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Committee on Economic, Social and Cultural Rights

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Item 6 (a) of the provisional agenda

**Consideration of reports: reports submitted by States parties
in accordance with articles 16 and 17 of the Covenant**

List of issues in relation to the fourth periodic report of France

Addendum

Replies of France to the list of issues*, **

[Date received: 2 March 2016]

* The present document is being issued without formal editing.

** Annexes may be consulted in the files of the Secretariat.

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I. General information

1. Please give recent examples, where possible, of cases in which the Covenant has been invoked or applied directly by domestic courts. Please provide information on measures taken to ensure that law enforcement personnel, lawyers and other law practitioners are aware of the provisions of the Covenant.

1. The Court of Cassation has long and on many occasions acknowledged that several articles of the Covenant can be invoked.

2. To take one example involving article 11, in a judgment handed down by the Second Civil Division on 19 June 2014 (No. 13-11.954), the Court ruled that, “by considering that Mr. X. had irrevocably waived a right that had yet to be granted when, on his sixtieth birthday, he opted for a lump sum payment of vested old-age insurance benefits ... the Court of Appeal violated articles L.351-9, L.814-2 and R.351-26 of the Social Security Code and at the same time article 11 of the International Covenant on Economic, Social and Cultural Rights of 16 December 1966”.

3. Since its judgment of 15 October 1991 (No. 90-86.791), which recognized that articles 6 and 7 of the Covenant can be invoked, the Court of Cassation has rendered several decisions, including:

- Decision of 15 June 2000 (No. 98-12.469 and No. 98-12.467) which recalled that article 7, read in conjunction with article 2 (2) of the Covenant, can be invoked in disputes on social security contributions;
- Decision of 30 January 2001 (Criminal Division, No. 00-82.341), which stated that “disqualification from a profession pursuant to article L.362-4 of the Labour Code is not incompatible with the treaty provisions invoked [article 6 of the Covenant] if the disqualification does not preclude the sentenced person from any profession other than the one practiced at the time that the offence was committed”.

4. This jurisprudence has recently been confirmed by a number of judgments:

- Decision of 25 June 2015 (No. 14-10.359) concerning article 6 (1) as regards the opportunity for supplementary employment;
- Decision of 15 January 2015 (No. 13-23.799) concerning article 6 (1) as regards non-competition clauses;
- Decision of 3 June 2015 (seven judgments (Nos. 13-27.592 et seq.)) concerning article 2 (2) on the reclassification of seasonal contracts as open-ended employment contracts.

5. In 2008, the Court of Cassation enhanced its jurisprudence by citing article 6 (1) as a matter of course, i.e. in the absence of this argument being put forward by the complainant (Social Chamber, 16 December 2008, No. 05-40.876, *Eichenlaub v. Axa France*), as follows: “Whereas article 6 (1) of the International Covenant on Economic, Social and Cultural Rights of 16 December 1966 ... directly applicable in domestic law ... is not consistent with an employee bound by a non-competition clause being denied any financial compensation because he or she was dismissed for serious misconduct ...”.

2. Please provide information on the progress made towards ratification by the State party of the Optional Protocol to the Covenant.

6. Parliament adopted on 13 November 2014 Act No. 2014-1352 authorizing the ratification of the Optional Protocol to the International Covenant on Economic, Social and

Cultural Rights. The Protocol was ratified by France on 18 March 2015 and entered into force on 18 June 2015. In view of this recent entry into force, France has not yet registered any communication relating to a violation of any of the economic, social and cultural rights set out in the Covenant.

3. In light of paragraphs 65, 70 and 504 of the State party report, please provide information on the status of the Covenant in domestic law.

Withdrawal of reservations to article 27 of the International Covenant on Civil and Political Rights and article 30 of the Convention on the Rights of the Child

7. The principles enshrined in article 2 of the Constitution, namely the indivisibility of the Republic and equality of all citizens before the law, without distinction of origin, race or religion, prevent the application of article 27 of the Covenant and article 30 of the Convention.¹

8. France does not recognize the existence of “ethnic, religious or linguistic minorities”. The foregoing constitutional principles do not give collective rights to any group on the grounds of community.

9. However, the French approach does not deny the right of indigenous populations in the overseas territories of France, in community with the other members of their group, to enjoy their own culture, to profess and practise their religion, or to use their own language. Moreover, the particular constitutional framework of the overseas territories guarantees that local characteristics are taken into account.

10. The Government therefore does not intend to withdraw these reservations.

Framework Convention for the Protection of National Minorities

11. Two fundamental constitutional concepts underpin French law on minorities: citizens have equal rights, which implies non-discrimination, and the nation is united and indivisible, in terms of both territory and the population.

12. When requested to give an opinion as to whether the Framework Convention for the Protection of National Minorities should be signed and ratified, the Council of State took the view that, by its very purpose, the Convention was contrary to article 2 of the Constitution.

13. This is why France has neither signed nor ratified the Convention.

European Charter for Regional or Minority Languages

14. France signed the Charter on 7 May 1999 and formulated two interpretive declarations at that time. The matter was referred to the Constitutional Council by the President, which stated in a decision dated 15 June 1999 that the Charter was not consistent with the Constitution, since, under articles 1 and 2 of the Constitution, the Republic is indivisible and the language of the Republic is French. These principles preclude rights, such as linguistic rights, from being recognized for an identified group distinct from the indivisible national body. There can be no rights specific to certain communities. However, these principles do not prevent us from supporting our cultural, and thus linguistic, heritage and placing particular emphasis on regional languages, which are established under article 75 (1) of the Constitution² as part of the national heritage.

¹ Article 1 since the constitutional review of 4 August 1995.

² Pursuant to the constitutional reform passed by Congress on 21 July 2008, article 75 (1) of the Constitution states that “regional languages form part of the heritage of France”.

15. France applies many provisions equivalent to those under the Charter (language teaching, cultural facilities, radio and television programmes).

II. Issues relating to general provisions of the Covenant (arts. 1-5)

Article 1, paragraphs 1 to 3 Self-determination and natural resources

4. Please provide information on progress made in the implementation of the Nouméa Accord of 1998. Please explain in further detail the rules governing the collective rights of the indigenous peoples overseas, particularly as regards self-determination and the use of their resources and their lands.

16. In accordance with Institutional Act No. 99-209 of 19 March 1999, natural resource management is under the jurisdiction of the three provinces of New Caledonia (South, North and Loyalty Islands) now that natural resource management lies outside the scope of activities over which the State (art. 21 of the Act) or New Caledonia (art. 22) has jurisdiction.

17. The jurisdiction of New Caledonia in matters involving environmental law is limited to the following areas:

- Customary civil status, customary lands and “palavers” (traditional assemblies) and the delimitation of customary areas;
- Regulation and exercise of the right of exploration, development, management and conservation of the living and non-living natural resources of the exclusive economic zone;
- Regulations concerning fuel oils, nickel, chromium and cobalt.

18. South Province of New Caledonia has already adopted local regulations governing access to biological resources and sharing of benefits resulting from their development (decision No. 06-200 of 18 February 2009). North Province also plans in the near future to adopt a draft decision aimed at regulating access to and use of its natural resources.

19. The Institutional Act takes account of land tenure arrangements and the Kanaks’ special ties to the land. It provides a definition of customary lands (including reservations and the expansion of reservations, clan lands and lands — regardless of their original status — that have been ceded back to groups subject to special local rules by virtue of their ties to the land) and specifies that land tenure arrangements are inalienable, non-transferable, not subject to substitution and not liable to seizure.

20. The land is recognized as belonging collectively to the tribes. The Customary Senate of New Caledonia, established under the Nouméa Accord, takes part in the drafting of land law rules.

21. The Agency for Rural Development and Land Management, established in 1988, has ceded some 97,000 hectares back to the Melanesian community since 1989.

22. Today, there is a balanced distribution of land, with customary lands taking up 17 per cent of the area of Grande Terre (compared with 16 per cent for private land). Ancestral ties to the land of many Kanak clans have been totally or partially restored.

23. However, claims to the land still stand and the question of whether they have been sufficiently satisfied and what balance is to be struck must be addressed.

24. The land stock held by the Agency covered in late 2013 an area of approximately 12,600 hectares (80 per cent in North Province). In 77 per cent of these lands, the lack of consensus between clans and customary authorities does not allow for land to be handed over under peaceful conditions.

Article 2, paragraph 1 International cooperation

5. Please indicate the measures taken to meet the goal of allocating 0.7 per cent of gross national income to development assistance.

25. France shares in the collective European commitment to meeting the goal of allocating 0.7 per cent of gross national income (GNI) for official development assistance (ODA) by 2030. In 2014, French ODA amounted to €8.005 billion, i.e. 0.37 per cent of GNI according to the Development Assistance Committee of the Organization for Economic Cooperation and Development (OECD). The level of official development assistance provided by France is above the average of Development Assistance Committee donors (0.29 per cent in 2014).

26. Through the gradual implementation of commitments made by the President in 2015, ODA from France is expected to reach €8.05 billion in 2015 and €8.55 billion in 2016. The commitments made by the President of France at the General Assembly of the United Nations in September 2015 aim to increase annual response capacity of the French Development Agency by €4 billion by 2020. Increased funding for development of France will be provided in the form of both loans and grants and the level of such funding should increase in the years to come so that it will be some €400 million more than the current level. Such a gradual increase should therefore lead to a dramatic increase in the Agency's commitments and its volume of activity is expected to increase from €8.5 billion in 2015 to €12.5 billion in 2020, thus paving the way for France to meet the goal of 0.7 per cent by 2030.

6. Please indicate the measures taken to ensure the effective implementation of articles 1 to 8 of the Framework Act on policy on development and international solidarity, Act No. 2014-773 of 7 July 2014. Please indicate the measures taken to ensure that projects funded by France respect the economic, social and cultural rights of the peoples of the country in which they are organized.

27. All operations funded by the French Development Agency must comply with the regulations of the country in which they are being implemented, particularly those governing environmental and social issues.

28. The Agency's social responsibility policy, adopted by the Executive Board on 27 March 2014, provides for an action plan for the period 2014-2016 to further integrate social responsibility into its governance, operations and strategies. The Agency has a mechanism for assessing and managing environmental and social risks, which works on the basis of forecasts, and, for projects with the highest risk, environmental and social management plans (annexed to financing agreements) are developed and monitored. The Agency also publishes an annual report, which refers to the manner in which the Agency takes account of the need to meet social responsibility requirements and fulfils the highest level of corporate social responsibility standards for reporting (certified A+ in 2014 by the Global Reporting Initiative).

29. The Agency rules out any financing of projects that affect human rights and works for their promotion through its mandate for co-financing the initiatives of civil society organizations.

30. France is also implementing a gender and development strategy for the period 2013-2017, which proposes an “equality compass” that points to specific goals to be reached by 2017, including awareness-raising and training of development policy actors, support for research, the promotion of dialogue with civil society and accountability for gender mainstreaming in official development assistance.

Article 2, paragraph 2

Non-discrimination

- 7. Please provide information on measures taken by the State party to develop tools for the collection of more detailed statistical data, disaggregated by age, sex and origin, with a view to gauging the incidence of discriminatory practices. Please provide information on the effective enforcement of anti-discrimination legislation and other mechanisms relating to the enjoyment of economic, social and cultural rights by persons belonging to racial, ethnic or religious minorities, including persons of foreign origin, migrants, asylum seekers, refugees and the most marginalized and disadvantaged persons.**

31. Wishing to have detailed statistical data on the extent of discriminatory incidents, the State launched the “mobility and origins” survey in 2004, led by the National Institute of Demographic Studies and the National Institute of Statistics and Economic Studies (INSEE). The survey, published in January 2016, aimed at pinpointing the impact of people’s origins on their living conditions and social mobility, taking into consideration other sociodemographic characteristics, such as background, neighbourhood, age, generation, sex and level of education. The survey focuses on all peoples living in metropolitan France, but has a special interest in populations that may come up against obstacles in their careers because of their origin or physical appearance (such as migrants, descendants of immigrants, persons born in overseas departments and their descendants).

32. In France, any discrimination in access to employment, housing and education or the provision of goods and services against persons by reason of their origin, sex, family name, residence, sexual orientation or identity, or actual or supposed affiliation or non-affiliation with an ethnic group, race or specific religion is punishable by law (Criminal Code, arts. 225-1, 225-2 and 432-7). Incitement to discrimination also constitutes a criminal offence (art. 24 (8) of the Act of 29 July 1881 on freedom of the press).

33. Combatting discrimination is a priority in criminal law policy and is the subject of regular dispatches and circulars of the Ministry of Justice to public prosecutor’s offices (dispatches of the Ministry of Justice of 5 March 2009, 30 March 2012, 27 June 2012 and 8 August 2014). In accordance with a dispatch dated 11 July 2007 concerning measures to combat discrimination, anti-discrimination units were established in each court of major jurisdiction to facilitate access to justice of victims and improve the judicial system’s capacity to respond to discrimination.

34. During the meetings of the Interministerial Council on Equality and Citizenship on 6 March and 26 October 2015, a number of measures were announced by the Government to stop discrimination and promote social diversity, including as regards housing and access to education (such as stepping up French language training for immigrant populations, greater diversity in low-cost housing and schools and support for access to higher education).

35. The fight against discrimination is a cross-cutting priority for 435 city contracts in the period 2015-2020, which must include a strategic territorial plan based on an assessment of discriminatory situations.

8. **Please provide updated information on the full implementation of Act No. 2005-102 of 11 February 2005 on equal rights and opportunities, participation and citizenship for persons with disabilities and the practical benefits enjoyed by persons with disabilities as a result. Please indicate whether the multi-year placement plan 2008-2012 has been renewed and whether the State party intends to adopt a national plan of action for persons with disabilities.**

36. Pursuant to the Act of 11 February 2005, the Government organized the National Conference on Disability, held every three years in order to discuss guidelines and measures, with the most recent Conference (held in December 2014) setting the following goals.

1. *Promote an inclusive society in all aspects of the lives of persons with disabilities by:*

- Opening up schools to children with disabilities and initiating a process of “deinstitutionalization”: in 2015, 100 teaching units in community health centres were transferred to mainstream schools and all school plans must now include a section on the enrolment of and support for students with special educational needs and the development of specialized support services at home and in schools;
- Adapting housing: home adaptations qualify for a tax credit; the “silence implies consent” rule applies to implementation of housing adaptation work; providers of social housing are involved in promoting suitable housing;
- Facilitating access to public information and promoting citizenship by means of: a new standard of accessibility for the websites of public services (2016); priorities for action set by the National Culture and Disability Commission on 27 January 2016 to improve cultural accessibility;
- Ensuring that persons live and work as others and with others by means of: new grants for vocational training schemes and measures to keep persons in employment; streamlining of procedures for quick adaptation of workstations; improvements in the regulatory framework of the agreements signed by companies with regard to the accommodation of workers with disabilities; and the creation of a “career exploration” course and expanded civic service.

2. *Develop appropriate career tracks and care services by:*

- Facilitating access to health care: since January 2015, contracts between regional health agencies and multidisciplinary health centres have included goals for the accommodation of persons with disabilities (493 new projects were selected in 2015 by the agencies, with €10 million provided for every 3 years as from 2015); adapting the financing of community health services and facilities to the needs and expectations of people through reform of the pricing for facilities and services for persons with disabilities (since November 2014); and developing support services with a focus on social inclusion and participation of the persons concerned;
- Increasing the availability of support: 41,450 places for lifelong support of persons with disabilities have been created (2008-2016) in addition to 10,000 places in vocational rehabilitation centres (80 per cent implementation rate of appropriations by late 2014, with 32,795 places authorized and 28,233 places set up).

3. *Simplify the lives of the most vulnerable persons by facilitating access to rights, avoiding repetitive procedures and speeding up management response time, including: the possible extension of the allowance for adults with disabilities of up to five years with a disability rate of between 50 and 80 per cent; paperless exchanges between departmental homes for persons with disabilities and family allowance offices; extension of the validity of medical certificates; and creation of a mobility and inclusion card in early 2017.*

37. In 2014, expenditures on disability allowances came to €1.597 million for 164,000 beneficiaries and expenditures on education allowances for children with disabilities to €825 million for 226,000 beneficiaries.

9. **Please indicate the measures taken to combat the stigmatization and discrimination encountered by the Roma people in France, including those expressed in public statements. Please indicate the measures taken to facilitate access to their rights by migrant Roma peoples since the lifting of temporary measures applying to nationals of Romania and Bulgaria.**

38. Combating hatred and discrimination against the Roma peoples is part of the ordinary law and is approached by judicial authorities in the wider context of existing mechanisms to combat discrimination and racism (see the replies to question 7). As with criminal law, criminal policy remains as general and impersonal as possible, in particular so that criminal policy priorities are not divided.

39. As regards the access of migrant Roma peoples to their rights since the lifting of temporary measures to facilitate access to the labour market of nationals of Romania and Bulgaria, it should be recalled that these nationals can now benefit fully from the social rights available to citizens of the European Union and European Economic Area (see question 24).

III. Issues relating to specific provisions of the Covenant (arts. 6-15)

Article 6

The right to work

10. **Please provide up-to-date information on the unemployment rate in France. Please indicate the results achieved, disaggregated by age and sex, by the various mechanisms established by the State party to reduce unemployment, especially among young people, and in particular those from critical urban zones.**

40. The unemployment rate in metropolitan France stabilized in 2014, at 9.9 per cent of the labour force (see annex). It began to decrease compared with 2013 for women, from 9.8 per cent to 9.6 per cent, while it increased slightly for men, from 10.0 per cent to 10.2 per cent. The youth unemployment rate, for its part, declined in 2014, from 24.0 per cent to 23.4 per cent, also with differences in the developments between men and women.

41. In problem urban areas of metropolitan France, the unemployment rate was 23.0 per cent in 2014 (see annex); it has generally been stable since 2012. For young people, the unemployment rate is 41.0 per cent, a level equivalent to that of 2010; it has fallen again since its peak in 2012 (45 per cent).

11. Please indicate the results achieved by the measures taken against discrimination in the employment of persons belonging to racial, ethnic or religious minorities, such as the “Diversity Label” and the Charter for the Promotion of Equality in the Civil Service, including in the overseas communities. Please indicate the measures that the State party intends to take in order to ensure the implementation of article L.1221-7 of the Labour Code on the anonymity of job applications.

42. More than 330 private companies and government agencies, representing more than 800,000 employees and civil servants, have joined forces to promote diversity through the diversity label initiative.

43. The Charter for the Promotion of Equality and the Fight against Discrimination in the Civil Service, signed on 17 December 2013, is the result of a productive dialogue between trade union organizations and public employers of the three branches of the civil service (central government, local government and hospital services). Under the interministerial “Equality and Citizenship” road map of 6 March 2015, the Government made a commitment to fostering apprenticeship (4,000 trainees were recruited in 2015 and a goal of 10,000 was set for 2016) and to diversifying recruitment (by doubling the capacity of preparatory classes for the public service competitive entrance examination in 2016, from 500 to 1,000 places).

44. The “Republic Mobilized against Racism and Anti-Semitism” plan of 17 April 2015 reaffirmed the Government’s commitment to promoting the values of the Republic, anti-discrimination and secularism among public servants.

45. Taking into account the recommendations of the Management-Labour Dialogue Group on Combating Discrimination in Business, which brings together the main partners concerned, Act No. 2015-994 of 17 August 2015 on social dialogue and employment amended article L.1221-7 of the Labour Code by making it an option rather than a requirement for business to preserve the anonymity of *curricula vitae*.

46. A number of companies will undergo discrimination testing in early 2016 in a campaign to increase awareness of discriminatory phenomena in employment.

12. Please provide information on the effect of measures taken to combat the obstacles to employment faced by women, especially women belonging to racial, ethnic or religious minorities, women from the overseas communities, single mothers and women living in the suburbs and rural areas.

47. The legal framework for equality in employment was enhanced by the Act of 27 January 2011 on balanced representation of women and men on management and supervisory boards and equality in the workplace.

48. The Government has also set the following priorities since the meeting of the second Interministerial Committee for Women’s Rights on 6 January 2014:

1. Close the employment rate gap between men and women by 2025 through four reforms:

- Under the plan for the development of early childhood services, 275,000 places will be created by 2017;
- Parental leave reform will make it possible for women to reduce the time spent outside the labour market and provide support for returning to work at the end of leave with the option of flexible working arrangements;
- Pension reform contains many measures to right wrongs for women (including the overhaul of pension increases by encouraging the retention of older women in employment);

- The tax system is to be re-examined from every angle in order to increase employment, particularly women's employment.

49. Women have represented nine tenths of the increase of the population in employment since 1975 (3.9 million of the 4.2 million members of the active population).

2. Promote gender diversity in trades and professions so that by 2025 one third of occupations (as opposed to 12 per cent today) are made up of both men and women. A shared platform of action involving all relevant actors is expected to:

- Shift the balance in favour of a mixed gender workforce in 10 branches of industry (including professions involving early childhood, older persons, personal services, emergency preparedness, energy and sustainable development) through measures to raise public awareness, open up opportunities for training and apprenticeships and streamline the recruitment process;
- Address the causes of gender segregation (work-life balance and working arrangements);
- Develop positive and inclusive public relations in order to challenge stereotypes.

50. The Government decided in 2015 to develop day nurseries intended to integrate people into the world of work with a view to facilitating women's employment in priority neighbourhoods for urban improvement and support the development of women's entrepreneurship in rural areas.

Article 7

The right to just and favourable conditions of work

13. Please provide information on progress achieved on security of employment since the entry into force of Act No. 2008-596 of 25 June 2008, including detailed statistics on the number of persons on open-ended and fixed-term contracts. Please also provide information on the effective implementation of Act No. 2011-893 of 28 July 2011 on the development of work-study schemes and security of occupational progression.

51. The Employment Security Act of 14 June 2013 encourages the use of open-ended rather than fixed-term contracts through adjustments to employer's contributions to unemployment insurance for contract and temporary work and a waiver of such contributions for the recruitment of young people under 26 years of age under open-ended contracts.

52. Since its establishment in 2008, mutual termination agreements have been widely used as a substitute for individual dismissals.

53. Companies have the following new tools to enable them to adapt to changes in business activity:

- Agreements for internal mobility for restructuring without downsizing;
- Part-time work schemes, simplified to cope with the temporary reduction in activity;
- Job retention agreements, which constitute an alternative to redundancy by adjustments to work hours and compensation (mechanism expanded by Act No. 2015-990 of 6 August 2015 for growth, activity and equal economic opportunities);
- The implementation of an employment safeguard scheme (PSE) in a context greatly changed by the Employment Security Act, which has raised the profile of partnership between management and labour and provided for greater security in

disputes over job cuts (limitation period and processing time greatly reduced), with the share of legal challenges to such schemes falling to 7 per cent (from a previous rate of 30 per cent).

54. A ceiling and a floor for compensation that the employer must pay in cases of dismissal without cause will be established in order to reduce the current fragmentation of decision-making by employment tribunals.

55. According to the employment survey in 2014 (INSEE), 86 per cent of employees have an open-ended contract, 2 per cent are temporary workers, 10 per cent have fixed-term contracts and 2 per cent are apprentices.

56. Open-ended employment contracts have remained steady since the late 1990s, particularly among young people with the development of apprenticeships, whereas there has been a sharp increase in temporary employment contracts (and their average length has decreased), particularly between 2000 and 2012. The proportion of employment that is fixed term does not seem excessive in France in comparison with other countries, particularly with the average in the euro zone (15 per cent compared with 14 per cent in France in 2013).

14. Please give more detailed information on the effect of the entry into force of Act No. 2011-103 of 27 January 2011 on the balanced representation of women and men on boards of directors and supervisory boards and on professional equality, and on the effective implementation of Decree No. 2012-1408 of 18 December 2012 on the fulfilment of company obligations relating to the equality of men and women in the workplace. Please state whether sanctions have been applied in cases of violation of these laws. Please provide information on the implementation of Act No. 2006-340 of 23 March 2006 on wage equality between men and women and article 99 of Act No. 2010-1330 of 9 November 2010 on pension reform.

57. The law on balanced representation of women and men on boards of directors and supervisory boards and equal employment opportunities requires companies to respect a minimum quota for members of each sex; both listed and non-listed companies that employ at least 500 permanent employees and have a turnover or total assets of at least €50 million are affected. The proportion of women employed in listed companies increased from 22.3 per cent in 2012 to 30 per cent in 2016 and a goal has been set to reach 40 per cent by 2017.

58. Companies with more than 50 employees that do not comply with the principle of equal pay for equal work for women and men are subject to penalties: between December 2012 and March 2014, 10 companies have been penalized, 700 issued notices and 5,000 have communicated their employment equality plan or agreement to the authorities. A ranking of listed companies that specifies the share of women in executive and steering committees is published annually. Any other company may appear in it if it so wishes.

59. Awareness of gender equality at work also requires the enhancement of the role of women in the workplace by promoting a balance of men and women in occupations (see question 12 above). Since 2012, the Government has undertaken to lead by example as a public employer as regards employment equality.

60. Lastly, to address the imbalance in the distribution of household tasks among couples (women do 80 per cent of domestic chores), the law on substantive equality between women and men seeks to encourage fathers to use their right to parental leave and the provision of early childhood care has been increased.

61. The Act of 23 March 2006 on equal pay for women and men is aimed at reducing pay gaps by requiring companies and branches of industry to negotiate the definition and

planning of measures that are liable to close those gaps on the basis of an assessment of the comparative status of women and men.

62. Under article 99 of the Act No. 2010-1330 of 9 November 2010 on pension reform, employers in companies with at least 50 employees that do not have an equality agreement or plan of action on employment equality are subject to a penalty (set at a maximum of 1 per cent of salary and earnings paid to employees).

15. Please indicate whether additional measures have been taken to promote the employment of persons with disabilities in the private sector and describe progress achieved in meeting the 6 per cent quota laid down in Act No. 2005-102 of 11 February 2005, for the recruitment of persons with disabilities by private companies with more than 20 employees.

63. The State brings together the relevant actors for the dual purpose of ensuring equal opportunities for workers with disabilities and other categories of workers and enabling every person with disabilities who is able to work to find employment in an ordinary or sheltered employment setting.

64. The policy of employing workers with disabilities is based on an obligation to employ workers with disabilities under the 2005 Act, which sets a quota of 6 per cent of employees for all companies, public and private, with at least 20 employees. If the employer fails to meet this obligation, it must make a financial contribution to two funds established by law, namely the Fund Management Association for the Integration of Persons with Disabilities (AGEFIPH) and the Fund for the Integration of Persons with Disabilities in the Civil Service (FIPHFP).

65. In 2014, the employment rate for persons with disabilities was 3.1 per cent in the private sector (370,000 people) and 4.6 per cent in the public sector (195,000 persons).

66. Since the Act of 11 February 2005, the State has been focusing on strengthening the political and operational management of policies for workers with disabilities. In keeping with the guidelines of the Interministerial Committee on Disability of 25 September 2013, the third National Conference on Disability on 11 December 2014 outlined broad policy objectives, including in matters of employment, as follows:

- Increase access to vocational training (with a contribution from the Fund Management Association to their personal training account (*compte personnel de formation*));
- Diversify professional choices;
- Arrange for sustained support for finding and staying in employment;
- Prevent occupational exclusion;
- Encourage the conclusion of company agreements.

67. The National Multi-Stakeholder Convention for the Employment of Persons with Disabilities, signed on 27 November 2013, covers a number of areas of work: access to employment, vocational training and keeping jobs.

68. The national framework agreement on enhanced partnership between the State, the governmental employment agency Pôle emploi, the employment network for persons with disabilities Cap emploi, AGEFIPH and FIPHFP (2014) makes it possible to ensure that services are consistent with the devolution of public policymaking to the local level, with the development of local cooperation projects between Pôle emploi and Cap emploi organizations.

Article 8

Trade union rights

- 16. Please provide detailed information on all action taken to ensure the full implementation of article L.1132-2 of the Labour Code and on the measures taken to protect unionized workers from discrimination or reprisals on grounds of their trade union activity.**

69. Employee staff representatives cannot be dismissed, individually or collectively, without the authorization of the labour inspector, throughout their entire term of office and thereafter. The labour inspector verifies during an inquiry with an exchange of views *inter partes* that the termination of the contract is not a discriminatory measure related to the employee's duties as a representative. The decision, whether positive or negative, may be appealed.

70. Act No. 2015-994 of 17 August 2015 on social dialogue and employment has put in place measures to protect members of trade unions, particularly elected officials, against any discrimination or reprisals because of their union activity, including through professional interviews on their union work, official certification of their cross-cutting skills exercised as staff representatives and wage recognition modelled on a wage guarantee.

71. Broad consultations had been conducted on the modernization of essential guarantees pertaining to officials appointed to carry out trade union activity in the civil service. The legislative dimension of the reform has been integrated into the bill on ethics and the rights and obligations of civil servants, which has just been adopted by the Senate. Article 20 quater of the bill will make it possible for these officials to take advantage of exceptions to the ordinary law by assimilating those who have reached a threshold of union involvement with those who devote themselves fully to union activities. The proposed reform also aims to simplify the rules applicable to trade union officials, particularly with respect to pay and promotion, and to organize the support of human resources.

Article 9

The right to social security

- 17. Please provide detailed information on the proportion of the budget and the percentage of gross domestic product (GDP) allocated by the State party to social security expenditure, including social insurance. Please indicate to what extent migrants, including asylum seekers, can use the various social protection mechanisms, including the *revenu de solidarité active* (RSA), the minimum old-age pension or older persons solidarity allowance (ASPA), the supplementary disability allowance (ASI) and Universal Health-Care Coverage (CMU and CMU-C), including in the overseas communities.**

72. In 2013, the share of social spending (health and social protection: coverage of health and disability risks, occupational diseases and accidents at work, old age and survivors insurance, maternity, family, unemployment, vocational rehabilitation, housing, poverty and social exclusion) accounted for 33 per cent of gross domestic product (GDP) and French public services have paid €609.4 billion in social benefits (91 per cent of all benefits).

73. Aliens in a regular situation under the rules of residence in France, foreign nationals in administrative detention and their dependants benefit from State medical assistance and emergency care.

74. The State medical assistance entitlement includes:

- Total coverage of costs within the social security ceiling for medical treatment in cases of illness and maternity;
- Direct payment by insurers (without advance payment of fees);
- Reimbursement for drugs.

75. When foreigners did not meet the requirements of State medical assistance (mainly, a stable residence), they benefit from emergency care by virtue of the ethical duty of health facilities to treat destitute persons.

76. Since 1 January 2016, under the universal health cover scheme (*protection universelle maladie*) that has taken the place of CMU, or free health care for people on low incomes, health-care benefits are granted to any unemployed person who offers proof of identity and stable (of at least three months) and regular residence in France.

77. Once asylum is granted, refugees enjoy the same social rights as nationals (old-age benefits (ASPA), disability benefits (ASI), income support (RSA), housing assistance, family allowances etc.).

78. The Social Security Code applies by operation of law in the French overseas departments and the communities (*collectivités*) of Saint Martin and San Barthélemy.

79. Efforts to bring minimum social benefits into conformity with ordinary law have begun in Saint Pierre and Miquelon and Mayotte, which has been a department since 2011.

80. The three Pacific territories are not covered by ordinary law, but there is a system of free care Wallis and Futuna. In French Polynesia and New Caledonia, social security is the responsibility of the communities, which have their own system.

Article 10

Protection of the family, mothers and children

18. **Please provide detailed statistical data on the effective enforcement of legislation on violence against women, including the number of complaints, prosecutions, convictions and sentences passed on the perpetrators of such crimes. Please provide detailed information on the implementation of the national plans to combat domestic violence (2008-2010 and 2011-2013) and their effect on the reduction of domestic violence.**

81. According to the results of the 2010-2015 living and security environment survey conducted by INSSE and National Supervisory Body on Crime and Punishment (ONDRP), an annual average of 1 per cent of women aged between 18 and 75 years living with a partner, or nearly 223,000 women, reported being subjected to physical and/or sexual violence.

82. It is estimated that among the victims of domestic violence, only 1 in 4 women went to the police station or Gendarmerie; 14 per cent brought complaints and 8 per cent made a statement.

83. In 2014 the figures indicated 16,543 sentences for crimes involving domestic violence (88 crimes and 16,455 lesser offences), 97 per cent of which were pronounced against men.

84. Pursuant to national plans of action initiated in 2005, on 30 November 2012, the Interministerial Committee on Women's Rights and Equality between men and women drew up a comprehensive plan to combat violence against women, which resulted in robust

policies aimed at improving the initial reception, protection and support for women victims of violence, including:

- Act No. 2013-711 of 5 August 2013, under which French criminal law was adapted to meet the obligations under the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (entry into force in France on 1 November 2014);
- Act No. 2014-873 on substantive equality between women and men, which contains numerous measures to enhance the protection of women victims of violence.

85. These legislative measures reinforce the Government's commitments under the fourth Interministerial Plan for Preventing and Combating Violence against Women for the period 2014-2016. The plan, which is being carried out locally in partnership with territorial communities and in accordance with the National Crime Prevention Strategy for the period 2013-2016, has the following three priorities:

- Establish a public policy by which no reported violence goes without a response (responses at every stage along the victims' way to ensure early intervention, particularly as regards health care, social support and legal assistance);
- Protect victims by strengthening day centres, roll out hotlines for women in grave danger and accountability courses for violent offenders;
- Mobilize society as a whole by raising awareness about violence with the launch of the national survey on violence and gender relations (VIRAGE), develop training plans for professionals, formulate a cross-cutting policy of prevention, including in school and university settings, in sport and in the workplace and set up a website accessible to the public and all professionals.³

19. Please indicate measures taken for the protection and realization of the economic, social and cultural rights of victims of trafficking, particularly in the context of the national plan of action against trafficking in persons, 2014-2016. Please specify the resources allocated for the implementation of the plan.

86. Housing and social support aimed at helping victims to have access to their rights and regain their independence are provided at housing and social rehabilitation centres (CHRS) and associations specializing in support for victims of prostitution and human trafficking and migrants and in social work.

87. Victims in need of protection benefit from the National Network for Assisting and Protecting Victims of Human Trafficking (Ac.Sé Network), which makes it possible for them to distance themselves from the place where they were exploited and to be received, lodged and supported by specially trained professionals. Measures Nos. 7 and 8 of the national plan of action provide for strengthening the network and increasing the number of places in the housing and social rehabilitation centres.

88. Victims of trafficking who hold a temporary residence permit in accordance with article 316-1 of the Code on the Entry and Stay of Aliens and on the Right to Asylum benefit from training and vacancy announcements published by the governmental employment agency Pôle emploi.

89. With regard to access to health care, victims of trafficking have two schemes available to them:

³ www.stop-violences-femmes.gouv.fr.

- State medical assistance for up to a year to persons unlawfully residing in the country for at least three months, subject to available resources (see reply to question 17). Otherwise, emergency care is covered;
- Under the universal health insurance scheme, victims who hold a receipt for a residence permit or application for asylum are entitled to all necessary medical treatment.

90. Victims of trafficking who enjoy the right to stay under article L.316-1 of the Code may receive:

- Asylum-seeker allowances;
- Income support (RSA) if they live in France and have no income.

91. Under measure 9 of the national action plan, any victim of prostitution, procuring and trafficking for the purpose of sexual exploitation is offered a way out of prostitution and opportunities for employment and social integration, which will enable them to enjoy enhanced rights, including the right to stay and social rights, through financial assistance for the purpose of integration into the world of work and society.

92. The Ministry of Social Affairs, Health and Women's Rights has prepared in 2015 a budget of €2.4 million to support outreach activities for victims of prostitution and/or trafficking.

93. In 2016, the budget allocated to the fund for the prevention of prostitution and support for victims of prostitution is set at €4.8 million.

Article 11

The right to an adequate standard of living

20. **Please indicate measures to improve access by the most disadvantaged and marginalized persons, including long-term unemployed persons, single-parent families, persons belonging to racial, ethnic or religious minorities and asylum seekers, to mechanisms aimed at alleviating poverty. Please provide detailed information on the results of the Multi-year Plan against Poverty and for Social Inclusion. Please also indicate the mechanisms in place to alleviate poverty in the overseas communities, particularly French Polynesia, New Caledonia and Wallis and Futuna.**

94. The multi-year plan for poverty reduction and social inclusion was updated by a road map for the period 2015-2017 in March 2015, including 54 complementary activities focusing on preventing difficulties and breakdowns and access to rights for all. Family allowance offices offer training courses on rights to facilitate access to rights and ensure that remedies are available.⁴ The Act of 17 August 2015 on social dialogue and employment provides for an incentive to take up or resume employment in the form of financial assistance for low-income workers open to young workers over 18. In order to maintain the purchasing power of the most disadvantaged people, income support (RSA) has been increased by 10 per cent over five years in addition to adjustments for inflation (as at 1 September 2015, RSA was adjusted for a third time, by 2 per cent). Since 1 July 2015, the aid for complementary health insurance (ACS), which is very accessible and economical, has been extended to 1.2 million people not covered by complementary health insurance.

⁴ Mes-aides.gouv.fr.

95. The Emergency Employment Plan announced on 18 January 2016 (State contribution: over €1 billion) establishes an objective of 500,000 training sessions for jobseekers, especially for long-term unemployed persons. The plan to combat long-term unemployment of February 2015 complemented risk assessment and support measures provided by the public employment service (tripartite agreement for the period 2015-2018 establishing four types of support with the objective of doubling the number of beneficiaries).

96. Particular measures have been taken to address youth unemployment, including:

- The national plan for the implementation of the Youth Guarantee of the European Commission;
- The allocation of the Youth Guarantee for people less than 25 years of age in situations of isolation and financial insecurity, which takes employment as a starting point (deployed in 72 administrative divisions); as of 30 November 2015, 37,958 young people were covered by this guarantee, including 29,316 since 1 January 2015. The goal is to reach 100,000 young people by 2017.

97. The Modernization of the Health System Act of 17 December 2015 brings the third-party payment system (to avoid upfront health fees) into general use as from 1 January 2017. Since 1 July 2015, in addition to beneficiaries of the Universal Health Insurance Scheme, beneficiaries of aid for complementary health insurance (ACS) can benefit from the system.

98. The Plan also promotes the fight against food insecurity and waste, complementing the steps taken to implement the Fund for European Aid for the Most Deprived in France.

99. The latest figures on living standards 2013 (from INSEE) show an improvement:

- 14 per cent of the population live below the poverty line of €1,000 per month (8.6 million persons), or a decrease of 0.3 percentage points;
- The number of persons on very low incomes (below the threshold of 50 per cent of the median standard of living) has fallen by 3 per cent, the number of persons in the labour force over 18 below the poverty line by 5 per cent and the number of children and young people under 18 below the poverty line by 3 per cent;
- The median standard of living of unemployed persons has increased by 2.3 per cent and their poverty rate has decreased by 1.4 percentage points.

100. The Multi-Year Poverty Reduction and Social Inclusion Plan applies to the overseas departments. Specific measures have been taken in the following overseas communities:

Wallis and Futuna

- Aid granted to low-income households in order to alleviate the shortage of water and electricity (1,181 people will be covered by this measure in 2016);
- Specific support provided to older persons depending on their age and income (Social Pact of June 2015);
- Aid amounting to €104.75 for persons with disabilities regardless of their degree of disability (311 persons benefited from such aid in 2015);
- Local development projects of 3 to 12 months that provide temporary financial aid and vocational training to disadvantaged populations in exchange for community work.

French Polynesia and New Caledonia

101. The local authorities have exclusive jurisdiction over poverty reduction efforts, with the State intervening on an exceptional basis by means of local development projects in French Polynesia.

21. Please indicate the measures taken to ensure recognition of the right to food in law and enjoyment of the right in practice. Please indicate the measures put in place to ensure access to water for all, particularly the most disadvantaged and marginalized populations, especially those living in rural areas and Travellers.

102. A significant share of the funding for food aid comes from the Fund for European Aid to the Most Deprived, established for the period 2014-2020 by Regulation (EU) No. 223/2014. The French operational programme, the first programme approved by the European Commission on 31 July 2014, provides for a grant of €587.39 million (€499 million in European and €88.11 million in national funds).

103. In 2016, €82.2 million would be spent on food aid under the Fund (European contribution of €69.87 million and national contribution of €12.33 million).

104. Programme No. 304 for 2016 provides for other funds for food aid, including:

- Funds for “social groceries” not eligible for funding from the Fund because they do not meet the free food requirement under its regulations (€8 million);
- Subsidies to national associations for operations (€4.5 million);
- Funds set aside for decentralized services to improve distribution of food aid in the territories (€7.7 million);
- A subsidy for servicing charges of France Agrimer, an intermediary body in the management of the Fund (€2 million coming from a transfer of funds from the Economy and Sustainable Development of Agriculture and the Territories Programme, No. 154).

105. In total, these funds should help to provide more than 4 million people with food aid in 2016.

22. Please indicate the action taken to ensure the full implementation of legislation against discriminatory practices in access to housing for persons of foreign origin, persons belonging to racial, ethnic or religious minorities and persons living in critical urban zones. Please indicate the measures taken to establish the conditions for the realization of the enforceable right to housing (DALO) and the Act on access to housing and urban renewal (ALUR Act). Please provide up-to-date information on measures taken to facilitate access to decent housing for disadvantaged and marginalized persons, including persons in the overseas communities.

106. Legislation against discriminatory practices in access to housing provides that “no person may be refused a lease on housing on the discriminatory grounds specified in article 225-1 of the Criminal Code”. In the event of discrimination, prospective tenants may petition the Defender of Rights or the courts. Decree No. 2015-1437 of 5 November 2015 provides for a closed list of supporting documents that may be requested of the tenant by a lessor and/or a deposit.

107. With regard to the housing of disadvantaged persons, including those whose applications for housing by virtue of the enforceable right to housing are regarded as being urgent and taking priority, an instruction of February 2015 gave chiefs of police precise instructions and practical tools aimed at promoting the establishment of the measure and further involving local partners.

108. Inter-local-government units must implement the law on access to housing and new urban planning, known as the ALUR law, which includes the development of programme documents on the allocation of social housing and the establishment of operational tools to make the allocation of available social housing both more efficient and fairer.

109. The Government also launched a plan of action for greater social diversity in March 2015, which covers all inter-local-government units with a local housing programme. The plan seeks to promote the development of diverse housing by building affordable rental housing in all the territories and making the most disadvantaged neighbourhoods more appealing in order to maintain the actual population that wishes to stay and attract the middle classes. It also aims to have an effect on the occupancy of current housing stock by giving low-income households the opportunity to have access to housing in privileged areas and thus avoid perpetuating a cycle of poverty.

110. Concerning territories overseas, in 2015 the Government allocated:

- €132 million in the form of a commitment authority for new construction of social housing and tax benefits;
- €22 million to finance operations for the gradual reduction of substandard housing;
- €31 million to assist in the improvement of housing.

111. The Act of 21 February 2014 on town planning and urban cohesion includes the launching of the new national programme for urban renewal with an investment of €5 billion (involving 216 districts covered by projects of national interest) including €450 million for 34 overseas districts experiencing major urban, social and economic failure.

23. Please provide statistical data on the number of homeless persons in the State party. Please indicate additional measures taken by the State party to find lasting and appropriate solutions to the question of housing for homeless persons. Please also provide statistical data on tenant evictions.

112. According to an assessment conducted by INSEE in 2012, France has 140,000 persons with no fixed abode, 9 per cent of whom, or approximately 12,000 persons, are homeless.

113. The Government adopted on 21 March 2013 a Multi-Year Poverty Reduction and Social Inclusion Plan, which contains many measures for housing and accommodating homeless persons, including the establishment of 7,000 general accommodation places, 4,000 asylum centre places and 7,360 suitable housing facilities in order to facilitate access to housing.

114. The road map for the period 2015-2017 provides for their continued care (no one is to be back on the streets without a way out), an unconditional welcome (regardless of the person's official status) and observance of minimum standards of decency and quality of accommodation.

115. A three-year plan for the reduction of overnight hotel accommodation for the period 2015-2017 envisages cutting hotel stays by 10,000 over 3 years while offering 13,000 alternatives at the same time and includes a social support plan for persons housed in hotels and the freeing up of alternative housing for 6,000 asylum seekers currently staying in hotels.

116. Women in difficulty, including victims of violence, persons released from prison and vulnerable groups of young people are the focus of special attention so that they may be better cared for by accommodation facilities through more efficient and timely guidance. With regard to support for persons in illegal settlements, the Government ensures the full implementation of the circular of 26 August 2012 and continues to establish reception,

information, guidance and monitoring programmes for households from illegal settlements in the Île-de-France region.

117. Under the law on access to housing and new urban planning, a single, comprehensive reception and guidance service designed to coordinate under one roof housing supply and demand will be brought into general use in 2016 in all departments. The establishment of a unique status for accommodation centres is also under consideration.

118. The total general housing stock rose from 82,288 places in late 2012 to 103,866 in late 2014, in addition to the places adapted for suitable housing. To meet the needs arising from the large influx of migrants into Europe:

- On 17 June 2016, the Council of Ministers adopted a plan to add 11,000 more places for accommodation for the year, including 4,000 for asylum seekers, 500 in temporary accommodation centres, 5,000 in facilities adapted to accommodate refugees and beneficiaries of subsidiary protection and 1,500 places for emergency shelter;
- The circular of 9 November 2016 provides for the reception of 30,700 asylum seekers over two years.

119. In October 2014, a national centre for the prevention of evictions was established in order to improve national and local governance and the centre's follow-up committee brings together 41 public, private and community organizations.

24. Please provide information on the steps taken to facilitate access to housing by Roma migrants and to put an end to forced evictions when they have not been rehoused in decent and adequate housing. Please specify the measures taken to facilitate access by Roma populations to health care and to put an end to actions by municipalities preventing Roma children from enrolling in school.

120. Between 15,000 and 20,000 people live in unlawful settlements in France.

121. In 2012, the Government of France initiated a policy aimed at gradually eliminating these settlements and sought to facilitate access of the populations concerned to ordinary law, in particular as regards health and education. In addition to the measures that can be implemented under ordinary law, €4 million per year have been allocated since three years within the framework of the multi-year poverty reduction plan in support of efforts to help the persons living in these settlements: thus, in 2014, 2,000 people gained access to housing or shelter, 1,255 children were enrolled in school and more than 2,600 persons received health care.

122. Regarding evictions from illegal settlements, the interministerial circular of 26 August 2012 provides that measures are to be taken on the basis of a social analysis of access to housing, health, employment and education. Efforts are being made to minimize the impact on school studies, which is why most evictions take place during the summer. When the necessary conditions are met, lasting solutions are found (rehousing and shelter were provided to more than 200 persons in Ivry in July 2015, a slum was dismantled and more than 160 people in Toulouse were rehoused in September and 150 persons in the urban area of Lyon were rehoused in January). All those efforts led to a significant decrease in the number of evictions.

123. Families have an obligation to enrol their children in school. In the event that enrolment is refused by the town hall, it must first give reasons for its decision by showing that the child does not reside in the municipality. In the event that no action is taken, the General Local Government Code provides that the representative of the State in the department concerned may, if necessary, do so ex officio. As a next step, the case may be referred to the Defender of Rights through associations: by virtue of circular No. 2014-088

of 9 July 2014, several children living in camps have recently been admitted to school in municipalities in which the mayor had refused to enrol them.

25. Please indicate the measures taken to ensure access to housing by Travellers, in camp facilities or elsewhere, in accordance with the Besson Act.

124. With regard to access to accommodation of travellers, camp site capacity is steadily increasing: 1,090 sites have been established (26,873 places), or an increase of 66 per cent as compared with late 2008. Some 1,000 rented plots for semi-sedentary persons or persons in the process of becoming sedentary and 800 social housing units adapted to travellers have also been set up.

125. Thus, provision has been made to take account of all situations (of travellers, semi-sedentary persons and persons in the process of becoming sedentary) and an appropriate solution exists for each category (camping sites, rented plots for families and social housing).

126. In addition, a bill on travellers currently before Parliament introduces the following developments: increasing the power of attorney of chiefs of police in matters involving the establishment of camping sites, inclusion of accommodation and housing needs of travellers in local housing programmes and departmental plans and consideration of the need for rented plots for families in departmental schemes for the reception of travellers.

127. Lastly, the National Advisory Commission on Travellers had been renewed under a new decree (No. 2015-563 of 20 May 2015), which has enhanced the role of the Commission in the running of public policies associated with its work, including by giving it advisory jurisdiction over draft laws and regulations involving travellers.

Article 12

The right to physical and mental health

26. Please indicate measures taken to remove obstacles, including financial and administrative obstacles, that prevent some disadvantaged and marginalized persons from obtaining access to care. Please indicate the measures taken to ensure access to health care for all, including residents of the overseas communities, particularly French Guiana and Mayotte.

128. Health visitors, in conjunction with associations closely involved with vulnerable groups, work with marginalized persons to provide support for the prevention and early detection of diseases and to put them on the path to a healthy life. The use of health advocacy and language interpretation services was included in the preliminary chapter of the Public Health Code in accordance with the law to modernize the health system as a tool for improving access to rights, prevention and care of persons excluded from prevention and care systems.

129. Over the past decade, the provision of care in overseas France has made significant progress, including by:

- The restructuring and modernization of the overseas hospital sector;
- Efforts by the regional health agencies to reduce the continued shortage of health care professionals by providing incentives for doctors to set up practice and developing appropriate health units;
- The progressive introduction of branches for medical studies in the Antilles-Guiana region and the Indian Ocean;

- The development of telemedicine in all territories to promote access to care for the most remote populations;
- The establishment of health plans that cater specifically to each overseas territory in parallel with the implementation of the national health plans.

130. The new Health Act (Act No. 2016-41 of 26 January 2016) also provides for the formulation of a health strategy for overseas territories that focuses on reducing geographical and financial inequality of access to care and improvement of care by addressing certain shortcomings in respect of prevention, outpatient care, the organization of the supply of care and a differentiated strategy depending on the territories.

27. Please explain the causes of suicide in the State party, particularly in the Amerindian community of Haut-Maroni in French Guiana. Please indicate the results of the national programme of action against suicide 2011-2014 and the impact of preventive and awareness-raising measures on reducing the suicide rate in France.

131. In 2012, suicide was the cause of 9,715 deaths in metropolitan France, or close to 27 deaths per day. Men accounted for 75 per cent of the deaths by suicide and a drop in the rate of hospitalization for medical treatment and surgery following suicide attempts by women under 20 and between 40 and 50 years of age has been observed since 2010.

132. Youth suicide among Amerindians in French Guiana has been identified for several years now as a public health problem and its causes are multidimensional, including psychological, social, anthropological, economic and political factors. These people are facing identity crises, especially among young people who are divided between the traditional culture of their ancestors and the modern culture in which they are growing up.

133. A Regional Unit for the Well-Being of Inland Populations coordinated by police headquarters has been tasked with promoting the well-being of the local populations and supporting and enhancing the work of associations. The Unit should amass the necessary data related to suicide and attempted suicide in Guiana.

134. A parliamentary report delivered on 16 December 2015 contains 37 proposals currently being considered by the Government to stop such tragedies and create the conditions for a better life. Preventing suicidal behaviour was selected as an operational objective during preparations for the development of the National Overseas Health Strategy.

135. The National Programme of Action against Suicide for the period 2011-2014 covered everything from prevention to treatment, including research, in conjunction with the Mental Health and Psychiatry Plan for the period 2011-2015, the Plan of Action to Prevent Suicide among Detainees of the Ministry of Justice (2009), the Strategic Plan for the Care of Detainees for the period 2010-2014, the National Plan of Action against Suicide of the Agricultural Social Insurance Mutual Benefit Fund for the period 2011-2014 and the Healthy Work Environment Plan for the period 2010-2014. The National Programme of Action against Suicide has been implemented in the territories by the regional health agencies in partnership with actively engaged associations and institutions.

136. The establishment of a national centre for suicide prevention (Observatoire national du suicide) in 2013 was a major step forward.

137. The National Programme of Action against Suicide is also the subject of an assessment to be carried out by the High Council on Public Health, whose guidelines and recommendations are expected in the first quarter of 2016, which will be taken into consideration in the next suicide prevention strategy.

Articles 13 and 14

The right to education

28. **Please indicate the results of the implementation of the three ministerial circulars of 11 October 2012 on educational provision for, among others, children whose first language is not French. Please indicate the effect of measures to prevent children belonging to minority groups, particularly children of the Traveller community, from dropping out of school. Please indicate the measures taken to provide children with disabilities with assistance in mainstream education, particularly as regards the training of teachers.**

138. The law provides that all children aged 6 to 16 years in the territory are entitled to an education, regardless of their nationality or personal status, and the need for inclusive schools was reaffirmed by the Act of 8 July 2013 on policy and planning for reform of the French public school system.

139. Inclusiveness applies to the enrolment of newly arrived students whose first language is not French, who are taught in study units that make it possible for them to enrol in ordinary classes while benefiting from additional instruction in French, depending on their needs and linguistic and language skills. At the regional level, educational centres to teach newly arrived children whose first language is not French and children from itinerant and traveller families make every effort to provide the best education possible for these students, particularly thanks to the increased training opportunities available to teachers of ordinary classes.

140. November 2014 saw the launch of the “All Join Forces to Overcome School Dropout” plan of action, which is aimed at halving the number of school dropouts between 2012 and 2017. The following specific measures will help reduce the dropout rates of children from itinerant and traveller families or newly arrived children whose first language is not French living in precarious conditions:

- Action by head teachers to ensure observance of the principle of compulsory education in order to avoid school dropout and immediate handling by officials of departmental missions of any refusal to enrol children in school;
- Action by itinerant and traveller families;
- Cooperation with the national centre for distance learning, with a focus on harmonization of enrolment procedures, educational support in model secondary schools, reform of assessment procedures and refresher courses.

141. According to the principle of inclusion, the following measures have been taken to increase the enrolment of students with disabilities in mainstream schools:

- Regulatory change to facilitate the establishment of projects to provide individual students with schooling;
- Implementation of a personalized support plan that enables pupils with learning difficulties due to a learning disorder to benefit from special educational facilities and arrangements;
- Reform of the way mainstream schooling is provided (for example, by harmonizing provision for disability-friendly school environments);
- New status granted to staff responsible for personal assistance to students with disabilities (recruitment of qualified attendants of students with disabilities);
- Training of teachers in institutions of higher education for teaching to deal with students with special educational needs in their classes;

- The educational and extracurricular measures announced at the National Conference on Disability (2014).

29. Please provide information on the measures taken by the State party to ensure that higher education is accessible to all, in particular through the progressive development of free education. Please also give detailed information on the measures taken to provide human rights education.

142. Access to universities is provided for by law (art. L.612-3 of the Education Code: “The first and second year are open to all school leaving certificate [baccalauréat] holders and those who hold equivalent diplomas or are exempted from this degree. All applicants are free to enrol in the educational establishment of their choice”). The Admission Post Bac website allows prospective students to preregister, state their wishes and receive individual counselling.⁵

143. Tuition fees are low. The amount is set nationally and applies to all, French and foreign nationals alike (for the academic year 2015/16, the fee for the preparation of a national diploma leading to a degree is €184 per year (see the annex to the order of 7 July 2015)). In order to maintain the purchasing power of students not holding grants who pay the fees, the enrolment fees were frozen for the 2015/16 academic year.

144. Needs-based higher education grants, divided into 9 steps, from 0 to 7, exempt students from low-income backgrounds, at a minimum, from enrolment fees and social security contributions. The reform of grants (in 2013 and 2014) included the establishment of a new step, increases in the size of the grants and improvements in the terms and conditions for course enrolment and payment. The procedures for awarding grants are set out in the circular of 9 June 2015⁶ and the size of the grants is updated every year (see annex on the annual review of the size of grants for 2015/16).

145. Within the framework of the common core of knowledge, skills and culture, knowledge of the Declaration of the Rights of Man and of the Citizen, the Universal Declaration of Human Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Convention on the Rights of the Child is included among the training objectives of compulsory education.

146. The course in civic responsibility established at the start of the 2015 academic year applies to all primary and secondary school pupils and promotes the new moral and civic education (education in the media and information that takes into account the issues involved in digital technology, the development of student participation and initiatives and the promotion of French republican values and secularism).

147. Educational activities pursue the same goals: events to reward pupils’ work related to human rights (such as the René Cassin human rights award) and awareness-raising days and weeks (Universal Children’s Day on 20 November, Human Rights Day on 10 December and International Women’s Day on 8 March).

⁵ <http://www.enseignementsup-recherche.gouv.fr/pid26234/admission-post-bac.html>.

⁶ http://www.education.gouv.fr/pid25535/bulletin_officiel.html?cid_bo=90865.

Article 15

Cultural rights

- 30. Please provide information, where applicable, on the lack of resources allocated to the teaching of regional languages and to the promotion of regional languages in cultural life. Please also provide current data on the use of regional languages in the media in the overseas communities, particularly in French Guiana and New Caledonia. Please provide information on the measures taken to assist the ethnic groups not mentioned in the State party report in preserving their cultural identity and developing their respective cultures, including their languages.**

148. The diversity of the regional languages and cultures of France is supported by education on and in those languages. The reforms undertaken since the Act of 8 July 2013 on policy and planning for reform of the French public school system strengthened the place of regional language education in the French system (including acknowledgement of the beneficial nature of early learning of regional languages on an equal footing with foreign languages, occasions for organizing additional educational and cultural activities on regional languages and cultures, encouragement of the consultation of works and resources in regional languages, possibility of teaching both in regional languages and in French in bilingual courses and provision of information to families about various learning opportunities). In the 2013/14 academic year, 400,000 pupils received training in regional languages and cultures. The new curricula (for the start of the 2016 academic year) provide a common framework for all living languages, both foreign and regional.

149. Local authorities are special national education partners in the transmission of regional languages and cultures through understandings that are evolving.

150. The Act of 30 September 1986 on freedom of communication entrusts public service radio and television with promoting the French language and regional languages and highlighting the diversity of the cultural and linguistic heritage: France Télévisions creates and broadcasts in the regions programmes during peak viewing hours that increase awareness and extend the influence of the territories and the use of regional languages (and can be rerun nationally).

151. The French broadcasting regulatory body, le Conseil supérieur de l'audiovisuel, ensures that the main regional languages spoken throughout metropolitan France and overseas are given expression in regional and local programmes.

152. Seven of the nine overseas network television stations of Réseau Outre-Mer 1ère provide viewers not only with the news but also political and cultural programmes in regional languages. Réunion, Martinique, Guadeloupe and French Guiana offer newspapers translated into Creole. In New Caledonia, the Kanak Language Academy has produced radio broadcasts in the different languages of the territory for several years now. A systematic policy of bilingualism for all news and weather reports was adopted on the Mayotte 1ère, Polynésie 1ère and Wallis-et-Futuna 1ère news media channels.

- 31. Please provide information on the steps taken by the State party to ensure that everyone benefits from scientific progress and its applications, the development and dissemination of science and culture, as well as the development of international contacts and cooperation in the scientific and cultural fields. Please also provide information on the measures taken by the State party to facilitate access to the Internet for marginalized and disadvantaged individuals and groups.**

153. In 2014, the State conducted a review of the governance of scientific, technological and industrial culture and set a national policy, in close cooperation with operators, whose role has been enhanced, as follows:

- The National Council of Scientific, Technological and Industrial Culture witnessed an extension of its brief (expertise, definition of and harmonization with the national and European research strategy) and its membership reviewed, confirming the importance attached to the actors on the ground;
- The regional councils, in accordance with the measures contained in the Act of 22 July 2013 on higher education and research, are now spearheading cultural outreach efforts and procuring funding to support innovative projects and experimentation in the territories.

154. The French Government has also adopted concrete measures, including:

- Drawing up a road map in 2015 that takes stock of all the activities undertaken by the services and facilities of the Ministry of Culture;
- Rolling out a national computer collection, renovation and reuse programme under the brand name Ordi 2.0. In economic terms, the programme is designed to get people back into the world of work through job creation for low-skilled persons and social reintegration, particularly by virtue of refurbishment work. At the societal level, the programme helps bridge the digital divide because it promotes computer literacy among people in remote areas by providing them with the necessary tools at no or little cost;
- The setting up of a network of almost 5,000 digital public spaces throughout the country (including in libraries and multimedia libraries) with adequate resources, equipment and staff to provide access to the network and use of digital content to people in remote areas;
- The establishment of social tariffs to make it possible for disadvantaged people to have low-cost Internet access and mobile telephone plans;
- The establishment of a network of cultural actors involved in outreach activities (including through digital information tools and digital cultural platforms), especially for marginalized and disadvantaged populations.
