

**FRENCH CIVIL SOCIETY
COMMENTS**

**WITH RESPECT TO THE FRENCH
GOVERNMENT'S RESPONSES TO THE CESCR**

JUNE 2016

I. General information

1. Donner des exemples récents, le cas échéant, de cas où le Pacte a été invoqué ou appliqué directement par les tribunaux internes. Donner des informations sur les mesures prises afin de sensibiliser les personnels chargés de l'application de la loi, les avocats et autres professionnels du droit aux dispositions du Pacte.

REVIEW/ANALYSIS:

The government is responding only in part and incorrectly to the questions pertaining to domestic courts invoking or applying the Pact.

I/ As regards direct application or invocation by domestic courts:

Although the Court of Cassation (Cour de Cassation) has recognised the direct effect of articles 6 and 7 of the Pact, the Council of State (Conseil d'Etat) has dismissed the application of its articles 2, 6, 9, 10 and 11. Surprisingly, the government cites a ruling by the Court of Cassation dated 19 June 2014 (no. 13-11.954) as having applied article 11, yet, if the violation of this provision was supported by one of the parties, the quashing was handed down for non-application of domestic law provisions.

II/ As regards the measures taken to raise the awareness of those in charge of applying the law:

No response is provided on the request for information about measures taken to raise the awareness of those in charge of applying the law (i.e. lawyers and other law professionals) about the provisions of the Pact. The reason is that no initiative has been taken in this field. The Ecole nationale de la magistrature (national school for the judiciary), whether in its initial or vocational training, provides no teaching specific to the ICESCR.

ADVICE:

No initiative has been taken by the government to integrate into national law the articles of the ICESCR, whose direct effect is challenged by case law. This is why NGOs and syndicates of the ESC rights platform repeat their recommendations to France, i.e.

I/ To acknowledge, before all French courts, the enforceability of the ICESCR and recognise the justiciability of social rights. French courts must:

- Align themselves with the Committee's consistent case-law;
- Extend the application of the Council of State's new case-law (GISTI and FAPIL decrees of 11 April 2012), which soften the direct effect of an international agreement;
- Follow training on the enforceability of the ICESCR and the justiciability of social rights in general.

II/ To sign and ratify protocol no. 12 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

2. Donner des informations sur les progrès réalisés en vue de la ratification par l'Etat partie, du Protocole facultatif au Pacte.

REVIEW/ANALYSIS:

Although France has indeed taken a first step in ratifying the optional Protocol of the ICESCR, the ESCR platform laments the fact that it still has not, to date, acknowledged the competence of the ESCR Committee as regards articles 10 and 11 of the Protocol. This is why NGOs and syndicates of the ESC rights platform repeat their recommendations to France, i.e.

ADVICE:

To recognise the competence of the ESCR Committee for articles 10 and 11 of the optional Protocol to the ICESCR.

3. A la lumière des paragraphes 65, 70 et 504 du rapport de l'Etat partie, donner des informations sur le statut du Pacte dans l'ordre juridique interne.

REVIEW/ANALYSIS:

The government repeats its refusal to lift its reservations about article 27 of the ICESCR and article 30 of the ICCR, but the recommendation no. 12 of the CERD on French Guiana in May 2015 and those of the Human Rights Committee in August 2015 show that the situation of the native populations there is concerning and that the commitments of France vis-à-vis these populations are not implemented.

Additionally, the Maroon populations of French Guiana are not mentioned.

ADVICE:

I/ to guarantee to native Guiana populations access to public services (registry office, health service in particular as regards mercury contamination resulting from gold panning, access to education)

II/ to guarantee, in Guiana, free movement and right to land

III/ to consult with these native populations on decisions that concern them.

Additionally, recommendations pertaining to mother tongue teaching must concern all languages.

Article 1 – Self-determination and natural resources

4 (bis). Donner des clarifications sur le régime juridique des droits collectifs des populations autochtones d’Outre-Mer, en particulier en ce qui concerne l’auto-détermination ainsi que l’usage de leurs ressources et de leurs terres.

REVIEW/ANALYSIS:

Access to land is not mentioned for French Guiana or Mayotte.

ADVICE:

To take into account customary laws and populations on issues pertaining to access to land, both in Guiana and Mayotte.

Article 2, paragraph 2 – Non-discrimination

7. Donner des informations sur les mesures prises afin de se doter d’outils permettant de collecter des données statistiques plus détaillées et ventilées par âge, sexe, origine et permettant de mesurer les phénomènes discriminatoires.

Donner des informations sur l’application effective de la législation anti-discrimination et les autres dispositifs quant à la jouissance des droits économiques, sociaux et culturels par des personnes qui appartiennent à des minorités raciales, ethniques et religieuses, y compris les personnes d’origine étrangère, les migrants, les demandeurs d’asile et les réfugiés ainsi que les personnes les plus marginalisées et défavorisées

REVIEW/ANALYSIS:

On discriminations based on poverty:

Although measures have been implemented to combat discrimination, a draft law to combat discrimination resulting from social insecurity, voted by the Senate (Sénat) in June 2015, has still not been reviewed by the National Assembly (Assemblée Nationale).

ADVICE:

NGOs and syndicates of the ESC rights platform repeat their recommendations to France, i.e.

I/ To add as ground for discrimination in the penal code: social origin and signs of poverty.

II/ To involve the poorest in creating schools that are fairer and that leave no-one by the wayside.

III/ To make compulsory the taking into account of knowledge and experience of the poorest when drafting policies aiming to combat exclusion and extreme poverty.

IV/ To combat social unfairness by a policy that improves access to employment, housing, and health services, which are necessary for the successful completion of school education.

9. Indiquer les mesures prises pour lutter contre la stigmatisation et la discrimination à l’égard des populations Rom en France, y compris dans les discours publics. Indiquer les mesures prises pour faciliter l’accès aux droits des populations de Roms migrants depuis la levée des mesures transitoires pour les personnes ressortissantes de Roumanie et de Bulgarie.

REVIEW/ANALYSIS:

The measures cited by the government to combat the stigmatisation and discrimination as regard Roms in France are insufficient for the following reasons:

The French authorities rarely take into account the discriminatory motive, which is often associated with violent crimes committed against Roms and which constitutes an aggravating circumstance according to articles 132-76 and 137-77 of the penal code.

Unlike anti-Semitic and anti-Muslim acts, hate crimes against Roms are not included in separate statistics, and there is, to date, no official data on the complaints filed by Rom victims.

In its notice of 12 November 2014 on the respect of fundamental rights of populations living in shantytowns, the CNCDH calls for the implementation “of a specific strategy to combat racism and prejudice against Roms”, which is inseparable from a veritably inclusive Rom policy. In its latest report, the CNDH Romeurope uses the term “banishment” and recommends the implementation of denunciation tools and efficient measures to combat “anti-Rom” racism, in particular actions to raise awareness, and training sessions for public institution personnel (police, administrative staff, teachers, healthcare specialists etc.).

ADVICE:

The French government must condemn all forms of violence brought about by hatred whenever they take place, and ask law enforcement authorities to search for potential discriminatory motives when mentioned by the victim, or on their own initiative if they suspect discrimination to have played a role in the crime committed.

It must ensure that the police protect the communities and groups threatened by violence, and that Roms can fully enjoy their fundamental rights without intimidation or discrimination.

Article 6 - Right to work

10. Donner des informations mises à jour sur le taux du chômage en France. Indiquer les résultats atteints ventilés par âge et sexe par les différents dispositifs mis en place par l’Etat partie afin de réduire le chômage en particulier celui des jeunes, notamment ceux qui proviennent des Zones urbaines sensibles.

REVIEW/ANALYSIS:

The government's response has the following shortcomings:

- it uses figures that are already out of date (2014) and that therefore do not reflect the current state of the country, especially considering that a set of laws on employment has recently been passed.

Thus, we note an increase in the number of senior jobseekers (+0.8% in January 2016, i.e. +7.8% in 1 year) and long-term jobseekers (+0.2% in January 2016, i.e. +7.5% in 1 year for long-term jobseekers, +4.1% in 1 year for very long-term jobseekers, +0.8% in January 2016, i.e. +15% in 1 year for jobseekers of 3 years and longer) while youth unemployment remains very high (25.9% of the under-25s).

- it is not sufficiently precise, and practically non-existent, on certain points. A document drafted by the Ministry of Employment, Labour and Social Cohesion provides more information and unemployment figures by category, gender and age.

ADVICE:

NGOs and syndicates of the ESC rights platform repeat their recommendations to France, i.e.

I/ To present up-to-date statistics;

II/ To have an employment policy whose objective is to drive back lack of job security for all age classes.

11. Indiquer les résultats atteints par les mesures prises afin de lutter contre la discrimination à l'emploi à l'égard des personnes appartenant à des minorités raciales, ethniques et religieuses, notamment le Label diversité, la Charte pour la promotion de l'égalité dans la fonction publique, y compris dans les collectivités territoriales d'Outre-mer. Indiquer les mesures que l'Etat partie entend prendre afin d'assurer une application effective de l'article L. 1221-7 du Code du travail relatif à l'anonymisation des candidatures.

REVIEW/ANALYSIS:

- The Label or Charter are insufficient means to identify the results attained;

- The testing campaign launched by the government is very incomplete and insufficient, in particular because the social partners were not fully part of the decision;

- The state does not answer the question on overseas communities.

ADVICE:

I/ Since a Charter is not binding, the French government should rather encourage local agreements of non-discrimination between social partners in its overseas territories;

II/ The state should also specify the reasons for which the obligation to anonymise CVs has become a "simple choice for companies";

III/ Lastly, the state should encourage and offer more support to NGOs or structures that combat discrimination in overseas territories.

12. Donner des informations sur le bilan des mesures visant à combattre les obstacles à l'emploi dont les femmes tout particulièrement des femmes qui appartiennent à des minorités raciales, ethniques et religieuses ainsi que des femmes des collectivités territoriales d'Outre-Mer, les mères célibataires et les femmes vivant en banlieues et dans les zones rurales.

REVIEW/ANALYSIS:

The government's response has the following shortcomings:

- The government does not address the treatment of women from minority groups, of women from the local overseas territory communities, or of single women and women living in suburbs and rural areas.

- The government does not specify the impact of the law of 27 January 2011 on women's access to employment.

ADVICE:

I/ To extend the scope of the law of 27 January 2011:

The law of 27 January 2011 only concerns listed companies and companies in which public authorities have a dominant position. It would be interesting to extend the scope of application to smaller companies, all the while taking into account the requirements of their size. Listed companies with fewer than 250 employees and whose annual turnover does not exceed 50 million euros or whose total assets do not exceed 43 million euros are also excluded. This largely reduces the positive impact of these provisions and makes the end objective, i.e. fair professional opportunities for men and women, harder to attain.

II/ To implement a fairer division of parental leave between parents:

In line with the government's efforts to reduce the period women are away from work when on parental leave, it is recommended to continue efforts initiated by the 2014 parental leave reform that created a shared child education provision with the possibility of more time off for fathers. The government must reduce the length and increase the payment of parental leave, otherwise such leave is, in reality, conducted to the detriment of women.

III/ To offer assistance to single-mother families:

The Swedish example could be an inspiration for France. An insured person could give up his or her paid job in order to temporarily receive an allowance to look after the child of an isolated and ill parent. Considering that 85% of single-parent families comprise the mother, she would thus be better supported in her role as a parent.

IV/ To adopt specific employment-related measures for women in French overseas territories:

The French government is requested to give further precision as regards the measures being considered and the impact of actions already carried out. Although certain actions are included in the "Roadmap, 2013 report, 2014 programmes for action" of the

interministerial committee dedicated to the rights of women and equal opportunities between men and women, no penalty is in place to ensure the effectiveness of these measures. It would be appropriate to specify them.

V/ To implement an educational programme to combat stereotypes:

The government should allocate means to implement this education programme to combat stereotypes in educational institutions, by highlighting the difficulties women face in a professional environment and the solutions they have to combat such discrimination.

Article 7 – Right to fair and favourable working conditions

13. Informer sur les progrès accomplis, notamment des données statistiques détaillées sur le nombre de personnes en contrat à durée indéterminée (CDI) et contrat à durée déterminée (CDD), relatifs à la sécurisation de l'emploi depuis l'entrée en vigueur de la Loi No. 2008-596 du 25 juin 2008. Préciser si des sanctions ont été prises en cas de violation des lois précitées. Informer également sur l'application effective de la Loi No. 2011-893 du 28 juillet 2011 pour le développement de l'alternance et la sécurisation des parcours professionnels.

REVIEW/ANALYSIS:

The government's response is partial and incorrect.

Indeed, observing the increase in insecure employment is obvious considering that, in 2015, over 90% of new jobs created were insecure. The number of short-term contracts increased, and hiring with such contracts has become standard practice on the French employment market.

Additionally, the average duration of such contracts has dropped in the last 15 years: 70% of contracts signed in 2015 were for periods of under one month (France is the second country in Europe to employ people for less than one month).

As regards long-term contracts, the strategy is to weaken legislation. Thus, and contrary to the response provided by the government, the law for securing employment of June 2013 implements new provisions that actually organise the insecurity of employment. For instance, the "temporary long-term contract" only concerns 20,000 long-term contracts, i.e. 4% of the most qualified temps who have no employability issues and who, for the most part, already have a full-time job. Furthermore, provisions that offer more flexibility also adversely affect long-term contracts. One example is facilitating termination agreements, which serves as basis for the government's response.

ADVICE:

I/ To implement professional social security whose purpose would be to extend the working contract, even in the context of job cuts, and which would guarantee a right to work, a right to a career and vocational training (for a duration equivalent to 10% of an active life), a right to the free disposal of the employee, as well as rights to privacy, health, pension, social democracy. These rights would be progressive, combinable throughout one's career, and transferrable from one employer to another.

II/ To put an end to the practice of legally rendering employment insecure, and remove the legislative provisions that have been adopted, or that are in the course thereof, and which very clearly are moving in this direction.

14. Give more detailed information with respect to the assessment of the implementation of the Law of 27 January 2011 on the equal representation of women and men in boards of directors and supervisory boards and the effective implementation of the Ordinance of 18 December 2012 on the implementation of the companies' obligations with respect to professional equality between men and women. Specify whether any sanction has been taken in the case of violation of the above-mentioned laws. Inform on the effective implementation of the Law of 23 March 2006 on the salary equality between men and women and on the Article 99 of the Law No. 2010-1330 of 9 November 2010 reforming the pension system.

REVIEW/ANALYSIS:

The answer of the French state is not sufficient as:

- The government does not assess the implementation of the 2006 and the 2010 laws.
- The law of 27 January 2011 is a progress but the publication of the number of listed companies and their percentage of feminisation are not used as a mean of coercing the companies to respect the quotas.
- The government claims to "be committed to ensuring the exemplariness of public employers with respect to professional equality" but does not specify the measures taken in order to fulfil such objective.
- It seems that the government favours non-binding measures with respect to gender equality, and does not increase sanctions so as to ensure greater effectiveness.
- The government does not answer to the request of a summary of the effective implementation of the laws of 23 March 2006 and 9 November 2010.

ADVICE:

I/ Extend the application scope of the law of 27 January 2011:

The law of 27 January 2011 is a definite progress for the fight for professional equality but its narrow application scope is questionable (see the insufficient answer of the state to question n°12).

II/ The improvement of the early childhood public service:

France must speed up its 2013-2017 program aimed at providing childcare services before preschool (as only 24 700 new places have been created in 2013-2014 although 40 700 were planned).

Article 8 – Trade union Rights

16. Give detailed information with respect to any action undertaken so as to ensure the full implementation of article L.1132-2 of the French Code du travail, as well as the measures taken to protect union workers from any discrimination or retaliation in relation to their union activity.

REVIEW/ANALYSIS:

The answer of the Government is incomplete and inaccurate.

Admittedly, in theory union workers cannot be bothered on account of their union affiliation or activity.

In practice however the situation is very different and is deteriorating worryingly. The reality of the rights depends on the proper implementation of the legislation and their concrete effectiveness. However in France litigations in relation to union discrimination is plentiful and growing. In addition, the criminalisation of the union activity has been increasing for the past ten years. Heavy sentences are a blatant violation of the 87 and 98 ILO Conventions on union freedom and collective bargaining.

ADVICE:

Ensure the effective protection of the union rights, so as to ensure, for instance, a durable and strengthened protection of the union representatives.

Article 9 – Right to Healthcare

17. Donner des informations détaillées sur la part du budget et le pourcentage de son Produit Intérieur Brut (PIB) que l'Etat partie alloue aux dépenses de la sécurité sociale, y compris de l'assurance sociale.

REVIEW / ANALYSIS:

The very limited Governmental response does not allow to fully take into account the financial difficulties that France faces with its Healthcare system.

I. Underfunding of the social benefits from the State Medical Aid ("Aide médicale d'Etat" – "AME "):

The State Medical Aid, dedicated for foreigners in irregular stay and fully financed by the State (and not taken from the budget of the health insurance), is systematically underfunded, as reported by the Court of Auditors, by the General Administrative Inspection and by the General Financial Inspection.

II- Reform of the Universal Health Protection ("Protection Universelle Maladie - PUMA"):

The Social Security Financing Act for 2016 established the universal health protection in order to simplify and achieve a universal system. However, rights of legal foreigners are weakened by a significant decrease of their rights to have access to public healthcare. As a consequence, the real risk is thus a massive transfer of insured individuals from the regular healthcare system to the already underfunded state medical aid regime.

III- The absence of a solidarity system in Mayotte:

The State medical aid and the universal health protection do not apply in Mayotte. The actual system does not guarantee an effective access to healthcare for foreigners with an illegal status, to their children or to unaccompanied minors even deprived of access to child welfare.

IV- Drugs' Price:

The objective of a 10 billions Euros expenses for health insurance, as defined in the government's savings plan, relies partly on drugs' expenditures. This approach is part of a long-term trend where the support of health costs by the public health insurance has been reduced from 80% to about 50% today (the remaining 50% are supported by private health insurances (Mutuelle) or by the individuals themselves). At the same time, establishing by ministerial decree a fixed price of 41,680.40 € for a 12 weeks treatment against the Hepatitis C virus is financially unbearable for the social budgets and it thus limits access to this cure for the most affected patients.

ADVICE:

I/ As the Economic, Social and Environmental Council (2003), or more recently the Commissioner for Human Right (2014), the ICESCR supports the merger or the integration of the state medical aid into the universal health protection.

II/ Facilitate access to healthcare for all, by relaxing the conditions of regularity and stability compulsory to have access to universal health protection in order to avoid a transfer of these patients towards the state medical aid.

III/ To open the health and social security benefits systems in Mayotte.

IV/ To improve the transparency of the mechanism approving the entry of new drugs on the market, the evaluation of the therapeutic effects as well as of the price fixing of drugs – Use the legal instrument of the ex officio licenses when the price of the patented drug is "abnormally high".

Article 10 – Family, Mother and Child Protection

18. Provide the detailed statistical data relating to the effective implementation of violence against women, including the number of complaints, proceedings, sentences and sanctions imposed on the authors of such violence. Provide detailed information on the implementation of the national plans of action to fight domestic violence (2008-2010 and 2011-2013) and

their impact on the decrease of domestic violence.

REVIEW/ANALYSIS:

The answers of the French state are not sufficient as:

- The concrete measures put in place are not precisely set out, for instance the ones regarding the treatment of women victims of violence.
- The French state does not give any assessment on the impact of the national plans of action to fight domestic violence, for example plan n°12.
- The government does not specify the criminal sanctions imposed on the perpetrators.

ADVICE:

The most important point is the very low amount of complaints filed. It is therefore advised to:

I/ Implement a training of the policemen who receive women victims of violence as statistics show that very few women go to the police station to file a complaint. It would be necessary to ensure that those who do are received in a way that makes them feel assisted and protected.

II/ Put the policemen in contact with associations for the defence of women to ensure a better monitoring of those women. It is necessary to reassure women and organise a follow-up after the filing of the complaint (reception centres, social welfare, psychologists...)

19. Indicate the measures taken for the protection and the implementation of the economical, social and cultural rights of the victims of trafficking, such as in the context of the national Plan of action to fight human trafficking (2014-2016). Specify the allocated resources for the implementation of such Plan.

REVIEW/ANALYSIS:

The answer given by France is based on:

- the national Plan of action against human trafficking 2014-2016;

- the implementation of compliance of the legislation with the international recommendations and the related measures.

It may be surprising that terms are used without being defined, differentiated and put into perspective: for example "prostitution" and "human trafficking" may appear as equivalent. In addition, the notion of "human trafficking" is completely missing from the title of the fund for the prevention of prostitution and the assistance of prostituted persons 2016 that is mentioned.

- The data on the financing of the fight against human trafficking communicated by France underlines its weaknesses. It highlights for 2015 an amount of EUR 2.4 billion the purpose of which is to "support actions towards prostituted persons and/or human trafficking victims". For 2016, the advertised amount has been doubled (EUR 4.8 billion) but this sum concerns the fund for the prevention of prostitution and the assistance of prostituted persons as part of the law strengthening the fight against the prostitutional system. However, human trafficking leading to sexual exploitation is only one of the exploitation forms.

- Nothing has been said with respect to financing aimed at protecting and assisting other victims of human trafficking: forced labour, forced begging, domestic servitude, slavery or similar practices, forcing to commit offenses, organ removal and organ trafficking. Their handling is insufficient.

This confusion and this silence – in the figures - reveal the ignorance of the writer with respect to the diversity of forms of human trafficking and especially the lack of visibility of the financing granted to the protection against all forms of human trafficking.

It shall be noted that child trafficking is a particularly significant issue today but completely missing from this answer.

There are in France several mechanisms put in place to help victims of human trafficking identified as such, through administrations and associations. However, despite the national plan of action against human trafficking 2014-2016, the implementation of these mechanisms suffers from delays and faces important difficulties:

- Due to the lack of budgetary means, the training of the police and gendarmerie forces, of the justice, of the administration and social workers and childhood protection workers remains largely insufficient. Nevertheless, training is today indispensable to spot and identify victims of human trafficking (article 225-4-1 of the French Code pénal). An important number of victims escape such identification and do not benefit from the mechanisms to which they are entitled.

- The specialised associations do not receive from the State enough funding corresponding to their needs, which limit their action capacity.

- For the same reasons, the awareness and information campaigns are too little and the coordination between the different actors too often non-existent.

ADVICE:

I/ France must commit to an anti human trafficking public policy, more transparency in terms of financing, of financial allocations of the budget programme of the State, of participation of each ministry and of a sustainable financing not only related to criminal assets or

fines.

II/ It must create an observatory that could analyse and monitor the issue of human trafficking.

III/ The identification process requests harmonisation within the different administrations. Indicators must be created in relation with the relevant associations.

IV/ Assistance and protection measures shall benefit to every victim of human trafficking with no discrimination as to the type of exploitation.

V/ Underage victims of human trafficking shall always be treated as victims, benefit from an unconditional assistance and care adapted to their situation et from long-term compensation including after their majority.

Article 11 - Right to an adequate standard of living

20. Indicate the measures designed to facilitate access to anti-poverty programmes for the most disadvantaged and marginalised in society, in particular the long-term unemployed, single-parent families, racial, ethnic and religious minorities and asylum seekers. Identify the results achieved under the Multi-Year Plan for social inclusion and to combat poverty.

REVIEW/ANALYSIS:

The results of the Multi-Year Plan for social inclusion and to combat poverty are disappointing in the field of housing/temporary accommodation. Its implementation varies greatly depending on the department, and both impetus from the French government and local political will are weak. For example (several points are developed in the following):

With regard to housing:

- the level of social housing building is still very insufficient to meet demand. Likewise, recourse to the private housing sector still fails to offer truly affordable options. At the same time, housing allowances have once again been the target of government cuts this year.
- the Garantie Universelle des loyers (universal rental guarantee), a measure enacted as part of the ALUR law (access to housing and updated town planning), was abandoned as a universal concept (i.e. as available to all) and replaced by the VISALE scheme, which is only available to temporary employees (fixed-term and temporary) entering a job as well as young workers with no credit standing. The unemployed and those receiving social benefits not assisted by a charity (i.e. most of them) are excluded from the scheme.
- Currently, the framework of rules limiting rent levels, envisaged by the ALUR law, has only been implemented in Paris and a few local authorities that have voluntarily implemented the framework.

With regard to temporary accommodation:

- according to the 115 barometer survey carried out by FNARS (in February 2016, "only 47% of temporary accommodation requests made to 115 (...) got a positive response." Thus the situation is not improving and more than half of those who request temporary accommodation do not get a response due to lack of availability. Further, 80% of temporary accommodation places during the winter period are for stays of only one night, "which forces people to renew their application each day and shows the instability of the proposed solutions."
- the situation for asylum seekers and exiles in France is particularly alarming. The domestic courts (Lille Administrative Court, n°1508747, 2/11/15 and the State Council, n°394540, 394568, 23/11/15) recently had the chance to adjudicate on the situation of migrants in Calais and ordered the French government as well as local authorities to improve the level of care for people living in the "Jungle".

ADVICE:

I/ Support the provision of affordable housing with a financial planning law, setting target figures for the construction of public LLS (logement locatif social – social housing) (150,000 per year) and private housing concluding agreements with public authorities (50,000 per year), with the necessary funds to improve state aid for subsidised housing.

II/ Put in place mechanisms allowing action on the levels of rent in the private rental sector (i.e. frameworks, schemes) and guaranteed access to housing for people rejected by the private rental market.

20. (bis) Also indicate the measures put in place to combat poverty in the overseas territories, in particular Polynesia, New Caledonia and Wallis and Futuna.

REVIEW/ANALYSIS:

Poverty in overseas territories is not addressed.

With regard to Polynesia, there is insufficient reporting to the territorial authorities.

ADVICE:

Develop statistic tools which always include overseas territories.

21. Indicate the measures taken to ensure effective recognition of the right to food in legislation and its enjoyment in practice.

REVIEW/ANALYSIS:

In response to the CESCR's question on the legal recognition of the right to food and its enjoyment in practice, the French government

responded with details of the financing of food aid distributed in France.

The government did not respond therefore to the question about the recognition of the right to food, as food aid is not recognised in legislation as an individual right. Further, the response regarding food aid is based only on the fundamental right to be free from hunger and not on the right to food as defined by the CESCR.

The government did not fully answer the question posed on the enjoyment in practice of the right to food. If you take the figure of 4 million people benefiting from food aid for example, this figure is garnered from data from national associations. It is not representative of the true level of insecurity in France, which would be at a much higher and ever increasing level, but which is insufficiently studied and documented. Moreover, the measures taken to ensure the sustainability of food aid schemes do not ensure the protection of all the essential dimensions of the right to food. In particular the social, economic and cultural aspects linked to access to food are barely, if at all, taken into consideration. And the essential aspects of dignity and non-discrimination are absent from French food policies.

ADVICE:

NGOs and members of the DESC platform reiterate their recommendation to France to:

I/ Take full stock of the level of food insecurity and the state of the right to food in France by setting up a system of measurement, analysis and monitoring compliance with the Committee's requirements.

II/ Adopt a framework law on the right to food, based on recommendations made by the Committee in its General Comment 12 as well as the Voluntary Guidelines on the right to food.

III/ Ensure consistency in the implementation of national policies and coordinate food and agricultural policies together.

IV/ Create conditions to enable the participation of affected individuals in the development, monitoring and evaluation of the responses to food insecurity.

21(bis) Indicate the measures taken in order to guaranty an effective access to water for everyone, notably for the most disadvantaged and marginalized populations, in particular those living in rural zones as well as Travellers.

REVIEW/ANALYSIS:

For this issue, it is necessary to recall that under 5° of Article L. 2212-2 of the general code for local authorities, that the mayor is obliged to bring any "necessary aid" and "assistance" to those members of the population that because of the distress in which they find themselves, are exposed to health risks.

The same provision also provides that the municipal authority shall, within this framework, implement all necessary measures to prevent the occurrence of epidemic or contagious diseases that can arise in the context of unsanitary conditions.

However, as noted in the NHRC ROMEUROPE report, in the majority of, if not all cases, the municipal authority refused to grant access to water for those living in slums, on the pretext that they are squatters.

French legislation still provides in paragraph 2 of Article L. 210-1 of the Environmental Code that "(...) in the framework of laws and regulations as well as previously established rights, the use of water belongs to everyone and each individual has the right to access to drinking water for their cooking and personal hygiene at acceptable economic rates for all".

As highlighted in the Conseil d'Etat report (rapport du Conseil d'Etat, L'eau et son droit, Ed. Documentation française 2010), this provision was enacted in order to transpose into French law, international commitments, in particular, the resolution of the general assembly of the UN in 2010 (A/RES/64/292) under which: "the right to drinking water and sanitation is a fundamental right, essential for the full enjoyment of life and all human rights."

Admittedly, to date, in order to implement the principle set out in this provision, public authorities have introduced schemes such as "solidarity for water" which are realised through the allocation, at a departmental level, of water aid, provided to vulnerable households (Rapport analyse des dispositions proposées concernant la mise en œuvre du droit à l'eau potable et à l'assainissement, Académie de l'eau, April 2013).

However, other implications should also be drawn from this provision; it is clear— especially if one considers that the supply of drinking water is a public service and should, in fact, as provided by the principle of mutability, adapt according to the social position of its users - that this provision implies that, in general, administrative authorities in charge of, or simply participating in, the management of this public service should not take any measure which hinders access to this supply, other than that which is strictly necessary due to operational requirements.

Similarly, with regard to the actual substance of this fundamental right of access to water, no administrative judge (or even a judicial judge) has ever been asked to provide a definition of what the right entails.

In this regard, for the Conseil d'Etat (Conseil d'État, Rapport public 2010, l'eau et son droit, Ed. La documentation française, p. 41), and for the French Constitutional Court (Conseil constitutionnel du 29 mai 2015, QPC n°2015-470), access to water is a "droit-créance" (a

"claim right) that should relate to the right to adequate housing and the constitutional objective of the protection of public health.

The right of access to water is, in effect, an element which is closely linked to the right to adequate housing.

It is typically linked to the right to adequate housing, when it comes to mains water connection for permanent housing and the protection of people from "poor housing" but it is equally the case where the citizen is not provided with a regular and stable living environment from private landlords or public authorities.

In the latter case, the positive obligations under this right to adequate housing imply that, even if the party concerned does not have access to ordinary housing, the administration should, at the very least, ensure that the home he has by default, in so far as possible, conforms to the principle of *human dignity and provides his most basic needs*.

In any event, the administration cannot deny mains water connection to the lodging of an individual finding himself or herself in a financially impossible situation so as to benefit from a stable living environment. These refusals are nevertheless frequent. Court action is unfortunately very difficult, because of the effective and reiterated expulsions of slum inhabitants. An appeal for abuse of power proceedings have nevertheless been brought before the administrative court of Melun against the decision by the mayor of Rungis (Val-de-Marne) to refuse the mains water connection for the inhabitants of a slum located in this town. Romeurope 94 and Gisti are acting pro-bono in the proceedings.

ADVICE:

The government should develop a plan to ensure and guarantee access to water for all of the population, regardless of their place of means of habitation.

22. Please indicate the measures taken to ensure an effective implementation of the legal provisions regarding discriminatory practices in access to housing, for foreign origin people and those belonging to racial, ethnic and religious minorities, as well as people living in "sensitive urban zones". Please indicate the measures taken in order to create the conditions of effective implementation of the DALO law (on enforceable right to housing) and the ALUR law. Please give up-to-date information on the measures taken to facilitate the access to housing for disadvantaged and marginalized people, including in overseas territories.

REVIEW/ANALYSIS:

In terms of discriminative practices in the access to housing: no measure has been taken by the government in the housing domain to make effective the legal provisions in domestic law that are supposed to prevent discrimination, while a 2012 study by the Commissioner for Human Rights showed the existence of discriminatory behaviour in the allocation of housing.

Generally speaking, the gap between what is available and the demand (whether in the private market or in social housing) is so significant that selecting persons in need of housing gives rise to unequal treatment according to the region and the person selecting, foreign persons, single parent families, young people aside...

Regarding the access to housing in the overseas (Outre-mer) regional and local authorities: the initial report noted more than 70,000 unmet requests for social housing overseas in 2013 (p.29).

On the implementation of the ALUR law:

- several key legal measures were partially abandoned or limited (GUL and supervision of rent)
- certain implementing decrees have still not materialised more than two years after the adoption of the law while certain are of such a nature as to directly and immediately protect individuals in difficulty (such as the maintaining of personal aides to housing in the event that rent goes unpaid to avoid the debt of the occupier increasing).
- The measures that aim to inform those making social housing requests and the reinforcement of transparency within the allocating commissions have not been fully implemented.

Concerning the implementation of the DALO law, the review of the implementation of the DALO law for the period 2008-2014 indicates:

- A decrease in the favourable decision rates of the commissions for mediation (from 45% to 32%), with the tightening of certain COMED practices in relation to the recognition criteria of the priority nature of the requests.
- An alarming increase (+173% since 2008) as housing demand shifts toward demand for temporary accommodation, indicating the existence of "strategies", within certain COMED, to fill the lack of accessible housing by directing applicants to a temporary shelter.
- When the recognition of the priority nature of the DALO request does not systematically lead to the household being re-housed: in 2014 amongst the 28,047 households recognized as having priority under DALO, 10,682 were not re-housed. The DALO supervisory committee estimated that at the rate at which re-housing was occurring, it would take 3.5 years to clear the existing backlog without taking into account new applicants. France was found to be in violation of Article 6 of the European Convention on Human Rights on 9 July 2015. 59,500 of those benefitting from DALO are still waiting to be re-housed.
- When the recognition of the priority nature of the DALO request does not protect the applicant against an eventual expulsion from their housing despite the inter-ministerial instruction of 26 October 2016 that required the local authorities (Préfets) to refuse to grant the use of public force in the context of procedures for evictions for priority households DALO, awaiting re-housing.

Regarding social diversity, the provision of housing always confronts the reluctance of local communes regarding their legal obligation (known as "SRU law") to have at their disposal at least 25% of social housing within their territory (340 communes out of 1022 studied in the regions of the territory where the needs are strongest). The will to open access to more favourable areas to inhabitants in ZUS (which are the priority areas of the town – QVP) to the poorest applicants for social housing is very limited because the most financially affordable accommodation is also the oldest and located in the least attractive areas, and the margin to reduce the rent for the most expensive social housing is very modest in terms of the financial balance of HLM bodies, to the extent that the state does not provide financial assistance to help them adapt their rent to the applicants.

Moreover, overseas territories are not taken into account the government response.

ADVICE:

- I/ Unify the local governance of housing, town planning and of housing at the inter-communal level.
- II/ Redistribute rental proceeds through taxing the most expensive property transactions and through building more affordable housing.
- III/ Apply the SRU law by substituting the state for the communes in breach and encourage the latter to comply by doubling the financial sanction they will face.

Moreover, NGOs and trade unions that are part of the DESC platform reiterate their recommendations to France to:

- I/ Implement housing law as well as access to justice for all without discrimination based on the administrative circumstances of all those persons of majority age living in the household.
- II/ Respect the enforceable right to housing in applying it to all applicants and by re-housing those who benefit from it. Not condition access to housing in connection with the DALO law with systematic obligatory accompanying measures.
- III/ Develop overseas studies.

23. Please provide statistical data on the number of homeless people in France. Please indicate the additional measures taken by the French State to find stable and adapted accommodations for homeless people. Please also provide statistical data on expulsions from places of residence.

REVIEW/ANALYSIS:

With regard to accommodation for the homeless people, the French answer is only stating principles (unconditional hosting, no throw back on the street without a solution, minimum standards of hosting and decency) without effectiveness. In the reality, the implementation of these principles remains unsatisfactory:

- The number of accommodations that were created does not meet the accommodation that is needed, constantly growing, despite the numerous announcements made by the government to provide more accommodations as part of specific action plans (the multiannual plan against poverty and for social inclusion, the plan to "address the challenge of migrations: to respect the fundamental rights – to ensure respect of the law", the plan to reduce overnight hotel stays).
- The decision of non-conditionality hosting the homeless people or those who might become homeless is called into question by the French administrative Supreme Court's (Conseil d'Etat) restrictive interpretation of the rejected asylum seekers that were subject to an obligation to leave the territory. In any case, this decision cannot be respected due to the lack of accommodations available (see question 20).
- Beside the political purpose expressed to end the "thermometer management" in the emergency accommodation sector, the continuity principle of the care is called into question every year at the end of the winter period, with the closure of many accommodations and the throwing back on the street of their occupants, due to the lack of any alternative solution.
- The Calais' situation attests of the government's failure to respect the "minimum standards of hosting and decency". The administrative tribunal of Lille has estimated that the lack of access to water, the insufficient number of toilets and the lack of garbage collection constitute for the occupants a "serious and manifestly illegal violation of their right not to be subjected to cruel, inhuman or degrading treatment or punishment."
- The three-year plan to reduce the number of nights spent in hotels is yet to produce notable results. Moreover, the responses are not geared towards lasting and quality accommodation for individuals. As such the targets have been exceeded in emergency housing which only offers temporary accommodation (of usually one night) without social support...The assessment of the implementation plan (end of the third quarter of 2015) noted the opening of 1,453 places in rental intermediation (while the annual target is 3,000 places), 433 places in social residences (annual target: 500 places) and 2,118 places in emergency accommodation (while the annual target is only 833 places).

In terms of expulsions from places of residence:

- The circular of 26 August 2012 is only partially applied, gives no right to effective re-housing for all the occupants of a slum and does not account for gaps in access to rights, care or the schooling of children. The results of the AIOS platform (in its 2015 version) are of "low probative value" and "foretell a very selective support, incompatible with an end goal of slum diminution."
- As for tenant evictions, the government doesn't give any figure about it and the national prevention centre is not yet operational, at the 1st half of 2016. The evictions without any possibility of housing or accommodation still go on. The legal proceedings aiming for tenant evictions have been steadily increasing for a decade. Between 2013 and 2014, the summons to court for unpaid debts (first step of tenant eviction proceeding) has increased by 10%. Between 2001 and 2014, the number of

decisions allowing the use of police order has increased by 68% whereas the number of tenant evictions actually done with the help of police order has increased by 83% in the same period. In 2014, 11.064 households were evicted with the help of police order.

ADVICE:

I/ To provide every person a stable settlement, without any condition of legal residency.

II/ To put an end to winter management of emergency accommodation and open enough spots annually and adapted to the specific needs of people.

III/ To respect the principle of continuity of housing until a better solution for accommodation is found.

IV/ A specific figure target should be set for the creation of settlement spaces regarding the needs and by fostering the creation of spaces inside steady accommodation structures instead of emergency accommodation structures.

V/ To provide the national centre for tenant evictions enough human resources to complete its mission and forbid evictions without any suitable solution of resettlement.

VI/ To favour sustainable housing and direct access to accommodation for homeless people, in the philosophy of "housing first".

24. Please provide information on the action undertaken to facilitate access to housing and to stop forced evacuations in the absence of a decent and adequate re-housing solution for Roma migrants. Set out the measures taken to facilitate access to healthcare for Roma people as well as the measures to stop municipalities hindering the education of Roma children.

REVIEW/ANALYSIS:

According to the French authorities, evictions from the camps are carried out within a legal framework, mostly based on judicial decisions, or administrative decisions under the control of the administrative court. The recent example of the eviction, in February 2016, of the Porte des Poissonniers slum in the 18th district of Paris, shows how the Préfecture proceeded to dismantle the slum without waiting for the notification from the urgent applications judge who, on the 27 of January 2016, had set a deadline of 15 June 2016 inclusive for the Roma to remain on the premises.

These evictions are carried out (according to the government) in order to protect the occupants from risks to their health, safety or any other dangers that may result from poverty. Instead they have a particularly harmful effect, putting an abrupt end to vaccination programmes and medical treatments started by the charities which work long-term with the Roma people. Recent examples are the evictions of Porte de Poissonniers (300 people on 3 February), Champs-sur Marne (200 people on 17 February), Wissous (800 people on 3 March), Carquefou (300 people on 4 March) and Saint-Brice sous Forêt (400 people on 8 March). The dispersal of the inhabitants, most of whom were left in the street (whilst others were offered nothing better than a few nights in a far away social hotel), aggravates the situation and increases the risk of health problems, particularly in the winter period.

The assessment that must be carried out before each eviction, as outlined in the circular of 26 August 2012, intended to identify the most vulnerable people, including young children, to prepare individual support, particularly in terms of schooling, accommodation and facilities, are too often carried out without transparency, without sufficient care and far too briefly.

The French government claims that efforts are being made to mitigate as much as possible the effects on schooling, which would explain in particular why a large part of the evictions take place during summer. Since the beginning of 2016, around twenty evictions have been counted, in the middle of winter, regardless of the considerable work of associations to promote children's schooling: contact-building with children and their families, trust-building, creation of school and after-school workshops, negotiation with schools, support...

Finally, in this missive, the Minister for Home Affairs insists on the need to mobilise more European funds. Yet, for instance, the inhabitants of the slum located at Porte des Poissonniers, settled there since July 2015, had set up an association called "Les bâtisseurs de cabanes" (the hut builders). They worked for several months with the "Habitats solidaires" (United housing) SCIC (Société coopérative d'intérêt collectif – Cooperative company of collective interest), which implements a project in cooperation with a company hiring underprivileged, architects, associations and Collectif Rom Paris, in order to prepare an application requesting ERDF-ESF financial subsidies. This was made with the view to achieve a project of 60 self-built and monitored family housing units. Even if this application could eventually be filed on 31 March, due to the dedication of the "bâtisseurs de cabanes", the eviction of the slum in February 2016 nevertheless weakened this project. Nowadays, nothing ensures that it will be achieved without the local authorities' support.

Finally, it is necessary to recall, once again, that different bodies, at national, European and international levels have, on numerous occasions, found that the French government breached its obligations and pointed the finger: the Ombudsman, CNCDH (Commission Nationale Consultative des Droits de l'Homme – Human rights National Consultative Committee), the European Court of Human Rights, the Council of European Human Rights Commissioner, the European Social Rights Comity, the European Commission against racism and intolerance, the Human Rights Agency of the European Union, several UN bodies (the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child, the Human Rights Council...).

Thus, according to the DESC platform, the Roma populations living in the informal settlements or slums do not benefit from any legal protection against eviction, especially with regards to the winter standstill which should apply. The Inter-ministerial Delegation for Accommodation and Access to Housing (in French DIHAL) identifies, in October 2015, 17 929 individuals concerned for 582 locations, in slums. The inter-ministerial circular dated 26 August 2012 is not legally binding and its provisions are rarely enforced by the Prefects.

According to the latest figures published by the LDH and the ERRC for the year 2015, over 11,128 individuals were evicted in 2015 from

111 living places, thus representing 60% of the individuals known to be living in slums, mostly Roma people. Temporary housing solutions were only proposed in 29 evictions out of 111.

The results of the national mission for the clearance of slums remain limited. The number of households concerned by the on-going rehousing projects at the beginning of 2015 was of 66 (256 individuals), which is a little over 1% of the total number of informal camps inhabitants. The number of individuals living in slums (apart from Calais) has been stable since a couple of years, which is a sign of the failure of the slum clearance policy. The actions put in place, be it the national slum clearance mission or the AIOS platform in Ile-de-France almost never lead to positive outcomes such as permanent housing solutions. The only solutions which are sometimes offered during the eviction of slums or squats are a few hotel nights for the few individuals identified as "vulnerable".

The estimated schooling rate of Roma children at age of attending school does not exceed 20% according to the figures communicated by the Ile-de-France prefecture, based on the 180 diagnostics carried out by the GIP since 2012 (which accounts for 13 000 individuals). This massive lack of schooling can be explained by the refusal of mayors mentioned in the answer and which can take many shapes. While the obligation to register lies with the families, mayors also have obligations which they are not abiding to such as the identification of all children at age of being schooled in their cities, according to article L. 131-6 of the Education Code. The mayors do not include in their headcounts the slums inhabitants when they live in their cities. As a consequence, we have no idea of the actual number of children who should be schooled but are not.

The sanitary conditions in slum areas are generally very poor (notably for access to water and waste removal) and have a direct impact on the health of their populations. Moreover, evictions from living places lead to ruptures in the care pathways. Formalities for eligibility to rights and health insurance are often complexified by the opaqueness of the public health insurer (Caisse Primaire d'Assurance Maladie), leading to an even more difficult care pathway.

The national consultative commission of human rights (CNCDH) insists in its report for 2015 that "when received opinions misdirect the public action, they impede the access to rights and to integration. Too many families remain discriminated and deprived from the rights to security, health, education and free movement".

ADVICE:

I/ France should comply with its international commitments in relation to the respect of the rights and the dignity of inhabitants of slums areas. It is necessary to increase the security of living places (at least electricity, water, waste removal) and to mobilize in the same time all the possible solutions in terms of relocation, in order to avoid expulsions without stable relocation.

II/ The French State should make sure that the principle of mandatory school education targets all children with no exception. It should also make sure that no evacuation or expulsion procedure lead to ruptures in access to healthcare and access to minimal social rights.

III/ The French State should immediately stop the expulsions of squats' and slum areas' inhabitants without legal protection and relocation solutions. Such solutions must be appropriate, stable, negotiated and accepted by the concerned people.

IV/ The French State should protect the fundamental rights of squats' and slum areas' inhabitants, notably by prohibiting expulsions during the wintertime.

V/ The French State should uphold the obligation of city mayors to identify every school age children living in slum areas and squats on the territory of their city.

VI/ The French State should encourage, by allocating sufficient funding, sanitary (see the national mediation scheme piloted by ASAV) and educational mediation schemes, which allow to bridge the gap between the rights and the facts.

25. Please set out the measures that have been adopted to ensure that Travellers have access to housing, with respect, in particular, to halting sites under the Besson Act.

REVIEW/ANALYSIS:

If the capacity of halting sites has been increased, the number of places (26,873) that is alluded to, which differs from other official sources, remains well below the forecasted figures (41 589 in 20). In addition, the low levels of engagement in managing these facilities, as well as their physical distance from public services and facilities, adversely impacts household living conditions.

The inadequacy between supply and demand is even greater with respect to family sites and suitable social housing, which allows for the settlement of trailers on a permanent basis. This type of housing is desired by Travellers, because it responds to the actual way they take root in the territory, to the need for an occupancy status, for a private and family life in order to allow for a better socioeconomic integration. Yet the Government has announced that only a thousand family sites have been achieved.

The lack of recognition of trailers as a category of housing is an obstacle to accessing mortgages as well as housing subsidies for households.

The Lower Chamber (Assemblée nationale) passed the aforementioned bill in June 2015, but the bill has not, since then, been put on the Senate's agenda.

ADVICE:

I/ Repeal the discriminatory provisions of the 1969 Act, without waiting for the aforementioned bill to be included on the Senate's agenda, through an amendment to the equality and citizenship bill currently under review.

II/ Comply with the 5 July 2000 Act on halting sites and ensure decent living conditions for Travellers on these public facilities.

III/ Ensure that local governments take all housing types into account in their accommodation, housing and town planning policies. To this end, they should assess the property ownership and rental needs for the field of mobile housing. They should respond to these needs on their territories by planning and programming specific operations.

IV/ Develop a national and coordinated public housing policy for Travellers, together with the latter's representatives and associations

working with Travellers, and ensure maximum involvement in an advisory role of the commission consultative des gens du voyage (Travellers' national advisory commission).

Article 12 – Right to Health

26(bis). Please set out the measures that have been adopted to ensure full access to health care, with respect, in particular, to overseas territorial communities (notably Guyana and Mayotte)

REVIEW/ANALYSIS:

Guyana and Mayotte refuse access to the right to health care; in Guyana, neither bushinengue populations in the West nor Amerindian populations have access to AME (Aide Médicale d'Etat, State Medical Aid) or CMU (Couverture Maladie Universelle - Universal Medical Coverage). In Mayotte, the population does not have access to AME.

ADVICE:

NGOs and DESC platform syndicates reiterate their previous recommendations to France to:

I/ Open access to rights in accordance with legal provisions applicable to CMU and AME, in particular by developing legal advice services on access to rights, by improving access to registration in Guyana and Mayotte, and by combating any malfunctioning.

II/ Subject Mayotte to ordinary law by extending the AME, CMU and supplementary CMU coverage; in the meantime, ensuring direct coverage of children by the health care system

III/ Develop perinatal supervision and follow-up for pregnant women in Guyana and especially in Mayotte in order to decrease mother and child mortality by favouring their right to access to care and by developing data collection on this mortality.

IV/ Ensure the follow-up by Guyana's ARS (Agence Régionale de Santé – Health Regional Agency) of the mercury contamination rate of Guyana's Amerindian populations, notably of their children, and start measures to eradicate illegal gold panning on their 'territories of life' (fishing, hunting).

27. Please explain the causes of suicide in France, in particular in the Amerindian community from Haut-Mahori in Guyana. Please set out the results of the 2011-2014 national action Plan against suicide (Programme d'action contre le suicide 2011-2014) and the effective impact of preventive and awareness measures on the reduction of the suicide rate in France.

REVIEW/ANALYSIS:

The Government does an analysis that conceals its responsibility with respect to the situation (please see article 3). As stated in the DESC platform report, France has not fulfilled its commitments with respect to its own populations, notably in Guyana and Mayotte. The answer given to young Amerindians cannot only be psychiatric.

ADVICE:

NGOs and DESC platform syndicates state again their previous recommendations to France to:

I/ Review the composition of the advisory Council of Amerindian and bushinengue populations of Guyane (Conseil consultative des populations amérindiennes et bushinengue de Guyane) and provide it with the financial means necessary to fulfil its objectives.

II/ Commit to respond to the demands made by these populations through their traditional way of expressing themselves and seek their opinion on all matters affecting them.

III/ Eradicate illegal gold panning, deliver on commitments made on the absence of any exploitation in Amazonian Coeur du Parc of Guyana and extend them to the areas where these populations live (zones of free adherence).

IV/ Ensure the follow-up by Guyana's ARS of the mercury contamination rate of Guyana's Amerindian populations, notably of their children. Do everything so that their traditional diet can continue without endangering them.

V/ Do everything to train indigenous executives by building nearby facilities and by creating reception facilities wanted by indigenous populations for years.

VI/ Adapt curricula contents and teaching methods instead of imposing Western schemes on indigenous populations.

VII/ Continue programs of suicide prevention of Amerindians from Haut Maroni and Haut Oyapock, analyse suicide causes by comparing policies carried out with respect to these populations in France and Brazil, where they live in equal numbers and are treated very differently.

VIII/ Sign the ILO 169 Convention, which alone grants binding rights to these populations.

Article 15 – Cultural Rights

30. Please provide information, when appropriate, on the lack of resources to allocate to regional language teaching and their promotion in cultural life. Please also provide practical data on the use of regional languages in the media in the overseas territorial communities, in particular Guyana and New Caledonia. Please provide information on the measures adopted to help ethnic groups other than those referred to in the State Party's report, to preserve their cultural identities and to develop their respective cultures, including their language.

REVIEW/ANALYSIS:

The response made by the State does not take into account other languages than Creole.

It does not take the existence of certain populations into account, for instance Black-Browns in Guyana – also called Bushinengué.

ADVICE:

NGOs and DESC platform syndicates state again their previous recommendations to France to:

I/ Extend the ILM plan (Intervenants en langue maternelle – tutors speaking in their native language) in kindergartens and primary schools by increasing their number, their teaching hours and training.

II/ Strengthen – for social mediation and ancestral knowledge transmission purposes – the presence, in certain disciplines, of knowledge teaching (nomenclature, taxonomy, etc.) for all pupils.

III/ Extend language teaching in all primary and secondary school cycles by aligning them with the Deixonne Act provisions as inserted into the Education Code and the 1982 and 1983 Savary circular, and that only concern Creole in Guyana.

IV/ Apply the ILM and regional language teaching plan in Mayotte, the sole French department (county) where the two native languages are, as a matter of fact, forbidden in schools, middle schools and high schools, with one attempt made in three schools between 2006 and 2010 and since then set aside whereas the majority of the population in Mayotte is not French speaking.