



European
Social
Charter

Charte
Sociale
Européenne



**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX**

14 May 2013

Case document No. 3

Association for the Protection of all children (APPROACH) Ltd v. France
Complaint No. 92/2013

OBSERVATIONS FROM APPROACH

Registered at the Secretariat on 13 May 2013

APPROACH

Association for the Protection of
all Children Ltd.

94 White Lion Street
London N1 9PF

Tel: +44 (0)20 7713 0569

Fax: +44 (0)20 7713 0466

Email: info@endcorporalpunishment.org

Protecting children and young people from
physical punishment and other injurious,
humiliating or degrading treatment.

Association for the Protection of All Children (APPROACH) Ltd v France Collective complaint No. 92/2013

APPROACH response to the observations on admissibility from the Government of France, registered on May 3 2013

May 13 2013

As the observations make clear, the collective complaints procedure is complementary to the reporting procedure. It is inaccurate of the Government to suggest that “the only argument put forward by the association in support of the complaint is the finding of a violation...” and to suggest that the complaint “derives from” the finding of a violation. The complaint analyses in detail the law in France; it also provides information on prevalence.

There is nothing in the Additional Protocol, nor in the decisions of the ECSR, to suggest that where non-compliance has been found in the reporting procedure under the Charter, a collective complaint cannot address the same issue. Indeed, the indication in the Preamble that states had resolved to take new measures to “improve the effective enforcement” of the Charter suggests that it is indeed appropriate to resort to the collective complaints procedure where states have not responded to findings of non-compliance in the reporting procedure.

We hope the Committee will quickly declare the complaint admissible and proceed to consider its merits.



Peter Newell

