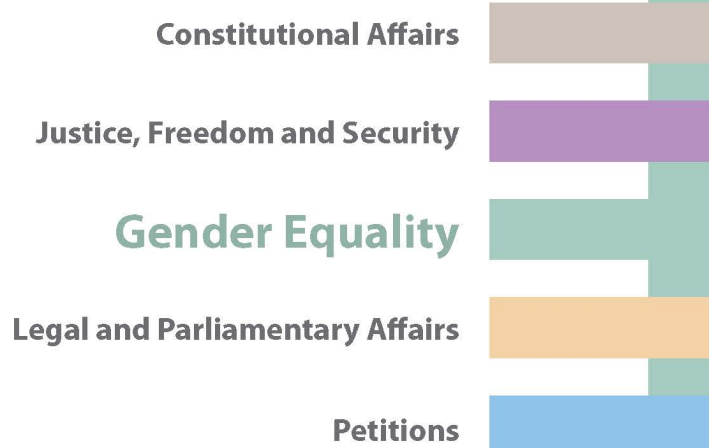


DIRECTORATE-GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT **C**
CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS



The Policy on Gender Equality in France

In-depth analysis for the FEMM Committee





DIRECTORATE GENERAL FOR INTERNAL POLICIES
POLICY DEPARTMENT C: CITIZENS' RIGHTS AND
CONSTITUTIONAL AFFAIRS

WOMEN'S RIGHTS & GENDER EQUALITY

The Policy on Gender Equality in France

IN-DEPTH ANALYSIS

Abstract

Upon request by the FEMM Committee, this in-depth analysis covers the recent developments in gender equality policies in France. It addresses the strengths and the weaknesses of French gender equality policies in the following domains: legislation, gender equality machinery, economic independence, work-life balance, participation in decision-making, gender-based violence, gender stereotypes and health and reproductive rights.

Document requested by the
Committee on Women's Rights and Gender Equality

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ART	Assisted reproduction technology
CAGEE	Collective agreement on gender equality in employment
CLCA	Complément libre choix d'activité – Family policy of complementary allowance for free choice of working time
CSA	Conseil supérieur de l'Audiovisuel – Media Council
DTP	Document de politique transversal – Transversal policy document
EU	European Union
FGM	Female genital mutilation
FIJAIS	Fichier judiciaire automatisé des auteurs d'infractions sexuelles – Digital record for sexual offenders
GBV	Gender-based violence
HCEfh	Haut Conseil à l'Égalité entre les femmes et les hommes – High Council for Equality between Women and Men
OP	Observatory of Parity
PAGBV	Plan for action against gender-based violence
RSA	Révenue de solidarité active - Active solidarity revenue
RSC	Rapport de situation comparée – Gender equality report
SDFE	Service des droits femmes – Administrative service for women's rights
WPA	Women's Policy Agency

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EXECUTIVE SUMMARY

France relies on many legislative texts and policy instruments to implement its gender equality policies in various domains. Knowledge transfer from the vibrant academic research on gender equality and from activists' familiarity with the fieldwork is evidenced in the numerous reports issued by the gender equality machinery. However, the translation of this expertise into binding legislation and its further implementation has often been impeded by the lack of political will from the government, the lack of training for officials in the public administration and the reluctance of social actors and social partners to embrace the gender equality agenda.

In 2012, the new socialist party government showed its commitment to gender equality by nominating a Minister for women's rights (instead of an under-secretariat), initiating a series of important laws, and renewing the effort to apply gender mainstreaming in the public administration through a better training of public servants and a better integration of gender equality in all domains of public policy. Gender mainstreaming and gender budgeting are increasingly recognized by policy actors as important policy instruments and as tools to leverage change in social actors' behavior through 'ega-financement' (equa-financing), i.e. the conditionality of public funding on gender impact assessment and non-stereotyped gender representations.

Gender equality policies have been particularly developed and successful in the domain of women's participation in decision-making and sexual and reproductive health.

Despite interesting recent initiatives, gender equality policies have been less successful in the domain of reconciliation of work and family life, in particular because they have tended to target mothers rather than fathers. However, existing policies offer French women the possibility to combine work and family life. The 2014 "Law on Real Gender Equality" modified the parental leave policy to encourage fathers to take up a part of the leave.

In the domain of employment, voluntary schemes for equal treatment of men and women were hampered for a long time by a persistent lack of awareness and willingness in the private sector. This situation has led to an incremental strengthening of the legal requirements and the establishment, for the first time in 2010, of a sanction mechanism for firms that do not adopt a gender equality plan. However, even this measure may not be effective as gender-neutral employment or pension policies continue to reproduce gender inequalities, gender occupational segregation, and the marginalization of women especially at the beginning and at the end of their working life.

While it is too early to evaluate the rather new policy against gender-based violence, it has to be noted that there is a strong political commitment to establish new policy tools and cooperation among policy actors in this domain.

The issue of gender stereotypes has recently emerged as an area for public awareness and timid steps have been taken. They include voluntary schemes for the media, with so far disappointing results. This new area of concern might lead to new legislation and public policy in the near future. Finally, it can be concluded that, in France, gender equality policies tend to homogenize the category "women" they wish to address. While age and class differences are often taken into consideration, differences linked to migration, ethnicity or geographic location are rarely mentioned or addressed.

1. GENERAL INFORMATION

1.1 Background on French gender equality policies

- Gender equality policies in France have been developed since the 1970s and represent today a consistent and comprehensive legal framework covering almost all domains of social, political and economic life.
- France has a long-standing tradition of legislating in favour of gender equality in the domain of employment and professional life with the first legislation dating from 1972 and the establishment of no less than 12 laws between 1972 and 2014.
- More recent areas in which there have been many legislative initiatives are, on the one hand, parity in politics and other decision-making bodies, including a series of laws strengthening gender electoral quota schemes which were adopted between 1999 and 2014; and, on the other hand, gender-based violence with several important laws on sexual harassment adopted in 2002, 2003 and 2012, and on sexual exploitation and domestic violence between 2005 and 2010.
- Media and gender stereotypes constitute an emerging domain that has not yet been the target of similar legislative efforts.
- In many domains the impetus of the European Union has been very important in pushing the French legislature to address new issues and adopt new measures. EU's influence has been direct in such domains as employment discrimination and sexual harassment, and gender stereotypes, and indirect in domains such as gender quotas in decision-making.
- Despite this important legislative framework, the implementation of gender equality policies in France is often heterogeneous and varies over time depending on the political will of the respective governments and social partners. Legislation that applies voluntary measures and self-regulation from social actors, rather than imposing sanctions, has rarely met its goals.
- France fares a 57.1 points on the EIGE gender equality index (EU average is 54) with a low score in the "Time (care+social)" dimension and scores above the EU average in Power and Money dimensions of the index.

1.2 An overview of gender equality policies

1.2.1 Gender equality: main recent developments

The most important and recent development in gender equality policy is the adoption of the "Law on real gender equality" in 2014.¹ This law promotes an "integrated and transversal approach to gender equality", i.e. the integration of the aim of gender equality in all policy domains. Whereas, until then, gender equality legislation had been passed in a piecemeal fashion, with specific laws for each policy domain, the 2014 Law addresses various fields of gender equality policy simultaneously. With 77 dispositions, the law aims at embracing all

¹ Law n° 2014-873, August 4, 2014.

spheres of social life and at filling the gap in policy implementation and strengthening sanctions.

Another important piece of legislation is the 2010 Law on gender-based violence. While the 2014 Real Equality Law is a top-down initiative emanating from the Minister for Women's Rights, between 2012 and 2014 Mrs. Najate Vallaud-Belkacem, the 2010 law had been developed primarily by women's rights organizations. The 2010 law's main measure is the creation of an emergency protection order and the definition of its violation as a crime.

Finally, France's gender equality policy approach has recently been characterized by the adoption of gender quotas in many policy domains. While France has historically been a promoter of gender quotas in political decision-making with the adoption of gender electoral quotas (the parity laws) in 1999 and 2000, it has since 2011 transposed this approach to other sectors, imposing progressive quotas of up to 40% to corporate boards of publicly listed companies,² public bodies, public administration, territorial collectivities, and several civil society institutions.³

1.2.2 Gender equality machinery

France has a long history of women's policy agencies (WPA) with the first administrative structure dedicated to the situation of women in employment created in 1965. The Central Administration in Charge of Women's Rights (Service aux droits des femmes et à l'égalité, SDFE) was created in 1984 and has been a stable component of French administration ever since, albeit with variations in the scope of its mandate in terms of policy domains, and in its political influence, depending on the status of its political authority (Ministry or State Secretariat or lack thereof) and the size of its staff. This central administration has regional offices in the 22 French regions as well as 2 bureaus for over-seas territories. Depending on its budget and on its political leadership, the SDFE finances many women's rights organizations, enabling them to survive and to fulfil their missions.

A second important WPA is the Observatory of Parity (OP), created in 1995 in order to provide expertise on gender balance in decision-making and, from 2000 onwards, with a mission to actively monitor the implementation of the parity laws in the political sphere⁴. In 2013, following the arrival of the Socialist Party to power, the OP was transformed into a new institution, the High Council for Equality between Women and Men (HCEfh)⁵ with a broader mandate than its predecessor. The HCEfh has a mandate to review and evaluate all bills that might affect gender equality, to provide impact studies, and to make

² Law n° 2011-103 January 27, 2011.

³ Law n° 2012-347 March 12, 2012.

⁴ Until 2013, the OP was composed of experts, deputies and members from women's rights organizations. The two structures, SDFE and OP, had important ties but the OP had more political clout and was instrumental in strengthening parity legislation over the years with numerous reports on the implementation of the parity laws, impact studies and bill proposals. The OP had a vital role in collecting data on gender gaps, in particular in the political sphere. See Dauphin, S. (2010). *L'Etat et les droits des femmes. Des institutions au service de l'égalité?* Rennes: PUR.

However, it should be noted that the OP had a very small staff (most of the time only 2 civil servants and an advisory board of nominated experts and political personalities of 40) and that the OP's influence on the policy process varied depending on the political strength of its leader and of the composition of its advisory board. See Ressot C. (2013), 'L'Observatoire de la Parité', in X. Bioy and M-L Pages (eds.) *Egalité-Parité: Une nouvelle approche de la démocratie?* Toulouse: Presses de l'Université de Toulouse 1.

⁵ <http://www.haut-conseil-egalite.gouv.fr/>

recommendations to the legislature. It can select on its own the laws it wants to evaluate from a gender equality perspective. It monitors progress and provides expertise not only in the political sphere but also in the domains of gender-based violence, sexual and reproductive health, gender stereotypes, and international and European issues. The HCEfh has a slightly bigger permanent staff of 4 persons and an advisory board of over 70 persons, including many academic experts, members from civil society organisations and, what is new, high civil servants from all the ministries who are in charge of the implementation of gender equality in their own ministries. This new composition of the HCEfh reflects a deepening of gender mainstreaming to better integrate gender equality in all the central administration branches and their respective policies. The HCEfh has been very active in issuing reports and impact studies and evaluation of public policies so far⁶.

Legislative delegations for women's rights⁷ created in 1999 reinforce the influence of a gender equality perspective inside the state administration. They often work in tandem with the HCEfh and the SDEF when they issue evaluations and recommendations of public policies and pending legislation.

1.2.3 Gender mainstreaming and gender budgeting

In 2000, France began to present annual evidence of the financial efforts made to promote women's rights and gender equality with the so-called "jaune budgétaire no. 137, Men's and Women's Equality", an appendix to the budget that estimates, ministry by ministry, the amount of the budget dedicated to actions in favour of women's rights and gender equality. In 2010, this yellow appendix was renamed Transversal Policy Document (Document de politique transversal, DTP).

The DTP generally includes a presentation of the policy, the list of programs that contribute to it, the presentation of the policy implementation, the overall strategy for improving the performance of the policy, followed by a presentation of the strategic priority objectives, the performance indicators selected and the associated values. Until 2012, in practice this document did not allow for a real transversal analysis of a gender perspective and the Finance Ministry did not seem to have a deep understanding of the gender budgeting perspective.

Since then, the government has reaffirmed its will to promote gender equality and with the publication of two ministerial circulars on the topic in August 2013, gender mainstreaming has become more embedded in the public policy process. The first circular makes gender mainstreaming mandatory in the assessment of each new law. In the same vein, the second circular recalls the legal obligation to appoint, from 2013 onwards, at least 20% of each gender into senior management positions of the civil service, 30% in 2015 and at least 40% in 2018⁸. The HCEfh's mission to deliver gender impact assessments on pending legislation also constitutes an important new way to ensure the implementation of gender mainstreaming.

⁶ For example it issued 60 recommendations on the 2014 Real gender equality law, Avis n°2013-0912-HCE-007.

⁷ Two delegations, for each of the two legislative chambers, were created by the Law n° 99-585 July 12th 1999. Composed of 36 members representing all political groups, their mission is to advice the government on the consequences of its policies on gender equality. Delegations can seize themselves of bill in order to issue recommendations before they are adopted.

⁸ Decree no 2012-601, 30 April 2012.

2. GENDER EQUALITY POLICY AREAS

2.1 Women's participation in decision-making

KEY FINDINGS

- France has adopted gender quotas across the board as a privileged tool to redress gender imbalance in decision-making bodies.
- Gender quotas (around 40%) now apply to corporate boards of medium and large firms, supervisory boards of public institutions, the highest category of civil servants in public administrations, university juries, most elected political bodies, chambers of commerce, and sports federations.
- Gender quotas, when they entail legal sanctions, appear to be very efficient.
- While the private sector initially resisted the implementation of corporate board quotas it now adopted them with an eye to diversify and renew corporate boards.

2.1.1 Political decision-making

In 1999, France, after much debate, revised its Constitution in order to allow for gender quotas in elected political bodies.⁹ In 2000, the 'parity laws' defined the parameters of these quotas which applied strictly to elections with an all list system (municipal councils with over 3500 inhabitants, regional, senatorial and European elections) and with financial penalties for non-compliance in legislative elections. Except for a set-back in 2003 (two laws¹⁰ which reduced the scope of parity for senatorial, European and regional elections and which were overturned in 2013¹¹), there has been consistent advancement through a series of legislation strengthening parity and extending it to indirectly elected bodies where political power has relocated (e.g. intercommunal structures). In 2007, a new law applied parity to the executive bodies of municipalities or regions¹². In 2013 an electoral law¹³ changed the way local councillors (conseillers départementaux) are elected (introducing a 'mix ticket' one man/one woman) and included cities with over 1000 inhabitants in the same mode of election as cities with over 3500 inhabitants (a proportional list system allowing strict parity to be applied to candidate lists, a reform asked for by parity activists as early as 1999). Parity now applies to all elections with a list system through the zipper system: alternation of one man/one woman. In 2014, an important piece of legislation tightened the condition for elected representatives to hold several mandates at the same time, which should improve women's presence in elected office, and increased the financial penalty for non-compliance with the parity imperative for candidates to legislative elections.

⁹ Lépinard E. (2007) *L'égalité introuvable. La parité, les féministes et la République*, Paris : Presses de sciences po.

¹⁰ Loi n°2003-697 du 30 juillet 2003 and Loi n°2003-327 du 11 avril 2003

¹¹ Loi n° 2013-702 du 2 août 2013

¹² Loi n°2007-128 du 31 janvier 2007

¹³ Loi n° 2013-403 du 17 mai 2013

Table 1: Percentage of women in French political assemblies and executives

	Election year	% of women
Senate	2011	22.1
National Assembly	2012	26.9
Regional Councils	2010	48
Regional Councils' presidencies	2010	7.7
Regional Councils' executives	2010	45.5
General Councils (départements)	2011	13.9
General Councils' presidencies	2011	5
Municipal elections	2008	35
Cities over 3500 h	2008	48.5
Cities under 3500 h	2008	32.2
Mayors	2008	13.8

Highlighted in grey are elections to which parity laws applied at the time of the election.

Source: Observatoire de la parité 2008 2009, 2010, 2011, 2012

Table 2: Percentage of women on French political parties' lists for 2012 legislative elections

	% female candidates	% women elected
Left wing parties	44.8	36.7
Right wing parties	38.4	12.8

The conclusions that have been drawn from these findings are:

- Where parity legislation does not apply (so far), women's participation in political decision-making remains low.
- The implementation of the parity law for legislative elections remains unsatisfactory.
- Despite the strengthening of the legislation, in the first place right-wing political parties remain more reluctant to implement the parity law and by-pass it when possible¹⁴. They are seen as reluctant to provide women with winnable seats in parliamentary elections.
- The 2012 National Assembly comprises 155 female MPs, out of which 125 (80.6%) belong to left wing parties¹⁵.

¹⁴ The right wing UMP lost around 20 millions Euros due to its non-compliance with parity in candidacies in the 2012 legislative elections.

With respect to the executive, 50% of women participate in the current (2014) socialist government. Although right-wing governments have tended to appoint less women, their share has improved in the 2010s around 40% under Sarkozy's governments. Only the Green Party and the extreme right National Front have a female party leader in 2014.

2.1.2 Economic decision-making

In 2008, the Constitution was revised to extend the parity clause to 'social and professional responsibilities', thereby enabling the adoption of a law imposing gender quotas on corporate boards in 2011. The law implements a two-step quota of 20% by 2014 and 40% by 2017 for board members of publicly listed companies, as well as unlisted companies which have more than 500 workers and average revenues or total assets of more than 50 million euros during the last three consecutive years. It also applies to some state-owned companies. The sanction for non-compliance is annulment of board members' appointments, and board members' benefits can be suspended.

Contrary to what opponents in the business sector claimed initially, i.e. that it would not be possible to find competent women to sit on boards, companies with more than 1 billion euros in capital ("compartment A") in 2014 nominated 56% women, to reach a total number of 30% women sitting on boards (a higher number than that established by the law) and companies with more than 150 million euros in capital ("compartment B") in 2014 nominated 68% women to reach a total percentage of 24.9% of women sitting on their boards.¹⁶

However, it should be noted that many decision-making bodies remain outside the scope of the corporate board quota law, in particular for smaller firms. In 2012, women represented 44.6% of businesses' executives but they represented only 16.4% of owners of businesses of more than 10 employees¹⁷, and on average only 8% of the members of the executive committees of French businesses. In 2012, there were no women in the executive committees of one-third of the 60 biggest French firms. In 2009, women represented between 19 and 50% - at an average of 36% - of the members of the executive bodies of French trade unions, while they represented between 9 and 22% - at an average of 14.1% - of the members of the executive bodies of employers' organizations. There is to date no legislation imposing gender quotas to trade unions or employers' organizations.

2.1.3 Administrative decision-making

In 2012, a new law was implemented imposing a 40% gender quota to be reached by 2018 for nominations to executive functions in the public service. This quota applies to administrative and supervisory boards of public institutions, high councils, juries and selection committees in public service procedures.¹⁸ The vertical gender gap has been particularly stark in the public service with 59.8% women in the public service workforce and only 21% women

¹⁵ For political parties' influence on the representation of women in parliaments see Dr Isabelle Kuerschner, "Political Parties: Door-keeper or Door-opener for Women's Pathways into Politics?" European Parliament, Policy Department Citizens' Rights and Constitutional Affairs, Workshop of 20 June 2013 on "Actions for gender balance in the European Parliament: EP elections 2014, European Union, Brussels 2013.

¹⁶ Data from Observatoire de la parité dans les conseils d'administration, chair in governance, Burgundy Business School.

¹⁷ See www.insee.fr/fr/themes/tableau.asp?reg_id=0&ref_id=natfef02135

¹⁸ Law n°2012-347 du 12 mars 2012

in managing positions (in 2009). Here again the first results have proven very positive and the argument of the absence of a pool of women candidates for high public service functions has been contradicted by the facts. Although numbers have not yet been collected systematically, interviews with key informants suggest that the target will probably be met before 2018 in most administrations.¹⁹

Gender quotas, when they are accompanied by sanctions in case of non-compliance, have proven to be very effective tools to remedy women's absence from decision-making bodies. The 2014 Real Gender Equality Law has extended quotas to civil society organizations such as sport federations.

2.2 Women's Economic Independence

KEY FINDINGS

- Gender equality policies in employment have been in place since 1983 but with poor results due to the lack of interest and commitment of the various actors in the business sector. Recently adopted legislation should strengthen these policies.
- While women's rate of employment is high, it is also characterized by a high rate of part-time employment, especially in low-skilled/low-paid economic sectors.
- 2/3 of workers with the lowest wages are women.
- Gender occupational segregation is very strong.
- Employment policies until now have tended to reinforce gender occupational segregation and concentrate women in part-time/service/low-paid jobs.
- Discrimination due to pregnancy is widespread but undetected and rarely sanctioned.
- Actors in the business sector, including trade union representatives and labour tribunals, are not very familiar with the emerging anti-discrimination law and jurisprudence.
- Policies to fight poverty tend to reproduce gender inequalities
- Reforms of the pension system have tended to increase gender inequalities.
- Fiscal policy does not support women's economic independence.

2.2.1 Employment

- In 2011, women constituted 47.3% of the employed population²⁰. 83% of women between 25 and 49 years old were employed in the labour market, while 95% of men in the same age category were employed.²¹ In 2013, women between 15 to 64 years old

¹⁹ Lépinard, E. (2015). 'From Breaking the Rules to Making the Rule: the adoption and diffusion of gender quotas in France' working paper series, Law Department, European University institute, Florence.

²⁰ Maruani M. and Méron M. (2012) Un siècle de travail des femmes en France, 1901-2011, Paris : La Découverte

²¹ Lemière S. (2013), 'L'accès des femmes en emploi. Une question de politiques' rapport pour le Ministère des Droits

had an activity rate of 66.9% 65% and men of 75.4%²² (while Europe 2020 objective is 75% for the whole population). While the rates of participation of women and men in the labour market have been converging since the 1980s, an important gap remains.

- The increase in female employment is mainly due to part-time work. In 2012, women's employment rate in full-time equivalent employment was only 53.4% while men's full-time equivalent employment rate was 66.2%. One woman out of three works part-time and for many of them part-time work is involuntary: in 2012, 7.9% of employed women worked less than they would have liked to, compared to 2.9% of employed men²³.
- While job segregation is weakening for women and men, women are still concentrated in a limited number of occupations to a greater degree than men: in 2011, 47% of female labour was concentrated in 10 occupations (such as care work, domestic work, or secretarial/accounting work), while only 31% of male labour was concentrated in 10 occupations²⁴. Job segregation is also visible in terms of qualification: there is a polarization of the labour market with low-skilled, low-pay, part-time jobs mostly occupied by women (they occupy 60% of low-skilled jobs), while skilled jobs are occupied by men and women²⁵. High levels of part-time work combined with low-skilled occupations means that 2/3 of workers with the lowest wages are women.
- Despite similar educational achievements between women and men, in 2010 the gender pay gap was 16% between men and women working full time and 31% between all men and women who are employed.
- After decades of higher rates of unemployment for women²⁶, a convergence with men's rate seems to be happening (at respectively 10.2 and 10.3% 2013²⁷). However, the economic crisis has reinforced structural gender patterns in the labour market²⁸.

2.2.2 The impact of gender equality policies on female employment

Collective bargaining and the Annual Gender Equality Report (Rapport de situation comparée - RSC) have been the two main tools of gender equality policies in the domain of employment since 1983. Firms with more than 50 employees must negotiate annually (or every 3 years if an agreement has been reached) on equal pay and on gender equality more broadly. In 2006, a law on equal pay added an obligation to negotiate annually at the sector level with a view to redress the gender pay gap. There is no sanction for failure to negotiate at the branch level but any collective agreement must include an equal pay clause in order to be recognized as valid by the authorities.

des femmes, <http://femmes.gouv.fr/wp-content/uploads/2013/12/20131209-rapport-emploi-femmes-Severine-Lemiere.pdf>

²² EUROSTAT <http://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do>

²³ Pak M. (2013), 'Le temps partiel en 2011', Dares analyses, n°005, janvier.

²⁴ DARES (2013), "La répartition des hommes et des femmes par métiers: une baisse de la ségrégation depuis 30 ans". Dares analyses, Décembre, n°79.

²⁵ Grésy B. (2009), "Rapport préparatoire à la concertation avec les partenaires sociaux sur l'égalité professionnelle entre les femmes et les hommes", Ministère du travail. <http://www.ladocumentationfrancaise.fr/var/storage/rapports-publics/094000313/0000.pdf>

²⁶ Maruani M. and Méron M. (2012), op cit

²⁷ EUROSTAT <http://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do>

²⁸ Milewski F. (2010), « Chômage et emploi des femmes dans la crise en France ». La lettre de l'OFCE., n°318.

However, despite timid progress, implementation is clearly lacking. There is still a failure of diagnose (including problems with data collection in firms) and of negotiation on gender equality in the business sector. Moreover, with respect to equal pay measures, collective bargaining often only mentions the legal obligation without evaluating the pay-gap in the given firm and without proposing concrete measures to reduce the gap²⁹. In 2010, the legal obligation to adopt a gender equality plan or to reach a collective agreement on gender equality in enterprises with more than 50 employees was strengthened with, for the first time, a financial penalty for non-compliance (up to 1% of the total payroll) with enforcement starting in 2012³⁰. However in 2011 only 12% of collective agreements at the firm level included a gender equality clause, while only 3.5% of agreements at the sector level did.

There is a lack of systematic data collection about the Collective Agreements on Gender Equality in Employment (CAGEE) and their contents at the sector and national levels that would enable better monitoring of the policy implementation of the 2006 law on equal pay. However reports ordered by the SDFE show that large firms are more likely to sign a CAGEE than small ones. In 2009, 70% of the firms from the Paris stock index had signed a CAGEE.

While at the bargaining level it appears that there is a lack of data collection and proper analyses of gender inequalities in firms and at the sector level, there is also a failure of the firm/sector actors to appropriate the CAGEE and to transform it into concrete measures. With respect to the implementation of the 2006 law on equal pay it appears that the Direction générale du travail (the administrative authority in charge of controlling collective agreements and their implementation) has consistently pointed to the lack of gender equality clauses at sector level when reviewing collective agreements. At the firm level, the control has been much more lax with the argument that the various stakeholders of collective bargaining had first to become familiar with the objective of gender equality which is, however, legally stipulated since 1983. This loose monitoring reveals that the majority of actors in the private sector (employers, trade unions, administrative controlling authorities) are still reluctant to implement proactive gender equality policies. Moreover, despite improved training on gender equality for state and regional administrations, the implementation of gender equality policies in employment is not properly monitored.³¹

To encourage firms to proactively implement gender equality, an Equality Label was created in 2004 and a network of labelled organizations was set up in 2006. In 2008, 46 organizations had received the label while in 2014, 51 organizations received it (representing almost 750 000 employees). This stagnation again shows that mainly large organizations are setting up equality programs and that the majority of actors in the business sector are not engaging in gender equality programs.

In the same vein, it is theoretically possible to engage in a contractual policy between employers and the national agency for employment to diminish gender occupational segregation in some sectors of economic activity on a voluntary basis as has been attempted since 1983, however, the actors in those sectors have rarely implemented these policies. In an attempt to address barriers to implementation, funding support was made available in 2012

²⁹ Grésy, B. (2009), op cit.

³⁰ Law n° 2010-1330 November 9th 2010.

³¹ Rabier M. (2008) Analyse des accords d'entreprise portant sur l'égalité professionnelle entre les femmes et les hommes signés depuis la loi du 23 mars 2006, Centre Maurice Halbwachs, DRESS/SDFE.

for training programs and for the adaptation of workstations in male-dominated activities.³²

Furthermore to tackle these problems, the recent 2014 Real Gender Equality Law introduced a simplification of the bargaining procedure on gender equality as well as an obligation to negotiate every 5 years on job classifications in order to reduce the gap between men and women due to gender stereotypes in job qualifications (Disposition 2 and 5). It promotes actions to fight against gender stereotypes in employment in the context of continuing education policies and it creates an obligation to adopt an annual gender equality report for public authorities (central and local). Finally, the law also stipulates that businesses which do not respect the legal dispositions on gender equality cannot contract with public authorities.

2.2.3 The impact of 'neutral' employment policies on gender equality

French employment policy is based on a number of 'Supported employment contracts' or 'reinsertion contracts' to encourage private and public organizations to create new jobs. In the non-market sector, women benefit vastly from these 'supported contracts'. However these are mostly part-time, low-skilled jobs with fixed term contracts in the service/care sector. Men benefit more from "supported contracts" with no term limit and closer to full-time employment in the private sector. While 83% of men in this ALP scheme enjoy a full-time 'supported job, only 54% of women in this scheme do so³³.

Public actors in charge of employment policies are increasingly aware of the gender bias in employment policies and in the implementation by their administration. To remedy these biases, Pôle Emploi (the national agency for employment) signed a convention with the Ministry of women's rights and the Ministry of Employment for the period 2013-2018³⁴ in order to decrease gendered occupational segregation and to promote gender equality in employment. Nevertheless, it has to be noted that the administrative staff in charge of implementing employment policies is not immune to gender stereotypes and discrimination. For example, a study on local plans for reinsertion and employment showed that the administrative staff in charge of the policy tends to consider women with young children and women who are at the margin of the labour force as unfit to enter the program and therefore to benefit from personal long-term support for their occupational integration³⁵. In the same vein, following the Vienna 1998 EU Strategy for Employment and its gender equality pillar, the French government had introduced gender equality 'targets' to better include women and to decrease occupational segregation in the various training and reinsertion schemes. However these objectives were abandoned in 2002 and, consequently, women's presence in those schemes decreased and gender segregation remains important³⁶. Besides, the way how the apprenticeship contracts are implemented tend to reinforce gender segregation by sector of employment (81% of girls in apprenticeship are in the service sector against 24% of boys).

³² Decree n° 2011-1830, December 6th 2011.

³³ Lemièrre S. (2014), 'Le partage entre emploi et famille et entre femmes et hommes : une question de politiques...' Regards croisés sur l'économie, n°15, Paris : La Découverte.

³⁴ http://travail-emploi.gouv.fr/IMG/pdf/accord_cadre_national_DGEFP_DGCSSDFE_ET_POLE_EMPLOI.pdf

³⁵ Perrier G. (2011), « Les PLIE : contraintes de résultats et risques d'éviction », *Connaissances de l'emploi*, no. 87, décembre.

³⁶ Lemièrre S. (2013) *Op cit.*

2.2.4 The limits of anti-discrimination policies

Following Directives 2000/78 and 2006/54 of the European Union, France adopted new legislation during the 2000s to counter discrimination in employment on the basis of gender.³⁷ While this legislation constituted an important step and introduced new tools (such as the Testing method to prove discrimination), the current jurisprudence is underdeveloped and heterogeneous due to 1/ the lack of familiarity of French judges with antidiscrimination law, 2/ the insufficient knowledge of stakeholders about antidiscrimination law, be it trade union representatives or self-employed professionals, and 3/ the limited number of victims who lodge complaints.

There are no official statistics to measure the prevalence of discrimination due to pregnancy/maternity leave. However, scholars suspect that they are largely underestimated in the French context. Between 2008 and 2010, the number of complaints of discrimination on the grounds of pregnancy to the body in charge of antidiscrimination created in 2004 increased from 126 to 618.³⁸ Having children and/or being pregnant are still perceived by employers as an impediment to employment and to promotion.

Despite legal protection against unfair dismissal during maternity leave and during 4 weeks after the end of the leave, several recent court cases show that employers routinely contravene the law. Although these cases were decided in favour of the plaintiffs³⁹, they suggest that the protection against discrimination due to pregnancy/maternity is still very much lacking in the private sector.

Unfair criteria in job qualifications or material conditions that discriminate against women have only recently been tackled by new recruitment tools and judicial decisions. The Défenseur des droits (the French independent body monitoring/adjudicating discrimination cases) has issued recent deliberations against the requirement of a minimum body height for jobs in the public sector (e.g. policemen, professional firemen etc.)⁴⁰. Furthermore, the method of recruitment by simulation (which tests potential employees' abilities for the job in situ rather than with pre-defined criteria of job qualifications) has been adopted and promoted by the national agency for employment in its new gender equality convention.

Finally, there is scarce research and no specific policy targeting women who face multiple discrimination and their access to employment and economic independence. France seems to be lagging behind with respect to the analysis of intersectional discrimination that has been developed at the European level.⁴¹

2.2.5 Poverty

In 2009, a new public policy to fight poverty, the Revenu de solidarité active (RSA – active solidarity revenue) was created. It attempts to link the fight against poverty (measured at the

³⁷ Laws of November 16th 2001, December 31st 2004, January 17th 2002, July 26th 2005, March 31st 2006, May 27th 2008.

³⁸ Défenseur des droits (2014). Rapport d'activité annuel. www.defenseurdesdroits.fr/documentation

³⁹ Conseil des Prud'Hommes de Paris, décisions 2010/229 et 2011/1.

⁴⁰ Delibérations 2010-272 et 2010-273, 2011-44, 2011-45 and 2011-46.

⁴¹ Möschel, M. (2014). 'L'intersectionnalité dans le contentieux de la non-discrimination relatif au domaine de l'emploi en France', in REGINE, *Le droit français au prisme du genre*, Paris: Editions du CNRS, pp. 699 - 716

level of the household) with mechanisms to encourage individuals to go back to work. It consists of two modalities: a basic-RSA for families with revenues below a certain threshold, and a complement-RSA for households with revenues above this threshold (hence individuals are encouraged to work in order to cumulate the basic-RSA with the complement-RSA). In order to benefit from the basic-RSA, individuals (men or women) must actively look for additional employment if their current wages are inferior to a certain limit. Single mothers of children younger than 3 years old must look for employment only if their needs for day-care for their children are met. Single mothers' occupational integration is particularly looked after and they can benefit from personal social counselling.

However, the complement-RSA tends to reinforce the traditional division of employment/unemployment in the household. Indeed, if one adult does not work, usually the women, the household can receive the complement-RSA and only the spouse who is working must show that he/she is actively seeking additional employment. Hence, women in poor families are not encouraged to seek employment because if they do, the household runs the risk of losing the complement-RSA allocation⁴². As a consequence, in 60% of poor households with income other than the RSA, the man has income out of work and not the woman⁴³.

2.2.6 Pension reform and gender equality

The 2010 debate on the law reforming the pension system raised increased awareness about the perpetuation of gender inequalities despite redistribution schemes inside the pension system. Prospective analyses show that despite the increase in female participation in the labour market the ratio between women's and men's average pensions will stabilize around 60%, reflecting an important and perpetuated gender gap. Many factors account for the persistence of such an important gender gap: women still earn less than men, they generally still have shorter time in employment, shorter careers and shorter time contributing to their pension, even more so when they have children.⁴⁴ In addition, the 1993 and 2003 reforms of the pension system - which increased the length of contribution (from 37.5 years to 40 in 1993 and 41 in 2012) as well as the number of years taken into account to measure full pension rates (from 10 years to 25 years in 1993) have contributed to a further increase of the gender gap in pensions by strengthening the requirements to reach a full pension rate⁴⁵.

In the current pension system, two measures aim at redressing gender inequalities: for each child, women receive extra trimesters of contribution, and the pension of mothers of 3 children and more is increased by 10%. However, these measures will most likely be insufficient considering the structural factors that fuel the gender gap⁴⁶.

⁴² Périvier H. (2012), 'Travaillez ou mariez-vous ! La régulation sexuée de la pauvreté en France et aux Etats-Unis' Travail, genre et sociétés, 28/2.

⁴³ Lemièrre, S. (2014), Op cit.

⁴⁴ Bac C. and Albert C. (2012). 'Inégalités de pension entre hommes et femmes : du constat de 2009 aux perspectives de 2029' Retraite et société. 63/2

⁴⁵ Bonnet C., Buffeteau S., Godefroy P. (2006). 'Disparités de retraite entre hommes et femmes : quelles évolutions au fil des générations ?' in Economie et statistique, n°398-399, pp 131-148.

⁴⁶ Silvera R. and Méron M. (2004). 'Retraites : inégalités en tous genres', Travail, genre et société, 12/2, p.213-224.

2.2.7 Fiscal policy

France implements a fiscal policy with a family quotient (meaning that with an increasing number of children, households become entitled to tax reductions) as well as a 'conjugal quotient' (quotient conjugal). This second quotient means that a married couple or a couple that has signed a civil union contract declares revenues together. For the calculation of the tax level of each income, this global revenue is divided into two equal shares which raises the lower income and decreases the higher income when it comes to the calculation of the tax level. This means for the member of the couple with the lower revenue that his/her effective marginal tax rate is much higher while the member of the couple with the higher revenue is imposed a lower tax rate than his/her revenue would normally allow. This system discourages the member of the couple who earns less to work more. Since in 2011, three out of four women living in a couple in France earned less than their male partner, the "conjugal quotient" has been widely criticized by feminists and economists alike as fostering gender inequalities and preventing female employment⁴⁷. Moreover, France is one of the only European countries, along with Portugal and Luxemburg, to have a compulsory common tax declaration for married couples: they cannot file their tax declaration individually.

2.2.8 Women's health at work

Hard working conditions that put employees' health at risk are usually identified with male-dominated occupations (toxic products, heavy lifting, night work, etc.). However, women are vastly exposed to other types of physical and psychological health risks. They are more exposed than men to repetitive strain injuries and to psychological strain. The number of women who are victim of an accident in the workplace has increased by 27% between 2000 and 2011, whereas the number of men has decreased by 20% over the same period⁴⁸. So far policy-makers have not identified these issues as requiring specific public action.

⁴⁷ Lemière S. (2013) Op cit.

⁴⁸ Lemière, S. (2014). Op. cit.

2.3 Reconciliation of private and professional life

KEY FINDINGS

- France has a long-standing policy framework to encourage the reconciliation of work and family life.
- For 100 children under 3 years old, there is an average of 53,9 childcare places.
- However, women continue to be in charge of domestic work and child-care.
- Family policies have led to the reduction of mothers' working time and their withdrawal from the labour market, with a particularly strong impact on less educated women.
- Public policies reinforce the traditional division of family responsibilities and inequalities among women.
- Policies for elderly dependent people are insufficient and women perform this care work often unpaid.

France appears to be women and family friendly, with a high level of active women (84%) and one of the higher fertility rates in Europe. Policies towards enrolment of children under 3 years old in public daycare facilities, an extended family allowance, and the positive image of active mothers explain this exception at the European level. Nevertheless, women continue to be in charge of family responsibilities. The activity rate decreases for mothers of one or two children under 12 (respectively 75% and 64%), and is radically lower for mothers of three children under 12 (40%).

2.3.1 Maternity, paternity, parental leave

Maternity leave in France lasts 16 weeks (with a full salary), 6 of which are to be taken before the birth, while paternity leave allows 11 consecutive days off. From the 3rd child on, leave lasts 26 weeks for women, and 18 days for men.

While French policies promote the combination of family and work in order to facilitate and maintain women's employment for their economic independence⁴⁹, some of the political measures have led to the reduction of mothers' working time or their withdrawal from the labour market after birth, with a particularly strong impact on less educated women⁵⁰. Family policies, while they help parents – particularly women – to have a better work-life balance, also reinforce the traditional gendered division of work⁵¹. There are two main policy tools:

- As part of family policy: the Complementary Allowance for the Free Choice of Working Time (complément libre choix d'activité, CLCA) allows one of the parents of a child under 3 years old to either work part-time or to stop working, without any

⁴⁹ Thévenon, O. (2006), 'Régimes d'Etat Social et convention familiale : une analyse des régulations emploi-famille.', *Economies et Sociétés*, 27 (6), pp. 1137-1171.

⁵⁰ Grésy, B. (2009), op. cit.

⁵¹ Fagnani, J. (2001). 'La politique d'accueil de la petite enfance en France : ombres et lumières', *Travail, Genre et Sociétés*, 6, pp. 105-119.

guarantee of returning to his/her job after the leave. Parents who have worked and contributed to the social security pension for at least eight quarters during the 5 previous years can benefit from it. For the first child, such an allowance is available for a maximum of six months. It can be extended to three years for other children, until the child's third birthday.

- As part of labour rights: the Childcare Leave (congé parental d'éducation), remunerated through the CLCA (see above), which is a right to interrupt one's career or reduce the number of hours one works. All employees who have worked at least one year in a company can benefit from it for up to three years and are entitled to return to their position or a similar one afterwards.

Analyses of the actual impact of these policies show that these policies have reinforced the traditional division of family responsibilities among men and women. While policies are formulated in neutral ways, in practice women are the main target (98% of beneficiaries in 2009). In 2012, more than half of the mothers with a child of 8 years old had temporarily stopped or reduced their activity, while only 12% of fathers had done so⁵². When women stop or reduce their employment activity, they become the main person in charge of domestic/family work. These policies also reinforce inequalities among women, as women with stable/skilled jobs tend to reduce their activities, while women in low-skilled/low paid jobs, who are already disadvantaged in the labour market, tend to stop working.

Based on such an assessment, the 2014 Real Gender Equality Law reformed parental leave in order to improve the sharing of parental responsibilities, and implements actions to improve the reconciliation of work and family life and women's employment rate.

- The duration of parental leave may be extended for an additional six months if taken by the second parent.
- Parents of two children can take a leave of three years provided that the second parent uses at least six months.
- Employees who have a spouse who is pregnant can take up to three days of absence from work for mandatory medical examinations.
- To protect self-employed workers with an associate status ('collaborateurs libéraux') the law introduces a contract suspension period and protection against breach of contract on the ground of pregnancy or paternity leave for fathers.

2.3.2 Childcare facilities

France has long been involved in policies targeting the responsibilities of parenthood. The Family Allowance (prestation d'accueil du jeune enfant, PAJE) offers an allowance for childcare costs (complément de libre choix de mode de garde) – different from the above-mentioned CLCA or childcare leave - to families with children under 6 years old and with working parents.

⁵² Grésy, B. (2009), op. cit.

In 2012, there was an average of 53,9 childcare places for every 100 children under 3 years old (compared to 48,3 in 2008) – which surpasses the Barcelona targets by almost 20%⁵³. These childcare places are distributed among various childcare schemes⁵⁴:

- Home based professional child-minder (assistante maternelle) – 31,6%
- Collective facilities – 16,5 % (including public nurseries, occasional daycare facilities (haltes-garderies), companies' organized daycare facilities, parents' organized daycare facilities (crèches parentales))
- Children beginning school earlier than 3 years old – 3,8 %
- Privately hired nannies – 2%

The High Council for the Family (Haut Conseil de la Famille) estimates the extra need to be about 320,000 places (CNAF 2013). The average figures for daycare facilities conceal wide geographical and social disparities. On the one hand, 63% of children under 3 years old still spend most of the week at home with their mother, and evidence shows that 90% of children from families with the highest income benefit from day care outside their home, compared to only 41% of children from low income families⁵⁵. Furthermore, in some geographic areas, the need is covered up to 80%, while in others, coverage reaches only 9%. In the same vein, the National Centre for Family Affairs (Caisse Nationale des Allocations Familiales) assesses annually the difference between what is desired by parents and the actual childcare available. Their findings show that only 44% of the parents who hope for a place in collective facilities actually get it, while 78% of those who hope for a home based child-minder are able to attain it⁵⁶.

These social inequalities can be explained by cost ratios, which remain largely unequal, despite the allowance for daycare costs. Fiscal policy (through tax returns) and family policy (PAJE) help parents to pay for daycare in part, but for parents a home based child-minder is twice as expensive as collective daycare (respectively 10,6% and 4,9% of the salary for a family with one child and two parents earning the French minimum wage). This cost ratio for parents diminishes as salaries go up. Thus for a low-income family that does not get a place in collective daycare, the high cost of a home based child-minder – the most available type of childcare - may result in the withdrawal of the mother from the labour market, in order to take care of her child⁵⁷.

2.3.3 Elderly care

The increase in life expectancy, parallel to the rise of women's activity in the workforce, generates new problems of work-family balance related to the care of dependent elderly parents. Women are usually responsible for caring for family members, and the demographic

⁵³ Thévenon, O. (2013) 'Public Childcare services in the European Union: the Model of France', in European Parliament, Policy Department C: Citizens' Rights and Constitutional Affairs, Workshop of 25 November 2013 on Barcelona Targets revisited, EU, Brussels: [http://www.europarl.europa.eu/RegData/etudes/workshop/join/2013/493037/IPOL-FEMM_AT\(2013\)493037_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/workshop/join/2013/493037/IPOL-FEMM_AT(2013)493037_EN.pdf)

⁵⁴ CNAF (2013), "Les résultats 2013 de l'Observatoire national de la petite enfance". Dossier de presse.

⁵⁵ Enquête « Modes de garde et d'accueil des jeunes enfants », Drees, 2002.

⁵⁶ Chauffaut, D., Crépin, A., Guillaudeau, V. (2012), 'Baromètre de l'accueil du jeune enfant : une situation globalement satisfaisante, des marges de progrès', L'essentiel, 118.

⁵⁷ Lemièrre, S. (2013). Op. cit.

situation may result in a reduction of employed activity or an exit from the labour market in order to care for dependent parents. This problem has not yet been sufficiently taken into consideration in gendered work-family balance policies.

Support for elderly people in France is quite fragmented and shared between the family, public institutions and for-profit and not-for-profit organizations (female family members or female domestic care givers). Available support is largely based on the principle of cash for care, as elderly people have to pay for services and their families remain responsible for them.

Public policies have long consisted of public social insurance (retirement allowance, health insurance, health care system) and tax incentives, allowing people over 70 years old to hire a domestic carer. Since 2001, the personal allowance for autonomy policy (allocation personnalisée d'autonomie, APA), defines support to elderly people over 60 as a universal right. The amount of the allowance depends on elderly people's resources and seldom covers the actual costs.

The French government also recently added in the Labour code a "Family Support Leave" to take care of a dependent parent and a "Family Solidarity Leave" to take care of dependent ascendants, descendants or persons living under the same roof at the end of their life. These types of leave are of 3 months and do not allow for longer-term care for elderly dependent people. In 2010, an "end-of-life support allowance" of 21 days was also created.

In low-income families, women tend to take care of the elderly themselves, while in high-income families they tend to organize the various parties involved, combining public and informal support and privately hired home care-services.

2.4 Eradication of gender-based violence

KEY FINDINGS

- The 4th plan of action doubles the budget for policies against gender-based violence for 2014-2016.
- 4 new laws focused on reduction and prevention since 2006.
- The partnership among Ministries/State Secretariats of Women's Rights, Justice, Transport, Interior, Health, and Education as well as with territorial administrations was strengthened to fight violence against women.
- Policy developments in the area of trafficking in human beings and prostitution have a particular focus on the protection of and assistance for victims.
- The development of research on GBV includes a wide statistical survey on victimization.

Gender-based violence (GBV) has become central to gender equality policy in France and has proved difficult to eradicate. Every year, about 200,000 women experience domestic violence (physic or sexual), often several times, but only 27% report it to a doctor or a

specialized institution⁵⁸. In 2012, 121 women were killed by their partner. As for sexual abuse, 16% of women and 5% of men disclose that they have suffered from a sexual aggression during their lifetime⁵⁹. 83,000 women were raped in 2012⁶⁰. Data on the phenomenon was systematically collected only in 2000 via a national quantitative survey. While there is no regular funding (to repeat the survey and collect new data), a new survey on GBV has nevertheless been launched on the initiative of the National Demographic Institute in 2014 for further surveys or the collection of new data.

2.4.1 Domestic violence

France's first global action plan against gender based violence (PAGBV) was proposed only in 2005 (2005-2007), followed by a second (2008-2010) and a third plan for action (2011-2013). The fourth plan (2014-2016) includes a doubling of the budget allocated compared with the previous term to reach 66 million euros. The PAGVB was reinforced on July 4, 2014 through the ratification of the so called Istanbul Convention⁶¹, as well as the adoption on August 4, 2014 of the new Real Gender Equality Law, which both show the strong commitment of the government.

Several laws have been promoted in recent years to strengthen the law of July 22, 1992, in which intimate partner violence acquired a special status, as spouse or partner abuse became an additional aggravating factor to violence.

- In 2006, a law reinforced prevention and reduction of intimate partner violence and violence against children⁶². It generalized the aggravating factor in a situation of spouse to partner and ex-partner abuse and creates a new tool to exclude the aggressor from the family home.
- In 2010, a specific law was promulgated on violence against women, intimate partner violence and violence against children⁶³. Its main disposition is to create an emergency protection order and to penalize its violation. It creates an offense of harassment within the couple and authorizes the electronic monitoring of the perpetrator. It also takes into account the specific situation of migrant women who are victims of domestic violence. By providing them with a residence permit independent from their spouse, they became free to leave the household in case of GBV⁶⁴. However, implementation of this disposition has been lacking and administrative authorities continue to issue temporary residence permits, usually for 4 months.

Other actions developed in the past to identify and assist women victims of violence include regular information campaigns and, in March 2007, the introduction of a single national phone number, 3919, which is available for victims or witnesses of domestic violence.

⁵⁸ ONDRP. (2011), "Violences physiques ou sexuelles au sein du ménage". Repères, no 15.

⁵⁹ Ministère de la solidarité et de la cohésion sociale. (2011), "Chiffres-clés 2010. Egalité entre les femmes et les hommes". http://femmes.gouv.fr/wp-content/uploads/2012/07/Chiffres_cles_2010_egalite_hommes_femmes.pdf

⁶⁰ Ministère des droits des femmes. (2014), "Vers l'égalité réelle entre les femmes et les hommes. Chiffres clés". Paris. http://femmes.gouv.fr/wp-content/uploads/2014/03/Egalite_Femmes_Hommes_2014.pdf

⁶¹ Convention on preventing and combating violence against women and domestic violence.

⁶² Law no 2006-399.

⁶³ Law n° 2010-769

⁶⁴ This included a possible extension of the duration of the permit.

The 4th PAGBV has developed a new perspective of comprehensive assistance to the victim, involving the partnership and the training of stakeholders to fight violence against women; i.e. the government, associations and local authorities. It also created a “high risk phone line” which can be given by the Prosecutor to women victims of violence who are in danger of experiencing further violence. The PAGBV proposes to limit the use of mediation in cases of domestic violence⁶⁵. It also sets up a network of regional observatories for the fight against violence against women, coordinated by an interministerial delegation. The plan also intends to create 1650 new spaces in shelter – an amount considered to be insufficient⁶⁶ – and to train police officers and magistrates.

Concrete consequences of the 4th PAGBV are 1/ the recent circular from the Justice Ministry to combat intimate partner violence which allows for criminal investigation after filing a complaint or even a simple statement to the police (main courante) and 2/ campaigns to combat gender stereotypes and GBV in education.

2.4.2 Sexual harassment, sexual violence and rape

Despite the December 23, 1980 law no. 80-1041 on prevention and response to rape and sexual aggression (loi relative à la repression du viol et de certains attentats aux moeurs), most civil organizations report that rape remains, as in most countries, widely unpunished and attrition of cases through the criminal justice system is still quite high for reported cases⁶⁷. In 2011 and for the first time, the 3rd PAGVB focused specifically on rape, with the objective to better assist victims and launch an awareness raising campaign⁶⁸. The 4th PAGVD includes the same objective addressing an even wider spectrum of professionals (social workers, police, doctors and midwives, etc.), showing that this complex issue requires long-term solutions.

Since 2004, the FIJAIS (Fichier judiciaire automatisé des auteurs d’infractions sexuelles – Digital record for sexual offenders) provides for automatic registration of serious child and adult sexual offences receiving a sentence of five years or more.

Sexual harassment has been redefined in the August 6, 2012 article of the Criminal code, art. 222-33.⁶⁹ It proposes stronger penalties and a new definition, which is no longer only related to hierarchical work relations. It also creates a new offense that targets discriminatory acts following sexual harassment, as well as an offense of transphobia (aggressive attitude towards transsexuals). Main feminist activists consider this new article as a positive acknowledgment of the feminist perspective, but regret the fact that it is still very difficult for victims to be recognized as such⁷⁰. The French government has opened a specific

⁶⁵ The wide use of mediation, even for cases of very serious acts of intimate violence, has been widely criticized by feminist activists, as it puts the victim and the aggressor on a same level. It focuses more on restoring family ties, than on punishment of a criminal act. See Faget J. (2004). “Médiation et violences conjugales”, *Champ penal*, vol. 1, <http://champpenal.revues.org/50> ; DOI : 10.4000/champpenal.50

⁶⁶ Hagmann-White, C., Bohn, S. (2007), *Etude analytique de la mise en œuvre effective de la Recommandation Rec(2002)5 sur la protection des femmes contre la violence dans les Etats membres du Conseil de l’Europe*, Direction générale des droits de l’Homme et des affaires juridiques, ateliers du Conseil de l’Europe, Strasbourg.

⁶⁷ Lovett J, Kelly L. (2011), Different systems, similar outcomes ? Tracking attrition in reported rape cases across Europe. <http://kunskapsbanken.nck.uu.se/nckkb/nck/publik/fil/visa/197/different>

⁶⁸ European Parliament, Policy Department C: Citizens’ Rights and Constitutional Affairs, *Worldwide best practices for rape prevention and assisting victims of rape*, European Union, Brussels [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/493025/IPOL-FEMM_ET\(2013\)493025_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/493025/IPOL-FEMM_ET(2013)493025_EN.pdf)

⁶⁹ Law n° 2012-954

⁷⁰ Le Magueresse, C. (2014), “La reconnaissance législative et jurisprudentielle du harcèlement sexuel, une victoire

website on the topic: <http://stop-harcelement-sexuel.gouv.fr>.

2.4.3 Trafficking in human beings and prostitution

Recent developments to fight GBV have focused particularly on trafficking in human beings and prostitution. In 2013, a new bill was adopted which aims at fighting the prostitution system including a criminalisation of clients, but the Senate rejected this specific idea in 2014. The bill also proposed to repeal the prohibition of passive soliciting. Such a proposal means a shift away from the usual perspective adopted on prostitution in France, which was based on the protection of public order, rather to an approach based on victim protection and assistance.

The bill relates to a larger action plan to fight against all forms of trafficking and protect victims. It aims at identifying and assisting victims through better support by NGOs, dismantling trafficking networks, and proposing a real policy on trafficking in human beings, with nationally collected statistics and a complete administrative architecture. As for the legal framework, the 18 March 2003 law, no 2003-239 for Interior security (loi sur la sécurité intérieure), introduced a specific offense of human trafficking in the Criminal Code. In 2013, the August 5 law, no. 2013-711 art.1, redefined this specific notion following that of Convention 197 of the Council of Europe, adopted in May 2005, and the recent EU Directive 2011/36 on preventing and combating trafficking in human beings and protecting its victims.

2.4.4 Stalking and public places

A generally forgotten aspect of gender-based violence⁷¹, acts of violence in public places, is also taken into consideration by the new partnership between the State Secretariat of Transport and the State Secretariat of the Rights of Women. A new work group was recently set up to report on violence against women in public transportation.

2.5 Sexual and reproductive health rights

KEY FINDINGS

- Abortion and contraception are (sufficiently) legally protected and accessible in practice. Recent policy initiatives improved equal access by decreasing costs and providing improved information.
- Female genital mutilation is an emerging domain of public policies.
- Surrogate pregnancy is strictly forbidden by law.
- Assisted reproduction technology is not available for gay and lesbian couples despite the legalization of same-sex marriage.
- Women's health at work is insufficiently addressed by public policies.

féministe ? (1992-2012) ", Cahiers du Genre, 2014/2 n° 57, p. 115-138.

⁷¹ Lieber, M. (2008). Genre, violences et espaces publics. La vulnérabilité des femmes en question, Paris, Presses de Sciencepo.

Although France has a tradition of public policies in favour of affordable and accessible abortion, contraception and pregnancy care, a 2008 report commissioned by the Ministry of Health looked at gender inequalities in health and showed important disparities. However, no systematic public action exists in this domain.

- Women live longer than men and consequently they have more health problems in old age.
- Women are more likely to renounce healthcare for economic reasons.
- Women face important psychosocial risks at work⁷² and are too often victims of domestic violence⁷³.
- Women of disadvantaged groups suffer more from obesity, are less likely to follow recommended screenings and have lower prenatal coverage⁷⁴.

2.5.1 Abortion and contraception

The 1967 law legalizing contraception and the 1975 law legalizing abortion⁷⁵ have allowed a wide diffusion of modern medical contraception: more than 82% of French women who do not want to be pregnant use a method of contraception – mostly birth control pills - reimbursed by the social security system. Since 1975, the number of abortions has remained stable in France.

Several laws regulate contraception and abortion:

- The December 31, 1982 law implements the reimbursement of all costs of abortion by the social security system.⁷⁶
- The January 27, 1993 law creates a criminal offense of obstruction to abortion.⁷⁷
- The December 13, 2000 law allows the dispensing without prescription of emergency contraceptives.⁷⁸
- The July 4, 2001 law on abortion and contraception⁷⁹, which removes parental consent for minors' access to contraception, extends the statutory period of an abortion to 12 weeks, adjusts parental consent for minors seeking an abortion, and broadens the offense of obstruction. It also allows for drug-induced abortion by medical practitioners. Furthermore, abortion is not anymore part of the penal code, but is embedded in the Public Health code.

⁷² Lemière, S. (2013), Op. cit.

⁷³ Beck F, Cavalin C, Maillolochon F. (dir.) (2010), *Violences et santé en France. État des lieux*, Paris, La Documentation française.

⁷⁴ DRESS (2009), *La santé des femmes en France*, Paris, la documentation française.

⁷⁵ Law "Neuwith", n° 67-116 and Law "Veil", n° 75-17.

⁷⁶ Law "Roudy", n° 82-1172.

⁷⁷ Law "Neiertz", n° 93-121.

⁷⁸ Law n° 2000-1209.

⁷⁹ Law "Aubry", n° 2001-588.

Despite this comprehensive legal framework, a recent report highlights that women's right to abortion is not fully implemented⁸⁰, as additional non covered costs may be very high or information not available. Thus, the government recently developed several initiatives:

- The March 25, 2013 legislative decree no 2013-248 establishes the full coverage of costs of abortion by the health insurance and free contraception for minors over 15 years old.
- A new website provides all necessary information on abortion: ivg.gouv.fr.
- The July 31, 2014 new Real Gender Equality Law clarifies the offense of obstruction and extends it to people who obstruct information on abortion. It also removes the notion of distress, part of the 1975 Veil Law allowing medical abortion "for women in a situation of distress".
- A 3-year convention with the family planning network was signed for an amount of 263,000 euros.

2.5.2 Female Genital Mutilations

Female genital mutilation (FGM) is an emerging focus for public health actors. Women who suffered FGM are subject to higher medical risks: urinary and obstetrical infections, pains, complications in labour, and painful sexual life. In France, 55,000 girls are at risk of FGM⁸¹.

FGM is considered in France a criminal offense, as an assault leading to permanent mutilation. Usually punishable by 10 years of imprisonment, it becomes a crime punishable by 15 to 20 years of imprisonment when the victim is a minor under 15 years old (Art. 222-9 and 222-10 from the penal code). If the perpetrator is not a French citizen, they can also be expelled from France for 5 years (Art. 222-47 of the penal code). In the case of FGM practiced outside of France, in accordance with the obligation of the medical profession to denounce child sexual abuse cases, doctors, when aware, must alert authorities.

2.5.3 Assisted reproduction technology and surrogacy

The recent legalization of same-sex marriage (Taubira law no. 2014-404 of May 17, 2013) was strongly opposed by the "Protest for all" (Manif pour tous) and its rejection of the notion of gender. This specific context contributed to a large debate and a specific framing of the question of assisted reproduction technology (ART) and surrogacy, with a controversy focusing on equal rights for hetero and homosexual couples on the one hand, and a reaffirmation of the very nature of gender difference and the centrality of the heterosexual traditional family, on the other hand.

Surrogacy is strictly forbidden in France since 1991 by a decision of the Plenary Assembly of the Court of Cassation (May 31, 1991, 90-20.105), but, since June 2014, children born abroad from French parents can obtain French citizenship, after a ruling of the European Court of Human Rights on the ground of "the best interest of children" (this case-law is not definitive and may still be reversed).

⁸⁰ HCEfh (2013), Rapport relatif à l'accès à l'IVG. Rapport no 2013-1104-SAN-009.

⁸¹ Andro A, Lesclingand M, Cambois E, Cirbeau C. (2009), Excision et Handicap, rapport final, Paris, Ined.

The 2004 law on bioethics regulates assisted reproduction technology.⁸² It is strictly restricted to infertile married heterosexual couples or couples that can prove they have lived together for at least two years. The recent debate on marriage for same-sex couples has also raised the question of authorizing ART for lesbian couples. The law on same-sex couples did not legislate on this matter. After several court decisions, which refused the adoption of the child of one spouse of lesbian couples, the Cassation Court decided on September 22, 2014 (Avis 15011) that the female spouse of a mother can adopt a child conceived by artificial insemination. Nevertheless, this decision is strictly restricted to ART done abroad (mostly in Belgium), since in France ART remains possible only for heterosexual couples.

2.6 Gender stereotypes

KEY FINDINGS

- Gender stereotypes in education and media is a new area of public awareness, debate and policy development.
- Despite increasing awareness and policy expertise, implementation of the few existing policy and judicial tools is lacking.
- 30 years of policies to fight gender stereotypes in education have led to only poor and timid results.
- Social mobilization against same-sex marriage and “gender theory” has led the government to stop the implementation of gender equality programs in public primary schools.
- A new innovative structural approach using gender budgeting and making public funding for media conditional to gender balance and un-stereotyped representations of women has been proposed by the HCEfh.

On October 20, 2014 the HCEfh published a report on gender stereotypes in education and in the media in France.⁸³ Data collected showed that only 10% of characters represented in schoolbooks are women. In the media, women occupy only 32% of talking time on TV, one third of reporting topics for all media, 11% of reporting topics for the press, and only one-fifth of experts interviewed on TV and on the radio. Women represented 37.5% of journalists in 1996 and represent more than 43% of journalists today.

2.6.1 Public authorities

While public authorities should set an example and not contribute to the diffusion of gender stereotypes, the 2014 HCEfh report notes that public institutions often diffuse similar gender stereotypes as those found in the media. Isolated initiatives from municipalities or regions to ban gender stereotypes from their public communication can be found but no centralized policy has emerged as of yet.

⁸² Law n° 2004-800

⁸³ www.haut-conseil-egalite.gouv.fr/IMG/pdf/rapport_hce-2014-1020-ster-013.pdf

The lack of awareness of sexism by public authorities is particularly blatant with respect to the feminization of titles in the civil service and beyond. In 1986, a circular from the Prime Minister imposed to all public authorities the feminization of the names of professions, functions and titles.⁸⁴ However, 12 years later, in 1998, due to lack of implementation, the Prime Minister had to re-issue the same injunction to public authorities to feminize titles and professions. Today, 25 years later, the feminization of functions and titles has still not been implemented by agents in the public administration and even less so in the private/civil society sectors. Policy documents such as the 2014 report on gender stereotypes regularly called for the implementation of the existing circulars.

2.6.2 Media

Awareness about the importance of media in producing and reproducing gender stereotypes has grown in the French public sphere, in part due to the European Parliament resolution 2008/2038 on "How marketing and advertising affect equality between women and men" and the 2010/13 Audiovisual Media Services Directive.

The body in charge of monitoring the media, the Conseil Supérieur de l'Audiovisuel (CSA), is supposed to monitor sexism. However between 2000 and 2007 it was rarely appealed to on the grounds of sexism and did not issue any sanction. In 2010, its mandate was extended to include the monitoring of sexist prejudices and domestic violence in the media. Consequently, in 2013, the CSA issued 7 sanctions against various TV and radio shows. The 2014 Real Gender Equality Law reminds the CSA of its mission to fight sexism and gender stereotypes.

In 1983, the Minister of Women's Rights, Yvette Roudy, proposed a law to fight sexism in the media. The media's reaction was so negative that the government decided not to put the bill to vote. 20 years later, in 2004, a similar law was finally passed to sanction sexist insults in any type of means of public communication and advertisement. However, between 2004 and 2011 the courts did not issue a single condemnation on the grounds of sexist insult. The time limit to lodge a complaint was extended from 3 months to a year by the 2014 Real Gender Equality Law, which is expected to lead to more court cases and more sanctions.

In 2008, a commission was set up to study gender stereotypes in the media and issued a first report. In 2010 the main press organs, radio stations and TV channels signed a convention with the State Secretary for Family and Solidarity. The convention aims at redressing women's underrepresentation in the media and fighting gender stereotypes. A new commission was set up to monitor the implementation of this convention but it has issued so far only one report, in 2011, which concludes that, after a year of self-regulation policy the results on the presence of female experts in the media are poor and disappointing.

Only the French public TV channel (France television) has announced in 2013 numbered targets to be reached: 30% of female experts on TV shows for 2014 and at least 25% of women represented on each show. The French public radio has adopted a similar 30% target.

⁸⁴ Circulaire du Premier ministre du 11 mars 1986

The HCEfh's 2014 report proposes to make public funding for media conditional on gender balance and non-sexist representations of women. It also proposes to equip social actors with the right tools to identify sexism and stereotypes. It provides a rubric with criteria to judge if a text or an image reproduces negative gender stereotypes.

2.6.3 Education

Since 1997, three official reports have stressed the gender imbalance in schoolbooks and the persistence of gender stereotypes in the teaching of history in particular. The 2013 law on education clearly expresses the need to integrate the aim of gender equality into the teaching of morals and civics.⁸⁵ However the topic of gender equality still seems underrepresented in teaching.

Since 1984, no less than five conventions for gender equality in education (for pupils and teachers) were signed by public authorities with a particular focus on decreasing gendered segregation of vocational schooling and disciplines with the aim to bring girls into technical/scientific disciplines. In 2000, the policy objectives were extended to take into account pedagogy, homophobia, sexism in schoolbooks, and boys' vocational and academic orientation. However, these conventions, because they focused mainly on informing girls about scientific careers, did not bring any transformation of the gender segregation in the vocational and academic systems: they do not tackle the psychological and sociological roots of the problems which lie in pedagogy, teachers attitudes, interactions at school, etc. The latest convention, signed in 2013 between 8 ministries, insists on the need to specifically train teachers on gender equality and stereotypes. This objective has also been recently included in the 2013 law on education as part of the training of future school teachers.

Finally, in 2013-2014, a pilot project in 600 primary schools called 'ABCD de l'égalité' (ABCD of Equality) was implemented to familiarize young children with gender equality and to counter gender stereotypes. In the context of the social mobilization against same-sex marriage in France this policy initiative was vividly criticized as indoctrinating young children and an attempt to change their natural gender identities. In the face of the strong mobilization of this minority group, the government decided to stop the pilot project, and announced that another program would replace it.

⁸⁵ Law n° 2013-595

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