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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 answers of the Czech Republic to the *Questionnaire on the responsibilities of sub-national governments with respect to the right to 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.

Geneva, 19<sup>th</sup> November 2014



**UN Special Rapporteur on adequate housing**  
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## Questionnaire – answers by the Czech Republic

### A Distribution of responsibilities related to the right to adequate housing

#### 1. Levels of Government primarily responsible for the following:

Housing programme – National level, Municipal level

Income support – National level, Municipal level

Tenancy and security of tenure legislation – National level

Infrastructure – National level, Municipal level

Prohibition of discrimination in housing – National level

#### 2. National framework legislation or housing strategy

Law No. 2/1969 Coll. on the Establishing of Ministries and other central bodies of the State Administration of the Czech Republic

(<http://portal.gov.cz/app/zakony/zakon.jsp?page=0&nr=2~2F1969&rpp=15#seznam>)

Law No. 211/2000 Coll. on the State Fund for Housing Development

(<http://portal.gov.cz/app/zakony/zakon.jsp?page=0&fulltext=&nr=211~2F2000&part=&name=&rpp=15#seznam>)

Law No. 128/2000 Coll. on Municipalities

(<http://portal.gov.cz/app/zakony/zakon.jsp?page=0&fulltext=&nr=128~2F2000&part=&name=&rpp=15#seznam>)

Housing Strategy of the Czech Republic up to the year 2020

(<http://www.mmr.cz/cs/Stavebni-rad-a-bytova-politika/Bytova-politika/Koncepce-Strategie/Koncepce-bydleni-CR-do-roku-2020>)

3. The key responsibilities in relation to the right for adequate housing in the Czech Republic are shared by the national government and the municipalities. At the national level, the Ministry for Regional Development is the central body responsible for the housing policy of the Czech Republic; its role is to coordinate the activities of the other ministries and central bodies, including the financing of the programs of the housing policy (Law No. 2/1969 Coll.). The State Fund for Housing Development, established by Law No. 211/2000 Coll., is in charge of providing state subsidies to socially disadvantaged groups in accordance with the Housing Strategy of the Czech Republic. Other ministries can use their own housing programs to support housing. The municipalities hold a key responsibility at the local level of government. Their role is described in the Law No. 128/2000 Coll.; they provide for the social care and housing needs of the population in their district. To this extent they establish their own independent housing policies.
4. The State at the central level is primarily responsible for the creation of binding legal instruments in the field of housing. At present, there is a new law on social housing in preparation which will provide a legal basis for a national social housing policy.

5. The funding is provided through a number of housing programs and social subsidies at the national and local level (see A2). The monitoring is realized by the central and local authorities and the Financial Administration Offices.

## **B Accountability of Sub-National Governments**

1. The right to adequate housing presents a right that is without any doubt protected by the State. However, the right to adequate housing is, by definition, not an absolute law and cannot be interpreted as an obligation of the State to provide an adequate standard of living, including housing, for everyone. The obligation of the State is to create such conditions which allow for adequate housing.

Sub-national governments (i.e. municipalities in the Czech Republic) are legally accountable to the right to adequate housing on the basis of the following legal instruments:

- International human rights law (International Covenant on Civil and Political Rights art. 11 para 1, European Social Charter art. 16)
- Constitution of the Czech Republic
- State level Bill of Rights/Charter (Charter of Fundamental Rights and Freedoms art. 10)
- National legislation (see A2)
- Municipal legal instruments

2. i. – ii. See B1.

iii. In the case of social transfers funded from the public budget, the enforcement is realized by the Ministry of Finance as part of the financial controlling. Where the Codex of civil rights applies, the enforcement pertains to the courts. Supervision of the public authorities' adherence to legislation is embedded in Law No. 2/1969 Coll. and is performed by the Ministry of Interior. Law No. 349/1999 Coll. on the Public Defender of Rights (Ombudsman) defines the competencies of the Ombudsman directed at defending human rights.

3. Sub-national governments are involved in the monitoring mechanisms only when they are directly involved in the issue. E.g. since 2011 the municipalities are involved in the human rights monitoring mechanism of the Council of Europe on the implementation of the obligations under the European Charter on Local Administration (Czech Republic was reviewed in 2011).
4. As mentioned above, the municipalities are considerably independent in their local capacity as to the measures they apply to provide adequate housing which means that the State has a limited capacity to interfere in this sphere. The institutional accountability mechanism in the Czech Republic is embodied in the Office of the Ombudsman.
5. Currently, the process of preparation has began of a draft law on social housing which will present a conceptual solution to the housing situation in the Czech Republic applicable at both the national and sub-national levels of government. After Government's approval, in

the following months, of the Policy of Social Housing, the new law will be drafted and presented during the years 2015 – 2016 with a programmed entry into force in the beginning of 2017. The law will address the three most significant challenges to effective accountability of sub-national governments to the right to adequate housing in our country which are:

- Non-existence of a national law and/or conceptual document in the field of adequate or social housing;
- Non-existence of a homogeneous interpretation and implementation of the right to adequate/social housing;
- Insufficient inter-relation and coordination between the existing housing programs and social transfers at the different governmental levels.