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Mr Prokopis PAVLOPOULOS

Minister for the Interior, Public Administration & Decentralisation
Ypourgeoio Esoterikon, Dimosias Dioikisis kai Apokentrosis
Stadiou 27 & Dragatsaniou 2
ATHENS
Greece

Strasbourg, 1 December 2006

Dear Minister,

I am writing to you about the situation of Roma in Greece. As you know the living conditions of Roma in several countries in Europe is a concern for the Council of Europe and for myself as Commissioner for Human Rights.

My predecessor, Alvaro Gil-Robles, documented poor housing conditions among Roma and referred to cases of their eviction in his reports on Greece (Report on the visit to the Hellenic Republic of 17 July 2002 and Follow-up report of 29 March 2006). Also, the European Committee on Social Rights has concluded that there have been situations of non-compliance by Greece of its obligations under the Social Charter to ensure the housing rights of Roma (Decision on the merits of the collective Complaint N° 15/2003 and the corresponding Resolution of the Committee of Ministers ResChS (2005)11; European Committee of Social Rights, Conclusions XVIII-1).

Therefore, I wanted to discuss this matter and also see for myself during my brief visit to Greece in late September. I held talks on the housing situation of Roma with Mr Kaminis, the Greek Ombudsman, Mr Vergygiannis, the Secretary General of the Ministry of the Interior, and Mr Ailianos, Secretary General of the Ministry for Public Order. I also went to see Roma communities and settlements in Makrygiannis and Riganocampas near Patras.

The right to adequate housing is a fundamental right. It is protected by several international legal instruments including the International Covenant on Economic, Social and Cultural Rights, the European Convention on Human Rights and the European Social Charter. Furthermore, the right to adequate housing has to be ensured without discrimination.

Let me emphasise the importance of this. Without a real home, families face difficulties in enjoying other rights, such as the right to education and health. A pattern of social segregation is perpetuated.

Decisions that some people have to move because of new city plans may sometimes be justified. However, the manner in which such initiatives are prepared and implemented should be in accordance with agreed human rights norms and procedural safeguards.

The consequence of these norms is that forced evictions can only be carried out in exceptional cases and in a reasonable manner. Everyone concerned must be able to access courts to review the legality of planned evictions before they are carried out – this requires the existence of both legal remedies and legal aid possibilities. Alternatives to evictions should be sought in genuine consultation with the people affected while compensation and adequate resettlement have to be offered when forced evictions take place.

The norms also apply to local authorities. The fact that abusive decisions are often taken on local level does not absolve the central government from responsibility under its international obligations. The state should exercise oversight and, if necessary, regulate local action.

During my visit, I was informed of the efforts of the Greek Government to improve the housing conditions of Roma through the Integrated Action Plan of 2002 and, in particular, the programme of state-guaranteed housing loans.

However, the brief visit to Patras illustrated to me that there are remaining problems.

I saw Roma families living in very poor conditions. Also, I met with a family whose simple habitat had been bulldozed away that same morning. It was obvious that the "procedures" for making them homeless were in total contradiction to human rights standards I referred to above.

I was also disturbed to notice that non-Roma people appeared on both sites during my visit and behaved in an aggressive, threatening manner to the extent that my interviews with some of the Roma families were disturbed. I had expected that the police would have offered more obvious protection and I did not get the impression of a principled, clear position by the local authorities against such xenophobic, anti-Ziganistic tendencies.

The Patras authorities showed me a flat that had been made available to one Roma family. The parents were positive about this housing, but I understood that they were worried about what would happen after the initial, financially subsidized period was over. They had no money to pay the rent. This seemed to raise the question of sustainability of the housing solutions offered.

The Recommendation Rec(2005)4 of the Committee of Ministers of the Council of Europe on improving the housing conditions of Roma and Travellers in Europe provides sound guidance to member states in the field of housing.

There also appears to be a need for further work to counter xenophobic and racist tendencies which seriously hinder the social inclusion of Roma.

As regards the current situation in Makrygiannis and Riganocampos, I would like to request further information on the measures taken to compensate and relocate Roma families after eviction or "administrative suspension" and on their security of tenure in current housing.

I look forward to continuing a constructive dialogue with the Hellenic Government on these questions in the future.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Thomas Hammarberg', with a stylized, cursive script.

Thomas Hammarberg

Cc.

Mr. Constantin YEROCOSTOPOULOS, Permanent Representative of Greece to the Council of Europe