

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS  
COMITE EUROPEEN DES DROITS SOCIAUX**



14 November 2003

**Collective Complaint No. 15/2003  
European Roma Rights Centre v. Greece**

**Case Document No. 4**

**OBSERVATIONS FROM THE GREEK GOVERNMENT  
ON THE MERITS**

**registered at the Secretariat on 14 November 2003**





HELLENIC REPUBLIC  
MINISTRY OF LABOR AND SOCIAL  
SECURITY  
GENERAL DIRECTORATE OF  
ADMINISTRATIVE SUPPORT  
DEPARTMENT OF INTERNATIONAL  
RELATIONS  
SECTION II

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Athens: 14/11/03  
Ref. No: 70600

14 NOV. 2003  
CHARTRE SOCIALE EUROPÉENNE

TO:  
Council of Europe  
General Directorate of Human  
Rights –GD II  
Secretariat of the European  
Social Charter  
F-67075 Strasbourg Cedex  
Tel. 0033 3 88412208  
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To the attention of Mr Regis Brillat,  
Secretary General of the ESC

**COMM.:**

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**Collective Complaint 15/2003**  
**“European Roma Rights Center” against Greece**

We have the honour to inform you that we forward you with the attached written observations of the Greek Government on the substance of the Collective Complaint 15/2003 lodged against Greece by the International NGO “European Roma Rights Center” within the set deadline, and we kindly ask you to transmit them to the European Committee of Social Rights.

In addition, we hereby notify you that we kindly request that all documentation concerning the said Complaint 15/2003 is sent as from now directly also to the Department of International Relations of the Ministry of Labor and Social Security and in particular to the following address:

MINISTRY OF LABOUR AND SOCIAL SECURITY  
GENERAL DIRECTORATE OF ADMINISTRATIVE  
SUPPORT  
DEPARTMENT OF INTERNATIONAL RELATIONS  
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Yours sincerely,

Maria Laiou – Spanopoulou,  
Director,  
Department of Int. Relations  
Ministry of Labor and Social Security

**Documents attached:1**

**OBSERVATIONS OF THE HELLENIC GOVERNMENT ON THE**  
**SUBSTANCE OF THE COLLECTIVE COMPLAINT 15/2003**

According to the decision of the European Committee of Social Rights on the admissibility of the collective complaint 15/2003 lodged against Greece by the international non-governmental organization “European Roma Rights Center” regarding violation of Article 16 of the European Social Charter in conjunction with the non-discrimination clause of the preamble to the European Social Charter, we submit this document with our observations on the substance of the allegations made by the above organization.

The Hellenic Government denies in their total the allegations made by the organization that lodged the complaint and requests the rejection of the above complaint as unfounded on the following grounds:

A large part of the said complaint lodged by the NGO “European Roma Rights Center” against Greece is founded on certain provisions of the Joint Ministerial Decision A5/696/25.4.1983 (O.G. 243/B/11.5.83) of the Ministers of the Interior and of Health and Welfare entitled “Sanitary Provision for the organized settlement of itinerant persons (nomadic travellers)”. The organization that lodged the complaint invokes in particular Articles 1, 3 para.1 and 3 para.3 of the said Ministerial Decision to prove that Greece follows “ghetto” policies, policies of racial discrimination and isolation – “apartheid” – of the Greek Roma.

The Hellenic Government, in view of the unfortunate – inappropriate wording of certain provisions of this Joint Ministerial Decision, had already begun the process to amend it prior to the lodging of the said complaint. Following the cooperation of the Ministries of the Interior, Public Administration and Decentralization, of Environment, Urban Planning and Public Works and of Health and Welfare and with a view to modernizing the system of organized settlement of itinerant persons regarding the prerequisites for the establishment of settlements near urban centers, the Joint Ministerial Decision 23641/3.7.2003 (O.G. 973/B/15.7.03) entitled “Amendment of the A5/696/25.4.1983 Sanitary Provision for the organized settlement of itinerant persons” was adopted, which amends the previous controversial sanitary provision regarding its main provisions (the full text of the said amending decision is included in Appendix I, which constitutes an internal part of the observations of the Hellenic Government on the substance of the allegations made by the organization that lodged the complaint). In particular:

Article 1 para.1 of the Joint Ministerial Decision 23641/3.7.2003 (O.G. 973/B/15.7.03) stipulates that “*uncontrolled settlement of itinerant persons is prohibited without the relevant permission provided for by this decision*”. Therefore, the scope of application of this Ministerial Decision covers all itinerant persons and not only Roma populations that may be on the move. Para.2 of the same article stipulates that “*the temporary settlement of itinerant persons is permitted on condition that the prerequisites of the following articles are fulfilled, until the issues concerning their permanent settlement are regulated*”.

Article 2 para.1 of the above Ministerial Act defines that *“the selection of the appropriate locations, which may be public, municipal or private for the temporary settlement of itinerant persons is made by decision of the Secretary General of the Region on proposal of the local Municipal or community Council and following an introduction made by a committee...”* set up and composed of representatives of various bodies. Therefore, the Secretary General of the Region is responsible for the selection of the settlement locations and not the prefectural services in cooperation with any other authority or service appointed by the Prefect.

Article 3 para.1 of the said Ministerial Decision defines that *“the capacity of each location regarding the number of dwellings and persons is determined by decision of the Secretary General of the Region with a view to safeguarding hygiene and acceptable living conditions”*. Consequently, the entire para.1 of article 3 of the Joint Ministerial Decision A5/696/25.4.1983 has been revoked, which inappropriately provided for that the locations of organized settlements of itinerant persons had to be outside resident areas and in good distance from the approved plan or from the last consequent residences. The only limitation respecting the settlement location is that stipulated by para.2 of article 3 of the Joint Ministerial Decision 23641/3.7.2003, as follows: *“according with the provisions in force, no one is allowed, even temporarily, to settle near archaeological sites, beaches, landscapes of natural beauty or in areas where the settlement may cause damage to the public health (drinking water supplies, etc)”*. Opposing to para.3 of article 3 of the Joint Ministerial Decision A5/696/25.4.1983, which has been amended, and which is invoked by the organization that lodged the complaint, the above limitation respecting the settlement location covers everybody – not only the itinerant persons – and does not prohibit the settlement in places obvious from main roads, which was also an inappropriate provision of the Joint Ministerial Provision A5/696/25.4.1983. In addition, para.3 of article 3 of the Joint Ministerial Decision 23641/3.7.2003 sets forth that *“in the locations of organized settlement the following infrastructure works for healthy living conditions must be made available: drinking water, sewerage, dustbins and means to collect wastes, as well as facilities of personal hygiene in communal baths, facilities for the laundry of clothing and supply of electric power. The details of the hygiene works are determined in each specific case by the sanitary service in accordance with the sanitary provisions in force and aiming at protecting the health of the itinerant persons and the public health in general”*. Finally, article 3 para.4 of the said Joint Ministerial Decision defines that *“the latrines, baths, facilities for the laundry of clothing, refreshments stands and bases for the placement of prefabricated houses will be placed in derogation from the provisions of the General Housing Regulation”*.

In accordance with the abovementioned provisions, the organization and the supervision of the operation of the approved settlement locations have been entrusted to the local Municipality or Community, which also defrays the expenses for the establishment and operation of the organized encampment locations and for the carrying out of the necessary infrastructure works in these locations (water supply, baths etc).

The application of the provisions respecting the settlement locations of itinerant persons has been transferred to Local Self-Government Agencies of the A' Degree in accordance with article 3 of Act 2647/98 (O.G. 237 A) and will be entrusted to their special Service “MUNICIPAL POLICE” upon the publication of the

Joint Ministerial Decision of the Ministers of the Interior, Public Administration and Decentralization and of the Public Order, which is provided for in article 26 of Act 2319/2000 (O. G. A/84). The Hellenic Police has been entrusted with the application of the provisions in force only as far as penal sanctions are concerned, as these are provided for in Article 11 para.10 of Act 2307/1995, the provision of assistance to other authorities, if required, as well as the offering of opinion in writing as far as issues of order, security and traffic police regarding settlement locations of itinerant persons are concerned, if also required.

Given the amendment of the controversial Joint Ministerial Decision of 1983 and the content of the new Joint Ministerial Decision, it is evident that the major allegation of the organization that lodged the complaint is refuted. The Hellenic legislation does in no case include, adopt or cultivate phenomena of discriminatory treatment, much less of racial discrimination; phenomena that bear no relation to the democratic ideals, the history and the civilization of this country.

Regarding the allegation of the organization that lodged the complaint about the lawful criteria that are omitted by our country, we note the following: the NGO "European Roma Rights Center" refers *inter alia* to a series of international conventions, which, as it alleges, our country has not ratified, thus violating the International Law. We recall that according to the Additional Protocol to the European Social Charter, dated 9/11/1995, which provides for a system of Collective Complaints, and, more particularly, articles 1 and 4 thereof, collective complaints concern the non satisfactory application of the European Social Charter and show to what extent the defendant state has not safeguarded the satisfactory application of the Charter provisions, which they invoke. The present complaint concerns an alleged violation of article 16 of the European Social Charter in conjunction with the non-discrimination clause of the Preamble to the European Social Charter, and any further reference to conventions not ratified by our country is for the sake of creating an impression and does not lay any actual weight to the allegations of the organization that lodged the complaint.

We note that the Constitution of Greece in article 2 para.1 stipulates that "Respect and protection of the value of the human being constitute the primary obligations of the State", while in article 4 para.1 that "All Greeks are equal before the law". Furthermore, by virtue of article 5 para.1 "all persons shall have the right to develop freely their personality and to participate in the social, economic and political life of the country, in so far as they do not infringe the rights of others or violate the Constitution and the good usages", while according to para.2 of the same article "All persons living within the Greek territory shall enjoy full protection of their life, honour and liberty irrespective of nationality, race or language and of religious or political beliefs. Exceptions shall be permitted only in cases provided by international law".

Regarding the Directive 2000/43/EC on the "Application of equal treatment to persons irrespective of national or racial origin", we simply inform you that a draft law, through which directives 43/2000 and 78/2000 of the EU Council are incorporated into our national law, has been drawn up and is promoted in Parliament by the Ministry of Labour in cooperation with the Ministry of Justice. The draft law aims at adapting the internal law to the provisions of the said Directive by establishing

a frame to combat discrimination on grounds of racial or national origin, so that the principle of equal treatment be applied effectively.

The provisions of the draft law provide for, *inter alia*, the following:

The provision of legal protection (judicial and administrative) to the persons affected by the non-application of the principle of equal treatment, the infringement of which results in the offence against personality, is provided for. The affected person is entitled to ask for retraction of the offence, its omission in the future, as well as remedy of the damage caused to property and satisfaction for the damage to personality, in accordance with the provisions of the relevant, as the case may be, and procedural regulations of the public or private law, which are, as the case may be, applicable. When the offence occurs within the frame of action undertaken by the public administration, the ability to make a hierarchical appeal is also provided for and, in the cases when a provision is made by the relevant provisions, a special administrative or judicial appeal is provided for. The possible termination of the contractual relationship, within which the offence occurred, does not impede the provision of the abovementioned judicial or administrative protection. With a view to taking advantage of every possibility to provide legal protection, the representation of the affected person both before the court and to the administrative authorities is provided for by legal entities, the aim of which, according to their statute, is focused on the defense of the principle of equal treatment irrespective of racial or national origin. Prerequisite of the said representation is the consent of the represented person by means of a private document, which must have been certified for the genuine of his / her signature.

When the affected person invokes the non-application of the principle of equal treatment and proves before the court or to a competent administrative authority actual facts through which direct or indirect discrimination can be established, either the opposing party is obliged to prove before the court or the competent administrative authority is obliged to establish that there has been no infringement of the principle. Therefore, in the case of discriminatory treatment, shifting of the burden of proof occurs, as it is provided for by the relevant judicial provisions (see also above, under i). This shifting of the burden of proof also includes the case of representation of the affected person by a legal entity. As for the penal trial where the interrogation system applies, there is no issue of allocating the burden of proof.

Penal sanctions are instituted for the effective prevention of the most significant forms of infringement of the principle of equal treatment. According to this regulation, the sanction of one (1) year imprisonment and a fine are imposed in cases of deliberate infringement of the principle of equal treatment in the supply of goods or the offering of services to the public, as well as in the working relationships or on their termination. The same sanctions are also imposed to a person acting as employer who refuses to conclude a working relationship on grounds of national or racial origin.

It is obvious that by transferring and incorporating the above directives, effective protection is provided against any discrimination, mainly on grounds of race, colour, gender, language, religion, political or other beliefs, national or social extraction etc, because, on the one hand, the principle of equal treatment is established, the behaviour that may constitute a discrimination (direct or indirect), the scope of application, the judicial protection of the persons



affected by discrimination and the provided sanctions for the offenders are clearly defined, and on the other, the establishment of bodies which will be entrusted with the application of the said principle, is provided.

As far as the Revised European Social Charter is concerned, the Hellenic Government is in the process of ratifying it.

The second part of the complaint lodged by the NGO “European Roma Rights Center” concerns alleged “ghetto” practices and practices of housing segregation and forced evictions that Greece is accused of applying and adopting against Roma. The following data aim to inform on **measures, programmes and actions of the Greek State** targeted on the social integration of the Greek Roma and on the radical solution of the problems they face. From the detailed presentation of these data it is made evident and it is proved that the policy and practice applied by the Greek authorities in the Roma issue has never been racial segregation, discriminatory treatment and isolation and that a great effort is made by the Greek State in accordance with article 16 of the European Social Charter to promote the right of the family to social, legal and financial protection through a proper and adequate housing policy for the Roma.

With a view to improving the living conditions of the Greek Roma and their social integration, an integrated action programme, which deals with the fields of Housing, Training, Employment, Education, Health, Welfare, Culture and Sports, has been formulated by an Interministerial Committee.

The Ministry of Health and Welfare is responsible for the establishment of fifty Medical-Social Centers and two mobile Units. The relevant Joint Ministerial decision 113956/4.10.2002 (O. G. 1295/B) has already been signed.

The programme of Medical-Social Centers of the Ministry of Health is targeted on Roma who are resettled to organized locations. An essential precondition for the establishment of Medical-Social Centers is the housing intervention at the area where they reside (encampment).

In each settlement created, a Medical-Social Center is established, which is staffed by a doctor, a nurse, a social worker, a trainer and a special educator. The Centers provide medical prevention services, basic primary health care and primary social assistance, as well as services to facilitate access of Greek Roma to the National Health System, to familiarize them with public authorities and to facilitate their social integration. Similar services are provided by mobile units to moving populations.

Within the frame of the measure “Local Employment Initiatives” (LEI) and “Integrated Interventions for the Urban Development”, proposals have been submitted for the establishment of Medical-Social Centers by the Local Self-Government Agencies (35 Municipalities) and are in the process of assessment, while, afterwards, the NGOs and the Local Self-Government Agencies entrusted with the implementation of the measure are invited to submit Technical Bulletins. In the Municipality of Agrinio the technical

bulletin has already been approved and a Medical-Social Center is to be established in the immediate future.

#### Actions of Mobile Units

From April 2002 onwards and within the frame of the programme “Protection – Promotion of Health and Social Integration of the Greek Roma”, the Ministry of Health and Welfare, initially in cooperation with the Special Infections Monitoring Center and then by concluding a Contract with the Children’s Hospital “Aglaia Kiriakou”, the Hellenic Pediatric Society and the local Regional Health and Welfare Systems of the country, has been carrying out the said programme.

To this end, the following have been done:

*Medical Intervention:* To date, clinical examinations have been made to 3.936 children and to 370 adults. 16.580 multiple vaccines have been done. 63 adults and children have been sent to Hospitals, while blood tests have been done to 109 adults. Due to the special living conditions of the Roma, in addition to the state vaccines, the ENZERIX Hepatitis and HIBERIX or ACT-NIB Haemophile Vaccines are also purchased and done. From October 2003 onwards, a mobile unit, which belongs to the Filiates Hospital, has been included in the programme and has been visiting areas of Albania for gynaecological control.

*Social Intervention:* Persons and families were referred to the Social Services and the Directorates of Welfare of the Prefectural Self-Governments, as well as to the Manpower Employment Organization to find a job. Abandoned children were admitted to institutions and disabled children were admitted to Rehabilitation Centers. Family Programming services were offered and other services were also developed.

#### Social Actions

To date visits have been paid to 53 Roma settlements in the following Regions: Attica, Peloponnese, Central Greece, Eastern Macedonia – Thrace, Western Greece, Central Macedonia, Thessaly, North Aegean and Crete.

Finally, within the frame of Measure 3.1 of the Operational Programme “Health – Welfare” of the Third Community Support Framework (CSF) 2002-2006, social scientists are hired by the Municipalities for the creation of the Social Services Network with a view to providing supporting services for the socio-economic (re)integration of persons threatened of or affected by exclusion mainly from the labour market, the Roma included.

The selection of locations for the settlement of encampments for the temporary residence of persons suffering from natural disasters is made by the Service for the Rehabilitation of Earthquake Victims, which is supervised by the General Secretariat of Public Works of the Ministry of Environment, Urban Planning and Public Works, with a view to swiftly solving the problem arising from an emergency and to safeguarding public health.

The selection of locations for the settlement of encampments for the temporary residence of Roma living in tents or refugees is made by decision of the Secretary General of the Region, following a request made by the relevant competent public body and with the consent of the Secretary General of the Region or of the Town Councils of the area, with a view to swiftly solving the problem arising from an emergency and to safeguarding public health, protecting the environment and land of high productivity.

In order to secure the locations for the creation of encampments for the temporary residence of persons suffering from natural disasters, there is the ability to requisite estates, after the issuing of a relevant Decision of the Minister of Environment, Urban Planning and Public Works, in accordance with article 15 of the Legislative Text of the President of the Hellenic Republic, dated 28.7.78, “On the restoration of damages caused by the earthquakes of 1978 in Northern Greece etc, and the regulation of other relevant issues”, which was ratified by article 1 of Act 867/1979.

In 1996 the implementation of a policy framework and of measures to tackle severe problems the Greek Roma face in the fields of health, education and vocational training, social insurance and, of course, housing, started. A large number of the involved services of the Central Administration and the Local Self-Government have been activated for the implementation of the measures of this policy framework. Through its implementation, works to improve the living conditions and to swiftly relieve settlers in existing Roma tent camps, in the field of housing, as well as works to create organized locations of temporary residence in various passage-areas, have been realized.

The needs to further specify the actions for the tackling of problems the Greek Roma face, led the Hellenic State to process in April 2001 the “**Integrated Action Plan for the Social Integration of the Roma people**” (IAP) (you will find attached to the Appendix I an information leaflet of the Ministry of the Interior, Public Administration and Decentralization entitled “Integrated Action Plan for the Roma” and a video tape under the same title and subtitled “At the Greek Roma’s «Kher»”). The “Integrated Action Plan for the Social Integration of the Roma people” (IAP) was processed in April 2001 by the Interministerial Committee for the Civil Planning to Tackle the Greek Roma Issues, presided by the Minister of the Interior, Public Administration and Decentralization. In this Committee the Ministry of Health and Welfare also participated, aiming at tackling the total of problems faced by the Greek Roma.

Aim of the IAP is the application of a national policy through preventive and remedy interventions in the Greek social reality in order to mitigate social differences, enhance social justice and achieve the social integration of Greek Roma.

The State, by establishing the IAP, accepted the need to adopt more modern concepts and methods in order to tackle a specific problem, for example the organization of permanent infrastructures for the encampment of passing populations.

The IAP is structured into 2 Priority Axes. The Priority Axis 1 refers to Housing (New Settlements, Residences Improvements, Settlements Improvements,

Urban and Physical Planning, etc) and the Priority Axis 2 refers to Services (Employment, Education, Training, Welfare, Culture and Adult Education).

The IAP recognizes the great importance that the provision of an appropriate house and housing environment bears on the attempt to eliminate social exclusion of Roma citizens. It gives priorities in solving the housing and settlement problems of Roma who live in camps either through improvement interventions in existing camps, in case they are in an appropriate housing area, or through development of new settlements according to contemporary science principles and socially acceptable housing and settlement standards.

The aim of the Priority Axis 1 is the solution of the housing problem of Roma with a set of Measures and Actions that cover the different rehabilitation needs and settlement.

The main objectives of the Priority Axis 1 are the following:

Realization of the national policy for sustainable urban development of cities and smaller settlements so that the country fulfill the relevant European Community and international commitments.

Elimination of some of the factual considerations of marginalisation.

Supply of minimum housing units and hygienic living conditions.

Improvement of the human and natural environment for amelioration of the living conditions of the target population and the surrounding society.

Social and spatial connection of new and existing settlements with the urban tissue and reassurance of covering the immediate living needs.

The objectives of Priority Axis 1 are being achieved through interventions that are organized in the following measures:

Measure 1: Development of New Settlements

Measure 2: Improvement of Existing Residences

Measure 3: Improvement of Existing Settlements

Measure 4: Organization of Infrastructures for Temporary Housing of Moving Populations

The aim of Measure 4 is to secure appropriate housing conditions for the moving Greek Roma.

The objectives of this Measure are:

The creation of organized camps with appropriate and decent living conditions for the temporary residence of Roma who move for professional or social reasons.

The limitation of uncontrolled and arbitrary occupation of inappropriate estates owned by other persons.

The operational and aesthetic improvement of temporary residence.

The decrease of reactions and conflicts occurring at local community level due to problems arising from the construction of an illegal and arbitrary camp, which operates under unhealthy conditions.

The objectives of this Measure will be attained through:

The realization of interventions to secure the basic organization infrastructures in the locations of their temporary residence. These interventions will be realized in the

areas where there is definite supply of and demand for seasonal employment (areas and routes of the moving Roma), as well as on the outskirts of the Prefect's capital city, safeguarding a functional relationship with the urban tissue.

The creation of organized estates with basic infrastructures for the settlement of seasonal and passing-by households neighbouring the new settlements, which will be established within the framework of Measure 1.

Measure 4 will include the total of interventions required for the rational physical planning of the camps and the creation of necessary infrastructures (creation of car parks, temporary stay areas, personal hygiene facilities, other communal services, construction of the necessary infrastructure networks, works for the physical planning of the surrounding area, etc).

According to these interventions, Measure 4 is divided into the following Sub-measures:

Sub-measure 4.1: Land Acquisition / Supply

Sub-measure 4.2: Infrastructure Networks – Landscape Works

Sub-measure 4.3: Infrastructure Construction for communal services

The basic characteristics of the problem dealing with the safeguarding of locations and land appropriate for the establishment of organized camps are the following:

The difficulty in determining the needs for residence locations for seasonal residents and passers-by, as the movement of Roma in order to find a seasonal work is changing, is affected by the fluidity of the labour market and is adjusted to the various conditions formulated by the labour demand.

The ownership regime regarding the estates where they camp.

The extent of social acceptance.

The securing of a site suitable for the creation of a new settlement, which will offer solutions to all problems (physical suitability, compatibility of land use, distance from the urban tissue, neighbouring properties, social acceptance, etc), is considered to be extremely difficult.

The organized camps will be created:

In areas where there is definite supply of and demand for seasonal employment (areas and routes of the moving Roma), as well as on the outskirts of the Prefect's capital city, safeguarding a functional relationship with the urban tissue.

In areas neighbouring the new settlements, which will be created within the framework of Measure 1. In this case, the necessary requirements for the locations where organized camps are to be created – if that is possible – must have been included in Sub-measure 1.1.

This Sub-measure will include all interventions required to secure the necessary land. These interventions are:

- Studies on the formulation of suitability criteria for sites where organized camps are to be created.

- Surveys for the pinpointing of suitable locations for the creation of organized camps (public, private land).
- Administrative and Legislative Texts for the allotment of public land.
- Administrative and Legislative Texts for expropriations of land.
- Drawing up of technical plans (imprints, topographical plans, etc) required for the carrying out of the allotment, acquisition and expropriation procedures.
- Expropriations of land.
- Acquisition of private land.

The bodies entrusted with the implementation of the measures will have to search for and pinpoint land available for allotment by the State or for sale by individuals.

Then, the suitability of the land regarding the specific characteristics mentioned in the previous paragraph (physical suitability, compatibility of land use, distance from the urban tissue, neighbouring properties, social acceptance, etc) should be assessed. In order for this suitability to be determined, the land must be surveyed by appropriate experts (city planners, civil engineers, etc), who will document and certify in writing their conclusions. The results of these surveys will constitute the contents of the proposal file that will be submitted to the Implementation Authority for approval.

After the approval of the proposal, the bodies entrusted with the implementation of the measure will proceed to the drawing up of all necessary administrative and legislative texts for the acquisition of the lands.

Therefore, the extent and the type of the immediate needs and problems of the Greek Roma have been noted and assessed by the Greek State. The treatment of such problems and needs has been placed in the frame of a total plan of action called “Integrated Action Plan (IAP) for the Social Integration of Greek Roma”. This plan is currently implemented and the Ministry of Interior, Public Administration and Decentralization has the responsibility of coordination.

The objective of the afore-mentioned operational programme, which is processed by the Greek State on the basis of the principle of the protection of the fundamental rights of this particularly vulnerable social group of the Greek population, is the full safeguarding of the equality of the Greek Roma in the society, through the confrontation of each phenomenon of their social exclusion. The rights of the Roma are the rights of Greek citizens that are under the guarantee of various International Conventions respecting human rights signed by our country.

Apart from other interventions realized in the area of health and social security, education and further education, employment and training, culture and sports, housing constitutes one of the basic problems that the Roma face. For the resolution of the housing issue the biggest possible effort is made within the frame of the IAP. Substantial ameliorative interventions have already taken place in existing settlements of Roma that are located in suitable grounds and new settlements have been created, the location of which has been chosen on the basis of their proximity to

the existing residential urban tissue, so as to avoid the creation of isolated settlements and phenomena of ghettoization, phenomena that are alien to the official policy of our country. The new settlements have been organized on the basis of residential and housing models and meet the basic conditions of appropriateness (adjacency with basic networks of infrastructures, short access to services and employment).

Moreover, a process of granting of housing loans [60000 Euros for each beneficiary family] on favourable terms and under the guarantee of Greek State, has been initiated. Without doubt, the attitude of local authorities in the comprehension of issues that concern the Roma is particularly decisive as for the establishment of relations of collaboration for the promotion of measures that will improve the living conditions of the Roma. The majority of local authorities make efforts for the strengthening of an established climate of recognition and protection of the rights of Roma. Nevertheless, it is true that at the level of local societies there have existed certain reactions that were sometimes evolved in conflicts with the families of Roma, due to the problems that are caused by the existence of arbitrary settlements, leading thus the Roma to removal from their residences. In this case, the collaboration developed by the competent public authorities with the local self-government authorities aiming at the planning and the implementation of measures of relocation in suitable areas with appropriate infrastructures is important, so that the Roma can reside there legally and under conditions that would correspond to the basic requirements of hygiene and human dignity.

The state financing, in the frame of the IAP, assists the local self-government in the implementation of particular actions that lead to positive results contributing to the smooth social integration of Roma and leading to the improvement of the behavior of the local authorities with a negative attitude. Through the coordinated action of a big number of government institutions and local authorities it is sought to tackle in a single manner the problems of the Greek Roma in their entirety and to sensitize the local societies towards the respect of the social and cultural particularities of the Greek Roma.

**For all the abovementioned reasons and given the above data concerning programmes-actions and measures of the Hellenic Government dealing with the housing of Greek Roma, we request the acknowledgement of the fact that there is no issue of violation by Greece of article 16 of the European Social Charter in conjunction with the non-discrimination clause of its Preamble and to declare the complaint lodged by the international NGO “European Roma Rights Center” against Greece unfounded.**

**THE GENERAL SECRETARY**

**IOANNA PANOPOULOU**





## **APPENDIX I**

**1.Common Ministerial Decision 973/B/15-07-03**

**2.Leafler enlled "Integrated Action Plan for the Roma"**

**3.video lape enlled "Integrated Action Plan for the Roma", sublled "At the Greek Roma's  
"Kher'"**



## **OFFICIAL GAZETTE 973/B/15-07-2003**

**Amendment of the A5/696/25.4.83 Sanitary Provision respecting the organized settlement of itinerant persons.**

### **THE MINISTERS OF THE INTERIOR, PUBLIC ADMINISTRATION AND DECENTRALIZATION – ENVIRONMENT, URBAN PLANNING AND PUBLIC WORKS – HEALTH AND WELFARE**

Taking into account:

4. Act 2520/40 “respecting sanitary provisions”
5. The need to take measures for the protection of public health from the uncontrolled settlement of itinerant persons
6. The satisfaction of the needs of the itinerant persons, we amend the above provision as follows:
7. The 341/9.7.2002 decision on the entrusting of competencies to the Undersecretaries of State for the Ministry of Health and Welfare Ektora Nasioka, Elpida Tsouri and Dimitrio Thanos.
8. The 1/2/22875/31.10.2001 decision (O.G. 1480/B/31.10.2001) on the entrusting of competencies to the Undersecretaries of State for the Ministry of the Interior, Public Administration and Decentralization S. Beno and L. Papadima.
9. The Y6/31.10.2001 (O.G. 1484/31.10.2001) decision of the Prime Minister and of the Undersecretary of State for the Ministry of Environment, Urban Planning and Public Works regarding the transfer of competencies to the Undersecretaries of State for the Ministry of Environment, Urban Planning and Public Works, we decide:

#### **Article 1**

- 1) Uncontrolled settlement of itinerant persons in any area is prohibited without the relevant permission provided for by this decision.

2) The temporary settlement of itinerant persons is permitted on condition that the prerequisites of the following articles are fulfilled, until the issues concerning their permanent settlement are regulated.

## **Article 2**

1) The selection of the appropriate locations, which may be Public, Municipal or Private for the temporary settlement of itinerant persons is made by decision of the Secretary General of the Region on proposal of the local Municipal or Community Council and following an introduction made by a committee set up and composed of representatives of the Directorate of Hygiene, the Directorate of Urban Planning, Housing and Environment and the Directorate of Agriculture of the local Prefectural Self-Government of the Technical Service of Municipalities and Communities of the Prefecture, the Local Union of Municipalities and Communities, the Local Self-Government Agency, on the territorial boundaries of which the organized permanent encampment for the temporary settlement of the itinerant persons is to be made provided that permission has been granted by the local archaeological or other service and authority.

2) If the Local Self-Government Agency does not make its proposal within a month, in the case that a relevant invitation is sent by the Region, the Secretary General of the Region proceeds to his/her rest actions according to what is mentioned above.

## **Article 3**

1) The capacity of each location, regarding the number of dwellings and persons, is determined by decision of the Secretary General of the Region, with a view to safeguarding hygiene and acceptable living conditions.

2) According to the provisions in force, no one is allowed, even temporarily, to settle near archaeological sites, beaches, landscapes of natural beauty, or in areas where a settlement may cause damage to the public health (drinking water supplies, etc).

3) In the locations of organized settlement the following infrastructure works for healthy living conditions must be made available: drinking water, sewerage, dustbins and means to collect wastes, as well as facilities of personal hygiene in communal baths, facilities for the laundry of clothing and supply of electric power.

The details of the hygiene works are determined in each specific case by the sanitary service, in accordance with the sanitary provisions in force and aiming at protecting the health of the itinerant persons and the public health in general.

4) The latrines, baths, facilities for the laundry of clothing, refreshment stands and bases for the placement of prefabricated houses will be placed in derogation from the provisions of the General Housing Regulation.

#### **Article 4**

1) The local Municipality or Community is responsible for the organization and supervision of the operation of the approved settlement locations.

2) In order to cover the expenses for the establishment and operation of organized sites of encampment, reciprocal dues may be imposed on their users, by decision of the local Municipal or Community council.

3) The necessary infrastructure works in sites of encampment of itinerant persons (water supply, baths, etc) can be included in relevant programmes of the Ministry of Health and Welfare as well as of other public bodies or bodies of the Local Self-Government.

#### **Article 5**

The roughly made dwellings of itinerant persons in various areas, which already existed on the date of publication of this decision, remain until the determination and establishment of the organized settlement sites, provided that they fulfill the prerequisites of Article 3 of the present decision.

#### **Article 6**

1) The present provision comes into force 15 days following the date of its publication in the Official Gazette.

2) The control and supervision of its application is entrusted to the Sanitary and Police Bodies and to the Municipal Police, if one exists. The offenders of the present are prosecuted and punished, according to Article 3 of Act 2520/40, as it has been replaced by the single article of Act 290/43 ratified by 303/46 Act of a Ministerial Council, unless other provisions of Acts or Decrees provide for heavier sanction.

3) The present decision does not apply to organized camping sites supervised by the EOT, nor to popular resorts and summer camps, the operation is determined by other provisions.

The restrictions of this provision do not apply to the settlements of farmers in agricultural areas or of cattle-breeders in summer or winter grasslands or of travelers in general.

This decision is to be published in the Official Gazette.

Athens, 3 July 2003.

**THE UNDERSECRETARIES OF STATE  
FOR THE MINISTRIES OF**

**- THE INTERIOR, PUBLIC ADMINISTRATION  
AND DECENTRALIZATION**

**L. PAPADIMAS**

**- THE ENVIRONMENT, URBAN PLANNING  
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