

FACT SHEET ON FRANCE

Information supplied by Eléonore Lepinard, based on her paper for the Workshop on Legal Struggles and Political Mobilization around Gender Quotas in Europe, September 2014, Florence.

CONSTITUTION
Constitutional gender equality clause, including constitutional parity provisions.
<p>Art 1. “La loi favorise l’égal accès des femmes et des hommes aux mandats électoraux et fonctions électives, ainsi qu’aux responsabilités professionnelles et sociales.”</p> <p>The law promotes equal access of women and men to electoral mandates and elected offices, as well as professional and social responsibilities.</p>
Constitutional reform
<p>In 1999, the addition to Art. 3: ‘the law promotes women’s and men’s equal access to electoral mandates and elective functions’; and the revision of article 4 adds that political parties must contribute to this objective</p> <p>The effects of these provisions was indicated in Loi n° 2000-493 of 6 June 2000, in which parity was implemented in cities over 3500 inhabitants where elections follow a closed proportional list system. Only elections to the Senate were modified to allow more senatorial districts to use a proportional list system.</p> <p>Loi n°2007-128 of 31 January 2007. It extended parity to executive functions in regional and municipal councils (in cities over 3500 inhabitants)</p> <p>la loi n° 2013-403 du 17 mai 2013 applies parity to the Department councilors who are elected with a uninominal majority system.</p> <p>2008: professional responsibilities were added to Article 3 of the Constitution</p> <p>A new comprehensive Equality law was introduced in 2014 that increases the fines for non-compliance to parity for legislative elections.</p> <p>The Haut Conseil à l’égalité entre les femmes et les homes opinion on the 2014 equality bill identifies many domains to which quotas and the “parity principle” should be applied in the future, such as unions, NGOs, and political parties. Hence, virtually every public or professional organization has become the object of scrutiny of the HCEfh and the Women’s rights ministry in order to apply parity, which now in fact means most of the time a 40% gender quota.</p>
Constitutional/Supreme Court case law on quotas
<p>The Constitutional Council has consistently opposed quotas of any kind on the basis of the republican equality principle.</p> <p>In 1982, in the first decision on gender quotas, the Council struck down the provision of a bill proposing a 25% quota of women on candidate lists for municipal elections on highly principled grounds of two Constitutional principles: the indivisibility of the sovereignty of the people and the equality principle (with no further argumentation).</p> <p>In 2006, the Constitutional Council struck down the 20% quota provision in LOI n° 2006-340 concerning the equal pay and parity of women and men, on the basis of that priority could not be given according to gender (sex in the CC’s wording) over competence or merit, thereby implying that the proposed 20% gender quota on CBQ</p>

logically implied that incompetent women would be nominated on boards. Equality is invoked as the normative and legal ground on which gender quotas are rejected, but its content and definition are not explained.

NUMBERS

Number of female MPs in both chambers

2012 legislative elections
% female candidates; % women elected
Left wing parties 44.8; 36.7
Right wing parties 38.4; 12.8
Source : Observatoire de la parité

% of women in political assemblies and executives
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Number of women in boards of biggest publicly listed companies

There is an estimate of 30.3% of women on boards of the biggest French listed companies (CAC40).

POLITICAL and PARTY QUOTAS

Existence of voluntary party quotas and other schemes

Socialist Party internal quota: 1973 10%, 1977 15%, 1979 20%, 1990 30% but never really implemented. 1996 30% for candidate lists.
Greens: the only party to adopt parity in its statutes.

Existence of soft measures in politics

NONE

Existence of hard legislated electoral quotas

Loi n° 2000-493 of 6 June 2000, in which parity on electoral lists was implemented in cities over 3500 inhabitants where elections follow a closed proportional list system. Only elections to the Senate were modified to allow more senatorial districts to use a proportional list system.

The 2007 law imposed parity in executive functions and increased the financial penalty for political parties that would not apply parity for legislative elections. Finally, this law also imposed a 'mix ticket' for uninominal elections (legislative and cantonales): the substitute should be of the opposite sex of the candidate.

In 2013 loi n° 2013-403 changed the way local counselors (conseillers départementaux) are elected (introducing a 'mix ticket' one man/one woman) and aligning cities over 1000 inhabitants on the same mode of election (proportional list system as cities over 3500 inhabitants, allowing a strict parity to be applied to candidate lists. Another electoral law re-introduced proportional list system to elect senators in districts with 3 or more senators.

Finally in 2014 an important piece of legislation tightened the condition for elected representatives to hold several mandates at the same time. For a long time parity activists had identified holding several mandates, a common practice in French politics, as an important impediment for women's access and presence in political

assemblies since men were trusting most of the available mandates. This new law prevents national and European deputies, as well as senators to hold another executive mandate at the local level.

In France, the left wing parties support parity, and most of the parity provision have been implemented when they were in power. Right wing were very much against in the 1990's (except for a few right wing women), but more recently their protest has abated on CBQ. However, even with the increasing financial sanctions, some parties refuse to implement the electoral quotas.

Existence of Public board quotas

The law 'loi Sauvadet' that was passed in 2013 imposed a 40% quota for nomination to executive functions in public service, within a 5 years framework (2013-2018).

The implementation is already looking to be very successful.

The gender gap was particularly stark in public service with 59.8% women in the public service workforce and 21% women in managing positions (in 2009).

CORPORATE BOARD QUOTAS

Existence of soft Corporate Board quotas/measures

The 2011 law 'Coppé-Zimmermann' implementing 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.

Sanctions are quite direct since board members appointments while not respected the quota are considered null and board members benefit can be suspended.

The idea behind the law is that the presence of more women on the boards will positively affect the equality in the whole companies.

Existence of hard Corporate Board quotas

NONE

QUOTAS IN OTHER DOMAINS

Legislated or voluntary measures in other domains as executive, judiciary, universities, sports federations, trade union, professions, political party structure, etc.

Universities, juries, hospital's higher civil servants, ministry's staffs, corporate boards of medium and large firms, supervisory boards of public institutions, professional organizations, sports federations, regional socio-economic councils and, last but not least, most of elected political bodies.

Virtually every public or professional organization has become the object of scrutiny of the Haut Conseil à l'égalité entre les femmes et les homes (HCEfh) and the Women's rights ministry in order to apply parity, which now in fact means most of the time a 40% gender quota.

CONTAGION and CONNECTIONS

Contagion between different domains within the country

There has been a strong contagion effect of gender quotas from one domain to another. Once the initial resistance to electoral quotas had been passed, the resulting more pragmatic approach to equality and “women and men’s equal access” dialogue caused other areas to fall not far behind.

Connections with other countries/ international dynamics

While the political parity was clearly the result of a transnational networking (organized by the European Commission and the Council of Europe), subsequent gender quotas reforms are mostly endogenous to the French context with very few references to European processes.

COUNTRY SPECIFICS

Best practice

First, the bicentenary of the French revolution led to the publication of various historical accounts of French women’s exclusion from the political sphere, and feminist academics, historians and philosophers, brought a new expertise and a new critique of French supposed universalism.

In 1992, the term parity instead of quotas became popular to circumvent the negative association of the latter. By the mid-nineties, many of the institutions and organizations promoting equality focused (exclusively) on the issue of parity

Founded in 1995, the Observatory of Parity became the official monitoring body for the implementation of the parity law, compiling data and producing expertise after each round of elections on how to improve the parity laws and their implementation. Its activism was supported by the creation in 1999 of two delegations for women’s rights, one in the Senate and one in the Assembly.

The continuous, consistent resistance of the Constitutional Council actually incited a (successful) move for constitutional reform of Art. 3 (implemented in 1999)

During all these legislative processes the support structure institutionalizing parity was a key actor, issuing reports on how parity was implemented and pointing to loopholes and problems in the current legislation. Another interesting way in which the Observatory of Parity tried to prevent setbacks in the implementation of the parity laws was by providing prospective knowledge on how certain changes in the electoral system would adversarially affect the representation of women.

The CBQ law, contrary to the parity laws, is a top-down process, in great part made possible by the support structure created as a response to the political activism of the 1990s for political parity.

The new 2014 Equality law introduced provisions for territorial assemblies to give yearly reports on gender equality in their area. Gender quotas therefore opened the door to the implementation of a form of gender mainstreaming at the local level. They also generalize the practice of counting and measuring gender inequalities for all type of social or economic activity.

Failures

The right wing majority passed electoral reforms in 2003 which direct effect was to reduce the scope of the parity laws for senatorial, regional and European elections. Indeed, while deputies introduced a strict 'zipper' system for candidate lists for senators elected with a proportional representation system, it reduced the number of senators elected with such a system.

Similarly, the government and its parliamentary majority introduced smaller districts for both European and regional elections, with the predictable effect of limiting the impact of the parity requirement. [This effect was later mitigated with other legislation].