

Replies on behalf of the Slovak Republic to the Questionnaire
of the UN Special Rapporteur on the Right to Adequate Housing
on security of tenure

1. Legally binding regulations ensuring legal certainty of ownership/tenure:

- **Constitution of the Slovak Republic** – fundamental rights include, inter alia, unviolability of individuals and their privacy, unviolability of home, prohibition of discrimination regardless of any reason including affiliation to a nation or an ethnic group, the right to enhanced protection of health for women, minors and the right to property.
- **Civil Code** No. 40/1964 Coll. as amended, stipulating, inter alia, the untouchability of ownership, defining the ownership right and tenure, its untouchability and legal protection, as well as the concept of prescription. The Law also deals with the regulation of apartment lease, apartment sub-lease, reasons for apartment lease notice, deadlines for apartment lease notice, prolongation of the protective notice period/period on the part of the lessee that is in a state of material distress due to objective reasons. It also contains a provision concerning the right to court protection when receiving an apartment lease notice.
- **Building Act** No. 50/1976 Coll. as amended, governing the legal regime of realising buildings, building inspection and building use, building maintenance and building removal.
- **Act No. 182/1993 Coll. on Ownership of Apartments and Non-Residential Premises** as amended. The Act determines the manner and conditions of the acquisition of the title to apartments and non-residential premises, rights and obligations of owners of these apartment houses, rights and obligations of owners of apartments and non-residential premises, their mutual relationships and rights to land slots.
- **Act No. 162/1995 Coll. on Land Registry and on the Registration of Ownership Titles and Other Rights to Real Estate** governs the concept of the Land Registry in which land slots and buildings are registered.
- **Act No. 293/1992 Coll. on Defining Certain Ownership Relationships to Real Estate** as amended. This act governs the fact that according to special regulations the owners of settlers' real estate are the settlers or their legal representatives, unless someone else acquires the ownership title to the real estate and the settler meets the conditions of usucaption.
- Through **Act No. 330/1991 Coll. on Land Modifications, Arrangement of Land Ownership, Land Offices, Land Fund and Land Communities**, land modifications shall be performed mainly if necessary in order to arrange ownership and use relationships and to eliminate barriers in their performance caused by historical development prior to its effectiveness.

2. In addition, there are other protective measures aimed at avoiding of forced eviction in Slovakia:

- Pursuant to Section 712 c of the Civil Code, a general basic rule applies according to which the lessee shall not be obliged to move out of the apartment and to clear the apartment, unless an adequate housing substitute is ensured, if he or she is legally entitled to such a substitute.
- The Execution code includes legal instruments of protection against illegal execution. The court may allow postponement of execution if the affected person who is not at fault is temporarily in a position when an immediate execution could lead to especially disadvantageous consequences for the affected individual and his or her family members.
- In the case of dismantlement of building pursuant to Section 96 of the Building Act, in the case of a building containing apartments, the Building Authority shall notify the building owner to ensure housing substitute for users of the endangered building.

- Act No. 327/2005 Coll. on the Provision of Legal Aid to Persons in Material Distress as amended, contains legal instruments for the provision of counselling, legal representation, including mediation of dispute settlement in the form of mediation, for persons in material distress.

- Procedures carried out contrary to provisions of relevant law, i.e. without legal title and by an unauthorised person are protected by the Criminal Code (e.g. crime of unauthorised intervention with the title to a house, apartment or non-residential premises).

- Protection against the disadvantageous effects of forced eviction is also provided by Act No. 448/2008 Coll. on Social Services as amended. Based on the stated act, support services, for instance the services of integration centre, personal hygiene centre, washer, etc. are provided.

3. Provisions of the Acts stated in sections 1 and 2 of the questionnaire protect **all** individuals; Act No. 293/1992 Coll. on Defining Certain Ownership Relations to Real Estate as amended, protects the settlers.

4. In 2004, the Atlas of Roma Communities was developed: (<http://romovia.vlada.gov.sk/3553/atlas-romskych-komunit-2004.php>, available in Slovak). In 2011, the Statistical Office of the Slovak Republic based on the database of the Atlas of Roma Communities, published the “Basic Characteristics of Roma Settlements and Their Categorisation”. In 2010, UNDP in Bratislava developed the Report on the Living Conditions of Roma Households in Slovakia (http://www.euractiv.sk/fileadmin/images/ROMA_REPORT_FINAL.pdf).

5. Act 50/1976 Coll., On Land-use Planning and Building Order (The Building Act) directly has no legal or administrative instruments, which solve the problem of informally occupied land or housing. The Building Act determines right to realize constructions or changes to them. Applicant must document ownership or legitimacy of land on which the construction will be situated. The Building Act also contains rules for building demolition and additional building permission proceedings – building built without permission or on land without ownership to this land.

The Building Act does not solve issues of civil-law relations. Building law reflects protection of ownership, which is the subject of the Constitution of the Slovak republic No. 460/1992 Coll. and Act No. 40/1964 Coll. the Civil Code. The Building Act does not contain regulations to support informal settlers.

6. The Slovak legal system provides for legal protection only to legal and legitimate tenure. Equally, the legal system provides for legal protection of the right to adequate housing and untouchability of housing. Conflicts of constitutional rights, on one hand the right to the untouchability of ownership and on the other hand the right to untouchability of housing, is dealt with in line with legal regulations and international standards.

In the practical work of state administration bodies in the area of regulating procedures of forced eviction in connection with ensuring the right to adequate housing, relevant provisions of the International Pact on Economic, Cultural and Social Rights are promoted, applicable in line with their general interpretation of the Committee on Economic, Cultural and Social Rights No. 4 (adequate housing) and No. 7 (forced evictions) and further relevant documents.

The ambition of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities is to submit a proposal for generally binding legal regulation enabling to deal with the clash of the right to untouchability of ownership and the right to the untouchability of housing based on the following principles:

- The government shall indemnify the owners of land under illegal Roma settlements by purchasing the land or replacing the land for a land slot owned by the government.
- By the defined deadline, the government shall offer the sale of land owned by the government to Roma settlement inhabitants in the form of feasible instalments or a single payment.

With regard to conflict situations stemming from the protection of the right to adequate housing and the right to untouchability of housing, the Slovak Republic applies the case law of the European Court for Human Rights, e.g. judgement of 9 October 2007 in the case of *Stankova v. the Slovak Republic*, judgement of 24 September 2012 in the case of *Yordanov v. the Republic of Bulgaria*, judgement in the case of *Waloová, Wallo* of 26 October 2006, and the judgement in the case of *Öneryildiz versus Turkey* of 16 November 2004.

6. There are no such policies or programmes in the field today, but according to the “Revised National Action Plan of the Decade of Roma inclusion 2005 – 2015 for years 2011 – 2015” and “Strategy of the Slovak Republic for Integration of Roma up to 2020” the Office of the Plenipotentiary of the Government of Slovak Republic for Roma Communities in cooperation with the Ministry of Interior of the Slovak Republic and Ministry of Agriculture and Rural Development of the Slovak Republic should develop a measure to legalize and/or dispose illegal constructions, while giving their inhabitants an opportunity to acquire legal housing.

7. The Slovak Republic adopted several political programmes of Roma integration in the period 2008 to 2012:

- Medium-term concept of developing the Roma national minority in the Slovak Republic.
- Revised national action plan of the Decade of Roma Population Integration 2005 – 2015 for 2011 – 2015 (integration in the area of education, employment, health and housing).
- Strategy of the Slovak Republic for Roma Integration by 2020 (<http://www.ksuza.sk/doc/metodika/bozp/20012012.pdf>, document in the Slovak language).

As part of the Programme of Housing Development, the Ministry of Transport, Construction and Regional Development of the Slovak Republic has been providing subsidies since 1998 for procurement of rental apartments, for purchase of technical equipment, and for the elimination of systemic flaws of apartment houses. This programme is currently governed by Act No. 443/2010 Coll. on subsidies for housing development and social housing. Subsidies are provided to townships, towns and higher territorial units for the construction of rental apartments of normal and lower standard, mainly aimed at low income groups of the population, including citizens from socially excluded Roma communities. For apartments of normal standard, a grant up to 30% can be provided, and for apartments of lower standard, a grant up to 75% of the purchase costs can be provided. Grants are also provided for technical equipment, increasing the social and cultural standard of Roma settlements, up to 80% of the purchasing costs.

The Government of the Slovak Republic approved the “Proposal of Pilot Approach to Supporting Housing Infrastructure from Structural Funds of the European Union ” on 15 June 2011. In October 2012, “Proposal for the Implementation Mechanism of the Pilot Approach to Supporting Housing Infrastructure from the Structural Funds of the European Union” was passed by the resolution of the Government of the Slovak Republic No. 526/2012, also including the pilot project of building rental apartments for marginalised groups. EUR 18.529 million should be set aside from the structural funds of the European Union for 2013 – 2015 to realise the pilot approach to supporting housing infrastructure.

As part of the Programme of Housing Development, the Ministry of Transport, Construction and Regional Development of the Slovak Republic provided financial resources in the below stated amount (details in the table) to build rental apartments and provide technical equipment to increase the social and cultural standard of Roma settlements.

Year	Number of supported constructions	Number of rental apartments of normal standard	Provided grant in EUR
		Number of rental apartments of lower standard	
2008	156	2,755	33,099,804.19
	36	633	8,530,239.60
2009	122	2,339	28,105,540.00
	23	314	5,065,150.00
2010	122	2,103	25,744,410.00
	19	241	4,058,850.00
2011	110	1,420	16,130,720.00
	16	169	2,862,680.00
2012	84	1,037	12,155,730.00
	23	251	3,883,130.00

Year	Number of supported apartments	Provided grant to build technical equipment increasing the social and cultural standard of Roma settlements in EUR
2008	264	530,604.80
2009	50	259,050.00
2010	182	423,620.00
2011	64	96,610.00
2012	92	227,420.00

In addition, the State Housing Policy Concept up to 2015 and the Longterm Housing Strategy for Marginalized Groups were approved by the Resolution of the Government No. 96/2010 and No. 63/2005 respectively.

8. non-applicable

9. Act 50/1976 Coll., On Land-use Planning and Building Order (The Building Act) as amended does not contain pro-poor land use instruments.

10. According to the “State Housing Policy Concept to 2015” the main aim of the state housing policy is to make housing more affordable so that each household could be able to acquire adequate housing. To achieve this target State uses various types of economic instruments. To the most efficient instruments belongs The Programme of housing development introduced in 1998. Housing funding is supported by subsidy scheme available through Programme of housing development by which the state directly supports municipalities in financing housing development. This Programme is managed by Ministry of Transport, Construction and Regional Development of the Slovak Republic. According to Act. No. 443/2010 Coll. on Subsidies for Housing Development and on Social Housing the aid is targeted into three areas: construction of social rental housing in public sector, construction of technical infrastructure and elimination of systematic failures of housing buildings. For rental housing construction provides grants max. up to 30% of the acquisition costs for usual standard, not exceeding the amount of 900€ per m² and max. up to 75% of the acquisition costs for basic standard, not exceeding the amount of 525€ per m². It is possible to combine subsidy with the long term low interest loan from the State Housing Development Fund. Act. No. 443/2010 Coll also defines social housing as „a housing acquired with use of public funds, addressed for adequate and humanly decent housing of individuals who are not able to ensure housing with their own effort and meet the conditions under this act”. The main criterion for the access to housing is determined by the income level of the households.