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

**Combined third and fourth periodic report and fifth periodic
report**

229. 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 counsellors 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".**