

Oral Statement to the CEDAW Committee

Presentation of the alternative report by the French NGO CLEF (French coordination for the European women's lobby)

By Nicole Renault, CLEF expert

Madam Chair,

I represent the French coordination for the European women's lobby, CLEF, which brings together more than 80 women's associations in France. The alternative report was prepared based on their contributions. The main themes are:

1. Legislative and institutional context for the application of CEDAW;
2. Participation of women in the political and public domains;
3. Persistence of sexist stereotypes and prejudices;
4. Collective discrimination against women in the workplace, and against immigrant and foreign women;
5. Violence against women.

1. Legislative and institutional context for the application of CEDAW

Although CEDAW has been integrated into French law since its ratification over 25 years ago, it remains little known in the French government, politics and parliament. The legislative work rarely invokes it, and to the best of our knowledge, it has never been referred to in the jurisprudence. Therefore, the government should increase the awareness of CEDAW amongst legal professionals and magistrates.

Despite the Committee's recommendations, France maintains its reservation to article 16(g) concerning the transmission of the maiden name. The French law on this issue is not fully in line with the Convention, which specifies that the same personal rights be ensured to the husband and the wife on the basis of equality, including the right to choose a family name. We call on France to conform to the Convention and to withdraw its reservation.

The place of the Convention in relation to the Constitution is problematic. As explained in article 11 of the report, in 2006, the Constitutional Council censured a measure which was adopted by the parliament, which aimed to establish a representation of women of at least 20% in the administrative council of companies. This decision is contrary to CEDAW, which establishes the principle of equality between men and women in **all fields**, and allows for the adoption of temporary special measures for its attainment. We call for a constitutional revision in order to extend the principle of parity to professional and social posts.

The State report lists 22 new laws concerning women adopted since 2002. This is significant. Some of these laws are undoubted achievements, such as those on parity in elections, wearing of religious insignia in schools, divorce, and prevention and repression of partner violence. Other laws, on the contrary, are very unfavourable for women, such as those on interior security, retirement, and the entry and stay of foreigners.

We appreciate the high number of women in government (33%), including in important posts, but we regret the absence of a minister explicitly in charge of with women's rights, and the chaotic state, since 20 years ago, of those responsible for women's rights in the government.

The creation of the High Authority to Fight Discrimination and Promote Equality, which corresponds to article 2 of CEDAW, is a great advancement. However, its performance has disappointed women's associations, which are moreover poorly represented therein: they note that only 3% of the complaints to this Authority are from women. The work of this organisation on behalf of women should be reconsidered.

2. Participation of women in the political and public domains

Over the last few years, a great number of women have entered into municipal and regional assemblies, as well as into the European Parliament. On the contrary, women make up only 18.5% of the National Assembly following the elections in June 2007. The financial penalty imposed on political parties that do not respect the parity of candidates is not deterring enough. We call for more radical measures, such as the single mandate of parliamentarians, and the timely limitation of the number of mandates.

It is difficult for women to get posts in the public service. They represent just 10.3% of superior posts in the public service, and just 7.3% of high posts in higher education and research. The case is the same for the nomination of high government functionaries such as administrative directors, chief education officers, and ambassadors.

Parity is greatly overdue in the high administration, which should adopt special measures for the promotion of women and the adjustment of careers.

3. Persistence of sexist stereotypes and prejudices

Sexist stereotypes are still deeply embedded in French society. Machismo and sexism are found everywhere: in the language, vocabulary, reluctance to feminise occupations and titles, as well as in the discriminatory denomination of women according to their marital status.

They are also found in the images transmitted by the media, including advertisements. The State should incite the competent organisations, such as the Superior Council of Audiovisuals (le Conseil supérieur de l'audiovisuel), to combat more firmly sexist portrayals.

Schools, particularly through textbooks, also convey stereotypes of the traditional role of women and the jobs which they can practise. As a result, the academic and professional orientation of girls distances them from technical and scientific careers, even though they are more successful in their studies than boys. We must wait for the rigorous application of the new inter-ministerial Convention on the equality of girls and boys in the educational system.

4. Collective discrimination against women in the workplace, and against immigrant and foreign women

Too many women find themselves in a precarious situation in the labour market today: 30% of them are in part-time employment, often not through choice, with a low salary. Irregular working hours, long working days, and work on Sundays disrupt family life. The rules in the labour code which protect these workers in the arrangement of working hours must be respected. They must also be monitored by the labour inspection body (l'Inspection du travail), and employers must give priority to the transfer from part-time to full-time work at the request of the employee.

I would also like to underline that wage inequalities remain very large in France despite all the laws related to this subject. We hope that the recent national conference on professional and wage equality will finally deliver the anticipated results. Furthermore, it is imperative that sanctions are effectively imposed on companies that do not respect these laws.

In my report, I have also described the particularly difficult situation for retired women, whose pensions are on average 50% of those of men, due to incomplete careers and low salaries.

Moreover, women belonging to overseas communities suffer specific discrimination due to the coexistence of customary law and common civil law. We demand that their situation be clarified and that no customary civil law arrangement contrary to the laws of the Republic be applicable.

Immigrant women, for their part, are victims of double-discrimination as women and as foreigners, given the increasingly restrictive immigration laws. The extremely selective procedure of family regroupment concerns the majority of these women. The mandatory requirements (increased level of resources for receiving the family, linguistic knowledge and familiarity with the values of the Republic, possible DNA tests) are contrary to the right to lead a normal family life. In the case of separation or, worse, repudiation after her arrival in France and before the acquirement of her first residence permit, a woman married to a French person or a foreign resident finds herself deprived of a residence permit and without papers.

Thanks to the mobilisation of associations, the latest law on immigration takes into account situations where violence has led to separation before the issuance of the first residence permit. In such a case, the law allows for the issuance of a “private and family life” card to the foreign partner.

The situation of women and families “without papers” whose children are legally enrolled in school is particularly grave, given the fact that the bill of 13 June 2006 which allows for their legalisation has been applied very partially and arbitrarily. We call for the unconsidered files to be treated as soon as possible.

5. Violence against women

The situation of female prostitutes was aggravated by the 2003 law which classifies the solicitation, even passive, to a crime punishable by fines and imprisonment. Prostitution has not decreased. It has been relocated and has become more dangerous for the prostitutes. We request that foreign women who wish to escape from prostitution networks be granted residence permits without being obliged to cooperate with the police. The demand for prostitutes should also be suppressed through the effective penalisation of clients.

In France, one woman dies every three days as a result of physical violence from her partner. Over the last few years, there has been a great increase in awareness of the magnitude of this phenomenon. The law of 4 April 2006 contributes to the fight against this type of violence in both the civil and penal domains, but is insufficient in terms of prevention and victim support. There is an urgent need to improve the judicial treatment of cases of violence, in particular the articulation of civil and penal procedures, as well as for the financing of shelters for victims and their children.

Immigrant women or women of immigrant origin can be the victims of particular violence, due to customary practices and strong social and familial pressures. The fight against such practices, notably that against forced marriages, should be pursued with determination. We call for the denunciation of bilateral conventions which ignore the principle of equality between men and women.

We also call for increased awareness of the practice of polygamy, which continues despite its prohibition and measures taken to put an end to it, such as the provision of aid for “décohabitation”.

In this permanent fight for the protection of women’s rights, the government needs partners. The parliamentary delegations on women’s rights accomplish considerable work. They should have greater power in the legislative process. Women’s associations, for their part, contribute to the advancement of legislation and the evolution of mentalities in an irreplaceable way. They should be supported.