

FRANCE

CEDAW A/42/38 (1987)

370. The Committee considered the initial report of France (CEDAW/C/5/Add.33 and Amend.1) at its 93rd to 95th meetings, held on 3 and 6 April 1987 (CEDAW/SR.93-95).

371. In his presentation, the representative of France said that he was honoured to speak before the Committee that represented a beacon at the international level in the fight for women's rights. He drew attention to the large delegation that had been sent by France, stressing the importance the Government attached to the subject. He apologized for the late submission of the revision to the initial report.

372. The representative regretted that the report appeared very factual and legal and did not reflect the human side of the struggle against resistance, lack of understanding and the personal strife women had encountered in the fight for their rights. He outlined the history of the struggle in France and named many prominent women in that struggle.

373. The representative and the Government of France fully realized the amount of work still to be done, despite the achievements of the last 15 years to redress the inequalities resulting from tradition.

374. Regarding the recent achievements that ensured the promotion of women as persons and citizens, the representative drew attention to the withdrawal of the reservation to article 7 of the Convention, which had been made possible when a constitutional article on acquired nationality had been repealed in 1983.

375. He gave additional data with regard to education, stating that women constituted 51.33 per cent of students in secondary education and 48.7 per cent in primary schools. In 1985, 57 per cent of students admitted to the baccalaureate were women, and, in 1983, the proportion of women at universities was 51.1 per cent. He emphasized the national campaign on professional orientation and training, which was aimed at increasing the number of professions selected by women. Current data were presented that illustrated the low levels of participation of women in political life, namely 6 per cent in the National Assembly, 3 per cent in the Senate and 10 per cent in the Government, with 21 per cent representation in the European Parliament and 14 per cent in the municipal councils. However, figures for participation in trade unions were encouraging, he said, and 57 per cent of French women currently belonged to a union.

376. The representative reported that, for the first time, the law had given a legal definition to rape and had given certain associations, whose statutory aims were against sexual violence, the power to bring civil actions to court. He stated that a number of seminars on the theme "Women, violence and security" had been held recently and refuges for battered women had been opened. Existing provisions against procurement had been enforced and the penalties had been increased. He also reported that the police services were developing independent studies in that area.

377. Achievements that had consolidated the position of women in employment had led to an increase in the percentage of employed women between the ages of 25 and 50 from 57 per cent in 1975 to 70 per cent at the current time. Breaks in work were reported as being shorter, and more women resumed work after a break. Women currently benefitted from equality in recruitment and dismissal policies and equality of rights and opportunities.

378. In the public sector, women currently represented more than 50.8 per cent, as opposed to 48.6 per cent in 1976. Certain public sectors, such as the police, the army, the magistrature and education, had experienced progressive feminization, and there was a notable increase in women taking employment requiring university qualifications: 41.8 per cent currently as compared to 11.2 per cent in 1968.

379. In the private sector, the representative reported that since 1975 the law had forbidden discrimination in employment based on sex or family situation. Severe penalties, such as imprisonment or fines, could be invoked to ensure equality in law and professional life, and the law was reinforced in 1985, bringing discrimination against women to the same level as discrimination against race or religion. It was reported that, also in 1985, a new law had been introduced enabling trade unions to take civil action in cases of discrimination based on sex in all aspects of employment.

380. Two councils had been set up, one for the public and one for the private sector, to ensure the application of the principles of equality of the sexes in employment.

381. The representative stated that in France equality in pay and minimum salaries had been guaranteed for both women and men since 1972, although some anomalies continued to exist in the private and semi-public sectors. Equality of salaries had been in existence since 1978.

382. A 1983 law contained precise provisions to remove flagrant obstacles to the equality of opportunity in employment.

383. Innovative action to improve access to professional training was reported as having benefitted more than 10,000 women, particularly single women without resources.

384. The representative outlined action that had been instigated to enable women to combine their work as mothers with professional activities. It was recognized that in France working women spent an average of four hours daily on household duties, compared with 1.7 hours for working men.

385. The representative reported that contraception had been available in France for the last 20 years. An adult woman could request abortion on medical grounds without any action being taken against her, and the expense was covered by social security. He stated that there were many centres giving advice on birth control, the family and sex education.

386. The representative reiterated the information on maternity leave contained in the most recent revision of the report submitted by France. Parental education leave allowed either parent to interrupt their

employment in the three years following the birth or adoption of a child, with a guarantee to resume their post after the period of leave.

387. He reported that considerable efforts had been made to increase the number of places in crèches and to provide a more flexible system as well as to increase the number of child-care assistants. He outlined the improved opportunities for home care and taxation allowances.

388. Mothers without regular employment currently had access to training for professional employment.

389. The personal rights of women as mothers had been increased to include free membership in insurance and pension schemes; age limits for public posts had been removed and mothers had been given priority for training.

390. The representative concluded by stating that the French Government had in recent years worked towards the removal of the obstacles and reluctance to women choosing their own destiny. It recognized that to enable women and men to carry out the same functions, policies had to be ambitious in order to achieve equality, autonomy and dignity. Stereotypes that produced the image that women were to be considered as domestic help or objects of desire were not to be tolerated.

391. The Government considered that the elimination of discrimination against women had been realized in France at the legal level and that it must be reflected in the real world so that the community could benefit from the capacities and talents of women.

392. Members of the Committee thanked the representative of France for the oral presentation, which they considered to have overcome some of the deficiencies of the initial report presented in 1986. They expressed disappointment at the form and standard of the written report and appreciated the supplement that had been produced, although it had been submitted too late for proper examination. Several experts were perturbed by the example of its first written report set by a country that had had a long and successful history of achievements in the struggle for the rights of women and trusted that that example would not be followed by other countries.

393. The experts felt that the report of France should have kept more accurately to the guidelines set by the Committee. Some areas of the Convention had been overlooked, and it was considered that the report did not reflect the real situation of women in France. Appreciation, however, was expressed concerning the inclusion of certain legal texts. It was observed that, although the reports were dated 1986 and 1987, the most recent data contained in the tables were from 1984. It was commented that comparative data were more useful than absolute figures, which required analysis.

394. Concern was expressed about the reservations and the declaration made by France upon ratification of the Convention, but experts commended the withdrawal of one of the reservations, as had been mentioned by the representative, after a constitutional article on acquisition of nationality had been repealed in 1983.

395. A major concern was the apparent step backwards caused by the replacement, in 1986, of the Ministry for Women's Rights by the Délégation à la condition féminine. Experts requested more information on the nature and function of the Délégation and on the relative budgets and powers of those two bodies. Experts wondered if the change in responsibilities signified that women's rights no longer came under human rights and whether the tasks formerly undertaken by the Ministry, such as the prevention of violence against women, the training of staff dealing with that problem and the emphasis on women's dignity, still continued. It was asked if the Higher Council for Professional Equality between Women and Men, which had acted as an advisory body to the former Prime Minister, still existed.

396. Praise was expressed for the action taken in recent years in the face of tradition, religious differences and the impact left by the Napoleonic Code. It seemed that the emphasis was on women as mothers and workers rather than as individuals. Clarification was requested on the role of women that was valued most by the Government of France.

397. A good effort had been made to raise the visibility of women and to enable them to assert their identity, as in the feminization of professional titles, and appreciation was expressed that the role of women in culture had been emphasized in the introductory statement.

398. It was asked which provisions of the Convention could be invoked before the courts and other authorities.

399. Since it was stated in the report of France, that discrimination on the grounds of sex was punishable by imprisonment or fines, it was asked to what extent and degree those penalties, if enforced, helped the status of women.

400. It was asked what temporary special measures to accelerate de facto equality had been tried in practice in France and if those were by quota or preferential treatment.

401. Experts wanted to know what actions were being taken to change stereotypes, if men considered that their traditional role had been questioned and how much men were involved in the work for equality of the sexes. Data was requested regarding the distribution of paid and unpaid work. It was asked to what extent fathers made use of parental leave opportunities, how a decision was taken if agreement could not be made as to whom should take parental leave, how parental leave worked in practice and also what the reaction of French society was. Experts inquired about the influence of the Roman Catholic Church in the work towards equality and a change in traditional roles. Referring to the child-care facilities provided by the State to encourage and enable women to work, experts requested statistics on the number and the demand compared to the supply of such facilities, and whether the lack of facilities had forced women to take part-time work. It appeared that the current policies of France were to increase the population by giving additional support to the third child and emphasizing the maternal role of women; it was asked if there were any programmes to encourage men to be more involved in domestic duties.

402. Experts wanted to know if the exploitation of women in advertising in the mass media was monitored.

403. It was asked whether financial or other support was given to rape crisis centres and shelters under the new laws and what provisions had been made to protect women from sexual harassment. It was also asked if the commendable cultural policies were being continued.

404. Experts asked what the Government was doing to inform and educate women in France about their rights and wondered if the reports submitted to the Committee would be published and disseminated in France.

405. Experts requested information on prostitution, particularly on rehabilitation programmes for prostitutes, refuges for battered women and general measures against pornography and exploitation of the female body.

406. Many questions referred to whether the involvement of women in the political field had changed after the replacement of the Ministry for Women's Rights, as it was noted that the number of women ministers had fallen. Up-to-date data were requested on participation in the political parties and on the effects, if any, of the introduction of the proportional electoral system. Details of the current representation by French women in the European Parliament and in the military were requested.

407. Experts inquired about the role of non-government organizations and the real situation of those movements in the fight for women's equality.

408. Clarification was requested of the word 'any' in the statement that women, on equal terms with men and without any discrimination, have the possibility of representing the French Government at the international level and participating in the work of international organizations.

409. More information on the specific training programmes for the most disadvantaged women was requested. Experts asked if textbooks had been modified to abolish stereotyped roles. The professional orientation campaign was considered to be a very positive move, and data on the participation of women were requested.

410. Questions were asked on the implementation and interpretation of the laws on employment. More statistical information was sought on working women, on the levels at which they were employed and on salaries. Many questions referred to part-time work and whether its increase had only a positive impact. An explanation was requested on the problems of job segregation, the trend of feminization in certain jobs and whether the principle of equal pay for work of equal value was implemented in practice. It was asked how widespread the job evaluation schemes were, whether there were any cases of sex-based wage discrimination, whether the ban on sex discrimination also covered indirect discrimination and who took the cases to court. In that regard, information was also sought as to whether the trade unions had in fact ever taken legal action on behalf of a woman employee. More details were requested on associations, rather than unions, that had taken action. It was asked if the penal sanctions that could be invoked with regard to sex discrimination had ever been, or still were, applied. More information was sought on the mechanisms and power of the courts to waive sentence against employers under certain conditions.

411. A list of posts and professional activities in which the sex of the applicant was a condition was requested. It was asked if there were any special occupational health and safety measures for women other than pregnant women and if the protective legislation had been reviewed or abolished. Experts inquired if the retirement age of 60 for women was compulsory and about the situation for men.

412. Experts wanted to know about the situation of migrant and immigrant women workers and whether children of migrant workers born in France were eligible for French nationality.

413. Questions were asked about the willingness of employers to establish contracts to promote equality. Experts wanted to know the impact and role of the Works Committees with regard to the situation of women and what those Committees did with the compulsory annual reports submitted by companies. More background information was requested on the policies controlling terminations of employment contracts.

414. It was asked under which ministry the question of women and work came, since the Ministry for Women's Rights had been abolished. Another question concerned the level of the budget for the D 1 gation and the proportion to the total national budget. More details were requested on the measures being taken to widen the scope of careers selected by women. Experts asked if there were any results from the specific training schemes for new technologies, in which section those applied and the number of women that had benefitted from the schemes. Experts inquired about the labour market regulations in regard to the status of artisan wives, whether they had formed associations and whether they profited from the regulations.

415. More details were requested on the series of measures that had been instigated to combat unemployment among women and on the response of women in France to those measures.

416. Information was requested regarding abortions, particularly at what stage of pregnancy it was performed, whether minors could obtain an abortion and who had to give permission and what the reaction of society was. It was asked if abortion was free, easily available and treated as other medical services under social security and if sterilization was legal and available and under what conditions it was performed. It was also asked if doctors were insured and if there had been any cases of prosecution of medical personnel.

417. Experts asked whether contraception, sex education and family planning were dealt with by public authorities and what the relationship was with other concerned authorities.

418. It was asked if and to what extent social security benefits were available to single parents and if they were equally available to men caring for children on their own. It was also asked if women were entitled to obtain loans or credit without the husband's signature. With regard to finance laws, experts wondered if a separate assessment as regards taxation had been considered and how the finance laws worked in practiced.

419. Members of the Committee inquired about the real situation as regards the reservations made by

France to articles 15 and 16 of the Convention. They were interested in the reactions to those reservations by French women and what the prospect was to withdrawing them. It was asked how French women had managed to achieve so much in the fight for their rights before the laws were amended. Members of the Committee asked about the situation of the family in France and if the recent modifications to the family law were merely modernization. It was asked whether a woman was entitled to retain her maiden name, and information was requested on a woman's independent legal identity.

420. Clarification was requested as to parental authority with respect to disputes over the custody and education of minors. It was asked how claims on paternity were considered under the family law.

421. Clarification was requested of the apparent contradictions as regards the rights to dispose of common property, and it was asked what real power had been granted to women and what happened when no agreement could be reached by partners in that regard.

422. The representatives of France replied to the questions and comments made by the Committee. One representative apologized again for the late submission of the revised report and for the form of the initial report, and supported the suggestion of one Committee member that seminars should be held to help States parties prepare reports in accordance with the Committee's guidelines. He thanked the Committee for the interest it had shown and assured them that he would transmit their comments to his Government and endeavour to make the reports available to the public in France.

423. The representative explained that ratification of an international convention was paramount to making the conditions therein part of French domestic law and applicable in the courts. Therefore, the general declaration made upon ratification of the Convention neither added to nor detracted from the Convention or the French domestic law.

424. Another representative of France gave details on the *Délégation à la condition féminine* (DCF) which, she explained, had an interministerial monitoring role and studied all measures concerning women submitted to the Government. The four main aspects that concerned the DCF were the promotion of women at work and as individuals and the promotion of the status of mothers of families and women in cities. An interministerial committee would be reconvened in the near future under the Prime Minister to co-ordinate the various ministries involved with women's issues. The allocated budget in 1987 represented 109 million French francs, which was used not only for the central services but also for 26 regional delegates and 100 departmental delegates. DCF spent a quarter of its budget on a network of information centres to collect and disseminate information on the rights of women and families.

425. One success reported was that measures against violence towards women had been integrated into the normal training for police personnel, as it was considered that women should not be treated as a separate case. Refuges for female victims of violence had been examined by the Ministry of Social Affairs, and work continued on establishing the best way to operate those refuges, either by giving women more independence or giving them more protection.

426. In response to the questions on women in political life, it was stated that the figures quoted in the first

report of France were still valid; however, representation in the National Assembly had dropped, although it was difficult to attribute that specifically to the change in the voting system.

427. It was reported that women participated at all levels in the political parties of France, and membership figures were given for various sections of all parties. The representative stated that 91 per cent of women were registered voters, representing 53 per cent of the electorate in 1980. Since 1951, there had been increased absenteeism by women voters in relation to men.

428. Substantial financial support was provided by DCF to feminist movements and constructive collaboration had been maintained.

429. Women were usually found at the lower or intermediary levels of public life, and attempts had been made to identify the obstacles in that sphere.

430. Stereotypes were being removed from textbooks, albeit slowly, because of the inherent problems in the system of selecting educational material and the slow changes in the curriculum. The Ministry for National Education was only able to make recommendations in that regard.

431. The Bureau Verification de la Publicité (BVP) was able to make recommendations as regards the publication of advertisements concerning posts and the content of articles, but it had no power to enforce them. In the cinema, pornographic material was severely limited owing to the high tax imposed, and on television respect for the dignity of the human being was being pursued.

432. Progress as regards solving the problem of the narrow selection of professions made by women had not been great. The Ministry for National Education was working with DCF to raise people's consciousness and to remove stereotypes. The Government of France believed that the problem occurred at the initial stage of career choice by young girls, when wrong choices were often perpetuated by the family and educational personnel. It was hoped that scholarships offered in the fields of technology and science would encourage more women to enter those professions.

433. With regard to professional training, DCF at the regional level had set up 50 courses which had benefitted 10,000 women. She stated that temporary special measures operated by preferential treatment rather than the quota system.

434. The representative outlined posts occupied by women, training courses and training in the workplace, unemployment benefits, job creation schemes and job segregation. Proportional recruitment policies were being instigated by the Government. In response to the current economic situation, there had been changes in employment patterns and more women currently benefitted from training programmes, and responsibility for those programmes had been given to prefecture administrations.

435. The Enterprise Committee was working towards professional equality by analyzing and discussing the annual compulsory reports submitted by companies. The Government provided financial support to

develop contracts for professional equality on the basis of increased training opportunities, access to higher qualified posts and recruitment and promotion policies. That was believed to be effective, as indicated by the increased number of observed violations submitted by work inspectors.

436. The number of employed women had risen since 1975, despite the overall increase in unemployment levels. The pattern of employment for women had become more flexible, and more women were employed in part-time work (22.5 per cent in 1986, compared to 21 per cent in 1985). That trend reflected demand in the public sector but represented fill-in or second jobs of an unqualified nature and at lower pay levels than in the private sector. Part-time workers' rights were in direct proportion to those of full-time workers and they were elected on an equivalent basis for tasks in trade unions.

437. More women than men were on fixed-term contracts, and statistics showed that women were at the lower end of the salary scale and employment for women had in fact decreased in relative terms, as had been demonstrated in the report. Equal pay for equal work had been in force in the public sector since 1950 and that principle had been reinforced in 1972.

438. Migrant workers and their spouses and children had equal rights to lead a normal family life, equal access to services and schooling and the same employment rights as French nationals. Children of migrant workers could acquire French nationality if born in the country and resident for the five years prior to adulthood, but could also renounce French nationality one year before their majority.

439. No cases were cited in which trade unions had taken legal action on behalf of employees.

440. Details of the Higher Council for Professional Equality were given, and the representative explained that the Council worked through committees in order to control conditions of employment.

441. In the public sector, 11 classifications of posts were open to one sex only, such as in certain areas of the police corps and educational areas and in the legion d'honneur. Protection against dismissal during pregnancy and the post-natal period existed. Special measures were in force to protect women in areas of employment considered to be dangerous to their health, and new standards were being introduced to accommodate changes in materials used and methods of protection.

442. Contraception had been free and anonymous, even for minors at recognized family planning centres, for the last 20 years. Information on sex education and contraception was organized by the public authorities. Abortions were authorized and available on medical grounds to all adult women without incurring penalties. Minors needed to consent and have the approval of one of their legal guardians. Expenses were covered by social security. Sterilization was available only in therapeutic situations. No specific cases of prosecution of medical personnel when sterilization was used as a means of birth control had been reported, although that could happen.

443. There were equal rights between women and men in the administration of joint property.

444. Reforms in 1983 in the taxation system to retract the notion of husband as head of household had given women fiscal independence. Discussions were continuing in order to find solutions for full equality in the taxation of income. The absence of one signature on tax declarations did not invalidate them.

445. The representative stated that, although it was difficult to establish the exact division of labour in the home, surveys had shown that there had been no radical changes in the distribution of household duties and women still performed most of them. Women were legally able to make purchases, tax declarations and obtain credit.

446. Since 1904, the Church had been separated from the State. Only civil marriages were respected. In the last 60 years, laws had been revised to give the same rights to illegitimate and legitimate children, to make divorce laws more flexible and to abrogate certain adultery clauses.

447. In response to many questions on parental leave, it was reported that only 1 per cent of male civil servants took advantage of that facility, despite the protection of career development. More details would be produced for the second periodic report of France.

448. The representative outlined the various methods for ensuring payment of alimony from either spouse, through salary deductions or taxation. Non-payment was treated as abandonment and invoked penalties under the law. There was also the possibility for State coverage of unpaid alimony.

449. On questions of parental authority, a judge could give custody of children to either parent on a permanent or temporary basis. The opinions of minors were considered when they were able to express themselves. Paternity claims had to be submitted within two years of the child's birth, and efforts to determine paternity or claim allowances could be made during the child's minority.

450. Owing to the time available and in order not to delay the work of the Committee, the French delegation interrupted its reply to questions and agreed to submit the remaining replies in writing. They again thanked the Committee for its indulgence and interest.

451. Members of the Committee commented again on the dissolution of the Ministry for Women's Rights and wondered why that had not happened to other ministries and if the DCF had the same functions and powers as the previous ministry. They hoped that other countries would not follow the example of France in that respect. Further information was requested on how the DCF was elected and how its members were paid. It was asked how the Government could rule on such a personal matter as sterilization and whether that threatened the freedom of choice. It was also felt that more could be done in France to ban sexist advertising.

CEDAW A/48/38 (1993)

327. The Committee considered the second periodic report of France (CEDAW/C/FRA/2/Rev.1) at its 222nd meeting, on 27 January (see CEDAW/C/SR.222).

328. In presenting the report, the representative of France addressed a major concern of the Committee at the time of the presentation of the initial report, namely, the replacement of the Ministry for Women's Rights by a delegation for the status of women, which was lower in the administrative hierarchy. She said that, in turn, the delegation had been replaced in 1988 by a State Secretariat for Women's Rights with the full powers of a ministry and its own budget. That decision had shown the Government's political will to make the defence of women's rights one of its priorities. The tasks of the Secretariat were to ensure the implementation and monitoring of adopted legal texts and to propose new measures. It had a central administration and regional and departmental delegates to promote women's rights, mainly in the fields of employment and professional training in close collaboration with the Ministry of Labour and Professional Training. In order to make the best use of its modest budget, the State Secretariat had chosen as its priorities measures for promoting equality in employment and measures to combat sexual violence, and positive developments had been registered over the past few years; however, the two major areas where failures could be noticed were women in power and women at work.

329. The representative said that French women had not obtained a share of power in 1945 when they had been given the right to vote, but rather in the 1970s when the process of dissociation between sexuality and procreation had been accomplished through the adoption of the contraception and abortion laws. She said that contraception and abortion were the true revolutions of the twentieth century, constituting not a power-sharing between women and men, but a transfer of power from men to women. Women alone could decide on maternity, they could determine whether they chose to live with the child's father, to be married and to recognize the father's rights. They alone currently had the power in the family under the law.

330. The representative said that the French mentality was still influenced by the Napoleonic Code, which had given women an inferior position in society. Considerable strides had been made in general, but women continued to suffer from that heritage. In the twentieth century, women in France had acquired freedom and dignity and had passed from being objects of history to subjects of history. It was to be hoped that women would achieve equality in the twenty-first century.

General observations

331. Regarding the concern expressed by members at the maintenance of the reservations to the Convention, the representative said that some of them had been withdrawn. Yet there was no intention of withdrawing the remaining ones under articles 5 (b) and 16, paragraph 1 (d), regarding the exercise of parental authority, nor the ones related to social security provisions under article 14, paragraph 2 (c) and (h), regarding the acquisition of property by rural women, since the legal situation in France was extremely beneficial to women. The reservation to article 16, paragraph 1 (g), regarding the right to choose the family

name was also being maintained, although a new law of 1993 gave both parents more flexibility in choosing the first name of their children and made it easier to change one's name. Regarding the reservation to article 29, the representative said that there were mediation bodies in the country and that France did not consider it necessary to refer disputes to the International Court of Justice.

332. Members asked additional questions about the availability of special programmes for immigrant women and their families and about related problems. They recommended that France should play a vanguard role in maintaining human rights and, therefore, also respond strongly to campaigns against migrants.

333. Asked about the attitude of the Government to practices of polygamy and female circumcision among immigrants, the representative said that both were forbidden on French territory and that immigrants had to comply with the relevant French legislation.

Questions related to specific articles

Article 5

334. Regarding the measures taken to combat sexual harassment, the representative said that the Government had enacted a bill in 1992. According to a survey, 21 per cent of the women in France had been victims or witnesses of sexual harassment, representing 19 per cent of all working women. In order to afford women better protection, sanctions for sexual harassment had been provided in the Penal and Labour Codes if the perpetrator was hierarchically superior to the victim.

335. In combating marital violence, the State Secretariat had tripled its subsidies over the last years for assisting shelters and creating new ones. Furthermore, a national awareness-raising campaign had been launched on television to shock the public by the statistics on violence against women, accompanied by a nationwide telephone hot line for listening to the victims, giving them guidance and legal counseling and providing them and their children with accommodation.

336. Asked by members about the Government's position regarding pornography, the representative said that it was sanctioned by imprisonment or monetary fines.

337. Additional questions concerned the number of court cases dealing with sexual harassment, the type of sanctions applied and the occupational groups to which most victims of sexual harassment belonged.

Article 6

338. Regarding questions about the number and age of prostitutes, the representative said that no official data were available, but that the number of prostitutes was probably in the range of 10,000 to 15,000. Financial assistance for the reintegration and rehabilitation of former prostitutes was available, and prostitutes had to pay tax. The representative said that prostitution came within the purview of the Ministry of the Interior.

Article 7

339. The representative said that women in France were still excluded from the political arena. That backlog was a heritage from the past as the French Revolution had not encompassed gender issues, and women had obtained the right to vote very late. In the French Parliament only 5 per cent of the deputies were women. The reason why there were more French women in the European Parliament than in the National assembly was that voting was done on the basis of lists and the European Parliament was not of such political concern. Women were still excluded from political participation in spite of such dynamic steps as appointing women to 6 out of 45 ministers posts or a woman as prime minister.

340. Asked whether actions similar to those taken to combat sexual violence would initiate progress, the representative said that the political activity of women depended on the political determination of the parties. Candidates for elections were nominated by the party officials. One way of enabling more women to obtain political power would be to establish positive discrimination procedures; however, such measures were not popular with the French people.

341. Asked for further information on the declaration that has been signed by the leaders of the four main political parties in 1989 to modify the modus operandi of the political parties and what effect it had had on the attitude of the parties, the representative said that the declaration was not supported by sufficient political will. Members of political parties were mostly men because political life, as practised, was not compatible with the requirements of family life.

342. Referring to an additional comment by a member that the new definition of power referred to by the representative, meaning power in the family, might overcome the division between the private and the public domain, the representative said that the present young generation of women were admitted to the same curricula as men to prepare themselves for participation in political life. They could, therefore, also take up positions of authority and impose equality. Replying to the question whether women were equally disadvantaged in public office and the civil service, the representative said that civil service jobs were compatible with family life and, since 1980, significant progress had been made in that sector.

343. Further questions posed by members concerned the type of measures that were being undertaken to overcome the obstacles to political power-sharing by women, the attitude of women's associations vis-à-vis the low representation of women in political life, the relationship of the State Secretariat with women leaders of women's organizations, trade unions and other areas of political power, and the support given by the State Secretariat to their initiatives. Members also asked whether political parties had adopted a quota system, whether they encouraged women to participate in politics at the local and national levels and whether the financial support given to women was the same as that given to men.

Article 10

344. Asked whether the system of scholarships still existed for deserving young girls, the representative replied in the affirmative.

Article 11

345. Turning to measures taken to promote gender equality in employment, the representative said that the participation rate of French women aged between 25 and 60 years, who constituted 46 per cent of the active labour force, was 76 per cent, the highest in the European Economic Community (EEC). Even though women did not leave the labour force to have children, France had one of the highest birth rates in Europe. Girls outnumbered boys at secondary school and at university and they also obtained better marks. However, the wage differential between women and men was on average 30 per cent and the rate of unemployment for women was twice as high as that for men. The representative explained that, on the one hand, there was still a generation of women who had never worked, apart from many immigrant women who had no professional qualifications and were often illiterate and, on the other hand, there was the first generation leaving mixed schools who continued to choose traditionally female jobs that earned them lower pay than jobs in more technical sectors. In order to change the behavioural patterns of girls, parents, teachers, trainers, and employers, the Secretary of State had initiated in 1992 a major national campaign entitled *This is technical, this is for her*. Simultaneously, all heads of universities had to work out a five-year plan under the supervision of the Ministry of National Education for diversifying the orientation and training of girls.

346. The representative said further that, during the previous three years, great efforts had been targeted on combating female unemployment by retraining women for technical jobs in various branches of industry, thus responding to the needs of industry, and also on integrating women into the labour market. Under the supervision of the Secretary of State and the Minister of Labour, regional committees had been set up to monitor the employment of women. The State Secretariat had also created a special fund to finance the costs connected with retraining, such as care for children or an aged parent, transport and accommodation. Since it was considered that the law on professional equality had not had the desired impact, a training manual had been developed on equality in employment with the intention of demonstrating to companies the economic advantages of training and employing women.

347. The representative said that equality in the field of education was not matched by equality in employment and in remuneration because girls were still being trained in traditional fields as a result of the persistent image of women's roles on the part of parents, teachers and employers. Trade unions had never taken an active part in promoting women's equality in professions. She said that thought should be given to the image of women that sons received in their education. It was a primary concern of the society to reorient family policy.

348. Asked whether any efforts were being made to introduce job-sharing, about flexible working hours, and whether women were in favour of such arrangements, the representative said that, although a great percentage of women worked in part-time employment, it was not out of choice. She was skeptical about part-time work and said that it had been imposed on women for family reasons. Most women would prefer to work full time so as to earn enough money to be able to pay for child care. Turning to questions about the introduction of shorter working hours for women, she said that the working hours should be shorter for men and women as was already the case in some other countries. Asked about night work, she said that

if a ban on industrial night work were to be introduced for women, women would be the first ones to be dismissed when those enterprises experienced difficulties.

349. Members asked the representative whether the principle of equal pay for work of equal value was applied in France and (considering the differential between men and women) which obstacles prevented its strict application and whether the differential was attributable to the fact that many women worked part time. The representative replied that appropriate laws existed and only a few women had chosen part-time employment; lack of implementation was the problem. It was extremely difficult to prove wage discrimination. More women were engaged in work that required special skills than in executive jobs.

350. An additional question was raised as to whether part-time employment affected women's social security benefits.

Article 12

351. The representative mentioned the measures taken against the so-called anti-abortion squads that had demonstrated for the past few years at State hospitals and private clinics to stop the abortion services and to intimidate the women who were seeking assistance and the staff in order to undermine the provisions of the abortion law of 1975. As their activities had been non-violent, they remained unsanctioned because of a gap in the law. A new law had been put into force to put such acts under sanction.

352. Asked about more information on the consequences and use of the anti-contraception pill RU 486, the representative said that its use had not resolved the abortion problem. It was freely available to women aged between 25 and 40 years. However, young women did not use it to the same extent, which led to early pregnancies and clandestine abortions. She put the number of abortions per year at 170,000, compared with 600,000 births per year. Contraception campaigns included the use of condoms because of the incidence of HIV infection, and recently it had been decided to distribute them free of charge to high school students.

Article 16

353. The representative said that the rate of marriages ending in divorce had been 30 per cent during the past 10 years and the number of one-parent families had doubled, and had been over 1 million in 1990.

354. Concern was expressed by members about the high rate of divorce and they asked what its causes were and whether any measures were envisaged to remedy that situation. Whereas the representative made only the level of independence of women responsible for the phenomenon, members said that in other countries divorce was very common also, but for different reasons. They asked whether any research was being carried out on the incidence of single female-headed families, whether freedom of choice was the only reason, whether it had any effect on the role of the male spouse, whether the Government supported women's preference for one-parent families, whether it was envisaging any measures to combat that phenomenon, whether French women considered it to be an achievement and what the consequences of its increase were for the structure of French society and in what way the phenomenon was being monitored.

355. When members said that the appropriate environment ought to be created in order to make it possible for women to have a career and a family life in the traditional sense, the representative replied that while it was the concern of the State Secretariat to offer women the best possible conditions, it could not decide for women on the private lives they wished to have. Taking into account the fact that France was one of the EEC countries with the highest birth rate without its women feeling the need to be married, the representative said that the Government was neither encouraging nor discouraging that situation and that no links should be established between the promotion of women's rights and the existence of families.

356. Referring to additional comments on the high rate of one-parent families in France, the representative said that the main reasons for the one-parent families were the high divorce rate - emphasizing that 85 per cent of the divorces had been initiated by women after three to four years of marriage - widowhood as a result of accidents, and the choice of young women to give preference to their professional career over marriage, and to cohabitation without contracting a marriage. She said that young women were more aware of their identity than their mothers.

357. The additional comments of members referred to the difference in marriageable age for women and men.

Concluding observations

358. The members commended the report for its clear structure and adherence to the general guidelines regarding the form and content of reports, and praised France for having played a pioneering role in many sectors of human rights and in advancing the status of women. They also commended its presentation by the Secretary of State herself and the fruitful and constructive dialogue following the presentation. However, concern was expressed about the late submission of the revised version of the report and the fact that a number of questions prepared by the pre-session working group, that had been transmitted to the Government, had not been responded to in the oral presentation.

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29. The Committee considered the combined third and fourth report and the fifth periodic report of France (CEDAW/C/FRA/3, CEDAW/C/FRA/3-4/Corr.1 and CEDAW/C/FRA/5) at its 614th and 615th meetings, on 3 July 2003 (see CEDAW/C/SR.614 and 615).

Introduction by the State party

230. In introducing the third and fourth and the fifth periodic reports, covering the years from 1993 to 2002, the representative of France highlighted the new orientations followed since April 2002 in the implementation of the Convention, noting the Government's commitment to the respect of national, European and international law.

231. Established within the Subministry of Social Affairs, Labour and Solidarity, the Ministry for Parity and Equal Opportunity, with its central office and network of regional and local, as well as departmental focal points, collaborated closely with a number of other ministries and also with parliamentary delegations. It presided over three consultative structures - the supreme council for professional equality, the supreme council of sexual information, regulations of birth and women's education, and the national commission to combat violence - as well as the Observatory for Parity, established in 1995 by the Head of State.

232. With regard to the definition of equality and non-discrimination, the Labour Code had been amended to include the concept of indirect discrimination in French law, in line with relevant directives of the European Union, and the Penal Code had been amended accordingly. A European directive of 2002 concerning implementation of the principle of equal treatment between women and men in access to employment, education, career advancement and conditions of work provided the basis for a qualitative understanding of equality.

233. The question of parity in decision-making, especially in political life had been an issue of intense debate in recent years. A revision of the Constitution of 1999 enshrined the principle of equal access of women and men to elected offices and posts. This was followed by a law of 2000, which made France the first country to opt for parity of 50 per cent candidates of each sex. While in municipal elections of March 2001 women achieved 47.5 per cent of councillors seats at the local level, only 6.6 per cent of mayors of these local districts were women. In senatorial elections in 2001, women's share rose to 21.5 per cent. However, elections for the Legislative in 2002 resulted in only 12.3 per cent women being elected. Measures were now being considered to encourage political parties to work towards improving this situation, and an evaluation report would be submitted to Parliament in 2003. Furthermore, all ministries worked towards the achievement of parity in the civil service, supported by measures such as action plans and parity committees, to improve women's access to higher-level positions.

234. Stereotypes and degrading images of women remained an issue of ongoing concern. Current legislation prohibited incitement of discrimination, hate or violence against a person or a group of persons on a number of grounds, but did not prohibit incitement to discrimination on the basis of sex. Discussions

on a possible measure in this regard had been initiated with relevant ministries and media representatives.

235. The representative noted that France had ratified the Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in 2002. The subsequent domestic security law of 2003 created the new crime of trafficking in human beings. Based on previous work in support of victims of trafficking and of sexual exploitation, the new law provided for issuance of a temporary residence permit to victims of trafficking bringing a case, or testifying, against a person accused of pimping. The new law was one of the most severe laws in Europe with regard to the exploitation of prostitution. It was complemented by an inter-ministerial action programme to combat trafficking and the sexual exploitation of human beings, and focused on prevention, repression and social reintegration.

236. Action for women's and girls' education was based on an inter-ministerial agreement, adopted in 2000, for the promotion of equality of opportunity between women and men, girls and boys, and focused on three areas: improvement of educational and professional choices; strengthening of mechanisms to promote equality; and promotion of an educational system based on mutual respect between the two sexes, and including the fight against all forms of discrimination and violence. New initiatives focused in particular on efforts to improve women's participation in scientific areas.

237. The representative noted that despite significant progress achieved by women in the area of employment, and the fact that women constituted 45.9 per cent of the total workforce, inequalities still existed as women continued to be underrepresented especially in highly skilled and highly qualified professions, and women's unemployment rate was proportionately higher than men's. Legislation and other measures aimed at enhancing the social dialogue towards greater equality in work and professional life for women were in place, and particular attention would be given to negotiations among the social partners in the area of equal opportunities, lifelong learning, and the organization of work. Public policy aimed to combat women's long-term unemployment, and steps had been taken to support women's entrepreneurship. The law prohibiting night work for women had been revised, bringing it in line with European and international law, and legislation against sexual harassment was also in place.

238. Another area of concern to the Government was violence against women. Based on the results of a nationwide survey commissioned by the Government and conducted in 2000, a comprehensive triennial plan of action had been launched, including awareness raising and financial support for victim support organizations. Sanctions were in place in penal and civil law, and gendarmerie and judicial processes supported the rights of victims, especially in situations of domestic violence and spousal abuse. Recent measures aimed in particular at combating violence against young immigrant women, and at reinforcing their access to justice.

239. The representative noted that France's health policy aimed at the integration of a gender perspective, and with equality between women and men being one of the objectives. This approach required attention to health concerns that were particular to women, such as pregnancy, delivery, feminine cancer or menopause, as well as to general health concerns of growing importance to women, such as AIDS, drug addiction and cigarette smoking. In the area of reproductive health, priority was given to

preventing unwanted pregnancies. As the high rate of teenage pregnancies was a serious concern, great emphasis was placed on enhancing sex education and information about contraception aimed at adolescents and young immigrant women. A legislative change of 2001 had increased the legal period for voluntary interruption of pregnancy (VIP) from 10 to 12 weeks, improved information for women, and took into account specific needs of minors.

240. Legislation of 1999 and 2001 had contributed to the improvement of the situation of rural women, especially in regard to their pension rights. The Ministry of Agriculture was implementing a programme Women, education and work in the rural area to improve equality between women and men in rural areas.

241. A law of 2002 had enshrined the concept of shared parenthood in the Civil Code, providing for equal rights and responsibilities between parents in the education of their child. As a consequence, the representative announced the intention of France to withdraw its reservations to articles 5 (b) and 16, paragraph 1 (d), of the Convention. The reconciliation of family and professional responsibilities remained at the centre of the question of equality, especially as women continued to be overwhelmingly responsible for household and caring work. Measures such as paid parental leave for fathers, family and parental support services, and more flexible work schedules aimed to support the sharing of such responsibilities.

242. In concluding, the representative noted that among the challenges ahead was the need to close the gap between de jure equality and women's actual enjoyment of equality, and to establish a modern, parity democracy where women had the same rights and opportunities as men. In this regard, the integration of young immigrant women, the eradication of violence against women, and the fight against trafficking in women for sexual exploitation, as well investment in the young generation, and involvement of young women in the technology sector would be the focus of attention.

Concluding comments of the Committee

Introduction

243. The Committee commends the State party for preparing and presenting its combined third and fourth periodic report and its fifth periodic report, which are in accordance with the Committee's guidelines for the preparation of periodic reports. It also commends the State party for the written replies to the issues and questions raised by the Committee's pre-session working group.

244. The Committee congratulates the State party for its high-level delegation headed by the Minister for Parity and Equal Opportunity. The Committee appreciates the frank and constructive dialogue that took place between the delegation and the members of the Committee.

245. The Committee notes the stated intention of the State party to lift its reservations to articles 5 (b) and 16, paragraph 1 (d), of the Convention.

Positive aspects

246. The Committee welcomes the State party's accession, in June 2000, to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the acceptance, in August 1997, of the amendment to article 20, paragraph 1, relating to the Committee's meeting time.

247. The Committee warmly welcomes the constitutional amendment adopted in June 1999 and the Act of 6 June 2000 (the Parity Act), which establish the principle of equal access for men and women to electoral mandates and elective posts, as a way to achieve balanced participation of men and women in political life.

248. The Committee commends the State party for preparing the yellow budget paper, to be used as a tool for analysing the State's budgetary activities with respect to achieving equality between men and women within each ministry.

249. The Committee commends the State party for adopting Act No. 2002-305 concerning parental authority, which sets out to apply a concept of co-parenting based on the three principles of equality between parents, equality between children, and the child's right to her or his two parents.

250. The Committee commends the State party for its efforts to create a national council on equality, expected in 2003, which would bring together representatives of Government and civil society in order to formulate policies on gender equality and the advancement of women.

Principal areas of concern and recommendations

251. While welcoming the State party's stated intention to lift its reservations to articles 5 (b) and 16, paragraph 1 (d), to the Convention, the Committee is concerned that the State party has not expressed its intention to withdraw its reservations to articles 14, paragraphs 2 (c) and (h), and 16, paragraph 1 (g), of the Convention,

252. The Committee urges the State party to expedite the steps necessary for the withdrawal of all its reservations to the Convention.

253. The Committee, while recognizing the implementation of a wide range of measures and programmes on gender equality, is concerned about the lack of monitoring and evaluation with regard to the impact and results of such measures and programmes.

254. The Committee urges the State party to undertake systematic impact assessments of such measures and programmes and, on the basis of the insights gained, to improve them in the future.

255. The Committee is concerned that, although according to article 55 of the Constitution the Convention has precedence over domestic law, there are no Court decisions that refer to the Convention.

256. The Committee recommends that the State party implement measures to create awareness of the Convention and the Optional Protocol to the Convention among the judiciary, prosecutors and lawyers.

257. The Committee expresses concern about the provision of insufficient sex-disaggregated statistical data in all areas covered in the report.

258. The Committee recommends that the State party undertake a comprehensive compilation and analysis of sex-disaggregated data on the situation of women.

259. The Committee expresses its concern that women are underrepresented in high-level positions in many areas, particularly in the civil service, the diplomatic service and academia.

260. The Committee calls on the State party to take steps to facilitate increased access of women to high-level positions. It recommends the adoption of proactive measures to encourage more women to apply for high-ranking posts, and where necessary, to implement temporary special measures, as provided for in article 4, paragraph 1, of the Convention.

261. While welcoming the adoption of legislative and regulatory measures on equal opportunity between men and women, the Committee expresses its concern that women continue to be overrepresented among the unemployed and in part-time and temporary jobs. It is also concerned about the continuing wage discrimination faced by women.

262. The Committee calls upon the State party to intensify its measures to increase women's employment, to ensure that women have access to full-time and permanent jobs if they wish, and to promote equal pay for work of equal value.

263. The Committee expresses concern about actual and potential poverty situations among older women on account of having experienced multiple forms of discrimination throughout their economically active years. It also expresses concern that the structuring of the welfare system might affect older women more negatively than men.

264. The Committee recommends that the State party research the needs of older women and develop measures that adequately address their health, economic and emotional situation in order to avoid poverty and isolation. It also recommends that the State party take women's unpaid and paid employment patterns and family responsibilities into account when altering legal and policy measures in order to avoid discrimination of effect.

265. The Committee is concerned that traditional customary practices, including polygamy, continue to exist in the French overseas territories, in contravention to the provisions of the Convention.

266. The Committee urges the State party to strengthen the implementation of the Convention in the French overseas territories. It also urges the State party to disseminate information on the Convention and the Optional Protocol to the Convention in the French overseas territories.

267. The Committee notes with concern that the minimum legal age of marriage is set at 15 for girls and 18 for boys.

268. The Committee urges the State party to take measures to raise the minimum legal age of marriage for girls, in order to bring it into line with article 1 of the Convention on the Rights of the Child, which defines a child as anyone under the age of 18 years, and with article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women.

269. While noting initiatives to eliminate stereotypes, the Committee is concerned that stereotypical attitudes persist.

270. The Committee recommends that the State party intensify its efforts, including legislative measures to prevent the portrayal of negative and discriminatory images of women in the media, to change stereotypical images and discriminatory attitudes and perceptions about the roles and responsibilities of women and girls and men and boys in the family and in society.

271. The Committee is concerned about the manner in which article 18 of the Internal Security Act is implemented with regard to passive soliciting, as its implementation may affect women who are not engaged in passive soliciting.

272. The Committee urges the State party to ensure that article 18 of the Internal Security Act is implemented in a non-discriminatory fashion with full respect for the human rights of the women concerned.

273. While commending the State party for its measures against trafficking in women and girls, in particular the imposition of penal sanctions against the perpetrators of trafficking in human beings, the Committee expresses its concern about the inadequacy of protective measures for trafficked women, especially foreign women and girls, who do not testify against their traffickers.

274. The Committee urges the State party to ensure that trafficked women and girls had the support they need, including through witness protection and social reintegration measures. The Committee recommends that the State party consider issuing resident permits to victims of trafficking whether or not they testify against their traffickers, and whether or not the perpetrators are punished.

275. The Committee is concerned about the continuing discrimination against immigrant, refugee and minority women who suffer from multiple forms of discrimination based on sex and on their ethnic or religious background, in society at large and within their communities. The Committee regrets the very limited information provided in the reports with regard to violence, including domestic violence, against immigrant women and girls.

276. The Committee urges the State party to take effective measures to eliminate discrimination against immigrant, refugee and minority women, both in society at large and within their communities. It urges the State party to respect and promote the human rights of women over discriminatory cultural practices, and take effective and proactive measures, including awareness-raising programmes to sensitize the community to combat patriarchal attitudes and stereotyping of roles and to eliminate discrimination against women in immigrant and minority communities. The Committee also recommends that the State party undertake research on the issue of violence against immigrant women and girls and implement policies and

programmes to address this issue adequately.

277. The Committee expresses concern at the absence of information in the reports on tobacco use and drug addiction among women.

278. The Committee requests that information and sex and age-disaggregated data on tobacco use and drug addiction be provided in the next report and, taking account of its general recommendation 24 on women and health, on any measures adopted to address those issues.

279. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report, due in 2005, under article 18 of the Convention.

280. Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly for an overall review and appraisal of the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of the aspects of those documents relating to relevant articles of the Convention in its next periodic report.

281. The Committee requests the wide dissemination in France and its overseas territories of the present concluding comments in order to make the people of France and of its overseas territories, and particularly government administrators and politicians, aware of the steps that had been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, the general recommendations of the Committee on the Elimination of Discrimination against Women, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled Women 2000: gender equality, development and peace in the twenty-first century .