

Contribution to the compilation of a list of questions in anticipation of the examination of the 7th and 8th periodic reports by France on the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women

Document drafted with the HCEfh ('High Council for Equality between Women and Men')

For the attention of the United Nations Committee on the Elimination of Discrimination against Women

1 October 2015

In order to provide the United Nations Committee with as much information as possible, the National Advisory Committee on Human Rights (CNCDH) decided to approach the High Council for Equality between Women and Men (HCEfh) with a view to it contributing to preparing the list of questions to be put to France by the CEDEF/CEDAW Committee.

The National Advisory Committee on Human Rights (CNCDH) is the French national institution that promotes and protects human rights (INDH), in accordance with the 1993 Paris Principles, and has been granted 'A' status. It performs an advisory and propositional role to the government and the parliament on matters relating to human rights and international humanitarian law. Whether upon referral or at its own initiative, the CNCDH offers its perspective in the form of opinions, reports and studies on bills or any issue that falls within its field of expertise, namely the field of human rights as a whole. The CNCDH has also been the National Rapporteur on Fighting Racism, Anti-Semitism and Xenophobia since 1990 (Act No. 90-615 of 13 July 1990) and the National Rapporteur on Trafficking since 2014 (2014-2016 action plan for fighting trafficking in human beings). It tackles issues associated with women's rights by means of a systematic inclusive approach that covers all of the topics dealt with in the opinions and reports that it publishes.

The High Council for Equality between Women and Men (HCEfh) is an independent advisory body that reports to the Prime Minister. The HCEfh was created by order of the President of the Republic on 3 January 2013 and is chaired by a qualified representative of its member body, which is itself pluralist in its composition. It coordinates public debate in the field of gender equality, oversees consultation with civil society and contributes to the production and evaluation of public policies designed to promote gender equality through its proposed reforms and recommendations. The HCEfh is also entitled to deliver opinions at its own initiative. The very structure of the HCEfh, which comprises five theme-specific committees, demands a transversal approach. With this in mind, it now performs the role of previous bodies including the *Observatoire de la Parité entre les Femmes et les Hommes* ('Observatory on Gender Equality'), the *Commission nationale contre les violences faites aux femmes* ('National Commission on Violence Against Women') and the *Commission sur l'image des femmes dans les médias* ('Commission on the Image of Women in the Media').

The present contribution includes a note listing the issues deemed to be issues of priority by both bodies, in light of their respective work undertaken over the course of the past seven years, along with an appendix cataloguing these works in full. The CNCDH and the HCEfh would invite experts from the Committee to use this documentation when producing

the list of questions in preparation for the examination of France's implementation of the CEDEF/CEDAW.

1. Training on the stipulations of the CEDEF/CEDAW and direct invocability

The CNCDH, in its *opinion for the 15th anniversary of the Beijing World Conference on Women of 4 February 2010*, lamented the fact that little was yet known about the CEDEF/CEDAW Convention and that it did not serve as a framework of reference either for the legislator, the public authorities or legal professionals. It recommended that this situation be rectified by including a specific component on the provisions of the Convention in training programmes aimed at legal professionals, and at lawyers and magistrates in particular. Whilst the State does indicate in its report that the teaching of international conventions is an integral part of classes on fundamental freedoms aimed at student lawyers, no mention is made of such teaching for student magistrates.

Q: In order to establish a more accurate picture of the status of CEDEF/CEDAW training in France, the Committee could ask France about the training programmes put in place for legal professionals and notably whether teaching relating to international human rights conventions, including the CEDEF/CEDAW, is incorporated in the classes taught at the *École Nationale de la Magistrature*, notably as part of basic training but also in the framework of ongoing training. If this is the case, it would be useful to know how many magistrates have completed such training.

The adoption of the Convention among legal professionals has been demonstrated notably through its use in legal rulings. In France, international conventions that have been duly ratified in accordance with Article 55 of the Constitution rank higher than laws in the hierarchy of standards, but can only be directly invoked before the French courts if the latter deem the clauses invoked to be sufficiently clear and specific.

Q: In order to assess the awareness on the part of legal professionals with the CEDEF/CEDAW, the Committee may find it useful to ask France to list all legal rulings that refer to the CEDEF/CEDAW, regardless of the outcome of the ruling.

2. Promoting the CEDEF/CEDAW

In its *opinion for the 15th anniversary of the Beijing World Conference on Women of 4 February 2010*, the CNCDH highlighted the lack of awareness of the CEDEF/CEDAW on the part of the general public and recommended that the government organise campaigns to raise awareness, particularly among pupils but also targeting a wider audience. Generally speaking, not nearly enough has been done to promote the Convention and the Committee's recommendations, given that this was something the Committee recommended in recommendation No. 13 of its Concluding Observations of 2008¹.

Q: The Committee could ask France whether any educational programmes have been put in place with the aim of informing and raising awareness among the population, and primary and secondary school pupils in particular, about the Convention's content and philosophy. If so, the Committee could put forward a question regarding the hourly content and volume of such programmes and on the issue of establishing whether such teaching is part of wider-reaching modules, and if so, which ones.

¹ Concluding observations of the Committee on the Elimination of Discrimination against Women, CEDAW/C/FRA/CO/06, dated 8 April 2008, p3, §13

3. Gender-related and territorial statistical data

In addition to such structural issues, many fields still lack gender-related statistical data and studies, particularly of a territorial nature. Such information would, however, contribute significantly to both the performance of fair diagnoses and an illuminating assessment for the purposes of making public action more effective and efficient in fighting gender inequalities and sexist discrimination.

Q: The Committee might consider a question regarding the following up of the *Report on 'L'information statistique sexuée dans la statistique publique : état des lieux et pistes de réflexion'* ('Gender-related statistical information in public statistics: current state of play and avenues for reflection') produced by INSEE economist Sophie Ponthieux in October 2013 at the request of the Minister for Women's Rights.

4. Specific institutional, financial and human resources for a truly integrated approach to gender equality

In 2012, many institutional organisations and associations, including the HCEfh, welcomed the re-introduction of a fully-fledged minister for women's rights, which they believed to be capable of implementing an integrated approach to gender equality in terms of both policies and budget. Since the government reshuffle of August 2014, this matter has been dealt with primarily by a dedicated Secretary of State who cannot have the same audience as a minister devoted to this matter alone and who attends weekly Council of Ministers meetings, regardless of their personal involvement.

Furthermore, the 137 budget programme in favour of gender equality remains the smallest ministerial budget allocated by the State, at €25 million. Whilst other budget programmes contribute to transversal public policy regarding gender equality, a special budget that is sufficient to drive, coordinate, monitor and evaluate this policy is nevertheless essential.

Finally, whilst institutional mechanisms have been introduced or reinforced, such as the network of senior civil servants working in the field of gender equality within each ministry (most of which do not have specific mission statements, devote 5-20% of their time to this mission and do not have any human resources), or the HCEfh, they perform their missions using existing resources, without the creation of any new positions, without any additional budget allocation and with a status that provides no guarantee whatsoever that they will become a long-term feature on the institutional landscape.

Q: The Committee might consider asking the French government to specify the institutional, financial and human resources devoted to ensuring a truly integrated approach to gender equality and the ways in which it intends to increase the sustainability and independence of the dedicated advisory body responsible for gender equality.

5. Territorial inequalities

The joint work undertaken by the HCEfh, the National Institute of Statistics and Economic Studies (INSEE) () and the General Commission for Territorial Equality (CGET) led to the disclosure in April 2014 of a series of [key figures](#) illustrating the fact that when gender inequalities cross major and increasing territorial divides they are only reinforced. There is evidence, for example, of a significant withdrawal from the labour market among those living in sensitive urban areas (ZUSs), with 47% not working, as opposed to 33% of women outside of ZUSs, and greater job insecurity among women in rural areas, where 39% of women work part-time as opposed to the French average of 29% of women. This situation,

which has worsened as a result of the economic crisis of 2008, has had a particularly significant effect on female immigrants and young women.

The [EGALITER report](#) (on gender equality and territorial equality), submitted to the Ministry for Women's Rights by the HCEfh in June 2014, formulated 44 recommendations aimed at public authorities and promotes innovative initiatives at territorial level.

Q: The Committee might consider asking about planned policies aimed at reducing territorial inequalities in the field of access to women's rights and gender equality, particularly where urban neighbourhoods and vulnerable rural territories, as well as the overseas territories, are concerned.

6. Fighting discrimination

The class action introduced by the Act of 17 March 2014 on consumption does not currently make it possible to effectively fight gender-related discrimination. By enabling associations, such as feminist associations, and union organisations to represent a group of people who have been the victims of direct and indirect discrimination in the workplace (sexism, sexual harassment, unequal pay, etc.), as well as outside of professional relationships (in terms of access to goods ('women tax'), sexist advertising, etc.), the government would be facilitating the fight against gender-related discrimination.

Q: The Committee could put forward a question regarding the government's desire to extend the scope of the class action to gender-related discrimination both within and outside of the workplace, or raise the more general issue of the means dedicated to improving access to women's rights.

7. At-risk groups

The CNCDH, in its *opinion on the situation of people living in slums* of 20 November 2014, highlighted the high number of evacuations that took place in 2014 and the urgent need to put an end to them when no alternative housing solution has been found. Such evacuations lead to violations of children's right to education and hinder families' access to care and social services. Furthermore, they make it more difficult to monitor families, which is important in fighting violence against women, such as early marriage and domestic violence. The CNCDH also underlines the fact that "*the attention paid to delinquency phenomena conceals the real problem, which is the exploitation of minors and the trafficking networks that primarily target children*"².

Q: The Committee should ask France for information regarding the measures put in place to facilitate access to education, healthcare and justice among those living in slums. Furthermore, the Committee should question France about the way in which the specific needs of women living in slums, notably in the event of evacuation, and their vulnerability to the risks of exploitation and violence are taken into account.

The CNCDH, in its *opinion on the situation of migrants in Calais and in the Pale of Calais* of 2 July 2015, expressed its strong concerns regarding a tragic humanitarian situation. Among the migrants found in Calais in mid-2015 there was a minority of around 300 women amid several thousand men. Although these people find themselves in a vulnerable position owing to their paths of migration, the sanitary conditions they are encountering in Calais contravene human dignity, with no guarantee of either access to water or access to care.

² Opinion on respecting the basic rights of populations living in slums - Putting an end to the violation of rights, Plenary assembly of 20 November 2014, p.2

The CNCDH underlined, in this very opinion, the fact that those living in Calais were particularly exposed to violence. This observation is particularly true where women are concerned. The CNCDH made a number of recommendations with a view to putting an end to this intolerable situation.

Q: The Committee could question the French State on the solutions provided to the specific needs of women in Calais. It could also be asked whether they are taken care of by specialist day and night-time reception centres. It would be useful to ask the State what steps have been taken to satisfy urgent needs for access to drinking water, sanitary facilities, showers and laundry facilities and the need to arrange a waste collection service. It would also be useful to ask France how access to care for migrant women living in Calais is ensured.

The Committee could ask France what it does to protect women against the risks of violence and exploitation to which they are exposed in Calais and more generally across the various migrant camps that exist within France. It could also ask questions regarding the existence of mechanisms designed to identify potential victims of trafficking, which the CNCDH recommended be introduced.

8. Reforming the law for foreign nationals

The CNCDH, in its *opinion on the plans to reform the law for foreign nationals* of 21 May 2015, condemned the negative image that this reform conveys with regard to foreign nationals. There may, of course, be concerns that French migration policy might aggravate the risk of stigmatisation and discrimination to which foreign nationals are exposed.

The CNCDH underlined the fact that, if the bill was not amended, a number of provisions could have a detrimental effect on the administrative position of foreign citizens, and of women in particular, which is why it put forward a number of recommendations aimed at parliamentarians with a view to making the necessary amendments to ensure that the bill complies with human rights and fundamental freedoms.

The withdrawal of certain terms used in provisions relating to the *Contrat d'accueil et d'intégration* ('Reception and Integration Contract') and that are likely to result in a subjective or even arbitrary appraisal on the part of the administration when it is called upon to examine applications for residence permits was among the recommendations made. The CNCDH is also concerned about the inclusion of certain dispensations with regard to those married to French citizens and parents of French children. It also asks that parents of sick children be allowed to stay for a longer period of time than the bill allows. Finally, the CNCDH is concerned about the fact that the bill does not allow for a multi-year residence permit to be granted automatically to victims of trafficking.

All of these issues are nevertheless absent from the impact study on the bill, which outrightly asserts that "*the present bill has no particular impact on women's rights*"³.

Q: The Committee could ask France how the specific situations of foreign women have been taken into account in the reform of the law for foreign nationals and the impact this reform will have on their situations, with regard, for example, to support for learning French or the introduction of an individual pathway to accelerate the integration of foreign women into French society. More generally, the Committee could look at the steps the French government is taking to understand the obstacles that bilateral agreements might present to applying the articles of the CEDEF/CEDAW.

³ Bill on the law for foreign nationals in France, NOR: INTX1412529L/Bleue-1, Impact study, 22 July 2014, p.83

9. Trafficking

The CNCDH, in its *opinion on the trafficking and exploitation of human beings* of 18 December 2009 and in the corresponding study, formulates a series of recommendations designed to ensure greater respect for the basic rights of victims of trafficking and exploitation. These recommendations relate primarily to victims' right to housing, access to care, access to training and employment and access to a living allowance. They also look at the means required to reinforce the effective application of such rights, through the provision of information for victims, the quality and continuity of the care they receive and their right of residence, which should not be dependent upon them lodging a complaint.

Q: The Committee should ask France what it does to ensure that the basic rights of victims of trafficking and exploitation are upheld and how the national action plan for fighting trafficking in human beings (2014-2016) helps to reinforce the upholding of such rights.

The national action plan for fighting trafficking in human beings (2014-2016) entrusts the CNCDH with the role of National Rapporteur on Trafficking (measure 23), which requires it to independently evaluate the implementation of both the plan itself and public policies relating to fighting trafficking and exploitation.

Q: It would be beneficial for the Committee to ask France to specify the tasks entrusted to the independent National Rapporteur and both the human and financial resources allocated to the latter for the purposes of executing this new mandate.

10. Rape

Even today, according to conservative estimates, over 80,000 women a year in France are victims of rape or attempted rape, with only around 10,000 victims pressing charges and fewer than a thousand people being convicted. This data highlights the significant gap between the number of victims of such offences and the criminal response to this situation.

Furthermore, instances of rape are very often not even brought to trial⁴, meaning that instead of being considered a criminal act they are classed as an offence, in accordance with a technique that consists of assimilating simply to acts of sexual assault, making no mention of the sexual penetration the victim has been forced to endure. As a result, those found guilty of perpetrating such offences incur far more lenient penalties.

The HCEfh, in its *Opinion on the incrimination of rape*, due to be published by the end of 2015, claims that the repeated public condemnation of any form of violence on the part of the public authorities, on both the national and international stages, encourages the denunciation of sexual violence and the inclination to take legal action following such violence.

Q: The Committee could question France on the policy that the government intends to implement order to effectively fight sexual assault and rape.

11. Female sexual mutilation

The CNCDH, in its *opinion on female sexual mutilation* of 28 November 2013, noted that "*progress had been made in France in terms of fighting female sexual mutilation*".

⁴ This can only be avoided with the victim's consent.

Nevertheless, many young girls, the vast majority of which usually live within the country, still find themselves in a dangerous position. The practice of circumcision appears to have declined within France, with young girls now more often than not circumcised whilst on a temporary stay back in their home country.

The CNCDH formulates a number of recommendations in its opinion, underlining the importance of gathering data for the purposes of adapting the policy designed to raise awareness among at-risk populations in accordance with changes in the prevalences observed in the home territories of migrant families and the need to increase training and improve awareness of the practising of female sexual mutilation among the various players concerned, including medical professionals, social workers, the police and gendarme officers, and even magistrates.

Q: The Committee could ask France to explain how it has taken on board the CNCDH's recommendations suggesting that it improve the gathering of primary data on female sexual mutilation, conduct quantitative and qualitative studies for the purposes of better assessing the risks of female sexual mutilation among second and third-generation immigrant women, develop training plans aimed at the professionals concerned and improve the criminal response to such practices.

12. Protecting defenders of women's rights

Trialling the *ABCD de l'égalité* ('ABCD of equality') programme in schools, from as young an age as possible, has highlighted the multiple challenges facing those that promote women's rights both in France and on the foreign and international scenes. On this matter, the Council of Europe's Commissioner for Human Rights declared on 22 September 2015 that *"women's rights defenders face specific obstacles when they challenge patriarchal values, sexist stereotypes and the traditional perception of gender roles. They can be portrayed as destroyers of family values and national traditions or as agents of what has pejoratively been labelled "gender ideology"."*

Q: It could be beneficial for the Committee to ask the French State to take the necessary action to end such attacks, protect those involved in the defence of women's rights and therefore effectively continue its efforts to promote gender equality.

13. Caring for young children

All studies unanimously agree on the importance of caring for young children to encourage the employment of women (France has committed to eliminating the current employment gap of 9 points between women and men by 2025), fighting the insecurity of women and promoting their access to responsibility. There is still a significant lack of solutions for caring for young children in France and 60% of children under 3 years of age are now looked after by their parents, more often than not their mother. This shortage hinders women's access to employment, as well as their independence.

The Agreement on Objectives and Management (COG) signed between the State and the National Family Allowances Fund (CNAF) for the 2013-2017 period provides for the creation of 275,000 new childcare solutions aimed at children under 3 years of age. The latest figures from the CNAF, however, show that with 3,500 new childcare solutions in 2014, France is a long way from achieving the 55,000 new places it planned to create every year.

In recommendation No. 6 of its [Opinion published on 12 September 2013](#) the HCEfh recommended increasing and diversifying the childcare offering for children of 0-3 years of

age at territorial level and developing the pre-school offering with the aim of ensuring that the public service provided for young children reflects the needs expressed.

Q: The Committee could ask France for clarification regarding the resources allocated by the government to achieving the aim of creating 275,000 new childcare solutions for children under 3 years of age by 2017.

14. Social equality

Since the first constitutional reform of 1999, France has extended its legislative and regulatory arsenal in order to achieve this constitutional objective of equality, that is the equal sharing of power between women and men, in both the political and economic spheres. The nine political laws have resulted in equal proportions of women and men sitting on municipal councils of over 1,000 inhabitants, as well as departmental and regional councils. The two economic laws have resulted in a significant increase in the proportion of women sitting on the boards of directors of both private and public companies. The law of 4 August 2014 aimed at achieving true equality between women and men reinforced and extended this principle to organisations in the social sphere, such as sporting federations. One of the main future issues with regard to equality in France relates, in fact, to the extension of equality to all civic organisations. Only 34% of those chairing associations, for example, are women, and the proportion of women sitting on decision-making panels within union and employers' organisations, cultural and communications institutions, etc. also remains low.

Q: The Committee could ask France about the government's desire to extend equality from the political and economic spheres to all civic organisations.

15. Biomedical research

The doses of certain treatments, tested on a primarily male population, are the same for women and for men whilst the side effects can differ. It is important to achieve a balanced representation in clinical trials in order for health products to be adapted to the physiology of each gender. This concern is now a European requirement imposed by European Parliament Regulation (EU) No. 536/2014 of 16 April 2014 (Recital 14).

Q: The Committee could ask France about the steps it intends to take to ensure the balanced representation of women and men in clinical and therapeutic trial protocols.

Appendices:

List of documents attached:

CNCDH works

- *Avis sur la traite et l'exploitation des êtres humains en France*, Plenary assembly of 18 December 2009
- *Opinion on combating the trafficking and exploitation of human beings in France*, Plenary Assembly on 18 December 2009
- *Avis pour le 15^{ème} anniversaire de la Conférence de Pékin sur les femmes*, Plenary assembly of 4 February 2010
- *Avis sur les statistiques « ethniques »*, Plenary assembly of 22 March 2012
- *Avis sur la perspective de genre*, Plenary assembly of 22 March 2012
- *Avis sur l'effectivité des droits des personnes âgées*, Plenary assembly of 27 June 2013
- *Avis sur les mutilations sexuelles féminines*, Plenary assembly of 28 November 2013
- *Avis sur les discriminations fondées sur la précarité sociale*, Plenary assembly of 29 November 2013
- *Avis sur la proposition de loi renforçant la lutte contre le système prostitutionnel*, Plenary assembly of 22 May 2014
- *Avis sur le projet de loi relatif à la réforme de l'asile*, Plenary assembly of 20 November 2014
- *Avis sur la situation des personnes vivant en bidonvilles*, Plenary assembly of 20 November 2014
- *Avis sur le projet de réforme du droit des étrangers*, Plenary assembly of 21 May 2015
- *Avis sur la situation des migrants à Calais et dans le Calaisis*, Plenary assembly of 2 July 2015
- *Opinion on the situation of migrants in Calais and in the Pale of Calais*, Plenary Assembly on 2 July 2015
- *Avis Liberté, égalité, fraternité : rendre effectives les valeurs de la République*, Plenary assembly of 2 July 2015

HCEfh works (in chronological order/the works are available in their entirety at <http://www.haut-conseil-egalite.gouv.fr/>)

- [*Avis n°2013-0912-HCE-007 sur le projet de loi pour l'égalité entre les femmes et les hommes*](#): 60 recommendations for a coherent and ambitious gender equality policy, published on 13 September 2013
- *Avis n°2013-1104-VIO-010 sur la proposition de loi n°1437 renforçant la lutte contre le système prostitutionnel*, published on 5 November 2013
- [*Guide de la Parité*](#), published on 10 February 2014

- [Etude n°02-2014-04-EGATER-011"Les chiffres clés des inégalités femmes-hommes dans les quartiers prioritaires et les territoires ruraux"](#), published on 24 April 2014
- EGALiTER report n°2014-0617-EGALiTER-012 – *Combattre maintenant les inégalités sexuées, sociales et territoriales dans les quartiers politique de la ville et dans les territoires ruraux fragilisés*, published on 19 June 2014
- [Avis n° 2014-1106-INT-014 sur le projet de loi n°2182 relatif à la réforme de l’asile, published on 20 November 2014](#)
- *Avis n°2015-0205-VIO-019 sur l’incrimination du viol*, adopted on 5 February 2015 (yet to be published)
- Report n°2014-1106-PAR-015 entitled [Parité en politique : entre progrès et stagnations - Evaluation de la mise en oeuvre des lois dites de parité dans le cadre des élections de 2014 : municipales et communautaires, européennes, sénatoriales](#), published on 26 February 2015
- [Avis n°2015-0402-VIO-016 relatif au harcèlement sexiste et aux violences sexuelles dans les transports en commun](#), published on 16 April 2015 – [Press release of April 16, 2015](#) 'Report on gender harassment and sexual assault in public transportation: the High Council for Gender Equality calls for a national plan of action'