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Assembly

## Research and Information Service Briefing Paper

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# Act for Real Equality between Women and Men - France

## 1 Introduction

This paper summarises the *Loi N° 2014-873 pour l'égalité réelle entre les femmes et les hommes*<sup>1</sup>. The Bill was introduced in the *Sénat* on 3 July 2013 and passed into law on 4 August 2014<sup>2</sup>.

The paper gives a brief background to the Act and summarises some of the key provisions in relation to their intended impact on gender equality in France.

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<sup>1</sup> LOI n° 2014-873 du 4 août 2014 pour l'égalité réelle entre les femmes et les hommes:  
<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000029330832>.

<sup>2</sup> For stages of the Bill, see *Projet de loi pour l'égalité entre les femmes et les hommes*: <http://www.senat.fr/dossier-legislatif/pl12-717.html>.

## 2 Background and Purpose of the Act

The objective of the Gender Equality Bill was for the equality of women and men in all its dimensions, specifically<sup>3</sup>:

- Professional equality
- Fight against specific vulnerabilities for women
- Protection of women from violence
- The image of women in the media
- Political, social and professional parity

The origins of the Bill derived from the conclusions of an inter-ministerial committee on the rights of women and equality between women and men in November 2012. This set out a number of 'immediate and strong' measures to advance equality between women and men along the following themes<sup>4</sup>:

- Tackling the habits of inequality from the youngest age
- Lightening the constraints of the daily lives of women and lifting the obstacles to professional equality
- Placing the reduction of inequalities between women and men at the heart of health policy
- Protecting women against violence
- Reducing inequality in all areas of action
- Affirming women's rights at the international level

As a consequence of this initiative, each department was required to draft an action plan in relation to women's rights<sup>5</sup>.

The Minister for Women's Rights, Najat Vallaud Belacem, introduced the *Projet de Loi pour l'égalité entre les femmes et les hommes* in the *Sénat* on 3 July 2013. While both houses passed draft texts, there was need of a Joint Committee (*Commission mixte paritaire*) for a version acceptable to both houses, which passed an agreed text to the Constitutional Council on 23 July 2014. Following the removal of two Sections (7 and

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<sup>3</sup>Projet de loi pour l'égalité réelle entre les femmes et les hommes, 'Objet du texte': <http://www.senat.fr/dossier-legislatif/pjl12-717.html>.

<sup>4</sup>Comité interministériel aux droits des femmes et à l'égalité entre les femmes et les hommes (2012), *Une troisième génération des droits des femmes: vers une société de l'égalité réelle*, Paris: Premier Minsitre: <http://femmes.gouv.fr/wp-content/uploads/2012/11/CI-DDF-RELEVE-V7.pdf>.

<sup>5</sup>Droits des Femmes : les feuilles de route ministérielles, Ministère des Drois des Femmes, accessed 28 January 2014: <http://femmes.gouv.fr/droits-des-femmes-les-feuilles-de-route-ministerielles/>.

10) due to reservations of the Constitutional Council, the Bill was passed into law (*promulguée*) on 4 August 2014<sup>6</sup>.

### 3 Provisions of the Act

French law contains a series of *Codes* which cover particular areas and are amended by legislation. The *Codes* amended by this Act are summarised at Appendix 2. This section summarises some of the main provisions of the Act.

Article 1 sets out the purpose of the Act, as follows:

1. Preventative and protective actions to combat violence against women and attacks on their dignity
2. Actions to reinforce acting against prostitution
3. Actions intended to prevent and combat sexist stereotypes
4. Actions regarded as ensuring women's sexual autonomy, notably access to contraception and abortion
5. Actions to combat the vulnerability of women
6. Actions regarded as guaranteeing professional and remunerative equality and the desegregation of occupations
7. Actions in favour of a better work-life balance and the equal division of parental responsibility
8. Actions seen as favouring equal access of women and men to electoral representation and public life, as well as positions of professional and social responsibility
9. Actions regarded as guaranteeing equality of treatment between women and men and their equal access to artistic creation and production, as well as the distribution of works
10. Actions seen as bringing to public attention French and international research on the social construction of gender roles

Some of the key provisions of the Act are discussed below.

#### **Promotion of equality in private companies**

Article 16 of the Act provides for the exclusion of companies from applying for public contracts if they have been subject of a successful discrimination case or for the non-respect of professional equality between women and men<sup>7</sup>.

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<sup>6</sup> A brief summary of the passage of French legislation is at Appendix 1.

The aim is to encourage more equitable practices in private companies by imposing a financial penalty, i.e. that companies with a poor track record on discrimination will not be awarded public contracts.

### **Shared parental leave**

Parental leave is extended by an additional six months, provided that six months is taken by the second parent. Currently, parents of one child may take six months. The parental leave for a second child onwards remains at three years, but the Act provides that at least six months of this must be taken by the second parent, otherwise only two and a half years may be taken<sup>8</sup>.

These provisions are aimed at encouraging more parents to share time off to look after children, as currently this is mainly done by women. By making time off more equal, it is intended to make women's and men's lifetime incomes more equal and encourage sharing of domestic responsibilities.

### **Guarantee of child maintenance payments**

The legislation provides for the assurance, on an experimental basis, that child maintenance will be guaranteed by the state. This is to remedy the problem of unpaid child maintenance, predominantly to female single parents, where the state takes responsibility rather than placing the onus on the individual<sup>9</sup>.

### **Protection of victims of domestic violence**

The process for protection orders is to be speeded up and renewal of the order is to be made easier. Most victims of domestic violence are women and this arrangement will ensure that they are initially protected quickly and that continued protection is available if needed without gaps between expiry and renewal. In addition, the abuser will now be required to leave accommodation shared with the abused, with the victim being maintained in the home.<sup>10</sup>

A scheme for the issue of emergency telephones to women in most danger from domestic violence is to be extended to the whole of France. This provision is intended

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<sup>7</sup> 'L'interdiction de soumissionner aux contrats publics posée par la nouvelle loi Egalité femmes-hommes', *Le Moniteur* 25 July 2014: <http://www.lemoniteur.fr/165-commande-publique/article/actualite/24969592-l-interdiction-de-soumissionner-aux-contrats-publics-posee-par-la-nouvelle-loi-egalite-femmes-hommes>.

<sup>8</sup> 'Le congé parental pour les pères a été voté', *Le Monde* 23 July 2014: [http://www.lemonde.fr/societe/article/2014/07/23/le-projet-de-loi-sur-l-egalite-hommes-femmes-definitivement-adopte-au-senat\\_4461741\\_3224.html](http://www.lemonde.fr/societe/article/2014/07/23/le-projet-de-loi-sur-l-egalite-hommes-femmes-definitivement-adopte-au-senat_4461741_3224.html).

<sup>9</sup> 'Une garantie contre les pensions alimentaires impayées expérimentée dans 20 départements', *Libération* 12 February 2014: [http://www.liberation.fr/societe/2014/02/12/une-garantie-contre-les-pensions-alimentaires-impayees-experimentee-dans-20-departements\\_979696](http://www.liberation.fr/societe/2014/02/12/une-garantie-contre-les-pensions-alimentaires-impayees-experimentee-dans-20-departements_979696).

<sup>10</sup> 'Egalité femmes-hommes : une loi pour faire changer les mentalités', French Government website, accessed 12 September 2014: <http://www.gouvernement.fr/gouvernement/egalite-femmes-hommes-une-loi-pour-faire-changer-les-mentalites>.

to protect the most vulnerable women, as there were 146 deaths in France because of domestic violence during 2013<sup>11</sup>.

### Representation of women in society

A variety of measures are provided for in the Act to increase the representation of women in decision-making in key areas of society and to address negative stereotypes of women.

The Conseil Supérieur de l'Audiovisuel (CSA)<sup>12</sup>, the body which oversees media freedom in France, is to receive new responsibilities to challenge broadcasts that are sexist or have images degrading to women<sup>13</sup>. In addition, beauty pageants for girls under thirteen years old are to be prohibited and for girls aged 13-16 years, official permission will be required<sup>14</sup>. This is to address the 'mini-miss' phenomenon, which is deemed to sexualise girls at a young age.

Provisions to assure greater representation of women include the following:

- France has gender parity laws for candidates for political office in certain elections in France<sup>15</sup>. The legislation provides for the more effective application of penalties for infringement of this obligation.
- Bodies representing sports in which there is more than 25% female participation have to have 40% women on their boards; those with less than 25% female participation must have 25% women on their boards<sup>16</sup>.
- The parity obligation is to be applied to public institutions and local chambers of commerce and is to be phased in to all consultative bodies of the state<sup>17</sup>.

The application of quotas to increase women's participation and normalise equal representation has been a matter of significant debate<sup>18</sup>. France has used quotas in a number of areas since 2000<sup>19</sup>:

<sup>11</sup> 'Violences conjugales : le téléphone d'alerte va être généralisé', *Le Monde* 22 August 2014:

[http://www.lemonde.fr/societe/article/2014/08/22/le-telephone-d-alerte-pour-lutter-contre-les-violences-conjugales-generalise\\_4475364\\_3224.html](http://www.lemonde.fr/societe/article/2014/08/22/le-telephone-d-alerte-pour-lutter-contre-les-violences-conjugales-generalise_4475364_3224.html).

<sup>12</sup> Conseil Supérieur de l'Audiovisuel website: <http://www.csa.fr/>.

<sup>13</sup> 'Une nouvelle loi contre les stéréotypes sexistes dans l'audiovisuel public (Chiennes de garde)', *l'Humanité* 24 July 2014: <http://www.humanite.fr/une-nouvelle-loi-contre-les-stereotypes-sexistes-dans-laudiovisuel-public-chiennes-de-garde-548168>.

<sup>14</sup> 'Les concours de beauté pour enfants sont interdits en France', *Le Particulier* 7 August 2014:

[http://www.leparticulier.fr/jcms/p1\\_1565778/les-concours-de-beaute-pour-enfants-sont-interdits-en-france](http://www.leparticulier.fr/jcms/p1_1565778/les-concours-de-beaute-pour-enfants-sont-interdits-en-france).

<sup>15</sup> See Research and Information Service Research Paper 9/14 *Women in the Northern Ireland Assembly* 3 September 2013, pp.17, 18: [http://www.niassembly.gov.uk/Documents/RaISe/Publications/2014/assembly\\_exec\\_review/potter0914.pdf](http://www.niassembly.gov.uk/Documents/RaISe/Publications/2014/assembly_exec_review/potter0914.pdf).

<sup>16</sup> Article 63, Projet de loi pour l'égalité entre les femmes et les homes.

<sup>17</sup> *Egalité femmes-hommes : une loi pour faire changer les mentalités*, French Government website, accessed 12 September 2014.

<sup>18</sup> See Research and Information Service Briefing Paper 57/14 *The Use of Quotas to Increase the Political Representation of Women* 21 May 2014: [http://www.niassembly.gov.uk/Documents/RaISe/Publications/2014/assembly\\_exec\\_review/5714.pdf](http://www.niassembly.gov.uk/Documents/RaISe/Publications/2014/assembly_exec_review/5714.pdf).

<sup>19</sup> Annick Masselot and Anthony Maymont (2014), 'Balanced Representation between Men and Women in Business Law: The French 'Quota' System to the Test of EU Legislation', *Centre for European Law and Legal Studies online papers*, 3(2), pp.11-16.

- Law of 6 June 2000 to improve the political representation of women<sup>20</sup>
- Law of 9 May 2001 requiring balanced representation of women in juries, selection committees and advisory bodies in government<sup>21</sup>
- Law of 27 January 2011 introducing a 40% gender quota for boards of listed companies<sup>22</sup>
- Law of 12 March 2012 requiring at least 40% of each sex on boards and equivalent bodies of public institutions<sup>23</sup>
- Law of 26 July 2013 requiring a gender balance on the High Council for Financial Stability<sup>24</sup>

One critique of the 2014 Act is that the parity principle is only being applied to public bodies, rather than private companies<sup>25</sup>.

### Abortion

Article 24 of the Act provides that women do not have to give a reason to have an abortion. Previously, women have had to demonstrate a 'situation of distress' before having a termination<sup>26</sup>.

<sup>20</sup> LOI no 2000-493 du 6 juin 2000 tendant à favoriser l'égal accès des femmes et des hommes aux mandats électoraux et fonctions électives:

<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000400185&fastPos=1&fastReqId=349628527&categorieLien=id&oldAction=rechTexte>.

<sup>21</sup> LOI no 2001-397 du 9 mai 2001 relative à l'égalité professionnelle entre les femmes et les hommes:

<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000756495&fastPos=2&fastReqId=915561736&categorieLien=id&oldAction=rechTexte>.

<sup>22</sup> LOI n° 2011-103 du 27 janvier 2011 relative à la représentation équilibrée des femmes et des hommes au sein des conseils d'administration et de surveillance et à l'égalité professionnelle:

<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000023487662>.

<sup>23</sup> LOI n° 2012-347 du 12 mars 2012 relative à l'accès à l'emploi titulaire et à l'amélioration des conditions d'emploi des agents contractuels dans la fonction publique, à la lutte contre les discriminations et portant diverses dispositions relatives à la fonction publique: <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000025489865>.

<sup>24</sup> LOI n° 2013-672 du 26 juillet 2013 de séparation et de régulation des activités bancaires, Articles 30 and 79:

<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000027754539>.

<sup>25</sup> Annick Masselot and Anthony Maymont (2014), 'Balanced Representation between Men and Women in Business Law: The French 'Quota' System to the Test of EU Legislation', *Centre for European Law and Legal Studies online papers*, 3(2), p.13.

<sup>26</sup> 'La loi égalité hommes-femmes promulguée', *Le Figaro* 5 August 2014: <http://www.lefigaro.fr/flash-actu/2014/08/05/97001-20140805FILWWW00152-la-loi-egalite-hommes-femmes-promulguee.php>.

## 4 Summary

This has been a brief introduction to a large and wide-ranging law to address inequalities between women and men in France. A Bill which originally comprised 25 clauses was passed into law as an Act with 77 sections (*Articles*). This has therefore only been a broad overview.

The Act is intended as a multi-dimensional approach to addressing inequalities between women and men, as indicated by the considerable number of *Codes* that have been amended by the legislation (see Appendix 2), which encompass multiple arenas of social, political and economic life.

The official French Government summary of the Act states<sup>27</sup>:

*The key steps taken are intended to encourage fathers to take parental leave, to make access to public procurement conditional on professional equality in companies, protect single mothers from unpaid child maintenance, or to extend the principle of parity to all areas of responsibility.*

While some measures are specific and practical, for example to protect vulnerable women from domestic violence, single parents from losing child maintenance or young girls from sexualisation at an early age, many of the other measures in themselves are not expected to create gender equality, but to 'change mentalities'. For example, encouraging more men to share parental responsibility at home, insisting on gender parity in a range of decision-making scenarios and addressing stereotyping in the media are intended to change social attitudes towards gender roles more generally over time.

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<sup>27</sup> 'Egalité femmes-hommes : une loi pour faire changer les mentalités', French Government website, accessed 12 September 2014: <http://www.gouvernement.fr/gouvernement/egalite-femmes-hommes-une-loi-pour-faire-changer-les-mentalites>.

## Appendix 1: Summary of the Passage of Legislation in France<sup>28</sup>

Introduction (*dépôt*) of a Bill (*Projet de Loi*) to either House (*Assemblée Nationale* or *Sénat*)

The Bill is printed and sent to all Members (*Députés* or *Sénateurs*)

The Bill is discussed in a Committee (*Commission*)

The Committee publishes a report on the Bill

There is a debate in plenary (*Séance Publique*), where the general principles are discussed in the relevant House, clauses (*articles*) debated and the whole Bill voted upon

The Bill passes to the other House, where it undergoes the same Committee and plenary process

Both Houses have to agree an identical text, which can lead to a 'shuttle' (*navette*) between the two Houses

If there is no agreement, or the Government directs, a Joint Committee (*Commission Mixte Paritaire*) is appointed to decide an agreed text

Once passed, the Bill has to go to the Constitutional Council (*Conseil Constitutionnel*) to check compliance with the Constitution

The Bill becomes law by Presidential proclamation (*promulgation*)

<sup>28</sup> Summarised from 'La procédure législative', website of the Assemblée Nationale, accessed 27 January 2014: [http://www.assemblee-nationale.fr/connaissance/fiches\\_synthese/fiche\\_32.asp](http://www.assemblee-nationale.fr/connaissance/fiches_synthese/fiche_32.asp).



## Appendix 2: Summary of Codes Amended by the Act

- *Code du Travail* – Labour Code<sup>29</sup>
- *Code de la Sécurité Sociale* – Social Security Code<sup>30</sup>
- *Code de la Santé Publique* - Public Health Code<sup>31</sup>
- *Code de la Consommation* – Consumer Code<sup>32</sup>
- *Code Civil* – Civil Code<sup>33</sup>
- *Code Rural et de la Pêche Maritime* – Rural and Sea Fishing Code<sup>34</sup>
- *Code de l'Urbanisme* – Town Planning Code<sup>35</sup>
- *Code de la Construction et de l'Habitation* – Construction and Housing Code<sup>36</sup>
- *Code de l'Action Sociale et des Familles* – Social Action and Family Code<sup>37</sup>
- *Code de Procédure Pénale* – Criminal Procedure Code<sup>38</sup>
- *Code Pénal* – Criminal Code<sup>39</sup>
- *Code de la Défense* – Defence Code<sup>40</sup>
- *Code de l'Entrée et du Séjour des Étrangers et du Droit d'Asile* – Code for Foreigners to Enter and Stay and for the Right of Asylum<sup>41</sup>
- *Code Général des Collectivités Territoriales* – Code for Local Authorities<sup>42</sup>
- *Code Électoral* – Electoral Code<sup>43</sup>
- *Code du Sport* – Sports Code<sup>44</sup>
- *Code du Commerce* – Commercial Code<sup>45</sup>

<sup>29</sup> *Code du Travail*: <http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006072050>.

<sup>30</sup> *Code de la Sécurité Sociale*: <http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006073189>.

<sup>31</sup> *Code de la Santé Publique*: <http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006072665>.

<sup>32</sup> *Code de la Consommation*: <http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006069565>.

<sup>33</sup> *Code Civil*: <http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006070721>.

<sup>34</sup> *Code Rural et de la Pêche Maritime*: <http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006071367>.

<sup>35</sup> *Code de l'Urbanisme*: <http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006074075>.

<sup>36</sup> *Code de la Construction et de l'Habitation*: <http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006074096>.

<sup>37</sup> *Code de l'Action Sociale et des Familles*: <http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006074069>.

<sup>38</sup> *Code de Procédure Pénale*: <http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006071154>.

<sup>39</sup> *Code Pénal*: <http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006070719>.

<sup>40</sup> *Code de la Défense*: <http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006070719>.

<sup>41</sup> *Code de l'Entrée et du Séjour des Étrangers et du Droit d'Asile*:  
<http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006070158>.

<sup>42</sup> *Code Général des Collectivités Territoriales*: <http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006070633>.

<sup>43</sup> *Code Électoral*: <http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006070239>.

<sup>44</sup> *Code du Sport*: <http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006071318>.

<sup>45</sup> *Code du Commerce*: <http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000005634379>.

- *Code de l'Artisanat* – Code for Crafts<sup>46</sup>

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<sup>46</sup> *Code de l'Artisanat*: <http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006075116>.