

Czech Republic
RAXEN National Focal Point

Thematic Study

Housing Conditions of Roma and
Travellers

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Executive summary

Housing and employment have been the most demanding issues for Roma in the Czech Republic. The main negative trends include:

- Minimal legal protection against discrimination
- Poor access to housing due to direct and indirect discrimination and the limited availability of appropriate housing in general
- Massive increase in loss of rental housing in municipal flats predominantly due to non-payment of rent
- Residential segregation, continuing from the mid 1990s

Prohibition of discrimination in housing is not explicitly regulated in the Czech Republic; however, it is implied in legal framework as such and in international treaties. The “Antidiscrimination Act” implementing Council Directive 2000/43/EC into Czech legislation has not yet been passed. Consequently, no statistical data on the discrimination towards Roma in housing (see 1.1. for details) is available.

The key instrument of protection in housing is the Civil Code. The Civil Code distinguishes three types of housing contracts: a lease, a sublease and a contract of accommodation. These types differ regarding legal protection for the landlord and the accommodated person or tenant. A clear tendency to transfer Roma to non-standard housing (boarding houses) where the housing relations are regulated by a contract of accommodation limiting Roma rights (see 1.1. for details) has appeared in recent years.

Although their number has been steadily decreasing, more than half of Roma in the Czech Republic live in municipal rental flats. Municipal housing property management and housing policies in general, fall under the exclusive jurisdiction of each municipality. The central government does not have the authority to intervene (see 1.1. for details).

Municipalities often allocate their flats based on regulations, which are indirectly discriminatory as they include criteria that are unfriendly to the socially disadvantaged. Some of these regulations are explicitly illegal, as they require the applicant to submit a criminal record (see 1.1. for details).

It is impossible to determine the exact number of Roma in the Czech Republic, as it is illegal to collect data on ethnic origin or nationality. Nationality is recorded based on self-determination in the national census. Few citizens voluntarily identify themselves as Roma. Nevertheless, demographic estimates state that out of about 250,000 Roma living in the Czech Republic

approximately 80% live in an urban environment. Roma in the Czech Republic have been sedentary and there are no encampments or informal types of housing like, for example, the Roma settlements typical in Slovakia, Romania or Bulgaria (see 1.2. for details).

As indicated by some surveys, 60,000-80,000 Roma live in so-called, socially excluded localities, which are characterized by ethnic segregation, spatial exclusion and poor quality housing. The number of these localities is estimated at 300. Such localities may be houses, streets or whole town quarters. Most of these localities have emerged in the past 10 years. Often municipalities driving Roma into these localities (see 1.2. and 1.3. for details) played a significant role.

One of the main reasons of the bad situation of Roma regarding housing, its loss or displacement to non-standard housing is debts regarding rent and utilities.¹ This results in their eviction, either directly to the street, to a substitute flat or other substitute housing. This is a matter for the court. Nevertheless, municipalities are often criticised for not undertaking appropriate steps to prevent Roma indebtedness by a timely intervention, for example, in the form of social welfare provisions being transferred directly to the estate owner (see 1.3. and 2.1. for details).

Roma housing options are very limited. They usually encounter direct discrimination in the rental housing market and private owners usually refuse them. The housing market is restricted due to rent regulation by the state. (see 1.3. and 2.1. for details).

Roma are disqualified from access to municipal flats partly because of discriminative regulations and partly that the number of municipal flats is limited. Most municipalities have privatised significant parts of their municipal

¹ For evidence see for example: Czech Republic/Vláda ČR. 2004. *Koncepce romské integrace*, 2004, p. 21, available at <http://www.vlada.cz/cz/pracovni-a-poradni-organy-vlady/zalezitosti-romske-komunity/dokumenty/archiv/koncepcni-materialy/koncepce-romske-integrace-2004-20320/> (16.05.2009)
Czech Republic/Vláda ČR. 2005. *Zpráva o stavu romských komunit v České republice za rok 2004*, p. 21, available at <http://www.vlada.cz/cz/pracovni-a-poradni-organy-vlady/zalezitosti-romske-komunity/dokumenty/archiv/zpravy/zprava-o-stavu-romskych-komunit-v-ceske-republice-za-rok-2004-20260/> (16.05.2009)
Czech Republic/Vláda ČR (2007) *Agentura pro odstraňování sociálního vyloučení a jeho prevenci v sociálně vyloučených romských lokalitách*, available at www.romea.cz/dokumenty/Agentura050907def.doc (19.05.2009)
Czech Republic/Vláda ČR (2008) *Zpráva o stavu romských komunit v České republice za rok 2007*, available at <http://www.vlada.cz/cz/pracovni-a-poradni-organy-vlady/zalezitosti-romske-komunity/dokumenty/zprava-o-stavu-romskych-komunit-v-ceske-republice-za-rok-2007-44502/> (16.05.2009)
GAC (2006) *Analýza sociálně vyloučených romských lokalit a komunit a absorpční kapacity subjektu působících v této oblasti*, p. 29. Available at http://www.mpsv.cz/files/clanky/3043/Analiza_romskych_lokalit.pdf (02.03.2009)
I. Kašparová, Irena, Š. Ripka, K. Janků (eds.) (2008). *Dlouhodobý monitoring situace romských komunit v České republice. Moravské lokality*. Brno: Fakulta sociálních studií Masarykovi univerzity, Kancelář vlády České republiky.

housing facilities. That there is virtually no form of social housing in the Czech Republic is another important factor (see 1.3. and 2.1. for details).

Municipalities have been criticised by the public administration, as well as by NGOs, for not being proactive regarding the issue and for applying exclusively repressive measures (see 2.1. for details).

There are no national policies or programmes dealing with the issue of Roma housing. The national housing policy does not identify the problem ethnically, but socially. With the exception of providing a generally binding legal framework (see paragraph 20), the state has no authority over municipalities regarding housing. Specific housing policies fall completely within local jurisdiction. However, following current legislation, municipalities cannot administer housing from an ethnic point of view.

There are only a few examples of good practices regarding housing for Roma.

1. Desk research

1.1. Legal and policy framework

The right of housing for Roma or other minorities is not specifically dealt with in Czech legislation and their rights regarding housing are the same as for the rest of the Czech Republic citizens. With reference to this, the information stated below concerns Czech citizens in general, not specifically Roma. Nevertheless, we can state that Roma are the most vulnerable group in regard to inadequate housing, partly because of direct or indirect discrimination and partly because of their prevailing low economic status.

With regard to this we have to point out that, on the basis of Act no. 273/2001 Coll. on Rights of Members of National Minorities and amendment of some acts, government is not allowed to keep records concerning national (and other) minority status.² Also, procuring, processing and using personal data pertaining to membership in a national minority must comply with provisions of special legal regulations, especially Act No. 101/2000 Coll. on the protection of personal data.³ The act defines data on national, racial or ethnic origin as “sensitive data” which can only be processed if: (a) the subject explicitly approved in writing the processing of data, or (b) it is necessary for protection of life or health of the subject or a third person or averting serious danger to their property, or in case of (c) providing health care.⁴

Unlike in some European countries, the right to adequate housing is not constitutionally set in the Czech Republic. Basic legal regulation of the right to adequate housing can be found in the United Nations International Covenant on Economic, Social and Cultural Rights. The Czech Republic is bound by the Covenant which became effective on 23 March 1976.⁵ Specifically, Article 11, paragraph 1 of the Covenant states: “The States, parties of the Covenant, recognise the right of everyone to an adequate standard of living. This includes, but is not limited to, the right to adequate food, clothing, housing, and the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.”⁶

The right of access to adequate housing, according to Article 11 paragraph 1 of the Covenant, needs to be interpreted along side Article 2 paragraph 2 of the Covenant. This guarantees that the rights enunciated in the present Covenant

² Czech Republic/273/2001 (10.07.2001)

³ Czech Republic/101/2000 (04.04.2000)

⁴ Czech Republic/101/2000 (04.04.2000)

⁵ Czech Republic/120/1976 (10.05.1976)

⁶ Czech Republic/120/1976 (10.05.1976)

will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.⁷

With the exception of international treaties which bind the Czech Republic and make part of its legal framework, right to adequate housing is not specifically defined by other acts.

Legal prohibition of housing discrimination is not sufficiently and explicitly regulated in the Czech Republic. Implementation of COUNCIL Directive 2000/43 into the Czech legal system by means of the “Antidiscrimination Act” has not yet been undertaken.

With respect to legal instruments, legal protection regarding housing can be appealed for under:

- *Charter of Fundamental Rights and Basic Freedoms*, which state in Article 1 that, 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.⁸
- *International Covenant on Economic, Social and Cultural Rights*, see above.
- *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, *his home* and his correspondence. Furthermore, according to Article 14, the enjoyment of the rights and freedoms set forth in this 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.⁹
- *Act No. 101/2000 Coll. on Protection of Personal Data* provides conditions for personal data collection. Personal data include e.g. nationality/ethnicity or data on criminal activities.
- *Act No. 128/2000 Coll., on Municipalities*,¹⁰ in case of municipal regulations issued within their legal power regulating ways of flat allocation. If there is a doubt concerning compliance of such regulations with the legal regulations of a higher authority, anyone can notify the appropriate regional authority. The regional authority is obliged to examine the regulation with respect to compliance with other legal norms. If the regional authority finds the regulation does not comply with generally binding legal regulations, it is obliged to annul the regulation.¹¹

⁷ Czech Republic/120/1976 (10.05.1976)

⁸ Charter of Fundamental Rights and Basic Freedoms.

⁹ Czech Republic/209/1992

¹⁰ Czech Republic/128/2000 (12.04.2000),

¹¹ Although municipalities are bound by generally binding legal regulations when setting criteria for municipal housing allocation, in practice the criteria set independently by each municipality are often in conflict with these regulations, see below.

- Act No. 140/1961 Coll., the Criminal Code, which stipulates in Provision 249a that a person who occupies or uses another's house, flat or non-residential premises, shall be punished by a term of imprisonment of up to two years or by a pecuniary penalty.¹²

With respect to a general codification of a house or flat lease the main instruments for the protection of tenants are provisions of the *Civil Code*,¹³ explicitly listing possible reasons for lease notice (eviction), rules for providing replacement accommodation, for rent transfer, etc.

They explicitly list possible reasons for lease notice, rules for providing replacement accommodation, for rent transfer, etc. therefore; we have to point out the Civil Code amendment that became effective in 2006 as Act No. 107/2006 was passed. According to the Civil Code amendment that became effective as the Act No. 107/2006 Coll. was passed,¹⁴ the lessor can give a lease notice either (i) with a court consent or (ii) without a court consent. Nevertheless, in the second case the tenant can sue within 60 days from the notice delivery for determination of the notice's validity. The burden of proof is then on the tenant, i.e. they have to prove that the reason for the notice was not valid.¹⁵

The lessor can give a lease notice only with a court consent for the following reasons:¹⁶

If he needs the flat for himself or for a close family member.

If the tenant ceased work for the lessor and the lessor needs the company flat for a new employee

In cases of public interest

If it is a flat associated with a commercial space and the lessor wants to carry out such business

Termination of a lease without court consent is possible in the following circumstances:¹⁷

If the tenant or members of their household violate good manners in the house despite a written warning

If a tenant grossly violates their duties regarding the flat lease, especially by non-payment of the rent and costs associated with using the flat equal to three months rent and costs associated with using the flat

If a tenant has two or more flats except cases when they cannot be legally required to use only one flat

If a tenant, without sufficient reasons, does not use the flat or they only use the flat occasionally without sufficient reasons

If the flat is a special purpose flat or a flat in a special purpose house and the tenant is not a disabled person

In case of a lease notice the tenant can receive replacement accommodation. The replacement can either be agreed in writing between the lessor and the

¹² Czech Republic/140/1961 (29.11.1961)

¹³ Czech Republic /40/1964 (26.02.1964)

¹⁴ Czech Republic/107/2006 (31.02.2006),

¹⁵ J. Martin, ed. (2006). Sociální diskriminace pod lupou. Praha: Otevřená společnost, o.p.s.

¹⁶ Czech Republic /40/1964 (26.02.1964),

¹⁷ Czech Republic /40/1964 (26.02.1964),

tenant or it is decided by a court during the process of deciding on court consent to a lease notice.

The Civil Code identifies three types of accommodation replacement: (i) substitution flat and (ii) substitution accommodation and under certain conditions (iii) a shelter. A substitution flat is a flat which provides dignified accommodation of the tenant and their family with respect to its size and equipment. An appropriate substitution flat is defined as a flat that is, with respect to local conditions, equal to the flat which is to be vacated. Substitution accommodation is a studio or a room in a boarding house or sublease in a furnished or unfurnished part of another tenant's flat. Shelter is understood as a provisional arrangement until a tenant obtains regular housing and space to store furniture and flat equipment and other things of a housing and personal nature.

With respect to reasons for a lease notice subject to court consent, a tenant is eligible to an appropriate substitute flat for most cases.

In case of a lease notice for reasons that are not subject to court consent, a tenant is eligible to a shelter. However, in case of a family with under-aged children or "reasons requiring special concern" based on a tenant's proposal, a court can rule a claim for replacement accommodation or a substitute flat. In such case, the replacement can be provided outside the municipality where the evicted flat is located.¹⁸

Nevertheless, accommodation replacement can also be appealed for under Provision 3 of the Civil Code referring to good manners. If a lease notice is in conflict with good manners, it can be found invalid. Alternatively, a court can award tenants with a right for accommodation replacement based on the good manners notion conditions listed above.¹⁹

Apart from a flat (house) lease contract, the Civil Code distinguishes other forms of legal relations in housing. They are a sublease contract and a contract of accommodation (see paragraph 30), which differ with respect to purpose and rights of the parties.²⁰

Legal relation regarding a flat or a part of a flat sublease is defined in Provision 719. Sublease relation is formed based on a sublease contract. Rights and duties significantly differ from lease relations in certain points, especially in the following:²¹

- In a sublease termination the tenant is not entitled to be provided a substitute sublease
- Sublease can be terminated without stating a reason
- Sublease also ceases to exist in cases when a lease ceases to exist

On the other hand, a contract of accommodation regulates a relation when the lessor (a person running an accommodation facility, for example hotel, hostel, boarding house, etc.) obliges himself or herself to provide the client with

¹⁸ Czech Republic /40/1964 (26.02.1964)

¹⁹ Czech Republic /40/1964 (26.02.1964)

²⁰ Czech Republic /40/1964 (26.02.1964)

²¹ Czech Republic /40/1964 (26.02.1964)

temporary accommodation in a designated facility and the client binds themselves to pay the amount specified. The contract does not have to be in a written form. A list of rights and duties of both parties can be regulated in an Accommodation Regulation.²²

Respecting ownership, we can differentiate four categories of housing: (1) housing in municipal flats; (2) housing in flats rented from private owners; (3) housing in privately owned flats/houses (private ownership of flat or house) or (4) housing in co-operatively owned houses. Although statistics on housing of Roma in the categories listed above are not available, conclusions of some studies suggest (see Quantitative data on the housing situation of Roma and Travellers for details), that Roma live predominantly in municipal rental flats. Therefore, we will focus on municipal housing management in more detail.

In 1991 about 877,000 flats in the Czech Republic were transferred from the state housing fund to municipal property.²³ Therefore, housing management takes place within municipal jurisdiction where the municipality maintains authority to issue generally binding regulations. Within their jurisdiction under Act No. 128/2000 Coll. on Municipalities,²⁴ most municipalities regulate the issue of access to rental housing.²⁵

The role of the municipality is, to some extent, characterized by an imbalance of rights and duties in rental housing. Whereas municipalities are entitled to set rules for the allocation of flats by generally binding regulations, the Act in fact does not set any limits for their housing management nor does it state any special aims or achievements regarding the issue.²⁶

The Act also does not explicitly stipulate prohibition of discriminatory procedures, either overt or covert, in designation of these rules or of more detailed criteria.²⁷ This often leads to indirect discrimination of some population groups by issuing regulations, including more or less obviously discriminatory criteria that are often in conflict with the Charter of Human Rights and Basic Freedoms, the Civil Code and the Act on Protection of Personal Data.²⁸

With this respect we have to point out that in case of discrimination or other violation of fundamental rights and freedoms regarding housing committed by municipalities, the Public Defender of Rights is not entitled to carry out investigations as activities within the independent legal power of municipalities are excluded from his scope of action.²⁹

Although individual regulations and criteria for assessments of flat applicants vary from municipality to municipality, we can describe an ideal model of flat allocation system and illustrate its discrimination features.

The system requires the candidate to fulfil specific conditions in order to be included on the list of applicants for municipal housing. The conditions usually

²² Czech Republic /40/1964 (26.02.1964)

²³ J. Martin, ed. (2006). Sociální diskriminace pod lupou. Praha: Otevřená společnost, o.p.s.

²⁴ Czech Republic/128/2000 (12.04.2000)

²⁵ <http://www.diskriminace.org/dt-neziskovky/bydleni.phtml> (05.03.2009)

²⁶ <http://www.diskriminace.org/dt-neziskovky/bydleni.phtml> (05.03.2009)

²⁷ <http://www.diskriminace.org/dt-neziskovky/bydleni.phtml> (05.03.2009)

²⁸ <http://www.diskriminace.org/dt-neziskovky/bydleni.phtml> (05.03.2009)

²⁹ The Office of the Public Defender of Rights, personal communication on 13.03.2009.

include permanent residence or employment within the municipal area, no debts to the municipality (this condition is sometimes extended to include the husband/wife of the applicant) and a condition that the applicant does not use and does not have their own flat or house. In some cases, there is also a condition that the applicant or their family members have a clean criminal record.³⁰ This can definitely be considered an exemplary case of social discrimination. Other conditions for being added to the list include the applicant not having been evicted from a rented flat for non-payment of rent.

Subsequently, the applicant is included on a list of applicants for municipal housing. The list can be administered in the form of a waiting list. The order of applicants is then determined based on a points system, i.e. the number of points that an applicant can receive for fulfilling various criteria. The criteria can include length of permanent residence in the municipality, date of submission of the application, marital status of the applicant, number of children in the household, number of people in the household, net monthly income per person, employment status, previous housing, etc. Clearly subjective judgement and vague criteria can be found, for example “reputation of the applicant and their family.”³¹ Some municipalities even set criteria that are, based on the regulation, non-public or the list of applicants is made non-public.

By comparing point criteria, we can easily reconstruct an ideal applicant for municipal housing. The candidate would be an employed, married couple with a long-term history in the municipality. We can unequivocally show the discriminatory consequences of such conditions on, for example, the Roma minority, whose members are often economically disadvantaged. The unemployed, single people with children, those in debt to a municipality or those who do not have a clean criminal record are almost completely disqualified.³²

Apart from the points system, municipalities also apply a system of allocation based on “common interest” or “social reasons”. This may occur when a town council, housing commission, etc. determine allocation without a list of criteria for examining applications. Another method for allocation of flats, applied by some municipalities, is a legal selective method called the envelope method. A flat is allocated to the applicant offering the largest amount of money. The offer is non-public. In such cases, the municipality is completely acquiescent in pursuing only the highest profit.³³

This is problematic especially with regard to there being no national policy regarding social housing in the Czech Republic that could resolve the situation of Roma and socially disadvantaged groups in general. Housing policy falls exclusively under municipal control and municipalities are entirely responsible.

³⁰ On the basis of a random search in regulations of municipalities available on the internet, this condition is applied by the town of Blatná, Haj u Duchova, City Quarter of Prague 5, City Quarter of Prague 10. Moreover, in the town of Písek an applicant can lose 10 points if a person in their household does not have a clean criminal record.

³¹ “Applicant’s reputation” is randomly assessed in the flat allocation process for example by the following municipalities: Benesov, Lázně Belohrad, Písek, Sedlcany.

³² <http://www.diskriminace.org/dt-neziskovsky/bydleni.phtml> (05.03.2009)

³³ J. Martin, ed. (2006). Sociální diskriminace pod lupou. Praha: Otevřená společnost, o.p.s.

The state is only supposed to provide a legislative framework and to further support development of the area by creating grant programmes, which however, as stated by the Ministry for Regional Development representatives in the interviews, municipalities leave unused, or, more precisely, they only use them for housing projects for seniors and people with disabilities.

The so called institute of a substitute receiver can be pointed out as a positive legal tool of protection against loss of housing for non-payment of rent. On the basis of Provision 102 of Act No. 100/1988 and provision of Act No. 114/1988 a substitute receiver of social benefits can be appointed in case a receiver of social benefits does not use them for the purpose given, e.g. to pay their rent. Such appointment can take place even without the client's consent. A substitute receiver, in this case the house owner, therefore receives rent payments directly from a municipal social department, not from the client. The substitute receiver is obliged to use the allowance only to the benefit of the client, i.e. in case of social care benefits to pay for regular rent.³⁴

In reality, municipalities do not use this tool very often so they passively take part in housing debt increase and the worsening situation regarding housing of socially disadvantaged groups of people including most Roma.³⁵

Policies or legal regulations focusing explicitly on Roma and Traveller women, children, the elderly and persons with disabilities do not exist.

1.2. Quantitative data on the housing situation of Roma and Travellers

Most of the original Roma living in the Czech Republic were massacred during the Second World War. Roma currently living in the Czech Republic originally came from Slovakia in the 1950s, moving within the framework of the migration policy of, the then united, Czechoslovakia. Unlike in the Slovak Republic, most Roma in the Czech Republic live in an urban environment.

Controlled migration of Roma from Slovakia, applied by the current communist regime, used a "diffusion" method, i.e. effort was made to diffuse the Roma minority within the majority. However, in some cases, minority members were accumulated and settlements with a majority of Roma population were formed.

Within the composition of Roma or Gypsies, a group of so-called Rumungro prevails in the Czech Republic. They are Hungarian-Slovak Gypsies³⁶ who were

³⁴ Czech Republic/Ministerstvo práce a sociální věcí (2000) *Metodický postup při sociální práci se skupinou neplatičů nájemného a úhrady za plnění poskytovaná v souvislosti s užíváním bytu (ceny služeb a energií)*. Ministerstvo práce a sociálních věcí ČR, komentář č.5/2000. Available at http://epolis.cz/download/pdf/materials_13_1.pdf (21.05.2009)

³⁵ Czech Republic/Vláda ČR (2008) *Zpráva o stavu romských komunit v České republice za rok 2007*, available at <http://www.vlada.cz/cz/pracovni-a-poradni-organy-vlady/zalezitosti-romske-komunity/dokumenty/zprava-o-stavu-romskych-komunit-v-ceske-republice-za-rok-2007-44502/> (16.05.2009)

³⁶ Estimates state that they form 85% of Roma in the Czech Republic. Socioklub. 2000. *Romové: Bydlení, Soužití*. Praha: Socioklub, p 10.

already sedentary for several centuries before their arrival in the Czech Republic. Smaller groups of Vlax Roma are also represented. They distance themselves from Rumungro Roma, for example linguistically or by practicing endogamy.³⁷

Groups qualified as Travellers do not occur in the Czech Republic.

It is impossible to provide an exact number of Roma living in the Czech Republic as the current legislation (Act No. 273/2001 Coll.) prohibits collecting and recording data based on ethnic or nationality character. Nationality of citizens is identified based on self-determination within a regular national census. In 1991 a total of 32,903 people voluntarily declared themselves to be of Roma nationality. In 2001 the number decreased to 11,746.³⁸ In general, both numbers are supposed to be significantly underestimated.³⁹ There are two explanations presented within scientific circles: (1) Roma are afraid to declare their nationality because of discrimination, racism, etc.; (2) people who are considered to be Roma do not form a nation, they do not share common Roma identity based on the concept of “nationality” or “ethnicity” and they are ethnically indifferent.⁴⁰

Therefore, regarding the number of Roma, we have to rely on various estimations. However, these tend to differ significantly. Some organizations focusing on Roma issues put the number of Roma in the Czech Republic as high as 350,000.⁴¹ Nevertheless, demographical estimations state the number of Roma in the Czech Republic in 2005 slightly above 250,000.⁴²

No complete statistical data regarding the housing situation of Roma in the Czech Republic is available for the reasons stated above. In fact, the only source available for some quantitative data on the subject is a research “Analysis of Socially Excluded Roma Localities and Absorption Capacity of Surrounding Subjects“(hereafter the Analysis)⁴³ carried out in 2006. The aim of the survey was to gain information on the number and actual situation in “socially excluded Roma localities” in the Czech Republic. A socially excluded locality in the study is defined as “*an area inhabited by people who consider themselves being Roma or/and they are labelled as Roma by their neighbourhood and they are socially excluded. [...] On one hand it can be a solitary house inhabited by*

³⁷ M. Jakoubek, ed. 2008. *Cikani a Etnicita*. Prague: Triton.

³⁸ <http://www.czso.cz/sldb/sldb2001.nsf/tabx/CZ0000> (05.03.2009)

³⁹ In comparison, up to 1989 lists of Roma were prepared; the nationality/ethnicity was based on the decision of the person doing the count. According to these records, there were 145,738 Roma in the Czech Republic.

⁴⁰ See for example. K. Kalibova (2009). *Demografické charakteristiky Romu ve vybraných zemi střední a východní Evropy*. In M. Jakoubek, L. Budilová (eds.), *Cikánské skupiny a jejich sociální organizace*. Brno: Centrum pro studium demokracie a kultury., p. 214-237. Also: T. Hirt, M. Jakoubek eds.(2006) "*Romové" v osídlech sociálního vyloučení*. Plzeň: Nakladatelství a vydavatelství Aleš Čeněk.

⁴¹ Demografické informační centrum (2006). *Demografie Romu*. Available at http://www.demografie.info/?cz_demoromu (01.03.2009)

⁴² Demografické informační centrum (2006). *Demografie Romu*. Available at http://www.demografie.info/?cz_demoromu (01.03.2009)

⁴³ GAC (2006) *Analýza sociálně vyloučených romských lokalit a komunit a absorpční kapacity subjektu působících v této oblasti*. Available at http://www.mpsv.cz/files/clanky/3043/Analýza_romských_lokalit.pdf (02.03.2009)

several individuals or families, on the other hand it can be a complete town quarter inhabited by several hundreds or even thousands of people”. We have to emphasise that the survey does not refer to the Roma housing situation in the Czech Republic in general, but only to the situation in “socially excluded localities” which were targeted by the survey.

Within the Analysis, initially a list of 333 municipalities with potentially socially excluded localities was identified.⁴⁴ The list was then limited to 173 municipalities where field data collection was carried out. In the final stage, 310 “socially excluded Roma localities” in 167 municipalities were identified/examined.⁴⁵ The percent of Roma population was over 50% in 80% of the examined localities and it exceeded 90% in more than 40% of the localities. Raw estimation of the total number of Roma inhabitants living in the examined localities is 60,000-80,000. If we take into account the demographic estimate of a total Roma population of 250,000 in 2005, we can state that around 30% of Roma live in socially excluded localities.

Regarding the formation and development of these localities, the authors concluded that 90% of the localities emerged within the previous 10 years and, to a great extent, their formation was caused by controlled migration. Other partial studies concerning socially excluded localities⁴⁶ concur with the conclusion.

By far the biggest part of real estate in the examined localities was owned by a municipality. This applied in 58% of cases. The rest was either owned by private landlords (21%), owner/occupants (10%) or by a combination of owners (11%).⁴⁷

Localities in the Czech Republic inhabited by Roma are quite varied from the typological point of view. In some municipalities, they are in historical rental houses in town centres, elsewhere in panel blocks of flats or in solitary rental houses in industrial areas, etc. “Bare-wall flats” for those unable to pay their rent were introduced in some municipalities after 1989. However, sometimes Roma inhabitants were moved to such flats despite that they had no debts regarding municipal rents. These localities often emerged as significantly spatially excluded from other development.⁴⁸ Unlike in other European countries there are neither encampments in the Czech Republic nor Roma settlements in rural areas.

⁴⁴ It is not clear from the survey which criteria were used to select the municipalities.

⁴⁵ GAC (2006) *Analýza sociálně vyloučených romských lokalit a komunit a absorpční kapacity subjektu působících v této oblasti*. Available at http://www.mpsv.cz/files/clanky/3043/Analýza_romskych_lokalit.pdf (02.03.2009)

⁴⁶ T. Hirt, M. Jakoubek (2004). *Dlouhodobý stacionární výzkum sociálně vyloučených romských komunit*. Plzeň: Západočeská univerzita.

⁴⁷ GAC (2006) *Analýza sociálně vyloučených romských lokalit a komunit a absorpční kapacity subjektu působících v této oblasti*. Available at http://www.mpsv.cz/files/clanky/3043/Analýza_romskych_lokalit.pdf (02.03.09)

⁴⁸ For example “Masokombinat” in Kladno. A former slaughterhouse building is located out of town. Bare wall flats were established there and non-payers were moved in, predominantly Roma. Nevertheless, the resettlement also included people without any debts. For further information see L. Radostný, Michal Růžička (2006) *Masokombinát Kladno. Výzkumná zpráva*. In T. Hirt, M. Jakoubek (eds.) *Romové. Kulturologické etudy*. Plzeň: Nakladatelství a vydavatelství Aleš Čeněk.

With regard to spatial exclusion, the Analysis stated that, out of 307 identified localities, 23% are clearly spatially excluded, 23% partially excluded and 54% not spatially excluded at all. A clearly spatially excluded locality was, for the survey purposes, defined as being located completely outside other development or separated by an industrial area, a river, a rubbish dump, etc.⁴⁹

The condition of houses in the examined, socially excluded, localities (a total of 305) was described as “excellent” in 19% of cases, as “solid” in 50%, “bad” in 25% and “uninhabitable” in 6% of cases. The category of “excellent” included “houses with just a locally impaired façade, broken windows or doors are an exception”. The roof as well as the structure of the building was completely in order. “Solid” housing was defined as “some windows or doors broken, more seriously impaired façade, fungi on a small scale, common area uncared for here and there, etc.” The category of “bad” housing had the following features: “bathrooms and power and water distribution in an inappropriate/emergency condition, damaged common area, impaired roof – rain leaks in, broken windows and doors, house structure partially impaired,” etc. Finally, the term “uninhabitable” refers to an object “not fulfilling necessary technical parameters for housing, seriously impaired house structure, damaged roof, walls falling apart, extensive fungi, bathrooms and power and water distribution in a completely emergency state or not available, completely broken windows or doors, etc.”⁵⁰

Regarding facilities in houses and flats in the focused socially excluded localities, the study states that operational heating exists in approximately half of them. Less than 1/10 has no heating while in the rest of the flats and houses, heating is either in place but does not operate or the inhabitants use solid fuels placed directly in the room for heating. There is electricity in 80% of houses and flats. The other 20% also have an electricity supply, however, electricity does not operate or operates only partially. Only very few premises are completely without power supply. Running cold water is unavailable in approximately 1/10 of households, while running hot water is present in approximately half of the examined households (see Annex 1, Figure 1).⁵¹

No statistical data demonstrating the influence of Roma housing conditions on their rights in education, employment and health is available.

Quantitative data describing the size of flats or houses as well as the number of their inhabitants is not available. However, partial studies signal that in comparison with the majority, the number of people in Roma households is significantly higher. For example, based on local investigations in the town of Breclav (South Moravia region), carried out in 2008, the authors estimated that

⁴⁹ GAC (2006) *Analýza sociálně vyloučených romských lokalit a komunit a absorpční kapacity subjektu působících v této oblasti*. Available at http://www.mpsv.cz/files/clanky/3043/Analýza_romskych_lokalit.pdf (02.03.2009)

⁵⁰ GAC (2006) *Analýza sociálně vyloučených romských lokalit a komunit a absorpční kapacity subjektu působících v této oblasti*. Available at http://www.mpsv.cz/files/clanky/3043/Analýza_romskych_lokalit.pdf (02.03.2009)

⁵¹ GAC (2006) *Analýza sociálně vyloučených romských lokalit a komunit a absorpční kapacity subjektu působících v této oblasti*. Available at http://www.mpsv.cz/files/clanky/3043/Analýza_romskych_lokalit.pdf (02.03.2009)

the average number of people in Roma households is 5.73 whereas it is 1.86 people within the majority of households.⁵²

Quantitative data on the number of Roma evictions is not available since the nationality or ethnicity of evicted people cannot be legally monitored.

No quantitative data specifically concerning Roma women, children, elderly or people with disabilities are available. Similarly, no data is available concerning only Roma who do not live in socially excluded localities, although the localities are defined quite vaguely in the quoted sources.

1.3. Qualitative information on the housing situation of Roma and Travellers

1.3.1. Development and trends in residential segregation

Before 1989, the Communist administration applied a so-called diffusion policy in the controlled migration of Roma from Slovakia to the Czech Republic urban environments. The result of this relatively successful policy, which aimed at complete assimilation of the Roma population, was significant, spatial integration of the group. Whereas up to 80% of Roma in the Slovak Republic live in the country, predominantly in segregated Roma settlements, up to 80% of Roma in the Czech Republic live in towns.⁵³

A. Barsova states that within the socialist period the following types of Roma urban settlements emerged:⁵⁴

(1) Scattered poor housing located predominantly in old decaying town estates. This was, amongst other things, caused by Roma often being allocated flats in such parts of towns, sometimes flats of a lower category or larger flats appropriate to the number of family members. In combination with natural migration, sometimes a concentration of Roma was formed in specific town quarters (for example Nusle, Zizkov, Karlín and Liben in Prague).

(2) Satellite settlements in suburbs of larger towns. More Roma families were artificially moved. In the socialist period a decline of these localities had already started to show. Chanov is an example of this type – a settlement of 13 panel houses in the suburbs of the North Bohemian town of Most built in 1978.

⁵² I. Kašparová, Irena, Š. Ripka, K. Janků (eds.) (2008). *Dlouhodobý monitoring situace romských komunit v České republice. Moravské lokality*. Brno: Fakulta sociálních studií Masarykovi univerzity, Kancelář vlády České republiky.

⁵³ A. Baršová (2002) *Problémy bydlení etnických menšin a trendy k rezidenční segregaci v České republice*. In Romové ve městě. Praha: Socioklub, available at: http://www.socioklub.cz/docs/romove_ve_meste.pdf (15.04.2009)

⁵⁴ A. Baršová (2002) *Problémy bydlení etnických menšin a trendy k rezidenční segregaci v České republice*. In Romové ve městě. Praha: Socioklub, available at: http://www.socioklub.cz/docs/romove_ve_meste.pdf (15.04.2009)

(3) Higher concentrations of Roma on the outskirts of towns, in poor quality estates, usually in blue-collar areas built in the last century, which did not have the characteristics of slums during the socialist period.

In the transformation period of the 1990s the settlement types previously described remained. However, Roma were gradually concentrated in settlements with a prevailing poor quality of housing or they were located on the outskirts. The process resulted in the decline of housing conditions and the beginnings of socially excluded localities acquiring the character of slums. The gradual process had the following causes: natural demographic development, the end of the national allocation of flats when that system was transferred to municipalities and finally but importantly, the natural effect of economic transformation driving socially disadvantaged inhabitants from lucrative areas in the town centres.⁵⁵

A significant sign of the transformation period in the first half of 1990s was a sharp economic fall of Roma, which retroactively affected their housing situation. Roma who came from Slovakia to the Czech Republic before 1990 (in the last decade the migration was far from being controlled), migrated for work predominantly to areas with heavy industry which mostly went bankrupt shortly after 1989 together with the artificially created employment. A major part of the Roma found themselves unemployed.⁵⁶

As a result, a new trend emerged in the mid 1990s. Due to actions of individual municipalities and an increase in Roma debts for rent and utilities, new socially excluded localities have been formed and the existing ones have been growing. Formation of such areas is associated with municipalities attempting to resolve the issue of non-payers and “inadaptable” groups by allotting estates in poor condition or building “Holobyty” [bare-wall flats]⁵⁷ and moving these groups into this sub-standard housing.⁵⁸

However, at the same time there were cases of Roma, who had no debts regarding rent, being moved to such localities. There were also cases when Roma were offered municipal housing only in these localities.⁵⁹

Restitution also played a role in the gradually worsening situation regarding Roma housing. Predominantly houses from older estates were restored, i.e. houses which were compulsorily taken from original owners, especially in the

⁵⁵ A. Baršová (2002) Problémy bydlení etnických menšin a trendy k rezidenční segregaci v České republice. In Romové ve městě. Praha: Socioklub, available at: http://www.socioklub.cz/docs/romove_ve_meste.pdf (15.04.2009)

⁵⁶ Socioklub (1999) *Romové v České republice (1945-1998)*. Praha: Socioklub, available at: http://www.socioklub.cz/docs/romove_v_cr.pdf (15.03.09)

⁵⁷ Term “bare-wall flats” is not legally defined. However, in most cases it includes rental housing as well as housing on the basis of contract of accommodation. A common feature of bare-wall flats is not a unified legal regulation, but rather their target users – so-called inadaptable people as well as their low quality (in the vast majority of cases these flats are the 4th category).

⁵⁸ A. Baršová (2002) Problémy bydlení etnických menšin a trendy k rezidenční segregaci v České republice. In Romové ve městě. Praha: Socioklub, available at: http://www.socioklub.cz/docs/romove_ve_meste.pdf (15.04.2009)

⁵⁹ L. Radostný, Michal Růžička (2006) Masokombinát Kladno. Výzkumná zpráva. In T. Hirt, M. Jakoubek (eds.) *Romové. Kulturologické etudy. Plzeň*: Nakladatelství a vydavatelství Aleš Čeněk, p. 242-287.

1950s, due to economic and political situation. Data on the number of Roma benefiting from restitution does not exist. We can formulate a thesis that Roma were marginally represented. On the other hand, we can anticipate that the proportion of Roma tenants in restored houses could have been significant, due to the common allocation of poorer quality housing in older estates in town centres to larger Roma families. For households of tenants living in restored houses or houses privatized by sale, the change of ownership had significant impact. Although the rent remained regulated, the situation of the tenants significantly worsened in many aspects. The owner's interest in the most effective use of the estate was a new, dominant factor. The only possible way to open up the estate for profitable use was transferring tenants to substitute housing.⁶⁰

The problems had escalated by the turn of the new millennium, with municipalities having to deal with unsustainable situations in localities where Roma were displaced. The localities were experiencing high indebtedness regarding rents and utilities and the worsening technical conditions of estates. In their effort to get rid of the burden, some municipalities started to sell the problem estates to private owners. Subsequently, some new owners compelled and threatened Roma into moving to neighbouring villages further away. For example, in Mlada Boleslav, 80-90% of Roma were moved out of the town centre in such away (see 1.3.2.).⁶¹

Conversely, in other cases socially excluded locales were consolidated and expanded as the new owners started to focus on such groups in order to profit. For example, in Nove Predlice, a town quarter of Usti nad Labem (North Bohemia), most houses with Roma inhabitants were sold to a rich Vlax Roma (so-called "Moravians"), within a short period of time. In the following months, tenants were forced to sign new leases with significantly higher rents than would be appropriate for this quality of housing on the open market. Most tenants soon ran into debt. The owners themselves started offering loans with usury interest rates. Nevertheless, more Roma started to move to Predlice as they lost their housing in other parts of town due to non-payment of rent.⁶² Therefore a large, socially excluded, locale was formed. Domestic sanitation is poor, as the owners did not reinvest in their estates. Epidemics of several infectious diseases have occurred in the area. Brown rats and German cockroaches are rampant. The vast majority of inhabitants are unemployed⁶³

⁶⁰ A. Baršová (2002) Problémy bydlení etnických menšin a trendy k rezidenční segregaci v České republice. In Romové ve městě. Praha: Socioklub, available at: http://www.socioklub.cz/docs/romove_ve_meste.pdf (15.04.2009)

⁶¹ A. Baršová (2002) Problémy bydlení etnických menšin a trendy k rezidenční segregaci v České republice. In Romové ve městě. Praha: Socioklub, available at: http://www.socioklub.cz/docs/romove_ve_meste.pdf (15.04.2009)

⁶² M. Brož, P. Kintlová, L. Toušek (2007). *Kdo drží černého Petra. Sociální vyloučení v Liberci, Plzni a Ústí nad Labem*. Praha: Člověk v tísni – společnost při České televizi, available at: http://www.integracniprogramy.cz/index.php?option=com_content&view=article&id=525:kd-o-dri-erneho-petra-socialni-vyloueni-v-liberci-plzni-a-usti-nad-lbaem&catid=482:analyzy-a-vyzkumy&Itemid=272 (15.04.2009)

⁶³ <http://www.vlada.cz/cz/clenove-vlady/ministri-pri-uradu-vlady/michael-kocab/socialni-zaclenovani/lokality/usti-nad-labem-40101/> (14.03.2009)

1.3.2. Example cases of forced evictions and residential segregation

One of the most discussed examples of Roma spatial segregation in the Czech Republic in recent years has been the case of Roma resettlement in the town of Vsetín. In autumn 2006, the Vsetín Town Council, led by the then mayor and ex-minister, moved tenants out of a balcony house with unacceptable sanitation in the town centre. The vast majority of tenants were Roma. All Roma tenants except two families had debts for rent and utilities. Overall, 35 families were moved to several new housing container units built to serve this purpose in the locality of Poschla. Subsequently, approximately 10 families, or about 80 people, were moved, against their will, to several localities outside the town. The town of Vsetín, in cooperation with real estate agencies, bought often broken-down houses in other municipalities. Under threat of eviction, Roma Vsetín ex-inhabitants were forced to move to these estates and take out mortgages to pay for them.⁶⁴

The Public Defender of Rights investigated the case. He concluded that the eviction itself was legal and the town of Vsetín did try to solve social situation of the families affected. However, the chosen way of displacing families who were resettled out of town, the violation of their rights for human dignity and protection of private and family life by limiting their freedom to choose a place of stay and a way of life were identified as issues in the case. Furthermore, he concluded that generally the approach of the town of Vsetín could not be considered a strategic and effective solution.

Another municipality that use to resettle Roma out of municipality borders is for example Mlada Boleslav (Central Bohemia Region). In the mid 90's approximately 2,000 Roma lived in Mlada Boleslav constituting approximately 5% of the total population. A major part of Roma lived in houses in the town centre. The houses had been deteriorating and the locality was not attractive prior to 1989. The municipality started to resettle Roma who owed rent at the end of 1990s. The trend continued by targeted selling of the houses inhabited by Roma to a Roma entrepreneur. Using various threats or offering a minimal financial amount, he forced the tenants to move out of the houses to other localities outside the town borders (Brodce nad Jizerou, Klaster u Mnichova Hradiste, Chotetov) where he had bought deteriorating houses for this very reason. After he had moved the tenants, he resold the houses to the municipality. This resulted in the situation when approximately 500 Roma stay in municipal flats in Mlada Boleslav.⁶⁵

⁶⁴ Czech Republic/Veřejný ochránce práv (2007) *Závěrečné stanovisko ve věci vystěhování romských obyvatel z pavlačového domu na ulici Smetanova č. p. 1336 ve Vsetíně*, available at <http://www.ochrance.cz/dokumenty/dokument.php?doc=621> (24.09.2007). Further also in J. Grygar, T. Stöckelová (2007) *Příčiny a souvislosti stěhování vsetínských Romů z pavlačového domu č.p. 1336 v říjnu 2006. Zpráva z šetření*. Brno : Masarykova Univerzita - Fakulta sociálních studií, available at http://www.mpsv.cz/files/clanky/3043/Analyza_romskych_lokalit.pdf (15.04.2009)

⁶⁵ Člověk v tísni, o.p.s. (2005) *Analýza sociálně vyloučených romských enkláv ve Středočeském kraji*, available at http://www.epolis.cz/download/pdf/materials_33_1.pdf (19.05.2009)

The major problem regarding the issue is that most evictions are more or less legal. Although Provision 35 of Act 128/2000 stipulates a duty of the municipality is to satisfy the housing needs of its inhabitants, this statutory obligation is in fact unenforceable.

1.3.3. Impact of Housing Deprivation

Based on available survey reports we cannot unequivocally state that Roma housing conditions would directly imply limited access to employment, education or health care. Regarding employment, a job applicant might be stigmatized by their address itself, which may not have a “good reputation” at a local level.⁶⁶ However, concrete cases are not available.

Regarding education, a spatial segregation of Roma can be demonstrated by so-called “ghettoisation” of elementary schools in some localities. The process of “ghettoisation” describes a situation where that majority member refuse to enrol their children to school close to a socially excluded locality attended by a higher number of Roma children. As a result, such schools then become “Roma” schools; acquire bad reputations and the quality of instruction decreases.⁶⁷

No information pointing out limited access of Roma to health care based on housing conditions is available. On the other hand, studies focused on Roma health conclude that their health state is in general worse than that of the majority; however, they rather focus on the influence of lifestyle than housing conditions.⁶⁸ Furthermore, as stated in chapter 1.2, there are substandard hygienic conditions in some socially excluded localities. For example, in Nove Predlice (Usti nad Labem) and in Prerov epidemics of jaundice and dysentery and skin diseases (scabies) are common.⁶⁹

⁶⁶ See e.g. M. Růžička, Michal (2006) *Deskripce a analýza problematiky sociálního vyloučení v Plzni*. Plzeň: Člověk v tísni, available at http://epolis.cz/download/pdf/materials_81_1.pdf (16.05.2009)

I. Kašparová, Irena, Š. Ripka, K. Janků (eds.) (2008). *Dlouhodobý monitoring situace romských komunit v České republice. Moravské lokality*. Brno: Fakulta sociálních studií Masarykovi univerzity, Kancelář vlády České republiky.

⁶⁷ Demografické informační centrum (2003) *Monitoring efektivity přípravných ročníků*, available at <http://www.demografie.info/user/documents/monitoring1.zip?PHPSESSID=9a9d1e566dfdc980fb5eaba445ea983>

M. Hajska. (2006). *Romové v českém vzdělávacím systému*. Praha: Člověk v tísni, available at http://www.epolis.cz/download/pdf/materials_53_1.pdf (19.05.09)

GAC (2006) *Analýza sociálně vyloučených romských lokalit a komunit a absorpční kapacity subjektu působících v této oblasti*. Available at http://www.mpsv.cz/files/clanky/3043/Analýza_romskych_lokalit.pdf (02.03.2009)

⁶⁸ S. Richterová et al. (2001) *Determinanty zdravotního stavu romské populace*. In *Zdravotnictví v České republice*, vol. 4 (1-2).

L. Nesvadbová (2003) *Determinanty zdraví romské populace v České republice*, in *Analýza sociálně ekonomické situace romské populace v České republice s návrhy opatření*. Praha: Socioklub.

⁶⁹ GAC (2006) *Analýza sociálně vyloučených romských lokalit a komunit a absorpční kapacity subjektu působících v této oblasti*. Available at http://www.mpsv.cz/files/clanky/3043/Analýza_romskych_lokalit.pdf (02.03.2009)

Another negative phenomenon is the trend when Roma evicted from municipal houses for non-payment of rent, were not adjudicated a substitute flat or substitute accommodation or they were not satisfied move to their relatives, thus increasing population density and decreasing housing quality.⁷⁰ Alternatively, they move to hostels or other substandard types of accommodation enjoying only limited legal protection, as they do not sign a lease, but a contract of accommodation.

1.3.4. Accessibility of Housing

Accessibility of rental housing in municipal flats

Roma have very limited accessibility to rental housing in municipal flats. The number of municipal flats has decreased, as a large proportion of municipal housing was privatized and sold to their tenants or private businesses. Moreover, Roma often experience limited access to municipal rental flats due to the criteria for flat allocation. The criteria are often set in a way that discriminates against socially disadvantaged groups (see part 1.1.). In some cases Roma are purposely allocated flats only in specific areas featuring poor quality housing.

The facts stated above can be supported by the example of the town of Pilsen, where in previous years flats in certain localities were offered exclusively to Roma. The town officers allocated the flats by choosing applicants with “typically” Roma surnames. Moreover, on the basis of “Criteria for Choosing a Tenant for a Vacated Flat”, they were supposed to crosscheck if applicants for a flat were problematic (criminal record, reference from the previous accommodation, etc.).⁷¹

Moreover, as stated above, most municipalities require the applicant and sometimes the family members to have no debts to the municipality and that the applicant has not been evicted based on gross violation of tenant’s duties, thus completely preventing part of the Roma, who often do not meet these requirements, access to municipal housing.

As a result, Roma evicted from municipal houses for non-payment of rent, were not adjudicated a substitute flat or substitute accommodation or they were not

I. Kašparová, Irena, Štěpán Ripka, Kateřina Janků (eds.) (2008). *Dlouhodobý monitoring situace romských komunit v České republice. Moravské lokality*. Brno: Fakulta sociální studií Masarykovi univerzity, Kancelář vlády České republiky.

⁷⁰ I. Kašparová, Irena, Š. Ripka, K. Janků (eds.) (2008). *Dlouhodobý monitoring situace romských komunit v České republice. Moravské lokality*. Brno: Fakulta sociální studií Masarykovi univerzity, Kancelář vlády České republiky.

⁷¹ M. Brož, P. Kintlová, L. Toušek (2007). *Kdo drží černého Petra. Sociální vyloučení v Liberci, Plzni a Ústí nad Labem*. Praha: Člověk v tísni – společnost při České televizi, available at:
http://www.integracniprogramy.cz/index.php?option=com_content&view=article&id=525:kd-o-dri-erneho-petra-socialni-vyloueni-v-liberci-plzni-a-usti-nad-lbaem&catid=482:analyzy-a-vyzkumy&Itemid=272 (15.04.2009)

satisfied move to their relatives, thus increasing population density and decreasing housing quality.⁷² Alternatively, they move to hostels or other substandard kinds of accommodation enjoying only limited legal protection, as they do not sign a lease, but a contract of accommodation and where accommodation is significantly more expensive.

A common problem pointed out by NGOs' representatives at interviews is the non-existence of a national policy of social housing, i.e. the fact that housing policies are created by municipalities on their own and the state only regulates by a generally binding legal framework and grant programmes. This results in the non-existence of social flats accessible for Roma and other disadvantaged groups of inhabitants (see chapter 1.2.)

Accessibility of privately owned housing

Discrimination makes privately owned rental housing particularly difficult for Roma to obtain. Almost half of Czech Republic citizens stated, in opinion polls, that they would find it unpleasant having Roma as neighbours.⁷³ As pointed out by several respondents during these interviews, cases of estate owners refusing interested renters housing, after learning of their Roma origin, are common.⁷⁴

On the other hand, as shown in the Nove Predlice case, there are real estate owners who focus on socially disadvantaged (Roma) people as they represent a potential source of profit due to their limited legal awareness. The Nove Predlice case is not unique. Practically the same situation occurred in Sokolov, when twelve houses with predominantly Roma inhabitants were bought by a private business to generate income.⁷⁵

1.3.5. Affordability

The social welfare system in the Czech Republic is set in a way that people who do not have the sufficient income that would enable them to pay the appropriate costs of housing receive state social benefits in the form of housing benefit.⁷⁶

⁷² I. Kašparová, Irena, Š. Ripka, K. Janků (eds.) (2008). *Dlouhodobý monitoring situace romských komunit v České republice. Moravské lokality*. Brno: Fakulta sociálních studií Masarykovi univerzity, Kancelář vlády České republiky.

⁷³ http://www.ceskenoviny.cz/index_view.php?id=321103 (15.03.2009)

⁷⁴ See Annex 3.

⁷⁵ <http://www.ceskaghetta.cz/clanek.php?id=24> (15.03.2009)

⁷⁶ Property owners or tenants registered as permanently resident in that property are entitled to a housing allowance of 30% (in Prague 35%) of family income which is insufficient to cover housing costs and at the same time this 30% (in Prague 35%) of family income is lower than the relevant prescriptive costs set by law. The prescriptive housing costs are set as average housing costs based on the size of the municipality and the number of members of the household. In the case of rented flats they include a proportion of the rent in accordance with the Rent Act and similar costs for residents of cooperative flats and flat owners. They also include the cost of services and energy. Prescriptive housing costs are calculated on the basis of reasonable sizes of flats for the number of persons permanently residing in them. <http://www.mpsv.cz/en/1603> (19.05.09)

Furthermore, if these people are in material poverty, they also receive housing allowance.⁷⁷ So if poor people who do not have sufficient income and receive social benefits run into debt regarding rent and utilities, it is predominantly caused by the benefits having been used for other purposes.

In this respect social departments of municipalities are often criticized for their failure to use the “institute of a substitute receiver” which can prevent running into debt by means of using social benefits other than in a prescribed way thus preventing loss of accommodation (see paragraph 44). Nevertheless, debts regarding rent and utilities are often identified as main causes of the bad situation of Roma regarding housing.⁷⁸

However, the obstacle to the financial affordability of housing might be created by a situation when a person with a low income looks for housing in a private housing sector where a payment of a financial security to the amount of several months rent is a common practice.

1.3.6. Access and quality of housing for third country Roma

Third country Roma in the Czech Republic are represented exclusively by Slovak Roma. These are either short-term work migrants who are employed through employment agencies, or through illegal agents. These groups live

⁷⁷ The Supplement for housing benefit in material need tackles cases where the income of the person or family, including the entitlement to a housing allowance from the system of state social support, is insufficient to cover justified housing costs. The benefit is provided to house owners or tenants who are entitled to an allowance for living and a housing allowance. In cases worthy of special attention, the delegated municipal office may decide that, for purposes of the supplement for housing, a person who has in the long-term been using a form of housing other than rental accommodation may be considered a tenant. The amount of the supplement for housing is determined in such a manner that, on payment of justified housing costs (i.e. rent, services related to housing and energy costs) the person or family is left with the amount to live. <http://www.mpsv.cz/en/1603> (19.05.09)

⁷⁸ For evidence see for example:

Czech Republic/Vláda ČR. 2005. *Zpráva o stavu romských komunit v České republice za rok 2004*, available at <http://www.vlada.cz/cz/pracovni-a-poradni-organy-vlady/zalezitosti-romske-komunity/dokumenty/archiv/zpravy/zprava-o-stavu-romskych-komunit-v-ceske-republice-za-rok-2004-20260/> (16.05.2009)

Czech Republic/Vláda ČR. 2004. *Koncepce romské integrace, 2004*, available at <http://www.vlada.cz/cz/pracovni-a-poradni-organy-vlady/zalezitosti-romske-komunity/dokumenty/archiv/koncepcni-materialy/koncepce-romske-integrace-2004-20320/> (16.05.2009)

Czech Republic/Vláda ČR (2008) *Zpráva o stavu romských komunit v České republice za rok 2007*, available at <http://www.vlada.cz/cz/pracovni-a-poradni-organy-vlady/zalezitosti-romske-komunity/dokumenty/zprava-o-stavu-romskych-komunit-v-ceske-republice-za-rok-2007-44502/> (16.05.2009)

GAC (2006) *Analýza sociálně vyloučených romských lokalit a komunit a absorpční kapacity subjektu působících v této oblasti*. Available at http://www.mpsv.cz/files/clanky/3043/Analýza_romskych_lokalit.pdf (02.03.2009)

I. Kašparová, Irena, Š. Ripka, K. Janků (eds.) (2008). *Dlouhodobý monitoring situace romských komunit v České republice. Moravské lokality*. Brno: Fakulta sociálních studií Masarykovi univerzity, Kancelář vlády České republiky.

together with other foreign citizens at hostels provided by the agent or their employer. Slovak Roma also secure accommodation with their relatives who came to the Czech Republic before the dissolution of the common state. Other groups of Roma come primarily to visit their relatives and stay with them. Such visits, which can take as long as several months, are relatively frequent among the older generation of Roma who keep in touch with their relatives.⁷⁹

1.3.7. Campaigns undertaken by authorities on their right to adequate housing

There are no campaigns.

1.4. Case law and complaints relating to the housing of Roma and Travellers

Cases involving housing rights infringement generally fall under the jurisdiction of individual civil courts. Since the Czech Republic has still not adopted the “Antidiscrimination Act” fully implementing Council Directive 2000/43/EC into the Czech legal system, there are no publicly accessible statistics of civil court proceedings concerning discriminatory racial or ethnic behaviour in general, or mentioning specific statistics concerning housing availability.

This naturally leads to the conclusion that the Czech Republic has not yet officially established a national equality agency. The Public Defender of Rights ombudsman performs a somewhat similar function. Complaints to the ombudsman can be filed to protect people from the improper conduct of offices and other institutions of state administration, should such conduct be contrary to the law or otherwise faulty. Legal competencies do not entitle the ombudsman to enter civil relations or lawsuits.

According to information from the Office of the Public Defender of Rights, 11 complaints were received in the period under consideration where the injured parties complained about “discrimination” concerning housing. These cases do not just include discrimination regarding access to housing, but also a complainant’s claim that actions of a distrainer against a debtor regarding non-payment of rent had discriminatory features. All cases concerned municipal housing. We cannot determine how many cases included ethnic discrimination, as the Public Defender of Rights did not examine these cases. Housing management, i.e. management of municipal property, falls under the exclusive jurisdiction of a municipality and, as such, is legally excluded from the activities of the Public Defender of Rights (see part 1.2.).⁸⁰

⁷⁹ Člověk v tísni, o.p.s. (2005) *Analýza sociálně vyloučených romských enkláv ve Středočeském kraji*, available at http://www.epolis.cz/download/pdf/materials_33_1.pdf (19.05.09)

⁸⁰ The Office of the Public Defender of Rights, personal communication from 13 March 2009.

1.5. Identifying good practices

Title (original language)	Bydlení s doprovodným sociálním programem (Ostrava)
Title (EN)	Housing with supporting social programmes (Ostrava)
Organisation (original language)	Centrom, o.s
Organisation (EN)	Centrom, civil society organization
Type of organization/institution	NGO
Contact information	Sirotní 692/45, 703 00 Ostrava-Vitkovice Tel.: +420 599 526 051 E-mail: centrom@centrom.cz
Internet link	www.centrom.cz ⁸¹
Type of initiative	<ul style="list-style-type: none"> • Training • Community cohesion – social integration • Improving housing conditions
Total budget and sources of funding	<ul style="list-style-type: none"> • Integrated Operational Programme 2007-2013, priority axis 5 • National grant programmes of the Ministry for Regional Development • CZK 2.474.049
Rationale	Social housing with supporting social programme aimed at securing short-term housing for families with children endangered by social exclusion and socially excluded people in adverse housing and social situation. The complete social housing programme was created in compliance with the community plan of social services within the town of Ostrava.
Objectives	<ul style="list-style-type: none"> • To prevent division of the housing programme clients' families on the basis of loss of accommodation • Prevention of the removal of children from their families to institutional care on the basis of a loss of accommodation and subsequent homelessness • To improve clients' general standard of living • To improve the level of housing in the deprived locality • To improve the maintenance of housing facilities in the locality of an ethnic-social ghetto • To change the relationship of the target group to housing facilities

⁸¹ At the time of the last visit (19 March 2009) the internet pages of the organization were out of order.

	<ul style="list-style-type: none"> • To decrease the level of social pathological phenomena in the community • To improve living conditions of all inhabitants of current ghettos and neighbouring areas⁸²
Target group	<ul style="list-style-type: none"> • Roma
Time frame and location	<ul style="list-style-type: none"> • Ostrava
Brief description of main activities	<p>The focal point is an effective system of housing flexible at a local level (in individual municipalities or town quarters) segmented into three levels: The first level of housing: the highest quality building with a lease. The second level of housing: housing with a sublease and a contract on providing social services. The user does not have their own lease, when signing a lease they commit themselves to take part in social programmes for the deprived locality. This phase takes 1-2 years. The third level of housing: housing in insufficient flats, boarding houses, in illegally inhabited spaces, on the street, etc.</p> <p>Based on empirical findings from the project an intermediate level between the first and the second level of housing is being implemented. The users proceeding from the second to the first level do not immediately get their own lease, but they stay on a sublease with a promise to get their own lease. Supporting social programmes offered at this stage are limited, but cooperation with field workers and counselling services remain in place.</p> <p>The flats can be municipal or private (these are predominantly flats in less interesting localities that have been decaying and are more difficult to rent, but are suitable for second level housing) or they are contractually leased to the NGO which bears the responsibility towards the owner regarding payment of rent and protection of the property against damages.</p> <p>Supporting social programme focuses, among other things, on courses on housekeeping, economical cooking and healthy diet, courses on house maintenance, educational courses for children and field social work.</p>
Involvement of Roma and Travellers in the design, implementation and assessment	<ul style="list-style-type: none"> • None
Any specific focus on Roma women, children, the elderly or persons with disabilities	<ul style="list-style-type: none"> • Educational courses for children
Difficulties and limitations encountered	<ul style="list-style-type: none"> • None
Title (original language)	Za lepsim bydleni v Dobre Vode

⁸² The goals are taken from the project documentation of the organization.

Title (EN)	For Better Housing in Dobra Voda
Organisation (original language)	Cesky zapad, o. s.
Organisation (EN)	Czech West, civil society organization
Type of organization/institution	Civil society
Contact information	Dobra Voda 8 364 01 Touzim Tel.: (+420) 353 391 132 Email: info@cesky-zapad.cz
Internet link	www.cesky-zapad.cz
Type of initiative	<ul style="list-style-type: none"> Improving housing conditions
Total budget and sources of funding	<ul style="list-style-type: none"> CZK 4,000,000 The Office of the Government
Rationale	In 2005 Czech West, o.s. bought a panel house in Dobra Voda from the town of Touzim. The house was inhabited by Roma and was in emergency condition. The project aimed at the renovation of the housing estate.
Objectives	<ul style="list-style-type: none"> Real estate renovation
Target group	<ul style="list-style-type: none"> Roma
Time frame and location	<ul style="list-style-type: none"> 2006 Dobra Voda
Brief description of main activities	NGO Czech West received a non-investment grant to rectify emergency conditions of panel house No.48 and No.49 in Dobra Voda owned by the NGO. Due to the “For Better Housing” project, renovation of the house was carried out. The tenants themselves also took part in the renovation. Windows and entrance doors were changed; water pipes, sewerage, roof, electricity distribution and chimneys were fixed,
Involvement of Roma and Travellers in the design, implementation and assessment	<ul style="list-style-type: none"> Taking part in the renovation of the house
Any specific focus on Roma women, children, the elderly or persons with disabilities	<ul style="list-style-type: none"> None
Difficulties and limitations encountered	<ul style="list-style-type: none"> None

1.6. Major national projects targeting the housing situation of Roma and Travellers

Following the analysis of secondary data as well as interviews, no projects dealing specifically with the Roma housing situation in the Czech Republic were identified on a national level. Each municipality operates independently regarding housing. The state and its bodies create programmes regarding housing that each municipality or private subject can apply for requesting support for their own projects.

Such programmes include, the Integrated Operational Plan (IOP), financed from the EU structural funds⁸³, managed by the Ministry for Regional Development.⁸⁴ The programme includes, for example, the intervention area 5.2.C supporting a pilot project focused on supporting Roma communities endangered by social exclusion.⁸⁵ These projects will interconnect activities concerning the regeneration of houses with social inclusion activities (intervention area 3.1b Social Integration Services within IOP framework) or with activities dealt with by Operational Programme Human Resources and Employment (OP LZZ)⁸⁶ (Intervention area 3.2 focused on non-investment support of Roma localities).

According to information of the Ministry for Regional Development six municipalities applied for the grant programme. One of the municipalities is Usti nad Labem (northern Bohemia) which continuously struggles with a worsening situation in socially excluded localities. The town of Usti nad Labem applied for revitalization and regeneration of the Mojzís locality with numerous Roma households (estimate of 140 households). The locality shows signs of deprivation on the basis of socio-economic indicators. Within the CZK 266,000,000 project four main objectives were set: (1) to improve the physical state of public areas and their functional usage; (2) to improve the housing standard and decrease energy demands in buildings; (3) to strengthen social inclusion of the inhabitants and to eliminate the threat of emerging socially-spatial ghettos; (4) to decrease energy demands of public buildings. The implementation stage of the project, which is now in its preparatory stage, is scheduled for the 2009-2015 period.⁸⁷

⁸³ European Regional Development Fund (ERDF)

⁸⁴ <http://www.mmr.cz/index.php?show=001022007012> (17.03.2009)

⁸⁵ http://www.strukturalni-fondy.cz/uploads/documents/Programy_2007_2013/Integrovaný_operacní_program/Dokumenty/Dokument/intervence/Oblast_intervence_5_2_060608.pdf (17.03.2009)

⁸⁶ <http://www.strukturalni-fondy.cz/oplzz> (17.03.2009)

⁸⁷ <http://www.usti-nad-labem.cz/cz/zivot-mesta/integrovaný-plan-rozvoje-mesta/iprm-k-integrovanému-operacnímu-programu.html> (21.05.2009)

2. Field research - interviews

2.1. Brief description of the methodology

In compliance with the study assignment, we carried out five semi structured interviews. The respondents were asked questions according to instructions set forth in Guidelines. Generally, the respondents experienced difficulties answering most of the questions, especially with respect to questions regarding specific subgroups of Roma (children, women, elderly and people with disabilities). All interviews were carried out face-to-face at the respondents' offices. The interviews were recorded and subsequently an audio script was made.

Interviews were carried out in the first half of March with the following respondents:

The Ministry for Regional Development (MRD).

Romodrom, a civil society organization.

Socioklub (Brno branch), a non-profit organization focusing on research and analytical activities with regard to social policy.

Drom, a municipal organisation.

2.2. Summary of main points

Question 1:

What would you consider the most important features of the Roma/Traveller housing and accommodation situation in your country?

All interviewed respondents agreed that the housing situation of Roma is very bad and has been continuously worsening. Since 2000, Roma have been losing rental housing, have been transferred to non-standard housing (boarding houses, asylum houses) and spatially segregated. Some respondents (MRD, Romodrom) stated that the bad situation in housing is not limited to Roma, but to socially disadvantaged groups in general. This is caused by, among other things, a dysfunctional flat market in the Czech Republic resulting from the persisting state lease regulation.

According to the respondents, the main causes of the worsening situation are as follows:

Financial situation and indebtedness. Most Roma, who have lost housing, have lost it due to non-payment of rent and utilities and were therefore evicted. Nevertheless, respondents from the NGOs pointed out that local municipalities are also responsible for Roma indebtedness as they do not attempt to solve the

situation and do not use measures such as social work tools that could resolve the situation before it escalates.

Direct and indirect discrimination. Most respondents pointed out that flat allocation systems are often discriminatory, as the criteria assessing flat applicants handicap socially disadvantaged groups, with some (for example people with a criminal record) being completely excluded access to municipal housing. Discrimination, as pointed out by the Romodrom representative, is also visible in open market rental housing as private owners of real estate refuse to rent their flats to Roma.

Attitude of municipalities in general. All respondents agreed that municipalities play a significant role in the worsening housing situation especially by establishing socially excluded localities. Apart from that mentioned previously (discriminative method of allocating flats) their general attitude is not to solve problems concerning housing, but only to apply repressive measures. With respect to the issue, the MRD representative stated that municipalities do not cooperate with the public administration sufficiently, i.e. by using grant programmes. Municipalities tend to submit projects concerning only specific groups supported by the public, pensioners and physically disabled people for example.

Non-existence of complex policies and social housing. Ministry representatives and the NGOs differed regarding this point. The ministry representatives declared that the national housing policy is sufficient. NGO representatives disagreed, stating that the Czech Republic does not have any social housing policy or any systematic policy of Roma integration with any other than a declarative character (Socioklub, Romodrom).

Question 2:

Could you briefly describe your institution's work on Roma/Traveller housing and accommodation issues?

Drom, o.s.

Drom implements programmes targeting leisure time activities for children and youth. The organization also provides social counselling through field programmes that include housing issues. According to the organization representative, the housing issue generates, apart from job search assistance, the highest volume of client requests. The most common situations dealt with regarding housing include rental debt, cases of eviction because of non-payment of rent and searches for substitute housing.

The main priorities of the organization include preventing clients from getting into debt, discharging them from debts by means of repayment schedules and consultation activities with the local municipality regarding the prevention of socially excluded local groups. The organization has recently been preparing social programmes for tenants of ten municipal rental houses inhabited predominantly by Roma and which are to be renovated by the municipality.

The organization representative considers both human resources and financial funding insufficient.

The Ministry for Regional Development

The Ministry activities regarding housing focus on creating housing policies, management of grant programmes, creating methodologies, legislative documents, etc. Apart from several grant programmes specifically aimed at revitalization of socially excluded localities inhabited by Roma (see previously), the Ministry does not carry out activities focused exclusively on Roma. For example, the social housing policy is not defined ethnically, but socially.

The Ministry representatives believe that the problem does not lie with financial resources as they consider them sufficient, but with the actions of municipalities responsible for local housing policy. Municipalities do not carry out responsible policies by selling housing estates, or sufficiently use grant programmes for social housing, etc.

Romodrom, o.s.

Romodrom focuses on providing field social work services in several localities in the Czech Republic, as well as carrying out projects supporting Roma employment. Within the framework of field social work, social workers also help clients with housing problems. According to the organization representative, such issues generate about 60% of their total activity. The most common concerns include debts regarding rent and utilities and help with a housing search.

According to the organization representative, the financial resources allocated are not sufficient, especially concerning their stability and continuity. This being the case, the organization has even had to restrict its operation recently. In addition to the lack of finance, its human resources are insufficient. This especially in light of that, even when fully operational, the organization is only able to deal with half the requests for its services.

Socioklub

Socioklub focuses on carrying out expert analyses of public subjects and subjects of civil society on social policies, social exclusion, etc. The key priorities include suggestions and recommendations of solutions regarding the issue. According to the organization representative, generally the public administration operates with insufficient capacity and financial resources for carrying out expert analyses enabling formulating of specific and concrete policies regarding the housing issues of (not exclusively) Roma

Question 3:

Are there any national, regional or local housing and accommodation policies related to Roma/Travellers' housing? What would you say is their actual impact on the situation?

The respondents agreed that there are no national housing and accommodation policies related to Roma in the Czech Republic. The Socioklub representative stated that, although the Government of the Czech Republic regularly issues The Report on the Roma Community Situation in the Czech Republic, Roma Integration Policy, also issuing a document called The Government of the

Czech Republic Approach to the Integration of Roma, the documents do not meet the characteristics of a complex policy and their significance is rather symbolic.

The respondents indicated the document “Proposal of National Approach Policy to Resolving the Issue of Deprived Town Quarters Inhabited Predominantly by Citizens of Roma Origin” as the only partial example of a complex policy at national level. The document was prepared by the Ministry for Regional Development. Nevertheless, the document was frequently criticised by NGOs and was not developed further.

With respect to regional policies related to the housing of Roma, the respondents agreed that there are no policies as such, but rather individual ad hoc cases where decisions concerning the issue are made.

Nevertheless, the activities or the absence of activities regarding the issue were jointly criticised by all respondents. The respondents pointed out that municipalities themselves often participate in the formation of socially excluded localities by concentrating socially disadvantaged Roma, thereby allowing problems to subsequently escalate. Municipalities were also criticised for their lack of attempts to prevent tenants from getting into debt and to use available tools of social care, thereby leaving the problems to escalate to an unmanageable level.

No respondent mentioned a specific example of negative or positive impact of a regional policy.

Question 4:

Could you identify any examples of “good practice” related to Roma/Travellers housing?

In general, the respondents experienced problems identifying good practice examples regarding the housing of Roma. Even if they identified any, they were not able to give more detailed information.

Two of the respondents (Socioklub, Romodrom) identified a community building project in Brno carried out by Drom. Within the project, two houses in bad condition, inhabited by Roma, were renovated. The goal of the project was, apart from the renovation itself, to legalize some inhabitants’ leases,⁸⁸ to discharge them from debt and to implement follow-up community work with tenants preventing worsening social conditions in the locality.

Furthermore, one of the respondents (Socioklub) provided an example of community housing in Dobra Voda (see 1.5). The project also consisted of the renovation of a house in an emergency condition with the tenants taking part in the renovation and then implementation of follow-up social programmes.

⁸⁸ Several families lived in the locality without a valid lease as either did not pay the rent or they moved in illegally. After working a set amount of hours and active participation in the project the housing of the families was legalized by signing a lease contract.
<http://www.drom.cz/cs/drom-romske-stredisko/o-nas/historie-drom/> (21.05.2009)

The Ministry for Regional Development representative identified the NGO Centrom project as an example of good practice. The project is also described in 1.5.

Question 5:

Was your organisation involved in any cases of housing discrimination or other violations of the housing rights of Roma/Travellers?

Although the respondents representing the NGOs (Drom, Romodrom, and Socioklub) confirmed they had experience with cases of discrimination, these cases were never dealt with officially, for example by the court. The prevailing cases of discrimination concerned ways of allocating housing. Either Roma were allocated housing only in certain localities or criteria were set such that they indirectly discriminated against socially disadvantaged people. The Romodrom representative also stated that they had experienced several cases of discrimination from real estate agencies or private owners of flats who refused a would-be tenant when made aware of their Roma origin. Neither of these cases was dealt with further.

Annexes

Annex 1 – Statistical data and tables

Table 1: Number of complaints regarding ethnic discrimination received by complaints authorities

	2000 - 2009
Number of complaints regarding ethnic discrimination received by complaints authorities (such as ombudsperson's offices and national equality bodies)	<p>According to information from the Office of the Public Defender of Rights, they received 11 complaints in the period under consideration where the injured parties complained about “discrimination” regarding housing. These cases not only include discrimination regarding access to housing, but also a complainant’s claim that steps taken by a distrainer against a debtor regarding non-payment of rent had discriminatory features. All cases concerned municipal housing.</p> <p>We cannot determine how many cases included ethnic discrimination, as the Public Defender of Rights did not examine them. Housing management, i.e. management of municipal property, belongs under exclusive jurisdiction of a municipality and as such is legally excluded from the activities of the Public Defender of Rights</p>
Number of instances where ethnic discrimination was established by complaints authorities (such as ombudsperson's offices and national equality bodies)	
Follow-up activities of complaints authorities (such as ombudsperson's offices and national equality bodies), once discrimination was established (please disaggregate according to type of follow up activity: settlement, warning issued, opinion issued, sanction issued etc.)	

Number of sanctions and/or compensation payments in ethnic discrimination cases (please disaggregate between court, equality body, other authorities or tribunals etc.) regarding access to housing (if possible, disaggregated by gender and age).	
Range of sanctions and/or compensation in your country (please disaggregate according to type of sanction/compensation)	

Table 2: Size of examined socially excluded localities according to the number of Roma inhabitants⁸⁹

Number of Roma inhabitants	Relative frequency in the examined set of localities (n = 301)
up to 25	11%
25 – 50	24%
51 – 100	28%
101 – 300	19%
over 301	18%

⁸⁹ GAC (2006) *Analýza sociálně vyloučených romských lokalit a komunit a absorpční kapacity subjektu působících v této oblasti*. Available at http://www.mpsv.cz/files/clanky/3043/Analýza_romskych_lokalit.pdf (02.03.2009)

Table 3: Proportion of Roma inhabitants to the total number of inhabitants of the examined localities⁹⁰

Number of Roma inhabitants	Relative frequency in the examined set of localities (n = 299)
Up to 50%	18%
51 - 75%	16%
76 - 90%	24%
91 - 99%	15%
100%	27%

Table 4: Type of formation and development of examined socially excluded Roma localities⁹¹

Type of locality formation	Relative frequency in the examined set (n = 299)
Locality existing in the long term	20%
New locality formed predominantly by natural introduction	6%
New locality formed predominantly by controlled introduction	29%
Combination of long-term existence and natural introduction	13%
Combination of long-term existence and controlled introduction	24%
Combination of all types	8%

⁹⁰ GAC (2006) *Analýza sociálně vyloučených romských lokalit a komunit a absorpční kapacity subjektu působících v této oblasti*. Available at http://www.mpsv.cz/files/clanky/3043/Analýza_romskych_lokalit.pdf (02.03.2009)

⁹¹ GAC (2006) *Analýza sociálně vyloučených romských lokalit a komunit a absorpční kapacity subjektu působících v této oblasti*. Available at http://www.mpsv.cz/files/clanky/3043/Analýza_romskych_lokalit.pdf (02.03.2009)

Table 5: Condition of houses and flats prevailing in the examined socially excluded Roma localities⁹²

House condition	Relative frequency in the examined set (n = 305)
Excellent ⁹³	19%
Solid ⁹⁴	50%
Bad ⁹⁵	25%
Uninhabitable ⁹⁶	6%

Figure 1: Standard of utilities in flats and houses in the examined socially excluded Roma localities⁹⁷

Key:

First column to the left = heating

Second column to the left = electricity

Third column to the left = running water

Fourth column to the left = running hot water

Black colour field = non-existent

White colour field = not working or the usage is limited (water only in common areas, flat/house heated by a stove, etc.)

Grey colour field = existing and working

⁹² GAC (2006) *Analýza sociálně vyloučených romských lokalit a komunit a absorpční kapacity subjektu působících v této oblasti*. Available at http://www.mpsv.cz/files/clanky/3043/Analýza_romskych_lokalit.pdf (02.03.2009)

⁹³ “Excellent:” just locally impaired façade, broken windows or door an exception, the roof in order, etc.

⁹⁴ “Solid”: some windows or doors broken, more seriously impaired façade, fungi on a small scale, some common areas uncared for, etc.

⁹⁵ “Bad”: bathrooms and power and water distribution in inappropriate/emergency condition, damaged common areas, impaired roof – rain leaks in, broken windows and doors, house structure partially impaired, etc.

⁹⁶ “Uninhabitable”: the property does not fulfil necessary technical parameters for housing, seriously impaired house structure, damaged roof, walls falling apart, extensive fungi, bathrooms and power and water distribution in a completely emergency state or not available, completely broken windows or doors, etc.

⁹⁷ GAC (2006) *Analýza sociálně vyloučených romských lokalit a komunit a absorpční kapacity subjektu působících v této oblasti*. Available at http://www.mpsv.cz/files/clanky/3043/Analýza_romskych_lokalit.pdf (02.03.2009)

**ÚROVEŇ VYBAVENOSTI DOMŮ A BYTŮ VE
ZKOUMANÝCH SOCIÁLNĚ VYLOUČENÝCH
ROMSKÝCH LOKALITÁCH (N (počet lokalit) = 296)**

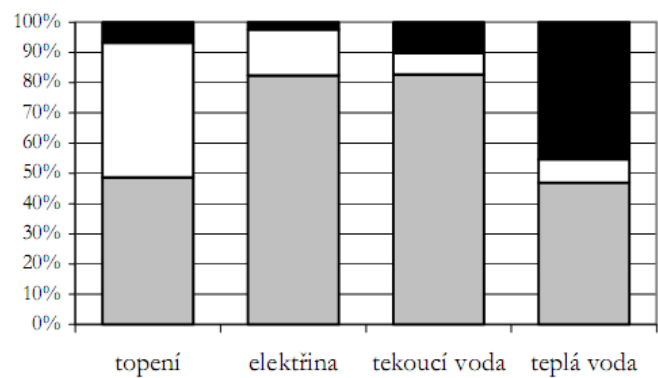
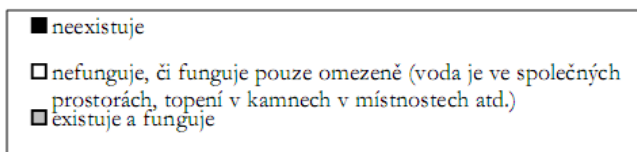


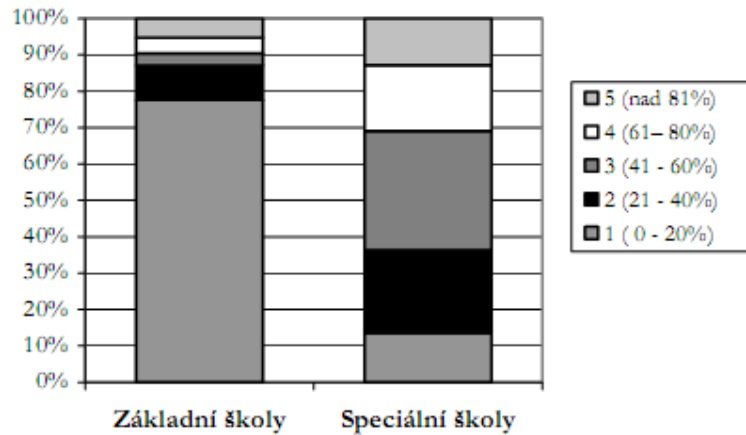
Figure 2: Proportion of Roma in the total number of pupils at schools attended by children from the examined socially excluded localities (n = 320)⁹⁸

Key:

First column to the left = Elementary schools

Second column to the left = Special schools

**PODÍL ROMŮ NA CELKOVÉM POČTU ŽÁKŮ
VE ŠKOLÁCH, NA KTERÉ DOCHÁZEJÍ DĚTI
ZE ZKOUMANÝCH SOCIÁLNĚ
VYLOUČENÝCH ROMSKÝCH LOKALIT
(N = 320)**



⁹⁸ GAC (2006) *Analýza sociálně vyloučených romských lokalit a komunit a absorpční kapacity subjektu působících v této oblasti*. Available at http://www.mpsv.cz/files/clanky/3043/Analýza_romských_lokalit.pdf (02.03.2009)

Annex 2 – Court, specialised body or tribunal decisions

In the Czech Republic only rulings of the Supreme Administrative Court and the Supreme Court are published. Based on the background research in the database of the courts there is only one case where a complainant objected to ethnic discrimination. However, it was at a lower court and the Supreme Court dealt with another aspect of the case and did not rule about discrimination. Furthermore, the Supreme Court dealt with several complaints regarding housing. Nevertheless, we are unable to specify if they to some extent or other indirectly concerned housing of Roma. The only case found that can be quoted is a ruling of the European Court for Human Rights listed below.

Case title	Wallova and Walla v. the Czech Republic
Decision date	26.10.2006
Reference details (type and title of court/body; in original language and English [official translation, if available])	The European Court of Human Rights
Key facts of the case (max. 500 chars)	The applicants were parents of five children, who were placed in the institutional care of children’s homes in Kamenice nad Lipou and in Volyne by the order of the District Court in Tabor in November 2000. In March 2001 and again in April 2002 the applicants’ children were placed in institutional care. The reason for the order was that the family did not have permanent and appropriate housing. The environment where they lived (a buy-back recycling centre) endangered a healthy development of the children. The District Court ruling on ordering institutional care was confirmed by the Regional Court in Ceske Budejovice in August. The Constitutional Court refused a constitutional complaint of the applicants in 2004. The applicants therefore appealed at the European Court for Human Rights.

<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>The applicants complained about being separated from their children and of the Czech authorities' failure to assist them. They relied, among other provisions, on Article 8 of the European Convention of Human Rights (right to respect for private and family life) and Article 14 (prohibition of discrimination).</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The Court noted that the Czech courts had admitted that the fundamental problem for the applicants was how to find housing suitable for such a large family. Neither the applicants' capacity to bring up their children or the affection they bore them had ever been called into question, and the courts had acknowledged the efforts they had made to overcome their difficulties. In the Court's view, therefore, the underlying problem was a lack of resources, which the Czech authorities could have made up for by means other than the total separation of the family, which seemed to be the most drastic measure and could be applied only in the most serious cases. The Czech authorities should have had recourse to less drastic measures. One possibility would have been to monitor the applicants' living conditions and hygiene arrangements and they could, for example, have advised them what steps they could take to improve the situation and find a solution to their problems. But none of that had been done. Consequently, the Court considered that although the reasons given by the Czech administrative and judicial authorities had been relevant, they had not been sufficient to justify such a serious interference in the applicants' family life as the placement of their children in public institutions. In addition, it was not evident from the facts of the case that the social protection authorities had made serious efforts to help the applicants overcome their difficulties and get their children back as soon as possible. The Court accordingly held that there had been a violation of Article 8. In view of the conclusion it had reached with regard to Article 8, the Court considered that it was not necessary to examine the case under Article 14.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The applicants requested an amount of CZK 1,000,000 for themselves and CZK 200,000 for each of their children for non-pecuniary damages. The European Court awarded the applicants EUR 10,000 EUR for non-pecuniary damages (approximately CZK 284,000).</p>

Annex 3 – Bibliography

Books, articles and reports with authorship:

- A. Baršová (2002) *Problémy bydlení etnických menšin a trendy k rezidenční segregaci v České republice*. In Romové ve městě. Praha: Socioklub, available at: http://www.socioklub.cz/docs/romove_ve_meste.pdf (15.04.2009)
- M. Brož, P. Kintlová, L. Toušek (2007). *Kdo drží černého Petra. Sociální vyloučení v Liberci, Plzni a Ústí nad Labem*. Praha: Člověk v tísní – společnost při České televizi, available at: http://www.integracniprogramy.cz/index.php?option=com_content&view=article&id=525:kdo-dri-erneho-petra-socialni-vyloueni-v-liberci-plzni-a-usti-nad-lbaem&catid=482:analyzy-a-vyzkumy&Itemid=272 (15.04.2009)
- J. Grygar, T. Stöckelová (2007) *Příčiny a souvislosti stěhování vsetínských Romů z pavlačového domu č.p. 1336 v říjnu 2006. Zpráva z šetření*. Brno : Masarykova Univerzita - Fakulta sociálních studií, available at http://www.mpsv.cz/files/clanky/3043/Analyza_romskych_lokalit.pdf (15.04.2009)
- M. Hajská. (2006). *Romové v českém vzdělávacím systému*. Praha: Člověk v tísní, available at http://www.epolis.cz/download/pdf/materials_53_1.pdf (19.05.09)
- T. Hirt, M. Jakoubek (2004). *Dlouhodobý stacionární výzkum sociálně vyloučených romských komunit*. Plzeň: Západočeská univerzita.
- T. Hirt, M. Jakoubek eds.(2006) "*Romové*" v *osidlech sociálního vyloučení*. Plzeň: Nakladatelství a vydavatelství Aleš Čeněk.
- M. Jakoubek, ed. 2008. *Cikani a Etnicita*. Prague: Triton.
- K. Kalibova (2009). *Demografické charakteristiky Romu ve vybraných zemi střední a východní Evropy*. In M. Jakoubek. L. Budilová (eds.). *Cikánské skupiny a jejich sociální organizace*. Brno: Centrum pro studium demokracie a kultury.
- I. Kašparová, Irena, Š. Ripka, K. Janků (eds.) (2008). *Dlouhodobý monitoring situace romských komunit v České republice. Moravské lokality*. Brno: Fakulta sociálních studií Masarykovi univerzity, Kancelář vlády České republiky.
- J. Martin, ed. (2006). *Sociální diskriminace pod lupou*. Praha: Otevřená společnost, o.p.s.
- L. Nesvadbová (2003) *Determinanty zdraví romské populace v České republice*. In *Analýza sociálně ekonomické situace romské populace v České republice s návrhy opatření*. Praha: Socioklub.
- S. Richterová et. al. (2001) *Determinanty zdravotního stavu romské populace*. In *Zdravotnictví v České republice*, vol. 4 (1-2).
- L. Radostný, Michal Růžička (2006) *Masokombinát Kladno. Výzkumná zpráva*. In T. Hirt, M. Jakoubek (eds.) *Romové. Kulturologické etudy*. Plzeň: Nakladatelství a vydavatelství Aleš Čeněk.

M. Růžička, Michal (2006) *Deskripce a analýza problematiky sociálního vyloučení v Plzni*. Plzeň: Člověk v tísní, available at

http://epolis.cz/download/pdf/materials_81_1.pdf (16.05.2009)

Socioklub (1999) *Romové v České republice (1945-1998)*. Praha: Socioklub, available at: http://www.socioklub.cz/docs/romove_v_cr.pdf (15.03.09)

Socioklub (2000) *Romové: Bydlení, soužití*. Praha: Socioklub.

Reports of organizations

Člověk v tísní, o.p.s. (2005) *Analýza sociálně vyloučených romských enkláv ve Středočeském kraji*, available at

http://www.epolis.cz/download/pdf/materials_33_1.pdf (19.05.2009)

Demografické informační centrum (2003) *Monitoring efektivit přípravých ročníků*, available at

<http://www.demografie.info/user/documents/monitoring1.zip?PHPSESSID=9a9d1e566dfdc980fb5eaba445ea983>

Demografické informační centrum (2006). *Demografie Romu*. Available at http://www.demografie.info/?cz_demoromu (01.03.2009)

GAC (2006) *Analýza sociálně vyloučených romských lokalit a komunit a absorpční kapacity subjektů působících v této oblasti*. Available at http://www.mpsv.cz/files/clanky/3043/Analyza_romskych_lokalit.pdf (02.03.2009)

Governmental reports

Czech Republic/Vláda ČR. 2004. *Koncepce romské integrace, 2004*, available at <http://www.vlada.cz/cz/pracovni-a-poradni-organy-vlady/zalezitosti-romske-komunity/dokumenty/archiv/koncepcni-materialy/koncepce-romske-integrace-2004-20320/> (16.05.2009)

Czech Republic/Vláda ČR. 2005. *Zpráva o stavu romských komunit v České republice za rok 2004*, available at <http://www.vlada.cz/cz/pracovni-a-poradni-organy-vlady/zalezitosti-romske-komunity/dokumenty/archiv/zpravy/zprava-o-stavu-romskych-komunit-v-ceske-republice-za-rok-2004-20260/> (16.05.2009)

Czech Republic/Vláda ČR (2007) *Agentura pro odstraňování sociálního vyloučení a jeho prevenci v sociálně vyloučených romských lokalitách*, available at www.romea.cz/dokumenty/Agentura050907def.doc (19.05.2009)

Czech Republic/Vláda ČR (2008) *Zpráva o stavu romských komunit v České republice za rok 2007*, available at <http://www.vlada.cz/cz/pracovni-a-poradni-organy-vlady/zalezitosti-romske-komunity/dokumenty/zprava-o-stavu-romskych-komunit-v-ceske-republice-za-rok-2007-44502/> (16.05.2009)

Czech Republic/Ministerstvo práce a sociální věcí (2000) *Metodický postup při sociální práci se skupinou neplatičů nájemného a úhrady za plnění poskytovaná*

v souvislosti s užíváním bytu (ceny služeb a energií). Ministerstvo práce a sociálních věcí ČR, komentář č.5/2000. Available at http://epolis.cz/download/pdf/materials_13_1.pdf (21.05.2009)

Czech Republic/Veřejný ochránce práv (2007) Závěrečné stanovisko ve věci vystěhování romských obyvatel z pavlačového domu na ulici Smetanova č. p. 1336 ve Vsetíně, available at

<http://www.ochrance.cz/dokumenty/dokument.php?doc=621> (24.09.2007).

Laws

Czech Republic/140/1961 (26.11.1961), available at <http://www.pravnik.cz/uplna-zneni/uz-76.html> (06.04.09)

Czech Republic /40/1964 (26.02.1964), available at <http://business.center.cz/business/pravo/zakony/obcenzak/> (05.05.09)

Czech Republic/120/1976 (10.05.1976), available at <http://www.vlada.cz/scripts/detail.php?id=19852> (05.03.09)

Czech Republic/209/1992 (01.10.1994). available at <http://www.novatrixprint.cz/umluva-o-ochrane-lidskych-prav-a-svobod.html> (04.05.2009)

Czech Republic/101/2000 (04.04.2000), available at <http://www.sagit.cz/pages/sbirkatxt.asp?zdroj=sb00101&cd=76&typ=r> (05.03.09)

Czech Republic/128/2000 (12.04.2000), available at: <http://www.sagit.cz/pages/sbirkatxt.asp?zdroj=sb00128&cd=76&typ=r> (04.05.09)

Czech Republic/273/2001 (10.07.2001), available at http://www.pravnipredpisy.cz/predpisy/ZAKONY/2001/273001/Sb_273001_---.php (05.05.09)

Czech Republic/107/2006 (31.02.2006), available at <http://www.sagit.cz/pages/sbirkatxt.asp?zdroj=sb06107&cd=76&typ=r> (06.04.09)

Judicial decisions

ECHR/ 23848/04 (26.10.2006.)