This report was drafted by a team of researchers from the Sciences Po Law School Clinic’s Human Rights, Economic Development and Globalization (HEDG) program, at the request of and in collaboration with the Right to Education Initiative (RTE). The researchers and authors of this paper are Bertille Bertinotti-Proust, Master “Human Rights and Humanitarian Action”, Ana Clara Cathalat, Master “Human Rights and Humanitarian Action” and Ana Horvatin, Master “Droit économique spécialité Global Governance Studies”. Their work has built on the report: “Limited Potential - The Right to Higher Education In France, Impact of Place of Origin and Cost on Inequality”, authored by a previous research team from the HEDG program as part of the same collaboration with RTE, on the place of origin and different costs of higher education affecting equality. The present policy paper was supervised by Roman Zinigrad, tutor of the HEDG program, and was submitted to the Right to Education Initiative in April 2020. The content of and opinions expressed in this policy paper solely reflect the authors’ analysis, it does not necessarily reflect the views of and should not be attributed to the Sciences Po Law School and its Clinic.
Executive summary

International human rights law requires States to provide equal access to higher education without discrimination and to ensure the progressive realization of the right to free higher education. Although France outperforms many countries at the Organization for Economic Cooperation and Development (OECD) on many metrics regarding higher education, there remains significant problems, particularly ensuring equal access for students based on their place of origin. The opportunities students have, are not equal across all regions of France. Part of this inequality can be attributed to the socio-economic status of individual students. However, regional differences operate independently, and can exacerbate socio-economic inequalities, in determining participation in higher education.

This policy brief shows that the unequal distribution of higher education institutions across the country results in students having to move across regions to access higher education, thus incurring costs (mainly housing and transportation), which are harder to meet for those who do decide to move, due to regional differences in standards of living. Coupled with the stagnation of budget allocation to higher education and the general rise in tuition fees, these indirect costs of education constitute a significant barrier to the enjoyment of the right to free higher education on a non-discriminatory basis.

Introduction

In France, opposition to increasing inequality and elitism have been the subject of social movements. In a country where job destabilization and financial insecurity have affected most of the population, particularly the most marginalised sections of society, there have been protests calling for a more just society. Given education’s role in reducing inequality and increasing social mobility, it is no surprise that developments in higher education have also attracted significant attention, particularly the increasing commercialisation and unaffordability of attending university.

The impact of rising fees on students based on socio-economic status is well-studied. However, the impact a student’s place of origin, here understood as the place a student obtained their high school diploma, has on their ability to enjoy their right to higher education, is less well-understood. Research conducted by the Sciences Po Law School Human Rights Clinic and the Right to Education Initiative, shows that access to higher education highly depends on students’ place of origin and this raises serious human rights concerns.

This policy brief will analyze such inequalities from the perspective of international human rights law and French law, which this brief shows are not currently respected. After clarifying the applicable legislation, this brief will analyze the impact of place of origin and how this phenomenon manifests with regards to the distribution of higher education institutions, the costs this represents to students and the disparities between French regions. Finally, it will propose recommendations that would bring France into compliance with its human rights obligations.
The human right to higher education

International law - which is, according to the French Constitution, superior to French legislation - as well as domestic French law, set the standards for access to higher education. International Human Rights Law, particularly the International Covenant of Economic, Social and Cultural Rights (ICESCR) ratified by France in 1980, assert that the right to higher education must be realized progressively to the maximum available resources. This means that any “deliberately retrogressive measures” in respect of higher education, such as a decrease in the budget allocated to higher education, “would require the most careful consideration”. The Abidjan Principles on the human rights obligations of States to provide public education and to regulate private involvement in education is a non-binding document widely recognized by human rights experts and United Nations’ bodies that unpack and put into practice human rights law standards and jurisprudence. The Abidjan Principles clarify that the burden of proof that these measures, if adopted, are in accordance with applicable human rights law and standards falls on the State. Such standards include accessibility and anti-discrimination.

Under ICESCR, accessibility refers to physical and economic accessibility. Physical accessibility refers to education being available within safe physical reach, either by attendance at some reasonably convenient geographic location or via modern technology. As for economic accessibility, States parties are required to progressively introduce free higher education. In other words, concrete measures that work on widening access should be introduced. The Constitution of 1946 goes beyond international law, to say that, the “the provision of free, public and secular education at all levels is a duty of the State”, as well as “equal access for children and adults”. This was confirmed in a decision of the French Constitutional Council from October 2019 (Décision n° 2019-809 QPC), that ruled that schools should set tuition fees that take into account the resources of students, emphasizing the duty of the State to enforce this rule within public education.

According to the UNESCO Convention against Discrimination in Education, discrimination includes any “distinction, exclusion, limitation or preference” which “has the purpose or effect of nullifying or impairing equality of treatment in education and in particular of depriving any person or group of persons of access to education of any type or at any level” or “of limiting any person or group of persons to education of an inferior standard”.

Regarding discrimination, the ICESCR, art. 2.2, affirms that States Parties must “guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” While place of origin is not an express ground of discrimination under the ICESCR, the CESC considers it can be covered as “other status”. According to its General Comment 20 on non-discrimination, paragraph 34, “The exercise of Covenant rights should not be conditional on, or determined by, a person’s current or former place of residence; e.g. whether an individual lives or is registered in an urban or a rural area”.

Thus, place of origin can be a proxy for other forms of discrimination, such as socio-economic status, cultural, racial, and linguistic inequalities. In this sense, the socio-economic aspects within place of origin can be covered in para 35 of the aforementioned General Comment, that states that “individuals and groups of individuals must not be arbitrarily treated on account of belonging to a certain economic or social group or strata within society. A person’s social and economic situation (...) can lead to the refusal of, or unequal access to, the same quality of education”. 
The unequal distribution of higher education institutions across regions

Even though academic institutions are generally available across regions, some regions offer a wide variety of institutions, courses and tracks. Whilst others have a limited number of options. This leads to a disproportionate concentration of quality and specialist institutions in specific regions.

In 2015–2016, the city receiving most of the students was Paris, with 13% of all students in higher education. While an uneven distribution may be justified by the size and population of each region, evidence is clear about the movement of students to key academic centers. In fact, more than 80% of students in Paris are not originally from the region. Attracted by better opportunities, students move to key educational centers to pursue higher education. This requires, however, a great financial commitment, particularly for students moving from a place that has a lower standard of living to the place they are moving to.

The impact of place of origin on inequalities in access to higher education in France

By imposing a heavier financial burden on displaced students, inequalities limit educational choices with regards to the course, institution and city they may select. These inequalities affect students in many different ways, as it will become clear throughout this brief, but a lack or limitation of choice is the most evident and undeniable aspect of this phenomenon.

In addition to that, other impacts can be observed, although not systematically, such as completion rates. As the charts below show, both higher education attendance and completion vary according to location, region, and wealth indicating that completion rate is on average higher in urban areas than in rural areas. Therefore, there exists inequalities that warrant further examination from a human rights perspective.

Figure 1: Completion rates
The difficulty in systematically observing impacts of place of origin can be explained by the fact that data that would provide more robust evidence of possible discrimination is missing. Disaggregated data by region and socio-economic status that would show the differential impact of each factor is not made available, thus, undermining the identification of the exact ways this phenomenon impacts students.

Besides posing a difficulty to analyze the impact of place of origin, the lack of data also undermines the participation of citizens in decision-making and debates concerning higher education in the country. This is concerning because as the Committee on Economic, Social and Cultural Rights have made it clear, there is an obligation to monitor the realization of the right to education and that these obligations stand regardless of resource constraints.

**Distribution of indirect costs and tuition fees as a barrier to participation**

The Committee on Economic, Social and Cultural Rights (CESCR) has called on France to “ensure that indirect costs associated with school attendance at the secondary and tertiary levels do not reduce the accessibility of education for persons from disadvantaged households” in its concluding observations on the fourth periodic report of France, adopted in 2016. This recommendation highlights the importance of addressing indirect costs, so that they do not impair accessibility.

Housing and transportation are the two key factors in the cost of living for students.

Housing is the main expense, representing 54% of an average student’s budget. The average rent per city in France varies widely and leads students to face disparate housing costs based on where they study. Since the French higher education institutions tend to be geographically polarized around larger cities, particularly in the case of prestigious establishments, rent prices are often higher than the average. For instance, the average rent for students is 340€ for a city such as Le Mans, whereas the average rent is more than double (873€) for students in Paris. Thus, for students moving to study in a central location, the financial burden will be a lot higher. The infographic below shows accommodation prices increasing in 2018 according to a report by UNEF.
Transportation is also one of the main indirect costs that students face in order to attend courses. In 2018-2019, the national average for a public transportation pass was 271.77€. The highest price was once again in Ile-de-France at 342€ in 2018, while in a smaller city like Toulouse a pass costs 102€. However, traveling within a city, to get to and from lessons, for example, is not the only transportation cost students incur. Students who study in regions different from their place of origin face additional costs when they go back home for holidays. The average SNCF train ticket has stayed at 50€ one-way since 2013, although ticket prices increase the greater the distance. However, students tend to return home multiple times a year. The cost of transportation is even higher for French students originally from France’s overseas territories, who must buy plane tickets to get back home. This expense should not be taken as a luxury, since the cost barrier may prevent students from being with their families and friends, which can have mental health impacts.

A student studying in Paris, told is: “You come to Paris, you are not going to live only from your grant, you have to work on the side. It’s relentless [...] It’s five or six years of sacrifice. [...] I would wake up at 5 A.M. to go prep food for the CROUS [cafeteria], in the cold, until 8 A.M. Then I would have class at 9 A.M. until 6 P.M., so it was a lot. There were times, it was a lot of pressure. I worked on weekends; I had no rest.”
In addition to transportation and housing, higher education is becoming less economically accessible due to a gradual rise in tuition fees. In a country with such a stratified higher education system, where near-free public universities do exist, it may not be so obvious to identify the pertinent human rights issue. The government seems to take into account the socio-economic status of students through CROUS financial aid, and even offers mobility grants. These grants are however limited, and socio-economic status does not, in itself, explain territorial inequalities in the higher education system, especially when it comes to the most prestigious institutions.

Today, the main public diploma, Licence (3-year diploma), obtained at regular public universities (non-grandes écoles) costs 170€ per year. However, the problem arises when considering the diversity in social, economic, and cultural value associated with educational institutions in France. Each type of institution is known and evaluated in terms of career earnings and post-graduation employment rates, which leads students to make strategic choices about the tertiary track they want to be enrolled in. The vast majority of renowned institutions guaranteeing the best employment opportunities have higher tuition fees that are generally rising. These prestigious institutions can be either public or private. For example, there was an increase of the tuition fees for every engineering school, considered highly prestigious due to their specialized training. The most significant raise in tuition fees occurred in l’École Supérieure des Mines de Paris, one of the highest ranked engineering schools in France. Between 2006 and 2018, annual tuition fees went from 450€ to 3,500€ - a 678% increase. Likewise, for public universities with grandes écoles status such as Sciences Po Paris, fees vary from 0€ to 10,700€ per year for a bachelor’s degree depending on a student’s household revenue. The issue created by this system is that many students are in-between levels, which means that they are unable to pay the high fees, but may not be eligible to receive CROUS financial aids which would automatically waive their tuition fees. Lastly, private institutions set their own fees that vary between 3,000 and 10,000€. For top business schools, namely HEC, EDHEC, ESSEC and ESCP Europe, yearly tuition fees surpassed 15,000€ in 2018. Despite scholarships, exemptions and alternative ways of payment, no governmental fee exemptions apply for such private institutions, therefore, students or their families must pay the full fee. Importantly, in certain professions, notably in the business sector, studying in private institutions is often vital to achieving success in the future. Because of this, the issue requires the adoption of adequate measures by the French government to ensure equal means to pursue these professions to students regardless of socio-economic status and place of origin.

For those thinking of pursuing higher education, most of the costs mentioned above are multiplied by the number of years they are studying (ranging from two-five years depending on the degree type). One needs to know these costs before making a decision of whether to study and where to do so. The complexity and variability of costs makes this calculation difficult, with 44% of parents not aware of how much their children’s education costs. The lack of transparency regarding indirect and direct fees means that the shorter and less prestigious degrees are regarded as a more affordable option that many students choose to pursue, and which are concentrated in less developed areas. Evidence bears this out: France has a high proportion of students enrolled in short education programs compared to the other OECD countries. In 2017, 15% of French 25-34 years-olds graduated from a short-cycle tertiary track, which is twice the OECD average. Moreover, France held the lowest proportion of bachelor graduates (12%) compared with the OECD average (22%). It is necessary to consider that indirect costs in themselves constitute a discrimination because they could affect student’s choices of education and those costs will differ according to a student’s place of origin.
Disparities between regions aggravates financial costs

The impact of place of origin on inequalities in access to higher education are exacerbated by socio-economic disparities across the different French regions and at a smaller scale, across the French departments. These differences are reflected in the wide variation of the GDP per capita between regions. Ile-de-France where Paris ranks at the top with 55,227€, while Mayotte - an overseas territory considered a region and a department - is at the bottom with 8,661€. Different departments also have varying standards of living. The département of Paris is at the top with a median standard of living of 26,431€ and La Réunion at the bottom with 14,258€, yearly. Disparity trends appeared similar when looking at the poverty rate throughout France. The département of Haute-Savoie had the lowest rate of 14.7%, while La Réunion has a poverty rate of 40.4%. These differences in wealth and income are relevant to analyze whether the financial burden students face is disproportionate to their realities.

Research shows that students from the poorest regions of the country tend to pursue higher education studies at home, instead of moving. Additionally, regions lacking higher education opportunities are those with the lowest number of cadres or high-status professionals. This contributes to the absence of an academic tradition in these places which impacts prospective students’ perspectives towards tertiary education.

Evidence suggests that social mobility is higher in regions that have key educational centers. Thus, students with a low socio-economic background from an academic center are more likely to overcome the socio-economic barrier in comparison to those living in remote regions. For instance, upward social mobility varies from 25% in la Creuse to 50% in Paris. Economically disadvantaged students from regions lacking educational opportunities have the hardest time accessing higher education and consequently improving their social class and work prospects. This also implies that students living in remote regions who have economic means are more likely to overcome these barriers than students who don’t. Since there is a strong link between social mobility and higher education and having parents who have pursued higher education, this situation generates a vicious circle in which marginalization is
is reinforced in the same regions. Considering there are few opportunities in general in certain regions, students who moved to study in a key education center rarely come back after their studies. This is due to the fact that government and other high-paying positions available only for higher education graduates are unequally concentrated in France. Some professional opportunities exist outside Ile-de-France, but they are less numerous and located in specific areas, such as Toulouse which gathers a lot of high-skilled engineering because it is where Airbus is located. This poses a problem for the regions that lose highly-qualified human capital, creating somewhat of a regional ‘brain drain’. Ultimately, this further exacerbates inequalities in educational opportunities between regions.40

Gradual deterioration of higher education in France and governmental action

Higher education in France is becoming less affordable to students and their families as a result of a decrease in the national budget invested per student over the past 10 years41, which disproportionately affects students coming from a different region. Combining the increase of the higher education budget (overall increase of 10% in constant euros, within the bounds of inflation) and the increase of the number of students (20%), shows that the budget per student has actually dropped by nearly 10% in France between 2008 and 201842.

Putting aside the fact that tuition fees increased by 10% in the same period, the fact that there was even a rise over time could constitute a prima facie retrogressive measure. Successive French governments have gradually increased the cost of higher education, which is a worrying trend considering the issue of socio-economic and territorial disparities. According to the ICESCR, the right to education must be realized progressively in the whole French territory considering the maximum available resources, forbidding retrogressive measures if not fully justified. The situation worsens when considering the increase of indirect costs for students throughout the same years and the unequal distribution of resources between grandes écoles and regular institutions. Despite welcoming a total of 5% of all students in France, these grandes écoles receive 30% of the government’s budget for higher education43. This figure raises serious discrimination concerns because the most privileged students receive more funding per head than poorer students. This reinforces the quality of education offered in these institutions while preventing public education to improve.

In the national sphere, a decision from the French Constitutional Council (Décision n° 2019-809 QPC) published in October 2019, that public education should be free and accessible for all on all levels, including higher education44. It further established schools should set tuition fees that take into account the resources of students and their families. It is the duty of the State to enforce this rule within public education.

It is hard to identify how the French government is tackling the inequality in access presented above. Grants provided by the Centre Régional des Oeuvres Universitaires et Scolaires (CROUS) only partially address the issue, as they focus primarily on the socio-economic perspective of the issue. They do consider the distance between the place of residence and the place of study, but distance does not address geographical disparities or differences in living expenses and average income. For instance, distance is the same for a student from Paris studying in the north of France as it would be the other way around, but in terms of territorial disparities, both situations are very different and to treat them equally means an unequal treatment to the disadvantage of the last student.
Conclusion

Regarding the decrease in investment in higher education, the French government has the obligation to provide a justification under the international framework. So far, France has not adopted measures to directly tackle the issue of territorial inequalities as presented in this brief. It is at the moment impossible to present a fully accurate socio-economic profile of displaced students, their motivations to move or to exactly which institutions they are going to, in view of the missing information. However, the available data gives valuable insights on the issue.

Economic and physical accessibility depend on students’ place of origin, not being equally provided for all. The substantial decrease in the budget in many regards could be considered as a retrogressive measure. In a context where students struggle to pursue their studies, a decrease in investment in education could only be performed if followed by a suitable justification. Geographic conditions or elitism should not be such a relevant determining factor leading students’ choices when deciding their academic path, nor imposing a higher burden on academics and their families by choosing to move. As a result of all this, we conclude that France is currently not fully fulfilling its obligations under international law and domestic law.

Recommendations

The following measures and policies may be considered by the French government, in coordination with the competent regional administrative bodies, with the view of tackling the aforementioned shortcomings:

1. Ensuring by all means equality in access to tertiary education to all students, regardless of their provenance and socio-economic status. Aiming to the fulfilment of the right to higher education, the government should take place of origin into account when providing scholarships, grants or any kind of financial aid for students.

2. Collecting and making data on the place of origin and other relevant factors available to the public. France should improve its data collection system and use data and indicators collected by the different administrative authorities to formulate, monitor, and evaluate its policies, as well as to enable the participation of all citizens in decision-making.

3. Readjusting the distribution of financial resources between regions as well as among institutions, with the goal of equalizing the field for all students. This readjust must address disparities in financing between high prestige institutions and regular higher education establishments but also tackle the impacts of regional disparities in the access to higher education in general.
Endnotes


5 The Abidjan Principles, 2019. Available at: https://www.abidjanprinciples.org/en/principles/overview


7 CESCR General Comment 20, Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights), para. 34.

8 HEDG and RTE report, p. 28.

9 France has already been called upon gathering reliable, systematic and disaggregated data on areas of the Convention of the Rights of the Child, as per the Committee on the Rights of the Child in its CRC/C/FRA/CO/4.


12 HEDG and RTE report, p. 39.

13 Idem., p. 36.

14 Prestigious establishments are defined as specialized higher education tracks that are highly selective and often require a separate entrance examination, such as medical studies or the French grandes écoles, which offer better employment and salary prospects for the students.


16 HEDG and RTE report, p. 39.

17 Idem., p. 41.

18 The State provides financial support to students from overseas departments and territories via LADOM, the overseas agency for mobility (L’Agence de l’outre-mer pour la mobilité). LADOM offers the Studies Mobility Passport (Passeport Mobilité Études) which aims to provide students under 26 years of age from an overseas region of France planning on pursuing their higher education in metropolitan France and whose familial household annual income does not exceed €26,631 with financial coverage of their plane tickets. However, it is only applicable in the instance when students pursue an education in metropolitan France because of a saturation of their local institutions.

19 HEDG and RTE report, p. 42.


22 HEDG and RTE report, p. 36.

23 Idem.

24 Grandes écoles are preeminent specialized institutions of higher education in France. They are the most high-status and selective establishments that recruit and prepare the future leadership of France, notably students with public service or managerial ambitions.
The impact of place of origin on inequalities in higher education in France


26 HEDG and RTE report, p. 37.

27 Idem.

28 Some top business schools, such as HEC and ESSEC, have adopted financial aid measures to support disadvantaged students. Alternatives vary from scholarships and exemptions to facilitating apprenticeships in the field of study and student jobs to cover the costs of tuition fees.

29 HEDG and RTE report, p. 37.

30 Idem.


32 The French territory is divided in 18 régions, which again are subdivided in 96 départements. Both are administrative units which shape the French territorial organization.

33 HEDG and RTE report, p. 30.

34 Available at: https://statistiques-locales.insee.fr/#c=indicator&i=filosofi.med&s=2016&view=map2

35 HEDG and RTE report, p. 28.


38 Upward mobility is measured by the proportion of persons having a worker or employee father who declare themselves to be managers and higher intellectual or intermediate professions. See France Stratégie, La géographie de l’ascension sociale, 2015, p. 2.


41 HEDG and RTE report, p. 34.

42 Idem.

43 Idem.

44 For further information, please read the press release of the Constitutional Court about its decision. Available at: https://www.conseil-constitutionnel.fr/actualites/communique/decision-n-2019-809-qpc-du-11-octobre-2019-communique-de-presse