

**DECISION ON ADMISSIBILITY**

**17 March 2015**

**International Federation for Human Rights (FIDH) v. Ireland**

Complaint No.110/2014

The European Committee of Social Rights, committee of independent experts established under Article 25 of the European Social Charter (“the Committee”), during its 277<sup>th</sup> session attended by:

Giuseppe PALMISANO, President  
Monika SCHLACHTER, Vice-President  
Petros STANGOS, Vice-President  
Lauri LEPPIK, General Rapporteur  
Birgitta NYSTRÖM  
Karin LUKAS  
Eliane CHEMLA  
Jozsef HAJDU  
Marcin WUJCZYK  
Krassimira SREDKOVA  
Raul CANOSA USERA  
Marit FROGNER

Assisted by Régis BRILLAT, Executive Secretary

Having regard to the complaint dated 18 July 2014, registered on the same day as number 110/2014, lodged by the International Federation for Human Rights (“the FIDH”) and signed by its President, Karim Lahidji, requesting the Committee to find that Ireland is not in conformity with Articles 11, 16, 17, 30 either alone or in conjunction with Article E of the Revised European Social Charter (“the Charter”);

Having regard to the notification addressed to the Irish Government (“the Government”) on 23 July 2014;

Having regard to the documents appended to the complaint;

Having regard to the Charter, and in particular to Articles 11, 16, 17, 30 and E which read as follows:

**Article 11 – 1 The right to protection of health**

Part I: “Everyone has the right to benefit from any measures enabling him to enjoy the highest possible standard of health attainable.”

Part II: “With a view to ensuring the effective exercise of the right to protection of health, the Parties undertake, either directly or in co-operation with public or private organisations, to take appropriate measures designed *inter alia*:

- 1 to remove as far as possible the causes of ill-health;
- 2 to provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health;
- 3 to prevent as far as possible epidemic, endemic and other diseases, as well as accidents.”

**Article 16 – The right of the family to social, legal and economic protection**

Part I: “The family as a fundamental unit of society has the right to appropriate social, legal and economic protection to ensure its full development.”

Part II: “With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married and other appropriate means.”

**Article 17 – The right of children and young persons to social, legal and economic protection**

Part I: “Children and young persons have the right to appropriate social, legal and economic protection.”

Part II: “With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed:

- 1 a to ensure that children and young persons, taking account of the rights and duties of their parents, have the care, the assistance, the education and the training they need, in particular

by providing for the establishment or maintenance of institutions and services sufficient and adequate for this purpose;

- b to protect children and young persons against negligence, violence or exploitation;
- c to provide protection and special aid from the state for children and young persons temporarily or definitively deprived of their family's support;

**Article 30 – The right to protection against poverty and social exclusion**

Part I: "Everyone has the right to protection against poverty and social exclusion."

Part II: "With a view to ensuring the effective exercise of the right to protection against poverty and social exclusion, the Parties undertake:

- a. to take measures within the framework of an overall and co-ordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to, in particular, employment, housing, training, education, culture and social and medical assistance;
- b. to review these measures with a view to their adaptation if necessary."

**Article E – Non-discrimination**

"The enjoyment of the rights set forth in this Charter shall be secured without discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national extraction or social origin, health, association with a national minority, birth or other status."

Having regard to the Additional Protocol to the European Social Charter providing for a system of collective complaints ("the Protocol");

Having regard to the Rules of the Committee adopted on 29 March 2004 at its 201<sup>st</sup> session and last revised on 9 September 2014 at its 273<sup>rd</sup> session, ("the Rules");

Having deliberated on 17 March 2015;

Delivers the following decision, adopted on the above-mentioned date:

1. The FIDH alleges that the situation in Ireland is in violation of Articles 11, 16, 17, 30 either alone or in conjunction with Article E of the Charter on the grounds that:
  - Ireland has failed to adopt Charter rights within the legal, policy and administrative framework of housing in Ireland.
  - The adequacy, habitability and suitability of some Local Authority housing violates the Charter.
  - The Regeneration Programmes of the State in key Local Authority housing estates do not respect the housing provisions and other rights set out in the Charter.

## **THE LAW**

2. The Committee observes that, in accordance with Article 4 of the Protocol, which was ratified by Ireland on 4 November 2000 and entered into force for this State on 1 January 2001, the complaint has been submitted in writing and concerns Articles 11, 16, 17, 30 and E of the Charter, provisions accepted by Ireland when it ratified this treaty on 4 November 2000 and to which it is bound since the entry into force of this treaty in its respect on 1 January 2001.

3. Moreover, the grounds for the complaint are indicated. The Committee recalls, that Ireland has not accepted Article 31 of the Charter, as the FIDH recognizes, therefore should any part of the complaint relate to this provision, it will fall outside the scope of the examination of the merits of the complaint.

4. The Committee notes that, in accordance with Articles 1 b) and 3 of the Protocol, the FIDH is an international non-governmental organisation with participative status with the Council of Europe. It is included in the list, established by the Governmental Committee, of international non-governmental organisations that are entitled to lodge complaints before the Committee.

5. The Committee has already considered that the FIDH has particular competence for the purposes of the collective complaints procedure within the meaning of Article 3 of the Protocol in respect of several issues covered by registered complaints (FIDH v. Greece, complaint No. 7/2000, decision on admissibility of 28 June 2000, §8; FIDH v. France, complaint No. 14/2003, decision on admissibility of 16 May 2003, §5; FIDH v. Belgium, complaint No. 62/2010, decision on admissibility of 1 December 2010, §6; FIDH v. Greece, complaint n°72/2011, decision on admissibility of 7 December 2011, §6; FIDH v. Belgium, complaint No. 75/2011, decision on admissibility of 22 March 2012, §5 ). In view of the broad scope of activities of the FIDH, it considers that the condition is also fulfilled for the purpose of the instant complaint.

6. The complaint, submitted on behalf of the FIDH, is signed by Mr Karim Lahidji President of the organisation, who according to Article 14 of its statute, represents the organisation in all civil matters and is vested with all powers necessary for that purpose. The Committee considers therefore that the complaint complies with Rule 23 of its Rules.

7. For these reasons, the Committee, without finding it necessary to invite the Government to submit observations on admissibility (Article 6 of the Protocol and Rule 29§4), on the basis of the report presented by Giuseppe PALMISANO, and without prejudice to its decision on the merits of the complaint,

**DECLARES THE COMPLAINT ADMISSIBLE**

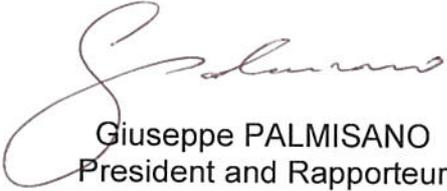
In application of Article 7§1 of the Protocol, requests the Executive Secretary to notify the complainant organisation and the respondent State of the present decision, to transmit it to the parties to the Protocol and the states having submitted a declaration pursuant to Article D paragraph 2 of the Revised Charter, and to publish on the Internet site of the Council of Europe.

Invites the Government to make written submissions on the merits of the complaint by 28 May 2015.

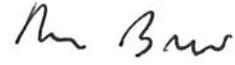
Invites the FIDH to submit a response to the Government's submissions by a deadline which it shall determine.

Invites parties to the Protocol and the states having submitted a declaration pursuant to Article D paragraph 2 of the Revised Charter to make comments by 28 May 2015, should they so wish.

In application of Article 7§2 of the Protocol, invites the international organisations of employers or workers mentioned in Article 27§2 of the Charter to make observations by 28 May 2015.



Giuseppe PALMISANO  
President and Rapporteur



Régis BRILLAT  
Executive Secretary