France: Gender discrimination in the field of education

This document outlines legislation in France that prohibits gender discrimination in the field of education.

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I. INTRODUCTION

Generally, the French Law prohibits discrimination on five grounds: race, sex (or gender), religion, age, and disability.

This memorandum addresses the issue of gender discrimination in education and its apprehension by the French law.

The essence of gender discrimination is unfair treatment on the basis of gender. The treatment must not simply be different, but also unfair.

II. LEGISLATION

1. Constitution

➢ Constitution of 4 October 1958 and Declaration of human and civic rights of 26 August 1789

The French constitution promotes in its article 1 the equality of all citizens before the law. It also prohibits discrimination. The preamble to the Constitution refers to the Declaration of human and civil rights of 26 August 1789, which has been incorporated into French Law: the Declaration is deemed to be part of the national Constitution. In article 1 of the Declaration, it is established that “men are born and remain free and equal in rights” and that “social distinctions may be based solely on ‘common good’ considerations.”

External links:

• Constitution of 4 October 1958
• Declaration of human and civic rights of 26 August 1789
   (http://www.legifrance.gouv.fr/html/constitution/constitution2.htm) (in English)
   (http://www.conseil-constitutionnel.fr/langues/anglais/cst1.pdf) (in English)

2. “Anti discrimination law” regarding access to education

   ➢ Law n° 2004-1486 of 30 December 2004 (as amended by law n°2006-396 of 31 March 2006)
   regarding the creation of the High Authority to fight against discrimination and for equality
   (Haute Autorité de lutte contre les discriminations et pour l’égalité or « HALDE »)

   External link: (http://www.legifrance.gouv.fr/texteconsolide/PFECT.htm)

   provides for a general regime prohibiting discrimination on the basis of nationality, affiliation or lack
   of affiliation, whether actual or presumed, to an ethnic group or race in the field of social protection,
   healthcare, social advantages, access to education and supply of goods and services [...]. It also
   provides for the shift of the burden of proof to the respondent when factual evidence of
   discrimination is brought by the plaintiff, except in criminal proceedings. In addition, this law created
   an independent governmental agency, the “High Authority against Discrimination and for Equality”
   (HALDE). The HALDE has competence over all forms of discrimination, whether direct or indirect,
   prohibited by French law and/or international agreements ratified by the French Republic.

   The law on Equality of Opportunities (2006) reinforced the HALDE powers: the HALDE can now
   impose administrative sanctions.

   ➢ The French Code of Education

   Equality between women and men is a legal obligation and a fundamental assignment for the French
   National Education (l’Education Nationale). The equality of treatment is ensured through several
   articles of the French Code of Education:

   External link: (http://www.legifrance.gouv.fr/affichCode.do;jsessionid=1D1C7606EEA5B0B74E0EE817D59C3FD6.t
   pdjo17v_3?idSectionTA=LEGISCTA000006166561&cidTexte=LEGITEXT000006071191&dateTexte=20
   090227)

   Article L.121-1 of the French Code of education:

   “Primary schools, secondary schools and establishments of higher education should transmit
   knowledge and work methodologies. They should contribute to the equality between men and
   women, in particular for orientation purposes.”

   Other dispositions of the Code of Education insist on the equality between men and women both at
   a national and a local level:
Article L.123-2:

“Public system of higher education should contribute: (...) 3° At the reduction of social and cultural inequalities and at the realization of equality between men and women. The Public system of higher education should assure the access at higher forms of culture and research; (...)”.

Article L.214-13:

“The region adopts the regional plan for the development of professional training. This plan specifies a program of professional training for young people and adults. This plan contributes to equal access of women and men to different professionals trainings (...)”.

3. Informal local agreements favoring the promotion of equality between men and women in education

- The agreement for the promotion of equality between women and men in education -25 February 2000

External link: www.education.gouv.fr/bo/2000/10/orga.htm

One of the objectives of this agreement is to promote an education based on mutual respect between men and women and to promote the value of equality in opportunities.

Based on this agreement, eight ministries have been involved in promoting gender equality in the education.

- The general agreement ("accord cadre") of cooperation – March 6th 2003


This “accord cadre” sets up the basis for cooperation between the Ministry of Research and New Technologies, the Ministry of Parity and Professional Equality and the National Center for Scientific Research ("CNRS").

The objective of this cooperation is to:

- develop research and statistics on equality between men and women;
- increase the number of women who choose scientific professions;
- foster young girls to follow scientific studies;
- improve the image of women in science.

- Agreement for the promotion of equality between men and women- March 22nd, 2005

External link: www.cge.asso.fr/convention_cge.pdf

This agreement involves the Ministry of Parity and Professional Equality and the Conference of “Grandes écoles”, which gathers prestigious universities or the so-called “schools” for post-graduates.
The objective of this agreement is to:

- stress the issue of equality in education and professional life;
- remind about the need to treat students of both genders equally;
- participate in the development of gender equality in the private and the public sectors.