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Thematic Study

Housing Conditions of Roma and  
Travellers

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# Executive summary

## Legislation and practice on Roma Housing

Despite the fact that international instruments have frequently reaffirmed the importance of full respect of the right to adequate housing, there remains a gap between this and the actual situation in practice.

Even though the right to alternative accommodation constitutes a legal prerequisite for carrying out an eviction, in practice in the majority of the eviction cases reported, it has not been provided.

The main specific regulation concerning the housing of Roma is a Ministerial Decision (A5/696/25.4.1983 as amended by the Joint Ministerial Decision No 23641/3.7.2003) regarding the ‘Sanitary provision for the organised settlement of itinerant persons’.

The anti-discrimination legislation does not provide for sanctions or awards, while equality bodies do not support discrimination victims in court proceedings and cannot issue sanctions themselves. The absence of sanctions is related to the limited powers of the competent Equality Bodies, while the fully operative and active Equality Body, the Greek Ombudsman, may only issue recommendations which are not binding.

## Public Policy on Roma housing

Public policies for Roma seem to have a very poor impact on the effective situation of the Roma minority in Greece. Such policies have met a negative reaction and resistance from local administration and communities.

Civil society representatives have pointed at the lack of political will to solve the housing problem of Roma minority, and at the absence of a strong coordinating and decision-making structure on a centralised level which would be able to intervene and apply the law locally.

The general public policies on Roma housing are mainly, if not exclusively, focused on individual loans for houses addressing a relatively small number of Roma applicants. The state representatives often emphasise Roma individual responsibility and response to policy measures as a barrier to the successful implementation of social inclusion action plans. There is a ‘common sense’ belief that Roma are responsible for many of their own problems.

## Quantitative data on the housing situation of Roma and Travellers

Official and unofficial estimates report that the Roma population in Greece amounts to 250,000-350,000 persons. There are no official or unofficial quantitative data available on regulated or unregulated encampments, ownership, social housing, private renting or household types.

The choice of the Greek state (based also on the self-identification of Greek Roma as 'Zingani') to use the denotation 'gypsies' for Greek Roma is related to its reluctance to accept that Roma constitute a 'minority' as a social group, protected by international legal instruments.

There is no specific legislative or administrative decision regarding 'ethnic' data collection on housing. The existing legal framework regarding civil and municipal status does not include special or updated measures in order to resolve the problem of unregistered Roma, making the invisibility of Roma in Greece a serious obstacle to the achievement of their social integration and participation.

## Quantitative data on the housing situation of Roma and Travellers

Inhuman and degrading conditions, as well as the deprivation of a wide range of their fundamental rights is the common conclusion met in different national and international reports on housing of Roma minority in Greece

There is a 'dramatic absence of a systematic recording of the factual dimension of problems in Roma housing which goes hand-in-hand with the absence of a systematic normative framework.

'Roma live in tragic conditions right next to dumps, in shacks, without water and electricity, without basic hygiene, among rodents, and at the mercy of extreme weather conditions and phenomena, affected by epidemic diseases, mainly caused by the trash they are paid to collect and remove.'

All national and international reports on Greece agree that Roma live under heavy spatial and social segregation. Allegedly, the only regulatory framework providing for Roma settlements promotes segregation and ghettoisation.

The 'local authorities - primarily responsible for the housing of the Roma at a local level - reproduce stereotypes against them and misinterpret their own role, which is the provision of basic goods, such as access to water and electricity'. There are organised settlements where Roma were relocated by the state some years ago, which lack of basic facilities and public utilities.

The very same pattern of Roma populations settling informally by occupying free and unexploited (mostly public) land, with the tolerance or indifference of their owners, leads to great insecurity of tenure and forced evictions.

Many evictions are linked to major sport or cultural events. In such cases Roma must be made invisible or removed at any cost, a recurrent pattern in Greece encountered also in other cases of segregated or marginalised social groups. It is an occurrence which symbolises the ‘trespassing’ of Roma from the margins to the main body of the majority social life.

As a phenomenon, the violation of fundamental rights of a small excluded group (the Roma) balanced against the interests of the overwhelming majority, even if it regards entertainment or leisure, reveals fully the extent and the depth of Roma exclusion and segregation from the rest of society, comparable only to apartheid.

The extreme socio-spatial segregation of Roma throughout the years has assumed the characteristics of a consolidated reality of acute social exclusion through the persistence of the phenomenon and underlying causes.

The spatial segregation of habitats is a pattern closely connected to Roma socio-economic exclusion, which leads them to seek and find unoccupied and isolated areas for setting up temporary or long-term encampments with makeshift shacks. The lack of basic access of most unregulated encampments to public utilities seems to function at the same time as the result and justification of their socio-spatial segregation. In this way, the consequences of their marginalisation (public hygiene conditions) become the reasons – and legitimising arguments – for their perennial segregation and exclusion in a persistent vicious circle of stereotypes, state inertia and local hostility.

The Roma minority’s lack of cultural capital and limited resources for dealing with complex situations in housing and dealing with the authorities leads them in some cases to an inability to benefit even from a generous loan programme. In this way, the myth of Roma responsibility for their own situation is consolidated.

Improvement of the Roma minority housing situation and the viability and sustainability of housing solutions are inevitably linked to the employment of Roma and their economic position, in order to make such solutions affordable, and integration and participation possible.

## Case law and complaints

To date, the only public and independent authority effectively dealing with misadministration connected to discrimination in housing conditions and policy is the Greek Ombudsman – the Equality Body for the public sector. Several complaints submitted to the Ombudsman refer to housing issues, particularly of Roma.

## Identifying good practices

Experience shows that housing solutions are easier to be applied and accepted by local societies when Roma populations are permanent residents of the region; while measures for Travelling and non-Greek Roma are not easily accepted.

The municipality of Aghia Varvara (suburban area of Athens) is an example of the absence of spatial segregation between the Roma and the rest of the population. Roma long-term residence, their ownership of land and their participation in social life, as well as the positive role of the municipal authorities, have contributed as decisive key factors.

The medical/social centres and mobile units provided by the National Action Plan for Social Inclusion are widely considered to be a 'good practice' in supporting existing settlements and encampments through basic first-level health, social care and social inclusion services.

## Major national projects

In the field of housing, the main positive action targeting Roma is the loan programme, providing 9,000 loans up to the amount of 60,000 euros, each fully covered by the national budget. Until 30 January 2009, a total of 7,686 decisions of recognition of housing support beneficiaries have been issued, (85.4 per cent of the total planned number of loans to be granted). Respectively, 6,151 housing loans have been allocated.

All civil society representatives highlighted the extremely low impact (or the 'total failure') of the loans programme – the only housing program for Roma in Greece.

The Interior Ministry official interviewed emphasised that the Roma housing loans programme had been a success story, under the circumstances.

The National Commission for Human Rights' main criticism is that the loan programme responded only to one housing and residential type; it was costly and vulnerable to maladministration and financial mismanagement.

The ultimately responsible actor appears to be local administration afflicted by clientelism and micro-political pressure at the local level. Nevertheless, local administration or local society reactions do not exempt central administration, the courts or public authorities in general from their role in implementing the law under a rights-based approach.

There is an imperative need for a solid and well-articulated normative framework safeguarding and promoting housing rights, by providing specific and binding solutions focused on human rights.

There is an overbearing need for an effective implementation of anti-discrimination laws. This can only be done by a strong, publicly highly visible and efficient equality body and by well-equipped courts and judges, through legislative instruments which provide both sanctions-awards, and powers of representation and advocacy of discrimination victims.



# 1. Desk Research

## 1.1. Legal and policy framework

### 1.1.1. The right to adequate housing in national legislation

The right to adequate housing is protected specifically in the Greek Constitution, without any further distinction or specification as regards the persons entitled to it. Thus, according to Article 21, paragraph 4, 'The acquisition of a home by the homeless or those inadequately sheltered shall constitute an object of special State care'. In addition and, in compliance with Article 28 paragraph 1, the generally recognised rules of international law, when transposed in the domestic law, prevail over any contrary provision.<sup>1</sup> In this regard, Article 11, paragraph 1 of the International Covenant on Economic, Social and Cultural Rights shapes the general but comprehensive frame for the recognition of 'the right of everyone to an adequate standard of living for himself and his family, including [...] housing'. Furthermore, Article 16 of the European Social Charter defines the obligation of the states parties 'to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married and other appropriate means', indicating that the right to an adequate standard of living, including housing, is of central importance for the enjoyment of all economic, social and cultural rights.

Despite the fact that international instruments have frequently reaffirmed the importance of full respect of the right to adequate housing, there remains a gap between the above standards and the prevailing situation. Additional precise elements were defined in a number of other international texts<sup>2</sup> in order to

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<sup>1</sup> Article 28, paragraph 1 of the Constitution states that 'The generally recognized rules of international law, as well as international conventions as of the time, are sanctioned by statute and become operative according to their respective conditions, shall be an integral part of domestic Greek law and shall prevail over any contrary provision of the law'.

<sup>2</sup> The UN Committee on Economic, Social and Cultural rights in its General Comment 4, specifies the main principles that should be taken into consideration in determining what shelter is considered to constitute adequate housing. Additional standards are provided in the Rec(2005)4 of the Committee of Ministers to member states on improving the housing conditions of Roma and Travellers in Europe and in freedom from dispossession, as well as in General Comment 7 of the UN Committee on Economic, Social and Cultural Rights. The Special Rapporteur, in its report on adequate housing, identifies 14 elements arising from international treaty obligations and their interpretation by expert bodies. These elements, in their entirety, form the basis of a methodology that could be applied to assess both the realisation and the extent of violations of the human right to adequate housing. These elements are: 1) security of tenure; 2) public goods and services; 3) environmental goods and

facilitate the effective empowerment of the above standards in the national legal framework and its administrative practice. The combination of all the above provisions indicates that both constitutional and international law provide the main principles and standards for a progressive framework in the field of housing. However, the formal legislation and administrative practice on the issue are rather inconsistent and insufficient to substantiate effectively the right to adequate housing.<sup>3</sup>

#### Forced evictions and the right to alternative accommodation

The right to adequate housing is strongly related to the protection against forced evictions. The principal aspect of the obligation to respect the right to adequate housing is the duty of the state not to allow forced evictions to occur. The need to enforce this specific aspect of the right to adequate housing has been expressed in various formulations in numerous human rights instruments,<sup>4</sup>

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services (including land and water); 4) affordability (including access to finance); 5) habitability; 6) accessibility (physical); 7) location; 8) cultural appropriateness; 9) freedom from dispossession; 10) information, capacity and capacity-building; 11) participation in decision-making; 12) resettlement; 13) safe environment; 14) security (physical) and privacy.. See: A/HRC/4/18, 5 February 2007, available at:

<http://www.unhcr.org/refworld/docid/47c7d4822.html>.

<sup>3</sup> The Greek Ombudsman, 3rd Annual Report as National Equality Body (2007), available at: [http://www.synigoros.gr/pdf\\_01/annual\\_07/07\\_04.pdf](http://www.synigoros.gr/pdf_01/annual_07/07_04.pdf); National Commission for Human Rights, Report and recommendations related to the situation and the rights of Roma in Greece (2009), available at: [http://www.nchr.gr/media/gnwmateuseis\\_eeda/roma/Apofasi\\_EEDA\\_Tsigganoi\\_2009\\_FINA\\_L.doc](http://www.nchr.gr/media/gnwmateuseis_eeda/roma/Apofasi_EEDA_Tsigganoi_2009_FINA_L.doc)

<sup>4</sup> Most notably the Universal Declaration of Human Rights (Art. 25 para.1); the International Covenant on Economic, Social and Cultural Rights (Art. 11, para.1); the International Convention for the Elimination of All Forms of Racial Discrimination that prohibits and obliges state parties to eliminate racial discrimination in all its forms including housing (Art. 5 (e) (iii)); the Convention on the Rights of the Child (Art. 27, para. 3); the Convention on the Elimination of All Forms of Discrimination against Women (Art. 14, para. 2 (h)). In addition, and consistent with the indivisibility of a human rights approach, Article 17 of the International Covenant on Civil and Political Rights states that 'no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence', emphasising that 'everyone has the right to the protection of the law against such interference or attacks'. Specific guidelines and interpretative approaches on the issue are contained in General Comment No. 4 (1991) and General Comment No. 7 (1997) of the Committee on Economic, Social and Cultural Rights. According to para. 3 of General Comment 7, the term forced evictions is defined as 'as the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection'. In addition, para. 15 defines that 'the procedural protections which should be applied in relation to forced evictions include: (a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; (c) information on the proposed evictions; and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected; (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction; (e) all persons carrying out the eviction to be properly identified; (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise; (g) provision of legal remedies; and (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from

taking into account that when the right to adequate housing is violated by forced evictions, a number of other human rights are also affected and mainly the right to human dignity, the right to security of the person and the right to peaceful enjoyment of possessions.<sup>5</sup>

According to Greek legislation, the legal eviction of a trespasser and the relevant procedure that must be followed depends on the kind of trespass concerned, and more specifically, on whether the land disputed is private, state- or municipality- owned.<sup>6</sup> In the last two of the above, it is also accepted – mainly through interpretation of the law by the relevant jurisprudence<sup>7</sup> – that evictions of persons settled for long in specific regions cannot take place legally (unless the competent public authorities provide an alternative place for their resettlement). Despite the above legislation defining the procedure that should be followed in cases where forced evictions are planned to occur, in practice, this is not always the case.<sup>8</sup> There are instances where evictions are carried out

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the courts. CESCR General Comment 7, the right to adequate housing (Art. 11.1 of the Covenant) forced evictions 20/05/97, available at: [http://www.unhcr.ch/tbs/doc.nsf/\(symbol\)/CESCR+General+Comment+7.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(symbol)/CESCR+General+Comment+7.En?OpenDocument). See also the Guiding Principles on Internal Displacement in E/CN.4/1998/53/Add.2, in: <http://www.unhcr.ch/html/menu2/7/b/principles.htm>; and the Report of the Special Rapporteur on adequate housing in A/HRC/4/18, 5 February 2007, available at: <http://www.unhcr.org/refworld/docid/47c7d4822.html>

- <sup>5</sup> Fact Sheet No. 25, Forced Evictions and Human Rights. Vienna Declaration and program of action (Part 1 para.30) Adopted by World Conference on Human Rights, 23 June 1993 (A/CONF.157/24 (Part 1 chap.III), in: <http://www.unhcr.ch/html/menu6/2/fs25.htm>
- <sup>6</sup> In case the land is private, the owner can bring a civil suit, under Article 1094 of the Greek Civil Code, demanding the recognition of his possession on the land. After the court's decision, and if the trespasser refuses to quit the land, the owner can ask a bailiff to enforce the judgment. If the land belongs to the state, law 263/1968 (Art. 2 para. 1), defining an administrative procedure of eviction, enforced by a comptroller, is applicable. Finally, if the land belongs to a municipality, law 263/1968 (Art.2 paras.1, 2 and 3) as amended by law 2307/1995 (Art 3 para.12) is applicable. In this case, the municipal council must convene and decide on the eviction of the trespasser. If the eviction is finally decided, the mayor must make an eviction protocol, communicating it to the trespasser, and keeping evidence of the communication made. The trespasser has the right to submit an appeal against the protocol within 30 days in a magistrate's court.
- <sup>7</sup> Decision 976/1999 and 47/2001 of the magistrate's court of Herakleion, as well as Decision 312/2005 of the magistrate's court of Patras stated that, in cases where Roma lived for a long time in settlements owned by the state public land, even if they have trespassed on the land, when the public authorities are planning their eviction, they have the obligation to indicate alternative accommodation for them. The above obligation derives directly from the relevant provision of the sanitary decision A5/696/25.4.83 'for the organized settlement of itinerant persons'. Failing to provide alternative accommodation is opposed to the legitimate expectation of the Roma that their settlements where they have lived for long are safe from evictions.
- <sup>8</sup> Over the last three years, the Greek Ombudsman, acting as national equality body on discrimination in the public sector, reports specifically on cases related to Roma housing. Cleaning operations and other problems related to housing were reported in the past, before law 3304/2005 came into force. These cases were investigated within the general mandate of the Ombudsman and were also reported in the Ombudsman's Annual Reports (see the Greek Ombudsman, Annual Report, 2000, page 61 and Annual Report, 2002 page 106, at: [http://www.synigoros.gr/annual\\_2000\\_gr.htm](http://www.synigoros.gr/annual_2000_gr.htm) and [http://www.synigoros.gr/annual\\_2002\\_gr.htm](http://www.synigoros.gr/annual_2002_gr.htm) )

in ‘cleaning operations’,<sup>9</sup> particularly by destroying temporary Roma shacks which have been deserted absence, mainly to carry out occasional construction work. In such cases, public authorities frequently claim that they had the consent of the persons concerned, and their assertion that they would voluntarily move elsewhere.

The main justification for promoting the process of eviction is based on a variety of arguments:<sup>10</sup> to improve or beautify the site or city; to protect public health, hygiene or safety; to provide infrastructure, roads or public works; to protect historic regions; to provide good scenery for guests from abroad; to construct facilities for international events; to built sport stadiums; to maintain important ecological locations; and to carry out redevelopment projects. Many of these justifications may appear or, in several cases, may be reasonable. However, in most eviction cases, the evictees – in addition to having faced a violation of human rights – tend to end up in a worse situation than the one they faced before the eviction.<sup>11</sup> Terms such as ‘unavoidable’ or ‘in the public interest’, are frequently used to justify the evictions.

Even though the right to alternative accommodation constitutes a legal prerequisite for carrying out an eviction, in the majority of the eviction cases reported, it has not in practice been provided.<sup>12</sup> Moreover, the relevant legislation is also inconsistent, leaving the impression that the right to alternative accommodation is at the discretion of the public administration and not mandatory. The Greek Ombudsman has repeatedly emphasised the prohibition of compulsory evacuation of the Roma settlement without prior indication of an adequate place for safe and legal settlement, at least of an equal quality to the evacuated site.<sup>13</sup>

#### Other laws and regulations affecting housing of Roma

The national legislation related to housing and, more specifically, the General Housing Regulation, is implemented without distinction to anyone concerned. The above provisions do not take into account the particularities of Roma lifestyle and housing. The objective of rehabilitating Roma cannot be met if the

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<sup>9</sup> ‘Cruel Inhuman and degrading Treatment: The housing rights of the Roma in Greece’, European Roma Rights Center Country Reports Series, No. 12/2003, pages 42-102 available at: [http:// www.ceeol.com](http://www.ceeol.com)

<sup>10</sup> See the relevant cases reported in the annual reports of the Greek Ombudsman acting as Specialised Equality Body.

<sup>11</sup> See the case of Patras, as reported in the GO report ‘The Greek Ombudsman as Specialised Equality Body, Annual Report’ 2007, p. 20. available at: [http://www.synigoros.gr/pdf\\_01/annual\\_07/07\\_04.pdf](http://www.synigoros.gr/pdf_01/annual_07/07_04.pdf)

<sup>12</sup> Greece is condemned for violations of Article 16 of the European Social Charter on the grounds of insufficiency of permanent settlements, lack of facilities for temporary settlements and forced evictions by the European Committee of Social Rights: decision on merits, 8 December 2005, European Roma Rights Centre vs. Greece, complaint no. 15/2003, available at: [http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC15Merits\\_en.pdf](http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC15Merits_en.pdf)

<sup>13</sup> The Greek Ombudsman, 2nd Annual Report as National Equality Body (2006), available at: [http://www.synigoros.gr/diakriseis/pdfs/12\\_10\\_EqualTreatmentReport2006.pdf](http://www.synigoros.gr/diakriseis/pdfs/12_10_EqualTreatmentReport2006.pdf)

relevant initiatives underestimate the difficulties that most Roma face in practice when constructing a house even on their own property. There are a number of obstacles for Roma persons to become owners of a legal house, such as: the usual lack of planning permission; ownership of a non-buildable plot; the ignorance of urban planning laws; the lack of familiarisation with the construction market; the difficulty in contacting the competent authorities for help; and the discouragement they come across when they finally manage to do so. At the same time, the strict implementation of the law results in the imposition of fines<sup>14</sup> by the competent urban planning and sanitary authorities, and in lawsuits against the Roma, making them unable to familiarise themselves with a conceivable system. Under these conditions, the majority of Roma – including those who have settled on their own land – prefer to maintain a makeshift type of dwelling, thus remaining entangled in a cycle of immobility and social exclusion.

#### Specific laws and regulations concerning Roma housing

The main specific regulation concerning the housing of Roma is the Ministerial Decision A5/696/25.4.83 ‘Sanitary provision for the organized settlement of itinerant persons’, as amended by the Joint Ministerial Decision No. 23641/3.7.2003 (Official Gazette 973/B/1507-2003). The above Decision states that the uncontrolled settlement of itinerant persons is, in principal, prohibited, with the only exemption being temporary Roma settlements, and only in case that the prerequisite concerning the sanitary provisions of the Ministerial Decision are fulfilled, and until the final acquirement of their permanent settlement.<sup>15</sup> With respect to the resettlement of the persons concerned, the Decision provides that the selection of the appropriate locations is made by a decision of the secretary general of the region on a proposal of the local municipal or community Council, following an introduction made by a committee set-up and composed of local representatives from the region concerned. If the local self-government agency does not make its proposal within a month, the secretary general of the region proceeds alone.<sup>16</sup> In any

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<sup>14</sup> A characteristic case is one handled by the Greek Ombudsman: a Greek citizen of Roma origin protested to the Ombudsman about the excessively high fines imposed by the prefecture of Argolida because the complainant had constructed an arbitrary makeshift dwelling on his lot to satisfy his and his family’s housing needs. The dwelling was to be demolished upon the completion of the construction of a permanent dwelling on the area of land purchased by the applicant through the ‘loans for houses’ programme reported in the Annex (Ombudsman case no.12372/2005).

<sup>15</sup> See Article 1 of the above Decision

<sup>16</sup> In addition, according to article 3 of the Decision, the capacity of each location, regarding the number of dwellings and persons, is determined by decision of the secretary general of the region to ensure hygiene and acceptable living conditions. In the locations of organised settlements, the following must be available: drinking water, sewage facilities, dustbins and the means to collect waste, facilities of personal hygiene in communal baths, facilities for the laundry of clothing and the supply of electric power. The details of the hygiene works are determined in each specific case by the sanitary service, in accordance with the sanitary provisions in force and aiming at protecting the health of the itinerant persons and public health in general.

case, the local authorities are responsible for the organisation and supervision of the operation of the approved settlement locations. The reciprocal expenses for the establishment and operation of organised sites of encampment may be imposed on the users.<sup>17</sup> The control and supervision of the Decision is entrusted to the sanitary and police bodies and to the municipal police.<sup>18</sup> The offenders of the provisions are prosecuted and punished.<sup>19</sup> However, there are no sanctions provided for the local authorities who do not fulfil their obligations.

With the sole exception of isolated and outdated arrangements of the above sanitary Decision, other specific regulations concerning housing are mainly contained in positive actions on behalf of the Greek state aiming at improving the status of the Roma and, more specifically, the loan scheme.<sup>20</sup> The inclusion of Roma in the category of 'special social groups' laid down in Article 6 paragraph 2 of law 2790/2000, came with a significant delay. However, a basic framework of regulations, institutions and infrastructures able to neutralise the factors that undermine the positive actions' expected outcome is lacking.<sup>21</sup> As a result, not only are Roma deprived from their right to participate in social life, but the public administration lacks the necessary legal tools to develop effective positive action on the issue.<sup>22</sup>

### 1.1.2. Specific protection of Roma and Travellers rights in national legislation

Apart from the already mentioned sanitary Decision of itinerant persons and the actions implemented within the Integrated Action Plan for the Social Integration of Greek Roma (IAP),<sup>23</sup> there is no other specific national legislation explicitly concerning Roma in the fields of housing, education, health and employment. The constitutional, international and anti-discrimination law ensuring the exercise of basic rights for all persons living in a territory, irrespective of race, also affects Roma, even though there is no explicit reference to the relevant

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<sup>17</sup> See relevant Article 4 paragraphs 1 and 2 of the Decision.

<sup>18</sup> Article 6 paragraph 2 of the Decision.

<sup>19</sup> As specifically defined in Article 6 paragraph 2 of the Decision, the offenders of the provisions are prosecuted and punished according to Article 3 of Act 2520/40, as has been replaced by the single article of Act 290/43 ratified by Act 303/46 of the ministerial council, unless other provisions of Acts or Decrees provide for heavier sanctions.

<sup>20</sup> Apart from the housing loan programmes addressed especially to Roma, Roma can participate in the general programmes of the Workers' Housing Organisation (OEK), which is the main body for implementing housing policy. In this case, they must fulfil the necessary prerequisites for its beneficiaries (social security contributions). However, OEK, implementing its institutional possibility also to act as settlement construction agent for non-beneficiaries, has constructed a settlement especially for the Roma, in Sofades, Karditsa, for the needs of their re-settlement, cooperating with the competent authorities.

<sup>21</sup> The Greek Ombudsman, 2nd Annual Report as National Equality Body (2006), available at: [http://www.synigoros.gr/diakriseis/pdfs/12\\_10\\_EqualTreatmentReport2006.pdf](http://www.synigoros.gr/diakriseis/pdfs/12_10_EqualTreatmentReport2006.pdf)

<sup>22</sup> The Greek Ombudsman, 2nd Annual Report as National Equality Body (2006), available at: [http://www.synigoros.gr/diakriseis/pdfs/12\\_10\\_EqualTreatmentReport2006.pdf](http://www.synigoros.gr/diakriseis/pdfs/12_10_EqualTreatmentReport2006.pdf)

<sup>23</sup> For more details see section 1.1.4.

national legislation. Other laws related to the social protection of vulnerable groups also apply to Roma. In the field of social protection, the provision of Article 75 of the modified Municipal and Communal Code (Law 3463/2006), also affects them when it assigns the citizens' social, financial and cultural welfare to the local authorities' responsibility. Furthermore, there is a 2002 Ministerial Decision, intended to support Roma families and encourage school attendance, providing a subsidy of 300 euros for every child from a poor background enrolled in a state school.<sup>24</sup>

The absence of specific national legislation protecting Roma and Travellers' rights is compensated for by a number of positive measures provided by social inclusion action plans in the field of education, health and employment. Specific positive measures are incorporated and implemented within (IAP), although without remarkable success.<sup>25</sup>

### 1.1.3. Legislative or administrative decisions regarding 'ethnic' data collection on housing

There is no specific legislative or administrative decision regarding 'ethnic' data collection on housing. Law 2472/1997, as amended by Law 3471/2006, provides the general framework for the protection of individuals with regard to the processing of personal data. According to this law, ethnic data are considered sensitive data,<sup>26</sup> and specific protection is ensured in this regard. In principle, the collection and processing of sensitive data is prohibited. Exceptions can take place lawfully under specific conditions defined in the above law<sup>27</sup> (mainly when there is the written consent of the person concerned,

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<sup>24</sup> Ministerial Decision YA2/37645/0020/08.07.2002. It goes noted that the subsidy is granted to all families (Roma or not) with a yearly income lower than 3,000 euros.

<sup>25</sup> National Commission for Human Rights, Report and recommendations related to the situation and the rights of Roma in Greece (2009), available at: [http://www.nchr.gr/media/gnwmateuseis\\_eeda/roma/Apofasi\\_EEDA\\_Tsigganoi\\_2009\\_FINA\\_L.doc](http://www.nchr.gr/media/gnwmateuseis_eeda/roma/Apofasi_EEDA_Tsigganoi_2009_FINA_L.doc).

<sup>26</sup> According to Article 2b of Law 2472/1997 'sensitive data' shall mean data referring to racial or ethnic origin, political opinions, religious or philosophical beliefs, membership in a trade union, health, social welfare and sexual life, criminal charges or convictions, as well as membership in associations of persons dealing with the aforementioned areas.'

<sup>27</sup> More precisely, according to Article 7 paragraph 2 of Law 2473/1997, these conditions are: 'a) The data subject has given his/her written consent, unless such consent has been extracted in a manner contrary to the law or bonos mores or if the law provides that any consent given may not lift the relevant prohibition. b) Processing is necessary to protect the vital interests of the data subject or the interests provided for by the law of a third party, if s/he is physically or legally incapable of giving his/her consent. c) Processing relates to data made public by the data subject or is necessary for the recognition, exercise or defence of rights in a court of justice or before a disciplinary body. d) Processing relates to health matters and is carried out by a health professional subject to the obligation of professional secrecy or relevant codes of conduct, [...] e) Processing is carried out by a Public Authority and is necessary for the purposes of aa) national security, bb) criminal or correctional policy and pertains to the detection of offences, criminal convictions or security measures, cc) protection of public health or dd) the exercise of public control on fiscal or social services. f) Processing is carried

or the processing of data is necessary for the recognition, exercise or defence of rights in a court of justice or before a disciplinary body). It is clear that positive action measures, as well as effective protection against discrimination are linked to questions of ethnic data collection. The Race Equality Directive's Preamble (Recital 15) expressly allows for the use of statistics to establish cases of indirect discrimination.<sup>28</sup> In addition, the EU Directive on personal data<sup>29</sup> allows member states to process sensitive data (related to the ethnic origin of the individual) when there is explicit consent to the processing of those data, or when it is necessary for the establishment, exercise or defence of legal claims.

The Ministry of Interior, Public Administration and Decentralisation holds data on Roma in relation to the loan programme, through a database of beneficiaries/applications developed in 2005.<sup>30</sup> However, it is questionable how complete these data are, taking into consideration that there are no official figures related to the number of Roma residing in Greece. The existing legal framework regarding civil and municipal status does not include special or updated measures<sup>31</sup> in order to resolve the problem of unregistered Roma,<sup>32</sup>

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out exclusively for research and scientific purposes provided that anonymity is maintained and all necessary measures for the protection of the persons involved are taken. g) Processing concerns data pertaining to public figures, provided that such data are in connection with the holding of public office or the management of third parties' interests, and is carried out solely for journalistic purposes'. In all the above cases a permit from the competent Authority on Personal Data Protection should be granted.

<sup>28</sup> However, the Racial Equality Directive does not include a provision on data collection, as is the case in the Revised Sex Equality Directive (Art. 8 (b) 4). It must be noted that the Authority on Personal Data Protection in its decision No. 16/2007, stated that ethnic origin should not be mentioned in stay permits of aliens even after their consent. The processing of such data is permitted for statistical reasons, and for the planning of social policies, only in cases that are selected anonymously. Available at: [http://www.dpa.gr/portal/page?\\_pageid=33%2C15453&\\_dad=portal&\\_schema=PORTAL&\\_piref33\\_15473\\_33\\_15453\\_15453.etos=2007&\\_piref33\\_15473\\_33\\_15453\\_15453.arithmosApofasis=16&\\_piref33\\_15473\\_33\\_15453\\_15453.thematikiEnotita=1&\\_piref33\\_15473\\_33\\_15453\\_15453.ananeosi=%CE%91%CE%BD%CE%B1%CE%BD%CE%AD%CF%89%CF%83%CE%B7](http://www.dpa.gr/portal/page?_pageid=33%2C15453&_dad=portal&_schema=PORTAL&_piref33_15473_33_15453_15453.etos=2007&_piref33_15473_33_15453_15453.arithmosApofasis=16&_piref33_15473_33_15453_15453.thematikiEnotita=1&_piref33_15473_33_15453_15453.ananeosi=%CE%91%CE%BD%CE%B1%CE%BD%CE%AD%CF%89%CF%83%CE%B7)

<sup>29</sup> See Directive 95/46/EC of the European Parliament and of the Council of the European Union 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data. Available at:

[http://www.cdt.org/privacy/eudirective/EU\\_Directive\\_.html](http://www.cdt.org/privacy/eudirective/EU_Directive_.html)

<sup>30</sup> National Commission for Human Rights, report and recommendations related to the situation and the rights of Roma in Greece (2009), p.29. Available at: [http://www.nchr.gr/media/gnwmateuseis\\_eeda/roma/Apofasi\\_EEDA\\_Tsigganoi\\_2009\\_FINA\\_L.doc](http://www.nchr.gr/media/gnwmateuseis_eeda/roma/Apofasi_EEDA_Tsigganoi_2009_FINA_L.doc)

<sup>31</sup> The relevant legislative framework includes Law 344/1976, presidential decree 497/1991, and Law 3013/2002. Special regulations were adopted in the past for the acquisition of Greek nationality by Roma, and their entry to municipal registries and the Registry of Males (presidential decree 570/1963), as well as the definition of age when lacking official documents (legislative decree 762/1970).

<sup>32</sup> In addition, it must be noted that legal support is not usually available due to the inefficient operation of most lawyers' bar associations.



making the invisibility<sup>33</sup> of Roma in Greece a serious obstacle for the achievement of their social integration and participation.

#### 1.1.4. General public policy on housing targeting specifically the Roma and Traveller housing situation

##### National Action Plans for Social Inclusion 2006-2010

In the context of the Integrated Action Plan (National Strategy on Social Inclusion 2006-2008)<sup>34</sup> on Gypsies, actions were taken aiming primarily at ‘the safeguarding and promotion of health, as well as at their social inclusion’. Therefore, the 2006-2008 action plan focused on ‘Gypsies’ (in the official wording of the Greek government) ‘health problems’ due to their ‘adverse living and working conditions, social marginalisation, avoiding recourse to state services, insufficient health education and ignorance of basic rules on personal hygiene and family planning’.<sup>35</sup> Housing was approached as an ‘interconnected and interdependent’ issue along with employment, education, health and social security. Therefore, the NAPSI 2006-2008 provided the Integrated Action Program for Greek ‘Gypsies’ under the Interministerial Committee supervision coordinated by the Ministry of Interior, Public Administration and Decentralisation. The main target was ‘to smoothly integrate gypsies in the society, preserving at the same time their special cultural characteristics’. All actions and projects for improving the living standards of Greek Gypsies focused on housing rehabilitation by providing related accommodation infrastructure, and actions for the provision of services, mainly in the sectors of education, health, employment, culture and sports.<sup>36</sup> Aside from the Roma housing loan programme, the public policy also entailed the creation of medical/social centre and mobile units (see section 1.5.). The National Strategy Plan 2006-2008 Evaluation observed that ‘given the scarcity of evaluations on the impact of the implemented measures, and knowing that in reality a lot remains to be done to adequately address the issue of improving the situation of

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<sup>33</sup> European Workshop ‘Lifting the barriers of social participation: Roma population cases before the Ombudsman’, findings and conclusions of session II ‘Roma invisibility before the administration’, available at:

[http://www.synigoros.gr/diakriseis/docs/6793\\_1\\_Conclusions\\_ROMA\\_conference.pdf](http://www.synigoros.gr/diakriseis/docs/6793_1_Conclusions_ROMA_conference.pdf)

<sup>34</sup> National Action Plan for Social Inclusion (2006-2008) pp.36-38, available at:

[http://ec.europa.eu/employment\\_social/spsi/docs/social\\_inclusion/2006/nap/greece\\_en.pdf](http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2006/nap/greece_en.pdf)

<sup>35</sup> National Action Plan for Social Inclusion (2006-2008) p.36. Available at:

[http://ec.europa.eu/employment\\_social/spsi/docs/social\\_inclusion/2006/nap/greece\\_en.pdf](http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2006/nap/greece_en.pdf)

<sup>36</sup> National Action Plan for Social Inclusion (2006-2008) pp.33-34. Available at:

[http://ec.europa.eu/employment\\_social/spsi/docs/social\\_inclusion/2006/nap/greece\\_en.pdf](http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2006/nap/greece_en.pdf)

Greek Roma, to consider this specific intervention a good practice seems debatable.<sup>37</sup>

The National Action Plan for Social Inclusion (2008-2010) classified Roma as among 'vulnerable groups', and the Roma housing issue regarding the health and living conditions of population groups with particular cultural characteristics along with migrants and persons with disabilities: '[t]he special characteristics of the aforementioned groups [immigrants, disabled, Roma], as well as those of individuals and groups that are socially vulnerable due to cultural characteristics (e.g. Gypsies), often lead to failure to access services and goods designed for the general public.'<sup>38</sup> It also refers to the second phase (2004-2008) of the Integrated Action Program for Social Inclusion of Greek Gypsies, coordinated by the Ministry of Internal Affairs. According to the NAP, in view of the programme's completion, 'procedures have started to draft a new multi-annual, multi-sectoral Action Plan for the 4th Programming Period and onwards. The main sectors included are housing, education, [preliminary] training, employment promotion, counselling of families and awareness raising.'<sup>39</sup>

#### Social Inclusion of Roma in Education, Employment

The Social Inclusion Action plans of recent years have concerned intervention in various areas. Concerning education, the primary targets have been the integration of Roma children into the existing educational system, the increase of school attendance in primary and secondary education, and the decrease of school drop outs. To this effect, specific measures were undertaken including: reduced administrative requirements for school enrolment; student allowances; educational support and pedagogical monitoring, including pre-school courses and support classes; a network of mediators; teacher training and projects to sensitise local communities. These measures had limited success.<sup>40</sup> With respect to employment, specific projects are implemented concerning training, counselling and promoting employment opportunities. However, they do not manage to meet the real needs of Roma, due to: their limited adaptation to the special needs of the Roma population; a lack of continuity and connection with other complementary measures; a lack of effective time-planning; their

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<sup>37</sup> Commission of the European Communities SEC(2007) 272/22.02.2007, COMMISSION STAFF WORKING DOCUMENT, Joint Report on Social Protection and Social Inclusion, COUNTRY PROFILES – Greece p.74.

<sup>38</sup> National Action Plan for Social Inclusion (2008-2010) p.24. Available at: [http://ec.europa.eu/employment\\_social/spsi/docs/social\\_inclusion/2008/nap/greece\\_en.pdf](http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2008/nap/greece_en.pdf)

<sup>39</sup> National Action Plan for Social Inclusion (2008-2010) p.24. Available at: [http://ec.europa.eu/employment\\_social/spsi/docs/social\\_inclusion/2008/nap/greece\\_en.pdf](http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2008/nap/greece_en.pdf) p.45

<sup>40</sup> See United Nations General Assembly, Human Rights Council, A/HRC/10/11/Add.3, 18 February 2009, 'Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development', report of the independent expert on minority issues, Gay McDougall, p. 20, para. 70, available at: <http://daccessdds.un.org/doc/UNDOC/GEN/G09/111/77/PDF/G0911177.pdf?OpenElement>

insufficient relation with the existing needs of Roma and local labour markets; difficulties with the coordination of partners and partnership management.<sup>41</sup>

As many organisations and bodies have noted, what seems crucial for the success or failure of housing programmes is that there is no institutional and normative framework in place for regulating and securing housing for Roma, as well as their participation in social life. The only relevant piece of legislation is the ‘sanitary provision for the organised settlement of itinerant persons’.<sup>42</sup>

It is noted that the Code of Municipalities and Communities concerning local administration has been recently amended (Law no. 3463/2006) to include under the competences of local administration ‘planning and implementation of programs or participation in programs and actions aiming at the integration of Roma in social, economic and cultural life of local society.’ (Art. 75, I.ε.3.5 of the Code). However, as all national or international reports and documents have recorded – and as highlighted by almost all the civil society and public authority representatives interviewed – the negative reactions of local administration authorities and local societies have been the major obstacle for the smooth implementation of the loan state-funded programmes funded.<sup>43</sup>

### 1.1.5. ‘Positive action’ measures to improve the housing situation of Roma

In cases of structural discrimination, such as in the case of Roma, both the prohibition of discrimination and the promotion of positive action are absolutely necessary in order to eliminate the disadvantageous situation. The ‘positive action’ public policies related to housing of Roma citizens are developed around the Integrated Action Plan (IAP) on Roma housing.<sup>44</sup> The IAP makes reference to the loans programme,<sup>45</sup> the improvement of existing settlements, the development of new settlements, purchase of land and relocation of Roma living under harsh conditions.<sup>46</sup>

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<sup>41</sup> For the results achieved and the overall assessment of the action implemented, see: the Greek Ministry of Labour and Social Security, General Secretariat for the management of European Funds/ European Union, European Funds, Recording of the existing situation of the Roma population in Greece, Evaluation of Actions implemented and development of Action Plan for the 4th EU Programming Period’, available at: [http://www.euromanet.eu/upload/41/30/Recording\\_of\\_the\\_existing\\_situation\\_of\\_the\\_Roma\\_Population\\_in\\_Greece.pdf](http://www.euromanet.eu/upload/41/30/Recording_of_the_existing_situation_of_the_Roma_Population_in_Greece.pdf)

<sup>42</sup> National Commission for Human Rights, Report and recommendations related to the situation and the rights of Roma in Greece (2009), p.27.

<sup>43</sup> See Annex 3, interviews.

<sup>44</sup> See further details in section 1.6.1.

<sup>45</sup> The loan programme is the major state policy tool regarding Roma housing in Greece, presented in detail in section 1.6.1.

<sup>46</sup> The IAP’s objectives, structure, implementation and evaluations are presented in detail in section 1.6.1.

### 1.1.6. Housing components, as well as components relevant to Roma and Traveller women, of existing national gender equality legislation and policy

The existing national gender equality legislation and policies contain no specific reference to housing in general, or housing of Roma women in particular.

However, in the framework of the loan programme, a 2006 amendment of the regulatory framework (Common Ministerial Decision No. 33165/23.06.06 ΦΕΚ 780/Β/2006) provided for the 'adoption of social criteria for the evaluation of funding applications'. Among such criteria, the Ministry has tried to favour 'families with children and protected members' and 'single-parent families because of widowhood'. According to the Interior Ministry's General Directorate for Development Programmes, during the first stage of the programme (2002-2006), 39 per cent of the applications were submitted by women (as single mothers), 37 per cent of which were approved.<sup>47</sup>

### 1.1.7. Housing components, as well as components relevant to Roma and Travellers, of existing national disability legislation and policy

The existing national disability legislation and policy contains no specific reference whatsoever to housing or to Roma persons with a disability. The rights of persons with disabilities are protected by a combination of special and general measures defined in relevant legislation and policy.<sup>48</sup> With respect to housing, there are specific general rules to ensure accessibility to the urban and rural environment.<sup>49</sup> There are no specific provisions regarding particular types of housing and habitat for Roma persons with disabilities.

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<sup>47</sup> Interior Ministry, General Directorate for Development Programmes, doc.prot.no.17781/23.03.2009.

<sup>48</sup> See relevant report 'Government Implementation of the Standard Rules As Seen By Member Organizations of Disabled Peoples, International – DPI', available at: [http://www.independentliving.org/standardrules/DPI\\_Answers/Greece.html](http://www.independentliving.org/standardrules/DPI_Answers/Greece.html).

<sup>49</sup> 'Attitudinal factors, technical factors, geographical and climatic factors in several cases, lack of specific legislation and regulations, lack of planning and design-capacity, lack of knowledge, research and information, lack of user participation, lack of enforcement mechanisms, lack of disability awareness incorporated in the training of planners, architects and construction engineers', are reported as the main obstacles in this regard in a reply by the government entitled 'Action on Disability Policy - A Global Survey, Part II - Government Replies as Country Profiles: Greece', available at: [http://www.independentliving.org/standardrules/UN\\_Answers/Greece.html](http://www.independentliving.org/standardrules/UN_Answers/Greece.html)

### 1.1.8. The impact of legislation on the housing situation of Roma

Despite the public initiatives, the actual housing situation of Roma shows their poor effectiveness. Without underestimating the necessity and usefulness of these initiatives (IAP or the loan scheme), their effectiveness clearly depends on the prior existence of a basic framework of regulations, institutions and infrastructures that would monitor the expected outcome and neutralise the factors that hinder the realisation of the objectives. In practice, the absence of such legislation results in the continuous deprivation of Roma people's rights as citizens and individuals who should be able to participate equally in social life. At the same time, the public administration lacks the necessary tools to make the policies on the issue effectively applicable, or to minimise the social exclusion of Roma. Until comprehensive rules are drafted to this effect, the judicial authorities can only resort to the Constitution and the European Convention on Human Rights and Fundamental Freedoms (ECHR) and interpret it in each case accordingly in combination with anti-discrimination legislation (Law No.3304/2005).<sup>50</sup>

The anti-discrimination law – even though not targeting Roma in particular – has provided an important legal tool for combating direct and indirect discrimination experienced by Roma.<sup>51</sup> The anti-discrimination provisions initiate legal proceedings mainly after the damage has already been done. Due to the marginalisation of Roma from social and economic life, only a very small percentage of the Roma population (mainly those who are well-integrated) can be protected under the anti-discrimination legislation. One encouraging factor is that since 2005, the Greek Ombudsman has been targeting the housing situation of Roma.<sup>52</sup> However, when targeting Roma integration, a positive obligation on the part of the state is a prerequisite to ensure substantial equality. It is the public duty of the state to remove the obstacles hampering Roma access to fundamental rights, even though there is no explicit provision on the Race Equality Directive<sup>53</sup> as transposed to national legislation through Law 3304/2005. The eradication of discrimination – and mainly of indirect discrimination – necessitates not only the obligation to abstain from discriminatory actions and the provision of remedies, but it also involves proactive measures to change discriminatory practices. In this regard, the

<sup>50</sup> The Greek Ombudsman, 2nd Annual Report as National Equality Body (2006), pages 20-24, available at: [http://www.synigoros.gr/diakriseis/pdfs/12\\_10\\_EqualTreatmentReport2006.pdf](http://www.synigoros.gr/diakriseis/pdfs/12_10_EqualTreatmentReport2006.pdf)

<sup>51</sup> The right to individual complaints of discrimination before judicial or specialised administrative bodies, the introduction of techniques, as the shift of the burden of proof, the possibility of the non-governmental organisations to engage on behalf or in support to victims of racial discrimination, and the requirement for a deterrent effect in the remedies, make it possible for the Roma and allows domestic courts to condemn occasions of widespread and disgraceful practices.

<sup>52</sup> The Greek Ombudsman, 1st Annual Report as National Equality Body (2005), pages 10-13, available at: [http://www.synigoros.gr/docs/SYNIG\\_2005\\_32SEL\\_ENGL\\_INTERN.pdf](http://www.synigoros.gr/docs/SYNIG_2005_32SEL_ENGL_INTERN.pdf)

<sup>53</sup> The Gender Equality Directive provides an obligation to ensure equality between women and men.

specific needs of Roma should be taken into account when adopting a law or a policy on housing, and it should be examined whether existing laws have a negative impact on Roma and thus indirectly discriminate against them.<sup>54</sup>

The Greek Helsinki Monitor (GHM) representative pointed out the indifference of local administration representatives in implementing the law and court decisions: ‘local actors and administration representatives [the mayors] understood that if they break the law and violate Roma rights, only the state is going to be accountable and sanctioned by international courts, not themselves. So they don’t really care.’ The GHM also stated that in discrimination cases where the Ombudsman acts as Equality Body, ‘cases submitted are not thoroughly investigated or remain pending for years’.<sup>55</sup>

It is noted that the anti-discrimination legislation does not provide for sanctions or awards, while equality bodies do not support discrimination victims in court proceedings and cannot issue sanctions themselves. As noted by the FRA Annual Report 2008,<sup>56</sup> in Greece the absence of sanctions is related to the limited powers of the competent Equality Bodies. It must be noted that the Greek Ombudsman, the only fully operative and active<sup>57</sup> Equality Body, may only issue recommendations which are not binding for the administrative authorities. The Greek Ombudsman is an independent authority aiming to support citizens through mediation. As an Equality Body, it is not authorised to impose any (effective, proportionate and dissuasive)<sup>58</sup> sanctions or awards. Therefore, its major tool for supporting Roma in housing cases is to mediate in order to persuade the state and/or local authorities to adopt its recommendations. Art. 17 of Law No. 3304/2005 provides for administrative sanctions only in employment, while on the other hand Art. 16 only provides for penal sanctions, to be imposed by courts. Until today, no case concerning discrimination has reached the court and no such provision has been implemented. With regard to Roma housing cases, the Ombudsman mediates in order to find a solution, and usually the relevant procedures (e.g. temporary and definitive relocation of settlements, completion of administrative processes,

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<sup>54</sup> The imperative to respect difference, avoid discrimination and social exclusion was the subject of an important judgment of the European Court of Human Rights. The Court stated that: ‘The vulnerable position of gypsies as a minority means that some special consideration should be given to their needs and their different lifestyle both in the relevant regulatory framework and in reaching decisions in particular cases [Buckley judgment, pp. 1292-95, §§ 76, 80 and 84]. To this extent, there is thus a positive obligation imposed on the Contracting States by virtue of Article 8 to facilitate the Gypsy way of life [see Chapman, § 96 and the authorities cited, *mutatis mutandis*, therein]’ (at para. 84).

<sup>55</sup> According to the GHM representative, this may also be the effect of the anti-discrimination law transposing the Race Directive. ‘After the implementation of the anti-discrimination law, the Ombudsman has to judge in each such case whether there has been a violation of the equality principle or not. The absence of sanctions, or the well known problems with the justice system may lead the Ombudsman not to escalate its intervention.’ (See section 2.2.).

<sup>56</sup> FRA Annual Report 2008, p.18.

<sup>57</sup> See the opinion of Economic and Social Committee, O.K.E (Article 18 of Law 3304/2005, available at: <http://www.oke.gr/index-gr.htm>)

<sup>58</sup> As laid down by the RED Directive, Art.15.

etc.) may take years. In this way, a large number of such cases are not filed by the Ombudsman until the case is solved and the right to housing is fully respected. It is noteworthy that the Ombudsman also intervenes under the same methodology in cases concerning discrimination in housing, making use of the anti-discrimination legislation in addition to the classic Ombudsman mediation tools. Therefore, the Ombudsman statistics (see Annex) show that ethnic discrimination has not been established in any case concerning Roma housing. Nevertheless, the Ombudsman issues recommendations on cases remaining pending for years, in an effort to achieve compliance by the state and local authorities.<sup>59</sup>

### 1.1.9. The impact of general public policies on the housing situation of Roma.

The 2009 UN Human Rights Council report acknowledged that ‘the government is displaying admirable goodwill in developing positive policies coordinated at the inter-Ministerial level through the “Integrated Action Programme on Roma.” While some of those policies may raise questions of viability or appropriateness at a conceptual level, significant problems of implementation exist at the local level.’<sup>60</sup>

Despite the fact that certain initiatives have addressed the housing and living conditions of Roma, these are mostly partial and have not changed the overall picture in the field. Despite the positive impact that such policies may have, several negative aspects should not be underestimated. The resistance that such policies cause within certain local societies, and their poor outcomes, are strongly related (as already mentioned) to the unwillingness of local authorities to proceed to their effective implementation.

The GHM representative interviewed pointed out the lack of political will to solve the housing problem of the Roma minority, and the absence of a strong coordinating and decision-making structure on a centralised level which would be able to intervene and apply the law locally.

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<sup>59</sup> Additionally, a large number of Ombudsman complaints are submitted by locals protesting against the situation created by the inadequate housing conditions of Roma. Such cases also remain pending until a solution is reached.

<sup>60</sup> United Nations General Assembly, Human Rights Council, A/HRC/10/11/Add.3, 18 February 2009, ‘Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development’ report of the independent expert on minority issues, Gay McDougall, p.25, para. 96, available at: <http://daccessdds.un.org/doc/UNDOC/GEN/G09/111/77/PDF/G0911177.pdf?OpenElement>

The absence of effective implementation has an additional negative impact on all the members of the Roma communities concerned,<sup>61</sup> in terms of trust-building with the public authorities and their actions.

It is noteworthy that upon the failure of such policies targeting Roma, other vulnerable groups may react against their implementation.<sup>62</sup>

The general, public policies on Roma housing are (mainly if not exclusively) focused on individual loans for houses, addressing a relatively small number of Roma applicants (some 7,700 loans approved for approximately 33,000 applications).<sup>63</sup> State representatives often emphasise Roma individual responsibility and response to policy measures as a barrier to successful implementation of Social inclusion Action Plans. As the most recent UN Human Rights Council report indicated: ‘government officials revealed a widely held belief that Roma are responsible for many of the problems that they face. One official noted: “The Greek State would like to integrate Roma fully, but they don’t like that a different style of life is imposed on them.”’<sup>64</sup> Similarly, with regard to the frequent request from members of the Roma population for the provision of both permanent and temporary housing, the government officer interviewed stressed their ‘stubbornness’, ‘which should not be accommodated by the state’, and that they ‘must and may adapt to the modern way of living’.<sup>65</sup>

In addition, the inhuman and sub-standard living conditions of Roma inevitably affect the living conditions of other citizens residing in an area where Roma settlements have been established for years. The long-lasting lack of action on the part of the public administration to provide basic goods and services and to improve Roma living conditions makes it easier for local residents to demand this group’s expulsion from the area, instead of reminding the state of its duty to take action to combat their exclusion and isolation.<sup>66</sup>

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<sup>61</sup> United Nations General Assembly, Human Rights Council, A/HRC/10/11/Add.3, 18 February 2009, ‘Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development’ report of the independent expert on minority issues, Gay McDougall, pp. 18-19, available at: <http://daccessdds.un.org/doc/UNDOC/GEN/G09/111/77/PDF/G0911177.pdf?OpenElement>

<sup>62</sup> The Greek Ombudsman has received complaints in this regard, demanding the sanction of illegal settlements as is the case for other members of society.

<sup>63</sup> For the low impact of the loan programme, see also para. 97.

<sup>64</sup> United Nations General Assembly, Human Rights Council, A/HRC/10/11/Add.3, 18 February 2009, ‘Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development’ report of the independent expert on minority issues, Gay McDougall, p. 15, para. 51, available at: <http://daccessdds.un.org/doc/UNDOC/GEN/G09/111/77/PDF/G0911177.pdf?OpenElement>

<sup>65</sup> Annex 3 – interviews: this is ‘a matter of stubbornness rather than an issue of belonging somewhere’, which should not be accommodated by the state and beliefs that it can be changed. Just like other groups in Greece, Travellers or otherwise, that faced similar social hindrances, in the recent past they gradually evolved and adapted to the modern way of living, so must and may the Roma.’

<sup>66</sup> About 18 complaints received by the Greek Ombudsman in 2008 stress the above problem.



By and large, this reaction does not necessarily reveal the racist behaviour of the residents, but the failure of local and central administration to communicate a clear message of anti-discrimination, stressing that the aim of such policies is not to grant privileges but to correct structural inequalities and to balance the opportunities and chances of Roma with those of other members of society. Despite the fact that the anti-discrimination law has offered a useful tool for combating direct and indirect discrimination and promoting equality, there are still concerns,<sup>67</sup> related mainly to the priorities and criteria put forward when defining social policy targeting specific groups (not only between the target group and the rest of society, but also within the targeted community).<sup>68</sup>

For a more detail report on the major public policy programme on Roma housing, and the evaluation of the related Integrated Action Plan, see section 1.6.

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<sup>67</sup> A number of questions related to the issue are raised when implementing such policies: ‘a) are our criteria directly or indirectly discriminatory? For example, a policy that gave priority to people who had lived in the area for more than 10 years could be indirectly discriminatory if people from particular racial/ethnic groups with the same or greater housing need have been in the area for less than 10 years. b) do our policies promote equality of opportunity? Are we aware of different housing needs? For example, do we provide equally for different household sizes of different groups? Do we enable Gypsies and Travellers to have suitable homes? c) do our policies promote good relations between different racial groups? For example, how do we support victims of racial harassment? What housing-related sanctions do we impose on perpetrators? If this scrutiny reveals a need for change, where should change occur: do we need to revise our policies or alter the way officers carry out these policies? What forms of intervention will be most effective to meet our duty to promote race equality?’ B. Cohen, ‘Positive Obligations: Shifting the Burden in Order to Achieve Equality’, available at: <http://www.errc.org/cikk.php?cikk=2161>

<sup>68</sup> See the concerns raised in the UN Report related to the loan scheme in: United Nations General Assembly, Human Rights Council, A/HRC/10/11/Add.3, 18 February 2009, ‘Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development’ report of the independent expert on minority issues, Gay McDougall, pp. 18-19, available at: <http://daccessdds.un.org/doc/UNDOC/GEN/G09/11/17/PDF/G0911177.pdf?OpenElement>

## 1.2. Quantitative data on the housing situation of Roma and Travellers

There are no reliable and updated official quantitative data on the housing conditions of Roma and Travellers in Greece. Similarly, there are no data disaggregated by ethnicity and other aspects such as sex, disability and age. As the National Action Plan for Social Inclusion (NAPSI) 2008-2010 notes, this is linked to the fact that Roma are considered Greeks with no separate ethnic identity. Therefore, they are included in the total sample of surveys, while some of them 'live in a nomadic state', in which case data collection is difficult.<sup>69</sup> The choice of the Greek state (based also on the self-identification of Greek Roma as 'Zingani') to use the denotation 'Gypsies' for Greek Roma, seems related to its reluctance to accept that Roma constitute a 'minority' as a social group, protected by international legal instruments.<sup>70</sup> Greece accepts this term only for those groups explicitly mentioned in bilateral treaties (namely the 1923 Lausanne Treaty), in particular concerning the Muslim minority of Western Thrace, part of which is considered to be a 12,000-person Roma population.<sup>71</sup> The Commissioner for Human Rights of the Council of Europe, Thomas Hammarberg in his 19 February 2009 report, noted that 'persons of Roma origin' outside Thrace are not considered by the Greek authorities as members of a minority, but as a 'vulnerable social group'.<sup>72</sup> However, the NAPSI of 2001-2003, 2003-2005, and 2005-2006 do use the term 'Rom' or 'Roma' along

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<sup>69</sup> National Action Plan for Social Inclusion 2008-2010, p.46: with regard to Gypsies, issues of definition hinder the investigation and recording of their needs and characteristics in the context of statistical researches, given that they are Greek citizens with a non-separate ethnic identity, hence their being accounted for in the total sample of surveys. Statistical research is also met with obstacles related to the fact that a non negligible number of them lives in nomad or semi-nomad state. Lack of relevant parameters does not allow the collection of data on an ongoing basis by statistical researches for groups with specific cultural/religious characteristics (such as Greek Muslims).

<sup>70</sup> As highlighted by the United Nations General Assembly, Human Rights Council, A/HRC/10/11/Add.3, 18 February 2009, 'Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development' report of the independent expert on minority issues, Gay McDougall, p. 15, para. 51, available at:

<http://daccessdds.un.org/doc/UNDOC/GEN/G09/111/77/PDF/G0911177.pdf?OpenElement>

The government does not consider the Roma a minority within Greece, rather a vulnerable social group consisting of 250,000 to 300,000 persons. It notes that this viewpoint is shared by Roma who consider themselves an integral part of Greek society.

<sup>71</sup> As highlighted by the United Nations General Assembly, Human Rights Council, A/HRC/10/11/Add.3, 18 February 2009, 'Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development' report of the independent expert on minority issues, Gay McDougall, p. 6, paras. 11-12, available at:

<http://daccessdds.un.org/doc/UNDOC/GEN/G09/111/77/PDF/G0911177.pdf?OpenElement>

<sup>72</sup> CommDH(2009)9, Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Greece on 8-10 December 2008, Human Rights of Minorities, Strasbourg, 19 February 2009.

with ‘Gypsy’. It is only after the NAPSI of 2006-2008 that the Greek state narrows the naming of the group to ‘Gypsy’ or ‘Greek Gypsies’ (‘Zingani’).<sup>73</sup>

The only available official document containing outdated statistical data on housing patterns of Roma is a 1999 Report<sup>74</sup> prepared by the Public Enterprise of City Planning and Housing (DEPOS-ΔΕΠΟΣ) which is not in place anymore. According to that research based on data collected in the period 1996-1999, there were approximately 63,000 Roma in settlements (almost exclusively in unregulated encampments and in segregation settings) and 10,570 itinerant Roma. The same authors of that research pointed out that the calculation method allowed underestimation of the total Roma population.<sup>75</sup> The 2001 Comprehensive Plan of Action for the Social Integration of the Greek Roma estimated the Roma population of up to 250,000-350,000.<sup>76</sup> Additionally, in 2000, a report by the Pan-Hellenic Inter-municipal Network for the support of the Greek Gypsies’ ‘Rom Network’ was commissioned by the Greek Ministry of Labour and Social Security<sup>77</sup>. The ‘Pan-Hellenic Research Study of the social and housing conditions and needs of the Greek Gypsy citizens’ focused mostly on non-settlement types of residence in order to gain a more comprehensive insight into the housing problems of the Roma community.

The 2006 GHM-COHRE report attempted to update the findings of the 1999 DEPOS study. According to this report, as of 2006, Roma continued to live in more or less the same localities that they lived in 1999: ‘This constitutes the strongest and most conclusive proof that the vast majority of Roma in Greece are sedentary. This was also DEPOS’ conclusion which estimated that only 12% of the Roma were nomadic in 1999.’<sup>78</sup> The GHM/COHRE survey extensively used the Memorandum drawn by the Ministry of Health’s Mobile Medical Unit that, between 2003 and 2004, visited most of the Roma settlements around Greece, mostly for vaccination purposes.<sup>79</sup>

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<sup>73</sup> See table 2 in section 1.6.

<sup>74</sup> Δημόσια Επιχείρηση Πολεοδομίας και Στέγασης - ΔΕΠΟΣ (1999), Μελέτη Σχεδίου Προγράμματος για την αντιμετώπιση των άμεσων οικιστικών προβλημάτων των Ελλήνων Τσιγγάνων, Αθήνα.

<sup>75</sup> ΔΕΠΟΣ (1999), Annex I, pp. 3-4.

<sup>76</sup> Ολοκληρωμένο Πρόγραμμα Δράσης για την κοινωνική Ένταξη των Ελλήνων Τσιγγάνων, p. 5.

<sup>77</sup> Within the framework of the ‘Employment’ Community initiative – ‘Integra’

<sup>78</sup> GHM/COHRE (2006) ‘Greece: Continuing widespread violation of Roma housing rights’. Available at:

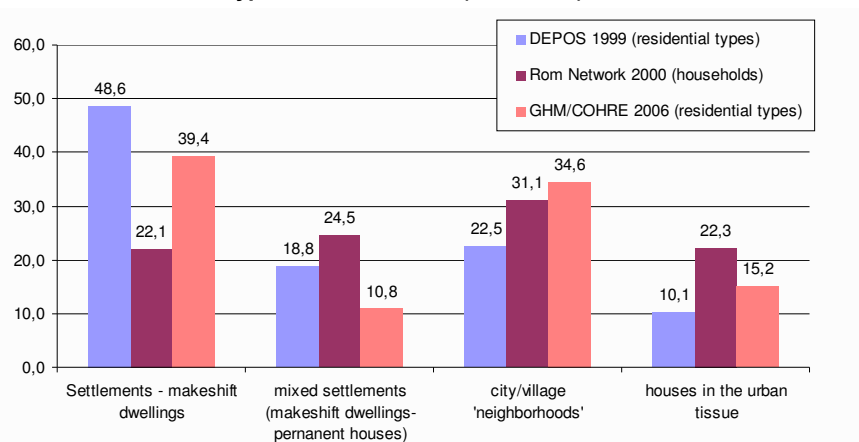
[http://www.cohre.org/store/attachments/greece\\_roma\\_report\\_october\\_2006%20GHM%20%20B%20COHRE.doc](http://www.cohre.org/store/attachments/greece_roma_report_october_2006%20GHM%20%20B%20COHRE.doc), p.25.

<sup>79</sup> According to the authors of the report: (they) proceeded, on the basis of all available information from press articles, scholarly publications, and a variety of other documents, as well as in situ visits, to map out the present living conditions prevailing in the Roma settlements around Greece. Once again, the analytical tools laid down in the DEPOS study were employed. GHM/COHRE (2006) ‘Greece: Continuing widespread violation of Roma housing rights’. Available at:

[http://www.cohre.org/store/attachments/greece\\_roma\\_report\\_october\\_2006%20GHM%20%20B%20COHRE.doc](http://www.cohre.org/store/attachments/greece_roma_report_october_2006%20GHM%20%20B%20COHRE.doc) (see p. 25.)

The results of the above surveys, in comparison to the DEPOS 2009 survey and other data, are shown below, offering an indicative snapshot of the situation and the trend of Roma housing in Greece through a relatively useful quantitative overview.

**Chart 1 – Residential Types of Greek Roma (1999-2006)**



**Table 1 – Quantitative data on housing conditions (1999-2001)**

DEPOS 1999	nomadic/itinerant population (%)	12%
	average surface area of the houses	63 m <sup>2</sup>
	houses' average surface area/person	2.1 m <sup>2</sup>
	average surface area for sheds	43.2 m <sup>2</sup>
	sheds' average surface area per person	6.2 m <sup>2</sup>
	average surface area for pre-fab houses	25 m <sup>2</sup>
	pre-fab houses' average surface area per person	6.5 m <sup>2</sup>
	houses with no toilet facilities	5.7%
	sheds with no toilet facilities	67%
	houses with no bathroom facilities	20%
	sheds with no bathroom facilities	90%
	houses connected to the power grid	90%
	settlements connected to the power grid	7%
	settlements relied on generators	47%
	settlements illegally drawing electricity from a nearby house	24%
	settlements – occasional access to electricity	18%
	houses with access to running water	84%
	settlements with access to running water	30%
	houses with no sewage facilities	4%
	settlements with no sewage facilities	50%
houses with central heating	8.5%	
houses with petrol or wood stoves	84%	
settlements with petrol or wood stoves	97%	
Rom Network 2000		

	National Census 1991 – inappropriate dwellings	5.744%
Census	National Census 2001 – inappropriate dwellings	10.995%

According to the most recent early 2009 report of the National Commission for Human Rights, it is very difficult to estimate the exact number of Roma in Greece, since there are no systematic data collection in place regarding ethnic identity. The last national census reporting racial origin or mother tongue was in the year 1951, when the Roma population amounted to 7,429 persons. Today most estimates report a number between 250,000 (NCHR)<sup>80</sup> and 350,000 or more (GHM and other organisations)<sup>81</sup> of Roma in the country. It is noted that the migration inflow of the 1990s has added Roma from other Balkan countries (in particular from Albania and the former Yugoslavia). According to the NCHR report, their residence in Greece is usually undisturbed since the police authorities avoid dealing with them as migrants, while tensions do exist with native Roma people.<sup>82</sup>

There are no official or unofficial quantitative data available on regulated or unregulated encampments, ownership, social housing, private renting or household types.

According to the Interior Ministry, General Directorate for Development Programmes, doc.prot.no.17781/23.03.2009, a study has been commissioned to the consultants' company Eurodiastasi and the NGO Oikokinonia, with the task to investigate and update the data on the current situation of housing condition and patterns of Roma in Greece. This report, the findings of which have been undisclosed to the RAXEN NFP, will be presented during a 'Peer Review' meeting to be held in Greece in May 2009.

However, despite the lack of statistical data, there is a number of qualitative estimates on the housing conditions of Roma regarding the dominant types of housing and related patterns (presented in more detail in the next section).

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<sup>80</sup> NCHR (2009), Έκθεση και προτάσεις για ζητήματα σχετικά με την κατάσταση και τα δικαιώματα των Τσιγγάνων στην Ελλάδα', p. 9.

<sup>81</sup> See ERRC & Greek Helsinki Monitor (2003), 'Cleaning Operations: Excluding Roma in Greece' (Country Report Series, No. 12, p. 20 and the interview with the GHM representative.

<sup>82</sup> NCHR (2009), Έκθεση και προτάσεις για ζητήματα σχετικά με την κατάσταση και τα δικαιώματα των Τσιγγάνων στην Ελλάδα', p. 9. Available at: [http://www.nchr.gr/media/gnwmateuseis\\_eeda/roma/Apofasi\\_EEDA\\_Tsigganoi\\_2009\\_FINA\\_L.doc](http://www.nchr.gr/media/gnwmateuseis_eeda/roma/Apofasi_EEDA_Tsigganoi_2009_FINA_L.doc)

### 1.3. Qualitative information on the housing situation of Roma and Travellers

Nearly all reports and publications – either by governmental or non-governmental organisations, by international bodies or available publications about the housing condition of Roma on a national level – by and large agree on the inhuman and degrading conditions, and the treatment of Roma in the field of housing. However, emphasis is always put on indicative individual cases described in detail. In view of the lack of systematic data collection and analysis, there is a clear inability to define and classify the various dominant residential patterns and aspects of Roma housing on the basis of the elements of adequate housing as defined by the European Committee of Social Rights and the ICESCR. As the Greek Ombudsman put it, the structural and multi-faceted aspect of Roma exclusion is not sufficiently met with by action on individual cases.

In publishing its preliminary findings on the Roma settlements, the Greek Ombudsman has indicated the ‘dramatic absence of a systematic recording of the factual dimension of problems in Roma housing which goes hand-in-hand with the absence of a systematic normative framework.’<sup>83</sup>

#### Structural problems: the ‘institutionalised practices of discrimination’

The Greek Ombudsman, in its 2005 first Annual Report as Equality Body issued in March 2006, placed great importance on the settlement and housing issue for the Roma minority, and emphasised the structural aspects of their exclusion by Greek society and institutionalised practices of discrimination: ‘the structural nature of this phenomenon in reality makes the intervention of agencies whose mandate includes safeguarding human rights, such as the GO who focuses its action on individual cases, in large part ineffectively’.<sup>84</sup>

Overall, the centrality of the housing problem of the Roma minority reveals the complexity of the factors underlying their social exclusion. At the same time, solutions may only be brought about by the combination of sufficient resources, strong commitment, and coordination between the competent agencies: ‘the peculiar issue of settlement constitutes a condensation of the basic problems of social integration and participation of this sensitive segment of the population and, at the same time, the axis around which these problems evolve’.<sup>85</sup>

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<sup>83</sup> The Greek Ombudsman, ‘The Roma settlement issue, preliminary conclusions and normative directions’, available at: [http://www.synigoros.gr/diakriseis/proothisi\\_arxis\\_02\\_01.htm](http://www.synigoros.gr/diakriseis/proothisi_arxis_02_01.htm)

<sup>84</sup> The Greek Ombudsman, 1st Annual Report as National Equality Body, 2006, p.10.

<sup>85</sup> As the Ombudsman concludes in its 1st Annual Report as National Equality Body, 2006, pp.10-11.

The Ombudsman has been dealing with such multi-factoral issues since the beginning of its establishment, and various aspects of this eight-year experience are recorded in its annual reports (especially in Annual Report 2000, pp. 61-67, Annual Report 2002, pp. 106-107). Among its key findings is that Roma exclusion, especially in housing, is due to ‘institutionalised practices of discrimination’ and that ‘the persistent practices of social exclusion of the Greek Roma rest in structural characteristics of Greek society (such as the non-transparent organization of [the] employment market, the anarchic residential structure of the country and the clientelistic nature of political life, particularly at a local level)’.<sup>86</sup>

The Ombudsman proposed to design a strategy of broadening the investigation of individual cases ‘by examining the influence of side factors such as concentration of populations at regional level, living conditions settlements, local sentiment and institutional practices, etc.’ in order to point out problems such as access to health, employment, education and participation in public life at a local level aiming at a ‘holistic assessment’ of administration practices, ‘both from the point of view of their legality, as well as from that of their effectiveness with respect to the declared aims of public care for the Greek people of Roma origin’.<sup>87</sup>

### 1.3.1. Quality of housing

Inhuman and degrading conditions, as well as the deprivation of a wide range of their fundamental rights, is the common conclusion found in different national and international reports on Roma minority housing in Greece.<sup>88</sup>

According to the Deputy Ombudsman for Human Rights, ‘the most important issue, from the aspect of human rights, seems to be the squalor of the accommodation of the Roma’. However, he continued by mentioning that the most crucial aspect for the amelioration of those conditions, ‘is the fact that those accommodations are precarious and uncertain, that as a result do not provide the basis for a basic and effective action in favour of Roma populations’. Moreover, he noted the importance of knowing the number and the location of Roma accommodation in order to apply effective measures. The Deputy Ombudsman affirmed that differentiation exists among the areas regarding the type of accommodation. He also believes that the Roma population can be vaguely classified into two distinct groups: those who have a permanent reference point and accommodation, and the ones who wander (Travellers) constituting a majority.

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<sup>86</sup> The Greek Ombudsman, 1st Annual Report as National Equality Body, 2006, p.10.

<sup>87</sup> The Greek Ombudsman, 1st Annual Report as National Equality Body, 2006, p.11.

<sup>88</sup> NCHR (2009), Έκθεση και προτάσεις για ζητήματα σχετικά με την κατάσταση και τα δικαιώματα των Τσιγγάνων στην Ελλάδα; The Greek Ombudsman, 1st Annual Report as National Equality Body, 2006; ERRC & Greek Helsinki Monitor (2003), ‘Cleaning Operations: Excluding Roma in Greece - Country Report Series, No 12’, pp. 8, 42.

In its 2008 Annual Report, published in late March 2009, the Greek Ombudsman reports the description of the situation provided by an Attica mayor (in the wider Athens prefecture): ‘Roma live in tragic conditions right next to dumps, in shacks, without water and electricity, without basic hygiene, among rodents, and at the mercy of extreme weather conditions and phenomena, affected by epidemic diseases, mainly caused by the trash they are paid to collect and remove from all areas of Attica.’(Ombudsman case No.16048/2007).<sup>89</sup> The Ombudsman noted that Roma burn elastic and rubber materials, such as car tyres, as well as garbage; they also work with various metals, such as copper wire, in order to secure an income through reselling them. This activity, often tolerated by the authorities, further aggravates their living conditions and pollutes the wider area of their settlement, sometimes leading to acute and violent reactions from neighbouring populations. The effects of this situation on the health, education and employment of particular vulnerable Roma groups (women, children, the elderly and disabled) are exacerbated, depicting a landscape of extreme and acute exclusion and deprivation/violation of rights. To this situation, one may add drug trafficking and the use of drugs in encampments, which fortifies the negative stereotypes and socio-spatial segregation of Roma.<sup>90</sup>

### 1.3.2. Spatial and Social Segregation<sup>91</sup>

All national and international reports on Greece agree that Roma live under heavy spatial and social segregation. The only regulatory framework<sup>92</sup> providing for Roma settlements has been accused of promoting segregation and ghettoisation.<sup>93</sup>

According to the NCHR 2009 report: ‘Roma usually settle, often for many years, on free real estate owned by the state, by municipalities and other public legal entities; and much more rarely on private land, tolerated or ignored by the owners or because of the latter’s inability to proceed to court measures’.<sup>94</sup> According to the Greek Deputy Ombudsman for Quality of Life we interviewed: ‘the most important aspect of the situation [...] is the indifference on behalf of the state, which simply tolerates the de facto existence of some populations on the periphery of some towns’.

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<sup>89</sup> The Greek Ombudsman Annual Report 2008, p.40, available at: [www.synigoros.gr/index.htm](http://www.synigoros.gr/index.htm)

<sup>90</sup> The Greek Ombudsman Annual Report 2008, p.40, available at: [www.synigoros.gr/index.htm](http://www.synigoros.gr/index.htm)

<sup>91</sup> Social segregation is defined as ‘spatial separation of the population according to their social or socio-economic position’ (Sako Musterd, ‘Social and Ethnic Segregation In Europe: Levels, Causes and Effects’, Journal of Urban Affairs, 2005).

<sup>92</sup> The Ministerial Decision A5/696/25.4.83 ‘Sanitary provision for the organized settlement of itinerant persons’, as amended by Joint Ministerial Decision No. 23641/3.7.2003 (Official Gazette 973/B/1507-2003).

<sup>93</sup> See ERRC & Greek Helsinki Monitor (2003), ‘Cleaning Operations: Excluding Roma in Greece - Country Report Series’, No .12, p.44.

<sup>94</sup> NCHR (2009), Έκθεση και προτάσεις για ζητήματα σχετικά με την κατάσταση και τα δικαιώματα των Τσιγγάνων στην Ελλάδα’ p.15.



### 1.3.3. Access to private housing

There is no existing research examining discrimination with respect to access of Roma to private housing schemes. However, in view of the loan programme application, Roma have been obliged to deal with the private real estate market, and with legal obligations deriving from the proceedings of private housing initiatives, such as purchasing land and building a house. As the NCHR noted in its 2009 report,<sup>95</sup> Roma are victims of their lack of familiarisation with the real estate market, even when they attempt to buy land (through IAP housing loans). Often, purchased land is not legally entitled to be improved, or it is not included in the city plan. Therefore, Roma often install temporary constructions and shacks or build their houses dangerously by violating construction legislation and rules (when building a house is not legally allowed according to the land characteristics). These are promptly demolished by the competent authorities. As the NCHR noted, the prompt reaction of the authorities is much more frequent in the case of Roma than non-Roma citizens.<sup>96</sup>

### 1.3.4. Access to social housing

Regarding access to social housing, apart from the housing loan programmes especially addressing Roma, Roma can participate in the general programmes of the Workers' Housing Organisation (OEK), which is the main body for implementing housing policy. In this case, they must fulfil the necessary prerequisites for its beneficiaries (mainly social security contributions or having families with more than three children).<sup>97</sup> OEK, implementing its institutional possibility to act as settlement construction agent, has constructed a settlement especially for the Roma, in Sofades, Karditsa, for the needs of their re-settlement, co-operating with the competent authorities (see section 1.5.).

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<sup>95</sup> NCHR (2009), Έκθεση και προτάσεις για ζητήματα σχετικά με την κατάσταση και τα δικαιώματα των Τσιγγάνων στην Ελλάδα' p.16.

<sup>96</sup> NCHR (2009), Έκθεση και προτάσεις για ζητήματα σχετικά με την κατάσταση και τα δικαιώματα των Τσιγγάνων στην Ελλάδα' p.16. Dangerous house building is a widespread housing pattern in Greece.

<sup>97</sup> According to the document of the Gen. Secretary of Employment & Social Protection on Roma (30 January 2009) addressed to NCHR, many Roma are OEK beneficiaries as having many children, although there are no available data to confirm this. Available at: [http://www.nchr.gr/media/gnwmateuseis\\_eeda/roma/ypapasxolisis.doc](http://www.nchr.gr/media/gnwmateuseis_eeda/roma/ypapasxolisis.doc)

### 1.3.5. Security of tenure and forced evictions<sup>98</sup>

The very same pattern of Roma populations settling informally by occupying free and unexploited (mostly public) land, with the tolerance or indifference of their owners, is that which leads to great insecurity of tenure and to forced evictions.

As the NCHR notes: ‘when a plan for valorisation of the occupied land comes up, either from the public interest or after pressure exercised by the local population, then mechanisms of obligatory removal are activated. They take the form of forced evictions or of the demolition of makeshift habitation constructions (‘cleaning operations’).’<sup>99</sup> Additionally, one of the consequences of the ‘cleaning operations’ is that they deprive Roma and the NGOs that support them of the means to legally challenge and obtain a postponement of their eviction. Municipalities tend to prefer the scheme of ‘cleaning operations’ and are reluctant to proceed with legal evictions in order to avoid them being prevented by following judicial decisions.<sup>100</sup>

In 2007, in a joint statement by the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, and the UN Special Rapporteur on the Right to Adequate Housing, Miloon Kothari,<sup>101</sup> Greece was included on a list of European countries where housing rights of Roma were being abused. According to the statement, most complaints regarded: ‘evictions of Roma which have been carried out in violation of human rights standards, especially as regards the right to adequate housing and privacy, procedural guarantees and remedies’. In an interview with a Greek journalist, taken a few days after the statement,<sup>102</sup> Mr. Hammarberg expressed his concern that despite international intervention, Greek local authorities persisted in the malpractice of Roma evictions.

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<sup>98</sup> ‘Tenure takes a variety of forms, including rental (public and private) accommodation, cooperative housing, lease, owner-occupation, emergency housing and informal settlements, including occupation of land or property. Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats’ (CESCR, General Comment 4).

<sup>99</sup> NCHR (2009), ‘κθεση και προτάσεις για ζητήματα σχετικά με την κατάσταση και τα δικαιώματα των Τσιγγάνων στην Ελλάδα’ p.15.

<sup>100</sup> See also paragraph 4.

<sup>101</sup> Joint statement by the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, and the UN Special Rapporteur on the Right to Adequate Housing, Miloon Kothari, ‘Governments Should Take Positive Steps to Protect the Housing Rights of Roma in Europe’ (24.10.2007), available at: <http://www.reliefweb.int/rw/rwb.nsf/db900sid/EGUA-78APAQ?OpenDocument> (11.01.2007). Also reported by Nikos Roussis, ‘Δώστε στέγη στους τσιγγάνους’, in Eleftherotypia (29.10.2007), available at: [http://www.enet.gr/online/online\\_text/c=111,dt=29.10.2007,id=18313784](http://www.enet.gr/online/online_text/c=111,dt=29.10.2007,id=18313784) (11.01.2007).

<sup>102</sup> Greek Helsinki Monitor press release (03.11.2007), ‘Greece: Council of Europe Commissioner for Human Rights sees no change in Roma rights protection by Patras and other municipalities’, available at: <http://cm.greekhelsinki.gr/index.php?sec=194&cid=3187> (11.01.2007).

Many evictions are linked to major sporting or cultural events. In such cases, Roma must be made invisible or removed at any cost. As the HLHR-KEMO explained in its 2007 Annual Report: 'In the years [2004-2005] there has been an increase of evictions of Roma dwellings in the areas where major cultural and sport events had taken place or are going to take place in the near future [2004 Olympic Games of Athens<sup>103</sup>, Patras Cultural Capital of Europe 2006, Votanikos area, site of a new Football Stadium]. These are inevitably accompanied by tensions, local society intolerance and violent attacks against Roma.'<sup>104</sup> Below follows a list of major incidents of forced eviction with provision for alternative housing or resettlement of evicted Roma families.

A notorious eviction case in the Athens complex happened in late 2007. Some 100 Roma families faced imminent eviction from a privately owned area (under the ownership of the VIAMAX company), where they had settled after already being evicted from the Votanikos area in June 2007. Despite repeated appeals made by the Greek Ombudsman and the Greek Helsinki Monitor, widely publicised in the media, a court eviction order (as of 26 November 2007) obliged them to move and resettle, once again illegally, in the midst of the winter season. This case ignited a reaction from the Greek Ombudsman (letter to the Minister of Interior No. 2552/23.10.2007).<sup>105</sup> The GO called for urgent action from the relevant administration bodies (the municipality of Athens, the prefecture of Athens, and the region of Attica) to provide the families with a new, publicly owned site for resettlement, equipped with the necessary infrastructure, or alternatively to withhold the eviction until such a site was found. The issue was also discussed in parliament after a question by MP Fotis Kouvelis,<sup>106</sup> and at the municipal council of Athens.<sup>107</sup> A few days later (29

<sup>103</sup> See 'Uprooted', an award-winning documentary on Roma evicted from the Athens Olympic Stadium, GHM, (08.04.2004), available at:

[http://www.greekhelsinki.gr/bhr/english/organizations/ghm/ghm\\_08\\_04\\_04.doc](http://www.greekhelsinki.gr/bhr/english/organizations/ghm/ghm_08_04_04.doc)

<sup>104</sup> Pavlou M., HLHR-KEMO Annual Report 2007, p. 5, available at: [www.hlhr.gr](http://www.hlhr.gr); From p. 13: 'In particular, the forced evictions and the settlement problem in Patras developed in 2006 leading to a situation marked by severe tensions among diverse institutional and civil society operators. Among these was the tension between the Commissioner for Human Rights of the Council of Europe Mr Thomas Hammarberg, and the local administration representatives, in the case of the Municipality of Patras in September 2006 during and after the HCHR's visit to Patras. In June 2006 the Patras Prosecutor's Office initiated penal prosecution for environmental pollution and disrespect of public hygiene by requesting police preliminary investigation against any responsible, either public services or settlers, and the GHM NGO as inciting illegal activities. The evictions were criticised in early September 2006 by the Commissioner for Human Rights of the Council of Europe (see above). The European Commission for Social Rights (ECSR) concluded that the 'situation in Greece is in violation of Art.16 of the European Social Charter' because of the lack of adequate housing according to the number and the needs of Roma families, which do not enjoy full and adequate legal protection. Available at:

[www.coe.int/t/e/human\\_rights/esc/3\\_reporting\\_procedure/2\\_recent\\_conclusions/1\\_by\\_state/Greece\\_2006\\_XVIII\\_1\\_A4\\_EN.pdf](http://www.coe.int/t/e/human_rights/esc/3_reporting_procedure/2_recent_conclusions/1_by_state/Greece_2006_XVIII_1_A4_EN.pdf), ECSR, pp.19-22 (July 2006).

<sup>105</sup> The Greek Ombudsman, letter to the Minister of Interior, Prokopis Pavlopoulos, No. 2552/23.1.2007, available at: [http://www.synigoros.gr/pdfs/5\\_11\\_Epistoli\\_ROMA.pdf](http://www.synigoros.gr/pdfs/5_11_Epistoli_ROMA.pdf) (15.1.2007).

<sup>106</sup> During the discussion of the question in parliament, the vice-minister of the Interior, Mr Athanasios Nakos, replied that it is the responsibility of the local authorities, not of the

October 2007), the Greek Helsinki Monitor and the European Roma Rights Centre jointly appealed to the European Court of Human Rights against the Greek government for failure to provide a resettlement site for the Roma families. The ECHR initiated an interim measures procedure against Greece. Despite all this, no positive actions were taken by the relevant authorities and, following a court decision (26 November 2007), the families were to be evicted from the VIAMAX property.<sup>108</sup> To date, the resettlement of the evicted Roma families has not been implemented, and the case is still pending at the Strasbourg court.<sup>109</sup>

Mr Thomas Hammarberg, the Council of Europe Commissioner for Human Rights in 2006 and 2007 addressed letters to the Interior Minister regarding the evictions of Roma in the areas of Votanikos (Athens) and Patras. Regarding Votanikos, the Commissioner stressed that the eviction was 'not acceptable in any conditions and the measures envisaged thus far could bear the gravest consequences, especially during winter months.' The Commissioner asked the Interior Minister 'to ensure that the local and regional authorities take urgent measures to find and offer adequate alternative accommodation and that the evictions are postponed until such time as a solution is found'.<sup>110</sup> In the Patras letter, the commissioner highlighted 'the need for further work to counter xenophobic and racist tendencies which seriously hinder the social inclusion of Roma'. In fact, as he described, during his visit to the site: '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

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government, to find a relocation site for the Roma. See 'Η δπλή κοροϊδία στο Βοτανικό' in *Eleftherotyia* (10.11.2007), pp. 68-69, available at: <http://www.iospress.gr/mikro2007/mikro20071110.htm> (15.01.2007).

<sup>107</sup> During the discussion in the municipal council, after a question by the member of the council, Alexis Tsipras, the mayor of Athens, Nikitas Kaklamanis, asked rhetorically: 'Have you found a site for relocation within the borders of the municipality that I have not managed to find?' He also said that since most of the Roma in question had Albanian citizenship, the issue should be examined by the Foreign Ministry. See 'Η δπλή κοροϊδία στο Βοτανικό' in *Eleftherotyia* (10.11.2007), pp. 68-69, available at: <http://www.iospress.gr/mikro2007/mikro20071110.htm> (15.01.2007).

<sup>108</sup> Greek Helsinki Monitor press release (24.12.2007), 'Greece: Chronicle of Votanikos Roma eviction foretold with Council of Europe complicity', available at: <http://cm.greekhelsinki.gr/index.php?sec=194&cid=3212> (15.01.2007).

<sup>109</sup> Application No. 47236/07 by Demir IBISHI and Others against Greece lodged on 29 October 2007. Available at: <http://cmiskp.echr.coe.int/tkp197/viewhbk.asp?sessionId=11534071&skin=hudoc-pr-en&action=html&table=F69A27FD8FB86142BF01C1166DEA398649&key=61147&highlight=>

<sup>110</sup> See: <https://wcd.coe.int/ViewDoc.jsp?id=1413785&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679>

a principled, clear position by the local authorities against such xenophobic, anti-Ziganistic tendencies.’<sup>111</sup>

Reports from the Geneva-based Centre on Housing Rights and Evictions (COHRE) and the Greek Helsinki Monitor (GHM) depict a dark picture about Roma housing policies in Greece. According to such sources,<sup>112</sup> local authorities in Patras and Chania have destroyed more than 70 Roma homes since July 2006, while more than 200 homes are threatened with eviction. Furthermore, the COHRE awarded Greece a ‘Housing Rights Violator Award’, given for the first time to an EU country.<sup>113</sup>

Greece won COHRE’s 2006 Housing Rights Violators award as a result of a pattern of forced evictions of Roma. Since the 2006 award, no change in practice has been documented in Greece. In the period since 1 June 2007 alone, authorities forcibly evicted some 100 Albanian Romani families (legally residing in Greece) from the Votanikos state-owned area of Athens, without any proper legal procedure, and announced they would also evict an additional 100 Romani families living nearby. They then regularly harassed some 30 of the Romani families evicted from Votanikos who had resettled in a disused factory at 120 Iera Odos Street, threatening them with violent action, arrest, prosecution and deportation if they did not leave. On 10 June, six of these families felt coerced enough to in fact leave the disused factory premises. They settled once more in an open area they thought was state property. The Roma concerned, in both evictions, were provided with no alternative accommodation. Greek officials attending a 7 June meeting of the OSCE to discuss the crisis of forced evictions of Roma in the OSCE region were entirely unaware that Greece had been found in violation of three aspects of European Social Charter Article 16 for systemic violations of the rights of Roma to adequate housing, as a result of a pattern and practice of forced evictions of Roma.<sup>114</sup>

Evictions without providing alternative and suitable accommodation have a devastating impact on Romani women, children, the elderly or the disabled. Their harsh consequences range from the absolute exclusion of Roma children from education, women, elderly and disabled from health and care services to the obliteration of any employment possibilities and social life and integration.

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<sup>111</sup> See:  
<https://wcd.coe.int/ViewDoc.jsp?id=1100661&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679>

<sup>112</sup> GHM, Press release (17.10.2006).

<sup>113</sup> COHRE/GHM, 5.12.2006, see: [cm.greekhelsinki.gr/index.php?sec=194&cid=2938](http://cm.greekhelsinki.gr/index.php?sec=194&cid=2938)

<sup>114</sup> COHRE (2007) ‘Greece (and other countries): Housing Rights Abuses Challenged’. Centre on Housing Rights and Evictions (COHRE) Statement to the Fifth Human Rights Council, June 11-18, 2007. p. 3.

### 1.3.6. Access to public utilities, public transport/infrastructure/sanitation

According to the Greek Deputy Ombudsman for Quality of Life, interviewed for this study purposes, the local authorities – primarily responsible for the housing of the Roma at a local level – reproduce stereotypes against them and misinterpret their own role (i.e. the provision of basic goods, such as access to water and electricity). Here follows a brief list of cases highlighting a lack of public utilities.

In the Alan Koyou area, in central Komotini, 350 Roma families live in extremely degrading conditions – in shacks made of tin, next to piles of rubbish, with only two water outlets to serve 1,700 people.<sup>115</sup> In November 2007, 60 children of the community were hospitalised with hepatitis A. Efforts to relocate the families to nearby Kikidi, to ensure proper housing conditions, are coming up against the reaction of local residents.

As the 2009 UN report<sup>116</sup> indicates, there are organised settlements where Roma were relocated some years ago which lack of basic facilities and public utilities.<sup>117</sup>

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<sup>115</sup> D. Damianos, 'Ο μαχαλάς της ηπατίτιδας', in Ta Nea (21.12.2007), available at:

<http://www.tanea.gr/Article.aspx?d=20071221&nid=6939324&sn=&spid=876>Official

<sup>116</sup> United Nations General Assembly, Human Rights Council, A/HRC/10/11/Add.3, 18 February 2009, 'Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development' report of the independent expert on minority issues, Gay McDougall, p. 15, para. 53-55, available at:

<http://daccessdds.un.org/doc/UNDOC/GEN/G09/111/77/PDF/G0911177.pdf?OpenElement>

<sup>117</sup> United Nations General Assembly, Human Rights Council, A/HRC/10/11/Add.3, 18 February 2009, 'Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development' report of the independent expert on minority issues, Gay McDougall, p. 15, para. 53-55, available at:

<http://daccessdds.un.org/doc/UNDOC/GEN/G09/111/77/PDF/G0911177.pdf?OpenElement> ;

The Roma settlement near Spata is such case. It is located on a hilltop five kilometres from the town, accessible only via a rough track. The community was relocated by the local government in 2000 after being evicted from a previous location on the outskirts of the town. It is therefore a temporary state-sponsored settlement on land ceded by the state. Prefabricated housing units were provided from the state budget. Currently, over 20 families (including about 20 children of primary school age) live on the site. Unverified claims suggest that the site was previously used for the disposal of toxic waste. The settlement is not supplied with electricity, running water or regular garbage/waste collection services. It relies on generators; two water storage tanks provide water for washing and drinking. Community members described problems including lack of adequate quantities of water and poor water quality due to mould inside the storage tanks. Human waste is stored in cesspits that should be cleared frequently. Community members noted that they frequently overflow causing health risks, including hepatitis A, while confirming that they do have access to healthcare.

### 1.3.7. Access to housing and quality of housing for third-country Roma/Traveller immigrants and Roma EU nationals.

The Integrated Action Plan aims explicitly at the support in housing of Greek Roma citizens, therefore third-country nationals, or EU Roma are not eligible beneficiaries.

The NCHR has expressed its concern regarding the non-participation of Roma from other Balkan countries in the various programmes aiming at social integration and care,<sup>118</sup> while public authorities avoid paying them any attention, even to check their residence status.<sup>119</sup>

### 1.3.8. The vicious circle of socio-spatial segregation and the consolidated myth of Roma responsibility

The persistence of extreme socio-spatial segregation of Roma and its underlying causes has resulted in acute social exclusion.

The spatial segregation of habitats is a pattern closely connected to their socio-economic exclusion which leads them to seek and find unoccupied and isolated areas in order to set up temporary or long-term encampments with makeshift shacks. At the same time, the lack of basic access of most unregulated encampments to public utilities seems to be the result and justification of the Roma's socio-spatial segregation. In this way, the consequences of their marginalisation become the reasons – and legitimising arguments – for their perennial segregation and exclusion in a persistent vicious circle of stereotyping, state inertia and local hostility.

The Roma minority lack cultural capital and have limited resources for dealing with complex situations in housing; in some cases, dealing with the authorities leads them unable to benefit even from a generous loan programme.<sup>120</sup> In this way, the myth of Roma responsibility for their own situation is consolidated.

Improvement of the housing situation of Roma minority and the viability and sustainability of housing solutions are inevitably linked to their employment

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<sup>118</sup> NCHR (2009), 'Εκθεση και προτάσεις για ζητήματα σχετικά με την κατάσταση και τα δικαιώματα των Τσιγγάνων στην Ελλάδα' p.6.

<sup>119</sup> NCHR (2009), 'Εκθεση και προτάσεις για ζητήματα σχετικά με την κατάσταση και τα δικαιώματα των Τσιγγάνων στην Ελλάδα' p.9.

<sup>120</sup> It is like giving a sports car to a person while he does not even possess a driving license. This is true, given their lack of acquaintance with the real estate market and the frauds they suffer as a result, and also, given the affordability problems they face once they own a house. They soon realise that they cannot afford to maintain the house, and consequently move to an adjacent shack built right next door on their own land.

and their economic position, in order to make such solutions affordable, and integration and participation possible. There are industries and economic sectors today covered by Roma members in a chaotic way (e.g. recycling), putting in danger their own, as well as general public health. As proposed by the HLHR-KEMO, the RAXEN NFP, through the introduction of favourable conditions, incentives and non-profit social cooperatives,<sup>121</sup> and by independent authorities,<sup>122</sup> Roma could be assisted and promoted for their formalised and more profitable participation in an organised recycling industry.

As mentioned, many evictions are linked to major sporting or cultural events. In such cases, Roma must be made invisible or removed at any cost. This is a recurrent pattern in Greece, also encountered in cases of migrants and other segregated or marginalised groups.<sup>123</sup> It is an occurrence which symbolises the ‘trespassing’ of Roma from the margins to the main body of social life of the majority. To date it has not been possible to protect Roma people’s rights on such occasions and provide long-term solutions, despite many efforts by national and international organs.

As a phenomenon, the violation of fundamental rights of a small excluded group (the Roma) balanced against the interest of the overwhelming majority, even if it regards entertainment or leisure, reveals on full blast the extent and the depth of the Roma exclusion and segregation from the rest of society, comparable only to apartheid.

### ‘Institutionalized discrimination practices’ requires institutional responses

To date, in a very few instances, national or international bodies and organs have been successful in protecting the human rights of Roma, in cases of forced evictions and violence, or in promoting an effective housing policy and solutions. The ultimately responsible actor appears to be the local administration afflicted by clientelism and micro-political pressure at a local level. Nevertheless, local administration or local society reactions do not exempt central administration, the courts or public authorities in general from their role in implementing the law under a rights-based approach. However, before attributing individual or collective responsibilities one should note:

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<sup>121</sup> As the HLHR-KEMO RAXEN NFP Director Miltos Pavlou has proposed. Πρόταση για εναλλακτική λύση, E-tipos, (24.07.2008). Available at: [www.e-tipos.com/content/staticfiles/issues/2008/07/24/240708%2023.pdf](http://www.e-tipos.com/content/staticfiles/issues/2008/07/24/240708%2023.pdf)

<sup>122</sup> See the interview of the Greek Deputy Ombudsman for Human Rights in the Annex.

<sup>123</sup> The homeless, disabled, extremely poor, beggars, refugees. See: Pavlou M. (2001), ‘Smugglers of fear: Racist discourse in the press of a candidate metropolis’, in coll.vol: Marvakis-Parsanoglou-Pavlou (eds.), *Migrants in Greece*, Etairia Politikou Provlitismou. ‘Nikos Poulantzas’, Ellinika Grammata. [EL] a draft available at: [www.kemo.gr](http://www.kemo.gr)



the imperative need for a solid and well-articulated normative framework safeguarding and promoting housing rights by providing specific and binding solutions focused on human rights;

the overbearing need for an effective implementation of the anti-discrimination laws. This can only be done: by a strong, highly visible and efficient equality body; by well-equipped courts and judges; through legislative instruments which provide both sanctions awards; and through powers of representation and advocacy of discrimination victims.

In the light of the current situation, the discrimination against Roma women, children, the elderly and disabled is one more aspect of the dire living conditions and continuous violation of their fundamental rights, especially in the cases of unregulated and temporary encampments in degraded or highly polluted urban and semi-urban areas.

## 1.4. Case law and complaints relating to the housing of Roma and Travellers

No monitoring or complaint system on housing discrimination was in place until 2005, when the anti-discrimination law (3304/2005) established a complementary scheme of Equality Bodies.

The Equal Treatment Committee is competent for dealing with discrimination in the private sector. It is assisted by a special Equal Treatment Service in the same ministry, it undertakes the role of an Equality Body for cases of discriminatory behaviour of private persons and legal entities. However, this Committee is criticised for not being independent and operational, while it has never published any report or findings on any discriminatory case.

Therefore, to date, the only public and independent authority effectively dealing with misadministration connected to discrimination in housing conditions and policy is the Greek Ombudsman – the Equality Body for the public sector. Several of the complaints submitted to the Ombudsman refer to housing issues, particularly regarding Roma. According to its first Annual Report data, almost half of the complaints received about discrimination due to racial/ethnic origin concern housing (provision of services) and Roma.<sup>124</sup>

However, the Greek Ombudsman statistics do not provide an analysis on the basis of populations affected. One may calculate approximately the number of discrimination cases (examined under the anti-discrimination legislation and jurisdiction of the Ombudsman as an Equality Body), on the basis of the cases individually reported in the Ombudsman's Annual Report.

Important case law has been provided by the four relevant decisions of the Magistrates' Courts in Crete and Patras, which cancelled the Administrative Protocols of Evictions of Roma on the grounds that they were abusive. The Courts' judgements indicate that even if an eviction is inevitable, it cannot take place without the prior indication of suitable alternative accommodation, according to the ministerial decision concerning the settlements of itinerant persons (decision No. 312/2005 of the Magistrate's Court of Patras as reported in the Annex). It is noteworthy that the magistrates in Patras came under disciplinary and criminal control for their decisions. The Heraklion (Crete) Magistrate's Court declared abusive two protocols of administrative eviction, by noting that the relocation of the Roma community to a new settlement (work on which was later on halted by the mayor) was underway and hence no eviction could take place (decision No. 975/12.11.1999).

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<sup>124</sup> The Greek Ombudsman conclusions, 1st Annual Report as National Equality Body, 2006.

## 1.5. Identifying good practices

According to the NCHR representative interviewed, experience shows that housing solutions are easier to be applied and accepted by local societies when Roma populations are permanent residents of the region, while measures for Travelling and non-Greek Roma are not easily accepted. The good-practice cases reported by almost all interviewed representatives, in fact, concern two cases of long-term or permanent residence and the co-habitation of Roma and non-Roma populations. The Deputy Ombudsman for Human Rights instead, stressed that 'there are hardly any examples of good practice that have produced effective outcomes in the long term.'

### Permanent residence and participation

- The Aghia Varvara model

Although all representatives agree that there are no particularly 'good practices' in housing, some examples have been given. According to the Rom Net representative, the municipality of Aghia Varvara (sub-urban area in the Athens complex) is an example of the absence of spatial segregation between the Roma and the rest of the population, contributed to their ownership of land, which he finds crucial for any viable housing solution.

According to the Rom Net representative, the municipality of Aghia Varvara is an example of absence of spatial segregation between the Roma and the rest of the population. This is because the Roma processed land in various places around this small-sized, poverty-stricken suburb of Athens, which started being developed after the 1960s as much for Roma as non-Roma land property owners. The social services of this municipality are well-developed (although financially constricted) and offer immediate assistance to the needy citizens of the municipality, including the immigrants (some Albanian Roma amongst them). The Rom Net representative compared the situation of the Greek Roma to that of Greek refugees from Asia Minor and the later influx of Greeks from the ex-USSR, in major urban centres around Greece. Therefore, he hinted that Roma land ownership should be the key for any viable housing solution and gradual integration of the Roma into local societies.

According to the 2009 UN-HRC report, 'the municipality of St. Varvara, provides a positive example of integration of the Roma community into mainstream society without spatial or social segregation, and with a wide participation in local life.'<sup>125</sup>

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<sup>125</sup> United Nations General Assembly, Human Rights Council, A/HRC/10/11/Add.3, 18 February 2009, 'Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development' report of the independent expert on minority issues, Gay McDougall, p. 16-17, para. 59, available at:

- The Sofades model

Although it is not a ‘good practice’ in the sense of its transferability and of integration in the main urban network, the Sofades case is worth mentioning for the creation of a new settlement through the smooth cooperation by local and central public national authorities.

The interviewed representatives of the GHM and the NCHR pointed at the Thessaly example of Sofades-Karditsa (Central Greece) highlighting the fact that the attitude of neighbouring populations and long-term residence of the Roma in the area are crucial for the success of housing solutions.

In 2001 The Working Housing Organisation (Οργανισμός Εργατικής Κατοικίας – OEK), responsible for social housing, constructed a settlement destined to be a habitat for the Roma community of the Sofades-Karditsa area. The settlement was located on the outer limits of the municipality of Sofades. The Roma inhabitants therefore, previously living in an adjacent encampment, were relocated to this settlement. According to the Ministry of Employment and Social Protection, the multi-year experience of the OEK in planning and building a model settlement that is culturally adequate and practically functional has been crucial.<sup>126</sup> The OEK is an organisation that has constructed thousands of dwellings and has the necessary know-how. A second phase of the project is underway, with Roma transferring their loans to the municipality so the latter can build more houses. This solution *inter alia* minimises the chances of corruption/misuse of housing loans.

## Supporting encampments – medical/social centres and mobile units

The medical/social centres and mobile units provided by the National Action Plan for Social Inclusion<sup>127</sup> are considered to be a ‘good practice’ in supporting existing settlements and encampments. While this is essentially a medical/social project, it represents good practice in creating the basic and necessary

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<http://daccessdds.un.org/doc/UNDOC/GEN/G09/111/77/PDF/G0911177.pdf?OpenElement> :

Approximately 8-10 per cent of the population are Roma, who play an active role in the community. Municipal representatives described the relative success of Roma integration in the community and higher-than-average Roma accomplishments in education, including some university entrants. Roma managed to open numerous small businesses. Local authorities including Roma described a high level of social integration, while acknowledging some problems. The Roma live in all parts of the town, rather than in isolated communities. Community intermediaries play an important role, and the Roma do not require specialised services. Roma representatives acknowledged that they had not always felt comfortable, but described an enlightened neighbourhood that should set an example to others.

<sup>126</sup> Document of the General Secretary of Employment and Social Protection for Roma (30.01.2009) addressed to NCHR. Available at:

[http://www.nchr.gr/media/gnwmateuseis\\_eda/roma/ypapasxolisis.doc](http://www.nchr.gr/media/gnwmateuseis_eda/roma/ypapasxolisis.doc)

<sup>127</sup> National Action Plan for Social Inclusion (2006-2008) pp. 36-38, available at:

[http://ec.europa.eu/employment\\_social/spsi/docs/social\\_inclusion/2006/nap/greece\\_en.pdf](http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2006/nap/greece_en.pdf)

infrastructure to support and improve the housing situation of existing Roma settlements.

- Medical/social centres

The medical/social centres provide prevention, basic first-level health, first-level social care and social inclusion services. This action is implemented in the context of Regional Operational Programmes (co-financed by the ESF – 3rd CSF);<sup>128</sup> final beneficiaries can be local administration organisations or local administration organisation enterprises and NGOs that include social development, welfare and other similar objectives in their scope. The Ministry of Health and Social Solidarity is responsible for the operation and adequacy of these centres. Control and monitoring are carried out by the respective Administrative Health Care Region (DYPE). The professionals that must necessarily be employed in the centres include a doctor, a social worker, a health visitor, a psychologist, and a mediator who is also a Roma. Actions are implemented in order to record the target group and its needs, promote health and information on public health issues, connect these population groups with social welfare programs and provide education, employment promotion services, etc.; actions are also arranged at the urban municipal level, to make Roma familiar with new housing data and provide consultation on the integration of the family (particularly of children) into society. Moreover, actions are implemented to raise the awareness of the local population on the cultural particularities of the target group, the problems, needs and their possible solutions. As for the supporting services provided by the centres, it should be noted that they do not aim to replace existing structures. Their character is to refer and advise Gypsies, playing the role of a mediator, in order to make them familiar with the structures of the National Health and Social Care System and other local structures (Employment Promotion Centres (KPA), decentralised public services, local government, NGOs, etc.), so that they can make use of the available services they need.<sup>129</sup>

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<sup>128</sup> Joint Ministerial Decision No. 113956 / 2-10-02 (ΦΕΚ 1295 / Β' / 4-1-2002) Κοινή Υπουργική Απόφαση που ορίζει το «Σύστημα Διαχείρισης, Αξιολόγησης, Παρακολούθησης Ελέγχου και Διαδικασία Εφαρμογής της ενέργειας «Προάσπιση - Προαγωγή Υγείας και Κοινωνική Ενσωμάτωση Ελλήνων Τσιγγάνων» συγχρηματοδοτούμενης από το Ευρωπαϊκό Κοινωνικό Ταμείο (Ε.Κ.Τ.) στο πλαίσιο των Περιφερειακών Επιχειρησιακών Προγραμμάτων (ΠΕΠ) κατά το Γ' ΚΠΣ, as modified by the Joint Ministerial Decision no. 110309/6.2.2006 (ΦΕΚ 196/Τ.Β/13.2.2006).

<sup>129</sup> Furthermore, according to the NAPSI 2006-2008: 'As to the medical part, home visits are implemented, referrals to hospitals and medical prescriptions are provided, vaccination of all Gypsies' children is recorded, patients are accompanied to hospital doctors, health education programs are implemented, a medical history record and an epidemiological data record are kept, etc. The psychosocial part of interventions include informal individual sessions at home, communication with professionals and enterprises of the area to find a job for members of the target group, regular communication with Pension Funds and Public Services, the organisation of an extra teaching department and the creation of a Creative Activities Laboratory for gypsies' children, the mediation and enrolment of gypsy children in the 1st grade of the primary and secondary school; intervention in children's families if children have dropped out of school, following the necessary steps so that gypsies who have not concluded

The creation of 37 centres was envisaged in the first instance. According to the NCHR 2009 report, approximately 30 centres are operational today, and there is a need to valorise their successful record.<sup>130</sup>

- Mobile units

As a complement to the aforementioned actions, and particularly in order to cover the needs of Gypsies living in semi-nomad, nomad or remote communities, the programme ‘Safeguarding promotion of health and psychosocial support of Greek Gypsies’ has been implemented since 2004 and is financed through national funds. In this context, mobile units visit the Gypsy settlements in order to conduct clinical examinations and vaccinations, provide consultation and psychosocial support, tackle social problems and record living conditions at the local level. Vaccinations have been carried out in almost all settlements so far. The implementation of the programme is up to the Ministry of Health and Social Solidarity. Other participants in the implementation of this programme are the Health Directorates of Prefectures, the Administrations of Health Care Regions (DYPE), the National Social Solidarity Centre (EKKA), and the Disease Control and Prevention Centre (KEELPNO).

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their attendance of primary school finally obtain the primary school leaving certificate, the promotion of legal cases and interconnection with magistrates and lawyers, cooperation with experts on tackling domestic violence, keeping psychosocial history records and advisory action records etc. Furthermore, the Centre cooperates with private individuals and organizations/agencies to raise funds and use it to buy medical equipment for parties of the centre, as well as to provide humanitarian aid to destitute gypsies. It should be noted that, initially, the target group hardly responded to these interventions. There was a communication problem and suspicion towards the efforts made to approach them. After a year of operation, the Centre’s multilevel intervention in basic sectors of life and its staff’s efforts resulted in the development of relations of trust and cooperation, as we have already seen tangible signs of its contribution to tackling marginalization, full social inclusion and promotion of quality of life. This fact has also generally contributed to the change in attitude towards state services, the gypsies’ opening to the local community and the gradual elimination of mentalities that used to thwart their integration into the broader social tissue.

<sup>130</sup> NCHR (2009), Έκθεση και προτάσεις για ζητήματα σχετικά με την κατάσταση και τα δικαιώματα των Τσιγγάνων στην Ελλάδα. p.33.

## 1.6. Major national projects targeting the housing situation of Roma and Travellers

### 1.6.1. Integrated Action Plan for Roma Housing

An Integrated Action Plan for the Social Integration of Greek Roma (IAP), enacted in 2001, superseded the 1996 policy on the Roma,<sup>131</sup> aiming at the amelioration of housing conditions and at the improvement of access to services. The IAP was established within a wider National Action Plan for the inclusion of socially vulnerable groups. It is coordinated by the Ministry of Interior in collaboration with an inter-ministerial committee. Housing is the top priority, as a means of improving living conditions and combating social exclusion.

#### Programme of housing loans to Greek Roma

In the field of housing, the main positive action targeting Roma is the loan programme, providing 9,000 loans up to the amount of 60,000 euros each. There is a State's Unreserved Guarantee for the entire amount of the loans' capital and interests, financing 80 per cent of the loans' interest rate, a payment-free period of 24 months, and an overall repayment period of 22 years.

- Programme goals and scope

The programme 'promotes the housing of Roma, prioritising those who live under inappropriate conditions, and who face social exclusion due to other objective circumstances'. The programme aims to improve the existing living conditions of the target group, through the provision of financial support. In the long term, the programme aims to secure a permanent settlement for beneficiaries.

Prioritising beneficiaries is based on evaluating the social criteria of the applications submitted to local municipalities. These criteria are: a) families with children and other protected members; b) disability of the applicants and their family; c) 'single-parent families because of widowhood'.

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<sup>131</sup> In 1996 the government announced for the first time a 'National Policy Framework for Greek Gypsies', aiming at alleviating the main problems that the Romani community in Greece was experiencing. The implementation of the above policy could not meet its objectives due to difficulties in achieving consensus with officials at the local administration level.

The programme was initially adopted in 2002<sup>132</sup> and was repeatedly amended in order to facilitate access to the procedure, and to make its implementation more flexible.<sup>133</sup> It is noted that the loan programme is financially entirely covered by the national state budget.<sup>134</sup> Until 30 January 2009 a total of 7,686 decisions recognising housing support beneficiaries have been issued, accounting for 85.4 per cent of the total planned number of loans to be granted.<sup>135</sup> 6,151 housing loans have been allocated after the beneficiaries agreed a contract with a bank (80 per cent of the approved loan grants).<sup>136</sup> It is also noted that in total, 32,881 funding applications have been submitted to 306 municipalities. However, as the Interior Ministry points out, more applications have been submitted by the same persons, or submitted twice in different stages, or were submitted by non-beneficiaries, thus by people not needing housing support.<sup>137</sup> Despite its large

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<sup>132</sup> When first established, under Joint Decision no.18830/02-05-2002 (Official Gazette 609/B) of the Ministers of Interior, Public Administration and Decentralization and Economy and Finance, it provided for the granting of 3,500 mortgage loans to an equal number of families, up to the amount of 44,020 euros each. Then it was revoked in 2003 following JMD no.13576/31-03-2003 (OG 396/B) with which the number of the total loans provided increased to 4,500 and the amount of the money increased to 60,000 Euro. In 2004, following JMD no. 6035/30-01-2004 (OG 780/B) the number of the loans increased to 9,000 (for 60,000 euros each).

<sup>133</sup> In 2004, under Joint Ministerial Decision no. 6035/30-01-2004 (OG 780/B), specific measures were adopted regarding required documentation (i.e. issue of certificates, etc.) in order to facilitate the access to the beneficiaries. Furthermore, under JMD no.28807/28-05-2004 (OG 812/B) minimum technical requirements (i.e. obligation of the local authorities to provide Roma beneficiaries with houses of a minimum net space of 85 sq.m.) were adopted. These rules concerned cases of organised urban planning by the local authorities. Similarly, under Decision no.61261/30-11-2004, adopted by the Deputy Minister of Interior, P.A.D., the requirements and the social criteria were set with regard to free and full possession assignment by the competent local authorities of municipal and communal assets to Greek Roma citizens, participating in state-funded programmes. In 2006, following the ECSR decision, the legislative framework in force was once more amended (JMD no.33165/23-06-2006, OG 780/B), resulting to the update of the applications submitted. Therefore, those applicants whose application was not successfully qualified until then were enabled to resubmit their application. Moreover, social criteria for the applications' assessment were adopted, addressing the existing living conditions of the applicants' families (i.e. families with many members, one-parent families, persons with permanent disabilities, people of low income). There have also been Assessment Committees established at the local level (per Municipality) with the participation of Roma and social workers. Stricter requirements on the provision of the loans approved and for the purchase (or the construction) of houses were also adopted. Recently, in 2008 (JMD no.42950/30-07-2008, OG 1575/B), the legal framework in force was modified again in order to extend the time limit set for making use of the loans.

<sup>134</sup> According to the Interior Ministry, General Directorate for Development Programmes, doc.prot.no.17781/23.03.2009.

<sup>135</sup> According to the Interior Ministry, General Directorate for Development Programmes, doc.prot.no.17781/23.03.2009

<sup>136</sup> According to the Interior Ministry, General Directorate for Development Programmes, doc.prot.no.17781/23.03.2009. This number is not consistent with the 8,785 loans reported to be granted in the report of United Nations General Assembly, Human Rights Council, A/HRC/10/11/Add.3, 18 February 2009, 'Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development' report of the independent expert on minority issues, Gay McDougall, p. 18, available at: <http://daccessdds.un.org/doc/UNDOC/GEN/G09/11/17/PDF/G0911177.pdf?OpenElement>

<sup>137</sup> Interior Ministry, General Directorate for Development Programmes, doc.prot.no.17781/23.03.2009.



financial scale and its multi-annual duration of implementation, the programme has received criticism<sup>138</sup> for its high costs, the priorities it set, and the effectiveness of its implementation, questioning the final accomplishment of its objectives. More precisely, several problems identified by civil society are: the loan programme cannot satisfy the needs of all the applicants living under similar conditions; it is a family-based programme (individual loans per family unit) and cannot accrue to the needs of existing Roma settlements and wider communities. It is disputable if Roma beneficiaries will be in a position to repay, due to a lack of regular incomes; a high proportion of loans being granted to well-integrated Roma.<sup>139</sup>

According to the National Commission for Human Rights, an endemic problem of state policies on Roma has also affected the Roma housing action plan: ‘there is always a gap between the adoption of policies and positive measures and their effective implementation in the field’.<sup>140</sup> The NCHR notes an ‘inflationist’ reference on Roma in a variety of policy papers, action plans and national strategies (National Report of Strategy for Social Inclusion and Social Integration 2003-2005, 2006-2008, 2008-2010; National Strategy for the Year of Intercultural Dialogue 2008, etc.), without a notable improvement of the actual state of things.<sup>141</sup> Until today, no evaluation of the integrated programs for Roma housing has been made or published; although according to the Interior Ministry, a detailed evaluation has been assigned to the consultancy Eurodiastasi and the NGO Oikokinonia.<sup>142</sup> Given this situation, NCHR finds a ‘direct relation between state inertia or insufficient intervention, and incidents of aggressive and violent behaviour of non-Roma against Roma’.<sup>143</sup>

All the other actions implemented within the IAP aim to purchase land and relocate Roma living under harsh conditions (i.e. the development of new, and the improvement of existing settlements; land acquisition for the establishment of public infrastructures; land planning studies; infrastructure projects such as road construction, water and electricity supplies, sewage systems, establishing prefabricated houses). These are implemented mainly by local authorities and

<sup>138</sup> See the relevant press release by the Centre on Housing Rights and Evictions and the Greek Helsinki Monitor: ‘Greece has been named one of three Housing Rights Violators in 2006, for persistently violating the right to adequate housing of Roma’, 14 December 2007, available at: [http://www.cohre.org/view\\_page.php?page\\_id=237](http://www.cohre.org/view_page.php?page_id=237)

<sup>139</sup> United Nations General Assembly, Human Rights Council, A/HRC/10/11/Add.3, 18 February 2009, ‘Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development’ report of the independent expert on minority issues, Gay McDougall, p. 18-19, available at: <http://daccessdds.un.org/doc/UNDOC/GEN/G09/111/77/PDF/G0911177.pdf?OpenElement>; See also Annex 3, interviews of civil society representatives.

<sup>140</sup> NCHR (2009), Έκθεση και προτάσεις για ζητήματα σχετικά με την κατάσταση και τα δικαιώματα των Τσιγγάνων στην Ελλάδα’ pp.1-2.

<sup>141</sup> NCHR (2009), Έκθεση και προτάσεις για ζητήματα σχετικά με την κατάσταση και τα δικαιώματα των Τσιγγάνων στην Ελλάδα’ p. 3.

<sup>142</sup> According to the Interior Ministry, General Directorate for Development Programmes, doc.prot.no.17781/23.03.2009.

<sup>143</sup> NCHR (2009), Έκθεση και προτάσεις για ζητήματα σχετικά με την κατάσταση και τα δικαιώματα των Τσιγγάνων στην Ελλάδα’ p. 4.

have had rather poor outcomes, mainly due to resistance at the local level.<sup>144</sup> It is indisputable that the effective implementation of the IAP relies to a large extent on cooperation from local authorities. However, a significant number of local communities remain unwilling to welcome the initiatives in favour of members of the Roma community, and elected local officials are often reluctant to implement initiatives targeting the Roma population. Even though the IAP cannot be carried out without institutional support at the local level, the ultimate responsibility for implementation of official policy lies with the Greek state. In this regard, Greek authorities should increase these initiatives and ensure that their effectiveness is monitored.<sup>145</sup>

### Improvement of existing settlements' infrastructure

In addition, the other main positive action programme undertaken within IAP is the improvement of the existing permanent or temporary settlements of Roma. In this field, as already mentioned, the overall outcomes related to the actual situation of the Roma concerned are rather poor. According to official data,<sup>146</sup> in the period 2002-2009 a total of 92 municipalities engaged in this programme; relevant projects approved amounts up to 90.46 million euros (the national budget). Until January 2009, the total budget allocated for the works implemented in various areas effectively amounted to 47.30 million euros. In the period 1997-2001, infrastructure projects with a budget of 18.95 million euros had been approved, while the relevant payments allocated amounted to 17.07 million euros. However, even if certain positive initiatives can address the housing and living conditions of Roma, these will primarily remain partial and ineffective if they cannot progressively manage to change the overall picture.<sup>147</sup>

### Assessing the impact of public policy for Roma housing

In the interviews performed for this study, all civil society representatives highlighted the extremely low impact of the loans' programme, the only

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<sup>144</sup> National Commission for Human Rights (2009) 'Report and recommendations related to the situation and the rights of Roma in Greece' pp. 32-33, available at: [http://www.nchr.gr/media/gnwmateuseis\\_eeda/roma/Apofasi\\_EEDA\\_Tsigganoi\\_2009\\_FINA\\_L.doc](http://www.nchr.gr/media/gnwmateuseis_eeda/roma/Apofasi_EEDA_Tsigganoi_2009_FINA_L.doc)

<sup>145</sup> See European Committee of Social Rights, Decision on the merits, (8.12.2005), European Roma Rights Centre v. Greece, Complaint No. 15/2003, p. 9, available at: [http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC15Merits\\_en.pdf](http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC15Merits_en.pdf)

<sup>146</sup> Interior Ministry, General Directorate for Development Programmes, doc.prot.no.17781/23.03.2009. See also the complaint to the European Committee of Social Rights, Complaint No. 49/2008, International Center for the Legal Protection of Human Rights (INTERIGHTS) v. Greece, Observations of the government on the merits, (5.01.2009), p. 7, available at: [http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC49CaseDoc4\\_en.pdf](http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC49CaseDoc4_en.pdf)

<sup>147</sup> See European Committee of Social Rights, Decision on the merits, (8.12.2005), European Roma Rights Centre v. Greece, Complaint No. 15/2003, p. 9, available at: [http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC15Merits\\_en.pdf](http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC15Merits_en.pdf)

housing program for Roma in Greece. According to the GHM representative 'there is a total failure of the loan for houses programme'. Most loans were granted to beneficiaries in areas where no destitute settlements existed, and there is no public evaluation of state programmes for Roma housing. 'Formal Roma organisations [of established Roma] are also responsible for this failure. They often participated in or at least tolerated corruption cases concerning loan applications.'<sup>148</sup> There are some pending criminal investigations about loan programme corruption cases. The GHM/COHRE et. al. 2006 report indicated fraudulent granting of the loans, and that loans were given indiscriminately to persons who declared they were Roma even if they were not living in destitute settlements.<sup>149</sup> According to the NCHR representative, the major issue was not so much the quantity of the funding resources but rather 'a matter of correctly channelling the existing resources'. Some successful activities regarding organised settlements have been reported, although they concern local policies regarding the improvement of specific organised settlements.

- Evaluation comments provided by the Interior Ministry

According to the Interior Ministry, the loan programme has been subject to a 'dynamic process of internal evaluation and feedback throughout the years in order to proceed to necessary amendments and improve its targeted implementation, the intensification of the actions, and its efficient application in cooperation with all involved parties, Roma representatives and organisations, banks and beneficiaries.'<sup>150</sup> The 2006 radical review of the existing framework (amendment through the Common Ministerial Decision No. 33165/23.06.06 ΦΕΚ 780/Β/2006) has taken into consideration the demands of the Roma representative bodies and the commitments of the Greek state vis-à-vis international conventions. The ministry noted that Roma representatives participated in all stages of the programme and also in the Project Administration Team, evaluating the municipalities' proposals and monitoring the implementation progress.

According to the ministry, the loan programme, demanding valid identity documents and certification has contributed indirectly in raising the individual responsibility of Roma, and in regulating the claimants' civil-municipal status. On the basis of a sample examination, 82.22 per cent of the housing loans' beneficiaries are families with one to eight children, while 96 per cent of the loans are granted to two-parent or single-mother families (the remaining 4 per cent is granted to widows).

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<sup>148</sup> According to the GHM representative interviewed.

<sup>149</sup> GHM/OCHRE et. al. (2006): a careful study of the official November 2004 data included in Greece's submission to the European Committee of Social Rights, within the context of the adjudication of Collective Complaint No. 15/2003, European Roma Rights Centre v Greece, indicates that loans were given indiscriminately to persons who declared they were Roma even if they did not live in destitute settlements (pp. 8-9)

<sup>150</sup> Interior Ministry, General Directorate for Development Programmes, doc.prot.no.17781/23.03.2009.

The General Directorate for Development Programmes of the Interior Ministry pointed out difficulties and limitations regarding the implementation and sustainability of the programme. These mostly concern the lack of compliance by the beneficiaries to the obligations deriving from the exercise of their right to housing. The majority of the loans (91 per cent) have become mature, due and claimable by the Greek state, while the trend is increasing. Moreover, the high frequency of inaccurate statements (on financial, patrimonial or family situations) renders the evaluation procedures difficult and requires multiple audits or the rejection/revocation of loan grants, leading to a repetition of the entire process.

Furthermore, the ministry has observed the phenomenon of beneficiaries reselling the purchased home and (more rarely) returning to previous living conditions by residing in prefab constructions built in the lot right next to their new house.<sup>151</sup>

- An attempt of evaluation by the National Commission for Human Rights

In its early 2009 report, the NCHR pointed out that the welcome amendments of the 2006 Common Ministerial Decision came late, since more than 80 per cent of the available budget had already been granted.<sup>152</sup> The Commission's main criticism is that the loan programme responds only to one housing and residential type, it is costly and vulnerable to maladministration and financial mismanagement, given that no audit of the loans' use is provided; there is controversy on the adequacy and the observance of the social and economic priority criteria in place.

Regarding the 'construction of finished settlements and/or the purchase of land for the organised residential infrastructure realised by the countries' municipalities through the state allotment of public land to Greek Roma, who are beneficiaries of the loan programme', only 230 houses have been built, and the results are considered unsatisfactory.

Regarding the improvement of living conditions in existing settlements, a number of temporary encampments have been relocated and a total of 557 prefab houses have been provided. Basic infrastructures in existing settlements and health infrastructure (30 socio-medical centres and three socio-medical mobile units) have also been provided. NCHR also considers the results of this

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<sup>151</sup> Interior Ministry, General Directorate for Development Programmes, doc.prot.no.17781/23.03.2009.

<sup>152</sup> NCHR (2009), 'Έκθεση και προτάσεις για ζητήματα σχετικά με την κατάσταση και τα δικαιώματα των Τσιγγάνων στην Ελλάδα' p.25 . Available at: [http://www.nchr.gr/media/gnwmateuseis\\_eeda/roma/Apofasi\\_EEDA\\_Tsigganoi\\_2009\\_FINA\\_L.doc](http://www.nchr.gr/media/gnwmateuseis_eeda/roma/Apofasi_EEDA_Tsigganoi_2009_FINA_L.doc)

action poor, except for the particularly successful socio-medical centres (see section 1.5.).<sup>153</sup>

Overall, in view of the absence of an institutional and normative framework safeguarding Roma housing and participation in social life, the NCHR considers that ‘from the start, the IAP was deprived of serious and solid legal guarantees, able to neutralise its undermining factors, these being either irresponsible citizens or insufficient administrative structures or public servants and state bodies violating the law.’ Given the situation, it is not surprising that the only programme which has been practically implemented is the one concerning direct funding through loans of individual housing initiatives.<sup>154</sup> The remaining actions face a number of obstacles (‘anchylosis’) at the level of local authorities and societies.<sup>155</sup>

## From the IAP 1996 to the loan programme

Table 2 below shows the development of the Integrated Action Plan (IAP) for Roma in Greece from 1996 to date. Initially, the IAP launched in 2001 on the basis of general objectives laid down by the 1996 ‘National Policy Framework for Greek Gypsies’<sup>156</sup> did not include housing loans. Its 176-million-euro budget was to be spent on the construction of 100 new organised Roma settlements with 4,000 new homes, on camping sites for itinerant Roma, and on the improvement of 1,200 existing homes with the addition of 80-100 centres providing social support services. The loan scheme was additional and concerned 940 housing loans. After five years of implementation, only four new settlements (reported as good practice) out of 100 planned had been created.<sup>157</sup> The main pillar of the IAP seemed to give its place to the housing loans programme. The latter’s extension had been announced by the National Action Plan for Social Inclusion (NAPSI) 2001-2003 and had been an integral part of the NAPSI 2003-2005 and others later. The negative reactions of local authorities and communities against the settlement of Roma in their area – widely reported by all state and civil society representatives interviewed – seem to be responsible for the abandonment of the initial objectives. This strengthens the argument made that the problems faced by Roma in the field of housing are of a structural nature, which can be addressed only by concerted and determined political action.

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<sup>153</sup> NCHR (2009), Έκθεση και προτάσεις για ζητήματα σχετικά με την κατάσταση και τα δικαιώματα των Τσιγγάνων στην Ελλάδα’ p.25.

<sup>154</sup> NCHR (2009), Έκθεση και προτάσεις για ζητήματα σχετικά με την κατάσταση και τα δικαιώματα των Τσιγγάνων στην Ελλάδα’ p.27.

<sup>155</sup> NCHR (2009), Έκθεση και προτάσεις για ζητήματα σχετικά με την κατάσταση και τα δικαιώματα των Τσιγγάνων στην Ελλάδα’ p.27.

<sup>156</sup> Largely supported by the 1999 DEPOS study evidence.

<sup>157</sup> GHM/COHRE et. al. (2006), pp.7-9.

Table 2 – Integrated Action Plan for Roma and National Action Plans for Social Inclusion 1996-2010

action plans	target groups	Roma naming	objective- rationale	Roma housing policies
IAP 1996	Greek Roma	Gypsies ('tsigganoi')	Roma residence in own homes through granting houses, lots and loans where needed	building new settlements  improvement of existing accommodation infrastructure-camps for Travellers
NAPSI 2001-2003	vulnerable groups with particular/cultural characteristics/specificities (repatriates/ethnic Greeks from former Soviet Union, Roma/Gypsies, immigrants)	ROM (Gypsies)	danger of consolidating vicious circles of exclusion  taking Roma out of makeshift residence patterns	voluntary relocation to public lots  improvement of existing facilities  announcement of extension of loans programme socio-medical centres prefab houses
NAPSI 2003-2005	vulnerable groups with particular/cultural characteristics/specificities (repatriates/ethnic Greeks from former Soviet Union, Roma/Gypsies, immigrants)	Gypsy/Rom	by the end of 2005 no Greek Roma family will be living in tents or makeshift accommodation	loans transfer plots of land into full ownership of the Rom
NAPSI 2005-2006	persons with disabilities, Roma, the elderly, the uninsured, repatriates and immigrants	Greek Roma / gypsies	improvement of condition for social inclusion	pre-fab houses

			favour house ownership	loans
NAPSI 2006- 2008	individuals with cultural or linguistic particularities – groups in disadvantaged position	Gypsies	social inclusion – increased risk of social exclusion and isolation from the remaining population housing, working, education, health and social security problems are interconnected and interdependent favour house ownership	medico-social centres  mobile units  loans
NAPSI 2008- 2010	socially vulnerable groups (people with disabilities, immigrants and persons from specific cultures/religions) Gypsies, socially vulnerable due to cultural characteristics	Greek Gypsies	improvement of condition for social inclusion  favour house ownership	prefab houses  loans

## 2. Field research – interviews

### 2.1. Brief description of the methodology

The representatives of the following agencies and organisations were approached and interviewed:

- Greek Ministry of Interior, Department for Development Programs, Directorate of Development Programs and International Relations (responsible for the Roma loans programme) (public authority);
- the Greek Deputy Ombudsman – Human Rights Department (independent public authority);
- the Greek Deputy Ombudsman – Quality of Life Department (independent public authority);
- the Greek Helsinki Monitor (NGO);
- Rom Net – ‘Network for combating Discrimination against Roma’ (state-funded NGO);
- Greek National Commission for Human Rights (national human rights commission).

The above institutions and organisations have been invited by letter from the Greek RAXEN National Focal Point to answer questions and participate in interviews related to this study.

The interviews took place during the month of February 2009. They were recorded and the relevant audio material has been forwarded to FRA.

One of the organisations the ERRC suggested contacting (PASYNER) is no longer active. The limited number of interviews foreseen does not allow for a full coverage of each and every view of the many Roma organisations in the fragmented landscape of Roma political representation.



## 2.2. Summary of main points including exemplary quotes

Interviewing authorities

### Question 1

According to the official of Interior Ministry (Directorate of Development Programs and International Organisations, Greek Ministry of Interior) the first issue that should be tackled is the lack of housing which could be considered as a social stigma for the Roma in Greece. However, mentioning people's way of thinking, she stressed that: 'we are trying to solve a housing problem, but new housing problems keep popping up, that are disorientating and maybe discouraging too'.

The Deputies of the Greek Ombudsman emphasised the critical situation and the 'squalor of the Roma accommodation'. It is very important to know how many and where the Roma are accommodated in order to apply effective measures, since differentiations exist among the areas with respect to the type of accommodation. 'The indifference of the state, which simply tolerates the de facto existence of some populations on the periphery of some towns' and the local authorities which reproduce stereotypes against Roma and misinterpret their own role under a clientelistic system, are negative key factors primarily responsible for the current situation.

For the state official interviewed, the lack of housing could be considered as a social stigma for the Roma in Greece. Yet not all Roma are in need for state assistance, 'Presuming that we have 250,000 Roma in Greece, our target is not to provide housing to all of them, but we target those who live in unsuitable conditions'. A deterrent factor in this course of action is the mentality of many Roma, who insist on living in settlements away from their proper domicile. She also referred to a frequent request from members of the Roma population for the provision of both permanent and temporary housing to the same people: 'they say we are Roma, we move around'; or 'What can I do with this house I bought, build me one inside the settlement, it's a matter of pride'. According to the government officer, this is 'a matter of stubbornness rather than an issue of belonging somewhere', which can be changed and should not be tolerated by the state. Finally, housing problems are more intense in certain urban areas with a dense Roma population, in particular Western Attica, Nea Alikarnassos, Menemeni and Ehedoros (in Thessaloniki), Xanthi, Drama, and other areas of Eastern Macedonia.

According to the Deputy Ombudsman for Human Rights, 'the most important issue, from the aspect of human rights, seems to be the squalor of the accommodation of the Roma'. However, he continued by mentioning that the most crucial aspect for the amelioration of those conditions and of the Roma's social position, 'is the fact that these settlements are so precarious and uncertain, and as a result do not provide the basis for basic and effective action in favour of Roma populations'.

According to the Deputy Ombudsman for Quality of Life, 'the most important aspect of the situation [...] is the indifference of the state, which simply

tolerates the de facto existence of some populations on the periphery of some towns'. Local authorities – primarily responsible for the housing of the Roma at a local level – perpetuate stereotypes against Roma and misinterpret their own role, which is the provision of basic goods, such as access to water and electricity. 'The clientelistic features of our political system reflect the setting of priorities of the mayors. Thus, mayors think primarily of their voters and secondarily of the needs of the Roma.'

Question 2:

The Department of development programmes, Directorate of Development Programmes and International Organisations, assigned with the creation of development programmes as well as monitoring their progress, created and implemented the Roma housing loans programme in 2002. The human and funding resources allocated to the Directorate have been sufficient.

The Greek Ombudsman functions as an Equality Body monitoring the enforcement of the elimination of racial discrimination – in accordance with the Race Directive transposed by Law No.3304/2005. 'Our target is to make the Roma visible to the public administration' and to persuade the local authorities to provide equally to all citizens through cooperation with Roma rights networks. We try to mobilise in every case [...] the competent authorities who have the legal capacity to produce a positive outcome. Our target is to make the Roma visible to the public administration [...] and to persuade the local authorities to provide equally to all citizens.'

Question 3:

The Interior Ministry official, responsible for the loan programme, emphasised that the Roma housing loans programme has been a success story, under the circumstances. More specifically, it was a programme with secured state funding, it was an all-out original and innovative and ambitious programme, designed and carried out by the Greek public administration, without any prior know-how. An important impact of the programme that has to be considered, was the fact that through the loans granting procedure, many Roma 'had to enter a normalisation process', meaning the issuing of certain public documents for themselves and their children, etc. Regarding the claims made on the misuse of the housing loans funds by the beneficiaries, she stressed that the department reacted to these phenomena by coordinating the issuing of new ministerial decisions and activating tighter control practices.

The Deputies of the Greek Ombudsman noted that there is only one plan at national level, that of housing loans, 'which can be regarded as a very optimistic and costly plan'. The plan fully lacks any social structure that could target the support and control of the use of loans. The money of the latter usually ends up – according to their experience – to a number of different purposes and not for the purchase of real estate. Due to their legal context, those housing loans are primarily accessible to the Greek Roma. 'Nonetheless, all social groups, no matter their origins, need to have access to minimum social security. At the local level, the actions are much fewer in comparison with previous years'.

Question 4:

The competent Interior Ministry Department has had a particularly positive collaboration and feedback from municipal administrations in the towns of

Aghia Varvara, Nea Ionia (where a good Social-Medical centre is operating), Volos, Amfissa (where a female Roma mediator has been very active), Messinia, Menemeni, Trikala, Rhodes, etc. As for the Roma participation, they participate through community representatives in judging who is eligible for a housing loan. There have, however, been incidents of corruption.

The Deputies of the Greek Ombudsman noted that 'there are hardly any examples of good practice. In the case of Athens, there is only one municipality – Aghia Varvara – which has a programme of social integration, whereas the rest simply ignore, or are even hostile to the Roma'. The Deputy Ombudsman for Human Rights believes that the financial support of small enterprises, in sectors that the Roma have knowledge (e.g. recycling) can prove more helpful and effective in the long run.

#### Question 5:

The Interior Ministry's Department often faced obstacles posed by the local societies. In such reported cases, especially when the transaction is funded through the Roma housing loans programme, 'the Ministry mediates within its powers so that the parties at stake are not discriminated against, and draws special attention to anti-discrimination legislation and human rights protection for all'. The state representative stressed that until now, there has not been a case where a public authority or private entity (e.g. banks) has been referred to the prosecutor by the Interior Ministry. In serious cases, the Ministry mediated through requesting information and advising about legal frameworks and obligations. According to the interviewed representative, this normally leads to the resolution of the problem. On other occasions, the Ministry informed the discrimination victims about their right to appeal to the national and international courts.

The Greek Ombudsman has been involved in cases of discrimination; particular cases can be found in its annual report. As the Deputy Ombudsman for Human Rights puts it, 'we all want human living conditions for the Roma but nobody wants to face the real social cost of living with them'. However, he noted 'racism is rooted in the apathy of the state and not in the personal attitude and viewpoint of the individuals who see the Roma differently'. The Deputy Ombudsman for Quality of Life underlined the apathy of the administration in taking positive action for the Roma populations who live in degrading conditions. However, the phenomenon most hard to deal with is the indirect discrimination through obstructionism of the authorities, delays, etc.

#### Interviewing civil society representatives

#### Question 1:

Civil society representatives pointed out the lack of political will and coordination in tackling the Roma housing problem. This is the underlying cause of the absence of efficient management and channelling of available funds, which led to the 'total failure' of the Roma loans programme. The interviewed representatives also emphasised the blatantly racist attitudes and intolerance, especially at local level, which lie behind the extremely poor political representation of Roma people and Roma supporters.

For the member of the executive board of the 'Network for combating Discrimination against Roma' (Rom Net) the continuous lack of proper housing

for many Roma in Greece today exemplifies the failure of state policies on Roma issues, which is a product of funds mismanagement, partisan manipulation and lack of coherent cooperation between the various state level and local societies. In particular, he emphasised the following.

- A lack of sufficient management of the allocated funds and the required controlling mechanisms by the Greek Ministry of Interior.
- A lack of political will and cooperation by the local government bodies, on the prefectural and municipal levels, as well as from local societies: 'If they had applied the integrated plan for the improvement of Roma livelihood, as it had been designed for the period 2002 -2006 [...], in 10 years' time we wouldn't be speaking about the Rom as a homeless, dirty person. If the projected 100 settlements and the housing loans in urban areas had been properly allocated and if there were pressure by the state and real controlling mechanisms, the problem would have been solved in a decade.'
- A lack of a reliable Roma collective representation in the competent state organs.

The Rom Net member also pinpointed the change of government in Greece in 2004 as a turning point for the deterioration of a comprehensive Roma representation.

The Greek Helsinki Monitor representative emphasised the lack of political will to solve the housing problem of Roma minority. The political actors refuse to tackle the housing issue as they are subject to pressure by their electorate, often composed of ignorance-driven racists, especially at the local level.

Therefore, 'it takes a lot of guts to start a public case in favour of Roma'. Political pressure has a very high toll. Civil-society human rights activists hesitate to put themselves among pro-Roma defenders, despite the fact they are very actively pro-migrant.

There is an absence of a strong coordinating and decision-making structure at a centralised level, which could be able to intervene and apply the law locally.

There are no special issues for specific groups such as Roma women, children or the disabled. Everything concerning Roma issues is so sub-standard that everybody is equally affected by emergency and indecent housing conditions.

The representative of the Greek National Committee of Human Rights (NCHR) stressed that the housing loans approach was a 'very single-minded approach not taking into consideration the facts and the real needs of the people'.

#### Question 2:

The Rom Net is a civil society network bringing together municipal bodies for the exchange of information on planning and implementation of local administration policies regarding Roma.

The Greek Helsinki Monitor is pursuing strategic litigation and advocacy in favour of Roma, especially in international courts and bodies, although it has done so without funding for the last two years.

The NCHR as a national human rights' commission receives and elaborates information from all sources and formulates recommendations through reports submitted to the government.

Question 3:

All civil society representatives highlighted the extremely low impact of the loans programme, the only housing program for Roma in Greece. According to the GHM representative 'there is a total failure of the loan for houses programme'. There are some pending criminal investigations about loan programme corruption cases. According to the NCHR representative, the primary issue was not so much the quantity of the funding resources but rather 'a matter of correct channelling the existing resources'. Some successful activities regarding organised settlements have been reported, although they concern local policies regarding the improvement of specific organised settlements.

Question 4:

Although all representatives agree that there are no particularly 'good practices' in housing, some examples have been given. According to the Rom Net representative, the municipality of Aghia Varvara (a suburb of Athens) is an example of the absence of spatial segregation between the Roma and the rest of the population, contributed to their ownership of land, which he finds crucial for any viable housing solution. The GHM and the NCHR representatives pointed out the Thessaly example of Sofades–Trikala, highlighting the fact that the attitude of neighbouring populations and the long-term residence of Roma in the area are crucial for the success of housing solutions.

Question 5:

The GHM has brought plenty of cases forward concerning Roma housing to international courts and bodies. In a number of European Human Rights Court cases brought forward by GHM, Greece has been condemned for violation of the Charter. With regard to a case that is currently open before the European Committee of Social Rights of the European Social Charter, in an unusual comment, the Greek government accused GHM of 'deliberate misinterpretation or concealing of data; of misquotation of public documents and written statements'.

The Rom Net Network has constantly been submitting complaints to the competent bodies about the misuse of state funds for Roma housing.

The NCHR does not undertake advocacy, but prepares reports and makes recommendations to the prime minister. Some cases regarding forced evictions have reached the NCHR and have been included in its reports and recommendations to the government.

## Annex 1: Statistical data and tables

Please complete the table below (covering period 2000-2009)

	2000 - 2009				
Number of complaints regarding ethnic discrimination received by complaints authorities (such as ombudsperson's offices and national equality bodies)	2005	2006	2007	2008	
	complaints received 10	20	11	19	
Number of instances where ethnic discrimination was established by complaints authorities (such as ombudsperson's offices and national equality bodies)	None				
Follow up activities of complaints authorities (such as ombudsperson's offices and national equality bodies), once discrimination was established (please disaggregate according to type of follow up activity: settlement, warning issued, opinion issued, sanction issued etc.)	2005	2006	2007	2008	
	complaints received 10	20	11	19	
	ethnic discrimination established				
	resolved 2	4	2		
	non compliance 1				
	pending (awaiting compliance to findings-recommendations) 6	13	8	19	
stopped investigation (court case pending, etc.) 1	3	1			
Number of sanctions and/or compensation payment in ethnic discrimination cases (please disaggregate between court, equality body, other authorities or tribunals, etc.) regarding access to housing (if possible, disaggregated by gender and age)	Not applicable				
Range of sanctions and/or compensation in your country (please disaggregate according to type of sanction/compensation)	Not applicable				

## Annex 2: Court, specialised body or tribunal decisions

### Case 1

Case title	Living conditions of Roma (Athens, Votanikos area)
Decision date	2007 (complaint no. 13986/2006)
Reference details (type and title of court/body)	Συνήγορος του Πολίτη, Φορέας Προώθησης της Αρχής της Ίσης Μεταχείρισης [Greek Ombudsman, National Equality Body]
Key facts of the case (max. 500 chars)	Upon raising the issue of the potential compulsory relocation of Roma from the settlement of the Votanikos area (Athens) in the mass media, as well as within the organisations engaged in the matter, the Greek Ombudsman visited the settlement and proceeded with a series of actions in order to mobilise the competent services. Roma were forced to move from the encampment by Athens' Municipality Cleaning Services with the assistance of a private contractor for the lot, who paid a sum of money (1000 euros) to each family in order to persuade them to abandon their houses on their own initiative.
Main reasoning/argumentation (max. 500 chars)	The aim of the Ombudsman actions initially was to ensure adequate living conditions for this vulnerable population and to prevent the possibility of compulsory evacuation of the plot of land without guarantees stemming from the Constitution and the legislation in force. After their evacuation, the Ombudsman mediated in order to secure alternative settlement with the Athens municipality in cooperation with Attica prefecture. In the meantime, the Ombudsman argued that the Roma families who had been removed from Athens municipality lot and were settled in an adjacent industrial area should not have been evicted prior to finding an alternative settlement.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	No removal or eviction may take place legally, without an indication of alternative accommodation for the evicted Roma populations.

Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The response of the municipality of Athens is pending; special care should be taken and a suitable plot of land with appropriate living conditions should be indicated for the possible relocation of the Roma. Then, the competent Regional General Secretary should take a relevant decision in collaboration with the competent Directorate of the Ministry of the Interior. The Region's General Secretary made a proposal in April 2008. The municipality of Athens has not responded to date (March 2009).
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## Case 2

Case title	Living conditions of the Roma; neighbours' reactions (isle of Lefkada)
Decision date	2007 (complaints no. 13770/2006)
Reference details (type and title of court/body; in original language and English [official translation, if available])	Συνήγορος του Πολίτη, Φορέας Προώθησης της Αρχής της Ίσης Μεταχείρισης [Greek Ombudsman, National Equality Body]
Key facts of the case (max. 500 chars)	Roma settled permanently on a plot of land owned by a Roma relative which was lacking basic facilities such as toilets, drainage, and an electricity supply. This caused inappropriate health conditions and infections, affecting the settlers as well as their neighbours. In addition, due to the lack of an electricity supply, the Roma were obliged to use a generator for long hours causing noise that disturbed their neighbours.
Main reasoning/argumentation (max. 500 chars)	There is a need for improving the living conditions of the Roma according to the legislation in force 'for the settlement of wandering people' (ministerial decision B- 973/2003, amending the sanitary regulation A5/696/83).
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Roma settlements and relevant health conditions are covered under anti-discrimination legislation.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The GO addressed the municipality and the competent departments of the prefecture of Lefkada, stressing the compelling need for an improvement of the living conditions of the Roma.



### Case 3

Case title	Living conditions of the Roma; neighbours' reactions (isle of Lefkada)
Decision date	2007 (complaints no. 2864/2006)
Reference details (type and title of court/body)	Συνήγορος του Πολίτη, Φορέας Προώθησης της Αρχής της Ίσης Μεταχείρισης [Greek Ombudsman, National Equality Body]
Key facts of the case (max. 500 chars)	Residents of the Apolpaina hamlet in Lefkada filed a complaint to the GO about the settlement of Roma in makeshift shacks and other structures (tents, toilets built with cement blocks) within the restricted building area of the Holy Temple of Panaghia Hodegetria (a listed historical monument) and for the poor sanitary conditions on this plot. The competent Ephorate of Byzantine Antiquities of the Ministry of Culture, following an on-site investigation, recommended to the Mayor of Lefkada to remove the Roma from the site.
Main reasoning/argumentation (max. 500 chars)	There is a need for an improvement of the living conditions of Roma according to the legislation in force 'for the settlement of wandering people' (ministerial decision B- 973/2003, amending the sanitary regulation A5/696/83).
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Roma settlements and relevant health conditions are covered under the anti-discrimination legislation.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The GO undertook the role of the mediator with a twofold aim: to preserve the area of the historical monument and to ensure that the local authorities offer to the Roma special support as a group facing social exclusion. No marked change of the situation has occurred, apart from some improvement of sanitary conditions and access to water.

## Case 4

Case title	Excessive delays of the Municipality of Ano Liosia to provide citizens with the Certification of Municipal Taxes (CMT) necessary for a contract of purchase, in cases where the purchaser is Roma.
Decision date	2005, 2007 (complaint no 4050/2005, complaint no 1587/2007)
Reference details (type and title of court/body; in original language and English [official translation, if available])	Συνήγορος του Πολίτη, Φορέας Προώθησης της Αρχής της Ίσης Μεταχείρισης [Greek Ombudsman, National Equality Body]
Key facts of the case (max. 500 chars)	Two citizens protested over the excessive delay of the competent service in the Municipality of Ano Liosia to provide them with a Certification of Municipal Taxes (CMT) for Real Estate Holdings for the property which she had inherited, so that they could use it in the drawing up of a deed of purchase. It must be noted that in both cases the purchaser was a Roma citizen.
Main reasoning/argumentation (max. 500 chars)	The GO, in its intervention, insisted on the mandatory obligation of municipal authorities to provide citizens with a CMT according to the law and asked for its immediate issuing, mentioning at the same time that such practices give rise to serious claims of discrimination. In the last case No. 1587/2007, the GO taking into consideration the previous practices of the municipality on the issue, used the tool of shifting the burden of proof, asking from the municipality of Ano Liosia to prove that the systematic delays in similar Roma cases did not constitute discrimination.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	However, the GO decided to further watch the practices of the municipality on the issue, given that in the past the Office had received complaints of similar delays regarding the granting of such CMTs by the same municipality. In all those cases related to purchases, the purchasers were members of the Roma community, a fact which gave rise to serious claims of discrimination.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	After the intervention by the GO, the CMT was granted immediately to the complainant in case No. 4050/2005 and after a significant delay in case No.1587/2007. In the first case, the response, after the GO's intervention, was found satisfactory. The last case is still pending.

## Case 5

Case title	Illegal destructions of sheds and evictions of Roma families in Patras
Decision date	2005 (complaint No. 11777/2006, 2880/2005)
Reference details (type and title of court/body)	Συνήγορος του Πολίτη, Φορέας Προώθησης της Αρχής της Ίσης Μεταχείρισης [Greek Ombudsman, National Equality Body]
Key facts of the case (max. 500 chars)	In 2005, the GO received complaints concerning evictions of Roma in Patras as a result of cleaning operations carried out by the municipal authorities. The municipality of Patras insisted that the actions were preceded by charges for violations of sanitary regulations in the settlements and abandoning litter, and that they only demolished deserted dwellings.
Main reasoning/argumentation (max. 500 chars)	The GO emphasised the obligation of the competent authorities to improve the housing and living conditions of Roma settlements in the area, according to the ministerial decision of itinerant persons, noting that no eviction can take place legally, without an indication of alternative accommodation.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The specific needs of the Roma should be taken into account when implementing a law or a policy on housing, monitoring whether existing laws have a negative impact on Roma, and thus indirectly discriminate against them.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The municipality of Patras adopted an accommodation subsidy programme only for the Roma families who were residents of Patras. The GO insisted on action being taken for other travelling Roma, who had been long-term resident in Patras, as well. Despite the repeated recommendations of the GO, no further action was undertaken, despite the fact that the above subsidy programme partially failed, resulting in the resettlement of Roma to their old non-operating settlements. The Western Peloponnesus Region seems to share the views of the GO, without however, taking further steps for specific action.

## Case 6

Case title	Imposition of overly large fines and the Roma housing problem – Ombudsman case No. 12372/2005
Decision date	05 August 2005
Reference details (type and title of court/body; in original language and English [official translation, if available])	The Greek Ombudsman recommendation No. 12372.2.2/05.08.2005 Ο Συνήγορος του Πολίτη – Φορέας Προώθησης της Αρχής της Ίσης Μεταχείρισης [Greek Ombudsman, National Equality Body]
Key facts of the case (max. 500 chars)	A Greek citizen of Roma origin protested about the excessively high fines imposed by the Prefecture of Argolida because the complainant had constructed an arbitrary makeshift dwelling on his lot to satisfy his and his family's housing needs. The dwelling was to be demolished upon the completion of a permanent dwelling on the area of land purchased by the applicant through the 'loans for houses' programme.
Main reasoning/argumentation (max. 500 chars)	The GO considered that the erroneous imposition of fines and the forcing of the demolition of the shack were actions which might conceal discriminatory treatment. Furthermore, the GO noted that an arbitrary construction of a makeshift shack to satisfy the Roma's immediate housing needs until the completion of the permanent dwelling on the owned lot was not only possible and feasible, but also necessary and should therefore be tolerated by the administration.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The GO indicated that maladministration practices may be interpreted as discriminatory on the grounds of racial origin if repeated systematically in relation to a specific minority group. Furthermore, they may undermine the implementation of any positive measures and initiatives of the state in favour of such groups, namely the Roma-housing programme in Greece. The GO interpreted the relevant provisions and administrative procedures in the light of the anti-discrimination law.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	Considering the complexity of the problem, the GO has made a more general intervention. It has requested that the issues in question be clarified, and that the local practices of all the authorities involved (local administration and central government ministries) be harmonised with the settlement programme. The aim is to secure the possibility of a temporary legal settlement on the privately owned real estate until the completion of the construction. The case is still pending and the Ombudsman is monitoring the administration's compliance with its recommendations.

## Case 7

Case title	Administrative Protocols of Evictions of Roma in Patras
Decision date	2005 (decision No. 312/2005)
Reference details (type and title of court/body; in original language and English [official translation, if available])	Ειρηνοδίκηίο Πατρών [ Magistrate's Court of Patras]
Key facts of the case (max. 500 chars)	With the relevant appeal, several Roma families asked for judicial protection against protocols of administrative evictions from the areas where these families lived for long.
Main reasoning/argumentation (max. 500 chars)	Abusive issuing of the administrative protocols. The main prerequisite for the validity of the protocol of eviction is it being contested by the trespasser on the land owned by the state, which is not applicable in the case under dispute.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The long stay of the Roma in a specific area and the provision of basic infrastructures by the municipal authorities led to the conclusion that the Roma concerned was safe from eviction. So, even if an eviction is unavoidable, it cannot take place without any prior indication of suitable replacement accommodation, according to the ministerial decision concerning the settlement of itinerant persons.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The protocols were finally cancelled. Since then, the competent authorities have been examining proposals and projects for the housing rehabilitation of Roma without sufficient outcomes.

## Case 8

Case title	Violation of article 16 of the European Social Charter
Decision date	8 December 2004 [European Roma Rights Centre (ERRC) vs. Greece, complaint No. 15/2003] – Resolution ResChS(11.6.2005)
Reference details (type and title of court/body)	European Committee of Social Rights
Key facts of the case (max. 500 chars)	Among the issues raised, the Committee focused on three elements related in substance to the right of Roma to adequate housing and more precisely to: a) the insufficient number of permanent dwellings of an acceptable quality to meet the needs of the settled Roma; b) the insufficient number of stopping places for Roma who choose to follow an itinerant lifestyle or who are forced to do so; and c) the systematic eviction of Roma from sites or dwellings unlawfully occupied by them.
Main reasoning/argumentation (max. 500 chars)	As regards the above elements: a) based on the submitted evidence the Committee concluded that a number of Roma live in what is considered to be sub-standard housing; b) the conditions for temporary encampment as well as the conditions regarding the amenities are extremely strict and local authorities are unwilling to indicate appropriate sites and to construct the necessary infrastructures; c) evictions may be justified in cases of illegal occupation, however, they should take place in accordance with the applicable rules sufficiently protecting the rights of the persons concerned.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Human difference should be appropriately accommodated. The imperative to avoid social exclusion, to respect difference and not to discriminate applies to all Roma, be they itinerant or settled. The right to adequate housing refers not only to a dwelling which must be of standard and have essential amenities, but also to a dwelling of a suitable size for the family in residence. Furthermore, the obligation to promote and provide housing extends to guaranteeing security from unlawful eviction.
Results (sanctions) and key consequences or implications of the case	Violation of Article 16 on the right to adequate housing, regarding: a) the insufficient number of permanent dwellings; b) the insufficient number of stopping places for Roma; and c) the systematic eviction of Roma from sites or dwellings unlawfully occupied by them. The decision is important for its legal implications. In practice, however, this has not considerably changed anything, despite the reassurances of the Permanent Representative of Greece to the Committee of Ministers.

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- CASE LAW - ORIGINAL DOCUMENTS (ANNEX 2)

IMPORTANT: It is noted that the Greek Ombudsman documents are not public and may not be published prior to the explicit consent and appropriate elaboration of the documents (deletion of names and personal data) by the Ombudsman.