

DECISION ON ADMISSIBILITY

10 May 2011

**European Roma and Travellers Forum
v. France**

Complaint No. 64/2011

The European Committee of Social Rights, committee of independent experts established under Article 25 of the European Social Charter ("the Committee"), during its 250th session attended by:

Messrs Luis JIMENA QUESADA, Président
Colm O'CONNOR, Vice-Président
Mrs Monika SCHLACHTER, Vice-Président
Mr Jean-Michel BELORGEY, General Rapporteur
Mrs Csilla KOLLONAY LEHOCZKY
Messrs Andrzej SWIATKOWSKI
Lauri LEPPIK
Rüçhan IŞIK
Petros STANGOS
Alexandru ATHANASIU
Mrs Elena MACHULSKAYA
Mr Giuseppe PALMISANO
Mrs Karin LUKAS

Assisted by Mr Régis BRILLAT, Executive Secretary

Having regard to the complaint dated 26 January 2011, registered on 28 January 2011 as number 64/2011, lodged by the European Roma and Travellers Forum ("the Forum") and signed by its President, Mr Rudko Kawczynski, requesting the Committee to find that the situation in France is not in conformity with Articles 16, 19§8, 30 and 31 of the Revised European Social Charter ("the Revised Charter"), read alone or in conjunction with Article E;

Having regard to the notification of the complaint to the French Government ("the Government") on 14 February 2011 which invited it to submit observations on the admissibility of the complaint before 31 March 2011 and indicated that a lack of response by that date would be interpreted as meaning that the Government does not dispute that the admissibility requirements are satisfied. No comments had been filed as of 31 March 2011.

Having regard to the documents appended to the complaint;

Having regard to the Revised Charter and, in particular, to Articles 16, 19§8, 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 19 – The right of migrant workers and their families to protection and assistance

Part I: "Migrant workers who are nationals of a Party and their families have the right to protection and assistance in the territory of any other Party."

Part II: "With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake: (...)

8 to secure that such workers lawfully residing within their territories are not expelled unless they endanger national security or offend against public interest or morality; (...)

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 of 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 and on 20 February 2009 at its 234th session ("the Rules");

Having deliberated on 10 May 2011;

Delivers the following decision, adopted on the above-mentioned date:

1. The European Roma and Travellers Forum alleges in particular that the French Government is conducting a concerted policy of forced evictions targeting unlawful settlements occupied by the Roma and mass expulsion from the French territory, in violation of Articles 16, 19, 30 and 31, read alone and/or in conjunction with Article E of the Revised European Social Charter, on the ground that this government policy allegedly demonstrates a clear intention of discriminating against the Roma;

2. The Forum also alleges that Travellers having French nationality are subject to a derogation from ordinary law in particular with regard to the right to vote, freedom of movement, taxation and access to administrative services - public or private - in breach of the provisions of Article 30 of the Revised European Social Charter.

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, 19§8, 30, 31 and E of the Revised Charter, provisions accepted by France when it ratified this treaty on 7 May 1999 and to which it is bound since the entry into force of this treaty in its respect on 1 July 1999.

4. Moreover, the grounds for the complaint are indicated.

5. The Committee notes that, in accordance with Articles 1 b) and 3 of the Protocol, the European Roma and Travellers Forum is an international non-governmental organisation with participative status with the Council of Europe. It is included in the list, established by the Governmental Committee, of international non-governmental organisations that are entitled to lodge complaints before the Committee.

6. As regards the particular competence of the Forum in the matters of the complaint, which is not contested by the Government, the Committee has examined the statute of the organisation and noticed that its goals and activities are to oversee the effective exercise by Roma and Travellers of all human rights and fundamental freedoms as protected by the legal instruments of the Council of Europe. It shall promote the fight against racism and discrimination and facilitate the integration of these population groups into European societies and their participation in public life, as specified in Article 2 of the Statute of the Forum. The Committee therefore considers that the organisation has particular competence within the meaning of Article 3 of the Protocol.

7. The complaint is signed by Mr Rudko Kawczynski, President of the Forum who, according to Article 8.3 of its statute, is entitled to represent the complainant organisation. The Committee, therefore, considers that the condition provided for in Rule 23 of the Rules is fulfilled.

8. For these reasons, the Committee, on the basis of the report presented by Mr Petros STANGOS 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 Respondent 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§2 of the Revised Charter, and to make it public.

Requests the Executive Secretary to publish the decision on the Internet site of the Council of Europe.

Invites the Government to make written submissions on the merits of the complaint by 15 July 2011;

Invites the Forum 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§2 of the Revised Charter to make comments by 15 July 2011, should they so wish;

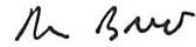
In application of Article 7§2 of the Protocol, invites the international organisations of employers or workers mentioned in Article 27§2 of the Charter to make observations by 15 July 2011.



Petros STANGOS
Rapporteur



Luis JIMENA QUESADA
President



Régis BRILLAT
Executive Secretary