

Situation report on discriminations against women in France

March 2023

INTERNATIONAL AND REGIONAL INSTRUMENTS

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and Optional Protocol

1983
CEDAW ratified

2000
Optional Protocol ratified

Council of Europe Convention on preventing and combating violence against women and domestic violence (known as Istanbul Convention)

2014
Ratified

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)

Not Applicable

International Covenant on Civil and Political Rights

1980
Ratified

International Covenant on Economic, Social and Cultural Rights

1980
Ratified

MAIN OBSTACLES TO GENDER EQUALITY DE JURE AND DE FACTO



Lack of comprehensive legislation that brings together all provisions concerning discrimination against women and gender violence.



The gender pay gap remains, with women in part-time jobs and in low value occupations.



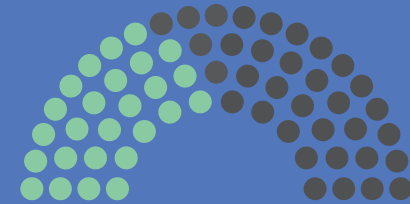
Vulnerable women in precarious situations are subject to extreme dependence on drug trafficking networks or forced prostitution

Did you know?

RECOMMENDATIONS

- Bringing together and structuring all the legislative provisions concerning women's rights in a major comprehensive law that includes the fight against discrimination and the fight against gender violence.
- Establishing a specialised public prosecutor's office to deal with gender-based and sexual violence.
- Ensuring protection and support for victims even in the absence of a complaint.
- Establishing restorative justice procedures for cases where this is possible: single act, youth of the respondent, victim's agreement.

39,50%
Proportion of seats held by women in national parliaments

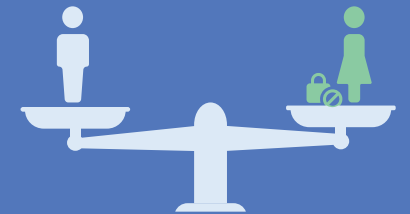


11,82%
Gender pay gap



Near-equal rights

Inheritance rights for widows and daughters



51,90%
Female labour force participation



26%
Prevalence of gender violence in lifetime (% women)

*Source: Gender global gap report 2022:
<https://www.weforum.org/reports/global-gender-gap-report-2022/>

Legislative framework

International conventions

France's commitment is based on the **United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)** signed on 17 January 1980 and ratified on 14 December 1983, as well as the Beijing Declaration (1995) and its Platform for Action.

With regard to CEDAW, the Committee of Experts examined the 7th and 8th periodic reports of France in 2016. In its observations made public in July 2016, the Committee recommended, among other things, to ensure that different forms of discrimination are adequately addressed by French courts, to provide training for judicial staff and lawyers, to ensure that gender equality issues are always dealt with by a separate ministry, to strengthen the implementation of gender equality policies at the municipal and regional levels, and to adopt a comprehensive strategy to modify or eliminate patriarchal attitudes and stereotypes that discriminate against women. In the 2021 CEDAW report, the Committee's observations focused on the problems of girls' schooling, the low ratio between complaints regarding cases of sexual and gender-based violence filed and the number of convictions, the problems of intersectional discrimination, the poor protection of migrant women, the non-repatriation of parents and children incarcerated in Syria, and the continuing wage gap between men and women.

On 4 July 2014, France ratified the **Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence** (the so-called Istanbul Convention). The Group of Experts drew up a first report on the implementation of the Convention by France in November 2019. While it emphasises the commitment of the French authorities in the fight against violence against women, the report notes some shortcomings and recommends a number of measures, particularly budgetary, to strengthen the protection of victims. On the legislative front, the report stresses in particular that the definition of sexual assault and rape is not based on the absence of free consent but rather requires the use of coercion, violence, threats or surprise, which does not encompass all the situations of violence provided for by the Convention. Similarly, the practice of "correctionalisation", meaning reclassifying the crime of rape, is considered contrary to the objectives and provisions of the Convention.

With regard to other international conventions, on 4 November 1980, France acceded to the **International Covenant on Economic, Social and Cultural Rights** and the **International Covenant on Civil and Political Rights**.

Constitutional equality

Since 27 October 1946, **equality between men and women** has been enshrined in the Preamble to the Constitution: « The law guarantees women, in all areas, equal rights to men ».

Civil and familial rights

Since the 1960s, numerous laws have modified family law. From this point of view, **French legislation is no longer patriarchal.**

On 13 July 1965, France modified the legal regime of marriage for couples marrying without a contract, and women could manage their own property and exercise a professional activity without their husband's consent. In 1970, parental authority became joint: "the two spouses together ensure the moral and material direction of the family" and in 1973, women could pass on their nationality to their children. In 1975, divorce by mutual agreement was authorised. Finally, in 1985, a law on the equality of spouses in matrimonial regimes and of parents in the management of the property of minor children was promulgated. On 5 September 1990, a decision of the Court of Cassation recognised rape between spouses.

Political rights

Women gained the right to vote and stand for election in 1945.

In July 1999, laws were enacted allowing the legislator to take measures to promote equal access of women and men to political mandates and functions and to promote the creation of parliamentary delegations for women's rights and for equal opportunities between women and men.

Other laws followed for the equal access of women and men to electoral mandates and functions. In 2003, the rule of alternating

candidates of each sex on the lists presented for the election of regional councillors and representatives to the European Parliament was approved. In 2007, a law to promote equal access of women and men to electoral mandates and elective functions was passed. These laws include: the introduction of an obligation of parity between men and women in the executives of municipalities with 3,500 inhabitants or more, as well as in regional executives; the creation of substitutes for general councillors, with the incumbent and the substitute having to be of different sexes; and a reduction in public aid to parties in the event of non-compliance with parity in candidacies in legislative elections.

In 2008, the law n° 2008-175 facilitating the equal access of women and men to the mandate of general councillor was promulgated. The constitutional law n° 2008-724 completes article 1 of the Constitution: "The law favours equal access of women and men to electoral mandates and elective functions, as well as to professional and social responsibilities."

Sexual and reproductive rights

Abortion (voluntary interruption of pregnancy) has been authorised in France since 1975 and the cost is fully reimbursed by health insurance (Law of 17 January 1975 on voluntary interruption of pregnancy - known as the Veil Law; law on abortion of 25 March 2013). Contraception, authorised since 1967, is now free for minors. Since 2022, the time limit for an abortion has been extended to 14 weeks but the conscience clause for doctors who refuse to perform an abortion has been maintained. On the other hand, the offence of obstructing an abortion has carried a fine of €30,000 since 1993.

In 2017, the extension of this offence to the new virtual practices used to prevent abortion entails two years' imprisonment and a fine of 30,000 euros.

There is no criminalisation of consensual sexual relations, including between persons of the same sex. However, there is a so-called age of sexual majority of 15 years. Any relationship between an adult and a child under the age of 15 is criminalised as non-consensual. When the difference in age between an adult and a minor is less than five years, truly consensual relationships will only be criminalised in the case of incest or if it is obtained 'in exchange for remuneration, a promise of remuneration, the provision of a benefit or the promise of such a benefit' (Penal Code, Art. 222-23-1).

Laws on gender-based violence/violence against women

In France, the notion of 'offence to morals' has been abolished in favour of the qualification of crime or offence for sexual offences. This can be seen as a shift from a moral notion to a political notion of fighting sexism.

In 2020, France adopted Law No. 2020-936 of 30 July 2020 aimed at protecting victims of domestic violence, which completes a whole series of legal and social provisions put in place successively since 2016.

Despite the existence of various laws criminalising violence against

women, there is no comprehensive legislation to combat all forms of gender-based discrimination and violence, in line with the provisions of CEDAW, encompassing the issue of shelters and protection programmes for victims and witnesses of violence, emergency barring orders against perpetrators, adequate training of relevant institutions, among others.

Economic and social rights

In France, there is the law of 4 August 2014 for real equality between women and men. A decree was published on 29 March 2015 in the Official Journal for equal access of women and men to consultative or deliberative commissions and bodies placed under the authority of the Prime Minister, ministers or of the "Banque de France". Today, almost 40% of companies with more than 50 employees have signed an agreement on professional equality, and the employment rate of women has increased.

Vulnerable and/or marginalised populations

The **policy of protecting vulnerable people** in France is based, on the one hand, on all the laws aimed at combating discrimination, and on the other hand, on access to social assistance (Revenu de Solidarité Active -RSA, which is a minimum income, access to social housing, pensions for people with disabilities, access to health care).

With regard to the **fight against discrimination**, France relies

on the 1997 Amsterdam Treaty, which also recognises indirect discrimination and discrimination based on nationality, race or ethnic origin, gender, religion, disability, sexual orientation and now trans-identity and transsexuality. Several laws between 2001 and 2017 have strengthened the scope of discrimination and made it easier for it to be proven. The notion of social insecurity as a ground for discrimination is the 21st criterion that was added in 2016.

Immigration policies are very repressive but do not particularly target women.

As mentioned above, there is no criminalisation of consensual sexual relations between persons of the same sex. The Marriage for All Act of 17 May 2013 allows for same-sex marriage, offering rights in relation to marriage, adoption and inheritance to same-sex couples.

De facto discrimination

Feminists are subjected to numerous smear campaigns strongly correlated with the fact that in the circles of power (economic, political, artistic, etc.), more and more acts of sexist and sexual violence are being denounced. Furthermore, education on sexuality, gender and equality between men and women is the subject of numerous far-right political campaigns, leading some parents to oppose it. Women's rights are today the object of a violent anti-feminist backlash.

Civil and familial rights

In France, 1/3 of single-parent families live below the poverty line, 85% of whom are women. However, 35% of maintenance payments are not made, even though the ex-spouses have the financial means to do so, according to a study published in January 2021 by the Directorate for Research, Studies, Evaluation and Statistics (DREES).

In the event of divorce or separation, in 63% of cases the child's residence is fixed at that of the mother, in 24% at the father's, with alternating residence being chosen in 12% of cases¹. Conflicts over these issues are very rare.

Political rights

Parity between women and men in politics is progressing in France. According to the "Observatoire des Inégalités" (Observatory of Inequalities), women represent 37% of MPs, 45% of municipal councils, 49% of members of the European Parliament, 49% of regional councils and 51% of departmental councils. In contrast, only 20% of mayors are women and less than a third of regional presidents are women. In the Senate, 35% of the seats are held by women. In 2022, for the first time, a woman was appointed as the current Prime Minister and a woman presides over the National Assembly.

Despite this progress in the representation of women, it should be noted that women are not found at the head of parties or in the hierarchies of power. Also, women politicians are subject to

increased scrutiny by public opinion and the media, with strong sexist smear campaigns being enacted. There have been reports of sexist and sexual violence in politics, which has paradoxically led to an increase in campaigns against women politicians.

Sexual and reproductive rights

Women have access to family planning centres, which offer gynaecological consultation and awareness-raising on reproductive and maternal health, among other services. Access to abortion has been reduced due to the closure of local hospitals and the conscience clause exercised by some doctors. The new law (which is still awaiting its implementation decree) authorising the performance of abortions by midwives would be a step forward that could facilitate access and fill the current gaps.

In terms of sex education, the subject is poorly invested in and deprioritised: according to a report by the High Council for Equality between Women and Men published in 2016, 11.3% of high schools out of the 695 surveyed stated that they had not set up any action or session on sex education during the 2014-2015 school year. This figure rises to 4% in middle schools and 25% in elementary schools. This is a far cry from the three annual sessions of sexuality and gender equality education provided for by the 2001 law. Various studies show that sexist prejudices, including among young people, are still very strong and that many of them learn about sexuality through pornography, for lack of any other sensitisation.

Laws on gender-based violence/violence against women

There are no sex-disaggregated statistics that allow us to differentiate between violence against women and violence against the population in general. This makes it impossible to assess the extent of the phenomenon of gender-based violence as a whole. At present, statistics are only available on femicide.

In many areas, the legislative framework has been strengthened, particularly in relation to gender-based and sexual violence. Penalties have increased, but in practice, the rate of convictions for gender-based violence has remained very low. If we take the example of rape, the number of complaints has increased fourfold in the last five years, but the number of people convicted of rape has decreased by 50% in the last 10 years (official statistics from the Ministry of Justice). Violence by partners or ex-partners is not decreasing; there are between 140 and 150 feminicides per year in France, even though the majority of victims have reported prior violence to the police. In 2022, a total of 147 feminicides were committed.

Economic and social rights

In the economic sphere, the situation of women is no longer progressing and, as the pay gap remains evident, employers are not being sanctioned. The professions many women engage in (health, justice, education) are being constantly devalued. Social protection is decreasing and pension reforms in particular are accentuating

gender inequalities.

Even if the **employment rate** of women in France is relatively high, it has been stagnating for several years. In France, men are paid on average 28.5% more than women and 76% of part-time jobs are held by women. The labour market remains structured by a very high level of inequality for several reasons, including the high rate of part-time work for women - around 30% - and their underrepresentation in the cutting-edge sectors of artificial intelligence or finance. Women are over-represented in the care sector (91% of care assistants in France are women). For the same position and equal skills, the salary gap is 9%².

With regard to **retirement**, women are more affected by incomplete careers, meaning that they suffer from a large gap in their pension, which can be as much as 40% lower than that of men. Also, they retire 6 months later than men. The pension reform currently voted in France will further aggravate their situation by forcing women to work longer, even if they have met all the quarters of contribution necessary to retire, including compensation for the 4 quarters of contribution for pregnancy and 4 quarters for education (which since 2010 can be shared with the father). The discrepancy in the legal age of retirement erases this compensation while maternity and child rearing heavily impact the careers of women. This will affect more than 100,000 women per year.

Vulnerable and/or marginalised populations

In spite of the existing legislative framework and of the existence of the Defender of Rights - an independent institution which receives and directs complaints - in France, the recourse to justice for victims of discrimination is almost inexistent.

Immigration policies, which are very repressive concerning illegal residence, produce situations of precariousness, extreme poverty, and can place the people who are subject to them in situations of extreme dependence on drug trafficking or prostitution networks. A particularly important issue is that of migrant or refugee women whose status is intrinsically linked to their family situation, which sometimes forces them to stay with violent husbands. Isolated women are highly exposed to violence during their journeys which continues once they have arrived in France, due to precariousness, lack of emergency accommodation and lack of access to health care.

Recommendations

To the French State:

- Bringing together and structuring all the legislative provisions concerning women's rights in a comprehensive law that includes education, the fight against discrimination, women's socio-economic rights and the fight against gender-based violence.
- Setting up a specialised prosecutor's office for the treatment of gender-based and sexual violence in order to improve the effectiveness of the penal response and the protection of victims.
- Ensuring protection and assistance to victims, even in the absence of a formal complaint, by mobilising organisations in reporting work.
- Implement restorative justice procedures in apposite cases: e.g., single act, youth of the respondent, victim's agreement.

To the European Union, the United Nations or other international institutions:

- Coordinate the collection of European and international data on all forms of violence against women and gender-based violence.



Endnotes

1 Source Ministry of Justice. <http://www.justice.gouv.fr/publications-10047/rapports-thematiques-10049/la-residence-des-enfants-de-parents-separes-26368.html>)

2 Source : <https://www.oxfamfrance.org/inegalites-femmes-hommes/inegalites-hommes-femmes-travail/>