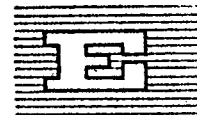


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PERIODIC REPORTS ON HUMAN RIGHTS

Reports on economic, social and cultural rights for the period  
1 July 1969 to 30 June 1973, received from Governments  
under Economic and Social Council  
resolution 1074 C (XXXIX)

FRANCE

I. Concise introductory description of general policies of economic and social development which have contributed in a significant manner during the period from 1 July 1969 to 30 June 1973 to ensuring the recognition, realization and protection of economic, social and cultural rights

A. Cultural

The framing of a cultural policy is by no means a new development in France, since a special ministry for cultural affairs was set up by a decree of 24 July 1959.

The assessment of the results of this policy ten years later seems indicative of the development of cultural rights in our country.

The new ministry was established for the purpose of increasing public awareness of the right of everyone to have access to culture, and of facilitating the exercise of that right. 1/

The Sixth Five-Year Economic and Social Development Plan (initiated in 1971) defined cultural policy, which constituted one of its major options as a global effort aimed at "helping our contemporaries to look upon culture ... no longer as a luxury but rather as the expression of a basic need".

(a) Concertation

The majority of ministries (in particular those of Education, Foreign Affairs, and Youth and Sports) helped in this task, which was thus not exclusively one for the Ministry of Cultural Affairs - whose role was mainly one of research, co-ordination and leadership.

The first result that can be recorded is a new public awareness of the Ministry's activities, particularly by the elected members of local government bodies, who now have a tendency to give culture a more equitable share in the development of a department or a region.

The Ministry has accordingly endeavoured to define the scope of this growing demand for culture and to start a dialogue not only with other administrative authorities but also with the beneficiaries of cultural activities.

These developments have led the Ministry of Cultural Affairs to adopt a new style for its projects, a style which is marked by carrying out its traditional tasks in conjunction with concerted activities of promotion and publicity (among many other

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1/ The function of the Ministry was defined as follows:

"To make accessible to the maximum number of Frenchmen the most important artistic works of mankind and, above all, of France; to widen as much as possible public appreciation of the cultural heritage; and to promote the creation of artistic and intellectual works to enrich that heritage".

possible examples - enlarged concertation with professionals and critics in the advisory commission which was set up in 1971 to assist with the first exhibition, or in the Commission on Theatre Subsidies, set up in 1972), with greater co-operation at the inter-ministerial level (for example, a Charter of Cultural Co-operation instituted in 1971 in association with the French Radio-Television agency, and a Cultural Action Fund, financed from the budgets of the various ministries), and lastly with the encouragement of collective and individual participation to involve in the planning and financing of cultural activities those who benefit from them.

Access to better culture is thus tending to be regarded not so much as a favour unilaterally granted by the central authorities but rather as a legitimate demand for and exercise of one of the basic rights of man, individually or as a member of a community, with all that such a psychological change implies in the way of voluntary involvement.

(b) Regionalization

The main effort has been in the direction of those sectors of the population least favoured until now because of their distance from Paris, which has traditionally been the heart of culture in France.

As elsewhere, the spread of radio and television was already exercising an influence in that direction but without involving creative participation, and the capital tended to remain the privileged centre for the spreading of culture, if not for its reception.

A deliberate policy of decentralization has been methodically pursued. It has been marked, in particular, by the setting up of an appropriate regional administration, by the creation of entirely new institutions and by financial support for provincial projects which have proved effective (theatre and music, for example). Centres of artistic creation and dissemination have greatly increased in number and now include not only regional cities, but also towns of lesser importance.

(c) Results

As from 1971, these developments could be closely followed owing to the setting up of a statistical observation unit in the Study and Research Service of the Ministry of Cultural Affairs.

From 1960 to 1973, expenditure by the Ministry of Cultural Affairs (expressed in francs of constant value) has trebled, and cultural consumption by the French public has more than doubled.

Expenditure by the nation on culture may be estimated at nearly 12,000 million francs in 1973. The cultural budget of the State has increased sixfold (in nominal francs) since 1960, and the budget proper of the Ministry of Cultural Affairs has risen from 223 million francs in 1968 to 1,075 million in 1973.

This financial effort, combined with the multiplier effect of the mass media, has generated a veritable transformation. Household expenditure on culture has risen to an average of 2.5 per cent of the family budget. Between 1960 and 1970, the number of books sold has doubled. From 1960 to 1973, the number of French who do not read decreased by over one-third. Since 1967, the average number of books read per person has increased by 40 per cent over a period of 6 years, and the books most read are novels by contemporary writers (excluding thrillers). An even more significant fact is that the percentage of workers who read and own books is now close to the national average (70 per cent).

From 1960 to 1970, the number of gramophone records sold has trebled; the proportion of homes possessing a record-player has risen from 11 per cent in 1960 to 57 per cent in 1973 (51 per cent among workers) and the average rate of listening to recorded music has doubled since 1967.

As to television, whereas in 1960 only 13 per cent of French homes had receivers, the saturation point was being approached in 1973 with 86 per cent.

And, through television, all the other forms of artistic expression have gained wider audiences: 76 per cent of French people are watching films, 60 per cent see plays and 15 to 30 per cent watch ballets or other performances accompanied by music (art forms which were previously the domain of a social élite, mainly Parisian).

Competition from television caused a 56 per cent drop in cinema attendances between 1957 and 1969, a drop that was nevertheless smaller than that experienced by neighbouring countries. From 1969 onwards, however, the total number of cinema spectators has stabilized around the figure of 180 million annually. With the growth of urban concentration, the number of cinemas has declined by 30 per cent since 1960, but there now appears to be a reverse trend. In 1973, for the first time, the number of new cinemas that opened was greater than the number of those that closed. During the period under consideration, the quality of cinema theatres has improved and the number of those showing art and experimental films increased between 1969 and 1973 from 200 to 500, placing France ahead of all other countries in this respect.

From 1969 to 1973, budgetary appropriations towards the cinema more than doubled (+ 125 per cent), resulting in an increase in the production of French films and the co-production of films with majority French participation (90 in 1962 and 150 in 1973).

Other cultural activities, less influenced by technical progress but significantly aided by the State, are also in full expansion.

For example, the position with regard to museums is that appropriations have increased fivefold since 1960 and the number of paying visitors to national museums has increased from 3 million in 1958 to 5.5 million in 1973; provincial museums classified and supervised by the State have alone had nearly 5 million visitors in 1973, i.e.

twice as many as five years previously. (Nearly one Frenchman out of three visited a museum in the course of 1973). Similar increases have been observed in the case of historic monuments.

The attendance at temporary exhibitions in Paris increased tenfold from 1960 to 1970, and 450 exhibitions were held in 1973 in provincial museums.

At the National Archives the number of readers has trebled and at the Archives of Lépartements quadrupled in ten years.

#### B. Social

Guidelines for the period under consideration were given in the Fifth Plan (1966-1970) and the Sixth Plan (1971-1975), which contain numerous items and detailed programmes of action relating to employment, vocational training and the handicapped.

#### II. Influence of United Nations instruments containing principles and norms for the recognition, realization and protection of economic, social and cultural rights and, in particular, measures adopted to implement such instruments during the period from 1 July 1960 to 30 June 1973

##### A. Cultural

(a) 15 December 1972 marked the entry into force for France of articles 22 to 38 of the Act of Paris (of 24 July 1971) amending the Berne Convention for the Protection of Literary and Artistic Works. (Articles 1 to 21 and the Appendix were not adopted until 10 July 1974 because of the requirement of reciprocity embodied therein). Although mention is made of this ratification because it occurred during the period under review, nothing can yet be said on its possible effects because the main changes introduced by the Act became operational after July 1974.

Moreover, and unlike the various previous amendments to the Berne Convention, the new provisions are not directed to improving the protection of the rights of authors but rather to facilitating cultural development in the developing countries.

(b) On the other hand, an event coming within the normal scope of protection of the rights of authors was the ratification by France on 12 September 1972 (entry into force on 18 April 1973) of the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms, signed at Geneva on 29 October 1971 (which also protects performing artists in respect of recorded works).

This Convention has been received with great satisfaction by the professional circles concerned.

(c) Although the UNESCO Conventions of 1970 and 1972 have not yet had any influence on French legislation, since the ratification procedure has not yet been completed, it should be pointed out that the provisions of French law on the subject tally very closely with those of the Recommendation adopted by UNESCO in 1972 concerning the protection, at national level, of monuments, groups of buildings and sites. The principles laid down in that Recommendation, which relate more particularly to the right to protect the environment (mentioned below under section III C 5), are in practice already applied throughout French territory, especially through the action of the Department of Architecture and the National Fund for Monuments and Sites.

(d) On 3 July 1972 France ratified the European Convention on the Protection of the Archaeological Heritage signed in London on 6 May 1969. This Convention entered into force for France on 5 November 1972. The provisions applicable to French territory, however, were for the most part already being observed by the museums or by the Archaeological Excavations Service, as appropriate, but the element of international reciprocity introduced by that Convention has tended to improve ethical standards in the trade and to set standards for the circulation of objects from archaeological finds. In this respect, French legislation appears to be effective while remaining quite liberal. Thus, lawful ownership of amphoras found on the seabed may be conferred upon the finder subject to certain conditions intended to satisfy scientific interest in the discovery.

(e) Lastly, we might also mention under the present heading the launching in 1971 at Strasbourg of an annual International Festival of Films on Human Rights by Mr. René Cassin, President of the International Institute for Human Rights. This festival was held in 1971, 1972 and 1973 under the patronage and with the support of the French National Film Centre.

#### B. Social:

Mention must be made here of the ratification under a law of 28 May 1974 of the International Convention on the Elimination of all Forms of Racial Discrimination, which entailed the promulgation in France of the Anti-racism Act of 1 July 1972.

III. Significant developments during the period from 1 July 1969 to 30 June 1973 with regard to the recognition, realization and protection of economic, social and cultural rights, referring where appropriate to constitutional provisions, legislative measures and administrative regulations and procedures enacted and court decisions rendered

#### A. The right to work

##### 1. Right to free choice of employment

The expanding activities of the National Employment Agency, the Vocational Training Service for Adults and the National Employment Fund, in pursuance of the national Plans and of legal provisions prior to 1 July 1969, have helped to give workers a wider choice of employment.

The following new legislation has also been enacted in this field:

- Act of 26 December 1969 on finding employment for performing artists;
- Act of 16 July 1971 on the continuation of vocational training;
- Anti-racism Act of 1 July 1972;
- Act of 23 December 1972 introducing a relocation allowance for young workers.

2. Right to just and favourable conditions of work

The following legislation has been enacted in this field:

- Act of 13 July 1971 on collective bargaining agreements;
- Act of 24 December 1971 on the reduction of the maximum number of hours of work;
- Act of 3 January 1972 on temporary work;
- Act of 11 July 1972 on clandestine employment.

3. Right to protection against unemployment and underemployment

The following should be mentioned:

Inter-Occupational Agreement of 27 March 1972 and

Act of 5 July 1972 introducing a system of income guarantees for unemployed workers over 60 years of age.

B. The right to social security, including social insurance in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond one's control

I. Workmens' compensation for occupational injuries and diseases:

Ever since 1 January 1947, provisions on prevention of, and compensation for, occupational hazards of wage-earners (and persons assimilated thereto) in non-agricultural occupations, have been part and parcel of the French social security system.

Persons not covered by any legal system of workmen's compensation for accidents occurring in the course of their duties may voluntarily elect to place themselves within the scope of that legislation. Tradesmen, craftsmen, members of the liberal professions, and even housewives not otherwise employed, may apply for inclusion in this voluntary insurance scheme.

Until recently, wage-earners in agricultural occupations were protected by a scheme based on the principle of the liability of the employer, who could take out insurance coverage.

Act No. 72-965 of 25 October 1972 on the insurance of agricultural workers' against occupational injuries and diseases (published in the Official Journal of 26 October 1972), which entered into force on 1 July 1973, established a compulsory scheme of insurance against occupational injuries and diseases under the Mutual Fund for Agricultural Workers, a scheme which affords those covered the same benefits as those enjoyed by wage-earners in other occupations.

The Government has pursued its efforts to facilitate access to vocational training for adults and young persons who are already or are about to become economically active and who require either initial training or modification or improvement of their skills in order to keep abreast of technical developments, or because, for economic or health reasons, they are unable to continue to engage in their occupation.

Act No. 71-575 of 16 July 1971 on the organization of continuing vocational training within the framework of permanent education (published in the Official Journal of 11 July 1971) introduced a social security scheme for trainees.

This Act specifies (in its article 37) that, during their period of training, trainees are entitled to one of the forms of financial assistance specified in that Act and that trainees are covered by the legislation on workmens' compensation for occupational injuries as applicable to the pupils of vocational training schools under article L 416-2° of the Social Security Code.

Regulations are being drafted for the purpose of extending the scope of the above provisions to all trainees, even if they do not receive remuneration in any form (excluding State civil servants and local-government permanent staff, who continue to come under their own separate regulations).

The present position in France is therefore that persons who are not engaged in an occupation or who are not in any of the situations described above (vocational training, re-education, etc.) are the only ones not covered by a compulsory scheme of insurance for workmens' compensation for occupational injuries and diseases.

The occupational hazards covered by these enactments include accidents occurring in the course of work or in the course of travel to or from the place of work and the occupational diseases mentioned in the various schedules annexed to the relevant regulations.

During the period under review, two decrees have been enacted which enlarge and amend the existing schedules of occupational diseases: Decree No. 72-1010 of 2 November 1972 (published in the Official Journal of 9 November 1972) and Decree No. 73-215 of 23 February 1973 (Official Journal of 2 March 1973).

These decrees increased from 48 to 63 the number of schedules of occupational diseases annexed to the original Decree of 31 December 1946 and revised 11 earlier schedules.



An additional schedule, which will be No. 64 and which will relate to occupational diseases caused by the oxides of carbon, is in course of preparation.

In the instructions for the application of the above-mentioned Decrees, the attention of doctors was again drawn to the importance of observing the legal provisions which require them to report to the Labour Inspection Service any disease of occupational origin which comes to their notice.

The reports thus made by doctors serve as a basis for studies on further prevention of occupational diseases and on the enlargement of schedules to permit compensation of victims.

The need has also been felt to give the worker's family better protection in case of his death by accident.

In addition to the benefits which are legally due (death benefit, refund of funeral expenses, annuities to survivors), the various insurance schemes have been authorized by the Order of 19 July 1971 to extend emergency help - out of their health and social assistance funds - to the beneficiaries designated by the deceased worker up to a maximum amount which, as indexed at the end of the period under review, stood at 1,224 French francs.

During the period under review, the public authorities have increased their efforts to improve human relations between the competent institutions on the one hand and the insured persons and beneficiaries on the other.

Those in charge of the management of these institutions have been urged to make their staff more aware of this important aspect of their role.

They have been requested, particularly in the complex field of the application of legislation on compensation for occupational hazards, to ensure that both employers and beneficiaries are always fully informed of their rights and enabled to exercise them. An instruction (No. 20 SS of 9 March 1971) has laid renewed stress on this point.

Although handed down shortly after the end of the period under review, mention should be made of two judgements of the French Supreme Court (Cour de Cassation) on appeals lodged by the Ministry of Public Health and Social Welfare; these two test cases were brought to enable the Court to rule on a problem of particular importance because of its social implications: that of the protection of workers involved in accidents occurring in the course of rescue operations.

In these rulings, the Social Division of the Court (17 October 1973) laid down the terms on which liability under workmen's compensation legislation arose for accidents resulting from rescue operations in two cases - one in which, in order to assist a person in danger, work had been stopped and another in which travel had been interrupted for the same purpose.

In both these test cases, the Supreme Court held that all the attendant circumstances clearly created an "imperative duty of solidarity" overriding all other considerations and could not have the effect of depriving those concerned of the benefits of workmen's compensation legislation.

The Court's decision will thus afford effective protection to all workers who suffer as a result of an act of self-sacrifice.

#### General social insurance scheme

There has been an improvement in the protection for old-age pensioners and widows under the general social insurance scheme.

(a) With regard to old-age pension rights proper, the Act of 31 December 1971 introduced improvements by validating for the calculation of pensions years of affiliation beyond 30 and by introducing greater flexibility into the requirements for granting invalidity benefits; it also made provision, in the case of an insured woman who has reared two or more children for at least nine years before their sixteenth birthday, for adding to the period of affiliation a bonus of one extra year for each child thus reared. In the case of mothers, the Act of 3 January 1972, in addition, made old-age insurance compulsory for those who are in receipt of the single salary allowance or housewife allowance, and of the increase in these benefits which is given, subject to a means test, on grounds of number and age of children.

Two decrees have been issued in implementation of the Act of 31 December 1971:

- Decree No. 72-78 of 28 January 1972 relating to the new method of calculating old-age pensions. This Decree specifies that the old-age pension is calculated on a maximum of  $37\frac{1}{2}$  years of affiliation; a person who has been insured for that length of time is entitled to a pension equal to 25 per cent of his average annual basic salary in the event of retirement at the age of 60; in the event of postponement of the benefit beyond that age, the pension is increased by 5 per cent of the basic salary for every year of affiliation beyond 60. Thus, for example, in the case of retirement at 65 years of age (or of medically certified incapacity for work at the age of 60), the pension payable will be equivalent to 50 per cent of the basic salary.

These measures, however, will not have their full effect until 1975. During the transition period 1972-1975, the rates applicable for calculating old-age pensions will increase depending on the year in which the pension begins to run; pensions will thus be reckoned on the basis of the following maximum periods of affiliation: 32 years in 1972, 34 in 1973, 36 in 1974 and  $37\frac{1}{2}$  in 1975.

- Decree No. 72-423 of 17 May 1972 specifying the modes of application of the reformed provisions on invalidity which make it henceforth possible to grant at the age of 60 the old-age pension normally payable at 65, on the grounds that the insured person is not in a position to continue with his occupation without grave harm to his health and has suffered a medically certified 50 per cent incapacity for work. If, however, the beneficiary of an invalidity pension resumes an occupation and derives therefrom earnings above a certain level specified in the Decree, payment of his pension may be suspended.

In addition, under Decree No. 72-1229 of 29 December 1972, old-age pensions are now calculated on the basis of the average annual salary for the ten best calendar years of affiliation (subsequent to 31 December 1947) instead of the last ten years of affiliation as was the case prior to 1 January 1972.

The annual revaluation of old-age pensions has been replaced, under Decree No. 73-1212 of 29 December 1973, by a bi-annual revaluation, the first effective on 1 January and the second on 1 July of each year.

Lastly, the Act of 21 November 1973 - whose application to persons insured under the general scheme is regulated by Decree No. 74-54 of 23 January 1974 - provides that ex-servicemen and former prisoners-of-war may obtain, between ages 60 and 65, their normal pensions at an age which varies with the length of their captivity or wartime service.

(B) With regard to protection of widowed persons, the provisions on eligibility for a reversionary pension have been improved by three decrees:

- Decree No. 71-123 of 11 February 1971 has raised the ceiling set for the private income of the surviving spouse of a deceased insured person; the ceiling now is equal to the official indexed minimum salary on 1 January of the year of death (e.g. on 1 January 1974: 11,294 French francs).

- Decree No. 71-280 of 7 April 1971 removed the requirement relating to marriage prior to the insured person's sixtieth birthday, retaining only the requirement concerning the duration of the marriage (two years at least before the insured person's old-age pension begins to run, or four years before the insured person's death)

- Decree No. 72-1098 of 11 December 1972 lowered to 55 (from 65) the minimum age for a reversionary pension.

#### Supplementary retirement schemes

The scope of application of pension schemes which supplement the benefits under the general social insurance scheme has been extended since 1969 to an increasing number of workers in the private sector either under collective contracts or through specific pension agreements.

An important legislative measure has been enacted with the aim of completing this process of generalization of supplementary retirement benefits. Act No. 72-1223 of 29 December 1972 specifies that the categories of wage-earners subject to compulsory old-age insurance under the general social security scheme and former wage-earners in the same categories who had not been affiliated to any supplementary retirement benefits scheme will henceforth be compulsorily affiliated to a scheme of this type. This measure, which became operative by 1 July 1973, concerned one million active wage-earners and between 500,000 and 600,000 retired persons who had so far been excluded from supplementary retirement benefits. From now onwards, every pensioner under the general social security scheme will enjoy one or more supplementary benefits in respect of his remunerated employment as a whole.

#### Workers other than wage-earners

- Old-age pensions. The Act of 3 July 1972 amended the insurance scheme for craftsmen, tradesmen and industrialists so as to bring it into line with the scheme in force for wage-earners.

- Protection against loss of means of livelihood: the Act of 13 July 1972 created a system of assistance to tradesmen and craftsmen over 60 years of age and of limited means whose business cannot be sold at a normal price.

### SPECIAL SCHEMES

#### II. General policies which, during the period from 1 July 1969 to 30 June 1973, helped to ensure the recognition, realization and protection of social rights with regard to special social security schemes

(1) Public authorities and administrations of special social security schemes are in general concerned about the financial imbalance of such schemes. The deficits they incur result from the increasingly pronounced distortion of their demographic structure reflected in an abnormally high proportion of pensioners in relation to active contributors. The consequences are particularly burdensome for pension schemes, but they also affect sickness insurance schemes and even industrial accident insurance. Apart from this unfavourable demographic structure, the sectors of activity concerned are experiencing an economic recession, which has reduced the number of persons employed.

The aim of measures taken recently has therefore been to encourage efforts to find new structures with greater financial equilibrium; these measures have consisted in working out and instituting joint financing arrangements, which will henceforth be on an inter-vocational or interrational basis.

This has involved acceptance, not only of direct State budget participation in the financing of the specific benefits provided under the special schemes, but also of the need to make up by means of equalization with other social security schemes - in fact with the general scheme - that part of the schemes' deficits which result from the peculiarities of their demographic structure.

The miners' scheme was the first to benefit from equalization with the general scheme. The equalization system provided for in the 1964 Appropriation Act concerned old-age insurance and workmen's compensation benefits. More recently, an equalization system was instituted in respect of the benefits in kind granted under sickness, maternity and disability insurance, first under the Appropriation Act for 1971 in the case of the special scheme for SNCF staff and then, under the Appropriation Act for 1972, in the case of the special schemes for seamen, miners and RATP staff.

In addition, the authorities have pursued the social welfare policy of improving, firstly, the conditions of entitlement to benefits under sickness and old-age insurance, and secondly, the amounts of the pensions granted.

Lastly, with regard to family allowances, which are in principle the same as those of the general scheme, it should be noted that several schemes grant supplementary benefits (SNCF, RATP, EDF personnel).

#### (2) Developments during the period from 1 July 1969 to 30 June 1973 with regard to the recognition, realization and protection of social rights

##### (a) Sickness insurance

###### (1) Civil servants' scheme:

- Decree No. 70-1272 of 23 December 1970 relating to the social security scheme applicable to civil servants working on a part-time basis establishes their continued eligibility for the civil servants' social security scheme.

- Act No. 72-594 of 5 July 1972 amending Ordinance No. 59-244 of 4 February 1959 concerning the general civil service regulations improved the conditions of entitlement to sick leave, particularly in the case of long illnesses. Decree No. 73-204 of 28 February 1973 (Journal Officiel of 1 March) and the Order of 19 July 1973 (Journal Officiel of 26 July) laid down the manner in which the new provisions were to be implemented.

(2) Regular servicemen's scheme:

- Article 2 of Decree No. 72-183 of 6 March 1972 grants benefits to those servicemen and their families who are not covered by any social welfare scheme. It provides for the opening, in the social security accounts of the National Military Fund, of a special account into which a State subsidy is paid. The Fund draws on this account for the payment of temporary daily allowances in the event of physical incapacity or of compensatory allowances in the event of disability or death.

(3) Manual workers employed by the State or by State industries:

- Decree No. 72-154 of 24 February 1972 improved the regulations concerning leave in the event of sickness, maternity or industrial accident applicable to certain State workers.

This Decree established for ordinary illness a special leave of absence during which the persons concerned retain entitlement to a proportion of their earnings for a period of nine months.

As regards illness of long duration and certain specified illnesses, the Decree provided for sick leave of long duration without reduction of earnings during one year and with a 50 per cent reduction during the second year.

(4) Electrical and gas industries:

Decree No. 70-247 of 20 March 1970 extended the application of the social security provisions of the metropolitan regulations to the personnel of the electrical industries of the overseas départements.

(b) Old-age insurance:

Several improvements have been made in the pension benefits of certain special social security schemes.

(1) Scheme for personnel of light railways and tramways:

- Decree No. 70-126 of 6 February 1970 made significant improvements in the retirement scheme. This Decree provides in particular for the granting of a supplement to old-age pensions where there are children, the establishment of a minimum amount for length of service pensions, validation of the probationary year before the date of entry into the scheme, and the taking into account of periods of mobilization and compulsory military service.

(2) Miners' social security scheme:

- Article 24 of the Appropriation Amendment Act for 1970 of 31 December 1970 made the State responsible for the heating and housing allowances paid to retired miners who are no longer employed in any capacity.

Article 25 of this Act provided for the affiliation of workers engaged primarily in extraction or treatment work in fire-clay and lean clay seams worked in wood-supported underground galleries to the special mineworkers' social security scheme, as from 1 January 1971, in respect of old-age, disability and death (survivors' pensions) risks. The methods of application of this Act were established by Decree No. 72-93 of 19 January 1972 (Journal Officiel of 19 January) and the Order dated 1 June (Journal Officiel of 16 June).

- Decree No. 71-456 of 8 June 1971 relaxes the conditions relating to length of marriage required for entitlement to the widow's pension.

- Decree No. 71-1069 of 24 December 1971 provided for the calculation of pension rates on the basis of the number of quarterly periods (as opposed to years).

- Decree No. 72-201 of 20 April 1972 (amended by the Decree of 27 October 1972) increased old-age and disability benefits and authorized periods of general disability to be taken into account in determining eligibility and rates for the old-age pension.

- Decree No. 72-530 of 15 June 1973 introduced improvements in the miners' pension scheme; it establishes basic improvements with regard to entitlement to, and the calculation of, old-age pensions, by assimilating under certain conditions to periods of employment underground periods during which the work of underground worker participants is interrupted, as from the date of occurrence of the accident or sickness which caused their incapacity for work.

It also increases the benefits paid to workers with less than 15 years of service and establishes an additional guarantee of adjustment of pensions to changes in wage rates.

Article 11 of the Appropriation Amendment Act for 1973 (No. 73-1128 of 21 December 1973, Journal Officiel of 23 December 1973) enables former employees of collieries affected by a conversion measure who have participated for at least 10 years in the special social security scheme for miners to continue their participation in this scheme either in respect of sickness, death (allowance) and maternity coverage or in respect of disability, old age or death (pension) coverage, or in respect of coverage of all these risks.

(3) Civil servants' scheme:

- Act No. 70-523 of 19 June 1970 relating to part-time employment of civil servants, amending the civil and military retirement pensions code, provides that the full period during which civil servants have been authorized to work on a part-time basis shall be taken into account for the purpose of establishing entitlement to pension; half of that period shall be taken into account for the purpose of calculating pension rates.

- Article 12 of the Appropriation Amendment Act for 1973 (No. 73-1128 of 21 December 1973) made certain improvements in this scheme in respect of (a) the rights of orphaned minors in the event of the death of the father and the mother, and (b) the rights of the surviving spouse and orphans of female civil servants.

(4) Lastly, as far as extension of benefits is concerned, mention should be made of Decree No. 70-1277 of 23 December 1970, which establishes a supplementary retirement scheme for non-established civil servants, employees of the State or of local authorities.

### III. The right of the family, motherhood and childhood to protection and assistance

Under the French system, family allowances are payable to any person of French or foreign nationality who engages in an occupation, or is unable to do so, and who, on whatever basis, assumes responsibility for a child or children resident in metropolitan territory. For a number of years, the family allowance scheme has been extended to an increasing number of beneficiaries and the number of special allowances has been increased. In addition, the amount of these allowances is adjusted annually to take account of the economic situation.

The Act of 23 December 1970 established an allowance for orphans and certain children dependent on a single parent. This allowance is payable in addition to the family allowances already paid; it is doubled in the case of orphans who have lost both their parents.

The Act of 13 July 1971 established two allowances: one for handicapped young persons under the age of 20, and the other for handicapped persons between the ages of 20 and 65. Further legislation in favour of handicapped persons which is currently under study aims to solve the problems that such persons present within their family and in society.

The Act of 3 January 1972, which includes a number of provisions designed to improve the situation of families, established several special allowances. Firstly, it amended the single income allowance and the non-working mother's allowance. These allowances are supplemented by an increase for low-income families having one child under the age of three years or having four or more children.

The nursery charges allowance established by the Act of 3 January 1972 is granted, subject to a means test, to mothers who leave their children at a day nursery or with approved child minders. This allowance is payable in the form of a reimbursement of costs up to a certain maximum amount.

This Act also established an old-age insurance for mothers who remain at home to look after their children and who benefit from the increased allowance referred to above.

The same Act also extended eligibility for the housing allowance to new categories of beneficiaries.

Implementing decrees have been issued in respect of all these laws which have now entered into force. It is still too early to make a final assessment of these improvements but it should be noted that they are intended mainly to help the least advantaged categories of the population.

IV. Action with a view to ensuring that the rights referred to under III above are enjoyed by increasing numbers of the population and without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status

(a) As a general rule foreign workers and members of their families enjoy in French territory the same social rights as French nationals. Consequently, any significant developments in the social sector during the period in question have affected them in the same way as French nationals.

There are still some exceptions to this equality of social rights but the French Government has clearly demonstrated its intention rapidly to eliminate the last remaining instances of discrimination. Thus measures are now being prepared with a view to extending to foreigners eligibility for the maternity allowance, the priority card for expectant mothers and the card entitling the members of large families to reduced tariffs on public transport.

(b) As regards the right to free choice of employment (heading III.A.1.), it should also be noted that foreigners are subject in France to the specific regulations set forth in Ordinance No. 45-2658 of 2 November 1945.

There are two basic principles underlying these regulations. The first principle is that foreign manpower must complement the national labour force and, before a foreigner is allowed to engage in an occupation for reward in a particular region, it must be ascertained that no national qualified to occupy the vacant position is available on the employment market (principle of complementarity).

The second principle is that any foreigner who is allowed to work in France shall benefit, as stated above, from the same conditions of employment and remuneration as a French wage-earner doing the same work in the same enterprise, or, failing that, in the same region (principle of non-discrimination).

In accordance with these principles, a foreigner may work in French territory only if he has previously been authorized to do so by the Ministry of Labour upon production of a contract of employment certified by a Ministry official before the entry into France of the worker in question.

It should nevertheless be noted that the rights of foreign workers with regard to engaging in occupations for reward increase progressively if they remain in France for a continuous period and their status continues to be in accordance with the law. Such workers eventually receive a permanent worker's card valid for all remunerative activities, which entitles the bearer to perform the remunerative activity of his choice anywhere within French territory (with the exception of only a few regulated activities whose performance is subject by law to special requirements as to qualifications and nationality). In practice the holder of such a card is assimilated to a French national.

The essential objective of the special social measures organized or promoted by the Government for the benefit of foreign workers is to enable them effectively to enjoy the equality of social rights which they have been granted. The measures that have been taken since 1969 concern the following four sectors of specific social activity: reception and information, accommodation, educational and training activity, and specialized social activity.



(a) Reception and information

During the period in question, foreign workers were mainly met by specialist organizations at arrival points (stations, ports, airports) and in the principal cities. Without belittling the value of these organizations' work, the Government has nevertheless deemed it useful to co-ordinate reception activity by establishing a national reception, information and guidance system for foreign workers and the members of their families. Reception offices will be set up early in 1974 in those départements which have a large foreign population.

As regards information, the National Immigration Office, which has sole responsibility for the entry into France of foreign workers, with the exception of categories subject to special regulations, has been distributing brochures and practical guides to foreign workers before their departure.

In addition, since 1968 foreign language information programmes have been broadcast by radio for the benefit of immigrant workers. Broadcasting time for this purpose was doubled in 1972.

All this information activity, which is expected to increase as a result of the establishment of a national reception network, is already helping and will increasingly help foreign workers effectively to enjoy the social rights which they have been granted.

(b) Accommodation

Accommodation is undoubtedly the sector in which foreign workers encounter the greatest difficulties and in which there is the greatest need for action by the public authorities. Under a programme for the elimination of unhygienic housing which has been in effect since 1970, the construction of accommodation for unmarried workers has been increased.

In the Paris area since 1968 and in several large cities since 1971, a certain quota of low-cost housing has been allocated to immigrant families.

In addition, an Act of 30 June 1973 relating to group accommodation protects foreign workers from the exploitation to which they have frequently been subjected through having to accept housing conditions which are unsatisfactory from the standpoint of health, safety and price.

(c) Educational and training activity

Since 1969, the institutions receiving Government subsidies for the purpose of providing French courses for foreigners have expanded considerably, the number of pupils reaching approximately 50,000 in 1973. Furthermore, teaching methods have been improved and should yield better results in the next few years.

Since 1971, the Act relating to further education has enabled foreigners to follow during working hours French courses and courses designed to facilitate adaptation to social and working conditions in France. Occupational pre-training activities have also been developed and are giving foreign workers an opportunity to obtain effective vocational training in the same manner as French nationals.

(d) Specialized social activity

This activity consists essentially in social work for the benefit of families to facilitate their adaptation to French life. It is the natural sequel to the elimination of unhygienic housing and is intended to enable families who have been living in shantytowns to adapt to conventional housing.

Specialized institutions undertake this social work in addition to their over-all social activity. The anticipated influx of an increasing number of foreigners from countries whose language, way of life, religion, customs, etc., differ widely from those of France will probably make it necessary to continue this specialized social activity in order to enable these workers to benefit from equality of social rights.

All the above-mentioned measures designed to enable foreigners effectively to enjoy equality of social rights are nevertheless insufficient to solve all the existing problems and difficulties obviously remain (see heading V). Because of the danger of provoking xenophobic reactions, however, it is not possible to mobilize substantial resources for the benefit of foreigners alone.

The national reception, information and guidance network for foreign workers and the members of their families should, however, play a decisive part in improving the situation of immigrants in France during the next few years.

## IN THE CULTURAL SPHERE

In the cultural sphere (writers, artists, musicians), guaranteeing the right to social security has presented certain difficulties which the Ministry has sought to solve with a view to bringing to all artists the benefits of a security which is perhaps more necessary to them than to people in other occupations.

### (a) Writers

Before the Decree of 30 March 1957 was issued, writers usually did not benefit from social security. They were then subject to an incongruous system because they were regarded as wage-earners from the standpoint of social security and as independent workers for the purpose of family allowances. For the latter purposes they paid a flat-rate quarterly contribution.

In a circular of 15 December 1969, the Centre National des Lettres, which was already paying the employer's contribution for social security, assumed responsibility for the payment of the flat-rate contributions.

This improvement in writers' conditions and in their social security system was made possible because the Centre National des Lettres has substantial resources. The State (taxpayers) pays only a small subsidy amounting to 7 per cent of the Centre's annual budget. The remainder of the resources come from special taxes (a tax of 0.25 on publishers' turnover and a tax of 0.2 per cent on royalties) and, in particular, under an act of 25 February 1956, from an assignment of public domain, which provides the Centre with about 100 million francs a year (theoretically, for 50 years, but, provisionally, for 64 years and 273 days, the royalties are paid to the heirs and then they are paid to the Centre for 15 years before the copyright runs out).

Under this novel procedure, writers whose works are read for three-quarters of a century after their death ensure some means of subsistence for other young writers who have had less success. A simplification of this procedure is, however, envisaged.

It should be noted that, outside the framework of the normal social security system and in cases of emergency, writers may obtain special assistance benefits of up to 1500 francs from the State and, in some cases, they may even receive annual pensions.

(b) Social security for artists (painters, engravers, sculptors) was instituted prior to this by an act of 26 December 1964.

Some difficulties have been encountered in the implementation of this legislation because of the particularly independent nature of artistic occupations, where real income is rather hard to determine.

It has, however, been possible to give artists, with few exceptions, the same benefits as wage-earners, particularly with regard to sickness insurance (reimbursement of medical, pharmaceutical and hospitalization costs) and maternity and death benefits, regardless of their nationality, but provided that their domicile is in France.

This scheme had 1,490 subscribers on 1 July 1969 and 2,314 on 30 June 1973. The present participation, 20 per cent of which consists of young people, is increasing mainly in the provinces. It is estimated that it will reach a ceiling of about 3,000 members. This low figure may seem surprising, but it includes the truly professional artists (who derive 50 per cent of their income from their art) and who do not subscribe to any other social security scheme (teachers, wage-earners, etc.).

For the same reason, problems are also encountered in trying to determine the exact income of retired artists because of often unforeseeable and uncontrollable developments in the artistic field.

Nevertheless, CAVAR, the Caisse d'allocations-vieillesse des arts graphiques et plastiques (Retirement Fund for the Graphic and Plastic Arts) operates most effectively and has made it possible to organize a retirement scheme for occupations which previously had none.

A re-organization is now being considered, however, with the object of making the relationship between contributions and retirement allowances more attractive and benefiting those who are in the greatest need of assistance when they retire.

(c) Under an act of 26 December 1969, performing artists<sup>\*/</sup> and mannequins now benefit from new provisions which amend the Social Security Code and require them, regardless of nationality, to be affiliated with social security system during the time they are under contract.

C. The right to an adequate standard of living

5. Right to the protection and improvement of the human environment.

A. Activities of the Ministry of Cultural Affairs in the area of urban renewal

(a) The Architecture Directorate is responsible for the promotion of contemporary architecture. It supervises the regulation and practice of the architectural profession, controls the quality of architectural plans which are executed or subsidized by the State and has supervised the construction and maintenance of municipal buildings belonging to the State. In 1971 and 1972, its principal activity in this field was the launching of an architectural research programme by CORDAA, the Comité de la Recherche et du Développement de l'Architecture (Committee for Architectural Research and Development), which carried out 17 projects.

With the assistance of the Environment Institute, basic research was undertaken to analyse architectural quality and investigate new designs, while other special activities included experimental plans for new cities.

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<sup>\*/</sup> Musical comedy actors, stage actors, choreographers, variety stage actors, understudies, musicians, singers, orchestra leaders, music arrangers and stage directors.

Architectural assistance has been provided in cities or neighbourhoods either for urban renewal (Moulins, Concarneau, Autun) or in connexion with architectural competitions (Annecy, Montauban, Sancerre).

The purpose of some of the studies made has been to increase public awareness of contemporary architectural problems and, in 1973, these studies led, inter alia, to the publication of a guide to contemporary architecture in Paris and the Paris area, which is developing rapidly.

(b) The Department of Instruction in Architecture and the Plastic Arts, which trains those who will be mainly responsible for future "built-up" areas, has undertaken activities of two kinds. Thus, in 1969, in accordance with an Economic and Social Council resolution of 28 July 1965, it facilitated access to education by reducing the number of years of university courses for architecture students from eight or ten to six (there had previously been a system of scholarships identical to the one established by the Ministry of National Education, but the number of scholarships was increased in 1971) and by improving access to the architecture degree through additional theoretical training for those already practising this profession. \*/

This Department has also been involved in a basic reform of architectural studies (regulations issued in September 1971), which will lead to a reform of the profession and improvement of the urban environment.

B. Establishment of a Ministry with specific responsibility for protection of nature and the environment

This new Ministry was established by a decree of 7 January 1971. Its authority included, inter alia, the establishment of FIANE, the Fonds d'intervention et d'action pour la nature et l'environnement (Fund for Intervention and Action in favour of Nature and the Environment). The Ministry and the Fund soon proved to be effective both in increasing the awareness of the public and the authorities and in making material contributions in sectors such as urban development, the protection of green spaces and water policies.

D. The right to the enjoyment of the highest attainable standard of physical health

Steps taken with a view to ensuring:

1. The reduction of the stillbirth rate and of infant mortality and to ensuring the healthy development of the child.

(a) Reduction of the stillbirth rate

It should be noted that the de facto stillbirth rate is the number of de facto stillbirths per 1,000 births during the period under consideration. The rate was 15.2 per 1,000 in 1965, 13.8 per 1,000 in 1969, 13.2 per 1,000 in 1970, 12.9 per 1,000 in 1971 and 12.5 per 1,000 in 1972.

The purpose of the 1970 study of perinatal mortality carried out under the RCB programme of nationalization of budget choices was to determine the measures to be

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\*/ These innovations are also relevant to paragraph II.F.2.

taken to reduce the harmful human, economic and financial effects of deaths and handicaps connected with pregnancy and childbirth. The study brought out the exclusively endogenous causes of stillbirths, which are mortality factors carried by the child at birth and which maybe acquired through the mother or at the time of delivery, while foetal-infant mortality is the result both of endogenous and exogenous causes, the latter including mortality factors encountered by the child in the environment in which he lives after birth. This distinction is interesting because, between 1950 and 1967, there was a reversal of the role of the two main causes; thus, endogenous factors were responsible for one-third of the deaths which occurred 20 years ago, one-half of the deaths which occurred 15 years ago and three-fourths of those which occurred in 1967.

It was therefore necessary to study such endogenous causes as congenital malformations, obstetrical lesions, asphyxia and prematurity. The implementation of the measures provided for in the final programme prepared as a result of this study, changes in conditions for pre-natal examinations, improvements in delivery clinics and, in particular, improvements in resuscitation techniques in operating rooms are contributing and will probably continue to contribute to the reduction of stillbirth rates. (See in this connexion the reply to question E.2. concerning the right of mothers to special care.)

(b) Reduction of infant mortality and steps to ensure the development of the child.

The decline in infant mortality in France since 1945 is the result of a number of efforts made in a variety of fields, (development of medical and social facilities, improvements in therapeutics, the health education of mothers and the raising of standards of living).

In 1946, the infant mortality rate was 77.8 per 1,000.

In 1969, it had been reduced to 18.2 per 1,000 and in 1972 to 16 per 1,000.

The almost complete eradication of nutritional diseases and the considerable decline in infectious diseases in France now make it possible to concentrate efforts on the early detection of deficiencies and maladjustments.

Among the various medical and social preventive measures taken for mothers and children since 1969, mention should be made of those defined in Act No. 70-633 of 15 July 1970 concerning the compulsory issue of health certificates after certain preventive medical examinations. This Act, as supplemented by Decrees Nos. 573-267 and 261 of 2 March 1973, requires that a medical certificate be issued after certain preventive examinations of pre-school age children. Three different examinations are made: within 8 days of birth, during the ninth months and during the twenty-fourth month, i.e. at important times in the life of the child or at what are considered key stages in his development.

Health certificates are issued either by the family doctor or by the doctor responsible for a child-protection consultation. In the first case, there is a private consultation and, in the second case, an official consultation is arranged by the local branch of the Maternal and Child Welfare Service.

These consultations are free of charge for families if they are arranged with a public health service; otherwise, 100 per cent of the cost is reimbursed by the social security system.

The certificate includes a questionnaire to which the doctor is required to reply after examining the child. The questions relate to a number of basic data and to the presence or absence of pathological factors or definite or suspected anomalies which must be confirmed or disproved by additional or specialized tests.

After preparing the certificate, the doctor must send it by confidential letter to the medical officer in charge of the département's maternal and child welfare service. This service will continue to be responsible for receiving and analysing these documents until the computer analysis system, which has begun to be used in some départements, is in general use throughout the country.

These certificates serve two purposes:

- At the département and national levels, they make it possible to obtain better statistical and epidemiological knowledge of childrens' problems to be used in planning utilization of equipment and providing personnel training that is better suited to the needs of the population; these epidemiological data also make it possible to carry out regional and international comparisons and to prepare child development standards and risk criteria;

- they permit early detection of disabling illnesses and of maladjustments calling for treatment or rehabilitation at the earliest possible stage and for particularly close supervision of affected or potentially affected children.

3. The prevention, treatment and control of epidemic, endemic, occupational and other diseases.

#### Tuberculosis control

More than one-fifth of the tubercular patients in France are foreigners, although the latter constitute no more than 7 per cent of the total population. Nearly all of the foreign patients are workers.

Immigrant foreign workers and their families enjoy the same rights as French citizens with regard to detection and prevention of the disease, care and social and occupational rehabilitation.

These workers and their families must, however, be viewed as serious risks because of the affect on them migration and the difficulties of adaptation and because of the social and economic conditions in which they live.

Special prevention and detection measures are therefore taken in the case of such workers and their families, as well as for other high-risk categories of citizens.

Some difficulties are encountered, however, in the treatment of the patients.

After the immigrant worker has received hospital treatment for tuberculosis and the bacillus has been eliminated from his sputum, he has to return to work as soon as possible. Treatment is, however, lengthy and expensive. Close supervision of the progress of the treatment requires co-operation between the specialized tuberculosis control services, the doctor in charge and, in particular, the factory doctor. Such co-operation is not, however, always easy to ensure.

Moreover, medicine is not provided free of charge to the patients. The cost to them of its purchase is, however, fully reimbursed. Patients experience considerable administrative and financial difficulties in this connexion and the competent authorities are studying ways of reducing such difficulties.

E. The right of the family, motherhood and childhood to protection and assistance

2. Right of mothers to special care and assistance, including the provisions of child care facilities adequate to permit women to pursue careers

Right of mothers to special care

A. In connexion with the right of mothers to special care, attention is drawn to the important provisions contained in the Order of 27 August 1971 concerning pre- and post-natal medical examinations designed to ensure better care for all pregnant women. This text amends the provisions relating to the manner in which the compulsory pre-natal examinations must be carried out. In particular, the compulsory lung X-ray examination is now made in the third month instead of in the sixth month of pregnancy. This examination and the further check required during the post-natal examination must not be made by radioscopy, but, rather, by radiography or radiophotography.

The most important provisions of the text relate to determination of blood group and, in particular, of the RH factor and the effects of iso-immunization. The Order also provides for measures to prevent blood group incompatibility through the use of anti-D gamma globulins.

Following a study of pre-natal care carried out in 1970 under the RCB programme of rationalization of budget choices, a complete programme for perinatal care was prepared for the entire VIth Plan. Seven measures were implemented with a view to reducing stillbirth and infant mortality rates. The purpose of several of these measures is to provide better care during pregnancy and improve delivery conditions.

The programme provides for the following measures for women whose pregnancy involves a high degree of risk:

(a) Intensification of pre-natal care through an increase in the number of consultations. Women whose pregnancy involves some risk may have the required additional and specialized examinations in hospitals - usually in regional hospital centres which have agreements with the maternal and child welfare services. Thus, that part of the cost of the examinations which is not covered by social security is assumed as part of the necessary expenditures of the maternal and child welfare services. About 20 agreements have already been concluded with about a dozen hospitals. Consideration is also to be given this year to means of taking over full responsibility for the preventive hospitalization of women with difficult pregnancies;



(b) Establishment of centres for the care of high-risk pregnancies through the grant of subsidies to hospitals for the purchase of specialized equipment for hospital departments dealing with such cases.

The Ministry has also urged regional and département officials and, in particular, the maternal and child welfare services to take various measures to ensure better protection for mothers and children. For example, it has encouraged the development of general health education by stressing the advantages of psycho-prophylactic delivery methods, the importance of pre-natal examinations, assistance for pregnant women and mothers in their homes through the hiring of home help, the importance of breast feeding and the need for particular attention to be given to immigrant families. It has also drawn the attention of the département's maternal and child welfare services to the importance of detecting toxoplasmosis and german measles in expectant mothers.

2. (b) Provision of child care facilities adequate to permit women to pursue careers.

The care of children who have not yet reached the age of compulsory school attendance and, in particular, of children below the age of 3, is a very difficult problem for working mothers.

The working mother must either make private arrangements for her child to be cared for at home, leave her child with a nurse or a baby sitter and pay the full cost of this service, or she must avail of collective services often run by private agencies or the municipality.

The following are the main types of collective establishments which provide day care for children under 3 years during the day while their mothers are working:

- Collective day nurseries which provide care in premises which meet legal requirements and operate according to very strict standards, particularly as regards their staff;

- Family-run day nurseries which provide care for children in the homes of a number of approved babysitters supervised by qualified staff engaged exclusively in this occupation. Such nurseries, which previously existed on an experimental basis, have just been officially approved and their manner of operation has been defined by regulation (Order of 22 October 1972).

There are also baby-sitting services whose purpose is to care for children between 3 months and 5 years of age during the day for a limited time and on an occasional basis. In most cases, this type of establishment can therefore not be used by working mothers.

Thus, for working mothers, the placement of children in collective or family-run day nurseries appears to be the most satisfactory solution and the demand for this type of establishment has been increasing:

- in 1968, there were 567 day nurseries with 23,572 places;

- in 1972, there were 727 day nurseries with 32,828 places, while, in December 1973, there were 727 collective day nurseries with about 40,000 places and 234 family-run day nurseries with more than 10,000 places.

There are 566 baby-sitting services with 11,350 places. As a result of efforts made in the past five years the number of places available to children whose mothers work outside the home has more than doubled, but these efforts are still not adequate to meet the demand for facilities for young children. The efforts must therefore be continued, but other types of solutions should also be sought. Studies of various kinds are now being made with this end in view.

In addition to types of institutionalized care such as collective and family-run day nurseries and baby-sitting services, there is a large, but unspecified number of nurses and baby-sitters. On 1 January 1972, there were nearly 165,000 nurses approved and supervised by the maternal and child welfare services and they care for nearly 250,000 children. It is estimated that a total of about 150,000 of the children cared for by approved nurses and baby-sitters are less than 3 years old.

Finally, account should be taken of the nursery school classes which are run by the Ministry of National Education and are attended each year by about 125,000 children under 3 years of age.

4. Right of parents to determine freely and responsibly the number and spacing of their children

The right to family planning is one of WHO's main concerns and its work has shown that the judicious spacing of births leads to better physical and mental health both for the mother and for children already born or to be born and that, in general, it contributes to the balance and harmony of the family group.

Family planning must therefore be understood in its broadest sense as meaning both birth control and the spacing of births, as well as the treatment of involuntary sterility. It is an important means of preventing maternal and infant mortality, but also, from a more positive point of view, a way of improving the quality of life.

It is in this context that the various regulations implementing the Act of 28 December 1967 concerning birth control were published. An organizational structure for the implementation of these regulations has been set up throughout the country: more than 200 information, consultation or family counselling centres filed applications for permission to operate and more than 60 family planning and education centres have now been approved. The centres carry out the following activities:

(a) Family education (problems of marital relations, involuntary sterility, motherhood, childbirth, etc.)

(b) Information on birth control methods;

(c) Consultations and measures to facilitate or control births.

In addition, Act No. 73-639 of 11 July 1973 established the Higher Council for Sex Information, Birth Control and Family Education. Decree No. 74-1 of 3 January 1974 and the Order of 26 February 1974 specified the Council's membership and method of work. Its task is to ensure liaison between the associations and agencies providing information and instruction regarding sexual problems and birth control and to support and co-ordinate their activities while respecting the beliefs of all those concerned. It carries out, commissions and organizes studies and research on sex information, birth control and, family education and provides training and refresher courses for qualified instructors. It recommends to the authorities measures to promote information for young people and adults about problems of family and sex education, birth control, adoption, the responsibility of couples, to promote sex education for young people while respecting the rights of parents and to support and promote training and refresher courses for qualified instructors in these fields.

The Council, which has 45 members, met for the first time in March 1974 and has four commissions, namely, a financial commission, an information commission, a training commission and a research commission.

## POLICY WITH REGARD TO THE ELDERLY

During the period under review, priority had to be accorded to action in favour of the elderly because of:

Urbanization and displacement;

The increase in the number of the elderly and, in particular, population forecasts concerning the number of the very old.

This action is developing along three main lines:

- (1) - To provide the elderly with an adequate, uncomplicated level of resources
  - a guaranteed social minimum for the elderly;
  - its regular adjustment;
  - deletion of reference to maintenance obligations.
- (2) - To keep the elderly in their familiar surroundings and their homes as long as possible
  - assistance with housing (housing allowance, small social dwellings);
  - assistance in the home; home helps;
  - simple and accessible facilities within the framework of gerontological action sectors;
  - 330 sectors in five years, including 86 in 1974;
  - in each, a common room, restaurant, clubs, day centres.
- (3) - To lodge and care for persons who are no longer self-sufficient
  - by providing old people's homes with adequate medical facilities;
  - by developing centres providing medical care and treatment.

## F. RIGHT TO EDUCATION

### PREAMBLE

In France, education is compulsory up to the age of 16. Families, therefore, not only have a right to education for their children; for them, education is an obligation up to that age limit.

Furthermore, there is equal access to all levels of education in accordance with the criteria indicated below.

Lastly, at all ages and at all levels, families may choose between public and private education. In public establishments, education is free and the provision of free material is gradually being extended. The State participates to a very large extent in the expenses of private establishments which have entered into contract with it. Thus, families are able to avail themselves of their right to choose between the two types of education, public or private. This right is being strengthened by a system of scholarships granted to families when their financial resources warrant.

## I. COMPULSORY EDUCATION

### (1) Right to free primary education

Elementary education, which embraces children between the ages of 6 and 11, forms part of compulsory schooling. Entry to public education is therefore a legal right.

In principle, the child must attend the elementary school of the place in which he lives.

### (2) Right to post-elementary school education

Following elementary education, secondary education is available to all children, except handicapped children, who are catered for by special schools.

Up to the age of 16, a child is obliged to follow one of the forms of secondary education; the conditions in which parents exercise their right of choice are described in section III.

After the age of 16, the child may continue secondary education (general or technical) depending on his ability and aspirations.

## II. RIGHT TO EQUAL ACCESS TO HIGHER EDUCATION

The principle of equal access to higher education, including technical, vocational and professional education on the basis of capacity or merit is enshrined in the law. The condition for access is the baccalauréat, a diploma issued upon completion of secondary studies. A certain number of students who have not passed the baccalauréat may also be admitted after passing an examination.

Enrolments in higher technical sections increased from 19,853 students in 1966 to 22,105 in 1972. At the same time, the number of students in university technological institutes increased from 1,678 in 1966 to 35,422 in 1972. These figures relate only to the gross increase, which is not very meaningful in itself.

Equality of access to higher education is not strictly a pedagogical but essentially a socio-economic problem. In this respect, the percentage trend of students classified by socio-vocational family origin compared with the active labour force classified by socio-vocational category would reveal much more about the rate of democratization of higher education than the figures referred to above.

The objectives department conducted a detailed survey on this question which yielded the following results concerning the social origin of the first-year intake

into higher technical sections; unfortunately, no comparison was drawn with corresponding aggregates of the economically active population:

Socio-vocational category of head of family	Percentage of first-year intake in the academic year 1972
Farmer	9.3 %
Agricultural workers	0.9 %
Employer in industry or commerce	9.2 %
Professional	4.5 %
Executive	7.8 %
Administrative staff	7.1 %
Employee	21.2 %
Worker	17.9 %
Others	12.1 %
	<hr/> 100.0 %

Moreover, an important factor in equality of access to education is the allocation of scholarships to pupils in these sections. A recent document of the Central Statistical and Survey Service estimates the number of students holding scholarships in the 1972-1973 academic year at 7,998 in public sections and 603 in private sections, or approximately just over one-third of total enrolment in the higher technical sections.

### III. RIGHT OF PARENTS TO CHOOSE THE KIND OF EDUCATION THAT SHALL BE GIVEN TO THEIR CHILDREN

#### (1) Admission to the first stage of secondary education

The procedures for such admission are laid down by the Order of 10 March 1972.

The pupil's admission is decided upon by a first-stage admissions board on the basis of a file in which are noted, inter alia, the family's wishes concerning the type of teaching, the modern language to be studied and the system desired (boarding school, day school, midday meal).

At the end of the school year, the board decides whether the pupil is to be admitted or kept in the elementary school. If the latter, the family may appeal and request that the pupil sit an examination.

The board also expresses an opinion on the type of education recommended.

At the beginning of the school year, the head of the school divides the children into classes on the basis of the board's advice. At the end of the first term, the class council expresses an opinion on any section changes necessary, including views on requests made by the families.

#### (2) Regulation of the 1959 educational reform at the level of the first stage of secondary education

The Decree of 6 January 1959 and the Order of 2 June 1960 (amended) stipulate families' rights in the matter of orientation at first-stage level (class 6 to class 3).

In any case, families are invited to express their wishes concerning the types of education desired. These wishes are first examined by the class council and then submitted to an orientation council. This council is composed, inter alia, of all the main teachers of the given class level, the orientation counsellor, the school doctor and the school welfare-worker.

"If the family follows the orientation council's advice, the pupil is fully entitled to enter the type of education recommended without further enquiry .... If the family feels it would prefer a type of education not recommended by the orientation council, the pupil shall sit an entrance examination".

(Article 23 of the Order of 2 June 1960)

(3) Regulations established by the new orientation procedures

New orientation procedures for the first stage of secondary education and the second stage are laid down in the Decree and Order of 12 February 1973.

These procedures are being applied in twenty départements during the present school year (1973-1974).

As under the previous system, an orientation recommendation is made by the class council, which is apprised of the family's wishes.

"If the class council's proposal is in conformity with the wishes of the family or accepted by the family, it shall be equivalent to an orientation decision.... If not, the reasons given by the class council shall be brought to the attention of the family which may discuss them with the principal or the head teacher and, if it so wishes, with the director of the establishment or his representative".

(Article 8 of the Order)

"In the case of continuing disagreement, the family may choose between two courses of action:

- recourse to the arbitration of the appeals board provided for in article 7 of the present Decree; or
- a request that the pupil sit an examination held by the school inspector. The orientation decision shall then be determined by the results of the examination.

However, if the proposal is that the pupil should repeat the year, the family may only resort to arbitration by the appeals board".

(Article 6 of the Decree)

It should be noted, however, that the orientation decision applies only to the "types of education" defined in article 7 of the order. Only families can appeal against it.

(4) Regulations at the second stage of secondary education

The Order of 12 June 1953 is still valid:

- for classes 2 and 1 and the last year class in départements which are not yet applying the new orientation procedures;
- for class 1 and the last year class in départements which are applying the new procedures.

It provides that the end-of-year decisions shall be taken by the director of the establishment on the proposal of the class council.

"The class council shall propose:

- either that the pupil be admitted to the next higher class;
- or that, the pupil should sit a promotion examination at the beginning of the October term, in accordance with the provisions of article 3 of this Order;
- or that the pupil should be asked to repeat the class in which he was during the previous school year;
- or that the pupil's family should be asked to direct him along other lines".

(Article 2 of the Order of 12 June 1953)

(5) Maladjusted children

Measures are proposed by the competent medical-pedagogic boards, but families remain free to make their own decisions.

Development of musical studies

(a) Although it is difficult to classify this innovation precisely in a paragraph under the present heading, mention should be made of the introduction (at the request of the Ministry of Cultural Affairs), by the Decree of 25 November 1972, of the Baccalauréat in musical studies. This approach facilitates musical studies and the recruitment of musicians because it eliminates the grave risk inherent in premature and, in the circumstances, essential specialization. If he is not sufficiently gifted to pursue his musical career, a person holding this diploma may turn to other fields without losing time; while qualifying him particularly for music, his diploma also qualifies him for other university studies, in both the arts and sciences. Since the 1972-1973 school year, 4,000 children have taken this type of education.

(b) There has been a sharp expansion in musical education proper. In 1968, there were 45 State-controlled establishments teaching music and 74 in 1973 (16 regional conservatories of music, 41 national and 16 municipal second-stage schools and the Higher National Conservatory).

G. RIGHT TO PARTICIPATE FREELY IN CULTURAL LIFE

Generally speaking, the main difficulty in the way of exercise of this right seems to occur at the start of an artistic career, or at the beginning of a cultural innovation. It is, therefore, in order to facilitate the development of a talent or the start-up of a cultural enterprise that various important new institutions have been founded.

(a) The Cultural Action Fund (FIC) whose inter-ministerial character and financing have already been referred to (under heading I), provides non-renewable, multiplier-effect assistance to launch interesting ventures that could not be undertaken without outside support.

Established in 1971, FIC had, by 30 June 1973, participated in the financing of 162 experimental projects to which it had provided support amounting to 28 million French francs, out of a total expenditure of 112 million francs, in four main sectors, namely, introduction to the arts (in the school context), new forms of cultural promotion, use of audio-visual techniques for cultural purposes, and improvement of the quality of life (urban and rural).

(b) Assistance to first exhibitions (granted by an advisory board established in June 1971) is only one of the means used by the Creative Arts Service during this period to draw the attention of the Parisian and provincial public to interesting works which would not have become known without its aid.

During this period there were 38 exhibitions (for the most part travelling exhibitions) by able artists who, because of their temperament or for other reasons, were unable to avail themselves of the normal commercial channels.

(c) Assistance to creative work in drama and music is not a novelty but it was greatly expanded during the period under review and developed new forms.

2. Right to the protection of the moral and material interests arising out of scientific, literary or artistic work.

(a) Copyright

Reference should be made to heading II, paragraphs (a) and (b) which constitute the most significant changes in the protection scheme for the creative.

(b) National Literary Centre

It should be noted that on 14 June 1973 the former Literary Fund was transformed into the National Literary Centre, with new functions which mark an important departure in the matter of protection of the material and moral interests of writers.

The Centre is responsible not only for ensuring respect for literary works (irrespective of their country of origin) after the author's death, granting pensions and assistance and promoting new editions, and new literary works, but also for implementing measures to assist creative work and for applying all the social or economic provisions in favour of writers.



IV. ACTION WITH A VIEW TO ENSURING THAT THE RIGHTS REFERRED TO UNDER III ABOVE ARE ENJOYED BY INCREASING NUMBERS OF THE POPULATION AND WITHOUT DISTINCTION OF ANY KIND, SUCH AS RACE, COLOUR, SEX, LANGUAGE, RELIGION, POLITICAL OR OTHER OPINION, NATIONAL OR SOCIAL ORIGIN, PROPERTY, BIRTH OR OTHER STATUS

A. In France, the obstacle to real equality of access to culture does not lie in distinctions of race, opinion, etc., as envisaged in the title to this section, but essentially - as in many other countries - in de facto difficulties and, above all, in the distances which separate the consumers of culture from the producers.

This de facto inequality has been attacked on two fronts:

(a) During the period under review, the authorities of the Ministry of Cultural Affairs realized that with the increase in the number of television receivers it would soon be possible (as from 1973) to reach the majority of Frenchmen. In order more effectively to improve and increase the cultural content of television broadcasts, they signed a charter with ORTF, the French television service, on 26 March 1971. The results have been mentioned in section I.

(b) Within the context of the broad decentralization policy applied to the national administration as a whole, regionalization of the administration of cultural affairs was definitely strengthened during the period under review.

There was already, for each region, an official of one of the Ministry's departments (architecture, archives, etc.), who, in addition to his normal functions, acted as permanent correspondent of the Minister of Cultural Affairs.

From 1969, the need became felt to appoint for this purpose officials having no other technical tasks to perform. Three experiments were undertaken in preparation for the introduction of regional cultural affairs directors responsible for advising the prefects, promoting cultural activities and co-ordinating the local services of the Ministry of Cultural Affairs. Although the status and functions of these new officials was not defined in detail so as to enable the experience gained during the experimental period to be put to best advantage, two regional directors' offices were established in 1972 and provision made for three others in the 1973 budget.

B. It is a fact that application of this principle of decentralization has helped to increase the number of persons benefiting from culture both as consumers and as producers.

In section I we have given the quantified results, often spectacular, of this action; details of some of its essential aspects must now be given.

(a) Decentralization of drama

Prior to the period under review, the decentralization of drama was characterized by the systematic establishment of permanent professional theatrical companies in the provincial towns.

There are thus 19 national dramatic centres which, during the 1972-1973 season, put on approximately 3,000 theatrical performances attended by 1,100,000 spectators and 700 various shows attended by 300,000 spectators (approximately as many as in 1969-1970).

The Decree of 2 October 1972 instituted the drama decentralization contract procedure defining the rights and obligations of the State and each dramatic centre. Under this contract, directors are assured of a basic subsidy for three years provided that during this period they put on a given number of new dramatic productions which are performed a specified minimum number of times and engage in theatrical creation, publicity and promotion in a particular region.

As a result of these subsidies, theatre tickets can be reduced to a level 20 per cent below that of the average price of a cinema ticket thereby creating a considerable outlet for new plays.

One of the most spectacular decentralization measures was the transfer of the Théâtre National Populaire du Palais de Chaillot in 1972, to the provinces under conditions which made it a truly national and popular theatre; now based at Villeurbanne, its activities cover the whole national territory and are aimed at making cultural treasures accessible to all social categories of the population.

Lastly, the policy initiated by Mr. Malraux of setting up houses of culture is being continued and diversified, not only in the large towns but also and above all in medium-sized towns, and in new towns and small centres equipped with facilities adapted to their needs and means. In 1971, the houses of culture at Châlon-sur-Saône and Nevers were inaugurated and three projects, for Angers, Créteil and Nanterre, were investigated. Work was started at Créteil in January 1973. Research on the Havre, d'Aubervilliers and Bobigny projects has been actively pursued. Plans are being worked out for houses of culture at La Rochelle and at Ajaccio (with branches at Bastia, Corte, Propriano and Sartene) and, more modestly, at Papeete (houses of culture combined with a youth centre built in 1973) and at La Martinique where a preliminary survey mission was initiated in 1972.

Cultural promotion centres, which are less complex than houses of culture and adapted to the needs of towns of 30,000 to 60,000 inhabitants, have been established in medium-sized towns. In 1972 and 1973, ten such promotion centres (Mâcon, Orleans, Blois, Saint-Brieuc, etc.) were added to the 18 previously in existence.

Along with these, two new types of activities are taking shape, namely, integrated facilities and simpler cultural facilities. The first serve the purpose of no longer separating educative, social, sports and cultural functions in such new towns as Cergy-Pontoise, Evry and Eincourt-Maurepas. The second meet the needs of medium-sized towns which want to equip themselves with all-purpose facilities appropriate to their needs and means.

A new institution established at the end of 1972, the Cultural Action Bureau, has the general task of providing assistance to communes and even associations.

(b) The ten-year music plan

In 1969, the Department of Music initiated a cultural decentralization plan aimed at expanding musical activities very considerably. Early results are convincing.

The plan is being implemented by regional officials, namely, the regional music officers, five of whom had assumed their functions in 1973 (this number will increase to 25); the number of professional orchestras is to increase from 17 to 71 (36 in 1974).

The number of State-controlled music education establishments rose from 45 (including the Higher National Conservatory at Paris) in 1968 to 74 in 1973.

The Department of Music is already assisting more than 1,000 choral societies, 11 municipal light opera houses, two regional operas and eight independent light opera houses. In 1973, it assisted 82 festivals and 18 choreographic troupes apart from numerous associations.

In 1971, music benefited from appropriations for equipment (10.7 million francs) for the first time; they increased to 17.7 million in 1972 and 26 million in 1973, and were spent on important institutions (Regional Conservatory at Grenoble, National School of Music at Montreuil) and on the improvement of concert halls in 25 provincial towns.

Since 1973, a travel fund has been promoting the cultural influence of orchestras and troupes in expanding their audiences by assuming travel costs and financing radio and television broadcasts.

The aim is to create a really active musical life not only at primary school but at all levels of schooling "without distinction as to social status or occupation".

This is certainly one of the most important of profound transformations in French culture. The astonishing results already obtained encourage the thought that this ambitious goal will be attained.

V. DIFFICULTIES EXPERIENCED IN ENSURING THE ENJOYMENT OF THE RIGHTS REFERRED TO UNDER III ABOVE, AND METHODS AND MEASURES APPLIED TO OVERCOME SUCH DIFFICULTIES

(a) Each advance towards improvement in the exercise of the right to culture has quite naturally encountered difficulties attributable to routine habits, conflicting interests or more simply the very nature of things.

These difficulties were indicated under each of the preceding headings describing new achievements (for example in the section on the extension of social security to intermittent and independent workers such as artists). In order to avoid repetition, reference should be made to sections concerned.

(b) Nevertheless, it seemed appropriate to refer here to what is currently one of the most acute problems resulting from deep differences in the co-existent and divergent ideas concerning the relationship between morals and freedom.

The maintenance of an official censorship of public entertainment (particularly of films) periodically give rises to serious clashes of opinion.

During the period under consideration, the control of films in France was progressively liberalized. This liberalization has been held responsible, in the press and even in the National Assembly, for the invasion of pornography and violence into the film industry.

The attitude of successive Ministers of Culture, who have all been questioned in parliament on this subject, has been remarkably consistent and may be defined as follows: the role of the community is not to take the place of the conscience and free will of

the adult, but to put him on his guard. On the other hand, with respect to adolescents, whose experience and judgment are still developing, the community retains a protective duty. The prohibition of minors from certain shows serves to fulfil this protective role and at the same time that of access to information for adults.

According to detractors, such an attitude accorded everyone (even adults) a trust not warranted by reality and harboured real social dangers. It is, however, the only attitude which would appear to be compatible with the philosophical principles of the Universal Declaration of Human Rights.