European Roma Rights Center
Greek Helsinki Monitor

CLEANING OPERATIONS

Excluding Roma in Greece

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> *"The unchecked, without permit, encampment of wandering nomads (Athinganoi [Gypsies], etc.) in whatever region is prohibited. [...] The lands for the organised encampments of wandering nomads must be outside the inhabited areas and in good distance from the approved urban plan or the last contiguous houses. [...] Encampment is prohibited near archaeological sites, beaches, landscapes of natural beauty, visible by main highway points or areas which could affect the public health (springs supplying drinking water, etc.)."*
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> Common Ministerial Decree of the Minister of Internal Affairs and the Minister of Health No A5/696/25.4-11.5.83, "Sanitary Provision for the Organised Relocation of Wandering Nomads", Official Gazette B' 243.

1. EXECUTIVE SUMMARY

ERRC/GHM monitoring of Roma rights in Greece – ongoing without interruption since 1997 – has established that large numbers of Roma in Greece live in racially segregated ghettos which stand in stark contrast to any other residential areas of Greece. While many Greek Roma live in conditions close to the standard or standard for Greece, a substantial part of the Romani population live in inhuman conditions. This very exposed segment of the Romani population inhabits substandard housing or has no housing at all. Racial segregation not only imposes on Roma inhuman and degrading conditions but also denies Roma the enjoyment of a range of other fundamental human rights. Exposed Romani settlements are often targets of abusive police raids based on racial profiling which subject numerous families to brutal interference with home and private life, ill-treatment and harassment. The lives of many Roma are further disrupted by forced evictions the execution of which leaves many Romani families homeless. Ghetto life condemns Roma to ghetto schools or deprives them altogether of access to school as well as of access to health care and other social services available to the public.

Systematic discrimination against Roma in all spheres of social life, which persists without any meaningful effort on the part of the Greek state to counter it, is responsible for the deepening exclusion of Roma from Greek society. In the extreme case, some Roma in Greece are stateless, having never been provided with the most fundamental recognition of participation in society – citizenship. Although human rights abuses of ethnic Greeks and others also often go unpunished in Greece, Roma suffer an especially high number of human rights violations, disproportionate to their percentage in the Greek population. This creates a climate of impunity that breeds further violations.

Anti-Romani racism permeates discourse about Roma in Greece and infects nearly all aspects of interactions between Roma and non-Roma in Greece. The Greek government has done little to nothing to acknowledge – let alone address – anti-Romani racism in Greece. Although the Greek government has denied at international fora that there exist any Greek laws furthering racial discrimination, a 1983 Ministerial Decree entitled "Sanitary Provision for the Organised Relocation of Wandering Nomads" – in effect today – sanctions segregation and ghettoisation of Roma. Article 1(1) of the Decree states:

> The unchecked, without permit, encampment of wandering nomads (*Athinganoi*, etc.) in whatever region is prohibited.[1]

Pursuant to the Decree:

> The lands for the organised encampments of wandering nomads [...] must be outside inhabited areas and in good distance from the approved urban plan or the last contiguous houses.[2]

The link between "wandering nomads" and "Athinganoi" is informed by racist presuppositions about Roma as a mysterious wandering folk with no links or loyalties other

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[1] No A5/696/25.4-11.5.83 Common Ministerial Decree of the Minister of Internal Affairs and the Minister of Health, "Sanitary Provision for the Organised Relocation of Wandering Nomads," *Official Gazette B' 243,* Article 1(1) (unofficial translation by the *ERRC/GHM*; hereinafter "1983 Municipal Decree"). "Athinganoi" is the term used for administrative purposes for Roma in Greek. Alternatives in common usage are the usually neutral "Tsinganoi" and the pejorative "Gyftoi" or "Yiftoi". The term "Roma" was not commonly used in Greece until recently.

[2] 1983 Ministerial Decree, Article 3(1).

than to kin and clan, and with a propensity to crime and fraud – a not-quite-human category requiring government action for the protection of "normal people". Hence the remedy brought by the 1983 Ministerial Decree: racial segregation.

Reinforcing a policy of racial segregation in the field of housing are also high numbers of forced evictions of Roma, frequently accompanied by wholesale destruction of property belonging to Roma. Authorities engaging in such actions frequently deny that evictions or destruction of property has taken place, and in many cases state that they have indulged merely in "cleaning operations". By claiming that the massive and often violent police and municipal actions in places where Roma live are only "cleaning operations", authorities in Greece assuage a racist popular opinion into the comfortable view that such actions are harmless. In addition, the justification built around the idea that a massive raid and forced eviction is a "cleaning operation" absolves Greek authorities of the need to comply with existing procedural guarantees. *ERRC/GHM* monitoring indicates that "cleaning operations" have become a by-word for efforts to expel Roma from the places in which they live. The number and extent of such expulsions, combined with an explicit policy of shifting Roma to the extreme perimetre of Greek society, have compelled *ERRC* and *GHM* to conclude that Roma in Greece as a whole are being held in a state of artificial remove, kept in permanently circulating exclusion from the mainstream of Greek society. "Cleaning operations" is the euphemism for the actions perpetuating that state of exclusion.

In response to criticism after a major police raid on a Romani settlement in February 1996, in June 1996 the Greek government announced a programme on Roma entitled "National Policy Framework for Greek Gypsies" consisting of a series of measures aimed at alleviating some of the problems Roma in Greece face. Many of the measures referred to in the document, such as the establishment of five temporary but adequately equipped settlements, were to be implemented immediately. However, the 1996 Programme failed to meet many of its aims. According to the government's "Implementation Review for the Years 1996-1999", no relocation of Romani settlements had taken place by the end of 1999, even of the five settlements that were to have been relocated "immediately".[3]

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[3] See appendix to document Ref. No. 6325 dated February 24, 2000, issued by Deputy Minister of Internal Affairs, Mr Florides.

In May 2001, the Greek Minister of Internal Affairs Ms Vaso Papandreou announced the "Comprehensive Plan of Action for the Social Integration of Greek Gypsies". This Plan appears even more ambitious than its predecessor. Certain aspects of the Plan can be welcomed. For example, priority is rightly accorded to projects aimed at alleviating the suffering of those Roma living in the most appalling conditions. The Plan, however, contains some troubling aspects. Most notably, while the distinctive ethno/cultural characteristics of the Romani community are referred to in many of the provisions of the Plan, one of its principles is the avoidance of the term "minority" when referring to Roma.

Greek authorities have to date undertaken no efforts to ensure that Greek domestic law is brought into conformity with Council of the European Union Directive 2000/43/EC "implementing the principle of equal treatment between persons irrespective of racial or ethnic origin". The equal treatment of any person legally on the territory of the country is guaranteed by the Greek Constitution. However, Law 927/1979 (amended by Article 24 of Law 1419/1984 and Article 39.4 of Law 2910/2001), Greece's principal implementing legislation on the prevention of acts or activities related to racial or religious discrimination, is inadequate in the extreme. Elements missing from current Greek anti-discrimination law include:

- The concept of, as well as provisions banning, indirect discrimination;
- Provisions requiring that the alleged perpetrator bear the burden of proof in cases in which a *prima facie* case of racial or ethnic discrimination has been established;
- Adequate specification of fields in which racial discrimination is banned;
- Sanctions for violators of the principle of equal treatment;
- Damages to victims of racial or ethnic discrimination;
- A ban on "victimisation" or "harassment".

Further, there is no implementation body on anti-discrimination in Greece. Although reference is frequently made in this context to the Greek Ombudsman and the National Commission for Human Rights, neither body has any formal powers to

sanction discriminators and both are dependant entirely on the police, the administration and the judiciary to see justice served in racial discrimination cases.

To date, as late as four months prior to the deadline for full implementation of the EU Directive (July 2003), no serious discussion of amending Greek domestic law to comply with the Directive has taken place. Similarly, as of the date of the publication of this report, Greece had not ratified Protocol 12 to the European Convention on Human Rights, nor made the declaration under Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, recognising the competence of the Committee on the Elimination of Racial Discrimination to hear individual complaints.

Indeed, Greek lawmakers appear unable or unwilling to grasp the nature of the ban on racial discrimination. This reflects the view prevalent in today's Greece that racism is a matter for the extremist margins, and that the average Greek would be incapable of acting – consciously or unconsciously – out of racial animus. As a result, at present individuals in Greece are not protected from the severe harm of racial discrimination by adequate laws.

In January 2003, the Greek government took up the Presidency of the European Union. In its statement on the priorities of the Greek Presidency, the government declared: "Our message reflects our objective of promoting a community of values which recognises the citizen's right to security, democracy and a better quality of life; which will create institutions able to guarantee participation and equality; and which will make the European citizen sense that his or her voice is heard, that he or she belongs to a new single family, to Our Europe."[4] The *ERRC/GHM* urges the Greek government to lead by its own example in the accomplishment of these objectives. To give effect to its own commitments, the government should immediately address the human rights situation of Roma in the Greece and ensure that anti-discrimination legislation and policy are adequately designed and effectively implemented. The current state of persistent human rights abuse against one particular ethnic group among citizens of the European Union – Roma in Greece – poses a serious threat to the principles of "liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law"[5] on which the EU is founded.

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[4] See *Priorities of the Greek Presidency: Our Europe. Sharing the Future as a Community of Values*, available at: **http://www.eu2003.gr/en/articles/2002/12/24/1310/**.

[5] Treaty on European Union, Article 6(1).

Intensive field missions conducted by the *ERRC* and the *GHM* as well as regular reporting by *ERRC/GHM* monitors, revealed several patterns of human rights abuse against Roma in Greece:

1. **Cruel and Inhuman or Degrading Treatment of Roma in the Field of Housing:** Large numbers of Roma in Greece today live in a state of racial segregation from non-Roma, in violation of the unequivocal ban on racial segregation provided under international law. In addition, Roma in Greece frequently experience forced eviction and/or the threat of forced eviction. In recent years, a sharp rise in the number of forced evictions of Roma from settlements and the subsequent demolition of their homes, as well as the destruction of property belonging to Romani individuals or their families has been documented. These are the Greek "cleaning operations". Some Romani families have been victims of several forced evictions in succession. The 2004 Olympic Games, which will take place in Athens, are being exploited by the region's local authorities as a pretext for evicting Roma. Also, in a number of municipalities, authorities have refused to register factually residing Roma as resident, effectively precluding them from access to public services necessary for the realisation of a number of fundamental social and economic rights. Many Roma live in appalling material and environmental circumstances in Greece in settlements unfit for human habitation. Racist policies by Greek municipalities are implemented almost entirely unchecked, resulting in residential segregation and/or homelessness. In at least one instance, ghettoising practices are explicitly endorsed by existing national policy. This report examines the various elements that comprise residential segregation of Roma in Greece:

    1. A 1983 Ministerial Decree which requires residential segregation of "wandering nomads", a term explicitly referring to Roma;
    2. Forced evictions of Roma without appropriate alternative provision being made;
    3. Threatened expulsions of Roma by municipal authorities;
    4. Discriminatory refusals by local authorities to register Roma as locally resident, effectively depriving them of access to a number of social and economic rights;
    5. Harassment of Roma by municipal authorities in order to drive them from their homes; and
    6. Failure to provide basic services and infrastructure, as required by Greece's international obligations.

Ruling recently in a case in which Romani homes were destroyed by a mob in the presence of and with the acquiescence of state officials in the Federal Republic of Yugoslavia in 1995, the United Nations Committee Against Torture held that "[…]destruction of houses constitutes, in the circumstances, acts of cruel, inhuman or degrading treatment or punishment." The Committee found that Yugoslavia violated Article 16(1) of the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) which stipulates that, "Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment [...] as defined in article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity [...]". The European Court of Human Rights has also ruled that the destruction of houses and the eviction of those living in them constitutes a form of ill-treatment in violation of Article 3 of the European Convention on Human Rights.[6] It seems only a matter of time before Greek practice in the area of housing rights of Roma is similarly ruled in violation of international human rights law.

2. **Police Violence Against Roma:** Abusive police raids on Romani settlements are commonplace in Greece. These raids are based on racial profiling of Roma by the police. Numerous allegations of Romani victims also indicate that ill-treatment of Romani individuals, amounting in some cases to torture, and frequently including physical and verbal abuse in police custody, is widespread. In the recent years, there have been at least three deaths of Roma in Greece due to excessive use of firearms by law enforcement officials. Police officers' use of racial epithets in some cases of police abuse of Roma is indicative that racial prejudice plays a role in the hostile treatment to which officers subject Roma. The Greek state's obligations under international human rights law notwithstanding, Greek authorities have failed to ensure that allegations of torture and ill-treatment are promptly and impartially investigated, or that perpetrators are brought to justice and victims provided with adequate redress. Most incidents

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[6] Committee against Torture, Communication No 161/2000: Yugoslavia. 02/12/2002. CAT/C/29/D/161/2000. (Jurisprudence). Views of the Committee against Torture under article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, para. 9.2., at: **http://193.194.138.190/tbs/doc.nsf/MasterFrameView/b5238fc275369719 c1256c95002 fca4f?Opendocument**. See also *Seçuk and Asker v. Turkey*, Judgement by the European Court of Human Rights of April 24, 1998, application numbers 00023 184/94 and 00023 185/94.

of police violence appear to be ignored or, at best, receive only a cursory, informal investigation by police, almost inevitably failing to result in adequate disciplinary action against the police officers involved.

3. **Exclusion of Roma from the Educational System:** Romani children in Greece are effectively denied access to education on a par with that received by their non-Romani peers. A combination of racial discrimination and extreme poverty ensures that very few Romani children are given the opportunity to complete even basic primary education. Many Romani children in Greece are subjected to segregation in ghetto schools and Roma-only classes which provide inferior education. Municipal and school authorities have actively hindered access of Romani children to education by refusing to register Romani students in local schools and dispersing them to schools far away from their places of residence as well as by failing to provide school transport for Roma.

4. **Barriers to Access to Health Care and Other Social Support Services:** Many Roma lack basic identity documents, making it impossible for them to claim basic health care and state social benefits. The failure of the health care system to accommodate the needs of Romani women and children places these groups particularly at risk. Many Romani children are not sufficiently provided with the protection offered by vaccination because of a combination of their failure to attend school and the lack of readily-understandable information available to their mothers.

Based on the findings of this report, the *ERRC* and the *GHM* urge Greek authorities to act on the following recommendations:

1. Facilitate access to Greek citizenship for those Roma residing in Greece who are stateless and provide the necessary legal documents (such as identity cards) to all Roma not in possession of such documents.

2. Without delay, repeal the racist decision of the Minister of Internal Affairs and the Minister of Health entitled "Sanitary Provision for the Organised Relocation of Wandering Nomads", No A5/696/25.4-11.5.83, Official Gazette B' 243.

3. Use all appropriate means to protect and promote the right to housing and guarantee protection against forced evictions. Ensure that evictions do not result

in individuals being rendered homeless or vulnerable to other human rights abuses. Guarantee security of tenure to Romani occupants of houses and land, ensuring, *inter alia,* a general protection from forced evictions. Guarantee due process in line with international standards related to forced evictions. Guarantee non-discrimination against Roma in processes related to forced evictions. Guarantee adequate pecuniary and non-pecuniary civil compensation as well as comprehensive criminal and administrative redress in cases of illegal forced evictions. Make available adequate alternative housing, resettlement or access to productive land where those affected by evictions are unable to provide for themselves.

4. Bring to justice public officials responsible for forced evictions of Roma in breach of Greek and international law.

5. In order for many Roma – especially those presently living in Romani settlements – to be set on an equal footing with other Greek citizens in the area of housing rights:
   - Order local authorities to provide, without delay, adequate potable water, electricity, waste removal, public transport, road provisions and other public infrastructure to those Romani settlements which presently lack one or more of the above;
   - In the interest of empowering Roma to take control of their own housing fate, provide an executive "amnesty" for the so-called "illegal" Romani settlements currently existing on state-owned land, granting title to land and property to persons factually resident on a particular plot, and establishing a "year zero" for the purposes of zoning and future regulation.

6. Undertake effective measures to ensure that local authorities register all persons factually residing in a given municipality, without regard to ethnicity.

7. Carry out thorough and timely investigations into all alleged instances of police abuse of Roma, including excessive use of fire arms, ill-treatment in police custody and abusive raids on Romani settlements, and promptly bring to justice perpetrators and provide due compensation to the victims.

8. Take appropriate measures to ensure that persons who may have been victims of ill-treatment by law enforcement officials are not intimidated or otherwise dissuaded from lodging a formal complaint.

9. Critically review all Greek legal norms regulating police behaviour – in particular, the use of force. Ensure that the relevant legal provisions are in conformity with the UN Code of Conduct for Law Enforcement Officials (1979), as well as the Basic Principles of its implementation adopted by ECOSOC in 1989 and Resolution 690 (1979) of the Parliamentary Assembly of the Council of Europe: Declaration on the Police.

10. Ensure that Romani schoolchildren have equal access to quality education in a desegregated school environment.

11. Design pre-school programmes for Romani children to learn the primary language of schooling and to attain a level ensuring an equal start at the first class of the primary school.

12. Where instances of abuse in the school system are reported, without delay punish school authorities responsible, and implement measures aimed at preventing further abuse.

13. Develop curriculum resources for teaching Romani language, culture and history in schools, and make them available to all schools.

14. Implement *in situ* health programmes in Romani settlements aimed at addressing the numerous health issues that Roma living in substandard housing face. Promote awareness of the needs of the Roma among medical staff.

15. Without delay, adopt comprehensive anti-discrimination legislation in conformity with current European and international standards, in particular Council of the European Union Directive 2000/43/EC "implementing the principle of equal treatment between persons irrespective of racial or ethnic origin" and General Policy Recommendation No 7 of the European Commission against Racism and Intolerance. Establish an effective enforcement body and guarantee its administrative independence; provide resources adequate to enable its effectiveness in accordance with General Policy Recommendation No 2 of the European Commission against Racism and Intolerance.

16. Without delay, ratify Protocol 12 to the European Convention on Human Rights.

17. Make the declaration under Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, recognising the competence of the Committee on the Elimination of Racial Discrimination to hear individual complaints.

18. Sign and ratify all substantive articles of the Revised European Social Charter without reservations.

19. Without delay,
    - Ratify the Council of Europe's Framework Convention on the Protection of National Minorities, expressly recognising Roma as a national minority. Sign and ratify the European Charter for Regional and Minority Languages, expressly recognising Romani as a minority language in Greece.
    - Ratify the European Convention on Nationality and the International Convention on the Reduction of Statelessness.
    - Ratify the European Convention on the Compensation of Victims of Violent Crimes.
    - Sign and ratify the UNESCO Convention against Discrimination in Education.
    - Ratify the Optional Protocols of the UN Convention on the Rights of the Child.

20. Undertake to submit all overdue reports to inter-governmental organisations promptly, thus enabling both national and international NGOs to be informed of and comment upon Greek government policy in relation to Roma rights. In addition, publish in Greek and implement the Concluding Comments/Observations made by UN bodies when reviewing Greek state reports.

21. Ensure that adequate legal assistance is available to victims of discrimination and human rights abuse by providing free legal services to indigents and members of weak groups, including Roma.

22. Proactively recruit Roma for professional positions in the administration, the police force, and the judiciary and to take other steps to remedy the exclusion of Roma from decision-making in public affairs.

23. Conduct systematic monitoring of access of Roma and other minorities to justice, education, housing, employment, health care and social services, and

establish a mechanism for collecting and publishing disaggregated data in these fields, in a form readily comprehensible to the wider public.

24. Conduct public information campaigns on human rights and remedies available to victims of human rights abuse, including such public information campaigns in the Romani language.

25. Conduct comprehensive human rights and anti-racism training for national and local administrators, members of the police force, and the judiciary.

26. At the highest levels, speak out against racial discrimination against Roma and others, and make clear that racism will not be tolerated.

2. INTRODUCTION

It is difficult to estimate with any reasonable degree of accuracy the number of Roma living in Greece today. Even official sources provide varying estimates. The 2001 Comprehensive Plan of Action for the Social Integration of the Greek Gypsies, for example, gave the number 250,000-300,000.[7] At a Human Dimension Implementation Meeting of the Organisation for Security and Cooperation in Europe (OSCE) in 2001, the Greek delegation presented another estimate: Roma were estimated to be between 120,000 to 150,000, 70 to 85% of whom were held to be well integrated in Greek society.[8] In 1997, *Minority Rights Group International*, a non-governmental organisation (NGO) based in London, estimated that there were between 160,000 and 200,000 Roma living in Greece,[9] while other researchers have suggested a figure as high as 500,000.[10] *GHM* estimates the Romani population to be approximately 3% of the total Greek population, around 300,000 to 350,000.

This confusion is *inter alia* a product of the very identity of the Greek state. In Greece, historically, the conceptions of the body politic have hinged upon a rigidly enforced vision that all persons in Greece are Greek, with little room provided for different cultural identities. According to the Greek scholar Stephanos Stavros,

> The official ideology of the Greek State has been built almost exclusively around the concept of a single nation, with a common creed and language. This incontrovertible fact is reflected in, amongst other things, all

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[7] Official document of April 2001, *Olokliromeno Programma Drasis gia tin Koinoniki Entaxi ton Ellinon Tsinganon*, p.5.

[8] See **http://www.osce.org/odihr/hdim2001/statements.php3?topic=4a&author=23**.

[9] See MRG, *World Directory of Minorities,* London: MRG, 1997, p. 155.

[10] Folkeryd, Fredrik and Ingvar Svanberg, *Gypsies (Roma) in the Post-Totalitarian States,* Stockholm: The Olaf Palme International Centre, 1995, p. 45. The methodology used for generating this figure, however, is not presented with the results, suggesting that some caution is warranted.

the constitutions by which the country has been governed in its 160-year history, including the one currently in force.[11]

The Greek state has been extremely reluctant to recognise officially the existence of minorities of any kind within its jurisdiction, as this would fundamentally challenge its asserted ethnic and religious homogeneity. Thus, the Greek state officially acknowledges the existence of only one minority group, that of the Muslims of Thrace – a group whose existence and rights are guaranteed by the 1923 Lausanne Treaty on the Exchange of Greek and Turkish Populations.[12] With the exception of those Roma who were covered by the Lausanne Treaty, most Roma were not even recognised as entitled to Greek citizenship until the mid-1970s. Until then, Roma were treated as "aliens of Gypsy descent", having special identification documents which authorities required them to renew every two years.[13] Perhaps the only substantiated assessment of the size of the Romani population of Greece is that provided by the Public Enterprise for Town Planning and Accommodation ("DEPOS" in Greek) in 1999. According to the DEPOS Study (based on records gathered from 1996 to 1999 from various sources), there were approximately 63,000 settled Roma and 10,570 itinerant ones.[14]

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[11] Stavros, Stephanos, "Citizenship and the Protection of Minorities" in Featherstone and Ifantis (eds.), *Greece in a Changing Europe*, Manchester: Manchester University Press, 1996, p. 117. While the belief in a single homogenous nation is very much a feature of the ethnic nationalism of the 19th century, the golden age of the 'nation-state', it is largely accepted that this homogeneity never actually existed, and certainly does not reflect the reality of today's political communities.

[12] Under the 1923 Lausanne Treaty Concerning the Exchange of Greek and Turkish Population (Article 1), it was agreed that Greece and Turkey would exchange populations: the Greeks living in Turkey would be sent to Greece while the Turks living in Greece would be sent to Turkey. As stated in Article 2 of the Treaty, only two groups were exempted: the Muslims (including the Roma) of Western Thrace and, reciprocally, the Greeks of Istanbul.

[13] Zenginis, Efstratios, *I Mousoulmani Athinganoi tis Thraki,* Thessaloniki Hemus Peninsula Institute of Studies, 1994, p. 20. See also Tsitselikis, Konstantinos, *To diethnes kai Europaiko kathestos prostasias ton glossikon dikaiomaton ton mionotiton kai I elliniki ennomi taxi,* Athens/Komotini: Ant. N. Sakkoulas Publications, 1996, p. 335. The term used in Greek is "atsiganikis".

[14] Dimosia Epixeirisi Poleodomias kai Stegasis (DEPOS), *Meleti Sxediou Programmatos gia tin antimetopisi ton ameson oikistikon provlimaton ton Ellinon Tsinganon*, Athens, July 1999, Annex I, Table I.4. (Hereinafter referred to as the DEPOS Study). As the authors of the study note, however, "[t]he definition of the population group in question [i.e. the Roma] was formulated by the perception of the local [i.e. non-Romani] communities. Thus, the 1998 record, as well as the

As recently as 1999, the Greek government illustrated its unwillingness to acknowledge cultural diversity as an aspect of Greek society. Asserting its view of the nature of Greek society in its reply to the observations of the European Commission against Racism and Intolerance (ECRI) in its *Second Report on Greece*, the government stated:

> The policies of the Greek Government in the fields falling in the purview of the ECRI, as indeed in all fields, are determined by its understanding of the needs of the persons who live in the country – without distinction as to the persons' nationality, ethnic origin, religion or even the legality of their presence in Greece – and do not stem from any theoretical/ideological position as to the compositional character of the Greek society. And of course they do not imply adherence by the Greek Government to the notion of a multicultural character of the Greek society. This notion, repeatedly mentioned in the report, has in our view not been sufficiently analyzed in all its political and legal implications, and therefore cannot be resorted to lightly.[15]

Despite the above statement, the state authorities in Greece are conscious of the mosaic of ethnic, national and religious groups living in modern Greece. Until 1951, for example, the official census contained information on such groups, namely Pomaks, Turks, Roma, Macedonians, Arvanites, Aromanians, Jews, Armenians, Catholics, and Protestants.

The question of the size of the Romani community is further complicated by the migration during the 1990s of many Albanian Roma to Greece.[16] Those Roma who

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previous ones, is not exactly a record of the number of the Roma [...] but of settled and/or itinerant population groups that have been characterised by the local communities as being of Romani origin. In the light of the above, the danger of underestimating the size of the Romani population is evident [...]" See DEPOS Study, Annex I., pp. 3, 4.

[15] European Commission against Racism and Intolerance (ECRI), *Second Report on Greece*, CRI (2000) 32, Adopted on 10 December 1999, available at: **http://www.coe.int/T/E/human_rights/Ecri/1-ECRI/2-Country-by-country_approach/Greece/Greece_CBC_2. asp#TopOfPage**. The government's statements can be found in the annex to the report.

[16] For more information on migration of Albanian Roma to Greece, see De Soto, Hermine and Ilir Gedeshi, "Dimensions of Romani Poverty in Albania", in *Roma Rights 1/2002,* pp. 31-39, at: **http://www.errc.org/rr_nr1_2002/noteb3.shtml**.

were registered by the state agencies, fell under the category of "Albanian immigrants". Consequently, they have not been included in estimates of the Romani population by official agencies, and only empirical research on their number (Albanian Roma tend to set up their sheds close to already existing Romani settlements) can be of any use.

The underestimate of the size of the Romani population in Greece may at first appear to be a trivial complaint, particularly in the light of what follows in this report. Yet the confusion as to the numbers of Roma living in Greece is, in fact, a symptom of a much more fundamental problem: the refusal of the Greek state to accept the existence of individuals who identify as Romani as an integral part of Greek society. Unfortunately, although the Greek state does not officially recognise the self-identification of a number of its citizens and residents as Romani, its agencies and their fellow citizens are often all too clearly aware that Roma are not the same as other Greek citizens, and discriminate against them accordingly.

While the Greek government is cognisant of the appalling situation of many Roma in Greece and has made positive statements about the urgent need for improvement,[17] little has to date been achieved. The Greek government's half-hearted efforts at the solution of the problems facing Roma are further eroded by intense anti-Romani racism among the wider population,[18] translating into a wide variety of

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[17] One member of the Greek delegation at the Organisation for Security and Co-operation in Europe (OSCE) Implementation Review Conference in Vienna on September 22, 1999 stated: "Last year, when I spoke on the subject of Roma and Sinti at the Warsaw Human-Dimension Implementation Review Meeting, I made two main points: (a) that the situation of the Roma in Greece is, in the eyes of the Greek Government, unsatisfactory and indeed unacceptable, and (b) that the Greek Government is determined to do everything in its power to remedy the situation. I wish to assure this forum, and in particular those with more direct interest in the matter, that the determination of the Government of Greece has not changed. As for the first point mentioned above, namely, the real situation of the Roma in Greece, I wish I were in a position to say that it has changed dramatically for the better. The truth is that, although things have been improving, they have been doing so at a much slower pace than we in the Government would have liked." (OSCE Implementation Review Conference, September 22, 1999, Vienna. The statement can be accessed at: **http://www.greekhelsinki.gr/english/reports/greece-to-osce-on-roma-21-9-99.html.**)

[18] In June 1993 an Eurobarometer survey indicated that 55% of the Greeks interviewed had an aversion to Roma and 48% believed that "even if their living conditions improve, the Gypsies will go on being dirty." The No 39 (Spring Wave) Eurobarometer Survey is available (in French) at **http://europa.eu.int/comm/public_opinion/archives/eb/eb39/eb39_fr.pdf.**

abusive actions against Roma – from outright boycott of government policies at the local level to ostracism in all kinds of social relationships. The media in Greece play an important role in fostering anti-Romani attitudes.[19] It is regular practice for certain sections of the media, for example, to refer to the ethnic or national identity of suspects and criminals when reporting on crime, when the person belongs to a minority or migrant group.[20]

In two recent examples, the press reported that a Romani couple was apprehended attempting to sell babies, and that two Romani children were charged with attempted robbery.[21] A similar eagerness to emphasise Romani criminality has been shown in other press reports. On February 22, 2002, the local daily newspaper *Kathimerina Nea* charged the Romani community living in the Peloponnese with planning to instigate a rebellion.[22] According to the newspaper report, Roma do not obey the law, and their "self-appointed leaders" all have criminal records. In addition,

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[19] Extensive research on the negative stereotypes and hate speech in the Greek media concerning national, ethnic and religious minorities in the period 1994-8 has been compiled in Lenkova, Mariana (ed.), *Hate Speech in the Balkans*, Athens: ETEPE, 1998. Similar material can be found in issues 1-8, 1995-9, of *Balkan Neighbours*, published by ACCESS, Sofia, and available online at: **http://www.access.online.bg/bn/newsletter/default.htm**.

[20] References to the national, ethnic or religious identity of suspects in electronic media is prohibited by Article 5 of Regulation 1/1991 (Code of Journalistic Deontology of the National Radio and Television Council), which provides that it is forbidden to "…present persons in a way which might, under specific circumstances, foster humiliation, social exclusion or discrimination by the public on grounds, especially, of gender, race, nationality, language, religion, ideology, age, illness or disability, sexual orientation or profession. According to Article 2, paragraph 5, of the Draft Code of Deontology for Information and Other Journalistic and Political Programmes, it is not permitted to refer to persons accused or convicted with no other identification than ethnic origin or religious beliefs. The United Nations Committee on the Elimination of Racial Discrimination has specifically instructed the Greek government that "reference to ethnic origin or religious beliefs of persons suspected of having committed criminal offences is to be avoided" (See Committee on the Elimination of Racial Discrimination (CERD), "Reports submitted by States Parties under Article 9 of the Convention, Fifteenth periodic reports of States Parties due in 1999, Addendum, Greece, (21 February 2001)", CERD/C/363/Add.4/Rev.1, 16 May 2001, para 9.a (hereinafter "Greek State report to CERD"), at: **http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CERD.C.363.Add.4.Rev.1.En?Opendocument**).

[21] *Macedonian Press Agency,* April 3, 2001, and *Eleftherotypia,* Athens-based daily, May 12, 2001.

[22] *Kathimerina Nea,* Tripoli-based daily newspaper, central Peloponnese, February 22, 2002.

the reluctance of other Romani communities in the Peloponnese region to endorse municipal relocation plans for them is seen by *Kathimerina Nea* as constituting a threat to Greek democracy itself.[23] In another example, an article in the *To Vima* national daily newspaper of October 6, 2001, carrying the title "Increased Criminality Rate by Romani Gangs in Menidi, Zefyri and Ano Liosia", portrayed the featured Athens suburbs as havens of Romani criminality.[24] The article presented data which the author claimed had been provided by the police, supporting the assertion of high levels of criminality in these areas. The article also reported similarly high rates of criminality in the municipality of Menemeni and the settlement of Aghia Sofia, two areas in the wider Thessaloniki area with substantial Romani communities.[25]

Sometimes the anti-Romani bias in the Greek media is utilised by racists who wish to sway public opinion with false or distorted information toward an unfavourable view of Roma and stir up anti-Romani sentiment. This appears to be precisely what occurred following a police raid in Argolida, in the Peloponnese region, in April 2001. On April 20, 2001, following the theft of a car belonging to a Romani trader by three other Romani men 10 days earlier, the police of Argolida carried out a raid upon a local Romani settlement where the men suspected of the theft were thought to have taken refuge.[26] According to police press releases, during the police pursuit following the hijacking of the car, shots had been fired in the air by one of the suspects, slightly wounding a police officer. An undisclosed number of officers apprehended one of the culprits, along with other Romani men wanted for numerous different offences.

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[23] *Ibid.*

[24] Roma, although not forming the majority population of these suburbs, are substantially represented there.

[25] *GHM* wrote to the Greek Police Headquarters requesting to be informed whether the data presented by the newspaper had indeed been supplied by them. In its response police authorities stated that the police does not keep statistics on the ethnic or religious origin of individuals thus undermining the statistics presented by the newspaper (Letter from Greek Police Headquarters, October 13, 2001, Ref. No. 3008/43/21-142). The police did not, however, issue a press release refuting the article. A second response provided the arrest statistics for the former Ghonou barracks area, a Romani settlement: two for theft of vehicles and nine for outstanding sentences or fines (Letter from Greek Police Headquarters, January 13, 2002, Ref. No. 3008/43/21-148). These figures undermined the image of high criminality presented by the newspaper, but again the police, although urged, did not refute the article.

[26] Argolida Police Directorate Press Bulletins, dated April 11 and April 20, 2001.

According to the police directorate, the search of the settlement yielded no drugs, and the police recovered only one shotgun.[27] Nevertheless, according to information reportedly leaked to popular daily newspapers by police officers and subsequently published in the Athens daily newspaper *To Vima* on April 21, 2001, the police recovered huge quantities of drugs, as well as numerous weapons.

Anti-Romani stories such as these abound in both extremist and mainstream media. A 2002 report of the European Monitoring Centre on Racism and Xenophobia (EUMC), based on monitoring of the media during the period 1995–2000, supports this observation, asserting that the main negative stereotypes related to the Romani population are the following: they are involved in drug trafficking, they sell their babies, they oblige their children to beg in the streets, they are dirty and they do not want to integrate into Greek society. Hate speech undercurrents have appeared in the recent past in both national and local newspapers.[28]

Notwithstanding the high levels of hate speech against minorities and migrants that mire public discourse in Greece, however, the authorities have taken no action to condemn racist statements. Intense anti-Romani racism in the Greek media is a powerful factor inciting anti-Romani racism in Greek society. The authorities' failure to act to discourage or condemn such hate speech lends further credence to the distortions and fabrications of the Greek media vis-à-vis Roma. Such reporting perpetuates the misconception of Romani criminality, which fuels anti-Romani sentiment in the general population.

The main goal of this report is to present the human rights situation of the Romani population of Greece. Based upon extensive research undertaken from 1997 onwards, the report's underlying theme is that the Greek state has failed to address satisfactorily many of the human rights issues burdening a significant portion of the Roma of Greece in their everyday lives. The report is structured as follows: The next

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[27] Argolida Police Directorate Press Bulletin, April 20, 2001.

[28] See Triandaffylidou, Anna, EUMC Report, *Racism and Cultural Diversity in Mass Media, An overview of research and examples of good practice in the EU Member States, 1995-2000*, on behalf of the EUMC by the European Research Institute on Migration and Ethnic Relations (ERCOMER), Vienna, February 2002, p. 160, at: **http://www.eumc.eu.iant/eumc/material/pub/media_report/MR-CH4-4-Greece.pdf**.

chapter provides a brief history of the Roma in Greece. Chapter 4 details discriminatory law and policy of the Greek state, the result of which is racial segregation of Roma and denial of a range of fundamental human rights. The report describes patterns of forced evictions and other coercive actions aimed at the expulsion of Roma from Greek municipalities. Chapter 5 describes police abuse of Roma, including racial profiling and torture and ill-treatment of Romani individuals. Chapter 6 provides an overview of the problems facing Roma in the Greek education system. Chapter 7 brings to light some problems related to access to health care facing Roma in Greece. Chapter 8 discusses Greek efforts in the field of anti-discrimination, and the implementation of recent programmes of the Greek government on Roma. The report concludes with recommendations to the Greek government, aimed at improving its human rights record with respect to Roma.

3. A SHORT HISTORY OF ROMA IN GREECE

The history of Roma in Greece is somewhat obscure, due in part to the fact that Roma have left behind very few autochthonous community records. However, the Indian origins of Roma are now more-or-less undisputed, in particular because the Romani language is Indic and closely related to other major Indic languages, such as Hindi.[29] Scholars' views about the time Roma left India vary between the 7th and the 13th century. According to many authors, the ancestors of the Roma migrated from India in multiple waves, and left their homeland in different times and for different reasons, rather than travelling to Europe in one single exodus.

The first substantive, though contested by some authors, reference to a possible presence of Roma on European soil is to be found in an 11th century document, the Georgian *Life of Saint George the Athonite*, in which it is stated that the Byzantine Emperor Constantine Monomachus (1042–1055 AD) employed the *Adsincani*, "…a Samaritan people, descendants of Simon the Magician, who were called Adsincani, and notorious for soothsaying and sorcery", in order to get rid of the wild animals that were devastating his hunting preserve near Constantinople.[30] The term "Adsincani" is the Georgian form of the Greek word *Ατσιγγανοι (Atsinganoi)* or *Αθιγγανοι* (Athinganoi), from which the non-English words for Roma (such as the French Tsiganes, the Italian Zingari, the German Zigeuner and the Greek *Τσιγγανοι* (Tsinganoi) are derived.[31] Some authors, however, argue

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[29] Fraser, Angus, *The Gypsies*, Oxford: Blackwell, 1995, pp. 21-28.

[30] *Ibid*, p. 46. See also Komis, Kostas, *Tsinganoi: Istoria, Dimografia, Politismos*, Athens: Ellinika Grammata, 1998, p. 15. This appears to be the most widely held opinion concerning the presence of Roma in Greece. Other scholars, however, have argued that the Roma may have arrived many years earlier. For instance, Biris argues that it was Roma who, in 869 AD, founded the town of *Zitouni* (present-day *Lamia*), probably originating from the Egyptian town of Zeitun. See Biris, Konstantinos, *Rrom kai Gyftoi: ethnografia kai istoria ton Tsinganon*, Athens: 1954, p. 15. Finally, it has been argued that the Roma are the descendants of the *Zott* or *Jatt* people, some of whom were captured by Byzantine troops and transported back to territories of the Byzantine Empire, following a foray in Syria in 855 AD (See Fraser, p. 36.)

[31] Fraser, p. 46.

that the 11th century Georgian document is not a valid reference to Roma and the first reliable documentation of the Gypsy/Roma presence in Byzantium is two hundred years later.[32]

According to some historians, the term "Athinganoi" *(Αθιγγανοι)* was originally used to describe the followers of an Eastern Orthodox religious sect that emerged in Asia Minor during the eighth and ninth centuries.[33] The sect gradually acquired a significant following all over the Byzantine Empire, and even Byzantine emperors and other high-ranking officials are reported to have entered into its ranks.[34] The Eastern Orthodox Church became alarmed by the steadily growing number of the sect's adherents and resorted to drastic measures. As early as the seventh century, the *Athinganoi* were accused of wizardry and heresy, paving the way for their persecution, which reached its peak in the ninth century.[35] The *Athinganoi* were likely unrelated to the Roma, yet the fact that both groups traditionally engaged in practices such as fire worship and fortune-telling probably led to the confusion of the Roma, newly arrived, with the practices of the heretic *Athinganoi*.[36] The two groups became increasingly confused until the virtual extinction of the original *Athinganoi*, at which time the term came to be used exclusively in connection with Roma.[37]

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[32] Hancock, Ian, *We Are the Romani People*, Centre de recherches tsiganes and University of Hertfordshire Press, 2002, pp.6-8.

[33] Kenrick, Donald, *Historical Dictionary of the Gypsies (Romanies)*, European Historical Dictionaries, No 27, Lanham, MD, & London: Scarecrow Press, 1998, p. 13. See also Koutsoukos, John, *Meletimata I: Oi Athinganoi-Atsinganoi-Tsinganoi-Gyftoi-Tourkogyftoi. II, Oi Avaroi en Peloponniso*, Athens: 1961, p. 4. The term "Athinganoi" (Αθιγγανοι or Αθικτοι in Greek) derives from the privative suffix α and the verb *θιγγανω/θιγω*, meaning "to touch". They were so named because they refused to be touched by anyone (See Biris, pp. 30-31). Today, "Athinganoi" is the term used for administrative purposes for Roma in Greek. Alternatives in common usage are the usually neutral "Tsinganoi" and the pejorative "Gyftoi" or "Yiftoi". The term "Roma" was not commonly used in Greece until recently.

[34] See also Dousas, Dimitris, *Rom kai filetikes diakriseis stin Istoria, tin Koinonia, tin Koultoura, tin Ekpaidefsi kai ta Anthropina Dikaiomata*, Athens: Gutenberg, 1997, p. 45

[35] Fraser, p. 46. See also Dousas, p. 45.

[36] Biris, p. 32.

[37] Fraser, p. 46. See also Lithoxoou, D., "Simeioseis gia tous Rom", in the periodical *Tetradia Politikou Dialogou, ereunas kai kritikis*, Vol. 14, Spring-Summer issue, 1986, p. 67.

This confusion of identity gained the Roma the wrath of the Orthodox Church: Sentences of excommunication awaited those identified as *Athinganoi*, and the faithful were exhorted to exclude them and their practices from their midst.[38] The Church would also go on to enslave a significant number of Roma on its lands in the Ionian islands, the plains of Thessaly and Thrace.[39]

According to other authors, the term "Athinganoi" originally, since the 7th century, was a reference to the Gypsies/Roma who had reached Byzantium from India already then.[40]

In a further confusion of identities, a 15th-century canon provided that any member of the Church that had recourse to "…Egyptian women [Aiguptissas] who could foretell the future",[41] would be punished with a five-year excommunication sentence. It is difficult to ascertain whether the term "Egyptian" (from which the word "Gypsy" is derived) referred to Roma already present in Greece, although the Slavic translation of the canon apparently suggests this to be likely.[42] In any case, the word "Egyptians" quickly caught on and was used interchangeably with the term "Athinganoi" to refer to Roma.

Greek historians' attempts to describe Roma have sometimes contributed to the racist stereotyping of their behaviour and the continuing confusion about their ethnic origins. For example, one author writing in 1954, seeking to explain the difference between two different terms in Greek – "Gyftos" and "Tsinganoi" – both of which are best rendered in English as "Gypsies", observed that the former were cowards, had no musical ear and were usually settled, while the latter can be clever, engage in all sorts of trade and are usually itinerant.[43] The search for distinctions between "good Gypsies" and "bad Gypsies" historically is an integral part of the corpus of anti-Romani discourse in Greece.

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[38] Fraser, pp. 46-47.

[39] Dousas, p. 50.

[40] See for example, Marushiakova, Elena and Popov, Vesselin, *Gypsies in the Ottoman Empire*, Centre de Recherches Tsiganes and University of Hertfordshire Press, 2001, p. 14.

[41] Fraser, p. 47.

[42] *Ibid*, p. 47.

[43] Biris, pp. 43-45.

Despite the racist stereotyping and persecution that have accompanied the confusion about their identity and origins, Roma have made a considerable contribution to the history of the Byzantine Empire. Not long after their arrival in the European territories of the Byzantine Empire, it appears that Roma began making their way all over present-day Greece, settling mostly in Venetian-held territories.[44] Historical records indicate that Roma provided valuable service to the crumbling Byzantine Empire, the Roma of Thrace fighting tenaciously against Ottoman forces from 1356 onwards.[45] Many Roma also settled in the Ionian Islands, especially Corfu, during the latter half of the 14th century. In fact, the Roma of Corfu were so numerous that they made an important contribution to the island's revenue by virtue of the taxes they paid. For this reason, they formed a separate feudal estate, the so-called *Feudo Agincanorum*, which existed until the 19th century, and whose administration was apparently a very profitable enterprise.[46] The numbers of Roma increased to the extent that in a document of 1415, the "Egyptians" were held to constitute one of the most important "nations" of Peloponnese, residing primarily in Methoni and Nafplio.[47] Moreover, it appears that in Nafplio, they formed an independent "Gypsy military unit" *(drunga acinganorum)*, with its own officer *(drungarius)*. [48]

Under the Ottoman Empire, Roma were differentiated by their ethnicity from the rest of the population, and did not fall under the two hierarchicacal categories – true believers and infidels *(raya)* – to which the Ottomans divided the population.[49] Historians point to evidence revealing the low esteem for Roma held by both the Ottomans and the *raya*, and the existence of the negative social stereotypes for Roma which have

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[44] Their departure from the environs of Constantinople was probably precipitated by the outbreak of "Black Death" in 1347 (See Kenrick, p. xvii).

[45] See Dousas, p. 48.

[46] *Ibid*., p. 49. See also Fraser, p. 50.

[47] Fraser, p. 49.

[48] *Ibid*., p. 51. See also Dousas, p. 47.

[49] For purposes of taxation, there was not a big difference between Muslim Roma and Christian Roma, although the latter paid slightly higher income tax. Some categories of Roma, however, were exempt from taxes, as for example the ones who provided services for the army. (See Marushiakova and Popov, p. 28.)

persisted to date.[50] Although the vast majority of Roma living in the territory of today's Greece did not convert to Islam during the Ottoman period, some did.[51] In Thrace, Roma formed a special administrative unit, known as the Sanjak of the Gypsies (*Cingane Sancagi)* with their own governor (*Cingane Sancagi Bey)*.[52] Consequently, as an ethnic Greek doctor living in Istanbul noted in 1857, "in no other country has the administration spared the Roma from persecution as in the Ottoman Empire."[53]

Although Roma – whatever their religion – generally benefited from Ottoman rule, some historians note that Greek Roma played a considerable part in the Greek revolution against Ottoman control in 1821. Four of the members of the "Friends' Society", a secret organisation whose services were instrumental in instigating the revolution, were reportedly of Romani origin.[54] Furthermore, it is argued that many of those who fought in the revolution were Romani, and Roma were often employed as musicians by Greek military officers in order to entertain their troops.[55]

The centuries-old Romani presence in Greece had become well entrenched by the time of the "Revolution of 1821" (the Greek War of Independence from Ottoman rule).

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[50] *Ibid*., pp. 46-47.

[51] Rates of conversion to Islam by Roma elsewhere in the European Ottoman possessions – such as on the territories that today comprise Albania, Bulgaria, Macedonia and Southern Serbia – were considerably higher and in many areas Muslim Roma are a majority of local Roma.

[52] See Inalcik, Halil, *I Othomaniki Autokratoria: I Klassiki Epochi*, 1300-1600, Athens: Alexandria 1995, p. 260. Liapis argues, however, that Muslim Roma were not allowed to live with their non-Muslim kinsmen. (Liapis, Antonios, *Glossario tis Rromani, opos tin miloun oi mousoulmanoi Rroma tis ellinikis Thrakis (ellino-Rromano)*, Komotini: 1998, p. 17). For information on the Muslim Roma see Celebi, Evliya, *Taxidi stin Ellada,* Athens: Ekati Publishers, 1991, pp. 45,46, 51-8.

[53] See Paspatis, A.G., *Meleti peri ton Atsinganon kai tis Glossis auton,* Athens: Ekati Publications, Athens, 1995, p. 18 (originally published in 1857). Similar was the opinion of Sir Angus Fraser: "One finds within this [the Ottoman] Empire no counterpart to the systematically repressive legislation which Gypsies faced in the rest of Europe. Usually the Ottomans respected the customs and institutions of subject communities, which were ruled with the aid of their own authorities". (See Fraser, p. 172.)

[54] See Dousas, p. 85.

[55] *Ibid.*, pp. 53, 85.

At that time, there was hardly any important Greek city that did not contain a Romani neighbourhood *("gyftomahala", "gyftika")*. The names of a few towns or villages contained the prefix "Gypsy", denoting that they were predominantly (and at times even exclusively) inhabited by Roma.[56] However, following the revolution, the newly independent Greek state, which was recognised in 1830, quickly set about homogenising the mosaic of ethnic and religious groups living within its territories – in common with other European states in this period. The Greek state was predicated upon the imposition of a single Greek identity at the expense of all others.[57] The actively cultivated ignorance of other groups within Greece since the revolution has made any information on Roma in subsequent periods of Greek history difficult to obtain. This has been compounded by the magnitude of the upheavals in the ongoing conflict with the Ottoman Empire. For example, while it is certain that many Christian Roma were sent to Greece during the 1923 exchange of populations between Greece and Turkey,[58] accurate information as to their number, origin and details of their settlement in Greece is not available.

The evidence suggests that Roma participated in the various wars in which the Greek state engaged – participation in war being today an important determinant of value in the eyes of many Greeks, as well as in the version of history promoted by the Greek education system. This detail, however, is omitted in Greek historiography. It is, therefore, little known in Greece that Roma of the Flambouro village in Serres fought side by side with Greek troops during the 1912–13 Balkan wars, and that many Roma also joined the national resistance movement during the Second World War, usually as part of the Communist-led National Liberation Front *(Ethniko Apelefterotiko Metopo – EAM)*.[59]

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[56] See Yannakopoulos, Takis, *Oi Gyftoi kai to dimotiko mas tragoudi*, Athens: Thucidides, 1981, pp. 51-52.

[57] For more information on the policy of the Greek state towards minorities after the Greek War of Independence from Ottoman rule, see Stavros, "Citizenship and the Protection of Minorities".

[58] See Dousas, p. 55.

[59] *Ibid.*, p. 56-57. Perhaps the best-known Romani figure in the resistance movement is Vassilis Mitrou, who was active in the area of Chalkida, north-east of Athens. Under the assumed name "the Gypsy", he took part in many attacks against the occupying forces. (Georgos Georgiou, Maria Dimitriou and Eva Politou, "Roma; Katochi kai antistasi stin Ellada" in the Istorika insert of the Athens-based daily newspaper *Eleftherotypia*, June 21, 2001, p. 35.)

To date, the instances of Romani participation in the national resistance movement and their contributions to the struggle for liberation remain almost entirely unrecognised in Greece. It appears however that, belatedly, some amateur researchers have turned their eyes in that direction. According to evidence gathered by Mr Christos Roupas, a resistance fighter himself, many Roma in Greece were incarcerated for their active participation in the resistance during World War II, often joining armed partisan groups. Roma also provided hiding places to the resistance fighters and supplied them with ammunition and information.[60]

As all over Nazi-occupied Europe, the Roma of Greece suffered a heavy toll during World War II, although accurate figures are not available.[61] Roma were singled out for harsh punitive measures by the German occupation forces, and Romani civilian populations bore a significant brunt of terrorising measures.[62] In early 1942, approximately 300 Roma were detained by the German authorities. More Roma were detained throughout 1942 and only a handful of those taken hostage survived. German plans of 1943 to round up the Roma for transportation to Auschwitz were averted by the intervention of Archbishop Damaskinos, in particular, and of Prime Minister Ioannis Rallis.[63] However, little is known of the fate of Roma living in those parts of Greece not under the effective control of the Greek collaborationist government. Recent research has revealed, for example, that Roma living in Ioannina were exterminated within the framework of the Nazi programme for "Racial Hygiene and Biological Demography", while other Roma were transported in trains to concentration camps to Germany, mainly to Auschwitz, where most were killed.[64] In March 1943,

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[60] See Roupas, Christos, "Roma stin antistasi" in the Athens-based daily newspaper *Avghi*, July 10, 2001.

[61] Kenrick tentatively gives an estimate of 100. (See Kenrick, *Historical Dictionary of the Gypsies (Romanies)*, p. 77.)

[62] See Hancock, Ian, "Gypsy History in Germany and Neighboring Lands: A Chronology Leading to the Holocaust and Beyond" in Crowe, David and John Kolsti (eds.), *The Gypsies of Eastern Europe*, New York/London: Armonk/M.E. Sharpe, 1991, p. 19.

[63] See Huttenbach, Henry R., "The Romani Porajmos: The Nazi Genocide of Gypsies in Germany and Eastern Europe" in Crowe, D., and J. Kolsti (eds.), *The Gypsies of Eastern Europe*, New York/London: Armonk/M.E. Sharpe, 1991, p. 44.

[64] Roupas, "Roma stin antistasi".

the Bulgarian authorities deported an estimated 12,000 Jews from the regions of Macedonia and Thrace, which were annexed by Bulgaria during World War II. Although there is no written record of simultaneous deportation of Roma from these parts,[65] deportation of an unidentified number of Roma was reported by witnesses.[66] The suffering Roma endured during occupation and the sacrifice they made in its resistance has never been sufficiently acknowledged.

Despite the contributions of Greek Roma to the building of the modern Greek state, the government took no steps toward granting Greek citizenship to the Roma until 1955, when the first of a series of laws on Greek nationality was passed.[67] At present, despite numerous legislative measures, a substantial number of Roma continue to lack the most rudimentary documents or even citizenship – the fundamental unit of belonging in the modern state. A serious obstacle to the exercise of basic rights by Roma in Greece is the lack of personal documents – including but not limited to birth certificates, identity cards, local registration, documents related to state-provided health insurance and social welfare, and passports. In extreme cases, Roma lack citizenship, and the anathema phenomenon of statelessness has arisen among Roma in Greece. Exclusionary obstacles created by lack of documents can be daunting, and in many instances, the lack of one document can lead to a "chain reaction", in which the individual is unable to secure further documents. A Romani child is faced with the risk not to be registered if born outside a hospital (hospitals register the births of children as a matter of course). If parents themselves do not

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[65] Existing historical records do not usually mention Roma as a group specifically targetted for deportation to concentration camps and extermination. See Kenrick, Donald, (ed.), *In the Shadow of the Swastika: The Gypsies During the Second World War*, Great Britain: University of Hertfordshire Press, 1999, p. 92.

[66] *Ibid*., p. 92.

[67] In 1955 Law 3370/20-9-1955 "On Ratifying the Greek Nationality Code" was passed, amending some earlier relevant provisions. Thus, under Article 1, para. 1, a person who was born in Greece and has not, upon birth, acquired other nationality, acquires the Greek nationality. This is of obvious importance to the Roma. The law, however, did not have a retroactive effect; the latter was introduced by Compulsory Law 481 of 1968. Finally, two General Orders issued by the Ministry of Interior in 1978 and 1979 clarified the two laws and provided instructions for their application. For details of the additional amendments, see Zenginis, Efstratios, *I Musulmani Athinganoi tis Thrakis*, Thessaloniki: Institute for Balkan Studies, 1994, pp. 20-21.

seek to register the child, the child will have no birth certificate.[68] Actions by Greek authority to remedy this situation have to date been piecemeal and, taken as a whole, inadequate. Moreover, there are no domestic legal provisions placing an obligation on authorities to reduce statelessness.[69]

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[68] Article 20 of Law 344/1976 provides that a new-born child should be registered with the local birth registry within 10 days of his/her birth. A fine may be levied in cases of late registry. Article 21of the same law provides that the father, the doctor, the midwife and the mother (Article 21, para 1(a), 1(b), 1(c) and para 3 respectively) are obliged to declare the birth of the child. The Law was published in Official Gazette A 143, June 1, 1976.

[69] The principle that statelessness is anathema has been repeatedly affirmed by the international community. Article 24 of International Covenant on Civil and Political Rights (ICCPR), addressing the rights of children, stipulates that "[e]very child has the right to acquire a nationality." Greece ratified the ICCPR on May 5, 1997. The Convention of the Rights of the Child (CRC) states at Article 7: "The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents [...]" Greece ratified the CRC on December 2, 1992. A number of international legal instruments address the issue of statelessness exclusively. The Convention on the Reduction of Statelessness includes a number of provisions aiming to prevent statelessness as a result of loss of nationality due to any change in the personal status of an individual. Article 8 states that "[a] Contracting State shall not deprive a person of his nationality if such deprivation would render him stateless." Article 9 stipulates that a State may not deprive any person or group of persons of their right to nationality on racial, ethnic, religious or political grounds. Greece has signed but not yet ratified the Convention. Further, the Convention Relating to the Status of Stateless Persons states, *inter alia*, "The Contracting States shall as far as possible facilitate the [...] naturalization of stateless persons. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings" (Article 32). Greece acceded to the Convention on November 4, 1975.

European norms similarly affirm the right to a nationality. The European Convention on Nationality recognises the right to nationality and Article 3 acknowledges the principle that each State determines under its own law who are its nationals. However, domestic laws of States Parties must be in conformity with a set of principles enumerated in the Convention. These principles are:

a) everyone has the right to a nationality;
b) statelessness shall be avoided;
c) no one shall be arbitrarily deprived of his or her nationality;
d) neither marriage nor the dissolution of a marriage between a national of a State Party and an alien, nor the change of nationality by one of the spouses during marriage, shall automatically affect the nationality of the other spouse. (See European Convention on Nationality, Article 4)

Article 5 affirms that the rule of non-discrimination applies in matters of nationality. Greece signed the Convention on November 6, 1997, but has not yet ratified it.

In the case of Mr Sezgin Durgut, for example, the Greek authorities failed to grant Greek citizenship for thirty years between 1972 and 2002, despite the fact that Mr Durgut's mother is a Greek citizen.[70] Moreover, the Greek authorities turned down Mr Durgut's two requests for an identity document as a stateless person,[71] submitted respectively in 1999 and 2000, leaving him without any identity papers until March 2002, when he eventually received his Greek citizenship card. According to a study completed in 2001 by the Thessaloniki Vocational Training Centre of the Romani settlement of Aghia Sophia-Ghonou, near Thessaloniki, around 18% of the approximately 2,000 Romani residents were without documents.[72]

Greek authorities have not only failed to address satisfactorily the presence of Roma in Greece, to acknowledge Roma fully as members of Greek society and to recognise their contribution to modern Greek history, but they have also failed to recognise Roma in most of Greece as a national minority. Thus, the special rights afforded to individuals with minority status under the Lausanne Treaty as well as under international law – for example, the right to education in the minority's mother tongue – are not extended to the

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[70] In such cases, international law stipulates acquisition of nationality at birth. The 1973 Convention to reduce the number of cases of statelessness drawn up by the International Commission on Civil Status to which Greece is a party, stipulates at Article 1 that, "[…] a child whose mother holds the nationality of a Contracting state shall acquire that nationality at birth if he or she would otherwise have been stateless […]" The full text of the Convention is available at: **http://perso.wanadoo.fr/ciec-sg/Conventions/Conv13Angl.pdf**.

Furthermore, according Article 69, para. 6 of the recent Greek Law 2910/2001, anyone born before 1984 to a mother who was a Greek citizen at the time of birth becomes automatically a Greek citizen from the day of the request. Although Mr Durgut applied on the very first day the new law came into force, he was not among those who were first granted citizenship according to this law in August 2001. Mr Durgut was only finally provided with Greek citizenship after repeated urging by and letters of appeal from Greek non-governmental organisations and the Greek Ombudsman.

[71] Greek authorities refused to give Mr Durgut a stateless person identity card, claiming that he had Bulgarian citizenship, because his grandfather had moved to Greece from Bulgaria during the Second World War. In December 2000, however, the *GHM* obtained a document which was issued by the Greek authorities in 1979 to Mr Durgut's grandfather, to travel to Bulgaria. The document contained a Bulgarian visa on it, thus clearly indicating that Mr Durgut's grandfather could not have been a Bulgarian citizen.

[72] *Simperasmata tis Meletis gia tous Tsinganous tou Oikismou Aghia Sofia, Ar. Prot: 77, 13/7/2001*, p. 1., undated, submitted to the Office of the Advisor on Health and Welfare Issues of the Prefect on July 13, 2001.

majority of Roma in Greece. The one exception is the Muslim Roma of Thrace. The Muslim Roma living in Western Thrace were not included in the 1923 exchange of populations between Greece and Turkey, and today they are held to constitute a part of the officially recognised "Muslim minority" of Greece. At the time of signing of the Lausanne Treaty in 1923, the Muslim Roma of Western Thrace officially numbered 2,505.[73] Today, the Ministry of Foreign Affairs estimate, apparently based on a 1991 census, puts the number at approximately 15,000.[74] The Muslim Roma are protected under the provisions of the 1923 Lausanne Treaty which, *inter alia*, provide for education in their mother tongue.[75] However, the Greek state adopted a territorially confined interpretation of the Treaty,[76] and thus there are no estimates for the number of internal migrants from Thrace, the majority of whom have settled in slum areas in the centre of Athens, in a suburb of Thessaloniki, and perhaps elsewhere. A narrow interpretation of the Lausanne Treaty has effectively allowed the Greek government to avoid the responsibility for the appropriate identification of the state's minority populations.

The Muslim Roma's identification as a part of the Muslim minority of Greece under the Lausanne Treaty has not protected that group from becoming entangled in

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[73] Divani, Lena, *Ellada kai Meionotites: to sistima diethnous prostasias tis Koinonias ton Ethnon*, Athens, Kastaniotes Publications, 1999, p. 170.

[74] Figure from the Ministry of Foreign Affairs, cited in the Greek state report to the United Nations Committee on the Elimination of Racial Discrimination (CERD) in February 2001, in which it is stated that the Roma constitute 15% of the Muslim minority of Thrace, whose population is estimated to be 98,000 inhabitants. (See Committee on the Elimination of Racial Discrimination (CERD), "Reports submitted by States Parties under Article 9 of the Convention, Fifteenth periodic reports of States Parties due in 1999, Addendum, Greece, (21 February 2001)", CERD/C/363/Add.4/Rev.1, 16 May 2001 (hereinafter "Greek State Report to CERD"). However, these figures need to be treated with caution, as since 1951, the official censuses do not record religion, ethnicity or mother tongue, so the government's estimates are based on the assumed ethnic origin of communities and/or individuals.

[75] This does not, however, mean that the Romani language is taught. Turkish is the only recognised language of the minority and the only one taught in minority schools.

[76] According to the Greek state, the Lausanne Treaty applies only to the Muslims living in Western Thrace. Thus, for example, Article 3.1 of Legislative Decree 3065/1954, which provides that all the provisions concerning attendance, graduation etc., of students in the primary schools, will also apply to the minority primary schools of Western Thrace. Similarly, Article 1, paragraph 2 of Law 694/1977 concerning minority education provides that the term "minority" and "belonging to the minority" refer "exclusively to the Western Thrace Muslim minority".

a political row between Greece and Turkey. The Turkish state claims that the minority of Western Thrace is Turkish. According to some Greek authors, the Turkish state is very actively conducting propaganda, in an effort to win over the Muslim Roma and thus acquire more leverage in Greece.[77] The Greek government, on the other hand, has responded by proclaiming that the minority includes other groups that do not necessarily identify with "those of Turkish origin" *(Tourkogeneis)*. However, it appears that a significant portion of the Muslim Roma does, in fact, espouse a Turkish national identity.[78] Thus, the representative of the Muslim Roma of Thrace in the founding conference of the Athens-based, state-funded *Panhellenic Federation of Greek Roma Associations (POSER)* apparently claimed a distinct national (i.e. Turkish) minority status.[79] Similarly, most of the Muslim Roma living in the Evros Prefecture have stated to researchers that they are Turkish, and not Romani.[80] Moreover, it has been observed that the Muslim Roma of Komotini have stopped using the Romani language in favour of Turkish, even at the household level, something that Greek scholars interpret as a sign of their gradual "Turkicisation".[81] In fact, one member of the Turkish minority has alleged that from among all Roma in Western Thrace, it is only in two specific settlements that Muslim Roma continue to speak Romani, and that in most other settlements, the Muslim Roma, although bilingual, prefer to speak Turkish.[82]

ERRC and *GHM* have also met, outside Western Thrace, Roma who were traditionally Muslim, but avoided being expelled in the 1920s, or returned – usually illegally – to Greece after the population exchange. Some subsequently gained the tolerance of the Greek authorities by converting to Orthodox Christianity and taking Greek first names.

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[77] Zenginis, p. 50.

[78] However, this espousal is not necessarily accepted by either ethnic Greeks or ethnic Turks.

[79] Vaxevanoglou, Aliki, *Ellines Tsinganoi: perithoriakoi kai oikogeneiarxes*, Athens: Alexandria Publications, 2001, p. 31.

[80] DEPOS Study, Annex I, p. 4.

[81] Maze, Eleni-Sella, "Diglossia kai oligotero omiloumenes glosses stin Ellada" in Tsitselikis, Konstantinos and Dimitris, Christopoulos (eds.), *To meionotiko phainomeno stin Ellada: mia simvoli ton koinonikon epistimon*, Athens: Kritiki Editions, 1997, pp. 387-388.

[82] Comment by Ibrahim Unsunoglu, in "Glosses tis Meinonotitas tis Ditikis Thrakis (Tourkika-Pomakika)", Groups Research Centre-KEMO, in G*lossiki eterotita stin Ellada,* Athens: Alexandria Publishers, 2001, p. 28.

The complex cultural identity issues among the population of Muslim Roma in Thrace aside, the fact remains that Roma in Greece, despite their centuries-long presence in the country, have almost invariably been treated as aliens by Greek authorities. Even those who were formally granted Greek citizenship, in practice, have not been treated as bearers of equal rights by the Greek state and have consequently been denied protection and benefits on a par with the other citizens. Denial of equal treatment by the state along with high levels of anti-Romani sentiment in Greek society render intolerable the human rights situation of many Roma in Greece. On rare occasions, Greek authorities have acknowledged this fact. In the 1996 Government Programme on Roma, the then-government of Greece made a candid admission that "Despite the long presence (approximately 600 years) of the Roma in our country, their vital needs have not been met and their problems remain unaddressed".[83] Little has changed since that time for Roma in Greece, who continue to struggle to be recognised as a distinct and worthy part of Greek society.

Finally, Greek language and culture has also had an important impact on Romani language and culture. This is particularly evident in the imprint Byzantine and modern Greek have left on the Romani language. Words derived from Greek make up by far the largest component of the so-called "inherited lexicon" of Romani (i.e., not including contemporary loan-words derived from immediate surroundings or recent historical influence) after the so-called "Indo-Aryan core" of words derived from the Indic Proto-Romani. Matras describes the inherited lexicon as follows:

> The Early Romani legacy amounts to around 1,000 lexical roots, beyond which Romani dialects each show various layers of lexical borrowings from individual European languages. The total number of pre-European lexical roots found in all dialects of Romani put together is estimated at around 800, though this number is rarely found in any single variety of the language. In addition, there are between 200 and 250 shared lexical roots of Greek origin.[84]

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[83] "Exaggelia Plaisiou Ethnikis Politikis iper ton Ellinon Tsinganonapo tou ipourgous PE.CHO.DE Mr K. Lalioti, Health and Welfare, Mr A. Peponi and Mr F. Kotsoni, Iounios 1996", p.1. (Unofficial translation by the *ERRC/GHM*.)

[84] Matras, Yaron, *Romani: A Linguistic Introduction,* Cambridge: Cambridge University Press, 2002, p. 21.

Romani words of Greek origin include basic semantic concepts such as "road" (in Romani, "drom"), "soup" ("zumi"), "bone" ("kokalo"), "anger" ("xoli"), "flower" ("luludi"), "grandfather" ("papu") and "chair" ("skamin" from the Greek "skamni"), as well as a number of adverbs and particles and some numbers.[85] Clearly, the Greek/ Romani interface has been long and rich, an issue not at all recognised by contemporary Greek historiography, nor reflected in the curriculum of today's Greek school system.

[85] *Ibid.*, p. 22.

4. CRUEL, INHUMAN AND DEGRADING TREATMENT: THE HOUSING RIGHTS OF ROMA IN GREECE

Large numbers of Roma in Greece today live in a state of racial segregation from non-Roma, in violation of the unequivocal ban on racial segregation provided under international law.[86] In addition, Roma in Greece frequently experience forced eviction and/or the threat of forced eviction. In recent years, a sharp rise in the number of forced evictions of Roma from settlements and the subsequent demolition of their homes, as well as the destruction of property belonging to Romani individuals or their families, has been documented. Some Romani families have been victims of several forced evictions in succession. Also, in a number of municipalities, authorities have refused to register factually residing Roma as resident, effectively precluding them from access to public services necessary for the realisation of a number of fundamental social and economic rights. Many Roma live in appalling material and environmental circumstances in Greece in settlements unfit for human habitation.[87] Racist policies

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[86] Article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) states: "States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction."

[87] Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) provides that: "The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living, including […] clothing and housing [...]". In its General Comment No. 4 on the right to adequate housing under Article 11 (1) of the ICESCR, the UN Committee on Economic, Social and Cultural Rights stated that, "the right to adequate housing applies to everyone" and the "enjoyment of this right must, in accordance with Article 2 (2) of the Covenant, not be subject to any form of discrimination." The Committee further stated that the right to housing "should be seen as the right to live somewhere in security, peace and dignity." The elements of adequate housing were defined by the Committee as follows:

" a) Legal security of tenure […];

b) Availability of services, materials, facilities and infrastructure […];

c) Affordability […];

d) Habitability […];

e) Accessibility. Adequate housing must be accessible to those entitled to it. Disadvantaged groups must be accorded full and sustainable access to adequate housing resources. Thus, such

by Greek municipalities are implemented almost entirely unchecked, resulting in residential segregation and/or homelessness. Ghettoising practices are explicitly endorsed by existing national policy.

Ruling recently in a case in which Romani homes were destroyed by a mob in the presence of and with the acquiescence of state officials in the Federal Republic of Yugoslavia in 1995, the United Nations Committee Against Torture held that "[…] destruction of houses constitute, in the circumstances, acts of cruel, inhuman or degrading treatment or punishment." The Committee found that Yugoslavia violated Article 16(1) of the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) which stipulates that, "Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment [...] as defined in article 1, when such

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disadvantaged groups as the elderly, children, the physically disabled, the terminally ill, HIV-positive individuals, persons with persistent medical problems, the mentally ill, victims of natural disasters, people living in disaster-prone areas and other groups should be ensured some degree of priority consideration in the housing sphere. Both housing law and policy should take fully into account the special housing needs of these groups. Within many States parties increasing access to land by landless or impoverished segments of the society should constitute a central policy goal. Discernible governmental obligations need to be developed aiming to substantiate the right of all to a secure place to live in peace and dignity, including access to land as an entitlement;

f) Location. Adequate housing must be in a location which allows access to employment options, health-care services, schools, child-care centres and other social facilities. This is true both in large cities and in rural areas where the temporal and financial costs of getting to and from the place of work can place excessive demands upon the budgets of poor households. Similarly, housing should not be built on polluted sites nor in immediate proximity to pollution sources that threaten the right to health of the inhabitants;

g) Cultural adequacy. The way housing is constructed, the building materials used and the policies supporting these must appropriately enable the expression of cultural identity and diversity of housing. Activities geared towards development or modernization in the housing sphere should ensure that the cultural dimensions of housing are not sacrificed, and that, *inter alia*, modern technological facilities, as appropriate are also ensured."

(See Committee on Economic, Social and Cultural Rights, General Comment 4, The right to adequate housing (Art. 11 (1) of the Covenant) (Sixth session, 1991), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI\GEN\1\Rev.1 at 53 (1994)). Greece ratified the ICESCR on May 16, 1985.

acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.[...]".[88] Furthermore, the Committee made clear that torture, inhuman and/or degrading treatment or punishment has to be seen in a positive obligations context. States have a duty not only to refrain from such acts themselves, but also to prevent and suppress human rights violations between private individuals as well as to provide redress to victims of abuse perpetrated by non-state actors. The European Court of Human Rights has also ruled that the destruction of houses and the eviction of those living in them constitutes a form of ill-treatment in violation of Article 3 of the European Convention on Human Rights.[89] It seems only a matter of time before Greek practice in the area of housing rights of Roma is similarly ruled in violation of international human rights law by international tribunals.

4.1 Residential Segregation of Roma in Greece

A 1983 Ministerial Decree entitled "Sanitary provision for the organised relocation of wandering nomads" – still in effect today – promotes the segregation and ghettoisation of Roma. The Chair of the Specialist Group on Roma/Gypsies of the Council of Europe, Ms Josephine Verspaget, went so far as to condemn as "a form of institutionalised apartheid" the power of the municipal authorities to remove Romani communities under the Decree.[90] Article 1(1) of the Decree states:

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[88] See Committee against Torture, Communication No 161/2000: Yugoslavia. 02/12/2002. CAT/C/29/D/161/2000. (Jurisprudence). Views of the Committee against Torture under Article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, para. 9.2., at: **http://193.194.138.190/tbs/doc.nsf/MasterFrameView/b5238fc275369719c1256c95002fca4f?Opendocument**.

The prohibition of torture or cruel, inhuman or degrading treatment or punishment is a non-derogable norm of international human rights law. In addition to the CAT, the prohibition is also contained in Articles 4 and 7 of the ICCPR, and in Articles 3 and 15 of the ECHR. Greece ratified CAT, ICCPR and ECHR, on October 6, 1988, May 5, 1997, and November 28, 1974, respectively.

[89] See *Seçuk and Asker v. Turkey*, Judgement by the European Court of Human Rights of April 24, 1998, application numbers 00023 184/94 and 00023 185/94.

[90] Ms Verspaget stated: "In Aspropyrgos, I saw one of the worst places I have ever visited in my life – and I have been to many refugee camps in Africa and Asia. […] Roma live in such conditions

> The unchecked, without permit, encampment of wandering nomads (Athinganoi, etc.) in whatever region is prohibited.[91]

Pursuant to the Decree:

> The lands for the organised encampments of wandering nomads [...] must be outside the inhabited areas and in good distance from the approved urban plan or the last contiguous houses.[92]

A subsequent article additionally commands:

> Encampment is prohibited near archaeological sites, beaches, landscapes of natural beauty, visible by main highway points or areas which could affect the public health (springs supplying drinking water etc.).[93]

Despite the 1983 Ministerial Decree, the Greek government recently reported to the United Nations Committee on the Elimination of Racial Discrimination (CERD) that "[t]here are no discriminatory provisions in Greek legislation against any category

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in the midst of a garbage dump: no water, no electricity, bare-foot children with skin diseases and no access to school. […] There are conditions of institutionalised apartheid for many Roma, when they are forcefully settled in segregated areas far away from the rest of society. Even the Greek Ombudsman agreed that settling Roma in such areas, like in Spata, in application of article 3.1 of a 1983 ministerial decision, is a form of institutionalised apartheid." See *GHM/MRG-G* Press Release, 13/6/2001, "Council of Europe's Top Roma Specialist Denounces Greece's Institutionalised Apartheid Policy for Roma, available on the Internet at: **http://www.greekhelsinki.gr/bhr/english/organisation/ghm/ghm_13_06_01.doc**. Ms Verspaget made the statement in a press interview on June 12, 2001. Ms Verspaget's report was only published by the Council of Europe approximately one and a half years after her visit to Greece, and after substantial editing removed many of her strongest comments, apparently due to opposition to the original wording of the text by the Greek government.

[91] No A5/696/25.4-11.5.83 Common ministerial decision of the Minister of Internal Affairs and the Minister of Health entitled "Sanitary Provision for the Organised Relocation of Wandering Nomads," *Official Gazette B' 243,* Article 1(1). (Unofficial translation by the *ERRC/GHM*). (Hereinafter "the 1983 Ministerial Decree".)

[92] 1983 Ministerial Decree, Article 3(1).

[93] 1983 Ministerial Decree, Article 3(3).

of Greek citizens."[94] The Greek government's contentions before the CERD notwithstanding, the 1983 Ministerial Decree, by virtue of specifying the race of the group to which the legislation is intended to apply, is unquestionably racially discriminatory and humiliating to all Roma.[95] The discriminatory provisions of the 1983 Ministerial Decree reflect the ingrained attitudes of authorities towards the Roma and serve to reinforce them. Moreover, although the provisions were ostensibly intended to apply only to itinerant Roma, they have nevertheless been applied, and continue to be applied, to Romani communities that have been settled for many years in the same area.

For example, in 2001, the Municipal Council of Pyrgos, in the Peloponnese region, invoked the 1983 Ministerial Decree in calling for the relocation of a local Romani settlement on the grounds of hygiene.[96] On July 4, 2001, after receiving a petition submitted by ethnic Greeks living close to a Romani settlement, the Municipal Council of Pyrgos urged the prefectural authorities to immediately relocate the Roma living within the administrative boundaries of the municipality of Pyrgos, in accordance with the 1983 Ministerial Decree.[97] The main reason cited was that the Roma constitute a "threat to our fellow citizens' health". The prefectural authorities do not appear to have undertaken any action in relation to the relocation requested by the Municipal Council. However, according to documentation from the local fire brigade, on February 10, 2002, a fire broke out in the settlement located in the Gerambella area of Pyrgos at approximately 1:55 AM. Seven sheds located on the settlement were burned

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[94] See Committee on the Elimination of Racial Discrimination (CERD), "Reports submitted by States Parties under Article 9 of the Convention, Fifteenth periodic reports of States Parties due in 1999, Addendum, Greece, (21 February 2001)", CERD/C/363/Add.4/Rev.1, 16 May 2001, para 143 (hereinafter "Greek State Report to CERD").

[95] The 1983 Ministerial Decree violates international human rights law. The separation required between the Romani "encampments" and the approved urban plan under the Ministerial Decree, particularly as Greek municipalities have applied it to all Romani settlements, regardless of the length of time the community of Roma has been settled in the area, arguably constitutes racial segregation. The ban on racial segregation provided under Article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination is unequivocal.

[96] Minutes of the 13th session of the Municipal Council of Pyrgos, Decision No 350/2001, adopted July 4, 2001. (Unpublished.) Unofficial translation.

[97] *Ibid.*

to the ground, rendering homeless all the Romani residents of the settlement.[98] The residents of the settlement were not home at the time, and nearby residents were unaware of the fires and failed to alert the fire service.[99] The commanding officer at the Pyrgos police station told the *ERRC/GHM* on February 13, 2002 that his officers were not planning to initiate an investigation into the possibility that the fire was caused by arson, as the municipality was investigating the incident. According to 35-year-old Mr Nikos Panayotopoulos, the municipality of Pyrgos dispatched bulldozers to the settlement on the evening of February 13, 2002.[100] Mr Panayotopoulos, a local Romani man, told the *ERRC/GHM* that he went to the settlement the following day, saw bulldozer tracks and asserted that the remains of the sheds had been formed into two piles. It was reported in *Eleftherotypia* on February 14, 2002, that the municipality would request the permission of the state agency, which owned the land, to fence off the land so that the Roma could not resettle there. Of the Romani families rendered homeless by the fires, as of January 20, 2003, two still lived in the vicinity and the rest had left Pyrgos. Although the mysterious fire is particular to the Roma of Pyrgos, displacement of Roma is increasingly common. Subsequent *ERRC/GHM* research revealed that the Pyrgos Fire Brigade conducted an investigation into the incident and on April 10, 2002, forwarded the case brief to the Pyrgos Prosecutor. The latter however returned the case brief to the Fire Brigade for additional investigation. The case was re-submitted to the prosecutor by the Fire Brigade on July 16, 2002.[101] As of March 21, 2003, *ERRC/GHM* were not aware of any developments in the proceedings.

There is a growing tendency of municipalities to invoke the 1983 Ministerial Decree to justify evictions and unfavourable relocations of the Romani communities within their jurisdiction. The continuing existence of this piece of racist legislation provides support to municipal authorities aiming to evict the Roma from the land they occupy, and ultimately institutionalises the exclusion of Roma in Greece. The appalling housing condi-

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[98] Bulletin from the Pyrgos Fire Brigade, March 21, 2002; *ERRC/GHM* interview with Mr Nikos Panayotopoulos, March 27, 2002, Pyrgos.

[99] See Makis Nodaros, "Fotia misalodoxias ston kataulismo ton Tsiganon", *Eleftherotypia,* February 14, 2002.

[100] *ERRC/GHM* interview with Mr Nikos Panayotopoulos, March 27, 2002, Pyrgos.

[101] Information supplied to *ERRC/GHM* from Fire Brigade officer in charge at the Pyrgos Fire Brigade, October 15, 2002, Pyrgos.

Romani shed in the Riganokampos settlement, Patras.

PHOTO: *ERRC/GHM*

The results of a "cleaning operation" undertaken by demolition crews of the Aspropyrgos municipality, on the outskirts of Athens, on September 13, 2001. The operation was halted only by the swift intervention of the *GHM* and the Greek Ombudsman's Office. The Romani settlement is located in the area called Nea Zoe, meaning "New Life" in Greek. But for the Roma living there there was nothing new about the eviction attempt. Similar "cleaning operations" took place in the area in February 1999 and July 2000.

PHOTO: *ERRC/GHM*

tions of numerous Roma in Greece have been commented on by international non-governmental and inter-governmental organisations. Recently the European Parliament Report on Respect for Human Rights in the European Union singled out Greece, voicing concerns with regard to its discriminatory housing policy towards Roma.[102]

4.2 Forced Evictions

Forced evictions of Roma are reported with alarming frequency in Greece. Since beginning monitoring in 1997, *ERRC/GHM* have documented dozens of forced evictions of Roma and received many further allegations of such evictions. The rate and frequency with which forced evictions of Roma occur in Greece suggest a systematic practice of keeping Roma permanently from long-term settlement and integration in Greece.

Forced evictions of Romani communities and families from the land and dwellings they occupy, when no suitable alternative housing is provided and proper procedure is not followed, are a flagrant violation of international human rights law.[103] In addition,

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[102] See *Report on Respect for Human Rights in the European Union* (2001)(2001/2014(INI)), para. 38, August 27, 2002, adopted by the EU Parliament on January 15, 2003. The text of the report is available at: **http://www.europarl.eu.int/meetdocs/committees/libe/20021002/466018en.pdf**.

[103] The most authoritative statement on the issue of forced evictions is to be found in the General Comment 7 by the Committee on Economic, Social and Cultural Rights (CESCR), entitled: "General Comment 7 on the Right to Housing (Art 11(1) of the Covenant): forced evictions". According to paragraph 4 of the General Comment, "the term 'forced evictions'…is defined as the permanent or temporary removal against their will of individuals, families and/or communities from their homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection." Moreover, paragraph 14 of the General Comment provides that "State Parties shall ensure, prior to carrying out any evictions, and particularly those involving large groups, that all feasible alternatives are explored in consultation with affected persons, with a view to avoiding, or at least minimizing, the need to use force. Legal remedies or procedures should be provided to those who are affected by the eviction orders." Paragraph 15 adds that "In cases where eviction is considered to be justified, it should be carried out in strict compliance with the relevant provisions of international human rights law and in accordance with general principles of reasonableness and proportionality." Finally, paragraph 17 provides that "Where those affected are unable to provide for themselves, the State Party

municipal authorities in Greece frequently flout national law as well as international obligations by harassing Roma until they are driven from their homes, which are then often destroyed, without following proper procedure or providing alternative housing.

In April 1997, the municipality of Ano Liosia forcibly closed "the camping", a settlement that had housed Roma for 15 years,[104] rendering 70 Romani families homeless. Temporarily relocating 25 of the families to a new settlement also located in Ano Liosia, the municipality made no specific provision for the remaining families, most of whom settled on a section of the garbage dump shared by Ano Liosia and the neighbouring municipality of Aspropyrgos. The area allotted by the municipality for the other 25 families was located behind a parking lot used by the municipality's garbage collection trucks and was surrounded by a wire fence. Armed guards were placed at the only opening of the fence. From the very outset, the new settlement faced numerous problems: the prefabricated houses were not connected to the water supply, there were only four toilets for the 25 families and provision of electricity was erratic.[105] Despite assurances by the municipal authorities that the problems would be remedied, no progress was made,

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must take all appropriate measures…to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available." General Comment 7 was adopted on May 20, 1997. (See CESCR, General comment 7, Sixteenth Session, 1997, "The right to adequate housing (Art.11.1): forced evictions: 20/05/97", available on the Internet at: **http://www.unhchr.ch/tbs/doc.nsf/(symbol)/CESCR+General+Comment+7.En?OpenDocument.)** Finally, United Nations Commission on Human Rights resolution 1993/77, entitled "Forced evictions" adopted on March 10, 1993, states: "The Commission on Human Rights [...] affirms that the practice of forced evictions constitutes a gross violation of human rights [...]" The Commission further urged governments "to take immediate measures, at all levels, aimed at eliminating the practice of forced evictions [...] to confer legal security of tenure on all persons currently threatened with forced evictions." The resolution is available on the Internet at: **http://www.unhchr.ch/html/menub/2/fs25.htm#annexi**.

[104] In 1982, the Ministry for Health and Public Welfare set up an organised settlement for Roma in the area of Ano Liosia. This area was known as "the camping" to the Roma. See Lithaki, Anna, "*Balame kai Roma: oi Tsinganoi ton Ano Liosion",* Athens: Kastaniotes Publications, 1997, p. 15.

[105] The living conditions prevailing at the settlement were also the subject of a letter by the *ERRC* to the Greek Prime Minister on May 23, 1997. The *ERRC* noted that: "…Roma camps surrounded by fences of wire and armed guards recall the worst atrocities this century has witnessed." Available at **http://www.errc.org/publications/letters/1996/gree-1.shtml**.

leading several NGOs to dub the settlement "the Simitis Ghetto".[106] Almost two years after the relocation, DEPOS researchers visited the settlement and gave it a ranking of 7, with the worst achievable rating of living conditions on their scale being 12.5.[107] According to DEPOS researchers, the area where the new settlement was located was unsuitable for habitation, because it was located away from the town, close to the garbage dump, and next to the parking lot used by the municipality's garbage collection trucks.[108]

Among its numerous faults, the Simitis Ghetto also turned out to be only a temporary shelter for its residents. In December 1999, only 10 of the 25 families – those who were registered in the local residents' rolls as municipal residents of Ano Liosia – were relocated to prefabricated houses, and the remainder were forcibly evicted.[109]

Following the forced evictions from Ano Liosia in 1997 and 1999, some of the Roma moved to the adjacent municipality of Aspropyrgos. The Roma have fared no better in Aspropyrgos, however, where the mayor has attempted evictions in 1999, 2000 and 2001.

On February 16, 1999, a municipality of Aspropyrgos crew, escorted by the two deputy mayors of Aspropyrgos and police, entered the Nea Zoe settlement with a water tanker, two bulldozers, a jeep, and three police cars. The municipal employees

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[106] See *GHM/MRG-G* press release, "The Egg of the Snake of Racism Is Hatched by the Simitis Government Too", July 4, 1997, at **http://www.greekhelsinki.gr/english/pressrelease/4-7-97.html**.

[107] See DEPOS Study, "Table of Problems Encountered", Chapter 7. The DEPOS authors devised a rating system to assess settlements, giving factors such as distance from other settlements numerical value. Distance from other settlements, accessibility and connection to the electricity grid was assigned a value of one point. The unsuitability of an area for habitation was assigned a value of two, while the ownership status (denoting the risk of potential eviction) was assigned a value of one and a half. Access to running water was rated on this scale as it was given a value of two. (pp. 31-36).

[108] *Ibid*., Appendix II, p. 3.

[109] See Rougheri, Christina, "Expel First: Housing Policy for Roma in Greece", in *Roma Rights,* 2/2000, at **http://www.errc.org/rr_nr2_2000/noteb2.shtml**.

tore down five sheds with the two bulldozers and set the rubble on fire. The settlement comprised twelve barracks altogether, with around one hundred inhabitants. The Roma were not given enough time to remove their possessions. Some of the Romani residents were not present at the time of the operation. The operation caused the reaction of Ms Damanaki, at that time a Member of Parliament for the Coalition for the Left and Progress political group, who on February 24, 1999, tabled a parliamentary question in relation to the incident. On March 19, 1999, Mr Florides, the then-Deputy Minister of Interior replied[110] stating that the municipality of Aspropyrgos was frequently receiving complaints from non-Romani Nea Zoe residents that the Roma prevented them from cultivating their fields by illegally occupying their land (it should be noted that Nea Zoe is an industrial zone). According to the Deputy Minister, the mayor of Aspropyrgos first called upon the Roma to vacate the land they were illegally occupying. When some of them refused to do so, he called upon the local town planning bureau and the local police force to help him in expelling the Roma. These fulfilled the mayor's request, according to the testimony of the Deputy Minister. According to his reply, the municipal crew merely "cleaned up" the area but did not destroy any possessions of the Roma.[111]

This was however only one in a long line of threatened or attempted evictions in Aspropyrgos. On July 14, 2000, a municipal bulldozer entered one of the Romani settlements in Aspropyrgos and demolished most of the huts, in the presence of the mayor of Aspropyrgos and of police representatives. The dwellings that were spared belonged to families with sick members who were unable to be moved; they were given an ultimatum to leave the site by July 17, 2000.[112] No eviction protocols were presented and furthermore, the operation appears to have been carried out without the authorisation or the presence of a public prosecutor, as required by

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[110] Document Ref No 10231, on file with the *ERRC/GHM*.

[111] For a detailed description of the case, see *Roma Rights* 1/1999, available at **http://errc.org/rr_nr1_1999/snap14.shtml**. See also March 1, 1999, *ERRC* press release entitled "ERRC Protests Government Destruction of Romani Dwellings in Greece", available at **http://www.errc.org/publications/letters/1999/gr_mar_1_99.shtml**.

[112] Information based on complaint submitted to the Ombudsman's Office on July 17, 2000, by Mr Yiorgos Panayotopoulos, Mr Dionisios Chalilopoulos and Mr Konstantinos Kalogeropoulos, all residents of the Roma settlement at Nea Zoe in Aspropyrgos. A copy of the complaint is on file with the *GHM*.

Greek law.[113] Mr N.A., a 35-year-old Romani man who witnessed the destruction of his home as well as many others, told the *ERRC/GHM* that the inhabitants were not given time to remove their possessions from the huts and described how the bulldozers not only levelled the shacks, but used their blades to push the debris into the ground and cover it over with earth, burying the contents of people's homes.[114] According to Mr N.A., the demolition crew of the municipality proceeded to set ablaze the remains, mainly pieces of cardboard and wooden planks, which lay above the surface. After the demolition, the inhabitants moved to a vacant place nearby, in the wider area of Aspropyrgos.

During the 2001 Review of Greece by the Committee on the Elimination of Racial Discrimination (CERD), Police Colonel Mr Panayotes Yannoulas argued that the police had indeed been present during the operation which had taken place on a "third person's property" [i.e. land belonging to a private individual].[115] Mr Yannoulas also stated that the presence of the police was necessary, following "tension between the municipal and town planning authorities".[116] Precisely what is

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[113] Under Greek Law, the eviction of a trespasser can take place in three ways, depending on whether the land on which s/he trespasses is private, state- or municipality-owned. If the land is private, then the owner must bring a civil suit, under Article 1094 of the Greek Civil Code, which provides that the owner of an object can bring a lawsuit, demanding that his possession of the object be recognised. If the trespasser, despite the court's decision, refuses to move, then the owner can ask a comptroller to enforce the judgement. Comptrollers have wide-ranging powers and can summon the police to help them enforce the judgement. If the land belongs to a state agency, then a comptroller must, under Article 2.1 of Compulsory Law 263/1968, draw up a protocol of administrative eviction, to be enforced by a comptroller. Finally, if the land belongs to a municipality, then, under Articles 2.1 and 2.3 of Compulsory Law 263/1968, as amended by Article 3.12 of Law 2307/1995, first the municipal council must convene and decide on the eviction of the trespasser. If it decides in favour of the eviction, then the mayor must draw up an eviction protocol, serve it to the trespasser and keep evidence that he served it. The trespasser then has 30 days to challenge the protocol in a Magistrate's Court, under Article 2.3 of Compulsory Law 263/1968. The municipality's claim that they were merely removing garbage implies that a public prosecutor was not present, since the presence of the prosecutor – or, for that matter, their authorisation – is not required in cleaning operations.

[114] *ERRC/GHM* interview with Mr N.A., August 5, 2000, Athens. In a number of instances the *ERRC/GHM* has chosen to withhold the names of victims, witnesses and/or alleged perpetrators. The *ERRC/GHM* are prepared to release names if the interests of justice so require.

[115] Transcript by *GHM* of the 1455th meeting of CERD: Greece, March 16, 2001.

[116] *Ibid*.

meant by the term "tension" is unclear, but according to the press reports, the deputy mayor of Aspropyrgos, Mr Nikolaos Meletiou stated:

> . . .we [the municipal authorities] went there to clean the place from the rubble and garbage and found out that there were abandoned shacks. The town planning authorities told us they could not issue us with a protocol of administrative eviction because these lodgings were not built with cement. We called upon the Gypsies to move out and at the same time tore down some empty shacks.[117]

The Aspropyrgos mayor, Mr George Liakos, also reportedly argued that the shacks "were abandoned and were used by itinerant Tsinganoi and Albanian Gypsies, the latter being a great plague."[118] In fact, *ERRC/GHM* research revealed that the large majority of the Romani residents were Greek citizens and almost all were settled there and not itinerant. Additionally, the statements by the mayor and deputy mayor of Aspropyrgos reveal both a breach of official procedure as well as a misinformed view of the Roma's status in Aspropyrgos. Whether the land on which the "cleaning operation" took place was private or owned by the municipality, the operation did not follow the appropriate steps as defined by Greek and international law. A number of Roma living on the settlement proceeded to file a complaint with the Ombudsman's Office.[119] On July 25, 2000, the Ombudsman wrote to the mayor and municipal Council of Aspropyrgos, requesting details of the operation of July 14.[120] The local authorities responded that they had "cleaned" the area for the benefit of the Roma living there.[121]

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[117] Statement in the Athens-based daily newspaper *To Vima*, March 3, 2001.

[118] *Ibid*.

[119] Complaint by residents of Nea Zoe to Ombudsman's Office. A copy of the complaint is at file with the *ERRC/GHM*.

[120] The Ombudsman requested to be informed whether the action had been preceded by a City Council decision and whether the inhabitants had been presented with the protocols of administrative eviction. The Ombudsman noted that if this procedure had not been observed, the operation would be in breach of Article 241 (violation of the security of the home) and Article 331 (prohibition against taking the law into one's own hands) of the Greek Penal Code.

[121] Letter from the mayor of Aspropyrgos to the Ombudsman's Office, Ref. No. 17390, August 4, 2000.

On January 26, 2001, following the continuing failure of the Aspropyrgos municipality to co-operate and the lack of evidence suggesting the existence of an eviction order from the municipal council, the Ombudsman's Office concluded that the purpose of the local authorities' action of July 14, 2000, had been the eviction of the Roma living in the settlement.[122] In arriving at this decision, the Office held that makeshift dwellings, immaterial of the occupiers' legal status, were to be considered houses for the purpose of applying the law and, as a consequence, all legal safeguards should have been applied. Moreover, it stated that this particular settlement in Aspropyrgos had not been occupied by nomadic Roma, as the municipality had claimed, but by Romani families who had been living on the site for many years.[123]

The findings of the Ombudsman's Office were forwarded to the Minister of the Interior, the General Secretary of the Athens Region and to the Public Prosecutor of Athens. In his letter of February 12, 2001, to the Head of the Public Prosecutor's Office, the Ombudsman stated that his investigation had "led to the conclusion that, in all likelihood, members of the municipality of Aspropyrgos have committed criminal acts."[124] In the light of his findings, the Ombudsman called upon the Public Prosecutor's Office to consider the possibility of criminal charges, in particular under the provisions of Article 259 of the Penal Code.[125] The Public Prosecutor received the Ombudsman's Report on February 21, 2001, and on the same day requested that criminal proceedings be initiated against the mayor of Aspropyrgos. On March 4, 2001, the First Instance Court Prosecutor instructed the Magistrate of Elefsina (under whose jurisdiction Aspropyrgos falls) to launch a preliminary

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[122] Ombudsman's Report on Case No. 11128/2000, Athens, January 26, 2001.

[123] *Ibid.*

[124] Letter of the Ombudsman to the Head of the Public Prosecutor's Office, Ref No 11128/00/2.8, February 12, 2001.

[125] The Public Prosecutor launched a preliminary inquiry on criminal charges pressed against the mayor of Aspropyrgos under Article 259 of the Greek Penal Code. Article 259 provides for a prison term of up to two years (if the offence committed is not punishable under another provision of the Penal Code) for a civil servant who, in the exercise of his duties, violates his mandate in order to benefit himself or to cause damage to another individual or the state. The Minister of the Interior and the General Secretary of the Athens Region have authority to impose administrative sanctions on the mayor, but as of December 2002 no such action was known to have been taken.

judicial inquiry into the incident.[126] Both police officers and municipal officials were called to testify and both gave candid accounts as to how they perceive the Roma. According to the defence memorandum submitted by the mayor of Aspropyrgos, Mr Georgios Liakos, dated June 11, 2001, "the area [Aspropyrgos] is, as it is known to everybody, plagued by the existence of sizeable entrepreneurial units [factories, warehouses] and the concentration of a large number of repatriated ethnic Greeks, as well as *by the continuous transit of Roma (Gypsies)"* [emphasis added]. He then asserted that the settlement belonged administratively to the neighbouring municipality of Ano Liosia and by virtue of this fact, it was not possible for the municipality of Aspropyrgos to have carried out any kind of operations in an area that belongs to another municipality.[127]

Nevertheless, a high-ranking police officer admitted that an operation had taken place on July 14, 2000, and that in fact the municipality of Aspropyrgos had requested that police be present. According to Mr Sokrates Bazigos, then acting as deputy commander of the Aspropyrgos Police Department, on July 12, 2000 [i.e. two days before the eviction took place], he received the Ref. No. 15946 document from the municipality of Aspropyrgos requesting for provision of an "'appropriate number of police officers' in order to counter any reactions from permanent residents of the area in relation to a cleaning operation that would be staged in order to remove empty sheds belonging to *Athinganoi*".[128]

This was not, however, the end of the case, as far as the attitudes of police officers and local communities are concerned. *ERRC/GHM* were surprised not to find any depositions by the three Roma who brought the incident to the Ombudsman's attention.

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[126] See Order Ref. No E.G. 9-01/4, at file with the *ERRC/GHM*.

[127] The mayor's statements were echoed in the sworn depositions of Mr Anastasios Katsaros and Mr Tsetvas Panayote, both dated June 19, 2001. Both claimed that the area where the alleged demolition of the sheds took place belonged administratively to the Ano Liosia municiaplity and that they were not aware that any "cleaning operation" had taken place on that particular day. Moreover, they asserted that if such an operation had taken place, they would have been informed, as both are working as supervisors in the municipality of Aspropyrgos (Mr Katsaros is the municipality of Aspropyrgos supervisor of the sanitation department; Mr Tsetvas is the supervisor for any kind of work undertaken by the municipality).

[128] See sworn deposition of Mr Sokrates Bazigos, dated June 20, 2001, on file with the *GHM*.

What they found instead when provided with access to the case brief were three certificates, dated May 9, 2001, signed by the Elefsina Magistrate Court's bailiff, Ms Victoria Ligeraki. According to these certificates, Ms Ligeraki had tried to deliver the summons to testify to the Roma. Nevertheless, as she states in every certificate "... I did not find the accused [sic] who, as I was assured by the Police Department of Aspropyrgos, left towards an unknown direction". Apart from the "Freudian slip" that reveals how certain judicial officers perceive the Roma as habitual delinquents [in the instant case, the Roma were invited to testify as witnesses for the prosecution and were not facing any charges], these certificates raise two other issues. When interviewed by the *ERRC/GHM*, none of the Roma living in the settlement remembered anyone coming to the settlement and asking for the Roma summoned. In addition, the usual practice when it comes to delivering official documents, pending warrants, and summons etc., was not followed. As local Roma have stated, the police and/or other public officials often leave documents with the elders of the settlement or with the person managing the impromptu coffee house of the settlement and ask that person to see that the document is delivered to its recipient. This did not happen in the instant case. It is therefore possible that the bailiff never tried to deliver the summons. On October 1, 2002, *ERRC/GHM* addressed a letter to Supreme Court Prosecutor, which was also communicated to the Ombudsman's Office and the Data Protection Authority, calling each of them to examine whether any responsibilities arose from the acts (or rather, the omission) of the Court's bailiff and of the police.

In addition to the complaint filed with the Ombudsman and the pending criminal proceedings against the mayor of Aspropyrgos, on March 29, 2002, five of the Romani families whose houses were destroyed in the 2000 "cleaning operation" brought a lawsuit against the municipality of Aspropyrgos before the Three-Member Administrative Court of First Instance of Athens. Two more families followed suit on May 21, 2002. The Roma are seeking 186,680 Euro as compensation for material and moral harms they suffered during the "cleaning operation". The head of one family has also constituted herself as civil claimant in the criminal case.[129] The seven joined cases were heard before the Three Member Administrative Court of First Instance on October 10, 2002. The municipality of Aspropyrgos was tried *in absentia*, as no representative for the municipality was present. The bench, after listening to the pleadings of the families' legal

[129] *GHM* and the *ERRC*, in their capacities of providing legal and financial aid, assisted in filing lawsuits against the municipality of Aspropyrgos.

counsel, adjourned the proceedings. As of the date this report went to press, no judgements had been delivered.[130] In a related development, *ERRC/GHM* was informed that, even belatedly, the General Secretary of the Athens Region finally has decided to examine whether disciplinary proceedings can be initiated against the mayor of Aspropyrgos, following the findings of the Ombudsman forwarded to him approximately eighteen months previously. On November 4, 2002, *GHM* sent a letter to the Minister of the Interior, Mr Kostas Skandalides, asking to be informed whether his office had taken any action following the submission of the Ombudsman's report to his office. As the Minister of Interior failed to respond to this inquiry, on February 23, 2003, the *GHM* sent a complaint to the Ombudsman's office calling upon it to act such that the Ministry of Interior responds.

Despite the alleged illegality of their actions in connection with the destruction of the Romani settlement, the Aspropyrgos municipality has continued to harass those Romani families who settled in nearby areas following their eviction in the absence of any efforts by the authorities to rehouse them. On July 17 and 18, 2001, two municipal police officers and two state police officers visited one of the makeshift settlements, next to a refuse dump, and told the Romani families there to leave the area within three days.[131] According to Ms Dionysia Panayotopoulou, a Romani woman who had resettled with her family next to the refuse site and a representative of the community to the non-governmental umbrella group the *SOKADRE (Co-ordinated Organisations and Communities for Roma Human Rights in Greece)*, the officers did not present any papers and threatened the families that if they did not leave within three days, they would send in their special forces to "take care of them".[132] As of January 20, 2003, authorities had not acted on the threat and the Roma were still living beside the refuse site as this report went to press.

However, on the morning of September 13, 2001, a bulldozer belonging to the municipality of Aspropyrgos, accompanied by both state and municipal police officers,

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[130] *ERRC/GHM* monitoring of the trial before the Three Member Administrative Court of First Instance of Athens, October 10, 2002.

[131] *ERRC/GHM* interview with Ms Dionysia Panayotopoulou, July 20, 2001, Nea Zoe, Aspropyrgos.

[132] *ERRC/GHM* monitoring of the trial before the Three Member Administrative Court of First Instance of Athens, October 10, 2002.

began demolishing dwellings belonging to Roma in another settlement in the immediate vicinity. The Roma of the neighbouring settlement targeted by the bulldozers were also familiar with the harassment and forced evictions that by this time had become standard procedure in Aspropyrgos; the settlement even contained some sheds replacing those demolished in 2000. One of the residents reportedly approached the police officers and asked them for the documents authorising the eviction.[133] According to Mr V.A., one of the municipal officials reportedly told him that they had no papers. One of the state police officers reportedly stated that he thought an eviction protocol existed, but that he could not remember. Mr V.A. told the *ERRC/GHM* that he informed the officers that the eviction action was illegal without proper authorisation.[134]

Simultaneously, other residents contacted *ERRC/GHM* and informed them of the ongoing demolition. *GHM* contacted the Ombudsman's office, informing them of the municipality's actions. When *ERRC/GHM* arrived at the settlement, the bulldozer and police officers had withdrawn, although members of the municipal demolition crew had allegedly threatened the Romani residents that they would come again later with the bulldozer. As this report went to press, however, this had not happened. It was reported that it was only the intervention of the Ombudsman, who rushed to the site after being informed of the incident, that prevented the municipal authorities of Asproprygos from carrying out another "cleaning operation".[135]

Another eviction attempt took place in Aspropyrgos on September 28, 2002, when a bulldozer belonging to the municipality of Aspropyrgos, together with a municipal patrol car carrying four municipal police officers, visited a Romani man, Mr S.K., living in the Nea Zoe area. The *ERRC/GHM* contact person and the *SOKADRE* representative in the Nea Zoe area, Ms Dionysia Panayotopoulou was notified and went to the scene. As it transpired, the Romani man was erecting a shed on a plot of land he owned when the bulldozer and the municipal police arrived and told him that they would have to tear his shed down. Ms Panayotopoulou asked them whether any decision had been issued by the local Town Planning Bureau, authorising the demolition. The municipal police officers responded that there was such a decision, concerning all the illegal dwellings in the area, but it had not

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[133] *ERRC/GHM* interview with Mr V.A., September 15, 2001, Nea Zoe, Aspropyrgos.

[134] *ERRC/GHM* interview with Mr V.A., September 15, 2001, Nea Zoe, Aspropyrgos.

[135] *ERRC/GHM* interview with Mr Leonidas Aristopoulos, December 10, 2001, Nea Zoe, Aspropyrgos.

been issued yet and hence they could not provide her with a copy. When further asked by Ms Panayotopoulou whether they had been sent there by the mayor, the municipal police responded that they were carrying out orders from the Town Planning Bureau. This is unlikely, as in such cases the town planning authorities solicit the assistance of the Greek state police and not of the municipal police forces. It is also unlikely, if in fact municipal authorities had requested the intervention of municipal police, that a representative of the town planning bureau would not be present. Finally, September 28, 2002, was a Saturday, a day when regional authorities (to which town planning authorities belong) are closed. In the end, the municipal police and the bulldozer left, with officers telling Mr S.K. that he had time until Monday to tear down his shed himself, otherwise they would do so.[136] The municipal police did not carry out their threat and on September 30, 2002, the *SOKADRE* submitted, on behalf of the Nea Zoe community, a complaint to the Ombudsman's office. On October 24, 2002, the Ombudsman's office addressed a letter (Ref. No. 19000.2.2) to the Aspropyrgos municipality, soliciting the municipal authorities' view on the issue at hand. The latter responded on February 12, 2003, (Ref. No. 3205), alleging that no municipal employees had been involved in any such activity on that particular day. The municipality of Aspropyrgos letter ended by offering its version of what actually had happened, namely that "... some individuals unknown to us, maybe even private security guards, presented themselves as municipal police officers, whereas they were not." The *SOKADRE* contacted both Ms Panayotopoulou and Mr S.K.'s wife, Ms G.K., (who was also present during the incident) who reconfirmed their version of the events. Ms G.K. also added that one of the municipal police officers was an acquaintance of her husband, so it is impossible she was mistaken as to the officer's identity. On February 21, 2003, the *SOKADRE* submitted a complaint to the Ombudsman's office which claimed that the municipality's reply was "inadequate".

The stream of actual and attempted evictions of the Roma in the period 1997-2001 in Ano Liosia and Aspropyrgos render evident the municipalities' lack of concern for the welfare of their local Romani community, as well as their racist attitudes toward the members of that community. Their unwillingness to appropriate suitable land for the homeless Roma during this period is further evidence of this discriminatory treatment. Shortly after the 2000 eviction attempt in Aspropyrgos, the Prime Minister's Office for Quality of Life ear-marked a suitable plot of land for

[136] *ERRC/GHM* telephone interview with Ms Dionysia Panayotopoulou, September 28, 2002.

development and suggested that a self-organised Romani settlement be set up in a forest area, straddling the border of Aspropyrgos and Ano Liosia. However, the two municipalities told the Office for Quality of Life that they would use the land to develop facilities for the Olympic Games, to be held in Athens in 2004, rather than for the homeless Roma – approximately 200 families at the time – living around the garbage dump shared by Ano Liosia and Aspropyrgos.[137] Local authorities in the municipalities of Aghia Paraskevi, Halandri and Nea Marousi have also made statements indicating that land in their municipalities on which Romani families are currently settled, or suitable for development to solve their housing needs, is required to build sports facilities for the 2004 Olympic Games.[138] While the responsibility for finding land for the Olympic Games does not fall to municipal authorities, many have indicated that they wish to house certain events in their municipalities, presumably due to the possibilities for prestige and potential revenues the Olympics can bring. According to the National Commission for Human Rights: "It is a fact that with the opportunity of the Olympic Games the eviction of the Gypsies from many areas has been organised. The local societies invoke (usually falsely) the need for the construction of sport facilities in order to evict the Roma, just as happened in Mexico in 1968."[139]

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[137] The mayor of Aspropyrgos additionally maintains a webpage on his proposal concerning the building of certain Olympic facilities close to Aspropyrgos: **http://www.cityofaspropyrgos.gr/athens2004.shtml**.

[138] In a letter dated August 23, 2000, addressed to the President of the International Olympic Committee (IOC), the *GHM* alerted the IOC to the "apparent cleansing of the Roma from Athens ahead of the 2004 Olympics" and urged it to interfere to stop the practice of forced evictions of Roma from the Athens area. Concern about the situation of Roma in the Athens area was also expressed by the *Organisation Mondiale Contre La Torture* (*OMCT*). See OMCT press release, "Evictions of Roma as part of the Preparation for the 2004 Olympic Games", February 28, 2002, at **http://www.omct.org/displaydocument.asp?DocType=Press&Index=1549& Language=EN**. The International Olympic Committee has failed to respond.

[139] See National Commission for Human Rights, *I Katastasi ton Tsigganon stin Ellada,* p. 4, available in Greek at **http://www.greekhelsinki.gr/bhr/greek/articles_2002/rep_25_02_02.rtf**. The Report is part of the National Commission for Human Rights *Report 2001,* Athens: National Printing House, January 2002. The National Commission for Human Rights (NCHR), is an advisory body to the prime minister, established in January 2000. It is composed of representatives of a broad range of institutions, including NGOs appointed by the government, parliamentary political parties, trade unions, the State Council, Supreme Court, Ombudsman's Office, the National

A recent example illustrating that some municipalities attempt to rid themselves of Roma exploiting the opportunity of the Olympic Games is provided by the actions reportedly undertaken by the mayor of the Nea Alikarnassos municipality in Crete, Mr Vangelis Sissamakis. According to the Cultural Association of Athinganoi of the Herakleion Prefecture *Elpis* ("Hope"), based in Nea Alikarnassos, in January 2003, Mr Sissamakis authorised municipal employees to break into a site designated for the resettlement of the local Romani community, including forcing the entrance lock and placing iron props inside.[140] *Elpis* also stated that part of the necessary infrastructure on the site has already been constructed. The resettlement project is funded by central government resources.

The mayor of Nea Alikarnassos stated in an interview for the media that he was opposed to the resettlement of the Romani community in that site, arguing that it belongs to the municipality and that it was not possible to create a Romani settlement next to a basketball court constructed with the budget of the 2004 Olympics. In place of the Romani settlement, the mayor reportedly proposed the construction of a parking lot for the adjoining basketball court.[141] The mayor further stated that Roma blemish one's sense of good taste, that they deal drugs, and that he does not want them in his municipality. He argued that Roma should not be accorded any privilege – such as the creation of a settlement – and that they could rent houses in Herakleion or Nea Alikarnassos.[142] On January 28, 2003, the *SOKADRE* lodged a complaint with the Ombudsman's office.

In addition to many municipalities' insistence on using land slated for development for Olympic facilities rather than settlements for Romani families with urgent housing needs, authorities in municipalities where sports facilities already exist appear to be putting pressure on nearby Romani communities to leave. While no

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Radio and Television Council, government ministries, universities and the Athens Bar Association. The NCHR does not receive individual complaints, but researches human rights issues, makes recommendations to the government and monitors the compliance of Greek legislation with international human rights standards.

[140] Press statement of the *Cultural Association of Athinganoi of the Herakleion Prefecture "Elpis",* dated January 24, 2003.

[141] See *Eleftehrotypia*, January 27, 2003.

[142] *Ibid.*

evictions of Roma in the name of creating space for Olympic facilities had been carried out as of the date this report went to press, Roma living in settlements located on land claimed by those organising the Olympics (for example, next to a stadium) have been visited by various individuals who have told them that they should move. For example, on March 28, 2002, unknown individuals visited the Romani settlement in Spyrou Loui Avenue, in the municipality of Marousi, Athens, and informed them that they should leave within 10 days, as the land would be used for the Olympics, implying that if the Roma did not move out, they would be forcibly evicted. Similarly, some time earlier, an official from the Ministry of Culture's Office on Olympic works reportedly visited the Romani settlement on Kymes Avenue, also in Marousi and close to the settlement mentioned above, and told its inhabitants that the land was needed for the Olympics. He told them to find a state or municipal plot of land so that his Office could build houses for them on it. While this suggestion appears to be in good faith, given the municipalities' attitude toward the Roma, it is not one that would be easily carried out. The *ERRC* and *GHM* share the concern that if the effort to relocate the Roma does not succeed, then sooner or later they may be forcibly evicted, because the land on which they live is of strategic importance.[143]

The prolonged failure of the authorities in the Athens area to undertake responsible action with regard to the housing situation of the Roma in the area, prompted recent domestic and international reaction. On February 26, 2002, the Greek Ombudsman's Office sent a letter to the Office of the General Secretary of Attica Region, urging that office to act to remedy the dire situation of Roma living in the region. The letter followed up on a similar letter sent one year previously to the Prefect of Athens, to which no response was received. Stressing that both Roma and their non-Romani neighbours are adversely affected by the perpetuation of the current situation, the Ombudsman asserted the need to take immediate measures. Particularly, the Ombudsman noted the "[…] unacceptable, in every respect, position of the Roma in our country and especially in the capital city itself and its suburbs at the

[143] See *OMCT* Press Release, "Concern about the Human Rights Situation of the Roma", June 27, 2001, available at **http://www.omct.org/displaydocument.asp?DocType=Press&Index=918&Language=EN**. The *OMCT* concluded their February 2002 appeal to the Olympic Committee by invoking the spirit of the Olympic movement: "The International Olympic Committee, as a co-organizer of the 2004 Olympic Games, cannot remain indifferent to this blatant violation of human rights which, if tolerated, will only tarnish the image and the values of the Olympic movement." (*Ibid.*)

dawn of the new millennium […]," which leads to "[…] the endangerment of public order and security (by, for example, the potential outbreak of incidents of racial hatred), social cohesion and particularly, of our national dignity as a society governed with respect to its citizens and the rule of law."[144] The General Secretary also failed to respond to the Ombudsman. During the campaign preceding the election of the new Prefect of Athens and Piraeus, in October 2002, *GHM* sent the Ombudsman's letter to all four major party candidates asking them to provide an answer for publication. None answered the appeal.

More recently, the Council of Europe Commissioner for Human Rights, Mr Alvaro Gil-Robles, noted that the living conditions of Roma in Aspropyrgos are "very remote from what is demanded by respect for human dignity" and recommended to the Secretary General of the Interior Ministry to take urgent measures.[145] Following the presentation of the Commissioner's report to the Committee of Ministers of the Council of Europe, on September 11, 2002, Mr Robles was assured by the permanent representative of Greece in the Council of Europe that "all necessary measures have been taken in order that the Roma/Gypsy settlement of Aspropyrgos is provided with all public facilities."[146] According to *ERRC/GHM* research undertaken subsequently, contrary to the assertion of Greece's permanent representative at the Council of Europe, no infrastructure work of any kind had been undertaken in the settlement of Aspropyrgos at the time Mr Robles visited the site.[147] No such work has been undertaken as of the date this report went to press.

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[144] See *Roma Rights* 2/2002, at: **http://www.errc.org/rr_nr2_2002/snap13.shtml**.

[145] See Council of Europe, Office of the Commissioner for Human Rights, "Report by Mr Alvaro-Gil Robles, Commissioner for Human Rights, on his Visit to the Hellenic Republic, 2-5 June, 2002", Strasbourg, 17 July, 2002, para. 24, available at: **http://www.commissioner.coe.int/docs/CommDF(2002)5_E.doc**.

[146] *Ibid*., para. 39.

[147] In a letter dated September 24, 2002, *GHM/MRG-G* notified the Council of Europe Commissioner for Human Rights of the disparity between the Greek government's assertion regarding the conditions in the Romani settlement in Apropyrgos and the facts as they were discovered by the *GHM/MRG-G* field mission. The *GHM/MRG-G* wrote: "We would also like to inform you that, contrary to what the permanent representative of Greece to the Council of Europe assured the Committee of Ministers on September 11, 2002 (as reported by you), the Romani settlement of Aspropyrgos is not 'provided with all public facilities,' which means that the conditions there remain exactly the same, indeed 'very remote from what is demanded by respect for human dignity" as you aptly described them."

Furthermore, the permanent representative of Greece informed Mr Robles that "20 Roma/Gypsy families residing in a site near the Olympic stadium belonging to others have been asked to leave this place because the 2004 Olympic Games Committee has decided to extend the Olympic installation into that area. The authorities have assured the families that special measures have been taken for their resettlement. In fact, an agreement was signed between the Mayor of Amaroussia and a representative of a Roma/Gypsy Association (Elpida)…"[148]

The implementation of the agreement, however, has turned out to be different from what appeared on paper and what was presented to the Council of Europe's Human Rights Commissioner.[149] Mr Prokopis Nikolaou, a Romani man from the Amaroussia settlement commented on the implementation of the agreement between the municipality and the Roma as follows:

> They told us, after we signed the agreement, that we would have to leave, otherwise the bulldozers would come. They told us that we should look for apartments, make the agreements with the lessors and they [the municipality] would then give us the money. Both the municipality and the Medecins du Monde had promised to help us find apartments, yet the only thing they do is read the newspapers – we are illiterate and we cannot – and tell us that an apartment is available there, go and talk to the owner. But so far the owners keep turning us down. They do not say that they do not want us because we are Roma but we can feel it. How come all the houses we have gone to ask about have been rented within a few hours' time? And how many times can we afford to not go to work, lose our day's wages, looking for an apartment? As for the economic assistance, only the families who find an apartment or leave from the settlement are entitled to it. They also keep telling us that they will build houses for us in an area close by, but they do not tell us where.[150]

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[148] Office of the Commissioner for Human Rights, *Report by Mr Alvaro Gil-Robles, Commissioner for Human Rights, on his Visit to the Hellenic Republic, 2-5 June, 2002*, Additional Comments, p.13.

[149] A copy of the agreement between the Amaroussia municipality and the Romani representative is on file with the *ERRC/GHM*.

[150] *ERRC/GHM* interview with Prokopis Nikolaou, October 20, 2002, Amaroussia settlement, Athens.

Lured by the significant amount of money, most of the Romani families have gradually left the settlement, some of them managing to rent apartments while others moved into their relatives' homes, ultimately leaving only six families in the settlement as of the date of publication. Nevertheless, they still had not been informed of where they would be ultimately resettled. Also, there have reportedly been extensive delays in payments of the subsidy to Roma by the municipality.

Far from being confined to the municipalities in the Athens area, the threat of eviction faces Roma nation-wide, and is just one aspect of a comprehensive housing crisis for the Greek Romani community.

In another recent example of the tenacity and determination municipal authorities show in ridding themselves of the Roma in their communities, on the morning of August 29, 2001, at around 11 AM, workmen from the municipality of Patras arrived at a Romani settlement situated on university-owned land in the Glykada Riganokampos area of Patras with a bulldozer and a dump truck. Ms Eleftheria Panayotopoulou, a 38-year-old Romani woman, witnessed approximately four municipal workers demolish two dwellings belonging to Mr Panayotes Georgopoulos and Mr Christos Georgopoulos, two Romani brothers who were not there at the time.[151] According to Ms Panayotopoulou, the bulldozers then moved towards the shack of 42-year-old Mr Konstantinos Georgopoulos, the father of Panayotes and Christos, who had a heart condition and was inside his home. According to Ms Panayotopoulou's testimony to the *ERRC/GHM*, Mr Georgopoulos literally threw himself in front of the bulldozer in order to prevent the demolition of his house. Following this, the operation was halted. Mr Georgopoulos's resistance, coupled with his frail health, reportedly led to his death in the afternoon of the same day.

One of the municipal employees on the site telephoned Mr Vassilis Skanavis, the municipal councillor responsible for environmental matters, who arrived shortly thereafter at the site. According to Ms Maria Vasilari, a Romani resident who was present at the time and the *SOKADRE* network representative, Councillor Skanavis informed

[151] *ERRC/GHM* interview with Ms Eleftheria Panayotopoulou, August 31, 2001, Riganokampos settlement, Patras.

the residents that they had 20 days to vacate the area.[152] However, in subsequent communication with *ERRC/GHM*, Mr Skanavis denied having ordered the residents to leave, claiming that he had simply notified the Roma that the area needed to be cleaned up and asked for their co-operation in this regard.[153] Moreover, Councillor Skanavis stated that he was unaware of the destruction of any dwellings prior to his arrival and commented that the Roma had received him in a friendly way and had asked him for tools with which to assist the clean-up effort. Mr Skanavis told *ERRC/GHM* that the University of Patras had lodged a complaint with the municipality, requesting the cleaning operation. However, he was not able to state when the university had made their complaint and cited instead complaints from neighbours about the area's lack of cleanliness.

According to the information received by *ERRC/GHM*, no eviction warrants or orders were presented to the Romani residents of the settlement.[154] Moreover, the University of Patras has no record of having made a complaint. Thus, as the permission of the landowner (in this case, the University of Patras) is required for the municipal authorities to enter their property, it is likely that the workers from the municipality were in fact trespassing. Furthermore, the operation was carried out without the authorisation or the presence of a public prosecutor, as is required by Greek law in such cases.[155] On August 30, 2001, the *SOKADRE* lodged a complaint on behalf of its member, the Riganokampos community, to the Ombudsman.[156] According to a

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[152] *ERRC/GHM* interview with Ms Maria Vasilari, August 31, 2001, Riganokampos settlement, Patras.

[153] *ERRC/GHM* interview with Mr Vassilis Skanavis, August 30, 2001, Athens. Although the cleanliness of the area is certainly a matter of grave concern, the demolition of people's homes cannot be considered a mere "clean-up". This is reflected in a press release issued by the municipality of Patras on August 30, 2001. There, it is claimed that the cleaning crew did indeed proceed to tear down sheds that were about to collapse, but with the consent of the Roma. However, as the testimony of Ms Eleftheria Panagiotopoulou shows, the Roma living in the two sheds that were demolished were not present at the time to give consent, and their father objected when the bulldozer was in front of his house.

[154] *ERRC/GHM* interview with Ms Maria Vasilari, August 31, 2001, Riganokampos settlement, Patras.

[155] By announcing their intended action as a clean-up operation, the municipality circumvents the requirement that the prosecutor give authorisation for the action, since such operations do not need prior authorisation. However, by tearing down the houses, the municipal workers turn it into an eviction.

[156] The *OMCT* issued a press release on August 31, 2001, protesting against the treatment of the residents of Glykada Riganokampos. OMCT, *Greece: Demolition of Roma's Houses in Patras*,

letter sent to the General Secretary of the Western Greece Region on September 6, 2001, by Ms Tsimara, Prefectural Advisor on Roma issues for the Achaia Prefecture, the co-responsible agencies had not been notified about the "cleaning operation" that took place at Riganokampos.[157] On September 12, 2001, the Ombudsman wrote to the mayor and the municipal council of Patras, asking to be informed whether the procedure laid down by law had been observed. The Ombudsman noted in his letter that allowing the Roma to remain in the location for a long time had created a feeling of security among them that they would not be evicted. Thus, any effort on the part of the municipality to evict the Roma would have to be accompanied by their relocation to another area, as stated in Decision No. 975/1999 of the Herakleion Magistrates Court.[158]

According to the conclusions of the Ombudsman's office concerning its investigation of the attempted eviction on August 28, 2001, in the Riganokampos settlement in Patras, all available evidence (including evidence produced from a visit to the office of the Municipality of Patras by one of the Ombudsman's staff and the discussions held with officials from the Municipality of Patras) pointed to the conclusion that no attempted eviction had taken place and that the municipality's crew only aimed at cleaning the area.[159] On February 22, 2003, the *SOKADRE* addressed a letter to the Ombudsman, asking him to re-appraise his view on the issue, noting that serious concerns had not been answered. No explanation had been provided concerning the fact that two sheds had been demolished. Also, it was difficult to see why the deceased Mr Georgopoulos should have objected to the operation, if it was merely a cleaning one and the sheds were, in fact, deserted. Furthermore, the Ombudsman's

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August 31, 2001, at: **http://www.omct.org/displaydocument.asp?DocType=Appeal&Language= N&Index=1070**.

[157] Letter of Ms Tsimara to the General Secretary of Western Greece Region, September 6, 2001. In her letter, Ms Tsimara draws attention to the fact that cleaning operations in other Roma settlements in the Patras area took place without any incident arising.

[158] Letter from the Ombudsman to the mayor and members of the Municipal Council of Patras, Ref. No. 12651.01.2.1, September 12, 2001. The Roma from Nea Alikarnassos municipality challenged the 1997 municipal order to evict them before the Heraklion Magistrates Court. The Court ruled that the eviction could not be carried out unless alternative housing was provided.

[159] Document Ref. No. 12561.01.2.6, dated November 11, 2002, on file with the *ERRC/GHM*.

letter makes no mention of the decision of the University of Patras Senate, authorising the municipal crew to enter into its property and conduct the cleaning operation, which had been earlier required by the Ombudsman's office and not provided by the municipal authorities.[160] On March 6, 2003, the Ombudsman replied, stating that his office had not made an on-site visit to the settlement and that he was convinced by the municipality's answer that the transfer of the settlement had taken place only following consultation with local Roma. Furthermore, the Ombudsman expressed satisfaction that in the new area, a new water supply system had been installed. The *SOKADRE* and *GHM* regret the Ombudsman's answer, especially in light of the fact that the owners of the sheds that were torn down belonged to families that had not moved into the new area.

In Greece, victims of forced evictions rarely receive justice. As this report went to press, *ERRC/GHM* is aware of a single case of eviction of Roma which had come before the courts. In November 1999, the Magistrate's Court of Heraklion, Crete, declared illegal an attempt to evict a local Romani community in Nea Alikarnassos, Crete.[161] In 1997, the municipality of Nea Alikarnassos issued an eviction order against the local Romani community. The Romani settlement was on a site between a main road and an industrial zone, without garbage collection services or access to water, electricity or sewage system. Hence, the mayor's comment that the settlement "blemished the city's image" is indisputable, although it is doubtful that his comment was an indication of his concern for the Romani inhabitants of the slum. In fact, numerous statements by members of the Municipal Council of Nea Alikarnassos suggested that the municipality saw the Roma themselves, and not the squalid conditions to which they were consigned, as the problem.[162] It is especially interesting to note

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[160] See document Ref. No. 12561.01.2.1, dated September 12, 2001, on file with the *ERRC/GHM*.

[161] Magistrate's Court of Herakleion, Decision no. 975/1999 of 12 November, 1999. According to the court, the attitude of the municipality and of other public authorities had given rise to the reasonable belief on the part of the Roma that they were allowed to stay there temporarily, until a permanent solution was found to their housing problem. For these reasons, the Court found that the eviction order was contrary to Article 281 of the Greek Civil Code, which provides that the exercise of a right is not allowed if it's exercise would run counter to *bona fides,* public morals and/or the social or financial purpose that right serves. (Unofficial translation by the *ERRC/GHM*.)

[162] In September 1997, for example, according to *Eleftherotypia*, the Municipal Council of Nea Alikarnassos argued that they decided to issue an eviction protocol against the Roma, because

that while the decision to evict the Roma was made in 1997, the mayor only sought to enforce it in 1999, which could suggest that the mayor had a particular motivation for enforcing the order at that time. In a complaint that the local Romani community addressed to the Ombudsman's office on August 21, 2000, they alleged that there were plans to build a new sports hall in the area, as well as to create a park in which businessmen had expressed their interest in buying plots of land and building.[163]

The Romani community challenged the eviction order before the courts, and the Magistrate's Court of Herakleion subsequently declared it to be abusive. The court ruled that the eviction could not be carried out unless alternative housing was provided. However, the municipal authorities were undaunted by the court's ruling and served a second, almost identical, eviction order on August 10, 2000. Following notification of the continuing intention to evict, the Ombudsman reminded the authorities of the court's ruling and stated that unless a place for the Roma's relocation were designated and the necessary infrastructure works securing a decent standard of living had been carried out, the second eviction order would most likely also be declared abusive.[164]

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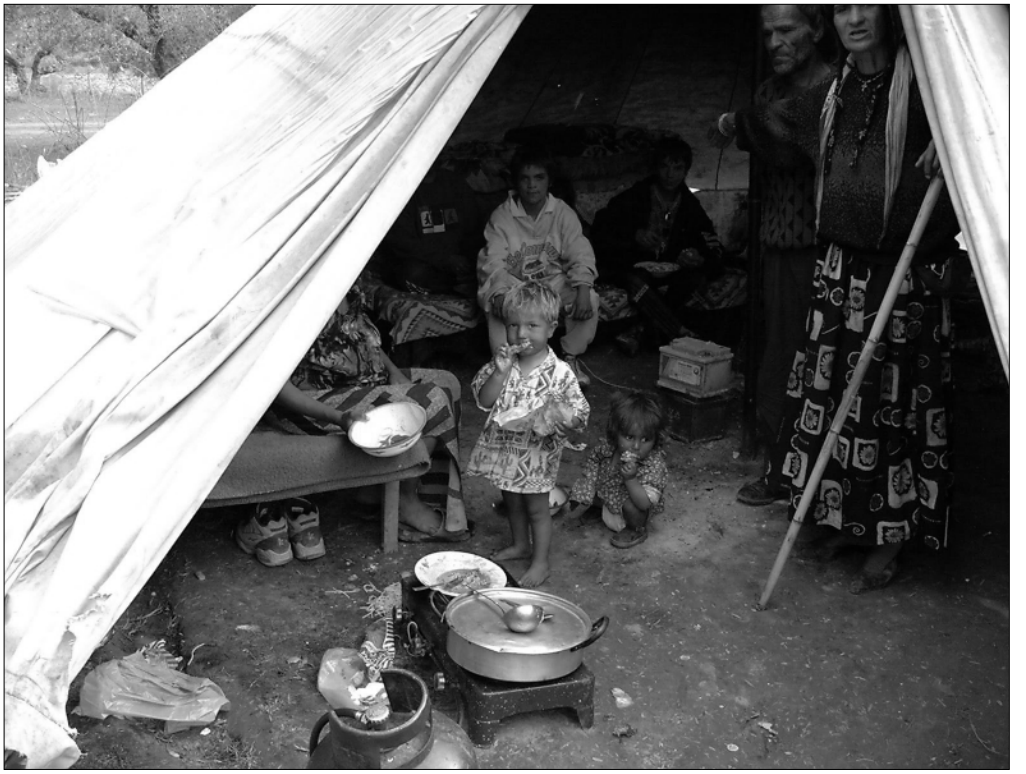
they care about the municipality's progress. The members of the Council stated that they could "not tolerate the slaughterhouses, the jails and the Roma!" (Article by Georgoudes, Panayote, in *Eleftherotypia*, September 11, 1997; article reproduced in Katsikas, Christos and Politou, *Ektos taxis to diaforetiko? Tsinganoi, Meionotikoi, Palinostountes kai allodapoi stin Elliniki Ekpaidefsi,* Athens: Gutenberg Press, 1999, p. 116.) The mayor apparently agreed, as he proceeded to enforce the eviction protocol, although without success.

[163] Letter from the local Romani community to the Ombudsman, available at **http://www.greekhelsinki.gr/greek/pressrelease/roma-alikarnasos-21-8-00.html**.

[164] Letter of the Ombudsman to the mayor of Nea Alikarnasos, Ref. No. 12686/00/2.1, September 5, 2000. Some months later, the Ombudsman maintained that "…in agreement with recent judicial decisions, …the violent expulsion of these persons [i.e. Roma] from the lands that they now occupy, can only be permitted on the condition that their removal is preceded by the implementation…of measures which would ensure their proper relocation in another suitable space, where they will reside permanently under conditions which meet the basic health and human dignity standards of living." Athens, March 8, 2001, Ref. No.: 17724/00/2.2, Letter to the Prefect of Athens, Ms Eleni Besbea. (Unofficial translation by *ERRC/GHM*.)



In the early hours of February 10, 2002, unknown perpetrators set fire to a Romani settlement in the Gerambella district in Pyrgos, western Peloponnese. Thankfully no one was hurt as all the Roma living in the settlement were absent at the time the fire broke out. The Roma lost all their belongings. As a result, they reverted to living in tents pitched on private property. The photograph shows the family of Mr Aristeides Vasilopoulos, 49 years old, and his wife, Ms Konstantina Vasilopoulou, 48, together with their fourteen children. Mr Vasilopoulos stated that he soon expected the owner of the plot of land on which the tent was pitched to come over and ask them to leave.

PHOTO: *ERRC/GHM*

View of the tin shantytown of Halastra, close to Thessaloniki in Northern Greece. Approximately forty Muslim Romani families have been living there for more than ten years without any support from the local authorities. The settlement is located next to a deep irrigation channel, where a three-year-old Romani boy drowned in April 2001.

PHOTO: *GHM*

4.3 Threatened Expulsions of Roma by Municipal Authorities

On May 20, 2000, in the town of Nea Kios, northwestern Peloponnese, following a dispute over a parking offence by a local Romani-looking man,[165] the Nea Kios Municipal Council convened an emergency meeting and unanimously adopted a resolution to force all Roma to leave the land they own and live on in the municipality. The resolution condemned local residents for selling land to the Roma and asked the police to implement their decision to expel the Romani community within the next 48 hours.[166] The municipal authorities organised demonstrations by local residents against the presence of Roma in the village and established "surveillance groups" to prevent Roma from entering the area. Shopkeepers were also instructed not to serve Romani customers. The justification for the action was, in the words of the Council, that "there is no room for Gypsies in our town".[167]

Anti-Roma sentiment quickly spread, and on May 31, 2000, the municipal council of neighbouring Nea Tiryntha municipality unanimously adopted a similar resolution, requiring all Roma to leave the municipality by August 30, 2000.[168]

ERRC/GHM has received no information that any of these resolutions have ever been enforced. Public defamation of Roma by the municipal authorities, however, fostered intense anti-Romani sentiments which degenerated into violent assaults on

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[165] In fact, the man was ethnic Greek, but he was assumed at the time to be Romani, and his mistaken identification as a Rom contributed to the atmosphere of racism and ethnic discrimination in the events that followed.

[166] The text of Nea Kios Municipal Council Resolution 55/2000 of May 20, 2000 can be accessed at: **http://www.greekhelsinki.gr/english/pressrelease/20-5-00.html**.

[167] *Ibid*. The Ombudsman's Office wrote to the Nea Kios Municipal Council, in a letter dated June 1, 2000, warning the mayor and Council that their actions could be characterised as an example of "hate speech". The letter also drew their attention to Article 1 of Law 927/1979, which renders any premeditated attempt in public to foster acts which might lead to interracial discrimination or hatred punishable by a two-year prison sentence, a fine or both. Letter to the Mayor and the members of the Municipal Council of Nea Kios, marked "Extremely Urgent", Ref. No. 8267/00/2.1, June 1, 2000, available at: **http://www.synigoros.gr/reports/por_8267_2000_da.doc**.

[168] The text of Nea Tiryntha Municipal Council Resolution 71/2000 of May 31, 2000, can be accessed in English at: **http://www.greekhelsinki.gr/english/pressrelease/15-9-00-tirinthia.html**.

Roma. During the night of June 9, 2000, a shack in Nea Kios belonging to the family of Mr Panayote Demetropoulos, a local Romani man, was burned to the ground by unknown individuals.[169] On June 15, 2000, an unrelated 17-year-old Romani youth, Mr Christos Demetropoulos, was shot and wounded by two non-Romani youths in Nea Kios.[170] His attackers verbally abused Mr Demetropoulos before shooting him in the arm. Following the violence, the Ombudsman's Office released a report condemning the events in Nea Kios and describing the resolution of the Municipal Council as "illegal".[171] The government's response to these events was given by the Minister for the Press and Mass Media Dimitris Reppas: "I have to tell you that [the issue of Nea Kios] is being handled by the Prefecture. Numerous meetings have been held with the participation of all competent local authorities involved. I believe that some issues arise out of personal disputes. There are instances of 'vendetta' that often break out in certain areas. However, a problem of this sort is insufficient to suggest that Greece has a policy of discrimination against a group of our fellow citizens. This isn't so."[172]

Following an appeal by *GHM/MRG-G*, Minister of Justice Professor Michalis Stathopoulos requested on June 16, 2000 that the First Instance Court of Nafplio open an investigation into the case.[173] On June 30, 2000, representatives of NGOs and political parties, together with journalists who had investigated the events in

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[169] For a brief case description, see "Snapshots from around Europe – Greece: Greek Municipalities Evict Roma", in *Roma Rights,* 2/2000, available at: **http://errc.org/rr_nr2_2000/snap7.shtml**.

[170] For a brief case description, see "Snapshots from around Europe – Greece: Greek Municipalities Evict Roma", in *Roma Rights,* 2/2000, available at **http://errc.org/rr_nr2_2000/snap7.shtml**.

[171] See Ombudsman's Letter to the Nea Kios Municipal Council, June 1, 2000.

[172] Greek government press briefing by Dimitris Reppas, Minister of Press and Mass Media and government spokesman, June 28, 2000, available at: **http://www.hri.org/news/greek/kyber/2000/00-06-28.kyber.html**.

[173] Letter from Office of the Minister of Justice to the Nafplion First Instance Court Prosecutor, Athens, June 16, 2000, Ref. No. 2370. The letter can be found at **http://www.greekhelsinki.gr/english/pressrelease/ghm257-3-7-00.html**. On June 27, 2000, the First Instance Court Prosecutor of Nafplio informed the Minister of Justice's office that a request for a preliminary investigation of the events referred to in the Minister of Justice's letter had been submitted by the First Instance Court Prosecutor to the Argos Police Commander. See Letter from the Office of the First Instance Court Prosecutor to the Minister of Justice, Nafplion, June 27, 2000, Ref. No. 2042. The letter can be accessed at: **http://www.greekhelsinki.gr/english/pressrelease/ghm257-3-7-00.html**.

Nea Kios, filed a complaint to the Nafplio prosecutor concerning the incidents, calling for charges to be pressed and also to act immediately to safeguard the lives and social rights of the Roma of Nea Kios, "who are vulnerable and defenceless at all times."[174] Following an inquiry by the *GHM,* the Prosecutor's Office in Nafplio informed *GHM* that the First Instance Court Prosecutor had notified the Appeals Prosecutor on February 27, 2002, of his decision to close the cases resulting from both the investigation requested by Minister of Justice Stathopoulos, and the complaint submitted by the NGOs and political parties,[175] in accordance with Article 43 of the Greek Penal Procedure Code.[176] Although at a later stage, the prosecutor decided to reopen the case, as of the date this report went to press, no legal action had been taken against the authorities of Nea Kios or Nea Tiryntha.

4.4 Refusal of Municipal Authorities to Register Roma as Local Residents

The racist tendencies of many municipal authorities also find expression in their unwillingness to register the Roma living in their municipal areas as official residents, no matter how long they may have resided there. According to the 2001 report of the National Commission for Human Rights, "50% of the Romani population had not been registered in the municipal rolls."[177] A recent example illustrates this discriminatory policy.

On February 27, 2002, two Romani women, 50-year-old Ms Georgia Zapheropoulou-Demetropoulou, and 57-year-old Ms Vlasia Demetropoulou, visited

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[174] See *GHM* press release 30/06/2000, "Lawsuit filed against racist persecution of Nea Kios Roma", available at **http://www.greekhelsinki.gr/english/pressrelease/ghm256-30-6-00.html**.

[175] *GHM* communication with the Nafplion Public Prosecutor's Office, February 28, 2002.

[176] Article 43 of the Greek Code of Penal Procedure provides that a case can be closed if there is not enough evidence to enable the prosecutor to press charges.

[177] The National Commission for Human Rights further noted that, "[…] the municipal authorities on the other hand take advantage of the problem of illiteracy and the lack of familiarity of the Gypsies with the bureaucracy and do not try to facilitate their legalisation procedure. This way, since they [Roma] are not even registered in their municipalities, they get rid of them more easily." See National Commission for Human Rights, Report 2001, January 2002. (Excerpts translated into English from the original Greek are available at: **http://www.greekhelsinki.gr/bhr/english/organizations/ghm/ghm_04_03_02.rtf**).

the Nea Kios town hall at approximately 12:40 PM, in order to apply for the transfer of their registration from Argos to Nea Kios. The women had been living in Nea Kios for much longer than the minimum two years required to change registration. The mayor of Nea Kios, Mr George Katriliotes, greeted them at the door to the town hall. When informed of the purpose of their visit, the mayor forbade them from entering. The women asked why he was preventing their entry, and he allegedly answered: "Because I want to. And as long as I live, no Gypsy [*gyftos*] will be registered in Nea Kios' municipal rolls!"[178] A local newspaper, *Ta Nea tis Argolidas*, reported the incident, as well as the mayor's opinion on the issue. The mayor stated that he did not deny the right of anybody to transfer his municipal electoral rights to Nea Kios, but added that the issue of who will be registered in the municipality rolls is a serious one.

However, during a press conference on the 2001 activity report for the municipality in Nea Kios that took place at the town hall shortly after the incident, a journalist who had observed the event asked the mayor about it, and Mr Katriliotes made the following statement:

> […] We do not intend to start registering everybody who comes here, because which Gypsies are permanent residents and which are not is for us a particularly murky issue and we will not deal with it through widespread registrations of Gypsies in the municipal rolls [...][179]

On February 28, 2002, both women lodged complaints with the First Instance Court Prosecutor's Office. On March 1, 2002, according to a local human rights activist, Ms Vasso Christopoulou, after public reactions, the mayor decided to accept their registration requests. However, during an earlier city council meeting on February 28, 2002, the mayor had reportedly promised that he would use all possible procedural ways to avoid such registrations.[180]

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[178] *Ta Nea tis Argolidas*, February 28, 2002 (Mimi Firogeni, "Kai o Dimarchos, to violi violaki"); *ERRC/GHM* interview with Ms Mimi Firogeni, March 5, 2002, Argos; *ERRC/GHM* interview with Mr Vassilis Zapheiropoulos, March 5, 2002, Nafplion.

[179] Transcript of *Max TV* footage, February 27, 2002. The programme was not aired in the end, but still exists on tape.

[180] *ERRC/GHM* telephone interview with Ms Vasso Christopoulou, March 3, 2002.

4.5 Harassment of Roma by Municipal Authorities

Municipal authorities in Greece have used harassment and other underhanded methods to try to persuade Roma to leave their settlements. Fortunately, such harassment-based efforts to force Roma to move sometimes fail, as happened in Karakonero. On Saturday, September 1, 2001, a municipal police officer visited the Romani settlement in Karakonero, on the island of Rhodes.[181] The officer informed the residents that they had to leave the site by September 3, 2001 – just two days later – as all the dwellings were to be demolished. According to one resident, 28-year-old Mr Sakis Aristopoulos, the policeman did not present any official documents legitimising the eviction order.[182] However, Mr Aristopoulos told the *ERRC/GHM*, the residents did not leave and no bulldozers appeared on Monday, September 3. On the next day, September 4, 2001, representatives of the Romani community visited the offices of the municipality to ask for further information on their pending eviction. Staff at the municipality office told the delegation to go to the prefecture for information. The prefecture staff told the Roma that they were not aware of any pending eviction and advised the delegation to go back to the municipal authorities. However, officials at both the municipality and the prefecture did state that the procedure for finding an alternative site for relocation of Karakonero's residents – a step that must precede any eviction – had been initiated, although they would not provide the delegation with specifics as to the exact location or the time of the relocation.[183]

The threatened eviction in Karakonero was preceded by systematic harassment of residents, which appeared to be intended to persuade local Roma to leave. On August 31, 2001, ten municipal police officers arrived at the Karakonero settlement and confiscated the licence plates and the circulation licences of six or seven cars

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[181] The appalling living conditions in the Karakonero settlement were repeatedly presented in the BBC World Television News Bulletins. The related video ("The Plight of Europe's Roma/Gypsies") is available at the BBC's website at: **http://news.bbc.co.uk/olmedia/1520000/video/_1524920_costa03_choice_vi.ram**.

[182] *ERRC/GHM* telephone interview with Sakis Aristopoulos, September 4, 2001.

[183] *ERRC/GHM* telephone interview with Sakis Aristopoulos, September 4, 2001. Moreover, a BBC correspondent was told by municipality and prefecture officials that the relocation of a limited number of families from the Karakonero settlement was envisaged.

parked in the settlement.[184] When the residents protested, the police officers informed them that the licence plates and the circulation licences would be returned only when they all vacated the settlement.[185] According to Mr Aristopoulos, the police officers reportedly stated that they would return the licence plates and the circulation licences to the Roma only when they boarded the ferry.[186] According to the information provided to the *ERRC/GHM*, as of May 2002, the police returned the licence plates and the circulation licences to everybody. The *ERRC/GHM* believes that no officers have ever been disciplined for their arbitrary acts.

On September 5, 2001, the *SOKADRE* on behalf of the residents of its member, the Karakonero settlement, sent a complaint about the actions of the municipality to the Ombudsman. The Ombudsman's office sent a letter to the municipality of Rhodes,[187] and on November 15, 2001, the mayor of Rhodes, Mr Yiorgos Yannopoulos, replied to the Ombudsman's letter.[188] In his letter, Mayor Yannopoulos stated that "it is inaccurate that in the area of Karakonero there exists a Romani settlement", claiming instead that the Roma of Karakonero "seasonally come to Rhodes from other parts of Greece".[189] He added that the area belongs to the state and that the installations of a new shipyard are being built, rendering any further stay of the Roma in the area dangerous. Mayor Yannopoulos furthermore rejected any claims that organs of the municipal police had tried to force the Roma to leave. The Ombudsman's office wrote on December 18, 2001, to the *SOKADRE*, informing the organisation of the content

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[184] *ERRC/GHM* telephone interview with Mr Sakis Aristopoulos, September 4, 2001.

[185] If an individual is found to be driving without licence plates and driving licence in Greece, he or she is subject to a fine.

[186] The police officers were presumably attempting to persuade the Roma to leave not just the settlement at Karakonero, but the island.

[187] Ombudsman's Letter to the Mayor and Members of the Municipal Council of Rhodes, October 8, 2001, Ref.No. 12803.3.2.1/00, on file with the *ERRC/GHM*.

[188] Letter from the Rhodes Municipality to the Ombudsman's Office, November 15, 2001, Ref. No 17140, on file with the *ERRC/GHM*. In the letter, the mayor of Rhodes also commented upon the living conditions of the Roma in the Karakonero settlement, stating that they were so unbearable that they constituted an affront to human decency.

[189] The 1999 DEPOS Study contradicts the mayor's belief that the residents of the settlement are seasonal migrants. The study found that 60 Romani families are permanently settled in Karakonero, with another 20 families being transient. DEPOS Study, Annex 1,Table 1.10.

of the mayor's letter.[190] On December 25, 2001, the *SOKADRE* wrote to the Ombudsman, to refute the mayor's claim that there is no Romani settlement at Karakonero.

On November 8, 2002, the Ombudsman's Office addressed the mayor and the members of the Municipal Council of Rhodes,[191] noting that contrary to earlier assertions by the mayor, the Roma living in the Karakonero settlement were not transient but had spent a large part of their lives there. In view of the above, the Ombudsman called on the mayor of Rhodes to inform him of the measures he had taken or intended to implement in order to relocate the Roma community of Karakonero. The mayor of Rhodes had not responded as of the date this report went to press.

In another instance of harassment efforts to persuade Roma to leave, the municipality of Ano Liosia, in Attica, near Athens, decided to pay to Romani families in order to make them leave. The majority of the Romani families evicted in December 1999 from the ghetto located between the municipalities Ano Liosia and Aspropyrgos, found refuge in the upper part of the Aspropyrgos/Ano Liosia garbage dump, joining the other families who had moved there after the 1997 eviction. According to the DEPOS Study, there were 61 families living in the garbage dump in the first quarter of 1999.[192] The families living in the garbage dump following their eviction from their previous homes suffered appalling living conditions.[193] However, instead of taking steps to address the dire need for adequate housing of the Romani residents of the municipality, the mayor of Ano Liosia decided to rid the municipality of the Romani families. Forty-two-year-old Mr K.K., a local Romani man, told the *ERRC/GHM* that in July 2000, mayor Papadimas paid each Romani family remaining on the Ano Liosia section of the garbage dump The Greek drachma equivalent of approximately 300 Euro in exchange for their departure from the municipality.[194] The municipality of Ano Liosia was thereby rid of nearly all its Romani residents:

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[190] Letter from the Ombudsman to *SOKADRE*, December 18, 2001, Ref No 12803.2.2/01, on file with the *ERRC/GHM*.

[191] Ombudsman's letter Ref. No. 12803.2.4/01, on file with the *ERRC/GHM*.

[192] See DEPOS Study, Annex 1, Table 1.10, under the heading "Western Attica" (settlements).

[193] According to the DEPOS Study, the part of the garbage dump belonging to Ano Liosia achieved a ranking of 12.5 in terms of "problems faced by the inhabitants", the highest ranking of all the settlements included in the study. See DEPOS Study, "Table of Problems Encountered", Chapter 7.

[194] See Rougheri, "Expel First: Housing Policy for Roma in Greece", in *Roma Rights* 2/2000.

approximately 60 of the original 70 families evicted from "the campsite" in 1997 were gone, leaving only the 10 families registered as municipal residents of Ano Liosia. In reality, however, many of the Romani residents of the garbage dump simply shifted their residences to another section of the dump, the side belonging to Aspropyrgos.

Mr Papadimas had made his intentions abundantly clear in a letter addressed to *Médecins du Monde–Greece* in 1999. Mr Papadimas noted that the Romani population of Ano Liosia was about to exceed the "8% upper limit" for a minority presence. This, in his opinion, would result in the "ghettoisation" of the Romani community and a failure of integration. His statement was criticised by the National Commission for Human Rights in its report, which also noted that: "Unfortunately this case is not the exception to the rule. Most municipalities follow the same strategy. They do not facilitate the legal transactions of the Gypsies with the administration and they keep the Gypsies under sordid conditions, to make them move outside the municipal borders."[195]

The collusion of municipal authorities with other state agencies in evicting the Roma was made evident in the eviction of approximately twenty families of Albanian Roma, in the area of Phenikas, in the municipality of Kalamaria in Thessaloniki. The families settled there, on land belonging to a private individual, around the beginning of August 2002, after they had been lawfully evicted from a nearby plot of land by the Prefecture of Thessaloniki. Almost immediately after their resettlement, the Roma started receiving frequent visits from both regular and municipal police officers who consistently asked them to vacate the area, as they were occupying private land. As the Roma assured the *ERRC/GHM/MRG-G* delegation that visited their settlement on September 4, 2002, they had never been delivered any court documents ordering them to leave (according to Greek law, the owner should have lodged an application to the court asking for interim measures against the squatters). They also informed the *ERRC/GHM/MRG-G* that on that very morning, they had received another visit from police officers who asked them to leave, stating that the owner had pressed charges against them. The Roma had become very afraid by this time and many families were disassembling their sheds and were preparing to move elsewhere. The following morning, at around 7:30 AM, two bulldozers, accompanied by two trucks, arrived at the settlement and one of the bulldozers started tearing down the four remaining sheds. Two

[195] See National Commission for Human Rights, *Report 2001*.

police jeeps (allegedly belonging to police special forces) with eight black clad police officers, two police patrol cars with six police officers and a municipal police patrol car with three municipal police officers were standing by, while allegedly the owner of the land was also present. The Roma were not presented with any eviction protocols and the demolition crew and the police left about one hour later, and only after a TV crew from the ET-3 state TV station appeared and started filming the process.[196]

That this development was not unrelated to anti-Romani sentiment is rendered evident by the fact that on September 4, 2002, the mayor of Kalamaria, Mr Christodoulos Ekonomides, made the following statement to the state-run Macedonian Press Agency:

> We cannot let them [the Albanian Roma who live in the Phenikas settlement] stay on a plot of land, next to which people are living. With the help of the police, we are trying to get them to leave.[197]

On September 11, 2002, *GHM/MRG-G*, filed a complaint report[198] before the First Instance Court Prosecutor of Thessaloniki against the mayor of Kalamaria, the police and other parties.

4.6 Relocation of Roma to Segregated Areas with Substandard Living Conditions

One method of addressing the housing issues of Roma that has been implemented in some municipalities is relocation to new settlements. While this may seem a good idea in theory, in practice Roma often end up in even worse conditions than they were previously living in. The motivation behind these relocations often appears to be the

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[196] *ERRC/GHM/MRG-G* field visits, September 4 and 5, 2002. *ERRC/GHM/MRG-G* interview with Arben Ibishi, Phenikas settlement, Thessaloniki, September 5, 2002.

[197] *ERRC/GHM* unofficial translation. Mr Ekonomides'statement is available in Greek at **http://www.mpa.gr/article.html?doc_id=290199**.

[198] Ref. No. VM ST2002/Egx/584.

municipalities' interest in removing Roma from a central location in the municipality and placing them on the outskirts of the locality, isolated from view and segregated from the rest of the community. Roma relocated to a new community often lose the advantage of proximity to schools, businesses and other services, as well as whatever makeshift access to infrastructure they previously enjoyed, and in the process of relocation, become increasingly dependent on the provisions offered by the municipality. Given the racist tendencies of many municipal authorities, this change is rarely one in favour of the Roma. Another serious issue facing many of these relocated Romani communities is the lack of legal tenure in the new settlements. The tenuous legal status of many of the new settlements places many of the Roma at risk of eviction, in addition to being deprived of basic infrastructure such as decent roads leading to the settlements, connections to the electricity grid, clean water supply and sewage system, and public transportation services.

In one case in November 1997, following complaints from local residents in the municipality of Spata, in Attica, near Athens, and close to the new international airport, about a makeshift settlement of 22 Romani families in an area adjacent to a newly built nursery school, the municipal authority attempted to evict the Roma living in the settlement. The eviction attempt was halted following the concerted protests of non-governmental organisations and concerned citizens.[199] Following the failed eviction, local residents and parents persuaded the director of the nursery to erect a solid fence around the school to keep the adjacent Romani settlement out of sight of the school's pupils.[200] The building of the fence stirred up another wave of criticism. The bad publicity engendered by the attempted eviction and the fence around the settlement led the municipality of Spata to offer housing to the Romani families.[201] In conjunction with the Prime Minister's Office for Quality of Life and with the involvement of *Médecins du Monde–Greece*, the municipality designated a piece of land for a

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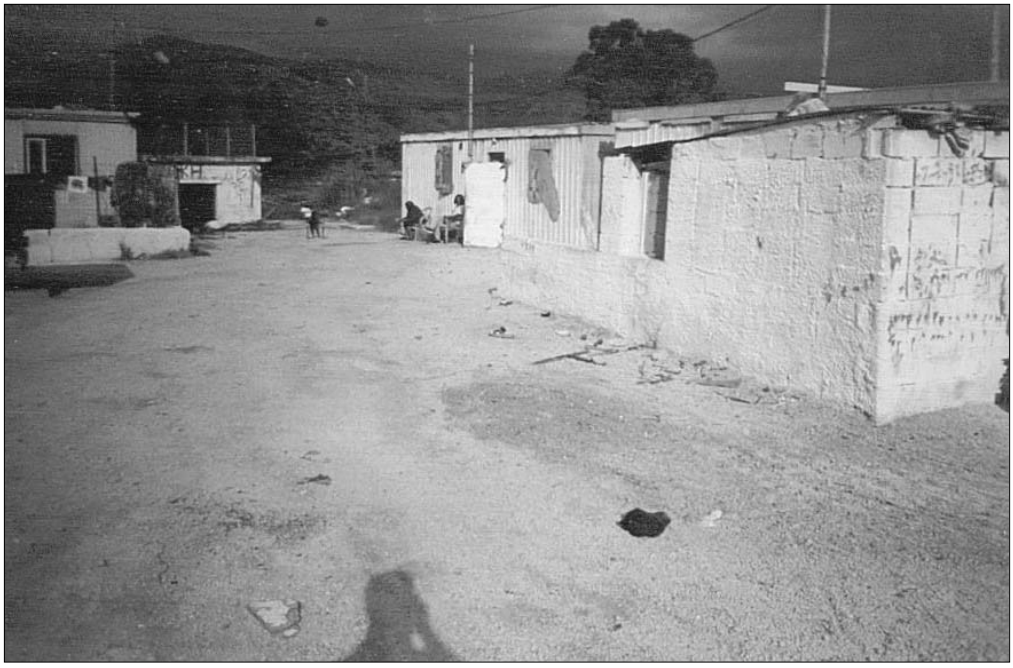
[199] See Lamprou, Panos, "A wall of shame has been erected between a nursery home under construction and a Romani settlement", in Katsikas, and Politou, p. 118. See also Galanopoulos, Antonis, "Tsiganoi? Dioxte tous", *Eleftherotypia*, September 5, 1997.

[200] *ERRC/GHM* interview with Ms E.K., August 7, 2001, Spata settlement. At the time of the interview, parts of the fence remained visible.

[201] See Galanopoulos, Antonis, "Tsiganoi? Dioxte Tous", September 5, 1997, *Eleftherotypia.* A number of other articles concerning the situation in Spata are reproduced in Katsikas, and Politou, pp. 118-120 and 126-9.

Sixty-two-year- old Ms Tasia Marinakou, walking almost barefoot in the muddy paths of a settlement in the Nea Zoe area, in Aspropyrgos, on the outskirts of Athens. Despite the fact that Ms Marinakou is the *de facto* guardian of her grandchildren, who were abandoned by their mother, she does not receive any social security benefits. *GHM* raised this before the United Nations Committee on the Rights of the Child during the examination of the initial report of Greece under the Convention in January 2002. The Committee expressed its concern and suggested that the Greek state make sure that the benefits be granted to the persons who are actually taking care of the children. Nevertheless, as of December 2002, when this photo was taken, Ms Marinakou was not receiving any benefits.

PHOTO: *ERRC/GHM*



View of the Romani settlement in Argostoli, capital of the island of Cephalonia and home to approximately ten Romani families. Local authorities relocated the families in the area adjacent to the slaughterhouse of Argostoli in October 1996. The authorities claimed that the move was "only temporary". Nevertheless, the Roma continue to live there to this day. Under Presidential Decree 330/1985, slaughterhouses could operate only under the condition that they were located at a distance of five hundred meters for the last house, for rather obvious reasons. Apparently, Romani sheds are not considered "houses" by the local authorities.

PHOTO: *ERRC/GHM*

new settlement and purchased prefabricated houses for relocation of all the families in the shanty-type settlement. The relocation was declared complete in October 2000.

However, the municipality's interest in the well-being of the Roma apparently ended with the relocation, the details of which were far from ideal.[202] The land assigned for the families' relocation is situated five kilometres from the last houses of the Spata municipality. The last one and a half kilometres of the road leading to the settlement is a dirt track pitted with potholes and strewn with rubble and rubbish. Moreover, the original settlement was not complete at the time of the relocation, as it consisted of only 20 prefabricated houses, despite the fact that 22 families required relocation. The two families who were relocated prior to the installation of houses for them, having no alternative, built small shacks next to the prefabricated houses, where they lived until the remaining houses were built. The missing two houses, along with a larger prefabricated house suitable for multiple uses, were constructed only in late 2001. The prefabricated houses were unfurnished, lacked stoves for cooking, and were not suitable for the use of the wood stoves this particular group of Roma traditionally use. Thus, the families have been forced to rely on petrol-burning stoves, which are very expensive to run and are a fire hazard.[203] Despite the repeated assurances of the local authorities that electricity would soon be provided, the Romani families continued to rely on electric generators 30 months after the relocation. A water truck replenishes two plastic water tanks in the settlement every two days in the winter months and every day during the summer. However, given the high temperatures in Greece during the summer, the residents regularly run out of water.[204] The new settlement has not merely provided little improvement in living conditions for the Roma, but its distance from the town of Spata has had a serious impact on the provision of basic services. No provisions have been made for the delivery of mail or public transport access to the settlement. A source of continuing concern for the families is the lack of documents proving that their occupation of the land is legal. The community, a member of the *SOKADRE*, filed a complaint with the Ombudsman on June 12, 2001.

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[202] The details of the living conditions in the new settlement are based upon a visit by the *ERRC/GHM* to the Spata settlement, August 7, 2001.

[203] The Roma have reportedly been refused permission to open holes in the walls of the houses to install the necessary ventilation pipes for the wood stoves. As the Roma do not own the houses, which are only allotted to them for a period of time, they cannot make such adjustments to them without approval from the municipality.

[204] *ERRC/GHM* interview with Mr Ioannis Katsaris, August 7, 2001, Spata settlement.

On March 19, 2002, the municipality of Spata responded to the Ombudsman's inquiry,[205] stating that in 2001, a study was conducted by the Municipality's Technical services (which had already been forwarded to the Ministry of Interior and the Prime Minister's Office for Quality of Life), on the feasibility of connecting the settlement with the town's main water supply system. The study also included projections on the connection of the settlement with the main electricity grid and the paving of the roads leading to the settlement. The projected cost for all this infrastructure work was estimated to be in the 1.7 million Euro range. As this report went to press, it was unclear whether such expenditures would be made. A significant part of the high cost of the projects is clearly related to the distance of the new settlement from the municipality.

The Greek government is fully aware of the dire living conditions which Romani populations across Greece are forced to endure.[206] As part of a study conducted by the Greek government – a component of the 1996 Government Housing Programme under the larger government programme for the Roma – the localities and living conditions of Roma throughout Greece were examined. The DEPOS study breaks down into three main categories: first, the study identified what they term "genuine" settlements (settlements in which all living quarters are makeshift); secondly, it identified mixed settlements (containing both makeshift dwellings and permanent homes); the final category identified by the authors of the study is termed "neighbourhoods", that is, groupings of houses inhabited by Roma which are essentially part of a city or a village.[207] According to the study, more than half of the "genuine" settlements and some of the mixed settlements and neighbourhoods were located in areas unsuitable for habitation – for example, an area prone to flooding or in close proximity to landfill sites. Moreover, 15% of the "genuine" settlements were farther than one kilometre from the nearest inhabited urban area and only a small number had access to paved roads, with the

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[205] See document Ref. No. 1523, on file with the *ERRC/GHM*.

[206] Article 3.4 of the 1983 Ministerial Decree in reference to Romani settlements, despite its inherent racism, still provides for basic humane living conditions, stating *inter alia* that: "The grounds of the organised encampment must have the necessary infrastructure which would allow for healthy living, such as facilities for drinking water, sanitary toilets, containers for garbage collection and disposal and, preferably, facilities for individual cleaning in commonly used baths and laundry facilities" (See No A5/696/25.4-11.5.83)

[207] DEPOS Study, pp. 6-7.

remainder reachable only by unpaved, bumpy trails. In seven of the 40 "genuine" settlements, there was no water supply, while in the remainder, the study's authors concluded, there was inadequate access to running water. Approximately one third of the mixed settlements were also found to be without an adequate supply of running water. Not a single "genuine" settlement and only 25% of the "mixed" settlements had any kind of connection to the electricity grid. Only nine of the 40 "genuine" settlements throughout Greece and six of the 30 mixed settlements examined are connected to an adequate sewage system, while fewer than half of the "genuine" settlements and only 70% of the mixed settlements have garbage removal services. Finally, in 75% of the "genuine" settlements, there is no access to a public telephone.[208] While this information was collected between 1999 and 2002, *ERRC/GHM* research has shown that the living conditions of Roma in Greece have changed little since that time, and can even be seen to be regressing.[209] The original Romani settlement in Spata had been assigned a score of 5.5, with 12.5 being the highest score on the scale.[210] However, based on the criteria by which the DEPOS Study rates living conditions, the new settlement provided by the Spata municipality would receive a score of 7, which demonstrates that the relocation saw the Romani community's living conditions deteriorate further.[211] Yet, in its reports submitted to international fora, the Greek government has referred on several occasions to a number of settlements that, in its view, are satisfactory and ostensibly constitute the blueprint for future relocation.[212]

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[208] DEPOS Study, pp. 7-9.

[209] For observations from the *ERRC/GHM* field missions from August 2001, see: **http://www.errc.org/indices/greece.htm**. See also GHM/MRG-G**,** *Report on Field Visits to Roma Communities in Greece*: August 2001, at: **http://www.greekhelsinki.gr/bhr/english/organizations/ghm/report_aug_2001.rtf**.

[210] The higher the score, the worse the living conditions in the settlement graded.

[211] As a result of the relocation, Romani residents were deprived of the access to running water they had previously enjoyed, as well as their connection (albeit illicit) to the electricity grid. The loss of their site in the centre of Spata isolated them further geographically.

[212] Although the Greek government does not describe Spata as a "model settlement" *per se*, Greek authorities do bring up the relocation as a sign of good practice. See, for example, the statement made by the Greek Delegation at the OSCE Human Dimension Implementation Meeting, Warsaw, September 17-27, 2001, session on "Tolerance and Non-discrimination: Roma and Sinti", September 20, 2001, at **http://www.osce.org/odihr/hdim2001/statements.php3?topic=4a&author=23**.

The unsatisfactory relocation of Roma that took place in Spata was not an isolated case. In 1998, more than 2,500 Romani "tent-dwellers"[213] were evicted from Evosmos in Thessaloniki. In August 1998, following their eviction, the Roma wandered for almost a month before they settled in the dried-up bed of the Gallikos River to await their promised relocation to the former military camp of Ghonou, which had been transferred to the Thessaloniki Prefecture by the Ministry of National Defence two years earlier. Despite assurances that prefabricated houses would be installed and the former military camp would be ready to begin accommodating the first Romani families by February 1999, the prefabricated houses in which the municipality intended to house them did not arrive at Ghonou until March 2000.[214] The installation of the prefabs at Ghonou then halted after the elections held on April 9, 2000, before slowly proceeding again. The Roma eventually moved to Ghonou in October 2000.

From the start, the settlement was beset with problems. According to the *Study on the Gypsies of the Aghia Sophia Settlement*,[215] although each prefabricated house has been installed on a plot of land measuring 150 square metres, each house has a total surface area of no more than 24 square metres. These units were too small, in light of the fact that many of the families at issue were large and included members of the extended family. A temporary solution frequently deployed to address the inadequate space was the construction of a wooden extension to the side of the houses, providing an additional 35 square metres. Nine months after the relocation, defects in the sewage system had rendered some of the quarters of the settlement uninhabitable due to a prevalent strong faecal odour.[216] The study also noted that there were no

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[213] The term "tent-dwellers" is somewhat of a misnomer, since it describes Roma living in huts made of cardboard, wooden planks and other materials. However, in official Greek state documents, they are called *skinites*, a Greek word meaning literally "tent-dwellers".

[214] A local human rights activist has noted that 11 different deadlines had been set for the relocation of the Romani community to the Ghonou military camp, none of them being honoured. See Triaridis, Thanassis, "Unconventional Thoughts on the Plight of Roma in Greece," *AIM Athens*, August 29, 2000, at: **http://www.aimpress.org/dyn/trae/archive/data/200008/00829-005-trae-ath.htm**.

[215] The study was submitted by the Thessaloniki Vocational Training Centre on July 13, 2001, Ref. No. 77, nine months following the relocation of the Roma to the new settlement. Aghia Sophia is the name of the Romani settlement located in the former military camp of Gonou.

[216] *Ibid.*

public telephones available (they had been installed, but were soon broken). The streets of the settlement were in a state of disrepair and were not named. The houses had not been assigned any numbers, which meant that during police raids the police entered all the houses, regardless whether the inhabitants were wanted by the police or not.[217] In addition, the prefabricated houses lacked central heating and the residents were forced to use electric heaters as the main source of heating in their homes, causing them to incur very high electricity bills. For example, the electricity bill of one Romani family in the settlement for the period from November 10, 2000 to January 23, 2001, was approximately 160,000 drachmas (approximately 470 Euro). On June 12, 2001, *GHM* aided the settlement's residents in lodging a complaint with the Ombudsman's Office. In their letter, the residents complained about the disproportionate electricity bills they had to pay. The electricity company charges each Romani household at a rate equivalent to a house of 150 square metres and not of 25 square metres – the actual size of their homes. The residents also complained that the municipality of Echeodros was not sending any street cleaners to the settlement and suggested the employment of Roma (most of whom were unemployed) as street cleaners. Since most of the problems facing the Romani residents of Ghonou persisted in July 2001, they lodged another complaint with the Ombudsman's Office on July 25, 2001. The residents noted that a problem existed in relation to the ownership of the land on which the settlement was located. Because the 1996 transfer of the former military camp to the prefecture was technically on a five-year lease, the land ownership had since reverted back to the Ministry. This meant that the Ministry could, if it chose to, reclaim the land, evict the Romani community and demolish the new settlement. Additionally, the Town Planning Authority had yet, as of the date this report went to press, to give permission for the houses to be installed. Thus, none of the Romani families had any title certifying that they are the legal residents of the house in which they reside. While the eviction of the Roma by the Town Planning Authority or the Ministry appeared unlikely, the possibility remains a cause for concern.

In January and September 2002, *ERRC/GHM* visited the Aghia Sophia settlement named, located at the former military camp of Gonou, and on both occasions noted that many of the problems had still not been addressed. Ghonou is situated approximately 10 kilometres from Thessaloniki, and since the settlement was without medical facilities, shops and postal services, its distance and isolation from the

[217] *Ibid.*

surrounding communities meant that the residents of the settlement had limited access to these necessities. In fact, it was equipped with only a small day-care centre and a small canteen which one resident opened. The streets of the settlement were in a state of disrepair, were still not named, and the houses had not been assigned any numbers.[218]

However, according to the President of the Aghia Sophia community, as of January 2002, the most serious problem facing the Romani residents of Ghonou concerned the failure to connect some houses to electricity and the extraordinarily large electricity bills for those households connected to the grid.[219] In January 2002, 20 households remained unconnected to the electricity grid and a further 20 families had had their supply cut because of their inability to pay their electricity bills. These households have been forced to resort to wood-burning stoves for cooking and heating. As of September 2002, all families had been connected to the grid but about 25 had no electricity as they had not paid their bills.

ERRC/GHM research has indicated that small-scale relocations of Roma similar to the one in Ghonou are underway throughout Greece.[220] The Greek government has claimed that relocations have also taken place in Trikala, Zefyri, Agrinion and other localities.[221] Many of these relocations, as with that of the Spata settlement, appear to have been hastily implemented, and consequently basic services have not been made available. Thus, the "model" settlement of Menemeni in Thessaloniki, accommodating 24 Romani families, is located in an area surrounded by chemical plants and situated next to an oil pipeline.[222] The 24 families that were initially relocated in Menemeni in August 1996 were provided with only two toilets and there was no electricity. The *ERRC* protested about the living conditions of the Roma of

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[218] *ERRC/GHM v*isit to the Ghonou settlement, January 19, 2002, Thessaloniki.

[219] *ERRC/GHM* interview with Mr Athanassios Frangoulis, January 19, 2002, Thessaloniki.

[220] This has also been reported in the Greek press. See Flash.gr News Portal, March 4, 2002 (Lagou, Demetra, "Mr Skandalides has announced measures for the "Athinganoi"), available at **http://greece.flash.gr//soon/2002/3/4/16190id/**. See also *Macedonian Press Agency*, April 23, 2001.

[221] See Greek State Report to CERD, para 50.

[222] Although the mayor has not made direct reference to this settlement as a "model", his statements to the effect that the relocation effort in this case is to be praised are consistent with this interpretation.

Menemeni in a letter sent to the Greek Prime Minister on September 5, 1997.[223] In 1999, the researchers from the DEPOS Study ascertained that problems were ongoing concerning the provision of electricity and lavatories.[224] However, as of January 2003, the Roma still lived in Menemeni with only two toilets and no electricity, and the only improvements that had been made to the settlement were those that the inhabitants had undertaken themselves.[225]

The experience of the Romani community in Karditsa, in central Greece, is similar.[226] According to *Eleftherotypia*, following violent incidents in August 1999 against a number of the approximately 300 families living in the area of Karditsa, (when unknown individuals set fire to dozens of sheds belonging to Roma) the municipality resettled the Roma in the Mavrika area, in central Greece, adjacent to a landfill site and a maze of irrigation channels, which have been at a risk of flooding in the past. In April 2000, the municipal authorities of Karditsa proceeded to install in the area approximately 100 prefabricated houses that had previously been used temporarily to house victims of the September 1999 earthquake in Athens. However, according to the findings of a committee set up in December 2000, the area was unsuitable for the relocation of the Roma.[227] Despite the disapproval of the committee and the failure to secure the approval of the prefect (who, under the

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[223] The letter of protest sent by the *ERRC* to the Greek Prime Minister on September 5, 1997, is available at: **http://www.errc.org/publications/letters/1997/gree-2.shtml**.

[224] See DEPOS Study, "Table of Problems Encountered", Chapter 7. According to the findings of the DEPOS Study, the Menemeni settlement was one of the worst in terms of living conditions, earning a rating of 8 out of the highest (worst) ranking of 12.5.

[225] See International Helsinki Federation for Human Rights (IHF), Greek Helsinki Monitor (GHM) and Minority Rights Group-Greece (MRG-G), *Report to the OSCE Implementation Meeting on Human Dimension Issues: Greece*, Warsaw, 17-27 October 2000, p. 47. See: **http://www.greekhelsinki.gr/pdf/IHF-OSCE-2000-Report-Greece.PDF**.

[226] The following details are derived from an article by the *"Ios"* team, published in *Eleftherotypia*, June 16, 2001.

[227] Article 2.1 of the 1983 Ministerial Decree provides that "The designations of appropriate areas are made by the competent Prefectural public services (Health Authority, Department of Urban Planning and Urban Enforcement, Technical Service of Municipalities and Communities), in collaboration with whichever other public service or authority the Prefect appoints, which will select and suggest the area(s) for the settlements". (See No A5/696/25.4-11.5.83)

1983 Ministerial Decree, is the official responsible for deciding whether a relocation should take place), the local authorities chose to proceed with the relocation.[228] An *ERRC/GHM/MRG-G* field visit in the Mavrika settlement in August 2002 ascertained that at the time the settlement consisted of 120 Romani families that live in 115 prefabricated houses (the rest had erected small sheds). Each prefabricated house was provided with water and electricity and each cluster of four houses has its own sewage facility. The settlement is located at a distance of approximately four kilometres from the city of Karditsa but as it was located within agricultural plots of land, away from the main road leading to the city, access to Karditsa was possible only by car. One of the residents' main concerns was that no medical staff had yet been commissioned to serve in the small health care unit located in the settlement, although medical staff from local health services visited the settlement twice a week or when vaccinations were to be carried out.[229]

Another problematic relocation took place in Mesolonghi, in central mainland Greece. In October 2001, the Romani residents of the Mesolonghi settlement, a "genuine" settlement in the language of the DEPOS Study, occupied 80 prefabricated houses standing unoccupied in an area close to a lake near the town.[230] Although the houses provided permanent shelter, they were not connected to electricity, running water or a sewage system. According to Ms P.K., one of the Romani residents of the new settlement, the Roma exerted pressure on the mayor of Mesolonghi and utility services were provided to the *ad hoc* settlement in November 2001, although as of February 2002, the road leading to the settlement remained unpaved and garbage collection was only occasional. Despite the fact that the relocation in Mesolonghi was an internal decision of the Roma, in December 2001, in what would appear to be a show of support for the resettlement, the

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[228] The decision of the municipality to proceed with the relocation is illegal under Article 2(2) of the 1983 Ministerial Decree, according to which the final decision is to be taken by the Prefect. Article 2(2) provides that "The final approval for the designation of the encampment areas is given with the Prefect's decision, after a consultatory response of the Prefectural Council on the proposal submitted by the Committee, formed specifically for this purpose on the Prefect's order."

[229] *ERRC/GHM/MRG-G* field visit to the Mavrika settlement, August 29, 2002; *ERRC/GHM/MRG-G* interview with 45 years old Mr Nikos Zapheiropoulos, Mavrika settlement, Karditsa, August 29, 2002.

[230] *ERRC/GHM* telephone interview with Ms P.K., January 18, 2002.

municipality installed 10 additional prefabricated houses to accommodate residents of the new settlement. However, in spite of the seeming success of this relocation, a state official informed the *ERRC/GHM* in February 2002 that the settlement was illegal and that there was a possibility that the municipal authorities would evict the Romani community and relocate them elsewhere.[231]

4.7 Deleterious Health Effects of Inadequate Housing

The desperate living conditions in which thousands of Roma are forced to live have a direct impact on their health, with children being particularly vulnerable to the unsanitary conditions and exposure to the elements. The winter of 2001-2002 provides numerous examples of Roma suffering ill health and even death as a consequence of their poor housing.

On December 7, 2001, a 2-month-old Romani baby died of pneumonia in the Riganokampos settlement in Patras, north-western Peloponnese.[232] At the time, the infant and her parents, 34-year-old Mr Charalambos Georgopoulos and 25-year-old Ms Anna Georgopoulou, were living under a nylon sheet thrown over a construction of wooden planks and containing a small wood-burning stove. Several days earlier, another Romani baby, only 15 days old, died from pneumonia in the settlement of Akti Dimaion, also in Patras.[233]

Those with heart conditions and other serious medical conditions are also vulnerable to the drafts and cold of temporary dwellings. On December 16, 2001, a 45-year-old Romani man, Mr Yiorgos Theodoropoulos, died of a fatal heart attack in the village of Sageika, near Patras. Mr Theodoropoulos suffered from a

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[231] *ERRC/GHM* interview with Mr T.D., February 18, 2002, Athens.

[232] See article "Vrefos esvise sto krio!", *Eleftherotypia*, December 10, 2001.

[233] A visit to the Akti Dimaion settlement by *ERRC/GHM* on December 18, 2001, revealed that at least one other child was suffering from pneumonia and another child had a liver condition, exacerbated by his living conditions. (International Romani Union Secretary-General Dr Hristo Kuychukov, who accompanied *ERRC/GHM* on this visit, made a statement describing their findings, which is available at: **http://www.greekhelsinki.gr/bhr/english/countries/greece/iru_20_12_01.rtf**.)

heart condition.[234] A similar early death occurred on December 20, 2001, when 36-year-old Mr Sotiris Markopoulos died of pneumonia in the settlement of Tourkodendri near Tripolis, central Peloponnese, where he lived with his wife and three children. According to his close friend, Mr S.K., Mr Markopoulos had suffered from a heart condition, which was exacerbated by his living conditions.[235]

Roma living in shanty settlements are not just susceptible to the cold, but also increasingly face the threat of rat bites and infectious diseases spread by rats and other rodents. For example, 40-year-old Ms Maria Vasilari, the *SOKADRE* representative of the Romani community of Riganokampos in Patras, told the *ERRC/GHM* that she had been bitten by a rat on the back of her head, a few centimetres below her ear, while sleeping one night in December 2001.[236] An *ERRC/GHM* delegation, accompanied by the Secretary-General of the International Romani Union, Dr Kyuchukov, visited various settlements in Greece in December and observed that many Roma bore the marks of rat bites.[237]

Moreover, in addition to illness brought on by living conditions, Romani communities are particularly at risk from certain life-threatening diseases. According to research conducted by the international non-governmental organisation *Médecins du Monde* in June 1999 at the Nea Liossia and Nea Zoe settlements near Athens, 99% of the Romani population was infected with Hepatitis A, and 50% had Hepatitis B.[238] Although the report did not speculate on the reasons for the high occurrence of hepatitis, the researchers did note that the settlements they visited were close to

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[234] *ERRC/GHM* telephone interview with Mr Makis Theodoropoulos, December 20, 2001. According to Mr Theodoropoulos, brother of the deceased, as of that date only a few families in Sageika lived in structures resembling houses; the remaining Roma lived in shacks.

[235] *ERRC/GHM* telephone interview with Mr S.K., December 23, 2001.

[236] *ERRC/GHM* interview with Ms Maria Vasilari, December 18, 2001, Riganokmapos settlement, Patras.

[237] See Statement by the Secretary General of the International Romani Union on the Situation of Roma in Greece, in *Roma Rights* 1/2002, available at: **http://www.errc.org/rr_nr1_2002/noteb5.shtml**.

[238] ROMEUROPE, *Données sur la situation des populations Roms/Tsiganes en Europe*, Juin 1999, (Allemagne, Espagne, Grèce, Italie, Portugal). Chapter on Greece written by Christos Velissaropoulos, p. 14. The various forms of hepatitis are blood diseases that, if untreated, can cause serious liver conditions, often resulting in death.

landfills and had no access to running water, that the Roma were not vaccinated and lacked access to information on proper preventive measures for good health. There was, in addition, a total lack of primary health care in the settlements surveyed.[239]

Greek authorities have in some instances relocated Roma to dangerous areas. The Mavrika settlement in Karditsa is located next to a defunct rubbish tip and on one side of a deep irrigation channel, literally inviting a disaster to happen. And it did happen, only some weeks following the inauguration of the settlement in April 10, 2001. On May 25, 2001, ten-year-old Kostas Zapheiropoulos approached the irrigation channel in order to splash some water on his face. Unfortunately, he lost his balance and fell into the irrigation channel. He was pulled from the water around one hundred metres down the irrigation channel from the spot where he fell in. He was immediately taken to the local hospital, but was pronounced dead upon arrival. According to an autopsy, the cause of death was drowning.[240]

Equally tragic was the experience of two Romani women living in the Herakleia settlement, just outside the last houses of the Herakleia town, near Serres, in northern Greece. The settlement, consisting of approximately twenty prefabricated houses installed in the autumn of 2001, is located next to two irrigation channels. On August 14, 2002, 21-year-old Tereza Sinanoglou was carrying out some household tasks in her prefabricated house, close to one of the irrigation channels. Her two-and-a-half-year-old son, Fanis Sinanoglou, was playing in the house's courtyard. Ms Sinanoglou, absorbed by her tasks, did not notice that Fanis had strayed from the courtyard and was dangerously close to the irrigation channel. When Fanis did not respond to her calls, she looked for him, only to find him drowned in the irrigation channel.[241] Approximately one year earlier, 35-year-old Ms Georgia Sinanoglou, sister of Tereza, lost her two-year-old baby who drowned in the main irrigation channel.[242] A fence had not, at the time of the visit, been erected. It was also

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[239] *Ibid*., p. 14.

[240] See *Proinos Typos*, Karditsa-based daily newspaper, May 26, 2001, article entitled "Pnigike Tsiganopoulo se ardeutiko kanali".

[241] *ERRC/GHM/MRG-G* interview with 21-year-old Tereza Sinanoglou, Herakleia settlement, September 12, 2002.

[242] *ERRC/GHM/MRG-G* interview with 35-year-old Georgia Sinanoglou, Herakleia settlement, September 12, 2002.

reported that in the winter of 2000, the three-month-old son of 25-year-old Aphrodite Sinanoglou, sister of Tereza and Georgia, died from exposure to cold. According to Ms Aphrodite Sinanoglou, she woke up at three o'clock in the morning, to find that her son was not breathing. She immediately rushed him to the local hospital, where he was proclaimed dead of pneumonia.[243]

As conditions in poorer settlements are even worse, the health risks are even more serious. Thus, on November 15, 1999, a two-month-old baby died in the Bournazi area of Katerini, in Northern Greece. According to the Court Summons[244] produced by relatives of the family, the local prosecutor had initiated criminal proceedings against the parents, as high concentrations of alcohol were found in the baby's blood. According to relatives, it was highly possible that the parents gave their baby alcohol to drink as a misguided precautionary measure against the extreme cold.[245]

Finally, on April 7, 2001, a three-year-old Romani boy drowned after falling into an irrigation channel that runs parallel with the Romani settlement in Halastra, fifteen kilometres from Thessaloniki.[246] On June 14, 2001, professors from the University of Thessaloniki Pedagogical Department, including the dean of the Department, Mr Georgios Tsiakalos, proceeded, at their expense, to erect a wire fence next to the irrigation channel. As it was reported, another Romani child had drowned 7 years ago and the fence that was then erected had subsequently been destroyed.[247]

[243] *ERRC/GHM/MRG-G* interview with 25-year-old Aphrodite Sinanoglou, Herakleia settlement, September 12, 2002.

[244] See document Ref. No. AOO/571, dated August 15, 2001, on file with the *ERRC/GHM*.

[245] *ERRC/GHM/MRG-G* interview with 48-year-old Paraskeuas Karagounis, Pelikas settlement , Katerini, September 2, 2002.

[246] See Macedonian Press Agency press release in Greek, available at **http://www.mpa.gr/article.html?doc_id=184084**.

[247] See Macedonian Press Agency press release in Greek, available at **http://www.mpa.gr/article.html?doc_id=198527**.

Sheds belonging to Albanian Romani families in the Phenikas are in the Municipality of Kalamaria, in Thessaloniki, northern Greece. Approximately twenty Romani families had been living on a private plot of land for around one month before they were forcibly evicted by a municipal bulldozer as both regular and municipal police officers stood by. In the next photo, taken hours after the demolishion had taken place, the remains of the sheds can be seen.The Roma had been warned to vacate the plot of land but had not been served with any eviction orders. In total, only five sheds were demolished as the remaining families had "heeded" the repeated warnings, had dismantled their sheds and had left. On September 11, 2002, *ERRC/GHM* lodged a report with the local Prosecutor's Office against the mayor of Kalamaria, the police and all other parties involved.

PHOTO: *ERRC/GHM*

4.8 Summary: Racially Discriminatory Housing Policy

The lack of engagement or resolve with which Greek authorities act to improve the living conditions of Roma contrasts with their demonstrated competence in resolving the homelessness of non-Roma following two natural disasters. The suburb of Ano Liosia, approximately 10 kilometres from Athens, has been home to three distinct groups who have in recent years been in urgent need of housing: the 2,700 non-Romani families who were rendered homeless by the earthquake of September 1999; the 200 non-Romani families whose homes were destroyed by heavy rainfall in 1998; and the approximately 80 Romani families who had been living for a number of years on land next to or on Ano Liosia's portion of a garbage dump the municipality shares with neighbouring Aspropyrgos.

The first group to be rehoused by the municipality in newly built apartments, early in August 2001, were families made homeless by the flood in 1998.[248] On September 13, 2001, the Prime Minister stood beside the mayor of Ano Liosia as the mayor presented to earthquake-stricken families the first 100 houses that had been built with state money for their relief. A further 2,600 homes were promised for the remaining earthquake victims in the following 18 months.[249] Meanwhile, in contrast to the determination local authorities have displayed in rapidly assisting the disaster victims to be comfortably rehoused, municipal officials have offered next to nothing to the Romani residents who have been living in the area in squalid conditions virtually without infrastructure for approximately 20 years. Rather, the municipalities have contributed actively to their deprivation and the instability of their living conditions.

Even in cases of seemingly benevolent relocation efforts initiated by the municipalities on behalf of the Roma, the municipalities have often moved the Roma out of city or town centres and far from view, effectively segregating them on racial grounds. Housing and infrastructure provided – where these are provided at all – are almost invariably substandard. The unwillingness of municipal authorities to allocate suitable land and other resources for housing for Roma illustrates the fact that as far as many of the municipal authorities are concerned, there is no room in their municipalities for the Roma.

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[248] Information from the Athens-based daily newspaper *Ta Nea*, of September 1 and September 2, 2001.

[249] Information from *Eleftherotypia,* of September 14, 2001.

A number of public statements by municipal officials provide a straightforward testimony of the officials' anti-Romani sentiments. On September 14, 1999, the mayor of Zefyri, Apostolos Zervas, reportedly told a press conference, "Do not bother me with the Gypsies. [...] They have been robbing the whole world."[250] The mayor later retracted his statement in *Eleftherotypia*, saying that he had been misquoted.[251] In a later statement, however, responding to the Ombudsman, Mayor Apostolos Zervas, reiterated his belief in a link between Roma and criminality, stating that, "The problem of money originating from drug dealing that residents of the social class of Athinganei engage in, has reached epidemic proportions."[252] In another example of municipal officials publicly endorsing anti-Roma sentiment, *Paratiritis*, a local daily newspaper based in Komotini, in north-western Greece, reported on January 31, 2002, that approximately five hundred residents of the Komotini municipality had protested over the proposed site for relocation of a group of Muslim Roma then living in the Alan Kuyu area. According to the newspaper account, the deputy mayor of Komotini responded that the inhabitants of the municipality need not be concerned, as the distance between their houses and the proposed site for relocation was to be at least one kilometre.[253] The mayor of Komotini reportedly repeated the response of his deputy the following day.[254]

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[250] See *Eleftherotypia,* September 14, 1999.

[251] The statements of Mayor Zervas were raised at a September 22, 1999 OSCE meeting in Vienna. In response the Greek delegate stated: "The representative of a Greek NGO … mentioned some racist remarks about Greek Romas attributed to the mayor of the town of Zefyri, near Athens. A few minutes ago I spoke to that mayor, Apostolos Zervas. He assured me that he had been misquoted by the media. But he also asked me, in any case, to express here on his behalf his sincere regret for the pain his statement has caused to the people who are dear to him and with whom he has been working for years, being himself, among other things, a member of the Administrative Council of the ROM Network of Greece." See Statement made by the Greek delegation to the OSCE at the 1999 Implementation Review Conference in Vienna, September 22, 1999, available at: **http://www.greekhelsinki.gr/english/reports/greece-to-osce-on-roma-21-9-99.html**.

[252] See Document No. 3064 dated August 20, 2002, on file with the *ERRC/GHM*.

[253] See article "Ston kairo ton Tsiganon", *Paratiritis*, January 31, 2002. That the hostility was directed at the group because of their ethnicity, as opposed to their religion, is suggested by the apparent inclusion of many ethnic Turks in the resident group opposing the proposed relocation site.

[254] See Damon, Damianos, "Lisi i sinainesi stin akraies antidraseis", *Paratiritis*, February 1, 2002.

Racially discriminatory housing policy towards Roma is a significant precondition for many other serious human rights violations documented by the *ERRC/GHM* and described in this report. Forced evictions without provision of proper accommodation and other coercive actions aimed at the expulsion of Roma from the municipalities where they live and have lived for many years condemn thousands of people to ghetto life with all its accompanying effects: access to public services crucial for the realisation of fundamental social and economic rights, including education and health care, is severely limited and in many instances practically non-existent for the residents of the Romani ghettos. In addition, Romani ghettos are often target of abusive police raids during which dozens of people are subjected to cruel and inhuman or degrading treatment.

5. POLICE VIOLENCE AGAINST ROMA

Abusive police raids on Romani settlements are commonplace in Greece. These raids are based on racial profiling of Roma by the police. Numerous allegations of Romani victims also indicate that ill-treatment of Romani individuals, amounting in some cases to torture, and frequently including physical and verbal abuse in police custody, is widespread. In the recent years, there have been at least three deaths of Roma in Greece due to excessive use of firearms by law enforcement officials. Police officers' use of racial epithets in some cases of police abuse of Roma is indicative of racial prejudice in the hostile treatment to which the officers subject Roma. The Greek state's obligations under international human rights law notwithstanding, Greek authorities have failed to ensure that allegations of torture and ill-treatment are promptly and impartially investigated, or that perpetrators are brought to justice and victims provided with adequate redress. Moreover, the Greek government tends to regard the mere possibility of occurrence of incidents of torture and ill-treatment in Greece as an impossibility, as demonstrated by the government's response to a report on Greece by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). The government's response stated that "… it is also a fact that questions of torture and ill-treatment of persons cannot arise in respect of Greece …"[255] More recently, Deputy Minister of Public Order, Evangelos Malesios, challenged the allegations of police violence made by *Amnesty International* and the *International Helsinki Federation for Human Rights* in their 2002 joint report: "Greece: In the Shadow of Impunity. Ill-treatment and the Misuse of Firearms" by stating that, "… allegations making up the results of the [*Amnesty International/International Helsinki Federation for Human Rights*] Report are based on claims of people who have broken the law and it is, therefore, possible that these allegations are the product of an unreliable behaviour and mentality."[256]

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[255] See *Report to the Government of Greece on the Visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 14 to 26 March 1993*, para. 25, available at **http://www.cpt.coe.int/en/reports/inf1994-20en.htm**.

[256] See Greek monthly magazine *Metro*, December 2002, p.60.

Given the denial of human rights abuse committed by police and other law-enforcement officers, prevalent among officials at the highest level, most incidents of police violence appear to be ignored, or at best, receive only a cursory, informal investigation by the police, almost inevitably failing to result in adequate disciplinary action against the police officers involved.

5.1 Abusive Police Raids on Romani Settlements

Greek police often raid Romani settlements with the justification of searching for suspects and/or drugs and weapons, during the course of which dozens of Roma are subjected to ill-treatment and other physical and verbal abuse. The pattern of police raids on Romani settlements established by *ERRC/GHM* monitoring leaves no doubt that racial profiling accounts for human rights violations committed by the Greek police against Roma.

The Romani settlement of Nea Zoe in Aspropyrgos, near Athens, has been the target of many major and minor police raids in the recent past. In one such raid, on January 28, 2002, between 11 AM and midday, five cars, two of which were police patrol cars, and a large truck with a white canvas top drew close to one side of the settlement. According to the eyewitness account of Mr K.M., a resident of the settlement, police officers jumped out of the back of the truck, while other officers charged the settlement from three different directions. Mr K.M. told the *ERRC/GHM*:

> I think there were around 100 to 150 police officers. Most of them were in plain clothes. The remainder wore olive drab fatigues while only some of them wore regular uniforms. The police told everybody who was outside the sheds not to move and to lie down. Some of the police officers approached those who were already on the ground and aimed their guns at them. At the same time, the police told everybody to get out of the sheds.[257]

A 17-year-old Romani girl was inside her house, taking a bath, when she heard shouts that she should go outside. A.K. stated that:

[257] *ERRC/GHM* interview with Mr K.M., January 29, 2002, Nea Zoe, Aspropyrgos.

> I replied that I was taking a bath and that I would be out in a minute. No sooner had I managed to put a T-shirt on when two police officers burst in, shouting, "We'll come in as you are and f*** you". They then took me to a ruined shed, the interior of which was visible from the outside, and the female officers gave me a body search. Male officers, however, were close by and I think some of them may have seen me. I was in any case very ashamed.[258]

A.K. told the *ERRC/GHM* that once officers had searched all the homes and everyone was outside, the officers herded all the residents together. According to residents, the police did not produce any search warrants. Greek law requires the presence of a judicial officer during house searches, but none of the witnesses with whom the *ERRC/GHM* spoke had actually seen one.[259] Ms Dionysia Panayotopoulou, another Romani resident, told the *ERRC/GHM* that she heard three gunshots that, other Roma told her later, had been fired in the air by police officers who were apparently in pursuit of a car. Two young Romani men were reportedly slapped on the face by the police, but Ms Dionysia Panayotopoulou told the *ERRC/GHM* that "the ill-treatment was nothing compared to what had happened in the previous raid in April [2001]".[260]

According to Mr K.K., a 42-year-old Romani resident, officers ordered about 10 to 15 Romani residents in a van and drove them to the Aspropyrgos Police Station.[261] The same van returned and six to eight Romani women, with four of their children, were also detained and taken to the police station.

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[258] *ERRC/GHM* interview with A.K., January 30, 2002, Nea Zoe, Aspropyrgos.

[259] *ERRC/GHM* interview with A.K., January 30, 2002, Nea Zoe, Aspropyrgos; *ERRC/GHM* interview with Mr Pavlos Chalilopoulos, January 30, 2002, Athens. The presence of a judicial officer is a legal requirement, where state officials violate the sanctity of the home. According to Article 9.1 of the Greek Constitution, "Every person's home is a sanctuary. The private and family life of the individual is inviolable. No home search shall be made, except when and as specified by law and always in the presence of representatives of the judicial power".

[260] *ERRC/GHM* interview with Ms Dionysia Panayotopoulou, January 30, 2002, Athens.

[261] *ERRC/GHM* interview with Mr K.K., January 30, 2002, Athens.

At the police station, the police subjected the men to body searches. Officers reportedly found a small quantity of cannabis on 19-year-old Mr Athanassios Sainis. According to Mr Sainis, two police officers took him into a nearby cell and tried to make him say that he had bought the cannabis from an elderly Romani woman who had been arrested during the raid. When he refused to confess, the two officers slapped him about the face and allegedly drafted a statement in his name. Mr Sainis told the *ERRC/GHM* that "they signed 'my' deposition for me with a cross. But I am not illiterate – if I had been willing to sign, I would have."[262] Female officers reportedly bodily searched the arrested women when they arrived at the station. All of those detained were reportedly held at Aspropyrgos police station until around 8 PM, without being provided food. All but five of the Roma were released without charge.

On the day of the raid, the General Police Directorate for Western Attica issued a press release, stating that the operation's objective had been to seize drugs and apprehend drug dealers. In contradiction to the testimony given by Romani residents to the *ERRC/GHM*, the press release stated that 11 house searches had been carried out and that five Roma, four female and one male, had been arrested while in possession of drugs and money originating from the sale of narcotic substances.[263] In a telephone conversation with *ERRC/GHM*, however, an on-duty officer of the Aspropyrgos Police station stated that a total of 30 Romani individuals had been arrested and taken to the police station following the raid of January 28.[264] Despite 30 arrests, the loss of a day's wages for some individuals and their families, and the disruption to all in the settlement, only five people were charged with crimes, and only four were found to have any connection to drugs.[265] Mr Michalis Aristopoulos, a Romani resident of Nea Zoe, told the *ERRC/GHM* that he believed that between 10 and 15 of the individuals detained during the raid were arrested not on suspicion of involvement in drugs or of any other particular crime, but for the purpose of ascertaining whether there were any pending warrants against them.[266]

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[262] *ERRC/GHM* interview with Mr Athanassios Sainis, January 30, 2002, Athens.

[263] Press Release of Police Directorate of Western Attika, Aigaleo, January 28, 2002.

[264] *ERRC/GHM* interview with Police Commander G.K., February 4, 2002.

[265] Press Release of Police Directorate of Western Attica, Aigaleo, January 28, 2002. Three of the Roma were found to be in possession of drugs, and a fourth was allegedly caught throwing an estimated amount of 20 grams of hashish into a wood-burning stove on the settlement.

[266] *ERRC/GHM* interview with Mr Michalis Aristopoulos, January 30, 2002, Athens.

The stereotyping of Roma as criminals by police officers was further indicated by the claim in the police press release that every sum of money found on the Roma who were arrested on January 28 had come from the selling of drugs. Thus, the 5,150 Greek drachmas (approximately 15 Euro) and 2.25 Euro, meagre sums, recovered by the police from an elderly Romani woman arrested, were considered to have come from drug dealing.[267]

On July 1, 2002, approximately 60 police officers, in three vans, on motorcycles and in police cars, mostly with civilian plates, again raided the Nea Zoe settlement in Aspropyrgos. Argiro Panayotopoulou, a 13-year-old Romani girl, told *ERRC/GHM:*

> It was around 11:00 AM and I was in the shed that my mother and I use as a mini-market when a balamo [ethnic Greek] who looked like a drug addict came in and asked for some water. Before I had time to answer him, six or seven police officers burst in, guns pointed at us, and asked whether I had sold him any drugs. We both said no. They told me to go outside to a place where all the women and children were gathered. There were many police officers around, most of them in plain clothes. I recognised the commander of the local [Aspropyrgos] police station among them.[268]

Argiro's mother, 36-year-old Ms Dionysia Panayotopoulou, told *ERRC/GHM* that she found her shed devastated following the raid: "They had broken a sewing

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[267] Statements by members of the Greek police force in unrelated cases further illustrate the racist stereotyping of Roma by police officers. According to the proceedings of the Committee for Identifying Places for the Relocation of the Itinerant Roma of Sparta, December 21, 2001, Sparta, Police Officer Panayotes Papageorgoudes made the proposal, with which the other members of the Committee agreed, that two out of the three suggested areas for the relocation of Romani settlements should be rejected on the basis that they were within agricultural plots of land and close to many byroads. These two facts, according to the police officer, rendered "difficult the surveillance of the area by the police", evidence of a stereotypical perception of Roma as habitual delinquents. Moreover, the fact that the other members of the Committee, including a municipal councillor and prefectural officials, endorsed Mr Papageorgoudes' reasons for rejecting these two localities demonstrates how deeply rooted such stereotypes are. Such committees are established under Article 2(2) of the discriminatory 1983 Ministerial Decree.

[268] *ERRC/GHM* interview with Argiro Panayotopoulou, July 7, 2002, Nea Zoe settlement, Aspropyrgos.

machine, smashed plates and glasses and emptied onto the ground three large containers of instant coffee. They opened Coke cans and emptied the contents on our clothes and blankets."[269]

A 17-year-old Romani boy, Christos Markopoulos, told *ERRC/GHM* that during the raid the police forced 24 Romani men (all the men in the settlement at the time) to lie on the burning hot tarmac, despite their complaints about the heat. They were searched while lying on the ground and after about an hour were handcuffed and taken in vans to the police station, where they were held in cells until their release at around 4:00 PM. Christos Markopoulos also reported that the ethnic Greek suspected drug addict was stripped, punched and kicked by the police in front of the Roma, to make him say where he obtained drugs.[270]

Fourteen-year-old Panayote Karagounes was walking home through the settlement when he was stopped by two police officers in plain clothes, who asked where he was going. He told *ERRC/GHM* that they knocked the can of orange juice he was holding from his hand and pulled his arm behind his back, kneeing him repeatedly in the thighs. He was then taken to another police officer who boxed his ears and punched him on the cheek, knocking a loose tooth out. He too was taken to the police station and held in a cell until released with the others at around 4:00 PM.[271]

Ms Tasia Marinakou, a 62-year-old Romani woman, told *ERRC/GHM* that while she and two other women were being searched by two policewomen, she overheard one of them saying, "We organised the whole thing for nothing. We didn't find anything and we won't get promoted."[272]

On July 3, 2002, *GHM* submitted a list of questions about the police raid on the Nea Zoe settlement to the Western Attica Police Directorate. *Inter alia, GHM* noted that the Roma were not asked to be present during the search of their homes, as required under Article 256 of the Greek Penal Code, which states that when

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[269] *ERRC/GHM* interview with Ms Dionysia Panayotopoulou, Nea Zoe settlement, Aspropyrgos.

[270] *ERRC/GHM* interview with Christos Markopoulos, July 7, 2002, Nea Zoe settlement, Aspropyrgos.

[271] *ERRC/GHM* interview with Panayote Karagounes, July 7, 2002, Nea Zoe settlement, Aspropyrgos.

[272] *ERRC/GHM* interview with Ms Tasia Marinakou, July 7, 2002, Nea Zoe settlement, Aspropyrgos.

officials are conducting house searches the inhabitant must be invited to be present. On July 28, 2002, the *GHM* wrote to the Chief of the Greek Police, calling for a Sworn Administrative Inquiry (SAI) into the raid.[273] On January 10, 2003, the Ombudsman's Office addressed the Ref. No. 3979/02/2.1 and 15454/02/2.1 letter to the Western Attica Police Directorate, in which it expressed the criticism laid down by *ERRC/GHM* concerning the January 2002 and July 2002 police raids in Aspropyrgos and their calls for the launching of SAIs into the allegations. According to the Ombudsman, the launch of a SAI in every allegation is not automatic but rather depends on its gravity. In the instant case, certain allegations of ill-treatment did attain a level of gravity mandating the launch of a SAI. Moreover, the Ombudsman asked to be informed whether the police was in possession of credible information concerning past criminal activities that rendered the conducting of the two raids imperative. The Western Attica Police Directorate responded on February 26, 2003, with its Ref. No. 1026/3/11/1-ρμθ document, in which it was stated that the Nea Zoe settlement in Aspropyrgos is considered to be a crime-producing area. The police maintained that raids were necessary in order to gather investigative material. As for the allegations of ill-treatment, the police argued that an internal inquiry was launched which however was not concluded, pending the outcome of criminal proceedings launched into the case (this is the case of Yannoula Tsakires, referred to below.) On February 26, 2003, the Ombudsman's Office informed

[273] A Sworn Administrative Inquiry (SAI) is a process for internal review of police procedure in Greece. SAIs are authorised by high-ranking police officers and conducted by officers higher in rank than the accused. There is no one authority entrusted with conducting them. For instance, in a case of alleged police abuse, an SAI may be ordered by an authority such as the Minister for Public Order, the Secretary General of the Ministry or Chief of Police. A police officer of higher rank than the one under investigation is appointed, and this person must be a disinterested party. The proceedings are confidential. The procedure includes the gathering of depositions and other useful data related to the case. The officer under investigation is entitled to call witnesses and to use the services of a lawyer. As soon as the inquiry is over, the investigating officer drafts a report on his findings which contains a summary and assessment of the evidence, a reasoned justification for his conclusions and finally, a recommendation as to what should be done next (for example, dismissal or probation). The report on the findings of the SAI then goes to the competent decision-making authority, depending upon the rank of the accused. There are then three options. If the authority thinks that no violation took place, the case is filed. If s/he thinks that a sanction up to a certain level has to be imposed, the authority imposes that sanction. If the intended sanction is very severe (for instance, dismissal from service) the authority forwards the case to a Disciplinary Board.

ERRC/GHM that it was closing the investigation into the two police raids. *ERRC/GHM* consider the Ombudsman's action inadequate, as police did not carry out SAIs as the Ombudsman thought it necessary, while many *ERRC/GHM* charges were not investigated or otherwise addressed at all. *ERRC/GHM* will submit a detailed memorandum to the Ombudsman on the matter.

An earlier raid on the Nea Zoe settlement took place towards the end of April 2001. According to statements by residents, police officers began surrounding the settlement at around 2 AM.[274] The area was sealed off at about 7 AM, when the raid began. According to an elderly Romani woman, Ms A.K.:

> I was sleeping when I heard a lot of noise. I got up, went to the door and saw many policemen with dogs. They were shouting that everybody should get out and were herding us to in open space. On my way there, I asked one police officer whether I could get my medication to take with me as I am ill, but he said no.[275]

Police officers subjected young male Roma to considerably worse treatment. Twenty-one-year-old Mr N.A. told the *ERRC/GHM*:

> I was sleeping when I heard noise and shouting, so I got up and went to the door to see what was going on. The policemen were shouting that everybody should get out. They gathered us at an open space and told us not to move. Following that, they separated the women from the men. They then proceeded to count us and asked us whether we had our identity cards. Throughout the process, they were pointing their guns at us. After that, they took the men and male children aged eight and above, who were with the women's group, to the police vans that were standing by, where they said that they had computers to check our identities, so there would be no need for us to go to the police station. On the way to the police vans, they treated us well, but as soon as we got in the vans, they handcuffed us and started swearing at us "I'll f*** you, you ass-Gypsy", "wankers" and the like. They kept us in there for about an hour,

[274] *ERRC/GHM* interview with Mr N.A., June 25, 2001, Nea Zoe settlement, Aspropyrgos.

[275] *ERRC/GHM* interview with Ms A.K., June 25, 2001, Nea Zoe settlement, Aspropyrgos.

> during which time we became really thirsty. When we told them that we were thirsty, an officer replied "You can drink your own urine". Although they did not beat us in the vans, a woman police officer repeatedly slapped a lad who, because of his stutter, could not say his name quickly enough. The same policewoman beat him again when we were in detention.[276]

Mr N.A. told the *ERRC/GHM* that although the police led the Roma to believe that their identities would be checked at the vans, once they arrived there, the police detained them all without checking their identities. While one group of police officers was leading the men to the police vans, another group of policemen was keeping the women under surveillance at gunpoint and a third group searching the makeshift lodgings for drugs. The officers ransacked families' homes and belongings but failed to find any drugs.[277]

In detention, 32-year-old Mr G.P. tried to open a window, as officers had placed about 40 of those arrested into one cell and it was becoming difficult to breathe. A police officer shouted at him while another policeman approached him and asked him whether he thought he was smart. The officer then reportedly raised his hand as if about to hit Mr G.P. Mr G.P. told the *ERRC/GHM* that he asked the officer not to hit him, because he was recovering from a bad traffic accident in which a friend of his had died. Mr G.P. was wearing a neck brace at the time of this arrest, a part of his head was shaved and a wound containing stitches was visible. Despite Mr G.P.'s injuries, the police officer reportedly slapped and hit Mr G.P. until he fell to the floor, where he lapsed into a semi-conscious state. He was subsequently picked up by two friends.[278] Fearing retribution, however, Mr G.P. did not lodge a formal complaint about ill-treatment.

Television crews and journalists did not have the opportunity to cover the Nea Zoe raid, as access to the settlement was completely blocked by police officers.

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[276] *ERRC/GHM* interview with Mr N.A., June 25, 2001, Nea Zoe settlement, Aspropyrgos.

[277] *ERRC/GHM* interview with Ms A.K., June 25, 2001, Nea Zoe settlement, Aspropyrgos.

[278] *ERRC/GHM* interview with Mr G.P., June 25, 2001, Nea Zoe settlement, Aspropyrgos. During the interview, Mr G.P. produced an official document from the "Aghios Panteleimon" hospital of Nikaia-Piraias, dated April 20, 2001, supporting his claim that he had been injured in a traffic accident.

Thirty-six-year-old Ms D.P., a Romani resident of the Nea Zoe settlement, told the *ERRC/GHM* that she was on her way there at the time of the raid, but she encountered the roadblock and was not able to enter.[279] Given the criticism of similar police actions in the local press, it seems likely that the police authorities anticipated that the Nea Zoe raid could become another media scandal and blocked the roadway to the settlement to prevent more criticism of the police.[280]

Similar raids have taken place throughout Greece. The tactic of sealing off the settlement as the raid is under way seems to have become a common practice. On July 12, 2001, at 6 AM, between 10 and 15 police officers, accompanied by a judicial officer, sealed off the Romani settlement of Nea Alikarnassos on the island of Crete with police blockades of the two roadways leading to the settlement. The officers shouted that everybody should get out of their homes and demanded that all the residents produce their identity cards. According to one of the residents, 10 members of the settlement who were unable to produce their identity cards were arrested and taken to the local police station. Once their identities had been verified, five of the 10 were released; the other five were found to have outstanding fines and were released upon payment.[281] Mr I.K. told the *ERRC/GHM*: "We have grown used to it, as such raids take place more or less once every month".[282]

The Nea Alikarnassos raid was brought to the attention of the Ombudsman. In a letter to the Police Commander of Herakleion, under whose jurisdiction Nea Alikarnassos falls, the Ombudsman's Office requested that the Police Commander of Heraklion submit evidence attesting that the raid of July 12, 2001, was necessary. On October 22, 2001, the General Police Directorate of Herakleion responded that indeed such operations have been carried out repeatedly in the past. According to the police, the majority of the Roma living in the Nea Alikarnassos settlement are not local residents but come from various parts of Greece. The police further assured the

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[279] *ERRC/GHM* interview with Ms D.P., June 25, 2001, Nea Zoe settlement, Aspropyrgos.

[280] A violent raid in front of the TV cameras had taken place in a neighbouring area in 1996, producing a wave of criticism of the police, even from the Greek Prime Minister. See *Eleftherotypia,* February 22, 1996.

[281] *ERRC/GHM* interview with Mr I.K., July 13, 2001, Nea Zoe settlement, Aspropyrgos.

[282] *ERRC/GHM* interview with Mr. I.K., July 13, 2001, Nea Zoe settlement, Aspropyrgos.

Ombudsman that no house searches were conducted and all the necessary measures had been implemented in order to safeguard the constitutional rights of this "… racial minority".[283] Following the above, the Ombudsman informed the *ERRC/GHM* that this office would close the investigation into the complaints.[284] *ERRC/GHM* consider this action of the Ombudsman unsatisfactory, and will submit a memorandum to the Ombudsman.

In another example of the large-scale police operations to which Roma are frequently subjected, local press reported that on July 7, 2000, police officers rounded up and arrested 92 Roma at the Romani settlement on the banks of the Gallikos River, near Thessaloniki. According to the local press, the raid was conducted to seize drugs and weapons and the Roma were arrested and taken to the local police station because officers suspected them all of having committed serious crimes.[285] However, the local newspaper articles also stated that only 10 persons detained had actually been charged, and these only for misdemeanour offences, and that no drugs or weapons had been seized in the settlement. The Ombudsman's Office treated the discrepancy between the number of suspects detained and those charged as potential evidence of "a stereotypical consideration that wants the Roma linked with serious offences" among police officers.[286]

In response to the Ombudsman's letter, the General Police Directorate reported that a judicial officer was present during the operation and – in contrast to the numbers stated in the local press – that 27 Roma were brought before the Public Prosecutor.[287] Nevertheless, even the second figure provided by the police authorities still

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[283] See letter of the General Police Directorate of Herakleion to the Ombudsman, Ref. No. 9009/20/57-ζ, dated October 21, 2001.

[284] See document Ref. No. 11394.2.2/01, dated October 25, 2002, on file with the *ERRC/GHM*.

[285] See *Macedonian Press Agency* articles of July 6 and 7, 2000.

[286] Ombudsman's letter to General Police Directorate of Thessaloniki, August 11, 2000, Ref. No 11868/00/2.1.

[287] The General Police Directorate took the opportunity to express their dislike for the inconvenience of the legal requirements, stating that "the house searches did not yield any results, as complying with the relevant legal requirements in the instant case (large number of houses in an open space) meant that the element of surprise was lost". Letter of the General Police Directorate to the Ombudsman, September 5, 2000, Ref .No. 1032/2/10-60.

indicates that the number of those charged was less than one third the number of Roma reportedly arrested and detained. Moreover, the admission by the police that many houses were searched supports the suspicion that they did not have any information linking specific individuals to specific offences and that the raid of July 7 was a general operation resulting in the random arrest of individuals.[288] Furthermore, the presence of only one judicial officer is arguably inadequate where there are many houses to be searched.

ERRC/GHM monitoring suggests that it is only Romani settlements that are the object of such raids. In May 2001, a senior police officer, a member of the delegation presenting Greece's report to the United Nations Committee against Torture (CAT), stated twice that: "Roma often reside in isolated camps where drug and weapon trafficking takes place, or other crimes are committed. This fact obliges the police to intervene according to a plan with the use of special forces and depending on the danger that the police personnel faces each time."[289] A Committee member considered this generalisation "a sweeping reference to an ethnic group".[290] The head of the Greek delegation, Mr Spinellis, said that the statement by the senior police officer was not intended to be discriminatory, but rather was based on risk-assessment considerations, as in the "particular closed community of the tent camps, crimes involving drugs and the use of weapons were common."[291] Nevertheless, the Committee member considered "whether [the delegation's comments] might not be akin to the racial profiling that had received so much attention in the United States recently".[292] It is in

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[288] Such a general operation is arguably in violation of Greece's obligations under the ECHR. Article 5 (1)(c), the right to liberty and security, provides that, "No one shall be deprived of his liberty save [for] … the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authorities on *reasonable* suspicion of having committed an offence…" (emphasis added).

[289] *GHM* unedited transcript, from tapes provided by the Committee against Torture to *GHM*, of proceedings on May 3, 2001. CAT/C/SR.463 (Summary Record), para. 7.

[290] Summary Record of the First Part of the 463rd Meeting: Greece, of May 9, 2001. CAT/C/SR.463 (Summary Record), para. 7.

[291] *Ibid.*, para. 35.

[292] *Ibid.*, para. 34. Although the terminology of racial profiling is not used regularly outside the context of the United States, the issue had been raised at several international fora, and the observation by the CAT member is apt. Recent scholarship examining the topic of racial pro-

the context of the belief in Romani criminality that abusive police raids on Romani settlements are planned and executed.[293] Raids are used as a means of trawling arbitrarily for suspects and involve mass arrests and detention of Romani men, women and children.[294] *ERRC/GHM* monitoring has revealed that such raids are frequent enough to be regarded as systematic, and that they are frequently characterised by serious human rights abuses.

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filing in the United States in the context of its obligations under international treaties further helps to bridge this gap. In "Racial Profiling and International Human Rights Law: Illegal Discrimination in the United States", Maria V. Morris argues that racial profiling – which she defines as "the practice of using race as a factor in deciding who is suspicious" – constitutes a violation of obligations under the ICCPR and the ICERD: "These treaty obligations are violated by racial profiling by police departments [and] the failure of governmental bodies and police departments to maintain statistics on police behavior . . ." (See Morris, Maria V., "Racial Profiling and International Human Rights Law: Illegal Discrimination in the United States". *Emory International Law Review*, Vol. 15, Spring 2001, No. 1, p. 210.) Specifically, in the common American example of traffic stops, Morris asserts that innocent members of minorities stopped by police as a result of racial profiling "are subjected to harassment by state officials; the police may humiliate people they stop, and stops may result in actual violence. The stop, in itself, is a denial of the individual's right to dignity, right not to have the state discriminate against him, and the right to be equal before the law." (*Ibid.*) These rights correlate with Articles 2 (prohibition of discrimination in the exercise of the rights recognised by the Covenant) and 26 (equality before the law and equal protection of the law) of the ICCPR and Articles 2 (condemning racial discrimination and committing States Parties to eliminate it) and 5 (committing States Parties to prohibit racial discrimination and guarantee the right to everyone, without discrimination, to equality before the law) of the ICERD, as well as the spirit of the Conventions as described in both preambles. Finally, Morris weighs racial profiling according to the European Court of Human Rights test for determining whether differential treatment is impermissible discrimination, and concludes that the practice "must be viewed as impermissible racial discrimination." *Ibid.*, p. 255-262.

[293] Abusive raids are arguably in breach of Greece's international obligations under Articles 7 (prohibition of torture or cruel, inhuman or degrading treatment or punishment) and 17 (prohibition of arbitrary or unlawful interference with privacy, family, home or correspondence) of the ICCPR. Similar protection is provided by Articles 3 and 8 of the ECHR.

[294] According to Article 6.1 of the Greek Constitution, "No person shall be arrested or imprisoned without a reasoned judicial warrant which must be served at the moment of arrest or detention pending trial, except when caught in the act of committing a crime." Arbitrary arrest and detention are also prohibited under Article 9 of the ICCPR and Article 5 of the ECHR.

5.2 Ill-Treatment of Roma at the Hands of the Police

ERRC/GHM monitoring of policing in Greece over the last five years suggests that ill-treatment, including physical and racist verbal abuse, of Roma in police custody is common.[295] Although Greek authorities deny racial motivation behind the ill-treatment of Roma, Romani victims with whom *ERRC/GHM* spoke testified that police officers verbally abused them using racist epithets.

Anti-Romani sentiment among police officers often leads to instances of harassment, inhuman and degrading treatment, verbal and physical abuse, and arbitrary arrest and detention of Roma at the hands of police. The *ERRC* and *GHM* regularly document ill-treatment of Roma at the hands of the police, either at the moment of arrest or in police custody.[296] Police officers' use of racial epithets in some cases of

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[295] Patterns of police abuse against Roma in Greece were also noted by a recent report of Amnesty International and the International Helsinki Federation for Human Rights, which stated: "In general, the report confirms observations by IGOs and NGOs that Roma and immigrants are particularly at risk of abuses at the hands of law enforcement officials." Further, the report stated that: "The available information concerning torture and ill-treatment, in particular complaints filed by alleged victims, indicates that the physical and psychological ill-treatment of detainees by law enforcement officials, generally police officers, is relatively commonplace in Greece. As has been noted, victims are often – although far from exclusively – Roma or immigrants." See Amnesty International and Helsinki Federation for Human Rights, *Greece: In the Shadow of Impunity: Ill-Treatment and the Misuse of Firearms*, 24 September, 2002, pp. 2 and 9, available at: **http://www.greekhelsinki.gr/hr/english/countries/greece/ai_main_nophotos_24_09_02.doc**.

[296] Article 7(2) of the Greek Constitution provides, "Torture, any bodily maltreatment, impairment of health or the use of psychological violence, as well as any other offence against human dignity, are prohibited and punished as provided by law." The definition of torture is to be found in Article 1, paragraph 2 of Act No. 1500 of 1984, which stipulates that "torture includes any deliberate act which causes intense pain, is dangerous to health or was likely to cause psychological harm…[it also includes] any maltreatment, violence, injury or serious violation of human dignity." According to the position of the Greek government delegation to the United Nations Committee against Torture (CAT), at the Committee's meeting on April 22, 1994: "citing article 1, paragraph 2, of Act No. 1,500 of 1984, [Mr Mathias] said that […] the sole consideration in deciding whether or not an act constituted torture was whether its purpose was to undermine the victim's will; the perpetrator's motives were irrelevant from the legal standpoint. In the light of that fact, the 1984 Act was equal in scope to that of the Convention, which, like all other international instruments to which Greece was a party, formed an integral part of domestic law under Article 28 of the Constitution and took precedence over any domestic legislation

police abuse of Roma is indicative that racial prejudice plays a role in the hostile treatment to which officers subject Roma. Moreover, international human rights monitoring bodies have noted that police abuse disproportionately affects members of ethnic minority groups.[297] The Council of Europe's European Commission Against Racism and Intolerance (ECRI) has noted that:

> There have been consistent reports that Roma/Gypsies, Albanians and other immigrants are frequently victims of misbehaviour on the part of the police in Greece. In particular, Roma/Gypsies are often reported to be victims of excessive use of force – in some cases resulting in death – ill-treatment and verbal abuse on the part of the police. Discriminatory checks involving members of these groups are widespread. In most cases there is reported to be little investigation of these cases, and little transparency on the results of these investigations. Although most of these incidents do not generally result in a complaint being filed by the victim, when charges have been pressed the victims have reportedly in some cases been subjected to pressure to drop such charges. ECRI stresses the urgent need for the improvement of the response of the internal and external control mechanisms to the complaints of misbehaviour *vis-à-vis* members of minority groups on the part of the police.[298]

A recent incident of police abuse of Roma reported to the *ERRC/GHM* took place on October 7, 2002. On that date, at around 10:30 AM, two young Roma, 17-year-old Speros Christodoulopoulos, and 19-year-old Mr Christos Papadimitriou, were in

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which might be contrary to it." ("Summary record of the public part of the 182nd meeting: Greece. 27/04/94. CAT/C/SR.182. (Summary record)", Twelfth session, 22 April 1994, paragraph 8, available at: **http://www.unhchr.ch/tbs/doc.nsf/385c2add1632f4a8c12565a9004dc311/e31f802358ac4a75802564410051e6f6?OpenDocument&Highlight=0,greece**.

[297] According to the 2001 findings of CAT, "…there is evidence that the police sometimes use excessive or unjustifiable force in carrying out their duties particularly when dealing with ethnic and national minorities and foreigners." United Nations Committee against Torture, Twenty-sixth Session, 30 April-18 May 2001, "Concluding Observations of the Committee against Torture: Greece, A/56/44, paras. 83-88", CAT/C/XXVI/Concl.2/Rev.1, 8 May 2001, section III 5 (a).

[298] See European Commission against Racism and Intolerance (ECRI), *Second Report on Greece*, GRI (2000)32, adopted on December 10, 1999, para. 26, at: **http://www.coe.int/T/E/human_rights/Ecri/1-ECRI/2-Country-by-country_approach/Greece/Greece_CBC_2. asp#TopOfPage**.

the area of Aghios Stephanos, approximately twenty kilometres from the Athens suburb of Zefyri where they live. According to their testimony, they were looking for scrap iron.[299] Unbeknownst to the two Roma, three of their friends were also in the vicinity at the same time. Twenty-two-year-old Mr Stavros Stephanou, 19-year-old Mr Nikos Theodoropoulos, and 17-year-old Apostolos Sainis, were boarding a pick-up truck and were making circles around the area, looking for scrap metal. Mr Papadimitriou testified to the *ERRC/GHM* that, on the morning in question, he and Speros Christodoulopoulos were collecting scrap metal to sell when their van broke down. They rolled the van into the courtyard of a factory and were trying to fix it when two ethnic Greek men appeared, claiming to be the owners of the factory, and asked them what they were doing. After Mr Papadimitriou and Speros Christodoulopoulos explained what they were doing, the men reportedly left and locked the gate to the factory without informing them. In the meanwhile, according to Mr Stavros Stephanou, he, Mr Theodoropoulos, and Apostolos Sainis, who were also out collecting scrap metal, pulled up outside the factory, and finding it locked, left the site. As they were leaving the site, they were reportedly pulled over by two police officers who had got out of their vehicle and pointed their guns at the three Roma, ordering them to get out of the car and put their hands in the air. Mr Stephanou stated that one of the officers ordered them to put their hands behind their heads and their heads on the car's hood. Mr Stephanou testified that one of the officers proceeded to beat him for about one minute with a truncheon on his back and legs as the other officer stood guard. The other officer then handcuffed Apostolos Sainis and the officer who had beaten Mr Stephanou retrieved some rope from the Mr Stephanou's truck and tied up Mr Stephanou and Mr Theodoropoulos. The police officer began kneeing Mr Stephanou and swearing profusely at the three, insulting their mothers and threatening to kill them "[j]ust like my brother killed the other Gypsy, Marinos". At this point, three ethnic Greek men, apparently the owners of the factory, arrived and accused the three Roma of stealing. The officer that had threatened the Roma continued insulting them and asked Mr Stephanou whether they had stolen anything. The owner then proceeded to unlock the courtyard's door and inform the police officers that another two Roma were inside. The second officer entered the factory and returned with Mr Papadimitriou and Speros Christodoulopoulos. Four officers in uniform and two plainclothes officers arrived and one of the uniformed officers hit Mr Theodoropoulos twice on his back with a truncheon. The five Roma were then placed in the police vehicle where Mr Papadimitriou heard an officer say on his car radio that

[299] *ERRC/GHM* interview with Mr Christos Papadimitriou, Zefyri, Athens, October 10, 2002.

they had resisted arrest. They arrived at the Aghios Stephanos Police Station at around 1:00 PM where all five Roma reported being repeatedly slapped before they were placed in cells and asked to hand over their mobile telephones. According to Mr Stephanou, the five Roma were not informed of the reason for their arrest and were not provided with food until around 11:00 PM, after which they were finally permitted to use the toilet. Mr Papadimitriou reported that only when Mr Stephanou threatened to injure himself were they allowed to inform their families that they had been arrested.

Mr Stephanou's 20-year-old sister Maria testified to the *ERRC/GHM* that, together with other members of their families, she arrived at the station at 12:30 PM on October 8, 2002, to give blankets to the five Roma. Maria stated that an on-duty officer told her that the five Roma had been taken to the General Police Directorate of Attika approximately two hours earlier. At the General Police Directorate of Attika, Mr Stephanou stated, the five Roma were photographed and fingerprinted and, after some time, they were taken to Misdemeanours Court of Athens. According to Mr Stephanou, he, Mr Papadimitriou, Speros Christodoulopoulos, Mr Theodoropoulos, and Apostolos Sainis were tried and convicted of grand theft and were sentenced to ten months imprisonment each. Mr Stephanou told the *ERRC/GHM* that all five Roma immediately appealed the verdict and were released. On October 9, 2002, Mr Papadimitriou, Speros Christodoulopoulos, Mr Stephanou and Mr Theodoropoulos filed criminal complaints against the officers at the Aghios Stephanos Police Station at the Zefyri Police Station. As of the date this report went to press, the *ERRC/GHM* was not aware of any investigation undertaken by the police.

Another recent incident of police abuse was reported to the *ERRC/GHM* by Mr Thomas Michalopoulos, a 21-year-old Romani man. Mr Michalopoulos told the *ERRC/GHM* that on July 16, 2002, he and his cousin, 20-year-old Mr Yiorgos Michalopoulos, were driving on the main street in Zefyri, near Athens, at around 9:00 PM when they saw approximately 15 police officers in both plain clothes and blue army fatigues near three police jeeps, one police van, a police motorcycle and two cars with civilian licence plates. [300] One of the officers signalled that Mr Thomas Michalopoulos, the driver, should stop, but he continued driving. Almost immediately, however, he decided he should go back and began to turn. At the same time he noticed that several police vehicles and six or seven police officers were close by. The

[300] *ERRC/GHM* interview with Mr Thomas Michalopoulos, Zefyri, July 21, 2002.

cousins were ordered to stop and get out of their car. They were bodily searched and the car was also searched. Mr Thomas Michalopoulos realised that the police were looking for drugs. Two police officers allegedly punched Mr Yiorgos Michalopoulos repeatedly in the face.

By this time a crowd of Roma had gathered and were protesting, so the officers handcuffed the two men and drove them to a police van a short distance away. Mr Thomas Michalopoulos stated that two officers and two more of his cousins, 28-year-old Mr Panayote Bazakas and 22-year-old Mr Fotis Bazakas, were in the van. When Mr Michalopoulos got out of the van to help the police lock his car, he heard blows and Mr Yiorgos Michalopoulos screaming. He said that Mr Panayote Bazakas and Mr Fotis Bazakas later told him that the police officer sitting in the driver's seat had asked his colleague whether he had ever beaten "a Gypsy". The other officer responded, "No, but I will now", and reportedly began punching Mr Yiorgos Michalopoulos. According to Mr Thomas Michalopoulos, when he was put back in the van the officer who had been beating Mr Yiorgos Michalopoulos began to punch them both in the face repeatedly, most of the blows being directed at Mr Yiorgos Michalopoulos.

All four men were taken, handcuffed, to Zefyri Police Station at about 9:30 PM. Mr Thomas Michalopoulos reported that on entering the station the police officer that had already beaten him and his cousin kicked him on the hand and back. He said that while the four Romani men were waiting in front of a detention cell, a plainclothes officer hit Mr Yiorgos Michalopoulos so hard on the forehead with his elbow that his head jerked back and hit Mr Fotis Bazakas on the nose, causing him to hit his head on the wall. Inside the cell, the officer who had beaten them in the van and the plainclothes officer repeatedly punched Mr Yiorgos Michalopoulos in his face and on his body and Mr Thomas Michalopoulos in his face. Mr Thomas Michalopoulos informed *ERRC*/*GHM* that while the uniformed officer took the men to be fingerprinted, one by one, the plainclothes officer stayed in the cell, stood Mr Yiorgos Michalopoulos against a wall and gave him karate chops, striking him in the chest with his elbow and kicking him in the leg and ribs. He then left the cell.

Mr Yiorgos Michalopoulos, Mr Panayote Bazakas and Mr Fotis Bazakas were released on July 17, 2002, at approximately 1:00 AM, but as Mr Thomas Michalopoulos was found to have evaded the draft he was taken that same night to the Aigaleo Police Department, where he spent the night. He was released the next

morning, after having been taken to the Army Draft Board. He went to the "KAT" General Hospital, where he received a medical certificate stating that he had a sprained finger. On July 20, 2002, he reported the ill-treatment to the Zefyri Police Commander, who denied that the officers who had ill-treated them were his men and suggested that he file a complaint. Mr Yiorgos Michalopoulos did not do this because he feared police reprisals. On August 6, 2002, *GHM* wrote to the Chief of the Greek Police requesting an immediate Sworn Administrative Inquiry. On August 13, 2002, the Headquarters of the Greek Police informed *ERRC/GHM* that a Sworn Administrative Inquiry had been launched into the incident.[301] On October 31, 2002, Mr Thomas and Mr Yiorgos Michalopoulos were summoned to take part in a police lineup. Mr Yiorgos Michalopoulos did not go because he was still afraid of the police. Mr Thomas Michalopoulos went to the police and recognised among the police officers present one of those who had ill-treated him.[302]

In an earlier incident, on November 1, 2001, at about 1 AM, five Romani men, 22-year-old Mr Nikos Aristopoulos, 34-year-old Mr Nikos Panayotopoulos, 17-year-old Thanassis Panayotopoulos, 23-year-old Mr Trifonas Panayotopoulos and 16-year-old Yiorgos Panayotopoulos, were driving to a celebration to mark an engagement ceremony when they were asked to pull over by a group of approximately 10-15 police officers in the town of Zacharo, in western Peloponnese. Three of the police officers reportedly performed a body search on Thanassis Panayotopoulos and discovered a concealed firearm.[303] According to Yiorgos Panayotopoulos, following the discovery, one of the officers slapped Thanassis Panayotopoulos several times about the face. The same three officers proceeded to perform body searches on Mr Nikos Aristopoulos, Mr Nikos Panayotopoulos and Mr Trifonas Panayotopoulos. They found two shotguns, only one of which was licensed.

All five men were arrested and taken to the local police station in Zacharo. In the station, officers searched Yiorgos Panayotopoulos and found a fourth gun. Yiorgos Panayotopoulos told the *ERRC* that he and the other men were on their way to an engagement ceremony and that the firearms are family heirlooms and are non-func-

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[301] See document Ref. No. 4803/22/91-2, on file with the *ERRC/GHM*.

[302] *ERRC/GHM* interview with Mr Thomas Michalopoulos, December 17, 2002, Zefyri, Athens.

[303] *ERRC/GHM* telephone interview with Yiorgos Panayotopoulos, November 6, 2001.

tional, purely ceremonial. According to Yiorgos Panayotopoulos, the Roma explained this to the policemen, but the officers did not believe them. He told the *ERRC/GHM*: "The four police officers present got really angry and started swearing at us, while a police officer named B. slapped me."[304] Officer B. and another police officer took Yiorgos Panayotopoulos into an office. Officer B. reportedly took out his regular issue firearm, released the live ammunition magazine and then replaced it. According to Yiorgos Panayotopoulos, the officer then placed the firearm against his head and asked him whether he wanted to see how a gun could kill. For approximately 15 to 20 minutes, Yiorgos Panayotopoulos was alone in the office with the two officers. Officer B. allegedly slapped him intermittently and tried to kick him in the genital area. He then reportedly ordered the 16-year-old to lower his trousers and remove his socks. Yiorgos Panayotopoulos told the *ERRC/GHM* that he lowered his trousers, and as he bent down to take off his socks, the second officer struck him in the lower back with the butt of a firearm. Officer B. then ordered Yiorgos Panayotopoulos to lower his underwear. According to Yiorgos Panayotopoulos, he lowered his underwear, but raised it almost immediately. Officer B. asked him why he had done so and whether he was frightened. Yiorgos Panayotopoulos told the *ERRC/GHM*:

> I was really afraid, as Mr B. was circling around me, making indecent gestures suggesting sexual intercourse to me while toying with a collapsible truncheon. I was so afraid that I was always moving in order not to allow him to be at my back. I even found the courage to refuse to lower my underwear again."[305]

Officer B. then allegedly attempted forcibly to remove Yiorgos Panayotopoulos' underwear himself. However, according to Yiorgos Panayotopoulos, another police officer entered the room and told Officer B. to leave Yiorgos Panayotopoulos alone, warning him of the consequences if the police were discovered to be harassing a boy. Yiorgos Panayotopoulos was then taken back to the main detention room where the other four Romani men were being held. At about 6 AM, Yiorgos Panayotopoulos told the *ERRC*, the men were taken one by one to a cell to be interviewed. When his turn came, after he entered the room the policemen told him to remove his shoes. As he bent down to take off his shoes, Officer B. allegedly came up behind him and said

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[304] *ERRC/GHM* telephone interview with Yiorgos Panayotopoulos, November 6, 2001.

[305] *ERRC/GHM* telephone interview with Yiorgos Panayotopoulos, November 6, 2001.

to him, "Good, now come here because I want to f*** you", but then left the room. One of the two police officers interviewing Yiorgos Panayotopoulos reportedly told him to tell the truth, otherwise he would call Officer B. who would sexually assault him. Yiorgos Panayotopoulos testified that the officers took notes of what he said, but did not ask him to sign anything.

At approximately 10 AM, the commander of the police station arrived. He brought the men cigarettes, water and coffee, and offered to buy them food. At about 11 AM, the five men were taken to the police station at Pyrgos, where they were detained until they were taken to court later that day. After appearing before the Three-Member Misdemeanour Court of Pyrgos, charged with illegally possessing firearms, all five men were released pending trial.

On November 2, 2001, according to Yiorgos Panayotopoulos's testimony, his father, Mr Nikos Panayotopoulos, accompanied him to the Manolopouleio General Prefectural Hospital of Pyrgos, as he was still suffering pain in his lower back. An X-ray revealed that there was no fracture. A medical certificate from the hospital stated that Mr Panayotopoulos "suffers from pain in the middle of his spine…no signs of external injury".[306] At the first and only hearing of the trial of the five men for illegal possession of firearms, also on November 2, 2001, Yiorgos Panayotopoulos, Thanassis Panayotopoulos and Mr Nikos Aristopoulos were acquitted of the charges, and Mr Nikos Panayotopoulos and Mr Trifonas Panayotopoulos were both sentenced to seven months in prison and fined 700,000 drachmas (approximately 2,060 Euro). Both men appealed the court's decision on the same day and were set free pending the appeal. Yiorgos Panayotopoulos, with the assistance of *GHM*, submitted a complaint to the Ombudsman's office about the ill-treatment by police officers on January 3, 2002. On April 19, 2002, the Ombudsman requested that *GHM* first submit the complaint to the Ministry of Public Order.[307] When the Ombudsman's response to the complaint of Mr Yiorgos Panayotopoulos was received, it was already six months after the incident, and four months after the complaint had been filed. Referring the complaint to the Ministry of Public Order at such a late stage was considered ineffective by the victim and no further action was taken.

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[306] Medical Certificate No. 5394, dated November 2, 2001, General Prefectural Hospital of Pyrgos, Pyrgos, northwestern Peloponnese.

[307] See Ombudsman's letter Ref. No. 73.02.2.1, dated April 19, 2002.

Several young Romani men were reportedly abused by the police on the night of August 4, 2001. Police officers reportedly subjected four Romani men of the same family – 19-year-old Mr Nikos Theodoropoulos, from Cephalonia, 18-year-old Nikos Theodoropoulos, from Sageika, western Peloponnese, 23-year-old Mr Nikos Tsitsikos and 17-year-old Vasileios Theodoropoulos, both also from Sageika – to arbitrary arrest, detention and physical abuse in Argostoli on the island of Cephalonia. Mr Nikos Theodoropoulos of Argostoli, Cephalonia, told the *ERRC* that he and his three cousins were in the centre of Argostoli at around midnight on Saturday, August 4, when they were arrested by police officers, suspected of the theft of a considerable sum of money from a kiosk. They were taken to Argostoli police station.[308]

A police officer took Nikos Theodoropoulos to the office of the Police Commander of Argostoli, Mr Choraitis, and both officers proceeded to question him about the theft. Nikos Theodoropoulos testified that Commander Choraitis verbally abused and threatened him, saying that if he did not tell them where he had hidden the money he would sexually assault all of them. When Nikos Theodoropoulos told them that he and his cousins were not involved in the theft, Commander Choraitis and the other officer reportedly slapped him repeatedly on the face, kicked his legs and pulled his hair. The officers stamped on his feet a number of times, which was especially painful because he had removed his shoes at the request of the officers. The physical assault reportedly lasted about 20 minutes. He was then taken to where his cousins were waiting on a bench where he sat down. Mr Nikos Tsitsikos told the *ERRC/GHM* that he had heard his cousin screaming and that when Nikos Theodoropoulos was brought out of the office, he was flushed and looked in considerable pain.[309]

According to his testimony to the *ERRC/GHM*, Mr Nikos Tsitsikos was then taken into an adjacent office and he saw his cousin, Nikos Theodoropoulos from Sageika, being taken into the neighbouring office. Mr Tsitsikos was reportedly left alone in the office and he could hear the cries of his cousin: "I could hear his screams amidst thumping sounds."[310] After around 10 minutes, Commander Choraitis entered the office in which Mr Tsitsikos was waiting, and questioned him about the theft. When Mr Tsitsikos refused to co-operate, Commander Choraitis reportedly struck

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[308] *ERRC/GHM* interview with Nikos Theodoropoulos, September 12, 2001, Athens.

[309] *ERRC/GHM* interview with Mr Nikos Tsitsikos, September 7, 2001, Athens.

[310] *ERRC/GHM* interview with Mr Nikos Tsitsikos, September 7, 2001, Athens.

him repeatedly across the face. Mr Tsitsikos told the *ERRC/GHM* that he informed the officer that he suffered from a heart condition and asked him not to strike him. According to Mr Tsitsikos, Commander Choraitis asked him whether, being so concerned for his own heart, he had considered that of the kiosk owner and told him that he had "no intention of hitting him on the heart, but only about the head."[311] Commander Choraitis then reportedly slapped Mr Tsitsikos about the head again several times and stamped hard on his feet before taking him outside to the bench.

The four men were placed in detention cells and allowed to sleep for several hours before an officer brought them out of their cells one by one and reportedly told them to sign a paper confessing to the theft. Three of the youths were not able to read and the fourth, Mr Nikos Theodoropoulos from Argostoli, was not in a state fit to understand the papers he was given. Nikos Theodoropoulos told the *ERRC/GHM* that he refused to sign the statement confessing to the theft and told an officer that he would not make an official statement until he had legal representation. According to Mr Nikos Theodoropoulos, a police officer beat him about the head again, and in order to stop the assault, he signed the statement confessing to the theft from the kiosk. The four men were remanded into custody at the police station until they were brought before the Three-Member Misdemeanour Court in Cephalonia on Monday, August 6, 2001, charged with the theft. The court acquitted all four men of the charges against them due to lack of sufficient evidence and ordered them released.[312] Mr Nikos Theodoropoulos told the *ERRC/GHM* that he and his cousins were also deprived of food and water during their detention of approximately 30 hours.[313] However, lacking medical documents or other proof, the men did not file official complaints.

While the four cousins were being held at the police station, four police officers arrived between 12:30 AM and 1 AM on Sunday, August 5, 2001, at a truck where 16-year-old Theodoros Stephanou, a relative of the men in custody, had been sleeping during his stay in Argostoli. At the time the police officers searched the truck, Theodoros Stephanou's sister, 30-year-old Ms Konstantina Stephanou, was there alone with her children. When Theodoros Stephanou discovered that the police had come asking for him, he went to the police station with his 16-year-old cousin, Vasilis

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[311] *ERRC/GHM* interview with Mr Nikos Tsitsikos, September 7, 2001, Athens.

[312] Misdemeanour Court of Cephalonia, Decision Ref. No. 647/01.

[313] *Ibid.; ERRC/GHM* interview with Mr Nikos Theodoropoulos, September 12, 2001, Cephalonia.

Tsitsikos,[314] to see why police officers were looking for him.[315] When he arrived at the police station, Theodoros Stephanou reportedly saw his cousin, Mr Nikos Tsitsikos, badly beaten and looking terrified. A police officer took Theodoros Stephanou into Commander Choraitis' office to be questioned about the theft. There were three police officers present, one of them being Commander Choraitis. According to Theodoros Stephanou, the officers questioned him aggressively and when he became confused, Officer N. started beating him. During the beating, one of the officers left the room: Commander Choraitis continued to ask Theodoros Stephanou questions while Officer N. hit him and punched him in the face. He was asked whether he had spoken that evening to his brother-in-law, 31-year-old Mr Nikos Chalilopoulos, and he replied that his brother-in-law had called him on his mobile telephone, which he had left in the truck. Officer N. handcuffed Theodoros Stephanou, took him to the truck and impounded his mobile telephone. According to Theodoros Stephanou, Officer N. then took him back to the police station, removed his handcuffs and began to beat him again, repeatedly asking where he had hidden the stolen money. After approximately 10 minutes, Officer N. took him outside, where dawn was breaking. The kiosk owner, who was waiting, told the police that he had not seen Theodoros Stephanou around his kiosk at the time of the theft, and Mr Stephanou was then released. Theodoros Stephanou told the *ERRC/GHM* that he was in such pain that he could not see properly. His sister found him wandering away from the station and took him to hospital, where he received treatment.[316] On August 7, 2001, Theodoros Stephanou reportedly went to the Prosecutor's Office to file a complaint against the Police Commander. He claimed that he went to see the Police Commander, who reportedly was not concerned about the complaint and instead warned Mr Stephanou "not to hang out with the Theodoropoulos Gypsy clan, if [he] did not want the same thing to happen to [him] again."

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[314] Vasilis Tsitsikos is the brother of Mr Nikos Tsitsikos. He was briefly questioned by an officer and then released. He was reportedly not abused either physically or verbally (*ERRC/GHM* interview with Vasilis Tsitsikos, September 15, 2001, Athens).

[315] *ERRC/GHM* interview with Theodoros Stephanou, September 5, 2001, Athens.

[316] The *ERRC/GHM* obtained a copy of the medical certificate issued by the Argostoli hospital. It states that Theodoros Stephanou had sustained injuries to his head caused by a beating received approximately 12 hours earlier. He was suffering from swelling and sensitivity on the ridge of his nose, a slight difficulty in focusing and a small frontal left hematoma. The certificate was incompletely filled in and contains no Reference Number or exact hour of examination.

On October 8, 2001, Theodoros Stephanou, represented by *GHM* and with the support of *ERRC*, filed a complaint against the police officers, requesting their prosecution on charges under Article 137A (acts of torture and other offences against human dignity) and Article 312 (causing bodily injury to a minor) of the Greek Penal Code. *GHM* was informed that on June 30, 2002, the Prosecutor of Cephalonia instructed the investigating judge of Cephalonia to launch a judicial investigation into the incident, on charges under Article 137A and Art 46, paragraph 1a (incitement to commit an illegal act) of the Greek Penal Code.[317] As of the date this report went to press, *ERRC/GHM* had no information on the results of the investigation.

In February 2002 the Ombudsman wrote to the police authorities in Argostoli to ask whether a Sworn Administrative Inquiry had been undertaken into the allegations made by Theodoros Stephanou and four other young Roma, and if so, what conclusions had been reached.[318] In June, the Ombudsman, in a second letter, noted the lack of response by the police authorities (in breach of Article 4(5) of Law 2477/1999), and stressed the importance of a thorough investigation into the allegations and requested a reply by July 10 at the latest.[319] On July 4, 2002, the Ombudsman's Office was informed by the Greek Police Headquarters that the Sworn Administrative Inquiry had been completed and was under review.[320]

On October 30, 2002, *GHM* received through the Ombudsman's office a copy of a document from the Headquarters of the Greek Police, in which it was stated that, following the completion of the Sworn Administrative Inquiry, no responsibilities arose for any of the implicated police officers.[321] Furthermore, it was stated that all the Roma (except Theodoros Stephanou) who were allegedly ill-treated, when asked to

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[317] See Order Ref. No. 82/2002, on file with the *ERRC/GHM*.

[318] Letter from the Office of the Ombudsman to the Police Directorate of Cephalonia, Ref. No. 18665/01/2.1, Athens, February 6, 2002. The Ombudsman indicated that he took it for granted, due to the gravity of the allegations, that the relevant police authorities would have already launched an SAI, and asked to be informed of the findings when it was concluded.

[319] Letter from the Ombudsman's Office to the Cephalonia Police Directorate, Ref. No. 18665/01/2.2, Athens, June 13, 2002.

[320] See document Ref. No. 233428/6/5-44 on file with the *ERRC/GHM*.

[321] See document Ref. No. 233428/6/5-46, dated October 25, 2002, on file with the *ERRC/GHM*.

testify within the framework of the Sworn Administrative Inquiry, denied that they had been ill-treated. The document also noted that, according to the medical certificate, the alleged wounds were inflicted approximately 12 hours before Mr Stephanou was examined by the doctors at the hospital, and that he had a bandaged arm when he went to the police station. Therefore, according to the police's interpretation of the evidence, Mr Stephanou's claims were unfounded, since he went to the police station at around 00:40 and visited the hospital at around 07:30 in the morning, August 5, 2001. The Ombudsman's Office asked *ERRC/GHM* to comment on the police document and see if the Roma insisted on their allegations and provide it with any pertinent information. On October 31, 2002, *ERRC/GHM* submitted to the Ombudsman's office the signed depositions of three of the Roma involved who affirmed their initial allegations over their ill-treatment, and a fourth one who confirmed the incident including his own ill-treatment, and requested that it be provided with a copy of the Sworn Administrative Inquiry. This request was granted and a copy of the Sworn Administrative Inquiry was forwarded to *ERRC/GHM*. The findings of the Sworn Administrative Inquiry come into a sharp contrast with the testimonies provided by the Roma, and the document also contains inaccurate information. Thus, while it is alleged that all the Roma but one retracted their initial allegations concerning their ill-treatment, it appears that two of the five Roma who allegedly did so were never invited to testify by the police officers conducting the Sworn Administrative Inquiry and hence can hardly have retracted their allegations. In fact, only one of the complainants is mentioned to have explicitly retracted his statement. On December 8, 2002, *ERRC/GHM* addressed a letter to the Greek Police, asking them to provide a copy of the documents mentioned in the Sworn Administrative Inquiry noting that they were also acting in their capacity as legal counsel for Theodore Stephanou. The Greek Police responded on January 18, 2003, that the *ERRC/GHM* request had been forwarded to the Greek Police's Legal Department for their opinion.[322] On February 22, 2003, after no reply was received from the police, *GHM* lodged a complaint with the Ombudsman calling upon him to intercede in order that the documents be forwarded to *GHM*. The *GHM* also called for an investigation into the apparent inconsistencies between the findings of the Sworn Administrative Inquiry and the allegations of the Roma who had been ill-treated.

[322] See document Ref. No. 233428/6/5-VB, dated January 18, 2003.

5.3 Failure to Prosecute or Otherwise Adequately Discipline Perpetrators of Police Abuse Where Roma are Victims

In recent years, there have been at least three deaths of Roma in Greece due to alleged excessive use of firearms by police officers, and several more cases of serious injury resulting from police abuse. Elaborate defences of the actions of police in these cases are inevitably constructed, but the forensic evidence – a bullet wound in the back of the head or in the back of each Romani victim – asserts its own powerful argument about the actions perpetrated against Roma by members of the Greek police force.

Allegations of police ill-treatment of Roma in custody and improper use of firearms by police officers have been inadequately investigated by the authorities. Existing mechanisms for investigation, through internal police procedure (Sworn Administrative Inquiries – "SAIs") and prosecution through the court system, are little used in cases in which Roma are reported to have fallen victim to police abuse. When investigations into incidents are initiated, they rarely yield any significant disciplinary action against the officers involved. It appears that the criminal justice system responds only to extreme cases of human rights violations against Roma committed by police officers, namely deaths of Roma as a result of wrongful use of firearms. To date *ERRC/GHM* is aware of a single case in which a police officer was sentenced for police abuse of Roma. The case involved the killing of a Romani man as a result of excessive use of firearms. On April 17, 2002, the Three Member Misdemeanour Court of Levadia found Police Officer Demetrios Trimmis guilty of involuntary manslaughter in connection with the November 20, 1996, shooting death of Mr Anastasios Mouratis, a 45-year-old Romani man. The decision of the court was upheld by Three Member Circuit Appeals Court of Levadia on March 3, 2003. Officer Trimmis was sentenced to two years imprisonment, suspended for three years. Mr Mouratis, father of six, was shot dead while lying on the ground face down and unarmed after police had set up a roadblock to apprehend another Romani man suspected of murder.[323]

Despite the outcome of the trial – to be welcomed as the first ever conviction of a police officer for ill-treating a Romani person – many causes for concern remain.

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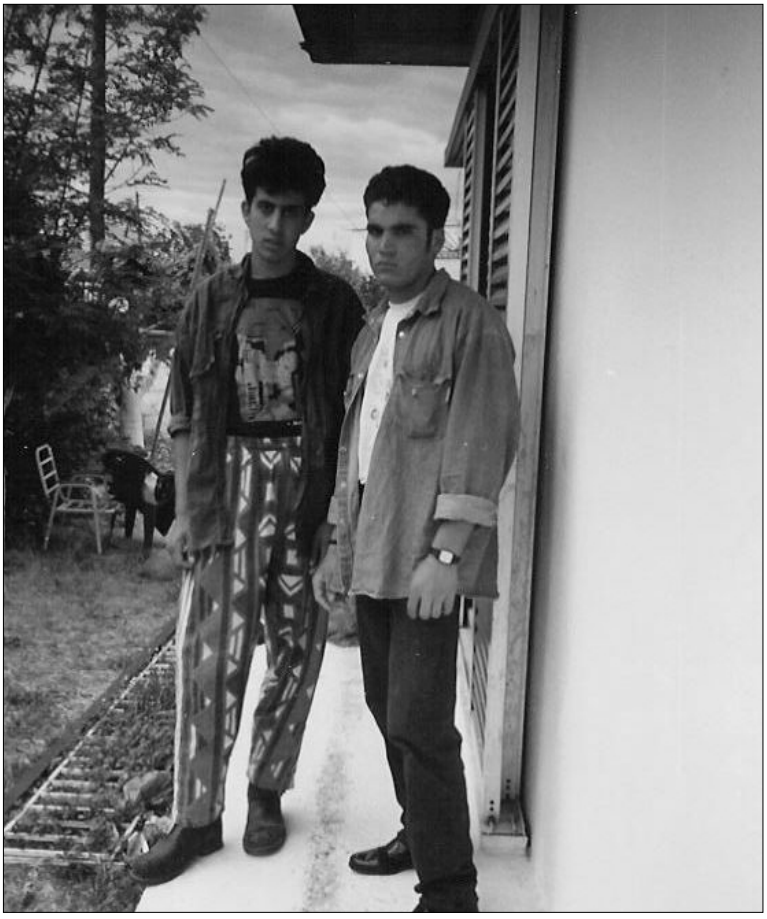
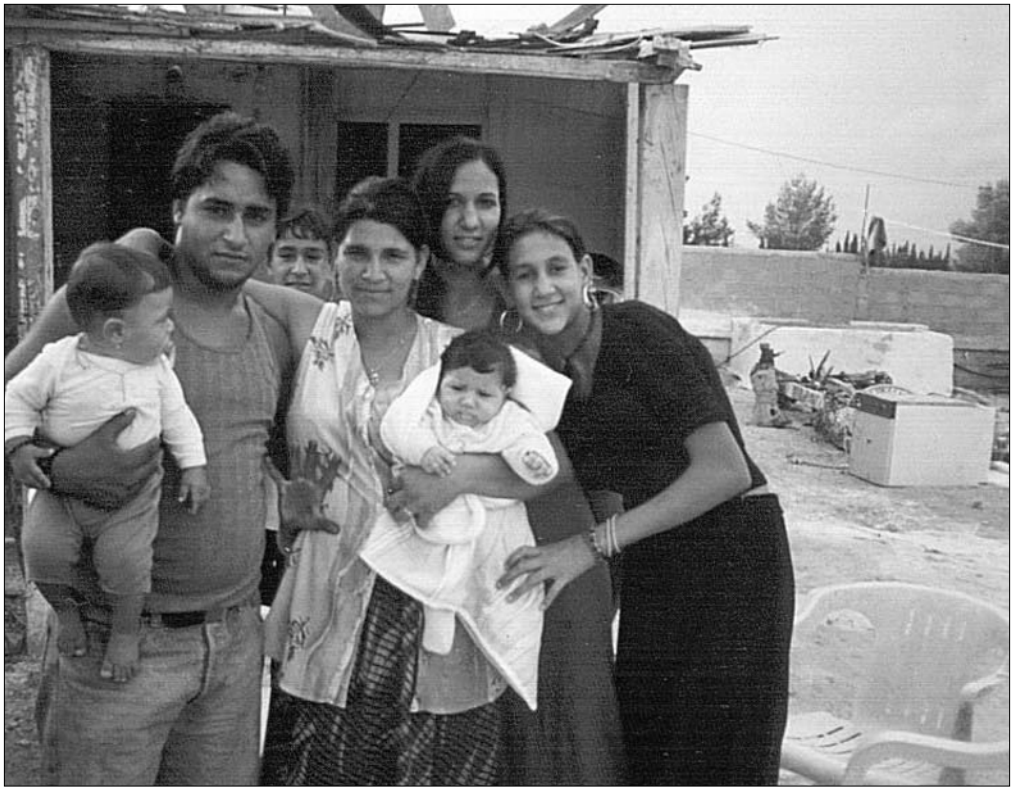
[323] For more information on the case, see "Police Excesses against Roma in Greece", in *Roma Rights*, Spring 1997, at: **http://www.errc.org/rr_spr1997/snap11.shtml**.



In May 1998, Mr Eleftherios Koutropoulos (left) and Lazaros Bekos, then aged eighteen and seventeen respectively, were ill-treated by, among others, the commander of the security department of the Mesolonghi police station, in Mesolonghi, western Greece, on the premises of the police station. Despite the existence of uncontroversial evidence attesting to the ill-treatment of the two Romani youths, all the police officers involved were acquitted, leading *ERRC/GHM* – which had handled the case through all domestic judicial procedures – to lodge on April 5, 2002, the first application with the European Court of Human Rights against Greece over the ill-treatment of a Romani individual.

PHOTO: *ERRC/GHM*



Twenty-year-old Mr Nikos Theodoropoulos (seen here surrounded by relatives) has been ill-treated by police officers in two different instances: first in Argostoli (capital of the island of Cephallonia) in August 2001, and then in Aghios Stephanos (a suburb of Athens) in October 2002. Whereas Mr Theodoropoulos chose not to press charges over the first incident, dismissing it as a "one-off" affair, he willfully presented himself to a police station and pressed charges against the police officers who ill-treated him the second time.

PHOTO: *ERRC/GHM*

First, the case reached the court a full five-and-a-half years after the incident took place. The transcript of the trial was signed by the Court's presiding judge only six months later and after *GHM* complained to the Prosecutor of the Supreme Court and the Prosecutor of the Appeals Court of Lamia, although pursuant to Article 142, paragraph 2 of the Greek Penal Procedure Code, the minutes have to be typed and signed by the presiding judges within eight days from the trial. Perhaps most importantly, the Greek judicial system and other mechanisms in place for disciplining police officers who abuse their powers appear impotent in practice to respond adequately – or even at all – to abuse of a lesser order than death by shooting of an unarmed and prostrate civilian.[324]

The failure of Greek law enforcement officials to adequately discipline police officers for excessive use of force, including lethal force, was evident in the case of killing of the 21-year-old Romani man, Mr Marinos Christopoulos by a police officer. On October 24, 2001, at approximately 8 PM, Emergency Squad Police Officer Georgios Tyllianakis shot dead Mr Marinos Christopoulos, in Zefyri, a suburb of Athens. According to a press release issued on October 25, 2001, by the General Police Directorate of Attica, Mr Christopoulos was fatally wounded when, instead of stopping his car at a police roadblock as he was signalled to do, he allegedly accelerated the car ignoring the signals to pull over. According to the Attica Police Directorate, Officer Tyllianakis fired his gun instinctively.[325] The bullet struck Mr Christopoulos

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[324] Article 13 of the European Convention on Human Rights (ECHR) states: "Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity."

[325] Abusive use of force resulting in death contravenes Article 2 of the European Convention on Human Rights (ECHR) and Article 6 of the International Covenant on Civil and Political Rights (ICCPR), both of which guarantee the right to life. In the killing of Mr Christopoulos, Officer Tyllianakis appears to have acted outside the boundaries set by the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which state that "law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury [...]."

Greek law on the use of firearms by police officials is outdated and contravenes international standards for the use of firearms by law enforcement officials. As of the date this report went to press the use of firearms by law enforcement officials in Greece is regulated by Article 1 of Law 29 adopted in 1943. This Article provides for a broad range of circumstances in which a police officer may use firearms:

in the back of the head, according to the autopsy report, and Mr Christopoulos's vehicle veered off the road, crashing into an electricity pole.[326] Roma who witnessed the incident or were living nearby rushed to the scene after hearing the shot and the subsequent crash. They took Mr Christopoulos to a hospital, where he was pronounced dead. According to Mr T.K., who was one of the first persons to reach Mr Christopoulos, he was conscious as they removed him from the car, but died shortly afterwards at the scene of the incident.[327] According to the police account of the incident, two of the three police officers rushed to the spot where Mr Christopoulos's car had stopped, intending to go to his aid, but the Roma who gathered around

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- when the officer is attacked by someone "with firearms or other objects that may cause serious bodily injuries";
- "when there is no other way to defend a certain space, place or persons the officer has been charged to guard";
- "when a public gathering leads to pillaging, violence against other citizens, damage to public or private property... or activities disturbing public order";
- when demonstrators taking part in an illegal demonstration refuse to obey orders to disperse; when mutineers fail to obey orders to disperse.

The above provisions were modified by Article 133 of Presidential Decree 141/1991 which provides for the use of firearms in the circumstances defined above but only when absolutely necessary and when all less extreme methods have been exhausted, as well as in cases provided for by provisions of the Criminal Code dealing with defence and states of necessity.

The regulations on the use of firearms have recently provoked serious criticism by senior police officers as well as by the Public Prosecutor of the Supreme Court. In February 2002 the Minister of Public Order announced that a new law would shortly be enacted, which would "safeguard citizens against the reckless use of police weapons, but also safeguard police officers who will know better when they can use them". On November 12, 2002, the Ministry of Public Order issued a press release which contained the text of the draft law to be brought to the Greek Parliament. The draft law, which provides among others for the conducting of psychometric tests on all police officers and for increased firearms training, also lays down the exact conditions under which a police officer is allowed to bear arms and use them. The draft law incorporates to a large extent UN Code of Conduct for Law Enforcement Officials (1979) and, according to its drafters, relevant EU countries legislation was carefully studied. (The draft law and other relevant documents are available in Greek at the Ministry of Public Order site at: **http://www.ydt.gr/opla.htm**) The draft law has not reached the Parliament as of the date this report went to press.

[326] Forensics Report No. 3592, dated October 25, 2001. Dissection Reference No. 3630.

[327] *ERRC/GHM* interview with Mr T.K., October 28, 2001, Zefyri, Athens.

became angry, threatened them and treated them roughly, damaging the police vehicles. The two police officers then left the scene, while the policeman who had killed Mr Christopoulos took refuge in a nearby store, where he remained for several hours until police special forces came to retrieve him.[328]

Given that the bullet struck Mr Christopoulos in the back of the head, it is clear that his vehicle had passed the roadblock at the time that Officer Tyllianakis fired the fatal shot. As a consequence, Officer Tyllianakis was charged with reckless homicide and released on bail on October 29, 2001.[329] Officer Tyllianakis was not suspended from duty while he awaited trial – a matter of concern, considering the nature and circumstances of the charges he faced. Moreover, Officer Tyllianakis continued to carry his police-issued firearm in the course of his daily work, despite facing homicide charges in an incident connected with the use of that weapon.[330]

Following a complaint by the family of Mr Christopoulos with the assistance of the *GHM* to the Greek Ombudsman about the failure of the investigating authorities to suspend Officer Tyllianakis from duty, the Ombudsman, after a thorough examination of the law and its possible interpretations, concluded that the inaction of the police authorities was not consistent with the law in this area.[331] The marked contrast

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[328] Letter from the Greek Police Headquarters, Administrative Branch, Ref. No. 249072/6-8-44, March 15, 2002, to the Administrative First Instance Court of Athens, copied to the Ombudsman.

[329] See Order 26/2001 dated October 29, 2001, on file with the *ERRC/GHM*.

[330] See Order 26/2001, dated October 29, 2001, on file with *ERRC/GHM*.

[331] The letter containing the views of the Ombudsman's Office was addressed to *GHM* and *MRG-G* (Ref No 1767/01/2.2, November 22, 2001) but was also forwarded to the General Police Director of Attica (Ref No 1767/01/2.3, November 22, 2001). Article 14(2) of Presidential Decree 22/1996, Disciplinary Law of Police Personnel, provides that "police officers who have been deprived by a court of their freedom, or are under temporary detention or have been released on bail or subject to conditions, are to be placed under mandatory suspension". Moreover, Article 14(9) of the same decree expressly addresses the concern of Mr Christopoulos' family that the allegedly abusive use of his firearm by this particular officer not be repeated, stipulating that "…police officers under suspension…are obliged to hand in their firearms". In response to the Ombudsman's conclusions, the police argued, in a technical interpretation of the decree's provisions, that as Officer Tyllianakis had not actually been detained in police custody, he could not have been *released* on bail or subject to conditions, and that as a consequence, it is Article 14(1) and not Article 14(2) which applies. Article 14(1) places the issue of suspension in the discretionary hands of the police authorities.

in disciplinary action taken against officers charged with misconduct in cases not involving Roma, and those who have committed offences against the Roma (or against members of other minorities, such as Albanians), has been widely seen in the Romani community as an indication of the failure of the police investigating authorities to treat the abuse of Roma by officers with the seriousness it merits. A comparison between three cases of killing – of a Romani man, of an Albanian, and of an ethnic Greek – as a result of police use of firearms, indicates that although the police officer who killed an ethnic Greek was charged with a less serious offence, he was immediately remanded into custody, while the other two police officers were not.[332] Furthermore, in some instances, police officers are suspended from duty for offences which are far

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Letter from the Headquarters of the Greek Police Force, Personnel Branch, December 5, 2001, Ref. No 249072/6/8-23. The Ombudsman's office insisted that the Officer should have been suspended, even under Article 14 (1) and maintained that the interpretation espoused by the police is partly flawed, although it does not itself constitute an abusive use of the discretionary power vested in the police authorities by the Presidential Decree 22/1996. (Letter of the Ombudsman to the Greek Police Headquarters, Personnel Branch, December 21, 2001, Ref. No 1767/01/2.4).

[332] The three policemen involved in the respective police killing incidents, Georgios Tylliannakis, Ioannis Rizopoulos (he killed an Albanian national named Gentjan Celniku in Athens on November, 21, 2001) and Theodoros Katsas (he killed an ethnic Greek man Anastasios Limouras in Glyfada, on 24/10/02) were referred to an investigation after having been charged with "reckless homicide" (Article 299 of the Penal Code). In the cases of the first two (police officers Tyllianakis and Rizopoulos) the public prosecutor's office added the "possible intent" to the charges, which did not happen in the case of the third (police officer Katsas), where the public prosecutor's office added the less incriminating characterization of "transgression of the limits of defense".

Nevertheless, Officer Katsas – against whom there is a relatively less severe charge – was remanded into custody, the other two police officers were not. The relevant article 282 of the Penal procedure Code considers of course that "the seriousness of the act according to the law does not suffice on its own to justify the imposition of a remand in custody" and there must be justified fears that the defendant might flee or/and commit other crimes. As all three defendants are policemen, it is not easy to explain why only one of them was remanded in custody. In fact, given that all three incidents are broadly similar, it appears that the only differentiating factor was that of the victim's ethnic/national origin. (See October 30, *GHM* press release, entitled "Ethnically Skewed Rulings for policemen who killed a Greek, a Rom and an Albanian harm Greek Justice's reputation", available at **http://www.greekhelsinki.gr/bhr/english/organizations/ghm/ghm_30_10_02.rtf**. As a result of Mr Katsas' detention, his suspension from service is automatic, under Article 14, para 2 of the Presidential Decree 22/1996.

less serious than homicide. For example, Police Emergency Squad Officer Michalis Lagos was suspended from duty on November 13, 2001, following the filing of charges against him for selling one and a half grams of cannabis.[333]

In connection with the killing of Marinos Christopoulos, on April 2, 2002, *GHM* received a copy of a letter from the police to the Administrative Misdemeanours Court of Athens, dated March 15, 2002, informing the Court that following a Sworn Administrative Inquiry into the case, the Hellenic Police (ELAS) had concluded that Officer Tyllianakis had committed reckless homicide[334] and had referred the case to the First Instance Disciplinary Board to examine whether he should be dismissed from service.[335] It is noteworthy that the Sworn Administrative Inquiry had to be repeated, because the Chief of ELAS considered the first one incomplete. In both Sworn Administrative Inquiry (of January 31, 2002 and March 4, 2002) the investigating officer concluded that Officer Tyllianakis had committed reckless homicide and recommended only temporary suspension.

The Greek authorities reportedly informed Mr Alvaro Gil-Robles, Council of Europe Commissioner on Human Rights, during his visit to Greece in June 2002, that Officer Thyllianakis was dismissed from the police force. This information was included in Mr Robles's report on his visit to Greece.[336] *ERRC/GHM* research, however, established that the information provided to Mr Robles in June 2002 was premature. Officer Tyllianakis appeared before the Disciplinary Board of First Instance only on September

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[333] For a summary of the case of Officer Michalis Lagos, see **"**Se diathesimotita o astinomikos me ta narkotika", *Macedonian Press Agency*, Athens, November 16, 2001, at **http://www.mpa.gr/article.html?doc_id=232640**.

[334] Chapter 15 of the Greek Penal Code defines and proscribes acts of force causing death, including homicide (Article 299) and manslaughter (Article 302). The charge of homicide qualified as "reckless" means that the perpetrator was aware of, and accepted, the possible consequences of his act.

[335] See *GHM/MR-G* press release, "Greek Police Recommends Dismissal of Police Officer Who Killed Rom Christopoulos in Zefyri on 24/10/2001", April 4, 2002, at **http://www.greekhelsinki.gr/bhr/english/organizations/ghm/ghm_04_04_02.rtf**.

[336] In his report Mr Alvaro Gil-Robles stated: "At Aspropyrgos I was able to meet the sister of Mr Christopoulos, a young Roma/Gypsy killed by a policeman's bullet when refusing to obey in a vehicle check. The policeman was dismissed and the criminal proceedings are pending on this issue; during our conversation the Minister for Public Order Mr Chrysochoidis emphasised the

20, 2002. The decision of the First Instance Disciplinary Board was to dismiss Officer Tyllianakis from service.[337] Officer Tyllianakis subsequently appealed the decision and as of the date this report went to press, the appeal was not reviewed by the Second Instance Disciplinary Board. Thus, Officer Tyllianakis is still on active duty.

Meanwhile, the sensationalised and inaccurate reporting of such cases in the Greek press indirectly serves to justify the police force's special treatment of cases involving Roma. An article concerning the fatal shooting of Mr Christopoulos that appeared on October 24, 2001 in the state-owned *Macedonian Press Agency* reported that the killing "follow[ed] a hot pursuit" and occurred "amidst an exchange of fire".[338] Despite the falsity of these details, reported as facts, the news item was never retracted and no correction was issued, even though the police and prosecutor's investigations and the testimony of the police officer himself made clear that they were untrue.

As regards the criminal proceedings against Officer Tyllianakis, on July 16, 2002, Deputy Public Prosecutor Eleni Siskou forwarded the case to the competent indictment chamber with the proposal that the police officer be referred for trial on a charge of murder. She argued that Officer Tyllianakis "decided to kill… Christopoulos… when the latter did not obey the signal to stop by the police unit …" and that "the firing of the weapon is apparently due to the anger he [Tyllianakis] felt when the victim failed to stop as he was signalled to do so by him [Tyllianakis] and his colleague Christos Philippou".[339]

On October 25, 2002, *ERRC/GHM* obtained a copy of the Misdemeanour Judges Indictment Chamber's decision. The Misdemeanour Judges Indictment Chamber of Athens fully adopted the Prosecutor's proposal and indicted Officer Tyllianakis to be tried before an Athens based Joint Jury Court on charges of reckless homicide and

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policeman's thoughtless reaction." See Council of Europe, Office of the Commissioner for Human Rights, *Report by Mr Alvaro Gil-Robles, Commissioner for Human Rights on his visit to the Hellenic Republic, 2-5 June, 2002, for the attention of the Committee of Ministers and the Parliamentary Assembly*, Strasbourg, 17 July, 2002, available at: **http://www.commissioner.coe.int/docs/CommDH(2002)5_E.doc**.

[337] See police letter to GHM Ref. No. 249072/6/8-V.

[338] *Macedonian Press Agency,* October 24, 2001.

[339] Prosecutor's Proposal to the Indictment Chamber (16-7-2002, EG: 149-2002/55/43). Full text at: **http:www.greekhelsinki.gr/bhr/greek/articles_2002/pr_12_08_02.rft**.

illegal use of firearms.[340] According to the latest *ERRC/GHM* information, Officer Tyllianakis lodged an appeal against the charge of reckless homicide before the Appeal Judges Indictment Chamber but the Chamber's Prosecutoral motion (which is not binding on the Chamber) was that the appeal be rejected. The *ERRC* provided legal representation in the criminal case.

On September 5, 2001, the victim's sister, Mrs Charoula Christopoulou, filed with the assistance of *ERRC/GHM* lawyers a lawsuit for damages against the Greek state before the First Instance Administrative Court of Athens. The first hearing in the lawsuit has been scheduled to take place on April 3, 2003.

The impunity enjoyed by officials who abuse the human rights of Roma is perhaps best illustrated by the case of Mr Angelos Celal, in which the police officers were absolved of responsibility for his killing. In this case, the question of suspension from duty of the perpetrator did not even arise, since the police authorities failed to conduct an effective, impartial and objective investigation, as is required by law. Mr Celal, a 29-year-old Romani man, was killed on April 1, 1998, in the area of Partheni, near Thessaloniki, after being caught in an ambush by four police officers.

According to the police report of the incident, the officers lay in wait at an abandoned warehouse for individuals suspected of the earlier theft of a car, which they had found inside the warehouse.[341] At approximately 10:30 PM, a small pick-up truck containing three Romani men pulled up outside the warehouse, stopping about 10 metres from the door. Leaving the engine running, two men got out of the truck and walked towards the warehouse, allegedly carrying a petrol can and a lighter. One of the men entered the warehouse, while the other stood close by outside. One of the police officers, having allegedly recognised the man who entered the warehouse, moved forward to arrest him, but he resisted and ran outside. All four police officers ran after him. They saw that there were two other men, one in the truck and one close to the warehouse. The police told them that they were under arrest, but the men outside the truck ran toward their vehicle. According to the police, there were two shots fired at

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[340] Ref. No. 4712 / 2002 decision, dated October 10, 2002.

[341] See Letter from the Security Directorate of Thessaloniki, Sub-Directorate of Public Security, 1st Section-Crimes against Life, to Misdemeanor Prosecutor of Thessaloniki, Ref. No. 1045/2/156-11, Thessaloniki, April 16, 1998.

the officers, with one of the bullets lodging itself in the warehouse door. Three police officers returned fire, and the Romani men allegedly fired at the officers again two or three times. The police officers again returned fire, damaging one of the truck wheels. The two men got into the truck, allegedly firing another two or three rounds at the police officers as the truck drove off. According to the police report, one of the officers, who was standing, continued to fire as the truck moved away. Angelos Celal, who was driving the truck, was fatally wounded.

The police investigation absolved the police officers of any responsibility for Mr Celal's death and concluded that they had no alternative but to defend themselves using their firearms. In their depositions, all the police officers stated that they used their firearms only when they were shot at and that they had to fire in order to save their lives. According to one police statement about the incident, "…one of the bullets fired struck the metal door of the warehouse at a height of one metre 80 centimetres from the ground, a fact that renders evident the lethal intent of the person who fired."[342] This version of the events was accepted in both SAIs that were launched into the case,[343] and the Indictment Chamber ruled not to indict the police officers.[344]

However, the forensic evidence does not appear wholly to support the police version of events. While the police officers allege that six to eight shots were fired at them, only one bullet from a non-police weapon was reported to have been discovered at the scene, despite a meticulous search for spent cartridges by the police.[345] Conversely, according to the ballistics report, the police officers discharged 15 shots, suggesting a disproportionate use of force.[346] This is further supported by the police

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[342] Decision 222/2000 of the Thessaloniki Misdemeanour Judges Indictment Chamber, p.8.

[343] See Document by General Police Directorate of Thessaloniki, Police Personnel Section, Ref. No. 1045/2/5-24, Thessaloniki, May 6, 1999; Document by General Police Directorate of Thessaloniki, Police Personnel Section, Ref. No. 1045/2/5-34, Thessaloniki, December 30, 1999.

[344] Decision 222/2000 of the Thessaloniki Misdemeanour Judges Indictment Chamber, p.22.

[345] See Letter from the Criminal Investigation Directorate, Laboratory Section, Ref. No. 3022/13/7061-3, Athens, February 25, 1999, containing the Report of Laboratory Fact-Finding.

[346] Article 22(3) of the Greek Penal Code states that the legality of any defensive measure corresponding to a threat shall be determined by reference to the degree of lethality of the attack, the harm to be done [i.e. to the defender or a third party] and other parameters.

SAI's observation that there were nine bullet holes in the truck that the Roma were driving, most of them in the left side of the vehicle. The bullet that killed Mr Celal struck him in the back of the head as the truck was heading away from the officers.[347] It would appear that the police officers were no longer in danger at the time Mr Celal was shot, as the suspects were fleeing, weakening the police claim of self-defence.[348] According to the National Commission for Human Rights, Mr Celal's killing was an "execution".[349] The trajectory of the bullets fired by the police corroborates the testimony of the officer who fired the shot that killed Mr Celal that he was standing up when he fired, further suggesting that any threat that may have existed had faded. In his deposition, the officer testified that he could make out only the shape of a vehicle in the darkness and started firing towards it. Thus, he was evidently firing blindly.

The police version of the story is also challenged by the deposition under oath by the two other Romani men who were in the truck with Mr Celal, 22-year-old Mr Charis Frangoulis, the man believed by police to be the person who shot at the officers, and 26-year-old Vassilios Rasimoglu. Although now at large, with warrants out for their arrest that were issued on September 15, 1999, Mr Frangoulis and Mr Rasimoglu gave depositions under oath in May 1998. In his deposition under oath, Mr Frangoulis stated that he, Mr Rasimoglu and Mr Celal went to the warehouse to smoke hashish and that he and Mr Rasimoglu had stepped out of the truck to clear the vehicle of any remains, when someone started firing at them. Neither Mr Frangoulis nor Mr Rasimoglu made reference in their depositions to being armed. According to both depositions, they boarded the truck with Mr Celal driving and when Mr Celal was shot, Mr Frangoulis put his legs between Mr Celal's and took over the driving.[350]

The investigation into the fatal shooting of Mr Celal suffered from procedural improprieties. Although the killing took place on April 1, 1998, and the Thessaloniki police department launched an Sworn Administrative Inquiry (SAI) on April 3, 1998,

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[347] Forensic Report, Ref. No. 948, dated April 2, 1998, signed by Dr Dimitrios Psaroulis, Thessaloniki.

[348] Article 22(2) of the Greek Penal Code states, "defence is the necessary assault against the attacking party, an assault which is initiated by the defending party with a view to defending himself or another party from an unjust and present attack aimed at him".

[349] See National Commission for Human Rights, *Report 2001*, January 2002.

[350] Deposition under oath of Mr Charis Frangoulis, May 28, 1998; Deposition under oath of Mr Vassilios Rasimoglu, May 27, 1998.

it appears that the Public Prosecutor was not notified about the killing and the commencement of an SAI until April 17, 1998 – more than two weeks later. According to Articles 37(1) and 37(2) of the Greek Penal Code, all civil servants are under the obligation to inform the Public Prosecutor "without delay" of any offence that comes to their attention. On April 17, 1998, the police forwarded to the Misdemeanour Prosecutor the case file against Mr Angelos Celal and the two other Romani men who were with him at the time he was killed, mentioning only as a detail that Mr Celal had been "fatally wounded".[351]

On May 22, 1998, the Public Prosecutor initiated criminal proceedings against the three police officers who fired their weapons during the incident. On April 5, 1999, the SAI concluded that the police officers had been acting in self-defence and recommended that no disciplinary measures be taken against them. A complementary SAI was launched, following a request by the Ministry of Public Order.[352] It also concluded, on December 6, 1999, that the police officers had acted in self-defence and recommended that no disciplinary action be taken. On March 29, 2000, the Indictment Chamber of Misdemeanour Judges of Thessaloniki ordered that the charges be dropped, on the basis that the police officers in question had been acting in legitimate self-defence.

In April 2000, *GHM*/*MRG-G* filed a request with the prosecuting authorities to appeal against the Indictment Chamber's decision to drop charges against the police officers. The request argued that the evidence did not support the conclusion that the accused officers had acted in legitimate self-defence and that, on the contrary, Angelos Celal had been unlawfully killed at a time when there was no present and immediate danger to the lives of the police officers. This request did not receive a response. In May 2000, the father of Angelos Celal also filed an appeal with the assistance of the *GHM*, which was rejected in July 2000, because he had not assigned a lawyer to represent him. Thus, despite the inconsistencies in the police account and the evidence suggesting that the claim of self-defence was not well founded, no one has been brought to justice for the fatal shooting of Mr Celal, and none of the police officers involved in the incident faced disciplinary action.

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[351] Letter of the Directorate of Security of Thessaloniki to the Misdemeanour Prosecutor of Thessaloniki, April 16, 1998, Ref. No 1045/2/156-11.

[352] If a SAI is not judged to have fulfilled its objective, then a second one may be conducted.

There appears to be such reluctance to ensure justice in cases of police abuse of Roma, that even the existence of an unquestionable SAI finding of violation of the law is not necessarily sufficient to lead to the criminal prosecution of a police officer. In a case of alleged ill-treatment of two Romani youths by two officers of the Mesolonghi police station, both the police authorities and the courts chose to ignore the finding of a detailed and thorough SAI against the police officers involved.

The incident in question took place on May 8, 1998, in Mesolonghi, in western Greece. At approximately 12:45 AM, three city police officers arrested 17-year-old Lazaros Bekos, a Romani youth who was trying to force open with an iron bar the door of a kiosk in order to steal some ice cream. Mr Bekos alleged he was beaten by a police officer on the back and head with a truncheon shortly after his arrest.[353] Minutes before the police arrived, 18-year-old Leftheris Koutropoulos, another Romani youth who was assisting Lazaros Bekos in the attempted theft by standing guard nearby, was arrested by the grandson of the kiosk owner, who had been alerted to the attempted theft and rushed to the scene. According to Leftheris Koutropoulos, the kiosk owner's grandson punched him in the jaw.[354] Lazaros Bekos also stated that as police were taking him to the detention cell one officer beat him twice with a truncheon and another police officer slapped him in the face.

At 10 AM on May 8, 1998, police took Lazaros Bekos to the interrogation room, where three police officers reportedly punched him in the stomach and the back, trying to make him confess to perpetrating other acts of theft as well, and to denounce a relative who was suspected by the police of dealing in drugs. After some time, the three police officers stopped beating him and left. However, another police officer came in, beat him on the back with the iron bar that he had used to force open the door of the kiosk and then placed it against his neck and swore at him.[355] Leftheris Koutropoulos testified that

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[353] See Greek Police Sworn Administrative Inquiry, May 18, 1999; Sworn administrative deposition of Lazaros Bekos, June 30, 1998. A summary of the case can also be found in "Police Killing and Abuses in Greece", *Roma Rights*, Summer 1998, available at: **http://www.errc.org/rr_sum1998/snap_21.shtml** and in the AI/IHF report "In the Shadow of Impunity. Ill-treatment and Misuse of Firearms", at: **http://www.greekhelsinki.gr/bhr/english/countries/greece/ai_main_nophotos_24_09_02.doc**.

[354] Greek Police Sworn Administrative Inquiry, May 18, 1999; Sworn administrative deposition of Leftheris Koutropoulos, May 5, 1998.

[355] Greek Police Sworn Administrative Inquiry, May 18, 1999; Sworn administrative deposition of Lazaros Bekos, June 30, 1998.

during his interrogation the same morning a police officer beat him on the back with a truncheon and kicked him in the stomach for half an hour.[356] Both youths alleged that they were threatened with sexual abuse. They identified the commander of the security division of the Mesolonghi police station as one of the perpetrators of their ill-treatment.

Medical certificates support the testimony of Leftheris Koutropoulos and Lazaros Bekos. Documentation on file at the Hadjikosta Mesolonghi General Prefectural Hospital shows that Lazaros Bekos was admitted to the outpatient clinic on May 9, 1998 with bruises on both shoulders. It further states that Leftheris Koutropoulos was admitted to the outpatient clinic on May 9, 1998, and after being examined was found to bear bruises on the rear left surface of his thorax, on his left shoulder blade, and on his left wrist joint.[357]

With the assistance of *ERRC/GHM* Leftheris Koutropoulos and Lazaros Bekos otained medical certificates prepared by special forensic surgeon Dr Orpheas Perides on May 9, 1998. These documents supported the observations made by the doctors at the Hadjikosta Mesolonghi General Prefectural Hospital, that both men were complaining of knee and head pain, and that Leftheris Koutropoulos also displayed pain during movement and difficulty walking.[358]

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[356] Greek Police Sworn Administrative Inquiry, May 18, 1999; Sworn deposition of Leftheris Koutropoulos, September 9, 1998.

[357] Letter from Hadjikosta Mesolonghi General Prefectural Hospital to the Etolia Police Directorate, May 15, 1998.

[358] Medical Certificate by special forensic surgeon Dr Orpheas Perides dated May 9, 1998, Patras, delivered by Mr Panayote Dimitras to Lieutenant Panayote Tsiggounis on August 19, 1998. The medical report states that: (a) Lazaros Bekos bore "two parallel contusions with areas of healthy skin, covering approximately 10 cm of surface, in deep red (almost black) on the left shoulder joint which extended to the area of the deltoid muscle and the right shoulder joint. – Complains of pain in his knee joint. – Complains of pain in left parietal area." (b) Leftheris Koutropoulos bore "multiple parallel 'double' contusions with areas of healthy skin covering approximately 12 cm in deep red (almost black) on the left shoulder joint and along the rear armpit fold at the lower edge of the shoulder blade. – Contusion approximately 5 cm of the same color as above on the rear left surface of the upper arm. – Contusion approximately 2 cm of the same color as above on the right cubitocarpal joint. – Complains of pain on the right side of the parietal area. Complains of pain in the midsection. – Complains of suffering from miniscus of right knee, shows pain on movement and difficulty walking." (unofficial translation by the *ERRC/GHM).*

A Sworn Administrative Inquiry (SAI) initiated into the case, which was completed on May 18, 1999, concluded that the security division police commander and his deputy were responsible for the ill-treatment of Lazaros Bekos and Leftheris Koutropoulos inside the police station, saying that "they had behaved with exceptional brutality". It recommended their temporary suspension from duty.[359] The Public Prosecutor, on the basis of the SAI findings and the judicial investigation, recommended the prosecution of three police officers, including the Mesolonghi security division police commander. However, the Council of Misdemeanours Judges held, on September 28, 2000, that there was only evidence to warrant the prosecution of the police commander and he was indicted under Article 137(a) of the Greek Penal Code, relating to ill-treatment by state officials. On October 8, 2001, however, the Three-Member Appeal Court of Patras held that the accused was not guilty as he was not present at the time the ill-treatment took place.[360]

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[359] Nevertheless, it appears that the Ministry of Public Order is actively conducting a misinformation campaign. The Ministry of Public Order, in its Final Report on the Observations drawn up by the Committee on Prevention of Torture (CPT) in pursuance of Article 1 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment following the Committee's visit to Greece, from 23 September to 5 October 2001, contends that "It was not made possible from the enquiry to ascertain where and by whom the bodily injures observed were caused, mainly because of the contradictions to which the persons making the complaints fell into". As for the acquittal of the security commander of Messolonghi, this was attributed to "the inability of the persons making the allegations to identify the faces of the perpetrators and the time during which the bodily harm was occasioned". See , CPT/Inf (2002) 32, Response of the Government of Greece to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Greece, part B.1.iv, available at **http://www.cpt.coe.int/en/reports/inf2002-32en.htm**.

As it was seen however and ascertained by the SAI, the two Roma youths were in complete agreement over the ill-treatment they suffered in the hands of police officers Tsikrikas and Avgheris inside the police station. Furthermore, according to the minutes of the trial held in Patras on October 8, 2001, Mr Tsikrikas was acquitted because the court admitted that any ill-treatment that did occur either during the Romani youths' arrest or in the police station, took place in the absence of Mr Tsikrikas. (See p.11 of the Minutes and Decision of the Three Members Appeals Court of Patras, Number 1898/2001, October 8 and 9, 2001 hearing, on file with *ERRC/GHM*).

[360] Decision of the Appeal Court of Patras, No 1898/2001, issued at Patras, October 9, 2001. A brief summary of the case is also available in the article "Police Killing and Abuses in Greece", *Roma Rights*, Summer 1998. The court's finding is arguably inconsistent with Article 25.1 (a) of Presidential Decree 141/1991, which states that "Commanders of police stations are personally

Despite the findings of the SAI, no officer faced criminal charges, and the police commander, in an admission of responsibility on the part of the police authorities, was merely disciplined for "not taking the necessary measures as the officer in charge, thus not preventing the ill-treatment of the two Romani youths inside the police station, by officers under his command."[361] He was fined 20,000 drachmas (approximately 60 Euro). On April 5, 2002, with the assistance of the *ERRC* and the *GHM,* the two Romani youths filed an application to the European Court of Human Rights over their ill-treatment, the first ever by Roma in Greece. *ERRC/GHM* also provided legal representation before the domestic court.

More often than not, police abuse of Roma in police custody is not investigated by use of the standard police procedure in similar cases, the SAI. Most incidents involving Romani victims of police abuse appear to be ignored or, at best, to receive only a cursory investigation by police, which almost inevitably fails to result in any disciplinary action against the police officers involved. Some cases of alleged police abuse of Roma are not investigated or prosecuted because the Romani victims do not file a complaint. But even formal complaints do not seem to result in more serious treatment of cases involving Romani victims or in formal disciplinary proceedings against offending officers.

The alleged police abuse of Mr Andreas Kalamiotes in Athens in June 2001, for instance, did not result in a Sworn Administrative Inquiry – much less any disciplinary action against the police officers allegedly responsible – despite his lodging a formal complaint, with the assistance of the *GHM*, with the Ombudsman and pressing charges against the officers. On June 14, 2001, Mr Kalamiotes, a 22-year-old Romani man, and a few of his friends were having a party at Mr Kalamiotes' home, a makeshift dwelling in the Aghia Paraskevi settlement in Athens. The friends were listening to music and drinking beer when a police car turned up at around 2 AM.[362] A police officer asked Mr Kalamiotes to turn off the radio as it was disturbing his neighbours. According to Mr Kalamiotes, he replied that he would turn the radio

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liable for the orderly and efficient functioning of the police force under their command." (Unofficial translation by the *ERRC/GHM*).

[361] Letter by the Commander in Chief of the Greek Police Force, July 14, 1999, Ref. No. 22048/6/20-3. Decision by the Council of Misdemeanors Judges, Ref. No. 56/2000.

[362] *ERRC/GHM* interview with Mr Andreas Kalamiotes, June 20, 2001, Chalandri camp, Athens.

off in five minutes and the officer appeared to be leaving. However, as Mr Kalamiotes told the *ERRC/GHM*:

> I had barely gone inside my house when I heard a noise and went to the door to see what was going on. Suddenly, I saw many police cars around and quite a few police officers were present, guns at the ready. In fact, one of them pointed his gun at me and threatened to fire.[363]

Two police officers reportedly seized Mr Kalamiotes, handcuffed him and started to drag him towards a police car. He told the *ERRC/GHM* that despite his repeated requests to be allowed to fetch his shoes, this was denied and an officer told him to "shut up". Mr Kalamiotes' wife asked to be allowed to fetch his shoes, but another officer reportedly told her, "Shut up, you whore, don't say a word!" When they reached a police car, the two officers reportedly pushed Mr Kalamiotes roughly up against the side of the vehicle and began to beat him. He said that he slumped to the ground by the side of the car and the officers kicked him as he lay there, then put him into the back of the car and took him to the police station in Aghia Paraskevi. On the way to the police station, the officers reportedly asked Mr Kalamiotes who had fired the gunshot and he told them that he had not heard any gunshot.

Once at the police station, Mr Kalamiotes was allegedly subjected to verbal abuse and threats until the next morning. Around 11 AM on the following day, June 15, 2001, two police officers escorted Mr Kalamiotes to the Police Headquarters of Athens so that he could have his picture taken. He told the *ERRC/GHM* that he was handcuffed with his hands behind his back and was unable to sit up properly for the photograph. When he asked to have the handcuffs removed, one of the officers reportedly told him, "Shut up, Gypsy (*gyfto*), otherwise we will beat the s*** out of you."

Mr Andreas Kalamiotes lodged a complaint with the Ombudsman on July 2, 2001 against the police officers who had allegedly physically and verbally abused him.[364] On August 13, 2001, the police informed the Ombudsman that an adminis-

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[363] *ERRC/GHM* interview with Mr Andreas Kalamiotes, June 20, 2001, Chalandri camp, Athens.

[364] In the depositions of the two police officers who filed a countersuit against Mr Kalamiotes, the officers claimed that they had merely informed Mr Kalamiotes that his neighbours had complained about the music, but that Mr Kalamiotes had told them in a menacing tone: "Go away brothers.

trative investigation had been initiated.[365] On September 28, 2001, *GHM* was informed by the north-eastern Attica Police Directorate that, "following a detailed and in-depth investigation", the allegations made by Mr Kalamiotes were found to be unsubstantiated.[366] No Sworn Administrative Inquiry was initiated, but Mr Kalamiotes' allegations were merely examined by an inter-departmental investigation, the procedural details of which have not been disclosed. In October 2001 and again in February 2002 the Ombudsman wrote to police headquarters, requesting a full Sworn Administrative Inquiry into Mr Kalamiotes' allegations, stressing the need for their thorough investigation. As of the date this report went to press this request had not been fulfilled.

One factor that may seriously undermine the impartiality of the investigation into allegations of police abuse, is to be found in the mechanism of the Sworn Administrative Inquiry, an internal – and closed – police investigation. According to Article 27(3) of the Presidential Decree 22/1996, the Sworn Administrative Inquiry is always conducted by a police officer superior in rank to the police officer under investigation,

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I have given my word to the woman I will marry that we will be married and will think about switching off the stereo". The accuracy of the police officers' testimony is thrown into some doubt as Mr Kalamiotes had already been married for some time at the time of his arrest, so it would have been an odd thing for him to say. The police officers stated in their deposition that they were returning to their police car to request reinforcements when they heard a gunshot, although they admitted that they did not know whether the gunshot was fired by a resident of the settlement. They put in the call for backup, and seven police cars arrived shortly thereafter. According to the depositions, the police officers headed towards the settlement, Mr Kalamiotes stood in the doorway of his home and verbally abused them. According to the police officers' deposition, Mr Kalamiotes told the officers that he would f*** them and asked to be taken to the police station. However, he then resisted the police officers' attempts to handcuff him and in the scuffle slipped, slightly injuring his hands and face. The police officers made no reference to the alleged verbal abuse at the police station. (Sworn Deposition made by police officers G.G. and C.E., June 15, 2001.)

[365] Letter From the Greek Police Headquarters to the Ombudsman, August 13, 2001, Ref. No. 6004/15/1014-#3. The administrative investigation referred to in the letter of the Greek Police Headquarters is Oral Administrative Inquiry. Unlike the Sworn Administrative Inquiry (SAI), this type of investigation is launched by the police in cases of minor infractions or when not enough evidence is available. The procedure is less formal and depositions are usually oral.

[366] Letter from the north-eastern Attica Police Directorate, September 28, 2001, Ref. No. 6004/15/584-7.

"not excluding the *immediate superior"* [emphasis added] of the police officer under investigation".[367] This requirement clearly gives rise to circumstances ripe for abuse, as due to the close links that reasonably are expected to develop between the police officers, attempts to cover up responsibilities might take place.

5.4 Summary: Police Racism

The racially-motivated abuse of Roma by the Greek police is not a problem affecting individual police officers only. The racial profiling of Roma by the Greek police reveals systemic disparities in the treatment of Roma and the other Greek citizens. Racism is ingrained in the institution itself.[368] The belief in a link between Romani ethnicity and crime has been demonstrated not just through police raids, as described above, but also through the harassment of Roma in the context of their ordinary day-to-day life. Recent incidents of harassment of educated, well-dressed members of the Romani

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[367] For example, according to letter Ref. No. 233428/6/5- of the Greek Police Headquarters to the Ombudsman, dated October 25, 2002, the Sworn Administrative Inquiry into the allegations of ill-treatment in Argostoli was undertaken by a police officer who ranks higher than the Security Division Commander of the Argostoli Police Station.

[368] Institutional racism in the police force has recently been acknowledged in some countries. For example, a detailed discussion on the issue of institutional racism affecting the UK police force is contained in the Stephen Lawrence Inquiry launched by the UK government following the racially motivated murder of the Black youth Stephen Lawrence and the failure of the UK police to carry out an adequate investigation into the case. According to the Commission on Racial Equality, "Institutional racism has been defined as those established laws, customs, and practices which systematically reflect and produce racial inequalities in society. If racist consequences accrue to institutional laws, customs or practices, the institution is racist whether or not the individuals maintaining those practices have racial intentions." Furthermore, the Inquiry defined institutional racism in the police as, among other things, "[…] the disparity in 'stop and search figures'. Whilst we acknowledge and recognise the complexity of this issue and in particular the other factors which can be prayed in aid to explain the disparities, such as demographic mix, school exclusions, unemployment, and recording procedures, there remains, in our judgment, a clear core conclusion of racist stereotyping […]" See "The Stephen Lawrence Inquiry, Report of an Inquiry by Sir William Macpherson of Cluny, advised by Tom Cook, the Right Reverend Dr John Sentamu, Dr Richard Stone, Presented to Parliament by the Secretary of State for the Home Department by Command of Her Majesty", February 1999, Chapter VI, paras. 6.29, 6.30, and 6.45, available at: **http://www.archive.official-documents.co.uk/document/cm42/4262/4262.htm**.

community by police officers undermine the assertions by the Greek authorities that only criminals within the Romani community are subject to the attention of the police.

On December 19, 2001, 33-year-old Mr Panayotes Sambanis, 46-year-old Mr Panayotes Frangoulis, 38-year-old Mr Kostas Koukomerias, 30-year-old Mr Panayotes Batzias and 30-year-old Mr Emin Hatipoglu, representatives of the *SOKADRE*, from Halastra, Dendropotamos and Aghia Sofia respectively, Romani communities near Thessaloniki, were travelling by car to participate in a seminar in Athens. The seminar was hosted by *GHM/MRG-G,* on the occasion of a visit by Dr Hristo Kyuchukov, Secretary-General of the *International Romani Union (IRU)*. At around 11 PM, they were approaching their hotel in the centre of the city, when they heard a police officer from the loudspeaker of his patrol car, telling them to pull over. According to Mr Koukoumerias:

> Almost instantly, two more police cars arrived at the scene, bringing the total number of police officers to approximately 11, two of them wearing plain clothes. I was ordered to get out of the car with my hands up. I obeyed only to confront a young police officer with his firearm drawn, aiming it at me. Then I noticed that all the police officers present, with the exception of the officer who seemed to be in charge, had their firearms drawn and pointed downwards. I informed the police that I was the President of a Romani community from Thessaloniki and that I was attending a seminar. A police officer replied that they did not care. After performing a body search on me, the police then asked the other passengers to get out of the car one by one and subjected each of them to a body search. One of the passengers, Mr Frangoulis, tried to calm down the police officers by smiling and asking what it was all about, but was told to put his hands in the air and stop talking. A police officer asked in a mocking way whether we were going to a wedding, presumably referring to us being well dressed. Another one, when I told him that I was living in Dendropotamos in Thessaloniki, asked whether I was staying "in the sixth shed on the right". I was incensed and informed the police officer in charge that we were about to attend a seminar and the incident would be brought to the public eye. A police officer then tried to calm me down, saying that they were merely doing their duty and offering not to ticket me. I insisted on being ticketed.[369]

[369] *ERRC/GHM* interview with Mr Kostas Koukoumerias, December 21, 2001, Athens.

Mr Koukoumerias was fined approximately 30 Euro for not having a clearly visible licence plate, a minor violation of the traffic code that is seldom enforced. On January 6, 2002, with the assistance of the *GHM*, Mr Koukoumerias filed a complaint against the police with the Ombudsman's Office. On April 19, 2002, the Ombudsman wrote to the *GHM* instructing it to submit the complaint to the Ministry of Public Order.[370]

A similar incident took place on October 2, 2001, when Dr Kyuchukov, a Bulgarian citizen of Romani ethnicity, was travelling by bus from Sofia, Bulgaria, to Thessaloniki in order to attend a seminar on Roma Rights in Southeastern Europe, hosted by *Minority Rights Group International* and *MRG-G*. Dr Kyuchukov and his companion, also of Romani origin, passed through the Bulgarian side of the border without incident and reached the Greek frontier at about 1 PM. At that time, Greek customs officials asked all passengers to disembark from the bus and to hand over their passports. The officials began calling people over to them for questioning. Three police officers, two in uniform and one in plain clothes, called Dr Kyuchukov over first, and after examining his papers, began to question him. Dr Kyuchukov told the *ERRC/GHM*:

> They asked me where I was going and why, where I was going to stay and what my profession was. I told them that I was going to Thessaloniki for a conference, that I would be staying at Hotel Luxembourg and that I was a university professor. I was then asked to produce the invitation to attend the conference. I replied that I did not have a written invitation as I had received it via email, so I switched on my laptop and showed the email containing the invitation to them. After examining the email, they inquired about the nature of the seminar and I replied that it was a conference on Gypsies. They asked me whether I was a Gypsy myself and I told them I was. Obviously stunned, one of the police officers then asked me how it was possible that I was a Gypsy and a university professor at the same time. I told him it was possible and, not satisfied with my answer, he insisted on interrogating me about the places where I had studied.[371]

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[370] See Ombudsman's letter Ref. No. 73.02.2.1 on file with the *GHM*.

[371] *ERRC/GHM* interview with Dr Hristo Kuychukov, October 4, 2001, Thessaloniki.

Dr Kyuchukov also witnessed the harassment of a Romani couple attempting to enter Greece to visit a brother. The police reportedly asked the couple where they were going, whether they had an invitation and whether they had enough money with them. When a police officer heard that they had only 50 German marks (approximately 25 Euro) and approximately 16,000 drachmas (approximately 50 Euro), he reportedly became angry and began to shout at them. Of the 50 passengers on the bus, Dr Kyuchukov, his student, the Romani couple and three other individuals were the only people pulled aside for questioning.[372] Moreover, Dr Kyuchukov told the *ERRC/GHM* that the duration of the questioning varied and observed that while the policemen asked only a few questions of a Bulgarian girl, he and his student and the Romani couple were questioned extensively.

Differential treatment of Roma by the Greek police was also revealed by a recent testing conducted by the Sofia-based NGO *Human Rights Project* (*HRP*) at the Bulgarian-Greek border. According to the *HRP* report, on July 20, 2002, three Bulgarian citizens of Romani origin – B.N., S.N. and K.K., and three Bulgarian citizens of non-Romani origin – D.G., D.M., and I.G., went to the Bulgarian-Greek border at Kulata in two cars. The Romani and the non-Romani groups had everything required by the Greek authorities in order to enter the country, including equal amounts of money. The car with the non-Roma was allowed to continue into Greek territory, while the car with the three Roma was stopped by the Greek border police and the passengers were requested to get out of the car. The three Roma were led into the building at the check point and shortly afterwards requested to return to the Bulgarian side of the border. According to the *HRP,* while the non-Roma were not asked any questions, the three Roma were asked by the Greek border police about the purpose of their visit, about the amount of money they had, and whether they had hotel reservation and medical insurance. Eventually, the three Roma were denied entry to Greece reportedly due to "their inability to give a satisfactory explanation about the purpose of their visit to Greece."[373]

Indications of racial prejudice against Roma have also emerged from statements by senior Greek police officers. For example on October 27, 1996 the then-Greek

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[372] *ERRC/GHM* interview with Dr Hristo Kuychukov, October 4, 2001, Thessaloniki.

[373] *HRP* report on the testing at the Bulgarian-Greek border, July 24, 2002, available on file with the *ERRC*.

Minister of Public Order, Mr Georgios Romaios, replied to claims of abuse during the police raid on the Romani settlement in Ano Liosia the same day, stating that, "We should all be skeptical about what Gypsies say."[374] On another occasion, the Police General Staff informed the Human Rights Directorate of the Foreign Ministry in August 2000 that:

> The Gypsies are a traditionally nomadic people who in recent years have shown a tendency to settle, without, however, overcoming their former way of life. This fact, combined with their illiteracy, morals and customs, and their occupations, creates on the one hand obstacles to their adaptation to the indigenous population and on the other hand to their acceptance by the latter.
>
> A consequence of the above is the manifestation of illegal behaviour in such a way that in most cases it expresses their daily life, which usually consists of driving cars without licences… illegal trade, illegal possession of arms and often illegal use of arms, thefts, possession and sale of narcotic substances…[375]

In the light of such statements, the belief prevalent among Roma that they are targeted by the police simply for being Romani is well-founded.

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[374] See "Police Excesses against Roma in Greece, in *Roma Rights*, Spring 1997, available at: **www.errc.org/rr_spr1997/snap11.shtml**.

[375] As published in *Argoliki Enimerosi* newspaper, August 31, 2000. The text can be accessed at: **http://www.greekhelsinki.gr/english/pressrelease/15-9-00-nk.html**.

6. EXCLUSION OF ROMA FROM THE EDUCATION SYSTEM

Although education is a right guaranteed to all children in Greece under the constitution and under Greece's international legal commitments, Romani children are effectively denied access to a meaningful education on a par with that received by their non-Romani peers.[376] The Greek state tolerates the existence of racially segregated substandard schools for Roma. Furthermore, many Romani children are placed in Roma-only classes in regular schools, in which they are subjected to inferior education. Many Romani children are not even enrolled in school or drop out at a very early stage. *ERRC/GHM* research established that a significant share of the responsibility for the non-attendance of school by Romani children lies with the local authorities. Municipal and school authorities have actively hindered the access of Romani children to education by refusing to register Romani students in local schools and by not providing school transport for Romani children.

6.1 Racial Segregation in the Greek School System

In a number of localities in Greece, educational arrangements are racially segregated. *ERRC/GHM/MRG-G* field research has revealed that in some places, schools intended exclusively for Romani children have been established with tacit or even explicit government approval. In other cases, Romani children attend Roma-only classes, frequently attended by children from a wide range of age groups, where they receive very inadequate education. Elsewhere, racial segregation has come about as

[376] Article 16.2 of the Greek Constitution reads: "Education constitutes a basic mission for the State and shall aim at the moral, intellectual, professional and physical training of Greeks, the development of national and religious consciousness and at their formation as free and responsible citizens." Similarly, Article 16.4 provides that "All Greeks are entitled to free education on all levels at State educational institutions. The State shall provide financial assistance to those who distinguish themselves, as well as to students in need of assistance or special protection, in accordance with their abilities."

The right to education is also guaranteed by Article 28 of the Convention on the Rights of the Child (CRC). The right to education is also protected under Article 13 of the ICESCR, and Article 2 of Protocol 1 to the ECHR.

a result of "white flight" – school abandonment by non-Roma, with authorities taking no effective action to counter the phenomenon. Many non-Romani parents and children oppose integrated educational arrangements.[377]

During an *ERRC/GHM/MRG-G* field mission in the island of Evoia (approximately 100 kilometres north of Athens), for example, it was discovered that in the village of Kastella, all twenty elementary school aged Romani children attended the 2nd Elementary school, located next to the Romani quarter of the village. The 2nd Elementary school consists of one teacher who teaches all Romani schoolchildren attending the school, regardless of their age. According to 16-year-old L.K., classes do not last more than two or three hours daily, provided that the teacher shows up – sometimes he does not.[378] The school was renovated four years ago, a sign that it was intended for use in the long term. The *ERRC/GHM/MRG-G* delegation also noted that a proper (and more spacious) elementary school, the 1st Elementary school of Kastella, was located at a distance of not more than five hundred metres from the settlement. *ERRC/GHM/MRG-G* raised its concerns over the patently segregated nature of the 2nd Elementary school with a competent public official who however, wished to talk on condition of strict anonymity. Mr N.N. said he was aware of the existence of this school, which was established in the 1980s. In his view, the ghetto school should be closed down and the children transferred to the mainstream elementary school. However, he thought this would cause an uproar among the local ethnic Greeks who were, according to him, extremely hostile towards the local Roma.[379] Indeed, according to 32-year-old Romani resident of Kastella Mr N.K., many times the Roma have to listen to derogatory comments about their ethnicity when they enter the village.[380]

In some mixed schools Romani children are segregated from the others into Roma-only classes in which educational provision is inferior as compared to regular classes. Twelve-year-old George Skenites told the *ERRC/GHM*:

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[377] According to a 1994 poll, 63% of the pupils questioned, aged between 10 and 12, did not want to have Romani children in their classes. See Dousas, *Rom kai filetikes diakriseis stin Istoria, tin Koinonia, tin Koultoura,* Athens: Dimitris, Gutenberg Press, 1997. p. 163.

[378] *ERRC/GHM/MRG-G* interview with 16-year-old N.K., Kastella, island of Evoia, August 10, 2002.

[379] *ERRC/GHM/MRG-G* telephone interview with Mr N.N., August 28, 2002.

[380] *ERRC/GHM/MRG-G* interview with 32-year-old Mr N.K, Kastella, island of Evoia, August 10, 2002.

> For the last four years that I have been attending school more or less regularly. There is a special class for the Roma in the 15th elementary school I attend. Not only are we only Roma, we are also of different ages. Children aged 9 attend the same class with me and the teacher spends five minutes examining me from my book, then changes books and examines my 9-year-old classmate. Lessons last about four hours, from 8 till 12.[381]

Romani families in Sparta (southern Greece), Drama (northeastern Greece) and Farsala (central Greece) also told the *ERRC/GHM* that their children were placed in classes with only other Romani children: "We were 20 Romani children in my class, ages 6 to 13. We all studied from the same textbook."[382]

The practice of some Greek school officials of channelling Romani students into racially segregated classrooms is confirmed by the findings of other organisations. For instance, in its open letter on Greek education, the *Panhellenic Federation of Greek Roma Associations* (*POSER)* alleged that Romani schoolchildren are assigned to "reinforced instruction" classes by virtue of their origin and not of their educational level.[383] Researchers Katsikas and Politou have also argued that Romani children are herded into "reinforced instruction" classes regardless of their age or level of knowledge, merely because of their ethnic origin. They state that the special educational programmes pertaining to the Roma are not really "special" in the sense that they offer a curriculum (or other resources) tailored to the needs of the Romani children, but that they are special because they appear to encompass only Romani children, instead of integrating them from the beginning in the mainstream Greek schools.[384]

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[381] *ERRC/GHM/MRG-G* interview with 12-year-old George Skenites, Terma Philippou settlement, Drama, September 14, 2002.

[382] *ERRC/GHM/MRG-G* interview with 13-year-old Maria Karagounis, Sparta, Ancient Greek Temple of Standing Diana settlement, May 16, 2002.

[383] See *Panhellenic Federation of Greek Roma Associations* (*POSER)* letter, reproduced in the *GHM/MRG-G* December 13, 2001 press release entitled "The Panhellenic Federation of Greek Roma Associations Admits the Sad State of Roma Education in Greece", available at: **http://www.greekhelsinki.gr/bhr/english/organizations/ghm/ghmA_13_12_01.rtf**.

[384] Katsikas, Christos and Politou, Eva, *Ektos taxis to diaforetiko? Tsinganoi, Meionotikoi, Palinostountes kai allodapoi stin Elliniki Ekpaidefsi,* Athens: Gutenberg Press, 1999, pp. 94-5.

Finally, in some cases, authorities have tolerated the creation of racially segregated educational arrangements which have come about as a result of so-called "white flight" – the abandonment of integrated schools by non-Roma. For example, the 3rd Elementary School in Zefyri became increasingly Romani when non-Romani parents, apparently afraid that the education provided to their children would plunge as a result of the increased number of Romani children attending the same school, began enrolling their children in other schools. Greek authorities have undertaken no measures to prevent such actions.

6.2 Collusion of Local Authorities in the Failure to Attend School

Municipal authorities frequently display a phobia when it comes to registering Romani children in schools within their jurisdiction and strive to keep their number per school as low as possible. In order to reduce the number of Romani children per school to a minimum, some municipalities resort to dispersing Romani children to schools far away from their places of residence. The practice of dispersing Romani children resorted to by some municipalities is not related to a policy aiming at the desegregation of schools, mandated by international law and being implemented in some Central and Eastern European school systems. On the contrary, it is premised on the racist notion that Romani children are less capable than non-Romani children and their presence at school will prevent non-Romani children from accomplishing good results. As a result of this practice, Romani children placed in schools far away from their homes often do not attend school, lacking transport.

In the school year 2001-2002, for example, the municipality of Echedoros has decided to "tackle" the problem posed by the numerous Romani schoolchildren in the schools within its jurisdiction by dispersing them in thirteen schools, both outside and inside its jurisdiction. In response to an inquiry from the Greek Ombudsman's Office, the Elementary Education Directorate for Western Thessaloniki informed the Ombudsman's Office[385] that one hundred and forty-eight Romani children from the Aghia Sophia settlement of the Echedoros municipality were attending introductory classes in seven different elementary schools in neighbouring municipalities. Moreover, twenty-six Romani first graders from the Aghia Sophia settlement were attending eight

[385] Document Ref. No. 4402, dated October 8, 2001, on file with the *GHM*.

different elementary schools of the Echedoros municipality. Thus, the maximum number of Romani children in any given elementary school of the Echedoros Municipality for the last school year was four, the lowest being two when the number of ethnic Greek school children was correspondingly reduced.[386] The barriers to the Romani children's normal access to school posed by this arrangement were described by Mr Athanassios Gotovos, University of Ioannina professor and head of the Roma Education Programme of the Greek Ministry of Education and Religious Affairs: "In the former Gonos army camp in Thessaloniki, where 250 families have been settled, the approximately 130 school-aged children are forced to migrate to go to school. This is because the municipality of Ehedoros, to which the settlement belongs, has refused to accept them in its schools. Thus the children have been split up among 13 schools in Western Thessaloniki, which are between 4 and 17 kilometres away from the settlement."[387]

On September 20, 2002, following a complaint by the *GHM*, the Ombudsman addressed a letter[388] to the Elementary Education Directorate for Western Thessaloniki, soliciting information as to the arrangements in relation to the schooling of Romani children for the academic year 2002-2003. In their response, the Elementary Education Directorate stated that most of the schoolchildren attending the third, fourth, fifth and sixth grades of elementary schools in neighbouring municipalities do not regularly attend school.[389] Moreover, most of the Romani children were reassigned to schools outside the Echedoros municipality.[390] On October 10, 2002, the Ombudsman informed the *GHM* that it did not plan to deal with the issue further.

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[386] To give an example, the 1st Elementary school of Sindos had four Romani schoolchildren out of a total student body of two hundred forty five, but the 2nd Elementary School of Sindos had only two Romani first graders out of one hundred thirty one schoolchildren (the only exception to the rule is the 2nd Elementary School of Kalochori, which had been assigned four Romani schoolchildren out of a student body of one hundred sixty eight schoolchildren).

[387] See *Coordinated Organizations and Communities for Roma Human Rights in Greece (SOKADRE)* September 11, 2001 press release, entitled "'A good school year', but not for Roma Children!", available at: **http://www.greekhelsinki.gr/bhr/english/organizations/ghm/ghm_11_09_01.rtf**.

[388] See document, Ref. No. 11.211, on file with the *GHM*.

[389] See document Ref. No. 2341, dated September 26, 2002, on file with the *GHM*.

[390] *Ibid*. For the year 2002/2003, 138 children are transported to schools in neighbouring settlements (as compared to 148 for the school year 2001/2002).

In other cases school authorities simply "forget" that there are Romani children of school age in their region who have to be registered for school. Section B of Circular F 4/115/G 1/791 of 2001 from the Ministry for Education and Religious Affairs stresses that "…the headmasters and teaching staff should not only admit Gypsy schoolchildren at school, even if they do not have all the necessary documents, but they should also actively try to find them, in co-operation with the schoolchildren's parents and other competent agencies, in order to ensure the schoolchildren's school attendance."[391] *ERRC/GHM* research, however, revealed that sometimes Romani communities are not approached by any school authorities in the respective area for long periods of time. Twenty-nine-year-old Mr Sakis Aristopoulos of Karakonero in Rhodes, told the *ERRC/GHM:*

> Ever since we moved here three years ago, none of the children of the settlement go to school. Occasionally, a priest who has helped us out in the past comes over to the settlement and teaches some of the children for about one to one and a half hours. It is true that we neglected registering the kids but no one came over to tell us what we should do. Only about two weeks ago did two teachers from the local primary school talk to us about sending our children to school. They told us that it was impossible to hold any classes in one of the sheds and that the kids should go to school or, at the very least, a prefab house should be installed that would serve as a classroom.[392]

According to 52-year-old Mr Pantelis Tsakiris, living in the Platanaki settlement, five kilometres from the central Greece town of Lamia,

> Not a single child has attended school for the last three years – that is, since the old railway wagon that was used as a classroom until then was heavily damaged and the teacher stopped coming. No one has come to tell what we should do or where we should enrol our children.[393]

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[391] The text of the Circular is available in Greek at: **http://www.stratari.gr/daskalos/d/nomouesia/egg791-01.html**.

[392] *ERRC/GHM* interview with Mr Sakis Aristopoulos, June 4, 2002, Karakonero settlement, Rhodes.

[393] *ERRC/GHM/MRG-G* interview with Padelis Tsakiris, Platanaki settlement, Lamia, July 15, 2002.

ERRC/GHM research also revealed that some municipal authorities failed to meet their obligation to ensure school transport where Romani children were concerned and effectively precluded those children from access to school.[394] In October 2000, the municipality of Spata relocated the local Romani community approximately six kilometres from Spata, and hence far away from the schools. Following the relocation, the municipality gave verbal assurances to concerned parents that transport would be provided to take their children to schools.[395] On August 29, 2001, as nothing had been heard from the municipality on the issue and the start of the school year was approaching, representatives of the community submitted a written petition to the mayor of Spata, reminding him of his repeated assurances that a school bus would be provided for the transportation of their children to and from school.

On September 18, 2001, almost three weeks later, the prefecture of Eastern Attica responded to the parents' concerns in a letter stating that there was no need to hire a school bus as no children from the settlement had been registered at a school.[396]

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[394] According to Article 29 of Presidential Decree 410/95 and Presidential Decree 373/95, local authorities are responsible for the transport of children to and from school, either with their own (authorities') transport, buses or "any other suitable means of transportation".

[395] Parents were concerned that the commitment would not be honoured and contacted the Ombudsman's Office. The Ombudsman wrote to the municipality, expressing his concern about the need to provide transport to school for the children of the settlement (Letter of the Ombudsman to the Deputy Prefect for Eastern Attica, August 2, 2001, Ref. No 1121/02-08-2001). By July 2002, no action had been taken by the municipality and there had been no further intervention by the Ombudsman.

[396] Letter of Eastern Attica Prefecture to the Ombudsman, September 18, 2001, Ref. No. 1390. The municipality commented that the failure of the parents to register their children came despite the "repeated attempts by both the Mayor of Spata and the principal of the 3rd Elementary School of Spata" to persuade them to do so. While the mayor and a teacher did indeed visit the settlement requesting that children of school age be registered, this does not amount to the 'repeated attempts' mentioned and they did not offer assistance in the actual registration. In Aghia Sophia, Ghonou, special state personnel registered the schoolchildren in the community. In Spata the lack of public transport between the settlement and the city meant that even motivated parents would have to lose a day's work to make the journey. As many Romani parents are illiterate, they require assistance and, following the help of *GHM*, six of the 16 school-aged children were eventually registered for school. The remaining children were not registered, as the parents were sceptical that the transport would be provided (and they were subsequently proven right). For instance, 24-year-old Ms G.K. told the *ERRC/GHM*: "I doubt they will bring a school bus here, haven't you seen how the road is? The tyres of the school bus will burst!" (*ERRC/GHM* interview with Ms G.K., September 20, 2001, Spata.)

However, despite six children eventually being registered with the assistance of the *ERRC/GHM*, the prefecture decided that a lack of funds meant that a school bus could not be provided. Moreover, they failed to hire taxis to take the children to school, as has become the common procedure in areas where school buses cannot be provided. Despite the fact that the *GHM* raised the issue before the Committee on the Rights of the Child (CRC), during the examination of Greece's initial report to the CRC in January 2002, no remedial measures have been taken, nor have disciplinary sanctions been imposed on the responsible public officials. Moreover, the Spata municipality failed to respond to the Ombudsman's letter Ref. No. 11211/2001, dated August 28, 2002, concerning the provision of transport to and from school for the settlement's schoolchildren. The Ombudsman's office itself failed to act with regard to the obvious breach of law by the authorities almost two years after the complaint of the Romani parents.

Other municipalities also did not respect their obligation to provide safe transport for Romani children. Near Chania, Crete, one Romani mother, 38-year-old Ms Demetra Kenteri, explained the situation that prevents the children of the Nerokuru settlement from attending school:

> After moving out from our settlement in Souda, about three years ago, we spent one year in a nearby village and then reached an agreement with the owner of this plot of land, where we have been staying for the last two years, to pay him rent in order to allow us to set up our sheds on his land. When we used to live in the other village, called Tsikalaria, we could not send our children to school, as our living conditions were bad. Things are better here, yet the school is about three kilometres away. The men wake up at six in the morning to go to work and so they cannot take the kids to school. In any case, we did not think this would be a problem, as our settlement is next to a byroad to the highway and a bus taking schoolchildren from a nearby village to the local school passes every day. I talked to the driver, who said that he has not been asked to stop in front of our settlement and that I should talk with the teachers at the school. I went there – that was three years ago, when we were still living in Tsikalaria – and they told me that they could not ask the driver to stop in front of our settlement. Rather, the kids would have to walk for about 500 hundred metres to another bus stop. The second bus stop however is situated on a junction with the highway

> and is pretty dangerous, so many parents are afraid of letting their kids walk to that bus stop.[397]

Anti-Romani attitudes held by both local officials and the majority community are apparently a serious obstacle for the integration of Roma in the educational system. In its February 1999 state report to the UN Committee on the Elimination of Racial Discrimination, the Greek government commented: "Unfortunately, the attitudes of local communities, as expressed through the attitude of local government bodies, constitutes, in a number of cases, a basic obstacle in every attempt at reform and efforts to improve conditions. It is obvious that, in relation to the perceptions and attitudes of the majority of the population towards this particular social group, invisible but powerful mechanisms leading to a way of thinking or mentality that runs counter to the aims of the programme still exist."[398] Indeed, according to a recent UNICEF study, 68.2% of the Romani parents questioned agreed that the role of school was important in the formation of their children's personalities, but they also believed that due to racism among educators and non-Romani classmates, Romani schoolchildren are deprived of meaningful education.[399]

In one instance, public intolerance for Roma forced school authorities to temporarily close a school. On November 13, 2000, school authorities in the municipality of Halastra, near Thessaloniki, closed a local public primary school for approximately one week as a result of pressure from the local non-governmental parents and guardians association. The association reportedly protested against the enrolment of 32 Romani children from the Aghia Sophia Gonou community, near Thessaloniki.[400]

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[397] *ERRC/GHM* interview with Ms Demetra Kenteri, June 27, 2002, Nerokuru settlement, Chania, Crete.

[398] See Committee on the Elimination of Racial Discrimination (CERD), "Reports submitted by States Parties under Article 9 of the Convention, Fifteenth periodic reports of States Parties due in 1999, Addendum, Greece, (21 February 2001)", CERD/C/363/Add.4/Rev.1, 16 May 2001, para. 77 (hereinafter Greek State Report to CERD).

[399] UNICEF Research, December 5, 2001, available at: **http://www.unicef.gr/oldpress/2001/45-2001.htm**.

[400] In October 2000, the Greek government had relocated 251 Romani families to prefabricated houses in Aghia Sophia Gonou. These families included 136 Romani children of primary school age, who were directed by the Thessaloniki Prefecture to four schools in the adjacent municipalities,

In Halastra, where there were already 27 Romani children, the parents and guardians association allegedly declared that "they had enough Romani children already" and refused to allow more.

In Nea Alikarnassos, Crete, a number of Romani children have been passed from school to school over the past decade. The most recent proposal for another such displacement was made in a meeting on December 14, 2000, when the mayor of Nea Alikarnassos, Mr Ioannes Paterakes, suggested that the Romani children attending the local Third and Fourth Public Primary schools be transferred to other schools from the beginning of the next school year. His reasoning was that the Romani children were not "equitably distributed" among all the primary schools in the area. As a result, they constituted a "burden" to the two particular schools. He also suggested that a primary school be built in the new settlement for the Roma that was under construction and even invited non-Roma parents to send their children there. Finally, he argued that one of the reasons for his proposal was that the Municipality of Nea Alikarnassos had not been informed of the transfer of the Romani schoolchildren to the two local primary schools.[401] The local association of the schoolchildren's parents and guardians lent its support to Mr Paterakes, arguing that the Romani schoolchildren were dirty, and requesting to be informed whether they had received all the necessary vaccinations.[402] Voices striving to protest this proposal were silenced.[403]

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including Halastra, with the consent of their parents. In all four schools, parents of the Greek children reportedly protested against the enrollment of Romani children. For more information on the incident, see "Public School in Greece Closes in Order to Exclude Romani Children", in *Roma Rights* 1/2001, at: **http://www.errc.org/rr_nr1_2001/snap30.shtml**.

[401] Article in Herakleion-based daily newspaper *Patris,* December 15, 2000, available at: **http://www.patris.gr/archive/2000/12/15/5th.html**.

[402] *Ibid*.

[403] According to an article published in *Eleftherotypia*, December 30, 2000, the head of Section B of the Primary Education directorate of the Herakleion Prefecture, Mr Manolis Tsamandouras, was not allowed to talk during the meeting when the proposal of reassigning the Romani schoolchildren to other schools was put forward by Mr Paterakes. The Association of Primary School and Kindergarten Teachers of the Herakleion Prefecture was not invited to take part in the meeting. In fact, a few days later, it issued a press release noting that it was against any idea of dispersing the Romani schoolchildren in all the local primary schools. See article in *Eleftherotypia*, January 4, 2001.

The above should be assessed against the background of the education provided to the Romani schoolchildren of Nea Alikarnassos. During a period of seven years, the Romani schoolchildren have attended three different primary schools. During the years 1995-97, Romani schoolchildren attended an exclusively Romani primary school, located in Pateles, a suburb of Herakleion. From 1998 until 2000, the children were moved to another school, again one attended only by Romani schoolchildren, in Nea Alikarnassos. Both schools consisted of a kindergarten and the first three grades of primary school.[404] For the year 2000, the local associates of the Ioannina Programme for the Education of Roma Schoolchildren decided to distribute the Romani schoolchildren to the two local public primary schools, the Third and Fourth. Their decision obviously was not greeted favourably by the mayor of Nea Alikarnassos. The local Education Board remained steadfast to its original decision and thus, during the most recent school year (2001-2002), Romani schoolchildren continued attending the Third and the Fourth public primary schools to which they had been assigned. As might have been expected, however, relations between the Romani schoolchildren and their classmates, as well as their teachers, were affected by the latent anti-Romani feelings harboured by many Nea Alikarnassos residents. Scuffles often reportedly break out between ethnic Greek and Romani schoolchildren, usually because the latter call the former "Gypsies". When Romani children report such incidents to their teachers, they frequently receive the response that "it does not matter" or that "he did not mean it".[405] Such avoidance of the issue of racism shows a considerable lack of cultural sensitivity among the school authorities, and tacitly supports the racist abuse that Romani children face at the hands of their peers, effectively reinforcing the message to Romani students that they are not welcome in their school environment.

The policies of some Greek authorities with respect to the education of the Romani children in Greece appear to be infected by the racist stereotypes about Roma prevalent Greek society. *ERRC/GHM* research has revealed that the ultimate goal of many school authorities is not to provide Romani children with equal access to educational opportunities but to separate them from the non-Romani children and therefore from the benefits of good education enjoyed by them. The dispersal of Romani children in a large number

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[404] *ERRC/GHM* interview with Mr Anastasios Kalamiotes, June 29, 2002, Nea Alikarnassos settlement, Herakleion, Crete.

[405] *ERRC/GHM* interview with 11-year-old Nikolaos Mitrou, June 29, 2002, Nea Alikarnassos settlement, Herakleion, Crete.

of schools and their segregation in all-Romani schools pursue the same goal – to minimise the interaction of Romani children and non-Romani children. Although dispersal of Romani children would have potential as a policy if applied with a view to ending racially segregated education and were it compounded by activities aiming at the support of the Romani children at school, in the cases described in this report, dispersal of Romani children does not appear to be driven by such policy considerations. The fact that after the dispersal, many Romani children are faced with serious difficulties in accessing far away schools demonstrates that school authorities are not motivated to ensure quality education for Roma, but rather seek to rid themselves of the responsibility to educate Romani children. In order to ensure the quality of the educational process, some school authorities prefer to segregate or exclude Romani children, instead of providing Romani children with adequate support at school. *ERRC/GHM* categorically denounces such treatment of the Romani children by Greek authorities which far from ensuring equal access to education for Roma, denies them education altogether. *ERRC/GHM* supports dispersal of Romani children as a means of allowing them to leave the inferior and racially segregated all-Romani schools and integrate in the mainstream educational system. *ERRC/GHM* believes that dispersal as it is practiced now by some Greek authorities contributes to further exclusion of Roma from the educational system.

6.3 Denial of Romani Identity in the Education System

In 1996, the Ministry for Education and Religious Affairs began implementation of a three-year-long nation-wide Roma Education Programme, with the aim of integrating children from families with specific "cultural and social particularities".[406]

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[406] The Programme has been formulated and administered by the Pedagogical Department of the University of Ioannina. The Roma Education Programme formed part of the 1996 Government Programme for Roma and was intended, and initially announced, as a programme that would be implemented nationwide. (See University of Ioannina, Department of Philosophy, Education and Psychology, Division of Education, *Educational Interventions and Social Marginality: the Case of Greek Roma*, p. 1. (unpublished)). The intention of the Greek government to implement the programme nationwide is also echoed in the Greek state's February 2001 report to the CERD, in which it is stated that "The programme has a panhellenic range." (See Greek State Report to CERD, para 72 (c)). However, the Ioannina University Programme has not been implemented in all schools that might include Romani children among their student body. By mid-2001, the programme was running only in 34 localities throughout the country. (See Greek State Report to CERD, para 72 (c)).

Presumably, the government considered the programme relatively successful, since it extended the programme for an additional six years.[407] The Roma Education Programme is based on the concepts developed by the University of Ioannina and expounded in their document "Educational Interventions and Social Marginality: The Case of Greek Roma". This document is founded on the premise that the Roma constitute a social group, rather than an ethnic or cultural minority. For example, it was asserted in the text of the document that "as a rule [the Roma share] a common ethnic identity with the rest of Greek citizens" and that the word "Roma" is merely used to refer to a "secondary cultural identity of the person constituting the Greek Roma group".[408] The notion that education should be allowed to play an important role in the preservation of different languages and cultural traditions is dismissed as "valid from an academic point of view, [but not] from a pedagogical perspective".[409]

The Greek government has made no attempt to disguise the fact that its programmes for the education of children from minority groups are designed to assimilate them into majority Greek culture. Whereas for example Greece adopted in 1996 an "intercultural educational approach" for meeting the needs of groups with social, cultural and religious particularities,[410] these are almost exclusively limited to repatriated ethnic Greek children or children of immigrants in Greece. Roma are not deemed to be such a group, hence they do not benefit from such intercultural programs.

The denial of Romani identity, inherent in the Roma Education Programme, is manifested in the omission of Romani history and culture from school curricula and in the refusal of the Greek state to provide education for Romani children in Romani

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[407] University of Ioannina, p. 1. See also Greek State Report to CERD, para. 78.

[408] University of Ioannina, pp. 10-11. See also an article by the Director of the Programme: Gotovos, Athanassios, "The Rom Identity" in the *Eleftherotypia* "*Historika*" Supplement of June 21, 2001, in which Mr Gotovos claims that the average Romani person conceives himself not as a member of a foreign people but as the "neglected and marginalised child of the 'Greek family'", p. 42.

[409] University of Ioannina, pp. 3-4.

[410] See "Overview of the Greek Ministry for Education and Religious Affairs' Intercultural Educational Programme", available in Greek at: **http://www.ypepth.gr/el_ec_page200.htm**. The relevant legislation on intercultural education is available in Greek at: **http://www.ypepth.gr/el_ec_page197.htm**.

language training.[411] Although provisions have been made under the Roma Education Programme for the compilation of a Greek-Romani dictionary (with the Greek alphabet for both languages), other educational materials in the Romani language and materials that are culturally sensitive to Roma are not available. In fact, certain materials which had been used successfully in the past, have become unavailable since the Programme took effect. The experience of one motivated teacher, cited in the 1999 OSCE Report on Roma and Sinti, is instructive:

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[411] Among the more nuanced cultural aspects to the right to education protected under international treaties ratified by Greece are those articulated by the UN Convention on the Rights of the Child (CRC) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Pursuant to Article 29, 1(c) of the CRC, " States Parties agree that the education of the child shall be directed to […] the development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own." Article 13 of the ICESCR states: "The States Parties to the present Covenant […] further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace." It is the contention of the *ERRC/GHM* that the Greek state fails to direct its education system to the above principles in the case of children espousing a Romani identity.

Furthermore, the Framework Convention for the Protection of National Minorities, which was signed but not ratified by the Greek state, guarantees the right of national minorities to be taught in their mother tongue. Article 14 stipulates: "1. The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language. 2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language."

It is interesting to note, however, that for the education of the children of Greek expatriates and of immigrants, the Ministry of Education provides school material in the child's native tongue. (Information from the Prime Minister's Office for Quality of Life, at: **http://www.primeminister.gr/lq/page-07.htm**. Similarly, Law 2413/1996 provides for the establishment of cross-cultural departments and classes, and the conversion of existing schools into cross-cultural schools. It appears however that such measures are addressed only to the children of immigrants, EU citizens and Greek repatriates. See Committee on the Rights of the Child, "Initial Reports of States Parties Due in 1995: Greece. 25/06/2001. CRC/C/28/Add 17", (hereinafter Greek State report to CRC), p. 128, available at: **http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/e1b73e4c9f85ce1dc1256ad2002dcd25?Opendocument**.

> The teacher of one predominantly Roma primary school reported [in Aspropyrgos, in May 1999] that she had previously used, with effective results, a primer on the Greek language that was written from a Romani perspective. But when she recently tried to order this primer from the Ministry of Education, which had produced the book, she was told it was out of print.[412]

Failure of the Greek state to ensure that the Romani language, history and culture are taught in Greek schools undermines the intrinsic worth of the Romani language as well as the dignity of the Romani people as a people with unique history and culture. Moreover, education in Romani language should be provided if only for more practical reasons.[413] According to a 1953 UNESCO study, instruction in the child's mother tongue is imperative if the child is to learn a second language easily – an argument that appears to still hold sway with the majority of experts today.[414]

The refusal to recognise the minority education rights of the Roma also affects the education of the Muslim Romani schoolchildren in Western Thrace. As the Muslim

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[412] OSCE High Commissioner on National Minorities, *Report on the Situation of Roma and Sinti in the OSCE Area*, Released on 7 April 2000, p. 115-16 and 83. The excerpts of the Report on the Roma in Greece can be accessed at **http://www.greekhelsinki.gr/pdf/hcnm-roma-greece-2000-english.PDF**. The consequence of the failure to provide appropriate teaching material has been that the four classrooms specially provided for the needs of Romani children in the Aspropyrgos settlement, mentioned by the government in their report to CERD, cannot be put to full use. See Greek State Report to CERD, para 68.

[413] In the Council of Europe's Committee of Ministers' recommendations to member states, it is stated that "The curriculum [of educational policies in favour of Roma/Gypsy children]…and the teaching material should therefore be designed so as to take into account the cultural identity of Roma/Gypsy children" and that participation "…of representatives of the Roma/Gypsy community should be encouraged in the development of teaching material on the history, culture or language…" (See Appendix to Rec. No R (2000) 4 of the Committee of Ministers to Member States on the Education of Roma/Gypsy Children in Europe, adopted by the Committee of Ministers on 3 February 2000 at the 696th meeting of the Minister's Deputies (Council of Europe), point II.9.) Additionally, and more importantly, the Committee recommends that "In the countries where the Romani language is spoken, opportunities to learn in the mother tongue should be offered at school to Roma/Gypsy children." (*Ibid.*, point II.12)

[414] UNESCO, *The Use of Vernacular Languages in Education,* Paris: 1953, p. 691-2. Quoted in Fernand de Varennes, *Language Minorities and Human Rights,* International Studies in Human Rights, Kluwer Law International, The Hague/Boston/London: 1996, p. 193-4.

Roma of Thrace are a part of the Muslim minority, they have the right under the 1923 Lausanne Treaty to education in Turkish – the only officially recognised language of any minority in Greece. As Turkish is not part of the mainstream Greek curriculum, special minority schools have been established and are attended exclusively by children from the Turkish-speaking minority group. In the school year 1992-1993, there were six minority elementary schools in Western Thrace – three in the Rhodope and another three in the Xanthi Prefecture – attended solely by Muslim Romani schoolchildren.[415] The elementary school in the Drosero quarter of Xanthi, an area inhabited exclusively by Muslim Roma, has operated since 1994 as a mainstream (i.e. Greek language only) school.[416] The decision of the authorities to stop provision of specialised schools in this area has meant that not only are Muslim Romani children not taught in Turkish – an obligation flowing from the 1923 Lausanne Treaty – but that they are also required to take part in Christian ceremonies held in the mainstream schools, such as the morning prayer, in violation of their families' religious beliefs.

6.4 Summary: "Agrammatos"[417]

Although an accurate assessment of the educational success of the Romani population as a whole in Greece is unavailable,[418] various studies conducted in recent years focussing on Roma in settlements indicate that disturbing numbers of Romani children in Greece are failing to finish their education. Failure to complete – or even begin – formal education reaches very alarming proportions among Roma living in settlements and Romani neighbourhoods in towns and cities. In many areas, the issues of racial segregation and school failure appear closely linked.

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[415] See Nathaniel Panayotides, *To meionotiko Ekapideutiko Sistima tis Ellados*, Alexandroupoli: Gnomi Publications, 1996, p. 39. Minority schools in or close to exclusively Muslim Roma areas tend to have a predominantly, if not exclusive, Muslim Romani school population.

[416] See Troubeta, Sevasti, *Kataskeuazontas tautotites gia tous Mousoulmanous tis Thrakis:to paradeigma ton Pomakon kai ton Tsinganon,* Athens: KEMO/Kritiki, 2001, p. 226.

[417] Agrammatos (Greek), illiterate. For more information see Petrova, Dimitrina, "Agrammatos", in *Roma Rights,* Summer 1998, available at: **http://errc.org/rr_sum1998/editorial.shtml**.

[418] Educational statistics on Roma in Greece should be treated with extreme caution, due to widespread empirical evidence indicating that levels of educational attainment may in many areas directly or at least partially correlate with denial of ethnic identity.

A 1998 survey of school-aged Romani children in a number of Greece's more exposed Romani settlements by DEPOS revealed that only 23% of Romani children of secondary school age in settlements have ever been to school and only 4.3% of this number attend regularly. Similarly, only 21% of Romani children of primary school age in settlements have ever been to school and just 13% of those who had started had continued to attend.[419]

Thanks to work undertaken by a local private initiative in Karditsa, an accurate picture of the education provided to the Roma living in the Romani quarter of the Sofades municipality near Karditsa, in central Greece, can be presented. Sofades is the home to approximately 320 Romani families. Before 1986, practically no Romani schoolchild managed to graduate from elementary school, pressured as they were by their parents to work and discouraged by the treatment they received from teachers and ethnic Greek pupils alike. From 1986 to 1989, the 2nd Elementary school of Sofades housed a school for Romani children only. From 1989 until today, the education of Roma takes place in the all-Romani 4th Elementary school, which since 1997 has been located in the settlement. In addition, the 5th Kindergarten also started operating within the settlement in 1997. The number of graduates from the 4th Elementary school is a sobering testimony of the inadequacy of the education provided to the Romani schoolchildren, as well as of the everyday difficulties the Roma face that render their meaningful education illusory. From 1986 until 1995, only eight children reportedly graduated from elementary school and only one from junior high school. In addition, out of the 447,300 and 333 students enrolled in the 4th Elementary school in the school years 1998-99, 1999-2000 and 2000-2001 respectively, only 135, 155 and 185 attended school throughout the corresponding school year. In fact, the number for the school year 2000-2001 should be treated with caution as the report was published in December 2000, so more Romani schoolchildren might have dropped out after the report was published. As of December 2000, only three Roma

[419] DEPOS Study 1999, Annex II, Table II.7. DEPOS conducted research between 1996 and 1999, and this particular study was conducted in 1998. The sample group used in the study consisted of 432 Romani children, between six and 18 years of age, from 10 different settlements throughout Greece. More generally, the study also revealed that out of 1,336 individuals of any age interviewed, only one person had graduated from senior high school and another had attended some classes at senior high school. A more limited questionnaire-based study conducted in June 2001 by *GHM* points to similar conclusions: of 60 children from six different settlements throughout the country, only a third had ever attended school.

had graduated from junior high school and only one graduated from senior high school. According to local Roma, out of the fifteen Romani schoolchildren who enrolled in junior high school for the school year 2001-2002, ten dropped out and only five went to school for the duration of the school year. Even those five however had a very poor school performance. According to local Roma, the provision in the 4th Elementary school is of inferior quality as compared to schools attended primarily by majority children. Thus, the local teachers dismiss children after only three hours of teaching while until last year, the 5th and 6th grade of the Elementary School did not have the appropriate school books.

Similar are the conditions prevailing in the settlement of Mavrika, about twenty kilometres away from Sofades. A Roma-only elementary school, the 19th, has operated since April 2000 in the area where the old Romani settlement was located, at a distance of seven kilometres from the new settlement. The school consists of four prefabricated houses and had 125 pupils registered for the year 2000-2001, out of which only 40 were still attending school in mid-2000.[420]

The Greek government has claimed that significant improvements in the attendance rates of Romani children have been made since the implementation of the "Education of Roma Children" programme. According to the Greek delegation attending the 2001 OSCE Human Rights Implementation Meeting in Warsaw, the drop-out rate for Romani schoolchildren has fallen from 75% in 1996 to 25% for the year 2000.[421] However, data on attendance for the school year 2001-2002 from various localities would suggest that the claims made in Warsaw were exaggerated. A Study on the Comprehensive Programme of Action in Corinthia Prefecture, in central-eastern Greece, found that of the 225 Romani children of school age living in Examilia, only 106 had been registered for the 2001-2002 school year.[422] The same study

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[420] *ERRC/GHM/MRG-G* interview with Andreas Batis, Sofades, August 29, 2002. See also Karditsa Development Enterprise's Centre for the Support of the Sofades Citizens, Study on the Gypsy settlement of Sofades, December 2000, pp. 21-24 (unpublished).

[421] See Statement made by the Greek Delegation, OSCE Human Dimension Implementation Meeting, Warsaw, September 17-27, 2001, available at: **http://www.osce.org/odihr/hdim2001/statements.php3?topic=4a&author=23**.

[422] Details of this study were kindly provided by the *Centre for Support of the Gypsies of Korinthia* in November 2001.

found a similar situation in Zevgolatio: of the 263 Romani children of school age, only 90 were found to be registered. Moreover, many of the children in both cases attend special preparatory classes consisting primarily of Romani children (34 in Examilia and 14 in Zevgolatio respectively) and thus the number of Romani children attending integrated classes in normal schools is even lower.

Even for those Romani children who complete or sporadically attend primary school, there is a strong tendency for many to drop out of school when they reach the age of 12. The tiny number of Romani students registered for junior high school in Examilia and Zevgolatio in the 2001-2002 school year illustrates this fact: Only two children from Examilia were registered at the first grade of junior high school, and not one child from Zevgolatio. No children from either settlement were registered in higher grades. The figures provided by the Greek state to the Committee on the Rights of the Child suggest this pattern is repeated on a national scale. According to the Greek government's statement to the Committee, 8,500 Romani children were registered at elementary schools for the year 1999-2000 (not including kindergartens), and only 1,750 were registered at secondary schools.[423] These data indicate that whatever improvements the government programme has brought about, the educational system in Greece is still today failing to educate significant number of Roma. However, the lack of any reliable estimate as to the number of Romani children of school age makes it impossible to assess quantitatively the success of the Programme. On the other hand, estimates are possible, and one study has suggested that approximately 30,000 Romani children in Greece do not regularly attend school.[424]

Recent surveys examining the levels of literacy among Romani communities in Greece have indicated the failure of the education system to address the particular

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[423] See "Implementation of the CRC, Additional and Updated Information Submitted by Greece in Connection with the Consideration of its Initial Report CRC/C/28/Add 17", p. 31, available at: **http://www.greekhelsinki.gr/bhr/english/organizations/crc_grreplies.doc.** This document was submitted following the request by the Committee on the Rights of the Child that the Greek state provide additional information. For further background, see "List of Issues: Greece. 10/10/ 2001. CRC/C/Q/GRE/1. (List of Issues), Implementation of the CRC, List of issues to be taken up in Connection with the Consideration of the Initial Report of Greece (CRC/C/28/Add 17)", CRC/C/Q/GRE/1, 19 October 2001, available at **http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/ ac3ccfee217017b4c1256b0d00307f06?Opendocument**. See also Greek State Report to CRC.

[424] Katsikas, and Politou, p. 66.

needs of members of minority cultures. According to the government's own estimates, 60% of Roma in the age group 18-50 had never attended school and were found to be illiterate, with a further 22% deemed to be functionally illiterate, having sporadically attended primary school. Only the remaining 18% successfully received a graduation diploma – including those who graduated only from primary school and never completed secondary school.[425] Similarly, a study conducted in the Romani settlement of Aghia Sophia, approximately six kilometres from Thessaloniki, found 84% of men and 97% of women there to be illiterate.[426] Moreover, according to research undertaken by the Karditsa Development Enterprise's Centre for the Support of the Karditsa Citizens, a local private initiative, illiteracy among the adult Roma reaches a staggering 100%.[427]

In the Greek State Report to the CERD in February 2001, the government highlighted some of the key issues related to Romani education in Greece in describing the process of implementing the Education of Roma Children Programme through the University of Ioannina:

> During the implementation of this programme, various significant issues came to light, affecting or determining the educational and social integration of Roma children. Every educational intervention depends on a number of more general issues that call for organised and co-ordinated

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[425] These figures were cited by the Greek Society for Local Self-Government and Development (EETA) in their *Plan of Action for the Social Integration of Greek Gypsies*. (Greek Society for Local Self Government and Development, *Plan of Action for the Social Integration of Greek Gypsies*, April 2001, p. 6.) The figures were taken from the unpublished *Study on the Financial, Social and Cultural Condition of the Gypsies in Greece*, conducted under the auspices of the University of Ioannina between November 1997 and January 1998. According to an article published in a special insert in *Eleftherotypia* of March 11, 2000, the study consisted of a questionnaire conducted in the 10 prefectures in which, according to those carrying out the research, 68% of the Romani population lives. A follow-up study took place in another five prefectures in 1999, the findings of which were consistent with those of the first research period. See Insert to *Eleftherotypia,* March 11, 2000, **"**Ki an eimai Rom, mi me fovasai", p. 4.

[426] See *Simperasmata tis Meletis gia tous Tsinganous tou Oikismou Aghia Sofia, Ar. Prot: 77, 13/7/ 2001,* Undated; submitted to the Office of the Advisor on Health and Welfare Issues to the Prefect on July 13, 2001, p. 26.

[427] See Karditsa Development Enterprise's Centre for the Support of the Karditsa Citizens, *Report on the General Characteristics of the Karditsa Gypsies*, dated December 2000, p. 4 (unpublished).

> intervention by all the actors involved, such as the housing needs of the Roma population, their health and welfare, and the tackling of unemployment or marginalization of the Roma people.[428]

The Greek state's realisation that co-ordinated effort is required to improve the state of Romani education with any success is to be commended. However, it is apparent that whatever the aspirations of the Greek state, efforts to assist Roma in realising the right to education in Greece are breaking down at the local level in many municipalities throughout Greece. The racial prejudices of municipal authorities present a barrier to Romani children's integration that has yet to be dealt with by the Greek authorities. Failures on the part of authorities to register children in schools, to provide safe transport for Romani children, to combat racial segregation, and to provide a curriculum that recognises the legitimacy and value of Romani culture and the Romani identity present powerful obstacles. It was noteworthy that, to a person, all of the Romani parents with whom the *ERRC* and *GHM* spoke during the preparation of this report were convinced of the value of education and expressed deep frustration at the current state of educational provisions for Romani children in Greece.

[428] See Greek State Report to CERD, para. 76.

7. BARRIERS TO ACCESS TO HEALTH CARE AND SOCIAL BENEFITS

The health of many Roma in Greece is generally poor, due to a disastrous combination of inhuman living conditions in substandard and more exposed Romani settlements, poverty among a high number of Roma, high levels of illiteracy, lack of education, and in many cases lack of funds for medical treatment.[429] Moreover, many Roma lack basic identity documents, making it impossible for them to claim basic health care and/or social benefits. There are no provisions in the public health care system to compensate for these crippling limitations to access to health care. The failure of the health care system to accommodate the needs of Romani women and children places them particularly at risk. A survey carried out by the medical staff at the Health Centre in the Aghia Sophia settlement in Thessaloniki found that most pregnant Romani women avoid

[429] The alarming health situation of Greek Roma raises issues regarding Article 12(1) of the International Covenant on Economic, Social and Cultural Rights which guarantees "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health". Furthermore, Article 12(2) enumerates a number of "steps to be taken by the States parties ... to achieve the full realization of this right". Additionally, the right to public health and medical care is recognised, *inter alia*, in Article 5(e)(iv) of the International Convention on the Elimination of All Forms of Racial Discrimination, in Articles 11(1)(f) and 12 of the Convention on the Elimination of All Forms of Discrimination against Women, and in Article 24 of the Convention on the Rights of the Child. The right to protection of health is also recognised under the Revised European Social Charter, at Article 11.

The United Nations Committee on Economic, Social and Cultural Rights has noted that States have immediate obligations in relation to the right to health, such as the guarantee that the right will be exercised without discrimination of any kind (Article 2(2)) and that States have an obligation to take steps (Article 2(1)) towards the full realisation of the right to the highest attainable standard of health (See "General Comment No. 14 (1991), The Right to the Highest Attainable Standard of Health (Art 12 of the Covenant)", adopted by the UN Committee on Economic, Social and Cultural Rights on 11 August 2000, U.N. doc. E/C.12/2000/4).

Additionally, the U.N. Committee on the Elimination of Racial Discrimination has in its General Comment No. 27 recommended States Parties to "ensure Roma equal access to health care and social security services and to eliminate any discriminatory practices against them in this field" (see *Discrimination Against Roma*, 16/08/2000, CERD General recommendation 27. (General Comment), available at: **http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/11f3d6d130ab8e09c125694a0054932b?Opendocument**).

visiting an obstetrician and are ignorant of basic prenatal care.[430] Another study particularly illustrates the effect of the failure of the health system to facilitate access to health care to Romani women. This research examined Muslim Romani women living in the Metaxourgheio area, in the centre of Athens; of the 30 women questioned, 20 reported that they had never been informed about contraception, six had given birth to their first child at the age of 17, two had given birth to their first child at the age of 13, and 23 of the women had had at least one abortion.[431] The same study found that a lack of money meant that visits to an obstetrician were infrequent, with 17 of the women not having been to a doctor in the previous year. Four out of 25 of the women, moreover, did not know where to go should they have a serious health problem.[432]

A combination of lack of regular school attendance and a lack of readily available information to Romani mothers means that many Romani children are not sufficiently provided with the protection offered by vaccination against disease. According to the research conducted in Metaxourgheio, 20 of the 30 women questioned could not answer whether their children had received all of their vaccinations.[433] The survey also found that the Romani women did not always take their children for vaccinations as recommended by the medical community.[434]

Many Roma in Greece lack basic identity papers, which is a serious obstacle to their receiving basic or emergency health care. *ERRC/GHM* research has found that hospital authorities and hospital-based social workers are, moreover, unwilling to assist Roma in applying for such documents. During a police raid on the Aspropyrgos settlement in Athens on January 28, 2002, a police officer physically assaulted 21-year-old

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[430] See article entitled "Apostaseis kratoun oi Tsinganoi apo tous Giatrous" in *Iatrikos Tipos*, at **http://www.iatronet.gr/htmlpages/iatrikos_typos/235_arthro20.html**.

[431] *Erevna gia tin dinatotita paremvasis stin Periochi tou Metaxourgeiou – Koinoniki Entaxi Mousoulmanon Ginaikon*, undated, circa 1999, pp. 61-72.

[432] *Ibid.* Not every question in the study was answered by all 30 Romani women.

[433] *Ibid.* Another important finding of this study was that 18 out of 26 of the Romani women stated that they did not know whether and how they could claim social benefits as mothers. (*Ibid.*, p. 123.)

[434] *Ibid.*, p.68. According to the study, 16 out of the 30 women questioned said their children had not been vaccinated, and 10 of them said they did not know where to go in order to have their children vaccinated.

Ms Yannoula Tsakiris, kicking her in the back, although she had informed him that she was 10 weeks pregnant. Following the assault, Ms Tsakiris suffered internal bleeding from a partially detached placenta, but she did not go to hospital immediately after the incident. When Ms Tsakiris reported the incident to *GHM* staff the following day, she indicated that she was afraid to go to the hospital because she had no identity papers, and furthermore, she thought she had suffered a miscarriage already.[435] She was immediately rushed to the Elena Venizelou Maternity Hospital, where she miscarried on February 1, 2002, and remained in hospital until February 4, 2002 for treatment. Ms Tsakiris filed a complaint against an unknown police officer, through the *GHM*, on the same day she miscarried. *GHM* staff and Ms Tsakiris were invited to testify on March 6, 2002. According to the latest *ERRC/GHM* information criminal proceedings have been filed against an unknown perpetrator. The police Sworn Administrative Investigation, however, concluded that there had not be any wrong-doing.

This was not, however, the end of Ms Tsakiris' ordeals. A problem arose concerning the payment of the hospital fees. Ms Tsakiris had no means to pay the fees she owed to the hospital. As Ms Tsakiris lacked personal documents, she has been precluded from receiving social benefits. *GHM* contacted the social worker based at the hospital and informed her of the need to assist Ms Tsakiris in applying for an identity card. The social worker, however, did not consider it her job to "take somebody by the hand" and help them apply for documentation. The response from a social worker based in the Office of the General Secretary for Health, part of the Ministry for Health and Welfare, was similar. Nevertheless, the *GHM* continued its efforts and reached an agreement with the Chairman of the Athens Bar Association (ABA), Mr Dimitrios Paxinos, as a result of which the ABA undertook to assign a lawyer to handle the case, while also undertaking to cover all related expenses. The *ex parte* application of Ms Tsakiris calling for her registration in the local Birth Registry (a precondition for her to apply for an identity card and other documents) was heard before the One Member First Instance Court of Athens on January 27, 2003. The Court accepted her application and ordered the competent Birth Registry to register her.

The lack of co-operation administrative staff in state-run hospitals often display toward Romani patients further limits access to health care for Roma in Greece. Some-

[435] *ERRC/GHM* interview with Ms Yannoula Tsakiris, January 29, 2002, Athens.

times this evolves into illegal actions against Romani patients in the hospitals. In one such case, on August 11, 1998, Ms Maria Kalamiotes, a Romani woman from the Athens area, gave birth to her third child at the "Alexandra" hospital in Athens. According to her husband, Mr Andreas Kalamiotes, officials at the hospital told his wife that she had to pay for the cost of the delivery. His wife told them that she had no money and that she could not claim any security benefits, as she had no identity card. The hospital administration then requested the money from Mr Kalamiotes and, when he was unable to pay, confiscated his identity card until the time that he could settle the fee.[436] It was only after the intervention of the Ombudsman on July 25, 2001, notifying the hospital of the illegality of their action, that the hospital administration returned the identity document to Mr Kalamiotes.[437] The confiscation of his identity card rendered Mr Kalamiotes vulnerable to fines and imprisonment for three years.

[436] *ERRC/GHM* interview with Mr Andreas Kalamiotes, July 6, 2000, Athens.

[437] The Ombudsman's Office considered that the withholding of an identity card is a violation of Legislative Decree 127/69 and Presidential Decree 141/79 (in particular Article 74 (15)). Both decrees require citizens to bear their identity card at all times in order to be able to produce it when asked to by the competent authorities. Moreover, the Ombudsman held that withholding an identity card as a means of forcing a citizen to pay a bill is a blatant breach of the constitutionally enshrined right to free development of personality and participation in the social, economic and political life of the country (Article 5(1) of the Greek Constitution). Letter of the Ombudsman to "Alexandra" hospital, July 25, 2001, Ref. No. 10079.2.1/01.

8. ANTI-DISCRIMINATION LAW AND GOVERNMENT PROGRAMMES ON ROMA

The *ERRC* and *GHM* are of the position that the provision of adequate laws banning racial discrimination is a *sine qua non* for addressing Roma rights issues, as are proactive policies addressing the current burdens deriving from racial discrimination faced by Roma in many areas of life. The sections below provide an overview of the current state of Greek anti-discrimination law with respect to its compliance with international standards and the extent to which Greece has acted to comply with its obligations in the context of European integration to amend domestic legislation in accordance with Directives issued by the Council of the European Union under new Article 13 of the Treaty establishing the European Community, as amended by the Treaty of Amsterdam. Thereafter, existing Greek government programmes on Roma are described and the extent of their implementation assessed.

8.1 Anti-Discrimination Law

The ban on discrimination is anchored in both international Covenants,[438] in the European Convention on Human Rights,[439] as well as in a number of other international legal instruments to which Greece is a party.[440] European legal norms banning discrimination are currently in a period of dramatic expansion, due to consensus that the dignity of an individual in a democratic society depends to a great extent on her having access to legal tools with which she may seek and secure redress in instances in which her dignity has been harmed through arbitrary treatment. The very serious harm of racial discrimination has been a particular focus of recent efforts by European lawmakers, due at least in part to the dramatic growth of virulent racism in Europe following the end of Communism.

In June 2000, the Council of the European Union (EU) adopted Directive 2000/43/EC "implementing the principle of equal treatment between persons irrespective

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[438] See International Covenant on Civil and Political Rights (ICCPR) at Articles 2, 14 and 26 and International Covenant on Economic, Social and Cultural Rights (ICESCR) at Article 2(2).

[439] At Article 14.

[440] Most notably the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

of racial or ethnic origin".[441] Less than six months following the adoption of the EU Directive, on November 4, 2000, the Council of Europe opened Protocol No. 12 to the European Convention on Human Rights (ECHR) for signature. Protocol No. 12 broadens significantly the scope of the Convention's anti-discrimination protection by providing for a comprehensive ban on discrimination on a number of grounds in the exercise of any right set forth by law. These new instruments supplement and expand the existing Article 14 ban on discrimination in the European Convention of Human Rights, and other European anti-discrimination provisions, including those included the Council of Europe's Framework Convention for the Protection of National Minorities.[442]

Greece's current anti-discrimination law provisions do not meet the requirements of the EU Directive and/or of international standards broadly[443] and Greek authorities have to date undertaken no efforts to ensure that Greek domestic law is brought into conformity with these standards. The equal treatment of any person legally on the territory of the country is guaranteed by the Greek Constitution.[444]

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[441] By June 2003, all EU Member States must harmonise their legislation with the norms set forth in the Directive.

[442] The Framework Convention on the Protection of National Minorities states:

- At Article 3(1): "Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice."
- At Article 4(1): "The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited."
- At Article 6(2): "The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity."

[443] The summary that follows makes primary reference to the June 2000 EU Directive, but also including elements drawn from the European Convention on Human Rights (ECHR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and United Nations Model National Legislation for the Guidance of Governments in the Enactment of Further Legislation Against Racial Discrimination (UN Model Legislation).

[444] Article 5, paragraph 2, of the Greek Constitution states: "All persons living within the Greek territory shall enjoy full protection of their life, honour and liberty irrespective of nationality, race or language and of religious or political beliefs. […]"

However, Law 927/1979 (amended by Article 24 of Law 1419/1984 and Article 39(4) of Law 2910/2001), Greece's principal implementing legislation on the prevention of acts or activities related to racial or religions discrimination, is inadequate in the extreme.[445]

Greek law first of all lacks adequate elaboration of fields under which racial discrimination is banned. The proscribed grounds for discrimination should include the full range of animating factors frequently resulting in unequal treatment, including sex, race, colour, descent, national, ethnic and social origin, language, religion or belief, disability, age, sexual orientation, political affiliation or conviction or property, birth or other status.[446] In order to meet the requirements of the EU Directive, domestic legislation should, at a minimum, prohibit "discrimination based on racial or ethnic origin" (EU Directive Art. 2(1)). In terms of scope, the law must apply to "both the public and private sectors, including public bodies" (EU Directive Art. 3(1)). The law should further include, but not necessarily limit itself to, the following areas in which discriminatory practices are forbidden:

- Conditions for access to employment (EU Directive Art. 3(1)(a));
- Vocational guidance, training and retraining (EU Directive Art. 3(1)(b));
- Employment and working conditions, including dismissals and pay (EU Directive Art. 3(1)(c));
- Social security (EU Directive Art. 3(1)(e);
- Health care (EU Directive Art. 3(1)(e);
- Social advantages (EU Directive Art. 3(1)(f));

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[445] Sitaropoulos notes: "[T]he [...] significant deontological provisions of the Constitution may not be regarded as able in and of themselves to provide effective protection against racial discrimination. In practice, constitutional provisions alone may not provide protection if they have not been accompanied (given effect) by ordinary (statutory) legislation. The existing anti-racism legislation, dating back to 1979 (see infra article 2), is elliptic and inadequate [...]. No measures have as yet been adopted by the Greek government for the amendment of the above legislation, in accordance with [...] the Directive." (See Sitaropoulos, Nicholas, "Transposition in Greece of the European Union Directive 2000/43 Implementing the Principle of Equal Treatment Between Persons Irrespective of Racial or Ethnic Origin", study prepared for the European Union and *Migration Policy Group,* October 2002, publication forthcoming, p.11.)

[446] Because of the significant overlap between racial and religious discrimination, legislation specifically directed at redressing differential treatment based on race or ethnic origin should also ban discrimination based on religion or belief, and vice-versa.

- Education (EU Directive Art. 3(1)(g));
- Access to and supply of goods and services available to the public (EU Directive Art. 3(1)(h));
- Housing (EU Directive Art. 3(1)(h));
- Administration of justice, including protection of security of the person (ICERD Arts. 5(a) and (b)/ECHR Arts. 6, 13, 14);
- Political participation, including the right to vote and to hold public office (ICERD Art. 5(c)/ECHR Art. 14 and Protocol No. 1 Art. 3).

At present, the Greek Constitution includes provisions guaranteeing the right to "equal pay for work of equal value" (Article 22(1)(b)); Article 5(5) of the Greek Constitution states that "everyone" has the right to health care protection. A number of Greek laws may be interpreted as extending rights of non-discrimination in some sectoral fields, notably employment, health care and social security and/or social advantages. However, provisions are weak and provide no explicit ban on racial or ethnic discrimination.[447] Greek law also lacks bans on "victimisation" and "harassment", as required by EU Directive, Articles 9 and 2(3).[448]

Additionally, Greek legislation lacks the concepts of, as well as provisions banning, "direct discrimination" and "indirect discrimination". Anti-discrimination legislation should expressly include both "direct discrimination" and "indirect discrimination" within the scope of prohibited action (EU Directive, Article 2). For the purposes of the EU Directive, "direct discrimination" is defined as having occurred "where one person is treated less favourably than another is, has been or would be treated in a comparable situation on grounds of racial or ethnic origin" (EU Directive Article 2(2)(a)); "indirect discrimination" occurs "where an apparently neutral provision, criterion or practice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons, unless that provision, criterion or practice is

[447] See Sitaropoulos, pp. 16-21.

[448] By including victimisation in its ambit, EU Directive requires protection of individuals from any adverse treatment or consequence simply because s/he made a complaint or initiated proceedings aimed at enforcing compliance with the principle of equal treatment. Harassment, meanwhile, is defined in the Directive as "unwanted conduct related to racial or ethnic origin" with "the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment."

objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary" (EU Directive Article 2(2)(b)). The failure of Greek law to elaborate bans on "direct discrimination" and "indirect discrimination" is primarily to the detriment of "indirect discrimination". Sitaropoulos describes Greek law as of October 2002 in this area as follows: "Current Greek statutory (criminal) legislation expressly combating racism may be regarded as covering solely direct discrimination (EU Directive, Article 2.2), harassment (EU Directive, Article 2.3) and (indirectly) instruction to discriminate (EU Directive, Article 2.4). The grounds of discrimination referred to by Greek law are race, ethnic origin and religion. Indirect discrimination (EU Directive, Article 2.2.b) has not as yet been covered by Greek statutory legislation."[449]

Moreover, Greek law fails to provide adequate sanctions for violators of the principle of equal treatment, or to provide clear provisions on compensatory damages to victims of discrimination. Under the EU Directive, domestic law must impose effective, proportionate and dissuasive sanctions for violation of anti-discrimination norms; these should include "the payment of compensation to the victim" (EU Directive Article 15). The EU Directive additionally mandates States to "take all measures necessary to ensure that they are applied". Articles 9 and 11 of the United Nations Model National Legislation for the Guidance of Governments in the Enactment of Further Legislation Against Racial Discrimination also require restitution, compensation, or other forms of satisfaction for victims of discrimination.[450]

Greek law also does not provide the requirement that the alleged perpetrator bear the burden of proof in cases in which a *prima facie* case of racial or ethnic discrimination has been established and lacks guarantees that victims may establish a case of discrimination "by any means, including on the basis of statistical evidence"

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[449] Sitaropoulos, p.11.

[450] Article 11 states: "Reparation shall be made to victims of racial discrimination by means of restitution and/or compensation which may take the form of a payment for the harm or loss suffered, reimbursement of expenses incurred, provision of services or restoration of rights, as well as other measures taken within a specified period for the purpose of correcting or mitigating the adverse effects on the victims [of discrimination] … Victims shall also be entitled to recourse to all other means of satisfaction, such as publication of the judicial decision in an organ having wide circulation at the offender's expense or guarantee of the victim's right of reply by a similar means."

(EU Directive, Preamble, paragraph 15 and Article 8(2)).[451] Under the EU Directive, domestic legislation should ensure that it is practically feasible for victims to prove discrimination they have suffered, in particular, by shifting the burden of proof in civil cases in which complainants "establish, before a court or other competent authority, facts from which it may be presumed that there has been direct or indirect discrimination".[452]

Further, there is no implementation body on anti-discrimination in Greece. Although reference is frequently made in this context to the Greek Ombudsman and the National Committee for Human Rights, neither body has any formal powers to sanction discriminators and both are dependant entirely on the police, the administration and the judiciary to see justice served in racial discrimination cases. The EU Directive stipulates the creation of enforcement bodies. Among the EU Directive's main contributions to European anti-discrimination norms is the requirement that States "designate a body or bodies for the promotion of equal treatment". This enforcement body must be capable of "providing independent assistance to victims of discrimination in pursuing their complaints", "conducting independent surveys concerning discrimination", and "publishing independent reports and making recommendations" on matters of relevance to the enforcement of anti-discrimination law (EU Directive Article 13).[453]

To date, as late as three months prior to the deadline for full implementation of the EU Directive (June 2003), no serious discussion of amending Greek domestic law to comply with the Directive has taken place. Similarly, as of the date of the publication of this report, Greece had not ratified Protocol 12 to the European Convention on

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[451] As a practical matter, this provision is of particular importance insofar as statistical evidence may be the best or in some cases the only way of proving indirect discrimination (that is, of showing that an apparently neutral provision puts members of a minority group at a particular disadvantage compared with others).

[452] In such cases, as the EU Directive specifies, "it shall be for the respondent to prove that there has been no breach of the principle of equal treatment" (EU Directive Article 8). The principle of the shift of burden of proof in *prima facie* cases of discrimination is particularly important since evidence of discrimination is often in the hands of the discriminator.

[453] The Directive thus opens the way to establishing effective enforcement bodies, empowered by law and through the provision of adequate resources to secure equal treatment and to prevent and/or remedy discrimination if/when it occurs. However, such a body offers supplementary assistance, and in no way replaces or precludes complainants' right to pursue remedies for violations before the courts.

Human Rights, nor made the declaration under Article 14 of the ICERD, recognising the competence of the Committee on the Elimination of Racial Discrimination to hear individual complaints.

Indeed, Greek lawmakers and even many members of civil society appear unable or unwilling to grasp the nature of the ban on racial discrimination. This reflects the view prevalent in today's Greece that racism is a matter for the extremist margins, and that the average Greek would be incapable of acting – consciously or unconsciously – out of racial animus. As a result, at present individuals in Greece are not protected from the severe harm of racial discrimination by adequate laws.

8.2 The 1996 "National Policy Framework for Greek Gypsies"

Following a major police raid on a Romani settlement in Aspropyrgos in February 20, 1996 which took place in front of TV cameras, the plight of the Roma (as well as the heavy-handed approach of the police) was brought to public attention. Facing hostile criticism by the media, the Greek government decided to implement rapidly a series of programmes concerning the Roma. In June 1996, the Greek government announced a "National Policy Framework for Greek Gypsies" consisting of measures aimed at alleviating the manifold problems that the Romani community of Greece was experiencing.[454] These measures were set out in an eight-page document. In the preface, it was recognised that the problems faced by Roma, especially those who were itinerant or were living in camps, were highly complex and that their primary needs were not being met. The ministers responsible for the implementation of the measures set out in the document explicitly acknowledged that the Greek state has never attempted, at a national level, to formulate and implement a comprehensive policy for the Roma. Furthermore, they stated that the formulation of such a policy is imperative, in order to end the social exclusion of Roma and promote their integration into mainstream society, respecting at the same time their way of life, identity, language and customs. Toward this end, a number of measures are set out in the document, broadly falling within the following categories: housing, education, vocational training, provision of counselling services, health/hygiene and culture.

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[454] *Exaggelia Plaisiou Ethnikis Politikis iper ton Ellinon Tsinganon apo tous Ypourgous PE.CHO.DE., k. K. Laliotis, Ygeias kai Pronoias k.k. A. Peponis kai F. Kotsonis*, June 1996.

In the area of housing, the Framework provided the following:

a) the creation of five "organised sites for temporary resettlement in transit areas", for local needs only, fully equipped with running water, sewage facilities, showers, toilets, and other infrastructure, and the "mild resettlement" of two other Romani communities due to infrastructure work going on at or near the locations where they lived. The Ministry for the Environment, Town Planning and Public Works, which was allocated a budget of 140 million drachmas (approximately 411,760 Euro) toward these measures, would implement them with the participation of the local self-governments;

b) improvements, including additional infrastructure as well as landscaping work, to the living conditions on the "tent-dwelling" Romani settlements, of which there are estimated to be approximately 20 all over Greece. Fifty million drachmas (147,060 Euro) were allocated to these projects;

c) an immediate study into setting up organised settlements in the Attica Prefecture (Athens and the surrounding areas). The Athens local self-government was to be responsible for implementing the study;

d) a study on the housing needs of Roma. The Public Enterprise for Town Planning, in co-operation with other competent authorities, was to conduct the study;

e) the establishment of a programme to enable Roma to acquire caravans and trailers (e.g. by providing them with loans). It was indicated that at least 200 families should acquire a caravan every year, depending on their needs. Three hundred and fifty million drachmas (approximately 1.3 million Euro) would be allocated for this purpose;

f) the establishment of special centres for legal and social support and counselling in settlements where Roma have settled permanently. Ten such centres were to be set up immediately. The General Secretariat for Adult Education and the General Secretariat for Youth, which would channel 60 million drachmas (approximately 176,000 Euro) into the project, were to implement the measure.

Another package of measures concerned education: provision was made for the Ministry of Education and Religious Affairs to implement the following measures, for which the endowment would be approximately 23 million drachmas (67,000 Euro):

a) cards for itinerant students provided from September 1996 and onwards, in order to allow itinerant students to enrol in new schools more easily;

b) awareness-raising of teaching staff on the principles of intercultural education;

c) a "campaign" – undertaken by the Organisations for Local Self Government, school counsellors and Roma associations – in order to motivate Romani schoolchildren to attend school and lower the drop out rate;

d) implementation of special "reinforced instruction" classes within the mainstream public schools. The production of educational material in Romani was also envisaged,[455] as well as the creation of preparatory classes in all organised Roma settlements;

e) a study on the prevailing social and educational situation of the Romani children.

In the field of culture, seminars on photography, music, and pottery-making would be instituted while research would begin into Romani culture. A budget of 50 million drachmas (approximately 147,000 Euro) would be allocated for these activities.

In addition to the above, the Ministry for Health and Welfare would implement a number of measures, such as issuing health booklets to all Romani children, promoting awareness among the Romani population of the way in which medical and welfare services function as well as encouraging them to have more frequent medical examinations. Moreover, two mobile medical units (one each in the Attica and Thessaloniki

[455] This proposal referred to the "Genesis" educational program. "Genesis" was a program of teaching the Greek language to preparatory classes attended by Romani schoolchildren. Developed by the Pedagogic Department of the Thessaloniki University and implemented in the school year 1993-94, it was held to be a success. In fact, its drafters had suggested preparing the "Genesis" educational material in Romani, so that it could be used as a medium for teaching the Romani language. See Transcript of Speech delivered by Litsa Tressou-Milona, Professor of the University of Thessaloniki with the title "'Genesis': A programme of teaching the Greek language to Romani children". The speech was delivered on April 8, 1995, within the framework of the International Symposium on the Development of Teaching Material for Roma. It is reproduced in the book *Education of Gypsies: Development of Educational Material,* Athens: Ministry of National Education and Religious Affairs, General Secretariat For Adult Education, 1997, pp. 205-209. As of 1996, the Programme for the Education of Romani children was assigned to the University of Ioannina, which adopted a different approach.

Prefectures) would visit settlements and carry out vaccinations, gynaecological and dental examinations. Finally, research would be undertaken in order to ascertain particular health problems facing the Romani community and to examine issues of access to medical services.

The crowning achievement of the policy document was to be the formation of a Policy Council for Greek Gypsies, to be chaired by the Deputy Health Minister. The Council would include government officials from other ministries and local officials. Representatives of other organisations and authorities dealing with Romani issues could be invited to take part in the proceedings. The Council would be entrusted with advising the government on Roma-related measures, as well as co-ordinating Roma-oriented policies, with a view to formulating a mid-term national policy for the Roma of Greece. Toward this end, the Council was to co-operate with international institutions dealing with Roma rights.

Three billion drachmas (approximately 8.8 million Euro) were allocated to the programme from the state budget for the years 1996-97. Many of the measures referred to in the document were to be implemented immediately. The setting up of five temporary but adequately equipped settlements in various localities around Greece was to have been completed before the end of 1996, while Romani schoolchildren throughout Greece were to be provided with a "card for itinerant students" from September 1996 on. Other measures, to be implemented over a longer period, included a study on the housing needs of the Romani population; a study on the educational needs of Romani schoolchildren; and seminars introducing teaching staff to the principles of intercultural education. It should be noted that one of the measures concerned the establishment of advisory centres in Romani camps, where Roma would be able, among other things, to obtain legal advice about their rights.

As can be inferred, the objective of the measures was not to provide a permanent solution to the many problems that the Roma of Greece face, but rather to prepare the ground for the eventual implementation of a more comprehensive policy. The measures to be implemented immediately were of an essentially remedial character and aimed at addressing urgent needs. There were no provisions concerning affirmative action to redress historic harms.

The 1996 Programme looks impressive on paper, but in practice it failed to meet many of its aims. Of the measures that were to have been implemented "immediately"

(i.e., in 1996), practically none were actually completed within the designated time frame.[456] According to the Government's Implementation Review for the Years 1996-1999, no relocation of Romani settlements had taken place by the end of 1999, even of the five settlements that were to have been relocated "immediately".[457] It was only in 2000 that the first Romani community, which was originally living in Evosmos and then on the banks of the Gallikos river, was at last moved to a more suitable settlement.[458] In fact, the relocation of the Evosmos/Gallikos Roma, Greece's largest destitute community, was not included in the 1996 programme, but resulted from intense pressure from non-governmental organisations, reinforced by the Ombudsman's intervention.

According to the same Implementation Review, only minor infrastructure works had been carried out in various localities by the end of 1999. In fact, of all the measures announced in 1996, the only ones which had been completed were the study of the housing needs of the Roma, the education programme (including the issuing of 2,500 cards for itinerant students), a vocational training programme and the creation of eight advisory centres (providing counselling on health, education, housing and employment issues) for the support of Roma and two additional ones for the support of Romani children. Concerning the education programme formulated and implemented by the

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[456] According to the 1996 Programme, 5 organised settlements for temporary residence would be set up in the municipalities of Menemeni in Thessaloniki, Messini (in South Western Peloponesse), Theba (approx 90 kilometres North west of Athens), Karditsa (Northern Greece) and the island of Rhodes. These settlements were to be set up in the first year of the Programme's implementation (i.e. 1996-1997) and would have access to running water, electricity, sewage facilities. Moreover, 2 relocation programmes were scheduled, namely that concerning the Roma community of Serres (Northern Greece) and Antirrio municipalities. Finally, improvement works were scheduled to take place in the estimated 20 Romani "tent-dwelling" settlements all over Greece. Roma living in those settlements would be provided with running water, electricity and sewage facilities. This programme was scheduled to be implemented "immediately" in the Municipalities of Messolonghi, (Central mainland Greece) Didimoticho (North-Eastern Greece, on the border with Turkey), Drama (North Greece, Corfu, Etoliko (Southern mainland Greece) and Zefyri (a suburb of Athens).

[457] See "Implementation Review for 1996-1999", appendix to document Ref. No. 6325, dated February 24, 2000, issued by Deputy Minister of Interior, Mr Florides, pp. 4-5.

[458] See Triaridis, Thanassis, *"Unconventional Thoughts on the Plight of Roma in Greece,"* AIM Athens, 29 August 2000, at: **http://www.aimpress.org/dyn/trae/archive/data/200008/00829-005-trae-ath.htm**.

University of Ioannina, it should be noted that all the classes (including preparatory "booster" classes) take place in Greek, despite the fact that the 1996 programme envisaged the production of school material in Romani, giving rise to hopes that Romani language education would become part of the school curriculum.

Even though the government could well argue that the project was ambitious (and it undoubtedly was) and that, consequently, not all of the authorities involved were able to keep up the pace set by the central administration (hence the delays), it took the government four years to form the Policy Council for Greek Gypsies, a measure which figured as crucial among the urgent measures set out in the 1996 programme. The Council was set up only in 2000, and even then, not in the form originally envisaged. Rather, it is now a purely inter-ministerial body, under the auspices of the Ministry of Internal Affairs. The body does not include any NGOs dealing with, established by, or working for Roma living in shanty settlements, thereby excluding a significant group of Roma in Greece. The only Romani representative, in fact, comes from a Romani organisation promoted by the state.[459] The settlement of Ghonou and the Policy Council were among the few real additions in the government's second review of its Romani policies included in Greece's state report update, submitted in February 2001 to the CERD.

Finally, it should be noted that, even if a project is considered as "completed" by the state, reality might be different. The relocation of Romani settlements under the 1996 Programme, as we have seen, has been fraught with problems, often resulting in an even worse overall living situation than the original one so desperately in need of improvement. All in all, the 1996 Programme's performance in improving the situation for Roma in Greece fell far below expectations.

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[459] See IHF/GHM/MRG-G*, Report to the OSCE Implementation Meeting on Human Dimension Issues: Greece*, Warsaw, October 17-27, 2000, p. 12, at: **http://www.greekhelsinki.gr/pdf/IHF-OSCE-2000-Report-Greece.PDF**.

8.3 The 2001 "Comprehensive Programme of Action for the Social Integration of Greek Gypsies"

In May 2001, Minister of Internal Affairs Ms Vaso Papandreou announced a Comprehensive Programme of Action for the Roma of Greece. It will be of eight years' duration[460] and endowed with a budget of approximately 100 billion drachmas (approximately 300 million Euro), from both the Third EU Structural Fund and domestic funds. The 2001 Programme is the fruit of the various proposals put forward by the responsible ministries and rests essentially on two pillars. The first is termed "infrastructure" and will be allocated 60 billion drachmas (approximately 180 million Euro). It addresses primarily housing and includes a number of diverse projects. For example, the Programme envisages the purchase of 1,500 acres of land by the state on which the 100 new settlements will be built, the building of 4,000 new houses, the carrying out of repairs in an already existing 1,100-1,200 houses, and the creation of 60 organised camping sites for itinerant Roma.

The second pillar, termed "services", will be allocated the remainder of the budget. It consists of programmes to be carried out either by the competent central administration agencies (such as education and vocational training programmes) or by local authorities (for example, cultural and health programmes). One particular programme is that of vaccinating Roma – the inclusion of which serves as an implicit acknowledgement of their poor health as well as of the failure of the state to implement such programmes to date.[461]

Which agency should be responsible for the implementation of the different measures under the programme depends on the source of the funding. The bodies responsible for implementing those measures funded by the European Union Structural Fund would be the Ministry for the Environment, Town Planning and Public Works

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[460] Official document of April 2001, *Oloklиromeno Programma Drasis gia tin Koinoniki Entaxi ton Ellinon Tsinganon, (Comprehensive Programme of Action for the Social Integration of the Greek Gypsies)*, p.20.

[461] The OSCE High Commissioner on National Minorities reached the same conclusion after observing that the NGO *Médecins du Monde* has been the main actor in vaccinating Roma in the recent past. See OSCE High Commissioner on National Minorities, *Report on the Situation of Roma and Sinti in the OSCE Area*, Released on 7 April 2000, p. 121. The excerpts of the Report on the Roma in Greece can be accessed at **http://www.greekhelsinki.gr/pdf/hcnm-roma-greece-2000-english.PDF**.

and the various regions (administrative units consisting of a number of prefectures). For projects financed directly by the Greek state, the implementing agency would be designated by the Inter-Ministerial Committee, set up in 2000, which is managed by the Minister of Interior, Public Administration and Decentralisation. The Ministries of Internal Affairs, Public Administration and Decentralisation, the Environment, Town Planning and Public Works, for Health and Welfare, for Culture, for National Economy, for Education and Religious Affairs, as well as the General Secretariats for Adult Education, for Youth and for Sports are represented among others. The "Rom" Inter-Municipal Network – a network of municipalities around Greece that have Romani communities living within their jurisdiction – and the *Panhellenic Federation of Greek Roma Associations* work closely with this committee.

The 2001 Programme appears even more ambitious than its predecessor. It is certainly more generously funded and, although it is too early to assess the impact it will have on the Romani community, certain tentative points can be raised.

First of all, the Programme rightly accords priority to projects aimed at alleviating the suffering of those Roma living in the most appalling conditions. Additionally, the fact that the figure for the Greek Roma is revised upwards to a figure closer to the NGO estimates is positive (according to the new Programme, there are 250,000-300,000 Roma in Greece). It is also recognised that the Roma of Greece are members of the international Romani community and that their mother tongue is Romani. Among the founding principles of the programme are the respect for the cultural characteristics of Roma, as defined by the Roma, and the implementation of positive measures as a prerequisite for the enjoyment by Roma of equal rights with the majority. The programme encourages the employment of qualified Romani individuals as mediators between the Romani population and state authorities, as well as the provision of counselling services to Roma, with a view to facilitating their integration.

Despite these positive aspects, however, there are certain troubling aspects of the 2001 Programme. Most notably, the drafters of the Programme make the sweeping claim that the Romani community has neither been protected nor persecuted by the Greek state or Greek society in general.[462] In the light of the institutional racism Roma have long faced in Greece – illustrated, for example, in the 1983 Ministerial Decree,

[462] Official document of April 2001, *Oloklиromeno Programma Drasis gia tin Koinoniki Entaxi ton Ellinon Tsinganon*, p. 11.

On March 5, 2002, Roma from settlements in the Argolida Prefecture, eastern Peloponnese organised a peaceful protest over their living conditions and state indifference outside the prefect's office. The Roma proceeded to set up a tent in the building's courtyard in order to highlight their appalling living conditions. A Romani delegation met with the prefect, who assured them that the on-going governmental programme would address their needs. One year following the protest, one of the few ever undertaken by Roma in Greece, no positive developments have taken place in Argolida.

PHOTO: *ERRC/GHM*

Another picture from the same demonstration. The banner behind the Romani children reads: "we do not give up".

PHOTO: *ERRC/GHM*

as well as the racial profiling and differential treatment Roma face at the hands of police and other state and non-state actors – this is an approach which includes the seeds of its own ineffectiveness. Furthermore, while the distinctive ethno/cultural characteristics of the Romani community are referred to in many of the Programme's provisions, one of its principles is the avoidance of the use of the term "minority" when referring to the Roma of Greece. According to the Programme, the term describes a situation that "…does not exist."[463] In other words, the minority status of the Romani community is not recognised, even though all the other usual constituent elements of a minority definition (for instance, culture and language) are operative and are acknowledged to be so by the drafters of the programme. In a similar vein, although the new programme includes many important provisions in the field of the education of Romani children, the absence of any provisions relating to Romani language education is conspicuous.

Finally, the government's new programme relies heavily on the co-operation of local authorities for its success. According to Mr Sotiris Papaspyropoulos, at the time high-ranking state official acting as adviser to the Minister of Interior on Roma issues, it is in essence the local authorities that will implement all aspects of the programme, including those relating to the housing and living conditions of Roma. The Prefectural authorities have merely a subsidiary role: helping the local authorities in the drafting of proposals and in working out the specifics of the projects to implement the programme.[464] This may prove to be the programme's Achilles' heel. While the delegation of the programme's implementation to the municipal level allows for greater flexibility, municipal authorities throughout Greece have shown themselves to be guided in their actions by anti-Romani sentiment and unwilling to perform the tasks assigned to them by central government under the Housing Programme. They frequently fail to care for the Roma living within their jurisdiction and have shown themselves willing to act outside the bounds of the law in their attempts to evict Roma from their municipality. A recent report by the Council of Europe's Commissioner for Human Rights notes that "[R]oma/Gypsy population of Greece is highly vulnerable and at disadvantage in many areas such as access to health care, housing, employment or schooling. It is worrying to observe that the implementation of the action plan meets frequent resistance at the local level; […] Local authorities are sometimes unwilling to take in members of this minority group and to accept money from the state for improving their circumstances. It would appear that

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[463] Official document of April 2001, *Oloklиromeno Programma Drasis gia tin Koinoniki Entaxi ton Ellinon Tsinganon*, p. 17.

[464] See Gogo Karali, "Adiasan ton nomarhi", Patra-based daily *Peloponissos*, July 10, 2001.

local elected representatives often show little eagerness to act upon the initiatives targeting Roma/Gypsy population."[465] ECRI has similarly noted the ill-will municipal authorities appear to harbour towards Romani communities:

> In recent years, including 1999, some municipal authorities have expelled communities of Roma/Gypsies from the camps in which they have lived for many years, in certain cases without providing alternative accommodation. This has sometimes resulted in Roma/Gypsies being repeatedly expelled from each new place they attempted to settle. These expulsions were sometimes accompanied, apparently unhindered by the police, by the destruction and arson of houses, and by threats and humiliating treatment by local authorities and municipal employees.[466]

Given the prevalence of anti-Romani sentiment among ethnic Greeks, it is difficult to envisage local officials assuming a positive obligation to improve the situation of Roma in their communities without the sustained and pro-active engagement of national-level state authorities. For example, it seems highly unlikely that the community leaders of Nea Kios, whose municipal council declared unanimously on May 20, 2000, that "there is no more room for Gypsies in our town" and decided to evict them, will ever implement a Roma-related measure under the 2001 Programme, without the effective intervention of national-level state officials.

Officials in charge of the governmental housing programme cannot claim that they were unaware of the difficulties in persuading municipal authorities to implement their proposals for the improvement of the situation of the Roma, since the government has faced the same problem in implementing the earlier government programme.[467]

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[465] See Council of Europe, Office of the Commissioner for Human Rights, *Report by Mr Alvaro Gil-Robles, Commissioner for Human Rights on his visit to the Hellenic Republic, 2-5 June, 2002, for the attention of the Committee of Ministers and the Parliamentary Assembly,* Strasbourg, 17 July, 2002, para. 23, at: **http://www.commissioner.coe.int/docs/CommDH(2002)5_E.doc**.

[466] See European Commission against Racism and Intolerance (ECRI), *Second Report on Greece*, CRI (2000) 32, Adopted on 10 December 1999, para. 32, at: **http://www.coe.int/T/E/human_rights/Ecri/1-ECRI/2-Country-by-country_approach/Greece/Greece_CBC_2.asp#TopOfPage**.

[467] The unwillingness of many local authorities to implement government programmes where the recipients are Roma has also been noted by international monitoring bodies. ECRI commented that "…Elected local authorities are also, reportedly, often reluctant to implement initiatives targeting the Roma/Gypsy population". (See ECRI, para 36.)

The drafters of the DEPOS Study[468] had already noted the problem and recommended that a means should be available to circumvent the municipal authorities in such cases. They suggested that the right of intervention be granted the Prefect's Office, where such intervention was required to implement the programme. However, an interview with a Prefectural Councillor revealed that although this recommendation was taken up, prefectural authorities have received no guidelines as to the circumstances in which they should intervene.[469]

The intransigence of local authorities has ensured that the Housing Component of the 1996 Programme has so far failed to meet its targets for the Roma and looks unlikely to achieve its long-term goal by 2004. The Greek government informed the CERD that the 1996 Programme's aim was to "eliminate all tent-dweller settlements in the country by the end of 2001".[470] However, a mere five months after the statement in front of the CERD, the unlikelihood of achieving these intentions was publicly stated by the Prime Minister's Office for Quality of Life, which indicated that the modified target was to see Roma in 52 localities throughout Greece transferred to prefabricated houses by the end of 2002.[471] In the face of this failure, the aim of the Greek government to assist all Romani families to acquire a privately owned home within three years[472] looks rather unrealistic.

Another problem that can adversely affect the proper implementation of the 2001 Plan is the endemic corruption that is to be found in all the echelons of the Greek administration. The money channelled into the various Roma related initiatives is gigantic by Greek standards. It was therefore no surprise that signs of misallocation of funds and/or of material would surface. On October 9, 2002, the Athens-based daily newspaper

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[468] Fearing that the implementation of a project of such magnitude would not be feasible for the local authorities at municipal level, the drafters of the DEPOS study also made a similar suggestion. See DEPOS Study, pp. 37-38.

[469] *ERRC/GHM* interview with Ms V.T., December 19, 2001, Patras.

[470] See Committee on the Elimination of Racial Discrimination (CERD), "Reports submitted by States Parties under Article 9 of the Convention, Fifteenth periodic reports of States Parties due in 1999, Addendum, Greece, (21 February 2001)", CERD/C/363/Add.4/Rev.1, 16 May 200, para. 50 (hereinafter Greek State Report to CERD).

[471] *Macedonian Press Agency*, May 5, 2001.

[472] See Greek State Report to CERD, para 49.

Eleftherotypia carried an article by Makis Nodaros entitled "5 pre-fabricated houses for Roma families arrived at Lehaina but non-Roma were housed."[473] According to the *Eleftherotypia* article, the Mayor of Lehaina (a town close to Pyrgos, in Western Peloponesse) had requested the provision of five prefabricated houses in order to accommodate homeless Romani families. With an unprecedented by Greek standards swiftness, the Ministries involved (Ministry of Interior and Ministry for the Environment, Town Planning and Public works) had agreed to provide the five prefabricated houses. Thus, on October 4, 2002, the prefabricated houses were ferried from Aspropyrgos, Athens, to Lehaina and delivered to their recipients. Nevertheless, as the *Eleftherotypia* journalist quickly found out, none of the families that received the prefabricated houses was Roma. Suspicions were immediately raised against the mayor of Lehaina Mr Dimitris Hadjiannis, and the local deputy for the ruling socialist party (PASOK), Mr Takis Antonakopoulos. Nevertheless, while the mayor of Lehaina made it clear from the outset that he had not been involved in the receipt of the prefabricated houses and showed relevant documents to the *ERRC/GHM/MRG-G* delegation that visited Lehaina on October 15, 2002, Mr Antonakopoulos unabashedly admitted that he had knowingly used funds from a Roma oriented programme to house local ethnic Greeks.

Mr Hadjiannis, on the other hand, showed to the *ERRC/GHM/MRG-G* delegation the protocols of transfer of the prefabricated hoses to their recipients; the field reserved for the municipal official's signature was empty. This clearly called to question the liability of the Ministry for the Interior and Ministry for the Environment, Town Planning and Public Works officials and their superiors for authorising, what turned out to be an illegal transfer of prefabricated houses.[474] On October 9, 2002, *ERRC/GHM* lodged a complaint report to the Misdemeanours Prosecutor of Athens, seeking criminal liability of the parties involved. According to media reports, the Ministry of the Environment, Town Planning and Public Works, the Ministry of Interior, as well as the Western Greece Region, have started Sworn Administrative Inquiries to ascertain whether any impropriety has taken place and impute administrative liability to the

[473] An English version of the article is accessible at: **http://www.greekhelsinki.gr/bhr/english/organizations/ghm/ghmB_09_10_02.rtf**.

[474] *ERRC/GHM* had received similar information to the effect that prefabricated houses for the Roma were sold in the black market and bought by ethnic Greeks who used them as warehouses etc; this, however, was the first time that *ERRC/GHM* were in possession of documents that could prove these allegations.

officials involved.[475] According to a subsequent article in the Athen-based daily newspaper Eleftherotypia from January 29, 2003, the Western Greece Region concluded its Sworn Administrative Inquiry into the incident and recommended that a Ministry of Ineterior employee, a former member of the municipal council of Lehaina and the former mayor of Lehaina, be disciplined. In a related development, the competent police directorate concluded its own Sworn Administrative Inquiry and recommended that a police officer involved in the affair be discipline by paying a fine in the amount of 50 Euro.

The responsibility for implementation of the programme ultimately rests with the Greek state.[476] The issue of co-operation between the local authorities and central

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[475] See article by Makis Nodaros, "Paremvasi Ipourgeion gia ta Lyomena", *Eleftherotypia*, October 18, 2002.

[476] National authorities have the ultimate authority to ensure that international commitments are met; in this, they cannot hide behind the inactivity of local authorities. The following international law provisions commit States Parties to implement their obligations under international law: ICERD, Article 2(1)(a-d), ICESCR, Article 2(1), ICCPR, Article 2(2), CRC, Article 2(2), and ECHR, Article 1. Article 1 of the European Convention on Human Rights (ECHR) states: "The High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section 1 of this Convention." Article 2(1) of the ICESCR states: "Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures." Article 2(1) of the ICERD states: "(a) Each State Party undertakes to engage in no act or practice or racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation; (b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations; (c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists; (d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization; (e) Each State Party undertakes to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division." Other treaties address their interest in similar terms of state responsibility. This has been made clear to Greece by both ECRI and the OSCE High Commissioner on National Minorities (see ECRI, paragraph 36, and the OSCE High Commissioner on National Minorities, p. 118).

state agencies has been addressed by ECRI, the OSCE High Commissioner on National Minorities, and the Council of Europe Specialist Group on Roma/Sinti. These bodies are in agreement that while it might well be that the local authorities are responsible for a particular violation of the rights of the Roma, it is the state that is ultimately responsible for the implementation of its policies.[477] The Council of Europe Commissioner for Human Rights, recognising the resistance of local authorities to work on Romani programmes, noted that: "[I]t may be recalled that in the end it is up to the Greek government to implement official policy and thus to overcome any obstacles."[478]

8.4 Government Loan Programmes

In addition to the larger government programmes, the Greek government has announced other measures to address the chronic housing problems that beset Roma in Greece. These include the building of houses by the state-run Workers' Housing Agency (OEK) as well as the granting of low-interest government loans to Romani families in order to enable them to purchase their own house or a plot of land.[479] The first of two proposed loan schemes was approved in 2000, but so far, has not yielded results for Romani families. On March 27, 2000, on the eve of national elections, the Minister of Economy and Finance signed a decision whereby the Greek state would subsidise by 80% the interest of up to 940 housing loans that would be provided by the Greek National Bank to homeless families of permanently settled Greek Roma. These loans, of not more than 15 million drachmas, would be paid out over the course of a 15-year period. The Greek state would act as the guarantor should the Roma not pay the loan or the interest back. These loans would not cover the buying of land, so the houses must be built upon land either already owned by the Roma or on land belonging to the municipality concerned.[480] In its report submitted to the CERD in

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[477] ECRI, para. 36; OSCE High Commissioner on National Minorities, p.118; and *GHM/MRG-G* Press Release, 13/6/2001, at **http://www.greekhelsinki.gr/bhr/english/organizations/ghm/ghm_13_06_01.doc**.

[478] See Office of the Commissioner for Human Rights, *Report by Mr Alvaro Gil-Robles, Commissioner for Human Rights on his visit to the Hellenic Republic, 2-5 June, 2002, for the attention of the Committee of Ministers and the Parliamentary Assembly*, para. 23.

[479] Greek State Report to CERD, para 49 (c).

[480] As reported by the *Macedonian Press Agency,* April 28, 2001.

February 2001, the Greek government noted that a second group of 1,200 loans under this scheme was scheduled for 2001.[481] It was only in April 2001, however, that the Greek government announced its decision to bring before the Parliament a draft law that would allow the granting of the loans.[482] Nevertheless, in its CERD Report (submitted on February 21, 2001 – that is, before the government announced its decision to table the Draft law), the Greek government asserted rather deceptively that "any delays in securing housing loans are mainly attributed to difficulties or reactions from local authorities or local communities."[483] Thus, although up to 1,940 loans were proposed, it appears that to date not a single Romani family has been given a loan under this scheme.

The second proposed loan scheme, which has superseded the never-implemented previous one, was approved as of 2002. More specifically, the Ministers of Interior, and of Economy and Finance, approved, with their Joint Ministerial Decision 18830, dated May 17, 2002, the granting of 3,500 loans, of up to 45,000 euros. These loans would be granted to Greek Roma living in sheds or other structures that do not conform to the minimum standards of a permanent house. Under the joint Ministerial decision, a special advisory board will be set up, entrusted with examining potential loan recipients and suggesting which applications should be met to the competent ministers. The loans will be able to be used in three different cases: (a) in order to build a house on land transferred to the Roma by a public agency, (b) in order to buy an existing house or an apartment or (c) in order to build a house on land already owned by the loan applicant. The loans will have to be paid off within a 17-year period, with the loan recipient paying 20%, and the Greek state 80%, towards the interest rate. The Greek state guarantees to pay off 100% of the loan to the bank that has issued it in case the loan recipient defaults on the loan. Loan recipients will benefit from a "period of grace", that is a 24 months period during which they will only be asked to pay, every six months, the interest rate to the loan and not the installments on the loan itself. Clearly, if loans are indeed issued through this programme in 2003, it will be a very positive step towards securing adequate housing for the Romani families,

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[481] See Greek State Report to CERD, para 51 (d).

[482] See article in *Macedonian Press Agency, Schedio Nomou sti Vouli gia tin Stegasi ton Tsigganon,* April 28, 2001, at **http://www.mpa.gr/article.html?doc_id=187889**.

[483] See Greek State Report to CERD, para 53.

with a praiseworthy view towards the long-term future of both the Roma and the surrounding areas of which they are a part. Nevertheless, there are certain aspects of the loan scheme that could give rise to problems. Firstly, according to the loan requirements, the applicant should have an annual income not less that 3,000 euros, to be evinced by their annual income tax form. Many Roma however either do not fill in their tax forms or have annual incomes less than 3,000 euros. As a result, they will not be eligible for a loan. Additionally, it will be the loan recipient who will have to pay for the bank to conduct a legal and technical assessment on the loan and the property to be acquired, as well as putting the property on mortgage. These procedures involve not inconsiderable expenses that will have to be borne by the loan recipient. Finally, should the Roma default on the loan, there is the likelihood that they will lose their property and that they will be asked to pay the remainder of the loan's dues immediately. It could be said that the loans would be of more importance to those Roma who have a stable source of income and hence can meet the requirements set out above. Most, if not all the Roma living in settlements, are unable to do so.

In addition, it would appear that there is a deficit of information about the loans. In many cases, the Roma would first hear about the loans when an *ERRC/GHM/MRG-G* delegation would visit their settlement. Even in cases when the Roma had been vaguely informed about the loans, they were not aware of the exact requirements and quite of them had made applications in the hope that loan payments would be forfeited. This is despite the fact that on July 23, 2002, the Ministry for the Interior forwarded to all the Municipalities of Greece its Circular No 15, Ref. No. 30393. According to section 2 of the Circular (which set out the loan scheme and provided guidelines as to how it should be implemented), both the Circular and the Joint Ministerial Decision should be put up on the town halls notice boards, so that potential applicants could be informed. Nevertheless, when a Romani person, informed by an *ERRC/GHM/MRG-G* delegation about the loans scheme visited the local town hall, the local employees could only vaguely recollect of the joint ministerial decision though it is their duty to attach on the town hall's notice board so that the Roma could be informed.[484]

[484] *ERRC/GHM/MRG-G* telephone interview with 30-year-old Evangelos Christodoulou, September 19, 2002.

On October 3, 2002, Mr Georgios Abatzoglou, Member of Parliament for the Coalition for the Left and Progress, tabled a parliamentary question concerning the loans scheme. In his parliamentary question, he alleged that the Roma were inadequately informed about the details of the scheme, even though the deadline (December 30, 2002) was approaching. On October 18, 2002, the Ministry of Interior replied to Mr Abatzoglou parliamentary question with its Ref. No. 43303 document. In the document, it was stated that all the municipalities of Greece, as well as the various association of Roma, had been informed of the details of the loans scheme. It was also stated that the Peloponesse Regional Authority had instructed all municipalities that had Roma residents in their municipal rolls, to facilitate them in any possible way in filling in the application forms. Nevertheless, as the document stated, only 322 applications had been lodged until October 18, 2002.[485] In at least one case, however, the municipality not only did not facilitate but actively hampered the Roma from filling an application. Thus, the infamous Nea Kios Municipality, repeatedly refused to provide long term Romani residents with permanent residence certificates, a necessary pre-condition for the filling of an application.[486]

[485] On December 3, 2002, a representative from the Ministry of Interior stated that the number of applications had risen to 896. *ERRC/GHM* Minutes of the seminar "National Round Table On Countering Discrimination, Racism and Xenophobia", that took place in Athens on Dec 3, 2002. The Seminar was organised under the auspices of the European Monitoring Centre on Racism. Xenophobia and Anti-Semitism and the Greek "Antigone" NGO. In the same seminar, a member for the Prime Minister'' Office for Quality of Life stated that it was highly likely that the deadline for the applications would be extended.

[486] *ERRC/GHM* telephone interview with Ms Vasso Christopoulou, October 9, 2002.

9. CONCLUSION: "CLEANING OPERATIONS"

In its 2001 report on the situation of Roma in Greece, the Greek National Commission for Human Rights stated that: "The attempts undertaken by Roma to integrate are drastically undermined by the racist reactions of a society, which is nevertheless convinced that it is not racist!"[487]

Anti-Romani racism plays a destructive role in the lives of Roma in Greece. Racial segregation sanctioned by Greek law has confined many Roma to inhuman conditions for a lifetime; racist actions aimed at cleansing municipalities of Roma regularly disrupt the lives of thousands of Roma and leave their homes and other property destroyed. A segregationist housing policy with respect to Roma leaves them exposed to a myriad of other human rights violations. The Romani ghettos are targets of abusive large-scale police raids, accompanied by arbitrary detentions and arrests, and cruel, inhuman and degrading treatment of Roma. Living in destitute shacks means for most Roma no water, no electricity, no health care, and no access to the mainstream education system.

Exclusion starts at birth – a Romani person has a significant chance not to be registered or to be improperly registered. If the baby was not born in a hospital (which is obliged to register the newly-born), parents may not go to declare their new-born children immediately, because they are wary of the bureaucracy, or for other reasons. If the parents are themselves *de facto* undeclared, hence stateless, their children will also be stateless. If by chance the parents decide to make a delayed declaration, there is a fee which frequently dissuades them. Moreover, if the Roma are undeclared and stateless, they need to hire a lawyer and go to the courts for a hearing that will eventually grant them citizenship.

If all these hurdles are overcome, the infants and then children will very likely not have a regular paediatrician, for the same reasons the parents did not have a regular doctor. The state will not seek them out to vaccinate them, as – to quote it

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[487] See National Commission for Human Rights, *I Katastasi ton Tsigganon stin Ellada,* p. 196, available in Greek at: **http://www.greekhelsinki.gr/bhr/greek/articles_2002/rep_25_02_02.rtf**.

from its presentation before the UN Committee on the Rights of the Child – it expects them to come to school and get vaccinated there.[488] But going to school is accompanied by serious obstacles for many Romani children. First, the settlements where they live usually have no nearby school; hence transportation is an issue for them much more than for other children. Moreover, a large number of schools refuse to accept (any or many) Romani children. To accommodate this racist attitude, Greek authorities tolerate the dispersion of Romani children in schools far away from the places where they live, as well as the existence of ghetto schools for Roma. Roma are very likely to complete their school career and enter the job market formally or functionally illiterate, which in a country like Greece, deprives them of the chance to have access to the vast majority of jobs, or even to necessary documents such as driving licenses.

For the few who succeed in navigating a hostile education system and manage to secure a decent primary or even secondary or higher education, the chances of "cashing in" on such education are minimal as long as they remain visibly and/or culturally Romani. "Assimilate or perish" is the prevailing mood in Greece. Like many from non-Greek backgrounds in Greece, most of the Roma who attain higher education succumb to the intense pressure placed upon them by the wider society in Greece and deny their ethnic origins or otherwise seek to perform exaggerated displays of allegiance to the Greek middle. Among non-Roma in Greece, there are well-known cases of, for example, Catholics converting to Orthodoxy to get jobs; or hundreds if not thousands of migrant Albanians baptising as Orthodox Christian with obvious Greek names in the hope to assimilate and get accepted. There are indeed Roma who have "respectable" positions in Greece, but most would not like to be seen or known as Roma. This type of "cleaning operation" carried out on Roma in Greece may be less violent than the cleaning operation implemented at the front of a bulldozer. But, as a result, generations of Roma are humiliated into denying crucial aspects of their identity.

Anti-Romani sentiment must be addressed urgently and directly. The Greek government must take measures to combat racism, particularly among the local authori-

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[488] Ms Irini Anapliotou-Vazaiou, member of the Greek delegation that presented Greece's report to the Committee for the Rights of the Child, stated that Romani children "...have to go to school, because through the school we can vaccinate them." (See *GHM* unedited transcript from tapes provided by the Committee on the Rights of the Child to *GHM*, 753rd CRC meeting, January 23, 2002 proceedings.)

ties and the police force. First and foremost, it must adopt comprehensive anti-discrimination legislation in order to ensure that individuals who have suffered the grave harm of racial discrimination have real recourse when their human rights are violated. The Greek government must also take measures to ensure that its own policies to address issues facing Roma are implemented in full. Denying racism and avoiding addressing it will ultimately prevent the success of the ambitious programmes that the Greek government has adopted. Finally, Greek authorities must adopt and implement far-reaching policies such that the various cultural identities in Greece, including that of its Romani population, can be expressed in full without fear or shame. Needed are coherent Roma rights policies, adequately funded and fully implemented. To date all measures taken have been merely cosmetic and have not succeeded in bringing about real change. The cleaning operations in Greece proceeded unchecked.

10. RECOMMENDATIONS

Based on the findings of this report, the *ERRC* and the *GHM* urge Greek authorities to act on the following recommendations:

1. Facilitate access to Greek citizenship for those Roma residing in Greece who are stateless and provide the necessary legal documents (such as identity cards) to all Roma not in possession of such documents.

2. Without delay, repeal the racist decision of the Minister of Internal Affairs and the Minister of Health entitled "Sanitary Provision for the Organised Relocation of Wandering Nomads", No A5/696/25.4-11.5.83, Official Gazette B' 243.

3. Use all appropriate means to protect and promote the right to housing and guarantee protection against forced evictions. Ensure that evictions do not result in individuals being rendered homeless or vulnerable to other human rights abuses. Guarantee security of tenure to Romani occupants of houses and land, ensuring, *inter alia,* a general protection from forced evictions. Guarantee due process in line with international standards related to forced evictions. Guarantee non-discrimination against Roma in processes related to forced evictions. Guarantee adequate pecuniary and non-pecuniary civil compensation as well as comprehensive criminal and administrative redress in cases of illegal forced evictions. Make available adequate alternative housing, resettlement or access to productive land where those affected by evictions are unable to provide for themselves.

4. Bring to justice public officials responsible for forced evictions of Roma in breach of Greek and international law.

5. In order for many Roma – especially those presently living in Romani settlements – to be set on an equal footing with other Greek citizens in the area of housing rights:

    - Order local authorities to provide, without delay, adequate potable water, electricity, waste removal, public transport, road provisions and other

public infrastructure to those Romani settlements which presently lack one or more of the above;

- In the interest of empowering Roma to take control of their own housing fate, provide an executive "amnesty" for the so-called "illegal" Romani settlements currently existing on state-owned land, granting title to land and property to persons factually resident on a particular plot, and establishing a "year zero" for the purposes of zoning and future regulation.

6. Undertake effective measures to ensure that local authorities register all persons factually residing in a given municipality, without regard to ethnicity.

7. Carry out thorough and timely investigations into all alleged instances of police abuse of Roma, including excessive use of fire arms, ill-treatment in police custody and abusive raids on Romani settlements, and promptly bring to justice perpetrators and provide due compensation to the victims.

8. Take appropriate measures to ensure that persons who may have been victims of ill-treatment by law enforcement officials are not intimidated or otherwise dissuaded from lodging a formal complaint.
9. Critically review all Greek legal norms regulating police behaviour – in particular, the use of force. Ensure that the relevant legal provisions are in conformity with the UN Code of Conduct for Law Enforcement Officials (1979), as well as the Basic Principles of its implementation adopted by ECOSOC in 1989 and Resolution 690 (1979) of the Parliamentary Assembly of the Council of Europe: Declaration on the Police.

10. Ensure that Romani schoolchildren have equal access to quality education in a desegregated school environment.

11. Design pre-school programmes for Romani children to learn the primary language of schooling and to attain a level ensuring an equal start at the first class of the primary school.

12. Where instances of abuse in the school system are reported, without delay punish school authorities responsible, and implement measures aimed at preventing further abuse.

13. Develop curriculum resources for teaching Romani language, culture and history in schools, and make them available to all schools.

14. Implement *in situ* health programmes in Romani settlements aimed at addressing the numerous health issues that Roma living in substandard housing face. Promote awareness of the needs of the Roma among medical staff.

15. Without delay, adopt comprehensive anti-discrimination legislation in conformity with current European and international standards, in particular Council of the European Union Directive 2000/43/EC "implementing the principle of equal treatment between persons irrespective of racial or ethnic origin" and General Policy Recommendation No 7 of the European Commission against Racism and Intolerance. Establish an effective enforcement body and guarantee its administrative independence; provide resources adequate to enable its effectiveness in accordance with General Policy Recommendation No 2 of the European Commission against Racism and Intolerance.

16. Without delay, ratify Protocol 12 to the European Convention on Human Rights.

17. Make the declaration under Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, recognising the competence of the Committee on the Elimination of Racial Discrimination to hear individual complaints.

18. Sign and ratify all substantive articles of the Revised European Social Charter without reservations.

19. Without delay,
    - Ratify the Council of Europe's Framework Convention on the Protection of National Minorities, expressly recognising Roma as a national minority. Sign and ratify the European Charter for Regional and Minority Languages, expressly recognising Romani as a minority language in Greece.
    - Ratify the European Convention on Nationality and the International Convention on the Reduction of Statelessness.
    - Ratify the European Convention on the Compensation of Victims of Violent Crimes.

- Sign and ratify the UNESCO Convention against Discrimination in Education.
- Ratify the Optional Protocols of the UN Convention on the Rights of the Child.

20. Undertake to submit all overdue reports to inter-governmental organisations promptly, thus enabling both national and international NGOs to be informed of and comment upon Greek government policy in relation to Roma rights. In addition, publish in Greek and implement the Concluding Comments/Observations made by UN bodies when reviewing Greek state reports.

21. Ensure that adequate legal assistance is available to victims of discrimination and human rights abuse by providing free legal services to indigents and members of weak groups, including Roma.

22. Proactively recruit Roma for professional positions in the administration, the police force, and the judiciary and to take other steps to remedy the exclusion of Roma from decision-making in public affairs.

23. Conduct systematic monitoring of access of Roma and other minorities to justice, education, housing, employment, health care and social services, and establish a mechanism for collecting and publishing disaggregated data in these fields, in a form readily comprehensible to the wider public.

24. Conduct public information campaigns on human rights and remedies available to victims of human rights abuse, including such public information campaigns in the Romani language.

25. Conduct comprehensive human rights and anti-racism training for national and local administrators, members of the police force, and the judiciary.

26. At the highest levels, speak out against racial discrimination against Roma and others, and make clear that racism will not be tolerated.

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12. SUMMARY IN ROMANI

Europako Rromano Čačipasko/Xakajengo Centro (ERRC) thaj *Gresikano Helsinkiesko Monitori (GHM)* trade avri (publikuisarde) khetane "Xoslimaske Operacie" ("Cleaning Operations"): pala eksluzia e Rromengi ande Grecia, Themesko Raporto pala manušikane čačimaski situacia e Rromengi ande Grecia. O raporto sasa kerdino ande Rromano komuniteto (gav) savo akharel pes Aspropyrgos, avri katar Atena. O *ERRC* thaj *GHM* butivar dinde kolektivo/khetano rovimasko lil ando fremo Europake Sociale Konveciako ando anav e Rromengo andar Grecia ande savo phende kaj kherengi politika (politika pala keripe e kherengo) ande Grecia dukavel fundamentale manušikane xakaja/čačipa.

Baro numbri e Rromengo ande Grecia dživdinel ande segreguime getura save si ando sasto kontrasto pala svako aver gav. Maj baro kotor e Rromengo bešel ande but bilačhe khera vaj naj len kher. Rasistikani segregacia kerel but bilačhipa e Rromenge na numaj na-manušikane kondicie deso kava opril te e Rroma astaren vi aver fundamentale manušikane čačipa. Zurali politika pala rasistikano segregacia ande relacia pala khera kerel te ande but kazura e Rroma traden pes zorasa. katar thana kaj bešen thaj kaj lenge barvalipa bikinen pes pala cikne love. Kana kava kerel pes e barederipa butivar phenen kaj von či trade e Rromen andar lenge khera thaj kaj či trade len te bikinen pire khera pala cikne lovore sar vi kaj von numaj kerde jekh "xoslimaski operacia". Kana phende kaj gasavi bilačhi politika thaj foroske khereske (municipal) aktivitetura ande thana kaj e rroma dživdinen si numaj "xoslimaske operacie", barederipa (authorities) ande Grecia kovljarda rasistikano gindipe pe aver drom areslimasa te sikjavel kaj gasave naj bilačhe maj dur, džastifikacia e ideaki kaj tradipe e Rromengo andar lenge khera si numaj "xoslimaski operacia" del šaipe gresikane autoritetoske te na intjarel pes pala procedurale garancie save dživdinen. Baro numbri gasave tradimasko e Rromengo khetane e politikasa te e Rroma čhuden pes po agor gre4sikane societatosko trada te o *ERRC* thaj *GMH* vazden opre kaj Rroma ande Grecia dživdinen bilačhe thaj kaj o barederipe tradel len po agor.

Khetanimasko *ERRC/GHM* raporto intjarel ande peste but informacie sar:

Mamuj manušikano thaj degradaciako tretmano e Rromengo ande relacia pala khera: Baro numbri e Rromengo ande Grecia adjes trail/dživdinel ando them savo kerel rasistikani segregacia katar na-Rroma/gadže, ande violencia katar užo opripe kontra rasistikani segregacia so si ramosardino ando maškarthemutno zakono. Rasistikani segregacia e Rromengi ande relacia e politikasa ando fremo 1983 Ministeriumoske Dekretosko. Maj dur, pe rroma ande grecia sajekh kerel pes evikcia (traden pes andar khera zorasa). Ande maj palune berša o numbri e rromengo save si tradine andar khera barilothaj barilo vi o numbri e rromane phuvjango vaj avere barvalipasko savo si bikindo. E Olimpikane Khelipa 2004, save ka keren pes ande Atena, utilizin pes po drom te e Rroma traden katar thana thaj khera kaj dži akana dživdisarde.

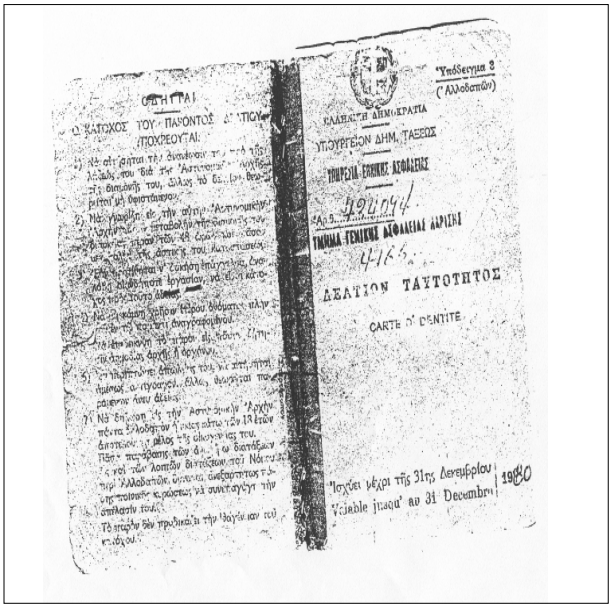
Policiaki violencia mamuj e Rroma: Politika pala tradipe e rromengo andar komunitetura/gava kaj train/dživdinen šaj dikhel pes ande Grecia svako djes. Kava tradipe e policia kerel numaj mamuj e Rroma. baro numbri e Rromengo save vakarde so thaj sar si kerdino lenca ande policia (kaj si marde, verbalo dukhade) sikavel kaj si kava problemo ande Grecia baro thaj buxlo. Ande maj palune berša trin rroma mule kana o barederipe mamuj o zakono thaj zorasa dukhada e Rromen. E manuša save keren buti ande policia utilizin rasistikane epitetura thaj sikaven pes sar rasistura. E Greciake obligacie ando fremo maškarthemutne manušikane čačimaske zakonosko naj realizuime/kerdine. Grecikano barderipe či sikada kaj si kerdino rodipe vaj kaj si došarde e manuša save kerde tortura mamuj e Rroma. Policiake incidentura si ignorišime vaj keren pes numaj formale rodipa saven butivar naj rezultatura.

Ekskluzia e Rromengi andar Edukaciako/sitjuvimasko sistemo: Rromane čhavrenge ande Grecia či del pes gasavi edukacia sar e Na-rromane čhavrenge. Kombinacia katar rasistikani diskriminacia thaj baro čoripe del sar rezultato te numaj cikno numbri Rromane čhavrengo agoril maj cikni škola. Pe but Rromane čhavre ande grecia kerel pes segregacia kade kaj traden pes ande geto škole vaj ande klasura kaj si numaj e rromane čhavre so del len inferioro/bilačhi edukacia. Foroske thaj školake barederipa či den e rromane čhavorenge te edukuin pes kade kaj či keren lengi registracia ande lokale škole thaj kade kaj čhuden len ande škole save si dural katar lengo kher thaj kade kaj či den len transporto te džan ande škole.

Problemura/pharipa pala sastipaski protekcia thaj aver Sociale ažutimaske servisura: Bute Rromen naj personale lila thaj godo či del len šaipe te astaren sastipaski protekcia vaj themeske sociale beneficie. Problemo sastipaske protekciake sistemosko kaj či xatjarel so trubul e Rromnjange thaj lenge čhavrenge thol len po baro riziko. Bute Rromane čhavrenge naj si dindi vakcina godolese kaj či džan ande škola vaj kaj naj len personale informacie save trubun e doktoren.

O raporto kerel konkluzie thaj del rekomodacie/sikavel e Grecikane governose areslimasas te sastarel pes manušikane čačimaski situacia e Rromengi ande Grecia.Kopie kadale raportosko šaj len pes katar *ERRC* ofiso vaj katar *GHM*.

13. APPENDICES



Paper reads “Identity Card” and was reserved for stateless persons. Until the late 1970s, Roma were considered “stateless of Atsiganiki descent” and bore such cards.

The inside of the "Carta Anithagenous" — a document for stateless persons. It says that the person is stateless and that his origin is "Atsiganiki" — "Gypsy". Nevertheless, the same document says that he was born in Greece while both his father's and mother's name are very Greek

Letter from the mayor of Zefyri to the Greek Ombudsman. An English language translation follows the letter.

05/02/2003 10:21 010-7292129 SYNIGOROS TOU POLITI PAGE 02/02

ΕΛΛΗΝΙΚΗ ΔΗΜΟΚΡΑΤΙΑ
ΠΕΡΙΦΕΡΕΙΑΚΗ Δ/ΝΣΗ
ΔΥΤ. ΑΤΤΙΚΗΣ
ΔΗΜΟΣ ΖΕΦΥΡΙΟΥ
Πλατεία Ηρώων Πολυτεχνείου
Τηλ. 010 2319066 – 2315260 – 2315261
Fax. 010 2319026

Ζεφύρι, 20-8-2002

Αριθ. Πρωτ. 3064

ΣΥΝΗΓΟΡΟΣ ΤΟΥ ΠΟΛΙΤΗ
Ανεξάρτητη Αρχή
Αρ. Πρωτ. 16866 28-8-02

ΠΡΟΣ

Συνήγορο του Πολίτη

ΣΧΕΤ. 2855.02.2.2/5-8-2002 έγγραφό σας.

Σε απάντηση του ανωτέρω σχετικού σας γνωρίζουμε ότι το Δημοτικό μας Συμβούλιο με εγκριθείσα νόμιμη απόφασή του, αποφάσισε την ζήτηση επιπλέον δικαιολογητικών για την έκδοση ΤΑΠ, εκτιμώντας ότι:

Το πρόβλημα ξεπλύματος χρήματος σε αγορές ακινήτων που προέρχονται από εμπορία ναρκωτικών από κατοίκους της κοινωνικής τάξης των αθίγγανων έχει πάρει επιδημικές διαστάσεις.

Η πραγματικότητα που ζούμε εμείς στην περιοχή μας μας οδηγεί σε λήψη μέτρων που για όσους βλέπουν τα πράγματα από μακριά, μοιάζουν πιθανώς ρατσιστικά. Η κατάσταση όμως είναι εντελώς διαφορετική και είναι τραγική.

Ο ΔΗΜΑΡΧΟΣ

Απόστολος Ζέρβας

HELLENIC REPUBLIC
REGIONAL DIRECTORATE
OF WESTERN ATTICA
MUNICIPALITY OF ZEFYRI
POLYTECHNEION HEROES SQUARE
Tel: 010 2319066 – 2315269 – 2315261
Fax: 010 2319026

Zephyri, 20-8-2002

Prot. No 3064

TO

Office of the Ombudsman

Ref: 2855.02.2.2/5-8-2002 letter from the Ombudsman's Office

In response to your aforementioned letter, we inform you that our Municipal Council has lawfully decided to call for the submission of additional certificates for the issuing of a certificate of Municipal Poll Tax payment, having in mind that:

- The problem of money laundering through the purchase of real estate, money originating from drug dealing that residents of the social class of *Athinganoi* engage in has reached epidemic proportions.
- The reality in which we live in our locality leads us to take measures that for those who observe things from afar could possibly seem racist. The situation however is totally different and is tragic.

THE MAYOR

[signed and sealed]

Apostolos Zervas

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Swift code: CITIGRAA
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Glyka Nera Greece

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