

EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX



29 September 2003

Collective Complaint No. 15/2003
European Roma Rights Center v. Greece

Case Document No. 3

**OBSERVATIONS FROM THE
EUROPEAN TRADE UNION CONFEDERATION (ETUC)
ON THE MERITS**

registered at the Secretariat on 29 September 2003

29/09/2003

Complaint No. 15/2003
by
European Roma Rights Center (ERRC)
v.
Greece

Observations
by the
European Trade Union Confederation (ETUC)

I. Introduction

Before submitting its observations, the ETUC would like to repeat its congratulations to the government of Greece for having ratified the European Social Charter (ESC) and the Additional Protocol providing for a system of collective complaints. In this way, the government contributes in reinforcing the European Social Charter and the fundamental social rights as well as their effectiveness.

In respect of the specific role of ETUC in the collective complaints procedure ETUC would like to refer to the general observations in previous cases¹.

II. On the merits

A. The substance of the complaint

The complaint deals with discriminatory legislation, residential segregation and forced evictions of Roma in Greece.

B. Fundamental rights involved: European instruments

The ERRC has described the rights involved in other international and European instruments, such as the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights, the European Convention on Human Rights and the EU secondary legislation². May we add the references to

- Convention No. 111 of the International Labour Organisation (ILO)
- Articles II-21 para. 1 (non-discrimination) and II-33 para. 1 (protection of the family, which is partly based on Article 16 of the ESC) in the Draft EU Constitution.

It is quite obvious that these references are aimed at showing the fundamental rights character and in this respect also serve for interpretation purposes.

C. The European Social Charter

This complaint deals with a specific vulnerable group in a difficult situation: the Romas and their access to housing.

Two main elements should be taken into account:

1. The right of the family to social, legal and economic protection

Article 16 of the ESC is part of the 'hard core' provisions, thus underlining the importance of the rights guaranteed therein. This provision obliges Greece 'to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married and other appropriate means'.

¹ Starting from complaint No. 1/1998

² see footnote No. 5 of the complaint

The main feature is the housing problem.

Concerning the discriminatory legislation it is encouraging to learn from the Government's first observations that an amendment of the accused legislation (the 1983 Ministerial Decree) is at its final stage. Nevertheless, no concrete formulations are reported. It is hoped that the provisions repealing all discriminatory legislation will enter into force soon.

The complaint well describes the very difficult housing situation examined in the years 1997 to 1999 and gives examples on deteriorating situations since then (under B.2.). This segregation is supplemented by forced evictions of Roma (under B.3.). Those measures have to be taken very serious. They are quite contrary to the rights guaranteed in Article 16 of the ESC. In fact, Article 16 requires positive measures. Therefore (positive) legal standards have to be adopted (under B.4.).

The complaint restricts itself to Article 16 of the ESC. The first observations by the Greek Government give the impression that the situation of Roma would also have to be examined in respect of quite a number of other provisions of the Charter, such as

- the right to protection of health (Article 11),
- the right to social security (Article 12),
- the right to social and medical assistance (Article 13),
- the right to benefit from social welfare services (Article 14),
- the rights of persons with disabilities (Article 15),
- the rights of mothers and children to social and economic protection (Article 17).

This list might of course be continued in respect of all the rights related directly to employment and working conditions.

The complaint in respect of Article 16 and the subsequent list of possible further problems underline the importance of good housing conditions. Without them many of the other rights contained in the ESC will have difficulties to be enjoyed by the Roma population.

2. The non-discrimination

Throughout its jurisprudence the European Committee of Social Rights (ECSR) has strengthened the non-discrimination principle enshrined in the Preamble of the ESC (this development surely has helped to introduce the new non-discrimination Article E in the Revised European Social Charter). There is surely no denying the fact that the measures described in the complaint such as the discriminatory legislation, the residential segregation and forced eviction are manifestly violating this principle.

III. Conclusions

In conclusion ETUC considers that Greece has not ensured the satisfactory application of Article 16 of the ESC read in conjunction with the non-discrimination principle in the Preamble of the ESC.