



**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX**

17 February 2015

Case Document No. 4

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

**RESPONSE FROM THE EUROPEAN ROMA AND
TRAVELLERS FORUM
TO THE GOVERNMENT'S SUBMISSIONS ON THE MERITS**

Registered at the Secretariat on 15 January 2015



EUROPEAN ROMA AND TRAVELLERS FORUM
EVROPAKO FORUMO E ROMENGO THAJ E PHIRUTNENGO
FORUM EUROPÉEN DES ROMS ET DES GENS DU VOYAGE

Complaint No. 104/2014

WRITTEN RESPONSES OF THE EUROPEAN ROMA AND TRAVELLERS FORUM TO THE GOVERNMENT'S SUBMISSIONS ON THE MERITS

January, 2015

Strasbourg

**WRITTEN RESPONSES OF THE ERTF
TO THE GOVERNMENT'S SUBMISSIONS ON THE MERITS**

Introduction

The European Roma and Travellers Forum (ERTF) v. Czech Republic reiterate the content of the complaint No. 104/2014 and offer the following information in response to the submission of the Government of the Czech Republic on the merits.

General Remark

Housing is fundamental for the development of family life but, unlike in some European countries, the right to adequate housing is not constitutionally established in the Czech Republic. Basic legal regulation of the right to adequate housing can be found in international legal instruments such as the United Nations International Covenant on Economic, Social and Cultural Rights, as well as the Czech Republic's Charter of Fundamental Rights and Basic Freedoms, which states in Article 1 that "[a]ll people are free, have equal dignity, and enjoy equality of rights. Their fundamental rights and basic freedoms are inherent, inalienable, non-prescriptible, and not subject to repeal." The European Convention for the Protection of Human Rights in Article 8, Paragraph 1, provides a right to respect for one's private and family life, one's home and one's correspondence. Furthermore, according to Article 14, the enjoyment of the rights and freedoms set forth in the Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Additionally, under the European Social Charter the Czech Republic is obliged to ensure the right to health by removing as far as possible the causes of ill-health, by providing advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health, and by preventing as far as possible epidemic, endemic and other diseases (article 11 §1, §2, §3 of the ESC).

The ERTF takes note of the Czech Government's observation regarding the discrimination in the field of housing and the legislation related to housing, residential segregation and forced evictions. However the ERTF wishes to underline that the laws which are the most frequently used for evictions are the Czech Civil Code and the Building Act. The most frequently reported reasons for evictions are problems with rental contracts determined by the Civil Code, including tenants not paying rent; dangerous and unhealthy living conditions and the dangerous state of the building/flat.

The Building Act allows the Building Office to order demolition of a building threatening lives and health of others, security, environment or property of others. The Building Act gives the owners of such buildings the opportunity to legalise their buildings, if the building can be shown to meet the prescribed criteria. However, the procedure is administratively complicated.

On 1 January 2014, a new Civil Code came into force. The new Code significantly restricts the rights of tenants. For example, renting contract terminations do not have to be reviewed by courts anymore; hence it will remain up to a tenant to file a law suit in all termination cases. The notice period can be skipped should the tenant break his/her obligations in a 'specifically serious way',

namely failure to pay rent for a three-month period. The provision obliging owners wishing to terminate a contract to provide equivalent alternative housing was entirely abandoned. Finally, the maximal deposit limit has been raised from three times the amount of the monthly rent amount to six times the monthly rent amount.

In that respect, the ERTF would like to underline that the Czech legal framework cannot be considered systemically conceived. In 2007, the drafting of a Social Housing Act was part of the official government programme and was to be prepared by the Ministry of Regional Development as of February 2009, but in the end this was completely abandoned. In July 2011, the Government adopted Resolution No. 524, Concept of Housing in the Czech Republic until 2020, which addresses the issue of social housing. This concept aims at improving the accessibility of housing for groups at risk of social exclusion by stimulating supply and demand. Accordingly, the state will focus inter alia on supporting the construction of flats, removing barriers to accessing existing flats, and strengthening the legal framework for social housing.

ERTF calls on the Czech authorities to review the situation of the Romani population in the Czech Republic, the government's social inclusion policies. The relevant legislation strongly indicates a range of systemic violations of the right to adequate housing and the right to health where Roma are concerned, seriously threatening the existence and wellbeing of Romani families and communities. The existing policies are leading to substandard, deteriorating residential conditions which have led to the evictions of Romani tenants without the provision of alternative housing or remedies for the widespread social exclusion of Roma.

Conclusions

The Czech Government refers to a number of national legislations regulating the right to housing and provides an explanation of activities which they expect to do in the future but they provide no information on actions undertaken in relation to the issues mentioned in this complaint. Furthermore, the government does not mention in response to the submission, the position paper of the Platform for Social Housing which considers the existing institutional and legislative framework for providing aid to people at risk of eviction or homelessness to be insufficient.

The European Roma and Travellers Forum maintains its allegations against the Czech Republic and requests the European Committee for Social Rights to find the Czech Republic in Violation of Articles 11 and 16 of the European Social Charter of 1961, alone or in conjunction with the non-discrimination principle stated in the Preamble of the Charter.

The argument of the European Forum of Roma and Travellers is still that the corpus of concerns raised above rises to the level of and amounts in practice and effect to a violation of Articles 11 and 16, either read in conjunction with and/or independently of the non-discrimination principle stated in the Preamble of the Charter.