



» France

Situation report on violence against women

1. Legislative framework

The Constitution of 1946 included gender equality in its preamble, with equal rights to those of men in all areas. The preamble was incorporated in the Constitution of 1958.

Act No. 2008-496 of 2008 on combating discrimination includes gender as well as sexual orientation and identity as a recognised basis for discrimination. Article 225 of the Code of Criminal Procedure specifies and penalises gender-based discrimination.

Act No. 2010-769 of 9 July 2010 on violence perpetrated specifically against women, conjugal violence and their impact on children and Act No. 2014-873 of 4 August 2014 for true gender equality are specifically designed to combat violence against women.

NGOs were heard by the National Assembly and the Senate on several occasions during the process aimed at drawing up these two Acts.

The High Council for Gender Equality (the High Council for Gender Equality - HCE), created in 2013, is tasked with providing advice and evaluating the implementation of three-year plans aimed at combating violence against women.

The various forms of violence (physical violence, psychological violence, sexual harassment, sexual violence including rape, «honour» crimes, forced marriages, female genital mutilation, trafficking of women) are considered as offenses and crimes punishable by imprisonment.

France's Code of Criminal Procedure does not contain a definition of conjugal violence. However, it does state that when physical, psychological and sexual violence is committed within a couple (including divorced and separated couples), it is an aggravating circumstance.

The difficulty lies in the application of the laws and the characterisation of the facts by the courts. For instance, it is difficult to ensure that sexual harassment, and often even rape, are recognised and punished, in particular before a criminal court. The definition of sexual violence is based on the use of violence, coercion, threats and surprise.

However, the concept of consent or the need to prove non-consent is an obstacle to the recognition of rape or sexual harassment. The High Council for Gender Equality recommended that the law be altered in order to better respond to this difficulty¹.

¹ See [Opinion for a satisfactory social and judicial prosecution of rape and other sexual assaults of the HCE](#)

Trafficking in women for the purpose of professional or sexual exploitation is criminalised, and several provisions aimed to strengthen the fight against trafficking are included in Act No. 2016-444 of April 2016 also known as the Act «for combating the prostitution system».

Other Acts address specific forms of violence or specific populations²: in particular the Act of 7 March 2016 (protection of foreigners victims of violence). In addition, France is required to apply EU law in matters relating to combating violence against women, which resulted in the Act of 17 August 2015 (protection of victims of violence during the criminal procedure) and that of 29 July 2015 (protection of female asylum seekers victims of violence). France, which ratified the Istanbul Convention in 2014, will be assessed like the other signatory States by the GREVIO.

2. Political framework

The French State conducts regular studies on violence against women, such as the study conducted in 2001 (ENVEFF) and the Violence and Gender Relations study (Violences et Rapports de Genre - VIRAGE)³ of 2016. Data can also be extracted from victimisation investigations on the general population (including all data relating to crime and prosecution). Every year, the national Observatory of violence against women publishes several short thematic reports and updated statistics⁴. Data relating to complaints and prosecutions are more difficult to obtain, but associations provide figures on conjugal violence, rape, sexual harassment in the workplace, female genital mutilation⁵, etc.

In France, according to the High Council for Gender Equality, 223,000 women report having been victims of conjugal violence every year, and according to the Ministry of the Interior, 122 women died as a result of conjugal violence in 2015.

The government draws up three-year interministerial plan for preventing and combating violence against women (the 5th interministerial plan «for mobilisation and combating all violence against women» (2017-2019) was recently launched). The High Council for Gender Equality is tasked with following up the plans, and publishes evaluations of the three-year plans containing detailed data.

As regards the protocols of actions and coordination for the police forces, the judicial investigation system, sanitary and social workers, there is no approved procedure. Reference persons for «violence against women» and social workers are present in some police stations and gendarmeries.

The Women's Rights and Equality Service (Service des droits des femmes et de l'égalité - SDFE) deploys officers in the regions, départements and subcommittees for combating violence against women bringing together the various institutions, but not all départements have such subcommittees. The SDFE and its administrative structure do not have many resources.

Finally, the interministerial mission for the protection of women against violence and for combating human trafficking (MIPROF) is also responsible for training public and private stakeholders involved in combating such violence.

Specialised associations are regularly consulted and involved in the development and implementation of plans to combat violence, but their funding is fragmented and insecure. Strengthening coordination through the commissions in the départements, the SDFE, and associations is one of the areas of concern and vigilance identified by the HCE in its assessment of the last three-year plan for combating violence.

Finally, the amount, transparency and sustainability of the funding for such measures is also of concern. Various ministries are involved, but the Ministry for Family, Childhood and Women's Rights provides 60% of the funding, despite being the Ministry with the fewest resources. The 2014-2016 plan was granted 66 million Euros, while funding for the 2017-2019 plan increased to 125 million Euros, although its distribution remains to be analysed.

² See [this site of the Ministry about the legislation](#)

³ [Initial conclusions](#) made public on 24/11/2016

⁴ See the site of the [Observatory](#).

⁵ See, for instance, the Fédération Nationale Solidarité Femmes, the Association européenne contre les Violences faites aux femmes au Travail, the [Collectif féministe contre le viol](#), the Fédération nationale GAMS, etc.

3. Protection framework and access to justice

Protection system and services

The National Federation for Solidarity among Women (Fédération nationale Solidarité Femmes - FNSF) operates the counselling and guidance hotline «3919 - Violences femmes infos», for all types of violence and available 7 days a week but not 24 hours per day. It receives around 50,000 calls per year. The 3919 hotline serves as a referral and guidance hotline to the telephone hotlines of other specialised associations, such as «Viol femmes infos», the European Association against Violence Against Women in the Workplace (Association européenne contre les Violences faites aux Femmes au Travail - AVFT), Family Planning, the GAMS and Women's Voices against forced marriages (Voix de Femmes contre les mariages forcés).

The « FNSF » manages specialised accommodation centres with around 1,800 places, and other places are available outside of the network. However, it must be noted that women victims of violence are mostly accommodated in generalist centres with other populations, and that the housing and accommodation policy conducted over the past several years does not favour specialised associations and services. Generally-speaking, the resources allocated to preventing and combating violence are insufficient and scattered, in particular for specialised associations and the associations defending women's rights. The 5th interministerial plan has committed to create 4,900 additional accommodation places within specialised structures by 2019.

There are also around 120 drop-in centres in 100 départements, and 200 counselling, reception, and guidance services, often grouped in the same location. Most of these are managed by specialised associations, but their resources are far below what they need, and funding is precarious and subject to calls for projects.

A protective order issued by the Family Court aimed at protecting victims of violence caused within a couple or by a former spouse or common-law partner, and their children, was created in 2010. The court may order the violent spouse to be evicted from the home and to be prohibited from approaching the home, and it may decide the arrangements and costs for child custody and enjoyment of the conjugal home. The order aims to protect women victims of violence before or after filing a complaint, whether or not the perpetrator has been prosecuted. 3,000 protective orders were issued in 2015.

However, the application of this measure is deemed insufficient and uneven in the country. In addition, it only applies to violence within the couple and victims of rape, but not to sexual harassment, for instance.

Since 2014, courts of first instance may provide «Serious Danger Telephones» to women victims of violence within the couple or victims of rape the perpetrators of which are prohibited from contacting them. They enable a rapid intervention by the police forces as well as counselling and support by social workers for the duration of the measure.

Prevention measures and training of professionals

An Act of 2001 provides for «at least three annual information and education sessions per homogenous age group on sexuality provided in primary schools, lower secondary schools and upper secondary schools», which must promote equality and respect between genders. However, a study conducted by the HCE in 2015 revealed that 25% of establishments did not take any action as regards sexuality education despite the legal obligation. There is a lack of financial resources, teachers are ill-prepared, the sessions do not reach all levels, and do not make issues related to sexist violence one of their priorities.

The training of professionals (police, judges, lawyers, doctors, nurses, etc.) is an obligation laid down in Article 51 of the Act for true gender equality and in the 4th plan for preventing and combating violence against women. It has improved thanks to the dissemination of training kits intended for the various trades and the integration of issues of gender violence in training for healthcare professionals. However, it still needs to be improved and developed as training courses are short and the link with specialised and feminist associations should be strengthened, as it is the latter which have the experience of daily practice with the victims. Investigation of the issue of systemic inequalities between men and women also needs to be deepened.

Finally, national awareness-raising campaigns aimed at the general public are regularly conducted by associations (e.g. regarding rape) and by the Ministry for Families, Childhood, and Women's Rights (ongoing campaign against sexist harassment in public transport). The campaigns use posters on public roads and in public transport, on the Internet and the social networks.

Access to a non-discriminatory judicial and police system

A woman victim of sexist violence may file a complaint for rape, sexual assault, assault, harassment, etc. In the event of violence perpetrated by police officers, it is possible to file a complaint with an internal investigative body.

The public prosecutor may automatically investigate acts of violence against women, and the judge may continue the investigation even if the victim withdraws their complaint. Women with limited resources are entitled to legal aid, including for the procedure for applying for a protective order (undocumented women are also entitled to it).

However, reporting remains problematic due to reasons linked to a phenomenon of undue influence, guilt or the fear of reprisals. Only one out of every eight victims of rape reports the crime. In addition, there is a culture that contributes to questioning the testimony of victims or downplaying the harm suffered in gender-based violence. This is the case, for instance, of the «criminalisation of rape», i.e. downgrading the crime of rape into an offense of sexual assault in 80% of cases (judgment by a criminal court and not by the court of assizes). Feminist associations denounce this phenomenon as an institutional violence that denies the seriousness of the crime.

In addition, the victims may not testify without being confronted by the perpetrator(s) during the trial, which may constitute secondary victimisation.

Judges and magistrates are poorly trained on violence against women, and the specialised associations are requesting the creation of specialised magistrates. There are currently substitute public prosecutors who specialise in these issues, but integration between the various civil and criminal proceedings and the Juvenile Court remains complicated.

Finally, there is a family mediation procedure for family disputes which is almost mandatory and which raises questions in contexts of conjugal violence, as it mandates a confrontation and a «dialogue» which may not be conducted on an equal footing in the event of violence.

Specific vulnerabilities

The intersections of gender identities with other, real or supposed (ethnic, geographical, religious, social origin, sexual orientation, etc.), are often the basis of double or triple discrimination for women.

Migrant and refugee women suffer this double discrimination and victimisation. Those who are victims of violence, particularly if they are undocumented, do not have access to civil proceedings, often live in precarious situations, suffer forced marriages and are faced with great difficulties as regards obtaining a residence permit when they flee violence, except in the case of a protective order. The legal framework covering them has improved, although its application remains complex. In addition, there are no specialised accommodation services for refugee women victims of violence. Undocumented immigrant women and girls are also likely to be victims of trafficking for sexual exploitation or domestic slavery. Most of the time, the victims are lured in by false promises of schooling, hiring or residence permits. The Committee against Modern Slavery stated that it is following up hundreds of cases, 75% of which are women and 30% are minors⁶.

Women with disabilities are disproportionately affected by various forms of physical, psychological, institutional and sexual violence, and professional discrimination. In addition, problems of access to most services remain, and there are few options for specialised and adapted accommodation. The upcoming interministerial plan against violence provides measures to improve access to rights for disabled women.

Rural women are more geographically isolated, are not aware of and have lesser access to protection schemes. Yet, according to a report published by the FNSF⁷, they are proportionately more affected by conjugal violence. The new Government Plan for 2017-2019 highlights this target group and plans the development of reception and counselling day centres integrated into social/employment centres (Maisons de service), which group various public services (employment help, health insurance, etc.) in rural areas.

The upcoming plan for combating violence also targets young women. Statistical data⁸ shows that they are most at risk of suffering gender-based violence and harassment, the latter increasing dangerously on the Internet and the social networks, which are highly used by young people.

Lesbian, bisexual and transgender women suffer gender-based violence and acts of homophobia. Homophobia is an aggravating circumstance in legal proceedings.

There are approximately 37,000 prostitutes in France. Prostitutes are 6 times more exposed to rape than the general population and 7 times more exposed to the risk of suicide. The human cost borne by prostitutes is very high, as are

⁶ See the site of the [Committee against Modern Slavery](#)

⁷ See the [press release](#)

⁸ See the [ENVEFF study of 2000](#)

the direct and indirect economic and social costs⁹. In comparison, the resources deployed for prevention and support for prostitutes are very insufficient. Act No. 2016-444 of 13 April 2016 aimed at strengthening the fight against the prostitution system and to provide support to prostitutes was welcomed as a great step forward by the specialised associations. For the first time, this Act provides for the penalisation of the client, and therefore the recognition of prostitution as a form of violence, and removes any penalisation of the prostitutes. It also contains items relating to support for prostitutes in order to help them exit from prostitution.

4. International commitments to combat violence against women

France ratified the international and regional instruments aimed to combat discrimination and violence against women, such as the Convention of the United Nations on the Elimination of all Forms of Discrimination Against Women (CEDAW), the Rome Statute for the International Criminal Court and Resolution 1325 of the United Nations Security Council and the Istanbul Convention of the Council of Europe. The Istanbul Convention, like the CEDAW, involves action plans and monitoring.

The CEDAW committee assessed France in July 2016 (7th and 8th periodic reports)¹⁰. It will present its first report on the implementation of the Istanbul Convention to the GREVIO committee in 2018.

5. Recommendations

- *Implement all of the provisions of the Istanbul Convention*
- *Develop the prevention of violence by systematically implementing equality education programmes in all schools and at all levels, and develop a gender pedagogy adapted to children in schools*
- *Improve and sustain political and financial support for associations specialising in supporting women victims of violence throughout the country, as regards counselling and receptions centres and specific accommodation structures for women victims of violence*
- *Urgently implement protection laws in the overseas territories, include said territories in statistical studies, increase the capacity of reception structures, take measures to ensure equal access to healthcare throughout the whole territory*
- *Establish specialised courts for all violence against women, or specialised magistrates trained for all related proceedings.*

⁹ See the PROSTCOST study of 2015.

¹⁰ See the [conclusions of the CEDAW Committee](#), July 2016

