

DECISION ON ADMISSIBILITY
19 March 2007

European Federation of National Organisations working with the Homeless
(FEANTSA)
v. France

Complaint No. 39/2006

The European Committee of Social Rights, committee of independent experts established under Article 25 of the European Social Charter ("the Committee"), during its 221 session attended by:

Mssrs Andrzej SWIATKOWSKI, First Vice-President
Tekin AKILLIOĞLU, Second Vice-President
Jean-Michel BELORGEY, General Rapporteur
Alfredo BRUTO DA COSTA
Nikitas ALIPRANTIS
Stein EVJU
Ms Csilla KOLLONAY LEHOCZKY
Mssrs Lucien FRANCOIS
Lauri LEPPIK
Ms Ersiliagrazia SPATAFORA
Mr Colm O' CINNEIDE
Ms Monika SCHLACHTER
Birgitta NYSTROM

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

Having regard to the complaint dated 2 November 2006, registered on the same date as number 39/2006 and lodged by the European Federation of National Organisations working with the Homeless ("FEANTSA") and signed by its President, Mr Robert ALDRIDGE, requesting the Committee to find that France is not in conformity with Article 31 of the Revised European Social Charter ("the Revised Charter");

Having regard to the documents appended to the complaint;

Having regard to the observations from the French Government ("the Government") dated 14 February 2007;

Having regard to the Revised Charter and, in particular, to Article 31 which reads as follows:

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 "

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 19 March 2007;

Delivers the following decision, adopted on the above date:

1. FEANTSA alleges that the manner in which legislation related to housing is implemented in France results in a situation of non conformity with Article 31 of the revised European Charter.
2. The Government, whilst reserving its position as to the merits of the complaint, leaves it to the discretion of the Committee to assess the admissibility of the complaint.

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 Article 31 of the Revised Charter, a provision 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.

4. Moreover, the grounds for the complaint are indicated: the Committee notes that the complaint contains sufficient indications in the meaning of Article 4 of the Protocol.

5. The Committee also observes that, in accordance with Articles 1 b) and 3 of the Protocol, FEANTSA 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 non-governmental organisations that are entitled to lodge complaints.

6. As regards the particular competence of FEANTSA 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 aimed at participating or contributing to the reduction of homelessness in Europe. 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 Robert ALDRIDGE, who is President of FEANTSA and is entitled to represent the complainant organisation before any authority or court under Article 18 of its statute. The Committee therefore considers that the complaint complies with Rule 23 of the Rules.

8. For these reasons, the Committee, on the basis of the report presented by Mr Tekin AKILLIOĞLU 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 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 18 May 2007.

Invites FEANTSA 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 18 May 2007.

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 18 May 2007

Tekin AKILLIOĞLU
Rapporteur

Andrzej SWIATKOWSKI
First Vice-President

Régis BRILLAT
Secrétaire exécutif