

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



6 April 2004

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

Case Document No. 5

**RESPONSE FROM THE
EUROPEAN ROMA RIGHTS CENTER TO THE
OBSERVATIONS FROM THE GREEK GOVERNMENT
ON THE MERITS**

registered at the Secretariat on 10 February 2004



10 February 2004

**Response by the European Roma Right Center to the
"Observations of the Hellenic Government on the Substance of the Collective Complaint
15/2003"**

The ERRC welcomes the response of the Greek government to Collective Complaint 15/2003, European Roma Rights Center v. Greece, provided by the Greek Ministry of Labor and Social Security in the document "Observations of the Hellenic Government on the Substance of the Collective Complaint 15/2003" under a cover letter dated 14 November 2003. The ERRC believes the Greek government's comments included in the document provide a welcome opportunity to review Greek policy and practice in the areas of concern raised in the ERRC's original communication to the European Committee of Social Rights of 4 April 2003. The ERRC does not believe, however, that the Greek government's response to Collective Complaint 15/2003 indicates that it has guaranteed the "full development of family life" including the full recognition and realisation of the right to adequate housing¹ on a non-discriminatory basis. Indeed, the response provided by the Greek government to Collective Complaint 15/2003 regrettably gives rise to further concerns in the area of the realisation of the right to adequate housing by Roma in Greece.

To the substance of the Greek government's response, the ERRC respectfully notes the following:

1. Racial Discrimination in the Field of Housing of Roma in Greece

Following the denial "in their total" of allegations made by the ERRC in the Collective Complaint at issue, the Greek government states, in the fourth paragraph of its response:

"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."

Subsequent paragraphs detail amendments to the Joint Ministerial Decision, dated 3 July 2003, focussing on removing the explicit ethnic content of the original joint ministerial decision of the Ministers for the

¹ The previous Committee of Independent Experts overseeing the ESC acknowledged the central role of the right to adequate housing in Article 16. In its Conclusions XII-1(p.30), the Committee, "stressed the need to consider family welfare in terms of the right to receive adequate housing and essential services (such as heating and electricity), these being necessary for the welfare and stability of families" (Quoted in Lenia Samuel, *Fundamental Social Rights: Case Law of the European Social Charter*, Council of Europe, 1997, at p.352).

Interior and of Health, entitled "Sanitary Provision for the organized relocation of wandering nomads" (Ref. No. A5/696/25.4-11.5.83), and providing regulations on site provisions for itinerants.²

In so responding, the Greek government has evidently misunderstood the nature of the original complaint, as well as of the problem at issue.

The 1983 Decree provided administrative orders for the physical separation of one ethnic group -- Roma ("athinganoi") -- from the rest of the Greek population. As in evidence from the documentation provided in the original ERRC complaint and its annexes, during the circa twenty years during which it was in effect, this decree was frequently implemented through forced evictions of Roma -- including evictions of sedentary Roma --, for the most part accompanied either by no provision of alternate housing (and therefore at odds with international standards on the right to adequate housing) or through the provision of extremely substandard racially segregated housing. The effects of the decree have been further compounded by widespread practices in Greece of threatened and/or implemented expulsions of Roma from municipalities, pattern refusals to register local Roma as residents and other practices, documented extensively in the annex to the ERRC Collective Complaint, which have led the ERRC to conclude that "Roma in Greece ... are being held in a state of artificial remove, kept in permanently circulating exclusion from the mainstream of Greek society."³

As such, it is not sufficient simply to characterise the issues at the heart of the ERRC Collective Complaint against Greece as those of "unfortunate -- inappropriate wording". Given the seriousness of the concerns presented by the ERRC, the Committee should regard an approach centered on semantics as highly suspect.

Further, as described in the government's response to the Collective Complaint, since 3 July 2003, Greece has replaced a decree with explicit ethnic content, providing for the racial segregation of Roma in Greece, with a Joint Ministerial Decision including site provisions for itinerants. While acknowledging that the legal regulation of site provisions for itinerants falls fully within the purview of the state and is a legitimate form of administrative regulation, several issues of concern arise from contention by the government that the 3 July 2003 Joint Ministerial Decision constitutes adequate remedy for violations and administrative actions flowing from the 1983 Decree or that the adoption of July 2003 Decision brings about a state of regulation and practice which would render the original Complaint no longer valid:

- In the first place, the Greek government has not stated what measures are included in the 3 July 2003 Joint Ministerial Decision to safeguard against its application in a racially discriminatory manner. The ERRC notes that under its international law commitments, as well as under obligations flowing from its status as a Council of Europe Member State and Member of the European Union, Greece has an obligation to ensure not only that its laws and regulations are neutral on their face, but also that it:
 - "Engage in no act or practice of racial discrimination against persons, groups of persons or institutions", and "ensure that all public authorities and public institutions, national and local, act in conformity with this obligation" (ICERD Article 2(1)(a)); and that it
 - "Prohibit and bring to an end, by all appropriate means, including legislation as required by the circumstances, racial discrimination by any persons, group or organization" (ICERD Article 2(1)(d));

Under the ICERD, racial discrimination is defined as "any 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, cultural or any other field of public life."

² For the purposes of this document, hereinafter "1983 Decree" is used as the shorthand name for the Joint Ministerial Decision prior to its July 2003 amendment, while "Joint Ministerial Decision" or "Decision" is used as shorthand for the document "Official Gazette 973/B/15-07-2003, Amendment of the A5/696/25.4.83 Sanitary Provision respecting the organised settlement of itinerant persons" as provided in English with the Greek government's response to Collective Complaint 15/2003, *European Roma Rights Center v. Greece*.

³ European Roma Rights Center/Greek Helsinki Monitor, *Cleaning Operations: Excluding Roma in Greece*, Country Reports series no. 12, Budapest: April 2003, p. 10.

Further, under Greece's obligations as a European Union (EU) Member State, Greece must ban effectively both direct and indirect discrimination. Direct discrimination is defined under EU rules as "taken to occur where one person is treated less favourably than another is, has been or would be treated in a comparable situation on grounds of racial or ethnic origin"⁴. Indirect discrimination is, for the purposes of EU law, "taken to occur where an apparently neutral provision, criterion or practice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary."⁵

In light therefore of the very recent regular and systematic application of the 1983 Decree in the service of racially segregating Roma, as well as in light of the Greek government's contention that the 3 July 2003 Joint Ministerial Decision constitutes a replacement for the 1983 Decree, it is very conspicuous that the 3 July 2003 Joint Ministerial Decision includes absolutely no safeguards whatsoever against its application in a racially discriminatory manner, nor has the Greek government presented any information in its response to the ERRC's Collective Complaint as to how it intends to ensure that the 3 July 2003 Joint Ministerial Decision will not be applied with racially discriminatory effects. At minimum, such safeguards would include a ban on the direct or indirect application of the Joint Ministerial Decision, included directly into the text of the Decision; as well as other government law and policy measures to ensure:

- Training in non-discrimination for municipal officials and others involved in the implementation of the Decision;
 - Regular monitoring by the government of implementation of the Decision to ensure that no direct or indirect discrimination occurs in the application of the Decision;
 - Swift and readily accessible remedial measures in the event that direct or indirect discrimination does occur in the application of the Decision.
- Secondly, while the fact of the striking down of the explicit ethnic content included in the 1983 Decree is to be welcomed, the ERRC notes the 1983 Decree was in effect and regularly applied in practice for the purposes and with the effect of racially segregating Roma in Greece for more than twenty years. Indeed, during the entire period during which the *ERRC* has been undertaking monitoring in Greece (1997-present), the *ERRC* is unaware of a single instance in which the 1983 Decree was invoked in order to effect the relocation of non-Roma,⁶ and the Greek government has not stated in its response to the ERRC Collective Complaint or elsewhere through what means it intends to guarantee that the amended Joint Ministerial Decision will not be solely or disproportionately applied to Roma. As such, the simple removal of the provision from Greece's administrative regulations cannot be said to meet Greece's positive obligations with respect to the realisation of fundamental economic and social rights without discrimination in practice, nor can it be plausibly hoped that the effects of twenty years of implementation of the 1983 will disappear at a stroke, nor can it be said to constitute any form of remedy to the very many Romani victims of the application of the 1983 Decree during the time it was in effect.⁷

The foregoing concerns are amplified by the subsequent passages of the Greek government's response to the ERRC Collective Complaint, wherein it emerges (i) that planned amendments to anti-discrimination

⁴ Council Directive 2000/43/EC, Article 2(2)(a).

⁵ Council Directive 2000/43/EC, Article 2(2)(b).

⁶ The ERRC undertakes monitoring in Greece in co-operation with the Athens-based non-governmental organisation *Greek HelsinkiMonitor*.

⁷ Under the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights, "All victims of violations of economic, social and cultural rights are entitled to adequate reparation, which may take the form of restitution, compensation, rehabilitation and satisfaction or guarantees of non-repetition." The full text of the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights, adopted 22-26 January 1997 ('Maastricht Guidelines') are available at: http://www1.umn.edu/humanrts/instreet/Maastrichtguidelines_.html.

law in Greece will not, if adopted as described, meet Greece's obligations to provide individuals with legal shelter from racial discrimination, particularly in the areas at issue under the ERRC Collective Complaint against Greece and (ii) very worryingly, that Greek lawmakers appear not to understand Greece's obligations with respect to the ban on racial discrimination.

A description of proposed amendments to Greek law purportedly to bring Greek law into compliance with European Union directives on anti-discrimination legislation is provided on pp.5-7 of the Greek government's response. It is beyond the scope of this communication to analyze the proposed amendments as described in detail. For the purposes of the issues raised in the Collective Complaint, the ERRC notes the following:

- Despite the explicit inclusion in European Council Directive 2000/43/EC of "access to and supply of goods and services which are available to the public, including housing" (Article 3(1)(h)) as an area requiring the coverage of anti-discrimination law, the proposed amendments to Greek "judicial and administrative" law, as described, would apparently be limited to "contractual relationship" and would, as described, include no explicit ban on racial discrimination in access to housing.
- Although under a description of amendments to "penal sanctions", sanctions would be imposed for "infringement of the principle of equal treatment in the supply of goods or the offering of services to the public", these sanctions would appear to apply only where such infringement is "deliberate". Under EU rules, definitions of banned direct and indirect discrimination (see above) do not include any requirement that victims show that such acts were "deliberate" and, indeed, the definition of indirect discrimination would be rendered more-or-less incoherent were such a requirement introduced. Here the Greek government's comments are especially worrying, insofar as Greek lawmakers may not have grasped fundamental concepts of equality law.
- Further, the proposed sanctions to be imposed for "deliberate infringement of the principle of equal treatment in the supply of goods or the offering of services to the public" -- "one (1) year imprisonment and a fine" -- do not appear to meet EU requirements that sanctions be "effective, proportionate and dissuasive"⁸ insofar as they are very harsh and therefore possibly "dissuasive", but not at all "proportionate". Is the Greek government seriously contending that all persons racially discriminating in the allocation of goods and services would be subject to one year incarceration and monetary fine? It is difficult to envision how such a measure could be implemented in practice.
- The ERRC notes in regard to the foregoing that Greek courts already have a problematic record with respect to ruling on race issues. When instances of racist hate speech are at issue, Greek courts have repeatedly failed to find individuals in violation of law 927/79, which penalises the public expression of offensive ideas. For example, in 2003, the authors or publishers of texts in major daily newspapers stating "Jews are not human beings" and "migrants are scum who have come to kill and rob", advertisements for houses or flats for rent ending with "foreigners excluded", and appeals by neighbourhood associations stating "Roma steal, snatch, loot, swear, beat" have all been found by courts to be not in violation of law 927/79, frequently because defendants argued and courts have accepted the defendants did not deliberately (or intentionally) insult the respective groups.⁹

Finally, under Article 6(3) of the July 2003 Joint Ministerial Decision, the Greek government has exempted from regulation by the provisions of the Joint Ministerial Decision a range of persons and situations including "organised camping sites supervised by the EOT", "popular resorts and summer camps", "settlements of farmers in agricultural areas or of cattle-breeders in summer or winter grasslands" and "travelers in general". This list is suitably broad as to beg the question of who, apart from Roma, would remain within the ambit of the regulation at issue.

As a result of the foregoing, the ERRC rejects the Greek government's contention that "[i]t is obvious that [...] effective protection is provided against any discrimination [...]". As described, even following the adoption of proposed amendments to Greek law, Roma and others would remain dangerously exposed to racial discrimination in the field of housing.

⁸ Council Directive 2000/43/EC, Article 15.

⁹ See "GHM Litigation on Greece's Anti-Racist Legislation", August 2003, available at: http://www.greekhelsinki.gr/bhr/english/organizations/ghm/anti-racist_litigation.doc.

2. Other Arbitrary Treatment of Roma Arising from Greek Housing Regulations, Policy and Practice

In addition to threats of racial discrimination arising from the 1983 Decree, the July 2003 Joint Ministerial Decision, and other similar policies and practices in the field of housing by Greek authorities, the ERRC notes the possibility of further threats to Roma arising from the application of the 1983 Decree and related policies (including, absent any information to the contrary, the July 2003 Joint Ministerial Decision), notably the threat of deprivation of liberty for violating its provisions, a measure very disproportionate to the nature of the violation.

The ERRC believes it is of relevance to the present proceedings to note that despite the fact that the 1983 Decree was amended in July 2003, until as recently as December 2003, a number of Roma were actually being prosecuted in connection with purportedly having violated the 1983 Decree, and were in fact threatened with jail sentences for having done so, because violations of the 1983 Decree engage criminal liability.¹⁰ Thus, on 2 December 1998, twenty-seven Roma from the Roma community of "Glykeia" in Nea Tirynta (a municipality close to Nafplio, in the Peloponnese) were indicted for having

"...intentionally violated the imperative sanitary provision A5/696/1983... specifically, they settled in impromptu dwellings without permission from the competent authority and without the prerequisites laid down by law being present, as the necessary infrastructure work had not been carried out."¹¹

The case was heard before the One Member Misdemeanor Court of Nafplio, on 1 December 2003. The defence argued *inter alia* that the defendants were not itinerant and hence that they fell outside the 1983 Decree's scope of application, an argument that the court accepted and it rendered a verdict of not guilty. This was the second time the same twenty-seven Romani individuals were charged with violating the 1983 Decision. On 21 June 1999, they had been tried by the One Member Misdemeanor Court of Nafplio. They were then acquitted on grounds that they had acted by necessity to avoid immediate and otherwise unavertable danger (as specified under Article 25 of the Greek Penal Code). The ERRC notes that according to the case file, the Roma concerned had been relocated to the "Glykeia" locality in 1986, according to the then-Prefect's decision. Consequently, they did have the permission of the competent authority; from that point onwards, it was the Prefecture's responsibility to equip the settlement with the necessary infrastructure. Moreover, it should be noted that in 1999, the very same twenty-seven Roma had faced identical charges before the One Member Misdemeanor Court of Nafplio, which acquitted them, on grounds that their continuing residence in the area was due to the state of necessity they faced, again according to Article 25 of the Greek Penal Code.

The ERRC notes that as recently as 14 May 2003, sixteen Roma living in the "Tourkodendri" area, located in the administrative borders of the Municipality of Tegea and the Municipality of Tripolis (in Central Peloponnese) were sentenced to various prison terms, again for violating the 1983 Decree. In another case, on 19 June 2002 the One Member Misdemeanor Court of Tripolis sentenced six Romani individuals to fifteen days of imprisonment for violating the 1983 Decree.

The ERRC further notes that none of the amendments to the 1983 Decree presented in the Greek government's response and included in the July 2003 Joint Ministerial Decision would shelter individuals from the threat of loss of liberty arising from prosecution under the Decision, because criminal liability is also engaged for violations of the July 2003 Joint Ministerial Decision. Thus, Roma remain at present under a similar threat of arbitrary deprivation of liberty under the July 2003 Joint Ministerial Decision.

In the current circumstances in which large numbers of Roma in Greece live, their criminal prosecution for violation of the 1983 Decree or the 2003 Joint Ministerial Decision effectively penalises the persons concerned for government failures to provide adequate housing to the extremely socially marginalised.

¹⁰ In the case at issue, the Romani individuals charged had been indicted prior to the amendment of the 1983 Decree, but no amnesty was applied once the Decree was amended.

¹¹ ERRC/GHM unofficial translation.

This perverse dynamic and its relation to the State's human rights obligations has been powerfully described by ECHR Judge Bonello, in his dissenting opinion in the matter of *Chapman v. The United Kingdom*:

"[...] 6. A public authority has as great an obligation to comply with the law as any individual. Its responsibility is eminently more than that of individuals belonging to vulnerable classes who are virtually forced to disregard the law in order to be able to exercise their fundamental right to a private and family life – individuals who have to contravene the law due to the operation of the prior failings of the public authorities.

7. In the present case, both the public authorities and the individual had undoubtedly trespassed the boundaries of legality. But it was the public authority's default in observing the law that precipitated and induced the subsequent default by the individual. That failing of the authorities has brought about a situation which almost justifies the defence of necessity. Why a human rights court should look with more sympathy at the far-reaching breach of law committed by the powerful than at that forced on the weak has not yet been properly explained.

8. Here, we are confronted with a situation in which an individual was "entrapped" into breaking the law because a public authority was protected in its own breach. A court's finding in favour of the latter, to the prejudice of the former, is, I believe, a disquieting event. A human rights court, in finding that an authority, manifestly on the wrong side of the rule of law, has acted 'in accordance with the law' creates an even graver disturbance to recognised ethical scales of value."¹²

Finally, the ERRC notes in this regard that approaches by State authorities to social protection issues that involve threats of incarceration raise the spectre of pre-19th century "poor houses" and have nothing whatsoever in common with Greece's obligations under the European Social Charter.

3. Issues included in the Greek Government Response only Tangentially Related to the Complaint

Beginning on page 7 of its response, the Greek government provides information about "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." A number of the measures described are to be commended, such as the "16,580 multiple vaccines" undertaken. However, the ERRC respectfully notes that from the top of page 7 until the second-to-last paragraph on page 8, none of the measures described as undertaken by the Greek government relate in any way to the provision of family housing or to other areas of housing rights addressed in the ERRC Collective Complaint. The medical provisions described relate to Greece's positive obligations flowing from the right to life¹³, as well as the right of everyone to the highest attainable standard of physical and mental health.¹⁴ Insofar as these issues are only related tangentially at best to the concerns raised in the ERRC Collective Complaint against Greece, it is difficult to see their relevance as a response to the Complaint.

¹² Separate opinion of Judge Bonello, *Chapman v. The United Kingdom*, Application no. 27238/95, Judgment on merits, 18 January 2001. In the case of *Buckley v. The United Kingdom*, Judge Pettiti similarly noted: "[...] the deliberate superimposition and accumulation of administrative rules (each of which would be acceptable taken singly) result, firstly, in its being totally impossible for a Gypsy family to make suitable arrangements for its accommodation, social life and the integration of its children at school and, secondly, in different government departments combining measures relating to town planning, nature conservation, the viability of access roads, planning permission requirements, road safety and public health that, in the instant case, mean the Buckley family are caught in a "vicious circle". [...] In attempting to comply with the disproportionate requirements of an authority or a rule, a family runs the risk of contravening other rules. Such unreasonable combinations of measures are in fact only employed against Gypsy families to prevent them living in certain areas." (See Judgment (merits), REF00000664, Case of *Buckley v. The United Kingdom*, Application number 00020348/92, Decision of 25 September 1996).

¹³ As secured, inter alia, under Article 2 of the European Convention on Human Rights.

¹⁴ Provided, inter alia, under Article 12 of the International Covenant on Economic, Social and Cultural Rights. Article 11 of the European Social Charter directs States to take effective steps for the protection of the right to health.

4. Inadequacies as to Material included in the Greek Government Response Pertaining to Housing Policy for Roma in Greece

The Greek government's first presentation of factual information related to the provision of housing in its response to the ERRC Collective Complaint is provided in the second-to-last paragraph of page 8, which states:

"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 ERRC notes that in the information provided in the Annexes to the Collective Complaint it had provided the response of Greek authorities to the housing of earthquake victims as a comparator to treatment of Roma in the field of housing. The relevant passage follows again here:

The lack of engagement or resolve with which Greek authorities act to improve the living conditions of Roma contrasts with their demonstrated competence in resolving the homelessness of non-Roma following two natural disasters. The suburb of Ano Liosia, approximately 10 kilometres from Athens, has been home to three distinct groups who have in recent years been in urgent need of housing: the 2,700 non-Romani families who were rendered homeless by the earthquake of September 1999; the 200 non-Romani families whose homes were destroyed by heavy rainfall in 1998; and the approximately 80 Romani families who had been living for a number of years on land next to or on Ano Liosia's portion of a garbage dump the municipality shares with neighbouring Aspropyrgos.

The first group to be rehoused by the municipality in newly built apartments, early in August 2001, were families made homeless by the flood in 1998. On September 13, 2001, the Prime Minister stood beside the mayor of Ano Liosia as the mayor presented to earthquake-stricken families the first 100 houses that had been built with state money for their relief. A further 2,600 homes were promised for the remaining earthquake victims in the following 18 months. Meanwhile, in contrast to the determination local authorities have displayed in rapidly assisting the disaster victims to be comfortably rehoused, municipal officials have offered next to nothing to the Romani residents who have been living in the area in squalid conditions virtually without infrastructure for approximately 20 years.

Since the original Complaint, the ERRC has become aware of information provided in Greece's first National Action Plan to combat social exclusion,¹⁵ according to which, as relates to the (predominantly or exclusively non-Romani) earthquake disaster victims:

"[...]103 settlements were formed with transferable pre-fab houses. In less than 4 months, 6,854 such houses were set up. Three months after the earthquake, no victim of the earthquake lived under a tent."¹⁶

¹⁵ "National Action Plans" to combat social exclusion are prepared by European Union Member States under a process known under European Union shorthand as "The Lisbon Process".

¹⁶ Ministry of Labour and Social Security, Ministry of Health and Welfare, Ministry of Interior, Public Administration and Decentralization, Ministry of Education and Religious Affairs, Ministry of National Economy and Finance, *National Action Plan for Social Inclusion 2001-2003*, June 2001, p.48, available at: http://europa.eu.int/comm/employment_social/news/2001/jun/napincl2001el_en.pdf.

These figures are noteworthy (i) because they indicate the capabilities and capacity of the Greek public administration under conditions of sufficient political will and (ii) because they provide very precise data as to numbers of housing units provided to (predominantly or exclusively non-Romani) earthquake victims. No similar data on housing provisions for Roma has been provided in the Greek government's response to the ERRC Collective Complaint against Greece. As will be seen below, the ERRC believes that, first of all, this is because the Greek government is unable to date to boast of any significant achievements in the field of housing for Roma and, secondly, that this fact is due largely to a failure of political will on the part of Greek authorities to implement existing Greek policies on Roma in the field of housing, as well as in other sectoral fields.

The Greek government's response concludes by presenting two government policies -- begun in 1996 and 2001 respectively -- aimed at improving the housing situation of Roma in Greece.

As to the 1996 "National Policy Framework for Greek Gypsies", the ERRC notes that it suffered severe implementation problems, particularly in the field of housing. According to the Government's Implementation Review for the Years 1996-1999, no relocation of Romani settlements had taken place by the end of 1999, even of the five settlements that were to have been relocated "immediately".

As to the April 2001 "Integrated Action Plan for the Social Integration of Roma People" ("IAP"), the government contends that

"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)."¹⁷

With all due respect to the Greek government, independent monitoring of the implementation of the IAP, undertaken by the ERRC in co-operation with local partner the Greek Helsinki Monitor (GHM), indicates that this contention is exaggerated at best.

According to ERRC and GHM monitoring, some 20 months after the IAP was launched and eight years after Greece first began undertaking policies aimed at improving the housing situation of Roma in Greece, only a handful of communities have seen even rudimentary improvements to their housing or related provisions, and most housing-related projects have stalled. As of July 2003, according to information provided to ERRC partner organisation Greek Helsinki Monitor (GHM) by the Greek Ministry of the Interior, a total of four projects aiming at "an implementation of comprehensive housing programs"¹⁸ had been carried out under the IAP as of that date. In other locations, according to the same communique, relocations were planned or in situ works were in progress to create "new settlements with pre-fabricated homes... as a temporary solution" to meet the "urgent housing needs" of the Roma. Also according to GHM, as of January 2004, a total of ten temporary or permanent relocations had taken place as a result of implementations of the 1996 and 2001 programmes. Recent government statements indicate that there are at least 75 settlements in which Roma currently live in substandard or extremely substandard conditions.¹⁹

In some cases, efforts to improve housing for Roma -- and in particular to relocate Roma to new housing projects -- have gone very badly. For example, while attempting to provide housing for Roma living in

¹⁷ "Observations of the Hellenic Government on the Substance of the Collective Complaint 15/2003", p. 12.

¹⁸ Document Ref. No. 26477, dated 10 July 2003.

¹⁹ On 15 January 2004, the Greek daily *Eleftherotytia* quoted Mr Antonis Angelidis, the Prime Minister's Advisor on Quality of Life, as stating the Riganokampos Romani camp of Patras "is the worst of the 75 settlements throughout the country...." (Article available at http://www.enet.gr/online/online_print.jsp?id=49581588).

the settlement of Karditsa, in Central Greece, despite the fact that the Committee set up under Article 2 paragraph 2 of the 1983 Decree rejected the relocation of the Romani community to the "Mavrika" area, noting that the latter was unsuitable, municipal authorities of Karditsa proceeded to relocate the Roma to the Mavrika area in Spring 2001. Shortly thereafter, a Romani child drowned in one of the deep irrigation channels that run parallel to the settlement.²⁰ The *ERRC* and *GHM* believes that no criminal or disciplinary proceedings have been initiated against the Mayor of Karditsa. The death of a Romani child due to unsafe housing provisions notwithstanding, on 11 December 2003, the Mayor of Karditsa presented the project as a model in a seminar on the housing of the Roma, jointly organised by the Municipality of Sophades (located at a short distance from the Municipality of Karditsa) and the Council of Europe.

In addition to concerns that some Roma have been relocated to unsafe housing, many of the Romani settlements created under the IAP or apparently the target of actions under the IAP are located very far from urban settlements and infrastructure, in marked contrast to the contentions of the government cited above. The Spata Romani settlement, for example, is located at a distance of approximately five kilometres from the last houses of the Spata municipality and is not at present provided with electricity. The settlement -- like many others in Greece -- is located in an isolated area, away from main roads and there is no bus service running to and from the settlement. Similarly, the Romani settlement of Lamia currently under construction will be located at a distance of around ten kilometres from the city of Lamia. Even the Sophades housing project, now often presented by Greek officials as a model housing project for Roma, is some three kilometres away from the last house in Sophades, and is closer to the town's garbage dump.

Further, government provision of housing loans, described on page 12 of the government's response, has in practice been plagued by severe delays in the issuance of payments, leaving those Roma who have entered into such housing loan schemes under threat of eviction from private landlords and often harassed on a monthly basis due to late payment.

Indeed, no information as to implementation of these two government policy programmes is included in the government's response to the *ERRC* Collective Complaint, primarily because apart from "ameliorative interventions", neither the 1996 "National Policy Framework for Greek Gypsies" nor the 2001 "Integrated Action Plan for the Social Integration of Roma People" ("IAP") can boast any substantial successes in the field of housing.

The failure of the government to implement its own programmes despite the elapse of eight years since the initial design of the first one stems primarily from a failure of political will on the part of national authorities to overcome very intense local opposition to the integration of Roma. Some statements by local public officials and other prominent public figures, documented in the recent period, follow:

Mr Evangelos Sisamakias, the Mayor of Nea Alikarnassos, Crete, was reported by the major Greek daily newspaper *Eleftherotipia* of 27 January 2003 as having stated:

"You cannot have a Gypsy settlement next to a basketball court, part of the Olympics 2004 facilities, because Gypsies blemish one's sense of good taste and, in addition, they deal in drugs... I do not deny that I do not want the Gypsies in our area."²¹

On 23 January 2003, the Municipality of Nea Alikarnassos had suspended the ongoing infrastructure works in the area where the Romani community of Nea Alikarnassos is to be relocated, claiming that part of the plot of land belonged to the Municipality. *SOKADRE* (an umbrella organization of Romani communities and human rights NGOs from around Greece) then submitted on January 28, 2003 a complaint to the Greek Ombudsman's office concerning the matter. The latter transmitted the complaint

²⁰ For details of the case, please see European Roma Rights Center/Greek Helsinki Monitor, *Cleaning Operations: Excluding Roma in Greece*, Country Reports series no. 12, Budapest: April 2003, p. 96, included as an annex to the Collective Complaint.

²¹ Statement in Athens-based daily newspaper *Eleftherotipia*, 27 January 2003, at http://www.enet.gr/online/online_p1_text.jsp?dt=27/01/2003&c=112&id=16178080.

to the Municipality of Nea Alikarnassos which, on 23 September 2003, answered *inter alia* that it was not in favour of the relocation of the Romani community. To date, the Romani community of Nea Alikarnassos has not been moved, and building works in the area targeted for resettlement remain suspended.

Similarly, on 10 September 2003, Mr Costas Lourbas, The Mayor of Gastouni, Western Peloponnesse, was reported by local media as having stated:

"...the race of the Gypsies is unadaptable and the social problems they create are numerous. Moreover, there is no reason to be optimistic about the prospects of those people integrating into society in the future. Consequently, we should all confront this grave problem and we should understand that the only solution is for people to stop renting their properties to the Gypsies, as this creates problems to the local residents and degrades the area".²²

Commenting in October 2002 on rumours according to which the Romani community from the Aghia Paraskevi suburb of Athens would be relocated to the nearby Municipality of Spata, the then-Mayor of Spata Mr Antonis Tountas stated:

"Let me make this clear: Gypsies will not come here. I am making this statement so that no one will think that I am trying to gain more votes, or that I am the only person to prevent the relocation of the Gypsies. As things stand, they [Gypsies] will not come from Aghia Paraskevi to Spata. I want this to be a 'seal' for me and my associates that are waging an honourable political campaign. The society of Spata deserves this."²³

At present, the Aghia Paraskevi Roma live in an extremely substandard informal camp on land for which they do not have title. They are as a group under threat of eviction and a number of individuals face illegal building fines.

The Greek central administration is aware that many local authorities harbour and act on anti-Romani sentiment. In fact, the General Secretary of the Ministry of Interior, Mr. V. Valassopoulos stated, in a meeting involving Greek officials and a number of non-governmental organisations including the ERRC on December 9, 2003, that the Municipality of Aspropyrgos has a "purely racist attitude" vis-à-vis Roma. The General Secretary noted that despite the fact that the Mayor of Aspropyrgos has been encouraged numerous times in the past to submit proposals concerning the amelioration of the living conditions of the substantial Romani community living within its administrative area and has been offered a "blank cheque" concerning the expenses, it has to date refused to co-operate. This is despite the fact that pressure has been exerted upon him as a result of specific mention of the Aspropyrgos settlement in the Council of Europe's Commissioner on Human Rights "Report on his visit to the Hellenic Republic" that took place in June 2002.²⁴ Indeed, despite assurances provided by the permanent representative of the Greek state to the Council of Europe to the effect that "All necessary measures have been taken in order that the Roma/Gypsy settlement of Aspropyrgos is provided with all public facilities"²⁵, no such measures have as of yet been undertaken.

These issues notwithstanding, in its response to the ERRC Collective Complaint, the Greek government has neither presented any materials indicating that anti-Romani sentiment at a local level is a major obstacle to the successful implementation of housing programmes for Roma in Greece, nor has it indicated how it intends to overcome these powerful forces. Without the acknowledgement of key

²² Statement in Pyrgos-based daily newspaper *Proti*, 11 September 2003.

²³ Statement available at <http://www.neagnomi.gr/anatoliki/spata/october/606.htm>.

²⁴ Document CommDH(2002)5, Strasbourg, 17 July 2002, available at [http://www.commissioner.coe.int/docs/CommDH\(2002\)5_E.doc](http://www.commissioner.coe.int/docs/CommDH(2002)5_E.doc), para 24.

²⁵ *Ibid.*, para 39.

obstacles it faces in the implementation of housing policy for Roma, it is difficult to see how Greek authorities can design measures to ensure successful implementation of these policies.

Finally, unfortunately, even when local authorities move to implement policies aimed at improving the housing situation of Roma in Greece, they have on a number of occasions reportedly been discouraged from doing so by national or regional authorities. For example, Mr Michalis Hadjigiannis, former Mayor of Lechaina, a municipality in Western Peloponnesse, reportedly told a journalist:

"We were about to start work on the new settlement when I received a call from the head of the Environment and Town Planning directorate of the Western Greece Region, Ms. K. Karagianni. She informed me that the settlement could not be made in the designated plot of land as it was next to the national highway and with the Olympics in mind, it would not be good for foreign visitors to be able to see the Gypsies. I then contacted the Ministry of the Interior and was told that we could suitably landscape the area so that a small hill could be erected between the national highway and the settlement and that trees could be planted upon it, so that the Gypsies would not be seen from the highway when the road would be used during the Olympics. I initially thought they were joking but shortly I found out that unfortunately they were talking in earnest. It is unbelievable... This is how all the efforts we made to house these people came to an end."²⁶

5. Forced Evictions

Lastly, the ERRC notes that in its response, the Greek government has not addressed in any way a core element of the ERRC's complaint against Greece: forced evictions of Roma in Greece. In the original complaint, dated 4 April 2003, the ERRC noted that Greek authorities frequently engage in forced evictions of Roma; that when carrying out such evictions Greek authorities rarely make available adequate alternative housing and/or do not provide the victims of forced evictions with suitable legal redress; and that municipal authorities responsible for the execution of arbitrary forced evictions of Roma as a rule avoid justice. The ERRC also noted that as a result of these actions, many Roma in Greece are effectively rendered homeless. The ERRC provided extensive materials in the Collective Complaint as to why forced evictions raise very serious issues under Greece's international law commitments. The full text of the ERRC complaint related to forced evictions is the entirety of substantive Point 3 in the original complaint. The ERRC urges the Committee to require that the Greek government respond to the issues raised in Point 3 of the Collective Complaint so as to provide details as to what measures exist under Greek law, policy and practice to ensure that all protections against arbitrary forced evictions required under international human rights law are implemented in practice in Greece.

6. Conclusion

The ERRC submits that the materials provided in the Greek government's "Observations of the Hellenic Government on the Substance of the Collective Complaint 15/2003" do not set to rest the substantive issues raised in Collective Complaint 15/2003 *European Roma Rights Center v. Greece*, and therefore requests that the Committee find Greece in violation of the European Social Charter.

²⁶ The interview was conducted on 6 February 2003 by the local correspondent for the *Eleftherotypia* Athens-based daily newspaper, Mr Makis Nodaros. The interview was in the end not published by the newspaper, but was subsequently made available to ERRC/GHM by the journalist.