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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
IN ACCORDANCE WITH ARTICLE 16 OF THE INTERNATIONAL
COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Replies by the Government of FRANCE to the list of issues (E/C.12/FRA/Q/3) to
be taken up in connection with the consideration of the third periodic report
of France concerning the rights referred to in articles 1-15 of the International
Covenant on Economic, Social and Cultural Rights (E/C.12/FRA/3)***

[15 March 2008]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

I. GENERAL INFORMATION

Question 1. Please provide information on the measures the State party intends to undertake in order to achieve, by 2012, its objective of 0.7 per cent of gross national product (GDP) to be devoted to official development assistance (ODA). Further, in relation to paragraph 32 of the Committee's previous concluding observations (E/C.12/1/Add.72) and in addition to the information provided in paragraphs 76 and the following paragraphs of the State party report, please provide information on how development cooperation policies have taken into account the realization of economic, social and cultural rights in developing countries (E/C.12/FRA/3, para. 43).

1. As the comprehensive public policy review has not been completed, it is not possible to reply to this question at this stage.

Question 2. Please outline in more detail how civil society organizations have been consulted in the preparation of the State party's periodic report, as requested by the Committee in paragraph 33 of its previous concluding observations (E/C.12/FRA/3, para. 82).

2. The French national institution, the National Consultative Commission on Human Rights (CNCDH), is systematically consulted on draft reports prepared by France for the treaty bodies. It is also systematically consulted on draft replies to the questions raised by the treaty bodies. Where the Commission considers it to be necessary, it may also issue a formal opinion, which is published, on the draft report. It also participates, at the invitation of the Committee, in a question-and-answer session, which is separate from the consultation session with non-governmental organizations (NGOs) organized by the Committee. During the preparation of the third report by France on the implementation of the International Covenant on Economic, Social and Cultural Rights, the Commission was consulted at the request of the French Human Rights Ambassador and the legal department of the Ministry of Foreign Affairs. The Commission's members include the main human rights NGOs, which were broadly consulted in that capacity. As part of that consultation process, on 18 December 2006 the Commission held a meeting of its subcommittees on international issues, national issues, rights of the child, women and families and human rights and developments in society; their members were invited to make comments with a view to amending the report. The Commission's comments concerned, firstly, the responses to the observations and recommendations of the committee relating to the second report and, secondly, the overview on "Combating precariousness and exclusion in France, with special reference to the specific difficulties of young people and the homeless".

Question 3. The Committee requests the State party to provide statistical data on an annual comparative basis over the last five years, disaggregated by age, gender, origin and - where applicable - urban/rural residence, in its replies to the issues referred to in paragraphs 6, 10, 15, 20, 24 and 26 below. The Committee also requests the State party to provide the specific statistical information requested in paragraphs 17, 18 and 27 below.

3. As indicated in the introductory part, there was insufficient time to reply to this question, particularly given the inadequacy of most of the statistical tools. In addition, the statistical tools available do not cover in detail the disaggregated data referred to by the Committee.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 2, paragraph 2: Non-discrimination

Question 4. Please provide an evaluation of how the Loi d'orientation relative à la lutte contre l'exclusion of July 1998 has contributed to guarantee for all, particularly for disadvantaged and marginalized individuals and groups, access to the basic rights referred to in paragraph 276 of the State party report.

4. The Framework Act of 29 July 1998 on measures to combat exclusion enabled the adoption of a series of measures concerning access to fundamental rights, with the aim of easing the daily lives of people in difficult situations. These measures were incorporated in various action plans, both French and European, aimed at simplifying systems and procedures and offering individually tailored solutions. They include measures to improve access to information and the quality of services offered, such as a commitment to ensuring the quality of reception services (for which a methodology guide has been published) and the establishment of a network of reception centres for people in difficult situations (PARADS). A policy has also been developed to take better account of service user feedback. These initiatives are part of France's overall strategy to combat exclusion, which aims to provide universal access to all rights, without creating a special right for the socially excluded, and to offer global responses tailored to individual needs, and developed through a close relationship with users.

Question 5. In addition to information provided in paragraph 191 of the State party report, please indicate measures, including training and awareness-raising for law enforcement officers, undertaken to combat discrimination against migrants, persons of foreign origin, and members of their families in the fields of employment, housing, health care, education and culture.

5. The policy for reception and integration in France is backed up by stronger measures to combat potential discrimination against foreigners or people of foreign origin, for example in regard to employment or housing.

6. France is taking action to combat all forms of discrimination, including in access to housing. Under the Act of 30 December 2004 establishing the High Authority to Combat Discrimination and Promote Equality (HALDE), an independent authority was set up to deal with all cases of direct or indirect discrimination punishable by law or under an international agreement ratified by France. The High Authority has a twofold mission: dealing with cases of discrimination and promoting equality, in the private and public sectors. Having the power to carry out investigations and to refer cases to criminal courts, HALDE is able to support victims of discrimination in access to housing on the grounds of their presumed origin, disability or age.

7. The media have an essential role to play in this area. This is particularly true of television, as a powerful image-building tool. Continuing the efforts under the "Positive Action Plan for Integration" adopted by the France Télévisions Group in January 2004, the Group is implementing the "Plural Media" project over the period 2005-2007, featuring a training

programme for managers, elected representatives on joint bodies in the relevant sectors and journalists (including print and radio journalists, to enhance their employability), and a televised magazine to showcase good practice in combating discrimination.

8. Confirming the importance attached by the public authorities to the media, the Inter-Ministerial Committee on Integration (CII), at its meeting of 24 April 2006, and Parliament (Act No. 2006-396 of 31 March 2006 on equal opportunities) assigned the Audio-Visual Media Board (CSA) the task of evaluating each year the representation of cultural diversity and minorities in the French audio-visual media. The Board submitted its report to the President of the Republic on 10 November 2006 (available at www.csa.fr).

9. Another way of changing attitudes is to show the - all too often unacknowledged - contribution made by immigrants and immigration to the history of our country, and to the construction of its identity. This is the objective of the History of Immigration Centre *Cité nationale de l'histoire de l'immigration* (CNHI), which is located - symbolically - in the former museum of African and Oceanic art at the Porte Dorée in Paris. The CNHI is intended to serve as a museum, a resource centre open to researchers and the public, an arts centre and a facility to support educational projects. It will also provide an opportunity for networking among local partners and actors involved in work on the history and memory of immigration.

10. With the aim of combating and preventing discrimination in employment, in 2006 the public authorities (Population and Immigration Department) continued and extended their work to mobilize the business world and increase its awareness of the need for greater diversity in recruitment. Accordingly, in conjunction with the National Solidarity and Equal Opportunity Agency, (ACSE) the Department is developing a policy of diversified partnerships in the area of prevention of discrimination in order to help provide firms and economic actors with diagnostic, action and evaluation tools and initiate research actions. Thus, in 2006, several important agreements were signed or renewed, supplementing or extending the work under way in this area. In addition to a multi-year framework agreement with the National Employment Agency (ANPE), two other important partnerships have been concluded with the Permanent Assembly of Chambers of Trades (APCM) and the Casino group (a supermarket chain).

11. The Government (CII meeting of 24 April 2006) is promoting a Company Diversity Charter, for example by introducing support and dissemination tools. The Charter has now been signed by nearly 2,000 firms. A guide to implementation was issued, for the use of firms in September 2006 with the support of the Population and Immigration Department. A Diversity Prize was awarded for the first time on 14 December 2006, with the help of the National Association of Human Resources Managers (ANDCP), at the end of the Diversity "Tour de France" conducted by the minister for the promotion of equal opportunities. Under a European EQUAL project steered by the Corporate Sponsorship Institute (IMS), with the support of the Population and Immigration Department and the National Solidarity and Equal Opportunity Agency, several firms (PSA, Ikea, Adecco and Axa) and ANDCP are experimenting with diversity management tools, which will be made available to signatories of the Charter.

Unemployment rate (as a percentage of the labour force) by sex and nationality, in metropolitan France (average for 2003-2005)⁽¹⁾

Origin	Men	Women	Total
France as a whole (all nationalities)	8.9	11.0	9.9
Natural-born French citizens	8.2	10.1	9.1
Naturalized French citizens	14.1	17.9	15.9
European Union ⁽²⁾	6.0	9.7	7.6
Other foreigners, including:	23.0	31.0	26.0
Algeria	24.6	37.3	29.1
Morocco	24.4	33.8	27.5
Tunisia	25.5	25.4	25.7
Other African countries	26.4	32.7	29.1
Turkey	21.9	42.8	27.0
China	6.9	18.6	12.0
Other Asian countries	13.5	24.2	18.3

Source: Emploi en continu 2003-2005 surveys, average annual figures, 2005 weighting (Statistical and Research Department of the Ministry of Labour (DARES). "Labour force" as defined by the International Labour Organization.

- (1) Taking the average over three years eliminates non-significant variations.
(2) 15 member States.

The unemployment rate for foreigners in France is, on the whole, two or three times higher than the national average. However, further breakdown by nationality shows considerable differences between European Union nationals - whose unemployment rate is two or three percentage points lower than the national average - and nationals of certain States, particularly the Maghreb, Turkey and black Africa, who account for the majority of non-European Union migrants arriving each year in France, who have the highest unemployment rate. The unemployment rate for Chinese nationals, however, and men in particular, is generally close to the average.

The unemployment rate for women, which is higher than that of men for all nationalities (including French), reflects the same differences, in some cases further exacerbating them: for example, the rate for Turkish and Chinese women is twice and three times that of men, respectively.

There is also a considerable difference - of six to eight percentage points - between French nationals, according to whether they are natural-born or naturalized citizens. The rate for naturalized French citizens is certainly closer to that of natural-born French citizens than that of non-European foreigners (especially in the case of women), but their situation beckons analysis of the conditions of their economic integration. It suggests that the process of integration does not always end with the acquisition of French nationality and justifies the inclusion of

persons of immigrant origin in the policies established by the Inter-Ministerial Integration Committee. Moreover, their situation calls for further and stronger efforts to promote greater diversity in recruitment and to combat discrimination.

12. France is working to combat all forms of discrimination in access to housing, with the aim of achieving social diversity. It has opted for a global policy, which is necessary for social cohesion, and is in keeping with the constitutional principle of indivisibility of the French people enshrined in article 2 of the Constitution, which affords the same rights to all individuals, irrespective of origin, state of health or age. The provision of social housing and individual housing benefits has gradually been extended to all persons in need, on a means-tested basis. This policy aims to provide access to decent housing to as many people as possible.

13. Housing policy in France is therefore backed by considerable resources, in order to offer decent housing to all who need it, at a time of economic and property market crisis.

14. France seeks to balance asylum-seekers' entry and residence in its territory with their fundamental rights. In accordance with a well-established principle of international law, confirmed by the case law of the European Court of Human Rights, States have the "right to control the entry, residence and expulsion of aliens". In France, this right must be balanced with the constitutional right to asylum. This explains why asylum-seekers who are not legally resident may not be removed before their application has been examined in accordance with their fundamental rights. This rule also means that access to the labour market is dependent on the asylum-seeker's lawful administrative situation. France has developed a system of benefits to meet their needs and ensure their fundamental rights.

15. The number of places in asylum-seeker reception centres have been considerably increased in recent years. Current capacity exceeds 19,500 places. While in 2003 there were only a little over 10,000 places, the final objective of 20,500 places by the end of 2007 will be met. Asylum-seekers are provided with social assistance upon arrival. Those whose applications have been rejected and who have exhausted all remedies will benefit from the measures taken, as described earlier, to improve and increase the provision of emergency housing.

16. Accordingly, the Government has put in place the legal and institutional means of providing a housing solution for priority recipients, Travellers, asylum-seekers and homeless people. It is continuing its work to help them.

Measures undertaken in the area of training and awareness-raising for law enforcement officers

17. HALDE and the national police jointly developed a practical guide to combating discrimination. This instruction manual has been disseminated on the intranet of all police stations to enable the police to receive and deal with complaints of discrimination more effectively. It contains the applicable provisions of discrimination law, practical advice and model reports. This tool for training and awareness-raising on combating discrimination was developed under a partnership agreement signed in December 2006 between HALDE and the national police department. It was designed in response to police officers' requests for help in dealing with problems encountered in their day-to-day work. The software will also be used for police officers' initial and in-service training.

18. This practical guide has just been extended to the gendarmerie under an agreement signed with the Ministry of Defence.

Question 6. Please provide detailed information on the legislation and policies of the State party regarding refugees and asylum-seekers, particularly in the aftermath of the 2003/2004 regulations reforming the asylum law. Please also provide disaggregated statistical data on the number of refugees and asylum-seekers living in the territory of the State party and on the number of applications for family reunification presented and approved since the submission of the previous report.

19. In France, all the forms of protection provided in the context of asylum are governed by book VII of the Code governing the Entry and Stay of Aliens and the Right to Asylum and the Decree of 14 August 2004. Containing provisions that reflect those of international instruments, while meeting constitutional requirements, this legislation specifies, inter alia, who can request asylum, and how, with additional provisions covering asylum at the border.

20. The French Office for the Protection of Refugees and Stateless Persons (OFPRA), a key element of the national asylum system, has sole jurisdiction over the processing of applications for asylum. Its decisions can be appealed before a specialized administrative court, the National Court of Asylum (*Cour nationale du droit d'Asile*).

21. The drop in the number of applications for asylum in France, observed since 2004, continued and gathered pace in 2006. In 2006 a total of 39,332 applications were recorded, 30,748 of which were initial applications (including minors) and 8,584 re-applications. Asylum applications overall, thus, dropped by a hefty 33.6 per cent compared to 2005. Despite a sudden jump in September (+18 per cent), the decrease in applications in 2005 continued further in 2006. This decline is part of a general trend, particularly in Europe. Even in 2006, however, France remained the top destination for asylum-seekers.

22. Furthermore, it can be noted that the continued drop in the number of applications in the capital since 2001 was particularly marked in 2006: 3,884 initial applications were recorded, compared to 6,787 in 2005 and 15,374 in 2000. In addition, claims submitted in Paris now represent 14.8 per cent of total applications, compared to 40 per cent in 2000, 29 per cent in 2001 and 16 per cent in 2005. The continued decline in applications from Chinese nationals, essentially concentrated in Paris, partially explains this trend.

23. Finally, it should be noted that the increase in the share of women applying for asylum has not been affected by these trends: the number is still rising, albeit modestly. Women accounted for 35.8 per cent of asylum-seekers in 2006, compared to 29.6 per cent in 2001 and 34.6 per cent in 2005. This increase should be seen in the context of growing attention by OFPRA to issues concerning subsidiary protection (excision, domestic violence, prostitution, etc.).

24. The drop in the number of asylum applications is reflected in a decline in almost all national flows: Haiti: -63.5 per cent; China: -53.5 per cent; Algeria: -43.8 per cent; Turkey: -28.8 per cent, etc. There are a number of reasons for this trend, which has not affected Sri Lanka (+5.2 per cent) or Armenia (+0.7 per cent). Some may be attributed to random or isolated effects, such as a certain disruption of immigration channels following the adoption of the 2003 reform, and the fact that the flow of applications for territorial asylum (essentially by Algerian nationals)

was not maintained with the introduction of the new single procedure implemented by OFPRA. Other factors appear to be more structural: reduced time periods for processing applications; adoption of the national list of safe countries of origin; implementation of the Eurodac fingerprint system; increased efforts to combat illegal immigration (dismantling of networks; combating identity fraud; development of removal procedures for unsuccessful asylum-seekers; expanded administrative detention capacity, etc.). The decline in the number of asylum applications in France is consistent with a more global trend, since the number of applicants is falling in most industrialized countries, particularly in Europe.

25. Persons who have been granted conventional asylum or subsidiary protection, or stateless persons, can apply for their families to be admitted to French territory without using the ordinary procedure for the family reunification of refugees. Their applications must be addressed to the Ministry of Foreign Affairs department for French nationals abroad and foreign nationals in France. Cases are referred by the Ministry of Foreign Affairs to OFPRA, which runs checks on the refugee's family composition within a period of three to five weeks. Several elements are taken into consideration: sworn statements by the applicant, the interview report and the family information form. After the standard checks, the refugee's reconstituted civil-status document is transmitted to the ministry. If OFPRA has civil-status documents concerning family members remaining in the country of origin, it may send them to the Ministry of Foreign Affairs, but without being able to certify them. The consular authorities are the only bodies competent to legalize these documents, which must be submitted in order for a visa to be issued.

26. For further information, we refer the Committee to the OFPRA report, which can be consulted online at (www.ofpra.gouv.fr).

Question 7. In addition to information provided in paragraphs 225 and 331 of the State party report, please provide information on the mandate and functions carried out by the Haute Autorité de Lutte contre les Discriminations et pour l'Égalité (HALDE). Has HALDE considered complaints submitted by individuals who claim to be victims of discrimination? If so, please provide information on the number and outcome of cases brought to the attention of HALDE.

27. HALDE was established by the Act of 30 December 2004 and the Decree of 4 March 2005, transposing a European directive. The Act of 31 March 2006 extended the powers of HALDE, in particular by allowing the High Authority to settle criminal cases. The Act also gave legal weight to discrimination testing.

28. The establishment of the High Authority meets the European Union requirement to establish independent bodies to combat discrimination and promote equal treatment in each member State (directives 2000/43/EC of 29 June 2000 and 2002/73/EC of 23 September 2002).

29. HALDE uses its powers and jurisdiction to help victims of discrimination in the following ways:

(a) The High Authority studies individual complaints it has received, and situations that it examines on its own initiative;

(b) It gathers information on matters brought to its attention;

(c) It may demand information from any natural person or legal person of private law implicated in a complaint it has received. It may also require the submission of information and documents, in any medium, and interview any person whom it deems it useful to consult;

(d) In respect of legal persons of public law or public service bodies, it may interview any official of such persons or bodies about whom a complaint has been received and obtain, by submitting a substantiated request, any information and documents it deems useful;

(e) It may instruct one or more of its members or officials to carry out on-site checks and conduct any interviews it deems useful. HALDE officials are authorized to exercise these powers by the Principal Public Prosecutor (*procureur général*) of their local appeal court. In the event of opposition from the managers of the premises in question, the president of HALDE may submit a substantiated request to the urgent applications judge to authorize the on-site checks;

(f) It may make a finding of acts of discrimination, on the basis of reports drawn up by sworn officials, who are specially authorized by the public prosecutor (*procureur de la République*). The offences may be found by its officials in the course of the discrimination testing provided for by article 225-3-1 of the Criminal Code;

(g) It helps victims of discrimination to compile their files and to identify the appropriate procedures for their case;

(h) It may carry out or order mediation;

(i) It may propose a settlement to the perpetrator of the acts, consisting in the payment of a fine and/or of compensation to the victim, if these acts have not already given rise to criminal proceedings. If criminal proceedings are under way, HALDE must obtain prior agreement from the public prosecutor. A settlement proposed by HALDE and accepted by the victim must be sanctioned by the public prosecutor for the geographical area concerned;

(j) It can instigate criminal proceedings by bringing a private prosecution if a proposed settlement is rejected or if a settlement that has been agreed upon, and sanctioned by the public prosecutor, is not implemented;

(k) It must inform the public prosecutor when the acts brought to its attention constitute a crime or offence. Acts of discrimination may be made known to the public prosecutor during implementation of the settlement procedure;

(l) It may submit its observations to civil, criminal or administrative courts, when a discrimination-related case has been brought before them, at its own initiative or if requested by the parties. When HALDE asks to be heard in court, it has a legal right to be heard.

HALDE's framework for action and reporting

30. Since 2004 the business world has paid increased attention to the issues of combating discrimination and equal opportunities. In October 2004, the Company Diversity Charter signalled a growing awareness by companies of the need to act in a social context marked by an anticipated demographic reversal and an increasingly demanding international and competitive environment.

31. The establishment of HALDE has added impetus to this movement. HALDE provides expertise and new methods, centred on the transition from a non-binding commitment (the Charter) to ongoing assessment of progress made (framework for action and reporting). To that end, the High Authority has drawn on the special knowledge of discriminatory processes it has gained from dealing with complaints, and on its capacity to bring professionals together in multidisciplinary working groups. This working method has been adapted and extended to employment intermediaries and to the public sector.

32. In 2005, 150 large French companies were asked about their commitment to equal opportunities. The answers provided an overview of the existing situation, highlighting good practices, as well as shortcomings that needed to be addressed. There was a clear need to place the exchange of information initiated by the letter to companies, in a more permanent, formal framework so as to ensure consistency in the information collected, and the sector itself needed to be involved in the development of a framework for action and reporting.

33. As in the case of quality management, checking human resources processes is the only way to guarantee that the intentions expressed by those at the top are actually implemented in practice. The framework for action and reporting has proven to be an effective tool/method, since it has prompted requests to HALDE for information, as well as exchanges of experience between participating companies. Some examples of this are diversification of recruitment sources, disability awareness activities, taking account of diversity management when evaluating managers' performance, and introducing warning procedures for cases of discrimination and harassment.

34. The information collected and analysed in 2006 revealed major deficiencies in the application of the principle of equality in career development. Comprising human resources directors of large companies, the working group set up to deal with this issue discussed the approaches that had been tested in order to identify the most interesting initiatives and make recommendations. Its recommendations were published in a second guide, entitled *Des pratiques pour l'égalité des chances. Que répondent les entreprises à la HALDE* (Equal opportunity practices: Company responses to HALDE), which was distributed in September 2007.

35. The reference framework was sent to 253 large companies in September 2007 and 192 responded. An analysis of the replies will enable an initial overview of the main areas of progress (see the 2007 report of HALDE to be published in May).

Discrimination tests

36. Since the Act on equal opportunities was passed in 2006, the results of discrimination testing may be used as evidence in criminal courts. Designed to establish the existence of discriminatory practices, this type of testing is particularly effective in identifying situations of direct discrimination (see chapter 5). It is carried out without the knowledge of the person being tested. However, once it has been completed, the results are sent to the person in question, who can submit his or her comments before the Council considers publishing the results or undertaking corrective action. HALDE has carried out discrimination testing on several occasions in regard to employment and housing.

Statistics on complaints and outcomes in 2007

37. From 1 January to 31 December 2007, 6,222 complaints were registered, representing an increase of 53 per cent since 2006.

38. The average number of complaints per month rose from 141 in 2005 to 338 in 2006 and 518 in 2007.

39. The distribution of complaints according to ground and area of discrimination reveals the following developments:

(a) Origin remains the most common ground, while health/disability were cited in 21.6 per cent of complaints;

(b) More than 50 per cent of the complaints registered were in the area of employment; the increase was particularly notable in the “career” category in private sector employment, which accounted for 24 per cent of complaints in 2007.

40. Moreover, 32,557 calls were made to the local-rate number 08 1000 5000 between 1 January and 31 December 2007; the callers were given advice and referrals.

41. As regards complaints received by HALDE of discrimination on all the grounds prohibited by French law, in 2007 the Council considered a total of 340 cases, as a result of which 558 measures were taken, including 332 recommendations to the Government, public bodies and companies. Of those recommendations, 197 were general in scope and 135 concerned individuals.

42. Act No. 2006-396 of 31 March 2006 on equal opportunities authorizes HALDE to submit comments to the courts on its own initiative; the Authority thus has a legal right to be heard. This new right, together with the growing number of discrimination victims who request the High Authority’s support during litigation, explain the very sharp rise in the number of cases in which HALDE intervenes in court proceedings (+140 per cent).

43. The High Authority is becoming more effective in mediation, a form of settlement increasingly used by parties; mediation was initiated in 49 cases in 2007.

Question 8. Please provide information on whether the State party intends to ratify Protocol No. 12 to the European Convention on Human Rights.

44. France is party to all the international instruments prohibiting discrimination. It signed the Convention for the Protection of Human Rights and Fundamental Freedoms, which entered into force in France in 1974 on 4 November 1950; article 14 of that Convention prohibits all forms of discrimination. France is also party to the International Convention on the Elimination of All Forms of Racial Discrimination, which was signed on 7 March 1966 and entered into force in France in 1971; and France has acceded to the International Covenant on Civil and Political Rights of 16 December 1966, which entered into force in France in 1981.

45. French domestic legislation fully complies with France's international commitments. In recent years, France has strengthened its legislative arsenal to combat all forms of discrimination more effectively. Act No. 2003-88 of 3 February 2003 has established racism, xenophobia and anti-Semitism as new aggravating circumstances (art. 132-76) of the Criminal Code. Act No. 2003-239 of 18 March 2003 on internal security adds a new article 132-77 to the Criminal Code explicitly providing for the possibility of admitting a further aggravating circumstance when an offence is committed because of the victim's sexual orientation. For the first time, the law provides that homophobic motives shall be considered as an aggravating circumstance for certain criminal offences.

46. The Act of 16 November 2001 on measures to combat discrimination amended articles 225-1 and 225-2 of the Criminal Code, which cover discrimination and the applicable penalties. Parliament sought to expand the scope of efforts to combat discrimination to cover all discriminatory situations by adding to article 225-1 of the Criminal Code the notions of "sexual orientation, age, physical appearance and family name".

47. The Act also expands the work contexts in which discrimination is subject to criminal proceedings by adding to article 225-2 of the Criminal Code "applications for work placements or periods of vocational training".

48. The Act of 17 January 2002 on social modernization added to the legislation governing relations between landlords and tenants provisions prohibiting the denial of a lease based on discrimination of any kind (origin, physical appearance, sex, actual or supposed ethnic or national origin ...) and laying the onus of proof that denial was justified on the landlord.

49. Lastly, Act No. 2004-204 of 9 March 2004 on adapting the justice system to changing patterns of crime increased the penalties for simple discrimination. To enable more effective application of the Act of 29 July 1881 on freedom of the press, particularly with regard to offences committed through the Internet, Act No. 2004-204 extends the time limit for the public right of action from three months to one year for the offences of defamation and racial insult, incitement to racial hatred and revisionism.

50. France has thus developed an extensive, and internationally recognized legal arsenal to combat discrimination.

51. Nevertheless, France does not, in the short term, envisage ratifying Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms, essentially for reasons relating to the current situation of the European Court [of Human Rights] in Strasbourg.

52. Faced with a considerable increase in its caseload, the Court has had to carry out a major reform of its system by adopting Protocol No. 14, which France has ratified. The entry into force of Protocol No. 12, which will inevitably give rise to a surge of new applications, thus would not appear to be desirable.

Article 3: Equal rights of men and women

Question 9. Please provide information on measures adopted by the State party to encourage gender equality and the representation of women in high-level positions in the State party, in the public as well as in the private sphere.

Women's access to political life

53. Positive action measures have been taken to facilitate women's access to political life:

(a) The Act of 6 June 2000 makes it compulsory for political parties to field an equal number of male and female candidates for regional, municipal (municipalities with more than 3,500 inhabitants), senatorial and European elections. Parties that do not respect the principle of parity when nominating candidates for the legislative elections are penalized financially;

(b) The Act of 6 June 2000 has been supplemented by the Act of 11 April 2003, which revises the electoral system for regional and European elections;

(c) It was further supplemented by the Act of 31 January 2007, which requires parity among the executive officers of municipal and regional councils, increases the financial penalties imposed on political parties that do not meet the legal parity requirements, and provides that for each candidate there shall be a substitute of the opposite sex in the cantonal elections of March 2008.

54. An attempt was made to include positive action measures to facilitate women's access to company boards of directors when the Act of 23 March 2006 on equal remuneration was passed. These measures were, however, deemed unconstitutional by the Constitutional Council (only the positive action measures for parity in politics were provided for in the constitutional amendments of 1999).

55. The President of the Republic has appointed Simone Veil to chair a committee tasked with amending the Constitution to allow Parliament to take measures to guarantee genuine equality of rights and duties between men and women in all areas of economic and social life.

Women's place in the civil service

56. Pursuant to a circular of 6 March 2000, each ministry drew up a multi-year plan to improve women's access to senior jobs and posts in the civil service. The plan sets targets for the percentage of women to be attained in each job and post category at management level. The percentages fixed take account of the share of women in the departments or jobs from which women are recruited to such management positions.

57. On 29 March 2004, the Minister of the Civil Service and State Reform signed three circulars to relaunch the process, providing for an assessment of the ministerial plans that were coming to an end in the light of the targets set, a progress report in the ministries where the plans were in the process of being implemented, and a status report in the ministries that had not drawn up a plan.

58. All the competitive examinations for entry to the civil service are open to men and women; the French Constitution does not allow quotas to be set for either sex. However, a proactive policy is being implemented to encourage the promotion of women, as may be seen from the above-mentioned multi-year plans on women's access to senior positions in the civil service. Similarly, the law provides for a balanced representation of men and women on the boards of examiners for the competitive examinations and in civil service advisory bodies:

(a) *Boards of examiners*: the members of the boards and selection committees appointed by the administration must be selected so as to ensure a minimum proportion of each sex, which has been fixed at one third. Steady progress has been made in increasing the percentage of women on the boards of examiners of the main competitive examinations since 2000: in five years, the percentage of women has risen from 33.3 to 45.9 per cent. All administrations have fulfilled the minimum proportion requirement.

(b) *Civil service advisory bodies*: the law also requires that each sex shall be represented by at least a third of the members of administrations' advisory bodies. At the end of 2006, 36 per cent of the administration's representatives in the joint administrative committees¹ were women, compared to 33 per cent in 2005. The trade unions are participating in this initiative even though they are not bound by this requirement. Men and women are fairly evenly represented on many joint administrative committees. At the plenary assembly of the newly established Civil Service Council, 35 per cent of the members appointed (both titular and substitute members) were women.

59. The introduction of new career support tools, which can be particularly effective for women, has given new impetus to promoting women's career development and improving their access to management-level jobs.

60. These tools include Act No. 2007-148 of 2 February 2007 on modernizing the civil service and the agreement of 21 November 2006 on lifelong training.

61. Other measures are aimed at better organizing women's careers and mitigating the effects of career breaks due to childbirth or other family events.

62. Useful measures to that effect were introduced by Act No. 2007-148 of 2 February 2007 on modernizing the civil service and the agreement of 21 November 2006 on lifelong training, signed by the minister responsible for the civil service and three trade unions (CFDT, CFE-CGC and CFTC) on 21 November 2006:

(a) "Recognition of professional experience", a new selection method applied to competitive examinations, which will enable women who interrupted their careers for some time to use their previous experience in order to re-enter the civil service or sit a competitive examination;

¹ Joint bodies composed of an equal number of management and staff representatives, which are consulted on issues relating to the careers of civil servants (transfers, promotions, disciplinary sanctions, etc.).

(b) Introduction of an “individual right to training” in the civil service, as has already been done in the private sector, to ensure a better match between training provision and employees’ career plans. In that regard, a new tool has been developed to support retraining, particularly following a career break: “career enhancement periods” can help women embark on a second career.

Women’s participation in the diplomatic service

63. The 2004-2007 multi-year plan on parity in the diplomatic service drafted by the Ministry of Foreign Affairs contained the following proposals:

- (a) For senior posts:
 - (i) Encouraging the appointment of women to strategic posts in the central administration of the ministry and avoiding adhering too closely to traditional career paths for women;
 - (ii) Increasing the representation of women in the diplomatic corps to reflect the proportion of women in the labour pool;
- (b) Allowing employees in all management posts to organize their working time so as to improve their work-life balance;
- (c) Pursuing an active policy to support employees’ spouses (training, double postings) to ease overseas postings;
- (d) Valuing inter-ministerial mobility as highly as geographic mobility when awarding internal promotions;
- (e) Developing a reporting tool to monitor the position of women in the ministry hierarchy;
- (f) Drawing on the work of the General Inspectorate to ensure that women’s concerns are understood and properly taken into account;
- (g) Carrying out a study on the career development of women eligible for senior posts in order to remove any barriers. This is already being done, and an analysis is being made of replies to a questionnaire sent to about 50 managers in the department.

Women’s representation in decision-making posts in higher education and research

64. A committee on professional equality of men and women in higher education and research was set up by the Minister on 26 January 2006, demonstrating the will to balance the representation of women.

65. In the plans announced in December 2007, the Minister of Higher Education and Research, Ms. Valérie Pécresse, expressed her commitment to increasing the percentage of women among administration appointees in different sections of the National University Council, setting an overall target of 40 per cent.

Women's participation in the private sector

66. On 26 November 2007, the Government held a tripartite conference with trade unions and employers' organizations. The conference led to the announcement of several measures aimed at adapting and improving the effectiveness of the tools used to identify inequalities in companies; supporting the social partners to encourage them to use existing tools (including a broad information campaign on professional equality and equal pay); strengthening monitoring mechanisms and penalties for more effective enforcement of the legislation on mandatory negotiation in companies (Act No. 2006-340 of 23 March 2006) and addressing the underlying structural causes of inequality (for example by facilitating work-life balance, improving the quality of part-time work and promoting job desegregation and training). The package of measures, aimed at mobilizing all the actors, is expected to enhance women's career development and improve their access to positions of responsibility in companies.

III. ISSUES RELATING TO THE SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

Article 6: The right to work

Question 10. In addition to the information provided in paragraphs 163-164, 191 and 205 and the following paragraphs of the State party report, please provide information, including statistical data, on progress made in the implementation of the different strategies adopted to provide professional training and employment opportunities for persons belonging to specific groups, such as (a) young persons, including those of foreign origin, (b) less qualified workers, (c) persons over 50 years of age, and (d) persons living in the sensitive urban zones (ZUS).

67. Integrating young persons in working life and, more generally, in community life, has been one of the priorities of French employment policy for several years. It is also a priority at the European level: France is one of the countries that put forward the initiative of the European Youth Pact signed by the heads of State of the European Union in 2005.

68. The employment rate of young persons aged 15 to 29 years in France has increased slightly over the last 10 years, after having decreased sharply in the past when compulsory schooling was extended. In 2005, half of all young persons aged 15 to 29 years were economically active: 42 per cent were employed and 9 per cent were unemployed. The other half were continuing their studies without working. More than a third of employed persons aged 15 to 29 years were working under a temporary, fixed-term or government-subsidized contract.

69. Integrating young persons in all aspects of community life was a key element of the Social Cohesion Plan in 2004, further reinforced in June 2005 through the Emergency Employment Plan.

70. Accordingly, measures taken by the authorities will focus on:

- (a) Promoting occupational integration in companies;
- (b) Improving the match between training and jobs;
- (c) Taking specific steps for young people in difficult situations.

(i) Promoting occupational integration in companies

A significant increase in apprenticeships

71. Increasing the number of apprenticeships is one of the priorities of the Planning Act for social cohesion, the target being 500,000 apprentices in 2009 (an increase of 30,000 each year between 2005 and 2008). A review of the progress thus far shows the efforts that have been made: there were 374,000 apprentices in June 2006, compared to 357,000 in March 2005.

72. These results were obtained by:

- (a) Making apprenticeships more attractive to young people (income exempt from tax, information campaign);
- (b) Improving the quality of teaching support and supervision in apprentice training centres (CFA);
- (c) Granting a tax credit of 1,600 euros per year to companies that take on apprentices;
- (d) Establishing contracts specifying objectives and resources between the State and 23 of the 26 regions to improve training provision and the quality of apprenticeships.

73. The Act on equal opportunities added the following measures in March 2006:

- (a) The junior apprenticeship: introduction to work experience as part of the school curriculum open to young persons aged 14 and above;
- (b) The development of apprenticeships in large companies (more than 250 employees), which are encouraged to employ a minimum proportion of young persons on sandwich schemes;
- (c) Extending apprenticeships into higher education, on the proposal of the commission on university and employment that met in April 2006.

Increase in vocational training contracts

74. Vocational training contracts replaced qualification contracts after the conclusion of the 2003 inter-professional agreement on lifelong training. Combining work and study for 16- to 25-year-olds, these contracts have taken off rapidly: 115,000 were concluded in 2005. They are shorter than qualification contracts (15 months instead of 18) and the focus is more on the skills needed by industry, which is responsible under the reform for defining the training and support measures that match their skills requirements.

Incentives for employment in companies

75. Under the “young people in companies” contract (CJE), employers that hire young persons aged 16 to 25 years who do not have a school-leaving certificate (baccalaureate) on an open-ended contract are granted a reduction in their social security contributions for three years. Some 120,000 young persons had a CJE in June 2006, and 260,000 have been employed on this type of contract since it was introduced, half of whom had left the school system without a diploma, and one quarter of whom were unemployed. The CJE was recently opened up to new target groups (young residents of critical urban areas (ZUS) and long-term unemployed persons) and the support measures provided by the social integration contract (CIVIS) (see below) have been strengthened (Act of 21 April 2006 on young persons’ access to employment in companies).

The National Employment Agency (ANPE) and local youth employment offices assist 57,000 young persons who have been unemployed for at least one year

76. As part of the Emergency Employment Plan of June 2005, this measure focuses on people who are less employable because of their lack of skills. A total of 71,553 unemployed persons participated through 76,294 interviews. Almost 84 per cent of them received a job offer; 59 per cent held a job between June and October 2005 and one quarter still had a job in mid-October 2005. Given their profile, most of the young persons interviewed are still unemployed, but they have experienced a period of paid work, which improved their employability and enabled some of them to find long-term employment or obtain training. The operation thus yielded some positive results. Further efforts reduced long-term unemployment by 9.4 per cent in the under-25 age group - significantly higher than the 7.2 per cent drop recorded among those over 25.

(ii) Improving the match between training and jobs

77. The high youth unemployment rate coincides with serious recruitment problems in many sectors. Several recent measures are aimed at reducing the mismatch between the training obtained by young persons and the competencies expected by companies.

(a) **A public vocational guidance service** has been set up to ease the transition between studies and working life. Tasked with guiding students from the end of lower secondary school (*collège*) to the third year of university, the service should ensure that a student’s study choices are consistent with his or her employment prospects. An inter-ministerial delegate on vocational guidance and occupational integration is responsible for ensuring consistency in vocational guidance provision, both at the national level and in each education authority, and for developing a national vocational guidance and occupational integration framework in consultation with student organizations in 2006-2007. A careers advisory service will be opened in each university, in consultation with the upper secondary schools in its education authority area. Careers advisers will be more effective, all education staff will be trained in providing guidance, and the linkage between secondary and higher education will be enhanced.

(b) **A student settling-in grant** has been introduced to support students from modest backgrounds who leave the family home to live independently. A total lump-sum payment of €300 will be made, from November 2006, to all grant holders who are receiving their first housing allowance, irrespective of their year of study (some 80,000 students).

(c) **Pre-recruitment training schemes** have been offered since the end of 2006 to narrow the gap between unfilled vacancies and jobseekers with similar skills to those in demand, giving priority to young persons under social integration contracts (CIVIS). The scheme lasts three months, at the end of which the company commits to employing the jobseeker on a permanent contract. The jobseeker is trained for a specific post, remunerated as an intern and mentored by a company employee. It is anticipated that 50,000 persons will have benefited from these schemes by the end of 2007.

(d) **A tax credit** of up to 1,000 euros for young employees who take up jobs in sectors with chronic recruitment difficulties is available between 1 July 2005 and 31 December 2007. The list of eligible occupations is based on objective criteria: the size of the occupation and the ratio of vacancies to applicants. The list includes agriculture, construction and public works, mechanics and metal work, the retail trade, the food industry, and the hotel and catering subsector.

(iii) Special measures for young people in difficult situations

(a) Strengthening the social integration contract (CIVIS)

78. The social integration contract (CIVIS) - a key component of the Social Cohesion Plan for young persons - was designed to support young jobseekers, as an active solution for the 800,000 young persons facing particular difficulties in entering the labour market, either because they dropped out of school or because they left it without obtaining any qualifications. Established in May 2005, this type of contract had been signed by 211,000 young persons by 30 June 2006, almost half of whom had no diploma or qualifications. At the same date, 195,000 were still working under these contracts, while 10,000 had left the programme for a permanent job.

79. The Act of 21 April 2006 on young persons' access to employment in companies revised and improved this measure by extending it to young persons with a higher education diploma who face particular difficulties in finding a job. An employment access plan should be proposed to young persons within three months of concluding a contract; and support can continue for up to one year after starting a job. Young persons with a social integration contract (CIVIS) are covered by social security; if they are over 18, they are entitled to an allowance during the periods when they are not receiving any other income or benefits (up to 900 euros a year or 300 euros a month).

(b) Access to regional, hospital and State civil service posts (PACTE)

80. This new civil service recruitment scheme targets young persons aged 16 to 25 years who are having difficulties finding work, and who do not have a diploma or recognized professional qualification, or whose qualifications are below school-leaving certificate (baccalaureate) level. Candidates are initially screened by the National Employment Agency (ANPE) or local youth

employment offices. A public law contract is signed with the employer administration for a period of one to two years; the young person alternates between training and an internship in the civil service, under the supervision of a mentor. The remuneration is at least 55 per cent of the minimum wage (SMIC) for 16-20-year-olds and 70 per cent for the rest, and the employer is exempt from paying social security contributions. Young persons on a PACTE contract can, at the end of their training, enter the civil service as category C civil servants, following a professional examination. PACTE scheme should cover 20,000 young persons per year.

(c) The Second Chance Defence scheme

81. The Second Chance Defence scheme is a joint initiative of the Ministry of Defence and the Ministry of Employment, Social Cohesion and Housing, open to young men and women aged 18 to 23 years who have failed at school. They are offered training for 6 months to 2 years, which includes learning the rules of life in society, reviewing the basic school curriculum, vocational training and sports activities; training is dispensed in a Defence Ministry integration centre (EID).

(d) Employment promotion in critical urban areas (ZUS)

82. To ensure that the decrease in unemployment benefits young people in urban neighbourhoods where the employment situation is difficult, the Government has decided, without creating new measures or provisions, to mobilize employment policy actors and resources more effectively in urban neighbourhoods. "Employment solidarity groups" have been organized in each critical urban area (ZUS) on the initiative of the prefect, bringing together different actors under a facilitator. They will be set specific measurable objectives (such as reducing the discrepancy between the unemployment rate in ZUS and the surrounding area), and employment policy instruments will be fully mobilized in support of unskilled jobseekers, persons who are unemployed because of discrimination on account of their neighbourhood, and young persons who have never received any guidance. Several tools are being strengthened:

- (a) National Employment Agency (ANPE) resources are being redeployed to ZUS;
- (b) Outplacement services are assisting young persons with a school-leaving certificate plus three years of further study (baccalaureate+3) working under a social integration contract (CIVIS);
- (c) twenty thousand additional places are being added on basic knowledge courses;
- (d) Financial support is being provided towards the expanded PACTE programme (€1,000 per contract);
- (e) The mentoring of young persons by recent retirees is being developed.

With regard to the employment of senior citizens, initiatives by the public authorities and the social partners in recent years have taken several forms

- (a) Restrictions on access to early retirement schemes in the public sector;
- (b) Pension reform in 2003;

(c) Signing of an inter-professional agreement on life-long training in 2003 and subsequent passage of the Act on the same subject in 2004;

(d) Adoption of the plan for a healthier work environment, 2005-2009;

(e) Agreement of 9 March 2006 between the social partners on the employment of older people, which led to the signing of the 2006-2010 concerted national plan of action (State and social partners) for the employment of older people. The plan is the first to reflect an overall approach to the issue, which is being jointly implemented by the public authorities and the social partners in their respective areas of competence.

83. The aim of the plan is to increase the employment rate of persons in the 55-64 age group by two percentage points annually between 2006 and 2010 to reach 50 per cent by 2010, in keeping with the objectives of the European Employment Strategy. This should be achieved through the combined effect of financial incentives to raise the age of retirement and measures to encourage older people to go back to work and to better organize the last years of their working lives.

84. Two initiatives are worth noting: one extends mentoring arrangements to retirees, and the other allows employees to accumulate working time over the years in “working time accounts” so that they can work shorter hours in the run-up to retirement. Life-long education and training should enable older workers to plan for the latter part of their working lives and to have a say in and better manage their careers so that they can remain employed. The national inter-professional agreement of 13 October 2005 on the employment of older people and the 2006 plan of action for the employment of older people (measures 5 and 6) identify initiatives to be taken in that regard.

85. The following initiatives have been carried out since the plan was introduced:

(a) An information campaign entitled “Building our future at all ages” was launched in October 2006 using television and radio broadcasts, announcements in the press, brochures for businesses and an Internet website. Starting in December 2006, conferences on the employment of senior citizens were held in five regions. They will resume in September 2007;

(b) Improving working conditions is an important aspect of keeping older people employed. The 2005-2009 plan for a healthier work environment and the 2004-2008 “contract for progress” of the ANACT network (National Agency for the Improvement of Working Conditions) have included “lifetime age management” as a priority focus.

86. Agreements relating to older workers have been concluded in a number of sectors. However, despite the growing awareness of those concerned, legislative measures adopted to encourage older people to continue working, and the concerted national plan of action, there has been little change in the employment rate among this age group in recent months.

87. The employment rate of older people is still too low (37.6 per cent in 2006). From 2000 to 2005, the rate for the 55 to 64 age group grew steadily (from 29.9 to 37.9 per cent), with the “rejuvenation” of that age group as the post-war baby-boomers swelled the ranks of the 55 to 59 age bracket (who are more likely to be working than those aged 60 to 64). The percentage declined between 2005 and 2006 only because the first baby-boom generation had reached the age of 60, thereby increasing the share of retirees in the overall age group 55 to 64.

88. Benefiting from early retirement measures and exemptions from the requirement to seek employment when they are having difficulty on the job market, older people are less affected by unemployment than younger people. They are more likely to work in the civil service or to be self-employed and are less likely than younger people to have temporary or fixed-term jobs.

89. The low employment rate among older people is partly the result of the loss of high-level jobs in industrial sectors which used to employ large numbers of persons in that age group. It is also due to both employer and employee attitudes, which reforms seek to change.

(a) Employers have been very reluctant to recruit older employees, which explains why people in this age group remain unemployed for long periods. According to the National Employment Agency’s annual survey on private-sector expectations, the overwhelming majority of firms polled (82 per cent) offered early retirement arrangements in recent years, and many (39 per cent, including 70 per cent of the biggest companies) planned to introduce measures to encourage early retirement in the future. Firms also continue to automatically retire employees who have reached the age of 60 and completed the contribution period for entitlement to a full pension.

(b) For jobseekers, the difficulties encountered may be demoralizing. The search for employment becomes less active with age. In 2002, 87 per cent of registered unemployed between 40 and 49 years of age were looking for work, as against only 64 per cent in the 50-59 age group. Once they are over 55, unemployed persons tend to internalize age discrimination and think of themselves as being too old to be hired.

90. To improve the situation in all these areas, a number of measures will be strengthened to encourage the employment of older people: in particular, they will be allowed to work while drawing a pension, age limits not justified for safety reasons will be abolished, and the exemption of unemployed senior citizens from the requirement to seek employment will be phased out.

Action taken in critical urban areas (ZUS)

91. Critical urban areas (ZUS) are characterized by a concentration of employment problems: an unemployment rate for all age categories that is twice that of other urban neighbourhoods, a low employment rate among women and a high proportion of unregistered unemployed persons. Not only are jobs scarce in these areas, but their residents also face barriers to employment, whether within the ZUS or elsewhere (such as poor skills and even a lack of basic training, a high proportion of immigrants, mobility problems and discrimination in recruitment).

92. To address these problems, initiatives have been taken to reduce the unemployment gaps between critical urban areas and neighbouring areas and to address the situation of young people.

In December 2005, the public employment services (National Employment Agency and local youth employment offices) stepped up its measures in favour of young ZUS residents under 25 years of age. All young persons identified as living in a ZUS were registered by the Public Employment Service and, at the end of two months, were offered employment or training. In accordance with the Act of 31 March 2006 on equal opportunity at the workplace, the criteria for eligibility for a “young people in companies” contract were waived for young residents of critical urban areas.

93. Urban neighbourhood employment policy was given a new impetus at a government seminar held in Troyes on 31 August 2006, at which it was decided to pool employment policy resources and mobilize stakeholders in employment solidarity groups organized by the prefects. The groups were set up using existing structures (employment centres, local public employment services or steering bodies of the urban social cohesion contracts, which replace urban contracts).

94. As a result, wider coverage was achieved for State-aided contracts for ZUS residents in 2007: in 14 out of 22 regions (for young people in 11 regions and for all residents in 3) for employment access contracts (CAE), and in 8 out of 22 regions (for young people in 3 regions and for all residents in 5) for employment initiative contracts (CIE). Previous trends show that, all other things being equal, ZUS residents had better chances than those elsewhere of obtaining State-aided contracts in the non-market sector and joining group job training schemes (SIFEs), whereas they were less likely to gain access to State-aided contracts in the market sector (CIE, ACCRE (assistance for jobseekers in starting up or taking over a business), “young people in companies” contracts and sandwich training schemes).

95. To enable local stakeholders to monitor progress under their plans of action and measure their impact on unemployment, part of the statistical data, disaggregated by ZUS, will be made more accessible by being produced more frequently (annually) and more rapidly.

96. All these measures in favour of young people, as regards both training and occupational integration, are in keeping with the objectives of the European Youth Pact.

Question 11. In addition to the information provided in paragraphs 190 and 229 of the State party report, please provide detailed information on the implementation of the legislation and policies adopted by the State party to eliminate gender discrimination in the field of employment, including measures taken to combat over-representation of women in part-time and temporary jobs.

Implementation of the National Inter-professional Agreement

97. The National Inter-professional Agreement of 1 March 2004 on gender diversity and equality of opportunity for men and women, signed by all five trade union organizations with representative status (CGT, CFDT, CGT-FO, CFTC and CGC) and by the employer associations MEDEF, CGPME and UPA, reflects the determination of the social partners to negotiate gender equality at work by adopting a comprehensive and systemic approach involving all aspects of

the issue: wages, recruitment, training and promotion, as well as career guidance at school and work-life balance. Collective bargaining outcomes have been mixed, however. Since 2004, specific agreements on gender equality at work have been signed in 15 branches of the economy, including the banking sector, the electrical and gas industries, the pharmaceuticals industry, telecommunications, the metallurgical industry, the glass industry and the temporary employment sector.

98. In 2006 the banking sector became the first to sign an agreement relating specifically to gender equality at work following the adoption of the Act of 23 March 2006 on equal remuneration for women and men. The agreement applies the Act fully, since it provides for measures to bring women's wages into line with those of men to close the wage gap. The signatories noted that in 2004, the average base salary of women in the sector was 19.6 per cent lower than that of men, but that the gap was mainly due to the underrepresentation of women in managerial positions, and they therefore stressed their commitment to correcting the imbalance by setting an intermediate target of 40 per cent of managerial positions held by women by the end of 2010.

99. In 2007, the social partners in the metallurgical industry agreed to conduct two studies, one to compare the situation of women and men in industrial occupations and the other, following a more qualitative approach, to develop a diagnostic method to find ways of reducing the wage gap. A monitoring centre on the occupations concerned will be set up to track progress in both areas. To help reconcile professional and family life, the signatories also made provision for incentives to encourage the use of employment and service vouchers (*Chèque emploi service universel*) (CESU) to pay for childcare, tutoring or domestic help.

100. The agreement signed in the temporary employment sector makes reference to the law.

Progress report on the gender equality label

(a) The gender equality label rewards enterprises that have policies and initiatives to promote gender equality at work;

(b) To date, 35 enterprises have been awarded the label; they vary in size and activity and employ a total of 628,285 workers;

(c) Enterprises that have been awarded the label network to exchange good practices. The 12 enterprises that were re-evaluated after 18 months all kept their gender equality label;

(d) To encourage widespread use of the label, the requirements have been adjusted for enterprises with fewer than 50 employees and no union representation;

(e) In June 2006, enterprises that had been awarded the label set up a club so that they could network to exchange good practices on each of the items in the three areas covered by the label;

(f) This is also a way for enterprises that have already been awarded the label to continue and consolidate their progress on gender equality by sharing ideas on how to overcome difficulties, in particular with regard to women's access to senior and executive positions;

(g) At a conference on gender equality at work held on 26 November 2007, Xavier Bertrand, Minister of Labour, Labour Relations and Solidarity, and Valérie Létard, Minister of State with responsibility for Solidarity, urged the Labelling Commission to propose measures for further promoting the gender equality label in all enterprises.

Activities carried out

101. With regard to access to employment for persons least able to find work, State-aided contracts under the Social Cohesion Plan (contracts for the future - CA) in the non-market sector and minimum income integration contracts (CI-RMA) in the market sector are available only to persons eligible for single parent benefit (API), the minimum income allowance (RMI) and the special welfare allowance (ASS). Persons entitled to API are also eligible for employment initiative contracts (CIE) and employment access contracts (CAE).

102. The social integration contract (CIVIS) is another means of addressing the difficulties faced by young parents, and young single mothers in particular.

103. In addition to existing incentives to encourage recipients of minimum social benefits to return to work, the Act of 21 August 2008 on the promotion of work, employment and purchasing power introduced inclusion income support (RSA) on a trial basis to supplement the resources of persons receiving RMI or API who accept or return to a job. The costs incurred by employment, including childcare, may be entirely or partly covered. The objective is to ensure that each hour worked results in an increase in disposable income and thus to reduce poverty in the working population. Another aim is to simplify social welfare mechanisms and make them easier to understand. The new arrangement, to be tried out for three years in 27 volunteer departments, is expected to help remove obstacles to returning to work and ensure a better coordination of support to persons in need.

104. A number of initiatives have been put into effect to improve the quality of part-time employment and reduce involuntary employment of this kind.

105. The Act of 23 March 2006 on equal remuneration for women and men included part-time work as a subject for mandatory collective bargaining in the various branches and enterprises: the requirement to negotiate on equality at work also covers conditions of work and employment of part-time workers. Enterprises must negotiate annually, and branches every three years.

106. The set of indicators in the report on the comparative analysis of working and training conditions of women has been expanded to include part-time employment and work-life balance in general.

107. Following the tripartite conference on equal wages and gender equality at work, held on 26 November 2007, the Minister of Labour, Labour Relations and Solidarity decided to hold a round-table discussion on part-time work in order to invite the sectors where it is most prevalent to reflect on the structural causes of reliance on part-time employment and on ways of improving the situation, and to open negotiations on the issue.

108. In 2005, the Minister Delegate for Social Cohesion and Parity and the Minister Delegate for Employment, Labour and Youth Employment met with the social partners and representatives of the main sectors concerned (retail and wholesale trade, cleaning services, hotels and catering, etc.) to improve the quality of part-time employment and reduce involuntary employment of this kind through negotiation and an exchange of good practices. An initial document, a guide to good practices, was submitted to the social partners in January 2007. In that connection, reference should be made to an agreement signed on 4 April of the current year by the Casino enterprise and the Minister Delegate for Social Cohesion and Parity, on experimenting with ways of organizing work so as to eliminate involuntary part-time employment.

109. At the conference on gender equality at work of 27 November 2007, it was decided to focus efforts on improving the quality of part-time employment and achieving a better work-life balance.

110. It was proposed to hold a round-table discussion with the sectors of the economy that rely most heavily on part-time employment in order to decide with them on measures such as modification of working hours, promotion of training, and multiple job holding.

111. It was agreed to resume negotiations in the eight sectors with the highest prevalence of part-time work: department stores and variety stores, food retailers and wholesalers, non-food retailers, wholesalers, cleaning services, urban public transport networks, hotels and catering, and protection and security firms.

Childcare services and other arrangements for small children

112. The principle of free choice for families, which means that each parent is free to continue working, to stop working or to work less, and to choose suitable childcare, has been the guiding idea behind public policies in France.

113. Parents have a number of childcare options and can combine group structures such as day-care centres with individual arrangements such as home care and childminders. Only 17 per cent of infants under three years of age are cared for primarily by a childminder, and 10 per cent in a day-care centre; more than 60 per cent are looked after by their parents (with one or both parents working). The availability of preschool education from the age of two increases the range of options for parents of small children: at the start of

the 2006/07 school year, 23 per cent of all two-year-olds were enrolled in kindergarten. The majority of these children are also cared for by their parents the rest of the time. A total of 78 per cent of children between the ages of three and six spend most of the day in preschool.

114. Practical ways of helping parents achieve a work-life balance have been the focus of a number of measures targeting enterprises, specific sectors of the economy and regions. New incentives have been developed to encourage enterprises to help their employees reconcile work and family life:

(a) A tax credit was introduced on 1 January 2004 to encourage enterprises to become involved in family policy. Enterprises can claim 25 per cent of expenses up to a limit of €500,000 per year and enterprise for four categories of expenditure (starting-up or operation of nurseries or day-care centres for employees' children under the age of three; training of employees who are on parental leave; wage supplement paid to employees on maternity, paternity or parental leave or who have a sick child; compensation for employees with exceptional childcare expenses due to unforeseen work outside normal working hours);

(b) The system of employment and service vouchers (CESU) set up under the Act of 26 July 2005 helps pay for all home help services and simplifies procedures for declaring employees. For employers who co-finance CESU, assistance is capped at €1,830 per year and employee for home help services and are not subject to social security contributions.

115. Experience shows that the need for childcare extends beyond preschool age and normal daytime hours; this is particularly true for children whose parents have atypical working hours. Flexible childcare arrangements known as "relay care" (especially at the parents' home) have been tried with the support of the European Social Fund. The aim is now to find additional sources of funding for these kinds of childcare arrangements for persons working atypical hours (many of whom are low-income single-parent families) and to make wider use of the CESU system.

116. A CESU information and promotion campaign on childcare, targeting small and medium-sized enterprises, was conducted both jointly and in their respective networks by the National Agency for Home Help Services (ANDSP), the National Family Allowances Office (CNAF), the Central Agricultural Social Insurance Agency (CCMSA) and the Department of Women's Rights and Equality.

117. Act No. 2006-340 of 23 March 2006 has resulted in the implementation of the necessary regulations and the publication of an instruction circular for decentralized State services to assist enterprises in applying these provisions. In 2007, the Government held a conference with the social partners to mobilize the stakeholders concerned and to develop the measures needed to step up the implementation of existing provisions.

118. With regard to part-time employment in particular, the Government encourages those sectors of the economy which employ the most women part-time to negotiate measures to improve the quality of their jobs.

119. In June 2005, the Minister of Labour began a dialogue with representatives of the main sectors concerned in which involuntary part-time employment is prevalent, including large-scale retailing, cleaning services, hotels and catering, and protection and security firms. The aim was to consider ways of improving the quality and remuneration of part-time jobs, identify good practices already negotiated in the area which might be better disseminated and assess the state of social dialogue on the question.

120. Following several bilateral meetings organized with industry associations and representatives of employees of the main sectors that rely on part-time employment, a survey was conducted on the concerns and demands of industry organizations. It emerged that women, who are most affected by part-time employment and want to switch to full-time work, are poorly paid and have no way out of their difficult precarious economic situation, which is linked to their low wages, since they are hired for short or very short periods and are paid on the basis of the minimum hourly wage. In addition to their low remuneration, they often have other problems relating to their family situation, transport and housing.

121. A number of industry associations have put forward responses to this state of affairs. Initiatives have been taken in several sectors to improve the quality of part-time jobs. A number of good practices can now be highlighted in the areas of organization of work, upgrading of jobs and an increase in hours of work.

122. On that basis, the General Department of Labour of the Ministry of Labour proposed, in its report on the subject, to pursue initial efforts involving surveys, research and proposals, focusing on the sectors that rely heavily on part-time employment, and to continue identifying good practices drawn up in a compendium of collective agreements at the sectoral and enterprise level with a view to their dissemination, so as to promote these bargaining subjects among the social partners, and to regulate and organize job-sharing.

Diversity at the workplace

123. The Government has sought to make the fight against discrimination and the promotion of diversity one of its priorities and has set up the High Authority to Combat Discrimination and Promote Equality (HALDE) to help victims of discrimination by establishing a new agency for social cohesion and equal opportunity, encouraging the social partners to negotiate on diversity and conducting a programme of action and partnership with enterprises and business institutions. All the studies commissioned by the public authorities and the discrimination testing conducted by the Discrimination Monitoring Centre and, more recently, at the request of the International Labour Organization (ILO) show that there is still racial discrimination in recruitment in French firms.

124. In recent years, however, business has shown a growing awareness of the phenomenon. More than 2,000 companies have now signed the Diversity Charter; many others have negotiated or are preparing an enterprise agreement on diversity or have begun to take action against discrimination. An inter-professional agreement on diversity in the private sector was signed on 12 October 2006 by the three employers' associations and the trade unions CFDT, FO, CFTC and CGT with the aim of combating discrimination through observance and effectiveness of the law. The objective is to promote diversity and equal opportunity in employment, recruitment, appointment, remuneration, occupational training and career development, while anticipating changes in the labour market and encouraging enterprises to draw on the entire labour pool.

125. A "diversity label" is being developed, to be awarded by a certifying body to enterprises that make diversity an important part of their social policy and whose management is based on non-discrimination.

Article 7: The right to just and favourable conditions of work

Question 12. Please provide information on progress made by the State party pursuant to the Loi relative à l'Égalité salariale entre les hommes et les femmes of March 2006 in achieving equal remuneration between men and women for work of equal value.

126. The Act of 23 March 2006 on equal remuneration for women and men (*loi relative à l'égalité salariale entre les hommes et les femmes*) supplemented the legislation adopted in 1983 and 2001 by strengthening the requirement of mandatory negotiation on the subject at enterprise and branch level. It followed up on the national inter-professional agreement of March 2004 signed by all the social partners.

127. The Act of 23 March 2006 lays down the obligation to negotiate every year to define and plan measures by 31 December 2010 to close the pay gap between men and women. This annual bargaining requirement applies to the occupational branches and to enterprises with a trade union representative, which in principle means those with at least 50 employees.

128. For enterprises without a trade union representative, the law provides that employers shall bear in mind the objectives of gender equality at the workplace and the measures needed to attain them. This provision is seen as authorizing heads of enterprises to implement positive action. At the same time, a number of incentives have been introduced in the form of financial assistance to enterprises that commit themselves to gender equality (to develop a gender equality plan or to carry out specific measures).

129. At the request of the President of France, a tripartite social conference on professional and wage equality between men and women was held in November 2007 to continue with efforts in this regard and to supplement or improve existing measures.

130. With the participation of the social partners, the conference decided on the main areas of work and set a timetable for action to fulfil France's national commitment:

(a) The active involvement of all - enterprises, the social partners and the public authorities - was necessary to set up a plan of action for wage equality on the basis of a comparative analysis of the situations of men and women at the workplace;

(b) It was agreed that, by 31 December 2009, all enterprises with more than 50 employees should develop a plan to eliminate discriminatory wage gaps between men and women, including through pay adjustments. Those that did not would be subject to financial penalties as from the beginning of 2010;

(c) The penalties should be constructive and have a redistributive component. Thus, resources collected through the fine should be redeployed to help enterprises seeking to take steps towards gender equality, for example to install changing-rooms and toilets for women, equip workstations and purchase lifting equipment;

(d) The aim is to encourage enterprises to take tangible measures to promote gender equality through negotiation or a plan of action;

(e) The State will support these efforts by enterprises. Since the passage of the Act of 13 July 1983, enterprises with more than 300 employees are required to produce a comparative analysis report and, for enterprises with between 50 and 300 employees, a simplified report to enable a comparative analysis of the situation of men and women. However, only 30 per cent of enterprises have complied with the obligation. It was agreed to modify the requirement so that it will really be met. A working group made up of the heads of human resources divisions, who are familiar with this tool, is developing proposals for improving the document, and those proposals will be considered by the High Council on Professional Equality; the latter will then submit a new document, which the State will put on line in June 2008;

(f) It was also decided to examine structural factors underlying gender inequality at the workplace (such as stereotypes and career guidance, training, careers and work-life balance).

Question 13. Please provide information on measures taken by the State party to protect workers, particularly "poor workers" and first time jobseekers, against labour market insecurity, in particular by ensuring that the extensive use of temporary and part-time employment contracts as an instrument to increase employment opportunities does not negatively affect the enjoyment of the labour and social security rights set out in articles 6, 7, 8 and 9 of the Covenant (para. 179).

131. French legislation on temporary employment, codified in the Labour Code, defines legal and illegal uses of temporary labour and provides that, given equivalent qualifications, an employee assigned by a temporary employment agency to a user enterprise shall receive the same remuneration as permanent employees in that enterprise. Temporary employees may vote for and may be elected as staff representatives in the temporary employment agency.

132. With regard to part-time work, current legislation makes such employment conditional on the provision of many guarantees to employees and takes into account the need to ensure that part-time work is voluntary and that employees have real time off. The current law thus restricts flexible use of part-time contracts and sets limits on employment under this type of contract.

133. In practice, however, part-time employment, which is meant to be voluntary, may become involuntary without any real possibility of reverting to longer hours should employees wish to do so. Accordingly, the above-mentioned report (art. 6.11), which was prepared by the General Department of Labour of the Ministry of Labour, puts forward *a number of recommendations and guidelines* to improve the quality of part-time jobs and reduce the incidence of involuntary part-time work:

(a) *Enhance the quality of part-time jobs*, for example through a better regulation of working hours for part-time employees, and especially the number and duration of breaks in the working day;

(b) *Step up the protection of part-time employees and strengthen their rights*, for example by ensuring that they are not discriminated against, helping reconcile part-time employment and family life, and improving wages, old-age insurance and pensions;

(c) *Encourage greater use of voluntary part-time employment*, for example by promoting priority access to full-time jobs and the development of vocational training and by allowing multiple jobholding.

134. The French Government's determination to improve the quality and remuneration of part-time jobs is one of the aspects of its activities to promote gender equality in employment and remuneration. Working groups composed of representatives of the State and all the social partners have been organized to consider ways of strengthening collective bargaining on the subject, to produce an assessment of the current situation in France and to draw up plans of action. Structural factors such as part-time employment, which can have a significant impact in this regard, have been directly addressed as part of this process. This includes identifying ways of improving the situation of part-time employees, and women in particular, who are those most affected by part-time employment.

135. To monitor sectoral collective bargaining on part-time employment, it is planned to broaden the remit of the committee already in place for branch wage negotiations, which also reports on pay differentials between men and women. The committee could also provide a means of monitoring and reactivating negotiations on part-time employment, especially involuntary part-time work.

136. It is also planned to hold a round-table discussion soon with those branches that rely most on part-time employment, with two objectives:

(a) To conduct a study on the structural causes of the use of fragmented part-time employment;

(b) To find solutions to issues such as working time, priority in switching to full-time employment, multiple jobholding, pooling employers and multiskilling.

137. As to social security entitlements, there is no difference in treatment between employees based on the nature of the employment contract (indefinite contracts v. fixed-term contracts), hours of work (full-time v. part-time) or remuneration (there is no minimum threshold). All workers are immediately registered with the general social security system, and the conditions of entitlement to benefits are the same for everyone. Conditions of entitlement vary only according to the type of insurance concerned, and the amount of cash benefits depends on the amount of remuneration.

Article 8: Trade union rights

Question 14. In addition to the reference made in paragraph 62 of the State party report, please provide information on the opinion of the Economic and Social Council, which was to be issued at the end of 2006, on the Hadas-Lebel report of May 2006 regarding the reform of the criteria for “representativity” of trade unions.

138. In an opinion on the Hadas-Lebel report issued in November 2006, a majority in the Economic and Social Council were of the view that trade union representativeness should be based primarily on the criterion of electoral support.

139. To that end, it made the following proposals:

(a) Only legally constituted and independent trade unions can campaign to be elected by employees. The criteria in article L.133-2 of the Labour Code must be revised to form a set of objective requirements that must be met by organizations seeking election. The objectivity of these conditions (number of members, dues, minimum length of existence, etc.) must be easily verifiable;

(b) Representativeness is determined by holding elections in which all employees, irrespective of the size of the enterprise, are able to vote for their representatives;

(c) As far as possible, elections should be held at the workplace, if necessary using new information and communication technologies; employees vote for candidates recognized by an organization;

(d) The elections must be held at sufficiently long intervals to ensure long-term legitimacy of the trade unions.

140. A minimum percentage of votes needed for representative status (for example, 5 per cent) should be specified, with allowances made for the special case of the CFE-CGE, which represents managerial staff.

141. Since the Council issued its opinion, and in accordance with the Act of 31 January 2007 on the modernization of social dialogue, which introduced an obligation for the social partners to hold consultations on all planned government reforms concerning individual and collective labour relations, a guiding document on social democracy was presented to the social partners on 18 June 2007, followed by another document on 26 December 2007.

142. The above-mentioned issues are submitted to inter-professional negotiations to ensure that the French labour relations system is based on incontestable principles enabling organizations to carry out their tasks fully.

143. The social partners wanted to hold discussions on these issues, and should submit their conclusions by 31 December 2008. Once these negotiations have been completed, the Government will make its position known with regard to accompanying measures of the trade union representativeness and financing reforms, depending on the outcome of the consultations held by the social partners.

Article 9: The right to social security

Question 15. Please provide updated information, including statistical data, on recipients of the nine minima sociaux and of the revenu de solidarité (State party report, paragraphs 94 and ff). Please also provide an evaluation on whether these income replacement allowances, particularly the RMI (Revenu minimum d'Insertion), the API (Allocation Parent isolé) and the AAH (Allocation pour Adulte handicapé), ensure a safety net that enables recipients to move out of their situation of poverty. In relation to the RMI, please indicate whether any measures have been taken or are envisaged by the State Party to ensure compliance with the conclusions of the European Committee of Social Rights on the report of implementation by the State party of the Revised European Social Charter, in 2006.

144. France's minimum social benefits (*minima sociaux*) take nine different forms. They are non-contributory benefits based on national solidarity; they are not regarded as social welfare. Thus, they constitute a safety net for categories of persons not or no longer eligible for social security benefits.

145. The three main minimum social benefits are the minimum income allowance (RMI), single parent benefit (API) and the adult disability allowance (AAH).

146. As at 30 June 2007, the number of households receiving RMI stood at 1,216,422.² The amount paid depends on the number of persons in the household: for a person living alone, it is €447. In addition to the amount received in the form of RMI, allowances or benefits are also provided under "related entitlements" (such as entitlement to Universal Health-Care Coverage (CMU) and Supplementary CMU, various tax exemptions and local benefits) and in the form of housing subsidies.

147. As at 30 June 2007, the number of households receiving API stood at 215,537.³ The amount paid, at least €566, varies according to the number of dependant children. "Short" API (paid for one year, irrespective of the children's age) is intended as a transitional measure to

² 1,334,400 households if one includes the 118,000 households receiving only the lump sum and the initiation of State-aided contracts under the RMI system.

³ 221,300 households if one includes the 5,800 households receiving only the lump sum or the initiation of State-aided contracts under the API system.

prevent a household falling into exclusion after a breakup. “Long” API (paid until the third birthday of the last child) helps ensure relatively decent living conditions for nearly 200,000 children at a crucial stage in their development.

148. As at 30 June 2007, the number of households receiving AAH stood at 813,107. As at January 2008, the full AAH allowance for one person was €628.10. In addition to this amount, there are income supplements for recipients who face the greatest difficulties in finding employment. The Act of 11 February 2005 introduced a guaranteed income for people with disabilities (GRPH) which raises the income of some AAH recipients (one of the conditions being at least 80 per cent incapacity) to 80 per cent of the minimum wage. When they find a job, AAH recipients may continue to draw a set proportion of their allowance at the same time as their earnings.

149. The poverty line is fixed at a monthly income of €817. If all the income received by beneficiaries of *minima sociaux* are taken into account, it can be said that these schemes constitute an effective safety net.

150. France has taken note of the 2006 conclusions of the European Committee of Social Rights on the report on the implementation of the Revised European Social Charter. It is not planned to extend RMI allowances to young people under the age of 25; at present, people in that age group are eligible only if they have a dependant child or are expecting a child. For this age category, priority should be given to family ties. For people under 25 who have difficulties with occupational or social integration, France favours the provision of targeted financial assistance (for example through the youth funds and integration measures with a strong personalized support component (such as the social integration contract)).

151. Nor does France plan to extend RMI coverage to non-European Union nationals who do not have a residence permit and have not completed a period of residence of five years in France. However, in order to give effect to the Directive of 29 April 2004, France has allowed European Union nationals who have resided in France for more than three months to be eligible for a number of social benefits, under certain conditions.

152. According to the Office of the High Commissioner for Active Solidarity against Poverty, two surveys measure the incidence of poverty among recipients of minimum social benefits:

(a) 2003 survey of recipients of minimum social benefits carried out by the Directorate of Research, Studies, Assessment and Statistics (*Direction de la recherche, des études, de l'évaluations et des statistiques*) (DREES) (self-reported survey);

(b) 2003 survey by the National Family Allowances Office (CNAF): calculation of disposable income of API, RMI and AAH recipients based on family allowance records.

153. Both surveys used the poverty line of 50 per cent of median earnings.

Percentage of beneficiaries below the poverty line	RMI	API	AAH	ASS
According to the CNAF survey (2003)	99.7	92	39	-
According to the DREES survey (2003)	80	-	-	50

154. According to the CNAF survey, virtually all RMI recipients (99.7 per cent) and 92 per cent of API recipients lived below the poverty line.⁴ According to the DREES data, 80 per cent of households receiving RMI and 50 per cent of special welfare allowance (ASS) beneficiaries were cash-poor. Thus, regardless of the source of the data used (CNAF or DREES, administrative records or income of statements), most RMI, API and ASS recipients are in the low-income category.

155. It can be concluded from these surveys that, relatively speaking, only the AAH recipients seem to have avoided falling into poverty: 61 per cent are above the CNAF poverty line. In fact, the amount of this minimum social benefit is fairly close to the low-income threshold. Moreover, as AAH recipients very often live alone and have no children or personal income, they are eligible for a housing subsidy or an independent living supplement in addition to the full monthly allowance.

156. The fact that not all RMI and API recipients are living below the low-income threshold is mainly attributable to their higher than average housing subsidy. Even when it is small, the subsidy and minimum social benefit add up to an income per consumption unit which is above the poverty line. The higher basic benefit paid to API compared to recipients explains why a small but significant minority of API beneficiaries escape poverty, whereas it is exceptional for RMI recipients to do so.

157. The resources ceiling is the highest for the allocation of ASS, which, unlike RMI and API, is differential only beyond an initial threshold. Consequently, fewer ASS beneficiaries are affected by income poverty.

158. Lastly, the intensity of poverty, which measures the gap between income per consumption unit of poor households and the poverty threshold, appears to be higher among RMI recipients than among ASS recipients. The distance from the poverty line (50 per cent of median income) is 22 per cent (€135) for ASS beneficiaries and 32 per cent (€196) for the households of RMI recipients.

Question 16. Please provide information on the minimum levels of social security benefits, particularly those replacing lost work-related income (unemployment, sickness, maternity and pensions) as a percentage of the minimum wage.

159. The daily sickness benefit is equal to 50 per cent of the gross daily wage. The daily maternity benefit is equal to 90 per cent of the net daily wage.

160. The gross minimum retirement pension for a person who has worked the required number of years and reached the minimum age of entitlement to a pension at the full rate is €633, which corresponds to approximately 50 per cent of the gross minimum wage (€1,280 per month, for a 35-hour working week).

⁴ Set at 50 per cent of median earnings, or €621 per consumption unit and month at the time of the CNAF survey.

Table 1
Benefits as a percentage of the minimum wage

	Amount at 1 January 2008 (euros)	Percentage share of minimum wage
RMI (minimum income allowance - single person)	447.91	44.5
API (single parent benefit, with one dependent child)	755.72	75.2
API (single-parent benefit, for an expectant mother)	566.79	56.4
AAH (adult disability allowance)	628.10	62.5
ASS (special welfare allowance, for persons under 35 years)	442.20	43.9
SMIC (minimum wage) (for a 35-hour week, net)	1 005.37	-

Sources: National Institute for Statistics and Economic Studies (INSEE), CNAF, Association for Industrial and Commercial Employment (ASSEDIC).

Table 2
Benefits as a percentage of the median income

	BMAF (reference base for the calculation of family allowances)	Minimum old-age benefit	RMI (single person)
1984	33.6	52.0	-
1990	31.1	48.7	34.9
2000	28.3	47.0	33.6
2001	27.5	45.9	32.8
2002	26.9	54.1	32.1
2003	26.8	44.8	31.9
2004	26.8	44.8	31.8
2005	26.4	44.0	31.2
2006	25.9	43.3	30.7
2007	25.4	42.5	30.1

Sources: INSEE, French Economic Observatory (OFCE) calculations.

161. Table 3 shows the number of recipients of each of the 10 minimum social benefits, for the last five years for which data are available (2002 to 2006).

Table 3

Number of recipients of the 10 minimum social benefits, 2002-2006

	Recipients, Metropolitan and Overseas France (thousands of persons)				
	2002	2003	2004	2005	2006
Total minimum social benefits	3 258.8	3 313.7	3 425.4	3 512.9	3 503.0
Minimum income allowance (RMI)	1 090.3	1 144.2	1 238.5	1 289.5	1 278.8
Adults disability allowance (AAH)	751.1	766.4	786.1	801.0	804.0
Old-age supplementary allowance (ASV)	668.0	634.2	621.6	609.4	598.5
Special welfare allowance (ASS)	394.7	373.1	369.9	401.6	393.2
Single parent benefit (API)	180.9	188.9	196.6	206.1	217.5
Supplementary disability benefit (ASI)	105.4	111.2	111.5	112.6	111.4
Pension equivalent allowance (AER)	2.8	27.1	32.3	41.5	60.1
Integration allowance (AI) or temporary waiting allowance (ATA)*	43.9	47.6	48.1	34.6	22.5
Widowhood allowance (AV)	13.4	12.5	11.6	6.6	6.1
Minimum support income (RSO)	8.2	8.5	9.1	10.0	11.0

Sources: French National Health Insurance Agency for Wage Earners (CNAMTS), CNAF, Agricultural Social Mutual Fund (MSA), DREES, National Union for Industrial and Commercial Employment (UNEDIC), Overseas Territories (DOM) Fund.

* ATA replaces AI from 16 November 2006.

ASI: DREES estimate for 2006.

AV: DREES estimates for 2005 and 2006.

ASS, AER, AI, ATA: provisional data for 2006.

162. Table 4 shows the age, sex and family status of recipients of the five main minimum social benefits, namely, minimum income allowance (RMI), adult disability allowance (AAH), old-age supplementary allowance (ASV), special welfare allowance (ASS) and single parent benefit (API). At the end of 2006, 94 per cent of all minimum social benefits were paid under these five schemes.

Table 4

Breakdown of recipients of RMI, AAH, ASV, ASS and API in 2006 (percentages)

	RMI recipients	RMI beneficiaries	AAH recipients	ASS recipients	API recipients	ASV recipients
Age						
Under 30 years	22	23	15	2	61	
30-39 years	30	30	22	16	30	
40-49 years	26	26	29	28	9	
50 years or over	22	21	34	54	1	
60-69 years						29
70-79 years						35
80 years or over						36
Sex						
Male		48	51	52	1	41
Female		52	49	48	99	59
Family status						
Single	83	71	75	55	100	67
Single, no children	57	49	70	44	0	
One-parent family	26	22	5	11	100	
Couple	18	30	24	46	0	33
Couple, no children	4	6	14	19	0	
Couple, with children	14	24	10	27	0	

Remark:

The data by age, sex and family status on recipients of RMI, API and AAH are for all of France to 31 December 2006 and are issued by CNAF. The data on ASV date from 31 December 2005 and are based on a survey conducted by DREES. The data by age, sex and family status on recipients of ASS relate to metropolitan France and are based on the survey on beneficiaries of minimum social benefits conducted by DREES in mid-2006.

A distinction is drawn between data on RMI recipients (heads of household for administrative purposes) and beneficiaries (recipients and spouses).

163. DREES has estimated the standard of living of beneficiaries of the three minimum social benefits (RMI, API and AAH) based on the “INSEE Social Studies” Microsimulation Model (INES), taking into account different sources of household income and social and fiscal transfers (Mirouse and Pouget, 2008).⁵

164. In 2006, the average estimated living standard varied from €8,510 for RMI beneficiaries to €14,020 for AAH beneficiaries (see table 5). The average living standard of RMI beneficiaries is significantly lower than the poverty line⁶ (at 84 per cent of the poverty threshold), while that of API beneficiaries is closer to the threshold (98 per cent) and that of AAH beneficiaries significantly above it (138 per cent).

Table 5**Annual standard of living of RMI, API and AAH beneficiaries, 2006**

	Average standard of living		As percentage of poverty line	
	In euros	As % of median standard of living	Poverty line at 60%	Poverty line at 50% (1)
RMI	8 510	50	84	101
API	9 930	59	98	117
AAH	14 020	83	138	166

Source: INSEE and tax administration (Direction Générale des Impôts) (DGI): taxable income survey 2004 (updated 2006); “INSEE Social Studies” Microsimulation Model (modèle de microsimulation INSEE-Études-Sociales) (INES); calculations: DREES.

Note: These figures represent an average based on the standard of living of persons receiving RMI for variable periods over a year. By way of illustration, only half of RMI beneficiaries in 2006 are estimated to have drawn benefit for the whole year (Mirouse and Pouget, 2008).

(1) Previous poverty line used by INSEE.

⁵ B. Mirouse and J. Pouget, “*Le niveau de vie des bénéficiaires du RMI*”, in *RMI, l'état des lieux* (La Découverte, Collection Recherches, January 2008).

⁶ By definition, the poverty line is equal to 60 per cent of the median standard of living of the population. (The living standard of half of the population is below the median standard of living while that of the other half is above it.)

Article 10: Protection of the family, mothers and children

Question 17. Please provide detailed information on the implementation of the Plan of Action to combat violence against women for the years 2005-2007, including disaggregated data on the number of victims of domestic violence who have been hosted in the Centres d'Hébergement et de Réinsertion sociale (CHRS) and updated information on family foster care for victims of domestic violence referred to in paragraph 10 of the State party report (paras. 3 ff.).

165. An initial three-year comprehensive plan of action entitled "10 Steps Towards Women's Autonomy" was announced at a meeting of the Council of Ministers on 25 November 2004. The plan was essentially based on a multidisciplinary partnership approach, focusing on reception and referral, shelter, protection, financial support and job coaching for victims of violence, as well as on ensuring their return to independent living.

166. Most of the measures in the plan have already been implemented, including the following:

(a) With regard to housing, in a circular issued on 24 March 2005, prefects were instructed to give women victims of violence priority access to new places in shelter and social reintegration centres (CHRS) and in departmental action plans to house disadvantaged persons (PDALPD);

(b) A measure of fundamental importance for women victims of violence was the introduction of a new clause in the unemployment insurance fund (National Union for Employment in Industry and Commerce - UNEDIC) agreement of 18 January 2006 on back-to-work assistance and unemployment benefit (UNEDIC agreement): it provides for entitlement to unemployment benefit for victims who leave home because of violence and thus have to resign from their jobs;

(c) Coordination among health services has been improved, with the introduction on a trial basis since January 2006 of reception facilities for women victims of violence in three hospitals (Créteil, Nantes and Clermont-Ferrand);

(d) The Act of 4 April 2006 strengthening the prevention and punishment of conjugal violence and violence against minors was adopted, increasing the penalties for violence against women;

(e) A study was carried out on the total economic cost of conjugal violence, and a survey conducted on the number of women who die as a result of such violence;

(f) The National Crime Monitoring Centre (OND), a department of the National Institute for Higher Studies on Security (INHES), together with the National Institute for Statistics and Economic Studies (INSEE), carried out a real crime victim survey in 2007 along the lines of the national surveys conducted in English-speaking countries, including gendered statistics;

(g) A national publicity campaign under the title “Stop Violence - Your Words *Are* Actions” was launched in November 2004. For the occasion, 100,000 copies of a national “Stop Violence - Your Words *Are* Actions” leaflet were produced by the Department of Women’s Rights and Equality (SDFE), giving detailed information on available facilities and resources and minimum social benefits. A corresponding map was also printed in a run of 100,000. Prefects were instructed to issue a departmental leaflet, modelled on the national version and intended to provide local solutions for women victims of violence;

(h) A new form of accommodation in host families was introduced on a trial basis in three departments (Drôme, Ardèche and Réunion);

(i) Subsidies to associations were increased by 20 per cent in 2005 over 2004, and the level was maintained in 2006;

(j) Several departmental protocols for preventing and combating violence against women were signed, with the aim of setting up a network for local entities to combine their efforts.

167. This initial plan is currently being closely evaluated by all of the relevant general inspectorates - the General Inspectorate of Social Affairs (IGAS), the General Inspectorate of Administrative Affairs (IGA) and the General Inspectorate of Judicial Services (IGSJ) - in order to assess its provision of comprehensive and lasting protection for women, as well as coordination between the different bodies involved to ensure a coherent response to women, at both national and local levels. The final report of the evaluation should be issued in June 2008.

168. However, tangible progress is already evident in the following areas:

(a) Knowledge of the problem has been improved

169. The national survey on violence against women in metropolitan France (ENVEF) conducted in 2000 revealed the scale of the problem (1 out of 10 women are victims of conjugal violence).

170. A survey by the Ministry of the Interior reported that in 2006, a woman died at the hands of her partner every three days (137 women).

171. The National Crime Monitoring Centre now keeps statistics on this kind of violence, revealing that 330,000 women stated that they lived with a partner who had assaulted them in 2005 and 2006.

172. A report by the Economic, Social and Management Research Centre (CRESGE) evaluated the cost of conjugal violence at no less than 1 billion euros per year (including the need for inpatient and outpatient hospital treatment, social measures to address conjugal violence, indirect costs incurred by avoidable deaths and disabilities, non-market output losses resulting from avoidable deaths and loss of income of incarcerated perpetrators).

(b) Legal provisions for the protection of victims have been strengthened

173. The legal framework has been considerably strengthened by the adoption of several laws, including the following:

- (i) The Act of 26 May 2004 on divorce introduced a procedure in civil law to **evict a violent spouse from the conjugal home** (the civil procedure was applied around 350 times in 2005);
- (ii) The Act of 4 April 2006 introduced the **concept of respect in marital obligations** and strengthened the prevention and punishment of conjugal violence and violence against children. This legislation increased the penalties for violence against women;
- (iii) Act No. 2007-297 of 5 March 2007 on crime prevention provides for an extension of the period of social and judicial supervision and an order to undergo treatment for perpetrators of conjugal violence or violence against children. The Act also clarifies the cases in which medical secrecy can be lifted in the event of violence against minors or vulnerable persons.

(d) Support to women victims of violence has been strengthened through the following

- (i) **Initial response has been improved:** a national helpline, 39 19, has been set up in order to provide a high-quality and nationally consistent response, with professional, anonymous and personalized counselling and appropriate referral where necessary;
- (ii) **Improved response to women's shelter and housing needs:** Women victims of violence were given priority in the assignment of housing financed through the temporary housing allowance (ALT) out of the 19,500 housing units provided for in the 2007 budget, and were allocated furnished accommodation either near shelter and social reintegration centres (**CHRS**) or in different areas where rental accommodation was available. Women victims of violence were also among the target groups benefiting from the addition of 600 places in CHRS for 2007. Social housing is the first step to regaining independence. There are now 169 CHRS (totalling 5,541 places) offering accommodation only to women or to couples, 115 of which give priority to women victims;
- (iii) **The applicable regulations** (Order of 20 August 2007) were then amended to provide that in the event of divorce or separation in a context of conjugal violence, only the earnings of the applicant spouse or partner under a civil solidarity pact (PACS) will be taken into account when assigning social housing;
- (iv) **New provisions on vocational integration were adopted:** the UNEDIC agreement of 18 January 2006 on back-to-work assistance and unemployment benefit introduced a new valid ground for resignation entitling women victims to draw unemployment benefit if they have to move away from their place of residence as a result of violence.

(e) **A 20 per cent increase in financial support to national and local associations** (telephone helplines, resource centres ...) in 2005. This was maintained in 2006.

(f) **Improved awareness raising among professionals in the field**

174. A leaflet was designed and distributed in cooperation with the relevant ministries. Targeting everyone whose work brings them into contact with conjugal violence (police, gendarmerie and health-care professionals), the leaflet, updated in 2006, explains the underlying mechanisms and seriousness of violence and encourages professionals to become more involved in the issue.

175. Training courses have been developed for health-care professionals, reception officers in police stations and gendarmerie officers. As of 2005, an officer has been designated in each gendarmerie unit as a departmental focal point against domestic violence.

176. There are 150 help desks staffed by representatives of victim assistance associations, social workers or psychologists in police and gendarmerie stations.

177. As part of the "Violence and health" plan, an experiment was launched in January 2006 in eight hospitals to improve coordination between health services (emergency services, physicians of forensic medical units and doctors).

(g) **Sustained effort to eradicate sexist stereotypes and prevent violence starting in school**

178. Under the inter-ministerial agreement signed with the Ministry of Education, an array of awareness-raising tools have been developed (including DVDs, teaching materials and plays) and training courses designed for education workers in teacher training institutes (IUFM).

(h) **Two public awareness campaigns have been launched**

179. At the end of 2006 a television campaign was carried out, during which around 10 short films were broadcast. On 14 March 2007, a nationwide information campaign was launched, entitled "Conjugal violence - call 39 19", with television spots, and a legal information leaflet was widely distributed to the public.

180. The 2005-2007 plan showed the scale and extent of the measures needed to eliminate violence. A new plan for 2008-2010 will enable further efforts in this direction, and the development of appropriate responses to the situation of women to support their independence.

181. The scope of the interventions has been extended to the victims' family members: their children and the perpetrators.

182. The response to women's shelter and housing needs has a direct impact on their recovery and is crucial to their return to independent living. It is therefore important to improve it and offer complementary solutions.

183. Accordingly, in 2006, paid stays in family homes for women victims of conjugal violence were introduced on a trial basis in the Drôme, Ardèche and Réunion departments.

184. Accommodation was provided under this arrangement to:

- (a) 7 women and 12 children in the Drôme and Ardèche departments;
- (b) 28 persons, including 6 children, in Réunion.

185. As this was only a small-scale experiment, further experience is needed in order to draw valid conclusions.

186. Therefore, under the second comprehensive inter-ministerial plan to combat violence against women (2008-2010), it is planned to grant certification, based on national criteria, to another 100 families to provide accommodation to women victims of violence, starting in 2008.

187. To prevent violations of child rights through the Internet, the Ministry with responsibility for the family assigned the Internet Rights Forum the task of developing a set of criteria for certification with a “family label” or “stamp of approval”. The criteria selected by the Forum include respect for the individual and protection of the child, as well as cooperation with the authorities, in particular to combat child abuse. For example, in order to obtain the family label, providers of interactive services for children must ensure that the site is moderated,⁷ and access providers undertake to cooperate to enable rapid identification of potential cybercriminals.⁸

188. The Ministry with responsibility for the family was represented in the working group by the inter-ministerial task force on the family. The set of criteria was submitted to the Minister in April 2006. The family label will be managed by a national commission on Internet ethics, which is to start functioning in the spring of 2008.

Article 11: The right to an adequate standard of living

Question 18. In addition to the information provided in paragraphs 101 to 109 of the State party report, please provide information on targeted measures to combat poverty and social exclusion among the unemployed, “poor workers”, large and single-parent families and unskilled young persons.

189. To supplement the information given in paragraphs 101 ff. of its third periodic report, France has adopted a number of measures to address the emergence of the “working poor”

⁷ “A provider who creates an interactive space specifically for minors shall undertake to moderate statements appearing on the site in accordance with the charter set forth in article 1.19 during the entire time it is accessible to the public. The moderator shall reply to requests and is specifically informed of the procedures to be applied if illegal content or behaviour is reported.” Article 1.27 of the Charter for the Internet family label, Internet Rights Forum.

⁸ “The provider shall report [...] content and behaviour indicating imminent danger to persons. In these cases, where the provider has information that might lead to identification of the author of the content, he or she shall include such information with the report so that the reported bodily harm can be prevented.” Article 5.2 of the Charter for the Internet family label, Internet Rights Forum.

phenomenon. The aim is to offset the threshold effects of losing entitlement to minimum social benefits while taking the quality of the jobs into account. Today, 17 per cent of workers earn the minimum wage (SMIC) and many are in involuntary part-time employment.

Allowing occupational income to be combined with minimum social benefits

190. The Act of 23 March 2006 on return to employment substantially improved incentives for recipients of the minimum income allowance (RMI), single parent benefit (API) and special welfare allowance (ASS). The Act allows recipients to continue to draw benefits while earning wages for a period of three months. As an incentive to work more than part time, a flat-rate benefit of €150 is now paid to beneficiaries in such jobs for the following nine months. Recipients are also entitled to a back-to-work benefit amounting to €1,000 at the end of the fourth month. The Act also provides for easier access to crèches for children of minimum social benefit recipients. When the Act entered into force, the number of minimum social benefit recipients awarded a back-to-work incentive increased markedly for the first time since 1998 (21 per cent of RMI recipients were granted incentives in September 2007, compared to 11 per cent in June 2005).

191. Under the Act of 11 February 2005, a long-term incentive mechanism was put in place for recipients of the adult disability allowance (AAH), with the amount being fixed in proportion to their occupational income. Today, 20 per cent of AAH recipients work and benefit from such incentives.

Subsidized contracts

192. The contract for the future and the minimum income integration contract (CI-RMA) were introduced by the Act of 18 January 2005. These contracts are only for recipients of minimum social benefits. In order to provide employers with a financial incentive to hire employees under these contracts, they are paid part of the benefit previously drawn by the beneficiary.

Introduction of an income tax credit

193. Introduced in 2001, the *prime pour l'emploi* is a tax credit earned by about one in four tax households. It is means-tested and intended to supplement the earnings of low-income workers.

Plan to introduce inclusion income support

194. Inclusion income support (RSA) has been introduced on a trial basis in 34 departments for RMI recipients who go back to work and, in some cases, persons working under subsidized contracts. In some departments, API recipients have also been included in the experiment. Introduced by the Act of 21 August 2007 on the promotion of work, employment and purchasing power, RSA is intended to alleviate poverty in France. Implementation of this benefit would provide a long-term supplement to the earnings of the working poor, offsetting the threshold effects that lead to poverty traps. The scheme will include a job coaching component to provide job search assistance to recipients of minimum social benefits. It is also intended to simplify

the process by making benefits more user-friendly. Introducing it on a trial basis before universal implementation should provide an opportunity to assess its real impact on the number of people going back to work, increased hours of work and earnings. Thus, RSA could replace RMI, API and the income tax credit, subject to arrangements that are still under consideration.

195. Following three months of consultation in the Government, a green paper was published on 2 March 2008 outlining several possible scenarios for RSA reform for public debate. It describes the scope, objectives and modalities of the proposed reform and puts forward the main options; this consultation is intended to give everyone an opportunity to air their views on the process. The green paper makes it clear that, in addition to reforming the minimum social benefits, the new scheme can improve the situation of many of the country's working poor or low wage earners. Under the RSA scheme, anyone returning to work or increasing their hours of work should gain an increase in earnings, thus putting an end to iniquitous inactivity traps. A document summarizing the contributions received will be prepared in mid-May.

Question 19. Please provide detailed information on the implementation of the Loi de Solidarité et de Renouveau Urbain of 2000, particularly on the requirement for all communes to make available at least 20 per cent of habitations à loyers modérés (HLM) on its territory. Please also provide information, including statistical data, on the access of persons and families of immigrant origin to this type of housing (para. 238).

196. **Article 55** of the Urban Solidarity and Renewal (RSU) Act (codified in article L.302-5 of the Building and Housing Code) is one of the ways in which the principle of social diversity (*mixité sociale*) is being implemented in housing policy. For municipalities with over 3,500 inhabitants (1,500 in the Ile de France) located in population clusters of over 50,000 inhabitants, the Act sets the target of providing social housing totalling at least 20 per cent of the stock of principal residences.

197. Municipalities in population clusters of over 50,000 inhabitants that do not have this proportion of social housing shall take steps to meet this target, if necessary in cooperation with other municipalities.

198. In metropolitan France, there are 114 population clusters as defined by the National Institute for Statistics and Economic Studies (INSEE) with over 50,000 inhabitants (in addition to seven clusters in the overseas departments). They comprise 1,389 municipalities with over 3,500 inhabitants (1,500 inhabitants in the Ile de France). Of these, 772 municipalities have less than the required percentage of social housing.

199. Municipalities that have not met the 20 per cent social housing target are required to pay a levy out of their tax revenues towards the necessary land or real estate purchases to provide such housing.

200. The National Commitment to Housing Act of 13 July 2006 amended the method of calculating the levy based on the shortfall in the number of housing units. As of 2007, the amount for each municipality concerned is assessed in proportion to its per capita tax capacity. The levy is equal to 20 per cent of per capita tax capacity, multiplied by the number of housing units lacking to make up 20 per cent of the stock of principal residences.

201. The levies assessed on the tax revenues of municipalities in 2007 pursuant to article L.302-7 of the Building and Housing Code are summarized below for information:

	Net levy (euros)	Of which: EPCI	Of which: EPF	Of which: FAU
Overseas departments	194 776	64 380	90 783	39 614
Metropolitan France	30 966 184	17 679 944	175 575	13 110 665
Total	31 160 960	17 744 324	266 358	13 150 279

EPCI: Public corporation for inter-municipality cooperation (établissement public de coopération intercommunale)

EPF: Local land development agency (établissement public foncier)

FAU: Urban renewal fund (fonds d'aménagement urbain)

202. Expenditure by the municipalities in 2005 that is deductible under article L.302-7 of the Building and Housing Code⁹ for 2007 totalled €32 million.

203. A number of exemptions are allowed under the Act:

(a) The following municipalities are exempt from the application of the Act:

- (i) Municipalities in population clusters suffering from a demographic decline (if they are members of an EPCI with its own tax revenues that has a local housing programme);
- (ii) Municipalities in which noise zones or protection zones account for over half of developed land (article L.302-5 of the Building and Housing Code § 2);

(b) Municipalities are exempt from the levy if their proportion of social housing is over 15 per cent and they receive an urban solidarity grant (DSU);

(c) The levy is not assessed if:

- (i) The expenditure in the last year but one covers the amount of the levy;
- (ii) The amount of the levy does not exceed €3,811.

204. As a means of encouraging municipalities to meet the 20 per cent social housing target, the State can issue a deficiency notice (*arrêté de carence*) which has a double financial impact: the levy is increased and the municipality pays a financial contribution towards an alternative operation initiated by the prefect.

⁹ Municipalities may deduct from the levy expenditure they have incurred towards building social housing in the last year but one, as well as expenditure towards permanent campsites.

205. The municipalities concerned are those which, being “subject to the levy defined in article L.302-7, at the end of the last three-year period” have failed to meet “the commitments set forth in the local housing programme [...] or, where there is no such programme, the number of social housing units they are required to provide under the last paragraph of article L.302-8”.

206. If these conditions apply, the prefect informs the mayor of his or her intention to institute the procedure for issuing a deficiency report (*constat de carence*). After consulting the regional housing committee, the prefect may issue a deficiency notice in regard to the municipality. Before doing so, the prefect takes a number of factors into account (the difference between the targets and the progress achieved in the last three-year period, difficulties encountered and social housing projects currently under way). The deficiency notice itself stipulates an increase in the levy for the municipality concerned.

207. The Act has been strictly applied: for the 2002-2004 three-year period, prefects have issued deficiency reports for a total of 141 municipalities (109 in 2005 and 32 in 2006).

208. At the same time, in order to avoid substantial delays in providing social housing, the prefect may act instead of the municipality by entering into an agreement to build or purchase the social housing units needed to meet the target. This provision has not yet been applied.

209. Lastly, a summary of the results of the three-year programme as provided in article L.302-9 of the Building and Housing Code will be publicly available and a report submitted to parliament.

210. In addition, the National Commitment to Housing Act of 11 September 2006 introduced a new article L.302-9-1-1 which provides for the establishment of departmental commissions to evaluate the case of municipalities that have failed to meet their obligations for the three-year period. Chaired by the prefects, the commissions examine the difficulties encountered by the municipalities and may refer special cases to a national commission. The national commission is chaired by a State counsellor and may request the Minister to adjust the requirements for these municipalities. The departmental and national commissions are to be set up in the coming months.

211. The table below gives a summary of the main figures for the municipalities concerned.

Number of municipalities	772
Number of municipalities exempted:	110
exempted owing to demographic decline	43
exempted on account of a noise zone or protection zone	10
exempted as recipients of an urban solidarity grant	57
Number of municipalities for which a levy was due	662
Number of municipalities that did not pay the levy (as it was less than expenditure two years earlier or €3,811)	188
Number of municipalities from which levy was in fact assessed	474
Total levy (euros)	31 160 960
Number of municipalities for which a deficiency report was issued for 2005 and 2006 at the end of the first three-year period	140
Amount assessed as increases in levy under deficiency notices (euros)	4 981 662

212. The total number of social housing units that need to be provided to reach the target of 20 per cent of principal residences is 420,000 units. That means an average of some 20,900 units per year, based on the rule set forth in the last paragraph of article L.302-8 of the Building and Housing Code.

213. Article 11 of the Enforceable Right to Housing (DALO) Act No. 2007-290 of 5 March 2007, extended the conditions in which article 55 of the Urban Solidarity and Renewal Act apply and added the following paragraph:

“With effect from 1 January 2008, these provisions shall also apply, under the conditions set forth in the first paragraph, to municipalities that are members of a public corporation for inter-municipality cooperation [EPCI] with its own tax revenues having more than 50,000 inhabitants and comprising at least one municipality with more than 15,000 inhabitants, and that have a population of at least 1,500 in the Ile de France and at least 3,500 in the other regions, and in which the total number of social housing units was less than 20 per cent of the total stock of principal residences on 1 January of the previous year. The levy prescribed in article L.302-7 shall be assessed as of 1 January 2014.”

214. This provision of the Act extends the application of article 55 of the Urban Solidarity and Renewal Act to 285 new municipalities, which are members of 100 EPCIs.

215. Social housing inventory data on these municipalities are not yet available, as the inventory procedure has just begun.

216. Around 68 new municipalities would appear not to meet the 20 per cent social housing target, and 6 new departments come under these provisions.

217. As regards access of persons and families of immigrant origin to social housing, foreign households legally resident in France enjoy the same conditions for access to social housing as French households, and are even more highly represented among recipients. According to available statistics, among recipients of individual housing benefit, foreigners account for 17 per cent of tenants in social housing and 11 per cent of those in private housing.

218. According to the national housing survey carried out in 2002, immigrant households account for 9.5 per cent of households and 17 per cent of social housing units. While it is true that housing applications dating back more than three years account for 18 per cent of applications from foreign households, compared to only 10 per cent for non-immigrant households, this is essentially because not enough large housing units are being produced. That said, over half of immigrant households with five or more members are tenants in public housing, compared to the figure of 33 per cent for all households; and the need to provide more large housing units has been identified in current government and local policies.

Question 20. Please explain the reason for the decrease in the budget allocated by central and local authorities to social housing (para. 238).

219. As may be seen from the table below,* there has been a constant increase in the budget allocated by the State to social housing since 2004, whether in terms of budgetary support or tax deductions.

220. Far from decreasing the budget for social housing, the national authorities devote a considerable amount of funds to this area, both to increase available housing and to rehabilitate existing housing (see reply to question 21).

	2004	2005	2006	2007	2008
Former support to low-rent housing (HLM) and home ownership	14.00	11.00	9.00	6.00	0.00
Housing construction and improvement, urban renewal	457.00	523.76	626.68	700.94	730.00
Support to housing in Overseas departments	162.00	173.00	172.68	175.75	200.00
Compensation for real estate tax exemption on constructed properties (HLM)	106.00	109.00	110.99	116.32	109.48
Total budgetary support	739.00	816.76	919.35	999.01	1 039.48
Corporate tax exemption for HLM entities	270.00	300.00	370.00	370.00	370.00
VAT scheme for land for construction of social housing	50.00	50.00	55.00	60.00	60.00
VAT scheme for construction, improvement or sale of social housing	675.00	700.00	790.00	910.00	1 040.00
Total tax deductions	995.00	1 050.00	1 215.00	1 340.00	1 470.00
Grand total	1 734.00	1 866.76	2 134.35	2 339.01	2 509.48

Question 21. Please provide updated information, including statistical data, on the measures undertaken by the State party to address the issue of mal logement which according to paragraph 121 of the State party report affected 3 million persons in 2001.

221. For several years now, the Government has been waging a large-scale campaign against poor housing (*mal logement*), including the adoption of three Acts since 2005:

(a) The Planning Act for social cohesion (PCS), No. 2005-32 of 18 January 2005, which provided for the financing of 500,000 social housing units over a period of five years;

* *Translators note:* Although not specified, the figures in the table would appear to be in millions of euros.

(b) The National Commitment to Housing Act (ENL), No. 2006-872 of 13 July 2006, which sets forth supplementary measures to increase the housing supply and strengthen the departmental action plans to house disadvantaged persons (PDALPDs);

(c) The Enforceable Right to Housing (DALO) Act, No. 2007-290 of 5 March 2007, which provides for an array of measures for social cohesion.

222. The Planning Act for social cohesion, strengthened by the Enforceable Right to Housing Act, sets the target of producing 591,000 social housing units, with a considerable increase in low-cost social housing units (including the goal of providing 20,000 subsidized rental loans for integration (PLAI) every year from 2007 to 2009); this is essential to cover the needs of households suffering from both economic and social difficulties. There has thus been a marked increase in new building, with construction beginning on 410,000 new housing units in 2005 and 430,000 in 2006. Financing of social housing has also risen substantially, covering 80,000 housing units in 2005, 96,200 in 2006 and over 100,000 in 2007. This includes the different rental loans under the PLAI, PLUS and PLS schemes, other than housing provided under the National Agency for Urban Renewal (ANRU).

223. At the same time as it is increasing the housing supply, the Government intends to develop policies on the allocation of social housing and prevention of evictions, targeted at disadvantaged groups. A new Decree of 29 November 2007 on departmental action plans to house disadvantaged persons (PDALPD) was adopted pursuant to the Act of 13 July 2006. The Decree extends the remit of the PDALPDs, administered jointly by the prefects and the chairpersons of the departmental councils, to the coordination of housing allocation to disadvantaged groups, prevention of tenant evictions and measures against substandard housing.

224. Departmental agreements between the prefects and the public housing bodies should include ambitious rehousing goals based on a localized needs assessment. PDALPDs should help speed up turnover in shelters and ensure the successful implementation of the reinforced action plan for homeless people (PARSA) by giving priority in rehousing programmes to families in shelters. Achievement of PARSA's objectives should be further supported by the housing solidarity funds (FSL), which grant financial assistance (in the form of subsidies, loans and provision of rental guarantees) to disadvantaged households to help them gain access to and remain in housing and finance housing-related social support (ASLL).

225. Lastly, a circular has been issued instructing prefects to revise the eviction avoidance charters so as to take account of the latest measures, such as the protocols, introduced by the Act of 18 January 2005, which are signed between lessors and tenants to re-establish rental contracts cancelled by court decision.

226. The scales for personal housing grants were adjusted on 1 January 2008. Upper limits on rent and on monthly payments of new tenants, as well as the flat-rate rates allowance, were indexed to the rent reference index (most recent index as at 1 January) as provided by law. They were adjusted by 2.76 per cent.

227. The cost of the adjustment as at 1 January 2008 amounts to €394 million for a full year, of which €221 million will be covered by the State. The total number of beneficiaries of all types of personal housing grant - personal housing grant (APL), family housing benefit (ALF) and social housing benefit (ALS) - stood at €5.925 million as at 31 December 2006, while the amount of housing benefits paid totalled €14.142 billion.

228. Another means of securing the right to housing is the tenancy guarantee scheme (GRL). The aim is to make it easier to obtain and remain in housing for people facing difficulties in access to housing as a result of discrimination, for example an account of the amount or regularity of their earnings, by obviating the need for them to furnish additional guarantees or deposits. As a supplement to traditional tenant default insurance, this scheme targets all tenants who are not covered by a classic tenant default insurance contract, and whose affordability ratio is between 30 and 50 per cent. The scheme is implemented by the Social Economy Union for Housing (UESL), which signed an agreement with the State on 20 December 2006.

Question 22. Please provide updated information on the implementation of the Loi d'Orientation et de Programmation pour la Ville et la Rénovation urbaine, in particular with regard to the implementation of the Programme de Renouveau urbain dans les ZUS where many disadvantaged and marginalized persons and families live (para. 240).

229. The Framework and Planning Act for cities and urban renewal, No. 2003-710 of 1 August 2003, sets forth the national urban renewal programme (PNRU), aimed at restructuring neighbourhoods classified as critical urban areas (ZUS) - and, in exceptional cases, areas with similar economic and social characteristics - in order to ensure social diversity and sustainable development.

230. In response to demand from local communities, the PNRU was extended to 2013, and the funds allocated by the State increased from €2.5 billion to €6 billion. The targets set are 250,000 housing units for reconstruction, 250,000 units for demolition, and 400,000 for rehabilitation and conversion to residential units.

231. In order to implement this vast urban renewal programme, the Act provides for the establishment of a public industrial and commercial body, the National Agency for Urban Renewal (ANRU), with the task of providing the necessary financial resources to the developers and collecting funds from the partners.

232. By 1 August 2007, 211 multi-year agreements had been signed, covering 310 neighbourhoods with a total population of 2.27 million. The ANRU approval committee has examined 386 neighbourhoods. Demolition of 119,000 housing units and reconstruction of 12,000 are planned. The total cost will be over €32 billion, including €9.5 billion financed out of ANRU subsidies.

233. The PNRU is planned to cover a total of 540 neighbourhoods. The target of 250,000 demolished or reconstructed housing units set by the Act has not yet been reached, but future multi-year agreements should make it possible to come nearer to attaining that goal.

Question 23. Please provide updated information on progress made to improve the living conditions of sans-abri in the territory of the State party as a result of the various measures referred to in paragraphs 304 and the following paragraphs of the State party report.

234. The Enforceable Right to Housing Act of 5 March 2007 was the culmination of a long process, and represents a major milestone in social rights, as it places the right to housing on the same level as the right to health care or education. The responsibility lies with the State. The Act builds on the efforts and results of the social cohesion plan and the National Commitment to Housing Act of 13 July 2006, with the aim of overhauling the entire housing chain and improving access to housing for the most disadvantaged groups. The Act declares the principle of the right to housing and strengthens the provisions of the Housing Act of 21 July 1994 in article 2, which lays down the requirement for each department to develop an emergency shelter plan. The Act sets a target for shelter capacity based on the population of each municipality, subject to financial penalties for non-compliance. In addition, it lays down the principle of continuity in the provision of shelter (art. 4); the General Directorate for Social Action (DGAS) issued a circular on the subject on 19 March 2007. Priority in access to social housing is determined by mediation boards, which receive applications for social housing, and whose remit was extended by the Act; the boards can also refer applicants, based on their needs or at their request, to other forms of accommodation (shelter, transitional housing, hostel or social hotel residence). All of these provisions are informed by the strategy of a shelter-to-housing continuum, thus establishing an enforceable right to housing in the full meaning of the term.

Article 12: The right to physical and mental health

Question 24. Please indicate whether the various health-care measures adopted by the State party (Couverture Maladie universelle (CMU) and CMU complémentaire (CMUC); Programmes régionaux pour l'Accès à la Prévention et aux Soins (PRAPS); Aide médicale de l'État (AME)) effectively ensure access to universal basic health care (paras. 294 ff.).

235. State Medical Assistance (AME), a scheme for coverage of the medical expenses of disadvantaged groups, covers the health-care costs of foreigners who do not meet the requirement of legal residence allowing them access to Universal Health-Care Coverage (CMU) and whose income is lower than the threshold for entitlement to Supplementary Universal Health-Care Coverage (CMUC). As in the case of CMU, access to AME is conditional upon three months' continuous residence. However, this requirement is waived for minors who are children of AME applicants: they are registered with AME during the first three months of their parents' stay, after which they are covered by the same family scheme as their parents, provided the latter are still in France and are not entitled to CMU.

236. In addition, the State pays a flat-rate grant to hospitals to reimburse the cost of emergency hospital care for foreigners residing in France who are not entitled to AME because they do not meet the three-month continuous residence requirement. The grant is paid to the health-care establishment on condition that the care provided is "emergency care, the absence of which would endanger the patient's life or could entail a serious and lasting impairment of the health of the patient or unborn child".

237. As at 31 December 2007, approximately 184,000 beneficiaries and dependants were covered by AME. This coverage entails an annual expenditure of €470 million, with an additional €40 million for the flat-rate grant to pay for emergency care.

238. Regional prevention and health-care access programmes (PRAPS) were adopted under the Framework Act of 29 July 1998 on measures to combat exclusion. Since the first year of their implementation in 2000, these programmes have developed a comprehensive approach, at the regional level, to the health problems faced by vulnerable groups, while promoting coordination between the social and health-care services. Based on a local needs assessment, the objectives set by the PRAPS have led to the implementation of measures that are largely supported by associations. Under the PRAPS, a full range of health measures for vulnerable groups is provided for in each regional public health plan (PRSP), together with special support measures enabling the most marginalized groups to gain access to the general schemes. These programmes, combined with schemes such as CMU, CMUC and AME, help ensure universal access to basic health care.

239. These programmes were strengthened by the Public Health Policy Act of 9 August 2004. They are now required to be included in the PRSPs. State credits account for around 50 per cent of total credits allocated to the PRAPS. Measures to combat inequality in access to health care are not limited to the PRAPS, but are built into the entire process of health care and social programming and planning. Several nationwide plans and programmes have developed specific measures for vulnerable groups (these include the national nutritional health programme, the national HIV/AIDS programme for migrants and foreigners, the national healthy environment programme, the national heatwave plan, the national cancer awareness plan, the psychiatry and mental health plan, the national rare diseases plan and the perinatal health plan).

240. In 2008, the regional public health consortia (GRSPs) will implement a new generation of PRAPS, whose objectives will have been developed for the first time in coordination with those of the PRSPs.

241. Calls for projects are issued by the GRSPs to finance measures under the PRAPS. The projects that receive financing can be broken down into the following main categories:

(a) Support measures to enable vulnerable groups to gain access to entitlements and care, including the designation of focal points and mobile intervention teams and coverage of transport costs for people in remote areas;

(b) Information and training activities to help health-care professionals and social workers improve their services to vulnerable groups, as well as information activities to enable these groups to be better informed of their rights and of the health-care facilities available to meet their needs;

(c) Preventive measures to enhance the employability of young people in disadvantaged neighbourhoods;

(d) Health education and communication activities.

Number of beneficiaries of Supplementary Universal Health-Care Coverage (CMUC) (in thousands)

	31/12/2000	31/12/2001	31/12/2002	31/12/2003	31/12/2004	31/12/2005	31/12/2006
Metropolitan France	4 422	4 079	3 943	4 029	4 066	4 113	4 164
Whole of France	5 040	4 694	4 532	4 650	4 664	4 735	4 803

Sources: CNAMTS, CCMSA, RSI.

Scope: general scheme, agricultural scheme and self-employed scheme.

Breakdown by age and sex

Metropolitan France

	31/12/2000	31/12/2002	31/12/2004
0-19	42%	44%	44%
20-39	31%	31%	32%
40-59	22%	20%	21%
60 and over	5%	4%	4%
	100%	100%	100%

	31/12/2000	31/12/2002	31/12/2004
Percentage of women	53%	53%	54%

Source: CNAMTS.

Scope: general scheme.

	31/12/2000	31/12/2002	31/12/2004
Metropolitan France, general scheme			
As percentage of metropolitan France, all 3 schemes (general, agricultural and self-employed)	94%	93%	93%
As percentage of whole of France, all 3 schemes (general, agricultural and self-employed)	82%	81%	81%

Number of beneficiaries of State Medical Assistance
(AME)

	31/12/2000	31/12/2001	31/12/2002	31/12/2003	31/12/2004	31/12/2005	31/12/2006	31/12/2007
Metropolitan France			139 345	162 989	135 432	164 035	174 434	164 503
Whole of France	73 337	125 376	145 394	170 316	146 297	178 689	191 067	183 722

Source: CNAMTS.

Breakdown by age and sex

Metropolitan France

	31/12/2002	31/12/2004	31/12/2007
0-19	18%	21%	18%
20-39	61%	57%	55%
40-59	17%	19%	23%
60 and over	4%	4%	4%
	100%	100%	100%

Percentage of women

Source: CNAMTS.

Whole of France

	31/12/2002	31/12/2004	31/12/2007
0-19	20%	22%	21%
20-39	63%	56%	54%
40-59	17%	18%	22%
60 and over	5%	4%	3%
	100%	100%	100%

Percentage of women

Source: CNAMTS.

Question 25. Please provide detailed information, including statistical data, on the number of persons living with HIV/AIDS, and on the measures adopted by the State party to prevent the spread of HIV/AIDS, in particular among persons of foreign origin.

1. Current status of the HIV/AIDS epidemic in France

242. The number of persons living with HIV in France is estimated at 130,000, which corresponds to a prevalence rate of 0.2 per cent. There were approximately 27,500 persons with AIDS at the end of 2006. The latest surveillance data on HIV/AIDS infection in France, compiled by the French Institute for Public Health Surveillance (InVS) have been encouraging. The number of new cases of HIV diagnosed in 2006 (last completed year for which data are available) has fallen slightly (to 6,300 from 6,700 in 2005), confirming the trend observed between 2004 and 2005. Foreign nationals account for 37 per cent of HIV-positive persons diagnosed in France in 2006, a proportion that has been declining over the past four years (46 per cent in 2003).

243. It is particularly interesting to note that the decreasing trend in the number of new cases of HIV infection can be found in all population groups, with one notable exception: men who have sexual relations with men (MSM), among whom the number has remained stable.

244. Foreigners and migrants living in France and residents of the overseas departments make up the other two groups that are most affected. To these should be added women, whose share in the epidemic is increasing in France, at least among persons who are infected through heterosexual relations.

2. Measures to prevent the spread of the HIV/AIDS epidemic, particularly among persons of foreign origin

(a) Prevention

245. Action to combat HIV/AIDS in France is based on a system of prevention combining wide access to condoms and testing with ongoing information, communication and health education campaigns aimed at the entire population and including the prevention of other sexually transmitted infections (STIs). Specific measures have been undertaken in the six regions of metropolitan France that have been most affected, the French departments of the Americas (DFA), and among priority groups (male homosexuals, migrants and persons who are HIV-positive). An important aspect of the Government's work in the area of prevention, particularly with respect to communication strategies, is implemented by the National Institute for Prevention and Health Education (INPES).

Universal access to condoms

246. Close to 100 million condoms are sold every year in France, but the French market still lags far behind the other Western European countries with the same population. Accordingly, in 2006 the French Ministry of Health invited the main manufacturers and distributors of condoms to make them more easily and cheaply available to the public. In addition, INPES

distributes free condoms for population groups that are at highest risk and most vulnerable, through associations and agencies involved in prevention programmes. In 2007, 5.7 million male condoms and 750,000 female condoms were distributed in this way.

Prevention programmes targeting the most affected population groups

(a) Migrants

247. After an evaluation in 2007, the 2004-2006 national programme to combat HIV/AIDS among migrants and foreign nationals living in France was renewed for the period 2007 to 2008. The strategy implemented under this programme will seek to:

- (i) Reduce the spread of HIV and STIs within the migrant population through the adoption of tailored prevention measures;
- (ii) Encourage HIV and STI testing by improving access;
- (iii) Provide social and medical coverage to ensure optimal treatment adherence;
- (iv) Improve the quality of data collected, and coordination among health-care personnel, social services and associations.

(b) Homosexuals

- Remobilize the actors (institutions, associations and opinion leaders)
- Target specific messages at people with HIV/AIDS informing them of the seriousness of STI infection and the risks of overinfection and resistance
- Reaffirm the preventive norm based primarily on systematic condom use
- Develop prevention discussions to explore the issue of risky behaviour, among others
- Encourage regular testing for HIV and STIs and uptake of post-exposure treatment when necessary.

(b) Care, treatment provision and support

248. Access to care in France is very broad: 100 per cent of the cost of treatment is covered for all patients, regardless of their status, and treatment is freely available. The provision of effective treatment since 1996 has led to a drastic reduction not only in the mortality rate (2,916 deaths in 1996 and fewer than 400 in 2006, but also in the rate of transition to the AIDS stage (-46 per cent between 1996 and 1997). Eighty per cent of patients treated in 2006 have kept their infection under control through treatment; the failure rate is around 4 per cent.

249. Treatment is essentially provided through hospitals (>80 per cent) on an outpatient basis. Advances in drug presentation and treatment tolerance have reduced the incidence of side effects

and improved treatment adherence. For patients treated in the early stages of the disease, when the therapeutic objectives have been achieved (complete and prolonged correction of immunodeficiency), the life expectancy of these patients is identical to that of the general population.

250. Routinely offering testing to pregnant women has led to treatment (at an early stage in most cases) and has kept the mother-to-child transmission rate of the virus at approximately 1 per cent.

251. The medical care of infected children is no different from that recommended for adults. The number of children under treatment in the paediatric cohort is currently 350. Approximately 15 new cases are treated each year in France; most of these children come from countries with a high prevalence rate.

Question 26. Please provide information on the measures undertaken by the State party to prevent suicide, particularly within the age group of 15 to 44, and to address its root causes. Please indicate which are the priorities and the main target groups identified by the State party in its new national action plan to prevent suicide following the evaluation of the National Strategy of Action against Suicide 2000-2005 (paras. 298 ff.).

252. The evaluation of the National Strategy of Action against Suicide 2000-2005 underscored the scope and diversity of efforts undertaken in suicide prevention. Close to €1.5 million were allocated at the national level to fund the Strategy between 2000 and 2005, while the regions spent nearly €20 million between 2000 and 2004, combining funds from the health insurance scheme and decentralized State bodies. The lessons learned from the evaluation exercise highlighted the positive impact of the Strategy on regional policies, and the need to step up public action, in particular by strengthening multidisciplinary training to identify suicide risks.

253. Suicide prevention efforts were sustained during the strategy's assessment and are still ongoing. Nonetheless, the situation in France compared with the rest of Europe gives cause for concern. According to a recent study on causes of death published by the Centre for Epidemiology at the *Institut national de la santé et de la recherche médicale* (Inserm), the suicide rate is declining more slowly than other causes of "preventable" deaths.

254. Accordingly, in October 2007 the Minister of Health, Youth and Sport announced that a new national suicide prevention plan would be developed for 2008, and that a multidisciplinary steering committee would be set up in March to formulate the main elements of the plan.

255. During the 12th National Suicide Prevention Week, the minister stressed that special attention would be given to certain indicators clearly showing the special vulnerability of some population groups: older persons, homosexuals, detainees, or people with several risk factors pushing them to commit suicide, such as addiction, which is often one of the contributing causes.

Question 27. Please provide information on the measures undertaken by the State party to prevent and combat drug abuse, particularly among young persons.

256. France's efforts in this area are carried out under the Government Plan to combat narcotics, tobacco and alcohol, 2004-2008, which places special emphasis on prevention.

257. Within this framework, a comprehensive programme for preventing cannabis use has been launched. It includes an information and communication campaign, and outpatient clinics for young drug users and their families. No longer only for cannabis users, these clinics are for anyone with problems attributable to simple, risky or harmful use of psychoactive substances (such as alcohol, cannabis, cocaine or psychostimulants). The clinics are also open to people with non-substance-related addictions (to games, the Internet, work and so on).

258. Apart from specific arrangements for minors such as the clinics for young drug users, treatment is provided to them by social welfare, health care and public health institutions.

259. As part of the general preventive strategy in schools, a manual on prevention for education workers was issued in 2005, in an effort to develop a coherent national policy on the prevention of addictive behaviour in schools. As a reference tool for schools, the manual is a valuable publication on the prevention of addictive behaviour, and should be incorporated in the curriculum as part of a broader approach to health promotion. Based on expert opinion and solid scientific evidence, the approach and content of the manual are designed for anyone - staff members or professionals from outside the school - involved in drug prevention activities for students.

Additional information on measures to protect children from alcohol abuse

260. In France, a body of laws and regulations seeks to protect children from alcohol consumption, as follows:

(a) By prohibiting the sale or free supply of any alcoholic beverages to persons under 16 years of age (article L.3342-1 of the Public Health Code (CSP));

(b) By prohibiting the sale or free supply of alcoholic beverages from the third to the fifth group to minors aged between 16 and 18 years in licensed premises where drinks are consumed. The sale or supply of wine, beer, perry, mead, natural sweet wines, creme de cassis and fermented juices up to an alcohol content of 3 degrees is therefore allowed (article L.3342-2, CSP);

(c) By prohibiting the entry of unaccompanied minors aged under 16 to licensed premises (article L.3342-3, CSP). It should be noted that those aged over 13 may be admitted to establishments in the first category, that is, premises in which alcoholic beverages are not served;

(d) By prohibiting employment or internships of minors in licensed premises (except for those between 16 and 18 years of age under a work-experience contract in certain circumstances) (article L.3336-4, CSP);

(e) By prohibiting the inducement of a child to drink until intoxicated (article L.3353-4, CSP);

(f) By prohibiting the advertisement of alcoholic beverages on television, in publications intended for young readers, and on the radio on Wednesdays after 7 a.m., and on other days after 5 p.m. (articles L.3323-2 and R.3323-2, CSP).

261. All of the above offences are punishable by law.

262. In order to improve compliance with the ban on sales to minors, two main strategies have been adopted. An evaluation of compliance with the prohibition of the sale of alcohol to minors aged under 16 years was carried out in 2005 at the request of the Ministry of Health. The results showed a need for clarification of this legislation and for the harmonization of regulations with our main European partners to prohibit access to these products for minors. This plan also forms part of the reform of the Public Health Code provisions on licensed premises.

263. A surcharge was imposed in 2005 on alcopops (drinks that are flavoured and sweetened to mask the bitterness of alcohol and attract young consumers), under the Public Health Policy Act of 9 August 2004. This law has significantly reduced the market for these products, and has also led to a decline in sales of wine- and cider-based drinks, which, however, were not covered by this measure.

264. Measures aimed at preventing tobacco consumption by minors:

Limiting access to tobacco products

(a) Prohibition of the sale of tobacco to minors under 16 years of age

265. Act No. 2003-715 of 31 July 2003, article 3-I, codified in article L.3511-2-1 of the Public Health Code, prohibits the sale of tobacco to minors under 16. Decree No. 2004-949 of 6 September 2004 sets out the conditions for the application of that principle. Retailers who are licensed to sell tobacco products must conspicuously display, in their premises, a reminder of the prohibition of the sale of such products to minors under 16, and may ask the purchaser for an identity document or other proof that he or she is over 16 years of age.

(b) Prohibition of arrangements that facilitate the purchase of tobacco products

266. In France the sale of tobacco products from self-service displays, automatic vending machines or by mail order is forbidden. In metropolitan France the monopoly on the retail sale of tobacco products is held by the department of customs and indirect taxes department, which operates through licensed retailers who act as its agents, through buyer-resellers or through resellers (article 5 of Act No. 76-448 of 24 May 1976; article 568 of the General Tax Code). It is mandatory for tobacco products to be displayed behind the counter of the tobacconist, who alone is authorized to hand them over to the customer.

(c) Prohibition of sales formats targeting young persons

267. Act No. 2003-715 of 31 July 2003, codified in L.3511-2, Public Health Code, prohibits the sale of packets containing fewer than 19 cigarettes. It was strengthened by the Economic Confidence and Modernization Act, No. 2005-842 of 26 July 2005, which prohibits packs containing fewer than 20 cigarettes, packs containing more than 20 cigarettes that are not packaged in multiples of 5, and containers with less than 30 grams of finely cut loose tobacco for rolling cigarettes, irrespective of their packaging format.

268. Advertising of cigarette rolling papers is also prohibited. The principle of taxation and the requirement to display health messages on packets of rolling papers (article L.3511-6 of the Public Health Code, amended by article 7 of the Act of 31 July 2003) are laid down in the Order of 27 May 2004 on the conditions for displaying health warnings on packets of cigarette rolling papers.

(a) Prohibition of the resale of tobacco products during cultural and sporting events since 2004 (Decree and Order of 16 January 2004, re-enacted in Decree No. 2007-906 of 15 May 2007).

Education and communication

269. Article L.3511-9 of the Public Health Code: The health education programme in primary and secondary schools includes mandatory awareness-raising on the risks of tobacco consumption. The National Institute for Prevention and Health Education (INPES), under the Ministry of Health, supports two anti-tobacco programmes that carry out a number of activities in each region, as follows:

(a) Calls for projects on tobacco and alcohol prevention, with the aim of developing health promotion and education measures on tobacco prevention, particularly in schools, through the provision of funding;

(b) The “tobacco prevention jobs for youth”, programme, aimed at:

- (i) Strengthening health education nationwide, especially on the subject of tobacco prevention;
- (ii) Increasing and diversifying methods of tobacco prevention using sickness insurance fund networks and health education committees;
- (iii) Improving coordination between the national and local levels and set up networks among local actors, in accordance with national health programmes and priorities.

Other measures

270. Prohibition of direct or indirect publicity or promotion of tobacco products (codified in article L.3511-3).

271. Tobacco taxation and pricing: The Public Health Policy Act of 9 August 2004 established a fiscal measure to curb the promotion of tobacco products. On that basis, a base price was fixed below which cigarettes may not be sold. This mechanism helps to prevent the spread of tobacco dependence through low pricing, which is particularly attractive to young people.

272. Smoking ban: In order to denormalize tobacco dependence among young people, Decree No. 2006-1386 on strengthening the prohibition of smoking in public places contains provisions for applying the ban not only in closed and covered spaces, but also in uncovered spaces in public and private primary and secondary schools, and in places used for the care, training or housing of minors (article R. 3511-13, Public Health Code). Smoking areas cannot be

reserved inside public or private educational institutions, apprentice training centres, or establishments intended or regularly used for the care, training, housing or sports activities of minors (article R.3511-2, Public Health Code).

Articles 13 and 14: The right to education

Question 28. Please indicate the results of the measures undertaken by the State party, including the introduction of the Zones d'Éducation prioritaire (ZEP), in decreasing dropout rates in primary and secondary education, as well as an evaluation of the recently adopted Plan de Relance de l'Éducation prioritaire. Please provide statistical data on dropout rates in primary and secondary education, as well as on the number of young persons who leave the school system without having obtained a qualification, over the last five years (paras. 255 ff.).

273. Just over 7 per cent of young people are estimated to finish the first stage of education without having achieved a minimum level of qualification (by obtaining the CAP or BEP vocational training certificate).

Measures to prevent early school disaffection

Personal Academic Success Programme

274. To address the problem of early disaffection from school, the Ministry of Education introduced the Personal Academic Success Programme (PPRE) in primary and lower secondary schools. It is intended for pupils with difficulties in French, mathematics and modern languages that may prevent them from acquiring the common core of knowledge and skills by the end of compulsory schooling. A short-term modular programme, it consists of a coordinated set of measures focusing on specific skills and knowledge and tailored to the pupil's needs.

275. The programme was tested during the 2005/06 school year in order to fine-tune implementation of the PPREs in both primary and lower secondary schools. In 2006/07 PPREs were being rolled out in the first and second years of primary school (*cours préparatoire* and *cours élémentaire 1*) and for pupils who were kept for an extra year in the third cycle or last three years of primary school (*cours élémentaire 2*, *cours moyen 1* and *cours moyen 2*). At secondary school level, the focus was on the first year of lower secondary school (*sixième*).

Bridging programmes combined with priority education

276. In lower secondary school, the Ministry of Education took steps to continue the development of bridging programmes, coordinating them with the priority education promotion plan and the introduction of "Aim for success" schools (*collèges ambition réussite*). Bridging programmes are a short-term arrangement, in the form of classes (introduced in 1998) and workshops (introduced in 2002) for lower secondary school pupils who are still subject to compulsory education. The aim is to resocialize these children and encourage them to enjoy learning so that they can be reintegrated in school and stay there. At the beginning of the 2006/07 school year, 360 bridging programmes were in place, compared to 334 in 2005/06. In November 2005, six months after completing the bridging programme, 62 per cent of the pupils were attending lower secondary school.

“Aim for success” networks

277. A new structure in the priority education system was introduced in 2006, in which schools are classified in three levels:

(a) Two hundred forty-nine “Aim for success” networks, consisting of 249 lower secondary schools and 1,600 feeder primary schools in their districts.

278. They are targeted at pupils with the most serious academic and social difficulties.

279. They are allocated additional resources:

(a) Schools that are more socially diverse than those in the previous group; they receive the same resources as before;

(b) Schools that will gradually move out of the priority education system once they have met the requirements.

280. The priority education promotion policy comprises 18 measures, including the following:

(a) Operation “Open schools” (see following paragraph);

(b) Involvement of parents in supervising their children’s schoolwork;

(c) A substantial increase in the number of merit scholarships (from 28,000 to 100,000 in 2006/07);

(d) An increase in human resources: in 2006/2007, 1,000 additional teachers, 3,000 teaching assistants and 100,000 students to coach lower secondary school pupils.

Operation “Open schools”

281. The implementation of Operation “Open schools” is continuing in the “Aim for success” network in particular, with one “open school” in each network. The programme is open to secondary school pupils during the school holidays, as well as on Wednesdays and Saturdays during the school term. Educational activities - including academic, cultural, sports and leisure activities - are provided. As a key element of the dropout prevention strategy, Operation “Open schools” changes the way young people see their school and its staff, and vice versa.

282. The general integration centres (*Missions Générales d’Insertion*) target all pupils at risk of leaving school without a qualification. They offer training courses to young people aged over 16 who are potential dropouts or have already been out of school for less than a year, without any immediate prospects of study or finding a job (this is the case of some 100,000 young persons every year).

283. Under the responsibility of the heads (*recteurs*) of education authorities (*académies*), the general integration centres are tasked with helping potential dropouts stay in school, as well as assisting their social and job integration. The centres develop personal academic support projects for half of these young people, with the aim of enabling them to obtain a qualification.

284. The system was strengthened through the education component of the “Hope for the suburbs” process (*Espoir banlieues*) presented on 14 February 2008 by the Minister of Education. It comprises the following nine measures:

- (a) *An after-school programme* to be introduced in October 2008 at the latest in the 5,311 primary schools classified as priority education schools will provide homework assistance and cultural or sports activities after school, four days a week;
- (b) *Social diversity in primary schools* will be enhanced by busing children from deprived neighbourhoods to schools in more mixed areas. This experiment, which has already been tried in some municipalities, will be conducted in 50 schools starting at the beginning of the 2008/09 school year for the last two years of primary school (*cours moyen 1* and *cours moyen 2*);
- (c) *Demolition or reconstruction of the most dilapidated lower secondary schools in deprived neighbourhoods*, with the same aim of “breaking up school ghettos”. At the end of the 2008/09 academic year, the list of schools to be demolished or rebuilt will be included in the national urban renewal programme;
- (d) Private schools to be encouraged to contribute to equal opportunity, through the creation of a special “Hope for the suburbs” fund;
- (e) *Expansion of boarding schools*, accompanied by an enhanced education programme to turn them into schools of excellence (700 additional places by the end of 2008; 4,000 over five years);
- (f) *Establishment of 30 schools of excellence in the suburbs*. Each of these will offer one of the following programmes: an international section with English, Arabic or Chinese language classes, language courses and exchange programmes; an arts syllabus, with adjusted schedules, cultural excursions and meetings with professionals in the arts; or a vocational programme based on existing vocational secondary schools;
- (g) *Access to “Classes préparatoires aux grandes écoles”* (classes to prepare students for the entrance examinations to the top-ranking higher education establishments) in upper secondary schools, as of June 2008, for the most deserving 5 per cent of pupils of all the general and technological secondary schools;
- (h) *Creation of a “traineeship database”* in each education authority for the beginning of the 2009 school year, to ensure greater equity in access to traineeships;
- (i) *Number of places in “second chance schools” to be doubled by the beginning of the 2009/2010 academic year (4,000 additional places)*: these are for young people who left school without a qualification and who need to acquire a minimum of basic knowledge before they can begin an apprenticeship.

285. A set of indicators has been developed under the heading “improve the academic success rate of pupils in deprived areas and those with special needs”.

286. However, the Ministry of Education does not yet have enough data at this stage to assess the results of the new priority education policy.

Question 29. Please provide information on the measures adopted by the State party to ensure access to education in regional and minority languages in French public schools, including detailed information - disaggregated by age and language spoken - on the number of students who have access to education in their regional and minority languages (para. 50).

A. Regional language and culture instruction

287. The Framework and Planning Act of 23 April 2005 on the Future of Education confirmed the place of regional languages in the education system, so that they can be taught on the same basis as foreign languages.

288. The number of pupils receiving regional language and culture instruction is steadily increasing, with the total for all levels of education reaching 250,000 pupils in 2001/02, 352,000 in 2003/04 and 404,351 in 2005/06.

289. See the table below:

	6-11 years	11-15 years	15-18 years	Total
Basque	7 912	2 332	828	11 072
Breton	16 300	6 264	868	23 432
Catalan	10 733	1 774	541	13 048
Corsican	24 042	8 098	2 458	33 609
Creole	12 102	2 394	575	15 071
Gallo		297	306	603
Occitan-Langue d'Oc	63 004	17 848	3 478	84 330
Regional languages of Alsace	108 088	41 633	13 399	163 120
Regional languages of Moselle	5 453	49	556	6 058
Tahitian	35 260	13 247	1 498	50 005
Melanesian languages	*	2 359	655	3 014
Total	282 894	96 295	25 162	404 351

290. There are different arrangements in place to provide at least partial instruction in a regional language. Two approaches have been adopted:

(a) Bilingual instruction on a parity basis. As defined in Circular No. 2001-167 of 5 September 2001, “the objective is to enable pupils to achieve a higher level of oral and written communication and expression by providing more intensive practice in the regional language through a reinforced schedule and instruction in the regional language”. The total number of pupils receiving bilingual instruction on a parity basis in the public sector and in the private sector under contract was 34,776 in 2005/06 (29,545 in primary school, 4,819 in lower secondary school and 412 in upper secondary school);

(b) The total immersion method: a total of 8,206 pupils attended such instruction in schools run by associations in 2005/2006 (including 6,555 in primary schools). The Circular of 5 September 2001 provides that “such instruction may be dispensed in ‘regional language’ schools defined by order”;

(c) In the latter form of bilingual education, the regional language is used as the language of instruction for the other subjects taught, as well as in school life.

B. Language and culture of origin instruction

291. Language and culture of origin instruction is dispensed as part of school education after classes or on Wednesdays or Saturdays, as a rule. Teachers from the countries concerned teach these subjects under bilateral agreements.

292. Instruction is supervised by the school inspectorates. The departmental school districts (*cartes scolaires*) are determined by the education authority inspectors (*inspecteurs d’académie*) in liaison with the General Directorate of School Education and the local consular authorities.

293. The teachers are appointed and paid by the embassies. These school districts are gradually being integrated in the school district map for modern languages where possible.

294. Premises and equipment are provided by local mayors. Even in classes held outside school hours, pupils remain under the authority of the school principal or director.

Language	Number of primary pupils (6-11 years)	Number of secondary pupils (11-16 years)
Algerian Arabic	10 799	543
Moroccan Arabic	24 235	2 411
Tunisian Arabic	5 107	575
Croatian	5	18
Serbian	159	6
Turkish	13 932	3795

Question 30. Please provide detailed information on measures adopted by the State party to facilitate access to education for Traveller and Gypsy children, including measures to ensure their participation in mainstream education.

295. The term “Travellers” (*Gens du voyage*) is now the official term used in the media and administration. According to the latest national statistics (February 2005), they include gypsies, fairground workers (30,000 families), circus workers (4,000 persons) and bargees (1,000 workers). The aim is still to integrate these children in the mainstream curriculum, with extra classes where necessary. Bridging programmes are in place to prepare them to join normal classes.

Kindergarten

296. Priority is given to placing these children in kindergartens in their school district; in some cases transitional arrangements may be necessary, usually on a part-time basis.

Elementary school

297. Special arrangements may be envisaged as a temporary measure and only as a means of easing the transition into the mainstream curriculum.

298. These arrangements are as follows:

- (a) Transitional classes in neighbourhood schools;
- (b) Special schools in a neighbourhood near their campsite. Around 42 mobile school units have been set up;
- (c) Mobile schools (caravan schools) for children whose parents are highly nomadic;
- (d) Associations providing learning assistance;
- (e) The National Distance Learning Centre (for highly nomadic families).

Secondary school

299. Transitional programmes such as catch-up classes are in place to assist the transition from primary to lower secondary school. There is a high demand for places in adapted general and vocational education sections. Some pupils enrol in general upper secondary education or in vocational training dispensed in vocational or technological upper secondary schools or provided by the integration centres run by the Ministry of Education. Although there has been an increase in the number of pupils who attend mainstream secondary education, this is still the exception rather than the rule. Integration of pupils over 16 years old (after compulsory schooling) is still rare and not without problems.

300. Academic centres for the education of new arrivals and Travellers' children (CASNAV) produce teachers' toolkits and provide teaching support to schools, as well as training for teachers and education staff.

301. Some CASNAVs cooperate with teacher training institutes in running initial training courses.

Teachers and pedagogical support

302. Many education authorities employ itinerant teachers in support units for Travellers to assist in the care and education of their children, as well as to facilitate dialogue with the families.

303. In many departments of the country, teachers with special duties are assigned to help teachers in regular classes provide care and academic support, as well as maintaining dialogue with children and their parents.

304. The appointment of a departmental coordinator in the office of the education authority inspector has been recommended. The coordinator is responsible for liaison with the different State services, CASNAVs, associations and the different partners involved.

The partners

305. Education authorities organize activities with institutional and civil society partners; the Action and Support Fund for Integration and the Prevention of Discrimination (FASILD) is the one mentioned most frequently, particularly with regard to training.

306. The Association to assist the schooling of Tsigane Children (ASET) is another partner that often works with education authorities by implementing measures to improve communication between the school and the family.

Article 15: Cultural rights

Question 31. In addition to the information requested in paragraph 29 above, please provide information on the measures adopted by the State party to preserve regional and minority languages and to ensure the right of persons belonging to linguistic minorities to use their regional and minority languages and to enjoy their cultures, in particular through support to radio and television broadcasting in regional and minority languages (paras. 49-50).

307. The French Constitution of 4 October 1958 establishes the indivisibility of the Republic. It recognizes only one French nationality, which entails rights. There is no longer any legal discrimination between nationals of metropolitan and overseas France. The latter vote in all the elections, they are represented in Parliament, and they are free to move and reside anywhere on French territory. They also have European citizenship.

308. The Constitution differentiates between the following:

(a) The overseas departments and regions referred to in article 73 of the Constitution (Guadeloupe, French Guiana, Martinique and Réunion) that are subject to the “legislative assimilation” system: national laws and regulations are automatically applicable, but may be adapted in the light of their special characteristics; such adaptations may be requested by Parliament or the Government, or by the territorial units themselves, if they have been legally authorized to do so. The overseas departments and regions may also draw up regulations on certain matters that are determined by statute, with the exception of sovereign matters (justice, public freedoms, etc.);

(b) The overseas communities referred to in article 74 of the Constitution (Mayotte, St. Pierre et Miquelon, French Polynesia, Wallis and Futuna), whose status reflects their respective local interest within the Republic and affords them fairly extensive autonomy. An institutional act defines the distribution of powers between the State and the community. The latter’s institutions can draw up regulations, including those on matters determined by statute, within the powers conferred on them. Some of these communities are governed by the principle of “legislative specificity”: laws and regulations are applicable only if so expressly provided;

(c) New Caledonia (title XIII of the Constitution) is in a special category, also governed by the principle of “legislative specificity”.

309. Subject to a referendum, the Constitution allows a change of status from an overseas department or region to overseas community. Accordingly, on 7 December 2003, the voters of the communes of Saint-Barthélemy and Saint-Martin voted in favour of separation from Guadeloupe. Their status was changed to that of overseas communities on 15 July 2007, pursuant to the institutional and ordinary Acts of 21 February 2007 establishing statutory and institutional provisions concerning overseas France.

310. Alongside French, which in 1992 was officially enshrined as the “language of the Republic” in the Constitution of 4 October 1958 (art. 2), France has a policy of promoting its regional languages, particularly those of the overseas territories.¹⁰

311. Established in October 2001 and attached to the Ministry of Culture and Communications, the Department for the French Language and the Languages of France has confirmed the special role conferred by the State on these languages in the country’s cultural life. The French education system recognizes the status of regional languages, and students can study them in metropolitan France and in its overseas territories in the same way as they study foreign languages.

312. In order to take local customs into account in French overseas communities, a body of special regulations has been developed for the indigenous communities on the promotion of regional languages and educational and cultural strategies in those communities.

313. The teaching of regional cultures and languages was introduced in educational establishments in the area in which those languages are spoken by the Act of 11 January 1951 on the teaching of local languages and dialects. Known as the “Deixonne Act”, it was extended to the regional languages in use in overseas departments by the Framework Act on overseas France, No. 2000-1207 of 13 December 2000.

314. Under articles L.4433-25, L.4433-26 and L.4422-27 of the Territorial Authorities Code (CGCT), deriving from Act No. 84-747 of 2 August 1984 on the jurisdiction of the regions of Guadeloupe, French Guiana, Martinique and Réunion, the Regional Council is responsible for determining which additional educational and cultural activities related to knowledge of regional languages and cultures can be organized in schools within the region’s jurisdiction.

¹⁰ The Ministry of Culture and Communications (Department for the French language and the Languages of France) has compiled a list of the principal overseas regional languages. They are: French-based Creoles (Guadeloupean, Guyanese, Martiniquan, Reunionese); (Bushinenge Creoles of French Guiana (Anglo-Portuguese-based): Saramaca, Aluku, Njuka, Paramaca); the Amerindian languages of French Guyana (Galibi (or Kalina), Wayana, Palikur, Arawak (or Lokono), Wayampi, Emerillon); Polynesian languages (Tahitian, Marquesan, Tuamotuan, and Mangareva languages and the Austral Island languages of Rururu, Raivavae and Rapa); Mayotte Malagasy and Bantu (Mayotte); Melanesian languages (New Caledonia: Grande Terre: Nyelâyu, Kumak, Caac, Yuaga, Jawe, Nemi, Fwâi, Pije, Pwaamei, Pwapwâ, Voh-Koné, Cèmuhi, Paicî, Ajië, Arhâ, Arhö, Ôrôê, Neku, Sîchê, Tîrî, Xârâcùù, Xaragurè, Drubéa, Numèè; Loyalty Islands: Nengone, Drehu, Iaa, Fagauvea); Wallisian, and Futunian (Wallis and Futuna Islands).

315. Building on these legislative developments, article 34 of the Framework Act on overseas France, No. 2000-1207 of 13 December 2000, provides that the regional languages in use in overseas departments are part of the linguistic heritage of the Nation; accordingly, policies to promote them have been strengthened.

316. Lastly, the Framework and Planning Act on the future of education, No. 2005-380 of 23 April 2005, reaffirmed the place of regional language and culture instruction within the French educational system; article 20 of the Act stipulates that such teaching shall be developed under agreements between the State and the authorities of the territories where the languages are used. These agreements provide the territorial authorities with an opportunity to be involved in spreading the teaching of regional languages and cultures, which has been extended to include Tahitian, the Melanesian languages and Creole, pursuant to article 34 of the Act of 13 December 2000. The signature of these agreements also strengthens the partnership between the territorial authorities and the regional language councils established in the four overseas education authorities of French Guyana, Guadeloupe, Martinique and Reunion under the Decree of 31 July 2001 on the establishment of regional language councils in education authorities.

317. This body of legislation has strengthened the role of overseas regional languages.

318. For example, Creole can be taken as an optional paper (since 2004) or a compulsory paper (since 2007) in the general or technical baccalaureate examination. Since 1995, the Arts Faculty in Martinique has offered a degree in Creole and the *Université des Antilles et de la Guyane* offers a master's diploma in regional language and culture. A secondary school teaching certificate (CAPES) in Creole was also established in 2002. Since 2006, all candidates for the competitive examination for schoolteachers can ask to take an optional paper in the regional language. The adaptation of history and geography syllabi to conditions in overseas territories also reflects the recognition of regional identities.

319. In order to increase the knowledge of the Amerindian languages of French Guiana, to codify them and to develop pedagogical tools for teaching them, the Ministry of Culture launched a multi-year action plan on the use of language in French Guiana. The branch of the teacher training institute in French Guiana organizes introductory courses to the Amerindian languages for all second-year students. It is worth noting that the education authorities provide continuous support to the school communities along the rivers and in isolated areas where the Amerindian and Bushinenge peoples live. Action programmes have been implemented by the education authorities (distance education programmes).

320. Specific activities to promote regional languages have also been conducted in the overseas communities.

321. In the departmental community of Mayotte, most of the population speak the two local languages, Shimarocé and Shiboushi; the illiteracy rate is high and few people speak French. The establishment of an institute to teach French by the Regional Council in 1997 has led to linguistic research on these two local languages and to the development of methods for teaching French that take into account the cultural particularities of the community. Appropriate pedagogical tools have been adopted and teachers have been trained; most of the Maore teachers have a better knowledge of the local languages than of French.

322. The establishment of a subsidiary education authority in Mayotte in 2000 has helped improve the educational environment and training provision. Since the Act of 11 July 2001 on Mayotte was adopted the Regional Council has been assisted by a council for culture, education and the environment (L.3533-4 of the Territorial Authorities Code).

323. Under articles L.3551-24 and L.3551-25 of the Code, the local authorities can sign agreements with public broadcasting companies to promote television and radio programmes aimed at developing the languages and the culture. The authorities may also propose a plan to strengthen the teaching of French and to improve the teaching of Maore languages and culture. An agreement between the departmental community and the State regulates the way in which this plan is implemented. In French Polynesia, article 57 of Institutional Act No. 2004-192 of 27 February 2004 on the autonomy of French Polynesia provides that, alongside French, “the official language of French Polynesia”, “the Tahitian language is a fundamental element of cultural identity; it cements social cohesion, it is means of daily communication; it is recognized and must be preserved, together with the other Polynesian languages, alongside the language of the Republic in order to ensure the cultural diversity that is one of the major assets of French Polynesia. The languages of French Polynesia are French, Tahitian, Marquesan, Tuamotuan and Mangareva. Tahitian is a subject taught during the regular timetable of nursery and primary schools, secondary schools and higher education establishments. Based on a decision of the Assembly of French Polynesia, the Tahitian language may be replaced in certain schools or establishments by one of the other Polynesian languages. The study and pedagogy of the Tahitian language and culture are taught in teacher training institutes”.

324. As with the Creole languages, Tahitian and the Melanesian languages may be taken as compulsory or optional subjects in the general or technological baccalaureate examination. There is a university course on the Tahitian language (two-year undergraduate degree, bachelor’s or master’s degree). A secondary school teaching certificate in Tahitian and French has also been introduced, and a Marquesan language academy has been established.

325. In New Caledonia, French is the official language, together with the 27 vernacular languages based on oral tradition, all very different one from another, spoken in well-defined geographical regions (linguistic zones).¹¹

326. Institutional Act No. 99-209 of 19 March 1999 recognizes “the Kanak languages” as “languages for teaching and cultural purposes” (art. 215). This article also stipulates that, “in order to promote its cultural development, New Caledonia, having consulted the provinces, signed a special agreement with the State. This refers, in particular, to the Kanak cultural heritage and the Tjibaou cultural centre”. Under this special agreement, signed by the State and

¹¹ According to figures from the 1996 census, the main languages are: Drehu spoken in Lifou (11,338 speakers), Nengone spoken in Maré (6,377 speakers), Paicî spoken in Poindimié, Ponérihouen, Koné (5,498 speakers), Ajië spoken in Houailou (4,044 speakers) and Xârâcùù spoken in Canala and Thio (3,784 speakers). The least spoken languages are: Arho (PoyaiHouailou, 62 speakers), Arhâ (Poyakiouailou, 35 speakers) and Pwapwâ (Gomen, 16 speakers). Almost no one speaks Sisho (the Bourail region) (4 speakers according to the 1996 census) and Wâmwang (Iconé) has almost disappeared.

New Caledonia on 22 January 2002, commitments were made concerning the adaptation of school curricula to the cultural and linguistic conditions within the remit of the provinces, and on scientific research, university courses and teacher training. The special agreement provides for the introduction of a bachelor's degree in regional language and culture as an extension to the two-year diploma. This bachelor's degree was included in the 2002-2003 institutional contract (*contrat d'établissement*) concluded between the Ministry of Education and the University of New Caledonia. The agreement also provides for Melanesian language teaching to be incorporated into the training of primary and secondary-school teachers, as well as the establishment of a Melanesian languages academy (a territorial public establishment).

327. A framework for teaching the vernacular languages has also existed at the primary level since 1990 and, in 1992, the Melanesian regional languages taught in secondary schools were included in the oral and written examinations for the baccalaureate.

328. The institutional structure of the Wallis and Futuna islands is characterized by the coexistence of a State administration, a territorial assembly, three kingdoms organized with a hierarchy of traditional chiefdoms, as well as the strong influence of the Church at all levels of social life. Act No. 61-814 of 29 July 1961 provides for a unique system of administration. Primary education is ceded to the Catholic mission under a five-year agreement. The educational objectives are identical to those of public education in metropolitan France. Supervision is exercised by the State.

329. French, spoken almost exclusively in school, is currently the language of education. As regards the promotion of overseas regional languages, the agreement of 16 October 2006 ceding primary education to the Catholic mission provides that the nursery and elementary school syllabus may include courses or activities delivered or organized in the Wallisian or Futunian languages. This provision already appeared in the previous agreement, dating from 1995. In nursery schools, children whose parents so request are taught initially in the local language. It is only gradually that lessons are conducted in French. In elementary schools, while the national curriculum is followed, the local language is offered as part of modern language teaching.

330. During their training, teachers are taught how to teach local languages and cultures. The branch of the University Teacher-Training Institute of the Pacific in the Wallis and Futuna Islands, which trains the teachers of the territory, offers a teaching module on vernacular languages as part of the three-year training course.

Question 32. Please provide information on the present position of the State party with regard to the ratification of the Council of Europe Framework Convention on the Protection of National Minorities and the European Charter for Regional and Minority Languages.

1. The Framework Convention on the Protection of National Minorities

331. France does not recognize the existence on her territory of minorities as holders of collective rights that are enforceable under its legal system. France considers that the application of human rights to all citizens of a State, on an equal basis and without discrimination, normally provides them, irrespective of their situation, with the full protection which they may claim. This conception of human rights thus sets a particularly high standard.

332. The traditional doctrine of French law on minorities stems from principles rooted in the history of France and established in the Constitution. It is based on two fundamental concepts:

(a) Equality of citizens' rights, which implies non-discrimination;

(b) The unity and indivisibility of the Nation, encompassing both the territory and the population.

333. In concrete terms, this approach establishes the principle that the affirmation of identity stems from a personal choice, not from applicable criteria defining a given group a priori. This approach protects the right of each individual to identify with, and to reject, a given cultural, sociological, historical, religious or philosophical tradition. Any defence of cultural specificity must go hand in hand with the fundamental right to refuse it. France has always emphasized this point before international bodies, pointing out what it considers to be the possible adverse effects of an overly rigid conception of the protection of minorities, in particular the attempt to lay down general criteria for membership of minorities or even to carry out censuses of persons belonging to these minorities.

334. France is thus in a special position, often misunderstood by our partners. It has no difficulty in accepting principles of protection of persons belonging to minorities deriving, inter alia, from the principle of non-discrimination contained in article 14 of the European Convention on Human Rights.

335. However, France is unable to accede to international legal instruments that recognize the existence of communities and grant them collective rights.

336. France considers that the protection of minorities does not necessarily imply granting collective rights, but rather requires rigorous implementation of the principle of non-discrimination.

337. That is the approach adopted by the European Union.

(a) Article 13 of the Treaty establishing the European Community provides that: "Without prejudice to the other provisions of this Treaty and within the limits of the powers conferred by it upon the Community, the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation." The protection of minorities, an area in which the European Community does not have express competence, is thus seen from the standpoint of non-discrimination.

(b) To that end, Council Directive 2000/43/EC of 29 June 2000 was adopted, implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. The purpose of the Directive is to establish a framework to combat racial and ethnic discrimination and its scope is very wide, because it applies: "to all persons, as regards both the public and private sectors, including public bodies, in relation to conditions for access to employment, to self-employment and to occupation [...] employment and working conditions, [...] membership of and involvement in an organization of workers or employers, [...] social protection, [...] social advantages; [...] education; [...] access to and supply of goods and

services which are available to the public, including housing.” This implies that a Member State cannot treat its nationals differently based on their race or their ethnic origin, or even discriminate between its nationals and foreigners. However, discrimination against third-country nationals on grounds other than those excluded by the Directive is accepted according to article 3 (2) of the Directive, which provides that the Directive: “does not cover difference of treatment based on nationality and is without prejudice to provisions and conditions relating to the entry into and residence of third-country nationals and stateless persons on the territory of Member States, and to any treatment which arises from the legal status of the third-country nationals and stateless persons concerned”.

338. France is a party to the main international instruments that prohibit discrimination. It has ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms, article 14 of which forbids any kind of discrimination. It is also a party to the International Convention on the Elimination of All Forms of Racial Discrimination, signed on 7 March 1966, which entered into force in France in 1971, and it has acceded to the International Covenant on Civil and Political Rights of 16 December 1966, which entered into force in France in 1981.

339. France has also signed the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints of the Council of Europe, which it ratified on 7 May 1999.

340. In recent years, France has strengthened its arsenal of laws and regulations to combat all forms of discrimination more effectively. It has thus built up an extensive body of law against discrimination.

341. Based on the principle of non-discrimination contained in the Constitution and embodied in the defence of the principle of equality, the relevant Government policies are targeted at economically vulnerable sectors of the population living in “disadvantaged neighbourhoods”. This group happens to include people of immigrant origin. However, these policies are based on economic criteria and are not aimed at “minority groups”. For example, special measures have been taken in several areas.

(a) In schools

342. An “anti-racist” week is now organized in schools in March each year.

343. In addition, circular No. 2002-63 of 20 March 2002 drew the attention of school principals to the education of foreign students in primary and secondary school. The circular recalls that “there can be no distinction between French and foreign students as regards access to public education services”, and stipulates that “as in the case of French children, it is the mayor who should issue the enrolment certificate on the basis of which the school principal admits a child”. Circular No. 2002-100 of 25 April 2002 on the organization of schooling or apprenticeships for pupils newly arrived in France without an adequate knowledge of French stipulates that “the obligation to admit children to school applies to both pupils newly arrived in France and other pupils, based on ordinary law and the principle of compulsory education”. This circular also

insists on the fact that “the reception of newly arrived pupils requires special attention” and, in this regard, recommends information and support to be provided to the pupils concerned and their families.

344. Lastly, in recent years the Ministry of Education has established preparatory classes for the top-ranking higher education establishments (*grandes écoles*) in upper secondary schools in disadvantaged neighbourhoods. The distribution of these classes has almost stabilized, as enrolment is no longer increasing. Efforts are now focused upstream, in particular on partnerships between secondary schools in these neighbourhoods and the *grandes écoles*, including within the framework of the Inter-Ministerial Committee on Integration. These partnerships are aimed at integrating young people from disadvantaged neighbourhoods and those of immigrant origin in particular. The objective is to encourage successful students to be more ambitious and to guide them towards higher education. The Ministry of National Education, Higher Education and Research and the Association of *grandes écoles* (*Conférence des grandes écoles*) are currently developing a national convention to this end, which will be followed by local conventions. In addition, 30,000 merit scholarships are awarded every year to secondary school pupils, of which one third are for young people from deprived urban areas. These may be followed by further scholarships at the higher education level.

(b) Housing

345. The French Government has initiated a proactive urban renewal policy to open up urban ghettos and promote social diversity. A massive plan to redress the housing shortage by financing 500,000 social housing units over a period of five years has also been implemented. Under the plan, 100,000 private rental housing units will be put back on the market during the same period, starting from 2005.

(c) Travellers

346. Almost all of the departmental plans on facilities for Travellers required under the Act of 5 July 2000 have been adopted. The Act sets out the conditions to be met by Travellers' camp facilities, after prior assessment of needs and availability, and taking into consideration the frequency and duration of stays, school enrolment possibilities, access to health care and opportunities for engaging in an economic activity.

(d) Combating discrimination

347. The issue of combating discrimination took on new proportions with the establishment of the High Authority to Combat Discrimination and Promote Equality (HALDE) under the Act of 30 December 2004. HALDE is composed of a council of 11 members and will have jurisdiction over all forms of discrimination prohibited by law or by the international commitments which France has undertaken. It should be noted that Title II of the said Act deals with the implementation of the principle of equal treatment between persons irrespective of ethnic origin, thus giving effect to Directive No. 2000/43/CE of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. Pursuant to the Directive, Article 19 of the Act provides that where a charge of discrimination is brought before the courts concerning a specific measure, the burden of proof is upon the legal person or individual accused of discrimination.

(e) Improvements to the situation of new arrivals

348. The Act of 18 January 2008 established the National Agency for the Reception of Foreign Nationals and Migration (ANAEM) and the new “reception and integration contract” henceforth offered to all foreigners obtaining residency in France for the first time. The statute of the National Agency for the Reception of Foreign Nationals and Migration was set out by the Decree of 20 April 2005.

II. The European Charter for Regional or Minority Languages

349. France signed the European Charter for Regional or Minority Languages on 7 May 1999. However, in June 1999, the Constitutional Council found that a number of the general provisions of the Charter were contrary to certain general principles of the French Constitution and it was therefore not ratified.

350. The idea of conferring rights upon “groups” of persons speaking regional and minority languages that might be used in certain parts of France, as well as the idea of the right to use a language other than French in public life, was found to be contrary to the constitutional principles of the indivisibility of the Republic, equality before the law and unity of the French people, on the one hand and, on the other hand, contrary to article 2 of the Constitution, which states that French is the language of the Republic.

351. Although France has not ratified the European Charter for Regional or Minority Languages, it nevertheless pursues a proactive policy in this regard and has given priority to the development of regional languages.

(i) General activities

352. The National Conference on the Languages of France (*Assises nationales des langues de France*) held in Paris on 4 October 2003 discussed the richness of the languages of France, which are part of the national heritage and vehicles for creativity, as well as their place in building Europe and decentralization, and ways in which they can be developed.

353. France, and the Ministry of Culture and Communication in particular, has adopted a two-track approach. It provides financial support to cultural projects which bring the languages of France to life through theatre, song, books and all other forms of expression. At the same time, it seeks to address the perceptions and prejudices attendant on French linguistic diversity and to demonstrate the value of the languages which, with French, have shaped French collective identity and which contribute to its influence.

354. Furthermore, under the terms of the Act of 1 August 2000 on freedom of communication and under the terms of their contracts, public service radio and television companies contribute to giving a voice to the main regional languages in metropolitan France.

355. Lastly, the number of courses taught on regional languages and cultures continues to grow. In a large number of education authority areas, this growth shows that such courses are now established on a lasting and sustainable basis, which appears to go hand in hand with improved recognition and integration of these courses into the modern languages curricula offered to families. Recent surveys show that bilingual tuition on an equal basis with teaching in French is

becoming increasingly widespread and firmly established, and should be further strengthened now that it has become official practice in upper secondary schools; it is also supported by the financial involvement of local authorities. This financial involvement should be encouraged further under the partnership organized in the councils on regional languages set up in the education authorities, which is progressively gaining momentum. In this context, it should be noted that the regional languages of the overseas departments have been included in the survey for the first time. They are expected to gain ground at all levels of education in the coming years. Lastly, the spread of regional language teaching should be accompanied by a greater concern for quality, which is reflected in planned teacher training activities.

(ii) Language teaching activities

356. Proficiency in French, which is the language of the Republic under article 2 of the French Constitution, remains a priority issue for the Government. Sound knowledge of French is the primary means of access to equal opportunities, civil freedom and courtesy. It is the guarantor of social cohesion and is the first of the seven elements of the “common core of knowledge and skills” that pupils must acquire during their compulsory schooling.¹²

357. According to the terms of the “common core” of education: “Access to all areas of knowledge and the acquisition of all skills depends upon knowledge of how to read, write and speak French. Sound knowledge of French makes it possible to communicate orally and in writing in different situations, and to understand and express one’s rights and duties.

358. “Providing all pupils with access to clear and precise spoken and written communication skills in French is part of French language education, but it is also part of all disciplines. Every teacher, and all members of the educational community, are accountable for this priority mission of schools.”

359. This is the context in which the French school system addresses the particular situation of foreign pupils recently arrived in France whose mother tongue is not French.

360. The considerable importance which France attaches to multilingualism translates into a policy of promoting the “languages of France”¹³ under the Common European Framework of Reference for Languages of the Council of Europe. France has a rich linguistic heritage. Alongside French, officially enshrined as the language of the Republic in the Constitution

¹² Decree No. 2006-830 of 11 July 2006 on core knowledge and skills, which amends the Education Code, outlines the knowledges and skills that all pupils must have acquired by the end of their compulsory schooling. This core is organized around seven main elements, or pillars, each of which sets forth the knowledge, skills and attitudes pertaining to a particular subject area.

¹³ “Languages of France” refers to the regional or minority languages traditionally spoken by French citizens on the territory of the Republic which are not the official language of any State. These defining criteria are drawn from the European Charter for Regional or Minority Languages, with some adaptations. There are more than 75 such languages in metropolitan and overseas France.

since 1992, the languages of France contribute to its creativity and cultural influence. The Department for the French Language and the Languages of France,¹⁴ established in October 2001 in the Ministry of Culture and Communication, has confirmed the special place, recognized by the State, of the languages of France in the cultural life of the nation. The following paragraphs give an overview of some of the principal measures adopted to encourage the use of regional languages in metropolitan and overseas France and to broaden the range of modern languages taught.

(i) Language and culture of origin instruction

361. Language and culture of origin instruction has existed for a fairly long time, although in a slightly different form from those on offer at present. Under a circular issued in 1939, pupils were taught the history and geography of their country in their language of origin outside school hours.

362. Since a departmental notice was issued on 13 April 1983, school superintendents and inspectors of the education authorities have been responsible for organizing and supervising language and culture of origin instruction and for assigning teachers.

363. In primary school, classes are given during school hours or, when pupils need to be brought together from several schools, outside school hours. In lower and upper secondary schools, these courses are offered as optional activities. The local authorities (departmental councils for lower secondary schools and regional councils for upper secondary schools) are involved in the organizational arrangements, mainly the provision of premises and the necessary materials. Classes are given by foreign teachers from the pupils' country of origin, provided by their governments under bilateral agreements.

364. At present, bilateral agreements have been concluded under this system with eight countries: Portugal, Spain, Italy, Morocco, Algeria, Tunisia, Turkey and Serbia.

365. Close alignment between the content of these courses and that of French school curricula has ensured greater consistency, with considerable benefit to pupils.

366. The gradual transformation of these courses is being considered at present, with a view to making them available to other pupils and including them in the plan to promote modern languages instruction starting at primary school level.

(ii) Regional language instruction

367. Regional languages have a special place in the French education system and can be studied in the same way as foreign languages by pupils in metropolitan and overseas France.

¹⁴ <http://www.dglflf.culture.gouv.fr>.

Part of the school curriculum

368. In line with the reform implemented at the start of the academic year in 2001, the Framework and Planning Act of 23 April 2005 on the future of education reaffirmed the place of regional language and culture instruction within the French education system as a whole. Under article 20 of the Act, this instruction should be developed under agreements between the State and the local authorities of the areas where these languages are in use.

Overhaul of the legislative and pedagogical framework

369. Specific resources, particularly in terms of hours and staff, have been allocated to regional language instruction in order to ensure that they are more widely known. Particular attention has been given to the recruitment of teachers. In 2005/06, in primary education, 8,912 teachers taught Breton, Basque, Catalan, Corsican, Creole, the regional languages of Alsace, the regional languages of Moselle, Occitan-Langue d'Oc and Tahitian. In addition, 100 teaching advisers were involved in training these teachers.

370. In secondary education (lower and upper secondary schools), 621 teachers, most of whom were certified teachers or holders of the *agrégation* in teaching, were engaged on a full or part-time basis in teaching regional languages such as Corsican, Basque, Breton, Catalan, Creole, Occitan-Langue d'Oc, or Tahitian. Of the 540 teachers who hold the secondary school teaching certificate (CAPES), 461 have the special certificates in regional languages and in Corsican.

371. All of these teaching staff are supported with further training. In 2005/06, 189 courses were organized by the education authorities and the departments, bringing together 2,281 participants for a total of 3,679 hours.¹⁵ Courses offered in Creole, the languages of Alsace and Moselle and Occitan-Langue d'Oc account for a significant share of such training.

372. Regional language instruction is recognized in the certificate of general education (*brevet des collèges*). A fully bilingual educational programme is offered in primary, lower and upper secondary schools. It includes a minimum of three hours of regional language and culture instruction in addition to one or more non-language subjects in order to achieve parity with French in terms of hours. The number of pupils enrolled in these programmes is growing.

373. Moreover, the French system assigns a key role to local authorities.

374. Partnerships with local authorities are embodied in the regional language councils set up in the education authorities,¹⁶ which bring together all of the actors involved. One third of this

¹⁵ Compared to 139 courses held in 2003/2004, which brought together 1,960 participants for a total of 2,318 hours.

¹⁶ These bodies were established by the Decree of 31 July 2001. An order of 19 April lists the education authorities in which a regional language council is set up under the Decree; Aix-Marseille, Bordeaux, Clermont-Ferrand, Grenoble, Guadeloupe, Guiana, Limoges, Martinique, Montpellier, Nancy-Metz, Nice, Poitiers, Rennes, Réunion, Strasbourg and Toulouse.

advisory body consists of representatives of the administration, one third of representatives of schools and parents' associations, and one third of representatives of the local authorities concerned and community and educational associations for the promotion of regional language and culture. The council participates in the consideration of the education authority's policy on regional languages. It pays particular attention to the status and promotion of regional languages and cultures taught under the purview of the educational authority through a range of different forms of instruction, and encourages activities to that end.

375. These partnerships were consolidated and strengthened by the system of agreements established by the Act of 23 April 2005, under which partnership agreements are concluded on the teaching of Corsican, Breton, the regional languages of Alsace, Basque, Occitan-Langue d'Oc and Catalan. The strong involvement of local authorities also includes financing: for the academic year 2005/2006, they contributed more than €3 million to activities to promote the dissemination and teaching of regional languages and cultures (mainly spent on hours of instruction, as well as teaching materials and contributions towards equipment for the use of new information and communications technologies).

Specific measures to promote overseas regional languages

376. France has implemented more specific measures tailored to local circumstances in order to promote overseas regional languages.

377. The Act of 2 August 1984 on the jurisdiction of the regions of Guadeloupe, French Guiana, Martinique and Réunion stipulates that the regional council shall determine which additional educational and cultural activities related to knowledge of regional languages and cultures can be organized in schools within the region's jurisdiction.

378. Moreover, the Framework Act of 13 December 2000 on overseas France provides for important measures for the regional languages and cultures of overseas departments and regions.¹⁷ In particular, it stipulates in article 34 that the Deixonne Act of 11 January 1951 is applicable to the regional languages in use in overseas departments and that the regional languages in use there are part of the linguistic heritage of the nation. These provisions have made it possible to improve the system of instruction in these languages and to extend it to all levels of education. For example, a compulsory paper (since 2007) or an optional paper (since 2004) in Creole, Tahitian and Melanesian languages can now be taken as part of the general or technological baccalaureate examination. The Arts Faculty in Martinique introduced a bachelor's degree in Creole in 1995 and the (*Université des Antilles et de la Guyane* offers a four-year university diploma in regional language and cultures leading to a level 1 master's degree). A CAPES in Creole was also created in 2002. Since 2006, all candidates for the competitive examination for schoolteachers may request to sit an optional paper in a regional language.

379. The situation is the same in the overseas communities. The Institutional Act of 19 March 1999 recognizes Kanak languages as languages for teaching and cultural purposes (art. 215), incorporating commitments with regard to education (upon obtaining the

¹⁷ Guadeloupe, Guiana, Martinique, Réunion.

baccalaureate,¹⁸ university courses in the four Melanesian languages leading to a bachelor's degree in regional language and culture¹⁹), scientific and academic research and training (incorporation of Melanesian language instruction in primary and secondary schoolteacher training, establishment of a Kanak languages academy). Moreover, a framework has existed since 1990 for teaching local languages in primary schools.²⁰ In 1992, oral and written papers in the four regional Melanesian languages,²¹ which are taught in upper secondary school, were introduced in the secondary school baccalaureate.²²

380. In French Polynesia, Tahitian, which is recognized as a fundamental element of cultural identity, has been preserved, together with the other Polynesian languages²³ and alongside the language of the Republic, under the Institutional Act of 27 February 2004, article 57 of which provides that Tahitian shall be taught during normal school hours in primary (up to age 10) and secondary (up to age 17) schools and in higher education establishments, and that the study and teaching of Tahitian language and culture shall also be taught at teacher training colleges. Nevertheless, Tahitian was already being taught at the primary and secondary levels from the early 1980s and in higher education from the early 1990s. Students are thus offered a real Tahitian language programme, which includes courses in Paumotu, Marquesan, Hawaiian and Maori (baccalaureate plus three years leading to a bachelor's degree; baccalaureate plus four years leading to a level 1 master's degree; CAPES in Tahitian-French; establishment of a Marquesan language academy).

Steady increase in enrolment

381. The status report for the academic year 2005/06 confirms that enrolment in regional language instruction exceeded that recorded for the previous year. Across all courses and levels, 404,351 pupils took courses in regional languages in 2005/06, compared to 352,204 pupils in 2003/04.

¹⁸ Secondary school diploma, taken at the age of 17 to 18.

¹⁹ Three years of higher education.

²⁰ Nursery school (2-6 years) and primary school (6-10 years).

²¹ Ajië, Drehu, Nengone and Paicî.

²² In New Caledonia, French is the official language alongside the 27 local languages or "oral traditions", all of which differ widely from one another.

²³ Marquesan, Paumotu and Mangareva.