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Awareness and Application of CEDAW in the Judicial Systems of Germany and France

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Observatory for Sociopolitical Developments in Europe

Awareness and application of CEDAW in the judicial systems of Germany and France

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Abstract

The United Nations *Convention on the Elimination of All Forms of Discrimination against Women*, or CEDAW, is the most important human rights tool under international law for women. The convention came into effect in 1981 and obliges States Parties to formal, actual equality for women in all areas of life, including the private arena. The central requirement is the implementation of CEDAW in State Parties' legal systems. This requires awareness and application of CEDAW in justice systems. One way to meet this requirement is training for judges, prosecutors and lawyers, as well as others involved in the law.

This working paper aims to set out recommendations for action for further implementation of CEDAW in the legal systems in Germany and France. For this reason, information on measures which aim to increase the awareness and application of CEDAW throughout the whole judicial system has been brought together from the previous reporting cycles in Germany and France.

- As a comparison of the countries studied shows, Germany and France each only present example political measures relating to (increasing) awareness of CEDAW in the judicial system. Often there is only selective reference to the existing status quo in legal education and training in both States Parties. In general, CEDAW was only referred to in courts both in Germany and France in individual cases, and there was no active, regular engagement with the individual CEDAW norms and standards.
- Due to the portrayal of merely general information and example measures by the States Parties, it is not possible to obtain a comprehensive, systematic insight into the activities in Germany and France with regard to the subject of this research. This also led the CEDAW Committee to repeatedly request both States Parties to provide more comprehensive information and to implement proactive measures. These measures should lead to legal obligations or to more systematic, national support and anchoring of CEDAW both in Germany and France. The States Parties are obliged to do this, in accordance with CEDAW.
- Repeated inquiry and regular questioning indicate a particular importance of the research subject matter for the CEDAW Committee: When the legislation which falls under CEDAW is communicated to the relevant legal protagonists in special training sessions, it can then also be applied in legal processes and CEDAW leads to the best possible results.

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List of abbreviations

agisra	*arbeitsgemeinschaft gegen internationale sexuelle und rassistische ausbeutung e. V.* [Coalition Against International Sexual and Racist Exploitation]
BMFSFJ	*Bundesministerium für Familie, Senioren, Frauen und Jugend* [German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth]
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CEDAW Committee	Committee on the Elimination of Discrimination against Women
CLEF	*Coordination Française pour le Lobby Européen des Femmes* [French coordination of the European Women's Lobby]
CNCDH	*Commission Nationale Consultative des Droits de l'Homme* [French human rights commission]
DIMR	*Deutsches Institut für Menschenrechte e. V.* [German Institute for Human Rights]
KOK	*Koordinierungskreis gegen Frauenhandel und Gewalt an Frauen im Migrationsprozess e. V.* [Coordination group against trafficking and violence against women in the migration process]
LdH	*Ligue des Droits de l'Homme* [Human Rights League (France)]
PSWG	Pre-Sessional Working Group
UN	United Nations
WIRUS.berlin	Women's International Rights Under Surveillance

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1 Introduction

„The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights." (Vienna Declaration, § 18)

The United Nations *Convention on the Elimination of All Forms of Discrimination against Women*, in the following CEDAW, is the most important human rights tool under international law for women. CEDAW clarifies and internationally codifies the principle of equality formulated in the UN Charter and the Universal Declaration of Human Rights (Heintz et al. 2006: 424). CEDAW is a milestone for the development of human rights guaranteed by international law, as the convention formulates the injustice inflicted upon women in the language of human rights and clarifies the countries' human rights obligations on this basis (cf. Rudolf 2014: 38).[1] CEDAW is one of the most signed UN conventions.[2]

CEDAW is a human rights treaty which differentiates human rights with regard to the specific human rights violations against women (ibid.: 50). This means CEDAW contains an asymmetrical ban on discrimination, because it only prohibits discrimination against women (ibid.: 35). It further means that CEDAW recognises the discrimination structures which have developed historically. Due to the continued existence and effect of these structures, discrimination of historically weaker groups weighs more heavily than discrimination against a more privileged group (cf. Schadendorf 2014: 250).

The convention came into effect in 1981 and obliges States Parties to formal, actual equality for women[3] in all areas of life, including the private arena[4]. CEDAW deals with political and public participation, working and commercial life, education, health, nationality, civil law, as well as marriage and family law. In its consideration of civil, political, economic, social and cultural rights, CEDAW reflects the indivisibility of human rights (cf. Rudolf 2014: 36). Above all, observance of CEDAW is checked by a regular reporting obligation of the States Parties, so-called reporting cycle, see Article 18 CEDAW.[5]

In 1999, CEDAW was complemented by an Optional Protocol. On the one hand, this allows women in any State Party to submit an individual complaint against their own government to the *Committee on the Elimination of Discrimination against Women*, in the following the CEDAW Committee. This can also be submitted by a representative for the person affected.

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[1] Rudolf (2014) gives a brief overview of the genesis of human rights and gender.

[2] This can be downloaded from: http://indicators.ohchr.org/ (with the exception of six countries).

[3] CEDAW describes various forms of equality: First, it requires that purely formal equality is achieved, i. e. the equality of men and women before the law with regard to formal opportunities and type of treatment. Second, the convention demands actual, equality which means that women experience genuine equality with men in social reality (cf. Schöpp-Schilling 2015a: 83).

[4] When CEDAW was conceived, it assumed universal validity of women's rights, even in the private and family area. Thus, CEDAW elevated the prior strictly valid boundaries between civil and political rights on one side and economic, social and cultural rights on the other (cf. Rodi 2014: 53).

[5] Comprehensive information on reporting cycle (cf. Schöpp-Schilling 2015b: 359ff.; Althoff 2014: 21).

On the other hand, the CEDAW Committee can introduce and carry out an inquiry according to article 8 of the Optional Protocol to CEDAW, if there are violations of the agreement.[6]

A central requirement is the implementation of CEDAW in States Parties' legal systems. Since CEDAW is a treaty under international law, the State Parties are bound by it. Related to this, there are questions relating to the legal status of CEDAW in the State Party in question: Is CEDAW immediately effective in law by accession or ratification and directly applicable by national courts? Must it be incorporated in whole, or in part, into domestic law? Or does it remain as a human rights treaty which acts merely as a guiding principle which cannot be appealed to in court (cf. Schöpp-Schilling 2015a: 94)?

Article 2c CEDAW explicitly obliges the States Parties "To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals [...] the effective protection of women against any act of discrimination" (CEDAW 1979: 3). In order to enable this legal obligation of the States Parties to be implemented, the judicial system must know of and apply CEDAW. One option for meeting this condition is "Gender-sensitive training of judicial and law enforcement officers and other public" (CEDAW Committee 1992: 24b) as already indicated by the CEDAW Committee in their General Recommendation[7] No. 19 in 1992. While this recommendation related specifically to the subject "Violence against women", the Committee made this more general in their General Recommendation No. 28 and again in No. 33, the orientation of training and education programmes, and required special training programmes about the CEDAW articles for all public employees, lawyers and the judicial system (cf. CEDAW Committee 2010: 9; CEDAW Committee 2015a: 23).

This working paper aims to set out recommendations for further implementation of CEDAW in the legal systems in Germany and France. For this reason, information on measures which aim to increase the awareness and application of CEDAW throughout the whole judicial system has been brought together from the earlier reporting cycles in Germany and France.

The first step involves a general overview of the current status of the reporting cycle in Germany, see chapter 2.1, and in France, see chapter 3.1. Step two describes the national reports submitted and alternative reports from civic society on the subject of the paper, the CEDAW Committee documents, such as summary records and concluding observations, where publicly available, with regard to their comments on the research subject – awareness and application of CEDAW in the judicial system – see chapters 2.2 and 2.3. This involves the following two key questions: What measures are used to increase awareness of the convention in the judicial system, legal training area and in the legal profession in Germany and France? Is CEDAW

[6] More detailed information about CEDAW in general (cf. BMFSFJ 2014; Schöpp-Schilling et al. 2015).

[7] General recommendations are composed by the CEDAW Committee and substantiate individual CEDAW articles and the resulting obligations of the States Parties. They are regarded as soft law, i. e. not legally binding, although the CEDAW Committee expects States Parties to accept and implement them" (Schöpp-Schilling 2015a: 92; see also Althoff 2014: 19f.). There are currently 34 such recommendations on a range of subjects, available at http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/Recommendations.aspx.

applied by national courts? The third step is a comparative analysis of the resultant descriptions, chapter 4, then a deeper, more extensive analysis of the findings in chapter 5. Then recommendations for action, resulting from the findings in this paper, are presented in chapter 6. Here, a distinction is drawn between recommendations for action which relate directly to the judicial system, chapter 6.1, and general recommendations for action, chapter 6.2.

2 Germany

2.1 Overview reporting cycle

The Federal Republic of Germany signed the convention in July 1980 and ratified it in August 1985[8]. The CEDAW Optional Protocol was ratified in January 2002. The federal government submitted eight national reports to the CEDAW Committee:

Table 1: Overview reporting cycle Germany

Title	Publication	Document number	Procedure conclusion
Combined seventh and eight report	05.06.2015	CEDAW/C/DEU/7-8	Expected 2017
Sixth report	08.06.2007	CEDAW/C/DEU/6	2009
Fifth report	19.11.2002	CEDAW/C/DEU/5	2004
Fourth report	May 1998	CEDAW/C/DEU/4	2000
Combined second and third report	December 1995	CEDAW/C/DEU/2-3	
First report	25.10.1989	CEDAW/C/5/Add.59Corr.1	1990
	22.03.1988	CEDAW/C/5/Add.59	

Source: Author's research (complete Table 3, appendix I)

The **first report** of the Federal Republic of Germany[9] was submitted to the CEDAW Committee in March 1988. It provided "a detailed description of the legislative, judicial, administrative and other measures adopted with the aim of achieving equal rights for women" (CEDAW Committee 1988: 2). With one restriction[10], "the provisions [...] of the Convention are directly enforceable law (CEDAW Committee 1988: 1). The report is divided into two sections: The first section

[8] Valid in the Federal Republic by force of legislation dated 25.4.1985 (BGBl. 1985 II S. 647); in force since 9.8.1985.

[9] Detail on the reporting cycle of the former German Democratic Republic (cf. Prpić 2011: 31–37).

[10] "The Convention was ratified on the proviso that Article 7, letter b of the Convention should not be applied, insofar it contradicts Article 12 a, Para. 4, second sentence, of the Basic Law" (CEDAW 1988: 1) meaning under no circumstances may women provide armed service. This reservation was withdrawn with effect as on 10th of December 2001 (cf. CEDAW Committee 2003: 9).

portrays examples of the living conditions of women in Germany, whereby other issues including legal and political frameworks and means for implementing equality are also presented. In the second part, the implementation of the Committee's provisions in Germany across the individual articles is presented. A supplementary report to the first national report was made in October 1989 (cf. Der Bundesminister für Jugend, Familie, Frauen und Gesundheit 1989). The structure of the report is aligned with that of the first national report. The results of the 1987 census were incorporated into the content. Updates which had taken place in the meantime with regard to the individual CEDAW articles were also presented. In addition, a comprehensive appendix, relating, above all, to article 2 and 3 CEDAW, lists firstly the main measures, events and legislation for the elimination of discrimination and for the support of women. Secondly, it lists measures and the working focus of national equality bodies. Thirdly, it gives an overview of publications by the *Federal Ministry for Young People, Family, Women and Health* on the results and research projects, studies and pilot schemes, as well as other measures and legislation of relevance to women. The appendix named above is not publicly available, and so does not come under consideration in this examination.

At the 152nd and 157th meeting of the CEDAW Committee in January 1990, the first report and the supplementary report was presented and explained by the Federal Women's Minister Ursula Lehr (cf. CEDAW Committee 1996: 4). As the two summary reports of the CEDAW Committee are not publicly available, they do not come under consideration in this examination. However, the concluding observations of the CEDAW Committee regarding the first report and the supplementary report, which were published in June 1990, may be included.[11]

As the CEDAW convention has only considered alternative reports in the preparation of reporting cycles since the start of the 1990's, no alternative reports were submitted at the time of the first German State party's report.

In December 1995, Germany submitted a **combined**[12] **second and third report.** The report "elaborates on the first report and describes the further development of equal rights in Germany since 1990" (ibid), which the reunification of Germany had a decisive effect on. The structure of the report corresponds to that of the first report. The **fourth report** followed in May 1998, and was an updated form of the combined second and third report.[13] Here too, the structure follows that of the previous report. In the second part, the measures taken since 1995 for the implementation of the convention's provisions are presented.

The CEDAW Committee examined all three reports at their 22nd meeting in February 2000. The concluding observations of the CEDAW Committee were published following the meeting.

[11] In the concluding observation, the CEDAW Committee indicated that the supplementary report to the first German national report contained important information, but was submitted too late for translation in time (cf. CEDAW Committee 1990: 13).

[12] The CEDAW Committee allows combined States parties reports as States Parties do not always meet their obligation for regular reporting, despite article 18 of CEDAW, and so they can catch up on any backlog (cf. Schöpp-Schilling 2015b: 363).

[13] A statistics section is added as an appendix, as well as "the National Strategies for the Implementation of the Platform for Action of the 4th World Conference on Women (1995) [...] providing information on the key national fields as regards the implementation of the 4th World Conference on Women" (CEDAW Committee 1998: 7).

In 2000, two organisations submitted alternative reports to these national reports independently of each other see Table 3 in the appendix I.

The **fifth report** of Germany followed in November 2002. Again, it is an updated version of the four previous reports. The structure of the report corresponds to the chosen form of the previous reports, in order to avoid any repetition. As well as a comprehensive statistics section in the appendix, the concluding observations of the CEDAW Committee on the preceding national report were also published in German. A statement by the German government on these comments was added to the opening of the national report. This helped "[...] to go beyond the description and to analyse and evaluate more strongly the measures implemented to eliminate discrimination against women from all areas of their lives" (CEDAW Committee 2003: 8).

The list of issues posed by the *Pre-sessional Working Group* or PSWG and the answers from the German government are not publicly available and so they cannot be considered in the analysis. The report was examined by the Committee at their 639th and 640th meetings in January 2004. The concluding observations of the CEDAW Committee were published following the meeting.

A collection of seven alternative reports was submitted in July 2003 at the time of the fifth German national report, see Table 3 in the appendix I.

The **sixth report** was submitted to the CEDAW Committee in September 2007. It is an updated version of the previous report and describes developments as of 2002. The structure of the report differs from the previous reports, in the first section only key points of the German government's equality policy are presented. In addition, the statistics section is not in the appendices. Instead, the equality policy measures of the individual federal states are listed, grouped by subject. The concluding observations of the CEDAW Committee on the preceding national report were not published in German at this point. However, a statement by the federal government on these comments was published in the same document in conclusion to the sixth national report.

The list of the PSWG's issues was composed at the meeting in July 2008; the German government's responses were available in November 2008. The Committee discussed the seventh German national report at the 881st and 882nd[14] meetings in January and February 2009. The German government delegation, led by Eva Maria Welskop-Deffaa, head of the Department of Equality and Equal Opportunities at the *Federal Ministry for Family Affairs, Senior Citizens, Women and Young* People or BMFSFJ, was made up of a total of eleven representatives from 3 federal ministries, the BMFSFJ, the *Federal Ministry of the Interior* and the *Federal Ministry for Employment and Social Services*. The concluding observations of the CEDAW Committee were published following the meeting.

[14] Although the concluding observations on the sixth national report state that the national report was discussed at the 881st and 882nd meeting of the CEDAW Committee, the report on the 882nd meeting, CEDAW/C/SR. 882, leads to discussion of Guatemala's seventh report. A search for the findings of the missing meeting report was fruitless, so the document is not considered in this study.

In addition, five alternative reports were submitted, which were also the subject of the meeting of the CEDAW convention in January and February 2009, see Table 3 in the Annex I.

As a result of the request by the Committee in the concluding observations on the sixth report, in August 2011, the German government provided information about measures relating to initiating a dialogue with civic organisations for intersexual and transsexual people, as well as reduction and elimination of wage and income differences between men and women (cf. CEDAW Committee 2011a).[15] In September 2011, ten women's organisations submitted a joint alternative report on this to the Committee, see Table 3 in Annex I. In November 2011, the CEDAW Committee published their comments in an official letter (cf. CEDAW Committee 2011b).

In June 2015, a **combined seventh and eighth report** was submitted to the CEDAW Committee. In accordance with the current directives of the CEDAW Committee[16], this is restricted to forty pages and concentrates on the main problem areas in the concluding observations of the CEDAW Committee on the sixth report of 2007, as well as the interim report of 2011, presenting the successful developments since then, plus current legislative and other measures which were agreed in the coalition agreement of the German federal government for the 18th legislature (cf. Bundesregierung 2015: 5).

During their 66th meeting in July 2016, the PSWG compiled a list of issues relating to inspection of national reports. This list of issues was communicated to the Federal Government in August and a reply to the CEDAW Committee was issued on 7 November 2016. The answers could not be considered in this examination.

Alternative reports from civic organisations may be submitted to the Committee up to February 2017. The Committee discusses the recent report at their 66th meeting in February and March 2017.

2.2 Awareness and application of CEDAW in the German judicial system

The following examines the national reports submitted, as well as alternative reports of relevance to the subject of this paper, plus the CEDAW Committee documents, where publicly available, relating to their statements on the research subject – awareness and application of CEDAW in the judicial system.

At the 464th and 465th meetings of the CEDAW Committee in February 2000, for examination of the **combined second and third and fourth reports**, questions were asked for the first time relating to awareness and application of equality-oriented legislation by judicial personnel in Germany (cf. CEDAW Committee 2001b: 6). The impetus was the enactment of the second equality act of the federal government in 1994, which contained directives on support for

[15] In 2008 the CEDAW Committee resolved to introduce a follow-up procedure, which, if needed, requires the relevant country in the concluding observations to provide further information on a certain subject within two years.

[16] Since 1983, the CEDAW Committee has issued guidelines for reporting for the States Parties, which have been amended several times over the years. The current guidelines have been in existence since 2009, and they are available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2f2009%2fII%2f4&Lang=en.

women and better compatibility between family and career for men and women in the federal administration, in federal courts and in semi-federal public-legal bodies. This was presented in the combined second and third report (cf. CEDAW Committee: 22). One member of the Committee expressed an interest as to whether representatives of the legal profession and the judicial system had been trained appropriately in the application of this legislation cf. CEDAW Committee 2001b: 6). This question was answered by a representative of the German government taking part in the Committee meeting, in relation to the subject of violence against women. She agreed that training for state prosecution officials and other representatives of the judicial system was important. However, this topic generally fell under the responsibility of the individual federal states. In addition, training in the judicial system is a difficult subject, as judges are independent and consequently cannot be obliged to take part in compulsory training. Seminars already organised were cancelled due to lack of participation (cf. CEDAW Committee 2001a: 4). The alternative report from the *Women's International Rights Under Surveillance*, or WIRUS.berlin pointed out the issue of implementation of measures for supporting women in public service. According to this, personnel departments and some lower courts tend to disregard the resolution of the European Court of Justice from 11th November 1997 stated by the government; they continue to regard decisions supportive of women as not legally valid (cf. WIRUS.berlin 1999: 5).[17] As a consequence of this, no measures for the enlightenment of the judicial system and improvement of judicial training in this area had been taken (ibid).

In addition, the CEDAW Committee asked to what extent the German federal government could have an influence on the curriculum in the individual federal states, in order to integrate gender issues into university education (CEDAW Committee 2001a: 2). In her response, a representative of the German government pointed out the principal responsibilities of the federal states. However, a *Standing Conference of Culture Ministers of the Länder of the Federal Republic of Germany*[18] had been set up. Moreover, there were measures which aimed to increase the proportion of women in research positions in universities and colleges (ibid: 3). In an alternative report, WIRUS.berlin demanded that gender issues be included in university education as well as judicial training. Appropriate proposals should be developed jointly with non-governmental organisations (cf. WIRUS.berlin 1999: 4ff.).[19]

In the concluding observations on the combined second and third reports and fourth report the CEDAW Committee stated with concern "that the programmes, laws and policies introduced

[17] The Judgment of the European Court of Justice 11th November 1997 – Hellmut Marschall v Land Nordrhein-Westfalen, Case C-409/95, involved the legality of quota rules provided for under the State Equality Act of North Rhine Westphalia. According to this act, a position should be occupied by a person belonging to an under-represented gender, where the qualification level was the same, where there were no particular reasons against this, in the person of another occupant of a position. A male job applicant adversely affected by this raised a complaint. In their decision, the EuGH agreed with the court with regard to the legality of the quota regulation, available at: http://curia.europa.eu/juris/document/document.jsf?text=&docid=43455&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1.

[18] Further information is available at: www.kmk.org/kmk/information-in-english.html.

[19] In particular, WIRUS.berlin pointed to "considerable difficulties" in the practical application of gender legislation in German judicial practice (cf. detail WIRUS.berlin 1999: 3f.) which more recently have had an effect on legal application of CEDAW.

by the Government have failed to ensure that the Constitutional obligation to promote the implementation of de facto equality for women is understood as a societal responsibility and achieved in practice" (CEDAW Committee 2000: 31f.). As a consequence, the Committee recommended that Germany should "take measures to ensure that public officials, including law enforcement officials, contribute to the realization of this principle in the entire territory of the country" (ibid: 32). Furthermore, they recommended that the government should "ensure that tertiary and continuing legal education of lawyers and the judiciary adequately covers the evolving understanding of equality and non-discrimination and international norms and standards in that regard [...]. It also encourages the Government to refer directly to the Convention in its legislative, policy and programmatic initiatives, since the convention is legally binding and such use would increase awareness of the international commitment entered into by the State Party" (ibid).

In their statement in response to these comments, the German federal government went into more detail regarding the existing regulations on training in the judicial system: "Amongst other things, the Committee touched on the problem of continuing education of lawyers on the topic of equality and non-discrimination of women. In accordance with section 43a subsection 6 of the Federal Code of Lawyers (Bundesrechtsanwaltsordnung - BRAO) lawyers are obliged to undergo continuing education. The following applies to specialist lawyers (section 43c of the Federal Code of Lawyers): Anyone using the designation of a specialist lawyer must attend at least one further training event in this specialist area per year, either as a lecturer or a participant. The total duration of the further training may not be less than ten[20] hours. Lawyers must provide documentation of such to the bar association without being requested to do so (section 15 of the Specialist Lawyers Code [Fachanwaltsordnung]). Permission to use the designation as a specialist lawyer may be withdrawn if this further training prescribed in the professional code is omitted (section 43c subsection 4 second sentence of the Federal Code of Lawyers). As to the basic duty to undergo further training (section 43a subsection 6 of the Federal Code of Lawyers) the Legal Committee of the German Federal Parliament has stated that there is "no indication that this duty should be regulated in greater detail by the professional code because the individual lawyer should not be dictated to in deciding how to comply with this professional duty." (ruling recommendation and report, Federal Parliament printed paper [BT-Drs.] 12/7656, p. 50, re No. 25 (section 59b of the Federal Code of Lawyers). There are no definitions under professional law regarding the areas or topics in which lawyers must undergo further training. They would indeed be virtually impossible. Under civil law, lawyers are obliged to undergo further training such that they are able to take the proper care necessary in communications (section 276 of the Civil Code). The task of the Federal Bar Association (BRAK) is to promote the vocational further training of lawyers (section 177 subsection 2 No. 6 of the Federal Code of Lawyers). The Federal Bar Association supports for instance the "German Lawyers Institute" in its further training tasks. Lawyers' associations, in particular the German Bar Association, and other private suppliers of further training for lawyers, supplement the range

[20] The reference relates to the former version of the Specialist Lawyers Regulations date 1st July 2005. This involves 15 hours, in accordance with § 15 of the applicable Specialist Lawyers Regulations, available at: https://www.jurion.de/Gesetze/FAO/15.

of events offered. In the judicial field, and in particular in the judiciary, as mentioned by the Committee, amongst other things a wide range of further training is offered on the topic of equality and non-discrimination against women. In particular, the German Judges Academy, which is supported and funded by the Federation and the Länder together, and which serves the purpose of national further training of judges of all branches of the court system, as well as public prosecutors, runs annual conferences on this group of topics. For instance, for several years, several conferences at the German Judges Academy have dealt regularly with the problem of "Women in the judiciary" and "Women before the judiciary". But conferences on labour law, such as "European law in labour law practice", "Current problems of labour law" and "Labour Law Employment Promotion Act and other topical questions related to labour law" also tackle questions related to the equality and non-discrimination of women. Furthermore, seminars are offered at the German Judges Academy on "Coping with stress at work" which draw attention to the special situation of women between work and family, and also help to bring this conflict closer to a solution. The matter of the status of women within society and within the family is the topic of a large number of conferences on family law problems. In addition, conferences with European partners increasingly deal with this group of topics, such as the Polish-German conference held in 2000 on the topic of "Protection of the family" and the Turkish-German conference held in October 2001" (CEDAW Committee 2003: 10f.).

In addition, the German government's statement addressed the problem raised by WIRUS.berlin regarding improper disregard of measures relating to support for women and indicated that the "agreed awareness-creation and further training measures to implement gender mainstreaming in the Federal administration have also been commenced. As practical experience grows, the first results of the work, checklists and handouts, are to flow into the additional further training courses so as to increase the ability of staff at working level to work efficiently and to provide practical assistance" (ibid: 62).

At the 639th and 640th meeting of the CEDAW Committee in January 2004 for inspection of the **fifth report,** the importance of awareness an application of the convention and its' Optional Protocol amongst practitioners in the judicial system was emphasised once more. One member of the Committee expressed his displeasure about the general implementation of the federal government up to that point with regard to this subject. In his opinion, it was important that lawyers in Germany were aware of the laws which were part of the convention. In this regard, the Committee member also asked whether there was appropriate training on the procedures in the Optional Protocol, and whether there were measures to motivate or support lawyers to take part in training of this kind (cf. CEDAW Committee 2004a: 4). The federal government representative taking part in the Committee meeting replied that there was no training for the judicial system specifically addressing CEDAW, but this was, however, part of general judicial training. The federal government would support the creation of this training, but the responsibility for this lay with the local authorities. The representative of the federal government stressed that she would check this on her return to Germany, and if required, she would recommend the setup of this form of training (cf. CEDAW Committee 2004a: 5). In the concluding observations on the fifth report, the CEDAW Committee recommended that the federal gov-

ernment should “take proactive measures to enhance awareness of the Convention, in particular among parliamentarians, the judiciary and the legal profession at both the Federal level and the level of the Länder” (CEDAW Committee 2004b: 68).

In their statement on these comments, the federal government indicated a brochure on CEDAW and the Optional Protocol, which would also be available to courts (cf. CEDAW Committee 2007c: 82). However, in their alternative report, which was submitted jointly with an aggregation of seven alternative reports in July 2003 to coincide with the fifth report, the *Coordination group against trafficking and violence against women in the migration process* or KOK, criticised the fact “that important documents are not reedited when the first edition is no longer available even though they are still valid” (agisra e. V. et al. 2003: 102).[21] As their statement continued, the federal government would “devote more attention to ensuring that references to the Convention are included in the corresponding draft legislation” (CEDAW Committee 2007c: 83). As a good example, they referred in their statement to the draft of a General Equal Treatment Act, in which “the federal government [had] expressly cited the Women’s Rights Convention as one of the grounds for the law in its explanation of the need for such an act” (ibid).

In the **sixth report** itself, there is no information on the research subject.

In the list of questions on the sixth report, publicly accessible for the first time, there were two questions directed at the federal government regarding the convention and the Optional Protocol: One: the CEDAW Committee asked for information on which measures the federal government had taken to raise awareness and availability of the two documents, particularly in the judicial system. Two: the Committee asked for information on whether the convention was invoked before national courts in Germany (cf. CEDAW Committee 2008c: 1). In their response to the first question, the federal government again referred to their CEDAW brochure and associated Optional Protocol. In addition, they drew the Committee’s attention to the *German Institute for Human Rights* or DIMR, founded in 2001, which acts as a national human rights institute for the promotion and protection of human rights by Germany at home and abroad (cf. CEDAW Committee 2008d: 2f.). In their response to the second question, the federal government confirmed they were not aware of any judgements by national courts on the Optional Protocol up to that point in time (ibid: 3)

In the concluding observations on the sixth report, the CEDAW Committee again recommended that the federal government should “take proactive measures to enhance awareness of the Convention and its Optional Protocol [...], in particular among the judiciary and the legal professions” (CEDAW Committee 2009: 5). Despite the federal government’s efforts, the Committee was still concerned “that the Convention has not received the same degree of visibility and importance as regional legal instruments, particularly European Union directives, and is therefore not regularly used as the legal basis for measures, including legislation, aimed at the elimination of discrimination against women and the promotion of gender equality in the State

[21] A new CEDAW brochure is now available in Germany, providing information on the Convention, the Optional Protocol and selected General Recommendations of the CEDAW Committee (cf. BMFSFJ 2014).

Party" (ibid: 4). The Committee felt the fact that there were no national legal judgements on the convention and its Optional Protocol in Germany was because there was "a lack of awareness of the Convention among the judiciary and the legal profession" (ibid: 5). The Committee recommended that Germany should "systematically promote knowledge and understanding of the Convention and its Optional Protocol and to promote gender equality through its training programmes" (ibid). They also recommended the federal government should "ensure that the Convention and its Optional Protocol, as well as the views adopted on individual communication and enquiries, are made an integral part of educational curricula, including legal education and training of the judiciary" (ibid).

In the current **combined seventh and eighth report,** the federal government went into more detail on awareness and application of CEDAW in the judicial system: With regard to the applicability of the convention, they stated that it was, in fact, "an integral part of Germany's legal system" (CEDAW Committee 2015c: 4), and could accordingly be consulted as an aid to interpretation. However, "Direct applicability of the Convention in order to assert individual, subjective rights based on its wording is more difficult, since (unlike other human rights instruments) not all the articles of the Convention are sufficiently substantiated (concrete enough) to serve as the basis for a decision in an individual case with corresponding legal consequences. However, many of the provisions of the Convention have been detailed in domestic legislation in various legal areas and thus implemented to be enforced individually" (ibid). With regard to dissemination of the convention in the judicial area, the federal government mentioned that CEDAW was taught "in lectures on constitutional law, human rights protection and international law at many universities across Germany" (ibid). In addition they mentioned conferences of the German Judicial Academy and the Academy of European Law in Trier on the subject of CEDAW (ibid).

In the list of issues, PSWG repeated their inquiry whether public servants, lawyers, judges and all other protagonists in the judicial system would receive systematic training on CEDAW and the Optional Protocol (cf. CEDAW Committee 2016d: 1). The working group also asked if CEDAW was invoked in courts and if yes, in how many cases, what kind of cases and what the results were in each case (ibid). At the time of writing this paper, the federal government's responses were not yet available. The CEDAW Committee will discuss the current national report at their 66th meeting in February and March 2017.

3 France

3.1 Overview reporting cycle

France signed the convention in July 1980 and ratified it on the 14th of December 1983.[22] This means France was the first member state in the European Union to enter into CEDAW. The CEDAW Optional Protocol was ratified in June 2000. France has submitted a total of eight reports to the CEDAW Committee:

Table 2: Overview reporting cycle France

Title	Publication	Document number	Procedure conclusion
Combined seventh and eight report	14.07.2014	CEDAW/C/FRA/7-8	2016
Sixth report	06.04.2006	CEDAW/C/FRA/6	2008
Fifth report	26.09.2002	CEDAW/C/FRA/5	2003
Combined third and fourth report	18.10.1999	CEDAW/C/FRA/3-4	
Second report	10.12.1990	CEDAW/C/FRA/2	1994
First report	07.05.1986	CEDAW/C/FRA/1	1987

Source: Author's research (complete Table 4, appendix II)

The **first report** of the French Republic was submitted to the CEDAW Committee in 1986. The report was presented and examined at the 93rd and 95th meetings of the CEDAW Committee in April 1987. The concluding observations regarding the first report of the CEDAW Committee were published following the meeting.

The **second report** was submitted to the CEDAW Committee in December 1990. This was presented and examined at the 222nd meeting of the CEDAW Committee in January 1994. The concluding observations on the second report of the CEDAW Committee were published following the meeting.

The **third report** of France was submitted to the CEDAW Committee in October 1999. This report became the **combined third and fourth report** retrospectively.[23] The **fifth report** followed in September 2002. The list of issues from the PSWG and the French responses are

[22] *"The Act of Parliament authorising the president to ratify the CEDAW, adopted on 27 June 1983, was promulgated on 1 July 1983, and the president subsequently ratified the Convention on 14 December 1983. Consistent with Article 27(2) of the Convention, the CEDAW entered into force for France on 13 January 1984, and consistent with Article 55 of the French Constitution, henceforth supersedes Acts of Parliament but is superseded by constitutional provisions*" (Fabri/Hamann 2013: 541).

[23] It is not clear why the procedure was followed in this way. Only one public document is accessible, which makes the formal correction process transparent, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FFRA%2F3-4%2FCorr.1&Lang=en.

not publicly available. The CEDAW Committee examined all three reports at their 614th and 615th meetings in July 2003. The concluding observations of the CEDAW Committee on the combined third and fourth national report, as well as the fifth national report were published following the meeting.

The **sixth report** was submitted to the CEDAW Committee in April 2006. The PSWG compiled the list of issues at their meeting in July 2007; the government's responses were available in December 2007. The Committee discussed the sixth French national report at the 817th and 818th meetings in January 2008 The French government delegation, led by Valérie Letard, secretary of state in the French labour ministry, consisted of a total of 21 people from the labour, foreign, interior, justice, migration and overseas ministries, as well as the French permanent representative to the United Nations, Geneva office. The concluding observations of the CEDAW Committee followed after the meeting.

In addition, an alternative report was submitted by the French coordination of the European women's lobby, in French C*oordination Française pour le Lobby Européen des Femmes* or CLEF, which was also handled at the CEDAW Committee meeting in January 2008.

In March 2014, a **combined seventh and eighth report** of France was submitted to the CEDAW Committee. The list of issues from the PSWG was compiled in November 2015; the answers from the French government followed in April 2016. The Committee discussed the combined seventh and eight reports at their 64th meeting in July 2016. The concluding observations of the CEDAW Committee followed in July 2016. Alternative reports were submitted by a total of eleven organisations, see Table 4 in Appendix II.

The CEDAW Committee expects the next, **ninth report** from France in 2020.

3.2 Awareness and application of CEDAW in the French judicial system

The following examines the national reports submitted, as well as alternative reports of relevance to the subject of this paper, plus the CEDAW Committee documents relating to the last two state reporting cycles[24], where publicly available, relating to their statements in the research subject – awareness and application of CEDAW in the judicial system.

As the French government does not explicitly go into awareness and application of CEDAW in the judicial system in their **sixth report,** the PSWG enquired whether CEDAW was invoked in domestic legal cases, and if yes, which ones (cf. CEDAW Committee 2007a: 1). In their response, the French government confirmed that CEDAW had not yet been directly invoked. There were no court judgements referring explicitly to CEDAW (cf. CEDAW Committee 2007b: 2). The French government pointed out those CEDAW resolutions had been included in French legislation, and this meant it was possible to invoke it in the context of court proceedings (ibid). In a further question, the working group requested information regarding which measures the

[24] In contrast to Germany, for implementation reasons, only the documents from the last two reporting cycles in France have been included in this analysis. Therefore it is not possible to follow, at this point, whether or which information relating to the research subject was already available in earlier French reports.

French government was taking to increase awareness of CEDAW amongst judges, prosecutors and lawyers (cf. CEDAW-Committee 2007a: 1). In response, the French government stated that legal training and development also included modules on international conventions (cf. CEDAW Committee 2007b: 2). As an example, they pointed to various modules at the French university *École nationale de la magistrature*[25], which deals with the subjects of violence against women and domestic violence, as well exclusion and discrimination in their legal courses.

At the 817th meeting of the CEDAW Committee in February 2008, the French government was questioned once more with regard to their activities to increase awareness of CEDAW in the judicial system (cf. CEDAW Committee 2008a: 4). Of particular interest were concrete measures and their actual effectiveness, targeting the elimination of existing impediments to the direct implementation and application of CEDAW (ibid). One member of the Committee criticised the French government for providing inadequate answers on this subject, not only in their sixth national report, but also in their response to the list of issues, and demanded comprehensive information in the next national report (ibid). A representative of the French government replied that CEDAW had the same visibility and accessibility as French legislation (ibid: 6). However, it may be that its resolutions were rarely invoked, because as these were also part of local authority directives and national legislation (ibid). Therefore, there were also no statements from French courts with regard to CEDAW resolutions, as legal cases did not explicitly refer to CEDAW (ibid). The judges were not completely unaware of CEDAW, but they were bound to the arguments brought up in court cases, and were not able to refer to an international convention independently of this (ibid). Nonetheless, the French government had made efforts in this regard, so that international human rights tools would be included in the curriculum of legal faculties, and that lawyers would receive support in the application of these tools (ibid).

In the concluding observations on the sixth report, the Committee expressed their regret that up to that point, there had been no legal judgements in France that referred directly to CEDAW (cf CEDAW Committee 2008b: 2). This was all the more surprising, as French law states that CEDAW takes precedence over national law. Due to the single-tier system, CEDAW resolutions could be made fundamentally and directly applicable in national courts. Secondly, the French government had made efforts with regard to awareness and application of CEDAW in the judicial system (ibid). Therefore the Committee asked the French government once more to intensify their previous efforts and, in particular, to systematically ensure that the scope and importance of CEDAW would be communicated in such a way that it would be implemented in legal proceedings (ibid:) 3). CEDAW and the associated Optional Protocol, plus other international human rights tools should be compulsory in training for the legal professions and in the curriculum of legal faculties (ibid).

[25] The *École nationale de la magistrature* or French National School of Magistrates is a French college responsible for training and development for judges and lawyers, also known as the *Magistrature.* It is a public administration organisation, under the control of the ministry of justice. Further information is available at: www.enm.justice.fr/

In the **combined seventh and eighth report**, the French government went into more detail on the communication of international human rights tools, including CEDAW in legal university education (cf. CEDAW Committee 2013: 7). They also presented two concrete state measures in their report: In 2012, the French ministry of education *Ministère de l'Enseignement supérieur et de la Recherche* initiated a national training program for gender equality for all those involved in university education and research (ibid). The subjects involved in the program include, above all, national, European and international directives and regulatory frameworks, promoting a common culture of legislation and the resulting obligations and measures to combat discrimination (ibid): 7f). At the end of the training program, the ministry published a handout (ibid: 8). The second measure was an information campaign by the government to mark 35 years of CEDAW in France, which was directed at judges and law students (ibid).

Whereas the alternative report on the sixth national report by the French alliance of women's organisations, led by CLEF, did not yet refer to the research subject, the alternative report on the combined seventh and eighth French national report did so. CLEF criticised the lack of knowledge of CEDAW in the judicial system, parliament and government, and supported the demand of the CEDAW Committee, to include CEDAW in legal training programmes and in the curriculum of law and politics colleges (cf. CLEF 2014: 5). The Human Rights League (France) *Ligue des droits de l'Homme*, or LdH, included this criticism in their report, and supported the recommendations of the CEDAW Committee (cf. LdH 2016: 2).

The French human rights commission *Commission nationale consultative des droits de l'homme* or CNCDH[26]also took part in the preparation for the meeting of the PSWG for compilation of the list of issues, with an alternative report. CNCDH also criticised the lack of reference to CEDAW by French legislators, authorities and judicial personnel (cf. CNCDH 2015: 2). With regard to the combined seventh and eighth national reports, CNCDH complained that it contained information on the dissemination of CEDAW during courses of study, but supplementary information on specific professional development after study was lacking (ibid).[27] For this reason, CNCDH requested that PSWG ask the French government how teaching on international human rights measures, including CEDAW, was organised, not just in basic training, but also in further training and development for judges and lawyers at the *École nationale de la magistrature* (ibid). CNCDH also added that although CEDAW took precedence over national legislation under French law, CEDAW could only be invoked when its resolutions were unambiguous. CNCDH asked the working group to request France to list all legal judgements which referred to CEDAW (ibid).

In the list of issues on the combined seventh and eighth national report, the question was phrased as follows: "Please indicate whether lawyers, judges and all other actors of the justice system are systematically trained on the Convention and its Optional Protocol. Please indicate

[26] The French human rights commission is part of the French executive and is linked to the prime minister's office. Further information is available at: www.cncdh.fr/.

[27] While German legal training leads to full qualification as a lawyer, where all legal professions can be pursued after study, French legal training after college divides into specific professional training. Further information is available at: www.dfj.org/.

whether the Convention has been invoked in courts and, if it has, the number, nature and outcome of the cases" (CEDAW Committee 2015b: 1).

The French government replied that CEDAW articles 2, 3, 15 and 16 had been directly referenced in judgements of the French state council *Conseil d'État*[28] (cf. CEDAW Committee 2016a: 4, see also CEDAW Committee 2016b: 4). In addition, CEDAW was mentioned in training for judges on the subject of discrimination and harassment in the workplace (cf. CEDAW Committee 2016a: 3). Equality and efforts to combat discrimination were subjects in the framework of general training of judges and legal experts (ibid). European seminars on legal directives relating to equality have been held every year, and six seminars are planned for 2016 (ibid). In addition there is awareness training for personnel in the judicial system relating to gender stereotypes, which was carried out as a pilot phase for new personnel in March 2016, and will be offered to everyone in the longer-term. Finally, the French government pointed to a training and development module in Paris on professional equality, which was tailored specifically to the work in practice of lawyers and was based on an initiative of the bar association responsible there (ibid).

In another alternative report, which appeared in response to the French government's replies, CNCDH indicated that it had offered the *École nationale de la magistrature* to carry out training for judges on the UN human rights conventions in general and specifically on CEDAW (cf. CNCDH 2016).

At the 1409th meeting of the CEDAW Committee in July 2016, the French government was questioned once more with regard to their activities to increase awareness of CEDAW in the judicial system (cf. CEDAW Committee 2016b: 3). A representative of the French government confirmed the inadequate application of CEDAW by courts, but pointed out that CEDAW had been referenced in the French *Cour de Cassation*[29] as well as the *Conseil d'État* (ibid: 4). However she also added the court did not currently quote CEDAW, as arguments based on the convention which were referenced as part of investigation of court judgements were not provable (ibid).

In their concluding observations on the combined seventh and eighth reports, the CEDAW Committee asked the French government to promote systematic training on awareness and application of CEDAW for the specific requirements of personnel in the judicial system (cf. CEDAW Committee 2016c: 3f.).

[28] One role of the French state council is as an advisory body on legal issues for the French government. It also acts as the most senior administrative court. Further information is available at: http://english.conseil-etat.fr/.

[29] The French Court of Cassation is the most senior court in the French judicial system. It can examine previous decisions as the court of last resort. In its judgements, it justifies jurisprudence in France, by ensuring a common interpretation of legal standards, and makes decisions on formal errors in reaching verdicts. Further information is available at: www.courdecassation.fr/about_the_court_9256.html.

4 Comparison of Germany and France

Using the description in chapter 2.2 and 2.3, it is clear that the CEDAW Committee has repeatedly asked Germany and France about the subject of this research – awareness and application of CEDAW in the judicial system. In part, these inquiries were based on lacking information, or information viewed as inadequate in the documents provided by the States Parties. In terms of content, **two sets of questions** can be determined: First, the members of the CEDAW Committee inquired overwhelmingly about **political measures** carried out by the States Parties, to increase awareness of CEDAW amongst judges, prosecutors and lawyers, and also law students (cf. for Germany: CEDAW Committee 2016d: 1; for France; CEDAW Committee 2007a: 1; CEDAW Committee 2016b: 3). In part, these measures were made more concrete, whereby training on the Optional Protocol were discussed directly (cf. CEDAW Committee 2004a: 4; CEDAW Committee 2008c: 1) or measures which aim to motivate the target audience to take part in this by means of training (cf. CEDAW Committee 2004a: 4). Second, questions were asked whether CEDAW was referenced in **domestic court proceedings**, and if yes, in which ones (cf. for Germany: CEDAW Committee 2008c: 1; CEDAW Committee 2016d: 1; for France; CEDAW Committee 2007a: 1).

In their **responses to the first question on political measures**, both States Parties only presented example measures. They often pointed selectively to the existing status quo, whereby it is not possible to differentiate in this connection whether this can be attributed to initiatives of the government in question. So Germany and France both stated in general that CEDAW would be covered in **legal training**, and referred to corresponding seminars and lectures in the context of university education. (cf. for Germany: CEDAW Committee 2004a: 5; CEDAW Committee 2015c: 4; for France; CEDAW Committee 2007b: 2; CEDAW Committee 2013: 7). In both States Parties, there is a lack of equivalent instructions in the context of specific professional training after study, as well general information in France on procedures and regulations which would shape how the government could have an influence on the design of legal training. Fundamentally, the German federal government pointed to the responsibilities of the Länder but there is also the possibility of an exchange via the *Standing Conference of Culture Ministers of the Länder of the Federal Republic of Germany* (cf. CEDAW Committee 2001a: 3). However, notes on corresponding federal government measures were missing. That it is fundamentally possible to have an influence in France as well can be seen in the government measure presented, principally aimed at including international human rights instruments in the curriculum of legal faculties (cf. CEDAW Committee 2008a: 3). However, the vague formulation leaves it open whether this involves a proactive measure of the French government. Information on the implementation and result of this measure was also missing. One interesting aspect in this regard is that the French human rights commission CNCDH, which is part of the French executive, used the subsequent reporting cycle to hold their own government to account by asking the PSWG to inquire about the anchoring of CEDAW in areas including legal training (cf. CNCDH 2015: 2).

In the area of **legal training and development**, only France stated that CEDAW was a component of this, and also pointed to corresponding individual training for judges and lawyers (cf. CEDAW Committee 2016a: 3). Training to raise awareness amongst personnel in the judicial

system is also in a pilot phase (cf. CEDAW Committee 2016a: 3). The information here was also selective. Nor is it possible to say if the training can be attributed to initiatives of the French government, apart from the training on offer for lawyers, which can be attributed to an initiative of the Paris bar association. However, in the preceding national report, France drew attention to **another measure**, where the government supported lawyers in the application of human rights measures (cf. CEDAW Committee 2008a: 6). The nature of this support and whether this is still available remains unclear. As part of the examination of the fifth report, Germany indicted that there was no training in the justice system on the subject of CEDAW (cf. CEDAW Committee 2004a: 5). However, after examination by the federal government, setting up training of this kind was recommended. Responsibility for this lay with the local authorities (ibid). The subject was not mentioned in the subsequent national report. This means it is not possible to clarify conclusively whether an examination of this kind by the government took place, or whether a recommendation to setup this training had already been discussed. However, there was general information in earlier national reports relating to the procedure and regulations for legal developmental training: Judges could not be obliged to take part in corresponding training programmes (cf. CEDAW Committee 2001a: 4). At this point, there was also a note to say that although training had been offered, this had been cancelled due to a lack of participation (ibid). The German government went into more detail on the development process for lawyers (cf. CEDAW Committee 2003: 10f.). In contrast to the judiciary, lawyers were obliged to take part in training programmes, however there were “no definitions under professional law regarding the areas or topics in which lawyers must undergo further training” (ibid: 10).

Equally, there was information on **general training**: Both Germany and France mentioned that gender equality and non-discrimination against women were subjects covered as part of general training for personnel in the judicial system (cf. for Germany: CEDAW Committee 2003: 11; for France: CEDAW Committee 2016a: 3). In addition, France ran a national training programme on gender equality in university education and research, which also included CEDAW (cf. CEDAW Committee 2013: 7f.). While no further information on the equality-political effects was available, experiences with this measure were led to a published handout (ibid: 8). In this regard, Germany drew attention to training on the implementation of gender mainstreaming in the federal administration, the results of which were also summarised in handouts (cf. CEDAW Committee 2003: 62). Germany also gave the example of **conferences** which had been held on the subjects of gender equality and non-discrimination (cf. ibid: 11; CEDAW Committee 2015c: 4).

Finally, they indicated **general communication measures** whose target audience in the broadest sense also included (future) personnel in the judicial sector: The French government initiated an information campaign to mark 35 years of CEDAW in France, which was directed at law students (cf. CEDAW Committee 2013: 8). Germany indicated a brochure on CEDAW and its Optional Protocol, which was also available to the courts (cf. CEDAW Committee 2007c: 82).

In their **answers to the second question** whether CEDAW was referenced in domestic court proceedings, both States Parties were initially united (cf. for Germany: CEDAW Committee 2008d: 3; for France: CEDAW Committee 2007b: 2; CEDAW Committee 2008a: 6). In a later report cycle, the French government then reported that CEDAW had been referenced in both the *Conseil d'État*[30] and the *Cour de Cassation* (cf. CEDAW Committee 2016b: 4). Both States Parties also provided justifications why CEDAW was principally not referred to more often: In their last report, Germany explained that CEDAW was part of the German legal system, and accordingly, could be referenced as an aid to interpretation, but direct application was difficult due to a lack of concreteness (cf. CEDAW Committee 2015c: 4). However the standards laid out in CEDAW had been made more concrete in national legislation and so were individually actionable. A detailed overview, which would make the transferability of CEDAW standards into German legislation, was lacking. In this regard, Germany also drew attention to the fact that CEDAW had been referred to in draft legislation (cf. CEDAW Committee 2007c: 83). France also confirmed the inclusion of CEDAW standards in French legislation, without giving further detail (cf. CEDAW Committee 2007b: 2). Therefore, French judges would not invoke CEDAW, as it was already tied in to the arguments used in court proceedings on the one hand, and they could not refer to an international convention independently (cf. CEDAW Committee 2008a: 6). On the other hand, the *French Court of Cassation* would not currently say that arguments based on CEDAW used to examine court judgements were not viable (cf. CEDAW Committee 2016b: 4). A comprehensible justification of the two arguments remains outstanding.

The CEDAW Committee bases its **concluding observations** on information provided by the States Parties themselves, both in writing in the national reports and the answers to the list of issues, as well as verbally in the questioning of the national delegation by the CEDAW Committee. They also use the contributions from civic and other state organisations. These recommendations generally consist of two parts: After formulation of the problem identified by the Committee, there is a recommendation for a solution to the problem.

After examination of the combined second and third reports and fourth report, the Committee was concerned that, despite introduction of corresponding programmes, legislation and political strategies, no guarantee could be given that these were contributing to de-facto equality for women in Germany, and attributed this to failings in implementation in practice (cf. CEDAW Committee 2000: 31f.). Accordingly, the Committee recommended that the German federal government initiate measures which would help enable administrative personnel in general reach de-facto equality. In particular, however, they recommended measures, with regard to tertiary education and further judicial training and development. The Committee also recommended that the federal government should refer directly to the Convention when CEDAW affected their actions. After inspection of the fifth German national report, the Committee was concerned that CEDAW was still not being referred to, as it did not have the same position, for

[30] A brief description and assessment of the legal cases can be found in Fabri/Hamann (2013: 549f.).

example, as European Directives[31] (cf. CEDAW Committee 2004b: 68). The Committee recommended that the federal government should use CEDAW as a legally binding human rights document and should "take proactive measures to enhance awareness of the Convention, in particular among parliamentarians, the judiciary and the legal profession at both the Federal level and the level of the Länder" (ibid). Both recommendations were repeated after examination of the sixth German national report by the CEDAW Committee (CEDAW Committee 2009: 5). The Committee also recommended that Germany should "systematically promote awareness and understanding of the convention and the Optional Protocol, as well as gender equality" (ibid), including personnel in the judicial system. Finally, the Committee "that the Convention and its Optional Protocol, as well as the Committee's general recommendations and the views adopted on individual communications and enquiries, are made an integral part of educational curricula, including legal education and training of the judiciary" (ibid: 5).

The last two CEDAW Committee recommendations to Germany after examination of the sixth national report were also directed at France (cf. CEDAW Committee 2008b: 3). The Committee expressed their regret that, up to that point in time, there had been no court judgements which referred to CEDAW (ibid: 2). The Committee was also surprised that the French government had created the corresponding conditions for this, both legally and politically (ibid). Following examination of the combined seventh and eighth report, the Committee also repeated their recommendation that the French government promote systematic training on awareness and application of CEDAW for the specific requirements of personnel in the judicial system (cf. CEDAW Committee 2016c: 3f.).

5 Further analysis

Due to the portrayal of merely general information and example measures by the States Parties, it is not possible to obtain a comprehensive, systematic insight into the activities in Germany and France with regard to the subject of research in this paper. Despite repeated requests by the CEDAW Committee for more comprehensive information and proactive measures which have not led to legal obligations or systematic, national promotion and anchoring in both Germany and France, the requests from the Committee do not go beyond the concluding observations. So for example, a "follow-up procedure" had not been introduced in either State Party up to that point. Based on the CEDAW Committee request in the concluding observations that a State Party should go into more detail on a concrete issue than before, this could offer an opportunity to report more comprehensively, and thus facilitate a more intensive engagement with the research subject.

Therefore the following aims to explore more deeply the significance which can be derived from the documents examined, and made more concrete using other literature.

[31] With regard to the relationship between the EU and CEDAW, see Schadendorf (2014).

Repeated inquiry and regular questioning indicate a particular importance of the research subject matter – awareness and application of CEDAW in the judicial system – for the CEDAW Committee: **When the legislation which falls under CEDAW is communicated to the relevant legal protagonists in special training sessions, it can then also be applied in legal processes and this lead to the best possible results.**

CEDAW ranks as one of the most fundamental legal instruments in the whole area of human rights for women. It obliges States Parties to a systematic, continuous implementation of all directives in the convention. In particular, article 2c of CEDAW obliges courts to implement CEDAW within their area of competence; so they are bound to CEDAW (cf. Kägi-Diener 2012: 110). However, as the comparison between the countries has shown, see chapter 4, this importance is not reflected to this extent in the working practice of German and French courts, as the potential of CEDAW does not seem to be anchored in the consciousness of those involved in the judicial system as part of systematic training programmes.

In addition, CEDAW is not a fixed text, it is constantly re-interpreted, and its legal content also changes as part of this re-interpretation although not a single word was changed in the text (cf. Heintz et al. 2006: 428). This can be seen in the use of various documents such as the national reports, alternative reports and the documents of the CEDAW Committee in the context of the reporting cycles of Germany and France. These give an insight in the differing **interpretations**[32]of CEDAW by the States Parties, non-governmental organisations and the CEDAW Committee as a contractual body. The interpretation has an importance which should not be underestimated for the implementation of law. It makes law understandable, and is the basis for disseminating this understanding, and thus penetrates the general perception of the legal community (cf. Kägi-Diener 2012: 104). Equally, a change in the legal content of CEDAW can be triggered by court decisions which refer to it (cf. Heintz et al. 2006: 425).[33] As well as the fundamental framework of national legal context, experiences based on concrete legal cases, above all, play a decisive role in interpretation: Only this helps to identify the importance and practical usefulness of human rights standards. Court practice should be included regularly here (cf. Kägi-Diener 2012: 105). The missing, or barely existing, court practice in Germany and France creates a critical barrier to the legal implementation of CEDAW, as it is not possible to refer to a generally recognised canon in jurisprudence when it comes to interpretation.

The reason for this seems to lie in the different understanding of the applicability of the individual CEDAW standards in domestic court proceedings: Chapter 4 already listed the justifications of the German and French governments extracted from the CEDAW documents, explaining how, for example, not all CEDAW standards were immediately usable because of a lack of clarity. So while the subjective legal character of internationally established human rights was

[32] In general, the national reports represent the individual interpretation by the States Parties (cf. Elsuni 2011: 20ff.), while this interpretation, in turn, is the basis for evaluation (and criticism) in the alternative reports from the non-governmental organisations or the concluding observations from the CEDAW Committee. In general the (latter) interpretation by the contractual body is described as a “quasi-judicial” interpretation, as the examination of national reports, for example, may require an interpretation of the contractual regulations (cf. Elsuni 2011: 20ff.; see also Kägi-Diener 2012).

[33] In general, national court judgements rank as individual interpretation by a State Party, whereas international court judgements are part of judicial interpretation (cf. Elsuni 2011: 20).

sometimes questioned by authorities and courts (Rudol/Chen 2015: 39; see also Kägi-Diener 2012: 110; with examples Rudolf 2012: 600 or Richter 2012: 173ff.), there is a legal opinion assuming that "the subjective legal character of material standards (Article 1-16) [CEDAW] should be affirmed without any further ado" (Rudolf/Chen: 40; see also Althoff 2014: 29f.; Mahler 2013: 245f.).

Another reason could be that the role of national or European legislation is perceived to rank higher, and take priority over, international legislation: So in Germany, since the constitution came into effect, there is an increasingly firm belief that their own legal system guaranteed the highest possible legal standards, which, so to speak, were exemplary for all time, worldwide (Richter 2012: 182; see also Heintz et al. 2006: 440, Kägi-Diener 2012: 119; Zwingel 2012: 56). One the hand, this led to a disregard for international standards. Even when, in certain circumstances, they demonstrated a higher level of protection than the national standards (cf. Richter 2012: 182). On the other hand, there is also a direct point of contact between CEDAW and the equality principles in the German and French constitutions, whereby a broader formulation with a more detailed frame of reference could be formulated. (cf. Fabri/Hamann 2013: 549). In addition, Germany's motivation to ratify CEDAW was primarily of a foreign policy nature: Accession should be a symbol that Germany attaches a great deal of importance to the international protection of human rights, and can shine out as a role model for other countries (cf. Heintz et al. 2006: 430). This has led to a situation where CEDAW did not play a major role in domestic politics (ibid). The same applies for French motivation to enter into the convention: In France, CEDAW was also viewed as an instrument which was more targeted at developing countries (cf. Fabri/Hamann 2013: 539).

As there is little active, regular engagement with the individual CEDAW standards, as seen in the few known cases where CEDAW was used in German and French court proceedings, in this case the States Parties are challenged to be become more active. CEDAW also stresses in article 2 the active guarantee function of the state for the human rights of women (cf. Rodi 2014: 53). In this sense, Germany[34] and France are primarily obliged to ensure that CEDAW is taken into consideration, by means of the overall training and development of personnel in the judicial system.

The overarching discussion about the role of women in our society is linked to this requirement: CEDAW is based on the view that discrimination is generally (co-)determined by the social environment. This is typified by culturally-influenced role models and role expectations, as well as the allocation of characteristics of men and women based on these. Gender-based preju-

[34] This seems to be a particular challenge for Germany, as legal training and development is a matter for the federal states. This means legal courses at universities and the subsequent legal clerkship period are regulated differently from state to state. In addition, judges are not obliged to undergo further training and development, unlike lawyers. However, there is a lively debate as to whether the introduction of a training obligation for judges is not compatible with Article 97 of the Basic Law on Judicial Independence (cf. Dyckmans 2008, Henning/Sandherr 2013).

dices and allocations reflect the division of recognition, resources and power in a society. Actions based on these perceptions reinforce this division and so contribute to discrimination (cf. Rudolf 2012: 600).[35] This relates to the overall societal area, and thus also the judicial area. [36]

Feminist law studies draws attention to this, and asks how law produces power structures and exclusions, and what strategies can be used to change these power structures. It analyses gender relations as one form of inequality structure, and so its primary focus is on the situation of women as the traditionally disadvantaged sector (cf. Foljanty/Lembke 2012: 23). So all people may be equal before the law, but after application of a law, there are often astonishing differences in its effects which can be attributed to differing realities of life (ibid: 25; on the *gender law gap* in Germany cf. Lucke 2015; Examples of court judgements with gender-related discrimination in Germany cf. Schultz 2013).

Legal policy, jurisprudence and administration can under certain circumstances be based on and assign role allocations and role expectations in interpretation and application of written law (cf. Bundesregierung 2011: 54). Equally, law can also be a tool which can counter an existing role allocation which has a negative effect on one gender (ibid: 53). This requires knowledge of equality and anti-discrimination policy problems in the national legal and societal structures in question, as well as the application of suitable (legal) instruments to create equality, equality of opportunity and equality of treatment, including constitutions, equality and anti-discrimination acts, and, above all, CEDAW.

6 Recommendations for action

The following describes some recommendations for action, resulting from the findings in this paper. Here, a distinction is drawn between recommendations for action which relate directly to the judicial system and general recommendations for action, aimed primarily at the political system.

6.1 The judicial system

- There is a fundamental need for an **examination which analyses whether, and to what extent, CEDAW forms part of legal training and development in Germany and France.**
- Based on the findings of this, **a concept for integration of the content of CEDAW into legal training and development**[37] could be produced, in order to systematically anchor CEDAW and other legal tools relating to equal opportunity policy (cf. AG “Anwaltschaft für

[35] Explicit regulations on gender stereotyping are anchored in article 5 CEDAW. There is an analysis of the potential of CEDAW to combat gender stereotypes in Germany in Rodi (2014).

[36] *“Although CEDAW does not explicitly use the term Gender Mainstreaming to pursue their request to implement de-facto equality of men and women, and the obligation of States Parties to pursue policies “to eliminate discrimination against women” and, in fact “immediately”, and also use “all appropriate means”, the content of CEDAW covers the meaning of the term*” (Prpić 2011: 49; in particular this means article 3 CEDAW, see also Schöpp-Schilling 2015a: 87f.).

[37] Ulrike Schultz has composed a suggestion for a gender curriculum for legal studies, available at: www.gender-curricula.com/en/gender-curricula/gender-curricula-detailansicht/?uid=23&casegroup=all&cHash=1481275095.

Menschenrechte und Vielfalt" 2013; Althoff 2014: 34f.; CLEF 2014: 5; Kägi-Diener 2012: 119; LdH 2016: 2, Schultz 2013: 597; WIRUS.berlin 1999: 4).[38] One essential condition here is central accessibility of all information, including court judgements, about CEDAW in the relevant standard works[39]and databases (cf. Althoff 2014: 35f.).

- In addition, **measures to raise awareness of exclusion mechanisms and power structures,** including sexism, racism should be taken within legal training and development (AG "Anwaltschaft für Menschenrechte und Vielfalt" 2013, see also Althoff 2014: 34f.; in general on gender training in law studies cf. Valentiner 2016; in general on gender and justices cf. Schultz et al. 2013).
- **People actively involved, or organisations and civic society** could also be better informed and appropriately trained in order to regularly refer to CEDAW as experts in statements of federal constitutional procedures (cf. König/Schadendorf 2014: 860) or to to refer to CEDAW as a form of third party intervention (ibid: 859; see also Althoff 2014: 32f.).
- In addition, a detailed **overview enabling the transferability of CEDAW standards into German and French legislation** is required.

6.2 General

- **Data should be gathered and evaluated** regularly, examining the actual life conditions of women with regard to the issues contained in CEDAW, and continually, comprehensively measuring progress in the implementation of CEDAW.[40]
- Based on the findings acquired, a **national action plan** could be produced, based on a comprehensive overall concept for combating discrimination of women.[41] This should also consider the integration of course content about CEDAW into the curricula of study courses and training, see recommendation for action 6.1.
- There is a need for regular **translation** into German and summarised, public **accessibility of all information relating to CEDAW**, in particular the general recommendations and associated documents in the context of national reporting cycles[42], to raise awareness of these, and so that they can be applied in all decisions of public bodies and political

[38] Examples of applications for lawyers can be found, for example, in Rudolf (2012) and Prpić (2012); and for judges in König/Schadendorf (2014: 858).

[39] A more comprehensive commentary on CEDAW, with a legal explanation of the individual articles for use in university courses or in practice, was already published in English (cf. Freeman et al. 2012). A German or French translation here is to be encouraged.

[40] CEDAW is also considered seriously in the German discussion regarding appropriate measurement of the status and progress in equality for men and women (cf. Hans-Böckler-Foundation 2016: 21). In addition, the WSI GenderDataPortal is also oriented to the individual equality policy recommendations of the CEDAW Committee (ibid: 19).

[41] So, for example there are elements in the German Federal Government's action plan for combating violence against women I and II, available in German at: www.frauenhauskoordinierung.de/infothek/aktionsplaene-gegen-haeusliche-gewalt/detailansicht-haeusliche-gewalt/artikel/aktionsplan-der-bundesregierung-zur-bekaempfung-von-gewalt-gegen-frauen-i-und-ii.html.

[42] As French is an official and working language of the UN, most CEDAW documents are already available in French, see Table 4 in Appendix II.

measures, as a touchstone for elimination of discrimination against women (cf. agisra et al. 2003: X, in detail 102f.).[43]

In addition, an **accompanying institutionalisation of the CEDAW process** should be considered, as introduced with regard to the UN Convention on the Rights of Persons with Disabilities and the UN Convention on the Rights of the Child:

- For example, a **coordination body** for an alternative report on CEDAW produced jointly by several women's politics, non-governmental organisations could be set up and financed.[44]
- Equally, consideration could be given to the setup and financing of a civic societal **network of active organisations and initiatives for CEDAW** using the model of the *National Coalition of Germany* – Network for the implementation of the UN Convention on the Rights of the Child[45], to raise awareness of the convention and promote its implementation.
- In the long term, an independent body could be set up and financed to monitor national observance of the civic societal obligations of CEDAW. As per the DIMR[46] monitoring bodies for the UN Convention on the Rights of Persons with Disabilities and the UN Convention on the Rights of the Child in Germany, a **monitoring body for the UN Convention on the Rights of Women** could be set up in Germany and France, with the aim of independently observing and monitoring the implementation of CEDAW.

[43] Video tutorials are a good way of increasing awareness of CEDAW, using the template of the organisation *The People's Movement for Human Rights Education*, available at: www.pdhre.org/videoseries.html. These can then be distributed via other media and social media channels.

[44] This already exists in the Netherlands, for example (cf. agisra et al. 2003: i).

[45] Around 110 organisations and initiatives active in Germany, from a range of civic areas, have come together in the *National Coalition*, with the aim of increasing awareness of the UN Convention on the Rights of the Child, and to promote its implementation, available at: www.netzwerk-kinderrechte.de/en.html.

[46] Cf. DIMR Website for UN Convention on the Rights of Persons with Disabilities: www.institut-fuer-menschenrechte.de/en/national-crpd-monitoring-mechanism/; for the UN Convention on the Rights of the Child, available at: www.institut-fuer-menschenrechte.de/en/national-crc-monitoring-mechanism/about-us/.

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Annex

I. Germany

Table 3: Overview reporting cycle Germany (total)

Title	Document type	Document number	Publication date	Download	
Combined seventh and eigth periodic reports (2015-)					
List of issues in relation to the State party's report	List of issues	CEDAW/C/DEU/Q/7-8	29.07.2016	-	EN
Combined seventh and eigth State party's report	**State party's report**	**CEDAW/C/DEU/7-8**	**05.06.2015**	**DE**	**EN**
Sixth periodic report (2007-2011)					
Letter from the CEDAW Rapporteur on follow-up Dubravka Šimonović to the German Government	Follow-up observations		04.11.2011	-	EN
Deutsche Frauenrechtsorganisationen	Follow-up Alternative report		18.09.2011	DE	EN
Information from Germany on two priority themes: Intersexuals / Transsexuals; Elimination of wage inequality of women	Follow-up State party's report	CEDAW/C/DEU/CO/6/Add.1	16.08.2011	DE	EN
Concluding observations on the State party's report	**Concluding observations**	**CEDAW/C/DEU/CO/6**	**12.02.2009**	**DE**	**EN**
Summary record of the 881th meeting of the CEDAW Committee to consider the State party's report	Summary record	CEDAW/C/SR.881	08.04.2009	-	EN
Answer of Germany to the List of issues in relation to the State party's report	Answer to List of issues	CEDAW/C/DEU/Q/6/Add.1	25.11.2008	-	EN
List of issues in relation to the State party's report	List of issues	CEDAW/C/DEU/Q/6	12.08.2008	-	EN
Verein Intersexuelle Menschen e. V. / XY-Frauen	Alternative report		02.07.2008	DE	EN
Deutscher Juristinnenband e. V. (djb)	Alternative report		21.11.2008	DE	EN
Wunschkind e. V.	Alternative report		12.10.2008	-	EN
Allianz der Frauenorganisationen	Alternative report		Nov 2008	DE	EN
Menschenrecht and Transsexualität (Interessensgemeinschaft)	Alternative report		December 2007	DE	EN
Sixth State party's report[2]	**State party's report**	**CEDAW/C/DEU/6**	**08.06.2007**	**DE**	**EN**
Fifth periodic report (2002-2004)					
Concluding observations on the State party's report	**Concluding observations**	**CEDAW/C/2004/I/CRP.3/Add.6/Rev.1**	**30.01.2004**	**DE**	
		A/59/38 (Part I) paras. 365–-407	**18.03.2004**	-	**EN**
Summary record of the 640th meeting of the CEDAW Committee to consider the State party's report	Summary record	CEDAW/C/SR.640	19.02.2004	-	EN
Summary record of the 639th meeting of the CEDAW Committee to consider the State party's report	Summary record	CEDAW/C/SR.639	17.02.2004	-	EN
Answer of Germany to the List of issues in relation to the State party's report	Answer to List of issues	CEDAW/PSWG/2004/1/CRP.2/Add.5	Not publicly available		
List of issues in relation to the State party's report	List of issues	CEDAW/PSWG/2004/1/CRP.1/Add.3			
arbeitsgemeinschaft gegen internationale sexuelle and rassistische ausbeutung e. V. et al. (Hrsg.)	Alternative report		Jun 2003	DE	EN
Fifth State party's report[1]	**State party's report**	**CEDAW/C/DEU/5**	**19.11.2002**	**DE**	**EN**

Combined second and third periodic reports / Fourth periodic report (1995-2000)					
Concluding observations on the State party's report	**Concluding observations**	**A/55/38 paras. 287-333**	**17.08.2000**	**DE**	**EN**
Summary record of the 465th meeting of the CEDAW Committee to consider the State party's report	Summary record	CEDAW/C/SR.465	04.09.2001		EN
Summary record of the 464th meeting of the CEDAW Committee to consider the State party's report	Summary record	CEDAW/C/SR.464	04.09.2001		EN
Bandesweiter Koordinierungskreis gegen Frauenhandel and Gewalt an Frauen im Migrationsprozeß e. V.	Alternative report		Jan 2000	DE	
WIRUS.berlin	Alternative report		Nov 1999	DE	
Fourth State party's report	**State party's report**	**CEDAW/C/DEU/4**	**May 1998**	**DE**	**EN**
Combined second and third State party's reports	**State party's report**	**CEDAW/C/DEU/2-3**	**Dec 1995**	**DE**	**EN**
First periodic report (1988-1990)					
Concluding observations on the State party's report	**Concluding observations**	**A/45/38 paras. 51-92**	**06.06.1990**		**EN**
Summary record of the 152th and 157th meetings of the CEDAW Committee to consider the State party's report	Summary record	CEDAW/C/SR.152 and 157	Not publicly available		
First State party's report	**State party's report**	**Corr.1**	**25.10.1989**	**DE**	
		CEDAW/C/5/Add. 59	**22.03.1988**	**DE**	**EN**
Core document					
Core document	**Core document**	**HRI/CORE/DEU/2009**	**12.10.2009**		**EN**
Core document	**Core document**	**HRI/CORE/1/Add.75/Rev.1**	**31.01.2003**		**EN**

1 Including statement of Germany to the Concluding observations (A/55/38).

2 Including statement of Germany to the Concluding observations (A/59/38).

Source: Author's research.

II. France

Table 4: Overview reporting cycle France (total)

Title	Document type	Document number	Publication date	Download	
Combined seventh and eigth periodic reports (2014-2016)					
Concluding observations on the State party's report	**Concluding observations**	**CEDAW/C/FRA/CO/7-8**	**22.07.2016**		**EN**
Written supplements of France to questions during the CEDAW Committee session to consider the State party's report	Written supplements		12.07.2016	FR	
Summary record of the 1410th meeting of the CEDAW Committee to consider the State party's report	Summary record	CEDAW/C/SR.1410	18.07.2016		EN
Summary record of the 1409th meeting of the CEDAW Committee to consider the State party's report	Summary record	CEDAW/C/SR.1409	15.07.2016		EN
Complementary answer of the Défenseur of the droits to the List of issues in relation to the State party's report	Answer to List of issues		Jun 2016	FR	

Complementary answer of the Haut Conseil à l'Egalité entre les femmes et les hommes to the List of issues in relation to the State party's report	Answer to List of issues		2016	FR	EN
Report of France as annex to the answer of France to List of issues in relation to the State party's report	Answer to List of issues		2016	FR	
Answer of France to List of issues in relation to the State party's report	Answer to List of issues	CEDAW/C/FRA/Q/7-8/Add.1	19.04.2016	FR	EN
List of issues in relation to the State party's report	List of issues	CEDAW/C/FRA/Q/7-8/	27.11.2015	FR	EN
Women's International League for Peace and Freedom	Alternative report		May 2016		EN
StopIGM.org / Zwischengeschlecht.org (International Intersex Human Rights NGO)	Alternative report		Jun 2016		EN
Regards de Femmes	Alternative report		andated	FR	EN
Organisation of the Nations Autochtones de Guyane	Alternative report		09.06.2016	FR	
Organisation of the Nations Autochtones de Guyane	Alternative report		09.11.2015	FR	
Ligue of the droits de l'Homme (LdH) / Fédération internale of the ligues of the droits de l'Homme (FIDH)	Alternative report		o. J.	FR	
Ligue of the droits de l'Homme (LdH)	Alternative report		o. J.	FR	
Global Detention Project	Alternative report		2016		EN
Collectif Contre l'Islamophobie en France	Alternative report		2016		EN
Collectif Contre l'Islamophobie en France	Alternative report		2014/2015	FR	
Coordination Française pour le Lobby Européen of the Femmes (CLEF)	Alternative report		2016	FR	EN
Coordination Française pour le Lobby Européen of the Femmes (CLEF)	Alternative report		2014	FR	EN
Commission nationale consultative of the droits de l'homme (CNCDH)	Complementary periodic report		10.06.2016	FR	EN
Commission nationale consultative of the droits de l'homme (CNCDH) / Haut Conseil à l'Egalité entre les femmes et les hommes	Contribution to the List of issues		01.10.2015	FR	EN
Combined seventh and eigth State party's report	**State party's report**	**CEDAW/C/FRA/7-8**	**14.07.2014**	**FR**	**EN**
Sixth periodic report (2006-2008)					
Concluding observations on the State party's report	**Concluding observations**	**CEDAW/C/FRA/CO/6**	**08.04.2008**	**FR**	**EN**
Summary record of the 818th meeting of the CEDAW Committee to consider the State party's report	Summary record	CEDAW/C/SR.818	11.03.2008		EN
Summary record of the 817th meeting of the CEDAW Committee to consider the State party's report	Summary record	CEDAW/C/SR.817	25.02.2008		EN
Coordination Française pour le Lobby Européen of the Femmes (CLEF)	Alternative report		02.07.2008	FR	EN
Answer of France to List of issues in relation to the State party's report	Answer to List of issues	CEDAW/C/FRA/Q/6/Add.1	07.12.2007		EN
List of issues in relation to the State party's report	List of issues	CEDAW/C/FRA/Q/6	04.09.2007	FR	EN
Sixth State party's report	**State party's report**	**CEDAW/C/FRA/6**	**06.04.2006**	**FR**	**EN**

Combined third and fourth periodic reports / Fifth periodic report (1999-2003)					
Concluding observations on the State party's report	**Concluding observations**	**A/58/38(SUPP) paras. 229-281**	**18.08.2003**	**FR**	**EN**
Answer of France to List of issues in relation to the State party's report	Answer to List of issues	CEDAW/PSWG/2003/II/CRP.2/Add.1	Not publicly available		
List of issues in relation to the State party's report	List of issues	CEDAW/PSWG/2003/II/CPR.1/Add.2	Not publicly available		
fifth State party's report	**State party's report**	**CEDAW/C/FRA/5**	**26.09.2002**	**FR**	**EN**
Combined third and fourth State party's report	**State party's report**	**CEDAW/C/FRA/3-4**	**18.10.1999**		**EN**
Second periodic report (1990-1994)					
Concluding observations on the State party's report	**Concluding observations**	**A/48/38(SUPP) paras. 327-358**	**25.02.1994**	**FR**	**EN**
Second State party's report	**State party's report**	**CEDAW/C/FRA/2/Rev.1**	**10.12.1990**	**Not publicly available**	
First periodic report (1986-1987)					
Concluding observations on the State party's report	**Concluding observations**	**A/42/38 paras. 370-451**	**01.01.1987**	**FR**	**EN**
Summary record of the 93th and 95th meetings of the CEDAW Committee to consider the State party's report	Summary record	CEDAW/C/SR.93 and 95	Not publicly available		
First State party's report	**State party's report**	**CEDAW/C/5/Add.33**	**07.05.1986**		**EN**
Core document					
Core document	**Core document**	**HRI/CORE/1/Add.17/Rev.1**	**07.10.1996**	**FR**	**EN**

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