



Quality in Gender+ Equality Policies

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1. Review of equality policies and responsibilities institutional structures

1.1 A short history of the development of (gender) equality law or (gender) equality strategies or plans.

Gender equality legislations prior to 1995

France has been committed to the principle of gender equality in law since 1946, when it enacted the preamble to the constitution of 27 October 1946 just after World War II. The preamble guarantees equal rights for women in all fields and also proclaims each individual's duty to work and their right to employment. The last French constitution of 1948 reinforced this text and proclaimed that "all humans beings, without distinction of race, religion or faith, possesses inalienable and sacred rights (...) the law guarantees women the same rights as men in all domains".

However, French women were not given equal rights as citizens until a relatively late stage, or frequently later than in other EU member states. It is important to note that French women only obtained the right to vote in 1944 and that husbands retained formal rights over their wives' activities (being able to open a bank account, take up paid work) until the mid-1960s. As in many European countries, the 1970s marked a real shift in the construction of gendered citizenship. Firstly, feminist groups and women's movements which started to develop during that decade lobbied the state in order to change legislation in several social fields (the focus at that time was mainly on contraception and abortion rights, respectively gained in 1967 and 1975).

Meanwhile, the increase of dual earner households during the middle of the 20th century was at the basis of several employment and family policies that were enacted in order to tackle the problem of 'reconciliation' of the family/work balance. The French conception of the State as one of the main welfare providers has contributed to legitimate its intervention in the private life sphere (e.g. analysis on welfare state regimes, Esping-Andersen¹, 1992, Lewis, 1992², 1997³). Also, Valéry Giscard d'Estaing's presidency (1974-1981) was characterized by the modernization of French family policies by developing several measures to enable women to "choose" whether to continue working or to leave the labour market when they became mothers. The election of the socialist François Mitterrand in 1981 marked the growing polarization of the childcare question and the development of various family allowances (AGED in 1986, AFEAMA), parental leave in 1985 (APE) and extension of the provision of full time nursery care for children under three years of age. Nevertheless, at this

¹ Esping-Andersen, G. (1990). *The Three Worlds of Welfare Capitalism*. Cambridge, Polity Press.

² Lewis, J. (1992). 'Gender and the Development of Welfare Regimes', *Journal of European Social Policy*, n°2 (3) : 159-173.

³ Lewis, J. (1997). 'Gender and Welfare Regimes: Further Thoughts', *Social politics, International studies in Gender, State and Society*, Vol 4, n°2, summer: 160-177.

moment French policies addressed to women haven't been specifically concentrated on the question of equality as such and women's rights have long been more mother rights than citizen rights. The Parental Childcare Allowance revision by the 25 July 1994 Law on family also allowed the French government to carry on with a more protective than egalitarian approach in its intervention (see Afsa, 1998⁴).

Moreover, it is important to note that since the French State has always been active with regard to family life, there have been few debates about the legitimacy of its actions with regard to the "private" sphere.

In such a context, international bodies such as the UN and the EU have largely contributed to change the conception and the legal framework of equal opportunities policies in France. Since the establishment of the European Community in 1957, the EU has always been one of the most important forces for the implementation of gender equality legislation in France. Indeed, the EU has contributed to increase the awareness of gender equality in some areas of French politics and particularly in Quing issues such as non-employment, intimate citizenship and gender based violence. Its gender equality objectives definitely had a huge impact on the introduction of several measures to fight against gender based discrimination but also to increase the effectiveness of existing legislations that have failed to reduce gender inequality, particularly in respect of equality on the labour market (Le Feuvre and Andriocci, 2002⁵).

In 1957, the article 119 of the Treaty of Rome asserted the need to move towards equal pay for men and women in respect to equal work. The principle of equal pay for equal work by men and women is acknowledged in 1975 but the French legislation only adopted the '**Roudy Act**' establishing the principle of equality in employment in 1983. This law changed the French labour and penal code. At the end of the same year (on 14 December of 1983) France ratified the UN Convention on the Elimination of Discrimination against Women (**CEDAW**), which contributes to promoting the process of implementation of equal treatment policies in all spheres.

Nonetheless, it has been more difficult to institute *positive actions* and *gender mainstreaming*, particularly in the field of equality between men and women on the labour market. Indeed, the French conception of equality, deeply embedded in the tradition of republican universalism, appears to be somewhat incompatible with the *Positive Action* principles promoted by the EU throughout the 1980s and 1990s (Crompton and Le Feuvre, 2000⁶).

⁴ Afsa, C. (1998). 'L'Allocation parentale d'éducation : entre politique familiale et politique pour l'emploi' (The childcare allowance : between family and employment policy), INSEE Première, N°569

⁵ Le Feuvre, N. and Andriocci, M. (2002). 'The history of equal opportunities legislation in France', in G. Griffin *Women's employment, women's studies, and equal opportunities 1945-2001*, G. Griffin Ed : 231-291

⁶ Crompton, R. and Le Feuvre N. (2000). The realities and representations of equal opportunities in Britain and France. *Journal of European Social Policy* 4: 334-348

Most relevant gender equality legislation and plan after 1995

Since the UN International Women's Conference in Beijing in 1995, the promotion of gender mainstreaming coming through EU policy has significantly gained in influence: On 8 March 1999, France adopted the principle of gender mainstreaming in all domains. In addition, the 5th Action Programme on gender equality from 2001 to 2006 was specifically focused on gender mainstreaming. From this period onwards, French legislation has progressively moved from the idea of protecting women as wives and mothers on the labour market to promoting gender equality in all spheres of the society. When the socialist party came to power in 1997, Prime Minister Lionel Jospin introduced various significant measures to show his willingness to break with the preceding period that was characterized by the muffling of the equality policy agenda. The government established political instruments to use in an egalitarian perspective.

In 2002, the new right-wing government chose to return to a more 'protective' position. The non-employment and intimate citizenship areas were particularly affected by this shift. However, the European Union pressure seemed to guarantee the implementation of gender equality policy, particularly in the (non)-employment and gender-based violence fields.

(Non) Employment

With the return of the socialist party in 1997, women's access to the labour market is perceived as a central issue to achieve gender equality. The government stresses the need for policy measures to help women maintain their presence in the labour market. Moreover, under the pressure of the European Union, the regulation of work/life balance is perceived as one of the main issues of policy making. As far back as 1998, Catherine Genisson was commissioned 'for drawing up an assessment of existing inequalities and the effectiveness of current legal provisions.' (Jospin, 1998:1⁷). It first aimed at introducing new legislation to combat persisting gender inequalities 'at all levels of women's professional lives' (Genisson, 1999:1⁸). The March 6th 2000 recommendation⁹ to improve women's access to promotion and management positions within French civil services is a significant example of the measures that were adopted after Genisson produced her report. The **Genisson enactment** (Law 2001-397) that seeks to reinforce the measures provided by the 1983 'Roudy Act' was passed in 2001. The law also highlighted the necessary development of negotiations on gender equality at industry, sector and company level in order to fight against discrimination between men and women in the professional sphere.

⁷ Jospin, L. (1998) 'Lettre de Mission à Catherine Génisson' (Mission letter for Catherine Genisson), letter N°1326/98/SG, 21st December

⁸ Genisson C. (1999), 'davantage de mixité professionnelle pour plus d'égalité entre homes et femmes' (More diversity at work for more equality between men and women), Paris, La Documentation Française

⁹ Official Gazette (2000), N°9, Paris, March 7th

Immediately following the right-wing return to power in 2002, the Ministry of Parity created an 'equality label' to encourage equality on the labour market. This label concerned companies involved in the fight against gender equality. In addition, a charter also led all French Trade Unions (NCPF, CFDT, CGC, CGT-FO, etc.) to sign an agreement to reduce inequalities between men and women on the labour market in 2004 and 2005.

Regarding the reconciliation of work and family life issue, the 'childhood' plan (2006-2011) was elaborated by the Ministry for social security, elderly persons and family. It concerns families with children below three years of age. Ten measures will help to implement this plan over five years:

- Creating 12000 places in public funded services for children under 3 years of age.
- Facilitating the recruitment of childhood workers
- Authorizing 'micro' public funded services as an experimentation
- Facilitating PME (Petites et Moyennes Entreprises, Small and Medium sized companies) to create services for under 3
- Distributing for all professionals and PMI (public structure for the maternal and Infantile protection) a guide in order to offer the same services on all the French territory
- Strengthening the Law on "child-minders" aiming at improving the qualifications and pay of registered child minders, notably in the fight against 'black market', informal and unregulated child care arrangements
- Developing employment through the 'childhood platform' in all French regions with 'rectorats' (local education authorities).
- Informing families on existing child-care services
- Making maternity leave more flexible after a meeting with social partners

In addition, in the framework of the Employment Equality Directive 2000/78/EC, which implements the principle of equal treatment in employment and training irrespective of religion or belief, disability, age or sexual orientation in employment, France adopted two laws on disability discrimination and equality body.

Thus, the law n°2005-102 of the 11 February 2005¹⁰ on equal opportunities rights, participation and citizenship of disabled persons seeks to promote equal access to employment for disabled persons. The third paragraph of article n°47 orders that all territorial communities and public offices have to be accessible for disabled persons and that the international recommendations on the accessibility of communication services have to be applied.

Then, the Law n°2004-1486¹¹ of the 30 December 2004 aims at creating the High Authority to fight against Discriminations and promote Equality (HALDE). This High Authority deals

¹⁰ Law n°2005-102 of the 11 February 2005¹⁰ on equal opportunities rights, participation and citizenship of disabled persons, published in the Official Gazette, 2005, Paris, February 12th

¹¹ Law N°2004-1486 of the 30 December 2004, aiming at creating the High Authority to fight against discrimination, published in the Official Gazette, 2004, N°304, Paris, December 31st

with all direct and indirect discriminations prohibited by French law or by an international order signed by France (e.g. below).

Quota / Parity

The enactment of the **Law on Parity** (Law 2000-493) concerning equal access for men and women to holding elective office was another representative gender equality legal measure that the Jospin government introduced. Indeed, this 'pioneering' law reflects the potential turning point in French gender equality policies. The text permits implementation of the principle of policy parity achieved in 1999 by fixing a 50 per cent candidate quota for national elections. However, the fear of 'Americanisation' of the gender quota system was relevant during the debates, the French Universalist tradition standing against the use of instruments to target a particular group (Lépinard, 2002¹²).

Intimate Citizenship

The adoption of the **PaCS** (law N°99-944), proposed by the socialist government in 1999, also constitutes important progress in matters of equality. Indeed, in allowing same-sex unions, this law challenged the hetero-normativity of the family as institutionalised by the State. Although the adoption of the PaCS (Civil Pact for solidarity) offered the possibility for homosexuals to be recognized as a couple, this law expressed the political will not to deal with the question of homosexual marriage and filiations.

In 2000 and 2001, the Jospin government revised the law on contraception and the 1975 Abortion Act. They wanted to make the existing legislation on reproductive rights more flexible. However, legislation on access to **artificial insemination** was not revised and remained limited to women who could prove that they had lived in a heterosexual partnership for at least 2 years.

Education

The European Union led the last left-wing government to undertake various political actions. Thus, the 25 February 2000 **Inter-Ministerial Action Plan for Equality in Education** reflected the government's will to continue to consider equality between boys and girls and men and women in the educational system as essential. This transversal plan involved four French ministries (the Ministry of education, Research and Technology, the Ministry of employment and solidarity, the ministry of Agriculture and fisheries, the Secretary of State on Women's Right and Professional Training) in order 'to cover a time-span that starts with the entry into school, through to getting a job and building a career' (Le Feuvre and Andriocci, 2002:245). In effect, an important objective is to sensitize people throughout a lifetime according to the following priorities:

¹² Lépinard Eléonore (2002), 'Les paradoxes des discours féministes sur la parité politique', in Lagrave Rose-Marie, Gestin Agathe, Lépinard Eléonore, Pruvost Geneviève (dir.) *Dissemblances, Jeux et enjeux du genre*, Paris, L'Harmattan.

- Developing training for girls and boys in order to fight against gender stereotyping and promoting diversity within profession orientations and employment prospects.
- Promoting education based on mutual respect between girls and boys / men and women.
- Strengthening the training of social actors and institutions involved in the promotion of gender equality in education.

National steering committees were established in order to guarantee the implementation of various projects such as setting up a study on sexist violence in schools or the creation of two working groups responsible for supervising measures for equal opportunity in primary schools and to promote the role of women in teaching.

Gender-based violence

With regard to the gender based-violence issue, the founding of the ***Enveff survey*** published in 1998 shows the aim of the government to legislate on violence against women. Showing the high number of French women who are victims of violence, the survey contributes to confirming the need to legislate on this area. It is important to note the relevant influence of the Beijing conference in 1995, which defined gender-based violence as a major issue for gender equality. Thus in 1998, the *Guigou Law* revised the 1980 law on rape by extending the legal statute of limitation to engage a legal action, particularly in case of sexual assault and rape of a minor. Those delays were increased in 2004.

Apart from the 8 March 1999 circular, there was no concrete legislation on domestic violence before 2004, when the French government decided to put the reform of divorce on its agenda. As soon as the issue of violence against women started to be politically considered, it was included in various reforms such as the reform of divorce in 2004 (Law 2004-439), which authorizes 'family affair' judges to apply an eviction procedure in cases of domestic violence, and the Law (2006-399) against forced marriage, which reinforces prevention and repression of domestic violence.

Close to the 'Respect of the human dignity' objective of the Equality Charter, the ***global plan to fight against violence toward women*** was implemented between 2005 and 2007. The main objective of this plan is to fight against domestic violence by proposing social and economic responses and by ensuring a better juridical protection for women. Thus, the plan seeks to modernize the public action through the reinforcement of partnership between governmental, juridical and social actors.

The measures of this plan are the following:

- Promoting access to housing for women who are victims of violence
- Proposing financial supports
- Helping women to maintain their presence on the labour market
- Facilitating the access to justice for women who are victims of violence and assuring their protection

- Reinforcing the financial support for associations and partnership between the different actors
- Sensitizing professionals and people to the problem of gender-based violence
- Preventing violence at school
- Acting in Europe and all over the world

Discrimination in general

In addition, on 16 November 2001, under the pressure of the EU, France adopted the **Law related to the fight against discrimination** (Law 2001-1066). This law is the translation of 'article 13' of the Amsterdam Treaty into the French legislation. It modified the French labour code so that discrimination was no longer limited to wage or redundancy. Fields of discrimination were enlarged to concern all stages of professional life: training, qualification, promotion, mobility.

The '**Equality charter**' between men and women also positioned gender equality policies as a priority. Settled in 2003, the objectives of the charter are in accordance with the European directive, as follows:

- Parity in the political sector and in decision making centre
- Gender equality on the labour market
- Respect of the human dignity
- Reconciliation between the different times of social life: professional, personal, familial, social and civic
- European and international solidarity

The principal instrument to achieve those objectives is gender mainstreaming.

Racial equality

In the framework of the **European Racial Equality Directive** (2000/43/EC), which implements the principle of equal treatment between people irrespective of race or ethnic origin, France adopted the Law N°2001-1066 of the 16 November 2001¹³ on the fight against discrimination. This law established by different Departments of the current socialist government¹⁴ orders the implementation of a special phone number that seeks to prevent discriminations and to fight against them. This service orients potential victims of discrimination toward the High authority to fight against discrimination and promote equality (see below) or toward other competent services.

¹³ Published in the Official Journal, 2001, N°267, P aris, November 17th) and modified by the Law N°20004-1486 of the 30 December 2004 (published in the Official Gazette, 2004, N°304, Paris, December 31.

¹⁴ The State Departments involved in this Law project are the Prime Minister, the Ministry for employment and solidarity, the Ministry of Justice, the Interior Ministry and the Ministry for Civil Services.

1.2 A short history of the development of gender equality machinery in government and its relationship with governmental institutions for other equalities

Governmental gender machineries

French women's policy machinery was established during the 1960s, with the creation of a Committee on women's work, under the remit of the Ministry of Employment, in 1965.

In France, various governmental bodies have existed to promote gender equality. Most of the existing gender machinery has been institutionalized during Valéry Giscard d'Estaing's and François Mitterrand's presidency (respectively 1974-1981 and 1981-1995). However, the administrative structure created to defend women's rights has shifted during the different historical periods and under different successive governments, sometimes marginalising their position in the French state structures (Le Feuvre & Andriocci, 2002). The title given to the person in charge of equality (delegate reporting to a Minister / full Minister / secretary of state) particularly shows the different importance accorded to gender inequalities. Not only do those changes reflect "the somewhat contradictory ways in which the French government intervenes in this area" (Le Feuvre & Andriocci, 2001), but they also reveal the variation of the importance of gender issue, independently of the political leanings of the majority in power at the time.

Since 1974 two types of administrative structure have been in charge of the implementation of gender equality policies:

- A Full ministry or Secretary of state.
- A delegation within a minister, a Secretary of State or a secondary affair (in such cases, the person in charge of women's issue is linked to others fields: For example, family issues under a right-wing government, professional training under a left-wing government. Sometimes the delegation is responsible for several other types of discrimination)

Table 1: Governmental action since 1974¹⁵

Type of instances	Year(s)	Titular
Full Ministry		
For women's rights	1985-1986	Yvette Roudy
For parity and professional equality	2004-2005	Nicole Ameline
Delegate reporting to a Minister		
Status of women delegated to the Prime Minister	1978-1980	Monique Pelletier
Status of women and family (delegated to the Prime Minister)	1980-1981	Monique Pelletier
Women's rights (delegated to the Prime Minister)	1981-1985	Yvette Roudy
For parity and professional equality (delegated to the Ministry of Social affairs, work and solidarity)	2002-2004	Nicole Ameline
Social cohesion and parity (delegated to the Ministry of Social affairs, work and solidarity)	2005-2007	Catherine Vautrin
Secretary of state		
Status of women (delegated to the Prime Ministry)	1974-1976	Françoise Giroud
Women's employment (delegated to the Ministry of Work)	1978-1981	Nicole Pasquier
Women's rights	1988-1991	Michèle André
Women's rights and daily life (delegated to the Ministry of work and employment)	1991-1993	Véronique Neiertz
Women's rights and professional training (delegated to the Ministry of employment and solidarity)	1998-2002	Nicole Pery
Delegation		
The status of women (delegated to the Prime Ministry)	1976-1978	Nicole Pasquier / Jacqueline Nonon
Women's professional training (delegated to the Ministry for professional training)	1982-1984	Collette Privat
The status of women (delegated to the Ministry of social affairs)	1986-1988	Hélène Gisserot
Inter ministerial delegation for women's rights to the Ministry of employment and solidarity	1997-1998	Geneviève Fraisse
Secondary affair		
Family, women's rights, solidarity and repatriates	1988	Georgina Dufoix
Solidarity between generations and women's rights	1995	Colette Codaccioni
Questions related to women's rights (to the Ministry of employment)	1995-1997	Anne-Marie Couderc
Handicapped persons, women's rights, parity, professional equality (to the Ministry of work and solidarity)	2007	Valérie Létard

¹⁵ Source up to 2000: Mazur, A (dir.), 'Appareils Fouvernementaux chargés du droit des femmes, représentation et démocratie en France. Une étude internationale et comparative'. (Gender machineries, representation and démocratie in France), Ministry of employment and solidarity, department for Women's rights, 2000.

In 1981, new socialist president Francois Mitterrand nominated Yvette Roudy to the very emblematic post of Delegated Minister of Women's Rights. This nomination marked the real awakening of French gender machinery to equal opportunity issues, such that the MDF was given a relatively generous budget (which was actually no more than 0.01 % of the total state budget) and greater influence on the decision-making procedures of the government (Mazur, 1995). The delegated ministry mainly focused on the 1984 Roudy (*Loi Roudy*) on equality at work. In 1985, the delegated ministry of women's right became a full ministry (the MDF), which is a major turning point in the history of governmental gender machineries. The MDF created regional and departmental women's rights offices to ensure the implementation of equality policies at all levels. However, its role has been limited, mainly because of its distance from feminist groups and the women's movement (e.g. see section on the women's movement below).

At the end of 1997, the nomination of Geneviève Fraisse (a leading feminist academic) at the direction of an inter ministerial delegation for women's rights (in delegation to the Ministry of employment and solidarity) marked the will of the new Socialist government to increase the number of egalitarian legislative measures. However, this position was short-lived and the responsibility for Women's rights and gender equality were once again attributed to the Secretary of State for Professional training.

In the same way, the nomination of Nicole Ameline at the full Ministry for parity and professional equality in 2004, which conveyed the will to combat gender inequalities on the labour market, ended one year later. Thus in 2005 gender equality moved into the shade of the department for social cohesion.

Governmental gender machineries

The SDFE, Department of women's rights and equality (*Service droits des femmes*)

Officially created at the beginning of the 1990s by the left wing government, the department of women's rights (which changed its name in 2000 to the "department of women's rights and equality"), was placed under the authority of the Ministry of women's rights in 1985. After a period when the department had no Ministry to report to directly, the department of women's rights and equality was placed under the authority of the Ministry of work and social affairs, in 1997. From 2000 to 2007, the department was under the authority of the Ministry of employment, and solidarity, which became the Ministry of employment, social cohesion and housing¹⁶. Since Nicolas Sarkozy was elected President in May 2007, the Department for Women's rights has depended on the secretary of state for Handicapped persons, women's

¹⁶ Decree N°2000-685 of the 21 July 2000 on the organization of the central administration of the ministry of employment and solidarity and on the attribution of some of its services, Published in the Official Gazette, 2000, N°169, July 23rd

rights, parity and professional equality, in delegation with the Ministry of work, social relations and solidarity¹⁷.

The department of women's rights and equality is in charge of the implementation of gender equality policy and aims at promoting women's rights in France. The department is also involved in the coordination of the network of regional delegates and departmental representatives for women's rights and equality.

Thus, the main objective of the department of women's rights and equality is to make existing gender equality policies as efficient as possible. The five priorities developed by the current department of women's rights and equality are the following:

- Women's access to decision-making in politics, economy and the third sector (voluntary associations). To improve the participation of women in public life
- Equal opportunity in professional life: It supports the National Action Plan for Education which promotes equal opportunity for boys and girls within the educational system by fighting against gender stereotyping. It also seeks to promote gender diversity in jobs, professional training as well as the access or the return of women to the labour market. It facilitates the access of women to decision-making positions and promotes equality between men and women within the professional environment.
- The defence of women's rights and the respect of women's dignity: Informing women of their rights and promoting the autonomy of women victims of domestic violence by facilitating their housing in case of separation due to domestic violence.
- The reconciliation of professional and family life.
- Gender Mainstreaming implementation

They are partners of different institutions such as the observatory of parity (created in 1995), the HALDE (created in 2004), national and regional commissions on the fight against domestic violence.

The SDFE also provides (modest) financial grants to activist organisations and NGOs who share these aims.

Regional and departmental delegation for women's rights and equality (*délégation régionales et départementales aux droits des femmes et à l'égalité*)

Regional delegations for women's rights have been established in all French regions since 1975 and are progressively institutionalized from 1978. They are composed of one delegate (*déléguée régionale aux droits des femmes*), one assistant and sometimes other members of staff (*chargées d'études*). The departmental delegation for women's rights and equality also appeared at the end of the 1970s. Placed under the authority of the Regional or departmental prefect, the 25 regional delegates and 95 departmental representatives are responsible for the promotion of the national gender equality policies at a local level.

¹⁷ Decree N°2007-1097 of the 13 July 2007 on the attribution delegated to the secretary of state in charge of solidarity, published in the Official Gazette, 2007, July, 14th

They are also in charge of the departmental commissions on the fight against domestic violence.

The commissions on the fight against violence toward women

The national commission on the fight against violence against women was created in 2001 and is presided by the Ministry in charge of equality between men and women. The national commission introduces the work of the local departmental commissions that were created in 1989 to the national agenda. The commission is composed of state representatives (Ministries in charge of employment, solidarity, health, education, justice, home affairs, defence, foreign affairs and tourism); associations and other representatives specialized on this field and nominated for three years by the Ministry in charge of equality between men and women.

The commissions are in charge of the implementation of public policies related to the fight against gender based violence. The objectives of the national commission are defined as follows:

- giving legislative recommendations
- coordinating the issue within the different Ministers,

The departmental commissions seek to increase the awareness of professional and voluntary sector actors to the question of violence against women. Thus, they organize workshops around these questions.

These commissions mostly concentrated on the question of domestic violence. However, after the Department for women's rights and equality published an official document, some of them also played part in workshops on prostitution.

Delegated to the regional councils

The enactment of the decentralization law (2nd March 1982) allowed regional councils to have an impact on gender equality by developing regional gender equality policies. Indeed, the 1982 law gave duties previously held by the State to these regional government institutions so that each regional councillor is responsible for drawing up a regional action plan. Each regional council is, in theory, free to define its own priorities. The 2005 law enlarged the political scope of local government institutions, so that each region is responsible for economic, social and cultural development. The regions are now eligible for direct support from the European Social Fund on issues related to equality in health and education.

To date, the Regional Councils have been rather slow at implementing these new policy areas and there has been little sign of concrete involvement in the application of the political commitment to equal opportunities (Le Feuvre and Andriocci, 2002). However, some Regional Councils have created positions (usually temporary, sometimes part-time) directly related to equal opportunity issues. In Brittany, for example, the Region has contributed to

the implementation of several equal opportunities actions. It has been actively involved in the implementation of gender mainstreaming in its mode of governance (www.regionbretagne.fr). Moreover, the Region has adopted a plan to promote gender equality within the professional and private spheres in collaboration with departmental council, voluntary associations, universities and private companies. (in L'Humanité, 3 February 2006, "l'égalité entre les sexes s'offre une biennale à Brest"). It is interesting to note that this is something of an exception in France and is largely due to the work of a regional network of women's organisations, women politicians and academic feminists, who have been working together for many years.

The Parity Observatory

Created in October 1995(the 18, Decree 95-1114)¹⁸, the Parity observatory has the following objectives:

- Identify, evaluate and analyse gender inequalities in the politic, economic and social sphere.
- Produce and disseminate data on women's situation at the national and international level.
- Elaborate propositions, recommendations and advice for promoting parity between men and women.

Since 2002, the Parity observatory has been composed of 33 members, elected members of Parliament, voluntary sector activists and academics.

HALDE Haute autorité de lutte contre les discriminations et pour l'égalité (High authority to fight against discriminations and promote equality)

Created in 2004 by Jacques Chirac's government (Law 2004-1486)¹⁹, the HALDE is composed of 11 members nominated by the French President of the Republic. Its aim is to coordinate government actions in all fields of discrimination (gender, age, ethnic origin, handicap and sexual orientation), but was essentially created to provide a forum for actions related to the situation of second or third generation ethnic minorities, following the urban riots across France.

The HALDE is responsible for informing the general public and decision-makers on issues related to discrimination and for promoting equality by proposing legislative recommendations to the state authorities. The HALDE can also act directly for victims of

¹⁸ Decree N°99-230 of the 23 March 1999 modifying the Decree N°95-1114 of the 18 October 1995, aiming at creating a parity observatory between women and men published in the Official Gazette, 1999, N°71, March 25th, replace the Decree N°95-1114 of the 18 October 1995, aiming at creating a parity observatory between women and men published in the Official Gazette, 1995, October 19th

¹⁹ Law N°2004-1486 of the 30 December 2004, aiming at creating the High Authority to fight against discrimination, published in the Official Gazette, 2004, N°304, December 31st

discrimination in legal court cases. To date, the HALDE has rarely acted on gender discrimination cases, but has provided training tools to combat discrimination which do include aspects of gender analysis.

Non-governmental organizations, women's movement and Trade Unions

Information centres for women's rights, CIDE (Centre d'information des droits des femmes)

After its creation in Paris in 1972, the CIDE was progressively divided into regional and departmental organizations. It mostly used to inform women about their legal, professional and social rights. However, their role is now enlarged so that they contribute to the creation of local networks of NGOs. Moreover, they are sometimes involved in the implementation of public policies, mostly at the departmental level. Indeed, some departmental CIDE are involved in new governmental machineries: the BAIE ("Bureau d'accompagnement individualisé pour l'emploi") in collaboration with the ANPE (National agency for employment) that seeks to develop a better knowledge of the situation of women within the labour market and to create jobs for women.

Women's movement

A lot of national and regional institutions (Secretary of State for Women rights, Regional and Departmental delegations for Women's Rights) depend on the support and actions of local or national voluntary associations for promoting gender equality in law.

The feminist groups and movements founded in the 1970s in France were relatively fragmented and many of them were suspicious of the state policies to promote equality. The women's movement in France was revolutionary rather than reformist (cf. Dominique Fougereyrollas in Christine Fauré) and this political stance was not conducive to the construction of the kind of "velvet triangle" that has existed in other national contexts. The 1980s also saw a period of regression for the grass-roots women's movement, which was involved in internal wrangles and lacked cohesion precisely at the time when the institutional machinery for the promotion of gender equality was being put into place. However, a highly successful national demonstration against threats to women's abortion rights in November 1995 was long seen as the starting point for a renewal of feminist activism in France and local or national women's groups and lobbies have been relatively successful in bringing new issues to the attention of decision-makers and, in some cases, in putting them on the political agenda.

Nevertheless, the regional and local Women's Rights delegations have still not been entirely able to count on the active support of an important network of independent women's organizations. At the same time, the limited financial resources allocated to equal opportunities and to women's rights has made it difficult for these organisations to provide resources (whether financial or other) to grass-roots women's organisations. In many cases, particularly in the early years, the Regional delegates for Women's Rights were selected

from party ranks. The vast majority had no training or previous experience in women's issues or gender equality actions.

Trade unions

French Trade unions have traditionally been relatively absent from the equal opportunities field, although they have adopted a more pro-active stance in recent years, particularly after the Gennisson Law on equality in employment was adopted in 2001. Indeed, this law made annual in-house negotiations on the position of women in companies an obligatory part of their work. Therefore, some unions (e.g. CFDT) have published guides to "Negotiating gender equality at work" and have provided training sessions for their local delegates on these issues.

Gender Budgeting

In France, a gender-sensitive budget analysis is compulsory by law. Since the Budget Act for 2000, the French parliament obliges government to provide an annex to the draft Budget Act every year setting out the moneys that are earmarked for promoting gender equality and women's rights, and those that are specifically dedicated to addressing women's needs. Called 'Jaune Budgétaire des droits des femmes et de l'égalité' (Yellow Budget Paper for Women's rights and equality), this yearly report identifies the funds allocated by each Ministry and sets out a systematic analysis of men's and women's situation in society. It also indicates the various programmes and projects on gender equality. However, it does not present a very deep analysis and recommendations.

Concluding remarks

Any assessments of Equal Opportunity legislation in France needs to consider the relative effectiveness of gender equality policies. Various aspects explain the barriers to the effective implementation of existing EO legislation. Firstly, it is important to note that the gender equality process had to face a weak mobilization of political parties concerning the adoption of equal opportunity measures, including the improvement of women's political representation and the development of academic gender studies. Secondly, gender equality machineries in charge of policy implementation have always suffered from successive changing of names and status (reflecting the varying degrees of importance attached to gender equality issue) and from a lack of sufficient resources.

When urged by the European Union to introduce egalitarian measures through gender mainstreaming, the French socialist government also promoted gender equality in all spheres the society from 1997 to 2002. However, equal opportunities legislative measures introduced by this government since the beginning of 2001 have often failed to reduce gender inequalities, particularly in the fields of (non)-employment. On the one hand, the high levels of social tolerance to gender inequalities in France is notably due to the perception that

women's access to the labour market is an issue that is fundamentally different to men's employment patterns. Indeed, the idea that gender inequalities are the result of "natural differences" between men and women reduces both the legitimacy and the effectiveness of equal opportunity policies, particularly in the field of employment (Junter, 2004²⁰). On the other hand, the national model of gender relations, called "sexist universalism" and based on an abstract notion of equality as well as on the particular role of women as mothers makes the effective implementation of active measures and positive actions fighting against gender inequalities difficult. In addition, the relative weakness of the French women's movement and the absence of effective lobbies explain the deep cultural change that the adoption of *gender mainstreaming* would need to become a reality in France (Mazur, 2004²¹).

In addition, although the adoption of some laws such as the PaCS permitted French society to consider partnerships and the family differently it also expressed the reluctance of French public policies to deal with the question of homosexual marriage and filiations.

Although it is too early to observe the effect of the last legislative measures in the three fields of Quing (i.e. non-employment, intimate citizenship and gender-based violence), it is clear that there hasn't been a straightforward and unambiguous shift in the French public policy. On the contrary, recent government's positions on same-sex partnership (same-sex marriage and adoption) clearly show the persistence of traditionalism in the French public policy. Likewise, although the protection of working mothers seems to be definitely in the debates (the introduction of such an issue in the legislation on pension in 2003 is an example), state intervention has not been superseded by clear-cut 'positive action' measures.

²⁰ Junter Annie. 2004. L'égalité professionnelle entre les femmes et les hommes: une exigence politique au cœur du droit du travail. (Gender equality in the professions: a political necessity at the heart of labour law) *Travail, Genre et Sociétés* 12: 191- 202

²¹ Mazur A. 2004. La France est-elle toujours le pays des réformes symboliques? (Is France still the country of symbolic reforms?) *Travail, Genre et Sociétés* 12: 173-181

2. Non-Employment

The main sub-issues for non employment are the following:

- Reconciliation of work and family life
 - Maternity leave
 - Paternity allowance
 - Parental leave system
 - 35 hours working time
 - Part-time work
- Care work and informal work
 - Child care provisions
 - Elder care facilities
- Tax benefit policies
 - Pension system
 - Tax benefits on child care expenditure
- Equal pay / Gender pay gap
 - Equal treatment
 - Equal pay
- Access to labour market
 - Night work

2.1. Introduction to the sub-issues and topics

The non-employment issue in France is closely linked to legislation on equality between men and women on the labour market. Indeed, although French women have always worked (Schweitzer, 2002²²), they long suffered from different legal measures that effectively barred them from the labour market. During the 13th century, women were progressively excluded from certain professions that they had previously been able to practice and they received much lower rates of pay than their male counterparts in those occupations they were allowed to enter. In the 15th century, their pay was less than half of the men's. The 18th century saw a general turn against women's employment altogether. With the industrial revolution women's work was progressively recognised as a potential source of additional income and progressively, state intervention related to women's employment was increased.

Although the State is perceived as a legitimate social actor in the (non)employment debate in France, its precise role has not always been very clear, 'particularly as far as women's

²² Schweitzer, S. (2002), *Les femmes ont toujours travaillé. Une histoire du travail des femmes aux XIXe et XXe siècles* (Women have always worked. An history of women's work in 19 and 20 centuries), Paris, Odile Jacob

employment is concerned' (Le Feuvre & Le Marchand, 2006²³). Thus, the different measures adopted by the successive governments mirror conflicts between employment policy and family policy and between the different groups of interest (family and pro-birth associations / feminist movements). In the decades after the Second World War, the French State, supported by the Catholic Church, reformist employers' associations and most Trade Unions, adopted the AMF (Allocation de mère au foyer – Housewife subsidy) in 1936 and the ASU (Allocation de salaire unique – Single wage subsidy) in 1941 to encourage the retreat of mothers from the labour market (Martin, 1998²⁴).

The 1970s marked the beginning of the diversification of State intervention and equality in employment was progressively adopted in texts mostly after EU directives in 1975 and 1976 (75/117 and 76/207, see the introduction). However, the French attitude towards non-employment is quite ambivalent. On the one hand, employment for women (including mothers of young children) is deeply embedded in contemporary French life. The French conception of state involvement in private life allows for a high level of public intervention around this issue, in particular through the development of childcare provision, tax relief on child care, collective and individual childcare allowances. This legislation aims to make it possible for French mothers to “choose” between employment and non-employment at strategic periods in their lifetime. This “policy mix” has been highly effective in producing high rates of full-time employment for women, together with one of the highest birth rates in the EU.

On the other hand, the deep economic crisis has helped to legitimate ‘short-term’ non-employment for mothers. In this context, measures that extend the conditions of parental leave and improve part-time work (not only affecting women but also older workers) specifically marked the Quing period.

Reconciliation of work and family life

France is characterized by a long history of State regulation of the reconciliation of work and family life (Hantrais, 1993²⁵). For many years, successive governments have introduced measures aimed at protecting the family and working mothers. However, measures implemented to improve ‘work/life balance’ did not have the promotion of gender equality as

²³ Le Feuvre, Nicky and Clothilde Le Marchand. (2007) (in press) Employment, the family and ‘work life balance’ in France. In *Employment and the family: the reconfiguration of work and family life in contemporary societies*, Crompton, Rosemary and alii (eds.): Cambridge Univ. Press.

²⁴ Martin Jacqueline. (1998). Politique familiale et travail des femmes mariées en France. Perspective historique: 1942-1982. (Family policy and married women on the labour market) *Population* 6: 119-1154.

²⁵ Hantrais, L. (1993) ‘Women, Work and Welfare in France’, in J. Lewis (ed.) *Women and Social Policies in Europe*. Aldershot: Edward Elgar.

an explicit objective. Indeed, birth rate preoccupations were far more central to the 'work/life balance' debate in France.

The pressure of the EU contributed to the development of a new form of State intervention. The EU has developed a set of directives and targets specifically aimed at reconciliation, which rest on four issues: childcare, leave arrangements for employed parents, making the workplace responsive to the needs of workers with children, encouraging the increase of men's participation in the care and upbringing of children²⁶. Those directives have had a positive impact on the orientation of French policies on work-life balance, particularly as far as the role of fathers in the care of children is concerned.

However, taking leave to raise children is still a possibility and a way to push mothers of young children out of the labour market. In 1985, France adopted a new **parental leave system**, which was strengthened with the 1994 reform and the PAGE reform in 2003 so that the parental leave grant is now extended to the first child, with the possibility to take it on a part-time basis. **Maternity leave** has always been encouraged by the French state. Thus, in 1982, paid maternity leave was extended and became a right for all non-salaried women as well as for those working in non-agricultural professions. However, maternity leave is still an issue for the French trade unions (CFDT and CGT, for example) that are lobbying for it for workers on short-term contracts. The **Paternity allowance**, established in 2002 by the socialist government, has been seen as involving fathers in their parental role and as a way to improve women's career opportunities.

The massive entry of French women on the labour market took place through full time jobs. However, this dominant pattern has been at the brunt of successive measures aimed at encouraging the creation of **part-time jobs** within a context of employment crisis (see time line). Thus, the development of those measures at the beginning of the 1980s broke with the prevailing model in France up until this date.

Another key topic is the **generalised reduction of working time**, a directive that has met with high levels of resistance from employers. Adopted in 2000 by the socialist government to reduce unemployment rates and create new jobs, the '35 hours' measures have also played some role in reducing tensions associated with work/life balance.

Care work / Informal work

Childcare services are a specific issue in France. Indeed, the presence of women on the labour market has been accompanied by the development of publicly funded childcare institutions up until the 1970s, through the 'child care contract' (*contrat d'enfance*). However, French policies on care work were influenced both by pro-natalist aspirations and by feminist demands. On the one hand, provisions on childcare such as the parental education allowance (instituted in 1985) and the child rearing allowance tend to encourage parents to provide their childcare themselves by opting out of the labour market. On the other hand,

²⁶ Council recommendation on childcare, 1992

France is characterized by the traditional French state support to working mothers, notably through generous family allowances, tax relief on child-care and the extensive provision of full-time nursery education for the under-sixes. From the 1990s, the tendency has been to promote the individualization of child-care services to the detriment of collective public services, such as crèches. In the same way, work place **child care services** are still extremely rare and employers make little contribution to the work-life balance of their staff.

Tax benefit policies

In France, the **generalization of social rights** for all men and women is confronted with difficulties. The first one deals with the principle of 'generalization', which is far from the French conception of family solidarities. Thus, it doesn't only imply to change the pension system but the whole conception of the 'male breadwinner / female carer model' that still structures social relations (Lanquetin and Letablier, 2003²⁷). In addition, demographic preoccupations and the increase of unemployment particularly affect the importance of the place of women within the pension system. In such a context, the measures initiated by the successive governments are concentrated on the question of gender equality on the labour market and on work/life balance.

Since the beginning of the 1990s, various measures have been taken in order to ensure transfers operated between generations in the pension regime. Indeed, when the new minister of parity was nominated in 2003, she promised to re-examine the partner status in order to protect partners and to allow them to have individual rights. In addition, the EU directives oblige France to adopt legislation that includes gender mainstreaming, such that women's rights were introduced during the debates on the **pension system reform** of 2003, in particular through the issue of unpaid work mostly done by women after children birth (Broca, 2004²⁸). Thus, one of the objectives of the reform is to promote equal rights between men and women.

Equal pay

Equal pay is still an issue in France. Indeed, despite the equal pay legislation of 1983 (within the "Roudy Act" on equality in employment) the gender pay gap persists and is still a preoccupation of women's NGOs and trade unions. Thus, in 1998, Prime Minister Lionel Jospin appointed Catherine Genisson to "draw up an assessment of existing inequalities and the effectiveness of current legal provisions" (Jospin, 1998²⁹). Genisson insisted on the need to mobilize social partners (trade unions, employer's organizations, women's associations,

²⁷ Lanquetin M-T. and Letablier M-T, (2003), Individualisation des droits sociaux et droits fondamentaux: une mise en perspective européenne. (Individualization of social rights and fundamental rights : an European perspective) , *Recherches et Prévisions n°73*, septembre 2003.

²⁸ Broca, A.-M. (2004) 'les femmes et la retraite en France : un aperçu historique' (Women and pension in France : an historical outline), *Retraite et société n°43*, Paris, La Documentation française

²⁹ Jospin, Lionel. 1998. Lettre de mission à Catherine Génisson (Mission letter to Catherine Génisson), Letter N°1324/98/SG, 21st December

etc.) in order to guarantee the effectiveness of any public initiative in the field. In addition, the new parental leave system was adopted in 1994 (Génisson, 1999³⁰). Likewise, the purpose of the new law is to reinforce the measures provided for by the Roudy Act.

In spite of the new 2001 legislation, the “Genisson Act” already seems to be insufficient. When President Jacques Chirac was re-elected in 2002, he expressed his aim to fight against the persistent gender pay gap. He fixed the objective of implementing equal pay for men and women in France by December 31st 2010. Thus, Nicole Ameline was nominated as Ministry of parity and equality on the labour market. The first bill was brought in 2005 and fixed a programme for companies to achieve gender equality.

Access to labour market

During many centuries, French women’s access to labour market has been restricted by laws that excluded them from the labour market or that promoted unequal access to higher education, to some administrative positions, to night work, reduced legal working time, prior consent of the husband for married women, etc.. Such discriminating laws have been progressively abolished from the middle of the 20th century, when women massively entered the labour market. However, it is only in 2001, through the vote of the 9 May Law on professional equality, that French legislation put an end to the *interdiction of night work for women* in industry.

³⁰ Génisson, Catherine. 1999. Davantage de mixité professionnelle pour plus d’égalité entre hommes et femmes (More diversity for a better equality between men and women). Paris. La Documentation française

2.2. Actors in the policy area of non employment

STATE ACTORS

From the middle of the 1990s, the main government department in the issue of non-employment is the **Department in charge of employment**. It is the authority in charge of the preparation of equal opportunity laws. In addition, the Ministry in charge of employment supervises the Department of women's rights.

Full or Delegated ministry of social cohesion and parity

The Department of women's rights is in charge of the implementation of gender equality policy.

The **Economy department** has had the leading role in preparation of tax-benefit system reform, including pensions.

The Ministry in charge of family affairs regulates issues such as childcare provisions, parental leave, maternity and paternity leaves.

The 'Comité de pilotage pour l'égal accès des femmes et des hommes aux emplois supérieurs des fonctions publiques' (Committee for the equal access of women and men to higher positions within the Civil Service) was created in 2000 for five years. This committee, under the direction of the civil servant Ministry, played a major role in conducting studies and on elaborating recommendations on women's access to decision-making in the public sector. Three reports have been published (2002; 2003; 2005) that highlighted the importance of 'positive actions' and 'gender mainstreaming' for women's career advancement.

The Parity Observatory is a public observatory created in 1995 playing a major role in the implementation of the parity law of 2000.

The HALDE (Haute Autorité de lutte contre les discriminations et l'égalité, High Authority for fighting against discrimination and equality)

CIVIL SOCIETY ACTORS

CNDF (National collective for women's rights) collective is particularly involved in the debates on working time and flexibility of the labour market (e.g. part-time work legislation). Thus, the commission 'work' of the CNDF has been particularly involved in campaigns for the suppression of all measures promoting part-time, such as the exoneration of employers' social security contributions on part-time jobs. The CNDF also acts in favour of protection for every worker through an important reduction of working time for all workers and without salary reduction. According to the CNDF, the law on the reduction of working time could have been an effective tool to change relations between men and women. However, this change could only be effective if the working time reduction legislation was linked with the issue of gender equality on the labour market because it could permit the share of domestic and care work between men and women, without which women couldn't exercise their right to employment and equality on the labour market. Unfortunately, this was not the case.

Mix-cité (Mix Movement for gender and sexuality equality) is an active feminist and anti-sexist NGO that plays a key role in the French public debates around gender equality issues, such as the 'Ameline' legislation on equal pay in 2005. They were also particularly active in the denunciation of the PAJE (Prestation d'accueil du jeune enfant- allowance for child care services) reform, which is considered as a way to exclude women of the labour market.

MFPF (French Movement for Family Planning)

The UNAF (National Union of family association) has played a key role in the legislation on paternity leave and during the reform of the allowance for childcare services (PAGE)

Trade Unions

For a long period, French trade unions considered the question of gender equality on the labour market as a secondary issue. On the one hand, women's rights are considered as being the same as every worker's rights, on the other hand, the deep economic crisis and the consequent increase of unemployment were considered as a priority.

However, the adoption of gender mainstreaming in 1999, under the pressure of EU, marked a change in the place of gender equality within trade-union negotiations. As an example, the CGT (General Confederation of workers) developed projects that include gender mainstreaming within collective agreements, and more particularly concerning the fight against the gender pay gap. Thus, gender mainstreaming is progressively perceived as a tool for Trade Unions, obliging the inclusion of gender in all questions around equality on the labour market.

Meanwhile, all social partners have signed the National inter-professional Accord in 2004 (MEDEF, CFDT, CGPME, CFE-CGC, UPA, CFTC, CGT-FO, and CGT).

INTERNATIONAL ACTORS

EU: The European Union pressure is a major (see the first part of this report) influence on the way to promote a real egalitarian approach in the area of Non-Employment. The adoption of gender mainstreaming in 1999 particularly influences French public policies.

2.3 Timeline on non-employment³¹

PRE-QUING PERIOD

1946 Restrictions regarding work performed by women in the public sector are lifted. However, the memorandum limiting women's access to certain functions "for reasons of service" would not be revoked until 1975.

The 30 July Act eliminated the notion of "women's pay rate"

³¹ This part of report is largely inspired by Le Feuvre & Andriocci, 2002

1965 With the reform of matrimonial regimes, women are able to hold a job without the prior consent of their husband and, in certain cases, to collect unemployment benefit in their own right

1966 Passing of a law stipulating that a pregnant woman cannot be made redundant, effective until 12 weeks after she gives birth

1970 Social security will pay up to 90% of gross salary for maternity leave (and not 50%, as for extended sick leave) for employed women.

1972 The principle of equal pay for equal work by men and women is acknowledged

1977 Establishment of parental leave for women working in private companies with more than 200 employees.

1979 The law prohibiting women from working the night shift in industry is revoked for women holding management positions or technical positions of responsibility

1980 Measures taken to acknowledge farmers' or common-law wives' professional activity

The 23rd December 1980 law lifts the restrictions on the recruitment of staff directly on part-time basis (public sector employees).

1981 Law 81-64 of January 28th aims at encouraging the creation of part-time jobs in the private sector.

1982 The July 10th Law offers the wives or common-law wives of tradesmen or merchants who work in the family business to opt for a status of spousal partner, spousal employee or spousal associate, which generates individual rights to specific social benefits.

Introduction of paid maternity leave for all women working in non-salaried, non-agricultural professions.

1983 Enactment of the law on equality on men and women in employment

Dual signatures requirement on tax forms returned by married couples

Elimination of the notion of head of household in tax law

1984 Equality of the spouses in managing property of the family and the children

Parental leave opened to either parent (mother and father)

1985 Creation of a parental childcare allowance (Allocation parentale d'éducation – APE) for parents who interrupt or reduce their professional activity for the birth, foster care or adoption of a child less than three years old, bringing the total number of children in the household to three.

1986 The 11 March circular advocates the feminization of the name of professions, grades or titles.

The December 26th law creates the Home Childcare Allowance (allocation de garde d'enfant à domicile – AGED), which offers exemption from employer's social contribution on paid care for children under six years of age

1987 Easing of restrictions on payment of the Parental Childcare Allowance. Henceforth, to receive this entitlement, the recipient must have worked two of the past three years. The 1985 law was more restrictive regarding conditions of professional activity: it required that the recipient had worked 24 of the last 30 months.

1989 Spouses and common-law spouses of independent professionals can now establish an individual retirement fund.

1990 Creation of the family grant for the employment of a certified child-minder, which offers exemption from employer's social contributions and tax benefits for hiring a certified child-minder for the care of a child under six years of age.

1992 December 31st Law 92-1446 on part-time job

The November 2nd law introduces provisions concerning the "abuse of authority in sexual matters in the workplace" into the labour code (*c.f. gender based violence chapter*)

The 19 October directive engages measures for promoting security and health of pregnant or breastfeeding women in the workplace

Through the 31 December Law, French state adopted a direct incentive for part-time work by way of a 30 per cent reduction on employer's social security contributions.

1993 The December 20th Law 93-1313 changes women's economic activity patterns conditions

1994 Enactment of the law on families leading to: extension of the Parental Childcare allowance so that it becomes available at the birth of a second child; gradual raising of the age limit on eligibility for family allowances and extension of the benefit of the Home childcare allowance at a reduced rate for children between three and six years of age.

Maintenance of social coverage for persons who have taken a parental leave and are unable to return to work at the end of this leave

Introduction of the possibility to take parental leave in the public sector on a part-time basis

QUING PERIOD

1998

Equal pay

Under the pressure of the EU, the will of the new socialist government to legislate on gender equality is launched. On 6 March, a memorandum on the linguistic feminization of trade names, job titles and ranks is adopted to promote equal treatment between men and women on the labour market.

On 21 December, the Prime Minister, Lionel Jospin, asked Catherine Génisson for an assessment of existing inequalities and the effectiveness of current legal provisions in this matter.

Primary source:

- **Jospin, Lionel. 1998. Lettre de mission à Catherine Génisson (Mission letter to Catherine Génisson), Letter N°1324/98/SG, 21st December**
- **Circular of the 6 March 1998 on the linguistic feminization of trade name, job titles and ranks, published in the Official Gazette, 1998, N°57, Paris, March 8th**

1999

Equal pay

Catherine Génisson handed her report over to the Prime Minister.

Primary source:

- **Genisson, Catherine. 1999. Davantage de mixité professionnelle pour plus d'égalité entre hommes et femmes (More diversity for a better equality between men and women). Paris. La Documentation française**

2000

Reconciliation of work and family life

The **Law on the legal reduction of working time** (Law N°2000-37) is enacted on January 19th. This law, which was supported by the Trade-Unions, reflects the aim of the socialist government to reduce unemployment rates and create new jobs. The '35 hours' measures have also contributed to reducing tensions in work/life balance.

Access to labour market

The recommendations of March 6th for improving women's access to promotion and management positions within the French Civil Service are introduced. They were 2 of the 30 recommendations proposed by the Genisson report to promote gender equality in employment.

Furthermore, the November 10th order created the 'Comité de pilotage pour l'égal accès des femmes et des hommes aux emplois supérieurs des fonctions publiques' (Committee for the equal access of women and men to higher positions within the Civil Service) to the Ministry of Civil Service. The objectives of the committee are as follows:

- Gathering existing data on training, recruitment and promotion when women join the French Civil Service and during their career.
- Researching all prejudicial factors to women's access to promotion and management positions within French Public Service.
- Elaborating recommendations in order to combat inequalities within this sector.
- Evaluating the impacts of the implementation of the measures that have been promoted by the Committee.
- Following the implementation of their recommendations and experimentation and diffusing their results.

Primary source:

- **Law N°2000-37 of the 19 January 2000 on the negotiated reduction of working time, published in the Official Gazette, 2000, N°16, Paris, January 20th**
- **Recommendations of the 6 March 2000, Published in the Official Gazette, 2000, N°9, Paris, March, 7th**
- **Order of the 10 November 2000 on the creation of a Committee for the equal access of women and men to higher positions within the Civil Service, published in the Official Gazette, 2000, N°263, Paris, November 14th**

2001

Access to labour market / Equal pay

January 3rd Law enabling government to transpose community directives and manage dispositions of the community right that ameliorates the 19 October 1992 directive on pregnant and breastfeeding women and modifies the 20 December directive on equal treatment of men and women in professional regimes of social security.

Enactment of May 9th 2001 **law on equality in employment**. The aim of this law is to reinforce the 1983 law, called "Roudy Act". The Decree N°2001-832 specifies the obligation to undertake negotiations on professional equality and to incorporate this topic into all negotiations. It also obliges the specific negotiation on professional equality every three years. In addition, the equality contract is broadened to cover all actions in this area through a collective agreement, and it may be put into practice by all employers, including voluntary associations. It is also important to note that the 9 May Law on professional equality also put an end to the **interdiction of night work for women** in industry.

Reconciliation of work and family life

December 21st Law on social security funding, introducing a voluntary two weeks paid paternity leave. Thus, from January 1st, fathers can take 11 days paternity allowance to use within 4 months after the birth of their child. Promoted then Minister of Family Affairs, Ségolène Royal, the measure was supported by family associations, such as the UNAF, which considers this leave as an opportunity for the new father to be involved in the education of his child. Nonetheless, the measure generated the disappointment of feminist groups, who criticised the insufficiency of this law, more precisely the short duration of this leave, to bring about greater equality in parenthood and to stop the gender-based division of parental leave. Indeed, although this law represents a first step for equality between parents, this new measure didn't sufficiently contribute towards promoting the investment of fathers in the family. Some feminist associations militated in favour of a two months post-natal leave, paid at 100% of the employee's regular rate of pay, with a salary ceiling of 3000 €. In order to support equality between men and women in the family and in the labour market, they propose 12 months parental leave paid at 80% of salary for both parents. In such perspective, both parents would have equal rights to maternity/paternity benefits and leave. Each parent would have an independent right to 6 months of leave. This is however not transferable so that the mother could not take the whole 12 month herself if the father chooses not to take leave.

Primary source:

- **Law N°2001-1 of the 3 January 2001 enabling government to transpose communitarian directive and making some arrangements of the communitarian right, published in the Official Gazette, 2001, N°3, Paris, January 4th**

- Law n° 2001-397 of 9 May 2001 on professional equality between men and women published in the Official Gazette (2001), N°1 08, Paris, May 10th
- Decree n° 2001-1352 of the 28 December of 2001 related to paternity allowance for person insured by the general regime and changing social security code and work code, Ministry of employment and solidarity, published in the Official Gazette, 2001, N°303, Paris, December 30th

Secondary source:

- Mix-cité, 2001. 'Réforme ou révolution. Communiqué de presse du 19 Juin 2001' (Reform or revolution. Press release of the 19 June 2001)

2002

Reconciliation of work and family life

The March 19th decree changing the allowance for parental presence ('Allocation de presence parentale') permits its financial revalorisation.

On 7th August, the **decree on part-time work** is enacted. Under the measures on the legal reduction of working time, financial incentives in favour of the development of part-time work in France, which had been taken at the beginning of the 1980s and during the 1990s (e.g. 1980, 1981 and 1992 reforms on this timeline), are abandoned.

Primary source:

- Decree n° 2002-373 of 19 March 2002 related to parental allowance published in the Official Gazette (2002), N°68, Paris, March 21st
- Decree n° 2002-1072 of the 7 August 2002 related to annual part-time work in the State public function, published in the Official Gazette (2002), N°186, Paris, August 10th

2003

Care work and informal work

The reform on child care benefits is enacted through the **Law on social security funding** in 2003. Measures adopted in the PAGE reform reflected the government will to pursue its objective, which consists in letting mothers 'choose' to stay or not on the labour market when they have young children. As far as the care work sub-issue is concerned, the PAJE adoption (Prestation d'accueil du jeune enfant / child-care benefit) is characterized by the main following measures:

The first measure of the PAGE is the creation of a 'birth allowance' of 800€ during the 7th month of pregnancy and the allowance of about 160€ per month until the third birthday of the child for 90% of parents (means-tested allowance).

The second measure of the reform is to increase financial support for working parents that already benefited from the home child-care allowance (AGED) and certified child-minder employment grant (AFEAMA) or an allowance for parents paying for a place in publicly funded child-care facility (crèche) for their child.

The fourth measure is the adoption of the 'Plan crèche', which supports the development of publicly funded child-care facilities. This plan is financed by regional and local governments.

The fifth measure is characterized by the creation of "credit d'impôt famille" in order to allow private companies to receive tax benefits on expenditure on child-care activities for their staff (30th December Law).

Reconciliation of work and family life

The third measure of the PAJE reform called 'free-choice' is about reconciling work and family life. This measure is the continuation of the APE (Parental childcare allowance), adopted in 1982, and reformed in 1994 (c.f. 1982 and 1994 on this timeline). This new reform also extended the parental child-care allowance to parents of one child and increased the partial financial compensation for parents who reduce their working hours (part-time APE) by 15%. This measure received much criticism from civil society and feminist associations. They first highlighted the difficulties to re-enter the labour market after taking leave. Secondly, they pointed to the risks in reinforcing gendered stereotyping and proposed measures that would encourage fathers to take this leave.

Tax benefit policies

The December 26th decree on the application of the August 21st law on **pension reform** was passed. It allows a new evaluation of the state recognition of the unpaid care work of women who have spent time out of the labour market so that they are not penalized as much when they retire. Indeed, it changes the general conditions of insurance contribution on having children; and socially insured women see their time of contribution increased up to one quarter for each year they spent raising a child.

Primary source:

- **Law N°2003-1199 of the 18 December 2003 on social security funding, published in the Official Gazette, 2004, Paris, December 19th**
- **Decree n° 2003-1280 of the 26 December 2003 for the application of the law n°2003-775 of the 21 August 2003 on time of insurance contribution, published in the Official Gazette, 2003, N°301, Paris, December 30th**
- **Law N°2003-1311 of the 30 December 2003 on 2004 funding, published in the Official Gazette, 2003, N°302, Paris, December 31st**

Secondary source:

- **OFCE, L'évaluation des politiques économiques en débat. Emploi des femmes et charges familiales. Repenser le congé parental en France à la lumière des expériences étrangères. (Debate on economic policies assessment. Women's employment and family responsibilities. Rethinking parental leave in France**

with the help of foreign experiences) Debate synthesis of December 3rd 2003 written by H  l  ne P  rivier.

- **Mix-cit  , ‘A la PAGE du sexisme’ (PAGE of sexism), March 2004**
<http://www.mix-cite.org/communiqu  /index.php3?RefArticle=302>

2004

Equal pay / Gender pay gap

On March 1st, management organizations and unions unanimously signed the ***national inter-professional agreement***, intended to fight all forms of stereotypes that are at the basis of the discriminations to challenge. The agreement was signed by all social partners (MEDEF, CFDT, CGPME, CFE-CGC, UPA, CFTC, CGT-FO, and CGT).

In the same month, an **‘equality’ label** was set out in the Charter for equality between men and women in order to promote gender equality at work. This label seeks to reward companies, associations and administrations that are dedicated to endorsing gender equality at work. Granted for a three year period, this label involves an intermediary inspection every other 18 months in order to make sure that its holders still meet with the required labelling criteria. These criteria are organised around three areas:

- Actions carried out in the company towards gender equality at work
- Specific management of human resources and management
- Actions enabling the balance between work and family life

Primary source:

- **National inter-profession accord of the 1st March 2004 on diversity and equality at work between men and women, In the Official Bulletin of collective conventions, 2004, N  4/18, Paris, May 29th**
- **Arrest of 2 September 2004 related to the commission for the equality label, published in the Official Gazette, 2004, N  221, Paris, September 22nd**

2005

Care work and informal work

The June 27th Law (2005-706) on “child-minders” aims at improving the qualifications and pay of registered child minders, notably in the fight against ‘black market’, informal and unregulated child care arrangements. These issues have been brought to light by two reports in particular that were ordered by the Ministry for health, family and (handicapped) people with special need and its delegated Ministry for Family in 2003.

Access to labour market

The French Department of employment, social cohesion and collective convention housing proposes to extend the impact and sanctions of the national inter-professional convention that deals with diversity and equality at work between men and women. The text is adopted on 22 April 2006.

On 12 July 2005, the law proposition on equal pay between women and men is adopted in first reading. The senate ratified the text after a few modifications.

Furthermore, the first chapter of the July 26th Law (2005-843) transposed the council directive 2000/78/EC of 27 November 2000 while establishing a general framework for equal treatment in employment and occupation.

Primary source:

- **Order of the 22 April 2005 on the extension of the inter-professional agreement on diversity and equality between men and women in the labour market, published in the Official Journal, 2005, N°104, Paris, May, 5th**
- **Law N°2005-706 of the 27 June 2005 on child-minders and family assistant, published in the Official Gazette, 2005, N°149, Paris, June 28th**
- **Law n°2005-843 of 26 July 2005 related to various measures of transposition of community right for public office, published in the Official Gazette, 2005, N°173, Paris, July, 27th**

Secondary source:

- **Petit Marie-Claude, Machard Luc, Delalande François, 'les métiers de la petite enfance dans les structures d'accueil collectif' (Childhood profession in collective childcare services), Paris, Ministry for health, family and handicapped persons, 2003, 135 pages**
- **OCDE, 'L'éducation et l'accueil des jeunes enfants, Rapport de la France à l'OCDE' (Education and care of young children, French report for the OCDE), France, Ministry for family, 2003, 118 pages**

2006

Access to labour market

The 23rd March Law on **equal pay**, supported by trade unions, is passed. This law includes two other texts on **work/life balance and equal access to training and employment**.

When President Jacques Chirac was re-elected in 2002, he expressed his aim to fight against the continuing gender pay gap. Nicole Ameline was nominated as Ministry of parity and equality on the labour market. The first bill will be brought in 2005 and fixes a programme for companies to achieve gender equality. Thus, the law proposes measures in favour of women's access to training when they return to the labour market after a parental leave period. This law also hinders the extension of a national collective convention that does not include proposals to reduce the gender pay gap.

Before its adoption, the bill was discussed by feminist associations which expressed their satisfaction with the objective of the project but also highlighted its limits. The association 'mix-cité' proposed twelve measures to improve the efficiency of the future law. These measures included: the promotion of the role of the HALDE (in the elaboration of information campaigns, dissemination of information on equal pay for bosses); discrimination preventative and incentive measures for private companies; and the proposal to extend the penalties for all companies that haven't reduced the gender pay gap by 2010.

Reconciliation of work and family life

On 18 October, a decree on indicators is adopted, helping to understand the relation between work and family life in private companies.

Primary source:

- Law n° 2006-340 of 23 March 2006 related to equal pay between men and women, published in Official Gazette, 2006, N°71, Paris, March 24th
- Decree n° 2006-1270 of 18 October 2006 related to the annual report on the compared situations of men and women general employment conditions and training in companies, and especially on indicators that allow the appraisal of articulation between professional activity and family responsibility
<http://www.legifrance.gouv.fr/WAspad/UnTexteDeJorf?numjo=SOCK0611666D>

Secondary source:

- CFTD, 'L'égalité professionnelle sous toutes ses formes' (professional equality in all its forms)
http://www.cfdt.fr/actualite/emploi/egalite_professionnelle/archives/egalite_0027.htm
- Aurélie Lorrain, Cécile Gatte, Agnès Guerin-Battesti for Mix-Cité, Mouvement mixte pour l'égalité des sexes, 'Lettre à Nicole Ameline. Projet de loi sur l'égalité salariale', (Letter for Nicole Ameline. Project of law on equal pay), Paris, 1st May 2005

2007

Reconciliation of work and family life

A Law reforming children protection and allowing women to modulate their *maternity leave* is passed on the 5th of March. This law reflects the aim of the UMP government to make maternity leave flexible and to permit women to postpone a part of their maternity leave until after the birth of the child. However, it is impossible to take maternity leave later than three weeks before the birth of the child.

Although the Law was enacted, the debates at the Senate reflected a lack of consensus on this reform. Indeed, some members of the opposition feared that bosses put pressure on pregnant women to take their maternity leave as late as possible. Moreover, the left-wing mainly denounced that any trade union had been consulted.

Primary source:

- Senate, integral report of the debates, 2007, February 12th
<http://www.senat.fr/seances/s200702/s20070212/s20070212001.html>
- Law n° 2007-293 of 5 March 2007 reforming children protection, published in the Official Gazette, N°55, Paris, March 6th

3. Intimate Citizenship

In France, the intimate citizenship sub-issues that are most relevant for the Quing project comprise the following:

- **Divorce, separation and marriage**
 - Marriage
 - Divorce
 - Child custody
 - Right to be a parent
 - Fathers' rights
- **Civil partnerships and gay marriage, discrimination on a sexual orientation basis**
 - PaCS (Civil Pact for Solidarity)
 - Discrimination in assisted reproduction on the basis of sexual orientation and partnership status
 - Adoption
- **Reproductive rights:**
 - Abortion
 - Contraception
 - Assisted conception

3.1. Introduction to the sub-issues and topics

French intimate citizenship policies actually emerged during the 1960s and the 1970s, mainly through the debates on contraception and abortion. Pressure from the feminist movement for the right to reproductive self determination for women led successive French governments to legislate on these topics, but often later than other EU member states. If reproductive rights debates are still considered as an issue for intimate citizenship in France (in particular through the modernization of the laws from the 1960s and the 1970s), the debates were progressively opened to other issues. Various factors explain this new concern: the mobilization of women's groups, the progressive autonomy of women (with industrial development and their massive entry on the labour market) and the increasing pluralization of family forms.

Since the middle of the 1990s, and under the pressure of the EU and various NGOs (e.g. women's associations, LGBT groups), the intimate citizenship debate in France has focused on thinking beyond the hierarchical model of patriarchal marriage. In such a context, it is relevant for our study to acknowledge the different family forms (in particular same-sex partnerships) and the need to redefine matrimonial regimes. The 1997 Socialist Party victory at the legislative election marked a new shift in French policy and particularly in the area of

intimate citizenship. Indeed, Lionel Jospin's government was able to carry out a series of political actions in favour of women's rights and diversity, such as the passing of PaCS in 1999 or the reform on contraception and abortion right in 2001. Furthermore, the socialist government also achieved a reform on 'filiation', which increased fathers' rights.

Divorce, separation and marriage

Up until the 1970s, marriage matched the French Civil Code, officially enacted in 1804 and renamed Code Napoleon in 1807. Far from improving gender equality, this text asserted that 'a woman must obey her husband'. Therefore, it institutionalized and legitimized the 'patriarchal family' model. This code only changed towards the end of the 20th century, with the re-establishment of divorce by mutual consent in 1975.

From the end of the 1990s, given the increase of divorce and separation rates, successive French governments considered the reform of divorce, separation and marriage as essential. During the left-wing Lionel Jospin's 1997-2002 premiership, the parental authority issue was raised. More precisely, child custody and 'shared parental authority' debates were introduced. The issues were introduced by different governmental departments:

- The inter-ministerial delegation for family was created in 1998 coordinate family policy, and more particularly the reform of family and parental authority.
- The Ministry of work ordered the Theyry report (1998) on family mutation. This report took a position in favour of the promotion of shared residence order.
- The delegated Ministry for family and childhood to the justice Ministry was created in 2000 and placed under the authority of Segolène Royal.
- The Ministry of Justice ordered the Dekeuwer-Desfossez mission in 1999. This mission allowed a new juridical reflection and recognised the need to reform the laws that structure family rights.

According to civil society actors, these debates marked the victory of the French fathers' movement (such as "SOS papa"), initiated to secure greater recognition of fathers' rights. Indeed, the 2002 Law recognized the need to promote shared parental authority, mainly through the development of shared residence order.

The first part of the second electoral mandate of Jacques Chirac (2002-2007) was characterized by a reflection and a reform of divorce legislation in 2004.

Reforms on 'filiation' in 2005 then reduced the burden of marriage in family relations and contributed to increase fathers' rights.

Since 2006, the permanent debates on migration control have contributed to concentrate legislations towards a change of matrimonial majority for women (from 16 to 18 years of age) and a reinforcement of control of valid marriages. These reforms were mainly introduced by the Department of Justice and the Interior Ministry.

Civil partnerships and gay marriage, discrimination on the basis of sexual orientation

While the 1980s were characterized by the withdrawal of the last articles that discriminated against homosexuals, the 1990s and 2000s are marked by the 'normalization' of homosexuality.

The legal institutional acknowledgement of gay and lesbian partnerships took place with the implementation of the PaCS (*Pacte Civil de Solidarité*) in 1999. Through this law, the French government offered similar rights to same-sex couples as those already available through marriage (e.g. in relation to inheritance and housing rights).

The debate on PaCS divided French public opinion. The right-wing and other PaCS opponents staged a series of street protests. Indeed, many Catholic family associations saw the PaCS as a threat to marriage and the family. This sub-issue provoked passions that exploded during parliamentary debates. Although the adoption of the PaCS represented a significant gain in homosexual rights, it also translated the reluctance of successive French governments to modify existing legislative frameworks concerning (heterosexual) parenting issues. It is interesting to notice that this way of providing a new contract for same-sex partnerships without modifying the heterosexual aspect of marriage has influenced other European countries concerned with the 'normalisation' of homosexuality process (e.g. in the case of Luxembourg).

However, debates on gay and lesbian marriage took place in France as far back as June 5th 2005, when Noël Mamère (the last French Green Party presidential candidate and Mayor of Bègles) illegally conducted a same-sex marriage ceremony. From this day, homosexual marriage was introduced as an issue of intimate citizenship and several bill proposals were made by the left-wing in order to reform marriage legislation. During the 2007 French presidential election campaign, this project was supported by the Socialist Party. However, the victory of the Conservative Nicolas Sarkozy, member of the UMP (Popular Movement Union), will more likely lead to an expansion of the French PaCS than to the legalization of gay and lesbian marriage for the next five years.

Reproductive rights

From 1998, the socialist government has re-set **contraception and abortion** as an issue, and focused on teenage involuntary pregnancies and contraception. Thus, successively in 1998 and 1999, two policy reports on contraception and abortion were commissioned by the Ministry of Employment and Solidarity (under the authority of Martine Aubry) and the Department of Health.

The former (published in 1998 by Michèle Uzan) deals with unplanned teenage pregnancy. This report is concerned with the relatively high level of teenage pregnancy. It is based on four main propositions:

- The setting up of a national register of teenage rape, brutality and pregnancy.
- The creation of an epidemiological centre that could first gather and study data on this phenomenon and then explore the efficiency of public policies.

- The promotion of an advertising campaign and more efficient school information which seem to be necessary to improve the knowledge of the different ways of contraception and the level of awareness.
- The possibility to keep minors' abortion secret.

Despite the will of the government to fight against teenage pregnancy, the reform project conducted by the French socialist party in 1999 only concentrated on the two last propositions.

The second report that Israël Nisand conducted in 1999 seeks to make a statement on abortion in France.

However, it is interesting to notice the difficulties the socialist government encountered when modernizing these two laws, and particularly during the debate about delaying the time-limit of abortion (from 10 to 12 weeks of pregnancy). Indeed, conservative and anti-abortion groups used this as an opportunity to restate their case against abortion. Thus in 2001, debates raged at the National Assembly, and memories of the 1975 abortion debates were rekindled. Under the pressure of pro-life associations, right wing MPs argued that increasing the abortion delay would imply eugenic risks.

Regarding the access to **artificial insemination**, the 2006 law proposals made by LGBT associations have failed to reform the 1994 Bioethic Law, which limited artificial insemination to women who can prove that they have lived in a heterosexual partnership for at least 2 years.

3.2. Actors in the policy area of intimate citizenship

STATE ACTORS

Department for employment and solidarity

Department of women's rights (under the authority of the ministry of employment and solidarity)

Ministry of justice

Department of work

Delegated Ministry for family and childhood

Interior Ministry (Home Office)

Department of health

National education ministry

POLITICAL ACTORS

The French green party

The French socialist party (PS)

The French communist party (PCF)

The Union for a Popular Movement (UMP)

CIVIL SOCIETY, NGOs

Catholic and traditional associations involved in the fight against abortion and free contraception reforms:

Alliance for the right of life

Association des parents d'élèves du pensionnat la croix de Bar-le-Duc (students' parents association of Bar-le-Duc 'La Croix' boarding school)

Association for the family protection

'Choisir la vie' (Choose life)

Comité pour sauver l'enfant à naître (Committee for saving the child to born)

Confédération nationale des associations familiales catholiques (National confederation of catholic family association)

'Famille et liberté' (Family and liberty)

FIFA (Fédération internationale pour la défense des valeurs humaines fondamentales – International federation for the defense of fundamental human values)

'France valeurs' (France – Values)

'Laissez-les vivre!' (Let them live!)

'Pour la dignité humaine' (For human dignity)

'S.O.S futures mère' (S.O.S mothers-to-be)

'Union pour la vie' (Union for life)

LGBT NGOs involved in the 'civil partnerships and gay marriage, discrimination on the sexual orientation basis sub-issue

Lesbian and Gay Pride

Association of gay and lesbian parents

Gay and Lesbian Centre

MAG (Movement for the Affirmation of young gay and lesbians)

'Gay pour les libertés' (Gay for liberties)

HES 'Homosexualité et socialisme' (Homosexuality and socialism)

'Parents, famille et amis de gays et lesbiennes' (Parents, family and friends of gays and lesbian)

Association pour la reconnaissance des droits des personnes homosexuelles et transsexuelles à l'immigration et au séjour (Association for the acknowledgment of homosexuals and transsexual persons rights to the immigration)

Association des parents et futurs parents gay et lesbiens (Association for gay and lesbian parents and parents-to-be)

'homo-sphere' Association

AIDES (Association of fight against AIDS): They worked on a "social life contract" in May 1995 and joined with the Collective for the Civil Union. The French socialist party and the French Communist party were officially in favour of this contract and supported it.

CUC (Collective for the civil union contract):

'Act Up'

'Chiennes de gardes'

Feminist NGOs involved in the reproductive right sub-issue:

MFPF. The French Movement for Family Planning was created in 1956 and was initially an NGO called 'happy motherhood' (La Maternité Heureuse). This association provided information on family planning and prescriptions for contraceptives before these became legalized in France. 'The MFPF became, by the early 1970s, the most organized voice for abortion reform' (Jean C Robinson).

Today, its 8000 members and its 400 employees ensure the staffing of centres open to everyone, mainly young people and women. These 120 centres provide with information in the field of sexuality, fertility, contraception and the prevention of sexually transmissible diseases, as well as violence. The MFPF also runs Family Planning services and Education Centres, which can offer free medical and contraceptive consultations to young minors.

In the 1990s, two events marked the local associations and the Confederation, which made them evolve: the "necessary" evolution of the Abortion Act and the policies of equality between men and women.

Pro-choix (Pro-Choice)

Mix Cité (Mixed Movement for gender equality) This feminist association is mainly involved in the fight against sexism and homophobia. As far as intimate citizenship is concerned, its role was particularly important during the French debate on PaCS and on the reforms of the contraception and abortion laws. Today, this feminist association also plays an important role in the fight against violence against women, especially concerning migrant women.

Men's groups

Several associations for the defence of fathers' rights militate in favour of an equal spreading of parental authority through the instauration of shared residence, which appears as the only way to ensure equality between fathers and mothers after they part and to maintain the relation between the child and his/her father.

The most important men's groups involved in the parental authority debates are the following:

'SOS papa' (SOS daddy): Created in 1990, this association was highly influential during the family reform debates in 2002. They were successful in promoting shared parental authority. In 2005, 'SOS papa' became a member of the UNAF (National union of family associations), which will probably make them more influential in future negotiations on family reforms.

'Mouvement de la condition masculine' (Mouvement of Male status)

'Fédération des mouvements de la condition paternelle' (Federation of the father status movement)

'L'enfant et son droit' (The child and his right)

Trade unions

The 'Syndicat national des infirmier(e)s conseiller(e)s de santé' (National Trade Union for nurses and health adviser), SNICS, was involved in the implementation of the law on contraception in secondary schools, which allowed secondary school nurses to give emergency "morning after" contraceptive pills to pupils.

International actors

EU: The fight against sexual orientation discriminations has been incorporated into several European measures. Firstly, the article 13 of the 1997 Treaty of Amsterdam specifically extends the grounds of inequalities on which national laws must be applied. Two measures have also had a significant impact in debates and policy in France: the Directive 2000/43/EC on equal treatment between persons irrespective of racial or ethnic origin and the Directive 2000/78/EC on equal treatment in employment and occupation. In addition, some measures of the Anti-discrimination Action Programme (2001-2006) also seek to combat discriminations on the basis of sexual orientation.

UN: On 7 August 1990, France ratified the International convention on the rights of the child that was adopted on 20 November 1989 by the general assembly resolution (44/25). Article 7 asserts that the child shall have 'the right to know and be cared by his or her parents' and article 18 aims to 'ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child'.

3.3. Timeline on intimate citizenship

1967 Law related to birth control

1970 “Paternal authority” is superseded by “parental authority”. From then on, the notion of head of household is dismissed. Both spouses together provide the moral and material direction of the family

1971 Decrees ordering the application of the 1967 Neuwirth law legalizing contraception

1972 3rd January Law giving equal right to ‘legitimate’ and ‘natural’ children

1973 9th January Law permitting mothers to transmit their nationality to their ‘legitimate’ or natural child

Law related to the creation of a superior council on sex education, birth control and family education

1974 Improvement of the 1967 law, allowing the reimbursement of contraceptive pills and IUDs by the French social security system, and suppressing parental consent (anonymous and free access to family planning centres for minors as well as for uninsured individuals).

1974 Age of consent: reduced from 21 to 18 years of age

1975 **Abortion Act** allowing women to have abortions before 10 weeks of pregnancy

11th July Law reforming divorce procedure: creation of the divorce by mutual consent or for de facto separation

Non-married couples: partner’s rights in case of accidental death of the other partner

1979 Reaffirmation of the 1975 law in Parliament, removing abortion from the penal code

1982 Law establishing the repayment of non-therapeutic abortion charges through the state social security system

1982 Age of consent: reduced to 15 years, for both boys and girls

1983 Dual signatures requirement on tax forms returned by married couples

1983 Elimination of the notion of “head of household” in tax law

1985 Equality of the spouses in managing the property of the family and the children

1987 Law instituting shared parental authority for ‘natural’ children or children whose parents are divorced

1990 State council authorized RU 486 (medical abortion technique)

1991 The 18 January law authorizes the advertising of condoms as a contraceptive

Anti-abortion commando obstructing access to clinics and leading to the Neiertz law.

1992 After a court decision, France follows other European countries in allowing transsexuals to change civil status (after an operation and if they are “socially credible”). As a consequence, they can marry and adopt children.

1993 Law penalizing hindrance to abortion.

1993 Law on 8 July establishing the principle of joint parental authority for all children, whether legitimate or natural, whatever the marital status of their parents (married, separated or divorced).

1994 **Bioethics law:** hindering sterilization as a contraceptive method, providing that reproductive technologies can only be used to remedy infertility “of a pathological character which has been medically diagnosed”, for heterosexual couples who must either be married or able to prove that they have lived together for at least two years.

QUING PERIOD

1999

Civil partnerships and gay marriage, discrimination on the basis of sexual orientation

PaCS is adopted, despite a strong opposition of some political parties and religious groups. French PaCS has a long political history. In 1990, the socialist MP Jean-Luc Mélenchon focused on the need to protect members of same-sex partnership while arguing for a civil pact for homosexuals or brothers and sisters. Two years later, 8 French members of parliament -also members of the socialist party and supported by the MFPP (French Movement for Family Planning)- proposed a CUC (Civil Union Contract) to the national assembly. They partially succeeded in making the social security cover divisible between same-sex partners, a law that was implemented in 1993.

Supported by the Prime Minister, the 1998 socialist government passed the **PaCS** (pacte civil de solidarité – civil pact of solidarity) in November 1999, following some controversy. Indeed, the debate on PaCS divided France. The right-wing and other PaCS opponents staged a series of street protests. Catholic family associations thought the PaCS would threaten marriage and family. This project of law provoked passions that exploded during parliamentary debates.

Initially, PaCS offered the right to file joint income taxes only after 3 years.

This law also gives a definition of every non-married couple: “a de facto union, characterized by a common life presenting a character of stability and continuity between two people of different sexes or of the same sexes, who live as a couple”.

Primary source:

- **National Assemblée, ‘ Pacte civil de solidarité. Explication de vote et vote de la proposition de loi’ (Civil Pact for solidarity. Vote explication and vote of the law proposition). Integral report of the 15 June 1999 séance <http://www.assemblee-nationale.fr/11/cr/html/19990273.asp#05824>**
- **Law N°99-944 of the 15 November 1999 related to the civil pact for solidarity, published in the Official Gazette, 1999, N°265, Paris, November 16th**
- **Rapport d’information de MM. Patrick Bloche et Jean-Pierre Michel, au nom des commissions des affaires culturelles et des lois, sur l’application de la loi n°99-944 du 15 novembre 1999 relative au pacte civil de solidarité (Information report from Patrick Bloche et Jean-Pierre Michel for the cultural affair and laws commissions, on application of the law N°99-944 of the 15 November 1999 related to the civil pact for solidarity), 1999, National Assembly N°3383**

Secondary source:

- **APGL, ‘Audition de l’Association des parents et futurs parents gays et lesbiens (APGL) par le sénat, au sujet de la proposition de loi relative au pacte civil de Solidarité (PaCS)’ (Audition of the association for parents and futures parents on the law proposition on PaCS), 1999, January 27th**

Available on line :

<http://www.apgl.asso.fr/documents/senat9901.htm>

- Valeurs actuelles, 'PaCS, Le lobby met la pression. Assemblée pour sauver le PaCS, les homosexuels radicaux qui revendiquent le 'droit d'avoir des enfants'font céder Jospin. Ils auront le Pacs et le concubinage' (PaCS, the trust puts the pressure. Assembly to save the Pacs, radical homosexuals who claim their "right to have children" make Jospin give up.), 1999, March, 27th

Available on line :

<http://www.apgl.asso.fr/presse/va9903.htm>

1999

Reproductive rights

In 1999, under the pressure of feminist associations such as the MFPP, the Ministry for Employment and Solidarity launched an advertising campaign to promote the use of contraception. The aim is to conduct this advertising campaign each year in order to increase the knowledge and awareness of each new generation. The same year, another directive authorised chemists to sell emergency contraceptives without medical prescription.

These two directives reflected the preoccupations of the new socialist government to develop the demand of feminist groups to adapt the laws on contraception and abortion. They preceded the 2000 deep reform on contraception and the 2001 reform of the Abortion Act.

Primary source:

- Circular N°MES/CAB/2000 001 of the 10 January 2000 related to the advertising campaign on contraception

Available on line:

<http://www.sante.gouv.fr/htm/dossiers/contraception/circ10012000.htm>

- 'Campagne d'information sur la contraception', (Advertising campaign on contraception), 1999, January 11th

Available on line:

<http://www.sante.gouv.fr/htm/dossiers/contraception/contracep.htm>

- Circular DH/DGS/DRESS/SEDF/99/n°28 of the 17 November 1999 related to the organization of Voluntary Interruption of Pregnancy in public and private health care facilities

Available on line:

<http://www.sante.gouv.fr/htm/dossiers/contraception/circ171199.htm>

- Unzan Michèle, Rapport sur la prévention et la prise en charge des grossesses des adolescents (Report on the prevention and care of teenager pregnancy), Paris, Department of employment and solidarity, 1998, 64 page

Secondary source:

- Dossier de presse (press file), 1999, January 11th, the advertising campaign on contraception

http://www.sante.gouv.fr/htm/actu/34_000111.htm

- **MFPF (The French Movement for Family), Adolescentes enceintes – dossier de presse (Pregnant teenager, press file) Paris, MFPF, 1999, March, 150 pages (Pro-NGO text)**
- **‘Droit de choisir’ (Right to choose) Collective of Clermont-Ferrand, Pillules remboursées et non remboursées (reimbursed and non-reimbursed contraceptive pills), 1996, October 25th**
- **ANCIC, CADAC, MFPF, ‘Manifeste: Droit à l’avortement et à la contraception’ (Manifest : Abortion and contraception rights), 1995, March**

2000

Reproductive rights

The June 30th State Council decree **cancel the circular that allowed secondary school nurses to give emergency contraceptive pill to pupils**. Indeed, the State Council considered the circular as being in contradiction with the 1967 Neuwirth law, which only authorizes contraceptive sale with medical prescription or within family planning centres. This decree highlights the role of anti-abortion associations such as “Choose life” to act on legislation on abortion in France. However, the same year, a draft law proposition to reform the 1967 law was submitted. The project aims at making women and young girls more sexually autonomous by suppressing the medical prescription for emergency contraception and reinforcing sex education and contraceptive advice available in schools.

CCNE (Ethics Consultative National Committee), referred to by the law-opponents on abortion who pointed at the eugenic risks, does not raise any objection to the lengthening – by 2 weeks - of the legal time limit for abortion proposed by the French socialist party.

Thus, the 13 December **Law improving the access to emergency contraception** was adopted. It makes the emergency contraceptive pill available without medical prescription and free of charge for women under 18. It also allows secondary school nurses to give the emergency contraceptive pill to pupils.

Primary source:

- **State Council decision, association ‘choisir la vie’ (choose life) and others, 2000, June 16th**

Available on line:

http://www.conseil-etat.fr/ce/jurisprd/index_ac_Id0023.shtml

- **Senate report, ‘Proposition de loi relative à la contraception d’urgence: Contraception d’urgence, une approche responsable en faveur des femmes et des jeunes filles’. (Law proposition related to the emergency contraception: Emergency contraception, a responsible approach in favour of women and**

young girls.) Informative report on the law proposition related to the emergency contraception

Available on line:

<http://www.senat.fr/rap/r00-043/r00-0435.html>

- National Assemble 'Contraception d'urgence. Discussion, après déclaration d'urgence, d'une proposition de loi' (Emergency contraception. Discussion after an emergency declaration, of a law proposition), Integral report of the 5 October 2000 séance, page 06501

Available on line:

<http://www.assemblee-nationale.fr/11/cr/html/20010007.asp>

- National Assemble 'Contraception d'urgence Transmission et discussion du texte de la commission mixte paritaire' (Emergency contraception, transmission and discussion on the parity commission text), Integral report of the second session of the 28 November 2000

<http://www.assemblee-nationale.fr/11/cr/html/20010075.asp#09410>

- Law N°2000-1209 of the 13 December 2000 related to emergency contraception, Published in the Official Journal, 2000, N°289, Paris, December 14th

Secondary source:

- National consultative committee of ethic (CCNE), 'Réponse du CCNE aux saisines du Président du Sénat et du Président de l'Assemblée Nationale sur l'allongement du délai d'IVG. Avis N°66' (Response of the CCNE for the Senate President and National Assembly President on the lengthening of abortion delay), 2000, November 23rd France, CCNE, 2000 -11-23, 6 Pages

Available online:

http://www.ccne-ethique.fr/francais/avis/a_066.htm

2001

Reproductive rights

Improvement of the 1975 law on abortion. Supported by the Nisand report and feminist associations, the Aubry amendment of July 4th 2001 contributes to the modernization of the 1975 abortion law and to the consolidation of women's right to abort. Therefore, one of the principal aspects of the law is the 12 weeks authorized delay changed to 14 weeks, which places France on the European average.

Other aspects of this law are particularly relevant in facilitating access to abortion:

Indeed, the consent of one parent has been replaced by the presence of an adult referee during the consultation/conversation before abortion with a doctor, a consultation which is not compulsory anymore for women over 18. Likewise, the law allows women to get early medical abortion with RU 486 at home or in hospital, up to 49 days from the onset of the last menstrual period. The new law also outlines the obligation of any public gynaecology services to apply the law and to organize abortions. Moreover, sterilisation, which was

prohibited by the bioethics law of 1994, becomes a right for every men and women (limited solely to therapeutic necessity such as serious foetus malformations or important risks to the mothers' health).

Anxious debates around this law at the French parliament prompted ministries to create a group of work in order to supervise the application of this new law.

Primary source:

- **Law N°2001-588 of the 4 July 2001 related to the voluntary interruption of pregnancy, published in the Official Journal, 2001, Paris, July 7th**
- **Nisand Israël, L'IVG en France. Propositions pour diminuer les difficultés que rencontrent les femmes : rapport remis à la ministre de l'emploi et de la solidarité et au secrétariat d'Etat à la santé (proposals to reduce the difficulties encountered by women : report sent to the Ministry of Employment and Solidarity and to the State Department of health). Paris. Department for employment and solidarity, 1999, 55 pages**

Secondary source:

- **Jeandet Mengual Emmanuèle, Rapport d'activité du groupe national d'appui à la mise en œuvre de la loi du 4 Juillet 2001 relative à l'interruption volontaire de grossesse et à la contraception (activities report of the national group supporting the implementation of the 4th July 2001 on the termination of pregnancy and on contraception), Department for health and handicapped persons, General Inspection for Social Affairs, Paris, 2002, 83 pages.
<http://lesrapports.ladocumentationfrancaise.fr/BRP/034000125/0000.pdf>**
- **Mix-Cité, '5. Lettre de soutien au rapport Nisand' (supporting letter to the Nisand report), In Bilan 1998-1999 : Mix-cité et le mouvement social (Diversity and the social movement)
Available on line:
<http://www.mix-cite.org/archive/index.php3?RefArticle=84>**

2002

Divorce, separation and marriage

The March 4th law on 'filiation' introduces the **principle of "shared exercise" of parental authority and parental responsibilities** between the two parents, married or not, divorced or separated. This law helps to maintain the child's relationship with both parents after family breakdown, for example by introducing the possibility of joint residence after divorce. Supported by the department for women's rights and the different ministerial reports (They report, 1998 and Dekeuwer-Desfossez mission, 1999; e.g. introduction), the adoption of this law marked the victory of the French association "SOS papa" ("SOS daddy") at the expense of feminists and LGBT claims.

Another reform took place through the law on transportation of name to children (Law 2002-304), which allows women to transmit their birth name to their children. Despite the

disapprobation expressed in the Dekeuwer-Desfossez report, the Prime Minister launched the debate at the beginning of 2001. It is important to note the impact of feminist claims, and moreover, the recommendation 1271 of the European Court for human Right in 1995 on "Discrimination between women and men in the choice of a surname and in the passing on of parents' surnames to children".

The debates were particularly relevant between 'pro' and 'contra' French intellectuals. The debates at the French Senate were characterized by the reluctance of the right-wing to adopt this reform, particularly in name of protecting children.

Primary source:

- **National Assembly, 'Nom Patronymique' (Patronymic name) Integral report of the séances of the 8 February 2001, p 1291-1313**
<http://www.assemblee-nationale.fr/11/cr/html/20010137.asp>
- **Law N° 2002-305 of the 4 March 2002 on parental authority, published in the Official Gazette, 2002, N°54, Paris, March 5th**
- **Dekeuwer-Desfossez, F. 'Rénover le droit de la famille. Propositions pour un droit adapté aux réalités et aux aspirations de notre temps' (Restoring family right. Propositions for a right adapted to realities and aspirations of our times) report for the Ministry of Justice, La Documentation française, 1999**

Secondary source:

- **APGL, 'De la famille au singulier aux formes plurielles. Propositions de l'Association des parents et futurs parents Gays et Lesbien pour une réforme du droit de la famille' (From one kind of family to several. Proposals of the Associations for Gays and Lesbian parents and parents-to-be to reform the family right), 2000, January 28th**
- **De Singly, F. 'L'enfant? Un bien commun. Un nom commun.' (The child? A common property. A common name), published in 'Le Monde', 2001, February 21th**
- **Gays and lesbian Parents and parents-to-be –bio-ethic Law, Audition of the APGL, represented by Martine Gross and Eric Dubreuil before the National consultative committee of ethic , 2001, January 29th**
<http://www.apgl.asso.fr/documents/ccne010129.htm#souhais>
- **Gobert, M. 'L'attribution du nom, égalité ou liberté?' (The name attribution, equality or liberty?), published in 'Les petites Affiches' N°102, 2001, February 28th, p. 4-13**

2004

Divorce, separation and marriage

2004 is characterized by the **Reform of the 1975 law on divorce**. This reform contributes to the modernization of the divorce right (law project related to reform of divorce, July 9th 2003).

The UMP government partly aims at facilitating the divorce procedures and at reducing the number of conflictive separations.

The reform is based on the report of the workshop for the family right reform brought to the Ministry of justice (Dominique Perben) and to the delegated Ministry for family (Christian Jacob) in 2003. The workshop related to divorce proposed to adapt the different cases of divorce (divorce by mutual consent, accepted divorce, divorce for breakdown of common life and divorce for faults) to the sociologic evolutions of French society.

During the legislative discussion, the representative for the defence of women's rights saluted the decision.

Reproductive rights

2004 is also marked by the claim of pro-abortion associations to complete the 2001 reform and facilitate the access to abortion. Thus, the Decree N°2004-636 and the Arrest of the 23rd July extend the access to abortion (Interruption Volontaire de Grossesse IVG: voluntary termination of pregnancy) by allowing physicians to practice medical abortion in their surgery and also permit the reimbursement of such act. However, there is no financial revalorisation of the medical act, as several associations were arguing for.

Likewise, the 9 August Law on Public health policy sets new purposes on abortion:

- To reduce by 30% abortion among 12-18 year olds
- To promote and facilitate the access to adapted contraceptive method for all women
- To limit repeated abortions

However, there is no concrete tool to achieve these objectives.

Primary source:

- **Law N°2004-439 of the 26 May 2004 related to divorce, published in the Official Gazette, 2004, N°122, Paris, May 27th**
- **Decree N°2004-636 of 1 July 2004 on the condition of the termination of pregnancy out of health facilities that modify public health code, published in the Official Gazette, 2004, N°152, Paris, July 2nd**
- **Arrest of the 23 July 2004 on the cost of termination of pregnancy, published in the Official Gazette, 2004, N°173, Paris, July 28th**
- **Law N°2004-806 of the 9 August 2004 on public health policy, published in the Official Gazette, 2004, N°185, Paris, August, 11th**

Secondary source:

- **Analysis of legislative discussion and public pool: law related to divorce**
Available on line:
http://www.senat.fr/dossierleg/tc/ana_pjl02-389.html
- **Workshop for the family right reform 'Avant projet Divorce'**
Available on line:
http://www.vie-publique.fr/dossier_polpublic/famille/statut-civil/divorcetexte030409.pdf

2005

Divorce, separation and marriage

The '**filiation**' reform of July 1st changes the role of marriage in the French family code. Thus, family is not founded on marriage anymore but on the relationship between parents and children. This law is characterized by a simplification of the filiation right, and constitutes another victory for fathers' associations.

From then on, fathers can recognize children before their birth if the pregnant woman wants to give birth anonymously.

Primary source:

- **Ministry of Justice, Le pacte de solidarité, réflexion et propositions de réforme. (The civil pact for solidarity, reflexion and reform proposition) France, Ministry of justice, 2004, 37 Pages published by the library of public report – La Documentation Française**
- **Order N°2005-759 of the 4 July 2005 related to the 'filiation' reform Published by the Official Journal, 2005, Paris, July 6th**

2006

Divorce, separation and marriage

Matrimonial majority is fixed at the age of 18 for all sexes instead of 15 for women. The November 14th law that is related to the **control of valid marriage** aims at reinforcing tools for fighting against white marriage by a control before the ceremonies.

Civil partnerships and gay marriage, discrimination on the basis of sexual orientation

PaCS Reform. This reform makes all PaCS couples file joint taxes like married couples, so that they pay less than if they filed separately and one of the partners earns substantially more than the other.

In December 2004 the right-wing of the French Government started to prepare to expand the rights granted in PaCS. Thus, a parliamentary "Report on the Family and the Right of Children" was released on January 25th, 2006. However, if the committee recommended increasing some rights given in PaCS in areas such as property right, succession and taxation laws, it also recommended maintaining prohibitions against marriage, adoption and access to medically assisted reproduction for same-sex partners. Left-wing members of the committee, supported by French LGBT NGOs, rejected the report considering this project as a way to avoid debate on same-sex marriage.

In addition, an Order of the French cassation court allows **the sharing of the parental authority** for same-sex partners and recognizes the same right for the "biological" mother and her partner.

The Socialist party proposed a reform of marriage in order to permit same-sex partners to get more rights.

The same year, the APGL (Association for gay and lesbian parents and parents-to-be) proposed to reform the Bio-ethic law. They aimed to open the medical assisted conception to same-sex partners in order to avoid discrimination based on sexual orientations.

Primary source

- **National Assemblée, 'réformes des successions et des libéralités. Discussion en deuxième lecture d'un projet de loi' (successions and liberalities reform. Second discussion of a law project). Integral report of the third session of the 13 June 2006**

Available on line:

<http://www.assemblee-nationale.fr/12/cri/2005-2006/20060242.asp>

- **Jean Jacques Hyets (for the law commission), 'les nouvelles formes de parentalité' (The new form of parenthood), Informative report N°392 (2005-2006), 2006, June 14th Law N°2006-728 of the 23 June 2006 reforming successions and liberalities, published in the Official Gazette, 2006, N°145, June 24th**

- **National Assembly, 'Proposition de loi visant à ouvrir le mariage aux couples de même sexe par le parti socialiste', (Law proposition aiming at allowing marriage to same-sex partners by the Socialist party) recorded at the presidency of the National Assembly on 28 June 2006**

Available on line:

<http://www.assemblee-nationale.fr/12/pdf/propositions/pion3219.pdf>

- **Senate, Proposition de loi tendant à ouvrir le mariage aux couples de même sexe (Law proposition aiming at opening marriage for same-sex partners), 2006, June 30th**

Available on line:

<http://www.senat.fr/leg/pp105-442.html>

Secondary source

- **APGL 'Loi de bio-éthique: réouvrons le débat' (Bio-ethic Law : Open the debate), 2006**

Available on line:

http://www.apgl.asso.fr/documents/APGL_BIOETHIQUE-2006.pdf

2007

Civil partnerships and gay marriage, discrimination on the basis of sexual orientation

Through the reform of succession rights, 13 July 2006, fiscal regimes of PaCS become the same as the marriage ones. This measure was supported by the different LGBT associations. The fourth article of the law project on work, employment and purchasing

power permits the exoneration of 95% of succession right for partners, in the framework of marriage or PaCS. The right-wing was 'pro' and the left-wing 'contra' this so called 'fiscal package', which reduces the imposition level for investments.

Primary source:

- **Law project adopted by the National Assemble after an emergency declaration in favour of work, employment and purchasing power, extraordinary session of the 16 July 2007**

Available on line:

<http://www.assemblee-nationale.fr/13/ta/ta0002.asp>

- **National Assemble, 'work, employment and purchasing power' Integral report of the third séance of the 16 July 2007**

Available on line:

<http://www.assemblee-nationale.fr/13/cri/2006-2007-extra/20071015.asp>

4. Gender-based Violence Issue History

The main sub-issues for gender based violence are the following:

- Domestic violence and violence in partnership (marital rape)
- Sexual assault and rape
- Trafficking and prostitution
- Sexual harassment and stalking
- Forced marriage, honour crimes, FGM

Introduction to the sub-issues and topics

Gender-based violence has long been insufficiently tackled by French national policies and the evolution of the French legislation on gender-based violence is definitely due to the pressure of different feminist associations who, for example, acted in favour of the enlargement of the definition of rape in 1980. In 1992, the AVTF (European association against gender violence at work) and some trade unions lobbied the French ministry of women's rights for sexual harassment to be legally recognised. Progressively and without any real policy frame, preventive actions around sexual violence on women and children have been adopted. The aggravation of sentences for violence against children under 15 years old is one example of this change. But compared to northern European countries, French policy efforts on this question are still insufficient. Gender-based violence suffers more than any other issue from the dispersion and the lack of financial resources of French gender equality policies.

Since the middle of the 1990s, the social and political perception of gender-based violence has changed quite radically. This topic is now treated as a problem that affects the whole of the French society. Firstly, the Beijing conference in 1995 defined gender-based violence as a major issue for gender equality and encouraged governments to produce statistical data on this phenomenon. In 1997, the new left-wing government launched the idea of a quantitative investigation on violence against women in France. The first French statistical survey on gender violence was carried out in 2000 and constitutes the only study available in France to date on this issue. Co-ordinated by Maryse Jaspard, the "*Enveff*" survey seeks to measure and assess any form of gender-based violence against French women: including verbal, psychological, physical and sexual violence, in the public or private spheres, and by different actors. The research brought to light the different experiences of gender-based violence according to social background, sexual orientation, and age. It also revealed the impact of such violence on women's health. At the same time, the study stressed the key role of NGOs in helping victims, particularly in the case of domestic violence. Thus, somewhat gradually and without any integrated policy frame, preventive actions around sexual violence on women and children have been adopted.

As a result, legislation and political regulation mainly concerning domestic violence has increased significantly since the end of the 1990s. French policy also concentrated on other areas to cover all aspects of gender based violence. The aggravation of sentences for violence against children under 15 years old is one example of these changes. Likewise, violence on migrant women, such as forced marriage and female genital mutilation, has recently started to be tackled in French legislation.

Since 2005, the French government has been integrating a national scheme to fight violence against women. This scheme covers a variety of actions and, more specifically, the support of women who are victims of domestic violence.

Domestic Violence and violence in partnership (marital rape)

The ENVEFF survey revealed a lack of policy treatment concerning domestic violence and led France to start tackling this issue. Before then, violence in partnership had long been kept secret within the family unit. For example, ***rape between married persons*** was only introduced in the French law in 1990. Meanwhile, the case of the French actress Marie Trintignant, whose death at the hands of her rock-star boyfriend was in the forefront of media attention during the summer 2003, significantly contributed to putting domestic violence on the national policy agenda.

Thus, ***domestic violence*** became an important area of political action of the last French government (2002-2007). Measures that include special sensitive training seminars for Police Officers and judges concerning the referral process have since developed. Meanwhile, the Ministry of Parity drafted an action plan against domestic violence, which was adopted in 2004. This plan strengthened the role of specialized NGOs in the support of victims of general gender-based violence, particularly domestic violence. In addition, greater partnership between associations, police and judges was promoted.

In 2007, there was a widespread television campaign in order to increase the awareness of the public opinion.

Sexual assault and rape

Sexual assault and rape have been judged in district court since 1980. However, significant policy in the area of rape emerged during the Quing time period, particularly since 1998, when the results of the ENVEFF survey revealed that 48000 women had been raped during the last ten years.

Thus, the principal aim of these new legislations was to extend the legal statute of limitation (to engage a legal action), particularly in case of rape of a minor. The 1998 *Guigou Law* attempted to increase the prescription delays for minor rape victims (fixed at 10 years after they reach the age of majority or adulthood). Sexual assaults on a minor have also become addressed through this law, which fixed the statute of limitations at 3 years after they reach majority and extended it to 10 years in case of aggravating circumstances.

Furthermore, the 2004-2004 Law that was adopted during Jacques Chirac's presidency increased those delays. From then on, even if the rape was committed while the victim was a

minor, the statute of limitations began once the person reaches the age of majority and was extended to 20 years.

Trafficking and Prostitution

As far as prostitution is concerned, France has adopted an abolitionist system. Indeed, the French government defended this strictly abolitionist position at the conference of The Hague in April 1997.

Applicable since March 2003, the adoption of a law on Domestic security launched new debates on prostitution. This text, proposed by Interior Minister Nicolas Sarkozy, created a “passive soliciting misdemeanour”. Moreover, a government amendment was adopted that planned for the placing of prostitutes in ‘common law shelters in order to ease their reinsertion’. A provision was also created in order to incriminate ‘trafficking in human beings’. Women’s groups quickly reacted to this law, denouncing it as penalizing prostitutes instead of increasing their rights and their own security.

Sexual harassment and stalking

Sexual harassment in the workplace has also become increasingly addressed since the AVFT (European association against women’s violence at the workplace) published a book on sexual harassment in the workplace in 1990. In addition, the growing pressure of the EU to combat sexual harassment at work (through a resolution in 1986 on sexual harassment in the workplace, sexual violence, trafficking, prostitution and pornography) has contributed to legitimate state intervention in this matter.

Thus, 1992 marked a new shift through the adoption of two laws on these issues. A first law established sexual harassment in the workplace as a misdemeanour and another one introduced provisions related to “abuse of authority in sexual matters in the workplace” into labour law. This scheme was strongly supported by all trade unions and NGOs involved in the fight against gender based violence, and the only reluctance to this law came from the right wing, which pointed out the risk of over-protection of victims.

Sexual harassment in the universities has also become (or is becoming) a gender based violence issue. The action of the CLASCHES³² (Collectif de lutte anti-sexiste contre le harcèlement sexuel dans l’enseignement supérieur – Collective of anti-sexist fight against sexual harassment in the universities) is based on the denunciation of sexual abuses between teachers and students. They highlight the lack of legislation and insist upon the difficulties in applying the general law on sexual harassment in the universities because of the specific status of students.

The area of **mobbing (bullying) in the workplace** has also become an issue over which there is policy regulation development. Indeed, mobbing in the workplace in the workplace

³² CLASCHES ‘Pétition contre le harcèlement sexuel dans l’enseignement supérieur’ (petition against sexual harassment in higher education), Available on line : <http://membres.lycos.fr/clasches/clasches.pdf>

was introduced as an issue within the 2002 project of social modernization. It is important to notice the relevant role of the French communist party, which successively proposed two texts on mobbing in 1999 and 2000. These texts, supported by all the French trade unions, were finally voted in 2001 and adopted in the 2002 law.

In 2004, ***sexist or homophobic statements in public*** issue is introduced into the French debate through a project that seeks to increase the aggravating circumstance of penalties for homophobia. However, this law project did not receive the support of feminist associations, which reproached the government for not including the gender criteria as aggravating circumstances. In 2005, the AVFT (European association against gender violence in the workplace) law proposition aiming at modifying the dispositions related to sexual harassment and slanderous denunciation proposed to include sexist and homophobic harassment in the law on sexual harassment. This proposition was based on international recommendations (CEDAW the declaration on the elimination of violence toward women, Beijing action program, and EU resolution).

Forced marriage, honour crimes, Female Genital Mutilation

Even if France has traditionally been a country of immigration, there is still no specific law prohibiting ***female genital mutilation***. However in 2004, France judged parents who were responsible for the excision of their daughter. They were convicted for complicity in 'voluntary assault and battery'. The same year, the National Academy of Medicine recommended the implementation of efficient policies to fight against FGM and to promote the medical accompaniment of women who are victim of FGM.

As for ***forced marriages***, they have only recently started to be addressed, most notably through the 2006 law on gender based violence.

4.2 Actors in the policy area of gender based violence

STATE ACTORS

Commission of cultural, family and social affairs

Delegated ministry of social cohesion and parity

Delegation for women's right

Ministry of Justice

Department of health

Ministry of education

Ministry of home affairs

French State Secretary on women's right

French communist Party

'Caisse Nationale d'Assurance Maladie' (National Health Service)

POLITICAL ACTORS: NGOS

FNSF (National federation solidarity for women)

Collectif féministe contre le viol Feminist collective against rape

AVFT (European association against gender violence in the workplace)

Fédération nationale des associations pour le relogement et la réhabilitation sociale
(National federation of associations for housing and social rehabilitation)

Mouvement pour l'abolition de la prostitution et de la pornographie (Movement for the abolition of prostitution and pornography)

ANEF (National association of feminist studies)

CLASCHEs (Collective of anti-sexist fight against sexual harassment in higher education)

CNIDFF (National centre of information and documentation of women and families)

FIDH (International federation for human rights)

GAMS (Groupes des femmes par l'abolition des mutilations sexuelles)

Voix de femmes (Women's voices)

AFFEF (Association Fatoumata pour l'émancipation des femmes)

CAMS (Commission pour l'abolition des mutilations sexuelles)

MFPP (French Movement for family training; e.g. part on intimate citizenship)

SOS femmes (SOS Women)

National Academy of medicine

TRADE UNIONS

Concerning sexual harassment in the universities: all students trade Unions

Concerning sexual and moral harassment in the workplace: all trade unions

INTERNATIONAL ACTORS

EU: specifically through the Daphne programme from 2000 until 2004), which constitutes a legal basis for regulating gendered violence. It is argued that gender-based violence should be treated as a violation of Human Rights

UN: CEDAW declaration on the elimination of violence toward women was ratified by France, but major changes of the French legislation in the area of Gender based violence are due to the 1995 Beijing conference objectives.

4.3 Timeline on gender-based violence

1980 The law henceforth considers rape as a crime

1986 A free phone line 'women's rape information' is set up

1989 The first national prevention campaign against gender based violence is launched and departmental commissions against gender based violence are set up.

1990 The July 10th law allows NGOs engaged in the fight against domestic violence to bring civil action

1990 Rape between married persons is recognized by the law

1992 The July 22nd law establishes sexual harassment in the workplace as a misdemeanour: punishable by a one year jail term and/or a penalty of 15000€

1992 The November 2nd law introduces provisions relative to “abuse of authority in sexual matters in the workplace” into the labour code.

1992 Increase of penalties for spouses or cohabitants guilty of domestic violence.

QUING Period

1994

Domestic Violence and violence in partnership (marital rape)

Sexual assault and rape

The new penal code modifies the definition of sexual “assault” and recognizes it as aggravating circumstances of domestic violence. It also reinforces the penalty of criminal imprisonment for rape.

Primary source:

- **Law N°9489 of the 1st February 1994 instituting a non-reducible penalty and on the new penal code and on some dispositions of penal procedure, published in the Official Gazette, 1994, Paris, February 2nd**

1997

Domestic Violence and violence in partnership (marital rape)

Sexual assault and rape

The national survey on violence towards women in France (ENVEFF) is commissioned by the Women’s Rights Department / Ministry of Employment and Solidarity. It is the first experiment to exhaustively measure the various phenomena of violence towards women in France.

1998

Sexual assault and rape

The 17 June 1998 Law reformed the 1980 law on rape. The so-called *Guigou Law* increased the prescription delays for minor rape victims. After this law was passed, minors were able to bring rape cases to court up to 10 years after they reached the age of 18, no matter the date of the rape or their relationship to the aggressor. Other forms of sexual assault on minors could be brought to court up to 3 years after they reached the age of 18 years old, except in the case of aggravating circumstances, which increased the prescription delay from 3 to 10 years.

Primary source:

- **Law N°98-468 of the 17 June 1998 related both to the prevention and repression of sexual infractions and to the minor protection, published in the Official Gazette, 1998, N°139, Paris, June 18th**

1999

Domestic Violence and violence in partnerships (marital rape)

The inter-ministerial circular of the 8th of March provided a synthesis of all existing French legislation and the measures adopted by the different Ministers in the fight against violence against women within partnerships.

Primary source:

- **Inter-ministerial circular – MES 99-280/SDEF n°9800 14 of the 8 March 1999 on the fight against violence toward women, within the couple**

Available online:

<http://www.sante.gouv.fr/adm/dagpb/bo/1999/99-20/a0201339.htm>

2000

Domestic Violence and violence in partnerships (marital rape)

The 15 June law reinforcing the protection of the presumption of innocence and victim rights increased procedures related to the information and the protection of women who are victims of violence.

The same year, national ENVEFF survey related to violence against women in France was realized. It covered a sample of 7000 women, aged from 20 to 59 years old. The first results showed that 1 in 10 women had been victims of violence during the past 12 months and that about 48000 women had been raped. Not only did this survey consolidate the knowledge of this phenomenon, it also contributed to promote public action related to the treatment of violence against women.

A workshop organized by the Ministry of Justice drew attention to the need to improve the protection of victims of domestic violence within the couple, and suggested the adoption of more progressive measures to oblige violent husbands to be removed from the family home, thus reducing the problems faced by women (and their children) in finding accommodation when they have decided to leave a violent relationship. An experimental programme of this kind had previously been initiated by a judge in the city of Besançon.

Primary source:

- **Ministry of Justice, ‘les violences au sein du couple’ (violence within couples), Paris, Ministry of Justice : secretary for women right’s and professional training, 2001, 37 pages**
- **Law N°2000-516 of the 15 June 2000 reinforcing the protection of the presumption of innocence and victims’ rights, Published in the Official Gazette, 2000, N°138, Paris, June 16th**

Secondary source :

- **Maryse Jaspard, Elizabeth Brown, Stéphanie Condon, Dominique Fougeyrollas-Schwebel, Annik Houel, Brigitte Lhomond, Florence Maillochon, Marie-Josèphe Saurel-Cubizolles, Marie-Ange Schiltz. 'Les violences envers les femmes en France. Une enquête nationale', Paris, 2003, la documentation française, Collection 'Droits des femmes', 370 pages**

2001

Domestic Violence and violence in partnerships (marital rape)

In the framework of the National Assizes against Violence toward Women, which took place on January 25th with the support of the Ministry of work and Solidarity to diffuse the data of the ENVEFF survey, a governmental plan was announced.

Initiated by the Secretary of State for Women's Rights and Professional Training, with the collaboration of the Department for Women's Rights and Equality and the Departmental commissions against domestic violence, a circular was issued on 9 May on the implementation at the local level of the triennial action plan against violence toward women.

It proposed four objectives:

- to reinforce the role of the departmental commission by creating a national instance of coordination;
- to organize a national prevention campaign;
- to reinforce the role of NGOs in violence prevention measures;
- to elaborate partnerships with local government in order to bring a global response to the problems faced by women who are victims of violence in relation to training, employment and housing.

Sexual harassment and stalking

The May 9th 2001 law on equality in employment extended the 1992 law. This law extends the protection against sexual harassment in the workplace and defends candidates in recruitment or students on work placement. This new law also prohibits discriminations against persons that have been victims of sexual violence or have signalled acts of sexual violence in their workplace.

Primary source:

- **Law of the 9 May 2001 on equality between men and women on the labour market, published in the Official Gazette, 2001, N°108, May, 10th**
- **Circular SEDF n°2001-210 of the 9 May 2001 on the implementation at the local level of the triennial action plan against violence towards women, Secretary of State for Women's Rights, Professional Training, Department for Women's rights and Equality**

Available on line:

<http://www.sante.gouv.fr/adm/dagpb/bo/2001/01-20/a0201331.htm>

Secondary source:

- **Integral report of the National Assizes against Violence towards Women, Paris, La Sorbonne, 25 January 2001**

Available online:

http://www.femmes-egalite.gouv.fr/grands_dossiers/dossiers/violences/docs/assises.pdf

2002

Domestic Violence and violence in partnerships (marital rape)

According to the December 21st 2001 decree, the January 25th order pronounces the creation of a national commission against violence towards women. The commission includes representatives of central administrations and services and representatives of some NGOs that are specialized in gender based violence.

Trafficking Prostitution

The August 6th law (2002-1041) authorizes the ratification of the additional protocol to the United Nations convention against trans-national organized criminality for the prevention and the repression of children and women trade.

The Law of March 2002 creates a new misdemeanour and fixes aggravating circumstances for clients that have had recourse to sexual services of a minor under 15 years of age.

Sexual harassment and stalking

The fourth chapter of the January 17th law on “social modernization” provides new legal tools for fighting *mobbing in the workplace*.

Primary source:

- **Law N°2002-73 of the 17 January 2002 for social modernization, art. 168 to 180 ‘Lutte contre le harcèlement moral au travail’ (Fight against moral harassment at work), published in the Official Gazette, 2002, N°15, Paris, January 18th**
- **Arrest of the 25 January 2002 related to the composition of the national commission against violence towards women, published in the Official Gazette, 2002, N°24, Paris, January, 29th**
- **Law N° 2002-307 of the 4 March 2002 completing the law no 2000-516 of the 15 June 2000 and reinforcing the protection of the innocence presumption and victim rights, Published in the Official Gazette, 2002, N°45, Paris, March 5th**
- **Law n° 2002-1041 of the 6 August 2002 authorizing the ratification of the additional protocol to the United Nation convention against trans-national organized criminality aiming at preventing, repressing, and punishing violence against women and children, published in the Official Gazette, n°183, 2002, Paris, August 7th**

- Decree N°2001-1240 of the 21 December 2001 related to the creation of a national commission against gender based violence, published in the Official Gazette, 2001, N°298, Paris, December 23rd

Secondary source:

- Hazan Adeline, Markovich Malka 'Le système de la prostitution. Une violence à l'encontre des femmes' (The prostitution system. Violence against women). National commission against violence against women. 'prostitution and human trafficking' commission. Paris, National commission against violence against women, 2002, 42 pages

2003

Trafficking and Prostitution

The Law on Domestic security (Law N°2003-239) proposed by Interior Minister Nicolas Sarkozy was adopted in March 2003. This text created the crime of "passive soliciting misdemeanour" and was liable to a maximum of two months of prison and a 3750 € fine. This act of soliciting extends to 'all persons who make available prostitutes in vehicles, the same sentence will apply as in hotel-based prostitution'. A government amendment was also adopted, which planned for the placing of prostitutes in 'common law shelters in order to ease their reinsertion'.

Likewise, a provision was also created in order to incriminate 'trafficking in human being' punishable by 7 years of imprisonment and a 150000 € fine.

Women's groups (such as the CNDF) blamed the Sarkozy project for not being centred on the prostitute status and security but on 'tranquillity and public security' (as the chapter concerned is named). In such a context, they particularly protested against the penalization of prostitutes and argued for the broadening of their social rights and for a legal framework that could protect them. They emphasised the importance of measures for migrant women. It is also important to note the position of the CEDAW experts, who firmly condemned this law

Sexual harassment and stalking

The January 3rd law (2003-6) on collective negotiations and economic redundancy is passed. This law completes the 2002 law of social modernization and imposes the displacement of the 'burden of proof' in cases of moral harassment in the workplace. It is now up to employers to prove that no moral harassment has taken place and that the company has taken all the necessary preventative (or disciplinary) measures.

Primary source

- Law n° 2003-6 of the 3 January 2003 related to the collective negotiation in economic redundancy, published in the Official Gazette, 2003, N°3, January 4th
- Law N°2003-239 of the 18 March 2003 on Domestic security, published in the Official Gazette, 2003, N°66, March 19th

Secondary source

- Committee for the elimination of discrimination towards women, 'Les experts du CEDAW critiquent la politique de la France en matière de prostitution' (CEDAW experts criticize the French policy in the matter of prostitution), Press Release FEM 12/55, 2003, July 3th
Available on line:
<http://eleuthera.free.fr/html/99.htm>
- CNDF 'Le projet de loi Sarkozy et la prostitution. Encore plus de stigmatisation! (Sarkozy Law proposition and prostitution. Once more stigmatization!)', 2002, October 28th
<http://collectifdroitsdesfemmes.org/spip.php?article87>

2004

Sexual harassment and stalking

On June 23rd, the UMP Prime Minister, Jean-Pierre Raffarin, presented a White paper related to the fight against **sexist or homophobic statements in public**. The aim of the project is to adapt Justice to the evolutions of criminality. In the continuity of the 2004 Law on interior security (Law 2004-204), the project seeks to increase the aggravating circumstance of penalties for homophobia. However, this law project did not receive the support of feminist associations. Indeed, the project provoked indignation from various feminist associations involved in the fight against harassment and stalking that saw this project as *indefensible*. The problem that was underlined is the proximity with French media-concerns. In addition, *sexual orientation* criteria had been considered as aggravating circumstances to the detriment of *gender* criteria, which were not included in the project.

Domestic Violence and violence in partnerships (marital rape)

The article 22 of the May 26th Law (2004-439) on divorce allows "family affairs" judges to demand that a violent partner leave the marital home permanently, through an eviction procedure.

In addition, on November 20th, the ministry in charge of parity presented his "Global scheme against violence on women" (Plan global de lutte contre les violence faites au femmes), more particularly on domestic violence. This scheme includes 10 measures aimed at improving the legal protection of women who are victims of violence. It also contributes to the modernization of public policy by reinforcing partnerships and assuring the coherence of the different interventions. The 10 measures are as follows:

- To promote and facilitate access to housing for women who are victims of violence
- To offer them financial help
- To help victims in their job or in their professional career
- To facilitate access to the legal system for women who are victims of violence
- To identify situations of violence
- To reinforce the financial help for NGOs involved in the fight against violence / support to victims
- To heighten public awareness of the phenomenon of domestic violence

- To evaluate this phenomenon
- To prevent violence in schools
- To act in Europe and all over the world

This scheme mostly marks the engagement of the French government, through the delegated ministry of social cohesion and parity, in the fight against gender based violence, particularly against domestic violence.

The same year the association Mix-cité diffuses its law proposition related to violence against women (domestic violence, harassment at the workplace and rape).

Forced marriage and Female Genital Mutilation

National Academy of medicine made recommendations on FGM. Their aims were as following:

- Promoting the knowledge of such violence against children
- Promoting the enhancement of this knowledge within the medical profession
- Reinforcing and improving medical practices
- Improving the medical accompaniment of women who are victims of excision or infibulations
- Encouraging national authorities to implement efficient policies as well as obtaining a European harmonization

They also argued for the reimbursement of operations for clitoris reparation, which the 'Caisse Nationale d'Assurance Maladie' agreed to do.

Primary source:

- **Law 2004-204 of the 9 March 2004 on the adaptation of justice to criminality evolution, published in the official Gazette, 2004, N°59, Paris, March 10th**
- **Law n°2004-439 of the 26 May 2004 related to divorce, published in the Official Gazette, 2004, N°122, Paris, May 7th**
- **Law project N°1700 'relatif à la lutte contre les propos discriminatoires à caractère sexistes et homophobe' (related to the fight), 2004, June 23rd**
<http://www.assemblee-nationale.fr/12/projets/pl1700.asp>
- **Global plan for fighting against violence to women 2005-2007, '10 Mesures pour l'autonomie des femmes' (10 measures for women's autonomy), Department of parity and equality between men and women on the labour market**
http://www.femmes-egalite.gouv.fr/grands_dossiers/dossiers/violences/docs/planviolences.pdf
- **Vautrin Catherine, 'Politique en matière de lutte contre les violences faites aux femmes. Pour un retour à l'autonomie des femmes' (policy for fighting against violence to women. For a return to women's autonomy), Communication of Mrs Catherine Vautrin, delegated Ministry for social cohesion and parity. Council of Minister of the 23 November 2005**
http://www.femmes-egalite.gouv.fr/espace_presse/discours_2005/051123.htm

Secondary source:

- National academy of medicine, 'Recommandation de l'Académie nationale de médecine visant à l'éradication des mutilations sexuelles féminines' (Recommendations of the National academy of medicine aiming at eradicating female genital mutilations), project of the 4th Commission, 2004, June 15th
http://www.cams-fgm.org/article.php3?id_article=12
- Lebas, Jacques. Commission 'genre et violence': Travaux préparatoires à l'élaboration du plan violence et santé en application de la loi relative à la politique de santé publique du 9 Aout 2004 (Preliminary documents on the elaboration of a violence and health scheme in the context of the implementation of August 9th 2004 law related to public health policy), Paris, Ministry of health and solidarity, 2005, 40 pages
- Baldeck Marilyn, Le Magueresse Catherine, Louis Marie-Victoire 'Le projet de loi du gouvernement Raffarin 'relatif à la lutte contre les propos discriminatoires à caractère sexistes et homophobe' est indéfendable' (The Raffarin government's draft law that is 'related to the fight against the sexist and homophobic nature of discriminated talks' is indefensible), 2004, AVFT, November 26th
http://www.avft.org/article.php?id_article=189
- 'Violence et agressions sexuelles' (Violence and sexual harassment), 2004, April 22nd
<http://www.mix-cite.org/revendication/index.php3?RefArticle=222>

2005

Sexual harassment and stalking

The symposium on sexual harassment that took place on January 14th at the senate saw the AVFT presenting its **proposition of law** aiming at modifying the dispositions related to sexual harassment and slanderous denunciation. This proposition was based on the recommendations of international actors such as the 1979 CEDAW convention (which was ratified by France in 1983), the declaration on the elimination of violence toward women, (adopted by the General assembly of the United Nation in 1993), the Beijing action program, and the EU resolution (A4-0250/97). One of the objectives of the law proposition was to increase the misdemeanour of sexual harassment. The association proposed to include sexist and homophobic harassment in the law on sexual harassment. Likewise, the text recommended increasing the protection of workers and the responsibility of employers.

Creation of a victim delegation

Domestic violence and violence in partnerships (marital rape)

Convention between N. Sarkozy (Interior ministry) and the National Institute for the help of victims and of mediation (l'Institut national d'aide aux victimes et de médiation, l'INAVEM) in order to promote the development of special treatment for victims of violence within the state

police force. Associations that provided such interventions were recognized as being the most qualified.

The ***Global plan for the fight against violence*** (2005-2007) defines 10 measures for the autonomy of women. This plan centred on the support and the social reinsertion of women who are victims of domestic violence.

Primary source:

- **Senate, Extract of the oral question with debates ‘Prévention et répression des violences’ (Prevention and repression of violence), 2007, January 23rd**

Available online:

http://www.femmes-egalite.gouv.fr/espace_presse/discours_2007/070123.pdf

- **Plan global de lutte contre les violences faites aux femmes 2005-2007 (2005-2007 global scheme on the fight against women addressed violence). 10 Measures for the autonomy of women.**

Available online:

http://www.femmes-egalite.gouv.fr/grands_dossiers/dossiers/violences/docs/planviolences.pdf

Secondary source:

- **AVFT, ‘Harcèlement sexuel: Deuxième proposition de loi de l’AVFT’ (‘Sexual harassment : AVFT’s second proposition of law’), 1999, Paris, June 4th**

Available online:

http://www.avft.org/article.php?id_article=214

2006

Domestic Violence and violence in partnerships (marital rape)

On March 7th, the Interior Minister signed an agreement with the FNSF (Fédération nationale solidarité femmes – national federation women solidarity) and the CNIDFF (Centre national d’information et de documentation des femmes et des familles – national centre of information and documentation for women and families), to give better support to women who are victims of violence. This convention aims at creating a first link between NGOs and the police.

Forced marriage, honour crimes, FGM /

Domestic violence and violence in partnership (marital rape)

The April 4th law (2006-399) reinforces prevention and repression of domestic violence and violence against children. Aiming at fighting against forced marriages, the government increased the civil majority for marriage from the age of 15 to the age of 18 years old. It also extended the law in order to include the “aggravating circumstances”, which include situations of domestic violence by people who are not married (partners, “pacsés”). Reform measures also banned access to the marital home by a violent partner within the framework of judicial control and probation. It also made an offence punishable (by one year jail, and up

to 15000€ penalty) of depriving the other member of the couple of his/her identification papers or residence permit.

Although this law was fairly well received during the parliamentary debates, both left-wing parties and feminist associations regretted that the law did not follow the Spanish 'Integrated law on gender violence' example.

Sexual harassment and stalking

The AVFT conducted a campaign in order to modify the article 226-10 of the penal code related to the slanderous denunciation. This campaign focused on a specific issue: should a woman lose her court case against her sexual harasser, she would almost automatically be taken to court herself for "slanderous denunciation". The AVFT sees this as a hurdle to the satisfactory legal treatment of sexual harassment in the work place.

Primary source:

- **National Assembly, Official analytic report of the first séance of the 23 March 2006, 'Violence au sein du couple' (Violence within couple)**
<http://www.assemblee-nationale.fr/12/cra/2005-2006/180.asp#TopOfPage>
- **Law n° 2006-399 of the 4 April 2006 reinforcing the prevention and the repression of domestic violence against minor, published in the Official Gazette, 2006, N°81, April 5th**
- **Senate, 'Familles monoparentales, familles recomposées : un défi pour la société française. (Single family, recomposed family: A defi for the French society. Informative report N°388 of the delegation for Women's Rights and Equal Oportunities between men and women for the year 2005-2006, 2006, June 13th**
- **Senate, Analysis of legislative discussions and public votes: Law reinforcing prevention and repression of domestic violence or against a minor**
Available on: http://www.senat.fr/dossierleg/tc/ana_pp104-062.html

Secondary source:

- **AVFT, Critical lecture of the debates before the Senate the 24 January 2006, 'Second lecture of the Law proposition of M. Courteau 'reinforcing the prevention of violence toward women, in particular within couple', 2006, February, 19th**
http://www.avft.org/IMG/pdf/AVFTtableau_contre_argumentsDC.pdf
- **AVFT, Amendment for the modification of the 226-10 article of the penal code on slanderous denunciation. Amendment proposed to Gisèle Gautier, Senator, by the AVFT, 2006, January, 24th**
http://www.avft.org/article.php?id_article=245

2007

Domestic Violence and violence in partnerships (marital rape)

Since March 14th, the French government has been involved in a national information campaign to fight against gender based violence. Furthermore, women are given a special cell phone.

Primary source

- **Ministry for Employment, Social Cohesion and Housing, Delegated Ministry for Social Cohesion and Parity, 'Violence conjugale. Parlez-en avant de ne plus pouvoir le faire. Appelez le 3919' (Conjugal violence. Talk before it is too late. Call the 3919'), Press release of the 14 March 2007**

Available on line:

http://www.cohesionsociale.gouv.fr/IMG/pdf/dossier_de_presse_campagne_violences_conjugales_mars_2007.pdf

5. CONCLUSION

1. Relative importance of topics within the issues and in generic gender + equality policies

Non-Employment

With regard to Non-Employment, relevant sub-issues that have been discussed during the Quing period are the **reconciliation of work and family life** (Maternity leave, Paternity allowance, Parental leave system, 35 hours working time, Part-time work), **care work and informal work** (Child care provisions), **tax benefit policies** (Pension system, Tax benefits on child care expenditure), **equal pay / gender pay gap** (equal treatment, equal pay) and **access to labour market** (night work).

Intimate Citizenship

Intimate citizenship policy debates were marked by the following questions: **Divorce, separation and marriage** (Marriage, Divorce, Child custody, Right for being a parent, Father's rights), **civil partnership and gay marriage**, **discrimination on a sexual orientation basis** (PaCS -Civil Pact for Solidarity- Discrimination in assisted reproduction on a sexual orientation basis and partnership status) and **reproductive rights** (Abortion, Contraception and assisted conception).

Gender based Violence

Thirdly, since 1995 French policies on gender based violence have mainly been centred on **domestic violence and violence in partnership (marital rape)**, **sexual assault and rape**, **trafficking and prostitution**, **sexual harassment and stalking**, **forced marriage and FGM**.

2. Major changes in the three issues and in generic gender + equality policies

The last 15 years have been marked by an increase of gender equality legislative measures that have affected all spheres of French society: in politics and the labour market as well as in education and private life. The creation of new political structures such as the Parity Observatory in 1995 and the HALDE (High Authority for Fighting against discrimination and for equality) in 2004 came to support the existing bodies, such as the Department for women's rights, and expressed increasing concern to fight against all forms of discrimination including gender based discrimination. Thus, the different governments have successively shaped the French policy approach to equality issues.

However, the introduction of gender mainstreaming and positive actions is quite difficult in a country that has a particular conception of equality, deeply embedded in the republican Universalist tradition. It is now acknowledged that the existing Laws did not sufficiently succeed in reducing inequalities, and Gender Mainstreaming is now perceived as the

principal instrument to achieve new egalitarian objectives. Thus, positive action principles promoted by the EU since the 1980s have to some extent been introduced in all areas of public policy. In addition, French policy is characterised by the difficulty to adopt a coherent global policy that would operate across all areas of public intervention.

Non employment

Especially since 2000, the successive French governments have been involved in reducing gender equalities on the labour market, while more or less concentrating on French women's activity patterns. The major changes were during the Socialist Party presidency from 1997 until 2002, through the Genisson Law in 2001 on **equality in employment**. In addition, the last Jacques Chirac Presidency is marked by legislation to reduce inequalities on the labour market, such as the creation of an '**equality label**' in 2004 and the 2006 Law on **equal pay**, which also included various topics such as **work/life balance and equal access to training and employment**. The reform of **pension system** in 2003 is also relevant in the non-employment issue. The Law on **the legal reduction of working time** in 2000, two weeks paid **paternity leave** in 2001, and the controversial reform of **maternity leave** in 2007 are part of the major changes to facilitate the reconciliation of work and family life.

It is however important to consider that efforts to improve women's chances of autonomy on the labour market are often in contradiction with other public policies. Indeed, some contradictory measures adopted simultaneously by successive governments have contributed to reduce the efficiency of existing legislations introduced explicitly to combat gender inequalities. As a representative example, the recent **extension of the Parental Childcare Allowance** through the adoption of the PAGE in 2003 reflects the re-emergence of protective aspects of government interventions. Such a reform, which provides State financial incentives to women who interrupt their professional life, has influenced the rate and pattern of the feminization of the labour market in France. In addition, initiatives to improve the number of women in decision-making taken during Lionel Jospin's presidency have been abandoned; the Committee for the equal access of women and men to higher positions within the Civil Service created in 2000 has not been renewed after its last report in 2005.

Intimate citizenship

The issue of Intimate Citizenship is marked by several changes, but the main one is the introduction of **PaCS** in 1999, which permit same-sex partners to be recognized as couples. Through this legal institutional acknowledgement of gay and lesbian partnerships, partners were given social rights (particularly in relation with inheritance and housing rights). PaCS also marked the 'normalization' of homosexuality. Major changes in Intimate Citizenship relating to **reproductive rights** were the reform on **Contraception** and **Abortion rights**, in 2000 and 2001 respectively, which facilitate access to the emergency pill and extension of the abortion time limit from 10 until 12 weeks of pregnancy. For marriage and divorce, the **reform of divorce**, but moreover the reform of **parental rights** in 2002, were also a major turning point. Part of the '**filiation**' law, the reform of parental rights introduces the principle

of the “**shared exercise**” of **parental authority** and parental responsibilities between the two parents, married or not, divorced or separated (Law N°2002-305).

Gender-based Violence

For **domestic violence**, major changes are the reform of divorce in 2004 (Law 2004-439), which allows “family affairs” judges to demand that a violent partner leave the marital home permanently, through an eviction procedure. For **sexual harassment and stalking**, a major legal change is the Law on mobbing at work in 2002 (Law N°2002-73). The 2006 Law also deals with **forced marriage**, which enters the agenda for the first time. In 2001, an order pronounces the creation of a national commission against violence towards women (decree 2002-1240). In addition, the European and International influence have contributed to introduce the question of ‘intersectionality’ in equality policies. Thus in 2004, the **sexist or homophobic statements in public** issue are introduced in the French debates through the 2004 Law on interior security (Law 2004-204) that increases the aggravating circumstance of penalties for homophobia.

As for **prostitution and trafficking**, the Law of March 2002 creates a new misdemeanour and fixes aggravating circumstances for clients that have had recourse to sexual services of a minor below 15 years of age. The Domestic security law in 2003 (Law N°2003-239) creates a “passive soliciting misdemeanour”.

3. The role of civil society and other political actors

Non-Employment

It is important to note the quite low incidence of **feminist and women lobbies** on (non)-employment policies (and particularly relating to child-care policies), relative to **family associations** such as the UNAF (National Union of family association). Thus, family associations have had a relevant impact on the extension of parental leave, through the adoption of the PAGE in 2003. This law contributes to the re-emergence of the ‘protective’ approach of French government interventions.

The influence of **French Trade Unions** in fighting gender inequalities on the labour market is quite recent. Indeed, they have traditionally been relatively absent from the equal opportunities field, although they have adopted a more pro-active stance in recent years, particularly after the Genisson Law on equality in employment was adopted in 2001. Indeed, the Genisson Law made annual in-house negotiations on the position of women in companies an obligatory part of their work. In addition, since the national inter-professional agreement of the 1st March 2004 was unanimously signed by **all social partners**, French Trade Unions have been involved in the fight against all forms of stereotypes that are at the basis of discrimination.

Intimate citizenship

In the issue of Intimate Citizenship, **civil society** and **NGOs** are the most important actors in France.

NGOs such as the **MFPF** (French Movement for Family Planning) have been very active in debates regarding reproductive rights legislation. While feminist movements obtained contraception and abortion rights in 1969 and 1975 respectively, they succeeded one more time to put this question onto agenda during the Quinquennial period. They argued for the increase of abortion delays as well as better access to contraception, which they obtained in 2000 and 2001. However, the **religious groups** that combat the right to abortion are also very much involved in France. Although their actions have always failed up to now, they made the debates to increase delays of termination of pregnancy difficult in 2001 and they strongly tried to block the legislation in 2000 allowing secondary schools to hand out the morning after pill.

With regard to homosexual rights, **LGBT groups** and associations are particularly present on the policy scene in France. Indeed, they are supported by some political parties such as the **French Green Party** and the **Socialist Party**, which have played a particularly important role during the debates on the PaCS since 1998.

In 2006, two law propositions by the PS (Socialist party) and LGBT organizations proposed to allow homosexuals access to marriage. However, the current **UMP** (Union for a Popular Movement) government promoted the expansion of the French PaCS, rather than supporting legalization of gay and lesbian marriage. The recent reform related to succession rights (July 2007) constitutes a representative example of the UMP current position.

Regarding the reform of parental rights, **family associations** (UNAF) and **male groups** such as **SOS papa** (SOS daddy) have been particularly influential, specifically in the area of child custody. Indeed, they succeeded in promoting the shared residence order, which was one of the most discussed questions in the area of parental rights.

With regard to **Trade Unions**, they have not taken a significant part in the debate around intimate citizenship, except in debates around the distribution of emergency pills by school nurses.

Gender-Based Violence

Civil society actors involved in debates about this topic are mainly **French feminist organizations**. The **AVFT** (European association against gender violence in the workplace) and the **FNSF** (National federation Women Solidarity) are the most active NGOs involved in the fight against Gender-based violence.

Indeed, it is important to note that French Feminist / Women's associations have long been the main body contributing to the growing implementation of legislation to fight against gender-based violence, particularly in the field of rape and sexual harassment. Today they

produce many law propositions in all the fields that cover the gender based violence issue. Since the middle of the 1990s, their actions have been supported and oriented by the EU and the UN, through which they gained greater legitimacy. Their work is based on international recommendations (CEDAW the declaration on the elimination of violence toward women, Beijing action program, and EU resolution). Hence, the 2005 AVFT law proposition aiming at modifying the dispositions related to sexual harassment and slanderous denunciation proposed to include sexist and homophobic harassment in the law on sexual harassment.

4. The impact of the EU and other international bodies

The evolution toward more equalitarian policy objectives has definitely been driven by different actors, including: International and European actors, political parties, NGOs, and Trade Unions. However, the gender equality objectives of the **European Union** have permitted the major changes in this matter. Indeed, the importance of EU requirements can be seen in all three areas that are studied in the Quing project: Intimate Citizenship but more particularly Non-Employment and Gender-based Violence. Thus, EU pressure helps the current French protective approach to equality to evolve towards a more egalitarian perspective, especially by implementing positive measures to combat gender discriminations. However, the introduction of gender mainstreaming and positive actions is quite difficult in a country that has a particular conception of equality, deeply embedded in the republican Universalist tradition. It is now acknowledged that the existing Laws did not sufficiently succeed in reducing inequalities, and Gender Mainstreaming is now perceived as the principal instrument to achieve new egalitarian objectives. Thus, positive action principles promoted by the EU since the 1980s have become introduced in all areas of public policy.

Non-employment

It is clear that **European Union directives** have had a particular impact on the development of gender equality policies in the labour market. Thus, major changes in French legislation to facilitate the presence of women on the labour market have followed EU Directives. Its role was particularly relevant in increasing the effectiveness of existing laws that had clearly failed to reduce the persistence of inequalities at all levels in women's professional lives.

The most relevant legislative measures adopted that have been influenced by the EU concern inequality in rates of pay and equal treatment. Not only did the European directive of 1975 on equal pay between male and female workers allow the implementation of a law in 1983, there has been a continuous preoccupation with the persisting gender pay gap and the equal treatment issue since that date. Thus, the end of the 1990s was marked by an awareness of the need to introduce effective laws to combat gender equality at work. Employment policies were in debates to the detriment of family policies, which had always contributed to embed France in a protective women rights approach, mostly seen as rights for wives and mothers. Thus, the EU permitted France to adopt a more egalitarian approach

to gender equality by establishing political instruments that are more appropriate to reducing persisting inequalities (e.g. the Genisson Law in 2001, negotiations with social partners). The gender pay gap was also an important concern of Jacques Chirac's presidency from 2002 until 2007, which was marked by the introduction of the Law n°2006-340 on equal pay.

Likewise, French pension system reform in 2003 has been particularly influenced by the Communitarian jurisprudence. Indeed, the EU contributed to promote individual rights and to recognize the implications of women's role within the family.

Measures that facilitate the balance between professional and private/family life are also influenced by EU priorities. Although the French conception of state involvement in private life allowed for a high level of public intervention around childcare before many other European countries, the EU has enabled France to reconsider the importance of gender equality within measures to improve the work-life balance. Thus, France has adopted laws and incentives to encourage equal sharing of parental responsibilities between men and women, for example through paternity leave (Decree 2001-1352) and reduction of working time (Law N°2000-37).

However, some factors hinder the efficiency of European Directives on French gender equality policies in the area of Non-Employment. Thus, the deeply embedded tradition of republican universalism in France, which appears to be in contradiction with the *Positive Action* principles promoted by the European Union, particularly affects political measures taken in respect to gender equality on the labour market. Indeed, French efforts often appear inefficient to reduce inequalities between men and women at work.

Intimate Citizenship

In the area of Intimate Citizenship, the **European Union'** influence, mostly through the **European Court of Human Rights'**, is particularly evident in policies regarding anti-discrimination due to sexual orientation and same-sex partnership.

Civil partnership, gay marriage and discrimination on the basis of sexual orientation are one of the main topics in the intimate citizenship issue that have been influenced by the European Union. Indeed, article 13 of the 1997 Treaty of Amsterdam extending the grounds on which discrimination has to be considered illegal helped the socialist's presidency in 1999 to put the PaCS on the agenda. Thus, EU recommendations have been mainly incorporated into the PaCS (Civil Contract for Solidarity) and in its extensions in 2006 and 2007. In addition, the pressure of the EU (relayed by French LGBT organizations and some political parties such as the French Green party) contributes to the introduction of same-sex marriage into the debates.

Gender-based Violence

The impact of the UN on gender-based violence is quite evident. The ratification of the **CEDAW** convention on the elimination of violence toward women in 1983 launched the first basis to introduce measures on violence against women. Moreover, the 1995 **Beijing**

conference platform objectives led the French government to order a general study on violence against women, the “ENVEFF” survey, which produced statistical data on this phenomenon. The first results published in 2002 highlighted the need to legislate on various issues. Before then, few public policies specifically addressed domestic violence for example.

In addition, measures against gender violence are connected to European Union programmes and measures. Thus, the role of the EU is also particularly relevant, more particularly since 1999, which marked the beginning of a real European policy to combat violence against women. Indeed, the **DAPHNE programme** launched in 2000 meant that France became more aware of GBV as a major public problem. The UN and EU pressure also contributes to increase funding in the gender-based violence field, which has long suffered from the French gender equality policies dispersion and lack of financial resources. The European Union has been particularly influential in the Domestic violence and sexual harassment at work sub-issues. Hence, France legislates on mobbing at work in 2002 (Law N°2002-73) and reinforces prevention and repression of domestic violence and violence against children in 2006 (LawN°2006-399).

As for prostitution and trafficking, UN pressure has been a major factor in the implementation of Laws to fight against trans-national organized criminality for the prevention and repression of children and women trade. As a representative example, the Law of March 2002 creates a new misdemeanour and fixes aggravating circumstances for clients that have had recourse to the sexual services of a minor below 15 years of age.

It is however relevant to note that the adoption of a law on Domestic security in 2003 (Law N°2003-239), which creates a “passive soliciting misdemeanour”, strongly opposed the last government with local women’s and feminist NGOs and UN organizations (specifically **CEDAW**).