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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC,
SOCIAL AND CULTURAL RIGHTS

Reports submitted in accordance with Council resolution 1988 (LX)
by States Parties to the Covenant, concerning rights covered by
articles 13 to 15

Addendum

FRANCE

[15 June 1984]

ARTICLE 13: RIGHT TO EDUCATION

A. Principal instruments relevant to the right of everyone to education

1. The Preamble to the Constitution of 4 October 1958 refers to the Preamble to the Constitution of 27 October 1946 which states that: "The nation guarantees equal access of children and adults to education, professional training and culture. The establishment of free, secular, public education on all levels is a duty of the State".

2. Furthermore, various instruments have enabled every person since the nineteenth century to exercise the right to education:

The Act of 15 March 1850 on the freedom of secondary education;

The Act of 12 July 1875 on the freedom of higher education;

The Act of 16 June 1881 on free primary education;

The Acts of 16 July 1881, 28 March 1882 and 30 October 1886 on the freedom of primary education;

The Act of 28 March 1882 on compulsory education (supplemented by the Act of 11 August 1936 and the Ordinance of 6 January 1959);

The Act of 25 July 1919 on technical education;

The Act of 31 December 1959 on relations between the State and private educational establishments, as amended and supplemented by the Acts of 1 June 1971 and 25 November 1977 concerning freedom of education;

The Act of 1 July 1972 on anti-racism;

The Act of 11 July 1975 on reform of the educational system.

B. Measures taken to promote the full realization of the rights of everyone to education

3. On this matter, the Government of the French Republic refers to the French reply, dated 7 December 1981, to the UNESCO questionnaire on the implementation of its Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms of 19 November 1974.

4. As for the guarantee that the rights proclaimed in Article 13 of the United Nations Charter will be exercised without any discrimination based on race, colour, sex (covering equal rights for men and women), language, religion, political or any other opinion, national or social origin, wealth, birth or any other situation, the Government of the French Republic refers to:

(a) The report submitted by it to UNESCO in December 1982 on implementation of the Convention against Discrimination in Education of 14 December 1960;

(b) The sixth regular report submitted by France to the Committee on the Elimination of Racial Discrimination, on legislative, judicial, administrative and other measures to implement the provisions of the International Convention on the Elimination of all forms of Racial Discrimination of 7 March 1966.

C. Right to primary education

5. Education for children from six to 13 years of age has been compulsory in France since promulgation of the Act of 28 March 1882; the leaving age was raised to 14 in 1936, and to 16 by the Ordinance of 6 January 1959.

6. Since 1833, each commune has been obliged to maintain a primary school; since then the facilities for education have been made available to all children.

7. For more than a century various measures have been adopted to provide primary education to deprived groups of children:

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(a) By organizing special teaching and adjustment courses for physically or mentally handicapped children;

(b) By introducing initiation courses for non-French-speaking children of immigrants.

8. Free primary education was introduced under the Act of 16 June 1881. Children from the age of six years can therefore receive primary education entirely free of charge in public schools open to all children.

9. Measures have been adopted to ensure that primary education is free of charge: school transport, school meals and invigilation of work have been organized everywhere to promote school attendance. Moreover, school books and equipment are provided free of charge and schooling therefore involves no outlay for the families of primary schoolchildren.

Statistics

10. In 1981/1982, 6,157,000 children were enrolled at the pre-elementary and elementary levels in metropolitan France and the overseas departments. It is noteworthy that all children aged four and five and 90.2 per cent of the three-year-olds were receiving pre-school education.

D. Right to secondary education

11. As mentioned in paragraph 5 above, the Ordinance of 6 January 1959, which entered into force in 1967, raised the school-leaving age to 16. This was a decisive step towards making secondary education universal in France.

12. Now that school attendance is compulsory for ten years (ages six to sixteen), all children leaving primary school (normally after five years) must receive secondary education.

First cycle

13. Since the Act of 11 July 1975, first-cycle secondary education has been standard for all children who thus enjoy greater equality of opportunity. This secondary core education is based on principles that are standard for all schools and is provided by educational establishments of a single type - the collèges - whose teaching, administrative and financial structures are patterned on a single model.

14. Moreover, pupils are grouped indiscriminately (i.e., not by educational level) in so-called "non-differentiated" classes whose size has also been reduced in the interest of more efficient instruction.

15. In addition, the new timetables and curricula introduced under the 1975 reform are based on a more rational balance between intellectual, artistic, manual and sports disciplines and on modernized teaching methods.

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16. In order to ensure greater equality of opportunity, special teaching assistance has to be provided to children who are experiencing difficulties at school. Thus, in addition to the "non-differentiated" classes, special assistance is also provided in French or mathematics and in modern languages. In the sixth and fifth classes, where the mix of pupils is greatest, one hour per week is allotted for assistance of this kind in each of the three disciplines mentioned. In the fourth and third classes, assistance has to be provided in the form of selective instruction during the hours allotted for these disciplines.

17. More recently "priority areas of education" were established to tailor teaching methods more closely to existing needs, and more specific measures were adopted for the colléges.

18. Concurrently with the provision of special assistance, pupils who show special abilities may be advised by their teachers to undertake more advanced work (research, exercises, reading, etc.), which gives them experience in independent study.

19. Statistics: 3,264,000 pupils (public and private schools) were enrolled in the first cycle of secondary education in 1981/82 (metropolitan France and overseas departments).

Second cycle

20. Although not compulsory, the second cycle of secondary education is generally open to all strata of the population.

21. In the general education lycées, steps have been taken to enrol pupils on the basis of equal opportunity:

- (a) The second class has become a class for selecting a specialization;
- (b) The curricula for the first class accord the same status to all streams.

22. Statistics: in 1981/82, there were 1,135,000 students in the long second cycle in metropolitan France and the overseas departments (public and private establishments).

Technical and vocational secondary education

23. The purpose of this education is twofold: to initiate students into the technical and vocational world and to provide them with basic vocational training.

24. Pupils are initiated into the technical and vocational world in two stages:

- (a) Handcrafts (since the school year 1977/78) designed to give pupils, beginning with the sixth class, an introduction to technology, to help them develop their intelligence in conjunction with practical work and to familiarize them with manual skills;

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(b) Technological courses, beginning with the fourth class, are designed to expand the material covered in handcrafts, to impart more detailed knowledge on the technological environment and to give pupils selecting these subjects a better understanding of the possibilities open to them after the third class.

25. In addition, as part of their compulsory schooling, young people of at least 14 years of age may, if they wish, receive basic pre-vocational training in the pre-vocational classes (CPPN) and in the preparation-for-apprenticeship classes (CPA).

26. Pupils attending CPPN classes full time consolidate and expand their basic knowledge and prepare themselves for the eventual choice of a trade through shop training and instructional visits to plants, which enable them to explore several branches of skills.

27. In the CPA classes, pupils receive two types of education alternately: they attend classes (in the collèges, vocational education lycées (LEPs) or accelerated training courses) designed to improve their general knowledge, and they receive in-plant training as part of their vocational training in preparation for subsequent apprenticeships.

28. Since 1981, family consent has been required for students selecting these classes which will so far as possible be incorporated into the LEPs.

29. It is therefore the LEPs which are destined to become the special link between technical and vocational training by providing both basic secondary education and job-related skills.

30. Number of students: in 1981/82, enrolment in the short vocational second cycle, available in the LEPs and to a lesser extent in the vocational sections still existing in lycées and collèges, was 817,000 pupils (metropolitan France and overseas departments).

Free secondary education

31. The first cycle of secondary education has been free in public educational institutions since 1930.

32. Educational materials for collective use in the classroom are made available to pupils free of charge; families are responsible only for individual school supplies.

33. However, in 1975, under the reform of the educational system (Act of 11 July 1975) the Government decided to increase its financial assistance by lending textbooks but not other supplies (notebooks, pencils, paper) to pupils free of charge.

34. This decision entered into force at the beginning of the school year 1977 for pupils in the sixth class and has been gradually extended each year, by class, to

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cover all first-cycle pupils. The establishment of textbook collections for all collèges was completed by the end of the school year 1980/81.

35. As from 1981 a single allocation has been made to each institution for the maintenance and renewal of collections acquired over recent years.

E. Right to higher education

Access to higher education

36. There are two types of higher education in France:

(a) Education provided by the grandes écoles, to which admission is by competitive examination generally after one or two years of preparatory studies which may be pursued in the lycées;

(b) Education provided by universities which admit students on the basis of qualifications: the first year of the first cycle is open to holders of the baccalauréat, a certificate awarded on the completion of classical, modern or technological secondary studies.

37. However, some choice has been introduced in certain university-level programmes: there now exist university technological institutes, political science institutes, and programmes for the maîtrise in science and technology and in administrative sciences. This also holds true for medical studies, for which the number of hospital posts available to students each year, beginning in their fourth year, is established by ministerial order. It is thus possible to determine the number who will be selected at the end of the first year.

38. Student enrolments were the following for 1980/81:

Universities: 809,000 (including the Centre universitaire des Antilles et de la Guyane and the Université de la Réunion);

University technological institutes: 53,000;

Grandes écoles: 34,000.

39. Steps have also been taken to assist certain categories of students in gaining admission to higher education:

(a) Preparatory classes for the grandes écoles have been opened to holders of technological baccalauréats;

(b) Tutorial courses and classes are being held in the evening to help students with jobs to enter the university.

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Assistance for students in higher education

40. Public higher education is free, but a small enrolment fee is charged each year.

41. There are many exemptions; in addition, French Government scholarships are available to both French and foreign students.

42. Assistance to students may be classified under three headings, as follows:

(a) Non-selective financial assistance: this includes student social insurance, available to students under 26 years of age, and university refectories part of whose operating costs are borne by the State;

(b) Assistance based on social criteria: this comprises, first scholarships awarded on the basis of the financial resources of the student's family and examination results and, second, university hostel accommodation which depends on the parents' resources and on the distance of the student's home from the university;

(c) Assistance based on university criteria: third-cycle and agrégation scholarships are awarded to students in science, law and economics.

F. Right to fundamental education

43. On this subject, the Government of the French Republic refers to the report, submitted by France to UNESCO in December 1982, on the implementation of the Convention against Discrimination in Education.

G. Development of a system of schools

44. The following statistics are for the school year 1981/82.

Primary education

Number of public nursery schools:	16,285
Number of public nursery classes:	60,796
Number of public elementary schools:	45,089
Number of public elementary classes:	176,100

Secondary education

7,456 public secondary establishments, including:

- 4,903 collèges,
- 1,198 lycées,
- 1,355 lycées for vocational education.

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Special education

First cycle:

118 special education schools,
9,271 special education classes.

Second cycle:

81 national special schools (extension courses),
1,647 specialized education units and groups of workshop classes.

45. Lastly, the breakdown of allocations for education is as follows (1976 figures):

	<u>Billion francs</u>
Teaching activities	82.6
General administration	1.6
Counselling	0.3
School meals, boarding	10.8
School health services	0.3
Research on education	0.2
University libraries	0.2
Remuneration of staff under training	2.0
School transport	1.5
School books and supplies	3.5
School clothing and recreation	<u>1.4</u>
Total	104.4

46. In 1982, the national education budget amounted to 124.8 billion francs.

H. Establishment of an adequate scholarships system

47. Assistance is given to families, depending on their financial situation, so that all children may have access to education.

48. National, departmental or local scholarships may be awarded to secondary school pupils.

49. Higher education scholarships may be awarded to students.

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Departmental and local grants

50. The basic instruments dealing with departmental scholarships are the Departmental Organization Act of 10 August 1871 and the Decree on the awarding of scholarships in lycées and collèges of 19 January 1881.

51. Departmental scholarships are awarded by the departmental councils to pupils in the first year of secondary education for the duration of the secondary cycle. Before taking a decision, and unless a competitive or examination procedure is provided, these councils must obtain a reasoned opinion from the principal of the establishment concerned.

52. The basic instruments dealing with local scholarships are the Decree on the awarding of scholarships in lycées and collèges of 19 January 1881, and the Decree on City of Paris scholarships of 16 February 1903.

53. The recipients of local scholarships are selected by the relevant municipal council with the Prefect's approval.

54. The family situation of applicants for departmental and local scholarships must be such as to justify their receiving assistance from the relevant local authorities and they must demonstrate adequate scholastic ability.

55. Scholarships are awarded for both public and private education.

National scholarships

56. The basic instruments dealing with national scholarships are the Act of 21 September 1951 authorizing appropriations for scholarships to students at public or private educational institutions; a public administrative regulation (Decree of 2 January 1959) indicates how this Act is to be applied.

57. These national scholarships may be awarded to secondary-school students who are nationals of France or of the French community and are beginning, or continuing, their studies in a private or public establishment in metropolitan France or the overseas departments. Children of foreign nationality are eligible for national scholarships on the same basis if their families live in metropolitan France or the overseas departments.

58. Students attending classes to prepare themselves for the grandes écoles and those in secondary technical education may also receive scholarships.

59. Scholarships are awarded only to students whose families or personal resources have been deemed inadequate and whose ability has been established.

60. Basing himself on the report of the superintendent of schools and the advice of the departmental school board, the rector of the relevant academy approves or rejects the applicants.

61. An order of 16 December 1964 provides for compensatory education scholarships for students who have particular learning difficulties and have to be placed in

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specialized educational establishments or who receive extension education for facilitating and accelerating their adjustment to the educational system.

Higher education scholarships

62. There are various administrative instruments dealing with this subject: Decrees of 18 January 1887, 6 August 1895, 4 August 1903 and 9 January 1925.

63. Higher education scholarships are awarded by academy rectors, after consulting regional scholarship boards, to the categories of students specified in the Decree of 26 May 1954 (art. 1; for those not in these categories, the Minister of National Education is the competent authority). (For the rates, see table 1.)

64. Scholarships are awarded to assist families that do not have sufficient resources to enable their children to begin or continue their higher education, but applications for scholarships are also screened in respect of the proposed university studies (level, diploma, institution).

65. A student receiving a scholarship may receive remuneration or an allowance concurrently with the scholarship, but this privilege may be limited.

66. Special scholarships (see table 2) may also be awarded on the basis of university performance and studies completed. They differ from higher education scholarships in that they are awarded on a quota basis and at fixed rates. There are three categories of such scholarships:

- (a) Agrégation scholarships;
- (b) Scholarships for study during the first year of the third cycle;
- (c) So-called public service scholarships, awarded to applicants who undertake to enter State service;
 - (i) Applicants enrolled in a centre for training in public administration;
 - (ii) Applicants for sitting the external examination for admission to the Ecole nationale de la magistrature who are attending a law studies centre;
 - (iii) Applicants for sitting the external examination for admission to the Ecole nationale d'administration who are attending a political studies institute.

67. Licence scholarships may also be awarded to applicants authorized to sit the examination for admission to an Ecole normale supérieure.

68. The State also awards scholarships to students from the overseas departments and territories and to those whose families live abroad.

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Table 1. Rates for higher education scholarships in force since 1 October 1982

(Scholarships based on social criteria)

	Normal rate	Rate after national service
	(francs)	
<u>Reduced-Rate scholarships</u>		
Grade 3	2 646	3 510
Grade 2	3 510'	4 374
Grade 1	4 374	5 238
<u>Full-rate scholarships</u>		
Step 1	5 238	5 994
Step 2	5 994	6 732
Step 3	6 732	7 488
Step 4	7 488	8 226
Step 5	8 226	9 144
Step 6	9 144	9 846
Step 6 bis a/	9 846	10 584

a/ Maximum rates for higher education scholarships based on social criteria.

Table 2. Rates for steps of higher education scholarships, in force since 1 October 1982

(Special scholarships)

	Normal rate	Rate after national service a/
	(francs)	
Public service scholarships	9 144	9 846
Study grants for first year of the third cycle	9 846	10 584
<u>Agrégation</u> scholarships	10 584	11 322

a/ Students holding licence or special scholarships are entitled to specific rates in the year of their return from national service on the same terms as for scholarships based on social criteria.

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69. Lastly, students or self-employed persons who are carrying out research may apply to the Rector's office of their university for an honorary loan. This loan is granted for one year only and the recipient must undertake to repay it not later than 10 years after he obtains the desired degree or qualification or has completed the relevant work.

I. Improvement of the material conditions of teaching staff

70. The following instruments deal with the status of teaching staff:

The Act of 30 December 1921 (the Roustan Act) on the reconciliation of spouses;

The Decree of 25 November 1923 setting forth the qualifications required for officials to benefit under the Roustan Act;

The Act of 21 July 1925 on the application of the Roustan Act to members of the public education system;

The Act of 19 June 1970 on half-time work;

The Act of 23 December 1980 on part-time work;

The Order of 31 March 1982 on the separation from service of civil servants and employees of the State and of public State establishments of an administrative nature;

The Decree of 28 May 1982 on the exercise of trade-union rights in the civil service.

71. There are also regulations presenting the weekly amount of work to be done by teaching staff and the possibilities of part-time work open to them.

72. The Government of the French Republic also refers to the report, submitted by France within the framework of UNESCO and ILO in December 1981, on the status of teaching staff.

J. Right to choice of school

Instruments concerning the freedom of education

73. The Constitution of 4 October 1958 refers to the Preamble to the Constitution of 27 October 1946 which provides that the organization of public, free and secular education at all levels is a duty of the State.

74. The fact that the State has an obligation to organize a public educational system does not mean that it has a monopoly in this respect. Education may therefore be provided, outside the State schools, in private establishments or even in the family.

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75. This freedom of education was affirmed and regulated in the following laws enacted in the second half of the nineteenth century:

The Act of 15 March 1850, known as the "Falloux Act", on secondary education;

The Act of 12 July 1875 on higher education;

The Acts of 16 July 1881, 28 March 1882 and 30 October 1886 on primary education;

The Act of 25 July 1919, known as the "Astier Act", which constitutes the charter of technical education.

76. The State also provides financial assistance for private education. The procedure for such assistance is governed by the Act of 31 December 1959 on relations between the State and private educational establishments, as amended and supplemented by the Acts of 1 June 1971 and 25 November 1977.

77. The Act of 31 December 1959, known as the "Debré Act", gave the establishments the possibility of entering into a contract of association or a simple contract with the State.

78. The contract of association states that the salaries of teaching staff shall be paid by the State according to the standards of qualification and of executive duties in force in public educational establishments, as well as an operational allowance for day-school expenses only, called the "lump sum".

79. In the simple contract, only the salaries of the teachers and related charges are paid by the State.

80. The Act of 1971, known as the "Pompidou Act", extended the simple contract, which had been proposed for a trial period by the Debré Act; it made the contract of association compulsory for all secondary establishments as from 1980.

81. The situation of schools under contract was further improved by the Act of 25 November 1977, known as the "Guermeur Act", which extended to the teaching staff of these schools the career advantages of the full-time teaching staff of the national educational system and granted them equivalent financial resources for their initial and continuing training.

Instruments concerning the freedom of religion in education

82. The education provided in public institutions is secular and neutral from the political, ideological and religious stand points. However, parents who wish to do so may request that their children be given a religious education of their choice.

83. In fact, article 1 of the Act of 31 December 1959 on relations between the State and private educational establishments provides that the State shall "take all the necessary steps to ensure freedom of worship and religious instruction for pupils in public schools".

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84. The rules applicable to this subject are set forth in the Decree of 22 April 1960 concerning religious education and religious services in public educational institutions, and in various circulars.

85. It should also be noted that timetables may be drawn up by school principals only after effective consultation with the various authorities concerned, including in particular the religious authorities. In cases where no agreement on the use of school time has been concluded, a circular of 10 October 1979 provides that, for pupils in the sixth and fifth classes, Wednesday shall be left completely free to enable them to attend courses of religious instruction.

Liberty to establish and direct educational institutions

86. The principle of the freedom to establish and direct private educational establishments of various kinds is affirmed in France in the following fundamental laws:

The Act of 15 March 1850, known as the "Falloux Act", on secondary general education;

The Act of 12 July 1875 on freedom of higher education;

The Act of 30 October 1886 concerning elementary education and kindergartens;

The Act of 25 July 1919, known as the "Astier Act", on technical education.

87. These laws provide that individuals or private corporations shall be entitled to establish and maintain private educational establishments, and shall, for the exercise of this right, be required to submit a prior declaration accompanied by a number of documents stating the type of education to be given, the name of the principal and, where appropriate, the names of the teaching staff. The competent public authorities have a fixed period in which to consider and, if they wish, to oppose the opening of such a school. The application may be opposed for reasons which are enumerated restrictively in the law and are based on considerations of morality, safety and health.

88. Where an application is opposed by the public authorities, the decision shall be taken by a specialized jurisdictional authority having competence in the educational district or département, depending on the level of education concerned. An appeal may be made to the Higher Council of National Education.

89. In addition, the same laws provide that any person who satisfies the requirements of good moral conduct, age, nationality, status and seniority in the teaching profession may be appointed principal of such an establishment. The principal, who under the terms of most of the above-mentioned laws, must be the person who applies for authorization to open the establishment, assumes liability for the operation of the establishment.

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**ARTICLE 14: PRINCIPLE OF COMPULSORY EDUCATION, FREE OF CHARGE
FOR ALL**

90. The Government of the French Republic refers to the replies given to the questions asked under article 13 (see paras. 5 to 69 above).

**ARTICLE 15: RIGHT TO TAKE PART IN CULTURAL LIFE AND TO ENJOY THE
BENEFITS OF SCIENTIFIC PROGRESS AND THE PROTECTION
OF THE INTERESTS OF AUTHORS**

A. Right to take part in cultural life

91. The right to an opinion, including the unrestrained communication of thoughts or opinions, the right to rest and to leisure, and the equal access of children and adults to culture, have for a long time been constitutional principles recognized in France (arts. 10 and 11 of the Declaration of the Rights of Man and of the Citizen, of 26 August 1789; Preamble of the Constitution of 27 October 1946).

92. These principles constitute the framework for cultural action by the State.

93. Moreover, according to the Decree of 10 May 1982, the Ministry of Culture, the administrative authority responsible for the development of French cultural life, redefined its function as follows: "to allow all French citizens to develop their capacity to invent and create, to express their talents freely and to receive the artistic training of their choice; to preserve the cultural heritage of the nation, of regions or of the various social groups, for the general benefit of the entire community; to encourage the creation of artistic and intellectual works and to give them the greatest audience possible; to contribute to the spread of French culture and art in the free interchange of world cultures".

94. Lastly, there is a legal environment conducive to the diversity of cultural expression.

95. This also holds true for private activity, thanks to the right of free association, which enables people to pursue the most varied cultural objectives, and to the freedom of commerce and industry which is conducive to the development of culture-related industries.

96. This freedom is also found at the level of the territorial authorities which contribute significantly to the expression of cultural life. In this regard recent legislation on decentralization provides for more extensive and more assertive local cultural authority than existed hitherto.

97. The different policies traditionally carried out by the Ministry of Culture are described below; suffice it to mention here that the State distributes the funds at its disposal among the major national institutions, local authorities, associations and miscellaneous cultural entities.

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98. A large network of cultural bodies is thus actively promoting culture and the arts with regard to dissemination, creativity, conservation and training.

99. Over the last few years, in order to strengthen cultural democracy, emphasis has been laid on the right to differ. The priorities are:

(a) To enable population groups which have remained aloof from dominant cultural practices to benefit from official efforts. Those groups include, in particular, young people increasingly absorbed by their own forms of cultural expression; immigrants for whom an assimilation policy might lead to the obsolescence of their own cultural traditions; the elderly and the handicapped, whose material problems condition their overall approach to culture; and, finally, groups attached to regional cultures or popular forms of cultural and artistic expression;

(b) To lay the foundations of a new cultural geography, by narrowing the gap between Paris and the provinces, urban areas and the countryside by means of multiple and varied measures;

(c) To be active in new areas of community life which so far have been little affected by culture (hospitals, places of confinement, etc.) and to ensure liaison with bodies largely responsible for promoting access to culture (e.g. committees in enterprises and trade unions);

(d) To increase support for creativity in all its forms by providing creative individuals with the financial and material facilities required in modern times; and to upgrade cultural employment, which has a value all its own and cannot be equated with traditional remunerative employment in industrial and commercial activities.

100. New and very considerable funds made available since 1982, after the increase in the Ministry's budget, are indicative of the effective implementation of these new guidelines. Thus the budget for culture, which was 0.47 per cent of the State budget in 1981 and 0.75 per cent in 1982, amounted to 0.78 per cent in 1983, namely, 6,898,986,678 francs.

101. New procedures have been introduced as a result of the cultural decentralization which has been progressively implemented under agreements concluded between the State and the territorial authorities. These authorities determine how the resources for culture are to be shared. The redeployment of allocations to the regions attests to this: while in 1980 over half the allocations went to Paris, in 1983, 73 per cent were used outside Paris.

102. Public reading facilities and the propagation of books, which are efficient ways of promoting access to culture, receive strong support from the State.

103. Almost all towns of over 20,000 inhabitants have a municipal library. Henceforth all the departments will have access to central lending library services which, by means of "mobile libraries", either provide direct loans or deliver books to town halls and schools (4,500 town halls and 17,200 schools in 1977), and thus

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reach the smallest localities, particularly in rural areas. Departmental plans for public reading facilities, devised jointly by the State and local communities, are also intended to bring books to the rural reader.

104. The State encourages the development of municipal libraries by allocating to them funds for increasing their collections, by sharing the operating costs incurred by communes and by continuing to help in creating posts for librarians and assistant librarians at the commune level.

105. Recently, regional book-promotion officers were appointed in six regions to perform the threefold functions of information, co-ordination of local and regional initiatives, and activation.

106. The State is making a special effort to reach hitherto neglected social groups. Thus, the Ministry of Culture is making a financial contribution to the operation of libraries run by the committees of enterprises, hospitals, penal establishments and associations working for the underprivileged (in particular the handicapped and immigrant workers).

107. Various bodies contribute to popularizing and disseminating books. Thus, the National Literature Centre is conducting a large-scale campaign to promote the dissemination of books and encourage literary creativity; using its own resources, and a State subsidy restored in 1982, this centre is working hard to increase the number and widen the range of its beneficiaries so as to promote creativity by:

(a) helping authors by means of grants;

(b) encouraging literary life by organizing events of a literary nature, publishing the proceedings of symposia, subsidizing publishers of poetry and plays and subsidizing magazines;

(c) subsidizing libraries for the purchase of books.

108. In France, there is a substantial national heritage of historic monuments concerning which the policy is to ensure that they are not only preserved but also exhibited to the widest possible public. In this field, the National Historical Monuments and Sites Fund plays an important role by publicizing monuments, promoting "culture tours", setting up reception and information rooms, organizing lecture visits and publishing visitors' guides, exhibition catalogues and photograph archives. It also seeks to consolidate the activities of these establishments under a cultural and social policy of tourism and holiday recreation.

109. France has a very dense network of museums. The State manages or supervises more than 1,000 museums offering an infinite variety of collections. In order to encourage attendance by the public, the policy followed is designed to develop their educational function on the one hand and, on the other, to make them part of everyday life as social and cultural centres: the displaying of collections is improved; children's sections are established; temporary exhibitions and guided visits are organized. In the case of the 34 national museums alone, there has been a substantial increase in the number of guided visits: for adults, the figure rose

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from 218,000 visitors in 1960 to 615,000 in 1978; for students, the increase was even greater: 88,500 in 1960 and 375,000 in 1978.

110. In addition, the State fosters the development of lending services to schools, travelling exhibitions and mobile museums thus making it possible to reach a wider public.

111. The establishment of museums reflects the concerns of society. The proliferation of ethnographical and archeological museums in recent years bears witness to an interest in rediscovering the local past, just as the appearance of ecology museums reflects environmental concerns. However, museums cannot focus only on the past or neglect forms of expression considered marginal or of minor importance. That is why new museums are projected which would deal with contemporary art (Grenoble), strip cartoons (Angoulême), and advertising, in addition to a museum of sculpture at Montpellier.

112. The State also contributes financially to the operation and enrichment of the classified and officially recognized museums.

113. Decentralized allocations are made to assist local associations and initiatives in the plastic arts. More decision-making centres are being established: 22 regional art counsellors (a recently created post) are responsible for organizing activities to encourage the plastic arts. Decisions are reached collectively and amicably by policy boards consisting of elected members, artists, art critics, art teachers and officials.

114. Dissemination of the plastic arts is assisted by the direct organization of exhibitions, collaboration in setting up exhibitions held by the museum of decorative arts, and support for many exhibitions or symposia organized by local authorities or associations of artists or craftsmen.

115. The dissemination of art among the most varied social categories is encouraged especially among those generally excluded from any contact with works of art (galleries for works lent to individuals or organizations; support for groups of artists working in rural areas, in hospitals and jointly with committees in enterprises).

116. Specific activities are conducted for contemporary art (establishment of regional centres for contemporary art; financial support for television broadcasts on contemporary art which would have little chance of succeeding without such assistance).

117. The State encourages creativity by a policy of purchasing and commissioning works of art.

118. The one-per-cent formula devised in 1936, whereby one per cent of construction expenditures must be used for decorative work, has been extended to cover all public buildings constructed or subsidized by the State and will cover all buildings constructed for communes, departments and regions (from 1960 to 1978, 4,700 projects were carried out by 1,370 artists).

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119. A new tool of the commissioning policy will be introduced in the form of an "assistance fund for public commissions", which is intended to help especially public authorities which commission quality projects for general public improvements, gardens, fountains, sculptures and urban open spaces.

120. The allocations received by the Fund for stimulating creativity (FIACRE) and those for encouraging the arts as a career are intended to assist original projects in a great variety of ways (by awarding research and equipment grants, by setting up public creative workshops, by helping artists' groups and associations, by helping art publishing and by establishing training workshops).

121. Funds are also allocated for the construction and equipment of artists' workshops.

122. At the central level, the National Centre for the Plastic Arts, established in 1982, performs four functions: public commissioning (direct commissioning of artists or help for a local body or authority), dissemination, training (management of the national schools of art) and production (administration of art factories).

123. The arts also benefit from the State aid provided both to national institutions (the Ecole supérieure des Beaux-Arts, the Ecole nationale supérieure des arts décoratifs, the French Academy in Rome, completion of the building and equipping of the National School of Art at Cergy-Pontoise) and to regional and municipal art institutions; in 1982, the allocations available to local authorities for teaching the plastic arts increased by 75 per cent (from 3.3 million to 28.8 million francs).

124. France possesses a dense network of theatres, comprising national theatres (15), national drama centres (19), municipal theatres, houses of culture (16), cultural action centres (23) and very many private theatres. There are about 150 independent companies in the country.

125. The public authorities support the theatre, a branch of the arts which is seldom economic. Assistance is given both to the national and subsidized sector and to the private theatre (by means of substantial tax incentives and direct aid to the association for supporting the private theatre). The commission, for the support of artistic creativity also has wide powers covering all forms of such creativity.

126. The purpose of the houses of culture, established by André Malraux, was to bring the public into direct touch with art in its various forms. Each establishment therefore organizes on average more than 200 performances annually (theatre, variety shows, concerts, cinema, exhibitions and lectures) which, on average, attract an audience of 60,000 to 70,000 per year. Different services, e.g. regular libraries and record libraries, have also been suggested. Group leaders play an important role in making the public, particularly children, aware of ways in which the most diverse realities can be expressed in the form of art.

127. In order to bring the theatre to every town, without forgetting country areas, villages and peripheral areas where there are still people who have little contact

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with art and cultural development (such as working people and socially disadvantaged groups), the State provides a steady flow of funds to 21 national drama centres throughout France. Within this context, there is a continuing in-depth dialogue between the socio-cultural partners and the enterprising groups of the region.

128. The teaching of dramatic art is subsidized and scholarships are available.

129. The promotion of French art alone is not enough. The public authorities favour the cross-fertilization of national cultures through frequent and reciprocal exchanges.

130. It has been decided to create a "Theatre of Europe" in Paris; the Ministry of Culture is sponsoring a number of activities (operational subsidies for the house of world cultures, for the National Commission for UNESCO, for financing meetings of intellectuals and creative artists; assistance for artistic events publicizing the cultures of the South; participation in cultural projects presented by associations for the defence of the French language; assistance for local initiatives which further direct co-operation between French and foreign regional divisions.

131. Musical life has been enhanced. Every year, 50,000 variety shows and 150,000 balls, with the participation of 10,000 orchestras, are organized by largely voluntary associations, societies and festival committees. In 1978, the French Musical Confederation comprised approximately 5,500 musical societies in addition to 120 traditional and choreographic groups. In 1977, regional orchestras played to a total audience of about 650,000, while officially recognized groups reached approximately 450,000. A blossoming of musical events virtually everywhere in France is evident and constitutes a prominent form of decentralization: summer schools, frequently linked with a festival, provide an introduction to music.

132. The State contributes to the development of musical life and to the non-professional playing of musical instruments by subsidizing, in particular, regional orchestras (16), symphonic associations and many musical societies and festivals. Regional musical delegates and regional associations for the promotion of music have also been established by the Ministry of Culture.

133. The State and local authorities subsidize lyrical theatres and the dance.

134. The State supports musical creativity through its various financial contributions, its commissioning of musical works and the awarding of scholarships. It also provides financial support for musical instruction provided by the higher national conservatories, the national regional conservatories and the national music schools. Through such aid it seeks to promote the democratization of enrolment and to diversify instruction. Jazz classes have therefore been opened; four regional vocal music centres were established in 1982 (Bourges, Nanterre, Rennes, Bordeaux). In order to avoid confining musical instruction to specialized fields, the Ministry of Culture and the Ministry of National Education carry out activities for the promotion of musical appreciation within the general educational context, at both the elementary and secondary levels.

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135. Major architectural and urbanization projects have been developed in the musical field with a view to reaching a wider and more diversified public (a popular grand opera house and a "music city" in Paris, a rock club in the Paris region).

136. The public authorities are seeking to encourage the regional development of the cinema and to reach a broader public through the rehabilitation and construction of cinemas in less-favoured zones.

137. Audio-visual media play a leading role in cultural life and are better equipped than any other medium to make culture available to all. Public radio and television broadcasting services must therefore be based on respect for the principle of the pluralism and equality of cultures, beliefs, attitudes and opinions. For that reason the Act of 29 July 1982 on audio-visual communications stipulates that citizens are entitled to free and pluralist audio-visual communication (art. 2). This public service serves the general interest by responding to the contemporary needs of different population groups for education, entertainment and culture and by promoting social intercourse, particularly the articulation, training and information of cultural, social and professional communities as well as religious and philosophical sects by promoting the use of regional languages and by participating in the intercultural dialogue (art. 5).

138. A high authority for audio-visual communication, comprising nine members of proven independence, is responsible for safeguarding the independence of the public radio and television broadcasting service and for ensuring that it fulfils its responsibilities.

139. French cultural policy is therefore designed to further contacts between foreign and French representatives of all the cultural disciplines in a spirit of dialogue and reciprocity.

140. Programme exchanges are therefore organized, specific television programmes are developed, radio programmes of national networks are broadcast (for example, 5,500 hours beamed to Algeria, Morocco, Tunisia, Lebanon, Haiti), instruction programmes in the French language and civilization and training for teachers of French are made available to foreign radio and television stations, short-wave broadcasting is encouraged, film libraries have been established in 16 countries, French cinema weeks have been organized, purchasing missions are assisted and foreign producers are welcomed in France.

141. Concurrently with the programme for the dissemination of French art abroad through exhibitions, tours (Paris Orchestra in Latin America in 1980, participation of the French National Orchestra in the Salzburg and Helsinki festivals of 1980, tour of the Rennes Theatre of Choreography in South America in 1980), priority is given to the interchange of cultures through the organization of educational missions. For this purpose, the State welcomes visits to France (both Paris and the provinces) by foreign companies under cultural exchange programmes (Russian and Soviet music weeks in France: 15 concerts in Paris, Lyons and Angers in 1979; participation of the Budapest Opera Ballet and of the Danish Royal Ballet in the international dance festival held in Paris in the autumn of 1981; and, visits to France of the Greek and Romanian national theatre companies).

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142. By attending foreign exhibitions, dozens and even hundreds of thousands of French visitors discover aspects of foreign culture. From 1979 to 1981, for example, 26 exhibitions were organized including exhibitions of late nineteenth century Tuscan painters, the treasures of Baghdad and of Mexico at the Petit Palais; exhibitions of the treasures of the Kremlin, "5000 Years of Indian Art" and "Czech Baroque" at the Grand Palais; and contemporary Polish sculpture at the City of Paris Museum of Modern Art.

143. Steps are also taken to bring French youngsters into touch with their peers of other countries by arranging for and financing visits to France of young foreigners with an adequate knowledge of the French language who wish to participate in multinational seminars or courses such as: "Knowledge of France"; courses for holiday centre supervisors; work camps for young volunteers (excavating, architectural restoration, protection of the environment); training courses in sports and in socio-educational motivation; language courses organized by the centre for French studies and popular education.

144. The teaching of French by French establishments abroad meets a threefold need, namely, to provide schooling for French children abroad, to receive as many foreigners as possible (on average, 32.7 per cent French and 67.3 per cent foreigners), and to make these establishments real and favourite centres for meetings, contacts and exchanges.

145. Language exchanges are promoted by the awards of scholarships and fellowships (5,600 in 1981), the organization of missions (sending French experts abroad and receiving foreign experts in France), teacher-training courses, and the granting of subsidies to organizations working in this field.

146. Disseminating books abroad for cultural purposes is promoted by the Government (more than 200,000 books are dispatched free of charge each year; support for French book exhibitions, for example).

147. Assistance is given to approximately 120 cultural institutes and centres in 61 countries (teaching of French, organization of cultural events, welcoming people interested in French culture, supporting research and creative activities).

148. The aim of the 1,200 Alliances Françaises, distributed throughout the world but unfortunately not evenly, is, according to the statutes of the Paris Alliance Française, to propagate the French language, to increase France's intellectual and moral influence and, in particular, to form groups in foreign countries of French people and friends of France with a view to maintaining an attachment to the French language and thought in the former and developing it in the latter.

149. In co-operation with the competent embassy services, they serve as real cultural centres in places where none exist. They also complement or supplement the machinery of the Ministry of Foreign Affairs for spreading culture and for cultural exchanges (institutes and centres).

150. At the cultural level, the Alliances take over from the Ministry of Foreign Affairs by organizing local events (shows by touring theatrical companies, concerts, various cultural activities), designed to promote cultural interchange.

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151. At the educational level, they give French courses at all grades for adults and even for children, using audio-visual and audio-oral methods.

152. The aim now is to develop the French presence not only in foreign capitals but also in provincial towns so as to reach more diversified sectors of the population.

B. Right to enjoy the benefits of scientific progress and its applications*

153. Under French law, everyone is entitled to enjoy the benefits of scientific progress and its applications. France is particularly aware of the importance of scientific research to the harmonious development of a society. It is for this reason that the State has long financed a large part of scientific research. In 1981, for example, although national expenditure on research and development amounted to 1.89 per cent of gross domestic product, 1 per cent was accounted for by government services, 0.36 per cent by public sector enterprises and only 0.45 per cent by private sector enterprises.

154. Many public research bodies have been established: in addition to the National Scientific Research Centre (CNRS), which covers a very wide range, many research organizations with more specific mandates have been set up over the years. By way of example, mention may be made of the Overseas Scientific and Technological Research Office, the Atomic Energy Commission, the National Agricultural Research Institute, the National Centre for Space Studies, the National Health and Medical Research Institute, the Data Processing and Automation Research Institute, the National Ocean Exploitation Centre, the National Research Improvement Agency (ANVAR), and, very recently, the Centre for the Study of Advanced Systems and Technologies, the French Agency for Energy Control, the World Data-Processing and Human Resources Centre, the Study and Research Group for the Development of Tropical Agriculture.

155. State assistance to encourage the research work of industrial enterprises takes many forms.

156. Direct assistance is distributed mainly through two channels:

(a) The Research and Technology Fund, which allocated 560 million francs for such assistance for 1983 (subsidies either for a research programme carried out by an enterprise or for a programme carried out by an enterprise together with a public body);

(b) ANVAR, which has introduced two types of incentives: (1) assistance in innovation, which is designed to promote technological progress and may cover up to 50 per cent of the related costs of a programme (820 million francs for 1983); in 1981, 1,390 applications for such assistance were filed, 104 of which were from

* Questions of scientific research and co-operation in the field of science are also dealt with under this heading.

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large enterprises, 1,148 from small and medium-sized industries, 78 from laboratories and 60 from independent inventors; and, (2) innovation grants (80 million francs in 1983), the purpose of which is to encourage small and medium-sized industrial units to use public and private laboratories for their research work.

157. It should also be noted that ANVAR, through its regionalization, has established fruitful contact with small and medium-sized enterprises.

158. Indirect assistance for innovation has been improved: medium-term credits, special innovation loans, long-term loans, financial support granted by innovation-financing companies, contracts for training through research (fellowship awards), improvement of the network of industrial technology centres, more technical assistance for small and medium-sized enterprises, introduction of a research tax credit (tax concessions for research and development in enterprises, in the form of a tax credit equivalent to 25 per cent of the difference in the amount of their expenditure on research and development from one year to the next).

159. Moreover, the Research and Industry Development Fund supports and encourages activities (credits of over 50 million francs in 1982); this assistance takes the form sometimes of direct support for research activities, symposia and publications, and sometimes of programme agreements with teams of researchers.

160. Lastly, mention should be made of the research undertaken by industrial enterprises themselves. At the present time, however, this effort is still too highly concentrated in a small number of sectors and in large enterprises: only 1,200 companies are conducting research on a permanent, organized basis; moreover, some 100 large firms (employing more than 5,000) conduct nearly 60 per cent of their own research, and laboratories of firms employing more than 100 researchers account for two thirds of the research potential.

161. Industrial research is conducted in a very different manner from that undertaken by public bodies: the research structures are generally rather loosely defined, and the research development staff rarely has an identity of its own within the enterprise; moreover, industrial research is for the most part (96 per cent) closely tied to production and is viewed in terms of short-term profitability, with the result that basic research is ignored.

162. Scientific data are disseminated by all bodies responsible for formulating research policy, but among them the Interministerial Scientific and Technical Committee occupies a special place.

163. Established in 1979 by ministerial decree, this Committee's objectives are threefold:

(a) To make relevant data as accessible as possible to all potential users in France at the best possible price;

(b) To ensure national self-reliance in respect of scientific and technical information, while seeking co-operation with other countries;

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(c) To ensure better access for all to technological data and know-how.

164. The Committee focuses on four key areas:

(a) It publicizes science and technology through the media, especially television;

(b) It enhances the cultural and educational role of scientific and technical museums;

(c) It promotes scientifically-oriented social and cultural activities among groups, with an emphasis on youth;

(d) It endeavours to make the scientific and cultural community information-conscious.

165. Furthermore, as indicated in paragraph 226 below, the National Institute for Industrial Property has established a substantial network for the dissemination of technical information and access to primary sources. It should be noted in this connection that 80 per cent of the accessible technical information consists of patents.

166. The action taken by the State with regard to the environment illustrates how the authorities are endeavouring to ensure that scientific progress has beneficial results. Nuisance control, nature protection and environmental improvement now form an integral part of the main objectives of the French Government. The Ministry of the Environment was established in 1971.

167. In recent years, in the face of increasing threats to the environment, the French authorities have done a great deal to provide the country with a comprehensive set of legal instruments.

168. Following the course set since 1964 by the Water Act, a series of general texts now provide, in most fields, the necessary legal facilities for protecting and improving the environment: the major texts cover pollution and nuisance control, protection of the seas, the war on waste, consumer protection and nature protection.

169. Two instruments are particularly significant in that they sum up the problems of environmental protection:

Protection of nature

170. The Nature Protection Act of 10 July 1976, in its article 1, establishes the principle that environmental protection is a matter of public interest. It emphasizes that environmental protection must be taken into account by all: planners, elected officials, government services and the public.

171. Furthermore, the Act gives a very broad definition of the environment since it covers "the protection of natural areas and landscapes, the conservation of animal

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and plant species, the maintenance of the biological balance and the protection of natural resources".

172. Environmental protection "should also ensure a harmonious balance of population in rural and urban areas".

173. Having established those principles, the Act prescribes a specific device for its implementation: the impact report.

174. This report was conceived as the instrument of a policy of prevention. Article 2 of the Act states that: "planning projects carried out by public authorities which require an authorization or approval and urban development plans must comply with environmental requirements. Preliminary draft plans or work projects which, owing to their significance or their influence on the habitat, may harm the latter or cause a significant change in the environment, must be accompanied by a special impact report on their consequences".

175. The report, which analyses the impact of the project on the habitat, landscape, air, earth, water, fauna and flora, and on the populations concerned, thus makes it possible to determine the original state of the environment and its condition as altered when a given project is implemented.

Classified establishments

176. The Act Relating to Establishments Classified for the Protection of the Environment of 19 July 1976 provides that all industrial establishments, whether operated by an enterprise, local authorities or the State, shall be subject to authorization procedures allowing for the imposition of technical limitations in the interest of environmental protection. The Act also modernized local consultation procedures and increased the administrative and criminal penalties.

177. Compliance with these Acts is ensured by authorization procedures, inspections, departmental prefects, the right to institute legal proceedings against persons in charge of projects endangering the environment and to claim damages, and penalties imposed for breaches of environmental protection laws.

178. The Decree of 5 June 1981 stipulates that the Minister for the Environment is responsible for ensuring the protection of natural sites, environmental quality, the prevention, reduction or elimination of pollutants, nuisances and risks to the environment that might be caused by equipment and major development projects, agricultural, commercial or industrial activities and the activities of individuals.

179. The Minister is also responsible for promoting citizen awareness, training and information activities in environmental matters, in co-operation with the associations concerned.

180. The provisions in force specify that the Minister, in co-operation with the other ministries concerned, is responsible for preparing and submitting to the Governments all measures necessary for performing his functions. He follows the results of the action taken by the Government in this field. He keeps the public

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informed in order to involve it in the action he has taken. He is associated with France's environmental efforts at the international level.

181. In order to facilitate the implementation of environmental policy in certain sectors of activity and to solve the attendant technical problems, the Minister for the Environment relies on specialized bodies which fall within his jurisdiction. These include the water resources financing agencies which co-ordinate, promote concord and are funded from the taxes levied on all users of water in order to help finance the programme for the quantitative and qualitative development of water resources; the Waste Retrieval Agency, responsible for implementing waste retrieval policy throughout France; the Air Quality Agency, responsible for co-ordinating action to counter air pollution; the Coast Conservation Agency, whose function is to pursue a land policy for safeguarding the seaboard, conserving natural sites and maintaining the ecological balance; national parks which are science-oriented institutions for preserving the natural environment; the National Hunting Office; the Fisheries Board, etc.

182. The priority areas of current French environmental policy are: employment research, promotion and support; noise control (inauguration on 8 June 1982 of The National Noise Control Council); and training and informing the public.

183. The French Republic recently adopted a Research Guidance and Programming Act, aimed at making research a national priority (Act No. 82-610, of 15 July 1982 - Official Gazette of 16 July 1982). In order to educate public opinion and democratize the research process, the drafting of this Act was preceded by wide-ranging consultations among the agencies concerned, consisting, inter alia, of the organization of regional research meetings, followed by a national symposium which was a resounding success.

184. While a quantitatively ambitious objective, namely, that of increasing the percentage of GDP assigned to the national research effort from 1.8 per cent to 2.5 per cent by 1985 is being pursued, the directions of research have been changed.

185. The new directions are principally towards improving the dissemination of scientific and technical culture, the initiation of a better dialogue between science and society through a renaissance of the human and social sciences, harmonizing basic and applied research and democratizing research, as well as towards a reorientation of international co-operation. For this purpose, mobilization programmes covering several years will be launched, combining, for the pursuit of essential economic, social or cultural objectives, different types of research, various bodies and public or private enterprises, in collaboration with the social partners. By way of example, the following mobilization programmes may be mentioned:

(a) Scientific research and technological innovation for the advancement of developing countries, aimed at the establishment of a new international cultural and economic order in response to the aspirations for progress and development of those countries;

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(b) Research on employment and the improvement of conditions of work with a view to enabling workers to master the production process and its relationships in collaboration with the social partners or elements concerned, such as trade unions and enterprises, designers of new tools, workers health schemes, and the various relevant ministerial departments;

(c) The promotion of French as a language of scientific culture and the dissemination of scientific and technical culture aimed, on the one hand, at reviving the industry publishing scientific and technical texts (translation, publicity, promoting marketing networks in France and abroad) in collaboration with the various bodies involved (government services, the National Literature Centre, public and private institutions for research and technological development); and, on the other hand, at bringing science and technology back into the context of information, education and culture, in co-operation with the relevant ministries. The La Villette Science and Technology Centre in Paris is a valuable agency for action in this area: its originality will lie in the fact that it will place the sciences in their historical setting and its function will be to compile a complete collection of the important French scientific works of the nineteenth century.

186. Special attention is being paid to the regionalization of research policy in order to achieve three principal objectives: to restore a balance in personnel and other resources as between the Paris region and the provinces; to develop a more active presence in the regions; and to support regional initiatives for decompartmentalizing the sciences and disseminating and promoting research. For this purpose, several structures are now in place, e.g. the regional advisory committees on research and technological development, the regional associations and the regional research and technology officers. In 1982, a number of programmes involving both the State and the regions were agreed upon in several parts of France.

187. New institutional machinery has been established:

(a) First, in order to reflect the specific nature of research activities, a new category of public establishment has been introduced, the so-called "scientific and technological" public establishments: from now on, elected staff representatives will be members of the board of directors, the scientific board and the evaluation panels of every such establishment; the functions of leadership and responsibility will henceforth be unconnected with grades and will be assigned for a specific term. In order to upgrade research, these establishments may be authorized to set up branches, make investments and acquire holdings in joint ventures;

(b) Secondly, the establishment of public group enterprises, enjoying legal capacity and financial autonomy and including both public and private bodies, will facilitate joint participation in research activities and joint control of the equipment necessary for those activities.

188. A new concept has come into being, that of "research occupations" corresponding to certain "functions", namely, the development of knowledge, its enhancement and dissemination, participation in basic and continuous training, and

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lastly "research administration". This very broad concept is designed to provide a general framework within which the various activities mentioned above are treated with equal respect and their usefulness is recognized in the overall research effort.

189. Since the present diversity of legislation applicable to research personnel impairs the mobility of researchers and leads, in particular, to excessive compartmentalization as between researchers and engineers, technicians and administrators, all of whom contribute to the development of research, it is proposed to introduce new legislation for research personnel, guaranteeing them, as hitherto, autonomy in their scientific work but designed especially to facilitate the free circulation of ideas.

190. Total expenditure on civil and military research should exceed 60 billion francs in 1983 as against 50 billion in 1982. Without counting the tens of thousands of lecturer-researchers working in universities, more than 19,000 researchers came under the civil research budget in 1982.

191. International scientific co-operation is encouraged for the enrichment of the common heritage of mankind.

192. France subscribes to the research policy of the European Community. It is also associated with other, mainly European, countries in the establishment and management of international scientific laboratories: its share in the budget of the European Organization for Nuclear Research (CERN) is 21.7 per cent; 36.3 per cent in the European Organization for Astronomical Research in the Southern Hemisphere (ESO); and 18.48 per cent in the European Meteorological Centre.

193. It also participates in the European Nuclear Biology Conference, in the context of which it supports the organization of seminars, summer courses and symposia; it awards fellowships for the exchange of researchers.

194. Co-operation with high-technology countries, especially the United States and Japan, is also developed.

195. Numerous agreements have been signed between French research bodies and their United States counterparts [the Centre national de la recherche scientifique (CNRS) and the National Science Foundation; the Institut national de la recherche agronomique and the Agricultural Research Service; the Institut national de la santé et de la recherche médicale and the National Institute of Health].

196. Under an intergovernmental agreement, signed with Japan in 1974, agreements have been concluded between CNRS and the Japanese Council for Science and Technology, for example.

197. Most of the French contribution to scientific and technical co-operation with developing countries is from the public sector; in 1982, it was close to 1.2 billion francs.

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198. Research activities carried out with developing countries are spread over six main areas: knowledge and upgrading of the environment; improvement of agricultural and livestock production; medical research; technological research; human and social sciences; training through and for research.

199. Two main types of bodies carry out these activities: those which are exclusively concerned with them, e.g. the Overseas Office for Scientific and Technological Research, the Studies and Research Group for the Development of Tropical Agriculture and the Pasteur Institutes abroad; and those which allocate only part of their resources for the purpose, e.g. the National Centre for Scientific Research, the National Institute for Agricultural Research and the National Ocean Exploitation Centre. This co-operation takes many different forms: the on-site training of senior technical, administrative and scientific staff; receiving students in France under study or training scholarships; missions of experts; the provision of documentation and equipment, and the financing of projects.

200. For example, 350 inter-university agreements have been signed with third-world universities and 3,500 university staff lecturers and lecturer-researchers, are working in developing countries.

201. French scientific co-operation activities used to be directed essentially towards the French-speaking countries of black Africa; a redeployment is starting towards other parts of the world, particularly Latin America and to a lesser extent South-East Asia.

202. Lastly, as a generalization, the French State provides financial support for scientific exchanges, the organization of international scientific congresses and seminars, joint research programmes and training activities.

C. Protection of moral and material interests of authors

203. In French law there are three basic instruments for protecting the moral and material interests of authors and other originators in the literary, artistic and scientific fields.

204. These are the Act of 11 March 1957 on literary and artistic property, the amended Act of 2 January 1968 on invention patents and the Act of 14 July 1909 on drawings and models.

205. These three laws, clarified and supplemented by enforcement instruments and interpreted by abundant case law, recognize an exclusive right which has two components: one moral and the other of ownership.

206. For creations subject to copyright, which include drawings and models that are also protected by the Act of 11 March 1957, the moral right embraces the right of respect for the originator's name, capacity and work. A work may not be changed, deformed or touched up without the authorization of its creator; even if he has assigned the rights to use his work, the originator has a right of withdrawal or of

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second thoughts, but is responsible for compensating the assignee for the prejudice which such an action might cause him. The originator of an invention has the right to be referred to as such in the patent and he may, if he wishes, waive that right.

207. The originator or inventor also has a right of ownership entitling him to benefit from his creative activity, i.e. the exclusive right to use the work or the invention, which may be the subject of contracts if the holder does not use the work himself.

208. The creator of a literary and artistic work has an exclusive right of use which may be subdivided into a right of representation and a right of reproduction. The assignment by the creator of this right or rights is necessary for any use that may be made of his creation. The Act of 11 March 1957 provides that such assignment should be set forth in writing, whether it is made against payment or free of charge, and that each of the rights assigned must be specified separately and that its scope should be defined with respect to its extent, destination and duration. For a publishing contract the 1957 Act also includes, among the obligations of the publisher, that of accounting to the author and supplying him with all documents necessary for establishing the accuracy of his accounts.

209. These provisions are designed to ensure respect for the principle of the proportional participation of the originator in income from the sale or use of his work, as set forth in the Act on literary and artistic property. The originator's rights thus recognized are vested in every intellectual work "whatever its nature, form of expression and destination may be", the Act of 1957 being confined to a non-exhaustive list of the works protected. This provision makes it possible to avoid arbitrary discrimination and disputes that might detract from the universality of the principle of protection.

210. The originator enjoys these rights to his work for his lifetime. His moral right to his creation is perpetual, inalienable and imprescriptible. He may bequeath it by will to his heirs or a third party. The exclusive right to use his work in any form and to derive pecuniary profit therefrom also vests in the originator throughout his life. On his death, this right vests in his assigns for the 50 years following the calendar year of his death. This 50-year period may be extended in the event of war; it appeared only fair to institute such measures because of the irregular ways in which literary and artistic works were used in the context of the last two world wars.

211. Infringement of copyright is punishable under both civil and criminal law.

212. An originator can, on the one hand, claim damages on grounds of moral or/and material prejudice caused by the illicit use of his work. He may, in this case, request any police inspector to have the copies of his work seized and ask the court to which the case is referred to order suspension of all uses or reproduction of the work. These measures, which constitute departures from ordinary law, are a very good way of protecting copyright.

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213. The reproduction, representation or dissemination of a piece of intellectual property in violation of copyright, like the sale, export or import of counterfeit works, are moreover deemed to be crimes of infringement and are therefore punishable under criminal law, and the infringer may be heavily fined or sentenced to imprisonment. Furthermore, any establishment operated by the infringer may be closed temporarily or definitively. The person found guilty of the offence may be required to publicize these penalties at his own expense.

214. However, the Act of 11 March 1957 sets certain limits to the above copyright in order to take into account the legitimate interests of the public. These limits are mainly connected with the right to information; once a work has been disclosed, the originator cannot prohibit its being quoted or analysed for purposes of information or for justifiable critical, educational or scientific purposes.

215. Neither may he prohibit the work's being used for private purposes in the family circle. However, the massive development of means of reproduction available to the public today is giving rise to a new kind of use of works and creating unwarranted prejudice by impinging on the normal use of intellectual property. Legislative measures now under study should give entitled originators an additional right to remuneration.

216. At the international level, France has acceded to the Berne Convention for the Protection of Literary and Artistic Works (revised in 1971) and to the Universal Copyright Convention (revised in 1971). Under those instruments, foreign originators are protected, without discrimination, under the French legislation on literary and artistic property.

217. Inventors' rights are protected by the issue of a patent on request. In order to make such protection available to all, a 60 per cent reduction in the application and procedural fees is granted to inventors lacking financial resources.

218. Any infringement of the rights of the holder of a patent or trademark constitutes an offence punishable by the courts.

219. The principal decrees for implementing patent law are:

(a) Decree No. 79-797 of 4 September 1979 concerning inventions of wage-earners;

(b) Decree No. 79-797 of 19 September 1979 concerning applications for patents of inventions or "utility certificates", the issue thereof and their maintenance in force;

(c) Decree No. 80-645 of 4 August 1980 concerning inventions of civil servants and public employees.

220. The instrument for implementing the act on drawings and models is the Decree of 26 June 1911, as amended by Decree No. 80-314 of 24 April 1980.

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221. In order to ensure that the material interests of inventors are taken fully into consideration, a special régime for the inventions of wage-earners is provided in patent law. An inventor who is a wage-earner either holds the patent himself or receives remuneration when the ownership or enjoyment of the patent has been transferred to the enterprise. In order to facilitate the settlement of disputes to which implementation of this régime may give rise, a joint conciliation committee on which both sides (employers and wage-earners) are equally represented has been set up. This body, over which a judge presides, submits a proposal to the parties which, if it is accepted, is equivalent to agreement, and recourse to the courts is thus avoided.

222. Self-employed inventors may obtain assistance for the protection and use of their inventions from a specialized body, the National Agency for Upgrading Research. This Agency has a large budget for allocating grants and subsidies to innovators.

223. A considerable effort is also being made to promote the dissemination of patents. It is increasingly evident that patents of invention, containing as they do detailed descriptions of experiments past and present conducted in most countries in the world, are documents which not only give an up-to-date, comprehensive and detailed picture of techniques but also facilitate the dissemination and transfer of know-how.

224. There is no doubt that the effective use of patent documents is essential to industrial take-off and the subsequent economic progress.

225. Whereas scientific and technical publications in specialized reviews or periodicals are left to the initiative of their authors, who are under no obligation to publish or not to publish and, if they publish, to do so in full or in part, promptly or with some delay, the responsibility for publishing the texts of patents issued and, in some cases of patents applied for, has been assigned to the government service concerned, so that the publications can be produced with the accuracy and within the time-limits provided by law. Moreover, these publications are not subject to copyright and may therefore be freely reproduced.

226. Thus, the National Institute of Industrial Property (INPI) has for a number of years taken steps to improve its stock of documents and make them more accessible to outside users by:

(a) Producing and publishing new primary documents;

(b) Indexing all patent documents published in France since 1957 in accordance with the International Patent Classification;

(c) Organizing services for exchanging patent documents with new patent offices, as a result of which INPI has at its disposal the patent literature of 23 countries, constituting more than 90 per cent of all such literature published throughout the world;

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(d) Preparing secondary documents designed to facilitate access to its stock of primary documents; descriptive abstracts of patents and applications for patents, research files containing sets of bibliographical data facilitating the location of, and ready access to, the full texts of patent documents;

(e) Increasing the number of its libraries and patent document centres;

(f) Contributing to the establishment of technological information centres equipped with considerable stocks of documents comprising the complete collection of patent documents published in France and scientific and technical periodicals of special relevance to regional industrial activities.

227. Considerable development of the means of disseminating technical knowledge is a characteristic feature of the modern age. INPI has therefore established four public-access on-line data bases for information relating to patents.

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ANNEX

List of documents supplied*

ARTICLES 13 and 14

1. Reply to the UNESCO questionnaire on the implementation of the Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms.
2. Report submitted to UNESCO on the implementation of the Convention against Discrimination in Education.
3. Sixth report submitted by France to the Committee on the Elimination of Racial Discrimination on legislative, judicial, administrative and other measures taken to implement the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination of 7 March 1966 (CERD/C/90/Add.3).
4. Management chart of the Ministry of Education.
5. Extracts from a report on the status of teaching staff, prepared for UNESCO/ILO.

ARTICLE 15

6. Act No. 82-652 of 29 July 1982 on audio-visual communication.
7. Act No. 57-298 of 11 March 1957 on literary and artistic property.
8. Act No. 68-1 of 1 February 1968 (amended) on patents of invention.
9. Nature Protection Act No. 76-629 of 10 July 1976.
10. Act No. 76-663 of 19 July 1976 Relating to Establishments Classified for the Protection of the Environment.
11. Act No. 82-610 of 15 July 1982 on the orientation and programming of France's research and technological development.

* These documents may be consulted in the files of the United Nations Secretariat in the form in which they were transmitted by the French Government.