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Greece: Written contribution on ongoing violations of Roma housing rights and evictions

Greek Helsinki Monitor (GHM) reiterates that in Greece violations of the housing rights of Roma continue in accelerated rhythms, despite the **European Committee of Social Rights (ECSR)** decision on Collective Complaint No. 15/2003 (*European Roma Rights Center v Greece* - http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC15Merits_en.pdf) of 8 December 2004. In it, the ECSR had concluded that Greek actions and policies in relation to the housing rights of the Roma were in breach of Article 16 of the Charter due to: *'The insufficient number of dwellings of an acceptable quality to meet the needs of settled Roma; the insufficient number of stopping places for Roma who choose to follow an itinerant lifestyle or who are forced to do so; The systemic eviction of Roma from sites or dwellings unlawfully occupied by them.'*

A new Collective Complaint No. 49/2008 (*International Centre for the Legal Protection of Human Rights (INTERIGHTS) v. Greece*) was registered on 28 March 2008; admissibility was decided last week (http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC49CaseDoc1_en.pdf). It is alleged that the Greek Government continues to forcibly evict Roma without providing suitable alternative accommodation. It also alleges that the Roma in Greece continue to suffer discrimination in access to housing in violation of Article 16 of the European Social Charter (Right of the family to social, legal and economic protection) alone or in conjunction with the non discrimination clause in the Preamble. The related **Interights** release follows.

Just yesterday, 1 October 2008, GHM was informed that three Roma families were evicted from their homes in Halkida, in the presence of a prosecutor, without any eviction documents or other warning having been previously served to them. In one case, the family was absent and the home would have been leveled with all the belongings if some Roma neighbors had not intervened and emptied the home before its demolition.

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Greece's ongoing violations of Roma housing rights

European Social Charter complaint documents mass forced evictions and failure to provide adequate alternative accommodation

London, 6 April 2008 – On 31 March 2008, **INTERIGHTS**, in partnership with **Greek Helsinki Monitor** (GHM), filed a complaint to the **European Committee of Social Rights** against **Greece** detailing serious and widespread violations of the Roma community's right to housing and related guarantees as protected by Article 16 of the Charter together with the safeguard against non-discrimination in the Preamble.(1)

According to both the Greek State's own official data and that recorded by the GHM, Greece, through both its own agents and in collaboration with private actors, has, since the end of 2004, carried out over 20 forced evictions throughout the country affecting several hundred Greek and Albanian Roma families. In particular, Roma in the Patras area have been subjected to a deliberate planned policy of eviction.

The complaint contains evidence of both Greece's continuing failure to take any concrete action to implement the previous decision of the Committee of Ministers in relation to Collective Complaint 15/2003 (2) together with significant new breaches, particularly in relation to forced evictions, that have further exacerbated the situation of Roma families.

"By not only failing to implement the recommendations of the previous complaint but also being responsible for new violations Greece is continuing to fail in its obligations under the Charter", said **David Geer, Executive Director of INTERIGHTS, the International Centre for the Legal Protection of Human Rights** based in London.

In December 2006 **the Council of Europe's Commissioner for Human Rights** sent the Greek government a letter rebuking it for its treatment of the Roma community. According to the Commissioner, in September 2006 he *"met in Patras with a family whose simple habitat had been bulldozed away that same morning...in total contradiction to human rights [and] that non-Roma people...during my visit...behaved in an aggressive, threatening manner to the extent that my interviews with some of the Roma families were disturbed [without] police offer[ing]...protection."*

"When Greece is allowed to ignore without consequences even a letter sent by the Commissioner then it is obvious that only effective severe sanctions can compel Greece to finally honour its international obligations", said **Panayote Dimitras, spokesperson for GHM.**

The marginalisation and social exclusion of the Roma across Europe has been repeatedly recognised by various Council of Europe bodies.(3) Specifically in relation to Article 16 the Committee has stated that States are under a positive obligation to facilitate the Roma way of life. In particular, States must not pursue any measures that fundamentally undermine the family and its need for security, privacy and shelter, and freedom from racial and other discrimination. This includes ensuring that both its own agents and third parties do not engage in any acts which breach the State's obligations under Article 16 and the guarantee against discrimination.

This complaint demonstrates that in relation to all three of these crucial issues – the provision of suitable alternative accommodation and temporary sites, together with systemic forced evictions – the Greek State, through both its omissions and deliberate discriminatory actions, continues to breach Article 16 of the Charter. Indeed, the situation of many Roma families has significantly worsened since the 8 June 2005 Resolution of the Committee of Ministers in relation to Complaint 15/2003.

Evictions, frequently involving the demolition of both temporary and permanent dwellings, have not been subject to the necessary procedural safeguards. Roma families have been forcibly ejected without any prior consultation, notice or ability to challenge state action. Many Roma families have lost most of their belongings. There is no evidence of any of the families being provided with adequate alternative accommodation with a consequential detrimental impact on their health and well-being.

Discriminatory legislation is still effectively in place. More than 60 sets of criminal proceedings have been launched against scores of Roma families for violation of the discriminatory 2003 Sanitary Regulation “Relating to the unauthorised encampment of nomads” without the authorities indicating to the Roma in question where they could have settled legally or providing them with suitable land to do so.

Taken together the evidence contained in this Complaint, which draws in particular on the work of Greek Helsinki Monitor in documenting abuses, demonstrates that Greece is in breach of Article 16 of the Charter in relation to its treatment of Roma families both in respect of its deliberate acts and omissions. Greece should be urged to take significant and decisive action to (a) halt forced evictions, (b) provide redress for the victims of forced evictions, (c) provide appropriate alternative accommodation for all Roma families who need it, and (d) repeal discriminatory laws, cease discriminatory practices and ensure equal access to adequate infrastructure and services for all Roma communities.

Notes

(1) Under the European Social Charter, member countries have agreed to protect the social and economic rights of all of their citizens. The Committee is responsible for considering complaints of non-compliance with the Charter.

(2) In its decision on Collective Complaint No. 15/2003 (*European Roma Rights Center v Greece*) dated 8 December 2004, the Committee concluded that Greek actions and policies in relation to the housing rights of the Roma were in breach of Article 16 of the Charter due to: ‘The insufficient number of dwellings of an acceptable quality to meet the needs of settled Roma; the insufficient number of stopping places for Roma who choose to follow an itinerant lifestyle or who are forced to do so; The systemic eviction of Roma from sites or dwellings unlawfully occupied by them.’

(3) See for example the recent decision of *DH v Czech Republic* (57325/00) 14 November 2007 by the Grand Chamber of the European Court of Human Rights condemning segregated education of Roma children in which INTERIGHTS intervened.

About INTERIGHTS

INTERIGHTS is a UK registered charity based in London which protects and promotes human rights through the use of law.

It brings litigation in key test cases worldwide.

INTERIGHTS holds consultative status with the United Nations Economic and Social Council, the Council of Europe and the African Commission on Human and Peoples’ Rights and is accredited to the Commonwealth Secretariat.

For further information, please visit our website: www.interights.org

