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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLES 16 AND 17 OF THE COVENANT**

**Concluding observations of the Committee on
Economic, Social and Cultural Rights**

FRANCE

1. The Committee on Economic, Social and Cultural Rights considered the second periodic report of France on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/6/Add.27) at its 67th and 68th meetings, held on 16 November 2001 (E/C.12/2001/SR.67 and 68), and adopted, at its 77th meeting, held on 23 November 2001, the following concluding observations.

A. Introduction

2. The Committee welcomes the second periodic report of the State party, which was prepared in close conformity with the Committee's guidelines.

3. The Committee notes with appreciation the quality of the report, the comprehensive written and oral replies given by the State party, as well as the open nature of the constructive dialogue with the delegation, which included government officials with expertise on subjects relevant to the provisions of the Covenant.

B. Positive aspects

4. The Committee welcomes the State party's recent efforts to address the problem of social exclusion in the State party, *inter alia*, by the adoption of a framework law of 29 July 1998 to combat social exclusion, particularly targeting the right to work, the right to housing and the right to health.
5. The Committee acknowledges the existence of two national human rights institutions, the National Consultative Commission of Human Rights (*Commission Nationale Consultative des Droits de l'Homme* (CNCDH)) and the National Ombudsman (*Le Médiateur de la République*).
6. The Committee notes with appreciation the efforts made by the State party to address unemployment by creating new jobs and by establishing programmes to improve access to the labour market, such as the PAP (*projet d'action personnalisé*) programme for the unemployed and the TRACE (*trajet d'accès à l'emploi*) programme, which is especially aimed at young persons.
7. The Committee welcomes the recent court decisions convicting perpetrators of female genital mutilation.
8. The Committee notes with interest the various initiatives by the State party to combat the serious problem of domestic violence, including the launching of a national action plan in 2000.
9. The Committee also commends the State party for its campaign against alcohol and tobacco abuse, especially among young people.
10. The Committee welcomes the measures undertaken by the State party to combat trafficking in persons, child pornography and sexual exploitation of women and children.
11. The Committee notes with appreciation the progress made by the State party with regard to the right to health, particularly by establishing universal coverage of health care insurance through the Act of 27 July 1999 which extends health insurance to everyone living in the national territory and provides 100 per cent coverage to persons with a very low income.

C. Factors and difficulties impeding the implementation of the Covenant

12. The Committee notes that there are no factors and difficulties which prevent the effective implementation of the Covenant in the territory of the State party.

D. Principal subjects of concern

13. The Committee expresses its concern that, despite the constitutional provision (art. 55) stipulating the primacy of international law over national law and the monistic principle adopted by the State party incorporating international law in the domestic legal order, the Covenant and

its provisions are not considered directly applicable by some courts of law (e.g. the *Conseil d'Etat*), resulting in a dearth of court decisions in which reference is made to the Covenant and its provisions. The Committee is also concerned about the delegation's statement that some economic, social and cultural rights are not justiciable.

14. The Committee expresses its concern that, along with the reform of official development aid (ODA) by the State party, ODA as a percentage of gross national product (GNP) has been in decline since the 1980s.

15. The Committee expresses its concern about the lack of recognition of minorities in France. While the French tradition emphasizes the unity of the State and the equality of all French citizens, and while there is a commitment on the part of the State party to respect and protect equal rights for all, the Committee is of the opinion that the fact that all individuals are guaranteed equal rights in the State party and that they are all equal before the law does not mean that minorities do not have the right to exist and to be protected as such in the State party. The Committee emphasizes that equality before the law is not always adequate to ensure the equal enjoyment of human rights, and in particular economic, social and cultural rights, by certain minority groups in a country.

16. The Committee is concerned that the State party has not yet changed the minimum age for marriage for girls (15 years) in the Civil Code to conform with that for boys (18 years), especially in the light of the delegation's statement that this discrepancy has not had an actual impact on the marriage rate, which has demonstrated an increasing average age of marriage for both sexes.

17. The Committee is concerned about the increased job insecurity, even under positive economic conditions, due to, for example, involuntary part-time employment and the risk of losing employment altogether, which is said to have contributed to an increased rate of suicide among the population of working age.

18. The Committee is concerned that the criteria of "representativity" for participation of trade unions in certain processes such as collective bargaining may tend to exclude smaller and newer trade unions in favour of the larger and more established ones and therefore may jeopardize the right of all trade unions to function freely in accordance with article 8 (c) of the Covenant.

19. The Committee notes with regret that the State party has not yet ratified International Labour Organization (ILO) Convention No. 117 on Social Policy (Basic Aims and Standards) of 1962, nor ILO Convention No. 174 on the Prevention of Major Industrial Accidents of 1993.

20. The Committee is concerned about the problem and extent of homelessness in the State party, particularly in the urban areas. The Committee is also concerned about the inadequacy of government policy aimed at the reduction and prevention of homelessness.

E. Suggestions and recommendations

21. The Committee requests the State party to provide information in its third periodic report on: the results of the implementation of the framework law to combat social exclusion; the results of the national action plan to combat domestic violence; and the results of the campaign against alcohol and tobacco abuse.

22. The Committee strongly encourages the State party to criminalize trafficking in persons.

23. The Committee recommends that the State party provide proper training to the judiciary, prosecutors and other officials responsible for the implementation of the Covenant and its rights, to ensure that these rights are consistently enforced in courts of law.

24. The Committee recommends that the State party increase its ODA as a percentage of GNP to a level approaching the 0.7 per cent goal established by the United Nations.

25. The Committee suggests that the State party review its position with regard to minorities, ensuring that minority groups have the right to exist and to be protected as such in the State party. The Committee recommends that the State party withdraw its reservation with regard to article 27 of the International Covenant on Civil and Political Rights and that it ratify the Council of Europe Framework Convention on the Protection of National Minorities, as well as the European Charter for Regional and Minority Languages.

26. The Committee also recommends that the State party increase its efforts to preserve regional and minority cultures and languages, and that it undertake measures to improve education on, and education in, these languages.

27. The Committee recommends that the legal minimum age for marriage for girls be raised to 18 years of age.

28. The Committee recommends that the State party undertake urgent steps to address the problem of job insecurity, as well as the serious problem of suicides related to it. The Committee requests that the State party include information in its third periodic report on the project of the Ministry of Labour which addresses as a matter of priority the reduction of the number of suicides among the population of working age and the provision of assistance to families of suicide victims.

29. The Committee recommends that the State party ensure that the criteria of participation and, in particular, the condition of “representativity” do not impede the right of trade unions to participate freely in processes such as collective bargaining, irrespective of their size, in accordance with article 8 (c) of the Covenant.

30. The Committee strongly recommends that the State party ratify ILO Conventions No. 117 on Social Policy (Basic Aims and Standards) and No. 174 on the Prevention of Major Industrial Accidents.

31. The Committee strongly recommends that, in addition to its present campaigns to aid the homeless, especially during the winter months, the State party devote particular attention to raising awareness about the phenomenon and that the State party continue to develop policies on how to address the problem adequately, and not only as a matter of emergency.

32. The Committee encourages the State party, as a member of international financial institutions, in particular the International Monetary Fund and the World Bank, to do all it can to ensure that the policies and decisions of those organizations are in conformity with the obligations of States parties to the Covenant, in particular the obligations contained in articles 21, 22 and 23 concerning international assistance and cooperation.

33. The Committee requests the State party to disseminate the present concluding observations widely at all levels of society, in particular among State officials and the judiciary, and to inform the Committee on all steps taken to implement them in its next periodic report. It also encourages the State party to continue to involve non-governmental organizations and other members of civil society in the preparation of its third periodic report.

34. Finally, the Committee requests the State party to submit its third periodic report by 30 June 2006 and to include in that report detailed information on the steps it has undertaken to implement the recommendations contained in the present concluding observations.
