

**NEWS REPORT**

<b>Date:</b>	4 January 2010
<b>Expert:</b>	Pavla Boučková
<b>Title:</b>	Supreme court decides on amounts of compensation awarded in racial discrimination cases
<b>Country:</b>	Czech Republic
<b><u>Context</u></b>	Compensation of Roma for denial of service in a restaurant
<b>Issue at stake:</b>	Discrimination in public services
<b>Ground of discrimination:</b>	Racial and ethnic origin
<b>Source:</b>	Judgment of the Supreme Court No. 30 Cdo 4431/2007
<b>Field:</b>	Access to goods and services

**Legislative provisions:** Sec. 11 of the Civil Code (personality protection)

In 2005, the Regional court in Ostrava decided in favor of a group of Roma plaintiffs, who were denied services in one of Ostrava restaurants. The plaintiffs were conducting testing of restaurant premises. The group of Roma and a group of Czech people visited the restaurant in order to test possible discriminatory patterns. While the Czech group of testers was properly served, the Roma were denied service and told that the restaurant is a private club. Concluding that the non-admission of plaintiffs was based on racial grounds, the Regional court in Ostrava awarded compensation of 50.000 CZK (approx. 2000 EUR) to each of them. The awarded amount was lowered on the appeal of the defendants by the High Court in Olomouc to 5000 CZK (approx. 200 EUR) to each of the plaintiffs. The plaintiffs submitted an appeal on points of law against the judgment of the High court to the Supreme Court, challenging the compensation ruling.

**Decision of the Court:** The Supreme Court cancelled the decision of the High Court in Olomouc on the points of law and returned the case to the High court for a new decision in accordance with the legal interpretation given by the Supreme Court judgment, which has a binding effect.

The Supreme Court rejected the grounds given by the High Court for lowering the amounts of compensation. According to the Supreme Court, it was irrelevant that the plaintiffs were conducting situation testing. The High Court had concluded that they subjected themselves voluntarily to discriminatory treatment and that they were turned away in quiet mood and without any noise. According to the Supreme Court, the personal motivation of plaintiffs was irrelevant, as well as the fact that the incident went on quietly, and the other guests in restaurant did not notice it. These facts do not in any case mitigate the extent of the right to personality protection of plaintiffs. Also the intensity of the violation of plaintiffs' personal



rights is not lowered by the fact that the incident was not noisy and that the personnel did not behaved especially rudely towards the plaintiffs.

**Internet link source and additional information:**

<http://www.nsoud.cz/rozhod.php?>

[action=read&id=52631&searchstr=30+Cdo+4431%2F2007](http://www.nsoud.cz/rozhod.php?action=read&id=52631&searchstr=30+Cdo+4431%2F2007)