



Asamblea General

Distr.
GENERAL

A/HRC/10/NI/5
18 de febrero de 2009

ESPAÑOL
Original: INGLÉS

CONSEJO DE DERECHOS HUMANOS
Décimo período de sesiones
Tema 3 de la agenda

**PROMOCIÓN Y PROTECCIÓN DE TODOS LOS DERECHOS HUMANOS,
CIVILES, POLÍTICOS, ECONÓMICOS, SOCIALES Y CULTURALES,
INCLUIDO EL DERECHO AL DESARROLLO**

**Información presentada por la Comisión Nacional
de Derechos Humanos de Grecia¹**

Nota de la Secretaría

La Secretaría del Consejo de Derechos Humanos ha recibido la siguiente comunicación², que se reproduce a continuación de conformidad con el artículo 7 b) del reglamento que figura en la resolución 5/1 del Consejo de Derechos Humanos, según el cual "La participación de las instituciones nacionales de derechos humanos se basará en las disposiciones y prácticas convenidas por la Comisión de Derechos Humanos, incluida la resolución 2005/74, de 20 de abril de 2005".

¹ La institución nacional de derechos humanos que presenta la información tiene la acreditación de la categoría "A" ante el Comité Internacional de Coordinación de las Instituciones Nacionales de Promoción y Protección de los Derechos Humanos.

² Se reproduce en el anexo como se recibió, en el idioma original únicamente.

Anexo

Report and Recommendations of the NCHR on Issues Concerning the Situation and Rights of the Roma in Greece¹

SUMMARY

The present Report is the product of a process of consultation with agencies and individuals active in the management of Roma issues, and of elaboration by an ad hoc working group.

Taking as a starting-point the observation that there is a gap between the adoption of policies and positive measures for the Roma and their substantive implementation in the field, with a view to eliminating their social exclusion, the Report gives an account of the history of the NCHR's concern, and that of its members, with Roma issues.

Certain basic field data are then given in connection with the Roma in Greece, such as the definition of the Roma identity in relation to the vehicle for the rights' claims by the group vis-à-vis the non-Roma society and state institutions. The Report does not propose a definition of 'Gypsiness', but rather a definition of the subjects entitled to benefit from positive measures on the part of the state and society, with a view to combating social exclusion and ensuring access to the mechanisms of production and distribution of goods within the State.

The national and international framework of protection and the findings of international bodies, as well as Greece's convictions by international jurisdictional mechanisms are cited in detail.

¹ The present report is a revised form of the position paper on the situation and rights of the Roma in Greece which was discussed in the plenary session of 2/10/2008 of the Commission and drafted by Christina Papadopoulou, Human Rights Officer of the NCHR. Andreas Takis, Deputy Ombudsman, has co-signed the revised text. The report takes into account the spirit and the content of the fruitful discussion which took place at the previous plenary session, and incorporates as far as possible the proposals and comments - constructive, yet frequently not in agreement with one another - of the members of the NCHR, and particularly of those who were kind enough to lodge these in writing (S. Spiliotopoulou, P. Stangos, N. Theodoridis, C. Botopoulos). The report has been supported by the work of the ad hoc Working Group on Roma affairs (L. Argyropoulou-Chrysochoidou, P. Stangos, A. Takis, C. Lambrou, N. Theodoridis, C. Botopoulos, I. Nikolakopoulou-Stefanou, and L. Divani, former member of the NCHR and compiler of the 2001 report on Roma affairs), of agencies and individuals (A. Takis, Deputy Ombudsman, M. Voutsinou, and A. Papadopoulou, advisor at the Ombudsman Authority, the Union of Greek Roma, the Panhellenic ROM Youth Association, the Sofades ROM Association, the Panhellenic Union of Greek Roma, the National Focus Centre on Racism and Xenophobia, the Hellenic Human Rights Union, the Oikokoinonia NGO, the Klimaka NGO, the Arsis NGO, the Praksis NGO, the Doctors of the World, the Greek Helsinki Monitor, the Directorate for Development Programmes of the Interior Ministry, the General Secretariat of Public Order, the Office of the Minister of the Environment, Planning and Public Works, the Secretariat General of Public Order, the KELPNO, the Municipalities of Athens and Trikala, the ROM Inter-municipal Network, the Administrative Regions of Attica and Western Greece, Nadina Christopoulou, anthropologist, Evgenia Katoufa, journalist/social worker, Marina Tsafou, sociologist), who in different capacities and from various positions are active and/or involved directly in the management of Roma issues. The problems and the proposed solutions were further elaborated and discussed at the two meetings / consultations convened by the Commission (11/7 and 20/11, 2007). The Commission would like to express its warmest thanks to all those who have contributed by their work to the formulation of the proposals and to an understanding of the issues which touch upon the situation of the Gypsies in Greece today. The author of the report made *in situ* visits to and had discussions with the residents at the Roma settlements or encampments at Halandri, Attica, the Gallikos river, and Evosmos, Thessaloniki.

In addition, the Report includes a summary description of the different types of establishment of the Roma in Greece and the related challenges posed to state planning and co-existence with the Roma population, the internal hierarchies and power relations within the group, as well as its problematic connections with public institutions and services. The Report stresses the importance of the integration of Roma children in the educational process as a precondition for ending the vicious circle perpetuating the social exclusion of the group.

A brief account of the implementation of the Integrated Action Programme for the Social Integration of the Greek Roma is undertaken, while an account of two actions of the NCHR for 2009 in the field of training of professional groups involved in the management of Roma affairs is also given.

In conclusion, the NCHR Report formulates a series of recommendations to the Greek State aiming at an effective policy on Roma on the basis of an actual respect of their rights and of compliance with the recommendations of national and international mechanisms.

Introduction

In the last ten years or so, there has been a large number of reports², publications, studies, and events (conferences, congresses, etc.) on Roma, as well as resolutions and decisions of international organisations and judgments by international jurisdictional bodies. The shared assumption of all those agencies and actors is that there is a gap between the adoption of policies and positive measures and their substantive implementation in the field, thus, resulting into the Gypsies being victims of negative discrimination and social exclusion.

This increasing concern for the Roma is not in itself good news, as it reflects the lack of real statutory guarantees at the national and international level. In Greece, the Gypsies/Roma are included in numerous administrative instruments, action plans and national strategies (National Report on Strategy for Social Protection and Social Integration 2003 - 2005, 2006 - 2008, 2008 - 2010, National Strategy for the European Year of Intercultural Dialogue 2008, etc.), without, however, there having been any notable improvement of things in the field. It is also known that Greece has been compromised at the international level by a number of convictions by international jurisdictional bodies and is at the top of the list of states negatively assessed as

² As to the Gypsies/Roma in Greece and/or Europe, the following are noted entirely by way of indication: 'Focus: Roma in Greece', European Roma Rights Centre (ERRC), 2000; 'The Situation of Roma in selected European Countries', Report by the International Helsinki Federation of Human Rights to the OSCE Conference and Other Forms of Intolerance, Cordoba, Spain, June 2005; 'Roma Poverty and the Roma National Strategies: the Cases of Albania, Greece and Serbia', Minority Rights Group International, at www.minorityrights.org, 'Cleaning Operations: Excluding Roma in Greece', ERRC & Greek Helsinki Monitor, Country Report Series, No. 12, April 2003; 'Greece: Continuing Widespread Violation of Roma Housing Rights', GHM + COHRE + MRG - Greece + PACONGR + Greek Gypsy Union, October; 'Torture and other forms of ill-treatment in Greece in 2003: the situation of women, Roma and aliens', report prepared by the OMCT & GHM, 16 October 2003 hearing of the EU Network of Independent Experts in Fundamental Rights; 'Denied a Future: report on Greece', Save the Children 2003, www.savethechildren.org, 'The Roma in Greece: History and Present-Day Reality [in Greek]', Greek Group for Minority Rights, 2002; 'Roma/Gypsies: a European Minority [in Greek]', J.P. Liegeois - Nicolae Gheorghe, 1999, Miltos Pavlou: 'Racism and Discrimination against Immigrants and Minorities in Greece: the State of Play', HLHR - KEMO Annual Report 2007; 'Serial Abuses in Need of Rigorous Response', COHRE - ERRC - GHM - MSF; World Bank Involvement in Roma Issues, www.worldbank.org.

regards Roma issues.³ A racist trend against Roma has made its appearance in various European countries, and is at times resulting in extreme policies, measures and aggressive manifestations (such as fingerprinting of the Roma, racist statements by senior state functionaries, etc.), as those recently observed in neighbouring Italy, the Czech Republic, and in some other EU countries.⁴ These phenomena render even more necessary and urgent a comprehensive policy on Roma inclusion in Greece, a net improvement of the existing programmes, and a strict monitoring of their effectiveness in practice. In fact, in spite of the observed delays in the implementation of the measures adopted on paper, and in spite of the obvious distance between the declared goals and the results produced, no overall assessment of the progress of the programmes has been completed so far. Against this background, there seems to be a direct connection between state inadequate intervention, and the manifestations of aggressive behaviour of non-Roma towards Roma.

In this state of affairs, the NCHR has decided to attempt an examination of the situation of the Roma in Greece today, and to formulate recommendations for the elimination of social exclusion, from the viewpoint of human rights and non-discrimination, and by adopting a holistic approach. Obviously, the effectiveness of NCHR's recommendations to the competent State authorities is interwoven with necessary changes in the way of looking at the Roma and of co-existence with them on the part of the society as a whole. It goes without saying that, comprehensive changes in attitude are necessary, both on the part of the collective bodies representing Roma communities and the Roma themselves.

History of the involvement of the NCHR in Roma issues

The NCHR adopted a first position paper on Roma issues⁵ in the second year of its operation (in 2001, before there was a body representing the Greek Roma within the Commission) by means of which it recommended that the state should take up its responsibilities as regards the solution of the problems of Roma, and adopt policies for the sensitisation of society. In 2003, the NCHR⁶ increased its membership by adding two NGOs (over and above the original four) to its composition, one of which was the Panhellenic Federation of Greek Roma Associations. A number of member-agencies of the NCHR are active in issues of Roma protection (there is an *in extenso* account of the composite actions of the Ombudsman on Roma below). The accumulated experience of the Ombudsman via *in situ* monitoring of settlements and the investigation of individual cases constitutes the empirical base of the NCHR, with the conviction that their complementary roles may increase the possibilities for State response. Apart from the Ombudsman, the PASOK and SY.RIZA political parties have tabled questions in this connection in Parliament (primarily on issues of resettlement and education); non-governmental organisations examine various matters depending upon the range within which they act; and the representatives of the ministries inform - if not always adequately - the Commission on their Roma related actions.

The NCHR systematically includes Roma issues whenever it is asked to comment upon Greek reports to Treaty Bodies, national action plans, or bills touching upon protection from

³ See more below, in the section of the report devoted to this subject.

⁴ See in this connection (and on Greece), '2008 Hate Crime Survey: Roma and Sinti', www.humanrightsfirst.org.

⁵ See Report on the Acta of the NCHR 2001: 'The situation of Roma in Greece'.

⁶ By decision 6/2/2003 of the Plenum, by virtue of Article 2, para. 1c, and Article 9 of Law 2667/1998.

discrimination.⁷ In addition, it makes specific reference to Roma whenever it consults with representatives of international experts and/or bodies⁸. At these meetings and in its comments on the State reports, the NCHR has noted, *inter alia*: *the lack of co-operation of the local authorities for the resolution of problems faced by Roma. The difficulties in the implementation of integration programmes due to the lack of unity in the representation of Roma. The de facto problem of registration of Roma in civil registers, due-inter alia- to omissions on the part of the competent services of the central administration and of local government, a deficiency impeding the planning and implementation of appropriate actions. The problem of the non-inclusion of Roma originating from the Balkans in the programmes. The difficulties in the implementation of the subsidized housing loans programme due to the lack of understanding of the procedure on the part of Roma and, in addition, due to unclear competencies between local government and the Interior Ministry. The illegal character of the forced evictions of Roma from encampments in various regions of the country, without them being offered a resettlement in another site meeting conditions of safety and minimum dignity. The need to build upon the good practice of the medical-social centres. The ineffectiveness of the measures adopted so far aiming at the integration of Roma children into the educational process. Last, but not least, the inadequate investigation of cases of alleged use of force by police officers against Roma, and of discriminatory treatment and abuse with probable racist motives by non-Roma citizens.*

During 2007, the NCHR set up an ad hoc group on Roma issues and convened two working-meetings attended by a wide range of agencies (NGOs, collective expressions of Gypsy citizens, university academics, public administration and self-government, independent authorities, etc.). Many of these submitted views and proposals regarding the interconnected fields where violations occur: housing, education, health services, employment, and problems in relations with state and municipal administrative procedures. Furthermore, in October 2007, the President of the Commission, C. Papaioannou, together with the Deputy Ombudsman A. Takis, had a special meeting on Roma issues with the General Secretary of the Ministry of the Interior, Mr P. Georgiadis.

Amongst the members of the NCHR, the Ombudsman, by virtue of his mandate, and particularly with his new competence (by virtue of Law 3304/2005) as Agency for the Promotion of the Principle of Equal Treatment, has substantive contact with and understanding of the problems of Roma and of the obstacles as regards the management and resolution thereof. Aspects of his experience in the investigation of individual cases, via performing *in situ* inspections and undertaking, as of 2005, of a "composite action for the improvement of housing condition of Roma", appear in a series of his findings, in the Authority's annual reports, in the special report

⁷ See: Comments on Greece's Report on the implementation of the International Covenant on Economic, Social and Cultural Rights, NCHR Report 2002. List of issues addressed before the CAT, NCHR Report 2003. Comments on the draft law on the implementation of the principle of equal treatment regardless of racial or national origin, religious or other convictions, disability, age or sexual orientation, Annual Report 2003. Comments on the first report of Greece on the International Covenant on Civil and Political Rights, NCHR Annual Report 2003. Comments on the Report of the Ministry of Foreign Affairs on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, Annual Report 2007. Views and proposals of the NCHR on the National Report on Strategy on Social Protection and Social Integration 2008 - 2010, which was approved by the Plenary Session of 10/7/2008.

⁸ See working-meetings with: Gay McDougall, Independent Expert of the UNO on Minority Issues (Sep. 2008), CPT delegation (Aug. 2005), joint conference on issues of racism with the ECRI (18 November 2004), a series of meetings with the Council of Europe Commissioner for Human Rights and/or with representatives of his office.

(2004) of the Human Rights Section on 'Disciplinary/administrative investigation of complaints against police', and in the published conclusions of the December 2007 European Working-Meeting, co-organised with the Office of the Commissioner for Human Rights of the Council of Europe, on the elimination of the social inclusion of Roma. An inter-sectional team on Roma issues operates within the Ombudsman's Office, while a network of exchange of information with agencies and civil society unions active in the protection of Roma rights has been set up.

Definitions and basic field data about the Roma in Greece⁹

The Roma who live in Europe do not constitute a homogeneous group, but a mosaic of populations, while a variety of names are given to them in different countries: Tsingani in Greece¹⁰ (but also 'Katsiveli' in villages in Northern Greece, from the medieval Italian 'cattivello'), Gitanos in Spain, Ciganos in Portugal, Cale, Gitans, Tsiganes or Manouches in France, Kaale in Finland, Sinti and Zigeuner in Germany, Zingari in Italy, Roma in a number of countries in south-eastern Europe, etc. The Gypsies refer to the non-Gypsies as Balamé or Gatzé, which signifies the 'other race', i.e., the non-Gypsies.

The beginning of their migration is dated to circa the 11th century AD. The basis on which it is believed that they originally came from Northern India is linguistic: it has been found that Romani or Romanes idiom (which takes the form of at least 20 dialects and more than 60 idioms, and which is not a written language, but is primarily used as a code of communication not understood by non-Gypsies) resembles to other linguistic forms of that region in morphology and vocabulary. During the course of their migration, these groups of Roma/Gypsies encountered other 'Travellers', of indigenous European origin - Quinquis in Spain and Portugal, Tinklers/Tynkers or Travellers in Ireland and England, Jenische in Germany, Omsreifere in Scandinavia, etc. Their relations with the Roma/Gypsies are not entirely clear, but they have also adapted themselves to the wandering life for various reasons, such as poverty, wars, and so on.

In the administrative and political instruments of the countries where Roma groups are present, various terms and paraphrases reflecting the State policy are used. In France, the periphrasis 'Personnes d'origine nomade' (persons of nomadic origin) was used up to 1972, while today it has been replaced by the term 'Roms et Gens de Voyage' (Rom and Travellers), a term based on the *habitus* of the individuals, which also includes the groups of non-Indian origin, and free of negative or cultural associations - in accordance with the 'sacro-sainte laïcité' of French democracy.

The term 'Gypsy' is not generally regarded as derogatory, but it involves negative connotations in certain European countries, such as Germany. As far as Greece is concerned, this seems to be an acceptable term for most groups, whereas the term 'Rom' and/or 'Roma' (which means 'man' in Romani) is increasingly used in the "politically correct" discourse, as it has the advantage of differentiation from terms imposed by the non-Roma. It is a term corresponding more to the will of the Gypsy groups of Central and Eastern Europe (constituting approximately 70% of the total

⁹ For a collection of various academic approaches which provide stimuli for thinking on the Roma of Greece, see the volume published by the Hellenic Ethnology Society: 'The Roma in Greece [in Greek]', Athens 2002.

¹⁰ It is conjectured - but without scientific certainty - that the term derives from a heretical group in the Byzantine world who were called 'Athingani' - 'untouchable' - variations on which were to be used in many countries. According to another version of the theory, this comes from the negative prefix 'a-' and the verb 'thingano' (touch), that is = 'untouchable'.

Gypsy population in Europe), and it has been used by the international Gypsy organisations, particularly in the last 20 years. In the present report, both terms are used interchangeably, as they are both familiar to and acceptable by the groups present in Greece.

In Greece, the Gypsy presence is traced back in c. the 14th century, while after the Asia Minor Disaster (1922), there has been a major migratory wave of Gypsies coming to Greece from Constantinople and Smyrna regions. It should be noted that Greek nationality was given to Gypsies living in Greek territory in 1955 by Legislative Decree 3370/1955. This remained in effect a dead letter until 1979, when new statutory regulations attempted to settle the issue of the nationality of the Gypsies. A considerable concentration of Gypsy population is observed in various areas of Attica and Thessaloniki, in the Western Peloponnese, in Thrace, in Chios and Lesbos islands, and in a number of cities in the rest of the country's geographical divisions.

It is extremely difficult to calculate the exact number of Gypsies in Greece - as it is elsewhere - since there is no systematic way of collecting data regarding ethnic identity (the last census which recorded racial origin or mother tongue was that of 1951, and in that, the Gypsy population amounted to 7,429 persons). Conservative estimates speak of approximately 250,000 individuals of Gypsy origin, with clear tendency to becoming sedentarised, whereas the degree of their sedentarisation is closely linked to their labour needs. It should be noted that a significant number of newly-arrived Gypsies, originating mainly from Albania and the countries of former Yugoslavia, has been added to the overall Gypsy population. The residence of these newly arrived Gypsies in Greece goes relatively unimpeded, as the public authorities tend to avoid addressing the problems of this particular group. Nevertheless, it should be noted that frictions between them and the indigenous Gypsies are observed. In any event, insufficient light has been cast upon these differentiations within the Gypsy population, as high demographic rates, relatively high geographical mobility of the Gypsy population, and the de facto problem of registration of Roma in civil registers, make difficult any attempts at census-taking, on top of causing problems in many other areas –such as transactions with public services.

Routes of identity: 'Gypsy' identity, or composite identity?

From the time of their appearance in Europe, until very recently, the Gypsies were perceived by politicians and the intelligentsia in two diametrically opposed ways: the dominant state approach veered between persecution (or elimination), assimilatory policies, regulated control and toleration of Gypsy groups, whereas intellectuals (particularly under the ideological horizon of 19th century's Romanticism) frequently developed a discourse stressing the exoticism of the Gypsies as a kind of 'familiar aliens', who live *next to us, but not with us*. Attitudes, preferences, practices and behaviours of the Gypsies were interpreted as expressions of a unified 'Gypsy culture': the Gypsies are 'by their nature' wanderers and nomads,¹¹ are gifted with 'second sight', etc. It should be noted, however, that as regards the Gypsies' qualities, they are ascribed mostly negative ones, that is, those which non-Gypsies would not ascribe to themselves.

A third approach, originating in the sphere of social sciences, began to be articulated in the 70's. This approach was proposing a new way of looking at majority-minority social relations, and

¹¹ For a comprehensive study of the mobility, territoriality, and of the ways of settlement, sedentarisation, and migration of Gypsy groups, see Efi Karathanasi, *The dwelling of the Gypsies: the bio-space and the socio-space of the Gypsies* [in Greek], publ. Gutenberg, Library of Social Science and Social Policy, Athens 2000.

examined the defining characteristics of the Gypsies as a causal function of relations and interactions with the majority population. The research is directed to the examination of the characteristics of the Gypsies, either as a development of a kind of counter behaviour to the norms of the majority, or as a survival strategy (resilience) and interaction of Gypsies with the socio-economic parameters of the society of the majority, or as a combination of both the above. More recent approaches are adopting a rights' discourse (human rights, the right of social inclusion and participation), stressing the necessity, on the one hand, of Gypsies' participation in the shaping of the policies which concern them, and, on the other, of statutory guarantees for the adoption and implementation of positive measures in view of eliminating inequalities.

The dynamics of the evolution of Gypsy identity¹² and of the Gypsy self-perception in Greece seems to be to a certain extent differentiated from that in the rest of Europe. This difference is important as it determines the ideological basis on which the Gypsy communities lay claim to their rights and define their strategies/tactics. In the case of a *de jure* minority, its members are subject to special statutory regulations as to their rights and obligations; whereas in the case of a *de facto* minority, its members are not entitled to, or do not desire, to make reference to the minority status.¹³

While most Roma groups in Europe seem to line up with the minority approach, and, consequently, use its conceptual framework in their search for rights¹⁴ (almost all intergovernmental and non-governmental organisations refer to the Gypsies as the "biggest minority in Europe"), many of the Gypsy collectivities in Greece state¹⁵ that they prefer a claimant platform on the basis of a 'vulnerable' group.¹⁶ Their quest for recognition, acceptance and equality is pursued on the basis not of ethnic differentiation, but of ethnic 'likeness with particularities'. They compare themselves with other groups with a 'multiple' identity (e.g., Vlachs, Black Sea Greeks, Arvanites), and they underline their readiness to fulfill their obligations towards the state (fulfillment of military obligations, Gypsy victims of the German Occupation¹⁷, etc.).

¹² See in this connection: E. Papataxiarchis, 'Concerning the cultural construct of identity', in *Concerning Constructs, Topics II* [in Greek], Society for the Humanities' Study, publ. Nisos, Athens 1996, pp. 197 - 219.

¹³ In the contemporary approach which governs the minorities' law, the so-called subjective approach has been adopted: this means that, *inter alia*, a decisive factor for the recognition of a group as a minority is its expressed will to be perceived as such.

¹⁴ For a line of thought as regards the legal definition of the concept of a 'minority', see L-A. Sicilianos - E. Bredimas (eds.), 'The protection of minorities. The Framework-Convention of the Council of Europe [in Greek]', publ. Sakkoulas, Athens-Komotini 1997. Also, for a pragmatic and critical scientific review of the minority phenomenon, see Tsitselikis K., Christopoulos D. (ed.), 'The minority phenomenon in Greece [in Greek]', publ. Minority Groups Research Centre, 1997.

¹⁵ See published *Declaration of Self-Determination* at the 3rd Panhellenic Conference of the Panhellenic Federation of Greek Roma Associations, Thessaloniki 28/4/2001: "We, the Greek Gypsies, declare categorically and in every direction that we are an indissolubly united part of Hellenism and any other type of reasoning and approach by whomsoever expressed will meet with our opposition".

¹⁶ For an analysis of the exclusion-on-a-minority-basis v. exclusion-on-a-socio-political- basis, see Aliki Vaxevanoglou, *Greek Gypsies, Marginalised and Patres Familias* [in Greek], publ. Alexandria, Athens 2001.

¹⁷ The Gypsies speak proudly of the bust of Vasilis Mitros, 'Capetan Gyftos', erected a few years ago in the town of Kymi. With regard to the recognition of the Gypsy victims of the Holocaust, it is debated, even beyond the frontiers of Greece, whether it was based on racial hatred or whether it was due to their delinquent activities. This rather disturbing 'competition' of the extent of victimization, reflects the small leverage which the Gypsies exert over the decision-making circles and policy centres.

This choice seems to stem either from the actual marginalisation of the group as a result of socio-economic mechanisms that perpetuate particularity,¹⁸ or from a reservation over the usefulness of adopting 'minority' terms (due to the stigmatisation in the use of the term in the Greek context and administrative practice).

At times, the desire of belonging to Greece is exaggerated (e.g. it is argued that the Gypsy groups are of ancient Greek descent), and this may arise from the –unconscious- realisation that, in Greece, citizenship is based on the *jus sanguinis* principle and shared descent, and not upon a 'civic' Greekness. Such a non-civic Greekness, in conjunction with the ideological construct of the cultural supremacy of the Greeks, and of Greece - as the foundation of European civilisation - has rendered the 'otherness' and/or minority status rather problematic.

The majority of the non-Roma Greeks perceives Roma as 'problematic' and considers that their non successful integration is the result of their own culture and attitude. This is corroborated by the fact that once a Gypsy achieves its integration to the society (on the basis of a series of indicators, e.g., steady job and settlement, inclusion in social security schemes, etc), he automatically stops being perceived as Gypsy by the non-Gypsies. At the other end, the Gypsy perceives himself rather as a neglected and, therefore, marginalised member of the Greek family than as a member of a 'minority' within the majority. This is why the Greek Roma criticize the - in their view- greater effort of the Greek State to address the problems of aliens (including those of Roma descent), while it still neglects 'its own' poor and marginalised Gypsies.

In any event, from the point of view of the NCHR, neither presumption of 'Greekness', nor that of 'Gypsiness' is required for the defense of the Gypsies' rights. The 'otherness'¹⁹ of the Gypsies is of importance to the extent that it constitutes the major reason for social exclusion. The Commission neither adopts, *en bloc*, nor rejects the 'ethnic' platform for claims, and is fully aware of the dynamics and complexity of the shaping of composite identities in contemporary societies. Thus, the NCHR proposes a 'definition' not of 'Gypsiness', but rather of the subjects entitled to benefit from a series of positive measures on the part of the state and the society; measures which aim at eliminating their disadvantaged position and their exclusion from the society and at ensuring their access to the mechanisms of production and distribution of goods within the state.

The case of the Muslim Gypsies of Thrace

During the 1980s, a part of the Muslim Gypsies of Thrace were incited to migrate primarily to the Prefecture of Attica (Gazi, Kolonos, Votanikos, Keramikos, Lavrio) as manual workers in high-risk sectors. The process by which Muslim Gypsies determine their own identity is of a more complex character than is the case of other groups. The residents of the old settlements define themselves as Turks. Only the formerly itinerant groups are self-defined as 'Gyfti' or 'Gioufti' ('Athingani' for the Greek side); they retain Romani as their mother tongue, and they

¹⁸ This is an option adopting an analysis of the social inequalities on the basis of "class", and rejecting the 'post-Marxist' and postmodern concept of perpetual differentness, as a conscious choice. See in this connection: C. Katsikas, Eva Politou, *The Rejected Other: Gypsies, members of minorities, the repatriated, and aliens in Greek education* [in Greek], publ. Gutenberg, Athens 1999.

¹⁹ For a line of thinking in connection with the conditions on which otherness becomes 'of interest', see D. Christopoulos, *Otherness as a power relation: Aspects of the Greek, Balkan and European experience* [in Greek], publ. KEMO, 2002.

reject the use of the derogatory Turkish word '*çingene*' for themselves. In the last 15 years, considerable numbers of the formerly itinerant groups tend to abandon Gypsy cultural characteristics and the Romani idiom, in an attempt to avoid the stigma accompanying the 'Gypsy identity'. Some Gypsy groups use religion as the basis of their self-identification ('Muslims'), without necessarily observing the Muslim rituals in full.

In recent years, the Greek State has emphasized the division of the minority of Thrace into three constituents: the persons of Turkish origin, the Pomaks, and the smaller group of the Athingani/Roma. The Greekness of the Gypsy constituent is somewhat over-emphasized, within the context of a generalized effort to avoid the absorption of the Pomaks and Gypsies by the constituent of Turkish origin. However, the actual link connecting the constituents within the minority is their common expectations of their inclusion and participation in the society to which they belong.²⁰

On the edge of the city

The Gypsies usually settle on vacant sites owned by the state, municipalities, or other legal persons of public law, and more rarely on private land, with the tolerance or indifference of the owners, or because of the inability of the latter to enforce judicial measures. When an urban development plan for the aforementioned sites comes forward-either for a public purpose or following pressures from the local population-, the mechanisms of compulsory removal are activated, taking the form of forced eviction (issuing of protocols of administration eviction), or of the destruction of the constructions ('cleaning-up' operations). Access to water, electricity, garbage removal, drainage, etc. are totally defective, if present at all. This is the context where exclusion is built up, and where the possibility of peaceful co-existence of the communities is subverted. Thus, the Roma encampments and/or settlements, in conjunction with the inequalities in income distribution, and the other deficiencies of the Greek welfare State and public planning, are transformed into areas of acute tension between those living there and those in the vicinity.

The Roma community is not fully familiar with private ownership (possession, disposal, ownership). Settling in private sites or public areas does not, a priori, take place with the intention of exercising control over them: what Property Law interprets as a violation of the right to property, could be described as '*diakratesis*', i.e. where there is no will or intention to act as owner.²¹ In addition, competitiveness in the economic field intensifies the contrast between two systems of management of space: the one (that of Roma) which is based on 'quasi-possession' and the group, and the other which is based on ownership and the individual; thus, the obstacles to the use of land by Roma groups are intensified.

The Gypsies settlement on the property of others is the main factor for the persecution which they undergo; moreover, the observed tendency to become sedentary is often undermined by the local reactions and the discontinuity of public policies. Because of their functional illiteracy and the negative prejudice of the authorities, they are more confused by bureaucratic procedures than

²⁰ See Troubeta S., *Fabricated identities for the Muslims of Thrace* [in Greek], publ. Kritiki, 2001, and Avramopoulou E., Karakatsanis L., *Routes of identity: from Western Thrace to Gazi*, Athens 2001, at www.kemo.gr.

²¹ A term used by A. Georgiadis - M. Stathopoulos for the act which is marked by physical exercise of power over something, but is not governed by the will that this should come into the ownership of the possessor: see *Civil Code* [in Greek], A. Georgiadis - M. Stathopoulos, p. 219. On the territoriality of the Gypsy groups as compared with that of the ambient community, see Efi Karathanasi, *op. cit.*, pp. 243 - 281.

non-Gypsies are. Being unfamiliar with the real estate market, when they buy land (thanks to the housing loans, within the framework of the Integrated Action Programme, a considerable number of Gypsies have bought land and/or houses), it is often either not suitable for building, or falling outside the town plan. Thus, they put up makeshift constructions or build houses, only to have them knocked down by the demolition squads; typically, the Roma illegal constructions are demolished in a more frequent fashion than in the case of the illegal constructions of non-Roma.

Having been for centuries the target of various forms of aggressiveness, the Gypsies have developed noteworthy *survival strategies*,²² including exercising economic functions²³ that often call for circumstantial changes of location. In the process of their gradual sedenterisation and urbanisation, they frequently face the hostility of local communities and the ineffective way in which their problems are managed by the State. By extension, they adopt behaviours of introversion and resistance to influences from outside the group, since the former threaten the cohesion of the latter, thus, perpetuating their marginalisation. A still prevalent foundational feature of their social organisation is the *extended patriarchal family*, with all that this entails in terms of power relations within the family life cycle. Gypsy women, within their own social group, are the victims of multiple discrimination to a much greater extent than men, and the violations of their fundamental rights within the context of the group and outside of it are particularly marked.²⁴ The networks of support and interdependence within the Gypsy community are still strong. The choice of self-employment and that of mobility is connected with the exceptionally limited range of opportunities available to Gypsies. It is also connected with the efforts they make to be less dependent upon those who reject them, through the feeling of security when being employed in the 'family business'. In addition, the delinquency associated with drug trafficking and use observed in certain Roma settlements and encampments, complicates further internal hierarchies and power relations and compromises smooth co-existence with the vicinity.

Parents see their children as "extra labour" available, whereas economic and emotional dependence on the family and the broader Gypsy environment is very powerful. Functional illiteracy and lack of connection with the State institutions and functions is quasi generalised, and communication with the non-Gypsy environment is very restricted. A conflict with the paternal family, the clan, or the community, in the name of certain alien ideals or practices, would result in the loss of their sole *support asset*.

Protection framework; findings of International Bodies, convictions of Greece by international jurisdictional mechanisms

The major international instruments binding upon Greece form a complex of principles and rules constituting a framework of reference for the defense of Roma rights (primarily the provisions protecting the family, the free development of the personality, the personal dignity, and non-subjection to discrimination): ICCPR, ICESCR, CEDAW, CERD, CRC, CAT, European Convention on Human Rights, European Social Charter. In the domestic protection framework,

²² See on the modes of social organisation of the Roma: Kathryn Kozaitis, 'Aliens Among Foreigners: Social Organization Among the Roma of Athens', in *Urban Anthropology*, Vol. 26 (2), 1997, pp. 165 - 199.

²³ See Lila Leontidou: *Cities of Silence: Workers' settlement in Athens and Piraeus* [in Greek], publ. ETBA, Athens 1989.

²⁴ This is also stressed in the comments of international organs and commissions, such as CEDAW and the HRC, on Greece, in which they request that the country should take measures for their elimination.

Article 21 of the Constitution is the principal foundation for measures in favour of the housing rehabilitation of Roma,²⁵ while other social policies can find their grounding in the same article and/or in Articles 4, 5, 7, and 16. Law 3304/2005 on the 'implementation of the principle of equal treatment regardless of racial or ethnic origin, religious or other affiliations, disability, age or sexual orientation' completes the legal protection framework.

The regulatory framework of the international instruments is reinforced by the action of a number of international organisations, and by a system of organs and mechanisms for the monitoring of their implementation with increased jurisdictional powers. In recent years, Greece has been convicted six times for violations of Roma rights: four from the European Court of Human Rights²⁶, one from the European Committee of Social Rights²⁷ (Council of Europe), and one from the Commission on Human Rights of the United Nations.²⁸ Furthermore, the European Committee of Social Rights of the Council of Europe has admitted the collective complaint (28/3/2008) of the International Centre for the Legal Protection of Human Rights over issues of forced evictions without the provision of alternative housing, and the absence of means of substantive protection; emphasis is put on the failure of Greece to act along the lines indicated by the previous decision over the collective complaint of the European Roma Rights Centre (see footnote 25). Furthermore, the concluding observations of CEDAW²⁹ on the sixth periodical report on Greece speak of a system of multiple discrimination regarding access to education, medical treatment, and employment in the case of Roma women, and call upon Greece to take positive measures to deal with the matter. The CAT,³⁰ in its recommendations after the examination of Greece's fourth periodic report, speaks of ill-treatment by police officers during the course of forced eviction operations, and calls upon Greece to take measures to stop these phenomena and to punish those responsible. The CERD³¹ proposes the adoption of positive measures and policies, more particularly to ensure access by disadvantaged populations (including the Roma) to specialised training programmes. The CRC,³² in its concluding comments, expresses its dissatisfaction at the very poor health and education of Roma children,

²⁵ According to which, "the acquisition of a home by the homeless or those inadequately sheltered shall constitute an object of special state care". In addition, the provisions of the revised Code of Municipalities and Prefectures (Law 3463/2006), and at an earlier date, Article 19 of Law 2946/2001, constitute legal foundations.

²⁶ Bekos-Koutropoulos, Judgement 13/12/2005: three violations, two of Articles 3 (abuse by the police and absence of effective investigation) and 14 (failure to investigate a racist motive). Karayannopoulos, Judgement 21/6/2007, two violations of Article 2 (wounding with permanent handicap by the police and absence of effective investigation). Petropoulou-Tsakiri, Judgement 6/12/2007, violation of Articles 3 (absence of effective investigation into abuse by the police) and 14 (failure to investigate a racist motive and racist behaviour). Sampanis *et al.*, Judgement 5/6/2008, violation of Article 14 (treatment involving discrimination), in conjunction with Article 2 of the 1st Protocol (right to education), and Article 13 (absence of the possibility of real recourse). This was the notorious case of the segregation of Roma children at a school at Aspropyrgos.

²⁷ Collective complaint (No. 15/2003), European Roma Rights Centre & Greek Helsinki Monitor, Decision 7/2/2005. Three violations of Article 16 of the European Social Charter (inadequacy of available permanent housing, lack of facilities for temporary parking, and forcible eviction).

²⁸ Communication 1486/2006 by Andreas Kalamiotis against Greece, Views of the Human Rights Committee of 24 July 2008 Violation of Article 2, para. 3 (right to effective legal remedy and compensation) in conjunction with Article 7 (prohibition of torture) of the ICCPR. The case concerned the lack of effective investigation on the alleged use of force by police officers; the Commission held that besides the satisfactory compensation of the victim, Greece should take measures so as to avoid similar violations in the future.

²⁹ See CEDAW/C/GRC/CO/6, 2 February 2007.

³⁰ CAT/C/CR/33/2, 10 Dec. 2004.

³¹ CERD, A/56/18/2001.

³² CRC/C/114(2002), 1 Feb. 2002.

and recommends closer collaboration with NGOs specialised in children's rights, as well as the reinforcement of an understanding of the Convention itself by Roma children; moreover it recommends that the settling of matters pending with the state and municipalities concerning Roma children should be made easier, that the allowances scheme to families with children of school age is improved, and, more generally, it recommends the adoption of positive measures as to all aspects of the exclusion of Roma children, with emphasis on street children, and of an improvement in the system of social benefits and policies, with the participation of the Roma themselves in the formulation of the latter. The CESCR³³ expresses its grave concern over continuing discrimination against the Roma at the level of social rights, in spite of the measures taken (within the framework of the Integrated Plan of Action), over the evictions and all the problems in connection with the housing situation, over the low standard of education and health, the ill-treatment by the police with effective impunity, etc. It also recommends a more exact assessment of actual needs, the participation of the Roma in the formulation of programmes, and the evaluation of the effectiveness of the measures taken. The CCPR,³⁴ for its part, expresses grave concern over the instances of the use of unjustified violence on Roma by the police, the failure to adequately investigate these occurrences, and the leniency of judges in the few cases which have reached the courts, resulting in a status of effective impunity. The ECRI (European Commission against Racism and Intolerance), in its third report on Greece,³⁵ refers to the problem of the integration of Roma children into the educational process, and recommends the intensification of efforts to eliminate direct and indirect discrimination. In 2001, in the lengthy report³⁶ drawn up by a delegation of the Council of Europe which visited Greece with the special mission of examining the situation of the Roma, emphasis is laid on the problems of housing, living conditions and education, while the issue of the multiple discrimination of Roma women is underlined. The former Human Rights Commissioner of the Council of Europe, Alvaro Gil Robles, in his 2006 report to the Committee of Ministers and the Parliamentary Assembly 'on the status of the human rights of the Roma, Sinti and Travellers in Europe'³⁷, refers to the problem of the non-absorption of funds for the improvement of living conditions in Roma encampments due to the unwillingness of the municipalities, lack of transparency and mismanagement of funds. The present Human Rights Commissioner of the Council of Europe, Thomas Hammarberg, and/or staff of his office have repeatedly visited encampments in different parts of the country, and made recommendations on the same issues and in the same spirit. In October 2007, the Commissioner and the UN Special Rapporteur on the Right to Adequate Housing, Miloon Kothari,³⁸ issued a joint statement addressed to the European governments, calling upon them to take positive measures on the right to housing of the Roma in Europe. In conclusion: all the institutions/organisations without exception stress the need to take positive measures to counter discrimination, the inadequacy of replies of the government, and the need for credible and comprehensive investigation of the alleged cases of abuse and probable racist motives on the part of the police.

³³ E/C.12/1/Add.97, 7 June 2004.

³⁴ CCPR/CO/83/GRC, 25 April 2005.

³⁵ CRI(2004)24, 8/6/2004.

³⁶ Report on the Field Visit of a Delegation of the CoE in Greece on Roma Issues, June 2001, Directorate General III - Social Cohesion.

³⁷ CommDH(2006)1, 15 February 2006.

³⁸ CommDH/Speech (2007)16 at www.coe.int. Also, UN Document A/HRC/4/18.

At the level of EU institutions and initiatives, and on the part of civil society at a European level, a large number of initiatives on Roma issues have been taken. Various studies show that few countries in Europe manage to absorb sufficient Community resources available from the structural funds that could be used for the improvement of the situation of Roma populations. It is worth noting that Greece absorbed in the period 2000 - 2005 only 28.7 million euro (from EQUAL, the European Social Fund/ESF, and the European Regional Development Fund/ERDF).

In May 2004, the EU Network of Independent Experts in Fundamental Rights, in its report on the state of fundamental rights in Europe, called upon the Union to produce a Directive aiming at the integration of the Roma. On the more specific issue of education, in April 2006, the EUMC (the predecessor of the FRA, i.e., of the Fundamental Rights Agency) made public a comprehensive report³⁹ on the access of the Roma to education in the countries of the EU, the findings of which were discouraging. The research of the EUMC as a whole has demonstrated that the Roma are the most vulnerable group in terms of manifestations of racism in the whole of Europe.

In March 2008, the *European Roma Policy Coalition* was formed. Within this body, eight major European NGOs work together on the creation of a unified *European Framework Strategy for the Integration of the Roma*. The starting-point for this joint action was the important Resolution by the European Parliament (adopted on 31/1/2008) on a *European Strategy for the Roma*. In this, the European Parliament called upon the Commission to submit to the Council a progress report on the formulation of such strategy before the end of 2008. It also urged the Fundamental Rights Agency of the EU to include 'tsiganophobia' among the priority issues in its working-programme, and favoured a 'bottom-up' approach to the issue, through collaboration with the Roma themselves. A little earlier (on 14/12/2007), the European Council had called upon "the member -states and the Union to use every means to improve the degree of integration [of the Roma], and the Commission to examine existing policies and to submit a progress report by the end of June 2008". In January 2008, on the initiative of Spain, an *Inter-governmental European Network* was set up in Seville, consisting of 12 member-countries (including Greece), with a view to improve the utilization of the Structural Funds' resources (the latter being the main financing source for the social cohesion programmes). The third meeting of the managing committee of this Network was held in Lesbos on 2 and 3/10/2008. At the EU level, and on the initiative of the European Commission, on 16/9/2008 a summit meeting on the improvement of the position of the Roma communities throughout Europe was held in Brussels.⁴⁰ The meeting was attended by ministers of the member-states of the EU and candidate countries for membership, as well as representatives of the Open Society Institute, the World Bank, Roma unions, and two Roma members of the European Parliament (from Hungary). The working document of the meeting notes the means and policies available at the EU level for the promotion of Roma inclusion, as well as the major differences as to their implementation in the member-states. The document makes reference to the *medical-social centres* operating in Greece (funded with 100,000 euro per annum by the European Social Fund) as a *good practice*. The Greek Ombudsman participated in the meeting.

³⁹ 'Roma and the Travellers in Public Education', 2006, www.fra.europa.eu

⁴⁰ [IP/08/1072](#), [MEMO/08/462](#). Commission Staff Working Document: Community Instruments and Policies for Roma Inclusion, COM(2008)420, Brussels, SEC(2008)XXX.

In terms of actions of the NHRIs, the Greek NCHR (and the Ombudsman, as the National Body for the Promotion of the Principle of Equal Treatment) are not alone in their efforts against the social exclusion of Roma in Europe. By way of example, we would cite the recent report of the French National Human Rights Commission, and the special notes on Roma issues by the Ombudsmen of Spain and Portugal.⁴¹

The Integrated Action Plan for the Social Inclusion of Greek Roma (IAP): an attempted review

At the request of the NCHR to the Interior Ministry's representative within the Commission, the most recent note of review (Sept. 2008) on the IAP (adopted in 2001 and put into action in 2002, succeeding the National Policy and Measures for the Greek Gypsies Framework of 1996) and the Housing Loans Programme, was sent to the Commission. In addition, information on educational actions in schools and other educational and vocational training programmes involving Roma are also contained in the report of activities of the Ministry of Education to the NCHR for the year 2007.⁴²

The IAP is part of the National Action Plan for the social inclusion of vulnerable groups of the population; the Deputy Minister of the Interior is responsible for the monitoring and co-ordination of the programme within the context of the Inter-Ministerial Committee, in which sit all the jointly-responsible ministries in the programme. It has two pivotal priorities: the *infrastructures* (addressing the rehabilitation of the Roma in terms of housing), and the *services*, in the fields of education, health, employment, culture, and sport.

The Housing Loans Programme involves the granting of 9,000 housing loans of a sum of 60,000 euro each, with a subsidised interest rate and the guarantee of the Greek State (should they become actionable). The programme also provides for other infrastructure works (e.g., water supply, drainage, etc. projects) carried out by local government with state funding. According to the note of review mentioned above, the programme is under constant review, and its latest version (Joint Ministerial Decision 33165/23-06-06) provides for the "consideration of social criteria of assessment", the setting up of assessment committees at the local level including Roma representatives and social workers, the involvement of local government in the actions, the simplification of the procedures for the submission of applications, and a strict monitoring of the loans' granting procedures; in 2005, the existing data base was updated, and new tools for a more effective management of the loans have been added. Given that more than 80% of the total sum has already been drawn down, even if these adjustments were observed to the letter, they have come somewhat belatedly. In a self-critical mood, the note of review observes that "... The State funding of the programme might make Roma place total reliance on state support", and notes the need for an increased sense of responsibility on the part of the Roma representatives.

Another aspect of the infrastructure part of the programme is the "*Construction of settlements and/or purchase of sites for the construction of individual housing carried out by the municipalities, on public, municipal, or communal land to Greek Roma included in the loans*

⁴¹ See 'Étude et propositions sur la situation des Roms et des Gens du Voyage en France', 7/2/2008, www.cncdh.fr, 'The Portuguese Ombudsman - Roma related activities 04-07', www.provedor-jus.pt, 'Issues Concerning Roma population at the Ombudsman of Spain', www.defensordelpueblo.es.

⁴² See NCHR Annual Report 2007.

programme". This action falls within the competences of the municipalities and the communes. There is provision for "*the possibility of purchase of land -by the Local Government Organisations with the funding support of the Ministry of the Interior- for re-settlement, or improvement of the housing situation in areas with acute problems*" (such action has occurred - at a cost of 5.76 m. euro - in 18 local government authorities), "*the construction of basic infrastructures (water supply, drainage, electric lighting, road works, children's playgrounds) in new settlements*". Also provided for is "*the construction of permanent settlements*". The results of this part of the actions on housing seems rather modest (some 230 dwellings have been constructed in total), according to the figures quoted in the Ministry's note.

The third action on housing is the "*improvement of the living conditions in existing settlements until such time as a viable solution of permanent housing rehabilitation is achieved*", that is, re-settlement of temporary settlements, setting up of temporary settlements (557 prefabricated dwellings up to now), construction of basic infrastructures in existing settlements, construction of health infrastructures (30 medical-social centres and three mobile medical-social units). There is also provision for the "*construction of cultural and educational infrastructures*". This part of the programme also seems to have had meagre results, apart from the satisfactory operation of the medical-social centres, constituting a good practice, according to all accounts and evaluations. In order to obtain funding, the local government bodies have to submit proposals assessed by a committee including representatives of the central administration, local government, and the Roma communities. So far, such projects have been approved in 92 municipalities, with a budget of 80.54 m. euro in total; 42.20 m. euro has been paid.

On the services part of the programme, educational activities (by the Ministry of Education and Religious Affairs) are provided for, aiming at the inclusion of Roma children in the educational system: facilitating school registration, providing a "travelling pupils card" and some financial support to the pupils' families, creating a network of mediators, in-service training of teachers and administrative staff - sensitisation of public opinion, and the production and publication of special teaching material for pupils and teachers. The first phase of the 'Inclusion of Roma Children in the School' programme has been completed, and has been put up for tender again. In the last three years, it has been implemented by the University of Thessaly, and had a budget of 5,307,351 euro; it includes 170 'intervention schools' (support classes, creative workshops, in-service training of teachers and administrative staff), and 170 'monitoring schools'. There is information on the number (8,065) of pupils registered at the intervention schools in the school year 2006 - 2007, but there is no information as to how many of these have completed the school year. In addition, according to the report of activities, various actions in the sphere of education, training and continuous education addressed to Roma citizens are being implemented.

In the field of health (Ministry of Health and Social Solidarity), there is provision for preventive health and vaccination programmes carried out by means of mobile medical-social units visiting the encampments, and medical-social centres targeting Gypsies who live in organised settlements. In the field of employment (Ministry of Employment and Social Solidarity), the note of review states that "programmes of integrated interventions for socially vulnerable groups of the population are being implemented", and that "projects are also being implemented within the framework of the European Programme 'Equal'". As regards culture and sport (Ministry of Culture), it is reported that the Ilio '*Mouseioskevi*' Cross-cultural Workshop is in operation, its object being the Gypsy culture; visits by Roma pupils to museums and theatre performances, 26 'houses of culture' in 13 municipalities, and participation in team sport programmes. There is a

reference to the operation of the ROM Inter-municipal Network, in which take part municipalities with Roma communities, as well as Roma representatives, and which collaborates (successfully, it is believed by many actors involved) with the central administration, local agencies, NGOs, etc. The note of review concludes with the statement that the programme will be evaluated, the data will be updated, and a long-term action plan for its fourth period will be drawn up.

As the Ombudsman aptly notes, in Greece, *an integrated statutory and regulatory framework effectively ensuring the participation of the Gypsies in social life in effect is non-existent* (with the exception of scattered and/or outdated regulations, such as the Public Health Provision of Ministerial Decision No. Γ.Π/23641, OG B' 973/15.07.2003, on dealing with the settlement of itinerants). The IAP lacks the legal guarantees which would contain undermining factors, such as inadequate administrative procedures, non-sensitized citizens or civil servants and state organs acting illegally. This deficiency has been identified both by the Gypsies themselves and by a number of political and administrative decision makers interested in the empowerment of the Roma community.

Along with the need to fill the legal gaps, there exist additional facets of the social exclusion of the Gypsies reflected over and around the housing issue. It is no mere coincidence that, among the actions on housing which have been designed, the loans programme has advanced furthest (indeed, it is almost completed), in spite of the fact that it applies only to one type of settlement, is costly, and prone to mismanagement. The rest of the actions face the negative stance of the local authorities and communities. The municipalities are very reluctant to attempt any form of registering the Gypsies residing in and/or passing through their areas; they invoke the fact that any record based on 'racial' criteria is prohibited by law. However, a municipality ought to know the number of, those among its citizens, who are in need of protection and support in order for the appropriate action to be planned. This action needs to be based not on racial criteria but on the premise of citizens' equality regarding access to the services provided by the municipality and by other state structures.

Playing hide-and-seek with racism in the school playground

In the whole of Europe, circa 50% of Roma pupils with small differentiations from country to country, do not manage to complete the primary school curriculum, even if registered.⁴³ Young Roma are out on the streets of the city from an early age, and their socialisation is distorted.

Many studies have dealt with the educational needs of Roma children and large sum of public money has been spent on the compilation and implementation of special programmes, the production of educational material, and the training of teachers in schools engaged in inter-cultural education. However, these programmes are designed on inadequate demographic data. The Roma do not take part in the decision-making process regarding their children's education, the particular local conditions are not taken into account, there are no mechanisms in place for the monitoring and assessment of the implementation of such programmes, and the co-ordination of the institutions involved is non-sufficient. First and foremost major economic and human resources are required on the part of the state, in order to include the Roma children in the

⁴³ See 'Roma and Travellers in Public Education: An overview of the situation in the EU Member States', EUMC, 2006.

educational process. It is recommended that terms such as 'race',⁴⁴ 'people' and 'minority' are prudently used.

A factor which is often underestimated is that, even when Roma children are enrolled in school,⁴⁵ they will probably have to face the objections of their own family and social environment. The latter may try to discourage the children from attending classes, and go to work instead, contribute to the family income, and remain 'one of them'. In order for Roma children to remain at school, they have to be accepted as such, i.e. be depicted in the books and the curriculum. The school must manage to convince them that, should they complete the class, they will have a better life than if not. On the other hand, Roma parents should also acknowledge the fact their children's defective education is part of the vicious circle perpetuating their social exclusion. What should also be essential to recognize is that the inclusion of Roma children in the educational process and the rest of the aspects of their social integration are totally interconnected; therefore, *any educational measure to be taken should be part of an overall social policy scheme.*

Two scheduled actions of the NCHR

1. The NCHR has scheduled for May 2009 a seminar, to be jointly organised with the Roma Section of the Directorate for Social Cohesion of the Council of Europe, for lawyers and NGOs defending Roma in national and international courts. The goal of the seminar is to turn to account strategic litigation on issues of discrimination and the treatment of Roma in Greece which may contribute to reversing administrative practices and social attitudes.

2. Human rights organisations have repeatedly criticized the police's attitude towards the Roma. In addition, Greece has been convicted by international jurisdictional mechanisms on a number of cases, while there are many incidents of alleged abuse of power by the police against Roma. Even when internal and judicial enquiries are initiated, they are rarely concluded, and when so, the perpetrators are hardly ever punished. The widespread prejudice of Greek public opinion and mass media against Roma,⁴⁶ do not easily generate protests.

The NCHR, within the framework of setting up an *ad hoc* working group for the training in human rights of the police force -a proposal accepted by the Minister of Interior-, will propose as a starting point of the cooperation agenda, *inter alia*, the judgments of the European Court of Human Rights concerning Roma abuse by police. The police itself needs both to acknowledge the problem⁴⁷ and accept the findings and recommendations of the domestic and international

⁴⁴ It is worth drawing attention to the campaign initiated recently by the NCHR's opposite-number the German Human Rights Institute for the elimination of the use of the term 'race' in public documents, in view of the fact that it is of dubious usefulness in any context of the framing of social policies and/or legislative interventions.

⁴⁵ It should be noted that the research carried out in the late '90s by *Ekpaideftiki & Anaptyxiaki* SA in six municipalities in Western Attica with a significantly numerous Gypsy population, as a main problem (of those of housing, employment, education and lack of acceptance), **lack of acceptance** was given precedence.

⁴⁶ To recall just two recent widely publicized cases in a way which directly gives expression to prejudice on the part of the media and society at large: the first was with the two Gypsy children who were found dead after the parents had first incriminated for selling them, and the second concerning the little Gypsy girl who had the misfortune to look like a little Italian girl who had disappeared, so that it was rapidly rumoured that she was the missing girl and had been kidnapped, whereas in the end it proved that this was not the case at all.

⁴⁷ It is precisely this *recognition of the problem* as a *sine qua non* for any serious intervention which does not seem to inform the spirit of the reply which was sent to the NCHR (to questions which the Commission had addressed to

bodies. Otherwise even the very best course on human rights will not be able to prevent cover-up and impunity.

An effective policy vis-à-vis the Roma: Recommendations of the NCHR to the Greek state

In the light of the aforementioned, the NCHR submits a number of recommendations aiming at eliminating the social exclusion of Roma:

1. The Commission underlines the **urgency** for taking measures and shaping comprehensive policies in a **holistic manner**. Conditions in the field leave no room for further negligence, inertia, or ineffective interventions.⁴⁸
2. The Greek State needs to change the way in which it apprehends and responds to the repeated recommendations of all domestic and international bodies dealing with Roma. **Execution of the judgments** of the European Court for Human Rights and **compliance with the observations** of other jurisdictional organs **are an obligation, and not an option**.
3. Policies should be based on **systematic needs assessment and collection of data of their beneficiaries**. Particular attention should be paid to the method of data collection and use in order to prevent any potential abuse thereof. Guarantees such as confidentiality, consent of the subject, credibility of the bodies and individuals collecting the data and monitoring mechanisms are necessary.⁴⁹
4. Addressing the social exclusion of the Roma must be a **priority of both the policy makers and the police**.
5. Policies and measures should aim at providing substantive support to the group, but the ultimate aim is **mainstreaming of the policies** concerning Roma. **Participation of the Roma in the decision-making is essential**.
6. **Gender perspective** is an essential component of all policies, in order to address the phenomenon of multiple discrimination of women both within the group itself, and within society as a whole.
7. As regards the IAP, an **independent external evaluation** of its implementation so far is a precondition for any future improvement. A **comprehensive study of housing programmes by Region / Municipality** needs to be developed prior to the new phase of the IAP. The study should take into account the distribution of the Roma population by region and their actual

it in connection with the handling of problems and protection of the rights of the Roma by the Hellenic Police), in which there is simply a summary of the constitutional principle in force of the equality of citizens before the law and the legislation on itinerants, which the Hellenic Police simply apply, "showing special sensitivity ... and providing every facility ... " to the Roma in their contacts with the police!

⁴⁸ Attention should be drawn, by way of indication, to the summons (20/11/2008) of senior UN officials to a number of European countries, including Greece, to undertake "urgent actions for the elimination of inadmissible conditions of poverty, marginalisation and exclusion experienced by the Gypsies in Europe": 'UN experts urge European wide action to lift conditions of exclusion and stop violence against Roma', www.unric.org.

⁴⁹ See the proposals for a solution to this major issue of the Minority Rights Group International: 'Disaggregated Data Collection: a Precondition for Effective Protection of Minority Rights in South-East Europe', www.minorityrights.org.

housing and educational needs. Central co-ordination is essential, as is the collaboration of the Roma themselves.

8. The next phase of the housing programme should include **identification and distribution of tasks and responsibilities of all public authorities involved in the management.**⁵⁰ **Effective inter-ministerial - and inter-institutional - co-ordination** of actions is also needed.

9. The **success of the medical-social centres should be further turn to account** by expanding the services provided by them and by increasing their number.

10. **Inclusion of Roma children in the educational process** should be a priority. To this aim, an accurate recording of the school-age population of each region and the systematic collection of statistics on the educational status of Roma on a local scale are essential. The determination of educational priorities by special interventions at the level of each school unit is equally important.⁵¹

11. Incentives should be given to **teachers** so as to remain in schools with Roma students for a reasonable period, as well as to Roma families so as to facilitate the registration of their children at schools (e.g., allowances to families when *their children complete the course*, thus discouraging drop-outs). It is also important that resources are available for **social-counselling services** (on the successful model of '*learning mentors*', tested in other countries, e.g. in Denmark and in Britain) at school and at the municipality. It would be useful to train Roma to act as **mediators between the Roma communities and schools**.

12. The **segregation of Roma children is unacceptable**, as is their allocation at schools away from their residence.

13. Efforts to **link vocational training and/or continuous education programmes** (with particular emphasis on children aged between 12 and 18 who have never taken part in the educational process) **with the labour market**⁵² via incentives given to potential employers.

⁵⁰ This role has been undertaken by the Ombudsman, in determining, for example, the positive obligation of a municipality, ensured by the intervention of the Region, to find a suitable site for re-settlement before the expulsion in any way of Gypsies from the place where they are living. Included within the obligation of the local government organisations of showing special social care for their citizens who are in need of it (see, *inter alia*, Articles 24, 261, 249, 262 of the Code of Municipalities and Communes) is the improvement of the living conditions of the Gypsies who live in the municipality.

⁵¹ The recent initiative of Eurostat for the development of common statistical indicators to facilitate the monitoring of education is welcome in this context.

⁵² On the model of the Spanish 'ACCEDER' vocational training programme for Gypsies, within the framework of which there is provision in advance for the signing of agreements with public services (local government authorities, etc.) and private companies for the employment of those undergoing training (183 agreements for the broader public sector and 350 agreements for the private sector). The programme is cited as good practice by a large number of agencies involved in Roma affairs, including the working-document of the summit meeting at EU level mentioned above, of 16/9/2008.