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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined seventh and eighth periodic reports of France*

1. The Committee considered the combined seventh and eighth periodic reports of France ([CEDAW/C/FRA/7-8](#)) at its 1409th and 1410th meetings, on 8 July 2016 (see [CEDAW/C/SR.1409](#) and 1410). The Committee's list of issues and questions are contained in [CEDAW/C/FRA/Q/7-8](#) and the responses of France are contained in [CEDAW/C/FRA/Q/7-8/Add.1](#).

A. Introduction

2. The Committee appreciates the submission by the State party of its combined seventh and eighth periodic reports. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group and welcomes the oral presentation of the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue, as well as in writing following the dialog.

3. The Committee commends the State party on its high-level delegation, which was headed by Her Excellency Ms. Laurence Rossignol, Minister for Families, Children and Women's Rights. The delegation also included representatives from the Ministry for Families, Children and Women's Rights, the Ministry of Social Affairs and Health, the Ministry of Foreign Affairs and International Development, the Ministry of National Education, Higher Education and Research, the Ministry of the Interior, the Ministry for Overseas France, the Ministry of Justice, the Inter-ministerial Delegation to Fight against Racism and Anti-Semitism, and the Permanent Mission of France to the United Nations Office and other international organizations in Geneva.

B. Positive aspects

4. The Committee welcomes the State party's withdrawal of its remaining reservations to the Convention in 2013.

5. The Committee welcomes the progress achieved since the consideration in 2008 of the State party's sixth periodic report ([CEDAW/C/FRA/6](#)) in undertaking legislative reforms, in particular the adoption of:

* * Adopted by the Committee at its sixty-fourth session (4-22 July 2016).

- (a) Act No. 2014-873 of 4 August 2014 on real equality between women and men;
- (b) Act No. 2011-103 of 27 January 2011 on the balanced representation of women and men on boards of directors and supervisory boards and on gender equality in the workplace;
- (c) Act No. 2010-769 of 9 July 2010 on specific violence against women, marital violence and its impact on children.

The Committee takes note of Act No. 2013-404 of 17 May 2013 and its recognition of the rights of lesbian, bisexual and transgender women to enter into marriage.

6. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, including the adoption or establishment of the following:

- (a) The Superior Council for Professional Equality, in 2016;
- (b) The Inter-ministerial Plan for 2014-2016 on Preventing and Combating Violence against Women;
- (c) The Action Plan for Equality between Girls and Boys in School, in 2014, and the Inter-ministerial Agreement for 2013-2018 on Equality between Girls and Boys and Women and Men in the Education System;
- (d) The High Council for Equality between Women and Men, in 2013;
- (e) The Plan for the Development of Women's Entrepreneurship, in 2013;
- (f) The Inter-ministerial Mission for the Protection of Women Victims of Violence and for Combating Human Trafficking, in 2012;

7. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international and regional instruments:

- (a) The Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in 2016;
- (b) The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, in 2015;
- (c) The Convention on the Rights of Persons with Disabilities and its Optional Protocol, in 2010;
- (d) The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), in 2014.

C. Principal areas of concern and recommendations

Parliament

8. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the French Parliament, in line with its mandate, to take necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.**

Refugee and asylum-seeking women

9. The Committee welcomes the improvements in the legal framework on asylum brought in 2015, the housing allocations to asylum seekers, the specific actions to bring certain vulnerable refugees directly to France and the medical support offered to foreigners in need of it. The Committee is, however, concerned that the State party may have difficulty facing an influx of refugees and providing them all with decent housing, as was demonstrated by precarious sanitary and housing conditions, no guarantee of access to food, clean water, sanitation or medical care, psychological support or legal counselling and high levels of exposure to violence and exploitation, especially for women and girls, in Calais. The Committee is also concerned that asylum applications, especially of women from so-called safe-countries and/or women in waiting areas, are treated according to the accelerated procedure with fewer safeguards, even if they can be put back into the normal procedure, and that “safe countries” lists may vary within the European Union.

10. **In line with its general recommendations No. 32 (2014) on gender-related dimensions of refugee status, asylum, nationality and statelessness of women and No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, the Committee calls on the State party:**

(a) To implement its obligations under international law with regard to asylum seekers and refugees, such as the principle of non-refoulement;

(b) To take a gender-sensitive approach in receiving the current refugee inflows and in considering asylum claims, thereby ensuring that the needs of asylum-seeking and refugee women and girls arriving in the State party are addressed as a priority concern;

(c) To ensure that women’s asylum applications are examined in full, that cases placed in accelerated procedure are systematically put back into the normal procedure when they fulfil clear criteria to be established and that the broad margin of appreciation is narrowed down in accelerated procedures;

(d) To review the use of “safe countries lists” in view of their uncertainty.

Legislative framework and access to justice

11. The Committee commends the State party for its exhaustive anti-discrimination legal framework, especially since the adoption of Act No. 2014-873 of 4 August 2014 on real equality between women and men, and for the strong institutions involved in monitoring the framework. It also welcomes various drafts proposing important improvements to the legal framework (“Equality and Citizenship”, “Modernization of Justice”). The Committee, however, is concerned about the:

(a) Limited effectiveness of the State party’s anti-discrimination legislation;

(b) Insufficient knowledge on the Convention and the Optional Protocol in the State party, including by lawyers, judges and other personals; absence of reference to the Convention in courts decisions (except in some administrative or criminal cases before the Court of Cassation or the Council of State) and lack of systematic awareness raising and training of legal professionals on the Convention, gender equality and the prohibition of sex-based discrimination, including intersecting forms of discrimination;

(c) Difficulties faced by women claiming for their rights due to absence of knowledge of their rights, including on the Convention and Optional Protocol, costs, length of procedures, insufficient legal aid, affecting disproportionately women in situations of vulnerability or poverty and insufficient consideration of cases of intersecting forms of discrimination, thus preventing comprehensive reparation;

(d) Unequal application of anti-discrimination law across the territory of the State party, in particular in non-metropolitan areas;

(e) Lack of a comprehensive definition of sexual harassment in the legislation of the State party and absence of civil remedy in cases of sexual harassment committed outside the workplace;

(f) Insufficient integration of the prohibition of intersecting forms of discrimination into public policies.

12. In line with general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:

(a) Introduce group actions as planned in the draft law on modernization of justice in the 21st century and open them to ad hoc groups of persons collectively concerned by (sex) discrimination; and establish a fund to support such claims in order to alleviate the financial burden on women;

(b) Expedite the adoption of the draft law on the modernisation of justice in the 21st century, to simplify legal avenues for claimants, in particular women victims of intersecting forms of discrimination, harmonize sanctions and compensation schemes for violations of anti-discrimination laws, and provide for the possibility to address multiple grounds of discrimination jointly;

(c) Ensure that intersecting forms of discrimination are adequately addressed by courts and provide training to judiciary personnel and lawyers, to enable them to address and take into account the various grounds on which claimants are claiming their rights;

(d) Promote further capacity-building programmes for judges, prosecutors and lawyers and other professionals such as law enforcement officers, social services, asylum services, on the Convention and the Optional Protocol;

(e) Implement the recommendations of the Defender of Rights ("Défenseur des droits") regarding the introduction of a clear and precise definition of sexual harassment in the draft law on Equality and Citizenship, and the inclusion of legal provisions in the draft law on modernization of justice in the 21st century allowing for a civil remedy in cases of sexual harassment committed outside the workplace, providing also for an adjustment of the burden of proof;

(f) Ensure that after the redistribution of competence foreseen in the draft law Equality and Citizenship, territorial collectivities, especially in the non-metropolitan areas, have the capacity to fully implement the gender equality legislation and other measures (plans, programmes).

National machinery for the advancement of women and gender mainstreaming

13. The Committee welcomes the creation in 2013 of the High Council for Equality between Women and Men, devoted solely to the promotion of gender equality, as an advisory body attached to the Prime Ministry. It appreciates the important role played by this High Council as well as by the Defender of Rights and the National Consultative Commission for Human Rights. It also notes the complex architecture of inter-ministerial committees and senior gender advisers including in the regions and non-metropolitan areas. The Committee is, nevertheless, concerned about:

(a) The changes of status and focus of the national machinery for gender equality, which varied from a full-fledged Ministry to the lesser level of a State Secretariat, and then regained ministerial level as one component under the new Families, Childhood and Women's rights Ministry, which creates uncertainty and can be interpreted as a regression as regards the centrality of women's human rights;

(b) The complexity of the structure compared with the need for clear and coherent coordination and management of gender mainstreaming efforts and the lack of comprehensive monitoring and impact evaluation measures;

(c) The insufficient human, technical and financial resources allocated to the national machinery for the advancement of women to effectively coordinate gender equality plans, policies and programmes in all areas and at all levels of government and parts of the territory;

(d) The lack of a clear delineation of statutory functions and powers between the High Authority for Equality between Women and Men, the Defender of Rights and the National Consultative Commission for Human Rights, and the very limited human, technical and financial resources allocated to the High Authority as compared to the Defender of Rights and the National Consultative Commission.

14. The Committee recommends that the State party:

(a) Ensure that gender equality issues continue to be dealt with by a full-fledged Ministry, with a strong mandate and the necessary resources, human, technical and financial, to effectively coordinate gender equality plans, policies and programmes in all areas and at all levels of government;

(b) Reinforce monitoring mechanisms to comprehensively and regularly assess progress in the implementation of its gender equality policies, plans and programmes, and evaluate the impact of such efforts, with a view to taking remedial action;

(c) Strengthen the implementation of the gender equality policies at the municipal and regional levels and ensure that all Government bodies involved receive sustained guidance and support in their implementation efforts, including sufficient human, technical and financial resources;

(d) Allocate sufficient human, technical and financial resources to the High Authority for Equality between Women and Men to allow it to fulfil its mandate, and expedite the adoption of the draft law on Equality and Citizenship which will institute and ensure the sustainability of the High Authority in the institutional landscape. Ensure that the other two institutions also receive the necessary means, in particular to enable the National Consultative Commission for Human Rights to fully play its role in view of the new functions it has received (Rapporteur for trafficking and exploitation of human beings).

Temporary special measures

15. The Committee welcomes that the exhaustive and detailed legal framework promoting gender parity concerning the electoral system for all assemblies, high-level jobs in the civil service as well as in the private sector, and the participation of women in boards of directors for companies listed on the stock exchange are not temporary special measures but lasting ones. The Committee remains concerned about the vulnerable situation of women and girls belonging to disadvantaged groups in political life, education, employment and health.

16. The Committee recommends that the State party use temporary special measures to address the urgent needs of women belonging to disadvantaged groups in fields such as political life, education, employment and health.

Stereotypes and harmful practices

17. The Committee welcomes the State party's efforts to combat discriminatory gender stereotypes, including by promoting the sharing of household duties and parenting responsibilities, and to address the stereotyped portrayal of women in the

media, including by regulating broadcasting licences and strengthening the role of the Audiovisual Superior Council. The Committee further welcomes legislative and other measures taken to combat harmful practices, including child and forced marriage, female genital mutilation and crimes in the name of so-called honour. However, the Committee is concerned that:

- (a) Discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society persist in the State party;
- (b) Muslim women and girls are exposed to a heightened risk of discrimination and Islamophobic and/or anti-Muslim acts, based on the intersecting factors of their sex and religion, as well as origin, and that the risk of discrimination is compounded by the current social and political context;
- (c) The media and the advertising sector continue to convey stereotyped and sexualized images of women;
- (d) The prevalence of pornography and the so-called “sexualization of the public sphere” in the State party may exacerbate sexual harassment and gender-based violence against women and girls;
- (e) Information on harmful practices and the ways to combat them in the State party is not readily accessible for many women;
- (f) Medically unnecessary and irreversible surgery and other treatment is routinely performed on intersex children, as noted by the Committee on the Rights of the Child and by the Committee against Torture.

18. **The Committee recommends that the State party:**

- (a) Adopt a comprehensive strategy to modify or eliminate patriarchal attitudes and stereotypes that discriminate against women, with special focus on women belonging to minority groups who are often the target of hate speech and racially motivated violence. The strategy should include monitoring to assess the impact of the measures taken and facilitate the design of remedial action to ensure their social integration;**
- (b) Combat all forms of discrimination against women and girls belonging to racial, ethnic, national and religious minorities, including those living in sensitive urban areas, to ensure their equal access to health and education, employment, housing and to the public and political arenas and to reinforce the willingness and capacity of living together (“le vivre ensemble”);**
- (c) Engage with relevant actors and use other innovative measures, including by imposing stricter regulations when possible, to enhance a positive and non-stereotypical portrayal of women in the media and in advertisements;**
- (d) Conduct a study on the possible impact of over-sexualized representations of girls and women in the media and the prevalence of pornography on the increase in gender-based violence against women in the State party;**
- (e) Systematically collect disaggregated data on harmful practices in the State party and make information on the ways to combat these practices widely available;**
- (f) Develop and implement a rights-based health-care protocol for intersex children, ensuring that children and their parents are appropriately informed of all options; children are involved, to the greatest extent possible, in decision-making about medical interventions and their choices are respected; and no child is subjected to unnecessary surgery or treatment, as recommended recently**

by the Committee against Torture (see CAT/C/FRA/CO/7, para. 35) and the Committee on the Rights of the Child (see CRC/C/FRA/CO/5, para. 48).

Gender-based violence against women

19. The Committee commends the State party on its efforts to address gender-based violence against women. It notes that the State party is currently preparing the 5th Inter-ministerial Plan for the prevention of and fight against violence against women (2016-2018). The Committee is concerned, however, that despite the measures taken, concrete results are insufficient and the prevalence of gender-based violence against women remains high in the State party. It is also concerned at:

(a) The low reporting of cases of gender-based violence against women, including rape, and low prosecution and conviction rates, resulting in impunity for perpetrators;

(b) The impact in terms of gender-based violence against women and girls of the intersection of racist, xenophobic, anti-Muslim and sexist acts;

(c) Regional and local disparities with regard to the availability and quality of assistance and protection services, including shelters, for women victims of violence, as well as discrimination against women victims of violence belonging to minority groups;

(d) Non-reporting of domestic violence by many migrant women owing to their dependence on their partners for residence permits;

(e) The insufficient human, technical and financial resources allocated to the Inter-ministerial Mission for the Protection of Women Victims of Violence and for Combating Human Trafficking (MIPROF) to fulfil its mandate.

20. **In line with its general recommendation No. 19 (1992) on violence against women, the Committee recommends that the State party:**

(a) Further study the root causes for the low reporting and conviction rates in cases of gender-based violence against women and strengthen its efforts to eliminate all barriers preventing women from reporting violence to the police;

(b) Ensure that racist, xenophobic, anti-Muslim and sexist acts are thoroughly investigated and prosecuted and that sentences imposed on perpetrators are commensurate with the gravity of their acts;

(c) Strengthen monitoring mechanisms to regularly evaluate the impact of the measures taken to combat gender-based violence against women and take remedial action;

(d) Carry out an evaluation of the response of the police and judiciary to complaints of sexual crimes and introduce mandatory capacity-building for judges, prosecutors, police officers and other law enforcement officers on the strict application of criminal law provisions on gender-based violence against women and on gender-sensitive procedures for interviewing women victims of violence;

(e) Reinforce assistance and protection provided to women victims of violence, including by strengthening the capacity of shelters and crisis centres and ensuring that they meet the accommodation needs of all victims without discrimination, as well as by allocating adequate human, technical and financial resources;

(f) Revise, from a gender perspective, the conditions for granting temporary residence permits to migrant women who are dependent on their abusive partners;

(g) Allocate sufficient human, technical and financial resources to the Inter-ministerial Mission for the Protection of Women Victims of Violence and for Combating Human Trafficking (MIPROF) to allow it to fulfil its mandate.

Extraterritorial State obligation

21. The Committee is concerned about the potentially negative impact on women's rights of arms transfers to sensitive countries marked by armed conflict or risks of such conflict.

22. The Committee recommends that the State party integrates a gender dimension in its strategic dialogues with the countries purchasing French arms and continue conducting rigorous, transparent and gender sensitive risk assessments, in accordance with the Arms Trade Treaty (2013).

23. The Committee is concerned that the State party:

(a) Limits prosecution of acts of gender-based violence against women, including female genital mutilation and forced and/or child marriage, perpetrated by French nationals abroad only to cases where the act is not criminalized in the country it is committed in;

(b) Makes prosecution of such offenses subject to the filing of a complaint by the victim;

(c) Is reluctant to prosecute such offenses perpetrated by permanent residents of France outside of the territory of the State party.

24. The Committee recommends that the State party review its approach to extraterritorial prosecution of acts of gender-based violence against women, including female genital mutilation and forced and/or child marriage, and ensure these offenses, when perpetrated by French nationals or permanent residents, are prosecuted ex-officio in the State party, regardless of whether or not the particular offense is criminalized in the country where it is committed.

Trafficking and exploitation of prostitution

25. The Committee welcomes the adoption of the first National Action Plan for 2014-2016 on Combating Human Trafficking as well as the designation of the National Consultative Commission on Human Rights as independent national rapporteur. It is, however, concerned about:

(a) The low rates of prosecution and conviction in cases of trafficking;

(b) The lack of adequate mechanisms to identify and refer victims of trafficking in need of protection, in particular minors often considered as offenders, irregular migrants and not victims, and insufficient data on victims of trafficking;

(c) The lack of attention to exploitation that includes forced labour, servitude, slavery and analogous practices, priority being given to trafficking and exploitation of prostitution;

(d) The insufficient coordination as well as the lack of human and financial resources allocated to the National Action Plan, which resulted in important delays in its implementation and the lack of resources for the National Commission on Human Rights to fully exercise its role of Rapporteur;

(e) The lack of systematically organized rehabilitation and reintegration measures, including access to counselling, medical treatment, psychological support and redress, including compensation, for victims of trafficking, in particular for migrant

women who are not entitled to obtain a temporary resident permit unless they cooperate with the police and judicial authorities;

(f) The risk that criminalization of clients may backfire and expose persons in prostitution to increased risks for their security and health without addressing the root causes of prostitution nor diminishing its prevalence;

(g) The insufficient budgeted amount and the uncertainty regarding the additional resources expected from the confiscation of property of convicted traffickers to support the process (“parcours de sortie”) for women wishing to leave prostitution.

26. The Committee recommends that the State party:

(a) Investigate, prosecute and punish all cases of trafficking in persons, especially women and girls, and ensure that the sentences imposed on perpetrators are commensurate with the gravity of the crime;

(b) Strengthen measures to identify and provide support to women at risk of trafficking, in particular minors;

(c) Improve access to data on victims of trafficking, disaggregated by sex and age;

(d) Prevent and combat other forms of exploitative practices assimilated to trafficking, in particular forced labour, servitude and slavery;

(e) Increase the human, technical and financial resources of the Inter-ministerial Mission for the Protection of Women Victims of Violence and for Combating Human Trafficking and the National Consultative Commission for Human Rights to ensure the effective coordination, monitoring and assessment of government action against trafficking in persons and exploitation;

(f) Provide victims of trafficking with adequate access to health care and counselling and strengthen such services by providing enhanced human, technical and financial resources to the social work centres, in addition to targeted training for social workers;

(g) Ensure that all victims of trafficking, irrespective of their ethnic, national or social background, obtain effective protection and redress, including rehabilitation and compensation;

(h) Plan to evaluate within three years of the impact of Act No. 2016-444, including on the type and extent of prostitution and trafficking, as well as on social perceptions on prostitution and on the purchase of sex services, as well as on women who engage in prostitution;

(i) Increase the budget and strengthen the assistance provided to women and girls who wish to leave prostitution, including by providing alternative income-generating opportunities.

Participation in political and public life

27. The Committee commends the State party for the numerous legislative (or constitutional) measures taken to ensure gender parity in political and public life. It notes that parity has been achieved in the cabinet as well as in regional and departmental councils. It also welcomes the stark increase in the representation of women in the regional and municipal councils following the 2014 local elections. The Committee notes that the legislation promoting gender parity was completed in 2014 for all levels of the State (central, regional, departmental and local). However, it remains concerned about the low representation of women in the National Assembly and the Senate, given that some political parties seem to prefer being fined rather than nominating women

candidates for elections, as well as in presidencies of sub-national councils, such as mayors (16 per cent), presidents of departments (approx. 10 per cent) or of regions (17.6 per cent). The Committee also notes the progress made in women's representation in boards of directors.

28. **The Committee recommends that the State party:**

(a) Evaluate the impact of the penalties presently applied regarding elections to the National Assembly and the Senate and, if necessary, adopt stronger measures, including a revision of the electoral system;

(b) Develop innovative models for the presidencies of sub-national councils;

(c) Pursue its efforts to ensure equal representation in decision making position in boards of directors, and various areas of public administration;

(d) Intensify awareness-raising campaigns for politicians, journalists, teachers and the general public, to enhance the understanding that the full, equal, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the full implementation of women's human rights.

Birth registration

29. The Committee notes the very short deadline foreseen by article 55 of the Civil Code to declare a birth, failing which a judiciary procedure must be conducted before a court, which may take up to 18 months, leaving children with no legal proof of existence and limiting their enjoyment of human rights. The Committee is concerned that a large number of the indigenous and tribal population of Guyana and half of the population of Mayotte lack birth certificates and identity papers, which deprives them of access to basic services, including education and health.

30. **The Committee recommends that the State party ensure that every birth is registered and every person under its jurisdiction is provided with birth certificates and identity papers, irrespective of where they live. In this regard, it recommends that the State party modify article 55 of the Civil Code as envisaged in draft law 3204 of 2015, and consider extending the 5 days envisaged, especially for remote areas, and to simplify the procedure envisaged in case of late declarations.**

Education

31. The Committee welcomes the measures taken to ensure that gender equality permeates all levels of education, as well as to overcome gender stereotyped educational/vocational choices. However, the Committee notes with concern:

(a) That no recent, comprehensive evaluation of Act No. 2004-228 banning the wearing of religious symbols in schools, has been conducted so that its possible limitation or denial of the right to education of girls (CEDAW/C/FRA/CO/6, para. 20) and its impact on their inclusion into all facets of French society as full members of the community are unknown, and if negative, cannot be remedied;

(b) That women are still concentrated in traditionally female dominated fields of study and career paths, while they are underrepresented in vocational training and in certain fields of higher education such as mathematics, information technology and science;

(c) Continued horizontal segregation with respect to women's participation in natural science and technology-related research;

(d) Insufficient access to sexual education in schools, which does not seem to meet the needs of girls and boys and contribute to the fulfilment of the State party's responsibilities in that regard;

(e) The high number of girls who suffer from discrimination and sexual harassment in schools and the disproportionate number of migrant, Roma, indigenous and autistic girls, as well as girls belonging to minority groups and those with disabilities who continue to face difficulties in gaining access to quality education.

32. The Committee recommends that the State party:

(a) Mandate a comprehensive study to determine the impact of Act No. 2004-228 banning the wearing of religious symbols in schools on the right to education of girls (CEDAW/C/FRA/CO/6, para. 20) and their inclusion into all facets of French society as full members of the community and indicate remedies if needed;

(b) Strengthen its strategies to address discriminatory stereotypes and structural barriers that may deter girls from enrolling in traditionally male-dominated fields of study, such as mathematics, information technology and science;

(c) Ensure that a zero-tolerance policy on violence and harassment is effectively implemented in all schools, which should include counselling services, awareness-raising efforts and effective reporting mechanisms;

(d) Ensure that the three yearly hours of age-appropriate and gender-sensitive education on sexuality and women's human rights planned in the school curricula are actually respected by all schools and given by trained personnel, addressing not only the biology of reproduction, contraception and prevention of HIV-AIDS, but including also issues of gender equality, respect, fight against sexist and sexual violence;

(e) Continue to combat discrimination against disadvantaged groups of women and girls in accessing quality education, including by adopting temporary special measures, and ensure effective monitoring and evaluation of the impact of such efforts, to inform remedial action.

Employment

33. The Committee welcomes the generally high rate of labour force participation of women in the State party and the numerous steps taken to promote gender equality in the labour market, including measures to facilitate the reconciliation of family and work life, strengthen the social entitlements of part-time workers and reduce the share of women in this category, and improve the pensions of elderly women and overcome the glass ceiling (as seen under para. 18-19 and 28.29). It also welcomes the extension of the regulation on sexual harassment and sexist behaviour to the public sector, as provided for in the recently adopted Law on new freedoms and new protections for enterprises and active persons ("Loi El Khomri"). However, the Committee is concerned about:

(a) The continuing horizontal and vertical occupational segregation and the concentration of women in part-time and low-paid jobs, measures taken in the public service regarding managerial positions having obviously not reached their aim;

(b) The lack of implementation of the principle of equal pay for work of equal value and the persistent gender wage gap, both in the public and private sectors, which adversely affects women's career development and pension benefits;

(c) The fact that, in spite of reforms, the amount of parental leave taken by men is still very low;

(d) The limited access of migrant, refugee, asylum-seeking and Roma women, as well as women belonging to other minority groups and those with disabilities, to the labour market;

(e) The possibility for employers, according to the new Law el Khomri, to introduce the principle of neutrality in the internal regulation of an enterprise via a unilateral decision, which may affect Muslim women disproportionately and further increase their vulnerability with regard to employment;

(f) The lack of willingness expressed in the written information provided to ratify the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization (ILO).

34. **The Committee recommends that the State party:**

(a) **Adopt effective measures, including skills training, incentives for and encouragement of women to work in non-traditional fields and temporary special measures, to achieve de facto equal opportunities for women and men in the labour market and eliminate occupational segregation, both horizontal and vertical, in the public and private sector, and make sure that the quotas for female managerial positions is not undermined by inefficient sanctions;**

(b) **Adopt measures to effectively implement the principle of equal pay for work of equal value and to narrow and close the gender wage gap, including by applying gender-neutral analytical job classification, evaluation methods and regular pay surveys notably in the civil service, as well as by ensuring that businesses comply with their legal obligations to develop measures aimed at fostering collective bargaining;**

(c) **Create more opportunities for women to gain access to full-time employment, including by promoting equal sharing of domestic and family tasks between men and women, providing more and improved childcare facilities and increasing the incentives for men to use their right to parental leave;**

(d) **Take into account the needs of disadvantaged groups of women, especially migrant, refugee, asylum-seeking and Roma women, as well as women belonging to other minority groups and those with disabilities, and consider in this regard the use of targeted measures, including temporary special measures, to create further employment opportunities for such groups;**

(e) **Conduct a comprehensive review on the gendered impact of the new Law El Khomri with a view to amend all provisions that may discriminate indirectly against women, in particular the one relating to the principle of neutrality, in order to protect their rights and maintain coherence with previous good gender equality legislation;**

(f) **Ratify the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization.**

Health

35. The Committee welcomes the legislative measures taken by the State party to facilitate access to contraception and abortion, including full insurance coverage, free contraception for adolescents, urgent contraception prescribed by school nurses. However, the Committee is concerned about:

(a) Regional disparities in health services provision that may affect women and girls disproportionately;

(b) The rate of teenage and/or unwanted pregnancy, particularly in overseas territories and among disadvantaged groups of women;

(c) The differing access to health services depending on the domicile of women and girls;

(d) The high maternal mortality rate in Mayotte and French Guyana, owing primarily to late access to obstetric services of many foreigner women;

(e) The mercury poisoning of waters and grounds by mining and illegal mining activities, which affects disproportionately the health of women and girls in French Guyana;

(f) The lack of measures taken by the State party to address the impact of 30-year French nuclear testing on the health of women and girls in French Polynesia.

36. **The Committee recommends that the State party:**

(a) Ensure the full territorial coverage of health services, especially sexual and reproductive health services;

(b) Reduce the rate of teenage and/or unwanted pregnancy, including through improvements in the accessibility, availability and affordability of sexual and reproductive health services, including family planning information and services, particularly in overseas territories and among disadvantaged groups of women;

(c) Pursue the present efforts to ensure the availability of good quality health services including out-patient services throughout the territory, including non-metropolitan areas, concentrating also on particularly vulnerable groups of women such as elderly women and women with disabilities;

(d) Step up efforts to reduce the incidence of maternal mortality rates, especially in Mayotte and French Guyana, including by implementing the recommendations of the survey by the National expert Committee;

(e) Ensure that the new law providing for the criminalization of clients of women engaged in prostitution does not prevent their access to high-quality sexual and reproductive health services and treatment for HIV/AIDS, including confidential services;

(f) Continue the health monitoring of mercury poisoning of indigenous populations in French Guyana; investigate, prosecute and punish those responsible for such poisoning and provide redress to victims;

(g) Conduct a rigorous, transparent and gender-sensitive impact assessment of nuclear testing on women's health in French Polynesia, and accelerate treatment of claims for the compensation of victims.

Economic empowerment of women

37. The Committee notes the women's entrepreneurship plan launched in 2013. However, the Committee is concerned about:

(a) The system of joint taxation of both members of a married couple or persons living in a civil union, which may discourage employment of women and have unequal effects on couples depending on the level of their income and the repartition of paid work in the couple; the variation of treatment of couples depending on their civil status in tax and social law;

(b) The under-representation of women in sports federations and cultural institutions, as well as the much lower share in broadcasting time of sports competitions and artistic activities.

38. **The Committee recommends that the State party:**

(a) **Revise the tax system and introduce the individual taxation of income (at least as an option), and abolish or modify the “quotient familial” so as to make the income tax system gender neutral instead of representing a disincentive for women’s participation in the labour market;**

(b) **Simplify and harmonize the treatment of couples, whether they are married, in civil partnership or de facto union, in tax law and social law;**

(c) **Pursue its efforts to achieve substantive equality as included in agreements with sport federations and cultural policy actors.**

Rural women

39. The Committee notes the production of territorial and sex-related data as well as the holistic concept of “rurality” which encompasses diversity of agricultural training programmes, women’s entrepreneurship, agro-tourism and increase in women’s professional activities in rural areas. The Committee is concerned about the need for long term measures in those fields. It is also concerned about the lack of measures to address rural women’s vulnerability, including for elder women in the overseas territories due to land acquisition by multinational mining companies, often resulting in forced evictions, displacement of women and lack of adequate compensation.

40. **The Committee recommends that the State party:**

(a) **Pursue, develop and implement its comprehensive rural policies with a gender perspective, according them the necessary long-term resources to ensure the effective social protection and empowerment of rural women;**

(b) **Address the adverse effects of land acquisitions and long-term leases on rural women in the overseas territories, and ensure that women are involved in the negotiations of land lease agreements and that their livelihoods are not negatively affected by such agreements.**

Disadvantaged groups of women

Migrant women and women with a migration background (“Femmes migrantes et femmes issues de l’immigration”)

41. The Committee welcomes the various efforts made by the State party to integrate migrant women and girls and women with a migration background into all aspects of French society. It is, however, concerned at the remaining obstacles these women face in various fields.

42. The Committee recommends that the State party pursue its efforts and takes into account the specific situation of migrant women and women with a migration background into all public policies, such as the urban policy (“politique de la ville”), and more broadly in the fight against all forms of discrimination.

Women in detention

43. The Committee notes that women represent 3.23 per cent of persons in detention and 6 per cent of persons in administrative detention. It is concerned about grave over-crowding in prison, obsolete infrastructures, isolation from families (due to geographic distance of the few prisons with women’s sections), fewer possibilities of work, training and continuous training, access to health, social and cultural services, as well as higher risk of suicide and forced psychiatric hospitalisation.

44. **The Committee recommends that the State party implement the recommendations made by the Contrôleur général des lieux de privation de liberté in her 2016 report, particularly with regard to gender equality in this particular setting.**

Marriage and family relations

45. The Committee welcomes the adoption of Act No. 2003-516 of 18 June 2003 that ensures equal rights in the transmission of family names. However, it notes that a large majority of children still bear the name of their father only. The Committee is also concerned about the conditions that transgender persons wishing to change their name must fulfil.

46. **The Committee recommends that the State party take measures to inform parents of the equal rights of women and men to transmit their family names to their children, so as to eliminate the remaining patriarchal priority given to men's family name. It also recommends a simplification of the judiciary procedure under which transgender persons can change their name, by allowing them to make a declaration to that effect before a registry officer or a notary.**

47. The Committee is concerned 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.

48. **The Committee recommends that the State party support efforts by customary authorities and indigenous women's organizations, to ensure a rapid review of the discriminatory provisions relating to marriage and family relations, including marriage contract, dissolution of marriage, custody of children and inheritance, to bring them into conformity with the Convention.**

Data collection and analysis

49. The Committee welcomes the collection, analysis and dissemination of key gender equality statistics but regrets the refusal of the State party to consider collecting data disaggregated by ethnicity or religion, although their absence prevents it from knowledge needed to measure the discrimination based on those criteria and to develop measures to overcome it, in particular regarding women exposed to intersecting forms of discrimination.

50. **The Committee encourages the State party to review its data collection system, including by amending Act No. 78-17 of 6 January 1978 on Data Processing, Data Files and Individual Liberties, in order to collect data based on ethnicity and religion that will strengthen the measures taken to fight discrimination.**

Beijing Declaration and Platform for Action

51. **The Committee calls upon the State party to utilize the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

2030 Agenda for Sustainable Development

52. **The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.**

Dissemination

53. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language(s) of the State party, to the relevant state institutions at all levels (national, regional, local), in particular to the

Government, the ministries, the Parliament and to the judiciary, to enable their full implementation.

Ratification of other treaties

54. **The Committee notes that the adherence of the State party to the nine major international human rights instruments¹ would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which it is not yet a party.**

Follow-up to the concluding observations

55. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 14 a) and d) and 32a) above.**

Preparation of the next report

56. **The Committee invites the State party to submit its ninth periodic report in July 2020.**

57. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents ([HRI/GEN/2/Rev.6](#), chap. I).**

1 [□] The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.