



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### List of issues prior to submission of the fifth periodic report of France\*

1. The State party is requested to submit in writing the information requested below (21,200 words maximum) by 30 June 2021. The State party's replies to the list of issues prior to reporting will constitute its fifth periodic report under article 16 of the International Covenant on Economic, Social and Cultural Rights.

#### A. Issues of particular relevance

2. Please describe the measures taken to guarantee the applicability of the provisions of the Covenant in the domestic legal order of the State party and to acquaint lawyers, judges and magistrates with the Covenant in order to facilitate, where appropriate, its invocation or application by the State party's courts.
3. Please provide information on any assessment made of the measures taken by the State party in its overseas departments and regions to: (a) significantly reduce unemployment; (b) reduce poverty and extreme poverty; (c) improve access to high-quality education; (d) improve access to housing and to reduce the number of people living in informal settlements; (e) improve access to high-quality health-care services and to reduce child and maternal mortality; and (f) improve Internet access.

#### B. Implementation of the Covenant

4. In order to assess whether the State party uses its maximum available resources to give effect to Covenant rights, please provide information on the changes, over the past 10 years, in:
- (a) The proportion of people living below the poverty line, and the level of inequality, defined as the ratio between the total income of the richest 10 per cent of the population and the total income of the poorest 40 per cent of the population;
- (b) The ratio of government revenue to gross domestic product, and the proportion of government revenue derived from taxes;
- (c) The rates of corporate profits tax, personal income tax and value added tax (exclusive of the value added tax on luxury goods, tobacco, alcohol, sugary beverages and snacks, and petrol), and the percentage of total revenue generated from personal income taxes collected from the richest 10 per cent of the population;

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\* Adopted by the pre-sessional working group at its sixty-sixth session (9–13 March 2020).



(d) The breakdown of the public budget allocated to social expenditure, disaggregated by category (employment, education, food, health, social security, water and sanitation, housing, and culture);

(e) Absolute levels of social expenditure, adjusted for inflation.

5. Please explain how the State party uses its membership of regional and international institutions to ensure that policies adopted or agreements concluded by these institutions, such as the Common Agricultural Policy of the European Union or trade agreements, are consistent with the obligations of member States under the Covenant with regard to the enjoyment of rights in third countries affected by them. In particular, please indicate whether any changes in approach have been adopted to ensure that mechanisms for settling disputes with investors under such agreements do not undermine the ability of signatory States to protect Covenant rights.

6. Please provide information on: (a) levels of development assistance; (b) contributions to the Green Climate Fund; (c) existing instruments aimed at mainstreaming a human rights perspective in the State party's development assistance strategy and in its activities related to the Sustainable Development Goals; and (d) methodological tools for analysing the impact on Covenant rights of operations funded by development assistance institutions. By way of example, please indicate what assessment has been made of the impact on Covenant rights of the funding provided by the financial institution Proparco to the Novastar East Africa Fund, which supports the activities of Bridge International Academies.

7. Please describe the impact on economic, social and cultural rights of the implementation of the National Strategy for an Ecological Transition to Sustainable Development 2015–2020, particularly strategic objectives 1 (developing sustainable and resilient territories), 3 (preventing and reducing environmental, social and territorial inequalities) and 5 (supporting ecological change in economic activities).

8. Please describe the measures that the State party intends to take in view of the delay in reducing its carbon dioxide emissions. Please explain how the impact of these measures on the most disadvantaged and marginalized groups will be assessed. Please also explain how the State party assesses the potential impact of climate change on the enjoyment of economic, social and cultural rights throughout its territory, and what adaptation measures it is planning to take.

9. Please describe the steps taken to provide redress and compensation to communities affected by environmental degradation, including soil contamination by chlordecone in the French West Indies, mercury pollution in French Guiana and the environmental consequences of nuclear tests in French Polynesia. Please also provide information on any reparation provided for environmental damage in these cases.

10. Please provide information on the implementation of Act No. 2017-399 of 27 March 2017 on the duty of care of parent and subcontracting companies. Please explain how the State party ensures that the companies concerned publish their care plans and verify the lawfulness of such plans. Please also explain how the State party ensures that the companies that are not covered by the law in question owing to their size, but whose operations are likely to result in human rights violations, including outside its territory, exercise due diligence in order to prevent such violations from occurring.

11. Please explain how the State party measures the exercise of Covenant rights by the most disadvantaged and marginalized groups, including in its overseas departments and regions.

12. Please describe, with the help of statistical data, the impact of the application of the provisions of Act No. 2018-771 of 5 September 2018 on the freedom to choose one's future employment, aimed at eliminating the gender pay gap. Please describe the obstacles hampering efforts to effectively address pay gaps and the overrepresentation of women in part-time employment. Please explain how the State party mitigates the impact of pay gaps and career breaks on women's retirement pension benefits.

13. Please describe, with the help of statistical data, how the policies and services introduced by the State party have served to reduce unemployment among the groups that have the greatest difficulty in gaining access to employment, such as young people, older persons and more marginalized groups. Please describe the measures taken to reduce the current capacity shortfall in the country's unemployment services and to maximize their effectiveness, particularly in view of the introduction of the new consolidated social benefit known as *revenu universel d'activité*. Please also report on the impact of the measures taken to combat discrimination in recruitment on the grounds of pregnancy and maternity, age, disability and origin throughout the territory of the State party. Please indicate, with the help of statistical data on the application of the provisions of article L1132-1 of the Labour Code, how effective the remedies available to victims of such discrimination are in practice.

14. Please explain how the State party ensures that measures to deregulate the labour market do not lead to job insecurity. Please indicate how dissuasive the sanctions imposed on companies that engage in practices such as the misuse of temporary contracts are and how effective the remedies for victims are in practice. Please also describe the measures taken by the State party to address the increase in the number of working poor and underemployed persons.

15. Please explain how the State party monitors and addresses reprisals taken for trade union activities. Please also explain how the State party ensures that: (a) company agreements do not lead to disparities in working conditions, including within the same sector or industry; and (b) the use of company referendums does not reduce the capacity of trade unions to negotiate fair and favourable working conditions.

16. Please explain how the State party ensures that social benefits remain appropriate and adequate, irrespective of any changes that have been or will be made to the social security system, such as the reform of unemployment insurance and the reform of the pension system. In particular, please explain how the State party ensures that: (a) their amount and method of disbursement guarantee beneficiaries the means to obtain the goods and services necessary for the exercise of their Covenant rights; (b) the associated eligibility requirements do not exclude persons who have need of such benefits; and (c) reductions in benefits do not disproportionately affect the most disadvantaged and marginalized individuals and groups. Furthermore, please describe the impact of the measures adopted to address the low uptake of social benefits by the most disadvantaged groups.

17. Please describe the impact of the measures taken in response to reports of neglect and of a deterioration in living conditions in institutions for older persons.

18. Please explain how the national strategy to prevent and combat poverty is expected to enhance the enjoyment of Covenant rights, particularly by the most disadvantaged and marginalized groups, throughout the territory of the State party.

19. Please describe the impact of the measures taken to address malnutrition and obesity. Please describe the nature and impact of the measures taken to protect small-scale farming, in line with the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, and the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security of the Food and Agriculture Organization of the United Nations.

20. Please describe the obstacles hampering the effective exercise of the right to housing in the State party, given that the problems identified during the consideration of its fourth periodic report (E/C.12/FRA/4) persist throughout its territory: difficulties in gaining access to housing for the most disadvantaged and marginalized groups, including persons in an irregular situation; the shortage of affordable housing and social housing; the prevalence of substandard housing; and the insufficient capacity of emergency accommodation. Please explain how the Five-year Plan for Housing First and the Fight against Homelessness 2018–2022 might allow these obstacles to be removed. Furthermore, please describe, with the help of statistical data, the results achieved at midterm, with reference to the Plan's stated objectives.

21. Please describe the impact of the measures adopted by the State party, including the interministerial instruction of 25 January 2018, to phase out illegal settlements and to prevent forced evictions, particularly of members of the Roma population, and to ensure that evictions are carried out only as a last resort, in keeping with applicable human rights standards, including in relation to the allocation of alternative accommodation and the use of force by the authorities during evictions. Please describe the difficulties encountered in applying these measures.

22. Please describe the measures taken by the State party to guarantee a decent standard of living in migrant camps, reception areas for Travellers and informal settlements in its overseas departments and regions, including through the provision of water, electricity and sanitation services. Please describe the measures taken to prohibit the practice of some local authorities of cutting off water and electricity supplies to informal settlements.

23. Please provide information on:

(a) Any assessment made of the impact of the diagnosis-related group payment system and of the spending cuts in the health sector, where the health-care system is in decline, the working conditions of medical staff are deteriorating, waiting times for certain types of care are lengthy and cases of denial of care and ill-treatment have been reported;

(b) The measures taken to ensure equal access to health-care services and to address disparities in the exercise of the right to health linked to socioeconomic status;

(c) The measures taken to address the high prevalence of hepatitis C among intravenous drug users.

24. Please provide information on the assessment made of the effectiveness of the mechanisms introduced by the State party to improve access to health-care services in priority urban areas and in areas where medical staff are in short supply. Please describe: (a) the impact of the measures taken in the areas of health and education under the most recent autism plans; and (b) how the results obtained and new scientific knowledge in the field of neurodevelopmental disorders have been reflected in the design of the National Autism Strategy 2018–2022.

25. Please indicate what assessment was made of the impact on the economic and social rights of refugees, asylum seekers and migrants of the changes to the eligibility criteria for State medical care, social security and health insurance rights before these changes were introduced. Please explain what steps the State party has taken to remove obstacles, such as procedural obstacles related to health insurance funds, that impede access to care, and to remedy the shortfall in mental health care for these groups. Please also describe the impact on the ability of unaccompanied minors to exercise Covenant rights of the implementation of Decree No. 2019-57 of 30 January 2019 on the procedures for assessing persons claiming to be minors who are temporarily or permanently deprived of the protection of their family and authorizing the creation of a system for processing the personal data of such persons.

26. Please describe the impact of the measures taken by the State party to reduce the influence of a person's social origins on his or her educational achievement. Please also describe the difficulties encountered in combating discrimination in access to education, particularly in relation to children with disabilities, Roma children and migrant children.

27. Please explain how the State party promotes cultural diversity and the cultures of the different migrant communities. In particular, please report on the status of the "Teaching of language and culture of origin" programme. Please also indicate whether there has been any change in the State party's position on the recognition of minority groups and the specific cultural rights of the persons belonging to these groups. Furthermore, please describe the measures taken by the State party to provide disadvantaged and marginalized groups with greater access to cultural activities.

28. Please describe the measures that have been or will be taken to promote the conservation, development and dissemination of science and culture, and to ensure access to the benefits of scientific progress and its applications, in particular for women, persons with disabilities and persons living in poverty. Please also describe the measures taken to

ensure Internet access, especially for socially and economically disadvantaged groups and individuals.

### **C. Good practices**

29. Please provide information on good practices in policy formulation and implementation, developed by the State party during the reporting period, that have contributed effectively to the realization of economic, social and cultural rights, in particular for marginalized and disadvantaged individuals and groups. Please indicate how the Committee's previous concluding observations (E/C.12/FRA/CO/4) have been taken into account in developing such practices.

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