZK 173 million).

- The share of the annual budget dedicated to the equality body's mandate

Information about the division of the annual budget between all mandates is not publicly available.

- The total number of staff of the body

The total number of employees of the Ombudsman is approximately 160.

- The number of staff dedicated to the equality body's mandate

The office of the Ombudsman has a separate department for non-discrimination matters within the legal division of the office. This department is responsible for all legal matters relating to equality and non-discrimination. Some of the lawyers act as experts for certain grounds and/or areas of material scope. The staff consists of a head of department and 13 other lawyers. There is no information available regarding the budget dedicated to the equality mandate.

7.5 Grounds and fields covered by the designated body

The Ombudsman deals with the following grounds in relation to non-discrimination: sex, race, ethnic origin, sexual orientation, age, disability, religion, belief or other conviction, nationality (in Czech: *národnost*) and EU citizenship.

The Ombudsman is active in all fields of discrimination governed by the Anti-Discrimination Act. Sometimes, it launches a campaign focusing on a certain ground. In 2025, some of the public activities of the Ombudsman focused on age discrimination.

7.6 Competences of the designated body – and their independent exercise

- a) Independent assistance to victims

In Czechia, according to Section 21(b) of Act No. 349/1999 on the Public Defender of Rights, the designated body has the competence to provide independent assistance to victims. Such assistance usually includes an analysis of the case, including obtaining an opinion of the other party, and advice whether – according to the legal opinion of the Ombudsman – discrimination has happened and what measures the victim can take. In practice, the review process for a complaint filed by a victim may be similar to investigations in some cases, but there is no obligation on individuals to cooperate with, or provide information and explanations to, the Ombudsman. In addition, the office of the Ombudsman can provide the victim with guidance on how to enforce their rights and could refer the victim to cooperating lawyers specialising in the area of discrimination. In addition, the Ombudsman established cooperation with certain law firms that – with assistance from the NGO, Pro Bono Alliance – offer free legal assistance (including representation in court disputes) to some victims of discrimination.

- b) Independent surveys and reports

In Czechia, according to Section 21(b) of Act No. 349/1999 on the Public Defender of Rights, the designated body has the competence to conduct independent surveys and publish independent reports. Within this competence, the Ombudsman may freely determine the scope of the survey, gather and analyse all necessary data and issue a report summarising the findings. In practice, this competence is used less frequently than the competence to issue recommendations.

In 2024, the Ombudsman issued a report on accessibility of public buildings and services for persons with disabilities.²²⁰

²²⁰ The Public Defender of Rights (2024), *Přístupnost veřejných budov a služeb lidem s postižením* (Accessibility of public buildings and services to people with disabilities), https://www.ochrance.cz/uploads-import/ESO/32_2022_OZP_final.pdf.

c) Recommendations

In Czechia, according to Section 21(b) of Act No. 349/1999 on the Public Defender of Rights, the designated body has the competence to issue independent recommendations on discrimination issues. Such recommendations are usually issued in situations where, according to the knowledge of the Ombudsman (based on research by the non-discrimination team, complaints received, interactions with other stakeholders etc.), there is either an issue with unclear interpretation of non-discrimination law, or there is widespread incorrect interpretation. In such cases, the Ombudsman usually issues a recommendation on how the law should be interpreted.

In 2023, the Ombudsman issued a recommendation for employers on how to update their practices to avoid any discrimination.²²¹ During 2024, the Ombudsman followed this up with an information campaign aimed at employers, as well as with a separate campaign focusing on increasing awareness among the Roma community. No new recommendations in the area of discrimination have been issued, however.

In the author's view, the competence to issue recommendations is effectively exercised in an independent manner. However, many of the recommendations of the Ombudsman have not been followed in practice.

d) Prevention, promotion and awareness raising

The legislation does not expressly mention prevention, promotion and awareness raising in the area of non-discrimination. Nevertheless, it represents one of the priorities of the Ombudsman. In the author's assessment, the lawyers of the non-discrimination department are very active in spreading knowledge of non-discrimination law; they organise or participate in many events and issue various documents with the aim of educating the general public.

e) Other competences

Under the law, the only other competence, not mentioned above, is to exchange available information with competent European bodies.

7.7 Legal standing of the designated body

In Czechia, the designated body, i.e. the Czech Ombudsman, does not have legal standing to:

- bring discrimination complaints (on behalf of identified victims) to court;
- bring discrimination complaints (on behalf of non-identified victims) to court;
- bring discrimination complaints *ex officio* to court;
- intervene in legal cases concerning discrimination, such as, as *amicus curiae* (except for proceedings in front of the Constitutional Court).

There have been ongoing, but unsuccessful, discussions regarding the extension of the powers of the Ombudsman to cover judicial proceedings in discrimination cases. As a result, the competence of the Ombudsman is limited to the assistance provided to victims of discrimination, described above. In addition, the Ombudsman established cooperation with certain law firms that – with assistance from the NGO, Pro Bono Alliance – offer free legal assistance (including representation in court disputes) to some victims of discrimination.

²²¹ The Public Defender of Rights (2023), *Jak se vyhnout diskriminaci na pracovišti* (How to avoid workplace discrimination), <https://www.ochrance.cz/uploads-import/ESO/DIS%2072-2023%20CZ.pdf>.

The Ombudsman is not expressly provided with a right to intervene in legal cases concerning discrimination, with one exception. In the Constitutional Court, in cases where the Ombudsman has previously been involved, the court may request the Ombudsman to provide an opinion. Such an opinion is not binding for the court although it may help the court to understand the wider context of the case and obtain an opinion regarding the application of non-discrimination rules.

7.8 Dispute resolution

a) Quasi-judicial competences

In Czechia, the designated body is not a quasi-judicial institution.

In Czechia, there is no separate quasi-judicial body/institution competent to decide on discrimination cases.

The body cannot issue binding enforceable decisions. It can issue non-binding opinions. It also cannot impose sanctions. There is no process where someone would appeal to the Ombudsman in the matters of discrimination. The Ombudsman's competence is limited to investigating complaints and issuing non-binding opinions. As a result, the Ombudsman does not consider itself to be a quasi-judicial body (although this may be subject to discussion). Where an individual decides to file a lawsuit after submitting the case to the Ombudsman, non-binding opinions of the Ombudsman are in practice often followed by courts but there is no formal rule on their implementation.

b) Amicable settlements

The law does not expressly mention an option for the Ombudsman to initiate amicable settlements in discrimination cases. In practice, the fact that the Ombudsman is reviewing a certain complaint may, however, increase the motivation of a defendant to settle a case (either by way of negotiation between the claimant and the defendant, or in mediation proceedings before a certified mediator).

7.9 Procedural safeguards

Given the fact that the Ombudsman does not engage in litigation or mediation, there are no procedural safeguards.

7.10 Data collection by the designated body

a) Registration of complaints and decisions

In Czechia, the body registers the number of inquiries received, complaints of discrimination made, and opinions.

The data on complaints and opinions is available to the public.

According to the annual report,²²² in 2025, the Ombudsman received a total of 508 complaints regarding discrimination, and 511 complaints were processed (the processing time may take several months so this figure always includes some cases from the previous year. This is less than in the previous year, when 597 complaints were processed. Many complainants claimed discrimination without stating any protected discrimination grounds.²²³ This was the case in 120 complaints in 2025, which represents less than half

²²² Defender of Rights (Ombudsman) (2026), *Výroční zpráva 2025* (Annual report 2025), available at: <https://www.senat.cz/xqw/webdav/psssenat/original/119389/100255>.

²²³ To give an example, during the pandemic, the Ombudsman was approached by many individuals who complained that they are disadvantaged if they do not get vaccinated.

of such cases registered in 2024. In these circumstances, the Ombudsman merely explains to the complainant that it does not have the competence to review the case.

Out of the 391 processed complaints relating to discrimination grounds defined by the Anti-Discrimination Act, in 271 cases the Ombudsman provided advice to the complainant. In 15 cases, the Ombudsman was able to issue a non-binding opinion on whether discrimination had happened. In five cases, discrimination was found by the Ombudsman; in three cases, discrimination was not found; and seven cases could not be concluded due to lack of evidence.

The complaints related to the following areas of discrimination:

- Access to goods and services: 148 cases
- Employment: 145
- Access to housing: 62 cases
- Access to education: 60 cases
- Other public administration: 49 cases
- Access to healthcare: 31 cases
- Social protection: 9 cases
- Membership in unions and professional bodies: 0 cases
- Other areas: 27 cases

The following discrimination grounds were mentioned in the complaints:

- Disability: 143 cases
- Nationality: 86 cases
- EU citizenship: 59 cases
- Age: 55 cases
- Gender: 51 cases
- Race (including Roma): 50 cases
- Religion and belief: 13 cases
- Sexual orientation: 13 cases
- Gender identity: 1 case
- Other grounds: 103 cases

It must be noted that some complaints may have contained more than one area or discrimination ground.

b) Equality data collection

In Czechia, the designated body does not collect general equality data. There is no regular reporting of that. Some data regarding equality in general may, however, be collected on an ad hoc basis e.g. in the course of particular research. In that case, such data would be made available to the public as part of the relevant research report. There are no other bodies that would collect general equality data in the Czech Republic that the designated body could access.

7.11 Roma and Travellers

The Czech Ombudsman is not entitled or even required to treat any vulnerable group as a priority issue, nor does the Anti-Discrimination Act require this. It is obliged to focus on all discrimination grounds. However, given the current landscape in Czechia, the Czech Ombudsman seems to be aware that the Roma community is one of the main groups that is potentially endangered by discrimination. Such increased attention can be documented by the first monitoring report, in which access by Roma to education was named as a primary area of focus.

Discrimination against Travellers does not seem to be relevant in Czechia.

8 IMPLEMENTATION ISSUES

8.1 Dissemination of information, dialogue with NGOs and between social partners

- a) Dissemination of information about legal protection against discrimination (Article 10 Directive 2000/43 and Article 12 Directive 2000/78)

The Ombudsman carries out continuous activity to disseminate information about legal protection against discrimination. This includes seminars for professionals, flyers and recommendations for the wider public, information published on the website, annual reports, and events etc.

- b) Measures to encourage dialogue with NGOs with a view to promoting the principle of equal treatment (Article 12 Directive 2000/43 and Article 14 Directive 2000/78)

The Ombudsman actively partners with NGOs. There are regular roundtables to facilitate discussion and the exchange of experience between the Ombudsman and representatives of selected NGOs. The Ombudsman seems to take the comments from the NGOs into account when determining its priorities and activities.

- c) Measures to promote dialogue between social partners to give effect to the principle of equal treatment within workplace practices, codes of practice, workforce monitoring (Article 11 Directive 2000/43 and Article 13 Directive 2000/78)

Promoting dialogue between social partners with regard to the principle of equal treatment in practices within the workplace is a task that comes under the competence of the tripartite council (bringing together stakeholders in the labour market: employers, trade unions and the Government) and the Ministry of Labour. However, there have been no further significant developments or opportunities in this respect.

- d) Addressing the situation of Roma and Travellers

The Government Council for Roma Minority Affairs is a permanent advisory body of the Government of Czechia on issues related to Roma integration. The Agency for Social Inclusion is a body established by the Government to address Roma issues in socially excluded communities. Specific tasks are performed by the Government Council for Human Rights, the Governmental Council for Equality of Women and Men and the Governmental Council for National Minorities.

The main actions of the Government include educational activities targeting young people and professional groups such as the police, members of the armed forces, judges and state prosecutors. Educational activities for professional groups typically include training and seminars on racially motivated crimes.

Discrimination against Travellers does not seem to be relevant in Czechia.

8.2 Measures to ensure compliance with the principle of equal treatment (Article 14 Directive 2000/43, Article 16 Directive 2000/78)

- a) Compliance of national legislation (Articles 14(a) and 16(a))

Czechia has taken the necessary measures to ensure that any laws, regulations and administrative provisions contrary to the principle of equal treatment are abolished (Article 14(a) of Directive 2000/43 and Article 16(a) of Directive 2000/78).

If a law violated this principle, the Charter of Fundamental Rights and Freedoms would be applicable and would prevail. More specifically, Article 1 and Article 3(1) of the Charter contain the general principle of equality and equal treatment for all citizens. Any law in violation of those provisions could be reviewed and cancelled by the Constitutional Court.

Following the transposition of the non-discrimination directives, Czech national law was amended to comply with them. Currently, there are no laws, regulations and administrative provisions in effect that would violate the principle of equal treatment.

b) Compliance of other rules/clauses (Articles 14(b) and 16(b))

Czechia has taken the necessary measures to ensure compliance with Article 14(b) of Directive 2000/43 and Article 16(b) of Directive 2000/78.

Full compliance of national contracts, collective agreements, internal rules of businesses and the rules governing independent occupations, professions, workers' associations or employers' associations with equal treatment principles is primarily ensured by the wide Anti-Discrimination Act and the rules *lex specialis derogat legi generali* and *lex posteriori derogat legi priori*. Specifically with regards to collective agreements, the Supreme Court has confirmed in a renowned case²²⁴ that their content must be compliant with equal treatment rules.

According to the Section 580 of the Civil Code, any legal act, including a list of types of contracts, contrary to good morals or the law is null and void.²²⁵

This is also reflected in labour law. Employers must ensure the protection of employees against discrimination, follow the principle of equal treatment and promote equality (Sections 1(1)(a), 16(1)(2) and 110 of the Labour Code). Furthermore, Sections 69 to 72 of the Labour Code regulate the annulment or cancellation of an employment contract in unlawful cases.²²⁶

The author of this report is not aware of any regulations or rules that are manifestly contrary to the principle of equality that remain in force in Czechia.

²²⁴ Supreme Court, No. 21 Cdo 5763/2015, 18 January 2017, http://www.nsoud.cz/Judikatura/judikatura_ns.nsf/WebSearch/57FAF5FF6117C51AC12580EB004C8E48?openDocument.

²²⁵ Act No. 89/2012, Civil Code (*Zákon č. 89/2012 Sb., občanský zákoník*), 3 February 2012, <https://www.zakonyprolidi.cz/cs/2012-89>.

²²⁶ Act No. 262/2006, Labour Code, 21 April 2006, Section 265, <https://www.zakonyprolidi.cz/cs/2006-262>.

9 COORDINATION AT NATIONAL LEVEL

9.1 Coordination at the governmental level

Coordination of issues regarding anti-discrimination on all the grounds covered by this report is divided mainly between:

- The Public Defender of Rights (Ombudsman)²²⁷ - Anti-Discrimination Act in general
- The Government Council for National Minorities²²⁸ - advisory, initiative and co-ordinating body of the Government

The Government Council for National Minorities is concerned with matters of policy towards national minorities and their members. The Council consists of the members of ministries, the Office of the President of Czechia, the Office of Public Defender of Rights, the Government Commissioner for Human Rights and one or two representatives of 14 national minorities in Czechia.

- The Government Council for Roma Minority Affairs²²⁹ – initiative and advisory body of the Government

The Government Council for Roma Minority Affairs assists on a systematic basis in the integration of Roma community. The Council supports cooperation between ministries and provides groundwork documents for the creation and application of Government policy in relation to Roma communities.

- The Ministry of Labour and Social Affairs²³⁰ - employment and labour relations, social benefits

The Ministry of Labour and Social Affairs coordinates non-discrimination law in the area of social and labour relations.

- The Ministry of the Interior²³¹ - service by members of the security forces

The Ministry of the Interior coordinates non-discrimination law in the area of service of members of the security forces.

- The Ministry of Defence²³² - service by members of the armed forces

The Ministry of Defence coordinates non-discrimination law in the area of service of members of the armed forces.

- The Ministry of Health – health services²³³

The Ministry of Health coordinates non-discrimination law in the area of healthcare and health services.

²²⁷ For further information see: www.ochrance.cz/.

²²⁸ For further information see: <http://www.vlada.cz/en/pracovni-a-poradni-organy-vlady/rnm/historie-a-soucasnost-rady-en-16666/>.

²²⁹ For further information see: <http://www.vlada.cz/en/ppov/zalezitosti-romske-komunity/the-council-for-roma-community-affairs--50634/>.

²³⁰ For further information see: <https://www.mpsv.cz/>.

²³¹ For further information see: <http://www.mvcr.cz/mvcren/>.

²³² For further information see: <http://www.army.cz/en/>.

²³³ For further information see: <https://www.mzcr.cz/>.

- The Ministry of Justice²³⁴ – state administration of courts and public prosecutors' offices

The Ministry of Justice coordinates non-discrimination law in the area of justice in relation to judges, public prosecutors and other employees.

- The Ministry of the Regional Development – housing²³⁵

The Ministry of the Regional Development coordinates non-discrimination law in the area of housing.

- The Ministry of Education, Youth and Sports – education²³⁶

The Ministry of Education, Youth and Sports coordinates non-discrimination law in the area of education.

9.2 National Strategies and action plans

There is no general anti-racism or anti-discrimination national action plan. Despite the encouragement of the European Commission in its EU anti-racism action plan 2020–2025 for Member States to adopt national action plans against racism by the end of 2022, the Czech Republic has not adopted such a plan. Nevertheless, there are a significant number of strategies and action plans addressing specific issues related to discrimination. All of these plans focus on one protected category each, rather than adopting an intersectional approach. None of the strategies or plans described below explicitly adopt an intersectional approach to discrimination.

In matters of Roma integration, on 10 May 2021, the Government of the Czech Republic approved the Strategy of Roma Equality, Inclusion, and Participation 2021–2030 (*Strategy 2021+*).²³⁷ Representatives of civil society and the Ombudsman were consulted in the process of creation of Strategy 2021+. The main goal of Strategy 2021+ is to establish tools within government policy systems through effective mechanisms and processes to promote equal and fair treatment, as well as equal opportunities, while respecting the civic and ethnic identity of Roma. The purpose of the strategy is to create a framework for measures that will further positive changes achieved in some areas of Roma integration and for measures that will reverse negative trends where they persist and/or deepen. The Strategy 2021+ was adopted in line with the Commission's communication on the EU Roma strategic framework for equality, inclusion and participation (COM(2020) 620 final) and the Council recommendation on Roma equality, inclusion and participation (2021/C 93/01). However, ECRI has noted that despite existing policies and funding, the Czech Republic has only partially acted to stop the segregation of Roma children in schools.²³⁸

Regarding antisemitism, in 2025, the Czech Government approved the Strategy for Combating Antisemitism in the Czech Republic for 2025–2030, prepared by the Ministry of the Interior and the Ministry of Foreign Affairs.²³⁹ The strategy was adopted in line with

²³⁴ For further information see: <http://portal.justice.cz/>.

²³⁵ For further information see: <http://www.mmr.cz/ministerstvo>.

²³⁶ For further information see: <http://www.msmt.cz/index.php?lang=2>.

²³⁷ Czech Government (2021), *Strategy for Roma equality, inclusion and participation 2021–2030*, available at: https://www.vlada.cz/assets/ppov/zalezitosti-romske-komunity/roma_czech_republic_strategy_en.pdf.

²³⁸ European Commission against Racism and Intolerance (ECRI) (2023), *Conclusions on the Implementation of the Recommendations in Respect of the Czech Republic Subject to Interim Follow-up*, CRI(2023)03, adopted on 7 December 2022 and published on 10 March 2023, available at: <https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendation-in-respec/1680aa6865>. See also ECRI (2023) 'Anti-racism commission sees gaps in Czech Republic and Slovakia action to fulfil to priority recommendations', press release, 10 March 2023, available at: <https://www.coe.int/en/web/portal/-/anti-racism-commission-sees-gaps-in-czech-republic-and-slovakia-action-to-fulfil-to-priority-recommendations>.

²³⁹ Government of the Czech Republic (2025), *Strategie boje proti antisemitismu v České republice na roky 2025–2030* (Strategy for Combating Antisemitism in the Czech Republic for 2025–2030), approved by

the EU Strategy on combating antisemitism and fostering Jewish life (2021–2030) and with the Czech Government's earlier adoption of the IHRA working definition of antisemitism in April 2024. The Federation of Jewish Communities in the Czech Republic was involved in its development and welcomed its adoption. The strategy addresses security, prevention, education and awareness raising, and the consistent prosecution of antisemitic offences. It has inter-ministerial implications and is intended to respond to the significant increase in antisemitic incidents, particularly online, since 2022.

In 2021, the Government Commissioner for Human Rights submitted a proposal for a 'Government strategy for equality and removing barriers to a dignified life for LGBTIQ+ people in the Czech Republic 2021–2026' which was also consulted on with representatives of civil society.²⁴⁰ The document has, however, never been approved by the Government. This means that the Czech Republic has not yet taken steps to comply with the call in the EU LGBTIQ+ Equality Strategy 2026–2030 (COM(2025) 725 final) for Member States to adopt national action plans on LGBTIQ+ equality by 2027. The Council of Europe's ECRI has also noted the persistent failure to adopt legislation and an action plan aimed at enhancing LGBTI equality in the Czech Republic.²⁴¹

In 2020, the Czech Republic introduced a national plan of support of equal opportunities for people with disabilities 2021–2025.²⁴² The plan was prepared by a working group which included representatives of the Government and ministries, as well as of civil society representatives. The implementation of the plan was monitored on an annual basis by the Government Board for Persons with Disabilities (Vládní výbor pro osoby se zdravotním postižením), which prepared and adopted yearly reports on the fulfilment of the plan's measures.²⁴³ A new plan will be issued in 2026.

It is also worth mentioning the action plan of the Ministry of the Interior for combating extremism and prejudice-motivated hatred for the years 2023–2024.²⁴⁴ Representatives of civil society and the Ombudsman were consulted in the process of the creation of the action plan. One of the targets of the plan was to improve the politics of integration of minorities including the Roma minority. This plan was designed to fulfil the objectives outlined in the Policy for combating extremism and prejudice-motivated hatred 2021–2026.²⁴⁵

Another example is the social inclusion strategy 2021–2030, prepared by the Ministry of Labour and Social Affairs in collaboration with the Department for Social Inclusion of the

Government Resolution of October 2025 on the proposal of the Ministry of the Interior and the Ministry of Foreign Affairs, available at: <https://mv.gov.cz/soubor/strategie-boje-proti-antisemitismu-v-ceske-republice-na-roky-2025-2030.aspx>.

²⁴⁰ Government Commissioner for Human Rights, Committee for Sexual Minorities of the Government Council for Human Rights (2021), *Návrh Vládní strategie rovnosti a odstraňování bariér důstojného života LGBTIQ+ lidí v ČR 2021–2026* (proposal of the Government Strategy for Equality and Removal of Barriers to a Dignified Life for LGBTIQ+ People in the Czech Republic 2021–2026), available at: https://vlada.gov.cz/assets/ppov/rp/vybory/sexualni-mensiny/ze-zasedani-vyboru/Strategie_-_Bariery-LGBTIQ-zivota-v-CR_2021-2026_MPR_1.pdf.

²⁴¹ ECRI (2023), Conclusions on the implementation of the recommendations in respect of the Czech Republic subject to interim follow-up, adopted on 4 April 2023.

²⁴² Czech Government (2020), 'Národní plán podpory rovných příležitostí pro osoby se zdravotním postižením na období 2021 – 2025' (National plan of support of equal opportunities for people with disabilities in the period 2021–2025), available at: <https://www.vlada.cz/cz/ppov/vvozp/dokumenty/narodni-plan-podpory-rovných-přiležitostí-pro-osoby-se-zdravotním-postižením-na-období-2021-2025-183042/>.

²⁴³ Government Board for Persons with Disabilities (2025), *Zpráva o plnění opatření Národního plánu podpory rovných příležitostí pro osoby se zdravotním postižením na období 2021–2025 v roce 2024* (Report on the Fulfilment of the Measures of the National Plan for Equal Opportunities for Persons with Disabilities for 2021–2025 in 2024), available at: <https://vlada.gov.cz/assets/ppov/vvozp/dokumenty/Zprava-o-plneni-opatreni-Narodniho-planu-podpory-rovných-přiležitostí-pro-osoby-se-zdravotním-postižením-na-období-2021-2025-v-roce-2024.pdf>.

²⁴⁴ Ministry of Interior (2023), *Akční plán proti projevům extremismu a předsudečné nenávisti 2023–2024*, (Action plan for combating extremism and prejudice-motivated hatred 2023–2024), available at: <https://www.mvcr.cz/soubor/akcni-plan-2023-2024-pdf.aspx>.

²⁴⁵ Ministry of Interior (2021), 'Koncepte boje proti extremismu a předsudečné nenávisti 2021–2026' (Policy for combating extremism and prejudice-motivated hatred 2021–2026), available at: <https://www.mvcr.cz/soubor/akcni-plan-2023-2024-pdf.aspx>.

Ministry for Regional Development.²⁴⁶ This national document covers key areas significant for the social inclusion of socially excluded individuals and those at risk of social exclusion and it expressly deals with the Roma minority. It is currently being implemented through an action plan for the years 2024-2026.²⁴⁷

At the local level, it is worth mentioning Prague's policy regarding national minorities for 2021-2025,²⁴⁸ and particularly the city's strategy for Roma integration 2022-2030.²⁴⁹

To summarise, while a range of sector-specific strategies exist, the Czech Republic has not adopted a comprehensive national anti-discrimination or anti-racism action plan. The Ombudsman, as the designated equality body, has been consulted on several of the plans described above, but its involvement in systematic monitoring and evaluation of their implementation remains limited, partly due to resource constraints. Civil society organisations have generally been involved in the design of the strategies, but their role in formal evaluation and monitoring varies.

²⁴⁶ Ministry of Labour and Social Affairs, Department for Social Inclusion of the Ministry for Regional Development (2020), *Social Inclusion Strategy 2021–2030*.

²⁴⁷ Ministry of Labour and Social Affairs (2024), *Action Plan 2024–2026 for the Social Inclusion Strategy 2021–2030*, available at: <https://www.mpsv.cz/cms/documents/0c446780-2c16-0062-5a7b-3d0c0c002b5f/Action+Plan+2024%E2%80%932026+for+the+Social+Inclusion+Strategy+2021%E2%80%932030.pdf?t=1729251456644>.

²⁴⁸ City of Prague (2021), 'Konceptce politiky hl. m. Prahy ve vztahu k národnostním menšinám 2021 – 2025' (Policy of the City of Prague regarding national minorities 2021–2025), available at: <https://iprpraha.cz/assets/files/files/d75a5411d22c8c0d6871cab83ba1d46b.pdf>.

²⁴⁹ City of Prague (2022), 'Strategie romské integrace v hl. m. Praze 2022–2030' (Roma Integration Strategy in Prague 2022–2030), available at: <https://prahanarodnostni.eu/wp-content/uploads/2022/09/schvalena-Strategie.pdf>.

10 CURRENT BEST PRACTICES

- Ombudsman's thematic focus on age discrimination

In 2025, the Czech Ombudsman undertook a sustained, multi-format awareness-raising campaign on the topic of age discrimination focusing predominantly on discrimination of older people. The initiative combined several complementary activities: a roundtable bringing together organisations focused on the rights of older people to discuss protection against discrimination;²⁵⁰ co-hosting the Forum on Active Ageing conference organised by the Ministry of Labour and Social Affairs in Brno on 12 September 2025;²⁵¹ recording a podcast addressing prejudices faced by jobseekers over 50 (titled 'Age should be neither a bogeyman nor a reason for discrimination'); participating in a national consultation on a new policy framework on ageing;²⁵² and concluding the year with a public-facing social media series summarising key issues around age discrimination. This approach can be considered as best practice because it illustrates how an equality body can use a combination of expert dialogue, institutional cooperation, and accessible public communication to raise the visibility of a discrimination ground that tends to receive less attention than others. The campaign also demonstrates the Ombudsman's ability to set thematic priorities and address them in a sustained manner over the course of the year, reaching both professional audiences and the general public.

- Comprehensive reform of education legislation addressing segregation and inequality (Act No. 267/2025)

In 2025, the Czech Parliament adopted Act No. 267/2025, representing the most significant overhaul of the Schools Act since 2004. The reform addresses several structural factors that have contributed to educational inequality and segregation. Its most notable element is the introduction of indexed funding, which from 1 January 2026 automatically allocates higher resources to schools educating pupils in more complex conditions, including those from socially disadvantaged backgrounds or with language barriers, without requiring schools to apply for individual grants. The law also makes the provision of school psychologists or special educational pedagogues mandatory in larger primary schools (those with an average of 180 or more pupils) and guarantees state-funded teaching assistants for standard first grade classes from September 2026. In addition, the right to free language preparation has been extended to Czech citizens with insufficient command of the Czech language, such as children from bilingual families or returnees from abroad. The reform can be regarded as a best practice because it moves away from a project-based, grant-dependent model of supporting disadvantaged pupils towards a systemic solution embedded directly in the funding formula, thereby reducing reliance on the initiative of individual schools and creating more predictable and equitable conditions across the education system. Its effective implementation will, however, depend on the political commitment of future Governments and on the capacity of regional and municipal authorities to manage the transition.

²⁵⁰ Advokátní deník (2025), 'Jak chránit starší lidi před diskriminací, řeší ombudsman a neziskovky' (How to protect older people from discrimination – the Ombudsman and NGOs discuss), 12 June 2025, available at: <https://advokatnidenik.cz/2025/06/12/jak-chranit-starsi-lidi-pred-diskriminaci-resi-ombudsman-a-neziskovky/>.

²⁵¹ Ministry of Labour and Social Affairs of the Czech Republic (2025), 'Fórum aktivního stárnutí 2025 přineslo diskusi o budoucnosti stárnoucí společnosti' (Forum on Active Ageing 2025 brought discussion on the future of an ageing society), 12 September 2025, available at: <https://www.mpsv.cz/forum-aktivniho-starnuti-2025-prineslo-diskusi-o-budoucnosti-starnouci-spolecnosti-ministerstvo-prace-a-socialnich-veci-ocenilo-osobnosti-i-organizace-ktere-pomahaji-promenovat-pohled-na-stari>. The conference was held at the premises of the Office of the Public Defender of Rights in Brno under the auspices of the Public Defender of Rights, in cooperation with the National Institute SYRI.

²⁵² Ministry of Labour and Social Affairs of the Czech Republic/RILSA (2025), 'V jaké společnosti chceme zestárnout – Výsledky veřejné konzultace k prioritám a nové podobě politiky stárnutí a společnosti pro každý věk' (In what kind of society do we want to age – Results of the public consultation on the priorities and new shape of the ageing policy and society for every age), available via: <https://mpsv.gov.cz/aktuality-1>.

- Increased Financial Support for Schools with Students from Socially Disadvantaged Families

The Ministry of Education has been providing subsidies to schools with students from socially disadvantaged families for several years, for example through the call for support of Roma integration²⁵³ or through the call for applications for grants from the national recovery plan to support schools with above-average representation of socioeconomically disadvantaged students.²⁵⁴

No best practices have been identified in relation to the use of AI to improve the effective implementation of the national legislation transposing the directives, or combating discrimination stemming from the use of AI systems.

²⁵³ Ministry of Education (2023), 'Výzva na podporu integrace romské menšiny v roce 2023' (Call for Support of Roma Minority Integration in 2023), available at: <https://www.msmt.cz/vzdelavani/zakladni-vzdelavani/integrace-romske-komunity>.

²⁵⁴ Ministry of Education (2023), 'Výzva Ministerstva školství, mládeže a tělovýchovy k předkládání žádostí o poskytnutí dotace z Národního plánu obnovy na podporu škol s nadprůměrným zastoupením sociálně znevýhodněných žáků' (Call for applications for grants from the national recovery plan to support schools with above-average representation of socioeconomically disadvantaged students), available at: <https://www.msmt.cz/vzdelavani/zakladni-vzdelavani/vyzva-ministerstva-skolstvi-mladeze-a-telovychovy-k-3>.

11 SENSITIVE OR CONTROVERSIAL ISSUES²⁵⁵

11.1 Potential breaches of the directives at the national level

The main issue regarding the transposition of the Racial Equality Directive 2000/43/EC is securing equal access in practice to education for Roma children.²⁵⁶ Despite the significant development that has occurred since the judgment in *D. H. and Others*, in the amendment of the Schools Act No. 82/2015, the segregation of Roma children in education is still an issue. Such segregation takes the form of placing Roma children into schools/classes for pupils with special needs, as well as in mainstream basic schools where classes for Roma children may be formed in areas where Roma communities are concentrated. Although the legislation has been changed, this issue has not changed with any legal reform and discriminatory practices are still apparent.

In the author's view, another potential point of non-compliance with EU law might be found in relation to the wording of Section 10 of the Anti-Discrimination Act, which states that victims of discrimination can be awarded monetary compensation for non-pecuniary damage as a subsidiary remedy. Specifically, Section 10 of the Anti-Discrimination Act provides that should none of the forms of redress appear adequate, the victim of discrimination also has the right to monetary compensation for non-pecuniary damage. Although the monetary compensation for non-pecuniary damage should be awarded alongside another form of redress, in Czechia, it inherently represents a subsidiary remedy.²⁵⁷ As a result, the author has doubts whether this provision is in compliance with Article 15 of Directive 2000/43/EC – stating that payment of compensation to the victim must be effective, proportionate and dissuasive – as well as of Article 17 of Directive 2000/78/EC and Article 8d of Directive 2002/73/EC.

There is no legislation expressly prohibiting discrimination based on association with persons with particular characteristics. Judicial interpretation is needed to reach a clear conclusion as to whether discrimination based on association is prohibited by Czech legislation.

There are almost no existing activities to promote dialogue between social partners to give effect to the principle of equal treatment within workplace practices, codes of practice and workforce monitoring (Article 11 of Directive 2000/43/EC and Article 13 of Directive 2000/78/EC).

As discussed in section 4.3 above, the Czech Ombudsman has also expressed concerns about the compliance of Act No. 361/2003 on service by members of the security forces and Act No. 221/1999 on service by members of the armed forces with Directive 2000/78/EC. These acts provide for a complete exclusion of some discrimination grounds (age and/or disability) from the equal treatment principle within the public service relations regulated by such acts. There appears to be no justification for such a broad exception, and the Ombudsman has found a breach of the UN Convention on the Rights of Persons with Disabilities and the Convention for the Protection of Human Rights and Fundamental Freedoms.

11.2 Other issues of concern

There are still only a limited number of discrimination cases brought before Czech courts. Bringing a case to court is widely considered by the public as the last resort. People prefer

²⁵⁵ The assessments and views expressed in both sections 11.1 and 11.2 reflect the author's opinion.

²⁵⁶ The Ombudsman uses the term 'segregation'; however, this term is not defined by Czech legislation.

²⁵⁷ Public Defender of Rights (Ombudsman) (2015), *Diskriminace v ČR: Oběť diskriminace a její překážky v přístupu ke spravedlnosti* (Discrimination in the Czech Republic: Victims of discrimination and obstacles to the access to justice), pp. 99-100.

to solve their problems by alternative means, because they have insufficient trust in the justice system as well as for other social and legal reasons discussed above.

The resolution of structural issues does not reside mainly in the area of enforcement and sanctions, rather it is primarily an issue for the political agenda – a matter for political parties in government to treat as a priority. The root of the problem is not in the area of the implementation of legislation, but rather in the lack of systematic Government policy. Recent Governments have not paid much attention to issues of human rights in general, including the discrimination agenda. Effective Government policies to combat the structural roots of discrimination have not been developed.

No specific issues have been observed in relation to artificial intelligence.

12 LATEST DEVELOPMENTS IN 2025

12.1 Legislative amendments

There were no legislative amendments in 2025.

The main topic of the year 2025 was the establishment of the position of the Children's Rights Ombudsman which is, however, not active in the area of discrimination.

12.2 Case law

Relevant discrimination ground(s): disability

Name of the court: The Constitutional Court

Date of decision: 18 June 2025

Name of the parties: *Anonymous*

Reference number: I. ÚS 664/24

ECLI reference: ECLI:CZ:US:2025:1.US.664.24.1

Link:

<https://nalus.usoud.cz/Search/ResultDetail.aspx?id=133170&pos=1&cnt=1&typ=result>

Brief summary:

On 18 June 2025, the Constitutional Court of the Czech Republic dismissed as manifestly unfounded a constitutional complaint brought by the father of a deceased child who had epidermolysis bullosa congenita (junctional type Herlitz), a severe condition known as 'butterfly skin disease'. The parents had sought damages and a written apology from a hospital, alleging that the hospital discriminated against their daughter on the basis of her health condition by refusing to transfer her to intensive care (ARO) despite her deteriorating state, thereby denying her a chance of life-saving treatment.

The case has a long procedural history. After the lower courts initially dismissed the claim for lack of standing, the Supreme Court in its 2017 decision (30 Cdo 2260/2017) ruled that relatives may pursue discrimination claims derived from discrimination suffered by a family member, and remanded the case for a determination on the merits. Upon retrial, the first instance court again dismissed the claim, finding that the parents had failed to discharge their burden of proof, as it had not been shown that the hospital treated the child differently from other patients in a comparable situation. The appellate court confirmed this result, though it corrected the lower court's analysis of the burden of proof. The Supreme Court subsequently dismissed the parents' appeal on points of law, holding that the refusal to provide further medical treatment to a patient in a terminal phase, where such treatment is no longer medically indicated and would only briefly delay an inevitable death, does not constitute a violation of the principle of equal treatment or the right to protection against disability discrimination.

In its decision, the Constitutional Court addressed the complex intersection between human compassion and medical-professional considerations, while emphasising its duty to maintain objectivity in legal decision-making. The Court confirmed that the concept of 'medical futility' is constitutionally permissible when properly applied and established a two-part test for its assessment: first, a medical assessment, examining whether the indication of futile treatment was made in accordance with professional standards (*lege artis*); and secondly, a procedural assessment, examining whether the healthcare provider followed legally approved procedures when deciding not to provide further treatment, including adequate consultation with the patient's family.

The Constitutional Court distinguished medical futility from euthanasia, noting that euthanasia necessarily involves an autonomous expression of a will to die, while medical futility involves professional medical judgment about treatment effectiveness. The Court emphasised that participation rights of patients and their families must be respected

through proper consultation, but these rights are not absolute when they conflict with objective medical assessment.

On the discrimination analysis, the Constitutional Court confirmed that no direct disability discrimination had occurred. The Court held that the hospital's decision was not based on the child's specific diagnosis of epidermolysis bullosa congenita or her disability status, but rather on her overall medical condition characterised by multi-organ failure and a chronic septic state. The relevant comparator group was not other patients with the same rare disease, but patients in terminal stages where further active medical intervention would constitute medically futile treatment. It was established that the hospital would have applied the same approach to any patient in a comparable terminal medical state, regardless of their underlying condition or disability. Furthermore, the Court found that the hospital had adequately consulted the parents about the proposed course of treatment and had made efforts to reach a mutually acceptable solution, thus satisfying the procedural requirements associated with the concept of medical futility.

Relevant discrimination ground(s): nationality

Name of the court: The Constitutional Court

Date of decision: 10 December 2025

Name of the parties: *Group of 20 Senators v. Parliament of the Czech Republic*

Reference number: Pl. ÚS 30/25

ECLI reference: ECLI:CZ:US:2025:PI.US.30.25.1

Link: <https://nalus.usoud.cz/Search/ResultDetail.aspx?id=133170> (published in the Collection of Laws as No. 3/2026)

Brief summary:

On 10 December 2025, the plenary of the Constitutional Court of the Czech Republic struck down Sections 2(5) and 2(6) of Act No. 67/2022, on measures in the field of education in connection with the armed conflict in Ukraine, as amended by Act No. 24/2025. The annulled provisions allowed head teachers of primary schools, in agreement with the school founder, to establish a special enrolment period for children who were beneficiaries of temporary protection (i.e. predominantly Ukrainian refugee children), to be held between 1 June and 15 July. Children falling under this regime were excluded from participating in the regular enrolment period held in April (or, following a 2025 amendment to the Education Act, in January–February), which applied to all other children, including Czech nationals and other categories of foreign nationals.

The petition was brought by a group of 20 senators who argued that the provisions were discriminatory, lacked a legitimate aim, and had been adopted through a procedurally deficient legislative process. The arguments around discrimination focused on the Ukrainian nationality; no reference to race or ethnicity has been made. Both the Public Defender of Rights (Ombudsman) and the Children's Rights Ombudsman entered the proceedings as intervening parties, supporting the petition. They submitted evidence indicating that, in practice, the special enrolment procedure led to situations where school capacity was filled by other children during the regular enrolment round, leaving few or no places for Ukrainian children in the subsequent special round. This resulted in Ukrainian children being concentrated in the remaining schools, increasing the risk of ethnic segregation rather than achieving the declared objective of their even distribution.

As a preliminary matter, the Constitutional Court examined two procedural challenges to the legislative process. First, it found that the contested provisions, introduced by way of an amendment tabled by an individual member of Parliament during the second reading, did not constitute an impermissible 'legislative rider' (*přílepek*), because the broader purpose of the parent bill – regulating the legal situation of Ukrainian refugees – was sufficiently connected to the subject matter of the amendment concerning education.

Secondly, the Court rejected the claim that the re-vote on the amendment in the Chamber of Deputies was unconstitutional. Although the objection to the original vote was not raised immediately after that vote but only after two further votes on other amendments, these had followed in rapid succession and without debate, and the objection was raised as soon as it was practically possible. The Court held that the Chamber of Deputies enjoys a wide margin of autonomy in interpreting its rules of procedure, and the conduct in question did not amount to arbitrariness.

Turning to the substance, the Constitutional Court applied the test for direct discrimination. It found that Ukrainian children with temporary protection status and all other children subject to compulsory school attendance constitute comparable groups for the purposes of the right to education under Article 33(1) and (2) of the Charter of Fundamental Rights and Freedoms. The differentiating criterion – the immigration status of temporary protection – was found to be closely linked to nationality, which is a ground expressly listed in Article 3(1) of the Charter, since holders of temporary protection are overwhelmingly of Ukrainian nationality. The Court therefore held that a strict proportionality test was required.

The Court had no difficulty in finding that the impugned measure operated to the detriment of the affected group, since it denied Ukrainian children the benefit of participating in the regular school enrolment process. While the declared aim of the measure – the even distribution of Ukrainian children across schools to promote their integration – could in principle be regarded as legitimate, the Court found that the special enrolment mechanism was not capable of achieving that aim. In practice, schools could fill their capacity entirely during the regular enrolment round, either completely excluding Ukrainian children or leaving only a random number of remaining places. The necessary consequence was an increased concentration of Ukrainian children in the remaining schools, with an attendant risk of ethnic segregation – the very opposite of the stated objective. As the measure failed the suitability test, it was not necessary for the Court to examine the remaining steps of the proportionality analysis.

The Court further observed that while emergency measures favouring one group of children over another might have been constitutionally acceptable in the immediate aftermath of the 2022 refugee influx, the situation had since stabilised. A substantially identical provision had previously been in force but was repealed in 2023 by the legislature itself as no longer necessary, and no significant change in circumstances had occurred since then to justify its reintroduction. The Court also noted the broader social dimension: the state could not simultaneously declare the goal of integrating Ukrainian children while enacting legislation that effectively set them apart from the majority population, contributing to their stigmatisation.

The Constitutional Court concluded that the impugned provisions violated the constitutional principle of equality and the prohibition of discrimination enshrined in Article 1 and Article 3(1) of the Charter, read in conjunction with the right of access to education under Article 33(1) and (2) of the Charter, and annulled them. Given the upcoming school enrolment period, the Court ordered immediate enforceability of the judgment as of the day of its pronouncement. The decision was unanimous, with no dissenting opinions filed.

ANNEX 1: TABLE OF INTERNATIONAL INSTRUMENTS

Country: Czechia
Date: 1 January 2026

Instrument	Date of signature	Date of ratification	Derogations/ reservations relevant to equality and non-discrimination	Right of individual petition accepted?	Can this instrument be directly relied upon in domestic courts by individuals?
European Convention on Human Rights (ECHR)	21 February 1991	18 March 1992	No	Yes	Yes
Protocol 12, ECHR	4 November 2000	No	No	No	No
Revised European Social Charter	4 November 2000	No	No	Ratified collective complaints protocol? No	No
International Covenant on Civil and Political Rights	7 October 1968	23 December 1975	No	Yes	Yes
Framework Convention for the Protection of National Minorities	28 April 1995	18 December 1997	No	No	Theoretically, yes ²⁵⁸
International Covenant on Economic, Social and Cultural Rights	7 October 1968	23 December 1975	No	No	Theoretically, yes ²⁵⁹
Convention on the Elimination of All Forms of Racial Discrimination	7 March 1966	29 December 1966	No	Yes	Yes
ILO Convention No. 111 on Discrimination	25 June 1958	21 January 1964	No	No	Yes

²⁵⁸ But it contains obligations of result which, in the author's opinion, are formulated in such a way as to exclude direct applicability.

²⁵⁹ But it contains obligations of result which, in the author's opinion, are formulated in such a way as to exclude direct applicability.

Instrument	Date of signature	Date of ratification	Derogations/reservations relevant to equality and non-discrimination	Right of individual petition accepted?	Can this instrument be directly relied upon in domestic courts by individuals?
Convention on the Rights of the Child	30 September 1990	7 January 1991	No	No	Theoretically, yes ²⁶⁰
Convention on the Rights of Persons with Disabilities	30 March 2007	28 September 2009	No	No	Yes

²⁶⁰ But it contains obligations of result which, in the author's opinion, are formulated in such a way as to exclude direct applicability.

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