

## France

### 1. Discrimination in the family

#### a) Overarching legal framework for marriage

Women have equal rights as men to enter into marriage (Civil Code, Article 143). While there is no specific legal provision which prohibits forced marriage, there are civil and criminal laws that are used to address the latter. More specifically, a court can order the annulment of a marriage based on the lack of the consent of one of the two spouses (Civil Code, Article 146). In addition, taking someone abroad to force them to marry is an offense that is punishable for up to three years in prison and a fine of EUR 45 000 (Euros) (Penal Code, Article 222-14-4).

There are, however, no legal provisions dealing with forced marriage in Réunion Island and in Mayotte. Detected cases are handled by the Association for the Condition of Women and Assistance to Victims (CEDAW, 2016a). More broadly, in France's partly autonomous overseas territorial units, marriage practices also fall under local customary laws, which coexist with the French Civil Code. In this regard, the CEDAW committee noted with concern that a number of customary laws or practices in force in some non-metropolitan territories contain discriminatory provisions with regard to marriage and family relations that are incompatible with the Convention (CEDAW, 2016b, p.17).

French law only recognises civil marriage. The marriage must be performed by a French civil officer, which includes the mayor, or a legally authorised representative of the mayor, such as the deputy mayor or a city councillor. Religious ceremonies are optional, have no legal status, and may only be held after the civil ceremony has taken place. The law provides for the official registration of informal partnerships (Civil Code, Article 515-8), and the latter are regulated by law (*idem*; French Social Security Code).

One component of the fourth inter-ministerial plan to combat violence against women during 2014-2016 focused on forced marriage. The Ministry of Interior (Directorate of Reception and Integration of Immigrants) has also established a network of ministerial focal points in the Ministries of the Interior, Foreign Affairs, Women's Rights, Social Affairs and National Education to prevent forced marriages and intervene in critical situations (CEDAW, 2014a).

#### b) Early marriage

In France, the minimum legal age of marriage is 18 for both men and women (Civil Code, Article 144). However, the law allow exceptions to get married before 18 with the agreement of one of the parents and a procurator of the republic (Civil Code, Article 145). Child marriage is void in France (Civil Code, Articles 182, 184, and 187) and there are penalties for authorising or knowingly entering into child or early marriage (Civil Code, Articles 156 and 157). However, France limits the prosecution of forced and/or child marriage perpetrated by French nationals abroad to cases in which the act is not criminalized in the country where it is committed (CEDAW, 2016b, p.9).

Early and forced marriage seems more prevalent among immigrants, primarily those from countries where celibacy is disapproved and premarital sexual relations prohibited (e.g. Turkey, the Maghreb and Sahelian Africa). CEDAW noted that the reasons for which parents intervene in the choice of their daughters' spouses have changed considerably. Whereas marriages were arranged prior to migration for some immigrant women, in half of the cases, immigrants' daughters born in France involve in a premarital relation or pregnancy that the parents do not approve of and thus seek to "regularise" through marriage (CEDAW, 2014a)

### c) Household responsibilities

Women have the same rights as men to be recognised as head of the household. The Civil Code grants both the mother and father equal rights and responsibilities to their children during and after marriage (Civil Code, Article 203 and Article 371-1). While women have equal rights to men in informal unions to be the legal guardian of their children, there is no legal obligation for partners in an informal relationship to contribute to the costs and expenses of their household. However, partners in an informal relationship can enter into an agreement relative to household responsibilities (*convention de concubinage*) or a civil solidarity pact (*pacte civil de solidarité*), a contractual form of civil union between two adults for organising their joint life. The law mandates less rights and responsibilities for these forms of partnerships than those under marriage (Ferrand, 2015, p.18).

Married women have equal rights to married men to choose where to live (Civil Code, Article 215). CEDAW committee noted that discriminatory stereotypes on the roles and responsibilities of women and men within the family and in the society persist in France (CEDAW, 2016b). For example, a study carried out by the High Authority to Combat Discrimination and Promote Equality (HALDE) between June 2007 and March 2008 has highlighted the persistence of gender stereotypes in school textbooks. Men were found to be over-represented in the textbooks while women were mainly shown in household contexts and frequently associated with the image of the mother or wife. Rarely were they presented in business or political settings (CEDAW, 2014a)

### d) Divorce

The Civil Code does not discriminate against women in terms of divorce rights. Both women and men have the same right to initiate divorce (Civil Code, Title 5). After the divorce, both parents continue to share parental authority over their children (Civil Code, Article 373). In the interest of the child, a judge can decide to give parental authority to one of the parents or to another family member (Civil Code, Article 375-3).

After the divorce, if the parties do not agree on a method of distributing property, the default option is that the assets of both parties that were acquired during the marriage are the property of both and will be split equally (Civil Code, Article 1400). If one party is disadvantaged by any post-divorce financial disparity, that party may claim a compensatory allowance, set and enforced by the court. France does not require that pension rights be split equally on divorce, but they may be taken into account in the development of the compensatory allowance (K'peti, 2013). The court may also set the rate of child support on a discretionary basis if both parties cannot agree on the amount, but there is an emphasis on supporting post-divorce collaborative parenting, and there has been an increasing emphasis on mediation in policy (K'peti).

There are no customary, religious, or traditional practices that discriminate against women's legal rights to initiate divorce, or be guardian of their children after divorce.

### e) Inheritance

Daughters and female surviving spouses have the same rights as men to inherit land and non-land assets (Civil Code, Articles 735, 756, and 757). Women also have equal rights to execute or administer a will (Civil Code, Article 724). In metropolitan France, disinheritance of the surviving spouse is prohibited by law (French Civil Code, Chapter 3), although a defined proportion of the estate (*reserve legale*) must be given to specified categories of heirs: firstly, to the children, and if no children, the surviving spouse. More specifically, in the presence of children (or grand-children) the surviving married spouse receives a minimum of 1/4 of the freehold of their deceased's estate. If a married couple buys property jointly, then shares are based on a share of half the property, the other half remaining in the possession of the surviving spouse (*idem*, Civil Code, Articles 731 and 756-758-6).

Generally, there are no customary, religious, or traditional practices or laws that discriminate against daughters and female surviving spouses' legal rights to inherit, although there are some exceptions in France's overseas territories. Particularly, under Kanak customary laws, wives and children can be disinherited by the council of elders in favour of a brother or cousin of the deceased. In this regard, the Customary Senate, together with the Government of New Caledonia is currently preparing a bill on the customary order of devolution of property, located both in and outside tribal land or districts (CEDAW, 2014b).

In addition, with a view to combating discriminatory customary law provisions, the Ministry for the Status of Women has prepared an educational guide to women's rights. At Government level, working groups have been established to examine issues relating to marital property settlements, parental authority and child custody (CEDAW, 2016a).

## 2. Restricted Physical integrity

### a) Violence against women

France ratified the Council of Europe's Convention on the prevention and fight against violence against women and domestic violence (Istanbul Convention) in 2014. This Convention takes precedence over domestic legislation (Constitution, Article 55). Before the adoption of the Istanbul Convention, Law no. 2010-769 was adopted on Violence Against Women, Violence Between Spouses, and the Effects of These Types of Violence on Children, which set forth new means of protection against violence available to individuals in any of the various familial structures (marriages, civil partnerships, and co-habitation). The Law also created a new Title XIV in the Civil Code entitled "Protection Measures for Victims of Violence" (*id.* art. 1). Although it protects both sexes, the Law is primarily designed to help women and children who are victims of domestic violence. It contains civil and criminal provisions. Just after ratification of the Istanbul Convention, France adopted Law no. 2014-873 for Real Equality between Women and Men, which also contains several provisions dealing with violence against women.

Law no. 2014-873 (Article 51) for Real Equality between Women and Men mandates the training of professionals (police, judges, lawyers, doctors, nurses, etc.). Training kits have been developed for various trades; issues of gender violence have been integrated into the training of healthcare professionals. Euromed Rights (2017) notes, however, that training courses are short and there are few links with specialised and feminist associations who have experiences working with victims of violence against women. The national awareness-raising campaigns aimed at the general public are regularly conducted by the Ministry for Families, Childhood, and Women's Rights (Euromed Rights, 2017).

The legal framework is complemented by an active state policy, expressed by the adoption of action plans since 2004. The fifth inter-ministerial governmental plan to prevent and combat violence against women (2017- 2019) (PAGVB), has been launched. The three-year plan specifically aims to 1) tighten measures in place for women victims of violence to facilitate their access to support and their rights; 2) increase public action on the issue; 3) tackle the root cause of violence by fighting sexism, which trivializes the violence and rape culture. The 'High Council for Gender Equality' is tasked with following up the plans, and publishes evaluations containing detailed data (Euromed Rights, 2017). Specialised associations are regularly consulted and involved in the development and implementation of plans to combat violence, but their funding is fragmented and insecure. In addition, Euromed Rights (2017) raised its concern about the amount, transparency and sustainability of the funding for such measures. Various ministries are involved in funding the plan, but the Ministry for Family, Childhood and Women's Rights provides 60% of the funding, despite being the Ministry with the fewest resources. The 2014-2016 plan was granted 66 million Euros, while funding for the 2017-2019 plan increased to 125 million Euros.

### **b) Domestic violence**

Law no. 2010-769 on Violence Against Women, Violence Between Spouses, and the Effects of These Types of Violence on Children criminalises domestic violence (Law no.2010-769, Article 31; see also Criminal Code, Articles 132-80, 222-8, and 224-8). Domestic violence legislation covers physical, sexual, and psychological, but not economic abuse. Article 31 specifies that acts of domestic violence are punishable by an imprisonment of up to three years and a EUR 45 000 fine. The penalty increases to five years and a fine of EUR 75 000 if the victim is unable to work for over eight days (Art. 31).

A protective order issued by the Family Court in 2010, in conjunction with Law no. 2010-769 and reinforced with Law no. 2014-873, allows the court to order a violent spouse to be evicted and prohibited from approaching the home (CEDAW 2016a, p.12). Law no. 2014-873 speeds up the process for protection orders and makes the renewal of the order easier (CEDAW 2016a, p.12). The court may decide the arrangements and costs for child custody and enjoyment of the conjugal home. The law aims to protect women victims of violence before or after filing a complaint, whether or not the perpetrator has been prosecuted.

Euromed Rights (2017) reports that 3 000 protective orders were issued in 2015. Judges and magistrates remain, however, poorly trained on domestic violence (and violence against women in generally) (EuroMed Rights, 2017). Family mediation procedures for family disputes are also typically required, which can raise difficulties in contexts of conjugal violence (Euromed Rights 2017).

The government sponsors and funds programmes targeted at female victims of violence, including providing shelters, counselling, hotlines, and free mobile phones. In 2010, France introduced 'le Téléphone Grand Danger', through which female victims of violence can call and get help in less than 10 minutes. The system works through a regulation platform that evaluates the danger and then alerts the relevant services (Ministère des droits des femmes (n.d.)). In 2013, 97 daytime shelters for women victims of violence were financed in 89 departments. In addition, the Government has undertaken to reserve for women victims of violence approximately one third of the 5 000 new emergency-shelter places to be created during the five-year term. There are plans for 1 650 new urgent shelter solutions earmarked for and adapted to women victims of violence by 2017 (CEDAW, 2014a, p.46).

The government also supports the work of associations and NGOs dedicated to fighting domestic violence (US Department of State, 2016). In addition, special trainings were given to police on domestic violence, including a training kit on techniques for taking statements that make it easier for victims to file complaints (CEDAW 2016a, p.12). The Government finances the presence of social workers, psychologists, and help desks staffed by victim assistance associations in police stations and units of the gendarmerie (idem).

There remains concern, however, of an under or non-reporting of domestic violence cases, particularly among immigrant women dependant on their partners for residence permits (CEDAW, 2016b, p.8). To respond to this issue, the 2010 law on Violence against Women, Intimate Partner Violence and Violence against Children endeavoured to take into account the specific situation of immigrant women who are victims of domestic violence by providing them with a residence permit independent from their spouse, allowing them to be able to leave the household in case of gender based violence. However, implementation of this disposition has been lacking (European Parliament, 2015).

### **c) Rape**

The Penal Code addresses sexual violence and criminalises rape, which is punishable for 15 years imprisonment (Articles 222-22 through 222-33-1). Rape is defined as 'any act of sexual penetration, of any nature whatsoever, committed against another person by violence, constraint, threat or surprise' (Criminal Code, Article 222-23). The law provides for increased penalties for aggravated forms of rape and sexual violence (20 years to life imprisonment, depending on the crime) (Criminal Code, Articles 222-24-222-26). The Law of 2006 recognises marital rape and removes the presumption that spouses have consented to sexual acts within the intimacy of married life (Law n.2006-399, Article 11; Criminal Code, Article 222-24(11)).

Euromed Rights (2017) noted the difficulty of applying the law and ensuring that rape is recognised and punished, in particular before a criminal court. Moreover, conviction rates for rape are very low in France (2.6%, as reported by Aebi et al., 2014; see also European Parliament, 2015). The High Council for Gender Equality has recommended that the law be altered in order to better respond to these challenges.

In 2011 and for the first time, the third inter-ministerial governmental plan to prevent and combat violence against women (PAGVB) focused specifically on rape, with the objective to better assist

victims and launch an awareness raising campaign. The fourth PAGVB included the same objective and addressed a wider spectrum of professionals such as social workers, police, doctors and midwives.

However, there is no approved procedure with regard to protocols or guidelines for professional who may deal with rape, such police forces, the judicial investigation system, or sanitary and social workers (Euromed Rights, 2017). The High Gender Council, which monitors the plans for preventing and combating violence against women, noted that although the latter has been allocated a large budget, the financial resources lacks transparency, there remain difficulties in assessing the status of accommodation in emergency shelters and its interrelation with access to social housing (High Gender Council, 2015). There was also heterogeneous involvement from various Ministries and local-level management, and finally, insufficient communication regarding new rules/duties and training and information tools (High Gender Council, 2015).

To respond to this concern, the fifth PAGVB aims to increase the number of helpline staff and social workers in police stations, as well as the number of emergency refuge places for women victims of violence (to 2,000), with greater use of emergency protection measures (e.g., eviction of spouse/partner, restraining order, etc.). The plan aims to further elaborate ways in which rape victims can formally report attacks and time limits for bringing a prosecution. In addition, the plan outlines campaigns to be conducted to continue the work of deconstructing stereotypes which promote violence against women. Along these lines, in 2016 a poster campaign was launched with messages such as: “Rape is never caused by a short skirt. It’s always caused by a rapist”; “Love and jealousy don’t kill. Sexism does”.

#### **d) Sexual harassment**

In August 6, 2012, the definition of sexual harassment has been redefined in the Criminal code (art. 222-33; see also Article L. 1153-1 of the Labour Code). It proposes stronger penalties and cover wider circumstances other than sexual harassment at the workplace. More specifically, sexual harassment was defined as “subjecting an individual to repeated acts, comments, or any other conduct of a sexual nature that are detrimental to a person’s dignity because of their degrading or humiliating character, thereby creating an intimidating, hostile, or offensive environment.” The law divides sexual harassment into two categories: (i) repeated instances of harassment carry a maximum sentence of two years’ imprisonment and a EUR 30 000 fine;(ii) a single serious offense carries a maximum sentence of three years’ imprisonment and a EUR 45 000 euros fine. The definition of sexual harassment does not specifically cover educational establishments, sporting establishments, public places or cyber harassment/cyber stalking.

The Ministry of Justice reports that relatively few victims of sexual harassment actually file complaints (US State Department, 2016). Despite survey results which indicate that one in five women in France experience sexual harassment in their professional lives, only 5% of those cases were brought to trial (US State Department, 2016). A report released in late 2016 by the French Parliament indicates a 6.2% conviction rate of lawsuits filed in 2014 (US Department of State, 2016). In conjunction with the fourth and fifth PADVB, the Defence Ministry has formulated an action plan to fight sexual harassment and violence against women in the armed forces while the Transport Ministry has similarly developed a plan to combat sexual harassment in public transport, including a text alert system to report incidents



more rapidly (CEDAW, 2015). In March 2013, the Defender of Rights designed and published a specific information brochure on combating sexual harassment, whose victims are mainly women (CEDAW, 2014a, p.17). The CEDAW committee (2016b, p.4) has, however, noted the lack of a comprehensive definition in law of sexual harassment and the absence of civil remedies in cases of sexual harassment committed outside the workplace.

### **e) Female genital mutilation**

Law no. 2013-711 of 5 August 2013 added two new offenses to the Penal Code relative to female genital mutilation (FGM). Article 227-24(1) criminalises the act of inciting a minor to undergo female genital mutilation in return for an offer, promise, gift, present or other benefit, or through the application of pressure or coercion in whatever form. The act is punishable for 5 years imprisonment and a fine of EUR 75 000. The act of inciting another person to perform female genital mutilation on a minor is punishable by the same sentences (article 227-24-1).

Furthermore, the Penal Code sets out punishment of any person who performs female genital mutilation, along with the person(s) responsible for the victim (where the victim is a child). For any act that causes mutilation or permanent disability, the punishment is 10 years imprisonment and a fine of EUR 150 000 (Penal Code, article 222-9). Where the victim is a minor under the age of 15, and the mutilation is performed by a legal, natural or adoptive ascendant or by any other person with legal authority over the minor, the punishment is increased to 20 years of imprisonment (Penal Code, article 222-10). If the perpetrator is not a French citizen, they can also be expelled from France for 5 years (Art. 222-47 of the penal code). In case the FGM is practiced outside of France, in accordance with the obligation of the medical profession to denounce child sexual abuse cases, doctors, when aware, must alert authorities (Art. 222-47 of the penal code).

France has launched various campaigns on FGM, particularly in the second and third three-year plan for the elimination of violence against women (2008-2010; 2011-2013) including information campaigns, awareness-raising activities, and enhancement of care for persons concerned (CEDAW 2014a, p.21). In addition, the 2010 Law on violence specifically against women, spousal violence and its incidence on the children" reinforced protection measures for female children. If there is a risk of genital mutilation abroad, a judge may have a minor registered in a list of wanted persons so as to prevent exit from the territory (CEDAW 2014a, p.21). The 4<sup>th</sup> Inter-ministerial Plan for Preventing and Combating Violence against Women (2014-2016) also included the nationwide dissemination of 160 000 leaflets on FGM, one third of which were in English (CEDAW, 2016, p.8). Finally, the Inter-Ministerial Task Force to Protect Women against Violence and to Combat Human Trafficking (MIPROF) and the National Observatory to Combat Violence against Women publish annual analyses and figures on this FGM

Threat or risk of FGM can be a cause for claiming asylum and international protection in France (EIGE, n.d.). FGM is more prevalent among diaspora communities. The government provides reconstructive surgery and counselling for FGM/C victims (US Department of State, 2016). The CEDAW committee (2016b, p.8) has, however noted with concern that the State makes the prosecution of such offences subject to the filing of a complaint by the victim and is reluctant to prosecute offences perpetrated by permanent residents of France outside the territory of the State party. While the prevalence of FGM

has decreased within France, it reportedly continues to be practiced outside of the country – there are reported cases that girls were sent to their countries of origin for that purpose (CEDAW 2015, p.3).

#### **f) Abortion**

Abortion has been legal in France since the Veil Law of 1975. Article L.2212-1 of the Public Health Code allows a woman to terminate her pregnancy during the first 12 weeks of her pregnancy. Article 24 of the 2014 Act for Real Equality between Women and Men provides that women do not have to give a reason to have an abortion. Previously, women have had to demonstrate a ‘situation of distress’ before having a termination (European Parliament, 2015). After the twelfth week of pregnancy, the law only permits an abortion if two doctors from a multidisciplinary team confirm, after consulting with the rest of their team, that carrying the pregnancy to term would seriously endanger the woman’s health, or that there is a strong probability that the child would be born with particularly serious health problems that are untreatable at the time of the diagnosis (Public Health Code, Article 2213-1).

Despite the comprehensive legal framework, a recent report highlights that women’s right to abortion is not fully implemented, as additional non-covered costs may be very high or the information on abortion rights is not available (HCEfh, 2013). In response, the government has developed several initiatives, including a legislative decree (no 2013-248), which establishes full coverage of costs of abortion by public health insurance and free contraception for minors over 15 years old. A website has been developed to provide all necessary information relative to abortion ([ivg.gouv.fr](http://ivg.gouv.fr)) and a 3-year convention with the family planning network was signed for an amount of EUR 263 000 (European Parliament, 2015, p.28).

Since 2001, minors no longer need mandatory parental consent. A pregnant girl under the age of 18 may ask for an abortion without consulting her parents first if she is accompanied to the clinic by an adult of her choice, who is prohibited from informing her parents or any third party about the abortion (Service Public, 2017). With parental consent, abortion is fully covered by the State. Until 2015, the law imposed a seven-day "cool-off" period between the patient's first request for an abortion and a written statement confirming her decision (the delay could be reduced to two days if the patient was getting close to 12 weeks). That mandatory waiting period was abolished on 9 April 2015.

### **3. Restricted Access to productive and financial resources**

#### **a) Secure access to land and non-land assets**

The law provides for equal rights for women to own, use, make decision and use land and non-land assets as collateral (Civil Code, Articles 1401-1403, 1421, Article 544). Article 225 of the Civil Code allows both spouses to administer their personal assets and property (FAO Gender and Land Rights Database, Cadre Juridique National). The default marital regime is partial community of property (Civil Code, Article 1400) and both partners must agree in the administration of marital property (Civil Code, Articles 1422, 1424, and 1425).

France produces territorial and sex-related data, facilitating the representation of women in agricultural training programmes, women’s entrepreneurship, agro-tourism and the development of professional activities for women in rural areas. CEDAW committee (2016b) noted the concerns for



the need for long-term measures in these fields and a lack of measures that address rural women's vulnerability, in particular older women in the overseas territories owing to land acquisition by multinational mining companies, often resulting in forced evictions, displacement of women and lack of adequate compensation.

### **b) Secure access to formal financial resources**

Married and unmarried women have equal rights as men to open a bank account and obtain credit at a formal institution (Civil Code, Article 221). A Women's Entrepreneurship Plan was launched in 2013 by the Ministries of Women's Rights, Education, Science and Higher Education, and SMEs, Innovation and Digital Economy. The goal of the plan is to increase the rate of women starting businesses from 30% currently to 40% by 2017 through three main pillars: (i) increase the promotion of women's entrepreneurship and improve the information provision on available supports, promotion activities occur largely through actions in the national education and higher education systems; (ii) strengthen individual support for women entrepreneurs so that they can develop and grow their businesses and (iii) improve access to finance with a guarantee fund (Fonds de garantie à l'initiative des femmes) (CEDAW, 2014a; OECD, n.d.). In addition, the Secretary of State for Women's Rights and Ministry of Women's Rights launched the Plan for Women Entrepreneurs in Rural Areas in 2016. The plan aims to respond to the challenges faced by women entrepreneurs in rural areas (e.g. isolation, logistical challenges, difficulty in accessing networks and support) (OECD, n.d.).

### **c) Workplace rights**

France has ratified ILO Conventions 100, 111, 156, but not 183 or 189.

The law mandates non-discrimination on the basis of sex in employment (Labour Code, Article 1132-1). The labour code specifically covers job advertisements, selection criteria, recruitment, hiring, terms and conditions, promotions, training, assignments and termination (Titles 3 and 4, specifically Articles 1131, 1132, and 1141). The law also mandates equal remuneration for work of equal value (Articles 1132-1 and 1142-1). While the law does not prohibit women from entering certain professions, section R4541-9 does prohibit women from carrying loads that are over a certain weight. Women can work the same night hours as men and they do not need permission from their husband or legal guardian to either choose a profession or register a business.

French law mandates paid maternity leave of 16 weeks (Social Security Code, Article 331-3), 6 of which are to be taken before the birth, while paternity leave allows 11 consecutive days off (Social Security Code, Article 331-3; Labour Code, Article 1225-35). Employees receive 100 per cent of net wages during maternity and paternity leave, including seventy-three per cent covered by the government (Social Security Code, Article 331-3-5, 331-3-8, R323-4). From the third child on, leave lasts 26 weeks for women, and 18 days for men.

Parental leave allows parents for a leave from employment or a reduction in hours. All employees who have worked at least one year in a company can benefit from parental leave and are entitled to return to their position or a similar one afterwards. All parents have an individual entitlement to 24 months of parental leave, to be taken before the child's third birthday. However, the rules for payment are separate. For parents having the first child, each of them are entitled to 6 months of 'PreParE'

(Prestation partagée d'éducation de l'enfant) (Service Public France, 2018). From the second child on, 'PreParE' can be paid until a child is three years old, but only for a maximum period of 24 months to any one parent, which means that the remaining 12 months can only be received by the other parent (Service Public France, 2018). The benefit paid during parental leave also varies upon the parents' situations. Parent who stops totally his/her professional activity during the parental leave receive 396,01 euros monthly, while those who work 50% part-time receive 256,01 euros and those who work 50%-80% part-time receive 147,67 euros monthly (Service Public France, 2018).

While these policies are intended to help parents to have a better work-life balanced, studies have also shown that they tend to reinforce traditional divisions of family responsibilities among men and women. More specifically, while policies are formulated in neutral ways, in practice women are the main target (98% of beneficiaries in 2009; EU Parliament, 2015). When women stop or reduce their employment activity, they become the main person in charge of domestic/family work. These policies may also reinforce inequalities among women, as women with stable/skilled jobs tend to reduce their activities, while women in low-skilled/low paid jobs, who are already disadvantaged in the labour market, tend to stop working (EU Parliament, 2015, p.20).

The 2014 Real Gender Equality Law reformed parental leave in order to improve the sharing of parental responsibilities, and implements actions to improve the reconciliation of work and family life and women's employment rate. More specifically, the duration of parental leave may be extended for an additional six months if taken by the second parent; parents of two children can take a leave of three years provided that the second parent uses at least six months; employees who have a spouse who is pregnant can take up to three days of absence from work for mandatory medical examinations.

The law protects women's employment security while they are on maternity leave (Labour Code, Article 1225-25). Employers are prohibited to use the pregnancy status of a woman as a reason to refuse her employment or to end a working contract during the probation period (Labour Code, Article 1225-1). Reports suggest that discrimination due to pregnancy is widespread but undetected and rarely sanctioned (European Parliament, 2015, p.13) Having children and/or being pregnant are still perceived by employers as an impediment to employment and to promotion. Despite legal protection against unfair dismissal during maternity leave and during 4 weeks after the end of the leave, several recent court cases show that employers routinely contravene the law. Although these cases were decided in favour of the plaintiffs (Conseil des Prud'Hommes de Paris, décisions 2010/229 et 2011/1; European Parliament, 2015, p.15), they suggest that the protection against discrimination due to pregnancy/maternity remains a challenge in the private sector.

An analysis by the European Parliament suggests that the implementation of a law relative to gender equality in the labour sector is lacking (European Parliament, 2015, pp.13-15). The report notes that while women's rate of employment is high, it is also characterized by a high rate of part-time employment, especially in low-skilled/low-paid economic sectors and gender occupational segregation is strong. In addition, trade union representatives and labour tribunals are not very familiar with anti-discrimination law (European Parliament, 2015, pp.13-15). There is, however, a specific body (created in 2004; 'High Authority against Discrimination and in favour of Equality' (HALDE)) tasked with receiving, investigating, and enforcing complaints on discrimination, including sex-discrimination in employment. In addition, in 2010, the legal obligation to adopt a gender equality

plan or to reach a collective agreement on gender equality in enterprises with more than 50 employees was strengthened with, for the first time, a financial penalty for non-compliance (up to 1% of the total payroll) with enforcement starting in 2012 (European Parliament, 2015, p.15)

## 4. Restricted Civil liberties

### a) Citizenship rights

Married and unmarried women have the same rights as men to acquire, change, retain their nationality, as well as confer their nationality to their children (Civil Code, Article 18). Married women also have equal rights as married men to confer nationality to their foreign spouse (Civil Code 21-1, 21-6). Married and unmarried women have equal rights as men to register the birth of their children (Civil Code, Article 55)..

Multiple and intersectional discrimination are not explicitly addressed in national legislation. In addition, there is 'there is scarce research and no specific policy targeting women who face multiple discrimination [...] France seems to be lagging behind with respect to the analysis of intersectional discrimination that has been developed at the European level' (European Parliament, 2015; European Commission, 2016)

Married and unmarried women have equal rights as men to apply for identity cards and passports (Decree 55-1397, Article 4; Identity Card Procedures; Decree 2005-1726, Article 5; Passport application procedures). The law does not discriminate against women with respect to the passports and other travel documents of minor children (Decree 2005-1726, Article 8) and both unmarried and married women have the same rights as men to travel outside the country.

### b) Political voice

Women in France have equal rights to men to hold public and political office in the legislature, executive and judiciary (Constitution of France, Articles 3 and 4 and Preamble to the Constitution, Sec. 1). France has also adopted various provisions in order to improve gender balance in politics and there are legislated quotas for women at the national and sub-national levels (Law No. 88-227, article 9; Electoral Code Articles 191, 294 295, 299, 300, and 303).

More specifically, regarding political candidate lists, the rules depend on the type of elections. For departmental elections, there must be two candidates for each departmental district, a man and a woman. Since 2000, the law (Law no. 2000-493) states that all political parties should include equal numbers of men and women on party lists for those elections conducted via proportional representation (European Parliament, municipal and regional elections). For elections to the National Assembly, political parties must also present the same number of candidates for each sex and non-compliance with this rule results in a financial penalty (Quota Project 2016; Law No. 88-227, Article 9 (1)). This system, however, does not impede political parties from providing women with unwinnable seats.

In 2012, a new law was also introduced imposing a 40% gender quota to be reached by 2018 for nominations to executive functions in the public service (Law no. 2012-347). This quota applies to

administrative and supervisory boards of public institutions, high councils, juries and selection committees in public service procedures. In 2013, the electoral law (Law no. 2013-403) changed the way local councillors (*conseillers départementaux*) are elected. The Law introduces a ‘mixed ticket’ one man/one woman and includes cities with over 1 000 inhabitants in the same mode of election as cities with over 3 500 inhabitants (a proportional list system allowing strict parity to be applied to candidate lists, a reform asked for by parity activists as early as 1999). Parity now applies to all elections with a list system through the zipper system: alternation of one man/one woman.

The 2014 Act for Real Equality between Women and Men has extended quotas to civil society organizations such as sport federations and provides for the more effective application of penalties for infringement of gender quotas. However, one critique of the 2014 Act is that the parity principle is only being applied to public bodies, rather than private companies (Massetot and Maymont, 2014, p.13). In addition, the CEDAW committee has noted with concern that some political parties appear to prefer to be fined rather than nominate women candidates for elections (CEDAW 2016b, p.11)

Act No. 2015-994 of 17 August 2015 on social dialogue and employment also contains some provisions regarding parity in the elections of workers’ representatives. The lists of candidates being proposed for these representative positions should reflect the gender balance of the employees represented. Thus the list should represent the same proportion of men and women as the proportion of the electoral college.

### **c) Access to justice**

Married and unmarried women have equal capacity to men to sue and to be sued. No legal restriction could be found on evidentiary weight of women’s testimony in civil, criminal, family court, and tribunals.

There are no specific measures in place to protect women from violence in political and public life, despite widespread reports of harassment, sexist comments, and sexual assault within parliament and the political sphere (US State Department, 2016). Furthermore, despite an exhaustive anti-discrimination legal framework, including the recent adoption in 2014 of the Act for Real Equality between Women and Men, and strong institutions monitoring the framework, the CEDAW Committee has observed limited effect of the legislation (CEDAW, 2016b). In addition, the Committee noted the costs, length of procedures and insufficient legal aid, disproportionately affecting women in situations of vulnerability or poverty (CEDAW, 2016b).

To respond to such observations, a judge specialising in racism and discrimination has been assigned to each prosecutor’s department and an anti-discrimination unit has been set up in each high court to facilitate access to justice for victims (CEDAW, 2016a). In addition, a new website was launched by the government in 2015, which provides information to anyone who is a victim of discrimination or a witness of it. A new national awareness campaign called “All of us United against Hate” was launched on 28 March 2016.

In addition, the High Council for Equality between Women and Men (HCEfh) was established in 2013. The HCEfh has a mandate to review and evaluate all bills that might affect gender equality, to provide impact studies, and to make recommendations to the legislature. It can select on its own the laws it

wants to evaluate from a gender equality perspective. It monitors progress and provides expertise not only in the political sphere but also in the domains of gender-based violence, sexual and reproductive health, gender stereotypes, and international and European issues. The HCEfh has a permanent staff of four persons and an advisory board of over 70 persons, including academic experts, members from civil society organisations and high civil servants from all the ministries who are in charge of the implementation of gender equality in their own ministries. The HCEfh has been active in issuing reports and impact studies and evaluation of public policies.

In addition to the HCEfh, the Defender of Rights (which replaced the former HALDE) is an independent administrative body with a mandate to cover all forms of direct and indirect discrimination prohibited by French legislation or in international agreements ratified by France. Victims of discrimination may directly present their case to the Defender of Rights. Without replacing the traditional channels for redressing discrimination within the legal system, the Defender of Rights can identify discriminatory practices. The Defender of Rights can also help victims to make a case against agents of discrimination and, thanks to special powers, can carry out an investigation and demand explanations from defendants, by conducting hearings and collecting other evidence, including the gathering of information on site. It can issue recommendations and publish them thus encouraging the defendant to comply therewith.

Alleged victims of gender discrimination can benefit from support from the trade union, association and Defender of Rights. They can also benefit from legal aid if they lack sufficient resources. The maximum net income in 2015 is the cut-off point in order to quantify legal aid, which is EUR 941 per person per month (European Commission, 2016, p.37).

While there are no specific laws governing the production or dissemination of gender statistics, the National Institute for Statistics and Economic Studies (INSEE) publishes a report every four years (Women and Men – An insight into parity). The CEDAW committee has, however, expressed concern over the absence of data disaggregated by ethnicity or religion, which would increase knowledge on intersecting forms of discrimination (CEDAW 2016b, p.7; CEDAW, 2014a, p.8). A recent law (Law no. 2017-86) mandates that the HCEfh must produce, each year, a report on the state of sexism in France, made available to the public (HCEfh, 2017).



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