



**Mandate of the Special Rapporteur on adequate housing as a component
of the right to an adequate standard of living, the Independent Expert on Minority Issues and the Special
Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance**

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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Independent Expert on Minority Issues and Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance pursuant to Commission on Human Rights resolutions 2004/21, 2005/79 and 2005/64, to General Assembly resolution 60/251 and to Human Rights Council decision 1/102.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding forced evictions of persons belonging to minority Roma communities in various locations around the country, including the city of Patras.

According to reports received, since late July 2006, **about 60 families, representing more than 400 persons, of the Riganokampos and Makrigianni Roma communities** have been evicted in Patras without being given prior notice, offered alternative housing or adequate compensation. Reportedly, the Roma in Makrigianni settled there in 1996, while the Roma in Riganokampos have been living in that area for several decades going back to at least 1977. The order for these recent evictions was allegedly given by the deputy mayor of Patras and head of municipal social services unit. As a result, several Roma families allegedly have had no other option than to sleep and to live precariously in their cars, and in inadequate health and sanitation conditions, particularly for women and children.

It has been reported that between 27 July and 25 August 2006, the Municipality of Patras reportedly demolished the homes of Roma families in the Makrigianni district while they were absent for seasonal work, served the remaining families with notices of emergency police measures of eviction, and without waiting for their confirmation by a prosecutor proceeded to implement the evictions. It is further reported that in June 2006, all Roma families of the Riganokampos district were referred to a criminal trial for illegal squatting on state land, and they were told to leave in August 2006 by a court order. These Roma families have reportedly never been provided with official documents attesting the legitimacy of their residences, and these evictions have been described by the authorities as "administrative acts of evacuation and expulsion in response to the unlawful occupancy of land and to arbitrary and illegal settlement of tracts of public land." However, these actions were

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reportedly taken without proper administrative or legal procedure in the first case and despite the fact that in October 2005 magistrates had reportedly annulled as abusive such administrative protocols of eviction which were being requested at the time and the related criminal charges were dropped. Furthermore it has been reported that following his visit to the eviction sites in Patras in September 2006, the Council of Europe Commissioner for Human Rights stated that in his view the “procedures” for eviction were in total contradiction to human rights standards.

Information received states that the Ministry of the Interior has secured a credit line of 320,000 euros to be used for the purchase of adequate land and settlement of the Roma families of these two communities, and that in the context of the Integrated Action Plan for the social inclusion of Greek Roma (IAP), 47 housing loans have been allocated until now to Greek Roma registered in the municipality of Patras, under favourable terms and under the guarantee of the Greek state. Additionally, a Special Committee has reportedly been set up within the administration of Western Greece with the task of identifying a suitable site to set up a permanent settlement for the Roma families. However, this body has not come up with any concrete solution for the permanent settlement of these families yet. While it has been reported that the municipality is renting apartments for 18 to 22 of the evicted families until the Government approves loan applications for them to buy their own homes, concerns have been expressed on the part of these families as to what will happen once the initial, financially subsidized period of rent is over, as they have no money to pay for the rent on their own.

In addition, further reports indicate that most local Roma from these communities that are sleeping in the streets and without shelters, have left Patras or are looking for a home. Reportedly, these evicted families also face discrimination to access adequate housing, as landlords are reluctant to rent them houses, thus forcing them to constantly change their place of residence. Allegedly, the relocation plans foreseen for the Patras Roma communities has failed because of strong local community reactions against the settlement of Roma families in their neighbourhoods. Concerns have been expressed that the situation is not being dealt with adequately and in a sustainable manner by the authorities. In this context, we have received information stating that in an interview in a weekly newspaper published on 2 February 2007, the then Chief Appeals Prosecutor of Patras and now Deputy Supreme Court Prosecutor reportedly made discriminatory statements against Roma in connection with last year’s evictions and recommended similar eviction of immigrants who live in similar informal settlements in that city.

Reportedly, the evictions mentioned above seem to follow a pattern of forced evictions of Roma in Greece. In 1997, about 2,000 Roma were allegedly expelled from a rundown district of Thessaloniki. Reportedly, they camped on the banks of the Gallikos River for three years before being relocated to a former military barracks. Furthermore, in 2003, about 200 Roma were removed from the affluent Athens suburb of Maroussi to make way for the Olympic complex before the 2004 Games. Currently, about 200 Roma allegedly face eviction from a large site in Votanikos, central Athens, which is earmarked for the construction of a soccer stadium and the capital’s first mosque by 2009. While there are no official statistics available, it is estimated that there are 200,000 to 300,000 Roma in hundreds of settlements across the country, at least half of them living in extreme poverty and inadequate housing conditions.

Greek authorities have underlined that finding a suitable solution to the housing issues facing the Greek Roma population has been the focus of their efforts. Whilst welcoming the Government’s recent initiatives to improve the housing conditions of Roma such as the adoption of measures to solve legal problems often faced by Roma as a result of their lack of official documents, the Integrated Action Plan of 2002 and, in particular, the programme of state-guaranteed housing loans, we remain concerned about housing rights for Roma communities in Greece.

In this context, and without implying any conclusion as to the facts mentioned above, we should like to draw the attention of your Excellency’s Government to the relevant provisions contained in the International Covenant on Economic, Social and Cultural Rights and related general comments.

In 1991 the Committee on Economic, Social and Cultural Rights adopted General Comment No. 4 on the right to adequate housing, which defines seven basic contents of the right, which Government must ensure. With “due priority to those social groups living in unfavourable conditions,” these include guaranteeing: (a) legal security of tenure; (b) availability of services, materials, facilities and infrastructure; (c) affordability; (d) habitability; (e) accessibility; (f) location; and (g) cultural adequacy.

In General Comment No. 7 on forced evictions, adopted by the Committee in 1997, it is recognized that “forced evictions are prima facie incompatible with the requirements of the Covenant” and provided explicit legal guidance on how Governments can pursue enduring solutions. The Committee further stated that:

“15. Appropriate procedural protection and due process are essential aspects of all human rights but are especially pertinent in relation to a matter such as forced evictions which directly invokes a large number of the rights recognized in both the International Covenants on Human Rights. The Committee considers that the procedural protections which should be applied in relation to forced evictions include: (a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected; (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction; (e) all persons carrying out the eviction to be properly identified; (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise; (g) provision of legal remedies; and (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.”

“16. Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.”

In this context, the Special Rapporteur on adequate housing has developed a set of guidelines, presented in his last report to the Human Rights Council (A/HRC/4/18), that aims at assisting States in developing policies and legislations to prevent forced evictions at the domestic level and that attempt to make clear State obligations prior to, during and after evictions. The guidelines are attached to the present communication for your consideration.

We would also like to draw the attention of your Excellency’s Government to article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, under which States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the civil, economic, social and cultural rights, including the right to housing (article 5 (e) (iii)).

In addition, we deem it appropriate to refer to the General Recommendation No. 27 on discrimination against Roma, adopted by the Committee on the Elimination of Racial Discrimination, which encourages States parties to the Convention:

“30. To develop and implement policies and projects aimed at avoiding segregation of Roma communities in housing; to involve Roma communities and associations as partners together with other persons in housing project construction, rehabilitation and maintenance.

31. To act firmly against any discriminatory practices affecting Roma, mainly by local authorities and private owners, with regard to taking up residence and access to housing; to act firmly against local measures denying residence to and unlawful expulsion of Roma, and to refrain from placing Roma in camps outside populated areas that are isolated and without access to health care and other facilities”.

We also highlight the obligations under the 1992 United Nations Declaration on the Rights of National or Ethnic, Religious and Linguistic Minorities, which apply to persons of all minority groups in Greece. Article 4 establishes that “States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law”.

In this context, we would greatly appreciate receiving information from your Government concerning the situation described in this letter and about the steps taken by the competent authorities in compliance with the provisions contained in the international legal instruments, particularly in order to ensure that evictions do not take place without: (1) appropriate consultation, (2) due process - including adequate and reasonable notice and an opportunity to seek redress without sanction, (3) the provision of sufficient information to those affected both on the purpose for which the land is to be used and on compensation and assistance offered, and (4)

ensuring that the evictions do not result in homelessness. We would also be grateful to receive information concerning the housing and basic services conditions of the communities and families mentioned above and existing legislation and policy measures in this regard to protect and promote the rights of the Roma minority.

We undertake to ensure that your Government's response is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

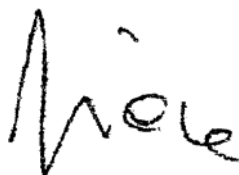
Accept, Excellency, the assurances of our highest consideration.



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