

*OSCE – ODIHR Western European Regional Workshop
Derby, 27-28 November 2006*

**POLICING IN RELATION TO ROMA, GYPSY AND
TRAVELLER COMMUNITIES**

“Roma and the police”

*Kalliopi Lykovardi, Senior Investigator
Greek Ombudsman’s Office
Human Rights Department*

The Roma population in Greece is particularly vulnerable to social exclusion and discrimination. Officially, the Roma population is estimated to be between 250,000 and 300,000 but non official sources estimate the total number being even higher. A significant number of Roma families are permanently settled mainly in Attiki and the rest are still mobile. However, the number of Roma who move around the country is reported to be gradually decreasing, as families settle into slums in the suburbs of major cities.

In any case, the Roma settled in camps face extremely harsh living conditions and the national action plan on Roma has not succeeded in reaching all its objectives. In addition, various manifestations of exclusion, which most Roma continue to experience in social, economic and political life, have repeatedly been investigated by the Greek Ombudsman. Aspects of this experience are systematically recorded in the Annual Reports of the Greek Ombudsman, as well as in the Special Report of the Human Rights Department on “disciplinary/administrative investigation of charges against police officers”.

The main issues raised in the complaints that have been handled by the Greek Ombudsman in the last eight years of its operation are related to:

1. Misbehavior on the part of the police in individual cases, as well as excessive use of force, ill-treatment and verbal abuse.
2. Excessive use of force and illegal massive controls in camps, where all residents are treated as suspicious or even guilty of specific crimes or offences.
3. Police involvement in the evictions of Roma from their camps in co-operation with the local authorities.

On the first issue raised, the intervention of the Greek Ombudsman was exactly the same as in all complaints that we receive on abusive police behavior: asking for a transparent and objective investigation of the facts. In 2005, the Greek Ombudsman made the aforementioned special report on the disciplinary/administrative investigation of charges against police officers, addressed to the Minister of Public Order. Concerning vulnerable groups (Roma, immigrants), the Greek Ombudsman stressed in the report the need to enforce the independence of the competent body

which examines such complaints, as well as the need to facilitate accessibility of vulnerable groups to this body.

On the second issue, the intervention of the Greek Ombudsman focused on the illegal character of the procedure of investigation followed by the police. The Greek Ombudsman insisted on the need to individualize the police investigations following the legal requisites for criminal investigations (i.e. the presence of the prosecutor, respect for the asylum) stressing that this kind of practice only preserves stereotypes that combine Roma with criminality. It must be noted that since 2001, the Greek Ombudsman hasn't received any complaints or reports that indicate the continuation of this practice of massive investigations and controls in Roma camps.

On the third issue, the Greek Ombudsman has noticed a slight progress. In 2000, the Municipal Authority of Nea Kios, Peloponnese, issued a decision to evict about 300 Roma from the region because, as they claimed, "the Roma contributed to the high crime rate of the area". The decision declared that the Roma presence was undesirable and requested police involvement in the implementation of the eviction within 48 hours. Following violent reactions from the local population and the Greek Ombudsman's intervention, the decision was repealed. On the other hand, the recommendations of the Greek Ombudsman were ignored in a separate instance in 2000 where a municipal bulldozer accompanied by the mayor and the police, demolished numerous Roma huts in Aspropyrgos. The Greek Ombudsman contacted the Municipality of Aspropyrgos, questioning the legality of the evictions and the potential racist motive of such acts. The case was finally taken to Court.

Since 2000, the Greek Ombudsman has received no reports of massive violent evictions of Roma. In 2004 and 2005 we did, however, receive complaints concerning the demolition of a number of temporary Roma residences in Patras and Hania. In Patras, the demolition occurred in the absence of the Roma concerned, during their seasonal occupation in other areas of the country. In most cases, upon their return to the Patras area they were permitted to reestablish their huts in the two existing roma camps in Riganokampos and Makrigianni. In September 2006 the municipality of Patras, on its own initiative, undertook the task of finding proper accommodation (rent houses) for 27 Roma families who had been living in Patras for a number of years and were registered in the municipality of Patras. As for the rest of the Roma population of the area, the municipality accepts no responsibility in resolving their housing issue and demands that the central administration take measures for their proper settlement. Meanwhile, apart from the 27 families, no Roma can be resettled in the region and the police has the task of monitoring the situation. The case is still under investigation.

It must be stressed that the Roma issue is a human rights issue, partially related to the police treatment of Roma. Despite the legal and ethical importance of the discrimination they face, the prevalent practices of social exclusion of Greek Roma rest in structural characteristics of Greek society (non-transparent organization of the employment market, the anarchic residential structure of the country and the clientelistic nature of local political life).

The structural nature of the phenomenon makes the intervention of agencies whose mandate includes safeguarding human rights, such as the Greek Ombudsman who focuses its action on individual cases, to a great extent, ineffective. Even if the

particular Roma citizen finally manages to acquire the certificate he needs, or to register his children at school, the effects of too many negative factors may well defeat the more long term life plans which he has attempted to accomplish. Such findings highlight the need for greater involvement by the Greek Ombudsman in this specific, exceptionally broad field for human rights activism, by developing projects of broader scope and seeking solutions through coordination between state agencies, local government and the civil society, as well as, legislative or administrative regulatory activity.

The Ombudsman's establishment as the national equality body for the public sector under the terms of article 19 of Law 3304/2005 has the potential to attribute to this escalation of the Greek Ombudsman's activities the character of *strategic enforcement of the directions of the Directive* (EC 2000/43 (see in particular article 7, paragraph 1). Within the framework of such upgrading, the Greek Ombudsman chose to focus its attention on institutional practices in handling the settlement of the Greek Roma population. In addition, as the Ombudsman's experience has demonstrated to date, the peculiar issue of settlement constitutes a condensation of the basic problems of social integration and participation of this sensitive segment of the population and, at the same time, the axis around which these problems evolve. This is of course now recognized by the Greek administration since the only two substantial national positive actions for the Roma which have to date been developed and are evolving (the "*Integrated Action Program*" and the program for granting mortgages for settlement) are also focused precisely on the issue of settlement.

Such strategy consists in broadening the field of investigation of individual cases brought before the Greek Ombudsman through complaints, by examining the influence of side factors such as concentration of populations at regional level, living conditions in settlements, local sentiment and institutional practices etc. This will enable the Ombudsman to focus on, put forward and evaluate the current settlement practices of the Roma; the particular manner in which various types of settlement are connected with the more specific problems of social exclusion, particularly with regard to health, employment, education, participation in public life; in addition, to ways in which the administration has responded, particularly in the practices for handling the problem, in the field of land use, town planning, their status on the municipal roll, welfare, and education. It is expected that such an approach will reveal in their tangible manifestations some important factors on the tremendous lack of participation of some hundreds of thousands of Greek citizens in mainstream social, financial and political life. It will also enable a typology of the ways in which responsible authorities respond to and handle such problems on their part. In this way, a more holistic assessment of these practices, both from the point of view of their legality as well as their effectiveness with respect to the declared aims of public care for the Greek people of Roma origin will be possible. Consequently, it is also anticipated that the institutional and regulatory deficit, which contributes to the perpetuation or the exacerbation of the problem, will be systematically demonstrated so that a useful contribution of the Greek Ombudsman with specific institutional proposals becomes to the greatest degree possible.

The action in question for strategic implementation has developed and continues to do so through a number of visits and examinations of Roma settlements throughout the country and through meetings with the responsible agencies of local government and the central administration. The starting point for these projects are individual

complaints that come from the Roma, from organizations of civil society and from citizens who have complained about the negligence of responsible authorities concerning the confrontation of the inconveniences they suffered due to their symbiosis with the Roma population. These actions aim initially at direct intervention on the specific problems underlined by these complaints, given that these problems, in the vast majority of cases, are connected with the familiar fundamental issues of the social exclusion of the Roma. The action of the GO also includes the recording of the parameters which connect the background of the problem in the area (also including the settlement of other groups of Roma in the vicinity) and of the handling of this by the responsible local authorities (police, municipal, regional) as well as of the creation of close relationships and cooperation with the parties involved.

Within the framework of this action, the Department of Human Rights, in cooperation with the Department of Quality of Life and the Department of Social Welfare held a series of meetings with the responsible agencies, both at the level of local government and the central administration. The main goal of the meetings with the responsible agencies was to monitor planning procedures and to put solutions into effect, particularly with regard to the complex issue of institutional practices for handling the settlement of the Greek Roma population, given that the basic problems of social integration and participation of this sensitive population are focused first and foremost on this field. Besides, it is in this field that the experience of the Ombudsman has demonstrated the importance of the coordination of actions and the on-going cooperation of the agencies involved, in addition to the creation of good trusting relationships between the state agencies and the Roma themselves.