

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS  
COMITE EUROPEEN DES DROITS SOCIAUX**



24 June 2008

**Case document No. 2**

**International Centre for the Legal Protection of Human Rights  
(INTERIGHTS) v. Greece**  
Complaint No. 49/2008

**OBSERVATIONS OF THE GOVERNMENT  
ON THE ADMISSIBILITY**

Registered at the Secretariat on 20 June 2008



**COLLECTIVE COMPLAINT 49/ 2008**

**“International Centre for Legal Protection of Human Rights”**

**(INTERRIGHTS)**

**against Greece**

**OBSERVATIONS OF THE HELLENIC GOVERNMENT ON THE  
ADMISSIBILITY**

In accordance with article 6 of the Additional Protocol to the European Social Charter dated 9 November 1995, which provides for a System of Collective Complaints, we submit, by means of this memorandum, the observations made by the Hellenic Government on the admissibility of Collective Complaint No.49/2008.

The said complaint has been lodged against Greece by the international non – governmental organisation “International Centre for Legal Protection of Human Rights” for violation of article 16 of the European Social Charter – the right of the family to social, legal and economic protection – and the non-discrimination clause included in the Preamble of the European Social Charter.

According to the relevant provisions (articles 1-6) of the Additional Protocol concerning the filing of Collective Complaints, we consider that the aforementioned complaint has been filed in an inadmissible manner for the following reasons:

I. Complaint No.49/2008 is in fact the second collective complaint with the same content lodged against Greece, within the framework of the Protocol on Collective Complaints, since it was preceded by Complaint No.15/2003 filed against Greece by the international non-governmental organisation “European Roma Rights Centre” in April 2003. Complaint No.15/2003, like

the newly lodged Complaint No.49/2008, concerned violation by Greece of the same article, i.e., article 16 of the European Social Charter (the right of the family to social, legal and economic protection) and the non-discrimination clause included in the Preamble of the European Social Charter regarding the Roma population.

The present complaint No.49/2008 is based on arguments about the continued practice of forced evictions implemented by the Greek State against the Roma population, failure to provide alternative accommodation to those affected by forced evictions and lack of access to effective remedies. The said arguments are the same as those, on which the previous complaint No.15/2003 was based, and on which the European Committee of Social Rights has already concluded and the Committee of Ministers has adopted Resolution No.11/08-06-05.

We consider that, thus, the round of consideration of this case within the framework of the Protocol on Collective Complaints has come to an end; the case will now be dealt with by means of following the normal procedure for considering national reports. A new complaint lodged by another non-governmental organisation on the same subject and on the same legal basis has in fact attempted to substitute the task of the European Committee of Social Rights, i.e., to supervise periodically whether a contracting party (e.g. Greece) meets its obligations set forth in the European Social Charter. All issues raised in the new complaint are dealt with by the European Committee of Social Rights within the framework of examination of the Greek national report on article 16 of the European Social Charter and by the Governmental Committee, which supervises compliance of the state party with the conclusions of the Committee of Experts.

II. Also, it is pointed out that the period of time, which elapsed between the first and the second complaint is limited (complaint No.15/2003 was filed in

April 2003 and the relevant procedure ended on 08/06/05 and complaint No.49/2008 was lodged in April 2008). We consider, therefore, that the lodging of successive complaints with the same subject constitutes an abuse of the procedure.

III. Finally, we would like to stress that the complainant organisation files the said complaint “in collaboration” with the non-governmental organisation “Greek Helsinki Monitor”, as it is stated on page 6 of the text of the complaint. The aforementioned national non-governmental organisation does not have the recognized, by the state, right to lodge collective complaints, since no relevant statement has been made by the Greek State recognizing such a right nor is (the said organisation) included in the list of non-governmental organisations having consultative status with the Council of Europe (and, by extension, the right to lodge collective complaints).

For these reasons, we consider that the complaint should be declared inadmissible and that the European Committee of Social Rights should not proceed to the examination of the merits of the allegations included in the complaint.

**Athens, 20/06/08**

**The General Secretary of  
The Ministry of Employment  
& Social Protection**

**Dimitrios Kontos**