

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



18 August 2008

Case document No. 3

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

**RESPONSE FROM INTERIGHTS TO THE
OBSERVATIONS OF THE GOVERNMENT
ON THE ADMISSIBILITY**

Registered at the Secretariat on 1 August 2008

Executive Secretary
Acting on behalf of the Secretary General of the Council of Europe
Secretariat of the European Social Charter
Directorate General of Human Rights -- DG II
Council of Europe
F-67075 Strasbourg CEDEX
France

1 August 2008

Dear Mr Brillat

INTERIGHTS VS GREECE: 49/2008

Further to your letter of 26 June 2008 INTERIGHTS wishes to make the following response to the Greek Government observations on the admissibility of Complaint 49/2008.

The Government alleges that the complaint should be declared inadmissible for three reasons:

Firstly, that the Complaint contains the same content as that lodged against Greece and considered by the Committee in Complaint 15/2003 where it found a violation of Article 16 and the non discrimination clause of the Charter.

INTERIGHTS maintains, as it set out in detail in Complaint 49/2008, that the subject matter contained in the Complaint primarily relates to violations that have occurred since Complaint 15/2003 was considered by the Committee in December 2004. This includes at least over 20 forced evictions affecting over 300 Greek and Albanian Roma families and the corresponding failure to provide them with alternative accommodation and the implementation of new discriminatory legislation. The Complaint also addresses entirely new issues not explored in Complaint 15/2003 such as the flawed implementation of the housing loans scheme and the documented failure of the Integrated Action Program.

INTERIGHTS fully acknowledges that the nature of the issues underlying Complaint 49/2008 are broadly speaking the same as those underlying the earlier Complaint 15/2003. The Greek State's failure to respond adequately to that decision has caused, or at least substantially contributed to, the on-going violations which are the subject of the current complaint. However, INTERIGHTS wishes to emphasise that while the

underlying issues are similar and relate to the same ethnic minority group, the present complaint concerns different individuals and substantially different facts and evidence. The actual or threatened forced evictions and the failure to relocate scores of communities since 2004, outlined in Complaint 49/2008, are new violations which have never been considered by the Committee.

Complaint 49/2008 updates the Committee on the failure of Greece to address its findings in 15/2003 and to implement Resolution 11/08-06-05 of the Committee of Ministers. In particular, it demonstrates the continued failure of the Greek Government to provide sufficient numbers of dwellings of an acceptable quality to meet the needs of settled Roma and stopping places for Roma who choose to follow an itinerant lifestyle or who are forced to do so. This information is directly relevant to the current Complaint, and is presented by way of context to demonstrate that the Greek Government continues to systematically fail the Roma people under Article 16 of the Charter both through acts and omission.

Instead of seeking to demonstrate what measures it has taken to address the concerns of the previous Complaint, the Greek Government merely says that it considers that the round of consideration of the case has come to an end. It goes on to allege that the lodging of 49/2008 attempts to substitute the Committee's task to periodically supervise whether it is meeting its obligations.

INTERIGHTS denies that this is the purpose of lodging the Complaint. Instead, INTERIGHTS is seeking to legitimately use its capacity to submit complaints in order to hold Greece to account for substantial violations under Article 16 committed during the last four years and which are continuing to occur. To deny organisations registered with the Committee the opportunity to bring complaints about further violations on the same issue and/or under the same Charter provisions as may have been the subject of previous complaints would be to defeat the purpose of the complaints mechanism to hold States accountable for their obligations under the Charter. Effectively it would permit States to continue either committing violations or failing to address outstanding ones safe in the knowledge that they could do so with impunity merely because they had already been found in breach by the Committee.

INTERIGHTS also considers that the collective complaints mechanism is naturally different to that of the periodic reporting procedure. The former permits the Committee, through the presentation of arguments under a semi-judicial procedure, to determine whether violations have occurred under the Charter. Therefore the reporting procedure should not be relied on by States to escape accountability under the complaints system.

Secondly, the period of time that has elapsed between the first and second complaint – five years – is limited and therefore the latter covering the same subject amounts to an abuse of process.

INTERIGHTS reiterates that Complaint 49/2008 is not the same as Complaint 15/2003. It addresses substantial new violations that were not the subject matter of 15/2003 and which have arisen in the past five years. The time lapse is therefore irrelevant. In any event, in INTERIGHTS opinion, five years is not an insignificant period of time for the Government to have at least begun to address the violations

underpinning Complaint 15/2003. As noted above, Greece has failed to take such steps and the situation continues to deteriorate due to both a failure to address ongoing violations and State involvement in the commission of new abuses.

Thirdly, that the complaint is filed in collaboration with the Greek Helsinki Monitor (GHM) which has no right to submit complaints.

INTERIGHTS, in its capacity as an organization registered to submit complaints, and not GHM has lodged the complaint against Greece. However, it is true that Panayote Dimitras, Spokesperson for the Greek Helsinki Monitor acts as an adviser to INTERIGHTS on this complaint pursuant to Rules 25 (2) (3) of the Committee and to that end has assisted and worked with us in the preparation of the complaint as he did in relation to complaint 15/2003 brought by the European Roma Rights Centre. Indeed, as the Committee knows, Mr Dimitras spoke at the hearing on 15/2003 in that capacity. INTERIGHTS accepted Mr Dimitras as an adviser precisely because GHM is the leading NGO working on behalf of the Roma in Greece and continues to compile detailed and credible evidence on the violations experienced by them.

Yours sincerely

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