



**Supplementary Report
Our Shadow Report for 2014/2015
CLEF (France). 64th Session CEDAW Committee, July, 2016.**

Update for period from November 2015 to May 2016.

“Never forget that a political, economic or religious crisis suffices for women’s rights to be challenged. These rights are never definitively acquired. We must remain vigilant throughout our lives.” Simone de Beauvoir

This lucid warning is permanently valid.

Between 2013 and 2015, with regard to equal rights between women and men, France went from the 45th to the 15th place world-wide, according to the World Report on Parity of the World Economic Forum. Indeed, **unquestionable progress for women’s rights were registered during that period** (a new Ministry for women’s rights, Law voted in August 2014 on real equality, combatting violence, law against the prostitution regime...) Nonetheless, despite such advances, we must remain vigilant, given the resistance to real equality and to the combat against discriminations. Our Shadow Report’s Update is not exhaustive, but deals with recent issues concerning women’s rights, insisting on secularism, for us the essential tool for women’s emancipation and freedom.

1) Violence against women. Combatting social tolerance of such violence. Access to justice; difficulty in filing complaints with the police.

Violence against women is today still unacceptably tolerated socially, despite the law protecting women within couples and the punitive provisions. The recent condemnation of a woman to ten years imprisonment without parole for the murder of her husband, who had committed terrible violence on her and her daughters throughout their lives, is an example. The severity of this judgement, that ignored the right to legitimate self-defence, led to strong popular demonstrations: the victim received a Presidential pardon. Clearly our penal legislation must be reviewed to deal with such specific cases of domination, with atmospheres of extreme danger and of the deep traumatism incurred.

Rape, a crime according to the penal code, **remains under-estimated and largely unpunished**, because of a taboo concerning this societal phenomenon, yet extremely wide-spread (83000 women in 2013) and also because few women victims dare to file complaints. Rapists are hardly punished, are even acquitted, and rape is often termed a misdemeanour. **Harassment and sexual aggressions** are classed in this same denial logic. After many others, a recent affair in political circles, poses the problem of women victims being heard. Humiliated by their aggressors, accused of lying, of complicity, they dare not file complaints. Some women in politics have had the courage to defy the law of silence. Their liberated voices publicly exposed this current sexism, this machist culture, that creates an unease in men/women relationships and questions women’s rights.

We must therefore support these women unreservedly and combat the impunity of aggressors by foreseeing proper sanctions, such as resigning from their positions, ineligibility, refusal to approve their electoral candidacy, opening judicial inquiries as well as internal inquiries by political parties.



The difficulty for women to denounce such acts of violence and the fact that they often lodge complaints very tardily, poses **the problem of the statute of limitations** (10 years for rape, 3 years for aggressions and harassment). We want these limitations to be longer and that filing complaints be made easier by the plaintiffs being accompanied by competent organizations.

2) Trafficking and Sexual Exploitation of Women

The law aiming at strengthening the fight against the prostitution system and aiding and accompanying prostituted women was definitively adopted by Parliament on April 6, 2016, after many years of struggling by organizations and an extremely hard fight in Parliament. It marks a major advance for the respect for human beings and for women's rights. This law affirms the abolitionist position of France by forbidding the purchase of sexual acts, by creating a program to quit prostitution with a dedicated fund, by repealing the offence of soliciting for prostitution, punishing clients and strengthening the fight against networks:

- Purchasing sexual acts, henceforth forbidden, is recognized as exploiting a person's body and violence against women.
- This law brings a veritable evolution of representations in our society and also supplies the concrete means for transforming the situation in the field by creating, for example, a program to quit prostitution and a fund dedicated to this end.
- Prostituted persons are recognized as victims, no longer as delinquents, thanks to the repeal of the offence of soliciting. Clients are henceforth liable to a fine of 1500 €. The fight against networks and against trafficking for sexual exploitation is strengthened, in particular by additional protection of prostituted persons who will bear witness against networks.

After Sweden, Norway and Iceland, France opens new perspectives for Europe for societies more respectful of women's rights, concerned for equality and determined to combat this ultimate violence which is prostitution.

3) Participation of women in political life. Respecting parity in governing bodies of territorial authorities

Parity between women and men in territorial assemblies is now definitively achieved for regional Councils and departmental assemblies. In the departments, a 2015 law has formally put an end to the single majority vote, highly unfavourable to women and has imposed a majority vote with paired candidates (one woman, one man) in expanded constituencies. As a result, women today represent 49.5% elected in the new departmental assemblies (13% in the former general councils) and 47.8% in the regional council elections of December 2015.

However, parity does not follow at the executive level. After the last elections of 2014 and 2015, for 101 departments, 10 presidents are women and 91 are men; for 17 regions, only 3 women are presidents and 14 are men (1 woman out of 22 in the preceding regional councils).

This important inequality concerning regional presidents is explained by the fact that the heads of regional lists, chosen by the parties, are generally men, and the law does not dictate any choice for heads of lists, despite the strict alternating that is to be observed. The absence of parity in



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presidents corresponds to the absence of parity in heads of lists; only 22% of these are women, and this is the case for all parties.

We hope that in future, political parties will prove more responsible and will endeavour to respect parity in choosing heads of lists.

Parity in communal assemblies is far from attained. Yet, the ECPI (public establishments of intercommunal cooperation), groupings of townships for shared economic development projects, are the new «places of power» which decide 80% of the investments concerning the townships. **In the communal councils**, parity is scarcely obligatory and does not apply to townships of more than 1000 inhabitants, or 26% of them all. In 2015, women in these councils represented 32%, and they were 18% in the executives. The present restructuring of the EPCI, whether by extension or by mergers, will signify less councilors in January 2017, which will penalize women in assemblies and in executives, since many communes will only be represented by one person, the Mayor, therefore in 84% a man. This means a regression already observed at the start of 2016.

Our recommendation: a method of direct intercommunal voting with parity lists and parity executives.

4) Health. Greatly improved access to abortion and to contraception. A law putting an end to the period of obligatory reflection

Effective access to abortion is thereby facilitated, and the obstacles to women's free choice are removed. After the 100% insurance coverage for all women and for minors aged 15 to 18, of the act itself and of the entire abortion procedure, and **the elimination of the notion of a woman's distress** as a preliminary condition to abortion, **the Health Law of January 2016 repealed the compulsory reflection period of 7 days.** This delay often led to exceeding the abortion deadline and maintaining suspicion as to the ability of women to decide for themselves. This was strongly criticized by some right-wing deputies and some Catholic authorities. Henceforth, women no longer need to justify their request for abortion.

With regard to contraception, access is also improved for minors of 15 to 18 with 100% insurance coverage. Urgent contraception is henceforth available and free in schools and universities. The **contraception Pass** implemented in some ten regions, allows pupils, by means of coupons distributed by school nurses, free of charge access to all contraceptive offers (consultations, blood tests, medical analyses, contraceptives,...)

Now, these advances are questioned. The National Front party has threatened to suppress the subsidies granted to Family Planning centers by the Regional Councils, and the Paris area has decided to eliminate the Contraception Pass, arousing protests from many organizations. We regret this decision and demand that this Pass be made better known and disseminated among young people and the public at large, so as to reach a maximum of minors, particularly in establishments in rural areas.

5) Defense of Women's Rights Internationally

Women's rights advance very slowly, even regress in certain countries under the pressure of political conservatism and religious extremisms. We must recall that women represent 70% of the impoverished world-wide. 200 million women are victims of sexual mutilations and 60% of the

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world's population live in a country where abortion is forbidden or severely limited. Two recent events enabled women's organizations, the CLEF among them, to reassert women's rights internationally.

During the Climate Conference in Paris (COP 21) in December 2015, the French Group of «Gender and Climate Justice» asked that a gender and women's rights approach be taken into account in climate policies. The Paris Agreement inscribed in its preamble the principles of women-men equality and of the empowerment of women.

During the 60th CSW (Commission on the Status of Women), dealing with sustainable development and the empowerment of women, the CLEF and its partners launched an international call «To Recognize Sexual and Reproductive Rights as universal and Inalienable Rights, and Respect for the Physical Integrity of Women», demanding that every State present adopt the measures required for these rights to be recognized, in particular the decriminalization of abortion and the abolition of sexual mutilation. We supported the intervention of the French Minister of Women's Rights who called on member States to eliminate legal barriers that hampered women's and adolescents' access to safe abortion.

6) Migrant Women and Right of Asylum

France faces a massive influx of migrants and of those who seek asylum. In 2015, the numbers increased more than 20%. Of more than 80 000 files deposited last year, more than 30% were accepted. The asylum rights reform adopted in July 2015 brought a great improvement, enabling us to limit the length of time required to examine the requests to 9 months, instead of 2 years formerly and to better protect those who request asylum.

Women are nearly half of these (status of refugee and requiring subsidiary protection,) primarily for gender-based persecution (forced marriages, excision, conjugal violence, trafficking...) The recent internal reform of OFPRA (French Bureau for Protecting refugees and the stateless) provides more guarantees to asylum seekers, taking into account their gender-based vulnerability.

Nonetheless, the increased number of migrants arriving must not lead us to overlook the very precarious situation of migrant women. We must sound the alarm in France and in Europe concerning these women whose migratory experience includes violence, rape, sexual abuse...and ask that their rights and those of their children be respected insofar as their housing, accommodation and health are concerned.

7) Family relationships, Divorce without a judge

In its concern to combat the slow pace of justice and to simplify procedures, the National Assembly has adopted a provision which, in the case of divorce by mutual consent (54% of procedures), eliminates going before the judge. The spouses, with their lawyers, sign a divorce convention registered by a notary. This legal provision has the great advantage of reducing delays in divorce proceedings, but raises questions and concerns as to the protection of women's and children's rights. The judge, in principle, guarantees the fairness of the divorce proceedings and of the respect of the spouses' interests, particularly those of the women who, when there is separation, often find themselves in vulnerable situations. The intervention of a lawyer for each spouse can provide this necessary guarantee, with notary certification.