

ScPo Law Clinic HEDG-R2E

“Limited Potential”

The Right to Higher Education in France *Impact of Place of Origin and of Cost on Inequality*

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(Updated in May 2020 by: Bertille Bertinotti-Proust, Ana Clara Cathalat and Ana Horvatin)

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About the Right to Education Initiative

The Right to Education Initiative (RTE) is a global human rights organisation focusing on the right to education. Established in 2000 by the first UN Special Rapporteur on the right to education, Katarina Tomaševski, RTE was re-launched in 2008 as the 'Right to Education Project', a collaborative initiative supported by ActionAid International, Amnesty International, Global Campaign for Education, Save the Children, and Human Rights Watch. Since May 2017 the Right to Education Initiative is a charity registered in England and Wales with the charity number 1173115.

RTE promotes education as a human right, striving for a world where everyone, without discrimination of any kind, can fully enjoy the right to education in all its dimensions. RTE does this by advocating for states to both legally commit to and implement the right to education - to make it a reality for all. In so doing we also seek to ensure that governments are held accountable for meeting their human rights obligations. RTE believes that human rights law can be a powerful tool for lasting change. It seeks to empower all rights-holders to claim and enforce their right to education, by making law accessible and usable including through online resources. It also work at the frontiers of the right to education, breaking new ground and helping to clarify and deepen understanding and action on critical emerging issues.

www.right-to-education.org

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I. Introduction

The right to education has its normative basis in Article 26 of the Universal Declaration of Human Rights (1948, UDHR),¹ which celebrated its 70th anniversary last December. It reads:

Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

This provision has been transposed into legally binding law, principally through the International Covenant on Economic, Social and Cultural Rights (1966, ICESCR)² and the Convention on the Rights of the Child (1989, CRC).³ As of 2019, education-related legal provisions can be found in at least 48 other international and regional legal instruments and in 23 soft law instruments.⁴

The importance of the legal protection of the right to education cannot be overstated. It has driven action at the state, regional, and international levels. However, despite the right to education covering all levels and types of education, much of the focus, and thus most progress, has been made on increasing access to primary and secondary education. While this is laudable, this has resulted in higher education being given a more ancillary status in the fight for the right to education.

This, however, is changing. The increase in student numbers—especially in high income countries—over the past few decades coupled with the commodification of higher education⁶ has resulted in renewed interest in the protection of the rights afforded to all in relation to higher education. This interest can be observed in France, where several forms of inequality have received attention, especially but not exclusively, between students attending private and public higher education establishments.⁷

Building on this interest, this report aims to highlight other significant inequalities in France's higher education system, that have, as yet, received very little, if any, attention. The report shows how a student's place of origin within France, that is, the region in which they live prior to the beginning of their studies, coupled with their socio-economic background can

¹ Article 26 (1), Universal Declaration of Human Rights (adopted 10 December 1948) United Nations General Assembly Resolution (UNGA Res) 217 A(III) (UDHR).

² International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 (ICESCR).

³ Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (CRC).

⁴ Right to Education Initiative (RTE) and Unesco. 2019. *Right to Education Handbook*. <https://www.right-to-education.org/resource/right-education-handbook>

⁵ World Bank EdStats.

⁶ Fons Coomans and Antenor Hallo de Wolf, "Privatisation of Education and the Right to Education", in *Privatisation and Human Rights in the Age of Globalisation*, Koen de Feyter and Felipe Gómez Isa (Antwerp-Oxford: Intersentia, 2005), p.229-258.

⁷ Difficulties of Public Universities, 10th legislature, Question basis 1994, French Senate.

mean that the cost of education, which is heavily influenced by the structure of the French higher education system, poses a significant barrier to their enjoyment of the right to higher education. By way of example: two students with the same socio-economic backgrounds attending the same higher education institution may face different costs because they are from different regions of France.⁸

Place of origin is often neglected as a potential ground for discrimination and driver of inequality, with the exception of research on international or migrant students. Another factor explaining the lack of attention to the place of origin is that it can easily be closely paralleled with socio-economic status. But there is an important distinction and the two factors play separate roles in contributing to inequality in higher education.⁹

Socio-economic status affects a student's ability to access higher education because the different factors such as family size, parental education, occupation and income may place financial barriers on this student's willingness or capability to enrol in school or attend to the end. Students from low socio-economic backgrounds are at a further disadvantage in higher education because they tend to lack an academic home environment, which influences their academic success at school. Parents with higher socio-economic status are able to provide their children with the financial support and home resources for individual learning.¹⁰ On the other hand, students with a low socio-economic status may have their passed education stem from a low socio-economic school-level, which may entail lower expectations of teachers and parents.

Place of origin also affects a student's ability to access higher education. Indeed, higher education establishments in France are geographically polarized, concentrating in specific urban areas. This phenomenon is even more remarkable for what are considered to be the elite of French higher education establishments. Depending on where the students reside in France, they are left with the need to travel greater distances to attend a higher education establishment and incur additional financial and non-financial costs, such as travel time. Additionally, place of origin masks the variation of higher education opportunities and outcomes that exist within smaller geographic boundaries. The place of origin of a student may restrict them from accessing higher education because of the lack of geographic proximity to higher education establishments. This is further exacerbated by elitism, a recognized phenomenon in France,¹¹ which creates a hierarchy, compelling students to pursue an education in high-prestige establishments often found in high-cost cities that are further away from their place of origin.

⁸ For more details, see Figure 25.

⁹ Socio-economic status indicates the social and economic position of an individual in relation to others (mostly based on household income), whereas place of origin is where the individual currently resides. For more details, see Definitions below.

¹⁰ Thomson, Sue. Achievement at school and socio-economic background—an educational perspective. NPI Sciences Po Learning. 2018. <https://www.nature.com/articles/s41539-018-0022-0>.

¹¹ David Guilbaud. 2018. *L'illusion méritocratique*. Paris: Odile Jacob; Forest, Frederic. 2012. *Les universités en France: Fonctionnement et enjeux*. Mont-Saint-Aignan: Publications des universités de Rouen et du Havre; Sylvie Lecherbonnier. 2018. "Classements des grandes écoles : pourquoi les hiérarchies restent figées." *Le Monde*.

However, although the place of origin and socio-economic background are conceptually distinct, they do overlap significantly. For example, the average household income tends to be higher on average in the geographical areas in which there are good higher education institutions and, in particular, elite institutions offering the ‘best’ education. Conversely, socio-economically disadvantaged students tend to live far away from them, creating a barrier in the form of physical distance. To overcome this barrier, these students face supplementary and unavoidable costs to mobilize themselves from their place of origin to these prestigious zones where “better” structures of higher education are to be found. In some cases, this barrier is insurmountable, effectively excluding certain students from certain regions from accessing the institutions of their choice. In other cases, when students do opt to attend an institution far away from their homes, their higher education experience is significantly impacted. For example, oftentimes they must work to pay for the additional expenses, taking away the time available to study and socialise, which in turn increases stress and anxiety levels.

All of these elements aggregate to create a worrying trend. It is therefore important to not only analyze the current state of higher education in France, but also to examine France’s actions towards these issues to examine its compliance, or lack thereof, with its commitments to the right to education and non-discrimination at both international and national levels. In order to do so, this report is structured as follows:

- 1) This project’s methods are defined, including the human rights-based approach to analysis, the limitations of the project, and the definitions of terms used throughout this report.
- 2) The framework of France’s higher education structure is presented. Here, the difference between public and private universities in France is further explained, while also elaborating on the current system in place that enables students to apply to a higher education establishment in France.
- 3) France’s legal and policy commitments towards the rights to higher education and non-discrimination at the international, regional, and national level are detailed, as well as how international treaty commitments are incorporated into domestic law.
- 4) Existing inequalities in France’s higher education system and the key human rights issues are highlighted with an emphasis on the crucial link between place of origin and inequality.
- 5) The differential impact of cost on the equal enjoyment of the right to higher education, based on a person’s place of origin, is unravelled.
- 6) France’s actions regarding equality in higher education are delineated and analyzed in the context of France’s legal and policy commitments.
- 7) The arguments of this report are summed-up in a conclusion and based on the analysis contained in the report, human rights-based recommendations for short-term and long-term actions are proposed.

II. Methods

A. Methodology: Monitoring higher education from a human rights perspective

The starting point of this report was based on the analytical framework of the Right to Education Initiative's *Right to education monitoring guide*.¹² It aimed to scope the issue and to review existing reports, through an extensive literature review. After determining that place of origin as a ground for discrimination represents a significant gap in the literature, the research project's main subject was deemed viable.

The first substantive step in the analysis was to examine the current state of enjoyment of the right to higher education in France. This was done by identifying key outcome indicators and, collecting quantitative data for them. Outcome indicators measure the level of enjoyment of the right to education and, when disaggregated, meaning when the data is separated by place of origin and/or socio-economic background, the differences in the level of enjoyment between groups can be observed. This can uncover whether a *de facto* inequality exists and is the basis for investigating whether discrimination may be present. Outcome data was principally collected from the UNESCO Institute for Statistics, the OECD, and country reports from Eurostat, as well as from French statistical reports and institutions, such as the INSEE. The scope and extent of the issue is laid out in Section IV on *France's commitments towards higher education*.

The second substantive step was to examine France's legal commitments to education. This can be found in Section IV on *Equality at stake and place of origin*, which details the international, regional, and national legal commitments to the right to higher education on the basis of non-discrimination and equality. This is the structural framework within which the right to higher education is guaranteed. The importance of this step is twofold: it illustrates France's high level of commitment towards the right to higher education and it details the precise content of the commitments France has undertaken. It is these commitments that France's performance can be evaluated against.

The third substantive step was to analyse the areas in which France has succeeded or failed to fulfil its commitments of providing equality within its higher education system.

Through this first step, key indicators were identified and used to evaluate the States' progress towards the full realization of the right to education. Additionally, qualitative data in the form of questionnaires and survey data was gathered and used to demonstrate the human rights impact on the lives of students and their family. The qualitative data was further strengthened with in-field interviews conducted with French students with different academic and personal backgrounds. This testimonial evidence, which assembled pieces of testimony from French students on the issues of cost and place of origin in their higher education experience, was then compared with the report's analysis of the enjoyment of the right to higher education in France.

¹² Right to Education Initiative. 2017. Retrieved from: <https://www.right-to-education.org/monitoring/>.

Lastly, to examine the legal and policy framework that may exacerbate or mitigate some of the disparities identified in this report, a legal analysis was conducted to study significant international, European, and French texts providing the right to higher education, while also using laws and policy to determine the exact cost to students and their families on higher education.

B. Limitations

The principal limitations were linked to data collection. More specifically, there were limitations related to the availability and the quality or characteristics of the data that was collected through the research period, as well as to the robustness of the testimonial evidence gathered via interviews.

Firstly, because the place of origin of students within France is not a widely discussed topic, it was often difficult to collect data disaggregated by geographic region. Although information was sometimes available on enrolment in certain regions or academic areas, or about some of the specific characteristics of regions deserving particular attention – such as Ile-de-France or the overseas territories – this information was usually limited in its scope. Simply said, the data was often unavailable or limited in its coverage, therefore giving an incomplete picture. Moreover, much of the available data disaggregated to take into account place of origin was inconsistent in its level of disaggregation: some of the information would relate to the French geographic division of regions while others would cover departments. This disparity made comparisons and analysis more complex.

This complexity was further compounded by the fact that the regional division of France changed in 2015, going from 22 metropolitan regions to only 12. This called for caution when examining data published prior to this change. Attention to the time at which data was published was widely applied throughout this report's analysis. In fact, the year of publication of datasets was not consistent throughout with some data being relatively recent and other being more aged. In turn, the data collected fit broadly within the period between the years 2010 to 2018, with much of the data dating back to the 2016/2017 academic year which sometimes made it complicated to conduct comparisons.

Secondly, to illustrate some of the central issues and findings of this project, testimonial data was collected through the use of an online survey and in-person interviews with students. The limitations here are threefold. The sample size was rather small, and the in-person interviews were conducted exclusively in Paris. Therefore, one can argue that the data collected may have a certain level of bias and lack representativeness. Furthermore, the anecdotal information provided could not be independently verified, which is to say that the testimonies were taken at face value.

Finally, there were also limitations linked to the multicollinearity between the socio-economic background of students and their place of origin. This means that it was difficult to observe and tease out the impact of place of origin in isolation from socio-economic

background. In some ways, place of origin is a proxy measure of socio-economic background. This problem was further compounded by the lack of data disaggregated by both place of origin and socio-economic status. However, this hurdle was overcome throughout this report by emphasizing the ways in which they could be isolated from one another, considering the ways in which they influenced one another, and underlining the specific and unique role of place of origin on its own.

C. Definitions

Some terms used in this report are very specific to the French education system, whilst others have been given a specific definition corresponding to the scope of this report. Therefore, it is important to introduce some definitions before starting the analysis.

Higher education

Higher education, in the broadest terms, can be defined as including:

*all types of education (academic, professional, technical, artistic, pedagogical, long distance learning, etc.) provided by universities, technological institutes, teacher training colleges, etc. which are normally intended for students having completed a secondary education, and whose educational objective is the acquisition of a title, a grade, certificate, or diploma of higher education.*¹³

The French higher education system, which falls within the definition above, is defined by the French ministry of education as: a two-track system that includes all post-baccalaureate programs, that is divided into an open system within public universities, without prior selection, and a selective system with limited capacity (this is notably the system for the *grandes écoles*, IUTs and IUPs).¹⁴ Throughout this paper, this specific definition is used and any institutions falling outside its limits, for example, any vocational program which professionalizes students at the secondary level or which aims at providing paths of integration into the workforce to individuals with low levels of education, will not be considered.

Equal access

“Equal access” is defined by relying on the internationally accepted definition found in Article 13 of ICESCR, a treaty signed and ratified by France,¹⁵ which states:

- 1. The States Parties to the present Covenant recognize the right of everyone to education [...].*
- 2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:*
[...]

¹³ World Declaration on Higher Education for the 21st Century (adopted 9 October 1998) para. 2.

¹⁴ Article L612-3 of the French Education Code.

¹⁵ Article 13, ICESCR.

(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education[.]

“Equal access” therefore means that two students with equal capacities should be able to access the same higher education institution regardless of any personal, cultural, social, or economic disparities. It is important to note that the concept of “capacity” is contested; however, the debate over this term will not be discussed in this report.

Non-discrimination

CESCR defines discrimination as 'any distinction, exclusion, restriction or preference or other differential treatment that is directly or indirectly based on the prohibited grounds of discrimination and which has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of Covenant rights.' Some common expressly prohibited grounds for discriminations include, but are not limited to: race, color, sex, language, religion, political or other opinion, and national or social origin.¹⁶ Discrimination can take on many forms and may occur formally, substantively, directly, or indirectly.¹⁷ The principle of non-discrimination is embedded in the UDHR, which asserts that the rights provided therein are applicable to all, “*without distinction of any kind*”,¹⁸ and is further consolidated in Article 2 of ICESCR which states 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*”.¹⁹ This implies the application of this principle on the right to higher education as it is provided within the ICESCR under Article 13 and this application is reinforced by paragraph 4 of General Comment 20 on non-discrimination which states: “[t]he Covenant also explicitly mentions the principles of non-discrimination and equality with respect to some individual rights[...] Article 13[...] provides that ‘higher education shall be made equally accessible to all’.”²⁰

Socio-economic status

This term can be defined under paragraph 35 of General Comment 20 as an individual’s *belonging to a certain economic or social group or strata within society*.²¹ Importantly, socio-economic status or background cannot be a source of inequalities, including when it

¹⁶ Article 2, para. 2, ICESCR; Article 2, UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III).

¹⁷ UN Committee on Economic, Social and Cultural Rights (CESCR), General comment No. 20: *Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights)*, 2 July 2009, E/C.12/GC/20, para. 8.

¹⁸ Article 2, UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III).

¹⁹ Article 2, para. 2, ICESCR.

²⁰ UN CESCR, General comment No. 20: *Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights)*, 2 July 2009, E/C.12/GC/20, para. 4.

²¹ UN CESCR, General comment No. 20: *Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights)*, 2 July 2009, E/C.12/GC/20, para. 35.

comes to education, which General Comment 20 on non-discrimination asserts explicitly. In fact, it states, in paragraph 35, 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 when living in poverty or being homeless may result in pervasive discrimination, stigmatization and negative stereotyping which can lead to the refusal of, or unequal access to, the same quality of education.*²²

Place of origin

Place of origin will be synonymous with where a French student came from among the different regions of continental and overseas France. In other words, place of origin will signify the location of birth or of residency within France of a student prior to the beginning of their studies.²³ Importantly, paragraph 34 of General Comment 20 on the second paragraph of Article 2 of the ICESCR regarding non-discrimination states that the rights afforded by the Covenant: “*should not be conditional on, or determined by, a person's current or former place of residence. [...] Disparities between localities and regions should be eliminated.*”²⁴ This understanding that place of residence constitutes a prohibited ground for discrimination is essential to keep in mind throughout this report as place of origin – which incorporates place of residence – will be used as a factor for the examination of inequalities within France's higher education system. It is important to note that, for the purposes of this project, place of origin will not entail any discussions of citizenship, migration, or international students.

Private/Public interest private establishment of higher education

Private higher education institutions are authorized by the Law of 12 July 1875, which establishes the liberty of the French higher education system, i.e. guarantees plurality in actors able to establish and operate higher education institutions.²⁵ Institutions are not established by the State are not authorized to use the word “university” in their name.²⁶ Without express authorization from the French Ministry of Higher Education, Research, and Innovation (MESRI), provided through the recognition of the said establishment as a structure of public interest,²⁷ these institutions are not authorized to deliver official diplomas, such as Bachelor's and Doctorate degrees, but they are authorised to award Master's degrees. Private institutions award, qualifications equivalent to bachelor's and a Doctorate, which the

²² *Ibid.*

²³ Place of origin in the context of this paper can be understood as either a region, a department (to be understood as the official administrative division of the French territory), or a city of France.

²⁴ UN CESCR, General comment No. 20: *Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights)*, 2 July 2009, E/C.12/GC/20, para. 34

²⁵ Law of 12 July 1875 on the liberty of the higher education system, also known under the name “*Loi Laboulaye*”.

²⁶ Article L731-14 of the French Education Code.

²⁷ “*Etablissements d'enseignement supérieur privés d'intérêt général*” (EESPIG): recipients of a delegation to execute a State prerogative. It is important to note that these recipients are not allowed to lead this activity in a lucrative scope. The recognition of the public interest of a higher education establishment's activity is done through contract limited in time, and which has to be regularly renewed in order for the recognition to be perpetuated.

State officially recognizes through contract.²⁸ Through this contract, the French MESRI also recognizes the said institution as holding a public interest value and provides for the possibility to receive State funding.²⁹

All private higher education establishments, whether bound to the State through a contractual bond or not, are regulated and monitored by the State which exercises its power through the ministry of higher education.³⁰ In other words, private higher education institutions are establishments which have not been initiated on behalf of the State and whose funding comes primarily from the private sphere.

Public establishment of higher education

Public higher education institutions are established and operated by the State. This includes the 73 public establishments called ‘universities’ as well as other institutions, such as public engineering, architectural, and paramedical schools. The most famous ‘university’ is the Sorbonne.

²⁸ Article L731-14 of the French Education Code and Law of 22 July 2013 on higher education.

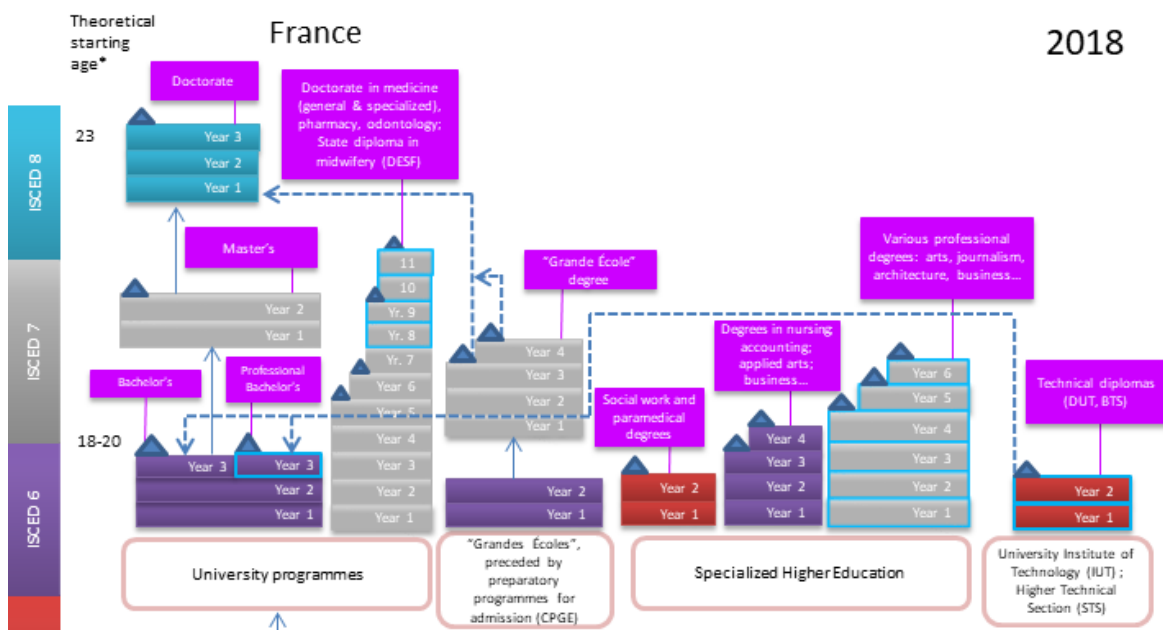
²⁹ Legislative Project of the Senate, Project of the Finance Law of 2019: Research and Higher Education

³⁰ Article L731-13 of the Education Code.

III. Higher education in France

The French tertiary education system is highly centralized, yet diverse in its varied range of programs. It is generally accessible and can be nearly free. It supposedly provides an equal access and equal service to every French individual, so that, through access to similar school resources and services, a genuine equality of opportunities may be guaranteed. The crucial role of the State is not synonymous to a “one-size-fits-all” system. As mentioned, the French system is diversified along numerous lines, including field of study and institutional status – i.e. private or public. It is therefore important to underline that, because France has a multi-track system of higher education, it would be inaccurate to consider higher education in a general sense. One should distinguish the different tracks not only by their specialty or curricular content, but also according to two parameters: their selectivity and their vocational character.

Figure 1: Overview of the structure of French higher education system



Source: OECD

A. The open track of public universities

The French Education Code contains the rules directly regulating education in France. It defines the public service of higher education as a whole set of postsecondary education structures which each depend on different ministries according to their specialty.³¹ At the center of this structure is the public university system which includes over 60% of all students enrolled in higher education.³² These establishments are non-selective and lead to three types

³¹ Article L123-1 of the Education Code.

³² MESRI 2018.

of degrees equivalent to a Bachelor's, Master's, and a Doctorate after a minimum of three, five, or eight years of study, respectively.³³

B. Selectivity and professionalization

1. Specialized institutions

A system of institutions conducting selection complements the open, generally “equally accessible” nature of public universities. Selective universities can be both public or private, and include establishments providing highly specialized programs in specific fields. Common examples include: the *Brevet de Technicien Supérieur* (or BTS) which provides professional education in domains, such as banking or marketing; paramedical programs (such as orthopaedics and nursing); and business schools.³⁴ Depending on the program, institution, and field of work, the length of study in these institutions can vary from two years in vocational tracks to five years to obtain a Master's or equivalent level diploma.³⁵ Because of the recognized specificity of training provided by these establishments, entrance is selective. Selection is usually based on student profiles and motivations, except for the distinct *grandes écoles* path (detailed below) which uses entrance exams.

2. The particular case of the *grandes écoles*

Within selective establishments, the most high-status track is the *grandes écoles*. Institutions with such a status are widely considered to be the most prestigious institutions in France forming the future social elite. They select students based on passing difficult entrance exams, called *concours*, in addition to an excellent student profile. The *grandes écoles* path requires a minimum educational commitment of five years, completed by first attending a two-year³⁶ preparatory class before attending a *grande école* for three years to complete a Master's degree. Student sometimes complement their degree with a second Master's degree and more rarely with a Doctorate.³⁷

Found within both the public and private spheres, the *grandes écoles* have historical roots which give them social legitimacy. The notion of *grandes écoles* are not constituted by law. As a result, these institutions are recognized as educating a majority of individuals with public service or managerial ambitions. Simply said, *grandes écoles* serve to recruit and

³³ Le système français d'enseignement supérieur: Organisation licence master doctorat (L.M.D.) Published 30.09.2014. Retrieved from: <http://www.enseignementsup-recherche.gouv.fr/cid20190/organisation-licence-master-doctorat.html>.

³⁴ Importantly, these specialized programs can also be offered in private institutions.

³⁵ Institut Français. Les études supérieures en France. Retrieved from: <http://www.institutfrance.si/les-tudes-suprieures-en-france.2.html>

³⁶ Students can go through three years of preparatory class in case they didn't get the *grande école* they aspired to after taking the *concours* (entrance exam) for the *grandes écoles* at the end of the first two years of preparatory class.

³⁷ Ministère De L'enseignement Supérieur, "Organisation Licence Master Doctorat (L.M.D.)", *De la recherche et de l'innovation*, 2014. Retrieved from: <http://www.enseignementsup-recherche.gouv.fr/cid20190/organisation-licence-master-doctorat.html>.

prepare the future leadership of France and “demonstrate the hierarchical nature of education in France and its immense importance in political and economic life.”³⁸

C. The *Parcoursup* admission portal

The principal tool which French students are required to use to enter into the national, public structure is the admission portal *Parcoursup*. The portal is a novel institutional system established in 2018 through which students express their motivated wishes³⁹ for their placement in the higher education system. The *Parcoursup* system enables students to apply to both selective and non-selective programs as described above. Admission into selective institutions is usually by application based on student profiles or, in some cases, by competition or interview. *Parcoursup* replaced the former portal *Admission Post-Bac* – and its novelty consists in the fact that it allows students to attend higher education establishments outside of the academy⁴⁰ in which they passed their *baccalauréat* (the French high school diploma) or in which their domicile is located, which was previously rarely allowed.

In *Parcoursup*, students have access to varied information regarding the different programs and establishments found within the system. For example, students can learn about the content and organization of higher education courses, expected knowledge and skills, general criteria for the examination of wishes, dates of open days or immersion days, the number of places offered for the upcoming academic year, the number of candidates and admissions during the preceding academic year, as well as success rates in passing the first year. It is important to note that not all higher education establishments use *Parcoursup*, even if public, especially the *grandes écoles*. This is the case with University of Paris Dauphine and Sciences Po Paris, for instance. Another aspect of *Parcoursup* is that non-selective programs must take into account the geographical area of origin of students – which is determined based on the address of where the student is currently residing) – in order to respect certain quotas, a limitation which is not put upon selective programs.⁴¹

³⁸ "Grandes Écoles", *The Concise Oxford Dictionary of Politics and International Relations*, Oxford University Press, 2018. Retrieved from: <https://www-oxfordreference-com.acces-distant.sciences-po.fr/view/10.1093/acref/9780199670840.001.0001/acref-9780199670840-e-565>; Forquet Thomas, “Qu’est qui fait une grande école?”, *L’Etudiant*, 07.05.2013. Retrieved from: <https://www.letudiant.fr/etudes/classes-prepa/les-grandes-ecoles/prepa-cest-quoi-une-grande-ecole-10199.html>.

³⁹ When going through the public admission process, students are asked to provide several options for where they would like to study. These desired options are referred to as ‘wishes’ in French.

⁴⁰ In France, an academy is an administrative district of the Ministry of National Education and the Ministry of Higher Education and Research. Since January 1st 2016, each academy is part of an academic region.

⁴¹ *Parcoursup*: Les Formations. Retrieved from: <https://www.parcoursup.fr/index.php?desc=formations>.

IV. France's commitments to higher education

A. On the right to higher education

1. At the international level

United Nations

France ratified the International Covenant on Economic, Social and Cultural Rights (1966, ICESCR) on 4 November 1980.⁴² Article 13.2.c states as follows:

Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education.

It is important to note that the implementation of the different rights listed in the ICESCR is assessed by the UN Committee on Economic Social and Cultural Rights (CESCR). Every five years, States parties send reports to inform CESCR on the steps they have taken to implement the human rights contained in the ICESCR. The report entails an exchange between the State party and CESCR which is closed by the issuance of recommendations and concluding observations. During France's last periodic review, CESCR encouraged the French government to work on preventing indirect costs related to higher education from impeding persons coming from disadvantaged families from accessing higher education.⁴³

This provision has been interpreted by CESCR to require France to progressively put in place free access to higher education. This obligation is further completed in paragraph 45 of General Comment 13,⁴⁴ which clarifies that the States' progressive obligation includes a strong presumption against retrogressive measures taken in relation with the right to education unless they can be justified as being absolutely necessary and that no milder alternative was found. This obligation applies to all the fees related directly or indirectly to higher education because, as aforementioned, CESCR does not envision France's obligation to give access to higher education only by suppressing direct fees but also by helping students to provide for the indirect costs they are exposed to.

Another international law instrument that sheds light on the obligations related to higher education are the *Abidjan Principles on the human rights obligations of States to provide public education and to regulate private involvement in education*.⁴⁵ They are a legal 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

⁴² It is not the only international text establishing rights to a higher education at the international level, however it is the one of main interest for the purposes of our study.

⁴³ ORF n°0254 of 29 October 2017, text n°39, §52(d): « Veiller à ce que les frais indirects liés à l'enseignement du second degré et à l'enseignement supérieur n'entravent pas l'accessibilité de l'enseignement par les personnes issues des ménages défavorisés ».

⁴⁴ General Comment 13 on the Covenant on Economic, Social and Cultural Rights of 8 December 1999 released by the UN CESCR.

⁴⁵ The Abidjan principles, 2019, Accessed March 17, 2020, Available in: <https://www.abidjanprinciples.org/en/principles/overview>

clarify that the burden of proof that retrogressive measures, if adopted, are in accordance with applicable human rights law and standards falls on the State. Such standards include accessibility and anti-discrimination. In this sense, article 45 affirms the following:

*There is a strong presumption that retrogressive measures taken in relation to the right to public education are impermissible. If, in exceptional circumstances, retrogressive measures are taken, the State has the burden of proving that any such measure is in accordance with applicable Human Rights law and standards.*⁴⁶

On 11 September 1961,⁴⁷ France ratified the UNESCO Convention against Discrimination in Education,⁴⁸ which is the only international treaty dedicated solely on education. Article 4.a, which protects students' right to access higher education reads:

The States Parties to this Convention undertake furthermore to formulate, develop and apply a national policy which, by methods appropriate to the circumstances and to national usage, will tend to promote equality of opportunity and of treatment in the matter of education and in particular:

*(a) To make [...] higher education equally accessible to all on the basis of individual capacity.*⁴⁹

It is understood from this Article that higher education should be accessible to all students who have proven to have the capacity to access it. These students shouldn't be prevented from doing so either on the ground that they cannot afford to pay for tuition fees cannot face the indirect costs that an enrollment in higher education entails.

Finally, France ratified the UN Convention on the Rights of the Child (CRC, 1989) on 5 February 2003.⁵⁰ In France some students start their education while they are under the age of 18.⁵¹ In 2016, they represented 3.7% of the total student population.⁵² This specific population of students has its right to higher education also protected by Article 28.1.c of the CRC. It states:

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
[...]

⁴⁶ The Abidjan principles, 2019, Accessed March 17, 2020, Available in: <https://www.abidjanprinciples.org/en/principles/overview>

⁴⁷ Ratifications country by country can be found at: <https://www.whatconvention.org/fr/ratifications/54>

⁴⁸ UNESCO Convention against Discrimination in Education (adopted 14 December 1960), (CADE).

⁴⁹ Article 4.a, UN CRC.

⁵⁰ France expressed a reserve towards Article 30 which therefore does not apply to France. However, this fact doesn't impact this study.

Comité des droits de l'enfant, Observations finales du Comité des droits de l'enfant: France du 22 juin 2009.

⁵¹ Article 1, UN CRC.

⁵² OVE 2016 study, socio-demographic note.

(c) Make higher education accessible to all on the basis of capacity by every appropriate means”.⁵³

2. At the European level

Council of Europe

The members of the Council of Europe are States parties to the Convention for the Protection of Human Rights and Fundamental Freedoms (1950, European Convention on Human Rights).⁵⁴ France ratified this Convention and its First Protocol on 3 May 1974.⁵⁵ Article 2 of this Protocol states as follows:

No person shall be denied the right to education.⁵⁶

A Guide on Article 2 of Protocol 1 to the European Convention on Human Rights was issued by the European Court of Human Rights in 2016 and last updated in 2018. It states:

12. Article 2 of Protocol No. 1 concerns elementary schooling but also secondary education, higher education and specialised courses. Thus the holders of the right guaranteed in Article 2 of Protocol No. 1 are children, but also adults, or indeed any person wishing to benefit from the right to education.

13. Since Article 2 of Protocol No. 1 to the Convention applies to higher education, any State setting up such institutions will be under an obligation to afford an effective right of access to them. In other words any access to institutions of higher education that may exist at a given time will form an integral part of the right stated in the first sentence of that Article.⁵⁷

The European Union (EU)

As a member of the EU France is bound by its legislation. Only two Articles are dedicated to education in the Treaty on the Functioning of the EU: Articles 165 and 166.⁵⁸ The elements which are of particular importance to higher education can be found in point 1.a of Article 165 which states:

The Union shall contribute to the development of quality education by encouraging cooperation between Member States and, if necessary, by supporting and supplementing their action, while fully respecting the responsibility of the Member

⁵³ Article 28.1.c, UN CRC.

⁵⁴ Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms (adopted 20 March 1952, entered into force on 18 May 1954).

⁵⁵ Alain Pellet, “La ratification par la France de la Convention Européenne des Droits de l’Homme”, *Revue du Droit Public et de la Science Politique en France et à l’Étranger*, Septembre-Octobre 1974.

⁵⁶ Article 2, Protocole 1, ECHR.

⁵⁷ Guide on Article 2 of Protocol No. 1 – Right to education, (2018), paragraph 13 and 14.

⁵⁸ Articles 165 and 166, Treaty on the Functioning of the European Union, Title XII Education, Vocational Training, Youth and Sport.

States for the content of teaching and the organization of education systems and their cultural and linguistic diversity.

From this citation, it is understood that the EU has no power of constraint over Member States in imposing on them the content of what is taught, nor on these various ways they chose to organize their higher education systems. The only power the EU has is to create incentives for a common “*development of the quality of education*”.

Europe 2020 Strategy

One of the ways through which the EU encourages the development of higher education of its Member States is through the strategy plans it establishes every five years, the latest being the Europe 2020 Strategy. This strategy plan established an objective for higher education in Europe to be achieved by 2020: the tertiary completion rate should reach 40%. Eurostat has estimated that this objective will be attained in time and probably even outreached.⁵⁹

3. At the national level

Legislation

At the national level, the highest form of law is the French Constitution. The Constitution currently applying in France dates from October 4th, 1958. The 1958 Constitution makes a reference in its preamble to the preamble of the preceding French Constitution of 1946.⁶⁰ Today, the 1946 Preamble is part of the French “constitutional block” (*bloc de constitutionnalité*) that has the normative status of the Constitution itself.⁶¹ Paragraph 13 of the Preamble to the 1946 Constitution states as follows on the subject of higher education:

The Nation guarantees equal access for children and adults to instruction, vocational training and culture. The provision of free, public and secular education at all levels is a duty of the State.

As part of the French constitutional text this provision goes beyond international law and establishes a constitutional right to free higher education. 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.

Further, the leading and grounding objectives of the French higher education system are set in Article L123-2 of the French Education Code.⁶² In its first paragraph, it mentions that the

⁵⁹ Smarter, greener, more inclusive? — Indicators to support the Europe 2020 strategy — 2018 edition, p.136, Box 4.4.

⁶⁰ French Constitution of October 4, 1958, Preamble, §1.

⁶¹ See the 1971 decision 71-44 of the French Constitutional Council (Décision n° 71-44 DC du 16 juillet 1971).

⁶² Article L123-2 of the French Education Code : « *Le service public de l'enseignement supérieur contribue : 1° A la réussite de toutes les étudiantes et de tous les étudiants ; [...]*

3° A la lutte contre les discriminations, à la réduction des inégalités sociales ou culturelles et à la réalisation de l'égalité entre les hommes et les femmes en assurant à toutes celles et à tous ceux qui en ont la volonté et la capacité l'accès aux formes les plus élevées de la culture et de la recherche. A cette fin, il contribue à l'amélioration des conditions de vie étudiante, à la promotion du sentiment d'appartenance des étudiants à la

French public service of higher education, by extension the French State, aims for the success of all students. This assertion is completed by the third paragraph of the same Article in which the State commitments to fighting discrimination, contributing to the reduction of social or cultural inequalities and pledges to advance the achievement of equality between men and women. The different objectives mentioned above are to be achieved by the State by ensuring access to the most elevated forms of culture and research to all of those who have the will and capacity to pursue them.

Policies

The latest main objectives that the French Government has set for higher education are contained in its strategy for higher education. The report established in September 2015 consists of five objectives for higher education strategy in France, those related to reducing inequality in access to higher education are of particular interest to this study and are as follows.

The third tenet ambitions to “*democratize access to higher education*”, to halve the gap in graduation rates between students of managerial and working-class background by improving the system of the secondary school years.

The fifth tenet of the report consists in “*solv[ing] the disconnect between the aspirations of [...] young people and the manner in which higher education is organized*”. This tenet is of interest to this study as it concerns the discussed problem – the main source of inequality in the French higher education system not being access to higher education in general but the kind of higher education students are able to access given their socio-economic background and their place of origin. The objectives of this tenet, though quite vague, plan to create *a: “physical environment that favors success; [i.e.] adapt financial aid options to students’ real situations; make education programs more flexible; improve campus life; and reward student involvement”*. The report also aims at taking the rate of students receiving financial aid from 34% to 50%. Finally, it wishes to ease student’s access to part time jobs.

The third tenet of the report is situated outside of the scope of study as mentioned in the Limitations section. But briefly, it examines remedies that have to be applied beginning with secondary school in order to eradicate inequalities between students of different socio-economic backgrounds. In this study however, we have limited ourselves to an analysis of the higher education system exclusively and to the solutions which could be brought at that level. Therefore, only an analysis of the 5th tenet will be performed below.

In the report the fifth tenet is subdivided into five points supposed to refine its aim, unfortunately those points remain very vague. They plan some substantial changes to the structure and the organization of higher education. They envision allowing students to study part-time, to take a gap year, to adapt “*the scholarship system and social benefits to the new*

communauté de leur établissement, au renforcement du lien social et au développement des initiatives collectives ou individuelles en faveur de la solidarité et de l’animation de la vie étudiante ; ».

variety in student's educational paths”, to develop supervised student employment, and to build an extra 80,000 student housing units by 2018-2020.⁶³

B. On the right to non-discrimination

1. At the international level

Applying to the right to higher education, Article 2.2 of the ICESCR states as follows:

The States Parties to the present Covenant undertake to 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.

Article 1 of the UNESCO Convention against Discrimination in Education, defines discrimination as including:

any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education [...].

Other international treaties reinforce the principle of non-discrimination in relation to specific groups such as: the UN Convention on the Elimination of All Forms of Racial Discrimination,⁶⁴ the UN Convention on the Elimination of All Forms of Discrimination Against Women,⁶⁵ the UN CRC, and the UN Convention on the Protection of the Rights of Persons with Disabilities.⁶⁶

2. At the European level

Article 14 of the European Convention on Human Rights states:

Prohibition of discrimination: The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex,

⁶³ The original number of student housing units which has been considered between 2013 and 2017 was of 40,000. This figure has been modified through the new 2020 housing plan. Rapport fait au nom de la commission des finances, de l'économie générale et du contrôle budgétaire sur le projet de loi de finance pour 2018 (n° 235).

⁶⁴ UN Convention on the Elimination of All Forms of Racial Discrimination, (adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965, entered into force 4 January 1969), Ratified by France in 1971. Retrieved from: <https://www.admin.ch/opc/fr/classified-compilation/19650268/index.html>

⁶⁵ UN Convention on the Elimination of All Forms of Discrimination Against Women (adopted and opened for signature, ratification and accession by General Assembly resolution 34/180 of 18 December 1979, entered into force on 3 September 1981) Ratified by France on 14 December 1983. Retrieved from: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en.

⁶⁶ UN Convention on the Protection of the Rights of Persons with Disabilities (adopted on 13 December 2006, entered into force on 3 May 2008), Ratified by France in 2010: <http://indicators.ohchr.org/>

race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Therefore, the right of access to higher education mentioned in Protocol 1 of the Convention and further defined by the Guide on Article 2 of the Protocol 1 has to be understood under the light of the requirement of non-discrimination.

Also, the right to non-discrimination is a fundamental one in the EU and is formally set out in the Charter of Fundamental Rights of the EU.⁶⁷ Article 14 of this Charter which sets forth the right is identical in its formulation to Article 14 of the European Convention on Human Rights.

3. At the national level

At the national level, Article 1 of the 1958 Constitution and Paragraph 18 of the 1946 Constitution's Preamble affirm the principle of equality of citizens before the law of the State and the rights that the latter confers upon citizens:

Article 1: [France] shall ensure the equality of all citizens before the law, without distinction of origin, race or religion. [...].

18. Faithful to its traditional mission, France [...] guarantees to all equal access to [...] the individual or collective exercise of the rights and freedoms proclaimed or confirmed herein.

More specifically, Article L123-2 of the French Education Code, already mentioned above states in its third paragraph:

The public service of higher education contributes to:[...]

3° To fight against discriminations, for the reduction of social and cultural inequalities and to the realization of equality between men and women by assuring to all of those who have the will and the capacity, access to the highest forms of culture and research.⁶⁸

These provisions do not constitute all the relevant provisions on higher education in France. Other legislation, specific to the functioning of different structures of the French higher education system will be further detailed in the following parts of the report.

⁶⁷ Charter of Fundamental Rights of the EU published in the Official Journal of the EU on 18.12.2000, (2000/C 364/01).

Cited in Article 6.1 of the Treaty on the European Union: "[t]he Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union of 7 December 2000, as adapted at Strasbourg, on 12 December 2007, which shall have the same legal value as the Treaties".

⁶⁸ Article L123-2.3 of the French Education Code: "A la lutte contre les discriminations, à la réduction des inégalités sociales ou culturelles et à la réalisation de l'égalité entre les hommes et les femmes en assurant à toutes celles et à tous ceux qui en ont la volonté et la capacité l'accès aux formes les plus élevées de la culture et de la recherche"

C. Applicability of these commitments under the French legal system

The above sections list a number of international and regional treaties to which France is party and which protect the right to higher education and/or the right to non-discrimination. These treaties confer legally binding obligations on France. Article 55 of the French Constitution states that as long as these treaties have been regularly ratified France is legally bound to them and they hold a legal superiority to national laws.⁶⁹ However the French national courts have established a supplementary condition for the articles contained in these treaties to be directly applicable, *i.e.* “*self executing*”⁷⁰ and therefore invocable in the French national courts – the direct effect.

In France there are two jurisdictional orders: the judiciary order which deals with matters related to the private sphere and the administrative order in charge of matters which include the State as an actor. As the two orders did not establish an identical list of Articles of direct effect in the different international treaties France is a party to, we will concentrate on studying the one established by the *Conseil d’Etat* at the head of the administrative jurisdictional order. That is, the order which would have jurisdiction over a case in which an individual whose right to higher education has been violated by the State.

In a case of 11 April 2012, the *Conseil d’Etat* has given its latest definition of the elements constitutive of the direct effect condition:

*a stipulation should be recognized of direct effect by the administrative judge when, considering the intention expressed by the parties and the general structure of the invoked treaty, as well as its content and its terms, it doesn’t have for exclusive object to treat relations between States and does not require the intervention of any supplementary act to produce effects for individuals.*⁷¹

However, when considering the jurisprudence of the *Conseil d’Etat* no clear method to methodically assess the constitutive elements of the direct effect doctrine appears. The decision to give direct effect to an Article of an international treaty appears to seem discretionary.⁷²

To date the *Conseil d’Etat* has not recognized the direct effect of any of the Articles of the ICESCR and has explicitly stated that some Articles are not self-executing. It never explicitly

⁶⁹ « ARTICLE 55 : Les traités ou accords régulièrement ratifiés ou approuvés ont, dès leur publication, une autorité supérieure à celle des lois, sous réserve, pour chaque accord ou traité, de son application par l’autre partie. »

⁷⁰ Cour de Cassation, “*L’Application directe de la convention de New York relative aux Droits de l’Enfant*”. Retrieved from: https://www.courdecassation.fr/publications_26/rapport_annuel_36/rapport_2009_3408/etude_personnes_3411/chambre_civile_3417/convention_new_3423/introduction_15306.html.

⁷¹ Conseil d’Etat, Case law of 11 April 2012, N° 322326: « *une stipulation doit être reconnue d’effet direct par le juge administratif lorsque, eu égard à l’intention exprimée des parties et à l’économie générale du traité invoqué, ainsi qu’à son contenu et à ses termes, elle n’a pas pour objet exclusif de régir les relations entre États et ne requiert l’intervention d’aucun acte complémentaire pour produire des effets à l’égard des particuliers* ».

⁷² Anaïs SAINT-GAL, « *Application du Pacte international relatif aux droits économiques, sociaux et culturels* », actes de la formation organisée le 8 janvier 2016 par Alliance des avocats pour les droits de l’Homme et Terre des Hommes France.

denied the direct effect character of Article 13 but if confronted to it, it is highly doubtful that it would rule otherwise.⁷³ No Articles has been denied direct effect in the Convention against Discrimination in Education but it is likely that the outcome would be the same as for Article 13 of ICESCR. Finally, Article 28 of the UN CRC has been denied direct effect by the *Conseil d'Etat*.⁷⁴

The CESCR has been calling on France and other countries to ensure direct applicability and invocability of economic and social rights since 1990. In its General Comment 3, the CESCR tackles the lack of justiciability of economic, social and cultural rights in certain State parties to the ICESCR and lists some selected Articles of the ICESCR considered by the CESCR “*to be capable of immediate application by judicial and other organs in many national legal systems*”.⁷⁵ In its last concluding observations on the measures taken by France to implement the ICESCR, the CESCR repeated the same observation as in the General Comment 3 and produced the same list of what it considers to be directly applicable rights.⁷⁶ Article 13.2.c of ICESCR is not listed among those rights.⁷⁷

Taking the example of the ICESCR, there is no significant difference in formulation of the various rights enounced in it which could in turn justify that some of its rights would be given *direct effect* and some others would be deprived of it. For instance, the CESCR recommends in its last report that Article 13.2.a on access to primary education should be given direct effect but says nothing about Article 13.2.c on higher education. The only difference in the

⁷³ *Ibid.*

⁷⁴ Le Défenseur des Droits, “*Effet direct de la Convention Internationale Relative aux Droits de l'Enfant dans l'ordre juridique français*”. Retrieved from: https://www.defenseurdesdroits.fr/sites/default/files/atoms/files/ddd-tableau_effet_direct_cide.pdf

⁷⁵ The concerned Articles are Article 3, 7.a.i, 8, 10.3, 13.2.a, 13.3, 13.4 and 15.3. The CESCR issued this observation in the General Comment 3 in response to several governments which argued - and sometimes still argue today - that the ICESCR is not directly applicable in national law because the obligations contained in it were not supposed to have direct effect based on their formulation and/or the purpose of the Covenant. The CESCR underlines in its General Comment 3 that the fact that certain rights have to be progressively realized over time should not be interpreted by State parties to the CESCR as depriving the obligations of the ICESCR “*of all meaningful content*.” Even though the comments of the CESCR are not legally binding and the State parties are sovereign in the way they want to implement the word of the treaties they subscribe to, the determinant role of the CESCR in the implementation of the covenant, provides these comments with the weight of a consequent moral authority.

Moreover, as underlined by the CESCR in the General Comment 3, countries which are also parties to the International Covenant on Civil and Political rights such as France, are committed in application of Article 2 paragraphs 1 and 3, Article 3 and Article 26 of this Covenant to ensure an appropriate remedy to any person who would see its right to non-discrimination breached. Therefore, a supplementary obligation pends on France in making the rights listed in the ICESCR justiciable and effective, as it appears today that access to higher education can be qualified as both directly and indirectly discriminatory;

Source: UN CESCR, General Comment 3 on the ICESCR, Report on the Fifth Session (26 November - 14 December 1990), annex III paragraphs 5 and 6; Matthew C. R. Craven, “The Domestic Application of the International Covenant on Economic, Social and Cultural Rights, 40(3) NILR, 382-384 (1993).

⁷⁶ ORF n°0254 of 29 October 2017, text n° 39.

⁷⁷ ORF n°0254 of 29 October 2017, text n° 39, §11 : “*dans le Pacte international relatif aux droits économiques, sociaux et culturels, un certain nombres d'autres dispositions, y compris celles des articles 3, 7 (al. a, i)), 8, 10 (par.3), 13 (par.2, al. a, et par.3 et 4) et 15 (par.3) qui, semble-t-il, sont susceptibles d'être immédiatement appliquées par des organes de caractère judiciaire et autre dans le cadre de nombreux systèmes juridiques nationaux*”.

formulation of these two rights is that Article 13.2.a provides a right which should be immediately available to individuals residing on the French soil whereas Article 13.2.c establishes a right which should be achieved progressively without unjustified retrogressive measures.

This is why this report goes beyond the recommendation of the CESCR. Article 13.2.c should be given direct effect regardless of its progressive implementation because in substance it fulfils the conditions set up by the *Conseil d'Etat* for direct effect: it does not constitute a mere State engagement, it does confer a direct right to individuals and it does not need precision from supplementary national legislation.⁷⁸

There is hope in the near future for a more effective implementation of ICESCR in France coming from the ratification by France on 13 November 2014⁷⁹ of the Optional Protocol on ICESCR which provides individuals with the possibility to file claims at the international level when their economic, social or cultural rights have been breached and they are in the impossibility of getting relief in their country of residence. Thus, it is probable that the French State will encourage direct applicability of the ICESCR and provide a satisfying national adjudication of cases related to it to avoid their internationalisation.⁸⁰

⁷⁸ As recommended by the CESCR in its last report on France, judges from both the administrative and the judiciary orders should be trained to give *direct effect*, invocability and applicability to human rights listed in international covenants in their national courts.

Today they might be hesitant to do so because they consider that it is not their role to give decisions which can possibly considerably engage the State's finances. However these decisions are absolutely necessary for the French State to be compliant with its international engagements in the sphere of human rights. Some progress has already been noticed. There is in fact a tendency of the French judges to give more and more *direct effect* to articles contained in international treaties. But the movement is slow as it is led by a dispersed and limited number of judges. The French State should encourage this tendency through training and explicit encouragement.

⁷⁹ Law n° 2014-1352 of 13 November 2014 authorizing the ratification of the Optional Protocol on ICESCR, published in the Official Journal n° 263 of 14 November 2014.

⁸⁰ Indeed if such cases end up in front of an international body, France will fall under the scrutiny of an external entity which decisions could impact the French State much more harshly than if the case in question would have been adjudicated in front of a French national court. Moreover France's reputation could end up being harmed on the international scene.

V. Equality at stake and place of origin

A. The well-documented impact of socio-economic status

Despite an increase in student enrolment in higher education in France over the last few decades – increasing from 310,000 students in 1960 to 2,680,400 during the 2017/2018 academic year⁸¹ – and a deep commitment of the State in supporting students,⁸² inequality is still endemic in France’s higher education system - with certain factors, such as familial socio-economic status, leading to disparities surpassing OECD averages.⁸³ Significant disparities exist in enrolment rates based on the profession of students’ parents. In 2016, the majority of enrolled students in France (32.4%) were children of *cadres* (senior managing positions) or of parents with socially valued positions. Comparatively, only 2.3% of students had parents from an agricultural profession.⁸⁴

This distinction is even more pointed when looking at highly regarded establishments – demonstrating that the higher education system is elitist and contributes to societal elitism. In business schools, children of *cadres* or high-status parents represent 46.1% of the student body compared to 1.9% of children of agriculture workers and the numbers are 46.5% and 2.0% respectively in the *grandes écoles*⁸⁵ – both of which are often considered to be the training ground for France’s future elite.⁸⁶

Figure 2: Socio-economic status of French students in 2017/2018, in %

	Agriculteurs, artisans, commerçants et chefs d'entreprise	Cadres et professions intellectuelles supérieures	Professions intermédiaires	Employés	Ouvriers	Retraités et inactifs	Ensemble (1)	Proportion de valeurs manquantes
Universités	9,7	34,1	14,4	15,6	11,7	14,6	100,0	10,4
dont préparation DUT	11,2	31,1	17,4	17,6	14,1	8,6	100,0	3,4
formations d'ingénieurs (2)	9,9	42,7	16,5	11,7	9,9	9,4	100,0	5,0
autres formations	9,6	34,2	14,1	15,5	11,5	15,2	100,0	11,1
Formations d'ingénieurs hors université (2)	12,8	54,1	11,8	8,2	5,6	7,6	100,0	9,4
STS	12,9	16,0	14,4	19,0	24,1	13,6	100,0	12,9
CPGE et préparations intégrées	11,4	51,8	12,5	10,8	7,2	6,4	100,0	5,4
Écoles de commerce, gestion et comptabilité	19,5	51,3	9,6	8,3	4,1	7,1	100,0	35,1
Établissements privés d'enseignement universitaire	16,1	45,0	11,3	10,9	6,6	10,1	100,0	20,5
Écoles normales supérieures	7,7	61,0	10,7	7,5	2,9	10,2	100,0	5,3
Écoles artistiques, d'architecture et de journalisme	14,0	47,4	15,8	10,7	4,6	7,5	100,0	48,4
Écoles paramédicales et sociales (3)	15,1	23,5	9,5	30,5	19,3	2,1	100,0	10,6
Autres écoles et formations (4)	13,0	45,2	11,0	11,0	7,7	12,1	100,0	37,3
Ensemble des étudiants français	11,3	34,9	13,6	15,6	12,2	12,4	100,0	14,6

Source: *Ministères de l'éducation nationale et de l'enseignement supérieur, de la recherche et de l'innovation, Direction de l'évaluation, de la prospective et de la performance. (2018) Repères et références statistiques sur les enseignements, la formation et la recherche.*

⁸¹ Higher Education and Research in France. Chapter 9: Changes in Higher Education over the last 50 years: Growth and Diversification. Retrieved from: https://publication.enseignementsup-recherche.gouv.fr/eesr/9EN/EESR9EN_ES_09-changes_in_higher_education_over_the_last_50_years_growth_and_diversification.php

⁸² This notion is further discussed in sections III and IV of this report.

⁸³ OECD (2017), “France – Country Note” in *Education at a Glance: OECD Indicators*, OECD Publishing, Paris

⁸⁴ Observatoire national de la Vie Etudiante (2017) “Données sociodémographiques et académiques” in *Enquête Nationale Conditions de Vie Etudiant-e-s*, Observatoire national de la vie étudiante Publishing, Paris

⁸⁵ *Ibid.*

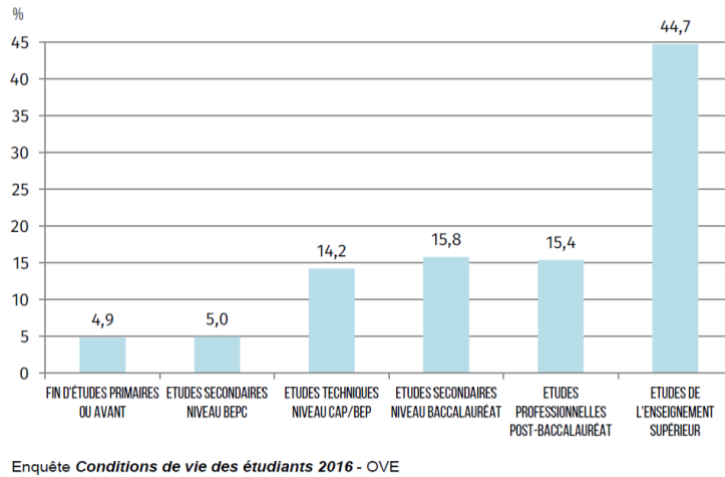
⁸⁶ Rollot, Olivier, “C'est quoi une grande école ?”, *Le Monde*, 11.02.2011.

Retrieved from:

https://www.lemonde.fr/education/article/2011/02/11/c-est-quoi-une-grande-ecole_1477588_1473685.html

Moreover, as is the case with most OECD countries, the level of studies of parents is correlated with higher education enrolment rates in France, although in France the correlation is above the OECD average. In 2016, 44.7% of French students had at least one parent who possessed a higher education degree. In contrast, fewer than 10% (9.9%) of students had parents who had both never reached an education level above high school.⁸⁷

Figure 3: Distribution of students by their parents' education levels, in %



B. The significant influence of place of origin

Inequalities in the French higher education system based on socio-economic background, as illustrated above, have been widely discussed and documented by governmental agencies and academic scholars alike.⁸⁸ One aspect that remains unexplored, however, is the influence of *where* a student comes from, with the exception of questions tackling international or migrant students. It appears this issue has been neglected in academic research and debates despite its seemingly crucial role in impacting the enjoyment of the right to higher education.

The UNESCO World Inequality Database on Education (WISE) has compiled data that shows some of the inequalities in French tertiary education based on region of origin.⁸⁹ In 2014, within the regions documented, higher education attendance - defined as the percentage of people aged between 18 and 22 years attending a higher education establishment – ranged from 50% in the region Pays de la Loire to 77% in the region Midi-Pyrénées. Furthermore, for the same year, when looking at the rate of people aged between 25 and 29 years who have completed at least two years of higher education, a definition which WISE uses to quantify

⁸⁷ *Ibid.*

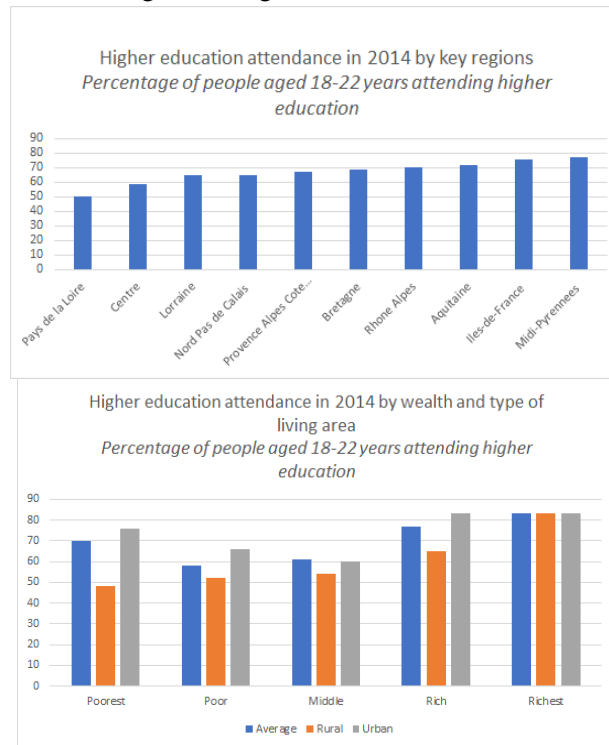
⁸⁸ MESRI/DEPP 2018; Casta, Aurelien. 2017. *Un salaire étudiant: Financement et démocratisation des études*. Paris: La Dispute/Snedit; Verley, Elisa and Sandra Zilloniz . 2010. "L'enseignement supérieur en France : un espace segmenté qui limite l'égalisation des chances." *Revue française de sciences sociales*, no. 110: 5-18.

⁸⁹ UNESCO, World Inequality Database on Education (2014), Indicator: Tertiary Completion Rate for France. Retrieved from: https://www.education-inequalities.org/countries/france/indicators/comp_higher#?dimension=all&group=all&age_group=|comp_higher_2yrs_2529&year=|2014

tertiary completion rate⁹⁰ it was observed that a low of 24% was attained by Aquitaine while Rhone-Alpes reached 57%.⁹¹

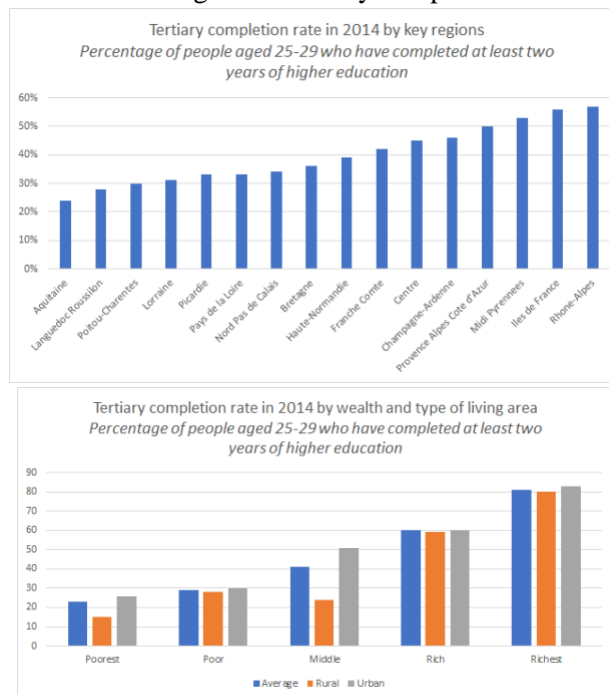
Figure 4: WISE regional data for higher education in 2014 in France

Place of origin and higher education attendance rates



Overall: Rural - 58% vs. Urban - 74%

Place of origin and tertiary completion rates

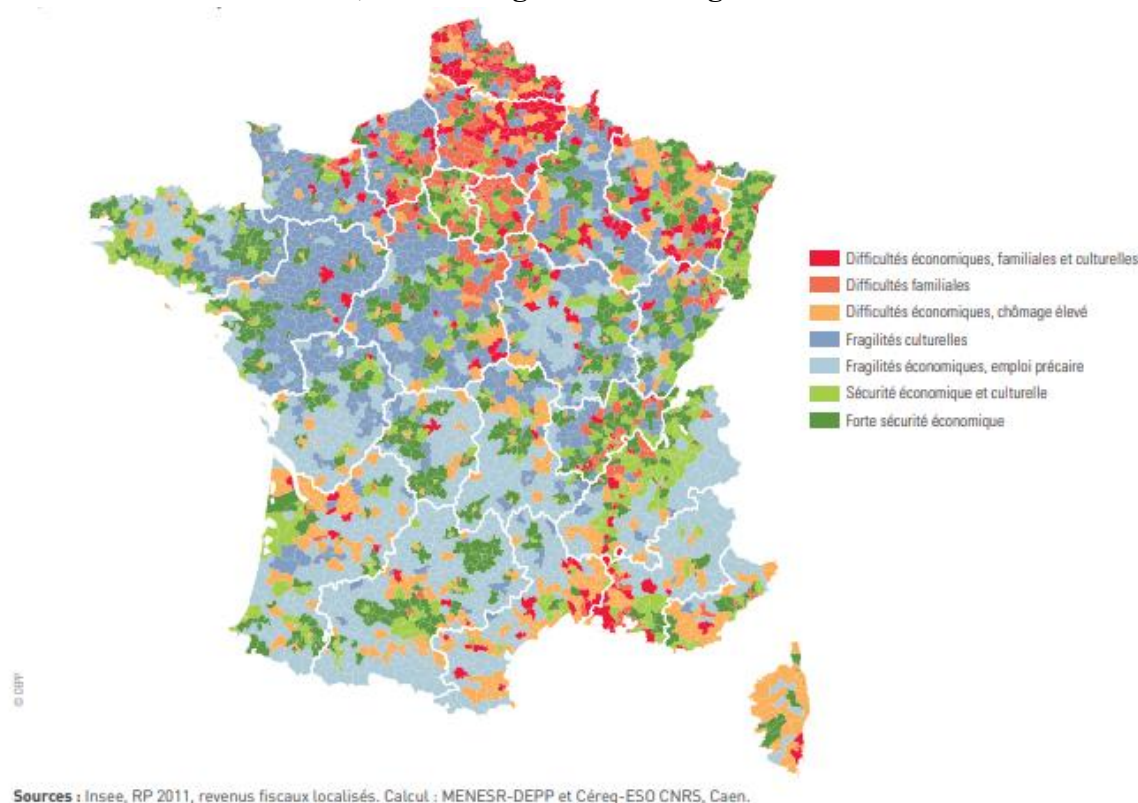


⁹⁰ Note: data on drop-out rates in higher education could bring additional support in discussions on inequalities. However, they were primarily available in relation to fields of study as opposed to socio-economic factors or place of origin. Due to lack of data, we are not able to produce a full analysis.

⁹¹ *Ibid.*

While there is lack of data in the area of higher education, research on how regional inequalities affect the access to secondary education seems to show that there might be particular regional vulnerabilities such as cultural fragility or economic security that determine access to education.⁹² Network of priority education zones (called *Réseaux d'Éducation Prioritaire* or REP+) on the level of primary education that is gradually broadening to include secondary education, shows that the government has already identified some areas that are particularly worrying in terms of development and education, which are very concentrated in certain areas of higher education. For example, in the overseas territories, 32.9% of the primary schools are in REP+, against 5.7% in Mainland France.⁹³

Figure 5: Different types of difficulties explaining school failures at the secondary educational level, showcasing “different regional vulnerabilities”



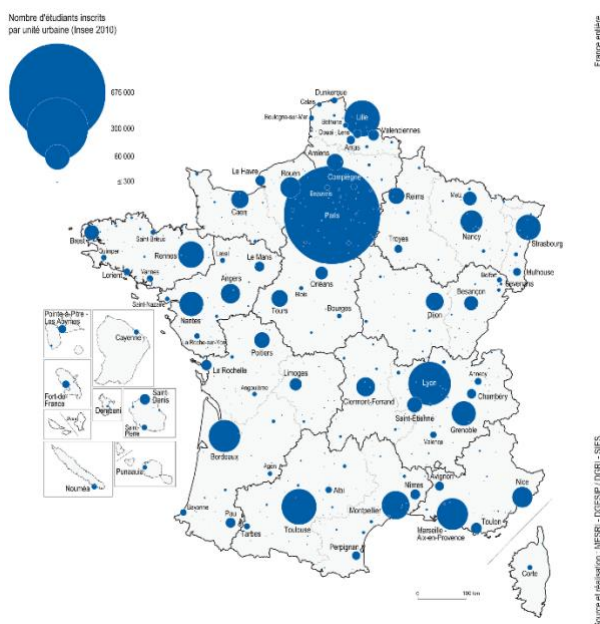
Where a student comes from is deeply relevant because of the geographical structure of the French higher education system. Indeed, it is centered around key cities, such as Paris or

⁹² Ministère de l'Éducation nationale et de la Jeunesse, 'Dossier 2: Les inégalités territoriales de risques sociaux d'échec scolaire', 2017, accessed March 17, 2020 https://cache.media.education.gouv.fr/file/geo12/34/5/depp-geographie-ecole-2017-dossier-2-inegalites-territoriales-risques-sociaux-echec-scolaire_738345.pdf

⁹³ Ministère de l'Enseignement supérieur, de la Recherche et de l'Innovation and Ministère de l'Éducation nationale et de la Jeunesse "REPÈRES et RÉFÉRENCES STATISTIQUES: enseignements • formation • recherche", 2019 https://cache.media.education.gouv.fr/file/2019/51/6/depp-rers-2019_1162516.pdf accessed March 17, 2020

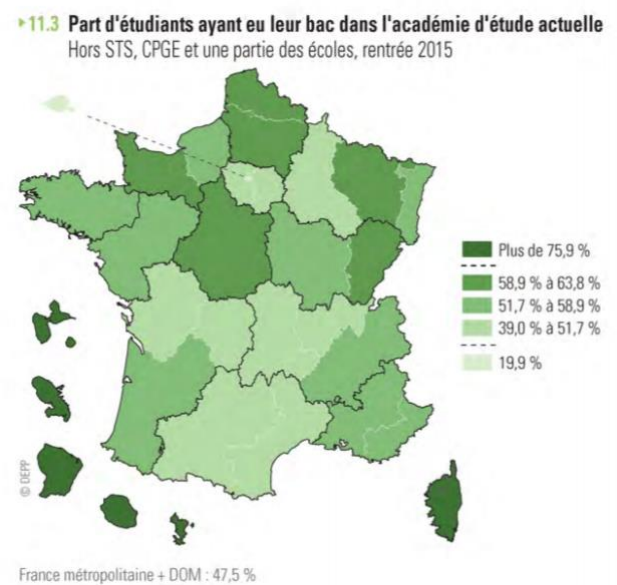
Lyon,⁹⁴ which have become poles that attract a large majority of students. Students may therefore face additional challenges in pursuing a tertiary diploma because they are from a region of France situated away from these centres of education. Simply put, students who are from regions with few options for their higher education are likely to need to move away from their place of origin in order to access certain establishments. This problem is even more acute for students from the overseas departments of France. This is illustrated by data collected by the statistical arm of the Ministry of National Education and Youth which reflects that fewer than 20% of all students enrolled in Paris in 2017 were originally from that region. Conversely, students from Corsica and the overseas territory were much more likely to remain within the region and over 75% of students enrolled in these regions were originally from there.⁹⁵

Figure 6: Distribution of students in France



Source: MESRI

Figure 7: % of students pursuing a higher education degree in their region of origin



Source: DEPP Géographie de l'école 2017

⁹⁴ Ministère de l'Enseignement supérieur, de la Recherche et de l'Innovation. (2018). Report : "L'état de l'enseignement supérieur et de la recherche en France."

⁹⁵ Etudes statistiques de la Depp, Géographie de l'École, douzième édition, 2017, Retrieved from: <https://www.education.gouv.fr/cid57105/geographie-de-l-ecole-douzieme-edition-2017.html>.

At the heart of the issue: Student perspectives

Leaving your home to pursue an education is no easy task.

A student from Bourgogne, who chose to study in Paris to attend the prestigious institution Sciences Po, explained that moving to Paris was a real challenge: “*Finding an apartment was a nightmare. It is an investment and you also have to pay for the train.*” She also described that the financial burden associated with moving to Paris for her studies put a financial strain on her entire family: “*I feel beholden to the sacrifices [of my parents] for me to study in Paris.*”

Another student, from Nouvelle-Calédonie, also chose to pursue an education in Paris. This was a major transition for him: “To begin with, going 22,000 kilometres away from your land of origin, generally rural, and landing in Paris for a part of your life is a challenge in itself. [...] But the main challenge is autonomy, the search for housing, all the administrative paperwork you now have to face by yourself, adapting to a new lifestyle. In brief, the main challenge is that you are alone, and no one is there to help you, your life changes radically.”

Even though academic institutions are generally available across regions, some regions offer a 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. This geographic polarization is visible through the distribution of short higher education programs throughout France, such as the STS (*Section de Technicien Supérieur*), a two-years higher education degree. This track leads generally to lower average salaries or lower rates of high-status positions compared to longer tracks such as the one offered by the *grandes écoles*. In 2017, it was estimated that the highest share of students pursuing this two-years diploma was in one of the most vulnerable former regions of France, namely *Limousin* and the overseas territories, whereas the lowest share of students involved in this track was in Ile-de-France, the most developed French region.⁹⁶

The issue of geographic polarization weighs even heavier when considering the location of *grandes écoles*.⁹⁷ In 2016, it was estimated that 72% of French people consider the *grandes écoles* to be of better quality and opening more doors to students in the job market.⁹⁸ Importantly, this perspective is rooted in reality as the selective track does in fact lead to higher average salaries, higher employability rates post-graduation as well as a faster timeline in finding a job, and higher rates of high-status positions.⁹⁹ In other words, attending a *grande école* can have a tremendous impact on students’ lives.

Yet, these schools follow the polarization trend discussed above and are mainly concentrated in specific areas, most notably Paris.¹⁰⁰ In fact, Paris gathered one third of all the French *grandes écoles*, and alongside Lyon, the two cities are home to half of all *grandes écoles*

⁹⁶ Ministère de l’Enseignement Supérieur, de la Recherche et de l’Innovation. (2018). Report “Les effectifs d’étudiants dans le supérieur en 2017-2018 en progression constante”, p. 7, accessed March 17, 2020

⁹⁷ Note that the structure of the French higher education system and its main branches will be detailed in section V.

⁹⁸ Retrieved from: <https://www.cge.asso.fr/observatoire/20/>

⁹⁹ Clémence Boyer, “Insertion pro : le match grande école / université”, *Les Echos Start*, 9.03.2016.

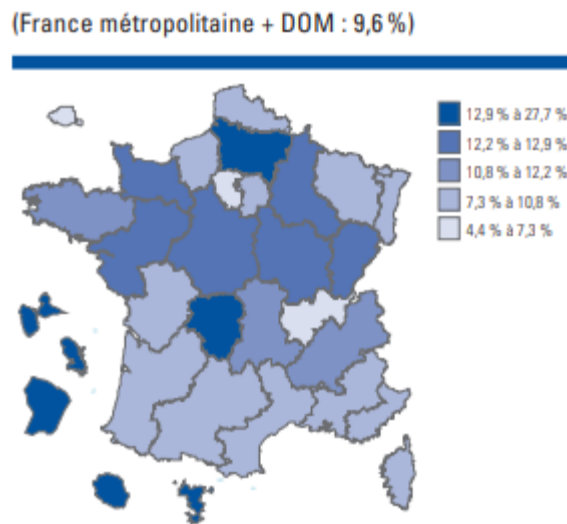
Retrieved from:

<https://start.lesechos.fr/etudes-formations/universites-grandes-ecoles/insertion-pro-le-match-grande-ecole-universite-4063.php>

¹⁰⁰ Conférence des grandes écoles.

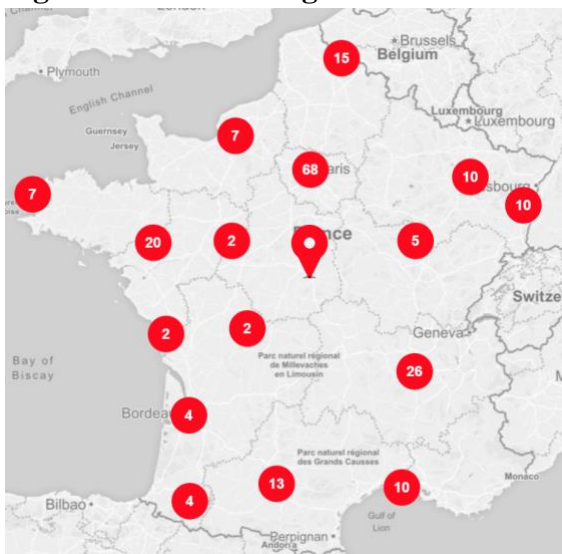
from the French territory. This deepens disparities in access to high-quality higher education as those who are not from these regions will face additional challenges in order to graduate from one of these prestigious establishments. Moreover, there are also documented disparities in enrolment in preparatory classes for *grandes écoles*.¹⁰¹ These disparities reflect both inequalities in direct access to these preparatory institutions but also, in the long term, access to the *grande écoles* themselves as students from regions where preparatory establishments are limited and have low enrolment are in a disadvantaged position in the competitive process of entry into these institutions.

Figure 8: Share of students involved in a STS program in 2017



Source: MESRI-SIES

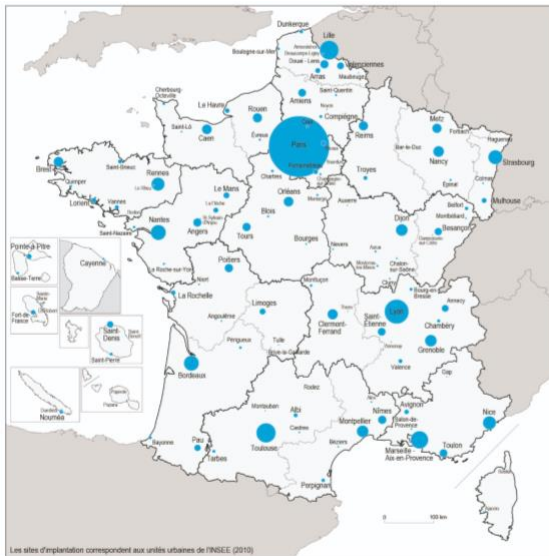
Figure 9: Location of grandes écoles



Source: Conférence des grandes écoles

¹⁰¹ Atlas régional des effectifs étudiants, L'enseignement supérieur en France étudiants inscrits en classes préparatoires et aux grandes écoles, Retrieved from: https://publication.enseignementsup-recherche.gouv.fr/atlas/carte.php?NIVEAU=PAYS&GEOID=PAYS_100&MAP=Atlas_1415_Map_Pays_100_Eff_Etud_CPG&RENTREE=2014

Figure 10: Students in preparatory classes in France for *grandes écoles* in 2014/2015



Source: MESRI

At the heart of the issues: Student perspectives

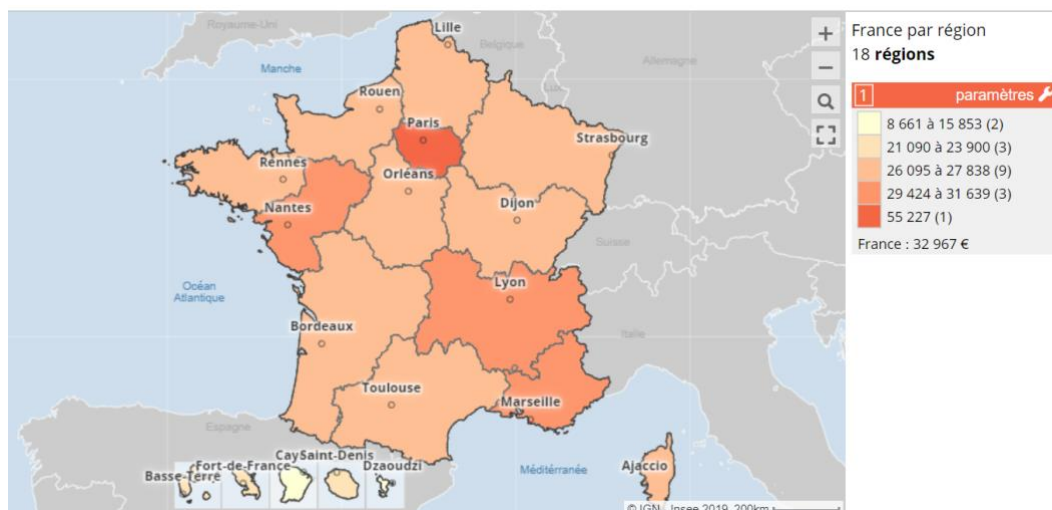
Students who had moved away from their home to live in Paris were unanimous in one regard: they all cited quality and reputation as the principal reasons for their choice to move. As a student from Auvergne-Rhône-Alpes expressed: “Prestige makes you choose Paris.”

The impact of place of origin on inequalities in higher education goes further as it has also been demonstrated that there are large socio-economic disparities across the different French departments.¹⁰² This is significant because of the previously described inequalities related to students’ socio-economic backgrounds. Simply said, there are ways in which place of origin and socio-economic status intersect and based on this, it becomes relevant to examine geographic socio-economic disparities. First of all, in 2015, the gross domestic product per capita per region varied wildly. Indeed, the region Ile-de-France, where Paris is situated, topped the rankings with €55,227 while Mayotte (an overseas territory which is at the same time considered as a region and as a department by the French administrative system) was at the bottom with €8,661.¹⁰³

¹⁰² INSEE (2015), “Médiane du niveau de vie (€)”, in database *Revenus et pauvreté des ménages*, Fichier localisé social et fiscal (Filosofi).

¹⁰³ https://statistiques-locales.insee.fr/#c=indicator&i=tr062.pib_hab&s=2015&view=map3

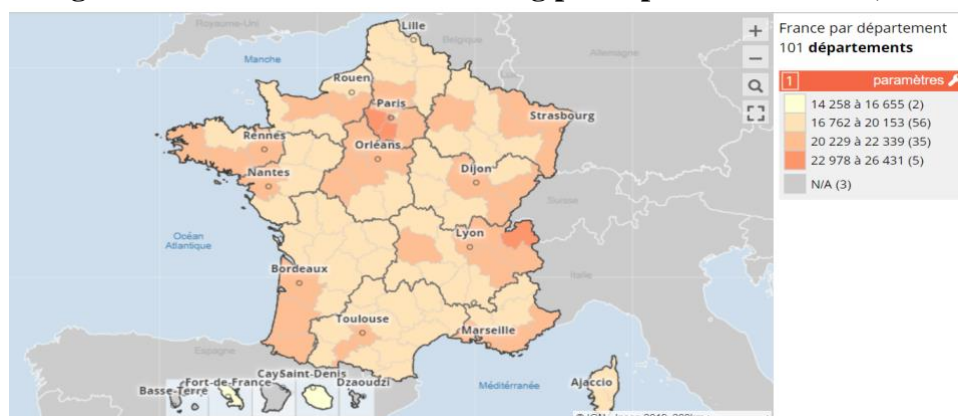
Figure 11: Gross domestic product per capita per region in 2015, in €



Source: INSEE

Delving deeper, in 2015, there were wide disparities between departments in standards of living (defined by the INSEE as “ the disposable income of the household divided by the number of consumer units”)¹⁰⁴ with the department of Paris at the top with a median standard of living of €26,431 and La Reunion (an overseas territory also considered as a region and a department) at the bottom with €14,258 (while the median was €19,918).¹⁰⁵ Disparity trends between departments and socio-economic issues appeared similar when looking at the poverty rate throughout France. With poverty defined as living with below 60% of the median standard of living by the INSEE,¹⁰⁶ it was observed in 2015 that the median poverty rate was 14.7% and that the department of Haute-Savoie (which ranked 4th in highest standard of living with €25,00)¹⁰⁷ had the lowest while, once again, La Reunion stood as the poorest department with a poverty rate of 40.4%.¹⁰⁸

Figure 12: Median standard of living per department in 2015, in €



Source: INSEE

¹⁰⁴ <https://www.insee.fr/en/metadonnees/definition/c1890>

¹⁰⁵ <https://statistiques-locales.insee.fr/#c=indicateur&i=filosofi.med&s=2015&view=map2>

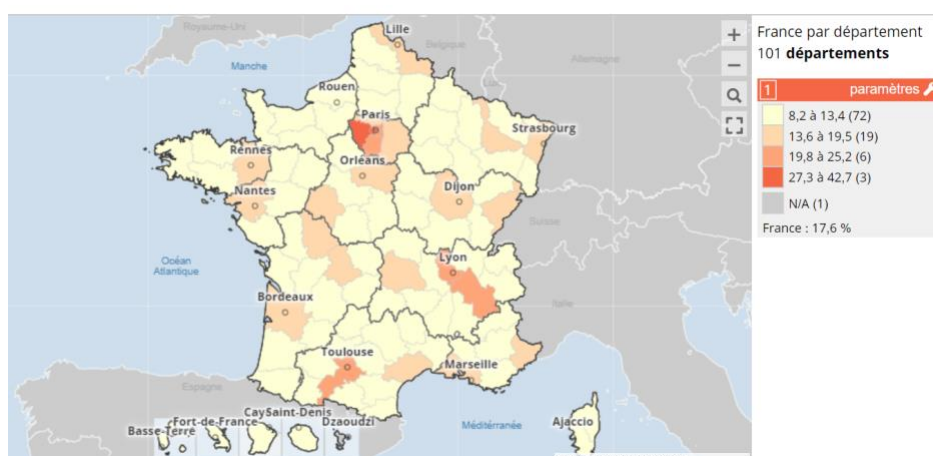
¹⁰⁶ <https://www.insee.fr/en/metadonnees/definition/c1320>

¹⁰⁷ <https://statistiques-locales.insee.fr/#c=indicateur&i=filosofi.med&s=2015&view=map2>

¹⁰⁸ *Ibid.*

Beyond considerations of pure income, there are also disparities between departments in the rate of *cadres* and higher intellectual positions¹⁰⁹ per place of work (defined by the INSEE as “the geographical zone in which a person exercises his or her professional activity.”)¹¹⁰ It is important to consider these socio-professional categories as they can stand as proxies for wealth, which strongly relates to higher education. Though the median was 11.5% and the rate was 17.6% when considering France as a single place of work, in 2015, regional rates displayed a high of 42.7% in Hauts-de-Seine and a low of 8.2% Cantal.¹¹¹ As a note, these departments were respectively 2nd and 76th in standard of living.¹¹² The absence of an academic tradition in certain French regions impacts prospective students’ perspectives towards tertiary education. In this sense, one’s place of origin may indirectly limit one’s prospect for a higher socio-economic status if it is an area with a low rate of high-status positions. For instance, it has been widely documented that children of *cadres* and intellectual positions represent a majority of students within the higher education system.¹¹³

Figure 13: Rate of cadres and other high-intellect professions per workplace per department in 2015, in %



Source: INSEE

In parallel, other factors also point to the important influence of geography on socio-economic status in France. In this context, upward social mobility, which is the ability to increase one’s socio-economic status, is closely linked to education and the possession of a tertiary degree¹¹⁴ and has been shown to also vary greatly depending on one’s region of birth. Evidence suggests that social mobility is higher in regions that have key educational centers¹¹⁵.

¹⁰⁹ This term, an official French statistical concept, refers to professions requiring high amounts of education such as professors and scientists; Source: Insee
<https://www.insee.fr/fr/metadonnees/pcs2003/categorieSocioprofessionnelleAgreee/3?champRecherche=false>

¹¹⁰ <https://www.insee.fr/en/information/2527389>

¹¹¹ https://statistiques-locales.insee.fr/#c=indicateur&i=rp.pt_emplt_cs3&s=2015&view=map2

¹¹² <https://statistiques-locales.insee.fr/#c=indicateur&i=filosofi.med&s=2015&selcodgeo=15&view=map2>

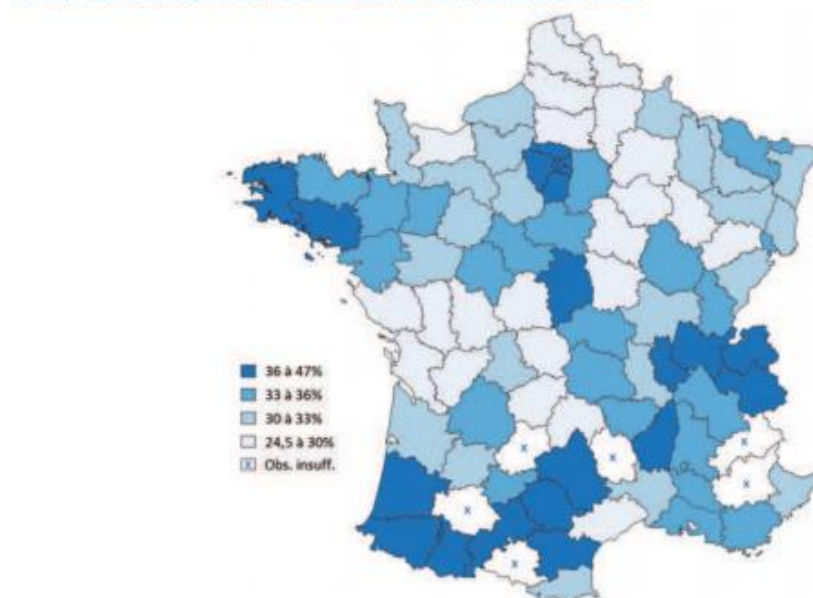
¹¹³ OVE 2017 / MERI 2018.

¹¹⁴ Premier Ministre, France Stratégie. (2015). Analytical Note: “La géographie de l’ascension sociale”, accessed March 17, 2020.

¹¹⁵ *Ibid.*

Figure 14: The proportion of children of workers and employees who became cadres and intermediate-level professionals, according to the department of birth in 2013, in %

PROPORTION DES ENFANTS D'OUVRIERS ET EMPLOYÉS DEVENUS CADRES ET PROFESSIONS INTERMÉDIAIRES, SELON LE DÉPARTEMENT DE NAISSANCE



Champ : individus âgés de 30 à 45 ans, nés entre 1965 et 1979.
Source : enquêtes Emploi 2003-2013 (Insee), calculs de l'auteur.

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 Paris¹¹⁶. 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 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.

¹¹⁶ *Ibid.*

VI. The cost of higher education in France

How much does it cost to obtain a higher education diploma in France?

This is a complex question for which there is no straightforward answer because of the diversified nature of the French higher education system. Fees vary wildly depending on which institution a student attends as well as on the kind of State financial assistance to which this same student may have access. Moreover, beyond tuition fees, there are many hidden, indirect costs that are included in the final bill.

The interplay and high variability of direct and indirect costs creates a complex financial landscape for students, who together with their families, face difficulties in attempting to determine the type of financial investment that higher education might represent. In fact, it has been estimated that 44% of students' parents do not know how much their child's education costs.¹¹⁷

This section addresses the problem of cost in France's higher education system by first discussing the role of the State in financing the system and secondly addressing what students must assume in terms of direct fees and indirect costs.

A. The role of the State in financing the French higher education system

The vast majority of expenditure on education comes from the State. In 2018, the higher education budget totalled €27.4 billion, receiving an additional €700 million compared to the previous year, including €200 million to allow universities to increase the number of students they could welcome. The government, which wants to begin a reform of universities next year, provides for a further increase in these credits in 2019, of the order of €500 million. The domestic expenditure of education represents 1.5% of the French GDP since 2015 which for higher education reached €30.3 billion,¹¹⁸ a figure falling under the OECD average.¹¹⁹ Important to acknowledge is that the Education 2030 Incheon Declaration and Framework for Action sets spending targets for education at at least 4% to 6% to gross domestic product and/or at least 15% to 20% of total public expenditure.¹²⁰

¹¹⁷ HSBC, "The Value of Education, Le prix du succès", Rapport France, 2018.

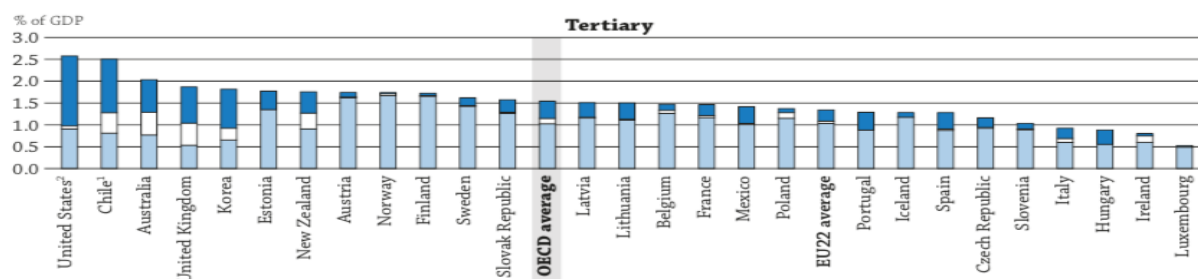
¹¹⁸ Ministère de l'Enseignement supérieur, de la Recherche et de l'Innovation. 2018. "L'état de l'enseignement supérieur et de la recherche en France."

¹¹⁹ See figure 1 in Annex.

¹²⁰ 4.2 compare expenditure and resource allocation ratios with benchmarks.

<https://www.right-to-education.org/monitoring/guide/42-compare-expenditure-and-resource-allocation-ratios-benchmarks>

Figure 15: Higher education expenditures as a % of GDP among OECD countries



Source: OECD

The public higher education budget is, however, split differently between the different existing tracks: the mean public expenditure for a single student is €11,630, but it varies from a high of €15, 080 in the CPGE (which are two-year post-secondary schools that aim at preparing students for the highly selective entrance exams to the *grandes écoles*) to €10,770 for university students.¹²¹ As a direct consequence of the unequal amount of funding and resources each student receives according to the type of educational institution they are enrolled in,¹²² questions arise about the long-term persistence of inequalities and elitism. Thus, though students from *grandes écoles* only account for 5% of total students in France, these *grandes écoles* receive 30% of the government's budget for higher education. France's unequal expenditure per student means that the state spends far less on its "average" students. These uneven levels of resources between *grandes écoles* and public universities raise issues as inequalities are then not only about access but also the persistence of inequalities through higher-education as vulnerable groups have more chances to access some sections of the system benefiting from fewer resources.

Since 2005, it has increased more quickly than in the majority of countries, thus catching up considerably on its shortfall. However, national expenditure on tertiary education is still slightly below the average (1.4% of GDP compared to 1.5% OECD average in 2012). Although higher education expenditure is mainly public, households still bear significant costs. In 2015, 87% of spending was public, while household expenditures stood at around 9%¹²³, and expenditures by other private entities remained low at 4%. However, these scores are positively above the OECD average, which lies by 70% public spending, 21% household expenditures and 9% private entities. Even within the EU (22 countries) France was found above the average.

In 2018, the French Government introduced a finance bill which increased the budget of higher education from 13.3 billion euros in 2017 to 13.4 billion euros in 2018.¹²⁴ In total, the nominal budget of higher education has increased from 11.3 billion euros in 2008 to 13.4 billion euros in 2018. Again, one would assume that France is progressively meeting its obligations to remove costs to higher education and make it free. This is not the case. If we

¹²¹ OECD 2014.

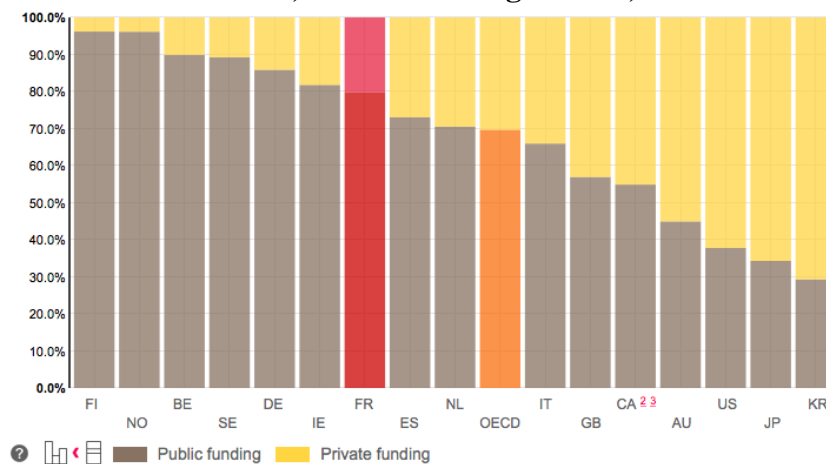
¹²² Carpentier Vincent, "Expansion and differentiation in higher education: the historical trajectory of the UK, the USA and France", *Centre for Global Higher Education, UCL Institute of Education*, April 2018.

¹²³ Only accounts for direct costs.

¹²⁴ Thomas Picketty, "Jeunesse sacrifiée", *Le Monde Blogs*, 12 Octobre 2017, Retrieved from: <http://piketty.blog.lemonde.fr/2017/10/12/budget-2018-la-jeunesse-sacrifiee/>

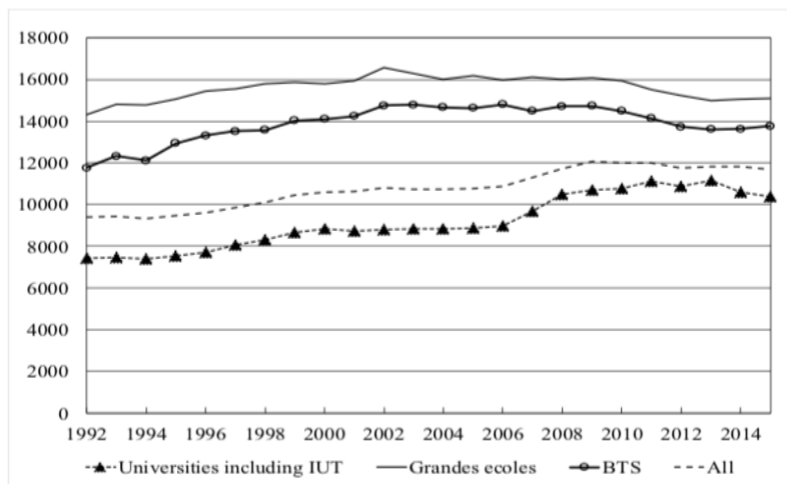
follow the line of the finance laws introduced since 2008 under President Nicolas Sarkozy, we see a similar strategy: the increase in the budgets allocated to higher education is minimal, but enough to make it appear slightly positive. First, one must acknowledge the increase in tuition fees: even if it is low each year (it will be about 1% in 2017, and probably the same in 2018, which is already higher than the \$0.1 billion increase in the nominal budget for higher education proposed for 2018), it still represents nearly 10% over 10 years, which is enough to absorb just over half of the nominal increase between 2008 and 2018. In addition, one must acknowledge the considerable increase in the number of students, which rose from just over 2.2 million in 2008 to nearly 2.7 million in 2018, an increase of about 20%. Combining the evolution of the higher education budget (10% in constant euros) and that of the number of students (20%), then the conclusion is that the budget per student fell by nearly 10% in France between 2008 and 2018. France is not meeting its obligations to offer access to free higher education.

Figure 16: Relative share of public and private funding allocated to higher education institutions, as final funding in 2012, in %



Source: OECD 2014

Figure 17: Evolution of State funding per student by type of institution, in €



Source: Carpentier, Vincent. "Expansion and differentiation in higher education: the historical trajectory of the UK, the USA and

B. Students’ burdens: direct fees and indirect costs

1. Direct fees

In France, direct cost of higher education is highly diversified. In fact, because of some of its core, socially oriented values, France has created a public system of higher education that is not expensive for students. Where disparities begin to appear and equality becomes a concern, however, is through the ever-growing differentiation in fees which students have to face in both the public and private education spaces.

Public tuition fees

Figure 18: Public university tuition fees

	Licence	Master	Doctorat
2011-2012	€177	€245	€372
2012-2013	€181	€254	€380
2013-2014	€183	€254	€388
2014-2015	€184	€256	€391
2015-2016	€184	€256	€391
2016-2017	€184	€256	€391
2017-2018	€184	€256	€391
2018-2019	€170	€243	€380

Source: Cour des Comptes, 2018

Per Article 48 of law n°51-598 of 24 May 1951 on the national finances for the fiscal year 1951, public higher education fees are set by the relevant State ministry which oversees a particular degree. For the vast majority of public diplomas, notably the three main public diplomas obtained at public universities (*Licence*, *Master*, and *Doctorat* equivalent to a Bachelor’s, a Master’s, and a Doctorate), this role is held by the MESRI. Today, these three degrees cost €170, €243, and €380, respectively. Close to 60% of all students enrolled in higher education in France during the 2017/2018 academic year were enrolled in a public university and subject to these low tuition fees.

Some public institutions incur much higher prices, however. For example, certain public establishments offering highly specialized training have higher fees, as set by the State. This is especially the case for engineering and paramedical studies (i.e. medical programs which fall outside the general medicine structure, a structure regulated by the State). These significantly higher prices have been justified as a necessary source of revenue for the establishment involved in a context of stagnating subsidies, an increasing student population, and the increasing cost of providing educational programs.¹²⁵ This creates a vast dichotomy within the public system between a framework offering relatively cheap general education but highly expensive programs for more specialized fields.

¹²⁵ Cour des Comptes 2018 Report.

Figure 19: Public engineering program tuition fees

	2006/2007	2018/2019	Variation sur la période
Ministère de l'agriculture - cycle ingénieur	1 000 €	1 681 €	68 %
Ministère des armées (ISAE, ENSTA et ENSTA Bretagne)	500 €	2 150 €	330 %
MESRI			
Formations universitaires d'ingénieurs	500 €	601 €	20 %
Écoles centrales et école des mines de Nancy	500 €	2 500 €	400 %
CentraleSupélec (titre d'ingénieur diplômé de l'école centrale des arts et manufactures)	500 €	3 500 €	600 %
Ministère de l'économie et des finances			
École supérieure des mines de Paris	450 €	3 500 €	678 %
Écoles télécom ¹²⁶	800 €	2 150 € ou 2 650 €	+ 169 % à 489 %
Écoles des mines	450 €		
Ministère de la transition écologique et solidaire			
ENPC	512 € (droits) + 555 € (frais) ¹²⁷	2 980 €	179 %
ENTPE	500 €	601 €	20 %

Source: Cour des Comptes, 2018

Figure 20: Tuition fees for various paramedical programs

Field	Tuition fees
General practitioner	Public university fees (PUF)
Orthoptist	PUF
Hearing specialist	€476
Kinesiologist	From PUF to €8,900 (private)
Psycho-motor therapist	From €1,500 (public) to €9,650 (private)
Orthopedist-orthotist	€9,790 (public)

Source: Cour des Comptes, 2018

Tuition fee differentiation

Outside of the public university system, prices deeply vary and can create yet an additional barrier. Within the public space, which as aforementioned comprises more than 80% of all enrolled students,¹²⁶ there has been a trend of differentiation. Although university fees are close to free, some public programs represented a much higher cost: for example, as of September 2018, certain engineering degrees had tuition fees totalling €2,500.¹²⁷ For some students, these fees will be waived under the CROUS grant, but the impact of being ineligible for the national bursary is evidently much larger on students who pursue high-cost diplomas, even in the public system.

Furthermore, beyond the specialized fields mentioned above, some public institutions which have been granted *grandes écoles* status, namely Sciences Po and Paris Dauphine, have increased their fees even further as a means to pull in higher revenues.¹²⁸ As part of this strategy, meant to close the gap between the price paid by students and the real cost of a student's education, Sciences Po has created a ladder of fees from €0 to €10,700 per year for a bachelor's degree, and from €0 to €14 700 for a master's degree,¹²⁹ depending on a student's household revenue.

The modulated ladder takes into account students' household revenue and therefore makes an effort to distinguish those who may need more financial support. However, many students find themselves in the "in-between", middle-class space within which they may not be eligible for financial aid or for the lower tiers in the ladder but may not be able to afford yearly fees surpassing thousands of euros either.¹³⁰

¹²⁶ Ibid.

¹²⁷ Service Public, "Coût d'une inscription dans l'enseignement supérieur", Retrieved from <https://www.service-public.fr/particuliers/vosdroits/F2865>

¹²⁸ Cour des Comptes 2018 Report, p.32. Crucially, it must be clarified that these institutions have been able to set their own prices for the institutional diplomas they grant, as opposed to the national diplomas they may offer. For example, doctoral students at Sciences Po are subject to the State fees.

¹²⁹ "Etudiants en bachelor et en master", Droits de scolarité, Sciences Po, last modified December 2019, <https://www.sciencespo.fr/students/fr/financer/droits-scolaire.html>, accessed March 17, 2020.

¹³⁰ Ibid, p.36.

Lastly, private institutions have the liberty to set their own fees and these have reached high levels. On average, private tuition fees reach between €3,000 and €10,000.¹³¹ However, these can be much higher. For example, some of the top business schools in France, namely HEC, EDHEC, ESSEC, and ESCP Europe, all set yearly tuition fees surpassing €15,000 in 2018.¹³² Importantly, the fee exemptions afforded by the national grant system¹³³ do not apply within the private sphere: students therefore have no choice but to pay the whole fees (except if there are private institutional grants available).

Other mandatory fees

Beyond the particular institutional fees which may be required by different establishments for their own purposes, there are two other main direct fees which are required and therefore warrant a specific examination: the *contribution vie étudiante et de campus* (CVEC) and the registration fee for the different *concours* which exist in order to be admitted into the *grandes écoles*.

The former, CVEC, amounts to €90 per year and is required of all students enrolled in the higher education system. This fee, introduced in 2018 to replace the previously required social security fee of €217, aims to be a flat fee covering students' possible needs in terms of health (physical, including athletic activity, and mental) and social activities.¹³⁴ The current academic year being the first year of applicability of this new fee, its real impact on students has yet to be determined. At face value, however, there has been a decrease of €127 of the fees required of students between the 2017/2018 and 2018/2019 academic years.

The issue of *concours* fees is broader and less straightforward to analyze. There are in fact hundreds of different *concours*, some more popular than others, that vary in price. *Concours* are only required for entrance into *grandes écoles* or into certain private institutions, these selection exams can either be grouped into clusters to offer students a diversity of options, such as the common *concours* of the INP groups for 32 engineering establishments¹³⁵ or be specific to individual institutions, such as the ones for HEC or for Sciences Po Paris.

In 2017, the fees associated with the various *concours* range from a low of €10 to a high of €310. However, the actual bill can be much steeper. Here, it is essential to note that the pass rate of these entrance exams is low. In other words, many students fail. To account for this risk, students often choose to attempt several *concours*, raising their total costs to sums which can surpass €1,000.¹³⁶

¹³¹ Campus France, Le coût des études supérieures en France, Retrieved from: <https://www.campusfrance.org/fr/cout-etudes-superieures-france-frais-inscription>

¹³² Boursier, Les écoles de commerce les plus chères de France, Retrieved from: <https://www.boursier.com/actualites/news/les-ecoles-de-commerce-les-plus-cheres-de-france-774402.html>

¹³³ See below for more details.

¹³⁴ “Qu’est-ce que la CVEC ?”: <http://cvec-info.nuonet.fr/la-cvec.html>

¹³⁵ Concours commun INP, Inscriptions, Retrieved from: <http://www.concours-commun-inp.fr/fr/ccinp/inscription.html>

¹³⁶ Tanguy Dejeau, “Je passe les concours des grandes écoles : ça coûte 1400 euros à mes parents. Un sacrifice”, *L’Obs Le Plus*, Retrieved from:

At the heart of the issue: Student perspectives

For a number of students, the issue of tuition fees is a profound concern.

For those within the public university system, there was general agreement that the current price tag set by the State was reasonable; however, many expressed fears over possible future increases and the consequences such a measure could have on them, their family, or the student population at large.

For most of the students pursuing an education at an expensive private institution or *grande école* was not an easy task and the term “*sacrifice*” was commonly used. Moreover, many students described the necessity to take on one or more loans in order to afford the several years of cumulative fees. The amounts of these loans varied, but some surpassed €50,000. Such a debt burden so early in a student’s life creates an added pressure for the aftermath of higher education. One student explained: “*The goal is now really to earn money to pay back what I owe and to not spend anything else [...] I find it a bit unfair to have to start your life with so much debt. [...] I have a significant amount of pressure on my shoulders.*”

2. Indirect costs

Indirect costs weigh heavily on students’ and their families’ wallets as they are unavoidable. 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 2016¹³⁷. This recommendation highlights the importance of addressing indirect costs, so that they do not impair accessibility.

These costs vary from city to city but nevertheless average over €500 in total per month¹³⁸ and can cause students to face financial difficulties. This is especially true of housing and transportation, which have been identified as the two key factors in the 2019 increase of 2.83% in the cost of living for students.¹³⁹ Such an increase is worrying as a previous one of 1.31% was underlined by the French student union UNEF in 2018. This trend shows that living costs for students are constantly rising and could prevent certain students from accessing higher education. As such, these two elements and their roles in creating disparities due to cost will be examined in depth in this section.

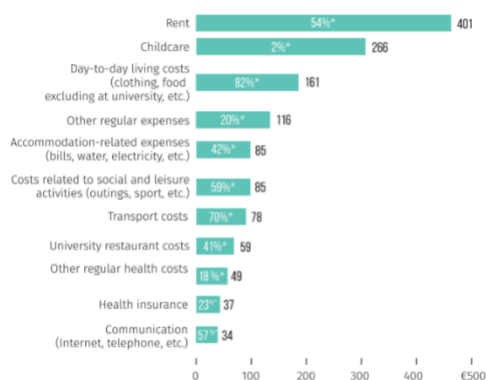
<http://leplus.nouvelobs.com/contribution/1524428-je-passe-les-concours-des-grandes-ecoles-ca-coute-1400-euros-a-mes-parents-un-sacrifice.html>

¹³⁷ CESCR, ‘Concluding observations on the fourth periodic report of France’ (E/C.12/FRA/CO/4), 2016.

¹³⁸ UNEF le syndicat étudiant, “Classement des villes selon le coût de la vie étudiante”, Paris: UNEF, August 2019, p. 6., Available in: <http://unef.fr/2019/08/20/enquete-le-classement-des-villes-selon-le-cout-de-la-vie-etudiante/>

¹³⁹ UNEF le syndicat étudiant, “Enquête sur le coût de la vie étudiante 2019”, Paris: UNEF, August 2019, p. 3.

Figure 21: Main student expenses



Source: OVE Executive Summary for 2016

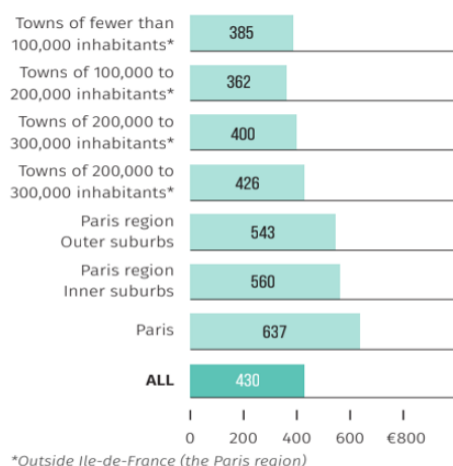
a. Housing

The cost of housing is a necessary expense for all students, with the exception of those living within at home or with relatives. It is also the largest indirect cost that students face representing on average €430 monthly, or 54%, of a student's budget.¹⁴⁰ Moreover, the cost of housing increased everywhere in France for the 2019/2020 academic year. For instance, rents increased on average by 3.86% throughout France, but the highest increase is in the area of Paris, with an increase of 5.18%.¹⁴¹ As such, it is central when discussing the cost of education and equality. Although the national average rent remains below €500 as mentioned above, the average rent per city around France varies widely and leads students to face disparate housing costs based on where they study. This is relevant because, as was detailed in the preceding section on place of origin, the French higher education structure is geographically polarized around key centers of education which tend to be larger cities, such as Paris, and which have significantly higher rent prices (as illustrated by Figure 19). For instance, the average student rent for students is €362 for a city such as Orléans which has 114 000 inhabitants, whereas the average rent is €637 for students in Paris. In other words, for a number of students who will seek to pursue an education in a central location and must therefore move away from their place of origin, the financial burden they will face is higher.

¹⁴⁰ Ministère de l'éducation nationale, "Plan étudiants: Accompagner chacun vers la réussite", 30 Octobre 2017, p. 36.

¹⁴¹ UNEF le syndicat étudiant, "Classement des villes selon le coût de la vie étudiante", Paris: UNEF, August 2019, p. 11, accessed March 17, 2020 .

Figure 22: Average student rent



Source: OVE Executive Summary for 2016

Beyond rent, another issue related to housing and its cost is the French housing tax which some students are required to pay. Indeed, if a student has left the family home and lives in a unit of their own, even with roommates, they owe the applicable housing tax. The only two exceptions under which a student does not owe this tax is if they only rent a room as opposed to a full, isolated unit apartment or if they are housed in special university residences. Even if students file their own taxes and do not earn enough or if they remain on their parents' tax return, they are still required to pay the tax though they can benefit from the deductions.¹⁴² Averaging €190,96 in 2018,¹⁴³ this tax is yet another added cost weighing heavy on students' wallets.

b. Transportation

Transportation, similarly to housing, is an indispensable expense that most students have to account for in order to properly attend courses and succeed in their education. The cost of relying on public transportation within a student's place of study is significant when considering the price tag of being a student in France as it can amount to upwards of 300 per year. This was the case in Ile-de-France (which topped the rankings with an annual price of €342 in 2018), Rennes, Lyon, Dijon, and Lille. Even outside of these cities, the cost remains notable and for the 2018/2019 academic year, the national average for a yearly pass was €271.77. These costs stayed the same for the 2019/2020 academic year.¹⁴⁴

Perhaps more importantly, the cost of transportation has continuously increased over the years and the national average increased from €263.78 for financial aid recipients during the 2017/2018 academic year to €265.50 next year. For non-financial aid recipients, the cost was slightly greater: the increase was from €270.30 to €271.77. This represents an increase of a

¹⁴²Impots gouv, "Étudiant, je loue un logement, dois-je payer la taxe d'habitation et la contribution à l'audiovisuel public?", Retrieved from: <https://www.impots.gouv.fr/portail/particulier/questions/etudiant-je-loue-un-logement-dois-je-payer-la-taxe-dhabitation-et-la>

¹⁴³ UNEF Report 2018.

¹⁴⁴ UNEF le syndicat étudiant, "Classement des villes selon le coût de la vie étudiante", Paris: UNEF, August 2019, p. 13.

little over 0.5%.¹⁴⁵ This increase needs to be contextualized as it appears to fall within the bounds of inflation: 2017 saw an average inflation rate of 1.0%¹⁴⁶ and 2018 of 1.8%.¹⁴⁷ However, increases were above inflation in certain cities—well over 3% in Lille and over 5% in Nancy.¹⁴⁸ Such increases may seem trivial if only taken at face value but can, in reality, represent a huge hurdle for students, especially in cities where the price of transportation represents several hundreds of euros.

The cost of public transportation at the local level is legislated by the different communes. In other words, there are no national regulations, set prices or financial assistance provided by the State which can help students afford to get around the city. This leads to some wide disparities between different regions or cities, even among major student hubs, as it becomes up to local government to decide what is available to students. Paris, Lyon, Lille, and Toulouse are amongst the French cities with the largest student populations;¹⁴⁹ nevertheless, their transportation systems have differing costs and benefits for students. In 2018, students within Paris or the larger Ile-de-France had access to a yearly plan giving them unlimited access to all transportation within the department for €342¹⁵⁰ – in comparison, the same plan for those not benefitting of the student discount amounted to €827.20.¹⁵¹ Similar unlimited, yearly plans in Lyon, Lille, and Toulouse respectively cost €318, €296.40, and €102.¹⁵² Importantly, these plans are not regional ones, but restricted to city public transportation. In comparison, the regular 2018 price in Lyon was €704,¹⁵³ €612 in Lille,¹⁵⁴ and €510 in Toulouse.¹⁵⁵

Importantly, the above discussion tackles the issue of transportation within a city or region. In other words, it does not take into account the additional financial burden students may face when using transportation to navigate different regions of French when moving between their place of origin and place of study – an expense which is not to take lightly as the inability to commute because of cost barrier may increase students' anxiety, stress, depression, or other mental health issues. For travel between regions, students often use the SNCF, the national railroad system which provides intercity and interregional trains and whose prices are set by the French State. As with any railway or national transportation system, the prices for SNCF tickets are highly variable depending on the distance travelled or the time period at which a trip takes place. Nonetheless, the average ticket price for train travel has remained stable since 2013 at around €50 – to be doubled for the case of students as they often need to take a round-trip.¹⁵⁶

¹⁴⁵ *Ibid.*

¹⁴⁶ Retrieved from: http://france-inflation.com/historique_tableaux_ipc.php

¹⁴⁷ Retrieved from: <http://france-inflation.com/index.php>

¹⁴⁸ UNEF Report 2018.

¹⁴⁹ Parcours France, “Les 5 Premières Villes Étudiantes En France”, 2014, Retrieved from: <http://www.parcoursfrance.com/actualites/les-5-premieres-villes-etudiantes-en-france/>.

¹⁵⁰ UNEF Report 2018.

¹⁵¹ Retrieved from: <http://www.navigo.fr/titres/le-forfait-navigo-annuel-tarifs-et-zones/>

¹⁵² UNEF Report 2018.

¹⁵³ Retrieved from: <http://www.tcl.fr/Tarifs/S-abonner/Pour-tous/CITY-PASS2>

¹⁵⁴ Retrieved from: <https://www.ilevia.fr/fr/abonnements/152-abonnement-permanent.html>

¹⁵⁵ Retrieved from: <https://www.tisseo.fr/les-tarifs/la-gamme>

¹⁵⁶ Erwan Benezet, “TGV : «Il n’y aura plus de hausse du prix moyen», promet la SNCF”, *Le Parisien*, 28.02.2019, Retrieved from:

Beyond the discussion of transportation within cities and within metropolitan France, one must not forget about French citizens who live in much more remote places around the globe. Indeed, numerous French students originate from France's overseas territories and often face an additional cost in their pursuit of an education: the cost of air travel. Though higher education institutions are found within overseas territories, it is important to recall the polarization of France's higher education system and the fact that prestigious and specialized establishments are principally found within the Metropole, and especially within the capital. Therefore, students desiring to pursue an education in a prestigious *grandes écoles* find themselves having to travel thousands of kilometres and facing the high fees of plane tickets.

At the heart of the issue: Student perspectives

The majority of the students interviewed pursued their education in Paris and experienced the burden of an expensive city.

A number of students felt a particular pressure to work in parallel with their studies in order to provide for themselves: one student explained: *"since my second year [of higher education] I have always had a student job"* while another stated that at the time of the interview she held three small student jobs in addition to her studies.

Another student gave a detailed description of the kind of stressful schedule she had to follow because of the financial pressures of Paris: *"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."*

C. Cost: a barrier to the enjoyment of the right to higher education

In a space so differentiated but where near-free public university does exist, one may struggle to identify the issue at hand: After all, there appears to be many options available to those from the lowest socio-economic categories. The problem arises when considering the division in social and cultural value associated with educational institutions in France (a question addressed above, in the section on elitism) and when considering the disparity in opportunities available to students based on their place of origin. When considering the issue of prestige and acknowledging that the vast majority of renowned institutions offering the most opportunities are not public universities, and therefore have high fees, and are located in high-cost cities, the issue of inequalities based on financial means is unavoidable. Indeed, some students with the capacity and desire to pursue a prestigious education may be hindered by the barrier created by these high costs.

France has recognized that cost can be problematic and can constitute a catalyst for inequalities. As such, it has put in place several mechanisms aimed at supporting students in facing the cost of education and which are mainly governed by the Education Code. The tools available mainly consist of financial support provided in the form of grants¹⁵⁷ conditioned

<http://www.leparisien.fr/economie/tgv-il-n-y-aura-plus-de-hausse-du-prix-moyen-promet-la-sncf-28-02-2019-8022483.php>

¹⁵⁷ Articles L821-1 to L821-4 of the French Education Code.

primarily by the economic resources of each student,¹⁵⁸ coupled with an exemption from tuition fees, and of a special grant, such as the *Aide Personnalisée au Logement* (“APL”),¹⁵⁹ which partially supports students in paying for their accommodation and the development of special student housing for which the amount of the monthly rent is considerably reduced.

Financial aid: The CROUS system

France has long offered student a national grant system which provides eligible students with a living allowance and exempts them of certain tuition fees, notably within the public system, based on their household revenue.

The Education Code established these mechanisms to ensure equal access to all. These mechanisms consist of financial support provided in the form of grants¹⁶⁰ conditioned mainly by the economic resources of each student,¹⁶¹ coupled with an exemption from tuition fees. These mechanisms are managed by “*oeuvres universitaires*” which can be defined as a set of administrative organisations - regional centers under the authority of one national center - designed for providing support to students.¹⁶² The “*oeuvres*” compose the totality of the *Centres régionaux des œuvres universitaires et scolaires* (CROUS; regional centers) grouped under the authority of the *Centre national des œuvres universitaires et scolaires* (CNOUS) in charge of coordinating their action at the national level. The CNOUS is a public establishment which has a legal personality and therefore an independent budget which has to be approved by the MESRI as the CNOUS is placed under its authority.¹⁶³ The regional centers also disposes of a legal personality, of an independent budget, and are similarly placed under the authority of the MESRI.¹⁶⁴

Briefly, this system aims to provide need-based financial aid to students based on three factors: annual household income, household size, and distance between a student’s familial household and place of study. For the elements of size and distance, points (*points de charge*) are allotted to students as follows: each child within the household other than the student adds two points (four points if the child is also enrolled in higher education) and distances of 30 to 249 km or over 250 km respectively add one or two points.¹⁶⁵ For instance, a student with two young siblings in primary school who is studying 40 km away from their home would be allotted five points. Once the point total is determined, household income is taken into account to determine a student’s *échelon*, the level of aid they can aspire to. For each *échelon*, the State pre-determines a specific amount of financial aid which is granted to students.

¹⁵⁸ Article D821-1 of the French Education Code.

¹⁵⁹ Article R719-49 of the French Education Code.

¹⁶⁰ Articles L821-1 to L821-4 of the French Education Code.

¹⁶¹ Article D821-1 of the French Education Code.

¹⁶² Articles L822-1 to L822-5 of the French Education Code.

¹⁶³ Article L822-2 of the French Education Code, §1 and 2.

¹⁶⁴ Article L822-3 of the French Education Code.

¹⁶⁵ Retrieved from: <https://www.aide-sociale.fr/simulation-montant-bourse-crous/>

Figure 23: Table for determining CROUS eligibility in 2018/2019 based on points and maximum annual gross household income

Points	Echelon Obis	Echelon 1	Echelon 2	Echelon 3	Echelon 4	Echelon 5	Echelon 6	Echelon 7
0	€33,100	€22,500	€18,190	€16,070	€13,990	€11,950	€7,540	€250
1	€36,760	€25,000	€20,210	€17,850	€15,540	€13,280	€8,370	€500
2	€40,450	€27,500	€22,230	€19,640	€17,100	€14,600	€9,220	€750
3	€44,120	€30,000	€24,250	€21,430	€18,640	€15,920	€10,050	€1,000
4	€47,800	€32,500	€26,270	€23,210	€20,200	€17,250	€10,880	€1,250
5	€51,480	€35,010	€28,300	€25,000	€21,760	€18,580	€11,730	€1,500
6	€55,150	€37,510	€30,320	€26,770	€23,310	€19,910	€12,570	€1,750
7	€58,830	€40,010	€32,340	€28,560	€24,860	€21,240	€13,410	€2,000
8	€62,510	€42,510	€34,360	€30,350	€26,420	€22,560	€14,240	€2,250
9	€66,180	€45,000	€36,380	€32,130	€27,970	€23,890	€15,080	€2,500
10	€69,860	€47,510	€38,400	€33,920	€29,520	€25,220	€15,910	€2,750
11	€73,540	€50,010	€40,410	€35,710	€31,090	€26,540	€16,750	€3,000
12	€77,210	€52,500	€42,430	€37,490	€32,630	€27,870	€17,590	€3,250
13	€80,890	€55,000	€44,450	€39,280	€34,180	€29,200	€18,420	€3,500
14	€84,560	€57,520	€46,480	€41,050	€35,750	€30,530	€19,270	€3,750
15	€88,250	€60,010	€48,500	€42,840	€37,300	€31,860	€20,110	€4,000
16	€91,920	€62,510	€50,520	€44,630	€38,840	€33,190	€20,940	€4,250
17	€95,610	€65,010	€52,540	€46,410	€40,400	€34,510	€21,780	€4,500

Source: CROUS

Figure 24: Annual grant amount awarded per échelon for 2018/2019

Echelon	Annual grant amount
Obis	€1,009
01	€1,669
02	€2,513
03	€3,218
04	€3,924
05	€4,505
06	€4,778
06	€5,551

Source: CROUS

Beyond, the monetary grant, the CROUS system also waives eligible students of certain required fees where applicable, notably public tuition fees, CVEC, and most *concours* fees. For instance, in 2016, 40% of all university students received such a grant and therefore did not have to pay any tuition fees.¹⁶⁶ Beyond the public system, many establishments also provide discounts on their tuition fees to CROUS recipients. For example, HEC waives students of a given percentage of its tuition fees based on their CROUS *échelon*, up to 100% for students falling under *échelon* 7.¹⁶⁷ In other words, this national grant system has provided a useful tool to bridge certain gaps in access to higher education because of cost and numerous students continue to rely on this framework of support to be able to pursue higher education in France.

Figure 25: Evolution of the number of students receiving State financial aid

	2013/2014	2014/2015	2015/2016	2016/2017
CROUS grant	639,884	655,858	681,078	691,215
Merit grant	33,898	33,876	36,239	39,110
% of students concerned	36.5	37.2	37.9	37.7

Source: MESRI-DEPP (Direction de l'évaluation, de la prospective et de la performance) 2018

Note: The merit grant is an additional aid of €900 that CROUS-recipient can receive based high school grades.

At the heart of the issue: Student perspectives

For many students, the CROUS system is a necessary structure upon which they rely on to be able to pursue an education. Whether enrolled in a public or private institution, *grande école* or not, students often felt supported and more at ease financially thanks to the CROUS system. One student described that she saw some positive in the French higher education framework because, she explained: “*we are in a system that helps students who really want to study. Notably through the CROUS [...] because they have criteria that allow to push forward those who are most disadvantaged.*”

However, it is also important to note that a number of students feel left out by a strict framework which does not account for all personal elements of a student's life. One student discussed her confusion and frustration over her non-eligibility for the CROUS: “*I never received any financial aid. [...] I tried the CROUS and they*

¹⁶⁶ Cour des Comptes 2018 Report, p.16.

¹⁶⁷ Retrieved from: <https://www.hec.edu/fr/grande-ecole-masters/programme-grande-ecole/frais-et-financement>

told me that my parents earned enough to not be eligible so I gave up on it. [...] We were close to the limit, we were really close. And I did not understand why my little sister ended up being eligible for this but I never could.” Echoing some of this frustration, another student called for the inclusion of other personal factors in the determination of eligibility for the CROUS asserting: “a tax form does not tell everything about a student’s financial situation.”

Other financial aid

The government has also recently further recognized that having to move from one region to another for the purposes of higher education can be financially taxing. It has put in place in its project for 2019 finances (*Projet Finances 2019*) a new grant, a mobility fund, to offer students financial aid in the amount of €200-1,000 in the case that they have to move from their region of origin to another academic region within France. However, a big caveat to this grant is that it only applies to students who have to move because they did not receive any of their academic wishes and were offered an alternative option in a location away from their region of origin. In other words, this grant is only available for *unwanted mobility* and not to address some of the financial difficulties that may accompany a student’s choice to move to a different city within France to increase their professional prospects after university.¹⁶⁸ This new grant is also problematic as it was put in place via the suppression of a different grant, ARPE, which served to assist newly graduated students in their search for their first job.¹⁶⁹

State support for housing

To provide support for students in relation to housing, France has set up two main frameworks: student housing under the CROUS and different housing allocations, most notably the APL and the *Allocation de Logement Sociale* (ALS). Firstly, CROUS housing is offered to all students based on the same criteria accounted for when determining whether a student can receive the CROUS grant. When applying for a CROUS grant, students can complete their application by including a request to be housed in a CROUS residence. Students then choose the residences they would like to be assigned to and prioritize them, often based on distance from their place of study. Based on demand and availability, the different CROUS institutions make assignment decisions. CROUS housing offers two main types of units: 1) traditional units in the form of a room or a studio costing between €200 and €500 per month which are eligible for the ALS subsidy, or 2) ‘conventioned units’¹⁷⁰ which are full apartments priced depending on the size and location and which are eligible for the APL.¹⁷¹

The aforementioned APL and ALS are benefits which students can rely upon to obtain financial support in paying their rent. Although not limited only to students, these two types

¹⁶⁸ Sénat, “Projet de loi de finances pour 2019 : Recherche et enseignement supérieur”, Retrieved from: <http://www.senat.fr/rap/a18-151-5/a18-151-53.html>

¹⁶⁹ Clémence Dollé, “Le Gouvernement supprime l’Aide à la Recherche du Premier Emploi (ARPE) !”, UNEF, 2.10.2018, Retrieved from: <http://unef.fr/2018/10/02/le-gouvernement-supprime-laide-a-la-recherche-du-premier-emploi-arpe/>

¹⁷⁰ “Conventioned units” are housing units owned by private landlords which are recognized by the State through a convention as being valid for renting, Retrieved from: <https://www.service-public.fr/particuliers/glossaire/R18743>

¹⁷¹ Service Public, “Comment demander un logement étudiant au Crous ?”, Retrieved from: <https://www.service-public.fr/particuliers/vosdroits/F31912>

of assistance are generally used by students as they are based on their personal revenues – as opposed to family revenue – and are therefore often applicable and an important source of financial relief. They also take into account housing location and the number of people found within a housing unit. The more common grant, the APL, is available to students renting or sub-renting a convention housing unit.¹⁷² The ALS complements the APL and is available to students who do not reside in a conventional unit because such housing structures do not fall within the APL's criteria of eligibility. This is, for example, the case in certain CROUS or private student residences.¹⁷³ For a student living alone, their current maximal amount is €260.29 per month. This number increases to €321.09 for couples and to €367.42 for couples with a person in their charge.¹⁷⁴

Moreover, the French government has recently proposed the *2018 Plan Étudiant*, a reform project on higher education in France. Though this project primarily aims to address the problem of saturation of universities, it also aims to facilitate student access to universities and includes an 80,000-unit housing project. The plan was enacted by law n°2018-166 of 8 March 2018 on Student Guidance and Student Success.¹⁷⁵

The current Minister of Territorial Cohesion has announced that the project will allow for the construction of 60,000 housing units within the next five years. Combined with a plan from the previous government, which built 40,391 housing units by the end of 2017, the French State will have built more than 100,000 housing units for students in 10 years. The 28 CROUS were the major actors in the realization of a 40,000 housing units plan implemented between 2013 and 2017 and will actively contribute to the future "60,000" plan, which is being prepared to increase the amount of student housing in areas where students desire to study. CROUS is also proposing the construction of 23,000 more housing units by 2022-2023, however, the organization requires a financial commitment or the provision of land by the French government.¹⁷⁶

In order for these housing units to be created where necessary, in a logic of territorial development and cohesion, the government expanded the National Observatory of Student Life (*Observatoire national de la vie étudiante*), whose mission will now also include quantifying the need for student housing and supplies as student numbers and housing demand intensify. The observatory will pool information and assess the needs of student housing in different areas and territories to stimulate the programming of housing projects for students. In parallel, the ministry of education will encourage the creation of observatories

¹⁷² Service Public, "Aide personnalisée au logement (APL)", Retrieved from: <https://www.service-public.fr/particuliers/vosdroits/F12006>

¹⁷³ Service Public, "Allocation de logement sociale (ALS)", Retrieved from: <https://www.service-public.fr/particuliers/vosdroits/F1280>

¹⁷⁴ Aide Sociale, "Calcul APL : Comment se détermine le montant de l'aide personnalisée au logement", Retrieved from: <https://www.aide-sociale.fr/montant-apl/>

¹⁷⁵ Law n° 2018-166 of 8 March 2018 on Student Guidance and Student Success (*loi du 8 mars 2018 relative à l'orientation et à la réussite des étudiants*). The law is also known as *loi ORE*.

¹⁷⁶ Joël Giraud. Rapporteur Général Député, "Au nom de la commission des finances, de l'économie générale et du contrôle budgétaire sur le projet de loi loi de finances pour 2018 (n° 235)", Assemblée Nationale, p. 22.

in regions and departments across France, in order to create a statistical database and to allow the sharing of the methodologies used.¹⁷⁷

The government is also committed to providing a free rental deposit to all student tenants, a requirement that can prove difficult for students to meet.¹⁷⁸ Thus, students who do not possess sufficient resources for any type of housing can now apply for a free rental deposit through the Visale device. Visale is a simple, free, and dematerialized rental deposit system carried by “Action Logement.” In June 2018, the Visale warranty conditions were further improved. The new version of Visale now offers all young adults under the age of 30 a free rental deposit regardless of student or housing status. This also means that non-scholarship students attached to the fiscal residence of their parents are no longer excluded.¹⁷⁹ The amount of the rental deposit was also increased, reaching €800 in Île-de-France and €600 for the rest of France. Lastly, to promote student mobility, the housing plan enabled the creation of a new type of lease: rent collected by an owner who wishes to sublet a room, furnished or not, to a student, will be exempt from income tax. With this in mind, owners will tend to be more interested in having students rent their apartments, and they will be insured by Visale against any default risk.¹⁸⁰

Additionally, the law of November 23rd, 2018 on the evolution of housing, territorial development, and digitalization (also known as the Elan law),¹⁸¹ amends the first sentence of Article L. 443-15-6 of the French Code of Construction and Housing, thus allowing for rent-moderated institutions to sell their housing facilities to investors aiming to create housing destined to the exclusive use of students.¹⁸² Thus, this amendment was conceived with the objective to increase the number of housing units available for students.

Article 107 of the Elan law also sets forth the creation of a mobility lease (*bail mobilité*). This lease is a simplified provision of furnished housing from a period between one and ten months. This strategy is intended to support the mobilization of young adults who need immediate housing for a short and limited duration (internship, short study programs, etc.).¹⁸³ The housing accommodations are also insured through Visale, in case of default on the payment of the lease or damage of the housing accommodation. In other words, an owner may be covered, free of charge. The Visale guarantee covers unpaid debts within the limit of a monthly rent of 1,500€ in Ile-de-France and 1,300€ in other regions for renters with assets,

¹⁷⁷ Ministère de l'éducation nationale, “Plan étudiants: Accompagner chacun vers la réussite”, 30.10. 2017, p 38.

¹⁷⁸ *Ibid.*

¹⁷⁹ CDC Habitat, “Financer sa caution avec la garantie Visale”, Retrieved from: <https://www.cdc-habitat.fr/conseil/financer-sa-caution-avec-la-garantie-visale>

¹⁸⁰ LocService, “Visale, une caution gratuite pour les locataires”, Retrieved from: <https://www.locservice.fr/guide/aides-au-logement/visale.html>

¹⁸¹ Law n° 2018-1021 of 23 November 2018 on the evolution of housing, territorial development and digitalization (1)

¹⁸² *Ibid.*

¹⁸³ Doidy de Kerguelen Thibault, “Bail Mobilité : la guerre contre le marché du logement continue”, *Contrepoints*, 5.06.2018, Retrieved from: <https://www.contrepoints.org/2018/06/05/317530-bail-mobilite-la-guerre-contre-le-marche-du-logement-continue>

and a monthly rent of 800€ in Ile-de-France and 600€ in other regions for student rentals, and rental damages within the limit of two months of rent (charges included).¹⁸⁴

All of these actions show that the French government has recognized the persistent obstacles to accommodation for students, especially those moving from different regions. The government has taken into account the large increase in students moving away from their regions of origin, which is why it has aimed at increasing the number of accommodations.

Furthermore, the government has also replaced a broad number of indirect costs with a single, more affordable, payment (90€ for the CVEC), while making social security free. Although it is premature to assess whether the increase in housing is reducing the gap of inequality in education based on socio-economic background and place of origin, one can argue that the state has implemented progressive measures to tackle this issue. The question here remains: which students will have access to these new accommodations, what will be the cost of such housing, where the housing will be constructed, and whether or not the State has the appropriate financial resources to support such a project.

State support for transportation

As previously described, there are no national, State oversight mechanisms governing city public transportation, rather the role is delegated to the different French communes. However, within the national railroad service, the SNCF, there are certain discounts available to students such as the *carte jeune*. This plan is available to all individuals aged between 12 and 27 years, not just students, and provides an automatic 30% reduction on given TGV and Intercités rides where a seat reservation is required and up to 50% off tickets on TER and Intercités with no reserved seats for a yearly fee of €50. Similarly available to all youths aged between 16 and 26, the SNCF offers the TGVMAX program which allows the unlimited use of their railroad system for a monthly fee of €79.¹⁸⁵

The *Forfait Étudiant*, in contrast to the above plans, which are available to all individuals within the age range, is reserved for students aged 16 to 27. It offers a wide range of promotions to those on the plan. Importantly, despite this plan being linked to the SNCF, it is centred around local transportation systems and allows students to have access to further discounted tickets and plans. The basic concept is therefore to create a single solution which students may rely upon to obtain larger discounts and credits.¹⁸⁶

Furthermore, the State also 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*). Indeed, this governmental agency offers the Studies Mobility Passport (*Passeport Mobilité Etudes*) which aims to provide students under 26 years of age from an

¹⁸⁴ Ministère de la Cohésion des Territoires et des Relations avec les Collectivités Territoriales, "Bail Mobilité: La location de courte durée, 18.01.2019, Retrieved from:

http://www.cohesion-territoires.gouv.fr/loi-elan-la-strategie-logement-du-gouvernement?id_courant=4266

¹⁸⁵ Etudiant.gouv, "Transports en commun : comment se déplacer moins cher ?", Retrieved from:

<http://www.etudiant.gouv.fr/pid33626-cid119358/transports-en-commun-comment-se-deplacer-moins-cher.html>

¹⁸⁶ *Ibid.*

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. This program covers 100% of the cost for one round-trip ticket for CROUS grant recipients and 50% of the price for other eligible students who were not eligible for the CROUS. An important caveat to this plan is that it is only applicable in the instance when students pursue an education in metropolitan France because of a saturation of their local institutions.¹⁸⁷ In other words, eligibility for this financial help is contingent on a student being ‘forced’ to move away, as opposed to choosing to move away in an attempt to enroll in a prestigious establishments within France’s poles of education.

Enduring issues and measures which exacerbate inequalities

Despite France’s efforts in reducing direct and indirect fees for certain students, France has also taken arguably regressive measures or failed to take action which may have exacerbated certain inequalities. It is essential to address these measures as they arguably constitute breaches of the international human rights framework and some of France’s obligations.

As discussed previously, financial concerns in the French higher education structure are primarily linked to the deep contrast which exists between the different types of establishments that exist. There does not appear to be any particular actions or plan set in motion by the French State to control the great differentiation in fees which has occurred over the past few years or to reform the system to move towards a progressively free system. For human rights to be breached, a direct violation is not needed, a lack of action is sufficient. France’s failure to act and impose constraints on a system whose overall costs appear to increase can therefore be considered a breach of this progressive obligation and ground to hold France accountable.

Furthermore, there has been recent evidence that financial support for students may be threatened, most notably in relation to indirect costs. The APL and ALS, which are two crucial types financial assistance for students introduced above, especially for those living outside of their place of origin, are likely to be gradually reduced by the French government. The overall budget allocated to personal housing assistance has been cut over the past two years by €325 million which led, in 2017, to a €5 decrease of the maximal APL amount students could receive. State support further dropped by having the APL only be available to lower-income housing tenants with coverage by social landlords (€800 million in 2018, €900 million this year and possibly €1.5 billion by 2020). Lastly, the APL was under-indexed in 2019, at 0.3% increase while inflation is nearly 2%.¹⁸⁸ These reforms have made access to the APL and its scope more limited. Such a measure is likely to make it more difficult for a certain group of students to afford the cost of housing, therefore creating indirect discrimination against them, a breach of France’s obligations.

¹⁸⁷ L’agence de l’outre-mer pour la mobilité, “Le passeport mobilité études”, Retrieved from: <https://www.ladom.fr/etudes/etudiant/le-dispositif/>

¹⁸⁸ "APL 2019 : Montant, Conditions, Calcul Et Simulation". 2019. Immobilier. <https://www.toutsurmesfinances.com/immobilier/calcul-simulation-criteres-ce-qu-il-faut-savoir-sur-les-apl.html>.

Moreover, the economic obstacle is not the only one students may encounter in relation to their place of origin. Indeed, Article L612-3 of the French Education Code, in its part V, mentions the prerogative of the academic authority to set the maximum number of students coming from other regions within a higher education institution in order to facilitate the access of local students to their regional universities.¹⁸⁹ In other words, when deciding on the number of non-residents that are assigned into a public university within an academy of a French region, the French Government has provided the leaders of each academy discretionary powers over the setting of quotas for how many non-residents can enter the public institutions under their purview. As a consequence, we have seen that certain directors have decreased the percentage of non-resident students able to enter their establishment. Though encouraging students to remain within their regions of origin for the pursuit of their studies may not be an inherent issue, it inevitably prevents students from moving from peripheral areas to other locations where education may be centralized or where high-prestige institutions are found. This measure is yet another way in which discrimination can be systemically implemented, even if indirectly, and through which the right to equal access to higher education for all may be breached.

Lastly, the amount of vague general laws that the French Education Code contains is too important. Essential information about the actual practical organization of the French system of higher education, the rules of accountability, the available support from the State, and many other elements are hidden amongst enunciations of vague objectives which are hard to enforce in a court because of their lack of precision. This problem is particularly acute in the higher education context since it is destined to young students who have no experience in dealing with the law and who may have unequal access to individuals or institutions that can offer guidance. In the confines of human rights, this is problematic as it may create inequalities of access based on unequal knowledge, constituting indirect discrimination. It also impedes on individuals' ability to rely on the judiciary to protect their rights which may also be considered a human rights violation.

At the heart of the issue: Student perspectives

The cost of education and the financial barrier to equal access to higher education has long been a crucial concern of French people, whether student or not. Of all the students interviewed for this project, not a single one failed to express their worries over possible fee increases, whether for their personal sake or for societal equality.

One student interviewed expressed this point of view quite directly and stated that higher education “*is supposed to be free for all. It's supposed to be for everyone, not only an elite or a certain part of the population.*”

Another student agreed with this stance and lamented the possible loss of talented individuals to the different barriers creating disparities: “*It's limited potential.[...] We lose an opportunity to find rare gems.*”

¹⁸⁹ Article L612-3 of the French Education Code: “*Pour l'accès à ces mêmes formations et compte tenu du nombre de candidats à ces formations résidant dans l'académie, l'autorité académique fixe également, afin de faciliter l'accès des bacheliers qui le souhaitent aux formations d'enseignement supérieur situées dans l'académie où ils résident, un pourcentage maximal de bacheliers retenus résidant dans une académie autre que celle dans laquelle est situé l'établissement*”.

Figure 26: Cost of being a student in France's higher education system in 2018/2019

<i>Student 1</i> <i>Place of Origin: Créteil, Val-de-Marne</i>		<i>Student 2</i> <i>Place of Origin: Dijon, Côte-d'Or</i>		<i>Student 3</i> <i>Place of Origin: Reims, Marne</i>		<i>Student 4</i> <i>Place of Origin: Saint Denis, la Réunion</i>	
Université Paris 1 Panthéon - Sorbonne*, in Paris	HEC Paris*, in Jouy-en-Josas, Yvelines	Université de Bourgogne*, in Dijon, Côte-d'Or	HEC Paris*, in Jouy-en-Josas, Yvelines	Université de Reims*, in Reims, Marne	HEC Paris*, in Jouy-en-Josas, Yvelines	Université de la Réunion*, in Saint- Denis, la Réunion	HEC Paris*, in Jouy-en-Josas, Yvelines
CROUS: Yes, <i>échelon</i> 0bis	CROUS: Yes, <i>échelon</i> 0bis	CROUS: Yes, <i>échelon</i> 0bis	CROUS: Yes, <i>échelon</i> 1	CROUS: Yes, <i>échelon</i> 0bis	CROUS: Yes, <i>échelon</i> 1	CROUS: Yes, <i>échelon</i> 0bis	CROUS: Yes, <i>échelon</i> 1
Tuition fees: €0	Tuition fees: €10,760	Tuition fees: €0	Tuition fees: €9,415	Tuition fees: €0	Tuition fees: €9,415	Tuition fees: €0	Tuition fees: €9,415
Other institutional fees: N/A	Other institutional fees: €2,400	Other institutional fees: N/A	Other institutional fees: €2,400	Other institutional fees: N/A	Other institutional fees: €2,400	Other institutional fees: N/A	Other institutional fees: €2,400
Housing: €0 (lives at home)	Housing: €0 (lives at home)	Housing: €0 (lives at home)	Housing: €6,540 (€545/month)	Housing: €0 (lives at home)	Housing: €6,540 (€545/month)	Housing: €0 (lives at home)	Housing: €6,540 (€545/month)
APL: No	APL: No	APL: No	APL: Yes	APL: No	APL: Yes	APL: No	APL: Yes
Transportation costs: €342	Transportation costs: €342	Transportation costs: €315	Transportation costs: €812	Transportation costs: €264.60	Transportation costs: €642	Transportation costs: €70	Transportation costs: €1,319.65
Total yearly cost: €342	Total yearly cost: €13,502	Total yearly cost: €315	Total yearly cost: €19,167	Total yearly cost: €264.60	Total yearly cost: €18,997	Total yearly cost: €70	Total yearly cost: €19,584.65
<i>Financial Aid: €1,909</i>	<i>Financial Aid: €1,909</i>	<i>Financial Aid: €1,909</i>	<i>Financial Aid: €5,041</i>	<i>Financial Aid: €1,909</i>	<i>Financial Aid: €5,041</i>	<i>Financial Aid: €2,909</i>	<i>Financial Aid: €7,041</i>
Final cost: + €1,567	Final cost: €11,593	Final cost: +€1,594	Final cost: €14,126	Final cost: + €1,645.60	Final cost: € 13,956	Final cost: + €2,839	Final cost: € 12,543.65

Legend:

* → *grande école*

* → establishment is part of the public university system

Notes:

1. All students are in their 3rd year of bachelor, have one sibling in middle school, and have an annual familial household revenue of €27,500.
2. The CROUS *échelons* were determined based on the information in note 1. above and based on students' places of origin and of studies.
3. If the *Aide Personnalisée au Logement* (APL) was received by a student, they would receive the maximal amount of €206 per month.
4. CROUS grant-recipients are exempted from paying public tuition fees, the CVEC, certain *concours* fees (including the one for HEC) and receive a discount on HEC's full €13,450 tuition fee for the 3rd year of the bachelor degree.
5. The department of La Réunion offers additional grants for their students on top of the national CROUS grants.
6. The price of housing was based on average prices for studio apartments in the location in question.
7. The price of transportation includes the applicable fee for use of the respective public transportation systems of each city and applicable additional costs if a student needs to travel between their place of origin and their place of study.
8. All the above students were eligible for a merit scholarship of €900 in addition to their CROUS need-based grants
9. The total financial aid amount reflects the amounts received by the students in addition to applicable exemptions.

VII. Conclusion and recommendations

The right to higher education is a fundamental right provided by numerous international conventions within the human rights framework and also consolidated by non-discrimination provisions as it is afforded to all. Upon this foundation, this report sought to survey the state of the enjoyment of this right in France by distinguishing inequalities. This report thus uncovered key disparities in the enjoyment of the right to higher education by French students based on their place of origin, arguably a ground for discrimination. Relying on available data and key human rights indicators such as enrollment and completion rates, this report exposed that where an individual came from seemed to have an influence on their pursuit of higher education with certain regions clearly dominating while others saw significantly lower enjoyment of the right to education. This report also examined the financial burden incurred by students and emphasized the role of place of origin in aggravating the crucial obstacle created by the barrier of cost.

In the French higher education space, the cost of pursuing a degree proved to vary wildly in a highly differentiated framework with nearly free public universities, *grandes écoles* charging thousands of euros, and other institutions finding themselves in between this central dichotomy and requiring various levels of financial commitments. In relation to place of origin, this issue was particularly problematic as this factor was shown to be closely interrelated and correlated with socio-economic status, an established source of inequalities in higher education and in students' ability to face financial concerns. Moreover, this report also underlined the deep polarization of the French higher education system by illustrating the geographical and societal stratification which has led to a structure centered around large, high-cost cities such as Paris and Lyon where individuals from peripheral regions often incur higher costs based on their essential needs for housing and transportation away from their familial household. The policy brief created in accordance with the report attempted to clarify in detail the extent of the polarization and concentration of higher education across the French territory. The focus was on opportunities and costs for moving students: how regional inequalities affect choice of higher education and how the financial burden is enhanced after moving.

Beyond isolating the key issues at play in France's higher education system, the principal aim of this report was also to contextualize identified problems with France's obligations towards human rights. As such, the international, regional, and national legal commitments of France were presented and some of the key measures recently implemented by the State in relation to higher education, place of origin, and cost were analysed. In some ways, France was relatively successful in providing support for disadvantaged groups of individuals and in closing some discriminatory gaps in access to higher education and students' ability to finance their studies through the application of financial aid systems and policy measures aimed at reducing the burdens of housing and transportation. In other ways, however, the French government arguably breached its human rights obligations by taking direct action which decreased support aimed at students as well as by failing to act and ensure a

progressively free and non-discriminatory higher education system which could truly be open to all.

With these issues in mind, the French government, in coordination with the competent regional administrative bodies, must respond by ensuring that all groups can access affordable, diversified, quality programs. To help ensure both good policy and effective implementation, this report proposes the following recommendations:

Data availability

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. Strategies and guidelines for statistical analysis in the future, especially for the annual MESRI report on the state of higher education and for INSEE data, should be amended to include place of origin as an element of particular interest notably in the context of access to higher education, rates of enrollment and completion, and disparities in costs incurred. This would in turn allow for special focus to be afforded to regions identified as being of great concern.

Place of origin and mobility

The French Government should continue and reinforce efforts to recognize a student's place of origin and acknowledge mobility issues in order to calculate financial aid. This evaluation should remain coupled with a means-tested assessment to ensure that no disadvantaged student is left behind.

The French government has the obligation to strengthen and standardize financial support for students' needs for country-wide or even overseas transportation costs.

The French Government should also aim to diversify the geographical offering of academic programs in regional universities to counter the existing stratification and lower the number of students having to move outside of their place of origin.

In turn, based on a more equal offering of higher education throughout the French territory, all academies and regions of France should be regulated by the same standards set out by the State and none should be particularly favored or given additional liberties in limiting the numbers of non-residents eligible for entry: students from disparate places of origin should have equal chances to pursue the higher education of their ambition.

Finance

The French Government should readjust its distribution of financial resources across all higher education establishments, both private and public, but also throughout all the regions of France to equalize the field.

The French government should also refrain from further cuts to key financial aid tools aimed at facing indirect costs, like the APL, which are crucial in allowing certain groups of students to pursue higher education. In fact, the State should instead collect data and evaluate the investment needed to provide more options to students for limited indirect costs, for example in the form of subsidized housing.

Finally, regarding the decrease in investment in higher education, the French government has the obligation to provide a justification under the international framework, as it carries the burden of proof that this measure is in accordance with human rights standards.

Consultation

The French government should ensure widespread consultation with students, higher education professionals, human rights advocates, and any other relevant experts on the manner in which to implement key projects which have the potential to either mitigate or exacerbate inequalities in higher education. This is, for instance, particularly relevant for the 2022 housing plan in which consultation on the project as a whole, on the needs of students, and on what eligibility requirements to put in place would be especially significant.

Transparency

Transparency needs to be thoroughly increased in the higher education space, especially as it relates to cost and place of origin as well as the *Parcoursup* platform. Indeed, information is not readily available. This fact was illustrated all throughout this project as much of the basic information needed for analysis required tremendous amounts of research from Master's level students. Younger individuals who may still be in the early years of high school may not be able and should not have to conduct this kind of research to understand the higher education system they have a right to enjoy. The French government should publicize information and reports in a more apparent manner and in a way that reaches students more easily. This could be implemented by creating more accessible websites and by forming new counselors on issues of inequalities and State support.

Privatization

The French Government should make use of UNESCO's 2015-2021 strategy on "standard-setting instruments in the field of education" to further all efforts related to higher education. These efforts should notably include, but are not limited to, considerations for the Joint Expert Group *ad hoc* meetings related to the privatization and the concept of the right to higher education.

Accountability and the French legal structure

More clarity should be achieved in the drafting of laws related to higher education to increase individuals' accessibility to such laws and facilitate their ability to invoke and exercise their human rights in courts.

This report also strongly recommends that the administrative jurisdiction should give direct effect to all the provisions of the treaties France ratified in relation to the right to higher education and the principle of non-discrimination. This report goes beyond the recommendation of the last report of the CESCR which made a selection of a limited number of rights which could be considered as having a *direct effect* thus entailing direct invocability and direct applicability in French national administrative courts.