



## International Federation for Human Rights (FIDH) v. Greece

Complaint No. 72/2011

**Country:** Greece

**Region:**

**Year:** 2013

**Court:** European Committee of Social Rights

### Facts

The Complainant, International Federation for Human Rights Leagues, filed a complaint against Greece, alleging violation of Article 11 of the European Social Charter which guarantees protection to the right to health, in its failure to eliminate or reduce the harmful effects of pollution in the River Asopos caused by the discharge of industrial waste, which has caused adverse impact on the health of the residents. The complaint was registered at the Secretariat of the European Committee of Social Rights in September 2011 and it was admitted in December of the same year.

According to the Complainant, the pollution started when industries began to be established in the region from 1968 onwards, without the Greek authorities conducting any prior planning or introducing any regional development measures. The Complainant submitted several survey report including some scientific surveys which proved the growing menace of pollution due to the operations carried out by the industries. It offered statistics detailing how, in Oinofyta, the rate of deaths from cancer has risen from 6% to 30% and how children aged 11-12 are two times as likely to have respiratory issues as those children living in the Makrakomi region. The 3 major allegations put by the Complainant were: the responsible central administration bodies did not introduce any measure for the spatial or environmental planning of the Oinofyta's industrial area, the former prefecture of Boeotia did not take effective preventive measures and failed to introduce any regulations to protect the river or the inhabitants of Oinofyta, the former Municipality of Oinofyta was reluctant to prevent companies from dumping their liquid waste into the River Asopos etc. The allegations pertaining to the problems of pollution and its harmful effect on health were acknowledged and accepted by the Greek authorities, who had put before the committee several pieces of evidence which talked of their efforts in improving the situation. The Committee took note of this while issuing orders.

### Decision and Reasoning

The Committee took note of the alleged violations in two parts, first under Article 11 Â§ 1 and 3, second under Article 11 Â§ 2. The Committee considered that, in view of the threats of damage to human health of the local inhabitants, according to Article 11Â§1 and 3, appropriate measures aimed at removing and preventing all causes of ill-health and diseases in the region of Oinofyta should have been implemented by the Greek authorities at the time of the development of the industrial zone or, at the latest, immediately after acknowledging the serious and complex problem of pollution. The Committee held that the Greek State has failed to take appropriate measures to remove as far as possible the causes of ill-health and to prevent as far as possible diseases, the deficiencies in the implementation of existing regulations and programmes regarding the pollution of Asopos River and its negative effects on health, the difficulties encountered in the co-ordination of the relevant administrative activities by competent bodies at national, regional and local level, the shortcomings regarding spatial planning, the poor management of water resources and waste; the problems in the control of industrial emissions etc. Therefore the Committee held that Greek authorities responsible for the violation of Article 11Â§1 and 3 of the Charter on the ground of these lacunae.

Regarding Article 11 Â§ 2, the Committee took note of the information provided by the Government with respect to the initiatives taken in recent years by the central administration to inform the population about the environmental problems in the region of Oinofyta along with lack information provided by the Government in response to the factual allegations made by the complainant. It further considered the public information initiatives described by the Government in its reply were not only initiated too late but also, in most cases, sporadic and insufficiently coordinated. Hence, the Committee held that these deficiencies constitute a violation of Article 11Â§2 of the Charter.

## Decision Excerpts

“Admittedly, overcoming pollution is an objective that can only be achieved gradually. Nevertheless, States party must strive to attain this objective within a reasonable time, by showing measurable progress and making the best possible use of the resources at their disposal.” (Para 129, quoting *Autism Europe v. France*, Complaint No. 13/2002, the decision on the merits of 4 November 2003, ¶ 53)

“The Committee also considers that according to Art 11 of the Charter, the Greek Government has to undertake appropriate measures to prevent as far as possible activities which are detrimental to human health (diseases and accidents). The Committee is of the view that where there are threats of serious damage to human health, lack of full scientific certainty should not be used as a reason for postponing appropriate measures.” (Para 145)

“As far as the implementation of the right to protection of health is concerned, the Committee considers that, when a preliminary scientific evaluation indicates that there are reasonable grounds for concern regarding potentially dangerous effects on human health, the State must take precautionary measures consistent with the high level of protection established by Article 11. Where required, these measures must be taken in accordance with relevant decisions adopted by national jurisdictions.” (Para 150)

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