



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

January 2016

# **FOLLOW-UP TO DECISIONS ON THE MERITS OF COLLECTIVE COMPLAINTS**

Findings 2015

*This text may be subject to editorial revision.*



## **GENERAL INTRODUCTION**

In accordance with the changes to the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, the following countries: Belgium, Bulgaria, Finland, France, Greece, Ireland, Italy and Portugal were exempted to report on the provisions under examination in Conclusions 2015. These countries were instead invited to provide information on the follow-up given to decisions on the merits of collective complaints in which the Committee found a violation.

The document contains the Committee's findings in respect of the follow-up to the decisions concerned for each of these countries.

In 2016, the Committee will examine the follow-up given to decisions on the merits of collective complaints in which the Committee found a violation for the following countries: Croatia, Cyprus, Czech Republic, the Netherlands, Norway, Slovenia and Sweden.

## BELGIUM

In accordance with the changes to the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, Belgium was exempted from reporting on the provisions under examination in Conclusions 2015. Belgium was instead invited to provide information on the follow-up given to decisions on the merits of collective complaints in which the Committee found a violation.

The following decisions were concerned:

- European Trade Union Confederation (ETUC), *Centrale générale des syndicats libéraux de Belgique* (CGSLB), *Confédération des syndicats chrétiens de Belgique* (CSC) and *Fédération générale du travail de Belgique* (FGTB) v. Belgium, complaint No. 59/2009, decision on the merits of 13 September 2011 ;
- International Federation of Human Rights (FIDH) v. Belgium, Complaint No. 62/2010, decision on the merits of 21 March 2012;
- Defence for Children International (DEI) v. Belgium, Complaint No. 69/2011, decision on the merits of 23 October 2012;
- International Federation for Human Rights (FIDH) v. Belgium, Complaint No. 75/2011, decision on the merits of 18 March 2013.

The Committee's assessments appear below. They also appear in the HUDOC database.

The Committee found that the situation has been brought into conformity in respect of the following findings of violation:

- Defence for Children International (DEI) v. Belgium, Complaint No. 69/2011, decision on the merits of 23 October 2012:
  - o Article 17§1;
  - o Article 7§10
- International Federation for Human Rights (FIDH) v. Belgium, Complaint No. 75/2011, decision on the merits of 18 March 2013:
  - o Article E taken in conjunction with Article 14§1;
  - o Article E taken in conjunction with Article 16

**European Trade Union Confederation (ETUC), *Centrale générale des syndicats libéraux de Belgique (CGSLB), Confédération des syndicats chrétiens de Belgique (CSC) and Fédération générale du travail de Belgique (FGTB) v. Belgium, complaint No. 59/2009, decision on the merits of 13 September 2011***

1. Decision of the Committee on the merits of the complaint

The Committee concluded that Article 6§4 of the Charter had been violated on the ground that the restrictions on the right to strike did not fall within the scope of Article G as they were neither prescribed by law nor in keeping with what was necessary to pursue one of the aims set out in Article G.

2. Information provided by the Government

The Government indicates in the [information](#) registered on 4 November 2014 that the Minister of Justice on 30 November 2012 asked the Board of State Prosecutors (*Collège des Procureurs Généraux*) to bring to the attention of the judicial authorities the European Committee of Social Rights' decision on the merits and the resulting Committee of Ministers' resolution. This communication was also brought to the attention of the Minister of Labour, by letter dated 10 December 2012.

Further to that, two letters were sent by the Chair of the Board of State Prosecutors to the Chair of the Temporary Board of Courts (*Collège provisoire des cours et tribunaux*):

- the first letter, dated 3 January 2013, asked him to notify judges and distribute the Committee of Ministers' resolution to them;
- the second letter, dated 16 September 2014, asked him to distribute the resolution to court first presidents and presidents with a view to obtaining their comments on the text.

The information provided by the Government indicates regarding these letters that no comments have been received to date.

3. Assessment of the follow-up

As the situation remains unchanged, the Committee will assess the implementation of the restrictions on the right to strike on the basis of the information on the follow-up given to decisions that will be submitted in October 2017.

The Committee finds that the situation has not been brought into conformity with the Charter.

**International Federation of Human Rights (FIDH) v. Belgium, Complaint No. 62/2010, decision on the merits of 21 March 2012**

A. Violation of Article E taken in conjunction with Article 16 because of the failure in the Walloon Region to recognise caravans as dwellings

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 16 because of the failure in the Walloon Region to recognise caravans as dwellings.

2. Information provided by the Government

The Government indicates in the [information](#) registered on 4 November 2014 that amendments were made to the Walloon Housing and Sustainable Dwellings Code on 9 February 2012. These amendments state (Article 22bis) that “the Region shall grant assistance to households in a vulnerable situation who set up or improve a home which is not a dwelling in an area as defined in Article 44§2 (...)”. Article 44§2 refers to several types of area including “sites designed for mobile homes occupied by Travellers”.

3. Assessment of the follow-up

As caravans are still not recognised as dwellings under Belgian law, the Committee finds that the situation has not been brought into conformity with the Charter.

B. Violation of Article E taken in conjunction with Article 16 because of the existence, in the Flemish and Brussels Regions, of housing quality standards that are not adapted to caravans and the sites on which they are installed

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 16 because of the existence, in the Flemish and Brussels Regions, of housing quality standards that were not adapted to caravans and the sites on which they were installed.

2. Information provided by the Government

With regard to the Brussels Region, the Government indicates in the [information](#) registered on 4 November 2014 that an Order amending the Brussels Housing Code with a view to recognising Traveller dwellings was enacted on 1 March 2012. The Government of the Brussels-Capital Region was to determine the specific rules for this kind of dwelling by decree. It was also to lay down the minimum requirements to be met by the sites made available for Travellers (Gens du voyage) and identify, in particular, what safety standards would apply to itinerant homes.

With regard to the Flemish Region, the Government indicates in the information registered on 4 November 2014 that a strategic plan for Travellers (Gens du voyage) has been adopted and implemented. In this connection, the Department of Spatial Planning, Housing and Immovable Property (the RWO) has implemented various actions, of which the following are most relevant:

- Action 16 provides that the Flemish Minister for Housing will introduce appropriate regulations on housing standards for Travellers' (Gens du voyage) mobile homes and thus promote a policy on housing quality equivalent to that applied to fixed housing;
- Action 23 provides that the RWO Department will assess and adjust the planning permission guidelines for Traveller sites and the installation of mobile homes or caravans on the basis of the experience of municipal sites for Travellers (Gens du voyage), private sites and new concepts which cater for Travellers' (Gens du voyage) specific housing needs.

### 3. Assessment of the follow-up

With regard to the Brussels region, the information does not indicate whether the decree laying down housing standards for caravans and the sites on which they are installed has actually been issued. The information does not indicate any developments since the adoption of the decision. If so, the Committee will assess the decree on the basis of the information on the follow-up given to decisions that will be submitted in October 2017.

With regard to the Flemish Region, the Committee takes note of the measures taken. It considers that by taking this action, the Government is in the process of bringing the situation into conformity. It requests confirmation in the information on the follow-up given to decisions that will be submitted in October 2017 that there is a long-term legal basis for the measures.

The Committee finds that the situation has not been brought into conformity with the Charter in the case of the Brussels Region and the Flemish Region.

- C. Violation of Article E taken in conjunction with Article 16 because of the lack of sites for Travellers (Gens du voyage) and the state's inadequate efforts to rectify the problem

#### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 16 because of the lack of sites for Travellers (Gens du voyage) and the state's inadequate efforts to rectify the problem.

#### 2. Information provided by the Government

With regard to the Brussels Region, the Government indicates in the [information](#) registered on 4 November 2014 that the future Regional Sustainable Development Plan will take account of the specific situation of Travellers (Gens du voyage) in the spheres of housing and social welfare.

With regard to the Walloon Region, the Government indicates in the [information](#) registered on 4 November 2014 that a pilot project launched in 2010 has enabled three temporary sites to be developed for Travellers (Gens du voyage) in Namur, Mons and Sambreville, in consultation with the Mediation Centre for Travellers (Gens du voyage) in Wallonia (CMGV) and Travellers' (Gens du voyage) representatives. The development of these new projects has been made structurally possible via the funding system co-ordinated by the Directorate Generals for Housing and for Social Welfare of the Walloon Public Service. In addition to these public sites, other municipalities such as Hotton and Ottignies-Louvain-la-Neuve rent private sites and make them available to Travellers (Gens du voyage).

Furthermore, to cope with the occasional arrival of large groups in the Walloon Region, on pilgrimages for example, the Walloon Ministries of Social Welfare and of Housing have asked the Mediation Centre for Travellers (Gens du voyage) and Romas to draw up a separate set of specifications for large-scale transit areas.

The two ministries have also sent a joint letter to various public interest bodies active in the Walloon Region in the housing field, asking them to draw up a list of sites available for large gatherings of Travellers (Gens du voyage). Co-operation between the Mediation Centre and local housing associations, particularly the Walloon Housing Association, has made it possible to pinpoint 23 sites in 19 different locations meeting the requirements to host large groups which make such a request. Two of these sites were used in 2012, followed by others from 2013.

With regard to the Flemish Region, the Government indicates in the [information](#) registered on 4 November 2014 that various spatial planning measures have been implemented under the strategic plan for Travellers (Gens du voyage).

In addition, on 28 March 2014, the Flemish Parliament adopted a decree establishing subsidies for investments in residential sites for trailers and transit sites for Travellers (Gens du voyage). Under the decree, developers may be granted subsidies of up to 100% for the development, extension, renovation or purchase of sites for caravans.

In Hal, a social housing association has purchased land with a view to developing a residential site for caravans.

Work has begun in the municipality of Asse with a view to developing an additional transit site with 10 places.

In other locations, including Mortsel, Hal, Maaseik, Wilrijk and Deurne, plans have been drawn up and funding made available with a view to renovating or extending existing sites.

### 3. Assessment of the follow-up

As to the Brussels Region, the information does not indicate an increase in the number of sites available for Travellers (Gens du voyage). The Committee will assess the situation especially with regard to the ratio between Traveller (Gens du



voyage) families and the sites and places available on the basis of the information on the follow-up given to decisions that will be submitted in October 2017.

As to the Walloon Region, the Committee notes that three temporary sites have been developed and 23 new sites have been pinpointed for large gatherings, but only two have been used for the time being. It will assess the impact of these measures especially with regard to the ratio between Traveller (Gens du voyage) families and the sites and places available on the basis of the information on the follow-up given to decisions that will be submitted in October 2017.

As to the Flemish Region, the Committee takes note of the measures taken. It will assess the situation especially with regard to the ratio between Traveller (Gens du voyage) families and the sites and places available on the basis of the information on the follow-up given to decisions that will be submitted in October 2017.

While recognizing that some progresses have been achieved, the Committee finds that the situation has not been brought into conformity with the Charter.

D. Violation of Article E taken in conjunction with Article 16 by reason of the failure of planning legislation to take account of Traveller (Gens du voyage) families' specific needs

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 16 because of the failure to take account of the specific circumstances of Traveller (Gens du voyage) families when drawing up and implementing planning legislation.

2. Information provided by the Government

With regard to the Brussels Region, the Government indicates in the [information](#) registered on 4 November 2014 that the region allows sites for Travellers (Gens du voyage) to be established in all areas set out in the regional land-use plan (PRAS). In Judgment No. 26.986 of October 1986, the *Conseil d'Etat* held that this type of installation was a public-interest community amenity, which was admissible in all PRAS areas. The future Regional Sustainable Development Plan will take account of the specific situation of Travellers (Gens du voyage) in the spheres of housing and social welfare.

With regard to the Walloon Region, the Government indicates in the [information](#) registered on 4 November 2014 that it has set up several bodies to deal with the problem of Travellers (Gens du voyage) and find a solution geared to improving the cross-sectoral approach to Traveller (Gens du voyage) reception policy (a permanent interministerial working group on the reception of Travellers (Gens du voyage) chaired by the social action office and comprising all the Walloon ministerial private offices and the Mediation Centre for Travellers (Gens du voyage) in Wallonia (CMGV), which provides a link between Travellers (Gens du voyage), their

neighbours and local authorities and makes everyone aware of the rules and procedures).

With regard to the Flemish Region, the Government indicates in the [information](#) registered on 4 November 2014 that various town planning measures have been implemented under the strategic plan for Travellers (Gens du voyage):

- Action 11: the town and spatial planning requirements for the development of sites for Travellers (Gens du voyage) or the installation of caravans will be clarified;
- Action 12: the Flemish Caravan Committee will have full oversight over the planning files for Traveller (Gens du voyage) sites. The RWO Department will monitor these cases and take them into account, wherever possible, in its spatial planning policies;
- Action 24: the RWO Department will consider its approach to new or alternative forms of housing (such as caravans) in the context of its planning permission policy. In this connection, spatial criteria (such as the “second home” criterion) have been developed to redefine the context in which these new or alternative forms of housing are acceptable from a town planning viewpoint.

### 3. Assessment of the follow-up

With regard to the Brussels Region, the Committee will assess the implementation of the Regional Sustainable Development Plan concerning the specific circumstances of Traveller (Gens du voyage) families on the basis of the information on the follow-up given to decisions that will be submitted in October 2017.

With regard to the Walloon Region, the Committee takes note of the setting up of several bodies. However, the Committee notes that no town planning legislation has been adopted. It will therefore assess the situation on the basis of the information on the follow-up given to decisions that will be submitted in October 2017.

With regard to the Flemish Region, the Committee will assess the results of the planned measures on the basis of the information on the follow-up given to decisions that will be submitted in October 2017.

The Committee finds that the situation has not been brought into conformity with the Charter.

- E. Violation of Article E taken in conjunction with Article 16 because of the situation of Traveller (Gens du voyage) families with regard to their eviction from sites on which they have settled illegally

#### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 16 because of the situation of Traveller (Gens du voyage) families with regard to their eviction from sites on which they had settled illegally.

## 2. Information provided by the Government

The [information](#) provided by the Government and registered on 4 November 2014 does not cover the question of the eviction of Traveller (Gens du voyage) families from sites on which they have settled illegally.

## 3. Assessment of the follow-up

The Committee invites the Government to provide clarifications at the occasion of the information on the follow-up given to decisions that will be submitted in October 2017.

The Committee finds that the situation has not been brought into conformity with the Charter.

F. Violation of Article E taken in conjunction with Article 30 because of the lack of a co-ordinated overall policy, in particular in housing matters, with regards to Travellers in order to prevent and combat poverty and social exclusion

### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 16 because of the lack of a co-ordinated overall policy, in particular in housing matters, with regards to Travellers (Gens du voyage) in order to prevent and combat poverty and social exclusion.

## 2. Information provided by the Government

With regard to the Brussels Region, the Government indicates in the [information](#) registered on 4 November 2014 that the future Regional Sustainable Development Plan will take account of the specific situation of Travellers (Gens du voyage) in the spheres of housing and social welfare.

With regard to the Walloon Region, the Government indicates in the [information](#) registered on 4 November 2014 that it has set up several bodies to deal with the problem of Travellers (Gens du voyage) and find a solution geared to improving the cross-sectoral approach to Traveller (Gens du voyage) reception policy (a permanent interministerial working group on the reception of Travellers (Gens du voyage) chaired by the social action office and comprising all the Walloon ministerial private offices and the Mediation Centre for Travellers (Gens du voyage) in Wallonia (CMGV), which provides a link between Travellers (Gens du voyage), their neighbours and local authorities and makes everyone aware of the rules and procedures).

The information states that the approach that was adopted in Wallonia from 2004 was to place the emphasis on solutions based on consultation, working from the bottom up and involving all the stakeholders, including municipal authorities, the Mediation Centre for Travellers (Gens du voyage) and Romas, representatives of Traveller (Gens du voyage) families, associations, neighbours and other public authorities.

With regard to the Flemish Region, the Government indicates in the [information](#) registered on 4 November 2014 that a co-ordinated policy for the integration of Travellers (Gens du voyage) in Flanders is conducted under the strategic plan for Travellers (Gens du voyage). The information states that, in addition to the socioeconomic insecurity affecting Travellers (Gens du voyage), there are major challenges in the housing sphere. To deal with this, the Flemish Government is seeking to increase the number of public and private sites and implement high-quality sustainable management of Traveller (Gens du voyage) sites, as well as co-ordinated reception facilities for them when they are passing through. The *Vlaamse Woonwagencommissie* (Flemish Caravan Committee) holds regular meetings to draw up measures to achieve these objectives. The committee is chaired by the minister responsible for integration, who co-ordinates the relevant issues.

### 3. Assessment of the follow-up

With regard to the Brussels Region, the Committee takes note of the developments in the situation. It will assess the results of the regional plan on the basis of the information on the follow-up given to decisions that will be submitted in October 2017.

With regard to the Walloon Region, the Committee takes note of the setting up of several bodies. It will assess the results of the projects on the basis of the information on the follow-up given to decisions that will be submitted in October 2017.

With regard to the Flemish Region, the Committee takes note of the developments in the situation. It will assess the results of the strategic plan for Travellers (Gens du voyage) on the basis of the information on the follow-up given to decisions that will be submitted in October 2017.

The Committee finds that the situation has not been brought into conformity with the Charter.

**Defence for Children International (DEI) v. Belgium, Complaint No. 69/2011, decision on the merits of 23 October 2012**

A. Violation of Article 17§1

1. The Committee's decision on the merits of the complaint

The Committee concluded that there had been a violation of Article 17§1 on the grounds that:

- the Government had not taken the necessary and appropriate measures to guarantee accompanied foreign minors unlawfully present the care and assistance they need;
- the Government had failed to take sufficient measures to guarantee non-asylum seeking, unaccompanied foreign minors the care and assistance they need.

2. Information provided by the Government

The Government states in the [information](#) recorded on 4 November 2014 that, since the Committee issued its decision, the Federal Agency for the reception of asylum-seekers (FEDASIL) has taken various measures with regard to the reception of unaccompanied foreign minors unlawfully present and accompanied foreign minors unlawfully present.

With regard to unaccompanied foreign minors unlawfully present who have not applied for asylum, both FEDASIL and the Belgian government took various steps as from 2012 to ensure that all minors are catered for in conditions that are in conformity with the requirements set out in the law of 12 January 2007 on the reception of asylum seekers and other categories of foreigners. The information states that asylum seeking unaccompanied foreign minors are always given a reception place in the FEDASIL network.

The information states that on 26 September 2014 the FEDASIL network had 1305 places for unaccompanied foreign minors unlawfully present and not the 1157 places, which the Committee had noted in its decision. Given that the current rate of occupancy is 36%, the number of places is far more than adequate.

With regard to the reception of foreign minors unlawfully present in Belgium with their parents, in May 2013 Belgium set up an open centre for returning migrants managed by the Aliens Office. The centre also caters for minors unlawfully present in Belgium with their parents with a view to preparing and organising these families' return. To this end, FEDASIL and the Aliens Office have undertaken to co-operate with one another in organising the voluntary return of these families to their countries of origin or to a country where they are authorised to stay.

### 3. Assessment of the follow-up

The Committee takes note of the measures that have been taken to provide unaccompanied foreign minors unlawfully present and accompanied foreign minors unlawfully present with shelter in a reception centre.

The Committee finds that the situation has been brought into conformity with the Charter.

#### B. Violation of Article 7§10

##### 1. The Committee's decision on the merits of the complaint

The Committee concluded that there had been a violation of Article 7§10 on the ground that the Government had not taken the necessary measures to guarantee unaccompanied foreign minors and accompanied foreign minors unlawfully present the special protection against physical and moral hazards, thereby causing a serious threat to their enjoyment of the most basic rights, such as the right to life, to psychological and physical integrity and to respect for human dignity.

##### 2. Information provided by the Government

The Committee refers to the information provided above concerning the reception of unaccompanied foreign minors and accompanied foreign minors unlawfully present.

##### 3. Assessment of the follow-up

The Committee takes note of the measures taken to provide unaccompanied foreign minors and accompanied foreign minors unlawfully present with shelter in a reception centre.

The violation of Article 7§10 was linked to the constant congestion of reception facilities. As steps have been taken to ensure that shelter is provided in a reception centre, the Committee finds that the situation has been brought into conformity with the Charter.

#### C. Violation of Articles 11§1 and 11§3

##### 1. The Committee's decision on the merits of the complaint

The Committee concluded that there had been a violation of Article 11§1 on the ground that unaccompanied foreign minors and accompanied foreign minors unlawfully present were not guaranteed the right of access to health care.

The Committee concluded that there had been a violation of Article 11§3 on the ground that the prevention of epidemic, endemic and other diseases, as well as accidents was not guaranteed in respect of unaccompanied foreign minors and accompanied foreign minors unlawfully present.

## 2. Information provided by The Government

The Committee refers to the above information regarding the reception of unaccompanied foreign minors and accompanied foreign minors unlawfully present.

## 3. Assessment of the follow-up

The Committee takes note of the steps taken to provide shelter in a reception centre for unaccompanied foreign minors and accompanied foreign minors unlawfully present.

The information does not contain any clarifications on actual and effective access to health care for unaccompanied foreign minors and accompanied foreign minors unlawfully present living in such shelters. The Committee will assess the situation, on the basis of the information on the follow-up given to decisions that will be submitted in October 2017.

The Committee finds that the situation has not been brought into conformity with the Charter.

**International Federation for Human Rights (FIDH) v. Belgium, Complaint No. 75/2011, decision on the merits of 18 March 2013**

A. Violation of Article 14§1 because of the significant obstacles to equal and effective access for highly dependent adults with disabilities to social welfare services appropriate to their needs

1. The Committee's decision on the merits of the complaint

The Committee concluded that there had been a violation of Article 14§1 of the Charter on the ground that there were significant obstacles to equal and effective access for highly dependent adults with disabilities to social welfare services appropriate to their needs.

2. Information provided by the Government

The Government states in the [information](#) recorded on 4 November 2014 that each of the three regions has taken steps to resolve the situation of non-conformity.

With regard to the Flemish-speaking Region, the Flemish Government pointed out that the *Vlaams Agentschap voor Personen met een Handicap* (VAPH) planned to increase and diversify support for persons with minor disabilities so as to free up places in care facilities for highly dependent persons with disabilities.

The concept note entitled "Plans for 2020 – a new form of support for people with disabilities" sets two targets which should be achieved by 2020:

- in 2020, care is to be guaranteed for persons with disabilities who need the most support. This will take the form of assistance in kind or a monetary allowance.
- In 2020, highly dependent adults with disabilities who have access to information are to be entitled to demand-based care and assistance.

Currently, the VAPH's budget is €1.36 billion, €1.25 billion of which is earmarked for assistance of various kinds for 40 800 persons with disabilities. The Flemish Government has promised to add €145 million to what the VAPH receives annually in the course of this legislature (2014-2019). This will free up major funds for quality assistance at the request of users for highly dependent persons with disabilities who require more complex forms of care.

The system has also been overhauled to solve the problem of the 22 000 people on waiting lists, 63% of whom are awaiting assistance from the VAPH.

Where the Walloon Region is concerned, a new management contract was drawn up in June 2012 between the Walloon Government and the Walloon Agency for the Integration of People with Disabilities (AWIPH) for a five-year period (2012-2017).



The AWIPH, which in 2009 established a single waiting list, has estimated at 485 the number of highly dependent persons waiting for a solution to be offered. However the information does not state the date to which this figure refers. In its 2013 budget, the AWIPH earmarked € 1.6 million for the creation of about fifty places for new priority cases, the aim being to create 500 additional places by the end of the current management contract in 2017. It should be noted that the creation of 500 care and accommodation places requires a total budget of some €20 million.

The AWIPH also plans to transform residential places for adults into supervised housing. The information provided states that this transformation process was to enable about 60 persons with a high-dependency disability to be admitted to a residential service for adults in 2013, without, however, stating whether the goal was achieved.

The information indicates that creating additional care and accommodation places for people with a high-dependency disability, and combining this with an increased range of alternative services to satisfy users' and families' wishes, must comply with three criteria:

- a reasonable deadline: 2017;
- measurable progress: a programme for the creation of places and an implementation timetable have been proposed;
- a funding arrangement which makes the best possible use of available resources: the AWIPH's grant amounts to € 582 million, which is over 8% of the total budget of the Walloon Region and nearly 60% of the budget of its Health, Social Welfare and Equal Opportunities Department. Some of the measures that are proposed will have an impact on the budget while others will make it possible to increase the care provided for people with a high-dependency disability without increasing the budget. The estimated budget increase is estimated at some € 2.4 million per year and this has to be accepted by the Walloon Government when the budget is drawn up and then be approved by the Walloon Parliament.

In the Brussels-Capital Region new places, most of which are reserved for persons with a high-dependence disability, have been created thanks to the programme of activities of the Joint Community Commission (COCOM). The new Artémia day-care centre has been providing for twenty additional persons, including ten with a high-dependency disability, since December 2013 while the Orfea centre has been catering for the same number of persons, also including ten highly dependent persons, since March 2013. A new accommodation centre called "le Potelier" is also being built, and will provide twenty places for adults with mental disabilities including some highly dependent persons.

The Order of 15 March 2013 has introduced a high dependency care provision standard.

Under the programme of activities of the French Community Commission, new places are to be created in existing day and accommodation centres, and a High

Dependency Action Plan and a long-term infrastructure plan are to be drawn up by the PHARE department. All of these measures will be put in place over the next few years. The decree on the integration of persons with disabilities (the “Integration Decree”) was adopted on 17 January 2014 and the order bringing it into force was adopted on 7 May 2015.

### 3. Assessment of the follow-up

With regard to the Flemish Region, the Committee considers that progress has been made towards ensuring that highly dependent adults with disabilities have equal and effective access to welfare services. However, not all of the measures envisaged have been adopted to date and 63% of persons with disabilities are still awaiting a solution. The Committee asks that the information on the follow-up given to decisions that will be submitted in October 2017 indicate the percentage of highly dependent adults with disabilities who have access to welfare services. The Committee will therefore assess the situation on the basis of this information.

With regard to the Walloon Region, the Committee considers that progress has been made towards ensuring that highly dependent adults with disabilities have equal and effective access to welfare services. The Committee takes note of the measures envisaged and invites the Government to confirm in the information on the follow-up given to decisions that will be submitted in October 2017, whether this objective has been met.

With regard to the Brussels-Capital Region, the Committee takes note of the measures taken. The Committee considers that progress has been made to ensure that highly dependent adults with disabilities have equal and effective access to welfare services. However, not all of the measures provided for have been adopted to date. The Committee asks that the next information indicate the percentage of highly dependent adults with disabilities who do not have access to welfare services. The Committee will assess whether the measures taken ensure that all members of this group have access to welfare services on the basis of the information on the follow-up given to decisions that will be submitted in October 2017.

The Committee finds that the situation has not been brought into conformity with the Charter.

#### B. Violation of Article 14§1 because of the lack of institutions giving advice, information and personal help to highly dependent adults with disabilities in the Brussels-Capital Region

##### 1. The Committee’s decision on the merits of the complaint

The Committee concluded that there had been a violation of Article 14§1 of the Charter on the ground that there were no institutions in the Brussels-Capital Region providing advice, information and personal help to highly dependent adults with disabilities.

## 2. Information provided by the Government

The Government states in the [information](#) recorded on 4 November 2014 that the Cocom certifies and finances day centres, accommodation centres, day-to-day assistance services and grouped housing services. It also certifies general social services open to everyone. There are also several facilities in Brussels which are particularly suited to the needs of highly dependent adults with disabilities, both among associations providing assistance for individuals and through bodies such as the PHARE department, which co-operates with the CoCom.

## 3. Assessment of the follow-up

The Committee notes that there are day centres, housing services and day-to-day assistance centres in the Brussels-Capital Region which provide advice, information and personal assistance to highly dependent adults with disabilities.

The Committee asks for confirmation that these welfare services meet the following criteria:

- trained staff in sufficient numbers;
- highly dependent adults with disabilities should be involved in decisions concerning them as much as possible;
- public and private mechanisms for supervising the adequacy of services.

The Committee finds that the situation has not been brought into conformity with the Charter.

## C. Violation of Article 16

### 1. The Committee's decision on the merits of the complaint

The Committee concluded that there had been a violation of Article 16 of the Charter on the ground that the shortage of care solutions and of social services adapted to the needs of persons with severe disabilities caused many families to live in precarious circumstances, undermining their cohesion, and amounted, on the part of the State, to a lack of protection of the family as a unit of society.

### 2. Information provided by the Government

The Committee refers to the information provided above concerning the violation of Article 14§1 of the Charter on the ground that there are significant obstacles to equal and effective access for highly dependent adults with disabilities to social welfare services appropriate to their needs.

### 3. Assessment of the follow-up

The Committee admittedly noted above that progress had been made in different parts of the country; nevertheless, it considers that the shortage of care solutions

and of social services adapted to the needs of persons with severe disabilities means that many families continue to live in precarious circumstances.

The Committee finds that the situation has not been brought into conformity with the Charter.

#### D. Violation of Article 30

##### 1. The Committee's decision on the merits of the complaint

The Committee concluded that there had been a violation of Article 30 of the Charter on the ground that the State's failure to collect reliable data and statistics throughout the metropolitan territory of Belgium in respect of highly dependent persons with disabilities prevented an overall and co-ordinated approach to the social protection of these persons and constituted an obstacle to the development of targeted policies concerning them.

##### 2. Information provided by the Government

The Government indicates in the [information](#) registered on 4 November 2014 that there is no mechanism for collecting reliable data and statistics on highly dependent persons with disabilities at the level of the metropolitan territory of Belgium.

The information indicates that, with a view to addressing this shortcoming, the section on persons with disabilities of the Interministerial Conference on Well-being, Sport and the Family of 22 May 2012, which brought together the political authorities of the federal state and the federated entities responsible for disability policies, had set up a working group, whose tasks are as follows: to agree on a common definition of disability and define the criteria that have to be met; and to set up a system to centralise all the available data which could be of use to stakeholders in the disability field. This working group is made up of experts in the management of existing databases at federal and federated entity level. The work is in progress.

##### 3. Assessment of the follow-up

The Committee takes note of the work currently being done by the working group to enable the State to collect reliable data and statistics throughout the metropolitan territory of Belgium in respect of highly dependent persons with disabilities. The Committee will assess on the basis of the information on the follow-up given to decisions that will be submitted in October 2017, whether data and statistics thus collected have led to an overall and co-ordinated approach with a view to giving highly dependent persons with disabilities and their families access to welfare and medical assistance.

The Committee finds that the situation has not been brought into conformity with the Charter.

## E. Violation of Article E taken in conjunction with Article 14§1

### 1. The Committee's decision on the merits of the complaint

The Committee concluded that there had been a violation of Article E taken in conjunction with Article 14§1 on the ground that Belgium was not creating sufficient day and night care facilities to prevent the exclusion of many highly dependent persons with disabilities from social welfare services appropriate to their specific, tangible needs.

### 2. Information provided by the Government

The Committee refers to the information provided above concerning the violation of Article 14§1 of the Charter on the ground that there are significant obstacles to equal and effective access for highly dependent adults with disabilities to social welfare services appropriate to their needs.

### 3. Assessment of the follow-up

The Committee considers that the measures envisaged to comply with Article 14§1 of the Charter indicate that the Belgian authorities are taking account of the particular situation and needs of highly dependent adults with disabilities. As this group is taken into account in social policies, the Committee finds that the situation has been brought into conformity with the Charter.

## F. Violation of Article E taken in conjunction with Article 16

### 1. The Committee's decision on the merits of the complaint

The Committee concluded that there had been a violation of Article E taken in conjunction with Article 16 on the ground that the shortage of care solutions and of social services adapted to the needs of persons with severe disabilities obliged highly dependent persons to live with their families and caused many families to live in precarious and vulnerable circumstances.

### 2. Information provided by the Government

The Committee refers to the information provided above concerning the violation of Article 14§1 of the Charter on the ground that there are significant obstacles to equal and effective access for highly dependent adults with disabilities to social welfare services appropriate to their needs.

### 3. Assessment of the follow-up

Although the Committee considered with regard to Article 16 that families continued to live in precarious circumstances, the measures envisaged show that the public authorities are dealing with the situation of highly dependent adults with disabilities and with that of their families. As the discrimination against highly dependent adults with disabilities has been eliminated, the Committee finds that the situation has been brought into conformity with the Charter.

## BULGARIA

In accordance with the changes to the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, Bulgaria was exempted from reporting on the provisions under examination in Conclusions 2015. Bulgaria was instead invited to provide information on the follow-up given to decisions on the merits of collective complaints in which the Committee found a violation.

The following decisions were concerned:

- European Roma Rights Centre v. Bulgaria, complaint No. 31/2005, decision on the merits of 18 October 2006;
- European Roma Rights Centre (ERRC) v. Bulgaria, complaint No. 46/2007, decision on the merits of 3 December 2008;
- European Roma Rights Centre (ERRC) v. Bulgaria, complaint No. 48/2008, decision on the merits of 18 February 2009;
- Mental Disability Advocacy Center (MDAC) v. Bulgaria, complaint No. 41/2007, decision on the merits of 3 June 2008.

The Committee's assessments appear below. They also appear in the HUDOC database.

The Committee found that the situation has been brought into conformity in respect of the following finding of violation:

- European Roma Rights Centre (ERRC) v. Bulgaria, complaint No. 48/2008, decision on the merits of 18 February 2009:
  - o Article 13§1

## **European Roma Rights Centre v. Bulgaria, complaint No. 31/2005, decision on the merits of 18 October 2006**

### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 16 of the Charter taken in conjunction with Article E on the following grounds:

- the inadequate housing of Roma families and the lack of proper amenities;
- the lack of legal security of tenure and the non-respect of the conditions accompanying eviction of Roma families from dwellings unlawfully occupied by them.

### 2. Information provided by the Government

The Government indicates in the [information](#) registered on 4 December 2014 that in the framework of the National Roma Integration Strategy, especially its priority on “Improving the housing conditions”, two Programmes have been set up:

- Operational Programme “Regional Development” (OPRD) 2007-2013

The main target of this scheme is to promote social inclusion of disadvantaged and vulnerable population groups by improving their standard of living and the quality of the housing of urban communities. More specifically, the targets are the provision of modern social housing and equal access to adequate housing conditions.

The information provided mentions three pilot municipalities: Vidin, Dupnitsa and Devnya where projects aim at building/reconstructing new homes for disadvantaged population groups, including Roma. It further stresses that these projects are in the implementation phase.

- Operational Programme “Regions in Growth” (OPRG) 2014-2020

This scheme aims at supporting infrastructural measures for Roma integration by providing adequate living conditions. The investments are to be realised on the territory of 67 towns. Activities will consist in building, reconstructing, repairing and expanding the social housing.

### 3. Assessment of the follow-up

On the issue of inadequate housing of Roma families and the lack of proper amenities, the Committee takes note of the measures that are being set up. It considers that the action envisaged will, if implemented, enable the situation to be brought into conformity with the Charter. It will assess the practical impact of these measures on the occasion of the information on the follow-up given to decisions that will be submitted in October 2017. In the absence of the information on the practical implementation of the Strategy, the Committee considers that the situation has not been brought into conformity with the Charter.



Concerning the lack of legal security of tenure and the non-respect of the conditions accompanying eviction of Roma families from sites or dwellings unlawfully occupied by them, the information provides no clarification. The Committee considers that the situation has not been brought into conformity with the Charter.

## **European Roma Rights Centre (ERRC) v. Bulgaria, complaint No. 46/2007, decision on the merits of 3 December 2008**

### A. Violation of Article 13§1

#### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 13§1 of the Charter on the ground that the measures adopted by the Government did not sufficiently ensure health care for poor or socially vulnerable persons who became sick.

#### 2. Information provided by the Government

The Committee notes from the information provided by the Permanent Representative during consideration by the Committee of Ministers on 31 March 2010 that Decree No. 27 of 9 February 2009 on the implementation of the state budget stipulates that the mechanism established for the payment of costs of hospital treatment for persons without resources was made permanent.

The Government indicates in the [information](#) registered on 4 December 2014 that on 21 January 2013 an agreement was signed for the thematic “Fund for reforms related to the inclusion of Roma and other vulnerable groups” under the Bulgarian-Swiss Cooperation Programme. The agreement aims at promoting social inclusion of the Roma in accordance with the National Roma Integration Strategy of the Republic by 2020.

On the specific issue of health, the Programme focuses on pre-hospital healthcare, such as regular medical examination of the target groups, prenatal and postnatal care, family planning, immunization campaigns for children, prevention of sexually transmitted diseases, increasing health culture and access to health information. The information indicates that the Programme will be implemented by municipalities.

#### 3. Assessment of the follow-up

In view of the information provided, the Committee considers that it is still not established that people not receiving social assistance are entitled to medical assistance, other than emergency care, obstetrical and hospital treatment. It will assess the practical impact of these measures and whether similar measures are envisaged for other groups of poor or socially vulnerable persons who become sick on the occasion of the information on the follow-up given to decisions that will be submitted in October 2017.

The Committee considers that the situation has not been brought into conformity with the Charter.

## B. Violation of Article E taken in conjunction with Articles 11§§1, 2 and 3

### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 11§§1, 2 and 3 in conjunction with Article E of the Charter on the ground that there was a failure of the authorities to take appropriate measures to address the exclusion, marginalization and environmental hazards which Roma communities were exposed to in Bulgaria, as well as the problems encountered by many Roma in accessing health care services.

### 2. Information provided by the Government

The Government indicates in the [information](#) registered on 4 December 2014 that there are several measures to improve medical services for socially vulnerable persons, including Roma.

First, the information mentions that the activities and priorities set in the Health Strategy for disadvantaged persons who belong to ethnic minorities (2005-2015) are included in section "Healthcare" of the National Roma Integration Strategy 2012-2020 and the Action Plan. In the framework of this Action Plan, the Ministry of Health annually allocated funds for carrying out prophylactic examinations and tests in Roma settlements using the 23 mobile examination rooms provided under the PHARE Programme. During the period 2010-2013, 60,164 examinations and tests have been carried out in such mobile rooms. The examinations are accompanied by lectures and campaigns.

Second, the information mentions the figure of health mediators, who are in charge of overcoming the cultural barriers in communication between Roma communities and the medical personnel in various locations. In 2014, there were 150 health mediators.

Third, the information states that during the period 2010-2013, 7 National Conferences were organised under the project "Initiative for Health and Vaccine Prophylaxis".

### 3. Assessment of the follow-up

The Committee will assess the practical implication of the above-mentioned measures on the basis of detailed information and data on the number of Roma living in Bulgaria that will be submitted in October 2017.

The Committee considers that the situation has not been brought into conformity with the Charter.

**European Roma Rights Centre (ERRC) v. Bulgaria, complaint No. 48/2008, decision on the merits of 18 February 2009**

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 13§1 of the Charter on the ground that amendments to the Social Assistance Act have suspended minimum income for persons in need after 18, 12 or 6 months.

2. Information provided by the Government

The Government indicates in the [information](#) registered on 4 December 2014 that the provision of the Social Assistance Act limiting to 6 months the entitlement to social assistance was repealed by the Parliament in December 2009 through the adoption of a new legislation, which entered into force on 1 January 2011. The information confirms that the restriction period for persons in need to receive social assistance has been removed.

3. Assessment of the follow-up

The amendment to the Social Assistance Act enables the provision of social assistance to persons in need without a time-limit.

The Committee considers that the situation has been brought into conformity with the Charter.

## **Mental Disability Advocacy Center (MDAC) v. Bulgaria, complaint No. 41/2007, decision on the merits of 3 June 2008**

### A. Violation of Article 17§2

#### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 17§2 of the Charter on the ground that children with moderate, severe or profound intellectual disabilities residing in the homes for mentally disabled children (HMDC) did not have an effective right to education.

#### 2. Information provided by the Government

The Government indicates in the [information](#) registered on 4 December 2014 that several measures and plans have been adopted concerning the education of children with disabilities.

First, the information mentions the Strategy for Equal Opportunities for Persons with disabilities 2008-2015, which includes as a target a guaranteed access to quality education for persons with disabilities.

Second, on 26 January 2012 Bulgaria ratified the UN Convention on the Rights of Persons with Disabilities, which deals *inter alia* with education. In 2013, a working group of experts was established for the implementation of the Convention. On the issue of education, the working group concluded that the regulatory framework establishes conditions for equal access to education, including for children and pupils with special educational needs and/or with chronic illnesses.

Third, in 2012 the Ministry of Education and Science started the project “Inclusive Education” under the Operational Programme “Human Resources Development”, which aims at further developing the integrated education and preparing the educational system for the challenges of inclusive education.

Fourth, the Council of Ministers adopted on 14 July 2010 a resolution on the National Programme on Guaranteeing the Rights of Children with Disabilities 2010-2013, which aims at guaranteeing the equal access for children with special educational needs to quality education and preparation in view of their full social inclusion.

Fifth, at the beginning of 2010 the National Strategy “Vision for Deinstitutionalization of Children in the Republic of Bulgaria” was adopted, whose main target was closing all institutions for children within a period of 15 years. One of the main focuses of the Action Plan for the implementation of the National Strategy is educational integration.

Sixth, the statistics provided by the State Agency for Child Protection indicated that on 31 December 2013 there were 542 children and 602 young people in HMDCs. Out of the children who were in mandatory school age, i.e. under 16 years of age, 41 were integrated into mainstream education, which corresponds to 7.5% of the children with intellectual disabilities residing in HMDCs and 320 attended a special

school, which corresponds to 59% of the children with intellectual disabilities residing in HMDCs.

### 3. Assessment of the follow-up

The Committee takes note of the measures and plans that have been adopted. It will assess the practical impact of these measures and plans on the occasion of the information on the follow-up given to decisions that will be submitted in October 2017.

The Committee recalls that when it is exceptionally complex and expensive to secure one of the rights protected by the Charter, the measures taken by the state to achieve the Charter's aims must fulfill the following three criteria: "(i) a reasonable timeframe, (ii) a measurable progress and (iii) a financing consistent with the maximum use of available resources".

The Committee acknowledges the progress achieved. In 2008, the Committee noted that only 2.8% of the children with intellectual disabilities residing in HMDCs were integrated in mainstream primary schools and 3.4% of these children attended special classes. End of 2013, the Committee notes that 7.5% of the children with intellectual disabilities residing in HMDCs were integrated into mainstream education and 59% of these children attended special classes. The Committee asks for information on the measures taken to improve the situation that will be submitted in October 2017.

As to the criteria of a reasonable timeframe, the Committee considers that the percentages mentioned are still too low given that 7 years have elapsed since the decision of the Committee.

Finally, given that no clarification on financial resources allocated has been provided the Committee asks the next information to provide such clarification.

In view of the low figures and the time elapsed, the Committee considers that the situation has not been brought into conformity with the Charter.

### B. Violation of Article E taken in conjunction with Article 17§2

#### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 17§2 of the Charter on the ground that there was discrimination against children with moderate, severe or profound intellectual disabilities residing in HMDCs compared to other children.

## 2. Information provided by the Government

The Committee refers to the data cited above. It thus notes from the statistics provided by the State Agency for Child Protection that on 31 December 2013 there were 542 children and 602 young people in HMDCs. Out of the children who were in mandatory school age, i.e. under 16 years of age, 41 were integrated into mainstream education, which corresponds to 7.5% of the children with intellectual disabilities residing in HMDCs and 320 attended a special school, which corresponds to 59% of the children with intellectual disabilities residing in HMDCs.

## 3. Assessment of the follow-up

The Committee will assess the situation on the basis of data that will be submitted in October 2017 on the percentage of the intellectually disabled children living in HMDCs educated in mainstream schools or in special schools and the percentage of all other children with regard to access to education.

In view of the low figures regarding the access of children with intellectual disabilities residing in HMDCs to mainstream and special education, the Committee considers that the situation has not been brought into conformity with the Charter.

## FINLAND

In accordance with the changes to the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, Finland was exempted from reporting on the provisions under examination in Conclusions 2015. Finland was instead invited to provide information on the follow-up given to decisions on the merits of collective complaints in which the Committee found a violation.

The following decisions were concerned:

- The Central Association of Carers in Finland v. Finland, complaint No. 70/2011, decision on the merits of 4 December 2012;
- The Central Association of Carers in Finland v. Finland, complaint No. 71/2011, decision on the merits of 4 December 2012.

The Committee's assessments appear below. They also appear in the HUDOC database.



## **The Central Association of Carers in Finland v. Finland, complaint No. 70/2011, decision on the merits of 4 December 2012**

### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 23 of the Charter on the ground that the legislation allowed practices that led to a part of the elderly population being denied access to informal care allowances or other alternative support.

### 2. Information provided by the Government

The Government indicates in the [information](#) registered on 4 November 2014 that several steps have been taken to remedy the situation.

First, the Act on Supporting the Functional Capacity of the Older Population and on Social and Health Care Services for Older Persons (“Act on Services for Older Persons”) entered into force on 1 July 2013. This Act aims at reinforcing the obligations of local authorities to ensure, among other things, that elderly people receive care in the form of informal care when the circumstances allow it. In this regard, Section 5 of the Act provides that local authorities shall draw up a plan on measures to support the wellbeing, health, functional capacity and independent living of the older population as well as to organise and develop the services and informal care needed by older persons. The local authorities shall take the plan into consideration, for example when preparing the budget. Section 9 of the Act provides that local authorities shall assign adequate resources for implementing the plan.

Second, the State budget for 2013, adopted by the Parliament, includes an increase in central government transfers to local governments with a view to developing support services for informal care in municipalities. This increase allowed the municipalities to boost their informal care support services by some 34 million euros in 2014.

Third, a working group appointed by the Ministry of Social Affairs and Health completed a proposal for a National Development Programme for the Support of Informal Care in March 2014. The Programme outlines the strategic goals for the promotion of informal care and legislative and other development measures for 2014-2020. It comprises 35 development measures, which various branches of administrations, municipalities, NGOs, etc. would be responsible for implementing. It covers informal care based on an agreement and other informal care. The working group set the target at increasing the number of informal carers to 60,000 by the year 2020. It estimates that the additional expenditure incurred for implementing the Programme in its full extent would amount to 468 million euros per year in 2020.

Fourth, the Act on the arrangement of social welfare and health care services and the new social welfare Act are to enter into force in 2015. A key objective of the first Act is guaranteeing equal services to all citizens regardless of their municipality of residence. The second Act aims at addressing the need for support experienced by social welfare clients’ family members and friends.

Fifth, legislative reforms concerning informal care support and its administration and funding will be assessed after 2015.

Sixth, in the framework of a structural policy programme, the Ministry of Social Affairs and Health prepared in February 2014 an action plan with a view to cutting back on institutional care for older persons and for extending services provided at home. The measures of this programme include the National Development Programme for the Support of Informal Care and the reform of the Act on informal care support, which will be performed as indicated above at a later date.

### 3. Assessment of the follow-up

The Committee takes note of all the above mentioned steps taken or envisaged aiming at improving the access to informal care allowances or other alternative support for the elderly. Nonetheless it considers that the grounds that led to the finding of violation, namely that the legislation allows practices leading to a part of the elderly population being denied access to informal care allowances or other forms of support, have not yet been remedied. The Committee will assess the legislative and administrative measures, once adopted, on the occasion of the information on the follow-up given to decisions that will be submitted in October 2017.

The Committee considers that the situation has not been brought into conformity with the Charter.

## **The Central Association of Carers in Finland v. Finland, complaint No. 71/2011, decision on the merits of 4 December 2012**

### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 23 of the Charter on the ground that insufficient regulation of fees for service housing and service housing with 24-hour assistance combined with the fact that the demand for these services exceeded supply insofar as :

- This created legal uncertainties to elderly persons in need of care due to diverse and complex fee policies. While municipalities may adjust the fees, there are no effective safeguards to assure that effective access to services is guaranteed to every elderly person in need of services required by their condition;
- This constituted an obstacle to the right to “the provision of information about services and facilities available for elderly persons and their opportunities to make use of them” as guaranteed by Article 23b of the Charter.

### 2. Information provided by the Government

The Government indicates in the [information](#) registered on 4 November 2014 that the Ministry of Social Affairs and Health has set up a working group to prepare proposals for the legislation concerning user charges for service housing and service housing with 24-hour assistance. A draft of the proposed Act was circulated to municipalities for comments in July 2014. The bill was to be debated in the Parliament in autumn 2014.

### 3. Assessment of the follow-up

The Committee notes that legislative changes are envisaged. It will assess the new legislation and its practical impact on the occasion of the information on the follow-up given to decisions that will be submitted in October 2017.

The Committee considers that the situation has not been brought into conformity with the Charter.

## FRANCE

In accordance with the changes to the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, France was exempted from reporting on the provisions under examination in Conclusions 2015. France was instead invited to provide information on the follow-up given to decisions on the merits of collective complaints in which the Committee found a violation.

The following decisions were concerned:

- *Syndicat national des Professions du tourisme* v. France, Complaint No. 6/1999, decision on the merits of 10 October 2000;
- International Association Autism-Europe (IAAE) v. France, Complaint No.13/2002, decision on the merits of 4 November 2003;
- European Action of the Disabled (AEH) v. France, Complaint No. 81/2012, decision on the merits of 11 September 2013;
- International Movement ATD Fourth World v. France, Complaint No. 33/2006, decision on the merits of 5 December 2007;
- European Federation of National Organisations working with the Homeless (FEANTSA) v. France, Complaint No. 39/2006, decision on the merits of 5 December 2007;
- European Roma Rights Centre (ERRC) v. France, Complaint No. 51/2008, decision on the merits of 19 October 2009;
- Centre on Housing Rights and Evictions (COHRE) v. France, Complaint No. 63/2010, decision on the merits of 28 June 2011;
- European Roma and Travellers Forum (ERTF) v. France, Complaint No. 64/2011, decision on the merits of 24 January 2012;
- *Médecins du Monde – International* v. France, Complaint No. 67/2011, decision on the merits of 11 September 2012;
- European Council of Police Trade Unions (CESP) v. France, Complaint No. 38/2006, decision on the merits of 3 December 2007;
- European Council of Police Trade Unions (CESP) v. France, Complaint No. 57/2009, decision on the merits of 1 December 2010;
- European Council of Police Trade Unions (CESP) v. France, Complaint No. 68/2011, decision on the merits of 23 October 2012.

The Committee's assessments appear below. They also appear in the HUDOC database.

The Committee found that the situation has been brought into conformity in respect of the following findings of violation:

- *Syndicat national des Professions du tourisme* v. France, Complaint No. 6/1999, decision on the merits of 10 October 2000:
  - o Article 1§2 because of the differences in treatment between the approved lecturer guides of the Villes et Pays d'Art et d'Histoire network and the interpreter guides and national lecturers with a state diploma as regards the freedom to conduct guided tours;

- Article 1§2 because of the differences in treatment between the approved lecturer guides of the *Caisse nationale des monuments historiques et des sites* (CNMHS) and national museums and the interpreter guides and national lecturers with a state diploma with regard to the freedom to conduct guided tours;
- European Roma Rights Centre (ERRC) v. France, Complaint No. 51/2008, decision on the merits of 19 October 2009:
  - Article E taken in conjunction with Article 31;
  - Article E taken in conjunction with Article 16
- *Médecins du Monde – International* v. France, Complaint No. 67/2011, decision on the merits of 11 September 2012:
  - Article E taken in conjunction with Article 17§2

**Syndicat national des Professions du tourisme v. France, Complaint No. 6/1999, decision on the merits of 10 October 2000**

- A. Violation of Article 1§2 because of the differences in treatment between the approved lecturer guides of the *Villes et Pays d'Art et d'Histoire* network and the interpreter guides and national lecturers with a state diploma as regards the freedom to conduct guided tours

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 1§2 because the differences in treatment between the approved lecturer guides of the *Villes et Pays d'Art et d'Histoire* (VPAH) network and the interpreter guides and national lecturers with a state diploma with regard to the freedom to conduct guided tours constituted discrimination.

2. Information provided by the Government

The Government states in the [information](#) registered on 17 December 2014 that the effect of the reform of the profession of guide by Decree No. 2011-930 of 1 August 2011 on persons qualified to conduct guided tours of museums and historical monuments was to place all the existing professions under the heading of lecturer guides. The decree was adopted following a decision of the Versailles Administrative Court of Appeal of 14 October 2009. An investigation of the way in which this unified profession is exercised was made at national and local level.

In this connection, the municipalities concerned were asked no longer to apply the clause on VPAH approved guides in the agreement concluded with the state. Furthermore, the VPAH-type agreement was amended to bring it into line with the reform of the profession. VPAH agreements concluded after the Decree of 1 August 2011 were adopted in accordance with this new model. Agreements in force before the decree were revised to take account of the new rules.

3. Assessment of the follow-up

The Committee takes note of the reform of the profession of guide by Decree No. 2011-930 of 1 August 2011 on persons qualified to conduct guided tours of museums and historical monuments. This decree put an end to the differences in treatment between the approved lecturer guides of the *Villes et Pays d'Art et d'Histoire* network and the interpreter guides and national lecturers with a state diploma with regard to the freedom to conduct guided tours.

The Committee finds that the situation has been brought into conformity with the Charter.

- B. Violation of Article 1§2 because of the differences in treatment between the approved lecturer guides of the *Caisse nationale des monuments historiques et des sites* (CNMHS) and national museums and the interpreter guides and national lecturers with a state diploma with regard to the freedom to conduct guided tours

### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 1§2 because the differences in treatment between the approved lecturer guides of the CNMHS and national museums and the interpreter guides and national lecturers with a state diploma with regard to the freedom to conduct guided tours constituted discrimination.

### 2. Information provided by the Government

The Government states in the [information](#) registered on 17 December 2014 that the effect of the reform of the profession of guide by Decree No. 2011-930 of 1 August 2011 on persons qualified to conduct guided tours of museums and historical monuments was to place all the existing professions under the heading of lecturer guides.

Article R. 221-1 of the Tourism Code, as amended by the Decree of 1 August 2011 states that to be qualified to conduct guided tours of museums and historical monuments a person must have the professional card of a lecturer guide.

Consequently, persons holding this professional card, particularly self-employed lecturer guides, are authorised to conduct guided tours in all museums and historical monuments. This possibility is guaranteed by all the establishments run by the Ministry of Culture.

There is therefore no restriction on external lecturer guides apart from those relating to limits on the number of groups that can be allowed into an exhibition space or a museum or the availability of reception and security staff in some venues which would ordinarily be closed on the day it is intended to conduct the tour. There are also restrictions deriving from the nature of certain spaces which, for security reasons (the preciousness of the surroundings or their small size), cannot be opened as easily as some others. Groups accompanied by lecturer guides employed by establishments face the same restrictions as those accompanied by self-employed ones.

### 3. Assessment of the follow-up

The Committee takes note of the reform of the profession of guide by Decree No. 2011-930 of 1 August 2011 on persons qualified to conduct guided tours of museums and historical monuments. This decree put an end to the differences in treatment between the approved lecturer guides of the CNMHS and national museums and the interpreter guides and national lecturers with a state diploma with regard to the freedom to conduct guided tours.

The Committee finds that the situation has been brought into conformity with the Charter.

C. Violation of Article 1§2 because of the differences in treatment between the approved lecturer guides of the CNMHS and national museums and the interpreter guides and national lecturers with a state diploma with regard to working conditions

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 1§2 because the differences in treatment between the approved lecturer guides of the CNMHS and national museums and the interpreter guides and national lecturers with a state diploma with regard to working conditions constituted discrimination.

2. Information provided by the Government

The Government states in the [information](#) registered on 17 December 2014 that on the whole, public institutions have harmonised their prices so as to respect the principle of equal treatment of users, under the supervision of the central authorities.

The appendix to the information gives some examples:

- the museum and the estate of the *Château de Fontainebleau* applies a reservation fee of €30 for a guided tour of the *château* by an external guide;
- the *Quai Branly* Museum applies a charge for the “right to speak” of €30 for tours by “free” groups.

3. Assessment of the follow-up

The Committee notes from the appendix to the information provided that the reservation fees and charges for the right to speak applied to “free” groups continue to be applied, at least in some museums.

The Committee considers that different prices are still charged for “free” groups. It therefore asks the Government to state whether this difference in treatment is founded on an objective and proportionate justification in the information on the follow-up given to decisions that will be submitted in October 2017.

The Committee finds that the situation has not been brought into conformity with the Charter.



**International Association Autism-Europe (IAAE) v. France, Complaint No.13/2002, decision on the merits of 4 November 2003**

A. Violation of Articles 15§1 and 17§1

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Articles 15§1 and 17§1 on the grounds that:

- whether a broad or narrow definition of autism was adopted, the proportion of children with autism being educated in either general or specialist schools was extremely low;
- there was a chronic shortage of care and support facilities for autistic adults.

2. Information provided by the Government

The Government states in the [information](#) registered on 17 December 2014 that several autism plans have been implemented since the Committee's decision. It refers to the following autism plans: 2005-2007; 2008-2010; 2013-2017.

As to access to education, the information gives several sets of figures relating to pupils with autism being educated in schools:

- in 2013-2014, 23 545 pupils with autism were being educated in a mainstream environment , 17 492 of whom were being educated in pre-primary and primary school and 6 053 in secondary school;
- 15 670 benefited from the support of a school assistant (AVS);
- 3 681 attended school on a part-time basis (school and teaching unit);
- some 10 900 pupils were educated solely in teaching units.

The information also states that the autism plan for 2013-2017 includes an instruction, which resulted in the establishment of a further 30 teaching units in nursery schools at the beginning of the academic year in September 2014 so as to facilitate the education of children with autism or other pervasive developmental disorders. These teaching units are a means of educating pre-primary pupils with autism or other PDDs who have been referred to a medico-social establishment or service in units set up within mainstream schools.

As to the chronic shortage of care or support facilities for autistic adults, the information refers to the 2008-2016 multiannual programme to create places in establishments and services for persons with disabilities. One of the main aims of this programme is to reduce waiting lists. The funding provided in this connection amounts to €1.45 billion for over 50 000 new places for children and adults with disabilities. In this context, there is a specific plan to create 1 248 places for children with autism.

### 3. Assessment of the follow-up

As to access to education, the Committee already took note of the 2005-2007 and 2008-2010 autism plans in its decision on the merits in the complaint of 11 September 2013 *Action européenne des handicapés (AEH) v. France* No. 81/2012. The decision outlines the reasons which prompted the Committee to consider that these positive developments were not sufficient to bring the situation into conformity with the Charter.

The Committee therefore takes note of the 3<sup>rd</sup> autism plan for 2013-2017 and the figures referred to above. However, these figures do not yet indicate true quantitative progress in access for children with autism to school.

So as to assess whether any progress has been made in access for children with autism to school following the 3<sup>rd</sup> autism plan, the Committee asks for it to be stated in the information on the follow-up given to decisions that will be submitted in October 2017, what proportion of children with autism have such access.

As to the chronic shortage of care or support facilities for autistic adults, the Committee notes that the figures relate to all adults with disabilities and do not provide any detailed information on the people with autism who were the subject of the complaint. It asks for the information on the follow-up given to decisions that will be submitted in October 2017, to state precisely whether care or support facilities for adults have been set up and how many places are available as a result.

The Committee finds that the situation has not been brought into conformity with the Charter.

#### B. Violation of Article E taken in conjunction with Articles 15§1 and 17

##### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Articles 15§1 and 17 because the proportion of children with autism being educated in either general or specialist schools was much lower than in the case of other children, whether or not disabled.

##### 2. Information provided by the Government

The Committee refers to the information mentioned above on the subject of access to education for children with autism to general or specialist schools.

##### 3. Assessment of the follow-up

The Committee takes note of the information provided.

In order to assess whether the discrimination has come to an end, it asks for the information on the follow-up given to decisions that will be submitted in October 2017, to state what proportion of children with autism are educated in general or

specialist schools as compared to the proportion for other children, whether or not disabled.

The Committee finds that the situation has not been brought into conformity with the Charter.

## **European Action of the Disabled (AEH) v. France, Complaint No. 81/2012, decision on the merits of 11 September 2013**

A. Violation of Article 15§1 of the Charter with regard to the right of children and adolescents with autism to be educated primarily in mainstream schools

### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 15§1 on the ground that the right of children and adolescents with autism to be educated primarily in mainstream schools was not guaranteed.

### 2. Information provided by the Government

The Government states in the [information](#) registered on 17 December 2014 that several autism plans have been implemented since the Committee's decision. It refers to the following autism plans: 2005-2007; 2008-2010; 2013-2017.

As to access to education, the information gives several sets of figures relating to pupils with autism being educated in schools:

- in 2013-2014, 23 545 pupils with autism were being educated in a mainstream environment, 17 492 of whom were being educated in pre-primary and primary school and 6 053 in secondary school;
- 15 670 benefited from the support of a school assistant (AVS);
- 3 681 attended school on a part-time basis (school and teaching unit);
- some 10 900 pupils were educated solely in teaching units.

The information also states that the autism plan for 2013-2017 includes an instruction, which resulted in the establishment of a further 30 teaching units in nursery schools at the beginning of the academic year in September 2014 so as to facilitate the education of children with autism or other pervasive developmental disorders. These teaching units are a means of educating pre-primary pupils with autism or other PDDs who have been referred to a medico-social establishment or service in units set up within mainstream schools.

### 3. Assessment of the follow-up

The Committee already took note of the 2005-2007 and 2008-2010 autism plans in its decision on the merits. The decision outlines the reasons which prompted the Committee to consider that these positive developments were not sufficient to bring the situation into conformity with the Charter.

The Committee therefore takes note of the 3rd autism plan for 2013-2017 and the figures referred to above. It notes in particular that more children with autism benefit from the support of a school assistant. However, these figures do not yet indicate true quantitative progress in access for children with autism to school.

So as to assess whether any progress has been made in access for children with autism to school following the 3rd autism plan, the Committee asks for the information on the follow-up given to decisions that will be submitted in October 2017, to state what proportion of children with autism have such access.

The Committee finds that the situation has not been brought into conformity.

B. Violation of Article 15§1 with regard to the right of young persons with autism to vocational training

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 15§1 on the ground that the right of young persons with autism to vocational training was not guaranteed.

2. Information provided by the Government

The Government does not provide any answers on this issue in the [information](#) registered on 17 December 2014.

3. Assessment of the follow-up

The Committee asks for information on the follow-up given to decisions that will be submitted in October 2017 regarding the right of young persons with autism to vocational training.

The Committee finds that the situation has not been brought into conformity with the Charter.

C. Violation of Article 15§1 because the work done in specialised institutions caring for children and adolescents with autism is not predominantly educational in nature

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 15§1 because the work done in specialised institutions caring for children and adolescents with autism was not predominantly educational in nature.

2. Information provided by the Government

The Government does not provide any answers on this issue in the [information](#) registered on 17 December 2014.

3. Assessment of the follow-up

The Committee asks for the information on the follow-up given to decisions that will be submitted in October 2017, to state whether the work done in specialised institutions caring for children and adolescents with autism is predominantly educational in nature.

The Committee finds that the situation has not been brought into conformity with the Charter.

D. Violation of Article E taken in conjunction with Article 15§1 because families have no other choice than to leave France in order to educate their children with autism in a specialised school

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 15§1 because families had no other choice than to leave France in order to educate their children with autism in a specialised school, which constituted a direct discrimination against them.

2. Information provided by the Government

The Government does not provide any answers on this issue in the [information](#) registered on 17 December 2014.

3. Assessment of the follow-up

The Committee asks for the information on the follow-up given to decisions that will be submitted in October 2017, to state whether enough provision is made for the education of children with autism in specialised schools.

The Committee finds that the situation has not been brought into conformity with the Charter.

E. Violation of Article E taken in conjunction with Article 15§1 because of the limited funds available under the Autism Plan for the education of children and adolescents with autism

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 15§1 on the ground that the limited funds available under the Autism Plan for the education of children and adolescents with autism indirectly disadvantaged these persons with disabilities.

2. Information provided by the Government

The Government does not provide any answers on this issue in the [information](#) registered on 17 December 2014.

3. Assessment of the follow-up

The Committee finds that the situation has not been brought into conformity with the Charter.

**International Movement ATD Fourth World v. France, Complaint No. 33/2006, decision on the merits of 5 December 2007**

A. Violation of Article 31§2

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 31§2 on the ground that the legislation on the prevention of evictions was unsatisfactory and there was a lack of measures to provide rehousing solutions for evicted families.

2. Information provided by the Government

The Government does not provide any answers on this issue in the [information](#) registered on 17 December 2014.

3. Assessment of the follow-up

The Committee asks for information on the follow-up given to decisions that will be submitted in October 2017 regarding the prevention of evictions and measures to provide rehousing solutions for evicted families.

The Committee finds that the situation has not been brought into conformity with the Charter.

B. Violation of Article 31§3

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 31§3 on the grounds that:

- there was a clear shortage of social housing at an affordable price for the poorest people;
- the arrangements for allocating social housing to the poorest people and the available remedies in the event of excessively long waits for housing were inadequate.

2. Information provided by the Government

The Government does not provide any answers on this issue in the [information](#) registered on 17 December 2014.

3. Assessment of the follow-up

The Committee asks for the information on the follow-up given to decisions that will be submitted in October 2017, to state, on the basis of relevant figures, what affordable housing is available to the poorest people. It also asks for a detailed

description of the arrangements for allocating social housing to the poorest people and the remedies available in the event of excessively long waits for housing.

The Committee finds that the situation has not been brought into conformity with the Charter.

### C. Violation of Article E taken in conjunction with Article 31

#### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article E on the ground that the implementation of the legislation on stopping places for Travellers was deficient.

#### 2. Information provided by the Government

The Government states in the [information](#) registered on 17 December 2014 that between 2004 and 2013, funding was provided for 887 places on family plots and that in 2013, 64% of the *département* plans had been completed. It also states that a new interministerial strategy on the situation of Travellers was set up in 2013. Furthermore, local governance of policies for Travellers was amended by Law No. 2014-58 of 27 January 2014 on the modernisation of public local and regional action and the consolidation of metropolitan areas, under which it became obligatory for responsibility for the development, upkeep and management of stopping places to be assigned to metropolitan municipalities, ordinary metropolitan areas, the Greater Paris Metropolitan Area or the Greater Lyon Metropolitan Area. The bill on the clarification of the local and regional organisation of the Republic also provided for this responsibility to be transferred to groupings of municipalities and greater agglomerations.

#### 3. Assessment of the follow-up

In its decision the Committee found that there was a shortage of 41 800 places at stopping areas. While taking note of the information provided, it notes that the Government does not state whether the situation has been remedied. It therefore asks for the information on the follow-up given to decisions that will be submitted in October 2017, to clarify the situation with regard to the supply of and demand for places at stopping areas.

The Committee finds that the situation has not been brought into conformity with the Charter.



## D. Violation of Article 30

### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 30 on the ground that there was no co-ordinated approach to promoting effective access to housing for persons who lived or risked living in a situation of social exclusion or poverty.

### 2. Information provided by the Government

The Government states in the [information](#) registered on 17 December 2014 that on 21 January 2013 it decided to set up a long-range plan to combat poverty and promote social inclusion, which was relaunched in January 2014. The plan serves as the Government's roadmap and comprises 69 measures, including the development of a stock of social housing for the poorest households.

### 3. Assessment of the follow-up

The Committee takes note of the long-range plan to combat poverty and promote social inclusion launched in 2013. It asks for information on the follow-up given to decisions that will be submitted in October 2017 regarding the implementation of this plan so as to assess whether the situation has been remedied.

The Committee finds that the situation has not been brought into conformity with the Charter.

## E. Violation of Article E taken in conjunction with Article 30

### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 30 on the ground that there was no co-ordinated approach to promoting effective access to housing for persons who lived or risked living in a situation of social exclusion or poverty.

### 2. Information provided by the Government

The Government states in the [information](#) registered on 17 December 2014 that on 21 January 2013 it decided to set up a long-range plan to combat poverty and promote social inclusion, which was relaunched in January 2014. The plan serves as the Government's roadmap and comprises 69 measures, including the development of a stock of social housing for the poorest households.

### 3. Assessment of the follow-up

The Committee takes note of the long-range plan to combat poverty and promote social inclusion launched in 2013. It asks for information on the follow-up given to decisions that will be submitted in October 2017 regarding the implementation of this plan so as to assess whether the situation has been remedied.

The Committee finds that the situation has not been brought into conformity with the Charter.

**European Federation of National Organisations working with the Homeless (FEANTSA) v. France, Complaint No. 39/2006, decision on the merits of 5 December 2007**

A. Violation of Article 31§1

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 31§1 on the ground that insufficient progress had been made on the eradication of substandard housing and that a large number of households lacked proper amenities.

2. Information provided by the Government

The Government states in the [information](#) registered on 17 December 2014 that the head of the Interministerial Department for Accommodation and Access to Housing (DIHAL) has the task of overseeing the implementation of state priorities in the area of accommodation and access to housing for homeless or poorly housed persons. His remit also covers combating substandard housing.

3. Assessment of the follow-up

The Committee notes that combating substandard housing is one of the state's priorities in the housing sphere. It asks for the information on the follow-up given to decisions that will be submitted in October 2017, to state what measures have been taken to eradicate substandard housing and provide the proper amenities that a large number of households currently lack.

The Committee finds that the situation has not been brought into conformity with the Charter.

B. Violation of Article 31§2 because of the unsatisfactory implementation of the legislation on the prevention of evictions and the lack of measures to provide rehousing solutions for evicted families

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 31§2 on the ground that the implementation of the legislation on the prevention of evictions was unsatisfactory and there was a lack of measures to provide rehousing solutions for evicted families.

2. Information provided by the Government

The Government does not provide any answers on this issue in the [information](#) registered on 17 December 2014.

### 3. Assessment of the follow-up

The Committee asks for the information on the follow-up given to decisions that will be submitted in October 2017, to provide clarification on the implementation of legislation on the prevention of evictions and on measures to provide rehousing solutions for evicted families.

The Committee finds that the situation has not been brought into conformity with the Charter.

#### C. Violation of Article 31§2 because of the insufficient measures to reduce the number of homeless

##### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 31§2 on the ground that the measures currently in place to reduce the number of homeless were insufficient, both in quantitative and qualitative terms.

##### 2. Information provided by the Government

The Government does not provide any answers on this issue in the [information](#) registered on 17 December 2014.

### 3. Assessment of the follow-up

The Committee asks for the information on the follow-up given to decisions that will be submitted in October 2017, to describe any steps taken to enhance the measures to reduce the number of homeless, both in quantitative and in qualitative terms.

The Committee finds that the situation has not been brought into conformity with the Charter.

#### D. Violation of Article 31§3 because of the insufficient supply of social housing accessible to low-income groups

##### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 31§3 on the ground that the supply of social housing accessible to low-income groups was insufficient.

##### 2. Information provided by the Government

The Government states in the [information](#) registered on 17 December 2014 that on 21 January 2013 it decided to set up a long-range plan to combat poverty and promote social inclusion, which was relaunched in January 2014. The plan serves as the Government's roadmap and comprises 69 measures, including the development of a stock of social housing for the poorest households.

### 3. Assessment of the follow-up

The Committee takes note of the long-range plan to combat poverty and promote social inclusion launched in 2013. It asks for the information on the follow-up given to decisions that will be submitted in October 2017, to provide clarifications on the implementation of this plan so as to assess whether the situation has been remedied.

The Committee finds that the situation has not been brought into conformity with the Charter.

#### E. Violation of Article 31§3 because of flaws in the social housing allocation system and the related remedies

##### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 31§3 on the ground that there were flaws in the social housing allocation system and the related remedies.

##### 2. Information provided by the Government

The Government does not provide any answers on this issue in the [information](#) registered on 17 December 2014.

##### 3. Assessment of the follow-up

The Committee asks for the information on the follow-up given to decisions that will be submitted in October 2017, to describe any measures taken to remedy the flaws in the social housing allocation system and the related remedies.

The Committee finds that the situation has not been brought into conformity with the Charter.

#### F. Violation of Article E taken in conjunction with Article 31§3

##### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 31§3 on the ground that the implementation of the legislation on stopping places for Travellers was deficient.

##### 2. Information provided by the Government

The Government states in the [information](#) registered on 17 December 2014 that between 2004 and 2013, funding was provided for 887 places on family plots and that in 2013, 64% of the *département* plans had been completed. It also states that a new interministerial strategy on the situation of Travellers was set up in 2013. Furthermore, local governance of policies for Travellers was amended by Law No.

2014-58 of 27 January 2014 on the modernisation of public local and regional action and the consolidation of metropolitan areas, under which it became obligatory for responsibility for the development, upkeep and management of stopping places to be assigned to metropolitan municipalities, ordinary metropolitan areas, the Greater Paris Metropolitan Area or the Greater Lyon Metropolitan Area. The bill on the clarification of the local and regional organisation of the Republic also provided for this responsibility to be transferred to groupings of municipalities and greater agglomerations.

### 3. Assessment of the follow-up

In its decision the Committee found that there was a shortage of 41 800 places at stopping areas. While taking note of the information provided, it notes that the Government does not state whether the situation has been remedied. It therefore asks for the information on the follow-up given to decisions that will be submitted in October 2017, to clarify the situation with regard to the supply of and demand for places at stopping areas.

The Committee finds that the situation has not been brought into conformity with the Charter.

**European Roma Rights Centre (ERRC) v. France, Complaint No. 51/2008, decision on the merits of 19 October 2009**

A. Violation of Article 31§1 because of the failure to provide a sufficient number of stopping places

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 31§1 because of the failure to provide a sufficient number of stopping places.

2. Information provided by the Government

The Government states in the [information](#) registered on 17 December 2014 that between 2004 and 2013, funding was provided for 887 places on family plots and that in 2013, 64% of the *département* plans had been completed. It also states that a new interministerial strategy on the situation of Travellers was set up in 2013. Furthermore, local governance of policies for Travellers was amended by Law No. 2014-58 of 27 January 2014 on the modernisation of public local and regional action and the consolidation of metropolitan areas, under which it became obligatory for responsibility for the development, upkeep and management of stopping places to be assigned to metropolitan municipalities, ordinary metropolitan areas, the Greater Paris Metropolitan Area or the Greater Lyon Metropolitan Area. The bill on the clarification of the local and regional organisation of the Republic also provided for this responsibility to be transferred to groupings of municipalities and greater agglomerations.

3. Assessment of the follow-up

The Committee found in its decision that there was a 50% shortage in places on stopping areas. While taking note of the information provided, it notes that the Government does not state whether the situation has been remedied. It therefore asks for the information on the follow-up given to decisions that will be submitted in October 2017, to clarify the situation with regard to the supply of and demand for places at stopping areas.

The Committee finds that the situation has not been brought into conformity with the Charter.

B. Violation of Article 31§1 because of the poor living conditions and operational failures at stopping places

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 31§1 because of the poor living conditions and operational failures at stopping places.

## 2. Information provided by the Government

The Government states in the [information](#) registered on 17 December 2014 that a new interministerial strategy on the situation of Travellers was set up in 2013. Furthermore, local governance of policies for Travellers was amended by Law No. 2014-58 of 27 January 2014 on the modernisation of public local and regional action and the consolidation of metropolitan areas, under which it became obligatory for responsibility for the development, upkeep and management of stopping places to be assigned to metropolitan municipalities, ordinary metropolitan areas, the Greater Paris Metropolitan Area or the Greater Lyon Metropolitan Area. The bill on the clarification of the local and regional organisation of the Republic also provided for this responsibility to be transferred to groupings of municipalities and greater agglomerations.

## 3. Assessment of the follow-up

The Committee takes note of the aforementioned strategy and of Law No. 2014-58 of 27 January 2014 on the modernisation of public local and regional action and the consolidation of metropolitan areas. It asks for the information on the follow-up given to decisions that will be submitted in October 2017, to describe to what extent the strategy and the legislative amendment have helped to remedy the situation.

The Committee finds that the situation has not been brought into conformity with the Charter.

### C. Violation of Article 31§1 because of the lack of access to housing for settled Travellers

#### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 31§1 on the ground that access to housing for settled Travellers was inadequate.

## 2. Information provided by the Government

The Government states in the [information](#) registered on 17 December 2014 that for settled Travellers, long-term housing solutions can be financed using general social housing funds. The assisted rental loan for integration purposes (PLA-I) is the best means of meeting this demand. It also states that since 2013 some of the costs of setting up stopping places can be reduced through a lower purchase price for land when it is sold by the state (Decree No. 2013-315 of 15 April 2013 implementing Law No. 2013-61 of 18 January 2013 on the use of public land for housing and increased obligations to provide social housing, which lays down the procedure for determining the purchase price of state-owned land in the context of programmes for the construction of housing).



### 3. Assessment of the follow-up

The Committee takes note of the assisted rental loan for integration purposes (PLA-I) and the measures to reduce the cost of setting up stopping places. These measures do represent some progress but the Committee asks for the information on the follow-up given to decisions that will be submitted in October 2017, to give figures on the supply of and demand for family plots.

The Committee finds that the situation has not been brought into conformity with the Charter.

#### D. Violation of Article 31§2

##### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 31§2 on the ground that eviction procedures and other penalties were not suitable.

##### 2. Information provided by the Government

The Government states in the [information](#) registered on 17 December 2014 that the interministerial circular of 26 August 2012 intended to anticipate and provide guidelines for evictions from unlawfully occupied land provides that before any eviction a “study of the situation of each of the families or unaccompanied persons” present should be made.

To achieve this aim, institutions and associations have a whole range of solutions available to them, both in the public housing stock and in the so-called ordinary private stock, but also in the supported housing sector. These various possibilities cover both collective facilities and non-collective individual housing. The Government has also included in its long-range plan to combat poverty and promote social exclusion for 2013-2016 a specific annual appropriation of €4 million to conduct studies and promote the establishment of support schemes under the five-year anti-poverty plan. These funds are divided between the regional prefectures to cover the various support schemes communicated by the regional prefects.

The Government points out that the implementation of the housing-related aspects of the circular of 26 August 2012 still poses problems.

##### 3. Assessment of the follow-up

The Committee takes note of the adoption of the interministerial circular intended to anticipate and provide guidelines for evictions from unlawfully occupied land. It notes that this circular is a step forward. However, in view of the fact that the Government recognises that the implementation of the housing-related aspects of the circular still poses problems, it asks for the information on the follow-up given to decisions that will be submitted in October 2017, to provide clarifications on the implementation of these aspects.

The Committee also asks what measures will be taken to ensure that in future Travellers will not suffer unjustified violence during evictions.

The Committee finds that the situation has not been brought into conformity with the Charter.

#### E. Violation of Article E taken in conjunction with Article 31

##### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 31 on the ground that Travellers suffered discrimination in the implementation of the right to housing.

##### 2. Information provided by the Government

The Government states in the [information](#) registered on 17 December 2014 that an assisted rental loan for integration purposes (PLA-I) and a reduction in the costs of setting up stopping places have been introduced. It also states that a new interministerial strategy on the situation of Travellers was set up in 2013. In addition, the long-range plan to combat poverty and promote social inclusion adopted at the meeting of the Interministerial Committee to Combat Exclusion on 21 January 2013 contains a number of provisions relating specifically to Travellers including a policy on Travellers' accommodation.

##### 3. Assessment of the follow-up

The Committee takes note of the specific measures taken with regard to Travellers' right to housing.

The Committee finds that the situation has been brought into conformity with the Charter.

#### F. Violation of Article 16

##### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 16 on the ground that there was a violation of Article 31.

##### 2. Information provided by the Government

The Committee refers to the information above concerning Articles 31§1 and 31§2.

##### 3. Assessment of the follow-up

Since the information provided in respect of Articles 31§1 and 31§2 has not made it possible to conclude that the situation has been brought into conformity with the

Charter, the Committee finds that the situation has not been brought into conformity with Article 16 of the Charter either.

#### G. Violation of Article E taken in conjunction with Article 16

##### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 16 on the ground that there was a violation of Article E taken in conjunction with Article 31.

##### 2. Information provided by the Government

The Committee refers to the information above concerning Article E taken in conjunction with Article 31.

##### 3. Assessment of the follow-up

Since the information provided in respect of Article E taken in conjunction with Article 31 has made it possible to conclude that the situation has been brought into conformity with the Charter, the Committee finds that the situation has also been brought into conformity with Article E taken in conjunction with Article 16 of the Charter.

#### H. Violation of Article 30

##### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 30 because of the lack of a co-ordinated approach to promoting effective access to housing for persons who live or risk living in a situation of social exclusion.

##### 2. Information provided by the Government

The Government states in the [information](#) registered on 17 December 2014 that on 21 January 2013 it decided to set up a long-range plan to combat poverty and promote social inclusion, which was relaunched in January 2014. This plan comprises a number of provisions that are specific to Travellers including a policy on accommodation for Travellers.

##### 3. Assessment of the follow-up

The Committee takes note of the long-range plan to combat poverty and promote social inclusion launched in 2013. It asks for the information on the follow-up given to decisions that will be submitted in October 2017, to provide clarifications on the implementation of this plan so that it can assess whether the situation has been remedied.

The Committee finds that the situation has not been brought into conformity with the Charter.

I. Violation of Article E taken in conjunction with Article 30

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 30 because of the qualification period of three years' attachment to a municipality to be entitled to vote and the effect of the 3% quota on Travellers' voting rights.

2. Information provided by the Government

The Government states in the [information](#) registered on 17 December 2014 that in a decision of 5 October 2012 the Constitutional Council declared the qualification period of three years' attachment to a municipality unconstitutional. The requirement is now six months, as for other nationals. However, the constitutionality of the limit of 3% on the number of voters without fixed domicile or residence was upheld by this decision.

3. Assessment of the follow-up

The Committee notes that the period for which persons are required to have been attached to a municipality to be entitled to vote is now no longer three years but six months. However, it also notes that when the 3% quota is reached, Travellers still cannot attach themselves to a municipality and therefore still do not have the right to vote.

The Committee finds that the situation has not been brought into conformity with the Charter.

J. Violation of Article 19§4 c)

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 19§4 c) because of the violation of Article 31.

2. Information provided by the Government

The Committee refers to the information provided above with regard to Article 31.

3. Assessment of the follow-up

Since the information provided in respect of Article 31 has not made it possible to conclude that the situation has been brought into conformity with the Charter, the Committee finds that the situation has not been brought into conformity with Article 19§4 c) either.

**Centre on Housing Rights and Evictions (COHRE) v. France, Complaint No. 63/2010, decision on the merits of 28 June 2011**

A. Violation of Article E taken in conjunction with Article 31§2

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was an aggravated violation of Article E taken in conjunction with Article 31§2 because the conditions in which the forced evictions of Roma camps had taken place in the summer of 2010 were incompatible with human dignity.

2. Information provided by the Government

The Government states in the [information](#) registered on 17 December 2014 that the interministerial circular of 26 August 2012 intended to anticipate and provide guidelines for evictions from unlawfully occupied land provides that before any eviction a “study of the situation of each of the families or unaccompanied persons” present should be made.

To achieve this aim, institutions and associations have a whole range of solutions available to them, both in the public housing stock and in the so-called ordinary private stock, but also in the supported housing sector. These various possibilities cover both collective facilities and non-collective individual housing. The Government has also included in its long-range plan to combat poverty and promote social exclusion for 2013-2016 a specific annual appropriation of €4 million to conduct studies and promote the establishment of support schemes under the five-year anti-poverty plan. These funds are divided between the regional prefectures to cover the various support schemes communicated by the regional prefects.

The Government points out that the implementation of the housing-related aspects of the circular of 26 August 2012 still poses problems.

3. Assessment of the follow-up

The Committee takes note of the adoption of the interministerial circular intended to anticipate and provide guidelines for evictions from unlawfully occupied land. It notes that this circular is a step forward. However, in view of the fact that the Government recognises that the implementation of the housing-related aspects of the circular still poses problems, it asks for the information on the follow-up given to decisions that will be submitted in October 2017, to provide clarifications on the implementation of these aspects.

The Committee also asks what measures will be taken to ensure that in future Roma will not suffer unjustified violence during evictions.

The Committee finds that the situation has not been brought into conformity with the Charter.

## B. Violation of Article E taken in conjunction with Article 19§8

### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 19§8 on the ground that Roma of Romanian and Bulgarian origin consented to repatriation to their countries of origin in the summer of 2010 under constraint and against a background of racial discrimination.

### 2. Information provided by the Government

The Government does not provide any answers on this issue in the [information](#) registered on 17 December 2014.

### 3. Assessment of the follow-up

The Committee asks for the information on the follow-up given to decisions that will be submitted in October 2017, to state whether the practices at issue in the decision on the complaint have been definitely halted.

The Committee finds that the situation has not been brought into conformity with the Charter.

**European Roma and Travellers Forum (ERTF) v. France, Complaint No. 64/2011, decision on the merits of 24 January 2012**

A. Violation of Article E taken in conjunction with Article 19§8

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 19§8 on the ground that the administrative decisions whereby, after the summer of 2010, Roma of Romanian and Bulgarian origin had been ordered to leave French territory, where they had been resident, had not been founded on an examination of their personal circumstances, had not respected the proportionality principle and had been discriminatory in nature since they had targeted the Roma community.

2. Information provided by the Government

The Government does not provide any answers on this issue in the [information](#) registered on 17 December 2014.

3. Assessment of the follow-up

The Committee asks for the information on the follow-up given to decisions that will be submitted in October 2017, to state whether the practices at issue in the decision on the complaint have been definitely halted.

The Committee finds that the situation has not been brought into conformity with the Charter.

B. Violation of Article E taken in conjunction with Article 30

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 30 because of the situation of Travellers with regard to the right to vote.

2. Information provided by the Government

The Government states in the [information](#) registered on 17 December 2014 that in a decision of 5 October 2012 the Constitutional Council declared the qualification period of three years' attachment to a municipality unconstitutional. The requirement is now six months, as for other nationals. However, the constitutionality of the limit of 3% on the number of voters without fixed domicile or residence was upheld by this decision.

### 3. Assessment of the follow-up

The Committee notes that the period for which persons are required to have been attached to a municipality to be entitled to vote is now no longer three years but six months. However, it also notes that when the 3% quota is reached, Travellers still cannot attach themselves to a municipality and therefore still do not have the right to vote.

The Committee finds that the situation has not been brought into conformity with the Charter.

#### C. Violation of Article E taken in conjunction with Article 31§1

##### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 31§1 on the ground that the implementation of the legislation on stopping places for Travellers and Roma of Romanian and Bulgarian origin was deficient.

##### 2. Information provided by the Government

The Government states in the [information](#) registered on 17 December 2014 that between 2004 and 2013, funding was provided for 887 places on family plots and that in 2013, 64% of the *département* plans had been completed. It also states that a new interministerial strategy on the situation of Travellers was set up in 2013. Furthermore, local governance of policies for Travellers was amended by Law No. 2014-58 of 27 January 2014 on the modernisation of public local and regional action and the consolidation of metropolitan areas, under which it became obligatory for responsibility for the development, upkeep and management of stopping places to be assigned to metropolitan municipalities, ordinary metropolitan areas, the Greater Paris Metropolitan Area or the Greater Lyon Metropolitan Area. The bill on the clarification of the local and regional organisation of the Republic also provided for this responsibility to be transferred to groupings of municipalities and greater agglomerations.

##### 3. Assessment of the follow-up

The Committee notes that in 2013 64% of the *département* plans had been completed. It notes that some progress has been made since it noted in its decision on the merits that 52% of *département* plans had been completed. However, it considers that the implementation of the legislation on stopping places for Travellers and Roma continues to be deficient.

The Committee finds that the situation has not been brought into conformity with the Charter.



## D. Violation of Article E taken in conjunction with Article 31§2

### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 31§2 on the following grounds:

- with regard to Travellers, the execution of the forced eviction procedure governed by Articles 9 and 9-I of the Law of 5 July 2000 was inadequate;
- as to Roma of Romanian and Bulgarian origin, the conditions in which forced evictions of Roma camps took place were inconsistent with human dignity.

### 2. Information provided by the Government

The Government states in the [information](#) registered on 17 December 2014 that the interministerial circular of 26 August 2012 intended to anticipate and provide guidelines for evictions from unlawfully occupied land provides that before any eviction a “study of the situation of each of the families or unaccompanied persons” present should be made.

To achieve this aim, institutions and associations have a whole range of solutions available to them, both in the public housing stock and in the so-called ordinary private stock, but also in the supported housing sector. These various possibilities cover both collective facilities and non-collective individual housing. The Government has also included in its long-range plan to combat poverty and promote social exclusion for 2013-2016 a specific annual appropriation of €4 million to conduct studies and promote the establishment of support schemes under the five-year anti-poverty plan. These funds are divided between the regional prefectures to cover the various support schemes communicated by the regional prefects.

The Government points out that the implementation of the housing-related aspects of the circular of 26 August 2012 still poses problems.

### 3. Assessment of the follow-up

The Committee takes note of the adoption of the interministerial circular intended to anticipate and provide guidelines for evictions from unlawfully occupied land. It notes that this circular is a step forward. However, in view of the fact that the Government recognises that the implementation of the housing-related aspects of the circular still poses problems and the number of lawful parking space is limited, it asks for the information on the follow-up given to decisions that will be submitted in October 2017, to provide clarifications on the implementation of these aspects.

The Committee also asks what measures will be taken to ensure that in future Roma will not suffer unjustified violence during evictions.

The Committee finds that the situation has not been brought into conformity with the Charter.

## E. Violation of Article E taken in conjunction with Article 31§3

### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 31§3 on the ground that there was no effective access to social housing for Travellers and Roma wishing to live in mobile homes.

### 2. Information provided by the Government

The Government states in the [information](#) registered on 17 December 2014 that the Law on Access to Housing and a New Approach to Town Planning (ALUR) of 20 February 2014 provides that Travellers not leading a sedentary lifestyle but not settling at a stopping place may, if they so wish, adopt the address of an organisation in a municipality of their choice other than their municipality of attachment as their official address for the purpose of social benefits claims. This means that they can take advantage of the measures to simplify and rationalise domiciliation procedures recently set up by the ALUR Law.

In addition, the Committee refers to the information above concerning Article E taken in conjunction with Article 31§1 on the subject of the implementation of the legislation on stopping places for Travellers and for Roma.

### 3. Assessment of the follow-up

The Committee takes note of the ALUR Law. It asks, however, for the information on the follow-up given to decisions that will be submitted in October 2017, to provide clarifications from both a quantitative and a qualitative viewpoint on access to housing benefit for Travellers and for Roma living in mobile homes.

The Committee considers, in the context of Article E taken in conjunction with Article 31§1, that the implementation of the legislation on stopping places for Travellers and Roma continues to be deficient.

The Committee finds that the situation has not been brought into conformity with the Charter.

## F. Violation of Article E taken in conjunction with Article 16

### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 16 because the finding of a violation of Article E taken in conjunction with Article 31, paragraphs 1, 2 and 3, with regard to Travellers and Roma of Romanian and Bulgarian origin also resulted in a violation of Article E taken in conjunction of Article 16.

## 2. Information provided by the Government

The Committee refers to the information above concerning Article E taken in conjunction with Article 31§§1, 2 and 3.

## 3. Assessment of the follow-up

Since the information provided in respect of Article E taken in conjunction with Article 31§§1, 2 and 3 has not made it possible to conclude that the situation has been brought into conformity with the Charter, the Committee finds that the situation has not been brought into conformity with Article E taken in conjunction with Article 16 either.

**Médecins du Monde – International v. France, Complaint No. 67/2011, decision on the merits of 11 September 2012**

A. Violation of Article E taken in conjunction with Article 31§1

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 31§1 because of the excessively limited access to housing of an adequate standard and degrading housing conditions for migrant Roma lawfully resident or working regularly in France.

2. Information provided by the Government

The Government states in the [information](#) registered on 17 December 2014 that the interministerial circular of 26 August 2012 intended to anticipate and provide guidelines for evictions from unlawfully occupied land provides that before any eviction a “study of the situation of each of the families or unaccompanied persons” present should be made.

To achieve this aim, institutions and associations have a whole range of solutions available to them, both in the public housing stock and in the so-called ordinary private stock, but also in the supported housing sector. These various possibilities cover both collective facilities and non-collective individual housing. The Government has also included in its long-range plan to combat poverty and promote social exclusion for 2013-2016 a specific annual appropriation of €4 million to conduct studies and promote the establishment of support schemes under the five-year anti-poverty plan. These funds are divided between the regional prefectures to cover the various support schemes communicated by the regional prefects.

The Government points out that the implementation of the housing-related aspects of the circular of 26 August 2012 still poses problems.

The Government also states that the head of the Interministerial Department for Accommodation and Access to Housing (DIHAL) has the task of overseeing the implementation of state priorities in the area of accommodation and access to housing for homeless or poorly housed persons. His remit also covers combating substandard housing.

3. Assessment of the follow-up

The Committee takes note of the adoption of the interministerial circular intended to anticipate and provide guidelines for evictions from unlawfully occupied land. It notes that this circular is a step forward. However, in view of the fact that the Government recognises that the implementation of the housing-related aspects of the circular still poses problems, it asks for the information on the follow-up given to decisions that will be submitted in October 2017, to provide clarifications on access for migrant Roma residing lawfully or working regularly in France to housing of an adequate standard.

The Committee notes that combating substandard housing is one of the state's priorities in the housing sphere. It asks for the information on the follow-up given to decisions that will be submitted in October 2017, to state what measures have been taken to eradicate substandard housing.

The Committee finds that the situation has not been brought into conformity with the Charter.

B. Violation of Article E taken in conjunction with Article 31§2 because of the eviction procedure for migrant Roma

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 31§2 because the eviction procedure for migrant Roma from the sites where they were installed was not adequate.

2. Information provided by the Government

The Government states in the [information](#) registered on 17 December 2014 that the interministerial circular of 26 August 2012 intended to anticipate and provide guidelines for evictions from unlawfully occupied land provides that before any eviction a "study of the situation of each of the families or unaccompanied persons" present should be made.

To achieve this aim, institutions and associations have a whole range of solutions available to them, both in the public housing stock and in the so-called ordinary private stock, but also in the supported housing sector. These various possibilities cover both collective facilities and non-collective individual housing. The Government has also included in its long-range plan to combat poverty and promote social exclusion for 2013-2016 a specific annual appropriation of €4 million to conduct studies and promote the establishment of support schemes under the five-year anti-poverty plan. These funds are divided between the regional prefectures to cover the various support schemes communicated by the regional prefects.

The Government points out that the implementation of the housing-related aspects of the circular of 26 August 2012 still poses problems.

3. Assessment of the follow-up

The Committee takes note of the adoption of the interministerial circular intended to anticipate and provide guidelines for evictions from unlawfully occupied land. It notes that this circular is a step forward. However, in view of the fact that the Government recognises that the implementation of the housing-related aspects of the circular still poses problems, it asks for the information on the follow-up given to decisions that will be submitted in October 2017, to provide clarifications on the implementation of these aspects.

The Committee finds that the situation has not been brought into conformity with the Charter.

C. Violation of Article E taken in conjunction with Article 31§2 because of a lack of sufficient measures to provide emergency accommodation and reduce homelessness among migrant Roma

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 31§2 because of a lack of sufficient measures to provide emergency accommodation and reduce homelessness among migrant Roma.

2. Information provided by the Government

The Government states in the [information](#) registered on 17 December 2014 that the head of the Interministerial Department for Accommodation and Access to Housing (DIHAL) has the task of overseeing the implementation of state priorities in the area of accommodation and access to housing for homeless or poorly housed persons. His remit also covers activities ranging from assistance for people living on the street through accommodation to the development of housing provision.

The information states that the Government assigned the national social housing builder ADOMA the mission of offsetting shanty town clearances. In this connection an agreement was signed between the state and ADOMA on 28 February 2014. The mission aims notably at co-ordinating the mobilisation of housing and accommodation solutions and providing housing and/or accommodation solutions throughout the national territory.

3. Assessment of the follow-up

The Committee takes note of the fact that accommodation is one of the state's priorities and that one of the main goals of the project to offset shanty town clearances is to make accommodation available throughout France.

So as to assess whether the situation has been remedied, the Committee asks for the information on the follow-up given to decisions that will be submitted in October 2017, to provide clarifications on the implementation of these measures and state, on the basis of relevant figures, how much emergency accommodation was made available to migrant Roma who requested it.

The Committee finds that the situation has not been brought into conformity with the Charter.

D. Violation of Article E taken in conjunction with Article 16

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 16 because of the lack of sufficient measures to provide housing to families of migrant Roma residing lawfully or working regularly in France.

## 2. Information provided by the Government

The Committee refers to the information above concerning Article E taken in conjunction with Article 31§1.

## 3. Assessment of the follow-up

Since the information provided in respect of Article E taken in conjunction with Article 31§1 has not made it possible to conclude that the situation has been brought into conformity with the Charter, the Committee finds that the situation has not been brought into conformity with Article E taken in conjunction with Article 16 of the Charter either.

### E. Violation of Article E taken in conjunction with Article 30

#### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 30 because of insufficient measures to promote effective access to housing to migrant Roma residing lawfully or working regularly in France.

#### 2. Information provided by the Government

The Government states in the [information](#) registered on 17 December 2014 that on 21 January 2013 it decided to set up a long-range plan to combat poverty and promote social inclusion, which was relaunched in January 2014. The plan serves as the Government's roadmap and comprises 69 measures, including the development of a stock of social housing for the poorest households and the establishment of a policy on accommodation for Travellers.

#### 3. Assessment of the follow-up

The Committee takes note of the long-range plan to combat poverty and promote social inclusion launched in 2013. It asks for the information on the follow-up given to decisions that will be submitted in October 2017 to provide clarifications on the implementation of this plan and indicate whether it applies to migrant Roma residing lawfully or working regularly in France so as to assess whether the situation has been remedied.

The Committee finds that the situation has not been brought into conformity with the Charter.

### F. Violation of Article E taken in conjunction with Article 19§8

#### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 19§8 because of breaches inherent in the expulsion procedure for migrant Roma.

## 2. Information provided by the Government

The Government does not provide any answers on this issue in the [information](#) registered on 17 December 2014.

## 3. Assessment of the follow-up

The Committee asks for the information on the follow-up given to decisions that will be submitted in October 2017, to state whether legislation has been adopted to ensure that collective expulsions will no longer happen in the future.

The Committee finds that the situation has not been brought into conformity with the Charter.

### G. Violation of Article E taken in conjunction with Article 17§2

#### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 17§2 because the French education system was not sufficiently accessible to Roma children of Romanian and Bulgarian origin.

#### 2. Information provided by the Government

The Government states in the [information](#) registered on 17 December 2014 that three circulars were issued on 2 October 2012 making a series of recommendations on arrangements for schooling of newly arrived allophone pupils and children from itinerant and Traveller families, supervision of arrangements, combating absenteeism and non-attendance, special educational provision and the acquisition of elementary knowledge. In particular, Circular No. 2012-142 of 2 October 2012 on the education and schooling of children from itinerant and Traveller families reaffirmed the principle that Traveller children should be integrated into mainstream classes but should also be given suitable educational support.

The Minister of Education manages all of the arrangements provided for by the circulars of October 2012. National working groups have been set up by the Directorate General of School Education (DGESCO) so as to provide follow-up for the children concerned by the circulars and propose appropriate measures in certain areas such as support for pupils and their families, provision for multilingualism, establishing and implementing personalised plans and pupil assessment and guidance.

Furthermore, the joint work done by the Ministry of Education (through DGESCO) and the Interministerial Delegation for Accommodation and Access to Housing



(DIHAL) since its establishment has made it possible to enrol children living in camps in schools straight away, thus dealing with emergency situations.

In addition, a national co-ordinated network of education authority centres for the schooling of newly arrived allophone children and children from itinerant and Traveller (CASNAVs) families has been set up to help implement national policies, improve the general schooling conditions of these pupils and to facilitate the pooling of educational experience.

### 3. Assessment of the follow-up

The Committee takes note of the adoption in 2012 of the three circulars and other measures concerning the education of Roma children of Romanian and Bulgarian origin. It regards these circulars and measures as steps forward.

The Committee finds that the situation has been brought into conformity with the Charter.

#### H. Violation of Article E taken in conjunction with Article 11§1

##### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 11§1 because of difficulties of access to health care for migrant Roma, regardless of their residence status.

##### 2. Information provided by the Government

The Government states in the [information](#) registered on 17 December 2014 that since 2012, it has developed a health mediation programme for Roma. This project is covered by a four-year agreement for 2013-2016 between the association for the assistance of Travellers (ASAV), and the Directorate General of Health (DGS). It employs around 10 mediators, who work with Roma to improve their access to rights and care. Every mediator deals with some 200 people. The aim of the health mediation programme is to “reach out” to these people on the margins and succeed in steering them towards ordinary care or care facilities.

The Government’s national health strategy was also launched in February 2013 and focuses on combating inequalities in healthcare and access to the healthcare system. The information indicates that this strategy will take the form of a structural reform, which will make it possible to address the root of healthcare inequalities, upholding the decisive role of prevention and education in French public health policies.

Regional schemes to support the poor or socially vulnerable are conducted by Regional Health Agencies as part of their Regional Programmes to Promote Access to Prevention and Care (PRAPS). These programmes are combined in particular with joint work by associations in the field.

### 3. Assessment of the follow-up

The Committee takes note of the health mediation programme for Roma and the other measures taken or planned. It considers that progress has been made.

It notes that there are ten mediators dealing with some 2,000 people. Yet, the Committee noted in its decision on the merits that there were some 15,000 to 20,000 migrant Roma in France. In order to assess the effectiveness of access to healthcare for migrant Roma, it asks for the information on the follow-up given to decisions that will be submitted in October 2017, to state how many mediators there are in total and how many migrant Roma there are in the country on that date.

The Committee finds that the situation has not been brought into conformity with the Charter.

- I. Violation of Article E taken in conjunction with Article 11§2
  1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 11§2 because of the lack of information, awareness-raising and health counselling and screening for migrant Roma.

2. Information provided by the Government

The Government states in the [information](#) registered on 17 December 2014 that the health mediation programme for Roma described above includes awareness-raising and prevention campaigns.

3. Assessment of the follow-up

The Committee considers that the health mediation programme for Roma is a step forward where awareness-raising and prevention campaigns are concerned.

It notes that there are ten mediators dealing with some 2,000 people. Yet, the Committee noted in its decision on the merits that there were some 15,000 to 20,000 migrant Roma in France. In order to assess the effectiveness of awareness-raising among migrant Roma and health counselling and screening, it asks for the information on the follow-up given to decisions that will be submitted in October 2017, to state how many mediators there are in total and how many migrant Roma there are in the country on that date.

The Committee finds that the situation has not been brought into conformity with the Charter.

- J. Violation of Article E taken in conjunction with Article 11§3
  1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 11§3 because of a lack of disease and accident prevention measures targeting Roma.

## 2. Information provided by the Government

The Government states in the [information](#) registered on 17 December 2014 that the health mediation programme for Roma mentioned above includes vaccination campaigns and makes it possible, in particular, to get pregnant women and children to go to mother and infant protection facilities (PMIs), which organise vaccinations for infants and the counselling and screening which mothers and their young children need.

The Government's national health strategy was also launched in February 2013 and focuses on combating inequalities in healthcare and access to the healthcare system. The information indicates that this strategy will take the form of a structural reform, which will make it possible to address the root of healthcare inequalities, upholding the decisive role of prevention and education in French public health policies.

Regional schemes to support the poor or socially vulnerable are conducted by Regional Health Agencies as part of their Regional Programmes to Promote Access to Prevention and Care (PRAPS). These programmes are combined in particular with joint work by associations in the field.

## 3. Assessment of the follow-up

The Committee takes note of the health mediation programme for Roma and the other measures taken or planned mentioned above. It considers that progress has been made.

It notes that there are ten mediators dealing with some 2 000 people. Yet, the Committee noted in its decision on the merits that there were some 15 000 to 20 000 migrant Roma in France. In order to assess the effectiveness of measures to prevent diseases and accidents among migrant Roma, it asks for the information on the follow-up given to decisions that will be submitted in October 2017, to state how many mediators there are in total and how many migrant Roma there are in the country on that date and give the vaccination rate.

The Committee finds that the situation has not been brought into conformity with the Charter.

## K. Violation of Article E taken in conjunction with Article 13§1

### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 13§1 because of a lack of medical assistance for migrant Roma lawfully resident or working regularly in France for more than three months.

## 2. Information provided by the Government

The Government states in the [information](#) registered on 17 December 2014 that the health mediation programme for Roma mentioned above includes access to universal cover (general health system, universal health care (CMU), state medical assistance (AME)).

## 3. Assessment of the follow-up

The Committee takes note of the health mediation programme for Roma. It already noted in its decision on the merits that under French legislation, migrants whose situation is in order, particularly migrant Roma residing lawfully or working regularly in France for more than three months were entitled to sickness and maternity insurance (CMU) on the same conditions as the French population. It considered that it was the implementation of this legislation which was deficient. However, the information does not provide any clarifications on the implementation of this legislation vis-à-vis Roma.

The Committee finds therefore that the situation has not been brought into conformity with the Charter.

### L. Violation of Article 13§4

#### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 13§4 because of a lack of medical assistance for migrant Roma lawfully resident or working regularly in France for less than three months.

#### 2. Information provided by the Government

The Government states in the [information](#) registered on 17 December 2014 that the health mediation programme for Roma mentioned above includes access to universal cover (general health system, CMU, AME).

#### 3. Assessment of the follow-up

The Committee takes note of the health mediation programme for Roma.

In its decision on the merits, the Committee noted that in order to be affiliated to the general scheme under the CMU, legally resident migrants had to present evidence nonetheless that they had been residing in France for an uninterrupted period of over three months. It considered that this residence requirement constituted discrimination, particularly with regard to migrant Roma residing lawfully or working regularly in France.

The information does not state that this three-month requirement has been lifted.

The Committee finds therefore that the situation has not been brought into conformity with the Charter.

**European Council of Police Trade Unions (CESP) v. France, Complaint No. 38/2006, decision on the merits of 3 December 2007**

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 4§2 on the ground that the French system for the payment of overtime worked by national police officers was deficient.

2. Information provided by the Government

The Government indicates in the [information](#) registered on 17 December 2014 that it does not have any information to provide at this stage.

3. Assessment of the follow-up

The Committee finds that the situation has not been brought into conformity with the Charter.

**European Council of Police Trade Unions (CESP) v. France, Complaint No. 57/2009, decision on the merits of 1 December 2010**

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 4§2 because the regulations applicable to ordinary members of “the supervision and enforcement corps” since 1 January 2008 made the financial compensation for their overtime work payable at a flat rate, thus preventing those concerned from benefiting from a higher than normal rate of remuneration.

2. Information provided by the Government

The Government indicates in the [information](#) registered on 17 December 2014 that it does not have any information to provide at this stage.

3. Assessment of the follow-up

The Committee finds that the situation has not been brought into conformity with the Charter.

**European Council of Police Trade Unions (CESP) v. France, Complaint No. 68/2011, decision on the merits of 23 October 2012**

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 4§2 on the following grounds:

a) the increase in the command bonus following the withdrawal, in April 2008, of the overtime payments which the senior police officers had received before the current regulations had been introduced - regulations which could, in principle, have compensated for this withdrawal - and which had been introduced by Decree No. 2000-194 of 3 March 2000, as amended by Decree No. 2008-340 of 15 April 2008, the general regulations governing employment in the national police force of 6 June 2006, as amended by ministerial order NOR IOCC0804409A of 15 April 2008, and Instruction NOR INTC0800092C of 17 April 2008, was not adequate;

b) the arrangements for compensatory time off for overtime worked by senior police officers provided for by the Order of 6 June 2006 on the general regulations governing employment in the national police force and Decree No. 2008-340 of 15 April 2008 amending Article 1 of Decree No. 2000-194 of 3 March 2000 on the conditions for the payment of overtime to operational members of the national police force were not adequate.

2. Information provided by the Government

The Government indicates in the [information](#) registered on 17 December 2014 that it does not have any information to provide at this stage.

3. Assessment of the follow-up

The Committee finds that the situation has not been brought into conformity with the Charter.

## GREECE

In accordance with the changes to the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, Greece was exempted from reporting on the provisions under examination in Conclusions XX-4 (2015). Greece was instead invited to provide information on the follow-up given to decisions on the merits of collective complaints in which the Committee found a violation.

The following decisions were concerned:

- Quaker Council for European Affairs (QCEA) v. Greece, complaint No. 8/2000, decision on the merits of 25 April 2001;
- World Organisation against Torture ("OMCT") v. Greece, complaint No. 17/2003, decision on the merits of 7 December 2004;
- European Roma Rights Center v. Greece, complaint No. 15/2003, decision on the merits of 8 December 2004;
- International Centre for the Legal Protection of Human Rights (INTERIGHTS) v. Greece, complaint No. 49/2008, decision on the merits of 11 December 2009;
- Marangopoulos Foundation for Human Rights (MFHR) v. Greece, complaint No. 30/2005, decision on the merits of 6 December 2006;
- General Federation of employees of the national electric power corporation (GENOP-DEI) and Confederation of Greek Civil Servants' Trade Unions (ADEDY) v. Greece, complaint No. 65/2011, decision on the merits of 23 May 2012;
- General Federation of employees of the national electric power corporation (GENOP-DEI) and Confederation of Greek Civil Servants' Trade Unions (ADEDY) v. Greece, complaint No. 66/2011, decision on the merits of 23 May 2012;
- International Federation for Human Rights (FIDH) v. Greece, complaint No. 72/2011, decision on the merits of 23 January 2013
- Federation of employed pensioners of Greece (IKA-ETAM) v. Greece, complaint No. 76/2012, decision on the merits of 7 December 2012;
- Panhellenic Federation of Public Service Pensioners (POPS) v. Greece, complaint No. 77/2012, decision on the merits of 7 December 2012;
- Pensioners' Union of the Athens-Piraeus Electric Railways (I.S.A.P.) v. Greece, complaint No. 78/2012, decision on the merits of 7 December 2012;
- Panhellenic Federation of pensioners of the Public Electricity Corporation (POS-DEI) v. Greece, complaint No. 79/2012, decision on the merits of 7 December 2012;
- Pensioners' Union of the Agricultural Bank of Greece (ATE) v. Greece, complaint No. 80/2012, decision on the merits of 7 December 2012.

The Committee's assessments appear below. They also appear in the HUDOC database.

The Committee found that the situation has been brought into conformity in respect of the following findings of violation:



- Quaker Council for European Affairs (QCEA) v. Greece, complaint No. 8/2000, decision on the merits of 25 April 2001:
  - o Article 1§2 of the 1961 Charter
- International Federation for Human Rights (FIDH) v. Greece, complaint No. 72/2011, decision on the merits of 23 January 2013:
  - o Article 11§2 of the 1961 Charter

**Quaker Council for European Affairs (QCEA) v. Greece, complaint No. 8/2000, decision on the merits of 25 April 2001**

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 1§2 of the 1961 Charter on the ground that the duration of civilian service which is 18 months longer than that of the corresponding military service amounted to a disproportionate restriction on “the right of the worker to earn his living in an occupation freely entered upon”.

2. Information provided by the Government

The Government indicates in the [information](#) registered on 28 August 2015 that in accordance with the provisions of the relevant Decision of the Ministry of National Defense, issued in the exercise of powers conferred by article 60 of Act No. 3421/20054, conscientious objectors are now discharged after completing the following periods of service:

- Fifteen (15) months, for those who would be required to serve full twelve or nine (12 or 9) month’s military service, if they would serve an armed military service.
- Twelve (12) months, for those who would be required to serve reduced nine (9) months’ military service, if they would serve an armed military service.
- Nine (9) months, for those who would be required to serve reduced six (6) months’ military service, if they would serve an armed military service.
- Five (5) months, for those who would be finally dismissed from the Armed Forces, if they would serve an armed military service, after the completion of a three (3) months’ real military service.

3. Assessment of the follow-up

The Committee takes note of the amendment reducing the duration of alternative service.

The Committee finds that the situation has been brought into conformity with the 1961 Charter.

**World Organisation against Torture (“OMCT”) v. Greece, complaint No. 17/2003, decision on the merits of 7 December 2004**

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 17 of the 1961 Charter on the ground that the Greek legislation did not prohibit all forms of corporal punishment on children within the family, in secondary schools and in other institutions and forms of care for children.

2. Information provided by the Government

The Government indicates in the [information](#) registered on 28 August 2015 that the Law 3500/2006, explicitly prohibits corporal punishment in the home and the Law 3328/2005, explicitly prohibits any kind of physical punishment of students in secondary schools. The Committee also takes note of various measures taken with a view to implementing this legislative framework.

3. Assessment of the follow-up

The Committee takes note of the positive legislative amendments concerning the family and secondary schools. However, there is still no information concerning other institutions and forms of care for children.

The Committee finds that the situation has not been brought into conformity with the 1961 Charter.

## **European Roma Rights Center v. Greece, complaint No. 15/2003, decision on the merits of 8 December 2004**

### A. Violation of Article 16 because of the insufficiency of permanent dwellings

#### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 16 of the 1961 Charter on the ground that permanent dwellings for Roma families were insufficient.

#### 2. Information provided by the Government

The Government indicates in the [information](#) registered on 28 August 2015 that several measures have been developed.

First, the Integrated Action Plan (IAP) for the social integration of Greek Roma (2002-2008) aimed at reducing social disparities, promoting social justice and the social integration of Greek Roma by notably putting emphasis on housing infrastructure and services.

Second, the Programme for housing loans to the Greek Roma (2002-2009) provided for the granting of 9,000 loans of up to € 60,000 each. To date 6,625 loans have been disbursed.

Third, the National Strategy for the Social Integration of Roma 2012-2020 highlighted housing as a key priority in the context of integrated local interventions. In order to upgrade the living conditions of Roma, relevant pilot actions have been implemented in three regions (Thessaly, Eastern Macedonia and Thrace and Central Greece).

#### 3. Assessment of the follow-up

The Committee already took note of the first measure in its decisions on the merits. It also took note of the housing loans programme in its decision on the merits, *International Centre for the Legal Protection of Human Rights (INTERIGHTS) v. Greece*, complaint No. 49/2008 of 11 December 2009. These decisions outline the reasons which prompted the Committee to consider that these positive developments were not sufficient to bring the situation into conformity with the 1961 Charter.

The Committee therefore takes note of the 3<sup>rd</sup> measure which corresponds to the National Strategy for the Social Integration of Roma 2012-2020, which constitutes a progress. However, the information fails to provide data on Roma who no longer live in substandard housing conditions. In its decision on the merits, the Committee noted that 100,000 Roma were living in such conditions.

The Committee asks for information on the follow-up given to decisions that will be submitted in October 2017 regarding further developments regarding the National Strategy for Roma or any other project to improve Roma families' housing conditions as well as data on Roma living in substandard housing conditions.

The Committee finds that the situation has not been brought into conformity with the 1961 Charter.

## B. Violation of Article 16 because of the lack of temporary stopping facilities

### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 16 of the 1961 Charter on the ground that there was a lack of temporary stopping facilities for Roma families.

### 2. Information provided by the Government

The Government does not provide any answers on this issue in the [information](#) registered on 28 August 2015.

### 3. Assessment of the follow-up

The Committee asks for information on the follow-up given to decisions that will be submitted in October 2017 regarding the measures that will be taken to remedy the lack of temporary stopping facilities for Roma families.

The Committee finds that the situation has not been brought into conformity with the 1961 Charter.

## C. Violation of Article 16 because of the forced eviction and sanctions

### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 16 of the 1961 Charter on the ground that there were forced evictions and sanctions of Roma families.

### 2. Information provided by the Government

The Government indicates in the [information](#) registered on 28 August 2015 that in accordance with the provisions of article 2 of Act No.263/1968 on «Amending and supplementing provisions on public property», as supplemented by Article 15 of Act No.719/1977, opposition proceedings may be brought against the administrative eviction protocol before the competent Magistrates Court within a non-extendable period of thirty (30) days from its communication. The opposition proceedings do not suspend the enforcement of the above mentioned Protocol, yet, by request of the opposing party, the President of the Court of First Instance may order, by means of an act, the suspension of the enforcement until the ruling on the opposition is issued. Similarly, an appeal against the decision rejecting the opposition does not suspend the enforcement of the Protocol.

### 3. Assessment of the follow-up

The Committee already took note of this legislation in its decision on the merits. This decision outlines the reasons which prompted the Committee to consider that this legislation was not sufficient to bring the situation into conformity with the 1961 Charter.

The Committee asks for information on the follow-up given to decisions that will be submitted in October 2017 on whether the legislation will be amended so as to introduce prior consultation, adequate notice or provision of alternative accommodation in case of eviction. It also asks whether the legislation will be amended so as to forbid the destruction of personal property of Roma families in case of eviction.

The Committee finds that the situation has not been brought into conformity with the 1961 Charter.

**International Centre for the Legal Protection of Human Rights (INTERIGHTS) v. Greece, complaint No. 49/2008, decision on the merits of 11 December 2009**

A. Violation of Article 16 because a significant number of Roma families continued to live in conditions that failed to meet minimum standards

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 16 of the 1961 Charter on the ground that the different situation of Roma families was not sufficiently taken into account with the result that a significant number of Roma families continued to live in conditions that failed to meet minimum standards.

2. Information provided by the Government

The Government indicates in the [information](#) registered on 28 August 2015 that several measures have been developed.

First, the Integrated Action Plan (IAP) for the social integration of Greek Roma (2002-2008) aimed at reducing social disparities, promoting social justice and the social integration of Greek Roma by notably putting emphasis on housing infrastructure and services.

Second, the Programme for housing loans to the Greek Roma (2002-2009) provided for the granting of 9,000 loans of up to € 60,000 each. To date 6,625 loans have been disbursed.

Third, the National Strategy for the Social Integration of Roma 2012-2020 highlighted housing as a key priority in the context of integrated local interventions. In order to upgrade the living conditions of Roma, relevant pilot actions have been implemented in three regions (Thessaly, Eastern Macedonia and Thrace and Central Greece).

3. Assessment of the follow-up

The Committee already took note of the first measure in its decisions on the merits, *European Roma Rights Center v. Greece*, complaint No. 15/2003 of 8 December 2004. It also took note of the housing loans programme in its decision on the merits. These decisions outline the reasons which prompted the Committee to consider that these positive developments were not sufficient to bring the situation into conformity with the 1961 Charter.

The Committee therefore takes note of the 3<sup>rd</sup> measure which corresponds to the National Strategy for the Social Integration of Roma 2012-2020, which constitutes a progress. However, the information fails to provide data on Roma who no longer live in substandard housing conditions. In its decision on the merits, *European Roma Rights Center v. Greece*, complaint No. 15/2003 of 8 December 2004, the Committee noted that 100,000 Roma were living in such conditions.

The Committee asks for information on the follow-up given to decisions that will be submitted in October 2017 regarding further developments on the National Strategy for Roma or any other project to improve Roma families' housing conditions as well as data on Roma living in substandard housing conditions.

The Committee finds that the situation has not been brought into conformity with the 1961 Charter.

B. Violation of Article 16 because Roma families continued to be forcibly evicted and the legal remedies generally available were not sufficiently accessible to them

#### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 16 of the 1961 Charter on the ground that Roma families continued to be forcibly evicted and the legal remedies generally available were not sufficiently accessible to them.

#### 2. Information provided by the Government

The Government indicates in the [information](#) registered on 28 August 2015 that in accordance with the provisions of Article 2 of Act No.263/1968 on «Amending and supplementing provisions on public property», as supplemented by article 15 of Act No.719/1977, opposition proceedings may be brought against the administrative eviction protocol before the competent Magistrates Court within a non-extendable period of thirty (30) days from its communication. The opposition proceedings do not suspend the enforcement of the above mentioned Protocol, yet, by request of the opposing party, the President of the Court of First Instance may order, by means of an act, the suspension of the enforcement until the ruling on the opposition is issued. Similarly, an appeal against the decision rejecting the opposition does not suspend the enforcement of the Protocol.

#### 3. Assessment of the follow-up

The Committee already took note of this legislation in its decision on the merits, *European Roma Rights Center v. Greece*, complaint No. 15/2003 of 8 December 2004. This decision outlines the reasons which prompted the Committee to consider that this legislation was not sufficient to bring the situation into conformity with the 1961 Charter.

The Committee asks for information on the follow-up given to decisions that will be submitted in October 2017 on whether the legislation will be amended so as to introduce prior consultation, adequate notice or provision of alternative accommodation in case of eviction. It also asks whether measures will be taken to render legal remedies sufficiently accessible to Roma families threatened by eviction.

The Committee finds that the situation has not been brought into conformity with the 1961 Charter.



**Marangopoulos Foundation for Human Rights (MFHR) v. Greece, complaint No. 30/2005, decision on the merits of 6 December 2006**

A. Violation of Article 11§§ 1 to 3

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 11§§ 1 to 3 of the 1961 Charter on the ground that Greece had not managed to strike a reasonable balance between the interests of persons living in the lignite mining areas and the general interest.

2. Information provided by the Government

The Government indicates in the [information](#) registered on 28 August 2015 that the Ministry of Environment has, to date, approved/ amended and renewed the environmental conditions for large scale lignite mines in various areas of the country (Regional Units of Arcadia, Kozani and Florina). It stresses that the approved environmental conditions for the operation of lignite mines clearly aim at both protecting the ecosystem and the anthropogenic environment of the areas around lignite mines and responding in the most rational way possible to the impact of the continuous operation of the said mining activities on the environment.

The information also mentions a list of measures:

- from 1<sup>st</sup> January 2016, the existing steam electric stations (SES) at Kozani, Florina and Arkadia (they are installed at lignite mining areas and are lignite-fired plants) are required to comply with the new stricter emission limits of gaseous pollutants (particles, sulphur dioxide, oxides of nitrogen) set by the new European Directive 2010/75/EU on industrial emissions (integrated pollution prevention and control). The new Ptolemaida SES Unit V, for which a permit as lignite-fired plant with anti-fouling technology is granted (desulphurization system, electrostatic filters), is required at start-up to comply with the new limits according to Directive 2010/75/EU;
- at Agios Dimitrios SES Units a desulphurization system (anti-pollution technology) is scheduled to be installed. At Megalopolis SES Units III, IV such a system has already been functioning properly since 2013 while at Melitis SES it was already functioning before 2012. All lignite-fired stations (SES) are equipped with electrostatic filters (anti-pollution technology) which are being replaced according to the Best Available Techniques (for example at Agios Dimitrios SES Units they have already been replaced before 2012) so that the emission limits of gaseous pollutants established by the European Commission are met for their performance;
- Ptolemaida SES Unit I has been shut down (already before 2012) while Megalopolis SES Units I and II have already been shut down since 2013. Moreover, Ptolemaida SES Unit II is gradually set at stand-by mode (from 2014);
- the construction of Megalopolis SES natural gas-fired Unit V is nearing its completion;

- the air quality at lignite mining areas, where the lignite-fired plants of the country are also located, is monitored through a network of 3 stations in the Prefecture of Arcadia and 9 stations in the Prefectures of Kozani and Florina. Since May 2014, a Committee has been established by jointly competent Units of the Ministry of Environment and of the Public Power Corporation (DEH) SA (owner of lignite mines and lignite-fired SES), in order to coordinate the management of urgent environmental issues (emergency measures when emission limit values are exceeded) at the above mentioned areas;
- in the Kozani Department of Public Health and Social Care, the inhabitants of several settlements that were or are near DEH lignite mining areas have been relocated or are under relocation;
- a Centre for the Environment has been established and operates in the region of Ptolemaida that has installed and monitored the operation of air pollution measuring stations at specific locations of Kozani Regional Unit in order to inform citizens and seek the immediate intervention of the authorities in case air pollution thresholds are exceeded;
- the construction of new modern sites;
- the Transitional National Emission Reduction Plan (TNERP) was approved by the European Commission;
- different target of reduction in the emission of sulphur dioxide and nitrogen oxide have been set for 2015 and 2016 in 5 units of Agios Dimitrios and target of reduction in the emission of nitrogen oxide in unit IV of Megalopolis;
- new hydropower projects.

### 3. Assessment of the follow-up

The Committee takes note of all these measures, which constitute a real progress.

However, the Committee considers that some clarifications/information are still missing:

- information on all the units producing lignite;
- confirmation of a significant increase of posts in the special environmental inspectorate for the northern part of Greece;
- penalties imposed in the form of fines have a deferent effect;
- how the checks are carried out in practice by the supervisory authorities responsible for the authorisation procedure and how effective they are;
- how the legislation on the information to the public is applied in practice;
- the obligation to enter into fair and genuine consultations with those exposed to environmental risks;
- environmental health education courses in primary and secondary schools;
- the organisation of epidemiological surveys.

The Committee asks for information on the follow-up given to decisions that will be submitted in October 2017 on all these issues.

The Committee finds that the situation has not been brought into conformity with the 1961 Charter.

## B. Violation of Article 3§2

### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 3§2 of the 1961 Charter on the ground that the obligation to effectively monitor the enforcement of regulations on health and safety at work had not been fulfilled.

### 2. Information provided by the Government

The Government indicates in the [information](#) registered on 28 August 2015 that among the activities of the Public Power Corporation (DEH) Group there are workplace inspections relating to health and safety issues and statistical analysis of occupational accidents.

### 3. Assessment of the follow-up

The Committee noted in its decision on the merits that there was a lack of inspectors and precise data on the number of accidents in the mining sector. The Committee observes that this information is still not provided.

The Committee asks for information on the follow-up given to decisions that will be submitted in October 2017 on the number of inspectors relating to health and safety issues in the mining sector and the number of accidents in the mining sector.

The Committee finds that the situation has not been brought into conformity with the 1961 Charter.

## C. Violation of Article 2§4

### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 2§4 of the 1961 Charter on the ground that the legislation did not require collective agreements to provide for compensation for miners because of the arduous nature of their work.

### 2. Information provided by the Government

The Government indicates in the [information](#) registered on 28 August 2015 that the last Collective Labour Agreement for blue collar workers of mines and lignite mines dated of 2011. The said Collective Labour Agreement set the duration of a working week at 40 hours, defined as holiday the 4<sup>th</sup> of December, the date of commemoration of Saint Barbara, the saint patron of miners, provided for the granting of an unhealthy work allowance at a rate of 12% and 17% and personal protective equipment.

### 3. Assessment of the follow-up

The Committee notes that the Collective Labour Agreement sets the duration of a working week at 40 hours and provides for an additional day as holiday.

The Committee recalls that compensation measures such as one additional day as holiday and a maximum weekly working time of 40 hours are considered inadequate in that they do not offer workers exposed to risks regular and sufficient time to recover. It also recalls that under no circumstances can financial compensation be considered a relevant and appropriate measure to achieve the aims of Article 2§4.

The Committee finds that the situation has not been brought into conformity with the 1961 Charter.

**General Federation of employees of the national electric power corporation (GENOP-DEI) and Confederation of Greek Civil Servants' Trade Unions (ADEDY) v. Greece, complaint No. 65/2011, decision on the merits of 23 May 2012**

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 4§4 of the 1961 Charter on the ground that the Section 17§5 of Act No. 3899 of 17 December 2010 did make no provision for notice periods or severance pay in cases where an employment contract, which qualified as “permanent” under the law, was terminated during the probationary period set at one year by the same law.

2. Information provided by the Government

The Government indicates in the [information](#) registered on 28 August 2015 that Section 17§5 of Act No. 3899 of 17 December 2010 continues to apply.

3. Assessment of the follow-up

In view of the fact that Section 17§5 of Act No. 3899 of 17 December 2010 has not been amended so as to provide for notice periods or severance pay in cases where an employment contract, which qualifies as “permanent” under the law, is terminated during the probationary period set at one year by the same law, the Committee finds that the situation has not been brought into conformity with the 1961 Charter.

**General Federation of employees of the national electric power corporation (GENOP-DEI) and Confederation of Greek Civil Servants' Trade Unions (ADEDY) v. Greece, complaint No. 66/2011, decision on the merits of 23 May 2012**

A. Violation of Article 7§7

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 7§7 of the 1961 Charter on the ground that the apprentices were not entitled to a three weeks' annual holiday with pay within the one year of their special apprenticeship contract.

2. Information provided by the Government

The Government does not provide any answers on this issue in the [information](#) registered on 28 August 2015.

3. Assessment of the follow-up

The Committee notes that there is no evidence on a possible amendment to the legislation.

The Committee finds that the situation has not been brought into conformity with the 1961 Charter.

B. Violation of Article 10§2

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 10§2 of the 1961 Charter on the ground that the provisions of Section 74§9 of Act No. 3863/2010 did not provide for an adequate system of apprenticeship and other systematic arrangements for training young boys and girls in their various forms of employment.

2. Information provided by the Government

The Government does not provide any answers on this issue in the [information](#) registered on 28 August 2015.

3. Assessment of the follow-up

The Committee notes that there is no evidence on a possible amendment to the legislation.

The Committee finds that the situation has not been brought into conformity with the 1961 Charter.

### C. Violation of Article 12§3

#### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 12§3 of the 1961 Charter on the ground that the highly limited protection against social and economic risks afforded to minors engaged in 'special apprenticeship contracts' under Section 74§9 of Act No. 3863/2010 had the practical effect of establishing a distinct category of workers who are effectively excluded from the general range of protection offered by the social security system at large.

#### 2. Information provided by the Government

The Government does not provide any answers on this issue in the [information](#) registered on 28 August 2015.

#### 3. Assessment of the follow-up

The Committee notes that there is no evidence on a possible amendment to the legislation.

The Committee finds that the situation has not been brought into conformity with the 1961 Charter.

### D. Violation of Article 4§1 in the light of the non-discrimination clause of the Preamble to the 1961 Charter

#### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 4§1 of the 1961 Charter in the light of the non-discrimination clause of the Preamble to the 1961 Charter on the ground that the provisions of Section 74§8 of Act 3863/2010 and after Section 1§1 of Ministerial Council Act No. 6 of 28 February 2012 provided for the payment of a minimum wage to all workers below the age of 25, which was below the poverty level and also constituted a discrimination.

#### 2. Information provided by the Government

The Government indicates in the [information](#) registered on 28 August 2015 that the legislative framework mentioned above continues to apply.

#### 3. Assessment of the follow-up

The Committee notes that there is no evidence on a possible amendment to the legislation.

The Committee finds that the situation has not been brought into conformity with the 1961 Charter.

**International Federation for Human Rights (FIDH) v. Greece, complaint No. 72/2011, decision on the merits of 23 January 2013**

A. Violation of Article 11§§1 and 3

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 11§§1 and 3 of the 1961 Charter on the ground that in view of the pollution of the Asopos River authorities had failed to take appropriate measures to remove as far as possible the causes of ill-health and to prevent as far as possible diseases.

2. Information provided by the Government

The Government indicates in the [information](#) registered on 28 August 2015 that several measures have been taken since the decision on the merits of the Committee.

On September 2013, the Alternate Minister of the Environment, Energy and Climate Change, announced the «Project for the Integrated Management of Water Bodies in Asopos River Region». This project promotes a comprehensive and sustainable solution of this complex environmental problem based notably on the establishment of a reliable mechanism for the disposal of the region's industrial waste, the environmental inspections by establishing a permanent inspection mechanism in the region, etc.

In view of the implementation of the Water Framework Directive 2000/60/EC, the Special Secretariat for Waters completed the elaboration of the "River Basin Management Plan for the Water District of Eastern Sterea Ellada" which was approved by virtue of Decision No. 391/08.04.2013 in order to become the main planning instrument with respect to water resources and ecosystems.

The Joint Ministerial Decision 20488/19.05.2010 "Setting Environmental Quality Standards in Asopos river and Emission Limit Values for liquid industrial waste at the Asopos river basin", which was examined in the decision on the merits, sets strict qualitative limits for both the Asopos river and for the emissions of liquid industrial waste in the area. The Environmental Terms Approval Decisions (AEPO) for industrial plants have to specify the applicable limits, that must be in line also with the environmental objectives envisaged in the River Basin Management Plans for the Water District of Eastern Sterea Ellada.

In the recent legislation, Article 10 of Presidential Decree 100/28.08.2014 "Bylaws of the Ministry for the Environment, Energy and Climate Change" provides for the establishment of the Oinofyta Office with territorial jurisdiction within the Region of Sterea Ellada, forming part of the Department of Environmental Inspection of the Southern Greece Inspection Division.

The Programme Agreement under Article 100 of Law 3852/2010, between the Ministry of the Environment, Energy and Climate Change (YPEKA), the Municipality



of Tanagra and Athens Water Supply and Sewerage Company (EYDAP) S.A. for the project: “Integrated Management for the Body of Waters in Asopos River Area” was concluded and signed on 30 July 2014, having a total budget of €37,600,000. This Project aims at contributing to an effective management of the water bodies (surface and ground waters) in the Asopos river area.

The Special Secretariat for Waters (SSW) commissioned the elaboration of a research project (currently in progress), under the financial instrument, entitled “Chromium in Asopos Groundwater System: Remediation Technologies and Measures” (CHARM). One of the main axes of the said research project is the analysis of the institutional framework for the presence of total and hexavalent chromium in the aquatic environment and establishment of qualitative objectives in accordance with the principles laid down in Directive 118/2006 on total and hexavalent chromium.

### 3. Assessment of the follow-up

The Committee takes note of all these measures, which constitute a progress.

However, it observes like in its decision on the merits that the Joint Ministerial Decision No. 20488/2010 is still not fully implemented. In particular, for the time being, not all enterprises concerned have requested a review of their environmental terms, while according to the said decision the procedure for allocating new environmental terms had to be completed during 2011.

Moreover, a research project on LIFE + “Chromium in Asopos Groundwater System: Remediation Technologies and Measures” is currently in progress. However, the Committee stressed in its decision that given the scientific uncertainty related to the health problems caused by the ingestion of hexavalent chromium (Cr-6), the authorities should have already taken urgent measures, including - at least for the areas directly concerned by the pollution - the setting of maximum contaminant levels concerning Cr-6 in drinking water and water for agricultural use.

The Committee asks for information on the follow-up given to decisions that will be submitted in October 2017 on the implementation of all the measures that are currently being implemented in order to remedy the situation.

The Committee finds that the situation has not been brought into conformity with the 1961 Charter.

## B. Violation of Article 11§2

### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 11§2 of the 1961 Charter on the ground that in view of the pollution of the Asopos River the authorities did not take appropriate measures to provide advisory and educational facilities for the promotion of health.

## 2. Information provided by the Government

The Government indicates in the [information](#) registered on 28 August 2015 that information to the public and local authorities is a constituent element in addressing the issue. This information requirement is fulfilled by the Ministry of the Environment, Energy and Climate Change (YPEKA) both *via* established consultation procedures on the River Basin Management Plans for the respective Water District and *via* an open consultation with the public as well as scientific updating.

In January 2011 YPEKA organized an international Conference on this issue where it was concluded that there was a need for a review of the legislation on drinking water and the establishment of a limit for hexavalent chromium.

Actions relevant to the dissemination of information to the public with regard to the River Basin Management Plan for the Water District of Eastern Sterea Ellada were initiated on 13 January 2012 and were completed on 21 November 2012.

The research team of National Technical University of Athens, in cooperation with the Special Secretariat for Waters and the Region of Sterea Ellada-Regional Unit of Boeotia, organize frequent open Project Meetings aimed at advising all stakeholders on the actions, the progress and the results of the project: LIFE+ “Chromium in Asopos Groundwater System: Remediation technologies and measures” (CHARM).

At regular intervals, the YPEKA informs the public via Press Releases and/or interviews of its political leadership, and the Parliamentary Committee for the Environment.

In the education system, the information indicates that in Boeotia, environmental programmes for the Asopos river have been set up in 2013-2014, such as water in nature- the pollution of Asopos river /Junior High School of Asopia and environmental routes for the waters of Asopos /General Senior High School of Schimatari.

## 3. Assessment of the follow-up

The Committee takes note of all these measures designed to inform the public and educational facilities. It asks the next report to continue to provide such information.

The Committee finds that the situation has been brought into conformity with the 1961 Charter.

**Federation of employed pensioners of Greece (IKA-ETAM) v. Greece, complaint No. 76/2012, decision on the merits of 7 December 2012**

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 12§3 of the 1961 Charter on the ground that the cumulative effect of the restrictive measures and the procedures adopted in respect of pension entitlements did not permit to maintain a sufficient level of protection for the pensioners.

2. Information provided by the Government

The Government indicates in the [information](#) registered on 28 August 2015 that for the protection of elderly low-income pensioners, the Benefit of Social Solidarity (EKAS), which is a non-retributive benefit, is still granted. Moreover, Act No.4251/2014 regulates the issue of extending the entitlement to disability pensions, benefits for para/quadruplegia and total disability, granted to pensioners and beneficiaries of bodies that fall within the competence of the Ministry of Labour, Social Security and Social Solidarity, for those cases where the entitlement to such a benefit expired on 30 April 2014, provided that a medical assessment by the Health Committees Certifying Disability is still pending, without any fault on the beneficiaries' part.

3. Assessment of the follow-up

The Committee takes note of these measures. However, it observes that the restrictive measures and the procedures adopted in respect of pension entitlements mentioned in the decision on the merits are still in force.

The Committee finds that the situation has not been brought into conformity with the 1961 Charter.

**Panhellenic Federation of Public Service Pensioners (POPS) v. Greece, complaint No. 77/2012, decision on the merits of 7 December 2012**

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 12§3 of the 1961 Charter on the ground that the cumulative effect of the restrictive measures and the procedures adopted in respect of pension entitlements did not permit to maintain a sufficient level of protection for the pensioners.

2. Information provided by the Government

The Government indicates in the [information](#) registered on 28 August 2015 that for the protection of elderly low-income pensioners, the Benefit of Social Solidarity (EKAS), which is a non-retributive benefit, is still granted. Moreover, Act No.4251/2014 regulates the issue of extending the entitlement to disability pensions, benefits for para/quadruplegia and total disability, granted to pensioners and beneficiaries of bodies that fall within the competence of the Ministry of Labour, Social Security and Social Solidarity, for those cases where the entitlement to such a benefit expired on 30 April 2014, provided that a medical assessment by the Health Committees Certifying Disability is still pending, without any fault on the beneficiaries' part.

3. Assessment of the follow-up

The Committee takes note of these measures. However, it observes that the restrictive measures and the procedures adopted in respect of pension entitlements mentioned in the decision on the merits are still in force.

The Committee finds that the situation has not been brought into conformity with the 1961 Charter.

**Pensioners' Union of the Athens-Piraeus Electric Railways (I.S.A.P.) v. Greece, complaint No. 78/2012, decision on the merits of 7 December 2012**

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 12§3 of the 1961 Charter on the ground that the cumulative effect of the restrictive measures and the procedures adopted in respect of pension entitlements did not permit to maintain a sufficient level of protection for the pensioners.

2. Information provided by the Government

The Government indicates in the [information](#) registered on 28 August 2015 that for the protection of elderly low-income pensioners, the Benefit of Social Solidarity (EKAS), which is a non-retributive benefit, is still granted. Moreover, Act No.4251/2014 regulates the issue of extending the entitlement to disability pensions, benefits for para/quadruplegia and total disability, granted to pensioners and beneficiaries of bodies that fall within the competence of the Ministry of Labour, Social Security and Social Solidarity, for those cases where the entitlement to such a benefit expired on 30 April 2014, provided that a medical assessment by the Health Committees Certifying Disability is still pending, without any fault on the beneficiaries' part.

3. Assessment of the follow-up

The Committee takes note of these measures. However, it observes that the restrictive measures and the procedures adopted in respect of pension entitlements mentioned in the decision on the merits are still in force.

The Committee finds that the situation has not been brought into conformity with the 1961 Charter.

**Panhellenic Federation of pensioners of the Public Electricity Corporation (POS-DEI) v. Greece, complaint No. 79/2012, decision on the merits of 7 December 2012**

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 12§3 of the 1961 Charter on the ground that the cumulative effect of the restrictive measures and the procedures adopted in respect of pension entitlements did not permit to maintain a sufficient level of protection for the pensioners.

2. Information provided by the Government

The Government indicates in the [information](#) registered on 28 August 2015 that for the protection of elderly low-income pensioners, the Benefit of Social Solidarity (EKAS), which is a non-retributive benefit, is still granted. Moreover, Act No.4251/2014 regulates the issue of extending the entitlement to disability pensions, benefits for para/quadruplegia and total disability, granted to pensioners and beneficiaries of bodies that fall within the competence of the Ministry of Labour, Social Security and Social Solidarity, for those cases where the entitlement to such a benefit expired on 30 April 2014, provided that a medical assessment by the Health Committees Certifying Disability is still pending, without any fault on the beneficiaries' part.

3. Assessment of the follow-up

The Committee takes note of these measures. However, it observes that the restrictive measures and the procedures adopted in respect of pension entitlements mentioned in the decision on the merits are still in force.

The Committee finds that the situation has not been brought into conformity with the 1961 Charter.

**Pensioners' Union of the Agricultural Bank of Greece (ATE) v. Greece, complaint No. 80/2012, decision on the merits of 7 December 2012**

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 12§3 of the 1961 Charter on the ground that the cumulative effect of the restrictive measures and the procedures adopted in respect of pension entitlements did not permit to maintain a sufficient level of protection for the pensioners.

2. Information provided by the Government

The Government indicates in the [information](#) registered on 28 August 2015 that for the protection of elderly low-income pensioners, the Benefit of Social Solidarity (EKAS), which is a non-retributive benefit, is still granted. Moreover, Act No.4251/2014 regulates the issue of extending the entitlement to disability pensions, benefits for para/quadruplegia and total disability, granted to pensioners and beneficiaries of bodies that fall within the competence of the Ministry of Labour, Social Security and Social Solidarity, for those cases where the entitlement to such a benefit expired on 30 April 2014, provided that a medical assessment by the Health Committees Certifying Disability is still pending, without any fault on the beneficiaries' part.

3. Assessment of the follow-up

The Committee takes note of these measures. However, it observes that the restrictive measures and the procedures adopted in respect of pension entitlements mentioned in the decision on the merits are still in force.

The Committee finds that the situation has not been brought into conformity with the 1961 Charter.

## **IRELAND**

In accordance with the changes to the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, Ireland was exempted from reporting on the provisions under examination in Conclusions 2015. Ireland was instead invited to provide information on the follow-up given to decisions on the merits of collective complaints in which the Committee found a violation.

There were no decisions concerned in 2015.



## ITALY

In accordance with the changes to the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, Italy was exempted from reporting on the provisions under examination in Conclusions 2015. Italy was instead invited to provide information on the follow-up given to decisions on the merits of collective complaints in which the Committee found a violation.

The following decisions were concerned:

- European Roma Rights Centre v. Italy, Complaint No. 27/2004, decision on the merits of 7 December 2005;
- Centre on Housing Rights and Evictions (COHRE) v. Italy, Complaint No. 58/2009, decision on the merits of 25 June 2010;
- International Planned Parenthood Federation-European Network (IPPF-EN) v. Italy, Complaint No. 87/2012, decision on the merits of 10 September 2013.

The Committee's assessments appear below. They also appear in the HUDOC database.

## **European Roma Rights Centre v. Italy, Complaint No. 27/2004, decision on the merits of 7 December 2005**

### A. Violation of Article E taken in conjunction with Article 31§1

#### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 31§1 on the ground that camping sites of Roma were insufficient and inadequate.

#### 2. Information provided by the Government

The Government states in the [information](#) registered on 15 May 2015 that a National Strategy for the Inclusion of Roma, Sinti and Camminanti for 2012-2020 was approved by the Italian Council of Ministers on 24 February 2012. The housing component of the Strategy comprises three aims:

- to foster integrated institutional co-operation policies for housing provision designed for Roma, Sinti and Camminanti;
- to promote housing solutions meeting the specific needs and requirements of Roma, Sinti and Camminanti families;
- to disseminate information about economic resources and administrative facilities made available to public services for housing policies and about housing opportunities for Roma, Sinti and Camminanti families.

As to the specific question of camps, the information states that the City of Florence has carried out the progressive closure of two nomad camps in recent years. Pending final closure, the families have been distributed among public housing and other targeted projects. Another camp, the Oلماتello camp, was closed for good in July 2012.

#### 3. Assessment of the follow-up

The Committee takes note of the establishment of the National Strategy for the Inclusion of Roma, Sinti and Camminanti for 2012-2020. It notes that in Florence, various sites have been closed for good.

The Committee points out that when the achievement of a right is exceptionally complex and particularly expensive to implement, States parties must take steps to achieve the objectives of the Charter within a reasonable time, with measurable progress and making maximum use of available resources.

The Committee notes that this decision was taken 10 years ago and asks the authorities how they organise the Strategy to take account of these three criteria when dealing with the insufficiency and inadequacy of camping sites.

It also points out that the purpose of the obligation to protect minorities' identities and lifestyles is both to protect their interests and to preserve cultural diversity of value to the whole community.

The information does not provide any clarifications on measures taken to remedy the insufficiency and inadequacy of camping sites of Roma. Consequently, the Committee finds that the situation has not been brought into conformity with the Charter.

## B. Violation of Article E taken in conjunction with Article 31§2

### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 31§2 on the grounds that eviction procedures of Roma were not adequate and Roma were victims of unjustified violence during such evictions.

### 2. Information provided by the Government

The Committee refers to the information mentioned above concerning the National Strategy for the Inclusion of Roma, Sinti and Camminanti for 2012-2020.

### 3. Assessment of the follow-up

The Committee points out that the purpose of the obligation to protect minorities' identities and lifestyles is both to protect their interests and to preserve cultural diversity of value to the whole community.

The Committee notes that no information is provided on the procedures for the eviction of Roma.

The Committee finds that the situation has not been brought into conformity with the Charter.

## C. Violation of Article E taken in conjunction with Articles 31§1 and 31§3

### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Articles 31§1 and 31§3 because of the lack of permanent dwellings for Roma.

### 2. Information provided by the Government

The Committee refers to the information mentioned above concerning the National Strategy for the Inclusion of Roma, Sinti and Camminanti for 2012-2020.

The [information](#) also states that as a result of a national survey launched by the Ministry of the Interior and the prefectures, it was revealed that some local authorities had allocated social housing to Roma households. According to the information, the following cities had taken such steps: Pisa, Milan, Florence, Rome and Naples.

### 3. Assessment of the follow-up

The Committee takes note of the establishment of the National Strategy for the Inclusion of Roma, Sinti and Camminanti for 2012-2020 and the allocation of social housing to Roma households by certain local authorities. It considers that progress has been made. However, the quantity of social housing allocated is still somewhat limited for the time being.

The Committee points out that when the achievement of a right is exceptionally complex and particularly expensive to implement, States parties must take steps to achieve the objectives of the Charter within a reasonable time, with measurable progress and making maximum use of available resources.

The Committee notes that this decision was taken 10 years ago and asks the authorities how they organise the Strategy to take account of these three criteria when dealing with the lack of permanent dwellings.

The Committee asks for the information on the follow-up given to decisions that will be submitted in October 2017, to give figures on the supply and demand of social housing for Roma.

The Committee finds that the situation has not been brought into conformity with the Charter.

**Centre on Housing Rights and Evictions (COHRE) v. Italy, Complaint No. 58/2009, decision on the merits of 25 June 2010**

A. Violation of Article E taken in conjunction with Article 31§1

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 31§1 on the ground that the situation with regard to the living conditions of Roma and Sinti in camps or similar settlements in Italy was unsatisfactory.

2. Information provided by the Government

The Government states in the [information](#) registered on 15 May 2015 that a National Strategy for the Inclusion of Roma, Sinti and Camminanti for 2012-2020 was approved by the Italian Council of Ministers on 24 February 2012. The housing component of the Strategy comprises three aims:

- to foster integrated institutional co-operation policies for housing provision designed for Roma, Sinti and Camminanti;
- to promote housing solutions meeting the specific needs and requirements of Roma, Sinti and Camminanti families;
- to disseminate information about economic resources and administrative facilities made available to public services for housing policies and about housing opportunities for Roma, Sinti and Camminanti families.

3. Assessment of the follow-up

The Committee takes note of the establishment of the National Strategy for the Inclusion of Roma, Sinti and Camminanti for 2012-2020. It will assess its implementation on the basis of the information on the follow-up given to decisions that will be submitted in October 2017.

The Committee points out that when the achievement of a right is exceptionally complex and particularly expensive to implement, States parties must take steps to achieve the objectives of the Charter within a reasonable time, with measurable progress and making maximum use of available resources.

The Committee asks the authorities how they organise the Strategy to take account of these three criteria when dealing with the poor living conditions of Roma and Sinti in camps and similar settlements.

It also points out that the purpose of the obligation to protect minorities' identities and lifestyles is both to protect their interests and to preserve cultural diversity of value to the whole community.

The information does not provide any clarifications on the situation with regard to the living conditions of Roma and Sinti in camps or similar settlements. Consequently, the Committee finds that the situation has not been brought into conformity with the Charter.

B. Violation of Article E taken in conjunction with Article 31§2

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was an aggravated violation of Article E taken in conjunction with Article 31§2 because of the practice of evicting Roma and Sinti and the violent acts often accompanying such evictions.

2. Information provided by the Government

The Committee refers to the information mentioned above concerning the National Strategy for the Inclusion of Roma, Sinti and Camminanti for 2012-2020.

3. Assessment of the follow-up

The Committee points out that the purpose of the obligation to protect minorities' identities and lifestyles is both to protect their interests and to preserve cultural diversity of value to the whole community.

The Committee notes that the information does not provide any clarifications on the procedures used to evict Roma and Sinti or on the violent acts often accompanying such evictions.

The Committee finds that the situation has not been brought into conformity with the Charter.

C. Violation of Article E taken in conjunction with Article 31§3

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 31§3 because of the segregation of Roma and Sinti in camps.

2. Information provided by the Government

The Committee refers to the information mentioned above concerning the National Strategy for the Inclusion of Roma, Sinti and Camminanti for 2012-2020.

The [information](#) also states that as a result of a national survey launched by the Ministry of the Interior and the prefectures, it was revealed that some local authorities had allocated social housing to Roma households. According to the

information, the following cities had taken such steps: Pisa, Milan, Florence, Rome and Naples.

### 3. Assessment of the follow-up

The Committee takes note of the establishment of a National Strategy for the Inclusion of Roma, Sinti and Camminanti for 2012-2020 and of the allocation by certain local authorities of social housing to Roma households so as to put an end to the segregation of Roma and Sinti in camps. It considers that progress has been made. However, the quantity of social housing allocated is still somewhat limited for the time being.

The Committee points out that when the achievement of a right is exceptionally complex and particularly expensive to implement, States parties must take steps to achieve the objectives of the Charter within a reasonable time, with measurable progress and making maximum use of available resources.

The Committee asks the authorities how they organise the Strategy to take account of these three criteria when dealing with the segregation of Roma and Sinti in camps.

The Committee asks for the information on the follow-up given to decisions that will be submitted in October 2017, to give figures on the supply and demand of social housing for Roma and Sinti.

The Committee finds that the situation has not been brought into conformity with the Charter.

## D. Violation of Article E taken in conjunction with Article 30

### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 30 on the ground that there was discriminatory treatment with regard to the right to vote or other forms of citizen participation for Roma and Sinti and that this was a cause of marginalisation and social exclusion.

### 2. Information provided by the Government

The Government states in the [information](#) registered on 15 May 2015 that a National Strategy for the Inclusion of Roma, Sinti and Camminanti for 2012-2020 was approved by the Italian Council of Ministers on 24 February 2012.

The information states that the efficiency of this Strategy depends on developing a successful model for the participation of the Roma, Sinti and Camminanti communities in decision making at local and national level, particularly through:

- the involvement, co-ordination and consolidation of the most important institutions and associations involved in support for policies and services intended to help the Roma, Sinti and Camminanti communities;
- the establishment of overarching models and strategies intended to promote political, economic, and institutional participation and the involvement of associations of Roma, Sinti and Camminanti communities;
- the widespread direct participation of Roma, Sinti and Camminanti communities through experimentation with a participation model at all the stages of the Strategy and a system to monitor all its aspects (activities, focal points, objectives).

### 3. Assessment of the follow-up

The Committee takes note of the adoption of the National Strategy for the Inclusion of Roma, Sinti and Camminanti for 2012-2020, one of whose aims is to increase the participation of the Roma, Sinti and Camminanti communities in decisions taken at local and national level. It will assess the implementation of the Strategy in this respect on the basis of the information on the follow-up given to decisions that will be submitted in October 2017.

The Committee finds that the situation has not been brought into conformity with the Charter.

#### E. Violation of Article E taken in conjunction with Article 16

##### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 16 on the following grounds:

- Roma and Sinti families did not have access to adequate housing;
- Roma and Sinti families were not protected against undue interference in family life.

##### 2. Information provided by the Government

With regard to housing, the Committee refers to the information provided above in connection with Article 31§1 of the Charter.

As to protection against undue interference in family life, the Government states in the [information](#) registered on 15 May 2015 that a memorandum of understanding was concluded in April 2012 between the National Office against Racial Discrimination (UNAR) and the Monitoring Centre for Protection against Acts of Discrimination (OSCAD), set up by the Public Security Department of the Ministry of the Interior's Central Criminal Police Directorate. The OSCAD is made up of representatives of the police, the *carabinieri* and the relevant departmental offices.



The purpose of the memorandum of understanding is to set up training and refresher courses for the police to facilitate reporting of cases of discrimination and train operators capable of engaging in a sensitive and professional dialogue with victims.

### 3. Assessment of the follow-up

With regard to housing, since the information provided in respect of Article E taken in conjunction with Article 31 did not make it possible to conclude that the situation had been brought into conformity with the Charter, the Committee finds that the situation has not been brought into conformity with Article E taken in conjunction with Article 16.

As to protection against undue interference in family life, the Committee takes note of the memorandum of understanding, whose aim is to facilitate the reporting of cases of discrimination affecting Roma and Sinti. However, the information does not provide any specific clarification on identification and census procedures for Roma and Sinti. The Committee asks for the information on the follow-up given to decisions that will be submitted in October 2017, to indicate whether such procedures include the requisite safeguards concerning respect for private lives and the prevention of abuse.

The Committee finds that the situation has not been brought into conformity with the Charter.

### F. Violation of Article E taken in conjunction with Article 19§1

#### 1. Decision of the Committee on the merits of the complaint

Since the situation was the result of direct action by the authorities leading to stigmatisation, the Committee concluded that there was an aggravated violation of Article E taken in conjunction with Article 19§1 on the ground that xenophobic political rhetoric or discourse was used against Roma and Sinti.

#### 2. Information provided by the Government

The Government states in the [information](#) registered on 15 May 2015 that several measures have been adopted.

Firstly, the National Office against Racial Discrimination (UNAR) has launched an extensive information and awareness-raising campaign to combat prejudice against Roma, Sinti and Camminanti and their values, and to improve their vocational integration through awareness-raising schemes with job centres, social partners, journalists, etc.

Secondly, since 2010 Italy has taken part in the Council of Europe Dosta Campaign, whose aim is to combat prejudice against Roma.

Third, the National Strategy for the Inclusion of Roma, Sinti and Camminanti for 2012-2020 was approved by the Council of Ministers on 24 February 2012. The Strategy includes information and awareness-raising campaigns, information and communication tools intended for use by public and private operators and measures to promote the network of Roma and Sinti linguistic and cultural mediators, instigated by the Ministry of the Interior, the Equal Opportunities Department and the Ministry of Justice.

Fourth, on 12 June 2008 the National Council of Journalists signed a Code of Good Conduct (the Rome Charter) relating to discrimination and xenophobia directed at immigrants in general and the Roma and Sinti population in particular.

### 3. Assessment of the follow-up

The Committee had already taken note of most of these measures in its decision on the merits. The only new measure is the National Strategy for the Inclusion of Roma, Sinti and Camminanti for 2012-2020, which was approved by the Council of Ministers in 2012. The Committee asks for the information on the follow-up given to decisions that will be submitted in October 2017, to provide clarifications on the implementation of this Strategy.

The Committee points out that the purpose of the obligation to protect minorities' identities and lifestyles is both to protect their interests and to preserve cultural diversity of value to the whole community.

The information does not provide any clarifications on the Committee's finding that misleading racist propaganda against migrant Roma and Sinti is indirectly tolerated or emanates directly from the authorities.

The Committee asks for clarifications on this subject to be included in the next information.

The Committee finds that the situation has not been brought into conformity with the Charter.

#### G. Violation of Article E taken in conjunction with Article 19§4 c)

##### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 19§4 c) because of the violation of Article E taken in conjunction with Article 31.

##### 2. Information provided by the Government

With regard to housing, the Committee refers to the information provided above in connection with Article E taken in conjunction with Article 31 of the Charter.

### 3. Assessment of the follow-up

Since the information provided in respect of Article E taken in conjunction with Article 31 did not make it possible to conclude that the situation had been brought into conformity with the Charter, the Committee finds that the situation has not been brought into conformity with Article E taken in conjunction with Article 19§4 c).

#### H. Violation of Article E taken in conjunction with Article 19§8

##### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 19§8 because of the expulsion of the Roma and Sinti.

##### 2. Information provided by the Government

The Government does not provide any answers on this issue in the [information](#) registered on 15 May 2015 on the expulsion of Roma and Sinti following the adoption of “security measures”.

##### 3. Assessment of the follow-up

The Committee asks for the information on the follow-up given to decisions that will be submitted in October 2017, to provide clarifications on the expulsion of Roma and Sinti.

The Committee finds that the situation has not been brought into conformity with the Charter.

**International Planned Parenthood Federation-European Network (IPPF-EN) v. Italy, Complaint No. 87/2012, decision on the merits of 10 September 2013**

The Committee takes note of the [information](#) provided by the Government and registered on 15 May 2015.

Because of the Complaint *Confederazione Generale Italiana del Lavoro (CGIL) v. Italy*, No. 91/2013, the Committee will assess the follow-up to the decision on International Planned Parenthood Federation-European Network (IPPF-EN) v. Italy on the basis of the information on the follow-up given to decisions that will be submitted in October 2017.

## PORTUGAL

In accordance with the changes to the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, Portugal was exempted from reporting on the provisions under examination in Conclusions 2015. Portugal was instead invited to provide information on the follow-up given to decisions on the merits of collective complaints in which the Committee found a violation.

The following decisions were concerned:

- European Council of Police Trade Unions (CESP) v. Portugal, complaint No. 60/2010, decision on the merits of 17 October 2011;
- European Roma Rights Centre v. Portugal, complaint No. 61/2010, decision on the merits of 30 June 2011.

The Committee's assessments appear below. They also appear in the HUDOC database.

The Committee found that the situation has been brought into conformity in respect of the following finding of violation:

- European Council of Police Trade Unions (CESP) v. Portugal, complaint No. 60/2010, decision on the merits of 17 October 2011:
  - o Article 4§2

**European Council of Police Trade Unions (CESP) v. Portugal, Complaint No. 60/2010, decision on the merits of 17 October 2011**

1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article 4§2 of the Charter on the ground that police officers on active prevention (*prevenção activa*) duties and shift duties (*serviço de piquete*) did not receive increased remuneration as required nor even remuneration equivalent to their basic hourly pay.

2. Information provided by the Government

The Government indicates in the [information](#) registered on 19 December 2014 that the Law 10/2014, published in the Official Gazette of 17 January 2014, establishes new percentages for the remuneration of criminal investigation staff, for both active prevention and shift duties.

The information stresses that in all cases, amounts were increased when compared to the previous regime.

Concerning active prevention duties, Article 1 of the Law provides that the supplement is set as a percentage of index 100 of the wage scale established for staff in charge of criminal investigations as such:

a) Working days:

Coordinator for criminal investigations: 9.3%

Chief Inspectors: 8.5%

Inspectors and other staff members: 8.3%

b) Saturday, Sunday and statutory holidays:

Coordinator for criminal investigations: 11.6%

Chief Inspectors: 10.7%

Inspectors and other staff members: 10.5%

Concerning shift duties, Article 4 of the Law provides that staff members who work as a team are entitled to a supplement corresponding to an increased remuneration calculated from their basic pay, following the percentages below:

a) Team work part-time and full-time, on a permanent basis: 22% and 25%, respectively;

b) Team work part-time and full-time, on an extended weekly regime: 20% and 22% respectively;

c) Team work part-time and full-time, on a weekly regime: 15% and 20% respectively;

### 3. Assessment of the follow-up

The Committee notes that as a result of the new legislation the remuneration of the police officers on active prevention (*prevenção activa*) duties and shift duties (*serviço de piquete*) are higher than their ordinary remuneration.

The Committee considers that the supplements payable in situations of active prevention and shift duties ensure the right to an increased rate of remuneration for overtime work as provided by Article 4§2 of the Charter.

The Committee considers that the situation has been brought into conformity with the Charter.

## European Roma Rights Centre v. Portugal, Complaint No. 61/2010, decision on the merits of 30 June 2011

### A. Violation of Article E taken in conjunction with Article 31§1

#### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 31§1 on the following grounds:

- the continuing precarious housing conditions for a large part of the Roma community, coupled with the fact that the Government had not demonstrated that it had taken sufficient measures to ensure that Roma live in housing conditions that met minimum standards;
- the implementation of re-housing programmes by municipalities had often led to segregation of Roma, and, had on other occasions been tainted by discrimination, without finding lasting solutions to the deteriorating residential conditions in informal Roma neighbourhoods.

#### 2. Information provided by the Government

The Government indicates in the [information](#) registered on 19 December 2014 that, in compliance with the EU's recommendations, it took the initiative of setting up, in co-ordination with different concerned departments, non-governmental organisations and different Roma community leaders, the development of a National Strategy for the Integration of the Roma Community (ENICC).

The Strategy, in its Housing Axis, which is monitored by the Housing and Urban Renewal Institute, has established the following 4 priorities aimed at improving Roma communities' housing conditions:

- To improve knowledge about the Roma communities' housing situation

In 2013, the Housing and Urban Renewal Observatory of the above-mentioned Institute, in partnership with the High Commissioner for Migration, has launched a questionnaire within the scope of a study on housing conditions of Roma communities, carried out in the municipalities. 75% of municipalities have answered the questionnaire. The results show that 141 municipalities have Roma residents and 88 municipalities do not have any Roma residents.

- To strengthen the practices that promote Roma communities' integration within the framework of housing policies

In this respect, preparatory work is being carried out for the development of the Housing Strategy, to be promoted by the Housing and Urban Renewal Institute (IHRU) and this procedure was expected to be completed in 2014.

- To adjust the housing responses and rehabilitate the rehousing areas



According to information gathered by the High Commissioner for Migrations (ACM), negotiations are being carried out between the local authorities and Roma families of *Sobral da Adiça*, to study solutions in terms of drinking water supply.

Also, rehabilitation works were carried out in the Roma neighbourhood of *Bairro das Pedreiras*, in the municipality of *Beja*, aimed to improve the housing conditions of this neighbourhood and significantly reduce its wall, in order to eliminate its allegedly segregating effect.

On the level of housing physical appearance and infrastructure rehabilitation of Roma neighbourhoods, as well as the solving of problems in areas informally occupied by Roma communities through rehabilitation or rehousing measures, the ENICC has already made 4 interventions in different areas, which significantly improved the living conditions of the Roma families covered. The Housing Institute has conducted rehabilitation projects that benefited buildings occupied by Roma families, as well as the respective neighbourhoods' infrastructure, namely in the areas of *Campo Maior*, *Contumil*, *Cabomor* and *Peso da Régua*, covering 89 Roma families.

- To promote access to the rental market/private property

### 3. Assessment of the follow-up

The Committee considers that the Strategy envisaged, if implemented, will enable the situation to be brought into conformity with the Charter. It will assess the implementation of the envisaged measures on the occasion of the information on the follow-up given to decisions that will be submitted in October 2017.

While recognizing the progresses achieved, the Committee considers that the situation has not been brought into conformity with the Charter.

## B. Violation of Article E taken in conjunction with Article 16

### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 16 on the ground that the finding of a violation under Article E taken in conjunction with Article 31§1, also entailed a violation of Article E taken in conjunction with Article 16.

### 2. Information provided by the Government

The Government indicates in the [information](#) registered on 19 December 2014 that National Strategy for the Integration of the Roma Community has established the following 3 priorities aimed at improving Roma families' right to social, legal and economic protection:

- To conduct a national study, of transversal nature, aimed to know the social, economic and cultural situation of Roma communities and promote several studies within the scope of social sciences

In this respect, the High Commissioner for Migrations (ACM), with the support of the Technical Assistance Operational Programme of the European Social Fund, has approved the financing of the National Study on Roma Communities, after evaluation of several proposals from national research centres. This study, which was expected to be completed until the end of 2014, would allow the portraying of the Portuguese Roma communities situation in the different areas of the ENICC and will be its primary diagnostic tool.

- To develop an integrated and multisectoral approach/action with active participation of Roma people and families and of Roma communities' representatives within the scope of Social Action
- To adjust the housing responses and rehabilitate the rehousing areas (see supra)

### 3. Assessment of the follow-up

The Committee considers that the Strategy envisaged, if implemented, will enable the situation to be brought into conformity with the Charter. It will assess the implementation of the envisaged measures on the occasion of the information on the follow-up given to decisions that will be submitted in October 2017.

The Committee finds that the situation has not been brought into conformity with the Charter because the finding of a violation under Article E taken in conjunction with Article 31§1, also entails a violation of Article E taken in conjunction with Article 16.

#### C. Violation of Article E taken in conjunction with Article 30

##### 1. Decision of the Committee on the merits of the complaint

The Committee concluded that there was a violation of Article E taken in conjunction with Article 30 on the ground that there was a lack of an "overall and coordinated approach" of housing programmes.

##### 2. Information provided by the Government

The Government indicates in the [information](#) registered on 19 December 2014 that the National Strategy for the Integration of the Roma Community sets the following priorities:

- To strengthen the practices that promote Roma communities' integration within the framework of housing policies (see supra)
- To adjust the housing responses and rehabilitate the rehousing areas (see supra)

These first two priorities aim at avoiding territorial segregation and solving problems in areas informally occupied by Roma communities through rehabilitation or rehousing measures.

- To promote the training of Roma socio-cultural mediators

- To generalise, in the medium term, the Municipal Mediators Project
- To raise public institutions' awareness on intercultural mediation, as a strategy to promote more inclusive services

The combination of the last three priorities aims at developing and strengthening the coordinated work with municipalities in terms of projects or initiatives for Roma communities in the housing area.

### 3. Assessment of the follow-up

The Committee considers that the Strategy envisaged, if implemented, will enable the situation to be brought into conformity with the Charter. It will assess the implementation of the envisaged measures on the occasion of the information on the follow-up given to decisions that will be submitted in October 2017.

The Committee finds that the situation has not been brought into conformity with the Charter.