



EUROPEAN ROMA RIGHTS CENTRE

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To: Mr Vuk Jeremić
Minister of Foreign Affairs of the Republic of Serbia
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Cc: Ambassador Sladjana Prica
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May 17, 2007
Budapest

Honourable Mr Jeremić,
Dear Excellencies,

I am writing to you on behalf of the European Roma Rights Center (ERRC) to urge you to address the housing rights problems of Roma in Greece, using your mandate under the European Social Charter.

The ERRC is a public interest law organisation working to promote the rights of Roma Europe-wide. The ERRC is deeply concerned about ongoing violations on the part of the Greek authorities of obligations under the European Social Charter.

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 (The Right of the Family to Social, Legal and Economic Protection) of the European Social Charter and noted that most Roma lack adequate housing and/or are evicted from

their settlements without being offered alternative housing, as well as that they lack adequate legal protection.¹

Similar concerns were voiced by Council of Europe Commissioner on Human Rights Thomas Hammarberg in an open letter dated December 1, 2006, to the Greek government following a visit to the country in September 2006. Mr Hammarberg pointed to serious remaining problems in the housing conditions of Greek Roma communities as well as in the social climate facing them.²

We are concerned that in recent positions on the issue of Greece's compliance with the European Social Charter with respect to the rights of Roma, the Committee of Ministers did not pay due regard to findings and conclusions by the ECSR and the Commissioner on Human Rights. In its response dated 14 March 2007 to the written question of Parliamentary Assembly member Boris Cilevics, the Committee of Ministers did not take into account the evaluations made by these independent experts, and relied solely on the information provided by the Greek government, which denies the existence of serious problems. In its most recent response dated 17 April 2007 to the oral follow-up question by Mr Boris Cilevics, the Committee of Ministers took note of the Commissioner's letter from December 1, 2006, but only of the section that lists the conditions of lawful evictions. The conclusions of the Commissioner's field visit to Greece, that in Patras illegal evictions had been taking place even during his visit, were not mentioned by the Committee of Ministers. We do welcome though the Committee of Ministers' condemnation of racist and xenophobic remarks and its expectation that Greek authorities will investigate the related allegedly racist statements of the Deputy Prosecutor of the Supreme Court Mr. Anastasios Kanellopoulos.

Regretfully, we can since report that in their response from April 24, 2007 to a question tabled on April 2 by PACE MP Nasos Alevras before the Greek Parliament (enclosed in Greek original), the Greek government indicated that they had not answered the Human Rights Commissioner's letter, because they did not have "adequate information." We do recall that on the issue of Roma evictions in Patras the Greek government did send an answer to the Committee of Ministers. Also in their answer, the Greek government implied that the Commissioner's findings about forced evictions of Roma by the authorities in Patras without even the issuing of protocols of evictions, as well as about the absence of adequate police protection of his mission from the aggressive and threatening behavior of non-Roma neighbors, had not yet been investigated.

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

² Letter available at:

<https://wcd.coe.int/ViewDoc.jsp?id=1100661&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679>

On the latter issue, the ERRC is profoundly disturbed by the statement of the chief police officer in Patras, Brigadier General Dimitrios Bouloukos, who 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.³ The ERRC recalls that immediately after the Commissioner's field visit to Patras, the local authorities had issued a public statement claiming that he had congratulated them. This compelled the Commissioner to issue a disclaimer stressing that statements were put in his mouth which he never made, a most unusual and unacceptable sign of disrespect for an international official; and that the municipality gave the impression that the Commissioner criticized Greek Helsinki Monitor, which was untrue, thus regretting this attempt to use his credibility against an NGO.

It therefore appears that the Commissioner's mission to Greece was met by a repeatedly disrespectful reception of the several Greek authorities and that his findings have been in effect dismissed by the authorities.

At the same time, evictions of Roma in Greece continue. The Athens-based Greek Helsinki Monitor (GHM) has reported that, on 16 April 2007, police went to one of the two settlements by the "Attiki Highway" near the Athens airport and ordered the Roma to leave promptly or else they would be arrested. This visit had been preceded by similar police harassment in the previous days. The fifteen Roma families of this Paiania settlement had no choice but to leave the settlement many without even taking with them the material with which they build their makeshift sheds and some of their belongings. Ten of those families resettled on the other side of the highway again in Paiania only to be evicted in the same way by 18 April 2007 in such summary way that on 19 April 2007 GHM took pictures showing deserted sheds standing with furniture and even toys left behind. On 20 April 2007, police visited the other settlement by the "Attiki Highway," a few hundred meters away from the first one, within the borders of the municipality of Koropi; they told the twenty five Roma families (including five who have moved there from the first settlement) to leave, but the latter, having been informed of their rights by GHM the day before, refused and asked the police officers to contact their GHM advocates. The officers did not do this but GHM contacted the two regional police directors who saw to it that such action was not repeated, and informed GHM that police officers were under constant pressure from local authorities to summarily evict the Roma, without using any of the legal procedures.

Dear Excellencies,

The ERRC calls upon the Committee of Ministers to promptly adopt recommendations to the Greek government to ensure compliance with the European Social Charter in terms of its Roma policies, drawing upon reports and recommendations made by the European Committee of Social Rights, the Council of Europe Commissioner on Human Rights and

³ These statements were quoted by the Patras-based weekly newspaper "Imerisios Kirikas", 14 March 2007.

non-governmental organisations which monitor the situation on the ground. The Committee of Minister should also ask the Greek government to promptly and independently investigate the Commissioner's findings.

I thank you for your attention to the issues raised in this letter.

Sincerely

Vera Egenberger
Executive Director
European Roma Rights Centre

Enclosed:

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

Reply to Written Question No. 502 by Mr Cilevičs: “Implementation of the European Social Charter by Greece: Forced evictions of Roma” (*Adopted by the Committee of Ministers on 14 March 2007 at the 989th meeting of the Ministers' Deputies*)

Written question No 502 to the Committee of Ministers presented by Mr Boris Cilevičs, available at:

<http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc06/EDOC11014.htm>

Reply by the Committee of Ministers to oral question by Mr Boris Cilevičs, Parliamentary Assembly of the Council of Europe, 2007 Ordinary Session, Report on the Thirteenth sitting, available at:

<http://assembly.coe.int/Main.asp?link=/Documents/Records/2007/E/0704171500E.htm>

Reply by the Greek Government dated April 24, 2007, to question tabled before the Greek Parliament by MP Nasos Alevras (in Greek)

Question to the Greek Minister of Interior, Public Administration and Decentralization Prokopis Pavlopoulos, tabled before the Greek Parliament by MP Nasos Alevras (in Greek and in English)

CommDH(2006)23
English only

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

(available at

<https://wcd.coe.int/ViewDoc.jsp?id=1100661&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679>)

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, [CommDH\(2002\)5](#), and Follow-up report of 29 March 2006, [CommDH\(2006\)13](#)). 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 Vergyiannis, 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 Riganocampos 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,

Thomas Hammarberg

Cc.

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

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2007 ORDINARY SESSION

(Second part)

REPORT

Thirteenth sitting

Tuesday 17 April 2007 at 3 p.m.

(...)

4. Communication from the Committee of Ministers

(...)

The first question is No. 1, tabled by Mr Cilevics, relating to the situation of Roma in Patras.

“Question No. 1:

Mr Cilevics,

In June 2005, the Committee of Ministers adopted a resolution on the violation of the Social Charter by Greece. The European Committee of Social Rights found that, one year later, Greece had not redressed the situation.

In its answer to my related Written Question No. 502, the Committee of Ministers included only information provided by the Greek authorities, while completely disregarding the conclusions of the European Committee of Social Rights, as well as findings of the Council of Europe Commissioner for the Human Rights arising from his September 2006 visit regarding the illegal evictions of Roma in Patras.

Recent NGO information indicates that the problems remain as acute as ever. The Deputy Supreme Court Prosecutor justified the evictions and stated that “Patras should not be turned into a gyp-town”.

To ask the Chairperson of the Committee of Ministers,

Does the Committee of Ministers intend to further address the situation of Roma evictions in Patras, in particular, in view of the Commissioner for Human Rights’ findings; and

Does the Committee of Ministers intend to invite the Greek authorities to investigate the alleged illegal actions in respect of the Patras Roma, as well as the allegedly racist statements by the Deputy Supreme Court Prosecutor?”

Mr Stolfi, will you please answer this question?

Mr STOLFI (Translation). – The Committee of Ministers is closely monitoring the situation of the Roma in Greece. 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 persons concerned should be allowed to challenge the eviction measure before the relevant courts.

In its reply dated February 2007, to which the honourable parliamentarian refers, the Committee of Ministers took note of the measures taken by the Greek authorities to redress the situation reported by the European Committee of Social Rights. It encouraged the Greek authorities to continue their efforts and to report to the European Committee of Social Rights on the progress made in implementing measures to redress the situation in question.

As Chair of the Committee of Ministers, I welcome this information and I trust that Greece will carefully consider the comments made by the Commissioner and the European Committee of Social Rights and continue to take all the necessary measures to improve the living conditions of the Roma. I would also like to point out that 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.

THE PRESIDENT. – Thank you. Would you like to ask a supplementary question, Mr Cilevics?

Mr CILEVICS (*Latvia*). – Yes, I would. The situation that we are discussing occurred two years ago and we still have hope, so do you agree that the Committee of Ministers should back the activities of Council of Europe bodies and that it should not disregard the findings of the Human Rights Commissioner and European committees?

THE PRESIDENT. – Would you like to reply, Mr Stolfi?

Mr STOLFI said that he could assure the member that the Committee of Ministers supported the work done by other bodies in this area.

THE PRESIDENT. – Thank you.
