



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Fortieth session

Summary record of the 818th meeting

Held at the United Nations Office at Geneva, on Friday, 18 January 2008, at 3 p.m.

Chairperson: Ms. Šimonović

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Sixth periodic report of France (continued)
(CEDAW/C/FRA/6, CEDAW/C/FRA/Q/6 and Add.1)

1. *At the invitation of the Chairperson, the delegation of France took places at the Committee table.*

Articles 10 to 14

2. **Ms. Dairiam** (Rapporteur) said that while she welcomed the overall high level of education among French women, she would appreciate a comparison between the general female population and women from immigrant communities. It would be useful to have statistics on the activities mentioned on page 17 of the report, as well as information on the curriculum used in the training programmes, the actions taken and the time frames for implementation.

3. In its responses to the list of issues (CEDAW/C/FRA/Q/6/Add.1), the Government stated that the ban on the wearing of the Islamic veil in the schools had not had an impact on girls' education and that there had been no complaints from Muslim students or their families in 2007. She feared, however, that parents and their daughters had simply given up hope of convincing the authorities to change their position and she was not convinced that real educational alternatives were available in all cases. She wondered what the Government was doing to verify compliance with the legislation on compulsory education and urged it to continue to monitor the impact of the ban and to pursue dialogue with the communities affected by it with a view to a long-term, mutually agreed solution.

4. **Ms. Ara Begum** asked what was being done to eliminate the gender stereotypes which, according to the report, persisted in French textbooks.

5. Studies had shown that many girls had left school as a result of the ban on wearing the veil, thus closing the door on their education forever; she thought it likely that most immigrant families could not afford to send their daughters to private school. In question No. 15 on the list of issues (CEDAW/C/FRA/Q/6), the Committee had asked the Government how the Act of

15 March 2004 had affected the right of girls and young women to education and in its concluding observations on the second periodic report of France to the Committee on the Rights of the Child (CRC/C/15/Add.240, para. 26), that Committee had recommended that the State party should continue to closely monitor the situation of girls being expelled from schools as a result of the new legislation and should ensure they enjoyed the right of access to education. She stressed that the ban constituted a fundamental violation of girls' human rights and asked whether the Government planned to revisit the question.

6. **Ms. Voisin** (France) said that the Government did not keep disaggregated statistics on students from immigrant families. In one initiative, however, students in the *classes préparatoires* (programmes that prepared students for the competitive examinations for entry into the highly selective *grandes écoles*) at the Lycée Henri IV had provided tutoring in order to give young people from the poorest suburbs of Paris — who were, for the most part, from immigrant communities — a better chance of admission to the *classes préparatoires* and, ultimately, to the Institut d'Études Politiques (Political Studies Institute). The initiative had been extremely successful, particularly for the girls who had been tutored.

7. As stated in the responses to the list of issues, when the Act of 15 March 2004 had been reviewed a year after its entry into force, it had been determined that 90 per cent of the 626 girls who had worn a veil at the beginning of the 2004 school year had chosen to comply with the law; of the 96 pupils (including boys wearing Sikh turbans) who had chosen another solution, most had enrolled in private schools. The private educational system in France included many schools that were financed by the Government, while others offered scholarships to students in need; she was therefore certain that the mandated compulsory enrolment was being enforced. Fewer than 10 students had been affected by the Act in 2005 and the only expulsion in 2007 had involved a Sikh boy. No cases concerning the Act had ever been referred to the Ministry of Education mediator.

8. **Ms. Patten**, turning to article 11 of the Convention, expressed concern at the fact that although the percentage of economically active women had increased, their wages, pensions and working hours were seldom equal to those of men and many women

held part-time or temporary jobs or were overqualified for their posts. She wondered how effective the initiatives taken by the Department of Women's Rights and Equality (SDFE), particularly those involving the National Job Agency (ANPE), had been.

9. It would be useful to know whether part-time workers were given preference over outside applicants if additional hours of work became available and, if so, whether there were sanctions for non-compliance. The delegation should also explain whether such workers were registered with the Government as partially unemployed and what was being done to prevent discrimination against short-term and part-time workers.

10. She was somewhat sceptical regarding implementation of the 2006 Law on Equal Wages for Women and Men because it was based on negotiation and did not provide for penalties. It would be useful to know whether its impact had been evaluated as yet, what the Government's role was in the event that negotiations were deadlocked, what incentives were provided and how small and medium-sized companies without union representatives were monitored.

11. Lastly, she considered that the legal definition of sexual harassment was too narrow and did not correspond to that provided in European Directive 2006/54/EC of 5 July 2006; she wondered whether the Government planned to address that issue.

12. **Ms. Arocha Dominguez** expressed concern at the statement, on page 38 of the report, that women tended to be employed in a small number of less prestigious professions; she requested additional statistics on the number of women in the various fields and a breakdown of their employment in urban and rural areas.

13. She, too, was concerned at the fact that negotiations under the 2006 Law on Equal Wages for Women and Men were of a voluntary nature and that the discrepancy between men's and women's wages was most marked among executives; she wondered whether wages at that level were also subject to negotiation under the Law.

14. Much of the information on France's overseas territorial units was provided in the responses to the list of issues, which had not yet been translated into all languages. She hoped that the next report would include in the main document statistics that would

make it possible to compare the situation of women in all the nation's departments and territories.

15. **Ms. Gabr** said that she, too, would like to see more statistics on unemployed and retired women, immigrants and women in the overseas territorial units included in the next report. She wondered whether the Government planned to use article 4.1 of the Convention (on temporary special measures) to increase women's representation in high-level posts and whether Islamic women who wore the veil faced discrimination with regard to employment in the diplomatic service or the media.

16. **Ms. Belmihoub-Zerdani** said that although the Constitution established the equality of all French citizens, there did not seem to be a real political will to implement the Convention in the overseas territorial units. She was not convinced by the explanation provided at the morning meeting; information received from various sources suggested that women living in those departments and territories were subject to discrimination and, in some cases, to customary law. She wondered whether the Government took steps to ensure that those women were aware of the Convention, whether they had been consulted during preparation of the report and would be informed of the Committee's concluding comments and whether the nation's labour law applied equally to them.

17. **Ms. Shin** asked whether the Government considered it necessary to bring its definition of sexual harassment into line with that of European Directive 2006/54/EC of 5 July 2006. She was particularly concerned that the legislation currently in force did not cover harassment of women by their clients or customers.

18. Concerning the harmonization of work and family life, she wondered whether husbands who were granted paternity leave were, in fact, assuming a greater portion of their children's care or whether they were using that time for other purposes.

19. The Convention on the Rights of Persons with Disabilities had been adopted in December 2006; it was unfortunate that the report did not contain more information on the employment of women with disabilities.

20. At the morning meeting, the delegation had stated that following a conference on professional equality, any company that failed to adopt a plan to equalize

salaries by 31 December 2009 would be subject to a fine. Penalties for employers had done little to correct such imbalances in the past; she wondered whether the delegation thought that they would be more effective in the future.

21. **Ms. Voisin** (France) said that the women's unemployment rate had decreased, but the Government was aware of the need to provide them with greater employment opportunities. Non-governmental organizations (NGOs) and associations provided unemployed women with training aimed at boosting their confidence. In addition, the Government disseminated information on the implications of taking part-time work; it was important for young women to understand that taking such work would make it more difficult for them to obtain a permanent job in the future and to make sufficient contributions to their pension. However, women engaged in part-time employment were entitled to pro rata parental leave benefits that were calculated on the basis of the number of hours worked. The Government was reviewing the system of parental leave which was overly long and insufficiently paid.

22. The Government was preparing to hold round-table discussions with its social partners and with companies in order to raise awareness about issues connected with part-time work. Under the Labour Code, a woman employed in a part-time job who applied for a permanent position in the same company must be given priority over other candidates. The Government had also taken steps to promote the concept of multiple employment, whereby a woman could work simultaneously in more than one part-time job in lieu of a permanent job.

23. According to the March 2006 Law on Equal Wages for Women and Men, companies must negotiate annually with union representatives in order to eliminate the wage differential. In addition, the Law stipulated that if no progress was achieved, draft legislation would be submitted in order to introduce financial penalties. Prior to his election, the new President had announced that if elected, he would make wage equality a priority, and a conference on equal wages had been held in November 2006; one of its outcomes had been the decision to impose financial penalties on companies that had not established a plan to ensure wage equality by December 2009. The conference had also identified priority activities to

analyse the structural factors underpinning wage inequalities.

24. The Government provided vocational guidance to girls in order to eliminate the stereotypes that prevented them from entering certain male-dominated professions. The question of combining family life with work was an essential aspect of equality; it was clear that good childcare was needed and that parenting should be shared. It was therefore encouraging that 75 per cent of men especially young fathers, took paternity leave. The employment rate for disabled women varied greatly, depending on the nature of the disability, but disabled women experienced more discrimination than disabled men.

25. **Mr. Juy-Birmann** (France) said that an annex to the sixth report would be produced in order to provide more information on the French overseas territorial units. Although they enjoyed a degree of autonomy, the Government ensured that the principles of the French Republic were respected; for example, polygamy had been eradicated. The Government would also provide the Committee with disaggregated data on employment and wages for the overseas territorial units. However, it was evident that unemployment was a significant problem because of the dominance of traditional activities and that the unemployment rate was higher than in continental France. With regard to dissemination of information on the Convention in the overseas territorial units, it was important to note that those with a degree of autonomy could enact their own legislation in certain areas. However, the Government had made a concerted effort to ensure that local bodies disseminated information (in the local languages) through awareness-raising campaigns that made use of television and free telephone hotlines.

26. **Ms. Schulz** (France) said that gender discrimination and harassment were offences under the Criminal Code, which differentiated between sexual and psychological harassment. Sexual harassment was punishable by a prison sentence of up to one year and fines of up to €15,000. Act No. 2002-73 of 17 January 2002 concerning social modernization contained provisions aimed at eradicating psychological harassment. The Labour Code also provided for prison sentences of up to one year and fines of up to €3,750.

27. The Government had been criticized by the European Commission for failing to provide definitions of direct and indirect harassment and to provide a

definition of harassment based on a single act, rather than repeated acts. Consequently, the Government had prepared a draft law with general provisions that would bring domestic law into line with European Commission directives. With regard to statistics on sexual and psychological harassment there had been 47 convictions in 2004 and 64 convictions in 2005, including 49 prison sentences.

28. **Ms. Augustin** (France) drew attention to the specificities of the French overseas territorial units. Overall, women in those units were more likely to be unemployed, and to remain unemployed for longer periods of time. The units were less industrialized and there were fewer jobs; moreover, women tended to be concentrated in the service sector. Some 70 per cent of all families were single-parent, and women who were bringing up children on their own were often forced to take jobs for which they were over-qualified.

29. The economy was dominated by microenterprises and it was difficult to ensure the implementation of gender equality policies. More importantly, there was a need to change attitudes with the help of the regional councils and the Government Employment Department. Her delegation would provide further information on the overseas territorial units, but it was important to bear in mind that equality policies needed to be adapted to the specific nature of the society in which they were to be implemented.

30. **Ms. Coker-Appiah** requested more information on the accessibility and affordability of contraception, particularly for immigrant women in France and for women in the French overseas territorial units. She would also be interested to know the maternal mortality rate among those groups, in particular as a result of unsafe abortions.

31. According to the report (p. 51), over half the people living with AIDS in France had been infected through heterosexual relations; of those, 60 per cent were women and 50 per cent were nationals of a sub-Saharan African country. She was curious to know whether such women had access to free medication, particularly since they were likely to be unemployed and many of them were living in France illegally.

32. Lastly, she urged the reporting State to include more information on the French overseas territorial units in its next report.

33. **Ms. Arocha Dominguez** expressed concern that easy access to abortion might encourage women to see it as simply another form of contraception; she asked what was being done to help young couples make an informed choice of contraceptive methods. Modern methods were usually better, but more expensive.

34. She regretted the lack of data on the incidence of HIV/AIDS in the overseas territorial units in the Caribbean since that region had the highest HIV/AIDS rate after sub-Saharan Africa. Moreover, many Caribbean households were headed by women, who were thus particularly vulnerable if they became infected.

35. Lastly, she was curious to know whether any programmes for pregnant women with HIV/AIDS had been set up.

36. **Ms. Tan** asked the delegation to provide sex-disaggregated data on health-care facilities in rural areas. She was also curious to know whether accessibility was a problem and, if so, whether anything was being done to address it.

37. According to the report (p. 9), Act No. 99-574 of 9 July 1999, on agriculture, had created a new status for spouses who did not wish to become co-farmers or farm employees, namely that of “collaborating spouse”. She wondered how many women had chosen that status and how their pension rights had been enhanced as a result.

38. It would be interesting to learn more about salaried and non-salaried women in rural areas and, in particular, to know whether the latter were entitled to a share of their farms’ profits. The delegation might also wish to explain what was being done in each of the areas identified in the 2003 studies mentioned on page 61 of the report.

39. Lastly, she requested information on the situation of immigrant women living in rural areas.

40. **Ms. Voisin** (France) said that in France, all women had access to contraception; the problem was that they did not necessarily use the best method for them. The Government was working to raise awareness among young women and older women, many of whom had misconceptions in that regard. Another problem was that some of the latest contraceptive products were very expensive but were not covered by health insurance. On a more positive note, the use of emergency contraception was on the rise. The hope

was that that trend would extend to young women as it was far better for them to resort to emergency contraception than to have an abortion.

41. She was unable to provide statistics on the number of children benefiting from sex education programmes. The law provided for such programmes from primary school onwards; in reality, however, they were found only in secondary schools. Sex education was often provided by associations, such as the French Movement for Family Planning (MFPF), which were better able to provide it than already overworked teachers and were very good at conveying a simple message to young girls. The challenge was to make those programmes available to all young people, especially those in difficulty.

42. **Ms. Augustin** (France), said that in the overseas territorial units, campaigns targeted women who still saw contraception as a constraint. In Martinique, Guadeloupe and French Guiana, less than half of all women used contraception, in part because their religious tradition discouraged discussion of such matters.

43. For the past few years, the authorities had been emphasizing how important it was for both men and women to use contraception. Traditionally, contraception had been thought to concern only women, a mentality that explained, in part, the spread of HIV/AIDS since men refused to protect themselves and a woman who demanded that he did so was suspected of polyandry.

44. She was extremely concerned by the frequency with which women in Guadeloupe resorted to abortion instead of using contraception. In Martinique, eight per cent of minor girls had had an abortion. One explanation was that sexual relations were generally random in nature and young girls often became pregnant the first time they had intercourse. More needed to be done to encourage girls to take control of their sexuality.

45. **Ms. Voisin** (France) acknowledged that more attention had been paid to urban women than to rural women in the past; the Government was working hard to remedy that imbalance.

46. As noted on page 9 of the report, farmers' spouses were now required to choose one of three statuses (collaborating spouse, farm employee or co-farmer) and could choose collaborating spouse

status without seeking the consent of their husband. The status of collaborating spouse was now available to persons linked to the head of the farm by a civil solidarity pact or by co-habitation. As a result of the new legislation, women farmers' pensions had improved significantly since the years spent raising children were now taken into account. Another factor was the social security financing law for 2007, which had lowered both the thresholds for qualifying for pension revaluation and the amount by which pensions were reduced to take account of years outside the work force. To date, some 34,000 retired women farmers had benefited from the new legislation.

47. Now the Government needed to tackle other problems facing rural women, the extent of which varied greatly from one community to another. Of particular interest was the "universal service cheque", which was based on the principle of co-financing of personal services and could be broadened to include the financing of a particular form of care, such as childcare. Such cheques were particularly useful in rural areas where crèches were few and far between, forcing working women to hire a mother's help.

48. She was unable to provide sex-disaggregated data on rural health-care services at the present time. However, owing to the widespread presence in rural areas of both doctors and centres specializing in child and maternal health care, such services were more available to women than to men.

49. However, some rural areas had no doctor at all; many rural doctors were moving to the city and, despite Government efforts, most young doctors did not want to move to the countryside. She suspected, in fact that it was the doctors' wives who did not want to move to areas where their living conditions would worsen.

Articles 15 and 16

50. **Ms. Tan** noted that, according to the report (p. 10), parents could now choose their child's surname in a joint written statement submitted to the registrar. In the absence of such a statement, a child born in wedlock or simultaneously recognized by both parents automatically took the father's surname. She wished to know whether the mother could apply for the child's surname to be changed in the event that the father abandoned the child and, if so, how long that process took; and whether children born before 31 December

2004 who had used a customary name (*nom d'usage*) since birth could adopt it as their legal surname when they reached majority.

51. Expressing concern that polygamy was still practised, despite having been outlawed, she asked whether any data was available on the number of polygamous marriages; whether there were any programmes targeting women in polygamous marriages and how property was divided upon the husband's death in such cases.

52. The Act of 26 May 2004, on divorce, provided for the eviction of a violent spouse from the conjugal home. She would be interested to know how many requests for eviction had been received, how many of them had been taken up by the courts and how many eviction orders had been issued.

53. Lastly, she requested data on the incidence of forced marriages in France. She was particularly curious to know whether any penalties had been meted out and whether the Government planned to make forced marriage a criminal offence.

54. **Ms. Coker-Appiah** asked what steps were being taken to harmonize ordinary and common law in the French overseas territorial units.

55. **Ms. Neubauer** noted the statement, on page 31 of the responses to the list of issues, that even though the minimum age of marriage was now 18 for boys and girls, derogations from that provision were still possible, provided there were "serious grounds"; she would be interested to know what grounds were envisaged. The State party should also explain the basis for the clearly discriminatory provision whereby a parent who opposed the marriage of his or her minor child could not prevent it if the Government Procurator had issued an age waiver and the other parent had given consent.

56. **Ms. Schulz** (France) said that the parents of a child born since 2005 could register their child with the surname of either parent or of both parents. If no choice was made, the father's surname was used if the child's parentage had been fully established at the time of registration; if not, the child received the name of the first parent with regard to whom parentage had been established.

57. Most parents continued to pass on the father's surname to their children, but in seven to eight per cent of cases the parents made use of the new option,

usually by giving their child both parents' surnames. When the mother's name was chosen, it was usually because it was feared that the father's surname could be a source of ridicule or because his surname was clearly foreign.

58. A mother could apply to change her child's surname from the father's to her own where there was a serious reason to do so, such as the father abandoning the child or refusing to pay child support. The fact that the child had a closer emotional connection to the mother was not sufficient reason.

59. Children born before 2005 usually took the father's surname. During the period 2005-2006, a special temporary mechanism had allowed the parents of young children to add the other parent's surname, but little use had been made of the mechanism.

60. A customary name (*nom d'usage*) could not become a legal surname until it had been used for at least three generations. The principle of the immutability and consistency of names was very strong in France and the impact of the new law that allowed a name to be changed by decree was not yet clear.

61. **Ms. Voisin** (France) said that although polygamy had been prohibited since 1993, a marriage contracted abroad could not be forcibly dissolved in France. There were consequences in terms of support and succession rights for the second and subsequent wives, but only if polygamy was legal in the countries of origin of both spouses.

62. Only one wife and her children were allowed to enter France in the context of family reunification. A man who brought in more than one wife would lose his right of residence. In the case of polygamous families that had been admitted before 1993, only the first spouse could have her residence card renewed. Any other wives received temporary residence cards, without automatic renewal, until their status had been resolved; they were encouraged to leave their polygamous marriages and establish separate households. It was a difficult problem, and no exact statistics were available.

63. **Ms. Demiguel** (France) said that immigrant families were informed of the law on polygamy prior to their arrival in France, as part of an integration course on republican values and principles, and were reminded of it on arrival in the context of the reception and integration contract. As polygamy was not

recognized in France, no statistics on its incidence were available.

64. **Ms. Voisin** (France), reiterated that the Act of 26 May 2004 on divorce allowed for the expulsion from the family home of a violent spouse; the Ministry of Justice had agreed to evaluate the impact of that measure as soon as possible.

65. **Ms. Schulz** (France) said that the Act allowed a victim of violence to request eviction of the spouse where there was a serious threat to her or her children. Unfortunately, the statistics did not distinguish cases of eviction from other procedures covered by the same legislation. More detailed information would be available in March 2008.

66. The measure should be used in moderation since it affected fundamental property rights by allowing a violent spouse to be expelled even if he was the sole owner of the family home. It was therefore provisional and if no action was taken to initiate divorce proceedings within four months, the eviction order expired. Other arrangements were also possible whereby the victim left the family home.

67. Act No. 2006-399 of 4 April 2006, on strengthening the prevention and punishment of conjugal violence and violence against children, added penal provisions and also applied to unmarried couples but as it had come into force very recently, it was too soon to assess its impact. By the end of 2008, statistics would be available.

68. The 2006 Act had also increased the minimum age of marriage from 15 to 18 for women; a dispensation was available in certain cases. In the past, about 300 minors had been allowed to marry each year, usually because of pregnancy. As the numbers involved were very small, no surveys had been conducted and no statistics were available on the number of minors married since the change in the law.

69. **Mr. Juy-Birmann** (France) said that some aspects of customary law in the overseas territorial units were archaisms that contravened articles 15 and 16 of the Convention. Since 2000, efforts had been made to eliminate those elements. The most striking irregularities in relation to marriage had been found in Mayotte, where traditional marriage took place before a *qadi* (Islamic judge) and the bride was represented by a matrimonial guardian. The marriage was arranged by

the families and the bride did not even need to be present.

70. The first step had been to raise the minimum age of marriage to 15 and to make the mayor's presence at the marriage ceremony obligatory. Act No. 2006-911 of 24 July 2006, on immigration and integration, had introduced additional changes by making the mayor, rather than the *qadi*, responsible for performing the marriage ceremony.

71. There was still one reform to be carried out, which was to abolish the custom of the matrimonial guardian so that the woman herself must consent to the marriage and to raise the minimum age of marriage to 18.

72. Polygamy had been prohibited in Mayotte since 1 January 2005, but those who were already in a polygamous marriage could remain in it. Unilateral repudiation had been abolished, divorce law had been made part of the common law and the *qadi* no longer had jurisdiction in such matters. The naming of children was now also in line with French domestic law.

73. **Ms. Schöpp-Schilling** asked whether it was true that a woman who wanted to be reunited with her immigrant husband and applied for a visa in her country of origin was obliged either to prove her knowledge of French or to attend a language course. If so, she wondered who paid for the course and whether it was available in rural areas.

74. In relation to property rights in domestic violence cases, she noted that the Committee had expressed its opinion (in relation to the case of A.T. versus Hungary, considered under the Optional Protocol) that that right could not supersede a woman's right to life and security.

75. **Ms. Demiguel** (France) said that in cases of family reunification, language courses and courses on republican values were organized by the competent authorities if an evaluation showed that they were needed. The courses were offered in the country of residence at no cost to the future immigrants. In no case was the lack of knowledge of French a barrier to arrival in France or to reunification.

76. **Ms. Belmihoub-Zerdani** stressed that the next report should include more information on the overseas territorial units.

77. **Ms. Simms** commented that the Committee had received reports that pesticides were having a detrimental effect on women agricultural workers in Martinique and that technical assistance was needed. The Government had an obligation to ensure that the women were protected.

78. **Mr. Flinterman** asked whether there had been any independent study or assessment of the impact of the Act of 18 March 2003, on internal security, on the problem of prostitution.

79. **Ms. Voisin** (France) said that such an assessment would be available soon. She would respond on that issue in writing.

80. **The Chairperson**, speaking as a member of the Committee, asked for additional information on the use of mediation between victim and perpetrator in cases of domestic violence. She wondered if that method was still used, whether it was obligatory, and whether consideration was being given to reviewing the practice and the relevant legislation, which NGOs had criticized.

81. **Ms. Voisin** (France) said that Act No. 2006-399 already limited the use of mediation and that consideration was being given to limiting it to cases in which there was conflict, but no violence. She hoped that additional information would be available for the next report.

82. Her Government took its responsibilities under the Convention seriously and would disseminate the Committee's concluding comments. The next report would include a special annex on the overseas territorial units, and interministerial consultations would be held with a view to withdrawing the reservation to article 16. She asked the Committee to confirm in its concluding comments that the new legislation on surnames was consistent with the Convention. Although de jure gender equality had been achieved 30 years previously, de facto equality was still to come. Her Government would continue its efforts to achieve that goal.

83. **The Chairperson** thanked the delegation for its constructive dialogue with the Committee and said she hoped that France would soon be able to withdraw its reservation to article 16 (g) of the Convention.

The meeting rose at 5.10 p.m.