



European
Social
Charter

Charte
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COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX**

15 May 2014

Case Document No. 2

European Roma and Travellers Forum (ERTF) v. Czech Republic
Complaint No. 104/2014

**OBSERVATIONS OF THE GOVERNMENT
ON ADMISSIBILITY**

Registered at the Secretariat on 14 May 2014

European Committee of Social Rights
Executive Secretary
Council of Europe

European Roma and Travellers Forum

v.

Czech Republic

Collective Complaint No 104/2014

Observation of the Government of the Czech Republic on the Admissibility of the Complaint

- I. On February 2014, the European Roma and Travellers Forum („ERTF“) lodged, in accordance with Article 5 of the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints, the complaint alleging a violation of Article 11 and Article 16 of the European Social Charter of 1961 (“1961 Charter”), alone or in conjunction with the non-discrimination principle stated in the Preamble of the Charter by the Czech Republic.
- II. The complaint claims the violation of Articles 11 and 16 of the 1961 Charter with respect to the right to adequate housing, the right to health, failing to promote the economic, legal and social protection of family and that all mentioned reasons are an important indicator of Roma social exclusion.
- III. The rights given by the 1961 Charter are as follows:

Preamble: “...enjoyment of social rights should be secured without discrimination on ground of race, colour, sex, religion, political opinion, national extraction or social origin;”

Article 11: The right to protection of health – With a view to ensuring the effective exercise of the right to protection of health, the Contracting Parties undertake, either directly or in co-operation with public or private organisations, to take appropriate measures designed inter alia:

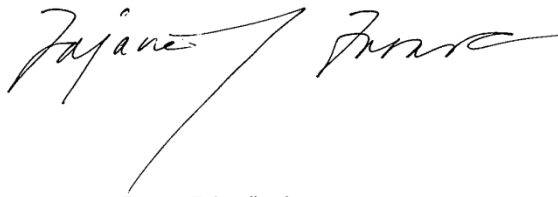
1. To remove as far as possible the causes of ill-health;
2. To provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health;
3. To prevent as far as possible epidemic, endemic and other diseases.

Article 16: The right of the family to social, legal and economic protection – With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Contracting Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married, and other appropriated means.

- IV. The ERTF notes in the complaint that: „The right of housing for Roma or other minorities is not specially dealt with in Czech legislation and the rights regarding housing are the same for all other citizens.” This statement fully supports the fact there is no discrimination on the basis of ethnicity in the Czech Republic and that Czech legislation guarantees equal treatment.
- V. Referring to the Conclusions XX-2 (2013), concerned the thematic group “Health, social security and social protection”, reference period January 2008 – December 2011, the ECSR assessed that the situation in the Czech Republic concerning Article 11 is in conformity with the 1961 Charter.
- VI. The situation concerning Article 16 is similar. Despite the fact that the ECSR concluded that the situation is not in conformity with Article 16 [(Conclusions XIX-4 (2011) January 2012)], the non-conformity was due to the lack of statistical data in the mentioned area. On 26 October 2012, the Czech Republic sent to the Secretariat all required information including figures, Housing Policy Concept of the Czech Republic until 2020, Roma Integration Concept for 2010 – 2013, Strategy for Combating Social Exclusion for the period 2011 – 2015, the number of housing allowances and supplements for housing beneficiaries, counselling and mediation services etc.
- VII. Moreover, the request of “the right to housing of adequate standard” (Article 31 of the revised Charter) as well as “the right to protection against social exclusion” (Article 30 of

the revised Charter) are contained in the revised Charter which the Czech Republic has not ratified.

- VIII. Despite the fact that the Czech Republic is not Contracting Party to the revised Charter, it nevertheless pays a lot of attention and effort to help all vulnerable groups in the society as illustrated by all activities and steps adopted by the Government of the Czech Republic (mentioned also above) and about which the Council of Europe has been regularly informed.
- IX. The Czech Republic thus cannot identify itself with the subject of the complaint, especially for following reasons:
- ECSR concluded that the situation in the Czech Republic is in conformity with Article 11 of the 1961 Charter, whereas the complaint brought about no new facts related to this Article;
 - The allegation that the Czech Government did not apply a national long-term strategy to combat the social exclusion of Roma does not correspond with the facts of common knowledge;
 - The Czech Republic is not a Contracting Party to the revised Charter, which explicitly enshrines the right to housing.
- X. With respect to facts mentioned above, the Government of the Czech Republic asks the ECSR to assess the complaint inadmissible.



Zuzana Zajarošová

Director of the European Union and International Cooperation Department
Ministry of Labour and Social Affairs of the Czech Republic

Prague, May 13, 2014