



EUROPEAN ROMA RIGHTS CENTRE

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To: **Miloon Kothari**
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Budapest

Your Excellencies,

I am writing to you on behalf of the European Roma Rights Center (ERRC) to draw your attention to the recent and on-going eviction of numerous Roma families of Albanian citizenship, most of whom legally residing in Greece, from their two settlements in the Votanikos area in downtown Athens, Greece.

The ERRC is a public interest law organisation working to promote the rights of Roma Europe-wide. The ERRC is deeply concerned about recent allegations of wide-scale evictions and multiple attempted evictions of more than 200 Roma families of Albanian citizenship, most of whom legally residing in Greece. The context for these evictions appears to be a concerted drive to “cleanse” the area of the Roma in order to undertake major infrastructure work (including the building of a football stadium). In none of these cases, not even the most rudimentary domestic or international legal standards concerning evictions have been applied. Indeed, the Roma were not presented with any judicial decision calling for their eviction while the Municipality of Athens has so far referred to the operations as “cleaning” ones.

Despite numerous attempts by the Athens-based human rights group, the Greek Helsinki Monitor (GHM), to prevent these blatantly illegal evictions and bring the responsible officials and private individuals to justice, the community which until recently lived on Aghiou Polikaprou Street has been evicted without any provision for its relocation having been made. The second community (living at the end of a byroad off Orpheos Street, within walking distance from the previous community) is also under clear and present threat of eviction. Indeed, its eviction on 15 June 2007 was averted only thanks to the presence on the spot of the deputy Greek Ombudsman for Human Rights, Mr. Andreas Takis. A short chronicle of the situation has recently been published in a major Athens daily newspaper (see “Ios” article in Sunday Eleftheorypia, 24 June 2007).

The ERRC notes that, unfortunately, it is not the first time that local authorities in Greece term forced evictions as “cleaning operations”, or that Roma are evicted without being offered alternative accommodation. It is noted that in July 2006, the European Committee of Social Rights (ECSR) concluded for the second time in eighteen months that the situation of Roma in Greece was in violation of Article 16 (Right of the Family to Social, Legal and Economic Protection) of the European Social Charter; the Committee noted that most Roma lack adequate housing and/or are evicted from their settlements without being offered alternative housing and that they lack adequate legal protection.¹

What is however truly unique in the instant case is the fact that even authorities such as the Greek Ombudsman (who is also the Equal Treatment Implementation Body established in accordance to the EU Race Equality Directive 2000/43/EC) have ultimately failed to prevent the illegal eviction of Roma. The Greek Ombudsman has been aware of the case of the Albanian Roma of Votanikos as early as 2005. Since then, he has entered into extensive correspondence with various state authorities as well as the Municipality of Athens, drawing their attention to their obligations under both domestic and international law, apparently to no avail. Only a few days before the first eviction took place, the Greek Ombudsman in its letter to the competent Ministry of Interior, copied to the Mayor of Athens (ref. No. 13986.06.2.3 and dated 11 May 2007), concerning the Roma of Votanikos stated, inter alia, 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 with monetary benefits, clothing and medication etc (art. 75.1 of Law 3463/2006”

and

“Lastly, it is reminded that the flowing from the Constitution and the EU legislation special duty of care for this particular group renders it imperative both that the

¹ See European Committee on Social Rights decision on the merits of collective Complaint N° 15/2003 European Roma Rights Centre vs. Greece and corresponding Resolution of the Committee of Ministers ResChS(2005)11 dated June 8, 2005, available at:

<https://wcd.coe.int/ViewDoc.jsp?id=867037&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>

See also European Committee of Social Rights Conclusions XVIII-1, available at:

http://www.coe.int/t/e/human_rights/esc/3_reporting_procedure/2_recent_conclusions/1_by_state/GreeceXVIII-1_en.pdf

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.”

Moreover, according to the *Sunday Eleftherotypia* article of 24 June 2007, on 14 June 2007 the deputy Greek Ombudsman for Human Rights, Mr. Andreas Takis addressed an urgent letter to the Mayor of Athens Mr. Nikitas Kaklamanis, noting that

“Even if the Roma in question have been goaded into leaving without the competent Municipal authorities being aware of it, the fact that this appears to have taken place in the context of or, as the case might be, during the cleaning of the area by a municipal crew, it equitably accentuates the obligation of the Municipal authorities to first seek and locate the whereabouts of the Roma that left in order to make sure that they can be found when their relocation will be underway, providing them with guarantees at the same time that they will live under conditions of safety and dignity while waiting for the final decision of the competent officials of the Region [of Attika] in relation to the place where they will be relocated, and second, to speed up, in cooperation with the Region of Attika and the other involved [authorities], the procedures for identifying such a relocation place.”

As it is mentioned in the newspaper article, as of the date of writing (Saturday, 23 June 2007) the Mayor of Athens, Mr. Nikitas Kaklamanis, had failed to answer the Greek Ombudsman’s urgent letter. Indeed, not even his letter of 14 June 2007 would have been enough to stop the eviction attempt that took place the next day, had the deputy Greek Ombudsman for Human Rights himself not gone to the settlement and stopped the “cleaning crew” from carrying out its task. The very fact that it took the presence of the deputy Greek Ombudsman for Human Rights to avert an eviction attempt, notwithstanding the fact that GHM had since 3 June 2007 filed, in its capacity as representative of Roma of both settlements, a criminal complaint against the Mayor of Athens and the businessman whose construction company was involved in the “cleaning operations”, highlights, in the ERRC’s opinion, the total ineffectiveness of the Greek domestic legal remedies in forced evictions cases involving Roma.

Furthermore, the ERRC is also concerned about the pending or carried out evictions of other Roma communities that have not benefited from such extensive media coverage or the deputy Greek Ombudsman’s personal intervention. The list includes the Roma community (approximately 30 families) of Koropi, Attica that were evicted in mid April 2007, the Roma community of Paiania, Attica (approximately 20 families) that has been threatened with eviction by police officers in the same period, the two Roma communities in the Faliron area and on the banks of the Kifissos river², the Roma community of Makrigianni, Patras³ numbering approximately 25 families and lastly the Karakonero, Rhodes Roma community, numbering approximately 40 families. In the cases of all the aforementioned communities, local Roma have reported that they have received warnings to leave from their settlements, failing which they will be forcibly evicted. According to latest information received by the ERRC, these threats have

² Both communities, comprising ten and twenty families respectively, used to live next to the “Peace and Friendship Stadium” in Piraeus from where they were evicted in early 2007.

³ Patras is one of the two Roma communities that the Council of Europe’s Commissioner for Human Rights visited on 26 September 2006.

been accompanied by deeds in the case of the Roma communities of Nea Alikarnassos, Crete (approximately 130 families) and Chalkida in the island of Euboia (8 families).

Your Excellencies,

The ERRC is deeply concerned that Greece, a long-standing member of the European Union and the Council of Europe, is blatantly disregarding not only its obligations stemming from international law in relation to the housing of Roma but also its own domestic judicial procedures. While the ERRC is aware of actions undertaken by both United Nations and Council of Europe's bodies in relation to Roma in Greece and, it cannot but share the frustration of numerous Roma in Greece who, while in possession of documents from IGOs or the Greek Ombudsman's Office setting out Greece's international and domestic obligations as well as their corresponding rights, see their rights violated with impunity.

In light of the Council of Europe's Commissioner for Human Rights experience during his visit in Greece as recounted in his 1 December 2006 letter to the Greek Minister for Interior⁴ as well as the recent decision of the Chairperson of the Ministers' Deputies to transmit, on the basis of the seriousness of the allegations contained therein, a previous ERRC letter of concern to the Commissioner of Human Rights, to the European Committee of Social Rights and to the Greek authorities,⁵ the ERRC strongly urges you to make an official visit to Greece in order to see the situation "on the ground" and engage into constructive dialogue with the Greek authorities, the Roma communities and the NGOs who are defending their rights in order to resolve this appalling violation of the rights of these threatened Roma communities.

Sincerely,

Vera Egenberger
Executive Director
European Roma Rights Centre

⁴ See CommDH(2006)23, "The situation of Roma in Greece", Letter addressed to Mr Prokopis PAVLOPOULOS, Hellenic Minister for the Interior, Public Administration & Decentralisation by Mr Thomas Hammarberg, Council of Europe Commissioner for Human Rights, 1 December 2006, available at <https://wcd.coe.int/ViewDoc.jsp?id=1100661&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679>

⁵ Committee of Ministers letter, SECCM/Out(2007)159, dated 7 June 2007.