



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

Distr.: General  
9 July 2014  
English  
Original: French

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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**

**Combined seventh and eighth periodic reports of States parties  
due in 2013**

**Addendum**

**France\*  
(New Caledonia)**

[Date received: 28 May 2014]

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\* The present document is being issued without formal editing.



This document summarizes the comprehensive report on the implementation of the Convention on the Elimination of all Forms of Discrimination against Women in New Caledonia, transmitted to France in December 2013.

## **Part I. The New Caledonia context**

### **1. Demographic data**

According to the 2009 census (data of the Institute of Statistics and Economic Studies or ISEE), New Caledonia has 245,580 inhabitants, including 121,056 women (49.3 per cent) and 124,524 men (50.7 per cent). The capital, Nouméa, is the main municipality and sole major city. It has a population of 97,579. Greater Nouméa (which includes the neighbouring municipalities of Païta, Dumbéa and Mont-Dore) has a population of 163,723. Of the inhabitants of New Caledonia, two thirds live in the urban centre of Greater Nouméa, three fourths were born in New Caledonia and 40 per cent belong to the Kanak community. The second largest community are Europeans with 29 per cent, and the third Wallisians and Futunans with 8.7 per cent, while all other communities identified (Tahitians, Indonesians, Vietnamese, Vanuatu natives and persons from various Asian countries) account for 7 per cent of the population.

In 2009, half of New Caledonians were under 30 years of age. Life expectancy at birth increased from 70 years in 1990 to 76 years in 2007.

### **2. Political and legal context**

New Caledonia enjoys a special status defined in title XIII of the French Constitution (“Transitional provisions relating to New Caledonia”). Under those provisions, New Caledonia, unlike other territorial authorities, is provided with an organization adapted to the New Caledonian identity and based on an original model that has been invented as a framework for sharing sovereignty with France. New Caledonia is thus a territorial authority having a particular status within the French Republic (collectivity *sui generis* of the French Republic). Organization Act No. 99-209 of 19 March 1999, based on the Nouméa Accord, defines the structure of responsibilities in the territory and recognizes, with regard to certain responsibilities, a legislative power acknowledged in articles 76 and 77 of the Constitution.

The specificity of the particular status of New Caledonia consists in taking into consideration and recognizing the Kanak identity and the concept of an economic and social adjustment of the territory. The consequences are the creation of new institutions, the establishment of a New Caledonian citizenship within French nationality, a progressive and irreversible transfer of powers from the State to New Caledonia, and a vote on the attainment of full sovereignty (between 2014 and 2018).

The current institutions include Congress, which is the Deliberative Assembly of New Caledonia and votes decisions and legislation of the land; the Government of New Caledonia, which is the executive of New Caledonia, is elected by Congress and draws up draft decisions and legislation to be submitted to Congress; and the three Provinces (South Province, North Province and Loyalty Islands Province), which have competence in all matters not explicitly reserved for the State, New Caledonia or the municipalities. Other institutions created in accordance with the Organization Act include the Customary Senate,

the Economic and Social Council, the Advisory Committee on Mines and the Council on Mining).

The Organization Act distributes responsibilities among various local institutions. It provides for the modalities of the gradual transfer of responsibilities of the State to New Caledonia. Over the last 20 years, New Caledonia has pursued a policy of economic, social and cultural alignment of the Provinces with a two-fold aim: consolidating and stabilizing the economy, with increasing institutional independence from metropolitan France; and maintaining a peaceful social climate between the various communities in order to forge a “common destiny”.

Three types of civil status are recognized: civil status under ordinary law, customary civil status (for Kanaks) and specific civil status (for Wallisians and Futunans).

Established by an order of 21 June 1934, customary civil status is governed by a decision of 3 April 1967, supplemented by the Organization Act of 19 March 1999. With regard to civil status, article 75 of the French Constitution stipulates that citizens having a personal status shall retain it as long as they have not renounced it.

Civil status is defined in terms of the person concerned and the field of application. Persons having customary civil status are subject to custom solely and exclusively in respect of civil law (inter alia, civil-status matters; their surname, first name, decent; succession; and termination of marriage). Moreover, customary rules apply only to relations between persons having customary civil status. If one of the persons involved has ordinary civil status, that type of civil status takes precedence. In the event of renunciation, relations are governed by ordinary civil status.

### **3. The economic situation**

The gross domestic product (GDP) of New Caledonia for 2010 is estimated at CFP francs 812.098 billion or approximately €6.805 billion. For 2008, per capita GDP is estimated at CFPF 3 million (approximately €25,000). Structurally, the New Caledonian economy resembles the economy of the most developed countries insofar as the New Caledonian tertiary sector accounts for approximately 80 per cent of wealth creation. One third of this added value is contributed by the public sector, whose share in GDP has thus ranged between 20 and 30 per cent since the 1980s. In the Pacific region, New Caledonia ranks second in terms of per capita GDP, after Australia and followed by New Zealand. Nickel and tourism are the two main sectors driving the New Caledonian economy. In view of its estimated nickel reserves, New Caledonia ranks third or fourth in the world. In 2011, expanding the processing plant in the South and building the processing plant in the North stimulated economic activity directly and indirectly, particularly in construction and public works. Nickel has caused both exports and imports to soar. It accounts for more than 90 per cent of total exports. Trade contributes 10-12 per cent of GDP, a significant rate (comparable to that of metropolitan France). Other market services, aimed almost exclusively for local consumption, are dynamic and reveal a high consumption level.

### **4. Governmental and non-governmental institutions that promote and protect the advancement of women**

At the institutional level, the first agency for women’s rights, attached to the Office of the High Commissioner, was created in 1980. Subsequent to the

Matignon Accords, it was replaced in 1988 by provincial agencies on women's rights and women's affairs. Currently, with the exception of the Customary Senate, all of institutions of the land have commissions or agencies whose aim is to take into account and promote the rights of women. The scope of action of the various institutional mechanisms for women's promotion reposes on the distribution of responsibilities pursuant to the Organization Act of 19 March 1999. According to the institutional organization laid down through that Act, overall responsibility for women's affairs is incumbent on the provinces. The South Province, North Province and Loyalty Islands province each have a commission on the status of women, composed of elected officials entrusted with formulating policies of those bodies on the situation of women, and agencies implementing those policies in the field, in cooperation with women's associations and development partners. In the Government, the Sector of Women's Affairs, created in 2004, is responsible for developing policy on the condition of women with a view to eliminating any form of discrimination against them, boosting safeguards of equality between men and women in the economic, political, professional, educational, social, medical and cultural spheres and ensuring that women's rights are respected and taken into consideration. The Directorate of Women's Affairs, created in the Government in 2010, implements that policy. Government decisions do not necessarily have an impact on the policies of the provinces, which are empowered to determine their own action in their territory. The Gender Observatory, a multipartner body for discussion and assessment of the status of women, was created in 2006.

The Economic and Social Council of New Caledonia has a commission on women, created in 2011, upon which the Government may call with regard to draft legislation concerning women or which may act *ex officio* to undertake studies, formulate proposals or express wishes. Lastly, in 2013, the Congress of New Caledonia created the Commission on Women's Rights and the Family, which will address problems specific to women and facilitate the adoption of legislation in favour of women's emancipation.

In the 1970s, the first women's movements were mobilized to voice women's concerns and demand participation in the changes taking place in the land. Many associations created and managed by women engage in outreach activities in urban as well as rural and tribal areas. Certain associations act under the auspices of churches or secular society. Women's associations often form municipality-based federations, particularly in the Loyalty Islands and the North Province. Such federations are represented within women's councils active in each province. There are also such specialized associations as the "Women and Spousal Violence" association, the "SOS Sexual Violence" association and the Union of French-speaking Women of Oceania, a forum for the women of New Caledonia, Wallis and Futuna, French Polynesia and Vanuatu. Strictly speaking, however, New Caledonia does not have any feminist association.

Lastly, in the area of gender equality, New Caledonia has for many years received technical support from the South Pacific Commission or Secretariat of the Pacific Community (SPC).

## **Part II. Consideration of specific articles of the Convention**

### **1. Policies and legislation aimed at eliminating discrimination and ensuring development and advancement of women (articles 1-3)**

The legislative and regulatory regime in force in New Caledonia is a specific regime.

International conventions and legal instruments promoting equality between men and women ratified by France apply *ipso jure* to New Caledonia. Moreover, since 1994 New Caledonia has been a signatory to the Pacific Platform for Action for the Advancement of Women and Gender Equality. Adapted to actual conditions in the Pacific, that regional engagement establishes priorities for activities enhancing equality subject to a triennial regional review under the auspices of the South Pacific Community (SPC).

National provisions are subject to the principle of legislative specificity, according to which enactments adopted in France, save for “Acts related to sovereignty”, are not applicable *ipso jure* in New Caledonia unless their scope has explicitly been expanded to that effect. Accordingly, many enactments related to gender equality have been extended to New Caledonia. They include the Act on Parity, and provisions against gender discrimination in the workplace and on occupational equality, maternity, adoption, recognition of sexual and psychological harassment in the workplace, and legalization of medically induced abortion.

However, certain provisions, albeit necessary, have not been extended or only partially so. Such is the case with regard to spousal violence, given that the Act of 9 July 2010 is applicable only in part. It is incumbent on Congress to adopt decisions requiring certain legislative or regulatory provisions to be supplemented or amended in accordance with specific local circumstances.

Draft legislation currently being finalized includes a bill on devolution of property (Kanak customary law), which stipulates that specific local customs are to be taken into account and facilitates the recognition of the wife as an heiress.

### **2. Temporary measures (affirmative action) aimed at accelerating equality between men and women (article 4)**

New Caledonia benefits from the application of French law on quotas in the political sphere (Act on the parity) and of a local Act on quotas for the employment of persons with disabilities. New Caledonian legislation includes no special temporary measures aimed at establishing *de facto* gender equality in New Caledonia in accordance with the provisions of the Convention.

### **3. Gender roles and stereotypes (article 5)**

The structure of Oceanian societies is characterized by a deep gender divide regarding roles.

In Kanak society, that divide is reflected in custom.

Kanak custom is not rigidly fixed. It develops through time and space in an effort to adapt to the profound changes experienced by Kanak society since the

arrival of settlers and missionaries. It must also deal with changes related to the political, economic and legal development experienced by New Caledonia and necessarily affecting the place and role of women. As part of that development, women obtain access to gainful employment, studies, vocational training and politics, and thus are called upon to carry out new roles in addition to those that they have been fulfilling in the traditional family context. Kanak men do not systematically oppose the emancipation of women but wish the change to take place at a pace compatible with the customary sense of time so as to preserve fundamental customary elements. According to Kanak women, however, that pace should accelerate so that changes can be introduced while certain fundamental elements are preserved. They insist on attending, side by side with their customary authorities, any discussions and debates on specific rights that concern them. Certain customary senators defend this position, while others think that, if not controlled, that process may undermine custom and destabilize the Kanak social order. In 2010, meetings and encounters were held with customary leaders in order to hear their opinions regarding women's presence within customary institutions. The design of relevant procedures and mechanisms is addressed in ongoing discussions between certain customary authorities and women.

Since 2013, the Customary Senate has been working on the common core of Kanak values with the participation of women. That work helps to review the impact of the political, socio-economic and legal development of the land on traditional Kanak social organization, particularly on the traditional distribution of gender roles and on the required readjustment of the custom-based responses provided. The Government of New Caledonia, particularly agencies dealing with women's affairs, have participated in that work.

Moreover, in 2010, the Government of New Caledonia launched an extensive campaign to promote women's access to so-called "men's" trades, especially in the labour-intensive sectors of mining, construction and public works.

#### **4. Trafficking in women and exploitation of the prostitution of women (article 6)**

Contrary to countries with a large population, no trafficking in women or exploitation of the prostitution of women occurs in New Caledonia, although prostitution exists and there is even a prostitutes' association. No survey has so far been conducted in that area. There is therefore a lack of relevant statistics that would help to quantify that phenomenon in the nascent State and deal with it as appropriate.

#### **5. Political and public life (article 7)**

In 2012, the commission on women of the Economic and Social Council of New Caledonia undertook ex officio a study on the governance of New Caledonian women and has delivered a first interim report on the exercise of decision-making powers by women in the political, institutional and administrative areas.

##### **I. Women in politics**

Thanks to the Act on Parity, the number of women in the political authorities of New Caledonia has increased considerably since 2004. Adopted in France on 6 June 2000 and extended to New Caledonia, the Act was implemented in New Caledonia for the first time in 2004, during municipal elections.

According to a study in 2007 undertaken jointly by the Secretariat of the Pacific Community (SPC) and the Government of New Caledonia, implementation of the Act on Parity brought about a significant increase in the number of women in political institutions, particularly Congress and provincial assemblies. In the 2008 municipal elections, women were mayors in 5 of the 33 municipalities of New Caledonia. After the 2009 territorial elections, women accounted for 47 per cent of provincial assembly deputies and 44 per cent of members of Congress. The Act, however, does not apply to the composition of the Government, in which women are still a small minority (3 out of 11). In 2012, for the first time in New Caledonia, a woman was elected deputy to the National Assembly of France. In the same year, a woman acceded to the presidency of the South Province. These achievements constitute tangible progress in terms of the political emancipation of New Caledonian women and should motivate more women to aspire to such posts.

## **II. Women in the civil service of New Caledonia and of the State**

In the civil service, according to ISEE, in 2011 women occupied, 47 per cent of all posts and 44 per cent of executive posts. In 2012, at the level of New Caledonia as a territorial authority, all three secretaries-general were men; while 14.3 per cent of directors, 40 per cent of deputy directors, 46 per cent of heads of service, 64 per cent of deputy heads of service and 55 per cent of heads of office were women. In the same year, the percentage of women occupying posts in the Office of the High Commissioner was high. Parity prevails in the High Commissioner's cabinet. A woman is diplomatic adviser to the High Commissioner. In the administrative subdivisions, all three deputy commissioners of the Republic are men. A woman is secretary-general.

## **III. Women in representative bodies (employee trade unions; professional federations, associations or unions; and chambers of commerce)**

Women account for only 15 per cent of presidents of employee trade unions and 21 per cent of presidents of employer unions and federations. No woman is president of a chamber of commerce.

According to a 2012 survey carried out by the Movement of Enterprises of France in New Caledonia (MEDEF-NC), of the 58 firms interviewed, 23 stated that women accounted for 39.7 per cent of enterprise managers, 28.1 per cent of members of boards of directors, and 31.6 per cent of holders of management posts. Gaps are likely to widen if surveys are conducted on a larger scale.

The president and the vice-president of the General Confederation of Small and Medium-sized Enterprises (CGPME) and the secretary-general and the director of MEDEF-NC are women.

Of 10 trade unions, 2 are directed by women.

Although the presence of women in leadership positions has improved in recent years, there is a serious lack of relevant statistical data.

The Copé-Zimmermann Act of 27 January 2011, which imposes a balanced representation of women and men in the boards of directors and supervisory boards of listed and State enterprises, does not apply to New Caledonia.

## **IV. Participation in non-governmental organizations and associations**

In New Caledonia, women willingly participate in civil society associations. Whether through charitable, cultural, sport or church associations, voluntary action is in keeping with the collective manner in which Oceanian

communities function. Through such action, women find space for expression, discussion, sharing and activity that extends their community life beyond the purely customary domain. Women's action in associations or trade unions is prompted by social change with regard to such emerging issues as their specific rights, school enrolment, children's social and occupational integration, involvement in politics, economic emancipation and other daily concerns.

In New Caledonia, there is no feminist movement as in European countries nor are there any movements for women's rights as in certain countries of the Pacific. Women's associations do not get together to work on "universal" problems. The struggle of women does not have the same objectives in the various communities. That may cause cleavages in the movement for women's advancement.

## **6. Representation and international participation (article 8)**

The institutional status of New Caledonia, governed by the Nouméa Accord of 1998 and the Organization Act of 1999, confers to it broad powers and a sovereignty shared, with regard to international relations, with the French State. Accordingly, New Caledonia, through the President of the Government, negotiates directly, in compliance with the international commitments of the Republic, agreements with one or more States, territories or regional organizations of the Pacific and with regional organizations sponsored by specialized agencies of the United Nations system. With the approval of the authorities of the Republic, New Caledonia may be a member, associated member or observer of international organizations. Lastly, New Caledonia has representations at the European Union and in the States and territories of the Pacific. Thus, New Caledonia has at its disposal legal machinery for formulating its own foreign policy, always in line with the international obligations of France. For instance, New Caledonia is a full member of such international and regional organizations as the Pacific Community, the South Pacific Regional Environment Programme (SPREP), the Oceania Regional Anti-Doping Organization (ORADO) and the Overseas Countries and Territories Association (OCTA); and an associated member of the Pacific Islands Forum and of the Economic and Social Commission for Asia and the Pacific (ESCAP). Although not hindered by legal obstacles to representing their land, New Caledonian women are nevertheless not systematically invited to the international events in question. Moreover, the interests and priorities of New Caledonian women are not always taken into consideration in negotiations and regional arrangements.

## **7. Nationality (article 9)**

New Caledonians have French nationality, mainly governed by articles 17 to 33-2 of the Civil Code and by Decree No. 93-1362 of 30 December 1993(OJ, 31 December 1993), as amended by article R.321-30-1 of the Judicial Code (OJ, 17 March 1998, and OJ, 27 November 2003), by Act No. 2006-911 of 24 July 2006 and Act No. 2009-526 of 12 May 2009. These Decrees and Acts apply to New Caledonia.

## **8. Education (article 10)**

### **I. Access to education**

New Caledonia has a free universal education system. Literacy among adults exceeds 96 per cent, and school enrolment (all levels) is approximately 89 per cent.

In 2012, public and private primary and secondary schools and post-baccalaureate classes were attended by approximately 68,554 students (statistics of the Vice-Rector's Office).

In 2012, of the 35,335 pupils attending public and private primary schools, 48 per cent were girls and 52 per cent boys; of the 22,442 students attending public and private secondary schools, 48 per cent were girls and 52 per cent boys; and of the 3,498 other students, 2,598 attended the University of New Caledonia (UNC), 108 the Teacher Training College (IUFM) and 792 advanced high school studies (classes for high level technicians, preparatory classes and accounting and financial studies).

Girls have access to the same school programmes and take the same examinations as boys at all educational levels. As a rule, statistically, girls succeed better than boys in examinations, particularly for the baccalaureate.

In rural areas, education is as accessible to girls as it is to boys and of the same quality for both. There is no discrimination against girls concerning entry in urban or rural boarding schools. Such establishments offer the same living and working conditions to girls and boys alike. Nor is there any gender-based discrimination as regards access to services in the schools. Both girls and boys are entitled to free care by school health workers (physicians, nurses, psychologists and social workers). There is equal access to canteens, evening studies in boarding schools, and leisure activities.

In 2012, among high school seniors, girls were more numerous in two subject areas out of three (general and technical baccalaureates). Girls clearly predominate in the general subject area (660 women versus 432 men), while near-parity characterizes vocational studies (835 women versus 838 men). Upon enrolment, high school girls are more numerous in only 19 branches out of 42 (particularly in literature and the tertiary sector). Girls enrolled succeed better than men in 31 branches out of 42, particularly in technical vocational areas (inter alia, maintenance and construction). Women's rate of success in the baccalaureate is equal to men's in technical studies and higher in all other subject areas, particularly in the vocational field (with a 12 point difference). According to a survey conducted in 2010 by the institute of skills development in New Caledonia among high school seniors, girls tend to prefer accounting, teaching, secretarial work and the health sector.

In 2012, more women were pursuing bachelor's and master's degrees than men, the relevant rates being: master's in education: women 63 per cent, men 37 per cent; bachelor's in literature, languages and social sciences: women 69.3 per cent, men 30.7 per cent; bachelor's in law, economics and management: women 63.03 per cent, men 36.97 per cent. On the other hand, more men than women pursue bachelor's degrees in science and technology and master's degrees in literature, languages and social sciences.

After a master's degree, more women than men continue their studies abroad, while men tend to seek employment.

## **II. Support mechanisms**

An effective scholarship system helps boys and girls pursue a normal course of studies from primary to higher education. There are no disparities with regard to education grants. Girls benefit from the system on an equal footing with boys, on the basis of the same award criteria (inter alia, place of residence, family income and type of studies chosen).

A high school internship (*juvénat*), established approximately 20 years ago, has helped boys and girls prepare for the scientific baccalaureate in boarding school. That mechanism is important to girls, who plan to seek a literary scientific baccalaureate. Students attending that structure score high (80-90 per cent) in the said examination, with girls attaining the same success level as boys.

In 2011, the South Province established five high performance boarding schools, aimed at promoting equal opportunities for students with a modest background and supporting social diversity. The schools offer quality teaching based on innovative methods and effective personalized assistance. Many girls attend the schools.

The Association of Graduate Women (AFDU), established in 1984 and chaired by a New Caledonian woman for more than 20 years, has helped female university students facing social, financial or psychological difficulties by reassuring them and encouraging them to pursue their studies. The Association has also organized more than 100 lectures on local topics related to culture, the economy, education, women's rights and the status of women.

With regard to dropping out of school, a 2008 survey by the National Scientific Institute for Medical Research (INSERM) on a sample of 1,400 young persons, revealed that, among the 53 per cent of minors not enrolled in school who were interviewed, one of five (21 per cent) had left school without a certificate. There was no significant gap between girls and boys having dropped out of school.

### **III. Main obstacles**

Girls no longer encounter actual impediments in the educational system of New Caledonia. Cultural obstacles were eliminated long ago, while financial and logistical barriers practically no longer exist. However, what could be compared to an obstacle is girls' widespread preference for disciplines offering fewer employment opportunities and lower wages, such as social work, education, health, secretarial work, management and literary or linguistic studies. Interest in technical and technological subject areas related to New Caledonian growth sectors, is still limited among girls.

The Education Department of New Caledonia declares its readiness to proceed with textbook revision with a view to breaking down gender stereotypes and promoting a culture of gender equality.

## **9. Employment (article 11)**

Employment and labour give the most serious cause for concern with regard to discrimination against women in New Caledonia.

Although they are actually better at school and obtain higher degrees than boys, girls find it harder to secure employment and occupy a small percentage of management posts. Despite a series of enactments to the contrary, women still suffer unfair treatment in connection with work, often in subtle ways.

### **I. Labour Code**

Labour law came under the jurisdiction of New Caledonia on 1 January 2000. The Labour Code of New Caledonia entered into force on 1 May 2008.

The Labour Code of New Caledonia guarantees gender equality, particularly in the areas of discrimination and occupational equality,

psychological and sexual harassment at the workplace, equal pay for women and men, protection of pregnancy and maternity, adoption and breast-feeding.

## II. Employment

According to ISEE, of the total of 83,582 wage earners in New Caledonia (all sectors), men account for 55 per cent and women for 45 per cent.

### *Employment rates*

The proportion of women in the active population increased from 31.8 per cent in 1969 to 43.4 per cent in 2009 and 45 per cent in 2011. Factors behind that gradual development have been the rising educational level of women, the growth of the tertiary sector, the expansion of salaried work, the opening of certain trades to women and women's growing aspirations towards emancipation. On the other hand, although it has changed little over the last 20 years, men's rate of employment is still higher than women's.

Feminization has progressed homogeneously in the three provinces. It is also observed in all communities, across differing ways of life.

Yet, in view of their preference for low-growth sectors and occupations, women tend to encounter greater difficulties in the labour market, although women are often more qualified than men.

### *Unemployment and job seeking*

In 2009 in New Caledonia there were 15,500 unemployed workers or 14 per cent of the active population, compared to an unemployment rate of 16 per cent in 1989. Unemployment rates vary considerably among provinces. They range from 11.4 per cent in the South Province to 28.4 per cent in the North Province and 38.9 per cent in the Loyalty Islands Province. The proportion of women among unemployed workers increased from 40 per cent in 1989 to 52 per cent in 2009. Native women are more affected by unemployment (to the extent of approximately 40 per cent) than other women (10-15 per cent). This is attributable to a lack of qualifications and degrees among native women. Moreover, the geographical remoteness of certain tribes from the main centres of activity and employment is not conducive to access to employment for the women concerned.

In 2009, there were 6,981 job seekers: 6 out of 10 were women. That is partly explained by women's massive entry into the formal labour market in recent years. Slightly more than half of the women of working age have a job, a higher rate than in the rest of the Pacific region. In New Caledonia, female job seekers are more trained than male. Of women registered with employment offices, one third have at least baccalaureate level, compared to 18 per cent for men; and slightly more than one third lack training, compared to approximately half in the case of men. Therefore, among persons available for work, the pool of women is potentially more qualified than that of men.

### *Positions of responsibility and wages*

According to ISEE data for 2011, more women employees occupy posts that require at least a baccalaureate (54 per cent) than posts that require a CAP (*Certificat d'Aptitude Professionnelle*) or a BEP (*Brevet d'Études Professionnelles*) (22 per cent). Among men, that difference is smaller, namely 45 per cent to 34 per cent, respectively.

With regard to occupied posts, feminization of management positions is still low, while more women work part time than men. Of executives, two out of five were women in 2009, compared to fewer than 1 out of 5 in 1989. Women occupying positions of responsibility in the public and private sectors are paid on average 25 per cent less than their male counterparts. In the period 2007-2010, that gap widened slightly in the private sector but declined in the public sector.

#### *Sectors of activity*

A forward-looking survey on employment and training carried out in 2011 reveals the sectors of activity where women employees are more numerous. Of women interviewed, 34 per cent exercised one of the following 10 trades: restaurant multifunctional worker (5 per cent); secretary (5 per cent); general nurse (5 per cent); cleaner of premises (4 per cent); accountant (3 per cent); cashier (3 per cent); administrative worker (3 per cent); hygiene and patient comfort worker (2 per cent); helper to adults (2 per cent); and technical and administrative assistant (2 per cent). Other trades accounted for 66 per cent.

#### *Entrepreneurial activities*

Of individual enterprises existing as of 31 December 2011, approximately 4,000 were held by women and 2,800 by men. In all three provinces, of the beneficiaries of assistance for microprojects, 53 per cent were men and 47 per cent women. In recent years, support for microprojects by the Association for the Right to Economic Initiative (ADIE) and the New Caledonia Initiative (NCI) has been progressively readjusted (57 per cent men, 43 per cent for women). In 2011, 903 men and 297 women received investment assistance from the provinces, ADIE and NCI. In other words, of every four investment projects supported, one was carried out by a woman.

#### *Mechanisms facilitating access to employment*

A number of institutional and civil society mechanisms are in place in individual provinces to provide support in securing a job, offer guidance, and help with occupational integration, placement, reclassification, and enterprise creation. They include the Centre of Action for Employment (CAP Emploi) in the North Province, the Mission for the Integration of Young Persons (MIJ) and the Employment Service in the South Province, and the Provincial Establishment for Employment, Training and Occupational Integration (EPEFIP) in the Loyalty Islands Province. Some of these organizations help with the occupational integration of women through special employment-support programmes.

### **III. Vocational training**

According to the Labour Code of New Caledonia, continuing vocational training (FPC) lies within the framework of the national obligation to ensure continuing education.

Every year, approximately 2,500 persons take up continuing vocational training (1,600 FPC programmes and 900 through apprenticeships). The proportion of women among registered beneficiaries has steadily increased from 32 per cent in 2006 to 45 per cent in 2012. The ratio between women job seekers and women vocational trainees increased from 18 per cent in 2006 to 31 per cent in 2011.

However, the steady increase in the proportion of women among employed workers and continuing vocational training beneficiaries since 2006 should not

conceal persisting inequalities. Although overall figures betray a trend towards reduced gaps, vocational training opportunities continue to be fewer for women than for men.

Independently of the vocational training mechanism chosen (FPC or apprenticeship programmes), women largely opt for the sectors of personal services, health and tourism. Accounting for more than 75 per cent of workers in those sectors, women form a minority in occupations related to mining, construction and public works, various industrial activities and the maritime sector. The Government report on gender, training and employment entitled "Women's access to growth occupations" corroborates that fact: the proportion of men among wage earners is 76.6 per cent in mining and metal processing and 90.9 per cent in construction and public works.

#### *Barriers to continuing vocational training*

Disadvantaged groups do not receive adequate information on continuing vocational training mainly for lack of community outreach bodies (associations of women, young people, churches, customary authorities or tribal associations). Rural women, mostly native or Oceanian, have little recourse to the administrative services in charge of training and employment. Their understanding of the Western administrative system or, in some cases, the French language is inadequate. Moreover, child rearing is a household task that compels women to renounce training even if the father is not engaged in an occupational activity. Additional obstacles are the cost and irregularity of transport, and training schedules not adapted to women (for instance, through lack of evening courses).

#### *Mechanisms that have been set up*

In view of the above gender disparities in training and employment, the Government of New Caledonia in 2004 launched an extensive programme for continuing vocational training financed by the ninth European Development Fund and subject to certain cross-cutting priorities, including gender equality. The Government also launched media campaigns to raise women's awareness of training opportunities in so-called male occupations (such as, inter alia, mining equipment operator, tiler, bricklayer and electrician) which are in demand in New Caledonia.

In the South Province, an allowance of CFPF 20,000 (approximately €175) per child is provided to mothers for day-care costs during training periods. As part of incentive measures, in 2008 a second-chance grant was available to women who pursued training. That measure lasted three years.

## **10. Health (article 12)**

In New Caledonia, the health system is effective and the technical level of medical care is satisfactory.

According to the Department of Health and Social Services (DASS), the main public health issue that preoccupies health sector authorities is access to care, particularly for population groups located far from medical centres. Lack of public transport and low income deprive these groups from such access and medical follow-up. Clearly, that problem concerns a great number of women.

In the area of women's health, cancer is reaching alarming proportions. Accordingly, the Government has adopted and implemented political and legal

measures regarding public health in the following priority areas: breast cancer, cervical cancer and HIV/AIDS.

In addition to diseases specific to women, diabetes, hypertension, cardiovascular diseases, tuberculosis, oral health and obesity are priorities that also affect women and require special prevention programmes.

### **I. Breast cancer**

Breast cancer is the most frequent type of cancer and the main cancer-related cause of mortality among women in New Caledonia. Of the 82 women affected by breast cancer in 2006, 62 per cent were aged 50-74. In 2008, 91 women were affected by breast cancer independently of ethnic origin.

Under Congress Decision No. 425 of 26 November 2008 on breast cancer screening, an extensive campaign, by the Health and Social Agency of New Caledonia (ASS-NC), was launched in 2009. All women aged 50-74 are invited to undergo a physical examination of the breasts and mammographic breast screening free of charge. Additional examinations required are also free. In 2009, 17,055 women in the South Province, 3,340 in the North Province and 1,476 in the Loyalty Islands Province underwent such screening. In 2010, it is estimated that slightly more than one half of the women responded to the invitation of the screening unit.

The recent possibility to undergo mammographic breast screening in certain hospitals in the North Province is a key improvement in the area of preventive health care for women.

### **II. Cervical cancer**

Cervical cancer, which ranks third (after breast and thyroid cancer) among the types of cancer affecting women, accounts for approximately 10 per cent of such cases.

Under Decision No. 490 of 11 August 1994 on the promotion of health, the relevant consultations, smear tests, their interpretation and transmission of results (for the first two such tests, taken at a year's interval, and further tests every three years) are free of charge for women aged 17-65. The number of women having undergone cervical cancer screening was approximately 71,000 in 2004 and 77,000 in 2008. The coverage rate currently attained in New Caledonia (2006-2008) is 58.5 per cent. Although below the 70 per cent level recommended by the National Authority for Health, the above coverage rate ranges between 70 per cent in the 25-39 age group and 40 per cent in the 60-65 age group.

### **III. HIV/AIDS**

In 1992, the Standing Congressional Committee established a free, confidential screening centre (CDAG) mechanism for diagnosing the human immunodeficiency virus (HIV) (Decision No. 211/CP of 30 October 1992).

Of the 316 persons registered between 1986 and 31 December 2007, 116 (82 men, 33 women and 1 case of unknown gender) or 36.7 per cent were confirmed cases of acquired immunodeficiency syndrome (AIDS). Of those patients, 60 have died (57 deaths were due to AIDS and 3 to other causes).

In 2010, 1,783 tests led to diagnosis of the ailment in 122 cases involving 64 men and 58 women. The cumulative gender ratio in HIV/AIDS cases is three men to one woman.

The gender breakdown of persons screened in CDAGs is as follows: overall, 51.7 per cent women, 47.6 per cent men; under age 20, 71.6 per cent girls, 27.9 per cent boys (2.5 times fewer) and 0.5 per cent transsexuals; in ages 20-24, a relatively balanced distribution; over 30, a slight majority of men; and over 50, a preponderance of men by a factor of 2.3. The screening rate among young persons of either gender is much lower in the Loyalty Islands Province than in the other two provinces. In particular, among sexually active girls, that rate is respectively 19 and 33 per cent; while among boys, the rate is 5 per cent in the Loyalty Islands Province, 12 per cent in the North Province and 20 per cent in the South Province.

#### **IV. Sexual health**

According to a 2002 survey conducted by INSERM on the health of New Caledonian women, only 28 per cent considered that they were adequately informed on sexuality during adolescence, 36 per cent considered that they received partially adequate information and 36 per cent considered that they were not informed at all. These differences are related neither to the community of origin, nor to the province of residence, nor to the rural-urban divide, but rather to age and level of education. The group best informed were young baccalaureate or university degree holders aged 18-24. Yet even in that group, less than half of the women interviewed considered that they were fully informed on sexuality.

There is still reticence about discussing sexuality in families. Relevant information is available to young persons in high schools and hospitals. Health workers are active at neighbourhood level and discussion workshops are organized at provincial level on sexuality-related issues. Such issues are also addressed in weekly radio broadcasts.

#### **V. Reproductive health**

In New Caledonia, reproductive health problems are directly related to lack of information, inadequate access to health services, gender inequality, violence against women and scarcity of human and financial resources. The problems in question are more pronounced in rural areas.

According to a 2008 survey conducted by INSERM on the social situation and health-related behaviour of young persons, 8 per cent of girls use no contraception and 9 per cent use means of contraception that are of limited effectiveness. Lack of contraception is more pronounced in the Loyalty Islands (at the rate of 24 per cent of girls versus 11 per cent elsewhere). Among other women, the rate is 26 per cent among Polynesians, 15 per cent among Kanaks, 7 per cent among metropolitan Europeans and 9 per cent among Europeans of New Caledonian descent. The vast majority of young persons agree that contraception must be of concern to both boys and girls.

Of the girls interviewed, 14 per cent had their first pregnancy before age 16. The proportion of girls having already been pregnant is relatively homogeneous across the communities, except metropolitan Europeans, among whom it is lower. Unwanted pregnancies are frequent. The proportion of women aged 18-24 whose last pregnancy was unwanted was 44 per cent.

In 2009, the number of abortions in New Caledonia was 1,479, representing a rate of 22.7 abortions per 1,000 women, twice the level in metropolitan France. They also represented 26.2 per cent of conceptions, having increased among minors compared to preceding years. New legislation has

improved access to abortion by raising the number of units authorized to perform medically induced abortions before the end of the fifth week of pregnancy, particularly in certain medical and social care centres outside Nouméa. That act may be carried out only by physicians trained in centres that perform ultrasound dating, not by midwives. Moreover, the said legislation facilitated the process by doing away with the obligation of a prior social interview (save in the case of minors), which nevertheless should be systematically proposed. Of women having had sexual intercourse, 17 per cent have had one or more abortions (a level equal to the rate in Polynesia). The distribution of abortions is relatively similar in the South Province and the North Province but the rate is clearly lower in the Loyalty Islands Province (6 per cent). Of women having had one or more abortions, 67 per cent had their first abortion before age 25.

Women having used a condom are mainly young (they account for 64 per cent of those aged 18-24). Women having tried a condom are least numerous in the Loyalty Islands Province and approximately equally numerous in the North and South Provinces. In the South Province, experience with condoms is equal in rural areas and Greater Nouméa, and among Kanak and European women. Compared to other provinces, it is in the Loyalty Islands Province that people talk more of contraception between spouses but also that the proportion of men who prohibit it to their wives is largest. Church debates on contraception have had an impact on New Caledonia: 84 per cent of women using condoms have no religion. They are followed by Catholic women, Protestant women, women of non-Christian religions and, far behind, women affiliated to new Christian faiths.

Measures have been taken to reduce mortality among pregnant women in the Loyalty Islands Province. In the seventh month of pregnancy, they are invited to Nouméa to give birth because the Islands lack maternity units and specialized physicians. For these women, a care facility has been set up near the public maternity hospital in Nouméa. They receive care before and during childbirth in that facility, and postnatal attention in health-care centres on their islands of origin.

## **VI. Suicide among young persons**

According to the 2008 survey by INSERM on the social situation and health-related behaviour of young persons, the rate of suicide among the young is high. Persons having attempted suicide account for 12 per cent of all young persons, 16 per cent of girls and 8 per cent of boys. Of young persons having made such an attempt, two thirds are girls. For both genders, an unhappy childhood, alcohol problems in the family and physical abuse increase the risk of suicidal ideas. Additional factors applicable to girls consist in having been adopted, having experienced serious health issues in childhood and having suffered sexual violence before age 16. Suicidal ideas have occurred to 68 per cent of sexually abused girls within 12 months after the abuse, compared to 39 per cent of other girls during their lifetime. In New Caledonia, suicide among the young is an emerging phenomenon to which competent authorities and churches are attentive. Awareness-raising and education programmes are being launched but there are no actual institutional policies targeting suicide.

## **VII. Tobacco and alcohol**

In New Caledonia, smoking continues to be on the rise among the young. As part of the process, girls tend to imitate boys in that area. In fact, early addiction to nicotine is increasing more quickly among girls. Generally, women's access to education and employment is accompanied by increased smoking.

Alcohol consumption begins at an early age and characterizes both genders. High consumption of alcohol is observed particularly among unemployed boys. Alcohol is one of the factors contributing to violence against women.

### **VIII. Violence against women**

#### *Available information*

The 2002 survey conducted by INSERM on the health of New Caledonian women (with a sample of 1,012 women aged 18-54) revealed the gravity of the phenomenon of violence against women, which affects all social categories and sociocultural communities or groups in the land. According to the survey, 24 per cent of women had experienced psychological harassment (continuously in 96 per cent of the cases), 22 per cent repeated insults, 22 per cent physical violence and 9 per cent serious sexual aggression. Every eighth woman had been a victim of sexual misconduct, attempted rape or rape by the age of 15. The offenders were relatives or family acquaintances in 35 per cent and strangers in 10 per cent of cases.

In New Caledonia, physical aggression is as much a rural as an urban phenomenon, while serious sexual violence occurs more frequently in rural areas. The relevant rates are alarming. With regard to physical violence, the New Caledonia rate of 4 per cent, although slightly lower than that of Polynesia (5 per cent), is twice the rate in Paris (2 per cent) and four times that of metropolitan France as a whole (0.9 per cent). Sexual violence (attempted rape and rape) concern 2 per cent of women (compared to 1 per cent in Polynesia and 0.1 per cent in France). Physical abuse affects mainly native women (32 per cent), especially in rural areas and the Loyalty Islands Province. There follow "other communities" (15 per cent), Polynesian women (11 per cent ) and European women (8 per cent versus 2 per cent in France according to the 2000 national survey on violence against women in metropolitan France (ENVEFF)).

Most of the violence, including sexual intimidation, serious sexual assaults or physical abuse, is suffered by women under 24 and, to an even greater extent, women under 20.

Victims of attempted rape or rape in public areas are also more numerous among women under 20 (7.8 per cent) and to a lesser extent, among women aged 20-24 (4.5 per cent) than among women above those ages. Rural women are more exposed. Native women are affected twice as much as Polynesian and four times more than European women. Rape and other forced sexual practices correlate significantly with the province and the community. They are twice as frequent among native than among Polynesian, European and "other" women. In New Caledonia, European women are somewhat more exposed to such occurrences than in France (1.4 versus 0.8 per cent, ENVEFF 2000).

Regardless of community, women with a high educational level seem less at risk. Abuse correlates inversely with the educational level of the spouse.

Even more vulnerable, women with disabilities are victims of violence by relatives or close friends, and are mostly unaware of their rights. Because of disability-related obstacles, few of them take appropriate steps in case of violence. The New Caledonian Association of Persons with Disabilities (ACH) endeavours to help them through assistance and support. They are referred to care facilities for victims of violence and receive needed attention and services.

The above survey also refers to the extent of underreporting of sexual violence to authorities and addresses inadequacies in the remedies available.

According to the 2008 survey conducted by INSERM on the social situation and health-related behaviour of young persons, sexual violence is frequently suffered in childhood: 11 per cent of young persons interviewed stated that, as children (under 16), they had been forced, or that an attempt had been made to force them, to engage in unwanted sexual acts. Such violence was clearly gender-related, affecting 17 per cent of girls and 5 per cent of boys. Rape or attempted rape had been committed in the preceding 12 months against 5 per cent of young persons as a whole, 8 per cent of girls and 3 per cent of boys.

#### *Civil-society and institutional response*

##### **Training for the actors**

Training is regularly provided to health workers, gendarmes, police officers, customary leaders, customary judges and persons in charge of associations defending rights and dealing with violence against women. In 2009, training related to the rights of the person and to violence against women was organized in cooperation with the Secretariat of the Pacific Community (SPC) and regional programmes in order to promote violence prevention. Women and men active in civil society institutions participated in that training.

##### **Prevention**

Preventive action is expanding in all three provinces, with the participation of customary, religious, and institutional authorities and civil-service bodies.

Programmes for raising awareness of violence against women are implemented in junior and senior high schools by associations providing assistance and support to victims. Information material (posters, brochures, booklets and magazines) is distributed to students in all schools of the land. In 2011, the “Women and spousal violence” association addressed 1,022 students, 155 adults and 200 young persons not enrolled in school. The number of school presentations increased from 17 in 2008 to 140 in 2011. The number of presentation requests increases from year to year.

The Government is stepping up awareness-raising efforts for the elimination of violence against women through media campaigns, thanks to which there has been an increase in the number of reports, consultations, complaints, petitions to courts and placements in shelters for victims of violence that are registered by the associations and provincial bodies dealing with such violence, the gendarmerie, the police and the judicial authorities.

In 2009, New Caledonia joined for the first time other countries in 16 Days of Activism against Gender Violence, an awareness-raising campaign held from 25 November to 10 December under the slogan “Men and women UNITED to combat violence against women”.

##### **Care for victims and treatment of offenders**

Through the participation of psychologists, lawyers, customary law specialists, spousal and domestic violence experts, social workers and specialized educators, associations are becoming more efficient in their work. Activities carried out by the Women and Spousal Violence association, the SOS Sexual Violence association, the Access to Rights and Assistance to Victims (ADAVI) association and the shelters for women victims of violence in the provinces are being enhanced and becoming better known to women. Such efforts provide women with medical and psychological support, advice, legal help, social assistance, occupational integration support, emergency housing,

police or gendarmerie protection and simplified access to judicial remedies. The establishment of counselling offices in high schools, counselling units in the districts of Nouméa, and the “SOS Counsel” helpline clearly contribute to improved care for the victims.

In recent years, care for perpetrators of violence has become a new strategy for combating violence against women. In 2012, of the 2,306 persons received by the Spousal and Domestic Violence Support Service, which is responsible for providing free assistance and care to victims and offenders in the South Province, 457 (269 victims and 188 perpetrators) were provided with counselling.

The Office for Assistance to Victims (BAV), created by the police in 2005, provides care for women victims of violence and, if they request, helps them with procedures in filing a complaint.

Implementation of the restraining order procedure, which took effect in October 2010 and provides for removal or eviction of violent spouses and a financial requirement, is a key measure in favour of women victims. Arrangements are henceforth possible in Nouméa thanks to a recent agreement between the South Province outreach body and the association for the social reintegration of former prisoners (RAPSA) which makes available apartments for the spouses concerned. That is unfortunately not the case in the two other provinces, which lack such hosting facilities.

In the North Province, programmes for the prevention of violence, including against women, were launched in 2012 at Vavouto (site of the processing plant in the North). Two municipal councils as well as local development partners provide financial support for these initiatives.

### **Judicial treatment**

Violence constitutes a criminal offence punishable under the Criminal Code. At the civil law level, victims of spousal violence are treated differently with regard to damages depending on whether they have ordinary or customary civil status. In that context, victims having customary civil status appear before a court consisting of one ordinary-law judge and customary judges. In the case of victims having ordinary civil status, criminal proceedings are directly followed by civil proceedings. Until 2013, however, victims having customary civil status faced the additional task of appearing, after criminal proceedings, before a customary court. In 2013, an amendment to the law made it possible for such cases to be referred automatically to a customary court to decide on civil damages based on the customary principles in force in the customary area of origin of the victim. Decisions may differ considerably between customary areas.

## **11. Social and economic benefits (article 13)**

### **I. Right to family allowances**

The Family Allowances and Industrial Accidents Fund (CAFAT), a social security agency in New Caledonia, manages industrial accident, occupational disease, family, unemployment, disability, death-related, old age and widowhood benefits for wage earners of New Caledonia. CAFAT also manages the unified medical and maternity insurance scheme (RUAMM) for all workers (wage-earners, civil servants and self-employed persons). Welfare contributions account for more than 80 per cent of the financing of these insurance schemes. In 2012, CAFAT covered 250,432 persons, namely 41,000 families and more than 76,000 children.

## **II. Right to bank loans**

In New Caledonia, women, if they meet the prerequisites, have as much access to bank loans and other forms of credit as men. They may contract a loan freely, without needing their husband's approval, and hold personal bank accounts. For mortgages, however, they must obtain the consent of their husbands if the building is part of the statutory community of property. This condition also applies to the husband. Such rules do not concern property on customary land because of the status of such land (inalienable, non-transferable, not subject to substitution and not liable to seizure).

## **III. Women's participation in sport and cultural activities**

No discrimination or barrier affects women's participation in recreational activities, sport or any aspect of cultural life. As the number of licensed professional women in sport clubs, federations or leagues attests, women are represented at the local sport level. Yet they seldom attain technical or decision-making posts in sports. Women account for 27 per cent of sport steering committee members.

In schools, girls are strongly encouraged to join the French National School Sports Union (UNSS) and some participate in national and Pacific region tournaments. Later, their school sport activity enables them to easily join the local world of sports.

New Caledonian women, regardless of ethnic group, contribute significantly to cultural life (including arts and crafts fairs, art exhibits, cultural know-how exchanges, art festivals, and traditional markets). They are crucial to the success of cultural events at the municipal, provincial, area, regional and national levels. They are also instrumental to enhancing the transmission of cultural know-how in junior and senior high schools. A long awaited draft act on the protection of traditional know-how is in preparation and is expected to benefit artists of both genders.

## **12. Rural women (article 14)**

In New Caledonia, all population groups residing outside the capital and living on the basis of a food economy are considered rural. That rural population, which mainly consists of natives (Kanakas), is located mostly in the North Province and the Loyalty Islands Province, accounting for approximately 80 per cent of the 63,000 inhabitants of those provinces, and in part of the South Province. Rural women account for approximately 50 per cent of that population.

### **I. Difficulties encountered by rural women**

Certain women in rural areas still face particularly difficult living conditions. Every day they cope with lack of conveniences (running water and power) if they live in remote areas, and lack of transport for their products, for access to administrative and health services and for shopping.

Discussions held by rural and tribal women regarding access to economic projects reveal that the following obstacles impede their contribution to development:

- Local cultural practices, which are more conducive to men's rather than women's participation in development projects;

- Family approval that women must obtain in order to carry out community-based projects and which not all women readily receive (as a result of cultural stereotypes);
- Administrative delays and procedural complexity, which discourage women; and remoteness or isolation of certain tribes (with no access to power, drinking water, telephone networks or new technologies), which is not favourable to development, including women's business projects;
- Lack and cost of transport, which are major problems affecting travel and product transportation.

## **II. Agricultural sector**

According to a 2002 study carried out on New Caledonian agriculture by the Directorate for Veterinary, Food and Rural Affairs (DAVAR) of the Government, persons engaged in family agriculture and living and/or working on farms account for 10 per cent of the total population of New Caledonia (compared to 23 per cent in 1991). Of the 1,112 permanently employed wage earners practising family farming that represent a total of 938 agricultural work units (AWUs), one fourth are women. Women's contribution to total AWUs amounts to 42 per cent in customary, 31 per cent in non-customary and 37 per cent in mixed areas. One third of those women stated that their entire monetary income came from farming. Detailed studies conducted by DAVAR on New Caledonian agriculture and rural development do not reflect in any statistics or findings the considerable contribution of rural women. There is thus no reliable information on the work of women in the rural economy.

The Economic and Social Council of New Caledonia has drawn attention to farmers' wives, who labour their husbands but receive no wages. Of the 15 per cent represented by self-employed men, only 3 per cent pay wages to their wives who work in their business.

Of the farms on customary land, 98 per cent are managed by men (close to 100 per cent in the Loyalty Islands Province, 96 per cent in the North Province and 97 per cent in the South Province). Institutions, credit organizations and non-governmental organizations (NGOs) increasingly encourage women to develop projects on customary land.

Lastly, numerous rural women develop non-commercial income-generating activities enabling them to preserve traditional knowledge and traditional agricultural or fishing techniques that at the same time ensure food security for their families.

## **III. Rural women and mining projects**

In the North Province, tangible efforts have been made to support women's contributions to economic development. Setting up the processing plant North (Koniambo Nickel SAS) gave impetus to the labour market as formerly unemployed women were recruited in various activity centres on and around the mine (for administration services, environmental work, creation of tree nurseries, catering, cleaning services, transport services, small business projects, and personal services).

The recent creation of the Vale Nouvelle-Calédonie plant in the South Province has had the same effect. Women are increasingly visible in the mining centres of Société Métallurgique Le Nickel (SLN) and Société minière du Sud Pacifique (SMSP). These new growth trades are largely conducive to the emancipation of rural and tribal women by reshaping the pattern of employment.

As mining develops, women's associations cooperate closely with the management of mining companies in order to forestall any harmful impact on human rights, public health, education, cultural values transmission and the environment. Such partnerships also lead to activities conducive to progress among population groups living near mining sites.

#### **IV. Development assistance in rural areas**

In the three provinces, considerable efforts were made in the areas of health, social housing and personal services in order to improve living conditions for rural women and families. The provincial service for tribal social development in the North Province works on the promotion of women in small development projects (inter alia, markets, personal services, arts and crafts, and catering). Women receive support in mounting projects, and training in managing them. Moreover, the province provides them with financial assistance, such as loans on concessional terms for business projects.

In March 2011, the Government of New Caledonia organized a seminar to identify the concerns and expectations of women in the informal sector and, in particular, to encourage discussion of strategies for ensuring that, in formulating public policies, greater attention is paid to the informal economy.

In 2013, activities undertaken as part of International Women's Day led to a women's solidarity-based bank project, which has begun to take shape in certain regions with a view to organizing a network of women who develop that type of economy, and to highlight the informal economy system at the level of New Caledonia.

In recent years, the Association for the Right to Economic Initiative (ADIE) has been active as a development partner in rural areas. The Chamber of Trades and Crafts (CMA) and the Chamber of Commerce and Industry (CCI) regularly provide services in the rural and tribal areas with a view to the promotion of development activities.

At the regional level, in the last 15 years New Caledonian women have been able to participate in training programmes of the Community Centre for Training and Education, based in Fiji, of the Secretariat of the Pacific Community (SPC). Having acquired knowledge and skills in the area of community-based development, the women concerned engage in various projects (inter alia, agriculture, catering, transport, health-related services, conduct of youth activities, association management and the arts).

### **13. Equality before the law (article 15)**

Neither the French Constitution nor subsequent legislation discriminate against women with respect to the exercise of rights and freedoms. As long as they are of majority age, women may access the courts as plaintiff or defendant, or give testimony, on equal terms with men. They may pursue legal professions (including as judges, attorneys, lawyers or experts) without restriction due to their gender. Women enjoy equal access to legal services, particularly in the area of legal assistance. They may freely conclude contracts in their name, administer their own property, and execute wills.

Freedom of movement is a basic right of all citizens. Women freely choose their place of residence and their dwelling.

## **14. Matrimonial and family law (article 16)**

### **I. Marriage and divorce under ordinary law**

In New Caledonia, national rules on marriage and divorce under ordinary law apply to citizens having ordinary civil status. Civil law, as transferred to New Caledonia, has not modified these rules.

#### *Customary marriage*

Customary marriage, which concerns Kanaks having customary civil status, falls within the jurisdiction of customary authorities (clans, families, high chiefs and minor chiefs) and is governed by custom. Husbands must register their customary marriage with municipal authorities within one month. Accordingly, the registrar does not marry citizens having customary civil status but only enters their customary marriage in the population register for citizens having customary civil status.

#### *Termination of customary marriage*

The term “termination of marriage” replaces the term “divorce” with regard to Kanak customary civil status. Termination of customary marriage falls within the jurisdiction of the Nouméa district court and court of appeal, supplemented with customary judges. These courts implement ordinary law. The customary judges are full-fledged judges entitled to vote. Either party may refer his or her case to these courts. The overwhelming majority of cases heard by them are submitted by women.

Women still face strong resistance from men, who oppose termination of marriage and, regarding custody of children, invoke the customary principle that children are members of the father’s clan. Women challenge customary authorities on this point, which is prejudicial to them, and maintain that material custody must be distinguished from paternal clan membership. Fathers often use the said principle to avoid paying maintenance. Women report a further problem prejudicial to them: liquidation of matrimonial property, particularly buildings (villas) which have been built on the husband’s tribal land and to whose construction the wife has contributed financially. Women request customary authorities to find equitable solutions so that the wife is not wronged in the event of termination of marriage.

Customary law is in a process of development and women’s requests for justice and equity are a constructive contribution to that process. In the interests of custom and social balance in Kanak society, customary authorities must accord high priority to the treatment of such requests.

### **II. Succession under ordinary law**

Succession under ordinary law is governed by national rules, which remained unchanged when civil law was recently transferred to New Caledonia.

### **III. Succession under customary law**

Until 1980, the order of devolution of property in relation to Kanaks having customary civil status was governed by custom and handled by the customary authorities, whether the property was located in or outside tribal areas. If the husband died, the wife and children were often disinherited by the council of elders in favour of a brother or cousin of the deceased. In the absence of a precise customary rule, the wife could lodge an appeal with the assembly of

the council of elders. Thus, the succession remained pending and could not be liquidated. In certain cases, the widow renounced her customary civil status in order to secure liquidation. A 1980 decision, aimed at filling that gap in the law by introducing a new order of devolution of property, is limited to buildings acquired under ordinary law and located outside reserves (tribal land or districts) and, under certain conditions (spouses' statement opting for the new order in the event of death of either one), enables the surviving spouse and children to be sole heirs of the property. Under that procedure, the council of elders no longer intervenes in succession matters. That decision also established a role for the clan council and replaced the council of elders in the tribes with the inter-clan council, which is more representative in the actual customary context.

However, as the 1980 order of devolution of property fails to provide for all types of cases involving customary succession, the Customary Senate is currently preparing, with the Government of New Caledonia, a bill on the customary order of devolution of property in order to cover all inherited (immovable and movable) assets and address the interests of spouses and their children in a spirit of justice and equity.

In that project, the Customary Senate is interested in property located both in and outside reserves (tribal land or districts).

## **Conclusions and recommendations**

This report on the situation of New Caledonian women in 2013 has been prepared with contributions from the administrative services and the associations and representatives of civil society. The report has offered an opportunity to underscore the importance of the Convention and its implementation in New Caledonia.

Despite progress achieved in the past 20 years with regard to the situation of New Caledonian women, numerous obstacles to their emancipation still exist and should be eliminated if compliance with the provisions of the Convention is to be ensured.

The main problems identified with regard to implementation of the Convention in New Caledonia can be summarized as follows:

- (1) Continuing precariousness of women, with a negative impact on their education, health, training and occupational integration;
- (2) Insufficient coordination of action and inadequate enforcement of law;
- (3) Insufficient knowledge of international legal instruments regarding women's rights;
- (4) Insufficient gender-disaggregated data;
- (5) Inadequacy of measures for women in areas which concern them;
- (6) Insufficient action for information, education and communication promoting changes in attitudes towards women and girls;
- (7) Insufficient action in favour of native women and their rights;
- (8) Insufficient action in favour of women in rural areas and in the Islands;
- (9) Lack of qualitative and quantitative studies on women's involvement in the development of New Caledonia.

## Recommendations

(1) Strengthening implementation of the Revised Pacific Platform for Action and of the Convention through the adoption of cross-cutting strategies and plans will contribute decisively to attaining the goal of women's empowerment in all sectors of development;

(2) Approaching formal and informal sectors to take into account the needs and potential of women in the interests of the economy as a whole must be high on the agenda of public authorities and all development stakeholders;

(3) Organizing specific studies on women and development and establishing indicators directly related to the empowerment of women are keys to assessing progress and achieving gender equality in New Caledonia;

(4) As the report of the United Nations Special Rapporteur on the rights of indigenous peoples recommends, in drawing up legislation and formulating policies it is necessary to take into consideration the opinions of Kanak women.

It is gratifying to note the political will of the Government of New Caledonia to address women's rights and gender equality as a matter of priority.

Alongside the institutions, civil society organizations are mobilizing increasingly for synergy in activities benefiting women. Mention should also be made of the ever greater technical support provided by the Secretariat of the Pacific Community (SPC) in implementation of programmes promoting women's rights and gender equality; and of the financial contribution of the State and the European Union for improvement of the status of women in New Caledonia. In 2013, at the Twelfth Triennial Conference of Pacific Women, the countries of the Pacific, including New Caledonia, reiterated their resolve to promote gender equality in each key area of the Beijing Platform for Action and of the Revised Pacific Platform for Action.

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