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CONSEIL DES DROITS DE L'HOMME

UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders.

REFERENCE: AL Housing (2000-9) Assembly & Association (2010-1) G/SO 214 (107-9)
CZE 1/2013

21 February 2013

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Special Rapporteur on the situation of human rights defenders; pursuant to Human Rights Council resolution 15/8, 15/21, and 16/5.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning the **alleged eviction from its office premises of the civil society organisation Vzajemné Soužití.**

Vzajemné Soužití is a civil society organisation which has been active since 1997 in setting up projects to increase social cohesion in the Ostrava region, and has reportedly been particularly active in promoting the rights of the Roma community and in combating discrimination and exclusion of that community. The organisation is headed by Mr. Sri Kumar Vishwanathan, and has reportedly been successful in a number of social inclusion projects aimed to bring the Roma and ethnic Czech communities closer together, as well as projects aimed to combating harmful practices within the Roma community itself. The organisation has reportedly received several high-profile awards in recognition of its work.

Sources have informed that Vzajemné Soužití has recently provided support to a group of Roma people who are legal tenants in Prednádraží street. Reportedly, following the collapse of the sewer system in the neighbourhood, the local authorities of Moravská Ostrava ordered the tenants to vacate the buildings, allegedly with a view to demolishing them without providing alternative housing for the evicted tenants. It has been reported that Vzajemné Soužití has supported a small number of remaining tenants of one block of flats who refused to vacate their residences, choosing instead to carry out repairs themselves.

According to the information received:

On 29 January 2013, authorities of the municipality of Moravská Ostrava evicted the non-governmental organisation (NGO) *Vzájemné Soužití* from the premises where it had been based for 14 years. Sources inform that repeated requests by *Vzájemné Soužití* to renew the tenancy were denied.

This decision reportedly complied with the required period of three months' notice and was explained by the authorities of Moravská Ostrava as having been prompted by a need to use the office space for its own workers following substantial attention in the media for the issue.

However, it has been reported that the local authorities then advertised the office space online and in the municipal monthly bulletin in order to attract new tenants, reportedly also inviting other NGOs to come and view the premises. As such, serious doubts have been raised as to the necessity of the eviction.

Sources report that the Czech Government Commissioner for Human Rights has also expressed concerns regarding the local authorities' motivation for evicting the NGO from its premises.

Concern is expressed at the allegations that the eviction of the NGO *Vzájemné Soužití* from its premises was arbitrary and unwarranted, and motivated solely by the organisation's activities in defence of the tenure and housing rights of legal tenants in the neighbourhood of *Prednádraží*. Particularly in the light of reports that the organisation has been instrumental in a number of important and successful social inclusion projects in Ostrava, further concern is expressed at the allegation that this organisation has been targeted for legitimately and peacefully defending the rights of members of a reportedly marginalized community in order to protect them from violations of their right to adequate housing.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international standards that are applicable to the issues brought forth by the situation described above.

We would like to appeal to refer your Excellency's Government to article 22 of the International Covenant on Civil and Political Rights, which provides that "[e]veryone shall have the right to freedom of association with others...".

In this connection, we would like to further refer to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that "reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to

promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law.”

Furthermore, with regard to allegations received indicating that the eviction of the mentioned organization was arbitrary and motivated by the organisation’s activities in defence of the tenure and housing rights of legal tenants in the neighbourhood of Prednádraží, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that “everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels” and that “each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice”.

Furthermore, we would like to bring to the attention of your Excellency’s Government the following provisions of the Declaration:

- article 5 points b) and c) which provide that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right to form, join and participate in non-governmental organizations, associations or groups, and to communicate with non-governmental or intergovernmental organizations; and

- article 6 points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged by or on behalf of *Vzájemné Soužití*?

3. Please confirm the legal basis of the eviction of *Vzájemné Soužití*. Please indicate how this measure is compatible with the aforementioned international human rights standards.

4. Please explain what measures have been taken to ensure that human rights defenders and non-governmental organizations in the Czech Republic are able to carry out their legitimate and peaceful activities in defence of human rights without fear of judicial harassment or other restrictions, including with respect to their access to, rental or ownership of housing premises to carry out their work.

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of members of *Vzájemné Soužití* are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

Raquel Rolnik

Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

Maina Kiai

Special Rapporteur on the rights to freedom of peaceful assembly and of association

Margaret Sekaggya

Special Rapporteur on the situation of human rights defenders