

No. 511/2015

The Permanent Mission of the Czech Republic to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and is pleased to submit, in the attachment to this Note Verbale, its responses to the Questionnaire elaborated by the Special Rapporteur on adequate housing.

The Permanent Mission of the Czech Republic to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration. *ff*

Geneva, 16<sup>th</sup> July 2015



**UN Special Rapporteur on adequate housing**  
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## Replies of the Czech Republic to the Questionnaire on Adequate housing

The Czech Republic will host the “European Habitat” - Regional Conference on Housing and Sustainable Urban Development, based on the region of the United Nations Economic Commission for Europe (UNECE) in Prague on 16-18 March, 2016, as part of the preparatory process for the Third United Nations Conference on Housing and Sustainable Urban Development (Habitat III). The Czech Republic has been active long-term in the projects and activities of the UNECE Committee on Housing and Land Management; it has supported UNECE work in this area through e.g. negotiations on the text of the “UN Geneva Charter on Sustainable Housing”, during which the Czech representative led some parts of the negotiations. The Charter was drafted, discussed and approved (by the UNECE in April 2015) as an UNECE contribution to Habitat III; it is based on the “Strategy for Sustainable Housing and Land Management in the ECE region for the period 2014-2020” approved by the UNECE ministers at their meeting in October 2013, and it is an inspiration to the other UN regional commissions in their preparatory processes for Habitat III. The goal of the Charter is to support Member States as they seek to ensure access to decent, adequate, affordable and healthy housing for all, with due attention to reducing the impact of the housing sector on the environment. The scope of the Charter is to improve the sustainability of housing in the UNECE region through effective policies and actions at all levels, supported by international cooperation, in order to contribute to sustainable development in the UNECE region.

The theme of the “European Habitat” will be “Sustainable Housing in Liveable Cities”. Sustainable housing plays a key role in human quality of life in general. The positive impact of housing can be increased through application of the following principles: environmental protection, economic growth, social inclusion, citizen participation and cultural adequacy. Development of sustainable housing in the UNECE region faces many challenges caused in particular by globalization, demographic changes and the recent economic crisis. In some cases urbanization has led to urban sprawl, which has had a negative impact on existing settlements and has reduced the land available for other uses. In other cases, urbanization has been uncontrolled, creating and expanding informal settlements, whose residents may lack security of housing and social and physical infrastructure.

Answers reflecting the situation in the field of housing in the Czech Republic:

- 1. What role will national and international human rights standards on the right to adequate housing play in informing your positions and proposals for Habitat III? Can you please provide concrete examples in this regard?*

Being a ratified international treaty, the International Covenant on Economic, Social and Cultural Rights is a part of the Czech legal order and has precedence over national law. According to the Constitution of the Czech Republic, the Courts are bound in their decision making by these international treaties including the Covenant. In specific cases the Constitutional Court cited the right to free primary education of the Covenant in the assessment of its possible restrictions and the range of related services, the right to adequate standard of living or adequate housing when assessing the regulation of rents for flats or the character of dignified housing. The Czech Supreme Administrative Court also e.g. cited the right to adequate standard of living or adequate housing when assessing the legality of tax concessions for some flat transfers or the general principles of solidarity and development and upholding of the rights of a human being free from fear and want pursuant to the Covenant’s

Preamble. The Supreme Court also focused on the right to adequate standard of living or adequate housing when assessing the regulation of rents of flats.

An issue of great importance for the protection of human rights in the Czech Republic was the adoption of the Anti-discrimination Act in 2009, designed to strengthen the protection against discrimination in all major areas of social life like employment, social protection, health care, housing and education. The Anti-discrimination Act defines the subject matter of the regulation, i.e. the right to equal treatment and non-discrimination in respect of, among others, access to goods and services, including housing, if they are offered to the public or in the delivery thereof.

In compliance with the solidarity principle, the Czech Government is obliged to help people threatened by exclusion from housing and the homeless through various legislative and non-legislative measures (from social work to social benefits). Individual aspects of assistance to citizens in the area of housing are governed namely by the following acts: Act No. 111/2006 Coll., on Assistance to Persons in Material Poverty, as amended, (the persons in material poverty are provided material poverty allowances, including supplementary housing allowance) and Act No. 110/2006 Coll., on Living and Subsistence Minimum, as amended, Act No. 128/2000 Coll., on Municipalities, as amended (the municipalities' duty to take care of satisfying the housing needs of their citizens), Act No. 117/1995 Coll., on State Social Assistance, as amended (housing allowance) and Act No. 108/2006 Coll., on Social Services, as amended (namely asylums, half-way houses, sheltered housing, social consulting, field programmes and social activation services for families with children). As regards investment support of housing, it is namely Act No. 218/2000 Coll., on Budgetary Rules and on Amendments to Some Related Acts (budgetary rules) and Act No. 211/2000 Coll., on the State Housing Development Fund and on Amendment to Act No. 171/1991 Coll., on the Powers of the Bodies of the Czech Republic in the Matters of Transferring State Property to other Persons and on the Fund of National Property of the Czech Republic.

The rental of a flat in the Czech Republic is comprehensively regulated in the new Civil Code. The tenant is protected as the Code provides an exhaustive list of reasons for termination of the tenancy. These are mainly a gross violation of the tenant's obligations, conviction for a crime against the owner or other tenant or the vacation of the flat due to the subsequent necessary steps in public interest that will make it impossible to use the flat, or when there is another serious reason for termination of tenancy. The reason could also be the need of the owner to use the flat himself or to let a close person use it. The notice period is 3 months; however in cases of a particularly serious violation of the tenant's obligation the tenancy can be terminated without notice,. The particularly serious violation is primarily the failure to pay the rent and other costs of housing for a period of at least three months, causing damage to the flat or house or persons living in it or use of the flat in violation of the tenancy agreement. The notice must always be in writing and must always specify the reasons for the vacation and contain information about the tenant's right to appeal against the notice for judicial review of the justification of the notice, otherwise it is invalid. The notice must be delivered to the tenant and the notice period then starts on the first day of the following calendar month. The tenant may defend against an unjustified notice by submitting an appeal for judicial review of the notice to a court within two months from receiving the notice. The new Civil Code does not regulate the claim for housing compensation and each tenant has the opportunity to find appropriate housing in the free market or in the future system of social housing, which is currently being created.

2. *One aspect for discussion in the context of Habitat III will likely be “social cohesion and housing”. What public policies, programmes or plans are being considering or have been put forward by national or subnational level governments related to “social cohesion” (for example: non-discrimination and equality) and the right to adequate housing? Please specifically reference any policies, programmes or plans aimed at ensuring inclusive housing for disadvantaged groups such as migrants and refugees, women, young people, older people, and people with disabilities in urban centres.*

The obligation to ensure reasonable accommodation for persons with disabilities is regulated primarily by the Anti-discrimination Act. A refusal or failure to adopt reasonable accommodation to ensure that a person with disability has access to certain employment, work or functional or other process at work, the opportunity to use work counselling or take part in other professional education or to use public services, is viewed as indirect discrimination based on physical disability with the exception in cases where the measure would represent an excessive burden. The benefit that the person with disability has from the implementation of the measure, financial acceptability of the measure for the obliged person, the availability of financial and other help for the implementation of the measure and the capacity of the substitute measure to satisfy the needs of the person with disability are all taken into account when judging the burden that the measure represents. A measure that the person is legally obliged to implement is not considered to be an excessive burden. Other measures are defined e.g. in the Building Act and its implementing regulations or regulations on public transport.

The legal framework for housing technical aspects, including aspects of accessibility, is horizontal – i.e. identical for any investor - developer. Building Code and other legally binding instruments provide general technical requirements ensuring among others barrier-free use. As regards housing facilities for disabled people, Czech legislation contains conditions for so called “adjustable flats” which are prepared – from the construction point of view – to be occupied in a barrier-free way. The layout of each adjustable flat must correspond to space necessary for a wheelchair, including free passage through all rooms and areas of a given flat.

With the aim to financially support construction of new rental flats for disabled people, there is a subsidy programmes in the Czech Republic. First one is a special programme aimed at construction of “Home Care Flats” intended for disabled persons. All these flats must be “adjustable” – i.e. they have to meet requirements for barrier-free accommodation. Another programme subsidizes construction of rental flats for different target group – e.g. families with limited incomes. When constructing a residential building with 10 and more flats, at least 10% of them must meet the requirements for barrier-free accommodation

As regards the general legally binding standards for residential buildings, according to the Czech legal framework, all new residential buildings have to be barrier-free in all their common parts. Old buildings have to become barrier-free only after a substantial reconstruction and always when it is technically possible. There is another subsidy programme “Barrier-free Communities”. Owners of old residential buildings, where flats for seniors or disabled people are situated, can obtain subsidies for necessary reconstruction to remove barriers inside buildings. State subsidies are also available to remove barriers in public residential buildings belonging to towns and cities. Also wheelchair access to toilet and

sanitary facilities in public areas is possible to subsidize, as well as application of lifts and transport technologies and systems. Another subsidy programme is aimed at cooperation with NGOs and at provision of methodological information. The objective is the correct application of barrier-free rules. Ministry of Regional Development published a “Guidelines on Barrier-free use of Buildings” as a practical tool for creating an accessible environment. Guidelines are for all participants of the construction process - designers, builders, construction workers, building authorities, NGOs, etc.

The National Action Plan for Equal Opportunities for Persons with Disabilities implements the principles of the Convention on the Rights of Persons with Disabilities, mainly regarding accessibility and equal opportunities. The plan is now being revised and a new one is being prepared for the new period after 2015. A special strategy has been developed to tackle the problem of homelessness. The Concept of Prevention and Solution of Homelessness till 2020 sees the situation of the homeless from a complex perspective. The functional definition of homelessness includes not only people without a home, but also people at risk of losing their home and in need of preventive social work. A crucial part of the prevention of homelessness is the system of accessible social housing consisting of social housing benefits as well as provision of social flats by the state and municipalities for people in need of housing. Currently, the system is being drafted. The Czech Republic is preparing a new complex system of social housing with appropriate legislation and practical measures to help municipalities provide adequate housing for their inhabitants.

As regards social help, the Government e.g. supports social work programmes run by municipalities and NGOs providing assistance for people in need in solving housing and other problems. The Agency for Social Inclusion offers municipalities assistance with the development of their own effective local housing and integration strategies.

***3. In light of the fact that subnational and local governments play an essential role with respect to the implementation of the right to adequate housing, what plans and procedures does your Government intend to implement to ensure they are engaged in the lead up to Habitat III as well as with respect to the implementation of commitments coming out of Habitat III?***

In 2011, the Czech government adopted the Housing Policy in the Czech Republic until 2020. The policy basic objectives are increasing the availability of all forms of adequate housing, creating stable legal environment for the housing sector and continuously improving the quality of housing in particular.

The concept outlines new directions for the housing sector:

- A more balanced level of support of tenancy and home ownership;
- Improved availability of housing for certain social groups in population (the elderly, households at risk of social exclusion, low-income people, people with disabilities ...);
- Reducing energy intensity of housing – high energy intensity of the housing sector is reflected in high household energy expenditure;
- Assistance of the state with the housing situation of natural disaster victims;
- Better use of EU funds in 2014-2020;
- Stable legislative environment in tenancy and home ownership;
- Improved quality of housing.

Support from the budget of the Ministry of Regional Development and the State Housing

Development Fund is therefore aimed at increasing the availability of housing, at the provision of social housing, and better quality of housing. Based on the concept a revision was made to the programs sponsored by the State Housing Development Fund, which in the past were mostly based on non-recoverable subsidies, which resulted in a gradual shift towards provision of support with emphasis on ensuring recovery of funds and thus promoting sustainability of the housing sector. Since 2012 the State Housing Development Fund has been offering credit schemes only. Therefore, the Fund now provides exclusively subsidies of a revolving nature, which ensures the sustainability of support.

***4. What interesting or unique housing policies, programs or good practices consistent with the human right to housing does your Government intend to highlight through the Habitat III process? Please provide examples both from local, subnational or national levels of government, and, if applicable, from non-government actors as well.***

Currently the social housing is not being provided centrally by the state. Some municipalities or NGOs and in rare cases other private subjects provide social housing on their own initiative, often with direct state subventions. Since 2003 the Ministry of Regional Development has implemented two programs aimed at low-income or otherwise disadvantaged households (e.g. due to health or other social reasons). Regarding the people threatened by social exclusion, this is mainly the programme “Support of the Building of Subsidised Flats” (starter and caretaker flats). Starter flats are social flats, which should be primarily rented to persons living in socially excluded localities and families with endangered children living in unsatisfactory housing. Any legal entities including municipalities and natural persons – entrepreneurs are eligible to apply for subsidies. The Ministry of Regional Development provides long-term support for the activities of NGOs that provide counselling regarding housing. The state also provides welfare benefits for low-income groups to help them pay the costs of housing.

Protection and support of housing of individuals and families with low income is handled separately within the system of state social support by providing housing allowances and within the system of material need aid by providing a housing supplement. The housing allowance is provided to flat owners or tenants, for whom the housing costs exceed 30% or in Prague 35% of their household’s income. The housing costs for rental flats consist of rent and costs related to the use of the flat, for co-operative flats or owned flats the costs are set by the law according to the number of persons living in the flat. The benefit is also limited to maximum normative amounts of costs that are set by the law. All these amounts are set by a government regulation for each year so that they reflect the economic development and the increase in housing costs. If neither the housing allowance nor the living allowance, which is provided to persons in material need, suffice to cover the housing costs, the person is eligible for a housing supplement so that a set living amount would remain after covering the housing costs. To be eligible for the housing supplement the person must receive the housing and living allowances. When taking into consideration the overall social and material situation of the person it is possible to provide the contribution even in a case where the income of all jointly assessed persons exceeded their living amount by less than 30%. Unlike in the case of the allowance, when assessing the supplement the effort of the persons to increase their income by work, use of property or by making property claims or by other means is taken into consideration. On the other hand in cases worthy of special attention the supplement may be provided even to persons who use other than rental or owner-occupied housing forms over a

long period (e.g. sublease, accommodation in a social facility etc.) or who do not have registered permanent residence in the given flat, whereas in these cases the persons do not have to obtain living of housing allowance beforehand. The same maximum amounts that are set for the housing allowance apply for the housing supplement.

The key factor for dealing with the unfavourable housing situation of the disadvantaged Roma is to increase the availability of housing for low-income households, thorough promotion of equal access to housing and early prevention of its loss. In order to improve the housing situation of endangered groups the Czech government adopted in 2011 the Housing Policy in the Czech Republic until 2020. The policy sets as the main goal the preparation of a complex solution of social housing by using the institute of the housing need of persons, whose housing needs are not satisfied. The system of social benefits for housing will be analysed and complex competences of municipalities in housing matters will be implemented. The system of housing subventions will be improved so that social housing could be provided by the largest possible range of subjects.

**5. *Please reflect on mechanisms used to monitor compliance with Habitat II (1996) at the national level that have proven effective and, if possible, provide examples. What kind of mechanisms would your Government envisage as part of the monitoring and implementation of Habitat III?***

Unlike other Central and Eastern European countries, the Czech Republic still has a significant housing rental sector. More than a quarter of all families live in private, municipal or cooperative rental flats. In 2012, a six-year long process of deregulation of formerly strictly controlled rents had been completed. After January 2014, when the new Civil Code will enter into force, more efficient forms of protection of tenants will substitute the existing *old-fashioned* legal provisions. Not only maintaining the existing rental sector, but also financial support for new rental flats for a socially defined target group are at centre of attention of the Housing Policy in the Czech Republic until 2020. In cities, besides the refurbished buildings, public spaces also play a great role in raising the quality of living. Therefore, the state subsidizes local authorities to improve the level of public spaces, in large-panel developments in particular. EU Cohesion Policy also contributes to these activities and we plan to launch a pilot loan scheme for cities aimed at improving the quality of housing in these areas.

The Strategy of Combatting Social Exclusion for the period of 2011-2015 contains 71 measures in field of security, education, housing, social services and family, employment and benefit system, which lead to the improvement in the standard of living of disadvantaged and marginalized groups of inhabitants living in socially excluded localities. The Agency for Social Inclusion performs preliminary evaluation of the Strategy's fulfilment. The measures include the adopted Act on Crime Victims, which ensures that they receive aid including e.g. legal counsel. The amendment of the Act on the social and legal protection of children makes it impossible to take a child away from a family due to economic or housing reasons. The Ministry of Regional Development incorporated in its methodological instructions on public procurements a procedure for issuing socially responsible public procurement with the obligation to employ at least 10% long-term unemployed when working on a public procurement order.

The Czech Republic adopted a comprehensive framework Strategy of Social Inclusion 2014–2020 in January 2014. The Strategy describes priority topics for the Czech Republic in the

area of social inclusion of persons until 2020 and for drawing funds from the Czech Republic's public budgets as well as for the use of the European Structural and Investment Funds. The aim of the Strategy is to contribute to the fulfilment of the national goal to reduce poverty and social exclusion, maintain the limit of the number of persons at risk of poverty, material deprivation or living in households with very low work intensity until 2020 at the level of 2008 and strive to reduce the number of these persons by 30,000. The Strategy will be a framework document for all other strategic documents in the field of social inclusion, which will elaborate on its tasks and implement them. Concerning housing the Strategy, as a follow-up to the Housing Policy until 2020, presents the task to ensure local availability of standard housing in flats for persons endangered by loss of housing or after the loss of housing by legally defining the roles of the state and municipalities and providing funding for social housing.