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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLES 16 AND 17 OF THE COVENANT

FRANCE

Concluding Observations of the Committee
on Economic, Social and Cultural Rights

1. The Committee on Economic, Social and Cultural Rights considered the third periodic report of France on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/FRA/3) at its 3rd, 4th and 5th meetings, held on 29 and 30 April 2008 (E/C.12/2008/SR.3-5), and adopted, at its 26th meeting held on 16 May 2008, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the third periodic report of France, and the written replies to its list of issues. (E/C.12/FRA/Q/3/Add.1). The Committee also notes with appreciation the open and constructive dialogue with the delegation of the State party, which included representatives of various government departments with expertise on the subjects covered by the Covenant, and the delegation's answers to the questions posed by the Committee.

B. Positive Aspects

3. The Committee acknowledges the efforts undertaken by the State party since the adoption of the Framework Act on Measures to Combat Social Exclusion of July 1998 to combat social exclusion and guarantee equality of opportunities to persons belonging to vulnerable and disadvantaged groups in the field of employment, housing, health and access to cultural life.

4. The Committee welcomes the establishment under the Act No. 2004/1486 of 30 December 2004 of the Independent High Authority against Discrimination and in favour of Equality (*Haute Autorité de Lutte contre les Discriminations et pour*

l'Egalité, HALDE).

5. The Committee welcomes the creation, under Act No. 2006/457 of 21 April 2006, of the social integration contract (*contrat d'insertion dans la vie sociale*, CIVIS), aimed at facilitating access to employment opportunities for young persons without professional qualification and those living in “sensitive urban zones” (*zones urbaines sensibles*, ZUS).

6. The Committee welcomes the adoption of the Act No. 2006/399 of 4 April 2006, which strengthens the prevention and punishment of conjugal violence and violence against children and raises the legal minimum age for marriage for girls to 18 years.

7. The Committee notes with satisfaction the comprehensive legislative framework created by Act No. 2003/239 of 18 March 2003 to combat trafficking in persons and other forms of modern slavery.

8. The Committee welcomes the recognition – pursuant to Act No. 2007/290 of 5 March 2007 – of the right to adequate housing as being capable of immediate application by judicial and administrative organs.

9. The Committee welcomes the efforts made by the State party to prevent alcohol and tobacco abuse, including the adoption of the 2007/2011 Addiction Prevention Plan and the enactment of a ban on smoking in all public places as of 1st January 2008.

C. Factors and difficulties impeding the implementation of the Covenant

10. The Committee notes the absence of any significant factors or difficulties preventing the effective implementation of the Covenant in the State party.

D. Principal Subjects of Concern

11. The Committee regrets that in the report of the State party, the lack of disaggregated statistical data on an annual comparative basis concerning the concrete results of the various legislative and policy measures adopted by the State party has not enabled it to fully assess the progress made and the difficulties encountered by the State party in the implementation of the Covenant.

12. The Committee regrets that in 2007 the State party devoted only 0.39 percent of its gross domestic product (GDP) to official development assistance (ODA), whereas the United Nations target for ODA is 0.7 per cent of GDP for industrialised countries. The Committee further regrets that the achievement of the objective of devoting 0.7 percent of its GDP to international co-operation has been postponed from 2012 to 2015.

13. The Committee notes with concern that women belonging to racial, ethnic and national minorities who live in “sensitive urban zones” (*zones urbaines sensibles*,

ZUS), in particular single mothers, experience multiple forms of discrimination and encounter difficulties in access to employment, social security and social services, housing, health and education.

14. The Committee remains concerned about the high unemployment rates among women, especially those belonging to racial, ethnic and national minorities, the persistent wage differentials between men and women and the low percentage of women in managerial and high-ranking posts in many areas, both in the public and the private sector, in spite of the various legislative and policy measures adopted by the State party to promote equality between men and women, including the Act on Equal Pay for Men and Women of 23 March 2006.

15. The Committee remains concerned that despite the measures adopted by the State party to increase employment opportunities for young persons, the youth unemployment rate – which decreased in 2007 from 22 percent to 18 percent – continues to be considerably higher than the average unemployment rate.

16. The Committee notes with concern that de facto discrimination against persons belonging to racial, ethnic and national minorities – especially those coming from Maghreb, Turkey and black Africa – continues to be widespread, in spite of the measures adopted by the State party to combat discrimination in the field of employment, including the adoption of the Charter of Diversity in the Enterprise and the use of “discrimination testing” as admissible proof of discriminatory behaviour before courts.

17. The Committee notes with concern that as a result of the extensive use of fixed-term, temporary and part-time employment contracts, a large number of employed persons – especially young people, single parents and persons without professional qualification – do not have job security and are paid the statutory minimum wage (*salaire minimum interprofessionnel de croissance*, SMIC), which is not sufficient to enable them and their families to enjoy an adequate standard of living. The Committee is particularly concerned about the over-representation of women in temporary, part-time and low-paid jobs.

18. The Committee notes with concern that legislation aimed at improving access to employment for persons with disabilities (Act No. 102/2005 of 11 February 2005) is not effectively implemented, and the unemployment rate of persons with disabilities is still three times higher than the average unemployment rate.

19. The Committee notes that although violence against the spouse or partner may constitute an aggravating circumstance for several crimes referred to in the Criminal Code, domestic violence is still not regarded as a specific offence under the criminal legislation of the State party. The Committee also notes that despite the efforts made by the State party to raise awareness of this phenomenon, under-reporting of domestic violence perpetrated by the spouse or partner continues to be a problem.

20. The Committee remains concerned about the extent of poverty in the State party, as well as about the high number of persons living exclusively on social cash

transfers.

21. The Committee is deeply concerned that persons belonging to racial, ethnic and national minorities, especially migrant workers and persons of immigrant origin, are disproportionately concentrated in poor residential areas characterised by low-quality, poorly maintained large housing complexes, limited employment opportunities, inadequate access to health care facilities and public transport, under-resourced schools and high exposure to crime and violence.

22. The Committee notes with concern that, despite the efforts made by the State party, there is still a large number of individuals and families living in sub-standard housing characterised by unsafe, unhealthy or unhygienic conditions.

23. The Committee remains concerned about the inadequate supply of social housing for low-income households and the continuing increase of rents in the private rental sector, in spite of the efforts made by the State party to increase the provision of social housing units.

24. The Committee notes with concern the persistent *de facto* discrimination that Gypsies and Travellers experience in the field of housing, due to the shortage of serviced parking areas for caravans and to the sub-standard living conditions existing in many of the stopping areas designated by local authorities, often situated far away from residential areas and in locations lacking basic infrastructures and environmental adequacy.

25. The Committee remains deeply concerned about the extent of homelessness in the State party, in spite of the efforts made by the State party to increase the number of emergency shelters and improve mechanisms for assistance to homeless persons. The Committee notes in particular that the number of emergency shelters/accommodation centres is not sufficient to meet the growing demand, and that progress made in facilitating the social reintegration of homeless persons is still insufficient.

26. The Committee notes with concern that in spite of the introduction of the Universal Health Care Coverage (*Couverture Maladie Universelle*, CMU) in July 1999, persons belonging to disadvantaged and marginalised groups, such as asylum seekers and undocumented migrant workers and members of their families, continue to encounter difficulties in gaining access to health care facilities, goods and services, due to lack of awareness concerning their rights, the complexity of administrative formalities, such as the requirement of continuous and legal residence in the territory of the State party, and language barriers.

27. The Committee remains deeply concerned about the high suicide rate existing in the State party, especially among persons aged between 15 and 44, despite the various plans and strategies adopted by the State party to combat this phenomenon.

28. The Committee notes with concern that significant disparities in terms of school performance and drop out rates continue to exist between French pupils and

pupils belonging to racial, ethnic or national minorities, in spite of the efforts made by the State party to address the social and economic inequalities existing in the field of education.

29. The Committee remains concerned about the lack of official recognition of minorities within the territory of the State party. With specific regard to cultural rights, the Committee further notes with concern that some of these rights are not respected – such as the right to use a minority language, which can only be exercised in community with other members of the minority group.

30. The Committee notes with concern that the State party has not made sufficient efforts in the field of preservation and promotion of regional and minority languages and cultural heritage. The Committee also notes that the absence of formal recognition of regional and minority languages has contributed to the constant decline in the number of speakers of such languages.

E. SUGGESTIONS AND RECOMMENDATIONS

31. The Committee requests the State party to provide in its next periodic report disaggregated statistical data on an annual comparative basis over the last five years, disaggregated by age, gender, national origin and – where applicable – urban/rural residence, concerning the practical results of the measures adopted by the State party to give effect to the Covenant at the domestic level.

32. The Committee recommends that the State party increase its official development assistance to 0.7 per cent of its GDP, as agreed by the Heads of State and Government at the International Conference on Financing for Development, held in Monterrey (Mexico) on 18-22 March 2002.

33. The Committee recommends that the State party take all appropriate measures – including temporary special measures, where needed – to combat all forms of discrimination against women belonging to racial, ethnic and national minorities who live in “sensitive urban zones” (*zones urbaines sensibles*, ZUS), in particular single mothers, so as to ensure their equal access to employment, social security and social services, housing, health and education.

34. The Committee recommends that the State party take all appropriate measures – including temporary special measures, where needed – to promote equality between men and women, improve the employment rate of women, reduce wage differentials vis-à-vis men and increase the percentage of women in high-ranking posts, in the public as well as in the private sector.

35. The Committee encourages the State party to strengthen its efforts to promote employment opportunities for young persons, especially those without professional qualification and those living in “sensitive urban zones” (*zones urbaines sensibles*, ZUS), through specifically targeted measures, including vocational training, career guidance and tax incentives for companies hiring young persons.

36. The Committee recommends that the State party continue strengthening its legal and institutional mechanisms aimed at combating racial discrimination in the field of employment and facilitating equal access to employment opportunities for persons belonging to racial, ethnic and national minorities.

37. The Committee recommends that the State party take all necessary measures to combat structural unemployment and to limit, as far as possible, the use of temporary employment contracts as tools to encourage firms to hire persons belonging to vulnerable groups – such as young people, single parents and persons without professional qualification. The Committee also recommends that such contracts be concluded only in those cases provided for by the legislation in force, and that sufficient guarantees be provided to ensure that employees recruited under such contracts are not prevented from enjoying the right to an adequate standard of living, as well as the labour rights set out in articles 6 and 7 of the Covenant.

38. The Committee recommends, in line with its General Comment No. 5 (1994) on persons with disabilities, that the State party adopt all appropriate measures to ensure that persons with disabilities have equal opportunities for productive and gainful employment, in sheltered facilities as well as in the open labour market. The Committee requests the State party to provide information in the next periodic report on progress made in the implementation of Act No. 102/2005 of 11 February 2005, which requires companies with more than 20 employees to recruit 6 percent of their workforce among persons with disabilities.

39. The Committee recommends that the State party adopt specific legislation criminalising acts of domestic violence. The Committee further recommends that the State party increase its efforts to raise awareness of the seriousness of this offence and the mechanisms available to victims of domestic violence, in particular by directing its awareness campaigns to the most vulnerable groups of women, including those coming from non-European countries and those with a low level of education.

40. The Committee recommends that the State party strengthen its efforts to combat poverty, including by extending the “*revenue de solidarité active*” (RSA), at present in experimentation in 34 departments with the objective of replacing some of the *minima sociaux*, namely the minimum income allowance (*revenu minimum d’insertion*, RMI), the single-parent benefit (*allocation parent isolé*, API) and the employment bonus (*prime pour l’emploi*, PPE), to other departments. The Committee further recommends that the State party monitor the implementation of the measures adopted with a view to ensuring that the needs of the very poor are addressed effectively.

41. The Committee urges the State party to take all appropriate measures, in close consultation with the population concerned, to reduce the phenomenon of residential segregation based on racial, ethnic and national origin, as well as its negative consequences on the living conditions of the affected individuals and groups. In particular, the Committee recommends that the State party take all appropriate measures, in order to

- (i) improve housing and living conditions in residential areas that are currently racially segregated by facilitating the renovation of existing housing complexes and improving their infrastructures, access to services and employment opportunities;
- (ii) support the development of new public housing complexes outside poor, racially segregated areas; and
- (iii) ensure the effective implementation of existing legislation to combat discrimination in housing, including discriminatory practices carried out by private actors.

The Committee requests the State party to provide in its next periodic report detailed information on the implementation of the Framework Act for Town Planning and Urban Renewal (*Loi d'Orientation et de Programmation pour la Ville et la Rénovation Urbaine*) of August 2003, which aims to intensify restructuring works in the most run-down neighbourhoods.

42. The Committee recommends that the State party strengthen the implementation of its legal and regulatory framework to combat the phenomenon of sub-standard housing characterised by unsafe, unhealthy or unhygienic conditions, with a view to improving the quality of accommodation of social housing complexes and facilitating the renovation of private housing complexes by landlords.

43. The Committee recommends that the State party – taking into account General Comment No. 4 (1991) on the right to adequate housing – adopt all appropriate measures to ensure access to adequate housing for low-income households, inter alia by ensuring that adequate resources are allocated to increase the supply of social housing units and by providing appropriate forms of financial support, such as rental subsidies, to enable low-income households to have access to adequate housing in the private rental sector.

44. The Committee urges the State party to adopt all appropriate measures to ensure compliance with Act No. 2000/614 of 5 June 2000, requiring local authorities to designate halting areas for Gypsy/Traveller caravans provided with adequate infrastructures and situated in areas appropriate for urban residence. The Committee requests the State party to provide in its next periodic report detailed information, including disaggregated statistical data, on progress made in the implementation of Act No. 2000/614.

45. The Committee recommends that the State party carry out an updated national survey in order to evaluate the extent of homelessness in the State party. The Committee further recommends that the State party take all appropriate measure to improve both the quantity and quality of reception facilities (including emergency shelters, hostels, reception and social rehabilitation centres and boarding houses), and develop appropriate policies and programmes to facilitate the social reintegration of homeless persons.

46. The Committee urges the State party, in line with General Comment No. 14 (2000) on the right to the highest attainable standard of health, to adopt all appropriate

measures to ensure that persons belonging to disadvantaged and marginalised groups, such as asylum seekers and undocumented migrant workers and members of their families, have access to adequate health care facilities, goods and services.

47. The Committee recommends that the State party strengthen its efforts to analyse the motives for committing suicide, with a view to developing effective measures aimed at the prevention of suicide among particularly vulnerable groups, including young people, homosexuals, persons addicted to drugs/alcohol, detainees and older persons. The Committee requests the State party to include in its next periodic report statistical data, disaggregated on the grounds of age and gender, on the number of persons that have committed or attempted suicide, as well as information on progress made in implementing the various plans and strategies put in place to prevent suicide.

48. The Committee recommends that the State party adopt all appropriate measures to reduce the significant disparities in terms of school performance between French pupils and pupils belonging to racial, ethnic or national minorities in the field of education, *inter alia* by intensifying the provision of French language courses for those students who lack adequate French language proficiency and avoiding the over-representation of minority students in classes for children with learning difficulties. The Committee further recommends that the State party undertake further studies on the correlation between school failure and social environment, with a view to elaborating effective strategies aimed at reducing the disproportionate drop-out rates affecting minority pupils.

49. The Committee, while taking note that the recognition of minority groups or collective rights is considered by the State party to be incompatible with its Constitution, wishes to reiterate that the principles of equality before the law and prohibition of discrimination are not always adequate to ensure the equal and effective enjoyment of human rights, in particular economic, social and cultural rights, by persons belonging to minority groups. The Committee therefore recommends that the State party consider reviewing its position with regard to the recognition of minorities under the Constitution, and recognise officially the need to protect the cultural diversity of all minority groups under the jurisdiction of the State party, in accordance with the provisions of article 15. In this regard, the Committee reiterates the recommendation formulated in its previous concluding observations (E/C.12/1/Add.72, para. 25) that the State party (i) withdraw its reservation to article 27 of the International Covenant on Civil and Political Rights and to article 30 of the Convention on the Rights of the Child and (ii) consider ratifying the Council of Europe Framework Convention for the Protection of National Minorities, as well as the European Charter for Regional or Minority Languages.

50. The Committee reiterates the recommendation formulated in its previous concluding observations (E/C.12/1/Add.72, para. 26) that the State party increase its efforts to preserve and promote regional and minority languages and cultural heritage, *inter alia* by ensuring that sufficient financial and human resources be allocated to the teaching of regional and minority languages and cultures in public schools and to TV and radio broadcasting in these languages. The Committee also recommends that the

State party consider reviewing its position concerning the lack of formal recognition of regional and minority languages in the Constitution of the State party.

51. The Committee encourages the State party to consider ratifying the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

52. The Committee also encourages the State party to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

53. The Committee further encourages the State party to consider ratifying Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms.

54. The Committee invites the State party to submit a common core document in accordance with the 2006 harmonised guidelines on reporting to the international human rights treaty monitoring bodies (HRI/GEN/2/Rev.4, Chapter I).

55. The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, in particular, among State officials, the judiciary and civil society organisations in general, and to inform the Committee on all steps taken to implement them in its next periodic report. It also encourages the State party to continue engaging non-governmental organisations and other members of civil society in the process of discussion at the national level prior to the submission of its next periodic report.

56. The Committee requests the State party to submit its fourth periodic report by 30 June 2011.
