

Committee of the Parties



Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)

Recommendation on the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence by France

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The Committee of the Parties to the Convention on Preventing and Combating Violence against Women and Domestic Violence (hereinafter referred to as “the Convention”), acting under the terms of Article 68(12) of the Convention;

Having regard to the purposes of the Convention to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence; to contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women; to design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence; to promote international co-operation with a view to eliminating violence against women and domestic violence; and to provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence;

Bearing in mind the provisions of Article 66 (1) of the Convention concerning the monitoring role of the Group of Experts on Action against Violence against Women and Domestic Violence (hereinafter referred to as “GREVIO”);

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by France on 4 July 2014;

Having examined the Baseline Evaluation Report concerning the implementation of the Convention by France adopted by GREVIO by written procedure in October 2019, as well as the comments of the Government received on 14 November 2019;

Considering the overarching priorities set out in Chapter I of the Convention (purposes and scope of the Convention, definitions, equality and non-discrimination, due diligence and gender-sensitive policies);

Bearing in mind the primordial importance of the provisions set out in Chapter II of the Convention, in particular the obligations to (1) ensure a holistic response to violence against women by devising a set of comprehensive and co-ordinated policies implemented by way of effective multi-agency co-operation; (2) institutionalise and fully mandate one or more co-ordinating bodies as required by Article 10 of the Convention; (3) adequately resource policies, measures and mandates introduced to prevent and combat all forms of violence against women, including government and non-governmental specialist support services; and (4) to collect relevant statistical data disaggregated, at a minimum, by sex, age, type of violence, relationship of the perpetrator to the victim and geographic location;

Welcoming the measures taken by the French authorities in implementing the Convention and noting in particular:

- a national mobilisation in the fight against violence against women;
- legislative advances that have gradually addressed the various forms of violence against women and have strengthened the legal framework for their prevention and punishment;
- the adoption of five consecutive inter-ministerial plans since 2005, which progressively have included the various forms of violence against women in their scope of action and have mobilised the relevant actors through an integrated approach;
- the efforts made to raise awareness among various audiences about the issue of violence against women and the existence of a political will to increase societal awareness of the phenomenon;
- the recourse to the global and independent evaluation of policies on violence against women carried out by the High Council for Equality between Women and Men (HCE) and the task of co-ordinating the collection, analysis and dissemination of data fulfilled by the Inter-ministerial Mission for the Protection of Women against Violence and the Fight against Trafficking in Human Beings (MIPROF) ;

- the role of the actors of the de-centralised network, especially the regional and departmental delegates to women's rights and equality as well as the departmental focal point on "violence against women", in the maintenance of the local network aiming to cater more effectively to the needs of women victims ;
- the measures taken by law enforcement agencies to improve the way they relate to victims, such as the appointment of trained focal points for violence against women, the creation of the "Family Protection Brigades", the conclusion of the "complaint" protocol between various Ministries and the launch of an online reporting platform for sexual and sexist violence;
- the measures taken to include gender issues in asylum procedures, including the asylum reform which codified the consideration of violence against women among vulnerabilities related to the grounds of asylum applications and the creation of the "Violence against women" thematic group within the French Office for the Protection of Refugees and Stateless Persons (OFPRA);
- 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;

A. Recommends, in light of the considerations indicated in the preamble above, that the Government of France take the following measures identified in GREVIO's Baseline Evaluation Report¹ for immediate action to:

1. pursue their efforts aimed at establishing legal mechanisms to protect women from economic violence (paragraph 17);
2. continue its efforts to eliminate multiple discriminations against certain groups of women while using long-term strategies covering each pillar of the Istanbul Convention, by integrating the prevention and the struggle to combat violence against women into programmes adapted to the specific needs of these groups, and by collecting data to support these measures (paragraph 26);
3. continue and intensify its efforts to foster gender-sensitive policies by increasing the effectiveness of policies advancing gender equality de jure and de facto, by ensuring that normative texts are subject to a systematic and rigorous preliminary assessment of their impact on gender equality, and by integrating the gender dimension of violence against women into the development and assessment of relevant laws and policies (paragraph 34);
4. pursue and strengthen inter-institutional co-operation mechanisms, in particular by increasing the resources and capacity of departmental delegates for women's rights and equality, and by continuing the engagement of local contracts against violence against women while assessing their impact on inter-institutional co-operation, including with NGOs (paragraph 43);
5. increase the budget dedicated at central and de-centralised levels to preventing and combating violence against women and, the sustainable and sufficient financial support to women's organisations active in this realm, while intensifying the monitoring of actual spending and assessing financial needs and progress, including through gender budgeting (paragraph 48);
6. strengthen co-operation at all levels of public action with NGOs working on preventing and combating violence against women, especially specialist women's organisations and reinforce its support, including economically, for these specialist women's organisations (paragraph 53);

¹ The number of the paragraph setting out the GREVIO's proposals and suggestions in the report is indicated in brackets.

7. ensure that the national co-ordinating body has an effective mandate and strong national inter-institutional co-ordination competences in the policy realm of violence against women, and guarantee that appropriate human and financial resources are devoted to the national co-ordinating body and its decentralised network (paragraph 58);
8. improve the collection of administrative data on violence against women by ensuring that law enforcement and judicial statistics are based on harmonised categories of offences and disaggregated pursuant to Article 11 of the Convention, while using an improved data model to conduct publicly available assessment of the effectiveness of statutory agencies' response to violence against women and analyse conviction rates for related offences (paragraph 70);
9. guarantee the unconditional right of victims and their children to emergency shelters by developing clear guidelines on victims' referral to specialised shelters, increasing the number and/or capacity of such facilities and ensuring their equitable access for all victims of violence against women, while recognising that only specialised accommodation dedicated to women victims comply with the Convention's requirements (paragraph 156);
10. take measures to establish a sufficient number of emergency centres accessible to victims of rape and/or sexual violence, which provide immediate medical care, high-quality forensic examinations, psychological and legal support, and referral to specialist organisations, independently of the victim's willingness to lodge a complaint (paragraph 164);
11. improve the support and the protection for children exposed to violence by systematising the identification by child-protection professionals of violence against mothers and children, by re-inforcing training on this matter for relevant professionals, and by strengthening and extending easily accessible support and assistance services for child witnesses (paragraph 169);
12. take further measures to enable an effective response by the professionals concerned, particularly those involved in the judiciary, law enforcement agencies, social services, medical, psychological and psychiatric sectors to violence against women, including through an increase of trainings for professionals and the collection of data to measure progress, by:
 - a. ensuring that the determination of custody and visitation rights take into account children's exposure to violence and the risk of continuing violence after separation, including the danger of lethal act (paragraph 186);
 - b. reviewing its legislation and judicial practices, in particular the "correctionnalisation" of sexual violence, in order to base the definition of sexual violence on the absence of the victim's freely given consent and ensure an effective judicial response to sexual violence (paragraph 196);
 - c. reviewing available data to identify whether shortcomings in the justice chain have contributed to low conviction rates, while taking the necessary measures to ensure the accountability of perpetrators of all forms of violence against women without undue delay (paragraph 233);
 - d. 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);
 - e. initiating a process of in-depth revision of the system of protection orders to widespread and systematise their use, while taking measures to ensure that such a system complies with the requirements under Articles 52 and 53 of the Istanbul Convention (paragraph 246);
13. 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 (paragraph 259);

- B. Requests the Government of France to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by 30 January 2023.
- C. Recommends that the Government of France take measures to implement the further conclusions of GREVIO's Baseline Evaluation Report.