

TREATY BODY MONITOR

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN 40TH SESSION FRANCE, 6TH REPORT 18 JANUARY 2008

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Information submitted to the Committee

On 6 April 2006, France submitted its 6th periodic report¹ to the Committee on the Elimination of Discrimination against Women (the Committee) in accordance to its obligation under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women (the Convention). France ratified the Convention on 14 December 1983 with several reservations, three of which still remain.² It also

¹ CEDAW/C/FRA/6, available at <http://www2.ohchr.org/english/bodies/cedaw/cedaws40.htm>

² Articles 16.1(g) on the choice of family name, 14.2(h) on the right of rural women to enjoy adequate living conditions, and 14.2(c), which will soon be withdrawn, on the right of rural women to benefit from direct access to social security programmes.

ratified the Optional Protocol to the Convention on 9 June 2000. The sixty-three-page periodic report provides systematic information on policies and on legal framework designed for the implementation of Articles 1-16 of the Convention.

On 4 September 2007, the Committee provided the list of issues and questions³ to the State Party, which sought clarification on results and impacts of policies, and addressed the lack of information concerning the French overseas territories. The list also made considerations on the French constitutional, legislative and institutional framework. Furthermore, its considerations were made following the structure of the Convention. . France replied⁴ to the List on 7 December 2007. The thirty-two-page document systematically responded to all questions posed.

Two NGOs submitted reports⁵ in view of France's implementation of the Convention. The French Coordination for the European Women's Lobby comprehensively considered the content of the State report and evaluated the implementation of each article of the Convention. It highlighted key issues and provided recommendations for improvement. The Islamic Human Rights Commission provided a report dealing specifically with the ban on the use of Islamic headscarves and other religious symbols in the French public sector. The report measured how the ban violates the provisions of the Convention. In addition, on 14 January 2008 one NGO representative and one representative of a National Human Rights Institution briefed the Committee with information regarding the situation of women in France. The Global Initiative to End all Forms of Corporal Punishment of Children briefed the Committee on the legality of corporal punishment of children in France. The Commission Nationale Consultative des Droits de l'Homme (National Consultative Commission on Human Rights) gave a general statement on the implementation of the Convention in France.

Themes and issues

France's delegation was headed by Ms Valerie Letard, State Secretary for Solidarity of the Ministry of Labour, Social Affairs and Solidarity. The delegation included representatives from the Ministry of Justice; the Ministry of International Affairs; the Ministry of Interior, Overseas and Local Communities; the Ministry of Immigration, Integration, National Identity and Co-development; the Secretary for the Overseas Territories; and the Secretary for Women's Rights and Equality. In addition, there was a delegate from the Permanent Mission to the United Nation, a regional delegate for women's rights in Martinique, a technical counsellor, and a juridical and diplomatic counsellor.

In her opening statement, Ms Letard informed that in accordance to the priorities established by the international community, France's international policy is clearly committed with the protection and promotion of women's rights. She stressed the challenges and efforts made to meet its obligations under the Convention, and recognized the work of the United Nations as an inspiration. Ms Letard then gave a comprehensive overview of progresses in France since the consideration of the last report by the Committee in 2003.

The review was carried out in an environment of constructive dialogue. The Committee congratulated the delegation for its comprehensive initial presentation and for the many progresses achieved. Nonetheless, some Committee members showed their dissatisfaction with the lack of policy assessment. Ms Schopp-Schilling stated that more emphasis should be put on the impact of measures rather than on the description of policy.

³ CEDAW/C/FRA/Q/6, available at <http://www2.ohchr.org/english/bodies/cedaw/cedaws40.htm>

⁴ Available at <http://www2.ohchr.org/english/bodies/cedaw/cedaws40.htm>

⁵ Available at www2.ohchr.org/english/bodies/cedaw/cedaws40.htm

Status of the Convention in domestic law

One of the first issues voiced by the Committee was the direct application of the Convention in national courts. The Chairman, Ms Simonovic stated that according to the report and reply to the list of issues, it seemed that the Convention was still not directly raised in French jurisprudence. She asked whether there was a follow up to the last concluding comments⁶ of the Committee in 2003, which recommended in its paragraph 256 the implementation of measures to create awareness of the Convention and of the Optional Protocol amongst the judiciary, prosecutors and lawyers.

The delegation clarified that according to Article 55 of the French Constitution the Convention prevails over domestic law. However, in respect to the separation of powers, the enactment of the Convention in decisions is left to the national judges to arbitrate. They are competent to decide whether the articles are sufficiently precise. The delegation confirmed that there are no cases in French jurisprudence that refer to the Convention.

Ms Letard further explained that judges cannot refer to the Convention in their decisions unless it is considered within the arguments brought before the court. She stated that lawyers rarely invoke the Convention since its content is usually inserted in community laws, with which they are better acquainted. Therefore, she pointed out that lawyers need better education on the Convention and on how to raise it before the court. Ms Letard expressed the aim of the French Government to bring the Convention to light through publicity, and raise awareness of its role in domestic law in the bar and at universities.

Reservations

Mr Flinterman expressed his dissatisfaction with the fact that reservations still remained after twenty-four years since France's ratification of the Convention. He was glad to know that the reservation to Article 14.2 (c) on the grant of social security benefits to rural women would soon be withdrawn. However, regarding reservation to Article 14.2 (h), also on rural women, he understood it more as an interpretative declaration rather than technical reservation. Accordingly, he strongly believed it should be withdrawn. The reservation to Article 16.1 (h) on family name was also questioned. Mr Flinterman advocated that, given the changes in French legislation on the matter, this reservation should also be withdrawn.

The delegation confirmed that the reservation to Article 14.2 (c) would soon be withdrawn. Nevertheless, regarding reservation to Article 14.2 (h) Ms Sirinelli, from the Ministry of Foreign Affairs, stated that despite the major changes that have occurred in French legislation since ratification, they had not felt it enough to make changes to the reservation. She welcomed the opinion of the Committee and affirmed the Government was willing to undertake further inter-ministerial consultations. The delegation welcomed and took note of the suggestion on the reservation to Article 16.1 (h). Ms Sarinely assured the Committee that the issue would continue to be discussed.

In its concluding observations, the Committee requested the State party to initiate as soon as possible the procedure to withdraw the remaining declarations and reservations.

Combating discrimination

Charter on the Equality of Men and Women

The *Charter on the Equality of Men and Women* (the Charter) was presented in France's 6th periodic report⁷ as a new boost for the implementation of gender mainstreaming. It is stated in the report that the Charter is a document in which public and private sectors establish actions they are committed to in order to promote

⁶ Available at <http://www2.ohchr.org/english/bodies/cedaw/cedaws40.htm>

⁷ Available at <http://www2.ohchr.org/english/bodies/cedaw/cedaws40.htm>

equality. The aim is to achieve parity in the political and social spheres, women's access to positions of responsibility, professional equality, equal rights and dignity, harmonization of working life and family life, and European and international solidarity.

Committee member Ms Zou questioned whether there were any difficulties in implementing the Charter. She also wanted to know whether there was a schedule for achieving the goals. The delegation responded that the Charter was signed in 2004 for an initial period of 3 years. However, a decision was made to extend the Charter so as to combine two exercises: one for action and another for the setting of gender funding for each ministry. As a result, the Charter has become a crosscutting policy document.

The delegation stated that the Charter is binding on all ministries concerned. They have to submit an annual report informing of progress made. Ms Letard asserted that in three years 75% of the commitments were undertaken by the ministries. The delegation stated that one of the actions taken is to raise awareness of the Convention. Also, they said they are now entering the complicated area of credit.

Department for Women's Rights and Equality

A number of Committee members were concerned about the exact status and power of the Department for Women's Rights and Equality (the Department). Ms Zou wanted to know whether the status of the Department under the Ministry of Labour affected the drafting and implementation of national policies. Ms Chutikul wanted to know whether the Department worked only with the Ministry of Labour. Ms Xiaoqiao asked whether the Government had plans in raising the status of the Department in order to give it more power. Referring to gender institutions working in the French departments, she inquired whether the Department assists these bodies on the training of staff.

The delegation briefly responded that the Government sought women's rights to be an inter-ministerial issue. Therefore, they clarified that the Department ensures the coordination of all activities developed on the matter. As an example, they pointed to the National Plan for the Combat of Domestic Violence, which involves the ministries of justice, labour, housing, etc.

High Authority to Combat Discrimination and Promote Equality

The High Authority to Combat Discrimination and Promote Equality (HALDE) is an independent administrative authority composed of 11 members and an advisory committee. It was conceived to address all forms of discrimination, and to promote equality⁸.

Many Committee members congratulated France for such an initiative, which they understood as a follow up to the concluding considerations of the Committee following France's last periodic report in 2003. Ms Ali was content with the fact that now France has a single institution dealing with the issue.

However, the Committee was unanimous in addressing the low percentage of complaints specifically regarding gender inequality, and wanted to know the reasons. Ms Patten asked what measures were being taken to disseminate the existence of the HALDE. She and Ms Ali also wanted to know what percentage of the complaints on gender discrimination came exclusively from migrant women. Ms Shin drew attention to the importance of informing society, especially migrant women. She also inquired if the HALDE was being advertised in the overseas territories.

The delegation responded that an information pamphlet about HALDE was being widely disseminated. However, it recognized that the HALDE needs to be more geared to gender inequalities. Evaluating the

⁸ CEDAW/C/FRA/6, page 11, at <http://www2.ohchr.org/english/bodies/cedaw/cedaws40.htm>

reasons for such a low percentage of complaints based on gender discrimination, the delegation explained that discrimination is so common in the workplace that women generally do not consider it natural to complain. The delegation acknowledged the need to conduct more public awareness campaigns to raise the HALDE's profile on the topic.

Concerning specific measures to face the more vulnerable situation of migrant women, the delegation said that a study on how to help migrant women to access the work market was being conducted, but admitted that more needs to be done. Referring to the overseas territories, the delegation confirmed that the HALDE was extended to these units and that there are overseas departments dealing with the issue. They assured the Committee that additional information would be sent later.

In its concluding observations, the Committee called upon France to initiate campaigns encouraging women to bring complaints pertaining to gender discrimination.

Overseas territories

The head of the delegation, Ms Letard, gave an overview on the situation of women in the overseas territories. She explained that according to French law the principle of equality applies to overseas units. Nevertheless, Article 75 of the French Constitution⁹ provides to Citizens of the Republic who do not have ordinary civil status¹⁰ the possibility of retaining their personal status¹¹ in the condition that they have not renounced it. Furthermore, she clarifies that even though citizens have the liberty to choose their civil status, this does not obstruct the French Republic from putting the local civil law in conformity with the French constitutional principles. As an example, she pointed the law reform that had taken place in Mayotte. The changes include inheritance law and the outlawing of polygamy.

Referring to policies established in these territories, she listed the enactment of a maternity insurance system in New Caledonia; the improvement of the maternal leave benefit in French Polynesia, now covering 100% of women; and the creation of a women's affairs department in French Polynesia. Additionally, she stressed that it is the responsibility of local authorities to develop gender equality policies.

Committee member Ms Schop-Schilling congratulated the delegation for the application of civil law in these units, but wondered if women were being properly informed. In addition, she demonstrated her discontent with the uneven picture provided in the State report on the application of the Convention in these territories.

Miss Dairiam also expressed her dissatisfaction with the lack of information on the results of such changes. She requested comprehensive data on the situation of these women and on the actions taken. She questioned if there was a strategic approach to women's issues rather than what seems to be simply an ad hoc action. She and Ms Simms asked for complete information on institutional arrangements made in these units for the implementation of the Convention.

Ms Augustine, regional delegate for women's rights in Martinique responded that the gender equality policy aimed at ensuring the continuity of what is done in France and in the overseas units. However, she mentioned that they had problems with financing. She also noted that the major difficulty faced was to change mindsets, even amongst women, and highlighted the importance of raising awareness campaigns. Ms Letard assured that more information on these units would be provided in the future.

Finally, Committee member Ms Appiah required further information on the relation between statutory and customary law. The delegation responded that customary law was often archaic and as a result the

⁹ Available at www.assemblee-nationale.fr/english/8ab.asp

¹⁰ Citizens who have ordinary civil status are submitted to the French common civil law regime, which deals with personal, matrimonial, and patrimonial rights.

¹¹ Citizens who opt for their personal status are submitted to the local customary civil status of their respective territories.

Government endeavours to eliminate all the features that go against the provisions of the Convention. For instance, to prevent forced marriages, today in Mayotte the marriage has to be at the town hall. Also in Mayotte, the law on the surname of the child is in alignment with the French law.

In its concluding observations, the Committee reiterated its request for extensive and systematically organized information on the implementation of the Convention in all French overseas territories.

Immigration law

The Committee was extremely concerned about the new French law of 20 November 2007 on immigration, which allows DNA testing of immigrant relatives applying for reunification. The law also solicits the evaluation of their “republican values” and language proficiency.

Committee member Ms Schopp-Shilling was worried about the impact of this law on women, since they are usually the ones who apply for reunification with their husbands. She wanted to know if language and cultural orientation courses were offered to these women in their home countries. She also underscored that the imposition of genetic tests is a violation of human rights. Ms Zerdani reminded that the flux of immigration to France is linked to its history of colonization. She asked if the law had prevented any family reunification and stated that this practice clearly violated the provisions of the Convention. In addition, she wanted to know if the use of headscarves constituted a reason for denying nationality or citizenship. Bearing in mind that the HALDE decided that the imposition of DNA tests is discriminatory, Ms Patten asked if this independent body had any power to pressure the Government. She questioned whether the Government was considering a review of the practice.

The delegation responded that the Law of 20 November 2007 is a trial and will be evaluated in 2009 to see if it requires improvement. It justified the DNA test as being due to the high number of false residency papers coming from countries such as Senegal and Cote d’Ivoire. She also claimed that the Constitutional Court and the High Commissioner for Refugees did not see this provision as a violation of human rights.

The delegation confirmed that the applicant for reunification must be tested on language knowledge and if necessary free of charge courses will be provided in the country of origin. Ms Letard explained that the language is not a barrier for entry in France, but simply an assessment of the language proficiency. Regarding the use of headscarves, the delegation responded that nobody has been denied nationality or citizenship. It clarified that the ban is only in State schools.

The delegation provided information on an inter-ministerial policy on immigration integration, especially of women. New immigrants are now required to sign an integration contract, which recalls French principles such as shared responsibility of parenting, equal access to education, and the illegality of forced marriage. Committee member Ms Simms expressed her satisfaction with the policy.

In its concluding observations, the Committee recommended the Government to assess laws and policies that affect immigrant women, and to provide this information in its next report.

Combating stereotypes

In the delegation’s opening statement, Ms Letard informed the Committee on the main actions undertaken by the Government to combat stereotypes. She said that with the adoption of the law of 30 December 2004 the punishment for “sexist comments” had increased and was accordingly in line with punishment for racial discrimination. A new activity was also carried out in conjunction with the education department to remove any gender discrimination from schoolbooks. On the topic of improving the image of women in the media, she asserted it the main axis of the 2007-2010 plan of action touching violence committed against women.

Committee member Ms Maiolo requested an explanation on the commitment of the French Government to combat the image of women in the media. In addition, she wanted to know if there were any plans encouraging women in scientific careers. Ms Simms drew specific attention to immigrant stereotypes. She voiced how racism and sexism are inter-related and suggested that the Government should make efforts to deconstruct dominant images that immigrant women have about themselves. She inquired if there were any targeted actions dealing with racism and the marginalization of these women.

Considering the link between violence against women and the negative image of women in media, the delegation stated that a mission letter was addressed to the supreme audiovisual council. That letter requests the establishment of a working group of media professionals dealing with the portrayal of women in the media. To encourage women in scientific careers, an inter-ministerial commitment was established to implement gender mainstreaming in the school sector until 2011. Responding to Ms Simms considerations, the delegation stated that much work was being done in order to combat domestic violence and discrimination in the working place. The major focus is to give better professional perspectives to these women and develop positive discrimination programs for women living in underprivileged urban areas.

Traffic of women and prostitution

The delegation gave an overview on the provisions combating traffic of women and prostitution in the 2003 *Internal Security Act*. The Act made changes in the criminal code by increasing punishment for trafficking. It also improved protection of testimonies and assured housing for victims that wish to escape. The delegation also gave information on the new decree of 13 September 2007, concerning residence admission conditions, protection and shelter of foreign women victims of traffic.

Committee member Ms Begum expressed her concern with the rise of child prostitution in France. She wanted to know if there were any initiatives combating prostitution and trafficking of minors. Ms Chuticul reminded that France ratified the Palermo Protocol¹², which ensures the protection of victims, whether or not they want to collaborate. Accordingly, she inquired if victims not collaborating are subject to deportation. She also asked if there were any reintegration program established in partnership with foreign countries. Mr Flinterman demonstrated his concern about the unlawfulness of passive soliciting.¹³ On the subject of the law reform on the punishment of perpetrators, he queried whether the results were as expected.

In its oral reply, the delegation clarified that only clients of minor or vulnerable prostitutes could be punished. It assured that efforts in partnership with NGOs were being made to make clients aware of the unlawfulness of minor prostitution. Concerning the issue of a residence permit on the basis of the victims' cooperation with the police authorities, the delegation justified that this helps the police to be properly informed in order to dismantle traffic networks. Relating to the 2003 Act and the unlawfulness of passive soliciting, it clarified that none of the procedures led to incarceration but, on the contrary, saved prostitutes from pimps and networks. Further, the delegation stated that the Act made it possible for the authorities to draw a clearer picture of the trafficking system, thus assisting the repression of networks and punishment of perpetrators.

In its concluding observations, the Committee urged the Government to improve insight into the situations of trafficking so as to identify the root causes of the phenomenon. It also recommended that the State party review the provision according to which the issue of a residence permit is only issued to a victim on the basis of its cooperation with the police authorities.

Violence against women

¹² Protocol adopted in 2000 by the United Nations to prevent, suppress and punish trafficking in persons, especially women and children. Available at <http://untreaty.un.org/English/TreatyEvent2003/Texts/treaty2E.pdf>

¹³ When a prostitute dresses in a provocative way and stands in a public place where prostitutes congregate.

The delegation explained in detail the efforts undertaken to combat and prevent domestic violence in France. It briefed the Committee on the new law of 4 April 2006, which acts as preventive measure and increases repression of domestic violence, especially genital mutilation and forced marriage. For instance, the new law extends the aggravating circumstances to ex-husbands, ex-concubines and civil partners of the victim. In the specific subject of genital mutilation, perpetrators can be punished even if the mutilation is committed abroad, and the cut-off time for the victim to lodge a complaint has been increased to 20 years after adulthood.

Regarding forced marriage, the new law established the marriage age at 18 for both men and women. It also gives public prosecutors competency to nullify the marriage if they perceive there was no consent from one or both spouses. Finally, the delegation informed that a three-year action plan was established in 2007 with the aim of preventing violence against women by improving their portrayal in the media.

Committee members expressed their concern with the rise of violence against women in France, effecting specially immigrant women. Ms Begum requested more information on civil and penal provisions dealing with the issue. Ms Simonovic wondered what difficulties key actors faced. She made reference to General Recommendation 19¹⁴ of the Committee, which clearly recommends on how to prevent and combat violence against women, and asked if the State party was guiding its action in accordance with it.

On the matter of domestic violence, the delegation said that a three-year inter-ministerial programme was undertaking measures to raise awareness at schools and promote mutual respect. It stated that in addition to assisting victims, they are also working with perpetrators and children who witnessed domestic violence. Further, it pointed out that special attention was being given to simplifying the process following the aggression, with the aim of delegating the coordination of all the procedures to a single social worker.

Committee member Ms Tan required more data on the new law on the eviction of violent spouses from the matrimonial home. She wanted to know how many complaints were received, how many complaints have been to court, and how many eviction orders have been made since the adoption of the law. The delegation explained that the measure was sparingly used and that it was difficult to be assessed because of its civil nature and its non-distinction from other civil codes. However, it assured the Committee that some statistics should be available by the end of 2008.

In its concluding observations, the Committee urged the State party to strengthen cooperation between police, public prosecutor and NGOs in the prevention of violence against women. It also requested the Government to collect data on the matter disaggregated by age, type of violence, and relationship between the perpetrator and the victim.

Parity in public life

The head of delegation, Ms Letard, spoke about the legislative measures adopted to ensure equality in public life. She mentioned the advances made due to the law of 6 June 2000 on *Equal Access to Electoral Mandates* and added that the law of 31 January 2007 creates new measures to promote political parity. She explained that this new law imposes parity in municipal and regional council executive, and enforces financial sanctions for political parties that do not respect the legal requirements in terms of parity.

Committee Member Ms Silva stated her satisfaction with the positive outcomes since the introduction of the principle of parity in French legislation. However, she noted that results are not so positive in the National Assembly, and referred to the decrease in the number of women representatives in the Senate. She inquired about the expectations for improvement with the adoption of the new law of 2007. Committee member Ms Zou also required comprehensive information on the content and results of the 2004-2007 Plan to increase the number of women in top-level administration posts.

¹⁴ Available at <http://www.un.org/womenwatch/daw/cedaw/recommendations/index.html>

The delegation recognized that the situation was not ideal. Yet, it highlighted that the percentage of women in political posts increased from 12% to 18% in 2004. It noted that implementation of the legal provisions was difficult given the politicisation of lists and representatives, especially from small male-dominated parties. Regarding the role of women in public services, the delegation clarified that they represented 59% of the public service, but were not many in the higher echelons. In reference to the 2004-2007 Plan, it endeavoured to facilitate women's geographical mobility and highlight their role in hierarchies. The assessment is still being made.

In its concluding observations, the Committee urged the Government to take appropriate measures to implement the Act on Parity in the Political Sphere, and to ensure the representation of women in their full diversity, what includes immigrant women.

Education

On the subject of education, the delegation shed light on the fact that women in France receive more baccalaureates and diplomas than men. However, it confirmed that they are not as present in disciplines "most valued by society". This demonstrates how traditional perspectives of gender role have a great impact when it comes to choices of disciplines. An intergovernmental convention for equality of opportunities between men and women in the educational system has been underway for 20 years, which aims at increasing school vocational guidance, promoting gender equality education, and ensuring equality in professional and pedagogic practice of players in the education system.

Committee member Ms Dairiam requested specific statistics on the level of education of migrant women. She asked if there are any specific measures to include these women, and strongly recommended the delegation to provide this information in future reports. The most addressed issue, however, was the adoption of a law in 2004 banning the use of headscarves and ostensive religious signs in state schools. Ms Dairiam was concerned on how this provision impacts the access of girls to education. Ms Begum considered that the ban could actually impede these girls from education, since private schools are usually not financially accessible to immigrant families. Ms Begum urged the Government to review the decision.

The delegation responded that there was no distinguished information on the level of education of students with immigrant backgrounds. However, it pointed out that children with poor or immigrant backgrounds obtained very good results in the Institute of Political Studies in Paris. Regarding the Law of March 2004 banning the use of headscarves and other ostensible religious signs, the general inspector made an assessment of the law in 2005, which showed that of the 639 pupils that went to school with ostensible signs, 90% opted to obey the law. A dialogue process was established between school and parents to explain the motives that justified the adoption of the law. The delegation also explained that private school is accessible to immigrant women through funding by the Government. It informed the Committee that from 2005 there are less than 10 cases of students wearing ostensible religious signs per year. It stated that the law has been increasingly well understood.

In its concluding observations, the Committee restated its concern on the effects of the *Act* banning headscarves and other religious signs on girls' education. It requested the government to monitor closely the implementation of the Act.

Employment

Employment and wage equality was a widely debated issue. Committee member Ms Patten stressed how part-time work has greater effect over women and is not necessarily linked to low education. She underscored the bad effects of part-time and temporary work in social security and parental leave. She asked what were the results of the initiatives carried out by the Department, employment agencies and national job agencies

regarding the issue. In addition, she and other Committee members said they were sceptical about the implementation of the 2006 law on equal wages given the lack of sanctions, and sought further information on results.

Committee members were unanimous in requesting more indicators for the representation of women in the various sectors of economy, and integrated information on the situation in the overseas territories. Ms Ali wanted to know if the Government envisaged creating temporary measures for the promotion of women in management positions. Committee member Ms Shin asked if the Government felt the need to expand the definition of sexual harassment in accordance with the European guidelines.

The Head of the Service for Women's Rights and Equality Ms Voisin said that unemployment amongst women was going down but still was 1.5% higher than for men. Programs have been developed to help women to improve confidence and skills. Nevertheless, she pointed out that those women who stop working to raise children find it difficult to be reinstated in the working market later. The delegation assured that part-time work is a major concern of the Government. A round-table is being prepared to discuss with social services and enterprises what can be done. Under current law, if there is a vacancy the part-time staff has priority over the post. Awareness is given to women on the bad effects of working part-time.

In regard to the 23 March 2006 *Law on Equal Wages*, Ms Voisin explained that it is based on social dialogue between key players. However, she singled out that financial penalties will be developed to punish enterprises that have not rebalanced or at least established a plan of action towards the rebalance by the end of 2009.

The delegation explained that in the overseas units the situation of women employment is more difficult given the vulnerability of the economy, where women suffer longer unemployment due to a lack of jobs. While they are better qualified than men, women often take jobs for which they are over qualified as a matter of necessity. In addition, the principle of equality is difficult to apply because small employers dominate the economy. Professional equality policies have to be developed taking into account the specificities of these units.

Finally, on the matter of sexual harassment, the delegation admitted that the definition under French law is narrow, but that the Government has drafted a law in 2007 which is presently being studied, which would bring the law into conformity with the European requirements.

Health

Committee member Ms Appiah questioned why, despite the access to contraception, the rates of unexpected pregnancies and of abortions were so high. She wanted to know how accessible the methods are, with special thought to the overseas territories and immigrant women. Ms Arocha asked if sexual education programs are working efficiently. The Committee was also concerned about the dissemination of HIV amongst women. Ms Appiah wanted to know if all women have access to treatment, especially vulnerable migrants coming from Sub-Saharan Africa. Ms Arocha required more information on programs in the overseas territories. In addition, she asked if there are programs for pregnant women with HIV.

The delegation acknowledged that certain contraceptives were not well covered under health insurance schemes, yet emergency contraceptives are much more accessible. Sexual education should be provided since primary school, but generally it only exists from secondary school. Also, rather than being the teachers responsibility, it would be more effective if given by experienced associations such as the French Family Planning Association. In the overseas territories mass campaigns have been developed that try to demystify the idea of contraception as a constraint. Sexual education is also a problem in these units. According to the delegation, since these territories are strongly linked to Judaeo-Christian principles sexuality is seen as a taboo. Targeted action has been developed for three years now, insisting on the use of contraception not only to prevent unexpected pregnancy, but also to prevent HIV. The delegation also stated that the increasing number of women infected with HIV within a heterosexual relationship is alarming.

Women in rural areas

Committee member Ms Tan required data on the access of women to healthcare in rural areas. Specifically, she requested details on the types of health services provided in these areas. In respect to the new *Rural Areas Act*, she wanted to know what is the benefit for women under the title of collaborating spouse.

The delegation responded that great progress in social security was achieved with the *Rural Areas Act*. Now, women can choose between the title of collaborator or employee without the authorization of the spouse, although they need the agreement of the head of the farm. Ms Voisin announced that focus is now given to transport and childcare. On the subject of child care, since it is difficult to establish public daycares in these areas, a cheque for universal service is now given by the farmer to women workers so they afford child care services. Regarding health services, statistics are not broken down by gender. Nevertheless, there are more health services for women due to the presence of family health centres.

Matrimonial and family law

In consideration to the 18 June 2003 Act concerning family names, Committee member Ms Tan asked which of the surnames would be given to the child in case the child is abandoned by the father or in case of disagreement between the parents. She questioned if there were any plans to extend equal rights to women and men on the matter. Finally, she inquired if a child born before the enactment of the law could apply to change surname.

The delegation explained that in case of disagreement both surnames would be given. If the father abandons a child there is a special procedure based on legitimate reason to change the surname of the child. In the case of children born after the activation of the law in 2005, there is a transitional mechanism that enables the children to change their surnames provided that the parents make a joint statement.

Noting that polygamy is still a practice regardless of its unlawfulness since 1993, Ms Tan asked if there is any data on the number of polygamous marriages and if there are any programs reaching women in these marriages. The delegation responded that polygamous marriage abroad cannot be annulled in France. However, in case of family reunification the spouse can only bring one spouse into the country. If, unexpectedly, a polygamous spouse enters the country she is encouraged to live separately and to have her marriage annulled under French law.

Conclusion and next steps

In its last statement, the delegation expressed its satisfaction with the way the dialogue was carried out by the Committee. It welcomed all the questions and relevant suggestions made, and assured all efforts would be made to disseminate the Convention and the concluding comments. The delegation was committed to provide comprehensive information on the overseas territories in the next report and to give special consideration to the situation of migrant women.

The president of the Committee, Ms Simonovic expressed her satisfaction with the constructive dialogue carried out between the Committee and the delegation. She congratulated the delegation for all the progress made, but stressed that much is still to be done. She said she recognized the commitments made by the delegation and expected the Government to assess and improve its actions.

It its concluding observation, the Committee called upon the State party to disseminate the concluding observations within all relevant actors. In addition, it strongly recommended the Government to conduct impact assessment of all its legislation, policies, plans, and programs.

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ABOUT THE PUBLICATION

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