



Violence against Women in France

*Report prepared
for the Committee
on the Elimination
of Discrimination
against Women*



**The World Organisation Against Torture (OMCT)
operating the SOS-TORTURE NETWORK**


The World Organisation Against Torture (OMCT), based in Geneva, is today the largest international coalition of non-governmental organisations fighting against torture, summary executions, forced disappearances and all other forms of cruel, inhuman or degrading treatment or punishment.

OMCT coordinates a network – SOS-Torture – of more than 260 national, regional and international organisations in 85 countries. The urgent appeals issued by the network on behalf of victims or potential victims of violence reach more than 90,000 governmental institutions, non-governmental organisations, associations and interest groups.

OMCT has, since its inception, worked towards reinforcing and supporting the actions of organisations in the field, at the international level. The structure of the SOS-Torture network has enabled OMCT to reinforce local activity while favouring the access of national NGOs to international institutions.

OMCT provides support to victims or potential victims of torture through urgent campaigns (notably in favour of children, women and human rights defenders), through the provision of urgent legal, social and/or medical assistance to victims and by way of the submission of alternative country reports to the various United Nations treaty monitoring bodies.

Geneva, November 2003



**Committee
on the Elimination
of Discrimination
against Women**

*29th session
30 June - 18 July 2003*

**Implementation of the Convention
on the Elimination of All Forms
of Discrimination against Women
by France**

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The United Nations Convention on the Elimination of All Forms of Discrimination against Women was adopted by the General Assembly in 1979. In 1981, the Convention entered into force and the Committee on the Elimination of Discrimination against Women was formally established. The major task of the Committee is to review the reports submitted by the States parties in order to oversee the implementation of the Convention.

The issue of gender-based violence is not specifically addressed in the Convention, but it is however essential to its most fundamental provisions. In the general recommendation No. 19 adopted at its eleventh session in 1992, the Committee on the Elimination of Discrimination against Women formally extended the general prohibition on gender-based discrimination to include gender-based violence. The Committee affirmed that violence against women constitutes a violation of their internationally recognised human rights, regardless of whether the perpetrator is a public official or a private person.

One becomes inevitably aware of the fact that the States present reports that show only a one-sided image of reality, which is frequently incomplete. The case being, the effectiveness of this supervision and control depends on the quality of information available to the members of the various committees. Recent information, verified by reliable sources, is consequently indispensable.

In submitting alternative reports to the Committee on the Elimination of Discrimination against Women (CEDAW), OMCT seeks to provide *de facto* information concerning violence against women, including torture, in a specific country as well as analyse national legislation that fosters violence against women.

OMCT's reports highlight the legal provisions, both penal and civil, of the States concerned, which discriminate against women or which, without being discriminatory as such, become so through their application. Unequal power relations between men and women have led to the domination of and discrimination against women, which in turn leads to violence against women.

Furthermore, the reports draw attention to the lack of ways for the victims of violence to obtain reparation and identify the mechanisms guaranteeing the impunity of torturers.

The reports include recommendations for reform of *de facto* practices and legislation aimed at reducing the incidence of violence against women in the country in question.

ISBN 2-88477-064-X

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OMCT would like to express its gratitude to the following individuals for their invaluable contributions to this report: Emmanuelle Piet, Collectif Féministe Contre le Viol; Marie-France Casalis, Délégation Régionale aux Droits des Femmes - Ile de France; Bernice Dubois, European Women's Lobby; Caroline Dumonteil, SOS-Sexisme.

I

Preliminary Observations

The submission of alternative reports to the Committee on the Elimination of Discrimination Against Women forms part of the World Organisation Against Torture's (OMCT) Violence Against Women Programme. One of the aims of the Violence Against Women Programme is to provide information on torture and other forms of violence against women to the United Nations treaty monitoring bodies. In this regard, this report will examine violence against women in France, specifically violence in the family, in the general community, in immigrant communities, and in detention.

OMCT would like to recall that in its General Recommendation No.19, (Eleventh session, 1992) the Committee on the Elimination of Discrimination against Women recommended that States parties should take all appropriate measures to overcome all forms of gender-based violence whether committed by a public or private actor. Moreover, the Committee stated that laws against family violence and abuse, rape, sexual assault and other gender-based violence should give adequate protection to all women, while promoting respect for their dignity and integrity. The Committee requested States parties to report on the nature and extent of violence and on the measures they have undertaken to overcome violence.¹

The combined third, fourth and fifth periodic report submitted by the government of France (UN Doc. CEDAW/C/FRA/3, UN Doc. CEDAW/C/FRA/3-4/Corr.1 and UN Doc. CEDAW/C/FRA/5) is comprehensive and candid in many respects, particularly with respect to the discrimination that women continue to suffer in the areas of education, participation in politics, and in employment, and the progress that France has made in this regard. The French government has also included a section on violence against women in its report. While the French laws are fairly advanced in terms of addressing violence against women, the phenomenon remains prevalent across the country and the implementation of these laws is key to the ultimate goal of eradicating violence against women. OMCT is disappointed that the government of France has not included information on domestic violence in immigrant communities and women in detention in France.

France ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1983 and its Optional

1 – UN Doc. HRI/GEN/1Rev.2..

Protocol in 2000. In addition, France has ratified several other international human rights treaties including: the Convention Against Torture (1986); the International Covenant on Civil and Political Rights (ICCPR) (1980); the International Covenant on Economic, Social and Cultural Rights (1980); the Convention on the Rights of the Child (CRC) (1990); and the Convention on the Elimination of All Forms of Racial Discrimination (1971). France has also ratified the first Optional Protocol to the ICCPR. The French government has signed but not ratified both Optional Protocols to the CRC. France has also accepted the competence of the Committee Against Torture and the Committee on the Elimination of Racial Discrimination to hear individual complaints under Articles 21 and 22 of the Convention Against Torture and under Article 14 of the Convention on the Elimination of Racial Discrimination.

At the regional level, France is a State Party to the European Convention for the Protection of Human Rights and Fundamental Freedoms (1974) as well as the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1989). Furthermore, the Treaty establishing the European Community, to which France is a party, has several provisions guaranteeing equality between men and women.

France adheres to a monist system with regard to international treaties, meaning that once France ratifies an international treaty, it becomes a part of the legal order. However, the Committee on Economic, Social and Cultural Rights has remarked that the provisions of the Covenant on Economic, Social and Cultural Rights are not directly applicable before some French courts,² which makes it unclear whether all of the provisions of CEDAW are directly applicable in national courts in France.

France is a relatively stable country with respect to human rights, but there are still serious problems relating to the treatment of immigrants and asylum seekers. For example, French NGOs have reported that the conditions of some detention centers for immigrants are horrendous and that foreigners at French borders and in detention centers are subject to various forms of violence and intimidation. Several deaths and reports of ill treatment of immigrants by police have sparked protest from NGOs protecting the rights of immigrants.³ Additionally, on March 3, 2003, 54 Africans were forcibly returned to Africa, with their feet taped together and

2 – Committee on Economic, Social and Cultural Rights, Concluding Observations, France, UN Doc. E/C.12/1/Add.72 (November 30, 2001).

3 – Julio Godoy, Rights-France, Justice Probes Two Deaths, Govt Rejects Refugees, Inter Press Service (Jan. 25, 2003).

their wrists taped and handcuffed.⁴ Reportedly, a new plan being developed by the French government envisages excluding the UN High Commissioner for Refugees from the French national office for the protection of refugees and refusing asylum to all applicants who can find safe haven in another region of their own country, for example in UN controlled territories. Commentators have noted that this plan would put many asylum seekers in danger and is contrary to international treaties protecting refugees.⁵

Reports also indicate that racial discrimination remains a major problem in France. For example, in 2002, over a period of less than 3 weeks, the French police recorded 395 anti-Semitic incidents.⁶

In 2001, France passed anti-terrorist legislation which broadened the powers of police against suspected criminals and decreased the power of the judiciary to act as a check on the police's power.⁷ This new law was criticized by many in France as contrary to the Constitutional rights guaranteed to citizens, and as particularly worrisome for immigrants in France.⁸ Furthermore, there have been several reports in France of ill-treatment of persons detained by the police.⁹

The obligation to guarantee gender equality is pronounced in both France's regional commitments and in its domestic legislation. In particular, the Treaty establishing the European Community, in article 2, declares equality between men and women as one of its main objectives, which must be incorporated into all Community policies. Also, in Article 1 of the French Constitution, the government proclaims equality of all citizens. French domestic legislation prohibits discrimination based on sex in a number of areas, and French governmental policy includes efforts to fight both direct and indirect discrimination.¹⁰

4 – FIDH, Expulsions par Charter de 54 Africains (5 mars 2003).

5 – Godoy, *Ibid.*

6 – Human Rights Watch & Amnesty International, Rights Groups Condemn Racist and Anti-Semitic Violence (May 9, 2002).

7 – International Helsinki Federation for Human Rights, Annual Report: France 2002 (events of 2001).

8 – *Ibid.*

9 – *Ibid.*; see also Amnesty International, www.amnesty.org, AI INDEX: EUR 21/002/2003, AI INDEX: EUR 21/005/2001, AI INDEX: EUR 21/004/2001.

10 – UN Doc. CEDAW/C/FRA/5, p. 12-13.

General Observations on the Status of Women in France

III

With respect to politics, the French government has recently amended the Constitution to ensure that women are granted equal participation in politics. Specifically, an amendment to article 3, which reads “Statutes shall promote equal access by women and men to elective offices and positions,” made it legally possible to pass legislation providing for parity between men and women in political elections. This law had the strongest effect in elections at the local level. Such policies are urgently called for in France, where, according to statistics provided by the Inter-Parliamentary Union, in 2002, out of 574 seats in the lower house, women held only 70, and out of 321 seats in the upper house, women held only 35, meaning that women represent only 10.9% of politicians in the legislature.¹¹ Additionally, as noted in the government report, women in civil service are rarely seen in the higher posts.¹²

With respect to education, girls and boys appear to have equal access to education in France, but, as admitted in the government report, there is a significant difference in the courses that are taken by boys and girls.¹³

In France, there continues to be de jure discrimination against women through a provision in the civil code which states that the legal age for marriage for women is 15, while it is 18 for men.¹⁴ While these differing minimum ages of marriage do not necessarily correlate to a high rate of early marriage in France, it is important that the French government demonstrate its determination to eliminate all forms of discrimination against women and repeal laws that discriminate against women.

Despite legislation guaranteeing equality between women and men in France, women have yet to achieve an equal status with men. The continuing inequalities between women and men are evident in the realities of violence against women and discrimination against women, which persist in France.

11 – See Inter-Parliamentary Union, Women in Politics, available at <http://www.ipu.org/wmn-e/classif.htm>.

12 – UN Doc. CEDAW/C/FRA/3, p. 17.

13 – UN Doc. CEDAW/C/FRA/3, p. 23.

14 – <http://vosdroits.service-public.fr/ARBO/100101-NXFAM210.html> (providing explanation of various provisions of French Civil Code).



Violence Against Women in the Family

3.1 Domestic Violence

Domestic violence is recognized as a crime in France, treating violence committed by a husband or partner as an aggravating factor to the physical crime. In particular, the maximum punishment for violence by a husband or partner resulting in the victim's inability to work for more than eight days is 5 years imprisonment and a 500,000 F fine.¹⁵ If the woman is unable to work for less than eight days, the maximum punishment is 3 years imprisonment and 300,000 F fine.¹⁶ The maximum punishment is 20 years imprisonment if the violence consists of torture or barbarous acts by a husband or partner or if the violence results in the unintended death of the victim. For violence by a husband or partner that causes mutilation or permanent infirmity, the maximum punishment is 15 years imprisonment.¹⁷

French law does provide for protective measures such as restraining orders and the government finances over one hundred shelters for women seeking to escape an abusive environment.¹⁸ In addition, the government has instituted awareness raising campaigns concerning domestic violence.¹⁹

While the punishments and laws concerning violence within the family appear strict, violence against women in the family persists in France. A national investigation²⁰ into violence against women, conducted by calling almost 7,000 women between the ages of 20 and 59 on the telephone, reported that 1 in 10 women in France are subjected to domestic violence

15 – Around 76,000 Euros.

16 – Around 46,000 Euros.

17 – Fédération Nationale Solidarité Femmes (1998), available at www.wave-network.org.

18 – Lori K. Mihalich, *No Exit : The Plight of Battered Maghrebi Immigrant Women in France*, p. 137 (April 2001) (senior thesis for Princeton University – research conducted with the aid of SOS-Femmes, an NGO in France).

19 – UN Doc. CEDAW/C/FRA/5, p. 66.

20 – Although this national investigation stirred many positive reactions from French society, it has been criticized by some women's rights activists as underestimating the magnitude of the problem. One women's rights activist has asserted that the methodology of the report, by questioning women over the telephone, in their home environment (where the violence likely occurs) about very personal issues, produced results that do not reflect the magnitude of the problem. See Marie-Victoire Louis, *Audition Assemblée Nationale, Délégation aux droits des femmes et à l'égalité des chances entre les hommes et les femmes* (6 février 2001), available at http://www.marievictoirelouis.net/sitemvl/galleries/Violences_masculines_encontre_femmes/critique_enveff/critique_enveff2001.doc.

(estimated at about 2 million women). 37% of the women interviewed were subject to psychological pressure by their husband or partner, of which 24.2% reported repeated psychological pressure and 7.7% claimed moral harassment. Importantly, women who were no longer with their husband or partner were more likely to report moral harassment than women who continued a relationship in the couple.²¹ 2.5% of women interviewed said that they were victims of physical aggressions by their husbands or partners. Additionally, it has been reported that 6 women die every month because of violence inflicted upon them by their spouse or partner.²² The national report also indicated that young women and unemployed women, or women in situations of instability, are more likely to be in violent relationships.²³

Advocates for women's rights have noted that the statistics concerning domestic violence are surely higher than reported in the national survey as many women are hesitant to report or even speak about the violence they suffer within the home as gender-related violence is still a taboo subject in France.²⁴ Another possible reason why women victims of domestic violence are reluctant to report the crime is that they are often economically dependent on their husband or partner, and thus find it difficult to break away from the abusive relationship.

In 1995, there were 17,000 complaints of domestic violence made nationally, excluding Paris. However, 80% of these complaints were withdrawn or otherwise not followed up on in the days that followed.²⁵ In 1996, there were only 4,677 convictions for domestic violence. These figures illustrate that (1) many more women are victims of domestic violence than reported because of the culture of silence that surrounds this crime and (2) when women do make a complaint concerning domestic violence, it rarely leads to prosecution.

21 - Rapport ENVEFF, Ibid.

22 - Astrid de Larminat, Le ministre veut instaurer une procédure d'urgence pour éloigner les conjoints agressifs du domicile conjugal, Le Figaro, (Jan. 21, 2003).

23 - Rapport ENVEFF, Ibid.

24 - Fédération Nationale Solidarité Femmes, Statistical Data 1997, available at www.wave-network.org; Information received from Caroline Dumonteil, SOS-Sexisme, France (28.4.2003) ; Mihalich, Ibid., p. 3.

25 - Femmes Battues : comment briser la loi du silence, available at http://www.euowrc.org/01.euowrc/06.euowrc_fr/france/04france_ewrc.htm.

3.2 Marital Rape

Marital rape is recognized as a crime, which has a maximum punishment of 15 years in prison.²⁶

According to the national survey on violence against women, only 1% of the women reported rape by their husband or partner.²⁷ However, this number could be much higher due to the reluctance to report sexual crimes and evidenced by the fact that most of the women who admitted to being a victim of sexual violence in the survey were speaking about the incidents for the first time during the interview.

3.3 Incest

The government report notes that it has enacted a new law in June 1998 on the prevention and punishment of sexual offences and protection of minors.²⁸ This law provides for the appointment of an ad hoc representative of the child where his or her interests are not fully protected by their legal representative, the allowance of recorded testimony by minors to save them the trauma of repeatedly recounting traumatic events, the allowance of the presence of a third party while a child is interrogated, and the requirement that a decision to take no action be accompanied by a written explanation.²⁹

A study on the occurrence of incest against children under the age of 7 in the context of parental separation in France between 1996 and 2001 revealed that 75% of the victims were girls and 85% of the perpetrators were the fathers (natural or adoptive).³⁰ It was further reported that the separation of the parents serves to discredit the child's or mother's accusation of incest.³¹ In these situations, the study asserted that many times the investigation into the accusation of incest was conducted badly as oftentimes the child was not properly listened to, methods for questioning children sensitively were not used, measures to protect the

26 - Ministère de la Justice, Victime de violences au sein du couple, available at <http://www.justice.gouv.fr/publicat/violences.htm>.

27 - Rapport ENVEFF, Ibid.

28 - UN Doc. CEDAW/C/FRA/3, p. 58.

29 - Ibid. p. 59.

30 - Collectif féministe contre le viol, Bulletin 2002 (statistics from 1999-2000), p. 68-69 (citing study conducted jointly between the Collectif and la délégation régionale aux droits des femmes et à l'égalité d'Île de France in 1999).

31 - Ibid., p. 68.

child from further violations were not instituted, and frequently there were decisions not to take action.³²

While the new law mentioned above is welcome, its implementation will determine its effectiveness. Priority must be given to questioning and listening techniques that are gender and child sensitive from the first contact with the victim in these types of cases, to ensure that the child's claim is not too easily dismissed.

32 – Ibid., p. 69.


 IV

Violence Against Women in the Community

4.1 Rape

In France, rape is defined as “any act of sexual penetration, of whatever nature, committed against another person using violence, restraint, threats, or surprise.” Rape is punishable by a maximum prison sentence of 15 years, unless there are aggravating circumstances, in which case it is punishable by 20 years in prison.

The national investigation on violence against women deduced that between 50,000 and 90,000 rapes were committed in France in 1999. It is also estimated that 11.4% of women are victims of sexual aggression during the course of their lives, and 8% of women are victims of rape or the threat of rape.³³ The culture of silence surrounding rape is evident when this estimate is compared to the fact that only 7,828 complaints of rape were filed in 1998.³⁴ About 1 complaint in 6 leads to an actual conviction of the perpetrator.³⁵ Additionally, a study realized in 1995 concerning complaints of rape or sexual aggression showed that although the law foresees up to 20 years in prison for rape, the average punishment for persons convicted of rape in this study was 6 years in prison.³⁶

The statistics of one NGO running a hotline and other services for victims of rape and other sexual crimes reveal that a majority of the calls they receive concern victims who are minors (58.7% in 1999 and 57.2% in 2000).³⁷ Another study on sexual violence conducted in 1999 concerning women seeking abortions revealed that 20% of the respondents had been subjected to sexual abuse or maltreatment during childhood.³⁸ Statistics also indicate that 72% of girls who are raped before the age of 15 never report the crime.³⁹

33– Ibid., p. 12 (citing the ENVEFF report).

34 – Information received from Caroline Dumonteil, SOS-Sexisme, France (28.4.2003).

35 – Ibid.

36 – Délégation Régionale aux Droits des Femmes et à l'Égalité, *Les Violences Faites aux Femmes : Le Rôle de la Justice* (5 Octobre 2000), chapitre : *Le Devenir des Plaintes Pour Viols et Autres Agressions Sexuelles*, Simone Iff, p. 61.

37 – Collectif féministe contre le viol, *Bulletin 2002* (statistics from 1999-2000), p. 10-11.

38 – Ibid., p. 13 (citing study by Centre de Planification Familiale).

39 – Information received from Caroline Dumonteil, SOS-Sexisme, France (28.4.2003).

The police response to women who have been raped is not consistently sensitive to the particularities of the crime. In particular, reports indicate that some police continue to blame the victim (for being out at the wrong time of night or trying to cover up an affair) or further insult the victim through their questioning techniques.⁴⁰

4.1.1 Gang Rapes

In February 2003, women from all over France organized a march, entitled “Ni Putes, Ni Soumises” (neither slags/whores nor submissives) to protest to widespread sexual violence that occurs on a daily basis in the suburbs of Paris, where many of the poorest people and immigrants live.⁴¹ In many of these communities, gang rapes of teenage girls and young women are commonplace. These horrific crimes are called “tourmantes” (pass-arounds) or basement plans, as that is often where the crime occurs.

Elodie, 14, who, on August 1, 2000, answered the door when her parents were out, and found herself a minute later facing five boys in her dining room, and a minute after that with the first of five penises in her mouth. When she tells her story, on a video deposition, her hands never leave her face.

Solange, 17, whose boyfriend held her down while his friend raped her in a stairwell, and who between December 1997 and July 1998 was raped five times by 11 teenagers. (When she dumped her boyfriend and got a new one, he let his friends rape her, too.)

Nora, 14, who three years ago went to a station to meet her friend Pierre, who passed her on to two of his friends, who raped her in a dingy apartment and sent her home on a train bleeding. In her statement to police, she says, "He took his trousers off. He had nothing on underneath. And he asked me to touch his . . . " But she can't say the word.

40 – Collectif féministe contre le viol, Bulletin 2002, p. 65 (citing Marie-Victoire Louis, researcher for CNRS).

41 – Rose George, Revolt Against the Rapists, Guardian (April 5, 2003).

Annabelle, a 21-year-old student, was raped by four young men on a train near Lille. There were 200 people in the carriage. Another girl was raped 86 times.⁴²

Statistics regarding the occurrence of gang rapes are difficult to obtain as most victims of this crime do not report it. A hotline for rape victims reported receiving 73 calls about gang rapes in the period from January to October 2001. However, one worker at a shelter for juveniles claimed that every girl who has come to the shelter has known at least one girl who has been gang raped.⁴³ Another NGO reported that between 1998 and 2000, 12% of all reports of rape where the victims were minors were gang rapes.⁴⁴

Reports indicate that this is a problem in the suburbs and is not limited to any one ethnicity or nationality. A culture has arisen in the suburbs that combines traditional notions of women's inferiority with a "street code based on survival of the strongest."⁴⁵ Such a combination leaves girls vulnerable to rape and other forms of violence every time they leave their home, and sometimes even within their home. Girls are targeted for gang rapes because they have slept with their "boyfriend" (sometimes organized by the boyfriend himself), because they have gone to a nightclub, or even because they have worn a miniskirt⁴⁶—any step outside of their socially prescribed role as submissive, obedient virgins. When these cases reach the courts, the defense of the rapists is often that it was consensual group sex, or justifications invoking the victim's clothing, her previous sexual history, or any of the reasons listed above for why she may have been targeted for the rape in the first place, arguments that are reportedly accepted by many inhabitants of the suburbs, as well as some judges.⁴⁷

Most complaints concerning gang rapes are not followed up out of fear on the part of the victim or pressure from the police, lawyers or family not to pursue the complaint. Specifically, one NGO reports that police are sometimes not sensitive to reports of gang rape, even asserting that the victim had provoked the perpetrators.⁴⁸ Suspected perpetrators of these

42 – Ibid.

43 – Ibid.

44 – Collectif féministe contre le viol, Bulletin 2002 (statistics from 1999-2000), p. 44.

45 – George, Ibid.

46 – Ibid.

47 – Bruce Crumley & Adam Smith, *Sisters in Hell, Time—Europe* (December 2, 2002).

48 – Collectif féministe contre le viol, Bulletin 2002 (statistics from 1999-2000), p. 47.

gang rapes frequently continue to attend the same school as the victim, increasing the element of fear experienced by the victim in reporting the crime to the police.⁴⁹

The government has set up a National Committee to Combat Violence in Schools and has issued a report on sexual violence in schools.⁵⁰

4.2 Trafficking and Forced Prostitution

France is a country of destination for trafficked persons, oftentimes from West Africa or Eastern Europe. In particular, many women who are trafficked and forced into prostitution come from Nigeria.⁵¹ Also, trade in fraudulent visas for entering France has been reported in many countries, including Bulgaria, Armenia, Benin, Iran, Morocco, Rwanda, Togo and Tunisia.⁵² In 1999, it was reported that 55.35% of prostitutes in France were foreigners, a number that seems to be rising and is potentially indicative of the increase in trafficking.⁵³

Traffickers isolate and intimidate victims and force them into prostitution through both psychological and physical abuse. These methods include depriving the woman of her identification papers and passport, sequestering her, beating her, and raping her. It is also reported that prostitutes are subjected to gang rapes organized by pimps as a way to “break” a woman.⁵⁴ Such techniques serve to silence the victim.

In France, prostitution is legal but procuring or pimping is illegal. As there are currently no specific laws to address trafficking, cases of trafficking are prosecuted using laws that criminalize exploitation through prostitution. According to Article 225 of the Penal Code, procuring is punished by a fine and a maximum prison sentence of 5 years, unless the victim is particularly vulnerable, in which case the maximum punishment is a fine and 10 years in prison. While the French authorities have been successful in dismantling some trafficking rings,⁵⁵ the absence of specific legislation

49 – Information received from Emmanuelle Piet, Collectif féministe contre le viol, 13.05.03.

50 – UN Doc. CEDAW/C/FRA/5, p. 65-66.

51 – The Protection Project, A Human Rights Report on Trafficking of Persons, Especially Women and Children (March 2002).

52 – Ibid.

53 – Georgina Vaz Cabral, *Les Formes Contemporaines d’Esclavage dans Six Pays de l’Union Européenne* (January 2002), p. 32.

54 – Collectif féministe contre le viol, *Bulletin 2002* (statistics from 1999-2000), p. 18.

55 – For example, see Agence France Presse, *Albanian sex traffickers sent to jail in France*, July 4, 2002.

with particular protections for trafficking victims is a severe disadvantage for trafficking victims.

Furthermore, while prostitution is legal, a recent circular issued by the Minister of the Interior explained that mayors may use their police power to arrest prostitutes where their activity disturbs public order.⁵⁶

France has signed but not yet ratified the UN Convention against Transnational Organized Crime and its two protocols, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants, by Land, Sea and Air. It has also established a working group on victims of trafficking and presented a Draft Law on modern forms of slavery. The draft law provides that trafficking in human beings is a criminal offence and provides for residence permits for victims of trafficking who cooperate with the police.

Currently, many women victims of trafficking hesitate to report the crime of trafficking to the police. Because many trafficking victims do not have the correct legal residency permit, when they report the crimes committed against them, they may be recognized as a victim as well as be accused of a crime. As an illegal immigrant, a trafficking victim may be held in detention, while other victims of crimes are not subjected to such treatment. Additionally, women victims of trafficking do have access to certain special support services, including a residence permit, but obtaining such access is dependent upon the victim's willingness to cooperate with the authorities in the prosecution of the trafficker. Residency permits are granted when an investigation into the case is opened. Finally, if the woman is found to have committed a crime herself, she will be prosecuted for that crime unless she can prove that the crime she committed was in relation to the crime that was committed against her.⁵⁷

As mentioned above, the proposed draft law would codify the policy of granting residence permits to those victims of trafficking who agree to cooperate with the police. It remains to be seen whether victims of trafficking will be treated as criminals for their illegal residency status under the new law where they seek assistance from the police but refuse to testify or lodge a complaint out of fear or other legitimate reasons.

56 – Ministère de l'Intérieur, Circulaire NOR/INT/D/02/00165/C (23 août 2002).

57 – Femmigration, Legal Agenda for Migrant Prostitutes and Trafficked Women on the Internet, available at http://www.femmigration.net/victims_france.html.

4.3 Trafficking and Forced Domestic Labor

In France, trafficking has also led to the persistence of forced domestic labor, the victims of which are frequently children or women. The Committee Against Modern Forms of Slavery has handled over 200 cases of forced domestic labor since 1994,⁵⁸ but the number is almost certainly higher as many victims are unable to report their situation out of fear and lack of access to the appropriate mechanisms.

Most victims of domestic slavery are women (95%) and for the most part, they are trafficked from West Africa or Asia.⁵⁹ When they arrive, they are deprived of their papers, forced to work long days seven days a week, are rarely paid, and if they are paid, the amount is extremely low. Oftentimes they are not allowed to leave the house, or only allowed to leave in order to accomplish certain defined tasks.⁶⁰ Additionally, they are vulnerable to physical and sexual violence by their employers.⁶¹ The employers are often from the same regions of the world as the victims and many employers are diplomats, protected by diplomatic immunity.⁶²

Women are particularly vulnerable to becoming forced domestic workers because of the many inequalities (economic, social and political) they suffer in their home country, encouraging them to search for alternative ways to improve their living situation, particularly through migration.⁶³

There is no specific law to address slavery in France.⁶⁴ Besides forced prostitution in relation to trafficking, which is addressed above, these crimes are prosecuted under Articles 225-13 and 225-14 of the French Penal Code. Article 225-13 makes it a crime to “abuse a person’s vulnerability or position of dependence in order to obtain services for which the person is not remunerated or under-remunerated.” Article 225-14 criminalizes abuse of another person’s vulnerability or situation of dependence “by subjecting that person to work or living conditions incompatible with human dignity.”⁶⁵ The punishment for these two crimes is 2 years in prison and a fine. These provisions are part of a new penal

58 – Vaz Cabral, *Ibid.*, p. 34.

59 – *Ibid.*

60 – *Ibid.*, p. 33.

61 – Comité Contre l’Esclavage Moderne, available at <http://www.ccem-antislaavery.org/FR/presentation.html>.

62 – Vaz Cabral, *Ibid.*, p. 34.

63 – *Ibid.*, p. 17-18.

64 – *Ibid.*, p. 60.

65 – *Ibid.*, p. 63.

code and have had little applicability thus far in actually prosecuting cases of domestic slavery.⁶⁶ The government has also set up a parliamentary task force on modern forms of slavery.⁶⁷ OMCT is concerned that the foreseen punishment of 2 years in prison does not correspond with the gravity of the crimes potentially suffered by domestic slaves.

The French government does not have organized support systems for victims of domestic slavery and this role has been assumed by one main NGO (Comité Contre l'Esclavage Moderne).

4.4 Sexual Harassment

Discrimination in employment is formally illegal in France, as is sexual harassment. Penalties have been introduced for sexual harassment in the Labour Code, the Penal Code and the three main public service category statutes. In addition, a recent change in the law shifts the burden of proof to the employer and introduces mediation procedures in sexual harassment cases.⁶⁸

In a national survey conducted by the government concerning violence against women in France, it was revealed that over 2% of women workers reported being subjected to physical aggression or sexual harassment at work. In addition to that number, 8.5% of women workers were the target of insults and verbal harassment while 16.7% of women workers were subjected to psychological pressure.⁶⁹

66 – Ibid.

67 – UN Doc. CEDAW/C/FRA/5, p. 26.

68 – Ibid., p. 46.

69 – Rapport ENVEFF, Ibid.

Violence against Women in Immigrant Communities

V

Women in immigrant communities are particularly vulnerable to violence because of their marginalization due to their immigrant status as well as the fact of being a woman. Immigrant communities are often the poorest communities in France, and frequently women immigrants come from countries that do not traditionally value women's rights. Women immigrants who are victims of violence face different challenges and obstacles than other women in France because of their precarious legal residency status, the traditions from their country of origin, their lack of knowledge of the language and lack of access to information. For these reasons, OMCT has included a section to address the specific forms of violence and particular difficulties faced by women in immigrant communities, in particular domestic violence and female genital mutilation.

The government report has acknowledged that immigrant women are in a particular situation deserving of specific attention.⁷⁰ While OMCT welcomes efforts to make more contact with immigrant women and efforts to raise awareness about the harms of traditional practices, OMCT is disappointed with the lack of attention to domestic violence in immigrant communities.

5.1 Domestic Violence

Domestic violence in immigrant communities is reportedly a widespread problem in France, and much needs to be done to fight against this violence. In particular, women from Northern Africa are disproportionately reported as victims of domestic violence—while their proportion of the population is only 1.2%, they constitute 8% of all women who call domestic violence hotlines.⁷¹ As with other victims of domestic violence, the true number of victims remains unknown as many women do not report their nationality, or do not report the crime at all.

70 – UN Doc. CEDAW/C/FRA/5, p. 16-18.

71 – Mihalich, *Ibid.*, pp. 105-06.

Additionally, there is a lack of information in France on the situation of immigrant women because France adheres to an integrationist approach to immigration, refusing to categorize immigrants in its data collection as doing so would run counter to the policy of assimilation.⁷² Thus, government efforts and campaigns to fight against domestic violence have rarely targeted immigrant women specifically, and information provided by the government regarding domestic violence has not been translated into the languages spoken by immigrant communities.⁷³

Immigrant women are particularly vulnerable for multiple reasons. Firstly, they rarely speak French competently and thus their access to information is limited. Statistics show that over half of women who originate from Algeria, Morocco and Tunisia and live in France do not speak French.⁷⁴ While competency in French is related to the length of time an immigrant has been in France, women from Northern Africa generally will not attend French classes as the men in their families will likely not support such outside activities.⁷⁵

Another factor making immigrant women vulnerable to violence is their immigration status. French law provides that when an immigrant arrives in France to join her or his spouse, she is given a one-year conditional residency permit. This scheme is intended to prevent marriages for the sole purpose of obtaining residency in France.⁷⁶ Under such a law, if an immigrant victim of domestic violence leaves her husband within a year of arriving in France, she is in serious danger of losing her residency permit. A project to reform the immigration law foresees increasing the duration of this conditional permit from one to two years,⁷⁷ making the situation even more difficult for immigrant women victims of domestic violence.

After a year, an immigrant spouse can apply for a more permanent residency permit, but in reality, women are often denied these permits if they are no longer together with their husband. Immigration officials justify

72 – Ibid., p. 106.

73 – Ibid., pp. 107-08.

74 – Ibid., p. 124.

75 – Ibid., p. 123.

76 – Ibid. p. 143.

77 – Ministère de l'Intérieur, Les objectifs du projet de loi sur l'immigration, available at http://www.interieur.gouv.fr/rubriques/c/c2_le_ministere/c21_actualite/2003_04_30_pl_i mmig

these denials by claiming that the women can return to their country of origin and their own family.⁷⁸

Immigrant women are also particularly vulnerable as they are often unaware of their rights and of protections that can be afforded to them. Additionally, racial discrimination persists in France, and the police are reported to have a reputation for being discriminatory. Thus immigrant women are often reluctant to seek help from and file reports with the police.⁷⁹ They are also isolated because they often live in the poorest communities of the country and experience high rates of unemployment, realities that give them little opportunity to seek help from outside persons.⁸⁰

5.2 Female Genital Mutilation

Some immigrant communities in France reportedly engage in the practice of female genital mutilation (FGM), which has been condemned by health experts globally as damaging to the physical and psychological health of girls and women. A local NGO reports that as many as 30,000 girls and women have undergone the practice of FGM in France.⁸¹

Although France does not have explicit legislation outlawing FGM, over 20 cases have been brought to court concerning this procedure since 1978. These cases have resulted in convictions of both persons performing FGM as well as parents who subject their daughters to this practice.⁸² Additionally, the government has granted refugee status to women on the basis of a fear of being subject to FGM as well as to parents who refuse to have their children's genitals mutilated and suffer persecution because of that decision.⁸³ There have also been considerable efforts by NGOs and the government to raise awareness about the harmful effects of this practice.

78 – Mihalich, *Ibid.*, p. 144.

79 – *Ibid.*, p. 128

80 – *Ibid.*, p. 125

81 – Groupe femmes pour l'abolition des mutilations sexuelles et autres pratiques traditionnelles affectant la santé des femmes et des enfants, at <http://perso.wanadoo.fr/..associationgams/index.html>

82 – U.S. Dep't of State, Laws in Countries where Immigrants from Countries Practicing FGM Now Reside, available at www.state.gov/g/wi/rls/rep/9304.htm

83 – UN Doc. CEDAW/C/FRA/5, p. 62.

VI

Violence Against Women in Detention

As of December 1, 1999, there were 2,070 women in 63 detention centers in France, six of which are specifically women's prisons.⁸⁴ There have been reports of ill-treatment of women in detention. Specifically, Marielle Paquet, who was detained from April 1 to April 2, 1997, alleged that she was rudely treated, humiliated, and stripped. Another woman was in a state of shock, had a sprained wrist, and was unable to work after a period of detention in the police Commisariat of Chalon-sur-Saône.

A woman named Fajra was interrogated on December 4, 1997 and when she refused to allow the police to search her, she was injured and treated rudely by four police officers during the search. When she was taken into detention, she was pushed down the stairs and kept in a cell with men. During the period of her detention, she saw the doctor twice who attested to bruises and contusions on her body. The doctor gave her medicine for these injuries but the medicine was consistently taken away from her before she could take it.⁸⁵

An inspection of the jail at Beauvais in 1998 revealed that the director of the jail was sexually harassing the female prisoners: having sexually explicit conversations with the women, calling the women "whores" when talking to other employees of the jail, and inviting his colleagues to get oral sex from the women inmates. While the director has been fired and 6 guards have been suspended, there has been no case filed against these men.⁸⁶

Immigrant detention centers also leave women vulnerable to sexual violence. According to an inspection of the immigrant detention center in Bobigny, the conditions inside the center are horrible. The rooms have not been cleaned in months, some windows do not open and others do not close, there are no fire exits, there is no privacy in the toilets or in the showers, and there is no circulation in the air meaning that odors from cigarettes and foods are always present. Additionally it was reported that

84 – Elke Albrecht & Véronique Guyard, *Prisons de femmes en Europe* p. 80 (2001).

85 – *Ibid.*, p. 82.

86 – *Ibid.*, p. 82-83.

the hygiene was sub-standard and that the food was poor.⁸⁷ On September 13, in the immigrant detention center in Nanterre, four police officers entered the room of a Moroccan woman and sexually harassed her, while one masturbated in front of her. The police officers were placed on probation. In another case, a Tunisian woman was sexually abused by a police officer while in administrative detention, and the police officer has been sentenced to 2 years in prison. Another police officer is under investigation for raping a German immigrant in her detention cell.⁸⁸

The UN Standard Minimum Rules for the Treatment of Prisoners provide in Article 53 that women detainees shall be supervised by women officers and that no male officers may enter the women's section of the detention center without the accompaniment of a female officer.

87 – Albrecht & Guyard, *Ibid.*, p. 83-84.

88 – CIMADE Report, advanced copy received April 17, 2003.

VII

Conclusions and Recommendations

France has made great efforts to eliminate discrimination against women in its society through much legislation, but the reality is that discrimination against women remains a serious problem in France and frequently this discrimination manifests itself in the form of violence against women. France has progressive laws concerning violence against women in many respects, but the culture of silence surrounding these crimes makes the elimination of violence against women difficult. Efforts must be made to break this silence in order to effectively protect women's right to be free from this violence. These efforts must include changing social and cultural stereotypes that perpetuate discrimination against women as well as violence against women, beginning with education of boys and girls at a young age about equality and non-violence. Furthermore, strict punishments in legislation are an important first step, but such punishments must be applied by the courts in cases of violence against women in order to effectively combat this crime.

OMCT urges the French government to amend its facially discriminatory legislation regarding differing minimum ages for marriage for girls and boys. Such a facially discriminatory law, although perhaps not applied very often, may have the effect of reinforcing cultural attitudes concerning the inferiority of women and prevent girls from fully enjoying their equal rights.

Additionally, OMCT insists on the need to raise awareness among all professionals having contact with women victims of violence about the causes and consequences of violence against women in order that they may adequately and effectively assist women victims of violence.

OMCT calls on the government to train police officers to receive and follow up on complaints of domestic violence, marital rape and incest in a sensitive and serious way. This includes questioning techniques that take into account the complex conjugal and familial relationships involved and directing women and girls to the necessary social services available. Furthermore, the strict punishments that are provided by law for perpetrators of domestic violence, marital rape and incest must be implemented when these cases reach trial.

OMCT is concerned about the occurrence of incest in France and welcomes the new law enacted in this regard. In implementing the new law, OMCT encourages the French government to institute mechanisms that are gender and child sensitive in order that claims of incest are not dismissed without a proper inquiry.

OMCT further urges the government to make more efforts to raise awareness about the crime of rape and train police officers on how to properly handle such cases. Additionally, given that rapists generally appear to be sentenced to less than the maximum punishment provided for by law, particular attention must be paid to ensuring that perpetrators of rape are punished according to the severity of the crime.

OMCT is deeply troubled by reports of the prevalence of gang rapes in the poor suburbs of Paris. Teachers should be trained to discuss this crime with students and counseling programs should be funded in schools for victims of gang rapes and other sex crimes. Furthermore, when claims of gang rape are filed, police must be trained to handle the complaints in a sensitive manner, rather than blaming the victim, and they must take steps to ensure the future protection of the victim, especially at school. Additionally, it appears that one aspect of this phenomenon in the suburbs is the socio-economic context that the perpetrators and the victims grow up in, which should be countered by efforts to address poverty, cultural integration, and gender equality.

OMCT notes that France has developed a draft law on modern forms of slavery. OMCT urges the government to ensure that mechanisms to support and protect trafficking victims (both for the purposes of prostitution and domestic servitude) are included in this law in its final form, including residency permits, social services and witness protection. OMCT further insists that the punishments provided for in laws against trafficking and against slavery are in accordance with the severity of the crime.

OMCT is deeply concerned by the prevalence of domestic violence within immigrant communities. In this regard, the French government should make more efforts to raise awareness among immigrant women about the protections afforded to them by publishing information pamphlets in the languages of the immigrants, rather than only in French. OMCT also calls upon the government to undertake a full investigation into this problem by disaggregating data by country of origin in surveys concerning domestic violence and other forms of violence against women.

Additionally, OMCT is troubled by the precarious situation faced by

immigrant women victims of domestic violence because of their conditional residency status. OMCT urges the French government to adopt specialized procedures in its immigration laws whereby women victims of domestic violence may apply for residency status that is not dependent on their husband. These types of procedures are particularly urgent considering the current project to reform the immigration law raising the conditional time period for a residency permit from 1 to 2 years. OMCT also calls upon the government to initiate training for immigration officials to recognize the special circumstances of immigrant women victims of domestic violence, including the fact that some women immigrants may face further violence if sent back to their families in their country of origin after leaving their husbands.

While OMCT commends the French government's efforts to prosecute and punish incidents of FGM occurring within its territory, OMCT would nevertheless recommend the passage of explicit legislation outlawing the practice and continued awareness raising campaigns.

OMCT is troubled by reports of ill treatment of women in detention in France and calls upon the French government to ensure that all such allegations are investigated, prosecuted and punished with adequate severity.

Finally, OMCT would insist upon the need for the Government to fully implement all of the provisions of the UN Convention on the Elimination of All Forms of Discrimination Against Women, the Beijing Platform of Action and the Declaration on the Elimination of Violence Against Women as these instruments provide detailed protection for women against violence in the family, in the community and at the hands of State officials.



*29th session
30 June -18 July 2001*

**Concluding Observations of the
Committee on the Elimination of
Discrimination Against Women:
France**

(Advance Unedited Version)

1. Introduction by the State Party

1. The Committee considered the combined third and fourth report and the fifth periodic report of France (CEDAW/C/FRA/3, CEDAW/C/FRA/3-4/Corr.1 and CEDAW/C/FRA/5) at its 614th and 615th meetings on 3 July 2003 (see CEDAW/C/SR. 614 and 615).

2. In introducing the third and fourth and the fifth periodic reports, covering the years from 1993 to 2002, the representative of France highlighted the new orientations followed since April 2002 in the implementation of the Convention, noting the Government's commitment to the respect of national, European and international law.

3. Established within the Ministry of Social Affairs, Labor and Solidarity, the Ministry for Parity and Equal Opportunity, with its central office and network of regional and local, as well as departmental focal points, collaborated closely with a number of other ministries and also with parliamentary delegations. It presided over three consultative structures - the supreme council for professional equality, the supreme council of sexual information, regulations of birth and women's education, and the national commission to combat violence - as well as the Observatory for Parity, established in 1995 by the Head of State.

4. With regard to the definition of equality and non-discrimination, the Labor Code had been amended to include the concept of indirect discrimination in French law, in line with relevant directives of the European Union, and the Penal Code had been amended accordingly. A European directive of 2002 concerning implementation of the principle of equal treatment between women and men in access to employment, education, career advancement, and conditions of work provided the basis for a qualitative understanding of equality.

5. The question of parity in decision-making, especially in political life had been an issue of intense debate in recent years. A revision of the Constitution of 1999 enshrined the principle of equal access of women and men to elected offices and posts. This was followed by a law of 2000, which made France the first country to opt for parity of 50 per cent candidates of each sex. While in municipal elections of March 2001 women achieved 47,5% of councilors seats at the local level, only 6,6% of mayors of these local districts were women. In senatorial elections in 2001, women's share rose to 21.5%. However, elections for the Legislative in 2002 resulted in only 12.3% women being elected. Measures were now being considered to

encourage political parties to work towards improving this situation, and an evaluation report would be submitted to Parliament in 2003. Furthermore, all ministries worked towards the achievement of parity in the civil service, supported by measures such as action plans and parity committees, to improve women's access to higher-level positions.

6. Stereotypes and degrading images of women remained an issue of ongoing concern. Current legislation prohibited incitement of discrimination, hate or violence against a person or a group of persons on a number of grounds, but did not prohibit incitement to discrimination on the basis of sex. Discussions on a possible measure in this regard had been initiated with relevant ministries and media representatives.

7. The representative noted that France had ratified the Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in 2002. The subsequent domestic security law of 2003 created the new crime of trafficking in human beings. Based on previous work in support of victims of trafficking and of sexual exploitation, the new law provided for issuance of a temporary residence permit to victims of trafficking bringing a case, or testifying, against a person accused of pimping. The new law was one of the most severe laws in Europe with regard to the exploitation of prostitution. It was complemented by an inter-ministerial action programme to combat trafficking and the sexual exploitation of human beings, and focused on prevention, repression, and social reintegration.

8. Action for women's and girls' education was based on an inter-ministerial agreement, adopted in 2000, for the promotion of equality of opportunity between women and men, girls and boys, and focused on three areas: improvement of educational and professional choices; strengthening of mechanisms to promote equality; and promotion of an educational system based on mutual respect between the two sexes, and including the fight against all forms of discrimination and violence. New initiatives focused in particular on efforts to improve women's participation in scientific areas.

9. The representative noted that despite significant progress achieved by women in the area of employment, and the fact that women constituted 45.9% of the total workforce, inequalities still existed as women continued to be under-represented especially in highly skilled and highly qualified professions, and women's unemployment rate was proportionately higher

than men's. Legislation and other measures aimed at enhancing the social dialogue towards greater equality in work and professional life for women were in place, and particular attention would be given to negotiations among the social partners in the area of equal opportunities, life long learning, and the organization of work. Public policy aimed to combat women's long-term unemployment, and steps had been taken to support women's entrepreneurship. The law prohibiting night work for women had been revised, bringing it in line with European and international law, and legislation against sexual harassment was also in place.

10. Another area of concern to the Government was violence against women. Based on the results of a nationwide survey commissioned by the Government and conducted in 2000, a comprehensive triennial plan of action had been launched, including awareness raising and financial support for victim support organizations. Sanctions were in place in penal and civil law, and gendarmerie and judicial processes supported the rights of victims, especially in situations of domestic violence and spousal abuse. Recent measures aimed in particular at combating violence against young immigrant women, and at reinforcing their access to justice.

11. The representative noted that France's health policy aimed at the integration of a gender perspective, and with equality between women and men being one of the objectives. This approach required attention to health concerns that were particular to women, such as pregnancy, delivery, feminine cancer or menopause, as well as to general health concerns of growing importance to women, such as AIDS, drug addiction and cigarette smoking. In the area of reproductive health, priority was given to preventing unwanted pregnancies. As the high rate of teenage pregnancies was a serious concern, great emphasis was placed on enhancing sex education and information about contraception aimed at adolescents and young immigrant women. A legislative change of 2001 had increased the legal period for voluntary interruption of pregnancy (VIP) from 10 to 12 weeks, improved information for women, and took into account specific needs of minors.

12. Legislation of 1999 and 2001 had contributed to the improvement of the situation of rural women, especially in regard to their pension rights. The Ministry of Agriculture developed a programme "Women, education and work in the rural area" to improve equality between women and men in rural area.

13. A law of 2002 had enshrined the concept of shared parenthood (co-parentalite) in the Civil Code, providing for equal rights and

responsibilities between parents in the education of their child. As a consequence, the representative announced the intention of France to withdraw its reservations to articles 5 (b) and 16, paragraph 1 (d) of the Convention. The reconciliation of family and professional responsibilities remained at the center of the question of equality, especially as women continued to be overwhelmingly responsible for household and caring work. Measures such as paid parental leave for fathers, family and parental support services, and more flexible work schedules aimed to support the sharing of such responsibilities.

14. In concluding, the representative noted that among the challenges ahead was the need to close the gap between de jure equality and women's actual enjoyment of equality, and to establish a modern, parity democracy where women had the same rights and opportunities as men. In this regard, the integration of young immigrant women, the eradication of violence against women, and the fight against trafficking in women for sexual exploitation, as well investment in the young generation, and involvement of young women in the technology sector would be the focus of attention.

2. Concluding comments of the Committee

Introduction

15. The Committee commends the State party for preparing and presenting its combined third and fourth report and its fifth periodic report, which are in accordance with the Committee's guidelines for the preparation of periodic reports. It also commends the State party for the written replies to the issues and questions raised by the Committee's pre-session working group.

16. The Committee congratulates the State party for its high-level delegation headed by the Minister for Parity and Equal Opportunity. The Committee appreciates the frank and constructive dialogue that took place between the delegation and the members of the Committee.

17. The Committee notes the stated intention of the State party to lift its reservations to articles 5 (b) and 16, paragraph 1 (d) of the Convention.

Positive aspects

18. The Committee welcomes the State party's accession, in June 2000, to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the acceptance, in August 1997, of the amendment to article 20, paragraph 1, relating to the Committee's meeting time.

19. The Committee warmly welcomes the constitutional amendment adopted in June 1999 and the Act of June 2000 (the Parity Act), which establish the principle of equal access for men and women to electoral mandates and elective posts, as a way to achieve balanced participation of men and women in political life.

20. The Committee commends the State party for preparing the yellow budget paper, to be used as a tool for analysing the State's budgetary activities with respect to achieving equality between men and women within each ministry.

21. The Committee commends the State party for adopting Act No. 2002-305 concerning parental authority, which sets out to apply a concept of co-parenting based on the three principles of equality between parents, equality between children, and the child's right to her or his two parents.

22. The Committee commends the State party for its efforts to create a national council on equality, expected in 2003, which would bring together representatives of Government and civil society in order to formulate policies on gender equality and the advancement of women.

Principal areas of concern and recommendations

23. While welcoming the State party's stated intention to lift its reservations to articles 5 (b) and 16, paragraph 1 (d) of the Convention, the Committee is concerned that the State party has not expressed its intention to withdraw its reservations to articles 14, paragraphs 2 (c) and (h), and 16, paragraph 1 (g) of the Convention.

24. The Committee urges the State party to expedite the steps necessary for the withdrawal of all its reservations to the Convention.

25. The Committee, while recognizing the implementation of a wide range of measures and programmes on gender equality, is concerned about the lack of monitoring and evaluation with regard to the impact and results of such measures and programmes.

26. The Committee urges the State party to undertake systematic impact assessments of such measures and programmes and, on the basis of the insights gained, to improve them in the future.

27. The Committee is concerned that, although according to article 55 of the Constitution the Convention has precedence over domestic law, there are no Court decisions that refer to the Convention.

28. The Committee recommends that the State party implement measures to create awareness of the Convention and the Optional Protocol to the Convention among the judiciary, prosecutors and lawyers.

29. The Committee expresses concern about the provision of insufficient sex-disaggregated statistical data in all areas covered in the report.

30. The Committee recommends that the State party undertake a comprehensive compilation and analysis of sex-disaggregated data on the situation of women.

31. The Committee expresses its concern that women are underrepresented in high-level positions in many areas, particularly in the civil service, the diplomatic service and in academia.

32. The Committee calls on the State party to take steps to facilitate increased access of women to high-level positions. It recommends the adoption of proactive measures to encourage more women to apply for high-ranking posts, and where necessary, to implement temporary special measures, as provided for in article 4, paragraph 1 of the Convention.

33. While welcoming the adoption of legislative and regulatory measures on equal opportunity between men and women, the Committee expresses its concern that women continue to be overrepresented among the unemployed and in part-time and temporary jobs. It is also concerned about the continuing wage discrimination faced by women.

34. The Committee calls upon the State party to intensify its measures to increase women's employment, to ensure that women have access to full-time and permanent jobs if they wish, and to promote equal pay for work of equal value.

35. The Committee expresses concern about actual and potential poverty situations among older women on account of having experienced multiple forms of discrimination throughout their economically active years. It also

expresses concern that the restructuring of the welfare system might affect older women more negatively than men.

36. The Committee recommends that the State party research the needs of older women, and develop measures that adequately address their health, economic, and emotional situations in order to avoid poverty and isolation. It also recommends that the State party take women's unpaid and paid employment patterns and family responsibilities into account when altering legal and policy measures in order to avoid discrimination of effect.

37. The Committee is concerned that traditional customary practices, including polygamy, continue to exist in the French overseas territories, in contravention to the provisions of the Convention.

38. The Committee urges the State party to strengthen the implementation of the Convention in the French overseas territories. It also urges the State party to disseminate information on the Convention and the Optional Protocol to the Convention in the French overseas territories.

39. The Committee notes with concern that the minimum legal age of marriage is set at 15 for girls and 18 for boys.

40. The Committee urges the State party to take measures to raise the minimum legal age of marriage for girls, in order to bring it into line with article 1 of the Convention on the Rights of the Child, which defines a "child" as anyone under the age of 18 years, and with article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women.

41. While noting initiatives to eliminate stereotypes, the Committee is concerned that stereotypical attitudes persist.

42. The Committee recommends that the State party intensify its efforts, including legislative measures to prevent the portrayal of negative and discriminatory images of women in the media, to change stereotypical images and discriminatory attitudes and perceptions about the roles and responsibilities of women and girls and men and boys in the family and in society.

43. The Committee is concerned about the manner in which article 18 of the Internal Security Act is implemented with regard to passive soliciting, as its implementation may affect women who are not engaged in passive soliciting.

44. The Committee urges the State party to ensure that article 18 of the Internal Security Act is implemented in a non-discriminatory fashion with full respect for the human rights of the women concerned.

45. While commending the State party for its measures against trafficking in women and girls, in particular the imposition of penal sanctions against the perpetrators of trafficking in human beings, the Committee expresses its concern about the inadequacy of protective measures for trafficked women, especially foreign women and girls, who do not testify against their traffickers.

46. The Committee urges the State party to ensure that trafficked women and girls have the support they need, including through witness protection and social reintegration measures. The Committee recommends that the State party consider issuing resident permits to victims of trafficking whether or not they testify against their traffickers, and whether or not the perpetrators are punished.

47. The Committee is concerned about the continuing discrimination against immigrant, refugee and minority women who suffer from multiple forms of discrimination based on sex and on their ethnic or religious background, in society at large and within their communities. The Committee regrets the very limited information provided in the reports with regard to violence, including domestic violence, against immigrant women and girls.

48. The Committee urges the State party to take effective measures to eliminate discrimination against immigrant, refugee and minority women, both in society at large and within their communities. It urges the State party to respect and promote the human rights of women over discriminatory cultural practices, and take effective and proactive measures, including awareness-raising programmes to sensitize the community to combat patriarchal attitudes and stereotyping of roles and to eliminate discrimination against women in immigrant and minority communities. The Committee also recommends that the State party undertake research on the issue of violence against immigrant women and girls and implement policies and programmes to address this issue adequately.

49. The Committee expresses concern at the absence of information in the reports on tobacco use and drug addiction among women.

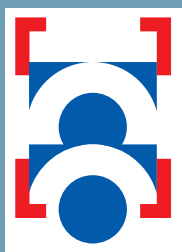
50. The Committee requests that information and sex and age-disaggregated data on tobacco use and drug addiction be provided in the next report and, taking account of its General Recommendation 24 on women and health, on any measures adopted to address those issues.

51. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report, due in 2005, under article 18 of the Convention.

52. Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the twenty-first special session of the General Assembly for an overall review and appraisal of the implementation of the Programme of Action of the International Conference on Population and Development, the twenty-seventh special session of the General Assembly on children, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of the aspects of those documents relating to relevant articles of the Convention in its next periodic report.

53. The Committee requests the wide dissemination in France and its overseas territories of the present concluding comments in order to make the people of France and of its overseas territories, and particularly government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, the general recommendations of the Committee on the Elimination of Discrimination against Women, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace in the twenty-first century".

The World Organisation Against Torture (OMCT) wishes to thank the European Commission and the Interchurch Organisation for Development Cooperation for their support for OMCT's Violence against Women Programme.



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ISBN 2-88477-064-X