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Forced evictions of Roma communities in Patras

Open letter to Greek Prime Minister on forced evictions of Roma communities in Patras

Mr. Kostas Karamanlis
Prime Minister of Greece
Megaro Maximou
19, Herodou Attikou str
GR-106 74 Athens
Greece

Re: Forced evictions of Roma communities in Patras

Dear Mr. Karamanlis,

The Centre on Housing Rights and Evictions (COHRE), the Coordinated Organisations and Communities for Roma Human Rights in Greece (SOKADRE), European Roma Information Centre (ERIO), European Roma Rights Centre (ERRC), Greek Helsinki Monitor (GHM), International Helsinki Federation for Human Rights (IHF), Minority Rights Group International (MRGI) and World Organisation Against Torture (OMCT) are gravely concerned by the systematic violations of the right to adequate housing and the racist and discriminatory treatment of the Roma of Patras.

Roma communities (approximately eighty families), living in different parts of Patras, have been subjected to forced evictions and demolitions of their homes or threatened with evictions since August 2001. Two sheds in which Roma families were living in Riganokampos were destroyed on 29 August 2001. Thirty five families of Roma, who were Albanian migrants, were evicted from their homes in Riganokampos on 17 August 2004. Both evictions were described as 'cleaning operations'. While in the second case, two families of Roma of Greek origin, living next to the Albanian Roma, were given compensation in order to transfer their sheds to a neighbouring plot of land; no such arrangements were made with the Roma who had migrated from Albania even though they were legal residents in Greece. Matters related to the very serious state of race relations in Patras have repeatedly been brought to the attention of the Greek authorities by domestic and international organisations.

Eight of the families of Albanian Roma, who were forcibly evicted from Riganokampos, settled in two neighbouring settlements in Makrigianni (where some Greek Roma were already settled). Another fifteen Greek Roma families were also relocated to the same settlements from Akti Dimaion, after an agreement with the local authorities. On 30 October 2004, the municipality of Patras and local police, without any official warning, arrived at the settlements of Makrigianni and Glafkos and proceeded to demolish four sheds and force the other Roma families to dismantle the structures in which they lived. Only the Albanian Roma families were forcibly evicted and despite having legal residence permits, were denied any due process. In a statement dated 4 November 2004,

the municipality of Patras denied that the evictions targeted Albanian Roma, stating that they were aimed at Greek Roma who were not registered on the local municipal rolls. This statement is contradicted by the fact that the homes of thirteen neighbouring Greek Roma families, who had also been threatened with forcible eviction in the past, were spared. Following criticism of the municipality's actions by local media, the Albanian Roma were allowed to return to the area and set up impromptu sheds. Other Albanian Roma, who were evicted from Riganokampos, also relocated to this area and fifteen families are now living on the site.

Local authorities, however, have not given up trying to expel other Roma from the site. On 14 February 2005, six Greek Roma families were served with protocols of administrative evictions, asking them to vacate the plot of land they were squatting on. With the help of GHM/ERRC, the Roma filed for an injunction against these protocols, a motion for interim measures and a temporary order for a stay of execution of the eviction. The temporary order was granted and the evictions were suspended, until the other two applications could be heard in two separate court hearings in September 2005 (the hearings were initially scheduled for May 2005 but postponed after a request from the State).

In a separate proceeding, on 2 February 2005 (before the eviction protocols were served) the state's Real Estate Agency (REA) sought an interim injunction against the same six families from the Prosecutor's Office of Patras. The Prosecutor of Patras held that the Roma should not be allowed to perform any other work (e.g. building of sheds) on the plot of land on which they were squatting, but did not order their eviction. Not satisfied, the REA filed for a further injunction against the Prosecutor's decision, demanding that the Prosecutor should order the eviction of the Roma. The Roma also appealed the Prosecutor's decision. Both appeals will be heard on 24 June 2005. These five legal actions are indicative of the complicated legal procedure to challenge an eviction in Greece, making it difficult to secure effective remedies and laying an onerous burden on people who do not have access to legal aid.

These six families were also served with notices to present themselves before a local magistrate on 24 May 2005 for alleged violations of the Sanitary Regulation of 1983, (which was amended in 2003 and therefore should not have been applicable). On 7 June 2005, charges were also brought against another ten Roma families living in Makrigianni and Petroto under the same regulation. These actions of the Police constitute an additional attempt to harass the Roma into leaving the area. Besides the fact that charges are based on an abolished regulation, both it and its amended version of 2003 are not applicable to the Roma families who are not 'itinerant' but permanent residents of Patras. Subsequently, all fifteen Greek Roma families living in Riganokampos were served with protocols of administrative evictions on 16 June 2005.

There have also been reports of racist speech in public statements about the Roma, which generate discrimination and prejudice against the Roma. Complaints brought to the courts against such cases of racist speech have not been investigated adequately. Local groups have also documented an increase in anti-Roma campaigns by local residents'

associations. These campaigns have led to decisions by local and regional authorities to deport all Albanian Roma as illegally residing in Greece - without any substantive review -- and to ask police to examine the documents of the Albanian Roma, despite the fact that this has been done in the recent past and they have been found to be legally residing in Greece. They have also been asked to investigate whether Roma are "indigenous" and the "reasons why they have settled in Patras." We note with concern that public officials have organised meetings with local resident associations and taken decisions in this regard without making any attempt to include representatives of the Roma, living in the area, in anyway in the discussions.

As a State Party to the International Covenant on Economic, Social and Cultural Rights, the Government of Greece is legally obligated to respect the right to adequate housing, including the prohibition on forced evictions, as guaranteed under Article 11(1). Evictions can only occur in exceptional circumstances and must conform to a strict set of criteria set out by the UN Committee on Economic, Social and Cultural Rights in General Comment No. 7. There must be special justification for an eviction and after examination of alternatives to eviction with the affected community. There must be adequate notice and information and an opportunity to contest the grounds for eviction. No one may be left homeless as a result of an eviction and alternative accommodation must be provided as far as possible in a location near a person's place of work or education together with reasonable access to essential services. Any eviction must be carried out humanely. The forced evictions and threatened evictions of the Roma fall short of all of these criteria.

The Committee on Economic, Social and Cultural Rights in its review of Greece's report in 2004 stated that it was "gravely concerned about numerous reports on the extrajudicial demolition of dwellings and forced evictions of Roma from their settlements by municipal authorities ... frequently without payment of adequate compensation or provision of alternative housing". The Committee recommended that Greece "take measures towards providing for all the Roma, including itinerant and non-Greek Roma, adequate and affordable housing with legal security of tenure, access to safe drinking water, adequate sanitation, electricity and other essential services, and meeting their specific cultural needs. The Committee recommends that the State party ensure the participation of Roma representatives in the assessment of the Integrated Action Plan for the Social Integration of Greek Roma and that it include information on the practical effects of the implementation of the Plan, as well as its applicability to non-Greek Roma legally residing within the State party's territory, in its second periodic report".

The European Committee of Social Rights has also found, in a landmark decision on a collective complaint (ERRC v. Greece) published a mere ten days ago, that the Greek policies with respect to housing and accommodation of Roma infringe Article 16 of the European Social Charter due to:

- * The insufficient number of dwellings of an acceptable quality to meet the needs of settled Roma;

* The insufficient number of stopping places for Roma who choose to follow an itinerant lifestyle or who are forced to do so;

* The systemic eviction of Roma from sites or dwellings unlawfully occupied by them.

Additionally, the European Commission against Racism and Intolerance (ECRI), stated in its December 2003 report, that "ECRI is concerned over allegations that forcible collective evictions of Roma families have taken place without any resettlement alternative being proposed. ECRI finds especially alarming reports to the effect that some of these evictions are unlawful and/or are followed by immediate destruction of the camps by bulldozer, despite the fact that all the personal possessions of the families remain there... ECRI strongly recommends that the Greek authorities maintain and increase their efforts to end all the direct or indirect discrimination suffered by the Roma... ECRI urges the Greek authorities to raise the awareness of local authorities, such as municipalities or local administrative agencies, to the need to respect the rights and the culture of the Roma. It strongly recommends to the Greek authorities to impose sanctions on municipal councilors who make racist remarks or do not comply with the regulations and decisions that bind them."

The fact that housing rights of the Roma in Greece continue to be systematically violated despite these rulings by these prestigious human rights monitoring bodies raises serious doubts about Greece's compliance with its international and regional human rights obligations.

Further, any evictions infected by racial animus are illegal under a range of international, European and Greek domestic law provisions. There is ample indication that the current evictions in Patras are motivated by pervasive anti-Roma sentiment and therefore fall afoul of these requirements. With respect to the fact that a number of the Roma families and individuals are migrants from Albania, the UN Committee on the Elimination of Racial Discrimination has recently clarified, in its General Comment No. 30 on "Discrimination Against Non-Citizens", that states should, among other measures: "Remove obstacles that prevent the enjoyment of economic, social and cultural rights by non-citizens, notably in the areas of education, housing, employment and health;" and "Guarantee the equal enjoyment of the right to adequate housing for citizens and non-citizens, especially by avoiding segregation in housing and ensuring that housing agencies refrain from engaging in discriminatory practices."

We are in particular concerned by the failure of the Ombudsman, who has been vested with powers under the anti-discrimination law (enacted in response to the EU's 2000/43 and 2000/78 directives) to adequately investigate five complaints filed by the Roma in relation to the various eviction cases. We are also concerned by the failure of the local courts to adequately, promptly and independently investigate charges of violation of Greece's anti-racist and anti-discrimination legislation in these cases and sanction the perpetrators.

In this respect, the undersigning organisations would like to bring your attention to the fact that in its November 2004 concluding observations on Greece, the UN Committee against Torture highlighted concerns regarding the occurrence of ill-treatment of the Roma by public officials in situations of forced evictions or relocation. The Committee urged the Greek authorities to ensure that all actions of public officials, in particular where the actions affect the Roma (such as evictions and relocations) are conducted in a non-discriminatory fashion and that all officials are reminded that any racist or discriminatory attitudes will not be permitted or tolerated.

We therefore urge you, to urgently take all necessary measures to promptly respect, protect and fulfil the rights of the Roma of Patras to adequate housing, including:

1. To reconsider any plan that may result in forced eviction and "explore all feasible alternatives" to the threatened forced eviction.
2. Provide adequate compensation and relocation to any Roma who have been evicted.
3. Investigate all reports of abusive administrative action and discriminatory treatment by public officials and police officers of Roma communities and individuals and take appropriate sanctions on such cases.
4. To give effect to ECRI's recommendation to "provide training to police, public officials, Ombudsman, prosecutor and judges with an appreciation of problems of racism against Roma, and the need to verify, on each occasion, whether or not an offence has a racist character in order to take appropriate action."
5. Ensure that Roma, who are migrants from Albania, are not subjected to discriminatory treatment.
6. Take wider steps to combat racist speech and attitudes against the Roma amongst other residents of Patras.
7. Ensure that the provisions of the Sanitary Regulation of 1983 are not applied to any Roma communities or individuals.

We respectfully request to be apprised of any and all actions undertaken by your office in this regard.

Yours faithfully,

Scott Leckie
Executive Director, COHRE

Ivan Ivanov
Director, ERIO

Panayote Dimitras
GHM Spokesperson

Mark Lattimer
Director, MRGI

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