



GREVIO

Baseline Evaluation Report France

” Group of Experts
on Action
against Violence
against Women and
Domestic Violence
(GREVIO)



Istanbul Convention

GREVIO's (Baseline) Evaluation Report
on legislative and other measures
giving effect to the provisions
of the Council of Europe Convention
on Preventing and Combating
Violence against Women and Domestic Violence
(Istanbul Convention)
FRANCE

Group of Experts
on Action against Violence against Women
and Domestic Violence (GREVIO)

GREVIO/Inf(2019)16

Adopted on 28 October 2019

Published on 19 November 2019

Secretariat of the monitoring mechanism of the Council of Europe Convention
on Preventing and Combating Violence against Women and Domestic Violence
Council of Europe
F-67075 Strasbourg Cedex
France

www.coe.int/conventionviolence

Contents

Foreword	4
Executive summary	6
Introduction	9
I. Purposes, definitions, equality and non-discrimination, general obligations	11
A. Scope of the convention (Article 2).....	11
B. Definitions (Article 3)	12
C. Fundamental rights, equality and non-discrimination (Article 4).....	14
1. Gender equality and non-discrimination	14
2. Intersectional discrimination	15
D. State obligations and due diligence (Article 5).....	17
E. Gender-sensitive policies (Article 6)	17
II. Integrated policies and data collection	19
A. Comprehensive and co-ordinated policies (Article 7).....	19
B. Financial resources (Article 8)	21
C. Non-governmental organisations and civil society (Article 9)	22
D. Co-ordinating body (Article 10).....	23
E. Data collection and research (Article 11)	25
1. Administrative data collection.....	25
2. Population-based surveys	28
3. Research	29
III. Prevention	30
A. Awareness-raising (Article 13).....	30
B. Education (Article 14).....	31
C. Training of professionals (Article 15)	33
D. Preventive intervention and treatment programmes (Article 16)	36
E. Participation of the private sector and the media (Article 17)	37
IV. Protection and support	40
A. General obligations (Article 18)	40
B. Information (Article 19)	41
C. General support services (Article 20)	42
D. Specialist support services (Article 22)	43
E. Shelters (Article 23).....	44
F. Telephone helplines (Article 24)	46
G. Support for victims of sexual violence (Article 25)	47
H. Protection and support of child witnesses (Article 26).....	48
I. Reporting by professionals (Article 28).....	49
V. Substantive law	51
A. Civil law.....	51
1. Civil lawsuits and remedies (Article 29)	51
2. Compensation (Article 30).....	51
3. Custody, visitation rights and safety (Article 31)	52
B. Criminal law	55
1. Psychological violence (Article 33) and stalking (Article 34)	55
2. Sexual violence, including rape (Article 36).....	55
3. Forced marriage (Article 37).....	57
4. Forced abortion and forced sterilisation (Article 39).....	58
5. Sexual harassment (Article 40)	58

6.	Aggravating circumstances (Article 46)	59
7.	Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)	60
VI.	Investigations, prosecutions, procedural law and protective measures.....	62
A.	General obligations (Article 49)	62
B.	Immediate response, prevention and protection (Article 50)	63
1.	Collection of evidence	63
2.	Conviction rates	65
C.	Risk assessment and risk management (Article 51)	66
D.	Emergency barring orders and restraining or protection orders (Articles 52 and 53).....	67
E.	Measures of protection (Article 56).....	70
F.	Legal aid (Article 57)	70
VII.	Migration and asylum.....	71
A.	Residence status (Article 59).....	71
B.	Gender-based asylum claims (Article 60)	72
	Concluding remarks.....	75
	Appendix I List of proposals and suggestions by GREVIO.....	76
	Appendix II List of the national authorities, other public bodies, non-governmental organisations and civil society organisations with which GREVIO held consultations .	89

Foreword

The Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) is an independent human rights monitoring body mandated to monitor the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) by the parties to the convention. It is composed of 10 independent and impartial experts appointed on the basis of their recognised expertise in the fields of human rights, gender equality, violence against women and/or assistance to and protection of victims.

GREVIO's statutory activities include country-by-country monitoring of the Istanbul Convention (evaluation procedure), the initiation of inquiries into specific circumstances within a party to the convention (inquiry procedure) and the adoption of general recommendations on themes and concepts of the convention.

This report is the fruit of the first (baseline) evaluation procedure carried out in respect of France. It covers the Istanbul Convention in its entirety¹ and thus assesses the level of compliance of French legislation and practice in all areas covered by the convention. In light of the scope of the convention – as set out in its Article 2, paragraph 1 – the baseline evaluation focuses on measures taken in relation to “all forms of violence against women, including domestic violence, which affects women disproportionately”. The term “violence against women” used throughout this report thus refers to all forms of violence against women, which is criminalised (or, where applicable, otherwise sanctioned) under Chapter V of the convention, which are psychological violence, stalking, physical violence, sexual violence – including rape – forced marriage, female genital mutilation (FGM), forced abortion, forced sterilisation and sexual harassment. It also refers to domestic violence against women, which is defined as physical, sexual, psychological or economic violence which occurs within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim. Hence, the term “victim” used throughout this report is to be understood as referring to a woman or girl victim.

Based on this assessment, it proposes measures to strengthen the implementation of the convention. In proposing such measures, GREVIO has adopted the use of different verbs which correspond to different levels of urgency. These are, in order of priority, “urges”, “strongly encourages”, “encourages” and “invites”. GREVIO uses the verb “urges” where it considers that immediate action is required to bring the party's legislation or policy into compliance with the Istanbul Convention, or to ensure its implementation. The verb “strongly encourages” is used where GREVIO has noted shortcomings which need to be remedied in the near future in order to ensure a comprehensive implementation of the convention. A third level of urgency is indicated by the use of “encourages”, which is used for shortcomings that require attention, though possibly at a later stage. Lastly, the verb “invites” points to small gaps in implementation which the party is requested to consider closing or to proposals made to provide guidance in the implementation process.

The first (baseline) evaluation procedure is made up of several steps, each of which allows GREVIO to obtain critical information upon which to base its report. It is carried out as a process of confidential dialogue with the aim of offering country-specific proposals and suggestions for improvement developed within the national context of the party. These include the following:

- submission, by the party, of a report drawn up on the basis of GREVIO's baseline questionnaire (the state report);
- an evaluation visit to the party under review to meet with governmental and non-governmental representatives working in this field;
- comments by the party on GREVIO's draft report;

¹ With the exception of Chapter VIII of the convention, which GREVIO considered as less relevant in assessing the national situation in each contracting party.

-
- publication of GREVIO's report after its adoption together with any comments received from the party.

In addition, GREVIO collects additional information from a variety of other sources, including non-governmental organisations (NGOs), other members of civil society, national human rights institutions, Council of Europe bodies (the Parliamentary Assembly, Commissioner for Human Rights and other relevant bodies) and other international treaty bodies. As part of the evaluation of France, GREVIO received a shadow report prepared jointly by specialist women's organisations working in various fields related to the issue of violence against women (hereinafter the joint shadow report). The associations that signed the joint shadow report include: Amicale du Nid, Associations Voix de Femmes, CIMADE, Collectif Abandon de Famille – Tolérance zéro, Collectif Féministe contre le Viol (CFCV), Collectif National pour les Droits des Femmes (CNDF), the GAMS National Federation for the Abandonment of Female Genital Mutilation and Forced Marriage, the National Federation of Information Centres on the Rights of Women and Families (FNCIDFF), the National Federation for Women's Solidarity (FNSF), Women in Solidarity and SOS Mothers and Children. GREVIO also received a joint report by the associations Equilibres & Populations (Equipop), Excision, let us talk about it! and the End FGM European network, as well as written contributions from the French Coordination for the European Women's Lobby (CLEF), the French Council of Associations for the Rights of the Child (COFRADE) and the Ligue des Droits de l'Homme.

The state report and the written contributions submitted by civil society are in general public and available on the official website of the Istanbul Convention.

The analysis, suggestions and proposals contained in this first baseline evaluation report were written under the sole responsibility of GREVIO. The report covers the situation as of 30 April 2019. Developments since that date are not covered by the analysis and are not taken into account in the conclusions and proposals contained therein.

In accordance with the convention, GREVIO's reports are transmitted to national parliaments by national authorities (Article 70(2)). GREVIO requests national authorities to translate this report into their official national language(s) and to ensure its wide dissemination, not only to relevant public institutions at all levels (national, regional and local) and, in particular government, ministries and the judiciary, but also to NGOs and other civil society organisations working in the field of combating violence against women.

Executive summary

This report presents an assessment of the implementation measures adopted by the French authorities concerning all aspects of the Council of Europe Convention on the Prevention and Combating of Violence against Women and Domestic Violence (hereinafter referred to as “the convention”).

This evaluation was carried out by the Council of Europe’s Group of Experts on Combating Violence against Women and Domestic Violence (GREVIO), an independent human rights monitoring body responsible for monitoring the implementation of the convention. GREVIO’s conclusions are based on the information obtained during the different stages of the first (baseline) assessment procedure described in Article 68 of the convention. Sources of information include written reports (a state report submitted by the French authorities and additional information submitted by NGOs) and a five-day evaluation visit to France. A list of the official bodies and other entities with which GREVIO has had exchanges is provided in Annex II.

This report highlights a real national mobilisation of the French authorities in the fight against violence against women, designated as a “great national cause” in 2010. Legislative advances that have gradually addressed the various forms of violence against women have made it possible to considerably strengthen the legal framework for preventing and punishing violence. Legislative efforts have been accompanied by a succession of five consecutive three-year interdepartmental plans since 2005. Several measures have been implemented over the past decade to promote substantive equality between women and men. These include measures to promote an integrated approach to equality issues and to mobilise all ministries around both specific measures and gender-sensitive common-law policies.

This report welcomes the authorities’ stated intention to strengthen the means to combat violence under the latest inter-ministerial plans, whose budget has more than doubled. However, it points out the inadequacy of specialised housing facilities for women victims of violence. GREVIO considers in its report that this gap reflects policies that struggle to recognise the specificity of violence against women and tend to equate it with other types of violence. Consequently, GREVIO stresses that an integrated approach to support services for women victims of violence does not mean that these victims can be assimilated into other audiences and it requires a strong awareness on the part of decision-makers regarding their specific needs. In a general context marked by insufficient structures offering specialised support services to women victims, GREVIO notes the urgent need to set up a sufficient number of emergency assistance centres for victims of rape and sexual violence, in order to provide them with medical and forensic examination, trauma-related support and counselling.

Despite the existence of several legislative mechanisms to ensure that the interests and safety of the child are given priority in court decisions concerning access and custody rights, GREVIO notes the rarity of the application of these provisions, so that the violence to which children are exposed and the risk of continuing violence after separation are not sufficiently taken into account in the regulation of custody and visitation rights. In this regard, GREVIO stresses the urgent need to base policies and practices on the recognition that, in a context of domestic violence, the joint exercise of parenthood lends itself to being the means for the abuser to continue to maintain control and domination over the mother and her children. Another area of concern is the lack of support and assistance for children who have witnessed violence. The report notes that such support and assistance should be strengthened, in particular on the basis of existing good practices within specialised associations on the subject of violence and extended to the whole country, while at the same time increasing the capacity of the professionals concerned to identify violence.

This report describes the progress made in establishing a strong legal framework on violence against women. However, it notes some significant shortcomings. In particular, the definition of sexual

assault and rape is not based on the absence of free consent but requires the use of violence, coercion, threat or surprise. GREVIO notes in its report the inadequacies of the criminal-law response to violence, which reflect a difficulty for the system to ensure that perpetrators of all forms of violence covered by the convention are held accountable. In particular, the report notes that the judicial practice of “correctionnalisation”, which makes it possible to reclassify the crime of rape as a sexual assault offence and to try it before a criminal correctional court instead of the Cours d’assises, minimises the seriousness of the rape and makes victims bear the consequences of the dysfunction of the judicial system.

In addition to the fact that risk assessment and risk management methods and their systematic use by all competent authorities should be further developed, the report illustrates the many weaknesses of the protection order system. In France, the protection order does not apply to all forms of violence – contrary to the requirements of Article 53 of the convention – while the conditions of its application make it difficult for victims to access protection and their assessment varies considerably between courts. GREVIO notes in its report the need to initiate a process to review the system of protection orders in order to allow for more widespread and systematic use.

While GREVIO welcomes France’s ratification of the Istanbul Convention, it has identified a number of priority areas in which the French authorities should take additional measures to fully comply with the provisions of the convention. In addition to the above considerations, it would therefore be necessary to:

- continue and to intensify efforts to advance *de jure* and *de facto* gender equality, in particular by strengthening mechanisms to ensure gender mainstreaming and by ensuring that normative texts as well as legislative amendments are subject to a preliminary assessment of their impact on equality;
- establish legal measures to protect women from economic violence;
- continue efforts to eliminate discrimination, which increases the risk of exposure to violence and hinders access to protection mechanisms for women from groups subject to multiple discrimination, such as young women, women living in French overseas territories, women living in rural areas, elderly women, women from the lesbian, gay, bisexual and transgender (LGBT) community and women with disabilities, including those living in institutions;
- strengthen inter-institutional co-operation mechanisms, in particular at departmental level, by taking measures to increase the human and financial resources available to departmental delegates for women’s rights and equality, as well as to strengthen their capacity to mobilise the various actors concerned, and ensure that the training of professionals is among the priorities of these mechanisms;
- increase the budget dedicated both at central and decentralised level to preventing and combating violence against women and provide greater support for the work of associations specialised in preventing and combating violence against women, by providing them with stable and sustainable funding opportunities commensurate with estimated needs;
- continue and strengthen co-operation at all levels of public action, at both national and territorial levels, with all NGOs working in the field of preventing and combating violence against women, in particular specialised associations;
- ensure that the national body designated under Article 10 of the convention has the necessary capacity and means to ensure the co-ordination of policies and measures at all levels of public action;
- intensifying training measures for all professionals, including staff who come into contact with women asylum seekers;
- take the necessary legislative or other measures to ensure that victims of forced marriages brought to another country for the purpose of such marriage, and who consequently lose their residence status in the country where they are habitually resident, may regain this status, in accordance with Article 59, paragraph 4, of the convention.

In addition, GREVIO has identified several other areas where improvements are needed to ensure full compliance with the convention's obligations. These would include improving data collection, particularly at the level of justice and law enforcement agencies; increasing the number of specialised services with adequate geographical distribution; and ensuring the availability of the 3919 helpline 24 hours a day, 7 days a week.

Introduction

France signed the Istanbul Convention on 11 May 2011, the day it was opened for signature, and ratified it on 4 July 2014. At the time of the deposit of its instrument of ratification and in accordance with Article 78, paragraph 2, of the convention, France made reservations to Articles 44 and 58. The convention entered into force for France on 1 November 2014.

The Istanbul Convention is the most ambitious international treaty to combat violence against women and domestic violence. Its provisions include comprehensive preventive and protective measures, as well as a number of obligations to ensure a criminal justice response to such serious human rights violations. It is a pioneer in calling for the root causes of violence against women (such as gender stereotypes, traditions harmful to women and general manifestations of inequality between women and men) to be addressed.

The convention sets up a monitoring mechanism to assess the level of implementation by its parties. This monitoring mechanism consists of two pillars: the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) which is, an independent expert body, and the Committee of the Parties, a political body composed of official representatives of the parties to the convention.

In accordance with Article 68 of the convention, GREVIO launched the baseline evaluation of France by sending a letter and its questionnaire on 31 October 2017. The order in which the reports are transmitted to GREVIO is based on a set of criteria, including membership of regional groups and the order of ratification. The French authorities then submitted their state report on 5 April 2018. Following the preliminary examination of the French state report and additional information provided by a coalition of NGOs, GREVIO carried out an evaluation visit to France from 8 to 12 October 2018. The delegation was composed of:

- Simona Lanzoni, Second Vice-President and member of GREVIO;
- Helena Leitao, member of GREVIO;
- Zoë Royaux, expert;
- Maria Moodie, expert;
- Christina Olsen, Administrator at the Secretariat of the Istanbul Convention Monitoring Mechanism;
- Cigdem Kaya, Administrator at the Secretariat of the Istanbul Convention Monitoring Mechanism.

During the evaluation visit, the delegation was welcomed by high-level public figures, including Jean-Philippe Vinquant, Director General for Social Cohesion and Inter-ministerial Delegate for Women's Rights and Gender Equality. In addition, the delegation met with a wide range of governmental and non-governmental representatives working in the field of preventing and combating violence against women, including legal, health, education and cultural professionals, social workers and representatives of NGOs. A list of the national authorities, NGOs and other entities met is presented in Annex II to this report. GREVIO is grateful for the valuable information provided by each of them.

The evaluation visit was prepared in close co-operation with Alexis Rinckenbach, Head of the Office of European and International Affairs, in the Directorate General for Social Cohesion of the Ministry of Solidarity and Health/Secretariat of State for Gender Equality, in his capacity as contact person for the evaluation conducted by GREVIO, as well as with Alexia Lozano, Policy Officer at the same entity. GREVIO would like to express its gratitude for their co-operation and support provided throughout the evaluation process, and for the constructive approach adopted by the French authorities.

As part of this first baseline evaluation, GREVIO examined the implementation measures taken by the French authorities concerning all aspects of the convention, and analysed the data for the years 2014 and 2015. For the sake of brevity, this report gives priority to some provisions over others. While it covers all the chapters of the convention (with the exception of Chapter VIII), it does not present detailed assessments and conclusions for each of the provisions of these chapters.

I. Purposes, definitions, equality and non-discrimination, general obligations

1. Chapter I of the Istanbul Convention establishes the general principles that apply to all the substantive articles grouped in Chapters II to VII. These principles state, *inter alia*, that it is a fundamental human right of everyone, particularly women, to live a life free from violence in both the public and the private sphere, that the convention must be implemented without discrimination on any ground and that the potential for, and effects of, multiple forms of discrimination should be borne in mind. In addition, they specify that the implementation of the convention and the assessment of its impact must include a gender perspective.

A. Scope of the convention (Article 2)

2. The scope of the first GREVIO baseline evaluation is defined in light of the scope of the Istanbul Convention, as set out in Article 2, paragraph 1. All forms of violence against women, including domestic violence, which disproportionately affects women, are therefore taken into account. The term “violence against women”, which is used in the evaluation, therefore refers to all forms of violence against women that are criminalised (or possibly otherwise punished) under Chapter V of the convention. These are psychological violence, harassment, physical violence, sexual violence including rape, forced marriages, female genital mutilation, forced abortion and sterilisation, and sexual harassment.

3. The report submitted to GREVIO by the French authorities illustrates an authentic national mobilisation in the fight against violence against women, designated as a “great national cause” in 2010. This determination has resulted in a progressive strengthening of the legislative arsenal for preventing and combating violence against women, in parallel with the implementation of five inter-ministerial plans since 2005. Many laws have been successively adopted in order to criminalise different forms of violence under the convention and to constantly improve existing measures to prevent and punish violence against women. In order to further strengthen the existing protection mechanisms, a first Action Plan to eradicate female genital mutilation was adopted on 21 June 2019. GREVIO commends the strong political will expressed through these efforts to treat measures against violence as a high national priority.

4. In chronological order, following the criminalisation of rape by the adoption of Law No. 80-1041 of 23 December 1980, Law No. 92-684 of 22 July 1992 criminalised violence resulting in a permanent mutilation or disability, thus making it possible to punish female genital mutilation and forced sterilisation. The law of 1992 recognised that where the perpetrator is the spouse or partner (*concubin*) of the victim, this element entails the applicability of an aggravating circumstance in case of violence committed within the couple. It also introduced into the Criminal Code the offence of sexual harassment, which subsequently underwent several legislative amendments. Law No. 2006-399 of 4 April 2006 later extended the scope of the aforementioned aggravating circumstance to perpetrators having entered into a civil solidarity pact (PACS) with the victim and to former spouses, partners (*concubins*) and offenders formerly tied to the victim by a PACS, as well as to other offences, such as murder, rape and sexual assault. Furthermore, the law of 1992 recognised rape between spouses, which until then had only resulted from the case law of the Court of Cassation, as well as theft between spouses. It allowed the nullity of the forced marriage concluded under duress. A few years later, Law No. 2010-769 of 9 July 2010 criminalised psychological violence within the couple. The same law recognised coercion to enter into a marriage or union as an aggravating circumstance for violence committed for this purpose. The legislator intervened anew in the area of forced marriage and female genital mutilation, with Law No. 2013-711 of 5 August 2013, which criminalises the conduct of using fraudulent tactics against a person in order to determine his or her departure from the country, with the aim of forcing this person to enter into a marriage or into a PACS. The law also introduced two new offences into the Criminal Code: incitement of a child to undergo sexual mutilation, or incitement

of an adult to commit it. In addition, it criminalised forced abortion. More recently Law No. 2018 of 3 August 2018 criminalised street harassment by creating the fineable offence of “sexist contempt”. It also strengthened the definition of cyberbullying by including therein acts of cyberbullying resulting from “digital raids” committed by several persons acting in a concerted manner.

5. GREVIO observes that, in France, violence against women includes prostitution. Indeed, Law No. 2016-444 of 13 April 2016 officially recognises prostitution as violence in itself, and violence that is particularly directed against women. GREVIO points out in this regard that the Istanbul Convention does not cover prostitution as such. While it is therefore not within GREVIO’s mandate to examine this dimension, GREVIO would like to underline the exposure of women in prostitution to violence by clients, pimps, prostitution rings, bystanders and offenders, as well as their stigmatisation. These circumstances call for policies and measures on violence against women to take into account the multiple discrimination to which women in prostitution are exposed.

6. GREVIO notes that the succession of legislative advances described above has led to a considerable strengthening of the legal framework for the prevention and repression of violence. These efforts reflect a proven and promising awareness on the part of public authorities to give political priority to addressing violence against women.

B. Definitions (Article 3)

7. In France, the various legal texts and inter-ministerial plans to combat violence against women use various terms. These include terms such as “domestic violence”, “violence specifically against women”, “violence within couples”, “violence against women”, “gender violence”, “gender-based violence” or “gender-based and sexual violence”. Beyond the variety of terms used, GREVIO observes that the legislative texts and public policies put in place in France do not systematically recognise the gender-based nature of violence against women and their structural link with historical power inequalities between women and men. While recognising the tendency of the French authorities to make violence against women visible in legislation and policies, GREVIO recalls that according to Article 3, paragraph d, of the convention, the term “gender-based violence against women” refers to any violence directed against a woman because she is a woman or that disproportionately affects women. This definition is based on the recognition, set out in the preamble to the convention, that violence against women is a manifestation of the historically unequal power relations between women and men that have led to domination and discrimination of women by men, and that this violence is one of the crucial social mechanisms by which women are maintained in a position of subordination to men.

8. This having been said, GREVIO notes with satisfaction that laws exclusively targeting “violence against women” or “inequalities between women and men” recall in their explanatory statement that such violence and inequalities are based on gender² The recent Law No. 2018-703 of 3 August 2018 strengthening the fight against sexual and gender-based violence, while referring equally to children, women and men who are victims of sexual and gender-based violence, stresses that this violence primarily affects women and that this raises the issue of “improving the fight against these phenomena, which are the most extreme and abhorrent expression of gender domination”. On the other hand, in line with previous inter-ministerial action plans to combat violence against women, the 5th inter-ministerial plan on combating all forms of violence against women (hereafter, “the 5th inter-ministerial plan”) clearly recognises that “the persistence of such violence is intolerable not only because it violates women’s rights and dignity, but also because it is the first obstacle to real equality between women and men. This observation calls for a relentless commitment on the part of the state and all the actors involved in this policy.”

² For example, the explanatory memorandum to the Act of 4 August 2014 on substantive equality between women and men underlines at length the importance of social constructions in inequalities between women and men.

9. GREVIO believes that the coexistence of different approaches to address violence against women can have consequences for policies and their implementation. Indeed, it can be an obstacle to the recognition and development of a shared understanding of violence against women as violence that affects women because they are women, or that disproportionately affects them and of its different manifestations as part of a continuum and the same gender-related phenomenon.

10. GREVIO invites the French authorities to continue to take the necessary measures to develop a common recognition and understanding of the phenomenon of violence against women as gender-based. To this end, it invites the authorities to examine the desirability of developing shared and harmonised definitions that provide a common and unequivocal reference terminology on violence against women, in accordance with the principles and definitions of the Istanbul Convention.

11. Although the convention does not include economic violence among the acts of violence that parties are required to criminalise, this type of violence is mentioned in Article 3b, which defines domestic violence as “all acts of physical, sexual, psychological or economic violence occurring within the family or household or between former or current spouses or partners”. The importance of economic violence when analysing the harm caused to the victim has been widely discussed in previous GREVIO evaluations.³ In France, data from calls to the 3919 helpline indicate a need to address economic violence, as this has been revealed by 20% in calls.

12. In light of the aforementioned findings, GREVIO welcomes the fact that several legislative initiatives have provided legal protection in the event of economic violence. Law No. 2006-99 of 4 April 2006 made an exception to the principle of criminal immunity in the event of theft between spouses by recognising it as an offence when it concerns “documents essential to the victim’s daily life, such as identity documents, relating to the residence or residence permit of an alien, or means of payment”.⁴ In addition, non-payment of maintenance is an offence that may be the subject of criminal proceedings for abandonment of the family under Article 227-3 of the French Criminal Code. In addition to this criminal remedy, the problem of unpaid alimony, affecting mainly women,⁵ has been remedied to some extent by the establishment since 1 April 2016 of a guarantee mechanism against unpaid alimony through the Agency for the Recovery of Unpaid Maintenance Payments (ARIPA). In addition to its facilitating role in the recovery of maintenance payments, the mechanism established by ARIPA increases the protection of mothers, especially in the case of domestic violence and threats, by playing an intermediary role in order to limit contacts between the parties.

13. While recognising the advantages of such a mechanism for the protection of victims, GREVIO notes with concern that the procedures for processing applications through ARIPA do not proceed with the required speed, with delays of up to several months or even years, without necessarily leading to the recovery of maintenance payments. In addition, the amount awarded at the end of the recovery procedure is sometimes less than the amount of maintenance initially fixed by the judge. Finally, GREVIO notes that the recovery of sums due by ARIPA is not possible when debtors flee or organise their insolvency, sometimes in a fraudulent manner. In these cases, victims are obliged to initiate criminal proceedings for fraud, which does not always work in their favour because of a dismissal.

14. GREVIO has been informed by the authorities that a reform has recently been launched to improve the guarantee mechanism against unpaid alimony. According to this information, as of 1 June 2020, one or the other of the separated parents will be able to apply to the Family Court (JAF) to seek payment of the alimony by ARIPA. The Caisse d'Allocations Familiales (CAF) will then become an intermediary, taking the sums from the debtor parent's account and remitting it to the creditor

³. See GREVIO’s baseline evaluation report on Monaco, published in September 2017.

⁴. Article 311-12 of the French Criminal Code.

⁵. See “Ménages-Familles”, Edition 2016, Institut National de la Statistique et des Études Économiques (INSEE): women are at the head of single-parent families in 85% of cases.

parent. In the event of an unpaid claim reported to the agency, the family support allowance will be paid to the creditor parent. GREVIO welcomes this initiative and reserves the right to assess its impact and effectiveness in terms of preventing economic violence against women.

15. GREVIO further notes that the principle of solidarity of debts between spouses may, in certain circumstances, expose women to the risk of economic violence. In this connection, GREVIO takes positive note of the recent introduction⁶ of a major provision on the lifting of the existing solidarity clause in most lease contracts. Under this provision, the said clause may be lifted for the tenant who leaves the dwelling because of violence committed within the couple or against a child habitually residing with him or her, regardless of his or her marital status. Another case brought to the attention of GREVIO concerns situations in which the violent spouse files an application for over-indebtedness in his or her name without notifying the victim. Since the suspension of enforcement proceedings pronounced only benefits the applicant spouse, the victim who chooses to refer the matter to the Commission de surendettement could be refused the time limits applied to the recovery procedure on the grounds that he or she is presumed to have knowledge of the first filing of the over-indebtedness file.

16. The authorities' awareness of this issue is evidenced by the integration of the issue of early and effective dissociation of accounts and debts into the 4th inter-ministerial plan to combat violence against women. However, this objective was not reiterated in the 5th inter-ministerial plan, which does, however, provide for the planning of a study led by the ministry in charge of women's rights to identify economic violence and formulate recommendations to remedy it (action 26). In GREVIO's view, sustained policy mobilisation at both the legislative and operational levels would be necessary to provide an adequate response to the difficulties faced by women victims of economic violence.

17. GREVIO strongly encourages the French authorities to pursue their efforts aimed at establishing legal mechanisms to protect women from economic violence, taking into account notably the results of the planned study on the consequences of such violence on women.

C. Fundamental rights, equality and non-discrimination (Article 4)

1. Gender equality and non-discrimination

18. Article 1, paragraph 1, of the 1958 Constitution states that France "shall ensure the equality before the law of all citizens without distinction as to origin, race or religion". Equality between women and men is therefore not explicitly affirmed as such in the text of the 1958 Constitution, which refers on this point to the Preamble of the 1946 Constitution, which states that "the law guarantees women equal rights with men in all fields". A proposal for a constitutional law amending Article 1 of the 1958 Constitution to introduce the principle of equality before the law "without distinction of sex" tabled on 8 March 2017 was voted on at the National Assembly on 27 June 2018.

19. GREVIO welcomes this initiative and notes that it is in line with the various reforms that France has implemented in recent decades to promote real equality between women and men. GREVIO's position on this subject is based on converging analyses and recommendations formulated by civil society and specialised institutions⁷ in the context of the debate on the current draft constitutional revision.

⁶ See article 136 of the law of 23 November 2018 on the evolution of housing, development and digital technology.

⁷ See report of 20 June 2018 made on behalf of the Delegation for Women's Rights and Equal Opportunities for Men and Women to the National Assembly on the draft constitutional law for a more representative, responsible and effective democracy, as well as the report of 17 July 2018 made on behalf of the Delegation for Women's Rights and Equal Opportunities for Men and Women to the Senate on institutional reform and constitutional revision.

20. GREVIO notes in this regard that legislative efforts in this area have made it possible to build up the corpus of a comprehensive legal framework covering a considerable number of areas, reflecting a genuine commitment by the public authorities to fully integrate the principle of equality into the law. However, GREVIO notes that in the absence of concrete measures to ensure their effective implementation, laws to promote gender equality and prevent discrimination against women have limited effectiveness, as noted by the Committee on the Elimination of Discrimination against Women (CEDAW) in its 2016 report.⁸

21. **GREVIO encourages the French authorities to:**

- a. **finalise the constitutional review process so as to strengthen the principle of equality between women and men in the 1958 Constitution, in particular by ensuring equality before the law without distinction as to sex;**
- b. **continue to invest efforts in designing legislative initiatives and in implementing existing measures to eliminate discrimination against women in various areas;**
- c. **accompany these efforts with specific measures designed to ensure full equality in practice or to compensate for disadvantages caused by the under-represented or discriminated sex.**

2. Intersectional discrimination

22. Article 4, paragraph 3, of the convention requires parties to ensure the implementation of the provisions of this convention without discrimination of any kind. This article provides a non-exhaustive list of grounds for discrimination based on Article 14 of the European Convention on Human Rights and on the list contained in Protocol No. 12 to that convention;⁹ Article 4 also refers to gender, sexual orientation, gender identity, age, health status, disability, marital status, migrant or refugee status or any other situation. This obligation stems from the fact that discrimination against certain groups of women, for example by law enforcement, the judiciary or service providers, is still widespread.¹⁰

23. Numerous studies and surveys illustrate a higher prevalence of violence against some of these groups in France. One example is the results of the “Living and safety environment” survey, which showed that women aged 18 to 75 with disabilities or with some discomfort or difficulties in daily life as a cohabiting couple have a rate of exposure to physical or sexual violence that is more than twice as high as that of other women in a cohabiting couple.¹¹ The high rates of violence against overseas women to violence is also well documented.¹² With regard to young women, the 2000 national survey on violence against women (the ENVEFF survey) reveals that 15% of young women between 20 and 24 years of age report having been victims of domestic violence, compared to an average of 10% for all women. Adolescent girls aged 12 to 15 are reported to be 1.5 to 2 times more affected by cyber sexism than boys.¹³ Another group of women at risk of discrimination in access to protection from violence is that of women living in rural areas: while data on the rate of their exposure to violence are

⁸. See “Concluding observations on the report of France as seventh and eighth periodic reports”, CEDAW/C/FRA/CO/7-8, 25 July 2016, CEDAW, page 4.

⁹. These include the following grounds of discrimination: sex, race, colour, language, religion, political or other opinion, national or social origin, membership of a national minority, property, birth or other status.

¹⁰. Explanatory report of the convention, paragraphs 52-54.

¹¹. See Profile elements of men and women aged 18 to 75 who reported two years of physical or sexual violence per cohabiting spouse - cross-referenced study of some characteristics of the reported victim and his or her spouse, when living in the same dwelling, based on the results of the Insee-ONDRP “Living Environment and Security” surveys from 2008 to 2014, March 2016, page 15.

¹². See “L’efficacité des droits de l’homme dans les Outre-mer”, 16 May 2018, Commission Nationale Consultative des Droits de l’Homme (CNCDH); and “Avis sur les violences de genre et les droits sexués et reproductifs dans les Outre-mer”, 21 November 2017, CNCDH. See also the Report submitted to GREVIO by the League for Human Rights (LDH), March 2018, paragraphs 32-55.

¹³. See Cybersexism among adolescents (12 to 15 years old) - Sociological study in Parisian schools from 5th to 2nd grade, 2016, Regional Observatory of Violence against Women (ORVF), Hubertine Auclert Centre, p. 7.

lacking, the difficulties they face due to their geographical isolation are widely known.¹⁴ More recently, a study by the Departmental Statistical Service on Homeland Security (DSSI) entitled "A Statistical Approach to Sexual Harassment from the Virage Survey"¹⁵ revealed that LGBT women, women of immigrant descent and young women appear to be particularly affected by sexual abuse in public spaces and in the workplace.

24. The above-mentioned studies and surveys also highlight the major challenges that undermine the effectiveness of the institutional response to violence against these groups of women. These include difficulties for victims in accessing information about their rights, insufficient identification, lack of mobility, inadequate existing support and protection services, and persistent negative stereotypes about them. GREVIO notes with satisfaction that, as the various inter-ministerial plans have evolved, the attention paid to these women's groups has increased, which is a real step forward. This trend is confirmed in the 5th inter-ministerial plan, which includes several measures to prevent violence affecting these women in particular. Although the term "multiple discrimination", or an equivalent term, is not explicitly used, the approach adopted aims at equality and non-discrimination in the implementation of common-law measures to prevent and combat violence against women. In addition to the above-mentioned groups of women, the 5th inter-ministerial plan also contains measures specifically targeting foreign women and women in underprivileged neighbourhoods in cities. During the evaluation procedure, however, it became apparent that many of the measures relating to the above-mentioned groups of women had not yet been implemented or had been rejected, particularly with regard to the deployment of the VIRAGE survey to the overseas departments. Considering that taking into account the intersection of violence with multiple forms of discrimination remains a relatively recent policy development, GREVIO believes that it should remain among the priority areas for intervention.

25. In addition, GREVIO notes that, while the approach based on targeting specific groups makes currently available knowledge more visible group by group, and thus allows devising targeted analysis and strategies, the approach is fundamentally limited. The 5th inter-ministerial plan does not include, for example, women in precarious situations, such as elderly women, or women from the LGBT community. While this approach seems necessary in a short- and medium-term perspective, it is not sufficient to address the issue of multiple discrimination in a sustainable and comprehensive way. This approach also entails the risk of masking the universal nature of violence that cuts across all communities and cultures and affects women first and foremost because they are women. In addition, GREVIO believes that violence related issues could be further integrated into policies for certain vulnerable groups. For example, GREVIO finds that the National Strategy for Autism (2018-22) places only marginal emphasis on measures to prevent and combat sexual violence against women with disorders related to the autism spectrum.

26. **GREVIO strongly encourages the French authorities to continue their efforts to:**

- a. **eliminate discrimination, which increases the risk of exposure to violence and hinders access to protection mechanisms for women from groups subject to multiple discrimination, such as young women, overseas women, women living in rural areas, elderly women, women from the LGBT community, women in prostitution and women with disabilities, including those living in institutions, on the basis of long-term strategies covering each of the pillars of the Istanbul Convention, namely prevention, protection of victims and their children, prosecution of perpetrators of violence and integrated policies;**
- b. **integrate the prevention of and the struggle to combat violence against women into programmes adapted to the specific needs of these groups;**

¹⁴ See Report "Combating gender, social and territorial inequalities in urban policy neighbourhoods and vulnerable rural areas", 19 June 2014, HCE.

¹⁵ See SSMSI's annual book "Insecurity and delinquency in 2017" published in January 2018 on the Interstats website.

c. support measures taken to this end with data and studies to target interventions and measure progress.

GREVIO invites the authorities to equip themselves with a more robust strategy to clarify the normative and conceptual framework around multiple discrimination and to set guidelines and mobilising objectives.

D. State obligations and due diligence (Article 5)

27. Aspects concerning the implementation of Article 5 of the convention will be addressed in Chapters V and VI of this report.

E. Gender-sensitive policies (Article 6)

28. The nature of the obligation imposed on states parties by Article 6 is twofold. On the one hand, it calls for the integration of a gender perspective in the development of measures to implement the convention and in the assessment of their impact. On the other hand, this article calls on parties to promote and implement policies aimed at gender equality and women's empowerment. This obligation reinforces Article 4(2), which condemns and prohibits discrimination.

29. GREVIO notes with satisfaction that several measures have been adopted over the past decade to strengthen gender equality policy in France. These include measures to promote an integrated approach to equality issues and to mobilise all ministries around both specific measures and gender-sensitive common-law policies. This has resulted in the design, at the level of an inter-ministerial committee on women's rights, of various multi-year and inter-ministerial plans, which are broken down into roadmaps adopted by each ministry. GREVIO welcomes these efforts to establish a clear division of responsibility and co-ordination between the different ministries, which are essential factors for a successful implementation of policies. The inter-ministerial committee on women's rights has initiated two important measures to integrate equality issues into public policy. The first of these measures is the Prime Minister's circular of 23 August 2012 asking ministers to appoint a senior official in their administration responsible for equal rights (*haut fonctionnaire de l'égalité* or HFE), whose role is to act as a relay for inter-ministerial equality policies. The second is a circular of the same date stipulating that the preparation of laws and regulations must be accompanied by an analysis of their impact in terms of equality between women and men. The objective of gender impact assessments is to ensure that the proposed provisions do not undermine equality between women and men, by providing, where appropriate, for specific measures to better guarantee women's rights. On the financial side, another measure is the ongoing development of gender budgeting to systematically review the state budget in order to address gender inequalities in the allocation of public funds.

30. Despite these efforts, GREVIO takes note of institutional reports indicating that the implementation of gender-equality policies "remains uneven across ministries and frequently tends to stall after their initial launching".¹⁶ With regard to inter-ministerial action plans, these reports highlight that their results lead to many examples of delayed, deferred or abandoned actions, which have not been sufficiently studied in advance, or to awareness-raising, communication or promotion initiatives, the final impact of which on the situation of women is difficult to determine. Shortcomings are noted in the system of HFEs, due in particular to their weak administrative position, the inadequacy of their resources and their lack of training. In addition, gender impact studies remain incomplete, even though a methodological guide¹⁷ has been disseminated with the aim of promoting such studies by the various ministries.

¹⁶. See Observations of the Court of Auditors, "The implementation of the gender equality policy", 21 December 2015.

¹⁷. Ibid.

31. GREVIO notes with concern that several justice reforms have been finalised, without seemingly having been sufficiently assessed in terms of their potential impact on gender inequalities and on women victims of violence. These are reforms aimed at improving the efficiency of justice and regarding, among others, the introduction of diversionary procedures for settling post-separation financial obligations, which do not foresee the victim's access to a judge and might therefore have the effect of making it more difficult for the victim to protect her interests. The same is true of recent legislative amendments to strengthen the effectiveness of judicial decisions on parental authority, which do not pay attention to the case of victims who refuse a visit to protect themselves or their children from an abusive parent. In addition, GREVIO notes that only draft laws are likely to be subject to impact studies, leaving amendments to draft laws outside the scope of such studies, even though amendments can have a significant impact on equality between women and men. This is the case, for example, of recent legislative initiatives aimed at automatically imposing the principle of shared custody, without taking into account the disparities in economic power and the persistent inequalities in childcare provision between women and men, the precariousness of separated mothers and the prevalence of post-separation violence, particularly economic violence.

32. There are also weaknesses in the national machinery for the advancement of women and gender mainstreaming, as illustrated in the 2016 CEDAW report. They are the subject of a detailed analysis in Chapter II of this report, in connection with the evaluation of the measures taken by the national authorities to implement the provisions of Article 10 of the convention concerning the national co-ordinating body.

33. With regard to policies on violence against women, GREVIO is of the opinion that, in many cases, policies fall short of expected results due to a persistent difficulty in taking into account the gender dimension and systemic nature of violence. To name but a few cases that this report examines in detail in the following chapters, the abolition of departmental commissions for action against violence against women, the insufficient resources allocated to specialist associations and the difficulties in recognising the links between domestic violence against women and child abuse all reflect policies that do not sufficiently integrate the specific characteristics of violence against women and the needs of victims and their children.

34. GREVIO strongly encourages the French authorities to continue and intensify their efforts to:

- a. increase the effectiveness of policies to advance gender equality *de jure and de facto*, including by strengthening mechanisms to ensure gender mainstreaming;**
- b. ensure that normative texts are subject to a systematic and rigorous preliminary assessment of their impact on gender equality, such as for instance any legislative proposal aiming at imposing the principle of shared custody without any proper consideration of the prevalence of post-separation violence and the risks of violence for women and their children;**
- c. integrate the gender dimension of violence against women into the development of laws, policies and measures to prevent and combat violence against women, and to incorporate it into the assessment of the impact of these provisions.**

II. Integrated policies and data collection

35. Chapter II of the Istanbul Convention sets out the fundamental condition for a comprehensive response to violence against women: the need to implement effective, comprehensive and co-ordinated national policies, supported by the necessary institutional, financial and organisational structures.

A. Comprehensive and co-ordinated policies (Article 7)

36. GREVIO notes with satisfaction the strong mobilisation of policies to prevent and combat violence against women, which has been the subject of an uninterrupted succession of five consecutive three-year inter-ministerial plans since 2005, almost ten years before the entry into force of the Istanbul Convention. The gradual inclusion of the various forms of violence, including economic violence, in the scope of the inter-ministerial plans reflects an awareness on the part of the French authorities of the phenomenon of violence against women and a real desire to address such violence through a holistic and concerted approach between all the actors concerned. In addition, GREVIO acknowledges the efforts made to ensure that policies to combat violence are addressed to all victims, including women who are or could be exposed to multiple discrimination, as well as child victims of domestic violence. GREVIO also welcomes the November 2017 decision to declare gender equality the “great cause of the quinquennium”, followed by the announcement by the President of the Republic of a series of measures to strengthen the framework of the national policy to prevent and combat violence against women.

37. While the evaluation of inter-ministerial plans by the High Council for Equality between Women and Men (HCE) since 2016 makes it possible to ensure a certain continuity between the various plans, GREVIO nevertheless notes that the stability of policies could be strengthened by developing a comprehensive and systematised framework. Fluctuations in the priorities, variations in the amount of the budget allocated, institutional changes and differences in the partnership system with associations are examples that GREVIO has identified that point to the absence of a consistent common thread between the different inter-ministerial plans. GREVIO is concerned that the variations between inter-ministerial plans and the introduction of new measures that are not always the result of a prior consultation with all relevant actors, including civil society, may contribute to an inconsistency in national actions to combat violence against women and hinder their effective implementation in the long term.

38. GREVIO encourages the French authorities to take the necessary measures to ensure the continuity and coherence of public policies to combat violence against women. Such measures could include setting out the main principles and guidelines for multi-annual action plans, clarifying the applicable normative and conceptual framework and should be carried out by way of an effective consultation with civil society organisations, in particular women’s organisations working on preventing and combating violence against women.

39. Article 7 of the convention requires parties to ensure that all policies adopted are implemented on the basis of effective inter-institutional co-operation. Several governance measures aimed at an inter-ministerial and concerted approach have been planned in this respect within the framework of the 5th inter-ministerial plan, including the work of a national inter-ministerial monitoring committee and the management of the implementation of the plan at departmental level.

40. At the national level, the inter-ministerial monitoring committee brings together all the ministries and institutional partners concerned three times a year, at the initiative of the entity designated as the national co-ordinating body, namely the Department for Women’s Rights and Gender Equality (SDFE) of the Directorate General for Social Cohesion, placed under the authority of the State Secretariat for Equality between Women and Men. The French authorities have informed GREVIO that other smaller

interservice meetings are also organised with the various ministries concerned. GREVIO welcomes the significant efforts made in deploying these measures to ensure a truly inter-institutional functioning of the various bodies.

41. At the level of decentralised services, national policies to prevent and combat violence against women are implemented by the regional directors for women's rights and equality, placed under the General Secretariats for Regional Affairs, and at the departmental level, by the departmental delegates for women's rights and equality. Women's organisations shared their concerns with GREVIO regarding the gradual abolition of the departmental commissions for action against violence against women created in 1989, and their replacement by departmental councils for the prevention of delinquency, assistance to victims and the fight against drugs, sectarian aberrations and violence against women. Before this institutional reform in 2006, the departmental delegates for women's rights and equality reported to the departmental commissions for action against violence against women and were placed under the direct responsibility of the prefect (*préfet*). This administrative positioning gave them institutional legitimacy to mobilise highly placed administrative authorities at regular intervals. Since they have been administratively attached to the departmental directorates on social cohesion, the departmental delegates for women's rights and equality are reported to have less visibility and a diminished power of initiative.¹⁸ GREVIO is concerned about the possible implications of these developments, which risk reducing the co-ordination role of the state and further increasing territorial disparities. In addition, GREVIO notes that the human and financial resources available to departmental delegates for women's rights and equality are insufficient to enable them to carry out their mission.

42. Against this background, GREVIO takes positive note of the announcement made by the Secretary of State for Equality between Women and Men upon the conclusion of the Tour de France on Equality on 6 March 2018 regarding the setting up, in all departments of mainland France and overseas territories, of so-called local contracts against violence against women involving prefects, judges, hospitals and associations. While the conclusion of such is likely to strengthen the involvement of prefects and prosecutors on issues of violence, GREVIO notes that the short- and long-term impact of such measures should be assessed in order to measure their effectiveness. With regard to the resources available to departmental delegates for women's rights and equality, GREVIO also takes note of information indicating that the authorities intend to ensure that their administrative support is maintained and even strengthened within the framework of the ongoing territorial reform of the state, as a result of the merging of support functions.

43. **GREVIO strongly encourages the French authorities to:**

- a. **strengthen inter-institutional co-operation mechanisms, in particular at the departmental level, by taking measures to increase the human and financial resources available to departmental delegates for women's rights and equality, as well as measures to strengthen their capacity to mobilise the various actors in all the fields concerned, such as the judiciary, law enforcement and social services, etc;**
- b. **continue the engagement of local contracts against violence against women on the basis of a careful assessment of their impact in terms of the effectiveness of inter-institutional co-operation, including with NGOs.**

¹⁸ See page 8 of the joint shadow report.

B. Financial resources (Article 8)

44. In France, there is no single document listing all the amounts allocated specifically to policies to prevent and combat violence against women. An estimate of these amounts can only be made on the basis of the analysis of several documents. These include the annual performance plans (budget documents appended to the Finance Bill proposed each year by the Government to Parliament), which set out, by budget programme, the actions planned and the corresponding amounts. Of the various programmes, Programme 137, dedicated to gender equality issues and managed by the Secretariat of State for Equality between Women and Men, is the one that concentrates the most actions in the field of violence prevention. In addition, the Transversal Policy Document on Gender Equality lists the contributions of the different ministries to equality policies under several budget programmes. Budgetary data are also available in relation to the budgets announced for the implementation of the various three-year inter-ministerial plans to combat violence. In addition to these figures, there are also subsidies from local authorities.

45. From the outset, GREVIO welcomes the fact that an analysis of these various documents highlights an increase from year to year in the amounts concerned. Thus, for example, whereas in 2014 the total amount implemented under Programme 137 amounted to 22.9 million euros, nearly 30 million euros were budgeted for 2019. Similarly, GREVIO welcomes the stated intention to strengthen the means to combat violence under the latest inter-ministerial plans, whose budget has more than doubled¹⁹, as well as information indicating that funding granted in 2018 to national and local specialist associations has increased by 21.3% and 20% respectively. More generally, according to the authorities, 530 million euros, voted in the draft finance law, will be allocated to public policies on gender equality in 2019, compared to 420 million euros in 2018.

46. However, GREVIO notes that it is not easy, based on the available documents, to understand and verify over time how many resources are allocated to violence against women. GREVIO notes positively in this respect that the latest Transversal Policy Document on Gender Equality Policy appended to the 2019 Finance Bill provides details of the budget allocated under a number of programmes to finance measures foreseen under the 5th inter-ministerial plan. However, other programmes cover the expenditure related to several other measures under the plan without it being possible to isolate the financial investment specifically dedicated to these measures, such as programmes managed by the Ministry of the Interior, the Ministry of Justice and the Ministry of National Education and Youth. Difficulties also persist in identifying the amounts of contributions from local authorities. The lack of transparency of the budget allocated to preventing and combating violence against women has been highlighted on several occasions in policy evaluation reports.

47. During its evaluation, GREVIO noted that the financial resources invested were insufficient and several sections of this report illustrate how this hinders the ability of general public support services and specialist support services to carry out their missions. Civil society organisations and specialist organisations working for women victims are particularly affected by the lack of funding. Some NGOs ensure their funding through multi-annual agreements as part of a partnership agreement with the Secretariat of State for Equality between Women and Men and the Fight against Discrimination. However, these agreements are rare, and funding is for only three years. The organisations which GREVIO met reported that at the decentralised level, funding from local authorities is also not sustainable and has a tendency to fluctuate according to political will. Many associations, if they are unable to obtain sustainable funding, turn to private funds, which are also very limited. In addition, the fragmentation of funds between the different funders forces associations to fill out a multitude of grant applications, devoting considerable time to them to the detriment of action in the field. In a context where the demand for the services of women's specialist organisations is increasing, they are sometimes forced to reduce their activities or to operate on a voluntary basis. This lack of capacity is particularly acute in the area of emergency and long-term shelter services for women victims of

¹⁹. Whereas the budget for the 4th plan amounted to 66 million euros, it increased to 125 million euros under the 5th plan.

domestic violence. GREVIO notes that the lack of predictability of public funding is such that it is extremely difficult, if not impossible, for national and local NGOs to develop new projects and long-term strategies. Moreover, during the GREVIO evaluation visit, several field actors mentioned the loss of prioritisation of policies to prevent and combat violence against women in favour of initiatives for other causes, including the fight against radicalisation.

48. **GREVIO strongly encourages the French authorities to pursue their efforts to:**
- a. **increase the budget dedicated both at central and decentralised level to preventing and combating violence against women, while strengthening the assessment of the financial resources needed for this purpose;**
 - b. **provide greater support for the work of women's organisations specialised in preventing and combating violence against women, by providing them with stable and sustainable funding opportunities commensurate with their estimated needs, by simplifying funding procedures, in particular by making them more transparent in terms of the budget and by reserving funding sources for these organisations that are exclusively dedicated to them;**
 - c. **intensify efforts to monitor actual expenditure and assess progress, including through gender budgeting.**

C. Non-governmental organisations and civil society (Article 9)

49. In France, NGOs and specialist women's organisations play a pivotal role in the practical implementation of measures to prevent and combat violence against women. They have a proven expertise in the field, enabling them to offer a wide range of services to victims of violence, including helpline support, counselling, accommodation, shelter and assistance. They also carry out awareness-raising initiatives among the general public and are involved in training professionals. At the legislative level, they are engaged in contributing to strengthening the legal framework on violence against women through advocacy with public authorities. Owing to their constant commitment, they have succeeded in establishing themselves as essential actors in preventing and combating violence against women.

50. At the institutional level, there are different forms of co-operation between NGOs and public bodies. A partnership agreement signed on 10 December 2013 provides for co-operation between state actors and a network of eight organisations working in the field of violence against women. This agreement aims to develop collaboration, notably in the field of training and sharing knowledge and practices, between the various entities part of the signatory organisations, which are financially supported under agreements spanning three-year periods. In addition, representatives of specialist women's organisations participate in quarterly meetings organised by the SDFE. In parallel, they maintain a dialogue with independent consultative bodies, such as the HCE, prior to the evaluation of inter-ministerial plans, or with the National Consultative Commission on Human Rights (CNCDH) in the framework of studies and opinions on specific topics. More recently, the organisation of the Grenelle on intimate partner violence was a key moment of openness and dialogue between the authorities and specialised associations. GREVIO notes that these various forms of co-operation reflect a real awareness on the part of the authorities that NGOs and civil society are essential partners in devising, implementing and evaluating policies on preventing and combating violence against women.

51. Nevertheless, the organisations which GREVIO has consulted during the evaluation process indicate that opportunities for exchanges with government services have declined in recent years. Regular meetings organised by the SDFE are reported to include only a limited network of civil society representatives, leaving a considerable number of specialist women's organisations outside the remit of these platforms of exchange. At the level of local authorities, the regularity of meetings with

departmental delegates for women's rights varies according to the degree of effectiveness of local co-ordination and political priorities.

52. GREVIO notes that this situation has the most impact on women's specialist organisations that have developed extensive know-how and expertise in the field of violence against women. Many women's specialist organisations shared with GREVIO their fears that public authorities are increasingly inclined to favour collaboration with "generalist" organisations or to consider that non-specialist structures may suffice to meet the needs of victims. GREVIO is concerned by this development and considers that recognition of the role played by organisations specialised in the promotion and protection of women's human rights, as well as the social and economic value of their activities, is a decisive criterion for assessing the alignment of public policies with the requirements of Article 9 of the convention.

53. **GREVIO strongly encourages the French authorities to:**

- a. **pursue and strengthen co-operation at all levels of public action, at both national and local levels, with NGOs working in the field of preventing and combating violence against women, in particular specialist organisations;**
- b. **strengthen their support, including economic support, of specialist women's organisations in the field of violence against women, in recognition of the fact that an effective institutional response to violence is only possible through the implication of such organisations alongside governmental and local authorities.**

D. Co-ordinating body (Article 10)

54. The co-ordinating body appointed by the French authorities in accordance with Article 10 of the convention is the Department for Women's Rights and Equality between Women and Men (SDFE) of the Directorate General for Social Cohesion (DGCS), acting under the authority of the Secretariat of State for Equality between Women and Men and the Fight against Discrimination. The SDFE is composed of 30 staff members at the central level and 137 staff members at the level of the dedicated decentralised network. According to the state report, the annual budget allocated to it for all the activities falling within its mandate under the Programme 137 "Equality between women and men", amounts to 29.9 million euros.

55. GREVIO notes that the SDFE's administrative position does not give it a co-ordinating authority in the proper sense of the term at the inter-ministerial level. Indeed, the decree and order of 25 January 2010 that created the DGCS and set out the current organisation of the SDFE, its missions and responsibilities, do not grant the SDFE any authority in this respect. According to the decree, the SDFE is tasked with exercising its responsibilities "in co-operation with the directorates of the Ministry and those of the other ministerial departments concerned"; according to the order, "it steers and promotes inter-ministerial action in favour of women's rights and gender equality". The Director General for Social Cohesion, in his capacity as inter-ministerial delegate, is responsible for ensuring that equality policies are mainstreamed in all ministries while, in the field of violence against women, the mission of the Secretariat of State for Equality between Women and Men and the Fight against Discrimination is to contribute to the development of policies and to ensure their implementation.

56. At the local level, co-ordination of policies to prevent and combat violence against women is the responsibility of the regional and departmental delegates for women's rights and equality. Delegates are responsible for steering and co-ordinating a network of local actors. This network includes, among others, departmental focal points on violence against women, responsible for following-up on cases of violence against women. The mission of delegates is to support victims in their attempts to escape and recover from the violence, namely by bringing together all institutional and non-governmental stakeholders which are likely to intervene in the process of ending violence.

Their role also consists in enhancing the effectiveness of networks in urban areas and in developing such networks in rural areas. GREVIO welcomes the key role played by regional and departmental delegates, and focal points, within local networks, as a fundamental means to cater more effectively to the needs of women victims from the moment they are identified until they regain their full autonomy.

57. However, GREVIO observes several weaknesses in the co-ordination of policies at local level, as illustrated in the previous section of this report on comprehensive and co-ordinated policies (Article 7). The main difficulty is that departmental delegates for women's rights and gender equality lack the necessary human and financial resources to properly fulfil their duties. In addition, in their new administrative position, they have less power to gain adherence from institutional stakeholders as they are no longer directly attached to the prefect of the department.

58. GREVIO strongly encourages the French authorities to:

- a. ensure that the national body designated under Article 10 of the convention has an effective mandate and strong national co-ordination power for measures and policies to prevent and combat violence against women in all areas of government action and between all relevant ministries and institutions,**
- b. strengthen policy co-ordination and support at the level of decentralised services throughout the country,**

by ensuring that the co-ordination body and its decentralised network have the appropriate human and financial resources to carry out their mission.

59. GREVIO welcomes the fact that in France, the evaluation of policies on violence against women is the responsibility of an independent body, recognised for its expertise and authority on the subject, the HCE. As a body involving representatives from both public administrations and the voluntary sector, the HCE is in the position of providing a global and independent evaluation of the legal framework and of the various measures provided for in the inter-ministerial plans. GREVIO considers that the work of the HCE represents a real asset for the authorities in guiding and supporting policies on gender equality and violence against women. It appreciates the acknowledgement by the French authorities that the evaluation of policies and the involvement of NGO representatives in this process is an essential means to ensure evidence-based policy-making, in accordance with the requirements of the convention.

60. The task of co-ordinating the collection, analysis and dissemination of data is the responsibility of the Inter-ministerial Mission for the Protection of Women against Violence and the Fight against Trafficking in Human Beings (MIPROF), a body created in 2013 under the auspices of the Secretariat of State for Equality between Women and Men and the Fight against Discrimination. GREVIO appreciates the fact that in France, a dedicated body is responsible for data collection, analysis and dissemination, which reflects the authorities' recognition of the centrality of this function for policy coordination purposes. The MIPROF is also in charge of developing a national training plan for all professionals likely to be in contact with victims.²⁰ Although MIPROF's training activities can support multi-agency partnerships, especially at the local level, its limited mandate in the field of violence against women is not such that it can remedy the shortcomings of the co-ordination mechanisms identified above. GREVIO notes in this connection that several reports call for strengthening the MIPROF's human and financial resources to broaden and increase the impact of its work, which by all accounts is of an extremely high quality.²¹

²⁰. MIPROF's role in France's implementation of Article 15 of the Convention in the field of training is discussed further in Chapter III of this report.

²¹. See "Concluding observations on the seventh and eighth periodic reports of France", CEDAW/C/FRA/CO/7-8, 25 July 2016, CEDAW, p. 8; and "Où est l'argent contre les violences faites aux femmes", 2018, HCE, p. 38.

61. **GREVIO encourages the French authorities to continue to support the work of the body responsible for evaluating policies on violence against women (the High Council for Equality) and the body in charge of co-ordinating data collection in this field (Inter-ministerial Mission for the Protection of Women against Violence and the Fight against Trafficking in Human Beings), while ensuring that they are allocated the human and financial resources necessary to develop their missions.**

E. Data collection and research (Article 11)

1. Administrative data collection

62. In France, MIPROF has the role of national observatory on violence against women. In this role, MIPROF is responsible for steering a working group on statistics on violence against women. The working group reunites the statistical services of different ministries (including the Ministry of the Interior and the Ministry of Justice) together with statistical and research institutions. The working group meets every three to four months and transmits the data collected to the national observatory, which publishes them each year on 25 November in the “Letter from the national observatory on violence against women”, which is available online. Figures from different ministries are thus compiled in the same document. GREVIO commends the French authorities for these initiatives, which are crucial in ensuring evidence-based policy-making, in line with the requirement of Article 11 of the convention.

63. GREVIO welcomes the support given by the working group led by MIPROF to the various ministerial services in charge of collecting data. Since 2013, these services have been regularly producing specific data on violence against women, while ensuring that the quality of data is regularly updated to match the standards required by MIPROF. This allows for constant methodological improvements in data collection. In addition, GREVIO notes with satisfaction the establishment of territorial observatories operating under the co-ordination of MIPROF, such as the Regional Observatory on Violence against Women in Ile-de-France – the only observatory operating at the regional level – which contribute to the improvement of quantitative and qualitative knowledge on violence against women at the local level.

64. The Ministerial Statistical Service for Internal Security (SSMSI), created in 2014 within the Ministry of the Interior, is responsible for centralising, checking, processing and disseminating criminological data recorded by law enforcement agencies. It also co-leads the annual victimisation survey “Living environment and security”, alongside the National Institute for Statistical and Economic Studies (INSEE) and the National Observatory on Crime and Criminal Response (ONRDP). Data on violence against women are published on the Interstats website in the form of an annual statistical report, in a document entitled “Insecurity and delinquency”. The data are furthermore summarised in the “Letter from the National Observatory on Violence against Women” published by MIPROF. Law enforcement agencies record data relating to all incidents of violence that they detect or that come to their knowledge following a complaint by the victim, a report, or a situation of *flagrante delicto*. The data are collected for each of the offences of violence defined under the French Criminal Code (CPP) and are supplemented by information provided at the time of registration of the proceedings, which includes the relationship between the victim and the offender.

65. GREVIO notes with satisfaction the efforts made in the new information system to disaggregate data according to the type of violence, the sex and age of the victim and the perpetrator, their relationship and the geographical location of the crime.

66. Data collection by the Ministry of Justice is mainly organised around the Decision-Making Information System (DIS), which makes it possible to monitor the handling of criminal cases from the moment a file is opened with the public prosecutor, and the National Criminal Record (NCJ), which compiles all decisions to convict. Since November 2017, these data are summarised in the letter from the National Observatory on Violence against Women. Data are differentiated based on the different offences as defined in the CPP.

67. However, the categories of offences used to compile law enforcement statistics do not correspond to those of the judiciary. These methodological incompatibilities make it difficult to monitor statistically the procedural flow of the various legal proceedings, starting with the notification of the crime to the law enforcement authorities and continuing at the level of the public prosecutor's handling of criminal complaints. Since 2016, the ministerial statistical services of internal security and justice having been working to link the International classification of crimes for statistical purposes (ICSS) with the usual categories of law, NATINF (NATure d'Infraraction) and french statistics. GREVIO takes note with satisfaction of information indicating that the implementation of this nomenclature should eventually lead to the production of harmonised statistical data. GREVIO reiterates that the convention requires data collection to produce representative and comparable data in order to guide policy,²² which implies that administrative data compiled by different agencies (for example, law enforcement agencies, prosecutors, judges) should use the same definitions and units of measurements.²³ In addition, GREVIO notes that, in order to complete the analysis of judicial follow-up of cases brought to the attention of the law-enforcement authorities, it would be useful to have figures on criminal indictments depending on whether they were initiated after a victim's complaint, a report by law enforcement agencies to the public prosecutor or a report by other public officials.

68. Data from the judicial services focus on information about the perpetrator and do not systematically cover the sex and age of the victim or her relationship with the perpetrator. The sex and age of victims have only been available in case management tools for a few years. However, not all this information is available at all stages of the procedure. It is available at the stage of registration of the case and when the prosecutor decides how to handle the case. At the trial stage, this information is only available for first instance criminal courts. Courts of appeal and assises are not yet equipped with the software that provides information on the age and sex of the victim. However, the authorities have informed GREVIO that the gradual introduction of this tool in these jurisdictions should enable them in the near future to make such data available. Currently, the lack of gender-disaggregated data, both on perpetrators and victims, is an obstacle to the visibility of violence against women in its different forms. The nature of the relationship between perpetrators and victims is only known if it characterises a specific offence or aggravates an offence (for example, in the case of incest, violence by spouse or partner linked to the victim by a civil solidarity pact).

69. Another shortcoming is the use of different nomenclature to collect data on the activity of public prosecutors and data on convictions. The former are classified according to the nature of the case, grouping several offences under the same category. Marital violence falls under the category of "partner violence", which does not include all forms of domestic violence, namely rape, sexual assault, intentional homicide, threat and harassment. As for data on convictions, the scope of offences taken into account to qualify partner violence is more extensive, and the data are disaggregated by type of offence. The authorities have informed GREVIO that, at the time of registration of the case, it is often the case that the magistrate has not yet precisely qualified the facts and that, at this stage, only the nature of the case (NATAFF nomenclature) is given based on the investigative services' qualification of the facts. The precise qualification and recording of the nature of the offence (NATINF) is mandatory only in the event of prosecution and allows for more precise statistics on the criminal response. However, GREVIO notes that the lack of uniform methodological criteria in the statistical collection of

²² See paragraph 74 of the explanatory report to the convention.

²³ See *Ensuring Data Collection and Research on Violence against Women and Domestic Violence: Article 11 of the Istanbul Convention*, Council of Europe, 2016.

judicial services is an additional obstacle to the follow-up of cases through the different stages of the judicial procedure.

70. **GREVIO strongly encourages the French authorities to:**

- a. **harmonise the categories of offences used for law enforcement and judicial statistics in order to ensure a reconstitution of the criminal chain;**
- b. **ensure the disaggregation of data collected by the judicial services according to the sex and age of the victim and perpetrator, as well as the nature of their relationship;**
- c. **ensure that uniform categories of offences are used by the various actors within the judicial services;**
- d. **use improved data models to assess the effectiveness of statutory agencies' response to violence against women in all its forms as covered by the scope of the convention and analyse conviction rates for the different offences under the French Criminal Code related to violence against women;**
- e. **ensure the publicity of the results of such assessments, by including them in the reports of the national observatory on violence against women, for example.**

71. A statistical analysis of the General Civil Registry (GCR), which integrates the civil proceedings management software of the High Courts (TGI), makes it possible to establish the number of applications and decisions on protection orders, as well as the nature of these decisions. The data can be broken down by type (TGI or Court of Appeal) and the location of the trial court. These data are published - without localisation - in the annual book *Références statistiques justice* (chapter 1.5), available on the website of the Ministry of Justice. In their report to GREVIO, the French authorities provided data on the number of requests for protection orders in the context of domestic violence and threats of forced marriage between 2011 and 2016, as well as the number of protection orders rejected and issued, either *ex officio* or on request, for the years 2016 and 2017.

72. GREVIO was informed that in 2017, a review of protection order decisions issued in 2016 was carried out. In September 2019, it gave rise to the publication of a statistical study (Infostat Justice n°171) which focused on analysing each decision rendered, the time limits, the grounds for rejection, the profile of the plaintiffs and defendants, whether or not they had children in common, the measures requested and granted, as well as the history of the defendant. Following the use of these data, the Ministry of Justice drafted a "practical guide to the protection order" which it published on its website and widely distributed to make this protection system better known. In the light of the results of this study, which show that this civil protection system is still relatively unknown, with the number of requests for protection orders far below the number of cases of domestic violence dealt with by criminal courts, GREVIO considers that detailed statistics should be collected and regularly analysed concerning in particular the time limits within which orders are issued and the grounds for rejection, violations of protection orders by the perpetrators and sanctions that were imposed as a result of such violations. In suggesting the latter, GREVIO recalls the evidence from other countries that breaching protection orders can be seen as a risk factor for serious manifestations of violence, including the killing of a woman.

73. **GREVIO encourages the French authorities to pursue their efforts to collect and analyse data in the civil justice sector on protection orders on a regular basis, taking into account indicators such as the time limits within which orders are granted, the grounds for rejection, the rates of alleged violence committed against the applicants alone and against the applicants and their children, violations of protection orders and the sanctions imposed as a result of these violations.**

74. Hospital services, such as emergency or trauma services, provided to women victims of violence, record data based on a codification of medical acts, which do not allow their causes to be detected. However, data from health services were not provided during the GREVIO evaluation. GREVIO notes that the availability of information on the number of victims identified and cared for by health professionals would be necessary for authorities to assess the impact and performance of health services.

75. GREVIO encourages the French authorities to develop the collection by health services of data on women victims of the different forms of violence covered by the convention.

76. The Istanbul Convention establishes the principle that children should be considered as victims for witnessing acts of violence against their mothers. In France, administrative data relating to child protection are compiled by the National Observatory for the Protection of Childhood (ONPE). The observatory draws from data recorded by law enforcement agencies in the SSMSI, as well as data on child abuse cases collected by the services in charges of collecting, processing and evaluating information of concern (CRIP). Annual statistics are also drawn from the National Telephone Helpline for Children at Risk (SNATED), commonly known as “119-Allô enfance en danger”. For example, the state report shows that, in 2016, 25 children were killed in situations of domestic violence: 9 children died at the same time as their mothers and 16 in connection with “difficult separations or marital conflicts”.

77. While having these figures represents a real step forward, GREVIO notes that their reliability could be improved in several ways. First, the SSMSI does not record all child deaths, some of which are reported directly to hospitals or courts. In addition, CRIPs operate in different ways from one department to another²⁴ and there are no information of concern about girls at risk of female genital mutilation.²⁵ In addition, the contextual information elements applied by SNATED, which do not clearly distinguish between cases of violence and cases of non-violent conflict, could lead to confusion and result in data that do not reflect the true extent of the phenomenon of violence.

78. GREVIO encourages the French authorities to develop further the collection of data on child victims and witnesses in cases of violence covered by the Istanbul Convention.

2. Population-based surveys

79. GREVIO notes with satisfaction that several national population-based surveys have been conducted in France on the phenomenon of violence. The survey ENVEFF was the first major statistical initiative, carried out in 2000, on the theme of violence against women. Its objective was to determine the extent of the phenomenon in all its dimensions, by assessing the frequency of the various types of violence suffered by adult women in different living environments: in the public space, at work or within the couple. Different forms of violence, verbal, psychological, physical and sexual, were taken into account. The survey revealed, on the one hand, the pervasiveness of violence against women in all social backgrounds and age groups and, on the other hand, the silence that covered such violence. It also highlighted the prevalence of psychological violence and the existence of marital rape.

80. Furthermore, since 2007, the National Observatory on Crime and Penal Responses (ONRDP), the National Institute of Statistical and Economic Studies (INSEE) and the Ministerial Statistical Service on Internal Security (SSMSI, created in 2014) conduct the annual “Living environment and security” survey, which measures the general rates of attacks on persons and property, without limitation to cases of violence against women.

²⁴. See pp. 8-9 of the shadow report by COFRADE, available on GREVIO’s website.

²⁵. See pp. 8-9 of the joint shadow report submitted to GREVIO by Equipop, Excision, let’s talk about it! and the European network End FGM.

81. More recently, the National Institute of Demographic Studies (INED) launched a large-scale quantitative survey in 2015 entitled “Gender violence and relationships: contexts and consequences of violence experienced by women and men” (VIRAGE), the first results of which were published in 2016. This new survey measures the experience of victims of violence in relationships, at work and/or at school, in the family and in the public space. It addresses the different forms of violence: intimate partnership, psychological, verbal, physical, recent or past, including during childhood.

82. While welcoming the considerable efforts and resources invested in the ENVEF survey and the VIRAGE survey, GREVIO notes that each of these initiatives is characterised by its own methodology, sampling techniques and results, as well as by different objectives. The lack of harmonisation between the methodologies used is likely to hinder the development of comparative analyses measuring changes over time. GREVIO further underlines that the inclusion of men in the VIRAGE survey should not be at the expense of a gender approach to the phenomenon of violence against women. In addition, the specialist associations told GREVIO that the degree of their involvement in the preparation of the VIRAGE survey was not commensurate with their contribution to the ENVEFF survey. An overview of the results of these surveys is provided in Chapters V and VI of this report.

83. GREVIO invites the French authorities to continue to conduct surveys on the prevalence of violence against women at regular intervals and in close collaboration with specialist associations, bearing in mind that they should be conducted on the basis of similar methodologies, be based on a gender approach and aim at measuring changes over time.

84. The authorities informed GREVIO that they had decided to respond to the call for projects published in March 2019 by the European Commission to conduct in France in 2021 the survey on gender-based violence developed by Eurostat. GREVIO congratulates the authorities for this further proof of their willingness to constantly improve their knowledge of the reality of violence against women in France and to develop solid, evidence-based measures.

3. Research

85. GREVIO praises the support provided by the French authorities for research into the forms of violence covered by the convention, as illustrated by the large-scale studies mentioned in the state report. GREVIO notes that the field of research on violence against women is organised around many very diverse structures. Studies carried out by independent administrative authorities, such as those by the HCE or CNCDH on *ad hoc* subjects, highlight the specific problems affecting women victims of violence. Academic and associative circles also play an important role in the development of research in France. GREVIO also wishes to mention the research carried out or funded by the dedicated departments of the Ministry of Justice and the Ministry of the Interior. This diversity highlights the dynamism of studies conducted in the field of violence against women. The bodies concerned may wish to use this report as a basis for identifying topics for further research.

III. Prevention

86. This chapter includes a number of general and more specific obligations in the field of prevention. These include early preventive measures, such as promoting changes in the sociocultural behaviour patterns of women and men, and eradicating gender prejudices and stereotypes, and also measures to involve the whole of society, including men and boys, in order to ensure equality between women and men and to prevent violence against women. There are also more specific preventive measures, such as awareness-raising and campaigning, adequate training for all professionals, education in schools and other settings and, last but not least, programmes aimed at perpetrators to prevent further victimisation.

A. Awareness-raising (Article 13)

87. In France, awareness-raising activities have become more systematic in the last two decades, and they continue every year as part of the measures implemented by the various inter-ministerial plans. In pursuance of the 5th inter-ministerial plan, a national awareness-raising campaign against gender-based harassment and sexual violence in public transport was conducted in 2015 to inform the general public about unacceptable behaviour, provide key advice on how to behave and how to react in these situations. Other campaigns focusing on sexual violence were organised in 2017. In addition, as part of the government's Grand Plan against domestic violence announced on 1 October 2018, a large-scale television campaign was launched, targeting witnesses under the slogan *#nerienlaisserpasser* (*#lettingnothinggo*). Accompanied by a major social media component, this campaign is unprecedented in scale and budget, with the authorities announcing that they would allocate 4 million euros to it. More recently, this communication action has continued within the framework of the Grenelle on intimate partner violence.

88. GREVIO welcomes the efforts made to increase the visibility of violence against women and recognises the existence of a genuine political will to increase societal awareness of the phenomenon, which led to tangible results. In the study on the prevalence of violence against women in all EU member states, conducted by the European Union Agency for Fundamental Rights (FRA) in 2014, it emerged that 70% of women interviewed in France had recently seen or heard an awareness campaign (the average across the EU being 50%).²⁶

89. Article 13 of the convention reiterates the importance of accompanying government action in the field of awareness-raising with a strong involvement of civil society and NGOs, in particular women's organisations working in the field of protection and support for victims of violence. In France, these organisations have long carried out considerable work to raise awareness among the general public, both locally and nationally. Their ability to connect locally and address targeted audiences according to their speciality is a powerful asset in reaching as many citizens as possible.

90. GREVIO takes note of the fact that associations active in this field receive support from the authorities, namely in the form of a contribution to their preventive and awareness-raising initiatives for professionals, young people and the general public at large. On 2 April 2019, the association "*Prévenir et Protéger*" was the second organisation to be awarded the label "Grande cause nationale 2019" by the Prime Minister (the first was the National Federation Solidarity Women, in 2018). The label confers the right to obtain free broadcasts of communication and information campaigns on public radio and television. Having said this, the representatives of the associations that GREVIO met during the evaluation visit noted that their awareness-raising initiatives were the first to be affected by budget cuts. This observation also applies to specialist associations that have developed actions to prevent gender-based misbehaviour and violence among young people. Due to the reduction in

²⁶. See also the Special Eurobarometer 344, 2010, European Commission, p. 93: the average level of awareness in France increased by 20 percentage points in 10 years to 68% in 2017.

dedicated funding, they told GREVIO that they were no longer able to continue their interventions with young people in schools.

91. GREVIO observes that certain themes related to violence against women remain relatively unaddressed in awareness-raising campaigns and unknown to the public, such as psychological and economic violence, as well as the phenomenon of coercive control suffered by women victims of domestic violence. Other areas where sustained advocacy efforts remain necessary include: the persistent societal tolerance of rape and its denial, which dismiss victims; verbal and sexual cyber-violence against girls; the harmful consequences of domestic violence on child witnesses; and violence against certain groups of women at risk of discrimination, such as women with disabilities, women in prostitution, women in the LGBT community and women belonging to communities in which harmful practices (forced marriage, female genital mutilation) persist.

92. As a general observation, GREVIO also notes that tools should be developed to measure the impact and success of awareness-raising campaigns, such as indicators of the estimated number of people reached, the increase in knowledge of women's rights and changes in sociocultural behaviour.

93. **GREVIO strongly encourages the French authorities to continue their awareness-raising initiatives in the field of violence against women, by ensuring that they:**

- a. **involve civil society and specialist women's associations working in the field of all forms of violence against women, in particular by giving them the means to be involved in prevention actions at national and local level;**
- b. **extend the scope of these initiatives by addressing topics that are not well covered and that are still unknown and/or misunderstood by the general public, as well as violence affecting certain groups of women at risk of discrimination;**
- c. **continue awareness-raising activities on sexual violence, including rape, and violence of a sexual nature against girls.**

B. Education (Article 14)

94. In France, educational institutions have a legal obligation to provide information to students on respect for equality between women and men, the prevention of gender-based prejudices and violence against women. GREVIO welcomes the fact that the issue of gender equality is mainstreamed into the common core curriculum in the fields of literature, history, moral and civic education, and life and earth sciences. Since the beginning of the 2018 school year, designated "equality focal points" in schools have been responsible for raising students' awareness of the issue of equality, in partnership with the community and with the involvement of parents. Despite these various initiatives, GREVIO notes that several sources attest to the presence and influence of gender-based stereotypes at several levels of the school system (teaching practices, textbooks and other teaching materials, guidance and functioning of bodies such as class councils).²⁷ GREVIO underlines that only an integrated approach to gender equality in education can meet these challenges and that the success of such an approach depends to a high degree on raising awareness among school heads and teachers. GREVIO notes in this regard that, despite the existence of specific tools provided by the national education system for teachers, their sensitivity to equality issues varies greatly because their training on these subjects is not compulsory.

²⁷. See in particular Opinion on violence against women and feminicides, 26 May 2016, CNCDH; CP reading manuals: what if we learned equality? Etudes des représentations sexuées et sexistes dans les manuels de lecture du CP, 2015, Centre Hubertine Auclert.

95. Sexuality education for students has been a legal obligation since Law No. 2001-588 of 4 July 2001, which provides for at least three annual sessions per homogeneous age group. As early as 2003, a circular specified that these sessions should include a triple dimension: biomedical (focusing on issues such as contraception or the prevention of sexually transmitted infections and HIV/AIDS); psycho-emotional (addressing issues of self-esteem or mutual respect); and legal and social (focusing in particular on the prejudices that cause discrimination and violence). Despite these guidelines, institutional reports have revealed that sexuality education is not systematic²⁸ and that, when it is provided, it remains highly oriented towards health information.²⁹ A new circular of 12 September 2018 was adopted with the aim of systematising sexuality education sessions in a comprehensive manner. It also addresses the challenges posed by new information technologies, such as access to pornographic content on the Internet, and supports the implementation of the new system through a steering mechanism, as well as through the training of teaching staff responsible for providing sexuality education sessions. GREVIO welcomes these new measures, the implementation of which should be closely monitored by the analysis of results and impact indicators, particularly in terms of practices, sources of information and representations of young people.

96. GREVIO encourages the French authorities to continue their efforts to provide students with knowledge and skills on the topics identified in Article 14 of the convention, including through appropriate sexuality education. Such efforts should be based on measures aimed at the training of education professionals and follow an integrated approach to the issue of equality between women and men in education. To this end, the authorities may wish to be guided by Recommendation CM/Rec(2007)13 of the Committee of Ministers to Council of Europe member States on gender mainstreaming in education.

97. Several measures have been put in place to enable professionals working in schools to identify, support and refer child victims of violence. For example, a resource guide was published in 2017 for secondary school education teams and provides guidelines for identifying and supporting child victims of sexual violence. However, the shadow report submitted to GREVIO by COFRADE points to the fact that these guidelines are insufficient, due in particular to the variability in the training of the professionals in charge of ensuring the protection of children at risk and the small number of doctors, nurses, social workers and psychologists in schools. Furthermore, GREVIO believes that the skills of the professionals concerned should also include the identification of child witnesses of violence.

98. GREVIO strongly encourages the French authorities to strengthen measures in education settings to enable professionals to identify and support girls who are victims of violence, including sexual violence, forced marriage and female genital mutilation.

99. The action of the Ministry of Higher Education, Research and Innovation in the field of violence against women was strengthened with the adoption of Law No. 2013-660 of 22 July 2013, which provides for the creation of an “equality mission” in each public university, composed of gender equality specialists responsible for guiding and supporting victims of violence. Another significant step forward is the commitment to set up a referral and listening unit in each university to provide victims with support and assistance in the event of violence. GREVIO was informed that the ministry has set up an online mapping system that includes information on the existing mechanisms in each establishment as well as an e-mail and/or telephone contact address. In addition, an information guide on sexual harassment in higher education and research has been developed to assist victims and witnesses of this type of violence.

²⁸. See Report on Sexuality Education, 13 June 2016, HCE, p. 124.

²⁹. See Report - Rights of the Child in 2017, November 2017, Human Rights Defender, p. 100.

100. Moreover, since July 2016, the Ministry of Culture has set up a similar network of "persons responsible for the prevention of discrimination", present in each higher education school in the field of culture, as well as in each public establishment, service and department of the ministry. These are officials who have been trained in gender equality and anti-discrimination, and in 2019-2020, have received specific training on how to prevent and handle sexual and gender-based violence and harassment. In addition, support is given to all higher education schools in the field of culture for the purposes of adopting a charter of commitment to equality between women and men, which includes a section on violence and harassment. The charter is discussed and approved internally between the management, the administration, the teaching staff, the staff representatives and the student community.

101. GREVIO welcomes all these measures as examples of good practice in preventing and combating violence against women in higher education, as well as in schools, institutions and services under the Ministry of Culture.

C. Training of professionals (Article 15)

102. The initial and in-service training for professionals coming into contact with women victims of violence is a legal obligation enshrined in Article 51 of Law No. 2014-873 of 4 August 2014 on substantive equality between women and men. Specific measures regarding training are also planned within the framework of the 5th inter-ministerial plan. Furthermore, the President of the Republic announced the implementation in 2018 of a major training plan in the public sector devoted to preventing and combating sexism, harassment and violence. At the level of the national co-ordinating body, MIPROF carries out work of high quality and exemplary value in the training of professionals from different sectors, in particular through the development of educational kits. Moreover, GREVIO was informed that in September 2019, a new inter-ministerial contract for the training of public officials entered into force, covering many ministries including Solidarity and Health, Labour, National Education and Youth, Interior and Culture. This contract, established over the period 2019-2023, enables the entities involved to launch a multi-year training plan for their staff on gender equality, anti-discrimination, diversity and the prevention of gender-based and sexual violence.

103. While recognising that these developments show a strong commitment on the part of the French authorities, GREVIO observes that several factors seem to stand in the way of achieving the objective set out in Article 51 of Law No.2014-873. The decentralisation of competences in this area, from the state to the departments, has resulted in a decrease in the available budgets for training institutions, while recent laws on the training of professionals have tended to fragment and individualise training paths. These trends call for increased investment by decentralised services to place the training of professionals at the centre of local co-ordination mechanisms, in close co-operation with all local partners, including specialist associations. Such a commitment should be supported by the promotion of existing professional guides and protocols, as well as by the development of new guidelines covering those professions and areas of intervention that are still relatively unregulated. For example, GREVIO notes that, while a training kit exists for social workers and doctors to identify and properly handle cases of children facing the risk of female genital mutilation, guidelines are lacking to guide other categories of professionals concerned with this type of violence, such as paediatricians and education personnel.

104. **GREVIO strongly encourages the authorities to ensure that the training of professionals remains a standing priority of local mechanisms for inter-institutional co-operation, by continuing to develop vocation-specific guidance covering all forms of violence against women, its causes and consequences, and by ensuring that the expertise developed by women's associations that specialise in the field of violence against women is being used, along with their gender-based approach based on the principles and provisions of the Istanbul Convention.**

105. In the field of health, initial training hardly addresses the theme of violence against women (a mandatory module exists on female genital mutilation and sexual violence), while optional in-service training is mainly provided by associations. In addition, tools developed by MIPROF, such as brochures, video clips and guides on different forms of violence, are available. A large number (690) of “violence against women” advisers (*référénts*) designated within hospitals, and trained on the basis of these tools, are, in turn, responsible for raising awareness and training their colleagues. Despite these initiatives, GREVIO is concerned about the lack of initial and continuing training in the health sector, which has been described by MIPROF as a “public emergency”.³⁰ For example, a survey in 2014 showed that, among the midwives interviewed, Seven out of ten had not been trained in the issue of violence against women.³¹ Another particularly alarming point is the lack of training in psycho-traumatology for doctors who come into contact with victims of violence, particularly of a sexual nature. A study on the impact of sexual violence found that 78% of the victims surveyed said that they did not receive any prompt medical care after the violence.³²

106. The lack of training also has a serious impact on the quality of expert opinions rendered in judicial proceedings concerning visitation and/or custody rights. GREVIO has been informed of numerous cases where expert reports on the mental health status of children in these proceedings were entrusted to psychiatrists untrained in violence against women and its traumatic consequences on child witnesses, resulting in the non-recognition of violence suffered by children, as well as in the secondary victimisation of victims, for example when they attribute the psychological state of children to “parental alienation syndrome”.³³

107. **GREVIO strongly encourages the French authorities to:**

- a. **provide all health professionals with systematic and mandatory initial and ongoing training on the different forms of violence, the identification of victims, the prevention of secondary victimisation and the effects of violence on victims, including child victims and witnesses, ensuring that such training is based on clear protocols and guidelines, based on the standards of the Istanbul Convention;**
- b. **ensure that such training addresses the traumatic consequences of violence on child witnesses in order to enable them to identify victims of violence and ensure their care by referring them to appropriate support services, as well as to provide medical advice in legal proceedings concerning child visitation/custody rights based on a comprehensive analysis of the psychological consequences of witnessing violence.**

108. The topic of violence against women is addressed in the initial training of law-enforcement officials, through several courses. The duration, frequency and the approach of the training differ depending on the professional category and grade of law-enforcement personnel. Only police officials assigned to the family protection brigade seem to have systematic access to continuous training based on two modules on domestic violence; judicial police officials also have access to in-service training regarding the care of sexual assault victims and the domestic violence intervention protocol. Furthermore, police officials designated as “referees” raise awareness among their colleagues regarding issues related to violence against women.

109. As concerns the gendarmerie, initial and in-service training on how to care for and handle victims is provided, based on the training kits “Anna - domestic violence” and “Elisa - sexual violence” produced by MIPROF. Moreover, GREVIO was informed that a new module specifically devoted to

³⁰. See Violence against women: a public health emergency, 10 March 2015, MIPROF.

³¹. See La Lettre de l’Observatoire national des violences faites aux femmes-Violences au sein du couple et violences sexuelles: impact sur la santé et prise en charge médicale des victimes., No. 6, May 2015, MIPROF, p. 2.

³². See Impact of sexual violence from childhood to adulthood, March 2015, Traumatic Memory and Victimology Association, pp. 16, 18.

³³. The situation of children who witness domestic violence is analysed in more detail in the context of Article 31 of the convention.

violence against women is being developed and should become an integral part of initial training. GREVIO has also been made aware that the national gendarmerie is involved in a European scientific research project, IMPRODOVA,³⁴ aimed at improving first responders' reaction to instances of domestic violence.

110. GREVIO welcomes these efforts, which demonstrate the willingness to involve law enforcement officials in the pursuit of the government's priority to combat violence against women. In view of the shortcomings (discussed further in Chapter VI) revealing the persistence of a stereotypical approach towards victims and an imperfect understanding of legal mechanisms for the protection of victims, GREVIO considers, however, that it is necessary to continue to strengthen the capacity of professionals to properly assist and support victims of violence.

111. GREVIO strongly encourages the French authorities to continue their efforts to ensure that law enforcement officials who may deal with violence against women, receive initial and ongoing training on all forms of violence covered by the Istanbul Convention, on the prevention and detection of such violence, on gender stereotypes and on the needs and rights of victims, as well as on how to prevent secondary victimisation.

112. The National School of Magistracy provides judges with compulsory initial training of two half days on the issue of domestic violence. Other complementary training courses on more specific subjects, such as victim care, are covered in a transversal way. In-service training sessions dedicated to the topics of domestic violence and sexual violence exist but are only optional. They last three days and are open to a wide audience of professionals from different sectors. Forced marriage and female genital mutilation are presented in another optional session devoted to families from countries where these practices are most widespread. GREVIO was informed further that starting in 2019, all mandatory training courses for job changes will address the issue of violence against women (including sexual violence), during dedicated sessions and/or on the occasion of the presentation of the new digital teaching kit "Violence within the couple: adapting professional practice" issued in 2019.

113. In view of the inadequacies of the judicial treatment of violence against women, which is dealt with in Chapters V and VI of this report, GREVIO is concerned that continued training of judges is left to their discretion and that the figures provided by the authorities on the number of judges who have accessed relevant training are relatively low. In addition, GREVIO notes that there is no specific training for dealing with child victims and/or witnesses of domestic violence. This has a negative impact on decisions regarding custody and visitation.³⁵

114. GREVIO strongly encourages the French authorities to include in the curricula for judges compulsory initial and in-service training on all forms of violence against women, including post-separation violence, its causes and consequences, its detection, the distinction between violence and conflict, the prevention of secondary victimisation and the effects of violence on child victims and witnesses. These training courses should be based on clear protocols and guidelines, derived from the standards of the Istanbul Convention.

115. The officials in charge of receiving and processing women's asylum applications are another group of professionals for whom it is important that training on gender-based violence be provided. Since 2013, a group of focal points dedicated to issues of violence against women has been set up within the French Office for the Protection of Refugees and Stateless Persons (OFPRA) and these focal points raise awareness of the specific training needs of the office's staff and its interpreters, so that women victims of violence in need of international protection are identified, and their requests are processed by suitably trained staff. However, as highlighted further in this report in the section dedicated to the analysis of measures taken to implement Article 60 of the Istanbul Convention,³⁶

³⁴. Improving Frontline Responses to High Impact Domestic Violence.

³⁵. See Chapter V (below).

³⁶. See Chapter VII (below).

shortcomings can be observed in the training and supervision of other categories of professionals who come into contact with female asylum seekers who are victims of violence, and there is a need for increased efforts in this area.

116. GREVIO strongly encourages the French authorities to step up their efforts to train all staff who come into contact with women asylum seekers, from the initial interview stage and within reception structures, so as to enable them to identify potentially vulnerable women at an early stage and to direct them towards appropriate care. Gender-sensitive guidelines for the interventions of the officials concerned should also be developed.

D. Preventive intervention and treatment programmes (Article 16)

117. Awareness and accountability courses for perpetrators of domestic violence were introduced by Article 50 of Law No. 2014-873 of 4 August 2014 on substantive equality between women and men. The objective of these programmes is to raise awareness among perpetrators as to the relevance of their acts and their direct and indirect consequences for victims. Admission to these programmes may result from an individual request by the perpetrator, or from a judicial injunction in the pre- or post-trial phases. There are 32 NGOs that offer and run awareness courses, and they are part of the *Fédération Nationale des Associations et des Centres de prise en Charge d'Auteurs de Violences conjugales & Familiales* (National federation of organisations and centres supporting authors of domestic and family violence) (FNACAV) operating at national level.

118. However, there are several obstacles to the implementation of this system. The effectiveness of these programmes is negatively impacted by the lack of guidelines coherently framing them in accordance with the principles of safety, support and respect for the victim's human rights. The programmes vary throughout the country in terms of approach, duration and type of participants. Some programmes last only three or four days, which is likely not to be enough to change the behaviour of perpetrators. Moreover, the use of this type of mechanism is not systematic and is not always structured within an inter-institutional response involving victim-protection services. The lack of statistics on participation rates and recidivism rates hinders evaluation of the impact of this mechanism. In addition, the preventive value of awareness courses is not fully understood, and in practice, perpetrators rarely request such a service on their own initiative. Scientific studies identifying the main difficulties and good practices³⁷ would make it possible to set up a more structured framework for such programmes.

119. Perpetrators of domestic violence may also be required to follow preventive intervention programmes following an injunction of remedial care imposed in the event of a conviction as part of socio-judicial follow-up. Perpetrators sentenced to an injunction of remedial care may participate in individual or collective therapies provided by healthcare professionals. They may also participate, in a complementary way, in discussion groups run by the Penitentiary Insertion and Probation Services (SPIP), which are responsible for penitentiary administration at the departmental level. These focus groups are part of efforts to prevent recidivism, by helping people to recognise situations at risk of re-offending and to put in place strategies to avoid them.

³⁷. An example of good practice identified by GREVIO during the evaluation procedure is the awareness courses organised by the Clotaire Centre in Arras, under the aegis of the organisation SOLFA (Solidarité Femmes Accueil). Examples of good practice at international level are illustrated in the publication "Preventive Intervention and Treatment Programmes for Offenders: Article 16 of the Istanbul Convention", Council of Europe, Strasbourg 2015.

120. GREVIO encourages the authorities to:

- a. further develop accountability/awareness programmes, ensuring that these programmes operate within an integrated approach, in close collaboration with specialist women's organisations, and ensure that sufficient financial resources are allocated to them;
- b. evaluate existing programmes to determine their short- and long-term impact, including through scientifically-designed outcome studies and the development of statistics on attendance rates and recidivism rates which may verify whether programmes have reached the intended preventive aim;
- c. ensure that professionals involved in the procedures for applying and following up on these programmes, and in particular judges, receive adequate training;
- d. ensure the development of appropriate guidelines that would enable harmonising the modalities for the implementation of accountability courses based on common minimum standards, in line with the principles of the Istanbul Convention and recognised good practices in terms of respect for the principles of safety, support and respect for the human rights of the victim and the children concerned.

121. Sexual offenders may be ordered to accept treatment, in addition to the penalty, following a psychiatric assessment which concludes that therapeutic intervention is necessary. These interventions take place both in and out of prison. In the prison environment, there are 22 institutions specialising in this type of programme throughout the country. A protocol between the Ministries of Health and Justice dating from 2011 defines the conditions for the treatment of perpetrators of violence. The Regional resource centres for working with sexual violence perpetrators (CRIAVS) act as a network for the professionals concerned in support of an effective application of the system. A recent report by the CRIAVS federation points to shortcomings in the implementation of these programmes, which tend to favour a medicalised approach to violence, to the detriment of a gender perspective.³⁸

122. GREVIO encourages the French authorities to continue to set up and evaluate programmes for perpetrators of sexual offences, ensuring that a common approach to their treatment is developed that takes into account the gender dimension of violence against women, its causes and consequences, in accordance with the principles of the Istanbul Convention and recognised good practices.

E. Participation of the private sector and the media (Article 17)

123. The obligation under Article 17 of the Istanbul Convention requires parties to actively encourage the media and the private sector to participate in the prevention of violence against women through self-regulation and codes of ethics, both as employers and as producers of media content and services. GREVIO recalls the guidance provided in the collection of papers on the Istanbul Convention to enable states parties to tap into the potential offered by the private sector in changing attitudes of the public and overcoming gender stereotypes.³⁹

124. In France, the Conseil supérieur de l'audiovisuel (CSA) (Superior Council for the Audio-visual sector) was given the mandate, under Law No. 2014-873 of 4 August 2014, of ensuring the fair representation of women and men in audio-visual programmes, in particular by combating stereotypes, degrading images and violence against women. Since the adoption of Law No. 2017-86 of 27 January 2017, the CSA has also been entrusted with the responsibility of overseeing the

³⁸. See J. M. Delarue *et al.* (2018), "Authors of sexual violence: prevention, evaluation, care. Report of the Hearing Commission of 17 June 2018", 14-15 June 2018, Fédération française des Centres Ressources pour les Intervenants des Auteurs de Violence Sexuelle (FFCRIAVS), pp. 68-71.

³⁹. Encouraging the participation of the private sector in the prevention of violence against women and domestic violence: Article 17 of the Istanbul Convention, Council of Europe, Strasbourg 2016, available at: <https://rm.coe.int/16805970bd>.

representation of women in advertisement, thus complementing the action of the Professional Advertising Regulation Authority (ARPP). The CSA has the power to impose penalties in this area, which it used twice in 2017. In addition, since 2015, following an initiative to this effect by the CSA, audio-visual services have been required to broadcast programmes each year that contribute to the fight against gender bias and violence against women. The CSA was also heavily involved in the process of drafting in 2018 the Charter of Voluntary Commitments to Combat Gender and Sexist Stereotypes in Advertising, in conjunction with the ARPP. In addition, the Ministry of Culture – the first ministry to have obtained the equality label from the French Standards Association (AFNOR) – is particularly committed to combating gender stereotypes in the media and is carrying out several actions in this field, in co-operation with the State Secretariat for Women’s Rights and the CSA, as part of its Equality Roadmap 2018-2022.

125. GREVIO welcomes these measures and notes that sustained efforts are still needed to curb persistent societal tolerance of gender-based violence and practices in the media, as highlighted by the HCE in its first report on sexism in France.⁴⁰

126. GREVIO invites the French authorities to continue their efforts to involve the media in the development and implementation of policies to prevent violence against women and to encourage them to put in place self-regulatory standards on how to report it.

127. Article 17 of the convention also calls for measures to encourage the participation of the private sector in its role as employer to enhance respect for the dignity of women and thus contribute to the prevention of violence against them. This obligation should be interpreted as referring to measures to encourage private companies to establish protocols and guidelines, for example, on how to deal with cases of sexual harassment in the workplace.

128. A comprehensive review of the applicable standards and existing self-regulatory practices within companies to prevent violence against women was drawn up in a 2015 report by the High Council for Professional Equality between Women and Men (CSEP), an advisory body with a mission to propose and evaluate policies on gender equality in the field of work.⁴¹ The report noted that, despite a legislative framework imposing certain mandatory clauses, internal regulations were under exploited as a tool for regulating relations between women and men at work and preventing violence, and were furthermore often formulated in a gender-neutral manner. The report made a similar observation with regard to codes or charters of ethics, observing that they gave little emphasis to the gender dimension of discrimination and harassment, including sexual harassment, in the world of work. Similarly, issues related to gender relations were rarely addressed in other instruments within the company, such as mood surveys, internal communication and awareness-raising tools. Based on this observation, the CSEP made several recommendations to the authorities to encourage companies to further integrate the dimension of gender relations and gender-based violence into their rules of procedure.⁴²

129. GREVIO notes with satisfaction that, since the publication of the CSEP report, several measures have been taken to encourage employers to commit themselves to combating gender inequalities and preventing violence against women in the workplace, as well as to strengthen their obligations in this regard. Thus, the law of 17 August 2015 introduces a new provision in the French Labour Code⁴³ prohibiting any sexist act, defined as “any act related to the sex of a person the purpose or effect of which is to violate the dignity or create an intimidating, hostile, degrading, humiliating or offensive environment” and engages the employer’s responsibility to deploy measures to prevent such acts. In addition, Law No. 2018-771 of 5 September 2018 provides for a series of measures, such as the establishment in any company employing at least 250 employees of an adviser responsible for guiding, informing and assisting employees in the fight against sexual harassment and sexist

⁴⁰. See *Premier état des lieux du sexisme en France*, Report No. 2018-01-07STER 038, HCE, 17 January 2019.

⁴¹. See *Le sexisme dans le monde du travail, entre déni et réalité*, CSEP Report No. 2015-01, 6 March 2015.

⁴². *Ibid.*, Recommendations 20-24, pp. 199-200.

⁴³. Article L412-3, paragraph 2 of the Labour Code.

behaviour, aimed at providing victims with better access to information on possible remedies. These measures enrich a solid corpus of cross-cutting policies to combat discrimination and violence against women in the public and private professional environment, developed since 2016 as part of the first inter-ministerial plan in favour of professional equality.

130. GREVIO underlines the importance of these measures because they target violence against women as well as other gender-based behaviours which, while not reaching the threshold of severity that would allow them to be qualified as violence under the Istanbul Convention, are often the precursors of violence and/or promote its emergence or minimise it, as a manifestation of the structural inequalities that persist between women and men in the world of employment. In GREVIO's opinion, they provide examples of good practice that encourage companies to support the cause of preventing violence against women.⁴⁴

⁴⁴. The good example given by some French companies, such as the Kering PR Foundation, is cited on pp. 26-27 of the above mentioned Council of Europe publication Encouraging private sector and media participation in the prevention of violence against women and domestic violence: Article 17 of the Istanbul Convention, Strasbourg 2016.

IV. Protection and support

131. Chapter IV of the Istanbul Convention aims to establish a multi-faceted, professional and victim-centred support structure for any woman who has experienced one of the forms of violence covered by the convention. To this end, the parties must provide general and specialist support services and ensure that victims have easy access to, or are referred to, the service concerned.

A. General obligations (Article 18)

132. One of the main obligations set out in Article 18 of the convention is that the protection and support of victims must follow an integrated approach that takes into account the relationship between victims, offenders, children and their wider social environment and must be based on effective co-operation between all relevant state agencies, including judicial authorities, prosecutors, law-enforcement agencies, local and regional authorities, as well as NGOs and any other relevant entities.

133. In France, there are many initiatives aiming at facilitating victims' pathway to escape from violence by fostering inter-institutional co-operation. Some of these initiatives are organised by law-enforcement agencies, equipped to this end with specialised staff in charge of liaising with external stakeholders to support women victims of violence. Thus, GREVIO notes with satisfaction that police stations and gendarmerie units count among their staff "departmental and territorial victim assistance correspondents" and social workers. Their mission is to improve the support of victims, particularly by working hand in hand with support services, such as departmental social services, NGOs, shelters and medical services. In addition, the gendarmerie is part of a partnership approach based on agreements signed at the national level and implemented at the departmental level, with major association networks, such as France Victimes, Fédération Nationale Solidarité Femmes (FNSF) and Fédération Nationale des Centres d'Information sur les Droits des Femmes et des Familles (FN-CIDFF).

134. The judiciary, and more particularly prosecutors, can also be the initiators of strong partnership initiatives, in accordance with the recommendations of the circular of 24 November 2014 providing guidance on criminal justice practices. Within these partnerships, certain mechanisms can be particularly unifying: this is the case, for example, of the "high danger telephone",⁴⁵ a service which can generate an effective partnership dynamic when it gives rise to regular meetings of a steering committee. Other partnerships are based on the Women's and Family Law Information Centres (CIDFF): these constitute a vast territorial network (there are 136 of them in metropolitan France and overseas) and conduct their activities in co-operation with local NGOs and statutory agencies. All these different forms of inter-institutional co-operation benefit from the support provided by the departmental focal points on violence against women, acting as the decentralised component of the national co-ordination body.⁴⁶

135. However, GREVIO notes that multi-agency partnering remains random: besides not being obligatory, it depends to a large extent on the individual initiative of certain professionals who are particularly sensitive and committed. In addition, some components of a holistic response to violence, as advocated by the convention, tend to be ignored by networks, particularly the protection of child victims/witnesses and preventive programmes for perpetrators. GREVIO believes that a stronger institutionalisation of inter-institutional co-ordination and its closer monitoring by the decentralised network of the national co-ordinating body would be necessary to address these weaknesses. GREVIO notes with satisfaction that several measures provided for in the 5th inter-ministerial plan are in line with this approach. These include action 29 of the plan, which aims to consolidate and

⁴⁵. This mechanism is discussed below in this report, under Chapter VI.

⁴⁶. See Chapter II, section D, of this report regarding the implementation by the French authorities of Article 10 of the convention.

standardise departmental steering activities by developing departmental plans and systematising the conclusion of protocols, as well as objective 37 of the plan, which contemplates the development of regional observatories on violence, i.e. partnership structures between local authorities, state services located in the territories, professionals and NGOs.

136. GREVIO strongly encourages the French authorities to pursue and intensify their efforts to develop and/or strengthen inter-institutional co-operation structures, in particular by institutionalising the framework of this co-operation under the aegis of the decentralised network of the Service for Women’s Rights and Equality between Women and Men, and by ensuring that these structures base their interventions on a gendered understanding of violence against women, on prioritising the safety of the victim and her children, on the long-term empowerment of women victims and on respect for their human rights. This work should be accompanied by a closer assessment of the progress made and the creation of opportunities for the exchange of good practices between the various territories, in close collaboration with specialised women’s organisations that have developed expertise in the field.

B. Information (Article 19)

137. In France, the sources of information on support services and legal measures available to victims are multiple and diversified. In addition to the information available online on the website www.stop-violences-femmes.gouv.fr and the many brochures published at the initiative of the authorities in connection with the various forms of violence covered by the convention, NGOs run victim support offices in courthouses, which provide practical information and explain to victims the functioning of courts and the procedures underway. In addition, there are 120 day help centres in 100 departments, and 200 support and counselling centres, mainly run by NGO networks⁴⁷ and local NGOs, which provide legal information, guidance and support to women victims in their dealings with law enforcement agencies, judicial services, medical services, social services and in their professional undertakings.

138. GREVIO welcomes the breadth of the measures and resources deployed to inform victims: according to information provided to GREVIO by the authorities, in 2018, victim support associations, such as victim support offices, police stations, gendarmerie brigades, and hospital emergency services, provided information and guidance to more than 365,700 individuals, including nearly 287,000 victims of criminal offences. GREVIO also takes note of the fact that the 5th inter-ministerial plan aims to improve knowledge among victims, notably through measures targeting specific groups of women (for example, measures addressing young women include the development by the 3919 telephone helpline of a chat application and the mobilisation of social networks; a measure targeting foreign women is the provision of dedicated information on the websites of consulates). In view of the results of the FRA’s 2014 survey, which showed that 71% of women surveyed were unaware of existing services,⁴⁸ GREVIO believes that these efforts should be continued and intensified, as well as supported by performance indicators measuring victims’ knowledge of their rights.

139. Regarding child victims and their families, GREVIO notes several positive developments, such as the distribution to children and adolescents of the first leaflet on the child protection helpline 119, and the multiplication of information materials encouraging adults to react by calling this number in the event of children in danger. However, the shadow report submitted by COFRADE to GREVIO points out that children know little about their rights, and it highlights several areas for improvement to be explored.⁴⁹

⁴⁷ Networks FNCIDFF, FNSF, Femmes Solidaires, the French movement for family planning.

⁴⁸ See Violence against women: an EU-wide survey, 2014, European Union Agency for Fundamental Rights, p. 163.

⁴⁹ See the shadow report submitted by COFRADE, available on GREVIO’s website.

140. **GREVIO invites the French authorities to pursue their efforts to ensure that victims receive adequate and timely information on available support services and legal measures, ensuring that such information is accessible and adapted to the different categories of victims, especially victims in situations of particular vulnerability, including children, and that it addresses all forms of violence covered by the Istanbul Convention.**

C. General support services (Article 20)

141. In healthcare, the flagship measure for the detection, diagnosis and treatment of women victims of violence is the appointment of focal points for women victims of violence within the staff of emergency services. This action is supported by awareness-raising and training for professionals and is strongly promoted by MIPROF. While this measure has undoubtedly enabled progress, its deployment continues to be hampered by the lack of protocols for professionals dealing with complex situations. Initial steps in this direction have already been taken by the High Authority of Health (HAS) with the publication in 2011 of recommendations to guide doctors in drafting an initial medical certificate for victims of violence, but it could be continued and expanded. GREVIO stresses the importance of having a monitoring system, based on data,⁵⁰ to assess the impact and performance of health services and to identify possible areas for improvement.

142. GREVIO notes with interest that violence against women is recognised as a public health priority and it therefore engages the regional health agencies, which are responsible for organising health policies as closely as possible to the field. According to available institutional reports,⁵¹ however, it appears that local health agencies still need to become fully committed in local co-ordination bodies, particularly at the departmental level, in order to be at the heart of the interdisciplinary co-ordination of the different types of health-care services available in the territories.

143. Regarding the more specific issue of female genital mutilation (FGM), the authorities are carrying out several measures that provide examples of good practice. These include the promotion of research and prevention – through the support of specialist organisations such as the Group for the Abolition of Female Genital Mutilation, Forced Marriage and Other Harmful Traditional Practices (GAMS) – and the monitoring of children at risk by Maternal and Child Protection Centres (PMI), as well as restorative surgery operations. Specialised care units are dedicated to the care of victims through multidisciplinary teams of sexologists, gynaecologists, psychologists and ethnologists. However, the joint shadow report submitted to GREVIO by the specialist organisations notes that, in public hospitals, these units suffer from a lack of human and financial resources and that most of them are only operational thanks to the voluntary work of the professionals concerned. The same report highlights the lack of preventive actions that could be taken by health professionals in postnatal care services.⁵²

144. **GREVIO strongly encourages the French authorities to ensure a stronger integration of the health component into the national and local management of policies on violence against women. In this perspective, the authorities should in particular:**

- a. continue the development of tools and protocols that guide the interventions of the various health professionals who may come into contact with women victims and their children;**

⁵⁰. See paragraphs 75 and 76 of this report.

⁵¹. See *The management of women victims of violence in hospitals: elements for modelling*, General Inspectorate of Social Affairs, May 2017.

⁵². See pp. 7-8 of the joint shadow report submitted to GREVIO by Equipop, Excision, let's talk about it! and the European network End FGM.

- b. **network the structures concerned in such a way as to encourage the sharing of experiences and good practices in preventive actions and in the treatment and care of women victims of violence;**
- c. **strengthen the teams dedicated to the treatment, guidance and support of women victims, in terms of training and resources,**

ensuring that all forms of violence against women covered by the Istanbul Convention, and in particular sexual violence and female genital mutilation, benefit from efforts to this end.

145. Regarding access to long-term housing, several measures are in place to help victims. Women victims of violence are among the priority groups for accessing social housing. A recent instruction of 8 March 2017 from the ministers in charge of housing and women's rights reminded prefects of the need to take violence into account when urgently allocating housing from the state's reserved housing quota. GREVIO welcomes these measures, the benefits of which could be increased for victims by removing the obstacles that continue to make it difficult to relocate to social housing. Indeed, for a victim of domestic violence to have priority access to social housing, the applicable texts⁵³ require that she be able to refer to a decision of the family court allowing her to reside separately or to a protection order. However, the restrictive conditions under which protection orders are issued⁵⁴ limit victims' access *de facto*. Without being able to comment on whether this calls for a revision of the legislative texts in force, GREVIO considers that, at a minimum, consideration should be given to finding ways of effectively recognising the right of victims to priority access to social housing. This reflection should be based on a strong involvement of stakeholders, namely social landlords, government officials (prefectural quotas) and local authorities (departmental council and city quotas), and draw from existing good practices, such as the conclusion of agreements with landlords to provide a local focal point in each fleet of buildings.

146. GREVIO encourages the authorities to facilitate access to sustainable housing as a key step in the process of rebuilding the confidence and autonomy of women victims, including by examining the conditions under which to make effective their right to priority relocation in social housing.

D. Specialist support services (Article 22)

147. Specialised support has a complex objective: to empower victims by providing them with optimal support and assistance tailored to their specific needs. Much of this is best ensured by women's organisations and by support services provided, for example, by local authorities with specialised and experienced staff with in-depth knowledge of gender-based violence against women. It is important to ensure that these services are sufficiently spread throughout the country and accessible to all victims. Moreover, these services and their staff need to be able to address the different types of violence covered by the scope of the Istanbul Convention and provide support to all groups of victims, including hard-to-reach groups.

148. In France, day help centres and support and counselling centres – mentioned above in the context of examining the measures taken by France to implement Article 19 of the convention – are the key element in the process of ending violence against women victims. These structures provide victims with initial information and referral to other services, as well as additional services, such as social support, psychological and legal support, individual interviews, focus groups and workshops. GREVIO appreciates the efforts made by the authorities to present in the state report⁵⁵ data on the number of these structures, the type of services offered, the number and categories of professionals attached to them and the number of victims received (in 2016, they were 60,167, of whom 44,106

⁵³. See article L.441-1 of the Construction and Housing Code.

⁵⁴. This point is further discussed in Chapter VI, section D, of this report.

⁵⁵. See note 11.1, p. 39 of the state report.

concerned domestic violence). However, the NGOs mandated to manage these structures told GREVIO that adequate coverage of victims' needs would require increasing their number and optimising their territorial distribution, while consolidating the financing of existing structures. The structures available should also be diversified to meet the needs of certain categories of victims, such as young women, child victims, migrant women and women with disabilities, and to cover all forms of violence against women provided for in the convention, including violence committed in the name of so-called "honour" and/or on cultural, religious, social or traditional grounds. For example, in the case of forced marriage, women victims may benefit from specific psycho-medical follow-up in a few rare services, such as the Institute of Victimology in Paris or the specialised care unit of the Women House in Saint-Denis.

149. GREVIO strongly encourages the authorities to increase the number of structures offering specialist support services and to consolidate existing structures in order to ensure an adequate geographical distribution of services offering immediate, short- and long-term support to all victims of violence covered by the Istanbul Convention, as well as their children.

150. GREVIO takes note of information indicating that in 2018 the resources made available to these mechanisms have increased and that a plan to consolidate their action is currently underway, in co-operation with specialist women's associations.

E. Shelters (Article 23)

151. In France, there are various accommodation facilities that can provide shelter services for women victims of violence for varying lengths of time, depending on their needs. These structures are managed by specialist organisations and include emergency accommodation, housing facilities for renewable periods of three to six months and intermediate housing facilities (social housing, boarding houses, transition houses) for periods of several months to several years. These are buildings specifically dedicated to women and their children, which house them in a non-mixed situation and offer them specialist support. They are part of various schemes, such as the Centres for Housing and Social Rehabilitation (CHRS) or the Temporary Housing Assistance (ALT) agreements, and they are subsidised by the authorities. GREVIO notes with satisfaction that these structures comply with the requirements of the convention in that they do not only provide women and their children with safe housing, but also enable the extended and complex process of supporting the long-term rehabilitation, autonomy and security of victims.⁵⁶

152. Because these structures are publicly funded, they fall within the remit of the Integrated Reception and Orientation Services (SIAO) located in the departments which are required to co-ordinate with the SIAO. The mission of the SIAOs is to act as a network for the various care, accommodation, reinsertion and housing facilities and to promote the transition from emergency to integration for any individual who is homeless or at risk of being homeless or poorly housed. As such, they are responsible for managing the emergency telephone platform 115, the so-called "SAMU social", designed to respond to requests for emergency accommodation. To raise awareness among SIAOs of the specific nature of violence against women and improve the care of victims, a 2013 circular requires SIAOs and specialist organisations, in particular organisations managing shelters for women victims of violence, to sign a partnership agreement. However, this circular remains unevenly applied (at the time of GREVIO's evaluation, only 50% of SIAOs had concluded such an agreement). Thus, while in some departments the conclusion of an agreement has laid the foundations for good co-ordination between authorities and specialist organisations, in others, the absence of an agreement, or insufficient application of the existing agreement, is a source of major obstacles to the provision of safe accommodation for victims.

⁵⁶. Explanatory report to the convention, paragraph 133.

153. Regarding the capacity of existing structures to house victims, the latest activity report of the main network of specialist organisations, the National Network on Women Solidarity (FNSF),⁵⁷ indicates that in 2017 there were 2,713 places available for accommodation in specialised facilities. For the same period, the state report submitted to GREVIO provides a total of “4,875 places for general and adapted accommodation ..., including 1,789 new places ... created since 2014 to better meet the needs of the public”. From the outset, GREVIO notes the limited readability of these figures, which do not provide an accurate picture of the places specifically dedicated to women and their children. In its last interim evaluation report on the 5th inter-ministerial plan, the HCE noted in this regard that “the new places created in recent years have been created in these generalist centres”. In view of the feedback from NGOs, GREVIO is concerned about the conditions under which victims find themselves in non-specialist and/or mixed structures, where they may be exposed to greater risks of violence. This risk is all the higher as the staff of the structures in question are generally not trained to identify and support women victims of violence. Economic considerations, and in particular the savings afforded in generalist structures compared to specialised structures, cannot justify policies that consider them equivalent.

154. In addition to this qualitative dimension, GREVIO recalls that the standard put forth in the explanatory report of the convention is “safe accommodation in specialised women’s shelters, available in every region, with one family place⁵⁸ per 10 000 head of population”,⁵⁹ which, in view of the population of France, results in approximately 6,700 dedicated places. GREVIO insists that under no circumstances should the creation of new places in generalist structures be considered as a suitable measure to achieve this objective. In this regard, GREVIO refers to the situation of victims, who, for lack of options other than accommodation in such facilities where their safety is not ensured, find themselves spending the night without shelter. More generally, GREVIO expresses its concern about the alarming lack of specialised housing facilities for women victims of violence. Partial data provided to GREVIO indicate that even the largest municipalities have only a symbolic number of dedicated places.⁶⁰ In this context, GREVIO recalls that data indicate increasing levels of reporting violence to authorities and NGOs, as discussed in Chapter VI of this report; therefore, measures should be undertaken in order to meet an increased need of protection, including through opening new places in shelters. The creation of additional places should also take into account the specific needs of some victims, such as women living in rural areas, women with disabilities, foreign women, asylum seekers, beneficiaries of subsidiary protection, refugees and young women, in particular those with children, who currently have limited access to adequate accommodation due to the lack of specialist services and/or difficulties in accessing existing services.

155. As a general observation, GREVIO considers that these shortcomings reflect policies that struggle to recognise the specificity of violence against women and tend to equate such violence with other types of violence and criminal behaviour. This approach also has financial repercussions for women’s organisations involved in the management of specialised accommodation, by placing them in competition with non-specialist organisations in the pursuit of funding. GREVIO would like to stress in this regard that an integrated approach to support services for women victims of violence does not make it possible to assimilate these victims to other groups of victims and requires a strong awareness on the part of decision-makers regarding their specific needs, including in the field of housing. As the United Nations Special Rapporteur on violence against women, its causes and consequences has pointed out,⁶¹ the establishment of shelters or support for NGOs operating shelters cannot be

⁵⁷. See the key figures from this report: www.solidaritefemmes.org/chiffres-cl%C3%A9s.

⁵⁸ The term “family place” is to be understood as a place that accommodates one woman with her children based on the average number of children per family within the member state. This will be, therefore, more than a single “bed space” (Kelly and Dubois, *Combating violence against women: Minimum standards for support services*. Council of Europe, 2008).

⁵⁹. Explanatory report to the convention, paragraph 135.

⁶⁰. In Marseille, the number of places dedicated to women victims of violence and their children is only 24.

⁶¹. See paragraph 68 of the Report of the Special Rapporteur on violence against women, its causes and consequences, to the Human Rights Council (A/HRC/35/30).

conceived as a voluntary commitment by governments, since this is a human rights obligation based on international human rights treaties.

156. With the aim of guaranteeing the unconditional right of victims and their children to emergency shelter and in view of the key role played by shelters specialising in the social and economic empowerment of women victims of violence, GREVIO urges the French authorities to fulfil their commitment under Article 23 of the Istanbul Convention, by:

- a. developing clear guidelines so that services in charge of referring victims do not refer them to mixed and/or non-specialised structures;**
- b. recognising the principle that only accommodation in dedicated, single-sex and specialised structures can meet the requirements of the convention;**
- c. increasing the number and/or capacity of such facilities to meet the needs of all victims and ensuring that women victims and their children in such facilities have access to adequate and appropriate living conditions, as well as support and empowerment services through multidisciplinary teams trained in the issue of violence against women;**
- d. ensuring equitable access to such housing solutions for all victims of the different forms of violence covered by the convention, including in particular migrant women, young women, women with disabilities and women living in rural areas.**

F. Telephone helplines (Article 24)

157. In France, the main telephone helpline for the support of women victims of violence is 3919 “Violences Femmes Info”, created and managed by the FNSF since 1992. It provides victims, anonymously and in complete confidentiality, with information about their rights and advice on the support services available to them. It also offers multilingual support. In addition, the “SOS Viols-Femmes informations” telephone line (0 800 05 95 95 95) managed by the NGOs Feminist Group Against Rape offers a free and anonymous service on sexual violence. Other helplines run by NGOs offer support and counselling services specific to certain forms of violence, such as sexual harassment at work (telephone line operated by the AVFT association), forced marriages (“SOS forced marriage”) and violence against women with disabilities (“Ecoute Violences Femmes Handicapées”). In addition, since 27 November 2018, the authorities have set up a platform for reporting gender-based and sexual violence. Accessible 24 hours a day, seven days a week via the website “service-public.fr”, the platform opens a chat allowing to exchange with specially trained law enforcement officials. It allows the victim to be referred to the competent services depending on her place of residence.

158. The 3919 helpline receives an annual grant of 1.2 million euros which funds a multidisciplinary team of female listeners trained in violence against women. GREVIO welcomes the recent decision of the authorities to increase this subsidy to address the steady increase in calls received and the lack of staff to respond to them.⁶² The resources of the 3919 helpline were further strengthened in 2019 to take into account the influx of calls arriving on the telephone platform. In addition, GREVIO notes with satisfaction the signing of an agreement between the 3919 helpline and the child protection helpline 119, which reflects the awareness that the protection of women victims of domestic violence cannot be carried out in isolation from that of child victims/witnesses of such violence. The 3919 helpline is operational from 9 am to 10 pm from Monday to Friday, and from 9 am. to 6 pm. on Saturdays, Sundays and public holidays. Outside these times, callers are redirected to existing emergency numbers, which, in GREVIO’s view, does not meet the criteria set out in Article 24 of the convention for a telephone line accessible 24 hours a day, 7 days a week.

⁶². See press release of 1 October 2018 from the Secretary of State for Equality between Women and Men: www.egalite-femmes-hommes.gouv.fr/grand-plan-inedit-du-gouvernement-contre-les-violences-conjugales/.

159. In this regard, GREVIO takes note of information indicating that, as part of the Grenelle on intimate partner violence, the authorities will examine, together with the FNSF, the possibility of a 24-hour operation of the 3919 helpline.

160. GREVIO strongly encourages the French authorities to ensure the availability of the 3919 telephone helpline 24 hours a day, 7 days a week, by guaranteeing the necessary financial and human resources for this purpose.

G. Support for victims of sexual violence (Article 25)

161. In France, victims of rape and sexual violence are referred to the forensic units located in hospitals (UMJs), where a medical examination allows collecting evidence and detecting sexually transmitted diseases. However, victims' access to UMJs is severely restricted due to the absence of UMJs in some departments and the prior requirement to file a complaint. The required practice under Article 25 of the convention is to conduct forensic examinations regardless of whether or not the violence will be reported to law-enforcement authorities, so that the victim's decision whether or not to report the rape can be taken at a later date.⁶³ Pilot projects of this nature exist in France, such as the Centre d'Accueil d'urgence des victimes d'agressions (CAUVA) of the University Hospital Centre (CHU) of Bordeaux, the Centre d'accueil spécialisé pour les agressions (CASA) de Rouen or the Memorial Hospital Centre of Saint Lô, but they are limited in number given the population and the size of the French territory.

162. Under one of the objectives of the 5th inter-ministerial plan (action 41 of the plan), the authorities are considering ways to collect evidence of sexual violence in the absence of a complaint and keeping it for a reasonable period, "in order to give women victims of violence time to file a complaint, without prejudice to any subsequent procedure". As for medical care, the plan envisages extending the support measures available for victims of attacks to victims of sexual violence (measure 42 of the plan). In this vein, a national call for tenders was launched in June 2018 aiming at creating ten hospital units specialising in psycho-trauma and a National Resource and Resilience Centre (CNRR) is being set up at the Regional Hospital Centre and University Hospital (CHRU) of Lille and at the Public Assistance – North Paris Hospitals (APHP). These measures are intended for any victim – woman, man or child – exposed to a natural disaster, attack or violence at work and will not be limited to victims of sexual violence. In order to complement these mechanisms, GREVIO was informed that proposals are currently being considered to allow for the collection and preservation of evidence in the absence of a complaint, to establish a model scheme/protocol to promote the development of these practices and to identify territories where this type of model could be implemented in the short term. GREVIO also takes note of information indicating that a methodological tool has been developed (the MAEVA toolkit) enabling the various categories of professionals in contact with victims of sexual violence, such as an isolated doctor, to take preservatory samples and to exchange with all stakeholders on each case.

163. GREVIO emphasises that whatever option the authorities choose to fulfil their commitments under Article 25, it should comply with the minimum standards developed by the Council of Europe,⁶⁴ which provide, among others, that rape crisis centres and/or sexual violence referral centres must be available for every 200,000 inhabitants and that their geographic distribution should make them accessible to victims in rural areas as much as in cities.⁶⁵

63. Explanatory report to the convention, paragraph 141.

64. See "Combating violence against women: minimum standards for support services", Council of Europe, September 2008.

65. Explanatory report to the convention, paragraph 138.

164. **GREVIO urges the French authorities to take measures to comply with the requirements of Article 25 of the Istanbul Convention. To this end, the authorities should establish a sufficient number of emergency centres accessible to victims of rape and/or sexual violence, which meet all their needs in the short, medium and long term and include immediate medical care, high-quality forensic examinations, psychological and legal support, and referral to specialist organisations. A victim's access to all these different support services should not depend on her willingness to lodge a complaint.**

H. Protection and support of child witnesses (Article 26)

165. Article 26 of the convention requires that the provision of protection and support services to victims of violence take due account of the rights and needs of child witnesses and include age-appropriate psychosocial counselling. GREVIO specifies that these services should include, in addition to psychological support, educational and recreational activities that help children cope with trauma and develop positive relationships, while supporting the victim in her parenting role. In France, expertise in the provision of specialised support for child witnesses/victims has been developed mainly by NGOs dealing with women victims and their children, but these organisations are limited in number and have only limited resources. The Paris Institute of Victimology is, for example, one of the few institutions providing care for the psycho-traumatic consequences of child victims of domestic violence, often with long waiting times of up to months. The authorities have developed guidelines on the impact of domestic violence on children, such as the MIPROF's dedicated educational kit ("Tom and Lena" kit). However, generalist structures such as the centres offering medical, psychological and pedagogical ambulatory care (CMPP) remain insufficiently equipped to identify child witnesses/victims of violence and offer them services addressing specifically the consequences of the violence to which they have been exposed.

166. Moreover, the violent parent sharing the exercise of parental authority may prevent children from accessing care by asking a family court to suspend any support. This point raises the more general question of the insufficient consideration of domestic violence in court decisions on parental authority, a question which this report examines in detail in the following chapter, in connection with the assessment of measures taken by the authorities to implement Article 31 of the convention.

167. Child witnesses' access to protection and support services is dependent on the ability of the professionals concerned, particularly those involved in child-protection, to recognise the violence. Extensive studies in this area show that a better knowledge of the dynamics of domestic violence would lead to increased protection of children by allowing better detection of child witnesses/victims. These studies illustrate the importance of treating domestic violence differently from a marital or parental conflict and of broadening the notion of "danger" that triggers protection to include domestic violence as a specific form of danger, even in cases where children are not the target of the abusive parent. At the same time, they stress the need for social interventions to overcome the current compartmentalisation between child protection and the prevention of intimate partnership violence, in other words between the child's sphere (parenting) on the one hand and the adult's sphere (conjugal) on the other.

168. When violence causes the victim's death, the provision of specialist support for children who witness the murder of one parent by the other parent remains exceptional (an example is the "femicide" facility operating in Seine-Saint-Denis). Emergency care for children is provided by the youth welfare offices but does not necessarily include specific support that takes into account the severity of the trauma. According to official figures, 109 children were in this situation in 2017, including 10 mother-and-father orphaned children, 91 mother-orphaned children and 8 father-orphaned children.⁶⁶ GREVIO takes positive note that measures to address this issue are foreseen both in the

⁶⁶. See La Lettre de l'Observatoire National des Violences faites aux Femmes – Les violences au sein du couple et les violences sexuelles en France en 2017, No. 13, November 2018, MIPROF, pp. 4-5.

5th inter-ministerial plan and in the 1st inter-ministerial plan concerning violence against children (2017-19).

169. GREVIO urges the French authorities to:

- a. systematise the identification by child-protection professionals of violence against mothers and children, based on the understanding that child protection and the protection of women against violence in intimate relationships are two aspects of the same problem and having regard to the dangers inherent to children's exposure to domestic violence, even when they are not direct victims of violence;**
- b. re-inforce training on violence against women and its consequences for children for all providers of general support service and professionals who in various capacities come into contact with child witnesses, so that these children can be referred to appropriate protection and support services;**
- c. strengthen, including financially, the support and assistance mechanisms for child witnesses and extend them throughout the country, based on examples of good practice developed by NGOs specialising in the field of violence against women;**
- d. facilitate access to these services given the long waiting times.**

I. Reporting by professionals (Article 28)

170. In France, only professionals in the civil service are required to report crimes of which they become aware in the discharge of their duties. Other professionals, and in particular doctors who have a private practice, are exempted from the obligation of professional secrecy and may report violence under certain conditions set out in Article 226-14 of the French Criminal Code: if the victim is a child, they may issue a report without the child's prior consent; if the victim is an adult, reporting without their consent is only admissible in cases where they are unable to protect themselves because of their age or state of health.

171. Civil society representatives met by GREVIO deplored the low number of reports of violence made by professionals who may have come into contact with victims. In particular, as regards violence affecting children, only 4.6% of all the calls received by the child protection helpline 119 come from professionals.⁶⁷ Similarly, a study by the National Observatory of Delinquency and Penal Responses (ONDPR) on rapes committed in Paris and recorded by law enforcement agencies in 2013 and 2014 reveals that professionals in the national education sector alert in 17% of cases, and only 6% of reports are made by doctors or other medical personnel.⁶⁸ Very few cases of suspected female genital mutilation or forced marriage are reported by professionals working in schools.

172. The obligation under Article 28 of the convention is carefully drafted to allow professionals, if they have serious reasons to believe that a serious act of violence has been committed and that further serious acts of violence are to be feared, to report it to the competent authorities without risking punishment for violating their professional obligations of confidentiality. The explanatory report explicitly states that this provision does not require professionals to report.⁶⁹ In this respect, GREVIO notes that strengthening the initial and in-service training of professionals in identifying victims of violence and the links between domestic violence and violence against children,⁷⁰ as well as guaranteeing effective legal protection against possible reprisals, would encourage reporting as a powerful tool to prevent and contain the harmful effects of violence.

⁶⁷. See Annual study on calls to the SNATED in 2016, p. 40.

⁶⁸. See Les viols commis à Paris entre 2013 et 2014 et enregistrés par les services de police, No. 3, 7 January 2016, ONDPR, p. 22.

⁶⁹. Explanatory report to the convention, paragraph 147.

⁷⁰. See considerations developed further in this report (Chapter II above) on training (Article 15 of the convention).

173. GREVIO strongly encourages the French authorities to take the necessary measures to allow reporting by professionals when they have reasonable grounds to believe that a serious act of violence falling within the scope of the Istanbul Convention has been committed and that further serious acts are to be expected, in particular by guaranteeing them adequate legal protection against the risk of possible reprisals.

V. Substantive law

174. Chapter V of the Istanbul Convention contains a series of provisions concerning substantive law, civil law and criminal law. The purpose of these provisions is to help create, in all parties to the convention, the necessary legislative framework to prevent violence against women, protect women from further victimisation and ensure the effectiveness of law-enforcement interventions and prosecutions. For reasons of priority, this section covers only part of the provisions of Chapter V of the convention.

A. Civil law

1. Civil lawsuits and remedies (Article 29)

175. As regards available remedies against state authorities that have failed in their duty to take the necessary preventive or protective measures, GREVIO notes that the relevant administrative procedure to sanction the liability of the state for misconduct applies. However, data are missing which would illustrate to what extent this means of redress is used by women victims of violence. In addition to this procedure, victims may turn to the Human Rights Defender, who deals with individual complaints concerning alleged violations of rights and freedoms by public services or an administration, including in connection with ongoing legal proceedings. Respect for the deontological norms which apply to law enforcement officials is one of the areas of competence of the Human Rights Defender: for example, women victims may lodge a complaint with the Human Rights Defender in cases where law-enforcement authorities refuse to register their complaint. However, a report by the Human Rights Defender⁷¹ illustrates a general tendency of prejudiced individuals not to take legal action against the failure of state authorities to uphold their duty to act with due diligence.

176. GREVIO invites the French authorities to take, in close collaboration with NGOs representing and defending the interests and rights of women victims of violence, measures to encourage victims to make greater use of the remedies available against state authorities who engage in reprehensible behaviour or fail to take appropriate measures in cases of violence against women. Progress in this area should be measured, including by collecting data on the number of appeals and their outcome.

2. Compensation (Article 30)

177. In France, compensation can be obtained from the perpetrator in the context of criminal proceedings. Victims may also submit a claim for compensation to the Compensation Commission for Victims of Crime (CIVI), subject to conditions tied to the victim and the nature and/or consequences for the victim of the crime suffered.⁷² When these conditions are not met, the victim may, after obtaining a final sentence, refer the matter to the Recovery Assistance Service (SARVI), which may, however, only pay the victim 30% of the sum obtained before the criminal court with a maximum of 3,000 euros, offering to assist the victim in recovering the balance from the offender. In the absence of data on the number of women victims compensated by the perpetrators of violence and/or by the CIVI/SARVI, as well as the amounts awarded and the damages compensated for them, GREVIO notes that it is impossible to evaluate the effectiveness of such schemes. Furthermore, GREVIO observes that it has not noted the existence of measures to ensure that the victim's safety is duly taken into account in the context of compensation reimbursement procedures, as required by Article 30, paragraph 2, of the convention.

⁷¹. See Annual Activity Report 2016, Human Rights Defender, p. 25.

⁷². Articles 706-3 to 706-15 of the Code of Criminal Procedure.

178. **GREVIO strongly encourages the French authorities to ensure that women victims of violence have access to effective compensation mechanisms, including adequate compensation from the state. To this end, the authorities should carry out an evaluation of the effectiveness of existing compensation mechanisms and, where appropriate, make the necessary changes, ensuring that measures are incorporated to ensure that the victim's safety is duly taken into account.**

3. Custody, visitation rights and safety (Article 31)

179. In France, there are several mechanisms to ensure that the interests and safety of the child are given priority in court decisions on parental authority and its exercise in the event of domestic violence. First, the legal provisions allow for the total or partial withdrawal of parental authority as a child-protection measure. This withdrawal may be pronounced by a criminal judge when one parent is convicted of violence committed against the other parent⁷³ or, independently of any criminal conviction, by a civil judge “when the child witnesses pressure or violence, of a physical or psychological nature, exerted by one of the parents on the other, [which] clearly endangers the child's safety, health or morality”.⁷⁴ In the event of disagreement on the exercise of parental authority, the law also allows for the exclusive exercise of parental authority to be attributed to the victim parent in view of “pressure or violence, of a physical or psychological nature, exerted by one parent on the other”.⁷⁵ Moreover, in the context of the issuance of a protection order, the civil judge is competent to rule on the modalities of the exercise of parental rights, and may assign the exclusive exercise of parental authority to the victim on a temporary basis.⁷⁶ In order to promote co-ordination between civil and criminal proceedings, it is provided further that the judge who issues a protection order because of violence likely to endanger one or more children must inform the prosecutor without delay.

180. While welcoming the development of these legislative solutions, GREVIO notes – based on its exchanges with representatives of civil society and available research⁷⁷ – that they are rarely applied, due in particular to a lack of co-ordination between civil justice and criminal justice. Thus, the withdrawal of the perpetrator's parental authority remains exceptional, even in the event of a final criminal conviction, despite the persistence of the danger to the mother and child. Apart from cases of withdrawal of parental authority, the joint exercise of parental authority, in particular in the form of alternate residence, is generally maintained, in disregard of the tendency of parents who perpetrate violence to exploit parental authority in order to maintain their control and influence over their ex-spouse and children. As for the protection order, the wide territorial disparities in its application limit *de facto* victims' access to the child-protection measures provided for in the order and, depending on the territory, the rate at which exclusive parental authority is granted to victims in the context of issuing an order remains low.

181. In addition to the fact that steps taken by victims to protect their children may remain without effect, GREVIO notes with extreme concern that protection mechanisms against violence often turn against the victims themselves and expose them to secondary victimisation by restricting the exercise of their parental rights. This risk is particularly high for some victims (particularly those victims whose situation has not yet been decided by a judge or other authority; for example, victims who have left home with their children to escape an emergency situation of violence). However, it does not spare any victims and may result in a transfer of the child's residence to the abuser or a placement of the children with social services. The risk in question reflects an under-estimation of the violence to which children are exposed; at the same time, it reflects a tendency to put into question victims' parental skills and to dismiss their word, particularly by resorting to the so-called “parental alienation

⁷³. See Articles 221-5-5 and 222-48-2 of the Criminal Code.

⁷⁴. See Article 378-1 of the Civil Code.

⁷⁵. See Article 373-2-11 of the Civil Code.

⁷⁶. See Article 515-11 of the Civil Code.

⁷⁷ See *Better protect and support child co-victims of domestic violence*, Recommendations of the working group convened by the Regional Observatory of Violence against Women, Centre Hubertine Auclert, March 2017.

syndrome”, even though the 5th inter-ministerial plan considers this syndrome to be without any medical foundation. This issue was also brought to the attention of GREVIO in many individual communications received well before the evaluation procedure, as well as in the testimony given by victims met during the evaluation visit.

182. In cases where, in the interests of the child, the judge confers the exclusive custody to the victim, the Istanbul Convention calls for special attention to be paid to the increased risks of post-separation violence in the exercise of visitation rights. In France, the existing solution for reconciling the exercise of visitation rights with the safety of the child and parent victims of violence is based on so-called mediated meeting spaces.⁷⁸ However, in addition to the fact that the availability of these spaces is variable on French territory, the existing spaces aim to organise parent child meetings in a neutral place in the event of conflictual relationships and are not equipped to deal with cases of violence. GREVIO takes note of the authorities’ intention to strengthen their action in this area, by consolidating meeting spaces and developing specific modalities on how to intervene in the event of violence.⁷⁹ It draws the authorities’ attention to the high risks to victims and children posed by maintaining contact between the victim and the aggressor on the grounds of the well-being of the child, without protection and appropriate measures.⁸⁰ In the absence of suitable arrangements, mothers may feel that the only way to protect their children from violence, and the stress and anxiety it causes, is to refuse to comply with decisions on visitation rights. In this regard, GREVIO stresses the need to seek to determine the reasons for withholding a child, so that signs of domestic violence can be taken into account at all stages of the procedure.

183. GREVIO notes with interest the so-called “measure of accompaniment under protection” which aims to prevent the father’s violence against the mother by providing for the child to be accompanied by an adult other than a family member during the exercise of visitation rights; this measure, which is being tested in Seine-Saint-Denis, could possibly be further developed throughout the territory, under the condition that a careful evaluation proves its positive impact. In situations where such facilities are not available or are deemed insufficient to ensure the safety of the mother and her children, GREVIO believes that judges should be able to deny visitation rights to the abusive parent on the basis of the serious grounds provided for in the law.⁸¹ Indeed, while GREVIO fully supports the child’s right to maintain his or her relationship with both parents, in accordance with Article 9, paragraph 3, of the United Nations Convention on the Rights of the Child, exposure to domestic violence – as a victim or witness – requires that exceptions be made in the child’s best interests. GREVIO recalls that according to figures provided by the authorities, in 2016, 25 children were killed in situations of violence between intimate partners.

184. With a view to ensuring better co-ordination between civil and criminal justice, GREVIO refers to the suggestions and proposals it has had the opportunity to make on this subject in its previous reports.⁸²

185. GREVIO welcomes the announcement made by the authorities in the context of the Grenelle on intimate partner violence that amendments will be introduced into French law to enable criminal and civil courts to suspend or adapt the exercise of parental authority in the event of intimate partner violence, for instance by lifting the right of custody and visitation and authorising the mother to take unilateral decisions, in particular in medical and school matters, while continuing to receive alimony. These amendments reflect the political will to better protect victims of violence by limiting the perpetrator’s ability to control the victim through the acts of daily life which require the joint consent of parents. In addition, the authorities have announced that the French legislative framework will

⁷⁸. Article 373-2-9, paragraph 4, of the Civil Code.

⁷⁹. Actions 59 and 61 of the inter-ministerial plan.

⁸⁰. In 2009, the Observatory of Violence against Women of the Seine-Saint-Denis Departmental Council indicated that, in half of the cases, the victims’ murders occurred during the father’s visitation.

⁸¹. Article 373-2-1 of the Civil Code.

⁸². See in particular paragraph 164 of GREVIO’s evaluation (baseline) report on Portugal, January 2019.

evolve in order to allow, in the most serious situations, i.e. in the event of voluntary homicide of one of the parents, to automatically suspend the exercise of parental authority from the beginning of the investigation. GREVIO also takes note of the publication of a new circular in May 2019,⁸³ which invites prosecutors to take into account the situation of children exposed to intimate partner violence, as soon as they are identified, and throughout the entire procedure by ordering investigative and, where appropriate, protective measures, and by systematically seeking to apply the aggravating circumstance which applies in case a child witnesses intimate partner violence.

186. GREVIO urges the French authorities to take the necessary measures to ensure that the determination of custody and visitation rights takes into account the violence to which children are exposed and the risk of continuing violence after separation, including the danger of a lethal act. To this end, it is necessary to:

- a. base policies and practices on the recognition that, in a context of domestic violence, joint parenting lends itself to being the means for the abuser to continue to maintain control and domination over the mother and her children;**
- b. include in these policies and practices the principle that it is necessary to prevent secondary victimisation of victims, by avoiding victim blaming, discrediting and/or over-emphasising their responsibilities, including by considering the placement of children in residential care or foster families only as a last resort and with great caution;**
- c. improve the application of the legal provisions on the withdrawal of parental authority from the violent parent and those on the conferment of exclusive custody to the victim, including when issuing a protection order;**
- d. continue to inform the professionals concerned, particularly those involved in the judiciary, law enforcement agencies, social services, medical, psychological and psychiatric sectors, of the absence of scientific grounds for “parental alienation syndrome”, as well as to raise public awareness on this subject;**
- e. strengthen inter-institutional co-operation and information exchange between civil courts and criminal courts;**
- f. strengthen the assessment and consideration of the dangers posed to the victim and her children when maintaining ties with the perpetrator during the exercise of visitation rights, in particular by evaluating and if appropriate, making wider use of such mechanisms as the “measure of accompaniment under protection” and by developing other similar mechanisms, as well as by applying the denial of visitation rights where there are serious grounds.**

The implementation of these measures should be supported by efforts to provide mandatory initial and in-service training on the causes and consequences on children of violence against women, the issue of secondary victimisation of children and their mothers and the improper use of the so-called parental alienation syndrome, for the professionals concerned, in particular those who may influence the determination of custody and visitation in various ways, such as judges and professionals called upon to provide expert opinions in judicial proceedings. The monitoring and evaluation of the measures taken to this end should be ensured, based on data illustrating the type of decisions on custody and visitation adopted in a context of violence and their impact on the safety of victims and their children.

⁸³ Circular on improving the treatment of domestic violence and the protection of victims of 9 May 2019.

B. Criminal law

1. Psychological violence (Article 33) and stalking (Article 34)

187. In the French Criminal Code, psychological violence is covered by a general provision (Article 222-14-3), as well as by two provisions specific to domestic violence relating respectively to moral harassment in private life between spouses, partners, cohabitants or ex-partners (Article 222-33-2-1) and harassment outside a marital relationship (Article 222-33-2-2). These provisions also make it possible to initiate criminal proceedings in the event of conduct characteristic of the “harassment” offence provided for in Article 34 of the convention. GREVIO notes with satisfaction the introduction of an offence relating to group cyberbullying under Law No.2018-703 of 3 August 2018.

188. Available data indicate that, in France, psychological violence, at least within the couple, is just as widespread as physical violence: 65% of women victims of domestic violence report having suffered physical violence and 66% report having suffered rather or very significant psychological damage.⁸⁴ Legal practitioners interviewed by GREVIO point to the difficulty of proving psychological violence, especially when it is not accompanied by physical violence. Victims encounter obstacles when filing complaints with law-enforcement authorities, who are poorly trained in this area and have difficulty assimilating this type of behaviour to violence requiring a response of the same kind as physical violence. Victims are not always referred towards UMJs and, even when they are, the assessment of psychological repercussions is not always sufficient. From a procedural point of view, medical certificates issued by UMJs based on victims’ statements alone are sometimes put into question by magistrates.

189. GREVIO strongly encourages the French authorities to ensure the effective application of all criminal provisions relating to psychological violence, by ensuring that greater efforts are made to train the various professionals who may come into contact with such victims, in particular law-enforcement authorities, doctors working in medical and legal units and judges. Progress in this area should be measured using administrative data collected by law-enforcement and judicial authorities.

2. Sexual violence, including rape (Article 36)

190. Offences relating to sexual violence are covered by the provisions of the French Criminal Code concerning rape and sexual assault (Articles 222-22 *et seq.* and Article 227-25). Since the definition of rape in 1980, the definition of sexual violence has undergone significant changes by the French legislature. Most recently, Law No. 2018-703 of 3 August 2018 introduced several innovations in this area. These include in particular the extension of the definition of rape to acts of penetration imposed on a victim but committed on the perpetrator, the extension of the statute of limitation period for rape of children from twenty to thirty years and the introduction of a new aggravating circumstance for sexual assault committed against a victim to whom a substance altering their ability to control their behaviour or discernment has been administered without their knowledge.⁸⁵

191. While welcoming these advances, GREVIO notes that the legislator has not revisited the definition of sexual assault and rape as acts necessarily qualified by the use of violence, coercion, threat or surprise. In France, the legal definition of sexual offences is therefore not explicitly based on the violation of the victim’s free and unequivocal consent. GREVIO notes that French case law is consistent in the fact that everyone has the right to refuse sexual intercourse: judges therefore place the victim’s lack of consent at the heart of the legal interpretation of the offences of sexual assault and rape and assess the victim’s lack of consent in the light of the perpetrator’s behaviour, characterised by acts of violence, coercion, threat or surprise. The current definition would, according to the

⁸⁴. See La Lettre de l’Observatoire National des Violences faites aux Femmes – Les violences au sein du couple et les violences sexuelles en France en 2017, No. 13, November 2018, MIPROF, p. 16.

⁸⁵. Article 222-24 - 15 of the Criminal Code.

authorities, allow an objective method of assessment, in the sense that it calls for deducing the absence of consent from objective elements pertaining to the perpetrator's behaviour and its effects on the victim.

192. GREVIO underlines that, in implementing Article 36 of the convention, "Parties to the convention are required to adopt criminal legislation which encompasses the notion of lack of freely given consent to any of the sexual acts listed".⁸⁶ While it is true that "the drafters ... left it to the Parties to decide on the specific wording of the legislation and the factors that they consider to preclude freely given consent",⁸⁷ the wording adopted by the French legislator places the emphasis on the elements of proof evidencing the lack of consent, to the detriment of the centrality of the absence of consent. In line with the approach taken by the convention, a definition of sexual violence based on the absence of freely given consent would, in GREVIO's opinion, make it possible to overcome the shortcomings that emerge from the current situation: on the one hand, legal uncertainty generated by fluctuating interpretations of the constituent elements of violence, coercion, threat and surprise;⁸⁸ on the other hand, the inability of such elements of proof to cover the situation of all non-consenting victims, particularly when they are in a state of shock. Above all, such a definition would make it possible to operate the necessary paradigm shift to recognise the centrality of the victim's will, and would enable France to side with those countries that have already taken this important step.⁸⁹ GREVIO's position on this matter is consistent, in line with the case law of other international human rights bodies such as the CEDAW Committee.⁹⁰ The authorities should therefore launch a thorough discussion on the issue, taking into account the concerns that currently stand in the way of such a debate, namely the fear expressed by some of placing an even greater burden of proof on the victim, and the need to uphold firmly the presumption of innocence.

193. In the context of such a discussion, the issue of sexual violence against children could be examined. Indeed, the law of 3 August 2018 renounced the essential idea which inspired the reform, namely the presumption that children under the age of 15 cannot consent to any sexual act with an adult. The legislative reform intervened only marginally on the issue, specifying the criteria already established under the case law for interpreting the notions of coercion and surprise in the case the victim is a child. In the absence of a position on the matter in the Istanbul Convention, GREVIO is not entitled to rule on the question of a minimum age below which sexual intercourse with a child would automatically give rise to an offence. However, the group notes that the current situation is unsatisfactory in that it falls within the remit of the general provisions on rape and sexual assault, the limits of which have been discussed above, and that it provides no solution to the need to protect children from sexual relations to which they cannot give their free and informed consent.

194. In addition, GREVIO is concerned about the inadequacies of the judicial treatment of sexual violence. Statistical data reveal that only 12% of women victims of rape or attempted rape report the violence, and the number of convictions represents only 1% of the estimated number of rape cases, a rate that has decreased by 40% since 2007. The low rate is largely due to deficiencies in the collection and preservation of evidence, leading to many cases being closed without further action.⁹¹ This phenomenon is reported to be particularly pronounced in cases of rape without the use of force, marital rape, rape of women with disabilities and paternal incestuous rape.⁹²

⁸⁶. Explanatory report to the convention, paragraph 193.

⁸⁷. Ibid.

⁸⁸. See Opinion for a just societal and judicial condemnation of rape and other sexual assaults, HCE, 5 October 2016.

⁸⁹. See p. 24 of the Opinion "Combating sexual violence: a social and public health emergency, a challenge for fundamental rights", National Consultative Commission on Human Rights, 20 November 2018.

⁹⁰. See General Recommendation No. 35 on gender-based violence against women, updating General Recommendation No. 19, 2017.

⁹¹. See La Lettre de l'Observatoire National des Violences faites aux Femmes — Les violences au sein du couple et les violences sexuelles en France en 2017, No. 13, November 2018, MIPROF.

⁹². See Impact of sexual violence from childhood to adulthood - Denial of protection, recognition and care: national survey of victims, March 2015, Association Mémoire Traumatique et Victimologie, p. 16.

195. In addition, many instances of rapes (about 70 to 80% of complaints, according to the joint shadow report) escape conviction as such because of the so-called judicial practice of “correctionnalisation”.⁹³ This practice makes it possible to reclassify the crime of rape as a sexual assault offence and to try it before a criminal court instead of the court of assize, provided that the victim does not object. The practice mainly concerns marital rape and rape of women in prostitution. “Correctionnalisation” has serious procedural consequences, such as a reduction in the statute of limitation period, the hearing periods, the amount of damages attributable and the quantum of the sentence. It is often suggested for reasons of expediency, due to the shorter time limits and greater chances of obtaining a conviction before a criminal court composed solely of professional judges. GREVIO is particularly concerned about such a practice, which minimises the seriousness of rape and places the burden of the dysfunction of the system upon the victims, in denial of their rights. It also stresses that only a comprehensive approach to sexual violence, one which addresses the inefficiencies of their judicial treatment while at the same time aiming to improve support and assistance to victims during the filing of complaints and investigations, will make it possible to effectively combat the “culture of rape”. The importance of such an approach was well illustrated in the information report on rape submitted to the National Assembly in February 2018 on behalf of the Delegation for Women’s Rights and Equal Opportunities for Women and Men.⁹⁴

196. **GREVIO urges the French authorities to review their legislation and judicial practices, in particular the current practice of “correctionnalisation” regarding sexual violence, including sexual violence against children, in order to:**

- a. **base the definition of sexual violence on the absence of the victim’s freely given consent, in accordance with Article 36, paragraph 1, of the Istanbul Convention; and**
- b. **ensure an effective judicial response to sexual violence, focusing on the respect for the human rights of victims and appropriate assistance and support for victims.**

3. Forced marriage (Article 37)

197. Article 222-14-4 of the Criminal Code was introduced in 2013 to transpose into French law Article 37, paragraph 2, of the convention, which provides for the obligation to establish as a criminal offence the intentional conduct of “luring an adult or a child to the territory of Party or State other than the one she or he resides in with the purpose of forcing him or her to enter into a marriage”. The conduct provided for in paragraph 1 of this article, consisting in “forcing an adult or child to enter into a marriage”, may give rise to an aggravating circumstance for certain offences (such as violence or abduction), but is not established as an autonomous criminal offence. The evaluation procedure did not make it possible to verify that the existing criminal provisions are sufficient to address this behaviour, in particular in the common form in which it occurs, namely forced sending abroad. GREVIO notes in this respect that the applicability of offences such as sexual assault, rape, kidnapping and sequestration do not suffice to meet the requirements of the convention, as it has had occasion to stress in its previous evaluation reports.

198. GREVIO notes with satisfaction the measures taken by the authorities to prevent and combat the phenomenon of forced marriages through an integrated approach. In addition to the recent amendments to the Civil Code, such as the introduction of matrimonial intent as a condition for the validity of marriage (Article 202-1) and the extension of the limitation periods for bringing proceedings for the annulment of marriage (Articles 180 *et seq.*), GREVIO particularly welcomes the provisions of the protection order that prevent a person who fears being married by force abroad from leaving the country and the consular assistance measures to encourage the return of victims to the national territory. In addition, the 5th inter-ministerial plan devotes an entire objective (25) to the prevention of this serious violation of individual freedom. However, in view of the obstacles that persist in

⁹³. See joint shadow report submitted to GREVIO, 2018, p. 51.

⁹⁴. See www.assemblee-nationale.fr/15/rap-info/i0721.asp.

implementing such mechanisms, it is necessary to continue to reflect on more appropriate strategies to combat this form of violence, particularly with regard to the issues of international law that it raises, in close collaboration with specialist associations in the field.⁹⁵

199. GREVIO strongly encourages the French authorities to criminalise the forcing of a person to enter into a marriage, in accordance with Article 37, paragraph 1, of the convention, ensuring that this measure is part of a comprehensive strategy to strengthen the prevention of this form of violence. The first step towards this aim should be to analyse statistical data relating to criminal charges, indictments and convictions and the case-law on the implementation of the current criminal law provisions that are used in judicial practice.

4. Forced abortion and forced sterilisation (Article 39)

200. In France, forced sterilisation is a criminal offence under Articles 222-9 and 212-1 of the Criminal Code. Nevertheless, Article L.2123-2 of the Public Health Code authorises, under certain conditions, the contraceptive sterilisation of individuals with mental disabilities. The application of this provision has also been the subject of an application to the European Court of Human Rights, which has been ruled inadmissible.⁹⁶

201. GREVIO takes note of the precautionary measures surrounding the application of the aforementioned provision, which aim on the one hand, to ensure that the person concerned receives information appropriate to his or her level of understanding and on the other hand, that his or her consent is systematically sought if he or she is able to express his or her wishes, or failing that, that he or she is heard by the guardianship judge. While noting that this mechanism was designed with a public health objective, GREVIO is sensitive to the risk it poses in terms of a possible violation of human rights and stresses the importance of ensuring that the existing safeguard mechanisms are applied with due diligence, in accordance with the standards established by the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine (ETS No. 164).⁹⁷

202. GREVIO encourages the French authorities to ensure that the provisions on contraceptive sterilisation of women with mental disabilities are applied in accordance with the requirements of Article 39 of the convention concerning the prior and informed consent of the person concerned.

5. Sexual harassment (Article 40)

203. From the outset, GREVIO welcomes the amendments made to the definition of the criminal offence of sexual harassment by the law of 3 August 2018, which make it possible to cover a wider spectrum of behaviour: in the first place, in addition to verbal and non-verbal conducts of a sexual nature, those of a sexist nature are now covered (Article 222-33-1); in order to encompass acts of harassment committed on social networks (“digital raids”), the definition has also been extended to verbal and non-verbal conducts imposed on the same victim by a plurality of individuals, acting either in isolation one from the other or together, even without repetition (Articles 222-33-1-1 and 222-33-1-2 of the Criminal Code). In addition, the new law also introduced the offence of “sexist insult” (Article 621-1 of the Criminal Code), which is distinct from sexual harassment, by removing the requirement of repetition of the facts, thus making it possible to punish an isolated conduct. GREVIO welcomes this innovation, while stressing the risk that it may in practice lead to the reclassification of acts of sexual harassment, which are criminalised as an offence, in acts of “sexist contempt”, which are punished as a minor offence. GREVIO also notes the existence, since 2016, of a dedicated offence,

⁹⁵. The joint shadow report submitted to GREVIO calls for the creation of an expert group to this end.

⁹⁶. *Gauer v. France*, European Court of Human Rights, 23 October 2012.

⁹⁷. Explanatory report of the convention, paragraph 205.

namely that of “revenge porn” (Article 226-2-1 of the Criminal Code), to prosecute harassment committed on the Internet.

204. Sexual harassment to which women may be exposed at work is defined in Article 1153-1 of the Labour Code. GREVIO notes the various measures taken by the authorities to respond to this form of violence with a holistic and co-ordinated approach, at the initiative of the CSEP, whose quality of work GREVIO was able to assess during the evaluation procedure.⁹⁸ In the field of public employment, GREVIO was also able to note the voluntarism deployed in this area in certain sectors of the public administration, in particular with regard to the range of measures put in place by the Ministries of Culture, the Ministry of Transport and the Ministry of the Armed Forces.⁹⁹

205. Despite these efforts, the results of a recent survey on sexual harassment at work¹⁰⁰ show that this problem is not widely recognised and that reporting to the courts and/or the employer is infrequent (almost 30% of working women victims do not tell anyone about the violence and only 5% of cases of sexual harassment are brought to a court). These data should support a thorough reflection on how to improve access to legal remedies, including strengthening measures to support victims and removing procedural obstacles. At the same time, given that all forms of violence against women constitute a gender-based discrimination, consideration should be given to the advisability of extending, in labour law, the reversal of the burden of proof provided for in Law No. 2008-496 of 27 May 2008 containing various provisions for implementing EU law in the field of combating discrimination.¹⁰¹

206. GREVIO strongly encourages the French authorities to take all necessary measures to ensure the effective implementation of criminal and civil measures to combat sexual harassment, including appropriate support and protection measures for victims.

6. Aggravating circumstances (Article 46)

207. GREVIO notes with satisfaction that French legislation on aggravating circumstances has made several advances – the most recent being the law of 3 August 2018 – so that most of the circumstances listed in Article 46 of the Istanbul Convention can be taken into account when determining sentences for offences covered by the convention. Nevertheless, GREVIO notes that in relation to rape, the repetition of the offence or of related offences (Article 46, paragraph b) may only partially be taken into consideration under certain conditions, namely in case of a plurality of victims¹⁰² and the psychological harm for the victim (Article 46, paragraph h) may not be taken into account in determining the quantum of the sentence.

208. The aggravating circumstances applicable to female genital mutilation are provided for in Article 222-10 of the Criminal Code, which does not, however, contemplate the aggravating circumstance described in Article 46, paragraph b, of the convention relating to offences, including related offences, committed repeatedly.

209. Regarding the aggravating circumstance applicable when the offence was committed against or in the presence of a child (Article 46, paragraph d), GREVIO welcomes the amendments made by the law of 3 August 2018, while noting the persistent deviations from the standard required by the convention. Indeed, the said circumstance should be applicable to all forms of violence falling within the scope of the convention, whereas under French law it does not apply to certain offences, such as

⁹⁸. An overview of these measures is provided as part of this report’s analysis of the implementation of Article 17 in France.

⁹⁹. See Information Report on Women and the Armed Forces, 18 October 2018, on behalf of the Delegation for Women’s Rights and Equal Opportunities between Men and Women.

¹⁰⁰. Survey carried out in March 2014 by the FIFG on behalf of the Human Rights Defender.

¹⁰¹. See “Opinion for the attention of the Committee on the Elimination of Discrimination against Women”, June 2016, Human Rights Defender, p. 3.

¹⁰². See Article 222-24, paragraph 10, of the Criminal Code.

murder and threats. The circumstance should also apply regardless of the relationship between the victim and the perpetrator, but this is not the case for a number of offences, namely violence defined in Articles 222-7, 222-9, 222-11 and 222-13 of the Criminal Code, for which the law specifies that the acts must be committed “by the victim’s spouse or partner or the partner linked to the victim by a civil solidarity agreement”.

210. GREVIO strongly encourages the French authorities to fill the remaining gaps in their criminal legislation, so that all the circumstances described in Article 46 of the convention can be taken into account as aggravating circumstances when determining sentences relating to all forms of violence covered by the convention.

7. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

211. Under French law, criminal mediation is always based on an agreement between the victim and the offender. It is also excluded in cases of domestic violence, unless the victim expressly requests it,¹⁰³ and cannot take place if further violence is committed. In addition, a circular of 4 October 2010 establishes the principle of the presumption of non-consent to criminal mediation in the event of a referral to the family court for a protection order. Legal practitioners have reported to GREVIO that, in practice, the victim is rarely the initiator of a mediation request because it is usually proposed by the magistrates. In such circumstances, the risk is that a victim’s acceptance of mediation may conceal her inability or reluctance to refuse, for fear of future violence or retaliation by the perpetrator. This risk is all the higher when the legal professionals concerned, and in particular judges and mediators, are not trained in the dynamics and risks of violence against women and its impact on children. In this regard, GREVIO recalls that unequal power relations between victims and perpetrators of violence can influence the victim’s ability to voluntarily consent to mediation and expose her to secondary victimisation. This danger is at the root of the practice of some courts to prohibit criminal mediation in cases of domestic violence in any event.

212. GREVIO strongly encourages the French authorities to take all necessary measures to ensure that the use of criminal mediation in cases of violence against women is based on full respect for the rights, needs and safety of victims. Such measures should ensure that:

- a. women victims of violence to whom criminal mediation is offered are informed of their rights in such a procedure, in particular with regard to the non-mandatory nature of mediation;**
- b. mediation is only offered/applied to women victims of violence who can freely decide whether or not to accept the procedure;**
- c. judges, mediators and legal professionals involved in the decision to use mediation and in its implementation are trained in the issues of violence against women and the risks that victims may face in mediation.**

213. Various provisions regulate, in French law, the use of family mediation in situations of domestic violence. They all reflect, to different degrees, the legislator’s position that great caution should be exercised in these situations. However, the wording used differs: (1) under Article 373-2-10 of the Civil Code, a family court judge may not *oblige* parents to meet with a mediator in a situation of domestic violence, but may *propose* it to them; (2) Article 255-1° of the Civil Code provides that the family court judge always has the possibility to *order* the spouses to meet with a mediator in order to explain to them the purpose and procedure of the mediation measure, with no exception foreseen in the event of violence within the couple; (3) Article 7 of the 21st century law on the modernisation of justice, which introduces mandatory preliminary mediation, provides for a ban on mediation in all cases of violence by one parent against the other or against the child.

¹⁰³. Article 41-1 of the Code of Criminal Procedure.

214. At the outset, GREVIO wishes to stress that any configuration of the family mediation procedure that entails any obligation for the parties to participate in it raises a question of compatibility with Article 48, paragraph 1 of the convention, which prohibits any mandatory alternative dispute resolution process. In addition, GREVIO believes the differences in the wording in French law do not reflect a clear position of the legislator and are likely to generate considerable legal uncertainty. GREVIO recalls that the good practices developed in France in this field do not lend themselves to ambiguity: “If family mediation remains a tool mobilised with the aim of improving relations between spouses, it is necessary to prohibit and prevent the use of this tool in the face of a situation of domestic violence in a couple where relations are by definition asymmetric As soon as a woman declares herself a victim of domestic violence (or if there is a presumption of domestic violence), mediation should be set aside in favour of appropriate support and protection”.¹⁰⁴ Indeed, the marital relationship in situations of violence is deeply rooted in an unequal structure of domination; it is therefore essential not to confuse violence with situations of marital conflict, and therefore not to set up measures of accompaniment that presuppose the equality of parents.¹⁰⁵

215. GREVIO would also like to stress that, for a ban of mediation in cases of violence to be effective, the professionals concerned (magistrates, mediators) should actively seek evidence of domestic violence. Indeed, a procedure that places the onus on the victim to report incidents of domestic violence does not give due account to the victim’s reluctance to talk, whether for fear of not being believed, of losing custody of her children or of being subjected to further violence.

216. Beyond the limits of laws regulating access to mediation through a judge, attention should be paid to situations where couples settle issues arising from a separation and/or divorce – including those relating to child custody – without the intervention of a judge. This is the case for parents who meet with a mediator without any injunction/proposal from a judge. This is also the case for couples who settle divorce issues by mutual consent, in accordance with the law of 18 November 2016, which is silent on the issue of violence. Such situations reduce the chances of detecting situations of domestic violence and the probabilities of taking them into account in settling the divorce and the exercise of parental authority; they therefore carry the risk of accentuating the imbalances between the spouses and exposing the victims and their children to more violence.¹⁰⁶

217. **GREVIO strongly encourages the French authorities to:**

- a. **harmonise the legislative provisions applicable to family mediation in situations of violence, taking into account the prohibition laid down in Article 48 of mandatory alternative dispute resolution processes and the good practices developed, which call for a distinction to be made between situations of conflict and violence in the couple;**
- b. **introduce measures calling for the systematic detection of domestic violence by the professionals involved in implementing family mediation, in particular family judges, mediators and lawyers, and support the application of these measures through training efforts.**

GREVIO invites the authorities to introduce measures to safeguard the rights and interests of victims of violence and their children in the context of divorce by mutual consent.

¹⁰⁴. See *Better protect and support child co-victims of domestic violence*, Recommendations of the working group convened by the Regional Observatory of Violence against Women (ORVF), Centre Hubertine Auclert, March 2017, p. 38.

¹⁰⁵. Ibid.

¹⁰⁶. See the joint shadow report, 2018, p. 45.

VI. Investigations, prosecutions, procedural law and protective measures

218. For perpetrators of all forms of violence against women to take full responsibility for their actions, the law-enforcement and criminal-justice authorities must respond adequately to these cases. Chapter VI of the Istanbul Convention lists a set of measures to ensure that the various forms of violence covered by the convention are investigated, and the perpetrators prosecuted and convicted.

A. General obligations (Article 49)

219. As a preliminary remark, GREVIO notes that the available statistics reveal that the overall reporting rates remain very low. Data for 2017¹⁰⁷ indicate that, of 219,000 adult women who were victims of physical and/or sexual violence at the hands of their spouses or ex-spouses, less than one in five victims reported having filed a complaint and almost half had not made any contact with a professional or an NGO. The rate of complaints in cases of sexual violence is even lower since, according to the same data, only one in ten adult victims reported having filed a complaint. Nevertheless, these statistics show that more and more victims are speaking out, in line with a general trend at the international and national levels. Thus, since October 2017 and the beginning of the #MeToo movement, the total number of victims of sexual violence (rape, sexual assault and sexual harassment of children and adults) recorded over a year by law-enforcement agencies increased by 23%. A similar trend is noticeable at the level of NGOs providing counselling and support for victims: for example, at the beginning of 2018, the AVFT – the organisation specialised in sexual violence at work – reported that the number of requests it had received between 2015 and 2017 had doubled.

220. These rising figures raise the question of the necessary means to further encourage victims and effectively respond to these increasing reporting levels, both at the level of NGOs that support victims during judicial proceedings and at the level of the services responsible for investigations and prosecutions. During its evaluation, GREVIO noted that insufficient resources are cited on numerous occasions to explain the inadequacy of the institutional response to violence, whether it is the lack of specialised personnel and appropriate equipment in the police and gendarmerie, or the rather long time taken to process cases before the courts.¹⁰⁸ In this respect, GREVIO notes with interest the announcement made by the authorities in the context of the Grenelle on intimate partner violence that in order to speed up the proceedings in cases of intimate partner violence, specialised prosecutors will be designated in the 172 courts in France and Overseas and that emergency chambers will be tested on an experimental basis, with a view to ensuring that cases are processed within two weeks and improving co-operation between the various judicial actors.

221. Apart from the issue of resources, the insufficient training of professionals involved in the various stages of investigations and prosecutions also raises an issue. Despite the undeniable efforts made to professionalise law-enforcement authorities' interactions with victims, GREVIO notes that the lack of knowledge of existing measures, as well as prejudices and discriminatory attitudes deriving from a patriarchal culture, continue to place obstacles in the victims' path. These various elements minimise victims' account of violence, hinder recognition of the seriousness and specificity of the violence and prevent the full application of the provisions and measures intended to protect victims and offer them remedial action. As highlighted in Article 49, paragraph 2, of the convention, it is essential that investigations and proceedings be conducted in conformity with the fundamental

¹⁰⁷. See La Lettre de l'Observatoire National des Violences faites aux Femmes – Les violences au sein du couple et les violences sexuelles en France en 2017, No. 13, November 2018, MIPROF, pp. 6, 15.

¹⁰⁸. For example, in the case of domestic sexual violence, in 2015 the average duration of proceedings between the date of the events and the referral to the competent courts was 60 months for rape cases and more than 20 months for other sexual violence. Source: Le traitement judiciaire des violences conjugales en 2015-Info Stat n°159, Statistical Information Bulletin, February 2018, Ministry of Justice.

principles of human rights and having regard to the gender-based understanding of violence against women.

222. In the light of these challenges, GREVIO stresses the importance of taking an approach that makes full use of existing structures and mechanisms and aims at using them more effectively, rather than creating new ones, which may raise an issue of dispersion of resources and undermine the coherence of the overall response.¹⁰⁹ GREVIO refers in this regard to the various measures taken and/or announced to encourage victims to lodge complaints, which the Delegation for Women's Rights in the Senate commented in the following terms: "while the resources of organisations are tightly calculated, it is surprising to note the multiplication of several fairly similar mechanisms, whose mission is not always easy to identify".¹¹⁰ According to GREVIO, involving closely existing victim support organisations and tapping into their expertise, including for the purpose of the continuous training of the professionals concerned, should be encouraged. The effectiveness of specialist organisations' interventions to increase reporting rates is proven. In cases of sexual violence, one third of the victims supported by the Feminist Organisation Against Rape alert the police after disclosing the violence to the national telephone helpline run by this organisation; this rate is three times higher than the average.

223. GREVIO strongly encourages the French authorities to continue to encourage women victims to report the violence. To this end, the authorities should, in close co-operation with specialist organisations, pursue their efforts to ensure that investigations and prosecutions in cases of violence are effective, undertaken without undue delay, based on a gendered understanding of all the various forms of violence covered by the Istanbul Convention and mindful of the need to respect victims' human rights.

B. Immediate response, prevention and protection (Article 50)

1. Collection of evidence

224. Several advances are to be welcomed in terms of measures taken by law-enforcement agencies to improve the way they relate to victims and thus make it easier for them to speak. These measures include the appointment in police stations and gendarmerie units of specially trained focal points for violence against women, and the creation since 2009 of specialised units (the "Family Protection Brigades") exclusively dedicated to the care of victims of domestic violence. In addition, the assignment in police stations and gendarmeries of social workers who guide victims and make their social diagnosis contributes to the quality of their support. Another step forward is the conclusion in 2013 of the "complaint" protocol between the Ministries of the Interior, the Ministry of Justice and the Ministry of Women's Rights. This protocol aims, on the one hand, to systematise the information given to victims and, on the other hand, to make the services in charge of recording complaints more accountable, by authorising alternatives to the filing a complaint¹¹¹ only if the victim objects to it in the absence of a serious offence. Finally, an online reporting platform was launched in November 2018 by the Ministry of the Interior to help victims of sexual and gender-based violence to take the step of filing a complaint.

225. However, despite these efforts, women victims of violence may still be handled poorly in police stations and gendarmerie offices, and face a reluctance or even a refusal to take their complaint. A recent survey revealed a 6% refusal rate in the sample taken and listed the various reasons given:

¹⁰⁹. It is specified that GREVIO does not intend here to take a position on the issue, which falls outside the scope of its competence, of the creation of specialised courts for violence against women. This issue is raised on page 48 of the joint shadow report.

¹¹⁰. See Information Report No. 564 (2017-18) by Laurence Cohen, Nicole Durantou, Loïc Hervé, Françoise Laborde, Noëlle Rauscent and Laurence Rossignol, on behalf of the Delegation for Women's Rights, 12 June 2018.

¹¹¹. Namely recording the report of the violence in the crime log and notifying the crime to the judicial authority.

denial of the criminal qualification of the facts, lack of a medical certificate or evidence, lack of human resources, questioning the victim's testimony and mental health, or even bias towards the aggressor or justification of the violence.¹¹² Such arguments against victims keep victims in the vicious circle of violence, in addition to ignoring their unconditional right to file a complaint.¹¹³ The conditions for hearing victims may also create an extra burden for them in cases where police stations and gendarmerie services do not have suitable premises ensuring anonymity and confidentiality.

226. GREVIO takes note of the measures taken by the authorities to improve the quality of investigations and the responsiveness of investigators, particularly in cases of domestic violence. Mention is to be made in this regard of the circular of 24 November 2014 calling on prosecutorial offices to develop practices to prevent and detect domestic violence. However, the legal professionals consulted by GREVIO during the evaluation reported that this circular is unevenly applied and that the issue of the collection of evidence by law-enforcement agencies and prosecutors remains problematic. Of the various elements which emerged from the evaluation, GREVIO notes a tendency to continue to rely excessively on the victims to obtain evidence of the violence. GREVIO emphasises in this respect that a proactive approach by law enforcement officials to gather evidence during initial investigations is an essential condition to increase the likelihood that prosecuting authorities will decide to open a judicial investigation. In addition, it is essential to have evidence to allow *ex officio* prosecution, i.e. without needing a complaint from the victim, as required by the convention for the categories of offences listed in its Article 55. In view of the excessive tendency to expect victims to file a complaint, other sources of evidence should be systematically tapped into, such as recording any injury, however slight, photographing the crime scene, interviewing neighbours and other witnesses, and hearing the victim and the perpetrator in an impartial and independent manner. The closing of cases of violence for lack of evidence should, in principle, only be envisaged following efforts of this kind by the investigation and prosecution services.

227. During the process of collecting evidence, GREVIO also notes a possible margin for improvement regarding the medical certificates issued by forensic doctors to establish the victim's total incapacity for work (ITT). Indeed, the health professionals concerned do not always value their importance for the purposes of the ensuing judicial proceedings, where the ITT contributes to the criminal qualification of the facts and thus determines the direction of the proceedings.¹¹⁴ Victims' support organisations also deplore the insufficient consideration of psychological harm in determining the ITT, as well as the lack of uniform practices in issuing a medical certificate to the victim. Recent research in this area, supported by the Ministry of Justice, shows that almost 75% of certificates issued to victims do not report any ITT.¹¹⁵ Sustained training efforts are therefore still desirable in this area, based on the standard medical certificate that MIPROF has developed in collaboration with the Order of Physicians.

228. GREVIO notes with interest that the recent circular of 9 May 2019 aims precisely at improving the handling by the judiciary of cases of intimate partner violence and the protection of victims. This circular now makes it possible for the filing of complaints and the victim's forensic examination to take place in one single location, and has been designed to build victims' confidence, limit the trauma of filing a complaint and facilitate the disclosure of the violence. The circular also recommends strengthening the provision of information to victims and recalls the investigative acts which are essential to uncovering the truth, in order to avoid cases being closed without further action. GREVIO also notes that in order to facilitate the collection of evidence in the event of a deferred complaint from the victim, an inter-ministerial mission led by the Ministry of Health and the Ministry of Justice has been appointed to propose a model protocol of good practices.

¹¹². See "Survey on refusals to register complaints of domestic violence", March 2018, National network on women solidarity.

¹¹³. In France, all complaints must be registered, in accordance with Article 15-3 of the Code of Criminal Procedure.

¹¹⁴. See the report *Combating violence against women, from the most visible to the most insidious*, Economic, Social and Environmental Council (EESC), November 2014, p. 78.

¹¹⁵. See the University of Strasbourg research report *Les violences conjugales - Bilan des dispositifs et propositions d'amélioration*, February 2016, p. 37.

229. **GREVIO strongly encourages the French authorities to take additional measures to:**
- a. **continue to develop, including through training, a non-stereotypical understanding of violence against women by law-enforcement authorities;**
 - b. **ensure adequate reception of victims by law-enforcement authorities, in particular by putting an end to the procedural difficulties encountered by victims when lodging complaints and by having appropriate premises for this purpose;**
 - c. **improve the responsiveness of investigations and the quality of the collection of evidence, including medical certificates, irrespective of the victim's willingness to lodge a complaint, in particular with a view to ensuring the effective implementation of the principle of *ex officio* initiation of judicial proceedings, in accordance with Article 55 of the convention.**

2. Conviction rates

230. Available statistical data¹¹⁶ indicate that, in 2017, 16,829 male perpetrators were convicted of domestic violence, while the number of victims registered by law enforcement authorities was 98,570. These figures reveal that only 17% of cases of domestic violence reported to law-enforcement authorities have resulted in a conviction. The conviction rate is slightly lower for sexual violence, at around 16% of cases reported to law enforcement. Although convictions for rape and sexual assault decreased by 40% and 20% respectively between 2007 and 2016, sexual harassment increased by 220%. GREVIO notes that these statistical figures confirm a general trend of low conviction rates, with the exception of sexual harassment, where rates have increased as a result of the #MeToo campaign. The inadequacies of the criminal response to sexual violence, particularly as regard the so-called practice of "correctionnalisation", are analysed in Chapter V of this report, in connection with the analysis of the implementation in France of the provisions of Article 36 of the convention. In this context, GREVIO recalls the obligation defined in Article 11, paragraph 1b of the convention to support research in order to pursue further knowledge of the root causes and effects of violence, incidences and conviction rates and the efficiency of measures taken in implementation of the Convention¹¹⁷. Data quoted above indicate a need to carefully analyse the effectiveness of judicial response to violence.

231. There is therefore a considerable gap between the cases recorded by the law-enforcement agencies and the cases punished by courts. Having said this, GREVIO notes encouraging signs of progress: according to information provided by the authorities, in addition to the fact that the number of prosecutable cases of intimate partner violence has increased significantly between 2012 and 2018, the prosecution rate increased from 48.7% in 2012 to 53% in 2018.

232. Although the criminal court response is certainly not the only response in these cases, prosecutions and penalties are essential components of the protection of women. Without this process of holding perpetrators accountable, there is a high risk that violence will continue to be perpetrated against the same or another victim. This situation is likely to create a climate of impunity for perpetrators and insecurity for victims.

¹¹⁶. See "La Lettre de l'Observatoire National des Violences faites aux Femmes – Les violences au sein du couple et les violences sexuelles en France en 2017", No. 13, November 2018, MIPROF.

¹¹⁷ Explanatory report to the convention, paragraph 77.

233. GREVIO urges the French authorities to:

- a. review administrative/judicial statistics, the relevant case-law and available research analyses in order to identify whether shortcomings in the chain law enforcement/prosecution – courts have contributed to low conviction rates;**
- b. take the necessary measures to ensure that the perpetrators of all forms of violence covered by the convention are held accountable and that justice is done without undue delay.**

C. Risk assessment and risk management (Article 51)

234. As soon as a complaint is filed, victims can be subject to an initial and in-depth personalised assessment process (EVVI) to determine whether they need specific protection measures during the criminal proceedings.¹¹⁸ The modalities of this assessment are set out in Decree No. 2016-214 of 26 February 2016 on the rights of victims, which stipulates that a preliminary assessment of the situation is carried out by the police officer who conducts the hearing of the victim. Social workers and psychologists from the police or gendarmerie may also be involved in this phase. The results of this personalised assessment must be communicated to the judicial authority, which may then decide on a thorough assessment of the victim's protection needs. This assessment will then be carried out by a victim support association mandated by the magistrate.

235. From the outset, GREVIO notes that the application of the EVVI process is limited to cases where the victim lodges a complaint and it mainly concerns law-enforcement agencies, whereas the objective of Article 51 is that all competent authorities that may come into contact with victims, whether from a law-enforcement agency or not, effectively assess the risks to the victim's safety on a case-by-case basis.¹¹⁹ In addition, the protective measures applicable as a result of this process appear to be limited: they may consist of adjustments to criminal procedure (e.g., hearing the victim in suitable facilities) or even offering psychosocial support to the victim. However, the EVVI process does not seem to be designed to assess the appropriateness of resorting to other existing measures of protection, such as protection orders which law-enforcement officials rarely propose for adoption to judges. Nor does it appear to allow an assessment of the risks posed by the possible possession of firearms by perpetrators. Moreover, in the absence of statistics, it is not possible to verify their systematic application within a standardised procedure and within interdepartmental co-operation and co-ordination. GREVIO notes to this effect that the issue of risk assessment and management is only marginally addressed in the hearing methods used by law-enforcement authorities.¹²⁰ In view of these observations, GREVIO welcomes the indication that a shared risk assessment grid is being developed to enable law-enforcement authorities to better identify women at risk.

236. GREVIO notes with satisfaction that an inspection was commissioned in June 2019 to examine all domestic homicide cases committed in 2015 and 2016, and for which a final judgement was reached, with a view to establishing a feedback method on all domestic homicide cases, including ongoing cases. GREVIO underlines the value of retrospective analyses of homicides due to domestic violence as a working method for identifying possible structural gaps in the institutional response to violence. These analyses include whether a thorough risk assessment had been carried out repeatedly and a co-ordinated security plan had been established, whether appropriate measures had been applied to protect victims of further violence, whether victims had benefited from or had requested the benefit of a protection order, whether such an order had been breached and what the results of the investigations and prosecutions had been. GREVIO wishes to refer in this connection to the proposal of the Special Rapporteur on violence against women, its causes and consequences, to

¹¹⁸. Article 10-5 of the Code of Criminal Procedure.

¹¹⁹. Explanatory report to the convention, paragraph 260.

¹²⁰. See the "ANNA" training kit.

establish a monitoring mechanism for gender-based femicide or murder, in order to analyse the available data in this area and suggest concrete measures to prevent such crimes.¹²¹

237. GREVIO urges the French authorities to further develop risk-assessment and management methods and their systematic use by all competent authorities, while ensuring that they are part of an inter-institutional co-operation and co-ordination mechanism and that their application is not conditional on the lodging of a complaint by the victim.

D. Emergency barring orders and restraining or protection orders (Articles 52 and 53)

238. In France, the protection order is governed by Articles 515-9 to 515-13 of the Civil Code; it applies in situations of violence within the couple and of forced marriage, and falls within the competence of the family court, which issues it when “there are serious reasons to consider as likely the commission of the alleged acts of violence and the danger to which the victim or one or more children are exposed”. The protection order makes it possible to implement, without waiting for a complaint to be lodged, various urgent measures, such as removing the perpetrator from the family home, or prohibiting him from contacting the victim and/or his children. Compared to the figures on cases of violence recorded by law-enforcement authorities and/or resulting in a criminal response, the available data show that this is a very little used mechanism. For example, in 2017, out of 3,031 applications for protection orders in cases of violence within the couple that were settled, only 1,396 (59%) were accepted, in whole or in part.¹²²

239. The GREVIO evaluation found that this system has many weaknesses, which could help explain why it is rarely used, and even less frequently granted. In addition to the fact that the protection order does not apply to all forms of violence, contrary to the provisions of Article 53 of the convention, the conditions of its application make it difficult for victims to access protection, and their assessment varies considerably from one court to another. First, regarding the condition of the “likelihood” of the alleged violence, it implies that it is not enough for a victim to allege violence and that she must provide proof of it. Many courts require the prior filing of a complaint and/or the production of a medical certificate for this purpose, even though there is no legal provision in French law to that effect. Moreover, the notion of likelihood does not favour the consideration of psychological or verbal violence which, if not carried out in the presence of witnesses or recorded, leaves few traces.¹²³

240. As for the eligibility criterion of “danger”, its assessment leads judges to make a distinction between the fact of having been subjected to violence in the past and the fact of continuing to be exposed to the risk of violence at the time of the hearing. In practice, this condition results in establishing a hierarchy of violence: magistrates tend to take into consideration only violence deemed to be serious and/or repeated, and conversely, to reduce the seriousness of single acts of violence. The assessment of violence on a danger scale also leads most judges to minimise the psychological repercussions of repeated exposure to control, denigration or harassment.¹²⁴ In addition, when victims have left the marital home to seek shelter, they may be considered out of danger. This assessment ignores the fact that domestic violence does not necessarily disappear when the couple ceases to live together; moreover, it can push victims not to break away from the violent perpetrator and thus to expose themselves to the risk of repeated violence, to increase their chances of obtaining a protection order.

¹²¹. Report to the United Nations General Assembly A/71/398, September 2016.

¹²². See La Lettre de l'Observatoire National des Violences faites aux Femmes — Les violences au sein du couple et les violences sexuelles en France en 2017, No. 13, November 2018, MIPROF, p. 12.

¹²³. See Solenne Jouanneau and Anna Matteoli, “Family justice perspective on couple violence: invention and implementation of the protection order”, *Law and Society*, Vol. 99, 2018, p. 314.

¹²⁴. *Ibid.*, p. 316.

241. Other factors that may contribute to the refusal of a protection order are the misconceptions and practices of family court judges. These include their fear that victims may use the procedure to benefit from rights that they would not obtain in other proceedings, as well as their use of the notion of “conflict” in cases where violence is perceived not to be significant enough to justify an order.¹²⁵

242. The evaluation procedure led to the identification of further shortcomings in the procedure for issuing protection orders: the average time limits for their adoption, which may exceed one or even two months, make them unsuitable for immediate protection in situations of emergency, in particular for the situations referred to in Article 52 of the convention.¹²⁶ In addition, since the conditions for extending the order are limited to the filing of a petition for divorce, separation or the settlement of custody and visitation rights, they cannot benefit unmarried victims who have no children.

243. Finally, the effective application of protection orders in France is undermined where it is not (or only partly) underpinned by a partnership work, either ahead of, or following their issuance by family judges. An example brought to the attention of GREVIO during the evaluation procedure concerns cases where because of the lack of co-ordination between judicial services and schools, the abusive parent can discover the victim’s address, despite the existence of a protection order concealing her address. The research conducted in 2016 which is mentioned earlier in this report also emphasised the need to improve the flow of information between all the actors concerned to enhance the effectiveness of protection orders and puts forward interesting proposals to this end.¹²⁷

244. Since 2014, it has been possible to grant the enforcement of a protection order via a “high danger telephone” (TGD), which is a remote protection device allowing the victim to alert the public authorities in case of danger, 7 days a week/24 hours a day. The TGD is progressively becoming widely available: the number of TGDs currently deployed is 694 and a delivery of nearly 700 TGDs is planned as part of the new public contract for the period 2018-21.¹²⁸ In some departments, this system is monitored by a steering committee. These committees, chaired by the prosecutor, allow regular meetings to be held between judges, lawyers, law enforcement services, members of the Departmental Council and specialist organisations to take stock of what works in practice and what causes problems. They provide an example of good practice in promoting inter-institutional co-operation and the development of a common inter-disciplinary approach and culture to violence against women.¹²⁹ Although the effects of the TGD system are, in the opinion of the actors in the field, considered positive, this is a measure that is nevertheless applied in a variable manner and whose monitoring is not always systematised, depending on whether or not a steering committee has been established for this purpose at departmental level.

245. GREVIO welcomes the authorities' stated intention to increase the use of this mechanism through the publication by the Ministry of Justice in July 2019 of a new practical guide on protection orders, highlighting good practices. GREVIO also takes note of the indication that the authorities are giving consideration to a new protective measure, based on the use of an electronic device in civil or pre-trial proceedings in criminal matters, at the victim's request or with the victim's consent.

¹²⁵ Ibid., p. 320.

¹²⁶ GREVIO was informed of the adoption in July 2019 of a new practical guide from the Ministry of Justice inviting family judges to issue their decision within 14 days

¹²⁷ See the University of Strasbourg research report *Les violences conjugales - Bilan des dispositifs et propositions d'amélioration*, February 2016, p. 379.

¹²⁸ See Interim evaluation of the 5th inter-ministerial plan (2017-2019) and the policy against violence against women, 22 November 2018, HCE, p. 68.

¹²⁹ For a compilation of international good practice, see *Emergency barring orders in situations of domestic violence: Article 52 of the Istanbul Convention*, Council of Europe, Strasbourg, 2017.

246. **GREVIO urges the French authorities to initiate a process of in-depth revision of their system of protection orders in order to allow for their more widespread and systematic use. To this end, the authorities should take the necessary measures, including legislative measures, to ensure that such a system complies with the following principles:**

- a. **victims of domestic violence must have access, in situations of immediate danger, to emergency barring orders that meet the requirements of Article 52 of the Istanbul Convention;**
- b. **restraining and/or protection orders must be available in relation to all forms of violence covered by the scope of the convention, without limitation to intimate partner violence;**
- c. **protection orders must be available for immediate protection without undue delay;**
- d. **protection orders must be available regardless of the victim's willingness to file a complaint;**
- e. **the decision-making and monitoring process for the implementation of protection orders should be supported by inter-institutional work ensuring co-operation between all relevant actors, including specialist associations.**

The implementation of such measures should be supported by increased efforts to train the professionals concerned on the principle that all violence contributes to endangering those who are subjected to it and such training should be based on existing good practice. Progress in this area should be measured by appropriate data.

247. Access to a protection order is the cornerstone of the protection granted to foreign victims who live in a couple with a foreign national residing legally on French soil without having followed the family reunification procedure. Indeed, these victims can obtain a renewable residence permit on condition that they have previously obtained a protection order.¹³⁰ The title is renewed as long as the protection order renewed. Act No. 2018-778 of 10 September 2018 strengthened this system by providing, on the one hand, that if the protection order has not been renewed, the residence permit may nevertheless be renewed if a complaint has been lodged and, on the other hand, that women benefiting from temporary residence permits automatically obtain a residence card in the event of the perpetrator's final conviction. However, GREVIO notes with concern that the length of the procedures for issuing orders, as well as the low rate of their issuance, place the victim in an extremely precarious situation. Moreover, making the issuance of a residence permit conditional on the issuance of a protection order exposes victims to practices that are highly detrimental to them, such as the tendency of some prefectures to postpone the investigation of the case to a time close to the expiry of the protection order.¹³¹

248. The prior obtention of a protection order also conditions access to a temporary residence permit for foreign women threatened with forced marriage and those who have not regularised their residence permit in France, namely irregular migrants. The shadow report¹³² submitted to the GREVIO notes that women in an irregular situation sometimes go to the police station or gendarmerie to file a complaint about violence and are arrested themselves. In a 2016 report,¹³³ the Human Rights Defender recommended that a text be circulated to the judicial police officers of the national police and the national gendarmerie to remind them of the loyalty requirements recommended by the European Court of Human Rights regarding the arrest of foreigners in an irregular situation. The report also recommended that measures be taken to ensure that foreign victims of violence are informed, at the time of filing a complaint, of any CESEDA protective measures from which they may benefit.

¹³⁰ See Article L. 316-3 of the Code on the Entry and Residence of Foreigners and the Right of Asylum (CESEDA).

¹³¹ See page 60 of the joint shadow report.

¹³² Ibid., page 59.

¹³³ The fundamental rights of foreigners in France, May 2016, pages 109-110.

249. **GREVIO strongly encourages the French authorities to take the necessary measures to further secure and guarantee access for foreign women victims of violence to the procedures for being admitted to a residence entitlement when applicability of these procedures depends on the issuance of a protection order.**

E. Measures of protection (Article 56)

250. French legislation aims to protect victims against the risks of intimidation, reprisals and re-victimisation, by recognising their right, subject to certain reservations, to be informed when the perpetrator of the acts of violence is released or has escaped.¹³⁴ The evaluation procedure found, however, that this information is not systematically available. It also revealed a possible margin of progress with the aim of avoiding, as far as possible, contacts between victims and offenders in the courts and law-enforcement premises, as well as to allow victims to testify in the courtroom without being physically present, or at least without the alleged offender being present.

251. **GREVIO encourages the French authorities to take the necessary measures to continue to improve the protection of the rights and interests of victims during investigations and judicial proceedings, in accordance with the provisions of Article 56 of the convention.**

F. Legal aid (Article 57)

252. Subject to means tests, lawyers' fees and legal costs incurred by victims may be covered by the state, in whole or in part, as legal aid. In the field of public employment, legal aid is available in the form of functional protection, which is also applicable when the civil servant is the victim of violence or harassment during his or her service. In this regard, specialist organisations drew GREVIO's attention to the fact that the applicable income thresholds are very low, that victims of sexual violence committed by staff in the civil service do not always have access to functional protection and that persons without a residence permit cannot benefit from legal aid.

253. **GREVIO invites the French authorities to ensure that the conditions provided for in their internal law for entitlement to legal aid do not create excessive obstacles to the possibility for victims who are deprived of financial means and unable to pay for the services of a lawyer to benefit from free legal assistance and legal aid.**

¹³⁴. See Articles 40-5, 144-2 and 712-16-2 of the Code of Criminal Procedure.

VII. Migration and asylum

254. In the area of migration and asylum, the Istanbul Convention requires first and foremost that residence status laws and asylum procedures should not neglect the situation of women who live in violent relationships, who are victims of sexual exploitation and violence or who suffer other forms of violence against women. Residency laws must provide for the possibility of issuing autonomous residence permits to women in special situations (Article 59). As regards asylum procedures, they must be gender-sensitive and allow women to describe everything they have experienced; similarly, grounds for persecution must be interpreted in a gender-sensitive way. This implies that reception procedures and support services for asylum seekers must also be sensitive to the needs of women who are victims of violence or at risk of violence (Article 60).

A. Residence status (Article 59)

255. From the outset, GREVIO welcomes the fact that the Code on the Entry and Residence of Foreigners or Right of Asylum (CESEDA) expressly includes provisions aimed at enabling foreign women victims of domestic violence to obtain an autonomous residence permit, under certain conditions. GREVIO further welcomes Law No. 778 of 10 September 2018 on controlled immigration, effective asylum and successful integration, which strengthened the protection afforded to foreign women victims of violence. In pursuance of the legislative framework thus developed, a foreign woman married to a French national may obtain a temporary residence card, followed by a residence card in the event of continued marriage beyond a period of three years.¹³⁵ By way of derogation from the general rule, women retain their right to a temporary residence card or residence card in the event of the breakdown of the relationship, where this breakdown is attributable to acts of domestic violence.¹³⁶ This right is conferred to the victim regardless of whether she has filed a complaint against the perpetrator or obtained a protection order for the acts of violence. Foreign women living in France for family reunification benefit from similar protection.¹³⁷

256. Civil society representatives pointed out to GREVIO that there are significant territorial disparities in the application of the aforementioned conditions for issuing a residence permit. Examples include the refusal to register applications for a residence permit, the failure to issue a receipt for the application, requests for payment of the tax due to the Office of Immigration and Integration (OFII) and requests for various elements of evidence not prescribed by the law (such as a passport or the presence of the perpetrator, proof of divorce or a criminal conviction, or proof of a protection order). Considerable delays in issuing residence permits, contrary to the provisions on minimum time limits provided for in CESEDA, may also hinder the trajectories of victims. GREVIO also notes that actors in the field claim that in 2018 the administrative situation of women deteriorated in a context of suspicion towards foreigners. This trend has reportedly led to a hardening of prefectures' practices on the grounds that women claim to be victims in order to access a right of residence¹³⁸. While taking note of the instruction of 28 February 2018, which recalls that proof of violence can be provided by any means, without requiring either a protection order or a complaint, GREVIO considers that sustained efforts remain necessary to ensure that prefectures follow the applicable procedures and that the staff concerned are trained in this area.

257. Algerian women in France are expressly excluded from the provisions of CESEDA, their status being governed by the Franco-Algerian Agreement of 27 December 1968. The latter offers no guarantee equivalent to that provided for in CESEDA, since any decision on the granting or renewal of an autonomous residence permit to an Algerian woman whose residence permit depends on that

¹³⁵. See Articles L.313-11 (4) and L314-9 (3) of CESEDA.

¹³⁶. See Articles L313-12 and L314-5-1 of CESEDA.

¹³⁷. See Articles L313-11 (1), L431-1 and L314-9 (1) and L431-2 of CESEDA.

¹³⁸ See pages 15 and 16 of Cimade's 2018 activity report.

of a violent spouse is indeed given at the discretion of the local prefectures, taking into account their “personal situation”. In a 2016 report, the Human Rights Defender noted in this respect that a refusal to renew a residence permit for an Algerian national without taking into account the fact that the community of life had been broken up because of domestic violence on the part of the French spouse could be such as to constitute an infringement of the right to respect for private and family life protected by the European Convention on Human Rights¹³⁹. GREVIO is aware that the French authorities cannot unilaterally change the regime applicable to Algerian women. It notes that this situation might be the reflection of a conflict between the obligations to which France is subject at an international level under the Istanbul Convention on the one hand, and the bilateral agreement with Algeria on the other hand, a conflict which cannot be invoked to exempt France from its obligations under the Istanbul Convention.

258. While the existence in CESEDA of provisions implementing Article 59(3a) of the convention and allowing the granting of a temporary residence card to foreign women on humanitarian or exceptional grounds is to be welcomed, GREVIO notes, however, that these provisions do not apply to Algerian women in respect of whom prefects retain their power of discretion.¹⁴⁰ Finally, GREVIO notes the absence of a mechanism specifically designed to meet the requirements of Article 59, paragraph 4, of the convention and addressing the situation of victims of forced marriages who have lost their residence status in France after being brought to another country for the purpose of this marriage.

259. **GREVIO strongly encourages the French authorities to:**

- a. **take the necessary measures to ensure that Algerian victims of domestic violence whose situation falls within the scope of the 1968 Franco-Algerian Agreement have access to a right of residence, without being discriminated against on the grounds of their nationality;**
- b. **pursue their efforts to provide an escape route from violence for foreign women victims whose residence status depends on that of their spouse. To this end, the authorities should take the necessary measures to improve the processing of applications for such a permit, by further developing general policy principles and guidelines and by ensuring the awareness and the continuous training of the staff concerned.**

GREVIO urges the French authorities to take the necessary legislative or other measures to ensure that victims of forced marriage brought to another country for the purpose of such marriage, and who consequently lose their residence status in the country where they are habitually resident, can regain this status, in accordance with Article 59, paragraph 4, of the Istanbul Convention.

B. Gender-based asylum claims (Article 60)

260. GREVIO welcomes the measures taken in France to ensure that procedures followed by the competent asylum authorities – namely the OFII, which grants the material conditions of reception to asylum applicants and the French Office for the Protection of Refugees and Stateless Persons (OFPRA), which determines refugee status – are gender-sensitive. The asylum reform in 2015 codified a practice that had been in place for two decades aimed at an increased consideration of vulnerabilities related to the grounds of asylum applications, in particular those related to violence against women, by providing in Article 723-3 of CESEDA that “throughout the application examination procedure, [OFPRA] may define specific examination procedures that it considers necessary for the exercise of the rights of an applicant on the grounds of his or her particular situation or vulnerability”.

¹³⁹ See report “Fundamental rights of foreigners in France”.

¹⁴⁰ See Article L313-14 of CESEDA, read in conjunction with Articles L313-11 and L313-10 Nos. 1 and 2 of CESEDA.

OFPPRA is the only body authorised to deal with vulnerabilities related to the substance of the asylum application, unlike the so-called “extrinsic” vulnerabilities such as disability, illness and age, which are detected at the reception stage by the OFII, which brings them to OFPPRA’s attention with the applicant’s agreement, in accordance with Article 744-6 of the CESEDA.

261. All adult women asylum seekers are interviewed by OFPPRA individually, without their family members being present. Young girls seeking asylum may also be heard individually.¹⁴¹ The 2015 reform also provided the possibility for the applicant to be assisted by a third party of her choice during the interview: an applicant may appear for the interview accompanied by a lawyer or an accredited representative from an authorised association,¹⁴² in particular a women’s rights association.

262. Depending on the identified vulnerabilities, additional procedural guarantees are available to women asylum seekers. These guarantees include the possibility of adapting the duration of the investigation procedure in order to afford the victim time to report her story. They also include reserving the examination of the application of an asylum seeker identified as vulnerable within the meaning of the European directives and the interview of such an asylum seeker to a protection officer trained to deal with her specific needs and supported by OFPPRA’s five thematic reference groups,¹⁴³ as well as by an interpreter trained in vulnerabilities, including violence against women. In addition, Article L723-6, paragraph 5, of the CESEDA provides for the possibility of being interviewed by an official and/or an interpreter of the applicant’s preferred sex. GREVIO was also informed that OFPPRA may, on a case-by-case basis, in the absence of an explicit request to that effect, appoint a protection officer and an interpreter of the same sex as the person concerned for conducting the interview, if, in the light of the information in the file, there is reason to believe that this will facilitate the disclosure of the asylum seeker’s history. All the procedural guarantees detailed above are applicable, both in the context of the examination of eligibility for asylum protection (refugee status or subsidiary protection) and in the exercise of legal and administrative protection for beneficiaries of international protection. In particular, the guarantees relating to personal interviews apply to female asylum seekers, statutory refugees and women enjoying subsidiary protection.

263. GREVIO welcomes the creation within OFPPRA of the “Violence against women” thematic group, aimed at integrating gender issues into the processing of asylum applications. The thematic focal points pursue this objective by participating in the interviews, developing internal recommendations and guidelines - including on applicable legal qualifications - and contributing to the drafting and motivation of decisions. They are also involved in providing initial and ongoing training, based on relevant external training materials such as the “Bilakoro” training kit on female genital mutilation developed by MIPROF. However, GREVIO notes OFPPRA’s practice – based on the wording of CESEDA Article L711-2 – which tends to grant the refugee status based on gender-related persecution with limitation to the grounds of “membership of a certain social group”, without a gender-sensitive interpretation of other grounds of persecution, such as race, religion, nationality or political opinion, including in cases of forced marriage and female genital mutilation.¹⁴⁴

264. GREVIO also notes that the main difficulties faced by asylum seekers are upstream of their interview by OFPPRA and at the level of reception at the OFII. It is at these early stages of the procedure that women, particularly when they are isolated, are most vulnerable, especially in terms of exposure to violence of all kinds. Vulnerabilities may therefore be poorly detected and they do not necessarily take into account all the persecutions that migrant women may face¹⁴⁵. GREVIO has been informed

¹⁴¹ The specific conditions applicable to the interview of a child are described in the OFPPRA Guide to procedures, Chapter5 “Interview and investigation”, sections 5.4 and 5.5.

¹⁴² GREVIO was informed that out of the 30 associations that benefit from this accreditation, five are specialised in supporting women victims of violence (the list of these associations can be consulted on the website www.ofpra.gouv.fr).

¹⁴³ The themes in question are: trafficking in human beings; children (accompanied and unaccompanied); sexual orientation and gender identity; victims of torture and trauma, and violence against women.

¹⁴⁴ See pages 63 – 64 of the joint shadow report.

¹⁴⁵ See, in this regard, the Information Report on behalf of the Delegation for Women’s Rights and Equal Opportunities for Men and Women on the draft law on controlled immigration and effective asylum, 29 March 2018.

that since 2015, OFPRA may report to OFII, with the agreement of the person concerned and having regard to confidentiality of the asylum application, situations of vulnerability of which it alone is aware and which, in its opinion, warrant a reassessment of the material reception conditions on the part of OFII.¹⁴⁶ GREVIO believes nevertheless that it is important to strengthen the early detection of cases of vulnerability that require specific care, from the moment asylum seekers arrive at the OFII counter.

265. With the exception of existing data showing a significant number of girls granted refugee status because of their exposure to the risk of sexual mutilation upon return to their country of origin,¹⁴⁷ GREVIO considers that the lack of administrative data on the number of applications for international protection on the grounds of gender-based violence, the number of applications granted and the grounds on which applications were granted or rejected, constitutes a significant obstacle to the authorities' ability to assess the extent to which existing policies and practices comply with the requirements of Article 60 of the convention.

266. GREVIO notes with satisfaction that the National Strategy for the Reception and Integration of Refugees provides for the establishment in 2018 of three reception centres for asylum seekers (CADA), three emergency accommodation units for asylum seekers (HUDA) and one temporary accommodation centre for refugees (CPH), specifically dedicated to a female population, with or without children. This strategy also provides for increased training for staff working in reception structures, in order to take better account of the vulnerabilities of refugee women and thus ensure more appropriate care. These measures take place in a general context marked by the insufficient number of places provided within the CADAs for women asylum seekers and by the absence of reception facilities capable of providing safe and appropriate care for women victims of violence. Some information and awareness-raising activities on the risks of gender-based violence have been undertaken for migrants in the Hauts-de-France region, but these are limited in extent, and the persistent obstacles to entry into the asylum procedure, the saturation of reception facilities and their lack of information¹⁴⁸ continue to expose migrant women to high risks of gender-based violence.

267. **GREVIO strongly encourages the French authorities to:**

- a. **take all necessary measures, such as amendments to legislation, the development of guidelines and the training of all officials in contact with migrants, to ensure that gender-based violence is detected and taken into account under all grounds of persecution provided for in Article 1.A. 2 of the 1951 Convention relating to the Status of Refugees;**
- b. **continue to develop, in co-operation with specialist associations, gender-sensitive procedures, guidelines and reception facilities for women asylum seekers and migrants, as well as specialised support services adapted to the care of victims of violence.**

Progress in this area should be measurable through relevant administrative data on asylum claims for gender-based violence.

¹⁴⁶ See OFPRA's External Guide to procedures, Chapter 6 "Addressing the Special needs linked to vulnerabilities", section 6.3.

¹⁴⁷ GREVIO was informed that as of 20 June 2019, 8082 girls had acquired refugee status, pursuant to articles 723-5 and 752-3 of CESEDA.

¹⁴⁸ See the report Exiles and Fundamental Rights: Three years after the Calais report, Human Rights Defender, December 2018.

Concluding remarks

268. GREVIO welcomes the great determination shown by the French authorities to include the prevention and fight against violence against women among their political priorities. The authorities' commitment to this cause has been built up over time, from the 1st inter-ministerial plan of 2005 to the 5th inter-ministerial plan launched in November 2016, and is constantly being renewed. It has been reinforced by further initiatives, such as the announcements of the President of the Republic in November 2017, the law of 3 August 2018, strengthening the fight against sexual and gender-based violence, which supplements an already rich legal arsenal, and the first Grenelle on intimate partner violence launched by the government on 3 September 2019. Initiatives undertaken in this area are firmly anchored in policies to promote gender equality, which has been declared a major cause of the President of the Republic's five-year term. They are also supported by a broad spectrum of measures to support women's autonomy, which this report does not address but which GREVIO welcomes as an essential component of policies to reduce violence, in line with the provisions of the Istanbul Convention. These measures include the first National Parenthood Support Strategy 2018-19 and the Plan to Prevent and Combat Poverty launched in 2018, which addresses the difficulties of single-parent families, the majority of which are single mothers with their children.

269. The available statistics show the progress that these policies have made possible, particularly progress in giving weight to the voices of victims. Despite this progress, the figures on violence against women remain worrying,¹⁴⁹ while the impunity of perpetrators remains problematic. This report is intended as a concrete contribution to the authorities' sustained efforts that remain necessary to curb the scourge of violence against women. To this end, it identifies several areas for improvement in relation to each of the fundamental pillars around which the provisions of the convention are structured: prevention of violence, protection of victims and their children, criminalisation of violent offences and development of integrated policies.

270. GREVIO welcomes the unconditional support of the French authorities for the Istanbul Convention both nationally and internationally, in recognition of its value as a universal model for laws and policies to end violence against women and domestic violence. It particularly welcomes the decision of the public authorities to place the fight against inequality and discrimination against women, including violence, at the top of the French diplomatic agenda.¹⁵⁰ The authorities have announced in this sense that this diplomatic action, defined as "feminist and resolute", will take place during 2019 both within the United Nations Commission on the Status of Women and during France's Presidency of the Committee of Ministers and the G7.

271. GREVIO invites the French authorities to keep it regularly informed of developments concerning the implementation of the Istanbul Convention and stands ready to continue its constructive co-operation with them. With a view to facilitating the implementation of its suggestions and proposals, GREVIO requests the national authorities to ensure that this report is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular the government, the ministries and the judiciary, but also to NGOs and other civil society organisations working in the field of violence against women.

¹⁴⁹. According to the interim evaluation report of the 5th inter-ministerial plan of the HCE, published in November 2018, one woman dies every three days from the blows of her partner, a woman is raped every seven minutes, and every year 53,000 women living in France are wounded.

¹⁵⁰. On the occasion of the International Day for the Elimination of Violence against Women in November 2018, France announced the launch, in collaboration with its European and international partners, of a campaign to promote the Istanbul Convention at a universal level. See www.diplomatie.gouv.fr/fr/politique-etrangere-de-la-france/la-france-et-les-nations-unies/evenements-et-actualites-lies-aux-nations-unies/actualites/article/nations-unies-journee-internationale-pour-l-elimination-de-la-violence-a-l-238959.

Appendix I

List of proposals and suggestions by GREVIO

I. Purposes, definitions, equality and non-discrimination, general obligations

B. Definitions (Article 3)

1. GREVIO invites the French authorities to continue to take the necessary measures to develop a common recognition and understanding of the phenomenon of violence against women as gender-based. To this end, it invites the authorities to examine the desirability of developing shared and harmonised definitions that provide a common and unequivocal reference terminology on violence against women, in accordance with the principles and definitions of the Istanbul Convention. (paragraph 10)

2. GREVIO strongly encourages the French authorities to pursue their efforts aimed at establishing legal mechanisms to protect women from economic violence, taking into account notably the results of the planned study on the consequences of such violence on women. (paragraph 17)

C. Fundamental rights, equality and non-discrimination (Article 4)

1. Gender equality and non-discrimination

3. GREVIO encourages the French authorities to (paragraph 21) :

- a. finalise the constitutional review process so as to strengthen the principle of equality between women and men in the 1958 Constitution, in particular by ensuring equality before the law without distinction as to sex;
- b. continue to invest efforts in designing legislative initiatives and in implementing existing measures to eliminate discrimination against women in various areas;
- c. accompany these efforts with specific measures designed to ensure full equality in practice or to compensate for disadvantages caused by the under-represented or discriminated sex.

2. Intersectional discrimination

4. GREVIO strongly encourages the French authorities to continue their efforts to: (paragraph 26)

- a. eliminate discrimination, which increases the risk of exposure to violence and hinders access to protection mechanisms for women from groups subject to multiple discrimination, such as young women, overseas women, women living in rural areas, elderly women, women from the LGBT community, women in prostitution and women with disabilities, including those living in institutions, on the basis of long-term strategies covering each of the pillars of the Istanbul Convention, namely prevention, protection of victims and their children, prosecution of perpetrators of violence and integrated policies;
- b. integrate the prevention of and the struggle to combat violence against women into programmes adapted to the specific needs of these groups;
- c. support measures taken to this end with data and studies to target interventions and measure progress.

GREVIO invites the authorities to equip themselves with a more robust strategy to clarify the normative and conceptual framework around multiple discrimination and to set guidelines and mobilising objectives.

E. Gender-sensitive policies (Article 6)

5. GREVIO strongly encourages the French authorities to continue and intensify their efforts to: (paragraph 34)

- a. increase the effectiveness of policies to advance gender equality *de jure and de facto*, including by strengthening mechanisms to ensure gender mainstreaming;
- b. ensure that normative texts are subject to a systematic and rigorous preliminary assessment of their impact on gender equality, such as for instance any legislative proposal aiming at imposing the principle of shared custody without any proper consideration of the prevalence of post-separation violence and the risks of violence for women and their children;
- c. integrate the gender dimension of violence against women into the development of laws, policies and measures to prevent and combat violence against women, and to incorporate it into the assessment of the impact of these provisions.

II. Integrated policies and data collection

A. Comprehensive and co-ordinated policies (Article 7)

6. GREVIO encourages the French authorities to take the necessary measures to ensure the continuity and coherence of public policies to combat violence against women. Such measures could include setting out the main principles and guidelines for multi-annual action plans, clarifying the applicable normative and conceptual framework and should be carried out by way of an effective consultation with civil society organisations, in particular women's organisations working on preventing and combating violence against women. (paragraph 38)

7. GREVIO strongly encourages the French authorities to: (paragraph 43)

- a. strengthen inter-institutional co-operation mechanisms, in particular at the departmental level, by taking measures to increase the human and financial resources available to departmental delegates for women's rights and equality, as well as measures to strengthen their capacity to mobilise the various actors in all the fields concerned, such as the judiciary, law enforcement and social services, etc;
- b. continue the engagement of local contracts against violence against women on the basis of a careful assessment of their impact in terms of the effectiveness of inter-institutional co-operation, including with NGOs.

B. Financial resources (Article 8)

8. GREVIO strongly encourages the French authorities to pursue their efforts to: (paragraph 48)

- a. increase the budget dedicated both at central and decentralised level to preventing and combating violence against women, while strengthening the assessment of the financial resources needed for this purpose;
- b. provide greater support for the work of women's organisations specialised in preventing and combating violence against women, by providing them with stable and sustainable funding opportunities commensurate with their estimated needs, by simplifying funding procedures, in particular by making them more transparent in terms of the budget and by reserving funding sources for these organisations that are exclusively dedicated to them;
- c. intensify efforts to monitor actual expenditure and assess progress, including through gender budgeting.

C. Non-governmental organisations and civil society (Article 9)

9. GREVIO strongly encourages the French authorities to: (paragraph 53)
- a. pursue and strengthen co-operation at all levels of public action, at both national and local levels, with NGOs working in the field of preventing and combating violence against women, in particular specialist organisations;
 - b. strengthen their support, including economic support, of specialist women's organisations in the field of violence against women, in recognition of the fact that an effective institutional response to violence is only possible through the implication of such organisations alongside governmental and local authorities.

D. Co-ordinating body (Article 10)

10. GREVIO strongly encourages the French authorities to: (paragraph 58)
- a. ensure that the national body designated under Article 10 of the convention has an effective mandate and strong national co-ordination power for measures and policies to prevent and combat violence against women in all areas of government action and between all relevant ministries and institutions,
 - b. strengthen policy co-ordination and support at the level of decentralised services throughout the country,

by ensuring that the co-ordination body and its decentralised network have the appropriate human and financial resources to carry out their mission.

11. GREVIO encourages the French authorities to continue to support the work of the body responsible for evaluating policies on violence against women (the High Council for Equality) and the body in charge of co-ordinating data collection in this field (Inter-ministerial Mission for the Protection of Women against Violence and the Fight against Trafficking in Human Beings), while ensuring that they are allocated the human and financial resources necessary to develop their missions. (paragraph 61)

E. Data collection and research (Article 11)

1. Administrative data collection

12. GREVIO strongly encourages the French authorities to: (paragraph 70)
- a. harmonise the categories of offences used for law enforcement and judicial statistics in order to ensure a reconstitution of the criminal chain;
 - b. ensure the disaggregation of data collected by the judicial services according to the sex and age of the victim and perpetrator, as well as the nature of their relationship;
 - c. ensure that uniform categories of offences are used by the various actors within the judicial services;
 - d. use improved data models to assess the effectiveness of statutory agencies' response to violence against women in all its forms as covered by the scope of the convention and analyse conviction rates for the different offences under the French Criminal Code related to violence against women;
 - e. ensure the publicity of the results of such assessments, by including them in the reports of the national observatory on violence against women, for example.

13. GREVIO encourages the French authorities to pursue their efforts to collect and analyse data in the civil justice sector on protection orders on a regular basis, taking into account indicators such as the time limits within which orders are granted, the grounds for rejection, the rates of alleged violence committed against the applicants alone and against the applicants and their children, violations of protection orders and the sanctions imposed as a result of these violations. (paragraph 73)

14. GREVIO encourages the French authorities to develop the collection by health services of data on women victims of the different forms of violence covered by the convention. (paragraph 75)

15. GREVIO encourages the French authorities to develop further the collection of data on child victims and witnesses in cases of violence covered by the Istanbul Convention. (paragraph 78)

16. GREVIO invites the French authorities to continue to conduct surveys on the prevalence of violence against women at regular intervals and in close collaboration with specialist associations, bearing in mind that they should be conducted on the basis of similar methodologies, be based on a gender approach and aim at measuring changes over time. (paragraph 83)

III. Prevention

A. Awareness-raising (Article 13)

17. GREVIO strongly encourages the French authorities to continue their awareness-raising initiatives in the field of violence against women, by ensuring that they: (paragraph 93)

- a. involve civil society and specialist women's associations working in the field of all forms of violence against women, in particular by giving them the means to be involved in prevention actions at national and local level;
- b. extend the scope of these initiatives by addressing topics that are not well covered and that are still unknown and/or misunderstood by the general public, as well as violence affecting certain groups of women at risk of discrimination;
- c. continue awareness-raising activities on sexual violence, including rape, and violence of a sexual nature against girls.

B. Education (Article 14)

18. GREVIO encourages the French authorities to continue their efforts to provide students with knowledge and skills on the topics identified in Article 14 of the convention, including through appropriate sexuality education. Such efforts should be based on measures aimed at the training of education professionals and follow an integrated approach to the issue of equality between women and men in education. To this end, the authorities may wish to be guided by Recommendation CM/Rec(2007)13 of the Committee of Ministers to Council of Europe member States on gender mainstreaming in education. (paragraph 96)

19. GREVIO strongly encourages the French authorities to strengthen measures in education settings to enable professionals to identify and support girls who are victims of violence, including sexual violence, forced marriage and female genital mutilation. (paragraph 98)

C. Training of professionals (Article 15)

20. GREVIO strongly encourages the authorities to ensure that the training of professionals remains a standing priority of local mechanisms for inter-institutional co-operation, by continuing to develop vocation-specific guidance covering all forms of violence against women, its causes and consequences, and by ensuring that the expertise developed by women's associations that specialise in the field of violence against women is being used, along with their gender-based approach based on the principles and provisions of the Istanbul Convention. (paragraph 104)

21. GREVIO strongly encourages the French authorities to: (paragraph 107)

- a. provide all health professionals with systematic and mandatory initial and ongoing training on the different forms of violence, the identification of victims, the prevention of secondary victimisation and the effects of violence on victims, including child victims and witnesses, ensuring that such training is based on clear protocols and guidelines, based on the standards of the Istanbul Convention;
- b. ensure that such training addresses the traumatic consequences of violence on child witnesses in order to enable them to identify victims of violence and ensure their care by referring them to appropriate support services, as well as to provide medical advice in legal proceedings concerning child visitation/custody rights based on a comprehensive analysis of the psychological consequences of witnessing violence.

22. GREVIO strongly encourages the French authorities to continue their efforts to ensure that law enforcement officials who may deal with violence against women, receive initial and ongoing training on all forms of violence covered by the Istanbul Convention, on the prevention and detection of such violence, on gender stereotypes and on the needs and rights of victims, as well as on how to prevent secondary victimisation. (paragraph 111)

23. GREVIO strongly encourages the French authorities to include in the curricula for judges compulsory initial and in-service training on all forms of violence against women, including post-separation violence, its causes and consequences, its detection, the distinction between violence and conflict, the prevention of secondary victimisation and the effects of violence on child victims and witnesses. These training courses should be based on clear protocols and guidelines, derived from the standards of the Istanbul Convention. (paragraph 114)

24. GREVIO strongly encourages the French authorities to step up their efforts to train all staff who come into contact with women asylum seekers, from the initial interview stage and within reception structures, so as to enable them to identify potentially vulnerable women at an early stage and to direct them towards appropriate care. Gender-sensitive guidelines for the interventions of the officials concerned should also be developed. (paragraph 116)

D. Preventive intervention and treatment programmes (Article 16)

25. GREVIO encourages the authorities to: (paragraph 120)

- a. further develop accountability/awareness programmes, ensuring that these programmes operate within an integrated approach, in close collaboration with specialist women's organisations, and ensure that sufficient financial resources are allocated to them;
- b. evaluate existing programmes to determine their short- and long-term impact, including through scientifically-designed outcome studies and the development of statistics on attendance rates and recidivism rates which may verify whether programmes have reached the intended preventive aim;
- c. ensure that professionals involved in the procedures for applying and following up on these programmes, and in particular judges, receive adequate training;

- d. ensure the development of appropriate guidelines that would enable harmonising the modalities for the implementation of accountability courses based on common minimum standards, in line with the principles of the Istanbul Convention and recognised good practices in terms of respect for the principles of safety, support and respect for the human rights of the victim and the children concerned.

26. GREVIO encourages the French authorities to continue to set up and evaluate programmes for perpetrators of sexual offences, ensuring that a common approach to their treatment is developed that takes into account the gender dimension of violence against women, its causes and consequences, in accordance with the principles of the Istanbul Convention and recognised good practices. (paragraph 122)

E. Participation of the private sector and the media (Article 17)

27. GREVIO invites the French authorities to continue their efforts to involve the media in the development and implementation of policies to prevent violence against women and to encourage them to put in place self-regulatory standards on how to report it. (paragraph 126)

IV. Protection and support

A. General obligations (Article 18)

28. GREVIO strongly encourages the French authorities to pursue and intensify their efforts to develop and/or strengthen inter-institutional co-operation structures, in particular by institutionalising the framework of this co-operation under the aegis of the decentralised network of the Service for Women's Rights and Equality between Women and Men, and by ensuring that these structures base their interventions on a gendered understanding of violence against women, on prioritising the safety of the victim and her children, on the long-term empowerment of women victims and on respect for their human rights. This work should be accompanied by a closer assessment of the progress made and the creation of opportunities for the exchange of good practices between the various territories, in close collaboration with specialised women's organisations that have developed expertise in the field. (paragraph 136)

B. Information (Article 19)

29. GREVIO invites the French authorities to pursue their efforts to ensure that victims receive adequate and timely information on available support services and legal measures, ensuring that such information is accessible and adapted to the different categories of victims, especially victims in situations of particular vulnerability, including children, and that it addresses all forms of violence covered by the Istanbul Convention. (paragraph 140)

C. General support services (Article 20)

30. GREVIO strongly encourages the French authorities to ensure a stronger integration of the health component into the national and local management of policies on violence against women. In this perspective, the authorities should in particular: (paragraph 144)

- a. continue the development of tools and protocols that guide the interventions of the various health professionals who may come into contact with women victims and their children;
- b. network the structures concerned in such a way as to encourage the sharing of experiences and good practices in preventive actions and in the treatment and care of women victims of violence;

- c. strengthen the teams dedicated to the treatment, guidance and support of women victims, in terms of training and resources,

ensuring that all forms of violence against women covered by the Istanbul Convention, and in particular sexual violence and female genital mutilation, benefit from efforts to this end.

31. GREVIO encourages the authorities to facilitate access to sustainable housing as a key step in the process of rebuilding the confidence and autonomy of women victims, including by examining the conditions under which to make effective their right to priority relocation in social housing. (paragraph 146)

D. Specialist support services (Article 22)

32. GREVIO strongly encourages the authorities to increase the number of structures offering specialist support services and to consolidate existing structures in order to ensure an adequate geographical distribution of services offering immediate, short- and long-term support to all victims of violence covered by the Istanbul Convention, as well as their children. (paragraph 149)

E. Shelters (Article 23)

33. With the aim of guaranteeing the unconditional right of victims and their children to emergency shelter and in view of the key role played by shelters specialising in the social and economic empowerment of women victims of violence, GREVIO urges the French authorities to fulfil their commitment under Article 23 of the Istanbul Convention, by: (paragraph 156)

- a. developing clear guidelines so that services in charge of referring victims do not refer them to mixed and/or non-specialised structures;
- b. recognising the principle that only accommodation in dedicated, single-sex and specialised structures can meet the requirements of the convention;
- c. increasing the number and/or capacity of such facilities to meet the needs of all victims and ensuring that women victims and their children in such facilities have access to adequate and appropriate living conditions, as well as support and empowerment services through multidisciplinary teams trained in the issue of violence against women;
- d. ensuring equitable access to such housing solutions for all victims of the different forms of violence covered by the convention, including in particular migrant women, young women, women with disabilities and women living in rural areas.

F. Telephone helplines (Article 24)

34. GREVIO strongly encourages the French authorities to ensure the availability of the 3919 telephone helpline 24 hours a day, 7 days a week, by guaranteeing the necessary financial and human resources for this purpose. (paragraph 160)

G. Support for victims of sexual violence (Article 25)

35. GREVIO urges the French authorities to take measures to comply with the requirements of Article 25 of the Istanbul Convention. To this end, the authorities should establish a sufficient number of emergency centres accessible to victims of rape and/or sexual violence, which meet all their needs in the short, medium and long term and include immediate medical care, high-quality forensic examinations, psychological and legal support, and referral to specialist organisations. A victim's access to all these different support services should not depend on her willingness to lodge a complaint. (paragraph 164)

H. Protection and support of child witnesses (Article 26)

36. GREVIO urges the French authorities to: (paragraph 169)

- a. systematise the identification by child-protection professionals of violence against mothers and children, based on the understanding that child protection and the protection of women against violence in intimate relationships are two aspects of the same problem and having regard to the dangers inherent to children's exposure to domestic violence, even when they are not direct victims of violence;
- b. re-inforce training on violence against women and its consequences for children for all providers of general support service and professionals who in various capacities come into contact with child witnesses, so that these children can be referred to appropriate protection and support services;
- c. strengthen, including financially, the support and assistance mechanisms for child witnesses and extend them throughout the country, based on examples of good practice developed by NGOs specialising in the field of violence against women;
- d. facilitate access to these services given the long waiting times.

I. Reporting by professionals (Article 28)

37. GREVIO strongly encourages the French authorities to take the necessary measures to allow reporting by professionals when they have reasonable grounds to believe that a serious act of violence falling within the scope of the Istanbul Convention has been committed and that further serious acts are to be expected, in particular by guaranteeing them adequate legal protection against the risk of possible reprisals. (paragraph 173)

V. Substantive law

A. Civil law

1. Civil lawsuits and remedies (Article 29)

38. GREVIO invites the French authorities to take, in close collaboration with NGOs representing and defending the interests and rights of women victims of violence, measures to encourage victims to make greater use of the remedies available against state authorities who engage in reprehensible behaviour or fail to take appropriate measures in cases of violence against women. Progress in this area should be measured, including by collecting data on the number of appeals and their outcome. (paragraph 176)

2. Compensation (Article 30)

39. GREVIO strongly encourages the French authorities to ensure that women victims of violence have access to effective compensation mechanisms, including adequate compensation from the state. To this end, the authorities should carry out an evaluation of the effectiveness of existing compensation mechanisms and, where appropriate, make the necessary changes, ensuring that measures are incorporated to ensure that the victim's safety is duly taken into account. (paragraph 178)

3. Custody, visitation rights and safety (Article 31)

40. GREVIO urges the French authorities to take the necessary measures to ensure that the determination of custody and visitation rights takes into account the violence to which children are exposed and the risk of continuing violence after separation, including the danger of a lethal act. To this end, it is necessary to (paragraph 186):

- a. base policies and practices on the recognition that, in a context of domestic violence, joint parenting lends itself to being the means for the abuser to continue to maintain control and domination over the mother and her children;
- b. include in these policies and practices the principle that it is necessary to prevent secondary victimisation of victims, by avoiding victim blaming, discrediting and/or over-emphasising their responsibilities, including by considering the placement of children in residential care or foster families only as a last resort and with great caution;
- c. improve the application of the legal provisions on the withdrawal of parental authority from the violent parent and those on the conferment of exclusive custody to the victim, including when issuing a protection order;
- d. continue to inform the professionals concerned, particularly those involved in the judiciary, law enforcement agencies, social services, medical, psychological and psychiatric sectors, of the absence of scientific grounds for “parental alienation syndrome”, as well as to raise public awareness on this subject;
- e. strengthen inter-institutional co-operation and information exchange between civil courts and criminal courts;
- f. strengthen the assessment and consideration of the dangers posed to the victim and her children when maintaining ties with the perpetrator during the exercise of visitation rights, in particular by evaluating and if appropriate, making wider use of such mechanisms as the “measure of accompaniment under protection” and by developing other similar mechanisms, as well as by applying the denial of visitation rights where there are serious grounds.

The implementation of these measures should be supported by efforts to provide mandatory initial and in-service training on the causes and consequences on children of violence against women, the issue of secondary victimisation of children and their mothers and the improper use of the so-called parental alienation syndrome, for the professionals concerned, in particular those who may influence the determination of custody and visitation in various ways, such as judges and professionals called upon to provide expert opinions in judicial proceedings. The monitoring and evaluation of the measures taken to this end should be ensured, based on data illustrating the type of decisions on custody and visitation adopted in a context of violence and their impact on the safety of victims and their children.

B. Criminal law

41. GREVIO strongly encourages the French authorities to ensure the effective application of all criminal provisions relating to psychological violence, by ensuring that greater efforts are made to train the various professionals who may come into contact with such victims, in particular law-enforcement authorities, doctors working in medical and legal units and judges. Progress in this area should be measured using administrative data collected by law-enforcement and judicial authorities. (paragraph 189)

1. Psychological violence (Article 33) and stalking (Article 34)

42. GREVIO strongly encourages the French authorities to ensure the effective application of all criminal provisions relating to psychological violence, by ensuring that greater efforts are made to train the various professionals who may come into contact with such victims, in particular law-enforcement authorities, doctors working in medical and legal units and judges. Progress in this area should be

measured using administrative data collected by law-enforcement and judicial authorities. (paragraph 189)

2. Sexual violence, including rape (Article 36)

43. GREVIO urges the French authorities to review their legislation and judicial practices, in particular the current practice of “correctionnalisation” regarding sexual violence, including sexual violence against children, in order to: (paragraph 196)

- a. base the definition of sexual violence on the absence of the victim’s freely given consent, in accordance with Article 36, paragraph 1, of the Istanbul Convention; and
- b. ensure an effective judicial response to sexual violence, focusing on the respect for the human rights of victims and appropriate assistance and support for victims.

3. Forced marriage (Article 37)

44. GREVIO strongly encourages the French authorities to criminalise the forcing of a person to enter into a marriage, in accordance with Article 37, paragraph 1, of the convention, ensuring that this measure is part of a comprehensive strategy to strengthen the prevention of this form of violence. The first step towards this aim should be to analyse statistical data relating to criminal charges, indictments and convictions and the case-law on the implementation of the current criminal law provisions that are used in judicial practice. (paragraph 199)

4. Forced abortion and forced sterilisation (Article 39)

45. GREVIO encourages the French authorities to ensure that the provisions on contraceptive sterilisation of women with mental disabilities are applied in accordance with the requirements of Article 39 of the convention concerning the prior and informed consent of the person concerned. (paragraph 202)

5. Sexual harassment (Article 40)

46. GREVIO strongly encourages the French authorities to take all necessary measures to ensure the effective implementation of criminal and civil measures to combat sexual harassment, including appropriate support and protection measures for victims. (paragraph 206)

6. Aggravating circumstances (Article 46)

47. GREVIO strongly encourages the French authorities to fill the remaining gaps in their criminal legislation, so that all the circumstances described in Article 46 of the convention can be taken into account as aggravating circumstances when determining sentences relating to all forms of violence covered by the convention. (paragraph 210)

7. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

48. GREVIO strongly encourages the French authorities to take all necessary measures to ensure that the use of criminal mediation in cases of violence against women is based on full respect for the rights, needs and safety of victims. Such measures should ensure that: (paragraph 212)

- a. women victims of violence to whom criminal mediation is offered are informed of their rights in such a procedure, in particular with regard to the non-mandatory nature of mediation;
- b. mediation is only offered/applied to women victims of violence who can freely decide whether or not to accept the procedure;

- c. judges, mediators and legal professionals involved in the decision to use mediation and in its implementation are trained in the issues of violence against women and the risks that victims may face in mediation.

49. GREVIO strongly encourages the French authorities to: (paragraph 217)

- a. harmonise the legislative provisions applicable to family mediation in situations of violence, taking into account the prohibition laid down in Article 48 of mandatory alternative dispute resolution processes and the good practices developed, which call for a distinction to be made between situations of conflict and violence in the couple;
- b. introduce measures calling for the systematic detection of domestic violence by the professionals involved in implementing family mediation, in particular family judges, mediators and lawyers, and support the application of these measures through training efforts.

GREVIO invites the authorities to introduce measures to safeguard the rights and interests of victims of violence and their children in the context of divorce by mutual consent.

VI. Investigations, prosecutions, procedural law and protective measures

A. General obligations (Article 49)

50. GREVIO strongly encourages the French authorities to continue to encourage women victims to report the violence. To this end, the authorities should, in close co-operation with specialist organisations, pursue their efforts to ensure that investigations and prosecutions in cases of violence are effective, undertaken without undue delay, based on a gendered understanding of all the various forms of violence covered by the Istanbul Convention and mindful of the need to respect victims' human rights. (paragraph 223)

B. Immediate response, prevention and protection (Article 50)

1. Collection of evidence

51. GREVIO strongly encourages the French authorities to take additional measures to: (paragraph 229)

- a. continue to develop, including through training, a non-stereotypical understanding of violence against women by law-enforcement authorities;
- b. ensure adequate reception of victims by law-enforcement authorities, in particular by putting an end to the procedural difficulties encountered by victims when lodging complaints and by having appropriate premises for this purpose;
- c. improve the responsiveness of investigations and the quality of the collection of evidence, including medical certificates, irrespective of the victim's willingness to lodge a complaint, in particular with a view to ensuring the effective implementation of the principle of *ex officio* initiation of judicial proceedings, in accordance with Article 55 of the convention.

2. Conviction rates

52. GREVIO urges the French authorities to: (paragraph 233)

- a. review administrative/judicial statistics, the relevant case-law and available research analyses in order to identify whether shortcomings in the chain law enforcement/– prosecution – courts have contributed to low conviction rates;

- b. take the necessary measures to ensure that the perpetrators of all forms of violence covered by the convention are held accountable and that justice is done without undue delay.

C. Risk assessment and risk management (Article 51)

53. GREVIO urges the French authorities to further develop risk-assessment and management methods and their systematic use by all competent authorities, while ensuring that they are part of an inter-institutional co-operation and co-ordination mechanism and that their application is not conditional on the lodging of a complaint by the victim. (paragraph 237)

D. Emergency barring orders and restraining or protection orders (Articles 52 and 53)

54. GREVIO urges the French authorities to initiate a process of in-depth revision of their system of protection orders in order to allow for their more widespread and systematic use. To this end, the authorities should take the necessary measures, including legislative measures, to ensure that such a system complies with the following principles: (paragraph 246)

- a. victims of domestic violence must have access, in situations of immediate danger, to emergency barring orders that meet the requirements of Article 52 of the Istanbul Convention;
- b. restraining and/or protection orders must be available in relation to all forms of violence covered by the scope of the convention, without limitation to intimate partner violence;
- c. protection orders must be available for immediate protection without undue delay;
- d. protection orders must be available regardless of the victim's willingness to file a complaint;
- e. the decision-making and monitoring process for the implementation of protection orders should be supported by inter-institutional work ensuring co-operation between all relevant actors, including specialist associations.

The implementation of such measures should be supported by increased efforts to train the professionals concerned on the principle that all violence contributes to endangering those who are subjected to it and such training should be based on existing good practice. Progress in this area should be measured by appropriate data.

55. GREVIO strongly encourages the French authorities to take the necessary measures to further secure and guarantee access for foreign women victims of violence to the procedures for being admitted to a residence entitlement when applicability of these procedures depends on the issuance of a protection order. (paragraph 249)

E. Measures of protection (Article 56)

56. GREVIO encourages the French authorities to take the necessary measures to continue to improve the protection of the rights and interests of victims during investigations and judicial proceedings, in accordance with the provisions of Article 56 of the convention. (paragraph 251)

F. Legal aid (Article 57)

57. GREVIO invites the French authorities to ensure that the conditions provided for in their internal law for entitlement to legal aid do not create excessive obstacles to the possibility for victims who are deprived of financial means and unable to pay for the services of a lawyer to benefit from free legal assistance and legal aid. (paragraph 253)

VII. Migration and asylum

A. Residence status (Article 59)

58. GREVIO strongly encourages the French authorities to: (paragraph 259)

- a. take the necessary measures to ensure that Algerian victims of domestic violence whose situation falls within the scope of the 1968 Franco-Algerian Agreement have access to a right of residence, without being discriminated against on the grounds of their nationality;
- b. pursue their efforts to provide an escape route from violence for foreign women victims whose residence status depends on that of their spouse. To this end, the authorities should take the necessary measures to improve the processing of applications for such a permit, by further developing general policy principles and guidelines and by ensuring the awareness and the continuous training of the staff concerned.

GREVIO urges the French authorities to take the necessary legislative or other measures to ensure that victims of forced marriage brought to another country for the purpose of such marriage, and who consequently lose their residence status in the country where they are habitually resident, can regain this status, in accordance with Article 59, paragraph 4, of the Istanbul Convention.

B. Gender-based asylum claims (Article 60)

59. GREVIO strongly encourages the French authorities to: (paragraph 267)

- a. take all necessary measures, such as amendments to legislation, the development of guidelines and the training of all officials in contact with migrants, to ensure that gender-based violence is detected and taken into account under all grounds of persecution provided for in Article 1.A. 2 of the 1951 Convention relating to the Status of Refugees;
- b. continue to develop, in co-operation with specialist associations, gender-sensitive procedures, guidelines and reception facilities for women asylum seekers and migrants, as well as specialised support services adapted to the care of victims of violence.

Progress in this area should be measurable through relevant administrative data on asylum claims for gender-based violence.

Appendix II

List of the national authorities, other public bodies, non-governmental organisations and civil society organisations with which GREVIO held consultations

National authorities

- Ministry of Solidarity and Health:
 - o Information and communication delegation
 - o Directorate General for Social Cohesion
 - o Direction générale de l'offre de soins
 - o General Directorate of Health
- Secretariat of State for Equality between Women and Men

- Ministry of Interior:
 - o National Police Directorate General
 - o General Directorate for Foreigners in France
 - o General Directorate of the National Gendarmerie
 - o Statistical and Research Directorate
 - o General Secretariat - Directorate of Public Freedoms and Legal Affairs

- Ministry of Overseas France

- Ministry of Justice:
 - o Paris Court of Appeal
 - o Inter-ministerial delegation for victim assistance
 - o Administrative Directorate of Crime and Pardons
 - o Directorate of Civil Administration and Seal
 - o Directorate of Judicial Protection of Juveniles
 - o Statistical and Research Directorate
 - o Delegation for European and International Affairs
 - o National School of the Judiciary
 - o Tribunal de grande instance de Paris

- Ministry of National Education:
 - o General Directorate of School Education

- Ministry of Higher Education, Research and Innovation :
 - o Delegation for European and International Affairs
 - o General Delegation for Research and Innovation

- Ministry of Culture

- Inter-ministerial mission for the protection of women victims of violence and the fight against trafficking in human beings (MIPROF)

Territorial authorities

Lille

- Regional Health Agency
- Office of Immigration and Integration
- Prefect's Office (Office for the Prevention of Radicalisation Delinquency)
- North Departmental Council
- Academic Direction of the National Education Services
- Departmental Directorate of Social Cohesion of the North
- Direction départementale de la sécurité publique du Nord
- Regional Directorate for Women's Rights and Gender Equality
- Group of departmental gendarmerie
- Magistrates of the General Prosecutor's Office
- Prefect delegated to Equal Opportunities
- Service of the Deputy Prefect for Defence and Security

Marseille

- Regional Health Agency, Bouches du Rhône Delegation
- Bouches du Rhône County Council
- Regional Directorate for Women's Rights and Gender Equality
- Regional Directorate for Youth, Sports and Social Cohesion
- Prosecutors of the Public Prosecutor's Office
- Judges at the seat
- French Office for Immigration and Integration
- Border Police
- National Police
- Police Headquarters
- Rectorate of the Aix-Marseille Academy
- Migration, Integration and Nationality Services, Prefecture
- Departmental security

Public institutions

- National Consultative Commission on Human Rights (CNCDH)
- High Council for Professional Equality (CSEP)
- Human rights defender
- Delegation for Women's Rights and Equality between Women and Men of the National Assembly
- High Council for Equality (HCE)
- Institut national d'études démographiques (INED)
- National Institute of Statistics and Economic Studies (INSEE)
- National Observatory on Crime and Penal Responses (ONDRP)
- National Child Protection Observatory (ONPE)
- French Office for the Protection of Refugees and Stateless Persons (OFPRA)

Non-governmental organisations

- National federations :
 - Gams Federation for the Abandonment of Female Genital Mutilation and Forced Marriage
 - National Federation of Associations and Centres for the Care of Authors of Domestic and Family Violence (FNACAV)
 - National Federation of Information Centres on Women's and Family Rights (FNCIDFF)
 - National Federation for Women's Solidarity (FNSF)

- Collectives and associations:
 - Family abandonment - Zero tolerance
 - Acting for the Development of Women's Health (ADSF)
 - The Nest Friendly
 - Amnesty International France
 - Women's Assembly - Paris
 - European Association against Violence against Women at Work (AVFT)
 - Francophone Association of Autistic Women
 - Association - The Voice of Women
 - Association MeAlsoAmnésie
 - Jane Pannier Centre
 - Clotaire Centre
 - Information Centre on Women's and Family Rights (CIDFF) of the Seine-Saint-Denis department
 - The Cimade
 - Family Abandonment Collective - Zero Tolerance
 - Feminist Collective Against Rape (CFCV)
 - French Council of Associations for the Rights of the Child (COFRADE)
 - International Collective to Overcome Injustice Against Women (CIVIFF)
 - National Collective for Women's Rights (CNDF)
 - Collectif National Droits de l'Homme Romeurope (CNDH Romeurope)
 - French Coordination for the European Women's Lobby (CLEF)
 - The Escape
 - Balances & Populations (Equipop)
 - Forward all
 - Excision, let's talk about it!
 - Women to Say it, Women to Act
 - Women in Solidarity
 - France Victims
 - League for Human Rights (LDH)
 - Nest Movement
 - Women's views
 - International Network of Struggling Mothers
 - Solidarité Femmes Accueil (SOLFA)
 - SOS Mothers and Children
 - SOS Women 13

GREVIO, the *Group of Experts on Action against Violence against Women and Domestic Violence*, is an independent human rights monitoring body mandated to monitor the implementation of the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention) by the Parties.

The Istanbul Convention is the most far-reaching international treaty to tackle violence against women and domestic violence. Its comprehensive set of provisions spans far-ranging preventive and protective measures as well as a number of obligations to ensure an adequate criminal justice response to such serious violations of human rights.

This report contains an overall analysis of the implementation of the provisions of the Istanbul Convention. It highlights positive initiatives in preventing and combating all forms of violence against women at national level and provides suggestions and proposals to improve the situation of women facing such violence.

www.coe.int/conventionviolence

www.coe.int

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, including all members of the European Union.

All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law.

The European Court of Human Rights oversees the implementation of the Convention in the member states.

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE