

■ CZECH REPUBLIC

Discrimination and Social Exclusion in the Czech Republic

Jana Fialová and Markéta Kovaříková
Czech Helsinki Committee

Discrimination and social exclusion still exist in the Czech Republic, especially among the Roma Community, but there have been ongoing improvements. The goal of the State, local authorities, civic associations and individuals should be to strive to promote equality and social inclusion and to eradicate poverty.

Legal framework for protection against discrimination

How does discrimination influence social relations in Czech society? To answer this question, we must realise that a common reason for social exclusion in the Czech Republic is discrimination itself.

Policies must be formulated and implemented carefully; some strategies can negatively affect the social status of vulnerable individuals and groups, impacting on their already limited access to education, employment or services. To ensure equal treatment, it is necessary to have an effective tool to fight discrimination. In September 2009, the citizens of the Czech Republic finally received such a tool in the form of the Equal Treatment and Legal Resources Act (Coll. 198/2009), commonly known as the Anti-discrimination Law. This newly enacted protection against direct and indirect discrimination, as well as molestation and vexation, complies with European standards and represents a translation of EU anti-discrimination guidelines into Czech national legislation. The law defines basic concepts and sets a clear boundary as to what shall and what shall not be regarded as discrimination. It grants victims of discrimination the right to pursue justice in court, both to stop unlawful action and to remove its effects. Victims can also demand an apology and, in justifiable cases, financial compensation for non-financial damage. The position of a victim of discrimination in a judicial proceeding is also strengthened by the fact that the onus is on the defendants to prove they are not guilty of unlawful conduct. Only time will tell if this enactment is effective, but the active participation of the target group and their awareness of their own rights will be a key issue.

Social exclusion as one of the results of discrimination

There are a number of factors affecting social exclusion, and this condition can lead to a cycle

in which the situation of the affected person deteriorates until they reach the very bottom of society. In the Czech Republic, the term 'social exclusion' is usually associated with regions where the Roma form the majority. Although being part of an ethnic minority does not presume a higher risk of social exclusion, an enquiry by the Ministry of Labour and Social Affairs in 2006 (Gabal Analysis and Consulting 2006) revealed the existence of as many as 300 Roma localities affected by social exclusion. The issue of social exclusion, however, should not be regarded as solely a Roma issue, as it affects other social groups as well. Nevertheless, it is a part of life for many Roma families.

The results of the research by the Ministry reveal that the key factor causing the exclusion of Roma people from the social life of the majority is their excessively high unemployment rate. Roughly speaking, the high percentage of unemployed people in the Roma community is the result of limited access to elementary education. Apart from very obvious discrimination and the segregation of Roma children in schools, their parents' unawareness and underestimation of the importance of education is an important factor in the low enrolment rate of Roma children. Low education and qualification levels are symptomatic of socially excluded people and, unfortunately, pre-determine their future life to their disadvantage. It is very hard for a person with a low level of education to find a good job, and the situation is even more complicated if this person is a member of a discriminated social group (the disabled, Roma).

Low levels of education, together with commonly experienced unequal treatment, greatly disadvantage Roma people in the labour market. To be unemployed is to be dependent on the social security system (government benefits). Over time, such a person loses work habits, ceases to plan for the future and lives from one day to the next. After losing the income from employment, housing conditions usually deteriorate or housing is lost altogether. A consistently bad financial situation can lead to high indebtedness and, sometimes, to addictions (alcohol, gambling) or even criminal activities. The longer the person remains socially disadvantaged, the harder it is for them to re-integrate into society. The vicious cycle is complete: Dependence on social security payments can lead to low economic standards,

usury, indebtedness, unpaid rent, execution and often eviction.

Discrimination in housing

The issue of discrimination in housing has been relatively neglected. Just like any other kind of discrimination, this issue is not limited to the Roma population, but, in their case, it is again part of a set of interrelated problems that complicate their access to decent housing and contribute to their social exclusion.

To understand discrimination in housing, the following case is presented from the work of the Czech Helsinki Committee in collaboration with *Zvule Prava*. At the beginning of the 1990s, the Roma citizens of a city in the Czech Republic were moved into residential houses near the city centre. Over the course of time, these new localities proved to be desirable and the price of property increased, and so the Roma were no longer welcome. In 2009, the city council sold the houses and land to a private company for just a fraction of their real value. The council justified the low sale price by pointing to the bad condition of the buildings, the need for reconstruction to be financed by the buyer and, foremost, the obligation of the buyer to provide all the tenants in the buildings with an equivalent housing alternative. In reality, the company failed to do so. Sometimes the housing offered to existing tenants did not meet elementary sanitation standards or was owned by a private proprietor charging more than three times the rent.

It is common practice in the Czech Republic to sign a temporary lease for three months to ensure that tenants fulfil their obligations. Their disadvantageous position is exacerbated by the fact that housing benefits are dependent on permanent residence. Landlords usually do not want tenants to have their domicile in the rented house. Although the law does not explicitly state that consent of the landlord (lease giver) is necessary to obtain domicile, landlords often prohibit this possibility as a condition of the lease contract. Tenants without social security benefits who are unable to pay rent find themselves in a social trap. After eviction they either end up in an overpriced commercial lodging or asylum, or they are moved into a *holobyť*, which is the most basic form of housing provided to people who have been evicted for not paying rent. Although this form of accommodation has existed since 1994, there is no legal definition of a *holobyť* (Baršová 2001). It is basically a

minimum space, with minimum furnishings and usually with shared sanitary facilities in the corridor. It is not uncommon for *holobyt* facilities to be considered social housing, even in cases where they are constructed from containers, which is, unfortunately, not rare. Housing is the most pressing and most common concern on the agenda of social guidance bureaus.

Organisations working in the field of social exclusion

Since 2008, the Agency for Social Inclusion has been active in Roma localities as a newly created department of the Office of the Government of the Czech Republic. In March 2010, the Agency extended its activities to 10 new socially excluded localities, reaching a total of 33 municipalities or regions. Legal steps are being prepared to transform the Agency for Social Inclusion into an independent authority with a nationwide reach.

The task of the Agency is to monitor these localities, especially with regard to the needs of their inhabitants (for housing, education, employment and access to social services) and, later, to use this knowledge in setting up social inclusion programmes in which a local partner organisation cooperates with local authorities, representatives of the public administration, and other organisations, especially local non-profit organisations. One of the benefits of this co-operation is the creation of dialogue between organisations working to find permanent solutions and source financial resources from the structural funds of the European Union for individual integration measures. With their integration programmes, especially social fieldwork and social and legal guidance, a whole range of non-governmental and non-profit organisations and associations in the Czech Republic are

contributing significantly to the improvement of the quality of life of people threatened by social exclusion.

State support and a social safety net for people at risk of poverty is an integral part of the executive and legislative functions of every democratic society. In the Czech Republic, however, one can expect significant changes and cuts in the social system due to the current high budget deficit and the global economic crisis. All these issues will be discussed with the newly forming Government of the Czech Republic during the coming years.

Conclusion and recommendations

The Czech Republic, as well as other EU Member States and the Union itself, has a long way to go to achieve equality and social inclusion and to eradicate poverty. The impacts of the global economic crisis on individual economies have slowed this process even more, a fact that the highest representatives of the EU have duly noted. Meeting at a Summit in Brussels on 16 and 17 June 2010, they defined five main goals for the incentive 'Europe 2020', one of them being to decrease (originally by 25%) the number of people living below the poverty line by approximately 20 million. The Eurobarometer estimates that there are around 80 million EU citizens living under the poverty line (which means their income does not exceed 60% of the average income in the country) (European Commission 2009). While Eurostat speaks of 17% as the European average, only 9% of people in the Czech Republic are at risk of poverty, the lowest number among all the EU Member States. But sociologist Jan Keller points out that the conclusions of this study are misleading, as there are a great number of people in the Czech Republic who live just above

this line (Pešička and Piroch 2010). Mareš and Sirovátka report that:

Some dimensions of social exclusion, on the other hand, such as the political or cultural dimension, lie mostly outside the field of action of social policy. For these reasons it is necessary to accept the assumption that while a complex approach of social policy to social inclusion is indispensable, it does not cover all dimensions of social exclusion and can therefore present no entirely reliable and sufficient solution. The scheme covers areas/dimensions of social exclusion and its indications, together with the conditions of social inclusion and types of social policy measures enabling such inclusion. While social policy measures have a great influence on the economic dimension of social exclusion (consumption, activity on the labor market) and these dimensions are traditionally in the focus of social policy, their influence on the social dimension is only partial. The effect of social policy measures on the political or cultural dimension of social exclusion is even more limited. (Mareš and Sirovátka 2008)

Key factors in the resolution of the problem of social exclusion include:

1. The targeted elimination of individual causes of social exclusion, e.g., focusing on education, improving the employment rate, provision of leisure activities for youth, and the creation of conditions for social housing and its availability.
2. The establishment and cultivation of co-operation between the public administration, local authorities and non-profit organisations at the local level. ■

(continued on page 79)

Table 1: Dimensions of social exclusion and inclusion, areas of social policy

Social exclusion		Social inclusion	
Area	Indication	Precondition	Social policy
Economic activities	<ul style="list-style-type: none"> • consumption • poverty and material deprivation 	resource redistribution: <ul style="list-style-type: none"> • income • housing • other resources 	<ul style="list-style-type: none"> • income support • social services • housing support
Market activities	<ul style="list-style-type: none"> • jobs • un/employment • working conditions 	<ul style="list-style-type: none"> • flexible approach (principle of equal chance + social capital) • abilities (human potential) 	<ul style="list-style-type: none"> • work incentives • measures against discrimination (such as positive discrimination, active employment policy, lifelong learning, social services)
Social activities	<ul style="list-style-type: none"> • (non-)participation in social contact • limited width and quality of contact 	<ul style="list-style-type: none"> • social contacts and networks • quality of contacts and networks • trust in other people 	<ul style="list-style-type: none"> • social work • prevention of isolation • empowerment • participation • partnership
Political activities	<ul style="list-style-type: none"> • (non-)participation in political activities such as elections • membership in associations 	<ul style="list-style-type: none"> • trust in institutions • legitimacy of representation and the political system 	<ul style="list-style-type: none"> • access to realisation of political and civic rights • recognition policy

Source: Mareš and Sirovátka (2008)