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**2015 OSCE Human Dimension Implementation Meeting (Warsaw)
Statement for Working Session 16 on Roma and Sinti Issues
(1 October 2015)**

Greece: Continuing discrimination & segregation of Roma despite ECtHR & HRC rulings

Greece, under review by the **UN HRC** and the **UN CESCR** in October 2015, did not provide in its replies to issues raised by the UN Committees any impact assessment of the implementation of the national strategy for Roma besides mentioning some projects and programs. There is for example no information on the extent of homelessness or inadequate housing among Roma. There is also no information on forced evictions of Roma that however are recurrent without the provision of adequate alternative accommodation and compensation.

For example, in the Views in the communication *Georgopoulos family v. Greece (no. 1799/2008)* the **UN HRC** found Greece in violation of the **ICCPR** for the multiple evictions of that family in Riganokampos Patras in 2006. This was one of the scores of forced evictions without relocation that occurred in July-September 2006 in the Riganokampos and Makrigianni areas of Patras.¹ Currently, a second communication on an eviction of an Albanian Roma family from Makrigianni at that time (*Isiu v. Greece no. 2582/2015*) is being examined by the **UN HRC** which decided to join the examination of merits to the examination of admissibility. Yet, in June 2015, local municipal and police authorities carried out a new series of forced evictions of Roma from Riganokampos without any provision of alternative accommodation with the result that, as in 2006, the evicted Roma resettled squatting illegally in the Makrigianni area as was widely reported in local media.² There is another communication pending before the **UN HRC** on the on-going effort to evict Halandri (Greater Athens) Roma, who had been living in that Greater Athens area since the mid-1970s, without prior relocation and despite interim measures taken by the **UN HRC** on 10 May 2013 and maintained on 14 August 2013, 4 February 2014, and 26 September 2014, in the framework of the communication “*Cultural Association of Greek Gypsies Originating from Halkida and Suburbs “I Elpida” and Mr. Stylianos Kalamiotis v. Greece*” (No. 2242/2013) under examination by the **UN HRC**! No progress has been made to find adequate alternative housing for those Roma in 2015...

Most compelling are the related excerpts from documents released in 2015 by the **Council of Europe’s ECRI** and the **United Nations Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance**:

¹ <http://www.nytimes.com/2006/10/23/world/europe/23iht-roma.3261502.html>

² «Πάτρα: Έφυγαν οι ρομά από τον Ριγανόκαμπο – Μαζική «μετανάστευση»» (“Roma left Riganokampos – mass “migration””) **Patrasevents.gr** 25 June 2015 <http://www.patrasevents.gr/article/171088-patra-efigan-oi-roma-apon-riganokabo-maziki-metanasteusi>

**United Nations Special Rapporteur
on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related
Intolerance M. Mutuma Ruteere on 8 May 2015 in Athens, Greece³**

(...) “Finally, the Roma of Greece, while being for the vast majority Greek citizens, continue to face discrimination and remain economically and socially vulnerable. I had the opportunity to visit the Spata settlement outside of Athens and followed-up on a number of issues raised by other UN special procedures mandate-holders and European mechanisms. I am concerned about their housing conditions, access to health care and other social services that have remained unchanged even after various recommendations from these international processes. It is unacceptable that their children are unable to attend schools and unable to complete basic primary education as they have been living in the same settlement for more than 15 years. The fact that this settlement does not have electricity has implications for both the education of the children as well as their health. While I have been made aware of plans to come up with a comprehensive strategy for Roma integration, I call upon the Government to take into account and urgently implement the numerous recommendations of my predecessors from the UN and European mechanisms.”

**ECRI REPORT ON GREECE
(fifth monitoring cycle)**

Adopted on 10 December 2014
Published on 24 February 2015⁴

(...) 110. The living conditions in many Roma settlements in Greece continue to be a cause of concern. Some settlements are in complete isolation from the rest of the population, without running water or electricity, with no heating in winter and leaking roofs in some cases, and without a sewage system or access to public transport. Furthermore, many forced evictions of Roma took place without specifying a suitable place to install a safe and legal settlement and without adequate access to legal remedies. 76

111. According to data from the International Romani Network, following a study conducted in cooperation with the Greek Ministry of Labour, some 80% of Roma makeshift settlements and 20% of settlements that consist of a combination of houses and makeshift constructs, were not connected to the national power grid. 31 out of 37 makeshift settlements were not connected to the water supply system and 26 had no sewage facilities. 77

112. ECRI recommends that the Greek authorities take action to address the situation of Roma who live in settlements of inadequate standards.

113. ECRI’s delegation visited a Roma settlement in Spata. It lay on an isolated site. Its residents were moved there by the local authority from another settlement. 78 They were provided with some pre-fabricated houses, but no other facilities. The lack of access to water, sewage and electricity systems has never been addressed. On at least one occasion, the authorities allegedly explained that the settlement cannot be connected to the utility grids due to its location in the vicinity to Athens Airport, where in fact no housing is normally permitted.

114. The Roma living on the settlement have been refused registration with the local authority because they cannot provide electricity or water bills as proof of residence. Some Roma children from the settlement had initially been enrolled in the local school, were then expelled and their re-

³ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15943&LangID=E>

⁴ <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-V-2015-001-ENG.pdf>

enrolment subsequently refused due to lack of registration of residence. This problem is recognised by the Ministry of Education and Religious Affairs as a widespread obstacle to school enrolment of Roma children.

⁷⁶ In December 2009, the European Social Committee found, for the second time in five years, violations of Article 16 of the European Social Charter on the grounds that a significant number of Roma families continued living in conditions that failed to meet minimum standards, and that Roma families continued to be forcibly evicted in breach of the Charter. The complaint detailed the Greek government's continuing failure to provide adequate housing and related infrastructure for the Roma as well as its involvement in over 20 forced evictions since 2004. It also highlighted the systematic discrimination experienced by the Roma and lack of adequate safeguards and remedies.

⁷⁷ ERTF, 2013, p.10.

⁷⁸ Decision 177/1995 of the Spata Municipal Council, carried out in October 2000.

It is to be noted that on 25 July 2013, **Parliament** was informed by the **Minister of Interior** that the sums of 5,3 million euros and 3,8 million euros had been allocated for infrastructure work in the Roma settlements of Aspropyrgos and Spata.⁵ No works corresponding to those sums are known to the Roma communities to have been carried out. No investigation was ever carried out to find out what happened to those sums and why they were not used for their purpose, let alone to see if they were misused for other purposes. On 14 August 2015, **GHM** filed a report to the **Athens First Instance Prosecutor** copied to the **General Secretary for Transparency and Human Rights at the Ministry of Justice** on clear discrimination cases about many of which investigation was stalled with the result that impunity prevailed; it included the above information with the request that it be investigated.⁶ No action has been taken to date by the Prosecutor on all complaints included therein.

Concerning Roma children's access to education, **GHM/MRG-G/HUG/SOKADRE** consider that it can be best summarized by the phrase "the accidental Roma pupil." Satisfactory to full attendance exists in a few Roma communities usually because of their general integration in urban life or because of successful efforts of educators or advocates for Roma rights or more rarely municipal authorities. Even in those cases, however, frequently Roma pupils attend fully segregated schools or segregated classes in general schools.

More generally, in the **Operational Action Plans** drafted in each one of the 13 Regions of Greece, detailed information is included on the extent of educational exclusion and/or segregation and/or dropout of Roma children in scores of communities throughout Greece.

This is why the **ECtHR** has ruled three times against Greece for discriminatory exclusion or segregation of Roma pupils in Aspropyrgos (judgments *Sampanis and others v. Greece* in 2008 and *Sampani and others v. Greece* in 2012) and in Sofades (judgment *Lavida and others v. Greece* in 2013). As also reported to the Prosecutor in the aforementioned report on 14 August 2015,⁷ following the first judgments for each community, the ghetto schools continued (Aspropyrgos) or continue (Sofades) to function. Only after the second judgment for the Aspropyrgos ghetto school the latter was closed down in 2014, but the State party made no effort to integrate all Roma children to the general school: in effect a mere dozen pupils attended classes in 2014-2015. **GHM** and **SOKADRE** had to use unpaid volunteers to take a partial census of the Aspropyrgos community and then register scores of pupils to the school for the upcoming school year 2015-2016, with no guarantee that these pupils will be effectively welcome and integrated in that school.

⁵ <http://www.hellenicparliament.gr/Praktika/Synedriaseis-Olomeleias?sessionRecord=e896a617-1c19-4705-8885-c2c6b8dead5d>

⁶ <http://booksjournal.gr/slideshow/item/1350-ελλάδα-2015-διακρίσεις-ρατσισμού-ατιμωρησία> and <http://booksjournal.gr/blog/item/1351-sos-ρατσισμού-μερικές-περιπτώσεις>

⁷ <http://booksjournal.gr/slideshow/item/1350-ελλάδα-2015-διακρίσεις-ρατσισμού-ατιμωρησία> and <http://booksjournal.gr/blog/item/1351-sos-ρατσισμού-μερικές-περιπτώσεις>

In the **UN** and **CoE** texts quoted above on the Roma community of Spata, which unlike the squatting community in Aspropyrgos is a state created community, it is mentioned that pupils from that community have not been accepted to school in recent years and were attending it in the past only after visits of international observers. Again, **GHM** and **SOKADRE** had to use unpaid volunteers to take a full census of the Spata community and then ask for the registration of 37 pupils of mandatory school age (below 15 years) to the Spata schools for the upcoming school year 2015-2016, with no guarantee again that these pupils will be effectively welcome and integrated in that school. In fact, on 4 September 2015, the **Deputy Governor of Attica** copied **GHM** to a letter to various authorities informing that only for 15 of those pupils who are of pre-school or first grade age (5 or 6) there will be an effort to register them in unnamed schools while for the remaining score of pupils a special ghetto class will be created in the segregated settlement, in an unspecified future time, so that they attend some preparatory class with the aim to integrate school next year!

In the aforementioned report to the Prosecutor, **GHM** mentioned that they had filed complaints for the exclusion or segregation of Roma pupils from those three communities which have been “buried” in the drawers of some prosecutors guaranteeing impunity for those responsible for past exclusion or segregation of Roma pupils and for the three “convictions” of Greece by the **ECtHR**. A call for reopening those court files and swiftly referring those responsible to court was included.

Such and other documented information on absence of access to fair trials by Roma led **ECRI**, in its 2009 report on Greece following a 2008 visit, to state:⁸ *“ECRI has also received reports of Roma not being treated equally in the judicial system, with cases brought against members of this group being investigated promptly while those in which Roma are plaintiffs often take longer to solve and/or yield results which are not always in full respect of the Roma plaintiff’s rights... ECRI recommends that the Greek authorities take vigorous measures to combat the discrimination faced by Roma in various areas, including the justice system... ECRI also recommends that any allegations of discrimination brought by Roma be promptly investigated and appropriate sanctions meted out where they prove founded.”* The problem persists as evidenced also by the Roma’s need to seek justice through **ECtHR** judgments or **HRC** views.

Finally, the **Council of Europe’s Human Rights Commissioner**, in his 2013 report on Greece, had *“urged the authorities to put an end to the practice of ethnic profiling by the police, reportedly widely used concerning Roma and as part of the ‘Xenios Zeus’ police operation under which the legal status of migrants is verified. Racial profiling is discriminatory and seriously undermines confidence in the police among the social groups targeted. Drawing on ECRI’s General Policy Recommendation N° 11 on combating racism and racial discrimination in policing, the authorities are invited to introduce in the law enforcement rules a “reasonable suspicion standard”, whereby powers relating to control, surveillance or investigation activities can only be exercised on the basis of a suspicion that is founded on objective criteria.”*⁹ The **Minister of Public Order**, answering **Democratic Left MP Maria Yannakaki** questions, informed **Parliament** on 18 October and 23 November 2013 that, in 2013, police had made 1131 operations in Roma settlements, almost always at around 5am to 6am, where they had checked 52,431 Roma (Greece’s Roma population is estimated at 350,000 persons), taken in 19,067 Roma and arrested just 1,305 Roma, with only about half of them (ca. 650) for serious crimes (drugs, thefts, guns etc.).¹⁰ So, less than 7% of the Roma taken to police stations (where they usually spend several hours losing a day’s income) ended up being arrested! While the **“Xenios Zeus”** operation that profiled migrants was discontinued in January 2015 by the new left radical **SYRIZA**-led government, the similar

⁸ <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-IV-2009-031-ENG.pdf>

⁹ [https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH\(2013\)6&Language=lanEnglish&Ver=original&BackColorInternet=B9BDEE&BackColorIntranet=FFCD4F&BackColorLogged=FFC679](https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH(2013)6&Language=lanEnglish&Ver=original&BackColorInternet=B9BDEE&BackColorIntranet=FFCD4F&BackColorLogged=FFC679)

¹⁰ http://www.hellenicparliament.gr/Koinovouleftikos-Elenchos/Mesa-Koinovouleutikou-Elegxou?pcm_id=baf155b2-8a0e-4f4d-8712-e56b84761d1d and http://www.hellenicparliament.gr/Koinovouleftikos-Elenchos/Mesa-Koinovouleutikou-Elegxou?pcm_id=fbbdb428-2ac4-4085-9cda-bca5f58bcbad

operation profiling Roma has continued. At the same time, police issued hundreds of statements naming each and every time the Roma ethnic identity, even though this is not registered in the identity cards, in a deliberate effort to show that there is Roma criminality which is combated by police. The reference to ethnic identity of Greek citizens is in violation of the Greek data protection legislation.

Recommendations to Greece on Roma rights

- **Greece should compile credible statistics on homelessness including among Roma and undocumented migrants; as well as on evictions of Roma and other marginalized groups with information about provision of adequate alternative housing to all persons evicted from their homes and where applicable compensation for unlawful forced evictions.**
- **Greece should provide a comprehensive report on all persons, Roma or other, who live under the minimum adequate standards and of the specific measures taken to relocate them providing them with adequate housing which is the State party's obligation under international treaties ratified by Greece.**
- **Greece should promptly implement the letter and the spirit of the three ECtHR judgments on discrimination and segregation in education of Roma not only in the two communities concerned but throughout the country so that from 2015-2016 onwards the Ministry of Education make sure that all Roma children of mandatory school age attend school with appropriate support to secure their successful integration and that all those hindering school attendance by Roma children, be they authorities, non-Roma neighbors or even Roma parents, are sanctioned.**
- **Greece should fully investigate the phenomenon of unequal hence unfair treatment of Roma in the judicial system, establish statistics on the length of investigations of cases with Roma as plaintiffs and Roma as defendants, and impose sanctions on those who discriminate against Roma seeking justice, so as to combat the phenomenon.**
- **Greece should be commended for having abandoned the Xenios Zeus police profiling operations against migrants and is urged to also discontinue the similar sweep operations in Roma settlements as well the reference to the Roma identity of persons arrested or charged for alleged crimes.**