

Shadow Report on France's replies to the Governmental Questionnaire on the application of the Beijing Declaration and Platform for Action (1995) and the Agreed Conclusions of the 23rd Special Session of the General Assembly (2000),

For the regional study and evaluation preparing the Fifteenth Anniversary of the Adoption of the Beijing Declaration and Platform for Action in 2010

*To the Indian, **Hansa Mehta**, who obtained the expression «**Human Rights**» in the Universal Declaration, instead of «Rights of Man», so that all women worldwide could have access to their fundamental rights.*

Equality between women and men is inscribed in the French Constitution. All our laws must therefore respect and recall this constitutional principle. If our laws enable us to theoretically combat all violations of women's rights, they are far from being really applied.

The member organisations of the C.L.E.F.'s network, that are active in all fields of women's rights, have fought for, and obtained, definite progress from French governments in applying the Beijing Platform for Action. We deplore, however, the absence of any **full Minister** for women's rights in the present government.

We also note the increase, since 2005, of two very worrying phenomena for the future.

1-In France, as in all countries of the world, there are **attacks against the rights and dignity of women**, under pretext of respecting traditions, customs or religious practices. It is therefore indispensable to reaffirm that **freedom of conscience, a basic human right, has, as its immediate corollary the neutrality of States** with regard to philosophical choices or beliefs of individuals.

“Any harmful aspect of certain traditional, customary or modern practices that violates the rights of women should be prohibited and eliminated” (Beijing Platform for Action, Chapter I §224).

The total prohibition of humiliations against women, undergone or “chosen” by them, including in the name of religions or customs, must be affirmed by all governments and States parties having signed international texts, such as the Universal Declaration of Human Rights, the CEDAW Convention, the 1949 Convention against Prostitution, the Palermo Protocol.

Actions enabling **all women living in France** to have access to their freedom and autonomy and to be protected by the Republican principles that ensure equality between women and men, secularism and State neutrality, have led Parliamentarians to adopt the 2004 law against religious symbols worn in schools. A Parliamentary Commission on the wearing of the burqa, composed of Deputies of various political parties, has been meeting since July 2009. This Commission auditioned the C.L.E.F., as well as several of its member organisations.

2-At the same time, we note in France, as in the whole of the European Union, the disappearance of women's demands against discriminations, in contrast to other discriminations that are naturally unacceptable, but that deal with categories of people. The European directive concerning discriminations, as translated by the French members of the European Parliament, only mentions discriminations due to handicap, age, sexual preference and religion. Discriminations against women per se are no longer named and risk therefore not being included in European action programs nor in the financial support that results therefrom.

The “High Authority to Combat Discrimination and in favour of Equality” (HALDE), created in accordance with the European Union’s request to all member States to create structures to combat discrimination (2002), deals with all direct or indirect forms of discrimination punishable by law. Its scope is broad, its financial support significant, is widely publicised and receives thousands of claims.

The HALDE has, however, **sadly disappointed women**, in particular by its recommendations, widely published in the media, in favour of ethnic or religious demands, relaying patriarchal customs. While half of the claims received having to do with employment – an important field of activity for the HALDE – come from women, they are not so classified. An **extremely small number of legal claims by women are based on gender: only 3%**. When dealing with discriminations of which women are victims, the HALDE tends to deny them, minimise them or conceal them behind other forms of discrimination.

Sexist discriminations require appropriate specific handling. In its Shadow Report to the CEDAW Committee, the C.L.E.F. asked that a specific department be created within the HALDE itself to deal with these, and that the HALDE undertake a campaign of information and communication towards women, to be relayed by organisations and trade unions.

Indeed, the proportion of women in the HALDE is totally insufficient: they number only three out of the eleven members of the College and six of the 18 members of the Advisory Council.

Progress Achieved – Vigilance and Recommendations

A. Women and Poverty

Good Practices

Active Solidarity Income and other allocations.

Handicapped women: Individual rights to compensation for the results of a handicap, whatever the origin or the nature of the deficiency, the age, the sex or the life style (11 Feb. 2005).

Universal Health Insurance (CMU) allows for automatic affiliation to the general National Health insurance system of anyone residing in France in a stable and settled manner, insofar as that person declares that he or she does not receive benefits in kind from health or maternity insurance, as well as the right to supplementary insurance with no financial contribution for every person whose resources are below a given ceiling.

Vigilance-Recommendations

The risk of poverty is approximately twice as high for single parent families as for the rest of the population. This stems from two causes that are linked: a lower training level leading to a higher risk of unemployment or of low salaried employment, greater difficulty in harmonising employment and parental responsibility.

Among women in poverty in France, migrant women are certainly the most affected. It is becoming more difficult to enter France as a result of increased migration from countries South of Europe or from Eastern Europe. Thus, many women find themselves in precarious situations in France. This incites them to have children with Frenchmen, in order to regularise their situation. They also accept psychological and physical violence, for fear of being denounced to the immigration authorities as illegal. There are thereby situations that favour, or even incite, sordid trafficking for which our vigilance is essential.

The great precariousness in which they live leads them to long searches for housing, from hotel to hotel or from shelter to shelter, with their children. This lack of stability makes it difficult for them to begin serious steps towards integration, since an address is the preliminary requirement for any application.

Among migrant women, Rom women and their daughters live in conditions of particular destitution and of unacceptable patriarchal domination that prevents them from receiving basic health care and education. Women victims of under-age marriage, of multiple pregnancies while still minors, should benefit from stronger specific welcome programs.

B. Education and Training of Women

Good Practices

1-Law prohibiting the wearing of religious symbols in school (15 March 2004) applied since the start of the School year 2004-2005. Before this law was passed, more than 2000 young girls wore headgear in schools indicating the religious affiliation of their parents. At the start of the school year 2009-2010, some tens of young girls refused to enter public schools. The daughters of some tens of refractory families are either placed in more distant or private schools.

The European Court of Human Rights (December, 2008) dismissed the claims of parents who refused to obey the law and who attacked France for “excluding” their daughters from public schools.

2-Instituting in the National education system, programs for promoting girl/boy equality: ongoing actions throughout the school years, and at all levels of the education system, towards all of the actors involved (parents, teachers, guidance counsellors) to change the stereotyped images of the social roles of men and women, that still influence choices of professional and scholastic guidance, as well as relations between girls and boys.

Vigilance and Recommendations

1) Guidance for girls: education for equality.

Girls, who are better students than boys, are clearly less numerous in those disciplines considered as excellent: they are 46% in the scientific Baccalaureate programs and 82% in the literary programs. In the first cycle of University studies,

they are 75% in languages, 68% in medicine, 30% in science, and 25% in the Engineering Schools. **Conformist scholastic and professional guidance pushes them towards literary careers and the tertiary sector.**

Sexual stereotypes, conveyed by society and in particular by the media, continue to influence parents (choice of toys, different education for girls and boys, choice of subjects...) teachers, educators and guidance counsellors. Girls themselves often integrate the traditional image of women, conveyed by children's books, text books, television serials.

From kindergarten up, role games, information on famous women, including artists and sports champions, must play a part in deconstructing these stereotypes. But the stereotypes must be combated all over. The C.L.E.F. intervenes actively against the **commonplace and scandalous sexism** demonstrated in advertising, the media, songs, on the Internet.

The first **Inter-ministerial Convention for Equality between Girls and Boys** in the education system (2000-2005) had little effect. We are following attentively the implementation of the Second Convention (2006-2011), in particular with regard to educating for equality between girls and boys. We request, in addition to the Convention, that the training of teachers for this equality between the sexes be generalised and compulsory, that teachers concentrate on developing their students' critical view of prejudices regarding sexist societal roles and sexist notions of training and professions, that they know how to inspire young girls with confidence in their scientific capabilities.

Scientific disciplines must be rehabilitated for girls by diverse actions of promotion and communication (scientific prizes and fellowships, exchanges with industry and research bodies...). The attacks against science itself, in France and elsewhere, must be combated, and the scientific progress and the spirit of rationality enabled by the study of science must be promoted.

Guidance counsellors must be better trained for knowledge of professions and of the employment market.

2° Sex Education

Education towards equality has, as its corollary, sex education, compulsory with regard to abortion since the law of 4 July 2001. It has nonetheless long remained marginal and implemented very unevenly in different schools. We demand that, in the framework of the Inter-ministerial Convention, it be seriously organised, evaluated and that teachers and educators be better trained for this.

C) Women and Health

Good Practices

It should be noted that the French Health System is globally very satisfactory.

1) Contraception or "controlling sexuality".

Medical abortions. Suty abortions practiced outside of hospitals or clinics offer women who do not wish to continue their pregnancies the possibility of being taken in charge by municipal health services (Circular of 26 November 2004).

For minors, emergency contraception delivered free of charge and anonymously. School nurses have the right to administer emergency contraceptives to minor or adult students in secondary schools, in cases of emergency or characterised distress.

2) Female cancers

Systematic and gratuitous diagnosis of breast cancer: breast X-rays for all women between 50 and 74 years of age since 2004.

Vaccination against papillomavirus recommended for young girls from 14 years of age, 65% of the cost of which is reimbursed by the Health Insurance system (decree 11 July 2007).

Systematic and gratuitous diagnosis of cancers of the colon and the rectum.

2) Universal Health Insurance (CMU). See paragraph on Women and Poverty.

D) Violence Against Women

Good Practices

Real progress has been noted these past years in combating violence against women. The law of 4 April 2006 includes significant legal progress.

- Marital age set at 18 for both sexes, facilitating the fight against forced marriages;
- Stronger sanctions for violence committed by spouses and concubines are extended to paces, ex-spouses, ex-concubines and ex-paces;
- Evicting the violent spouse from the marital domicile;
- Women victims of sexual harassment in the workplace can legally resign and receive support foreseen for workers in collective agreements;
- Excision is classified as a crime of female genital mutilation. Le crime is aggravated because it is committed against minors by persons in authority, and can be prosecuted, as a sex crime, even when committed abroad by persons usually resident in France. The delay of prescription is lengthened (20 years after the victim comes of age);
- Doctors are released from professional secrecy, so that they may inform the competent legal authorities;
- Reparative surgery is reimbursed by the national health service.

Vigilance – Recommendations

1) Knowledge of violence to be improved

This knowledge has been improved. It needs, however, to be further defined by a generalised collection of gender statistics in administrations and by harmonising statistics concerning identification of victims and of perpetrators of violence between the Ministries of the Interior and of Justice.

We further need a more in-depth knowledge of violence in the workplace, a subject still taboo, violence against young girls in school and religion-based “customary” or traditional violence (forced marriages, female sexual mutilation).

We support the proposal to create a National Observatory on violence against women, so as to group all gender data and to organise studies on all kinds of violence against women. The important ENVEFF study of 2001 needs to be updated.

2) Further Improved Legal protection

Several laws have made it possible to strengthen the protection of women victims by improved prevention and greater punishment for such violence. However, there are still gaps.

More and more women dare to file complaints. But these complaints must be taken more seriously, and all such **(main courante ? ne sais pas ce que c'est en anglais. Il faut demander à une juriste Anglophone.)** complaints must be systematically notified to the Public Prosecutor. As soon as a woman is threatened, the judge must be able to take the necessary emergency protection measures (maintaining her in a safe home, removal of the perpetrator of violence, arrangement of the lease, access to Active Solidarity Income, etc.).

The situation of children, both witnesses and victims, must be better considered, because a violent father can not be a good father; his parental authority must therefore be temporarily suspended.

Recourse to legal mediation must be excluded in situations of conjugal violence. Better coordination in the Courts must be ensured between the Court, the penal judge, the family judge and the child judge, by a referent Magistrate put in charge of the follow-up to gender violence.

Psychological violence, particularly destructive, that accompanies, and precedes, physical violence, is still insufficiently taken into account. It must be detected by doctors and be able to itself be made a cause for lodging complaints. Like psychological harassment, it is an offence and subject to the penal code.

3) *Women Immigrants: customary violence; legal papers*

Migrant women, or those of immigrant origin, can be victims of specific violence of "customary" origin, such as forced marriages or sexual mutilations, contrary to human rights laws and to those of the Republic.

Combating these practices, better identified today, has progressed in recent years, with legal measures for prevention and punishment. Raising the legal marital age for girls to the same of that of boys, i.e., 18 years of age, is one way to fight forced marriages of minors. The possibility of having marriages annulled for lack of proper consent up to 5 years after the wedding, or legal separation, are essential for the victim.

However, further steps are necessary, and we propose introducing into the French penal code an **offence of constraining girls into forced marriages, whether these take place in France or abroad**, perpetrated on persons habitually resident in France.

Where foreign women living in France are concerned, **their residence permits must be renewed independently** of that of their spouse, when they are victims of conjugal violence. When they are in an illegal situation and are victims of conjugal violence, a first residence permit should be granted them, as well as access to legal aid.

4) *Follow-up, Communication, Cost*

Estimating the cost of women victims of conjugal violence in France: 2.5 billion euros for the year 2006, 34% of which (0.838 Mds•) involve all of the direct costs and 66% (1.634 Mds•) all of the indirect consequences (Psytel, 26/02/2009).

Sheltering Women Victims of Violence remains one of the great difficulties both for protection and immediate follow up. Efforts have been made; new shelters have been opened; women victims of violence have been declared priority people. Still the space available in emergency shelters, like those in social reinsertion housing remains insufficient. The possibility of being housed with welcome families, envisaged by the government, must first be studied experimentally and evaluated.

The C.L.E.F. is associated with communication operations. It is part of the collective of organisations set up within the framework of the 2009 campaign against violence and for having obtained **the label “Grand National Cause” for this issue for the year 2010,**

5) *Prostitution and Human Trafficking*

Since the law of 18 March 2003 on internal security, women in prostitution are considered as delinquents, subject to imprisonment and to fines. **This is a grave regression as compared to France’s previous jurisdiction and to her ratification of CEDAW and of the 1949 Convention. We ask that this 2003 offence of passive solicitation be eliminated.**

Foreign women victims of trafficking, who attempt to leave the prostitution system, should be able to obtain **a temporary residence permit, without** being obliged to lodge a formal complaint or collaborate officially with the police – both extremely dangerous steps for them.

From the standpoint of prevention and of repression, **nothing has been done to discourage demand** (Article 9.5 of the Palermo Protocol) nor to punish the client, save in the case of purchasing sexual relations with minors or handicapped women. France should follow the Swedish example, the only effective one.

F). Women and the Economy

Good Practices

Frenchwomen are 47% of the working population and have a birth rate of 2.07 (in constant increase since 2005). This is possible thanks to the **guilt free view of women’s professional activity** in French society and to the **increase and multiplication of child care structures from 0-3 years.**

Child care. Even if childcare structures are still far from sufficient, they are more and more professionalized and are supported by both the State and Territorial collectivities: collective day care centres, inter-enterprise, family and parental care centres, day nurseries, mother’s assistants.

Children aged from 2-3 are most often kept in the same structures as those of 0-2 years, but 25% of children are in school structures, such as kindergartens, “relay classes” or other partnership structures between the National Education system and territorial collectivities for this age group,

All children over 3 can be placed in kindergartens.

The **Status of self-contractor**, a simplification of start-up firms, led to an increase of 34% of business registrations by women. Whether the practical reality follows the formal administrative registration must be verified.

Extending Parity from the political sphere to professional and social life. “The law favours equal access of women and men to elected offices and functions, **as well as to professional and social responsibilities**” (Constitutional reform of 23 July 2008).

Vigilance – Recommendations

1) Equal Pay

On average, women are paid 25% less than men in the private sector, 18% in the public sector, and 27% in management. Despite the numerous laws and social Conferences, the wage gap between women and men closes extremely slowly.

Practically none of the relevant laws are applied, for lack of sanctions, control or real motivation by both social actors and judges. Following the tripartite social Conference of 2007 on professional equality, we **demand a very firm application of financial sanctions for enterprises** that have not set up a plan for eliminating wage gaps between women and men by 2010.

The equality label, a very good initiative, must not be applied only to large enterprises, but also to small and medium sized firms. To this end, the cost of the label should be proportional to the size of the firm and of its profits.

Furthermore, to improve the situation of working women, we suggest **a reform of the educational parental leave**, which in fact penalise the professional careers of women, and an **improvement of the conditions and the length of part time work**, most often (80%) undergone by women.

2) Women and retirement

Women’s retirement pensions are overall **nearly 40% lower** than those of men, because their careers are often incomplete, interrupted to bring up children, precarious or part time employment, that only allow for low contributions.

To compensate these inequalities, working women in the private sector profit by an **increased length of insurance (MDA)** of two years per child. This advantage is threatened today, in the name of equality between women and men, risking new discriminations for women.

We demand the maintenance of the MDA, that must be considered as a positive action or a **special temporary measure**, such as provided for by the CEDAW Convention and by European Union directives, to make up for real inequalities. These can only be terminated when true equality of retirement rights and of equitable sharing of professional and family responsibilities will be guaranteed.

3) Managing Enterprises

Boards and management structures of businesses are essentially male power structures. We number 10.5% of women on Boards of firms represented in the CAC 40 (French stock exchange) and 6.3% of women in management teams of the top 5000 businesses in France.

The constitutional change extending parity to professional and political life provides an incitement for women to become Board members. The C.L.E.F. supports the proposals made by Parliament and, in the report recently handed to the government to prepare the concerted agreement on professional equality in Autumn 2009

between social partners. Following the Norwegian example, **a quota of 40% women on Boards should be achieved in six years, with related sanctions.** If such practical measures are not taken, this will mean only empty words with no real significance.

G) Women and Decision Making

Good Practices

The parity laws made it possible for **women to be massively present in those assemblies elected by proportional representation** (municipal elections for constituencies of 3,500 inhabitants or more, European elections, proportional regional and senatorial elections).

The law of 31 January 2007 will henceforth permit a **better representation of women in local executives, with a parity obligation for electing regional executives** (permanent committees, Vice-Presidents), as well as in municipal executives (Deputy Mayors), with an initial application in the last municipal elections of 2008.

Vigilance – Recommendations

However, **the National Assembly, elected by uninominal voting, today still numbers only 18.5% women**, placing France 18th among the 27 European countries. To favour the election of women in the legislative Assembly, the law of January 2007 only strengthens the financial penalty applied where political parties do not respect the parity laws among their candidates. This procedure, not compulsory, has been proven ineffective.

Given the difficulty of implementing parity in a uninominal voting system, the C.L.E.F. feels that proportional lists should be extended and that radical measures are required, such as to:

- **drastically limit duplicate terms of office**, by prohibiting holding a legislative office in addition to any local executive office;
- **limit in time the number of offices** any Parliamentarian or locally elected official can hold.

The new territorial reform, providing for territorial Counsellors to be elected by uninominal voting instead of general Counsellors (uninominal voting) and regional Counsellors (voting for several people out of a list with parity in the executives) would really signify a step backwards for women's representation if adopted by Parliament.

The Member organisations of the French Coordination for the European Women's Lobby tirelessly continue their actions in all areas of women's rights so that freedom and autonomy, equality of rights, duties and dignity of women and men do not remain only an abstract ideal but become effective for each woman and girl to fulfil according to her aptitudes and wishes.