

# WRITTEN COMMENTS

of the European Roma Rights Centre, Concerning Czech Republic

For Consideration by the Committee on Economic, Social and Cultural Rights  
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CHALLENGING DISCRIMINATION PROMOTING EQUALITY

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## INTRODUCTION

This list of critical issues is presented by the European Roma Rights Centre (ERRC),<sup>1</sup> with a contribution from the Platform for Social Housing.<sup>2</sup> The submission aims to assist the Pre-Sessional Working Group with country specific information on two key issues affecting Roma in relation to the Czech Republic's second periodic report (the State Report). The chapter on housing was prepared in collaboration with the Platform on Social Housing.

The ERRC has worked in the Czech Republic since 1996, and has documented widespread and systematic discrimination against Roma in the areas of education, housing, health, access to services, and employment. The ERRC has also recorded and litigated several cases of violent hate crimes, hate speeches and anti-Roma marches. It is estimated that up to 300,000 Roma live in the Czech Republic.<sup>3</sup>

## HOUSING AND AN ADEQUATE STANDARD OF LIVING – ARTICLE 11

Experts estimate that 30,000 people live rough in the Czech Republic, and an additional 70,000 live in uncertain or unsuitable conditions according to European Typology of Homelessness and Housing Exclusion (ETHOS).<sup>4</sup> Among the hidden homeless, there has been an increasing number of youth, physically handicapped, women, and whole families with children. Among the youth the most endangered are the people who are leaving institutional care. The share of women among homeless has been estimated to be increasing from 5% at the beginning of the 1990s to 17% in 2009; 4% of clients have been over 60 years old (clients of Naděje, c. a.).<sup>5</sup>

According to the EC/UNDP/WB 2011 Regional Roma Housing survey, almost half of the Roma in the Czech Republic feel under threat of evictions; 18% feel worried and 30% very worried that they will be evicted in the near future. In the comparative perspective of all 11 countries, the situation with eviction threats is the worst in the Czech Republic, where the largest share of Roma is afraid of evictions.

While Roma are statistically underrepresented in the group of visible homeless, their housing conditions have been deteriorating since the 1990s. A previously centralised state housing stock was, through previous decentralisation policies, transferred to the administration of local authorities. Since the 1990s, most of the local authorities decided to privatise their housing capacities and up to 90% of the municipal housing stock has been privatised to date. Roma, low-income and indebted households were those who lost out during privatisation: they were not allowed, offered or capable of buying the flats they were renting from the municipalities, and their housing, especially in lucrative areas of cities, was sold to private landlords. The new owners evicted Roma from city centres to peripheries, from developed areas to structurally disadvantaged regions. The government has not introduced any policy to control or revert these processes, and Roma continue to be evicted from cities.

For many Romani families the only way to find accommodation is through privately (or municipally)-owned residential hostels, as they are systematically denied housing on the official housing market. The allocation of housing subsidies is at the discretion of the local authorities, and they are most often paid directly to the landlords of residential hostels. State support is calculated as a proportion (depending on the subjective assessment of a local officer) of the rents, and there is no ceiling on its amount.<sup>6</sup> The processes of eviction of Roma from municipal housing, creation of ghettos in structurally disadvantaged areas, and subsidy preference for

1 The ERRC is an international public interest law organisation engaging in a range of activities aimed at combating anti-Romani racism and human rights abuse of Roma, in particular strategic litigation, international advocacy, research and policy development, and training of Romani activists. See: [www.errc.org](http://www.errc.org).

2 The Platform for Social Housing is a Czech NGO and expert association which advocates for the introduction of social housing policies and practices in the Czech Republic, and monitors the implementation of the current policies and their impacts on vulnerable groups. The platform currently consists of 32 members, of which 20 are organisations (social housing and social services providers, and human rights organisations). Among others, all Czech members of FEANTSA are included.

3 UNDP, *The Housing Situation of Roma Communities: Regional Roma Survey 2011*, p. 41.

4 Kradecký et al. (2012): *Souhrnný materiál pro tvorbu koncepce práce s bezdomovci na období do roku 2020*. Praha.

5 MPSV (2012): *Koncepce prevence a řešení problematiky bezdomovectví do roku 2020*.

6 Czech Radio, *Interview with Martin Šimáček, Director of the Agency for Social Inclusion*, available at: [http://www.rozhlas.cz/zpravy/politika/\\_zprava/za-nefungující-kanalizaci-v-přednadrži-muze-mesto-ostava-rika-martin-simacek--1101638](http://www.rozhlas.cz/zpravy/politika/_zprava/za-nefungující-kanalizaci-v-přednadrži-muze-mesto-ostava-rika-martin-simacek--1101638).

substandard housing in residential hostels has driven an increasing number of Roma, and other disadvantaged groups, into functional homelessness according to the ETHOS typology.

There has been no systematic policy on social housing in the Czech Republic. Since the 1990s experts have called for the introduction of a Social Housing Act, but no government has presented it. Around 80% of total government expenditure has been directed to the private housing sector, which means that the government has supported the housing of higher-income groups. Recently, the Ministry of Regional Development has been preparing a new comprehensive strategy for social housing (2014), and some early drafts suggest that the situation of many Czech citizens including Roma, who rely on state support in their housing, will deteriorate with this new policy. For example it wants to introduce institutions for social housing and further segregate people in housing emergency.

The current system of state housing subsidies does not facilitate access to the housing market for many vulnerable families; moreover, it leads to residential segregation in low-quality and overpriced residential hostels owned by private persons. The living conditions in residential hostels often do not meet minimal housing and sanitation standards: several people were asked to live in one room, share kitchen and bathroom facilities, this all in inadequate-sanitation conditions.

Long-term provisional housing goes hand in hand with a poor system of education for Roma children. The lack of stable and decent housing with adequate privacy could have an even worse impact on the school attainment of Roma children, than the segregated system of special education. Without stable and calm housing, children lack psychological stability, have worse school attainment as a consequence and are less able to socialise.

#### **Suggested questions to the Government:**

- Which concrete and targeted measures has the Government taken to ban the practice of illegal evictions conducted by private landlords?'
- Which concrete and targeted measures has the Government taken to reverse the process of segregation of Roma who previously lived in municipal housing in cities, into substandard housing in structurally disadvantaged areas?
- Has the Government considered introducing some legislative measures providing more security to tenants, especially tenants living in privately-owned residential hostels facing constant threat of eviction?
- Has the Government considered reforming the current system of housing subsidies, and what measures will be taken to ensure that the housing situation of people dependent on these subsidies will not be worsen?
- What concrete steps will be taken to put the Homelessness 2020 concept into practice?
- Has the Government adopted any measures to reduce discrimination of and facilitate access for Romani tenants to the official housing-market?
- What is the current stage of the social housing policy; is civil society being consulted, and what role is given to private hostels or other forms of housing which are not standard flats in the upcoming system of social housing?
- What desegregation measures are being taken, and what measures preventing further segregation will be taken?
- How is the government going to ensure people with housing needs living in residential social services will gain access to standard flats?
- Which concrete and targeted measures has the Government taken to prevent further institutionalisation of children because of the poor housing situation of their parents? Which concrete and targeted measures has the Government taken to secure stable and decent housing with enough privacy to children, as a precondition of their development?
- Which concrete and targeted measures is the Government going to take to secure quality, decent and non-segregated housing to all homeless people and prevent further homelessness?

## ACCESS TO EDUCATION – ARTICLE 13

Six years after the European Court of Human Rights judgment in the *D.H. case*<sup>7</sup>, which ruled that the country discriminated against Romani pupils by offering them inferior education in special schools, the Czech Republic has made very little progress in securing non-discriminatory access to education for Roma. Romani children continue to be trapped in a cycle of low-quality segregated education. The Czech government has failed to address the problem of discrimination against Romani pupils in education as a matter of priority, and it has not carried out the necessary systemic reform in order to comply with the *D.H. decision*. As a result, Romani pupils in practical and Roma-only schools and classes are re-living the same violations of their right to equal treatment in the field of education experienced by their parents and relatives.

The 2005 rebranding exercise through which “special schools”, designed for children with mild mental disabilities, were renamed “practical elementary schools” or mainstream elementary schools has failed to eradicate the system of inferior education which thousands of Romani pupils face on a daily basis. A great number of Romani pupils in both practical schools and segregated elementary schools continue to follow the curriculum for children with mild mental disabilities. All that the change in name has achieved is confusion; neither parents nor the Ministry of Education have a clear idea about the type and quality of education provided to Roma in various schools. The legislation governing the new system is impenetrable.

The Czech Republic adopted the National Action Plan on Inclusive Education (NAPIE) in March 2010,<sup>8</sup> to implement the European Court judgment in the *DH case*. The Czech Republic has also developed a competing inclusive education plan amid a larger strategy for Roma generally. In September 2011, the Czech government approved the Strategy for the Fight against Social Exclusion 2011-2015.<sup>9</sup> However, no targeted budget and schedule have been allocated to implement the NAPIE and Strategy to date, nor they are binding on any government department. Finally, in November 2012, the Czech government submitted a New Consolidated Action Plan to the Council of Europe’s Committee of Ministers.<sup>10</sup> It remains unclear whether the new plan essentially replaces, or should be seen in addition to, the current NAPIE, nor how it relates to the Czech Strategy for Combating Social Exclusion 2011-2015. Some of the measures indicated in the Action Plan have been already delayed or entirely neglected.

In July 2012, the Association of Psychological-Pedagogical Centres raised serious concerns over the accuracy and adequacy of the current assessment practices within the process of enrolment into the practical education system when it comes to Romani pupils. They concluded that the test currently used does not adequately reflect the specific situation of Romani children. Although the Ministry of Education established a working group to review the objectivity and purpose of the assessment instruments, there have not been any changes in the use of the flawed tests and assessment instruments, which continue physically segregating children based on their school performance until now. Such tests however suggest that an actual disability can be a legitimate reason for segregating Romani children and perpetuate discrimination contrary to the Convention on the Rights of Persons with Disabilities.

The Czech Ombudsperson research in 2012 highlighted that Romani children continue to be overrepresented in schools and classes designed for children with mild mental disabilities where they constitute around 35% of all children.<sup>11</sup> Furthermore, the newest UNDP household survey emphasises that 17% of all Romani children between the ages of seven and 15 attend practical and special schools and 60% of these Romani children are placed in ethnically segregated special/practical schools with the majority of their schoolmates being Roma.<sup>12</sup>

The result is that the Czech Republic’s education system is failing Romani children, with devastating consequences for their future. Substantial numbers of pupils do not finish elementary school, and only a very few of

7 European Court of Human Rights, *Case of D.H. and Others v. The Czech Republic*, 13 November 2007, available at: <http://www.errc.org/cms/upload/media/02/D1/m000002D1.pdf>.

8 Ministry of Education, *National Plan for Inclusive Education*, 2010, available at: <http://www.msmt.cz/socialni-programy/narodni-akcni-plan-inkluzivniho-vzdelavani>.

9 Agency for Social Inclusion, *Strategy for Combating Social Exclusion for the Period 2011-2015*.

10 Government of the Czech Republic, *Consolidated Action Plan for the Execution of the Judgment of the European Court of Human Rights in the Case of D.H. and Others v. The Czech Republic*, available at: <https://wcd.coe.int/ViewDoc.jsp?id=1846711&Site=CM&BackColorInternat=DBDCf2&BackColorIntranet=FDC864&BackColorLogged=FDC864>.

11 Public Defender of Rights, *Research of the Public Defender of Rights into the Question of Ethnic Composition of Pupils of Former Special Schools*, Brno, 2012, available at: [http://www.ochrance.cz/fileadmin/user\\_upload/DISKRIMINACE/Vyzkum/Vyzkum\\_skoly-zprava.pdf](http://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Vyzkum/Vyzkum_skoly-zprava.pdf).

12 UNDP, *Roma Education in Comparative Perspective*, 2012, pp. 67-68.

the graduates continue their education at secondary schools. The government's failure to act is affecting a new generation and will affect the whole of Czech society into the foreseeable future.

**Suggested questions to the Government:**

- Which concrete and targeted legal, political or other measures has the Government taken, or does it intend to take, towards a progressive transformation of the system of school established for pupils with mild mental disabilities?
- Which concrete and targeted steps to implement the DH Action Plan, National Strategy for Inclusive Education (NAPIE), and the education policies listed in the Strategy for Combating Social Exclusion 2010-2015 has the Government taken?
- What human and other resources, necessary for the effective DH judgement implementation, has the Government made available, including resources from the European Union (EU) Structural Funds?
- What steps has the Government taken to review the system of assessment which physically segregates children in need of particular educational support?
- What is the current stage of the re-adaptation of psychological tests which in 2012 were found to fail Romani children?
- Has the Government adopted any legislation or other measures explicitly mandating the desegregation of Czech schools?
- Has the Government taken any measures to review the discriminatory impact of non-Romani parents taking their children away from the schools with Romani children (so-called non-Roma flight)?
- What measures has the government taken to empower the School Inspectorate and the Ombudsperson Office to more adequately prevent, prohibit and eradicate ethnicity and disability-based segregation in schools, including the ability to impose sanctions for violations of the ban on discrimination?