



UNATTAINABLE RIGHT TO HOUSING

REPORT ON RIGHT TO HOUSING IN SLOVAKIA

AMNESTY
INTERNATIONAL



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Cover photo: *Hallway of a building dedicated to segregated public housing for Roma people in Banská Bystrica, Slovakia.* © Amnesty International 2024.

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GLOSSARY

WORD	DESCRIPTION
APARTMENTS OF A LOWER STANDARD	These are defined by decree of the Ministry of health of the Slovak Republic, no. 259/2008 on the minimum requirements for apartments of a lower standard.: in apartments of a lower standard, the living area must be at least 12 m ² per user and 6 m ² for each other person who lives with them in the household. The area of an apartment of a lower standard must be at least 15 m ² .
CA	Civic association
CFC	Children and Families Centre (formerly also referred to as children's home)
COMMERCIAL RENTAL HOUSING	Housing that is not publicly owned, but is owned by a natural or legal person. The owner gives the tenant full use of the apartment for a fee and the lease agreement is the basis of the rental relationship. The amount of rent in commercial rental housing is determined by the owner, and based on prevailing market standards.
COMMUNITY CENTRE	A service that provides social support directly in the community to people who qualify for this support, and are normally marginalised or living in a precarious situation.
COMMUNITY PLAN OF SOCIAL SERVICES	Municipalities have a legal obligation under § 80 of Law no. 448/2008 Social Services Act to develop a Community Plan of Social Services (Komunitný plán sociálnych služieb - KPSS). The plan must take into account relevant national strategic priorities and documents as well as international conventions ratified by Slovakia. The goal of KPSS is to plan the development of social services and their financial coverage with the involvement of as many relevant actors as possible.
CRISIS ACCOMMODATION	Temporary housing/accommodation provided by the municipality in order to prevent the individual or household from becoming homeless as a result of an unexpected crisis situation in which the household suddenly lost its housing.
CRISIS INTERVENTION NETWORK	A network of government run crisis intervention social services, which are provided to help a person to overcome a situation of special vulnerability. Social services can include an emergency shelter, homeless shelter or an emergency housing facility.
ECONOMIC AND SOCIAL DEVELOPMENT PLAN	A plan developed by municipality for the development of self-governing regions and municipalities. This is an obligation arising from § 7 of 539/2008 on the support of regional development legislation and is a condition for obtaining resources from the state budget and additional resources for development projects of regions and municipalities.

WORD	DESCRIPTION
EMERGENCY SHELTER	A government or NGO run residential social service in which homeless people are provided with overnight accommodation. This is not intended to be a long-term solution and provides limited services: a bed, the possibility to use hygiene facilities and social support.
ECTHR	European Court of Human Rights
ESIF	European Structural and Investment Funds
ETHOS	European Typology of Homelessness and Housing Exclusion
EU	European Union
GBR	Generally binding regulation
GDP	Gross Domestic Product
HOMELESS SHELTER	A government run or funded social service that provides accommodation for a certain period of time to a person in an unfavourable social situation, along with social counselling and necessary material aid. People are assigned with a bed in a shared room and have a space to store their personal belongings.
HOUSING ALLOWANCE	Government supported financial aid for covering housing costs in the Slovak social system. The housing allowance is intended for partial payment of housing-related costs and is only available to certain groups of people.
HOUSING DEVELOPMENT PROGRAM	A development plan of municipalities on housing. The program includes an evaluation of the situation in the area of housing in the municipality and a plan of steps to further develop housing.
HOUSING NEED	Households/persons who do not have access to adequate housing, are in immediate danger of eviction, or live in inadequate housing conditions.
HOUSING STOCK	The total amount of housing, both private and owned by the state, in a certain area.
HOUSING WITH REGULATED RENT	Housing in which the maximum amount of rent is regulated by a public institution. The role of regulated rent is to protect tenants against high and unaffordable rent increases, to ensure higher housing availability and prevent housing loss.
ICESCR	The International Covenant on Economic, Social and Cultural Rights
IRLF	Institute for Research of Labour and Family
INCOME LIMITS	This is a pre-condition to access municipal rental housing. It is the highest and lowest income people can have to be eligible for such housing.
LEVEL-HOUSING	The principle that households/individuals need to follow a number of steps - levels of housing and advance to a better standard of living on merit-based principle.
LEASE AGREEMENT	A contract by which the landlord gives the tenant the right to use the apartment for a pre-agreed period and for a fee. The requirements of the rental agreement are regulated by legislation.
LIVING WAGE	The living wage is the minimum income threshold of a natural person determined by the state. Anyone earning below the minimum wage is considered to be in material need. This is adjusted on July 1 of the calendar year based on the

WORD	DESCRIPTION
	growth coefficient in the cost of living of low-income households. The latest living wage in Slovakia is 273,99 euros for a single-person household for 2024.
LOW-INCOME HOUSEHOLDS	According to Act 601/2003 On the living wage, these are households whose income does not exceed the upper limit of the income of the first 20% of all households ranked in ascending order according to the amount of net monetary income per person.
LOW-THRESHOLD SERVICES	A complex of government or NGO run social service that is easily accessible for a person (considering the place where the individual resides, and the fee for using the service). The social service is provided anonymously without a need to possess an identity document and regardless of the consumption of psychoactive substances.
MANAGEMENT COMPANY	A company owned by a private or public institution responsible for the operation, repairs and maintenance of common parts and facilities of an apartment building, adjacent land and accessories, services connected with the use of an apartment or non-residential space.
MERIT-BASED HOUSING SYSTEM	The basic principle of the transitional housing system. According to it, people have to earn their housing. The declared goal of the system is to “motivate and teach“ individuals the skills to move from the lowest to the highest level of housing.
MOLSAF SR	Ministry of Labour, Social Affairs and Family of the Slovak Republic
MTC SR	Ministry of Transport and Construction of the Slovak Republic
MUNICIPAL HOUSING FUND	Housing stock owned by a municipality.
OECD	Organisation for Economic Cooperation and Development
PEOPLE WHO ARE HOMELESS	People who do not have access to adequate housing. This includes, for example, people living in street homelessness, in inadequate conditions (e.g. in tents, in overcrowded apartments, in informal buildings, shacks, etc.), in residential social services for the homeless, in precarious housing, etc.
RENTAL HOUSING	Housing based on a rental agreement between the owner and tenant, where rents are based on the prevailing market standard.
RESIDENTIAL SOCIAL SERVICES FOR PEOPLE WHO ARE HOMELESS	Government or NGO run social services with overnight accommodation provided for a certain or indefinite period of time - year-round or weekly – for people who are homeless.
POINT-ALLOCATION SYSTEM	A government developed system used to determine the vulnerability and housing need of the applicant/household. The criteria, scale and scoring areas are defined by the municipality. On the basis of information about the household obtained from the application or from the social survey, the system scores the household based on its vulnerability. Based on the number of assigned points, the household is placed on the waiting list for the allocation of municipal rental housing.
SE	Self-employed person
SEGREGATED HOUSING	Separate housing for members of diverse ethnic, economic or cultural population groups in different urban territorial units. All forms of residential segregation are associated with a reduction in the quality of life of people living in segregated

WORD	DESCRIPTION
(RESIDENTIAL SEGREGATION)	locations, especially in the area of quality of housing, education, and employment.
SOCIAL COUNSELLING	A government or NGO run service aimed to assist people who are marginalised or living in a precarious situation with assessment of their problems connected for example to housing, income, communication with other services and facilities, etc.
SOCIAL RENTAL HOUSING	A type of municipal rental housing, where rent is subsidised as compared to prevailing market rates.
SOCIAL SERVICE FACILITY	An umbrella term for several types of government run social service facilities that are provided in residential or outpatient form, they include: crisis intervention social services (e.g. emergency shelter, homeless shelter, community centre, emergency housing facility), social services to support families with children, social services for persons who are dependent on the help of another person, and for persons who have reached retirement age.
STATE HOUSING DEVELOPMENT FUND (ŠTÁTNY FOND ROZVOJA BÝVANIA - ŠFRB)	A state-run financial institution serving households and municipalities in providing loans for housing development and housing construction.
SUBSIDISED HOUSING	A form of accommodation provided to disadvantaged people. Its goal is to help people live as independently as possible. It is often associated with services such as career counselling, addiction treatment, etc.
SUPPORTED HOUSING FACILITY	A form of municipal rental housing where social services are provided to a person from the age of 16 until reaching retirement age, if this person is dependent on the help of another person.
UDHR	The Universal Declaration of Human Rights
UN	United Nations
UPT	Urban Public Transport
WHO	World Health Organisation

1. EXECUTIVE SUMMARY

“Until a year ago, I had a place to live. As long as I was healthy enough that I could work, I could easily find a job and I paid for my home, whether it was a flat or a hostel. So it wasn't until a year ago that I was fired for the first time. I had problems with my legs, I could barely walk, now it's better and I work as a night guard again, but the paycheck is not like it was before. I live here in a night shelter because, after all, doormen do not earn enough to be able to afford to pay for a studio or a one-room flat. Tomorrow I go to work, I work 24-hour shifts, and then I have 2 days off. But the night shelter closes at 7 o'clock in the morning, so when I come back from the night shift I have to wait out somehow until the evening.”

Kristián, 61, living in an emergency shelter

Kristián is one of the tens of thousands of people in Slovakia experiencing homelessness, fear of losing their housing or who are living in insecure housing.

Amnesty International's report *Unattainable right to housing* is an analysis of people's access to adequate housing in Slovakia. Accessibility and affordability of housing is a significant concern in Slovakia. To live in a public rental apartment is an unattainable dream for thousands of households because of the scarcity of municipal housing stock (that is, government owned housing that can be rented at affordable rates by people who need it) and the government imposed eligibility criteria to access such housing. As a result, people – particularly those with lower incomes – live on the street or in residential social services, often at great risk to their mental and physical health and personal safety. Amongst the households living in municipal rental housing, Roma people continue to experience discrimination and segregation.

This report is based on research conducted between January 2023 and April 2024. The aim of the research was to obtain a detailed understanding of how the structures, policies and practices of state administration and municipalities affect the availability of housing and the access to the right to adequate housing of people in Slovakia. The research also tried to assess gaps between the State's international human rights obligations, measures adopted to address the housing needs of people experiencing homelessness and other disadvantaged groups, like Roma people, and the barriers they face in accessing the right to adequate housing. The research includes desk research on housing policies at the national and municipal level; legal analysis of relevant laws and regulations; and 117 semi-structured interviews with stakeholders in three selected regional capitals - Banská Bystrica, Nitra and Žilina.

On September 14, 2024, Amnesty International sent letters with a detailed list of questions to the Ministry of Labour, Social Affairs and Family of the Slovak Republic, the Ministry of Transport and Construction of the Slovak Republic and the Government Office. The ministries did not respond by the time the research report was issued.

The right to adequate housing and a dignified life is enshrined in several international human rights treaties ratified by Slovakia resulting in time-bound and specific obligations for the government. Failure to fulfil the right to housing is associated with violations of other human rights, such as the right to health, the right to safety, the right to privacy, the right to social security and the right to non-discrimination.

BACKGROUND

According to available data, an increasing proportion of people in Slovakia regularly face challenges covering their housing-related costs. About 888,000 people (16.5% of the total population) were at risk of poverty or social exclusion in Slovakia in 2022. Cost of living has risen in Slovakia; household expenses to cover basic necessities increased in 2022 compared to 2021 across all areas. Households in Slovakia spend on average more than 27% of their total household income on housing, which is one of the highest percentage shares in the OECD. Households with the lowest income spend as much as 47% of their income on housing.

Slovak regional capitals don't collect sufficient data on the population living in homelessness and their needs. According to the recent census in 2021, there are as many as 71,076 people who are homeless living in non-standard dwellings in Slovakia. However, the actual number of people experiencing homelessness is much higher, as this data does not include people sleeping rough (that is, people who sleep outdoors because they do not have a home or access to shelter).

RESPONSIBILITY OF EVERYONE AND NO ONE

Following 1989, the State's approach to housing changed: today, housing is less regulated by the government and is more a subject of supply and demand than it was previously. In principle, the responsibility for securing housing appears to have been transferred from the Slovak state and public administration to individuals.

This attitude is reflected in State practice. Since the beginning of the transformation of the housing stock in 1993, a total of 361 592 flats have passed from the city, municipality, city district and housing cooperative ownership to private ownership. Making housing affordable and ensuring the right to housing has not been a key priority for any government since 1993.

The shaping and implementation of housing policy falls under the jurisdiction of the Ministry of Transport and Construction of the Slovak Republic. However, in the Slovak context, housing is, to a large degree, a multisectoral field and the responsibility for housing policies is fragmented and shared across several institutions and ministries. The legislation regulating housing is not unified in one legal regulation - primarily the area of housing is regulated by 11 laws. Another 75 laws and 31 bylaws directly or indirectly affect the housing sector. In reality, therefore, there is no single institution responsible for housing policies and practice as a whole which creates a space for neglect.

Initiating the development of public housing, as well as administration of public housing stock in Slovakia falls under the responsibility of municipal governments - towns and cities. As a result, the only available public housing is owned and governed by municipalities. Each municipality has its own legislation, rules for allocating available flats and its own ways of managing the public housing stock. Cities and towns are also responsible for creating eligibility criteria for people to access this housing, which, as this report discusses, create a barrier for people on low-income to access public housing. The material, financial and methodological support on housing from the state level is inadequate.

LIMITED ACCESS TO PUBLIC HOUSING

Housing provided by municipalities (towns and cities) is currently the only available public housing in Slovakia. The municipal rental housing stock of Slovak cities is significantly low - only 1,6% of the total housing stock is dedicated to public rental housing. In 2022, only 1.07% of all new apartment building constructions were in public ownership.

Almost all of the 70 people Amnesty International interviewed, including people who had been/are homeless and people working in services supporting people experiencing homelessness, emphasised the importance of increasing the availability of public housing.

“Many people have been saying we need housing for 30 years and no one is doing anything about it. They just shout like Kollár and this kind of people and they will build nothing. Nothing will be built. Nothing ever. The city builds a couple of flats once in a while when people start to get fidgety.”

František, living in an emergency shelter

The demand for affordable public rental housing is high - in all of the cities where Amnesty International conducted interviews the waiting periods for public housing ranged from between 3 and 5 years. The average waiting time for a public rental apartment in the capital city of Bratislava is 6 years. When the Agency for State-supported Rental Housing launched pre-registration for this type of rental housing, according to information from the Agency, it received 4,000 applications in the first 24 hours alone.

EXISTING FINANCIAL SUPPORT IS INADEQUATE

The only financial support aimed at covering housing costs in the Slovak social system is a housing allowance. The housing allowance falls under the financial support system and is classified as a „material need benefit“. As per the law, a household in material need is a household, which cannot or is unable to earn income through work, that equals or exceeds the minimum subsistence level, that is, the living wage.

Public housing usually has a minimum income requirement, to ensure people can pay the required rent. The amount of the housing allowance (even when combined with other benefits falling under the „aid in material need“) is not sufficient to meet this requirement or to cover the cost of public rental housing in all regional capitals. As a result, several people on lower incomes are unable to access public housing because they cannot afford to, and are ineligible to apply for it due to the minimum income requirement.

“Well, I don't have a place to live at the moment. I have an activation allowance, I work around this facility plus I have material need and housing allowance. So you know how it is out there? I cannot afford anything. I lived with my brother before but he has 5 children and to be there and among them? I felt a bit stupid. I'm trying to find a more stable job but it's not easy because I have a health condition. So I'm here for now.”

Ivan, living in a homeless shelter

Besides the housing allowance, there is no other subsidy or social support provided by state or other levels of government aimed at covering the housing costs of households in Slovakia.

BARRIERS TO ACCESS TO PUBLIC RENTAL HOUSING

Cities in Slovakia regulate the conditions for the allocation of municipal rental apartments within their jurisdiction. Amnesty International identified the following significant pre-conditions, which tended to exclude people from access to public rental housing: the requirements a) to provide proof of minimum income in the household, b) the deposit, c) have permanent residence in the town and d) have no existing debts towards

the town. These conditions create barriers for households with low income to access public rental housing in Slovakia.

“I'm thinking about it (public housing). But we don't have the means to pay the rent and the deposit and everything. My girlfriend gets 250 euros a month. I still only have 160 euros. We can't pay 300 for an apartment from what we have, plus the deposit. And it's hard for me to get a job that pays enough. My girlfriend is really sick, she has cancer. I have to take care of her.”

Jakub, living in a homeless shelter

According to the information from the officials and applicants themselves, the failure to meet income limits is the most frequent reason for rejected housing applications. Minimum income limits in regional capitals can be too high for some people, including people who are homeless and those in housing need, and exclude them from the option to benefit from municipal housing. The only available financial support from the state, a housing allowance, however, is not a functional tool to this end.

In all regional capitals, households need to pay a high security deposit - in 4 cities as high as six times the amount of rent when accessing municipal housing. Similar to income limits, the primary problem in the case of deposit is that there is no existing mechanism for financial assistance, which would help the households cover the initial housing investments.

In all of the regional capitals, one of the essential rules in the application process when seeking rental housing is the necessity to prove permanent residence in the town; and the towns consider this condition very important, as municipal housing is perceived as exclusively designated for the town's residents. Only in two regional capitals offer an option to prove “actual residence”.

People with existing debts towards the government are also ineligible to access municipal housing. Of the 45 people living in residential social services for homeless people interviewed by Amnesty International 18 are not eligible for municipal rental housing because of an existing debt towards the city. Existing debt was also confirmed by social workers working for both municipalities and NGOs as one of the main barriers for their clients in accessing municipal housing.

DISCRIMINATION OF ROMA HOUSEHOLDS IN ACCESS TO HOUSING

In Slovakia, there is a pervasive and poorly addressed issue of anti-Roma racism and discrimination, affecting all aspects of society – ranging from the authorities and institutions to the wider public. Roma are among the population groups that are most at risk of poverty and social exclusion in the country. Data and strategic documents show that Roma are discriminated against in Slovakia, in particular (but not only) in access to housing, health care, education, justice and employment. Stereotypes about Roma at the local political level are widespread. During interviews with Amnesty International, municipal officers and social workers in all three cities made racist and prejudicial comments about Roma people. Such conduct is evidence of the institutional racism that Roma people in Slovakia face on a regular basis.

"I am to blame for the fact that Johnny Roma caused some damage? So that the state, and the majority avoid anything like this in the future, this means I will also have to suffer, and I will also be part of the punishment, right? This is democracy.”

Peter, resident of a segregated neighbourhood

Banská Bystrica, Nitra and Žilina have neighbourhoods/locations with municipal rental flats, in which the vast majority of inhabitants are Roma. In Nitra, the location is called Orechov dvor; in Žilina it is the neighbourhood around Bratislavská 44 and the adjacent apartment buildings, trailers and portable housing units; and in Banská Bystrica it is the apartment building with address Internátna 12.

Amnesty International's research has found that there is pervasive discrimination against Roma in these neighbourhoods, which has led to widespread violations of the right to housing. These include: segregation; poor condition of buildings and rented flats; the practice of using consecutive short-term rental agreements and the lack of adequate social support. There is no functional and specific plan in any of the cities to stop this segregation and desegregate the neighbourhoods, or to strengthen social support for households in these locations.

SOCIAL SERVICES ARE NOT A SUBSTITUTE FOR HOUSING

Since Slovakia does not have a public housing stock adequate for the existing demand, and the criteria for accessing public housing exclude some groups as well, people at risk of poverty and homelessness have no choice but to use emergency residential social services.

Emergency social services are intended to be short-term solutions, while people look for more permanent accommodation while experiencing an acute housing crisis. However, in the absence of adequate public housing options and barriers to access municipal social housing, in reality, these systems become long-term residence options for people in housing need.

Amnesty International spoke to 45 people who are homeless, all of whom used these residential social services as an alternative to housing and tended to do so repeatedly and for many years. However they all explained how these services are not substitutes for long-term housing options for a range of reasons. Almost all the people interviewed mentioned the inadequate living conditions in the service, and the fact that it interfered with their personal freedom as challenges they faced. While these residential social services offer shelter, these come with several rules and conditions of eligibility which can pose a barrier for people trying to access them. Amnesty International also spoke with 6 people experiencing homelessness who did not use these residential social services due to the criteria set by the services. In interviews with Amnesty International, people noted several practices and rules that created or strengthened barriers which effectively prevented them from accessing these residential services, mainly: zero tolerance to use alcohol or drugs, restricted movement and visits, maximum length of stay in social services and the requirement to do unpaid work.

“You should be back by five. And in the evening, I always report that I will see my doctor the next day or perhaps go to the post office, or something. You can get used to it. You can get used to anything.”

Miroslav, living in a homeless shelter

RECOMMENDATIONS

This report has documented the challenges people in Slovakia face in accessing adequate housing and the failure of the government to adequately guarantee people's right to adequate housing. This includes the limited availability of public housing stock; the restrictive eligibility criteria to access public housing; the segregation of Roma people in housing resulting in their living in inadequate housing conditions; and the over reliance on residential social services as an alternative to housing, where regulations to access these services also contain barriers to access for people who may need them.

Based on these findings, Amnesty International makes the following recommendations to the Government of the Slovak Republic (a full list of recommendations can be found at the end of the report)

TO THE GOVERNMENT OF THE SLOVAK REPUBLIC:

- Develop a system for data collection, together with key actors and experts in the fields of housing and ending homelessness, to collect timely and appropriately disaggregated data on housing and homelessness in Slovakia, in a manner consistent with human rights law and standards.
- Expand the housing stock of public rental housing.
- Ensure the implementation of the *National Concept of Preventing and Ending Homelessness*.
- Monitor and evaluate whether housing regulations, policies and practices of cities and municipalities in Slovakia are consistent with the right to housing and national legislation, including anti-discrimination law and the civil code.

TO THE MINISTRY OF LABOUR, SOCIAL AFFAIRS AND FAMILY OF THE SLOVAK REPUBLIC:

- Amend the housing allowance system to ensure that
 - the amount of the allowance is adequate to ensure that people can access housing, and are eligible for municipal rental housing;
 - this amount is periodically revised to reflect need and any rising prices;
 - the housing allowance is a separate subsidy, not falling under the aid in material need, so households who need this allowance but may not be categorised as „in material need“ can access it as well;
 - the eligibility criteria for this allowance are amended to address the needs of marginalised groups and low-income households.
- Creation of conditions for the systematic introduction of the Housing First approach in its entirety;

TO MUNICIPALITIES:

- Accept a political commitment to make municipal rental housing available for all persons.
- Create a feasible plan for expanding the city's housing stock and restoration of existing housing stock in accordance with the principle of progressive realisation of the city's population's right to housing, with the appropriate use of all available resources
- Collect data on the number of people who are homeless and their needs in their jurisdiction.
- Develop a policy document on ending homelessness in their jurisdictions, and a clear, time-bound and funded action plan for implementing the same.
- Take steps to ensure that the lower income limit does not act as a barrier to people accessing municipal rental housing, such as by keeping some housing for people on lower incomes, or introducing schemes to provide further financial assistance where people are unable to meet the lower income limit.
- Ensure that the permanent residence criteria, zero indebtedness requirement, and need for a security deposit, do not act as a barrier for people to access housing, in particular marginalized groups, especially in the absence of greater financial support from the state.
- Immediate desegregation of Roma households within the municipal housing fund.

2. METHODOLOGY

This report is based on research conducted between January 2023 and April 2024. The research aimed to obtain a detailed understanding of how state structures, policies and practices impact the availability of housing and people's right to adequate housing in Slovakia. The research also assessed the gaps between the State's international human rights obligations on the one hand, and measures adopted by the State to address the housing needs of people experiencing homelessness and other marginalised groups, including Roma people, and the barriers they face in accessing the right to adequate housing, on the other hand.

The research includes desk research on housing policies at the national and municipal level;¹ analysis of relevant regulations; and semi-structured interviews with stakeholders in three cities.

2.1 DESK RESEARCH

The desk research focused on analysing the housing policies and legislation, mapping of how the regional capitals set-up their housing policies, the system of allocation of municipal rental housing, housing priorities and barriers preventing people from accessing municipal rental housing.

2.2 LEGAL ANALYSIS

The legal analysis focused on whether local legislation and practice complied with Slovakia's Anti-Discrimination Act and State's obligations under international human rights law.

2.3 CASE STUDIES

The research analysed legislation in the field of housing in all Slovak regional capitals. Capitals were chosen due to the size of their population and the expected transfer of best practice to smaller towns. Three regional capitals were selected for more detailed case studies, in particular to analyse the experience of marginalised groups in accessing adequate housing, applying the following criteria:

- a large number of municipal social flats in comparison to the total population²
- a large proportion of people in need of housing³ in relation to the total population

¹ *Národná koncepcia prevencie a ukončovania bezdomovectva do roku 2030, Bytová politika Slovenskej republiky do 2030*, generally binding regulations of regional capitals regulating housing policies and their amendments (8 documents), rental contracts for individual types of municipal rental housing, contracts for the provision of social services, operating policies of social services, principles for the provision of social services, Community plans for social services of regional capitals (8 documents), Roadmaps for the economic and social development of regional capitals (8 documents), Concepts for ending of homelessness - if the regional capitals actually have them, other conceptual documents regarding housing and social services, applications for municipal rental housing together with annexes, rental contracts for various types of rental flats.

² Requests for access to information pursuant to Section 14 of Act 211/2000 on freedom of information and Milan Fico, Darina Ondrušová, Daniel Škobla, *Survey of municipal rental housing and municipal hostels in district capitals of the Slovak Republic*, IVPR; 2019.

³ Information from Requests for access to information pursuant to Section 14 of Act 211/2000 on freedom of information.

Based on the above criteria⁴, the research team selected the cities of Žilina and Nitra.

During the desk research, Amnesty International researchers observed a strict application of principles of transitional housing and the merit-based principle in Banská Bystrica.⁵ Thus, the research team included this city in the research, despite the fact that it does not meet the above-mentioned core criteria. Banská Bystrica also has a significantly lower number of municipal rental housing units per capita compared to other regional capitals (i.e. municipal rental housing is even less accessible to the local population than in other cities).

2.4 INTERVIEWS

Amnesty International researchers conducted 117 semi-structured interviews between 11 May 2023 and 19 April 2024 (see Table 1). The research team recruited people for interviews by reaching out to people living in social services facilities and in public rental housing in marginalised communities, as well as in standard municipal housing.

The research team also approached political representatives at a city level, employees of municipal offices that are involved in the process of drafting the local housing policies and who manage the application process and allocation of municipal rental housing per se.⁶ The team also reached out to people working in residential social services for people in housing need. Interviews were also conducted with experts on affordable rental housing and ending homelessness in Slovakia. Where relevant, the interviews were combined with observation of the environment.

The respondents of Amnesty International gave informed consent to the information they shared being included in this report and Amnesty International's subsequent campaigning and advocacy on this issue. In compliance with informed consent given by respondents, the report protects the identity of the respondents. The date of the interview is indicated, but names have been changed and identifying details have been anonymised in some instances. People interviewed were informed about the topic and purpose of the interview in advance, as well as about the intended use of the information obtained, the objective and purpose of the research itself.

TABLE 1: RESPONDENTS IN THE RESEARCH ON THE RIGHT TO HOUSING

PEOPLE DIRECTLY AFFECTED BY THE EXISTING POLICIES AND PRACTICES	
People living in social service facilities	45 ⁷
Roma living in municipal rental housing in segregated neighbourhoods	13 ⁸
People living in municipal rental housing outside of segregated neighbourhoods	12 ⁹
REPRESENTATIVES OF SOCIAL SERVICES AND NON-PROFIT ORGANISATIONS	
Representatives of social services and social workers	29
Non-profit organisations working in the field	2
POLITICAL REPRESENTATIVES AND OFFICIALS	
Political representatives	4

⁴ We did not include Bratislava and Košice (both of which fall under these criteria), as there is most data on these cities.

⁵ *EFFECTIVE HUMAN RIGHTS-BASED HOUSING STRATEGIES* - SUBMISSION TO THE UN SPECIAL RAPPORTEUR ON ADDICTIVE HOUSING AS A COMPONENT OF THE RIGHT TO AN ADDICTIVE STANDARD OF LIVING, AND ON THE RIGHT TO NON-DISCRIMINATION IN THIS CONTEXT.

⁶ Some of the addressed stakeholders were not willing to be interviewed.

⁷ 24 of the respondents in this category were women and 21 men.

⁸ 7 of the respondents in this category were women and 6 men.

⁹ 8 of the respondents in this category were women and 4 men.

Officials	8
EXPERTS	
Experts on the accessibility of housing and ending homelessness	4

In total, Amnesty International interviewed 31 men and 39 women directly affected by the existing policies and practice. Amnesty also interviewed 12 representatives of municipal government and offices: 5 in Banská Bystrica, 3 in Nitra, and 4 in Žilina. This included people responsible for social service provision, officials responsible for drafting and implementing housing policies and political representatives who have responsibility for housing.

On September 14, 2024, Amnesty International sent letters with a detailed list of questions to the Ministry of Labour, Social Affairs and Family of the Slovak Republic, the Ministry of Transport and Construction of the Slovak Republic and the Government Office. The ministries did not respond by the time the research report was issued.

ACKNOWLEDGEMENTS

We would like to thank everyone who was willing to take the time to share their experience, perspective and knowledge with us. Their statements and stories were crucial for this research, and this report would not be possible without it. Although each personal story is individual, together they create a picture of the unjust system and structural settings that currently shape the lives of people in need of housing in Slovakia. We would also like to thank the experts in the topics of ending homelessness, public administration, and legislation, who provided us with valuable consultations and legal opinions in the course of this research.

3. BACKGROUND

3.1 POVERTY, SOCIAL EXCLUSION AND HOUSING AFFORDABILITY IN SLOVAKIA

"I live here in an emergency shelter because doormen do not earn enough to be able to pay for a studio or a one-bedroom flat."

Kristián, 61, living in an emergency shelter¹⁰

According to available data, an increasing proportion of people in Slovakia regularly face challenges covering their housing-related costs.¹¹

Based on the European Union statistics on income and living conditions (EU SILC survey), about 888,000 people (16.5% of the total population) were at risk of poverty or social exclusion in Slovakia in 2022.¹² According to a report on the Social Situation of the Population of Slovakia¹³ for 2022, which is published by the Ministry of Labour, Social Affairs and Family, the rate of material and social deprivation¹⁴ increased by 0.9% in 2022 after 7 consecutive years of decline. In 2022 the rate of risk of poverty was 13.9% for women and 13.5% for men.¹⁵ The wage gap between women and men was 16,6% in 2021, compared to the European union average of 12,7%.¹⁶ According to the EU SILC survey from 2022, single-parent families with children are most at risk of poverty or social exclusion (46,5%), followed by families with more than three children (43,5%) and people older than 65 years of age (30%).¹⁷

Cost of living has risen in Slovakia. Household expenses to cover basic necessities increased in 2022 compared to 2021 across all areas; e.g. housing, water, electricity, gas and other fuels by 13.6% and in the case of food by as much as 22%. The largest share of total household expenditure consists of expenditure on housing and energy (30%) and on food (19.6%).¹⁸

¹⁰ Interview with a long-term tenant of an emergency shelter conducted on 21 February 2024.

¹¹ Ministry of Labour, Social Affairs and Family of the Slovak Republic, *Správa o sociálnej situácii obyvateľstva Slovenskej republiky, 2023*, employment.gov.sk/files/slovensky/ministerstvo/analyticke-centrum/2023/spravasossr_2022_final.pdf

¹² Indicators of poverty and social exclusion, EU SILC 2022, 2023, rb.gv/h59yvk

¹³ Ministry of Labour, Social Affairs and Family of the Slovak Republic, *Správa o sociálnej situácii obyvateľstva Slovenskej republiky, 2023*, employment.gov.sk/files/slovensky/ministerstvo/analyticke-centrum/2023/spravasossr_2022_final.pdf

¹⁴ Materially and socially deprived person is by the methodology of *Report on the social situation of the population of the Slovak republic in 2022* defined as a person, who cannot afford 5 or more of the 13 items within the basic needs (basic needs, basic leisure and social activities and durable goods)

¹⁵ Statistical Office of the Slovak Republic, Indicators of gender equality, Social statistics and health, datacube.statistics.sk/#/view/sk/VBD_SK_WIN/ra1004rs/v_ra1004rs_00_00_00_sk

¹⁶ Ministry of Labour, Social Affairs and Family of the Slovak Republic, *Správa o sociálnej situácii obyvateľstva Slovenskej republiky, 2023*, employment.gov.sk/files/slovensky/ministerstvo/analyticke-centrum/2023/spravasossr_2022_final.pdf

¹⁷ Ministry of Labour, Social Affairs and Family of the Slovak Republic, *Správa o sociálnej situácii obyvateľstva Slovenskej republiky, 2023*, employment.gov.sk/files/slovensky/ministerstvo/analyticke-centrum/2023/spravasossr_2022_final.pdf

¹⁸ Ministry of Labour, Social Affairs and Family of the Slovak Republic, *Správa o sociálnej situácii obyvateľstva Slovenskej republiky, 2023*, employment.gov.sk/files/slovensky/ministerstvo/analyticke-centrum/2023/spravasossr_2022_final.pdf

According to the OECD, a common expenditure-to-income ratio threshold for housing is 30%, with 40% considered to be a burden for the households.¹⁹ According to UN Habitat, these thresholds are “arbitrary and not consistently meaningful across income distribution”.²⁰ For low-income households, even a 10% or 20% ratio can mean that they will not be able to afford other expenses. Households in Slovakia spend on average more than 27% of their total household income on housing, which is one of the highest percentage shares in the entire OECD²¹ (the OECD average is 20%).²² A report by the Institute for Research of Labour and Family,²³ a state-funded research organisation,²⁴ shows that households with the lowest income spend as much as 47% of their income on housing. Even though the average nominal wage in Slovakia has been continuously growing in the last 10 years,²⁵ the average real monthly wage (which represents the amount of goods and services that can be purchased with the wage) in 2022 decreased by 4.5% year-on-year.²⁶ According to the information published by the real estate portal, apartment rental prices on the commercial market are at historical highs and have been rising continuously over the past 4 years.²⁷

People experiencing homelessness who spoke with Amnesty International unanimously explained the impact of housing insecurity resulting from financial reasons. Kristián, a 60 year-old man living in an emergency shelter experienced a health-related temporary loss of income, so he was not able to pay for his housing for an extended period of time. As a result, he has become a long-term tenant of an emergency shelter: “Until a year ago, I had a place to live. As long as I was healthy enough that I could work, I could easily find a job and I paid for my home, whether it was a rent or a hostel. So it wasn't until a year ago that I was fired for the first time. I had problems with my legs, I could barely walk, now it's better and I work as a night guard again, but the paycheck is not like it was before. I live here in a night shelter because, after all, doormen do not earn enough to afford to pay for a studio or a one-room flat. Tomorrow I go to work, I work 24-hour shifts, and then I have 2 days off. But the night shelter closes at 7 o'clock in the morning, so when I come back from the night shift I have to wait out somehow until the evening” (Kristián, 61, living in an emergency shelter).²⁸

Almost all of the 45 people experiencing homelessness interviewed by Amnesty International described how high costs associated with housing threatened their access to other human rights - including their right to health:

“I came here young, got married, and we got a state apartment. Me and my wife - we didn't match, but I have a handsome son from the marriage. We got divorced but I didn't want to do her wrong, so I took a sublet and left the apartment to her. After a while, the boy didn't want to live with his mother anymore and I then agreed to take him. The debts started to pile up as I would live in a sublet with my boy. My ex wife lost the apartment as well - she didn't have enough money to pay for it. I was somehow getting by for years, but then I hurt my hand and had a serious procedure, so I wasn't able to work as much. I've been in an emergency shelter for two months now.”

¹⁹ OECD Directorate of Employment, Labour and Social Affairs - Social Policy Division, *OVERVIEW OF AFFORDABLE HOUSING INDICATORS*, 2021, oecd.org/els/family/HCI1-5%20Overview%20of%20affordable%20housing%20indicators.pdf

²⁰ United Nations Human Settlements Programme, *Progress in the implementation of the New Urban Agenda and the 2030 Agenda for Sustainable Development*, p. 1-2., unhabitat.org/sites/default/files/2023/05/2306199e.pdf

²¹ OECD Better life index, Slovak Republic, oecdbetterlifeindex.org/countries/slovak-republic/

²² Affordable housing, OECD, oecd.org/housing/data/affordable-housing-database/housing-conditions.htm

²³ Daniel Gerbery, *Analysis of Housing Expenditure*, Institute for Labour and Family Research, Bratislava, 2019, ivpr.gov.sk/analyza-vydavkov-domacnosti-na-byvanie-daniel-gerbery-2019/

²⁴ IVPR falls under the Ministry of Labour, Social Affairs and Family. The main aim of IVPR is conducting applied social research in the fields of social policy, labour market, employment, etc.

²⁵ Statistical Office of the Slovak Republic, Average nominal monthly salary of an employee, datacube.statistics.sk/#/view/sk/VBD_SLOVSTAT/np2018qs/v_np2018qs_00_00_00_sk

²⁶ Ministry of Labour, Social Affairs and Family of the Slovak Republic, *Správa o sociálnej situácii obyvateľstva Slovenskej republiky*, 2023, employment.gov.sk/files/slovensky/ministerstvo/analyticke-centrum/2023/spravasossr_2022_final.pdf

²⁷ Nehnutelnosti.sk, *Nájomcovia si opäť priplátia, ceny nájomov sú na historických maximách*, (cited 30 august 2024), nehnutenosti.sk/magazin-o-byvani/3036-najomcovia-si-opat-priplatia-ceny-najmov-su-na-historickych-maximach/

²⁸ Interview with a long-term tenant of an emergency shelter, interviewed on 21 February 2024.

Mário, living in an emergency shelter²⁹

Amnesty International also spoke with 9 women at risk of losing their children, who explained what a fundamental impact this risk and insecurity had on all of them.

Radka, a young woman who lives in a shelter, told Amnesty International:

"We lived with my children at my godmother's and her son, who now went to work... [abroad] in April, but I then had no place to live with the children. I lived in hostels all over, but I couldn't handle it anymore. To pay for the hostels and the meals, so I was desperate about it. And so were the kids. We were out all day. Well, I did what I could for my children, and I still do that. The state took my children [because of my housing situation]. Now I am here at the shelter, I have found a better-paid job and I will try to find some housing so that I can take the children back to me."

Mário, living in an emergency shelter³⁰

Poverty, or conditions directly and uniquely linked to poverty, such as a lack of housing, should never be the only justification for the removal of a child from parental care but should be seen as a signal for the need to provide appropriate support to the family.³¹

²⁹ Interview with a person living in an emergency shelter conducted on 14 June 2023.

³⁰ Interview with a person living in an emergency shelter conducted on 16 January 2024.

³¹ General Comment 21 and General Comment 14. Committee of the rights of the child. and Guidelines for the Alternative Care of Children. General Assembly resolution 64/142.

3.2 HOMELESSNESS AND HUMAN RIGHTS VIOLATIONS

Homelessness is an extreme violation of the right to housing. It can also result in the violation of other human rights including the rights to life and health. Homelessness also undermines social inclusion and dignity.³² People and households may become homeless because of difficult periods or challenging situations, but lasting, long-term homelessness represents a structural systemic failure of the government.

“Well, I've been here for years. Terribly long time... I don't miss anything; I really do fine here.”

Zuzana, a young woman living in a homeless shelter³³

Slovak legislation does not specifically define the term “homeless person” or “homelessness”. The non-existence of a legal definition has real practical impact on the lives of people without a home. This was practically demonstrated, for example, in the case of measures introduced during the Covid-19 pandemic in 2020 and 2021, that in part ignored the needs of people experiencing homelessness, even resulted in their persecution.³⁴

The National Concept of Preventing and Ending Homelessness³⁵ (which is a document adopted by the Parliament, that is framing the governmental plans on ending homelessness) as well as this research, use the European Typology of Homelessness and Housing Exclusion (ETHOS),³⁶ widely used by experts, academics and non-governmental organisations. This includes a wide understanding of what may constitute homelessness, including people who live without any shelter (e.g. people sleeping rough or people staying in night shelters where they arrange overnight accommodation for each night separately), people without home who live in longer term supported housing (e.g. people living in women’s shelters, asylum seekers living in residential facilities for asylum seekers), people in insecure housing (e.g. people at risk of forced evictions or victims of gender based violence); and people living in inadequate housing (e.g. people in overcrowded dwellings).

The absence of a legal definition of homelessness also leads to a lack of adequate and high-quality data collection, as well as insufficient information regarding the population’s housing needs. The Committee on Economic, Social and Cultural Rights - the body of independent experts that monitors implementation of the International Covenant on Economic, Social and Cultural Rights - expressed concern that the Slovakia does not regularly collect data on the extent of homelessness in its territory, as well as on the lack of affordable rental housing.³⁷

Research shows that long-term homelessness can also impact people’s health. Many people who are homeless experience very high mortality rates and increased health risks³⁸ that causes deterioration of physical and mental health and may be associated with drug and alcohol abuse, which further aggravates health problems.³⁹ Constant stress and daily challenges associated with being homeless - existential insecurity, inadequate housing, malnutrition, or the threat of violence - all contribute to the rapidly

³² UN Special Rapporteur on adequate housing, UN 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, 30 December 2015, ap.ohchr.org/documents/dpage_e.aspx?si=a/hrc/31/54

³³ Interview with woman living in a homeless shelter in Banská Bystrica conducted on 23 January 2024.

³⁴ Amnesty International, “There is no help for our community”: THE IMPACT OF STATES’ COVID-19 RESPONSES ON GROUPS AFFECTED BY UNJUST criminalisation, 2022, amnesty.sk/wp-content/uploads/2022/05/vy%CC%81zkumna%CC%81-spra%CC%81va-ai-covid19-opatrenia.pdf

³⁵ Ministry of Labour, Social Affairs and Family of the Slovak republic, *Národná koncepcia prevencie a ukončovania bezdomovstva*, 2023, employment.gov.sk/files/sk/rodina-socialna-pomoc/socialne-sluzby/prevencia-ukoncovanie-bezdomovstva/narodna-koncepcia-prevencie-ukoncovania-bezdomovstva.pdf

³⁶ Feantsa, European typology of homelessness and housing exclusion, feantsa.org/en/toolkit/2005/04/01/ethos-typology-on-homelessness-and-housing-exclusion

³⁷ Committee on Economic, Social and Cultural Rights, Concluding observations on the third periodic report on Slovakia, 2019, docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmlBEDzFEovLCuWx8AhHloWaPQKfnd2BAOkQNSKXtJaFyw3u2VrX%2FfxVofEUQwmaxUDmNxNZKjWYVQP115ulwTnSOSWfVK1Nh9AUa7k2d63tzJQdZ66zrQ5tk8m

³⁸ UN Special Rapporteur on extreme poverty and human rights, *Breaking the cycle: ending the criminalization of homelessness and poverty*, 2024, ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session56/advance-versions/a-hrc-56-61-add-3.pdf

³⁹ Nigel Hewett, Aidan Halligan, *Homelessness is a healthcare issue*, Journal of the Royal Society of Medicine, 2010.

deteriorating health of homeless people, with women being more frequently at risk.⁴⁰ Amnesty International spoke with dozens of people living in residential social services who described how living in poverty affected their health and subsequently made it difficult for them to secure sufficient income:

"My supervisor also told me that I should apply for a disability pension... even if only half of it. In the insurance company they told me that I needed a piece of paper from.. [medical specialist]. I called everyone you can imagine, all departments are busy until the end of the year, of course. Right, I called them in January, so they gave me appointment in the fall. Really cool, so I have to wait. In that case I don't care, because I'm going to retire quite soon anyway, so I won't even be running around to arrange this anymore. For what? This is no longer worth it. But I also had other health difficulties, and when I went to the doctor and gave her my medical record, she looked at it like "for God's sake, is there any condition you haven't had"? I say, "I'm just waiting for the dead body wan."

Marcel, 60, living in an emergency shelter⁴¹

Amnesty's interviews with people who experienced homelessness and who live in social services also show that health conditions of several of them do not allow them to earn higher income which is directly impacting their access to adequate housing. For example, Marián has been living in the shelter for three years.

Previously, he had lived on the street and slept in a night shelter or a shelter for longer periods. Marián is currently working under the so called "activation work" program (for long-term unemployed)⁴² and would like to find a more stable job with regular income, however, he suffers from protracted health conditions which make it harder for him to stay in employment. He is able to find a job, but it is difficult for him to keep it.⁴³

According to the recent census in 2021, there are as many as 71,076 people who are homeless living in non-standard dwellings (according to ETHOS typology the census includes people living in social services, recreational housing, etc.) in Slovakia.⁴⁴ However, the actual number of people experiencing homelessness is much higher, as this data does not include people sleeping rough.⁴⁵ According to the census data, of the total of 71,076 as many as 15.5% are children and adolescents while older persons account for 6.3%. The results also show that 17.5% of people who are homeless are working people in productive age, 11.1% are working retirees, 8% are non-working retirees, 19.2% are people on maternity and parental leave, 8% are pupils and students (no income was detected for the rest of the homeless population in the census).⁴⁶ 60,7% of all people experiencing homelessness recorded in the population census were men and 39,3% women.⁴⁷

⁴⁰ Daniel Gerbery, *National strategies to fight homelessness and housing exclusion Slovakia, 2019*, ec.europa.eu/social/main.jsp?pager.offset=30&advSearchKey=ESPN_hhe2019&mode=advancedSubmit&catId=22&doc_submit=&policyArea=0&policyAreaSub=0&country=0&year=0

⁴¹ Interview with a person living in a homeless shelter conducted on 14 June 2023.

⁴² Zákon 5/2004 Z. z. o službách zamestnanosti, slov.lex.sk/pravne-predpisy/SK/ZZ/2004/5/20151215.html Activation works under the currently set conditions do not provide people in need with sufficient financial compensation and overall keep people in need.

⁴³ Interview with a person living in a homeless shelter conducted on 23 January 2024.

⁴⁴ The census methodology was set up to capture people who live in non-standard dwellings (e.g. caravans, garden cabins, but also dwellings without basic equipment - water supply, heating, etc.) and people who live in social services facilities (shelter, halfway houses, etc.) or have permanent residence address registered with the municipal office. However, the methodology fails to capture all categories of people experiencing homelessness according to the widely recognized ETHOS categorization.

⁴⁵ Statistical office of the Slovak Republic, *Sčítanie obyvateľov, domov a bytov, ľudia bez domova, 2021*, scitanie.sk/storage/app/media/dokumenty/Ludia_bez_domova_SODB_2021.pdf

⁴⁶ SME, *Pracujú aj chodia do školy. Sčítanie obyvateľov zbúralo mýtus o tom, kto sú ľudia bez domova* (cited 20 March 2024) domov.sme.sk/c/23201661/slovensko-bezdomovci-statistika-scitanie-obyvateľov.html

⁴⁷ Statistical office of the Slovak Republic, *Sčítanie obyvateľov, domov a bytov, ľudia bez domova, 2021*, scitanie.sk/storage/app/media/dokumenty/Ludia_bez_domova_SODB_2021.pdf

Regional capitals, which are natural hubs due to their higher concentration of available services, job opportunities and a larger population, tend to have a higher population of people who are homeless. However none of the regional capitals regularly conducts census of people experiencing homelessness and the analysis of their needs and places of residence but rather only make estimates of the number of people who are homeless in their territory based on the number of residential social service users (people living in emergency shelters, homeless shelters, etc.) as follows:

TABLE 2: ESTIMATED NUMBER OF PEOPLE EXPERIENCING HOMELESSNESS LIVING IN THE TERRITORY OF REGIONAL CAPITALS

REGIONAL CAPITAL	ESTIMATED NUMBER OF PEOPLE WHO ARE HOMELESS
Banská Bystrica	300 ⁴⁸
Bratislava	4000 - 5000 ⁴⁹
Košice	1200 ⁵⁰
Nitra	300 - 600 ⁵¹
Prešov	150 ⁵²
Trenčín	200 ⁵³
Trnava	300-400 ⁵⁴
Žilina	500 ⁵⁵

Amnesty International's interviews also indicated that for some people who are homeless, living in social services (shelters and emergency night shelters) is a long-term solution. Most of them have a regular monthly income (as shown in Chart 1), however, it is not sufficient to afford commercial rental housing, nor the increasingly expensive hostels.

For example, Marcela and Marta are young women who grew up in a Centre for Children and Family (children's home). They were childhood friends and when they became of adult age, they moved together to a homeless shelter. Marcela is working full time and Marta has a part-time job and a partial disability pension. They are trying to rent an apartment together but their income is not sufficient for a flat on a commercial market. Marta and Marcela told Amnesty International that they are thinking about moving to a smaller town or village where the rents are a bit lower.⁵⁶

⁴⁸ Community Social Services Plan of the City of Banská Bystrica 2021-2027.

⁴⁹ The City of Bratislava, Koncepcia mestskej bytovej politiky 2020 - 2030, mib.sk/wp-content/uploads/2021/03/Koncepcia-bytovej-politiky_2021.pdf

⁵⁰ Community Social Services Plan of the city of Košice 2022-2030.

⁵¹ Concept of managing the issue of people who are homeless in the territory of the city of Nitra for 2019-2022.

⁵² Community Social Services Plan of the city of Prešov for 2018-2025.

⁵³ Request for access to information pursuant to Section 14 of Act 211/2000 on free access to information.

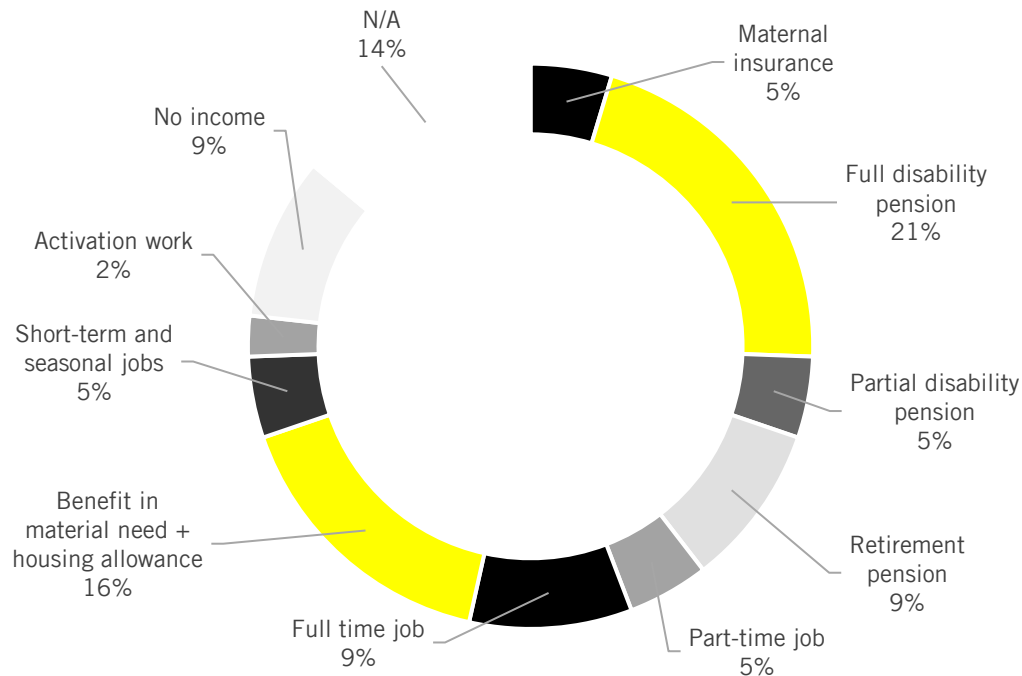
⁵⁴ Community Social Services Plan of the city of Trnava for 2021-2025 with a view to 2030.

⁵⁵ Community Social Services Plan of the City of Žilina for 2019-2023.

⁵⁶ Interview with two people living in a homeless shelter long term conducted on 19 July 2023.

At the same time, people living in social services often do not reach the threshold of the minimum documented income making them eligible for the allocation of municipal rental housing.⁵⁷ This report discusses the system in more detail in Chapter 9.

GRAPH 1: INCOME OF RESPONDENTS LIVING IN RESIDENTIAL SOCIAL SERVICES⁵⁸



Amnesty International conducted 42 interviews with officials, political representatives and social workers. These interviews demonstrated that people working in professions involved in social support, or those responsible for the drafting and implementation of housing policies, perceive people who are homeless primarily as people living in public spaces and sleeping rough. For example, a social worker from a publicly funded institution said: *“In my opinion, a person who lives in a shelter or in a service is no longer a homeless person. Because he already has some warmth, he knows where he can stay warm. A homeless person is a person on the street.”*⁵⁹ As a result, several groups of people who are in fact without access to housing are not accounted for in housing policies and services designed to support people who are homeless in Slovakia, for example people living in unsuitable conditions, garden cabins, commercial hostels, etc.

The Committee on Economic, Social and Cultural Rights recommended Slovakia ensure that the national strategy to prevent and resolve homelessness includes the development of statistics to monitor the extent of homelessness and target social housing solutions accordingly.⁶⁰

Weaknesses in relation to policy addressing homelessness in Slovakia have also been raised by the European Union. A report by the European Social Policy Network on Slovakia mentioned lack of a national strategy on homelessness; lack of regular data collection on homelessness lack of coordination of social

⁵⁷ Barriers in access to municipal rental housing analysed in Chapter 7.2.

⁵⁸ Interviews with 45 people living in social services facilities in Banská Bystrica, Žilina and Nitra

⁵⁹ Interview with a social worker from a publicly funded institution conducted on 23 February 2024.

⁶⁰ Committee on Economic, Social and Cultural Rights, Concluding observations on the third periodic report of Slovakia, 2019, docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuWx8AhHloWaPQKfnd2BAOkQNSKXtJaFw3u2VrX%2FfxVoeUQwmaxUDmNxNZKjWvVOPi15ulwTnSOSWfVK1Nh9AUa7k2d63tzJQdZ66zrQ5tk8m

services for people who are homeless; shortage of public rental housing; and limited access by people who are homeless to healthcare and public services.⁶¹

Available research by the Policy Department for Citizens' Rights and Constitutional Affairs of Europe under the European Parliament shows that the size of the population without access to housing in any given country is a direct result of the rate of poverty and social exclusion of the population, the availability of housing and the capacities of social security support systems.⁶² A recent study on homelessness in the EU⁶³ (including Slovakia) shows that people living in public rental housing are at a much lower risk of homelessness compared to those living in commercial rentals. In public rental housing, people are protected by rent regulation, which is determined by the legislation at the national⁶⁴ or local level.⁶⁵ At the same time, public rental housing usually has a higher degree of security of tenure in the form of longer-term lease contracts (1-5 years, or an indefinite lease contract). However, as detailed in Chapter 8, it does not apply to Roma people living in social rental housing within segregated neighbourhoods with short-term lease contracts.⁶⁶

Almost all of the 70 people Amnesty International interviewed, including people who had been/are homeless and people working in services supporting people experiencing homelessness, emphasised the importance of increasing the availability of public housing. Most people explained how they were unable to afford commercial housing and how public housing is not an option for them because of the existing eligibility criteria.⁶⁷

⁶¹ Daniel Gerbery, *National strategies to fight homelessness and housing exclusion Slovakia, 2019*, ec.europa.eu/social/main.jsp?pager_offset=30&advSearchKey=ESPN_hhe2019&mode=advancedSubmit&catId=22&doc_submit=&policyArea=0&policyAreaSub=0&country=0&year=0

⁶² Glen Bramley, Suzanne Fitzpatrick, *Homelessness in the UK: Who is Most at Risk?*, Housing Studies 33 pp. 96-116.

⁶³ Policy Department for Citizens' Rights and Constitutional Affairs, *Homelessness in the European Union*, 2023, [europarl.europa.eu/RegData/etudes/STUD/2023/755915/IPOL_STU\(2023\)755915_EN.pdf](https://europarl.europa.eu/RegData/etudes/STUD/2023/755915/IPOL_STU(2023)755915_EN.pdf)

⁶⁴ Zákon 443/2010 Z. z. o dotáciách na rozvoj bývania a o sociálnom bývaní, [slov-lex.sk/pravne-predpisy/SK/ZZ/2010/443/20180101](https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2010/443/20180101), and Zákon 40/1964 Občiansky zákonník, <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1964/40/>, and Zákon 150/2024 o štátnom фонде rozvoja bývania, https://www.sfrb.sk/wp-content/uploads/2024/05/ZZ_2013_150_20240306.pdf

⁶⁵ By the Generally Binding Regulations developed by every city.

⁶⁶ More information on short-term rentals in segregated locations in Chapter 8.4.

⁶⁷ Other unmet needs reported by the people interviewed were finding a place in a facility for seniors or supported housing facility, available health care and stable employment paying a standard wage.

4. GOVERNMENTAL POLICIES ON HOUSING AND HOMELESSNESS

4.1 HOUSING IN SLOVAKIA – AN OVERVIEW

One of the causes of homelessness in Slovakia is the lack of sufficient, affordable housing in the country. Only 1,6% of the total housing stock is dedicated to public rental housing, which is the only form of housing with regulated rent available in Slovakia. Its development has not been a priority for any government since 1993.

However, the demand for affordable public rental housing is high - in all of the cities where Amnesty International conducted interviews, the waiting periods for public housing ranged from 3-5 years.⁶⁸ The average waiting time for a public rental apartment in the capital city of Bratislava is 6 years.⁶⁹ When the Agency for State-supported Rental Housing launched a pre-registration for affordable housing with state-regulated rent, it received 4,000 applications in the first 24 hours alone.⁷⁰

Rental housing is not common in Slovakia. In 2020, the total housing stock consisted of 92.3% of homes in personal ownership and only 7.7% of rental housing (6.1% was commercially rented and 1.6% was housing with regulated rent).⁷¹

Initiating the development of public housing, as well as administration of public housing stock in Slovakia falls under the responsibility of municipal governments.⁷² The decentralisation of responsibility for housing has resulted in a situation where the only available public housing is owned and managed by municipalities. Each municipality has its own by-laws, rules for allocating available flats and its own ways of managing the public housing stock. Cities and towns are also responsible for creating eligibility criteria which, as analysed further later in this Report, create a barrier for low-income households to access social housing.

According to the OECD, the main obstacle and challenge in ensuring access to affordable housing in Slovakia is, in particular, the structure of the housing stock: the insufficient share of public rental housing, limited construction of public rental housing, high rental and real estate prices, the absence of rental and real estate price regulation policies, relatively low household income, and significant regional differences.⁷³

⁶⁸ 3 interviews with representatives of municipalities in Banská Bystrica, Nitra and Žilina conducted between 31 May and 17 July 2023.

⁶⁹ City of Bratislava, *Analýza mestského nájomného bývania v Bratislave a jej mestských častiach*, 2021, cdn-api.bratislava.sk/strapi-homepage/upload/Analýza_mestskeho_najomneho_bývania_v_Bratislave_a_jej_mestských_castiach_de13124bb9.pdf

⁷⁰ Agency for State-supported Rental Housing (cited 18 August 2024), najokmnebyvanie.info/

⁷¹ Eurostat 2022, *Distribution of population by tenure status, type of household and income group* - EU-SILC.

⁷² Zákon 369/1990 Zb. o obecnom zriadení: slov.lex.sk/pravne-predpisy/SK/ZZ/1990/369/20020508.html

⁷³ OECD Directorate of Employment, Labour and Social Affairs – Social Policy Division, *Housing policy objectives and obstacles*, 2024, https://webfs.oecd.org/Els-com/Affordable_Housing_Database/PH1-2-Housing-policy-objectives.pdf

At the same time, the real cost of housing exceeds the affordability limits for many households and housing has thus become unaffordable for many of them.⁷⁴

In addition, the scarce social rental housing stock has been eroded over the years. According to the information published in the analysis of the Ministry of Transport and Construction of the Slovak Republic, since the beginning of the transformation of the housing stock in 1993, a total of 361,592 flats have passed from the city, municipality, city district and housing cooperative ownership to private ownership.⁷⁵ The UN Special Rapporteur has highlighted that selling public housing without providing affordable alternatives for those unable to afford market rates, contradicts the State's duty to respect housing rights.⁷⁶ Additionally, the UN Special Rapporteur has highlighted that drastically reducing the direct or indirect provision of public and social housing, could yield adverse outcomes.⁷⁷

Although from among the countries surveyed by OECD, Slovakia is a country with a relatively high GDP percentage spent on supporting public rental housing,⁷⁸ low income households have very limited access to social rental housing and housing allowances due to the conditions and limits set by municipalities and the lack of adequate support mechanisms on the state level. This Report elaborates on the limits in access to housing in Chapter 7.

After the political changes in 1989, the government-controlled construction and housing services transitioned to a market-driven system. The concept of housing as a universal social service and a means of fulfilling the essential needs of the population has transformed into the concept of housing as a commodity.⁷⁹ The responsibility for securing housing has been transferred from the state and public administration to the individuals.⁸⁰ Previous research has shown⁸¹ that the principle of merit is very strongly present in the area of housing in the countries of the former Eastern Bloc. Home ownership has become a status symbol of the new era and has been perceived as one of its components, with great emphasis on the personal responsibility of the individual citizens.⁸²

4.1.1 STATE HOUSING DEVELOPMENT FUND AND SUBSIDIES FOR HOUSING DEVELOPMENT

In 1996, the government established the State Housing Development Fund (SHDF, or the "Fund")⁸³ with the intention of facilitating the provision of state subsidies for housing development. The Fund is managed by the Ministry of Transport and Construction of the Slovak Republic to provide support and facilitate the expansion and improvement of the housing stock by providing loans to individual households as well as legal entities.⁸⁴ Legal entities include municipalities, self-governing regions, community of apartment owners, and non-profit organisations providing housing.

The 2023 Annual report of the Fund⁸⁵ shows that, from its establishment in 1996 until 31 December 2023, the Fund supported construction, purchase and renovation of a total of 481,179 housing units, beds or accommodation cells and concluded 52,330 credit agreements. In 2023, the total amount provided by the

⁷⁴ Federica De Pace, *Enhancing the efficiency, inclusiveness, and environmental sustainability of housing in the Slovak Republic*, OECD Economics Department Working Papers No. 1806, oecd.org/content/dam/oecd/en/publications/reports/2024/06/enhancing-the-efficiency-inclusiveness-and-environmental-sustainability-of-housing-in-the-slovak-republic_a081272c/03157550-en.pdf

⁷⁵ Ministry of Transport of the Slovak Republic, *Informácia o bytovej výstavbe v Slovenskej republike za rok 2021*, mindop.sk/ministerstvo-1/vystavba-5/bytova-politika/dokumenty/informacie/informacia-o-bytovej-vystavbe-v-slovenskej-republike

⁷⁶ Special Rapporteur on adequate housing, *Adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context*, 2023, documents.un.org/doc/undoc/gen/n23/240/69/pdf/n2324069.pdf

⁷⁷ Special Rapporteur on adequate housing, *Adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context*, 2023, documents.un.org/doc/undoc/gen/n23/240/69/pdf/n2324069.pdf

⁷⁸ OECD Directorate of Employment, Labour and Social Affairs - Social Policy Division, *Public spending on support to social rental housing*, oecd.org/els/family/PH4-1-Public-spending-social-rental-housing.pdf

⁷⁹ Hana Pelikánová, *Bydlení-sociální jistota a materiální potřeba. Bytová politika a narativní reflexe bytové situace v Česko-Slovensku před a po roce 1989*. in Profantová (ed.) *Hodnota změny – změna hodnoty. Demarkačný rok 1989*, pp. 185 – 209. Bratislava: Ústav etnológie SAV, Národopisná spoločnosť SAV, 2009, intechopen.com/chapters/62071

⁸⁰ Hana Pelikánová, *Bydlení-sociální jistota a materiální potřeba. Bytová politika a narativní reflexe bytové situace v Česko-Slovensku před a po roce 1989*. in Profantová (ed.) *Hodnota změny – změna hodnoty. Demarkačný rok 1989*, pp. 185 – 209. Bratislava: Ústav etnológie SAV, Národopisná spoločnosť SAV, 2009, intechopen.com/chapters/62071

⁸¹ Sona G. Lutherova, *Sweet property o' mine*. in *Home Cultures* 11(1): 79-102, 2014.

⁸² Michael J. Sandel, *The Tyranny of Merit. What's become of the Common Good?*, 2020.

⁸³ Zákon 150/2013 Z. z. o štátnom fonde rozvoja bývania, slov.lex.sk/pravne-predpisy/SK/ZZ/1996/124/

⁸⁴ State development fund, Zriadenie a správa ŠFRB, (cited 12. July 2024), sfrb.sk/o-fonde/zriadenie-sprava-sfrb/

⁸⁵ State development fund, *Výročná správa Štátneho fondu rozvoja bývania*, 2023, sfrb.sk/wp-content/uploads/2024/07/vyrocna-sprava-sfrb-2023.pdf

Fund was 265,987,800 euro. This included 50,054,720 euro worth of loans to the municipalities, 13,952,150 euro worth of loans to individual persons, and other loans worth 201,980,930 euro.

All three researched cities (Banská Bystrica, Nitra, Žilina) contained municipal flats built with the support of the Fund, however none of the cities has built any new municipal rental housing in the last years.⁸⁶ These flats, in fact, accounted for the majority of the cities' housing stock. The municipalities – both, towns and cities – need to meet a set of conditions for the provision of support from the Fund for construction and purchase of rental apartments.⁸⁷ Rental and allocation of the flats built with the SHDF funds is regulated by a special legislation,⁸⁸ on the basis of which cities draft rules for the allocation to individuals within the framework of their specific by-laws, so called Generally binding regulations (the “GBR”).

In addition to the State Housing Development Fund, which provides loans, the Ministry of Transport and Construction also provides subsidies for housing development according to Act 443/2010 on housing development subsidies and social housing.⁸⁹ Subsidies are intended for municipalities, higher territorial units (or self-governing regions), housing cooperatives, apartment owners and non-profit organisations for the purpose of acquiring a rental apartment for the purpose of social housing, procuring technical equipment or removing a systemic malfunction of an apartment building. Cities and municipalities can use these subsidies to build or buy social rental apartments. According to the law, subsidies are provided in the amount of 30-75% of the costs, depending on the purpose of the apartment and its area.⁹⁰ In 2023, the Ministry paid out a total of 10,860,730 euro to municipalities in the subsidy scheme. In the past 10 years, smaller municipalities have also applied for the subsidy. Regional capitals have applied for subsidies for the acquisition of housing 10 times in the past 10 years (Prešov applied three times, Nitra applied three times, Bratislava applied twice and Trenčín applied once) for a total value of 7,544,538 euro. In total, these subsidies have been used to procure 403 apartments in the country in the last 10 years.⁹¹

Local governments have human rights obligations. As the UN Special Rapporteur on the right to adequate housing has pointed out, effective implementation of the right to adequate housing cannot be achieved without the proactive involvement of local and regional governments. Just as there are key responsibilities assigned or delegated to local and regional governments within their domestic spheres of competence, there are also obligations to which they are bound under the international human rights law as related to the right to adequate housing.⁹²

Moreover, the Special Rapporteur has highlighted that any processes of decentralisation in relation to housing should be guided and informed by human rights, in particular the right to adequate housing. The responsibilities of all levels of governments should be clearly delineated and jointly coordinated. States must ensure that local and regional governments have not only adequate financial but other resources for the discharge of their responsibilities, with capacity to respond to changing housing needs at the local level, particularly of marginalised and disadvantaged groups and provide training for all local and regional

⁸⁶ Program of economic and social development of the city of Banská Bystrica for the years 2015-2023, Program of economic development and social development of the City of Žilina 2019-2023, Program of economic development and social development of the City of Nitra.

⁸⁷ 1. preservation of the rental nature of apartments (if the applicant is a legal entity - at least for a period of time 30 years), 2. establishment of a lien on purchased rental apartments, 3. limited income of the tenant, 4. limited procurement costs of the building - according to the average floor area of the apartments (does not apply to applicants – legal entity), 5. limited floor area of the apartment, 6. compliance with the minimum requirements for the energy efficiency of buildings according to a special regulation, building location: rental apartment built on its territory if the applicant is a municipality or self-governing region; a rental apartment built on the territory of the Slovak Republic if the applicant is a non-profit organisation or other legal entity, 7. purchase of a rental apartment max. 3 years from approval, 8. to support the procurement of rental apartments, it is possible to provide support for the procurement of technical equipment facilities, possibly for the purchase of land.

⁸⁸ Act No. 506/2021 Coll., which amends the Act on the State development fund and which amends Act no. 443/2010 Coll. on subsidies for housing development and on social housing as amended later regulations.

⁸⁹ Act 443/2010 Coll. on housing development subsidies and social housing.

⁹⁰ Ministry of Transport and Construction, *Zoznam poskytnutých dotácií na obstaranie nájomných bytov*, mindop.sk/ministerstvo-1/vystavba-5/bytova-politika/dotacie/zoznam-schvalenych-ziadosti/zoznam-poskytnutych-dotacii-na-obstaranie-najomnych-bytov

⁹¹ Ministry of Transport and Construction, *Zoznam poskytnutých dotácií na obstaranie nájomných bytov*, mindop.sk/ministerstvo-1/vystavba-5/bytova-politika/dotacie/zoznam-schvalenych-ziadosti/zoznam-poskytnutych-dotacii-na-obstaranie-najomnych-bytov

⁹² UN Special Rapporteur on the right to adequate housing, Report 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, 2014, documents.un.org/doc/undoc/gen/g14/248/16/pdf/g1424816.pdf

authorities about their obligations to ensure the right to adequate housing, non-discrimination and related human rights in all decisions, policies, plans and programmes.⁹³

State - central and local governments - have an immediate obligation to take deliberate, concrete and targeted steps towards the full realisation of the right to housing to the maximum of its available resources within a reasonably short time.⁹⁴ Despite the fact that Banská Bystrica, Nitra, and Žilina, are amongst the cities with higher numbers of population in housing need, none of them have used the resources available from the Fund in order to increase their scarce social housing stock.

When asked about the reasons for not utilising the funds from the Fund, the cities confirmed, in particular, challenges related to lack of suitable lots, the capacity-demanding process required by such developments and projects as well as the conditions set by the Fund itself.⁹⁵ Applying for SHDF funding comes with a lot of bureaucracy and requires a lot of professional capacity at the office. This also applies to the housing development process itself.

Recognising housing as a human right in domestic law and policy will also enhance accountability of different levels of government administration to ensure that all decisions related with housing policy are consistent with Slovakia's international human rights obligations.

⁹³ UN Special Rapporteur on the right to adequate housing, Report 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, 2014, documents.un.org/doc/undoc/gen/g14/248/16/pdf/g1424816.pdf

⁹⁴ CESCR General Comment No. 3: The Nature of States Parties' Obligations, Art. 2, Para. 1, of the Covenant.

⁹⁵ 8 Interviews with representatives of municipal offices in Banská Bystrica, Nitra and Žilina conducted between 31 May 2023 and 18 July 2023.

4.2 HOUSING SUBSIDIES AND AVAILABLE SOCIAL SUPPORT

Slovakia provides several benefits to support low-income households. The main social support benefit available for low-income households is “aid in material need”. According to the Report on the social situation of the population of the Slovak Republic in 2022, 118,525,527 euro was spent on aid in material need in 2022.⁹⁶ Individuals and households are eligible for aid in material need when the income of the household members does not reach the amount of the subsistence minimum, that is, the living wage.⁹⁷ Such households are also eligible for a housing allowance. Aid in material need consists of different cash grants:

- the **benefit in material need**: set at six levels - ranging from 84,90 euro to 297,50 euro a month⁹⁸ according to the number of household members,⁹⁹
- a **protective allowance**: covers the personal expenses of a household member who does not have the opportunity to secure an income or increase their income through their own work, e.g. a pregnant person, single parents, people receiving a senior or disability pension; can be up to 86,80 euro a month),¹⁰⁰
- **activation allowance** (to support the acquisition of professional skills, practical experience, work habits for the purpose of increasing employment in the labour market; 86,80 euro a month,¹⁰¹
- **dependent child allowance** (23,70 euro a month for every dependent child)¹⁰² and
- **housing allowance**.¹⁰³

The only financial support aimed for covering housing costs in the Slovak social system is a housing allowance. The housing allowance is “intended for partial payment of housing-related costs”.¹⁰⁴

There are further eligibility criteria for the housing allowance.¹⁰⁵ For example, applicants must be Slovak citizens, which excludes people not having Slovak citizenship.¹⁰⁶ To be eligible for housing allowance, the applicant has to prove that the household has paid housing costs for the preceding six months, which excludes young applicants leaving institutional care, people leaving the prison or those who want to become independent of and leave their previous household—including people under threat of gender based violence, queer young people whose families refuse to accept their identity,¹⁰⁷ and young people in general.

The amount constituting a subsistence minimum, or living wage, is calculated yearly by the Ministry of Labour, Social Affairs and Family.¹⁰⁸ For 2024, it has been set at 273.99 euro per month, if it is a one-person household; 191.14 euro per month, if it is another jointly assessed person of legal age; and 125.11 euro per

⁹⁶ Ministry of Labour, Social Affairs and Family of the Slovak Republic, *Správa o sociálnej situácii obyvateľstva Slovenskej republiky, 2023*, employment.gov.sk/files/slovensky/ministerstvo/analyticke-centrum/2023/spravasossr_2022_final.pdf

⁹⁷ Act No. 417/2013 on material need assistance and on amending and supplementing of certain acts.

⁹⁸ The Central office of labour, social affairs and family, Amounts of benefits and contributions from 1 October 2023, upsvr.gov.sk/socialne-veci-a-rodina/rodina/opatrenia-socialnopravnej-ochrany-deti-a-socialnej-kurately/socialna-kuratela/co-je-socialna-kuratela.html?lang=en&page_id=12841

⁹⁹ An individual, an individual with a child or a maximum of four children, an individual with more than four children, couple without children, a couple with a child or a maximum of four children, a couple with more than four children.

¹⁰⁰ Ministry of Labour, social affairs and family of the Slovak republic, Protective allowance, employment.gov.sk/sk/rodina-socialna-pomoc/hmotna-nudza/davky-hmotnej-nudzi/davka-hmotnej-nudzi/konanie-naroku.html

¹⁰¹ Ministry of Labour, social affairs and family of the Slovak republic, Activation allowance, employment.gov.sk/sk/rodina-socialna-pomoc/hmotna-nudza/davky-hmotnej-nudzi/davka-hmotnej-nudzi/vyplata-davky-hmotnej-nudzi.html

¹⁰² Ministry of Labour, social affairs and family of the Slovak republic, Dependent child allowance, employment.gov.sk/sk/rodina-socialna-pomoc/hmotna-nudza/davky-hmotnej-nudzi/davka-hmotnej-nudzi/preddavkove-priznanie-davky.html

¹⁰³ Ministry of Labour, social affairs and family of the Slovak republic, Housing allowance, employment.gov.sk/sk/rodina-socialna-pomoc/hmotna-nudza/davky-hmotnej-nudzi/davka-hmotnej-nudzi/osobitny-prijemca.html

¹⁰⁴ Ministry of Labour, social affairs and family of the Slovak republic, Housing allowance, employment.gov.sk/sk/rodina-socialna-pomoc/hmotna-nudza/davky-hmotnej-nudzi/davka-hmotnej-nudzi/osobitny-prijemca.html

¹⁰⁵ Act No. 417/2013 on material need assistance and on amending and supplementing of certain acts, § 14 Housing allowance

¹⁰⁶ Daniel Škobla, *Housing system support and housing allowance*, Research Institute of Labour and Family, Bratislava, 2018, ceit.sk/IVPR/images/IVPR/vyskum/2018/Skobla/system_podpory_byvania_maj.pdf

¹⁰⁷ Crisis, *About LGBTQ+ homelessness*, crisis.org.uk/ending-homelessness/about-lgbtqplus-homelessness/

¹⁰⁸ The amount of a subsistence minimum published on the Ministry of Labour, Social Affairs and Family website yearly.

month, if it is a jointly assessed dependent child.¹⁰⁹ Individuals or households earning more than this would not be considered in material need.

TABLE 3: THE AMOUNTS OF MATERIAL NEED BENEFIT

	INDIVIDUAL	INDIVIDUAL + 1-4 CHILDREN	COUPLE WITH CHILDREN	INDIVIDUAL + MORE THAN 4 CHILDREN	COUPLE WITH MORE THAN 4 CHILDREN
MATERIAL NEED BENEFIT¹¹⁰	84.90 euro/month	161.40 euro/month	147.50 euro/month	235.70 euro/month	297.50 euro/month

TABLE 4: THE AMOUNT OF THE HOUSING ALLOWANCE DEPENDING ON NUMBER OF PERSONS IN THE HOUSEHOLD

	1 PERSON	2 PERSONS	3 PERSONS	4 PERSONS	5 PERSONS AND MORE
HOUSING ALLOWANCE¹¹¹	95.20 euro/month	161.60 euro/month	205.10 euro/month	248.60 euro/month	291.90 euro/month

Therefore, for example, a 4-person household constituting of 2 people of legal age and 2 underage children, would received the following in benefits:

TABLE 5: AN EXAMPLE OF COMPOSITION OF INCOME OF LOW-INCOME HOUSEHOLD

Material need benefit	147.50 euro
Allowance for dependent children	47.40 euro
Housing allowance	248.60 euro
TOTAL	443.50 EURO
SUBSISTENCE MINIMUM¹¹²	715.35 EURO

In other words, in most circumstances, if a household has no source of income or a low source of income, the material need benefit and housing allowance together would not be sufficient to meet the subsistence minimum or the living wage amount. This is critically important, since (as this report will discuss later), people are not eligible for public housing if they earn below the subsistence minimum income, a threshold used in most of the cities allocating public housing stock. In other words, the amount of the housing allowance is not sufficient to meet the minimum eligibility requirement to access public housing, or to cover

¹⁰⁹ Ministry of Labour, social affairs and family of the Slovak republic, Subsistence minimum, employment.gov.sk/sk/rodina-socialna-pomoc/hmotna-nudza/zivotne-minimum/

¹¹⁰ Ministry of Labour, social affairs and family of the Slovak republic, Material need benefit, employment.gov.sk/sk/rodina-socialna-pomoc/hmotna-nudza/vyska-pomoci-hmotnej-nudzi/davka-hmotnej-nudzi.html

¹¹¹ Ministry of Labour, social affairs and family of the Slovak republic, Housing allowance, employment.gov.sk/sk/rodina-socialna-pomoc/hmotna-nudza/davky-hmotnej-nudzi/davka-hmotnej-nudzi/osobitny-prijemca.html

¹¹² The amount of subsistence minimum is an income threshold in a number of the cities allocating public housing stock.

the cost of public rental housing in all researched regional capitals which prevents people from accessing public rental housing.

“Well, I don't have a place to live at the moment. I have an activation allowance, I work around this facility plus I have material need and housing allowance. So you know how it is out there? I cannot afford anything. I lived with my brother before but he has 5 children and to be there and among them? I felt a bit stupid. I'm trying to find a more stable job but it's not easy because I have a [health] condition. So I'm here for now”

Ivan, living in a homeless shelter¹¹³

In addition to the amounts being low, not everyone who applied for the housing allowance was able to access it. According to the 2022 Report on the Social Situation of the Population of the Slovak Republic, 63,373 people asked for housing allowance in 2022, however, it was awarded only in 40.8% of cases.¹¹⁴ In 2022, approximately 3 - 4.5 million euro was paid as the housing allowance in total.¹¹⁵ The applicant may receive housing allowance only provided that the Office of Labour, Social Affairs and Family confirms the person's status as that of a “in material need”. There is no available data on why the housing allowance was not granted to almost 60% of applicants. In its analysis, the Slovak Ministry of Labour, Social Affairs and Family itself¹¹⁶ has expressed the opinion that the housing allowance should be a separate allowance which would not be tied to material need—as is the case in most of the EU countries.

There is no other subsidy or social support provided by state or other levels of governance aimed at specifically covering the housing costs of Slovak households besides the housing allowance.

Amnesty International's desk research further indicates that housing policies in several cities do not account for the additional vulnerabilities and specific needs of many marginalised groups.¹¹⁷ For example, there is no prioritisation given to families with children, older persons, people with disabilities, or people in precarious living situations (e.g. under the threat of domestic abuse, leaving prisons or young people leaving state care facilities) in almost any regional capital with the exception of two of them - Nitra and Bratislava - which consider the vulnerability of households when allocating municipal rental housing. Households get scored while the system takes into account life situations (such as disability of a household member, a household member who is an older person, number of children under the age of 18, domestic violence threat, etc.). The lack of such a point-allocation system in other cities and regions also puts marginalised groups at further risk of housing insecurity.

¹¹³ Interview with a person living in a homeless shelter conducted on 23 January 2024.

¹¹⁴ Ministry of Labour, Social Affairs and Family of the Slovak Republic, *Správa o sociálnej situácii obyvateľstva Slovenskej republiky, 2023*, employment.gov.sk/files/slovensky/ministerstvo/analyticke-centrum/2023/spravasossr_2022_final.pdf

¹¹⁵ Ministry of Labour, Social Affairs and Family of the Slovak Republic, *Správa o sociálnej situácii obyvateľstva Slovenskej republiky, 2023*, employment.gov.sk/files/slovensky/ministerstvo/analyticke-centrum/2023/spravasossr_2022_final.pdf

¹¹⁶ Ministry of Labour, Social Affairs and Family of the Slovak Republic, *Analýza podmienok nároku na príspevok na bývanie a medzinárodné porovnanie príspevkov na bývanie, 2022*, employment.gov.sk/files/slovensky/rodina-socialna-pomoc/chudoba/analiza-podmienok-naroku-prispevku-byvanie-medzinarodne-porovnanie-prispevkov-byvanie.pdf

¹¹⁷ Banská Bystrica: Všeobecne záväzné nariadenia Mesta Banská Bystrica č. 5/ 2019 a č. 7/2021 o nakladaní s bytovým fondom Mesta Banská Bystrica; Bratislava: Všeobecne záväzné nariadenie hlavného mesta Slovenskej republiky Bratislavy č. 1/2006 o nájme bytov a obytných miestností v zariadeniach určených na trvalé bývanie; Košice: Všeobecne záväzné nariadenie mesta Košice č. 194/2018 Pravidlá prenajmania bytov pre osobitné sociálne skupiny obyvateľov mesta Košice; Nitra: Všeobecne záväzné nariadenie Mesta Nitra č. 1/2022 o sociálnych bytoch; Prešov: Všeobecne záväzné nariadenie mesta Prešov č. 11/2019 o pridelovaní nájomných bytov vo vlastníctve mesta Prešov; Trenčín: Všeobecne záväzné nariadenie Mesta Trenčín č. 14/2008 ZÁSADY HOSPODÁRENIA S BYTOVÝM FONDOM VO VLASTNÍCTVE MESTA TRENČÍN; Trnava: VŠEOBECNE ZÁVÄZNÉ NARIADENIE č.500 o nakladaní s bytmi vo vlastníctve Mesta Trnava (vybudované s finančným príspevkom zo štátneho rozpočtu formou dotácie na rozvoj bývania a zo Štátneho fondu rozvoja bývania), VŠEOBECNÉ POVINNÉ NARIADENIE č. 595 o nakladaní s bytmi vo vlastníctve mesta, ktoré nie sú určené na predaj a s bytmi nižšieho štandardu, VŠEOBECNÉ POVINNÉ NARIADENIE č. 480 do nájomných bytov vo vlastníctve mesta Trnava na ulici V. Clementisa 6483/51 v Trnave a obytných miestností v mestskej ubytovni na Coburgovej ulici 2267/27 v Trnave; Žilina: Všeobecne záväzné nariadenie č. 5/2021 o pridelovaní nájomných bytov pre sociálne účely vo vlastníctve mesta Žilina.

4.3 POLITICAL AND EXECUTIVE RESPONSIBILITY FOR HOUSING

The UN Special Rapporteur on the Right to Adequate Housing has underscored that States often misunderstand the right to housing as merely a commitment to housing programmes, a matter of socioeconomic policy insulated from human rights values and imperatives and without meaningful accountability or access to justice.¹¹⁸ States must ensure that the right to adequate housing is recognized and enforceable as a human right through applicable constitutional and legislative measures. It should be integrated into policy and programme design and included in the training of lawyers and judges.¹¹⁹

According to Act 575/2001¹²⁰ the shaping and implementation of housing policy falls under the jurisdiction of the Ministry of Transport and Construction of the Slovak Republic (the "MTC SR"). However, in the Slovak context, housing is, to a large degree, a multisectoral field and the responsibility for housing policies is fragmented and shared across several institutions and ministries.¹²¹ Also, the laws regulating housing are not unified under a single legislative act. This situation results in the division of competence among several state administration bodies and agencies. The analysis of the Ministry of Transport and Construction of the Slovak Republic states: *"With the increase in the number of legal regulations and state agencies responsible for said regulations, there has been a decline in coordination and clarity between several legal regulations governing the same area, which may result, on the one hand, in duplicity leading to almost complete contradiction in the wording of various laws regulating the same social relationship, and, on the other hand, in the emergence of legislative gaps where a given social relationship is not regulated at all".*¹²²

Moreover, access to housing, including its accessibility for marginalised groups and the real and consistent desegregation of Roma in housing, has not been a political priority of any government for at least the past 10 years.¹²³ The only exception is the Government Manifesto 2020-2024,¹²⁴ which contained a vision for a significant expansion of rental housing stock, managed by the state by establishing The State-supported Rental Housing.¹²⁵ Since 2022, the Act 222/2022 on state support for rental housing¹²⁶ - a law that regulates the state's ability to rent apartments owned by private entities, based on criteria determined by the created Agency for State-Supported Rental Housing - was passed. The Agency is not mandated to build rental apartments directly, its purpose is to regulate the criteria for households to apply for municipal rental housing, the amount of rent, manage the registration process etc. Other than these formal steps no concrete action has been taken towards expanding the possibilities of rental housing with regulated rent - no state-supported rental housing has been built despite the declared plans of the then-government to build 9,000 apartments in the pilot phase of the project.¹²⁷ In January 2023, the Agency launched pre-registration for this type of rental housing, in which, according to information from the Agency,¹²⁸ it received 4,000 applications in the first 24 hours alone. Social workers, as well as municipal officers and people living in social services, noted they were still waiting for these apartments to be built:

¹¹⁸ UN Special Rapporteur on the right to adequate housing, *Guidelines for the Implementation of the Right to Adequate Housing Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to nondiscrimination in this context*, 2019.

¹¹⁹ UN Special Rapporteur on the right to adequate housing, *Guidelines for the Implementation of the Right to Adequate Housing Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to nondiscrimination in this context*, 2019.

¹²⁰ Act 575/2001 on the organisation of government activities and the organisation of central state administration, as amended.

¹²¹ Elena Szolgayová and others, *Podpora nájomného bývania*, Association of cities and towns, 2019.

¹²² Ministry of Transport and Construction of the Slovak Republic, *Správa o záveroch Analýzy právnych predpisov v oblasti bývania*, pp. 1: mindop.sk/ministerstvo-1/vystavba-5/bytova-politika/dokumenty/vseobecne-materialy

¹²³ Manifesto of the Government of the Slovak Republic 2023-2027, Manifesto of the Government of the Slovak Republic 2020-2024, Manifesto of the Government of the Slovak Republic 2016-2020, Manifesto of the Government of the Slovak Republic 2012-2016.

¹²⁴ Government of the Slovak republic, Programové vyhlásenie vlády Slovenskej republiky na obdobie rokov 2020-2024: vlada.gov.sk/share/uvsr/pvvsr_2020-2024.pdf

¹²⁵ State-Supported Rental Housing, statnynajomnybyt.sk/#uvod

¹²⁶ Act 222/2022 Coll. on state support for rental housing slov-lex.sk/pravne-predpisy/SK/ZZ/2022/222/

¹²⁷ The Agency for State-Supported Rental Housing, *Great interest in rental housing with state support*, (cited 30 August 2024), najomnebyvanie.info/velky-zaujem-o-najomne-byvanie-s-podporou-stat/

¹²⁸ The Agency for State-Supported Rental Housing, *Great interest in rental housing with state support*, (cited 30 August 2024), najomnebyvanie.info/velky-zaujem-o-najomne-byvanie-s-podporou-stat/

“Many people have been saying we need housing for 30 years and no one is doing anything about it. They just shout like Kollár¹²⁹ and this kind of people and they build nothing. Nothing will be built. Nothing ever. The city builds a couple of flats once in a while when people start to get fidgety.”

František, living in an emergency shelter¹³⁰

The plans for making housing affordable are anchored in the Government Manifesto 2023-2027: *“(The Government of the Slovak Republic) will propose the integration of competences and legislation in this area, will prepare accelerating measures to increase the number of rented apartments procured and, realising the irreplaceable position of self-government in this area, will identify barriers reducing interest in the procurement of rental apartments.”*¹³¹ However, at the time of the research, the relevant state administration authorities had not taken any significant steps in this direction.

According to the Act on Municipalities, one of the basic tasks of municipalities¹³² they are accountable for the comprehensive development of their territory and the needs of the population, including the initiation of housing construction.¹³³ Decentralisation of responsibility for housing has contributed to strengthening of the influence of the self-government in decision-making. This, in turn, has significantly increased not only their authority, but also responsibility for various sectors, such as the implementation and planning of housing policy in their territory, including the management of the existing housing stock as well as its upscaling.¹³⁴

The Housing Policy of the Slovak Republic until 2030¹³⁵ defines the basic frameworks for the shaping of housing policy. The document assumes that individuals are responsible for providing housing for themselves. The Housing policy states it explicitly: *“In accordance with the principles of the market economy, the primary responsibility for solving one’s housing situation is borne by the individual, depending on their possibilities. The basic mission of the state is to create a stable environment that strengthens the responsibility of residents and enables them to live according to their income situation.”*¹³⁶

This document also states that, taking into account the composition of the housing stock, it is difficult to apply the Housing First approach in Slovakia, despite the fact that it is more effective and its implementation is cheaper.¹³⁷ The document concludes with reference to the need for ‘a wider professional debate’ on this issue.¹³⁸

On April 12, 2023, the Slovak Government approved the National Concept for Preventing and Ending Homelessness (hereinafter also referred to as Government Concept).¹³⁹ The Ministry of Labour, Social Affairs and Family elaborated an Action Plan to the Concept paper. It contains measures in the field of prevention, housing, health, employment, social security but also data collection and public sensitization. In its introduction, the Concept refers to the right to housing and declares that ending homelessness is based on the need to fulfil human rights. The document does not establish a definition of homelessness, but is based on the ETHOS typology of homelessness. The Ministry collaborated during its preparation within the working group with key state administration offices, experts in the topic of ending homelessness, organisations working with people experiencing homelessness and municipalities. In the Government Concept, Slovakia

¹²⁹ Leader of the “Sme rodina” party, which based their election campaign on building 25 000 rental apartments a year, e.g. *Kollár’s party wants to build 25,000 apartments a year. For those “who sign up first”, Trend* (cited 3 September 2024), reality.trend.sk/reality-biznis/kollarova-strana-chce-postavit-25-tisic-bytov-ročne-pre-tych-co-prvi-prihlasia

¹³⁰ Interview with a person living in an emergency shelter conducted on 22 February 2024.

¹³¹ Government of the Slovak Republic, *Programové vyhlásenie vlády Slovenskej republiky 2023 - 2027 “Lepšie, pokojnejšie a bezpečnejšie žiť”, mzv.sk/documents/10182/19777627/programove-vyhlasenie-vlady-SR.pdf/7c47ab5b-7532-4d6b-7a81-3c67a802993e*

¹³² Act 369/1990 on municipal organisation.

¹³³ Elena Szolgayová and others, *Podpora nájomného bývania*, Association of cities and towns, 2019.

¹³⁴ Elena Szolgayová and others, *Podpora nájomného bývania*, Association of cities and towns, 2019.

¹³⁵ Ministry of Transport and Construction of the Slovak Republic, *Bytová politika Slovenskej republiky do 2030*, mindop.sk/ministerstvo-1/vystavba-5/bytova-politika/dokumenty/koncepcie

¹³⁶ Ministry of Transport and Construction of the Slovak Republic, *Bytová politika Slovenskej republiky do 2030*, pp.

3, mindop.sk/ministerstvo-1/vystavba-5/bytova-politika/dokumenty/koncepcie

¹³⁷ Daniel Škobla, Gábor Csomor, Darina Ondrušová, *Uplatniteľnosť systému prestupného bývania a “housing first” v podmienkach SR*, Inštitút pre výskum práce a rodiny, Bratislava, 2016, ceit.sk/IVPR/images/IVPR/vyskum/2016/Skobla/uplatniteľnosť_systému_prestupného_byvania_housing_first_vu_2016.pdf

¹³⁸ The concept of the state housing policy until 2020 approved by Resolution of the Government of the Slovak Republic No. 13 of 7 January 2015, mindop.sk/ministerstvo-1/vystavba-5/bytova-politika/dokumenty/koncepcie

¹³⁹ Ministry of Labour, Social Affairs and Family of the Slovak Republic, *Národná koncepcia prevencie a ukončovania bezdomovstva*, Bratislava, 2022, employment.gov.sk/files/sk/rodina-socialna-pomoc/socialne-sluzby/prevencia-ukoncovanie-bezdomovstva/narodna-koncepcia-prevencie-ukoncovania-bezdomovstva.pdf

committed to ending homelessness by 2030. Media reported that Ministry representatives said that the government was planning to invest a total of 96 million euro to achieve the above objective.¹⁴⁰

¹⁴⁰ SME INDEX, *Akčný plán za takmer sto miliónov eur má eliminovať bezdomovectvo*, 15 April 2024, (cited 30 August 2024), index.sme.sk/c/23316458/akcny-plan-za-takmer-sto-milionov-eur-ma-eliminovat-bezdomovectvo.html

4.4 TRANSITIONAL HOUSING AND MERIT-BASED HOUSING POLICIES

The existing government housing policy is based on the principle of transitional housing, or the principle of merit. Transitional housing systems form the basis of the central government's housing policy until 2030¹⁴¹ as well as that of the housing policies in Slovak cities. As per the research conducted by the Institute for Work and Family Research, the main principle of transitional housing is to *“incentivise the clients and teach them skills enabling them to move from the lowest to the highest housing level. The responsibility for the housing situation is in full transferred to the clients.”*¹⁴²

The core concept of the transitional and merit-based systems is that people in housing need are *“not able to have a home”*¹⁴³ and must gradually acquire this ability by staying in different types of social services and accommodation facilities (emergency shelters, homeless shelters, hostels) until they achieve sufficient skills and knowledge to live in rental flats.¹⁴⁴ The standard of housing (the quality of the environment and the degree of independence to which the people are entitled) gradually increases across the individual levels of the transitional system. The merit principle of transitional systems is based on the belief that if a person tries hard enough to improve their situation, or they demonstrate the ability to have a home on their own, the quality of their housing will gradually increase.¹⁴⁵

For many people, however, obtaining independent housing in Slovakia may take several years due to various circumstances and barriers, even within this system. For example, the experience of the town of Dolný Kubín with the transitional system shows that it took 4 years.¹⁴⁶

"They also told me that you know, you don't have this apartment like you were supposed to live here for the rest of your life. No, this is just some sort of transitional place, sort of until your situation improves, but how is my situation gonna improve when I am on disability pension after cancer?"

Zita, 60 years old, resident of a municipal rental flat¹⁴⁷

As one expert on ending homelessness noted: *“Particularly in the case of people experiencing chronic homelessness, there is a widespread belief that they first need to be absorbed into some community social services with intensive 24-hour support (...) that only after this they are ready to get independent housing. I honestly think that they can be helped by exactly the same recovery process, however, it could be in the safety and privacy and some sort of stability of their own home.”*¹⁴⁸ This was also the conclusion of a paper published by the Institute for Labour and Family Research (ILFR), in which the authors questioned the incentives created by the transitional housing principle.¹⁴⁹

Several countries have abandoned the transitional housing system,¹⁵⁰ such as Finland, Ireland, Denmark, or several Czech cities, and instead, they started to apply the Housing First approach,¹⁵¹ which aims to end homelessness by providing housing in combination with social support. This report will discuss this in more detail in Chapter 10.

¹⁴¹ Ministry of Transport and Construction of the Slovak Republic, Bytová politika Slovenskej republiky do 2030, mindop.sk/ministerstvo-1/vystavba-5/bytova-politika/dokumenty/koncepcie

¹⁴² Daniel Škobla, Gábor Csomor, Darina Ondrušová, *Uplatniteľnosť systému prestupného bývania a “housing first” v podmienkach SR*, Inštitút pre výskum práce a rodiny, Bratislava, 2016, pp. 7 - 8.

¹⁴³ Interview with an expert on ending homelessness conducted on 8 June 2023.

¹⁴⁴ Daniel Škobla, Gábor Csomor, Darina Ondrušová, *Uplatniteľnosť systému prestupného bývania a “housing first” v podmienkach SR*, Inštitút pre výskum práce a rodiny, Bratislava, 2016.

¹⁴⁵ Interview with an expert on ending homelessness conducted on 26 June 2023.

¹⁴⁶ Ministry of Transport and Construction of the Slovak Republic, Bytová politika Slovenskej republiky do 2030, mindop.sk/ministerstvo-1/vystavba-5/bytova-politika/dokumenty/koncepcie

¹⁴⁷ Interview with a tenant in municipal housing conducted on 5 September 2023

¹⁴⁸ Interview with an expert in ending homelessness and homelessness aid conducted on 26 June 2023.

¹⁴⁹ Daniel Škobla, Gábor Csomor, Darina Ondrušová, *Uplatniteľnosť systému prestupného bývania a “housing first” v podmienkach SR*, Inštitút pre výskum práce a rodiny, Bratislava, 2016.

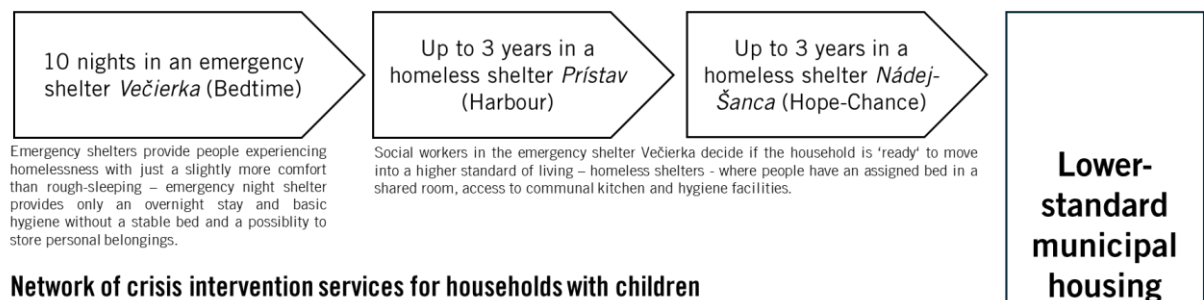
¹⁵⁰ European Journal of Homelessness Volume 17, Issue 2, feantsaresearch.org/en/publications/european-journal-of-homelessness?journalYear=2023

¹⁵¹ a2Iarm, *Díky Housing First v ČR bydlí stovky lidí. Teď je potřeba zákon o podpoře bydlení*, 2022, (cited 22 May 2024), a2Iarm.cz/2022/05/diky-housing-first-v-cr-bydli-stovky-lidi-ted-je-potreba-zakon-o-podpore-v-bydleni/

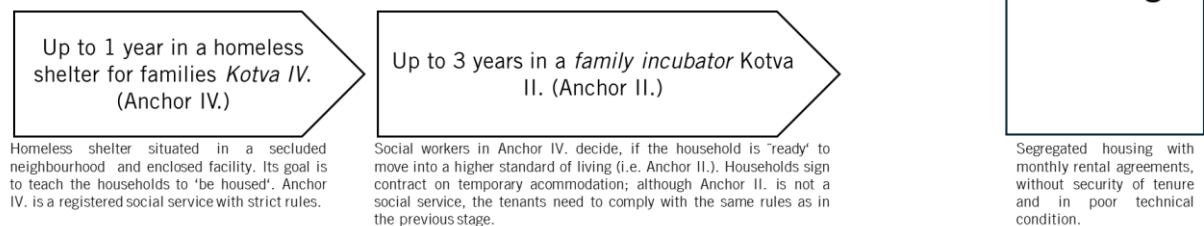
The transitional system is implemented to varying degrees in all three researched cities, but it is most firmly anchored in Banská Bystrica. Banská Bystrica has been promoting and gradually building the system of transitional housing since 1993. There, the conviction of responsible officials at the municipal level and the city's political representation that housing must be deserved is reflected in the existence of two crisis intervention networks (see Graph 2), which are designed to "prepare households for living in an individual housing."

GRAPH 2: NETWORKS OF CRISIS INTERVENTION FACILITIES BASED ON THE PRINCIPLE OF TRANSITION IN BANSKÁ BYSTRICA

Network of crisis intervention services for households without children



Network of crisis intervention services for households with children



"They also told me that you know, you don't have this apartment like you were supposed to live here for the rest of your life. No, this is just some sort of transitional place, sort of until your situation improves, but how is my situation gonna improve when I am on disability pension after cancer?"

Ignác, living in a homeless shelter¹⁵²

The principle of merit is deeply embedded in the system in Banská Bystrica and housing is not perceived as a human right.¹⁵³ However, to varying degrees, systems for the provision of assistance to people who are homeless are based on the transitional and merit principles in all three researched cities. As this Report demonstrates, the systems are not designed to provide individuals and families access to adequate permanent housing, so they don't need to rely on emergency accommodation for extended period of time, as the UN Guidelines for the Implementation of the Right to Adequate Housing recommend.¹⁵⁴ On the contrary,

¹⁵² Interview with a person living in an emergency shelter conducted on 9 February 2024.

¹⁵³ Karol Lengstein, *Systém prestupného bývania v meste Banská Bystrica*. Dostupné na: <https://cdn.banskabystrica.sk/2019/04/Syst%C3%A9m-prestupn%C3%A9ho-b%C3%BDvania-v-meste-Bansk%C3%A1-Bystrica.pdf>, Karol Langstein, *Porovnávacie štúdia (čiastočná) systémov prestupného bývania (System level housing) versus systémov typu Rapid Rehousing, Housing First a pod. v podmienkach mesta Banská Bystrica*. Dostupné na: <https://www.banskabystrica.sk/wp-content/uploads/2019/04/Porovnavacia-%C5%A1%C3%BAdia-Prestupn%C3%A9ho-b%C3%BDvania-a-Rapid-re-Housing.pdf> and Karol Langstein and others, *Banskobystrická odysea budovania zariadení krízovej intervencie – 25 rokov zariadení krízovej intervencie v meste Banská Bystrica*. Dostupné na: <https://cdn.banskabystrica.sk/2021/03/Banskobystricka-odysea-budovania-zariaden%C3%AD-kr%C3%ADzovej-intervencie.pdf>

¹⁵⁴ UN Special Rapporteur on the right to adequate housing, *Guidelines for the Implementation of the Right to Adequate Housing Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to nondiscrimination in this context*, 2019.

these systems result in a situation where people who need housing circulate in social services for long periods of time, rendering it almost impossible to access adequate permanent housing, and live a dignified life. At the same time, the Slovak law defines social services¹⁵⁵ as professional activities that should lead to the 'restoration of the ability of a person to lead an independent life with the intention to fully integrate into the society. Even if people manage to change their economic situation during their stay in a shelter, they have nowhere to go within the municipal housing system – they are low-income households and often without a supportive social network. Municipal housing systems don't generate opportunities for them to live in dignity. Housing in the commercial rental market is unaffordable to them due to high costs.

¹⁵⁵ The Act 448/2008 on social services and on changes and amendment to the Act on trade license business (Trade License Act) No. 455/1991, as subsequently amended.

4.5 GAPS IN GOVERNMENT'S RESPONSE TO HOUSING CRISIS AND HOMELESSNESS

The long term neglect and lack of prioritisation from the government to ensure affordable public rental housing - with an emphasis on non-discrimination - and the insufficient number of public rental apartments is in conflict with the state's obligation to respect people's right to housing.¹⁵⁶ Municipalities are responsible for expanding the public housing stock. Despite the existence of the State Fund for Housing Development and Subsidies for Housing Development, cities do not build new rental apartments. The reasons include insufficient capacity of officials, administrative burdens, and difficulties in gaining positive attitude of public living in the area of potential construction.¹⁵⁷ Any decentralisation processes in relation to housing should be guided and informed by human rights, in particular the right to adequate housing.¹⁵⁸ State - central and local governments - have an immediate obligation to take deliberate, concrete and targeted steps towards the full realisation of the right to housing to the maximum of its available resources.

The only financial support aimed for covering housing costs in the Slovak social system is a housing allowance which is insufficient in terms of its amount, and excludes some key groups through its eligibility criteria. There is no systemic social support available for these households to help them meet these criteria.

Amnesty International's analysis of strategies and legislation on housing, as well as by-laws (generally binding regulations - GBR) and strategic documents on housing in regional capitals shows, that policies and legislation in Slovakia, as well as regional policy and practice in regional capitals, do not contain effective measures to prevent housing losses and prevent homelessness.¹⁵⁹ The only exception is the recently passed by-law on renting apartments in Bratislava.¹⁶⁰ The new by-law no. 15/2023 defines prevention of housing loss as "an integral part of the provision of housing in city apartments"¹⁶¹ and is perceived by the city as a complex system aimed at detecting situations threatening the stability of housing and providing assistance in solving the challenges through a set of measures by the city. This mainly concerns the timely identification of debts, problem identification in the tenants' household, combining the provision of housing with specialised social services and coordinating cooperation with relevant authorities. Housing loss prevention is a key element in ensuring the right to permanent housing, which is missing at both the national level and in all regional capitals.

The existing government housing policy in Slovakia is based on the principle of transitional housing, or the principle of merit. Transitional housing systems form the basis of the central government's housing policy until 2030¹⁶² as well as in the housing policies of Slovak cities. The authorities and accountable institutions perceive the provision of residential social services (night shelters, shelters, hostels) within transitional systems as a substitute for ensuring adequate housing for people in housing need. The lack of sufficient public housing and barriers to accessing the limited public rental housing stock pose significant challenges for marginalised people in exercising their right to adequate housing and finding more stable and dignified housing alternatives.

¹⁵⁶ UN Special Rapporteur on the right to adequate housing, *Guidelines for the Implementation of the Right to Adequate Housing Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to nondiscrimination in this context*, 2023.

¹⁵⁷ 12 interviews with representatives of municipal offices and representatives of local governments conducted between 31 May 2023 and 18 July 2023 in Banská Bystrica, Nitra and Žilina.

¹⁵⁸ UN Special Rapporteur on the right to adequate housing, *Guidelines for the Implementation of the Right to Adequate Housing Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to nondiscrimination in this context*, 2014, documents.un.org/doc/undoc/gen/g14/248/16/pdf/g1424816.pdf

¹⁵⁹ Davit Kocman and others, *Systemic solution to the housing need of families and individuals at the municipal level - Suggestions and recommendations for cities and municipalities with a high level of housing need*, Social Housing Platform, 2019.

¹⁶⁰ Všeobecne záväzné nariadenie hlavného mesta Slovenskej republiky Bratislavy č. 15/2023 z 23.11.2023 o nájme bytov.

¹⁶¹ Všeobecne záväzné nariadenie hlavného mesta Slovenskej republiky Bratislavy č. 15/2023 z 23.11.2023 o nájme bytov, § 18 Prevencia straty bývania, čl. 1.

¹⁶² Ministry of Transport and Construction of the Slovak Republic, *Bytová politika Slovenskej republiky do 2030*, mindop.sk/ministerstvo-1/vystavba-5/bytova-politika/dokumenty/koncepcie

5. INTERNATIONAL AND NATIONAL LEGAL STANDARDS ON HOUSING

The right to adequate housing is enshrined in several international human rights treaties ratified by Slovakia resulting in specific obligations for the state.¹⁶³ Failure to fulfil the right to housing, moreover, can be associated with violations of other human rights, such as the right to health, the right to privacy, the right to water and sanitation, the right to social security and the right to non-discrimination.

The right to housing is enshrined in the **Universal Declaration of Human Rights** under Art. 25,¹⁶⁴ which defines the right to adequate standard of living.

Article 11, par. 1 of the **UN International Covenant on Economic, Social and Cultural Rights** (ICESCR) stipulates¹⁶⁵ that everyone has the right to adequate housing. The UN Committee on Economic, Social and Cultural Rights stressed (CESCR),¹⁶⁶ that the right to adequate housing should be interpreted broadly and the right to housing should be perceived as the right to live somewhere in safety, peace and dignity. The CESCR's authoritative interpretation of the content of the right to adequate housing and the obligations of states is contained in particular in the General Comment No. 4 (1991) on the right to adequate housing¹⁶⁷ and in the General Comment No. 7 (1997) on forced evictions.¹⁶⁸

An adequate housing is more than just 4 walls and a roof¹⁶⁹ According to the CESCR, for housing to be adequate, it must meet at a minimum, the following criteria:¹⁷⁰

- 1. Security of tenure** – housing is adequate if its residents possess a degree of security of tenure that guarantees legal protection from forced eviction, harassment, and other threats.
- 2. Availability of services, materials, facilities and infrastructure** – housing is adequate if it contains certain facilities essential for health, security, comfort and nutrition and the inhabitants have access to basic

¹⁶³ Nina Beňová, Maroš Matiaško, *Právo na bývanie*, Bratislava, 2918, Proti prídu, Socia, notabene.sk/swift_data/source/knihy_publicacie/Pravo_na_byvanie_final_web.pdf

¹⁶⁴ Universal Declaration of Human Rights, Article 25.

¹⁶⁵ International Covenant on Economic, Social and Cultural Rights, Article 11.

¹⁶⁶ General Comment 4 on the Right to adequate housing, Committee on Economic, Social and Cultural Rights (CESCR), Sections 1, 6.

¹⁶⁷ General Comment 4 on the Right to adequate housing, Committee on Economic, Social and Cultural Rights (CESCR), Sections 1, 6.

¹⁶⁸ Committee on Economic, Social and Cultural The right to adequate housing (Art.11.1) and CESCR General comment 7, emergency.unhcr.org/sites/default/files/2023-12/General%20Comment%20No.%207%20-%20The%20right%20to%20adequate%20housing%20%28Art.11.1%29%20-%20forced%20evictions.pdf

¹⁶⁹ General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant), refworld.org/legal/general/cescr/1991/en/53157 and *The right to adequate housing*, Fact sheet No.21/Rev.1, Office of the United Nations High Commissioner for Human Rights, ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf

¹⁷⁰ General Comment 4 on the Right to adequate housing, Committee on Economic, Social and Cultural Rights (CESCR), Sections 1, 6.

infrastructure and services (safe drinking water, sanitation facilities, energy for heating, lighting and cooking, food storage, waste disposal and sewerage).

3. Affordability – housing is adequate if the costs associated with housing do not threaten or compromise the attainment and satisfaction of other basic needs.

4. Habitability – housing is adequate if it provides physical safety, adequate space to its residents and protection from cold, damp, heat, rain, wind, and other threats to health, structural hazards, and disease vectors.

5. Accessibility – housing is adequate if it's accessible to those entitled to it. Disadvantaged groups must be accorded full and sustainable access to adequate housing and should be ensured some degree of priority consideration in the housing sphere. Also, both housing law and policy should take fully into account the special housing needs of these groups.

6. Location – housing is adequate if it's in a place which allows its residents access to employment options, health care facilities, childcare centres and other social facilities. Similarly, housing should not be built on polluted sites nor in immediate proximity to pollution sources that threaten the right to health of the inhabitants.

7. Cultural adequacy – housing is adequate if the way housing is constructed, the building materials used and the policies supporting these appropriately enable the expression of cultural identity and diversity of housing. According to the General Comment no. 4 On the right to adequate housing, the States parties should establish housing subsidies for those unable to obtain affordable housing, as well as forms and levels of housing finance which adequately reflect housing needs.

The right to adequate housing does not mean that governments are obliged to build free housing for all their residents. It includes taking such measures as are necessary to end and prevent homelessness, protect the inhabitants against forced eviction, eliminate discrimination, and all this while taking into account the most marginalised people. The fulfilment of the right to adequate housing is also subject to progressive realisation.¹⁷¹ States are obliged to make use of their maximum available resources to guarantee the right to adequate housing by all appropriate means, including particularly the adoption of legislative measures. Other measures that states should adopt are provision of judicial remedies and other administrative, financial, educational and social measures.¹⁷²

The UN Committee on Economic, Social and Cultural Rights has stated that the right to health includes not only access to health care, but also to underlying determinants of health, including access to housing. The Committee further clarified that ensuring access to basic shelter, housing and sanitation facilities as well as adequate supplies of safe drinking water are part of the core obligations under the right to health as enshrined in the ICESCR.¹⁷³

Regarding marginalised groups, the right to housing is regulated by other UN conventions:

- States are obligated to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the right to adequate housing, among other following rights: (Article 5 (e) of the **International Convention on the Elimination of All Forms of Racial Discrimination**.¹⁷⁴
- In the field of protection of the rights of children, States shall take appropriate measures to assist parents and others responsible for the child to implement the right of every child to a standard of living and shall in case of need provide material assistance and support programmes, particularly with regard to housing Art. 27 of the **Convention on the Rights of the Child**.¹⁷⁵
- In the area of protection of the right to adequate housing of persons with disabilities, States recognize the right of persons with disabilities to an adequate standard of living, including adequate

¹⁷¹ International Covenant on Economic, Social and Cultural Rights, Article 2 (1), [ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights](https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights)

¹⁷² General Comment 3: The Nature of States Parties' Obligations (Art. 2, Para. 1, of the Covenant), [refworld.org/legal/general/cescr/1990/en/5613](https://www.refworld.org/legal/general/cescr/1990/en/5613), and *The right to adequate housing*, Fact sheet No.21/Rev.1, Office of the United Nations High Commissioner for Human Rights: [ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf)

¹⁷³ Committee on Economic, Social and Cultural Rights (CESCR), General Comment 14. The Right to the Highest Attainable Standard of Health (Art. 12), 11 August 2000, [refworld.org/pdfid/4538838d0.pdf](https://www.refworld.org/pdfid/4538838d0.pdf) Sections 11 and 43.

¹⁷⁴ International Convention on the Elimination of All Forms of Racial Discrimination, Article 5.

¹⁷⁵ United Nations Convention on the Rights of the Child, Article 27, [employment.gov.sk/files/slovensky/ministerstvo/narodne-koordinacne-stredisko/dohovor-pravach-dietata.pdf](https://www.employment.gov.sk/files/slovensky/ministerstvo/narodne-koordinacne-stredisko/dohovor-pravach-dietata.pdf)

housing and shall take appropriate measures including ensuring access by persons with disabilities to public housing programmes; (Art. 28 of **the UN Convention on the Rights of Persons with Disabilities**).¹⁷⁶

- In the field of protection of women's right to housing, especially in the context of protection against gender based violence the right to a dignified life is enshrined in Art. 2, 5 and 16 of the **United Nations Convention on the Elimination of All Forms of Discrimination against Women**.¹⁷⁷

The Committee on the Elimination of Discrimination against Women's expressed a concern about compliance of Slovakia with the Convention on the Elimination of All Forms of Discrimination against Women in its Concluding observations on the seventh periodic report of Slovakia: *"The unequal distribution of shelters across the national territory, especially in rural areas, the lack of affordable public housing or rent-controlled housing, which forces victims of domestic violence to return to abusive households, and the lack of affordable and accessible health services and rehabilitation programmes for surviving victims of physical and sexual violence."*¹⁷⁸

Regarding homelessness, the **UN Guidelines for the implementation of the right to adequate housing** underscore that states should provide access to safe, secure and dignified emergency accommodation, with necessary support and without discrimination on any grounds, including migration status, nationality, gender, family status, sexual identity, age, ethnic origin, disability, dependence on alcohol or drugs, criminal record, outstanding fines or health. States should take special measures to protect the rights of children in street situations. Individuals and families should be provided access to adequate permanent housing so as not to be compelled to rely on emergency accommodation for extended periods. States should also prohibit and address discrimination on the ground of homelessness or other housing status and repeal all laws and measures that criminalise or penalise people who are homeless or behaviour associated with experiencing homelessness, such as sleeping or eating in public spaces.¹⁷⁹

Within the framework of the Council of Europe conventions, the right to housing is enshrined primarily in Art. 31 of the **Revised European Social Charter** which states that "with a view to ensuring the effective exercise of the right to housing, States undertake to take measures designed to promote access to housing of an adequate standard; prevent and reduce homelessness with a view to its gradual elimination and to make the price of housing accessible to those without adequate resources."¹⁸⁰ Although Article 31 is the only article that has not been ratified by Slovakia, the state is obliged to refrain from acts that would defeat the object and purpose of the Charter, according to the Vienna Convention on the Law of Treaties.¹⁸¹ Slovakia has ratified other Articles of the Charter related to the protection of the social and economic rights of the family (Article 16), children (Article 17) and other marginalised groups, which are relevant. The right to respect the home is also described in Article 8 of the **European Convention on Human Rights**.¹⁸²

In this regard, the Committee of Social Rights has adopted recommendations to Slovakia.¹⁸³ Despite not having ratified Article 31, the Committee asked Slovakia to provide updated information on the availability of adequate and affordable housing for families and highlighted that due to the failure to provide requested information on supply of adequate housing for families, the Committee concludes that the situation in the Slovakia is not in conformity with the Charter.¹⁸⁴

¹⁷⁶ United Nations Convention on the Rights of Persons with Disabilities, Article 28, mpsvr.sk/files/slovensky/uvod/legislativa/socialna-pomoc-podpora/dohovor-osn-pravach-osob-so-zdravotnym-postihnutim-opcny-protokol-sk-aj.pdf

¹⁷⁷ UN Convention on the Elimination of All Forms of Discrimination against Women, Article 2, 5, 16, un.org/womenwatch/daw/cedaw/cedaw.htm#:~:text=French%2C%2C%20Russian%20%20Spanish-,The%20Convention%20the%20on%20Elimination%20of%20All%20Forms%20of%20Discrimination,bill%20of%20Rights%20for%20women

¹⁷⁸ Committee on the Elimination of Discrimination against Women, Concluding observations on the seventh periodic report of Slovakia on compliance with the Convention on the Elimination of All Forms of Discrimination against Women of the Committee on the Elimination of Discrimination against Women, 2023, [binternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FSVK%2FCO%2F7&Lang=en](https://internet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FSVK%2FCO%2F7&Lang=en)

¹⁷⁹ **Special Rapporteur on the right to adequate housing, Guidelines for the implementation of the right to adequate housing**, ohchr.org/en/special-procedures/sr-housing/guidelines-implementation-right-adequate-housing

¹⁸⁰ European Social Charter, employment.gov.sk/files/legislativa/dokumenty-zoznamy-pod/europska-socialna-charta-revidovana.pdf

¹⁸¹ Vienna Convention on the Law of Treaties, United Nations, Treaty Series, vol. 1155, p. 331, legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf

¹⁸² European Convention on Human Rights, Article 31, echr.coe.int/documents/d/echr/convention_sk

¹⁸³ Committee of Social Rights, Conclusions of the Committee of Social Rights, Conclusions 2023 - Slovak republic, Article 16, hudoc.esc.coe.int/eng/?i=2023/def/SVK/16/EN and Conclusions of the Committee of Social Rights, Conclusions 2023 - Slovak republic - Article 17-1, hudoc.esc.coe.int/eng/?i=2023/def/SVK/17/1/EN

¹⁸⁴ Committee of Social Rights, Conclusions of the Committee of Social Rights, Conclusions 2023 - Slovak republic - Article 16, hudoc.esc.coe.int/eng/?i=2023/def/SVK/16/EN

Aspects of the right to housing are also enshrined in Article 34.3 of the **Charter of Fundamental Rights of the European Union on Social security and social assistance** that states: *“In order to combat social exclusion and poverty, the Union recognises and respects the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient resources, in accordance with the rules laid down by Community law and national laws and practices.”*¹⁸⁵

Article 1 of the **International Convention on the Elimination of Racial Discrimination** defines racial discrimination as *“distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.”* To comply with its obligations under international and regional human rights treaties, Slovakia must protect individuals against all acts of discrimination, whether these are carried out by public officials or private actors.¹⁸⁶ The Committee on the Elimination of Racial Discrimination has emphasised the obligation of states to *“act firmly against any discriminatory practices affecting Roma, mainly by local authorities and private owners, with regard to taking up residence and access to housing; to act firmly against local measures denying residence to and unlawful expulsion of Roma, and to refrain from placing Roma in camps outside populated areas that are isolated and without access to health care and other facilities.”*¹⁸⁷ At the regional level, the European Union adopted the Directive 2000/43/EC that prohibits discrimination based on race or ethnicity in the workplace, education, access to goods and services, including housing and health care.¹⁸⁸

According to **Guidelines for the Implementation of the Right to Adequate Housing**, States must ensure that the right to adequate housing is recognized and enforceable as a human right through applicable constitutional and legislative provisions or through interpretations of interdependent rights such as the right to life. It should be integrated into policy and programme design and included in the training of lawyers and judges.¹⁸⁹ The national legislation of Slovakia does not explicitly contain the right to housing.¹⁹⁰ However, the **Constitution of the Slovak Republic**¹⁹¹ has several relevant provision: Art. 19 protects the right to preserve human dignity; Art. 39 protects the right to adequate material security in old age and in case of incapacity for work and to help in material need; Art. 21 protects the inviolability of human habitation; and Art. 40 and 44 protect the rights to health and to a favourable environment.

Housing policies in Slovakia are regulated by 11 legislative acts. Moreover, another 75 laws and 31 subordinate legal norms directly or indirectly affect the housing sector.¹⁹² The most significant and extensive legislation is as follows:

- Act no. 40/1964 of Civil Code as amended (regulates the protection of civil rights, including property relations of individuals and legal entities and their property relations with the state).¹⁹³
- Act no. 182/1993 on the ownership of apartments and non-residential premises as amended Regulations (regulates the manner and conditions of acquiring ownership of apartments and non-residential premises in residential buildings).¹⁹⁴

¹⁸⁵ Charter of Fundamental Rights of the European Union, Official Journal of the European Communities, Article 34.3., europarl.europa.eu/charter/pdf/text_en.pdf

¹⁸⁶ Human Rights Committee, General Comment No. 31 and CERD, General Recommendation No. 20.

¹⁸⁷ CERD, General Recommendation No. 27: Discrimination against Roma.

¹⁸⁸ COUNCIL DIRECTIVE 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32000L0043

¹⁸⁹ UN Special Rapporteur on the right to adequate housing, *Guidelines for the Implementation of the Right to Adequate Housing Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to nondiscrimination in this context*, 2019, documents.un.org/doc/undoc/gen/g19/353/90/pdf/g1935390.pdf

¹⁹⁰ Nina Beňová, Maroš Matiaško, *Právo na bývanie*, Bratislava, 2918, Proti prúdu, Socia, notabene.sk/swift_data/source/knihy_publicacie/Pravo_na_byvanie_final_web.pdf

¹⁹¹ Ústava Slovenskej republiky, Article 19, 21, 39, 40, 44, slov-lex.sk/pravne-predpisy/SK/ZZ/1992/460/

¹⁹² Ministry of Transport and Construction of the Slovak Republic, *Správa o záveroch Analýzy právnych predpisov v oblasti bývania*, pp. 1, mindop.sk/ministerstvo-1/vystavba-5/bytova-politika/dokumenty/vseobecne-materialy

¹⁹³ Act no. 40/1964 Civil Code.

¹⁹⁴ Act no. 182/1993 on the ownership of apartments and non-residential premises.

- Act no. 200/2022 on territorial planning (regulates spatial planning, the rights and obligations of individuals and legal entities in spatial planning and the spatial planning and construction information system).¹⁹⁵
- Act no. 98/2014 on short-term apartment rental, as amended (regulates legal relations related to the short-term rental of an apartment).¹⁹⁶
- Act no. 189/1992 on the adjustment of some conditions related to the rental of apartments and housing allowances as amended (regulates for example housing compensations for restitution recipients).¹⁹⁷
- Act no. 246/2015 on administrators of apartment buildings and on amendments to the law of the National Council of the Slovak Republic no. 182/1993 on the ownership of apartments and non-residential properties premises as amended.¹⁹⁸
- Act no. 150/2013 on the State Housing Development Fund, as amended.¹⁹⁹
- Act no. 443/2010 on subsidies for housing development and on social housing as amended later regulations (regulates the scope, conditions and method of providing financial resources in the form of subsidies for housing development; defines social housing).²⁰⁰
- Act no. 483/2001 on banks and on amendments to certain laws as amended later regulations (purpose of regulation is to control banks, branches of foreign banks and other entities to ensure safe functioning of the banking system).²⁰¹
- Act no. 310/1992 on building savings as amended (regulates The Building savings fund, which consists mainly of deposits from savers, interest and subsidies from the state budget).²⁰²
- Act no. 555/2005 on the energy efficiency of buildings and on changes and additions some laws as amended (regulates procedures and measures for improving the energy efficiency of buildings).²⁰³

Authority for housing policy in Slovakia is transferred from the national level to the municipalities. The municipalities (cities and towns) are responsible for designing, implementing and governance of housing policies.²⁰⁴ Slovak municipalities each have their own legislation on housing - in particular, generally binding regulations on handling the city's housing stock. Cities and municipalities also decide on the expansion, maintenance or sale of the existing housing stock, and in Housing Development Programs, Housing Policy Concepts, Economic and Social Development Programs, Community Plans for Social Services and other conceptual documents, they set strategies and plans in the area of housing and social policies.

¹⁹⁵ Act no. 200/2022 on territorial planning. Up to 31.3.2025 the previous Law 50/1976 Coll. is in action.

¹⁹⁶ Act no. 98/2014 on short-term apartment rental.

¹⁹⁷ Act no. 189/1992 Act of the Slovak National Council on the adjustment of certain conditions related to the rental of apartments and housing compensation.

¹⁹⁸ Act no. 246/2015 Act on administrators of apartment buildings and on amendments to Act of the National Council of the Slovak Republic No. 182/1993 Coll. on the ownership of apartments and non-residential premises, as amended.

¹⁹⁹ Act no. 150/2013 on the State Housing Development Fund, as amended.

²⁰⁰ Act no. 443/2010 on subsidies for housing development and on social housing as amended later regulations.

²⁰¹ Act no. 483/2001 on banks and on amendments to certain laws as amended later regulations.

²⁰² Act no. 310/1992 on building savings as amended.

²⁰³ Act no. 555/2005 on the energy efficiency of buildings and on changes and additions some laws as amended.

²⁰⁴ Act. no. 369/1990 on municipal government: slov-lex.sk/pravne-predpisy/SK/ZZ/1990/369/20020508.html

6. LIMITED ACCESS TO HOUSING IN SLOVAKIA

6.1 LIMITED AVAILABILITY OF PUBLIC HOUSING

“Since I don't have anywhere to go, I just really don't mind anything. I'm here. Well, I'm happy with what I have. What else can I do? What they gave me here is mainly a roof over my head and some warmth.”

Jana, an older person living in a homeless shelter²⁰⁵

Housing provided by municipalities (towns and cities) is currently the only available public housing in Slovakia. The municipal rental housing stock of Slovak cities is significantly low. Currently, the average share of rental housing as opposed to privately owned homes in the European Union is about 25%. In contrast, in the Slovakia, total rental housing represents only 7.7% of the total housing stock, of which 6.1% is commercial rental housing and only 1.6% is housing with regulated rent.²⁰⁶

²⁰⁵ Interview with an older person living in a homeless shelter conducted on 23 January 2024.

²⁰⁶ Elena Szolgayová and others, *Podpora nájomného bývania*, Association of cities and towns, 2019.

TABLE 4: THE NUMBER OF MUNICIPAL RENTAL FLATS IN COMPARISON TO THE TOTAL HOUSING STOCK OF SLOVAK CITIES

CITY	NUMBER OF APARTMENTS ²⁰⁷	NUMBER OF PUBLIC RENTAL APARTMENTS	SHARE OF PUBLIC RENTAL APARTMENTS (%)
BANSKÁ BYSTRICA	35,654	297 ²⁰⁸	0.83%
BRATISLAVA	248,199	2,446 ²⁰⁹	0.99%
KOŠICE	96,926	1,197 ²¹⁰	1.23%
NITRA	35,973	1,029 ²¹¹	2.86%
PREŠOV	33,396	545 ²¹²	1.63%
TRENČÍN	25,166	189 ²¹³	0.75%
TRNAVA	29,289	725 ²¹⁴	2.48%
ŽILINA	37,024	1,142 ²¹⁵	3.08%

At the same time, Slovak authorities are not building a sufficient number of public rental apartments.

In 2022, only 1.95% of all newly built apartment buildings were in public ownership (of 20,203 newly built flats, 402 were in municipal ownership and 2 were in state ownership).²¹⁶ Only 1.07% of completed apartments/flats in 2022 were in municipal ownership.²¹⁷ This figure is alarmingly low especially when looking at the population of people in housing need and people who spend more than 30% of their income on housing costs, the socio-economic situation of Slovak households and the housing crisis at large.

Furthermore, the construction of new public housing has decreased by 86% over the last 10 years.

²⁰⁷ 2021 Population and Housing Census, scitanie.sk/byty/zakladne-vysledky/pocet-bytov-podla-formy-vlastnictva/SR/SKO/OB

²⁰⁸ Interview with representative of the municipality conducted on 18 July 2023.

²⁰⁹ Analýza mestského nájomného bývania v Bratislave a jej mestských častiach, 2022, s. 7. (previously cited).

²¹⁰ Request for access to information pursuant to Section 14 of Act 211/2000 on freedom of information.

²¹¹ Request for access to information pursuant to Section 14 of Act 211/2000 on freedom of information.

²¹² City of Košice, *List of apartments set aside for special social groups of Košice residents*.

²¹³ Request for access to information pursuant to Section 14 of Act 211/2000 on freedom of information.

²¹⁴ Community Social Services Plan of the City of Trnava 2021-2025.

²¹⁵ Community Social Services Plan of the City of Žilina for 2019-2023.

²¹⁶ Ministry of Transport and Construction of the Slovak Republic, *Informácia o bytovej výstavbe v Slovenskej republike za rok 2022, 2023*, mindop.sk/ministerstvo-1/vystavba-5/bytova-politika/dokumenty/informacie/informacia-o-bytovej-vystavbe-v-slovenskej-republike

²¹⁷ Ministry of Transport and Construction of the Slovak Republic, *Informácia o bytovej výstavbe v Slovenskej republike za rok 2022, 2023*, mindop.sk/ministerstvo-1/vystavba-5/bytova-politika/dokumenty/informacie/informacia-o-bytovej-vystavbe-v-slovenskej-republike

TABLE 5: NUMBER OF COMPLETED FLATS IN MUNICIPAL OWNERSHIP AND THEIR SHARE IN THE TOTAL NUMBER OF COMPLETED FLATS²¹⁸

YEAR	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
NUMBER	1,544	1,064	680	339	336	226	195	205	250	134	216
PROPORTION (%)	10.1	7.05	4.54	2.19	2.14	1.33	1.02	1.02	1.16	0.65	1.07

Available public rental housing is insufficient and reflects decades of neglect, spanning across numerous governments.

The UN Special Rapporteur on the right to adequate housing has underscored that states must facilitate social housing options, ensuring that individuals can access housing even when they lack the economic means.²¹⁹ For its part, the Committee on Economic, Social and Cultural Rights recommended Slovakia to provide adequate and affordable social housing.²²⁰ However, the affordable public housing stock in Slovakia is insufficient and inadequate to meet the demand for housing.

The Committee on Economic, Social and Cultural Rights has highlighted that States must give due priority to those social groups living in unfavourable conditions by giving them particular consideration.²²¹ Housing must be physically accessible and economically affordable for marginalised groups such as people with disabilities, older persons, women, children, and others.²²²

6.2 BARRIERS TO ACCESS MUNICIPAL RENTAL HOUSING

Amnesty International identified the following significant pre-conditions, which created barriers for people to access public rental housing. These include the requirements a) proof of minimum income in the household, b) the deposit, c) permanent residence in the town and d) no pending debts towards the town.

TABLE 6: PRE-CONDITIONS TO ACCESS PUBLIC RENTAL HOUSING IN REGIONAL CAPITALS

Regional capital	Minimum income exceeding 180.10 euro (material needs allowance + housing allowance for an individual)	Deposit exceeding monthly rent	Permanent residence in town	Zero indebtedness

²¹⁸ Ministry of Transport and Construction of the Slovak Republic, *Informácia o bytovej výstavbe v Slovenskej republike za rok 2022* (previously cited)

²¹⁹ UN Special Rapporteur on the right to adequate housing, Adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, documents.un.org/doc/undoc/gen/n23/240/69/pdf/n2324069.pdf

²²⁰ Committee on Economic, Social and Cultural Rights, Concluding observations on the third periodic report of Slovakia: docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmlBEDzFEovLCuWx8AhHloWaPQKfnd2BAOkQNSKXtJaFyw3u2Vrx%2FfxVofEUQwmaxUDmNxnZKjWYVQPI15ulwTnSOSWfVK1Nh9AUa7k2d63tzJQdZ66zrQ5tk8m

²²¹ Committee on Economic, Social and Cultural Rights (CESCR), General Comment 4 on the Right to adequate housing (Article11(1)), ohchr.org/en/documents/general-comments-and-recommendations/committee-economic-social-and-cultural-rights

²²² Committee on Economic, Social and Cultural Rights (CESCR), General Comment 4 on the Right to adequate housing (Article11(1)), International Covenant on Economic, Social and Cultural Rights.

BANSKÁ BYSTRICA ²²³	yes	yes (x6)	yes	yes
BRATISLAVA ²²⁴	yes	yes (x6)	yes	no
KOŠICE ²²⁵	no	n/a ²²⁶	yes	yes
NITRA ²²⁷	yes	yes (x6)	yes	yes
PREŠOV ²²⁸	yes	yes (x3)	yes	yes
TRENČÍN ²²⁹	yes	n/a ²³⁰	yes	no ²³¹
TRNAVA ²³²	yes	yes (x3)	yes	yes
ŽILINA ²³³	yes	yes (x3)	yes	yes

6.2.1 INCOME THRESHOLDS

One of the fundamental requirements of towns regarding the eligibility for municipal rental housing is that households demonstrates a certain level of financial income — legislation defines the minimum and maximum limits²³⁴ with regard to individual housing categories, which the applicants must meet. Minimum income limits shall help to assess whether a household is capable of paying the required rent. Maximum income limits should help to identify if there is financial need. Both can be problematic and constitute barriers for people.

Amnesty International spoke with Alena (38), a former tenant of municipal rental housing, who lived there for 10 years.²³⁵ Alena described that the maximum income threshold was stressful and made her feel that it was not possible to raise income. Increasing the income of her household even by a few euros would result in exceeding the income limit and she would face eviction from the municipal rental housing:

²²³ City of Banská Bystrica, Generally binding regulation of the city of Banská Bystrica no. 5/2019 and no. 7/2021 on handling the housing stock of the City of Banská Bystrica.

²²⁴ City of Bratislava, Generally binding regulation Bratislava, the capital of the Slovak Republic no. 1/2006 on renting apartments and living rooms in facilities intended for permanent housing. Bratislava approved a new by-law (GBR 15/2023) on rental housing, which enters into force as of September 2024. Compared to the previous regulation, the new regulation does not include the condition of permanent residence in the city (verifiable residence remains the condition), the deposit is not mandatory for housing categories intended for low-income households and the minimum income requirement is not included. However, the new GBR includes the condition of zero indebtedness or the existence of a valid agreement on existing debt repayment.

²²⁵ City of Košice, Generally binding regulation of the city of Košice no. 194/2018 on Rules for renting apartments for special social groups of residents of the city of Košice.

²²⁶ Not identified during desk research of local policies and legislation.

²²⁷ City of Nitra, Generally binding regulation of the City of Nitra no. 1/2022 on social housing and Generally binding regulation of the City of Nitra no. 3/2022 on rental apartments.

²²⁸ City of Prešov, Generally binding regulation of the city of Prešov no. 2/2022, amending and supplementing the generally binding regulation of the city of Prešov no. 11/2019 on the allocation of rental apartments owned by the city of Prešov.

²²⁹ City of Trenčín, Generally binding regulation of the City of Trenčín no. 14/2008 PRINCIPLES OF MANAGEMENT OF HOUSING STOCK OWNED BY THE CITY OF TRENČÍN.

²³⁰ Not identified during desk research of local policies and legislation.

²³¹ Not excluding; but such applications are assessed by a commission.

²³² City of Trnava, GENERALLY BINDING REGULATION No. 500 on dealing with apartments owned by the City of Trnava (built with a financial contribution from the state budget in the form of a subsidy for housing development and from the State Housing Development Fund), GENERAL MANDATORY REGULATION no. 595 on dealing with city-owned apartments that are not intended for sale and with apartments of a lower standard, GENERAL MANDATORY REGULATION no. 480 to rental apartments owned by the City of Trnava at V. Clementisa Street 6483/51 in Trnava and living rooms in the municipal hostel at Coburgová Street 2267/27 in Trnava.

²³³ City of Žilina, Generally binding regulation no. 5/2021 on the allocation of rental apartments for social purposes owned by the city of Žilina.

²³⁴ The upper income limit for a household in the case of social housing built using the state funds is defined by law.

²³⁵ Interview with a previous tenant of municipal housing, conducted on 2 October 2023.

“When it came to signing the contract, I learned that wasn't that simple. The fact that every 3 years my income will be reassessed, actually with all the people who live in that household, who have registered permanent residence there, made me quite angry, because there was a rather strict limit. The limit is somehow calculated from the subsistence minimum for the primary tenant and persons living together, which I fulfilled at the time. But I've had some kind of career vision, and now I might be able to do it. And I really wanted and needed a higher salary. They told me that even if we exceed the limit by 2 EUR, they will simply move us out. So I was so taken aback by that.”

The rules regarding the income that a household must comply with, are confusing and it is not clear what kind of income is eligible and what is the actual sum that constitutes the income threshold. The rules also require individuals to calculate several multiples of the subsistence minimum²³⁶ to understand whether they are eligible for housing. A clear formula is often missing, for example available as an online tool. Such a formula would help those applying for housing to assess their income and find out if they are eligible or not.

According to the information from the officials and applicants, the failure to meet income limits is the most common reason for rejecting housing applications.²³⁷

“I wouldn't be able to pay for it myself. I have a brother who is currently employed, so maybe I could manage it with him, but I wouldn't be able to do it myself, because I wouldn't have anything to pay for it. If I had a job and had money saved up, I would already be thinking about housing. Today, subletting and one-room apartments are also very expensive. And since you are getting only material need aid, you can be glad that you have it for food.”

Matej, living in a homeless shelter²³⁸

Many people who would be interested in public rental housing work based on informal agreements²³⁹ and cannot prove their overall income. Hence, people who earn money and would be able to pay the rent, however, cannot prove their income are often deemed eligible. In addition to people with informal income, other people impacted include small freelancers who do not have sufficient income as per their tax return, people with minimum income from social benefits (such as material need allowance), and people who live in overnight shelters and find it difficult to find a long-term job.

“Well I'm going to the labour office today as well. Since I was 16 years of age I have worked in construction and I'm worn out, can't do it anymore. I didn't get paid for my last job, I had no solid contract. I worked there for two months and didn't get a single cent.”

²³⁶ Subsistence minimum is the minimum level of income of a natural person; any person whose income is below this level is considered to be in material need. The subsistence minimum is always adjusted on 1 July of the current calendar year based on the coefficient of the growth of subsistence costs in low-income households.

²³⁷ 8 interviews with municipal officials conducted between 31 May 2023 and 17 July 2023, 45 interviews with people living in social services conducted between 14 June 2023 and 22 February 2024.

²³⁸ Interview with a person living in a homeless shelter conducted on 29 November 2023.

²³⁹ Unofficial (not formal) work is work without any due employment contract or other legal format governing the relationship between the employee/worker and employer/commissioning party.

Furthermore, all regional capitals in Slovakia require households to meet the minimum income threshold, which is set forth in their respective by-laws (in particular general binding regulations). The towns' rationale for the minimum income requirement is the long-term sustainability of the rental housing system.²⁴¹ However, this risks excluding people who are financially incapable of paying any rent and still require housing. Minimum income limits in regional capitals can be too high for some people, including people who are homeless and those in housing need, and exclude them from the possibility to benefit from municipal housing.

The only available financial support from the state—a housing allowance, is not a functional tool to this end, and does not provide adequate support. Primarily, the amount of this allowance is not sufficient to obtain adequate and affordable housing (as explained in Chapter 5.2). In other words, the housing allowance alone is not enough to meet the minimum income threshold in all cities. As a result, people with very low incomes or people solely reliant on the housing allowance do not meet the minimum income threshold, and thus are unable to access municipal rental housing.

This particularly impacts people who earn above the minimum subsistence wage and are thus not eligible for the housing allowance. People who earn less than the minimum subsistence wage are eligible for the housing allowance, but the amount of the allowance would not always bring them to meet the necessary income threshold to access municipal housing. Therefore, it is imperative that the housing allowance system is amended to ensure that low-income households have the possibility to live in municipal housing. In 2020, an OECD study ranked Slovakia the very last from among 31 investigated countries as to the share of low-income households receiving such allowance.²⁴²

6.2.2 DEPOSIT

Another barrier to accessing public housing is the obligation to pay a deposit. Applicants are bound to pay an considerable deposit prior to signing rental agreement.²⁴³ As per Amnesty International's research, the deposit is used mainly to cover the repairs of any damages incurred, if any. The amount of deposit that a household has to pay before moving in may total several multiples of the monthly rental. In Banská Bystrica, Bratislava, Nitra and Prešov the deposit can be as high as 6 months rent in advance.

For example, if the monthly rent is set²⁴⁴ for 248,66 euro²⁴⁵ and the amount of the deposit is set at the amount of three monthly rents,²⁴⁶ the tenants need to pay a sum of 994,64 euro before moving in to the municipal flat. The flats are rented unfurnished and in some cases without basic amenities which further increases individuals' expenses. For low-income households this represents an insurmountable obstacle. This was also mentioned by people experiencing homelessness interviewed by Amnesty International:

²⁴⁰ Interview with a person living in an overnight shelter conducted on 18 July 2023.

²⁴¹ 8 interviews with public officials in Banská Bystrica, Nitra and Žilina conducted between 16 May and 12 July 2023.

²⁴² OECD Directorate of Employment, Labour and Social Affairs - Social Policy Division, Recipients and payment rates of housing allowances, 2022, oecd.org/els/family/PH3-3-Recipients-payment-rates-housing-allowances.pdf

²⁴³ Banská Bystrica: Všeobecne záväzné nariadenia Mesta Banská Bystrica č. 5/2019 a č. 7/2021 o nakladaní s bytovým fondom Mesta Banská Bystrica; Bratislava: Všeobecne záväzné nariadenie hlavného mesta Slovenskej republiky Bratislavy č. 1/2006 o nájme bytov a obytných miestností v zariadeniach určených na trvalé bývanie; Košice: Všeobecne záväzné nariadenie mesta Košice č. 194/2018 Pravidlá prenajímania bytov pre osobitné sociálne skupiny obyvateľov mesta Košice; Nitra: Všeobecne záväzné nariadenie Mesta Nitra č. 1/2022 o sociálnych bytoch; Prešov: Všeobecne záväzné nariadenie mesta Prešov č. 11/2019 o pridelovaní nájomných bytov vo vlastníctve mesta Prešov; Trenčín: Všeobecne záväzné nariadenie Mesta Trenčín č. 14/2008 ZÁSADY HOSPODÁRENIA S BYTOVÝM FONDOM VO VLASTNÍCTVE MESTA TRENČÍN; Trnava: VŠEOBECNÉ ZÁVÄZNÉ NARIADENIE č.500 o nakladaní s bytmi vo vlastníctve Mesta Trnava (vybudované s finančným príspevkom zo štátneho rozpočtu formou dotácie na rozvoj bývania a zo Štátneho fondu rozvoja bývania), VŠEOBECNÉ POVINNÉ NARIADENIE č. 595 o nakladaní s bytmi vo vlastníctve mesta, ktoré nie sú určené na predaj a s bytmi nižšieho štandardu, VŠEOBECNÉ POVINNÉ NARIADENIE č. 480 do nájomných bytov vo vlastníctve mesta Trnava na ulici V. Clementisa 6483/51 v Trnave a obytných miestností v mestskej ubytovni na Coburgovej ulici 2267/27 v Trnave; Žilina: Všeobecne záväzné nariadenie č. 5/2021 o pridelovaní nájomných bytov pre sociálne účely vo vlastníctve mesta Žilina.

²⁴⁴ Every city decides on the sum of the monthly rent in its housing stock. The amount of rent also depends on the source of financing that was used to build it, square footage of the flat and the technical parameters of the flat.

²⁴⁵ City of Bratislava, LEASE no. 09 – 85 – 0370 – 22 – 00 closed in accordance with § 685 et seq. of the Civil Code between the city of Bratislava and the tenant.

²⁴⁶ City of Bratislava, DECISION no. 24/2016 of the mayor of Bratislava, the capital of the Slovak Republic, which regulates the procedure for the allocation of municipal rental apartments in property of the capital entrusted to the administration of the city district, art. 8 Financial security.

“I'm thinking about it (public housing). But we don't have the means to pay the rent and the deposit and everything. My girlfriend gets 250 euro a month. I only have 160 euro. We can't pay 300 for an apartment from what we have, plus the deposit. And it's hard for me to get a job that pays enough. My girlfriend is really sick, she has cancer. I have to take care of her.”

Jakub, living in a homeless shelter²⁴⁷

This is more so in situations where moving into a flat can come with other, high additional costs. In the case of lower-standard housing in segregated locations for Roma (Dvorčianska Street and Orechov dvor in Nitra, Bratislavská Street in Žilina and Internátna Street in Banská Bystrica),²⁴⁸ the tenants often take the housing over in conditions requiring high investments on their part in order to make the flats habitable (as explained in a later section).

In Nitra, for example, the applicants may pay the deposit gradually, based on a repayment schedule. However, for households most at risk of poverty, even this may be extremely expensive.

Similar to income limits, the primary problem in the case of deposit is that there is no existing mechanism for financial assistance, which would help the households cover the initial housing investments. The housing allowance remains an inadequate tool to ensure that the right to housing becomes a reality for marginalised groups.

6.2.3 PERMANENT RESIDENCE

In all of the regional capitals, one of the essential rules in the application process when seeking public rental housing is the necessity to have proof of permanent residence in the town; the towns consider this condition very important, as municipal housing is perceived as exclusively designated for the town's residents.

The permanent residence requirement usually ranges between 3 to 5 years, based on criteria set by each city and it is a prerequisite for the allocation of municipal housing in any category. Bratislava is the only exception, where it is necessary to prove (for example through providing a work contract, proof of school attendance of children, etc.) that the applicant has dwelled within the town's territory for no less than 5 years.²⁴⁹ For instance, Banská Bystrica also applies this condition to people who have been in a continuous employment in the town for no less than 3 years. Such rules exclude a large part of the town's population who, e.g. is not registered for permanent residence or has moved to the town less than 5 years ago. While non-citizens are technically eligible for municipal housing, the rule effectively excludes non-citizens (refugees, migrants), who decided to live in the town and in the short-term have been only granted temporary residence in Slovakia.

6.2.4 REQUIREMENT OF ZERO INDEBTEDNESS

Except for Bratislava, all towns Amnesty International looked at require zero indebtedness of people to the local government to be eligible for municipal housing. Again, this risks excluding the most marginalised groups from the right to adequate housing.

Unlike other towns under review, Nitra and Banská Bystrica apply the condition of zero indebtedness of the applicants towards the town and companies in its ownership; this is valid also in the case where the applicant declared personal bankruptcy.²⁵⁰ In case of personal bankruptcy, the debt has legally ceased to exist but despite that people are obliged to settle the (no longer existing) debt in order to be eligible for

²⁴⁷ Interview with a long-term tenant of a homeless shelter conducted on 23 January 2024.

²⁴⁸ The situation in segregated locations is described in more detail in Chapter 8.2.

²⁴⁹ City of Bratislava, Nájomné byty mesta, (cited 15 July 2024), bratislava.sk/socialne-sluzby-a-byvanie/byvanie-a-ubytovanie/najomne-byty-mesta

²⁵⁰ Generally binding regulation of the City of Nitra no. 1/2022 on social housing and Generally binding regulation of the City of Nitra no. 3/2022 on rental apartments, Generally binding regulation of the city of Banská Bystrica no. 5/2019 and no. 7/2021 on handling the housing stock of the City of Banská Bystrica.

housing. Pursuant to the law, anybody who has declared a personal bankruptcy has no longer a debt.²⁵¹ Hence, the town should not claim such 'debt' nor condition the provision of municipal services inclusive of housing on its repayment.

This practice was confirmed by three social workers interviewed by Amnesty International.²⁵² In Banská Bystrica, this obligation is directly enshrined in the generally binding regulation, which regulates the allocation of municipal rental apartments.²⁵³

Jana, an older person living in a homeless shelter for six years described her experience:

"When I went to submit the application (for municipal housing) last year, the lady accepted it and then called me back saying that I haven't paid for the fee for municipal waste. Well, I went to see her right away, but as I said, I live in a social facility and the "rent" we pay here includes the municipal waste fee, so the manager (of the social service facility) had to write me an official paper that I paid for the municipal waste from 2018 to in 2023. I went to the tax office and within about two weeks they sent me the papers, 8 envelopes or however many, confirming that I have zero debt for every year from 2018 to 2023. But then she came up with another thing, as of 2016-2017-2018, telling me I still owe 87 euros for municipal waste. And she told me, that according to the law, she can't ask for that money because I'm in personal bankruptcy, which means no official debt. But it means that she still can't accept my request. You know, such things are incomprehensible to me. She can't put me on the waiting list until I get that municipal waste fee sorted out. And because I can't pay the debt myself, she told me to give someone the money, for example I could give it to you and you will pay the amount. You will bring it to them and thus my application will be accepted. Yes, that's how it is. That's what the lady told me. Well, I left it as it is, and the point is that if I were to pay the amount through a third party, I will be placed on the waiting list and I will be in 290th place so what good does it do me anyways?"²⁵⁴

This was also confirmed in an interview directly by a municipal officer: *"I made one such decision on the edge, it's even in the generally binding regulation; the prosecutor has not challenged it so far: the applicant must settle all pending issues against the city and the companies established by it. Well, for me, the issue is not settled when they are in bankruptcy. I say, you want to be housed? You can pay it through a 3rd party. I don't lead them to it, I say, you can pay it through a 3rd person. Therefore, if it is paid, they get into the database of applicants. After years of trial and error, hey, we first cleared it of all non-payers, then they were given a lease for a maximum of one year"* (representative of municipal office).²⁵⁵

According to Act 7/2005 Coll. The city has no legal right to demand the owed amount through a third party as a condition for the provision of municipal rental housing.²⁵⁶

Of the 45 people living in residential social services for people who are homeless interviewed by Amnesty International, 18 are not eligible for municipal rental housing because of an existing debt towards the city. Social workers working for both municipalities and NGOs confirmed that debt registered by the city was one of the main barriers for their clients in accessing municipal housing.²⁵⁷

²⁵¹ Zákon 7/2005 Z. z. o konkurze a reštrukturalizácii a o zmene a doplnení niektorých zákonov, [slov-lex.sk/static/pdf/2005/7/ZZ_2005_7_20170101.pdf](https://lex.sk/static/pdf/2005/7/ZZ_2005_7_20170101.pdf)

²⁵² Interviews with social workers of NGOs conducted on 17 July and 19 July 2023.

²⁵³ VŠEOBECNE ZÁVÄZNÉ NARIADENIE MESTA BANSKÁ BYSTRICA č. 5/2019 o nakladaní s bytovým fondom mesta Banská Bystrica, čl. 3, §3, ods. 11: „V prípade, že príslušný súd rozhodol o oddžžení žiadateľa (t. j. o tzv. osobnom bankrote), v súlade s ustanoveniami zákona č. 7/2005 Z. z. o konkurze a reštrukturalizácii a o zmene a doplnení niektorých zákonov, pričom medzi veriteľov žiadateľa patrili: Mesto Banská Bystrica, vlastník nájomného bytu a/alebo organizácie v zriaďovateľskej a zakladateľskej pôsobnosti Mesta Banská Bystrica, žiadateľ bude vyradený z evidencie žiadateľov o nájomný byt, príp. vlastník bytu s takýmto žiadateľom neuzatvorí novú nájomnú zmluvu ak sa preukáže, že žiadateľ ani po oddžžení neplní svoje splatné záväzky voči vlastníčkovi nájomného bytu, a/alebo voči organizáciám v zriaďovateľskej a zakladateľskej pôsobnosti Mesta Banská Bystrica.“

²⁵⁴ Interview with a person living in a homeless shelter conducted on 23 January 2024.

²⁵⁵ Interview with a municipal officer conducted on 12 July 2023.

²⁵⁶ Zákon 7/2005 Z. z. o konkurze a reštrukturalizácii a o zmene a doplnení niektorých zákonov, slov-lex.sk/pravne-predpisy/SK/ZZ/2005/7/

²⁵⁷ 29 Interviews with social workers of NGOs and municipalities conducted between 11 May 2023 and 22 February 2024.

6.3 BARRIERS ASSOCIATED WITH ADMINISTRATIVE REQUIREMENTS

In the regional capitals, the housing application must include a lot of information and documents, confirming the economic and social situation of households: all income elements, documents confirming (family) relations among the members in the household, etc. In all regional capitals, applicants are given 30 days upon the receipt of the application by the office to supply all certifications/confirming documents. To obtain such documents, applicants need to go through an ordeal of visiting/contacting various institutions (tax authority; social insurance company; labour office, social affairs and family; medical outpatients' departments; local authorities; civil registration offices; schools; notarial offices; etc.). Some certificates are issued subject to administrative fees, which can be up to 10 eur each.

Applicants filing their application for municipal rental housing in regional capitals must provide the following certificates/confirming documents:²⁵⁸

Documents confirming income of a household:

- certificate of income of the applicant and all members of the household issued by their respective employers (for the relevant period (it varies from 6 months to 1 calendar year), or tax return for self-employed persons;
- annual clearance of tax advances on individual income tax from gainful employment for all members of the household;
- photocopy of the assessment of disability pension, old age pension, orphan's annuity, widow/widower pension or pension under special schemes (e.g. police, firemen etc., transl. note);
- certificate of drawing unemployment benefit, or any other benefits, such as social, maternity, parental, child, and other state-granted benefits for the relevant period;

Documents on the number of persons in the household, their age, state of health, and their mutual relationships:

- photocopies of birth certificates of individual household members;
- photocopy of a divorce decree, custody of a dependent child and determining the child maintenance;
- certificate by a physician-specialist on disability where accessible rental housing is requested;
- Prešov: a certificate confirming the child's studies for compulsory school education issued by the school attended by the child,

Documents on the housing situation of the household:

- affidavit of the applicant to the extent they own no real estate and/or affidavit on their real estate situation
- photocopy of the ownership certificate or rental agreement for the place of permanent residence of the applicant, or confirmation by the town/town burrow on permanent residence

Certificates on zero indebtedness of a household:

- confirmation (e.g. by property management companies) on zero indebtedness of the applicant.

²⁵⁸ Not all of the mentioned documents are required in all regional capitals. Banská Bystrica: DOTAZNÍK K ŽIADOSTI O PRENÁJOM NÁJOMNÉHO BYTU v nájomných domoch v meste Banská Bystrica; Bratislava: VZN 1/2006, § 3, ods. 1, Štatút projektu dom mladej rodiny, Štatút projektu dom pre starších občanov, Štatút projektu Dostupného bývania so sociálnou podporou; Košice: Žiadosť o pridelenie sociálneho bytu; Nitra: Žiadosť o pridelenie nájomného bytu na Dvorčanskej ul. 63, Žiadosť o pridelenie nájomného bytu, BD Olympia, Žiadosť o pridelenie nájomného bytu v Bytovom dome Senior, ŽIADOSŤ O PRENÁJOM BYTU obstaraného z verejných prostriedkov; Prešov: Žiadosť o nájomný byt; Trenčín: Žiadosť o prenájom nájomného bytu; Trnava: GENERAL MANDATORY REGULATION No. 500 on dealing with apartments owned by the City of Trnava (built with a financial contribution from the state budget in the form of a subsidy for housing development and from the State Housing Development Fund), GENERAL MANDATORY REGULATION no. 595 on dealing with city-owned apartments that are not intended for sale and with apartments of a lower standard, GENERAL MANDATORY REGULATION no. 480 to rental apartments owned by the City of Trnava at V. Clementisa Street 6483/51 in Trnava and living rooms in the municipal hostel at Coburgová Street 2267/27 in Trnava; Žilina: Žiadosť o pridelenie nájomného bytu pre sociálne účely

The applicants must bring such documents in hardcopy to the respective authority; no regional capital allows filing the application and the required certificates electronically. The applicants must also submit all the above documents every time they apply for rental extensions (i.e. every year or every three years). The documentation must also be provided every time the application is renewed.

“I always took a day off and in fact I was running the whole day visiting all the authorities. And you have to queue at many authorities. It was a marathon, but one can manage once in three years.”

Alena, 38 years, a former tenant in municipal rental housing²⁵⁹

Multiple respondents who were tenants found this process exhausting and when filing their requests and obtaining certificates they often counted on the help of their families.

“I was given information directly at the office, I didn’t even check the webpage, normally I don’t look there, and in fact it was my girlfriend who told me about the possibility to apply for housing with the municipal authority. They explained everything to me when I was filing my application at the office and my son with his family helped me with other errands around the application.”

Zuzana, a rental housing tenant

It is difficult to find out which authority must be contacted in order to obtain a specific certificate/confirmation and how such certificates are to be obtained, as information about this is not easily available. Besides, marginalised groups can face various information barriers. The formal and complicated language of the application and related instructions may make it harder to access these documents, as well as the complex language of generally binding regulations. People living in social services are helped by social workers, however, such support is not available to persons not using social services. In Banská Bystrica, Nitra and Žilina, applicants can access municipal representatives to give them information on the application process. However, none of the three cities offers social support in housing, which would help the applicants access information, procure certificates and/or confirm documents.²⁶⁰

Complicated administrative obligations create a barrier, which people have to overcome when filing their applications, upon their renewal, and also when extending the rental agreement. As the Special Rapporteur on extreme poverty and human rights stated in the Report “Non-take-up of rights in the context of social protection”: *“Even when people are theoretically eligible to receive social protection benefits and even where the benefits of applying outweigh the costs, individuals face crippling initial obstacles when attempting to engage with social protection systems. These hurdles include a lack of awareness of the benefits themselves (especially due to language and literacy barriers), lack of information about eligibility criteria, difficulties with completing application forms, low amounts or unpredictable disbursements and stigmatisation when engaging with public administrations.”*²⁶¹

²⁵⁹ Interview with a former tenant of a municipal flat conducted on 2 October 2023.

²⁶⁰ 3 interviews with officials in Banská Bystrica conducted between 12 July 2023 and 18 July 2023, 2 interviews with officials in Žilina conducted on 16 June 2023 and 2 interviews with officials in Nitra conducted on 31 May 2023.

²⁶¹ UN Special Rapporteur on extreme poverty and human rights, Non-take-up of rights in the context of social protection Report of the Special Rapporteur on extreme poverty and human rights, para. 43, documents.un.org/doc/undoc/gen/g22/322/17/pdf/g2232217.pdf

7. DISCRIMINATION AGAINST ROMA HOUSEHOLDS IN ACCESS TO HOUSING

INTERNATIONAL AND NATIONAL LAW PROHIBITING DISCRIMINATION

International human rights law obligates the Slovak authorities to end discrimination and segregation on the basis of ethnicity.²⁶² Authorities also have an obligation to provide adequate housing for all people without discrimination, while taking into account the protection of marginalised populations.

The UN Committee on the Elimination of Racial Discrimination expressed concern about the quality of life of Roma in Slovakia.²⁶³ In particular, it expressed concern about the environmental conditions in which Roma households are forced to live, including lack of access to basic infrastructure, but also drew attention to the persistent residential segregation of Roma communities, discrimination when looking for rent on the commercial market, the threat of forced eviction also due to lack of contractual protection of housing and overcrowding of Roma households. The Committee called on the Slovakia to take steps to end residential segregation, prevent forced evictions, and protect Roma households from discrimination in access to housing.²⁶⁴

Furthermore, the Committee on Economic, Social and Cultural Rights showed its concerns about reports that Roma face multiple barriers to the realisation of their right to an adequate standard of living in Slovakia. These barriers include forced eviction from Roma settlements, a lack of provision of alternative accommodation in some eviction cases, and housing for Roma that is segregated from other parts of society. The Committee noted that accommodation provided is sometimes of a substandard quality and lacks proximity to crucial infrastructure and employment opportunities. The Committee recommended Slovakia to prevent forced evictions from Roma settlements. If eviction does take place, the Committee noted that adequate procedural safeguards must exist, and the State must provide alternative accommodation to all victims and ensure that all housing for Roma is integrated into communities, is of adequate quality and allows access to infrastructure and employment opportunities.²⁶⁵

According to General Comment No. 20 of the International Covenant on Economic, Social and Cultural Rights, discrimination²⁶⁶ occurs when an apparently neutral law, rule, procedure or practice leads to a disproportionate disadvantage or disproportionate impact on a particular group when it has no objective or reasonable justification.²⁶⁷

Slovakia's Anti-Discrimination Act²⁶⁸ also defines indirect discrimination, which may not explicitly result from the wording of specific legal regulations (for example, generally binding regulations), but represents a result of their implementation in practice. The law defines indirect discrimination as follows: "...[it] is a seemingly neutral regulation, decision, instruction or practice that disadvantages or could disadvantage an individual compared to another individual; however, a practice where such regulation, decision, instruction or practice is objectively justified by the pursuit of a legitimate interest and is proportionate and necessary to achieve such interest does not entail indirect discrimination."

²⁶² International Convention on the Elimination of All Forms of Racial Discrimination, [ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial](https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial)

²⁶³ Committee on the Elimination of Racial Discrimination, Concluding observations on the thirteenth periodic report of Slovakia, September 2022, Right to housing art. 26-27, docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsnuoHjUanErlv2U6qeQLk%2FHpwkQxxUIOcAPplkKBbkzqhvFNh6pfyrOeQf9XshrqanDhJ9Hv5o%2BgMdAqWSM%2Bmd23iNQmLi6lwcUPcYA9I3G

²⁶⁴ Committee on the Elimination of Racial Discrimination: Concluding observations on the thirteenth periodic report of Slovakia, September 2022, Right to housing art. 26-27, docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsnuoHjUanErlv2U6qeQLk%2FHpwkQxxUIOcAPplkKBbkzqhvFNh6pfyrOeQf9XshrqanDhJ9Hv5o%2BgMdAqWSM%2Bmd23iNQmLi6lwcUPcYA9I3G

²⁶⁵ Committee on Economic, Social and Cultural Rights, Concluding observations on the third periodic report of Slovakia, docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4siQ6QSmIBEDzFEovLCuWx8AhHloWaPQKfnd2BAOkQNSKXtJaFyw3u2VrX%2FfxVoeUQwmaxUDmNxnZKjWvVOpi15ulwTnSOSWfVK1Nh9AUa7k2d63tzJQdZ66zrQ5tk8m

²⁶⁶ CESCR, General Comment No. 20: Non-discrimination in economic, social and cultural rights (Art. 2 para. 2), the United Nations. Associate professor E/C.12/GC/20, June 10, 2009, paragraphs 10 (b) and 13.

²⁶⁷ Amnesty International, *Dealing with difference: A framework to combat discrimination in Europe*, Index: EUR 001/003/2009.

²⁶⁸ Act 365/2004 on equal treatment in certain areas and protection against discrimination and amending certain acts (the Anti-Discrimination Act), as amended. Independent legal analysis contracted by Amnesty International.

7.1 RACISM OF THE AUTHORITIES AND PUBLIC TOWARDS ROMA PEOPLE

In Slovakia, there is a pervasive and poorly addressed issue of anti-Roma racism and discrimination, affecting all facets of society – ranging from the authorities and institutions to the wide public.²⁶⁹ Roma are among the population groups that are most at risk of poverty and social exclusion in the country.²⁷⁰ Data and strategic documents show that Roma are discriminated against in Slovakia, in particular (but not only) in access to housing, health care, education, justice and employment.²⁷¹

According to the report of the Office of the Plenipotentiary for Roma Communities, stereotypes about Roma at the local political level are widespread.²⁷² The study indicated that public administration representatives held a wide range of prejudices, stereotyping statements and beliefs. The most serious include the narrative of the “inadaptability” of Roma households, the belief that “*It is not worth helping Roma*” and other general negative prejudices. According to the report, the stereotyping and racist attitudes of the local government and political representation may have a direct negative impact on the shaping of public policies in cities and smaller municipalities.

"I am to blame for the fact that Johnny Roma caused some damage? So that the state, and the majority avoid anything like this in the future, this means I will also have to suffer, and I will also be part of the punishment, right? This is democracy."

Peter, resident of a segregated neighbourhood²⁷³

Municipal officers and social workers in all three cities made racist and prejudicial comments about Roma people during their interviews with Amnesty International, including: “*My personal opinion is that they [Roma persons] will rely on having that income forever. Those allowances. That’s a certainty.*” (municipal social worker operating in a segregated area)²⁷⁴ or “*There are about 400 of them [Roma persons] here. Some of them are officially registered, but you know, someone comes for a visit and forgets themselves, so then he sticks in. But you know, they are the kind of people that you drive out of the door and they will fly in at the window.*” (municipal social worker operating in a segregated area)²⁷⁵

These comments were also made with respect to the conditions of Roma people housing. As one social worker interviewed by Amnesty International said, “*Well, if you saw the apartment building, if you walked inside, you would see what kind of standard we are talking about. Tell me which other block of flats in the city looks like that. They themselves complain about how it looks over here, how no one cleans up, but everyone tells you ‘it’s not us, it’s not us’. This is how they present themselves, their personal branding*” (municipal social worker operating in a segregated neighbourhood).²⁷⁶ However, as we detail below, the unfavourable technical condition of the buildings is largely caused by the overall setting of the system.

The fact that such statements are made by social workers and municipal officials responsible for ensuring decent living conditions for tenants in municipal rental housing is a fundamental problem. The implication of stereotyping and generalisation in the approach to Roma is unacceptable and contrary to the obligations

²⁶⁹ The European Roma Rights Centre, *WRITTEN COMMENTS OF THE EUROPEAN ROMA RIGHTS CENTRE CONCERNING SLOVAKIA* to the Committee on the Elimination of Racial Discrimination, for consideration at its 107th session (8 - 30 August 2022), errc.org/uploads/upload_en/file/5405_file1_slovakia-cerd-submission-16-july-2022.pdf

²⁷⁰ Ministry of Labour, Social Affairs and Family, *Atlas of Roma Communities in Slovakia 2013*, Regional Centre of the United Nations Development Programme for Europe and the Commonwealth of Independent States in Bratislava, 2014, employment.gov.sk/files/slovensky/rodina-socialna-pomoc/socialne-sluzby/atlas_rom-kom.pdf

²⁷¹ Office of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities, *Strategy of Equality, Inclusion and Participation of Roma until 2030*, romovia.vlada.gov.sk/strategie/strategia-pre-rovnost-inkluziu-a-participaciu-romov-do-roku-2030/

²⁷² Office of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities, *TOPICAL INQUIRY Stereotypes and attitudes towards Roma in local politics*, 2022, pp. 71-80, romovia.vlada.gov.sk/site/assets/files/1276/tematicke_zistovanie_-_stereotypy_a_postoje_voci_romom_v_lokalnej_politike.pdf?csrt=7080175239260457443

²⁷³ Interview with a Roma man living in segregated housing conducted on 5 September 2023.

²⁷⁴ Interview with a social worker operating in a segregated location conducted on 5 September 2023.

²⁷⁵ Interview with a social worker operating in a segregated location conducted on 7 June 2023.

²⁷⁶ Interview with a social worker operating in a segregated location conducted on 5 September 2023.

arising from the International Convention on the Elimination of All Forms of Racial Discrimination.²⁷⁷ Such conduct is also evidence of the institutional racism that Roma people in Slovakia face on a regular basis.

Institutional racism is: *“The collective failure of an institution to provide appropriate and professional services to people based on the colour of their skin, their culture or their ethnicity. Institutional racism is visible and detectable in processes, attitudes and behaviours that lead to discrimination out of ignorance or on the basis of prejudice, ignorance, ruthlessness and racist stereotypes that disadvantage members of ethnic minorities.”*²⁷⁸

According to data from the Atlas of Roma Communities - a research project by the Office of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities that focused on mapping structural inequalities between Roma and the majority - the number of Roma households living in inadequate conditions in segregated neighbourhoods²⁷⁹ is gradually increasing. The conditions of Roma households living in informal settlements are a visible manifestation of this discrimination.

According to the European Parliament resolution of October 2022 on the situation of Roma living in the segregated settlements in the EU: *“The situation in Roma settlements represents a violation of human and fundamental rights enshrined in the EU treaties, the European Convention on Human Rights, the EU Charter of Fundamental Rights, the European Social Charter, the UN Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights, as well as principles recognized in the European Pillar of Social Rights; whereas it is worrying that these rights are not respected in practice when it comes to Roma living in settlements.”*²⁸⁰

The European Parliament also reiterates its call on the Member States to prevent and tackle homelessness and address housing exclusion through long-term solutions such as adequate social housing, affordable rental housing programmes and targeted housing allowances that are part of integrated national strategies with a focus on housing-led and housing first approaches guaranteeing people effective equal access to adequate desegregated housing and essential services without discrimination. The Parliament also calls on the Member States to implement the concept of ‘adequate housing’ for all, including Roma people, calls for priority to be given to desegregation approaches utilising or investing in integrated social housing, alongside funding of accessible quality social services and quality field social work involving the consultation and participation of members of the Roma community as a way for Roma to leave informal settlement.²⁸¹

Roma people in Slovakia face discrimination in accessing housing across the board, not just in informal settlements. Amnesty International spoke with 20 people who identified as Roma, as well as 12 people who provided services for Roma people in Slovakia. Roma interviewed by Amnesty International explained how they had faced prejudice and discrimination when looking for housing. Similarly, many explained that when they were looking for rental housing in the commercial market, and potential landlords found out they were Roma, they withdrew the offer or, in other cases, did not negotiate with them any further.²⁸² Thus, in some cases, despite having sufficient funds, Roma households are not able to find housing on the commercial market, and rely more on municipal social housing. A representative survey from 2022,²⁸³ noted that more than two thirds of respondents would not want to have Roma people as their neighbours.

“The day before yesterday, my younger daughter asked me when we would finally have our own home. She would like to have her own room. I tell her, my

²⁷⁷ International Convention on the Elimination of All Forms of Racial Discrimination, [slov-lex.sk/pravne-predpisy/SK/ZZ/1974/95/vyhlasene_znenie.html](https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1974/95/vyhlasene_znenie.html)

²⁷⁸ Amnesty International, *Living in insecurity - How Germany is failing victims of racist violence*, EUR 23/4112/2016, [amnestyusa.org/wp-content/uploads/2017/04/hate_crimes_in_germany_english_combined_web_v2.pdf](https://www.amnestyusa.org/wp-content/uploads/2017/04/hate_crimes_in_germany_english_combined_web_v2.pdf)

²⁷⁹ Office of the Plenipotentiary for Roma Communities, Atlas of Roma Communities 2019, romovia.vlada.gov.sk/atlas-romskych-komunit/atlas-romskych-komunit-2019/?csrt=5486405330923157126

²⁸⁰ European Parliament resolution of 5 October 2022 on the situation of Roma living in segregated settlements in the EU, europarl.europa.eu/doceo/document/TA-9-2022-0343_SK.html

²⁸¹ European Parliament resolution of 5 October 2022 on the situation of Roma living in segregated settlements in the EU, europarl.europa.eu/doceo/document/TA-9-2022-0343_SK.html

²⁸² Interviews with Roma people conducted between 14 June 2023 and 22 February 2024. Interviews with social workers of NGOs and municipalities conducted between 11 May 2023 and 22 February 2024.

²⁸³ RTVS, *Slováci nechcú mať za susedov Rómov, moslimov, či ľudí s radikálnymi názormi*, 15 November 2022, (cited 20 April 2024), spravy.rtvs.sk/2022/11/slovaci-nechcu-za-susedov-romov-moslimov-ci-ludi-s-radikalnymi-nazormi/

dear, it's difficult with housing, and financially, it's just too much. And some people are picky. That's when we, Roma, come over, they will say that they would rather take a dog than us, you know."

Diana, living in a shelter for mothers with children²⁸⁴

This was also confirmed by interviewed social workers: *"No landlord will give a 2-3 year contract to a Roma family with children and an irregular income. And another thing is that even if the person wants to rent it, say they want to help them, the neighbourhood starts to pressure them about it. Neighbours that don't want Roma people in their building. These are prejudices that unfortunately exist in our country."* (NGO social worker).²⁸⁵

Roma households often have no other solution than housing in social services facilities, temporary or provisional buildings or overcrowded flats.

"I would love to become independent, because I live here with my children and the boy will go to school, so I would really like to have a home. Let me put it this way, with things as they are, a Roma woman has no chance to get a flat on her own with children."

Marta, living in a shelter for mothers with children²⁸⁶

²⁸⁴ Interview with a Roma woman living in a homeless shelter conducted on 16 January 2024.

²⁸⁵ Interview with a social worker working for an NGO governed by a municipality conducted on 19 October 2023.

²⁸⁶ Interview with a Roma woman living in a homeless shelter conducted on 16 January 2024.

7.2 SEGREGATION OF ROMA HOUSEHOLDS IN MUNICIPAL HOUSING

Amnesty International conducted interviews in three cities: Banská Bystrica, Nitra and Žilina. All these have neighbourhoods with municipal rental flats, in which the vast majority of inhabitants are Roma. The city authorities do not collect data on ethnicity; however estimates by people living in these areas and by the social workers working there suggest that the vast majority of the residents in these locations are Roma households. In Nitra, the location is called Orechov dvor; in Žilina it is the neighbourhood around Bratislavská 44 Street and the adjacent apartment buildings, trailers and portable housing units; and in Banská Bystrica it is the apartment building at Internátna 12.

The UN Committee on the Elimination of Racial Discrimination has underscored that States are obligated to develop and implement policies and projects aimed at avoiding segregation of Roma communities in housing; to involve Roma communities and associations in housing project construction, rehabilitation and maintenance. Furthermore, States should act firmly against any discriminatory practices affecting Roma, mainly by local authorities and private owners, with regard to taking up residence and access to housing; to act firmly against local measures denying residence to and unlawful expulsion of Roma, and to refrain from placing Roma in camps outside populated areas that are isolated and without access to health care and other facilities.²⁸⁷

Amnesty International has identified that pervasive discrimination against Roma has led to widespread violations of the right to housing including: segregation; poor condition of buildings and rented flats which does not comply with international standards for adequate housing, particularly in relation to location, habitability and availability of services; the practice of concluding a series of consecutive short-term rental agreements; and the lack of adequate social support.

These challenges were also acknowledged by several political representatives and officials interviewed by Amnesty International. For example one of the interviewed representatives of the Nitra municipal office said: *"At the time when the Orechov dvor was being built, I think that the consequences were not thought through, because when we put such a group in one place, these problems will only multiply there... it won't be improved even if we put field social workers there and we would do all sorts of activities and what not... That wasn't a good idea in the first place, that wasn't well thought through in advance. This is a problem the city built for itself."*²⁸⁸

There is no functional and specific plan in any of the researched cities to stop the segregation and desegregate the neighbourhoods, or to strengthen social support for households in these locations. Authorities in Žilina are conducting some activities towards desegregation, including relocating the households from the segregated location of Bratislavská street to standard municipal flats in other neighbourhoods. Nevertheless, it is not a systemic, effective and immediate desegregation by providing adequate housing to the Roma households living on the Bratislavská Street.

Since there is a shortage of municipal rental apartments in Banská Bystrica, Nitra and Žilina, municipalities might establish a municipal rental agency and use it as a tool to help families in these situations. A municipal rental agency that functions as a mediator between households in housing need and private landlords has been successfully piloted in Bratislava.²⁸⁹

²⁸⁷ The Committee on the Elimination of Racial Discrimination, Fifty-seventh session (2000) General recommendation XXVII on discrimination against Roma, [tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FGEC%2F7499&Lang=en](https://www.unhcr.org/refugees-and-returnees/2000/01/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FGEC%2F7499&Lang=en)

²⁸⁸ Interview with a representative of the municipal office conducted on 1 June 2023.

²⁸⁹ City of Bratislava, Municipal Housing Agency, bratislava.sk/socialne-sluzby-a-byvanie/byvanie-a-ubytovanie/mestska-najomna-agentura

BANSKÁ BYSTRICA

The apartment building at Internátna 12 Street in Banská Bystrica contains 44 residential units.²⁹⁰ Based on information provided during the interviews with the municipal employees, various social services workers and tenants, the vast majority of the residing households are Roma (estimates in the answers ranged between 90-95% of all households).²⁹¹ The apartment building serves as a segregated municipal rental housing for Roma households, but unlike Orechov dvor in Nitra and on Bratislavská Street in Žilina (the other locations in which Amnesty International conducted interviews), it is not located in a geographically excluded neighbourhood, but in an area with good civic amenities.

Four Roma people living in this location interviewed by Amnesty International confirmed that Roma who come to the municipal office for a compulsory consultation within the housing application process are instructed to place an application for municipal housing at Internátna 12. Four social workers from four different social services or NGOs working with people experiencing homelessness confirmed this statement.

“Well, I was in debt on trash collection. The social worker helped me with it, so the debt is like, repaid, but they only assign Roma people the municipal flats at Internátna street. This is a Roma apartment building. And simply, when you are a Roma, they automatically offer you a flat right there. But at the municipal office, this was the only option the man offered me... the flat at Internátna street. But because I refused, he said well, you will have to wait then, a lot of people want it (municipal housing). I would have met the income threshold to be eligible for regular housing.”

Ingrid, living in a shelter for homeless mothers with children²⁹²

According to generally binding regulation on housing²⁹³ apartments at Internátna 12 are earmarked for low-income households. The concentration of households facing exclusion and discrimination at several levels in a single location, without the possibility of social support provided at a sufficient level and quality leads to a deepening of their exclusion. By concentrating people in one place on the basis of their economic status, authorities strengthen the invisible barrier between the majority and the marginalised group.²⁹⁴

At the time of the research, Banská Bystrica did not have any plan in strategic documents to stop this practice of segregation or to begin the desegregation of people at Internátna 12.²⁹⁵

NITRA

The segregated location Orechov dvor in Nitra was chosen as a location where the city has been placing tenants who had existing debt on rent already since 2005.²⁹⁶ It is a neighbourhood in Horné Krškany, the site of a former agricultural cooperative. It is located in the fields, without any easy contact with the city and without easy links to services and amenities necessary for housing and living, such as grocery shops, post office, school, municipal office etc. Currently, there are about 400 people living here in about 61 housing units. The majority of the population is Roma who have lived in long-term poverty.²⁹⁷ The geographical

²⁹⁰ Housing development plan of the city of Banská Bystrica, interview with the employees of the municipal office conducted on 18 July 2023.

²⁹¹ Interview with the social workers of an NGO conducted on 17 July 2023, interview with the social workers conducted on 18 July 2023, interview with the tenants at Internátna 12 conducted on 5 September and 19 October 2023.

²⁹² Interview with a person living in a homeless shelter conducted on 17 July 2023.

²⁹³ Generally binding regulations of the City of Banská Bystrica no. 5/2019 and no. 7/2021 on handling the housing stock of the City of Banská Bystrica.

²⁹⁴ Berkay Tamyapar, Exclusion and Social Housing, 2020, researchgate.net/publication/338750997. Social Exclusion and Social Housing

²⁹⁵ Banská Bystrica housing development program for the years 2015-2020.

²⁹⁶ In 2005, the city of Nitra built 36 housing units here, and later in 2009 it completed 25 apartments in portable housing units.

²⁹⁷ Interview with social worker in Orechov dvor conducted on 7 June 2023.

segregation of Orechov dvor only strengthens the marginalisation of the low-income people and Roma households who live there.²⁹⁸

At present, the Nitra municipal office does not have a specific strategy, programme or plan to actively integrate people from Orechov dvor into another type of housing in the city. The Housing Development Programme of the City of Nitra until 2030 mentions the existence of "*segregated locations without adequate infrastructure, where generational poverty accumulates*" as one of the shortcomings of the current housing policy.²⁹⁹ The vision of municipal housing by 2030 in the document declares that Nitra should be a city without segregated communities and locations. And as part of Strategic Plan No. 3.3, the government commits that they intend to "*integrate the Orechov dvor site and make it a territory for the lowest level of transitional housing*".³⁰⁰

Despite the declaration that there will be no segregated locations in Nitra by 2030, no concrete measures have been included in the plan to reverse the segregation. Furthermore, this location is still designated in the plan as an area of "lower level" of housing, which it is already today. The document lacks, for example, a declaration of the need to strengthen social services, intensify work with families and children, and create housing with social support.

ŽILINA

The Social Inclusion of the Marginalised Roma Community - document from 2009,³⁰¹ indicates that a major part of the Roma population living in Žilina lives in the neighbourhood of Bratislavská street (approximately 1,200 people). Fifteen years later, segregation continues to persist.

Similar to the case of Internátna 12 Street and Orechov dvor, this neighbourhood was created by the eviction of Roma households from other locations where they had lived in municipal rental flats during the 1990s. The last eviction of Roma to Bratislavská street³⁰² took place in 2006, when the city of Žilina decided to demolish a building with public rental flats at the Kysucká cesta Street to build a parking lot for the adjacent hotel. The municipal office moved the Roma households living in the apartment building at Kysucká cesta to portable housing units on Bratislavská Street.³⁰³

The judgement of the European Court of Human Rights in the case of *Moldovan and others v. Romania*³⁰⁴ from 2005 considered that the applicants' living conditions during ten years, in particular the severely overcrowded and unsanitary environment and its detrimental effect on the applicants' health and well-being, combined with the length of the period living in such conditions and the general attitude of the authorities, must have caused them considerable mental suffering, thus diminishing their human dignity and causing humiliation and debasement. In addition, the Court highlighted that the remarks made by some authorities dealing with the applicants' grievances concerning the applicants' honesty and way of life appeared to be, in the absence of any substantiation on behalf of those authorities, purely discriminatory. The court found that this was contrary to Article 3 (prohibition of inhuman or degrading treatment), and Article 6 (Fair trial), Article 8 (respect for private and family life), Article 14 (prohibition of discrimination) of the Convention for the Protection of Human Rights and Fundamental Freedoms.

²⁹⁸ World Bank, European Commission, A guide to improving the living conditions of Roma at local level, 2015, romovia.vlada.gov.sk/site/assets/files/1192/zlepsenie_zivotnych_podmienok_romov_na_miestnej_urovni.pdf?csrt=435222439874676127

²⁹⁹ City of Nitra, Housing Development Programme of the City of Nitra until 2030, p. 32.

³⁰⁰ City of Nitra, Housing Development Programme of the City of Nitra until 2030.

³⁰¹ City of Žilina, Sociálna inklúzia marginalizovanej rómskej komunity v meste Žilina - Konceptcia rozvoja na obdobie rokov 2009 - 2013, zilina.sk/wp-content/uploads/2023/10/ZA-LSKxP.pdf

³⁰² Milan Šimečka Foundation, Centre on Housing Rights and evictions, European Roma Rights Centre, *Forced evictions in Slovakia - 2006*, errc.org/uploads/upload_en/file/02/02/m00000202.pdf

³⁰³ City of Žilina, Kronika mesta Žilina, 2006, zilina.sk/mesto-zilina/sprava-mesta/mesto-v-cislach/kronika-mesta-zilina/ and Pravda, V Žiline stahovali rodiny do unimobuniek, 22 November 2006, (cited 23 May 2024), spravy.pravda.sk/regiony/clanok/206145-v-ziline-stahovali-rodiny-do-unimobuniek/

³⁰⁴ Case of *Moldovan and others v. Romania*, Judgement no. 2, Strasbourg, 12 July 2005, hudoc.echr.coe.int/fre#%7B%22itemid%22%3A%5B%22001-69670%22%5D%7D

7.3 POOR CONDITIONS IN SEGREGATED MUNICIPAL HOUSING FOR ROMA PEOPLE

At the time of Amnesty International's visit, there were segregated locations in all three cities and the living conditions were extremely inadequate. The tenants living in these segregated locations as well as representatives of NGOs, social workers and municipal officers confirmed this conclusion. Lack of adequate housing and poor living conditions in segregated locations with municipal housing were also observed and documented by Amnesty International.

BANSKÁ BYSTRICA

The rules for the allocation of municipal rental housing resulting from General Binding Regulations 5/2019 and 7/2021 set the minimum income limit a person must achieve in order to be eligible for a municipal flat at Internátna 12 Street, or for apartments of a lower quality standard in general.³⁰⁵

During Amnesty International's site visit, the common areas were in very poor condition: researchers saw that several windows in the hallways were broken, the linoleum on the floors was partially torn out and leaky and the lights in the corridors did not work. According to the information provided by the tenants of the flats at Internátna 12, even though they had reported these issues to the municipal office multiple times, and for the past months, necessary repairs have not been carried out and the housing management company has been dismissive of the issues. The apartment building is not insulated, and until August 2023, tenants had not been provided with functional heat regulators.³⁰⁶

"I currently pay 180 euro per month for heat and 100 euro for electricity. As you may have noticed, there are new regulators that haven't been here before. It was on full blast when I came to live here and the heating was on until May, they turned it off only in May and the heating was on full blast and the valves were sealed, they couldn't be turned. When the housing commission was here, they said that the tenants of these apartments demolished it. So they claimed that the regulators were there, but he said that we ate them. But the wheels (regulators) were not in the community centre either. So they are vandals as well?"³⁰⁷

Between June 2023 and January 2024, Amnesty International contacted three tenants³⁰⁸ of flats who moved into the building in different periods. All of them described inadequate housing conditions of the flats that had been handed over to them.

"I was simply forced here because this apartment was in such a state that it was a disaster, a pure disaster. When the then vice-mayor came here to see what the flat looked like, like where they were going to force me to live, he seriously had to push back his tears, standing over here, really. For 510 euro per month. I had to bring down the plasters completely to the prefab panel

³⁰⁵ City of Banská Bystrica, Všeobecne záväzné nariadenie mesta Banská Bystrica č. 7/2021, ktorým sa mení a dopĺňa Všeobecne záväzné nariadenie Mesta Banská Bystrica č. 5/2019 o nakladaní s bytovým fondom Mesta Banská Bystrica, cdn.banskabystrica.sk/2021/08/VZN-c-7-2021.pdf

³⁰⁶ 3 interviews with tenants on Internátna 12 conducted on 5 September and 19 October 2023, interview with social workers of the community centre conducted on 5 September 2023 and interview with a social worker of an NGO conducted on 19 July 2023.

³⁰⁷ Interview with a tenant on Internátna 12 conducted on 19 October 2023.

³⁰⁸ Interviews with tenants at Internátna 12 conducted between 5 September 2023 and 19 October 2023.

wall, then re-apply the plaster and invest a ton of our own money here. I won't get a penny back from that, not a single penny. My friends helped me put the floor tiles on, and I invested a lot of money in it."

Jakub, a tenant at Internátna 12³⁰⁹

According to the tenants interviewed by Amnesty International, a lot of tenants at Internátna 12 have the same experience.

The lack of adequate housing conditions is explicitly reflected in the rental agreements.³¹⁰ Amnesty International had access to a rental agreement for a flat at Internátna 12. The agreement stated that the tenant is to take over the apartment without basic accessories, such as a kitchen unit, faucets, washbasins, toilet bowl with a tank, or interior doors and restore it to its original condition after leaving the apartment – i.e. disassemble all purchased equipment and accessories.³¹¹

According to § 664 of the Civil Code, all investments in the flat to address issues preventing the tenant from proper use of the property must be borne by the owner of the flat.³¹² However, families accessing these social rental housing units are required to cover the necessary expenses to make the place habitable. For low income families which move into a flat in such a condition from a residential social service or from previous inadequate housing, the costs they have to cover are huge and they often have no choice but to dismantle the accessories and equipment (when moving out or in).³¹³ The obligation to remove the equipment - to hand over the apartment in its original condition - is also anchored directly in the lease agreement.³¹⁴

Additionally, they are obligated to pay a security deposit (for apartments at Internátna 12 in the amount of 1 month's rent and advances) when moving in. To this amount, they need to add the costs of the first monthly rental fee, the expenses related to the moving itself and the expenses required to ensure the habitability of the housing. One of the interviewed tenants by Amnesty International³¹⁵ pays a monthly rent of 510 euro (+ 510 euro deposit and thousands of euro spent on necessary refurbishment, e.g. repair of the floor covering, purchase of sanitary equipment and furniture).

"The owner of this block of flats does not pay for repairs or reconstructions. When I came here, I didn't even have a water faucet. I had to do everything at my own expense. And I have a monthly rental agreement here, so I would say that it would be crazy to throw a lot of money into this."

Peter, tenant at Internátna 12³¹⁶

When Amnesty International asked relevant local government employees and social workers about the inadequate housing and living conditions in the flats, they acknowledged that flats were being handed over in poor conditions and said this was because the previous tenants *'trashed them by living there'*.³¹⁷ Prejudice with regard to ethnicity, is again a manifestation of individual and institutional racism with clear negative impact on the right to adequate housing.

"The standard is no longer category 1 or that we give them basically something like shell and core flat, since the flat as the previous family used it, they devastated it and, as you know, if you were to put it into the original condition every time (when somebody moves in and out), you would soon go belly up. They don't want to go there themselves. So I tell them, do you have the money, or don't you have the money for it? You

³⁰⁹ Interview with a tenant of Internátna 12 conducted on 5 September 2023.

³¹⁰ Rental agreement for the municipal rental flat at Internátna 12.

³¹¹ Rental agreement to flat No. 478/2022/CRZ concluded pursuant to §685 et seq. of the Civil Code, as amended.

³¹² Act 40/1964 - Civil Code, §691

³¹³ Interviews with tenants at Internátna 12 conducted between 5 September 2023 and 19 October 2023.

³¹⁴ Rental agreement to flat No. 478/2022/CRZ concluded pursuant to §685 et seq. of the Civil Code, as amended.

³¹⁵ Interview with a tenant on Internátna 12 conducted on 19 October 2023.

³¹⁶ Interview with a tenant of Internátna 12 conducted on 5 September 2023.

³¹⁷ Interview with a representative of the municipal office conducted on 12 July 2023, Interview with social worker employed by the municipal office conducted on 5 September 2023.

can go and look (at the rental market) for yourself and when you look around, go and live wherever you like, even the Zvolen castle, I don't care, but what do you have money for?" (representative of a municipality office)³¹⁸

NITRA

Housing units, especially portable housing units at Orechov dvor don't comply with international standards of adequate housing and entire multi-member and multi-generational families live in flats with a small surface area. According to the information from interviews and from the site visit, the housing at Orechov dvor has many shortcomings. As one social workers said, "Then there is the last (i.e. the lowest) category of housing that is in the worst location that I know and that is Orechov dvor. You can't go any lower from there, that is the absolute bottom. There is a group of flats there. But 'flat' is a very flashy name for that... I visited those flats. These are not flats as such, these are portable housing units that are all mouldy and rusty and it's not really a place to live in my opinion."³¹⁹ Similarly, local government representatives said that the situation at Orechov dvor was bad, "catastrophic", that "[it] has no future" and should be addressed.³²⁰

"They moved me here from another (municipal) apartment. I was stunned when I saw it here. I was in shock. My husband and I are of a certain age and we need our rest. I'm sick and I have medication. I can't stand it. I need to get out of here as soon as possible."

Zita, 60, tenant at Orechov dvor³²¹

This location is not sought-after by applicants for municipal housing in Nitra and, according to the employees of the municipal office, it is offered as a housing option only in the event of the greatest emergency. Nevertheless, the population of Orechov dvor is growing. This is due to the fact that new generations of inhabitants also start their families here and live in the location as multi-generation households.

Common areas are neglected, only a dusty dirt road without a sidewalk leads to the residential buildings.³²² The nearest bus stop is about a 10-20 minute walk, and the nearest shop for groceries and essentials is located even further away, at a distance of about 2 kilometres.

"Well, the doctor or the shop is a long way from here. Sometimes the bus takes us, sometimes it does not take us with the stroller."

Zita, 60, tenant at Orechov dvor

The city of Nitra established a segregated kindergarten in the Orechov dvor location as well as a community centre in 2009.³²³ At the time of Amnesty International's research, two social workers, one field social worker³²⁴ and one housing assistant were working in these services. People working in the centre implied in an interview with Amnesty International, that it was under staffed, despite being the closest social assistance centre for a community of approximately 400 people living on the site.

There are about 80 school-age children living at Orechov dvor. Due to the remoteness of the location, the city provides a bus for school children, which takes them to school from the public transport stop at 7:10 in the morning and back from school to the bus stop at 13:30 in the afternoon; the stop is located about a kilometre from the apartment buildings. The primary school is located about 5 kilometres away from Orechov

³¹⁸ Interview with a representative of the municipality office conducted on 12 July 2023.

³¹⁹ Interview with a social worker conducted on 16 May 2023.

³²⁰ Interview with a municipality officer conducted on 31 May 2023.

³²¹ Interview with a tenant of Orechov dvor conducted on 23 June 2023.

³²² Site visit, photographs from the field research.

³²³ Community centre Orechov dvor, orechov-dvor.webnode.sk/

³²⁴ According to the Annual Report... in 2022, social workers: "focused on the prevention of truancy, improvement of rental flats and a positive approach when addressing health status as well as the health of minors...".

dvor. There are not enough leisure opportunities for young people or for children due to the remoteness of the location which is isolated from the rest of the city. It is important to highlight that the European Commission registered a complaint against Slovakia to the European Court of Justice for not sufficiently addressing discrimination against Roma children in accessing education in the Slovak educational system.³²⁵

Tenants of housing units at the Orechov dvor do not have free access to water based on their real needs – they have access to running water with cards equipped with electronic chips, which they must top-up at the municipal office in the city centre, which is 15-20 minutes' walk and 10 minutes by public transport from the location. Their running water stops when the money on these cards runs out. According to the representatives of the office, the city opted for the top-up cards after large outstanding debts were run-up on the water utility payments and the tenants had problems repaying them.

As part of the third periodic report³²⁶ of November 2019, the UN Committee on Economic, Social and Cultural Rights expressed concern about shortcomings in access to clean water for large numbers of Roma people, particularly those in segregated communities in Slovakia and recommended the State to take the necessary steps to provide all members of its population, including those living in rural areas, with adequate and safe water and sanitation services.

ŽILINA

There are two apartment buildings with flats classified by the local by-laws as lower-standard built from the State Fund for Housing Development funds³²⁷ in the segregated location on Bratislavská Street. There is also one apartment building with category 3 and 4 flats (the lowest standard of municipal housing defined by the Housing development programme)³²⁸ - part of the original development of the Nová Žilina railway workers colony from the beginning of the 20th century and portable housing units which were placed in the location in 2006 and also in 2016 following a fire that had broken out in the location. Most of these portable housing units are still used for housing and the residents pay rent to the city. Households inhabiting these portable housing units are allocated substitute housing in municipal rental flats on Bratislavská street and in other locations around the city only if they do not have any outstanding debts against the city.³²⁹

The city of Žilina openly admits to the inadequate conditions of Roma households living in this neighbourhood.³³⁰ The Housing Development Programme of the City of Žilina (2019-2023) also talks about the stigmatisation of the population and shortcomings in these locations: *"The highest concentration of people who claim to be of Roma ethnicity lives at the Bratislavská Street, which is also the most stigmatised and geographically excluded concentration of Roma population. The residential area of Bratislavská Street lacks any sidewalks, infrastructure, public lighting, playgrounds or other public areas."*³³¹ Interviews with the municipal office representatives as well as the population at Bratislavská Street³³² demonstrate that the municipality tries to a certain extent to desegregate the location by allocating municipal housing [in other locations of the city] to Roma households living at Bratislavská Street, thus relocating them to other locations with municipal rental housing. However, based on Amnesty International's visit to the site and interviews with people living there, it appears that desegregation is not taking place fast enough to prevent the persisting and deepening discrimination, although resources have been allocated for the desegregation of the area.

³²⁵ Amnesty International, *Failure to address Roma discrimination puts Slovakia 'on collision course with European Court of Justice'*, 9 May 2023, [amnesty.org/en/latest/news/2023/05/slovakia-failure-to-address-roma-discrimination-puts-slovakia-on-collision-course-with-european-court-of-justice/#:~:text=%E2%80%9CLast%20month%2C%20the%20European%20Commission%20referred%20Slovakia%20to,education%20system%20and%20comply%20with%20EU%20law.%E2%80%9D%20Background](https://www.amnesty.org/en/latest/news/2023/05/slovakia-failure-to-address-roma-discrimination-puts-slovakia-on-collision-course-with-european-court-of-justice/#:~:text=%E2%80%9CLast%20month%2C%20the%20European%20Commission%20referred%20Slovakia%20to,education%20system%20and%20comply%20with%20EU%20law.%E2%80%9D%20Background)

³²⁶ Committee on Economic, Social and Cultural Rights, Third periodic report of Slovakia, Paragraph. 33 - 34.

³²⁷ Housing Development Program of the City of Žilina 2019-2023.

³²⁸ Housing development program of the city of Žilina 2019-2023.

³²⁹ MY Žilina, *Mesto Žilina čelí žalobe. Podmienky bývania v unimobunkách sú nedostojné*, 9 March 2022, (cited 13 May 2024), myzilina.sme.sk/c/22856995/mesto-zilina-celi-zalobe-podmienky-na-byvanie-v-unimobunkach-su-nedostojne.html

³³⁰ City of Žilina, *Sociálna inklúzia marginalizovanej rómskej komunity v meste Žilina - Konceptcia rozvoja na obdobie rokov 2009 - 2013*, zilina.sk/wp-content/uploads/2023/10/ZA-LSKxP.pdf

³³¹ City of Žilina, *Program rozvoja bývania mesta Žilina 2019 - 2030*, zilina.sk/wp-content/uploads/2021/09/PROGRAM-ROZVOJA-BYVANIA-MESTA-ZILINA-2019-2023.pdf

³³² Interviews with tenants on Bratislavská street conducted on 22 February 2024, social workers of the municipality conducted on 16 June 2023, interview with municipal officers conducted on 16 June 2023.

The most urgent problem described in the interviews by people living at Bratislavská Street, as well as municipal officials and social workers, is overcrowding. According to UN-HABITAT a dwelling is considered to provide a sufficient living area for the household members if three or fewer people share the same room.³³³ However, of the six interviews conducted at Bratislavská Street, five involved households living in overcrowded flats, exceeding the limit set by the United Nations. – Martin, a single parent in a one-bedroom [i.e. one bedroom, one living room] flat with 10 children; Marína with her partner in a one-bedroom flat with 6 children, the 6-member household of Kristína in another one-bedroom flat, and a 7-member household of František in a portable housing unit.³³⁴

Danica has been living in a two-bedroom flat at Bratislavská Street for 9 years. She lives there with two adults and seven children – the property is too small for them. They sleep in two bedrooms, which, in her words, is undignified and uncomfortable, especially for adolescent children. She has already contacted the municipal office three times with regards to the possibilities of getting a different apartment; she submitted her application several years ago and meets all the necessary eligibility criteria. The municipal office keeps giving her the same answer – she needs to wait.³³⁵

The management of the responsible departments of the municipal office are aware of the overcrowding of the flats: *"The overcrowding is terrible..."*³³⁶ It is also associated with risks to the social and educational development of children; for example, when a child does not have enough space to play, to socialise (he/she cannot invite friends over), nor does he/she have a quiet and suitable place to prepare for school and do homework.³³⁷

Amnesty International witnessed the poor and inadequate housing conditions in the apartment house originally built for railway workers. The residents of Bratislavská themselves described living in this building as inadequate and four households interviewed explained that they had been trying very hard to access housing in a different location or at least in a different apartment building. One of the respondents moved to a flat in this building from a nearby portable housing unit:

"We were better off over there in the portable housing unit, I don't want to be here. We're not doing well here. We have these fire stoves here (for heating) and I'm still worried about the children."

Kristína, a tenant on Bratislavská street³³⁸

Amnesty International observed that doors were broken off at all entrances to the building and windows were broken in the corridors of the shared premises. The flats on the highest (now uninhabited) floors were significantly damaged by the fire, in some places the floor collapsed. The deteriorated condition of the building poses a risk to people's safety. Interviews with tenants showed that there were no repairs carried out in the shared premises by the property administrator since they lived there. Some of the flats in the building had been renovated,³³⁹ but some of the flats Amnesty International visited were in poor housing conditions despite the visible efforts of the tenants to modify and decorate the premises. The tenants described, in particular, major problems caused by dampness in the flats and the resulting mould, crumbling floors and widely spread insects – especially cockroaches and bedbugs. The tenants reported that although the city provides disinfection of the apartments, the problem is never completely eliminated even immediately after disinfection. Tenants believed that the disinfection process was not thorough: residents reported the workers had not ensured thorough removal of furniture, had not given instructions on the need for disinfection and washing of fabrics and upholstered furniture, omitted some flats from disinsection altogether, etc. This causes problems and risks of health concerns, especially in households with small children.³⁴⁰ According to

³³³ UN-HABITAT, Urban Indicators Guidelines: "Better Information, Better Cities" – Monitoring the Habitat Agenda and the Millennium Development Goals – Slum Target, July 2009, UN-HABITAT, pp. 9.

³³⁴ Interviews with tenants in Bratislavská conducted on 22 February 2024.

³³⁵ Interview with tenant in Bratislavská conducted on 22 February 2024.

³³⁶ Interview with representative of municipal office conducted on 16 June 2023.

³³⁷ Isabel Baptista and others, *Family Homelessness in Europe*, Brussels, 2017, FEANTSA, feantsaresearch.org/download/feantsa-studies_07_web3386127540064828685.pdf; and Deborah Quilgars, Nicholas Pleace, *Children and Families*, In Bretherton, J. – Pleace, N, *The Routledge Handbook of Homelessness*. Routledge, ISBN: 978- 0- 815- 36210- 4.

³³⁸ Interview with a tenant of Bratislavská conducted on 22 February 2024.

³³⁹ Interview with the political leadership of the city of Žilina conducted on 2 August 2023.

³⁴⁰ Minutes of interviews with tenants of apartments on Bratislavská street conducted on 22 February 2024.

the Act 514/2001 on the protection of human health, the municipality has an obligation to ensure the disinfection of properties owned by it.³⁴¹

Some of the households visited by Amnesty International in the building in municipal rental flats heat the premises using stoves burning solid fuel, which has caused several fires on the site since its construction. At the same time, the sanitary facilities are not located directly in the flats – they are on the mezzanine floors in the shared premises of the building – the bathroom and toilet are thus accessible only through the staircase in a common area. This poses a big challenge especially for families with small children and for people with reduced mobility.

Miriam lives with her son in one of the renovated apartments at Bratislavská Street. Miriam is an older person and has recently undergone knee surgery. It is therefore difficult for her to climb the stairs to the shower and toilet several times a day: "I fall on the way from the shower almost every day". Miriam has brought the issue to the attention of the city several times, but so far there has been no change.³⁴²

The UN Independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation has highlighted that the location of sanitation facilities must ensure minimal risks to the physical security of users. In particular, access to the facility should be safe and convenient for all users, including older people and persons with disabilities and it must be maintained accordingly.³⁴³

Municipal rental housing at Bratislavská Street is not in compliance with the human rights obligations arising from the International Covenant on Economic, Social and Cultural Rights. General Comment No. 4 to the Covenant in Art. 8, par. d) defines the habitability of a dwelling as one of the defining elements of housing adequacy as follows: "*Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors.*"³⁴⁴

The condition of category 3 and 4 flats at Bratislavská Street is not consistent with the Decree of the Ministry of Health of the Slovak Republic No. 259/2008 on minimum requirements for lower-standard flats.³⁴⁵ In particular, this concerns the conditions related to dampness of air and the surface area of living space per inhabitant. The flats visited by Amnesty International were damp with visible patches of mould on the walls. Danica, a tenant of Bratislavská described her endless effort to get rid of the mould:

"I'm buying new clothes for the kids all the time because of the mould. The dresser is mouldy from the walls and I can't do anything about it - I spray it with antifungal detergent but it doesn't work at all."

Danica, a tenant on Bratislavská street³⁴⁶

³⁴¹ Act 514/2001 amending Act of the National Council of the Slovak Republic No. 272/1994 on the protection of human health, as amended.

³⁴² Interview with a tenant of Bratislavská conducted on 22 February 2024.

³⁴³ Catarina de Albuquerque, Report of the Independent Expert on the Issue of Human Rights Obligations related to Access to Safe Drinking Water and Sanitation, 2010, digitallibrary.un.org/record/685823?ln=en&v=pdf

³⁴⁴ General comment No. 4, CESCR, The right to adequate housing (art. 11 (1) of the Covenant), tinternet.ohchr.org/_layouts/15/TreatyBodyExternal/DownloadDraft.aspx?key=ICEnwWR8rbeJM8O1ALabP9BWayFuYGLyYmdgGzgvNrcHN2wf0J7e7h561aYJ0EMO2J51czkGbs+UgXB3nd9N+A==

³⁴⁵ Ministry of Health, Decree of the Ministry of Health on the requirements for the internal environment of buildings and on the minimum requirements for lower standard flats and accommodation facilities No. 259/2008, slov-lex.sk/pravne-predpisy/SK/ZZ/2008/259/

³⁴⁶ Interview with a tenant of Bratislavská conducted on 22 February 2024.

7.4 SHORT-TERM RENTAL AGREEMENTS

BANSKÁ BYSTRICA

"When we asked the other tenants to go to battle with us, that it would have a greater effect, they were all afraid. They're scared, afraid to speak up, you know? Because when you raise your voice, you won't (get to) sign your monthly (rental) contract. At the (municipal) office, they will tell you... 'well, we do not have to keep you there against your will, I will not sign a contract with you, and you can go wherever you like, we do not even have to give you a reason why'. And because of this, all the tenants are afraid."

Tenant on Internátna 12³⁴⁷

Tenants in the flats at Internátna 12 Street sign monthly rental agreements.³⁴⁸ *"And we came to the conclusion that they now have monthly agreements. So, in other words, you pay - you live here, you don't pay - you don't live here."* (representative of municipal office)³⁴⁹ Short-term rental agreements generally instil a sense of great uncertainty and lead to human rights risks. It is also against the anti-discrimination law.³⁵⁰ One of the social workers of an NGO from Banská Bystrica described how these short-term agreements affect families she works with:

"Over there, at Internátna Street, the agreements are renewed every month, which does have some effect. That's some degree of stress. But again, if the family just lives there for a long time, that's how it works, so it's a long-term stress, then I'll become somehow resilient, right? I will choose a strategy to simply survive this." (NGO social worker)³⁵¹

When asked by Amnesty International for the reason behind the short-term rental agreements, a municipal officer explained that this was done because in the past tenants often did not pay rent and associated housing costs.³⁵² Amnesty International notes that there are several mechanisms that the municipal office can employ to address the issue of non-payment of rent which would be more consistent with its human rights obligations, including for example, early contact with the tenants in the event of a missed rent payment, social support provided directly to the household, and the possibility of structuring a repayment schedule, or delaying of payment due dates in the event of a sudden reduction in household income. None of these measures appear to be in place.

Tenants need to renew their rental agreement on a monthly basis directly at the municipal office. This rule also applies to households that have lived in a flat at Internátna 12 Street for several years.

"I've been here for 2 years, he's been here for 5 years and we have to sign [rental] agreements every month. We sign agreements all the time. Just yesterday, I went to the municipal office to sign it. I think that even if they

³⁴⁷ Interview with tenant on Internátna 12 conducted on 19 October 2023.

³⁴⁸ City of Banská Bystrica, The housing development program of the city of Banská Bystrica for the years 2015-2020, Chapter 5. BALANCE OF HOUSING DEVELOPMENT NEEDS; 5.1 Calculation of the current shortage (surplus) of apartments compared to the number of households, pp.19.

³⁴⁹ Interview with a representative of the municipal office conducted on 12 July 2023.

³⁵⁰ Act 365/2004 on equal treatment in certain areas and protection against discrimination and amending certain acts (the Anti-Discrimination Act), as amended.

³⁵¹ Interview with a social worker of an NGO conducted on 17 July 2023.

³⁵² Interview with a municipal officer conducted on 12 July 2023.

wanted to test us or something, in those two years they can already see that I pay regularly, right? Extend, sign, pay – every month.”

Tenant on Internátna 12³⁵³

The approach of the municipal office described above is discriminatory towards households living at Internátna 12 Street and represents another manifestation of institutional racism displayed by the municipal office.

Security of tenure is an integral part of the right to adequate housing and a necessary ingredient for the enjoyment of many other civil, cultural, economic, political and social rights. All persons should possess a degree of security of tenure that guarantees legal protection against forced eviction, harassment and other threats.³⁵⁴ States should take immediate measures aimed at conferring legal security of tenure upon those persons, households and communities currently lacking such protection.³⁵⁵

Furthermore, states should strengthen and prioritise the tenure security of vulnerable and marginalised people and groups. They must demonstrate that they are taking deliberate, concrete and targeted steps as expeditiously and effectively as possible, including through the design and implementation of a plan of action for strengthening security of tenure. Moreover, states should conduct baseline surveys of tenure security, develop quantitative and qualitative indicators and set benchmarks against which to monitor progress, evaluate outcomes and inform decision-making. Indicators and benchmarks should be designed to measure progress in, inter alia: securing the tenure arrangements of marginalised groups, reducing discrimination and achieving more equitable access to municipal housing.³⁵⁶

At regional level, Council of Europe's Commissioner for Human Rights has recommended states to invest more in finding durable housing solutions for Roma families.³⁵⁷

The housing arrangements at Internátna 12 Street do not provide this security of tenure.

"After all, one would like to clean up, really, apply plaster, because I would like to... But let's face it, today, I'm here, but maybe not tomorrow."

Peter, tenant at Internátna 12³⁵⁸

Roma households living in segregated locations in Banská Bystrica at Internátna 12 Street and in Nitra at Orechov dvor location, get short-term rental agreements (for 1 month or 3 months, respectively) and as a result, the tenants thus face a constant threat of eviction without an alternative housing. These households live in constant uncertainty due to the lack of security of tenure. Several respondents from these segregated locations decided not to be interviewed by Amnesty International for fear that the consequence of being interviewed could be the non-renewal of their monthly rental agreement.

NITRA

Residents living in the flats at Orechov dvor must renew their rental agreements once every three months. According to the representatives of the municipal office, it is a tool for the authorities to prevent defaults in payments of rent and thus termination of the rent. Short-term rental agreements generally create a sense of great uncertainty, as described above, and violate human rights obligations.

³⁵³ Interview with tenant on Internátna 12 conducted on 5 September 2023.

³⁵⁴ CESCR General Comment 4 and Guiding principles on security of tenure for the urban poor.

³⁵⁵ UN Special Rapporteur on the right to adequate housing, BASIC PRINCIPLES AND GUIDELINES ON DEVELOPMENT BASED EVICTIONS AND DISPLACEMENT, ohchr.org/sites/default/files/Documents/Issues/Housing/Guidelines_en.pdf

³⁵⁶ UN Special Rapporteur on the right to adequate housing, Report 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, Guiding principles on security of tenure for the urban poor: documents.un.org/doc/undoc/gen/g13/191/86/pdf/g1319186.pdf

³⁵⁷ Commissioner for Human Rights, European states must demonstrate resolve for lasting and concrete change for Roma people, coe.int/es/web/commissioner/-/european-states-must-demonstrate-resolve-for-lasting-and-concrete-change-for-roma-people

³⁵⁸ Interview with tenant on Internátna 12 conducted on 5 September 2023.

ŽILINA

In interviews with Amnesty International, the representatives of the municipality described a system, that allows them to decide to shorten the rental period in case of “*problems, suspicions, or repeated non-compliance with house rules*”: “*No, we have to regulate it, because we can simply have a maximum of 3 years. But there are people who don't pay us, so we can't give it to them for a longer period of time. We have to check them. So I give it to them for 3 months, half a year or a year*” (representative of the municipality).³⁵⁹ However, all 10 people interviewed in the segregated location of Bratislavská Street had the shortest possible lease agreements for 3 months.³⁶⁰

Slovak authorities should end the practice of short-term rentals, which appears to be based on negative prejudices against Roma people, and strengthen security of tenure by providing longer-term legal protection against forced evictions.

³⁵⁹ Interview with a representative of the municipality conducted on 16 June 2023.

³⁶⁰ Interviews with people living in municipal apartments at Bratislavská Street conducted on 22 February 2024.

7.5 INSUFFICIENT ACCESS TO SOCIAL SERVICES IN SEGREGATED HOUSING

BANSKÁ BYSTRICA

There are two social workers available to tenants in this location. They are located in non-residential premises on the ground floor of the apartment building at Internátna 12 Street. According to information from the social services worker, they provide basic social counselling to people who search for a social service on their own initiative, focusing mainly on assistance with finding a job, possible debt relief, etc. Tenants explained to Amnesty International that the social workers did not provide specific housing-related social support.

During the interview with the social workers of municipal social services, Amnesty International encountered several generalising and judgmental statements about the level of education and employment of people living at Internátna 12 Street, reflecting negative biases. When any problem or challenge was described, for example, social workers often considered restrictions and sanctions as primary solution: *"So I think that when school attendance is mandatory, they should be sanctioned for non-compliance. That [sanctions] is their only driver".*³⁶¹

"It doesn't work here and paying the costs makes no sense. Just let some new ones come here, because they work, let's say, from seven to two-thirty. The children arrive there at three o'clock, and they (social workers) are already shouting "go out, go out, we are done here."

Jakub, tenant at Internátna 12³⁶²

ŽILINA

The municipality Community Centre Na predmestí is located directly in the neighbourhood. At the time of this research,³⁶³ two social workers were working in the centre while two others, assigned to this location, were on long-term leave from work.³⁶⁴ Social workers provide basic social counselling³⁶⁵ to households in the area – this most often concerns assistance in communication with institutions, support with documents, assistance in finding a job, accompanying clients on visits to authorities and public offices, where necessary, among other services.³⁶⁶ The centre also distributes food and material assistance. Although social workers do not provide technical assistance with issues related to social housing they perform some activities to prevent the loss of housing (e.g. arranging instalment calendars, helping with applications for the exchange of municipal flats, etc.). Due to its limited resources, the under-resourced community centre is unable to adequately address the social protection needs of the estimated population of 1,200 people living at the Bratislavská Street. The capacity is extremely small, especially in the context of exclusion and generational poverty faced by these households.

Amnesty International's research has concluded that the poor living and housing conditions of residents of Bratislavská (Žilina), Orechov dvor (Nitra) and Internátna 12 Street (Banská Bystrica) are contrary to the international human rights law. Slovakian authorities have failed to protect their right to adequate housing and have not ensured key elements of this right, such as habitability, security of tenure, and appropriate location, resulting in severe consequences for their daily lives and other human rights.

³⁶¹ Interview with a social worker of the municipality conducted on 5 September 2023.

³⁶² Interview with tenant on Internátna 12 conducted on 5 September 2023.

³⁶³ At the time of data collection, the premises of the Na predmestí Community Centre were being reconstructed.

³⁶⁴ Interview with social workers of the municipality conducted on 23 February 2024.

³⁶⁵ Act 448/2008 on social services and on amendments and supplements to Act 455/1991 on Trade Licensing (Trade Licensing Act), as amended.

³⁶⁶ Teraz, *Žilina začala s nadstavbou komunitného centra na Bratislavskej*, 11 September 2023, cited 25 February 2024), teraz.sk/import/zilina-zacalo-s-nadstavbou-komunitneh/739921-clanok.html

8. RESIDENTIAL SOCIAL SERVICES ARE NOT A REPLACEMENT FOR PUBLIC RENTAL HOUSING

“They kept annoying me. Like, you can't do this, you can't do that and come on, go and look outside, look for a flat and so on and so on. And I say, where will I go? Where can I look for a flat right now? After all, I have applied for a municipal flat a couple of years ago and I have not received anything, indeed. And I'm still waiting, I don't even know how many years it has been.”

Zdena, 70 years old, formerly living in a homeless shelter³⁶⁷

Since Slovakia does not have public housing stock adequate for the existing demand, people at risk of poverty and homelessness have no choice but to use emergency residential social services.

In strategic documents of municipalities on housing and social services, residential social services are described as a part of housing strategies aimed for people experiencing homelessness. They are intended to be short-term solutions, while people look for more permanent accommodation. However, in the absence of adequate public housing options and barriers to access municipal social housing, in reality, these systems become long-term residence options for people in housing need.

Residential social services for people who are homeless covered by this chapter are:

- **emergency night shelter** - a government run social service only for an overnight stay for people who are homeless. This type of shelter does not provide people with any kind of stability or continuity, only a bed, the possibility to use hygiene facilities and social support.
- **homeless shelter** - a government run social service that provides accommodation for a certain period of time and social counselling to a person in a vulnerable situation. People using this kind of service have a stable bed and a place to put their personal belongings. People usually stay here for a longer period of time (usually 2-10 years).

³⁶⁷ Interview with a previous client of a homeless shelter now living in segregated housing conducted on 5 September 2023.

Amnesty International visited all available residential social services for people experiencing homelessness in Banská Bystrica, Nitra and Žilina. The services available in these cities are:

BANSKÁ BYSTRICA

- 1 emergency night shelter
- 3 homeless shelters for individuals
- 2 homeless shelters for women with children
- 1 homeless shelter for families with children
- 1 accommodation facility for older people
- 1 accommodation facility for families with children

NITRA

- 2 emergency night shelters (one of them low-threshold)
- 1 homeless shelter for individuals
- 1 homeless shelters for women with children

ŽILINA

- 1 emergency night shelter
- 1 homeless shelter for individuals
- 2 homeless shelters for women with children
- 2 non-registered charities offering accommodation for people experiencing homelessness
- 1 large-capacity shelter in a village close to the city

The lack of sufficient social housing and barriers to accessing the limited social rental housing stock pose significant challenges for marginalised populations in exercising their right to adequate housing and finding more stable and dignified housing alternatives.

Amnesty International spoke to 45 people who were homeless, all of whom used these residential social services as an alternative to housing and tended to do so repeatedly and for many years.³⁶⁸ However, these services are not replacement for long-term housing for a whole spectrum of reasons. While these residential social services offer some type of housing, they define several rules and eligibility criteria which can pose a barrier for people trying to access them. Amnesty International also spoke with 6 people who were homeless who did not use these residential social services, because the eligibility criteria were excluding them. Almost all the people interviewed mentioned the undignified living conditions in the services and the fact that it interfered with their personal freedom as one of the reasons for not using them. **In interviews with Amnesty International, people noted several practices and rules that created or strengthened barriers which effectively prevented them from accessing these residential services.**

A lot of the problems highlighted in this section are the result of broader, systemic failures, including the lack of public housing options in the country and a systemic use of residential social services for homeless people as a substitute for affordable public housing. Amnesty International interviewed representatives of social services who noted, for example, how the services were underfunded, understaffed, without proper networking with other services with staff not always receiving appropriate training, which made it harder to provide services with respect to human rights.³⁶⁹

³⁶⁸ Four people interviewed by Amnesty International lived in social services for 10 years or more, two for 5-10 years, 9 for 3-5 years, five for 2-3 years, five for 1-2 years and 13 for less than 1 year.

³⁶⁹ 29 Interviews with social workers of NGOs and municipalities conducted between 11 May 2023 and 22 February 2024.

8.1 ZERO TOLERANCE TO ALCOHOL AND DRUG USE

"They walk around with the breathalyser randomly, even if I go to the store, for example. But once I lost it; she came over sayin', come on we were gonna blow (in the breathalyser to test for alcohol - author's note). I say, fine but I had a drink. Oh, you've been drinking... try to blow in here. I blew and she is like 'you don't have any alcohol!' I'm saying, but you didn't ask if I had a drink of water or what. I didn't know what to come up with anymore. So I told her to go away... I blew 4 times in a single day. And get away, I told her, please just leave me alone. I really lost it. Blowing four times a day"

Daniel, living in a homeless shelter³⁷⁰

Act 448/2008³⁷¹ regulates that a night shelter and a regular shelter may be low-threshold; the law defines low-threshold as follows: "the service is easily accessible to natural persons, facilitates their contact with the social environment and is provided in their natural environment." Such social services should contain the highest possible degree of comfort and accessibility for people who need and use them, including for their health needs and if they use alcohol or drugs. Low threshold services must comply with the harm reduction principle, and reflect a set of practical strategies and procedures aimed at reducing the negative consequences associated with drug use. They protect people who use drugs from stigmatisation and provide them with the necessary help and space for recovery.³⁷²

In reality, there are no low-threshold residential social services in two of the surveyed cities; the exception is Nitra. There is only one low-threshold social service facility in Žilina - a day centre. Existing services in all three cities ban the use of alcohol and drugs at their premises through their codes and other rules. Negative result of a breath test is a pre-condition for being allowed to enter.³⁷³ Thus, people using alcohol and drugs in Banská Bystrica and Žilina do not have the opportunity to use low-threshold social services, which is often the only option to get overnight accommodation for people who are homeless.

Miloš has not had a stable home for a long time. He usually lives in hostels or in shared flats only during the summer, when he gets temporary jobs on construction sites. Miloš uses the services of the night shelter only if he has no other option. He doesn't feel safe and comfortable in the night shelter sharing a room and shower with strangers. The night shelter is not a low-threshold facility and there is nothing like it in the entire city - Miloš therefore cannot use the night shelter if, for example, he drank alcohol during the day. In this case, Miloš sleeps rough or tries to find a place to stay with friends (Miloš, rough sleeping).³⁷⁴

The fact that people who have recently used alcohol or drugs are not allowed to use residential services or night shelters, and the ban on using certain drugs and alcohol in these shelters in the cities surveyed (this ban does not exist in one night shelter in Nitra), means that several people at risk of homelessness and harm

³⁷⁰ Interview with a person living in a homeless shelter conducted on 21 February 2024.

³⁷¹ Act 448/2008, HI, 8, Section 61, par. 3.

³⁷² In the case of low-threshold social services, compliance with the harm reduction principle is crucial. The harm reduction principle is also promoted by Amnesty International, based on the recommendations of the World Health Organization (WHO). Harm reduction comprises a set of practical strategies and procedures aimed at reducing the negative consequences associated with drug use. It protects people who use drugs from stigmatization and provides them with the necessary help and space for recovery. At the same time, harm reduction is also based on the principles of the fight for social justice based on respect for the rights of people using addictive substances. According to Amnesty International, as well as based on the WHO and UNODC recommendations, services provided in facilities must be evidence-based, in line with scientific knowledge as well as international human rights law, and should include the areas of prevention, provision of information and the application of harm reduction approaches. Therapeutic procedures based on medical diagnosis must always comply with the principle of voluntary collaboration (by the clients). Moreover, the services provided must also be based on the principle of non-discrimination.

³⁷³ 25 Interviews with social workers from social services conducted between 16 May 2023 and 6 September 2023 and 45 interviews with people living in social services.

³⁷⁴ Notes from the interview with a person sleeping rough conducted on 17 July 2023.

to their health are unable to access any shelters or accommodation when they need it, as no other options for housing or shelter exist for them. This effectively denies their right to housing.

UN Guidelines for the implementation of the right to adequate housing recommends that states provide access to safe, secure and dignified emergency accommodation, with necessary support and without discrimination on any grounds, including dependence on alcohol or drugs.³⁷⁵ Slovak authorities should ensure access to accommodation without any kind of discrimination.

³⁷⁵ UN Special Rapporteur on the right to adequate housing, Guidelines for the Implementation of the Right to Adequate Housing Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to nondiscrimination in this context: documents.un.org/doc/undoc/gen/g19/353/90/pdf/g1935390.pdf

8.2 RESTRICTED MOVEMENT AND VISITS

“You should be back by five. And in the evening, I always report that I will see my doctor the next day or perhaps go to the post office, or something. You can get used to it. You can get used to anything.”

Miroslav, living in a homeless shelter³⁷⁶

Control of movement or any restriction of the personal freedom of movement of people in residential services is not compulsory by the Act 448/2008.³⁷⁷ Despite this, Amnesty International noticed that all the facilities visited had instituted various restrictions on movement on people living in them.

“I've been here for about 8 years on and off. I mean, for example, that I had not been here for a year – that was when I had a relationship. Then I came back, I was here for half a year and then I was not staying here for half a year again and just like that... Well, here you have certain policies in place, evening curfew at 22:00, then a wake-up call at 6:00 in the morning. And it happens to me that when I come home from work at half past 10 (in the evening), I'm glad that I can even make it to the shower. And when you're tired of working in the sun all day... you'd like to sleep a little longer. But the people here, they don't care... but cool, it's okay, I respect that. Because these are the rules. And when I'm too tired, I go to a hostel for one or two days and relax.”

Niko, 45 years old, living in an emergency shelter³⁷⁸

In the case of night shelters, this mainly concerns the obligation to leave the facility in the very early hours of the morning (typically from 6:00 to 7:00 a.m.) regardless of age or disability, and the possibility of entering the facility only in the evening (most often after 7:00 p.m.). Such time restrictions may result from the nature of the social service (provision of shelter for the purpose of overnight stay).³⁷⁹ However, the testimonies of people using the services of the night shelter demonstrate that these policies negatively impact their daily life and reduce their quality of life.

“At my age, when I am after a 24-hour shift, I like to relax but here I do not have access to a bed until the evening. And the day centre isn't open on weekends either. I will have to do something about it because this is not gonna work for me”

Kristián, living in a homeless shelter³⁸⁰

³⁷⁶ Interview with a person living in a homeless shelter conducted on 17 July 2023.

³⁷⁷ Act 448/2008 Coll. on social services.

³⁷⁸ Interview with a person living in an emergency shelter conducted on 21 February 2024.

³⁷⁹ Act 448/2008 Coll. on social services.

³⁸⁰ Interview with a person living in a homeless shelter conducted on 21 February 2024.

For many people who do not have access to adequate housing and decide to use the night shelter, the only option for shelter during the day is a day centre where food, clothing, personal hygiene and social support can be provided. However, day centres are not open all day either, hence the people often have no other choice but to be in public spaces before the night shelter opens.

"At half past three, the gate (of the day centre) closes, and you have to leave the facility, whether it is raining or snowing, or it is minus 20, no one actually cares. At seven o'clock, the night shelter opens again, so we can go there. During the day, we usually roam around the city. Sometimes the cops confront us, throw us away from wherever we are, so we have to keep moving. But it's still good, at least I'll take a walk. But there are also friends who walk with sticks, they are old and they can no longer move."

Kristián, living in an emergency shelter³⁸¹

Most of the shelters Amnesty International visited required people in the shelter to report to the social worker any planned absence from the shelter in advance, even if it was only a visit to a doctor or a walk around the city. The staff at the shelter need to have information about the people's whereabouts at all times, including at what time they return from work. Two of the shelters visited also require to produce a certificate of non-infectivity provided by a health professional in the event that the individual has spent a night outside the shelter.³⁸² The applicable legal regulation does not require social service providers to require the client to comply with this particular obligation and this social service has implemented it arbitrarily. Obtaining such certificates can often represent a challenging task for people in terms of logistics, investment and time, not to mention an interference with their privacy, and dignity.

"You can't sleep anywhere else but here. Otherwise, if I sleep somewhere else, I have to bring a confirmation from the doctor whether I have any... if I don't have any rash or scabies. Or something like that. It's so humiliating. Well, what can I tell you, if I didn't have my partner here, I would have gotten away a long time ago."

Andrej, living in a homeless shelter³⁸³

The very location of the social service facility in Banská Bystrica is also a tool for restricting the movement of people – the Shelter for Families with Children established by the city is situated in a former correctional facility³⁸⁴ still equipped with the original gate and fence. Employees of the facility must be informed in advance about any departures and arrivals of people from/to the facility. In addition they *'supervise compliance with the rules and policies'*³⁸⁵ in the facility, i.e. compliance with the Facility Policies document.³⁸⁶ According to the Principles for the provision of social service designed by the establishing authority, any visits in the facility are only allowed as a reward – for good conduct.

³⁸¹ Interview with a person living in an emergency shelter conducted on 14 June 2023.

³⁸² Interview with social worker of an NGO conducted on 18 July 2023, Group interview with 10 people living in social services or sleeping rough conducted on 9 February 2024.

³⁸³ Interview with a person living in a homeless shelter conducted on 23 January 2023.

³⁸⁴ Interview with a former facility employee conducted on 19 October 2023.

³⁸⁵ Interview with social worker of the municipality conducted on 17 July 2023, ACCOMMODATION POLICIES of the "Emergency housing facility KOTVA IV" - shelter for families with children and Temporary accommodation facility KOTVA II for families with children, Principles for the provision of social services in the "Emergency housing facility KOTVA IV - shelter for families with children and for the provision of accommodation in the Temporary accommodation facility KOTVA II.

³⁸⁶ The tasks of informants include, for example: controlling automatic washing machines available to residents, deciding on entry to children's leisure time clubs, random breath tests for the presence of alcohol and others.

8.3 MAXIMUM LENGTH OF STAY

The law does not specify the maximum length of stay in residential social services, only that the service is provided for a limited time.³⁸⁷ Cities and service providers determine the length of stay individually and in a very different manner. This is predicated on the idea that people using these services have specific, time-bound needs and concerns that may get resolved in a short amount of time. However, despite the social support provided, “*improvement*” often does not materialise, among other reasons due to lack of sufficient social housing stock, which is evidenced by the extended periods that respondents spent in such facilities and the frequency with which they tend to repeatedly return after having to leave.

Maximum length of stay in one of the shelters is 2 years. After that, people must simply leave. People can spend three months in an adjacent night shelter, sleep rough or try to find another place to stay or new home, which is rather unrealistic for most of them. After 3 months, they may return to the shelter from the uncertainty of the street or the night shelter, which will again provide them with a greater degree of comfort and stability.³⁸⁸ Such an interruption of accommodation without the possibility of transition to a more stable home repeatedly throws people and families back into the homelessness.

These housing changes, the vicious circle of moving from one crisis facility or shelter to another also affects many families, and it does so for long periods, often years. According to the interviewed social workers some women return to the shelter repeatedly and further down the road, often with their children: “*One woman has already returned 6 times. She grew up in a children’s home and her daughter already has a child*” (social worker in a shelter.)³⁸⁹ Diana, a single parent living in a homeless shelter with her children, described to Amnesty International how she grew up in a children’s home and has been living in various temporary homes with her children ever since leaving the institution. She has never experienced a stable home in her entire life.

“My situation is like this, I have been switching social facilities since I was a child, so that I have never had a home, I have never had a house, or that I would normally live in a family flat, nothing.”

Diana, living in a shelter for mothers with children³⁹⁰

One shelter for families with children in one of the researched cities completely terminates the possibility of using residential social services after reaching the maximum period of their use.³⁹¹ In other words, once the maximum term for staying there is exhausted, people cannot return to it even after a break of some months.

Restricting the length of stay in social services in a system that does not provide people in housing need with any other alternative for overnight stay or accommodation puts people at further risk of rights violations.

³⁸⁷ Act 448/2008 Coll. on social services.

³⁸⁸ 7 interviews with people living in homeless shelter conducted on 16 January 2024.

³⁸⁹ Interview with a social worker of an NGO conducted on 27 July 2023.

³⁹⁰ Interview with a person living in a shelter for mothers with children conducted on 16 January 2024.

³⁹¹ Principles for the provision of social services in the “Kotva IV Emergency Housing Facility - a shelter for families with children and for the provision of accommodation in the KOTVA II Temporary Accommodation Facility, an interview with social worker conducted on 17 July 2023.

8.4 UNPAID WORK

The right to adequate financial remuneration for the work performed is enshrined in Article 7 of the International Covenant on Economic, Social and Cultural Rights,³⁹² as well as in the ILO Convention on Forced or Compulsory Labour No. 29,³⁹³ of which Slovakia is a signatory.³⁹⁴ The obligation to pay wages for the work performed also arises from the Labour Code.³⁹⁵

Amnesty International's research in residential social services shows that people living in these services perform work without any financial remuneration. Most often, this involves cleaning of shared premises – corridors, staircases, dining rooms or shared/community rooms. Cleaning of shared premises without remuneration, called 'duty', is a common practice in all residential social services facilities for homeless people that Amnesty International visited in Nitra, Žilina and Banská Bystrica and came up in several interviews conducted by Amnesty International. The work that people living in these services perform is informal – without a contract and legal protection. People living in social services spend their time cleaning, working at the gatehouse, sorting clothes and other activities without adequate remuneration.

In one of the shelters, people who work on 'duties' have priority access to food packages distributed by the service, or have access to larger food packages based on their work. In other facilities, for example, there is a reward provided for 'duties' in the form of a discount on social service fees.

In another social service facility, Amnesty International talked to a person who had lived there for 10 years. Miroslav works at a daily assisting position at the shelter and supports other clients with various activities, such as doctor visits. He also provides the shelter with maintenance work. This is all done on a long-term basis and without any compensation.³⁹⁶

The problem of understaffing and underfunding in social services was repeated to a greater or lesser extent by every organisation, institution and in social services provided directly by the city but also in non-profit organisations. This issue was reflected in interviews with employees of the social services who mentioned the problems they are facing in terms of financing and financial support from the government.³⁹⁷

³⁹² International Covenant on Economic, Social and Cultural Rights.

³⁹³ ILO Convention concerning Forced or Compulsory Labour No. 29, ilo.org/dyn/normlex/en/f?p=NORMLEXPUB

³⁹⁴ List of conventions of the International Labour Organisation by which the Slovak Republic is bound, which it has ratified and then denounced, employment.gov.sk/files/slovensky/ministerstvo/medzinarodna-spolupraca/medzinarodne-organizacie/medzinarodna-organizacia-prace-mop/zoznam-dohovorov-mop-ktorymi-je-sr-viazana.pdf

³⁹⁵ Act 311/2001 the Labour Code, slov-lex.sk/pravne-predpisy/SK/ZZ/2001/311/vyhlasene_znenie.html

³⁹⁶ Interviews with 2 people living in homeless shelter 21 February 2024.

³⁹⁷ Interviews with 29 social workers in Banská Bystrica, Nitra and Žilina conducted between 11 May 2023 and 22 February 2024.

9. HOUSING FIRST – A HUMAN RIGHTS-BASED APPROACH TO HOUSING

Almost all people who are homeless living in social services facilities for extended periods interviewed by Amnesty International mentioned housing as their major unmet need. This was also confirmed by interviews with social workers in the above-mentioned services. Moreover, having a home is also an essential building block for a dignified life and meeting other basic needs.

"So we had a shared house in Orechov dvor and my husband was, like, very weak so they placed him in the Kováčová facility. I'm here now, in a shelter for the homeless. So, I've still been here for three years, so I would like to ask, kindly, for a one-room house to be in peace. I am an old woman, I am 63 years old, I have health issues, so that I could live in peace."

Iveta, living in a homeless shelter³⁹⁸

The Housing First approach, if implemented correctly, represents a human rights-based solution. It is based on a concept of providing standard adequate housing, which is the cornerstone of a dignified life. Housing, together with the provision of social support based on the needs of the person to whom it is provided to the extent necessary and in the required frequency, represents the basis to leave behind a past experience of homelessness. Social support is provided to households in the safety and privacy of their home and may also be associated with the provision of other forms of support (e.g. financial, material assistance, mediation of health care, support in handling official matters, etc.). The support is fully focused on helping the household retain their home and improve the quality of their life.³⁹⁹ At the same time, the Housing First approach is not built on the merit principle – under the concept, homes are not provided as a reward for successfully completing the prescribed steps, but as a universal and irrevocable human right.⁴⁰⁰

³⁹⁸ Interview with a person living in a homeless shelter conducted on 16 January 2024.

³⁹⁹ Nicholas Pleace, *Housing First Guide Europe*, 2016, Feantsa, SNF, p. 12, feantsa.org/download/hfg_full_digital1907983494259831639.pdf

⁴⁰⁰ Amnesty International, *An Obstacle Course - Homelessness assistance and the right to housing in England*, EUR 03/5343/2022, Amnesty International UK, 2022, p. 80.

The Housing First approach originated in New York in 1992. Since its inception, the concept has been used as a tool to end homelessness and has been put in practice in several countries, including Austria, Finland, France, Ireland, Italy, Norway, Portugal, Spain and Sweden. Housing First is an alternative to transitional systems, which are currently used in Slovakia. The transitional system puts the responsibility for homelessness on the individual and represents one of the elements that shift focus and attention from the systemic defects that are the root cause of homelessness.⁴⁰¹

The first practical attempt to implement the Housing First approach in Slovakia represented the projects of two non-profit organisations active in helping people who are homeless:⁴⁰² Proti prúdu organisation arranged a sublet of the first flat to people experiencing homelessness in 2016, followed in 2018 by Vagus organisation which mediated short-term rentals of residential premises of a former student dormitory. In recent years, the number of non-profit organisations applying the Housing First approach has multiplied and the practice has expanded to several Slovak cities.

As part of the application of the Housing First approach by non-profits, the organisations need to "head-hunt" landlords, mostly in the commercial rental housing market, who would be willing to rent a flat to a person who is homeless. Several flats within these projects also come from municipal rental housing stock. Moreover, organisations provide households with social support and, in some cases, financial support to cover housing-related costs. Implementing this approach is very demanding in terms of time and capacity for any non-profit organisations and, since these are stand-alone activities, it requires further development.

In 2020, the cities of Košice and Bratislava launched pilot projects of affordable housing with elements of the Housing First approach.⁴⁰³ As part of the project, 10 municipal rental flats were allocated to people in housing need in both cities. In Bratislava, the project was initiated by the Municipal Office of Bratislava itself, while in Košice it was driven by the DEDO foundation. Social support for participating households is ensured by non-profit organisations with previous practical experience providing housing-related social support for households. Both projects were intended as pilots testing the Housing First approach in the self-government context. The final reports from both pilot projects show that most households retained housing while their standard of living and the level of satisfaction increased significantly. Recently, both cities made the decision to expand their projects - Bratislava by adding 10 flats⁴⁰⁴ and Košice by adding another 4 flats to their Housing First portfolio.⁴⁰⁵ Despite the fact that both projects were the first trailblazers testing implementation of the Housing First approach at the municipal level, the authorities should continue in upscaling and systemising their efforts in this regard. Neither of the projects met all the conditions of the Housing First approach (e.g. providing financial support, etc.). However, in Bratislava, by approving the new, above-mentioned generally binding regulation GBR 15/2023, the effort for a more systemic approach to increase accessibility of housing is quite tangible – in particular by creating the categories of Affordable Housing and Affordable Housing with Support under said regulation, which are intended for vulnerable and low-income populations in the city.

In 2021, the Ministry of Labour, Social Affairs and Family (MoLSAF) launched a call, inviting applications for funding for implementing the Housing First principles.⁴⁰⁶ The call was intended for non-profit organisations without giving the cities and municipalities the possibility to get involved. As part of the call, MoLSAF allocated 3,800,000 euro (from the European Social Fund and the European Regional Development Fund) to the potential applicants. The call helps organisations build capacity and open Housing First projects as part of their activities. It also contributed to spreading awareness of the Housing First approach, dispelling the myths associated with the concept, while encouraging other organisations to launch their own projects.

⁴⁰¹ Nicholas Pleace, *Housing First Guide Europe*, 2016, Feantsa, SNF, p. 12, feantsa.org/download/hfg_full_digital1907983494259831639.pdf

⁴⁰² Housing program of Nota Bene of the Proti prúdu organisation, 2016, notabene.sk/?program-byvanie; Housing Cverna of the Vagus organisation, Bratislava, 2018, vagus.sk/nase-programy/housing-cverna/

⁴⁰³ Darina Kválová, Zuzana Turkovič, Martina Mičicová Luptáková, *Housing first Bratislava: Available housing with social support Final research report*, Institute for Research of Labour and Family, Bratislava, 2023, ivpr.gov.sk/housing-first-bratislava-dostupne-byvanie-so-socialnou-podporou-darina-kvalova-zuzana-turkovic-martina-micicova-luptakova-2023/

⁴⁰⁴ City of Bratislava, *The "housing first" project in Bratislava continues - other non-profit organizations are involved in cooperation with the city*, 21 September 2022, bratislava.sk/blog/projekt-housing-first-v-bratislave-pokracuje-do-spoluprace-s-mestom-sa-zapajaju-dalsie-neziskove-organizacie

⁴⁰⁵ DEDO Foundation, *Housing first*, nadaciadedo.sk/housing-first/

⁴⁰⁶ Ministry of Labour, Social Affairs and Family of Slovak republic, *Call for submission of applications for a non-refundable financial contribution, OP HR DOP 2021/4.1.1/01 - Available housing with elements of Housing first approach*, employment.gov.sk/esf/programove-obdobie-2014-2020/dopytovo-orientovane-projekty/socialne-zaclenenie/housing-first/

The call was reopened in 2023.⁴⁰⁷ A total of 9,190,000 euro from EU funds will be allocated by 2027. The organisations contacted by Amnesty International described the administrative burden and difficulties associated with the continuity of funding, as they had experienced periods in their projects when they had to finance the project operation and the support of project-participating households from their own resources. Slovakia is thus quite far from a systemic or sustainable attempt to apply the Housing First approach at the national level.

Regarding the cities where this research was carried out, the Housing First approach was only applied in Nitra – and through the aforementioned call of the MoLSAF. In Nitra, the Housing First project running between autumn 2021 and November 2023 was implemented by two organisations: Centrum Slniečko and Nitra Archdiocesan Charity. Both organisations also provided social support and housing assistance to resident clients. Centrum Slniečko⁴⁰⁸ provided its clients with rental housing in ten flats. As part of the project, both organisations were able to pay a larger part of the rent - representing a great deal of help and support, while the tenants paid for the energy and utilities. The Nitra Archdiocesan Charity acted as an intermediary in the rental of five commercial flats, focusing on people who had some income and supported them while they were paying a part of the rent. These were mainly clients of shelters in the city of Nitra, as well as people who turned to the municipal office in a crisis or emergency.⁴⁰⁹

Currently, data and evidence indicates that the Housing First approach can be effective in ending homelessness. A 2013 study showed that at least 80% of households living in flats under Housing First programs not only ended their homelessness but retained their housing. Other countries are also adopting this model.⁴¹⁰ Finland, for example, plans to end homelessness by 2027 by thoroughly implementing the Housing First approach.⁴¹¹

⁴⁰⁷ Ministry of Labour, Social Affairs and Family of the Slovak Republic, Zavádzanie housing-led prístupov so sprievodnými opatreniami na zabezpečenie dostupného bývania, employment.gov.sk/files/slovensky/esf/op-slovensko/vyzvy-dop/vyzva-zavadzanie-housing-led-pristupov-so-sprievodnymi-opatreniami-zabezpecenie-dostupneho-byvania.pdf

⁴⁰⁸ Centrum Slniečko, Bezpečné miesto pre život, centrumslniecko.sk/o-nas/prebiehajuce-projekty/bezpecne-miesto-pre-zivot/

⁴⁰⁹ Diecézna Charita Nitra, Bývanie ako prvé, charitanitra.sk/byvanie-ako-prve/

⁴¹⁰ Nicholas Pleace, Joanne Bretherton, *The Case for Housing First in the European Union: A Critical Evaluation of Concerns about Effectiveness*, pp. 32.

⁴¹¹ Finnish Government, *Report: Homelessness can be eradicated by 2027 with close cooperation*, 2023, valtioneuvosto.fi/en/-/1410903/report-homelessness-can-be-eradicated-by-2027-with-close-cooperation

10. RECOMMENDATIONS

This report has documented the challenges people in Slovakia face in accessing their right to adequate housing.

The long term neglect and lack of prioritisation from the government to ensure affordable public rental housing - with an emphasis on non-discrimination - and the insufficient number of public rental apartments is in conflict with the state's obligation to respect people's right to housing. Municipalities are responsible for expanding the public housing stock, however they face insufficient financial and methodological support from the state. As a result of these shortcomings, people in Slovakia do not have access to affordable public rental housing and to fulfilling their right to adequate housing.

Amnesty International has further identified conditions that exclude households with lower incomes from access to public rental housing due to the criteria for the allocation of municipal rental housing - these include the minimum income requirement, a high security deposit, the condition of permanent residence in the city and the condition of the absence of debts to the city. For households with lower incomes, there is no systemic social support in the form of an adequate housing allowance, which would allow them to meet these criteria and which would lead to the fulfilment of their right to adequate housing.

This report has also highlighted how in Slovakia, Roma people face discrimination in access to adequate housing. In all three localities where Amnesty International conducted field research, Roma households lived in segregated public rental housing. In segregated housing, Roma households face inadequate living conditions, short-term contracts, and do not have access to adequate social support. These conditions lead to violations of the right to adequate housing of Roma households, and to segregation and discrimination.

The existing government housing policy in Slovakia is based on the principle of transitional housing and the principle of merit. This, together with the lack of public rental housing results in a situation, where residential social services for people who are homeless are part of housing policies. However, these services do not provide adequate housing to the people who use them. At the same time, social services set conditions that act as barriers to access for people - these include restrictions on movement, regulations on the maximum possible length of stay, the condition of not using alcohol and drugs, and the requirement to do unpaid work.

State - central and local governments - have an immediate obligation to take deliberate, concrete and targeted steps towards the full realisation of the right to housing to the maximum of its available resources.

Based on these findings, Amnesty International makes the following recommendations to the Government of the Slovak Republic:

TO THE GOVERNMENT OF THE SLOVAK REPUBLIC

- Adopt a definition of homelessness consistent with human rights law.
- Develop a system for data collection, together with key actors and experts in the fields of housing and ending homelessness, to collect timely and appropriately disaggregated data on housing and homelessness in Slovakia, in a manner consistent with human rights law and standards.
- Regularly collect and evaluate data regarding the number of people who are homeless and people in housing need in Slovakia and their needs.

- Expand the housing stock of public rental housing.
- Ensure the implementation of the Action Plan for the National Concept of Preventing and Ending Homelessness and ensure participation of all relevant stakeholders and professionals.
- Monitor and evaluate whether housing regulations, policies and practices of cities and municipalities in Slovakia are consistent with the right to housing and national legislation, including anti-discrimination law and the civil code.
- Prepare and adapt a new Law on Housing based on human rights and the principles of non-discrimination, which would unify the fragmented measures contained in the large amount of legislation, as stated in the analysis of the Ministry of Transport and Construction of the Slovak Republic.
- Immediately ratify Article 31 of the European Social Charter.
- Ensure the implementation of housing loss prevention mechanisms at the national level and create an obligation to create such housing loss prevention mechanisms/methodologies for cities and municipalities.

MINISTRY OF LABOUR, SOCIAL AFFAIRS AND FAMILY

- Amend the housing allowance system to ensure that
 - the amount of the allowance is adequate to ensure that people can access housing, and are eligible for municipal rental housing;
 - that this amount is periodically revised to reflect need and any rising prices;
 - the housing allowance is a separate subsidy, not falling under the aid in material need, so households who need this allowance but may not be categorised as „in material need“ can access it as well;
 - the eligibility criteria for this allowance are amended to address the needs of marginalised groups and low-income households.
- Create conditions for the systematic introduction of the Housing first approach in its entirety on a national level.
- Consistently evaluate the impacts of the Housing First pilot projects.
- Create a funding scheme that will allow the municipalities to access EU funds on implementation of Housing First.

TO REGIONAL CAPITALS

DATA COLLECTION, POLICY DOCUMENTS AND EVALUATION

- Collect data on the number of people who are homeless and their needs in their jurisdiction;
- Develop, implement and evaluate their strategic and policy documents, e.g. Housing Concepts, Housing Development Programs, Economic and Social Development Programs and Community Social Services Plans, in a manner consistent with human rights law.
- Develop a policy document on ending homelessness in their jurisdictions, and a clear, time-bound and funded action plan for implementing the same.
- Conduct an independent investigation into compliance of generally binding regulations with existing national legislation and international human rights law, and remove provisions that are in conflict with national law and human rights law obligations.

ENSURE THAT ALL PEOPLE WHO NEED HOUSING CAN ACCESS MUNICIPAL RENTAL HOUSING, INCLUDING BY:

- Accept a political commitment to make municipal rental housing available for all persons;
- Replace the merit-based system with a system based on the fulfilment of the right to housing;
- Audit existing municipal housing stock;
- Create a feasible plan for expanding the city's housing stock and restoration of existing housing stock in accordance with the principle of progressive realisation of the city's population's right to housing, with the appropriate use of all available resources
- Take steps to ensure that the lower income limit does not act as a barrier to people accessing municipal rental housing, such as by keeping some housing for people on lower incomes, or introducing schemes to provide further financial assistance where people are unable to meet the lower income limit.
- Ensure that the permanent residence criteria, zero indebtedness requirement, and need for a security deposit, do not act as a barrier for people to access housing, in particular marginalized groups, especially in the absence of greater financial support from the state.
- Use a system that would take into account the specific needs and vulnerability of households while allocating housing;
- Develop and implement of a system for the prevention of housing loss within the municipal housing fund.

IMPROVEMENT OF SOCIAL SERVICES

- Establish adequate amounts of low-threshold residential social services (emergency shelters and homeless shelters) for people in housing need in the city, and remove barriers people face while accessing these services, including removing regulations around the maximum length of stay.

DESEGREGATION AND ELIMINATION OF RACIAL DISCRIMINATION

- End the practice of segregated housing and put in place plans to urgently end the on-going segregation of Roma families and individuals in these locations.
- Ensure that all families housed in these sites have access to adequate and alternative housing in other parts of the city, which is acceptable and suitable for their circumstances, and from where they can access the full range of their human rights.
- In the interim, while this is being implemented, ensure that
 - End the use of short-term rental contracts in segregated housing for Roma households.
 - Improve the living conditions in flats segregated locations, and ensure that complaints around living conditions are actioned immediately, so families and individuals are not living in accommodation that puts their health, safety and human rights at risk. Where these repairs are not possible, move them to alternative housing as a priority
 - Residents in segregated locations have access to social support and advice from trained professionals who can help them navigate the social protection system in Slovakia, including access to housing
- Social workers offering services to Roma persons have training in human rights and anti-discrimination, and are held accountable for racist actions and stereotyping attitudes and statements

- Implement a program, in consultation with Roma persons, across government agencies to address the high rates of racist and stigmatising attitudes amongst public officials against roma persons

CAPACITY BUILDING OF MUNICIPAL OFFICERS WORKING IN FIELDS OF HOUSING AND SOCIAL SERVICES

- Ensure that municipal officers and people working in social services are trained in their obligations in human rights and antidiscrimination law
- Ensure continuous education for officials with local experts in the field and people experiencing homelessness

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UNATTAINABLE RIGHT TO HOUSING

REPORT ON RIGHT TO HOUSING IN SLOVAKIA

This report is an analysis of people's access to adequate housing in Slovakia.

Accessibility and affordability of housing is a significant concern in Slovakia. To live in a public rental apartment is an unattainable dream for thousands of households because of scarcity of housing stock or the government imposed eligibility criteria to access such housing. As a result, people – particularly those with lower incomes – are forced to live in homelessness, often at great risk to their mental and physical health and personal safety. Amongst the households living in municipal rental housing, Roma people continue to experience discrimination and segregation.

This report has documented the challenges people in Slovakia face in accessing adequate housing and the failure of the government to adequately guarantee people's right to adequate housing. This includes the limited availability of public housing stock; the restrictive eligibility criteria to access public housing; the segregation of Roma people in housing resulting in their living in inadequate housing conditions; and the over reliance on residential social services as an alternative to housing, where regulations to access these services also contain barriers to access for people who may need them.