

**DECISION ON ADMISSIBILITY**

**23 September 2008**

**European Roma Rights Centre (ERRC)**  
**v. France**

Complaint No. 51/2008

The European Committee of Social Rights, committee of independent experts established under Article 25 of the European Social Charter ("the Committee"), during its 231<sup>th</sup> session attended by:

Mrs Polonca KONČAR, President  
Mssrs Andrzej SWIATKOWSKI, First Vice-President  
Tekin AKILLIOGLU, Second Vice-President  
Jean-Michel BELORGEY, General Rapporteur  
Alfredo BRUTO DA COSTA  
Nikitas ALIPRANTIS  
Stein EVJU  
Mrs Csilla KOLLONAY LEHOCZKY  
Lucien FRANCOIS  
Lauri LEPPIK  
Colm O' CINNEIDE  
Mrs Monika SCHLACHTER  
Birgitta NYSTRÖM  
Lyudmilla HARUTYUNYAN  
Annalisa CIAMPI

Assisted by Mr Régis BRILLAT, Executive Secretary

Having regard to the complaint dated 17 April 2008, registered on the same day as number 51/2008, lodged by the European Roma Rights Centre ("ERRC") and signed by its Executive Director, Ms Vera Egenberger, requesting the Committee to find that France is not in conformity with Article 16, Article 19 (paragraph 4 let. c), Article 30 and Article 31 of the Revised European Social Charter ("the Revised Charter"), taken alone or in conjunction with Article E;

Having regard to the documents appended to the complaint;

Having regard to the observations submitted on 23 June 2008 by the French Government ('the Government');

Having regard to the Revised Charter and, in particular, to Articles 16, 19 § 4 c, 30, 31 and Article 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**

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:

(...)

4 to secure for such workers lawfully within their territories, insofar as such matters are regulated by law or regulations or are subject to the control of administrative authorities, treatment not less favourable than that of their own nationals in respect of the following matters:

(...)

c accommodation;

**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 201<sup>st</sup> session and revised on 12 May 2005 at its 207<sup>th</sup> session ("the Rules");

Having deliberated on 23 September 2008;

Delivers the following decision, adopted on the above date:

1. The ERRC alleges that Travellers in France are victims of injustice with regard to access to housing, inter alia social exclusion, forced eviction, as well as residential segregation, substandard housing conditions and lack of security . Furthermore, France has failed to take measures to address the deplorable living conditions of Romani migrants from other Council of Europe member states.
2. The Government does not contest that the complaint meets the conditions for admissibility laid down in Article 1(b), Article 3 and 4 of the Protocol. This is without prejudice to its views on the merits.

#### **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 § 4 c, 30, 31 of the Revised Charter, taken alone or in conjunction with Article E, provision 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 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.

6. 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.

7. The complaint is signed by Ms Vera Egenberger, the Executive Director of the ERRC. According to an extract of the ERRC's registration at the Metropolitan Court of Budapest, dated 12 september 2007, Ms Vera Egenberger appeared as one of the representatives of the organisation at the time the complaint was lodged. The Committee considers that Ms Egenberger was duly authorised to represent the ERRC when submitting the complaint. Therefore the conditions stipulated in Rule 23 of the Rules are fulfilled.

8. For these reasons, the Committee, on the basis of the report presented by Ms Lyudmilla HARUTYUNYAN 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.

Invites the Government to make written submissions on the merits of the complaint by 21 November 2008.

Invites the ERRC 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 21 November 2008 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 21 November 2008.

Lyudmilla HARUTYUNYAN  
Rapporteur

Polonca KONČAR  
President

Régis BRILLAT  
Executive Secretary