



**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**

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

**France\***

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

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## Foreword

As a follow-up to the consideration of the previous report of France by the Committee on the Elimination of Discrimination against Women in January 2008, the French Government is pleased to present the country's seventh and eighth combined reports on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

This report reviews the inequalities which persist in the country, in the political, economic and social spheres, despite legislation stipulating equality before the law and punishing discrimination. For instance, women still carry out 80 per cent of household tasks; a 27 per cent wage gap still exists between men and women, who account for 80 per cent of part-time workers; among retirees, the average monthly pension is €1,749 in the case of men and €1,165 (one third less) in the case of women; women still account for only 23 per cent of directors of the CAC 40 companies; only eight women are university presidents; in the parliament, women account for only 26.9 per cent of deputies and 21.8 per cent of senators; they also account for only 13.9 per cent of departmental councillors and 13.8 per cent of mayors. Only two women presidents of regional councils.

The report also reviews the progress achieved since that latest hearing and highlights the commitments that since 2012 France has made to tangible gender equality as a political priority of government action at the national and local levels.

Those commitments have led to action with regard to the Convention: pursuant to the Committee's recommendations, the French authorities on 14 October 2013 notified the Secretary-General of the United Nations of the withdrawal of all of the country's reservations and declarations to the Convention so that it may be fully and comprehensively implemented in France.

That decision echoes the resolve of France to take diplomatic action, in Europe and beyond, in order to promote the rights of women, and to upgrade gender equality at home so that it no longer consists in a mere legal principle but constitutes an actual fact, visible and experienced by the French in daily life. Clearly, that ambition is fully in line with the spirit and letter of the Convention.

Accordingly, this report focuses on structural activities undertaken since May 2012 in order to organize the "attainment of real equality" and guided by the simple principle that "since inequalities exist everywhere, that is where we shall act".

To that end, **the Government's work methods have been thoroughly reviewed.** The Government which took office in May 2012 has an equal number of women and men, a parity attained for the first time in the history of the French Republic. A full-fledged Ministry of Women's Rights was restored, after 26 years of absence; an expert on women's rights was designated within every minister's office; and a senior civil servant on equal rights was entrusted with leading the relevant ministerial policy. All these officials have participated in awareness-raising activities concerning the equality issues in question. Upstream, before they are submitted to the parliament, draft legislation and regulations undergo an assessment of their impact on gender inequalities; and a systemic evaluation is organized through the High Council for Gender Equality (HCE), a new authority created to promote public debate.

Yet institutional organization is not enough. Accordingly, a truly comprehensive policy on equality has been drawn up by an inter-ministerial committee for women's rights and gender equality, chaired by the Prime Minister. That policy has taken the form of a cross-cutting action plan mobilizing the Government as a whole, the territorial authorities and civil society.

The scope of action is broad. It requires the Government and every minister to address custom-based inequalities in settings ranging from the school to the media, sport and the universities; reduce constraints on women's daily life; distribute parental responsibilities more equitably; eliminate obstacles to equality with regard to careers and wages in the public and private sectors; diminish social and health-related disparities; protect women against violence more effectively; and ensure in practice that women and men have equal access to social, professional and political responsibilities.

The action plan has specified a series of robust and immediate measures, adopted through various bills, and a roadmap for each ministry. These equality roadmaps have been drawn up with each ministry on the basis of conferences on equality with a view to mainstreaming equality in public policies and in the management of human and material resources.

After one year of implementation, numerous efforts are in progress and draft legislation has been prepared in all areas of public action at the national and international level. They are expected to produce key results for women, for instance in the area of political parity, under the combined effect of voting system reforms regarding departmental, local and senatorial elections and of the planned prohibition of combining multiple elective functions.

Given the deep roots of inequality, the State has taken the following specific steps:

- On 22 November 2013 a new inter-ministerial plan for preventing and combating violence against women was adopted. It organizes public action on the basis of three principles: ensuring that no reported violence remains without response; protecting victims effectively; and mobilizing society as a whole. The funds earmarked for this plan (€ 66 million for the period 2014-2016) have been doubled in comparison to those of the preceding period;
- In January 2014 a national plan against human trafficking was adopted, establishing action priorities over a period of three years, in accordance with the recommendations of the Council of Europe;
- A second session of the inter-ministerial committee for women's rights scheduled to take place in early 2014 is to take stock of the accomplishments of 2013 and new lines of ministerial action concerning women's rights, particularly with a view to increasing the women's rate of employment and promoting gender diversity in the various occupations;
- The territorial authorities have been mobilized in order to relay State action to the territories by mainstreaming gender equality in their areas of jurisdiction.

The goal is to ensure the actual exercise of existing rights and to innovate so as to secure new rights. At the request of the President of the Republic, the Minister of Women's Rights has prepared and submitted to the parliament a **draft framework act on gender equality**. That is the first draft instrument to address equality

comprehensively, defining the principles that should underpin an integrated approach to equality, combining specific measures and the cross-cutting consideration of equality issues in all public policies formulated by the State, the territorial authorities and their public institutions.

That draft Gender Equality act aims at ensuring occupational equality through greater sharing of tasks in the family and through strengthened measures for wage equality in the enterprises. It supplements the legislation punishing violence against women by enhancing the effectiveness of protection orders, helping spousal violence victims to stay in the couple's residence, and standardizing specific tools for the protection of women and the prevention of recidivism. It mainstreams gender parity in State institutions and in professional representative bodies. Lastly, it provides for establishing, on a trial basis, a public guarantee for unpaid maintenance allowances so as to reduce the vulnerability risks faced by women.

These measures are expected to strengthen the current legislation in all of the above areas; and will be presented in greater detail in the updated report to be submitted for the country's next hearing before the Committee.

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## **I. Replies to the recommendations formulated in the concluding observations of the Committee**

### **1.1. Withdrawal of reservations**

*Recommendation (paragraph 11): "The Committee encourages the State party to finalize as soon as possible the procedure of withdrawal of its reservation to article 14, paragraph 2 (c). The Committee further requests the State party to initiate as soon as possible the procedure to withdraw its declaration and its reservation to article 14, paragraph 2 (h), which in the opinion of the Committee has the character of an interpretative declaration, and to withdraw its reservation to article 16, paragraph 1 (g)".*

On 14 October 2013, the French authorities notified the Secretary-General of the United Nations of the withdrawal of all of the country's reservations and declarations to the Convention. The reservation concerned article 16, paragraph 1 (g) (family name transmission). The Act of 17 May 2013 legalizing marriage between persons of the same gender terminated the pre-eminence of the father's family name in the event that parents failed to agree on or to choose a family name for the child.

The declarations concerned two paragraphs of article 14: (2) (c) (on ensuring that women in rural areas benefit directly from social security programmes) and (2) (h) (on ensuring that women in rural areas have access to certain services).

### **1.2. Accession to international instruments**

*Recommendation (paragraph 44): "The Committee notes that States' adherence to the nine major international human rights instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore the Committee encourages the Government of France to consider ratifying the treaties to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities."*

The ongoing commitment of France to the promotion and defence of human rights implies the ratification of international treaties. The instruments most recently ratified have been the International Convention for the Protection of All Persons from Enforced Disappearance in September 2008, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in November 2008 and the Convention on the Rights of Persons with Disabilities and its Optional Protocol in December 2009.

A draft act authorizing the ratification of the Council of Europe Convention on the prevention and fight against violence against women and domestic violence, signed by France on 11 May 2011, was discussed in the Council of Ministers on 15 May 2013. It will be examined by the parliament with a view to its adoption in the first quarter of 2014.

France has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which was adopted on 18 December 1990 and entered into force on 1 July 2003. It is noted that no

European Union member State has been able to do so. In fact, a number of difficulties currently prevent the French Government from fully subscribing to the provisions of that Convention, particularly with regard to the lack of a distinction between persons in a regular situation and those in an irregular situation. It should be stressed, however, that the current provisions of French law already protect the rights of migrant workers. Thus, persons in a regular situation enjoy a national protection similar to the one provided for in the Convention. Moreover, the rights of migrant workers in an irregular situation are not neglected, insofar as the fundamental rights of such persons are guaranteed under the European Convention on Human Rights and Fundamental Freedoms and other international instruments for the protection of human rights, to which France is a party.

### **1.3. Training for lawyers in the use of the Convention**

*Recommendation (paragraph 13): "The Committee reiterates the recommendations expressed after considering the State party's fourth and fifth periodic report, and urges the State party to take further steps to raise awareness of the Convention and its Optional Protocol and to provide systematic training to the judiciary and public prosecutors on the scope and significance of the Convention with a view to encouraging them to utilize the Convention in litigations and to encourage the legal professions to provide for similar training. The Committee further recommends that the Convention, its Optional Protocol and other international human rights instruments be included as a mandatory component in the training of the legal profession and in the curriculum of law faculties".*

Courses on international instruments will systematically include a training module on the Convention.

In the universities, the law training and research units (UFRs) train students and, in certain cases, promote specialized research in the protection of rights and freedoms. The curriculum of a bachelor's degree in law includes one or more subjects related to the legal protection of human rights. Thus, considerable attention is devoted to the study of international instruments. The topic of gender equality is addressed and the Convention is studied. The relevant subjects are particularly attended by students preparing for a lawyer's career. In fact, the entry examination for the regional training centre for the Bar (CRFPA) concerns the legal guarantee of rights and freedoms.

Certain universities include human rights research laboratories, where gender issues and equality are specifically dealt with.

For instance, Paris West University Nanterre La Défense, particularly its research centre on fundamental rights (CREDOF), and Lille 2 University of Health and Law host the "REsearch on Gender INequalities in Europe" (REGINE) project. Financed by the National Research Agency (ANR), this initiative aims at "anchoring feminist legal theory within the French academic landscape".

In 2012, the Ministry of Higher Education and Research (MESR) established gender-equality training sessions for higher education and research professionals at all levels of responsibility. That training addresses the national, European and international legal and regulatory framework with a view to building a common

culture of rights, obligations and action against discrimination. In 2013, the Ministry prepared a relevant "toolkit".

On the occasion of the thirtieth anniversary of the ratification of the Convention by France, an information campaign for judges and law students was launched in order to familiarize them with the Convention.

#### **1.4. Collection of gender-disaggregated data and evaluation of the policies implemented**

*Recommendation (paragraph 41): "The Committee requests the State party to include adequate statistical data, disaggregated by gender and age, and analysis in its next report so as to provide a full picture of the implementation of all provisions of the Convention. It also recommends that the State party regularly conduct impact assessments of its legislation, policies, plans and programmes to ensure that measures taken lead to the desired goals, and that it inform the Committee about the results achieved in the implementation of the Convention in its next report".*

With regard to data collection, a report entitled "*Women and men - An insight into parity*", published every four years by the National Institute for Statistics and Economic Studies (INSEE), presents the situation of men and women in French society from the demographic and family-, health-, education-, activity-, income-, leisure- and power-related standpoints, within a European setting. The 2012 edition focuses on inequalities in respect of retirement, on the sharing of household tasks by men and women and on the beneficiaries of the "free choice of activity" supplement (CLCA).

On the basis of the data compiled by INSEE and the administrative authorities as a whole, the Department of Women's Rights and Equality of the Ministry of Women's publishes an annual document entitled "*Key Figures on equality between women and men*". The 2012 edition presents an overview of the situation of both genders at the demographic level and in the various areas of activity of the Ministry (see the annexes).

INSEE will pursue the conduct of studies aimed at highlighting situations of gender-based inequality. The "gender variable" will be incorporated into the statistical method and all relevant national and regional inquiries.

With regard to the evaluation of public policies, on 33 August 2012 the Prime Minister addressed to all members of the Government a circular requiring gender equality to be taken into account in drawing up draft legislation and major decrees involving issues related to equality.

Henceforth, where appropriate, all impact assessments accompanying draft acts must include a gender-equality component. An analysis carried out during bill preparation is aimed at ensuring that the provisions considered do not infringe the rights of women or aggravate any gender inequalities.

Where such provisions directly or indirectly advantage either gender to the detriment of the other or may negatively affect or worsen an existing situation, for instance with regard to professional equality, access to rights, actual enjoyment of rights or linkages between personal and professional life, corrective measures should be provided for.



The High Council for Gender Equality (HCE), created in January 2013, is responsible for the systematic evaluation of impact assessments with respect to equality.

The High Council for Gender Equality, let it be recalled, has taken over the roles of the Monitoring Commission on Gender Parity (*Observatoire de la parité*), the National Commission on Violence against Women (CNVF), the Commission on the Image of Women in the Media and the Higher Council for Sexual Information, Birth Control and Family Education (CSIS). One of the thematic committees set up within the High Council for Gender Equality is the committee for women's rights and international and European issues.

### **1.5. Implementation of the Convention in the Overseas Local Authorities**

*Recommendation (paragraph 15) "The Committee requests the State party to strengthen the implementation of the provisions of Convention in the French Overseas Territories. It also urges it to disseminate information on the Convention and its optional Protocol in these territories. The Committee requests the State party to include in its next report extensive and systematically organized information on the implementation of the Convention in all its Overseas Departments and Territories".*

#### **1.5.1. Special types of status of the Overseas Territories**

Overseas France is characterized by considerable variety regarding the status and situation of local authorities'.

At the statutory level, on the basis of a local referendum held on 29 March 2009, Mayotte became, on 31 March 2011, an overseas department with a single deliberating assembly.

In a referendum held on 24 January 2010, French Guiana and Martinique voted to form a single community, invested with the powers devolved to the Department and the Region and governed by article 73 of the Constitution. The Act of 27 July 2011, a consequence of that referendum, specifies the organization and institutional operation of the two new authorities. It amends the General Code on Local Authorities by defining the status of the authorities in question, and adds to the Electoral Code provisions on the election of the members of the assemblies of French Guiana and Martinique.

Moreover, in French Guiana, a consultative council of the Amerindian and Bushinenge (or Noirs-Marrons) population was set up in June 2010.

Extensive autonomy has been conferred to the authorities of French Polynesia and New Caledonia. The provisions of the Nouméa Accord often echo those of the United Nations Declaration on the Rights of Indigenous Peoples. The Nouméa Accord of 5 May 1998 on the future of New Caledonia was signed by the representatives of the two main political families of the territory, including FLNKS (a grouping of political parties representing mainly the Kanaks), and the French State.

The statutory act of New Caledonia translated the provisions of the above accord into law. In 2009, an organization act was adopted, specifying the conditions of implementation of the transfer of certain State powers to New Caledonia.

Beginning in 2014, the Congress is expected to decide whether to hold in New Caledonia a referendum on leaving the Nouméa Accord.

### **1.5.2. An officer for women's rights**

In every overseas department and authority (Guadeloupe, French Guiana, Martinique, Mayotte, Réunion Island, and Saint Pierre and Miquelon), an officer for women's rights and equality is responsible for implementing government policy on the basis of a strategic regional plan for gender equality (PRSEFH).

#### *1.5.2.1. Women's rights and gender equality in Guadeloupe*

Since the Act of 19 March 1946, Guadeloupe has been an overseas department (DOM). National legislation applies to the department but may be subject to certain adjustments dictated by its special situation.

Guadeloupe has 405,500 inhabitants (based on 2008 figures), with women forming a majority in the population over 19. Women are also a majority (61 per cent) of the foreign population. Of the department's women, 56 per cent are aged 24-54. Although ageing, that population group remains young, as its under-20 rate is 32.1 per cent compared to 25 per cent in Metropolitan France.

Guadeloupean women are actively involved in political life: they account for two out of four deputies, 6 out of 32 mayors, 6 commission chairpersons out of 17, 48.8 per cent of regional councillors, 25 per cent of departmental councillors, 25 per cent of mayors of communities with fewer than 3,500 inhabitants and 18.5 per cent of mayors of communities with more than 3,500 inhabitants.

Yet the condition of women in Guadeloupean society is characterized by a certain erosion of security. Currently one third of Guadeloupean families have a single parent, and among those families 9 heads of household out of 10 are women, economically inactive in 55 per cent of the cases, financially vulnerable or unemployed.

In a regional economy dominated by the tertiary sector (which accounts for 80 per cent of employment), occupational gender gaps remain significant. The cause, however, is not that girls are less successful in school than boys. School enrolment is higher among girls than among boys and girls succeed better than boys in relation to all diplomas. Yet for ages 15-64 the rate of employment is 8.5 points lower for women (44.8 per cent) than for men (53.3 per cent). In terms of participation in the workforce, women's rate of participation increased from 75.7 per cent in 2007 to 78.2 per cent in 2011 while the gap in relation to men declined by 2 points.

Women are more affected by part-time employment and unemployment. On average, 16 per cent of employed women work part-time. In 2010, the unemployment rate was higher among women (25.8 per cent) than among men (19.1 per cent), while a greater proportion of women are affected by economic inactivity due in particular to medical, family or personal reasons.

Accordingly, women are more frequently exposed to the risk of poverty than men.

In 2008, the average annual income of executives was €43,290 in the case of women and €47,693 in the case of men.

State action for gender equality is aimed at eliminating such inequalities, particularly in the framework of the State-Region Project Contract (CPER), 2007-2013.

The regional offices for women's rights and equality participate in implementing and managing specific activities aimed at eliminating gender inequalities in political, economic, professional and social life. For instance, a partnership has been formed with the Regional Information Centre for Youth in Guadeloupe in order to encourage girls holding a *baccalauréat* to diversify and to orient them; and an initiative (known as the "women's creative talent prize") has been launched to promote entrepreneurship among women.

Since September 2013, the department of Guadeloupe participates in the "ABCD of equality" programme, whose various primary education modules will enable teachers, during school hours, to:

- Question their own perceptions;
- Sensitize children to stereotypes, mutual respect, gender-diversity and the fight against violence;
- Question children as to their perceptions through learning situations, in class (as part of, inter alia, science education, physical education and sport and language teaching) and at the extracurricular level;
- Develop confidence, inclinations and capacities among girls and boys on an equal footing.

This pilot initiative will be implemented in nine further departments of education.

Violence towards women persists.

Since the national survey on violence against women in Metropolitan France (ENVEFF) does not cover Guadeloupe, few specific data on the phenomena in question are available. It is, however, known that, of the 15 women murdered in the period 2008-2011, half were killed by the spouse or partner. Moreover, complaints are rarely filed for domestic violence, although it is quite frequent. The new "Violence and gender relations" (VIRAGE) survey will cover Guadeloupe and the other overseas departments.

According to a 2005 survey conducted by *Observatoire féminin*, a civil society body created by the territory's federation of associations of women and families, 80 per cent of women victims of spousal violence have dependent children, more than half are under 50 and approximately 40 per cent are unemployed.

A series of activities and structures have been organized to prevent violence against women and to ensure their protection, particularly under the departmental plan for preventing and eliminating such violence. The plan is implemented by a dynamic civil society network.

Through a partnership between State services and the departmental authorities, police stations have been provided with social workers.

Activities have been developed to provide training for professionals and voluntary workers and to sensitize the public to spousal violence, harassment at the workplace and sexual aggression. Thus, an awareness-raising campaign was carried

out in high schools in connection with the International Day for the Elimination of Violence against Women. A booklet will be published to present new ideas and new tools proposed by young persons to combat violence.

The strategic regional plan for gender equality (PRSEFH), 2012-2014, for Guadeloupe, pursues the following two objectives:

- Changing popular beliefs so as to promote equity for women in all sectors of society;
- Enabling women to exercise their rights and combat all forms of violence against them.

#### *1.5.2.2. Women's rights and gender equality in French Guiana*

With a surface of 84,000 km<sup>2</sup>, French Guiana is the largest overseas department. Of its 225,751 inhabitants, 37.2 per cent are foreign. There is also a considerable number of illegal immigrants, estimated at 30,000-60,000 in 2006 by INSEE. With 32,700 persons aged 16-25 in that year, French Guiana is the department with the youngest population in France. Persons under 20 account for 44 per cent of the department's inhabitants (compared to 25.7 per cent in Metropolitan France).

On the average, women in French Guiana give birth to 3.9 children in their lifetime (based on 1999 statistics). Foreign housewives, often young, have immigrated to the department in search of better living conditions. Despite their young age, more than 25 per cent of them have at least three children. Minors account for 7 per cent of pregnant women. The number of pregnancies among women under 18 increased from 354 cases in 2000 to 413 in 2009. The border areas are particularly affected. There are approximately 40 nationalities in the territory of French Guiana.

Of the population over 15, 49 per cent have no diploma (compared to 17.7 per cent in Metropolitan France). Unemployment, 21.8 per cent overall, attains 40 per cent in the 15-24 age group. Single-parent families form one fourth of households (compared to 9 per cent in Metropolitan France).

The Directorate for Youth, Sport and Social Cohesion is in charge of public policies for the promotion of women's rights.

Priorities for 2013 are as follows:

- Prevention and elimination of violence against women;
- Prevention of child prostitution;
- Encouragement of women's entrepreneurship;
- Gender equality in professional, economic and social life.

Like the other overseas departments, French Guiana will be covered by the new VIRAGE survey.

#### *1.5.2.3. Women's rights and gender equality in Martinique*

Martinique has been an overseas department since 1946 and a full-fledged overseas region since the adoption of the Act of 2 March 1982. Women account for

53.7 per cent of the department's total population, which as of 1 January 2010 comprised 402,000 inhabitants.

Women's rate of success is increasing at the level of initial training and attains 83 per cent (compared to 80 per cent for men) at the level of the general *baccalauréat*.

Yet at all qualification levels, twice as many women as men hold youth-employment jobs, employment-solidarity contracts (CESs) or qualification contracts. The labour force participation rate of women attains 62.5 per cent but their rate of employment attains only 48.3 per cent, compared to 54.6 per cent in the case of men. Since 1974, the number of women employees has doubled and the number of women exercising intermediate occupations has tripled. Since 2008, the number of women executives has increased by 22 per cent. However, more than half of female workers are employed in three sectors, namely cleaning or maintenance, public administration and teaching.

Action has been undertaken in the schools to combat stereotypes and diversify vocational guidance by transmitting to girls and boys the message that "competence is not based on gender".

Mechanisms have been developed to promote the occupational integration of women. Thus, an agreement for the promotion of women's employment in agriculture has been signed in order to provide support for women planning to set up a farm.

In the last ten years, women's attitudes towards entrepreneurship have changed considerably, particularly as a result of State action. Thus, of all enterprise creations or acquisitions having taken place in 2010 and 2011, approximately 62 and 52 per cent, respectively, were the work of women.

The strategic regional plan for gender equality (PRSEFH), 2012-2014, aims at:

- Better information through gender-disaggregated local statistics;
- Ongoing training for State services in taking gender equality issues into account;
- Compliance with the principle that the State must be an exemplary employer;
- Mainstreaming equality in public policies and in calls for projects, considering the gender aspects of activities and mechanisms, and introducing gender-related monitoring indicators in grant agreements.

The following two thematic thrusts are proposed: equality between women and men in professional, economic and social life; and access to rights, and prevention and elimination of gender-based violence through improved knowledge. Like the other overseas departments, Martinique will be covered by the new VIRAGE survey.

#### *1.5.2.4. Women's rights and gender equality in Mayotte*

On 31 March 2011, Mayotte became the 101st department of France. Based on the 2007 census, Mayotte had 186,387 inhabitants. Persons under 20 account for 55 per cent of the population.

The many obstacles to women's employability in Mayotte include lack of qualifications, saturation of jobs referred to as "female", and difficulty of reconciling family and working life in a territory where collective child-minding facilities are scarce.

Although they succeed better than boys with the general *baccalauréat* (the respective rates being 64.8 and 55.3 per cent), the girls' engagement in longer studies or vocational training programmes runs into cultural resistance and prejudice. According to a 2008 survey, of the trainees in approved organizations 76 per cent were men and 24 per cent women.

As a result, the unemployment rate is 35.5 per cent among women and 19.5 per cent among men.

Women are the main beneficiaries of employment support (employment-solidarity contracts (CESs)) or local development programmes and have little access to positions of responsibility and supervisory posts.

In view of that situation, the State has taken specific measures to facilitate women's access to employment. In 2012, 12 scientific and technical training prizes (PVSTs) were awarded to girls to encourage them to pursue careers in those fields. In the same year, the Office for Women's Rights launched an initiative entitled "101 women - 101 trades" to highlight success stories among Mahoran women. A booklet on that action is used in the schools as a tool for raising awareness of gender equality. In 2013, the Office will implement a "female leadership" initiative to promote women's access to positions of responsibility in the political, social, sport and cultural areas.

With regard to the health situation of women in Mayotte, no overall study has yet been carried out. Only scattered data are available through various networks (for cancer screening, perinatal care or diabetes treatment).

It is still difficult to quantify phenomena involving violence against women in Mayotte. Only the Association for the condition of women and assistance to victims (ACFAV) is able to provide data, which do not fully reflect the actual situation. In 2010, ACFV handled 153 sexual violence cases (compared to 90 in 2008). The women concerned were mainly young, without resources and reticent about reporting abuse.

On 25 November 2010, ACFV launched a helpline modelled on the 3919 line used in Metropolitan France.

A working group has been entrusted with drawing up a departmental protocol for combating violence against women.

The objectives pursued by the Regional Office for Women's Rights and Equality in Mayotte are in line with those of other overseas departments, namely:

- Through awareness-raising and information activities, combating female and male stereotypes and gender-based discrimination;
- Promoting gender-diversity and equality at the workplace;
- Eliminating violence against women and promoting their rights and dignity.

Moreover, the following three cross-cutting priorities have been defined: compiling gender-disaggregated statistics and data; providing ongoing training for

State personnel in gender-equality issues; and addressing the question of reconciling family and working life.

#### 1.5.2.5. *Women's rights and gender equality in Réunion Island*

Réunion Island is the overseas department farthest away from Metropolitan France and Europe. Of its 828,054 inhabitants as of 1 January 2010, 51.7 per cent were women. Persons under 20 account for 34 per cent of the population, which increases rapidly as a result of a high fertility rate (2.38 children per woman).

In accessing employment, Réunion Island women face difficulties unrelated to any lack of success o in school. On the contrary, girls have better notes, and a *baccalauréat* rate of success of 82.7 per cent compared to the boys' 80.1. In fact, in a given generation, 66 per cent of women and 49.5 per cent of men hold a *baccalauréat*. However, despite such scholastic achievements, women's occupational options are still limited by stereotypes. For instance, 80 per cent of girls registered for the professional *baccalauréat* are concentrated in five areas of specialization. This lack of diversity in the range of careers pursued by women affects their overall professional integration.

In 2011, women accounted for 47 per cent of the workforce. They are more affected by unemployment than men, given that in late February 2012 50.6 per cent of job seekers were women. Employed women occupy 70 per cent of part-time jobs, while 15 per cent of economically active women wish to work more. As a result, women's average wages amount to 87.5 per cent of men's and even to 76.8 among executives. Women hold only 38 per cent of supervisory posts and create only 25.5 per cent of new enterprises.

The Regional Office for Women's Rights carries out campaigns to sensitize and mobilize:

- Professional integration actors through training for employment office counsellors;
- Women heads or creators of enterprises through support for their network;
- Women far removed from the labour market and single-parent benefit (API) beneficiaries, through "itineraries to autonomy and professional integration" (pilot implementation in 2010-2011);
- Students through the award of scientific vocation prizes to girls;
- The general public through the dissemination of a study on women's place in politics and on sharing occupational and family responsibilities.

Spousal violence is the most common form of violence against women. In 2011, six Réunion Island women died as a result of spousal assault. That is equal to 4 per cent of the number of French women dead as a result of partner violence (while Réunion Island accounts for only 1 per cent of the French population). Although the number of complaints increased by 35 per cent in three years, spousal violence is generally not reported despite improved reception of victims by the police and the gendarmerie. According to a "standard of living and security" survey conducted in Réunion Island in 2009-2010, complaints are filed for only 9 per cent of physical spousal violence and sexual violence cases.

Like the other overseas departments, Réunion Island will be covered by the new VIRAGE survey.

The following activities are carried out in order to eliminate the occurrences of violence in question:

- Funding of two daytime reception centres for women victims of domestic violence and secondment of social workers to police stations and gendarmerie premises (with two social workers appointed so far);
- Initial and ongoing training for social-work, health-sector and law-enforcement professionals. Since 2006, approximately 60 persons have received such interdisciplinary training;
- Awareness-raising campaigns for the general public;
- Establishment of an annual report on spousal violence against women.

Activities carried out under the strategic regional plan for gender equality (PRSEFH) aim at combating gender stereotypes; diversifying the vocational orientation and choices of girls and boys; and improving the care and information provided to women victims of violence.

Réunion Island has joined the national programme entitled "Territories of excellence in professional equality", drawn up subsequent to the conference on social issues of 10 and 11 July 2012. An agreement concluded for Réunion Island by the State, the education authority and the Region will facilitate activities towards:

- Ensuring occupational equality in SMEs and microenterprises through compliance with the law;
- Developing gender-diversity in the various training programmes and trades.

#### 1.5.2.6. *Women's rights and gender equality in French Polynesia and New Caledonia*

Please see the reports in the relevant annexes.

## **II. Implementation of part I of the Convention (articles 1-6)**

### **2.1. Effective protection of women against any discriminatory acts (articles 1 and 2)**

*Recommendation (paragraph 17): "The Committee recommends that the State party initiate awareness-raising campaigns to encourage women victims of gender discrimination to file complaints, ensure gender parity in the High Authority and endow it with sufficient financial and human resources to exercise its mandate".*

An independent administrative authority, the Defender of Rights, was created through the constitutional reform of 23 July 2008 (article 71-1 of the Constitution) and was established by the Organization Act and the ordinary Act of 29 March 2011. That institution combines and consolidates the mandates of the High Authority to Combat Discrimination and Promote Equality (HALDE), the Ombudsman of the Republic, the Children's Ombudsman and the National Commission on Security Ethics (CNDS).



The role of that authority is to defend personal rights and freedoms in their relations with the administration. It has specific anti-discrimination prerogatives aimed at promoting equality in employment, housing, education and access to goods and services. The above reform simplifies the reporting procedure for individuals and facilitates the exercise of fundamental rights through access to a "one-stop shop".

From the start, the Defender of Rights has been assisted by three deputies and three panels, including one specifically responsible for combating discrimination and promoting equality. Under the Act, the designation of certain authorities to participate in the panels must be governed by the rule of balanced representation of women and men. Currently, all panels rigorously meet parity criteria.

The authority has been effective in increasing the number of women's complaints for pregnancy-, family- and gender-related discrimination. Such complaints currently rank third, with 11.6 per cent, after complaints for discrimination related to origin (23.5 per cent) and health or disability (23 per cent).

For instance, the number of complaints for illegal discrimination in connection with pregnancy has developed as follows: 50 in 2006, 50 in 2007, 125 in 2008, 259 in 2009, 618 in 2010 and 388 in 2011.

Pregnancy was added to the list of prohibited grounds for discrimination in 2006. The complaints processed reveal that the labour market still has reservations as to how maternity and the related rights should be treated. Such complaints concern dismissal upon notification of pregnancy; dismissal or unfavourable reintegration upon return from maternity leave; interruption of career development; and wage-related discrimination.

In October 2012, the Defender of Rights republished an information brochure for women, which is entitled "*Pregnancy without discrimination*".

In March 2013, the Defender of Rights designed and published a specific information brochure on combating sexual harassment, whose victims are mainly women.

According to the 2012 annual report of the Defender of Rights, more than half of discrimination-related complaints received by that authority concern employment. A majority of employment-related complaints involve discrimination in career development, with a significant proportion concerning employment in the private sector. Of those complaints, 80 per cent are related to career development.

Of the total number of complaints received in 2012 with regard to gender equality, 4.6 per cent related to pregnancy, 4.5 per cent related to family situations and 3.3 per cent related to gender issues.

Special attention is paid to these complaints. The Defender of Rights submitting observations to the courts on 22 per cent of complaints related to pregnancy, 3 per cent of complaints related to family situations and 9 per cent of complaints related to gender issues.

## **2.2. Elimination of discrimination and violence against immigrant women and women of immigrant origin (paragraphs 22-23)**

*Recommendations (paragraph 22-23) and reiteration of recommendations made in July 2003: "The Committee is concerned that immigrant women living in*

*France continue to suffer from multiple discrimination, including with regard to access to education, employment and health care, and from violence against them. The Committee is further concerned at the new restrictive immigration laws and policies, which have prevented many immigrant women from qualifying for residence permits. The Committee is especially concerned at the restrictive family reunification practices, which mostly affect women, such as DNA tests, which have been found to be discriminatory by HALDE, and language proficiency tests and tests relating to knowledge of the values of the Republic. The Committee reiterates the recommendations expressed after considering the State party's fourth and fifth periodic report and urges the Government to take effective measures to eliminate discrimination against migrant, refugee and minority-group women in society as a whole and within their community. The Committee urges the State party to respect and defend women's fundamental rights in the face of discriminatory cultural practices, to take effective preventive measures, and in particular to launch sensitization programmes in order to raise awareness of the need to combat patriarchal attitudes and stereotypes so as to eliminate discrimination against women living in communities of immigrant origin or minority groups.*

*The Committee also recommends to the State party to undertake studies on violence against women and girls of immigrant origin and to adopt policies and programmes to solve that problem judiciously. It urges the French Government to take effective measures to eliminate all forms of discrimination against immigrant women. The Committee urges the State party to assess the laws and policies which affect immigrant women and to provide information on such assessment, including data and analyses, in its next report. The Committee also requests the State party to include information on the number of immigrant women who were granted residence permits including in the context of family reunification.*

*While noting the evaluation by the State party of the implementation of the Act of 15 March 2004 banning the wearing of "signs or dress through which pupils conspicuously indicate which religion they profess in public primary, middle and secondary schools", the Committee nevertheless remains concerned that the ban should not lead to a denial of the right to education of any girl and their inclusion into all facets of French society. The Committee recommends that the State party continue to monitor closely the implementation of the Act so that there is no negative impact on the education of girls and their inclusion into all facets of French society. The Committee further recommends that the State party provide data in its next report on the educational achievements of migrant and immigrant girls at all levels."*

## **2.2.1. The combat against discrimination**

### *2.2.1.1. Immigrant women's access to their rights*

Women account for more than half of aliens arriving for the first time. Such women are exposed to situations of inequality and violence more frequently than other women. Accordingly, the French authorities support numerous initiatives for safeguarding foreign women's rights effectively and for changing the attitudes concerned.

Most of the foreigners arriving for the first time who sign a reception and integration contract at the reception desks of the French Immigration and Integration Office (OFII) are women. In the various stages of that procedure and as part of the services offered to new migrants, they receive enhanced information on the principles of gender equality and secularism, and on issues related to fundamental rights and freedoms, security of the person and the rules of citizenship.

A guide entitled "Addressing violence and discrimination: assisting women of immigrant origin", produced by the Agency for the Development of Intercultural Relations for Citizenship (ADRIC) with government support, suggests methods of action for field actors faced with complex cultural situations.

#### 2.2.1.2. *School careers of children with parents of immigrant origin*

France has 6.7 million children of immigrants. Their situation is difficult (only 61 per cent obtain the *baccalauréat* compared to 68 per cent in the rest of the population) but is developing more favourably than their parents'.

The first edition of the study entitled "Immigrants and descendants of immigrants in France", carried out in 2012 by INSEE and the General Secretariat of Immigration and Integration of the Ministry of the Interior, sheds light on the dynamics of integration of reception- and integration-contract beneficiaries, the school careers of children of immigrants, access to employment for immigrants' descendants leaving the education system and their place in the civil service.

The educational success of children of immigrants in comparison to that of the population as a whole is analysed on the basis of two indicators: lack of a secondary education diploma and obtention of a *baccalauréat* (of any type). The school careers of children of immigrants vary widely depending on the parents' country of origin. Although blurred when sociodemographic and family characteristics are taken into account, origin-related differences do not fully disappear. Other things being equal, children of immigrants from Turkey, Algeria, Spain and Italy are over-represented among those who do not graduate from the second cycle of secondary education.

In seeking the *baccalauréat*, children of Turkish immigrants underachieve, while boys and girls of immigrants from South-East Asia overachieve. Given similar social and family characteristics, girls of Moroccan or Tunisian - and to a lesser extent Sahelian - immigrant origin obtain the *baccalauréat* more frequently than girls who are neither immigrant nor children of immigrants.

#### 2.2.1.3. *Prevention and elimination of employment-related discrimination against immigrant women*

Women account approximately for 45 per cent of the immigrant workforce (2010) and for 48 per cent of the non-immigrant workforce. Employed workers and job seekers over 15 account for 48.1 per cent of immigrant and 52.1 per cent of non-immigrant women (2010) and for 64.8 per cent of immigrant and 61.8 per cent of non-immigrant men. The gap between women's and men's rates of participation in the workforce is 16.7 points in the immigrant and 9.7 points in the non-immigrant population.

The unemployment rate is 16 per cent in the immigrant and 8.7 per cent in the non-immigrant population. That rate is higher among immigrant and non-immigrant

women than among their male counterparts, presenting gaps of 2.8 and 0.6 points respectively.

Among immigrant workers, women are mainly salaried and men mainly wage workers. Immigrant men and women are self-employed more frequently than non-immigrants. Of the immigrant women, who are wage workers approximately twice as frequently as non-immigrant ones, 45 per cent are employed in the services sector, by individuals or enterprises (compared to 24.4 and 29 per cent in the case of, respectively, French women and immigrant men), and 17.3 per cent work part-time (compared to 13.5 per cent in the case of French women).

Immigrant women confront obstacles to their employment and promotion: their mastery of French is often inferior to men's, they are less qualified and they are not connected to networks that could facilitate labour market access. They face discrimination based on their gender, origin, place of residence, faith or religious background, and specific difficulties as to mobility or reconciliation of family and working life.

In order to combat the multifaceted discrimination to which foreign women are exposed, action-oriented research is carried out by specialized entities, as part of inquiries launched by HALDE in 2010, and is expected to produce appropriate methodological tools.

A working group including the ministries concerned, the Employment Office, the French Immigration and Integration Office (OFII) and the Defender of Rights meets to diagnose obstacles encountered by immigrant women in accessing employment, identify best practices and formulate recommendations. The lines of action defined by that working group were presented in a national symposium held in Paris on 18 June 2013.

Moreover, activities are undertaken in order to enhance the support provided to immigrant women desiring to create their own business.

At the 30 November 2012 meeting of the inter-ministerial committee for women's rights and gender equality, convened for the first time after 12 years, the Government committed itself to taking the situation of women systematically into account in reforming urban policy. A gender equality component will be included in all municipal contracts. Moreover, a programme for assisting enterprise creation by women in the districts concerned will be established through the women's initiatives fund (FGIF), whose resources will be enhanced with European Union support. On 29 April 2013, at the end of the conference on entrepreneurship, the President of the Republic announced the creation of district-based business support through appropriate financial mechanisms. Support for the numerous projects undertaken by women in the districts concerned by urban policy will be a focus of the fund in question (see the Council of Ministers communication of 11 December 2013).

## **2.2.2. Prevention and elimination of violence**

### *2.2.2.1. Spousal violence*

Where married life has been terminated because of spousal violence inflicted on an alien by his or her spouse of French nationality, the prefect has no power to rescind the residence authorization and may approve its renewal. A foreigner who is victim of violence suffered after arrival in France but before issuance of the first

temporary residence permit receives such a permit, under article L. 313-12 of the Code on the Entry and Residence of Aliens and the Right of Asylum (CESEDA).

The above Code has been amended through the Act of 9 July 2010 "on violence specifically against women, spousal violence and its incidence on the children" and the Act of 16 June 2011 on immigration, integration and nationality. A temporary residence permit bearing the indication "private and family life" and entailing an authorization to work may henceforth be issued automatically to any victim of violence - inflicted by a spouse, cohabitee or partner pursuant to a civil solidarity pact (PACS) - that is covered by a protection order issued by a family law judge (article L. 316-3 of CESEDA). That provision also applies in the framework of family reunification (article L. 431-2 of CESEDA). Under a new article, L. 316-4, of the said Code, in the event of definitive conviction of the accused, the alien person having filed the complaint may be granted a residence permit.

The draft Act on gender equality drawn up by the Ministry of Women's Rights proposes to add to the above Code a new article, L. 311-17, exempting victims of spousal violence or human trafficking from stamp taxes and fees on the initial residence permit (€ 260) and on renewals (€ 106). The proceeds from such taxes accrue to the French Immigration and Integration Office (OFII) and the French National Agency for Secure Documents (ANTS).

#### 2.2.2.2. *Female genital mutilation*

According to estimates of the National Institute for Demographic Research (INED), of the 53,000 adult women in France who have been victims of genital mutilation (based on average assumptions, 2004), 90 per cent underwent excision before the age of 10. That practice, however, seems to decrease from generation to generation.

The "Excision and disability" national survey conducted in 2010 by the National Institute for Demographic Research (INED)<sup>1</sup> analyses the disorders, pains or discomfort caused by female genital mutilation in daily life, particularly with regard to sexual activities. Among girls born in vulnerable families, excision is estimated to have been practiced on approximately 40 per cent of those born in the 1980s, 17 per cent of those born in the 1990s and 2 per cent of those born in the 2000s.

That decline is one of the outcomes of the relevant prevention, prosecution and punishment campaigns launched since the 1980s in France and worldwide. These campaigns expanded in the 1990s and were revitalized in 2006 through the Act of 4 April 2006 and the second three-year plan for the elimination of violence against women, 2008-2010.

The Act of 9 July 2010 "on violence specifically against women, spousal violence and its incidence on the children" reinforces protection measures for the girl child. If there is a risk of genital mutilation abroad, the children's judge may henceforth have a minor registered in a list of wanted persons so as to prevent exit from the territory. It is also possible to prohibit the exit of a child from the territory by an order without the authorization of both parents.

<sup>1</sup> Survey carried out in five French regions between 2007 and 2009. Of the 2,882 migrant women or daughters of migrants interviewed in the framework of gynaecological consultations in hospitals or mother-and-child care centres, 685 had been victims of genital mutilation. Of the sample's adult women under 35 c, 2/3 were migrants and 1/3 daughters of migrants.

The third inter-ministerial plan to combat violence against women, 2011-2013, updates the 2009 information campaign and provides for promoting all awareness-raising activities, enhancing care for the persons concerned and mobilizing all actors with a view to eliminating the practice in question.

France is in the process of ratifying the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), and the relevant domestic legislation will soon be strengthened accordingly. Actually, the Act of 5 August 2013 on various provisions of criminal and criminal-procedure law pursuant to instruments of the European Union, the Council of Europe and the United Nations provides for the definition of a new offence consisting in inciting a person to undergo genital mutilation. The inter-ministerial plan to prevent and combat violence against women, 2014-2016, provides for further activities ([http://femmes.gouv.fr/wp-content/uploads/2013/11/4e-planVFF\\_22112013.pdf](http://femmes.gouv.fr/wp-content/uploads/2013/11/4e-planVFF_22112013.pdf)).

### 2.2.2.3. *Forced marriage*

The "Itineraries and Origins" survey (INED, 2010) is a compilation of information on the conditions under which the persons interviewed had been married. Such data helps to identify cases of non-consensual marriage, namely undesired unions initiated by the spouse or the family and accepted under psychological, social or physical pressure.

The percentage of immigrant women having married against their will was 9 per cent among those aged 51-60 in 2008, 2 per cent among those aged 16-30 in the same year and 1 per cent among daughters of immigrants (aged 26-30).

Immigrant women primarily affected by non-consensual marriage are those in whose country of origin celibacy is disapproved and premarital sexual relations prohibited, as in Turkey, the Maghreb and Sahelian Africa.

In the context of migration in France, the reasons for which parents intervene in the choice of their daughters' spouses have changed considerably. While for immigrant women marriages were arranged prior to migration, half of the cases of immigrants' daughters born in France involve a premarital relation or pregnancy that the parents will not tolerate but seek to "regularize" through marriage.<sup>2</sup>

One of the components of the inter-ministerial plan to combat violence against women, 2011-2013, focuses on forced marriage and provides for the following six lines of action:

- Improving knowledge of the phenomenon;
- Evaluating the mechanisms set up so as to guide public action better;
- Promoting awareness-raising activities;
- Training and sensitizing the professionals concerned;
- Mobilizing health professionals to identify and handle violence more effectively;

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<sup>2</sup> Christelle Hamel, "Immigrées et filles d'immigrés: le recul des mariages forcés" ("Immigrant women and daughters of immigrants: the drop in forced marriages") in *Population et Sociétés*, No. 479, INED, June 2011.

- Facilitating the reception of and care for the women concerned.

The Ministry of the Interior (Directorate of Reception and Integration of Immigrants) has established a network of ministerial focal points (in the Ministries of the Interior, Foreign Affairs, Women's Rights, Social Affairs and National Education) to prevent forced marriages and intervene in critical situations.

As part of action against forced marriage, Act of 5 August 2013 on various provisions for adjustment in the sector of justice (DDAI) defined a new offence consisting in misleading a person into travelling abroad and obliging her or him to enter into marriage. Although it contained adequate means for combating forced marriages concluded at home, French law needed to be empowered to address situations (constituting a majority of forced marriage cases) in which women living in France suffer that type of violence abroad. Thus forced marriage is inseparable from spousal rape.

The inter-ministerial plan to prevent and combat violence against women, 2014-2016, provides for further activities ([http://femmes.gouv.fr/wp-content/uploads/2013/11/4e-planVFF\\_22112013.pdf](http://femmes.gouv.fr/wp-content/uploads/2013/11/4e-planVFF_22112013.pdf)).

### **2.2.3. Modalities of implementation of the principle of secularism**

#### *2.2.3.1. Act of 2004 against conspicuous religious signs in public education establishments*

##### ***Legislative provisions***

According to article 1 of its Constitution, France is a secular republic. In 1905, Church and State were strictly separated. The principle of secularism aims to guarantee the neutrality of the State and provide an open forum centred on the shared democratic values of freedom of conscience, thought and expression, the dignity of all persons, cultures and religions and respect for others. The Act of 15 March 2004, which prohibits the conspicuous wearing of religious symbols in public schools, gives dual expression to the principle of secularism.

The Act reaffirms the republican character of the school, which must "inculcate the values of the Republic, including the dignity of all human beings, equality between men and women and the freedom of all, inter alia in choosing a way of life. By protecting the public elementary, middle and high schools, expected to educate all children, regardless of whether or not they hold religious beliefs and of their religious or philosophical values, the Act guarantees freedom of conscience for all" (implementing circular of 18 May 2004).

The Act does not call into question the provisions which permit to reconcile - under articles L. 141-2, L. 141-3 and L. 141-4 of the Education Code - the obligation to attend school with the parents' right to provide their children with religious instruction, if they so wish.

The implementing circular also recalls that, "since it is based on respect for persons and their views, secularism is inconceivable without resolute opposition to all forms of discrimination. National education civil servants must exercise full vigilance and maximum firmness in the face of all forms of racism, sexism or violence committed against any individual on the grounds of actual or presumed affiliation with an ethnic or religious group....)".

The Act of 15 March 2004 protects the unity of the educational community against the rise in religious sectarianism. All apparel and symbols that result in immediate recognition of one's religious affiliation are banned. Nevertheless, the Act does not single out any one faith and contains no list of prohibited religious symbols. The implementing circular confines itself to citing examples of prohibited symbols and clothing, such as "the Islamic veil, however it is named, the yarmulke or an obviously oversized cross". "Discrete religious symbols" such as "accessories and apparel worn by all students and that have no religious significance" are, on the other hand, authorized.

The Act applies to all students in public elementary, middle and high schools. Students in private elementary, middle and high schools, apprentices (who are covered by the labour code) and university students, on the other hand, are not affected by the text.

### ***Implementation of the Act***

The lawmakers have sought to give priority to educational efforts and dialogue. They have accordingly emphasized pragmatism and left to those actually involved the responsibility of ensuring compliance with the Act and punishing any infractions. An initial period of dialogue with the student who has committed the infraction is thus envisaged, to be organized and carried out by the head of the educational institution in cooperation with the administrative and pedagogical staff. Only following this period of dialogue can disciplinary action be undertaken, if necessary.

Lastly, if the disciplinary board decides on expulsion, the academic authorities will examine with the student and his or her parents the conditions in which his or her schooling can be continued.

Students expelled have not been deprived of access to education and training. In accordance with article 5 of Decree No. 85-1348 of 18 December 1985, the rector or inspector must be notified about the students expelled so that they can make immediate provision for their enrolment in another institution or public facility for correspondence courses (article L.131-2 of the Education Code). Those who are not subject to compulsory schooling may also enrol in the national distance learning institution to continue their studies. In any event, students are always able to undertake private or religious education to which local authorities contribute on the basis of government funding.

The implementation of the Act, which has been in force since 2005, has not posed any problems: the regional education authorities are aware of only a few isolated cases of children wearing a conspicuous religious symbol in school. At the beginning of the 2008/09 and 2009/10 school years no disciplinary procedure and no new litigation were reported. This shows that the principles of the Act are well accepted by pupils and their families. The Ombudsman for the Ministry of Education has stated never to have been asked to look into this matter. Since the Act entered into force, 33 administrative court judgments on the merits have been handed down, rejecting all requests for cancellation of definitive expulsion decisions under the Act. No case is currently pending before the courts.

The European Court of Human Rights has handed down a decision dated 30 June 2009 (application No. 14208/08, *Bayrak v. France*) on the prohibition of the wearing of conspicuous religious signs in French schools, in a case involving the



expulsion of French pupils belonging to the Sikh religion. It confirmed that the restrictions under the Act of 15 March 2004 are justified by the constitutional principle of secularism and comply with the European Convention for the Protection of Human Rights and Fundamental Freedoms.

2.2.3.2. *Act of 11 October 2010 prohibiting concealment of the face in public areas*

Act No. 2010-1192 of 11 October 2010 prohibiting concealment of the face in public areas manifests the lawmakers' will to reaffirm solemnly the values of the Republic and the requirements of living alongside each other. The values of the Republic - liberty, equality, fraternity - are the cornerstone of the social compact, guarantee the cohesion of the Nation, and form the foundation of respect for the dignity of all and for equality between men and women.

Under article 1 of the Act "no one may, in public, wear clothing intended to conceal his or her face". The Act also punishes forcing a third person to conceal his or her face.

Clothing intended to conceal the face is clothing that prevents identification of the person concerned. In particular, it is prohibited to wear hoods, full veils (inter alia, the burqa and the niqab), masks or any other accessory or garment concealing the face.

Article 2 of the Act stipulates a number of exceptions to the prohibition of concealment of the face. The law authorizes face protections used for health, professional or sport-related reasons, obligatory accessories (such as helmets for two-wheel vehicle users), face concealment in traditional events, such as carnivals or processions, and clothing or accessories not designed to cover the face completely (sunglasses, hats, veils etc.). Public areas comprise the public road network and places open to the public or assigned to public service. The prohibition does not apply to places of worship open to the public. Thus the Act does not aim to restrict religious freedom by regulating clothing worn at religious ceremonies in places of worship.

The Act characterizes the act of intentionally concealing one's face in public areas as a petty offence and the act of imposing concealment of the face on a person on the grounds of that person's gender as an offence. Concealing one's face in a public area may incur a fine of up to €150. Instead of, or in addition to, that fine, the judge may obligate the offender to attend, possibly at his or her own expense, a civic training course. Compelling a person to conceal his or her face in public areas may incur one year's imprisonment and a €30,000 fine. These punishments are doubled if the person thus compelled is a minor, mainly in order to protect women and girls against acts of violence.

The Act provides for a six-month interval between its adoption and its implementation. That period has been used to inform and persuade the persons concerned so as to promote compliance with the fundamental rules of the republican compact, particularly equality and dignity.

Between 11 April 2011, when the Act entered into force, and 11 April 2012, 354 checks were carried out, leading to 299 sanctions. Law enforcement officers may not force a woman infringing the Act to take off her veil, and endeavour to apply the law with moderation and professionalism under the control of an ordinary court, which is responsible for passing judgement on the infringements observed.

The Act does not prohibit manifesting one's religious affiliation, including in public areas, through any other means, including clothing. Solely full concealment of the face in a public area is prohibited.

Intentional and systematic concealment of the face is problematic because it runs counter to the French society's fundamental requirements of living alongside each other. The defence of law and order is not limited to safeguarding peace, health and security but includes banning behaviour contravening rules crucial to the republican social contract, which underpins French society.

The persons concerned are forced into a state of exclusion incompatible with the principles of liberty, gender equality and human dignity as perceived in the French Republic. Wearing a full veil prevents women from engaging in certain activities on an equal footing with men. Seeking employment and working require, in the French society, showing one's face so as to be identified by the employer, the clients or the public. Moreover, no woman refusing to show her face on religious grounds may be employed in the civil service.

Thus, a full veil entails the social exclusion of the women wearing it, whether voluntarily or not, and creates a situation of inequality vis-à-vis men. Accordingly, the Act contributes to restoring actual equality between men and women. During discussion in the parliament, the draft Act was supported by many associations defending women's rights.

Furthermore, the prohibition of full veils is justified on law enforcement grounds. Public security needs require people to wear, in public, clothing that makes it possible to identify a person. It must be possible to identify, if necessary, any French citizen so as to prevent, for instance, the occurrence of punishable behaviour.

#### 2.2.3.3. *Observatory and charter on secularism (2013)*

**The observatory on secularism**, established in 2007, has been renewed for five years, beginning on 5 April 2013. Comprising 22 members, it assists the Government in activities aimed at ensuring respect for the principle of secularism in France. It collects data and produces or sponsors analyses, studies and research in order to inform the public authorities on secularism. It may propose to the Prime Minister any measure that it deems conducive to the implementation of the said principle, particularly by informing public and private employees, public service users, elected officials and religious representatives. Lastly, it is consulted by the Prime Minister or ministers on draft legislation or regulations.

On 25 June 2013, Jean-Louis Bianco and Nicolas Cadène, respectively president and general rapporteur of the observatory, transmitted to the Government a first assessment of secularism in France. On the basis of documents published in the last ten years (inter alia, the Stasi commission report and the report on the inculcation of secular moral principles in school), the Act of 1905, the legislation based on or amending that Act and the relevant case law (of the European Court of Human Rights, the Constitutional Council, Council of State and the Court of Cassation), the observatory endeavours to define the current scope of secularism and its practice.

**The charter on secularism in school** was presented by Vincent Peillon, Minister of National Education, on 9 September 2013. The purpose of that document, to be posted in the elementary, middle and high schools, is to spell out

the rules which make it possible to live together in the school environment; and to help everyone to understand, own and respect these rules.

#### **2.2.4. Family reunification procedure**

The provision in the Code on the Entry and Residence of Aliens and the Right of Asylum (CESEDA) which permits to verify, in certain cases, the children's relationship to the mother through genetic fingerprints has never been implemented. No regulatory provision has been adopted nor has the administration taken any steps to organize the DNA tests provided for.

#### **2.2.5. Gender- and age-disaggregated statistical data and analyses - Evaluation of policies**

The Ministry of the Interior seeks to obtain, in the short term, gender-disaggregated statistics so as to prevent and combat gender- and origin-based discrimination by drawing up an annual thematic assessment of gender inequalities; and to ensure that the data in the "control panel on integration" are gender-disaggregated.

##### ***Annual thematic assessment of gender inequalities in respect of integration***

This assessment will include statistics describing situations of inequality and will be supplemented with demographic or economic analyses shedding light on the underlying social mechanisms. The assessment will be structured on the basis of integration indicators relating to the economy (employment), residence (housing), education (access to each diploma) and social inclusion. The population groups studied could include women arriving in France for the first time or having acquired French nationality (building on the three stages of the longitudinal survey on the integration of newcomers, ELIPA).

##### ***Gender-disaggregation of integration control panel data***

The first control panel on integration was produced in December 2010. The second edition, scheduled for 2013 (to be followed by biennial editions), covers the following four areas: the economy (employment and income), residential facilities (housing), education and social inclusion.

On 11 February 2013, Thierry Tuot, member of the Council of State, transmitted to the Prime Minister a report on integration policy reform, following up on the Prime Minister's general policy speech of July 2012, in which he had stated the intention to build a new approach to integration policy in the country "in a spirit of accountability and ongoing respect for the values of the Republic".

The recommendations of the report were examined in the framework of relevant inter-ministerial discussions involving all of the ministries concerned, primarily the Ministry of the Interior and the Ministry for Urban Affairs, and based on dialogue with local authorities and with associations and economic actors.

The Ministry of Women's Rights has carried out discussions with associations on women's rights and integration policy reform. On 31 October 2013, the minister set up a relevant working group led by Olivier Noblecourt and expected to submit its final report officially by late December 2013 or early January 2014.

### **2.3. Political measures adopted to ensure implementation of women's rights (article 3)**

#### **2.3.1. A new ministry and a new roadmap**

The formation of the first Government of the French Republic with strictly equal representation of both genders symbolized the priority accorded by the French authorities to gender equality issues; and was accompanied by the restoration, after 26 years of absence, of a full-fledged Ministry of Women's Rights.

The Minister of Women's Rights is responsible for the implementation of an ambitious programme for significantly promoting equality, parity, the protection of women against all forms of violence and the elimination of gender stereotypes. To that end, at the request of the Prime Minister, she has coordinated the preparation of an inter-ministerial action plan that constitutes the Government's roadmap in the various areas in question. In order to draw up that plan, the improvements possible in every sector in terms of equality in human resources management policies and in the other public policies implemented have been reviewed in "equality meetings" with all of the respective ministries.

On 30 November 2012, the Prime Minister convened under his authority the inter-ministerial committee for women's rights and gender equality, which had not met for 12 years. It adopted an inter-ministerial action plan entitled "Third generation of women's rights: towards a society of actual equality". After the civic rights recognized in the aftermath of World War II and after the economic and social rights obtained in the 1970s and 1980s, this plan aims at defining the conditions for achieving tangible equality through the following six priorities:

- Addressing customary inequalities as early in childhood as possible;
- Reducing daily life constraints on women and eliminating obstacles to occupational equality;
- Placing gender inequalities at the centre of the democratic pursuit of health policy;
- Protecting women against violence;
- Implementing equality in all areas of public action;
- Supporting women's rights at the international level.

Every ministry has established a specific roadmap detailing all measures and actions to be undertaken in order to implement the inter-ministerial action plan. A first assessment of these roadmaps was scheduled for the inter-ministerial committee's second session in early January 2014.

#### **2.3.2. Regional implementation of national policies: strategic regional plans (PRSEFH)**

The strategic regional plan for gender equality (PRSEFH) is drawn up in every region of metropolitan and overseas France to support the dynamics encouraged at the national level through the inter-ministerial action plan.

That strategic regional plan pursues the following two main goals:

- Strengthening the "equality reflex" in all State services, including at the decentralized level;

- Listing explicitly, in a single cross-cutting document, the local commitments made under the inter-ministerial gender mainstreaming policy.

To that end, the strategic regional plan provides for the organization of a sustainable and homogeneous mechanism covering the entire national territory and mobilizing all public actors to ensure gender mainstreaming in public policies. The plan comprises the following two lines of action:

- Equality between men and women in professional, economic, political and social life;
- Promotion of women's rights and prevention and elimination of gender-based violence in line with the local implementation of the third inter-ministerial plan to combat violence against women, 2011-2013.

A regional officer on women's rights and gender equality is responsible for the implementation of PRSEFH and participates in the monitoring committee entrusted with the conduct of annual evaluations.

A PRSEFH of a new generation, scheduled to be launched in early 2014, is provided for.

### **2.3.3. Enhanced institutional organization**

In line with the Beijing Platform for Action, France has a national institutional mechanism for promoting public policy on women's rights and gender equality.

#### ***Full-fledged Ministry of Women's Rights***

As mentioned earlier, institutional mechanisms have recently been strengthened through the appointment, in May 2012, of a full-fledged Minister of Women's Rights (who also is the Government's spokesperson). Currently, the representation of both genders in the Government is strictly equal.

Pursuant to the Decree of 24 May 2012, the Minister prepares and implements the Government's policy on women's rights, parity and professional equality. She is responsible for promoting measures designed to eliminate any discrimination against women and to enhance equality safeguards in the political, economic, professional, educational, social, health and cultural sectors. In those areas, she prepares, with the other competent ministers, activities aimed at ensuring respect for women's rights, effective protection of women victims of violence and elimination of harassment. In cooperation with the Minister of Labour, Employment, Vocational Training and Social Dialogue and the Minister of State Reform, Decentralization and Civil Service, she prepares and monitors the implementation of measures for equality with respect to professional careers and wages.

Under the Prime Minister's authority, she is entrusted with coordinating the implementation, by all ministries, of the policy on gender parity and equality. She prepares and follows up on the work of the inter-ministerial committee for women's rights and gender equality.

A revitalized inter-ministerial committee for women's rights and gender equality

The former inter-ministerial committee for women's rights and gender equality, established by decree in 1982, was abolished and replaced by a new one through the Decree of 28 September 2012. The inter-ministerial committee adopts measures to

ensure the promotion of women's rights in all areas of action of the Government. It also adopts an inter-ministerial action plan for gender equality and an inter-ministerial plan to eliminate violence against women. It meets whenever necessary, and at least twice a year. Consisting of all ministers, it is chaired by the Prime Minister or, under his or her authority, by the Minister of Women's Rights. The work and decisions of the committee are prepared and followed-up on by the inter-ministerial delegate for women's rights and gender equality, who sits on the committee.

After meeting on 30 November 2012, the Committee was scheduled to reconvene in early 2014, particularly in order to adopt new action priorities with respect to women's rights.

#### **2.3.4. The High Council for Gender Equality (HCE)**

The High Council for Gender Equality (HCE) was created through the Decree of 3 January 2013. It was established by the Prime Minister on 8 January 2013. Its 72 members, of whom 40 are women, include members of parliament, local elected officials, qualified public figures, and representatives of associations and State administration bodies.

Attached to the Prime Minister, this advisory authority has replaced the Monitoring Commission on Gender Parity (*Observatoire de la parité*), whose scope, limited to parity in political activity, was not adapted to the new goals of the policy on women's rights. It has also replaced the Higher Council for Sexual Information, Birth Control and Family Education (CSIS), the National Commission on Violence against Women (CNVF) and the Commission on the Image of Women in the Media. The mission of the High Council is to lead public discussion on the main thrusts of the policy on equality, particularly with regard to the elimination of gender violence, the place of women in the media and the dissemination of gender stereotypes, reproductive health, equal access to public or elective office and the international dimension of the combat for women's rights.

#### **2.3.5. A senior official on equal rights in every ministry**

Under the Prime Minister's circular of 23 August 2012, a senior official on equal rights is designated in each ministry to lay down and implement the policy on gender equality. He or she is entrusted with:

- Coordinating the preparation and monitoring of the inter-ministerial action plan component concerning his or her ministry;
- Following up on work aimed at considering the rights of women and gender equality in the preparation of draft legislation and regulations and in the performance indicators for State budget programmes;
- Monitoring, in cooperation with his or her ministry's general secretariat and human resources department, the appointment of women to senior posts; and proposing all measures conducive to professional equality and the reconciliation of the employees' professional, family and personal life.

### **2.3.6. Cross-cutting policy document on gender equality: a gender-budgeting application**

Gender budgeting makes it possible to monitor in detail the budget allocated to gender equality and thereby to follow and identify the programmes and financing dedicated to the inter-ministerial policy.

The cross-cutting policy document which, based on article 128 of the reconciliation budget act of 2005, is presented in the form of a general annex to the draft annual budget acts, lends a gender-budgeting perspective to the State budget; and helps to improve coordination of State action concerning various ministries by a leading minister and to enhance the effectiveness of cross-cutting policies.

The cross-cutting policy document on gender equality presents the cross-cutting policy concerned and the related budget programmes, main tax expenditures and financial effort of the State for the current, preceding and next year.

That approach is also reflected in the State budget documents, given that gender equality issues are referred to in evaluation documents preliminary to the draft budget acts and social-security finance acts.

## **2.4. Action against stereotypes (article 5)**

Recommendation (paragraph 19): "The Committee recommends that the State party continue to encourage the media to promote changes with regard to the roles and tasks considered suitable for women and men, as required by article 5 of the Convention, and to provide the Committee in its next periodic report with information on the outcome of the study on stereotypes in school textbooks. The Committee further recommends that the State party continue its work of finding the most appropriate way to pursue measures to encourage girls to study subjects traditionally chosen by boys and enterprises to recruit women for jobs usually reserved to men. The Committee urges the State party to undertake in-depth research and studies on the impact of gender-role stereotypes on the implementation of the Convention, particularly, with regard to the enjoyment of fundamental rights by immigrant and migrant women. It also calls upon the State party to undertake campaigns to raise general awareness of the negative impact of such stereotypes on society as a whole".

### **2.4.1. Studies and statistics on stereotypes**

A number of scientific laboratories and research teams are working on the issue of gender stereotypes with support from the Mission for Parity and Combating Discrimination (MIPADI) of the Ministry of Research. The work of the CNRS Cognitive Psychology Laboratory (UMR 6141) and of the neurobiologist Catherine Vidal in the Institut Pasteur, inter alia, are cases in point.

In the framework of the "Laboratory on stereotypes", Mediaprism and the "Equality Laboratory" association (created in 2010) organized in 2012 the study of stereotypes, with financial support from the Ministry of Women's Rights. According to such research, the general public associates "stereotype" with "caricature" or with unfavourable treatment of either gender. Generally speaking, therefore, people are not aware of being exposed to visual displays conveying gender stereotypes.

When shown a stereotype, a considerable proportion of male and female respondents consider it unfortunate but insignificant or have no ideas on the subject. Steps to provide relevant information or raise awareness of the effect of stereotypes are therefore important.

A study carried out by the High Authority to Combat Discrimination and Promote Equality (HALDE, since then replaced by the Defender of Rights) between June 2007 and March 2008 regarding the place of stereotypes and discrimination in school textbooks has highlighted the persistence of gender stereotypes. Not only were men found to be over-represented in the textbooks to the detriment of female personages, but also women were mainly shown in household contexts and frequently associated with the image of the mother or wife. Rarely were they presented in business or political settings.

Based on these findings, HALDE formulated a series of recommendations to the Minister of National Education, particularly with regard to using school programmes to drive change towards the elimination of stereotypes and the advancement of gender equality. The report proposed to expand the teaching related to the prevention of discrimination and the promotion of gender equality beyond the second year of middle school (*collège*) to all civic education courses of secondary education.

HALDE also recommended to school textbook editors to include a precise definition of discrimination in line with legislation, provide information on its criminal character, punishable under the law, and to avoid or correct existing stereotypes as new editions or publications are prepared.

New impetus was given to that policy on stereotypes at the 30 November 2012 meeting of the inter-ministerial committee for women's rights and gender equality. In the framework of the inter-ministerial action plan, the Government provided for a series of measures, particularly in the area of education, such as "ABCD of equality" modules, and "equality" modules in initial and ongoing training for teachers.

## **2.4.2. Elimination of stereotypes in the field of education**

### *2.4.2.1. Consolidated legal basis*

The legal obligation to ensure equality between girls and boys and women and men in the schools was strengthened through the Act of 9 July 2010 "on violence specifically against women, spousal violence and its incidence on the children", which gave rise to the following amendments to the Education Code:

- Under article L. 121-1 (amended by the Act of 8 February 2010), "public elementary, middle and high schools and higher education institutions shall contribute to support gender diversity and equality";
- Under article L.312-17-1 (amended by the Act of 9 July 2010), "information on gender equality and on the elimination of gender-based prejudices of domestic violence shall be provided at all school levels", particularly through recourse to "associations for the defence of women's rights and gender equality";



- Under article L.721-1 (amended by the Act of 9 July 2010), training provided to national education staff shall "include awareness-raising campaigns on the problems of discrimination, gender inequality and violence against women".

The pursuit of these educational goals is strengthened by the Act of 8 July 2013 on public school reform and the Act of 22 July 2013 on higher education and research, which require taking equality into account in teacher training, teaching and student orientation; considering action against gender stereotypes in the courses and in the various aspects of the life of the academic community as a public service mission of higher education; and promoting parity in universities governance bodies, in the relevant authorities or new advisory or evaluation entities of the State.

#### 2.4.2.2. *Tools used and activities carried out on the ground*

The Minister of National Education takes special steps to promote the training of education staff in the elimination of stereotypes and in gender equality. The teaching personnel is sensitized to those issues in their initial training through a module on gender equality and in ongoing training through academic training plan (PAF) modules which address the need to eliminate gender stereotypes and to promote gender equality.

The new inter-ministerial convention for the equality of girls and boys and women and men in the education system, signed by six ministries for the period 2013-2018, aims at making equality-based education, from the earliest possible age, central to the schools in order to eliminate gender stereotypes in a sustainable manner.

The dynamic effect of the above convention began at the start of the new school year in 2013, when the *Year of equality in school* (see below) was launched.

At that same time, "ABCD of equality", a primary education pilot programme was introduced in order to provide support for teachers and organize educational activities for the pupils. Carried out in cooperation with the Ministry of Women's Rights in 10 departments of education and in more than 600 classes (<http://www.cndp.fr/ABCD-de-l-egalite/accueil.html>), this programme will be generalized at the start of the new school year in 2014.

In the framework of health- and citizenship-education committees (discussion, observation and proposal bodies designing and implementing civic education projects), the schools organize training and sensitization activities to inculcate respect for others. Moreover, the core knowledge and skills that every pupil must assimilate before leaving school pursuant to an act of 2005, include, as part of social and civic knowledge, respect for the other gender and rejection of stereotypes.

Training in girl-boy equality is stipulated in the specifications for future higher schools for professors and educators.

On 28 January 2013, a gender equality charter was signed by the Ministry of Higher Education and Research and the conferences of university presidents, grandes écoles and directors of French schools of engineering.

The above charter is part of a relevant overall plan presented to the inter-ministerial committee on 30 November 2012 and comprising approximately forty activities whose main goals are, inter alia, equality in careers, gender-diversity in

training, elimination of sexist and sexual violence and development of research on gender issues.

A Committee on Equality (COMEGAL) ensures the coordination of policies on equality in higher education and research. Its action has a triple aim: eliminating stereotypes through voluntary involvement; mainstreaming of equality issues in contractual relations with every establishment; and stipulating gender parity regarding elections to the various university bodies in the law governing higher education.

#### *2.4.2.3. Specific activities for enhancing gender diversity in the various areas of education*

A number of specific activities have been implemented in the schools in order to encourage diversity in vocational orientation. One main goal is to attract more girls to scientific and technical sectors, traditionally preferred by boys. Thus, the "science and technology in the school" plan, launched in January 2011, promotes updated scientific programmes and provides for personalized support time to change perceptions of scientific studies and jobs.

Thus, an agreement signed on 31 January 2011 with the "Women and mathematics" and "Women and science" associations provides for regular school events to stimulate the girls' interest in science. In 2012, the first "Week of mathematics" was organized, with "Girls and mathematics" as key theme.

The Ministry's brochure entitled "Girls and boys on an equal footing, from school to higher education", published annually since 2007, provides updated gender-disaggregated statistics on school careers and the relevant stakes and issues. The 2012 edition reports a slight reorientation of girls' choices in the science sectors as a result of offering the optional course in science and technology, which are more popular among girls than among boys (in 2009, such courses were attended by twice as many girls as boys). That reorientation is also the result of action to promote gender-diversity in the various areas.

In 2014, year of gender-diversity, relevant information and action plans will be launched at the national level.

#### *2.4.2.4. Mobilization for equality in the school in 2013*

The inter-ministerial action plan adopted on 30 November 2012 declared 2013 to be a year of mobilization for equality in the school, with the involvement of all educational and civil society actors and youth movements in support of the process (<http://www.education.gouv.fr/cid66416/2013-annee-mobilisation-pour-egalite-entre-les-filles-les-garcons-ecole.html>).

Modalities for the "Year of equality in the school" were laid down in a joint circular addressed by the Ministers of Education, Educational Success and Women's Rights to the directors of education on 7 March 2013.

#### **Pursuit of equality at all stages of educational programmes**

As mentioned earlier, the "ABCD of equality" programme for pupils of cycles 1-3 (nursery through elementary school) was developed during the 2012-2013 school year to be implemented in 10 education departments at the start of the following school year and generalized at the start of the school year in 2014.

That programme, based on educational, financial and digitized documents produced jointly by the Ministry of Women's Rights and the Ministry of National Education and subject to an evaluation protocol prior to generalization in 2014, provided for the participation of the pupils' parents in the pilot phase.

In the middle schools and high schools, awareness-raising activities against gender-based harassment and violence and in favour of respect and equality are offered and conducted as part of school projects in cooperation with civil society actors and community service volunteers. Programmes of the same type will be implemented in educational establishments attached to the Ministry of Agriculture. The "Integration-Equality" network has been mobilized for that purpose.

The holding of statutory meetings and the pursuit of the goals specified in the circular of 17 February 2003 is currently being evaluated jointly by education system bodies, territorial authorities, health professionals and civil society. An action plan for full implementation of sexual education in elementary, middle and high schools was drawn up at the beginning of the school year in 2013.

Training in girl-boy equality has been stipulated in the specifications for the higher schools for professors and educators and has been taken into account in teachers' colleges and other educational personnel training establishments. That subject is addressed in the ongoing training for all personnel of National Education, higher education and agriculture, with particular attention to national education directorate and inspectorate staff, in cooperation with the Higher School of National Education, Higher Education and Research.

On-line training tools will be introduced and made available on the general and discipline-related sites of the Ministry of National Education. Since early 2013, useful educational tools on equality, whose producers will meet regularly, have been assembled at a portal on the Internet site of the National Office for Educational and Vocational Information (ONISEP) (<http://objectifegalite.onisep.fr/#/1>).

These activities as a whole have been planned in the inter-ministerial convention for the equality of girls and boys and women and men in the education system, which has been renewed for the period 2012-2017. In that convention, five ministries commit themselves to strengthening their action for gender equality. The convention provides for measures aimed at developing and transmitting a gender-equality culture, promoting the role of women in school programmes and ensuring gender-diversity in all areas of education.

### **Promotion of equality will be an explicit goal of the new public service for orientation**

The creation of a public service for orientation, provided for in the new stage of decentralization, is expected to promote gender-diversity in the various areas of education. The relevant activities will build on action already carried out in certain industries, such as construction. The new service will engage in enhancing and publishing statistics that highlight disparities in orientation and occupational activity, and the encouraging examples of women and men excelling in an occupation "reserved to the other gender".

In schools, equality between girls and boys in accessing training and employment will be promoted. Relevant subjects will be addressed in the

information, orientation and business- and professional-world discovery activities implemented as from the first year of middle school (*collège*).

In particular, the plan for supporting and developing women's entrepreneurship, announced on 27 August 2013 by the Minister of Women's Rights, provides as follows:

- As from the first year of middle school (*collège*), women's entrepreneurship will be part of the curriculum under the new information, orientation and business- and professional-world discovery procedures provided for in the School Reform Act;
- Women's entrepreneurship will be specified as one of the student sensitization goals in all agreements concluded between the State, support networks and associations which work in the field to promote the spirit of enterprise and innovation among young persons, such as chambers of commerce and industry, and the associations "Fédération Pionnières", "100 000 entrepreneurs" and "Learning by doing" (EPA);
- Recurring and ongoing activities to generate interest in women's entrepreneurship in middle schools (*collèges*), high schools and higher education institutions will be organized every year.

The Ministries of Agriculture, Labour, Vocational Training, Social Affairs and Health, the Interior, the Environment, Industrial Renewal, Handicrafts, Trade and Tourism will offer support for meeting the commitment to gender-diversity. For instance, the Industry Week will provide an opportunity to intensify the promotion of industrial occupations among women. In the handicrafts sector, activities will be undertaken with the National Fund for Craft Sector Promotion and Communication (FNPCA) in order to develop women's participation in traditionally male trades and men's participation in traditionally female ones.

In order to ensure progress in all of the above areas, a workshop of State agencies and all regional councils was held on 7 February 2013. The event was repeated on 13 December 2013 in the framework of a forum on occupational gender-diversity.

#### 2.4.2.5. *Elimination of stereotypes as a civic duty*

A framework agreement with the civic service agency, signed on 7 March 2013, provides for mobilizing approximately 1,000 persons to engage in innovative activities raising awareness of gender stereotypes and teaching equality in public services, sport and voluntary organizations. To that end, the Ministry of Women's Rights invited its partner associations and authorities to participate in its gender equality action.

In cooperation with the Ministry of Defence, equality promotion activities will be incorporated into the Defence and Citizenship Days.

#### 2.4.3. **Elimination of gender stereotypes in the media, culture and sport and on the Internet**

In 2008, the Government and the Broadcasting Authority (*Conseil supérieur de l'audiovisuel*, CSA) undertook an initiative to highlight the stereotypical presentation and inadequate role of women in the media. According to the first

report on women's image in the media, presented in 2008, women, particularly those exercising expert functions, were too few in the media as a whole; and the discrepancy between women's life today and their place and image in the media was still significant. In the same year, a commission was set up to observe and monitor female stereotypes.

According to a report made public by the Commission on the Image of Women in the Media in 2011, "of the experts in the media as a whole, 20 per cent are women and 80 per cent men". Accordingly, a self-regulation agreement was signed in 2010 by various national media of the radio (RTL, Europe 1 and RMC), television (Channel + and M6) and the press (*Le Monde* and *Le Figaro*), which committed themselves to increasing women's contribution to television broadcasts and newspaper reports.

The Broadcasting Authority (CSA) undertook to help the media meet that commitment, by making available a pool of appropriate women experts. In the draft Gender Equality Act, the Government has proposed extending the regulatory powers of CSA in combating sexist stereotypes in the media, thereby amending Act No. 86-1067 of 30 September 1986 on freedom of communication. CSA is thus entrusted with ensuring a fair representation of women, promoting their image and gender equality, and taking steps against the dissemination of sexist stereotypes and images that degrade women. The public audio-visual companies' obligations regarding gender equality are also reinforced.

With regard to the Internet, the above draft Act amends article 6 of Act No. 2004-575 of 21 June 2004 on confidence in the digital economy by expanding the relevant obligations to all forms of incitement to hatred, particularly when it is based on gender or on sexual orientation or identity.

Agreements supplementary to the objectives and means contract (COM) 2011-2015 with France Télévision company (organized by late 2012) and to COM 2010-2014 with Radio France will be signed with a view to ensuring the promotion of the image of women and preventing the dissemination of sexist stereotypes and degrading images. The agreements will stipulate specific measures for greater participation of women experts in current interest broadcasts and for the promotion of equality in programmes for children.

An "equality promotion" clause will be included in all financing agreements concluded with cultural policy actors, regardless of the sector concerned.

Agreements for the promotion of women's sport will be signed with all sport federations. The list of major sport events included in the Decree of 22 December 2004 will be amended so as to give women's competitions the place that they deserve. A relevant draft decree has been transmitted to the European Commission. Lastly, the draft Gender Equality Act establishes parity in the governing bodies of sport federations as an objective to be attained by 2020.

The Professional Advertising Regulatory Authority (ARPP) has been requested to step up self-regulation procedures in the advertising sector.

#### **2.4.4. Elimination of stereotypes in the administration**

##### *2.4.4.1. Modification of the administrative forms*

A Prime Minister's circular published on 21 February 2012 modified the format of administrative forms and correspondence by removing such terms as "Miss", "maiden name", "patronymic" and "spouse's name", which were unnecessary references to women's family status. The circular recommends using instead the terms "Madame", "family name" and "customary name".

##### *2.4.4.2. Awareness-raising activities undertaken within the Government*

The Prime Minister's circular of 23 August 2012 on the implementation of the inter-ministerial policy on gender equality indicates sensitization and training activities regarding gender stereotypes for all members of the Government.

An awareness-raising seminar was organized for all ministers to stimulate discussions and highlight the direct and indirect consequences of current stereotypes in French society.

Such seminars were followed by similar meetings at all levels of the State (including the regional prefects and the departmental prefectures) and in other agencies. Analogous meetings are organized at the National School of Administration (ENA) as part of the training of future senior officials of the State. Related awareness-raising activities will be carried out in the framework of the "ABCD of equality" pilot programmes.

The circular of 22 October 2012 on guidance regarding the inter-ministerial priorities of lifelong learning for State officials drew the attention of the ministries and decentralized services of the State to the need to organize training aimed at raising awareness of the significance of professional equality among, primarily, key recruitment and career-development staff, namely administrators, particularly at senior level, members of juries and joint administrative boards (CAPs), human resources managers and career mobility advisers (CMCs).

Occupational equality issues are to be included in the initial training of newly recruited personnel and in specific training for initiation or adaptation to new duties.

In developing training contents, attention was paid to dismantling stereotypes related to the issues in question and inherent even in training instruments that frequently, through examples or actual cases cited, tend to reproduce certain patterns regarding the role of women and men in society.

These priorities were stated and developed in the memorandum of understanding on gender equality in the civil service concluded on 8 March 2013 between the Prime Minister and the Minister for State Reform, Decentralization and the Civil Service, trade-union organizations as a whole, and the representatives of public employers.

#### **2.5. Elimination of violence against women**

**(General Recommendation No. 19 adopted by the Committee in 1992)**

***Recommendation (paragraph 29): "The Committee urges the State party to take comprehensive measures in order to address all forms of violence against***

*women, including domestic violence. The Committee recommends that the State party analyse all cases of violence against women, particularly those that result in murders of women, and ensure the adoption of effective measures to prevent violence against women and protect them from violence. The Committee further urges the State party to strengthen the cooperation between police, the public prosecutor and non-governmental organizations in the prevention of violence against women. Furthermore, the Committee calls upon the State party to collect comprehensive statistical data disaggregated by age and type of violence and the relationship of the perpetrator to the victim.*

On 22 November 2013, the Minister of Women's Rights, made public the fourth inter-ministerial plan for preventing and combating violence against women. The plan lists a small number of priorities in respect of which the Government will be accountable at the national and local levels.

This plan is built on the following three priorities:

**1. Basing public action on the simple principle that any manifestation of violence requires a response**

The plan provides for measures to systematize responses at all stages of the process experienced by victims so as to provide health care and legal assistance as early as possible. This means creation of a permanent helpline, doubling of the number of social workers in police stations and gendarmerie premises, protocols for the reception of complaints, medical first aid for the victims, more effective emergency response, particularly in cases of rape or sexual violence, and development of emergency care and shelter facilities.

**2. Protecting the victims**

The plan provides for strengthening the protection order, establishing an alert telephone line for women in great danger, improving the tools for preventing undesirable situations, organizing criminal prosecution measures against perpetrators of violence, taking into account the situation of women victims of violence in determining income supplement allowances (RSA) and providing for rapid procedures for severing bank accounts.

**3. Mobilizing society as a whole**

The plan facilitates the mobilization of all public services and relevant professionals, through the new procedures of the Inter-ministerial Mission for the Protection of Women Victims of Violence and for Combating Human Trafficking (MIPROF), which ensures such mobilization for women victims of violence, with a view to implementing large-scale training programmes. The plan includes a cross-cutting policy on preventing violence against women through the media and the Internet and in such social settings as the school, the university, sport and employment. The plan also entails mobilizing public research, innovation and experimentation and improving statistical knowledge to facilitate the continuous upgrading of public services and their adaptation to the changing forms of violence in society.

The above plan will be continuously revitalized through regular updates based on decisions of the inter-ministerial committee for women's rights and gender equality.

The financing of the plan, equal to € 66 million, twice the amount of the preceding plan, will be ensured through mobilization of various State budget programmes, the Interministerial Fund for Crime Prevention (FIPD), social security appropriations and partnerships with territorial authorities.

New activities included in the inter-ministerial plan for preventing and combating violence against women, 2014-2016, are presented at <[http://femmes.gouv.fr/wp-content/uploads/2013/11/4e-planVFF\\_22112013.pdf](http://femmes.gouv.fr/wp-content/uploads/2013/11/4e-planVFF_22112013.pdf)>.

### **2.5.1. Studies on the typology of violence against women**

The National Institute for Statistics and Economic Studies (INSEE) has created an annual module under ongoing surveys on household living conditions; and, in 2007, in cooperation with the National Supervisory Body on Crime and Punishment (ONDRP), launched "Living Environment and Security" (CVS), an annual national survey on burglaries and physical or verbal violence. That survey, often referred to as "crime victim survey", covers household property offences (inter alia, burglaries, car thefts and property damage) and offences against persons (inter alia, robberies, physical violence, threats and insults). In 2000, a specific study, the national survey on violence against women in France (ENVEFF), was carried out. Subsequent relevant surveys have included "Health and Life Events" (EVS) in 2005 and "The Context of Sexuality in France" (CSF) in 2006. Such surveys have gained momentum in a general context of increased attention paid to violence against women at the level of the law.

In view of the need for further studies on violence against women, the inter-ministerial plan for preventing and combating violence against women, 2014-2016, provides financial support for the initiative of the National Institute for Demographic Research INED to conduct a new survey, entitled "Violence and gender relations: contexts and consequences of violence against women and men". This new "Violence and gender relations" (VIRAGE) survey, conducted approximately 15 years after ENVEFF, is designed to update and expand the relevant statistics and will cover Metropolitan and Overseas France.

The VIRAGE survey aims to describe the nature, frequency, context and consequences of diverse forms of violence. Such a typology is expected to highlight similarities and differences between the kinds of violence suffered by the two genders. Special attention will be paid to the paths followed by the victims. In addition to these general objectives, the survey is designed to fill certain information gaps. For instance, the children's situation in the context of spousal violence remains unknown, particularly in cases of separation. Violence at the workplace is poorly recorded in the existing surveys. After ENVEFF, public discussion has led to new social questions, such as the extent of violence suffered by migrant women and their female descendants. Generally speaking, the combined effect of social vulnerability factors on a person's exposure to violence remains an open issue. Lastly, the VIRAGE will help to evaluate the effect of public policies implemented after ENVEFF, including awareness-raising efforts and training of the professionals concerned (inter alia, judges, law-enforcement officers and physicians).



***Women and men do not suffer the same type of violence***

The CVS survey helps to measure various forms of aggression against persons, ranging from insult to robbery and physical or sexual assault, within or outside the household. Sexual assault is committed more often against women than against men: two to three times more women than men suffer that type of violence outside the household. Persons stating to have been victims of rape, attempted rape or indecent assault account for 1.2 per cent of the women and 0.4 per cent of the men interviewed (INSEE, 2012).

Moreover, women are more frequently victims of domestic physical violence: within the household, 3 per cent of women, twice as many as men, suffer non-sexual physical violence, and 0.6 per cent of women, three times as many as men, have been the target of sexual violence.

Furthermore, women are more exposed to feelings of insecurity. They often personally know their attacker, even if he is not their partner or former partner. As a result of the victim's proximity with the offender, violence is repeated and the victim is reticent about filing a complaint. Most types of violence tend to be committed mainly against young women living alone or as a single parent. Women of a higher sociocultural level are more often victims of less serious violence (such as burglaries, insults or inappropriate gestures). Low-income women experience sexual or domestic violence more frequently.

Although less exposed to assaults, older women are less satisfied than other women with the role and effectiveness of the police. Similar dissatisfaction is also observed in poor or problem areas.

Such dissatisfaction is due to the atmosphere reigning in the areas concerned (as a result of such behaviour witnessed by the interviewees as causing property damage or other forms of delinquency) rather than to the frequency of acts of violence against women.

In 2012, 148 women were killed by their companions or former companions (spouses, cohabitants or PACS partners). Of the 26 women having committed homicide, 17 (or 65 per cent) had been victims of violence by their partner. These figures are to be considered in the light of the World Health Organization (WHO) report of June 2013, in which worldwide statistics on violence against women are compiled, revealing that more than one third of women have suffered spousal or sexual violence.

The French departments most affected by the phenomenon were Alpes-Maritimes (11 cases), Nord and Seine-Saint-Denis (8 cases each), Pas-de-Calais (7 cases), Yvelines (6 cases), Bouches-du-Rhône, and Indre-et-Loire and Guadeloupe (5 cases each).

The typical male offender is married, a French national, aged 41-60, and not (or no longer) engaged in any gainful employment. He commits the offence at home, without premeditation, with a firearm. The main motives, in order of frequency, are non-acceptance of a separation, and an argument.

### **Characteristics of violence**

A Supervisory Body on Crime and Punishment (ONDRP) survey on the consequences and effects of domestic physical or sexual acts violence helped to determine the characteristics of violence phenomena, measured through annual CVS inquiries in the period 2008-2012 on the basis of replies by 66,920 persons aged 18-75.

12.5 persons out of 1,000 (‰) stated having been victims of physical or sexual violence by a partner or former partner in the two preceding years. Of the 540,000 persons concerned, fewer than 140,000 were men and over 400,000 women.

In the age group 18-75, the proportion of persons who stated having been victims of physical or sexual violence by a partner or former partner in the two preceding years was 18.4 ‰ among women and 6.4 ‰, or approximately three times smaller, among men.

The rate of physical or sexual violence by a partner or former partner is high in the 25-34 age group (10.6 ‰ men and 25.6 ‰ women stated having been victims in the two preceding years) and the 35-44 age group (with, respectively, 10.8 and 28.1 ‰) and decreases in the older age groups.

Unmarried cohabiting women are those with the highest rate (21.1 ‰) of having been victims of physical or sexual violence by their partner, while of the divorced or separated women 23 ‰ stated having been victims of physical or sexual violence by their former partner.

Persons having been victims of violence accounted for 35.5 ‰ of women belonging to the 10 per cent of households with the lowest income per consumption unit and for 8.3 ‰ (four times less) of women belonging to the 10 per cent of households with the highest incomes.

Age, income level and such characteristics as housing occupant status (owner or tenant) or geographic area have an impact on the probability of a woman aged 18-75 suffering physical or sexual violence by her partner or former partner in the two preceding years.

The rate of women who stated that they had been a victim is higher than 20 ‰ in the following three groups of regions: Paris Basin (Burgundy, Centre, Champagne-Ardenne, Upper and Lower Normandy, and Picardy); western regions (Brittany, Pays de la Loire, and Poitou-Charentes); and south-western regions (Aquitaine, Limousin, and Midi-Pyrénées). The rate is lowest (13.1 ‰) in Rhône-Alpes/Auvergne.

### ***Women are less inclined to file a complaint***

Only 10.6 per cent of women assaulted within the household file a complaint. Only 3.4 per cent of those having submitted to forced sex render themselves to a police station (INSEE, 2012). Thus, offences involving violence against women are characterized by complaint rates lower than in the case of other offences. Moreover,

where complaints are filed, withdrawals from the proceedings are frequent. As a result, the offences are repeated in many cases.

In order to improve the rate of reporting violence to the investigative agencies and to combat the impunity of perpetrators, a joint framework protocol established by the Ministers of Justice, the Interior and Women Rights reaffirms the principle that, when a domestic violence victim appears in police or gendarmerie premises, a complaint must be filed and followed by a judicial inquiry. This inter-ministerial framework protocol specifies the modalities of recourse to the police register or to legal information reports for offences of the type in question.

Any victim having such recourse after explicitly refusing to file a complaint shall be systematically informed of the consequences of such refusal, her or his rights, the procedures to follow in order to exercise them and the assistance to which she or he is entitled. It shall also be systematically proposed to the victim to be brought in contact with a support partner (inter alia, a social worker, a psychologist or an association's duty office).

The information recorded in the police register or a legal information report will be written up in detail for subsequent use.

Agreements may be concluded at the departmental level by the prefect, the public prosecutor, the law enforcement agencies, the president of the departmental council and the presidents of partner associations in order to specify the practical modalities of implementation of the above framework protocol (inter alia, the information transmission method and the relevant frequency).

## **2.5.2. Policy on preventing and eliminating domestic violence against women**

### *2.5.2.1. The Act of 9 July 2010 on violence specifically against women*

Act No. 2010-769 of 9 July 2010 "on violence specifically against women, spousal violence and its incidence on the children" strengthens victim protection through preventive measures and provisions for more effective prosecution of the perpetrators of violence. The Act's main provisions are the following:

(a) Introduction of the "order for the protection of victims of violence", which enables a family law judge to make an urgent decision and, without awaiting the filing of a complaint by the victim, put in place emergency measures, in particular eviction of a violent spouse, concealment of the victim's residence or home and arrangements for the children. Protection orders may also be issued in the case of adults facing the risk of forced marriage;

(b) Pilot use, in certain departments, for three years, of electronic bracelets to verify the compliance of violent spouses with a protection order;

(c) Creation of the offence of "psychological or mental violence";

(d) Issuance or renewal of a residence permit to women who have come to France for purposes of family reunification and concerning whom a protection order has been issued, even if they have separated from their spouse on the grounds of violence; issuance of a temporary residence permit to illegal aliens concerning whom a protection order has been issued;

(e) Provision of legal aid to aliens under a protection order;

(f) Recognition to women's rights defence associations of an interest in referring cases to the Broadcasting Authority (CSA);

(g) A framework for recourse to criminal mediation, to which victims covered by a protection order presumably do not consent;

(h) Extension of the offence of violence, in the general sense, to spousal violence;

(i) Elimination of the presumption of a spouse's assent to sex in cases of spousal rape;

(j) Consideration of the intention to impose forced marriage as an aggravating circumstance of violence.

2.5.2.2. *"Twelve objectives in combating abuse of women", 2008-2010*

The second national action plan, entitled "Twelve objectives in combating abuse of women", was implemented between 2008 and 2010. It strengthened the action taken under the first three-year plan through new activities targeting the victims' environment (perpetrators of violence and children exposed to spousal violence); and comprises 32 measures, structured into four main thrusts as follows:

***For the victims:***

- Creation, at the local level, of posts of outreach officials serving as single contact persons for women victims of violence (circular of 14 May 2008);
- Continuation of the pilot project involving a new approach, placement with a host family, that had been launched in three departments in 2006 (circular of 18 July 2008);
- Enhancement of resources for the team of the 3919 free helpline for women victims of spousal violence, set up in 2007 and managed by the National Federation for Women's Solidarity (FNSF).

***For the perpetrators of violence:***

- Drawing up of a charter of core principles for entities providing care for perpetrators of violence;
- Distribution to police stations and gendarmerie units of an informational pamphlet for "identified" perpetrators of violence in order to prevent recidivism.

***For the professionals concerned:***

- Re-publication of the booklet entitled "Combating spousal violence: the professionals' role" as part of the 2008 campaign for raising awareness of violence against women.

***For the general public:***

- Launching in 2008 of an awareness-raising campaign in support of the second plan to combat violence against women. The campaign, focused on spousal violence, was expanded in 2009 to forced marriage and female genital mutilation and in 2010s to verbal violence and gender stereotypes;

- On 25 September 2008, presentation by the Commission on the Image of Women in the Media (see above) of a report on respect for the image of women.

The Government's commitment to preventing and combating the violence in question led to such initiatives as the Prime Minister's recognition, on 25 November 2009, of the elimination of violence against women as the "national priority concern in 2010". That measure made it possible to pool the efforts of 25 associations to carry out throughout 2010 numerous activities.

#### 2.5.2.3. *The third national action plan, 2011-2013*

The extent and gravity of violence against women led the Government to adopt a third national action plan, 2011-2013, in order to address, over and above domestic violence, the phenomena of forced marriage, polygamy, female genital mutilation, gender-based and sexual violence at the workplace, rape, sexual assault and prostitution.

The three key priorities of the plan consist in protecting the victims of violence and their children; identifying violence and averting recidivism; and encouraging and mobilizing society as a whole to live up to its responsibilities.

#### 2.5.2.4. *Formulation of a new strategy to protect women against violence and combat human trafficking*

On 30 November 2012, the inter-ministerial committee adopted a comprehensive strategy to attain the following goals: enhancing knowledge; preventing violence through awareness-raising and education; improving the initial reception and strengthening the protection of women; attending the perpetrators and averting recidivism; supporting the victims; and combating forced marriage and polygamy.

- *Enhancing knowledge:* On 3 January 2013 the Council of Ministers decided to create the Inter-ministerial Mission for the Protection of Women Victims of Violence and for Combating Human Trafficking (MIPROF), which builds on the effectiveness of the observatory of violence set up by the departmental council of Seine-Saint-Denis, upscaling that initiative at the national level and providing it with operational functions.

The Inter-ministerial Mission fulfils the role of a national observatory of violence against women with a view to a better understanding of the relevant phenomena. It will receive inputs from the extensive VIRAGE survey, launched with the Ministry's support, and from activities undertaken subsequent to National Research Agency (ANR) calls for projects and dealing with the issue of violence against women (cf. supra). Moreover, relevant figures will be secured as a result of statistics reform in the Ministries of the Interior and of Justice.

Another role of the Mission is to organize, evaluate and interconnect local policies on combating violence. Through the Mission, France plans to identify and generalize best practices more quickly, ensure training for professionals, and streamline cooperation between the law enforcement bodies, the prosecuting authorities and the social services at community and, especially, departmental level.

- *Access of women victims of violence, who wish to leave their home, to a shelter and to new housing:* Under the Act of 9 July 2010, certain housing units are to be reserved in each department, through agreements between the State and donors, for women victims of violence. Prefects have received instructions on developing the relevant procedures.

In 2013, 97 daytime shelters for women victims of violence were financed in 89 departments. In addition, the Government has undertaken to reserve for women victims of violence approximately one third of the 5,000 new emergency-shelter places to be created during the five-year term. There are plans for 1,650 new urgent shelter solutions earmarked for and adapted to women victims of violence by 2017. As part of the poverty reduction and social inclusion plan, a call has been launched for innovative projects related to measures addressing violence against women. Lastly, a model agreement for differentiated treatment of women victims of violence by the integrated care and counselling service in emergency facilities was distributed to prefects in April 2013 in order to ensure consistency and continuity in the provision of care for the women in question.

- *Training of professionals in care for women victims of violence:* Ignored for a long time, this dimension will henceforth be taken into account by MIPROF, which will draw up a comprehensive training plan on violence against women. This action will build on the provisions of the draft Gender Equality Act, under which training related to violence against women and their effects is a compulsory part of initial and ongoing training for professionals engaged in preventing and detecting such violence, namely physicians; medical and paramedical personnel; social workers; childminders; judges; lawyers; teachers and educators of the Ministry of National Education; registrars; sport, cultural and leisure activity personnel; national and municipal police and gendarmerie officers; French Office for the Protection of Refugees and Stateless Persons (OFPRA) personnel; and prison system employees.
- *More effective implementation of the protection order:* The Ministers of Justice and of Women's Rights entrusted the General Inspectorate of Social Affairs and the General Inspectorate of Legal Services with a joint mission concerning the conditions of application of the protection order. The conclusions of the mission are included in the draft Gender Equality Act under currently examined by the parliament.

The fourth inter-ministerial plan for preventing and combating violence against women is built on three priorities (cf. supra). New activities included in the inter-ministerial plan for preventing and combating violence against women, 2014-2016, are presented at [http://femmes.gouv.fr/wp-content/uploads/2013/11/4e-planVFF\\_22112013.pdf](http://femmes.gouv.fr/wp-content/uploads/2013/11/4e-planVFF_22112013.pdf).

### **2.5.3. Partnerships and governance under the policy on combating violence against women**

Activities carried out to prevent and combat violence against women are coordinated by the Ministry of Women's Rights, which manages the national inter-ministerial plan for preventing and combating violence against women. For the implementation of that plan, the State relies on networks of associations financed with national and local public funds.

In order to improve initial care for women victims of violence in accordance with the international commitments of France (Istanbul Convention) and based on a March 2013 study of the General Secretariat for Modernization of the Administration, a free helpline, accessible continuously, to support and advise women victims of violence is to be organized gradually, as from 1 January 2014.

The launching of that helpline is accompanied by an information campaign.

The above telephone facility will be supported by the 3919 round-the-clock service managed by the National Federation for Women's Solidarity (FNSF), which will ensure the networking of the other existing telephone lines and partner associations. To that end:

- A partnership protocol will be drawn up by the State and the associations concerned and, specifying operational procedures for the new line;
- The line will be toll free for fixed-line and mobile telephones and ensure the caller's anonymity;
- A database common to the partner associations will be set up.

Supplemented with a new Internet service to provide comprehensive response, the above line will be updated and enriched through joint work by the Ministry of Women's Rights and the associations.

The line may rely on existing local structures, calls to whose individual numbers will be transferred to a single national number. In the framework of an agreement with local actors, the prefect must ensure effective coordination with the national system and the emergency numbers (17, 18 and 15), as well as with integrated reception and orientation service (SIAO) units to respond to the need for emergency shelter or housing, in cooperation with specialized associations.

Women, particularly those in a vulnerable situation, are not always informed of their rights. The network of women's and families' rights information centres (CIDFFs), together with the National Information and Documentation Centre for Women and Families (CNIDFF), is responsible for supplying women with the legal information that they need. Accordingly, the CIDFFs provide legal, occupational, economic, social and family-related information free of charge.

As indicated earlier, the Inter-ministerial Mission for the Protection of Women Victims of Violence and for Combating Human Trafficking (MIPROF), created in January 2013, cooperates with all organizations, communities and associations concerned. Responsible for mobilizing all public authorities throughout the national territory to combat violence against women and human trafficking, the Mission consists of six experts from the ministries concerned who have complementary profiles. The Mission is attached to the Ministry of Women's Rights. It is entrusted with:

- Compiling and publishing consolidated statistics and studies on women victims of violence: the Mission will support the new "Violence and gender relations" (VIRAGE) survey and conclude cooperation agreements with the National Supervisory Body on Crime and Punishment (ONDRP) and the National Institute for Statistics and Economic Studies (INSEE);
- Organizing local events and disseminating innovations related to the policy on the protection of women victims of violence;

- Defining the specifications for a cross-cutting and inter-ministerial training programme on violence against women in order to improve the preparation of the professionals concerned;
- Strengthening the protection of human trafficking victims: the Mission will review the 2011 action plan and mobilize the State services as a whole. Special attention will be paid to the consequences of the offence in question on entitlement to residence.

#### **2.5.4. Measures provided for in the draft Act**

The draft Gender Equality Act includes the following measures to combat violence against women:

**Article 8** improves the mechanism of the protection order, introduced through Act No. 2010-769 of 9 July 2010 "on violence specifically against women, spousal violence and its incidence on the children".

**Article 9** terminates, save in exceptional circumstances, recourse to criminal mediation in cases of spousal violence.

**Article 10** expands to the territory as a whole the teleprotection facilities available to victims of spousal violence.

**Article 11** amends the Code of Criminal Procedure and the Criminal Code so as to provide for the eviction of violent spouses from the couple's home and at the same time, save in exceptional cases, for continued residence of the victim therein.

**Article 12** supports the continued residence of spousal violence victims in the family home.

**Article 13** improves the procedures for dealing with spousal psychological violence.

**Article 14** provides for consideration of violence against women in disability prevention policies.

**Article 15** exempts spousal-violence and human-trafficking victims from stamp tax and other fees in respect of residence permits.

**Article 16** authorizes the public prosecutor to require the offender to receive at his expenses training in preventing and combating gender-based violence; and authorizes the convicting court or the penal enforcement judge to impose the same measure, including as an additional penalty.

#### **2.5.5. Prevention of and action against sexual harassment**

**Recommendation (paragraph 31): "The Committee calls upon France to review its definition of sexual harassment".**



The situation of victims of sexual harassment has been reviewed twice. Once, in connection with Act No. 2010-769 of 9 July 2010 "on violence specifically against women, spousal violence and its incidence on the children", which amended the offence of malicious accusation. Charges for such accusation could be brought against person claiming to be a victim of sexual violence who denounced it and saw her or his case dismissed by the court. In a case involving alleged harassment, the acts denounced were necessarily considered unfounded if the judgment led to acquittal, termination of proceedings or discharge. Henceforth, the acts denounced may be considered unfounded solely if the judgment concludes that the acts are not established or not carried out by the person accused of harassment (cf. article 226-10 of the Criminal Code, as amended).

Those provisions were subsequently amended through Act No. 2012-954 of 6 August 2012, which introduced a new definition of sexual harassment - more precise and incurring heavier penalties in accordance with European law - in the Criminal Code, the Labour Code and the Civil Service Code, thereby harmonizing the legislative provisions on sexual harassment. The said Act broadens protection against discrimination, and reinforces the obligation to prevent it, imposed particularly on the employer, and the rights of associations. The Government launched an information campaign on the problem of sexual harassment in November 2012.

This campaign was enhanced with a web site for the general public at <<http://stop-harcelement-sexuel.gouv.fr/>>, which provides all of the information that may be useful for the victims.

The combat against sexual harassment was included in the memorandum of understanding on gender equality in the civil service, concluded on 8 March 2013.

In that context, a joint circular of the Minister of the Civil Service and the Minister of Women's Rights will recall the new provisions of the Criminal Code on the offence of sexual harassment and their impact on the three-tier action relevant to the civil service as a consequence of the public employers' obligation to prevent, advise and protect.

Public employers must organize specific training with a view to better information, prevention and action regarding sexual and psychological harassment. Any new member of the civil service must receive training in those areas. The training in question shall include sensitization to the specific forms of violence against women and the resources available to support women victims of such violence.

## **2.6. Prevention and elimination of human trafficking and of the exploitation of the prostitution of others (article 6)**

*Recommendation (paragraph 31) "The Committee urges the State party to take all appropriate measures to suppress all forms of trafficking and exploitation of prostitution of women. The Committee also urges the State party to ensure that women and the girls victims of human trafficking receive the necessary support, including through witness-protection and social-rehabilitation measures. In that regard, the Committee urges the State party to systematically collect and analyse data, disaggregated by age and social origin, to improve insight into situations of trafficking and related trends and in order to identify the root causes of the*

*phenomenon, and to formulate and implement policies to address such root causes. In order to ensure that trafficked women and girls in need of international protection are not expelled, the Committee recommends that the State party review the obligation of submitting a complaint to be granted residence permits. The Committee calls upon the State party to undertake a comprehensive study on the impact of the Act of 18 March 2003 on internal security, including the prohibition of passive soliciting, on persons engaged in prostitution."*

#### **2.6.1. Reaffirmation of the abolitionist position of France**

French policy on prostitution is based on an abolitionist approach which condemns procuring, namely the exploitation of the prostitution of others, even with their consent. In itself, prostitution as an activity is free. Solely its conspicuous manifestation on the public highway may be prosecuted.

In July 2010, the National Assembly set up a task force chaired by Ms. Dannielle Bousquet (of the Socialist Party) with a view to reforming the legal framework on prostitution. A report entitled "Prostitution: the duty to end the myth of the oldest trade in the world" was published in 2011. A draft resolution reaffirming the abolitionist position of France was co-signed by the presidents of all political groups in the National Assembly and adopted unanimously on 6 December 2011. The resolution reaffirms the ultimate goal of France, namely a society without prostitution; asserts that, "in view of the coercion under which as a rule persons take up prostitution, the violence inherent in that activity and the physical and psychological damage which results from it, prostitution may in no case be compared to an occupational activity"; and considers it "crucial that public policies should offer viable alternatives to prostitution and guarantee the fundamental rights of persons engaged in prostitution".

Based on work carried out by the National Assembly committee on women's rights, the Ministry of Women's Rights actively supported the draft Act on combating the prostitution system, adopted by the National Assembly on first reading on 4 December 2013.

#### **Statistics**

The Central Office for the Repression of Human Trafficking (OCRTEH) in the Ministry of the Interior is responsible for compiling data on trafficking in beings for the exclusive purpose of sexual exploitation. In 2011, of the 649 victims of various nationalities identified in legal proceedings that involved procuring and/or human trafficking for sexual exploitation, 149 were French.

There are no official statistics on persons engaged in prostitution. The only related data available come from the police, mainly based on arrests for soliciting, or from actors on the ground, such as associations. According to the 2010 figures provided by the above Central Office, of the 20,000-40,000 persons engaged in prostitution in France, 85 per cent are women.

In the framework of the first inter-ministerial plan to combat human trafficking, a statistical instrument will be established in order to offset the lack of official statistics on, specifically, human trafficking victims.

The Ministry has funded a study on student prostitution in order to obtain relevant information.

## 2.6.2. Combat against human trafficking, and support for its victims

In connection with the recognition of violence against women as the "national priority concern in 2010", it was decided to broaden the combat against that violence to all of its forms. Action against prostitution and human trafficking for sexual exploitation was included for the first time in an inter-ministerial plan to combat violence against women. Prostitution was thus clearly characterized as violence against women, and thereby progress was achieved in terms of prevention, prosecution and victim care and support. A further outcome has been the creation of the Inter-ministerial Mission for the Protection of Women Victims of Violence and for Combating Human Trafficking (MIPROF).

In line with its international commitments (under the Council of Europe Convention on Action against Trafficking in Human Beings, adopted at Warsaw), France through MIPROF has set up a national body to coordinate action against human trafficking.

The circular of the Minister of the Interior on naturalization recalls the rights to residence enjoyed by human trafficking victims.

Through the Act of 5 August 2013 on various provisions for adjustment in the sector of justice (DDAI), the Government incorporated Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims into national law, and moved to broaden the defining characteristics of the crime of human trafficking.

A comprehensive plan for combating human trafficking, scheduled to be proposed in January 2014, is expected to strengthen prosecution and international cooperation and to provide police officers with training regarding that crime and the rights of its victims.

### 2.6.2.1. *The anti-prostitution component of the inter-ministerial plan to combat human trafficking*

The Government funds preventive activities and support for persons engaged in prostitution by specialized associations. Appropriations approved in 2013 for action in favour of such or other vulnerable persons amounted to € 1,811,453, representing a more than 8 per cent increase compared to 2012. Considering the budget constraints, that rise reveals the will of the Ministry of Women's Rights to support the prevention of and combat against the phenomenon of prostitution. Appropriations approved for 2014 amount to €2.4 million, representing an increase of 23 per cent since 2012.

With regard to the use of allocations at the decentralized level, the regional teams have provided the following feedback with regard to 2012:

- **The following nine regions are particularly affected by prostitution:** Alsace, Aquitaine, Guadeloupe, Île-de-France, Languedoc-Roussillon, Midi-Pyrénées, Nord/Pas-de-Calais, Provence-Alpes-Côte d'Azur, and Rhône-Alpes.
- **The following four areas absorb more than 69 per cent of the allocations:** Île-de-France (40.2 per cent), Rhône-Alpes (11.79 per cent), Provence-Alpes-Côte d'Azur (8.87 per cent) and Languedoc-Roussillon (8.52 per cent). Subsidized activities cover the following four areas: support for persons engaged in prostitution (25 per cent), awareness-raising targeting the general

public (25 per cent), sensitization/training of professionals (36 per cent), and research/studies on prostitution (4 per cent).

#### 2.6.2.2. *Care for foreign victims*

Article L. 316-1 of the Code on the Entry and Residence of Aliens and the Right of Asylum (CESEDA) establishes protection procedures for human trafficking victims (frequently women), who receive a temporary residence permit if they place themselves under the protection of the law and report to the authorities the practices of which they have been victims and the perpetrators.

The number of permits issued through that mechanism, set up in 2008, was 29 in 2008, 102 in 2009, 160 in 2010, 175 in 2011 and 193 in 2012. Under article L. 313-14, on exceptional granting of residence, of the above Code, prefectures issue such permits to trafficking victims who do not meet the relevant legal prerequisites, on the basis of humanitarian considerations or on special grounds justified by the individual situations of the victims concerned.

At least five years of implementation of the above mechanism are required in order to evaluate the impact of its legal provisions on human trafficking practices.

The ALC-Nice association undertook to set up a secure reception network providing shelter and support to young women victims of organized procuring and trafficking groups. The duration of the initiative was extended and its capacity enhanced, so that the network became the national mechanism for secure care (Ac-Sé), enjoying recognition at the regulatory level and receiving financial support from the State. According to a decree dated 13 September 2007, "where her or his security requires a change of place of residence, an alien may be referred to the national mechanism providing care for human-trafficking and procuring victims, set up under an agreement between the Minister of Social Welfare and the association coordinating that mechanism".

Moreover, a circular of the Ministry of Immigration, Integration, National Identity and Development Solidarity of 5 February 2009 on granting residence to foreign victims of human trafficking or procuring who cooperate with the judicial authorities, addressed to prefects and to general directors of the police force and the gendarmerie, encourages these officials to cooperate with the national mechanism for secure care (Ac-Sé).

Article 15 of the draft Act on gender equality exempts victims of spousal violence and human trafficking from stamp taxes and fees related to residence permits.

#### 2.6.3. **Evaluation of the impact of the prohibition of passive soliciting on persons engaged in prostitution**

In December 2012, the General Inspectorate of Social Affairs (IGAS) transmitted to the Minister of Women's Rights a report on health issues related to prostitution. The report notes that this term encompasses diverse and constantly changing conditions, which therefore entail variable health-related problems and requirements. The prevention, medical follow-up and treatment needs of persons engaged in prostitution require, according to the report, actual recognition and effective exercise of their rights.

The report praises the effectiveness of the voluntary associations' "reaching out" and "low-threshold reception" approach to street prostitutes and underscores the need to broaden and consolidate such action. In view of the difficulty of observing all forms of prostitution, some of which are less visible ('indoor' or Internet-based practices) and require the development of special forms of action, the report recommends a pragmatic and cross-cutting approach involving coordination between the actors: improved knowledge of the various forms of prostitution; better response to prostitution problems in the various policies followed; strengthened and more effective prevention; and special attention paid to the most vulnerable groups. The report also refers to the prostitution of minors.

According to IGAS, "the associations consider that Act No. 2003-239 of 18 March 2003 on internal security, which punishes passive soliciting, and stricter immigration policies exposed persons engaged in prostitution on the public highway to more health hazards and violence. The associations criticize the increased difficulties in accessing, as a result of the above Act, the groups of persons engaged in prostitution. The associations are now obliged to seek persons who are hiding in order to avoid the charge of passive soliciting over larger and less accessible (wooded) areas". According to IGAS, punishment for passive soliciting creates among persons engaged in prostitution "particular mistrust of the public services and the police".

Accordingly, the Government had committed itself to abolishing the offence of passive soliciting. Indeed, the draft Act on combating the prostitution system, adopted by the National Assembly on first reading on 4 December 2013, provides for that abolition.

### **III. Implementation of part II of the Convention (articles 7 and 8)**

#### **3.1. Gender equality in political and public life (article 7)**

*Recommendation (paragraph 25): "The Committee urges the State party to strengthen measures to accelerate women's participation, on an equal footing with the men, in all aspects of political and public life and in decision-making bodies, especially in high-ranking posts, including in higher education, as mayors and as judges. It recommends the adoption of audacious measures to encourage a greater number of women to seek senior posts, and, if necessary, of temporary measures in accordance with article 4 (1) of the Convention. The Committee urges the State party to take appropriate measures to implement the Act on Parity in the Political Sphere and other relevant legislation. It encourages the State party to ensure that the representation of women in political and public bodies reflects the diversity of the population and includes immigrant women. The Committee requests the State party to provide, in its next periodic report, data and information on the representation of women, including immigrant women, in political and public life and in higher education.*

##### **3.1.1. Promoting parity in political life**

The formation, in May 2012, for the first time in the history of the French Republic, of a Government with an equal number of women and men is a strong indication of commitment to the goal of gender equality in political life. In line with

that goal, the Government undertook a series of voting system reforms concerning local and national elections.

French women, entitled to vote and eligible since the Order of 21 April 1944, are still under-represented in certain elective offices. Accordingly, through the Constitutional Act of 8 July 1999 (article 3 (5)), the lawmakers enshrined the principle of "equal access of women and men to elective mandates and elective offices" in the Constitution. In article 4 (2) of the Constitution, political parties and groups are urged to implement that principle, which, stated in article 1 of the Constitution, was solemnly reaffirmed in the constitutional reform of 23 July 2008.

On that constitutional basis, the parliament has adopted a number of acts that significantly improved the representation of women among elected officials. The situation, however, differs depending on the voting system: under the list system, gender parity among candidates is easily imposed on pain of non-registration of lists; while under the single-member system there is a certain flexibility, since gender parity is imposed through financial sanctions in the case of parliamentary elections or through designation of a substitute of the opposite gender in the case of departmental elections.

#### ***Statistical information***

After amendments made to the Electoral Code subsequent to the constitutional reform, strict alternation of women and men on candidate lists currently applies to most elections, namely elections in communities with more than 3,500 inhabitants, regional elections, senatorial elections in departments electing more than four senators, and European elections. That has led to a significant increase in the number of women among candidates and elected officials. The electoral rule in question is effective in terms of gender parity.

After the municipal elections of March 2008, the rate of women elected attained 48.5 per cent in communities with more than 3,500 inhabitants and 32.2 per cent in smaller communities. The overall rate of women municipal councillors regardless of community size attained 35 per cent (compared to 21.7 per cent in 1995). However, women account for only 13.8 per cent of mayors regardless of community size (14.2 per cent in communities with fewer than 3,500 inhabitants and 9.6 per cent in larger communities).

After the regional elections of 2010, the rate of women regional councillors attained 48 per cent (compared to 27.5 per cent in 1998). Act No. 2007-128 of 31 January 2007 contributed to increasing the number of women in regional decision-making authorities: women currently account for 47 per cent of vice-presidents compared to 37.3 per cent in 2004.

The above voting system has not been applied to departmental elections, which are governed by the majority single-member rule, a system less conducive to gender parity. In fact, the rate of women among departmental councillors increased from 13.1 per cent after the 2008 elections to only 13.9 per cent after the departmental elections held in 2011. Provisions have been adopted to increase the number of women. Act No. 2007-128 of 31 January 2007 provided for departmental councillor substitutes, who may not be of the same gender as the mandate holder. Act No. 2008-175 of 26 February 2008 promoted equal access of women and men to departmental councillor mandates by stipulating that a councillor resigning as a result of holding more than one local offices must be automatically replaced by the

substitute rather than, as was the case earlier, through a new election, which did not guarantee women substitutes access to the mandate.

The percentage of women among French deputies to the European Parliament increased from 43.6 per cent (34 out of 78) in June 2004 to 44.4 per cent (32 out of 72) after the elections of 7 June 2009.

After the latest senatorial elections, held in June 2011, the percentage of women senators attained 22.1 per cent. Although still insufficient, that rate has nevertheless quadrupled since the late 1990s.

Act No. 2013-403 of 17 May 2013 concerning the election of departmental, municipal and commune councillors and amending the electoral time frame (OJ, 18 May 2013) reforms municipal, inter-commune and departmental elections and will make gender parity possible in almost all local assemblies.

In particular, the Act provides for lowering the population threshold (from 3,500 to 1,000 inhabitants) for electing municipal councillors through the list system, which clearly favours gender parity. On that basis, in the next full elections, two departmental councillors will be jointly elected in each canton, by majority vote in a two-round system. Candidates shall present themselves in mixed pairs. As at other local levels, gender parity shall henceforth also apply to the membership of departmental executive assemblies. That new procedure will allow the number of women municipal councillors to increase by 16,000.

Gender parity should also be attained at the level of inter-commune cooperation areas: municipal-councillor and commune-delegate candidates must appear on a single list, and voting shall serve to elect, simultaneously and by the same electoral rules, both assemblies, which henceforth will have the same number of female and male members.

Act No. 2013-702 of 2 August 2013 modifies the voting system for senatorial elections (articles 2 and 3). The Government seeks "to strengthen gender parity in the Senate by increasing the number of senators elected through the list system". The Act lowers the threshold for electing senators on the basis of proportional representation, a rule more conducive to gender parity. Articles L. 294 and L. 295 of the Electoral Code are amended so that majority system should apply to departments electing one or two senators and the list system applies to departments electing three or more senators

*In parallel, single-member electoral systems are being reformed in order to promote gender parity.*

With regard to parliamentary elections, Act No. 2000-493 of 6 June 2000 in support of equal access of women and men to elective mandates and elective offices provides for financial sanctions in the form of a reduction to a portion of official aid to political formations that do not comply with gender parity in respect of candidatures. The reduction is equal to 50 per cent of the per cent difference between the numbers of female and male candidates. The first assessment of the effectiveness of the law showed that it had a limited impact. In connection with the 2002 elections, women accounted for only 38.8 per cent of candidates presented by the parties and only 12.3 per cent of National Assembly deputies elected (compared to 10.9 per cent in 1997) despite financial sanctions, which in the case of certain political formations were considerable.

For greater effectiveness, Act No. 2007-128 of 31 January 2007 increased the above reduction rate to 75 per cent. Thus, in the case of a party presenting 30 per cent of women versus 70 per cent of men candidates, the reduction, equal to 75 per cent of the gap (70-30), would amount to 30 per cent of the first portion of assistance. This new rate was applied after the June 2012 elections. The rate of women candidates presented increased to 41.6 per cent (2.8 per cent more than in 2002) and 153 women were elected (26.9 per cent).

The draft Gender Equality Act reflects the resolve of the President of the Republic to strengthen the mechanisms for readjusting the financing allotted to political parties that fail to comply with gender parity goals. The proposed procedures are based on the recommendations of the commission on political renewal and ethics chaired by Mr. Lionel Jospin.

The draft Act proposed by the Government amends article 9-1 of Act No. 88-227 of 11 March 1988 by increasing the reduction to the first portion of aid to a party, if the difference between women and men candidates exceeds 2 per cent, to 150 per cent of the percentage difference between female and male candidates. These strict provisions require specification of the rules applicable to candidates not proposed by any political party. The new provisions will take effect as from the first full elections to the National Assembly after publication of the Act, namely in 2017.

In the case of departmental elections, imposition of financial sanctions has been difficult in view of the number of elected officials without any party affiliation and the practice of not refunding election expenditure in certain cantons. Departmental elections had not been covered by the June 2000 reform. Given the lack of any statutory obligations, women accounted for only 11 per cent of departmental councillors after the 2004 elections.

In order to enable a growing number of women to enter departmental councils and in order to avoid too frequent partial elections, Act No. 2007-128 of 31 January 2007 provided for departmental councillor substitutes, who may not be of the same gender as the mandate holder. Act No. 2008-175 of 26 February 2008 promoted equal access of women and men to departmental councillor mandates by stipulating that a councillor resigning as a result of holding more than one local offices must be automatically replaced by the substitute rather than, as was the case earlier, through a new election, which did not guarantee women substitutes access to the mandate. The proportion of women among departmental councillors, 13.1 per cent after the 2008 elections, increased to only 13.9 per cent after the departmental elections of 2011. In those two elections, women accounted respectively for only 21 and 23 per cent of the candidates presented.

The Act of 17 May 2013 introduced a new voting system for departmental (formerly referred to as "general") councillors, henceforth renamed departmental councillors (while departmental elections were formerly referred to as "cantonal elections"). There must be two departmental councillors per canton, and each such pair must consist of a woman and a man. They will be elected in each canton by majority vote in a two-member two-round system. Thus, an identical number of female and male councillors will be guaranteed in these local assemblies in 2015.

A further measure planned in support of gender parity in political life consists in the rule that no national-mandate holder may also hold any local executive mandate. The rule, which the President of the Republic intends to see implemented



by 2017, will structurally favour the representation of women at all levels of local and national elective office.

### 3.1.2. Professional equality in the civil service

According to standardized and comprehensive sociodemographic data compiled by the civil-service information system (SIASP) of INSEE with regard to the three civil service branches, the civil service is characterized by a high rate of female workers (60 per cent women compared to 44 per cent in the private sector), a relatively greater average age of workers (42 years compared to 40 years in the private sector), and a relatively significant share of workers aged 50 year or older (29 per cent compared to 24 per cent in the private sector, given different recruitment and departure rates in the two sectors).

However, the civil servants of the individual components present different characteristics. Women account for 77 per cent of the hospital civil service (FPH) (87 per cent in shelters for older persons), 52 per cent of the State civil service (FPE) and 61 per cent of the territorial civil service (FPT).

Workers aged 50 year or older account for 33 per cent of FPT and 27 per cent of FPE and FPH. The breakdown by gender and age is strongly affected by certain types of status (for instance, soldiers predominantly male in FPE, childminders predominantly female in FPT and persons predominantly young among non-established public servants), and by the areas of competence and the sectors: women are more numerous in the Ministries of Labour and National Education, fewer in the Ministries of Defence and the Interior, and predominant in the social and medical-social sectors of FPT and the care and administration sectors of FPH.

On senior supervisory and management posts, women are still a minority but as a rule younger than men. The proportion of women among holders of supervisory posts is 51 per cent in the civil service as a whole compared to 36 per cent in the private sector. However, the proportion of women on senior management posts in each of the three civil service components is lower than their respective percentage in the various categories as a whole.

The higher the level of responsibility, the fewer the women. As of 31 December 2010, women in FPE were clearly under-represented on senior supervisory posts (A+ category) and even more so on senior management posts. With the exception of teaching staff, women account for 43 per cent of category A employees but only for 36 per cent of senior staff (A+ category).

Of the A+ established civil servants in the ministries, women account for 53 per cent of staff in inspection bodies and on related posts, 25 per cent of staff on supervisory and management posts and 16 per cent staff on government and analogous decision-making posts.

In FPT, women account for 60 per cent in category A, approximately one third of supervisory and management staff, less than 15 per cent of technical-department general directors and directors, more than one third of service general directors, deputy general directors and directors, 38 per cent of the territorial administrators and 23 per cent of senior officers.

In FPH, women account for 81 per cent of administrative staff, 45 per cent of supervisory body and related staff, 40 per cent of hospital directors (with the rate of

women varying inversely with director grade: 53 per cent at ordinary level, 37 per cent at senior level, and 16 per cent at managerial level), 55 per cent of health, social and medical-social institution directors (D3S) (with the rate of women varying inversely with D3S grade: 61 per cent at ordinary level and 48 per cent at professional level).<sup>3</sup>

In view of this situation, legislative and regulatory measures were taken to ensure compliance with professional equality and establish the gender equality principle in the three components of the civil service. Thus, under article 56 of Act No. 2012-347 of 12 March 2012 and the related implementation decree of 10 April 2012, as from 2018, in every calendar year, each gender must account for at least 40 per cent of appointments to senior and higher management posts on pain of financial sanctions. As from 2013, the above minimum rate is 20 per cent.

In his circular of 23 August 2012, the Prime Minister drew the ministers' attention to the duty of the State to set an example regarding appointments to senior and higher management posts and invited them to implement on a voluntary basis the goals of the Act regarding balanced gender representation at senior civil service levels in the next five years.

**Three commitments were made:** anticipating, as of June 2012, the requirements of the Act of 12 March 2012 regarding balanced gender representation at senior civil service levels; publishing every year the results achieved; and attaining the goal of women accounting for 40 per cent of appointments to senior civil service posts in 2017, one year earlier than required by the Act. For the first time, such commitments are monitored with precision.

**Changes have already been measured:** Between May and December 2012, of the 77 officials appointed as assistant managers, department heads, project directors and high-level experts in central administration services, 25 (nearly one third) were women, a rate approximately 17 per cent higher than the respective figure for the first four months of the same year.

Among senior management executives, the rate in question attained 28 per cent of the first 96 appointments having occurred in the same period.

**In 2013, progress with regard to the promotion of women accelerated significantly and is therefore encouraging.** The obligation stipulated for 2013 by the Act, namely that women should account for at least 20 per cent of appointments to senior and higher management posts, has been exceeded. In particular, between January and November 2013, women accounted for 29 per cent (36 out of 126) of new appointments to senior executive posts by the Council of Ministers, compared to 24 per cent in 2012; and 34 per cent (88 out of 259) of new appointments of department heads, deputy directors, project directors and high level experts in the central administration services, compared to 31 per cent in 2012.

These outcomes have not been fortuitous. In their roadmaps to equality, the ministries implemented strategies and action plans for appointing more women to

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<sup>3</sup> See annex: "Rapport annuel sur l'état de la fonction publique" (2012 edition) - "Dossier genre et âge: les spécificités des trois versants de la fonction publique" ("Annual report on the state of the civil service, 2012 - "File on gender and age: specificities of the three components of the civil service").

senior posts; and specific programmes were developed to help promising young women to rise in the hierarchy, and to facilitate mobility.

At the inter-ministerial level, a pool of high-potential executives is in place and relevant activities are organized by the inter-ministerial deputy for the renewal of public affairs management. Since May 2013, procedural rules stipulate that, for each appointment to be made by Government decision, three candidates must be presented: one of each gender and at least one from the inter-ministerial pool.

Under the "most advanced administration clause", to be implemented in the framework of the network of senior officials for equality, the best practices promoting gender equality in human resources management and inventoried by the Ministry of Women's Rights and the Ministry of the Civil Service will be adopted in all State administration agencies.

On 8 March 2013, the Prime Minister and the Minister for State Reform, Decentralization and the Civil Service signed with trade-union organizations as a whole, and the representatives of public employers, a memorandum of understanding on gender equality in the civil service. That has been the first agreement to be unanimously approved by the trade-union organizations representing the three civil service components and by representatives of the territorial and hospital employers.

The above memorandum of understanding reflects the resolve to seek actual gender equality in the public sphere. The goal is twofold: ensuring that public employers set an example and turning professional equality into an effective lever for civil service reform in the years ahead. The implementation of the relevant plans will be strictly monitored.

### **3.1.3. Gender parity mainstreaming in independent administrative authorities and key consultative State bodies**

Before the 2008 reform, the Constitution did not permit imposing any gender balance over and above access to mandates and political responsibilities. Thus, the lawmakers could seek equal access of women and men to duties other than those of elective offices solely within a non-rigorous framework without obligatory gender-related considerations (CC 2001-445 DC of 19 June 2001; CC, 12 January 2002, No. 2001-455 DC). Accordingly, gender equality was a mere goal (CC, 13 March 2006, No. 2006-533 DC, ct 15).

Through the 2008 reform, the constituent power sought to enable the lawmakers to adopt binding gender-based rules, not mere recommendations, in order to promote tangible gender equality at the professional and social levels.

That shift was mainly implemented through Act No. 2011 103 of 27 January 2011 on balanced representation of women and men in boards of directors and supervisory boards and on gender equality at the workplace, and Act No. 2012-347 of 12 March 2012 on access to civil service employment and improvement of conditions of employment of contractual staff in the civil service, on elimination of discrimination and on various provisions related to the civil service.

The progress achieved, however, should not conceal that many decision-making areas are still characterized by a deeply unfair division of power between women and men.

For instance, in 2012 women accounted for only 22.3 per cent of directors of listed corporations; after the Beijing Olympics, women were elected presidents of only 11 (9.4 per cent of the 117) sport federations for the period 2009-2012; solely 8 women are university presidents, a number halved since the preceding elections; in the chambers of commerce and industry, women account for hardly 12 per cent of elected officials and only 135 women (compared to 1,006 men) are members of the bureau (thus accounting for 11.8 per cent); and no woman is president of any regional chamber of commerce and industry in Metropolitan France.

Over and above the political sphere, the Government consistently promotes gender parity in respect of "professional and social responsibilities" in accordance with article 1 of the Constitution.

As the President of the Republic stated on 7 March 2013, *"parity must be present everywhere. It characterizes the Government since May 2012. It has been extended to all bodies that we have created .... Parity must be the concern of all higher authorities of the Republic.... Parity shall be ensured with regard to all voting systems"*.

Accordingly, the draft Gender Equality Act provides for broader action in relation to organizations concerned by the promotion of gender parity by:

- Expanding the existing areas of action to include additional establishments (in particular, by extending the provisions of the Act of 27 January 2011 to enterprises with more than 250 employees and the provisions of Act No. 2012-347 of 12 March to public industrial and commercial establishments with fewer than 200 employees);
- Broadening the scope of the obligation to ensure gender parity or a balanced representation of women and men within various organizations in which strengthening the presence of women is crucial, namely approved sport federations, chambers of commerce and industry, and chambers of agriculture;
- Authorizing the Government to have recourse to the orders of article 38 of the Constitution in order to establish the principle of parity with regard to the independent administrative authorities, the main consultative State bodies and the councils and boards of directors of social security funds, namely the National Employees' Health Insurance Fund (CNAMTS), the National Employees' Old Age Pension Fund (CNAVTS) and its commission on industrial accidents and occupational diseases, the National Family Allowance Fund (CNAF) and the Social Security Central Agency (ACOSS);
- Authorizing the Government to have recourse to the orders of article 38 of the Constitution in order to establish the principle of parity with regard to the boards of profession associations and mutual insurance companies.

The advancement provided for in the draft Act is consistent with the relevant policies on a number of bodies which have adopted or have been set up on a gender-parity basis, namely the High Council for Gender Equality (HCE); the High Council on Public Finance; the National Council on Sport; the National Council on Digital Technology; the Observatory on Secularism; the Commission on the Future of Retirement Pensions, the board of directors of the Public Investment Bank (BPI), the High Authority on Transparency in Public Life; the High Council on the Evaluation of Research and Higher Education; the Strategic Council on Research

and Innovation; the higher-education establishments' governance bodies provided for in the Higher Education and Research Act of 22 July 2013; and the Higher Council on Curricula and the National Council on the Evaluation of the Education System, provided for in the School Reform Planning Act of 8 July 2013.

#### **3.1.4. Further development of best practices in the territorial authorities**

Numerous territorial authorities have promoted gender equality as part of implementing their policies. Approximately one hundred such authorities have signed the European Charter for Equality of Women and Men in Local Life, while others have opted for undertaking specific initiatives.

On the basis of an assessment of public policies implemented by the various territorial authorities, which was transmitted to the Minister of Women's Rights on 3 July 2013, a memorandum of understanding was concluded on the same day with the major associations of elected officials and the French Association of the Council of European Municipalities and Regions in order to encourage association members to ensure tangible gender equality in their areas and support them in implementing their plans of action.

#### **3.1.5. Promotion of gender parity in higher education**

Although they achieve better results, women are still a minority in the most prestigious sectors, which are major providers of jobs (women account for 38 per cent women in science at the university level and 27.5 per cent in engineering schools), in long duration programmes (47 per cent in doctoral studies), among science teachers-researchers (14 per cent in mathematics) and among university professors (23 per cent).

On 28 January 2013, a gender equality charter was signed by the Ministry of Higher Education and Research and the conferences of university presidents, engineering school directors and grandes écoles. These conferences cover more than 300 establishments attended by more than 1.6 million students.

Equality- and/or gender-related teaching will be developed at various levels in all sectors, building on the best practices of such institutions as Paris-Diderot University and the Paris Institute of Political Studies; and is reflected in the goals of the National Research Agency (ANR) programme, 2013-2017. As from 2013, gender constitutes a priority theme of the Agency's "apprenticeship" and "innovative society" programmes.

The Higher Education and Research Act of 22 July 2013 includes two series of provisions conducive to gender equality in the areas in question through equal gender representation in, on one hand, the three major higher-education and research management and evaluation bodies (the newly created National Council on Higher Education and Research, High Council on the Evaluation of Research and Higher Education, and Strategic Council on Research and Innovation) and, on the other hand, in the central boards of directors of certain public higher education institutions, particularly universities.

Gender equality, built into contractual relations between the Ministry of Higher Education and Research and the various establishments, is expected to serve as a basis for their comprehensive gender policy and for monitoring and evaluation of compliance with relevant commitments.

### **3.2. Gender equality in Government representation at the international level (article 8)**

In 2013, women held 14 per cent of ambassador's posts (180 in number) and 16 per cent of consul's posts (compared to 11 per cent in 2010). In addition to measures regarding first appointments to senior supervisory posts under the above Act of 12 March 2012, structural steps were taken to promote equality in human resources management policy.

The roadmap drawn up by the Ministry of Foreign Affairs for the inter-ministerial committee for women's rights and gender equality provides for the following activities:

*With a view to enhancing the pool of women available for senior supervisory duties:*

- Organization of working time for better reconciliation of professional and personal life through pilot implementation of new working methods (appropriate management of, inter alia, meetings and emails) so as to avoid late hours, which penalize staff members with family obligations;
- Generalization of tools conducive to mobility: development of a "professional nomadism" framework providing staff with remote access to the Ministry's information system;
- Support for mobility by facilitating the employment of the spouses of staff assigned to diplomatic posts: conclusion of relevant bilateral agreements;
- Increase in the number of women in the pool in question;
- In the framework of the objectives laid down in the Act of 12 March 2012, measures for stepping up the recruitment of women in higher professional categories; ensuring that, every year, subject to equal qualifications, the proportion of women promoted to various categories and grades is always at least equal to the proportion of women among candidates, the objective being that 40 per cent of first appointments should concern women; encouraging women to seek posts with significant responsibilities; and providing women with career development support enabling them to access such posts.

## **IV. Implementation of part III of the Convention**

### **4.1. Gender equality in the field of employment (article 11)**

*"Recommendation (paragraph 27): "The Committee urges the State party to intensify its efforts to ensure de facto equality for women in the labour market, so as to achieve full compliance with article 11 of the Convention. It recommends that the State party take proactive and concrete measures to eliminate occupational segregation, both horizontal and vertical, and narrow and close the pay gap between women and men. In that regard, the Committee recommends that the State party implement its plan of curbing wage gaps, including through financial sanctions as of 2010 for enterprises that do not have a plan to redress wage inequalities. Furthermore, the Committee urges the State party to create more full-time employment opportunities for women. The Committee recommends that the State party continue its efforts to enable women and men to reconcile*

*family and professional responsibilities and to share domestic and family tasks equally, by providing, inter alia, more and improved childcare facilities. The Committee further recommends that the State party encourage men to share responsibility for childcare, including through awareness-raising activities and the promotion of parental leave. In the area of pensions, the Committee recommends that the State party implement the President's expressed desire to increase the minimum old-age pension, improve the retirement pensions for persons in agriculture and crafts and provide retirement pensions for homemakers who have not been gainfully employed. The Committee recommends to the State party to take into account, in any legal and political reforms, women's remunerated and non- remunerated tasks and their family responsibilities so as to avoid any actual discrimination. The Committee recommends to the State party to undertake special measures to assist women with disabilities to enter into the labour market. Lastly, the Committee recommends that the State party collect relevant statistical data to improve policy formulation.*

The legal framework developed over the last 40 years regarding occupational equality seems relatively complete. Henceforth, emphasis is placed on the implementation of the law, the workers' rights and the employers' obligations. To that end, occupational equality was one of the priorities of the major conference on social issues, which was convened by the President of the Republic in July 2012. On 18 September 2012, the Government and the social partners, meeting in Rennes in the framework of a tripartite steering committee, adopted a joint action plan to ensure occupational equality.

On 19 June 2013, the social partners concluded a new national inter-occupational agreement (ANI), taken up in the draft Gender Equality Act. Moreover, the participants of the second major conference on social issues of 20-21 June 2013 favoured pursuing and amplifying the **tripartite dynamics for occupational equality** developed on the basis of the roadmap of the first major conference.

1. It was agreed to intensify **measures addressing the vulnerability of part-time workers**, of whom 80 per cent are women. Scheduled to take place in the first half of 2014, an assessment of the branch negotiations stipulated by the Employment Security Act will be carried out by the National Commission on Collective Bargaining (CNNC) in order to support and facilitate such negotiations in branches facing major difficulties (for instance, the branches of the personal services sector).
2. Conferences on progress achieved will continue to be held in the branches requesting them. Regarding **access to the social rights of part-time workers**, for instance access to the daily sickness benefits, the national inter-occupational agreement (ANI) of 11 January 2013 represents a significant advancement in view of the 24-hour minimum duration. A working group will be set up in the Higher Council on Occupational Equality (CSEP) and will further discuss this issue in cooperation with the National Commission on Collective Bargaining (CNNC).
3. The social partners underscored the need to **continue the discussions on the harmonization of rights to the various types of family leave** (inter alia, paternity leave and parental presence leave) in terms of eligibility, compensation and portability.

4. The "equal pay for equal work" principle must serve as a basis for a cross-cutting review of job categories, on the model successfully implemented by Quebec. A relevant working group created in CSEP and cooperating directly with CNNC will build on the work of the Defender of Rights and formulate proposals for **developing the jobs performed predominantly by women**.
5. The Government proposes to social partners to set up, by the end of the year, a **joint working group on the prevention of discrimination in enterprises**, as part of follow-up to the national inter-occupational agreement on diversity at the workplace. Inter alia, the group will identify ways to promote the involvement of enterprises in combating violence and discrimination, including on the basis of **sexual orientation and gender identity**; and will discuss possibilities to extend to civil solidarity pact (PACS) partners the rights granted by enterprises to married couples.
6. The social partners agreed to deal with the issue of **parity in the bodies representing the personnel** and to formulate relevant proposals by the end of the year.
7. The social partners and the State agreed to set up a mechanism **to support the enterprises, branches and social partners in carrying out activities to improve quality of life at the workplace**. This mechanism will rely on the National Agency for the Improvement of Working Conditions (ANACT) and on the network of the Regional Agency for the Improvement of Working Conditions (ARACT).
8. A measure that can contribute to the exercise of the workers' right to readjustments to their working conditions on family grounds consists in **telecommuting, to be implemented on a pilot basis within the relevant legal framework defined in the 2005 national inter-occupational agreement (ANI)**. In that connection, ANACT will propose a plan for pilot exercises and provide support to enterprises.

#### **4.1.1. Improving the reconciliation of personal and professional life**

The draft Gender Equality Act proposes to reform the "free choice of activity" supplement (CLCA) so that, in the beneficiary households (save for single-parent families), CLCA is shared by the parents. This reform aims at helping women to return to the labour market and at modifying the division of parental responsibilities in the couple so that women are no longer systematically disadvantaged in that respect. The initiative builds on a similar reform adopted successfully in Germany in 2007.

The father's involvement when a child is born is a key to achieving a new balance between household responsibilities and occupational careers. Currently, 80 per cent of household responsibilities are fulfilled by women. That weighs heavily on their careers and constitutes a major source of inequality beyond the household. Enabling women to pursue their career on an equal footing with men, or merely to access employment, required building constraints and incentives into social support mechanisms.

Through the above reform, fathers are given an incentive to take their leave during a sharing period, identified on the basis of current entitlements. The reform is part of the family policy renewal decided by the Prime Minister on 3 June 2013.



Part of the "free choice of activity" supplement (CLCA), defined in terms of number of months, may be granted solely if also the second parent - usually the father - makes use of the entitlement. That sharing period constitutes a powerful incentive for fathers to take their leave. In families with two or more children, the couple is assured to enjoy the benefit until the child turns 2 ½. The last six months may not be taken unless they are also taken by the other parent or if the sharing period has already occurred. In the case of families with only one child, the six-month supplement will be added to the rights already provided for in the Social Security Code.

The Government expects from this reform an outcome equivalent to that of the system successfully implemented in Germany through the creation of *Elterngeld* in 2007 (2 out of 12 months reserved for the father): three years after the reform, the proportion of fathers taking parental leave had increased from 3 to 21 per cent. In the future, the Government will determine the length of the sharing period on the basis of the reform's capability to attain that outcome. An initial six-month sharing period has been opted for. That interval will be subject to regular evaluation.

Parental leave reform is inseparable from the measures necessary for supporting and encouraging the resumption of gainful employment by parents exercising their parental leave rights. Relevant pilot projects were implemented to the major conference on social issues held in July 2012. The national inter-occupational negotiations at quality of life at the workplace will also address this issue.

The reform is also inseparable from the large-scale initiative, decided on 3 June 2013 by the Prime Minister, to enhance infant care facilities.

At the second major conference on social issues, held on 20-21 June 2013, the social partners underscored the need to continue the discussions on the harmonization of rights to the various types of family leave (inter alia, paternity leave and parental presence leave) in terms of eligibility, compensation and portability. The Government will transmit to them relevant proposals.

The draft Gender Equality Act provides for amending the cooperation contract of independent professionals created by the Act of 2 August 2005 so as to stipulate, for collaborators who are pregnant or wish to take a paternity and childcare leave, a period during which the contract is suspended and may not be terminated.

#### *4.1.1.1. A new ambition: creating a network of infant care facilities throughout the territory*

The development of care facilities for infants (children aged up to 3) is a key to ensuring equal opportunities for all children, without any social or geographic distinctions.

With an overall theoretical intake capacity equal to 50 per cent of children aged up to 3, France is above the European average but should aspire to ensuring that all families have actual access to some infant care facility. Gross childcare capacity creation in the period 2008-2011 (120,000 places with a 200,000 objective by 2012) was partly offset by a decline in the preschool capacity for infants (by 55,000 places) and in collective care capacity (by 13,000 places). There are still considerable geographic inequalities: among the various departments, coverage varies from 9 to 80 per cent of infants.

The development of care facilities aims to redress such inequalities through the following two Government measures:

- Revitalization of preschooling up to age 3 by the Ministry of National Education with a view to ensuring coverage of 30 per cent of the age groups concerned by 2015, with a focus on priority education sectors and remote rural sectors. National preschool care specifications for the above ages will be drawn up in partnership with the competent local authorities and the Family Branch;
- Appropriate goals of the new Family Branch objectives and management agreement (COG) signed in 2013. On 3 June 2013, the Prime Minister announced a large-scale effort to enhance infant care capacity. In the next five years, 275,000 new places for infants will be made available, as follows:
  - 100,000: net creation of collective care places;
  - 100,000: additional places for children attended by childminders;
  - 75,000: new nursery-school places for infants.

That enhancement will not be only quantitative. Emphasis will be placed on care quality and the reduction of geographic and social inequalities; and preference will be given to types of response adapted to the parents' needs, such as special time schedules, emergency care, and care for disabled children.

Thus, the objectives and management agreement (COG) will be enriched with new priorities: channelling resources to areas where needs are least met and on forms of care and related organization adapted to local characteristics and meeting best the difficulties experienced by the lowest-income families, single-parent households in particular. In determining the location and time schedules of the facilities, attention will be paid to work/life balance and to the new methods of work.

Stress is also laid on upgrading the professional skills of childminders, whose work must be made more attractive. Legal reform (repeal of Decree No. 2010-613 of 7 June 2010 and replacement with provisions consistent with objectives of the new COG) will be accompanied by a plan for the development of the professions in question, one of whose key features will be gender equality at the occupational level.

#### *4.1.1.2. Part-time employment security*

Approximately half of gender-related wage-gap occurrences are due to recourse to part-time jobs, 80 per cent of which are performed by women. Part-time employment must be monitored more effectively in order to avoid abuse, and the social entitlements of part-time workers must be strengthened.

The agreement concluded on 11 January 2013 and incorporated into Act No. 2013-504 of 14 June 2013 on employment security includes significant regulatory provisions. The establishment of a 24-hour minimum per week reference in the negotiations and pay increases as from the first hour of overtime as from 31 December 2013 are notable advances. The agreement aims at creating in the immediate future tangible bargaining dynamics in occupational sectors where part-

time workers account for at least 30 per cent of total personnel, and eventually in all sectors concerned.

As part of the roadmap of the second major conference on social issues, it was agreed to intensify measures to redress the vulnerability of part-time workers, 80 per cent of whom are women. Thus, an assessment, scheduled for the first half of 2014, of the branch negotiations stipulated by the Employment Security Act will be carried out by the National Commission on Collective Bargaining (CNNC) in order to support and facilitate such negotiations in branches facing major difficulties (for instance, the branches of the personal services sector).

The "Progress conference on part-time work", organized in Caen on 16 November 2012 by the Minister of Women's Rights, helped to build on innovative solutions in the various sectors in order to reduce part-time employment, improve its quality and promote the worker's rights; and highlighted the role that the State, as public purchaser, can play by streamlining its needs so as to help consolidate hour schedules and, if possible, ensure full-time employment for the workers concerned (cf. the Prime Minister's circular to ministers and services regarding the cleaning of premises). Further progress conferences will be held in branches that so request.

Regarding access to the social rights of part-time workers, for instance access to the daily sickness benefits, the national inter-occupational agreement (ANI) of 11 January 2013 represents a significant advancement in view of the 24-hour minimum duration. A working group, set up in the Higher Council on Occupational Equality (CSEP), will continue to discuss this issue in cooperation with the National Commission on Collective Bargaining (CNNC).

#### **4.1.2. Enhancing equality in enterprises through social dialogue**

The Act of 23 March 2006 laid down the obligation of enterprises to define measures by 31 December 2010 to close the pay gap between men and women. The Act of 9 November 2010 on retirement pension reform cancelled that deadline but maintained the obligation to close the pay gap between men and women through obligatory collective bargaining on wages and provided for financial sanctions in the event that such negotiations are judged insufficient. The goal of reducing the inequalities in question requires measuring and analyzing the wage gap, identifying corrective measures and evaluating the progress achieved.

The Act relies on gap diagnosis tools available to the enterprises and continues to view social dialogue within the enterprise as the means best adapted to defining the appropriate methods for closing the gaps identified. The Act contains the following three main improvements:

- Facilitating the evaluation of occupational gaps between women and men: The Act enriches the single report (applicable to enterprises with 50-300 workers), harmonizing it with the report on comparative status (applicable to enterprises with more than 300 workers); and generally clarifies the latter in order to help the enterprise to implement it;
- Ensuring transparency of the situation of the enterprise in terms of occupational equality: The Act obliges the enterprises to draw up, and make accessible to the public, a summary of the action plan;

- Sanctioning inaction: Enterprises with more than 50 workers which as of 1 January 2012 are not covered by an occupational equality agreement according to article L. 2242-5 of the Labour Code or, in the absence of an agreement, by the objectives and measures constituting the action plan defined in the reports provided for in articles L. 2323-47 and L. 2323-57 of the Labour Code may incur a financial penalty of up to 1 per cent of the payroll and adjusted to the situation of the enterprise and the efforts undertaken.

The provisions on financial penalties in respect of gender equality at the occupational are designed to encourage enterprises to develop measures that will eventually eliminate occupational inequalities.

The Decree of 7 July 2011 on the fulfilment of the obligations of enterprises regarding occupational equality between women and men and the implementation of the relevant provisions amended the report on comparative status by obliging enterprises with fewer than 300 workers to address the issue of work/life balance and by distinguishing, in accordance with the law, between the prospective and retrospective sections of the report.

Decree No. 2012-1408 of 18 December 2012 strengthened the sanctions mechanism by increasing the number of topics to be addressed in the negotiations or the action plans. In particular, it made the topic of remuneration obligatory. Enterprises must henceforth file action plans with the State services. Moreover, the Decree gives priority to collective bargaining in the case of enterprises with at least 300 workers, which may adopt an action plan unilaterally only in case of attested failure of the negotiations. The State services will set up verification plans combining on-the-spot and documentary control.

A comprehensive verification strategy has been formulated to enable the labour inspectorate to use all available tools (deficiency letter; notice to comply; and, in case of unwillingness to comply, initiation of the 1 per cent fine procedure). For enterprises with more than 50 workers, the change from random on-the-spot checks to systematic documentary inspection renders occupational equality a tangible obligation.

In that connection, enterprises appear increasingly mobilized, and early figures are encouraging: more than 3,300 agreements or action plans had been filed by 15 October 2013.

Since 1 January 2013, approximately **500 notices to comply** have been issued to enterprises not respecting the law and their obligations. Four financial penalties have been imposed.

Over and above sanctions, however, **supporting the enterprises is crucial** to the promotion of equality. Such support has in particular been provided through the creation of a website, <[www.ega-pro.fr](http://www.ega-pro.fr)>, which offers to enterprises tools, a method and a guided tour for setting up their occupational equality procedures. The Ministry pursues the triple objective of **implementing a monitoring strategy, assisting the enterprises and supporting all relevant initiatives**.

The <[www.ega-pro.fr](http://www.ega-pro.fr)> website provides the enterprises with tools for identifying the steps to take.

Specific support for SMEs has been organized by mobilizing pilot areas and numerous large enterprises, ready to share their best practices in respect of occupational equality and to support SMEs in the relevant activities undertaken.

In order to lend substance to the "equal pay for equal work" principle, a working group will be set up in the Higher Council on Occupational Equality (CSEP) to address this issue in close cooperation with the National Commission on Collective Bargaining (CNNC), building on the work of the Defender of Rights and formulating proposals for **developing jobs performed predominantly by women**.

#### 4.1.3. Piercing the glass ceiling

The Act of 23 July 2008 expanded the economic and social scope of the goal of parity enshrined in article 1 of the Constitution, which is currently worded as follows: "The law shall promote equal access of women and men to elective mandates, elective office and professional and social responsibilities."

Act No. 2011 103 of 27 January 2011 on balanced representation of women and men on boards of directors and supervisory boards and on gender equality at the workplace provides for progressive implementation of quotas with a view to increasing the number of women in the decision-making bodies of major enterprises, and for a system of financial sanctions. A schedule of intermediate targets has been established. To be implemented when the membership of the boards of directors is renewed, those targets consist in women accounting for 20 per cent of appointments within three years from the promulgation of the Act, and 40 per cent as of the second renewal of the board but no later than 1 January 2017.

The rate of women sitting on boards of directors of CAC 40 companies increased from 10.5 per cent in 2009 to 20.8 per cent in 2011. With that rate currently at 24 per cent, France is above the European Union average (14 per cent in 2012).

The Ministry of Women's Rights has signed an agreement to "pierce the glass ceiling" with 27 leaders of major French groups, which have committed themselves to relevant quantitative targets. Once a year, the Ministry will publish a classification of SBF 120 companies, providing, overall and for each concern, the proportion of women in executive committees (COMEX) and steering committees (CODIRS). Any other company may, if it so wishes, appear on that list.

The action plan adopted by the inter-ministerial committee for women's rights and gender equality provides for monitoring the implementation of the Act of 27 January 2011 and expanding the scope of the Act to all public industrial and commercial corporations through a new action plan.

That goal has been incorporated into the draft Gender Equality Act which extends to public industrial and commercial corporations with fewer than 200 workers the provisions of article 52 of Act No. 2012-347 of 12 March 2012, under which the proportion of personalities of either gender appointed to deliberative bodies on the grounds of competence, experience or knowledge may not be lower than 40 per cent.

In the networks of consular chambers, women hardly account for 12 per cent of elected officials, and only 135 women (compared to 1,006 men) are members of the bureau. The draft Gender Equality Act provides for a balanced representation of

men and women in territorial and regional chambers of commerce and industry, seeking parity systematically among established members (serving at regional, territorial or departmental chambers of commerce and industry) and substitute members (serving at territorial or departmental chambers of commerce and industry). Thus, gender balance will be ensured by a form of self-regulation: the greater the number of women in regional chambers of commerce and industry, the greater will also be, automatically, the number of women in territorial or departmental chambers of commerce and industry, and vice versa.

#### **4.1.4. Promoting women's entrepreneurship**

Women account for only 30 per cent of enterprise creators/acquirers and for 12 per cent of heads of enterprises with more than 50 workers. A study entitled "10 years of creation of innovative enterprises in France" (OSEO, 2011) corroborates women's under-representation in innovative enterprise creation: among newly created innovative enterprises, only 1 out of 10 is managed by a woman.

In response, and in order to implement the goals of the inter-ministerial committee for women's rights and gender equality, the Minister of Women's Rights announced on 27 August 2013 a plan for the development of women's entrepreneurship.

Coordinated with the Conference on Entrepreneurship, the above plan builds on its activities and adopts its aspirations. **The plan introduces a new stage for women's entrepreneurship, drawing on the shared conclusions and ambition** of all actors concerned, namely the need to increase the number of women entrepreneurs sustainably and to broaden as much possible the access of women to all mechanisms offering support for the creation/acquisition of an enterprise.

The plan's **mobilizing objective** consists in achieving a 10 percentage point increase in the proportion of women among entrepreneurs in France by 2017. To attain that goal, every entrepreneurship support beneficiary was expected to publish gender-disaggregated statistics, analyse promising projects involving women, and, on the basis of that analysis, set targets and draw up a roadmap by late 2013. Every network must identify the obstacles to be eventually overcome in order to achieve parity in the undertakings concerned.

The plan comprises the following three main thrusts:

- 1. Awareness-raising, guidance and information;**
- 2. Strengthened support for creative women;**
- 3. Facilitation of creative women's access to financing.**

The plan will be implemented in all regions through partnerships between the State, the local authorities, the Bank for Official Deposits (*Caisse des dépôts et consignations*), financing entities, particularly *bpifrance*, and support networks. These partnerships will seek to terminate the "obstacle course" which enterprise creation by a woman still all too often resembles.

#### **4.1.5. Underscoring equality as a key issue of pension reform**

At the major conference on social issues of 2012, the Government and the social partners agreed that gender equality must be a key element of the assessment

drawn up by the advisory board on pensions (*Conseil d'Orientation des Retraites* or COR) and the various pension reform scenarios that were to be developed by the Moreau commission in 2013.

Retirement pension inequalities are a digest of wage and career inequalities in the labour market. Currently, retirees receive on average a monthly total pension of €1,749 in the case of men and €1,165 in the case of women, the gap being equal to one third. Almost 700,000 women over 65 live under the poverty line in France. The gap between women's and men's pensions exceeds one third when it comes to direct rights. These differences will not disappear spontaneously but will remain considerable and even inadmissible, being of the order of 20 per cent for the generations born in the 1970s. In 2012, the Government addressed that situation: the Decree of 2 July 2012 on pensionable age enables all 60-year olds having fully paid their contributions to retire with a full pension. In particular, the Decree increases the number of quarters "considered as" covered by the contributions: the new provisions add to the four quarters of national service and four quarters of sickness maternity and industrial accidents, recognized heretofore, two additional quarters related to maternity.

To deal with the above inequalities, the relevant strategy must rely on the following three pillars:

1. Pursuing and stepping up the efforts to eliminate wage disparities at their root;
2. Promoting the social rights of part-time workers;
3. Enhancing solidarity in the retirement schemes by focusing on measures to compensate the penalization inflicted on mothers at each birth and corresponding to approximately 10 per cent of wages. That calls for measures related to family rights.

The **draft Act guaranteeing the future and fairness of the pension system** includes a number of provisions aimed at improving the pensions of women.

First, it takes better **account of the quarters of interruption for maternity leave**. It will be possible to certify as many quarters as there have been 90-day periods of maternity leave, while so far solely the quarter in which the birth occurred was certified. That situation is unfair because the leave can be considerably longer. That applies in particular as from the birth of the third child, which entails the right to a six-month maternity leave. Moreover, in the case of early retirement on the grounds of long service, all maternity leave quarters will, as from 1 January 2014, be considered as covered by contributions, compared to two quarters recognized so far.

Moreover, pension entitlements will be augmented through **part-time increments**, which obviously concern mainly women: the validation threshold will be lowered from the current per quarter level of 200 hours to 150 hours. Thus, a worker employed on a reduced part-time basis (1/3-time) at the minimum wage (SMIC) may henceforth, in view of his or her contributory activity, have four quarters validated per annum, compared to only three quarters to which that worker is currently entitled even if he or she works round the year. It will also be possible to carry unused contributions forward or backward to validate one quarter in the following or the preceding year, if those years include fewer than 4 validated quarters.

Furthermore, the **minimum-contribution pension**, 70 per cent of whose beneficiaries are women, will henceforth be paid to a greater number of persons because the entitlement threshold is lowered from €1,120 to €1,028 in total pension income.

Lastly, the draft Act **reforms the 10 per cent pension increase**, currently reserved to parents of at least three children and, being proportional to the pension, paid to beneficiaries 70 per cent of whom are men. The Prime Minister announced that it will be gradually transformed into a lump-sum increase as from the first child and will mainly benefit women. This reform will take effect for persons retiring as from 2020 on the basis of a report that will specify the relevant modalities and that the Government undertakes to present to the parliament six months after adoption of the Act. **A report on survivor's pensions will also be presented** no later than one year after adoption of the Act, seeking changes to that benefit with a view to a higher standard of living for surviving spouses and harmonization of the various schemes.

There are further measures that mainly concern women. Currently, obligatorily affiliated to the old-age insurance scheme, the **collaborating spouses** of self-employed workers (craftsmen, tradesmen, farmers and independent professionals) may be left uncovered in the event of divorce, death or retirement of their spouse. Under the draft Act, they may in such a case join a voluntary old-age insurance scheme so as not to forfeit their rights to a retirement pension.

The majority of **family caregivers attending persons with disabilities** and older persons are women. The draft Act improves their retirement rights by cancelling the income-related prerequisite for access to the old-age pension benefit for household relatives (AVPF), which allows them to validate quarters free of charge, and by increasing the duration of insurance for family caregivers attending a severely disabled adult.

Finally, the issue of gender inequalities with regard to retirement **pensions is a major concern of the pensions management mechanism**. A pensions monitoring committee, comprising an equal number of men and women, will be created and submit every year a report on pension benefit gaps between women and men. Gender-parity will also apply to the composition of the advisory board on pensions (COR).

#### 4.2. Gender equality in the field of health care (article 12)

*Recommendation (paragraph 33) "The Committee recommends that the State party ensure that sex education, including prevention of early pregnancy, be widely promoted and targeted at both girls and boys, women and men, with special attention being paid to migrant and immigrant girls, boys, women and men. The Committee requests that the next report contain gender- and age-disaggregated information and data on nicotine- and drug-addiction as well as information on measures adopted to combat those scourges. The Committee also calls on the State party to provide information on maternal mortality and abortion in its next periodic report."*

In France, although they have a higher life expectancy than men, women consider their health worse than men's, report more diseases and renounce on health care for financial reasons more frequently. Considerable social disparities



characterize reproductive health and pregnancy follow-up. The first comprehensive study on the health of women in France, published in 2009, provided an overall assessment to be updated every five years. It constitutes a decision-making tool for the public authorities and helps to anticipate the changes required in the organization of health care and medical-social services. That report highlighted gender inequalities regarding access to health care and treatment that the public authorities endeavour to redress through a two-tier approach combining gender mainstreaming in public health policies and specific activities which target women.

Thus, the inter-ministerial action plan adopted on 30 November 2012 calls for "focusing health democracy on gender inequalities" and provides for the following four priorities:

#### 4.2.1. Preventing high-risk behaviour

##### 4.2.1.1. *Strengthening the prevention of addictions, especially to alcohol and tobacco, whose consumption is increasing faster among women, particularly girls*

###### *Gender- and age-disaggregated data on nicotine addiction*

Of the women aged 18-75, 71 per cent state that they have smoked at least one cigarette in the past (2010) and 27 per cent (the rate clearly decreases with age) consume tobacco daily.

Between 2005 and 2010, the proportion of women smoking daily increased by 4 per cent points, and by 6 per cent points among women aged 45-64.

Among 17-year olds, 69.9 per cent of girls and 66.9 per cent of boys have experimented with smoking. In the period 2008-2011, the rate of daily smokers increased (from 28.9 to 31.5 per cent) among both boys and girls. In 2011, occasional tobacco experimentation and consumption became for the first time more frequent among girls, though 32.7 of boys and 30.2 per cent of girls are daily smokers, and 9.6 of boys and 5.8 per cent of girls smoke at least ten cigarettes per day.

###### *Gender- and age-disaggregated data on drug addiction*

The level of experimentation with and consumption of drugs is considerably higher among men than among women.

| At least:    | Adults aged 18-64 in 2010   |       |                        |       |
|--------------|-----------------------------|-------|------------------------|-------|
|              | once in the past (per cent) |       | once a year (per cent) |       |
|              | Men                         | Women | Men                    | Women |
| Cannabis     | 40.5                        | 25.4  | 11                     | 5     |
| Cocaine      | 5.5                         | 2.2   |                        |       |
| Ecstasy      | 4.0                         | 1.4   |                        |       |
| Amphetamines | 2.2                         | 1.3   |                        |       |
| Heroin       | 1.9                         | 0.6   |                        |       |

| At least:    | Persons aged 17 in 2011        |       |  |       |  |       |
|--------------|--------------------------------|-------|--|-------|--|-------|
|              | once in the past<br>(per cent) |       | once in the last 30 days<br>(per cent) |       | 10 times in the last 30 days<br>(per cent) |       |
|              | Men                            | Women | Men                                    | Women | Men  | Women |
| Cannabis     | 44.0                           | 38.90 | 26.30                                  | 18.50 | 9.50                                       | 3.4   |
| Cocaine      | 3.30                           | 2.70  |  |       |  |       |
| Ecstasy      | 2.20                           | 1.60  |  |       |  |       |
| Amphetamines | 2.90                           | 2.00  |  |       |  |       |
| Heroin       | 1.00                           | 0.80  |  |       |  |       |

Among drug consumers, more than 25 per cent of women and only 11 per cent of men are under 25. Of the women in question, who are as a rule highly vulnerable psychologically, 75 per cent are unemployed. The fragility of these women is related to the drug consumption mode and to sexuality.

*Activities carried out by the public authorities:*

Under the Government plan against drugs and drug-addiction, 2008-2011, support is provided to various organizations that offer:

- Counselling with respect to shelters and social reintegration (CHRS);
- Specific care for women in health-support and addiction-prevention centres (CSAPA) and care- and risk-reduction centres (CAARUD);
- Collective shelter services for women and their children.

**A second Government plan against drugs and behaviour conducive to addiction, 2013-2019, has been adopted.** It addresses the most exposed population groups in order to reduce health-related and social risks and damage, particularly through better care and support for women using drugs and through sensitization to the increased health and social risks that women face, by:

- Raising the women's awareness of their actual level of consumption, particularly of alcohol and tobacco, which tends to approach that of men;
- Promoting specific activities for pregnant women (and their companion in connection with smoking);
- Highlighting health risks (for instance, certain forms of cancer) and social risks (for instance, increased exposure to violence) specific to women;
- Disseminating and sharing scientific findings on risks inherent to consumption during pregnancy. Indeed, the recommendation to abstain is misunderstood. Opposition is based on the experience of those close to the pregnant woman rather than on scientific evidence.
- Underscoring the contradiction between aspiration to a balanced life and the effects of psychoactive substance consumption; and addressing the link between weight regulation and cigarette smoking.

Other specific activities are carried out with regard to pregnant women, particularly concerning the effects of alcohol on the mother and the infant.

On World No Tobacco Day, 31 May 2013, the Minister of Social Affairs and Health announced measures against nicotine addiction, focused on young persons and women. After consultations and issuance of a relevant decision by the summer of 2014, an alert to pregnant women is to appear on cigarette packs.

4.2.1.2. *Preventing overweight among women most at risk and reducing nutrition-related morbidity (wasting and eating behaviour disorders)*

Although cardiovascular mortality declined considerably in the last 30 years, cardiovascular diseases are still the main mortality factor among women (causing almost one death out of three). Two women out of five are overweight, with significant social and geographic disparities.

**The national nutrition and health programme (PNNS), 2011-2015**, includes measures for women. The various goals are adapted to gender specificities. Certain measures concern issues specific to women. Examples: "Combating iron deficiency among poor women; "Improving the folate status of women of childbearing age"; and "Promoting breast-feeding".

4.2.1.3. *Sensitizing women to the prevention of sexually transmissible diseases (STDs)*

Numerous women are affected by HIV/AIDS. In 2010, women accounted for 32 per cent of new HIV infections, a rate that has consistently increased since the 1980s (in 1987, women accounted for 14 per cent of new HIV/AIDS cases).

The national plan to combat HIV/AIDS, 2008-2012, includes a strategic component aimed at launching activities adapted to various groups, one of which is women. The goal, in particular, consists in eliminating social and gender inequalities, especially at the socio-professional level, which can affect the relation of men and women to sexuality. Indeed, women, particularly those with a low level of education, are more frequently than men in a situation conducive to accepting unprotected sex. Moreover, women are more frequently victims of sexual assault. Accordingly, to be effective, preventive action must include a gender approach, strengthening women's autonomy and helping to change men's and women's attitudes and behaviour.

**The national plan to combat HIV/AIDS and STDs, 2010/2014**, provides for prevention activities adapted to various groups, particularly women. The relevant report contains the following observations:

*"Numerous women are affected by HIV (53 per cent of heterosexual HIV infections in 2008) and STDs (3 per cent of women under 25 are affected by one STD).*

*The surveys entitled "Knowledge, Attitude, Beliefs and Practices" (KABP, 2004) and "The Context of Sexuality in France" (CSF, 2006) describe differences between men and women in attitudes to sexuality and in the resulting forms of behaviour. Women, particularly those with a low level of education, are more frequently than men in a situation conducive to accepting unprotected sex. Women report three times more frequently having been victims of a sexual assault. After a separation, it is difficult for women, particularly those over 35, to agree with their new partner on the use of contraception.*

*The gender-related social inequalities, particularly at the socio-professional level, affect men's and women's relation to sexuality.*

*Gender-related social relations affect behaviour with regard to prevention. They also affect screening and care for STDs. Although they have more screening opportunities, particularly during gynaecological examinations, women are diagnosed with diseases less early because symptoms are frequently lacking. The percentage of persons having contracted an STD who alert their regular sexual partner so that he or she may seek treatment are four times fewer among men than among women. Contrary to women, men affected by an STD continue to have high-risk sexual relations.*

*To be effective, preventive action must include a gender approach, strengthening women's autonomy and helping to change men's and women's attitudes and behaviour."*

In combating HIV/AIDS and STDs under the above plan, women's specificities are taken into account in the various programmes targeting migrants; homosexuals and transgender persons (HSTs); lesbians, bisexuals and transsexuals (LBTs); drug consumers; and prostitutes.

Activities are undertaken to promote the distribution and use of female condoms, sole available contraceptive that women can control.

HIV/AIDS tests have been incorporated into gynaecological examinations and pregnancy follow-up.

Measures are taken to support HIV-infected mothers. Assisted-living apartments (*appartements de coordination thérapeutique* or ACTs) have adapted their accommodation methods to the mothers and children concerned. The State funds initiatives implemented by associations that support families affected by HIV/AIDS, such as the "Draw Me a Sheep" ("*Dessine-moi un mouton*") association in Paris, which every year assists approximately 200 families.

HIV/AIDS and STD prevention and treatment are now part of the "regional programmes for access of the poorest to prevention and care" and the "regional programmes for the integration of immigrants". Male and female condoms are available free of charge in reception facilities for migrants.

Lastly, HIV/AIDS rapid tests financed by the Ministry of Health have been organized for persons engaged in prostitution.

#### **4.2.2. Improving prevention and diagnosis of chronic diseases affecting mainly women**

##### *4.2.2.1. Further improvement of cancer screening*

In recent years, cancer has been spreading among women at a considerable pace. Every year, 53,000 women develop breast cancer. Although the breast cancer screening programme was generalized in early 2004, participation in the programme is stagnating. Screening for colorectal cancer, generalized in 2006, and cervical cancer, currently under experimentation, must be strengthened. Recourse to screening is highly insufficient among the most disadvantaged social groups. Accordingly, priority must be given to prevention and diagnosis, the quality of care must be improved, and access to care must be facilitated.

Breast cancer is the type of cancer affecting women most frequently (one out of four). Yet women are also affected by other forms of cancer, on all of which extensive data are available. The National Institute for Public Health Surveillance (InVS) publishes considerable data on cancer which reveal differences between men and women. The National Institute for Prevention and Health Education (INPES) / National Institute of Cancer (INCA) "cancer barometer" provides gender-disaggregated quantitative and qualitative information. In its assessment, the Cancer Plan, 2009-2013, affirms that:

*"Epidemiological monitoring of cancer has been strengthened and new data on the survival of cancer patients are published. Survival data are based on a new estimating method, involving "net survival" (survival that would be observed if cancer were the only possible cause of the patients' death), used for the first time in France and having become the reference method for the international scientific community. Cancer registration mechanisms have improved (reduced time to publication, and recording of diagnostic stages). Knowledge of cancer-related behaviour and attitudes has increased thanks to the INPES/INCA cancer barometer and the INPES health barometer which, re-drafted in 2010 and published in 2012, help comparisons with the 2005 findings. Moreover, research on the patients' quality of life two years after cancer diagnosis has been updated, and preliminary results are expected to be available by late 2013."*

Regarding the prevention and diagnosis of cervical and other cancers of infectious origin, the 2009-2013 assessment states that streamlining of the immunization schedule in 2013 should improve human papilloma virus (HPV) antibody immunization coverage, which had declined in 2012 (immunization is recommended between ages 11 and 14). Experimental cervical-cancer screening programmes have been implemented (in 13 departments) and will be the subject of an impact assessment.

#### 4.2.2.2. *More effective diagnosis and treatment of depressions*

Given same age, family status, occupational situation and education, the risk of experiencing a depressive phase is 1.5 to 2 times higher among women than among men. Progress is possible with regard to early prevention: 30-40 per cent of women affected by depression receive no specific care. The national strategy on health affections will specifically address such ailments.

### **4.2.3. Return to a reproductive health policy based on women's freedom of choice and on sex education**

#### 4.2.3.1. *Access to contraception*

Although contraception is widely used, there is still considerable need for information and sensitization so as to increase contraceptive effectiveness and safety. Contraception, oral and prescribed in particular, has spread massively among women: according to the 2010 health barometer, 91 per cent of sexually active French women aged 15-49 state that they use a contraceptive method. One observes, however, unsuitable use of certain such methods and inequality among women as regards access to contraceptives: 66 per cent of women miss taking their pill once a year and 21 per cent once a month. In 2000, one fifth of undesired pregnancies occurred to women under oral contraception.

In November 2011, the National Institute for Prevention and Health Education (INPES) conducted a national awareness-raising campaign on contraception, and in particular on forgetting to take the pill. The purpose was to encourage women to turn to other, more flexible types of contraception. A second component of that campaign, launched in March 2012, focused on emergency contraception. The aim was to provide information on remedial possibilities in the event of contraceptive failure and in particular to familiarize women with the three types of emergency contraception and the time-limits for resorting to them. The campaign attacked false beliefs associated with the "morning-after" pill and provided information on other forms of emergency contraception and the respective time-limits, longer than 24 hours after inadequately protected or unprotected sexual intercourse.

In order to facilitate the women's access to contraceptives, the legal and regulatory framework has been amended as follows:

- The Hospital, Patient, Health and Territories (HPST) Act of 21 July 2009 authorized school nurses to renew oral contraceptive prescriptions for six months. Pharmacists are authorized to provide oral contraceptives on the basis of an out-of-date prescription issued less than a year earlier;
- A decree dated 24 July 2012 authorized the delivery of emergency contraceptives by university preventive-medicine and health-promotion services.

The social security finance act for 2013 provided for 65 per cent coverage of contraceptives for girls aged 15-17. Since 31 March 2013, anonymous access to contraception is guaranteed and covered 100 per cent for girls aged 15-18.

The Government has launched work on diversifying the country's contraceptive model for the various ages on the basis of proposals formulated by the National Authority for Health (HAS). In May 2013, a new awareness-raising campaign for the general public was launched under the slogan "Contraception that's right for you exists" in order to further inform women of the diverse means of contraception.

Based on the work of the National Authority for Health (HAS), that campaign underscored diversity of contraception to meet the various lifestyles, ages and plans of women and couples.

Any effective means of contraception suiting a given profile must be consistent with the medical record of the woman concerned. A comprehensive and consistent policy on contraception requires recourse to all appropriate lines of action, including greater mobilization of professionals and associations, better informed couples and further development of sex education.

At the request of the Ministry of Health, the National Authority for Health (HAS) has recommended new best practices for health professionals (physicians and midwives) to help them to issue prescriptions adapted to given contraception needs.

The Ministry of Women's Rights has entered into discussions with regional authorities with a view to generalizing the "contraception pass", already adopted in 12 regions. That mechanism provides an area's girls and boys with independent access to appropriate contraception free of charge.

**Act No. 2012-1404 of 17 December 2012 on financing social security for 2013** (Implementation Decree No. 2013-248 of 25 March 2013) provides for **100 per cent coverage of the cost of contraceptives for all girls aged 15-18.**

4.2.3.2. *Access to elective abortion*

A 2009 report of the General Inspectorate of Social Affairs (IGAS) assessing the policies on the prevention of undesired pregnancies and on abortion-related care revealed a French paradox: despite large-scale availability of contraceptive means, 220,000 abortions are performed every year. In 2010, of the women aged 15-49, 15.1 per thousand had an abortion; 6 out of 10 undesired pregnancies were terminated by abortion (compared to 4 out of 10 in 1975); and 13 per cent of the abortions took place outside hospitals, including 12.1 per cent that were performed in a consulting room.

Since 2008, family-planning and information centres and health centres are authorized to practice medically induced abortions (a practice theretofore limited to hospital physicians). However, medically induced abortion possibilities outside health facilities or in health centres are unevenly distributed over the national territory.

In view of persisting difficulties, in the summer of 2012 the Government took the following new measures:

- Publication in early July 2012 of a circular on abortion centre accessibility during the summer;
- Under the social security finance act for 2013 and effective as from 31 March, 100 per cent reimbursement on abortions and increased rates to cover all costs incurred by an establishment for instrument-induced abortions;
- 100 per cent reimbursement of contraception for girls under appropriate anonymity conditions.

Abortion fees were significantly increased. The rates, which had been criticized as much lower than the costs, placed a financial weight on the establishments and explained to some extent the inadequate number of professionals willing to perform abortions and the concomitant long waiting periods for women. The decision in question removed the financial obstacles to abortion and is consistent with the goal of improving care in relation to undesired pregnancies.

A second obstacle tackled by the Government has been misinformation. By indifference or negligence, the authorities had abandoned the communication terrain to private interests which, under the pretext of neutrality and benevolence, disseminated false, biased and guilt-inducing information. It was necessary to undo that situation. Accordingly, the Government created an official website, <ivg.gouv.fr>, which provides reliable and objective information on abortion. That site is the primary source of information for a great number of women confronted with an undesired pregnancy.

To be effective, access to information free and secure. The Senate amended the draft Gender Equality Act accordingly, so as to strengthen the protection of women against attempts to impede abortion.

The obstacle that must yet be eliminated consists in disparities and, in certain cases, in the insufficiency of appropriate care facilities in some areas. There are women who must travel long distances to get an abortion. In some cases, the abortion method used is imposed on them. Considerable work is still required before available care is so organized that every woman may have access to abortion performed by the method that she prefers, not too far from her home.

#### 4.2.3.3. *Sex education*

The Education Code provides for three sex education classes per year. They address the topics of mutual respect, gender equality, acceptance of diversity, and violence against women. They also include specific information on access to contraception, on prevention of undesired pregnancies and on STDs and HIV/AIDS. Further efforts are needed to ensure that these classes are actually held in all schools.

The action plan adopted by the inter-ministerial committee for women's rights and gender equality on 30 November 2012 stresses that sex education must deconstruct outdated social attitudes. Better coordination between the activities of departmental councils and those of regional health agencies (ARS) will be sought. Departmental councils mobilized on that issue through "contraception pass" arrangements will be associated with the initiatives in question.

With a view to encouraging schools and educational establishments to organize sex education classes, the Ministers of National Education, Women's Rights and Educational Success, in a letter date 7 March 2013, invited the educational authorities to organize activities aimed at promoting a culture of respect and equality and to ensure the regular provision of information on contraception.

An overall plan for ensuring that sex education is actually provided will be announced in 2014.

#### 4.2.4. **Combating social inequalities in pregnancy-related care**

Although France ranks high among European countries in terms of birth rate and fertility rate, more than 70 women die in the country every year as a result of pregnancy or related complications, raising the maternal mortality rate to 9.6 deaths per 100,000 live births. Thus, reducing maternal mortality is a public health priority. Since 1995, the national expert committee on maternal mortality has been conducting a confidential national survey in order to study all cases of maternal death. According to that research, approximately 50 per cent of the deaths in question are avoidable or presumed to be so because they are generally related to inappropriate treatment. Corrective action has in particular taken the form of clinical practice recommendations aimed at reducing the proportion of deaths due to haemorrhage.

A report published by the Ministry of Health in October 2012 assesses care provided to mothers and infants during childbirth. Since the 1990s, that care has been reformed into a less dense network of better equipped facilities with a view to greater safety. Pursuant to a decree dated 9 October 1998, solely maternity units performing at least 300 childbirths per year may engage in obstetrics. In 2010, type 2 and 3 maternity facilities handled a greater proportion (72 per cent) of childbirths than in 2001 (58 per cent), ensuring better care quality. Despite concentration of the



supply of care, waiting periods have remained stable at the national level. As in 2001, half of the women reach a maternity unit in less than 17 minutes. The percentage of childbirths carried out more than 30 minutes away from the home has also remained stable. In 2010, hospital capacities were more evenly distributed than in 2000.

Pregnancy and the period after leaving a maternity facility can be particularly difficult for vulnerable mothers, particularly single ones, alone with their infant. A professional (for instance, a midwife or social worker) can assist them and help to create bonds between the parents and the child. Such services are provided by the "home return support programme" (*Programme d'accompagnement du retour à domicile* or PRADO), currently implemented by the health insurance organization and expected to be generalized, with special attention paid to single mothers.

#### **4.3. Equal access of women and men to economic and social services (article 13)**

*Recommendation (paragraphs 38-39): "While pleased with the State party's efforts to improve the situation of older women through the Government's project of revaluation of small pensions and specific measures to monitor their health and living situation so as to be able to react quickly in times of crises, the Committee remains concerned that specifically targeted measures to combat the marginalization of older women, including immigrant and migrant women, are missing. The Committee encourages the State party to develop a consistent overall policy in order to improve the situation of older women and to develop comprehensive programmes and policies targeted specifically at eliminating the marginalization of older women, and include the results in its next periodic report."*

##### **4.3.1. Improving the situation of older persons**

In France, life expectancy is 84.8 years for women and 78.2 years for men (2011). Together with Spain and Italy, France belongs to the European countries where women live increasingly long.

Over the years, information provided by voluntary associations and statistical data have identified solitude as an element that compounds all other forms of exclusion and as a key feature of poverty among older persons, particularly women.

On that basis, the Minister of Older Persons and of Autonomy launched on 13 December 2012 an initiative entitled "National mobilization against the isolation of older persons" or "Monalisa" and entrusted it with formulating relevant proposals. A group of approximately 30 associations and organizations will engage in voluntary activities in that area and an appropriate national label will be created to promote and ensure the visibility of the work accomplished.

The Monalisa working group must define a social outreach mechanism ensuring effective geographic coverage through a network; identify appropriate financial partnerships; and propose an economic model for the action plan established. The final report on the social outreach mechanism was scheduled to be presented in late June 2013.

The above action is linked to the activities of the mission on the adaptation of French society to the ageing of the population. That work as a whole is to serve as a basis for a draft act, prepared in the first quarter of 2014 and including anticipative

measures in the area of prevention, particularly in the field of health, such as support for older persons and their families in the event of a situation of dependence.

Of the more than 800,000 immigrants over 55 who live in France, 365,000 are over 65. The majority of that group reside in mainstream areas (6 per cent reside in immigrant workers' homes).

On the basis of inter-ministerial work on the living conditions of older immigrants (2010) and in cooperation with the National Old Age Pension Fund (CNAV), a pilot initiative has been launched to develop information on and support for vulnerable groups, including older immigrants. Other specific pilot activities are carried out, particularly with financial support from the European Integration Fund.

At the second major conference on social issues, held on 20-21 June 2013, the social partners underscored the need for further discussions on the harmonization of rights to the various types of family leave (inter alia, paternity leave and parental presence leave) in terms of eligibility, compensation and portability. The Government will transmit to them relevant proposals.

#### **4.3.2. Combating poverty and vulnerability, which increasingly affect women**

In France, as in most European countries, the incidence of poverty is slightly higher among women (14 per cent) than among men (13 per cent) (INSEE, 2009). The standard of living of slightly fewer than 4.4 million women and 3.8 million men lies below the poverty line, with the threshold set at 60 per cent of the median income. Certain family configurations, mainly female, are particularly affected by poverty. Approximately 33 per cent of single-parent family parents, primarily women, live below the poverty line. The gender gap is especially wide among the oldest: women account for more than 70 per cent of poor persons over 75.

That gap is due partly to women's longer life expectancy and mainly to the fact that many older women have not been employed and receive small pensions, relatively low survivor's pensions or the minimum old age pension.

More than 20 ministries are involved in the "multi-year plan against poverty and for social inclusion", adopted on 21 January 2013. That comprehensive initiative can help the women concerned to escape from poverty or vulnerability, particularly through the following measures:

- Improved access of poor families to day nurseries: ultimately, the proportion of poor children in nurseries should equal the proportion of the poor in the country, at least 10 per cent. The Government intends to facilitate the access of vulnerable families to vacation and recreation;
- Reduction of overindebtedness;
- Financial assistance to poor single-parent or large families through an increase in the family support allowance (ASF) and the family supplement (CF);
- Increased income supplement allowances (RSA): "basic RSA" will be revalued, excluding inflation, over 10 years, to attain its initial level of 50 per cent of the minimum wage (SMIC), with a 2 per cent first increment scheduled for September 2013. An "activity RSA" and employment premium reform, whose objectives are similar, is under study;

- Return to employment: a working group will promote discussion on the future of personalized assistance for returning to employment (APRE), particularly its use for the social and professional integration of women;
- Employment: the Government plans to lengthen, in the first semester, the average duration of assisted contracts to 12 months;
- Access to rights: given that more than two thirds of potential "activity RSA" beneficiaries do not apply for the allowance, the Government will launch a communication campaign to reduce that rate;
- Access to care: the income ceilings concerning eligibility for the universal health coverage supplement (CMU-C) and supplementary health assistance (ACS) will be raised by 7 per cent in order to entitle 750,000 more persons to that benefit;
- Housing: creation or continuation in 2013 of 5,000 emergency accommodation places, of which approximately one third will be reserved to women victims of violence;
- Integration of young persons: an integration contract, a "young persons guarantee" for 100,000 unskilled workers aged 18-25, will be created. They will receive employment or training offers that they must accept to qualify for an amount equal to RSA, approximately € 450. That contract will be generalized after being tried out in September 2013 in 10 pilot areas.

Under the multi-year plan against poverty and for social inclusion, adopted on 21 January 2013, the Government committed itself to revaluing assistance to single-parent families through the family support allowance (ASF).

ASF supplements the disposable income of single parents receiving no or small maintenance payments. It is granted, without any income-related prerequisites, for each child up to the age 20.

ASF is set at € 90.40 for a child deprived of one parent's support and at € 120.54 € for a child deprived of both parents' support. Average ASF paid in 2012 amounted to €140 per family per month.

ASF will be increased by 25 per cent in addition to inflation by 2017, at an annual pace of 5.7 per cent in addition to inflation, with the first exceptional revaluation in addition to inflation scheduled for 1 April 2014.

Single-parent families are particularly exposed to the risk of poverty. Four out of five such families are headed by women, living alone with their children. More than one third of such mothers live under the poverty line. Almost one out of two mothers raising their children alone does not manage to balance her budget. Such mothers face particular difficulties, addressed under the above multi-year plan.

As a complement to the 25 per cent revaluation of ASF in support of the income of the above families, the Government will test, through the draft Gender Equality Act, a safeguard mechanism against failure to pay maintenance. The draft act on women's rights will define the modalities of that pilot measure, to be implemented in approximately 10 family allowance offices.

### 4.3.3. Promoting gender equality in the fields of culture and sport

#### 4.3.3.1. *Asserting sport values and recognizing the contribution of women*

The proportion of women engaging in physical and sport activities increased from 9 per cent in 1968 to 87 per cent in 2010. However, women account for only 37.6 per cent of official sport practice (2010). Moreover, although an increasing number of women engage in sport, not all women practice such activities.

Where social or integration-related difficulties arise, women are the first ones to be affected by exclusion. Thus, the female sport rate is low in the problem areas of the cities.

Women are achieving significant progress in international competitions both numerically and at the level of performance. The management staff of national sport organizations, the financial resources allocated and in particular the personal support provided are lower with regard to women. The proportion of women is low among high level judges and referees (12 per cent in 2010) and among sport experts: 11 per cent among national trainers and under 6 per cent among national technical directors. Overall, the world of sport is characterized by men's predominance in technical management and on key posts in the decision-making bodies of sport federations.

As they are renewed, with 2014 as time limit, **target agreements concluded with sport federations will stipulate parity goals** regarding the composition of the governing bodies of sport federations. To that end, the agreements will specify a time schedule reflecting the development of the country's legislative framework on sport.

The draft Gender Equality Act amends the Sport Code by introducing the principle of gender parity in the methods of designation of representatives in the governance bodies of accredited sport federations. Thus the draft Act calls into question the current mechanism, which bases such designations on the principle of proportionality. That change will take effect with the next elections of the boards of sport federations, after the coming Olympic Games. However, in view of the diversity of situations regarding the various federations, a Council of State decree may, under exceptional circumstances, provide for alternative temporary procedures for certain federations, reserving at least 25 per cent of the seats for each gender.

Beginning in 2013, agreements for the promotion of women's sport are concluded with all sport federations and will be subject to monitoring as part of a mission entrusted to Laura Flessel, president of the permanent committee to combat discrimination.

Women's competitions are under-represented on television (they account for 13 per cent of sport broadcasts). The official list of major sport events will be revised so as to give women's competitions the place that they deserve. Accordingly, the Government has transmitted to the European Commission a draft decree amending the "television without borders" (TSF) decree of 2004 (cf. supra).

#### 4.3.3.2. *Reserving for women the place they deserve in the cultural sphere*

Today, men's and women's cultural practices are very similar, save for reading and amateur art activities, in which mainly women engage: two thirds of the women

and only half of the men have read a book in the last 12 months. However, Internet is used for personal purposes by 50 per cent of the women and by 59 per cent of the men, while video games are played by 29 per cent of the women and by 43 per cent of the men.

The situation remains unfavourable for women with regard to the management of cultural institutions, the status of artists, access to production means and broadcasting networks, and programme selection.

In order to ensure full recognition of the women's artistic potential, the Ministry of Culture has been given the responsibility of ensuring gender parity in the appointments of heads of public cultural organizations. The plan on artistic and cultural education will include the goal of equal representation of women and men.

An "equality promotion" clause will be included in all financing agreements concluded by the Ministry of Culture with cultural policy actors, regardless of the sector concerned and will be subject to regular monitoring by the observatory of equality in the arts and culture, which the Ministry set up in 2013 and which will contribute to the work of the High Council for Gender Equality (HCE).

The draft Gender Equality Act amends the Act of 30 September 1986 on freedom of communication, imposing on public audio-visual companies stricter gender-equality obligations.

#### **4.4. Equality between rural women and men (article 14)**

*Recommendation paragraph 37: "The Committee recommends that the State party continue its efforts to improve the situation of rural women through legislative and practical measures, and to collect disaggregated data covering women in rural areas".*

The situation of rural women is characterized by the following two strong trends:

- Growing proportion of women among the rural poor as a result of the conditions faced by single older women (particularly farmers' widows) and of the precarious demand for female labour;
- Growing proportion of women among agricultural workers: 41 per cent of farms are created by women, who account for 25 per cent of heads of agricultural undertakings (2011).

##### **4.4.1 Promoting women in the agricultural and technical sectors**

Building on activities undertaken in the last 10 years by agricultural technical training establishments in order to promote parity between girls and boys, the following five lines of action have been included in the roadmap of the Ministry of Agriculture so as to diversify the educational and vocational options open to girls:

- Promoting in 2013 activities involving occupational sectors with relatively few women in order to broaden the vocational options open to girls, particularly in the food processing and agricultural equipment industries, which are major providers of jobs;
- Developing scientific and technical training prizes (PVSTs) and publicizing them among agricultural sector students and teachers;

- Providing field instructors and trainers with information on equal opportunities for girls and boys;
- Transferring to all establishments the gender-related orientation methods and tools developed in pilot projects in the period 2010-2012. For instance, the FILAGRI project aims at supporting minority girls in their training, from entry into an agricultural establishment up to their first job (January 2013);
- Informing and sensitizing vocational orientation actors to the trades related to agriculture, the environment, landscape gardening and food processing services, bearing in mind equal opportunities for girls and boys (January-December 2013).

#### **4.4.2. Raising the proportion of women in agricultural decision-making bodies and regional chambers of agriculture**

Pursuant to the 2013 voting system reform, women must account for at least one third of candidates on electoral lists, a rule scheduled to be expanded in 2013 to the boards of directors of agricultural bodies receiving State financing.

Moreover, the draft Gender Equality Act provides that lists of candidates in elections to chambers of agriculture must include at least one candidate of each gender among every three candidates. Complete gender parity in electoral lists will be achieved with the second full elections to departmental and regional chambers of agriculture after promulgation of the Act, namely in 2020.

#### **4.4.3. Raising the standard of living of women practicing agriculture and of farmers' spouses**

The modalities for addressing the specificities of agricultural occupations with regard to maternity are to undergo an expert assessment, scheduled for 2013, in cooperation with the Agricultural Social Insurance Agency (CCMSA).

Special attention must be paid to the situation of farmers' wives. Although 88 per cent of agricultural workers are women, only 20 per cent of the 200,000 wives of farmers are declared as personnel. It is therefore planned to raise awareness of the status of women farmers and sensitize them to the importance of choosing a status that protects them and their rights.

With regard to retirement pensions:

- Currently, pursuant to a so-called "combined rights" provision, in the event of death of a farmer, the surviving spouse who continues the activity may, for the calculation of her or his pension, add to her or his entitlements those that had been acquired by the deceased. However, such "combined rights" do not include entitlements acquired through obligatory supplementary pension insurance. Therefore, provision has been made to remedy that situation by authorizing such inclusion;
- Provision has been made to transfer, free of charge, to the surviving spouse of a deceased farmer who had not yet retired any obligatory supplementary pension insurance points that had accrued to the deceased.

There are further measures that mainly concern women. Currently, obligatorily affiliated to the old-age insurance scheme, the collaborating spouses of self-

employed workers (craftsmen, tradesmen, farmers and independent professionals) may be left uncovered in the event of divorce, death or retirement of their spouse. Under the draft Act guaranteeing the future and fairness of the pension system, they may in such a case join a voluntary old-age insurance scheme so as not to forfeit their rights to a retirement pension.

#### **4.4.4. Facilitating and encouraging the creation of farms by women**

Although women account for 41 per cent of farm creators, their projects account for only 22 per cent of farms receiving support. Yet such women promote streamlined or diversification projects more frequently than male farmers do. Consequently, provisions have been made to:

- Offer more effective support for women creating agricultural enterprises, in the framework of the 2013 conference on farm establishment;
  - Specify modalities for a partnership with the Ministry of Women's Rights in order to promote the image of women farmers. A departmental prize for women in agriculture was instituted in 2001 in order to promote and highlight the role of women heading agricultural undertakings. In 2011, however, only three departments awarded that prize. It is necessary to promote gender equality in drawing up future rural development programmes, particularly in the framework of European Agricultural Fund for Rural Development (EAFRD) priorities.
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