

# **EUROPEAN SOCIAL CHARTER**

THE SIXTEENTH (SIMPLIFIED) REPORT  
ON THE APPLICATION OF THE EUROPEAN SOCIAL CHARTER  
SUBMITTED BY THE GOVERNMENT OF THE CZECH REPUBLIC

I  
Information on the follow-up given to the decision of the European Committee  
of Social Rights relating to the collective complaint  
No 96/2013  
Association for the Protection of all Children Ltd  
v.  
Czech Republic

**Article 17 of the 1961 Charter – the right of mothers and children to social and  
economic protection**

Changes in the Czech legal order

**A. Misdemeanour Act**

**1. Act No. 250/2016 Coll., stipulating liability for misdemeanour and on proceedings concerning them was adopted with effect from 1 July 2018.** It defines a misdemeanour in Section 5 and determines an attempt to commit a misdemeanour in Section 6 as follows:

*Section 5*

*Misdemeanour*

*"A misdemeanour is a socially harmful and unlawful act, which is explicitly identified in the law as a misdemeanour, and which has the attributes defined by law, unless it constitutes a criminal offense.*

*Section 6*

*Attempted Misdemeanour*

*(1) An attempted misdemeanour is an **act of a natural person** which immediately leads to completion of a misdemeanour and which was committed by the individual with the intention to commit a misdemeanour, unless the misdemeanour was not completed.*

*(2) An attempted misdemeanour is also an **act of a legal person or an entrepreneurial natural person**, which immediately leads to the completion of a misdemeanour, unless the misdemeanour has not been completed."*

In Section 40, this act defines aggravating circumstances when the act is directed against a child, defenceless or dependent person etc.

*Section 40*

*"Aggravating circumstances*

*As an aggravating circumstance, particular attention will be paid to an offender who*  
*a) has committed a misdemeanour by taking advantage of one's vulnerability, subordination or dependence on another person,*

...

*f) has committed a misdemeanour against a child, pregnant, sick, disabled, elderly or powerless person."*

**2. Act No. 251/2016 Coll., determining certain misdemeanours, effective as of 1 July 2017**, establishes punishment of non-contentious proceedings, particularly with regard to protected interests such as health, personal rights and honour of an individual, interest in peaceful coexistence. Unlike the previous legislation, the body of a misdemeanour by was extended by other reasons of discrimination of selected groups of people (age and disability). To commit a misdemeanour, negligent fault it is sufficient. Due to the principle of subsidiarity of criminal prosecution, an act will be considered as a misdemeanour under the condition that it is not a criminal offence under Section 146 (bodily harm), or Section 148 (negligent infliction of bodily injury) of Act No. 40/2009 Coll., Criminal Code, as amended.

"Section 7

*Misdemeanour against civil cohabitation*

*(1) A natural person commits a misdemeanour by:*

- a) Harming another person's honour by ridiculing him or by insulting in another way,*
- b) Harming another person's health, or*
- c) Deliberately disrupting civil cohabitation by*
  - 1. Threatening another person's health,*
  - 2. Wrongly accusing another person of a misdemeanour,*
  - 3. Committing a wilful act against another person, or*
  - 4. Committing another type of gross act against another person.*

*(2) A legal person commits a misdemeanour by*

- a) Harming another person's honour by ridiculing him or by insulting in another way,*
- b) Deliberately disrupting civil cohabitation by*
  - 1. Wrongly accusing another person of a misdemeanour,*
  - 2. Committing a wilful act against another person, or*
  - 3. Committing another type of gross act against another person."*

The perpetrator of a misdemeanour may be any person who, by virtue of law, court decision or other decisive factors, is responsible for childcare, i.e. not only the parents, but also other persons responsible for child upbringing, school and pre-school staff, staff of institutional and protective education, staff for children requiring immediate help, etc.

**3. As of July 1, 2017**, the body of a misdemeanour **committed by operators of facilities for children requiring immediate assistance in Act no. 359/1999 Coll., on social and legal protection of children**, came into effect, and stipulates that the operator of the facility commits a misdemeanour if he/she does not follow the quality standards in the implementation of social and legal protection of children in childcare facilities requiring immediate assistance [Section 59g Subsection 1 k)]. A misdemeanour is punishable by a penalty of up to CZK 50 000 (Section 59g, Subsection 2). The provision is supplemented by the wording of Section 59 Subsection 1 h), which states that natural, legal or a an entrepreneurial natural person commits a misdemeanour by applying inadequate educational means<sup>1</sup> or restrictions to the child.

**4. Furthermore, the prohibition on the use of inadequate means of education in the Czech legal order is explicitly defined in Act No. 247/2014 Coll., regulating the provision of child care in a child's group**, where Section 10 Subsection 2 determines: "It is forbidden to apply to a child any inadequate educational means or restrictions, or any educational means

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<sup>1</sup> Definition of "proportional educational means" - see below in the Explanatory Report to the Act No. 89/2012 Coll., Civil Code, as amended, page 4.

affecting the dignity of a child, or which in any way jeopardize the child's health, physical, emotional, intellectual and moral development."

5. The newly adopted **legal regulations thus supplement the Act No. 109/2002 Coll., regulating the performance of institutional education or protective education in school facilities and on preventive educational care in school facilities and on change of other acts**, by defining an explicit closed list of measures applicable in education (Section 21).

In case of violation of the legal order, a conduct is evaluated based on its nature, i.e. as a misdemeanour or a criminal offence and it has consequences on labour-law level too.

### **B. Sanction of corporal punishment of children within criminal law**

The scope of prosecution of corporal punishment remains in the criminal law in full range:

- The body of **the criminal offence of bodily injury according to Section 146 of the Criminal Code**,
- The body of **negligent infliction of bodily injury (Section 148 of the Criminal Code)**, which in the qualified body implies a stricter punishment for the perpetrator who committed an offence to a child under the age of 15.
- The body of **the crime of abuse battering a person entrusted to his/her care according to the provisions of Section 198 of the Criminal Code**. Such behaviour is considered as maltreatment of entrusted person which is perceived by this person as harsh sufferings;
- The body of the **criminal offence of battering a person in the same household under § 199 of the Criminal Code**;

Legal regulation in the area of criminal law affects effectively and comprehensively the crimes in the area of corporal punishment and is effectively enforced<sup>2</sup>.

### **C. Prosecution of corporal punishment of children within civil legislation**

1. The rights and duties of parents (other persons who are in charge of the child's education) to the child are governed in particular by **Act No. 89/2012 Coll., Civil Code**, as amended, in particular in the second part, which regulates the family law.

The Civil Code defines education and educational means in Section 884, "Educational means are by no means understood only as the negative measures (sanctions), and especially not as corporal punishment. Educational means should be understood primarily as means of activation and prevention."<sup>3</sup>.

*"Section 884*

*(1) Parents play a decisive role in raising children. Parental behaviour should be exemplary to their children, especially when it comes to the way of life and behaviour in family.*

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<sup>2</sup> In September 2018, the Senate of Appeal at the Regional Court in Ostrava decided to punish two Kindergarten teachers in Moravia-Silesia with a conditional sentence because they treated children grossly and insensitively, upon indictment. Their wrongful behaviour consisted of forcing children to finish meal, sending children out to a separate room for shame, scaring children with stories of devils and witches.

<sup>3</sup> Explanatory Report to the Act No. 89/2012 Coll., Civil Code.

*(2) Educational means can only be used in an extent that is proportionate to the circumstances and do not endanger the child's health or its development and do not harm the human dignity of the child."*

Special protection against domestic violence, which due to high intensity of emotions among the close family members is one of the most dangerous forms of aggression, is defined in Sections 751 to 753 of the Civil Code.

The court may, in accordance with Section 751 - 753, limit or prohibit the presence of the other spouse in the household for a specified period of time in order to prevent violence against the other partner or other members of the household up to six months, even repeatedly.

**2. Act No. 99/1963 Coll., Code of Civil Procedure**, in Section 76a provides the child with procedural protection against corporal punishment and other negative conduct in the family and outside the family by means of a preliminary ruling by the court to place the endangered child into a suitable environment/facility or into foster care for a temporary period as necessary. A preliminary ruling can protect the interests of the child to the highest extent also in accordance with Section 76 b of Civil Procedure Code and can expel the abuser out of the common household and immediate neighbourhood.

#### Summary

The Czech Republic takes with utmost gravity the obligation arising from Article 17 of the Charter. Although positive steps to implement the decision of the Committee have already been taken, there remains room for further progress in adjusting the current legal framework. The matter will therefore be presented and further discussed within the Committee of experts for the execution of judgments of the European Court of Human Rights.<sup>4</sup>

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<sup>4</sup> Committee of experts for the execution of judgments of the European Court of Human Rights and the implementation of the European Convention on Human Rights ("Committee") has been established as a follow-up to the obligation to reinforce the implementation of the Convention at the national level agreed by and between the Contracting Parties to the Convention at the High-level Conference on the "Implementation of the European Convention on Human Rights, our shared responsibility" of 27 March 2015. The Committee is the Government Agent's advisory body which serves as a forum for analysing and formulating recommendations to the authorities in terms of suitable measures to be adopted for the purpose of implementing the Court's judgments. It is composed of representatives of all ministries, both Chambers of Parliament, highest courts, Office of the Supreme Public Prosecutor, Office of the Public Defender of Rights, academic staff and members of various non-governmental organizations operating in the field of fundamental human rights. Since the Government Agent is no longer responsible exclusively for the representation of the State before the European Court of Human Rights, but his powers extend also to other international human rights bodies, the Committee shall also be used as a forum for analysing the decisions on collective complaints filed against the Czech Republic in which the European Committee for Social Rights established a violation of some of the provisions of the European Social Charter.

## **Article 16 - Access to housing for Roma**

### **Legal frame**

Czech legal order guarantees equal rights and obligations for all citizens regardless of their race, ethnicity, gender, sexual orientation, age, health disability, religion, faith or worldview, which includes social security, the provision of social benefits, access to health care and access to goods and services, including housing (see exhaustive list in Act No. 198/2009 Coll., Antidiscrimination Act).

### **Data acquisition in the Czech Republic**

Section 4 Subsection 2 of Act No. 273/2001 Coll., stipulating the Rights of Members of National Minorities, provides that public authorities do not keep records about members of national minorities unless they are collected for census purposes or under other law, and may not be used for another purpose. After processing, these data must be destroyed.

Pursuant to Section 4 (b) of Act No. 101/2000 Coll., regulating the Protection of Personal Data, data indicating ethnic, racial or ethnic origin are sensitive data. In practice, this means that, pursuant to Section 69 (a) of this Act, processing of such data requires the individual's consent, the individual must be informed about the purpose for which the data is collected and for which period. Due to these reasons, the collection of any relevant data focused on the Roma minority for any other than statutory purposes, is illegal. The purpose of the legal regulation is to protect the national minorities and to eliminate the negative effects of the collection of ethnic data. Collection of such data by public authorities would be a violation / circumvention of the law.

According to the latest census of 2011 only 5,135 people declared themselves as Roma and another 7,717 people declared two nationalities, one of them being Roma. Office of the Government of the Czech Republic in cooperation with regional and local authorities monitor the approximate numbers of Roma in the Czech Republic and their ratio among residents of excluded localities only by qualified estimates, due to potentially discriminatory (hypothetically discriminatory) aspects of this process<sup>5</sup>.

Based on qualified estimates collected by the regional coordinators for Roma Affairs, the Roma are the largest ethnic minority living in the Czech Republic. In 2017 in the Czech Republic there were approximately 240 300 Roma, representing 2.27% of the total population of the Czech Republic. With regard to the Czech Republic's anti-discrimination legislative framework and the difficulty of obtaining data, most of the research, measures and projects focus on socially excluded localities, where it is automatically assumed that it would also cover part of the Roma population in Czech Republic. In this way, the subjects involved in these negotiations (including public authorities) avoid the possible criticism concerning

1. Accusation of violation of Act No. 101/2000 Coll., - Personal Data Protection Act,
2. Accusations of 'positive' discrimination at the expense of a majority society or other national and ethnic minorities,
3. Accusation of discrimination if it cannot be proved that they did not mark/consider a person as Roma, if such person did to declare to be Roma in 2011 and vice versa.

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<sup>5</sup> According to recent research on a sample of 2566 respondents from socially excluded localities in the Czech Republic, 30% of the respondents declared themselves as Roma (Toušek et al., 2018: 31). The authors themselves, however, add that not all who might consider themselves in a different context as Roma or Gypsies did so. In fact, it was only a fraction of those who would be considered Roma by other people.

Table I. - Qualified estimates of Roma and socially excluded Roma in the Czech Republic in 2017

Region	Qualified estimate of the number of Roma	Estimate of socially excluded Roma	Conversion of the qualified estimate of socially excluded Roma
Capital City Prague	18 000	20%	3 600
South Bohemian	7 000	40%	2 800
South Moravia	20,700	40%	8 280
Carlsbad	13,400	50%	6 700
Hradec Králové	10100	50%	5 050
Liberec	19 400	40%	7,760
Moravia-Silesia	31 300	60%	18,780
Olomouc	12 400	70%	8,680
Pardubice	4 800	40%	1 920
Pilsen	16 100	30%	4 830
Central Bohemia	15 100	50%	7 550
Ústí nad Labem	63 500	60%	38 100
Vysočina	5 900	50%	2 950
Zlín	2 600	30%	780
<b>Total</b>	<b>240 300</b>	<b>49%</b>	<b>117 780</b>

In 2016, the Government of the Czech Republic approved the **Concept of Housing in the Czech Republic until 2020**. The basic point is the thesis that housing is essentially the personal responsibility of each individual.

The essential role of the state is to create stable environment that strengthens the responsibility of its citizens for themselves and to encourage their motivation to meet their basic needs by their own means. If the citizens, out of objective reasons, are not able to provide funds for their own housing, it is the duty of the state and municipalities, based on the principle of solidarity, to help create a stable environment for them within the community and the society. Particular attention is paid to people in vulnerable periods of life, such as during child care, care for other dependent persons, or the elderly.

The main principles of the Czech Republic's housing policy are:

- Economic adequacy, i.e. respect for elementary economic principles,
- Sustainability of public and private finance,
- State responsibility for creating conditions that enable individuals to fulfil the right to housing.

In the **revised Housing Policy Concept**, the basic strategic objectives were partially assessed and on this basis the current validity of the strategic objectives was assessed and new priorities and tasks for the second half of the validity period of the Housing Policy Concept. The analysis confirms that the achieved standard of both physical and financial availability of housing in the Czech Republic and the qualitative characteristics roughly correspond to the position of economic performance that the Czech Republic occupies within the EU 28. At present, housing is available for a significant majority of the population, where more than 94% of the Czech Republic's population is able to secure housing without the help of the state

on a regular housing market, either in the segment of own property, co-operative or rental housing. Therefore, the goal of state housing policy is to maintain the present trend.

Within the frame of individual visions of the housing policy (**AVAILABILITY, STABILITY, and QUALITY**), the state set out three strategic objectives:

- Ensuring the adequate availability of all forms of housing,
- Creating a stable environment in finance, legislation and institutions for all participants in the housing market,
- Reducing investment debt of housing, including improving the quality of the environment of residential areas.

#### 1. The strategic objective of Availability

The aim is to increase the availability of housing, which should be based on the motivation of citizens to be able to provide housing by their own means (ownership or rent of property). Appropriate availability of housing in the revised Housing Policy is fulfilled mainly by a more pronounced orientation of housing policy instruments on selected population groups that are disadvantaged in access to housing, and therefore are threatened by social exclusion.

#### 2. Strategic objective of Stability

Creating a predictable environment for all the housing market players remains a basic prerequisite for fulfilling the vision of Stability. The condition is a stabilized system of financing, clear and stable legislation and stability of institutions. In particular, the legislative area and quality legal standards are an important precondition for regulating the relations and creating a stabilized environment with effective use of resources geared to real practical problems. The revised Housing Policy Concept deals in the area of legislation in particular with the practical implications of the new rules of law of the Civil Code in apartment renting, housing co-ownership and apartment owners' associations, including the housing cooperatives and renting of co-operative apartments.

#### 3. Strategic objective of Quality

The most important objective is to maintain and improve the structural and technical condition of the existing housing stock, improve its accessibility and optimize the costs associated with its use, including the reduction of the energy intensity of housing. The specific issue is adaptation of the housing stock to the changing needs of the population in compliance with demographic development while using the principles of universal design. General requirements for buildings for residential purposes are provided by the Building Act and other legal regulations, and the owners of the buildings must comply with these requirements, not only for new construction, but also for the operation of buildings for residential purposes. Building regulations do not permit any poor quality of construction.

#### **Lease protection**

Both the ownership, lease or the sublease form of housing or accommodation are legally regulated so that owners and occupants of the apartment can protect themselves from inappropriate interference with their rights, especially against illegal evictions.

Renting of the flat is comprehensively defined in the Civil Code. The new Civil Code, effective as of 1 January 2014, abolished the legislation that required providing compensation housing and generally allowing apartment clearance only after providing compensation housing. The reason for the cancellation was the disproportional constraint of the lessor's ability to actually terminate the lease if there are legitimate reasons to do so. This requirement could have been especially disproportionate (even if it was an obligation to provide shelter) if the reason for the termination of the lease was a violation of the lessee's obligation. Its



consequence was, in the original legislation, only transferring additional costs to the lessor (typically prolongation of the period when the lessee does not pay due rent, because the lessee was not obliged to clear the apartment until the lessor ensured shelter for him, which also constituted an additional cost for the lessor). The disproportionality of the given solution in relation to the ability to actually terminate the lease can also be viewed in the context of the general shortage of housing, especially in large cities, which makes it difficult to ensure an adequate substitute dwelling for the lessee, i.e. an apartment that would be, according to the local conditions, essentially equivalent to the apartment that is to be cleared by the lessee. Disputable can be seen also the regulation of substitute dwelling in relation to the protection of the lessee's rights. This regulation limits their autonomy of will, as they are actually forced into substitute housing, they may not even be interested in.

The lessee is primarily protected by the fact that the Civil Code provides exhaustive list of reasons for termination of the lease. These reasons include, in particular, a gross breach of the lessee's obligation, a conviction for a criminal offense against the lessor or another tenant, if the apartment is to be vacated because public interest requires to use the building or apartment in a way that will not allow using the apartment at all, or any other serious reason for cancelling the lease. The reason may also be the need for the lessor to use the apartment on his own or let it for use to a first-line family member. The notice period is 3 months, but in the case of a particularly serious breach by the lessee it may be terminated without notice. A particularly serious violation is, in particular, non-payment of rent and other housing costs for at least three months, damage to the flat or house or the unauthorized use of the flat in contradiction to the lease conditions.

For the sake of completeness, it should be noted that the conditionality of eviction by securing substitute dwelling has remained in the case of a court decision pursuant to Section 768 of the Civil Code in the case of cancellation of a joint lease of an apartment by a husband and wife, where the court may grant compensation for the loss of the right (shared housing) even in the form of substitute dwelling (Section 768, Subsection 1, clause one). Furthermore, it is not generally possible to exclude the contractual arrangements of the parties that would agree on this option in case of renting an apartment.

In relation to those cases where eviction of an apartment requires first the provision of substitute housing, it should also be pointed out that the Ministry of Justice has recently ensured adoption of a follow-up procedural regulation for the eviction of the apartment with compensation in accordance with the provisions of Sections 343 and 344 of the Civil Procedure Code (as amended by Act No. 296/2017 Coll., effective from September 30, 2017).

It should also be mentioned that the Ministry of Justice cooperates with the Ministry of Labour and Social Affairs to resolve the issue arising from the **Homelessness Policy Concept** (prevention of executions upon a judgement debtor: Analyse options for introducing a tool for the prevention of legal evictions, following the example of the FAWOS organization in Vienna). In this context, the existing legislation about flat eviction due to judicial decision was analysed. This allows the court to set a longer paritive<sup>6</sup> period than the set fifteen days period for clearance the flat (Section 160 Subsection 1 of Civil Procedure Code). Also the Supreme Court has inferred in the past that a longer term for performance can be set; for example, when the apartment clearance in the usual time would be contradict good morals<sup>7</sup>. This opinion in relation to the earlier legislation even implies that the clearance of a flat that is

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<sup>6</sup> A time limit set by the court's decision to fulfil voluntarily the obligation imposed. When the obligation is not met within the time limit, the decision becomes enforceable and hence recoverable against the will of the obligator.

<sup>7</sup> Observation of the Supreme Court of the Czech Republic for civil and commercial law from 14 April 2009, Cpnj 6/2009, R6/10.

contradiction with good morals, can be conditional upon providing alternative housing (other than the one the person is legally entitled to), or even dismissing the action (for this once). From that, some authors conclude that in these exceptional cases, substitute housing can also be granted under existing legislation.<sup>8</sup> Please refer to the provisions in Section 340 Subsection 2 of the Civil Code, under which the court shall inform the obliged party minimum of 15 days before the day of the eviction. Therefore, it is obvious that the existing legislation already allows taking into account individual circumstances, preparation and possibly making sufficient time available for ensuring alternative housing.

Furthermore, the Ministry of Labour and Social Affairs, in cooperation with Ministry of Justice, in order to carry out the above task from the **Homelessness Policy Concept** considers further measures for prevention of housing loss. This topic might include reporting the fact that legal proceedings concerning eviction have been initiated (or e.g. proceedings about a review of lease termination) and that in such proceedings, a decision has been issued which may be the basis for the eviction of the flat (or which involves, for example, a statement about whether the lease termination is justified) by a court for the Social Department of the municipal office (which would then cooperate with persons at risk of losing their housing).

Termination of lease must always be in writing and must always state the exact reason and inform the lessee about his right to raise an objection to the termination and to propose a judicial review of the justification of the termination of lease, otherwise it is invalid. The notice period runs from the first day of the next calendar month after delivery. The lessee may contest an unjustified termination of lease by lodging a motion with a court to examine whether the termination of lease is justified, within two months of the delivery of the notice of termination.

The Civil Code also protects lessees and people living with them in the apartment. In the case of a lessee's death, the lease passes to them if they lived there at the time of death of the lessee and if they do not have an apartment of their own. In the case of the closest family of the lessee this is automatic; in case of other people it applies only if the lessor has agreed to pass the lease to this person. Such a lease lasts two years, unless it is a minor child who has the right to live in the apartment until 20 years of age, or a senior aged 70 years or older. This does not apply to company apartments associated with performing a particular job and apartments of special function for people with disabilities because in that case the lessor has the right to ask the survivors to leave the apartment no later than within 3 months, so that the apartment could be used for other authorized persons in the target group.

As regards forced evictions and their legal safeguards under building regulatory framework, especially the Building Act, the Ministry of Justice is currently conducting a thorough analysis of the legislation and the practice in the light of the conclusions of the Committee (§§ 80–87 of the decision). Depending on the outcome of the analysis, where appropriate, additional measures to implement the decision may be proposed and eventually adopted.

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<sup>8</sup> “I believe that such a decision can be issued even after January 1, 2014, so that it is possible even after the effectiveness of the Civil Code No. 89/2012 Coll., to grant the right to housing compensation with a justification corresponding to the aforementioned observation of the Supreme Court by applying the general provision of Section 2 Subsection 3 of the Civil Code, as amended...” – B. Trávníková, Bytové náhrady po 1. 1. 2014, Právní prostor, [www.pravniprostor.cz](http://www.pravniprostor.cz).

### **Measures to reduce spatial segregation**

Instruments limiting segregation in housing are contained in the basic document for urban planning, which is the **Urban Development Policy of the Czech Republic**, adopted by the Government of the Czech Republic.

The Urban Development Policy of the Czech Republic establishes general tasks for the following urban planning activities and for setting the conditions for the envisaged development plans with in order to increase their benefits and to minimize their negative impacts. Urban development policy sets out the **Republic's priorities for urban planning to ensure sustainable territorial development** as a territorial planning tool that takes into account the requirements for sustainable zoning development and territorial cohesion.

National priorities are applied across the Czech Republic and include, among others:

- Prevention of spatial social segregation when changing or creating urban plans in order to avoid negative impacts on social cohesion.
- Analyzing the main mechanisms by which segregation occurs.
- Considering the existing and potential consequences.
- Designing solutions that are suited to preventing undesirable segregation or reducing its level in urban planning activities.

**In 2017**, the Ministry of Regional Development issued a methodical guideline "**Guidelines for implementation of the national priorities in the Urban Development Policy**". It contains explanations and description of the way of fulfilment of Art. 15 Policies of the Territorial Development of the Czech Republic in the Urban Planning Activities of Regions and Municipalities<sup>9</sup>.

### **Social Housing Bill**

**In 2017**, based on the Social Housing Policy Concept of the Czech Republic for the years 2015-2025, the Government of the Czech Republic prepared **the bill on social housing and the housing allowance**. In May 2017, the hearing of the bill was interrupted due to insufficient support in the government coalition and among the opposition parties due to doubts over the financial and administrative sustainability of the proposed social housing solution and subsequently the hearing of the bill was terminated with the end of the parliamentary term of the Chamber of Deputies.

In the Government Legislative Work Plan for the years 2019 - 2021 adopted in February 2018 the Ministry of Regional Development in cooperation with the Ministry of Labour and Social Affairs was tasked to prepare a substance of a law on social housing. The regulation should define concept definition of "satisfying the housing needs", create a legal framework for assisting municipalities in the creation and operation of a municipal social housing fund, define the obligations of municipalities to take steps leading to satisfying the housing needs, define people in housing need on the basis of a residual approach, define the parameters of social housing and lay down rules for its formation, operation and provision of investment support for its acquisition. Social housing will be designed exclusively for disadvantaged or expelled people who are critically endangered by homelessness, i.e. those who are unable to provide adequately spacious, affordable, qualitatively standard and spatially not excluded housing under market conditions. The law shall further define the parameters of social housing; stipulate the rules for the provision of support for its acquisition and maintenance. The proposal thus in many ways extends the current right of families to social, legal and economic protection in the Czech Republic in the area of housing. If approved, the effective date of the act is expected to be 1 January 2021.

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<sup>9</sup> [http://www.mmr.cz/getmedia/e582712e-8a55-4a34-a517-cccb006cff04/2016\\_III\\_07-Pomucka-k-uplatnovani-republikovych-priorit.pdf?ext=.pdf](http://www.mmr.cz/getmedia/e582712e-8a55-4a34-a517-cccb006cff04/2016_III_07-Pomucka-k-uplatnovani-republikovych-priorit.pdf?ext=.pdf)

### **Existing support to social housing**

The programs of investment support for social housing have been implemented by the Government of the Czech Republic since 2003. Subsidies and preferential loans are provided to any legal person, including municipalities. Support is provided under the *de minimis* mode or *SGEI de minimis*.

Rent in subsidized dwellings must not exceed the fixed limit set on the «cost level». The value of the rent limit as set by the Ministry of Regional Development is derived from the price development of the acquisition and operating costs of real estate intended for residential purposes. The rent limit was last modified in May 2018 and is CZK 61.10 per m<sup>2</sup>

The purpose of the investment support is the creation of rental dwellings for social housing for people who have difficult access to housing due to their special needs resulting from their unfavourable social situation, e.g. age, health, low income or social circumstances of their lives.

For the elderly or disabled people, there are intended a apartments with nursing service (subsidy up to CZK 600 thousand per apartment) to be provided. Starting apartment subsidies up to CZK 550 thousand intended for low income people, persons from socially excluded Roma localities and households with other social disabilities. Counts of thus supported apartments in individual years are listed in the chart below.

Information on how many Roma households use the housing that has been created with investment support is not registered by the Ministry of Regional Development, because renting is a private-law relationship. Lease contracts for starting apartments are signed chiefly by the municipality and the owners of the starting apartments, as the beneficiaries of the subsidies.

### **The activities of the Ministry of Regional Development and the State Housing Development Fund**

Since 1998, the subsidies from the budget of the Ministry of Regional Development, or the State Housing Development Fund, have helped to create over 22,5 thousand apartments intended for social housing of selected groups of socially vulnerable or endangered citizens. Until 2010 incl. these were funds exclusively dedicated to municipalities. Since 2011, the range of state support beneficiaries, for construction or acquisition of such apartments has been extended to other entities such as legal entities, natural persons, entrepreneurs and non-profit organizations.

#### **Support for social housing under the Integrated Regional Operational Program**

Following calls were announced in the Integrated Regional Operational Program (or "IROP"):

- Call No. 34 Social housing in the amount of CZK 272,250,000 from the European Regional Development Fund (hereinafter referred to as "ERDF"),
- Call No 35 Social housing for socially excluded areas in the amount of CZK 635,250,000 from the ERDF,
- Call No 79 Social housing II in the amount of CZK 600 million from the ERDF
- Call No 80 Social housing and socially excluded areas II. in the amount of CZK 1.4 billion from the ERDF.

Calls Nos 34 and 35 were announced on 3 June 2016 and project applications were accepted until 27 December 2016. A total of 144 projects were submitted (25 projects in the 34<sup>th</sup> call and 119 projects in the 35<sup>th</sup> call).

In total, 119 projects were supported from calls Nos 34 and 35, from which 646 social apartments should be provided. Sustainability of projects is currently set for five years from the end of project implementation, but at the end of 2017 the IROP Monitoring Committee agreed that sustainability would be extended to 20 years.

The calls of 2016 focused on the purchase of apartments, apartment buildings, non-residential premises and their adaptation for the needs of social housing and the acquisition of necessary basic equipment. Calls Nos 79 and 80 are also focused on the construction of new social apartments.

The target group of social housing are people in housing need, defined by the European typology ETHOS (European typology of homelessness and exclusion from housing in the Czech Republic). One of the eligibility criteria for supporting social housing projects in the IROP is the non-segregation of target groups at risk of social exclusion.

Furthermore, calls for proposals Nos 79 and 80 were announced on March 8, 2018, and a project application was accepted in September 18, 2018.

In addition, under IROP, projects can be submitted to Calls 83, 84 and 85 of the integrated ITI tools (Integrated Territorial Investment), IPRU (Integrated Territorial Development Plan), CLLD (Community-Led Local Development). Within the framework of the integrated calls, 35 projects have been delivered in the total amount of CZK 247 million from the ERDF, of which 8 projects in the amount of CZK 41.5 million from the ERDF have been supported so far. Projects can continue to be put into open sub-calls of integrated tool holders.

The goal of IROP is to create 5,000 social apartments. The total allocation for the IROP social housing activity is approximately CZK 4.1 billion from the ERDF.

## Overview of social housing subsidized by the Ministry of Regional Development and the State Fund for Housing Development

Social flats for which support was provided from MoRD funds

Program		Subsidy given in	Type/qty of BJ		
317530	Flats in houses with care services	1998	BJ 1 547		
		1999	BJ 1 548		
		2000	BJ 54		
		2001	BJ 1 461		
		2002	BJ 289		
		<b>1998–2002</b>	<b>total</b>	<b>4 899</b>	
317420 + 217313	„income defined rental flats	2003–2007	BJ 2 432		
		<b>2003–2007</b>	<b>total</b>	<b>2 432</b>	
3174206	Supported flats	2003	CHB 447		
			BPC 36		
			VB 4		
		<b>2003</b>	<b>total</b>	<b>487</b>	
217314	Supported flats	2004	CHB 787		
			VB 26		
		2005	CHB 523		
			BPC 8		
			VB 9		
		2006	CHB 764		
			BPC 25		
			VB 3		
		2007	CHB 91		
			BPC 13		
			VB 3		
		<b>2004–2007</b>	<b>total</b>	<b>2 252</b>	
		117514	Supported flats	2008	PČB 84
					VB 131
				2009	PČB 86
					VB 130
2010	PČB 149				
	VB 134				
2011	PČB 124				
	VB 104				
2012	PČB 280				
	VB 179				
2013	PČB 215				
	VB 132				
2014	PČB 223				
	VB 207				
2015	PČB 192				
	VB 190				
	KDS 322				
2016	PČB 149				
	VB 79				
	KDS 334				
2017*	PČB 213				
	VB 28				
	KDS 129				
<b>2008–2017</b>	<b>total</b>	<b>3 814</b>			
<b>For years 1998 – 2017 MMR total</b>			<b>13 884</b>		

Source: Ministry of Regional Development

### Reducing segregation through projects

In terms of health care Czech Republic aims at reducing the number of inhabitants in segregated localities, e.g. by fulfilling the objectives in the Social Inclusion Strategy 2014-2020 for example by promoting awareness-raising, prevention and information programs to promote healthy lifestyles for people who are socially excluded or at risk of social exclusion and to raise awareness among those involved in the work with socially excluded people or

Social flats for which support was provided from SFRB funds

Title		Subsidy given in	Type/qty of BJ
NV 146/2003 Sb.	Rental flats for low-income individuals	2003	BJ 1 241
		2004	BJ 2 264
		2005	BJ 1 517
		2006	BJ 1 905
		2007	BJ 1 295
<b>2003–2007</b>	<b>total</b>	<b>8 222</b>	
NV 333/2009 Sb.	Rental flats for low-income individuals (social housing)	2009–2010	BJ 203
		<b>2009–2010</b>	<b>total</b>
NV 284/2011 Sb.	Rental flats for people from a target group (social housing)	2011–2017	BJ 198
		<b>2011–2017</b>	<b>total</b>
<b>For years 2003 – 2017 SFRB total</b>			<b>8 623</b>

Source: SFRB

#### Legend:

- BJ apartment unit
- CHB protected apartment
- BPC mid-way apartment
- VB starting apartment
- PČB apartment with a caregiver
- KDS community house for elderly
- NV government decree
- MoRD Ministry of Regional Development

\*Data for 2017 are preliminary as not all subsidies have been paid yet and not all of permits have been issued yet.

individuals at risk of social exclusion to inform them of the possibility of using the Ministry of Health's program in the field of disease prevention and health promotion.

1. The project of the State Health Institute for the promotion of health in excluded locations (2014-2017) was aimed at increasing the awareness and health literacy of nursery and elementary school children in segregated localities and was implemented through educational method in the form of discussions, using the elements of games and competitions. The health education project was implemented in schools and educational establishments in 7 regions.

2. Subsidy program of the Ministry of Health "The National Health Program" - health promotion projects (hereinafter referred to as "NRZ-PPZ"). The main objective of the program is to promote long-term active citizen attitudes towards health, education for a healthy lifestyle and responsibility for own health and the creation of a health-promoting environment.

Topics are focused at

- Improved nutrition and optimization of physical activity,
- Prevention of overweight and obesity,
- Prevention of tobacco use and harmful alcohol use,
- Prevention of infectious diseases and their transmission,
- Comprehensive projects to reduce the incidence of various risk factors in population groups that are targeted for intervention by influencing the lifestyle of the population in relation to health and improving the conditions of the environment in which they live or work. The priority is to increase knowledge about the possibilities of primary prevention of illness and motivation to change the behaviour of target population groups.

3. The Ministry of Health's health promotion project in excluded locations (2017) was primarily focused on children and youth. Activities were directed at schools and leisure facilities, which are mostly attended by children from socially disadvantaged environment. A total of 1,316 children were contacted.

4. Health days - projects implemented in 7 socially segregated localities focused on the health examination of people in those localities.

5. The "Doctor for the Homeless People" project (2018) - the project, aimed at improving the awareness of people living in socially excluded localities, including the Roma community, was designed to increase the availability and efficiency of health services and health care support for homeless people or persons at risk of losing their home.

6. Health care advisory - project of the State Medical Institute in Ústí nad Labem.

### **Best practices**

Due to connection to the Social Housing Concept of the Czech Republic for the years 2015 to 2025, representatives of municipalities in cooperation with non-profit organizations examined other ways of providing accessible housing for the Roma living in poor conditions, sub-standard housing or staying at long-term shelter.

Examples of good practices in this area, increasing accommodation capacities and making them accessible to low-income people, including Roma, can be considered, on local level in the Czech Republic, the Ethnic Friendly Housing project implemented by the R-Mosty non-profit organization since 2016 and the Rapid Re-Housing project implemented by the Social Housing Platform in Brno also since 2016.

## 1. Fair Housing - Ethnic Friendly Housing

As part of the efforts to improve the housing market conditions for people disadvantaged on the ground of their ethnic origin or other prejudices, especially Roma families, single mothers and other people in difficult situations, in 2018 the non-profit organization R-Mosty realizes the project *Fair Housing - Ethnic Friendly Housing*. The project is implemented in selected locations of Prague and the Central Bohemian Region and follows the best practice learnt by the projects Housing First (2015) and Fair Housing (2016, 2017).

The project focuses directly on Roma individuals and families and helps them to acquire a standard free-market lease contract and keep the lease contract. First of all, it serves the clients of the R-Mosty Asylum House,<sup>10</sup> who are interested in leaving and going to standard housing but also to other vulnerable groups, such as the Roma. The goal of the project is to provide fair housing to people in a difficult life situation who "have not lost the commitment and the skills needed for a dignified and responsible life despite their life situation". The R-Mosty organization creates and manages the Ethnic Friendly platform of apartment owners who are willing to rent an apartment to Roma families (or single mothers and persons at risk of social exclusion), subsequently mediating contacts between owners and clients, providing administrative, legal and communication support (Ethnic Friendly Housing 2018).<sup>11</sup>

By February 2018, R-Mosty had managed to find housing for 16 families (22 adults and 47 children). The project draws financial support from the Office of the Government of the Czech Republic from the subsidy program Prevention of social exclusion and community work.

## 2. Rapid Re-Housing Brno

The Brno City Hall is cooperating on the Rapid Re-Housing Brno project with the IQ Roma Service NGO, trained by the Dutch organisation HVO Querido Discus.

In 2016, the City of Brno also approved the Strategy for Ending Family Housing Emergency within its Social Inclusion Strategy. Since 2016, the results of various traditional and experimental approaches have been tested in Brno within the project "Housing First".

From September 2016 to May 2017, 50 families were enlisted in the program, for which the City of Brno has allocated 50 apartments.<sup>12</sup> All the 50 families originally inhabited private hostels, asylum houses or other forms of emergency housing. Two-thirds of families were Roma who are less likely to find standard housing once they find themselves homeless.

The project and its impacts are continuously evaluated by the University of Ostrava and Masaryk University in Brno. A comparison of the intervention groups and control groups shows that the rate of retention of housing was 96% after one year.<sup>13</sup> According to the first results of focus groups in May 2017, some families show improvements in child behaviour, in

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<sup>10</sup> The Asylum House is located in Mladá Boleslav and its target group are mothers with minor children and pregnant women in an unfavourable life situation associated with the loss of housing. Accommodation is provided for a maximum of one year together with professional social and legal support (Asylum House for Mothers with Children in Mladá Boleslav 2018).

<sup>11</sup> R-Mosty assist clients in obtaining the initial investment for the deposit and the first lease and at the same time the clients are bound by a contract which obliges them to cooperate with R-Mosty and the owner of the real estate (Ethnic Friendly Housing 2018).

<sup>12</sup> Families included in the program were selected by drawing a lot. The Rapid Re-Housing project was preceded by registration of families with children. 421 families living in private hostels, asylum homes, or in other forms of emergency housing registered. In two-thirds of families the first housing crisis led to long-term housing need. 92% of homeless families have experienced on average (median) eight years of housing crises during their lifetime (Rapid Re-Housing Brno 2018).

<sup>13</sup> Projected expectation was 80%. In total 48 out of 50 families were able to retain the housing (Rapid Re-Housing Brno 2018).



areas of employment and feeling of safety. Research has confirmed the feeling of privacy, security and stability in recipients of new housing.<sup>14</sup>

The project is funded by the European and Structural Funds and in 2018 was awarded the first prize of SozialMarie for social innovation awarded by the Austrian Unruhe Foundation. Its benefit is mainly the reframing the “Roma Question” to be instead redefined as a housing need problem which shifts the vaguely defined obstacles closer to a solution of the problem (Rapid Re-Housing Brno 2018).

The Brno project has been followed by three other cities, which are currently in the process of selecting possible recipients of social apartments and setting up adequate mechanisms.<sup>15</sup>

Despite several steps towards the implementation of the Committee’s decision the Czech Republic is aware that some room for further progress in improving the current legal framework remains, in particular in terms of legal safeguards available in carrying out forced evictions. The Czech Republic takes the obligation arising from Article 16 of the Charter with utmost gravity and is prepared to reassess the need for adopting additional measures to remedy the situation described in the Committee’s decision.

### **Article 11 of the 1961 Charter - Access to health care services**

#### Legal framework of the Czech Republic

1. The Charter of Fundamental Rights and Freedoms, Articles 24 and 31<sup>16</sup> guarantees the right of all citizens to health protection and access to free medical care and medical supplies under statutory conditions on the basis of public health insurance.
2. Act No 372/2011 Coll., Medical Services Act, stipulates the obligation of all medical facilities to provide all necessary medical care to everyone without being directly paid.
3. Ethic Code of the Czech Medical Chamber.
4. Act No 48/1997 Coll., Public Health Insurance Act.
5. Act No 198/2009 Coll., Anti-discrimination Act, guaranties same rights and obligations to all citizens, regardless of race, ethnicity, nationality, gender, sexual orientation, age, disability, religion and belief and world view, including social security, provision of social

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<sup>14</sup> In specific cases, there has been an improvement in children's education, an improvement in their communication, there was one case of family reunion, when the child returned to a family from a child's home, and several families were encouraged by this project to obtain job opportunities (Rapid Re-Housing Brno 2018).

Further data will be evaluated in the autumn of 2018. The main expected outcome is that 80% of the intervention group will retain their housing after 12 months. Other expected outputs are 1) achieving a higher ratio of family reunion in households, 2) improving children's schooling in the short term, 3) improving physical and mental health of families, 4) increasing family budget predictability, 5) improving quality of life, 6) decreased anomaly, 7) reduction of average public expenditure for the intervention families compared to the control group (Rapid Re-Housing Brno 2018).

<sup>15</sup> Source: Azylový dům pro matky s dětmi v Mladé Boleslavi (2018), R-Mosty, online (<http://www.r-mosty.cz/azyl>) Rapid Re-Housing Brno (2018), Platforma pro sociální bydlení, online (<https://hf.socialnibydeni.org/rapid-re-housing-brno>).

<sup>16</sup> Article 24 in the Resolution of the Bureau of the Czech National Council dated 16 December 1992 on the proclamation of the Charter of Fundamental Rights and Freedoms ("LZPS") as part of the constitutional order of the Czech Republic No. 2/1993 Coll., As amended: "Belonging to any national or ethnic minority must not cause harm to anyone." Article 31 of the LZPS: "Everyone has the right to health protection. Citizens have the right to free healthcare and medical care on the basis of public insurance under the conditions laid down by law."

benefits, access to medical care, goods and services, including housing (the exhaustive list is provided in the act).

### **Equal Access to Health Care Services without direct payment**

The health insurance system in the Czech Republic is based on the principle of solidarity. Health care is covered from public health insurance and must be available to all insured individuals in Czech Republic equally, regardless of skin colour, gender, ethnicity, etc. Equal treatment, regardless of ethnicity, is also anchored in the Medical Ethical Code No. 10, approved by the Czech Medical Chamber. According to Section 1 of the Code, the professional duty of the doctor is to take care of the health of the individual and society as a whole, in accordance with the principles of humanity, in the spirit of respect for every human life, from the beginning to the end, and with all due respect for the dignity of the human individual. The physician's job is to protect health and life, relieve suffering, regardless of the nationality, race or colour of the skin (Czech Medical Chamber 2007:1).<sup>17</sup>

A doctor may refuse the patient only under the conditions specified in Section 48 (1) of Act No. 372/2011 Coll., Health Services Act:

*(1) The provider chosen by the patient may refuse to take care of the patient if*

*(a) accepting the patient would exceed the acceptable workload or is impossible due to operational reasons, due to lack of staffing or technical and material equipment of the healthcare facility; exceeding the acceptable workload is a condition whereby the provision of healthcare services to this patient would reduce the level of quality and safety of healthcare provided to patients already admitted,*

*(b) the distance of the patient's place of residence would not allow the provision of medical services in the field of general medical practice and practical medicine for children and adolescents,*

*(c) the person is not insured with the health insurance company with which the health care provider has concluded a contract under the Public Health Insurance Act; this right does not apply to insured persons from other Member States of the European Union, the European Economic Area, the Swiss Confederation, or from the countries with which the Czech*

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<sup>17</sup> PROFESSIONAL REGULATION OF THE CZECH MEDICAL CHAMBER NO. 10

#### ETHICAL CODE OF THE CZECH MEDICAL CHAMBER

##### § 1

##### General principles

(1) The duty of a physician is to care for the health of an individual and society as a whole, in accordance with the principles of humanity, in a spirit of respect for every human life, from its beginning to the end, and with all due respect for the dignity of the individual.

(2) A physician's mission is to protect health and life, relieve suffering, regardless of nationality, race, skin colour, religion, political affiliation, social status, sexual orientation, age, intellectual level and patient's reputation or personal feelings.

Effective from 1 January 1996, as amended on 22 June 2007.

*Republic has concluded a social security agreement covering, to a substantial extent, the right to healthcare.*

*In case of refusal to admit into health care or refusal to provide health care services, the health care provider shall issue a written report to the patient, indicating the reason for refusal / termination of the care.*

At the same time, however, the health care provider must not refuse to take care of the patient under paragraph 1 or terminate the health care in the case of a patient who needs urgent care or if it is a birth or other health services necessary for the protection of public health or health protection at work, crisis situations or the exercise of protective treatment ordered by the court, unless otherwise provided by other legislation.

Illegal refusal of medical care, termination of care but also failure to issue a report with reason for refusal of health care is an administrative offense within the meaning of Section 117 (3) of the Health Services Act, for which a fine of up to CZK 300,000 may be imposed by the administrative authority, which is responsible for the granting of the authorization for the provision of health services and CZK 100 thousand by the regional authorities.

Based on the above, it was shown that no group of people in the Czech Republic can be disadvantaged in terms of more difficult access to health care, including the Roma ethnic group. Cases of refusing medical care to anyone due to their Roma ethnicity are very rare. However if they should happen exceptionally, they are strictly sanctioned<sup>18</sup>.

The Czech Republic disagrees with the Committee of Ministers' conclusion that the Czech Republic violates the obligations contained in the European Social Charter in terms of the right to health and access to health services. Due to the fact that the above mentioned procedure is set by law for all participants in public health insurance in the Czech Republic it is not possible to classify it as discriminatory.

The provision of health care is based on the principle of equality. Health care can also be used by insured persons who are not employed, are not registered with the Labour Office and have not paid health insurance as self-payers. Non-payment of public health insurance premiums does not mean denying access to health care. Even assuming that for a particular person registered there due health insurance debt, the provided health care is paid by the health insurance company. Therefore, we have to deny the claim “*there is no evidence that a person without resources requiring medical services would receive the necessary care.*”, since such person concerned will receive medical care, but this care will even be provided in full range, not only as “*necessary care*”.

Nor can we agree with the statement that “*the measures(...) do not sufficiently ensure health care for poor or socially vulnerable persons who become sick, such as Roma who have lost health insurance*”. Again, it is based on the assumption that the eventual exclusion from the category of insured individuals for whom the premium is paid by the state, means exclusion from the group of insured persons. This is not the case. The start and end of health insurance of persons is governed by Section 3 of Act No. 48/1997 Coll., On Public Health Insurance, as follows:

*"Section 3*

*Commencing and termination of health insurance*

*(1) Health insurance shall commence on the day*

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<sup>18</sup> In 2011, a Roma male and his daughter were denied treatment by a dentist in the city of Brno. The doctor was ordered by the court to issue a written apology and payment of indemnity amounting to CZK 30,000.

- a) of birth, if the person is a resident of the Czech Republic,
- b) when a person without permanent residence in the Czech Republic became an employee [Section 5 letter. a)],
- c) of acquisition of permanent residence in the territory of the Czech Republic.

(2) Health insurance expires on the day:

- (a) of the death of the insured person or his declaration of death,
- b) when a person without permanent residence in the Czech Republic ceased to be an employee [Section 5 letter a)],
- c) of termination of permanent residence in the territory of the Czech Republic."

Section 7 of the same acts states when the health insurance is paid by the government for the insured person, for example:

Section 7

(1) The State is the payer of the premiums through the state budget for these insured persons:

- (a) Dependent children,
- (b) Beneficiaries of old-age benefit,
- (c) The recipient of the child allowance,
- (d) Women on maternity leave and persons on parental leave and persons receiving maternity benefits under sickness insurance,
- (e) Job seekers, including persons interested in a job,
- (f) Persons receiving benefits in material need and persons jointly assessed with them, provided that they are not in employment or similar relationship or do not engage in self-employment, are not registered as jobseekers and are not beneficiaries of old-age benefit, Disability y benefit for third-degree disability , widow's or widower's pension, or parent's allowance or dependent child,**
- (g) Persons dependent on the care of another person in Grade II (moderate dependency) or Grade III (severe dependency) or Grade IV (full dependency) 11) and persons caring for such individuals,
- (h) Persons in preserving detention or custody, persons serving a term of imprisonment or persons in the care of a institutional protective medical treatment;
- (i) Persons referred to in Section 5 (c) who are recipients of sickness insurance benefits,
- j) Persons who have third degree of disability,
- (k) Person taking care personally full-time and properly for at least one child up to seven years of age or at least two children under 15 years of age.

Scope of paid health services provided by health insurance, including preventive examinations, vaccination, rehabilitation and spa treatment is defined in Section 13 et seq. of the Public Health Insurance Act.

It follows from above that the loss of employment or removal from the register of for job seekers at the Labour Office does not exclude people from health care (claim that "such persons are left without health coverage" is incorrect and cannot be applied to any group of people in the Czech Republic nor to the group of people who are subject of the collective complaint).

For these reasons, it cannot be concluded that the provision of health care to the poor and vulnerable is not sufficiently guaranteed in the Czech Republic. Health care in the Czech Republic is provided free of charge to all population groups, including those that are inactive in primary prevention and people addicted to narcotic substances, alcohol or tobacco products.

### Statistical data

The Czech Republic does not collect data on the number of treated patients of Roma ethnicity or other nationality or ethnicity for reasons of anti-discrimination legislation and these data are not included in statistical surveys.

Socio-economic determinants, environmental conditions, worse lifestyle and its consequences are the main causes of the unfavourable health condition of Roma males and females living in socially excluded localities in the Czech Republic. The state of health is characterized by the occurrence of chronic diseases in older age, more frequent cardiovascular diseases, diabetes and diseases of the respiratory and digestive tract. Roma people complain to greater extent than the majority population of higher incidence of headache and musculoskeletal pains and higher incidence of mental illness (Office of the Government 2017:38).

#### *Charter II. - Chronic non-infectious diseases in Roma and non-Roma populations*

<b>Illness</b>	<b>Prevalence among the Roma population living in social exclusion</b>	<b>Prevalence in the non-Roma population</b>
Headache, migraine	28%	8.8%
Hypertension	19%	24.4%
Depression	14%	5.1%
Peptic and duodenal ulcer disease	12%	4.6%
Heart and vessel diseases	10%	4%
Allergy	10%	17.9%
Bronchitis and lung disease	9%	4%
Mental disorders other than depression	6%	1%
Diabetes	9%	6.7%
Tumours	1.1%	3%

Source: Health Support in Excluded Locations, State Health Institute, 2015

### **Adopted supportive measures**

- In the *Roma Integration Strategy until 2020*, chapter "*Ensuring equal access of Roma to social services and health care*" and the specific objective "*Equal access of Roma to health care*", the Ministry of Health has committed itself to:

- 1) Prepare strategic documents about the possibility of support to ensure the availability of health care and services for the inhabitants of socially excluded localities,
- 2) Promote preventive measures to ensure as much as possible that clients of healthcare facilities will not be discriminated against or disadvantaged on the basis of belonging to the Roma minority,
- 3) Develop and support the systematic and standardized education of healthcare workers in all positions for working with the ethnic minority (Roma), such as persons with different social and cultural experience,
- 4) Promote disease prevention and healthy lifestyle in relation to the Roma, systematically increase their medical literacy, pay sufficient attention to assessing the effectiveness of these programs and their sustainability,
- 5) Carry out research and investigation on the basis of selected health indicators focused on the health situation of Roma and health determinants in comparison with the majority population, to promote the publication and dissemination of their results among professionals and the media.

- The Ministry of Health project concerning socially excluded localities "*Reducing health inequalities - promoting health in excluded localities*". Approximately 1316 children were approached during 62 interventions implemented. The activities of the project were directed to schools and leisure facilities, which are mainly attended by children from socially disadvantaged environment. At the same time, in socially excluded localities, *Health Days* were organised.<sup>19</sup>
- The Ministry of Health project to improve the awareness of the Roma community and people living in socially excluded areas, "*Doctors for the Homeless People*", which aims to increase the availability and efficiency of health services and support health care for the homeless or those at risk of losing shelter. It is mainly focused on socially excluded localities.
- In the framework of educational programs of all branches of specialized education of physicians, dentists and pharmacists, the compulsory course "*Fundamentals of Health Legislation, Ethics and Communication*" was introduced, within which the health professionals are educated for communication and negotiation with the patient. Part of the course is also the acquisition of knowledge and skills for working with all patients, including minorities, foreigners, patients from socially excluded localities,

The Czech Republic believes to have sufficiently demonstrated that the Czech legal system, its development projects, broad preventive care, counselling and education, providing quality health care to all persons on its territory, with current efforts to increase the responsibility of individuals for their health and the state's ongoing efforts to ensure equal access to health care do not leave any group of people without proper coverage of health care irrespective of whether the individual is covered by the health insurance or if the person's insurance is paid by the state or if it is a person without financial means, a person threatened by social exclusion or an individual without employment. The Czech Republic believes that all legal provisions and support measures adopted are effective and effective and comply with the requirements of Article 1 of the Charter 1961.

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<sup>19</sup> Health Days were organized in approximately 7 socially excluded localities, and 173 people were examined.