

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



28 March 2008

Case document No. 1

**International Centre for the Legal Protection of Human Rights
(INTERIGHTS) v. Greece**
Complaint No. 49/2008

COMPLAINT

Registered at the Secretariat on 28 March 2008



28 March 2008

Executive Secretary
Acting on behalf of the Secretary General of the Council of Europe
Secretariat of the European Social Charter
Directorate General of Human Rights -- DG II
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COLLECTIVE COMPLAINT:

**International Centre for Legal Protection of Human Rights
(INTERIGHTS)**

against

Greece

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SUMMARY OF COMPLAINT

This Collective Complaint (hereafter Complaint) concerns the Greek State's continued use of forced evictions against the Roma and failure to provide alternative accommodation since the previous decision of December 2004. It also details ongoing discrimination against the Roma in respect of housing, as part of their continued social exclusion from mainstream Greek society.

The Complaint provides evidence of Greece's failure to implement the previous decision of December 2004 and of new breaches of Article 16 of the European Social Charter ('the Charter') taken together with the non discrimination provision of the Preamble. This evidence is presented under three main headings: forced evictions; lack of access to effective remedies and failure to provide alternative accommodation.

Since the end of 2004 the Greek State, through both its own agents and in collaboration with private actors, has carried out over 20 forced evictions affecting over 300 Greek and Albanian Roma families. This is particularly striking in Patras where, as the complaint will highlight, there has been a deliberate planned policy of eviction. These evictions, frequently involving the demolition of both temporary and permanent dwellings, have not been subject to the necessary procedural safeguards. Roma families have been forcibly ejected without any prior consultation, notice or ability to challenge State action. Many Roma families have lost most of their belongings. There is no evidence of any of the families being provided with adequate alternative accommodation with a consequential detrimental impact on their health and well-being. Discriminatory legislation is still effectively in place enabling evictions to be carried out under the guise of 'cleaning operations'. The complaint also highlights the failure of the Greek State to accurately monitor the number of evictions being carried out.

Secondly, the Greek State continues to fail to provide access to effective remedies for the Roma in relation to such evictions, by denying civil redress for the aggrieved and affording impunity to State and local authority officials who have acted unlawfully.

Thirdly, the Greek State has continued to fail to provide suitable alternative accommodation and temporary camp sites for the Roma, including those who have been subject to forced evictions. The flawed implementation of the Integrated Action Plan, particularly in relation to the housing loans scheme, has contributed to this failure. Greece has repeatedly failed to recognise that the Roma have a right to such alternative accommodation. Roma families continue to lack equal access to adequate infrastructure and services including, in particular, social medical centres. The vast majority of Roma continue to live in the same locations and conditions as they did in 2004. Only seven communities have been successfully relocated to live in organised settlements under acceptable living conditions. For the remainder of Roma, particularly those living in temporary settlements, there is no evidence that their material living conditions have improved at all. The majority of Roma living in settlements still do not have access to adequate sanitation and running water, electricity and heating.

Taken together the evidence contained in this Complaint, which draws in particular on the work of the Greek Helsinki Monitor in documenting abuses¹, demonstrates that Greece is in breach of Article 16 of the Charter in relation to its treatment of Roma families in respect of both its deliberate acts and omissions. Greece should be urged to take significant and decisive action to (a) halt forced evictions, (b) provide redress for the victims of forced evictions, (c) provide appropriate alternative accommodation for all Roma families who need it and (d) repeal discriminatory laws, cease discriminatory practices and ensure equal access to adequate infrastructure and services for all Roma communities.

¹ See, in particular, *Greece: Continuing Widespread Violation of Roma Housing Rights* (GHM/COHRE October 2006) at Annex A

ADMISSIBILITY

State Party

Greece: High Contracting Party to the 1961 European Social Charter (hereinafter "ESC") since June 1984; accepted the collective complaint mechanism by signing and ratifying the 1995 Second Additional Protocol in June 1998; signed, but did not ratify the 1996 Revised European Social Charter in May 1996.²

Relevant Articles:

Article 16: The right of the family to social, legal and economic protection: “With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Contracting Parties undertake to promote the economic, legal, and social protection of family life by such means as social and family benefits, fiscal arrangements, **provision of family housing**, benefits for the newly married and other appropriate means.” (*emphasis supplied*)

In light of:

* the non-discrimination clause in the Preamble of the 1961 ESC: “[T]he enjoyment of social rights should be secured without discrimination on grounds of race, colour, sex, religion, political opinion, national extraction or social origin.”

* the obligations of Greece under relevant domestic, regional and international instruments and international consensus documents (see List of Authorities at Annex B).

Standing of INTERIGHTS:

The International Centre for the Legal Protection of Human Rights (INTERIGHTS) is an international non-governmental organization (INGO) established in 1982 and registered as a charity. It aims to enforce human rights through law in particular regions, including Europe, and on issues of strategic focus, including equality and non-discrimination and economic and social rights. In focusing on human rights litigation, it seeks to provide protection and redress, and to strengthen human rights jurisprudence and mechanisms.

Under **Article 1(b) of the Second Additional Protocol**, the Parties recognise the right of international non-governmental organisations which have consultative status with the Council of Europe and are listed as having standing before the ESC

² Article 21(4) of the Greek Constitution provides that ratified international treaties are incorporated automatically into the domestic legal order with a status higher than statutory law.

mechanism to submit Collective Complaints to the European Committee of Social Rights (hereafter the Committee), irrespective of whether the organisations concerned come under the jurisdiction of any of the State Parties to the ESC. INTERIGHTS holds consultative status with the Council of Europe (as well as other international bodies)³ and enjoys standing under the ESC collective complaint mechanism (most recently renewed on 1 July 2006 until 30 June 2010). On 12 October 2007 *INTERIGHTS v Croatia* was registered by the Committee as complaint 45/2007.

Under Article 3 of the Second Additional Protocol, the international non-governmental organisations referred to in Article 1(b) may submit complaints only with respect to those matters regarding which they have been recognised as having particular competence. INTERIGHTS has had extensive experience of human rights litigation, including in areas of relevance to the current complaint. INTERIGHTS' areas of strategic focus include equality and economic and social rights notably in the European context. Its litigation work in recent years has included the submission of amicus briefs to the European Court of Human Rights (ECtHR) in the cases of *Nachova v Bulgaria* (concerning racist violence against Roma), *D.H. and others v the Czech Republic* (concerning the segregated education of Roma children in 'special schools' for children with intellectual disabilities) and *Blecic v Croatia* (concerning the alleged deprivation of property and breach of a right to respect for one's home). In 2005, in collaboration with a local lawyer, it submitted the case of *Mundy v Sri Lanka* to the UN Human Rights Committee regarding the imminent threat of unlawful seizure and demolition of the applicant's home.

It has also engaged in relevant publication work with a view to clarifying and strengthening relevant legal standards. Together with partners, the European Roma Rights Centre and Migration Policy Group, INTERIGHTS has produced a manual on *Strategic Litigation of Race Discrimination in Europe: From Principles to Practice* with particular reference to the EC Race Directive, to assist lawyers in NGOs, specialised bodies, and those working in private practice in strategically selecting and developing cases that will lead to the greatest progress towards protection against discrimination.⁴ In addition, INTERIGHTS has collaborated in preparing legal analyses of the state of anti-discrimination law in 25 European countries (15 EU member states and 10 Central and Eastern European accession states).⁵

This complaint has been submitted in collaboration with the Greek Helsinki Monitor ('GHM'). GHM extensively monitors, publishes and lobbies on human rights issues in Greece and, occasionally, in the Balkans and has prepared (usually jointly with other NGOs) detailed annual reports, parallel reports to UN Treaty Bodies and specialised reports on ill-treatment and on ethno-national, ethno-linguistic, religious and immigrant communities, in Greece, as well as on the Greek minorities in Albania and Turkey.⁶ GHM is the leading NGO working on behalf of the Roma in Greece, having carried out extensive monitoring, advocacy and legal representation work on behalf of the Roma in Greece. Many of GHM's monitoring reports, based on direct

³ It holds consultative status with the UN Economic and Social Council, the African Commission on Human and Peoples Rights and is accredited with the Commonwealth Secretariat

⁴ Available at <http://www.interights.org/publications/index.htm>

⁵ Ibid.

⁶ More information on GHM and its partner organisations can be obtained at: <http://cm.greekhelsinki.gr/index.php?sec=194&cid=1641>

first hand experience and witness testimony, provide the core evidence for this Complaint.

BACKGROUND TO COMPLAINT

This section highlights the background and context to this complaint. In particular, part (a) describes the non-implementation of the previous decision of European Committee of Social Rights (“the Committee”) dated 8 December 2004 and thereafter the Resolution of the Committee of Ministers (Resolution ResChS (2005) 11) dated 8 June 2005, in Collective Complaint No. 15/2003 filed by the European Roma Rights Centre (ERRC) against Greece, and the Committee’s Conclusions XVIII-1 (Greece) of July 2006, under the follow-up procedure.

Part (b) briefly describes the experience of Roma living in Greece, particularly in respect to denial of housing rights, together with the increasing recognition by human rights bodies of the Council of Europe of the discrimination faced by Roma and the need for states to address it.

(a) Failure to Implement decision in Collective Complaint No. 15/2003

In its decision on Collective Complaint No. 15/2003 (*European Roma Rights Center v Greece*) dated 8 December 2004, the Committee upheld a claim by the European Roma Rights Centre that excessive numbers – up to 100,000 – of Roma living in Greece were living in substandard housing conditions with many being subjected to the widespread practice of forced evictions.

The Committee concluded that Greek actions and policies in relation to the housing rights of the Roma were in breach of Article 16 of the Charter due to:

- *“The insufficient number of dwellings of an acceptable quality to meet the needs of settled Roma;*
- *The insufficient number of stopping places for Roma who choose to follow an itinerant lifestyle or who are forced to do so;*
- *The systemic eviction of Roma from sites or dwellings unlawfully occupied by them.”⁷*

This current complaint demonstrates that in relation to all three of these crucial issues the Greek State, through both its deliberate acts and omissions, continues to breach Article 16 of the Charter. Indeed, the situation of many Roma families has significantly worsened since the 8 June 2005 Resolution of the Committee of Ministers in relation to Complaint 15/2003.

The Charter is a treaty which creates binding obligations on all States Parties, including Greece which automatically incorporated it into its domestic law upon ratification, affording it a status higher than statutory law in accordance with Article 21(4) of its Constitution. In accordance with the customary international law principle

⁷ The decision on the merits is available at http://www.coe.int/t/e/human_rights/esc/4_collective_complaints/list_of_collective_complaints/RC15_merits.pdf, page 15.

of *pacta sunt servanda* enshrined in Article 26⁸ of the Vienna Convention on the Law of Treaties, which has also been ratified by Greece⁹, every treaty is binding on States Parties and must be performed by them in good faith.

The Committee is a body with the competence to decide whether there has been lack of compliance with the Charter. Whilst the views of the Committee may not be binding on States, they provide an authoritative interpretation of treaty obligations which are, in themselves, binding. Greece is bound under the Charter to make the necessary changes and provide the necessary redress to give effect to its obligations under the Charter.

In addition to its legal obligations under the Charter and other treaties, including in particular Article 11 of the UN International Covenant on Civil and Political Rights and Article 8 of the European Convention on Human Rights, Greece has endorsed the Istanbul Declaration of the 1996 UN Habitat Conference whereby it committed itself with other States to *inter alia*: “the full and progressive realization of the right to adequate housing as provided for in international instruments” and to “...seek the active participation of our public, private and non-governmental partners at all levels to ensure legal security of tenure, protection from discrimination and equal access to affordable, adequate housing for all persons and their families.”¹⁰

However, despite both binding legal obligations and political commitments the Greek Government has failed to acknowledge and take notice of the decision of 8 June 2005, still less to take necessary measures to ensure the findings and recommendations are implemented.

Indeed, the Greek State, although it has translated the decision into Greek, has not even disseminated the decision or the Committee of Ministers’ Resolution concerning it among the Greek judicial authorities or State agencies dealing with Roma issues. As a result, many State authorities are unaware of even the fact that a Collective Complaint was lodged against Greece, let alone its outcome.¹¹

Furthermore, beyond failing to implement the decision, there are a number of instances where the government has appeared contemptuous of the decision, not only

⁸ Article 26 provides that “Every treaty in force is binding upon the parties to it and must be performed by them in good faith.”

⁹ Greece acceded on 30 October 1974.

¹⁰ Para 8. Available at http://www.unhabitat.org/downloads/docs/2072_61331_ist-dec.pdf

¹¹ To date there has only been one recorded instance when a State authority, the Directorate supervising the implementation of the Integrated Action Plan for the Social Integration of Greek Roma (2001-2008) (‘IAP’) within the Ministry of the Interior, has referred to the Collective Complaint. It did so as part of a wider review of Greece’s obligations under both international and regional law, yet failed to mention the Complaint’s outcome and elaborate on the reasons that led to the ECSR’s decision. In late July 2006, some ethnic Greek residents of Nea Tirynta submitted a complaint to the Prefecture of Argolida which was forwarded to the Ministry of Interior, more specifically to the Directorate supervising the IAP’s implementation. In its answer, the Ministry noted that it was not within its competence to deal with the concrete issues referred to in the complaint but proceeded nevertheless to make a short overview of both domestic and international legal standards safeguarding the right to housing, while it also made reference to various complaints that have been made to both the UN and the Council of Europe in relation to the issue of the housing as well as that that of racism against the Roma, noting that one of the areas for which such allegations were made concerned the Municipality of Nea Tirynta.

through the continuing and new violations outlined in this Complaint, but also in statements made by officials.¹²

One year after its decision, in the follow-up to the Collective Complaint No. 15/2003, and after examining the Greek Government's related Report, the Committee concluded that the situation in Greece was still not in conformity with Article 16 "noting from other sources¹³ that not an insignificant number of Roma continue to be evicted from settlements without being offered alternative housing [and that there was a continued] shortage of housing suited to the size and the needs of Roma families [combined with] insufficient legal protection."¹⁴

Since the 8 June 2005 Resolution the conditions of Roma have not only not improved; they have in fact grown much worse, as revealed by reports of several field-studies carried out by the Greek Helsinki Monitor ('GHM') which, together with other authoritative sources such as the Greek Ombudsman, form the evidential basis for this complaint. The reports from the GHM demonstrate that the Greek Government has totally failed to comply with the decision, as well as the commitments on implementation given to the Committee of Ministers.

(b) Context: Roma in Greece and Europe

Through its assessment of the previous Complaint against Greece and other complaints concerning the Roma, the Committee is familiar with many of the relevant issues. Hence this section highlights only briefly new background facts occurring in Greece and new reports of the discrimination faced by Roma in Greece and across Europe since consideration of the first Complaint.

Greece

There are approximately 300,000 individuals of Roma origin living in Greece with a large proportion of these living in 52 improvised and dangerous tent encampments

¹² For example, the Greek Ambassador in his intervention before the Committee of Ministers ('CM') at the 924th CM meeting on 20 April 2005 effectively criticised the ECSR for adopting what he considered to be a very wide interpretation of Article 16. Available at <https://wcd.coe.int/ViewDoc.jsp?id=862447&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>. Greek officials attending a June 7 2007 meeting of the OSCE to discuss the crisis of forced evictions of Roma in the OSCE region were entirely unaware that Greece had been found in violation of three aspects of European Social Charter Article 16 for systemic violations of the rights of Roma to adequate housing, including as a result of a pattern and practice of forced evictions of Roma (see COHRE statement to 5th Human Rights Council 11 June 2007 on file with GHM).

¹³ *Commissioner for Human Rights of the Council of Europe, follow up report on the Hellenic Republic (2002-2005), CommDH(2006)13, 29 March 2006 at Annex C; Greece: Out of the Spotlight: The rights of foreigners and minorities are still a grey area* (Amnesty International 2005) esp pp 45-59 at Annex D

¹⁴ See *Conclusions XVIII-1 (Greece)*, available at http://www.coe.int/t/e/human_rights/esc/3_reporting_procedure/2_recent_conclusions/1_by_State/Greece_2006_XVIII_1_A4_EN.pdf, pages 19-22.

while the remainder frequently inhabit poorly built dwellings lacking access to basic services including electricity and water.¹⁵

The Roma in Greece continue to be subject to frequent forced evictions and house demolitions. According to data provided by the Greek Police themselves between 1 January 1996 and 30 June 2006, police officers took part in 79 forced evictions of Roma ordered by the courts and lodged 323 lawsuits against Roma for illegal settlements under discriminatory Sanitary Regulations. However, as evidence in this complaint demonstrates, these figures significantly underestimate the actual number of forced evictions being carried out frequently with the active cooperation and involvement of State authorities. Some of the worst examples of this practice have occurred in Patras, as outlined in this Complaint. For example, since the beginning of 2006 alone, municipal authorities in Patras have demolished 68 homes, leaving nearly 340 Roma homeless. A particularly vulnerable group is the Albanian Roma who suffer from multiple intersectional discrimination and have experienced forced evictions in the Votanikos district of Athens.

In December 2006 Greece ‘won’ the COHRE Housing Rights Violator Award 2006 as a result of a pattern and practice of forced evictions of Roma. Upon making the award COHRE’s Executive Director stated:

“Roma communities in Greece continue to face pervasive and persistent discrimination in access to housing. A majority of Roma in Greece live in extremely poor conditions - lacking access to basic services such as water and electricity - and frequently face segregation and forced eviction by local authorities. The conditions in which these communities live are dehumanising and constitute a grave human rights violation by the Government of Greece...”

Since the December 2006 award, COHRE has documented no change in practice.

In addition to permitting or being directly responsible for forced evictions and housing demolition, the Greek Government has failed to adequately implement programmes during the past decade designed to improve the housing conditions of Roma. The vast majority of the Roma have experienced no improvement in their living conditions. In particular, as this Complaint will demonstrate, the seven year Integrated Action Plan for the Social Integration of Greek Roma (‘IAP’) introduced in 2001, with a budget of 308 million euros with the stated aim of improving the housing situation of the Greek Roma and their enhanced access to basic health services, has failed to deliver the promised 100 new organised Roma settlements with 4,000 new homes, together with improvements in infrastructure and services. While 90 percent of the budget had been spent by early 2006, only a minimal amount of this has been allocated to services, with the housing component instead being transformed into a large loan programme that has benefited few Roma who desperately need access to adequate housing.

¹⁵ See COHRE Housing Rights Fact sheet on Greece at <http://www.cohre.org/store/attachments/Fact%20Sheet%20Greece%202006.doc>.

Europe

The historic marginalisation and social exclusion of the Roma across Europe has been repeatedly recognised by various Council of Europe bodies. In a recent decision the European Court of Human Rights stated:

*Although they have been in Europe since the fourteenth century, often they are not recognised by the majority society as a fully-fledged European people and they have suffered throughout their history from rejection and persecution.... As a result of centuries of rejection many Roma communities today live in very difficult conditions, often on the fringe of society in the countries where they have settled, and their participation in public life is extremely limited.*¹⁶

In light of this situation, States are under a positive obligation to facilitate the Roma way of life.¹⁷ In relation to Article 16 of the Charter, the Committee has specifically stated that States should “*ensure the social, legal and economic protection of the various types of families in the population...with a particular emphasis on vulnerable families, including Roma ones. States can choose such means freely, with the proviso that they must not jeopardise the effective protection of Roma families.*”¹⁸

On 24 October 2007 the Council of Europe’s Commissioner for Human Rights and the United Nations Special Rapporteur on the Right to Adequate Housing, issued a joint public Statement calling upon member States to take adequate measures to protect the right to housing of Roma in Europe.¹⁹

¹⁶ *DH v Czech Republic* 14 November 2007 (Application no. 57325/00) para 13

¹⁷ *Chapman v UK* (2001) 33 EHRR 18 para 96

¹⁸ Conclusions XVIII-1-2006, Statement of Interpretation of Article 16, p 11 para 23 available at http://www.coe.int/t/e/human_rights/esc/3_reporting_procedure/2_recent_conclusions/2_by_year/XVII11Vol1_en.pdf

¹⁹ [https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH/Speech\(2007\)16&Language=lanEnglish&Ver=original&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864](https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH/Speech(2007)16&Language=lanEnglish&Ver=original&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864) and links therein

FACTS OF THE CASE:

FORCED EVICTIONS

Over 20 forced evictions affecting over 300 families since December 2004

Since the Collective Complaint No 15/2003 decision of December 2004 GHM has recorded over 20 forced evictions carried out against the Roma affecting over 300 families²⁰ including in Patras and the Peloponnese (three evictions affecting approximately 67 families), Chania, Crete (one affecting 12 Roma families), Aghia Paraskevi, Attica (one affecting 12 families), Paiania, Attica (two affecting approximately 15 families) and Votanikos (affecting more than 200 Albanian Roma families). They include 10 forced evictions officially recorded by the police between early 2005 and mid 2006. During 2004 alone according to their own official figures the police carried out a further 60 evictions.²¹ Evictions continue to occur on a frequent basis affecting many more Roma families.

The vast majority of these forced evictions have been carried out by State agents although in some cases addressed below, such as Aghia, they have been carried out by private landlords with the active support of the State. There is no evidence that the applicants are aware of that any of the evictions have been subject to appropriate procedural safeguards and that adequate alternative accommodation has been provided.

Discriminatory legislative framework

Such evictions are frequently justified by State authorities on the grounds that the Roma have failed to comply with certain laws and/or regulations relating to planning or sanitation. In particular, local authorities have made frequent and indiscriminate use of the 1983 Sanitary Regulation and its 2003 successor, despite this being effectively condemned by the Committee in relation to the former in its previous decision.²²

Article 21(4) of the Greek Constitution provides that ‘the acquisition of a home by the homeless or those inadequately sheltered shall constitute an object of special State care.’ Despite this, the current legislative framework governing housing rights continues to directly discriminate against the Roma and lays the basis for indirect discrimination against them.

The introduction of new provisions regulating sanitation of encampments continues to permit local authorities to segregate Roma families from the rest of the population and to justify forced evictions. Between 1996 and 30 June 2006, 323 criminal

²⁰ See *Memorandum concerning documented cases of Roma evictions or threat thereof following the issuing of the ECSR decision* at Annex E

²¹ See *Tables from Hellenic Police concerning evictions and lodging of criminal complaints against Roma for illegal settling for the period between 1/1/1996 and 30/6/2006* at Annex G.

²² *ERRC v Greece* (15/2003) para 51

complaints²³ were filed against Roma for illegal settlement in violation of the relevant Sanitary Regulation provisions, a significant number of these resulting in forced evictions.

At the time of the 2003 complaint against Greece, authorities were utilising the strict provisions of the 1983 Ministerial Decree entitled ‘Sanitary provision for the organised relocation of wandering nomads’²⁴ (‘the 1983 Regulation’), regulating conditions in Roma settlements, to effectively segregate and ghettoise the Roma by locating their encampments away from areas inhabited by the non Roma community.²⁵

The 1983 Regulation’s preamble declared the need to safeguard the public from ‘the uncontrolled settlement of nomads or other itinerant persons with tents and the prohibition under Article 1 of the ‘unauthorised settlement of itinerant nomads.’ Article 3(1) required that settlements should be located away from urban areas and at an ‘adequate distance’ from residential housing. The Committee noted in its assessment of the Regulation that it contained certain provisions of “*unfortunate*” and “*inappropriate*” wording and that its requirements for temporary encampments were extremely strict, resulting in an insufficient supply of appropriate camping sites.

Representatives of the Greek State explicitly admitted, in the course of the proceedings before the Committee, that “*Regarding the content of the sanitary provision and the obligations attaching to it, the State has never doubted the fact that certain parts of the provision in question could operate after all as a factor of social exclusion... For this reason, it proceeded to the substantial modification of the provision.*”²⁶

However, the 1983 Decree was replaced by new provisions similar in content and effect. Many of the 1983 Decree’s provisions have not been repealed but only modified by the 2003 Regulation.²⁷ For example, Article 1(2) of the 2003 Sanitary Regulation, entitled ‘Amendment of the A5/696/25.4.1983 Sanitary Regulation for the organized settlement of itinerant persons’ (‘the 2003 Regulation’) still permits “*the temporary settlement of itinerant persons ...until the issues concerning their permanent settlement are regulated*” In practice this has provided the basis for local

²³ The number concerns the criminal complaints *per se*. However, each complaint can be directed against more than one person.

²⁴ No A5/696/25.4-11.5.83, Common Ministerial decision of the Minister of Internal Affairs and the Minister of Health entitled “Sanitary provision for the organised relocation of wandering nomads”, published in *Government Gazette B’ 243* (unofficial translation by the ERRC/GHM; hereinafter “1983 Ministerial Decree”). On file with GHM.

²⁵ *Ibid* Article 3(1) which states : ‘The lands for the organised encampments of wandering nomads...must be outside inhabited areas and in good distance from the approved urban plan or last contiguous houses.’

²⁶ Transcript of public hearing 11 October 2004. On file with GHM.

²⁷ See *Memorandum on the Inherently Racist Character of the 1983 and 2003 Sanitary Regulations* at Annex F.

authorities to continually move Roma communities on without providing them with permanent settlements.

Article 6 (3) of the 2003 Regulation (identical to a provision of the 1983 Decree) which states that that the Roma are the only minority group to be subject to the Regulations provisions. The 2003 Regulation by continuing to single the Roma out in this way perpetuates the discriminatory stereotype that they and their settlements constitute a particular health hazard.

In one important respect, the 2003 Regulation is actually worse than its 1983 predecessor in that it protects from eviction only those living in essentially organised settlements, who cannot be evicted without being relocated to (another) organised settlement.²⁸ This effectively excludes from protection against eviction a vast majority of the Roma who live in impromptu settlements.

The 2003 Sanitary Regulation continues to be used in the same manner as its predecessor to prosecute Roma for illegal settlement and place them at risk of eviction. GHM's research indicates that at least 10 criminal proceedings under the 2003 Sanitary Regulation have been launched against the Roma since July 2006..

Failure to accurately monitor and record forced evictions

Prior to the issuing of the Committee's decision against Greece in 2005 the Greek police had not compiled information concerning evictions and criminal proceedings against the Roma. In 2006 it recorded for the first time official figures concerning numbers of persons evicted and prosecuted for settling without permits between 1996 and mid 2006. It recorded 10 evictions carried out against Roma from private or public property sites around the country since February 2005.²⁹ However, as the GHM reports demonstrate, the numbers recorded by the police fail to represent the scale of the evictions that have actually taken place or the number of people affected by them.

There are four main reasons for this discrepancy. Firstly, the criminal complaints and/or evictions are frequently directed against more than one person. For example, Indictment Summons ref no A04/1103, issued by the First Instance Prosecutor's Office of Tripolis (Central Peloponnese) on 24 February 2005, was served on no less than 28 Roma defendants living in the Tourkodendri Roma settlement.³⁰

Secondly, the criminal complaints lodged by the police with the prosecutor's office do not include those complaints lodged either by other State agencies (such as local health and sanitation directorates) or by private individuals. For example, the aforementioned Indictment Summons A04/1103 was issued as a result of an

²⁸ The 1983 Decree provided that in some cases Roma could be evicted, but provided that they were told by the authorities where to relocate pending the construction of the relevant infrastructure.

²⁹ See *Tables from Hellenic Police concerning evictions and lodging of criminal complaints against Roma for illegal settling for the period between 1/1/1996 and 30/6/2006* at Annex G.

³⁰ Indictment summons on file with GHM.

inspection report prepared by the local Sanitation and Protection of Health office and therefore would not be recorded by the police. The frequent practice of the police to list evictions of Roma as “cleaning operations”, with the result that they are not registered in the police records as evictions, further masks the true scale of the problem. For example, the widespread evictions of the Roma community of Aspropyrgos was described in this way.³¹

Thirdly, the police data does not include other criminal and / or administrative complaints that can be launched against the Roma for violating planning laws. This is despite the fact that the Roma can face severe penalties, e.g. imprisonment and / or fines for erecting an illegal building. For example, a Roma in Nea Tirynta was given a prison sentence, in addition to a fine of 30,000 euros, for erecting a shed on land he owned, pending the completion of his house.³² Whilst all members of the population are in theory subject to such penalties and sanctions they are disproportionately applied to the Roma.³³

Fourthly, in addition to those evictions recorded and therefore admitted by the Greek State, there have been and continue to be many more cases of actual or threatened evictions, which have not been officially recorded due to the limited or complete lack of involvement of the police or other agencies. The eviction of a large number of Roma families near downtown Athens (in the Votanikos area) to make way for a new football stadium exemplifies this practice (see further below).

The lack of comprehensive and accurate official information on evictions is compounded by the fact that some Government directorates continue to contend, despite clear evidence to the contrary, that no evictions have taken place within their jurisdiction during a particular year.

Examples of Forced Evictions : 2004-2007

Patras : a deliberate policy of forced evictions³⁴

This section describes the widespread practice of evictions of Roma families in the Patras area since the issuing of the previous complaint in 2004. The facts indicate that this practice pursued a deliberate policy of removal of Roma. Little or no effort has been made by the authorities to address this phenomenon or to provide redress in the face of complaints. Instead, those who have exposed the problem, including judges and international monitors, have been threatened and undermined.

The Patras area of Athens is Greece’s third largest urban Romani community. They live in the three areas of Riganokampos, Akti Dimeon and Makrighianni. Research carried out by the local authorities in 2001 in preparation for the Integrated Action

³¹ See *Chronicle and judicial outcome of two eviction cases in Aspropyrgos* at Annex H.

³² See *GHM/COHRE report* pages 113-128 at Annex A

³³ See *ibid* for further examples.

³⁴ *Ibid.*, providing a comprehensive description of recent events leading up to an including the eviction of 2006.

Plan ('the IAP') Stated that the Roma of Riganokampos and Makrigianni had been settled there for many years.³⁵

Since the handing down of the previous Committee decision against Greece, Patras has witnessed forced evictions occurring on at least three separate occasions affecting nearly 70 families. The government's own Directorate of Development Projects of the Ministry of Interior has called Patras « *the third worst municipality in Greece, with racist inhabitants and agencies that use violence against Gypsies and demolish their sheds* ». ³⁶

Not only has the State, through the actions of the local authority in Patras, carried out such evictions, it has done so on the basis of a specific targeted eviction policy and plan drawn up in 2004. In a letter (No. 734/14-10-2004) from the General Secretariat of the Region addressed to the Police Directorate of Achaia, calling upon them to take the necessary measures to expel the Roma, it was stated that: "*it was decided that only the Makrigianni Roma registered in the municipal rolls of Patras (some 5-6 families) should be allowed to remain there, while the others should be driven away*". ³⁷

Within the space of a few months this specific plan rapidly resulted in evictions and demolition of homes. This occurred on three separate occasions between August 2004 and June 2005 - in August 2004 in the Riganokampos district of Patras, followed by the district of Makrigianni in October 2004 and June 2005. In each instance there was no prior notification or consultation. Nor was there any attempt post eviction to provide alternative accommodation.

In all instances, the Municipality of Patras argued that no eviction of Roma took place but that it merely "cleaned" the area of "deserted" houses, after first "acquiring the consent" of other Roma living there. However, there is no evidence that consent was obtained from any of the Roma who owned the demolished houses but were not there at the time of the eviction. Two out of the three operations (with the exception of that of October 2004) took place during the summer months, when many Roma are known to move to other localities in search of seasonal employment.

The deliberate and targeted nature of the evictions was condemned on two separate occasions in 2005 by the judiciary. Magistrate Maria Hatziri, annulling as abusive the protocols of eviction against six Makrigianni Roma³⁸ concluded that « *the legal interests that are at stake and the protection of which they [the Applicants] seek, namely human dignity and the right of every citizen to housing, are superior to the nuisance posed to the residents of the area by the sight of the settlement* ». Likewise, Magistrate Grigoris Kombolitis ruled that 18 Roma families living in Riganokampos,

³⁵ According to the findings of research conducted by the Municipality of Patras in October 2001, there were 15 families of Greek Roma living in Riganokampos, 29 in Akti Dimeon and eight in Makrigianni. An updated document Stated that in the summer of 2004, there were 19 families of Greek Roma and 35 families of Albanian Roma living in Riganokampos (see section A of GHM/COHRE October 2006 report at Annex A)

³⁶ As quoted by the Deputy Mayor of Patras on 27 October 2006 (see article in "Simerini" newspaper at <http://www.simerini.gr/?section=32&category=1&newsid35=3078>)

³⁷ On file with GHM.

³⁸ See Decision 323/2005 (in Greek) at:

http://cm.greekhelsinki.gr/uploads/2006_files/apofasi_323_2005_eirinod_gia_makrig.zip

who had been charged with squatting on State land and indicted for the violation of a sanitary regulation with respect to settlements, had been unlawfully evicted.³⁹ He held that : “*their [the Roma Applicants] removal from that area without prior solution to the problem of their resettlement which is a legal obligation of the State ... will have serious consequences on them and will make their already difficult living conditions even more difficult with grave consequences on the health and security of them and their families especially their young children.* ”

As a direct consequence of the rulings, both Magistrates, together with certain police officers and civil servants and the GHM who had offered legal support to the Roma, became the target of a disciplinary investigation by the Supreme Court and a criminal investigation by the Patras prosecutor’s office in June 2006.⁴⁰

The Head of Prosecutions admitted that he and his subordinates had taken action to have the Roma evicted and ordered the police to proceed immediately. He observed that “*...Patras is not condemned to endure all that [i.e. the Roma and the illegal immigrants]. It is not possible that Patras should become a gyp-town*”.⁴¹ Indeed, his decision to prosecute the magistrates and other officials was announced to the presidents of the local neighbourhood associations in Riganokampos and Makrigrani who had been campaigning for a long period for the eviction of the Roma. Yet despite the Head of Prosecution’s direct admission of responsibility for forced evictions, blatant interference in the independence of the judiciary and civil society⁴² and racist statements, the Greek authorities have refused to take any action against him.⁴³

On 26 June 2006 the regional Chief Appeals Prosecutor announced that all Roma living in the Makrigrani district were to be indicted under various criminal charges.⁴⁴

Between 27 July and 25 August 2006, the Municipality of Riganokampos utilised a 1938 law passed during an earlier period of dictatorship to enable decisions concerning evictions to be made solely by the prosecutors office without any possibility of judicial review. In the Makrigrani district the authorities demolished 13 homes of Roma families who were absent for seasonal work, served the remaining 50 families with notices of emergency police measures of eviction, and, without waiting

³⁹ Ruling 312/2005 (in Greek) at:

http://cm.greekhelsinki.gr/uploads/2006_files/apofasi_312_2005_eirinod_gia_riganok.zip

⁴⁰ Charges included failure to protect State property by not evicting Roma squatting on it; issuing “unlawful” court decisions harming State interests; incitation of Roma to commit the above crimes; and filing false complaints or reports to prosecutors.

⁴¹ The interview was published in the *Kosmos tis Patras*, Patras based weekly newspaper on 2 February 2007.

⁴² These actions were the subject of a Question by a PACE MP Boriss Cilevics, to the Committee of Ministers in September 2006: Written Question no 502 on Implementation of the European Social Charter by Greece: Forced evictions of Roma (1/09/06) available at <http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc06/EDOC11014.htm>

⁴³ See *Memorandum on various racist dicta / actions against Roma in Patras or their defenders by the Head of the Appeals Court Prosecutor’s Office of Patras and incumbent Deputy Prosecutor to the Greek Supreme Civil and Criminal Court* at Annex I

⁴⁴ The charges included pollution of environment and water and absence of cleanliness; failure to construct toilets and sewage; illegal squatting on State land; serial thefts; neglect of minors by parents; unlawful use of violence; possible use of weapons; and dealing in drugs

for their confirmation by a prosecutor, proceeded to carry out forced evictions. During the operation, a prosecutor reportedly ordered the Roma present there to leave within 30 minutes. However, the Roma, not wishing to see their homes demolished too, refused. Subsequently, 15 Roma families were served twice, on 3-4 August and again on 8 August 2006, with an emergency court summons in order to implement “police measures” of eviction.⁴⁵

On 24 August 2006, the Patras municipal authorities started demolishing the remaining Romani sheds in both communities. Witness testimony indicates that some of the Roma who were present were offered meagre financial incentives to move out.⁴⁶ whilst others who were absent lost part or the whole of their personal belongings. Police gave full support to the eviction process that State agencies described as “cleaning operations.” No Romani family was offered adequate alternative housing.

By 31 October 2006 60 out of a total of 80 families, representing more than 400 persons, had been evicted from the Makrigianni community. None were offered alternative accommodation. Several Roma families were forced to live and sleep in their cars with the consequent detrimental impact on their health⁴⁷. On 15 September 2007 the authorities carried out forced evictions against the remaining 25 Roma families living in the Makrigianni settlement prior to bulldozers demolishing their dwellings. At no point were they served with any notice of eviction nor were they ever offered by the authorities any alternative housing options.⁴⁸

On 16 April 2007, police ordered the Roma promptly leave one of two settlements comprising 15 families living in makeshift sheds in Paiania by the ‘Attiki Highway’ near the Athens airport. The police threatened arrest if they failed and the 15 families were forced to leave, many without even being able to take their construction materials or belongings. 10 of the families resettled on the other side of the highway but were summarily evicted again within 24 hours. On 20 April 2007 police attempted to evict 25 families (including five who had moved from the first settlement) from the other settlement. However, having been informed of their rights by the GHM, they refused. GHM contacted the two regional police directors who ordered that no such action should be repeated but that they were under constant pressure from local authorities to carry out summary evictions without applying any legal procedures.⁴⁹

In June and September 2007, authorities forcibly evicted 135 Roma families, some twice in a few days, in Athens, Patras and Halkida, without the relevant procedural safeguards being respected.⁵⁰

⁴⁵ See press release and related pictures at <http://cm.greekhelsinki.gr/index.php?sec=194&cid=2454>)

⁴⁶ See Statement of local Roma leader Yannis Halilopoulos who was present on 25 August and videotaped the evictions in letter to intl orgns ‘Patras Roma evictions completed as no one tried to avert it 5th September 2006. On file with GHM.

⁴⁷ See press release of OMCT and GHM 31 October 2006 at Annex J

⁴⁸ See GHM letter to Council of Europe Commissioner on Human Rights and UN Special Rapporteur on the Right to Housing 22 September 2007 at Annex K

⁴⁹ See letter from ERRC to Chair of the Committee of Ministers, Council of Europe, 24 May 2007. On file with GHM.

⁵⁰ See *Human Rights Organisations Welcome Call on Governments to End Housing Crisis of Roma in Europe* (ERRC, GHM et al 29 October 2007) at Annex M. Further information on file with GHM.

The Greek authorities have consistently failed to respond to complaints made by the Roma and their representatives in relation to evictions. This failure was highlighted by Greece's response to the condemnation of the Patras evictions by the Council of Europe's Commissioner for Human Rights, Thomas Hammerberg. On 26 September 2006 Hammerberg, during his mission to Greece visited the Riganokampos settlement in Patras.⁵¹ The visit occurred in the immediate aftermath of an eviction of a Roma family that had taken place the same morning. The CHR received testimony from the Roma family in which they told him that officials from the Municipality of Patras who, having been informed of the CHR's impending visit, had told them not to make any complaints to him about their living conditions or the Municipality's attitude towards them. The CHR also observed the tracks left by the bulldozer in demolishing their shed, together with the material they had tried to use in order to erect it.

Despite this clear evidence the head of the Municipality's Welfare Department, when he subsequently met the CHR at the scene stated that he had been informed that no demolition had actually taken place but that the bulldozer had been 'cleaning up' the area. When asked by the CHR where the family would sleep that night, the Welfare head merely responded that he was in charge of 1,800 illegal immigrants who also had no place to sleep that night.

The following day the Municipal authorities not only failed to take action to address the grievances of the Roma family but they also sought to actively distort the events surrounding the CHR's visit by issuing a press release stating that the CHR had actually congratulated them concerning their policies in relation to the Roma. This prompted the CHR to issue, on 28 September 2006 and while still in Greece, an unprecedented statement criticizing the actions of the Greek authorities.⁵²

On 1 December 2006, the CHR addressed a letter to the Minister of Interior concerning the situation of the Roma in Greece in which he summarised Greece's international law obligations in relation to the right of housing. The CHR concluded that the family he had met in Patras on 26 September 2006 had been evicted and that the unchecked anti-Roma feelings espoused by local non-Roma residents, combined with the failure of the local authorities to condemn them, let alone actively combat them, had seriously hindered the Roma's integration into the wider community. He concluded that "*it was obvious that the 'procedures' for making them homeless were in total contradiction to human rights standards,*" whilst highlighting the fact that "*abusive decisions sometimes are taken at local level does not absolve the central government of responsibility,*"⁵³

To date the Greek State has neither (a) replied to the CHR or responded to any of his allegations, nor (b) launched any official investigation into his allegations concerning the acts or omissions of the public employees with respect to the evictions and/or the behaviour of the local non-Roma people. On 24 April 2007 in an answer to a question tabled by PACE MP Nasos Alevras before the Greek Parliament, the Greek

⁵¹ See Letter from the Commissioner for Human Rights to Mr Prokopis Pavlopoulos, Hellenic Minister for the Interior, Public Administration & Decentralisation *on the Situation of the Roma in Greece*, 1 December 2006 at Annex N

⁵² Statement on file with GHM.

⁵³ See *Letter supra n.51*

government indicated that it had not answered the CHR's letter, because it lacked "adequate information."⁵⁴ This is despite the fact that the Greek State has received considerable information concerning the situation in Patras, which it presented to the Council of Europe's Committee of Ministers and which was relied upon by the latter when replying to a written question tabled by Mr Cilevičs.⁵⁵ The chief police officer in Patras, Brigadier General Dimitrios Bouloukos, has called the Commissioner's concerns about police behavior "exaggerated and a product of his imagination," and stated unequivocally that things did not happen the way the Commissioner described them.⁵⁶

In response to a further question by PACE MP Boris Civilecis on 17 April 2007 during a debate by the Parliamentary Assembly the Committee of Ministers responded by stating that "*As the Commissioner for Human Rights pointed out in a letter to the Greek Minister of the Interior, evictions must be carried out only in exceptional circumstances and in a reasonable manner... the Council of Europe – and assuredly the Greek Government – considers any racist or xenophobic remarks to be unacceptable. I therefore assume that the Greek authorities will examine these allegations with particular care.*"⁵⁷

In the Addendum summarising cases transmitted to Governments to his February 2008 report to the seventh session of the UN Human Rights Council, the UN Special Rapporteur on contemporary forms of racism, noting the evictions in Patras, expressed concern that "*at the possibility that [these] evictions seem to follow a pattern of forced evictions in Greece.*" (emphasis supplied).⁵⁸

Failure to protect against evictions by private actors

(i) Aghia Paraskevi

Greece has also failed in its obligations to protect the Roma from the actions of third parties, namely private landlords. Between December 2004 and December 2005, seven out of 10 Roma families living in Aghia Paraskevi, Greater Athens were

⁵⁴ Ministry of Interior answer to question tabled by MP Nassos Alevras, ref. no. 22743, dated 24 April 2007, on file with GHM.

⁵⁵ Written question No 502 to the Committee of Ministers presented by Mr Cilevičs, 1 September 2006, available at <http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc06/EDOC11014.htm>. The CoM's reply was adopted on 14 March 2007 at the 989th meeting of the Ministers' Deputies and is available at [https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Del/Dec\(2007\)989&Sector=secCM&Language=lanEnglish&Ver=original&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75#P686_15724](https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Del/Dec(2007)989&Sector=secCM&Language=lanEnglish&Ver=original&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75#P686_15724)

⁵⁶ See letter of 17 May 2007 from ERRC to Committee of Ministers contained in press release Greece: IHF and ERRC call Council of Europe Committee of Ministers to adopt recommendation on Roma rights violations in Athens, Patras and elsewhere at <http://cm.greekhelsinki.gr>

⁵⁷ Parliamentary Assembly 2007 ORDINARY SESSION (Second part) report of 13th sitting on 17 April 2007 at 3 p.m. at <http://assembly.coe.int/Main.asp?link=/Documents/Records/2007/E/0704171500E.htm>

⁵⁸ Report of the UN Special Rapporteur on Contemporary Forms of Racism etc A/HRC/7/19/Add.1 at para 39 at ANNEX L

victims of evictions or attempted evictions by private land owners with court orders frequently assisted by the State authorities.

Examples of forced evictions include on February 1, 2005, at approximately 8:30 AM, officials of the municipality of Aghia Paraskevi, Greater Athens, demolishing the house of Mr Thanassis Mitrou, a Romani man suffering from a serious heart condition. Judicial decisions calling for the eviction of two other Romani families in Aghia Paraskevi were served at the same time of the demolition. During the action, Mr Mitrou and his family were ordered to vacate their house. Then, a court bailiff began emptying the house of a number of possessions of the family. Subsequently, officials used heavy machinery to knock the house to the ground, destroying it completely. Police officials oversaw the operation. The incident lasted until around 11:30 PM, when officials withdrew. Two young Romani individuals, Ms Evangelia Mitrou and Mr Yannis Mitrou, were reportedly slightly injured by plainclothes police officers in the course of the action. Mr Yannis Mitrou sustained light injuries as a result of being dragged from the building prior to its being knocked to the ground. Ms Evangelia Mitrou was reportedly thrown to the ground by the Chief of the Aghia Paraskevi Security Department Mr George Mataliotakis, after coming to the help of her mother, Ms Kalliopi Mitrou, who was being pushed by the same police officer as she was shouting at police in protest at the destruction of the dwelling.⁵⁹

On 31 March 2005, at approximately 9:00 AM a police force of approximately twenty five police officers with riot shields and batons, two patrol cars, an ambulance and an unidentifiable number of plainclothes policemen arrived at the same settlement. Also present were the commander of the Aghia Paraskevi Police Station as well as the second in command of the Police Directorate of Northern Eastern Attica. At approximately 9:30 AM the court bailiff and the plainclothes policemen began emptying the house, a bulldozer then demolished the house belonging to Mr. Georgios Kalamiotis, his wife and three children.⁶⁰

The evictions took place in the context of Roma being forced to squat on the land for decades due to the failure of the local authorities to provide alternative accommodation as promised. The Roma were due to be relocated to a plot of land purchased in the adjacent town of Spata but this was cancelled in 2001 by the municipality after the Spata's inhabitants and municipal authorities, expressing anti-Roma sentiments, opposed the move. In 2004 an Aghia Paraskevi municipal councilor filed a criminal complaint with the prosecutors office concerning the abandonment of the Spata project. However, the latter found no evidence of any wrong-doing.

In 2005, the Aghia Paraskevi municipality purchased new plots of land in Euboia, an island over 100 km away, where the ancestors of the Roma had come from 50 years ago.⁶¹ All Roma from Aghia Paraskevi were forced to accept their relocation to Euboia. Most of them have not been provided with prefabricated houses and some had to set up sheds on the plots of land they were provided with by the State.

⁵⁹ See report contained in *Challenging Ongoing Forced Evictions of Roma in Greece* at <http://www.errc.org/cikk.php?cikk=2317&archiv=1>

⁶⁰ Ibid.

⁶¹ See COHRE related letter at <http://cm.greekhelsinki.gr/index.php?sec=194&cid=1739>

On 7 June 2007, on the basis of the seriousness of the allegations contained therein, the Chairperson of the Ministers' Deputies of the Committee of Ministers transmitted to the Greek government a previous ERRC letter of concern addressed to the Commissioner of Human Rights, the European Committee of Social Rights and to the Greek authorities⁶² regarding the forced evictions.

(ii) Kladiso area of Hania, Crete

On 18 July 2006, in the Kladiso area of Hania, Crete, an inter-municipal “ecological” company with the assistance of police demolished 10 homes (sheds) of Roma who were away for a festival in another area of Crete or were working in nearby olive orchards. There was no prior legal eviction order issued. Once again, authorities claimed to have “cleaned the area.” Only four homes were left for those who were still there and who were told to leave in the following days. A month before, a local tourist police captain had announced his intention to see the removal of those Roma and GHM had warned with a 18 June 2006 letter the Chief of the Hellenic Police of the illegality of such action. The Chief of Hellenic Police never replied to the letter nor did he take any preventive action. On 20 July, GHM filed a complaint with the Hania prosecutor who launched a preliminary investigation. In the end of July, police officers again told the Roma to leave but the latter refused.⁶³

Recent evictions of Albanian Roma

The Albanian Roma are a particular vulnerable group given that they are frequently victims of intersectional discrimination. Although their numbers cannot be estimated (since their residence permits only refers to Albanian citizens), the experience of NGOs working with the Albanian Roma community is that there are at least 240 families living in Athens and Patras alone. Even though a vast majority of them have been legally residing in Greece for many years, they have not been formally included in any Roma related programme, including the IAP which explicitly states in its full title that the only beneficiaries are “Greek Gypsies”.

On 24 June 2005 over 200 homes of Albanian Roma families living in the Votanikos district were destroyed in order to construct a new football stadium in preparation for the 2012 European Football Championships. The Roma families were never consulted about the planned evictions and no plans were put forward for their relocation. The legal owner of the land, Patras University, had not requested the eviction. According to press reports, the municipality of Patras had informed the Roma about this operation and had in fact issued them with an ultimatum. The Albanian Roma, however, denied that they had been informed of the operation. No documents were provided by the authorities proving that the Roma had been served eviction orders or that they had been offered alternative accommodation⁶⁴. Reflecting the seriousness of the situation, a letter by nine Greek and international NGOs⁶⁵ was sent on 1 August

⁶² Committee of Ministers letter, SECCM/Out(2007)159, dated 7 June 2007. On file with GHM.

⁶³ See <http://cm.greekhelsinki.gr/index.php?sec=192&cid=2391>

⁶⁴ See Amnesty International report *Greece: Out of the Spotlight: The rights of foreigners and minorities are still a grey area* (October 2005) pp 45-57 at <http://www.amnesty.org/en/library/info/EUR25/016/2005/en>

⁶⁵ See letter signed by Amnesty International, Centre on Housing Rights and Evictions, Coordinated Organisations and Communities for Roma Human Rights in Greece, European Roma Information

2005 to then Mayor of Athens and current Foreign Minister Dora Bakoyannis. To date no reply has ever been received. At the same time the affected Roma families are the subject of frequent threats from ‘municipal agents’ to leave the area⁶⁶.

In June 2007 the authorities forcibly evicted some 100 Albanian Romani families legally residing in Greece from the Votanikos State-owned area of Athens, without any proper legal procedure, and announced they would also evict an additional 100 Romani families living nearby. They then regularly harassed some 30 of the Romani families evicted from Votanikos who had resettled in a disused factory at 120 Iera Odos Street, threatening them with violent action, arrest, prosecution and deportation if they did not leave. On June 10, six of these families felt coerced enough to in fact leave the disused factory premises. They settled once more in an open area they thought was State property. The Roma concerned, in both evictions, were provided with no alternative accommodation.⁶⁷

The Municipality of Athens has referred to the evictions as “cleaning” operations. However, in a letter on 14 June 2007, the deputy Greek Ombudsman for Human Rights, Mr Andreas Takis, addressed to the Mayor of Athens, noted that, even if local authorities failed to recognise that forced evictions, as opposed to ‘cleaning operations’ had taken place, the Roma should be provided with guarantees which enable them to live under conditions of safety and dignity while waiting for the final decision on relocation of competent regional officials which should be expedited.⁶⁸

However, the Mayor failed to answer the letter and further planned evictions of a second community living near Orpheos Street, on 15 June 2007, were only prevented thanks to the direct presence of the deputy Greek Ombudsman in stopping the “cleaning crew” from carrying out its task⁶⁹. At the time of submission of this complaint, the community remains under clear and present threat of eviction. On 26 November 2007 the court decision to evict the Votanikos Roma was handed down but is yet to be implemented. The private company owner of the property had waited for a full three weeks prior to serving it and an additional civil suit to the Roma in the hope that the State would relocate them, as it had pledged to do in writing.

The Ombudsman, stated, in another letter to the competent Ministry of Interior, copied to the Mayor of Athens (ref. No. 13986.06.2.3 and dated 11 May 2007) that:

“the Municipality of Athens should become active towards instituting positive discrimination measures for the amelioration of the living conditions of the said inhabitants (the Roma of Votanikos), either by relocating the indigent citizens registered in the local municipal rolls to municipal or State owned plots of land or by providing to those who face grave subsistence problems

Centre, European Roma Rights Centre, Greek Helsinki Monitor, International Helsinki Federation for Human Rights, Minority Rights Group International, and World Organisation Against Torture at <http://cm.greekhelsinki.gr/index.php?sec=194&cid=960>.

⁶⁶ See a series of posts and pictures in the blog http://deviousdiva.com/?page_id=115

⁶⁷ Further information on file with GHM.

⁶⁸ See *Sunday Eleftherotypia* article of 24 June 2007. On file with GHM.

⁶⁹ Ibid.

with monetary benefits, clothing and medication etc (art. 75.1 of Law 3463/2006”

Lack of procedural safeguards in relation to evictions

There is a systematic failure to comply with due process when evicting the Roma. Forced evictions by State agents and/or private actors are carried out without any prior notice or consultation or any effort being made to obtain the consent of those being affected. No consultations take place between judicial authorities and Roma before eviction decisions are issued. No alternative accommodation is offered.

This lack of due process is particularly evident in the cases of those Roma who have been accused of trespassing on public or private property due to the lack of the provision of alternative accommodation. This lack of due process can take two forms. Firstly, when the Roma allegedly trespass on public or private property they are not subject to the normal legal procedures (i.e. interim measures and/or civil lawsuits (in the case of private property) or protocols of administrative eviction or interim measures under Art 22 Compulsory Law 1539/1938 (in the case of public property). Private owners of land or property seeking eviction are able to bypass the normal legal system and its safeguards by instead exerting pressure on the relevant local authorities to “clean” the areas where the Roma have settled by demolishing Roma dwellings on the grounds that they were empty and constituted a danger to public health (despite any lack of concrete evidence). By thus labelling these evictions as merely “cleaning” operations, local authorities effectively circumvent legal provisions concerning evictions.

Secondly, as the Greek State implicitly accepted in its submissions to the Committee during the examination of Complaint No 15/2003, a court will, upon reviewing a private party’s title deeds, almost automatically grant their request for the “expulsion” of Roma who trespass on their property without examining the merits of the claim. Such an approach by the judiciary offers no effective protection for the Roma from eviction after they have allegedly trespassed on private property due to the lack of alternative sites. Recognising this injustice, the Greek Ombudsman has proposed that the State should compensate private property owners for their loss of use of their land due to the failure to provide the Roma with housing (a solution adopted in other jurisdictions).⁷⁰

⁷⁰ See, for example, the decision of the South African Constitutional Court in *The President of the Republic of South Africa v Modderklip Boerdery* 2005 (5) SA 3 (CC) at <http://www.concourt.gov.za/site/modderklip.html>

LACK OF EFFECTIVE REMEDIES FOR VICTIMS OF FORCED EVICTIONS

The Committee has already previously held that the Greek State failed to provide “real information” on, *inter alia*, remedies for those unlawfully evicted⁷¹ despite the latter’s repeated assertion that in relation to the provision of legal aid “*Romas [sic] are Greek citizens and as a consequence they have the same rights and obligations as all the other Greek citizens*”.⁷² Yet remedies for Roma in Greece in relation to forced evictions continue to be ineffective and frequently not subject to independent judicial scrutiny. At the same time, Greek officials responsible for unlawful evictions are not being held to account and are able to therefore act with impunity.

It is clearly important for remedies to be effective and accessible. Yet, the remedies that are available to those Roma who are served with an eviction order are unnecessarily complex and frequently ineffective⁷³. For example, lodging an injunction does not automatically suspend the eviction process. Instead application must be made under two separate “interim measures” procedures in order to ensure that the eviction does not take place before the case is heard on the merits. The result is that if the interim measures application is declined then the eviction will proceed before the case is even heard.⁷⁴ Applications for injunctions against evictions have only been successful in four cases to date⁷⁵ and this was largely due to the expertise of the legal representation provided by the GHM.

The procedure available to the Roma have often not provided for a judicial remedy. The eviction procedure laid down by Article 22 of Compulsory Law 1539/1938 is heard before a prosecutor and not a judge. Given the role of the Patras prosecution office in recent forced evictions there (as outlined above) the impartiality and independence of such a procedure is clearly called into question.⁷⁶

Subsequently, as noted above 15 Roma families were served twice, on 3-4 August and again on 8 August 2006, with emergency court summons based on a 1938 dictatorship law which allows for decisions solely by prosecutors, with no possibility to seek a remedy before a court. A protocol of administrative eviction issued for the same area in 2005 was annulled by a Magistrate (see above). Hence authorities now resort to irregular procedures that depend only on the office of the prosecutor whose chief has publicly called for the eviction of the Roma.

⁷¹ *ERRC v. Greece*, Collective Complaint No. 15/2003, decision on the merits of 8 December 2005, paragraph 50.

⁷² See Greek Submissions to the ECSR, ref. no 70545, dated 5 November 2004, page 14 and also *ibid*, page 10: “*We furthermore oppose to any hint, statement or open allegation included in the observations of the complainant organization on the function and the principles of our legal system and we repeat the self-evident remark that our laws are the same for everyone within the Greek territory. The Romas [sic], as Greek citizens, fall under the same laws and procedures.*”

⁷³ See *GHM/COHRE October 2006* report, pages 229 and 242 at Annex A setting out the procedure that was followed in relation to the protocols served to Roma in Patras in early / mid 2005.

⁷⁴ Interim measures decisions are immediately executable under the Greek Civil Code.

⁷⁵ Two of these concerned the Roma community of Nea Alikarnassos in the island of Crete (decision nos 976/1999 and 47/2001) and the remaining the Roma communities of Makrigianni and Riganokampos in Patras (323/2005 and 312/2005 respectively).

⁷⁶ See Annex A, pages 230 – 232. See also Annex I

Moreover, officials continue to act with impunity in relation to unlawful evictions. To date, despite the numerous reports by national and international bodies on Roma housing rights violations, there has not been one successful related prosecution.⁷⁷ One example arises in relation to the unlawful eviction of 40 Roma families living near the Olympic Stadium, in Marousi, Greater Athens to make room for additional facilities for the 2004 Olympic Games. In September 2003, at the behest of GHM, two criminal preliminary investigations were launched into the failure to honour contractual agreements between the Mayor of Athens and the Roma to provide them with rent subsidies prior to relocation. Despite the fact that these preliminary investigations should have been completed within four months one is still ongoing at time of writing whilst the other was archived with no further action in June 2006 after the prosecutor found no evidence of wrongdoing.⁷⁸

⁷⁷ For example, see Aspropyrgos criminal cases detailed in Annex H

⁷⁸ See <http://cm.greekhelsinki.gr/index.php?sec=194&cid=1879> and the documentary “*Garlic and Watermelons*” (2006) on this issue and the related advocacy at <http://www.patternfilms.com/garlic/press>.

FAILURE TO PROVIDE ALTERNATIVE ACCOMMODATION

The Greek State continues to fail to provide sufficient alternative accommodation, whether in the form of permanent dwellings or temporary camping sites, for the Roma population, including those who it has forcibly evicted. The introduction of a flawed loans scheme has failed to address this problem and meet Greece's obligation under Article 16 to meet the housing needs of the Roma population.

Not only has the Greek State consistently failed to provide alternative accommodation but, in a series of statements made by Government officials before various fora, has repeatedly refused to recognise that the Roma have a right to alternative accommodation at all whether they are subject to lawful or unlawful evictions.⁷⁹ The Head of the Appeals Prosecutor's Office of Patras and current Deputy Prosecutor to the Greek Supreme Court ('the Head of Appeals') has gone on record challenging the fact that the Roma are entitled to any right to housing:

*"The State has the same obligations towards them [the Roma] as it has to any other citizen. If a destitute man does not have a house, does the State mobilize in order to provide him with one? The same applies to them [the Roma]."*⁸⁰

Failure to provide in cases of evictions

The State continues to evict families without seeking to provide them with any alternative accommodation. This is the case both in relation to past evictions (eg. Votanikos in Athens, and Makrigianni in Patras (Peloponnese)) as well as those that have been threatened – eg. Psari in Aspropyrgos, Attica, and Karakonero on the island of Rhodes).⁸¹

This approach by the Greek State and the consequences for the well being of Roma families has been the subject of strong criticism by both the Greek courts (see Forced Evictions above) and Ombudsman. The latter stated in his *Annual Report for 2006* that, due to "*their particular social position and their characteristics*", the Roma are primarily entitled to the care of the State and that, therefore no action that would further aggravate their situation and obstruct their ability to enjoy their rights should be allowed. On this basis, the Ombudsman concluded that Greek law prohibited forced evictions in the absence of the provision of alternative safe and lawful accommodation and that the State is under a positive obligation to provide such alternative accommodation with appropriate facilities, upon being notified of the Roma's situation.⁸²

⁷⁹ See

Memorandum concerning Greek State's continuing refusal to recognise and implement a right to alternative accommodation at Annex O.

⁸⁰ *Peloponissos*, Patras based daily newspaper, issue of 6 July 2006. On file with GHM.

⁸¹ See *Memorandum concerning documented cases of Roma evictions or threat thereof following the issuing of the ECSR decision* at Annex E.

⁸² See Greek Ombudsman's *Annual Report for 2006*, available in Greek at http://www.synigoros.gr/annual_06/annual_06_plires_new.pdf, page 205. Translation by GHM.

Specifically in relation to forced evictions carried out against Albanian Roma in June 2007 the Deputy Ombudsman stated that both the Greek Constitution and EU legislation required that the State exercise a special duty of care for this particular group to the effect that it was – *“imperative both that the competent authorities abstain from taking any measure of forced eviction or other measure that could lead to their being forced to leave their place of residence, regardless of how illegal or problematic their current settling is, if no specific alternative site meeting the minimum adequate housing standards has been assigned for their relocation and legal residence and that measures have been taken towards arranging the practical aspects of this relocation.”*⁸³

However, these positive statements are in sharp contrast to the actions of some senior legal officials who have not only questioned the existence of the Roma’s right to housing but have also launched criminal and/or disciplinary proceedings against those officials who have recognized it (see REMEDIES above).

Failure to build sufficient numbers of new permanent homes and temporary camping sites

Beyond failing to provide alternative accommodation for evicted families the State has failed to provide sufficient dwellings for the Roma population as a whole.

This is despite the fact that the IAP envisaged creating 100 new organised Roma settlements, covering 1,500,000 square metres (sq.m.) to include 4,000 new homes of an average size of 120 sq.m. each. In addition, approximately 1,100-1,200 existing homes were to be improved and 60 temporary camping sites. The UN ESCR Committee in its 2004 assessment of Greece welcomed the IAP and, noting that since 2002, of *“a programme of housing loans for the Roma, under which some 4,700 grants of €60,000 each have been granted to applicants...”*⁸⁴

Yet in September 2005 while presenting the measures it had implemented vis-à-vis the Roma at *“OSCE Human Dimension Implementation – Working Session 14, Tolerance and Non-Discrimination II; Roma/Sinti,”* the Greek delegation admitted that only four permanent settlements, with a total of 185 houses, had been built as compared to the 100 new settlements and the 4,000 new homes planned as part of the IAP. This remains the current situation⁸⁵.

The most significant contribution of the IAP to date is the distribution of 1,712 prefabricated temporary plastic houses to Roma.⁸⁶ However, the vast majority of these

⁸³ Document on file with GHM.

⁸⁴ See Concluding Observations on Greece (07/06/04) E/C.12/1/Add.97 para 8 available at [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/0fcc2b5b27738e28c1256f430056245b?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/0fcc2b5b27738e28c1256f430056245b?Opendocument)

⁸⁵ In the October 2006 OSCE Human Dimension Meeting, the Greek delegation merely stated that more loans had been granted, while no reference was made to any other IAP projects (see Statement by the Greek Delegation on Roma, OSCE/HDIM, Working Session 15, *Tolerance and Non Discrimination II, Roma Sinti*, 12 October 2006, HDIM.DEL/582/06).

⁸⁶ See Human Dimension Implementation –Working Session 14, *Tolerance and non-discrimination II; Roma/Sinti*, Statement by the Greek Delegation – Ministry of Interior, Public Administration and Decentralization, Document HDIM.DEL/495/05 30 September 30 2005, page 3. On file with GHM.

(1,489) were issued between 1997 – 2002⁸⁷ with the result that they are now between five and ten years old and in poor condition. Many have never been connected to utilities. The Committee in its decision on Complaint 31/2005 stated that “*The temporary provision of shelter cannot be considered as adequate and individuals should be provided with adequate housing within a reasonable period.*”⁸⁸ Yet no information has ever been provided by the Ministry as to how many Roma have vacated their temporary prefabricated homes due to their being relocated to houses or whether there is a timetable stipulating when those moves should take place. The result is that a large number of Roma continue to be live in temporary substandard housing with little or no prospect of any change in their circumstances.

The IAP originally envisaged 60 camping sites for Roma who choose to maintain their traditional itinerant lifestyle. Yet the Greek State has failed to begin taking any action to construct such temporary camping sites for the Roma alleging that there is no demand. In November 2004 it submitted to the Committee that “*the IAP provides for the construction of... settlements for itinerant people. However, no such demand has been forwarded to the Ministry of Interior, Public Administration and Decentralization (MIPAD).*”⁸⁹ There is clear evidence to the contrary that itinerant Roma do want and need camping sites in order to continue their traditional way of life.

Indeed, the only camping site currently under construction at the time of writing is one established jointly by the Municipalities of Messini and Kalamata (in the Birbita / Makaria locality) which was begun before the IAP came into being. This site is nearly 10 years late in completion since it was originally scheduled to be completed by the end of 1997,⁹⁰ was later re-scheduled for completion in the autumn of 2006, and was projected to be completed in August 2007.⁹¹ However, this had still not occurred by the end of 2007.⁹² The delay is primarily due to the refusal on the part of the Prefecture and the Public Electricity Company to provide the Roma sheds with electricity (under the original plans, the settlement would effectively consist of merely cement foundations where the Roma would set up their sheds). It has now been decided to install a total of 100 prefabricated houses which will be connected with the electricity grid.⁹³

Overreliance on a flawed loans scheme

⁸⁷ Ministry of Interior document to GHM, ref. no. 26477, dated 10 July 2003. On file with GHM.

⁸⁸ *ERRC v Bulgaria*, Complaint No. 31/2005, decision on the merits of 18 October 2006, *op.cit.*, paragraph 34.

⁸⁹ Greek Submissions to the European Committee of Social Rights, ref. no 70545, dated 5 November 2004, page 8.

⁹⁰ The June 1996 government programme on Roma entitled “*National Policy Framework for Greek Gypsies*” envisaged *inter alia* the relocation of the Roma of Messini within the first year of the programme’s implementation.

⁹¹ See Kalamata based daily newspaper *Eleftheria*, issue of 26 January 2007, available in Greek at http://www.eleftherianews.gr/read_news.php?id=34645

⁹² According to latest news reports, the Roma would be relocated to the new settlement shortly before 25 December 2007 (Kalamata local newspaper “*Eleftheria*”, issue of 1/11/07). On file with GHM.

⁹³ Kalamata local newspaper “*Tharros*”, issue of 6/12/07. On file with GHM.

The IAP housing loan scheme, as originally envisaged, had the potential to assist 9,000 Roma families living in destitute settlements relocate to adequate homes. However, as the 2006 report of the CHR concluded, there has been no meaningful change in the housing situation of the Roma since 2002.⁹⁴

Several reasons have contributed to this failure. Firstly, only Roma who already owned plots of land where houses could be built could apply for loans. Hence, the loan scheme could only ever provide housing to those Roma who already owned a plot of land as opposed to the vast majority of Roma who lack access to land.

Secondly, where loans have been granted, the majority have been given to those Roma who are not – according to the Greek State’s own information - in the greatest need.⁹⁵ The Greek government stated that loans were meant to have been granted to “... *Greek Gypsies who live in settlements around the country, in tents, sheds of other buildings that do not meet the minimum requirements of a house.*”⁹⁶ However the government’s data reveals that the municipalities in which the highest number of applications were submitted and applications approved have actually been those with the least need: Aghia Varvara in Attica (882 and 335 applications submitted and approved respectively), Menemeni in Thessaloniki (697 and 378) and Serres (314 and 174 respectively). These municipalities are widely regarded as having achieved the most successful integration (the first two having no actual separate Roma settlements at all) of Roma in Greece.

In contrast, there have been few applications or approvals. For example, in January 2007 the government Stated that only 86 housing loans in total had been granted to Roma living in five of the most destitute settlements in Athens: 28 in Aspropyrgos, 45 in Halandri and none in Maroussi, Aghia Paraskevi or Spata.⁹⁷ Very few approved loans have been granted to Roma families in Patras, site of the worst recent mass evictions in mid-2006 (see FORCED EVICTIONS above).⁹⁸

Thirdly, the ability of Roma to apply for loans has been hampered by the refusal of local authorities in many cases to issue them with the ‘permanent residence’ certificates required in order to make an application. In a recent “Special Report on changes of local residence status and permanent residence certificates: implementation guidelines”,⁹⁹ the Greek Ombudsman noted that they “...*present serious obstacles towards addressing the issues of civil registration of significant*

⁹⁴ See Council of Europe, Office of the Commissioner for Human Rights, *Follow up Report on the Hellenic Republic (2002-2005), Assessment of the Progress made in implementing the Recommendations of the Council of Europe Commissioner for Human Rights*, 29 March 2006, CommDH(2006)13 Strasbourg, 29 March 2006, available at <https://wcd.coe.int/ViewDoc.jsp?id=984125&BackColorIntranet=99B5AD&BackColorLogged=FFC679>, paragraphs 60 – 62.

⁹⁵ See Greek government submissions to the European Committee of Social Rights, document ref. No. 70545, dated 5 November 2004.

⁹⁶ This provision is repeated in all the Ministerial Decisions concerning housing loans that have been issued so far.

⁹⁷ Ministry of Interior Press Release, dated 8 January 2007. On file with GHM.

⁹⁸ See *Greece: Continuing Widespread Violation of Housing Rights* (COHRE/GHM) (October 2006) at p.9 at Annex A

⁹⁹ The Special Report was made public on January 2007 and is available in Greek at http://www.synigoros.gr/reports/Eidikh_ek8esh_Metadimoteuseis_18_1.pdf

*segments of the Greek Roma population”*¹⁰⁰ and that authorities should be more flexible in relation to the certificates required in order for them to prove that they are indeed permanent residents.

In addition, even when Roma have received loans there are numerous examples where local authorities have prevented them from using them to buy properties by deliberately withholding the Municipal Taxes Certificate¹⁰¹ required to finalise the contract of sale.¹⁰²

The provision of loans can and does play a significant role in guaranteeing access to housing for those who would not otherwise be able to afford it, including the Roma. However, the flawed implementation of the IAP loans scheme has meant that it has had little practical impact in securing accommodation for the Roma, particularly those most in need.

Continued lack of equal access to infrastructure and services

The majority of Roma communities continue to live in marginalised and socially excluded isolation.¹⁰³ A recently published article by one of the Greek Ombudsman’s staff working on Roma issues concludes that:

“Stating that the Roma literally not only settle in the fringes of the cities but also live in the absolute margin of social life, would not be an exaggeration...“(...) The usual relocation plan consists of the selection of an area outside the approved town plan, where prefabricated houses are installed. The necessary infrastructure for living in dignity such as provision for running water, electricity and sewage is either inadequate or perennially under planning (e.g. Messolonghi, Spata).”¹⁰⁴ (emphasis supplied)

The fact that Greece has implemented numerous large-scale housing programmes for other groups with desperate housing needs, e.g. victims of the 1999 earthquake and Greek repatriates from the former USSR, with remarkable success, makes the failure of its Roma housing programme all the more significant. (See Annex Q, summarising the two aforementioned housing programs in stark comparison to the failure to

¹⁰⁰ Ibid, page 4.

¹⁰¹ This is a certificate attesting that the owner of a property has paid an annual fee in order to use various utilities.

¹⁰² See *Memorandum on local authorities’ hamstringing efforts by Roma to make use of their housing loans* at Annex Q detailing cases investigated by the Greek Ombudsman as well as a case handled by GHM.

¹⁰³ See COHRE/GHM October 2006 report at Annex A.

¹⁰⁴ See periodical *Independent Authority: scientific journal of the personnel of the Greek Ombudsman, published twice annually*, Volume 1, Athens: 2006, article by Andriane Papadopoulou entitled “Following the Roma”, at pp. 37 and 39 Translation by and on file with GHM.

implement similar programs for the Roma¹⁰⁵). The main reason for this difference in treatment is ethnicity, as noted again by a researcher with the Ombudsman's office¹⁰⁶:

“If the only significant distinction between the [Roma and others] is how close or far they are to the norm of Greek ethnic, racial and cultural ideal and this categorization leads to social subordination of the less compliant – in work, in society, in education, in living conditions – then the applied policy may be characterized as discriminating and may lead to racism phenomena.”

The IAP which is nearing the end of its implementation period, has singularly failed to meet the housing and other social needs of the Roma. In his 2006 Annual Report the Greek Ombudsman identified the institutional and structural characteristics of the IAP as being a key reason for its failure.

The IAP was adopted in 2001 with a total budget of 308 million euros (divided between infrastructure (176 million) and services (132 million) and the Stated aim of improving the housing situation of the Greek Roma and their enhanced access to basic health and education services, i.e. through the development of new, and the improvement of existing, settlements, the establishment of socio-medical centres in these settlements and the deployment of mobile health units to encampments of the itinerant Roma population, especially in remote areas.

Programmes were to be carried out either by the competent central administration agencies (such as education and vocational training) or by local authorities (e.g. cultural and health programs). The Greek State has consistently claimed in submissions to both the Committee and CHR that the IAP will result in significant improvements in the life of Greek Roma. It has further claimed that about 90% of the budget originally allocated to the IAP has been spent. Even if this is the case there has been a complete failure by the State to implement the IAP effectively since it is clear that the majority of the expenditure has not been used to resource infrastructure and services. Five years after the launching of the IAP, only 37 million euros has been spent on infrastructure and 16 million on services, a total of 53 million euros out of an initial allocation of 308 million or only 17% of the initial IAP budget. By September 2005 Greece revealed that it had only constructed four permanent settlements, with a total of 185 houses, compared with the planned 100 new settlements and the 4,000 new homes planned¹⁰⁷. No further settlements have been constructed subsequently. At least one of the permanent settlements, in Menemeni, does not have electricity.¹⁰⁸

¹⁰⁵ *Positive differential treatment of other population groups facing acute housing problems* at Annex Q.

¹⁰⁶ See article by Miltos Pavlou, a researcher with the Greek Ombudsman, “Greek State policy from ‘irredentism’ to ‘home-coming’/‘immigration’: the case of two repatriated kin minority groups”, 2003, available in English at <http://www.kemo.gr/gr/index.asp>

¹⁰⁷ Statement made at the “OSCE Human Dimension Implementation –Working Session 14, Tolerance and Non-Discrimination II; Roma/Sinti,”

¹⁰⁸ This information was supplied by the Public Power Company DEH to GHM

A survey carried out by the GHM in 2006 of 122 Roma communities across Greece revealed that 83 of them were not meeting adequate housing standards¹⁰⁹. Assessing whether the living conditions of Roma communities had improved since a study carried out by the Greek government's own Public Enterprise for Town Planning and Housing (DEPOS) in 1999¹¹⁰, GHM drew on the results of a 2003-4 assessment of most Greek Roma settlements by the Ministry of Health's Mobile Medical Unit. The conclusion is that the vast majority of Roma continue to live in the same locations and same conditions as they did in 1999. Only 7 communities have been successfully relocated to live in organized settlements under acceptable living conditions.¹¹¹

For the remainder of Roma there is no evidence that their material living conditions have improved beyond that measured in a 2000 survey by the Greek Ministry of Labour and Social Security. This survey found that Roma, particularly those living in temporary settlements, frequently lacked access to adequate sanitation and running water, electricity and heating. No toilet facilities were found in 5.7% of the houses and 67% of the sheds; in the remainder of the cases, the toilet facilities were only rudimentary. Similarly, 20% of the houses and 90% of the sheds had no bathroom facilities. 90% of the houses were connected to the power grid, the percentage for those living in settlements being 7%. The remainder of those living in settlements either relied on generators (47%), or were illegally drawing electricity from a nearby house (24%) or had occasional access to electricity (18%). 84% of the houses had access to running water, while there was no access running water for 70% of those living in settlements. 4% of those living in houses had no sewage facilities, the same percentage for those questioned living in settlements being 50% (in an additional 25% of the cases of those living in settlements, the only sewage facility consisted of a pit). Only 8.5% of those living in houses benefited from central heating. A full 84% of those living in houses and 97% of those living in settlements had to use either petrol or wood stoves.¹¹²

The CHR when visiting the largest Romani settlement in Aspropyrgos, Attica, found that measures formerly promised to remedy the living conditions had not been carried out by the local authorities resulting in an intolerable situation, including a lack of access to basic public utilities, including water, electricity and sewage systems.¹¹³

The UN Special Rapporteur on Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography following his visit to Greece in November 2005 concluded that housing conditions in Roma settlements were "just not acceptable" and that "[a]ccess to health and education is limited or lacking and social programmes are not providing assistance to the community." He called upon the government to "take specific measures to improve the living conditions" of Roma children and to

¹⁰⁹ COHRE/GHM report (October 2006) at Annex A at p. 23 onwards

¹¹⁰ Draft study of a program on confronting the immediate housing problems of the Greek Gypsies (DEPOS July 1999) cited at COHRE/GHM report (Oct 2006) at p 23

¹¹¹ Communities of Trikala, Echederos, Didymoteicho, Serres, Amaliada, Agrinio and Sophades.

¹¹² Rom Network survey, pp 87-99 and related table.

¹¹³ Cited in US State Department Report on Greece 2007 available at <http://www.State.gov/g/drl/rls/hrrpt/2007/100562.htm>

implement “public policies which secure the access to basic rights, such as education, minimum living standards, housing and health...”¹¹⁴

On 30 January 2007, the Athens Prefect and a team of public health inspectors visited the Romani settlements in the area of Votanikos and acknowledged the dire conditions and health risks, especially for children.¹¹⁵

Contrary to the stated aims of the IAP, almost no social medical centres have been established in those settlements containing large numbers of destitute Roma families such as in the Aspropyrgos or Platanaki settlements and consequently most in need of provision. This is primarily due to the failure of the relevant local authorities to resettle the Roma in organized settlements with the relevant infrastructure, especially running water and electricity, required for the Ministry of Health to establish such centres.

Indeed, only 37 municipalities have ever submitted proposals for the establishment of social-medical centres in Roma settlements, in contrast to the 50 envisaged by the IAP.¹¹⁶ Of these 37 proposals only 16 had been established as social medical centres by mid 2006. All but two of these are located in Northern Greece, in Roma communities that, despite facing significant problems, are in a relatively better position due to their improved integration¹¹⁷ and enjoy a significantly higher standard of living than settlements such as Aspropyrgos or Platanaki containing high levels of poverty and here no such centres have been established.¹¹⁸

This failure to meet the basic health and other social needs of those Roma living in destitution is ostensibly due to the lack of infrastructure (water, electricity) in the settlements enabling such centres to be built. Yet there has been no attempt on the part of the authorities to either provide such infrastructure or to relocate those Roma to organised settlements where they will have access to such services.

¹¹⁴ Rights of the Child: Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Addendum, ¶ 109 and *Id.* at ¶ 118., UN Doc. E/CN.4/2006/67/Add.3 (27 March 2006), available at http://www.ecoi.net/file_upload/227_tmpphpj3xmB.pdf.

¹¹⁵ Information on file with GHM

¹¹⁶ Ministry of Health document to GHM, ref. no. ΔΥ7α/74869/ Φ.2/0, dated 27 August 2003, on file with GHM.

¹¹⁷ Ministry of Health document to GHM, ref. no. Π2α/Γ.Π.: 74115/21-6-2006, dated 5 July 2006, on file with GHM. According to the letter by the Minister of Interior to the President of the National Commission for Human Rights, another two social – medical centers will soon be operating. See Ministry of Interior letter ref. no. 246/2007, dated 15 January 2007, available in Greek at http://www.ypes.gr/ypes_po/detail.asp?docid=1447#Printer%20friendly%20version

¹¹⁸ Ministry of Health document to GHM, ref. no. Π2α/Γ.Π.: 74115/21-6-2006, dated 5 July 2006, on file with GHM.

LEGAL ANALYSIS

Forced Evictions

The Committee has established that since the focus of Article 16 is the maintenance of family ties it guarantees the right of families to an adequate supply of housing. It also requires that their needs are taken into account in framing and implementing housing policies and ensuring that existing housing is of an adequate standard and includes essential services.¹¹⁹ In this respect the Committee has stated that the destruction or forced eviction from residential areas of families is not in conformity with Article 16.¹²⁰

In relation to Article 31(2) which obliges States Parties to prevent and reduce homelessness with a view to its gradual elimination (and which has been signed but not ratified by Greece) the Committee has Stated that procedures must be put in place to limit the risk of evictions and to ensure that when they do take place they are carried out under conditions which respect the dignity of the persons concerned.¹²¹ The Committee has explicitly stated that Roma families should enjoy the aforementioned housing protection and that evictions that fail to comply with the relevant procedural safeguards should not take place.¹²² Furthermore, regardless of the role of local authorities in violating the housing rights of the Roma, as the Committee made clear in the previous decision against Greece, ultimate responsibility for implementation of official policy lies with the State.¹²³

In the previous collective complaint against Greece the Committee held that whilst illegal occupation may justify eviction of illegal occupants, the criteria used must not be unduly wide and that the eviction must take place in accordance with the applicable rules of procedure and be sufficiently protective of the rights of those concerned. On that occasion the Committee found that Greece had failed to comply with its obligations under the Charter.

The Committee has previously held that legislation on the legalisation of dwellings can affect Roma in a disproportionate manner and that by strictly applying such rules to the Roma, whose situation has differed due to State non-intervention, the State can discriminate against them by failing to take into account the specificity of their living conditions.¹²⁴

The Committee has further observed that a group of people who cannot effectively benefit from the rights provided by legislation and who consequently may be forced

¹¹⁹ *ERRC v Greece* (15/2003) para 24; *ERRC v Bulgaria* (31/2005) admiss decision 10 October 2005 para 9; also *ERRC v Bulgaria* (31/2005) para 34

¹²⁰ *ERRC v Greece* (15/2003) para XX and *ERRC v Bulgaria* (31/2005) para 57

¹²¹ Conclusions 2003, Sweden, p 654

¹²² *ERRC v Greece* (15/2003) para 51 and *ERRC v Bulgaria* (31/2005) para 51

¹²³ *ERRC v Greece* (15/2003) decision on merits 8/12/2004 para 29

¹²⁴ *ERRC v Bulgaria* (31/2005) para 55

to adopt reprehensible behaviour to satisfy those needs cannot be used to justify sanctions against them including deprivation of their rights.¹²⁵

The facts set out in this complaint illustrate that Greece continues to carry out widespread forced evictions. It has done so by applying unduly wide criteria, notably through the continued reliance on discriminatory sanitary regulations. By introducing a sanitary law which continues to anticipate forced evictions carried out solely against the Roma and no other minority group, and by implementing it in a way that subjects the Roma to widespread forced evictions, Greece is continuing to directly discriminate against them contrary to Article 16, taken together with the Preamble of the Charter.

The evictions are executed in a manner that fails to respect the dignity of those Roma communities affected, and that denies them essential safeguards. As illustrated in relation to Patras, it has done so as part of a deliberate policy of forced eviction. Moreover, Greece continues to fail to accurately monitor and record forced evictions, contrary to the requirements laid down by the Committee in its previous decision against it¹²⁶ and the UN Committee on Economic, Social and Cultural Rights.¹²⁷ In all of the above respects, Greece is breaching its obligations under Article 16 of the Charter.

Due Process

The Committee has explicitly stated that evictions that fail to comply with the relevant procedural safeguards should not take place.¹²⁸ The Committee has further held (in relation to Article 31 of the Revised Charter) that procedural guarantees apply even when the eviction is supposedly in the public interest.¹²⁹ This approach has been endorsed by the UN ESCR Committee which has held that, even where evictions may be justifiable, it is incumbent upon the relevant authorities to ensure that they are carried out in strict compliance with the relevant provisions of international human rights law and in accordance with general principles of reasonableness and proportionality¹³⁰ and that legal remedies are available to those affected.¹³¹

States Parties must also ensure, prior to carrying out any evictions, and particularly those involving large groups, that all feasible alternatives are explored in consultation with the affected persons, with a view to avoiding, or at least minimising, the need to use force.¹³²

¹²⁵ *ERRC v Bulgaria* (31/2005) para 53

¹²⁶ *ERRC v Greece* (15/2003) para 50

¹²⁷ UN ESCR General Comment 4 on The Right to Adequate Housing para 13 and General Comment 7 on The Right to Adequate Housing: Forced Evictions paras 19 and 21 available at <http://www2.ohchr.org/english/bodies/cescr/comments.htm>

¹²⁸ *ERRC v Greece* (15/2003) para 51 and *ERRC v Bulgaria* (31/2005) para 51

¹²⁹ Conclusions 2003, Sweden, p 655

¹³⁰ UN ESCR Committee General Comment 7 para 14

¹³¹ *Ibid.* para 11

¹³² *Ibid.* para 13.

See also General Comment 16 of the Human Rights Committee, relating to article 17 of the International Covenant on Civil and Political Rights, which States that interference with a person's home can only take place "in cases envisaged by the law". The Committee observed that the law "should be in accordance with the provisions, aims and objectives of the Covenant and should be, in

Furthermore the Committee has emphasised that legal protection for persons threatened by eviction must include an obligation to consult the parties affected in order to find alternative solutions to evictions and to fix a reasonable notice period before eviction. In relation to Article 31(2) the Committee has stated that procedures must be put in place to limit the risk of evictions and to ensure that when they do take place they are carried out under conditions which respect the dignity of the persons concerned¹³³.

This approach has been endorsed by other human rights bodies. The European Court of Human Rights has held, in relation to the right to respect for one's home as guaranteed by Article 8 of the European Convention on Human Rights, that: *"Whenever discretion capable of interfering with the enjoyment of a Convention right such as the one in issue in the present case is conferred on national authorities, the procedural safeguards available to the individual will be especially material in determining whether the respondent State has, when fixing the regulatory framework, remained within its margin of appreciation. Indeed it is settled case-law that, whilst Article 8 (art. 8) contains no explicit procedural requirements, the decision-making process leading to measures of interference must be fair and such as to afford due respect to the interests safeguarded to the individual by Article 8 (art. 8)"*¹³⁴.

The UN Committee on Economic, Social and Cultural Rights has emphasised that appropriate procedural protection and due process are essential aspects of all human rights but are especially pertinent in relation to a matter such as forced evictions which directly invokes a large number of the rights recognised in both the International Covenants on Human Rights. The Committee considers that the procedural protections which should be applied in relation to forced evictions include: (a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected; (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction; (e) all persons carrying out the eviction to be properly identified; (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise; (g) provision of legal remedies; and (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.¹³⁵

The forced evictions outlined in this Complaint as carried out by or under the overall responsibility of the Greek authorities between 2004 and 2007 have consistently failed to adhere to the above mentioned fundamental procedural safeguards. They have been characterised by an absence of consultation, consent, reasonable notice,

any event, reasonable in the particular circumstances". The Committee also indicated that "relevant legislation must specify in detail the precise circumstances in which such interferences may be permitted".

¹³³ Conclusions 2003, Sweden, p 654

¹³⁴ *Buckley v UK* 1996 23 EHRR 101 para 76; see also *McMichael v. the United Kingdom* judgment of 24 February 1995, Series A no. 307-B, p. 55, para. 87.

¹³⁵ UN ECSR Committee General Comment 4 para 15

provision of alternative accommodation and remedies. These failings place Greece in violation of its housing rights obligations to Roma families under Article 16.

Remedies

The Committee had held (in relation to Art 31 of the Revised Charter) that the effectiveness of the right to adequate housing requires access to affordable and impartial judicial and other remedies.¹³⁶

The UN Committee on Economic, Social and Cultural Rights has stated that procedural safeguards in relation to forced evictions include the availability of all legal recourses and remedies to those affected.¹³⁷ It has held that States Parties shall also see to it that all the individuals concerned have a right to adequate compensation for any property, both personal and real, which is affected.¹³⁸

The Committee of Ministers of the Council of Europe has recommended that States authorise Travellers' associations to assert the rights of individual Travellers before competent courts in the event of expulsions, as defendant or plaintiff and at all stages of the procedure and to make statutory provisions for appeal against decisions banning access to certain sites or prohibiting encampment.¹³⁹

The European Court of Human Rights has emphasised that remedies need to be effective in practice as well as in law¹⁴⁰ and that the nature of the right involved affects the level of effectiveness required.¹⁴¹ Given, the fundamental nature of housing and its impact on the enjoyment of other rights, both civil and political and economic and social¹⁴², including potentially the right to life, it is submitted that the State's obligation to provide effective remedies for those seeking to enforce their right to housing should be strictly applied.

Greece has consistently failed to provide accessible, adequate and effective remedies – civil or criminal - for those Roma seeking to challenge forced evictions and to claim appropriate redress. This is evidenced by the few occasions upon which Roma have been successful in obtaining injunctions to prevent an eviction taking place, the lack of compensation paid out and the fact that no criminal prosecutions have ever been initiated against perpetrators of forced evictions. This failure of the Greek State extends to a lack of enforcement of the law against third parties who carry out forced evictions.

¹³⁶ Conclusions 2003, France, p 224

¹³⁷ See UN ESCR GC 7 para 11; also UN Special Rapporteur Guidelines 2007 para 17

¹³⁸ UN ESCR GC 7 para 13. See also Article 2.3 of the International Covenant on Civil and Political Rights, which requires States parties to ensure "an effective remedy" for persons whose rights have been violated and the obligation upon the "competent authorities (to) enforce such remedies when granted".

¹³⁹ Recommendation Rec (2004) 14 of the Committee of Ministers of the Council of Europe to member States on the movement and encampment of Travellers in Europe, adopted on 1 December 2004 paras 30 and 31 available at <https://wcd.coe.int/ViewDoc.jsp?id=797221&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>

¹⁴⁰ *Kaya v Turkey*, (1998), 28 EHRR 1; para 106 and *Ilhan*, (2002) 34 EHRR 36 para 97

¹⁴¹ *Hasan and Chausch v. Bulgaria* (30985/96) para 99

¹⁴² *ERRC v Greece* (15/2003) para 24

Alternative Accommodation

The Committee has made it clear that the right to adequate housing under Article 16 of the Charter incorporates a right to alternative accommodation in the case of eviction.¹⁴³ The Committee has also explicitly Stated in relation to Article 16 that Roma families have a right to housing protection which includes the availability of suitable temporary and permanent accommodation.¹⁴⁴ In relation to Art 31(2) of the Revised Charter the Committee has held that States must prevent categories of vulnerable people from becoming homeless requiring a housing policy for all disadvantaged groups to ensure access to social housing.¹⁴⁵ Furthermore, States must adopt appropriate measures for the construction of social housing¹⁴⁶ These measures must meet the following three criteria: a) a reasonable timeframe, b) a measurable progress and c) a financing consistent with the maximum use of available resources.¹⁴⁷ The Committee has emphasized that adequate housing for the purposes of Article 16 cannot be met by the temporary supply of shelter.¹⁴⁸

The European Court of Human Rights has also emphasised the duty of public authorities to take a proactive approach in helping vulnerable groups to have access to housing¹⁴⁹ and to provide adequate alternative accommodation.¹⁵⁰

By failing to provide sufficient and adequate alternative accommodation and to demonstrate any measurable progress against a reasonable timeframe since 2004 Greece is in breach of its obligations under Article 16 to promote the right of families to adequate housing. The Committee in the previous complaint against Greece found that its failure to provide a sufficient supply of appropriate temporary camping sites placed it in violation of Article 16¹⁵¹. It is submitted that there is clear evidence that this failure continues and that Greece remains in breach.

The Committee of Ministers has emphasised that “policies aimed at addressing the problems faced by Roma/Gypsies and Travellers in the field of housing should be comprehensive, based on an acknowledgement that the issue of housing for Roma/Gypsies and Travellers has an impact on a wide range of other elements, namely the economic, educational, social and cultural aspects of their lives, and the fight against racism and discrimination.”¹⁵² Specifically this requires the development

¹⁴³ *ERRC v Bulgaria* (31/2005) para 52 and Conclusions 2003, Article 31(2) France p.225, Italy, p.345, Slovenia, p.557 and Sweden, p.653.

¹⁴⁴ *ERRC v Bulgaria* (31/2005) para 41 citing *ERRC v Italy* (27/2005) paras 21 and 46.

¹⁴⁵ Conclusions 2005, Lithuania, p 409

¹⁴⁶ *Ibid.*, Sweden, p 656

¹⁴⁷ *ERRC v Bulgaria* (31/2005) para 37.

¹⁴⁸ *ERRC v Bulgaria* (31/2005) para 34

¹⁴⁹ *Wallova & Walla v Czech Republic* (23848/04) 26 October 2006

¹⁵⁰ *Stankova v. Slovakia* (7205/02) 9 October 2007

¹⁵¹ *ERRC v Greece* (15/2003) para 46

¹⁵² Recommendation Rec (2005) 4 of the Committee of Ministers of the Council of Europe to member States on improving the housing conditions of Roma and Travellers in Europe, adopted on 23 February 2005 available at

<https://wcd.coe.int/ViewDoc.jsp?id=825545&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>

of integrated and appropriate housing policies targeting Roma, as a matter of emergency, and in a non-discriminatory way, together with the allocation of appropriate means for the implementation of the mentioned policies in order to support national poverty reduction policies¹⁵³. Accordingly, Member States should develop adequate financial structures that provide for easier access to available sources of funding for housing.¹⁵⁴ This position has been endorsed by the UNESCR Committee when it stated that 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.¹⁵⁵

The State has failed to translate the IAP into appropriate and effective action to relieve the housing situation of the Roma. Whilst it is accepted that the introduction of a loans scheme under the IAP has the potential to significantly improve the opportunities for Roma to access adequate housing, the scheme's implementation was flawed. has resulted in a failure of Greece to meet its obligations under Article 16 to effectively promote the right of families to adequate housing, particularly those most in need of assistance.

Discrimination

The Committee held in the previous collective complaint against Greece that the principle of equality and non-discrimination form an integral part of Article 16 as a result of the Preamble of the Charter and that the imperative to avoid social exclusion, respect difference and not to discriminate applies to all Roma.¹⁵⁶ In order to satisfy their obligations under Article 16 states must promote the provision of an adequate supply of housing and ensure access to essential services.¹⁵⁷

In relation to the Roma the Committee has specifically held that the failure to take into consideration the different situation of Roma to introduce measures specifically aimed at improving their housing conditions, including the possibility for an effective access to social housing, violated their right to housing (Article 31) together with Article E prohibiting racial discrimination.¹⁵⁸ It has also gone on to hold, in response to a government argument that the legislation in place provided adequate safeguards for the prevention of discrimination against the Roma, that in the case of Roma families “*the simple guarantee of equal treatment as the means of protection against*

¹⁵³ *Ibid* paras 1 and 2

¹⁵⁴ Recommendation Rec (2004) 14 of the Committee of Ministers of the Council of Europe to member States on the movement and encampment of Travellers in Europe, adopted on 1 December 2004 Preamble and para 12 available at <https://wcd.coe.int/ViewDoc.jsp?id=797221&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75> at para 44

¹⁵⁵ UN ESCR Committee GC 4 para 8(c)

¹⁵⁶ *ERRC v Greece* (15/2003) paras 23 and 26

¹⁵⁷ *Ibid* para 24

¹⁵⁸ *ERRC v Italy* (27/2004) concerning the denial of the Roma's effective right to housing because of a shortage of and inadequate living conditions in camping sites with no access to alternative accommodation, and subjecting them to evictions. By placing Roma in camps the Government failed to take due and positive account of adequate steps to ensure that Roma were offered housing of sufficient quantity and quality to meet their needs.

any discrimination does not suffice”¹⁵⁹ Instead there is a need for positive measures in integrating ethnic minority such as Roma into mainstream society.¹⁶⁰

In addition to operating discriminatory laws against the Roma which is having a disproportionate impact on their security of tenure (see forced evictions) Greece is failing to ensure that Roma families have equal access to adequate infrastructure and services, including medical centres contrary again to the principle of equality and non discrimination.

Intersectional discrimination - the interaction between two or more forms of discrimination which can have a cumulative impact greater than the individual components – has been increasingly recognised by both international human rights bodies¹⁶¹ and domestic courts¹⁶². The need for Greece to address such discrimination was emphasised by the UN Committee on Economic, Social and Cultural Rights, in its Concluding Observations in the 32nd session in 2004, on Greece’s initial report under the ICESCR when it called upon the State to include in its second periodic report information concerning the IAP’s applicability to non-Greek Roma legally residing in Greece.¹⁶³

Yet Albanian Roma legally residing in Greece continue to experience such discrimination. Greek authorities have discriminated against Albanian Roma families not merely on the basis of their ethnicity but also on their nationality by for example failing to include them within the IAP. This is contrary to Greece’s positive obligation to take appropriate measures to assist such particularly vulnerable groups and to facilitate their integration within society.

¹⁵⁹ *Ibid.* paragraph 42

¹⁶⁰ *ERRC v Bulgaria* (31/2005) upholding a complaint that the Roma were segregated in housing matters living in inadequate housing conditions and infrastructure and were subject to forced evictions.

¹⁶¹ The Human Rights Committee, Committee on the Elimination of Racial Discrimination and Committee for the Elimination of Discrimination Against Women have all recognised intersectional discrimination. See Timo Makkonen *Multiple, Compound and Intersectional Discrimination: Bringing the Experiences of the Most Marginalized to the Fore* at <http://web.abo.fi/institut/imr/norfa/timo.pdf>

¹⁶² See *Canada (A.G.) v. Mossop* [1993] S.C.R. 554, *Egan v. Canada* [1995] 2 S.C.R. 513, *Law v. Canada* [1999] 1 S.C.R. 497 and *Corbière v. Canada* [1999] 2 S.C.R. 203.

¹⁶³ See United Nations Committee on Economic, Social and Cultural Rights, Thirty-second session 26 April – 14 May 2004, E/C.12/1/Add.97, 14 May 2004, available in English at: [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/0fcc2b5b27738e28c1256f430056245b?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/0fcc2b5b27738e28c1256f430056245b?Opendocument), paragraph 44.

CONCLUSIONS

Through the continued practice of systemic and widespread forced evictions against the Roma, denial of access to effective remedies and due process, failure to provide them with appropriate alternative accommodation and temporary camp sites, continued residential segregation and social exclusion combined with lack of access to adequate infrastructure and services, Greece has breached its obligations under Article 16 of the Charter together with the provision in the Preamble guaranteeing non discrimination.

Consequently, the Greek government is urged to :

- fully integrate the Greek and non-Greek Roma into Greek society and end their social exclusion;
- repeal and/or revise any discriminatory legislation (for example, the 2003 Sanitary Regulation) and introduce a legal framework which ensures that all Roma are not subjected to any form of unacceptable discrimination which impacts upon their personal dignity;
- stop immediately the practice of forced evictions and ensure there are sufficient safeguards in place, including security of tenure, to prevent future violations;
- guarantee due process and procedural protection in relation to forced evictions and other breaches of housing rights in line with international standards (especially General Comment No. 7 of the UN Committee on Economic, Social and Cultural Rights (CESCR) against forced evictions);
- investigate thoroughly all alleged forced evictions and other housing rights violations and end impunity for public officials who through both acts of commission and omission fail to respect and/or protect the Roma's housing rights by making them personally liable under both criminal and civil law;
- make available suitable alternative accommodation and temporary camp sites which meet international standards of adequate housing, (as stipulated under General Comment No. 4 of the UN CESCR) whilst respecting their particular culture and lifestyle;
- ensure that the existing IAP is implemented effectively to meet the housing and other related economic and social rights of the Roma and, that at the end of its implementation period, it is replaced by a comprehensive action-plan, which both accords with principles of transparency and accountability whilst significantly improving the standard of living of the Roma and addressing their marginalisation.

ANNEXES

Annex A

Greece: Continuing Widespread Violation of Roma Housing Rights (GHM/COHRE October 2006)

Annex B

List of international, regional and national authorities

Annex C

Commissioner for Human Rights of the Council of Europe, follow up report on the Hellenic Republic (2002-2005), CommDH(2006)13, 29 March 2006

Annex D

Greece: Out of the Spotlight: The rights of foreigners and minorities are still a grey area (Amnesty International 2005)

Annex E

Memorandum concerning documented cases of Roma evictions or threat thereof following the issuing of the ECSR decision (GHM)

Annex F

Memorandum concerning the inherently racist character of the 1983 and 2003 sanitary regulations (GHM)

Annex G

Tables from Hellenic Police concerning evictions and lodging of criminal complaints against Roma for illegal settling for the period between 1/1/1996 and 30/6/2006.

Annex H

Chronicle and judicial outcome of two eviction cases in Aspropyrgos (GHM)

Annex I

Memorandum on various racist dicta / actions against Roma in Patras or their defenders by the by the Head of the Appeals Court Prosecutor's Office of Patras and incumbent Deputy Prosecutor to the Greek Supreme Civil and Criminal Court (GHM)

Annex J

Press release of OMCT and GHM 31 October 2006.

Annex K

GHM letter to Council of Europe Commissioner on Human Rights and UN Special Rapporteur on the Right to Housing 22 September 2007.

Annex L

Report of the UN Special Rapporteur on Contemporary Forms of Racism to Seventh Human Rights Council

Annex M

Human Rights Organisations Welcome Call on Governments to End Housing Crisis of Roma in Europe (ERRC, GHM et al 29 October 2007)

Annex N

Letter from the Commissioner for Human Rights to the Mr Prokopis PAVLOPOULOS, Hellenic Minister for the Interior, Public Administration & Decentralisation *on the Situation of the Roma in Greece* , 1 December 2006

Annex O

Memorandum concerning Greek State's continuing refusal to recognise and implement a right to alternative accommodation. (GHM)

Annex P

Memorandum on local authorities' hamstringing efforts by Roma to make use of their housing loans.

Annex Q

Positive differential treatment of other population groups facing acute housing problems.