

# Guide to gender parity

Laws aiming  
at a gender equal  
sharing of political,  
professional and  
social  
responsibilities

Updated on February 2016

# Parity: A democratic horizon

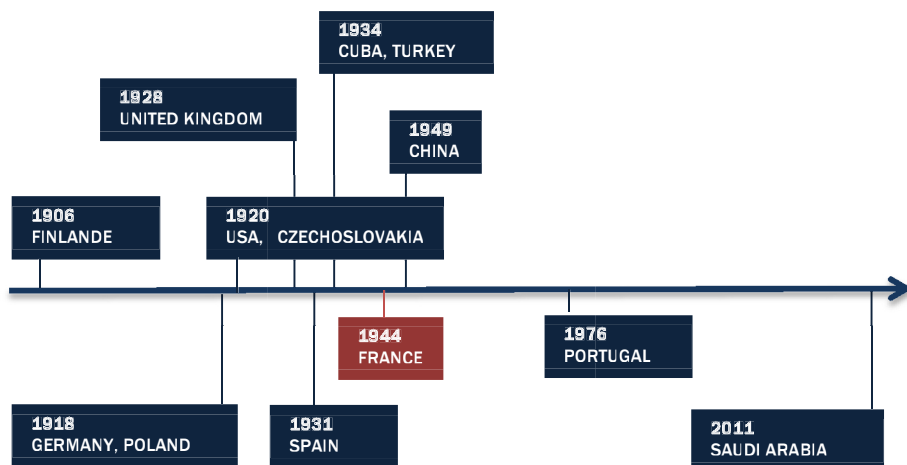


## Parity democracy: from the international to the national level, from the political to the economic stage

The word "parity" is used as meaning both the international and european claim for a gender equal power sharing, along with its national regulations enforcing or encouraging a gender equal distribution of candidatures or seats in any decision-making Assembly, be it political, economic or social.

In France, women only won the right to vote in 1944 (Decree, 21 April 1944) and the proportion of male Members of Parliament still stood at 73% in 2016. Yet, France has been the first country which adopted a legislation aiming at electoral gender parity, in 2000. Since 2008, gender parity has extended beyond politics, and is now enforced in the professional and social fields, where power issues are also significant.

### Chronology of Women's Right to vote and stand for election: the French delay



### France ranks 48th out of 190 countries, in terms of gender parity in the Lower (or Unique) Assembly, in a decreasing order

1	Rwanda	63,8%
3	Cuba	48,9%
10	Finland	41,5%
12	Spain	41,1%
21	Germany	36,5%
25	Portugal	35,8%
39	Nepal	29,5%
40	United Kingdom	26,4%
48	France	26,2%
58	China	23,6%
73	Saudi Arabia	19,9%
75	United States of America	19,4%



## Key Acts on gender parity

**Constitutional amendment 1999 (8/7/1999):** Articles 3 and 4 of the French Constitution were modified: the Article 3 was complemented with “the Law **encourages equal access by men and women to electoral mandates and elected positions**”; Article 4 specified that “**political parties and groupings contribute to the implementation of this principle**”.

Act 2000 (6/6/2000): established the legal obligation of submitting gender equal lists of candidates for **plurinominal polls**; set up a financial penalty (withholding part of the public financial support) for political parties whose list of **parliamentary candidates** does not comply with the parity obligation (the differential among both sexes shall not exceed more than 2%).

Act 2007 (31/1/2007):

- ▶ It established a rule of strict alternation by sex in the order of presentation for the lists candidates to local elections (> 3 500 inhabitants) and introduced the legal obligation of gender parity in local and regional executive Councils.
- ▶ It also increased the financial withholding for those political parties escaping the obligation of designating a gender equal number of candidates to the Parliamentary elections of 2012.

**Constitutional Amendment 2008 (23/7/2008):** Includes in the First article of the Constitution “the Law encourages equal access by men and women to electoral mandates and elected positions, **as well as to positions of responsibility in the professional and social areas**”

Copé-Zimmermann Act 2011 (27/1/2011): Set an objective of reaching by 2017 a minimum membership of 40% representatives of one sex to the **Board of Directors and supervisory Board** of listed companies, or companies employing more than 500 persons and whose turnover is over 50M€.

Sauvadet Act 2012 (12/3/2012): Sets a double target for the public service due to be reached by 2018<sup>1</sup>:

- ▶ 40% of women among civil servants designated for the first time to positions of responsibility/management, based on an initial target of 20% in 2013.
- ▶ 40% in all Boards of Directors/Supervisory Board or equivalent organs in public corporations, selection panels, industrial relations bodies.

Fioraso Act 2013 (22/7/2013): enlarged the objective of gender parity to the lists of candidacies and designation to **decision-making bodies in the field of higher education and research**.

Electoral Act 2013 (17/5/2013):

- ▶ Set up a binominal list system (one woman and one man as paired candidates) for **Departmental elections**
- ▶ Expanded the rule of strict alternation by sex to local and intercommunal elections in order to reinforce parity: it shall apply on lists of candidates to local polls in cities above 1.000 inhabitants, as well as to intercommunal council elections.

Vallaud-Belkacem Act 2014 (4/8/2014):

- ▶ Doubled the financial penalty for political parties escaping parity rules (Legislative polls)
- ▶ Enlarging or accelerating the enforcement of the rule for a gender balanced representation in a number of public corporations, private companies or sports federations:
  - Board of Directors and Supervisory Board of public corporations and companies
  - Chambers of Commerce and Industry ; Economic, social and environmental regional Councils ; consultative bodies...
  - Board of Directors of companies whose workforce ranges above 250 employees
  - Sports federations
  - Public institutions in the field of cultural cooperation

<sup>1</sup> - The Prime Minister, by a circular dated 23/8/2012, moved the deadline as relates to first designations to positions of responsibility to 2017

# Professional and social spheres



## Challenges and prospects

More than a decade after the enforcement of the first gender parity Acts, major issues remain at stake today:

- ❶ Encourage and obtain the enforcement of gender parity in those decision-making bodies where it is not yet rooted (professional, economic and social bodies)
- ❷ Achieve a genuine power-sharing articulating both “quantitative” and “qualitative” parity. Beyond the 50/50 representative power-sharing among women and men, one must assess the effective roles and positions shared among women and men. Who is the President or the Secretary of an Association ? Who holds the portfolio of Finance of Family Affairs in a Town council ?...



### Implementing provisions for parity rules by election and voting system

	Elections	Candidacies	Executive Councils
List system	Local and intercommunal (less than 1 000 inhbits)	No legal constraint	No legal constraint
	Local and intercommunal (above 1 000 inhbits)	Zipper system (one man/one woman)	Chairman of the City Council: no legal constraint Deputy mayors: equal number of women and men Intercommunal President and Deputy Presidents: No legal constraint
	Regional	Zipper system (one man/one woman)	Presidency: No legal constraint Standing Committee: Strict alternation by gender Vice-Presidencies: women-men equality
	European	Zipper system (one man/one woman)	
Voting for a single candidate	Senate-Departments returning 3 or more Senators (73% of the number of Senators)	Zipper system (one man/one woman)	
	Senate-Departments returning one or two Senators (27%)	No legal constraint	
	Legislative	Financial penalties i.e. withholding public support to non-compliant parties (number of candidacies by sex exceeding a 48/52% range)	
Binominal system	Cantonal/ Departmental	Paired candidates (woman and man) per canton.	Presidency: No legal constraint Standing Committee: Strict alternation by gender Vice-Presidencies: women-men equality

# Gender parity: power-sharing



## Overview of gender equal sharing of political, professional and social responsibilities

**At the political level**, local and regional authorities put into practice gender parity. But in spite of that, the male character of authority still stands, in particular as regards Heads of executive Councils and Members of Parliament; as a matter of fact, the law applicable to these specific positions is not constraining, or only weakly so.

### Proportion of men in local and national political Assemblies and in executive Councils, prior to and after the adoption of gender parity laws.

	Before 1999	Last elections
No legal constraint		
Presidents of Regional Councils	88,5%	90,9%
Presidents of Departmental Councils	99,0%	90,1%
Presidents of Intercommunal Councils	94,8%	92,3%*
Deputy Presidents of Intercommunal Councils	-	80,1%*
Chairman of the City Council (undifferentiated in terms of size)	92,5%	84,0%
Town Councillors in towns > 3.500 inhbt (1995) and > 1 000 (2014)	79,0%	65,1%
Partial legal constraint or incentives/contrainte légale partielle ou incitative :		
Senators	94,7%	75,0%
Members of Parliament (Lower House)	89,1%	73,1%
Strict legal constraint		
French Members of the European Parliament	59,8%	56,8%
Regional Councillors	72,5%	52,1%
Vice- Presidents of Regional Councils	84,9%	51,6%
Departmental Councillors	90,8%	49,9%
Vice- Presidents of Departemenal Councils	-	51,7%
Deputies to the Chairman of the City Council > 3.500 inhbt (1995) and > 1 000 (2014)	78,2%	52,5%
Town Councillors > 3.500 inhbt (1995) and > 1 000 (2014)	78,3%	51,8%

Sources: Ministry of Home Affairs, High Council for Gender Equality (April 2015)

\*Incomplete set of data (20% of intercommunal Councils were not covered then)

The 2008 Constitutional reform broadened the scope of gender parity beyond the field of politics, opening the door to new laws on gender equal access to professional and social responsibilities.

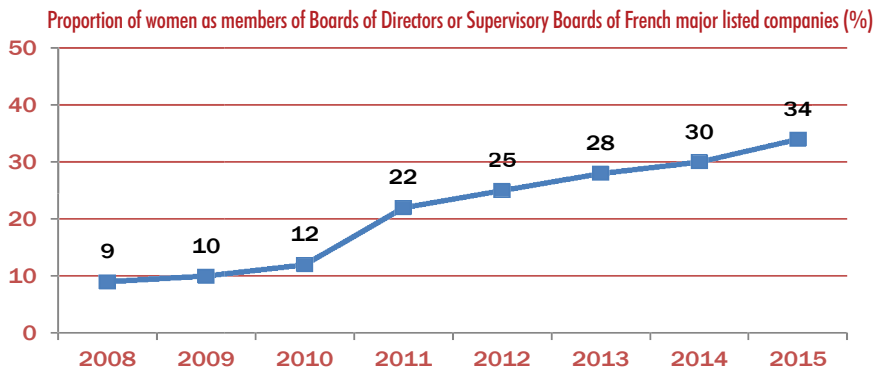
► First designations to positions of responsibility in the public service: the law has set a target of 20% women designated to such positions by 2013, and 40% by 2017.

	2012			2013			2014		
	Total	W	%W	Total	W	%W	Total	W	%W
Senior managers	144	34	24%	132	38	29%	120	35	29%
Managing executives	121	37	31%	267	91	34%	183	61	33%
<b>Total</b>	<b>265</b>	<b>71</b>	<b>27%</b>	<b>399</b>	<b>129</b>	<b>32%</b>	<b>303</b>	<b>96</b>	<b>32%</b>

Source: Survey on management positions in Ministries, DGAPP and SGG (2012-13), Home Ministry (2014)

# ing, from politics to economy

- ▶ Women's participation to Boards of Directors in large companies: the law has set an objective of 40% by 2017

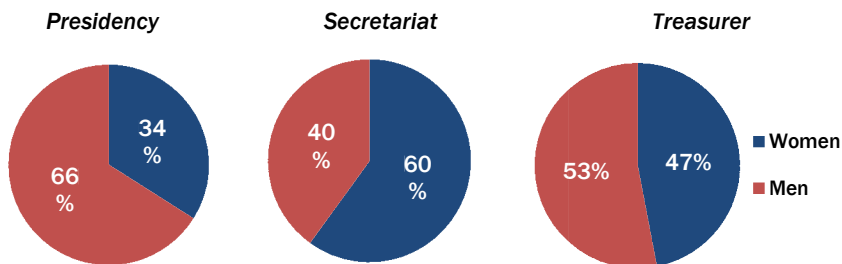


Source: Ethics & Board – Post GA 2008 – 2015, 1<sup>st</sup> June 2015

It should be noted that laws on gender parity do not yet cover all decision-making bodies of the civil society organizations (NGOs, Employers Federations, Labor Unions, political parties...).

- ▶ In the Community life: Sports Federations are the only associations subjected to gender equality targets under the Vallaud-Belkacem Act 2014. As a result, and notwithstanding women's high degree of commitment, NGOs are mainly headed by men.

## Proportion of Women and Men heading associations



Source: Survey CRS and Centre d'Eco on the French associational landscape, 2011-2012.

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