

## COMMENTS

### WOMEN 1982: HAS THE UNITED NATIONS DECADE FOR WOMEN SIGNIFICANTLY ADVANCED THE GOAL OF EQUALITY BETWEEN THE SEXES?

It [is] time to . . . [increase the effort] against the most pervasive of all forms of colonialism [sexual discrimination], for humanity is denying itself the intelligence, experience, sensitivity and vision of half of its members . . . .

Administrator of United Nations  
Development Program (UNDP),  
Woman's Conference, 1980.

The period from 1976 to 1985 has been declared the United Nations Decade for Women.<sup>1</sup> This declaration indicates a growing realization among the international community that women, as a group, must take their place as an equal element in society. "Women will no longer accept the discrimination . . . which has existed against them in the past."<sup>2</sup> In order for women to participate equally in the international community they must be guaranteed the basic human rights which belong to all peoples of the world. Long-standing misconceptions concerning the role of women in society must be corrected in order to ensure the implementation of those basic rights. Women must become knowledgeable of those basic rights and of the enforcement mechanisms available to them.<sup>3</sup>

The purpose of this Comment is to analyze the recent progress made by women in establishing and implementing an international framework of legally enforceable rights.

This Comment will begin by examining the international guarantees of equality in existence prior to 1976, the beginning of the Women's Decade. For the purpose of this analysis, several legal

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1. Report of the 1980 Conference of the United Nations Decade for Women, at 114 U.N. Doc. A/Conf. 94/35 (1980).

2. Women 1980 Conference Booklet, U.N. Div. for Economic and Social Information/ D P I, at ii, (1980) (quote of Lucille M. Mair, Secy. Gen. of 1980 Conference).

3. Press and Information Div., Doc. Fr. Embassy 80/54, *Women In France* 4 (1980) [hereinafter cited as *Women in France*].

instruments governing the areas of education, employment, political rights, marriage, personal rights and criminal law will be discussed. These international instruments include both legally binding conventions and aspirational United Nations resolutions.<sup>4</sup> In order to illustrate the degree of implementation of the guaranteed legal rights, this Comment will specifically analyze compliance with the above instruments by the State of France.

The State of France was chosen for this analysis for several reasons. First, France is both an independent State and a member of a regional and an international community, to wit, the European Economic Community<sup>5</sup> and the United Nations.<sup>6</sup> Both of these international communities have enacted legislation regarding the issue of equal rights for men and women.<sup>7</sup> Second, the French civil law and the American common law systems fall within generally similar cultural patterns prevalent in the Western World.<sup>8</sup> Finally, the women's equality movement in France started to gain momentum at essentially the same time as the movements in the United States and Europe. In addition, the activities of the women's movement in France resemble those in the United States.<sup>9</sup> The fundamental concern in all of these States involves the current existence of institutionalized sexism.<sup>10</sup>

The analysis of sexual equality in France will address both *de jure* and *de facto* compliance with the international instruments, the degree of equality available through France's domestic legal system, and the degree of *de facto* equality existing between women and men.

This Comment will then examine the nature and significance of the international instruments produced during the International Women's Decade. These instruments include one comprehensive convention on the elimination of discrimination against women<sup>11</sup> and two United Nations resolutions concerning programs for the

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4. See *infra* notes 12, 13, 19, 27, 61, 62, 63, 64, 137, 138, 164, 177, 254, 285 and accompanying text.

5. See *infra* note 23 and accompanying text.

6. See *infra* note 13.

7. See *infra* notes 12, 13, 19, 23, 27, 61, 62, 63, 64, 137, 138, 164, 178, 254, 285 and accompanying text.

8. H. DE VRIES, CIVIL LAW AND THE ANGLO-AMERICAN LAWYER 4 (1976).

9. E. MARKS & I. DE COURTIVRON, NEW FRENCH FEMINISMS (1981). Over the last twenty years, the process of woman's liberation has escalated substantially. See also *Women in France*, *supra* note 3, at 3.

10. E. MARKS & I. DE COURTIVRON, *supra* note 9, at x.

11. Convention on Elimination of All Forms of Discrimination Against Women, *opened*

implementation of equal rights for women and men.<sup>12</sup> The two United Nations programs are entitled the 1975 and the 1980 World Plans of Action. The programs were formulated during an international woman's conference held in each of those years.

The Comment will conclude with a statement addressing the progress achieved on the *de jure* and the *de facto* levels during the first half of the International Women's Decade. The progress takes the form of one addition to the framework of international conventions and the adoption of two international programs for implementation of those international conventions. Specific suggestions to further equality between the sexes will be included. In addition to the above stated purpose of the Comment, it is hoped that this discussion will emphasize the need for women to become educated as to their fundamental rights and more aware of the need to become politically active in the enforcement of those rights.

#### I. INTERNATIONAL INSTRUMENTS IN EXISTENCE PRIOR TO THE INTERNATIONAL WOMEN'S DECADE GUARANTEEING THE LEGAL RIGHTS OF WOMEN

Prior to the International Women's Decade the basic rights guaranteed to women existed in the form of several separate international instruments. The Charter of the United Nations<sup>13</sup> is the cornerstone on which the framework of international equality is built. In regard to sexual equality, the preamble of the Charter declares the United Nations' determination to "reaffirm faith in fundamental human rights, [and] in the equal rights of men and women. . . ."<sup>14</sup> The Charter establishes as one of its goals the promotion and encouragement of "[r]espect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion."<sup>15</sup> As its final general guarantee of sexual equality, the Charter states that the United Nations "shall place no restrictions on the eligibility of men and women to participate in

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*for signature* March 1, 1980, G.A. Res. 34/180 (XXIV) at 34, reprinted in 19 INT'L LEGAL MATERIALS 33 (1981) [hereinafter cited as Convention on Discrimination].

12. 1975 World Plan: United Nations, Report of the World Conference of the Int'l Woman's Year at 2-7, U.N. Doc. E/Conf. 66/34 (1976); 1980 World Plan: Report of the World Conference of the United Nations Decade for Women at 5, U.N. Doc. A/Conf. 94/35 (1980).

13. U.N. CHARTER, June 26, 1945, 59 STAT. 1031, T.S. No. 993, 3 Bevans 113 [hereinafter cited as U.N. CHARTER].

14. *Id.*

15. *Id.*

any capacity and under conditions of equality in its principle and subsidiary organs.”<sup>16</sup>

The United Nations Charter is a multilateral treaty and as such imposes the legal duty of compliance on the parties thereto. The current system of international law is one based upon the consent of sovereign States to be bound by the provisions of a treaty.<sup>17</sup> France is one of the original signatories to the United Nations Charter.<sup>18</sup> However, as will be discussed below, the guaranteed equal treatment of men and women has not been a reality in France until very recently.

The rather general treatment given to sexual equality in the United Nations Charter was clarified in the Universal Declaration of Human Rights.<sup>19</sup> This document takes the form of a General Assembly resolution, thus it is not legally binding under international law.<sup>20</sup> General Assembly resolutions are held only to be aspirational in effect.<sup>21</sup> Although it addresses the issue of human rights in a general manner, the Universal Declaration specifically reaffirms the principle of equality of the sexes in at least two sections of its text. The preamble of the Declaration “reaffirms the faith of the United Nations members in fundamental human rights, in the dignity and the worth of the human person and in the equal rights of men and women.”<sup>22</sup> The Declaration also states that “everyone is entitled to all rights and freedoms set forth in this Declaration without distinction of any kind, such as race, colour, and

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16. Eighty-two percent of all women at the United Nations hold secretarial and clerical jobs, while almost eighty percent of the professional jobs are held by men. Those women who are in the professional ranks are not in positions of control. There are no women among the twenty-three undersecretaries-general and only two among the twenty-three assistant secretaries-general. *Id.*; *but cf.* S.D. Union, Nov. 4, 1981, at A21, col. 1.

17. A treaty [is] a written agreement by which two or more States or international organizations create or intend to create a relation between themselves operating within the sphere of international law. 14 M. WHITEMAN, DIGEST OF INTERNATIONAL LAW 7 (1970); *see also* K. HOLLOWAY, MODERN TRENDS IN TREATY LAW 73 (1967).

18. *See supra* note 13.

19. Universal Declaration of Human Rights, G.A. Res. 217 a (III), U.N. Doc. A/ 8/0 at 71 (1948) [hereinafter cited Universal Declaration].

20. “[I]t may be safely stated that the vast majority of writers today agree that ‘the moral and political force of such a resolution is not to be ignored . . . .’ The value of any resolution, legal or otherwise, must be determined in relation . . . to the nature of the functions of the General Assembly in respect of that particular resolution and the size of the majority by which it is adopted.” F. KIRGIS, INTERNATIONAL ORGANIZATIONS IN THEIR LEGAL SETTING 143 (1980). *But see* K. HOLLOWAY, *supra* note 17, at 34.

21. F. KIRGIS, *supra* note 20, at 143.

22. Universal Declaration, *supra* note 19, preamble.

sex. . . ."<sup>23</sup> This Declaration was adopted unanimously by the United Nations General Assembly in 1948.<sup>24</sup>

These two documents, one legally binding and the other merely aspirational, provide the basis upon which the international legal framework of sexual equality is built. The United Nations Charter and the Universal Declaration affirm legal equality between the sexes as a general objective.<sup>25</sup> Eleven detailed international conventions exist to supplement these fundamental documents. Each of these conventions deal with the equality of rights in regard to particular areas of concern; each is also a stepping stone leading to the 1979 Convention on the Elimination of all Forms of Discrimination Against Women.<sup>26</sup> The Convention on Discrimination, discussed *infra*, is the most comprehensive legal guarantee of sexual equality to date.

### A. Equality in Education

The Convention Against Discrimination in Education<sup>27</sup> states

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23. *Id.* art. 2. These basic principles of human rights are reaffirmed in four basic European conventions. They are as follows: (A) European Convention for Protection of Human Rights and Fundamental Freedoms, EUROP. T.S. No. 5, 213 U.N.T.S. No. 2889 (1950), reprinted in L. HENKIN, BASIC DOCUMENTS SUPPLEMENT TO INTERNATIONAL LAW 350 (1980). France has ratified this convention. See Secretariat, Council of Europe, What is the Council of Europe Doing to Protect Human Rights?, 11 (1977) [hereinafter cited as Council of Europe]. (B) Protocol (No. I) to the European Convention for the Protection of Human Rights and Fundamental Freedoms, March 20, 1952, EUROP. T.S. No. 9, reprinted in BASIC DOCUMENTS IN INTERNATIONAL LAW AND WORLD ORDER 176 (B. WESTON ed. 1980). France has ratified this protocol. This protocol constitutes an international treaty which is legally binding on state parties. (C) Protocol (No. IV) to the European Convention for the Protection of Human Rights and Fundamental Freedoms, entered into force May 2, 1968, EUROP. T.S. No. 46, reprinted in BASIC DOCUMENTS IN INTERNATIONAL LAW AND WORLD ORDER, *supra* note 23, at 190. France has ratified this Convention. (D) European Social Charter, entered into force Feb. 26, 1965, EUROP. T.S. No. 35, reprinted in BASIC DOCUMENTS IN INTERNATIONAL LAW AND WORLD ORDER, *supra* note 23, at 178. This Convention sets out specific rights belonging to all human beings and requires, as a duty, the attainment of conditions in which these rights can be effectively realized. Included in the rights listed are the ensuring of protection to women in employment. See art. 8, paras. 1-4, 17, at 181; art. 10, para. 2, at 182. France has ratified this Convention. Council of Europe, *supra* note 23.

The rights established in both of these European conventions reiterate many of those found in the United Nations Charter and in the Universal Declaration, as well as in several conventions of the International Labor Organization. Council of Europe, *supra* note 23, at 49. This lends strength to the theory that these rights are indeed fundamental in nature and in need of enforcement.

24. Universal Declaration, *supra* note 19; U.N. Charter, *supra* note 13. See *supra* note 20 for the legal significance of this statement.

25. F. KIRGIS, *supra* note 20, at 143.

26. Convention on Discrimination, *supra* note 11.

27. Convention Against Discrimination in Education, adopted by the General Confer-

that “[d]iscrimination in education is a violation of [the] rights enunciated in [the] Universal Declaration of Human Rights.”<sup>28</sup> Discrimination is defined as “any distinction, exclusion, limitation or preference which, being based on . . . sex, . . . has the purpose or effect of nullifying or impairing equality of treatment in education . . .”<sup>29</sup> The Convention states that member nations must not “deprive” a person of access to education or “limit” one to an inferior standard of education.<sup>30</sup> Ironically, the Convention does allow the establishment of separate educational systems for the two sexes, if the systems have equal standards and offer equal opportunities.<sup>31</sup>

This provision reflects the disagreement that continues to exist as to what actually constitutes sexual discrimination.<sup>32</sup> This disagreement concerns the issue of whether equality of education can actually exist where students are taught in a segregated setting.<sup>33</sup> This question has been answered in the negative by the United States Supreme Court.<sup>34</sup> Logically, the answer regarding sexual discrimination also appears to be in the negative. A segregated educational system may involve the risk of reinforcing societal prejudices against the value of education of women as well as against women in general. In *Brown v. Board of Education*, the court concluded “in the field of public education the doctrine of ‘separate but equal’ has no place.”<sup>35</sup> Specifically, at what point does separate education constitute equal education? Considering the risk of prejudice involved and the difficulties of enforcement of a truly equal system, it may be concluded that distinction based on

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ence of the United Nations Education, Scientific and Cultural Organization, Dec. 14, 1960, 429 U.N.T.S. 93 [hereinafter cited as Education Convention].

28. *Id.* preamble. See also Universal Declaration, *supra* note 19, art. 26.

29. Education Convention, *supra* note 27, art. 1.

30. *Id.* art. 1, paras. a, b.

31. *Id.* art. 2.

32. *Id.* See also Hevener, *International Law and the Status of Women: An Analysis of International Legal Instruments Related to the Treatment of Women*, 1 HARVARD WOMEN'S L.J. 131, 146 (1978).

33. The debate in the United States over “separate but equal” sex-segregated education centers on the concern that single sex educational institutions may serve to perpetuate sexual stereotypes to the social and economic disadvantage of women. Hevener, *supra* note 32, at 147 n. 48. See also E. MARKS & I. DE COURTIVRON, *supra* note 9, at 8.

34. This question was answered to the contrary in regard to racial-based segregation in the United States in the landmark case of *Brown v. Board of Educ. of Topeka*. The court queried: “[d]oes the segregation of children in public schools solely on the basis of race, even though physical facilities and other ‘tangible’ factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe it does. Separate educational facilities are inherently unequal.” 347 U.S. 483, 493 (1954).

35. *Id.* at 495.

sex has the effect of impairing equality of treatment in education. Thus, although the goal of the Education Convention is to eliminate discrimination, it sanctions one form of discriminatory conduct by its very provisions. If the goal of equality between the sexes is to be attained, provisions allowing separate but equal facilities should be omitted from future conventions.

The Education Convention is in the form of a multilateral convention and as such is legally binding on party States. The mechanism for enforcement of this convention involves a progress reporting system. The reports are to be submitted annually to the General Conference of the United Nations Educational, Scientific and Cultural Organization (U.N.E.S.C.O.).<sup>36</sup> The Education Convention lacks a provision for unilateral enforcement action by U.N.E.S.C.O. upon the failure of a State party to fulfill its obligation under the Convention.<sup>37</sup> However, the Convention does provide that disputes between two or more parties may ultimately be settled by the International Court of Justice.<sup>38</sup> It is noteworthy that both parties to the dispute must consent to the Court's jurisdiction in order for the Court to assert jurisdiction.<sup>39</sup> The effectiveness of this form of dispute settlement is questionable. It is very likely that few sovereign States would be willing to invoke this mechanism since invocation involves the risk of retaliatory enforcement attempts.<sup>40</sup>

1. *French Compliance.* France has ratified the Education Convention and thus is legally obligated to comply with the provisions contained therein.<sup>41</sup> The French Civil Code,<sup>42</sup> however, contains no specific provisions regarding the right to education. Further, the French Constitution<sup>43</sup> does not specifically address this

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36. "The periodic reports are to give information on the legislative and administrative provisions which the parties have adopted . . . for the application of the convention, as well as results achieved and obstacles encountered in the application of [The Policy of the convention]." Education Convention, *supra* note 27, art. 7, at 102.

37. Without such authority to act (by use of publication, for example), there may be no real incentive for states to fulfill their treaty obligations. F. KIRGIS, *supra* note 20, at 440.

38. Education Convention, *supra* note 27, art. 8. The International Court of Justice is the judicial organ of the United Nations' system. Statute of The International Court of Justice, art. 1, *reprinted in* F. KIRGIS, *supra* note 20, at 994.

39. *Id.*

40. F. KIRGIS, *supra* note 20, at 293.

41. France has ratified this Convention. Education Convention, *supra* note 27 n. 1.

42. THE FRENCH CIVIL CODE [hereinafter cited as C. Civ.] (J. Crabb trans. 1977).

43. 5 CONSTITUTIONS OF THE COUNTRIES OF THE WORLD: FRANCE, Title I (A. Blaustein ed. 1974). The 1946 French Constitution granted women equal rights with men in all

area.

Education in France is regulated by the Ministry of Education.<sup>44</sup> In 1977 several educational reforms were achieved, one of which specifically dealt with increasing equality in education. The rationale behind the reform was that elementary schooling must prepare students for secondary schooling, and that this preparation must be equal for all students.<sup>45</sup>

The Education Convention states, *inter alia*, that the parties are bound to abrogate any statutory provisions which involve discrimination in access to or quality of education.<sup>46</sup> Since no overt discriminatory legislation exists and since the French Civil Code, the French Constitution and the Ministry of Education regulations guarantee equality in education, either in a general or specific fashion, it may be concluded that the duty of *de jure* compliance by France with this Convention is satisfied.

An examination of *de facto* compliance with the Education Convention leads to a different conclusion. It is still permissible for primary and secondary schools to segregate on the basis of sex.<sup>47</sup> It is also permissible to offer different courses to students in the sex-segregated school. These course offerings may also be based on the sex of the students.<sup>48</sup> As noted above, this practice may tend to reinforce stereotyped sex roles and ultimately lead to the continuation of discriminatory attitudes against women.

Studies of secondary school students have revealed that female students tend to limit their ultimate educational opportunities by choosing courses of study which preclude them from admission to universities.<sup>49</sup> Female students tend to choose "general" over "technical" programs of secondary education more often than do

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domains. This was emphasized again in the 1958 French Constitution [hereinafter cited as FRENCH CONST.]. See also *Women in France*, *supra* note 3, at 2.

44. Press and Information Div., Fr. Embassy, *France and its Children* 5 (1981) [hereinafter cited as *France and its Children*]. Education in France is compulsory until age 16. Public education through the second year of secondary school is provided free of charge by the state. The Ministry of Education establishes a uniform curriculum for the entire country and grants diplomas. Most private schools follow the state system of education and prepare the students for the regular state sanctioned diplomas.

45. *Id.*

46. Education Convention *supra* note 27, art. 3, para. a.

47. Alexandre, *The Status of Women: France*, 20 AM. J. COMP. L. 655 (1972).

48. *Id.* An example of these courses are sewing classes for female students and manual arts classes for male students.

49. *France and its Children*, *supra* note 44, at 6-7. Technical students specialize in one of nine subject areas: philosophy-liberal arts; economic-social sciences; mathematics-physical sciences; mathematics-natural sciences; agronomic and technical studies; mathematics-

male students. Even when female students do choose the "technical" programs, they choose the shorter of two available programs, thus precluding them from preparation for college entrance examinations.<sup>50</sup>

These self-imposed limitations on education are reflected in ultimate career options. Studies in France have shown that women tend to choose from approximately thirty possible career paths whereas men make their selection from approximately three hundred career possibilities.<sup>51</sup> The negative effect of these educational choices is also illustrated in relation to subsequent career retraining. Studies have shown that the basic education women have received is not always compatible with the career retraining programs that are offered for their benefit.<sup>52</sup>

Finally, it is notable that a major polytechnical school in France did not begin admitting women students until 1972.<sup>53</sup> Prior to that time women students were limited to an all female institution of considerably less prestige.<sup>54</sup>

The above analysis illustrates that equality of the law may exist independently of factual equality. Although French law requires equality of education, statistics show that French women may not have been receiving the quality of education necessary to allow them to compete equally for professional training and employment. The French government, however, is taking steps to bring the *de facto* situation into compliance with the goals of the

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technical sciences; industrial arts; secretarial training or data processing. Students are tested for aptitude before entering a given program.

50. *Women in France*, *supra* note 3, at 9.

51. *Id.*

52. Such career training is not always available during working hours nor available at the work place. This is obviously discriminatory in effect against working women with children. *Id.*

53. Alexandre, *supra* note 47.

54. *Id.* Between 1968 and 1980, several women were admitted to bastions of higher learning for the first time in French history. This resulted in the following accomplishments: A rise in the number of women admitted to the prestigious School of National Administration (ENA) (from 5% to 18%); the election of the first woman to the famous, forty-member French Academy (this academy has been the guardian of the French language since the seventeenth century); the election of the second woman in history elected to the Academy of Sciences (this academy has existed since 1666); the appointment of the first woman as a divisional head at the Paris Law Courts in the Office of the Public Prosecutor; and in 1979, the election of a woman as a full member of the Veterinary Academy. See *Women in France*, *supra* note 3, at 16. In this regard it should be noted that a prominent United States university, Columbia University, has only recently announced its plans to admit women. San Diego Union, Jan. 23, 1982, at A15, col. 1.

### Education Convention.<sup>55</sup>

In addition to the efforts by the French government to comply with the Education Convention, a further step is needed. The "separate but equal" provision of the Education Convention<sup>56</sup> should be deleted or a new convention disallowing such an educational system should be ratified. Although this type of provision may be nondiscriminatory in legal theory, it is susceptible to *de facto* abuse as exemplified by the educational system of France.<sup>57</sup> These distinctions in the schooling system arguably perpetuate stereotyped sex roles and thus contribute to discrimination of women in the professional world. In a recent interview, a French woman diplomat<sup>58</sup> succinctly summed up the educational situation in France. She stated that although complete equality in education is guaranteed by law, the *de facto* situation is different. The educational status of women still reflects the social attitude that the education of women is less important than of men since the woman is expected ultimately to marry and have children.<sup>59</sup>

### B. Equality in the Area of Employment

Equality of rights in employment is regulated by four basic international conventions, each of which is the product of the International Labor Organization (I.L.O.).<sup>60</sup> These conventions are the Maternity Protection Convention of 1919 (revised in 1952),<sup>61</sup> the Convention Concerning Night Work of Women Employed in Industry,<sup>62</sup> the Convention Concerning Equal Remuneration for Men

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55. These steps include: (1) the adoption of measures at a Cabinet meeting in 1978 to open a variety of occupational areas to women that have traditionally been closed to them: carpentry, professional cooking, construction, horticulture, trucking, bus conducting, auto mechanics, shoemaking, and electricity; and (2) the implementation of Haby Reform Act to equalize primary and secondary educational programs. *Women in France*, *supra* note 3, at 9. The rise in the proportion of women in career training programs since 1972, from 22% to 28%, may be an indication of the success of these measures. *Children in France*, *supra* note 37, at 45.

56. Education Convention, *supra* note 27, art. 2.

57. See generally *supra* notes 45-56.

58. Telephone interview with a diplomat of the French Mission to the United Nations (Feb. 25, 1982). She desired anonymity.

59. *Id.*

60. See *infra* notes 61-64.

61. Convention Concerning Maternity Protection (Revised 1952), *adopted by* General Conference of International Labour Organization, June 28, 1952, 214, U.N.T.S. 322 [hereinafter cited as Maternity Convention].

62. Convention Concerning Night Work of Women Employed in Industry (Revised 1948), *adopted by* General Conference of International Labour Organization, July 9, 1948, 81 U.N.T.S. 148 [hereinafter cited as Night Work Convention].

and Women Workers,<sup>63</sup> and the Convention Concerning Discrimination in Respect of Employment and Occupation.<sup>64</sup>

The Maternity Convention is the oldest convention relating specifically to the legal rights of women. This Convention states that a working woman shall be entitled to maternity leave,<sup>65</sup> which shall include compulsory leave after "confinement" of at least six weeks.<sup>66</sup> Such a woman is entitled to cash benefits while absent for the healthy maintenance of her and her child.<sup>67</sup> Other provisions state that an employer may not give notice of dismissal during maternity leave<sup>68</sup> and that interruptions for the purposes of nursing an infant are to be counted as working hours.<sup>69</sup>

The provisions of the Maternity Convention are generally beneficial to women in that they provide for job security and continuation of some income while the woman is pregnant. The compulsory leave provision, however, is arguably not beneficial to women. This provision is an example of protective legislation which in effect discriminates against women. This provision tends to view the woman primarily as a mother during this period (pregnancy) with her employment considered as secondary.<sup>70</sup> A six week leave after delivery of a child is medically unnecessary for the average woman.<sup>71</sup> The effect of this provision is to reduce a woman's freedom to decide when she will return to work. Although the woman may not be dismissed from employment during this time period,<sup>72</sup> she may lose valuable work experience and productivity. This in turn may slow or limit her chances of promotion. Additionally, this compulsory leave may impose serious financial difficulties on the woman since she is only entitled to receive minimal cash benefits.<sup>73</sup> The woman is not guaranteed the full salary on which she had pre-

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63. Convention Concerning Equal Remuneration for Women and Men Workers for Work of Equal Value, *adopted by* General Conference of the International Labour Organization, June 29, 1951, 165 U.N.T.S. 303 [hereinafter cited as Equal Remuneration Convention].

64. Convention Concerning Discrimination in Respect of Employment and Opportunity, *adopted by* General Conference of International Labour Organization, June 25, 1958, 362 U.N.T.S. 31 [hereinafter cited as Employment Convention].

65. Maternity Convention, *supra* note 61, art. 3, para. 1.

66. *Id.* art. 3, para.3.

67. *Id.* art. 4, para. 1.

68. *Id.* art. 6.

69. *Id.* art. 5, para. 2.

70. Hevener, *supra* note 32, at 148.

71. *Id.*

72. Maternity Convention, *supra* note 61, at 328.

73. *Id.* at 326.

sumably relied on for support. Since the effects of a mandatory six week leave may be substantial in relation to both career advancement and financial stability, this decision should be left to the woman to be made on an individual basis.

The Convention Concerning Night Work of Women Employed in Industry proscribes the employment of women in public or private places of an "industrial undertaking."<sup>74</sup> The reference to "industrial undertaking" includes work in mines, agriculture and factories.<sup>75</sup> The term "night" is defined as "eleven consecutive hours as chosen by the competent authority, between the hours of 10 o'clock in the evening and 7 o'clock in the morning."<sup>76</sup> The Convention is mandatory in form in that it states: "[W]omen without distinction of age shall not be employed during the night in any public or private industrial undertaking. . . ."<sup>77</sup> However, the Convention then states that this prohibition may be suspended in case of national emergency.<sup>78</sup>

This suspension clause renders the Convention vulnerable to charges of discrimination *per se*. The intent of this Convention was to protect women from working at a time designated by society as undesirable.<sup>79</sup> Proponents contend that the intent was to protect the health and welfare of women; however, this analysis weakens in light of the provision allowing suspension of such protection when the government requires the services of women during a national emergency.<sup>80</sup> The more plausible analysis is that the drafters were attempting to protect the family unit and ensure a maternal child care situation by means of a mandatory prohibition against hiring women in industrial undertakings at "night."<sup>81</sup> Ultimately this prohibition results in a limitation of employment opportunities for women and thus a limitation on their financial position. Since this Convention arguably will contribute to, rather than eliminate sexual discrimination, perhaps denunciation of this policy<sup>82</sup> by a party

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74. Night Work Convention, *supra* note 62, art. 1, para. b.

75. *Id.*

76. *Id.* art. 2.

77. *Id.* art. 3.

78. *Id.* art. 4 para. 1.

79. Hevener, *supra* note 32, at 136.

80. Night Work Convention, *supra* note 62, art. 4, para. 1.

81. Hevener, *supra* note 32, at 130.

82. A member which has ratified this convention may denounce it after it has been in application ten years from the date on which it first came into effect. Night Work Convention, *supra* note 62, art. 15.

State would be more indicative of progress toward equality of employment opportunities.

The Convention Concerning Equal Remuneration for Men and Women Workers requires the State to participate to ensure equal remuneration for men and women workers without discrimination based on sex.<sup>83</sup> This Convention is notable for its complete nondiscriminatory treatment of the issue of equal remuneration. Presumably, the intent of the drafters was to eliminate prior inequality of wages based on sex.<sup>84</sup> The above-stated progressive goal is to be achieved by requiring the equal treatment of all workers and not by limiting the employment choices of women as a class. The ratification and implementation of this Convention would, therefore, indicate some degree of progress toward attaining legal sexual equality in employment.

The Convention Concerning Discrimination in Respect of Employment and Occupation<sup>85</sup> declares that "any distinction, exclusion or preference made on the basis of race, colour, sex . . . in employment or occupation"<sup>86</sup> is prohibited.

Each party to the Convention obligates itself to enact legislation to promote educational programs, to promote equality of opportunity in employment,<sup>87</sup> to repeal any statutory provisions which inhibit such equality of opportunity<sup>88</sup> and to ensure equality in national programs of vocational guidance and training.<sup>89</sup> One arguably discriminatory provision is included in the Convention. That provision allows for "special measures of protection" for those groups of persons who are generally recognized to require such safeguards "for reasons of sex, age . . . [or] family responsibilities . . . ."<sup>90</sup> This reference to the "particular requirements" of women, the old, the young and others perpetuates the assumption that women need protection because, as a class, they are unable to take care of themselves. This practice of grouping women as a class and legislating generally for the class results in inequities for all.<sup>91</sup>

The overall objective of this convention is to eliminate sexual

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83. Equal Remuneration Convention, *supra* note 63, art. 1, 2.

84. Hevener, *supra* note 32, at 145.

85. Employment Convention, *supra* note 64, art. 1.

86. *Id.*

87. *Id.* art. 3, para. B.

88. *Id.* art. 3, para. C.

89. *Id.* art. 3, para. E.

90. *Id.* art. 5, para. 2.

91. Hevener, *supra* note 32, at 150.

discrimination in employment opportunities. In light of this overall nondiscriminatory goal, the best indication of legal equality would be the selective implementation of this convention—that is, unenforcement of the optional “special measures” provision.

These four conventions, as products of the (I.L.O.), are subject to several specific enforcement measures.<sup>92</sup> These enforcement measures include a system of required progress reports. The reports should include information on the compliance by the member States. The reports are to be submitted to the Director-General of the I.L.O. once a year, and are subject to review and recommendation by a committee of experts.<sup>93</sup> This system of enforcement has been very successful in encouraging implementation of I.L.O. Conventions to date.<sup>94</sup> The enforcement system may be the impetus behind the considerable amount of effort expended by the French government to equalize the employment opportunities between the sexes.

1. *French Compliance.* France has ratified each of the four international conventions in this area of sexual equality.<sup>95</sup> France therefore is legally obligated to implement the provisions of these conventions.<sup>96</sup> Neither the French Civil Code<sup>97</sup> nor the French Constitution<sup>98</sup> contain any specific provision dealing with the right to equal opportunity in employment. French authority on employ-

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92. These include: (1) a procedure for settlement of complaints filed by one ratifying member against another ratifying member in regard to noncompliance with a convention (known as the “article 26 procedure”); and (2) a system of compliance measures to encourage parties to the Convention to actually implement the ratified conventions. This system is based on a provision in the I.L.O. Constitution which requires the submission of annual reports to the I.L.O. Director General. This compliance system makes use of informal persuasion and pressure, usually through consultations between the organization and the wayward member; and the “mobilization of shame,” involving public exposure of the member’s shortcomings so that all who are interested can see and criticize them. *See* F. KIRGIS, *supra* note 20, at 433.

93. F. KIRGIS, *supra* note 20, at 439.

94. *Id.* at 436.

95. Chart of Ratifications of I.L.O. Conventions, Jan 1, 1981, supplemented through June 1981.

96. K. HOLLOWAY, *supra* note 17, at 72.

97. C. CIV., *supra* note 42. The French Civil Code now guarantees the right of a wife to pursue an independent occupation without the consent of the husband. The husband did have the right to object to such employment until as recently as 1965. Alexandre, *supra* note 47, at 655.

98. FRENCH CONSTITUTION, *supra* note 43.

ment issues is supplied by the French Labor Code,<sup>99</sup> and by various Civil Service ordinances.<sup>100</sup>

a. *Compliance With the Maternity Convention.* *De jure* compliance by France with the Maternity Convention<sup>101</sup> is encouraging. A 1966 law and an enforcement decree of 1968<sup>102</sup> state that a pregnant woman has the right to suspend her employment contract for a period commencing six weeks before the expected delivery date and terminating eight weeks<sup>103</sup> after delivery. During this period French social security pays her ninety percent of her normal salary up to a certain limit.<sup>104</sup> France has also recently passed a law whereby one parent may elect to take up to two years leave without pay to raise a new baby.<sup>105</sup> When a worker returns to his or her company, he or she must, by law, be given his or her old job (or a comparable position) with no loss of seniority.<sup>106</sup>

When a working mother returns to her job, she may leave her baby with a babysitter or in a nursery near her home or place of work.<sup>107</sup> Nurseries and day care centers must be accredited by the State, which has established legislation to ensure that children will be cared for properly.<sup>108</sup> Finally, the French labor laws state that it is an offense to cite pregnancy as a reason for refusal to hire or for laying off personnel.<sup>109</sup>

Since French law protects a woman's right to employment and to paid maternity leave without fear of loss of employment, and since child care facilities are provided and regulated by the State, it can be concluded that *de jure* compliance with the Maternity Con-

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99. Alexandre, *supra* note 47, at 656.

100. *Id.* at 655.

101. Maternity Convention, *supra* note 61, at 322.

102. Alexandre, *supra* note 47.

103. *Id.* An employer who does not grant such leave is liable for damages and may be punished under the French Penal Code as well. This leave has been extended to include ten weeks after delivery by a 1975 law. *France and its Children*, *supra* note 44, at 7. Also, fathers are now permitted a three-day leave from their jobs at the time of delivery. *Id.*

104. *France and its Children*, *supra* note 44, at 7.

105. This law applies also to adopted children of up to three years of age. This leave is currently available only to workers in firms employing 200 or more persons. There are plans to progressively extend the law. *Id.*

106. *Id.*

107. *Id.*

108. *Id.*

109. It seems that this law could be easily circumvented by employers who simply state other valid reasons for refusing employment, e.g., poor attitude. Press and Information Div., Fr. Embassy, Doc. 80/42, *The Growing Strength of Women in France's Labor Force* 4 (1980) [hereinafter cited as *Labor Force*].

vention is satisfied.<sup>110</sup> It is noteworthy that a mandatory post-delivery leave is not required of mothers by French law. This seems to indicate a new societal attitude toward sex roles and duties within the family. This change in societal attitude is also evident in the availability of a two year employment leave for either parent.<sup>111</sup>

These progressive laws address the particular needs of the growing numbers of working women and working mothers in the French labor force.<sup>112</sup> A working mother's professional life is heavily influenced by the number of children she bears. Studies in France show that it is the third pregnancy which prompts a woman to give up her career.<sup>113</sup> These facts are important in light of the continuing interest of the French government in encouraging births. As an example of this interest, it is noted that the French government is currently sponsoring a program which provides cash bonuses to every woman bearing a third child.<sup>114</sup> This program is calculated to increase the birth rate in France.<sup>115</sup>

The facts demonstrate that the number of working women is increasing in conjunction with the government sponsored birth-bonus program.<sup>116</sup> This increase justifies an assumption that the French legislation regarding bonuses for women bearing a third child is being enforced. Working women who become pregnant are assured job security, reasonable wages and adequate child care.

*b. Compliance With the Night Work Convention.* French compliance with the Night Work Convention<sup>117</sup> appears to be substantial. However, as previously noted, the entire Night Work

110. Maternity Convention, *supra* note 61.

111. *See supra* note 103.

112. Of every ten workers in France, four are women. The latest figures show that there are 8,261,800 women in the labor force and 13,639,000 men. Over the last few years married women have swelled the ranks of working women. Presently, married women account for two-fifths of the female labor force. There are now five million working mothers, an increase of over one million compared with the 1968 figure. *Women in France, supra* note 3, at 7.

113. *Id.*

114. *Id.*

115. *France and its Children, supra* note 44, at 3. According to recent estimates, 730,000 babies were born in France in 1978, 15,000 less than in 1977. The rate of birth per woman has fallen steadily over the past decade (from 2.65 in 1967 to 1.80 in 1978). This figure is well below the rate of 2.1 deemed necessary by demographers to maintain France's population at its present level. *See also Labor Force, supra* note 109, at 4. An indication of the French government interest in increasing the population is evidenced by maternity leave being increased to six months for those women having their third child.

116. *See generally supra* notes 112-15 and accompanying text.

117. Night Work Convention, *supra* note 62.

Convention is arguably discriminatory. The French Labor Code<sup>118</sup> prohibits night work, subterranean work, and more generally, all work exceeding a woman's strength or which is dangerous to her health or morals.<sup>119</sup> The French Cabinet has adopted legislation aimed at opening a variety of occupations to women traditionally closed to them. These include: carpenter, pastry chef, construction worker and others.<sup>120</sup> These measures may indicate the beginning of a trend away from an attitude of legislative protection of women as a class. A legislative attitude which views women as equal will presumably result in a wider range of economic choices for women.

The substantial compliance by France with the arguably discriminatory Right to Work Convention is tempered by a trend toward more egalitarian economic legislation. It may be concluded that *de facto* equality in regard to economic opportunity in France is just beginning to be realized.

French compliance with the Equal Remuneration Convention<sup>121</sup> will be analyzed next. This analysis will include a discussion of French compliance with the Discrimination in Employment Convention.<sup>122</sup>

### C. Compliance With the Equal Remuneration and Discrimination in Employment Conventions

In general, the French State Secretariat for Women in the Labour Force is actively seeking to promote the employment of women.<sup>123</sup> Specific legislation was enacted in 1972 and 1975 to ensure "equal work for equal pay" and to prohibit discrimination based on sex and family circumstances.<sup>124</sup> Recent legislation such as this would presumably invalidate earlier legislation which stated that certain public positions were *per se* unacceptable for females.<sup>125</sup>

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118. Alexandre, *supra* note 47, at 656.

119. *Id.*

120. *Women in France*, *supra* note 3, at 9.

121. Equal Remuneration Convention, *supra* note 63.

122. Employment Convention, *supra* note 64.

123. *Women in France*, *supra* note 3, at 7.

124. *Id.* at 7, 8.

125. A civil service ordinance of 1959 had held that certain public positions were incompatible with the female sex. Statutes governing particular job classifications disqualified women on the grounds that they were physically or psychologically unsuited. For example, a woman could not become a prefect because of her alleged lack of authority, nor could she serve in certain positions abroad for alleged physiological reasons. The Ministry of Foreign Affairs had vigorously resisted admission of women to the diplomatic and consular corps. In addition, women had been denied equal access to civil service posts. For example, separate competitive examinations had been administered to men and women and as a result dispropor-

Recent government action has also been undertaken to open traditionally male fields of employment to women, to provide a combination of employment and career training programs to women,<sup>126</sup> and to upgrade the low wages of women in France.<sup>127</sup>

The above examples of government action attempt to provide for equal employment opportunities and equal remuneration for all workers under the law. France has, therefore, complied substantially with the *de jure* obligation of the Equal Remuneration Convention and the Convention on Discrimination in Employment.

An examination of the actual employment situation of French women reveals that women are still exposed to substantial discrimination. A 1980 study by the French State Secretariat revealed that although women constitute two-fifths of the work force they account for over one-half of all those unemployed in France.<sup>128</sup> It was also found that the average salary for men was over thirty-one percent higher than that for women.<sup>129</sup> Discrepancies in salaries such as these are closely linked to differences in the type of work in which women are engaged. Empirical data confirm that the majority of workers in the least-skilled and poorest paid jobs are women.<sup>130</sup> These statistics have proved to be true in both the public and the private sectors of employment.<sup>131</sup> Where women do hold positions of authority, it has been shown that the women managers are more highly qualified than their male counterparts. This difference can be attributed to the more stringent hiring policies used in regard to women as compared with men.<sup>132</sup> It has been found that these policies result from persisting prejudices against the employ-

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portionately more positions had been offered to men than to women. Alexandre, *supra* note 47, at 655.

126. *Women in France*, *supra* note 3, at 8.

127. *Id.*

128. *Id.* at 8.

129. *Id.*; see also San Diego Union, Nov. 4, 1982, at A21, col. 1 (which discusses the current inequality in the United Nations hiring and promotion system).

130. Women are still over-represented in certain sectors such as the trade, teaching, textile and garment industries. They are rarely found in the upper teaching levels of management, although the number of women at this level is steadily increasing. *Women in France*, *supra* note 3, at 7; see also *Labor Force*, *supra* note 109, at 2.

131. Few women hold positions of substantial responsibility and decision making. For example, between 1968 and 1974, the number of women in managerial positions did not keep pace with the growth of the women population. In the public sector where women make up fifty percent of the workforce, they are predominantly engaged in menial positions. *Women in France*, *supra* note 3, at 8.

132. *Id.*

ment of women.<sup>133</sup> Very few women in fact hold positions involving responsibility, decision making or financial power, and thus important economic decisions are rarely made by women.<sup>134</sup> There is also a wide gap between the number of women who are members of trade unions and the number who appear on a union's administrative boards.<sup>135</sup>

In sum, the French government has fulfilled its basic obligations through *de jure* compliance with international conventions. However, the above statistics suggests that the current measures are inadequate to cope with the *de facto* discrimination which exists against women in employment. This *de facto* discrimination takes the form of prejudicial attitudes of employers in hiring, wage scales and promotion opportunities. The French government, therefore, might concentrate its efforts on eliminating discriminatory attitudes toward women. Proper use of the public media is one possible method of influencing such public attitudes.<sup>136</sup>

#### D. *International Instruments Regulating the Area of Political Rights*

International equality of political rights was guaranteed prior to the beginning of the Decade for Women by two specific United Nations instruments. These instruments were the Convention on the Political Rights of Women<sup>137</sup> and the Covenant on Civil and Political Rights.<sup>138</sup> Both of these international instruments began

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133. *Id.* These prejudices are exemplified by the statement of the anonymous French woman diplomat at *supra* note 58. "The societal prejudice is that women are to marry and have babies." "Some men fear feminine competition." E. MARKS & I. DE COURTIURON, *supra* note 9, at 51.

134. As of 1972, professional and executive positions were predominantly male. In 1971, although women constituted 20% of the lawyers, they only accounted for 7% of the magistrates and 0.5% of the notaries. They constituted only 12% of the physicians, 4% of the engineers and 3% of persons in executive positions. *Women in France*, *supra* note 3, at 8; see also Alexandre, *supra* note 47, at 658.

135. Women represent 25% to 35% of the membership of trade unions, but only 15% to 20% actually appear on the national boards. In 1975, women made up 18.75% of the General Confederation of Labor Bureau in the French Democratic Workers Confederation. Only one in every nine women members served on the executive committee, and of the 30 members of the National Council only two were women. Agricultural unions are an exception—the presidency is held alternatively by men and women. *Women in France*, *supra* note 3, at 10-11.

136. 1980 World Plan, *supra* note 12, paras. 83-91, at 23.

137. Convention on Political Rights of Women, *opened for signature* Mar. 31, 1953, 27 U.S.T. 1909, T.I.A.S. No. 82/89, 193 U.N.T.S. 135 [hereinafter cited as Political Rights Convention].

138. International Covenant on Civil and Political Rights, *entered into force* Mar. 23,

by reiterating the principle of equality of all human beings as stated in the United Nations Charter<sup>139</sup> and in the Universal Declaration of Human Rights.<sup>140</sup>

The Convention on the Political Rights of Women recognizes that "everyone has the right to take part in the government of his country."<sup>141</sup> The Convention specifies that women shall be entitled to vote in all elections,<sup>142</sup> shall be eligible for election to all publicly elected bodies,<sup>143</sup> shall be entitled to hold public office, and to exercise all public functions established by national law.<sup>144</sup> All of these rights are to be exercised without discrimination.<sup>145</sup> The egalitarian wording of this treaty may evidence an emerging trend by legislators to place women on equal footing with men. The abandonment of legal protectionism in favor of egalitarianism is likely to result in greater opportunity for women to participate in political and legislative processes. Greater participation by women in these processes may result in the incorporation into legislation of more nondiscriminatory enactments. Thus, the implementation of such political rights may lead toward the goal of sexual equality.

The Convention on Political Rights does not require a system of progress reports by party States. The only mention of an enforcement or dispute settlement mechanism provides that in case of a conflict concerning the interpretation or application of the convention, a party to the conflict may request a referral of the matter to the International Court of Justice for a decision.<sup>146</sup> This differs from earlier United Nations conventions in that it requires the consent of only one party to the dispute. This method would allow a greater number of such cases to reach the Court for decision since the allegedly defaulting party could not prevent adjudication by withholding its consent. This expansion of the enforcement provisions logically should result in increased equality based on increased enforcement capabilities.

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1976, G.A. Res. 2200 XXI, 21 U.N. G.A.O.R. Supp. (No. 16) 49, U.N. Doc. A/6316 (1967) reprinted in 6 INT'L LEGAL MATERIALS 368 (1967) [hereinafter cited as Covenant on Civil and Political Rights].

139. U.N. CHARTER preamble.

140. Universal Declaration, *supra* note 19, preamble.

141. Political Rights Convention, *supra* note 137.

142. *Id.* art. 1.

143. *Id.* art. 2.

144. *Id.* art. 3.

145. *Id.* arts. 1-3.

146. *Id.* art. 9. In regard to the legally binding nature of conventions, see K. HOLLOWAY, *supra* note 17 and M. WHITEMAN *supra* note 17 § 27, at 282.

The Covenant on Civil and Political Rights<sup>147</sup> is a very recent attempt to make legally binding the goals and principles of the Universal Declaration on Human Rights.<sup>148</sup> The Covenant on Civil and Political Rights ensures the right to life,<sup>149</sup> liberty,<sup>150</sup> speech,<sup>151</sup> privacy,<sup>152</sup> political rights<sup>153</sup> and to a fair trial.<sup>154</sup> The Covenant also protects freedom of thought, conscience, religion and association.<sup>155</sup> The parties to the Covenant specifically undertake to ensure the equal rights of men and women to the enjoyment of all rights set forth in the Covenant.<sup>156</sup> It is noteworthy that the Covenant forbids the parties from discriminating solely on the basis of sex, even in the event of a national emergency.<sup>157</sup> This provision is contrary to most earlier conventions in which such discrimination was acceptable. This complete reversal of policy is but another indication of the changing attitude toward women by legislators. By forbidding sexual discrimination by a State, even during a national emergency, the Covenant eliminates the possibility of rationalizing such discrimination. Party governments are, therefore, forbidden from sexual discrimination under all circumstances. The effect of this provision is that women are to be treated equally with men under all circumstances.

Perhaps the most important provision of the Covenant on Civil and Political Rights is its enforcement clause.<sup>158</sup> The Covenant establishes a complaint procedure in addition to its regular progress reporting system.<sup>159</sup> This procedure is centered around a Human Rights Committee<sup>160</sup> which serves as a fact-finding and conciliation organ for unilateral noncompliance and disputes between party States.<sup>161</sup> Although an adjudicatory power was specifi-

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147. Covenant on Civil and Political Rights, *supra* note 138.

148. Hevener, *supra* note 32, at 143; *see also* F. KIRGIS, *supra* note 20, at 257 (where he discusses the nonlegally binding nature of General Assembly resolutions).

149. Covenant on Civil and Political Rights Convention, *supra* note 138, art. 6.

150. *Id.* art. 9.

151. *Id.* art. 19.

152. *Id.* arts. 17.

153. *Id.* arts. 25-27.

154. *Id.* arts. 9-15.

155. *Id.* arts. 18-22.

156. *Id.* art. 3.

157. *Id.* art. 4.

158. *Id.* arts. 28-45.

159. *Id.* arts. 40, 41-45.

160. *Id.* art. 28. The duties of the Committee include the review of the national reports submitted by the State parties and the passing of recommendations on such compliance efforts to the State parties and to the Economic and Social Council.

161. *Id.* arts. 40-45.

cally rejected by the drafters of the Covenant,<sup>162</sup> the existence of an independent committee to conduct investigations and to promote dispute settlement increases the possibility of true implementation of the rights contained in the Covenant. It is worthy of note that this enforcement system is very similar to that employed by the I.L.O. The fact that this new United Nations system also utilizes the techniques of "direct contacts" and the possibility of publication of annual reports to encourage compliance evidences this similarity.<sup>163</sup> The Covenant on Civil and Political Rights carries with it an Optional Protocol<sup>164</sup> under which a ratifying State recognizes the competence of the Human Rights Committee "to receive and consider communications from individuals . . . claiming to be the victims of a violation by that State party of any of the rights set forth in the Covenant."<sup>165</sup> This Optional Protocol thereby extends the ability to enforce the above stated rights to an individual as well as the State.

This right of individual enforcement intensifies the need for women to become educated as to the existence of their legal rights and the methods available to enforce them. This legal awareness and activity must be developed as the first step toward the attainment of sexual equality.

1. *French Compliance.* Although France has ratified the Convention on Political Rights of Women and the Covenant on Civil and Political Rights, it has not yet ratified the Optional Protocol to the Covenant on Civil and Political Rights.<sup>166</sup> France is

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162. *Id.*; see also F. KIRGIS, *supra* note 20, at 801.

163. See F. KIRGIS, *supra* note 20, at 433.

164. Optional Protocol to The International Covenant on Civil and Political Rights, *entered into force* Mar. 23, 1976, G.A. Res. 2200 (XXI), 21 U.N. GAOR Supp. (No. 16) at 121, U.N. Doc. A/6316 (1967) [hereinafter cited as Optional Protocol].

165. *Id.* art. 1.

166. Political Rights Convention Ratification, United Nations Multilateral Treaties In Respect of Which The Secretary-General Performs Depository Functions: List of Signatures, Ratifications, Accessions, etc., as of 31 December 1979, U.N. Doc. ST/LEG/SER. D/13 (1979) [hereinafter cited as List of Ratifications].

France has acceded to this Convention. Accession is the traditional method by which a State, in certain circumstances, becomes a party to a treaty of which it is not a signatory. The terms "adherence," "accession" and "ratification" are associated almost inseparably with the idea of the most formal procedure applicable to treaties. See also M. WHITMAN, *supra* note 17, at 11, 93.

In regard to the likelihood of France ratifying the Optional Protocol which allows the right of individual petition, it should be noted that France has recently indicated a willingness to accept the right of individual petition. Although there has been no formal ratification at this point, it is reasonable to assume that French acceptance of the right of individual

thus legally obligated to comply with the reporting and conciliation procedures of the Covenant.

The 1946 and 1958 French Constitutions specifically state that the law guarantees women equal rights with men in all domains.<sup>167</sup> The right to vote is guaranteed by the French Constitution to “[b]oth sexes who have reached their majority and who enjoy civil and political rights.”<sup>168</sup> In addition to the general guarantee of equality of all civil rights found in the Constitution, the French government is attempting to improve the participation of women in political activities through the use of new legislation. A bill is to be presented to the French Parliament which will require that at least twenty percent of the candidates in local elections in towns of a particular size be women.<sup>169</sup>

The above legislation constitutes a fairly comprehensive guarantee of political and civil rights to women. The rights to vote, to participate in political activities and, generally, to be equal before the law are specifically protected. France has therefore complied substantially with its *de jure* international obligations in this area.

*De facto* compliance by France, however, is rather questionable. Very few women are active in political decision making. Currently only three women are full cabinet members in the French government.<sup>170</sup> The women that do reach these positions are highly-qualified and influential.<sup>171</sup> There is even less political participation by women at the local level of government. Women account for fifty-three percent of the electorate and continue to make full

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petition in some future human rights convention will lead to such acceptance in all international human rights conventions. See Brown, *Observations on the Proposed Accession by the European Community on Human Rights*, 29 AM. J. COMP. L. 705 (1981).

167. *Women in France*, *supra* note 3, at 2. These principles of the 1946 French Constitutions are incorporated into the current French Constitution. Alexandre, *supra* note 47, at 654; see also FRENCH CONST., art. 3, at 3.

168. FRENCH CONST., art. 3, at 4.

169. *Women in France*, *supra* note 3, at 15.

170. *Id.* at 14. These cabinet members occupy the positions of Minister of Universities, Secretary of State for Women in Labor Force, and Minister Delegate for the Condition of Women and for Family Affairs. Positions held by women as of 1982 include: Minister of National Solidarity; Minister of Womens Rights; Minister of Agriculture; Minister of Leisure Youth, Minister of Consumer Affairs and Secretary of State to Minister of National Solidarity. Telephone interview with diplomat to French Mission, *supra* note 58.

171. One of the most illustrious women in French politics is Simone Veil. She was Minister of Health and Family Affairs until 1979 when she left to assume the presidency of the European Parliamentary Assembly in Strasbourg. During her five years on the Ministry of Health, she steered legislation through Parliament liberalizing abortion, family planning and contraception. *Women in France*, *supra* note 3, at 14.

use of their right to vote.<sup>172</sup> However, the number of women who run for office and are elected in national and local elections is very small.<sup>173</sup> Although it is not uncommon for women to serve as council members, few reach the rank of mayor and even fewer become members of parliament.<sup>174</sup>

There are indications, however, that French women are becoming more politically aware and active. Today there exist several women's political groups and publications. These groups have been in existence only since the early 1970s. The specific aim of each of these groups is to increase the political participation of French women.<sup>175</sup> The problem in this area is that there is a great lack of unity among feminist groups on questions of substance.<sup>176</sup> Thus, many of these groups tend to be ineffective.

In sum, although *de jure* guarantees of political equality exist, *de facto* equality is far from realized. The unequal representation of women in political positions clearly illustrates the need for women to become more aware of and to make use of their existing legal rights.

Public education of both sexes is an effective method of changing discriminatory attitudes<sup>177</sup> and consequently, of helping to ensure the full realization of political rights. The French educational reforms (discussed earlier in this Comment), when combined with the French legislation encouraging political participation of women, demonstrates a progressive attitude by France toward legal equality. However, this progressive attitude needs to be adopted by the public in general in order to ensure full *de facto* political equality between the sexes.

### *E. International Instruments Regulating Marriage and Personal Rights*

International regulation of the marriage and personal rights of women prior to the United Nations Decade for Women was accomplished by three conventions: the Convention on Consent to Marriage, Minimum Age for Marriage and Registration for Marriage;

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172. *Id.*

173. *Id.*

174. Alexandre, *supra* note 47, at 659.

175. *Women in France*, *supra* note 3, at 15. These groups are: (1) "Choisir" (choice), a woman's political party; (2) Movement of Liberated Females; and (3) The League of Womens Rights.

176. *Id.*

177. 1980 World Plan, *supra* note 12, at 23, paras. 83-91.

Convention on the Nationality of Married Women; and the United Nations Covenant on Economic, Social and Cultural Rights.<sup>178</sup> Each of these instruments is a product of the United Nations and, as such, each reiterates the principles of equality and human dignity stated in the U.N. Charter<sup>179</sup> and the Universal Declaration.<sup>180</sup>

The Nationality of Married Women Convention declares that neither the dissolution nor the celebration of marriage shall affect the nationality of the wife.<sup>181</sup> The Convention specifically refers to the Universal Declaration<sup>182</sup> which declares that everyone has the right to a nationality and that no one shall be arbitrarily deprived of his nationality.<sup>183</sup> This treaty came about in response to the recognition that a large number of women had lost their nationality at the time of marriage, often without gaining the nationality of their husband until a long waiting period had lapsed.<sup>184</sup>

France has not ratified this Convention<sup>185</sup> and thus is not legally bound to implement its provisions. It is possible to contend that the Universal Declaration, as a unanimous United Nations resolution, is indicative of an international consensus on the nationality issue; therefore, some legal duty results from the signature of France thereon.<sup>186</sup> This contention fails in light of the existence of the International Covenant on Civil and Political Rights. The Covenant on Civil and Political Rights is generally agreed to be an attempt to implement the Universal Declaration.<sup>187</sup> The absence of a nationality provision from the Covenant on Civil and Political Rights,<sup>188</sup> therefore, undermines the theory that the guarantee of nationality is an international obligation to be fulfilled by all who

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178. See Convention on the Nationality of Married Women, *opened for signature* Aug. 11, 1958, 309 U.N.T.S. 65, as *quoted and cited in* Comment, *Status of Women, The United Nations in Mexico*, 8 CALIF. W. INT'L L.J. 93, 98 (1978) [hereinafter cited as Nationality Convention]; Convention on Consent to Marriage, Minimum Age for Marriage and Registration for Marriage, *opened for signature* Dec. 10, 1962, 521 U.N.T.S. 232 [hereinafter cited as Marriage Convention]; International Covenant on Economic, Social and Cultural Rights, *entered into force* Jan. 3, 1976, G.A. Res. 2200 (XXI), 21 U.N. G.A.O.R. Supp. (No. 16) 44, U.N. Doc. A/6316 (1966) *reprinted in* 6 INT'L LEGAL MATERIALS 360 (1967) [hereinafter cited as Covenant on Economic Rights].

179. U.N. CHARTER preamble.

180. Universal Declaration, *supra* note 19.

181. Nationality Convention, *supra* note 178.

182. *Id.* preamble.

183. Universal Declaration, *supra* note 19, art. 15.

184. Alexandre, *supra* note 47, at 649.

185. List of Ratifications, *supra* note 166, at 488.

186. K. HOLLOWAY, *supra* note 17.

187. F. KIRGIS, *supra* note 20, at 786.

188. Covenant on Civil and Political Rights, *supra* note 138.

signed the Universal Declaration. Accordingly, France is under no *de jure* duty to guarantee the nationality of married women.

An examination of the situation in France illustrates the need for such a guarantee. There are no provisions concerning nationality under the marriage laws of the French Civil Code.<sup>189</sup> In principle, however, marriage does affect the nationality of a woman.<sup>190</sup> A female alien who marries a French man acquires French nationality by virtue of the marriage. In order to avoid French citizenship, she must declare before a judicial authority that she does not wish to become a French citizen and has not given up her own nationality.<sup>191</sup> A French woman who marries an alien, on the other hand, does not thereby lose her French nationality. In order to lose her nationality, the French woman must renounce French citizenship and establish that her husband's country has conferred its nationality upon her.<sup>192</sup> The nationality of a man is not affected by marriage.<sup>193</sup>

This practice does not substantially interfere with the rights of a French woman upon marriage. The practice does, however, work an injustice on alien women marrying a French citizen. In order to avoid losing her own nationality, an alien woman must participate in a legal proceeding,<sup>194</sup> whereas no such legal requirement is imposed on male aliens by France. A more egalitarian system of nationality laws would resemble those specified in the Nationality Convention—that marriage has no automatic effect on the nationality of either spouse. France has not ratified the Nationality Convention nor does it have a similar egalitarian system of nationality practices. Therefore, neither *de jure* nor *de facto* equality exists as to this basic right.

The Consent to Marriage Convention,<sup>195</sup> also a product of the United Nations, recognized that certain laws and principles throughout the world concerning marriage were inconsistent with principles set forth in the Charter of the United Nations<sup>196</sup> and in the Universal Declaration of Human Rights.<sup>197</sup> Therefore, the

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189. C. CIV., *supra* note 42.

190. Alexandre, *supra* note 47, at 649.

191. *Id.*

192. *Id.*

193. *Id.*

194. *Id.*

195. Marriage Convention, *supra* note 178.

196. U.N. CHARTER art. 1.

197. Universal Declaration, *supra* note 19, art. 16, paras. 1, 2.

Convention requires party States to take appropriate measures to abolish such laws and customs by ensuring "complete freedom in the choice of a spouse, [and by] eliminating completely child marriages and the betrothal of young girls before the age of puberty."<sup>198</sup> Party States are also under the duty to specify a minimum legal age for marriage which may be waived only for serious reasons.<sup>199</sup>

The enforcement provisions of this Convention are not as progressive as others which have already been discussed. The Convention requires preliminary negotiation between disputing parties, allowing referral to the International Court of Justice only upon consent of all parties to the dispute.<sup>200</sup> No system of progress reporting is established. As noted earlier, this system entrusts enforcement of the Convention solely to signatories which are willing to assume the risk of retaliatory enforcement.<sup>201</sup>

France has ratified this Convention. Hence, France is legally bound to bring its practices into compliance with the provisions of the Convention.

In regard to consent to marriage, the French Civil Code states specifically that "there can be no marriage without consent."<sup>202</sup> The Code then establishes the legal age for marriage at eighteen years for men and fifteen years for women.<sup>203</sup> Minors cannot contract to marry without the consent of their parents. In case of dissent between the parents, such division will be deemed to imply consent.<sup>204</sup> In addition, the French Civil Code has eliminated the right of a husband to dowry.<sup>205</sup>

The French Civil Code, by establishing a minimum marriage age, requiring consent of the spouses and eliminating dowry rights, has effectively precluded the marriage of young children as required by the Marriage Convention. The above laws also work to ensure freedom of choice between spouses. France has, therefore,

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198. Marriage Convention, *supra* note 178, preamble.

199. *Id.* art. 2.

200. *Id.* art. 8.

201. F. KIRGIS, *supra* note 20, at 440.

202. C. CIV., *supra* note 42, art. 146, at 47.

203. *Id.* art. 144, at 46.

204. *Id.* art. 148, at 47.

205. Alexandre, *supra* note 47, at 649. Dowry is defined as money and personality which the wife brings to the husband to support the expenses of marriage; a donation to the maintenance and support of the marriage. GIFIS LAW DICTIONARY 65 (1975).

fulfilled its obligations of *de jure* compliance with the Marriage Convention.

There is still room for progress concerning the minimum age for marriage. The practice of allowing a lower age for women to marry tends to reinforce the traditional societal notion that the man is responsible for the care of the woman. The notion that the man is the head of the family was specifically rejected by the French legislature in 1970.<sup>206</sup> This discrepancy between law and theory could be remedied by a nondiscriminatory provision requiring a single minimum age limit for all marriages. Political awareness and participation by women could help bring about this change.

The International Covenant on Economic, Social and Cultural Rights<sup>207</sup> is the sister instrument to the International Covenant on Civil and Political Rights.<sup>208</sup> This document reiterates the rights found in the earlier conventions, specifically recognizing that “[S]tate Parties . . . undertake to guarantee that the rights enunciated in the . . . covenant will be exercised without discrimination of any kind as to race, colour, sex . . . .”<sup>209</sup> In addition, that “[S]tate Parties . . . undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.”<sup>210</sup> The Covenant then sets forth the numerous fundamental rights established in earlier conventions and aspirational goals of the Universal Declaration of Human Rights. These fundamental rights include: equality in employment, protection of the family unit and children, equality in education, equality of cultural rights and the right to the enjoyment of physical and mental health.<sup>211</sup>

The enforcement mechanism established for this Covenant is similar to the system used in the Covenant on Civil and Political Rights.<sup>212</sup> This system differs only in that the regular reports required of the party States must be submitted to E.C.O.S.O.C.,<sup>213</sup> not to the Human Rights Committee. Submission by E.C.O.S.O.C. to the Human Rights Committee for further analysis and recom-

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206. The title “head of the family” as applied to husbands was abolished in 1970. The parents now share authority over the children jointly. *Women in France*, *supra* note 3, at 3.

207. Covenant on Economic Rights, *supra* note 178.

208. Covenant on Civil and Political Rights, *supra* note 138.

209. Covenant on Economic Rights, *supra* note 178, art. 2, para. 22.

210. *Id.* art. 3.

211. *Id.* arts. 7, 10, 13, 15, 12 (respectively).

212. Covenant on Civil and Political Rights, *supra* note 138, art. 40.

213. Covenant on Economic Rights, *supra* note 178, art. 16, para. 2.

mentation is possible, but not mandatory.<sup>214</sup> This type of enforcement system, which involves mandatory periodic reports, contact between the United Nations and the State, and the possibility of publication, has been used successfully by the I.L.O. to ensure compliance with I.L.O. conventions.<sup>215</sup>

The Covenant on Economic, Social and Cultural Rights is valuable in the quest for sexual equality in that it combines a nondiscriminatory guarantee of fundamental rights with an effective enforcement system. It is this type of effective egalitarian international legislation that is most likely to bring about legal equality between the sexes.

France has ratified this Covenant, although only very recently.<sup>216</sup> France is, therefore, legally bound to bring its laws into compliance with the provisions of the Covenant.<sup>217</sup> The French Constitutional guarantee of equality has existed since 1946.<sup>218</sup> The French Civil Code, as noted above, has undergone substantial modification since the early 1970s.<sup>219</sup> Prior to 1970 a patriarchal theory permeated the Civil Code.<sup>220</sup> The result of this modification has been a more closely balanced treatment of legal rights and duties of women and men. This progress is especially notable in the laws governing marriage and family relations.

1. *Marriage*. According to French law, the obligations arising from marriage are based on equality of the spouses. This principle is reinforced throughout the French Civil Code. Specifically, the Code states that spouses contract with one another, by marriage, to nourish, maintain and raise their children;<sup>221</sup> and to give each other fidelity, assistance and presence.<sup>222</sup> The law requires that the spouses mutually assure the material and moral guidance of the family, that they provide for the education of the children and that they plan for their children's future.<sup>223</sup> Finally, the French Civil Code recognizes that the residence of the family shall be the

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214. *Id.* art. 19.

215. F. KIRGIS, *supra* note 20, at 436. These reports may also be submitted to the U.N.G.A. for review; see also Covenant on Economic Rights, *supra* note 178, art. 21.

216. See U.N. MONTHLY CHRONICAL, Jan. 1981, at 1.

217. K. HOLLOWAY, *supra* note 17.

218. See FRENCH CONST.

219. Alexandre, *supra* note 47, at 651.

220. *Id.*

221. C. CIV., *supra* note 42, art. 203.

222. *Id.* art. 212.

223. *Id.* art. 213.

place chosen of common accord by the spouses<sup>224</sup> and that the spouses may have distinct domiciles under the law.<sup>225</sup>

Marital property law is divided into two sections within the French Civil Code. The most recent set of laws deals with marriages celebrated after February 1, 1966.<sup>226</sup> This section deals with the rights of the spouses in an equal, sex-neutral language. Generally, the community property system of marriage is enforced, with each spouse retaining full rights over administration of the severalty.<sup>227</sup> A problem does arise in the interpretation of a provision which states that the "husband alone administers the community property."<sup>228</sup> This provision is followed by several paragraphs limiting the husband's rights to alienate certain types of the community property without the consent of the wife.<sup>229</sup> These paragraphs appear to equalize the administration of the community property in theory, but the law continues to officially recognize the husband as the manager of community property. This may indicate the continued existence of the traditional notion that the husband is the head of the family. As noted earlier, the French legislature specifically rejected this notion in regard to family management.<sup>230</sup> This discrepancy could be easily remedied by allowing the spouses to determine, individually, a system of property management.

Divorce may be decreed in three different types of procedures under French law. These are: 1) divorce by mutual consent, 2) divorce for rupture of family life, and 3) divorce for fault.<sup>231</sup> Each of these procedures is stated in sex-neutral language in the Code.<sup>232</sup>

The grounds for divorce for husband and wife are identical in all respects. However, as the discussion of criminal law below will reveal, the evidence required to prove the grounds may differ for the woman and man, resulting in discrimination against the woman.<sup>233</sup>

The question of alimony is also dealt with in sex-neutral language. The amount of alimony payments is determined by the

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224. *Id.* art. 215.

225. *Id.* art. 108.

226. *Id.* title V, introductory para., at 254.

227. *Id.* art. 1428.

228. *Id.* art. 1421.

229. *Id.* arts. 1422-25.

230. *Women in France, supra* note 3, at 3.

231. *C. CIV., supra* note 42, arts. 230-46.

232. *Id.*

233. *See infra* notes 271-76 and accompanying text.

needs and resources of the spouses.<sup>234</sup> Alimony, defined as the duty of aid, is not required except in the case of divorce for rupture of family life.<sup>235</sup> When such a divorce is granted, the spouse who took the initiative in seeking the divorce remains entirely obligated for the duty of aid.<sup>236</sup> This provision could arguably be interpreted in a manner detrimental to the woman. Under the above interpretation, a woman initiating a divorce based on wrongful conduct of the husband would be entitled to no alimony. This interpretation would result in requiring a woman to choose between remaining in an unworkable marriage or obtaining a divorce and suffering the consequences of immediate lack of support and unemployment. Studies show that even when alimony is awarded to a spouse, a maximum of only forty-four percent of the beneficiaries receive such payments on a regular basis.<sup>237</sup> Studies also support the fact that twenty-seven percent of the payments are never made.<sup>238</sup>

The French legislation in the area of marriage attempts to ensure the legal equality of spouses within and at the dissolution of the marriage relationship. The French laws also attempt to protect the existence of the family relationship by requiring specific duties of care for children.<sup>239</sup> France has, therefore, begun to comply on the *de jure* level with the international obligations stated in both the Covenant on Economic, Social and Cultural Rights<sup>240</sup> and the Covenant on Political and Civil Rights.<sup>241</sup>

Statistics show, however, that equality between the sexes within the marriage relationship is not a reality. This conclusion is particularly evident in the areas of education, employment, property rights within the marriage and economic rights at the dissolution of the marriage. The French government is now attempting to remedy this lack of *de facto* compliance by providing extensive social security benefits for families,<sup>242</sup> as well as employment reentry

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234. C. Civ., *supra* note 42, art. 271.

235. *Id.* art. 270; *see also* Press and Information Div., Fr. Embassy, *Divorce In France* 1, 5, 9 (1980) [hereinafter cited as *Divorce In France*]. Divorce for rupture of family life is also known as divorce on grounds of "breakdown of marriage." This type of divorce is granted when (1) the spouses have been living apart for at least six years; or (2) if one of the spouses is suffering from a severe mental illness.

236. C. Civ., *supra* note 42, art. 281.

237. *Divorce in France, supra* note 235, at 10.

238. *Id.*

239. *See infra* notes 221-23 and accompanying text.

240. Covenant on Economic Rights, *supra* note 178.

241. Covenant on Civil and Political Rights, *supra* note 138.

242. There is an allowance for children who have lost one or both parents. It is paid out of the Family Allowance Office, regardless of the woman's income. The allowance for single

programs for women.<sup>243</sup> Child care facilities are also being expanded with the quality of care under government regulation.<sup>244</sup> Although these attempts constitute a valid effort, there are still many adjustments to be made in order to allow for the most effective use of these programs and to ultimately achieve sexual equality.<sup>245</sup>

2. *Personal Rights.* Laws concerning the rights of a woman to control her reproductive health have a substantial effect on a woman's ability to participate equally in society. This conclusion is borne out by the foregoing analysis of the problems encountered by women in pursuing higher education and in maintaining employment outside the home. An international guarantee of reproductive choice did not exist prior to 1979. In 1979 the Convention on the Elimination of All Forms of Discrimination Against Women was opened for signature.<sup>246</sup>

It is interesting to note that until very recently these reproductive rights (the right to use contraceptives and the right to abortion) were regulated by the French government through the mechanism of the penal laws.<sup>247</sup> Penal laws impose the sanction of imprisonment and fine. This is in contrast to civil laws which normally entail only monetary fines.

The use of contraceptives was legalized in 1967 and was sup-

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parents guarantees the parent a minimum income plus an allowance for every dependent child. It is paid during the year following separation, divorce or death of spouse.

The state expenditure for the family in 1978 was over \$25 billion—more than the amount received in personal income taxes. The family allowance in France equals 4% of the gross domestic product as compared with an average of 2.6% for the rest of the European Community. *Women in France, supra* note 3, at 4.

243. Single women have priority access to refresher courses and job-training programs. They are also entitled to job contracts that provide for training or re-training. Single women who lose their jobs may, under certain circumstances, be eligible for a lump sum payment. The lump sum payment is allowed to such women who have been divorced in the previous two years and who have at least one dependent child. *Id.* at 5.

244. City and local councils throughout France have provisions for the care of children over three years of age. *Id.* at 13.

245. Child care facilities could be expanded to provide care for children under three years of age. Under the current system a single working mother with a child under three years of age must rely on private child care if she is to be able to return to work within three years after birth. Also, there is no mention of the cost of child care facilities in the information used as a source. *Id.*

246. See *supra* note 11 and accompanying text.

247. E. MARKS & I. DE COURTIVRON, *supra* note 9, at 22; see also G. MUELLER, THE FRENCH PENAL CODE (C. PEN.) (Amended 1969) art. 317 (which discuss former abortion laws).

plemented by an enforcement decree in 1969.<sup>248</sup> At that time the sale of contraceptives required a medical prescription and the authorization of a parent for nonemancipated minors under eighteen years of age.<sup>249</sup> Anticonception advertising was prohibited.<sup>250</sup> A medical prescription continues to be required today to obtain contraceptive material. However, the long-standing ban on contraceptive advertising has been lifted.<sup>251</sup> In fact, public information programs for contraceptives are now widespread. Such public information is easily available in French schools as well.<sup>252</sup>

In sum, the French government has recently made substantial progress in guaranteeing fundamental rights to women in the areas of reproductive health. In regard to abortion and contraception, it is notable that this progress was achieved in France without the influence of an international treaty obligation. This may be attributable to the fact that an international guarantee of reproductive choice did not exist prior to the 1979 Convention on the Elimination of All Forms of Discrimination Against Women.

There still exist many areas in need of improvement in the *de jure* application of the right to reproductive choice. The requirement of a medical prescription to obtain contraceptives, for example, may constitute a financial as well as a convenience barrier to a woman seeking these aids. In addition, the parental consent required of minors seeking contraceptives may limit use of such aids and thus contribute to unwanted teenage pregnancies.

These observations lend credence to the recurring theme of this Comment: women must become aware of their fundamental rights and must organize to encourage respect for and enforcement of those rights.<sup>253</sup>

#### F. *International Instruments Regulating Criminal Law*

Prior to the United Nations Women's Decade, the only rights

248. Alexandre, *supra* note 47, at 654.

249. For certain contraceptives parental authorization was required until the age of twenty-one. In no case was a married person required to obtain spousal consent. *Id.*

250. *Id.*

251. The law still requires parental consent and a medical prescription. *See supra* note 58.

252. *Id.*

253. Feminist attorney Gloria Allred filed a ten million dollar libel suit against U.S. Senator John Schmitz, complaining he maligned her in a press conference as "a slick butch lawyeress." Sen. Schmitz has used the terms "bull dykes," "lesbians," "murderess marauders" to describe abortion-rights advocates who attend a series of abortion hearings he chaired. San Diego Union, Jan. 23, 1982, at A4, col. 1.

of women that had been addressed in the international law forum were those having to do with the offense of prostitution.

The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others<sup>254</sup> consolidates four previous conventions that addressed the problems of white slave trade and traffic in women and children.<sup>255</sup> This Convention recognizes that traffic in persons for the purposes of prostitution is incompatible with the dignity of the human person. Articles 1 and 2 support this premise by requiring that the parties to the Convention agree to punish any person who procures or exploits another person for the purposes of "gratifying the passions of another." Punishment shall also extend to any person who keeps or finances a brothel. Some preventative measures are built into this Convention, including the provision that all parties are urged to "take the necessary measures for the supervision of employment agencies."<sup>256</sup> The purpose of these measures is to prevent those seeking employment, particularly women and children, from being exposed to the dangers of prostitution.<sup>257</sup>

The enforcement measures for this Convention are similar to those in other United Nations conventions of the same era. The issue of enforcement arises only when a conflict between party States occurs.<sup>258</sup> When a conflict does arise, the first step toward resolution is negotiation between the parties. If negotiations fail, the case may be referred to the International Court of Justice<sup>259</sup> for final judgment.

France has ratified this Convention<sup>260</sup> and thus must bring its laws into compliance with its provisions. The Penal Code of France<sup>261</sup> is generally nondiscriminatory. It classifies the crimes of rape, statutory rape, indecent exposure, procurement of prostitution and adultery as moral offenses. In each of these crimes, the law

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254. Convention for the Suppression of Traffic in Persons and Exploitation of Others, *opened for signature* Mar. 21, 1950, 96 U.N.T.S. 272, [hereinafter cited as Prostitution Convention].

255. Comment, *Status of Women: United Nations and Mexico*, 8 CALIF. W. INT'L L.J. 93, 98 (1978).

256. Prostitution Convention, *supra* note 255, art. 20.

257. Comment, *supra* note 255, at 99.

258. Prostitution Convention, *supra* note 255, art. 22.

259. *Id.*

260. *See supra* note 153. France ratified in 1960.

261. C. PEN. *supra* note 247. The source of this information is the 1966 version of the Penal Code. This discussion does not necessarily include recent modification in the French Penal Code.

imposes upon "any person" who commits such a crime, punishment in the form of varying degrees of imprisonment and monetary fines.<sup>262</sup> It is interesting to note, however, that only the procurer of prostitution is subject to criminal punishment.<sup>263</sup> The legislation of France seems to satisfy the obligations of the Prostitution Convention completely, thus *de jure* compliance has been accomplished.

It can be argued that the most egalitarian method of dealing with the issue of prostitution is to decriminalize prostitution. Proponents of decriminalization of prostitution contend that the criminal prohibition of prostitution is based on the legal establishment's broader commitment to preventing women, but not men, from engaging in sex outside of marriage.<sup>264</sup> The proponents' claim that the principle that every woman has a basic and fundamental right to control her own body logically requires that women be allowed to engage in a profession involving sexual services.<sup>265</sup> In this regard, prostitutes have begun to organize<sup>266</sup> in an attempt to protect each other against abuses by both the public and the legal system. In 1975 the French Prostitutes Union called a national strike to protest a rash of prostitute murders and the maltreatment of prostitutes by the police.<sup>267</sup>

As noted above, the crime of rape is defined in sex-neutral terms by the French Penal Code.<sup>268</sup> In France, conviction of aggravated rape includes a possible sentence of solitary confinement for life.<sup>269</sup> The degree of enforcement of rape laws seems to be an indication of France's desire to achieve equality for women. In country after country experts have discussed the difficulty of obtaining convictions for the crime of rape, the lack of severity of sentences and the reluctance of women to make formal complaints.<sup>270</sup> Many be-

262. *Id.* arts. 330-40, at 113.

263. *Id.* arts. 334, 335, at 114.

264. Griffin, *Wives, Hookers, and the Law*, 10 STUDENT LAWYER 21 (1982).

265. *Id.*

266. *Id.* at 37. In the U.S. a global network of prostitutes and ex-prostitutes was formed in the early 1970's. The name of the group is Coyote. See also E. MARKS & I. DE COURTIVRON, *supra* note 9, at 196 for a statement to the public from the woman prostitutes of Lyon.

267. See Griffin, *supra* note 264, at 37.

268. C. PEN., *supra* note 247, arts. 330-40, at 113.

269. Alexandre, *supra* note 47, at 660.

270. In regard to the current outrage in Europe over the enforcement (or lack thereof) of rape laws, the article notes that rape in France is considered less serious than armed robbery. The number of rape cases jumped 11.2% in the latest annual figures. The article notes particularly the problems stemming from attitudes of policemen toward rape victims. San Diego Union, Feb. 7, 1982, at D3, col. 1.

lieve the fear of harrowing police questioning may deter rape victims from pressing charges.

In regard to the crime of rape, the gap between *de jure* and *de facto* protection of the rights of women is obvious. The facts show that even though adequate legislation may exist to punish rapists, the enforcement of that legislation may be very weak. France, as well as other European nations, has only recently begun to recognize the problem.<sup>271</sup> This area particularly illustrates the need for women to become aware and take political responsibility for the enforcement of laws. Laws are needed which will guarantee equality between women and men in all aspects of life, including protection from crime.

The French penal law establishes distinct elements for the crime of adultery based on the sex of the adulterer.<sup>272</sup> The Penal Code provides that a "wife guilty of adultery shall be punished by jailing of no less than three months nor more than two years." However, "the husband may stop the service of the wife's sentence if he agrees to take her back."<sup>273</sup> In punishment of a husband's adultery, the law provides for a fine of 31,000 to 720,000 Francs if the husband is guilty of keeping a mistress at the matrimonial home.<sup>274</sup> There is no mention of a jail sentence. The actual effect of these laws is that a woman may be imprisoned for a single act of extramarital intercourse, whereas a man must be found guilty of "keeping" (which term implies more than one incident) a mistress in the "matrimonial home."<sup>275</sup> There is no such narrow requirement for the conviction of the women. Even if found guilty, the man is subject only to a fine. No loss of freedom is involved.

A rationale for this difference may be that adultery by a woman is a more serious matter from the viewpoint of society in that it creates the risk of introducing into a "legitimate" family children who are not sired by the husband. This, in turn, would endanger the expected transference of property (power) through inheritance.<sup>276</sup> The above penal provision is discriminatory on its face

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271. *Id.*

272. C. PEN., *supra* note 247, art. 340.

273. *Id.*

274. *Id.*

275. *Id.*

276. Alexandre, *supra* note 47, at 660. This information is as of 1972. The 1977 French Civil Code retains a distinction in treatment of legitimate and illegitimate children in regard to inheritance rights. In brief, the illegitimate child in a "legitimate" family receives only half as much as if he had been a legitimate child. C. CIV., *supra* note 42, art. 760, at 166; *see also* E. MARKS & I. DE COURTIVRON, *supra* note 9, at 50.

since the required legal elements of the crime of adultery are determined on the basis of the sex of the accused. This overt example of *de jure* discrimination is susceptible to modification through the legislative process. Inheritance laws, which allegedly provide the underlying rationale for the discrepancy, are also capable of adjustment through the legislative process. The egalitarian adjustment of these laws again would require the education and participation of women in the political system.

Pornography, although not regulated by the French Penal Code,<sup>277</sup> arguably has a substantial impact on the attitudes of society toward women.<sup>278</sup> Equality between women and men both in law and in fact requires the dispelling of traditional misconceptions concerning women.<sup>279</sup> An example of such a misconception is the pornographic depiction of women as important only in the role of providing satisfaction to men.<sup>280</sup> The necessary change in attitude may most effectively be brought about through logic and persuasion.<sup>281</sup> Public education, particularly through the use of the media, is an important tool in the attainment of nondiscriminatory attitudes and ultimately equality.

The laws regulating sexual crimes are, at times, inherently discriminatory (*de jure*) and, at times, discriminatory in regard to methods and degrees of enforcement (*de facto* discrimination). Discriminatory societal attitudes are certainly important in the establishment and enforcement of criminal laws regulating sexual crimes.

Modification of the written law to guarantee equality is obviously more readily accomplished than modification of societal attitudes. However, this area of criminal legislation is susceptible to political and public pressure for reform as indicated by recent reforms in the abortion and contraceptive law.<sup>282</sup> Thus, the tools of education and political activity should continue to be applied even if the legislature takes further action in this area.

In sum, continued effort is needed in this area to ensure both *de jure* and *de facto* equality in the basic rights of security of the person and dignity of the individual as guaranteed in the most ba-

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277. C. PEN., *supra* note 247.

278. E. MARKS & I. DE COURTIVRON, *supra* note 9, at 76.

279. *Women in France*, *supra* note 3, at 1.

280. E. MARKS & I. DE COURTIVRON, *supra* note 9, at 76.

281. *Id.*

282. *See supra* notes 249-52 and accompanying text.

sic of human rights conventions: the United Nations Charter.<sup>283</sup>

The final international instrument to come into existence prior to the Women's Decade<sup>284</sup> was in the form of a United Nations resolution. The Declaration on the Elimination of Discrimination Against Women<sup>285</sup> was adopted unanimously by the General Assembly in 1967. The Declaration, as an international resolution, is not based upon the sovereign consent of the parties to be bound to a legal obligation and therefore is not legally binding.<sup>286</sup> However, current authority suggests that unanimously adopted U.N. resolutions may indicate an international consensus on a particular subject area.<sup>287</sup>

The Declaration on Discrimination begins by making specific reference to the fact that discrimination against women continues to exist despite the several international conventions prohibiting such discrimination.<sup>288</sup> The instrument states: "Discrimination against women denying or limiting, as it does their equality of rights with men, is fundamentally unjust and constitutes an offense against human dignity."<sup>289</sup> The Declaration then restates many of the rights and duties guaranteed in the earlier conventions.<sup>290</sup>

The progressive nature of this instrument is evidenced in article 3 of the Declaration which calls for the taking of "all appropriate measures to educate public opinion . . . toward the eradication of prejudice and the abolition of customary and all other practices which are based on the idea of inferiority of women."<sup>291</sup> This requirement of the abolition of discriminatory customs and practices through education indicates a new focus by the international community—implementation of the fundamental rights guaranteed by law to both men and women. This new focus was to be further defined and developed into a comprehensive world plan of action during the 1975 International Women's Year.<sup>292</sup>

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283. U.N. CHARTER preamble.

284. Report of the 1980 Conference of the United Nations Decade for Women, *supra* note 1.

285. Declaration on the Elimination of Discrimination Against Women, G.A. Res. 2263, 22 U.N. GAOR Supp. (No. 16) 35, U.N. Doc. A/6555 and corr. 1 (1967), *reprinted in* L. HENKIN, BASIC DOCUMENTS SUPPLEMENT TO INTERNATIONAL LAW 347 (1980).

286. F. KIRGIS, *supra* note 25, at 257.

287. K. HOLLOWAY, *supra* note 17, at 599, 601.

288. Declaration on Discrimination, *supra* note 285, preamble, at 275.

289. *Id.* art. 1.

290. *Id.* arts. 1-11.

291. *Id.* art. 3.

292. *See supra* note 12 and accompanying text.

Prior to the beginning of the International Women's Decade<sup>293</sup> eleven conventions, supplemented by the provisions of the United Nations Charter and the Universal Declaration of Human Rights, provided the basic framework for international legal equality between the sexes. This early international standard required legal equality between the sexes in educational opportunity and training;<sup>294</sup> in employment opportunities;<sup>295</sup> in the exercise of political freedoms;<sup>296</sup> marriage; in dissolution of marriage;<sup>297</sup> in the right to determine one's own nationality;<sup>298</sup> the right to equal remuneration for equal work;<sup>299</sup> and the basic right to be free from slavery.<sup>300</sup>

Although substantial progress had occurred in relation to these international legal guarantees of equality, the law continued to remain silent as to certain fundamental rights of women. The rights still in need of protection included, *inter alia*, the right to control reproductive health and to be free from the degradation of pornography. In addition to the absence of some guarantees, certain international instruments effectively promoted discrimination against women in certain areas of employment.<sup>301</sup> Finally, effective enforcement mechanisms for the majority of the conventions did not exist. *De facto* equality between women and men has only begun to be recognized as a specific goal by the world community.<sup>302</sup>

The unequal status of women in France, particularly in the areas of education, employment and political opportunities, illustrates the need that existed prior to the Women's Decade for a comprehensive guarantee of legally enforceable rights and a means whereby those rights could be fully implemented. The problems encountered by France in attempting to ensure full equality between women and men revolve around traditional misconceptions concerning the role of women. These societal misconceptions are susceptible to change through the proper use of private and public

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293. See *supra* note 1 and accompanying text.

294. See Education Convention, *supra* note 27; Maternity Convention, *supra* note 61; Night Work Convention, *supra* note 62.

295. Employment Convention, *supra* note 64.

296. Political Rights Convention, *supra* note 137; Covenant on Civil and Political Rights, *supra* note 138.

297. Marriage Convention, *supra* note 178; Covenant on Economic Rights, *supra* note 178.

298. Nationality Convention, *supra* note 178.

299. Equal Remuneration Convention, *supra* note 63.

300. Prostitution Convention, *supra* note 254.

301. Maternity Convention, *supra* note 61; Night Work Convention, *supra* note 62.

302. See L. HENKIN, *supra* note 285, at 347.

education. The proper portrayal of the role of women by the educational system and the media can greatly influence and modify these societal attitudes toward the role of women. Such a change in attitude will contribute to an awareness in women of their existing legal rights and of the need to become politically involved in the enforcement of those rights.

## II. THE UNITED NATIONS INTERNATIONAL WOMEN'S DECADE: A CALL FOR ACTIVE IMPLEMENTATION OF LEGAL EQUALITY

In response to the growing worldwide interest in the status of women, the United Nations designated 1975 as the International Woman's Year.<sup>303</sup> This designation took the form of a United Nations General Assembly resolution.

The International Woman's Year was to be devoted to equalizing the rights, obligations and general status of women and men, domestically as well as internationally.<sup>304</sup> To facilitate achievement of this goal the 1975 World Conference was held.<sup>305</sup>

The World Conference was attended by delegates from over 133 States; a large majority of these delegates were women.<sup>306</sup> This high degree of participation by women is significant in that it indicates the increasing political involvement of women in quest for equality between the sexes.

The World Conference produced two additional international documents, the Declaration of Mexico<sup>307</sup> and the World Plan of Action.<sup>308</sup> Both of these documents have been adopted by the United Nations only as resolutions and are therefore not of a legally binding nature.<sup>309</sup> However, they may be indicative of an international consensus. It seems reasonable to argue that the adoption of three resolutions proclaiming the equality of women and men (one of which was adopted by unanimous vote)<sup>310</sup> does indicate international agreement on this subject and further sug-

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303. See L. HENKIN, REPORT OF THE WORLD CONFERENCE OF THE INTERNATIONAL WOMAN'S YEAR 2-7 (1976).

304. See 1980 World Plan, *supra* note 12, at 117.

305. *Id.*

306. *Id.* para. 13, at 120.

307. *Id.* para. 156, at 150.

308. *Id.*

309. F. KIRGIS, *supra* note 20, at 257.

310. See L. HENKIN, *supra* note 285, at 347.

gests a moral duty<sup>311</sup> to implement the stated goals. The stronger view, however, is the traditional view that resolutions, particularly those stated only in aspirational language, are not of a legally binding nature.

The Declaration of Mexico restates the guarantees of basic rights expressed in the earlier conventions. The Declaration of Mexico adds specific suggestions for implementing those guarantees. These suggestions include (1) using the media to eradicate cultural prejudices that inhibit the development of women<sup>312</sup> and (2) making available the resources to allow women to participate in the political life of their countries.<sup>313</sup> These plans, established eight years ago, are still merely goals. Much effort is still needed in order to make them a reality.

The World Plan consists of a very specific fourteen-point program to be used by governments as a guide in ensuring implementation of full equality of women and men.<sup>314</sup> Equality is to be achieved through implementation of the existing legal guarantees in all areas previously discussed. It is significant that both of these recent resolutions outline a new social role for men as well as women.<sup>315</sup> This approach is entirely nonexistent in the other human rights instruments to date. This action indicates a willingness and an attempt to change traditional discriminatory attitudes toward the role of women in society. Such a plan is progressive in and of itself.

Upon adoption of the Declaration of Mexico and the World Plan, the United Nations proclaimed the period of 1976-1985 as the United Nations Decade for Women.<sup>316</sup> This designation of the Woman's Decade in the form of a United Nations resolution traditionally has no legally binding effect.<sup>317</sup> However, this additional resolution adds strength to the contention that an international consensus exists which mandates implementation of the equality guaranteed women.<sup>318</sup>

The most recent and significant step taken in establishing the

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311. K. HOLLOWAY, *supra* note 17.

312. Hevener, *supra* note 32, at 152.

313. *Id.*

314. See 1980 World Plan, *supra* note 12, at 13.

315. Hevener, *supra* note 32, at 153.

316. Report of the 1980 Conference of the United Nations Decade for Women, *supra* note 1.

317. F. KIRGIS, *supra* note 20, at 257.

318. *Id.*

legal equality of women is the Convention On the Elimination of All Forms of Discrimination Against Women.<sup>319</sup> This convention was opened for signature in March 1980. The focus of the Convention On Discrimination is on both the *de jure* and *de facto* equality of women. The Convention On Discrimination is a legally binding international instrument.<sup>320</sup> This convention is, therefore, extremely significant as an indication of recent progress. Never before in the field of women's rights has such a comprehensive guarantee of legal rights been combined with the legal duty to implement these rights and an effective enforcement system.

This recent Convention on Discrimination was drafted as a direct response by the United Nations to the "extensive discrimination against women which continues to exist."<sup>321</sup> This Convention sets out in eighteen articles several very specific procedures which the parties are legally bound to implement. These procedures are designed to implement the guarantees established in all areas covered by previous international conventions and, perhaps more importantly, "[to] . . . abolish existing . . . customs and practices which constitute discrimination against women."<sup>322</sup>

In order to ensure the enforcement of the duties contained therein, the Convention establishes a Committee on the Elimination of Discrimination Against Women.<sup>323</sup> This committee is authorized to review the required progress reports on the party States and to issue recommendations. The recommendations are to be presented annually to the United Nations General Assembly.<sup>324</sup> This enforcement system is very similar to the effective system already employed by the I.L.O.<sup>325</sup>

France has signed but has not yet ratified this Convention on Discrimination.<sup>326</sup> Even so, a signature on a convention does not traditionally bind the signatory to the obligations of the convention.<sup>327</sup> A proper signature on a convention does carry with it, however, an assumption that the signature was seriously given, that

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319. Convention on Discrimination, *supra* note 11.

320. *Id.*

321. Convention on Discrimination, *supra* note 11, preamble, at 35.

322. *Id.* art. 2, para. a.

323. *Id.* art. 17, para. 1.

324. *Id.* art. 18. In addition, the International Court of Justice is the final authority on disputes between states. *Id.* art. 19, at 45.

325. F. KIRGIS, *supra* note 20, at 436.

326. *Recent Actions Regarding Treaties to Which the United States is a Party*, 81 DEP'T ST. BULL., Sept. 1981, at 74, 75, reprinted in 20 INT'L LEGAL MATERIALS 1286 (1981).

327. K. HOLLOWAY, *supra* note 17, at 48.

it ordinarily will proceed to ratification and that in the meantime the signatory will not adopt a policy which could render ratification useless or execution of the treaty difficult once ratification has been granted.<sup>328</sup> The signature of France on the Convention Against Discrimination requires that France, at a minimum, avoid enacting legislation contrary to the provisions of the Convention.

The Convention Against Discrimination adds certain guarantees to the existing framework of guarantees to women. The most substantial guarantees of the convention ensure the right "to decide freely and responsibly on the number and spacing of children."<sup>329</sup> France, as noted, has begun to ensure this right of women,<sup>330</sup> although specific details in regard to the obtaining of contraceptives may need to be liberalized to comply with the Convention Against Discrimination. This multilateral treaty reiterates all prior obligations to abolish discriminatory legislation<sup>331</sup> (*de jure* equality) and adds the obligation to abolish all discriminatory customs and practices<sup>332</sup> (*de facto* equality). The Convention Against Discrimination combines a comprehensive guarantee of full (*de jure* and *de facto*) equality with an effective enforcement mechanism and focuses this system on one form of discrimination—sexual discrimination. This Convention therefore constitutes the most effective and progressive legal instrument to date guaranteeing sexual equality.

In order to study the progress achieved during the first half of the decade, the 1980 World Conference of the United Nations' Decade for Women was held during 1980.<sup>333</sup> The 1980 conference determined that substantial progress in implementation of equality had not been achieved. Specifically, equality in education, employment opportunities, employment remuneration and access to health facilities had not been achieved.<sup>334</sup> The conference attributed this lack of progress to: (1) underfunding of women's programs,<sup>335</sup> (2) low priority placed on women's issues by government,<sup>336</sup> and (3)

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328. *Id.*

329. Convention on Discrimination, *supra* note 11, art. 16, para. e.

330. *Women in France*, *supra* note 3, at 12; *see also* E. MARKS & I. DE COURTIVRON, *supra* note 9, at 22.

331. Convention on Discrimination, *supra* note 11, arts. 1-18.

332. *Id.* art. 2, para. a5.

333. 1980 World Plan, *supra* note 12, at 18.

334. *Id.*

335. *Id.*

336. *Id.*

lack of enforcement of legislative guarantees of equality.<sup>337</sup>

In response to this very negative progress report, the 1980 World Conference adopted a more specific plan for the remaining five years of the decade.<sup>338</sup> The 1980 World Plan of Action emphasizes the need for governments to ratify or accede to all international instruments of the United Nations, in particular, the Convention on the Elimination of All Forms of Discrimination Against Women,<sup>339</sup> for women to be informed of their civil and political rights;<sup>340</sup> and for educational programs using the media to be instituted to eliminate prejudices and traditional attitudes that limit the full participation of women in society.<sup>341</sup>

In sum, the efforts of the International Women's Decade have focused primarily on the implementation of the existing legal guarantees of equality for women. Both the 1975 World Conference and the 1980 World Conference established very specific guidelines (not duties) for use by the international community in ensuring implementation of equality between the sexes. The very recent Convention on the Elimination of All Forms of Discrimination Against Women further adds to the fundamental rights guaranteed in the international framework and imposes the legal duty of implementation upon State parties to the Convention.

The goal of implementation of full equality has proven more difficult to achieve. The plan for the remaining half of the Women's Decade is to continue to focus on implementation by providing even more detailed and specific guidelines for the international community to follow.

### III. CONCLUSION

This analysis of international legal activity prior to and during the International Decade for Women makes clear that there exists a progressive trend toward a more comprehensive legal guarantee of sexual equality and actual implementation of those legal guarantees. This analysis also illustrates the tremendous influence that women, as an organized group, can have on the existence and enforcement of legal rights. The trend in legal instruments has been away from protective (paternalistic) provisions and toward more

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337. *Id.*

338. *Id.* at 2.

339. *Id.* at 90.

340. *Id.* at 20.

341. *Id.* at 23.

egalitarian treatment of the rights of women. Recent international conventions have begun to require implementation as a specific provision and have supplemented such provisions with more effective enforcement techniques. This progressive development of legal instruments has been made possible by the emerging view of the equal role of women in society. Ratification of the progressive Convention on the Elimination of All Forms of Discrimination Against Women can help to increase acceptance of the view of women as equal members of society and aid in ensuring freedom of opportunity for all members of society. The elimination of rigid societal roles and functions based upon sex ultimately will benefit all.

Although a comprehensive legal guarantee of equality now exists in the Convention Against Discrimination, full ratification and implementation of the Convention is still needed. A great deal can be done at the national level to ensure sexual equality. Ratification of and legal compliance with the Convention are needed to ensure *de jure* equality between the sexes. National governments can provide public education and enforcement of equal rights through proper use of the educational system and the media and through the establishment of government organs to deal specifically with women's issues. As a final method of ensuring *de facto* equality, women should become educated as to their existing rights, either through government sponsored education or through involvement in women's information groups. Once this is accomplished, women may then be able to encourage respect for and enforcement of their legal rights through political awareness and activity.

*Roberta L. Woodrick*