
Proposed Conclusions in *ERRC v Greece*

European Roma Rights Centre (ERRC)

Supported by:

Centre on Housing Rights & Evictions (COHRE)

Greek Helsinki Monitor (GHM)

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I. Violations

The ERRC respectfully submits that the European Committee on Social Rights conclude that the Government of Greece has not acted in conformity with Article 16 of the Charter, in particular that the Government has:

1. Forced Evictions - General

1. Carried out forced evictions of Roma in Greece and failed to provide adequate redress to victims which has resulted in segregation of significant parts of the Roma population.
2. Failed to restrain local authorities from carrying out and threatening forced evictions
3. Failed to guarantee security of tenure to Romani occupants of houses and land and protection from forced evictions. The government should consider providing an executive “amnesty” for the Romani informal settlements currently existing on state-owned land, granting title to land and property to persons factually resident on a particular plot, and establishing a “year zero” for the purposes of zoning and future regulation.

4. Failed to ensure that *policies* and *laws* contain the following safeguards in relation to evictions:

- (a) Evictions only proceed where there is a justifiable reason for doing so, in accordance with international human rights law.
- (b) Evictions conducted for discriminatory reasons or carried out in a discriminatory fashion are prohibited.
- (c) Due process in accordance with international standards is guaranteed in relation to any forced eviction, including (i) opportunity for genuine consultation; (ii) adequate and reasonable notice; (iii) full disclosure of information concerning the eviction, including purpose for which land or housing will be used; (iv) presence of government officials during eviction; (v) proper identification of those carrying out eviction; (vi) evictions not to proceed in bad weather; (viii) provision of legal remedies; adequate pecuniary and non-pecuniary civil compensation as well as comprehensive criminal and administrative redress in cases of forced evictions; and (ix) provision of legal aid where possible for those seeking redress in courts.
- (f) Evictions do not result in individuals being rendered homeless or vulnerable to other human rights abuses.
- (g) Adequate alternative housing, resettlement or access to productive land is made available to those affected by evictions who are unable to provide for themselves.
- (h) Prosecution of officials who carry out forced evictions.

5. Failed to establish any mechanisms to prevent evictions. This would include, for example, a moratorium on evictions and the establishment of an effective institutional framework to prevent forced evictions of Roma. Such a framework should:

- Establish an office – at the national level - with adequate Roma representation in order to ensure forced evictions are not arbitrarily or indiscriminately applied to Roma
- Ensure that any eviction plans that relate to Roma accommodate the unique circumstances and historical disadvantage of Roma communities.
- Ensure that evictions can only be carried out after a Court examines all the circumstances of the case in accordance with international human rights law
- Provide that evictions can only be carried out by a court official and a member of the national office.

2. Forced Evictions - Ministerial Decree for Organised Relocation

6. Maintaining and enforcing the discriminatory 1983 Ministerial Decree entitled “Sanitary provision for the organised relocation of wandering nomads” until 3 July 2003.

7. Failed to provide adequate reparation, including pecuniary and non-pecuniary compensation, to Roma who suffered loss during the period that the 1983 Ministerial Decree was used by public authorities to forcibly evict and segregate Roma and provide a comprehensive list of where it was used.

8. Failed to develop an institutional mechanisms for ameliorating the socio-economic effects of years of systemic discrimination against the Roma, including an effective mechanism for monitoring and enforcing the implementation of the plan. Such a plan should contain a clear plan of action and be developed in a participatory manner.

9. Maintained and enforced the Ministerial Decree of 2003, entitled the ‘Amendment of the A5/696/25.4.83 Sanitary Provision respecting the organised settlement of itinerant persons or other provisions’ without:

- (a) Ensuring it contains the safeguards set out in Conclusion4 above.
- (b) Providing training in non-discrimination for municipal officials and others involved in the implementation of the Decree.
- (c) Undertaking regular monitoring of implementation of the Decree to ensure that no direct or indirect discrimination occurs in the application of the Decree.
- (d) Providing swift and readily accessible remedial measures in the event that direct or indirect discrimination does occur in the application of the Decree.

To ensure conformity with Article 16, the Decree would require amendment in accordance with this conclusion. Further, it should apply to either:

- (i) all itinerants (by abolishing article 6(3) of the Amended Decree) or
- (ii) provide for a genuine and effective accommodation program for self-identified itinerant Roma.

3. Non-Improvement of Housing Conditions

10. Failed to ensure Roma, particularly those in informal settlements, have immediate access to adequate potable water, electricity, waste removal, public transport, roads and other public infrastructure. Roma also lack access to education and health care.

11. Failed to ensure that the Roma— at least half of the Roma population- have equal access to housing and are not segregated from the rest of the Greek population.

12. Failed to ensure that local and national authorities carry out plans to improve the housing conditions. The Government should urgently consider establishing a national body to ensure the implementation of housing programs designed to benefit the Roma. The body should allow for adequate Roma representation and be given sufficient enforcement powers to carry out its duties.

13. Failure to ensure that improvement programs, which involve relocation, are properly implemented out and do not effectively result in forced eviction.

4. Other Violations

14. Failed to enact and implement comprehensive policies designed to curb and prevent residential and other racial segregation of Roma in Greece. The Government should consider the appointment of a human rights commission office or special ombudsperson with enforcement powers to review any actions taken with respect to Roma, to make recommendations for alternative or follow-up measures designed to ameliorate conditions of disadvantage resulting from systemic discrimination and to assist in the development of programs for alleviating disadvantaged status of Roma communities.

15. Failed to adopt and enforce comprehensive anti-discrimination legislation that are enforced by an effective and independent body with adequate resources. The law/s should and be in conformity with current European and international standards, for example the European Council of the European Union Directive 2000/43/EC “implementing the principle of equal treatment between persons irrespective of racial or ethnic origin” and General Policy Recommendation No 7 of the European Commission against Racism and Intolerance.

16. Failed to ensure that adequate legal assistance is available to victims of discrimination and human rights abuse by providing free, efficient and effective legal services to indigents and members of weak groups, including Roma.

17. Failed to conduct systematic monitoring of access of Roma and other minorities to social and economic rights -- the right to adequate housing in particular -- and establish a mechanism for collecting and publishing disaggregated data in these fields, in a form readily comprehensible to the wider public.

18. Failed to effectively promote human rights. For example, the government has not:

- Conducted any significant public information campaigns on human rights and remedies available to victims of human rights abuse
- Conducted public information campaigns on human rights in the Romani language.
- At the highest levels, spoken out against racial discrimination against Roma and others, and make clear that racism will not be tolerated.

II. General Findings

The ERRC also recommends that the Committee make the following additional findings:

5. International instruments

19. The Government would be assisted in fulfilling its obligation under Article 16 if it ratifies the following international instruments:

- Revised European Social Charter.
- Protocol 12 to the European Convention on Human Rights.
- Council of Europe's Framework Convention on the Protection of National Minorities, expressly recognising Roma as a national minority.
- European Charter for Regional and Minority Languages, expressly recognising Romani as a minority language in Greece.
- Declaration under Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, recognising the competence of the Committee on the Elimination of Racial Discrimination to hear individual complaints.

6. Continuous Review of Greece

20. Due to the consistent and long-term failure of the Government of Greece to act in conformity with Article 16, the Contracting Party should report back to the Committee within 12 months on measures it has taken to ensure compliance with Article 16 of the Charter in relation to the matters raised in this collective complaint.

21. The Committee should be given an opportunity to undertake a mission to Greece upon receipt of the follow-up report from Greece to investigate the measures taken by Greece.

7. Costs

22. The legal costs of ERRC as they relate to this collective complaint should be paid by the Government of Greece.