

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX**



6 June 2006

Case document n° 2

**International Movement ATD Fourth World
v. France**
Collective complaint n° 33/2006

**OBSERVATIONS OF THE GOVERNMENT
ON THE ADMISSIBILITY**

registered at Secretariat on 30 May 2006

**Opinion of the Government regarding
The collective complaint n° 33/2006
lodged by le International Movement ATD Fourth World**



**MINISTRY OF
FOREIGN AFFAIRS**

**DIRECTORATE OF
LEGAL AFFAIRS**

Paris, 30 May 2006

*Sub-directorate of
Human Rights*

The Minister for Foreign Affairs

To

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Council of Europe

Directorate General of Human Rights

N°

DJ/CJ

Subject: Collective Complaint No 33/2006 ATD-Fourth World v France

By letter of 23 February 2006 the European Committee of Social Rights notified the French Government of the complaint lodged with it by the organisation ATD-Fourth World on 26 January 2006 and invited it to submit its observations on the admissibility of this complaint by 31 May 2006.

The issue of the admissibility of the complaint calls for the following observations on the Government's part.

The complainant complains of France's failure to comply with the undertakings set forth in the revised European Social Charter regarding the right to housing of persons living in a situation of extreme poverty, alleging specifically a violation of Articles 16, 30 and 31 of the revised Charter. The complainant further complains of unsatisfactory application of the various provisions relating to the right to housing, in particular Law No 90-449 of 31 May 1990, Outline Law No 98-657 of 29 July 1998, Decree No 99-897 of 22 October 1999 and the relevant provisions of the Town Planning Code.

The Government does not dispute the fact that the complainant is on the list of international non-governmental organisations holding consultative status with the Council of Europe and, in accordance with Article 1 b) of the Additional Protocol to the revised European Social Charter providing for a system of collective complaints, is entitled to lodge complaints with the European Committee of Social Rights. Moreover, the Government notes that the complainant has submitted a complaint in a field in respect of which it is recognised as having particular competence, as required under Article 3 of the Additional Protocol.

Furthermore, the complainant's complaint seems to meet all the formal requirements laid down in the Additional Protocol, and particularly Article 4, and in the Committee's Rules of Procedure, particularly Rule 23.

With regard to the substance of the complainant's claims, it would be premature, when considering the admissibility of the complaint, to discuss the merits of the allegations of infringement of the aforementioned articles of the Charter. 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.

In the light of all the above considerations, the Government leaves it to the discretion of the Committee to assess the admissibility of the complaint.

Anne-Françoise TISSIER
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