

■ FRANCE

Poverty and Social Exclusion in France: Worrying Tendencies

French Platform on Economic, Social and Cultural Rights¹

Inequalities in economic, social and cultural areas have increased significantly in France in the recent past, reflected in the increasing inequality in salaries; a sharp increase in the number of poor workers; the strengthening of French immigration policy to the detriment of the economic, social and cultural rights of immigrants; and challenges to access to the right to education, particular for disabled people and non-sedentary people like the Roma. The Roma people are a particularly vulnerable group who, in the process of becoming sedentary, often live in situations that are not conducive to health and wellbeing, and are repeatedly the victims of eviction and deportation. In view of these rising inequalities and serious fundamental rights violations, it is clear that the public policies implemented in France in recent years have not resulted in a convincing solution, but have exacerbated the situation.

Poverty and social exclusion in France

As a signatory to the International Covenant on Economic, Social and Cultural Rights (ICESCR), France has an obligation to respect, protect and implement these rights. However, it is clear that current practices in France actually impede access to economic, social and cultural rights for many people. During the current economic crisis and with the elaboration of policies aimed at addressing the effects of the crisis, groups, families and individuals in France are increasingly being excluded.

The issue of the 'justiciability' of economic, social and cultural rights is particularly decisive and demonstrates the importance of access to effective avenues of appeal in the implementation of these rights. This leads us to our first recommendation.

¹ The French Platform on Economic, Social and Cultural Rights is composed of 56 organisations, associations and unions and works for the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights by France. The following member organisations were involved in the writing of this report: Mouvement International ATD Quart Monde, Coordination Nationale des Comités de Défense des Hôpitaux et des Maternités de Proximité, Coordination Sud, Fédération des Associations pour la Promotion et l'Insertion par le Logement, Fédération Syndicale Unitaire, Union Syndicale Solidaires, Sherpa and Terre des Hommes France.

Recommendation

1. France should ratify the Optional Protocol to the ICESCR, which has direct relevance to the fight against social exclusion and the improvement of living conditions for all.²

Right to education

Education enables economically and socially marginalised adults and children to move out of poverty and fully participate in the life of their community. The right to education is essential for the exercise of other human rights (French Platform on Economic, Social and Cultural Rights 2008).

The strengthening of France's immigration policy has led to a questioning of the right to education: the education of many children, teenagers and young adults from undocumented migrant families is compromised or interrupted by deportation measures, which are increasing. The schooling of students with disabilities in 'ordinary' classes has been compulsory since February 2009, but due to the lack of accessible rooms and staff to accompany these students, between 10,000 and 15,000 disabled children are still not in school. Although school is compulsory for children from non-sedentary families, it is often too difficult to access due to lack of welcoming classes, and deportation. The support provided to socially excluded minors by way of student counselling is often late and the attendance of classes uncertain. In the French Overseas Departments, such as French Guiana, official figures indicate that there are 3,383 children without schooling. The school system remains

² The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights was adopted by the United Nations on 10 December 2008. To date, 33 states have signed it, but only 2 states have ratified it: Equator and Mongolia. This Protocol has still not entered into force and, thus, it is not applicable. In order to be applicable, at least 10 states need to ratify it. The Protocol represents a historical improvement for human rights by foreseeing two new protection mechanisms for economic, cultural and social rights: (i) a mechanism enabling individuals, groups and organisations that act in their own name, to lay charges at the Economic, Social and Cultural Rights Committee of the United Nations in order to obtain justice at the international level for violations of economic, social and cultural rights, and (ii) an inquiry mechanism that will allow the Committee to go to countries concerned in order to verify allegations, if it is informed that a state has seriously violated the rights encompassed by the Protocol.

characterised by exclusion and strong inequalities linked to students' social origins.

Recommendations

1. Ensure the right to education for all by putting in place, among other things, an immigration policy and a policy towards non-sedentary people that is in conformity with fundamental rights, human dignity and liberty, particularly in relation to children's rights.
2. Create welcoming classes for non-French-speaking students.
3. Welcome disabled students by adapting classrooms to make them accessible, and by recruiting qualified staff in sufficient numbers to meet their needs.
4. Improve teacher training to enable teachers to better deal with socially excluded students and students with special needs.

Right to work

Around 13% of workers in France are precarious workers (i.e., have short-term contracts, temporary employment, or assisted contracts). About 28.3% of 15 to 29 year olds who work, have precarious work, compared to 8.4% of 30 to 49 year olds. Short-term contracts constitute the majority of the appointments following unemployment.

The various government plans aimed at combating poverty, such as the employment subsidy (*prime pour l'emploi*), which is aid for returning to employment or pursuing a professional activity, and the income of active solidarity (*revenue de solidarité active*), which is a monetary benefit aimed at guaranteeing a minimum income to its beneficiaries, whether or not they have the capacity to work, reinforce this tendency. However, the number of working poor is increasing. Even though employed, increasing numbers of workers lack financial autonomy and, hence, cannot access their fundamental rights.

Discriminatory working conditions particularly affect women, disabled people and non-EU citizens. Eighty per cent of employees who receive a salary below the minimum salary (*Salaire minimum interprofessionnel de croissance – SMIC*)³ are women. For the same work, women are paid 27% less than men and

³ Since 1 January 2010, the gross value of the SMIC is €8.86 per hour in France.

their pension is on average 40% lower than that of men.

Disabled people also suffer discrimination in accessing their right to work. In France, every public or private company of more than 20 employees is obliged to recruit 6% disabled workers; however, this quota has never been attained, and the unemployment rate of disabled people is now more than double that of able-bodied people (French Platform on Economic, Social and Cultural Rights 2008).

Non-EU citizens are denied access to around 7 million posts (approximately 30% of jobs), essentially in the public sphere. They are sometimes employed to do the same job as an EU citizen, but with fewer rights and for a lower salary. Since the Law of 24 August 1993, foreigners without a job permit cannot be registered under the social security regime.

Recommendations

1. Remove nationality conditions on working in the private and public sectors.
2. Integrate a gender perspective into companies to ensure an equitable balance of genders in all positions.
3. Controls are needed to ensure the enforcement of the law in relation to the obligation to employ disabled people; make all work places accessible to the public, including disabled people; and take steps to ensure that the measures provided for in the Law of 2005 in relation to the accessibility of educational structures (classrooms and other facilities) are implemented. Towards this, it is necessary to compensate employers for the additional costs related to employing disabled people.

Right to housing

Thirteen per cent of the French population live in poor housing conditions. The Law of 5 March 2007, which entered into force on 1 December 2008, creates a right to housing (*droit au logement opposable* – DALO), which puts the onus on the State to make housing available to any person who does not have access to housing.

The Law of 5 March 2007 concerns those with priority demands (homeless people, people in poor housing conditions) and, from 2012, will apply to all people eligible for social housing who have not received a response after an 'abnormally long' delay (a notion that varies according to the department). However, the follow-up committee on the right to housing notes that people declared as having priority by the Mediation Commissions remain expellable, and without offer of alternative accommoda-

tion.⁴ This is against their right to housing.

Moreover, the *Conseil d'Etat* (Council of State) notes that the State budget for housing has continuously diminished; the DALO should have been accompanied by adequate resources to re-launch the construction of social housing and shelter centres accessible to people identified as having priority.

The budget for housing assistance represented 1.8% of France's GNP in 2009, compared to 2.2% in 1984. The building subsidies provided in the State budget, for example, have decreased by 30% between 2000 and 2007, and the assistance to the less privileged, which was already very low, has almost stagnated. The 15th report by the Abbé Pierre Foundation on the state of poor housing in France underlines the fact that:

Since 2001, the State has collected more from housing than it redistributed: between 2001 and 2008, more than €35 billion was recovered; the net balance represented €9.38 billion for the year 2008 alone. (Fondation Abbé Pierre 2010)

Recommendations

Only an active policy by the State in the area of housing can improve the situation of those living in poor housing conditions.

1. Sanction the administrative districts that do not allocate 20% of housing construction to social housing in their territories as required by the Code of Construction and Habitation.
2. Ensure the implementation of the policy of prevention of expulsions, as foreseen by the Law on Mobilisation for Housing of 25 March 2009, including by establishing commissions to coordinate actions to prevent expulsions and to synchronise with different local actors.
3. Increase the capacity of shelters and stop the expulsion of their inhabitants with a proposal for relocation, including for non-sedentary people.

French Overseas Development Assistance

In 2005, France, together with its European partners, committed to spend 0.7% of GDP on Overseas Development Assistance (ODA), with an intermediary objective of 0.51% in 2010. In 2009, France officially increased its ODA by 17%, from 0.39% of GDP to 0.46%, which indicates that it is on the right track to fulfilling its commitment. However, in 2010, France will only allocate between 0.44% and 0.48% of its

4 For a recent case example see: <www.stopauxexpulsions.org>.

national wealth to ODA, a shortfall of between €600 million to €1.3 billion. Moreover, the increase in ODA is largely due to a significant increase in debt cancellation (debt of €1.123 billion was cancelled in 2009, an increase of 60% compared to 2008) and the inflation of ODA by other amounts (ODA now includes expenses for students from developing countries coming to study in the French system of higher education: €605 million in 2009⁵; refugee costs in the donor country: €224 million in 2009⁶; and funds allocated to the French Overseas Territories of Mayotte, and Wallis and Futuna: €381 million in 2009⁷).

According to available estimates, 'genuine' French ODA in 2009⁸ was not more than 0.34% of GDP. This inflation of genuine ODA by 21% is explained by the following opposite trends:

1. Loans to developing countries exploded in 2009, reaching €1.3 billion (+178%). Yet these loans were made under market conditions – at minimal cost to the State. These loans are essentially allocated to emerging states or medium income countries.
2. At the same time, funds available for bilateral projects or donations, which benefit social sectors, especially in Sub-Saharan Africa have been reduced (by 46% since 2006), which led to, at the end of 2009, the cancellation of almost all new ongoing projects.

French aid is becoming more instrumentalised in order, for example, to further the objectives of the fight against immigration (notably through the 'concerted management of migration flows') or to promote French companies: 51% of the business activities granted by the French Development Agency (*Agence Française du Développement*) in 2008 consisted of income to French companies or their subsidiaries.

Recommendations

Following the recommendations of the OECD DAC, in 2010, France decided to adopt a new medium term strategic framework for development cooperation policy, on which French NGOs would be consulted.

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5 Following critiques of the OECD Development Assistance Committee (DAC), France accepted to review this amount downwards.

6 These expenses are part of the efforts towards the regulation of migration flows and the management of asylum seekers on the French territory.

7 These expenses contribute to the local development and coherence of the French territory.

8 'Genuine' aid excludes 90% of debt relief and all artificial expenses evoked.