

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



16 October 2006

Case document n° 3

**International Movement ATD Fourth World
v. France**
Complaint N° 33/2006

**OBSERVATIONS OF THE EUROPEAN TRADE UNION
CONFEDERATION (ETUC)
ON THE MERITS**

registered at Secretariat on 28 September 2006

Introduction

The European Trade Union Confederation (ETUC) congratulates France on having ratified not only the Revised European Social Charter (the Revised Charter) but also the protocol on collective complaints. It trusts that, with these mechanisms, France will be better able to meet its international obligations. The ETUC is required to play a part in supervising implementation both of the European Social Charter and the Revised Charter. In that context it refers to the observations which it has reiterated since the first collective complaint¹.

The content

The complaint states that France is failing to comply with Articles 16, 30 and 31 taken on their own or together with Article E of the Revised Charter. In particular it alleges that:

- with regard to Article 16, the needs of disadvantaged families are not well enough identified or sufficiently taken into account in housing construction and that there is too little social housing;
- with regard to Article 30, in some cases identity documents necessary for proper exercise of social rights are withheld, with harmful results, and monitoring of anti-poverty and anti-social-exclusion policies is inadequate;
- with regard to Article 31, the *département* action plans for assistance to disadvantaged persons (PDALPDs) are unenforceable, waiting periods excessive and mediation boards lacking in effective powers, that there is no eviction prevention or effective remedy for eviction, that social-housing prices are increasing and that there are difficulties over the allocation of social housing.

The ETUC

- after consulting all its French organisations and in full agreement with them,
- in accordance with its commitment to social inclusion
- and anxious to see progress from mere good intentions to actual rights as recognised by the European Social Charter, of which France is a signatory,

supports International Movement ATD Fourth Worlds' collective complaint against France.

The ETUC would, however, add the following observations:

- firstly, disadvantaged persons are workers or members of workers' families excluded from the labour market or in insecure employment, and there are more and more of them on account of unemployment and economic insecurity. Thus the issue of housing and access to housing is a general one due, among other things, to rising housing costs, low public investment in social housing and stagnation of purchasing power;
- secondly, the housing problem in France, as in other Council of Europe member countries, requires a comprehensive approach, not one which differentiates between categories of client and would inevitably bring them into conflict, thus causing further difficulties;

¹ Council of Europe, Complaint No.1/1998 – International Commission of Jurists against Portugal – Documents, Human Rights – Social Charter Monographs – No.9, Strasbourg 2000, p.98 ff.

- and lastly, although the ETUC takes the view that there must of course be recognition of the right to housing, it nonetheless believes that enforceability of that right is indissociable from availability of housing and from people's having the financial means to afford it. To make enforceability of the right to housing the sole consideration is immediately to endorse the attitude of those municipalities which fail to carry out programmes of social-housing construction and discourage the municipalities which make the necessary efforts to increase the housing stock.

Lastly the ETUC would also draw the attention of the European Committee of Social Rights (CEDS) to the fact that these alleged contraventions have already been the subject of several of its findings, in particular:

- Conclusions XV-1 vol. 1 (Article 16)
- Conclusions 2002 (Article 16)
- Conclusions 2004 vol. 1 (Article 16)
- Conclusions 2003 vol. 1 (Article 31 § 3)
- Conclusions 2005 vol. 1 (Article 31 § 2)

Conclusions

The European Trade Union Confederation (ETUC) supports the collective complaint lodged by International Movement ATD Fourth World.