

DECISION ON ADMISSIBILITY

**International Movement ATD Fourth World
v. France**
Complaint No. 33/2006

The European Committee of Social Rights, committee of independent experts established under Article 25 of the European Social Charter ("the Committee"), during its 216th session attended by:

Mr. Jean-Michel BELORGEY, President
Mrs Polonca KONČAR, First Vice-President
Mssrs Andrzej SWIATKOWSKI, Second Vice-President
Stein EVJU, General Rapporteur
Rolf BIRK
Matti MIKKOLA
Nikitas ALIPRANTIS
Alfredo BRUTO DA COSTA
Tekin AKILLIOĞLU
Mrs Csilla KOLLONAY LEHOCZKY
Mr. Lucien FRANÇOIS
Mrs Beatrix KARL

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

Having regard to the complaint dated 26 January 2006, registered as number 33/2006 and lodged on 1st February 2006 by the International Movement ATD Fourth World ("ATD Fourth World") and signed by its President, Mr Oguié ANOMAN, requesting the Committee to find that France is not in conformity with Articles 16, 30, 31, 31 alone or in conjunction with Article E of the Revised European Social Charter ("the Revised Charter"), *inter alia*, on the following allegations:

- in respect of Article 16 :
 - . the needs of disadvantaged families in housing construction programmes are insufficiently taken into consideration ;
 - . the supply of social housing is insufficient.

- in respect of Article 30 :
 - . Refusal, in certain cases, of granting identity documents necessary for the effective exercise of social rights and of the damaging consequences thereof ;
 - . Lack of monitoring of policies against poverty and social exclusion.

- in respect of Article 31 :
 - . the Departments Housing action plans for disadvantaged persons (PDALPD) do not have a binding nature ;
 - . waiting periods are excessive ;
 - . the mediation committees are deprived of decision making power;
 - . protection from eviction and effectiveness of remedies in case of eviction of such housing is lacking;
 - . the price of social housing rises and problems exist in respect of the allocation.

Having regard to the documents appended to the complaint;

Having regard to the observations from the French Government ("the Government");

Having regard to the Revised Charter, and in particular to Articles 16, 30, 31 and E, which read as follows:

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

Part I: "The family as a fundamental unit of society has the right to appropriate social, legal and economic protection to ensure its full development."

Part II: " With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Parties undertake 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."

Article 30 – The right to protection against poverty and social exclusion

Part I: "Everyone has the right to protection against poverty and social exclusion."

Part II: " With a view to ensuring the effective exercise of the right to protection against poverty and social exclusion, the Parties undertake:

- a to take measures within the framework of an overall and co-ordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to, in particular, employment, housing, training, education, culture and social and medical assistance;
- b to review these measures with a view to their adaptation if necessary."

Article 31 – The right to housing

Part I: "Everyone has the right to housing."

Part II: "With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:

- 1 to promote access to housing of an adequate standard;
- 2 to prevent and reduce homelessness with a view to its gradual elimination;
- 3 to make the price of housing accessible to those without adequate resources "

Article E – Non-discrimination

"The enjoyment of the rights set forth in this Charter shall be secured without discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national extraction or social origin, health, association with a national minority, birth or other status."

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

Having regard to the Rules of the Committee adopted by the Committee on 29 March 2004 at its 201st session and revised on 12 May 2005 at its 207th session ("the Rules");

Having deliberated on 12 June 2006;

Delivers the following decision, adopted on the above date:

1. ATD Fourth World alleges breaches of the right to housing of persons in extreme poverty.
2. The Government leaves it to the discretion of the Committee to assess the admissibility of the complaint. However, the Government reserves the right to submit detailed arguments on the merits of these allegations in due course, should the complaint be declared admissible.

THE LAW

3. The Committee observes that, in accordance with Article 4 of the Protocol, which was ratified by France on 7 May 1999 and entered into force for this state on 1 July 1999, the complaint has been submitted in writing and concerns Articles 16, 30, and 31 of the Revised Charter, provisions accepted by France when it ratified this treaty and to which it is bound since the entry into force of this treaty in its respect on 1 July 1999, as well as Article E.

4. Moreover, the complaint is submitted in writing and concerns Articles 16, 30, 31 alone or taken in conjunction with Article E. In addition, the grounds for the complaint are indicated.

5. The Committee also observes that, in accordance with Articles 1 b) and 3 of the Protocol, ATD Fourth World is an international non-governmental organisation with participatory status with the Council of Europe. It is included on the list, established by the Governmental Committee, of international nongovernmental organisations that are entitled to lodge complaints.

6. As regards the particular competence of the ATD Fourth World in the matters of the complaint, the Committee has examined the statute of the organisation and noticed that it was founded in 1974 as an association linking up twelve national associations, one of which is the French ATD Fourth World, established in 1957 in Paris by Joseph Wresinski (1917-1988). The movement is represented in thirty countries and has correspondants in more than a hundred. It works with the most disadvantaged members of the community with the aim of securing universal access to a decent and dignified standard of living, including the right to family life, and access to social rights such as the rights to housing, work and medical care. It also undertakes research and other investigations into the underlying causes of extreme poverty and social exclusion. Finally, it lobbies on governments and other authorities at national and international level to secure representation for the most deprived and ensure that their right to a decent life is respected. Its objectives and activities aimed at combating poverty and securing the fundamental rights of its victims make the International Movement ATD particularly qualified to lodge a complaint concerning the denial of certain social rights to those concerned. The Committee considers that ATD Fourth World has particular competence within the meaning of Article 3 of the Protocol. In addition, this is also recognised by the Government.

7. The complaint is signed by Mr Oguié ANOMAN, who is President of ATD Fourth World and is entitled to represent the complainant organisation before according to its statute. The Committee therefore considers that the complaint complies with Rule 23.

8. For these reasons, the Committee, on the basis of the report presented by Mr Alfredo BRUTO DA COSTA 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 notify the complainant organisation and the defending state of the present decision, to transmit it to the parties to the Protocol and the states having submitted a declaration pursuant to Article D paragraph 2 of the Revised Charter, and to make it public.

Invites the Government to make written submissions on the merits of the complaint by 30 September 2006.

Invites ATD Fourth World to submit a response to the Government's submissions by a deadline which it shall determine.

Invites parties to the Protocol and the states having submitted a declaration pursuant to Article D paragraph 2 of the Revised Charter to make comments by 30 September 2006, should they so wish.

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 make observations by 30 September 2006.

Alfredo BRUTO DA COSTA
Rapporteur

Jean-Michel BELORGEY
President

Régis BRILLAT
Executive Secretary