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**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

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**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandate of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context.**

REFERENCE: AL Housing (2000-9)  
GRC 1/2013

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Excellency,

I have the honour to address you in my capacity as Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context pursuant to Human Rights Council resolution 15/8.

In this connection, I would like to bring to your Excellency's Government's attention information I have received concerning the **alleged detrimental impact of recent austerity measures on the enjoyment of the right to adequate housing** in Greece, particularly by vulnerable groups, such as homeless, migrants and the unemployed.

According to the information received, the following measures have been put into place as part of the response to the on-going economic and financial crises:

*The Amendment of Art. 15 of the Law No. 4055/2012*

According to information received, the current economic crisis has led to a rising number of evictions, which have allegedly been facilitated and accelerated by the amendment of Art. 15 of the Law No. 4055/2012 (FEK51A/12-3-2012), dealing with eviction proceedings. The Law was amended in March 2012, reportedly allowing the eviction of rental tenants, who fail to pay the rent within 15 days after the first notice, without prior judicial proceedings. Prior to this amendment the law mandated that evictions take place within a minimum of 30 days after the first official notice and only following judicial proceedings. I am informed that this amendment facilitates and increases the risk of evictions of poor tenants, particularly in the context of the high unemployment rate in Greece.

*The abolition of the Worker's Housing Organisation*

According to information received, the Worker's Housing Organisation (OEK), was closed in February 2012 pursuant to Law No. 4046/2012 (FEK 28A/14-2-2012). I am informed that, as a transition measure, OEK's pending projects have

been transferred to the responsibility of the Manpower Employment Organisation (OAED) so as to proceed, within a six months period, to the liquidation of all on-going projects and subsidies, apparently without the authorization of renewing them or launching new programs. It is alleged that the OEK closure will result in the permanent suspension of rent subsidies for nearly 120,000 households, as well as the suspension of affordable loans formerly offered by the institution to its members and that it threatens the completion of the construction of 20 housing complexes, currently underway.

*The “Urgent Special Charge on Electrified Built Surfaces”*

Information received indicates that thousands of households have been living without electricity due to their inability to pay for the rising electricity prices and the recently introduced “Urgent Special Charge on Electrified Built Surfaces”. According to information received, Law 4021/2011, adopted in 2011, imposes on every electrified housing unit the “Urgent Special Charge on Electrified Built Surfaces”. Reportedly, the charge is calculated according to the built surface, the fiscal land values of the area and the age of the building and is paid off by the owners of the houses annually.

The special charge is collected by the Public Power Corporation, who is authorized to cut the electricity supply to households that do not meet the payment. According to unofficial estimates, each month the Public Power Corporation cuts electricity supply to thousands of households due to outstanding debts.

Concerns have been raised that these measures will have a detrimental impact on the realization of the right to adequate housing for the poorest and most marginalized segments of society.

While I do not wish to prejudge the accuracy of these allegations, I would like to draw the attention of your Excellency’s Government to the applicable international human rights norms and standards and, in particular, the following:

Article 11(1) of the International Covenant on Economic, Social and Cultural Rights, ratified in 1985 by Greece, which states that “the States Parties to present Covenant recognize the rights of everyone to an adequate standard of living for himself and his family, including housing, and to the continuous improvement of living conditions”.

The Committee on Economic, Social and Cultural Rights commenting on the right to adequate housing in its General Comment No. 4, stressed that the right to housing should not be interpreted in a narrow or restrictive sense such as merely having a roof over one’s head; rather, it should be seen as the right to live somewhere in security, peace and dignity. With the “due priority to those social groups living in unfavourable conditions”, the right to housing includes guaranteeing: a) legal security of tenure; b) availability of services, materials, facilities and infrastructures; c) affordability; d)

habitability; e) accessibility; f) location; and (g) cultural adequacy. The Committee also added that “the right to housing should be ensured to all persons irrespective of income or access to economic resources”.

As stated in resolutions 1993/77 and 2004/28 of the Commission on Human Rights, forced evictions constitute gross violation of a wide range of internationally recognized human rights and large-scale evictions may only be carried out under exceptional circumstances and in full accordance with international human rights law. According to the General Comment No. 7 of the Committee on Economic, Social and Cultural Rights:

“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.”

I would also like to draw the attention of your Excellency’s Government to the provisions of article 2(1) of the International Covenant on Economic, Social and Cultural Rights, which states that States parties must ensure the “progressive realization” of all economic, social and cultural rights. In General Comment 3 (para. 9), the Committee on Economic, Social and Culture Rights stressed the existence of a strong presumption that deliberately retrogressive measures that affect the level of enjoyment of economic, social and cultural rights are in violation of the State’s obligation under article 2(1). In adopting retrogressive measures, States must demonstrate that they have been introduced after “the most careful consideration” of all alternatives and that they are “fully justified by reference to the totality of the rights provided for in the Covenant”.

I note that while human rights law permits States to limit some rights, on the basis of certain justifiable limitations, such limitations must comply with numerous safeguards.

I would also like to refer your Excellency's Government to the Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights (E/CN.4/1985/4, annex) and to the Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights (E/CN.4/1987/17, annex), both of which state that limitations of human rights may only be imposed if they are "determined by law", "compatible with the nature of these rights", "solely for the purposes of promoting general welfare" and "necessary in a democratic society". Permissible limitations must also comply with general principles of human rights law, and must thus be non-discriminatory, reasonable and proportionate. States must not impose more restrictive measures than are required for the achievement of the purpose of the limitation.

Furthermore, article 2(1) obligates each member State to ensure the immediate satisfaction of, the very least, minimum essential levels of all economic, social and cultural rights, including: basic shelter and housing, for all members of society. In General Comment 3 (para. 12 and 13) the Committee on Economic, Social and Culture Rights notes that the obligation to achieve these minimum essential obligations is not dispensed with during times of crisis and recovery. Even during times of severe resource constraints, when available resources are demonstrably inadequate, the obligation remains for States to demonstrate that every effort has been made to use all resources that are at its disposal, in an effort to satisfy, as matter of priority, minimum essential levels and to protect the most disadvantaged and marginalized members or groups of society by adopting relatively low-cost targeted programmes.

As it is my responsibility, according to the mandate entrusted to me by the Human Rights Council, to clarify all allegations brought to my attention, I would greatly appreciate detailed information from your Excellency's Government concerning the above situation and about the measures taken by the competent authorities. I would in particular appreciate to receive information on the following points:

1. Are the facts alleged in the above summary accurate?
2. Did public consultations take place (including with potentially affected persons) prior to the adoption of the amendment to Art. 15 of Law No. 4055/2012 and the adoption of Law No. 4046/2012 and Law 4021/2011? If yes, please give the details, date and outcome of these consultations.
3. Has a human rights impact assessment been carried out regarding these amendments? If so, who undertook such assessments and could you please provide us with the conclusions of the assessments?
4. What measures have been put into place to ensure that these amendments will not disproportionately impact the poorest and most vulnerable?
5. Have any of these amendments been contested before a judicial body? If so, please provide details and outcomes of these proceedings.

With regard to the amendment of Art. 15 of Law No. 4055/2012.

6. Please provide details of all shelter alternatives currently available for homeless people in Greece. Please provide data on the number of homeless persons in Greece.

7. Please provide information on the number of evictions that have taken place since the amendment to Art. 15 of Law No. 4055/2012.

8. What measures have been put into place to ensure that tenants evicted based on the amendment to Art. 15 of Law No. 4055/2012 will not be rendered homeless? What is the current situation of the persons affected by the enforcement of this decree? What shelter alternatives have been provided to persons that have been evicted?

9. What are the legal recourses available to tenants to contest evictions? Is free legal aid available to them?

With regard to the implementation of the “Urgent Special Charge on Electrified Built Surfaces”

10. What are the legal recourses available for owners to contest the “Urgent Special Charge on Electrified Built Surfaces” and decision of the Public Power Corporation to disconnect electricity supply? Is free legal aid available to them?

With regard to the abolition of the Worker’s Housing Organisation

11. Please provide details of social housing assistance currently available in Greece. Specifically, please refer to any assistance currently provided or envisaged for former beneficiaries of OEK rental subsidies and subsidies loans.

12. Please provide information with regard to the current utilization of the funds that have already been contributed to the OEK by employees prior to the dismantling of the organization.

I would appreciate a response within sixty days. Your Excellency’s Government’s response will be made available in a report to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of my highest consideration.

Raquel Rolnik

Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context