

TREATY BODY MONITOR

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Information submitted to the Committee

State report

France submitted its 3rd periodic report to the Committee on Economic, Social and Cultural Rights (the Committee) on 15 March 2007.¹ The report is divided into two substantive sections. In the first part, France

¹ E/C.12/FRA/3, 15 March 2007, available at www2.ohchr.org/english/bodies/cescr/cescrs40.htm.

responds to the individual suggestions and recommendations made by the Committee following its last examination in November 2001.² The second section of the report focuses on ‘precariousness and exclusion’ in France, with special reference to the specific difficulties faced by young people and the homeless. It describes the phenomena of precariousness and exclusion, explains the reasons behind the rise of precariousness, and outlines numerous Government policies to combat the situation. In effect, the second part of the report focuses non-discrimination in the areas of employment, education, social protection, health, and housing. This novel approach of focusing on a specific issue (precariousness and exclusion) in the State report was the subject of much discussion during the examination by the Committee.

List of issues

After having studied the report, on 26 December 2007, the Committee provided its list of issues to the State.³ The Committee requested information on measures envisioned to increase official development assistance (ODA) and on the development cooperation policies of the State. It also asked for detail on how civil society has been consulted in the preparation of the State report. The Committee furthermore requested disaggregated and specific statistical data on a range of issues.⁴ Aside from these general questions, the Committee posed numerous questions on the implementation of specific provisions of the *International Covenant on Economic, Social and Cultural Rights* (the Covenant). The Committee asked for detailed information on the legislation, policies, and mechanisms of the State in the field of non-discrimination, particularly those regarding migrants, refugees, and asylum-seekers. It also inquired about measures adopted to encourage gender equality. Specific questions were raised on precariousness and exclusion in the areas of work, trade unions, social security, family, standard of living, health, education, and culture. The State’s lengthy written replies to the list of issues were published dated 9 April 2008.⁵ During the examination of the State, however, it came to light that these had been submitted on 19 March 2008, but had been provided to the Committee only the day before the session. Moreover, the text was only available in French.⁶

NGO reports

There were a dozen individual and joint submissions by national, regional and international non-governmental organisations (NGOs).⁷ The majority of NGO submissions concern the violation of linguistic and cultural rights of minority or regional language speakers.⁸ Particular concerns included the unsatisfactory teaching of minority and regional languages, the marginal and arbitrary use of such languages in the media, and France’s non-ratification of the Council of Europe *Framework Convention on the Protection of National Minorities* and the *European Charter for Regional and Minority Languages*. The French Platform for Economic, Social and Cultural Rights submitted a comprehensive report by 23 NGOs. This report covers similar themes as those raised by the Committee in its list of issues,⁹ and also discusses migrants’ access to economic and social rights, penalisation of poverty and social movements, and France’s international obligations. A joint submission by three large NGO networks¹⁰ outlines France’s national and international obligations stemming from the Covenant, and describes the situation in the State with regard to each. The French NGO, Movement Ni Putes Ni Soumis, submitted a report presenting its reaction to the description of women’s rights in the 3rd

² E/C.12/1/Add.72, 30 November 2001, available at www2.ohchr.org/english/bodies/cescr/cescrs40.htm.

³ E/C.12/FRA/Q/3, 26 December 2007, available at www2.ohchr.org/english/bodies/cescr/cescrs40.htm.

⁴ Refugees and asylum seekers, professional training and employment opportunities, social security, social housing, healthcare, suicide, violence against women, poverty and social exclusion, drug abuse.

⁵ E/C.12/FRA/Q/3/Add.1, 9 April 2008, available at www2.ohchr.org/english/bodies/cescr/cescrs40.htm.

⁶ Committee members Ms Baharona Riera and Ms Bonoan-Dandan, as well as Mr Mattei, head of the French delegation, expressed their regret about the lack of translation.

⁷ All are available at www2.ohchr.org/english/bodies/cescr/cescrs40.htm.

⁸ Observatory of Linguistic Rights – Behatokia, European Bureau for Lesser Used Languages (EBLUL – France), Tamazgha, Bretagne Réunion.

⁹ Work, trade unions, social security, health, poverty, housing, education, culture.

¹⁰ Research and Information Centre for Development (CRID), International Federation for Human Rights Leagues (FIDH), Human Rights League (LDH – France).

periodic report of France. This report draws the Committee's attention to the multiple discriminations faced by immigrant women, indirect discrimination in policies, the precarious situation of women, and the disproportionate effect that violations of economic, social and cultural rights have on women. The Global Initiative to End All Corporal Punishment of Children expressed its concern that corporal punishment is lawful in the home, and that although it is unlawful in the penal system, it is not explicitly prohibited in alternative care settings.

Themes and issues

The delegation of France was led by Mr Jean-Baptiste Mattei, Permanent Representative of France to the United Nations Office at Geneva. He was supported by a large delegation consisting of representatives of the Permanent Mission in Geneva and various ministries.¹¹ The Committee's dialogue with the State was led by the country rapporteur, Ms Maria Virginia Bras Gomes.

Mr Mattei began his opening presentation by briefly describing the new format adopted for the latest periodic report, which focuses on the issues of precariousness and exclusion. He informed the Committee that the National Consultative Commission on Human Rights (the National Commission), France's national human rights institution, had noted the quality of the report and its 'quite interesting' approach, which allows it to study in depth the causes of these two phenomena. Mr Mattei went on to describe the Government's efforts in areas such as the insertion of persons from minority groups, fight against poverty, trade unions, housing, education, and ODA. He remarked that the preparation and submission of the national report had given the Government an opportunity to better identify challenges. He affirmed that the Government is aware of lacunae, especially in the fields of poverty and exclusion, and is committed to overcome them. Mr Mattei described the treaty bodies as a 'source of essential inspiration' for the Universal Periodic Review (UPR) of the Human Rights Council. He also expressed his hope that the Council will adopt the *Optional Protocol* to the Convention.

Preparation of the national report

Format

France's periodic report is unique because it focuses on precariousness and exclusion within the framework of the rights embodied in the Covenant, rather than reporting generally on its adherence to each article. Ms Barahona Riera, the Chairperson of the Committee, described this as 'a kind of experiment' which may lead to a more constructive dialogue between the Committee and the State.

Committee members were divided on the usefulness of this innovative approach. Ms Bras Gomes felt that the report lacks a rights-based approach,¹² making it difficult for the Committee to assess the impact of the Covenant on specific vulnerable groups. Ms Dandan criticised the lack of clear references to the rights in the Covenant, making the report 'more like a report on governance' than one on compliance with a human rights treaty. Other Committee members welcomed the prioritised approach of the periodic report. Mr Zhan and Mr Marchan Romero praised the report for its conciseness. Mr Riedel proposed that instead of focusing on articles of concern, each report deal with several key priority issues selected in consultation with the Committee and other stakeholders such as specialised agencies and the Office of the High Commissioner for Human Rights (OHCHR). The list of issues would then essentially focus on the agreed priorities, with some space for other articles in the Covenant.

¹¹ Ministry of Education, Ministry of Higher Education and Research, Ministry of Housing and Urban Affairs, Ministry of the Interior, Overseas France and Territorial Communities, Ministry of Labour, Labour Relations, the Family and Solidarity, Ministry of Immigration, Ministry of Justice.

¹² Echoed by Ms Dandan.

Mr Mattei acknowledged that the new method of reporting does not make it possible to deal with all the rights in the Covenant in as much detail as desired by the Committee. He took note of the Committee's responses, while emphasising that the objective is to have a good balance between giving as exhaustive coverage as possible of the rights in the Covenant while highlighting certain priority situations. Mr Mattei stressed that the aim is to have a report which is as operational as possible.

Participation of civil society

Mr Kerdoun pointed out that the Government appears to have consulted exclusively with the National Commission. Whilst recognising that a few NGOs are represented therein, Mr Kerdoun expressed his concern that this coalition is affiliated to the State. He therefore inquired whether there are any other civil society organisations with which the Government consulted in the preparation of its periodic report.

Mr Mattei corrected the 'misunderstanding' about the National Commission, which is fully independent, responds fully to the *Paris Principles*,¹³ and has been accredited to the United Nations (UN). He also clarified that the most representative of the French NGOs,¹⁴ as well as trade unions, are included in the National Commission. It has become a practice for the Government to work in consultation with this body as far upstream as possible. He also insisted that this body is 'quite critical' of the Government, and maintained that 'recommendations from it are not making life easier for us'.

Statistics

Ms Bras Gomes expressed her disappointment about the paucity of disaggregated statistics provided by the State, emphasising their importance to the Committee. She also asked how the State itself is able to assess the impact of its policies on minority groups without such figures. Accordingly, she encouraged the State to provide disaggregated statistics in its next periodic report.

Ms Sylvie Mouranche, a representative of the Ministry of Labour, Labour Relations, the Family and Solidarity, explained that the 'statistical volume' had been purposely omitted from the report. She asserted that France has a very well developed system for collecting statistics and offered to supply them as requested. To address Ms Bras Gomes' latter point, Ms Mouranche explained that France does not have the constitutional means that would permit the identification of ethnic origin in the collection of data. However, it is actively addressing this through cooperation with international organisations¹⁵ and through the establishment of relevant national institutions.¹⁶

The lack of disaggregated statistical data on the concrete results of the various legislative and policy measures adopted by France was noted in the Committee's concluding observations,¹⁷ and France was requested to provide such data in its next periodic report.

¹³ The *Paris Principles* were adopted by the United Nations General Assembly as an Annex to *Resolution 48/134*. They define the role and functions of national human rights institutions (NHRIs) in the promotion and protection of human rights. Available at: www.un.org/Depts/dhl/res/resa48.htm.

¹⁴ There are currently 35 non-governmental organisations (NGOs) in the National Consultative Commission on Human Rights.

¹⁵ France cooperates with international organisations such as the Organisation for Economic Co-operation and Development (OECD) and the International Labour Organization (ILO) to carry out studies which take into account the origin of individuals.

¹⁶ Thus far, an immigration integration statistics observatory has been set up. The purpose of this body is to nurture studies in the field to better evaluate the implementation of policies and to study the phenomenon of exclusion. Moreover, the new ministry of immigration has set up its own office of statistics.

¹⁷ E/C.12/FRA/CO/3, May 2008, available at www2.ohchr.org/english/bodies/cescr/cescrs40.htm.

Status of the Covenant in domestic law

The justiciability of economic, social and cultural rights in French courts and the training of the judiciary on these rights drew the interest of the Committee. Mr Pillay inquired about the actual situation of economic, social and cultural rights in the French judicial system – their justiciability, applicability, and relevant court decisions. He pointed out that there appears to be ‘no effort made’ by the Government to assess the impact of the laws on economic, social and cultural rights. Furthermore, Mr Pillay enquired about the measures in place to address the ‘ignorance’ of French citizens regarding economic, social and cultural rights and the ineffectiveness of remedies for asserting them. While acknowledging France’s efforts to implement economic, social and cultural rights, Mr Riedel highlighted the widespread opinion among judges and academics that the provisions of the Covenant are not self-executing, and asked about relevant training programmes for judges and legal professionals at the national and regional levels. He also requested information on national cases which have invoked the Covenant.¹⁸

Ms Diego, from the Ministry of Justice, informed the Committee that no national cases have invoked the Covenant. However, certain chambers of the Court of Cassation have referred to it. On one occasion, the court found that the Covenant was not directly applicable. Nevertheless, she assured, the application of the Covenant is recognised in French law. The delegation did not address the questions on the training of the judiciary on economic, social and cultural rights.

National Consultative Commission on Human Rights

Ms Dandan inquired about the selection and the policies on the membership of the National Commission, with questions explicitly designed to ascertain the independence of the institution. She also specifically enquired whether the mandate of the National Commission covers economic, social and cultural rights. Mr Riedel noted with interest that the National Commission cannot take up issues itself, but rather has them chosen for it by the Government. In this respect, he asked if the Government is prepared to ask the institution to ‘deal with issues which are of particular concern’. Neither of the Committee’s questions was addressed by the delegation.

Official Development Assistance

In his initial presentation, Mr Mattei reiterated France’s commitment to its development partners, quoting figures to demonstrate its generous supply of ODA. At the same time, he informed the Committee that the deadline for meeting the objective of allocating 0.7 percent of the gross domestic product (GDP) to ODA has been postponed from 2012 to 2015.

Several Committee members followed up on this issue. Mr Atangana recounted the various positions taken by the Government on the 0.7 target, and forthrightly asked the delegation to clarify its exact position. Mr Kerdoun requested detail on the actions being advocated and commitments made to economic development in poor countries, particularly in Africa. Similarly, Mr Sadi inquired about the extent to which ODA is linked to human rights and respect for economic, social and cultural rights. ‘Can you give us assurances that the Covenant is continuously relevant to the policies?’, he asked.

Mr Mattei began his reply by listing further figures to demonstrate France’s generosity in terms of ODA. Next, he assured Mr Kerdoun that the Government is paying priority attention to Africa, ‘the continent with the most development needs’. Furthermore, Mr Mattei highlighted the innovative financing sources that France has identified to supplement the existing sources. To Mr Sadi’s question, Mr Mattei affirmed that ‘human rights are considered an essential component of all policies’, as are good governance and combating corruption.

¹⁸ Echoed by Mr Sadi.

In its concluding observations, the Committee expressed its regret that France has not met the target of devoting 0.7 percent of its GDP to ODA. It further regretted the postponement of the deadline for meeting this objective by three years. The Committee recommended that France meet this target.

Legislation and mechanisms on non-discrimination

The issue of discrimination, especially towards immigrants, infused virtually all aspects of the Committee's dialogue with the delegation. Therefore, this section will focus on national legislation and mechanisms on non-discrimination, and substantive issues will be included under subsequent sections.

On the High Authority against Discrimination and for Equality (HALDE), Ms Wilson queried its accessibility and whether there is *de facto* discrimination on the basis of income. Ms Wilson also asked about the application of the *Law on Guidance and against Exclusion*, a 'lynch-pin for protecting vulnerable sectors of the population on paper', as well as how its effectiveness is evaluated. Finally, she contended that the reason given by France for not ratifying *Protocol No. 12* to the *Convention for the Protection of Human Rights and Fundamental Freedoms*, that the European Court for Human Rights is over-burdened, is unreasonable. She thus asked what criteria the Government uses to decide whether or not to ratify a treaty.

Mr Mattei acknowledged that the main criterion for the non-ratification of *Protocol No. 12* is not the fact that the Court is overworked, but rather that the rights are 'sufficiently guaranteed without ratification of this Protocol'. Nevertheless, he promised to convey Ms Wilson's views to the Government. Mr Charles Louis Molgo, Head of the Office of Collective Labour Relations, explained that no fees are levied for accessing the HALDE. Moreover, he highlighted that the institution is 'evermore known, evermore applied to'.

Ms Barahona Rieira followed up on this response, inquiring about the actual power and functions of the HALDE, as well as the results that it has given. In reply, Mr Molgo emphasised that although the Government is not obliged to follow the recommendations made by the HALDE, the fact that the recommendations are made public puts pressure on it.

In its concluding observations, the Committee welcomed the establishment of HALDE.

Employment

Discrimination in employment

In his opening statement, Mr Mattei briefed the Committee on various programmes which encourage the insertion of persons from specific groups into the workforce. The discrimination in employment faced by women, immigrants, and persons with disabilities received extensive attention from the Committee.

Discrimination against women

Mr Mattei asserted that equality of genders is a Government priority, both nationally and internationally, and the State has put in place a range of measures to achieve professional equality. These include a law strengthening the obligation of enterprises to negotiate annually the disparity of wages between genders and financial sanctions for firms who do not achieve equality of pay by 2009.

Ms Barahona Riera expressed her concern that the 2006 *Equality Act* on wages addresses only the issue of equal pay for equal work, and ignores the cross-cutting nature of equality. She therefore asked what specific results have been achieved so far by these programmes. Ms Wilson congratulated the State on the measures already taken to combat wage differences, but suggested that it is necessary to proceed to a regular evaluation

of the implementation of these measures. She also enquired if wage gaps exist in both the public and private sectors.

Mr Alain Kurkdjian assured Ms Barahona Riera that the Service for Women and Equality, of which he is Deputy Chief, is cross-cutting and inter-ministerial. The lines of action of this body include access of women to high posts, occupational parity, access to rights, and scheduled action. Moreover, it is now preparing a cross-cutting policy document based on objectives shared by all the ministries involved in implementing gender equality, and involving all concerned parties. The outcome will be a single coordinated programme with precise actions and indicators. Mr Pascal Noblet, Head of the Mission at the Office against Exclusions, added that this plan also provides for specific monitoring of employers for gender equality by the labour inspectorate. The Government is now studying the possibility of fining enterprises if they do not narrow the wage gap. On the wage differentials in the public and private sectors, Mr Noblet replied that there is a difference (19 percent in the private sector, 13 percent in the public sector), but the Government is working to narrow this gap.

The Committee, in its concluding observations, expressed its concern 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, in spite of the various legislative and policy measures in place. It therefore recommended that France take all appropriate measures, including temporary special measures, to address this disparity.

Discrimination against racial, ethnic, and national minorities

Ms Bras Gomes asked the delegation to elaborate on the fact that seven million jobs are closed to second-generation immigrants. She also referred to a study conducted by the International Labour Organization (ILO), which found that some employers clearly demonstrated a preference for employees with French names. Describing this as a ‘phenomenon that needs to be combated’, she inquired about Government action in this area.

These questions were answered by Mr Christian Lefeuvre from the Ministry of Immigration. He first explained that the seven million jobs mentioned by Ms Bras Gomes are closed because they entail a public function or are in major public enterprises which have special regulations. To remedy this situation, the State has taken steps to facilitate training for entry tests for State jobs, and has also entered into negotiations with some of the major enterprises concerned. Mr Lefeuvre expressed optimism about the opening up of these enterprises in the future. Specifically on youth of immigrant background, Mr Lefeuvre noted that they face many obstacles in finding employment, including low qualification levels and lack of networks. Despite the results of the ILO survey, due to the absence of disaggregated statistics, no specific measures or steps have been taken favouring the offspring of immigrants. Nevertheless, information activities and campaigns have been carried out.

In its concluding observations, the Committee noted with concern that *de facto* discrimination against persons belonging to racial, ethnic, and national minorities continues to be widespread, in spite of the measures adopted by the State. The Committee recommended that France continue strengthening 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.

Discrimination against persons with disabilities

Ms Wilson commended France for having signed the *Convention on the Rights of Persons with Disabilities* (CRPD) and asked when it expects to ratify the treaty. She also pointed out that the system of quotas set in enterprises for the recruitment of persons with disabilities has not been fully complied with and, according to some sources, enterprises often prefer to pay a fine.

In reply to Ms Wilson's first question, Mr Mattei stated that an impact study on the legislative modifications which will be required in order to ratify the CRPD has already been conducted. He assured the Committee of France's will to ratify the treaty, reminding it that 'ratification always takes time'. Ms Mouranche recognised that persons with disabilities may face discrimination, and indicated that cases have been brought forward to HALDE. She furthermore admitted that the hiring quota has been ineffective, and informed the Committee that the Government is reforming its programmes. She pointed out, however, that the fines paid by the non-compliant enterprises contribute to a fund under State supervision.

The Committee expressed its concern, in its concluding observations, that legislation aimed at improving access to employment for persons with disabilities is not effectively implemented, and the unemployment rate of persons with disabilities is still three times higher than the average unemployment rate. It thus recommended that France adopt all appropriate measures to ensure that persons with disabilities have equal opportunities for productive and gainful employment. The Committee requested the Government provide information in its next periodic report on progress made in the implementation of relevant legislation. Furthermore, the Committee encouraged France to ratify the CRPD and its *Optional Protocol*.

Unemployment

Structural unemployment

Ms Bras Gomes expressed her concern about structural unemployment in France, which is among the highest in the European Union (EU). In particular, she requested information on the 3rd *Employment Plan* of 2006 for long-term unemployed people. She enquired whether an evaluation has already been carried out and, if so, if its conclusions can be made available to the Committee.

Ms Mouranche recognised that the general rate of unemployment in France is relatively high, but stressed that it has been decreasing for the last three years and that it is 'comparable' to many countries in the EU. The reason behind this drop, she explained, is a combination of economic policy and growth. She underscored the need to further strengthen political and economic policies for continued growth. However, Ms Bras Gomes questioned Ms Mouranche's assertion that structural unemployment has decreased, stating that this 'doesn't fully comply with the information that we have'. She therefore asked the delegation to provide data.

In its concluding observations, the Committee recommended that France take all necessary measures to combat structural unemployment and to limit, as far as possible, the use of temporary employment contracts.

Youth unemployment

The difficulties faced by youth in finding employment and related issues such as high suicide rates and violence in outlying suburban regions were highlighted by Ms Wilson as a 'cause of great concern'. She asked about the assistance provided to youth, including those whose five-year contracts come to an end, under the Employment for Youth Programme.

Ms Mouranche provided an extensive answer to Ms Wilson. She began by acknowledging the high rate of youth unemployment (more than twice the general unemployment rate), but insisted that it is 'absolutely equivalent to the population rate'. Next, she outlined the content of the Employment for Youth Programme and assured Ms Wilson that the data demonstrates that the system has worked 'very well', especially in the public sector. She informed the Committee that the focus of the Government is now on 'young people who are most in difficulty', including through a programme specifically designed to assist youth in suburbs, autonomy contracts, and encouraging enterprises to publicly commit to employing youth. Mr Molgo added that a law is currently under discussion in the Parliament to make first-time contracts more favourable to the wage-earner.

In its concluding observations, the Committee expressed its concern that the youth unemployment rate continues to be considerably higher than the average unemployment rate in spite of the measures adopted by the State. The Committee encouraged France to strengthen its efforts to promote employment opportunities for young persons, especially those without professional qualification and those living in sensitive urban zones, through specifically targeted measures.

Unemployment benefits

Ms Bras Gomes drew the delegation's attention to an unanswered question on the Committee's list of issues on whether the minimum unemployment benefit (RMI) is sufficient to ensure the compensation of lost revenue. Although not explicitly responding to Ms Bras Gomes' question on the RMI, Mr Noblet pointed out that the main weakness of the system is that it only benefits those coming out of the social minimum. The system encourages return to employment, and this has resulted in an overall drop in unemployment.

Ms Bras Gomes then noted that those under the age of 25 no longer qualify for the RMI, and expressed her concern that this is making the situation of first-time workers even more precarious. Mr Noblet responded that there is a consensus in France that it is 'not desirable' for 18 to 25 year-olds to 'start entry into life based on assistance'. He reiterated that other programmes are in place to assist unemployed youth.

Minimum wage

Ms Bras Gomes made reference to an alternative report which argues that the minimum wage (SMIC) does not allow a full-time employee to overcome poverty. In response, Mr Noblet emphasised that this depends on the duration of the time at work and the length of the contract. Coupled with housing and other assistance, the SMIC helps lift individuals over the poverty threshold. The goal, however, is to encourage people to go back to work.

The Committee, in its concluding observations, noted that as a result of the extensive use of fixed-term, temporary and part-time employment contracts, a large number of employed persons do not have job security. Moreover, these individuals are paid the SMIC, which is not sufficient to enable them and their families to enjoy an adequate standard of living.

Irregular employment

Ms Bras Gomes asked whether an assessment has been made of the informal economy, to which neither the minimum wage nor social security applies. Ms Mouranche answered that this area is difficult to study because by definition, it is not declared. She went on to explain that the Government is implementing a two-fold fight against dissimulated labour involving supervisory institutions and pushing individuals out of irregular employment. Ms Bras Gomes pursued the issue further, pointing out that those working in the informal economy are contributing to the economy. She indicated that many States have recognised their existence and their entitlement to basic human rights, including healthcare and social security. Ms Mouranche did not respond to this comment. Instead, she reiterated the importance of labour inspections and emphasised that irregular activity come under criminal law. She also informed the Committee that the regularisation of clandestine workers is currently being discussed in France.

Forced labour

Pointing to a 2005 case in the European Court of Human Rights,¹⁹ Ms Wilson drew attention to the economic exploitation of young foreigners by private individuals. She enquired about the criminal law provisions

¹⁹ *Siliadin v. France*. The European Court for Human Rights found that the working conditions of a foreign female domestic worker in a family in France were similar to a situation of servitude. The family had been acquitted by the French court on the basis

applicable in such cases and the measures taken to penalise these acts. Ms Diego explained that exploitation in the area of labour is established as a crime in national law and carries aggravated penalties. She also assured the Committee that judges are fully aware of the jurisprudence of the decision of the European Court of Human Rights, and concluded that ‘in the future, there are strong chances that people who commit similar violations will be found guilty’.

Mr Sadi indicated that he had received information that domestic workers employed by some diplomats in France work in slavery-like conditions. He asked what tools are available to help such people, given the diplomatic immunity of the employers. Mr Mattei replied, ‘of course this is prosecuted’, and asserted that the State concerned can decide whether or not to lift the diplomatic immunity of its representatives. Ms Marie-Paule Demiguel, Head of the Office of Family Immigration, added that the victims can be protected by the police during procedures. Moreover, if there is a conviction, victims may be given a 10-year renewable residence permit.

Occupational hazards

Ms Bras Gomes noted with concern that the number of occupational accidents remains high in France, and inquired about the role of inspections and how employers can be made to comply with standards. Mr Molgo replied that there has been an improvement in knowledge of risk at work, strengthening of controls through the labour inspectorate, and re-casting of bodies responsible for risk-assessment. Furthermore, there are plans to increase the number of labour inspectors in the coming years. Mr Molgo briefly summarised the various actions that have been taken in this respect.

Housing

Legislation

In his introductory statement, Mr Mattei highlighted housing as another Government priority. He explained that measures are being taken to ensure that social housing, housing grants, and protection from evictions are available to those who need it most. Mr Mattei spoke of the 2007 law which sets the right to housing as an actionable right, and emphasised that housing is the ‘keystone of social promotion and integration’. The actual implementation of actionable housing was expanded upon by Mr Noblet, who described its association or empowerment approach. Ms Dominique Roussel, a representative of the Ministry of Housing and Urban Affairs, explained that civil society and local governments are involved in the implementation of this law.

Ms Wilson enquired about the measures taken to improve the implementation of the 2005 *Social Cohesion Law* on employment and housing. Mr Atangana requested information on the impact of measures undertaken. Ms Roussel briefed the Committee on the action taken under this law, namely the establishment of social housing units, stating that ‘efforts are beginning to pay off’. Mr Noblet added that although France conducted a survey to determine the number of homeless, the lack of other specific data to evaluate the implementation of the law has been criticised by the assessing agencies.

In its concluding observations, the Committee urged the Government 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.

Evictions

of provisions of French criminal law, which are more restrictive than the *European Convention on Human Rights* (Article 4). See www.echr.coe.int/Eng/Press/2005/July/ChamberJudgmentSiliadinvFrance260705.htm.

Mr Atangana requested data on perpetrators of evictions and enquired whether those affected have been able to obtain compensation. Mr Pillay highlighted that despite the ‘inflation of legislation’ on the prevention of evictions, little is implemented in practice. He was particularly concerned about the significant lack of alternative accommodation for evicted families and the high number of evictions owing to non-payment of rent. Again, the lack of data on this issue was underscored. While welcoming the enforceability of the right to housing in courts, Mr Pillay emphasised the need to provide financial resources to make this effective. He asked the delegation to comment on discrimination in access to housing, giving as an example the situation of Roma families being evicted from camps without being provided with alternative accommodation.

The delegation responded by describing the different measures being taken to prevent evictions, including mediation services, financial assistance for trials, and encouragement of temporary contracts. It also pointed out that although the number of evictions has increased, the proportion of judges has remained stable. Ms Roussel agreed with Mr Pillay’s comment on the proliferation of laws in this area, acknowledging that it is sometimes difficult to apply all these laws and achieve short-term efficiencies. She asserted that the Government has held discussions with a range of stakeholders, including homeless associations and private operators who provide housing, who have agreed to act as far upstream as possible to prevent evictions.

Homelessness

The persistence of homelessness, inadequate provision of shelter and care for the homeless, and the insufficiency and low standards of emergency centres were pointed out by Mr Pillay. He also criticised the absence of regular data collection. Mr Noblet openly admitted that the policy on homelessness is ‘criticised quite rightly’. He restated that the State had conducted a national survey on street people in 2001, but highlighted that homeless people do not necessarily live in the street; they may also live in hostels or shelters. He went on to describe the situation of shelters, including the unsuccessful attempt to establish emergency centres with a ‘revolving door policy’. He assured the Committee that public policy is being built up in this area.

In its concluding observations, the Committee emphasised its deep concern about the extent of homelessness in France. In particular, the Committee noted the insufficient number of emergency shelters and accommodation centres and the lack of progress made in facilitating the social reintegration of homeless persons. It therefore recommended that the State carry out an updated national survey on homelessness and that it take all appropriate measure to improve both the quantity and quality of reception facilities, and develop appropriate policies and programmes to facilitate the social reintegration of homeless persons.

Social housing and sub-standard housing

Mr Pillay drew attention to the deficit in the number of social housing units and the extended waiting periods to access these. He also stated that people living in sub-standard housing which lack basic amenities is a ‘big area of concern’. The delegation retorted that the number of people living in ‘uncomfortable houses’ is low and declared that a law forbidding the renting of indecent houses was passed four years ago. However, a representative of the Ministry of Housing acknowledged that there have been serious events, such as fires, at sub-standard private housing. The policy aimed at eradicating all such housing was described as ‘disappointing’. Objectives have been set and the Government is working with associations and private operators to improve housing in private sectors. The State will intervene and take over private housing where the landlord fails to maintain adequate housing, and will work with local authorities to render the housing ‘decent and liveable’. The delegation assured that the Government does have the budgetary resources to cover this project. Two interim programmes – half-way houses and a family pension system – were also described.

In its concluding observations, the Committee noted with concern that, despite the efforts made by the Government, there is still a large number of individuals and families living in sub-standard housing characterised by unsafe, unhealthy or unhygienic conditions. It also reiterated its concern about the inadequate

supply of social housing for low-income households and the continuing increase of rents in the private rental sector. The Committee recommended that France strengthen the implementation of its legal and regulatory framework to combat the phenomenon of sub-standard housing, with a view to improving the quality of accommodation of social housing complexes and facilitating the renovation of private housing complexes by landlords. Furthermore, it recommended the adoption of all appropriate measures to ensure access to adequate housing for low-income households.

Health

Suicide

Several Committee members expressed their concern about the high number of suicides in France. Mr Riedel asked about the implementation and results of the various suicide prevention programmes in place. Referring to the situation as ‘a crisis’, Mr Sadi called for more effective prevention measures. Mr Zhan requested latest statistics on suicide in France.

Ms Mouranche assured the Committee that the public authorities are aware of the high number of suicide deaths in France and recognised that, despite the slight downward trend, the situation is unsatisfactory. She recounted that an analysis carried out at the beginning of 2008 found that it is the most vulnerable in society who are most likely to take their own lives. Therefore, to reach such individuals, the Government is focusing on the training of all healthcare workers, not only psychiatrists and specialists who deal with depression. Ms Mouranche also informed the Committee that a report on job-related suicide was commissioned, and new measures were adopted on the basis of its findings.

In its concluding observations, the Committee expressed its deep concern about the high suicide rate in France, despite various plans and strategies adopted to combat this phenomenon. Accordingly, the Committee recommended that France 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. The Committee requested disaggregated statistical data 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.

Health insurance

Making reference to the State report, Mr Sadi described the two conditions for obtaining Universal Health-Care Coverage (CMU) as ‘too arbitrary’. He questioned the justification for maintaining that eligibility for another health-insurance scheme bars eligibility for CMU. In reply, Mr Noblet reasoned that CMU is intended for ‘those who had nothing’. It currently covers half a million individuals.

In its concluding observations, the Committee noted with concern that despite the introduction of the CMU, persons belonging to disadvantaged and marginalised groups 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, and language barriers. It thus urged the Government 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.

Health conditions of prisoners

Mr Riedel raised the issue of mental health of prisoners, which apparently is not the primary concern of prison authorities. He insisted that prisoners should get full treatment in regular hospitals, rather than in psychiatric medical beds in prisons. He was also interested to learn about the monitoring of psychiatric care of

prisoners. Noting the absence of comparative data on this issue, Mr Riedel used this opportunity to stress the importance of figures for identifying and analysing the actual situation. Ms Wilson referred more generally to the treatment of detainees, asking what punishment is applied in cases of torture and whether there are any moves towards dissuading torture in prisons.

In response, Ms Mouranche assured Mr Riedel that the Government shares his concern, and informed him that hospitals are now responsible for the provision of care and that psychiatrists have been systematically included in all hospital healthcare teams. Dangerous detainees are given special care and attention. However, she acknowledged that psychiatrists are overworked and not many are interested in treating detainees. The Government is thus encouraging medical associations to help address this problem.

Poverty

In his introductory statement, Mr Mattei outlined the three objectives of France's fight against poverty: 1) ensuring that the product of each working hour will improve final income of each family; 2) when revenue is sporadic across the year, or when an individual is working under an insertion contract, overall means goes beyond the poverty threshold; 3) radically simplify the system of assistance, facilitate access, guarantee more predictable income, and facilitate support to beneficiaries.

Referring to material at his disposal, Mr Pillay remarked that the Anti-exclusion Act does not appear to be working as intended. He again raised the issue of insufficient statistics, asking if there are regular checks in place to assess whether the measures in place are yielding positive results. He furthermore noted that the Government's approach to poverty does not appear to be rights-based; the poor have no say in the policies which affect them. 'The poor are treated as responsible for poverty', he exclaimed, and asserted that poverty is closely related to discrimination. Finally, Mr Pillay enquired why the extreme poor have been left out of the Active Solidarity Income Project (RSA).

Mr Noblet began his response by clarifying that the RSA prioritises or favours 'those who are less poor' as compared to 'the dirt poor'. The first purpose of this programme is to simplify and bring together various scattered provisions on this issue. The maximum that can be achieved under the existing system is the equivalent to the minimum insertion income. The logic behind the RSA is to encourage and reward those who are going back to work. At the same time, Mr Noblet reminded the Committee that there is a range of 'complementary aids' to assist the extreme poor. He concluded by emphasising that the 'purpose of the reform is to administer justice in the face of situations which appear to be unequal'.

Ms Bras Gomes reacted to the notion of criminalisation of poverty. In line with an NGO report,²⁰ she expressed her concern about security laws that give mayors 'almost judicial powers'. These laws give police the mandate to keep a record of people, increase the powers of police, and decrease the powers of the justice sector. Ms Bras Gomes requested the delegation's opinion on this matter and wished to know how the Government plans to address it.

The question posed by Ms Bras Gomes was overlooked in the first round of responses from the delegation, but was duly answered upon her insistence. Mr Noblet explained that France has criminal punishments for those who disturb public order through, for instance, aggressive begging and illegal occupation of property. The punishments are in line with principles of proportionality under the Constitution. Mr Noblet was keen to stress the low number of cases and the restrained sentencing for such crimes. He also pointed out that since 1992, begging and vagrancy are no longer criminal offences in France.

The concluding observations of the Committee convey its concerns about the extent of poverty in France and the fact that persons belonging to racial, ethnic and national minorities are disproportionately concentrated in

²⁰ That of the International Federation of Human Rights Leagues (FIDH).

poor residential areas. The Committee recommended that France strengthen its efforts to combat poverty, including by extending the RSA. It further recommended that the Government monitor the implementation of the measures adopted with a view to ensuring that the needs of the very poor are addressed effectively.

Minorities

Recognition of minorities

The position of France on minorities was strongly contended by the Committee. While empathising with the French position, Mr Sadi asserted that it ‘runs counter to international human rights’. Mr Marchan Romero questioned France’s position, arguing that recognising the rights of both individuals and groups will only strengthen the principle of equality. Accordingly, he invited France to revise its position on minorities and withdraw reservations to the *Convention on the Rights of the Child*, ratify the Council of Europe *Framework Convention for the Protection of National Minorities* and the *European Charter for Regional or Minority Languages*, and ‘make more efforts’ in this area. Mr Marchan Romero reminded the State that his comments echo concerns voiced by the Independent Expert on minority issues in 2007.

Mr Mattei underscored the historic and constitutional tradition behind the non-recognition of collective rights. He stressed that this does not lead to the recognition of fewer rights; the rights of individuals and individuals belonging to minority groups are fully recognised in the constitution. Mr Mattei further highlighted two positive effects of the non-recognition of minority groups: first, it prevents French citizens from being obliged to define themselves as members of minorities and, second, it avoids a drop in communitarianism.

Countering this defensive stance, Ms Wilson expressed her dissatisfaction with the explanation offered by the State and lamented that it is ‘most unfortunate that there is no recognition in the constitution of cultural diversity, which is a sign of cultural wealth’.

The Committee, in its concluding observations, repeated its concern about the lack of official recognition of minorities within the territory of France. While taking note that the recognition of minority groups or collective rights is considered by the State to be incompatible with its Constitution, the Committee reiterated 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 recommended that France 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 its jurisdiction. In this regard, the Committee repeated its previous concluding observations,²¹ stating that France withdraw its reservations to core human rights treaties and consider ratifying the Council of Europe *Framework Convention for the Protection of National Minorities* and the *European Charter for Regional or Minority Languages*.

Women of immigrant background

Ms Bras Gomes expressed her concern that women of immigrant background face difficulties in accessing rights, protection, social security, and social assistance. She inquired whether there are targeted measures for this specific group. Ms Barahona Riera pointed to NGO information on special agreements with, for instance, Algeria and Morocco, which results in indirect discrimination against women. For example, in case of divorce, couples from such countries have to divorce based on the situation in their own countries.

Ms Lefeuvre explained that the Government has set up socio-linguistic workshops for women who have been in France ‘for some time’ to aid them in learning French. There is also training in family life, assistance in the schooling of children, as well as the setting up of micro-enterprises. Moreover, Mr Mattei stated that the aim

²¹ Para 25, E/C.12/1/Add.72, 30 November 2001, available at www2.ohchr.org/english/bodies/cescr/cescrs40.htm.

of special agreements is to balance the rights of women and to provide security for people moving from one country to another. While monogamy is a matter of public order, and is thus not covered by such agreements, divorce is of a more legal nature. A French judge must therefore recognise cases of repudiation, so long as due process was observed, financial compensation was provided for the wife, and there was no fraud. Ensuring that these criteria are met will limit any possible discriminatory effects of such an arrangement, Mr Mattei stipulated. Mr Kurkdjian spoke at length about the civil and criminal measures that have been adopted to combat forced marriage.

Roma

Unconvinced by the written answers provided by the State on the specific issue of the Roma population, Ms Bras Gomes requested more information on the persistent difficulties they face in access to employment and adequate standard of living.

To this, Mr Noblet provided an extensive answer. He began by clarifying that a clear distinction is made between individuals who have been living in France for many generations and are therefore ‘fully French even if they are gypsies’ and members of a minority coming from eastern European countries. With respect to the former, referred to as ‘people of the road’, there is a long-standing policy to set up areas where they can settle. Mr Noblet explained that this policy meets with resistance because communes have the obligation to set up camping sites equipped with minimum facilities slowly and progressively. In relation to the latter group, a ‘whole complex of questions concerning right of residence’ arise. Moreover, due to reasons of hygiene or public health, authorities destroy slum camping sites. The assistance provided to these groups, for whom there is no policy of reinsertion, is of a humanitarian nature. Mr Noblet remarked, however, that ‘this is a population group which is evanescent’ and ‘tend to disappear off the radar if you propose assistance to them’.

The Committee, in its concluding observations, noted with concern the persistent *de facto* discrimination that gypsies and travellers experience in the field of housing. It urged the Government to adopt all appropriate measures to ensure compliance with relevant legislation and requested that it provide in its next periodic report detailed information, including disaggregated statistical data, on progress made in the implementation of this law.

Recognition and teaching of minority languages

Mr Kerdoun questioned the policy of placing of regional languages on the same level as foreign languages, asking whether the former should not have a special status. He accordingly suggested that the Constitution be amended to reflect the linguistic diversity in France. Mr Kerdoun also inquired about the treatment of important minority languages. In particular, he expressed his concern about the teaching of different variations of Arabic. Finally, he recommended that significant minority groups be recognised in order to better integrate minority languages. Ms Wilson asked the delegation to comment on reports on the lack of and regression in teaching of minority languages. Moreover, she enquired if the right to establish educational institutions is respected without any restrictions whatsoever, and whether there are any schools that teach in a minority language. She also asked whether the Government would consider organising teaching of a particular language in public schools in a region where there is a sufficient demand. Ms Bras Gomes referred to a report submitted by the European Bureau for Lesser Used Languages, and requested information on bilingual education, bilingual signs, and the availability of bilingual information.

Mr François Gorget, representing the Ministry of Education and the Ministry of Higher Education and Research, began his response by pointing out that the teaching of regional languages has been encouraged for over fifty years. He also pointed out the diversity of regional languages taught in the public school system. There are currently 20 such languages and the number of learners is rapidly growing. He then described the

three methods of teaching,²² and explained that private schools are free to give language lessons. However, private schools can give certificates but not official diplomas or degrees, as it is the State that has authority over the latter. On the languages of foreign communities, Mr Gorget informed the Committee of the multilingual policy of the Ministry of Education and its recent plan to strengthen the teaching methods for language learning. He concluded by asserting that the ‘wide palette of major languages’ available to students ‘amply addresses the needs of foreign students in France’. Mr Mattei added that France has signed the UN Economic, Scientific and Cultural Organization’s *Convention on Cultural Diversity*. In reply to Ms Wilson’s question concerning teaching in minority languages, a representative of the Ministry of Education stated that all schools must provide teaching in French. Mr Kerdoun’s question on the possibility of amending the constitution, Mr Mattei strictly replied that France has no such intention. He was careful to point out, however, that ‘this does not prevent the development and fostering of regional languages’.

In its concluding observations, the Committee expressed its concern that France has not made sufficient efforts in the field of preservation and promotion of regional and minority languages and cultural heritage. It also noted 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. The Committee reiterated its previous concluding observations²³ that the Government 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 recommended that the State consider reviewing its position concerning the lack of formal recognition of regional and minority languages in its Constitution.

Culture

Underlining the intricate link between minority languages and cultures, Mr Sadi inquired whether the regional history and culture associated with languages should not be taught as well. Mr Marchan Romero disagreed with the Government’s non-recognition of collective rights, asserting that many cultural rights can only be exercised and be meaningful if they are expressed and lived within a specific community. He went on to point out the negation of the right to express cultural identity in France, stressing the Committee’s vision that ‘these rights can only be meaningful and only be exercised if you have the double dimension of individual and community’. These comments did not receive any direct response from the delegation.

The Committee, in its concluding observations, noted with concern that some cultural 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.

Refugees and asylum-seekers

Ms Bras Gomes asked about the reasons behind the decrease in the number of refugees and asylum-seekers, hinting that this may be a result of increasing difficulties encountered by such individuals. She also pointed to the ‘bottle-neck effect’ faced by those seeking family reunification and asked whether the Government is working to speed up the procedure. Ms Bras Gomes also expressed her concern about the conditions and policy of deportation, where the number of people to be returned each year appears to be set beforehand,²⁴ rather than returning people on a case-by-case basis.

Mr Lefeuvre reiterated the Government’s commitment to the right to asylum and protection of persons. To Ms Bras Gomes’ first comment, Mr Lefeuvre responded that the drop is explained by the 2003 reform of

²² 1) Bilingual education on an equal hour basis, as in the public school system. 2) Teaching of languages and cultures of origin in partnership with a certain number of countries who supply and pay the teachers. This is controlled by French Ministry of Education as regards hours and content. 3) Teaching of regional languages in cooperation with associations.

²³ Para 26, E/C.12/1/Add.72.

²⁴ 25,000 in 2008.

asylum procedures, which stressed the time of investigation of the request and greater effectiveness in application of the *Dublin Rules*. He predicted further decrease as a result of stabilisation of first requests, significant increase in requests at the border, and recovery of original nationality. Mr Lefeuvre explained that reforms have been carried out on the ‘national welcoming structure’ and efforts are being made to make the system more flexible and to reduce the time for investigating asylum requests. He also explained how the figure of 25,000 was arrived at, defending it as ‘reasonable’. Furthermore, the Government has a new policy of signing bilateral contracts for migrant flows with countries of origin, which aims to organise legal migration, fight irregular migration, and promote solidarity and cooperation. He assured, nevertheless, that prefects are requested to closely examine the individual situation of each foreigner concerned. On the time required for family reunification, Ms Demiguel recounted that this depends on various conditions, such as how long an individual has been in France, and whether the individual has the resources and housing to receive his or her family in France. He concluded by stressing that ‘we do everything to reduce the time involved’.

In follow-up, Ms Barahona Riera expressed her concern about the practice of DNA testing for issuing visas for family reunification. While acknowledging that the tests are voluntary, she sarcastically remarked, ‘so is the decision to grant a visa’. In this regard, she inquired whether children have to be the biological children of the individual in France to be allowed to reunify.

Ms Demiguel stressed that DNA tests are voluntary and that it is only in the pilot phase. This programme is being closely monitored by judges, and Parliament will decide whether or not to enforce it. Ms Demiguel also maintained that adopted children, who are also recognised for reunification, will not be affected by this testing.

Education

In his opening statement, Mr Mattei identified the urgent need to address early school drop-out. He outlined numerous activities that are being undertaken, all of which are intended to renew the integrating role of the education system. Mr Gorget spoke about targeting the ‘hard core’, students who are not sufficiently educated. One of the main measures adopted and implemented is the setting up of priority education zones in establishments and areas in greatest need. The system has gradually expanded and now covers one pupil out of five. While acknowledging that there was no meaningful closing of the gap, Mr Gorget stressed that the gap did not increase despite the worsening economic situation in some areas. This policy was reviewed and improved in 2006. Mr Gorget also listed the nine measures taken under the ‘Hope for the Suburbs’ programme.²⁵

Mr Kerdoun highlighted that despite the various measures in place, the rate of school-leaving has not dropped. He thus asked what additional measures are being considered to tackle this problem. He requested concrete results on children’s ability to read and further enquired if the new education policy on priority education can be measured or assessed.

Mr Gorget contradicted Mr Kerdoun’s assertion first assertion by quoting some figures which demonstrate that the number of drop-outs has dropped significantly over the past 30 years. He again emphasised the need to address the ‘hard core’ of pupils who are in difficulty and who are potential drop-outs. He also pointed out that the number of inadequately schooled people is below the European Union average and reiterated the Government’s commitment to further lowering this figure

In its concluding observations, the Committee noted 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. The Committee therefore recommended

²⁵ These included increasing the number of schools, personal support services for students, improving conditions in boarding schools, and increasing the availability of scholarships.

that the Government adopt all appropriate measures to reduce the disparities between these two groups in the field of education, *inter alia* by intensifying the provision of French language courses and avoiding the over-representation of minority students in classes for children with learning difficulties. The Committee further recommended that the State 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.

Other issues

Domestic violence

Ms Barahona Riera remarked that although the State has provided a lot of information on programmes underway in this area, there is no evidence of a coordinated legal framework between the different social programmes and ministries. In response the delegation informed the Committee that a coordinated legal framework for action does exist and that is being further strengthened.

Mr Zhan asked about the causes of domestic and requested information on the progress that has been achieved in combating this phenomenon. A representative of the Ministry of Justice acknowledged that the reasons for domestic violence 'are not clearly known' and stated that there is an emphasis on diagnosis in the 2008-2010 plan on violence against women. The representative drew the Committee's attention to the work done to raise awareness of the free-phone number for women victims of violence and better analyse the callers. Ms Diego explained that given the long process involved in evicting perpetrators of domestic violence, the focus is on placing victims in shelters. She stressed, nevertheless, that this is 'no the good solution' and should not be long-term. Ms Diego raised domestic violence against men and children witnesses of domestic violence as two areas which require further attention.

In follow-up, Ms Barahona Riera commented that apparently little progress has been made in terms of criminalisation of domestic violence, and inquired why there is no draft law or measure on this. Furthermore, she pre-empted the delegation's response by stressing that domestic violence must not be subsumed in different types of violence. Mr Rodolphe Juy-Birmann, on behalf of the Ministry of Justice, corrected that France does have a criminal code for domestic violence in addition to general codes on violence. The former contains specific articles which cover, for instance, children or cases where violence is carried out by one member of a couple against another.

In its concluding observations, the Committee noted that domestic violence is still not regarded as a specific offence under French criminal legislation. The Committee also noted that despite the efforts made by the Government to raise awareness of this phenomenon, under-reporting of domestic violence perpetrated by the spouse or partner continues to be a problem. Accordingly, it recommended that France adopt specific legislation criminalising acts of domestic violence. It further recommended that the Government increase its efforts to raise awareness of the seriousness of this offence and the mechanisms available to victims of domestic violence.

Corporal punishment

Ms Wilson noted that according to some sources, the right to correct or chastise exists at home, and there is no legal prohibition of corporal punishment in schools. She accordingly requested clarification on this matter, including the existence of legal sanctions and measures in place to protect children against mistreatment and corporal punishment. Ms Wilson pointed out that in 2005, the European Committee for Social Rights condemned France's failure to ban corporal punishment, and inquired whether the situation has improved since then.

Ms Diego affirmed that there are no criminal laws that expressly outlaw corporal punishment, but stressed that violence against minors is punished in the Criminal Code. When such violence is committed by an individual enjoying authority, such as a public servant or a teacher, it is more severely punished. Ms Diego concisely outlined one such case. Next, she briefed the Committee on the systems in place for physically and legally protecting children from violence.

Trafficking

Ms Wilson expressed her interest in the 2003 law prohibiting modern forms of slavery and trafficking, inquiring whether this law covers both women and children. In reply, Ms Diego asserted that this law contains specific criminal provisions for child prostitution and paedophile pornography. She also informed the Committee that legislation has been adopted in this field.

Right to food

Noting the decreasing role of agriculture in the French economy, Mr Sadi asked if France would consider reversing this trend in view of the current food crisis. Mr Mattei agreed that ‘food problems are very serious’ and notified the Committee that the President of France has already announced a doubling of food aid and that the State is working with international organisations on this issue. This situation has also been taken into account in trade negotiations. Another member of the delegation claimed that although the share of agriculture in the French economy is falling, it remains strong; the current food crisis shows the continuing importance of this sector.

Conclusions and next steps

During the dialogue, Mr Sadi asked about the implications of the recent change of Government for France’s commitment to the Covenant and to economic, social and cultural rights. To this, Mr Mattei firmly asserted that this change ‘does not mean that our attitude is changing in this respect’. He pointed to France’s efforts in the Human Rights Council, including in the fight against extreme poverty and supporting the draft optional protocol to the Covenant.

In closing, Mr Mattei gave his personal reaction to his first treaty body examination. He stated that this experience convinced him that the universal periodic review (UPR) of the Human Rights Council is no substitute for the work of the treaty bodies. ‘You are irreplaceable, you have given us a wealth of experience in these areas’, he told the Committee. He then promised to supply the Committee with additional documents, in particular statistics, as soon as possible. Finally, he took note of the comments made by the Committee on the format of the State report, and expressed his openness to further discussion on this issue.

In its concluding observations, the Committee acknowledged the efforts undertaken by France to combat social exclusion and guarantee equality of opportunities to persons belonging to vulnerable and disadvantaged groups in employment, housing, health, and access to cultural life. It further welcomed the adoption of laws and setting up of mechanisms with regard to, *inter alia*, social integration, prevention and punishment of conjugal violence and violence against children, and combating trafficking. Moreover, the Committee noted ‘the absence of any significant factors or difficulties preventing the effective implementation of the Covenant’ in France. France was encouraged to consider ratifying the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (CMW) and *Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms*. Finally, the State was encouraged to disseminate widely the concluding observations among all levels of society, and to inform the Committee on all steps taken to implement them in the next periodic report. The Committee also encouraged the State to continue engaging civil society in the process of discussion at the national level prior to the submission of its next periodic report.

Other treaty monitoring bodies have addressed similar issues to those which were raised by the Committee on Economic, Social and Cultural Rights in its review of France. In its consideration of France in January 2008, the Committee on the Elimination of Discrimination against Women²⁶ expressed its concern about and made recommendations on issues such as discrimination against immigrant women, *de facto* equality of women in the labour market, and violence against women. The Committee against Torture,²⁷ in 2005, discussed detention conditions in France, as well as the high number of suicides in detention centres. The Committee on the Elimination of Racial Discrimination²⁸ invited France to harmonise and refine its statistical tools to enable it to draw up and implement a comprehensive and effective policy to combat racial discrimination. It also encouraged the State to, *inter alia*, strengthen measures to improve the integration of immigrants, increase efforts to combat discrimination against Roma, better assist asylum-seekers, and take all necessary legislative steps to ensure the general application of the concept of indirect discrimination.

The Committee for Economic, Social and Cultural rights set 30 June 2011 as the date for the submission of the 4th periodic report of France.

Last revised and updated: 22 September 2008.

²⁶ CEDAW/C/FRA/CO/6, 8 April 2008, available at www2.ohchr.org/english/bodies/cedaw/cedaws40.htm.

²⁷ CAT/C/FRA/CO/3, 3 April 2006, available at www2.ohchr.org/english/bodies/cat/cats35.htm.

²⁸ CERD/C/FRA/CO/16, 18 April 2005, available at www2.ohchr.org/english/bodies/cerd/cerds66.htm.

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