

**Submission of the European Roma Rights Centre Concerning Greece for Consideration under the Universal Periodic Review by the United Nations Human Rights Council (HRC) at its 11<sup>th</sup> Session on 2 – 11 May 2011**

**1. Introduction**

- 1.1 The European Roma Rights Centre (ERRC) respectfully submits comments concerning Greece for consideration by the Human Rights Council (HRC) within its Universal Periodic Review at its 11<sup>th</sup> session on 2-11 May 2011. The ERRC is an international public interest law organisation engaging in activities aimed at combating anti-Romani racism and human rights abuse of Roma, in particular strategic litigation, international advocacy, research and policy development, and training of Romani activists.
- 1.2 The ERRC has been monitoring Roma rights in Greece since 1997, focusing on housing rights issues, police violence and racial segregation in education of Romani school children.<sup>1</sup> Most recently, the ERRC and the Greek Helsinki Monitor (GHM), have undertaken a research project investigating and documenting the situation in accessing education for Romani children in 28 localities throughout Greece, as well as looking at housing conditions in these localities.
- 1.3 There are no official numbers of Roma in Greece; unofficial estimates range between 180,000 and 350,000, averaging 265,000<sup>2</sup> who live scattered over the entire territory, with the biggest concentrations around larger cities such as Athens and Thessaloniki. The research indicates that Romani children continue to suffer systematic discrimination.
- 1.4 The information submitted herewith does not constitute a comprehensive review of all issues pertaining to the human rights situation of Roma in Greece. It highlights some specific human rights concerns with respect to Romani communities in Greece, including:
- Access to education
  - Housing conditions and forced evictions and/or threats of forced evictions
  - Police violence against Roma.

<sup>1</sup> More information on ERRC activities in Greece is available at: <http://www.errc.org/en-search-results.php?mcountry=57&mtheme=1&marea=1&mkeyword=Enter+keywords+...&ok=OK>.

<sup>2</sup> *Recent Migration of Roma in Europe*, OSCE High Commissioner for National Minorities, 10 December 2008, p. 82. Available at: [http://www.coe.int/t/commissioner/.../RomaMigration\\_2009\\_en.pdf](http://www.coe.int/t/commissioner/.../RomaMigration_2009_en.pdf). The average estimate of Roma in Greece - 265,000 will be used in the present submission.

## 2. Access and right to education

- 2.1 Discrimination of Romani children in accessing education is rampant throughout Greece. Research by the ERRC and local partner GHM in 28 localities across Greece from May to September 2010 shows that, despite the ruling by the European Court of Human Rights (ECtHR) in *Sampanis and Others v Greece*,<sup>3</sup> which ordered Greece to remedy illegal discrimination against Romani children in education, Romani children are not enrolled into kindergartens and primary schools, or when in school, are still kept in segregated environments. The ERRC, together with GHM, has on several occasions expressed concerns and submitted recommendations to relevant Greek authorities and the Committee of Ministers of the Council of Europe with respect to the inadequate measures undertaken by Greek authorities in implementing the judgment and to ensure education for Romani children on an equal basis with the majority population.<sup>4</sup> As a result of the lack of equal access of Romani pupils to quality, integrated education in accordance with the judgment, new legal action has been brought by the GHM to the European Court of Human Rights on behalf Romani children of school age.
- 2.2 The ERRC and GHM research reveals that Romani children remain at a great disadvantage with regard to education. In particular, in several localities Romani children are not enrolled in primary schools and local authorities have not acted to ensure the enrolment of the children. This is for example the case in the Riganokampos settlement in Patras, where none of the children in a Romani community of 222 people are registered in or go to school, although the closest school is located approximately 150 metres from the settlement.<sup>5</sup>
- 2.3 Romani school children continue to be segregated in education throughout Greece. In some cases, Romani children are separated from non-Romani children within the same school or in the vicinity thereof. Indeed, in the case that was decided by the ECtHR, to date the racially segregated annex school has been transformed into a separate school with only Romani children and thus, both the applicants and other Romani children continue to be segregated despite the Court judgment. Such segregation practice with respect to education is confirmed by the latest European Commission against Racism and Intolerance (ECRI) report on Greece.<sup>6</sup>
- 2.4 The ERRC also documented instances where Romani children have considerable difficulty accessing the school where they are enrolled. In the Aspropyrgos settlement, Romani children, who attend the former annex school referred to in the *Sampanis* case rather than the closer 10<sup>th</sup> primary school, have several kilometres to travel to school. The assigned school bus stops at the top of a very busy viaduct instead of in front of the settlement, creating an unnecessary risk to children. Lack of enrolment of Romani school children, coupled with difficulties in reaching schools for those enrolled has contributed to high drop-out rates among Romani pupils. High drop-out rates have been confirmed by both Greek authorities and the Ombudsman. Special programmes designed by Greek authorities to combat high drop-out rates have little effect as the absence of disaggregated data on the situation of Roma pupils makes an in-depth assessment of their situation in order to create specific programmes difficult at best.
- 2.5 The right to education is guaranteed in several international and regional human rights treaties. The right to education implies equal access to educational facilities as well as an obligation on part of national and local authorities to ensure access to education of all children in the country, regardless of ethnicity. With respect to vulnerable minorities, there is an added obligation on part of authorities to actively facilitate the access of children belonging to vulnerable minorities to education on an equal basis with the majority population.
- 2.6 The right to education has been recognised since the Universal Declaration of Human Rights (UDHR) in 1948.<sup>7</sup> The right to education has been enshrined in a range of international

<sup>3</sup> The case concerned the refusal by education authorities to enroll Romani children in the local primary school and their subsequent placement in a separate annex school attended only by Romani children. The Court held that such treatment was discriminatory and denied the Romani children their right to education.

<sup>4</sup> On file with ERRC.

<sup>5</sup> ERRC and GHM field visit on 27 May 2010.

<sup>6</sup> Fourth ECRI report on Greece dated 15 September 2009 available at:

[http://www.coe.int/t/dghl/monitoring/ecri/library/publications\\_en.asp](http://www.coe.int/t/dghl/monitoring/ecri/library/publications_en.asp).

<sup>7</sup> Article 26 of the UDHR.

conventions to which Greece is a party, including the International Covenant on Economic, Social And Cultural Rights (ICESCR),<sup>8</sup> the Convention on the Elimination Of All Forms Of Discrimination Against Women (CEDAW)<sup>9</sup> and the Convention On The Rights of The Child (CRC).<sup>10</sup> It has also been incorporated into various regional treaties, such as the European Convention on Human Rights (ECHR).<sup>11</sup>

### 3. The Right to Housing

#### Substandard housing conditions

3.1 Of approximately 265,000 Roma living in Greece, a large proportion live in 52 improvised and dangerous tent encampments while most others reside in poorly constructed dwellings lacking access to basic services such as electricity and water.<sup>12</sup> Recent ERRC monitoring in Greece<sup>13</sup> shows that substandard housing conditions of Roma are rampant. In the Spata settlement close to Athens, the Romani community of around 200 people lives in prefabricated homes measuring approximately 25 metres square without access to electricity, running water and regular waste removal. The social infrastructure is poor with the closest town located 5 kilometres from the settlement and with a single dirt road leading there – a road that is rendered useless under inclement weather conditions. Another example of substandard housing conditions of Roma in Greece is the informal Aspropyrgos settlement of around 1,000 people. Roma live in makeshift wooden homes, which have to be elevated due to rat infestations. The entire settlement lacks running water, electricity and waste removal. In fact, 1 km of the road next to the settlement is lined on both sides with refuse which constitutes a serious threat to the health of the residents.

3.2 In some Romani settlements across Greece the living conditions of residents are more alarming. The Riganokampos settlement in Patras, for example, houses 222 Roma who live in small, makeshift shacks compiled of a mix of metal, wood and other scrap material – homes unable to provide adequate shelter from heat and cold. In four cases, families reside in dilapidated vans all year round. The settlement lacks running water, electricity and waste removal.

#### Evictions and threats of evictions

3.3 There have been over 20 documented forced evictions of Roma in Greece since 2004.<sup>14</sup> Threats of evictions by municipal authorities vis-à-vis Roma are rampant throughout Greece. For instance, in mid-August 2010, a Romani community in Aspropyrgos was evicted from their homes and upon resettling, the same community faces yet another eviction as of November 2010. Forced evictions have affected over 300 families including in Patras and the Peloponnese (three evictions affecting approximately 67 families), Chania, Crete (one affecting 12 Roma families), Aghia Paraskevi, Attica (one affecting 12 families), Paiania, Attica (two affecting approximately 15 families) and Votanikos (affecting more than 200 Albanian Romani families). The vast majority of these forced evictions has been carried out by State agents although in some cases addressed below, such as Aghia, they have been carried out by private landlords with the active support of the State. In the majority of cases, relevant procedural safeguards are not in place nor is alternative accommodation offered.

3.5 The right to housing and protection against forced evictions is well entrenched in international and regional human rights treaties. In particular, Article 11 of the ICESCR guarantees the right to adequate housing, while General Comments 4<sup>15</sup> and 7<sup>16</sup> elaborate on the elements of that right

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<sup>8</sup> Article 13 of the ICESCR.

<sup>9</sup> Article 10 of the CEDAW.

<sup>10</sup> Article 28 of the CRC.

<sup>11</sup> Additional protocol 1, Article 2.

<sup>12</sup> See COHRE housing fact sheet on Greece at:

<http://www.cohre.org/store/attachments/Fact%20Sheet%20Greece%202006.doc>.

<sup>13</sup> ERRC/GHM field research in May 2010.

<sup>14</sup> Collective complaint no 49/2008. *INTERRIGHTS v Greece*, p. 4. Available at:

[http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/Complaints\\_en.asp](http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/Complaints_en.asp).

<sup>15</sup> The right to adequate housing (Art. 11(1)): 1991-12-13, CESCR General Comment 4. (General Comments) Available at: [http://www.unhcr.ch/tbs/doc.nsf/\(symbol\)/CESCR+General+comment+4.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(symbol)/CESCR+General+comment+4.En?OpenDocument).

and protections against forced evictions. In addition, the right to housing and protection against forced evictions is reflected in International Covenant on Civil and Political Rights (ICCPR),<sup>17</sup> International Convention on the Elimination of All Forms of Racial Discrimination (ICERD),<sup>18</sup> CEDAW,<sup>19</sup> CRC,<sup>20</sup> the Revised European Social Charter (R/ESC)<sup>21</sup> and the ECHR.<sup>22</sup> In addition, the Committee on Social Rights under the European Social Charter has twice held Greece in violation of housing rights provisions enshrined in the Charter for its treatment of Roma.<sup>23</sup>

#### 4. Police violence

4.1 Ill-treatment of Roma by police is widespread throughout Greece. This has been noted on several occasions by international and regional tribunals. In fact, in April 2010, the European Court of Human Rights published its fourth case concerning ill-treatment of Roma by police in Greece, this time of a 16-year old Romani boy.<sup>24</sup> Similarly, the Human Rights Committee under the ICCPR in an individual communication held that Greece had violated the prohibition of torture when Greek police had subjected a young Romani man to ill-treatment.<sup>25</sup> All cases are currently under review by the relevant bodies responsible for monitoring the implementation of the decisions and in all cases, the Greek government, despite declarations to re-open investigations into the merits of the cases, has failed to date to execute the judgments.

#### 5. Recommendations

In light of the concerns listed above, the ERRC recommends that the authorities in Greece undertake the following measures:

- protect the human rights of Roma in Greece, and investigate and strongly condemn racial discrimination and other rights violations;
- take all necessary steps to include Romani children in desegregated kindergartens and primary schools throughout Greece, as well as establish effective support measures between Romani communities and schools to prevent high drop out rates among Romani pupils;
- become a party to the Convention Against Discrimination in Education;<sup>26</sup>
- through effective government programmes, guarantee adequate housing conditions for all Roma in Greece, including the provision of basic services and infrastructure in Romani settlements and neighbourhoods, as well as stopping forced evictions of Roma with the aim of securing legal security of tenure for Roma;
- respect procedural guarantees with regard to evictions of Roma and secure Romani victims of evictions alternative accommodation;
- effectively investigate instances of police violence against Roma, including investigating and prosecuting racial motive;
- establish effective and deterrent sanctions for police violence with racial motive and craft preventive education programmes for law enforcement officials on human rights and anti-discrimination.

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<sup>16</sup> The right to adequate housing (Art. 11.1): forced evictions: 1997-05-20. CESCR General comment 7. (General Comments) Available at: <http://www.unhchr.ch/tbs/doc.nsf/0/959f71e476284596802564c3005d8d50?Opendocument>.

<sup>17</sup> Homelessness has been found to threaten violations of the right to life (Art. 4) and forced evictions have been found to contravene the right to be free from arbitrary or unlawful interference with the home, Art. 17.

<sup>18</sup> Article 5(e)(iii) expressly prohibits discrimination in the housing sector.

<sup>19</sup> CEDAW protects the rights of rural women to housing, Article 14(2)(h).

<sup>20</sup> Housing rights of children is protected in Article 27(3).

<sup>21</sup> Housing rights are encompassed by Article 16 of the European Social Charter. In the Revised European Social Charter, Article 31 expressly relates to the right to housing. Both Charters are available at:

[http://www.coe.int/t/dghl/monitoring/socialcharter/Presentation/TreatiesIndex\\_en.asp](http://www.coe.int/t/dghl/monitoring/socialcharter/Presentation/TreatiesIndex_en.asp).

<sup>22</sup> Article 8 of the ECHR contains elements of the right to housing, available at:

<http://conventions.coe.int/treaty/en/Treaties/Html/005.htm>.

<sup>23</sup> Collective complaint no 15/2003, European Roma Rights Centre v. Greece and Collective complaint no 49/2008

*INTERRIGHTS v. Greece*. Available at: [http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/Complaints\\_en.asp](http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/Complaints_en.asp).

<sup>24</sup> *Stefanou v. Greece*, appl. No. 2954/07. The other three cases pertaining to ill-treatment by police of Roma are: *Bekos and Koutropoulos v. Greece*, appl. No. 15250/02; *Karagiannopoulos v. Greece*, appl. No. 27850/03; *Petropoulo-Tsakiris v. Greece*, appl. No. 44803/04.

<sup>25</sup> *Kalamiotis v. Greece*, Communication no. 1486/2006, CCPR/C/93/D/1486/2006, 5 August 2008.

<sup>26</sup> UNESCO, Convention Against Discrimination in Education, available at:

[http://www.unesco.org/education/pdf/DISCRI\\_E.PDF](http://www.unesco.org/education/pdf/DISCRI_E.PDF).