



**Convention on the Elimination
of all Forms of Discrimination
Against Women**

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Sixth session

SUMMARY RECORD OF THE 93rd MEETING

Held at the Vienna International Centre, Vienna,
on Friday, 3 April 1987 at 2.30 p.m.

Chairperson: Ms. BERNARD

later: Ms. AKAMATSU

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Convention (continued)

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The meeting was called to order at 2.50 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE
CONVENTION (continued)

Initial report of Sri Lanka (continued) (CEDAW/5/Add.29 and Amend.1)

1. At the invitation of the Chairperson, Ms. Perera (Sri Lanka) took a seat at the Committee table.
2. The CHAIRPERSON invited comments on the reply of Sri Lanka.
3. Ms. EL-TALLAWY, Ms. FORDE, Ms. PILATAXI de ARENAS, Ms. MONTENEGRO de FLETCHER, also speaking on behalf of Ms. GONZALEZ MARTINEZ, Ms. SOUMARE, Ms. SINEGIORGIS, Ms. UKEJE, Ms. ILIC and Ms. AKAMATSU commended the representative of Sri Lanka most warmly for her informative, comprehensive and highly competent replies to the questions put by the experts.
4. Ms. LAIOU-ANTONIOU endorsed the views expressed by other speakers concerning the statement by Ms. Perera. In her opinion a unified civil law was essential for the promotion of women in Sri Lanka.
5. Ms. OESER said that the excellent replies given by the representative of Sri Lanka to the questions and comments of members of the Committee amply justified the Committee's decision to hear the presentation of the report of Sri Lanka.
6. Ms. EVATT added her voice to the congratulations extended to the representative of Sri Lanka and proposed that the Committee should adopt the following recommendation:
7. "The Committee noted the lack of detailed information in the first report of Sri Lanka. This was, however, supplemented by the excellent presentation and by the comprehensive answers of the representative of Sri Lanka, which were much appreciated. These enabled the Committee to gain a clearer understanding of the measures taken by Sri Lanka to implement the Convention, and of the obstacles to the achievement of equality by women in that country.
8. "Later reports should have regard to the general guidelines and could inform the Committee in more detail about the Women's Bureau, its organization, its specific goals for women and the programmes and other measures which are being introduced."
9. The CHAIRPERSON said that that text of the proposed recommendation would be circulated to members of the Committee.
10. She hoped that the Government of Sri Lanka would be informed of the invaluable work done single-handedly by its representative.
11. Ms. PERERA (Sri Lanka) said that she was deeply honoured by the comments of the Committee which she would convey to her Government.
12. Ms. Perera (Sri Lanka) withdrew.

Initial report of France (CEDAW/5/Add.33 and Amend.1)

13. At the invitation of the Chairperson, Mr. de Gouttes (France) took a seat at the Committee table.

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14. Mr. de GOUTTES (France), introducing the report, said that although French women had long played an important part in literature and science they had gained the right to vote only in 1944, and in fact only since 1974 had significant progress been made in the field of women's rights, through the establishment of governmental bodies dealing with the status of women. All the essential legal measures had now been taken to eliminate discrimination between men and women and to raise the status of women as citizens, workers and mothers.
15. As far as civil rights were concerned, in 1965 legislation had been introduced to allow women inter alia to exercise the profession of their choice, sign certain household contracts and open bank accounts without their husbands' consent.
16. In 1970, equality had been introduced in marriage and the concept of paternal authority had been replaced by that of parental authority.
17. In 1975, divorce by mutual consent had been introduced and alimony replaced by a supplementary payment.
18. Since 1985, women had had the same property rights as men within marriage, the same rights with regard to the nationality of their children, and they could keep their maiden names if they so wished.
19. Regarding taxation, since 1978 a married woman had been entitled to obtain from the authorities tax-related documents and information previously available only to her husband. Subsequently, the 1983 Finance Law had guaranteed equal rights to spouses with regard to income tax.
20. The equality achieved in civil rights also extended to education, and educational programmes at all levels were made available without distinction between the sexes. In 1985, 57 per cent of the pupils awarded the Baccalaureat were girls, as were 51.1 per cent of the students enrolled in universities. The number of career opportunities open to girls was expected to rise, albeit slowly.
21. The Order of 21 April 1944 established that women and men enjoyed equal rights without discrimination, the right to vote with respect to all public offices, and the right to stand for election to all publicly-elected bodies.
22. Under the Constitution of 4 October 1958 the electorate consisted of all citizens of either sex who had attained their majority and who benefited from civil and political rights.
23. Although vast numbers of women were registered on the electoral rolls and voted in elections to public office, they still constituted only 6 per cent of the membership of the National Assembly, 3 per cent of the Senate, 10 per cent of the Government, 21 per cent of the French members of the European Parliament, and 14 per cent of municipal councils. There were, however, some luminous exceptions to the general pattern of under-representation.
24. On the other hand, women had come to prominence in the field of non-governmental organizations: 57 per cent of French women belonged to an association, 32 per cent were members of an artistic, cultural or educational association, 22 per cent of a trade union or friendly society, and 11 per cent of a mutual aid society. Women had also been active in the ecological and consumer fields, and on behalf of the feminist and student movements.

(Mr. de Gouttes)

25. Much had been achieved in recent years in strengthening the law regarding the physical protection of women, particularly with respect to the definition of rape as an offence, the prevention of physical violence against women, and the establishment of refuge centres for battered women. In addition, a law passed in 1981 against procuring made the penalties for that offence more severe.

26. With regard to women as members of the labour force, he pointed out that in France 70 per cent of women between the ages of 25 and 55 were employed, and that they had the same rights regarding recruitment and dismissal as men. In the public service the principle of non-discrimination between the sexes had been affirmed for the first time by the Civil Service Staff Regulations, drawn up in 1946. Subsequent amendments defined the circumstances in which the sex of the applicant could be a determining factor in appointing a candidate for a post. Although women were still mostly to be found at middle-rank levels, it was to be noted that in those posts for which a university degree was required they now made up 41.8 per cent of the total, as against 11.2 per cent in 1968. On the other hand, only 23 per cent of senior civil service posts were held by women, although progress in that area had been quite rapid since 1978.

27. In the private sector, Law No. 75-625 of 11 July 1975, which prohibited discrimination in employment based on sex or family situation, had been supplemented by Law No. 83-653 of 13 July 1983, which was aimed at achieving equality of opportunity between men and women in professional life. Legislation thus reinforced the prohibition on all discrimination based on sex or family situation in all the circumstances of professional activity. Two bodies, the Higher Council for the Civil Service and the Higher Council for Professional Equality, had been established in order to ensure that the principle of equality of the sexes was upheld in the field of employment.

28. While the principle of equal pay was enshrined in the Labour Code of 22 December 1972, discrepancies remained in the private and semi-public sectors. In 1984, men's average wages were more than 30 per cent higher than women's, although that ratio was in itself an improvement on 1978 when the gap had been 50 per cent.

29. Unfortunately, it was by no means the case that an equitable system of promotion for men and women, based on equal qualifications and responsibility, had been achieved, and there was therefore a need for appropriate vocational training. In addition to innovative pilot schemes which had benefited more than 10,000 women, a specific training programme had been undertaken on behalf of the most disadvantaged women, i.e. single women without resources. Overall, 39 per cent of women had benefited from State-financed training courses, 41 per cent from regionally financed schemes, and 30 per cent from courses funded by enterprises.

30. At a time when most women combined the role of mother with work outside the home, it was essential that family policy take account both of women's professional activity and of their domestic responsibilities. In order to reconcile those two aspects of women's lives, the Law of 28 December 1967 had recognized the principle of contraception, which since 1974 had been a medical service like any other, provided confidentially and without charge.

31. The Law of 17 January 1975, supplemented in 1979 and 1982, authorized the voluntary termination of pregnancy, which was available free of charge at a growing number of clinics. In addition, a variety of public bodies were responsible for disseminating information on birth control and promoting family and sex education.

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(Mr. de Gouttes)

32. A number of measures had been taken in order to enable women to combine employment with family life. In particular, the Law of 29 December 1986 entitled a woman or man to interrupt his or her employment for three years after the birth of a child with the guarantee of returning to their job at the end of that period. Parental leave had been introduced in the Civil Service in 1978. The effect of such legislation, which included provisions on part-time work in the public and private sectors, was to enable women to continue their occupations when they had a child. Considerable thought had been given in recent years to providing assistance in child care, and more than 79,000 places in community-based crèches had been established by 1982, in addition to 41,000 places in family crèches and 196,000 posts as mother's helps.

33. In connection with child care, the Law of 29 December 1986 established a child care allowance that was available, irrespective of the number of children under three years of age in the household, to parents who wished to look after their children of such age in their own homes. The 1987 Tax Law had raised the tax deduction for child care from 5,000 francs to 10,000 francs per year for a child under five years of age.

34. In order to enable women not regularly employed to take up an occupation, the Commission on the Status of Women had launched a trial three-year training programme aimed at maintaining and furthering acquired skills and developing talents linked to the experience of family responsibility.

35. A large number of provisions had been adopted to strengthen the personal rights of mothers, such as participation free of charge in the old-age insurance system, the elimination of age limits for recruitment to civil service posts, and priority vocational training schemes. Such provisions, which represented a considerable outlay on the part of the Government, reflected its efforts over a period of 15 years to ensure that women could combine the role of mother with another occupation and career development.

36. The place and role of women in French society had greatly altered in recent years and women's aspirations had also changed and become more specific. Their horizons and opportunities had broadened greatly, yet there was still resistance to be overcome for their full development and further efforts were therefore needed. Women needed equality, but they also required independence and dignity. The image of women had not yet been adequately corrected and they had not yet achieved the power and responsibility justified by their numbers. Discrimination against them in law no longer existed in France. What was now required was to ensure that it ceased to exist in practice.

37. Ms. CARON observed that the statement made by the representative of France introducing that country's report had been easier to follow, clearer and better structured than the written report, the form of which did not make it easy for the reader to evaluate the true situation of women in France. She asked whether the report was to be published, so that it would become available to the general public in France. She would also like to know whether the reservations expressed by France with respect to Article 16 of the Convention - notably paragraph 1 (g) concerning the right to choose a family name - were to be withdrawn.

38. Ms. Akamatsu took the Chair.

39. Ms. CORTI said that many new provisions concerning the status of women in France had been cited which, it had been claimed, had improved on previous legislation. However, that previous legislation had been passed largely due to the efforts of an independent Ministry for Women's Rights with its own budget, which Ministry had been replaced in 1986 by a delegation for the status of women. That, in her view, had been a retrograde step. She would like to know the reason for the abolition of the former Ministry.

40. In her view, too much emphasis was being placed by the Government of France on the needs of women as mothers, rather than as individuals. A law had recently been passed granting special benefits in respect of the third child and benefits for child-minding in the home, both of which represented a commendable effort on the part of the State but raised the question of the particular aspect of the role of women to which the Government of France attached special importance. The Ministry for Women's Rights had concluded contracts with individual enterprises under which it had partially financed plans for ensuring for women equality in employment. She wondered what the effect of the loss of that facility had been now that there was high unemployment. The Ministry had also instituted measures to improve food allowances, but those had since been replaced by family allowances. In the matter of prevention of violence against women, the Ministry for Women's Rights had put the emphasis on the dignity of women; with the abolition of that Ministry which body, if any, was concerned with preventing violence committed against the dignity of women?

41. France was regarded in southern Europe as something of a guide when it came to concern for women's affairs. It would be sad indeed if, after all the struggle and sacrifices which had resulted in such achievements, recent retrograde steps were also applied in other countries, such as Italy.

42. Ms. ESCOBAR said that women had taken an active part in the French Revolution and had left an indelible mark on the struggle for women's rights. Much had been achieved by French legislation in that regard, and it was therefore regrettable that there were now fewer women in French Government ministries and that there had been fewer women candidates in the recent French elections. It was shocking that the Government of France had not as yet withdrawn all its reservations with respect to articles 15 and 16 of the Convention. She drew attention to the fact that in 1985 the Minister for Women's Rights had launched a series of measures on the theme of women, violence and security; she would like some information on the status of those measures at present.

43. Ms. EVATT expressed disappointment with the form of the report of France, concern at that country's failure to withdraw its reservations with respect to articles of the Convention and disquiet about the replacement of the Ministry for Women's Rights by a delegation for the status of women. She asked what the reaction of the women's movement in France had been to the replacement of the former Ministry by a delegation.

44. Ms. WADSTEIN, while associating herself with the remarks of the previous speaker, welcomed the provision of the text of new legislative measures and praised the Government of France for what it had done to feminize occupational titles.

45. Ms. LAIOU-ANTONIOU also expressed her disappointment with the form of the report submitted by France and said that she greatly regretted the disappearance of the Ministry for Women's Rights and its replacement by a delegation for the status of women. Was any ideological difference implied in the change of title and how did the delegation's budget compare in amount with that of the former Ministry?

46. Ms. SOUMARE said that while the report of France might not have been exactly in the form desired by the Committee, the oral presentation of the document had been excellent and afforded proof of the determination of the Government of France to eliminate all forms of discrimination against women. The replacement of the Ministry for Women's Rights by a delegation for the status of women nevertheless gave cause for concern; was France, which had at one time stood in the vanguard of the struggle for women's rights, now taking a step backward?

47. Ms. FORDE also commended the introduction of the report, but observed that that document was too concise to give a true picture of the situation; most of its tables contained figures only up to the end of 1983 and comparisons were therefore difficult to make. France's withdrawal of its reservation in respect of article 7 of the Convention was to be welcomed. It was to be hoped that its other reservations would also soon be withdrawn.

48. Ms. MONTENEGRO de FLETCHER said that the progress made by women in France since 1986 seemed to have slowed down or in some cases halted. Some of the areas covered by the Convention had been overlooked in the report. It would be useful, for example, to have statistics on women's employment, levels of employment and wages and salaries, information on prostitution, figures on marriage and divorce, and information on measures taken in respect of the stereotyping of women and the use of women as sex objects in the mass media. She too regretted the disappearance of the Ministry for Women's Rights.

49. Ms. GUAN Minqian noted that France had enacted a considerable body of legislation to enhance the status of women and had amended or abolished laws discriminating against them. Its withdrawal of reservations to the Convention was welcome. She shared other member's concern at the replacement of the Ministry for Women's Rights by a delegation for the status of women and asked whether that would help to raise the status of women or represent a setback for them. She would like to have information concerning the nature and function of the delegation and to know, in particular, whether it had decision-making power on women's rights. She asked whether the Higher Council for the Civil Service established in 1982 as a consultative body attached to the office of the Prime Minister still existed or had been abolished.

50. Ms. NOVIKOVA referred to the outstanding history of the struggle for women's rights in France, having regard to which she felt that the present report might perhaps have been made more comprehensive. The document contained insufficient information on the political, social, cultural and economic activities of women, some of the statistics in the annex were misleading, and many of the figures given seemed out of date. Furthermore, the progress made in the field of legislation was not covered in sufficient detail in the annex material. It was not, in her view, particularly appropriate to include as an annex the text of the report presented by France to the 1985 Nairobi Conference. Generally speaking, the guidelines for the preparation of reports should have been followed more closely. She felt that the holding of a seminar on the drafting of such reports might well be desirable.

51. Referring to the content of the report, she said that certain issues had been treated too sketchily, such as the increase in unemployment, the number of unemployed women, the types of grants paid to families and the situation of rural women.

52. Ms. SALEMA also considered that the general guidelines for the drafting of reports should have been followed more closely in the present instance. It was encouraging, however, that a man had introduced France's report, for it was right that men and women should discuss together the issues with which the Committee was

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(Ms. Salema)

concerned. France had entered certain reservations with respect to the Convention, stating, for example, that the Convention could not take precedence over French law in cases where the latter was more favourable to women than to men. That point seemed to her, however, to be covered by article 4. Since the French Constitution of 1958 had proclaimed the equality of women and men, was discrimination in favour of women not unconstitutional?

53. Ms. UKEJE asked how the various organs of the French Government which were concerned with women's rights avoided duplication of responsibilities.

54. Ms. VELIZ de VILLALVILLA said that she too wished to know why the French Government had abolished the Ministry for Women's Rights. Was a ministry not best suited to the struggle for women's equality? Much progress had been made in France to end discrimination against women in the labour and social fields, but the same was not true in the area of politics, for there were very few women in the French Senate and National Assembly. It was worth recalling that French women had been allowed to stand for Parliament as early as 1944, long before other pioneer countries in that field, such as Sweden.

55. The CHAIRPERSON, speaking as a member of the Committee, congratulated France on the leading role it had played in the women's movement for equality. She wished to know what were the functions of the newly created body, the delegation for the status of women's rights.

56. Ms. SALEMA, referring to article 2 of the Convention, asked whether the provisions of the Convention, apart from those in respect of which reservations had been entered, could be invoked before a French court.

57. Ms. GUAN Minqian, noting the statement in paragraph 33 of the report that discrimination on the grounds of sex was now punishable by prison terms, asked how many prison sentences had been handed down for such discrimination.

58. Ms. WADSTEIN, referring to article 4, asked what temporary special measures had been adopted by France. Were there quotas? Was there any kind of preferential treatment? Regarding article 5, she wished to know what men were doing to ensure equality for women and whether men played a traditional role in education in France? Did fathers make use of parental leave? What was the influence of the Roman Catholic Church in changing traditional gender roles and what were the figures for the distribution between men and women of paid and unpaid work?

59. Ms. EVATT asked whether new legislation and policies concerning rape and domestic violence included funding for rape crisis centres and similar shelters. Were there provisions to protect women from sexual harassment? Had there not been a case of a television company being fined for reporting a case of sexual harassment? Were the encouraging measures described by France at the 1985 Nairobi Conference being continued under the new delegation for the status of women.

60. Ms. GUAN Minqian asked whether the demands of French women remained unchanged and what the French Government was doing to inform women of their rights.

61. Ms. OESER requested further information on the measures taken by the French Government to exclude sexist stereotypes from school textbooks.

62. Ms. CORTI, referring to article 6 of the Convention, asked if policies for the rehabilitation of prostitutes and for sheltering battered women were being maintained.

63. Ms. SALEMA asked what measures were being taken with regard to pornography and the exploitation of the female body in advertising.

64. Ms. GUAN Minqian, referring to article 7, asked if France was still the leading country for the number of women members in the European Parliament.

65. Ms. EVATT asked what the implications were for women's political involvement of the replacement of the Ministry of Women's Rights by the new delegation. She hoped that in the military sphere, the example of Joan of Arc would not be forgotten.

66. Ms. VELIZ de VILLALVILLA asked what role the non-governmental organizations played in supporting the feminist movement in France and what relations existed between the new delegation for the status of women and the feminist movement?

67. Ms. SALEMA, noting that French women were prominent in the European Parliament, asked what part they played in French political parties. Had the change from majority voting to proportional representation influenced women's role in politics?

68. Ms. LAIOU-ANTONIOU, referring to article 8, asked if the term "any discrimination" in paragraph 13 of the report referred to the legal or to the practical situation.

69. Ms. FORDE asked, in relation to article 10, whether the measures to combat unemployment among women referred to in paragraph 20 of the report had been effective. She would also welcome further information about vocational training for working women in France.

70. Ms. LAIOU-ANTONIOU asked what was the percentage of illiterate women in France.

71. Ms. GUAN Minqian, referring to article 11, asked what measures had been taken to broaden employment opportunities for women.

72. Ms. FORDE wondered whether the provisions concerning compulsory reporting described in paragraph 30 were not too restrictive.

73. Ms. SOUMARE asked what machinery the Government used to implement legislation in favour of women. How many enterprises had actually agreed to sign pledges to finance professional equality plans?

74. Ms. WADSTEIN requested a list of occupations which could be engaged in only by persons of a particular sex in France. How was the increase in part-time work to be interpreted? She noted that there were worrying job segregation trends in the public sector, where jobs were becoming increasingly dominated by women. Was that because salaries were lower there and men were moving to the private sector? More information was necessary on equal pay for work of equal value and also on cases of sex-based wage discrimination and on wage differentials in male dominated and female-dominated jobs. Did the ban on sexual discrimination in contracts cover indirect discrimination? Who was responsible for initiating proceedings in court? Were the trade unions active in that regard, or reluctant to take action?

75. Ms. ESCOBAR asked what was the status of the Council for Professional Equality. Was the increase in part-time work detrimental to women's status? Did the fact that day-care centres in France accept children only up to the age of six create difficulties for women in employment?

76. Ms. SALEMA asked if there had been many prosecutions under article 416 of the French Penal Code. What was the impact of the submission of an annual report by the employer to the works committee? How did the Law of 11 July 1975 concerning pregnancy relate to the Labour Code in general? How were contracts terminated in France, and was it possible to dismiss a pregnant woman? Was the right of women to interrupt their employment for two years after the birth of a child not a kind of trap, since a woman might not wish to return to work after two years' absence?

77. The CHAIRPERSON said that further questions concerning the report of France could be asked at the next meeting of the Committee.

The meeting rose at 6 p.m.