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# SOCIAL RIGHTS MONITOR 2020

## COUNTRY MONITOR: FRANCE



For France, as for most other European countries, economic, social and political life in 2020 was deeply impacted by the Covid-19 pandemic and the subsequent restriction measures put in place. Between March and November 2020, the country was amongst the most affected in Europe, both in number of cases and in number of deaths.<sup>1</sup> According to the European Commission's forecast, GDP growth is likely to shrink by 9.5% in 2020 compared to 2019,<sup>2</sup> especially as France's key export sectors (tourism and aircraft) were severely affected. Though the government stepped in with support measures such as increased financing of the partial activity scheme, the socioeconomic and employment consequences are expected to be dire, with unemployment going over 10% again, back to 2016 levels. This grim figure hides an even grimmer reality: some groups are disproportionately affected

by the crisis, as pointed out by our National Strategy Group (NSG) led by CEMEA and La Ligue. Young people, while less likely to suffer from acute Covid-19 symptoms, are particularly exposed to job precariousness and poverty stemming from the crisis. Youth unemployment was highlighted as the most pressing social issue of 2020 by the NSG. Other NSG concerns include the lack of inclusion of migrants, refugees and asylum-seekers; the progressive rise in poverty and inequalities combined with the inadequacy of the public policies supposed to tackle it; increasing employment precariousness; and disparities in access to healthcare. Lastly, a major topic in France's civic space, also underlined by the NSG, is the recurring curtailment to freedom of the press and freedom of peaceful assembly, together with a perceivable shift towards a police state.

1 European Center for Disease Prevention and Control (2020). COVID-19 situation update worldwide: <https://www.ecdc.europa.eu/en/geographical-distribution-2019-ncov-cases>

2 European Commission (2020). Autumn 2020 Economic Forecast – France - [https://ec.europa.eu/economy\\_finance/forecasts/2020/autumn/ecfin\\_forecast\\_autumn\\_2020\\_fr\\_en.pdf](https://ec.europa.eu/economy_finance/forecasts/2020/autumn/ecfin_forecast_autumn_2020_fr_en.pdf)

	2018	2019	EU-28 2019
Gini index <sup>3</sup>	28.5	29.2	30.1
Unemployment <sup>4</sup>	8.7% (mainland) 9.0% (incl. overseas territories)	8.2% (mainland) 8.5% (incl. overseas territories)	6.3%
Gender Equality Index <sup>5</sup>	74.6 (2019)	75.1 (2020)	67.9 (2020)
In-work poverty <sup>6</sup>	7.1%	7.4%	9.2%
Housing Overcrowding <sup>7</sup>	8.2%	7.7%	15.6%
CIVICUS Civic Space Monitor <sup>8</sup>		NARROWED	N/A

### Selected indicators on the state of social rights

## EQUAL OPPORTUNITIES AND ACCESS TO THE LABOUR MARKET

### SUPPORT TO EMPLOYMENT

Unemployment in France has been on a downward trend since 2016, but at 8.5% in 2019 it remained above the EU average of 6.3%. The figures for 2020 are not yet available, but as of November 2020, the picture is looking rather gloomy. The unemployment insurance body (UNEDIC) already foresees a massive degradation of employment in 2020 due to the pandemic, with an expected 900,000 extra fully or partially unemployed people over the year.<sup>9</sup> While the first and second quarters of 2020 seem to show a continued decrease in the unemployment rate, the National Institute for Statistics (INSEE) explains that this has more to do with the lockdown affecting

job search behaviour and jobseekers moving from one category to another than with an actual rise in employment.<sup>10</sup> In the third quarter though, unemployment rose again by 1.9 percentage points to 9.0%,<sup>11</sup> and the European Commission's forecast for the whole of 2020 was 10.1%, bringing unemployment to levels comparable to those of 2016.<sup>12</sup> In order to support the economy and jobs during the crisis, the government resorted to a structural transformation of the partial activity scheme. Traditionally, any business confronted with a lasting contraction in its activities can reduce the volume of hours its employees work and get financial compensation for the hours not worked. Since March 2020, the state has stepped up its contribution to such

3 Eurostat (2020). Gini coefficient of equivalised disposable income: [http://appsso.eurostat.ec.europa.eu/nui/show.do?lang=en&dataset=ilc\\_di12](http://appsso.eurostat.ec.europa.eu/nui/show.do?lang=en&dataset=ilc_di12)

4 Eurostat (2020). Unemployment by sex and age: annual data: [https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=une\\_rt\\_a&lang=en](https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=une_rt_a&lang=en)

5 European Institute for Gender Equality (2020). Gender Equality Index: <https://eige.europa.eu/gender-equality-index/2020/country/FR>

6 Eurostat (2020). In-work at-risk-of-poverty-rate: <https://ec.europa.eu/eurostat/databrowser/view/tespm070/default/table?lang=en>

7 Eurostat (2020). Overcrowding rate by age, sex and poverty status – total population: [https://ec.europa.eu/eurostat/databrowser/view/ilc\\_lvho05a/default/table?lang=en](https://ec.europa.eu/eurostat/databrowser/view/ilc_lvho05a/default/table?lang=en)

8 CIVICUS Civic Space Monitor – France: <https://monitor.civicus.org/country/france/>

9 UNEDIC (2020). L'Assurance chômage, un soutien majeur face à la crise du Covid-19 <https://www.unedic.org/espace-presse/actualites/assurance-chomage-un-soutien-majeur-face-la-crise-du-covid-19>

10 National Institute of Statistics and Economic Studies (2020). Au deuxième trimestre 2020, un marché du travail sous l'influence du confinement <https://www.insee.fr/fr/statistiques/4641598>

11 National Institute of Statistics and Economic Studies (2020). Au troisième trimestre 2020, le taux de chômage rebondit fortement et atteint 9,0 % <https://www.insee.fr/fr/statistiques/4930129>

12 European Commission (2020). Country Specific Recommendations: France <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0510&from=EN>

compensation. In return, the business has to commit to maintaining jobs. In practice, for the hours not worked, employees see their salaries reduced to 70% of their gross wage, or 84% of their net wage, but retain their jobs.<sup>13</sup>

As part of the 2019 unemployment insurance reform, a measure was voted that foresees the modulation of companies' rate of contribution to unemployment insurance. In the seven sectors of the economy with the highest turnover rates, a bonus-malus scheme is in place. Starting from 2020, companies in these sectors are incited to offer more permanent contracts and longer fixed-term contracts; otherwise they will be subjected to higher contributions to unemployment insurance.<sup>14</sup> In addition, a subsidized employment experiment was generalised at the national scale in 2020: the "free jobs" scheme provides financial aid for employers recruiting candidates residing in urban areas flagged as priority in France's urban policy.

### EQUAL OPPORTUNITIES IN THE LABOUR MARKET

There are great disparities in access to the labour market in France. The NSG is particularly concerned about youth unemployment, which was 19.6% in 2019. Though this has been declining continuously since 2013, it is still among the highest in the EU.<sup>15</sup> The COVID pandemic is likely to aggravate the situation, once the emergency measure such as the funding of partial

employment are over, the NSG points out. INSEE notes territorial inequalities, with northern France, south-eastern France and the area north-east of Paris having higher unemployment rates.<sup>16</sup> One group particularly exposed to unemployment is immigrants. In 2017, 16.3% of immigrants were unemployed, whereas only 8.6% of people born in France were. The rate is even higher for people born outside the EU (19.3%). Differences in educational level can account for part of this inequality, but it is not the only factor, as there are also inequalities in employment rates within groups having the same level of educational diploma. For instance, 11.4% of immigrants with a degree or higher university title were unemployed in 2016, against only 5.0% of French-born people with that level of education.<sup>17</sup> In the most deprived areas, which are also areas with populations from a migrant background, the unemployment rate reached a striking 24.7% in 2017.<sup>18</sup>

### EDUCATION AND YOUTH UNEMPLOYMENT

France's rate of young people (20-34) neither in employment, education or training (NEETs) is on a par with the EU average, at 14.0% in 2019. This figure hides a gap between men and women: 12.2% of young men in France are unemployed, against 15.8% of young women.<sup>19</sup> As in the rest of the EU, the figures have gone down after peaking at the height of the economic crisis in 2012 but remain worrying. In an attempt to remedy the problem, the

13 Ministère de l'Economie, des Finances et de la Relance (2020). Activité Partielle de Longue Durée (APLD) : <https://www.economie.gouv.fr/plan-de-relance/profils/entreprises/activite-partielle-longue-duree-apld>

14 Ministère du Travail, de l'Emploi et de l'Insertion (2019). Droit du travail, emploi, formation... | Ce qui change au 1er janvier 2020 <https://travail-emploi.gouv.fr/actualites/l-actualite-du-ministere/article/droit-du-travail-emploi-formation-ce-qui-change-au-1er-janvier-2020>

15 Eurostat (2020). Unemployment by sex and age <https://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do>

16 National Institute of Statistics and Economic Studies (2020). Taux de chômage localisés au 2<sup>e</sup> trimestre 2020 <https://www.insee.fr/fr/statistiques/2012804>

17 Observatoire des Inégalités (2019). Chômage des immigrés : le poids des inégalités sociales et des discriminations [https://www.inegalites.fr/Chomage-des-immigres-le-poids-des-inegalites-sociales-et-des-discriminations?id\\_theme=24](https://www.inegalites.fr/Chomage-des-immigres-le-poids-des-inegalites-sociales-et-des-discriminations?id_theme=24)

18 European Commission (2019). Country Specific Recommendations : France <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52019DC0510&from=EN>

19 Eurostat (2020). Young people neither in employment nor in education and training by sex, age and labour status (NEET rates): [https://ec.europa.eu/eurostat/databrowser/view/EDAT\\_LFSE\\_20\\_\\_custom\\_231588/default/table?lang=en](https://ec.europa.eu/eurostat/databrowser/view/EDAT_LFSE_20__custom_231588/default/table?lang=en)

French parliament voted an education reform that introduced, amongst other measures, compulsory education until 18 years old instead of 16 as before.<sup>20</sup> In parallel, the skills investment plan 2018-2022, was endowed with a budget of EUR 15 billion over five years for training the two million least-qualified young people, with the objective of enabling them to find a job. Several reforms to the education and skills sector have been introduced in the past two years, but their impact is still difficult to assess. In this regard, our NSG co-leader La Ligue highlights that the French education system traditionally struggles to take into account the different abilities of pupils. Vocational education currently functions as an option for students who can't keep up with the general education programme. La Ligue calls for the development of apprenticeships as a solution to youth unemployment, provided that this is not organized simply as a response to academic failure in the general system but as a valued alternative responding to skills demand in the labour market.

According to the Programme for International Student Assessment (PISA), developed by the OECD, the academic results of youths of 15 years of age in France are above the EU average. However, in its country report 2020 for France, the Commission underlines the persistence of socio-economic inequalities in the French educational system. The correlation between the socio-economic status of pupils and their educational results is amongst the highest in the EU. Similarly, having a migration background negatively impacts performances.<sup>21</sup> A number of reforms were introduced in 2019 to address these issues, such as lowering

the compulsory age to start education to three and splitting certain classes in disadvantaged primary schools in two, so that students are in smaller classes.<sup>22</sup> France has reached the Europe 2020 objectives for reducing the rate at which students drop out and increasing the rate of higher-education graduates.<sup>23</sup>

## INCLUSION OF MIGRANTS

France's most recent piece of legislation on migration was the 2018 Law on asylum and immigration. The objective was threefold – reducing delays in the processing of asylum applications, strengthening the fight against illegal migration, and improving the reception of foreigners allowed to remain in France. This law has been widely criticized by civil society organisations (CSOs), human rights defenders and the ombudsman,<sup>24</sup> for making it harder for undocumented migrants to enter France and to stay once they have already arrived. The law thus gives the impression that France only makes an effort to welcome high-skilled migrants, and the text fails to propose any measure to regularise undocumented migrant workers.

## GENDER INEQUALITIES

According to the European Institute for Gender Equality (EIGE), France has made swift progress in gender equality since 2010 compared to the EU average. In 2020, the country ranked third in the Gender Equality Index, with a 7.2 percentage point increase since 2010.<sup>25</sup> Some legislative developments in recent years may be able to explain this improvement.

20 Service-public.fr (2020). L'obligation de formation des jeunes est portée de 16 à 18 ans: <https://www.service-public.fr/particuliers/actualites/A14217#:~:text=%C3%80%20partir%20de%201a%20rentr%C3%A9e,l%C3%A2ge%20de%2018%20ans>

21 European Commission (2020). Country Report France: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020SC0509&from=EN>

22 SOLIDAR (2019). Social Rights Monitor 2019 – France: [https://www.solidar.org/system/downloads/attachments/000/001/007/original/SRM19\\_-\\_France.pdf?1573662929](https://www.solidar.org/system/downloads/attachments/000/001/007/original/SRM19_-_France.pdf?1573662929)

23 European Commission (2020). Country Report France: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020SC0509&from=EN>

24 Mediapart (2018). Le Défenseur des droits dénonce de nouveau la loi Asile et immigration <https://www.mediapart.fr/journal/france/240618/le-defenseur-des-droits-denonce-de-nouveau-la-loi-asile-et-immigration?onglet=full>

25 EIGE (2020). Gender Equality Index 2020 country factsheets: France [https://eige.europa.eu/sites/default/files/documents/20203342\\_mhag20008enn\\_002.pdf](https://eige.europa.eu/sites/default/files/documents/20203342_mhag20008enn_002.pdf)

## GOOD PRACTICE

### GENDER EQUALITY INDEX IN BUSINESSES WITH MORE THAN 50 EMPLOYEES

In 2018, the Law on ‘freedom to choose one’s professional future’ included provisions to reduce the gender pay gap. The law made it mandatory for all employers of 250 employees and above to publish an annual “Gender Equality Index”. This is a self-assessment to measure how well a company is doing regarding equal pay, and it is based on a set of five precise indicators: i) wage gaps between women and men in comparable positions and levels of career advancement; ii) gaps in the distribution of salary increases; iii) gaps in the distribution of promotions; iv) the proportion of female employees back from maternity leave that benefit from pay increases awarded in their absence; and v) the presence of at least four women or men in the 10 highest-paying positions. Depending on the value of the index, the employer may have to implement corrective measures or else face a financial penalty.<sup>26</sup> Since 2020, this law has applied to all employers with more than 50 employees.

A law aiming to improve gender equality in the labour market had its field of application extended in January 2020. Since then, all companies with more than 250 employees must have at least 40% of places on their board of directors and supervisory boards filled

by women. Previously, this obligation only applied to companies with more than 500 employees.

Other measures were introduced this year. In May, the decree n° 2020-529 established the retention of career advancement rights for civil servants taking parental leave or suspending their professional activity in order to raise a child. This applies to a suspension period of up to five years across the whole of a civil-service career.<sup>27</sup> As of July 2021, the duration of paternity leave (including three days of birth leave) will be extended from 14 to 28 days.<sup>28</sup> These two measures will hopefully not only alleviate the career penalties faced for choosing to raise a child full-time (a choice overwhelmingly made by women), but also allow a more-equal sharing of parental duties.

### JOB PRECARIOUSNESS AND IN-WORK POVERTY

According to a study published by Eurofound, France has a high rate of non-standard employment, coupled with low transition rates towards standard forms of employment. This means a significant number of employees are trapped between temporary contracts and periods of unemployment, unable to find a permanent contract.<sup>29</sup>

France has a relatively low level of in-work at-risk-of-poverty (IW AROPE): 7.1% in 2018.<sup>30</sup> The European Social Policy Network attributes this to employment legislation and the importance of social benefits. With the guaranteed

26 Ministère du Travail, de l’Emploi et de l’Insertion (2019) : Index de l’égalité professionnelle : calcul et questions/réponses <https://travail-emploi.gouv.fr/droit-du-travail/egalite-professionnelle-discrimination-et-harcelement/index-egalite-professionnelle-femmes-hommes>

27 CGT – Union Fédérale des Syndicats de l’Etat (2020). Congé parental et disponibilité de droit : décret du 5 mai 2020 <https://ufsecgt.fr/spip.php?article7742>

28 S. Cordier (2020). La durée du congé paternité en France va doubler, passant à vingt-huit jours, Le Monde [https://www.lemonde.fr/societe/article/2020/09/22/la-duree-du-conge-paternite-en-france-va-etre-doublee\\_6053210\\_3224.html](https://www.lemonde.fr/societe/article/2020/09/22/la-duree-du-conge-paternite-en-france-va-etre-doublee_6053210_3224.html)

29 Eurofound (2019), Labour market segmentation: Piloting new empirical and policy analyses, Publications Office of the European Union, Luxembourg: [https://www.eurofound.europa.eu/sites/default/files/ef\\_publication/field\\_ef\\_document/ef19033en.pdf](https://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef19033en.pdf)

30 Eurostat (2020). In-work at-risk-of-poverty rate: <https://ec.europa.eu/eurostat/databrowser/view/tespm070/default/table?lang=en>

minimum wage, the various regulations of part-time work and short-term contracts, the possibility of combining work income with some social benefits, and the redistributive effects of family, fiscal and housing policies, being employed in France generally allows people to make ends meet. Still, the ESPN's report underscores the need to maintain attention on IW AROPE in France: i) the rate of IW AROPE is still higher than in several other countries, such as Belgium, the Netherlands and Finland; ii) it still represents around 2 million people at risk of poverty, which is a threat to social cohesion; and iii) specific groups of the population are particularly affected – those groups that are also the poorest in general in France: the self-employed, non-French workers, young workers and households with low

work intensity and dependent children (typically single-parent families).<sup>31</sup> These findings echo concerns of the NSG, which reports a phenomenon of “bad employment”, arguing that the published unemployment rate does not reflect precarious employment. The Observatoire des Inégalités (Inequalities Watch) suggests, instead of just looking at the unemployment figures, also considering precarious workers (those on short-term contracts) and people who are working part time only because they cannot find a full-time position. It found that 26% of the active population, about 7 million people, while employed, are in some form of “bad employment” – and that's without even taking into account some groups of “self-employed” workers such as platform workers.<sup>32</sup>

31 M. Legros (2019). ESPN Thematic Report on In-work poverty – France, European, Social Policy Network (ESPN), Brussels: European Commission.

32 A. Durand (2019). Précarité, travail contraint, espérance de vie... zoom sur six inégalités insidieuses, Le Monde, [https://www.lemonde.fr/les-decodeurs/article/2019/06/04/precarite-travail-constraint-espérance-de-vie-médiatisation-zoom-sur-six-inegalites-insidieuses\\_5471416\\_4355770.html](https://www.lemonde.fr/les-decodeurs/article/2019/06/04/precarite-travail-constraint-espérance-de-vie-médiatisation-zoom-sur-six-inegalites-insidieuses_5471416_4355770.html)

# INEQUALITIES AND TAXATION

## INCOME INEQUALITIES

Over the past 20 years, France's GINI index has been generally stagnating slightly below 30, after reaching an all-time low just before the 2008 crisis, of 26.6 in 2007. Although inequalities seem to have stabilized, at least before the Covid crisis hit, France performs only average-ly compared to other EU countries.<sup>33</sup> According to a study published by Eurofound, France, like Germany and Spain, has persisting significant income differences between employees in different labour market segments, even after taxes and transfers by the state.<sup>34</sup>

## FAIR TAXATION

Tax reforms in France in recent years have been mostly neoliberal in nature. One of the staunchest demands of the gilets jaunes movement has been the reinstatement of the wealth tax. In 2018, President Macron replaced it with a “real-estate wealth tax”, thus exempting securities and investment wealth from the tax.<sup>35</sup> The abolition of the wealth tax stirred harsh criticism from the left, which called it a present to the rich. A more recent development was the introduction in 2019 of the withholding tax, which aimed to make taxation smoother.<sup>36</sup>

## HOUSING TAX

The second-to-last phase of the housing tax reform, voted in 2017, was introduced in 2020. This tax is calculated based on a set of criteria which include a household's composition and total income. It finances local services such as

schools, social services, sports facilities, infrastructure and facilities related to water, sanitation and hygiene. With the reform, the tax is set to gradually disappear for all households' main residence by 2023, and as of 2020 the lowest-earning 80% of households are already exempt. Though the state assured the regional and municipal authorities that it would compensate their revenue losses, it will do so out of its own budget, which is mainly derived from collection of VAT – a tax that weights heavier on low-income households. The newspaper Le Monde calculated that the lowest-earning 80% of households will save an average of EUR 555 per year, while the richest 20% will enjoy a EUR 1,158 saving.<sup>37</sup> The measure, which was framed as a gesture to increase the purchasing power of low- and middle-income households, in the end looks like a present to the rich.

## DIGITAL TAX

After a suggestion by the treasuries of France and Germany, the European Commission in March 2018 unveiled a proposal for fairer taxation of digital giants. The project foresaw a tax of 3% of turnover coming from certain digital activities, such as the sale of advertising space for targeted advertisements, instead of taxing only profit. Following disagreements between the 27 EU member states and hostility from the US, the proposal fell through and was deferred to the OECD, still without success so far. However, France didn't give up on the idea and unilaterally voted its own tax in July 2019.<sup>38</sup> In October, the French minister for economic affairs announced a plan to start collecting the tax in December.<sup>39</sup>

33 Eurostat (2020). Gini coefficient of equivalised disposable income: [http://appsso.eurostat.ec.europa.eu/nui/show.do?lang=en&dataset=ilc\\_di12](http://appsso.eurostat.ec.europa.eu/nui/show.do?lang=en&dataset=ilc_di12)

34 Eurofound (2019), Labour market segmentation: Piloting new empirical and policy analyses, Publications Office of the European Union, Luxembourg: [https://www.eurofound.europa.eu/sites/default/files/ef\\_publication/field\\_ef\\_document/ef19033en.pdf](https://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef19033en.pdf)

35 V. Mazuir (2019). IFI, le nouvel ISF version Macron, Les Echos: <https://www.lesechos.fr/economie-france/budget-fiscalite/ifi-le-nouvel-isf-version-macron-130072>

36 V. Mazuir (2020). Impôts: la réforme du prélèvement à la source, Les Echos: <https://www.lesechos.fr/economie-france/budget-fiscalite/impots-la-reforme-du-prelevement-a-la-source-141580>

37 A. Sénécat, M. Ferrer (2019). La suppression de la taxe d'habitation rapportera près de 8 milliards aux plus riches (Le Monde) [https://www.lemonde.fr/les-decodeurs/article/2019/06/20/la-suppression-de-la-taxe-d-habitation-une-mesure-qui-profitera-finalemment-aux-plus-riches\\_5479189\\_4355770.html](https://www.lemonde.fr/les-decodeurs/article/2019/06/20/la-suppression-de-la-taxe-d-habitation-une-mesure-qui-profitera-finalemment-aux-plus-riches_5479189_4355770.html)

38 B. Gaillard (2020). Qu'est-ce que la taxe Gafa? Toute l'Europe: <https://www.touteleurope.eu/actualite/qu-est-ce-que-la-taxe-gafa.html>

39 B. Smith-Mayer, E. Braun (2020). France reinstates digital tax, courting trade war, Politico.eu: <https://www.politico.eu/article/france-reinstates-digital-tax-courting-trade-war/>

# SOCIAL PROTECTION AND INCLUSION

## POVERTY AND LIVING CONDITIONS

France's social protection system is known to be among the most effective in Europe at mitigating the risk of poverty and social exclusion, the rate of which was 17.9% in 2019, below that of most EU countries.<sup>40</sup> However, as the European Commission's 2020 country report highlights, France has not reached its poverty-reduction objectives in the Europe 2020 Strategy. Furthermore, the NSG fears that the Covid pandemic and its ensuing economic and social consequences might considerably increase the number of people at risk of poverty. The UNEDIC forecast is that by the end of 2020, an additional 900,000 people will have become partially or fully unemployed – and that is only counting those entitled to some unemployment benefits.<sup>41</sup> Given that unemployment benefits are a form of compensation but do not allow a person to maintain decent living conditions in the medium to long term, this represents a huge number of people potentially pushed into poverty. In line with many other voices from civil society and intermediate bodies such as the Economic, Social and Environmental Council, CEMEA calls for an extension of social minima benefits to include people under 25 years of age, as they were hit hardest by both the 2008 and the Covid-19 crises, but they still are a blind spot for the system of social protection.<sup>42</sup> <sup>43</sup> Beyond the crises, CEMEA regrets that the general approach to addressing poverty is to offer compensation with social benefits, instead of tackling its root causes.

## UNEMPLOYMENT AND PENSION REFORMS

A number of social protection reforms have been passed in recent years, often with the explicit objective of aligning the systems and making them more egalitarian combined with an implicit objective of cutting spending. From a social-protection point of view, the two biggest reforms, those of unemployment insurance and pensions, have essentially harmonized the systems downwards. However, both processes have been either suspended or postponed due to the Covid-19 crisis and fears of new social unrest.

The unemployment insurance reform, which was announced in June 2019 and entered into force in November 2019, was partially suspended. The first component foresaw new, stricter rules of eligibility for unemployment benefits, as well as a decline in benefits after six months of unemployment for monthly gross wages above EUR 4,500. A few positive innovations can be mentioned, such as the extension of the benefit to the self-employed and to employees who resign, under certain conditions. The application of the new conditions was suspended for jobseekers who lost their job between 1 August and 31 December 2020. The second component of the reform, the equally controversial introduction of a new method of calculation of the unemployment allowance, was postponed twice and will enter into application on 1 April 2021 at the earliest.<sup>44</sup>

40 Eurostat (2020). People at risk of poverty or social exclusion : [https://ec.europa.eu/eurostat/databrowser/view/t2020\\_50/default/table?lang=en](https://ec.europa.eu/eurostat/databrowser/view/t2020_50/default/table?lang=en)

41 UNEDIC (2020). L'Assurance chômage, un soutien majeur face à la crise du Covid-19 : <https://www.unedic.org/espace-presse/actualites/assurance-chomage-soutien-majeur-face-la-crise-du-covid-19>

42 T. Chevalier (2020). Les jeunes représentent un angle mort de l'Etat-Providence français, Le Monde : [https://www.lemonde.fr/idees/article/2020/09/05/les-jeunes-representent-un-angle-mort-de-l-etat-providence-francais\\_6051065\\_3232.html](https://www.lemonde.fr/idees/article/2020/09/05/les-jeunes-representent-un-angle-mort-de-l-etat-providence-francais_6051065_3232.html)

43 L'Obs, AFP (2020). Le Conseil économique, social et environnemental demande l'accès aux minima sociaux pour les 18-25 ans : <https://www.nouvelobs.com/societe/20201202.OBS36919/le-cese-demande-l-acces-aux-minima-sociaux-pour-les-18-25-ans.html>

44 Vie Publique (2020). 7 questions sur la réforme de l'assurance chômage : <https://www.vie-publique.fr/questions-reponses/271537-7-questions-sur-la-reforme-de-l-assurance-chomage>

The pension reform was designed to unify 42 different schemes into a single, points-based system, in which one euro's worth of contribution gives the same pension right to all, regardless of their profession and status. After nationwide protests, the bill was eventually adopted by the Assemblée Nationale – the French lower house – in March 2020. However, the legislative procedure, here too, was then suspended until further notice.

## HEALTHCARE

Although the French health system provides good overall access to high-quality care, challenges persist, such as strengthening health prevention and reducing health inequalities.<sup>45</sup> France's medical density is slightly below EU average, with 3.4 practitioners for 1,000 inhabitants,<sup>46</sup> but the NSG points out that some areas are particularly deprived of practitioners. Those “medical deserts” are often located in rural areas but also in some poor areas near Paris or in overseas territories.<sup>47</sup> Furthermore, while only 1% of the population reported unmet medical needs due to cost, distance or waiting time in 2017, some low-income groups and people with a migration background face issues in accessing health care. The universal health insurance does not comprehensively cover certain types of specialized care, such as dental, optical, hearing and mental-health care.<sup>48</sup> For these, people have to turn to complementary health insurance schemes (mutuelles), provision of which is closely linked to employment conditions. In 2019, an investigation conducted by the ombudsman revealed that 10% of practitioners refused to take appointments

from people on universal basic health coverage (generally the most precarious), which is illegal. Depending on regions and specialisation, the figure sometimes rose to 30%.<sup>49</sup> Moreover, as stressed by the NSG, access is especially difficult for migrants and refugees. The main reasons for this are unsuitable information on their rights to access healthcare and heavy procedures, which lead people to delay their recourse to healthcare or to not seek it at all. There is often also a language barrier between users and health professionals. In addition, applicants for State Medical Aid (AME), a scheme especially designed for undocumented migrants, need to have stayed in France for three uninterrupted months to be eligible.<sup>50</sup> According to Doctors Without Borders, a significant number of migrants and asylum seekers do not have any form of health coverage even after a year of residence in France.<sup>51</sup>

## HOUSING

For some groups of the population, access to affordable housing has been made more difficult in the past few years. A law on new housing that entered into force in 2019 is a particularly compelling example. In an attempt to encourage construction by reducing its costs, the legislation set a requirement for new collective housing that 20% of units have to be accessible – that is, either on the ground floor or served by a lift. The remaining 80% would only need to be “upgradeable” to make them accessible. This undermined an advance achieved in 2005: the principle of universal accessibility of housing, with the objective that 100% of new constructions be accessible to all.<sup>52</sup>

45 OECD/European Observatory on Health Systems and Policies (2019), France: Country Health Profile 2019, State of Health in the EU, OECD Publishing, Paris/European Observatory on Health Systems and Policies, Brussels.

46 European Commission (2019). Country report France 2019: [https://ec.europa.eu/info/sites/info/files/file\\_import/2019-european-semester-country-report-france\\_en.pdf](https://ec.europa.eu/info/sites/info/files/file_import/2019-european-semester-country-report-france_en.pdf)

47 Ibid.

48 OECD/European Observatory on Health Systems and Policies (2019), France: Country Health Profile 2019, State of Health in the EU, OECD Publishing, Paris/European Observatory on Health Systems and Policies, Brussels.

49 S. Charbonnier (2019). Santé : quand des médecins refusent des soins aux plus précaires, France Bleu : <https://www.france-bleu.fr/infos/sante-sciences/sante-quand-des-medecins-refusent-des-soins-aux-plus-precaires-1572371374>

50 Service-Public.fr. Qu'est-ce que l'Aide Médicale d'Etat ? <https://www.service-public.fr/particuliers/vosdroits/F3079>

51 Médecins du Monde. Accès aux droits et aux soins des migrants et exilés <https://www.medecinsdumonde.org/fr/pays/france/migrants>

52 A. Durand (2018). Le grand flou des logements « accessibles » aux handicapés, Le Monde : [https://www.lemonde.fr/les-decodeurs/article/2018/06/05/le-grand-flou-des-logements-accessibles-aux-handicapes\\_5309881\\_4355770.html](https://www.lemonde.fr/les-decodeurs/article/2018/06/05/le-grand-flou-des-logements-accessibles-aux-handicapes_5309881_4355770.html)

More generally, the NSG reports that housing expenses take up a growing share of households' income. Most housing-related expenses have increased continuously since the 1990s, reaching an average of 26.6% of households' total income in 2018.<sup>53</sup> A positive long-term trend is the progressive extension of housing allowances to include more groups of tenants, such as students.<sup>54</sup> Compared to other EU countries, France is also doing well regarding the overburden rate of housing costs: 5.5% of the population live in a household where housing costs take up more than 40% of its revenue (before social transfers).<sup>55</sup> The progressive elimination of the housing tax, detailed in the "Fair Taxation" section of this monitor, was also branded as a measure to increase the purchasing power of low- and middle-income households. Nevertheless, recent developments have led the NSG to describe France's current housing policy as "catastrophic", especially towards the poorest segments of the population, underlining the negative signals sent out by the reductions in housing allowances in 2017.<sup>56</sup> One good practice the NSG wishes to highlight is rent control, which has been introduced in big cities such as Paris and Lille.

Although France has a series of laws setting mandatory social-housing supply standards for municipalities,<sup>57</sup> access to social housing is restricted, as the demand keeps increasing and the supply keeps shrinking. This particularly affects vulnerable units such as single-parent households, which are more at risk of poverty.

## GOOD PRACTICE CITIZENS FOR A JUST TRANSITION

The Citizen's Convention on Climate was set up in 2019 by the Economic, Social and Environmental Committee. The convention selected 150 French citizens randomly and gave them the mandate of "defining together a series of measures that will allow the achievement of a reduction of at least 40% in greenhouse gas emissions by 2030 (compared to 1990) in a spirit of social justice." In June 2020, they issued 149 proposals, of which the government agreed to put 146 before parliament or to a referendum. Three were discarded at once by the president: reducing the speed limit on highways to 110 km/h from 130 km/h, taxing dividends and modifying the constitution's preamble. These rejections raise questions over how far the executive branch is prepared to go and how radical it will allow change to be. Three months later, at the end of September, an additional eight proposals found themselves endangered by contradictory declarations from officials.<sup>59</sup> Only time will tell if this process actually leads to the meaningful civic involvement it was intended to, or whether it will end up as an exercise in smoke and mirrors. In the meantime, the collective of 150 citizens who elaborated the proposals are tracking the discussion, adoption and implementation of each proposal on their website.<sup>60</sup>

53 INSEE (2019). France, portrait social – Edition 2019 – Dépenses de logement, figure 2 <https://www.insee.fr/fr/statistiques/4238403?sommaire=4238781#consulter>

54 Ibid, figure 3

55 Eurostat (2020). Housing cost overburden rate: <https://ec.europa.eu/eurostat/databrowser/view/tespm140/default/table?lang=en>

56 L'Humanité (2017). APL, la baisse de 5 euros c'est officiel ! <https://www.humanite.fr/apl-la-baisse-de-5-euros-cest-officiel-642839>

57 Ministère de la cohésion des territoires et des relations avec les collectivités territoriales (2019). Loi Solidarité et renouvellement urbain (SRU) : <https://www.cohesion-territoires.gouv.fr/loi-solidarite-et-renouvellement-urbain-sru>

58 Vie-publique.fr (2013). Loi du 18 janvier 2013 relative à la mobilisation du foncier public en faveur du logement et au renforcement des obligations de production de logement social : <https://www.vie-publique.fr/loi/20643-mobilisation-du-foncier-public-en-faveur-du-logement>

59 T. Baietto (2020). Climat : huit propositions de la Convention citoyenne écartées par le gouvernement (malgré la promesse d'Emmanuel Macron), France Info : [https://www.francetvinfo.fr/monde/environnement/convention-citoyenne-sur-le-climat/climat-sept-propositions-de-la-convention-citoyenne-ecartees-par-le-gouvernement-malgre-la-promesse-d-emmanuel-macron\\_4123179.html](https://www.francetvinfo.fr/monde/environnement/convention-citoyenne-sur-le-climat/climat-sept-propositions-de-la-convention-citoyenne-ecartees-par-le-gouvernement-malgre-la-promesse-d-emmanuel-macron_4123179.html)

60 #SansFiltre Les 150 (2020). Suivi des 149 mesures de la Convention Citoyenne pour le Climat par l'association Les 150 : <https://sansfiltre.les150.fr/>

# CIVIC SPACE

## FREEDOM OF ASSOCIATION

Freedom of Association is sufficiently respected in France, according to the National Strategy Group. The NSG points out there are several options available for funding, such as the Fonds de Développement de la Vie Associative (FDVA)<sup>61</sup> – the funds for decentralized authorities. Concerning CSOs' capacity to effectively carry out their activities, the NSG does have some reservations. It points out the limited legal resources of CSOs that are not recognised as being of general interest. The CSOs making up SOLIDAR's NSG have also reported increasing disinterest among the younger generation for associations in their traditional and legal sense. Instead, they turn to more-flexible and horizontal structures, such as collectives. Younger activists also prefer activism organised around ad hoc struggles such as specific projects or policies, for example, ZADs (zones à défendre, or zones to defend). In parallel, the NSG notes with regret the old age of association leaders in France, without being able to tell whether the lack of young people is the reason the leaders are old, or whether the age of the leaders is the cause of young people's lack of interest. CSOs' credibility and capacity for action is undoubtedly affected by the age of their members and leaders. The legal framework under which associations operate is also constricted by the state's approach to relations with associations. The NSG reports with regret that calls for projects and partnership agreements create a relationship of "instrumentalization": objectives are defined unilaterally by the state and the CSOs then carry them out. This arrangement accentuates the subsidiarity of state action to the detriment of the independence of associations.

In autumn 2020, several developments have called into question the freedom of associations to exist as independent entities. The Interior Minister declared his ministry would send an administrative dissolution notification to two associations with connections to Islam, saying that they were linked to political radical Islamism.<sup>62</sup> In November, the government presented a proposal for a bill "reinforcing the principles of the republic". This foresees that any association that receives public funding must commit to respecting the principles and values of the republic; otherwise it will be required to return the funding. Under certain conditions, an association will also be held responsible for actions of its members, a rule that opens the door to all kinds of possible abuse.<sup>63</sup>

## FREEDOM OF PEACEFUL ASSEMBLY

The NSG representatives point out that, while freedom of peaceful assembly is generally respected in France, vigilance is needed, as there have been multiple instances of this freedom being breached in recent years. In 2020, the coronavirus outbreak led to the state of emergency, a special legal framework. On 22 March, the National Assembly adopted a "State of Health Emergency" law, which gave the prime minister the power to declare by decree "general measures setting limits on the freedom of movement, the freedom of enterprise and the freedom to congregate".<sup>64</sup> As a result, the pandemic made a good excuse for the state to restrict gatherings and demonstrations. Several civil society organisations highlighted the obvious paradox of banning peaceful gatherings of more than 10 people, which

61 <https://www.associations.gouv.fr/FDVA.html>

62 Le Parisien (2020). Gérald Darmanin proposera la dissolution du CCIF dans deux semaines : <https://www.leparisien.fr/faits-divers/gerald-darmanin-proposera-la-dissolution-du-ccif-dans-deux-semaines-27-10-2020-8405141.php>

63 L'Express.fr (2020). Séparatismes : ce que contient le projet de loi "confortant les principes républicains" : [https://www.lexpress.fr/actualite/societe/justice/separatismes-ce-que-contient-le-projet-de-loi-confortant-les-principes-republicains\\_2138876.html](https://www.lexpress.fr/actualite/societe/justice/separatismes-ce-que-contient-le-projet-de-loi-confortant-les-principes-republicains_2138876.html)

64 CIVICUS (2020). Civic Space Monitor – France : <https://monitor.civicus.org/country/france/>

the government did by decree on 11 May,<sup>65</sup> while allowing or even encouraging other activities, such as going to church, indoors and outdoors entertainment, voting, and professional gatherings. Consequently, the state banned several demonstrations during the year, despite the Council of State ruling in June against the general ban on public gatherings, on the grounds that their interdiction can be justified by the sanitary situation only if the safety regulations cannot be observed.<sup>66</sup> Several gilets jaunes marches were thus banned on the weekend of 11 to 13 September.<sup>67</sup>

Another subject of concern regarding civic space is the increasing number of police crackdowns on peaceful protesters. Just as in 2018 and 2019, there were numerous excessive arrests in 2020, as well as unjustified use of teargas and violence against protesters, including healthcare workers,<sup>68</sup> climate protesters, feminists, gilets jaunes and pension-reform protesters. Journalists, too, have been victims of police brutality. In several instances in 2020, journalists were intimidated, brutalized, impeded or arbitrarily detained during or after the coverage of demonstrations. This happened during a trade union march in Paris in September, for example.<sup>69</sup> In light of this worrying trend, Reporters Without Borders (RSF) in June called on the Interior Minister<sup>70</sup> to ask for firm action to protect reporters from police brutality in France.

## FREEDOM OF SPEECH

The NSG notes that freedom of speech is, overall, well-protected in France. However, RSF warns of a rising number of cases in which journalists are pressured to give divulge their sources, something that goes against the principle of source confidentiality, which is enshrined in law.<sup>71</sup> In a number of instances, journalists investigating very sensitive topics have been summoned by intelligence services.<sup>72</sup> The NSG reports that journalists from Le Monde and Mediapart were summoned as witnesses in a judicial case after their investigation of a state affair in 2019.<sup>73</sup> Similarly, according to the NSG, freedom of the press and freedom to inform in general are under threat from the proposal for a new security law that the government put to vote in the Assemblée Nationale in November 2020. This includes the contentious Article no. 24, which would make it a criminal offence to use images of the police in a “malevolent” way. The diffusion of images of the police containing their faces or any other elements of visible identification, with the goal of infringing their physical or psychological integrity, could lead to a prison sentence of up to one year and a EUR 45,000 fine.<sup>74</sup> Thousands of people all over France took the streets on 28 November to denounce this bill and the restrictions it would impose on fundamental freedoms.<sup>75</sup> The European Commission has also stepped into the debate to advocate for journalists’ rights and their need to work freely and safely.<sup>76</sup>

65 Légifrance (2020). Décret n° 2020-663 du 31 mai 2020 prescrivant les mesures générales nécessaires pour faire face à l'épidémie de covid-19 dans le cadre de l'état d'urgence sanitaire : [https://www.legifrance.gouv.fr/loda/article\\_lc/LEGIAR-TI000042022801/2020-06-22/](https://www.legifrance.gouv.fr/loda/article_lc/LEGIAR-TI000042022801/2020-06-22/)

66 Conseil d'Etat (2020). Le juge des référés du Conseil d'État suspend l'interdiction générale et absolue de manifester sur la voie publique : <https://www.conseil-etat.fr/actualites/actualites/le-juge-des-referes-du-conseil-d-etat-suspend-l-interdiction-generale-et-absolue-de-manifester-sur-la-voie-publique>

67 CIVICUS (2020). CIVICUS Monitor: France <https://monitor.civicus.org/country/france/>

68 L. Gehrke (2020). Outbreaks of violence at Paris health care workers' protest, Politico.eu: <https://www.politico.eu/article/paris-violence-health-care-worker-protest/>

69 R. Andraca (2020). Pourquoi le journaliste Gaspard Glanz a-t-il été placé en garde à vue jeudi ? Libération, [https://www.liberation.fr/checknews/2020/09/21/pourquoi-le-journaliste-gaspard-glanz-a-t-il-ete-place-en-garde-a-vue-jeudi\\_1799990](https://www.liberation.fr/checknews/2020/09/21/pourquoi-le-journaliste-gaspard-glanz-a-t-il-ete-place-en-garde-a-vue-jeudi_1799990)

70 Reporters Without Borders (2020). Time for firm measures to protect reporters against police violence in France: <https://rsf.org/en/news/time-firm-measures-protect-reporters-against-police-violence-france>

71 Légifrance (2020). Loi du 29 juillet 1881 sur la liberté de la presse : <https://www.legifrance.gouv.fr/loda/id/JORF-TEXT000000877119/2020-11-15/>

72 Reporters Without Borders: <https://rsf.org/fr/france>

73 20 Minutes, AFP (2019). Affaire Benalla : Mediapart dénonce la convocation de quatre de ses journalistes : <https://www.20minutes.fr/societe/2628803-20191015-affaire-benalla-mediapart-denonce-convocation-quatre-journalistes>

74 Le Monde, AFP (2020). Quelles ont les principales mesures de la loi de sécurité globale ? [https://www.lemonde.fr/police-justice/article/2020/11/17/quelles-sont-les-principales-mesures-de-la-loi-de-securite-globale-examinee-a-l-assemblee\\_6060063\\_1653578.html](https://www.lemonde.fr/police-justice/article/2020/11/17/quelles-sont-les-principales-mesures-de-la-loi-de-securite-globale-examinee-a-l-assemblee_6060063_1653578.html)

75 E. Wax (2020). Thousands protest in France against new security bill, Politico.eu: <https://www.politico.eu/article/france-protests-security-bill-police-violence/>

76 E. Braun (2020). Commission steps into French fight against journalism rights, Politico.eu: <https://www.politico.eu/article/commission-opinion-france-law-journalism-police-photos/>

## SOCIAL AND CIVIL DIALOGUE

The social partners finally engaged in social dialogue on remote working in early November. The trade unions had been demanding this since the spring, when 5 million employees turned to teleworking overnight,<sup>77</sup> but the employers confederation only agreed to open negotiations at the end of September. The unions' goal is to reach a national inter-professional agreement by the end of November to ensure the protection of workers in times of pandemic as well as normal times. On the other hand, employers are pushing for a non-binding agreement that would leave the concrete terms of the organization of teleworking to be agreed on by individual companies or companies.<sup>78</sup> Reaching an agreement on teleworking is the most pressing work issue of 2020, according to the NSG.

Overall, the NSG reports that social and civil dialogue is often incantatory. The public authorities refer to it, but there remains a significant gap between their displays of good intentions and follow-up actions, as dialogues are often limited to consultation rather than

co-decision. In 2018, 2019 and the beginning of 2020, several mass protests and general strikes highlighted the discord between the government's actions and the will of some of the population. The gilets jaunes protests started with the goal of denouncing a specific tax reform, but carried on well after the reform was reversed, seemingly turning into a movement of general opposition to the government. Mass demonstrations against the pension reform at the end of 2019 and the executive branch's attitude towards the reform also seem to underline that the government takes little account of the positions and proposals of intermediate bodies. Despite the magnitude of the strikes and protests, the opposition of the main trade unions, and non-binding announcements by the prime minister that he was willing to withdraw the pension reform bill, the government forced the bill through at the beginning of March 2020. To do so, it used the controversial Article no. 49.3 of the constitution, which is often called "antidemocratic". It allows a bill to pass unilaterally without consulting parliament. An ensuing vote of no confidence was brought by opposition parties but failed to achieve a majority.

77 Le Monde, AFP (2020). Une négociation sur le télétravail très attendue par les syndicats, moins par le patronat [https://www.lemonde.fr/economie/article/2020/11/01/une-negociation-sur-le-teletravail-tres-attendue-par-les-syndicats-moins-par-le-patronat\\_6058093\\_3234.html](https://www.lemonde.fr/economie/article/2020/11/01/une-negociation-sur-le-teletravail-tres-attendue-par-les-syndicats-moins-par-le-patronat_6058093_3234.html)

78 F. Durupt (2020). Télétravail : le patronat finalement ouvert à des négociations, Libération : [https://www.liberation.fr/france/2020/09/22/syndicats-et-patronat-s-opposent-sur-l-avenir-du-teletravail\\_1800111](https://www.liberation.fr/france/2020/09/22/syndicats-et-patronat-s-opposent-sur-l-avenir-du-teletravail_1800111)

## COMPARISON WITH THE COUNTRY SPECIFIC RECOMMENDATIONS

The European Commission's Country-Specific Recommendations address first and foremost the economic recovery from the Covid-19 crisis and debt sustainability, while our National Strategy Group has considered social rights and the need for structural changes. However, some of the latter elements also emerge in the Commission's recommendations. In line with the NSG's observations, the Commission identifies the need to reinforce the resilience of the health system, notably by ensuring a balanced distribution of health workers. With regards to mitigating the employment and social impact of the current crisis, the recommendations focus on promoting skills and support for jobseekers, which is also what our NSG recommends, in

particular for young people. Where the Commission advises that investment be focussed on the green and digital transitions, CEMEA, La Ligue and their NSG partners instead emphasise the need for the transition to be just. They put forward environmental, economic and social policies that will leave no one behind. The last recommendation from the Commission is to simplify the tax system. However, our report contends that, depending on the orientation of the reforms, simplifying the system could in fact steer it away from social-justice goals. The Commission makes no comment on how to ensure equal opportunities for people from a migrant background, or on the preoccupying rises in poverty and job precariousness.

SOLIDAR's Social Rights Monitor 2020 has been developed in the framework of the Together for Social Europe programme co-funded by the EU Programme for Employment and Social Innovation (EaSI). It provides an insight into the state of social rights in 17 European countries. The Monitor assesses the state of social Europe in terms of equality of opportunities, fair working conditions, social protection, inclusion and civic space based on the observations of Civil Society Organisations working on the ground in combination with statistical data and scientific findings. It does so on the basis of observations of National Strategy Groups set up in each of these countries by a SOLIDAR member or partner. The 2020 Monitor also analyses to what extent these aspects are reflected in the Country Specific Recommendations of the European Semester process towards a socially sustainable recovery after the Covid-19 crisis.

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