



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

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**Committee on the Elimination of Discrimination
against Women**
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Summary record of the 615th meeting

Held at Headquarters, New York, on Thursday, 3 July 2003, at 3 p.m.

Chairperson: Ms. Açar

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

(CEDAW/C/FRA/3, CEDAW/C/FRA/3-4/Corr.1, CEDAW/C/FRA/5, CEDAW/PSWG/2003/II/CRP.1/Add.2 and CEDAW/PSWG/2003/II/CRP.2/Add.1)

Combined third and fourth and fifth periodic reports of France

1. *At the invitation of the Chairperson, the delegation of France took places at the Committee table.*

2. **Ms. Ameline** (France), continuing the replies to Committee members' questions, said that while she and the Minister of Social Affairs, Labour and Solidarity co-chaired committees to promote gender mainstreaming or carry out research on cross-cutting themes, she enjoyed genuine autonomy as the first Minister responsible for Parity and Vocational Equality. In her work, she consulted widely with non-governmental organizations at both the national and international levels.

3. **Ms. Grésy** (France), replying to a question concerning the recommendations of the Bureau de vérification de la publicité (Advertising Standards Office (BVP)), said that self-regulation was practised by a professional association composed of and financed by professional advertisers and advertising agencies. The organization's most recent recommendation, in 2001, on the image of the human being, formed the basis for its advisory opinions. Its recommendations were having an effect. The past six months had witnessed fewer degrading commercials and the use of more humorous material, for example, an advertisement for Eram shoes, depicting one foot in a shoe and affirming that it was not impinging on the dignity of women. Lately, however, the portrayal of women in subordinate roles (as secretaries rather than bosses, a man joking that his wife was "worthless" when purchasing two travel tickets for the price of one) gave fresh cause for concern. A working group that included advertising agencies had been set up in an effort to strengthen the legal framework on advertising standards; draft legislation had been proposed adding the criteria of gender and sexual orientation to a 1991 law prohibiting discrimination.

4. Turning to the impact of the Internal Security Act of March 2003, she said that, in its circular of 3 June 2003, the Ministry of Justice had indicated that it would deal with the problem of soliciting by according priority to dismantling prostitution rings and stressing assistance to victims over punishment. Steps were being taken to train special officers in police stations to that end. Prostitutes and victims of domestic violence were guaranteed confidentiality. Victims were also assisted by social workers assigned to police stations and 127 departmental offices set up for that purpose. In addition, Proxima, a software package on information and help to victims of violence and prostitution, was available to the public.

5. Under the Act of 9 May 2001 concerning professional equality between men and women, 2,500 mixed employment contracts had been signed between employers and employees to facilitate the recruitment, promotion and qualification of women and, very frequently, the conversion of company premises to accommodate women and integrate them into production chains. In the past three years alone, 450 such contracts had been signed, particularly in the plastics processing industry and in small and medium-sized enterprises.

6. **Ms. Ameline** (France) said that the message being conveyed by her Ministry, namely, that solid economic growth rested on parity between men and women in employment, must be echoed by fully informed and committed economic leaders. Legislation on parity of men and women in political life had raised awareness considerably; underrepresentation of women in certain government entities even aroused indignation among employees. Additional legislation would be proposed on the basis of an evaluation to be conducted in the near future. In the labour world as well, women participated on boards of directors, industrial relations boards and other decision-making bodies.

7. **Mr. Guardiola** (France), replying to Ms. Gnacadja's question concerning polygamy and repudiation in Mayotte, said that 80 per cent of the population practised Islamic law under a provision of the 1958 French Constitution allowing indigenous populations in Overseas Territories to retain civil status in personal law and preserve their customary laws. Under article 75 of the French Constitution, however, customary laws could be aligned with modern developments in French legislation. Thus, an ordinance of 8 March 2000 required both spouses to be present at

the marriage ceremony and set the minimum marriageable age for girls at 15 years. Only recently, on 23 June 2003, the French Government had adopted historic legislation prohibiting polygamy and repudiation in Mayotte as well as discrimination in inheritance practices.

Articles 7 to 9

8. **Ms. Shin** asked whether the State party had fully analysed the reasons for the low percentage of female mayors (6.6 per cent) despite the implementation of the Act of 6 June 2000 to promote equal access of women and men to electoral mandates and elective posts (CEDAW/PSWG/2003/II/CRP.2/Add.1). Election of mayors by municipal councils was not governed by binding legislative provisions, but there were no doubt other obstacles as well. She hoped the State party would implement more progressive measures to ensure that more women mayors were elected, since their leadership at the municipal level laid the groundwork for truly democratic governance.

9. **Ms. Belmihoub-Zerdani** expressed concern about possible defects in the Act to promote equality of men and women in elective office. Otherwise, the number of women elected to the National Assembly and the Senate, and as mayors, 11 per cent and 6.6 per cent, respectively, would not be even lower than it had been before the adoption of the Act. Perhaps the electoral system was to blame and certain procedural amendments were necessary, for example, alternating the names of men and women on electoral lists and establishing a fair mechanism for determining who would be at the top of the list. The appointment of women to all high-level civil service positions or enforcement of the financial sanctions against political parties and groups that failed to respect the principle of parity might mitigate the temporary setback in the elections. That was all the more important because many third world countries, particularly in the Mediterranean region, had always looked to France as their model.

10. **Ms. Tavares da Silva** commended the State party for adopting legislation on parity, although there were some problems in its implementation. She requested the State party to provide, in its next periodic report, information on its studies of competitive examinations for entrance to the most prestigious schools (*grandes écoles*), including statistics on the impact of such studies on women's admission to those schools. In its

next periodic report, the State party should also describe any follow-up to the initiative by the steering committee on equal access by men and women to senior civil service positions to reduce the working week and its impact on the harmonization of work and family life.

11. **Ms. Ameline** (France), replying to Ms. Shin's question, said that the Act to promote equal access of men and women to electoral mandates and elective posts was based on the conviction, at the dawn of the new millennium, that society could not function without a fresh perspective on male and female equality. Despite problems in its implementation, the overall impact of the Act had been positive. Traditionally, men had always held the power while women were given the responsibility. Now, a whole new generation of women had been voted into office, and the decentralized French system was conducive to increasing their political significance. One major drawback was that the Act did not provide for parity in senior leadership positions at the communal, departmental and regional levels or an effective means of dealing with communities that lagged far behind in implementing the principle of parity. The recent elections to the European Parliament had confirmed the good will of the French people and their determination to promote women's participation in political life. Replying to Ms. Belmihoub-Zerdani, she said that the names of men and women were already alternated on the electoral lists. Both existing legislation and compliance by political parties would have to be analysed in order to determine a means of improving election results. Over the past several years, and, in particular, in recent months, women had been appointed to many high-level posts in the civil service. In reply to Ms. Tavares da Silva, she said that both cultural factors and procedures must be examined in reforming the admissions process to the *grandes écoles* and in encouraging more women to pursue careers in science and technology. Women were cutting themselves off from reality and limiting their understanding of the world by shying away from those fields.

12. The process of changing male and female mentalities must begin early. Men were learning to accept women as permanent actors, rather than adjustable variables in the economy, and women were learning to overcome traditional constraints on their

employment as men increasingly shouldered more of the household responsibilities.

13. **Ms. Grésy** (France) said that a report being prepared by the steering committee on equal access by men and women to senior civil service positions would focus on career development, including upward mobility of women in the civil service (women accounted for 57 per cent of civil servants but held only 13 per cent of the senior-level positions); the organization of time (for example, in her Ministry, meetings were scheduled before 6 p.m. in order to enable both women and men to return home on time); and provisional quotas and affirmative action measures to increase the number of women in decision-making posts. Under the Act of 9 May 2000 concerning professional equality, at least one third of the members of juries for professional entrance exams and of staff representative bodies must be women. A working group set up by the Minister responsible for Parity and Vocational Equality was promoting parity in appointments to high-level government posts. Currently, 30 per cent of the decision-making posts in her Ministry were occupied by women and the goal was to increase that figure to 50 per cent. All ministries had adopted two- or three-year plans for women's career development and promotion. Lastly, progress was already being made in feminizing names of occupations.

14. **Ms. Gabr**, referring to article 8 of the Convention, said that the figures provided in the fifth report (p. 38) showed that the representation of women at the upper levels of the foreign service both in France and in foreign postings was still unsatisfactory. Although she realized that the situation was changing, she stressed the need to remain vigilant and proactive and wondered whether any consideration had been given to establishing quotas.

15. **Ms. Ameline** (France) recognized that women were underrepresented at the upper levels of the foreign service. Her Government was nevertheless firmly committed to making an intensive effort to increase their numbers, including at the highest levels. Although no quotas per se had been imposed, there were targets in order to ensure that the diplomatic service reflected society as a whole.

Articles 10 to 14

16. **Ms. Schöpp-Schilling** requested information on the economic situation of older women, in particular those who might be living in poverty. The situation of the latter could be aggravated by their work situation, either part-time or domestic or by family obligations, divorce, etc. In divorce cases where a lump sum payment was made to the spouse in the less favourable economic situation, she wondered on what criteria that sum was determined. For example, were the wife's home-making activities taken into account? Was the wife's share of the husband's pension entitlement proportional to their number of years in the marriage?

17. She enquired to what extent older women's issues were taken into account in restructuring ministries and programmes. The third report had noted measures to address older women's physical and mental health but there was no information in that regard in the fifth report. She requested information on the results of measures adopted and on the current situation of older women, including those living in retirement homes. There was interesting research under way in Western Europe on women's health issues, for example the fact that the symptoms of heart attacks in women were different from those in men and were therefore less likely to be diagnosed and the fact that drugs often had different effects on women than on men. Were such gender-specific issues taken into account when designing health-related programmes?

18. She was not satisfied with the reply concerning the observance of customary law in the Overseas Territories. Although she realized that the Government was trying both to protect the cultural rights of minorities and to ensure equality of men and women, the State party had a responsibility to develop creative solutions because protection of customary and religious laws could be detrimental to the goal of full equality for women.

19. **Ms. González Martínez** requested further information on the effects of the many measures and programmes in the area of women's health and the health situation of girls, adolescent girls, adult women and older women. Further information would also be welcome on the results of programmes in the areas of contraception, HIV/AIDS and abortion. With regard to the latter, for example, had the number and rate of abortions increased or decreased? Had the use of contraception increased, and which methods were most

popular with different age groups? She would also appreciate information on tobacco use and drug use, for example how prevalent they were and whether youth were especially affected.

20. **Ms. Patten** welcomed the clear political will evidenced by the State party's efforts to promote women's rights. She wondered, however, what efforts had been undertaken by the Government, including the Ministry of Labour, to increase awareness of women's labour rights, and also coordinate with the trade unions to that end. More information on the actual effect of laws to ensure the occupational equality of men and women would be welcome. She noted the increase in the number of professional equality contracts but wondered whether those contracts included mechanisms to monitor working conditions and protect against subsequent discrimination in the areas of access to training and promotion. Finally, she noted that there had been relatively few lawsuits involving women's labour rights and wondered whether the Government was doing enough to ensure that women had easy access to the justice system. She also asked whether the judiciary had been supportive of women's rights and, if not, what the Government was doing to educate judges about women's issues.

21. **Ms. Simonovic** wondered whether medically assisted reproduction was available through the publicly funded regular health-care system. She noted that in exceptional circumstances a couple could receive a surplus embryo from another couple who had given their consent (CEDAW/C/FRA/3, page 54), with the child of such a procedure being protected from refusal of paternity; she wondered, however, whether maternity could be contested.

22. **Ms. Achmad** asked whether enough was being done to provide training in women's equality issues for prosecutors and judges but also immigration officers, since trafficking in women was a humanitarian as well as a criminal issue. She also enquired whether there was dialogue with labour unions and the universities, in particular at faculties of law and medicine, in order to ensure the latter's graduates were aware of the problem of violence against women. A gender perspective should also be introduced for students of economics, and institutes of higher education should be encouraged to do research in women's issues. It was important to highlight the benefits of equality and the disadvantages of inequality, discrimination and stereotyping and ensure that all levels of the

administration and society were fully aware of women's issues.

23. **Ms. Tavares da Silva** enquired about the outcome of the committee established to consider the question of violence in the schools, in particular the measures taken to combat such violence. She would also like to know what proposals had emerged as a result of the "inter-ministerial agreement on the promotion of equal opportunities between girls and boys and men and women in the education system".

24. Although women were in the majority in many fields at the university level, there were relatively few women professors, especially at high levels. She wondered why that situation was worse in Paris than in the provinces. The report provided a description, but no explanatory research or information regarding measures taken to redress the problem.

Article 11

25. **Ms. Belmihoub-Zerdani** noted that in France women earned less than men for the same work. In addition, many women held part-time positions. She enquired about the effect of part-time work on retirement and on old age. She would also like to know the difference between the unemployment rate for men and women. Had any effort been made to close that gap by providing sustainable work for women? She would also like to know how wealth was divided between men and women in France.

26. Lastly, had France undertaken to commit 0.7 per cent of its gross national product (GNP) to official development assistance (ODA) in accordance with the Beijing Declaration and Platform of Action?

27. **The Chairperson** invited the delegation of France to reply to the questions raised.

28. **Ms. Ameline** (France) said that the latest census showed 150,000 women over the age of 50; because of the length of their lives, women constituted the majority of older people. Naturally, the quality of their old age hinged on their social and economic independence and the nature of their inner lives. Forty-one per cent of older women received a low retirement income, as compared to 11 per cent of men. The median income of retired men was double that of retired women. The situation was of course affected by a woman's access to housing and health services and the level of her social participation. Also important

were her rural or urban environment, her social, cultural and ethnic origin, the nature of her family environment and the state of her health. France was striving to offer total care with a maximal level of personal autonomy, which was difficult to achieve and very expensive.

29. The National Assembly had recently considered the low retirement income of women, and the age requirement for receiving widow's or widower's pensions had been dropped. Low retirement income was a problem less of the retirement system per se than of career level, and efforts would therefore be made to encourage women to pursue careers that provided decent retirement possibilities. A significant advance had been made with regard to divorce: the law now provided that a judge must take into consideration, in determining the payment of alimony, the career choice made by a woman because she was bringing up children, and the retirement arrangements of each of the spouses.

30. Turning to the matter of medical care, she said that the French system focused on the prevention of illness. The approach to serious illness favoured personal autonomy, control over one's life and body and understanding of the illness. Cancer was an important national issue, and female cancers were a major cause of early death among women. For cancer, the earlier the diagnosis the better. A breast cancer prevention programme had been established, with a view to increasing the number of breast cancers averted through early detection by 20 per cent. That plan provided bi-yearly mammograms for all women between the ages of 50 and 75 and consultations to determine family history. A plan to decrease the incidence of cervical cancer endeavoured to reduce the incidence by 2.5 per cent yearly.

31. In France, approximately 3.5 per cent of all couples were infertile. Medically assisted procreation, which was controlled by law, ranged from ovarian stimulation to in vitro fertilization. In order to benefit from such services, the partners must be living, of child-bearing age, and either married or cohabiting for a period of at least two years. An important bill on bioethics, which discussed those matters, was scheduled for a reading in coming months.

32. Abortion was closely monitored in France. The approach was preventive, with emphasis on the use of contraceptives. In 2001, the time limit for access to an

abortion had been changed from ten weeks to twelve weeks after conception. The number of abortions performed had been relatively stable over the previous 20 years; at 220,000 yearly. Statistics had shown that a large number of abortions resulted from accidents or contraceptive failures. France was making a significant effort to familiarize young girls with contraceptive use, with a view to avoiding abortion.

33. Turning to the matter of violence against women, she said that, in addition to training, it was clear that efforts were needed to enhance the ability of medical personnel to analyse and diagnose both physical and psychological violence. Judges were increasingly aware of the nature of the problem, and more and more judges were women. Awareness-raising should, of course, begin in the schools. France had established a system of educational modules providing essential information to teachers with emphasis on the inculcation of such concepts as self-respect, respect for others and the principle of equality. The home was also important, and girls should be brought up in an egalitarian manner. A text had been developed for social and sexual education courses emphasizing non-sexist and non-violent attitudes.

34. There was indeed too great a difference between the salaries of men and women. Women were faced with obstacles to their advancement throughout their careers, which ultimately amounted to a lesser income than that of men. As many as 80 per cent of all part-time positions were held by women; part-time work, which could be a positive alternative, was unsatisfactory both to the worker and the employer. She had proposed to the Prime Minister that a new approach to such work should be considered, with emphasis on equalized salaries and promotions. The obstacles were of course as much cultural as they were legal and judicial. In general, greater career liberty for both men and women would be ideal.

35. There were several important tools for assessing the situation of older women. The National Action Plan against Poverty and Exclusion concentrated on vulnerable members of the population, in particular women and older women. Older women's specific concerns and illnesses were also handled within the context of regional health-care programmes. Studies had been conducted on the ill-treatment of older women in institutions. The new five-year health plan, which would be tabled in 2003, had been designed with an integral gender perspective. There were four central

areas of concern for women: cancer, osteoporosis, HIV and tobacco addiction. There had been a sharp upsurge in tobacco use, especially among girls. In 1987, 13 per cent of all new cases of HIV had been women and in 2002, 26 per cent; currently women represented 33 per cent of all persons infected, or approximately 44,000. Few studies had been conducted on the effect of HIV medicines on female physiology: the new five-year health plan would test new drugs on larger groups of women.

36. Seventy-four per cent of French women used contraceptives; the pill, at 45 per cent, was the most popular. The intrauterine device (I.U.D.) followed, at 17 per cent, and the condom at 7 per cent. In accordance with a law enacted in 2000, information concerning emergency contraception was provided by school nurses and family planning centres, and such contraceptives were available free in pharmacies for students, both under age and of age. A large proportion of students between the ages of 15 and 18 used emergency contraceptives, raising concerns that that method was being used in lieu of other contraceptives. Again, teaching was essential.

37. Equality contracts were agreements between businesses and the Government, under which the Government, with a view to increasing the qualifications of women workers, paid a portion of internship and training costs. In addition, over 2 million mixed employment contracts had been concluded. Laws had been enacted to enhance the role of women in industrial tribunals and in staff organizations, and professional equality committees were required in all businesses with over 200 employees. Furthermore, efforts had been made within the context of pre-electoral protocol agreements to increase the number of women labour and management representatives.

38. The law on discrimination, enacted in November 2001, made it easier for a woman to seek justice. It provided that she was required only to present the facts, and that the burden of proof fell on the employer. That law also introduced the notion of indirect discrimination, which was crucial, and greater power had been given to the staff representative, including the “right of alert” (*droit d’alerte*). Collective negotiations played an important role, and businesses were required to submit reports on the situations of men and women with respect to hiring, promotion, and career development.

39. With regard to the role of women in the universities, much remained to be done. Three parity commissions had been created, in the Centre national de la recherche scientifique (CNRS), the Ministry of Research and the Department of Higher Education within the Ministry of Education.

Articles 15 and 16

40. **Ms. Morvai** enquired whether the minimum age at marriage was the same for men and women and was at least 18 years. She said human rights had originally been based on the experience of men; feminist legal theory had revealed that women’s experience of human rights, including freedom of movement, was different. Fear of sexual violence, for example, restricted their movement and choice of domicile. She would like more information on the measures that the State had taken to address the widely reported problem of gang rape in Paris, which had provoked a mass demonstration in 2003, and suggested that the French Government take a more vigorous approach to improving victim services, public awareness campaigns and record-keeping of violent crimes. A greater police presence was needed in the areas affected by such crimes. She urged France to repeal its law against passive solicitation — under which a friend of hers had been harassed by the police in Paris because of “improper attire” — which humiliated women and violated their human rights, including the right to freedom of movement.

41. **Ms. Tavares da Silva** noted the new regulations on civil registration in Mayotte, which set the minimum age at marriage for women at 15, with some exemptions. It was unclear whether a woman could choose not to adopt her husband’s surname.

42. **Ms. Gnacadja**, noting that judicial practice was a barometer of the equality of men and women before the law, enquired whether complaints of spousal assault were being fully prosecuted, regardless of the defendant’s nationality or status. It would be useful to learn whether appropriate measures had been taken to address racist attitudes towards immigrants within parts of the police force. Lastly, she failed to understand why the report (CEDAW/C/FRA/5) did not discuss the unequal treatment of women in prisons. She would welcome information on prisons such as Beauvais, Bobigny and Nanterre, in which immigrant prisoners were most affected, and on the complaints of

abuse that were silenced in the halls of justice on the few occasions that they were made.

43. **Ms. Belmihoub-Zerdani**, noting that the minimum age at marriage for both men and women should be 18 and that marriages contracted between young women and old men, especially in immigrant circles, were often forced marriages, asked whether it was possible to set a maximum legal age difference or, in case of an extreme difference in age, whether warning mechanisms might be established. Such marriages were often used to force young women to return to their country of origin. It would be useful to provide a hotline for women, which all persons concerned could call, to alert the authorities and save young women from the clutches of a forced marriage. She would also welcome information on inheritance rights in cases of divorce, which were based on Sharia law in her country, where the wife's share of the inheritance was half that of the husband.

44. **Ms. Ameline** (France) reaffirmed her country's strong attachment to the rule of law, particularly the rights of victims. Concerning violence against immigrant women, her Government had made provisions for emergency shelter for women in danger; in one case, a woman had been given safe haven, together with her family, after her victimizer had appeared to remain a threat on release from prison. She hoped that her Government would shortly adopt legislation allowing a judge to evict any violent spouse who was proved guilty of assault once legal action was under way. Such a step would improve women's lives, since they were often the ones to be forced to leave their homes. Progress had also been made in training police to recognize the seriousness of such crimes and give greater attention to the steps needed to counter them.

45. Concerning the issue of racism, while individual behaviour should not be ignored, France did not have any structural shortcomings in that regard. On the contrary, significant progress had been made in providing for the treatment of victims, regardless of their background, by trained specialists. Police stations reserved places for victims in which they enjoyed confidentiality. A database to assist the public to lodge complaints had been created and victim services offices had been established within public security institutions. Social workers could provide assistance at police stations. The Code of Criminal Procedure had made advances in the defence of the presumption of

innocence and the rights of victims. Efforts had been made to make criminal procedures more coherent to give greater psychological and legal protection to victims of domestic violence, by providing a welcoming atmosphere for them and assurances that their complaints would be seen through to their completion. Making those assurances a reality would require cooperation between the police, civic associations, social workers and the justice system. With the help of continued training, that could lead to greater awareness of the seriousness of the problem of both victims and victimizers and increased trust in the justice system.

46. With regard to forced marriage, her Government had been discussing legislation on immigration that stressed the absolute need for consent and monitoring mechanisms to verify the young woman's true will. Forced marriages were emblematic of the need to reaffirm the basic principle in France, which continued to be violated, of ensuring that marital bonds were subject to consent.

47. Concerning the marriage age, French law allowed for some degree of inequality, given that the minimum age was 18 for boys and 15 for girls, for historical reasons. Her Government was studying the issue, but it was unclear whether that would lead to a change in the age limit. What was very important, however, was that autonomous consent and free expression of will should not only be required but also verified.

48. **The Chairperson** thanked the members of the Committee for their questions and comments and the representatives of France for their explanations.

49. **Ms. Ameline** (France) thanked the Committee for the high quality of the exchange and further pertinent questions. France wished to meet its commitments under the Convention by highlighting the gender issue everywhere in French society and also helping to promote equality in the world. To that end, it had been involved in multilateral and bilateral activities on the gender question, particularly in Africa. Her Government hoped to address the question of development in the world on the basis of gender equality, in order that women, who were a force for progress, did not become its victims.

50. **The Chairperson** thanked the representatives of the Government of France for their constructive, informative and spirited dialogue with the Committee. She commended France's many legislative

achievements but said that progress was needed in the areas of political decision-making and higher education. The Committee welcomed France's commitment to withdraw its reservations to article 5, subparagraph (b), and article 16, subparagraphs (d) and (g), and asked it to reconsider its reservation to article 14. France should also bring its laws in line with its treaty obligations regarding the minimum age of marriage for men and women. The Committee looked forward to receiving a report containing statistics on the education, health and employment of immigrant women and women of ethnic and religious minorities. Lastly, she commended France on its timely ratification of the Optional Protocol and of the amendment to article 20, paragraph 1, and urged it to give the Committee's recommendations wide circulation to all levels of government and civil society.

The meeting rose at 5.25 p.m.