

# France

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## About

Equality is one of the fundamental ideals underpinning the French Constitution. The principle of gender equality was introduced in the Preamble to the 1946 Constitution, which, like the 1958 Constitution, referenced the 1789 Declaration of the Rights of Man and the Citizen.

The re-establishing of a Secretary of State for Women's Rights and Equality in the Workplace in 2000 gave new impetus to domestic gender equality policy and to the full integration of gender equality in the European Union (EU) legal framework.

After the 2012 elections, increased commitment to gender equality saw the re-establishment of an independent Women's Rights Ministry, which had been shut down two decades previously. This led to the compulsory adoption of a gender equality action plan by each ministry, as well as the appointment of gender equality officers in each policy area, answerable to the Minister for Women's Rights. However, the government has now downgraded the responsibility level for promoting gender equality to that of assistant Minister/State Secretary.

France's approach to gender mainstreaming is intended to be realised through the institutionalisation of gender equality structures and inter-ministerial cooperation. For example, the Service for Women's Rights and Gender Equality (SDFE) is responsible for mainstreaming gender at local level.

Although there is a legal basis for gender mainstreaming, in practice it is increasingly reliant on goodwill and the ability to obtain inter-ministerial cooperation, with the specific structures and methodologies apparently discontinued.

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## Legislative and policy framework

France has a tradition of gender equality legislation in employment and professional life. Beginning with the Law of 22 December on equal pay in 1972, at least 12 laws were adopted on the topic before 2014. In February 2019, the Ministry of Labour launched a Gender Equality Index ([Indice d'Egalite de Genre](#)) to measure and fight the gender pay gap and other gender-related inequalities at work.

Although France has a record of gender equality legislation, the first explicit references to gender mainstreaming in national policy documents only emerged in 2000. However, gender mainstreaming developed as a way to promote gender equality in society and public policy from the late 1990s and early 2000s.

From 2001 onwards, a summary of gender equality policies was included in the Orientation Act of the Finance Law (Loi d'orientation de la loi de finance, LOLF), which was transformed in 2010 into a comprehensive Transversal Policy Document on Gender Equality, also appended to the LOLF. The Organic Law of 2001 obliged the government to present fiscal information in line with the objectives of public policies. In addition, the annexes of the government's draft Budget Act include an annual performance report on the actions of 'Programme 137', which targets gender equality policies, as well as an annual 'Integrated policy document' that summarises the actions of inter-ministry policies to contribute to gender equality.

Since 2012, a gender equality policy has been actively pursued by the government and by local and regional authorities, which play a fundamental role in gender equality policies, according to the Law of 4 August 2014.

Although the French legislative and policy framework on gender equality had developed increasingly complex measures in the areas of reproductive rights, work, social protection, pensions, violence against women, access to decision-making and fighting gender-based discrimination, the comprehensive Act on Equality between Men and Women was only adopted in 2014. The Act summarises previous legislative steps and enhances the effectiveness of implementation measures in various gender equality areas. Article 1 of the Act also contains the first express reference to gender mainstreaming.

Law No. 2014-873 of 4 August 2014 brought an important change in the legislative framework for gender equality by promoting an 'integrated and transversal approach to gender equality', i.e. the integration of gender equality in all policy fields. This law is a framework ruling that aims to gather and reinforce all previous laws in the area of gender equality, across all spheres of life. It precisely defines the field of public policy dealing with gender equality and stipulates that gender equality is the preserve of both national and local authorities.

The Service for Women's Rights and Gender Equality (SDFE) is responsible for implementing action plans with a gender mainstreaming dimension. At present, there are two major National Action Plans for gender equality that rely on a gender mainstreaming approach. The first Inter-ministerial Plan for gender equality at work 2016-2020 ([Plan interministériel en faveur de l'égalité professionnelle entre les femmes et les hommes](#), PIEP) aims to combat structural inequalities between women and men in employment. The plan relies on a gender mainstreaming approach that involves the SDFE, other departments of the Ministry of Social Affairs, Health and Women's Rights, and some other Ministries, in supporting social partners' involvement and negotiation at the level of occupational branches.

The SDFE also initiates gender equality plans within various ministries. The Ministry of Culture is particularly active, developing a [roadmap for gender equality 2018-2022](#), with the Minister and labour unions signing a [Memorandum of Understanding for gender equality at work](#). Sectoral plans to promote gender diversity have also been developed (in personal services to individuals or the digital sector, for example). The strategy for gender diversity in the digital sector was launched in 2014, with a [sectoral plan to develop gender diversity in the digital sector \(2017-2020\)](#) subsequently signed in 2017.

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## Structures

### Government responsibilities

Within the French government, a Secretary of State to the Prime Minister currently has responsibility for gender equality and the fight against discrimination ([Decree of 17 May 2017](#) on the composition of government). From June 2012 to August 2014, a full Ministry of Gender Equality and Women's Rights was responsible for monitoring gender equality policy and actively promoting gender equality in public policy. In August 2014, however, it was replaced with a Secretary of State to the Ministry of Social Affairs, Health, and Women's Rights. In March 2016, women's rights were transferred to the Ministry of Families and Childhood.

Now attached to the Prime Minister's office, gender equality remained the responsibility of a Secretary of State after the 2017 presidential election. As a Secretary of State has fewer resources (and fewer staff), they may not always participate in the Council of Ministers. The fact that the Secretary of State is attached to the Prime Minister's office may, however, positively impact gender mainstreaming.

At national level, the SDFE is the central administration unit and government body in charge of gender equality and gender mainstreaming, under the responsibility of the General Directorate for Social Cohesion (Direction générale de la cohésion sociale, DGCS), within the Ministry of Solidarity and Health. The authority over the SDFE is shared between the Ministry of Solidarity and Health and the Secretary of State responsible for gender equality and the fight against discrimination (among others) [1]. As a service, the SDFE is at the lower level of the Ministry and has no authority in respect of other ministries' decisions, thus limiting its influence in relation to gender mainstreaming.

The SDFE promotes women's rights and gender equality at national, regional and departmental level. It coordinates 26 regional and 100 district Delegations for Women's Rights and Gender Equality, thereby providing France with a dense institutional network to implement a gender mainstreaming strategy. The policy fields and influence of the SDFE mandate have varied over time, depending on the status of its political authority and the size of its staff. The SDFE has regional management (in all mainland regions and oversea territories) and department delegates.

Since the late 1990s, gender mainstreaming has been promoted through inter-ministerial cooperation. In 2012, an Inter-ministerial Committee of Women's Rights and Gender Equality was established (Decree No. 2012-1097 of 28 September 2012), with responsibility for the enforcement of women's rights, the fight against gender stereotypes and discrimination, combating gender-based violence and the promotion of gender equality in all fields of government action. The Committee meets at least twice a year.

The Superior Council of Gender Equality at Work (Conseil supérieur de l'égalité professionnelle entre les femmes et les hommes, CSEP) is a tripartite advisory body dedicated to gender equality in employment and working conditions. First instituted as part of the SDFE by the so-called 'Roudy law' of 13 July 1983, it became a full advisory body in 2013 ([Decree No. 2013-371](#) of 30 April 2013). The president and vice-president of the CSEP are the Secretary of State responsible for gender equality and the Minister for Employment, respectively. The advisory body has some degree of latitude, although the Secretary of State or the Minister can refuse to publish its reports and advice.

The High Council for Equality between Women and Men (Haut Conseil à l'égalité entre les femmes et les hommes, HCE or HCEfh) is an independent advisory body created by the Decree of 3 January 2013. It replaced the Observatory on Parity (OP, created in 1995) that provided expertise on gender balance in decision-making and monitored the implementation of equality laws in politics. The 2017 Law on equality and citizenship recognised the independence of the HCE. It covers a wide range of areas, organised in five commissions:

- 1 | gender-based violence;
- 2 | gender stereotypes;
- 3 | European and international issues;
- 4 | equality in politics, administration, economics, and the social sphere; and
- 5 | sexual and reproductive health and rights.

## Independent gender equality body

The Defender of Rights is an independent administrative authority (autorité administrative indépendante, AAI) that replaced the Ombudsperson, the Defender of Children and the High Authority against discrimination (Haute Autorité de lutte contre les discriminations, Halde). It has five tasks: defence of rights of users of public services; defence and promotion of children's rights; fight against discrimination and promotion of equality; respect of ethics by security professionals; and protection of whistleblowers. The Defender of Rights was created in 2011 ([Organic Law of 29 March 2011](#)) to combat discrimination and promote equality on a number of grounds, including gender, and to defend and promote human rights, including women's rights.

Gender is under-represented in the discrimination claims reported to the Defender of Rights, accounting for only 12 % of such claims, mostly related to pregnancy, family status and gender (about 4 % of each criterion). The Defender of Rights' campaign against sexual harassment contributed to a significant rise in related complaints, although these remain far below the true extent of the phenomenon. The institution has no dedicated unit for gender equality and none of its experts are dedicated to gender-based discrimination. Intersectionality is part of its approach, with discrimination on the ground of gender often linked to other grounds for discrimination, such as disability or ethnicity.

## Parliamentary bodies

As for represented elected bodies, in the French Parliament, since law No. 99-585 of 12 July 1999 creating parliamentary Delegations of Women's Rights and Equal Opportunities (Délégations aux droits des femmes et à l'égalité des chances entre les hommes et les femmes), two such delegations were created, one in the National Assembly and the other in the Senate. Both are permanent parliamentary bodies responsible for gender equality. However, the fact that both are congressional delegations and not commissions mean that their resources are low and that they cannot, unlike delegations, propose amendments. These delegations produce information reports on dedicated topics, often in line with Bills. Reports rely on hearings of civil society representatives, social partners, experts or researchers.

Since February 2000, there has also been a Delegation of Women's Rights and Equality within the Economic, Social and Environmental Council (Conseil économique, social et environnemental, CESE), a consultative and representative assembly that replaced the Economic and Social Council in 2008 (Constitutional Law of 23 July 2008; Organic Law of 28 June 2010).

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## Regional structures

Regional, departmental and local authorities may initiate their own gender equality policies. Decentralised services such as the SDFE oversee the regional or departmental implementation of national gender equality policy.

The French regions have recently undergone significant reform. Law No. 2015-29 of 16 January 2015 reduced the number of metropolitan regions from 22 to 13. As a consequence, some regions merged and became larger while others remained unchanged, such as Brittany, the Ile-de-France or Provence-Alpes-Côte-d'Azur (Paca), that consequently became relatively less important (in economical, geographical and demographical terms). The Law of 7 August 2015 on the new territorial organisation of the republic (Nouvelle organisation territoriale de la république, Notre) redefined the competences of local authorities and gave new competences to regions.

## Devolved state services at regional level

The SDFE has devolved units in mainland France and its overseas territories: 20 regional authorities (one in each of the 18 régions, plus Saint Pierre and Miquelon, and Wallis and Futuna) and delegates in each department at local level (101 départements) [2]. These units are under the authority of the state, in line with the French devolution principles. At national level, the SDFE is part of the DGCS, while its regional authorities (DRDFE) are under the influence of regional prefects and its departmental delegates (DDDFE) are overseen by either departmental prefects or the corporate Devolution Administration of Social Cohesion.

At the regional level, DRDFEs are responsible for the implementation of inter-ministerial gender equality policy. Their role is not to define departmental and local actions but, rather, to coordinate regional actors, develop partnerships, stimulate initiatives within departments, and identify and promote good practices. They contribute to the spread of gender equality culture, the fight against gender-based violence, the promotion of women's access to their rights, and gender equality in employment and training. National policies thus play a role in shaping the objectives pursued and partnerships created.

DRDFEs remain largely under-documented but appear to rely on limited resources. Each DRDFE employs four people: a regional delegate director, an assistant regional delegate director, an administrator and a departmental delegate. Each DRDFE has only one ministerial representative. As they have small budgets, their actions chiefly consist of supporting initiatives and partnerships, notably with NGOs. A large part of the state budget for gender equality is dedicated to NGOs, most notably the National Federation of Information Centres on Women's Rights and Families (Fédération nationale des centres d'information sur les droits des femmes et des familles, FNCIDFF).

## Decentralised territorial policy

In mainland France, Regional Councils are the administrative units responsible for defining local policy. In Corsica and overseas territories, this responsibility is held by territorial collectives (regional level) and departmental councils (departmental level). Many regions, departments and other local authorities develop their own gender equality policies[vi]. According to Article L111 of the Local Authorities' Code, competence for the promotion of gender equality is shared among regional and departmental/local authorities.

Regional authorities underwent substantial reform in 2016, with the 27 French administrative regions merged into 18 areas (12 in mainland France, plus Corsica and five overseas territories). Consequently, merged regions that did not share the same policy traditions had to redefine their territorial policies, including gender equality policies.

## Methods and tools

Note: the methods and tools listed under this section were the focus of EIGE's 2018-2019 assessment. If certain methods and tools are not mentioned in this section, this does not necessarily mean that they are not used at all by France.

In 2012, the then Ministry of Women's Rights developed a methodology and tools for gender mainstreaming. All ministries were required to have a roadmap, with high-level officials in central administrations required to take responsibility for its monitoring and results presented at annual gender equality conferences. This methodology was in operation between 2013 and 2016. At present, despite its legal basis, gender mainstreaming increasingly relies on goodwill and inter-ministerial cooperation.

### Gender budgeting

In the early 2000s, two documents foreshadowed a budget dedicated to gender equality policy. Annexes to the Finance Acts now contain documents related to gender equality policy: the annual performance project and the annual performance report on the ministerial (State Secretary for gender equality) policy for gender equality, reported in [Programme 137](#); and the [gender mainstreaming policy document](#) that deals with inter-ministerial gender equality policy and gathers all programmes with a direct or indirect responsibility to contribute to gender equality (Document de politique transversale, DPT – Politique de l'égalité entre les femmes et les hommes).

According to the 2019 Programme 137 document, a gender budgeting procedure will be piloted in several programmes in 2020 before being gradually extended to other programmes. The SDFE is responsible for this initiative. In January 2019, the HCE issued advice on the development of [gender budgeting](#), including a proposed methodology.

In 2018, the Ministry of Labour launched a [Gender Equality Index](#) to measure and fight the gender pay gap and other gender-related inequalities at work.

### Gender training and awareness raising

Gender equality bodies provide gender equality training. In December 2018, the CSEP produced a [kit for promoting gender equality in occupational classifications](#). Similarly, in 2016, the HCE issued a [guide to supporting public communication free from gender stereotypes](#).



## Gender statistics

While significant sex-disaggregated data are available for gender studies, their production is institutionalised to a limited extent and remains patchy. A 2013 report [4] noted this issue, along with the lack of dedicated units within the public statistics system and a need for expertise on gender inequalities within that system. The report made several recommendations to improve the production of sex-disaggregated statistics within the National Institute of Statistics and Economic Studies (Institut national des statistiques et des études économiques, Insee) and the Ministries' statistical services (Services statistiques ministériels, SSM).

It recommended that the Insee and SSM should make gender statistics more visible and accessible on their websites. A web page dedicated to gender statistics was subsequently created on the [Insee website](#). Another web page focusing on women and men in the workplace was created on the Ministry of Labour's DARES website, while the Ministry of Education's DEPP website dedicated a web page to girls and boys from school to higher education. There is also a dedicated web page on the website of the Secretary of State of Gender Equality but not on the website of the Ministry of Solidarity and Health.

Many of the report's recommendations have yet to be implemented, thus the production of sex-disaggregated data remains patchy and unsystematic. Overlooked recommendations include: (1) the National Council for Statistical Information (Conseil national de l'information statistique, CNIS) should explicitly include statistical studies on gender inequality in the preparation of its 2014-2018 programme and organise a meeting to stimulate consultation on this cross-cutting issue; (2) a framework should be defined for the programming of studies and publications on gender inequality, implying, for instance, an Insee-SSM committee to facilitate their cooperation; (3) a monitoring system should be implemented in every public statistics service to identify missing data in order to improve administrative data and adjust existing questionnaires for national surveys; (4) a multi-annual programme on sex-disaggregated data; and (5) the development of study partnerships with researchers from other institutions and academics.

While sex-disaggregated data are currently available in the field of demographics and the labour market (wages, employment, etc.), this is not the case for social provision, with the available data mostly focusing on households. Significant sex-disaggregated economic data to support gender-budgeting are missing. There is a lack of long-time series on gender inequality, as well as missing sex-disaggregated data, notably intra-household individual data.

When gender equality bodies need sex-disaggregated data, they must contact the relevant SSM or the Insee to request such data or the inclusion of gendered questions in administrative questionnaires. Relationships are not always easy to establish, given that the statistics' services do not participate in the gender equality bodies' advisory boards and gender equality representatives do not participate in the statistics services. However, the Defender of Rights participates in public statistics' services with respect to the integration of discrimination in their programmes.

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## Good practices

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## Endnotes

[1] The SDFE was part of the DGCS, attached to the Ministry of Social Affairs, because the previous Secretary of State for Women's Rights was previously attached to this Ministry. The SDFE remained part of the DGCS in 2017 even though the new Secretary of State was attached to the Prime Minister's office.

[2] SDFE (2018). Annuaire des équipes en charge des droits des femmes.

[3] Local authorities (collectivités territoriales) refer to regions, departments, municipalities (communes), their groupings (intercommunalités) or cities (villes) and their extensions (métropoles).

[4] Ponthieux, S. (2013). [L'information statistique sexuée dans la statistique publique: état des lieux et pistes de réflexion](#). Insee, p. 50.