



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
8 April 2008

Original: English

Committee on the Elimination of Discrimination against Women

Fortieth session

14 January-1 February 2008

Concluding comments of the Committee on the Elimination of Discrimination against Women: France

1. The Committee considered the sixth periodic report of France (CEDAW/C/FRA/6) at its 817th and 818th meetings, on 18 January 2008 (see CEDAW/C/SR.817 and 818). The Committee's list of issues and questions is contained in document CEDAW/C/FRA/Q/6 and the responses of the Government of France are contained in document CEDAW/C/FRA/Q/6/Add.1.

Introduction

2. The Committee commends the State party for the submission of the sixth periodic report, but regrets that it did not contain sufficient and systematically organized information on the Overseas Departments and Territories and that no easily accessible information was provided on the implementation of the concluding observations of 2003. The Committee also expresses its appreciation to the State party for the written replies to the list of issues and questions raised by the pre-session working group, although incomplete in some parts, and for the oral presentation and responses to the questions posed by the Committee.

3. The Committee commends the State party for sending a high-level delegation headed by the Minister of State at the Ministry of Labour, Labour Relations and Solidarity, which included representatives of the Ministry of Labour, Social Relations and Solidarity, including a regional delegate from Martinique, and from various other Government ministries and departments. The Committee expresses its appreciation for the open and constructive dialogue held between the delegation and the members of the Committee.

Positive aspects

4. The Committee welcomes the State party's ongoing efforts to improve de jure and de facto the situation of women in France. It particularly welcomes Act No. 2006-399 of 4 April 2006, which was aimed to strengthen the prevention and punishment of domestic violence and violence against children.

5. The Committee welcomes the establishment of the High Authority to Combat Discrimination and Promote Equality (HALDE) and its mandate to investigate complaints of discrimination against women, as well as conduct research, training and awareness-raising campaigns.

6. The Committee welcomes gender-mainstreaming policies through the Charter on Equality between Women and Men of 8 March 2004 as well as the increase in gender-budgeting as expressed in the “Yellow Budget Paper”, which has resulted in better involvement of the various ministries for actions to advance women’s rights and gender equality.

7. The Committee notes with appreciation the State party’s gender policies on international development in providing financial and other assistance, inter alia, to the United Nations Development Fund for Women and the United Nations Children’s Fund, and on undertaking bilateral cooperation with developing countries.

8. The Committee welcomes the State party’s withdrawal of its reservations to article 5 (b) and article 16, paragraph 1 (d), of the Convention on the Elimination of All Forms of Discrimination against Women.

Principal areas of concern and recommendations

9. **While recalling the State party’s obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding observations as requiring the State party’s priority attention until the submission of the next periodic report. The Committee calls upon the State party to focus on those areas in its implementation activities and to report on actions taken and concrete results achieved in its next periodic report. It also calls upon the State party to transmit the present concluding observations to all relevant ministries, other Government structures at all levels, including the Overseas Departments and Territories, to Parliament and to the Judiciary, in order to ensure their full implementation.**

10. While welcoming that the State party, during the constructive dialogue with the Committee, indicated that it might review and withdraw its remaining declarations and reservations, the Committee regrets that this withdrawal has not yet been realized.

11. **The Committee encourages the State party to finalize as soon as possible the procedure of withdrawal of its reservation to article 14, paragraph 2 (c). The Committee further requests the State party to initiate as soon as possible the procedure to withdraw its declaration and its reservation to article 14, paragraph 2 (h), which in the opinion of the Committee have the character of an interpretative declaration, and to withdraw its reservation to article 16, paragraph 1 (g).**

12. While noting that the Convention, according to the French Constitution, has precedence over domestic law and that efforts have been undertaken to raise awareness about the Convention among judges, the Committee regrets that no court decisions have so far referred to the Convention, particularly as France has a monist legal system in which the provisions of the Convention in principle may be directly invoked before domestic courts.

13. **The Committee reiterates the recommendations expressed after considering the State party's fourth and fifth periodic report, and urges the State party to take further steps to raise awareness about the Convention and its Optional Protocol and to provide systematic training to the judiciary and public prosecutors on the scope and significance of the Convention with a view to encouraging them to utilize the Convention in litigations and to encourage the legal professions to provide for similar training. The Committee further recommends that the Convention, its Optional Protocol and other international human rights instruments be included as a mandatory component in the training of the legal profession and in the curriculum of law faculties.**

14. The Committee regrets the fact that the State provided incomplete information on the implementation of the Convention in Overseas Departments and Territories.

15. The Committee requests the State party to include in its next report extensive and systematically organized information on the implementation of the Convention in all its Overseas Departments and Territories.

16. While welcoming the establishment of the High Authority to Combat Discrimination and Promote Equality and its capacity to investigate complaints of discrimination against women, as well as conduct research, training and awareness-raising campaigns, the Committee is concerned that only 3 per cent of the complaints it receives are from women alleging sex discrimination. It is also concerned that the High Authority might not have sufficient financial and human resources.

17. The Committee recommends that the State party initiate campaigns to encourage women to bring complaints alleging sex discrimination and to endow the High Authority with sufficient financial and human resources in order to fully exercise its mandate.

18. The Committee welcomes the steps taken to eliminate gender-role stereotypes, including the joint declaration signed on 27 November 2003 between the Ministry responsible for Parity and the Advertising Standards Office on respect for the human being in advertising; the establishment of a public forum to debate the image of women in advertising; and the undertaking of a study on stereotypes in school textbooks. However, the Committee remains concerned about the fact that academic orientation remains strongly influenced by stereotypes as a result of which women continue to be concentrated in a narrow range of employment. The Committee also notes with concern the persistence of stereotypes, including on immigrant and migrant women, that affect their position in the labour market, characterized by high unemployment rates, part-time work and limited participation in public life and decision-making.

19. The Committee recommends that the State party continue to encourage the mass media to promote changes with regard to the roles and tasks considered suitable for women and men, as required by article 5 of the Convention, and to provide the Committee in its next periodic report with information on the outcome of the study on stereotypes in school textbooks. The Committee further recommends that the State party continue its work of finding the most appropriate way to pursue measures to encourage girls to study non-traditional subjects and companies to recruit women for non-stereotypical posts. Furthermore, the Committee urges the State party to

undertake in-depth research and studies on the impact of gender-role stereotypes for the effective implementation of all the provisions of the Convention, in particular, in regard to the ability of migrant and immigrant women to enjoy their human rights. It also calls upon the State party to undertake awareness-raising campaigns targeting the public at large about the negative impact of such stereotypes on society as a whole.

20. While noting the evaluation by the State party of the implementation of the Act of 15 March 2004 banning the wearing of “signs or dress through which pupils ostensibly indicate which religion they profess in public primary, middle and secondary schools”, the Committee nevertheless remains concerned that the ban should not lead to a denial of the right to education of any girl and their inclusion into all facets of French society.

21. The Committee recommends that the State party continue to monitor closely the implementation of the Act so that there is no negative impact on the education of girls and their inclusion into all facets of French society. The Committee further recommends that the State party provide data in its next report on the educational achievements of migrant and immigrant girls at all levels.

22. The Committee is concerned that immigrant women living in France continue to suffer from multiple discrimination, including with regard to access to education, employment and health care, and from violence against them. The Committee is further concerned at the new restrictive immigration laws and policies, which have prevented many immigrant women from qualifying for residence permits. The Committee is especially concerned at the restrictive family reunification practices, which mostly affect women, such as DNA tests, which have been found to be discriminatory by HALDE, and language proficiency tests and tests relating to knowledge of the values of the Republic.

23. The Committee reiterates the recommendations expressed after considering the State party’s fourth and fifth periodic report and urges the Government to take effective measures to eliminate all forms of discrimination against immigrant women. The Committee urges the State party to assess the laws and policies which affect immigrant women and to provide information on such assessment, including data and analyses, in its next report. The Committee also requests the State party to include information on the number of immigrant women who were granted residence permits including in the context of family reunification.

24. While welcoming the strengthening of the Act on Parity in the Political Sphere and other efforts that have been undertaken to improve the representation of women in decision-making positions, as in the President’s cabinet, the Committee reiterates its concern regarding the underrepresentation of women in high-level positions in public sectors, including at the international level, in academia, and in the private and business sectors. It is particularly concerned by the low presence of women in the Departmental Assemblies and in the Parliament.

25. The Committee urges the State party to strengthen measures to accelerate women’s full and equal participation in all aspects of political and public life and in decision-making bodies, especially in high-ranking posts, including in academia, as mayors and as judges. It urges the State party to take appropriate

measures to implement the Act on Parity in the Political Sphere and other relevant legislation. It encourages the State party to ensure that the representation of women in political and public bodies reflects the full diversity of the population and includes immigrant women. The Committee requests that the State party provide data and information on the representation of women, including immigrant women, in political and public life and in academia, in its next periodic report.

26. The Committee remains concerned about the persistence of the disadvantaged situation of women in the labour market, reflected in the fact that the number of women in the higher echelons of the labour market remains low and that women are concentrated in certain low-wage sectors. The Committee is deeply concerned that the wage gap in the private sector between women and men persists, that women are predominantly found in part-time positions and that as a consequence women generally receive lower pensions. Furthermore, the Committee remains concerned at the relatively high unemployment rate among women with disabilities and immigrant women and at the lack of statistical data on the above matters.

27. The Committee urges the State party to intensify its efforts to ensure de facto equality for women in the labour market, so as to achieve full compliance with article 11 of the Convention. It recommends that the State party take proactive and concrete measures to eliminate occupational segregation, both horizontal and vertical, and narrow and close the pay gap between women and men. In that regard, the Committee recommends that the State party implement its plan of curbing wage gaps, including through financial sanctions as of 2010 for companies that do not have a plan to redress wage inequalities. Furthermore, the Committee urges the State party to create more opportunities for women to have access to full-time employment. The Committee recommends that the State party continue its efforts to allow women and men to reconcile family and professional responsibilities and for the promotion of equal sharing of domestic and family tasks between men and women by providing, inter alia, more and improved childcare facilities. The Committee further recommends that the State party encourage men to share responsibility for childcare, including through awareness-raising activities and by taking parental leave. In the area of pensions, the Committee recommends that the State party implement the President's expressed desire to increase the minimum old-age pension, improve the retirement pensions for people in agriculture and crafts and provide retirement pensions for homemakers who had not worked professionally. The Committee recommends the State party to undertake special measures to assist women with disabilities to enter into the labour market. The Committee finally recommends that the State party collect relevant statistical data to improve policy formulation.

28. While appreciating the State party's efforts to combat violence against women, including through awareness-raising programmes, research and the adoption of Act No. 2006-399 of 4 April 2006 aimed at strengthening the prevention and punishment of domestic violence and violence against children, the Committee remains concerned at the high prevalence of violence, particularly domestic violence, as, inter alia, shown by the recent research demonstrating that a woman dies at the hands of her companion every three days.

29. **The Committee urges the State party, in accordance with its general recommendation 19, to take comprehensive measures in order to address all forms of violence against women, including domestic violence. The Committee recommends that the State party analyse all cases of violence against women, particularly those that result in murders of women, and ensure the adoption of effective measures to prevent violence against women and protect them from violence. The Committee further urges the State party to strengthen the cooperation between police, the public prosecutor and non-governmental organizations in the prevention of violence against women. Furthermore, the Committee calls upon the State party to collect comprehensive statistical data disaggregated by age and type of violence and the relationship of the perpetrator to the victim.**

30. The Committee is concerned at the prevalence of trafficking and that the increase in trafficking in women and girls may lead to an increase in the exploitation of prostitution of women. The Committee is concerned about the scarcity of statistics, data and research on trafficking in women and girls and about the obligation of trafficked women to submit a complaint in order to be granted residence permits. Concerning prostitution, the Committee reiterates its concern about the prohibition of passive soliciting. The Committee is also concerned about the lack of a clear legal definition of sexual harassment in the Labour Code.

31. The Committee urges the State party to take all appropriate measures to suppress all forms of trafficking and exploitation of prostitution of women and girls. In that regard, the Committee urges the State party to systematically collect and analyse data, disaggregated by age and social origin, to improve insight into situations of trafficking and related trends and in order to identify the root causes of the phenomenon, and to formulate and implement policies to address such root causes. In order to ensure that trafficked women and girls in need of international protection are not expelled, the Committee recommends that the State party review the obligation of submitting a complaint to be granted residence permits. The Committee calls upon the State party to undertake a comprehensive study on the impact of the Act of 18 March 2003 on internal security, including the prohibition of passive soliciting, on the area of prostitution and to review the definition of sexual harassment.

32. While noting with appreciation the information on and easy accessibility of contraceptive measures and the access to voluntary termination of pregnancy, the Committee is concerned at the relatively high abortion rate.

33. The Committee recommends that the State party ensure that sex education, including prevention of early pregnancy, be widely promoted and targeted at both girls and boys, women and men, with special attention being paid to migrant and immigrant girls and boys and women and men. The Committee also calls on the State party to provide information on maternal mortality and abortion in its next periodic report.

34. While noting that Act No. 2002-304 of 4 March 2002 on family names, amended by Act No. 2003-516 of 18 June 2003, which entered into force on 1 January 2005, ended the requirement that children born in wedlock carry automatically the name of their father, the Committee is concerned about the remaining sex-based discriminatory aspects of this Act, such as the veto right of the

father to oppose the transmission of the mother's family name in cases where there is no joint declaration or where the parents do not agree.

35. The Committee recommends that the State party amend this legislation in order to conform fully with the Convention.

36. While noting with appreciation the efforts undertaken to improve the situation of rural women, such as the law increasing the basic pensions of rural women working in agriculture, and the declaration made by the State party during the dialogue that further efforts would be put in place to improve their living conditions, including through improved access to transport, the Committee is concerned about the lack of data on the situation of such women.

37. The Committee recommends that the State party continue its efforts to improve the situation of rural women, through both legislative and practical measures, to collect disaggregated data covering women in rural areas.

38. While noting the State party's efforts to improve the situation of older women through the Government's project of revaluation of small pensions and specific measures to monitor their health and living situation so as to be able to react quickly in times of crises, the Committee remains concerned that specifically targeted measures to combat the marginalization of older women, including immigrant and migrant women, are missing.

39. The Committee encourages the State party to develop a consistent overall policy in order to improve the situation of older women and to develop comprehensive programmes and policies targeted specifically at the elimination of marginalization of older women, and include the results in its next periodic report.

40. The Committee is concerned that the State party's report contained insufficient data disaggregated by sex and age, in relation to the implementation of all areas of the Convention. The Committee notes that such data would have further clarified the de facto situation of different groups of women in regard to all provisions of the Convention, and the impact of governmental policies and programmes aimed at eliminating discrimination against them, as well as trends over time.

41. The Committee requests the State party to include adequate statistical data, disaggregated by sex and age, and analysis in its next report so as to provide a full picture of the implementation of all the provisions of the Convention. It also recommends that the State party regularly conduct impact assessments of its legislation, policies, plans and programmes to ensure that measures taken lead to the desired goals, and that it inform the Committee about the results achieved in the implementation of the Convention in its next report.

42. The Committee urges the State party to continue to utilize, in its implementation of its obligations under the Convention, the Beijing Declaration and the Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

43. The Committee also emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection

of the provisions of the Convention in all efforts aimed at the achievement of the Goals and requests the State party to include information thereon in its next periodic report.

44. The Committee notes that States' adherence to the nine major international human rights instruments¹ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore the Committee encourages the Government of France to consider ratifying the treaties to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.

45. The Committee requests the wide dissemination in France, including the Overseas Departments and Territories, of the present concluding observations in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women and the further steps that are required in that regard. The Committee requests the State party to strengthen the dissemination, in particular to women's and human rights organizations, of the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

46. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report, which is due in January 2009, and its eighth periodic report, which is due in January 2013, in a combined report in January 2013.

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.