
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

Initial report

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7 of the Convention, which had been made possible when a constitutional article on acquired nationality had been repealed in 1983.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 baccalaureat 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 benefited 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 benefited 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-governmental 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 of 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 "Délégation" 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 benefited 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 practice.

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 benefited 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 benefited from training programmes, and responsibility for those programmes had been given to prefecture administrations.

435. The Enterprise Committee was working towards professional equality by analysing 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 numbers 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.