
Forced Eviction Crisis in the Czech Republic

Organisations Urge Action to Stop Racial Segregation of Roma

30 June 2005, Budapest, Bohumin. The organisations European Roma Rights Centre (ERRC), Centre on Housing Rights and Evictions (COHRE), European Roma Information Office (ERIO), Life Together (Vzajemne souziti) and the International Helsinki Federation for Human Rights (IHF) today sent a letter to Czech Prime Minister Jiri Paroubek, urging him to act to address an emerging crisis in the town of Bohumin, where a number of persons are threatened with forced eviction from their housing. The persons under threat -the majority of whom are Romani- have been offered racially segregated alternate housing arrangements or have been provided with no alternate housing at all.

Although the Czech government has acknowledged concerns at racial discrimination and segregation in the field of housing, to date no action by the government has effectively countered these problems. Indeed, the Czech government has not yet managed even the rudimentary measure of adopting an anti-discrimination law in conformity with European Union requirements. The letter sent today notes the broad failure by the Czech government to adopt law and policy measures addressing a number of very serious matters related to Roma in the field of housing, problems that the government itself has identified. The full text of the letter sent today follows:

Honourable Prime Minister Paroubek,

The European Roma Rights Centre (ERRC), Centre on Housing Rights and Evictions COHRE), European Roma Information Office (ERIO), Life Together (Vzajemne souziti) and the International Helsinki Federation for Human Rights (IHF) are very concerned at developments in the town of Bohumin, where a large group of persons -- the majority of them Romani -- are threatened with forced eviction from their housing, or have already been pressured into moving into racially segregated or otherwise substandard housing arrangements. This letter concerns the very direct threats of serious human rights abuses against these persons, as well as the systemic nature of matters related to Roma and housing, matters of which the Czech government has long been aware, and on which it has nevertheless failed to date to address adequately through law and policy measures.

In the matter at hand, on the basis of information gathered by the Ostrava-based organisation Life Together - a signatory to this letter -- during first-hand research into the case, the municipality of Bohumin has purchased a building in the centre of Bohumin, a building which, in its upper floors, is currently serving as a hostel for low-income and other poor people. The majority of the current inhabitants of this hostel - Hotelovy Dum ZDB, at the address Okružní Street 716 in Bohumin - are or until recently have been Romani. The municipality has reportedly told inhabitants of the hostel - whose rental contracts extend only to June 30 - that following the elapse of these contracts and by July 1, they must vacate the premises. The municipality apparently intends to create, instead of the current accommodation serving poorer and low-income groups, high category flats. The conditions set for being eligible for these flats (being employed for one year in Bohumin or 3 years permanent residence in Bohumin and not taking social subsistence benefits for at least for six months) pre-empt and exclude any possibility for the current inhabitants to have access to housing there in the future. The municipality has threatened that from July 1, it will disconnect electricity and lift services in the building, and will forcibly expel persons and their possessions from the building, bypassing court intervention.

The municipality has not made adequate provision for alternate accommodation for these persons. Many of the families have, under intense pressure and threats from the municipality, been forced to move to the homes of their relatives themselves living in crowded single-room flats. Several families have been coerced to move into so-called "holobyty" -- bare flats -- with no running water, no sanitary facilities and no electricity. The municipality has also seriously proposed to the other remaining families that they submit to the possibility of being separated as families, with women and children going to live in places different from men. Under pressure, a number of the families have in fact moved into substandard and/or racially segregated housing. In general, in the Czech Republic, alternate accommodation provided to persons forced out of their housing in recent years, where it has been provided at all, has been of extremely substandard quality and located in racially segregated areas, and therefore has called into question the Czech government's compliance with its international law obligations, most notably the ban on racial segregation set out under Article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), as well as related international, European and domestic law.

The group of persons living in the hostel includes a number of families with children. The expulsion of these people from the building, should it result in homelessness, would constitute evidence that parents were incapable of caring adequately for their children, and might result in their being taken into state care.

Studies undertaken by the Tolerance Foundation in the late 1990s indicated that in some children's homes; around 80 percent of inhabitants were Romani. There is little indication that this situation has changed for the better. In general, the Czech Republic has among the highest rates of institutionalised children in the European Union. Indeed, the first person born this year in the Moravian-Silesian Region, the area in which Bohumin is situated, is a Romani girl named Eva Sivakova. She was taken immediately into state care upon birth, and only released into the custody of her mother in May 2005, on the orders of a court in Karvina. These matters give rise to serious concerns that the Czech Republic may not be complying with its international law obligations, in particular requirements under the International Convention on the Rights of the Child to ensure that the best interests of the child are primary.

Honourable Prime Minister, the current threats to the persons living at Okruzni 716 are only the latest in a series of problems of which the Czech government has been aware for a considerably period of time. The Czech government has clearly identified these issues (including the inadequacy of current Czech legislation) as of central concern, and it has committed itself to addressing them proactively. For example, in 2002, the Czech government told the UN Committee on the Elimination of Racial Discrimination, the body charged with oversight of the ICERD:

"Although the Czech Republic has been systematically striving to prevent all forms of racial segregation, some municipalities have adopted, within their separate competencies, certain measures whose consequences show some symptoms of segregation. In their attempt to resolve the housing situation of persons who are facing social problems and do not pay the rent and services provided in connection with apartment lease, the municipalities provide to such persons alternative housing, frequently of poorer quality, called "bare flats" or hostels. A number of those facilities are in poor technical condition, lacking sufficient infrastructure and separated from other populated areas. Such facilities house segregated groups of the population suffering from accumulated social problems, who are thus excluded from the society. An alarming fact is the high proportion of Roma inhabitants of those facilities, which, in a number of cases, exceeds 80 per cent. [...]"

As the Czech government noted at that time, however, law and policy were not yet adequate to meet the challenges posed by these serious issues:

"99. No changes occurred in the housing legislation concerning protection against discrimination. Housing laws still lack non-discrimination provisions, even the declaratory ones. Prohibition of discrimination is not stipulated even in the laws and regulations applying to the allocation, renting, privatization or sale of municipal apartments.

"100. The elimination of discrimination in housing also includes the question of rent. The amount of apartment rent is currently regulated by the Ministry of Finance Price Assessment No. 01/2002 of 28 November 2001, which issues a price list of goods with regulated prices, and further permits non-specific blanket regulation of rent. One of the prerequisites for the elimination of discrimination in access to housing is to do away with the current regulation of rent, which has not occurred until now.

"101. As noted above, the housing problems of the Roma have been escalating. The State has only limited means to address such a situation, because this problem falls within the competence of self-government authorities. Due to unpaid rent and charges for services provided in connection with the lease, the Roma are more and more frequently evicted from their apartments and allocated alternative housing. Many of those alternative housing facilities are in poor technical condition, lack adequate infrastructure, and are isolated from other populated areas. This leads to residential segregation of a group of population with cumulative social problems. However, eviction due to failure to fulfil the obligations connected with rental housing could often be prevented by the improvement of social work with those families.

"102. Indirect discrimination may occur in the allocation of municipal flats. Municipalities and cities, being the owners, may determine their own conditions. Thus, a formally neutral system of allocation of municipal flats or frequently groundless requirements imposed upon applicants for municipal flats may have an inadequate impact mainly on the Roma minority. Such conditions include the submission of excerpts from the criminal register, which is, moreover, in conflict with Act No. 101/2000 Coll. on Personal Data Protection, which considers personal information about criminal activities as sensitive information. Another disputable condition for filing an application for lease of a municipal apartment is the permanent residence in the municipality; moreover, some municipalities request that the applicants are registered as residents in the municipality for a certain period of time. This condition affects all applicants for lease of apartments owned by such municipalities, but much more frequently the Roma, many of whom are registered for residence in municipalities in the Czech Republic other than those in which they actually live (and potentially apply for lease of an apartment). The role of municipalities is defined by Act No. 128/2000 Coll. on Municipalities; municipalities which exceed, by their criteria, the limits stipulated by this Act, actually discriminate against certain groups of population."

It is noteworthy that, to date, the Czech Republic has failed to remedy even the least controversial of these matters the adoption of a comprehensive anti-discrimination law covering a range of areas including housing, required not only under the Czech Republic's international law obligations but also as a result of its membership in the European Union.

Honourable Prime Minister Paroubek, the housing situation of Roma is increasingly a matter of pan-European concern. Ruling earlier this year in the matter of European Roma Rights Centre v. Greece, the European Committee of Social Rights, the body charged with adjudicating issues under the Revised European Social Charter, held that: "[...] states must promote the provision of an adequate supply of housing for families, take the needs of families into account in housing policies and ensure that existing housing be of an adequate standard and include essential services (such as heating and electricity). [...]. Furthermore the obligation to promote and provide housing extends to security from unlawful eviction." In elaborating its position on forced evictions, the Committee held: "The Committee considers that illegal occupation of a site or dwelling may justify the eviction of the illegal occupants. However the criteria of illegal occupation must not be unduly wide, the eviction should take place in accordance with the applicable rules of procedure and these should be sufficiently protective of the rights of the persons concerned."

The Committee had elsewhere noted, "the implementation of the Charter requires the State Parties to take not merely legal action but also practical action to give full effect to the rights recognised in the Charter. When the achievement of one of the rights in question is exceptionally complex and particularly expensive to resolve, a State Party must take measures that allows it to achieve the objectives of the Charter within a reasonable time, with measurable progress and to an extent consistent with the maximum use of available resources. States Parties must be particularly mindful of the impact that their choices will have for groups with heightened vulnerabilities as well as for others persons affected including, especially, their families on whom falls the heaviest burden in the event of institutional shortcomings." Finally, in its ruling in European Roma Rights Centre v. Greece, the Committee reaffirmed that "[...] ultimate responsibility for implementation of official policy lies with the [...] state."

In its General Comment 4 on the right to adequate housing, elaborating the requirements of Article 11 of the International Covenant on Economic, Social and Cultural Rights, the United Nations Committee on Economic, Social and Cultural Rights (CESCR) detailed an approach whereby adequate housing was to be understood in terms of seven key elements. These are:

- "(a) Legal security of tenure. [...];
- "(b) Availability of services, materials, facilities and infrastructure. [...];
- "(c) Affordability. [...];
- "(d) Habitability. [...];
- "(e) Accessibility. [...];
- "(f) Location. [...];
- "(g) Cultural adequacy. [...]"

Evaluating further in its General Comment 7 the relationship between the right to adequate housing (including, as noted above, the element of legal security of tenure) and the issue of forced evictions, the Committee held that "forced evictions are prima facie incompatible with the requirements of the Covenant." General Comment 7 defines, at Paragraph 3, forced evictions as "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection." Finally, at Paragraph 16 of General Comment 7, the Committee stated: "Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available."

Honourable Prime Minister Paroubek, we urge you to intervene without delay to ensure that the Czech government upholds its international law obligations with respect to the persons living at Okružní 716, namely:

- That they are provided in practice with all due process of law guarantees;
- That it be ensured that no racial discrimination infect any aspect of decisions related to their housing;
- That, should it be necessary to evict them, all persons expelled from housing are provided with adequate alternate accommodation and that under no circumstances are persons rendered homeless or racially segregated by any evictions measures or their consequences;
- That any persons guilty of violations of domestic or international law be held accountable for their actions, and that any and all individual victims of human rights abuses arising from these matters be provided with just compensation.

In addition, we urge your office now to begin finally undertaking the law and policy measures necessary to remove the structural issues giving rise to repeated, regular and pattern instances of forced eviction, resulting in racial segregation, as well as in the reported disproportionate removal of Romani children into state care. One necessary initial measure, which by no means will be adequate to address all issues arising in this regard, but is a sine qua non for beginning to tackle these matters seriously, is to adopt a comprehensive anti-discrimination law in harmony with European Union Directives in this area.

We kindly request to be apprised of any actions undertaken in this regard.

Sincerely,

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