

**DECISION ON ADMISSIBILITY**

**COMPLAINT No. 15/2003**

By the European Roma Rights Centre  
against Greece

The European Committee of Social Rights, committee of independent experts established under Article 25 of the European Social Charter (hereafter referred to as "the Committee"), during its 195<sup>th</sup> session attended by :

Messrs Jean-Michel BELORGEY, President  
Nikitas ALIPRANTIS, Vice-President  
Ms Polonca KONCAR, Vice-President  
Messrs Stein EVJU, General Rapporteur  
Rolf BIRK  
Matti MIKKOLA  
Konrad GRILLBERGER  
Tekin AKILLIOĞLU  
Ms Csilla KOLLONAY LEHOCZKY  
Mr Andrzej SWIATKOWSKI

Assisted by Mr Régis BRILLAT, Executive Secretary of the European Social Charter

Having regard to the complaint registered as No. 15/2003, lodged on 4 April 2003 by the European Roma Rights Centre (hereafter referred to as the « ERRC ») represented by its Programmes Director, Mr Claude CAHN, requesting that the Committee find that Greece fails to apply in a satisfactory manner Article 16 read in conjunction with the non-discrimination clause of the Preamble to the European Social Charter (hereafter referred to as "the Charter");

Having regard to the documents appended to the complaint;

Having regard to the observations on the admissibility of the complaint submitted on 28 May 2003 by the Greek Government;

Having regard to the Charter and in particular Article 16 and the Preamble which read as follows:

**Article 16 – The right of the family to social, legal and economic protection:**

With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Contracting Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provisions of family housing, benefits for the newly married and other appropriate means.

Considering that the enjoyment of social rights should be secured without discrimination on grounds of race, colour, sex, religion, political opinion, national extraction or social origin.

Having regard to the Additional Protocol to the European Social Charter providing for a system of collective complaints;

Having regard to the Committee's rules of procedure, adopted on 9 September 1999 at its 163<sup>rd</sup> session;

After having deliberated on 16 June 2003;

Delivers the following decision, adopted on the above date:

1. The ERRC alleges that Greece discriminates against Roma in the field of housing with the result that the Roma population is segregated in housing matters, often forcibly evicted and lives in substandard conditions contrary to Article 16 read in conjunction with the non-discrimination clause of the Preamble to the Charter.
2. The Greek Government submits that the complaint is inadmissible on the following grounds :
  - no information was sent to the Greek Government in order to prove that the complaint was signed by a person who has competence to represent the organisation submitting the complaint.
  - it has, *inter alia*, taken a series of measures which address the allegations raised in the complaint.

**As to the admissibility conditions laid down by the Protocol and Committee's Rules of Procedure:**

3. The Committee observes that, in accordance with Article 4 of the Protocol, which was ratified by Greece on 18 June 1998 and entered into force for this State in August 1998, the complaint is submitted in writing and concerns Article 16 of the Charter read in conjunction with the Preamble, a provision accepted by Greece at

the time of ratification of the Charter. In addition, the grounds for the complaint are indicated.

4. The Committee also observes that, in accordance with Article 1 b) and Article 3 of the Protocol, the ERRC is an international non-governmental organisation with consultative status with the Council of Europe. It is included on the list, established by the Governmental Committee, of international non-governmental organisations, which are entitled to lodge complaints.
5. The Committee considers that the ERRC submitted a complaint in a field in which it has particular competence within the meaning of Article 3 of the Protocol. It is a non-governmental organisation which monitors the human rights situation of Roma in Europe and provides legal defence in cases of abuse.

**As to the plea of inadmissibility raised by the Greek Government:**

6. Regarding the first argument submitted by the Greek Government, the Committee notes that the complaint submitted on behalf of the ERRC is signed by its Programmes Director, Mr Claude CAHN. He is competent to act in the name of the organisation and represent it in all matters relating to this collective complaint, as duly authorised by a letter signed by Ms Dimitrina PETROVA, Executive Director of ERRC, herself entitled to act, as duly authorised by two members of the board in accordance with Article 6 of the deed of foundation. The Committee considers therefore that the condition set out in Rule 20 of its Rules of Procedure is fulfilled.
7. Regarding the other ground, the Committee considers that the information submitted in this respect by the Greek Government relates to the merits of the complaint and should not be considered at the stage of admissibility.
8. Therefore, the Committee considers that the pleas of inadmissibility raised by the Greek Government cannot be sustained.
9. For these reasons, the Committee, on the basis of the report presented by Ms Csilla KOLLONAY LEHOCZKY and without prejudice to its decision on the merits of the complaint,

**DECLARES THE COMPLAINT ADMISSIBLE,**

In application of Article 7§1 of the Protocol requests the Executive Secretary to inform the Contracting Parties to the Charter and the Revised Charter that the present complaint is admissible,

Invites the Greek Government to submit in writing before 30 September 2003 all relevant explanations or information.

Invites the Parties to the Protocol and the States having made a declaration under Article D of the Revised Charter to the effect that they accept the procedure provided for in the Protocol, to communicate to it by the same date any observations that they wish to submit.

Invites the ERRC to submit in writing by a deadline which it shall determine all relevant explanations or information in response to the observations of the Greek Government.

In application of Article 7§2 of the Protocol, requests the Executive Secretary to inform the international organisations of employers or workers mentioned in Article 27§2 of the Charter and to invite them to submit their observations by 30 September 2003.

Csilla KOLLONAY-LEHOCZKY  
Rapporteur

Jean-Michel BELORGEY  
President

Régis BRILLAT  
Executive Secretary