

# COUNCIL OF EUROPE

## COMMITTEE OF MINISTERS

### Resolution ResChS(2005)11 Collective complaint No. 15/2003 by the European Roma Rights Centre (ERRC) against Greece

*(Adopted by the Committee of Ministers on 8 June 2005  
at the 929th meeting of the Ministers' Deputies)*

The Committee of Ministers,<sup>1</sup>

Having regard to Article 9 of the Additional Protocol to the European Social Charter providing for a system of collective complaints,

Taking into consideration the complaint lodged on 4 April 2003 by the European Roma Rights Centre (ERRC) against Greece,

Having regard to the report transmitted by the European Committee of Social Rights, in which it found that the insufficiency of permanent dwellings, lack of temporary camping sites and forced evictions constitute a violation of Article 16 of the Charter for the following reasons:

*“ii) As to the alleged insufficiency of permanent dwellings*

40. *The Committee notes the allegation made by the complainant organisation that an estimated 100,000 Roma live in sub standard housing conditions is corroborated by information from other bodies<sup>2</sup> and was not convincingly denied by the government.*

41. *The government failed to provide information as to the estimated number of Roma living in what could be considered to be substandard housing. It provided information on the IAP which was adopted in 2001, the number of requests made for loans under the housing loans programme and information on measures taken or planned in the future. It acknowledged that the situation of Roma in certain settlements was unsatisfactory.*

42. *The Committee finds that Greece has failed to take sufficient measures to improve the living conditions of the Roma and that the measures taken have not yet achieved what is required by the Charter, notably by reason of the insufficient means for constraining local authorities or sanctioning them. It finds on the evidence submitted that a significant number of Roma are living in conditions that fail to meet minimum standards and therefore the situation is in breach of the obligation to promote the right of families to adequate housing laid down in Article 16.*

43. *In light of the excessive numbers of Roma living in substandard housing conditions, even taking into account that Article 16 imposes obligations of conduct and not always of results and noting the overarching aim of the Charter is to achieve social inclusion, the Committee holds that the situation is in violation of Article 16 of the Charter.*

*(...)*

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<sup>1</sup> In conformity with Article 9 of the Additional Protocol to the European Social Charter providing for a system of collective complaints, the Contracting Parties to the European Social Charter or to the Revised Social Charter have participated in the vote: Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Moldova, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, “the former Yugoslav Republic of Macedonia”, Turkey and United Kingdom.

<sup>2</sup> Concluding Observations of the UN Committee on Economic, Social and Cultural Rights: Greece June 2004, Conclusions and Recommendations of the UN Committee Against Torture: Greece November 2004, ECRI Third Report on Greece December 2003.

iii) As to the alleged insufficiency of temporary camping sites

46. *The Committee notes that as a result of the terms of the 2003 Joint Ministerial Decision which concerns itinerant persons in general and the 1983 Ministerial Decision which expressly concerned the Roma, the conditions for temporary encampment as well as the conditions regarding the amenities are extremely strict and that in the absence of the diligence on the part of the local authorities on one hand to select appropriate sites and on the other the reluctance to carry out the necessary works to provide the appropriate infrastructure, Roma have an insufficient supply of appropriate camping sites.*

47. *The Committee therefore holds that the situation constitutes a violation of Article 16 of the Charter.*

(...)

iv) As to the forced evictions and other sanctions

50. *The Committee notes that the government provides no real information on evictions, (either statistics, or remedies for those unlawfully evicted or examples of relevant case law). It fails either to comment on or contradict the information provided by the ERRC on collective evictions of Roma both settled and itinerant without the provision of alternative housing and sometimes involving the destruction of personal property.*

51. *The Committee considers that illegal occupation of a site or dwelling may justify the eviction of the illegal occupants. However the criteria of illegal occupation must not be unduly wide, the eviction should take place in accordance with the applicable rules of procedure and these should be sufficiently protective of the rights of the persons concerned. The Committee considers that on these three grounds the situation is not satisfactory.”*

Having regard to the information communicated by the delegation of Greece during the 924th meeting (20 April 2005) of the Ministers' Deputies,

Takes note that the implementation of the Integrated Action Plan (IAP) for the Social Integration of Greek Roma is still in progress, that evaluation and reform of the IAP is currently ongoing in order to ensure more effective coordination of the IAP between all partners involved (including the local authorities),

Takes note of the extension and revision of the housing loans programme for Greek Roma,

Takes note that a Commission for the social integration of Greek Roma has been established,

Decides not to accede to the request for the reimbursement of costs transmitted by the European Committee of Social Rights.