

Creating an International Gender and Peace Agenda: Transnational Companies, Weapons and Nuclear Testing

Extraterritorial obligations of France under CEDAW

Shadow report to CEDAW 64th session



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CREATING AN INTERNATIONAL GENDER AND PEACE AGENDA:
TRANSNATIONAL COMPANIES, WEAPONS AND NUCLEAR TESTING
EXTRATERRITORIAL OBLIGATIONS OF FRANCE UNDER CEDAW
SHADOW REPORT TO CEDAW 64th SESSION

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**CREATING AN INTERNATIONAL GENDER AND PEACE AGENDA:
TRANSNATIONAL COMPANIES, WEAPONS AND NUCLEAR TESTING**

EXTRATERRITORIAL OBLIGATIONS OF FRANCE UNDER CEDAW

Shadow report to CEDAW 64th Session

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INTRODUCTION

In this globalised economy, human rights violations can occur cross-border and cannot be successfully addressed if the legal response does not take into account this transnational character.

For this reason, States' duty to protect human rights is not limited to their territory, but also to their actions that violate human rights extraterritorially as repeatedly affirmed by United Nations Treaty Bodies¹, legal doctrine and by the International Court of Justice itself². In addition, the obligation of States to protect human rights encompasses the duty of States to control the conduct of private actors³, including that of business enterprises incorporated under their laws, wherever these corporations operate.

Article 2)e of the Convention on the Elimination of All Forms of Discrimination against Women ("CEDAW" or the "Convention") and the CEDAW Committee⁴ (the "Committee") also provide that States are expected to take all measures possible to prevent private actors, including enterprises, from adopting conduct that may lead to violations under CEDAW.

In addition, the Committee clarified in General Recommendation 28⁵ the scope of these obligations: "The obligations incumbent upon States parties that require them to establish legal protection of the rights of women on an equal basis with men, ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination and take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise also extend to acts of national corporations operating extraterritorially."

The present report aims at drawing the Committee's attention to France's state of compliance with its extraterritorial obligations under the CEDAW Convention in two areas: arms exports and due diligence with regards to the activities of French multinational companies outside of France. The report also looks into the impact of French testing of the nuclear weapon in French Polynesia.

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- 1 Committee on Economic, Social and Cultural Rights, General Comment No. 14 (2000), The right to the highest attainable standard of health (article 12 of the International Covenant on Economic, Social and Cultural Rights), E/C.12/2000/4 (2000), para. 39; Committee on Economic, Social and Cultural Rights, General Comment No. 15 (2002), The right to water (arts. 11 and 12 of the International Covenant on Economic, Social and Cultural Rights), E/C.12/2002/11 (26 November 2002), para. 31; Committee on the Elimination of Racial Discrimination, Concluding Observations: Canada, CERD/C/CAN/CO/18, para. 17; Concluding Observations: United States, CERD/C/USA/CO/6, para. 30
 - 2 Advisory Opinion, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, 9 July 2004, para. 109 ; Armed Activities on the Territory of the Congo, Democratic Republic of the Congo v. Uganda) 19 Dec. 2005 paras. 178-180 and 216-217
 - 3 Human Rights Committee, General Comment No. 31, Nature of the General Legal Obligation Imposed to States Parties to the Covenant (CCPR/C/21/Rev. 1/Add. 13), 26 May 2004, para. 8 ; Committee on Economic, Social and Cultural Rights, General Comment No. 12 (1999): The right to adequate food (Art. 11), UN doc. E/C.12/1999/5, para. 15
 - 4 Committee on the Elimination of Discrimination against Women General Recommendation No. 19, violence against women, paragraph 9
 - 5 <http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW-C-2010-47-GC2.pdf>

IMPACT OF FRANCE'S ARMS TRANSFERS ON GENDER-BASED VIOLENCE

Art. 2d

General Recommendations 19 and 30

1. Introduction

Arms exports can have serious consequences on the rights and safety of women in countries where the weapons end up.

As the Committee has noted, the proliferation of small arms in particular can have specific effects on women as victims of gender-based violence, as victims of domestic violence and also as protestors or actors in resistance movements⁶.

In General Recommendation 30, the Committee has recognised that the Convention requires State parties to focus on the prevention of conflict and all forms of violence, including by: “ {...} robust and effective regulation of the arms trade, in addition to appropriate control over the circulation of existing and often illicit conventional arms, including small arms, to prevent their use to commit or facilitate serious acts of gender-based violence.”⁷

The Committee also recommended State parties to address the gendered impact of international transfers of arms, especially small and illicit arms including through the ratification and implementation of the Arms Trade Treaty (the “ATT”). Under article 7 (4) of the ATT, it is hence illegal to transfer weapons if there is a risk that the weapons will be used to commit or facilitate serious acts of gender-based violence. The ATT is the first legally binding instrument that makes the connection between the arms trade and gender-based violence (GBV).

2. Small Arms and Light Weapons (SALW) and Gender-Based Violence

SALW constitute a threat that touches women especially. Indeed, guns can be used not only to kill, but also to threaten and intimidate⁸. Therefore are they tools to commit acts of GBV. As Annie Matundu Mbambi, the President of the Democratic Republic of Congo WILPF section, said: “A guy with a machete in a village can rape one woman. Two guys with a machine gun can rape the whole village.”

The Committee has recognised the direct relation between wide proliferation of small arms and light weapons and women's insecurity in its Concluding observations on the combined sixth and seventh periodic report of the DRC.

6 Committee on the Elimination of Discrimination against Women General recommendation No. 30, women in conflict prevention, conflict and post-conflict situations, paragraph 32

7 Committee on the Elimination of Discrimination against Women General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, paragraph 29

8 Amnesty International, Small Arms Put Women at Risk in their Own Homes, 2011

3. State of play in France

France is one of the major arms exporter countries in the world. The French government's 2008 annual arms exports report to parliament (France. Ministère de la Défense, 2009, p. 11) shows that France roughly ranks as the world's fourth largest weapons exporter (7.7 per cent of worldwide sales), behind the United States (52.3 per cent), the United-Kingdom (13.7 per cent), and the Russian Federation (8.2 per cent).

France has ratified the ATT and attaches great importance to it. France highlighted its desire for the treaty to cover all arms, including small and light weapons (SALW), which are those which kill the most people today. WILPF recognizes France's effort in regard of the importance of the inclusion of SALW in the treaty. Nevertheless, there has been no inflection of the trade of SALW after ratification, on the contrary. France signed arms export contracts worth 6.87 billion in 2013, up more than 42% from the previous year⁹. The exports of SALW also have drastically increased from 495 pieces exported in 2011 to 1063 in 2013 (3044 if we include non-lethal projectiles)¹⁰.

France mainly exports SALW to its former colonies, Mali and Morocco being the main ones between 2011 and 2014. From 2011, shortly before the start of the internal conflict in the country, Mali is overall France's main trade partner when SALW are concerned, with an average of 220 automatic pistols per year¹¹, and more than 800 in 2014, even after the ratification of the ATT. This explosion is explained by the end of the ceasefire at the start of the year 2014, when the rebels entered into confrontation. In the country, insurgents are better armed than a decade ago¹². Sexual violence is used as a mean of repression from the rebels in the areas under occupation: young women are often forced into marriage to cover kidnappings, rapes and sexual slavery. By providing weapons to Mali, France does not comply with due diligence to prevent these practices, since many SALW end up in the hands of the rebels. Indeed, there are firm indications that rebel fighters captured some of this material from the Malian forces¹³ (the 2011 conflict in Libya also had an important role). Therefore, there are high risks for export of SALW from France to Mali to being used for gender-based violence and France should have refused the exports in compliance with its due diligence to prevent gender-based violence by private actors.

Morocco has also been among the recipients of French weapons, especially in 2013 when close to 300 automatic pistols were exported. The figures of GBV in the country are very high: according to a study led by the Hcp¹⁴, nearly 90% of women in Morocco

9 <http://archive.defensenews.com/article/20140915/DEFREG01/309150022/French-Arms-Exports-Rise-42-Percent>
10 France Diplomatie

11 Rapport au Parlement 2014, sur les exportations d'armement de la France, Ministère de la Défense

12 Small arms survey <http://www.smallarmssurvey.org/publications/by-type/yearbook/small-arms-survey-2015.html>

13 Small Arms Survey, Rebel Forces in Northern Mali (April 2012-March 2013), 2013
<http://www.smallarmssurvey.org/about-us/highlights/highlight-mali-weapons.html>

14 http://www.hcp.ma/downloads/Violence-a-l-egard-des-femmes_t13077.html

have been physically subjected to sexual violence at least once. Many offenses and crimes of GBV are committed with SALW ¹⁵.

The arms trade relationship with Saudi Arabia is also of high concern. France exports SALW towards this country, but also donates weapons. Saudi Arabia is a country with serious violations of women's human rights as recognized by CEDAW Committee in its Concluding Observations: "The Committee is concerned with the State party's distinctive understanding of the principle of equality. (...) Neither the Constitution nor other legislation embodies the principle of equality between women and men. (...) The Committee is concerned about the incidents of violence against women, the absence of specific laws relating to violence against women, and the lack of punishment of perpetrators of violence against women, including domestic violence" ¹⁶.

Considering these elements and the exceptional nature of arms transfers agreements; arms trade and transfers, including donations to Saudi Arabia, legitimize somehow the regime as trustworthy, and legitimizes a set of actions and policies that violate women's human rights.

4. Conclusion

WILPF considers that these findings show non-compliance to CEDAW and other international instruments such as the ATT.

Therefore, WILPF suggests the following recommendations for France:

- To institutionalise rigorous and transparent gender impact assessments of international transfers of arms by adopting national legislation and policies to this effect, developed in full consultation with civil society organisations, in order to fully implement France's obligations regarding the ATT and CEDAW, general recommendation 30;
- To deny authorisation of any arms sales or transfers, especially of SALW, when there is a risk that they would be used to commit or facilitate acts of GBV against women, or where there are widespread or serious violations of women's human rights, including acts of GBV.
- To stop any transfer of weapons to Saudi Arabia or any other State in serious violation of CEDAW Convention.

15 WILPF, Promoting Gender Equality in the Implementation of the UN ATT

16 CEDAW 40th Session, Concluding comments of the CEDAW on Saudi Arabia, 2008

IMPACT OF FRENCH TRANSNATIONAL COMPANIES OPERATING IN THE TEXTILE INDUSTRY IN SOUTH EAST ASIA

Article 2e

Article 11

Article 12

1. Introduction

The garment sector of Bangladesh employs about 3.6 million workers. Recent high-profile industrial disasters, such as the tragic building collapse in April 2013 of the Rana Plaza, that killed 1138 workers¹⁷, raise important questions about worker safety and in particular about women workers' rights. With over 80%¹⁸ of the workforce, women are the backbone of this industry. In addition, the overwhelming majority of women working in this sector are migrant women coming from the poorer rural areas¹⁹.

Most producers in the garment sectors are local factories contracted by transnational corporations. However, direct employers are not the only responsible, corporations purchasing such practices: their demands in relation to price and delivery time that would be hard to meet without using exploiting practices. Taking the example of the garment industry in Sri Lanka, the production time fell from 90 to 45 days between 2001 and 2004 and the prices paid to some suppliers decreased by 35% in 18 months²⁰.

Corporations at the top of the supply chain have the obligation to ensure that no violations are perpetrated at the bottom of the supply chain. This obligation is justified by the power relationship existing between corporations and their subcontractors based on the different size, stability, wealth and political influence. This has been pointed out by the Special Rapporteur on Contemporary forms of Slavery in its recent report on supply chains²¹.

Several international treaties and initiatives exist, such as the Global Compact, launched in 2000 by the UN. It aims to promote social and environmental universal principles: human rights, international work norms, environment, and the struggle against corruption. It targets companies, but also encourages participation of civil society and governments. It is based on volunteer participation and is not legally binding, but it promotes international cooperation and raises awareness. It concerns

¹⁷<http://www.telegraph.co.uk/news/worldnews/asia/bangladesh/10014778/Bangladesh-building-collapse-kills-at-least-82-in-Dhaka.html>

¹⁸ http://www.ilo.org/global/about-the-ilo/newsroom/comment-analysis/WCMS_234670/lang-en/index.htm

¹⁹ Rags, Riches and Women Workers : Export-oriented Garment Manufacturing in Bangladesh, N. Kabeer and S. Mahmud, page 146, 148

²⁰ Oxfam International, Good Jobs' and hidden costs: women workers documenting the price of precarious employment, 2004. Available at: http://www.oxfam.org.uk/what_we_do/resources/downloads/gdt_kidder_and_raworth.pdf

²¹ UN Human Rights Council, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola, 8 July 2015, A/HRC/30/35, available at: <http://www.ohchr.org/EN/Issues/Slavery/SRSlavery/Pages/SRSlaveryIndex.aspx>

global issues of sustainable development, therefore touches on human rights, but does not have a specific human rights focus.

After the Tazreen disaster in 2012 and the Rana Plaza in 2013, the Accord on Fire and Building Safety in Bangladesh, a “legally binding agreement between brands and trade unions designed to work towards a safe and healthy Bangladeshi Ready-Made Garment industry”²², has been elaborated under international pressure from unions and labour rights advocates. It has been signed by more than 200 firms, 7 of which are French, such as Auchan, Camaïeu, Monoprix or CMT Windfield. The signatory brands have notably committed to require their factories to undergo essential safety renovations, to provide financial assistance to factories that need it, and to stop doing business with factories that fail to undertake renovations.

However, many of these commitments remain dead letter to this day as women continue to work in dangerous conditions²³.

2. Women's human rights and transnational Corporations

In an industry where women are overrepresented, the absence of safe working conditions amounts to discrimination against women under art. 11 of the CEDAW Convention.

- Wages – Article 11

The long hours typical for garment industry work often come into conflict with women's ability to fulfil the responsibilities they are expected to shoulder in their families and their communities²⁴. Their “real” work is seen as 'reproductive', and therefore is it often acceptable to grant them with less formal working arrangements. All this leads to less skilled women workers, and obviously less paid²⁵, often even without a working contract. In Bangladesh, fewer than half of the women working in the textile and garment export sector have a contract, but 80% fear dismissal if they complain²⁶.

Data about women's wages in the garment industry are not consistently measured but studies show a wide income gap between male and female workers²⁷: men workers are usually paid 25% more²⁸. In addition, most supervisors in factories are male²⁹. Gender

22 <http://bangladeshaccord.org>

23 The Guardian (2015) Bangladesh Garment Workers Suffer Poor Working Conditions. Accessed online : <http://www.theguardian.com/world/2015/apr/22/garment-workers-in-bangladesh-still-suffering-two-years-after-factory-collapse>

24 Clean Clothes Campaign, Gender Policy Statement. Available from: <http://www.cleanclothes.org/issues/gender-policy-statement>

25 Clean Clothes Campaign, Made by Women, 2005. Available at: <http://www.cleanclothes.org/resources/publications/made-by-women.pdf>

26 Oxfam International, Trading away our Rights, Women Working in Global Supply Chains, 2004. Available at: <http://policy-practice.oxfam.org.uk/publications/trading-away-our-rights-women-working-in-global-supply-chains-112405>

27 Swedwatch report #47, «A lost revolution? Empowered but trapped in poverty. Women in the garment industry in Bangladesh want more.»

28 USAID, Thematic Brief, Gender and the garment and Textile Industry – evidence from Bangladesh and the Dominican Republic. p. 5, 2008

discrimination also occurs regarding training within the factories; men are often favoured over women to carry out the most skilled-labour tasks such as using advanced machineries because women workers are considered as less valuable and less able to deal with complex tasks³⁰. This phenomenon enhances men's opportunities to better career advancement and higher salary (even if still indecently low)³¹, thus strengthening the discriminatory effect on women.

- Sexual and reproductive health – Article 12

Employers also exert control over women's sexual life and reproductive health. Decisions concerning child-bearing are often a condition of employment, and some employers make women sign agreements not to give birth for the time of their contract. In some factories, women can be asked if they are married and planning on having children, sometimes they even have to pay to do a pregnancy test otherwise they are not hired. Above the violations of women's rights to equal employment, the health issues are also major. Indeed, women willing to hide their pregnancies for the longest time possible results in inadequate nutrition and lack of prenatal care, which can lead to birth defects and other health problems³².

3. State of play of France

Sources on the number of French companies using Bangladeshi suppliers vary. However, some important corporations are present, such as Camaïeu, Auchan or Teddy Smith, to cite only a few.

Regarding the Global Compact, France is the second world country in terms of participant, with more than 1100 firms and organisations that have signed the agreement. However, only three out of the seven French firms that have signed the Accord on Fire and Building Safety in Bangladesh have also signed the Global Compact.

Thanks to such agreements, it is possible to find reports of the progress of most enterprises. However, these evaluations regard sustainable development in the countries in which the firms are directly engaged, no mention is made of better practices in the supply chain. We would like to highlight that these reports are made by the firms themselves, and question the neutral evaluation needed. Besides, transnationals are free to sign or not these accords, therefore this is not reflective of the country's policy.

In spite of the accords and agreements signed, some French companies were involved in the disasters that have taken place, the most sadly famous ones being the Tazreen

29 Working conditions in the Bangladeshi garment sector : social dialogue and compliance, Fair Wear Foundation and University of Delft, page 93; <http://www.fairwear.org/ul/cms/fck>

30 Working conditions in the Bangladeshi garment sector : social dialogue and compliance, Fair Wear Foundation and University of Delft, page 121; <http://www.fairwear.org/ul/cms/fck>

31 Idem, page 104

32 Idem

disaster in 2012 and the Rana Plaza in 2013. The corporations' responsibility is often questioned, their argument being that they are not aware of their suppliers and the working conditions at lower levels that do not depend on them. This is for example the case of the French company Teddy Smith, involved in the Tazreen disaster of 2012, which also refused to attend the meetings following the events, and which did not take into consideration the setting up of a compensation plan³³.

4. Law initiative

The French National Assembly has taken an initiative to impose an obligation of due diligence for French companies when operating abroad. The law on Due Diligence (Devoir de Vigilance) was drafted in 2015. After having been rejected by the Senate in November 2015, it was accepted with amendments in second reading by the National Assembly last March 2016.

The draft law stipulates that firms must act to limit risks due to their activity, including in extraterritorial territories. With such a law, transnationals would have to make a plan to ensure that their suppliers respect trade union law and rights, do not turn to child-labour and offer decent working conditions. This would only include very large French enterprises, employing more than 5000 persons in France or more than 10 000 persons in the world. Therefore this measure would touch between 150 and 200 firms³⁴: many French companies would not be concerned by the law, such as Camaïeu, although it was involved in the Rana Plaza disaster.

One of the main objectives is obviously to improve the working conditions in developing countries, thanks to a "high-standard" regulation that would pressure the payer transnationals.

The law would also allow engaging the civil responsibility of transnational corporations in problems they could have avoided with the preventive plan. It would create a causal link between the quality and effectiveness of the plan and the responsibility of the company.

We welcome the French initiative to pass such a law. France is being a pioneer and is taking the lead on extraterritorial obligations, both at a European level and in the world. We consider this as an opportunity to take steps further. Firstly the threshold used (5000 employees in France or 10 000 worldwide) seems too high. Secondly, a gender perspective should be explicitly mentioned as a requisite for the corporations' plans.

33 Clean Clothes Campaign, Tazreen one year on – brand positions. Available at:

<http://www.cleanclothes.org/img/pdf/tazreen-one-year-on-brand-positions.pdf/view>

34 http://www.lemonde.fr/les-decodeurs/article/2015/04/02/comment-la-loi-veut-responsabiliser-les-entreprises-francaises_4608129_4355770.html

Besides, further steps on establishing access to justice mechanisms in case of human rights violations abroad should be established through the inclusion of human rights clauses in international trade agreements or through the conclusion of an international treaty on Transnational Corporations and Other Business Enterprises with Regards to Human Rights as initiated by Human Rights Council resolution 26/9.

5. Conclusion

WILPF considers that these findings show non-compliance to CEDAW. There is currently an absence of effective mechanisms to ensure that French corporations do not violate women's human rights when operating outside of France and to ensure access to justice in cases of violations.

WILPF suggests the following recommendations for France:

- To ensure that French companies comply with human rights obligations to ensure safe and decent working conditions throughout their supply chains within and outside of France;
- To reinforce the law on Due Diligence by adding a gender perspective and specific measures for women;
- For the government to submit the law on Due Diligence to the Senate as soon as possible;
- For the Senate to ratify the law on Due Diligence;
- To bind French companies to call in neutral experts to investigate, conduct and write reports on extraterritorial activities and on the supply chain;
- To ensure that French companies active in the textile industry take into account a gender perspective, in order to assess specific risk of women's rights violations under CEDAW and of exploitation of women workers throughout their supply chains.
- To actively engage in the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights with a view to adopting an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises in accordance with resolution 26/9 of the Human Rights Council.

IMPACT OF FRENCH NUCLEAR TESTING IN FRENCH POLYNESIA

Article 3 and Article 12

1. Introduction

Nuclear bombing and testing can have serious long-term consequences on the safety and health of human beings in the areas where they have been carried out. Therefore, nuclear tests that have been carried out decades ago are still harmful and still have to be recognized and duly compensated by governments. France has carried out numerous nuclear testing from 1966 to 1996 in French Polynesia.

Nuclear testing can have specific effects on women in particular, as their health tends to be more affected by radiation than men.

2. State of play of France

For approximately 30 years, the French government has conducted nuclear tests in French Polynesia, more specifically on the islands of Moruroa and Fangataufa, where nearly 200 nuclear tests were done³⁵. Population has been kept uninformed of the tests and their consequences. The exact number of test is still classified, but approximately 5000 people were living within 1000 km of the nuclear tests³⁶. The levels of contamination were so high that in 1968, the inhabitants of the small island of Tureia were asked to leave for a few days before the first H-bomb test³⁷.

However, the French government has maintained through the entire duration of the tests that there were no effects on health as the levels of radiation were very low³⁸.

France only recognized the dangerous effects on health in 1998, two years after the end of the tests. Even today, there is a taboo on the health consequences, which have not been deeply analysed by the government.

French government has not undertaken any effective measures to protect the population from the nuclear radiations, further, they have uninformed the population of the consequences of testing to avoid adopting the necessary measures. The army and the Commission on Atomic Energy (CEA) swore nuclear tests were completely innocuous for the population³⁹. Evacuating some atolls would have been necessary, as

³⁵ Fangataufa and Mururoa, French Polynesia: Nuclear weapons test sites. Accessed online: <http://www.nuclear-risks.org/en/hibakusha-worldwide/fangataufa-and-moruroa.html>

³⁶ Idem

³⁷ French Nuclear Tests : 30 years of lies (1998) Accessed online: <http://www.wiseinternational.org/nuclear-monitor/487/french-nuclear-tests-30-years-lies>

³⁸ BBC (2009) France to Pay Nuclear Test Compensation. Accessed online : <http://news.bbc.co.uk/2/hi/europe/8076685.stm>

³⁹ French Nuclear Tests : 30 years of lies (1998) Accessed online: <http://www.wiseinternational.org/nuclear-monitor/487/french-nuclear-tests-30-years-lies>

it was advised by the Radiological Safety Service, but was never done, for political motives⁴⁰. Moreover, the dose of radiation has always been measured by France-related scientists. The only three independent studies that have been permitted by France have all suffered from the same restrictions: too little time, limited access and insufficient provision of background data⁴¹.

President François Hollande recently visited French Polynesia and recognized the negative impact of nuclear testing on health and environment⁴². This represents an opening in the French position towards recognition of the consequences of the nuclear tests. Since 2010, there is a law framing indemnities to victims of French nuclear tests, and Hollande promised to review it in order to include more victims⁴³. He however did not present excuses.

3. Gendered assessment of nuclear testing

Women's health is more subject to radiations and therefore to nuclear testing than men's, on several grounds.

Firstly, this applies to reproductive health. Studies show women's exposure to radiation may harm her future ability to bear children and can cause premature aging. It has been shown that, after Chernobyl, the birth rate has decreased in parallel of the number of stillbirth that has dramatically increased⁴⁴. Moreover, in the case of a radiation of pregnant women, even at low doses, the health of an unborn child is threatened and the chances of disabilities especially, but also other rare diseases, are high⁴⁵.

Women also tend to be at greater risks of cancer than men⁴⁶. The NAS 2011 report finds that the probability of women suffering from cancer are 50% higher than the comparable harm to men from radiation doses that fall within the legal limit to the public over a lifetime⁴⁷.

Breast cancer is an issue that touches almost exclusively women, in proportions not comparable to men. Young women are especially touched, as the age of exposure makes them more or less vulnerable.

⁴⁰ Idem

⁴¹ Veecken, H (1995) French Polynesia : a nuclear paradise in the Pacific. Médecins Sans Frontières NL

⁴² Le Figaro (2016) Hollande reconnaît "l'impact" des essais nucléaires en Polynésie. Accessed online: <http://www.lefigaro.fr/actualite-france/2016/02/22/01016-20160222ARTFIG00189-en-polynesie-francois-hollande-attendu-sur-le-dossier-des-tests-nucleaires.php>

⁴³ Idem

⁴⁴ Gender Equality, Women's Rights and Women's Priorities: Recommendations for the proposed Sustainable Development Goals (SDGs) and the Post-2015 Development Agenda

⁴⁵ <http://www.feministpeacenet.org/2011/04/27/the-impact-of-nuclear-disasters-on-reproductive-health/>

⁴⁶ WHO (2011), Health risk assessment from the nuclear accident after the 2011 Great East Japan Earthquake and Tsunami; based on a preliminary dose estimation

⁴⁷ Gender Equality, Women's Rights and Women's Priorities: Recommendations for the proposed Sustainable Development Goals (SDGs) and the Post-2015 Development Agenda

Regarding thyroid cancer, women are also more subject than men to develop it. The same goes for all solid cancers. Women are more at risk and their case should therefore be considered accordingly.

4. Conclusions

WILPF considers that these findings demonstrate non-compliance of article 12) of the Convention and with General Recommendation 24. Nuclear testing, the lack of due compensation and lack of protection from radiation constitutes a violation to women's right to health.

For this reason, WILPF suggests the following recommendations to France:

- To recognize the unnecessary harm imposed on the population and present formal and unambiguous excuses.
- To conduct rigorous and transparent impact assessment of nuclear testing on the citizens' health;
- To conduct rigorous and transparent gendered impact assessment of nuclear testing on women's health;
- Take the necessary measures to protect the population from persisting effects of the nuclear tests.
- To compensate women victims accordingly.

The Women's International League for Peace and Freedom (WILPF) is an international non-governmental organisation (NGO) with National Sections covering every continent, an International Secretariat based in Geneva, and a New York office focused on the work of the United Nations (UN).

Since our establishment in 1915, we have brought together women from around the world who are united in working for peace by non-violent means and promoting political, economic and social justice for all.

Our approach is always non-violent, and we use existing international legal and political frameworks to achieve fundamental change in the way states conceptualise and address issues of gender, militarism, peace and security.

Our strength lies in our ability to link the international and local levels. We are very proud to be one of the first organisations to gain consultative status (category B) with the United Nations, and the only women's anti-war organisation so recognised.



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