



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of
Discrimination against Women**

**Consideration of reports submitted by States parties under
Article 18 of the Convention on the Elimination of All
Forms of Discrimination against Women**

Sixth periodic report of States parties

France*

* The present report is being issued without formal editing.

For the initial report submitted by the Government of France, see CEDAW/C/5/Add.33 which was considered by the Committee at its sixth session. For the second periodic report submitted by the Government of France, see CEDAW/C/FRA/2 and Rev.1 which were considered by the Committee at its twelfth session. For the combined third and fourth periodic report submitted by the Government of France, see CEDAW/C/FRA/3-4 and Corr.1 which were considered by the Committee at its twenty-ninth session. For the fifth periodic report submitted by the Government of France, see CEDAW/C/FRA/5 which was considered by the Committee at its twenty-ninth session.

Note : The annex to the present report will be made available to the Committee in the language in which it was received.



France

Sixth periodic report on implementation of the Convention on the Elimination of All Forms of Discrimination against Women

31 January 2006

Foreword

Since France's last hearing before the Committee on the Elimination of Discrimination against Women (the Committee), on July 3, 2003, fresh impetus has been given to national policies aimed at promoting women's rights and equality between men and women.

These policies are in line with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women (the Convention). They are a response to certain concerns expressed by the Committee in 2003, especially regarding the situation of immigrant women and women born of immigration and efforts to combat the violence of which they are victims (forced marriages and sexual mutilation, in particular); regarding harmonization of the legal age at which boys and girls can marry; differences in pay for men and women; or women's access to decision-making; and the parity objective.

They also aim to fulfil the commitments undertaken at the World Conferences on Women, especially that held in Beijing in 1995, the outcomes of which were reaffirmed by the international community in 2005. France has set about implementing gender mainstreaming (known in French as "*approche intégrée de l'égalité*"). Actions have also been carried out in the "critical areas of concern" identified in the Beijing Platform for Action, especially poverty, violence against women, and the situation of women and girls in armed conflicts.

To implement these policies, partnership networks have been formed and contractual commitments entered into with stakeholders, above all with a view to reducing the unemployment rate among women, promoting equal opportunities for girls and boys at school, and fostering the integration into French society of immigrant women or women born of immigration.

This report has also been written in close cooperation with the other ministries and with civil society. Indeed, this sixth report on France's implementation of the Convention brings together contributions from all the ministries concerned and those of the authorities of the overseas territories. A draft of the report was submitted to the national advisory commission on human rights, whose principal observations have been taken into account. It was also submitted to French feminist and women's groups.

Part one

The national context: State resources for promoting women's rights and equality between men and women

I. Institutional mechanisms responsible for promoting women's rights and equality between the sexes

A. The Ministry for Solidarity and Parity

Under a Decree of June 2, 2005, a woman Minister responsible for solidarity and parity was appointed to work with the Minister of Employment, Solidarity, and Housing. To perform her duties, the Minister directs the Department of Women's Rights and Equality.

B. The Department of Women's Rights and Equality

1. Functions

The Department is responsible for implementing government policy for the advancement of women's rights and equality between the sexes. To that end, in keeping with the perspective initiated in the Platform for Action of Beijing, adopted at the Fourth World Conference on Women in September 1995, it must:

- By adopting a cross-cutting approach, encourage sensitivity to the respective situations and needs of women and men in the preparation, implementation, monitoring, and evaluation of public policies (in other words, apply "gender mainstreaming"), and, at the same time,
- Put in place specific measures targeting certain categories of women, by setting goals for the reduction of any inequalities detected.

To perform these functions, the Department of Women's Rights and Equality:

- Drafts laws and regulations on women's rights and on equality between women and men;
- Organizes awareness-raising and training courses on equality between women and men for civil servants;
- Identifies and lists actions that contribute to equality between women and men in public policies;
- Produces statistical data broken down by gender, which make it easier to discern the respective situations of women and men;
- Produces studies and analyses highlighting inequalities and putting forward suggestions for remedying them;
- Publishes communications tools (brochures, guides, etc.) for professionals and the general public.

2. Organization

The Department of Women's Rights and Equality consists of a central service in Paris and a decentralized network in the regions and their subdivisions, the *départements*, as well as in the Overseas *départements* and Territories.

a) Central Service

This comprises four offices and three missions:

- An office for personal and social rights;
- An office for professional equality;
- A communications office;
- A human resources and general issues office;
- A studies, research, and statistics mission;
- A European and international affairs mission;
- A mission to coordinate the decentralized network and gender mainstreaming.

b) The decentralized network

Placed under the authority of the regional or departmental Prefect, respectively, the 26 regional delegates, 75 departmental representatives, and three correspondents in Wallis and Futuna, Mayotte, and Saint-Pierre-et-Miquelon,¹ are responsible, with their teams, for local implementation of government measures to enhance equality between women and men. In that capacity, they often belong to the public employment department, organize departmental commissions to combat violence against women, and work in partnership with local economic and social authorities and officers in local associations.

3. *Human and financial resources*

The Department of Women's Rights and Equality comprises - now that all positions have been filled - 230 officers: 50 in the central service and 180 in the regions and *départements*.

Its 2005 budget totalled 27.4 million euros, made up of the following appropriations:

1. Appropriations for interventions (subsidies to associations): 17 million euros, including 13.5 million euros for decentralized network projects;
2. Current budget appropriations (wages, welfare payroll taxes, rent, equipment ...): 10.4 million euros (including 9.4 million euros in personnel appropriations and 970.000 euros in administrative appropriations for the decentralized network).

C. Partners

The Ministry for Solidarity and Parity engages in consensus-building and partnership with political, economic, and social stakeholders.

At the national level, it builds on the work of various bodies:

1. The parliamentary delegations on women's rights and equal opportunities for men and women established in each of the two chambers of Parliament (the Senate and the National Assembly) by an Act of 12 July 1999. These delegations are responsible for informing the two chambers regarding the repercussions of government policy on equality of opportunities between men and women. They monitor the enforcement of laws in this area. Each delegation has 36 members

¹ Not counting vacancies.

appointed, respectively, by the Senate and the National Assembly “in such a way as to ensure proportional representation of the political factions and balanced representation of men and women, as well as of standing committees.”

In 2005, the Senate delegation’s work included above all publication of a report on wage discrepancies and another on efforts to combat conjugal violence. The report on the National Assembly delegation’s activities between October 2004 and November 2005 focused above all on actions targeting immigrant women and on follow-up to the Act of 4 July 2001 on abortion and contraception.

2. The Monitoring Commission on Gender Parity (*L’Observatoire de la parité*). Established in 1995, it is chaired by the Prime Minister (or, under his authority, by the Minister responsible for parity) and composed of 33 members representing the various political factions, associations, academia, and the business sector. Its tasks are to:

- Centralize, produce, and disseminate data, analyses, studies, and research on the situation of women, at the national and international level;
- Assess the persistence of inequalities between the sexes and identify obstacles to parity, particularly in the political, economic, and social spheres;
- Pronounce on draft laws and regulations brought to its attention by the Prime Minister and present him with recommendations and reform proposals aimed at preventing and overcoming inequality between the sexes and promoting access to gender parity.

Every two years, the Monitoring Commission submits a comprehensive report to the Prime Minister. That report is presented to Parliament and published. The Commission also drafts reports on specific topics.

3. The Higher Council for Professional Equality.

4. The Higher Council for Sexual Information, Birth Control and Family Education.

5. The National Commission on Violence against Women.

In addition, the Ministry responsible for parity supports the dynamics of the association process by financing national and regional projects that meet the criteria of government policy on the advancement of women’s rights and gender equality.

One of the oldest associations supported by this ministry is the network of 115 Women’s Rights Information Centres (CIDE), founded in 1972 and coordinated by the National Information and Documentation Centre for Women and Families. The Centres provide women with cost-free information on legal, professional, economic, social and family matters.

The Ministry responsible for parity also acts in partnership with:

- National associations, three of which operate round-the-clock telephone services: the National Federation for Women’s Solidarity, the Women’s Collective against Rape, and the European Association against Violence towards Women in the Workplace; and
- The 174 local facilities offering reception, counselling, and guidance for women victims of conjugal violence, whose work concerns access to rights,

safety, health, housing, the return to autonomy, and insertion or re-insertion into professional life, etc.

II. State budget appropriations for achieving equality between women and men

A. A gender-budgeting initiative: drafting of the “yellow budget paper”

This paper has been used, during preparation of the Finance Acts, since 2001. It shows the appropriations of the various ministries for actions to advance women's rights and gender equality. It has helped generate momentum and has raised project-financing appropriations to 38 million euros.

B. The “Equality between Men and Women” Program

The gender budgeting initiative will be enhanced over the coming years by the implementation of targeted planning with respect to gender equality policy.

In fact, pursuant to the Organic Law of 1 August 2001 and as of 2006, the annual draft Finance Acts presented to Parliament are divided into budget programs which establish, for each public policy that the Government wishes to pursue, objectives and the results to be attained. This reform aims above all to render actions undertaken by the authorities more effective, to increase transparency and to achieve clearer definition of the State's strategic choices. To that end, the appropriations in the Finance Acts are grouped together according to missions, which may involve one or more departments or ministries. A mission consists of a set of programs geared to a given public policy. Thus, a program entitled “equality between men and women” (Program 137) has been registered under the “Solidarity and Integration” mission.

1. The structure of the “Equality between Men and Women” program

This program establishes equality policy as a core component of the public policies for which the State is responsible. It is structured according to four areas of action:

Action No.1: “Women's access to positions of responsibility and decision-making”;

Action No. 2: “Professional equality”;

Action No. 3: “Equality of rights and dignity”; and

Action No. 4: “Harmonization of working and family lives”.

It also comprises a fifth area entitled “program support,” which covers the resources needed to implement the program. It establishes five objectives and seven indicators.

2. The nature of the activities and works financed under the program

The program provides financing for initiatives aimed at raising awareness of equality issues among public authorities and in civil society as well as activities on behalf of women. These initiatives and activities are mainly carried out by local associations and networks of associations. This program also finances the expenses of the staff of the (central and decentralized) services of the Department of Women's Rights and Equality, as well as the operating costs of the decentralized network.

3. *The outlook*

In addressing activities financed by budgetary appropriations of the Ministry responsible for parity, the program underscores the fact that the gender equality policy is also pursued, at both the national and European levels, by:

- Drafting legal provisions;
- Actions financed by loans associated with Finance Act appropriations (especially, European Social Fund allocations);
- Actions carried out thanks to the budgetary resources of a large number of partners (especially other ministerial departments).

Thus the "Equality between Men and Women" program could form the basis of a future "cross-cutting policy paper" prepared by the Ministry responsible for parity. Such a paper would highlight all the actions to promote equality between men and women included in the budgets of ministerial departments.

III. Reforming the State's statistics-gathering mechanisms

Since the publication in 2001 of its first report entitled "Perspectives on Parity," the National Institute of Statistics and Economic Studies (INSEE) has been working jointly with all ministerial departments to ensure that the State's statistics-gathering mechanisms keep constantly and more accurately abreast of the situation of women and men, respectively, in social, economic, and political life. This publication and electronic updates of it are published every year on March 8, International Women's Day.

For its part, and thanks to the data provided by the INSEE and by all national and European administrations, the Department of Women's Rights and Equality publishes a document entitled "Key figures - Equality between Women and Men," with a chapter on each of the Department's spheres of activity. Year after year, this compendium has added data on new topics, such as women's participation in industrial tribunals, works councils, company management, and senior positions in the civil service; the concentration of women in certain business activities; or the principal forms of day-care for children under six.

Part two

Convention on the Elimination of All Forms of Discrimination against Women

Reservations of France

Since the last report was submitted, France has lifted the reservation it entered with respect to the joint exercise of parental authority (articles 5 (b) and 16.1 (d)).

Furthermore, several developments in applicable French law are to be noted.

I. Concerning France's reservation regarding article 14.2 (c) on the right of rural women to benefit from direct access to social security programmes

This reservation reads as follows: "The Government of the French Republic declares that article 14, paragraph 2 (c), should be interpreted as guaranteeing that women who fulfill the conditions relating to family or employment required by French legislation for personal participation shall acquire their own rights within the framework of social security."

With a view to improving social protection for farmers' spouses, the French Government has recently taken steps to guarantee their access to the various social security benefits for the rural population.

Act No. 99-574 of 9 July 1999, on agriculture, created a new status for spouses not wishing to become co-farmers or farm employees: namely that of collaborating farmer's spouse, which enhances their old-age pension rights.

Since then, measures have been adopted to encourage an extension of this collaborating spouse status.

Thus, the spouse of a farmer or head of an agricultural enterprise performing a professional function on a regular basis on the farm or in the enterprise is now required to choose one of the three following capacities:

- Collaborating spouse of the farmer or head of an agricultural enterprise;
- Employee of the farm or agricultural enterprise; or
- Farmer or head of an agricultural enterprise.

In addition, the Agriculture Act of 11 January 2006 provides for:

- The spouse henceforth opting for collaborating spouse status without being obliged first to obtain the assent of the head of the operation;
- Extension of this status, which was previously reserved for married couples, from now on, to persons linked to the head of the operation by a civil union known as the civil solidarity pact (*un pacte civil de solidarité*) or by co-habitation.

This set of measures is conducive to a marked improvement in the situation of farmers' spouses.

Consequently, it is reasonable to conclude that, in the case of French women farmers, the reservation expressed concerning Article 14, paragraph 2 (c) of the Convention no longer applies.

II. Concerning the reservation regarding Article 16.1 (g) on the choice of family name

It should be emphasized that significant progress was achieved in this area with the adoption of the Act of 4 March 2002, on family names, amended by the Act of 18 June 2003.

Under this Act, parents may now choose their child's surname in a joint written statement submitted to the registrar. The surname may be the father's or the mother's, or a combination of the two, done in the order they choose, up to a limit of one name each. The surname given to the couple's first child must also be given to all the other children born to them. For that, it is necessary that maternal and paternal filiations are established simultaneously and that the child be born after December 31, 2004. In the absence of this joint statement by the parents, the old rule still applies: a child born in wedlock, or who is simultaneously recognized by his or her father and mother, takes his or her father's surname.

If the establishment of lawful descent (filiation) is deferred, the child takes the surname of the parent who recognized her or him first. However, the parents may, at a second recognition occurring while the child is still a minor, replace the surname with that of the other parent or combine the two names in the order they choose. In this case, the personal consent of the child is required, once he or she is over 13 years old.

Despite the progress made, French legislation does not fully conform to the terms of Article 16.1 (g) of the Convention. Therefore, the reservation entered by France must be maintained.

Article 1 and Article 2 (Combating discrimination)

For several years now, France has expressed its determination to adopt effective measures to combat all forms of discrimination in employment. Particularly in cases of discrimination based on sex, the strengthening of legal provisions and concrete steps taken by the authorities have led to significant progress.

I. The strengthening of legislation to combat discrimination

Since the fifth report was written, two instruments have strengthened legislation:

- The Act of 30 December 2004 concerning the establishment of the High Authority to Combat Discrimination and Promote Equality (*Haute Autorité de Lutte contre les Discriminations et pour l'Égalité - HALDE*); and
- The Act of 11 February 2005 concerning equal rights and opportunities, participation, and the citizenship of disabled persons.

A. The Act concerning the establishment of the High Authority to Combat Discrimination and Promote Equality (HALDE)

1. Organization of the HALDE

This "independent administrative authority," whose President is appointed by the President of the Republic, comprises:

- A college of 11 members appointed for a five-year term, whose appointment "should be intended to achieve a balanced representation of women and men";
- An advisory committee, which enables it to involve qualified people in its work, selected from among representatives of associations, trade unions, professional organizations, or any other persons who are engaged in activities to combat discrimination and promote equality.

2. Its tasks, modus operandi, and powers

The tasks assigned to the HALDE pursue a dual objective:

- To address all direct or indirect forms of discrimination that are prohibited by law or under an international obligation;
- To promote equality.
 - a) Addressing discrimination

Submission of a case to the HALDE: The High Authority may be notified either directly by any person who considers that he or she is a victim of discrimination or through a deputy, senator, or French member of the European Parliament. In addition, any association registered at least five years prior to the date of the facts of the case and dedicated according to its statutes to combating discrimination or assisting victims of it, may submit a case to the High Authority jointly with anyone who considers herself or himself a victim of discrimination. The HALDE may also take up cases of direct or indirect discrimination it hears about, with the consent of the victim, if the victim's identity is known.

Powers of the HALDE

Powers of investigation: As it is responsible for gathering information on the matters brought to its attention, the High Authority is entitled to demand an explanation from any natural or private law artificial person implicated in a case brought before it. It may also require data or documents, in any medium.

The public authorities are required to authorize civil servants under their authority to respond to any request by the HALDE. They must also report the information and supply the documents it requires to fulfil its functions. If the HALDE's requests are not met, it may serve formal notice on the persons concerned and, if they refuse to provide the information, it may report that refusal to the judge in chambers.

Finally, the HALDE may undertake on-site inspections on administrative or professional premises, as well as in places and means of transportation accessible to the public.

Powers of mediation and recommendation: the HALDE helps the victim draw up her or his file and may proceed through mediation to an amicable settlement of the differences brought to its attention.

It may also make recommendations aimed at correcting any discriminatory practices or preventing their recurrence. If its recommendations are not implemented, the High Authority may draft a special report, which shall be published in the Official Journal (*Journal Officiel*).

When the facts of the case amount to a crime or offence, the High Authority must notify the state prosecutor. If need be, it will be called upon to present its observations to the courts.

b) Promotion of equality

In this area, the HALDE:

- Engages in awareness-raising activities;
- Conducts studies and research;
- Verifies good practices with respect to equal opportunities and pay;
- Recommends legal or regulatory amendments.

HALDE's powers need to be further strengthened.

B. The Act of 11 February 2005 concerning equal rights and opportunities, participation, and the citizenship of disabled persons

The Act of 11 February 2005 aims to promote the rights of the disabled, over half of whom are women and subject to dual discrimination, as women and as disabled persons.

1. Improving training for professionals

Lawmakers have turned their attention to the need to provide adequate training and support for the professionals assisting the disabled. The policy for preventing, reducing and compensating for disabilities is based essentially on multidisciplinary research programs involving, above all, institutes of higher education, research bodies and professionals. Furthermore, under the new legislation, health professionals and community health workers receive specific training regarding the signs of disability, scientific progress with regard to the pathologies leading to disabilities, new therapies, and the latest technological, pedagogic, educational, and social innovations, as well as training in the support and care of disabled persons.

2. Improving living conditions for disabled women and men

The new legislation guarantees above all:

- Freedom of the disabled person to plan his or her own life, based on the right to compensation;
- Effective access to school, vocational educational and employment;
- Universal accessibility to towns and cities, transportation, buildings, and cultural and recreational facilities;
- Improved attention to and information for disabled persons, better assessment of their needs and recognition of their rights, along with, and especially, the establishment of departmental homes for disabled persons.

The legislation also contemplates providing supplementary and specific preventive care consultations for disabled persons, which may be of particular use to women.

Finally, specially adapted materials should be used to inform and warn disabled women of the dangers of alcohol, especially if they are overweight.

II. Programmes implemented by the authorities

A. The Solidarity Plan's "Anti-Discrimination" Programme

The solidarity plan (*plan de cohésion sociale*), presented by the Government in July 2004 and turned into an Act of 18 January 2005 includes a program geared to combating discrimination and, in particular, a "Charter on Diversity in Enterprises," which companies are asked to sign.

B. The ESPERE project

Since 2001, the Ministry responsible for parity and several institutional partners², have participated in a project called ESPERE (*Engagement du Service Public de l'Emploi pour Restaurer l'Égalité* (Commitment by the Government Employment Department to Restore Equality)), aimed at raising awareness and training Government Employment Department (SPE)³ officials to combat racial discrimination and double discrimination based on sex and race or ethnic origin in access to employment. This program is being conducted within the framework of the EQUAL European Community initiative.

It aims, on the one hand, to incorporate prevention of direct and indirect discrimination (including double discrimination) in SPE missions and, on the other, to organize inter-institutional cooperation among the various components in this government department around that objective.

Among the more important actions undertaken are:

- Experimentation with discrimination-oriented training programmes in six pilot areas; and
- Efforts to raise awareness among those in positions of responsibility.

In addition, a Charter of Ethical Commitment to Combat Discrimination and Promote Equal Opportunities and Diversity was signed on 18 November 2005 by the Minister of Employment, the Minister responsible for parity, the Director General of the National Job Agency, the President of the National Council of Local Missions (for youth employment), and the Director General of the National Association for Vocational Training for Adults. Aimed at perpetuating and disseminating the advances achieved by the ESPERE project, this Charter includes follow-up mechanisms and progress indicators.

² The employment and vocational training delegation in the Ministry of Employment; the population and migration directorate in the Ministry of Social Affairs; the Fund to finance actions and support for integration and efforts to combat discrimination, a public body reporting to the Minister for Social Affairs; the National Association for Vocational Training of Adults; the National Job Agency; and the National Council of Local Missions (for youth employment).

³ Decentralized departments of the Ministry of Employment, the National Association for Vocational Training of Adults; the National Job Agency, the Department of Women's Rights and Equality, and local missions (for youth employment).

Article 3

(Promoting women's rights and equality between men and women)

I. The Equality Charter: a new boost for the implementation of gender mainstreaming

In 2003, the Government stepped up efforts to mainstream a gender perspective in France, as advocated in the Beijing Platform for Action. Numerous consultations were conducted to that end with the players contributing either locally or at the national level to greater equality between men and women. Those efforts culminated on 8 March 2004 in the official presentation to the Prime Minister of the Charter on the Equality of Men and Women, which, in a sense, constitutes the agenda and "roadmap" of all those who have subscribed to it.

In this benchmark document, local councillors, social partners, the chambers of commerce, industry, and other trades, business, and civil society have, alongside the ministries, established actions they are committed to carrying out within three years, in order to forge a more equal society. These actions revolve around five main sets of goals:

- Parity in the political and social spheres and 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.

It was agreed with the other ministries involved to conduct an annual review of implementation of the Charter every March 8, International Women's Day. One year after the Charter was signed, the results of the review were encouraging: 15 per cent of the objectives had been accomplished and 37 per cent of the actions were being undertaken.

II. Specific actions regarding immigrant women⁴ and women born of immigration

The question of the role and place of immigrant women and women born of immigration in French society has taken on a new dimension in recent years as awareness grew that these women had acted as vectors of integration and yet, if they failed, were also the principal victims of it. The women born of immigration have also long been relegated to the sidelines of history and statistics.

Although women today account for 50.3 per cent⁴ of the immigrant population aged 18 or over residing in Metropolitan France, the image of women born of immigration is still too often that of a foreigner who has come to rejoin her migrant husband and is then confined to the domestic sphere, without a profession and with no participation in public life, who is usually regarded as an appendage of her

⁴ Immigrant population: all persons born abroad, of foreign nationality or who have acquired French nationality. INSEE -N°1001 - January 2005 Annual Census: First findings of the 2004 Survey.

father, spouse, or brother. At the same time, it is difficult to categorise a population characterised by a plethora of different circumstances and backgrounds. Immigrant women are, in some cases, newcomers; others have been settled in France for several years. All of them, regardless of whether or not they are French or foreign nationals, stem from different cultures. It is also necessary to take into consideration the women and girls who arrived when they were children, or were even born in French territory, but continue to be seen in connection with their immigrant relatives. Many of these women build their own careers and successfully enter further education programs. However, a good number of them fail to gain effective access to rights and to respect for their integrity and dignity.

To address these difficulties, the Government is devising actions targeting women as part of an overall policy of integrating immigrants and persons born of immigration that was re-established in 2002 on the basis of the principles of equal opportunities and shared responsibility. Thus, at its meeting of April 10, 2003, the Inter-Ministerial Committee on Integration, chaired by the Prime Minister, established a 55-measure action program aimed at re-launching the policy for welcoming and integrating immigrants in France. A substantial part of that program has to do with women.

A framework agreement was signed on 4 December 2003 between the Population and Migrations Directorate of the Ministry of Social Affairs, the Department of Women's Rights and Equality, and the Fund to Finance Actions and Support for Integration and Efforts to Combat Discrimination. The idea is to support the integration of immigrant women and women born of immigration and to prevent and combat twofold (racial and sexual) discrimination.

A working group made up of nine ministries, specialists (lawyers, doctors, etc.), and the representatives of about ten associations was installed in June 2004, to consider, on the one hand, all the forms of violence to which women born of immigration are subjected and, on the other, ways to recognize all that these women accomplish. The working group put forward a number of propositions regarding the personal status of immigrant women and women born of immigration and their insertion into society, in the form of a report entitled "*Femmes et immigration: assurer le plein exercice de la citoyenneté, à part entière, à parts égales*" (Women and Immigration: Guaranteeing Full Exercise of Citizenship, on a Complete and Equal Basis), which was sent to both the Minister of Justice and the Minister responsible for parity on 7 March 2005.

The Government's actions have been based largely on the recommendations set forth in this report. They revolve around four main areas: access to rights; efforts to combat the various manifestations of violence; education and employment; and appreciation of the role and place of immigrant women and women born of immigration in French society.

A. Access to rights

The reception and integration contract that every foreign national arriving in France by legal means will henceforth be offered refers explicitly to equality of men and women, the emancipation of women in daily life, and the sharing of parental authority. This contract is presented by the National Agency for the Reception of Foreign Nationals and Migration (ANAEM) to every man and woman arriving at the reception centres, in the course of a personal interview.

The civic training received by the contracting party specifically addresses the constitutional principle of equality between men and women. It emphasizes that in France, all individuals, be they male or female, have equal access, based on their merits, to all positions in the Republic, and that they have equal rights, be it in education, employment, the exercise of political rights, or parental authority, for instance. It recalls that, as with the notion of liberty, the principle of equality is a guarantee for each individual and it presupposes recognizing that others have equal rights.

The Department of Women's Rights and Equality, in close cooperation with the Population and Migrations Directorate of the Ministry of Social Affairs, will shortly organize the launching of an experiment in one of ANAEM's reception centres, aimed at sounding out the prerequisites for active partnership between those centres and the network of associations with regard to access to rights, and particularly the right to contraception.

Actions designed to improve the information, awareness, and training of staff in institutions, businesses, and associations are being carried out at the local level in order to promote the objective of the equality of women and men, regardless of their origin. These actions have taken place in the context of regional programmes for integrating immigrant populations (PRIPI), covered by the National Solidarity Planning Act of 18 January 2005.

A "*Guide de l'égalité entre les femmes et les hommes de l'immigration*" (Guide to Equality between Women and Men who are either immigrants or born of immigration) is going to be drawn up in response to the need for legal information and practical information, and to draw attention to the reprehensible nature of practices that are harmful to women.

In 2005, the Minister responsible for parity put together a Franco-Moroccan advisory group to monitor the implementation in France of the reform of the Moroccan Family Code. The reflections of that Group have led to the drafting of a guide to implementing the reform which is now nearing completion.

B. Combating violence

In this area, the Government has, in particular, set about implementing the legislative proposals set forth in the report entitled "*Femmes et immigration: assurer le plein exercice de la citoyenneté, à part entière, à parts égales*". Indeed, on December 15, 2005, the National Assembly unanimously adopted, at the first reading, a bill proposed by the Senate (and adopted by the Senate unanimously at the first reading on March 29, 2005) aimed at strengthening the prevention and suppression of marital violence and acts of violence against minors. Some of the provisions adopted at this stage - the bill is still being debated in Parliament - contain measures specifically targeting women born of immigration. They are geared to:

Combating forced marriage by:

- Making the minimum legal age for marriage the same for girls as it is for boys, i.e., 18;
- Extending from six months to two years the waiting time to request annulment of a marriage for lack of consent, if the spouses are living together;

- Allowing a prosecutor, and not just one of the spouses, to contest a marriage if he suspects it is a forced marriage;
- Allowing a marriage to be annulled if relatives have intimidated one of the spouses (without violence on their part); and
- Altering marriage-related formalities to facilitate a hearing for future spouses prior to the wedding ceremony, especially when a forced marriage is suspected;

Combating female sexual mutilation by:

- Extending the prescription by lapse of time limit on prosecution to 20 years from the age of majority;
- Permitting, by special dispensation, the suppression of these practices when they are committed abroad against a foreign minor whose habitual residence is in France;
- Allowing professional secrecy to be lifted in cases of sexual mutilation of a minor.

C. Education and employment

1. Education

Specific actions have been established with the Ministry of National Education. Others are being conducted with enterprises, in order to encourage diversity in educational and training programs for girls of foreign extraction that will enable them to enter new professions.

2. Employment

In 2004, 57 per cent of immigrant women were active members of the workforce (compared with 64.4 per cent for non-immigrant women). For all that, immigrant women or women born of immigration are still victims of double discrimination - on account of their sex and their origin - with numerous consequences: their unemployment rate (20.2 per cent) is almost twice as high as that of non-immigrant women (10.3 per cent); they are over-represented in the “workers” (14.6 per cent) and “employees” (8.4 per cent) categories; a majority of them works in the tertiary sector (as servants, cleaners, or retailers); they often work part-time and their job status is often precarious. To address this situation and improve the integration of immigrant women and women born of immigration into professional life, the following approaches are being developed:

- The opening up of professions: this involves raising employer awareness. By way of example, we could mention the partnerships formed with the ADECCO and ADIA temporary employment agencies aimed at promoting access to employment-intensive sectors of the labour market for women living in areas eligible for city financial assistance (where immigrant women and women born of immigration are a large contingent).
- Development of sponsoring of young people for employment: this consists of helping young people to obtain and hold a steady job by pairing them with benevolent, working or retired sponsors who are trusted by employers and share their experience, ties, and knowledge of the business world with their protégés.

- Other approaches need to be devised in the social services or state hospitals system to enable immigrant women and men and those born of immigration to progress within their careers. Thus genuine career opportunities are now possible thanks to employment contracts backed by the authorities (the “future work contracts” (*contrats d’avenir*) and employment access contracts recently established by the Government, for instance) aimed at helping young people to obtain jobs in the health sector, keep them employed if they show ability, and, finally, to enable them to obtain qualified positions thanks to recognition of the skills they acquired on the job.
- Encouraging the establishment of enterprises: Immigrant women and women born of immigration are increasingly tending to create jobs or enterprises for which they are highly motivated. The Minister responsible for parity is keen to encourage female entrepreneurship. Given proper arrangements, that is a field in which immigrant women and women born of immigration have a role to play.

D. Recognition of the role and place of immigrant women and women born of immigration

In the *Cité nationale de l’histoire de l’immigration* (History of immigration centre - *CNHI*) to be installed in 2007, one section will be dedicated specifically to the immigration of women, which will not just be envisaged as imposed immigration, thanks to acknowledgment of the individual achievements and successes brought about by these women.

E. Support for associations

The authorities support numerous associations working on behalf of immigrant women and women born of immigration

F. A better grasp of double discrimination and different forms of violence

The Ministry of Social Affairs is financing studies aimed at affording greater insight into an analysis of the double discrimination suffered by women immigrants and women born of immigration in various areas and of the forms of violence to which they are subjected.

II. The situation of women in the partly autonomous overseas territorial units⁵

It is worth underscoring the dynamism shown by the women in the partly autonomous overseas territorial units. While deeply attached to their traditions, they are nonetheless resolutely committed to the future. Various kinds of measures have recently been adopted to promote their rights and increase equality between the sexes.

A. In Mayotte

At France’s previous hearing before the Committee, on 3 July 2003, the Committee had been concerned at the persistence of certain customs, such as polygamy, in French overseas territories. Both in Mayotte and the partly autonomous overseas territorial units in the Pacific (French Polynesia, New

⁵ The French Constitution no longer refers to overseas “territories”. It calls them territorial units (*collectivités territoriales*).

Caledonia, Wallis and Futuna), two personal statuses do indeed coexist: an ordinary law status, governed by the provisions of the French civil code, and a local or common law status, which is the product of history and often of a very ancient culture. This principle is not prohibited by the Constitution, Article 75 of which guarantees citizens of the Republic who do not have ordinary civil status the right to keep their personal status under local law, as long as they have not renounced it.

Certain aspects of these common law civil statuses, such as repudiation, polygamy, or the unequal rights of children to inherit, do nevertheless constitute anachronisms that contravene republican principles.

That is why the Constitutional Council ruled in a decision of 17 July 2003 that “since (the legislature) did not contest the very existence of local law civil status, it could adopt provisions designed to have its rules evolve with a view to rendering them compatible with constitutionally protected rights and principles.” Based on that decision, the Finance Act for overseas of 21 July 2003 definitively ruled out certain aspects of the status of women which did not appear to be compatible with republican principles. Thus, the following forms of behaviour are henceforth prohibited in Mayotte.

- Polygamy for persons reaching the minimum legal age for marriage by January 1, 2005;
- Unilateral repudiation for persons reaching the minimum legal age for marriage by January 1, 2005; the marriage may only be dissolved by divorce or by court-ordered separation.

The Divorce Act of 26 May 2004 supplemented this reform by making ordinary law procedures applicable to divorces of people with local law civil status.

- Discrimination regarding inheritance rights of children based on the child’s sex or legitimacy (the law applies to children born after promulgation of the Finance Act).

New institutions have been established to represent personnel. They are obliged to examine an annual report supplied by the employer on comparative employment and training conditions for women and men. In addition, the social partners have signed an agreement under which the unemployed of both sexes are entitled to unemployment benefits for the duration of the time they are unemployed.

As regards family allowances, a reform bill envisages removing the three-child ceiling for these benefits established by the regulation issued on 7 February 2002.

B. In French Polynesia

There are over 200 (lay or faith-based) associations formed to defend the rights and interests of women and to help them achieve financial and social autonomy, thanks, in particular, to the establishment of craft enterprises.

Following the passing of the Act on parity in the political sphere, an association called “Te Hine Manohiti”, formed by women actively engaged in politics and public life organized information and training sessions to encourage women to take part in decision-making in all deliberative bodies in the territorial unit. By mobilising in this way, women were able to achieve significant gains. For instance, they accounted for almost 51 per cent of the members of the Territorial

Assembly of French Polynesia elected in 2001. That Assembly is now chaired by a woman.

An Act was passed in 2005 establishing that women receive full wages during maternity leave (compared with 60 per cent before the Act).

Pursuant to the local employment code, collective bargaining agreements between the social partners in French Polynesia provide for equal wages for women and men.

The establishment in 1990 of a Government-approved “Territorial Information Centre on Women’s and Family Rights” was a specific response to women’s demand for information and assistance with matters of civil law and in connection with cases of physical assault. Throughout the archipelago, (paid or volunteer) local community representatives ensure that the information is disseminated.

A survey of violence against women conducted in 2002 by the Polynesian Ministry of the Family and Women’s Affairs revealed that one in every three women had been a victim of marital or family violence. To address that situation, a long-term program to prevent and combat intra-family violence will be implemented as of this year under the aegis of the same ministry.

“Parents’ Schools” are to be established to help parents meet their responsibilities and respond to the emotional, educational, or psychological deprivation of certain children.

The Committee on the Elimination of Discrimination against Women had recommended disseminating information on the Convention and its optional protocol in the overseas départements and territories and several local initiatives were undertaken in response to that recommendation. One was the workshop-conference on the topic organized by the Polynesian Ministry of the Family and Women’s in October 2005, with the participation of the French ministry responsible for parity. New Caledonia, Wallis and Futuna also took part in the meeting. The public comprised women elected to local assemblies, representatives of associations, institutions, political parties, and religious congregations, and health sector professionals. The meeting adopted various recommendations, particularly with regard to raising the awareness of mayors of women’s place in political life. A translation of the Convention into the Polynesian language is also under way.

C. In Wallis and Futuna

At the instigation of the “Women’s Bureau of the Pacific Community,” the “Women’s Territorial Council” was established on the Wallis and Futuna Islands in July 1993. It enables women to meet and obtain a better grasp of the problems they have in common and to promote equality between the sexes. So far, this Council’s work has focused above all on economic aspects (especially assistance for the development of local crafts).

Since October 1995, the “SOS Violences” association has been helping women combat child sexual abuse.

Several provisions have recently been added to the local employment code: better terms for paid leave for pregnant and newly delivered women and those giving birth; a ban on terminating the contract of a salaried employee medically certified as pregnant, including during the period of paid leave to which she is

entitled; and the right of a woman employee not to be kept in a job medically certified as being beyond her strength or as incompatible with her state of health.

Finally, it should also be pointed out that consideration will shortly be given to the application in the partly autonomous non-metropolitan overseas territorial units of International Labour Convention No. 156 concerning equal opportunities and equal treatment for men and women who have family responsibilities. (International Labour Conventions No. 100 concerning equal remuneration for men and women for work of equal value and No. 111 concerning discrimination in respect of employment and occupation regarding access to training are already applied in those territorial units.)

Article 4

(Special temporary measures)

I. Positive actions to improve women's access and advancement in the workplace

Although women have entered the labour market en masse (in France, in 2004, 81 per cent of women between 25 and 49 years of age play an active part in the economic life of the country), major inequalities persist between women and men in the quest for employment and in professional life. Thus wage differences between men and women average approximately 19 per cent (the discrepancies being due in part to the concentration of women in certain types of job and partly to the fact that most part-time work is carried out by women). When men and women perform the same job, there is still a 5 per cent difference to the detriment of women. Moreover, while women predominate in some prestigious professions, most women remain confined to non-executive positions, where they constitute 80 per cent of employees.

Consequently, in order to move in the direction of genuine, effective equality, French legislation authorizes the implementation of temporary measures on behalf of women.

These "positive actions" are governed by a legal framework established by the Court of Justice of the European Communities: they may not be either automatic or excessive and have to be of a temporary nature. They aim, for instance, to redress an under-representation of women in supervisory positions. Thus:

- The Act of 9 May 2001 on professional equality allows employers, via an agreement with the trade unions, to adopt temporary positive action measures to boost the recruitment, training, promotion, and working conditions of women. The agreements reached in this way rely on analysis of the report on the comparative status of overall employment and training conditions for women and men prepared by the head of the company and submitted for review to the works council;
- The inter-professional national agreement of 1 March 2004 on professional equality and mixing of sexes authorizes the implementation, if necessary, of positive actions with respect to recruitment or professional training;
- Company agreements since 2003 propose positive measures that, for instance, accelerate women wage-earners' access to the training courses needed for higher qualifications.

At the same time, the bill on equal remuneration for women and men currently being debated in Parliament provides for the allocation of a flat-sum allowance for companies with fewer than 50 employees to replace a wage-earner (of either sex) who is away on maternity or adoption leave. Indeed it is these leaves of absence that often explain the delays in promoting personnel or improving their wages, especially in small enterprises.

II. A specific provision to promote women's enterprises

Only 29.8 per cent of those who establish or buy an enterprise are women. With a view to overcoming this important gap between women and men, the authorities have introduced a specific provision to help women who so wish to establish, buy, or develop their enterprise by facilitating their access to credit. To that end, the Guarantee Fund for the Establishment, Purchase, or Development of Women's Enterprises authorises the State to stand surety vis-à-vis the banks.

III. Long-term plans for improving women's access to positions in senior administration in the civil service

While they hold a majority of civil service staff positions (56 per cent at end-2003), women account for a very low proportion of positions in senior civil service administration (14 per cent at end-2003).

Starting in March 2000, the Prime Minister requested that ministers draw up long-term plans to improve women's access to supervisory jobs and positions in senior civil service administration. These plans constitute real guides to actions conducive to equality and contain quantified targets for raising the percentage of women in higher positions within the different branches of the administration.

IV. A specific instance of positive action: political parity

Women, who account for one half of all human beings, cannot be considered a "category." They must be able to enjoy the full exercise of their civil and political rights. That is why France opted for parity by writing into its Constitution that ("Statutes shall promote equal access by women and men to elective offices and positions") and that political parties and groups "shall contribute to the implementation of (this) principle".

This constitutional principle was implemented by the Act of 6 June 2000, which provides for the observance of parity rules in political elections. It contains both a mandatory and an incentive-based component.

It was complemented by the Act of 11 April 2003, according to which:

- For regional elections⁶, "within each section, the list shall alternate candidates according to sex";
- For European elections, which are organized in an eight-constituency framework, "the list (of candidates per constituency) shall alternate candidates according to sex".

⁶ The regional constituency principle, contemplated in the 1999, is maintained, but departmental sections are instituted. Each list is therefore composed of as many sections as there are departments in the region.

This parity approach has been extended beyond political elections. Thus, in order to accelerate equality between women and men in the civil service, the Act of 9 May 2001 provides that “the parity commissions⁷ and boards of examiners must be composed in such a way as to favour balanced representation of women and men.” In that same Act, the notion of “balanced representation” was also used in connection with elections to industrial relations boards and elections of representatives of company personnel.

Article 5

(Elimination of stereotypes)

Actions undertaken by the authorities to change the depictions and image of women in French society pursue three goals:

- To prevent sexist messages;
- To prevent degrading and humiliating images of women in advertising; and
- To combat sexist stereotypes and promote appreciation of the role of women in society.

I. Strengthening legislative measures to prevent sexist messages

A new threshold was crossed in the battle against sexist discrimination with the promulgation on 30 December 2004 of the Act establishing the High Authority to Combat Discrimination and Promote Equality (*Haute Autorité de Lutte contre les Discriminations et pour l'Égalité - HALDE*). Indeed, this instrument amended the Act of 29 July 1881 on freedom of the press in order to introduce stronger prohibition of public manifestations of homophobic, sexist, and handiphobic messages, by making the penalties incurred as stiff as those for racist messages. A decree of 25 March 2005 extended this provision to include non-public manifestations of homophobic, sexist, and handiphobic attitudes. In particular, prison sentences (of one year) and fines (45,000 euros) are contemplated for defamation and abuse on account of sex, sexual orientation, or disability. The Act empowers the Department of the Public Prosecutor to prosecute such cases *ex officio* and grants the associations power to exercise the rights afforded the civil party.

II. Preventing degrading and humiliating depictions of women in advertising

Concerned by the use in certain advertisements of degrading and humiliating images of relations between men and women, the Ministry responsible for parity has begun developing a consensus with the other ministries concerned, the main media, and advertising professionals regarding the most appropriate instrument to prevent incitement to discrimination based on sex.

This negotiated initiative led to the signing on November 27, 2003 of a joint declaration by the Ministry responsible for parity and the Advertising Standards Office (BVP)⁸ on respect for the human being in advertising. It envisages, in

⁷ Comprising an equal number of administration and trade union representatives.

⁸ A self-regulating agency to oversee advertising, co-managed by advertisers, publicity agencies and the media. The BVP has advisory powers.

particular, strengthening self-regulation based on a code of conduct drawn up by members of the profession, and establishment by the ministry of a public forum to debate the image of women in advertising. This discussion forum came on stream at the beginning of February, 2004, offering the public three ways to express its views and take part in the debate: by mail, by voice mail, and by sending an e-mail.

A report on the outcome was published in March 2005, which showed that between the beginning of February and the end of December 2004, 1015 messages were recorded and 844 people had communicated their reactions to certain advertisements. The complaints with regard to advertising concerned sexist discrimination (40 percent), indecency (38 percent), the persistence of outdated stereotypes (22 per cent) and incitement of violence (18 per cent).

Given the interest aroused by the implementation of this service and the views and expectations expressed by citizens on this matter, a number of proposals have been put forward by the ministry, aimed at:

- Increasing society's say by maintaining this discussion forum;
- Ordering the name and address of the advertiser to appear on all billboard advertising;
- Strengthening self-regulation in advertising, by making BVP supervision mandatory prior to dissemination, at least for national billboard advertising campaigns.

III. Combating sexist stereotypes and raising awareness of the value of women's place in society

Equality between the sexes is a source of future dynamism which today needs to be embedded in mindsets and everyday behaviour, in both professional and private life. With that perspective in mind, the Ministry responsible for parity embarked in 2005 on a national awareness-raising campaign on the subject of equality between women and men.

A series of 40 one-minute reports airing the testimony and changing experiences of women and men was broadcast on a national public channel between 7 March and 13 May, 2005. Entitled "Equal Shares" ("*A parts égales*"), this series depicts the state of equality in France today and has shown the value of successful examples of professional equality and of education in mutual respect between the sexes. The topics dealt with recall the fundamental values of life in society: the equal rights and duties of all citizens, respect as the behavioural norm in interpersonal and professional relations, and the fight against all forms of discrimination, especially as regards access to employment.

By broadcasting these television spots during prime time, the idea was to increase the general public's awareness of issues related to equality between men and women, to help women reflect on their own historical situation and to encourage men to take a stand on equality. Thanks to the scope of this program and the passions it aroused, the series has led to changes of mentality and triggered a reaction in favour of equality throughout society, as impact assessments have confirmed.

- 72 per cent (or 24,993,214) of persons aged between 18 and 64 who possess a television set looked at least once a month at one of the short films;

- In subsequent surveys, nine out of ten viewers said they had appreciated the films and eight out of ten said they liked the slogan: “*Égalité, il suffit de le vouloir*” (Just want equality and you’ll get it);
- Nearly eight out of ten viewers considered that the films had struck the right tone for discussing equality without being boring;
- Finally, almost all (90 per cent) of those surveyed thought the experiences shown were realistic and were necessary to prompt reflection on equality between men and women.

After being shown on television, these programmes were posted on the Ministry’s Internet website: <http://www.femmes-egalite.gouv.fr>. They can continue to provide a basis for activities designed to increase awareness of equality issues by the Ministry and its decentralized network, throughout the country and even in certain international communication operations.

Article 6

(Prostitution and traffic in women)

The recommendations made by the parliamentary taskforce on modern forms of slavery mentioned in the fifth report of France to the Committee on the Elimination of Discrimination against Women revolved around four priority action areas:

- Offering social services to victims;
- More effective punishment of traffickers;
- Prioritizing the fight against trafficking;
- Raising the public’s awareness of the issue.

The Act of 18 March 2003 on internal security facilitates the pursuit of some of these objectives.

I. Victims of prostitution

1. Article 76 of the Act on internal security authorizes the provision of a temporary resident’s permit, accompanied by the right to exercise a professional activity, to a person of foreign nationality who testifies or lodges a complaint against a person she accuses of having committed with respect to her person the offence of trafficking or procuring. If the accused is convicted, the victim of prostitution who filed a complaint or testified may receive a resident’s permit.

2. Women and girl victims of trafficking may benefit from the provisions of the code of criminal procedure on protection of witnesses, which allow their statements to be taken without their identity appearing.

3. Pursuant to Articles 42 and 43 of the Act on internal security, initiatives are under way to provide safe accommodation for persons wishing to escape from trafficking and procuring networks. A variety of arrangements have been put in place at the local level. A national mechanism is maintained to enable persons who would be in danger if they stayed in the same location to move discretely to accommodation in another location. The safety of these persons is safeguarded by the absence of signs on the premises provided for their reception, their

dissemination all over the country, non-disclosure of the address of the shelter provided, and the provision of appropriate social services.

4. For victims who wish to return to their countries of origin and can do so without risk of reprisals or rejection by their family, assistance, including financial assistance, is provided, especially in the framework of bilateral agreements with Bulgaria and Rumania.

5. Cooperation ties have been established between French organizations and nongovernmental organizations in the countries of origin of the victims of prostitution in order to improve the quality of the French organizations' social work with these persons and the conditions for their return to their country of origin, when they so desire.

Thus, several projects have been conducted with the support of the European Union, such as the Copyrights project run by the "A.L.C." association in Nice, with ties to specialized associations in five other countries (Italy, Bulgaria, Rumania, Slovakia, and Portugal).

6. The Department of Women's Rights and Equality and the Directorate General of Social Action of the Ministry of Social Affairs have commissioned a study by the Métanoya agency on any improvements required in social services for victims or persons at risk of prostitution.

II. Exploiters of prostitutes and traffickers' networks

1. The Act on internal security establishes a new offence of trafficking in human beings, punishable with seven years of imprisonment and a fine of 150,000 euros.

The Act defines some ten aggravating circumstances, especially when the offence is committed against a minor or accompanied by threats, restrictions, or violence, or by an organized gang. They carry sentences of up to life in prison, together with a fine of 4.5 million euros.

2. The Act of 9 March 2004 adapting criminal law provisions to changes in criminal behaviour introduced a new Article into the Code of Criminal Procedure regarding so-called "penitents", under which these former criminals may, if necessary, enjoy protection for their own safety. They may also benefit from measures designed to ensure their reintegration in society. If need be, they may be authorized, by a substantiated order of the President of the *Tribunal de Grande Instance* (departmental Court of First Instance), to use a temporary false identity. These provisions also apply to members of their family and close relatives.

According to statistics of the Central Office for Combating Trafficking in Persons, in 2004, 717 people (504 men and 213 women) were prosecuted by police departments in France for procuring. 54.7 per cent of the accused were foreign nationals. In the same year, police broke up 47 procuring networks.

III. Raising the public's awareness

It now seems necessary to reflect on the role of the clients, their motives, and responsibility. Prostitution is not a profession or service like any other. It is an act of violence against women. The fatalism of public opinion on the subject masks the fact that prostitution constitutes a fundamental assault on the intimacy, dignity, and

integrity of a human being. The prevailing myth that a person freely chooses to be a prostitute allows everyone, and especially clients, to evade all guilt and take refuge in facile self-justification.

Against that backdrop, French lawmakers decided to increase penalties for prostitutes' clients. Thus, while the Act of March 4, 2002 on parental authority already provided for punishment of a client of an under-age prostitute, the Act on internal security of 18 March 2003 extended the offence to clients of prostitutes with a particular vulnerability.

In addition, since 2002, the Ministry responsible for parity and the Ministry of Social Affairs have contributed to the "*Mouvement du Nid*" association's nation-wide awareness campaign on four fronts:

- The establishment of an Internet site for clients;
- An extensive public opinion survey;
- A questionnaire specifically directed at prostitutes' clients; and
- A prevention and public awareness exhibition and poster.

IV. Prostitution of minors

By law, "the prostitution of minors is forbidden throughout the Republic" and "any minor engaging in prostitution, even occasionally, is considered to be in danger and subject to protection by the judge responsible for cases involving minors, under the educational assistance procedure..."

Moreover, recourse to prostitution of minors is an offence punishable with three years imprisonment and a fine of 45,000 euros. The following are considered aggravating factors: when the offence is habitual; when the offender takes advantage of a position of authority, or when the minor was placed in contact with the offender through a network such as the Internet. As with cases of sexual assault, these provisions are also applicable when the offence is committed by a French citizen outside French territory.

Article 7

(Political and public life)

I. Parity in political life

A. The Government

The Government appointed in June 2005 included six women, representing almost 20 per cent of the total of 31 members. They held the following portfolios:

Ministries: National Defence
Ecology and Sustainable Development
Deputy Ministers: Solidarity and Parity
Cooperation, Development, and the French-speaking World
European Affairs
Foreign Trade

B. Elected assemblies

At France's last hearing, the Committee requested a review of implementation of the Act of 6 June 2000 "aimed at promoting equal access of women and men to electoral mandates and the civil service." That review was presented in February 2005 by the Ministry of the Interior and the Ministry responsible for parity. Indeed, at the beginning of 2005, for the first time, all representative political bodies - local and national - had been re-elected in accordance with the Act of 6 June 2000. So the time was ripe to gauge its application and impact.

1. *The outcomes of the 2004 polls:*

a) Local elections (*élections cantonales*)

Like deputies, councillors for a department (members of departmental assemblies) are elected by majority vote for a single candidate in a two-round polling system. The percentage of women elected in March 2004 in the cantons in which authorities were being renewed was 10.9 (compared with 8.6 per cent in 1998). Overall, there are fewer women in the departmental assemblies than in any other French representative bodies. In the March 2004 election, the percentage of women rose from 9.2 per cent to 10.4 percent. Only two of the 110 presidents of the departmental assemblies are women.

b) Regional elections

Regional councillors are elected according to the list system. The Act of 11 April 2003 applied the same rule of strictly alternating candidacies already in force for European elections: that is to say, in each section of the list, men and women candidates have to alternate.

With 47.6 per cent women (compared with only 27.5 per cent in 1998), today the regional councils are the representative assemblies in which women are best represented. Women are vice-presidents of 37.3 per cent of these assemblies. However, there is only one woman President of a region.

c) Elections to the Senate

Elections were held for 127 seats in the Senate in the 2004 partial elections. Only 10 women lost their seats and 31 were elected. As in 2001, this increase is entirely attributable to the départements with proportional representation: parity only progressed in departments subject to the restrictive clause provided for in the Act of 6 June 2000. Following the partial elections of 2004, there were 56 women senators out of a total 331 members of the Senate, that is to say, 17 per cent.

d) National Assembly elections

Despite the financial incentives introduced by the Act of 6 June 2000, the National Assembly elected in 2002 only has 71 women deputies (12.31 per cent of the seats): slightly more than the previous Assembly, which only had 63 female members (10.9 per cent of the seats).

e) The European elections

Although the previous elections were held before the Act on parity entered into force, the percentage of women among those losing their seats was relatively high (40.2 per cent), because in 1999, without being obliged to do so, the large political parties had presented lists with almost equal numbers of men and women. In 2004, women accounted for 43.6 percent of France's representatives - a slight increase -

while the overall share of women in the European Parliament declined from 31 per cent to 30.3 per cent.

2. *The effects of the Act of 6 June 2000*

a) Direct effects: Parity only progressed when candidacies were subject to restrictions, i.e., in bodies elected from proportional representation lists.

b) Indirect effects:

- Women now have enough bargaining power within political parties to make it increasingly difficult to relegate them to token roles;
- The Act of 6 June 2000 changed the way citizens and the media look at political bodies;
- Women are becoming increasingly conscious of their potential and more and more involved in political life.

3. *The outlook*

In his address to the press on January 4, 2006, the President of the French Republic expressed the wish that “a parity obligation be established for the executive branch in towns of over 3,500 inhabitants, in regional executive branches, and in the appointment of delegates to joint municipal council bodies».

He said he also hoped that “the fines envisaged for political parties not observing legal requirements with respect to parity would be made much stiffer in order to have a genuinely dissuasive impact”.

Finally, the Head of State emphasized that political parties should “commit to fully accommodating women and men born of immigration in candidacies to local or national elections”.

II. The role of women in social dialogue

A. On industrial relations boards

The Act of 9 May 2001 on professional equality between women and men included a provision aimed at achieving balanced representation of men and women on industrial relations boards. Thus, for the 2002 elections, the goal set envisaged cutting by one third the discrepancy observed between the proportion of women in the electorate and their representation in lists of candidates. In 2004, the Ministry of Labour and the Ministry responsible for parity surveyed the implementation and effectiveness of this provision. It showed that in the 2002 general elections:

Among wage-earners :

- Women accounted for 44 per cent of the electorate (similar to the 1997 share);
- 35 per cent of the candidacies put forward by trade unions were women, in other words 20 per cent less than their share of the electorate;
- 29 per cent of those elected in 2002 were women (up 32 per cent compared with 1997)

Among employers :

- Women accounted for 28 per cent of the electorate (as they did in 1997);

- 21 per cent of the candidacies pertained to women, i.e., 20 per cent less than their share of the electorate;
- 19 per cent of those elected were women (up 27 per cent on 1997)

All together:

Since the December 2002 elections, almost a quarter of the members of industrial relations boards, including both employees and employers, have been women. Thus women's representation on these boards has advanced 31 per cent compared to the previous election. in 1977. Indeed, in 1997, less than one councillor in five was a woman.

If one considers the ratio of candidates registered and the number of those elected, women's advancement was restricted among wage-earners by a distribution of seats by section that was detrimental to women. Thus, in the sections in which numerous women were registered as candidates, there were few seats available.

B. In staff associations

Negotiations for equality between men and women in the professions and in companies needs to be accompanied by enhanced representation of women, especially in staff associations. The Act of 9 May 2001 on professional equality leaves it up to collective bargaining and companies' and trade unions' initiatives to enhance the representation of women in elections of staff representatives and membership of works councils. It is up to the trade unions that so wish to find the ways and means to achieve this objective once a pre-electoral draft agreement has been reached.

The presence of women in workers' representative bodies appears to be more pronounced when the political scope of their mandate is limited: thus, the 32 per cent of women in works councils and individual worker delegations stands in marked contrast to the 28 per cent of women in workers' representative bodies and the 21 per cent of female trade union delegates. Even within works councils, the functions performed by men and women are not the same: while women act as council secretaries in 40 per cent of cases, they mostly do so in small working units, in which there are few or poorly organized resources for actions, trade union support is weak, and no other workers' representative bodies participate. In these councils, the bulk of the work consists of social and cultural activities.

III. The advancement of women in the civil service

Although women accounted for 56 per cent of all State civil servants at end-2003, their share of senior positions was much smaller and growing only slowly (12 per cent in 2000; 13 per cent in 2002; and 14 per cent at end-2003).

To address this situation, in March 2004, the Minister responsible for the civil service attempted to breathe fresh momentum into the provision requiring "long-term plans for improving women's access to positions in senior administration in the civil service". The ministries were asked to draw up a review of the implementation of those plans and to adopt qualitative measures to achieve the objectives they had set themselves. The means employed may vary from studies of parity, information and training sessions for boards of examiners or supervisors, and amendments to statutes, to the development of more transparent procedures for appointments to senior positions.

It would also be advisable, under certain circumstances, to allow greater flexibility in the application of geographical mobility criteria and to assist personnel with their installation arrangements, the search for accommodation, and for a job for their spouse.

Finally, the adoption of time management charts for senior staff enhances the way they organize their work while facilitating a more harmonious relation between their family life and their professional life.

IV. The participation of women in community life

Women are as under-represented in the decision-making process in community associations as they are in companies and in the civil service. Only 14 per cent of the women belonging to a community association form part of the management team, compared with 20 per cent of the men. Only four out of every ten community association leaders are women. Even in associations with more women than men, often the head of the association is a man, except in the case of parents' associations.

In response to this state of affairs, the Government is promoting a more balanced sharing of responsibilities between women and men, while respecting the associations' freedom to choose their own form of organization. Thus:

- Two seminars were organized in 2002, on power- and responsibility-sharing in community associations, and on the harmonization of personal and family life with professional and public life;
- The Permanent Conference of Community Associations (CPCA), which represents 400,000 associations, took part in the signing of the Charter on Equality between Women and Men of March 8, 2004, after approving a provision on commitments to greater access for women to positions of responsibility;
- In 2005, an experimental guide to methodological support for equal access by women and men to positions of responsibility in community associations, in cooperation with the Department of Women's Rights and Equality.

Article 8

(International Representation)

I. Women in French diplomatic and consular posts

There is no legal form of discrimination preventing women from representing their Government at the international level or from participating in the work of international organisations. However, although considerable progress has been made, the proportion of women remains markedly lower than that of men.

In 2001 the Ministry of Foreign Affairs decreed a long-term plan to improve women's access to senior jobs and posts. The plan aimed to achieve a better balance between the posts effectively occupied and the pool of women eligible for senior administrative posts. A new long-term plan is in place for 2004-2007.

Within the French diplomatic service, the proportion of women performing middle-level supervisory functions is growing considerably. Among senior posts, despite progress made in recent years, an imbalance persists between the proportion of women in Paris and those posted abroad: 20 per cent of women hold positions of

responsibility in central administration, including 3 directors, one of whom is responsible for “International Organizations in the United Nations system,” and several deputy director political positions (especially the “Asia” and European Cooperation” departments).

In addition, the French Government has just appointed a woman Ambassador “responsible for social and parity issues in international relations.” This appointment illustrates France’s commitment to the promotion of women’s rights worldwide.

10.2 per cent of women are in positions of responsibility abroad: 19 of them are Ambassadors (out of a total 186 ambassador and permanent representative positions). However, none of them is an ambassador in a major capital or a permanent representative in any of the more important international organizations. Ten women are consuls general or consuls (out of 96 posts).

There are still few women heads of mission with international organisations (3 out of 26 posts). However, the proportion of women is greater at intermediate levels (commissions, independent experts on treaty committees, subsidiary organs of the Economic and Social Council). At the United Nations, the number of senior positions held by women exceeds that for men (175 women and 157 men).

In the North Atlantic Treaty Organization’s international secretariat, 37 per cent of the senior positions held by French international civil servants are held by women. France’s deputy permanent representative to NATO is also a woman.

II. International action to promote women’s rights and equality between the sexes

International actions undertaken by France are fully in line with the reaffirmation of the commitments of the Fourth World Conference on Women (Beijing 1995), the United Nations Millennium Declaration, and the September 2005 World Summit Outcome.

A. The creation of a network called “Gender in Action”

France considers that the investment in reducing inequalities between men and women and in the empowerment of women is essential to improve the economic, social, and political situation of developing countries with a view to bringing about effective and sustainable development. That is why the French Ministry of Foreign Affairs is bent on strengthening gender mainstreaming in the preparation, execution, and evaluation of development projects.

With that in mind, this Ministry supports the activities of a network called “Gender in Action” and the <http://genreaction.net> website. The network aims to:

- Provide a scientific “watch” for updating information on the subject of “gender and development” and devising the training courses needed to boost gender mainstreaming in development policies and actions;
- Respond to specific demands for expertise;
- Promote the French approach in international circles.

Supported by the *Centre d'Etudes sur l'Afrique Noire* (CEAN), based in Bordeaux, this network links development researchers⁹, agencies¹⁰ and practitioners.¹¹ Its activities are supported by grants to the associations working on women's rights and development and to CEAN.

B. Intense cooperation with the United Nations to strengthen women's rights and equality between the sexes

Defence of the achievements of the World Conferences of the past decade not only on women rights (Beijing 1995, New York 2000), but also population and development (Cairo 1994), children's rights (New York 2001), and on efforts to combat AIDS (New York 2000) is a constant concern of France, expressed in its intense cooperation with United Nations bodies.

1. Enhanced cooperation with the United Nations Population Fund (UNFPA) and support for sexual and reproductive health-related activities. This first took the form of scientific exchanges, aimed at helping developing countries acquire demographic tools and statistical databases. In particular, French cooperation finances a "Population" network operated by the "*Centre français sur les études en matière de population et de développement*" (C.E.P.E.D.), the main purpose of which is to coordinate research and activities related to demographic issues in partnership with research institutes in Southern countries.

This cooperation took on a new dimension with the signing of an agreement between UNFPA and the French Government in September 1999. In 2002-2003, two joint projects were conducted on implementation of the Cairo Programme of Action in Madagascar and Côte d'Ivoire.

In addition, a project was carried out in the Marrakesh region of Morocco on hearing and supporting women victims of violence.

Finally, it should be pointed out that France has been increasing its voluntary contribution to UNFPA since 2003.

At the same time, France has financed a bilateral project, known as AQUASOU (the French acronym corresponding to "Improving the Quality and Accessibility of Emergency Obstetrical Care"). This project aims to strengthen the African Gynaecological and Obstetrical Society and to improve maternal health care.

2. Partnership with the United Nations Development Fund for Women (UNIFEM) finances projects in the Maghreb and Machrek.¹² In particular, a three-year project aimed at strengthening women's and family rights is financed under this partnership. France also supports projects and programs designed to enhance the economic and social situation of women (girls' education, micro-credit, and social protection).

⁹ From the *Centre d'études sur l'Afrique noire*; the French National Centre for Scientific Research (CNRS); the National Institute for Demographic Studies (INED); the National School of Statistics and Applied Economics (ENSEA) in Abidjan; and from the Institute of Political Studies.

¹⁰ The World Bank; the French Development Agency, and numerous associations.

¹¹ The Swiss Cooperation Agency; the Development Assistance Committee of the Organization for Economic Co-operation and Development; private consultants, etc.

¹² Tunisia, Algeria, Morocco; the Palestinian territories, Jordan, and Lebanon.

3. Contribution to a United Nations study on violence against women. France is among the main contributors financing a study on violence against women, commissioned by the United Nations General Assembly. This study will present a statistical review of violence against women, analyse its causes and consequences, and put forward recommendations for preventing and combating it in its various manifestations. This study is due to be submitted to the General Assembly in the autumn of 2006.

In preparation for this study, last April France organized in Paris, in partnership with the United Nations and the Organization for Security and Co-operation in Europe (OSCE), an international colloquium to reflect on violence against women, which gave rise to a number of concrete proposals.

4. A motion brought before the Security Council on children - especially girls - in armed conflicts

French diplomacy has played a very active part in opposing the recruitment of children in armed conflicts. Thus, France has encouraged the adoption of a series of Security Council resolutions to strengthen international efforts to obtain the demobilisation of child soldiers and their re-integration into society. It chairs (for a period of one year) the Security Council's working group on children in armed conflicts, which should make it possible to draw up a mechanism for publicly condemning those responsible for recruiting child soldiers (an initiative being pursued in close partnership with the United Nations Children's Fund). In February 2003, France ratified the Optional Protocol to the United Nations Convention on the Rights of the Child regarding the involvement of children in armed conflict and it has supported the adoption of a European plan of action in this area. In addition, France is financing a study on girls in armed conflicts, who are also recruited and are the principal victims of the acts of violence associated with such conflicts.

5. Cooperation with the United Nations Children's Fund (UNICEF) on the education and rights of girls

France is one of the principal contributors to UNICEF and a member of its Executive Board. It fully agrees with its top five organizational priorities, as set forth in its medium-term strategic plan: preventing and fighting HIV/AIDS; immunization "plus"; girls' education; integrated early childhood development; and improved protection of children from violence, exploitation, abuse, and discrimination. Apart from its joint work with UNICEF on children in armed conflicts, it supports the Fund's efforts to advance girls' education in developing countries. For instance, in Afghanistan, in 2002, France helped organize, in a matter of weeks, the return to school of over three million children, including one million girls.

6. France is also involved in a program with the International Labour Organization aimed at enhancing social protection for women working in the informal sector in Burkina Faso, Ethiopia, and Vietnam.

Article 9

(Nationality)

There have been no changes to point out since the last report was submitted.

Under French law, the principle of equality between men and women applies to the acquisition, loss, and retention of French nationality.

Article 10

(Education)

The promotion of equal opportunities for girls and boys and men and women is a national priority. This has been reflected since February 2000 in an inter-ministerial agreement signed by the Ministry of Education, Research, and Technology, the Ministry of Agriculture, the Ministry of Employment, the Ministry responsible for parity, the Ministry for Transportation and other Infrastructure Facilities, the Ministry for Culture and the Ministry of Justice. The agreement establishes objectives requiring regular follow-up. The actions pursued have three main focuses:

- Improving the educational and professional orientation of girls and boys and adapting initial training to job prospects;
- Strengthening mechanisms for promoting equality and training educators; and
- Promoting education based on mutual respect of both sexes.

I. Improving the educational and professional orientation of girls and boys and adapting initial training to job prospects, by encouraging young women to take up scientific and technical subjects

The diversification of girls' and young women's educational and career options is an essential lever for improving the professional entry of women into the labour market and achieving more balanced participation of women and men in economic life.

The idea is to reach a stage at which educational and professional orientation is no longer tied to a pupil's sex or the aptitudes associated with boys or girls in traditional social stereotypes and, instead, is genuinely determined by the pupil's aspirations and abilities. That requires ensuring that information is available, throughout students' school careers, about employment sectors, professions, and the employment situation, especially in key areas traditionally reserved for boys.

To that end, the Ministry of Education has embarked, in particular, on two campaigns: one, to expand access to professional education, and, the other, to encourage young women's access to scientific and technological courses. It has also just set itself a target for increasing the proportion of women completing scientific and technical programmes from 37.5 per cent in 2004 to 45 per cent by 2010.

Every year, the Directorate of Higher Education gathers statistics broken down by sex, university, subject and cycle for students, teachers, and administrative personnel, together with data on the proportion of women in positions of responsibility in these institutions.

The Ministry for Research has embarked on a series of measures designed to improve the information and guidance available to young women regarding advanced studies in science and to direct them toward corporate research openings. A framework cooperation agreement has been signed with the Ministry responsible for parity and the National Centre for Scientific Research aimed at stepping up

efforts to achieve parity and expand women's participation in scientific areas, especially in the regions.

The Ministry of Agriculture has launched a long-term programme aimed at promoting equality in various agricultural training departments.

Every year, since 1991, the Department of Women's Rights and Equality has been awarding scientific and technical prizes, worth 800 euros each, to 600 young women who have chosen to follow scientific and technical careers, which traditionally few women have pursued.

The Ministry for Research and Higher Education awards an annual "Irène Joliot-Curie" prize aimed at promoting women's involvement in science.

An inter-ministerial colloquium on women and information and communication technologies (ICTs) was held in Paris in December 2005. Its goal was to identify the levers to be moved to promote women's access to these cutting edge professions linked to science and technology. Recommendations in this regard were put to institutional decision-makers, educators and counsellors, and to ICT professionals, especially with respect to dissemination of information about ICT professions, as a means of dispelling the biased images and stereotypes associated with them. The importance of "digital fora" (*espaces publics numériques*) for initiating and training women in ICTs is also underscored. The Ministry for Higher Education and Research and the Ministry responsible for parity, which financed the organization of this colloquium, will be sure to analyze and, where appropriate, implement these recommendations.

The inter-professional national agreement of 1 March 2004 on mixing of the sexes and professional equality urges the various professions to further discussion of the image and social perception of professions in which there is a marked imbalance between men and women and to inform teachers, pupils, and families, in order to guide their choice of career, by letting them know which professions are too exclusively practiced by women or men.

II Strengthening mechanisms for enhancing equality and training educators

Teacher training in equality is essential because teaching staff unconsciously help reproduce social models through communication in the classroom and in the evaluation of pupils.

According to a recent survey by the Ministry of Education, two-thirds of the country's Teacher Training Institutes (IUFM) offer future educators courses on equality and mixing of the sexes. It would now be advisable to make such training mandatory. The National Agricultural Training School (equivalent to the IUFM) already has a module for raising awareness of the gender perspective.

Teaching aids - schoolbooks, in particular, in which stereotypes persist - need to evolve over time. These textbooks are drafted and published by private sector publishers, who must be encouraged to set identification models for girls that keep pace with the changes in the status of women.

III. Promoting education based on mutual respect of both sexes, including efforts to combat discrimination and violence

Practices have recently been observed that clearly contravene observance of the basic rights of women and girls, such as partial or skipped schooling, confinement to the family home, moral, and sometimes even physical, pressure, and denial of equality between the sexes.

Faced with these worrying developments, the Act of 15 March 2004 reaffirmed the principle of secularism by banning in elementary, middle, and high schools “the wearing of signs or dress through which pupils ostensibly indicate what religion they profess.” The principle of secularism reaffirmed in this Act, combined with the obligation to attend all class, protects the autonomy of the individual by enabling each pupil to forge her or his identity as a citizen of the Republic free to choose his or her own philosophy. School is actually a key factor in learning to exercise freedom, respect for dignity, equality - including that between the sexes - and mixing of the sexes in the public arena.

Education with respect to the mixing of and equality between women and men therefore presupposes reflection in school curricula on the roles of men and women in society. This issue of equality of the sexes is still insufficiently addressed in school curricula. It is, however, built into the sex education classes provided at secondary schools. Two guidelines on the subject have been issued by the Ministry of National Education. The role of women in political and social life is also addressed in the last year of college civic education classes.

Further steps are being taken to promote respect between the sexes. The contents of such measures vary according to the age of the pupils: cartoons, stories, pictures for colouring-in, for the youngest; role games, text analysis, and critiques of advertising, for the adolescents.

Implementation of the Agreement of 25 February 2000 contributed to the establishment and consolidation of ministerial networks to promote equality at both the national and local level, where numerous actions have also been undertaken.

Thus, the ministries signing this agreement have decided to renew and step up actions to promote equality between the sexes within the educational system. A new agreement was to be signed in first quarter 2006.

Article 11

(Employment)

I. Women in the workplace: still fragile gains in redressing the balance in favour of women

As regards professional equality, no straightforward conclusions can be drawn and the whole story of women’s progress toward equality in the workplace is fraught with intermittent periods of stagnation and regression. In effect, although there have indeed been advances for women in the workplace, there are still glaring inequalities.

The share of women in the workforce has increased considerably over the past 30 years. In 1965, they numbered 6.6 million. Today that number has increased to 12.6 million: an increase in the employment rate to 63.8 per cent in 2004.

Between 2000 and 2004, the share of women in the economically active population rose by 0.6 of a percentage point (46.2 percent) However, the larger

share of women in employment has also brought with it both access by a certain number of women to highly skilled professions and increased concentration of female employment in a small number of less prestigious professions, in which, traditionally, women have predominated. On the one hand, they are more exposed to the risk of unemployment and job instability; and, on the other, their job opportunities are less diversified than those of men.

A. Ongoing inequalities

1. Female unemployment rate

The economic turnaround of mid-2001 helped reduce by one third the gap between the male and the female unemployment rate, by more sharply exacerbating the unemployment rate for men. Nevertheless, women are still over-represented among job-seekers in relation to their share of the economically active population. Thus, in March 2005, they represented 47.5 per cent of immediately available job-seekers looking for a full-time job of indeterminate duration and 52.5 per cent of immediately available job-seekers regardless of the type of employment sought.

Monthly unemployment rate (men/women) as defined by the ILO

	<i>April 01</i>	<i>April 02</i>	<i>April 03</i>	<i>April 04</i>	<i>April 05</i>
Overall	8.6	8.9	9.7	10.0	10.2
Women	10.4	10.1	10.9	11.1	11.2
Men	7.1	7.9	8.7	9.0	9.3
Difference (M:W)	3.3	2.2	2.2	2.1	1.9

Source : INSEE.

2. Refresher training

Access to professional training depends on the sector, whether public or private, on social and occupational category, on the size of the enterprise, on time worked (full, part, etc), and on gender. Women working in the private sector have less access than men to refresher training (20 per cent compared with 23 per cent). The same is true of the public sector, although the rates of access to refresher training are higher (31 per cent compared with 33 per cent).

In employee and worker categories (those with least access to training), the differences are to the detriment of women. The opposite is true for senior staff and intermediary professions. Access to training increases with the size of the enterprise and the differences in favour of women in enterprises with fewer than 100 wage earners revert in favour of men in enterprises with over 100 wage earners (where the rate of access to training is greatest). Finally, part-time employment continues to be a disadvantage as far as access to refresher training is concerned.

The social partners reached an inter-professional agreement in September 2003, which was built into the Act of 4 March 2004 on life-long professional training and social dialogue. This instrument amends the manners in which wage earners can accede to training and redefines the link between professional training and hours worked. Two new provisions on access to training have been established: the individual right to training and the professionalisation period. Several provisions of this Act concern women and equality of access to professional training. Some have to do with access to professional training after maternity or parental leave,

others are broader in scope. Thus a paragraph has been added to the Article in the Labour Code defining the scope of professional training to specify that one of its purposes is also to allow the return to work of people who interrupted their professional careers to look after their children or a dependent spouse or parent.

Furthermore, in the framework of three-year sectoral talks on the priorities, objectives, and resources for professional training, the idea is now to set a target for increasing women's access to the various training mechanisms and to establish the ways in which this target will be met.

3. *Wage discrepancies*

The average discrepancy between women's and men's wages has stabilised. The average wages of women working full time and part time in 1998 were 25 per cent below those of men.¹³

In 2003, calculated in relation to the median wage, this discrepancy was 21 per cent.¹⁴ It includes the effect of part time work, which is more frequent among women. Thus, if only full-time work is taken into account, the median discrepancy falls to 11 per cent.¹⁵ Overall, there has been little change in these discrepancies over the past seven years.

Other sources permit a comparison of average, rather than median, wages of private and semi-public sector wage earners, on the one hand, and those paid in the civil service, on the other. The wage discrepancy between men and women is shown to be slighter in the public sector in which the average wage for women, in 2003, was 14.2 per cent lower than that of men, while in the private and semi-public sector it was on average 19.2 percent lower. However, regardless of sector, the difference is most marked among executives.

Wage discrepancies between women and men in the private and semi-public sector and in the State civil service, in 2003 (ratio of average wages, by sex, in percentages)

<i>Social and occupational category</i>	<i>Private and semi-public sector (1)</i>	<i>State civil service (2)</i>
Executives	-22.5	-18.2
Intermediary professions	-11.8	-6.9
Employees	-5.1	
Manual workers	-16.9	-14.1
Total	-19.2	-14.2

(1) Field: annual average gross wages, in current euros, of full-time wage earners in the private and semi-public sector.

Source: INSEE, *Déclarations annuelles des données sociales (DADS)*, final figures for 2002, preliminary for 2003.

¹³ *Emploi et salaires: les inégalités entre les hommes et les femmes en mars 1998, Premières synthèses*, Statistical and Research Department of the Ministry of Labour (DARES), No. 32.2, 1999.

¹⁴ The median wage is that dividing wage earners into two equal groups: 50 per cent earning less, 50 per cent more.

¹⁵ Source: INSEE, *Emploi en continu* 2003 survey, DARES estimates.

- (2) Field: annual average wages net of deductions, for all civilian ministries.

Source: Fiche de paie des agents de l'Etat de 2003 semi définitif, processed by INSEE.

4. *The concentration of women in a restricted group of professions*

Jobs are still strongly sex-based, according to both professional sector and social and occupational category. Most women are wage-earners (91.9 per cent of women compared with 85.8 per cent of men) and they are more likely than men to work in the public sector (28.2 per cent compared with 16.2 per cent). Women's jobs are still concentrated in the tertiary sector. Industry and construction remain male strongholds. Nearly half of women are employees, while over one third of men are manual workers. Two-thirds of executive posts in the private sector are held by men and fewer than two managers in ten are women.

Thus, to open up jobs for women, the Minister responsible for parity has proposed that employers' organizations and trade unions try out some innovative ways of integrating women in the various professions in which they are still under-represented. The idea is also to develop training programs that encourage mixing the sexes and promoting equality between women and men in courses run by the social partners.

B. New inequalities: the development of atypical forms of work and insecurity factors

1. *Employment conditions: employment for numerous women involves fixed-term contracts, part-time work, and unskilled labour*

Professional integration is also reflected in the job status of women on the labour market, which will determine whether or not they will remain employed. During the 1990s the increase in the number of active women was accompanied by marked changes in the workplace, especially a considerable expansion of temporary work, fixed-term contracts, part-time work, and unskilled labour, above all in commerce, the hotel and restaurant business, and personal and domestic services, in which there was particularly strong growth of part-time work and fixed-term contracts. In 2002, more women than men (12 per cent compared with 9 per cent) were employed under special status contracts (fixed-term, temporary, apprenticeship, government-subsidised). The gap between men and women had narrowed by the end of the 1990s, but it has widened again since 2001.

Moreover, part-time work is a very common feature of female employment. that has expanded substantially in the past two decades and will continue to do so given the growing demand for services, especially personal services, an area traditionally occupied by women. Women work part-time five times more often than men do and 30 per cent of employed women work part-time. In addition, four times more women than men are under-employed, that is to say they work part-time, but would like to work more.

Part-time work is a source of inequalities between women and men: it slows down their career and means that they earn less now and will have a lower pension when they retire. It also leads to differentiation among women. When imposed by employers, part-time work is indeed associated with unskilled labour and less stable working conditions. This lack of job stability is conducive to more precarious and less favourable living conditions.

In an effort to improve part-time wage-earners' working conditions, especially for women obliged to work part-time, the Minister responsible for parity has begun discussing the matter with the social partners (especially with the professional federations of the sectors most involved: commerce and wholesale distribution, security services, and the hotel and restaurant business). The idea is to induce negotiations regarding part-time work and to promote better practices with respect to organization of work, working hours, professional advancement and training, child care, and transportation.

2. *Downgrading upon appointment: a process of refusal to recognise women's educational qualifications that adds to the precariousness of female employment.*

While they are often under-employed, women are also overqualified for the jobs they perform. Indeed, increased schooling for women has widened the discrepancy between the degrees they obtain and the qualifications needed for the jobs they perform. Possessing a vocational training certificate is a more effective tool for preventing deskilling for men than for women. Not only are women to be found en masse in unskilled positions; they are also kept in those posts. Indeed, the social and vocational categories in which women predominate (childminders, hospital workers, ancillary staff in the civil service) are those offering the fewest opportunities for progression to a skilled labour position.

However, given the qualifications that women have in fact acquired, they represent a pool of skills and source of wealth that is under-utilized by the economy, instead of being tapped to manage labour shortages, provide the variety of skills companies need and improve working conditions. Consequently, there is an undeniable link between economic growth and professional equality. They interact with one another and affect other social spheres. Thus, professional equality is not just a principle; it is also an urgent requirement for society as a whole. The Government and the social partners have taken numerous steps to respond to that urgent need.

II. Employment policy in favour of women

A. Actions taken by the Government Employment Department

The participation of the Department of Women's Rights and Equality (SDFE) in the Government Employment Department (SPE), which comprises the State Employment and Vocational Training Agency (DGEFP), the National Job Agency (ANPE), and the National Association for Adult Vocational Training (AFPA), has facilitated the gradual introduction of gender equality concerns in actions aimed at increasing employment. Thus, since 2004, reducing long-term unemployment for women (by 5 per cent a year) has been one of SPE's priorities.

B. The social solidarity plan

The social solidarity plan presented by the Government in July 2004 and embodied in an Act of January 2005 includes a programme specifically aimed at advancing equality between men and women. It establishes that:

- Professional sector agreements may establish the terms on which full pay is contemplated for wage earners whose work contract is suspended during parental full-time education leave;

- During the period in which a work contract is suspended in connection with parental leave, the individual right to 20 hours of training per year shall continue to be capitalized.

The programme also envisages recourse to “future work contracts” (work contracts secured with Government financial backing) for women entitled to basic welfare benefits (especially the lone-parent allowance).

Finally, this Act of January 2005 strengthens measures to assist young people in difficulty to find sustainable employment:

- The “*contrat d’insertion dans la vie sociale*” (integration into social life contract) (CIVIS) helps young parents especially, and, in particular young single mothers, to overcome their difficulties;
- The “vocation platforms” put in place by the National Job Agency (ANPE) help girls and boys to broaden their career options.

C. An agreement between the National Job Agency (ANPE) and the Ministry responsible for parity (Department of Women’s Rights and Equality)

To promote women’s access to the labour market and guarantee them quality jobs, a framework agreement between the National Job Agency and the Department of Women’s Rights was signed in January 2005.

D. A project called ESPERE (*Engagement du Service Public de l’Emploi pour Restaurer l’Egalité* (Commitment by the Government Employment Department to Restore Equality))

This project aims to combat accumulated discrimination based on sex and ethnic origin.

III. Professional equality as the heart of social dialogue

On 1 March 2004 the social partners reached an inter-professional national agreement on professional equality and mixing of sexes. This agreement includes incentives for professional branches and enterprises to take steps:

- To encourage diversification of the professional options considered by girls;
- To promote mixing of sexes in the professions;
To ensure equal access to employment for women and men;
- To improve women’s access to continuing professional education;
- To facilitate the advancement and mobility of women in the labour market;
- To ensure effective application of the principle of equal wages for women and men.

IV. A draft law on equal wages for women and men

This bill, currently being debated in Parliament, reflects a voluntaristic policy of the French Government. It pursues four objectives:

The first objective is to eliminate remuneration discrepancies between women and men within five years, on the basis of negotiations in the professions and in enterprises.

In the various professions, a target for eliminating these discrepancies by 2010 has to be agreed on in the mandatory negotiations. Should no talks have got under way within a year of publication of the Act, a representative trade union may demand that negotiations commence immediately. Should no agreement be reached, the joint parity commission, composed of equal numbers of representatives of employers and wage earners, would be convened at the initiative of the Labour Minister. Furthermore, a sectoral collective bargaining agreement lacking a provision on the elimination of these discrepancies could not be extended to other sectors. Negotiations should also be conducted within enterprises. Agreements on effective wages may not be lodged with the competent departments unless they are accompanied by the minutes of negotiations regarding equal wages.

A national conference on equal wages will produce a progress report on implementation of the Act. If need be, the Government will then submit a draft Act establishing a levy, based on payroll, on enterprises that have not begun talks on the matter.

The second objective is to reconcile employment and parenting.

Maternity or adoption leave, which often gives rise to delays in wage increases and promotion within enterprises, is addressed in Article 1 of the draft Act. The provision aims to neutralise the financial impact of leave of absence. The (female or male) wage earner concerned may rightfully claim any across-the-board increases in wages granted by the enterprise in her or his absence, as well as the average of individual pay increases granted in his or her absence to wage earners in the same category.

In addition, an increase of at least 10 per cent of the training allowance shall be allocated to a wage earner incurring extra childcare expenses in order to take part in a training course outside office hours.

The third objective concerns women's access to deliberative and jurisdictional bodies.

The idea here is to secure more balanced representation of women and men on the boards of directors of public enterprises and in works councils.

The fourth objective regards young women's access to apprenticeships and professional training.

V. An equality label

To support these moves, on 28 June 2004 the Minister responsible for parity established an equality label or hallmark for enterprises, together with a guide to the good practices they would need to implement this initiative. This label testifies to the promotion of a mixing of the sexes and professional equality in human resource management and in the way the firm's activity or output is organized. The credentials of a candidate for the label are examined by an accreditation body, based on 18 criteria in three main areas:

- Actions undertaken in the enterprise to advance professional equality;

- Human resources recruitment and management; and
- The consideration given to parenting in the case of executive staff.

The decision on whether or not an enterprise qualifies for the equality label is taken by a commission composed of the social partners and Government representatives. Awarded for a three-year period, the label is subject to a mid-term review after 18 months aimed at verifying that the label-holder continues to meet the required criteria.

Between June 2004 and November 2005, the label was awarded to 17 enterprises (employing 102,038 wage earners).¹⁶

In addition to being an excellent instrument of emulation among enterprises and of encouragement of exemplary practices, the label is also an instrument of progress, testifying to the ongoing commitment to professional equality of the agency awarded it. To expedite its development, the Minister responsible for parity wants to tailor the specifications so that the label can also be awarded to small and medium-sizes enterprises, that have no trade union representative. This label is also in itself a good practice promoted by France in the framework of its exchanges with other member states of the European Union.

VI. Harmonization of personal, family, and working life

A. Paternity leave

This 11-day paternity leave benefit following the birth or adoption of a child is remunerated on the same terms as maternity leave. Up to the social security ceiling (gross salary of 2,352 euros), net salary is practically maintained. In 2003, as in 2004, almost two-thirds of eligible fathers made use of this leave. That includes wage-earners, the self-employed and farmers. Altogether, 369,000 fathers took paternity leave in 2004 for an average of 10.8 days. When it was established, it was expected that 40 per cent of fathers would access this benefit.

B. Progress made at the Conference on the Family of June 2003

1. Child allowance (PAJE)

This allowance was established by the social security financing law for 2004 with a view to simplifying. In refocusing on allowances for young children, the new arrangements constitute a two-stage mechanism comprising, on the one hand, a premium disbursed when the child is born or adopted along with a basic allowance (both means-test related and, on the other, supplements that depend on the parents' choices:

- Either the "free choice of child care supplement" for parents who employ a licensed childminder or a live-in help to look after their children;

¹⁶ Peugeot-Citroën, Eads France, Airbus Centre, Airbus France, Eurocopter, Matra Electronique, Eads Space Transportation, Sagep, Barbin (an insurance company), Services funéraires de la Ville de Paris, the communications agency BETC, EURO RSCG, the consumer credit company Cetelem, the Deloitte audit firm, the insurance brokerage firm Dexia, Eads (design and manufacturing of satellite systems), the mobile telephone company Orange France, and Wim Bosman (transportation/logistics).

- Or the “free choice of activity” supplement, when one of the parents does not practise a profession or does so part-time in order to look after a child; this parental leave allowance may be used until the child is three years old in the case of a second (or additional) child.

The innovation introduced at the 2003 Conference on the Family was the decision to establish a “free choice of activity” supplement, from the first child on, authorizing the parent who so wishes not to practice a professional activity or to do so part-time from the birth or arrival of the child (or after maternity or paternity leave) and for a period of six months. In June 2004, almost 400,000 families were receiving PAJE. The means-test ceilings to qualify for these benefits were set higher than under the previous arrangements. According to estimates of the National Family Allowance Fund (CNAF), the higher ceilings probably induced an approximately 15 per cent increase in the number of eligible families. That same year (2004), 20,000 families had opted for “free choice of child care” and 55,000 families benefited from the “free choice of activity” supplement.

The 2005 Conference on the Family decided to establish a shorter and better remunerated optional parental leave facility from the time of the birth of a third child. Depending on the results of implementation of this measure, this right could be extended to include benefits as of the birth of a second child.

2. *Day-nursery (“crèches”) plans*

At the 2005 Conference on the Family, the Prime Minister announced the establishment of 15,000 new day-nursery vacancies, in addition to the 26,000 already established since 2002 and the 31,000 scheduled to become available between now and 2008, bringing the total to 72,000.

3. *Measures on behalf of childminders*

There are an estimated 387,000 licensed childminders.

They now benefit from a national collective bargaining agreement, in effect since 1 January 2005. This agreement contains improvements in respect of leave, working hours, wages, and unfitness and disability allowances. It establishes a commission to determine the rules governing exercise of the right to ongoing vocational training, which was extended to childminders under the Act of 4 May 2004 (and financed entirely by the employer, via a tax equivalent to 0.15 per cent of the payroll).

In addition, the Act of 27 June 2005 on childminders (*assistants maternels*) and family care officers (*assistants familiaux*) aims to improve the quality of a form of childcare that today affects 750,000 young children entrusted by their parents to temporary childminders (hereinafter “childminders”) and 65,000 children in serious difficulties entrusted by child protection services to permanent family care officers (hereinafter “family care officers”). The two main goals pursued in this Act are to improve these professionals’ qualifications and working conditions and to differentiate more clearly between the two professions.

4. *The introduction of a “family tax credit” for enterprises*

Since the 2004 Finance Act, an incentive known as the “family tax credit” allows enterprises to deduct from income tax 25 per cent of the expenses incurred to

facilitate the harmonization of working life and family life. This amount is capped at 500,000 euros per year and per enterprise. Eligible expenses are:

- Outlays to finance the establishment and operation of day-nurseries and playgroups for the children under three years of age of the company's employees;
- Disbursements by the company to public or private law agencies running a day-nursery or playgroup in return for reserving "cradles";
- Training expenses incurred on behalf of company employees on parental education leave;
- Expenses associated with wage supplements granted by the enterprise for employees on maternity, paternity, or parental leave as well as expenses related to the cost of compensation for leave taken to look after a sick child;
- Expenses involved in compensating company employees who have had to incur exceptional child care costs following an unexpected professional obligation outside usual working hours.

**C. Caring for dependents and the restructuring of personal services
(*services à la personne*)**

Harmonization of working life and private life also entails family care of dependents. In order to share families', and especially women's, responsibilities, the Act of 20 July 2001 on responding to elderly people's loss of autonomy and on the personalized autonomy allowance (APA) seeks to address the needs of the dependent elderly and to modernise home help. This allowance can finance the services of one or several persons helping the beneficiary to perform routine chores. In 2004, 865,000 people received the APA (a 9.2 per cent increase over the number for 2003), that is to say, 172 out of every 1,000 inhabitants aged 75 or more.

The Act on the development of personal services of 26 July 2005 provides for the establishment, as of 1 January 2006, of a "universal service cheque" (CSU). This new instrument aims to expand the scope of services offered, to combine the functions of the current "service employment cheques" (*chèques emploi service*) and "services employment instrument": (*titre emploi services*), and to ratify the principle of co-financing of personal services by various sources: companies and works councils, social protection agencies, mutual insurance companies, insurance companies, retirement funds, and department councils. If they so wish, enterprises may broaden the universal service cheque to include financing of a particular form of care.

**D. Incorporating discussion of co-parenthood and harmonization of
working and family life in the social dialogue**

An Article in the inter-professional national agreement on equality between women and men states that "enterprises and/or professional associations will take particular care to ensure that any working hours arrangements made to facilitate the harmonization of working and family life shall not be detrimental to a person's career." It encourages enterprises to develop innovative solutions in human resource services. (joint actions with works councils, partnerships with local authorities, etc.).

Article 12

(Health)

I. The life expectancy of women

In France, women's health is, generally speaking, satisfactory, as indicated by the ongoing increase in their life expectancy at birth, which was 83.8 years in 2004, second only to that of Japanese women (84.5 years).

The idea is to embark on a detailed analysis of women's health in order to optimise efforts to counter core risks to the overall trend toward longer life expectancy. Major efforts are also underway to lower the morbidity rate.

II. Specific attention to women's health issues in public health policy

The Act of 9 August 2004 on public health policy establishes the State's responsibility for determining long-term public health improvement targets and defines the strategic approaches to be pursued in areas regarded as priorities. The report attached to that Act describes the principles underlying public health policy, including the "parity" principle, according to which "the determination of objectives and drafting of strategic plans must systematically take into account the specific health needs of men and those of women. The 100 objectives included in that report refer to health improvements that can be attained with the knowledge and technology already available. These objectives have been quantified and can be reached over the next five years. Twelve of these 100 objectives are gender-specific, and nine out of the 12 refer to exclusively female pathologies.

III. Actions undertaken to improve women's health

A. Women and tobacco

1. Statistical data

Declared tobacco addiction trends, by sex (aged 12-75 years, 1999 population)

	1999 per cent	2004 per cent
Total	33.2	29.9
Men	36.6	33.4
Women	29.9	26.6

The continuous increase in cigarette consumption by women, observed since the end of the 1960s, has stopped. In 2003 and 2004, it actually declined. Thus, the tobacco addiction rate fell by 11 per cent between 1999 and 2004.

Tobacco addiction trends among women, by age group (percentage of the 1999 population)

2005 data from the *Institut national de prevention et d'éducation pour la Santé (INPES)*

2. Recent actions

In addition to the “stop smoking” help line, the *Institut national de prevention et d'éducation pour la Santé (INPES)*, now overseen by the Ministry of Health, posted an Internet site dedicated to combating tobacco smoking on the occasion of the World No-Tobacco Day, May 31 2005. An on-line campaign was organized to coincide with the launching of the web page. From 31 May to 19 June 2005, advertising spots taken from health sites, news programs, and special programs for pregnant women were posted on www.tabac-info-service.fr.

An experimental programme providing free nicotine substitutes to vulnerable groups got under way at the beginning of 2005. Run by the National Employees' Health Insurance Fund (*Caisse nationale d'assurance maladie des travailleurs salariés -CNAMTS*), this experiment addresses adults benefiting from supplementary universal health coverage in three pilot regions.

Since 2004, all France's *départements* have had a hospital consultation facility for smokers.

To encourage health professionals to inform their patients about the dangers of smoking and alcohol, pharmacists, doctors, hospitals. And local associations are sent a special kit, which consists of:

- A small poster saying "9 months – 0 alcohol / 0 tobacco," designed to encourage pregnant women to face the issue of tobacco and alcohol.
- Two leaflets designed to help professionals address the problem of alcohol and tobacco by providing concrete answers to questions that might be posed by their patients;
- Cards with information regarding the Tobacco Information Service (Tabac Info Service).

B. Cancers specific to women

The breast cancer screening programme is widespread and effective. The goal is to reach 7.5 million French women between the ages of 50 and 74 by ensuring optimum access and safety.

Studies are under way of the conditions required for implementing cervical and uterine cancer screening. Eventually, this programme will reach 14 million women aged 25 to 65, focusing primarily on women in vulnerable groups that do not usually resort to this type of screening.

C. Contraception

1. The situation in France

French statistics on contraception are paradoxical: despite the massive dissemination of information regarding contraceptive methods in the past 30 years, the number of undesired pregnancies is still high. According to the most recent data, almost one-third of all pregnancies are unexpected; of them, half end in voluntary termination. A considerable number of these pregnancies occur in women who report using a contraceptive method. These data reflect certain difficulties women encounter with daily and long-term medicalised contraception. Women attribute the "failure" to incorrect use of the method or to a problem that occurred during use of it: forgetting to take the pill, a broken condom, or a failure of natural methods. They are also helpless when an accident with the method occurs because, for lack of information, they do not know what to do. So it is not so much that women lack access to contraception. Rather, the problem lies in the discrepancy between the - theoretically highly effective - contraceptive methods prescribed for the, and their day-to-day living conditions.

The provisions governing the availability of emergency contraception is also reviewed each year. The latest (CNAMTS) statistics on minors' access to emergency contraception between 1 September 2003 and 31 August 2004 show an increase of 32.54 per cent over 2002-2003. The percentage of emergency contraception delivered and reimbursed for adults, on the other hand, remained stable in 2002, 2003, and 2004.

2. Actions undertaken

a) Recommendations regarding clinical practices on “strategies with respect to a woman’s choice of contraceptive” were published by the Ministry of Health in 2004. They were directed at all prescribers (general practitioners, gynaecologists, obstetricians, and endocrinologists) as well as at those responsible for medical school training programmes and midwives.

b) A brochure entitled “Contraception: Guidelines for an Appropriate Prescription (*Contraception: pour une prescription adaptée*)” was distributed to the professionals concerned (including pharmacists).

c) A regularly updated briefing file on contraception and voluntary termination of pregnancy (IVG) has been posted on the Health Ministry’s web site. It presents all the methods currently available and provides the addresses of services providing access to information or to contraceptive methods.

d) A million copies of the brochure called “Emergency Contraception: the Morning-After Pill,” which is handed out together with emergency contraception, were distributed at the main health insurance and pharmacists counters. A reprint and a special edition tailored to the specific needs of overseas departments have been produced.

e) An information card (in credit card format), has been distributed to local entities frequented by young people

f) A programme called “Contraception, sexuality, vulnerability” was run by the “*Mouvement français pour le planning familial*”, with financial support from the Ministry of Health. Over a three-year period, (2003-2005), this program aimed to improve information regarding access to contraception for women in vulnerable circumstances and women born of immigration.

D. Voluntary termination of pregnancy (IVG)

1. Improved monitoring of IVG

Efforts to improve the statistical monitoring and evaluation of current provisions have been stepped up:

- With annual publication of the principal data on voluntary terminations of pregnancy, which means that it is now possible to keep track of trends in the activity of the establishments practising abortions (number of IVG’s by age group, method, type of establishment, etc.) The latest statistics published by the Ministry of Health (in October 2005) indicate a slight overall decline in voluntary terminations of pregnancy in metropolitan France (203,346 IVG’s in 2003, or 1.6 per cent fewer than in 2002), but they point to the need to adopt specific measures on behalf of two age groups, where the numbers involved are smaller, but which do not reflect the overall decline (the 15-17 and 45-49 age groups);
- With a survey (currently being prepared) of the doctors and women involved in an IVG. Its findings will make it possible to analyse the personal and social situation of the people involved, examine the paths to access to abortions, and to assess the impact of the amendments made in recent years to laws and regulations regarding the conditions under which IVG’s are performed.

2. Facilitating women’s exercise of all their rights with respect to IVG:

Any woman who does not wish to continue her pregnancy must have prompt access to an IVG. The “*IVG en ville*” provision contemplated in the Act of 4 July 2001 permits access to IVG’s outside health facilities. The number of “*IVG en ville*” agreements signed by a licensed practitioner and health facilities, which was still small in 2005 (approximately 260), is likely to increase as doctors become informed about and trained in this practice. This provision facilitates access to an IVG:

- By attending more quickly and flexibly to women who want one;
- By making it easier to obtain an IVG induced by medication, which is likely to bring about a sharp increase in this form of IVG as a percentage of all abortion practices;¹⁷
- By reducing the work load for the most sought-after health facilities with respect to early IVG’s, which will enable them to focus on urgent IVG’s, particularly those in the 11th and 12th week of pregnancy, which require surgery; and
- By ordering a study of implementation of the provision which will show how effective it is in achieving its objectives.

The rules governing doctors’ qualifications, liaison with a health facility, and distribution and remittance of medicine guarantee that medically-induced IVG’s are practiced under suitable and safe conditions.

Furthermore, the financial resources allocated to health facilities for voluntary termination of pregnancies were sharply increased in 2004 (by approximately 29 per cent). That measure should improve the conditions under which IVG’s are performed by health facilities and enable private facilities that so wish to expand their activities in this field.

E. Women and AIDS

1. Findings

Between the start of the epidemic and 31 December 2004, 11,821 cases of AIDS in women have been reported in France. The number of women reporting the illness and are alive today is estimated at 5,888. In France, those infected through heterosexual relations account for over half (57 per cent) of all cases. Of them, 60 per cent are women and 50 per cent are nationals of a sub-Saharan African country. Surveillance data derived from anonymous, cost-free tests confirm this increase in feminine infections: the proportion of positive test outcomes for women increased between 2001 and 2003. Many of the women infected with AIDS are unemployed. They frequently live alone and in precarious conditions and sometimes in a context of intra-family violence. Surveys conducted in this field show that often the people concerned are well informed about risky behaviour but have great difficulty in adopting preventive measures. On the other hand, AIDS screening during pregnancy is now widespread: three out of four women report having undergone an AIDS test in 2003.

AIDS prevention strategies with regard to women must take sexist stereotypes into account. The domination exercised by men over women does not permit the

¹⁷ In 2003, 38 percent of IVG’s were performed using medication, compared with 21 per cent in 2001 and 20 per cent in 1998.

latter, whether in the North or the South, to strengthen their prevention capabilities. Women's self-esteem and ownership of their body are indispensable for learning how to protect themselves.

2. Policy with respect to the fight against HIV/AIDS

The fight against HIV, recognized by the Prime Minister as the "national priority concern in 2005", is written into the public health policy Act of 9 August 2004. Following up on the review of government action carried out under the 2001-2004 Plan, the Health Ministry has instituted a 2005-2008 national program to fight HIV and other sexually transmitted diseases (STDs).

Within this overall framework, the actions to be carried out that are more specifically directed at women consist of:

- Informing them of the risks of sexually transmitted diseases and of infection with the human immunodeficiency virus (HIV) through special campaigns and actions directed at women who are most at risk (young women, immigrants, women living in precarious and/or irregular circumstances, and drug addicts);
- Taking into account women's specific requirements in terms of therapeutic strategy, monitoring, undesirable effects and the desire to have a child, assistance for pregnant women, perinatal and post natal care, and support for associations addressing these issues;
- Promoting the use of cervical caps by making them more widely available and more affordable; and
- Improving existing knowledge of the female HIV positive population and providing them with better medical and psychological care.

F. The consequences of violence on women's health

In France, reliable scientific data on the links between violence and health are notoriously deficient.

Thus, the minister responsible for parity has asked that a gender-specific dimension be included in analyses related to a "violence and health" survey launched by the Health Ministry. These studies will throw light on the forms of violence inflicted and suffered, the circumstances in which such violence occurs, the sex of the perpetrator and relation to the victim, as well as the links between the acts of violence described and the health status of the person involved.

Moreover, the consequences of violence for women's health was inscribed as one of the priorities of the Act of 9 August 2004 on public health policy and is the subject of a national strategic plan currently in preparation.

Finally, a joint experimental programme of the Health Ministry and the Department of Women's Rights and Equality is to be implemented shortly, to improve hospital reception and health care of women victims of violence.

Violence against women

I. Improved knowledge of the facts, with respect to acts of violence

The Beijing Platform for Action calls upon governments to take steps to prevent and eradicate violence against women and to organize the collection and

compiling of statistical data in this field. In France, the findings of the national survey on violence against women in Metropolitan France (ENVEFF) conducted in 2000 among a sample of 6,970 women between the ages of 20 and 59 showed in particular that 9.5 per cent of the women interviewed had experienced some form of conjugal violence (whether physical, sexual, verbal or psychological) over the previous 12 months.

Since then, the authorities have stepped up their efforts to acquire statistical instruments for data collection.

Thus, in partnership with the Ministry of the Interior, an inventory was made of cases of violent death caused a member of a couple (spouse, common law spouse, partner to a civil solidarity pact, former spouse or former common law spouse). This study was conducted nationwide in 2005, based on data garnered in 2003 and 2004. There is no statistical bias related to the gathering of only sample data. The survey provides a map of acts of violence (profiles of the couples involved, classification by regions and *départements*). The data were collected from regional police authorities with the help of a questionnaire. The scope of the survey is limited to cases of homicide within couples. It does not include cases that were not solved, nor disappearances (possibly perpetrated by a spouse), nor women suffering such grave and repeated acts of violence in their conjugal or marital life that they commit suicide.

For 2003 and 2004, the findings of this survey are:

- In Metropolitan France, on average, one woman dies every four days as a result of violence within the couple. Half of them were already victims of violence;
- One man dies every 16 days. In half these cases, the woman perpetrating the homicide had been a victim of acts of violence perpetrated by him;
- 13 per cent of all the violent deaths registered, for which the perpetrator was identified, took place within a couple, including one per cent of cases of euthanasia;
- One death in ten results from blows that were not intended to kill. In two-thirds of cases, there had been a history of conjugal violence;
- 31 per cent of conjugal crimes are related to separation (i.e., they are committed by former spouses, partners, or common law spouses, or occur when a separation is under way).

95 per cent of the former partners who commit homicide are men. Former partners account for 10 per cent of all murderers. In rural areas, 30 per cent of homicides involve former partners. All these cases are murders, of which 55 per cent are pre-meditated. In 25 per cent of these cases, both the perpetrator and the victim were unemployed, and in 62 per cent of the couples concerned at least one of the two members was unemployed.

In order to continue improving insight into situations of violence and related trends, compatible statistical instruments that can be used by all government departments are going to be developed, in cooperation with the National Observatory on Crime.

A study is also going to be conducted on the overall economic cost of conjugal violence against women.

II. Actions by the authorities to prevent and combat conjugal violence

A. The possibility of evicting a violent spouse from the conjugal home is inscribed in the Act of 26 May 2004 on divorce, which has been in effect since 1 January 2005. Article 22 of that Act establishes that “when the violence practised by one of the spouses places the spouse or one or more children in danger, the judge may order the spouses to reside in separate residences, indicating which of the two shall continue to reside in the conjugal home”.

The Minister responsible for parity hoped that the eviction of violent spouses from the conjugal home would help protect women victims of violence. Apart from its practical advantages for the woman and the children, this measure should make it possible to underscore the responsibility of the perpetrator of violent acts and to help the victim rebuild her life. It can be implemented even before divorce proceedings begin. Nevertheless, the eviction provisions expire if no request for a divorce or judicial separation is filed within four months of their being pronounced.

The Act specifies that “except under special circumstances, residence of the home shall pertain to the spouse that did not perpetrate the acts of violence.”

The judge may also rule “if need be, on the ways in which parental authority is exercised and on contributions to marital expenses.” During parliamentary debates on the bill, it was specified that this grave measure, prescribed by the family law judge in summary proceedings, shall be ordered after observing the principle that judgment be rendered in the presence of the parties involved.

B. A comprehensive three-year government action plan entitled “10 Measures for Women’s Autonomy” was launched in November 2004.

The following actions have been carried out under this plan:

- “Violence-Shelter” focal points, capable of knowing in real time all places available, have been appointed in the départements. Women victims of violence in precarious circumstances are one of the public priorities for shelters and social reintegration centres;
- Meetings of the “departmental committees against violence towards women” have helped mobilize local participation. Nineteen of them have signed departmental protocols on preventing and combating violence towards women. The signing of such agreements will be expanded to cover all départements;
- In 2005, the financial assistance allocated to associations working in this field was increased by almost 20 per cent;
- A nationwide awareness campaign using the slogan “Stop violence; Action is what counts” (“Agir, c’est le dire”) along with initial and ongoing training programmes have made the general public and professionals more sensitive to the issues involved.

C. Four main focuses are to be developed at the initiative of the Minister responsible for parity, targeting the victims, the perpetrators of violent acts, and the professionals called upon to intervene in situations of violence.

1st focus: Enhanced victim protection

A bill presented by senators is currently being discussed in Parliament. This instrument aims to strengthen the prevention and punishment of conjugal violence and acts of violence against minors. At this stage, it contemplates above all:

- Establishing, in the general part of the criminal code, that being a spouse, common law spouse, or *pacsé* (partner in a civil solidarity pact is an aggravating factor);
- Extending this aggravating fact qualification to former spouses, former common law spouses, and persons that were in a *pacsée* relationship with the victim;
- Extending this aggravating circumstance to cover murders, rapes, and sexual aggressions;
- Extending to unmarried couples the ban on entry into the conjugal home by the perpetrator of acts of violence, in cases in which this couple has had a child together.
- Restricting recourse to criminal mediation, in cases of conjugal violence, to a single instance;
- The Government's obligation to present to Parliament every two years a report on the national policy of combating conjugal violence.

In addition, the Act of 12 December 2005 on the repetition of criminal offences facilitates eviction of the perpetrator of acts of violence from the home prior to a judgment (in the context of court-ordered restrictions pending a trial) or following a court judgment (in the case of a probation order). This same Act provides, where necessary, for the possibility of granting medical, social, or psychological support.

2nd focus: Expansion of the range of shelter options for women victims of violence thanks to a pilot scheme for providing paid accommodation in families.

3rd focus: Coordination among the different health professionals involved in looking after women victims of violence is going to be improved on an experimental basis by establishing reception networks in hospitals.

A brochure produced in 2005 in partnership with the other ministries concerned is soon to be distributed to all professionals in the field to help them be of service to women victims of violence.

4th focus: a working group on ways to handle violent men is to be put in place. It will produce a report in the course of 2006.

Article 13

(Social and economic benefits)

I. Women living in poverty and in dire circumstances

A growing number of women are lone-parents¹⁸. In fact, according to a study published in April 2005 by the Ministry of Social Affairs, the number of single-

¹⁸ 86 per cent of the parents in single-parent families are women.

parent families with a child under the age of 25 has increased significantly (between 1990 and 1999, the number rose from 1,175,000 to 1,495,000. This increase is one of the main causes of vulnerability among women.

Women who raise their children on their own are more likely to be employed than those living in a couple. Nevertheless, when they have a child when they are still young they encounter greater difficulties with respect to child care and, more generally, with harmonization of their working and family lives. In these specific cases, they are less likely to be employed than the mothers of young children living in a couple.

On average, 83 per cent of the initial revenue of single-parent families is earned income. One third of them receive food allowances. Therefore, leaving aside social benefits, their standard of living is often modest. Social benefits improve that standard considerably (on average, by 20 per cent). Despite that contribution, the risk of monetary poverty for single-parent families is higher than for couples. Moreover, their housing facilities are inferior to those of couples with a child.

A national plan to boost efforts to combat precarious living conditions and exclusion (PNRLE) was submitted to the Council of Ministers on 19 March 2003. It makes all the ministries involved focus on the following objectives:

- Providing effective access to rights and citizenship by streamlining administrative procedures, improving the terms for receiving persons in difficulties in social facilities, and encouraging users of those facilities to express their views and to play an active part in the life of those establishments.;
- Improving access to treatment, with an emphasis on providing care for psychological ailments;
- Providing more and more diversified accommodation possibilities.;
- Improving arrangements for reception, shelter, and reintegration into society;
- Responding more effectively to the needs of those living in precarious social conditions, by stepping up efforts to overcome illiteracy, improve nutrition, and provide access to electricity and telephone services, etc.

The second National Action Plan for Social Inclusion (PNAI 2003-2005),¹⁹ which incorporates the PNRLE measures, was referred to the European Commission on 31 July 2003. In that Plan, France opted to focus on three priority action areas:

- Creating innovative and sustainable conditions for developing employment;
- Pre-empting the risks of exclusion; and
- Strengthening services at the local level and galvanising all those involved in the fight against exclusion.

In line with the approach considered indispensable by the member states of the European Union, promoting equality between women and men is a cross-cutting objective which is taken into account in the whole of this Plan.

¹⁹ Each member state of the European Union was supposed to prepare a PNAI for that period.

II. Women entrepreneurs

A. Assessment

29.8 per cent of founders or buyers of enterprises are women. There are various different reasons for this low ratio:

- French women's participation in economic activity is relatively recent (compared to women in the United States, Germany, or Great Britain, for instance). The proportion of women in the workforce only began increasing after the Second World War, with a marked acceleration since the 1960s;
- It appears that banks employ different criteria for granting loans to men and women. To assess their availability, for instance, women are asked how many children they have to look after, which is not the case with men;
- Even today, women are assumed to play a preponderant role in the education of children. Establishing an enterprise presupposes intense professional dedication, which women often experience as a major risk to their family life, so much so that some give up the idea altogether;
- Women are less well trained than men in management and financial techniques. This appears to be a consequence of an initial education excessively oriented toward general studies. Nevertheless, more women entrepreneurs have degrees than their male counterparts, while being less qualified than them for the job held prior to establishing an enterprise;
- Women undertake smaller projects and have less equity capital to invest than men: for 46 per cent of women founding an enterprise the capital needed to implement their project was less than 7,622 euros (the figure for men was 37 percent).

However, nothing indicates that women are less successful than men.

B. Action by the authorities to boost female entrepreneurship

1. *The mobilisation of partner ministries to promote the Equality Charter*

When the Equality Charter was drawn up in 2003, several partners (especially the other ministries concerned) combined their efforts to pursue three main goals:

- To underscore the importance of the entrepreneurial spirit in early education;
- To disseminate information and support for women (legal aid, financial assistance, and tax benefits);
- To improve women's access to financing, especially bank credit.

2. *Reform of the guarantee fund for the establishing, buying, or developing of enterprises by women (Fonds de garantie à l'initiative des femmes - FGIF)*

The FGIF has been in existence since 1989. It enables the State to stand surety vis-à-vis the banks, so as to facilitate access to credit by women wishing to establish, buy, or develop their own enterprise. Under an inter-ministerial agreement, in 2003 the FGIF became one of the three lines guaranteeing the new "*Fonds de solidarité et de garantie pour l'entrepreneuriat féminin et pour l'insertion*" (FOGEFI), a fund combining guarantee funds for women's initiatives, the protected workshops and integrated businesses.

Since then, the Ministry responsible for parity has embarked on a reform of the FGIF, aimed at making it more dynamic and better known. The thrust of the reform has been to decentralize the preparation and selection of applications for use of this guarantee fund; in other words, most applications are now examined and selected in each region and no longer at the national level. Between 2003 and 2004, the number of guarantees provided increased by 120 per cent. In 2005, they increased 160 per cent over 2004. Parallel to these activities, an awareness and information campaign promoting female entrepreneurship was conducted, targeting professionals involved in the establishment of enterprises, banking networks, and the general public.

3. *Legal provisions in support of women entrepreneurs*

a) The “economic initiative” Act of 1 August 2003 contains provisions that facilitate the establishment of enterprises by women. Indeed, this Act offers them the possibility of:

- Establishing a limited liability company (*société à responsabilité limitée au capital libre*);
- Domiciling the enterprise in their own home.

b) The Act “on behalf of small and medium-sized enterprises” of 13 July 2005 should encourage the purchasing of enterprises by the spouses of self-employed workers. Indeed, several legal provisions acknowledge the rights of a spouse by making it mandatory to belong to one of three categories: collaborating spouse, employed spouse, or partner spouse (*conjoint associé*). The Act is also designed to allow spouses, following the example of the head of the company, to have access to continuing professional training and to validation of the experience they acquire, particularly with a view to purchasing the enterprise.

III. Women and sport

A. The current state of affairs

In 2000, 79 per cent of women practiced sports or other physical activities (compared to 88 per cent of men);²⁰ 48 per cent of all persons practicing a sport were women (32.5 per cent in 1997 and 9 per cent in 1968).

However, women’s and men’s sports are different, and there is still little direct contact between them. A greater number of women are attracted to disciplines that place emphasis on artistic performance, such as gymnastics, dance, and swimming. The least feminized sports are those involving teams or individual confrontation, motorized sports, shooting, and hunting.

Moreover, even though changes are under way, the association of “women and sports” is still mostly conceived in terms of pastimes. In 2004, only a little over one third of the high-level athletes registered on ministry lists were women. To attract attention and make front-page news in the media, women have to excel themselves and attain the highest competitive ranking.

Women are also under-represented in the sports professions. In 2002, they accounted for 46 per cent of physical education and sports teachers, but only 28 per

²⁰ Survey by the Ministry for Youth and Sport/National Institute of Sport and Physical Education, July 2000.

cent of the first-level sports trainers and 15 percent at the second level. Finally, women's participation in decision making is up against the same obstacles in sports as in the political and economic arenas. For example, in 2005, only 5 per cent of the national technical directors were women. Likewise, only 6.2 per cent of sports federations had a woman president and women accounted for 19.9 percent of the members of the executive committees.

In the light of these data, the Ministry responsible for sports and the Ministry responsible for parity have implemented a joint programme of concrete measures to enhance the participation of women and strengthen their role in sports.

B. Actions taken to promote the participation and role of women in the world of sports

1. With a view to ensuring that women are fairly represented on governing bodies, the decree of 7 January 2004 on the licensing and statutes of sports federations established a proportionality principle, between the number of women members and the number of positions they should have on those bodies. The implementation of this regulation is being carefully monitored and will have financial repercussions in the framework of annual agreements on targets signed by the Ministry for Sports and the federations.

2. In April 2004, a joint working group of the Ministry for Sports and the Ministry responsible for parity presented a number of proposals aimed at promoting women's access to managerial positions in the sporting movement. Three main courses of action were proposed: promotion women's participation in sports; feminization of all the federations within four years; and support for the assignment of responsibilities to women executives.

In addition, the working group put forward proposals for encouraging the participation in sports of girls and women in sensitive urban districts, through four sets of measures: proposing mixed quality controls; readjusting the balance toward women; tailoring the activities offered to women's expectations; and sharing experiences.

These proposals have been more widely disseminated in a brochure prepared by the Ministry responsible for sports. Based on those proposals, a directive issued by the Ministry for Sports in December 2004 established five areas of activity to be implemented in 2005 by the departments and establishments reporting to that Ministry and by the sport federations, in order to develop and promote women's participation in sport. These areas are:

- Observation and analysis;
- Information, counselling, and support for women;
- Financial support and follow-up;
- Appreciation and promotion of good practices;
- The development of specific training courses on "women and sport."

The Ministry for Sports will be responsible for monitoring and evaluating these actions.

In order to coordinate and streamline the actions undertaken, in 1995 the Ministry established a national resources centre for "Sports, Family, and Women's

Activities,” and a network of “Equality between men and women” regional correspondents and departmental focal points.

All these activities have turned the Ministry for Sports into an exemplary exponent and practitioner of gender mainstreaming.

Article 14

(Women in rural areas)

I. A policy geared to enhancing the quality of life in rural areas

The rural areas Act of 23 February 2005 represents the materialization of the Government’s efforts on behalf of rural areas. It seeks to encourage the generation and maintenance of employment, to re-launch the housing program, and to provide better services to the rural population. It provides instruments with which to combat the dearth of health care in rural areas and recognizes the role of associations in rural development.

II Measures to improve social protection of farmers' spouses

The French Government has recently taken steps to guarantee them access to the various social benefits for farmers.

As mentioned above, the Act on Agriculture of 9 July 1999 established a new status for spouses not wishing to be either partners or employees of the farm, namely that of “collaborating spouse.” This new status provides better pension entitlements.

Measures have been adopted to permit the extension of this “collaborating spouse” status:

1. As of 1 January 2006, the spouse of the head of the farm or agricultural enterprise who regularly performs a professional function in the farm or enterprise is required to opt for one of the following three capacities:

- Collaborating spouse of the farmer or head of an agricultural enterprise;
- Employee of the farm or agricultural enterprise; or
- Farmer or head of an agricultural enterprise.

2. The Agriculture Act of 11 January 2006 provides for:

- The spouse henceforth opting for collaborating spouse status without being obliged first to obtain the assent of the head of the operation.
- Extension of this status, which was previously reserved for married couples, from now on to persons linked to the head of the operation by a civil solidarity pact or by co-habitation.

III. A Ministry of Agriculture programme to ensure equal opportunities for women and men

In order to ensure effective equality of opportunities for women and men in the agricultural and fisheries sectors, the Ministry concerned has developed a programme called “Women, training and employment in the countryside: integrating equal opportunities.”

This programme is directed at the various national and regional bodies within the sphere of competence of the Ministry of Agriculture. It aims to promote true equality between men and women by emphasizing guidance, information and representation as well as professionalisation.

At the same time, the idea is to promote the integration of women in an agricultural sector that has undergone major changes. Indeed, today the agricultural sector has to meet new expectations set by society, especially as regards food security, but also in relation to protection of the environment, open spaces and territories.

Two studies were published in 2003 on “professional careers and the qualification requirements of salaried and non-salaried women in rural areas” and on “obstacles to women working in the agricultural sector.”

These studies have helped define various ways to further equal opportunities for men and women in rural areas:

- Promoting equal access to employment for women and men;
- Adapting adult continuing education to meet women’s career needs;
- Harmonizing working life and private life;
- Facilitating the entry of women into farming;
- Overcoming legal or statutory obstacles to equality;
- Improving the training provided by taking into account the specific needs of men, women, and couples.

Article 15

(Equality before the law)

As when previous reports were submitted, the equality of men and women before the law is a constitutional principle manifested in every aspect of French society.

Article 16

(Matrimonial and family law)

I. The minimum legal age for marriage

As the Committee had recommended, an amendment to the civil code, setting the legal age for marriage at 18 for both girls and boys, has been written into the draft law on conjugal violence currently being debated in Parliament.

II. Family name

Pursuant to the Act of 4 March 2002 concerning family names, amended by the Act of 18 June 2003, parents may now choose their child's surname in a written statement submitted to the registrar. This surname may be the father’s or the mother’s, or a combination of the two, done in the order they choose, up to a limit of one name each. The surname given to the couple’s first child must also be given to all the other children born to them. For that, it is necessary that the maternal and

paternal filiations are established simultaneously and that the child be born after December 31, 2004.

In the absence of this joint statement by the parents, the old rule still applies: a child born in wedlock, or who is simultaneously recognized by his or her father and mother, takes his or her father's surname.

If the establishment of lawful descent is deferred, the child takes the surname of the parent who recognized her or him first. However, the parents may, at a second recognition occurring while the child is still a minor, replace the surname with that of the other parent or combine the two names in the order they choose. In this case, the personal consent of the child is required, once he or she is over 13 years old.

III. Lawful descent

The ruling of 4 July 2005 is consistent with the principle that all children are equal regardless of the circumstances of their birth. It puts an end to the traditional notions of legitimate and illegitimate children, given that this distinction is no longer legally relevant now that the law has established equality of filiation.

One of the major innovations of this reform concerns the establishing of maternity, a process that has been simplified and reduced to naming of the mother at the birth of the child, regardless of whether the mother is married or not. Thus, an unmarried mother will no longer have to recognize the child in order to establish lawful descent.

IV. Divorce

The Act of 26 May 2004, in effect since 1 January 2005, aims to simplify and update the procedures instituted by the Act of 11 July 1975. The principal changes are as follows:

- Divorce by mutual consent, for which there are now less cumbersome procedures, involves only one mandatory appearance before the judge, instead of two;
- The agreed-to divorce is based on an agreement of principle between the spouses regarding the marital breakdown and cannot be retracted;
- Divorce on grounds of irretrievable breakdown of the marriage may be granted at the request of just one of the spouses and pronounced once it has been ascertained, at the time of the summons, that the spouses have been separated for two (instead of the previous six) years;
- The obligation to provide assistance ends with divorce, but the victim spouse may obtain a compensatory pecuniary provision and be granted damages;
- Divorce on grounds of fault is maintained but limited to the most, "when the deeds constituting a grave and repeated violation of the duties and obligations of marriage are attributable to one of the spouses and render maintenance of a life in common intolerable";
- For all contentious divorce cases, the Act establishes connecting links and bridges between the different procedures. To facilitate peaceful settlements, the financial consequences of a divorce are handled separately from the attribution of fault.

The ways in which pecuniary provisions are assigned has been made more flexible: this provision is designed to compensate for a disparity in living conditions caused by the divorce. Thus, it may be disbursed in all divorce cases and be revised in the event of a major change in either of the parties' income or needs. The Act of 30 June 2000 reaffirms the principle of a capital sum disbursement. Nevertheless, the judge may rule in a specifically substantiated decision, that the payment be made in the form of a life annuity, when the age or health of the creditor do not allow him or her to provide for his or her own needs. The Act also provides that in cases in which the pecuniary provision takes the form of a life annuity, a supplementary capital amount may be assigned. Finally, the heirs shall only be obligated up to the amount of the assets inherited.

The Act of 26 May 2004 also contains measures to protect a spouse who is a victim of conjugal violence.
