FRANCE

In May 2012, a Ministry for Women’s Rights was created in France.¹ On 23 July 2014, France adopted the first law that addresses gender equality in the workplace, tackling stereotypes in the media, an improved protection from domestic violence, a reform on parental leave, and measures ensuring parity in politics.²

France is governed by the provisions of the French Civil Code. However, both in Mayotte and the partly autonomous overseas territorial units in the Pacific (French Polynesia, New Caledonia, Wallis and Futuna), two personal statuses coexist: the same law status as in France, and a local or common law status (customary law).³

1. Discriminatory family code

In France, the minimum legal age to marry for both men and women is 18.⁴ However, it is possible to get married before 18 for exceptional reasons and with the agreement of one of the parents and of the Prosecutor. Prior to 2006, the minimum age was 15 for women and 18 for men.⁵ A Prosecutor can contest a marriage if there is suspicion that it is a forced marriage.⁶ In France’s partly autonomous overseas territorial units, marriage practices also fall under local customary laws, which coexist with the French Civil Code. In Mayotte, the 2006 law only applies to women under common French law. Women depending on the local or customary law are under the jurisdiction of a 2000 law, which allows 15-year-old girls to marry a man 18 years and over under exceptional circumstances.⁷

The Civil Code grants both the mother and father joint parental authority over their children during and after marriage.⁸ In the case of divorce, both parents continue to share parental authority over their children.⁹ In the interest of the child, a judge can decide to give parental authority to one of the parents or to another family member.¹⁰

¹ Ministère des Droits des Femmes (n.d.)
³ CEDAW (2006)
⁴ Legifrance, Code Civil, article 144
⁵ Legifrance (n.d.), LOI n° 2006-399 du 4 avril 2006 renforçant la prévention et la répression des violences au sein du couple ou commises contre les mineurs
⁶ CEDAW (2006), p. 19
⁷ Senat (n.d.), Départementalisation de Mayotte : sortir de l’ambiguïté, faire face aux responsabilités
⁸ Legifrance, Code Civil, article 371-1
⁹ Article 372, Civil Code
¹⁰ Article 375-3, Civil Code
Women and men enjoy equal rights to **inheritance**, including the legal right to execute or administer wills.\(^{11}\) Articles 544 and 711 of property rights stipulate that property is acquired and passed on through inheritance, by donation or testaments and by obligation effect.\(^{12}\) In Mayotte, the 2003 Finance Act for Overseas Territories eliminated certain discriminatory aspects of the existing laws in relation to inheritance rights for daughters.\(^{13}\)

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The Civil Code does not discriminate against women in terms of divorce rights. Both women and men have the same **right to initiate divorce**.\(^{14}\) A 2004 Act aimed to simplify and update divorce procedures regulated by a 1975 Act: these include divorce by mutual consent which involves only one mandatory appearance before a judge; the obligation to provide financial support ends with divorce, however the “victim” spouse may obtain a compensatory pecuniary provision and be granted damages.\(^{15}\) In Mayotte, the Divorce Act of 26 May 2004 supplemented the Finance Act for overseas of 21 July 2003 by making ordinary law procedures applicable to divorces of people with local law civil status.\(^{16}\) It also eliminated the right to unilateral repudiation without an official divorce procedure.\(^{17}\)

### 2. Restricted physical integrity

There are new measures on gender-based violence that were adopted as part of the 2014 law on gender equality.\(^{18}\) The 2014-2016 National Plan to tackle violence against women covers various forms of violence, including domestic violence, sexual violence and female genital mutilation.\(^{19}\)

In 2010, a new law was enacted that specifically addresses **domestic violence**.\(^{20}\) The definition includes psychological as well as physical violence. Article 31 of the law specifies punishment for perpetrators of violence on their spouse or partner, which can range from three years of imprisonment and a fine of 45000 euros (when the victim is physically incapacitated and/or may not be able to return to work for up to 8 days following the violence) to five years of imprisonment and a fine of 75000 euros when the physical damage stops the victim from working for more than 8 days.\(^{21}\) The Divorce Act of 26 May 2004 established the eviction of a violent spouse from the conjugal home.\(^{22}\) Building on previous national plans to combat domestic violence, including awareness-raising and sensitization of institutional stakeholders, 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

\(^{11}\) Article 724, Civil Code  
\(^{12}\) FAO, (n.d), Gender and Land Rights Database  
\(^{13}\) CEDAW (2006).  
\(^{14}\) Legifrance, Code Civil  
\(^{15}\) CEDAW (2006).  
\(^{16}\) CEDAW (2006).  
\(^{17}\) CEDAW (2006), p. 19  
\(^{18}\) Haut Conseil à l’égalité entre les Femmes et les Hommes (2013)  
\(^{19}\) Ministère des Droits des Femmes (2013), 4e plan interministériel de prévention et de lutte contre les violences faites aux femmes  
\(^{20}\) Law No. 2010-769  
\(^{21}\) The UN secretary-General’s database on violence against women (2010), Loi N. 2010-769 relative aux violences spécifiquement aux femmes, aux violences au sein des couples et aux incidences de ces dernières sur les enfants  
evaluates the danger and then alerts the relevant services. A 2010 violence against women survey found that on average, a woman was killed every 2.5 days and a man is killed every 13 days due to domestic violence.

The Penal Code criminalises rape and perpetrators are punished by 15 years in prison. A 2006 Law recognises spousal rape and removes the presumption that spouses have consented to sexual acts within the intimacy of married life.

Sexual harassment is addressed in a specific law of 2012. Under the law, punishment for perpetrators was increased for perpetrators to two years of imprisonment with a maximum fine of 30 000 euros. In the case that the sexual harassment was carried out against a minor, or more vulnerable persons (illness, disability, pregnancy), the punishment can be extended to three years of imprisonment and a fine of 45 000 euros. Any act of discrimination linked to sexual harassment is punishable by one year of imprisonment and a fine of 3 750 euros.

There is no law on female genital mutilation in France although it can be punished under the Penal Code. Punishment can range from 10 to 20 years of imprisonment and a fine of 150 000 euros. A 2006 law allows for the prosecution of female genital mutilation committed abroad and obliges medical professionals to report it, making it an exception to medical confidentiality.

France was the first European country to pursue trials for perpetrators of female genital mutilation. Between 1979 and 2004, a total of 29 FGM court cases were brought before criminal courts. It is very difficult to estimate the number of women who have undergone FGM in France, especially as it concerns migrant communities and that the practice is carried out overseas. 2004 estimates suggest that 53 000 adult women (18 years old and over) in France had undergone FGM. Threat or risk of FGM can be a cause for claiming asylum and international protection in France.

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Abortion has been legal in France since the 1975 “Veil Law”. Article L.2212-1 of the Public Health Code (Code de la santé publique) allows a woman to terminate her pregnancy during the first 12 weeks of her pregnancy. In 2014, the condition that a woman must be in “condition of distress” was removed from the Law.
In 2005, 73% of women aged 15 to 54 years old were using contraception methods and more than one out of 10 women (13.7%) already using the morning after pill as an emergency procedure. In 2006 there were 14.5 voluntary pregnancy terminations for 1000 women, which at the time represented one of the highest levels for Western Europe. The 2008 finance law of social security of from 19 December 2007 has authorised health centres to terminate pregnancies on demand. Since 2012, under 15-years olds have free access to contraceptives are free or partially covered by health insurance; abortion-related costs are completely covered.

3. Son bias

No evidence was found to suggest that son bias or missing women are relevant in France. For 2013-2014, the male/female sex ratio for the working age population (15-64) in France was 1.0 while the sex ratio at birth was 1.05. In French Polynesia, the sex ratio for the total population and at birth was identical, at 1.05. In Wallis and Futuna, the sex ratio for the total population was 1.02 and the sex ratio at birth was 1.05. There is no evidence to suggest that France is a country of concern for missing women.

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Gross enrolment ratios at both the primary and secondary levels are approximately equal. According to a 2014 report by UNICEF, gross primary school enrolment ratios were 99% at the primary level and 101% at the secondary level.

4. Restricted resources and assets

No evidence of discrimination against women with respect to access to and ownership of land was found in the law or in practice.

Article 225 of the Civil Code allows for both spouses to administer their personal assets and property and does not discriminate against women.

Women and men share equal rights and access to financial services. Both married and unmarried women can open bank accounts in the same way as men. In France in 2011, 97.49% of men and 96.57% of women aged 15 years or older hold bank accounts at a formal financial institution.

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Since 1989, the Fonds de garantie pour la création, la reprise, le développement d'entreprise à l'initiative des femmes (FGIF) facilitates women’s access to credit for entrepreneurial projects. In 2010-2011, women created 28% of the enterprises in France. There are reports that women entrepreneurs face

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35 Member state questionnaires for 15th anniversary of Beijing Platform for Action
36 CIA (2013)
37 UNICEF (2014), p. 73
38 FAO Gender and Land rights Database, (Cadre juridique national)
39 Code Civil, article 221
40 World Bank (2011)
41 Ministère des droits des femmes (2014) Chiffres Clés : Emploi et Précarité,
strong direct and indirect discrimination, especially in agricultural areas, leading to difficulties in accessing financing. The Ministry of Agriculture adopted a national programme co-financed by the European Social Fund for 2000-2006 called “Women, training and employment in rural areas: integration of equality of opportunity” with the aim to apply in practice gender equality of opportunity (Circulaire of the 18 July 2001).

5. Restricted civil liberties

No restrictions could be found as to women’s access to public space and freedom of movement. The Law does not discriminate in choice of residence and the Constitution guarantees all citizens freedoms of assembly and association.

There are legislated quotas for women at the national and sub-national level. In 2013, women represent 26.9% of parliamentarians in the National Assembly. The 6 June 2000 law imposes parity rules for political elections and the 31 January 2007 law ensures parity at the regional and local levels, but female representation is still very low, especially at local level and in overseas territorial units. In April 2014, there were 47.1% of women ministers in April 2014. At local decision-making levels, women represent 17.1% of the mayors in towns of less than 1000 inhabitants, compared to 16% nationally. However, women are less represented in municipal councils of towns of less than 1000 inhabitants, since there are no legislative restrictive parity measures at that level.

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Women constitute nearly half of France’s media workforce. Women’s representation is highest in the junior and senior level professional categories, where they are approaching parity with men. Women also have a fairly strong representation in middle management, which includes senior editors, correspondents with some degree of decision-making responsibilities. However, the glass ceiling for French women journalists is at middle management, as women’s presence sharply declines at this level. Recent studies indicate that women represent only a quarter of the senior/expert commentators in the media, and are twice more likely to be represented as victims than men.

By law, French women are allowed 16 weeks of maternity leave, which increases to 26 weeks for the third child. Women and men are both entitled to three years of unpaid parental leave to care for children. Publicly supported childcare centres are open 11 hours a day, 11 months a year.

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42 Céline Laisney (2012)
43 FAO Gender and Land rights Database
44 Assemblée Nationale (n.d), Constitution Nationale de 1958
45 The Quota Project (2013) Global Database of Quotas for Women [database]
47 FAO Gender and Land rights Database
49 Données 2014, MI. et Guide de la Parité du HCEfh
51 Enquête GMMP 2010
52 IWMF (2011)
Women continue to undertake the majority of **domestic work**: in 2010, women spend on average 4 hours per day on domestic tasks, which represents 1h45 more than men.\(^{53}\)

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\(^{53}\) Ministère des Droits des Femmes (2013)
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