



‘GO HOME, IT’LL BLOW OVER’

THE ORDEAL OF REPORTING SEXUAL VIOLENCE IN FRANCE – LIVED EXPERIENCES OF MIGRANT WOMEN, TRANSGENDER WOMEN, AND FEMALE SEX WORKERS

AMNESTY
INTERNATIONAL



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1. INTRODUCTION

According to the Observatoire National des Violences Faites aux Femmes (French National Observatory on Violence against Women), in France 2021, an estimated 217,000 women were victims of rape, attempted rape and/or sexual assault¹. This sexual violence impacts women disproportionately compared to men and is overwhelmingly perpetrated by men; as such, it constitutes a serious violation of human rights and a form of gender-based violence and discrimination against women.²

Despite these facts, official statistics in France indicate that only 6% of victims report cases of rape, attempted rape and/or sexual assault (regardless of whether the complaint is subsequently upheld or withdrawn)³. Furthermore, in 2020, amongst reported cases, only 0.6% of rape or attempted rape cases resulted in a conviction.⁴

Reporting incidents of rape, attempted rape and/or sexual assault is essential in order to initiate legal proceedings, allow an investigation to be carried out and obtain justice.

Since 2017, the French government's commitment to gender equality has led to the roll-out of several measures aimed at facilitating access to justice for women victims of sexual violence, such as, training for professionals, an online portal to facilitate reporting an offence, and an increase in social workers in police and gendarmerie departments.⁵

However, the treatment of women at police stations and gendarmeries often remains problematic.⁶

Over the past few years, a number of activists have gathered together women's experiences, raising awareness and highlighting the major shortcomings in the way in which women who have suffered violence are treated when they go to a police station to report a crime.

In 2018, an initial campaign by activists led by the #PayeTaPlainte collective gathered in just ten days over 500 damning accounts about the way police stations and gendarmeries in France handled reports of rape, attempted rape and/or sexual assault against women.⁷

A survey conducted by the “Nous Toutes” collective in 2021 with the hashtag #PrendsMaPlainte⁸, then gathered 3,500 accounts from women recounting their experience of reporting an offence, with several thousand testifying to poor treatment at gendarmeries and police stations. In particular, women noted that members of law enforcement lacked empathy and professionalism in how they responded to and treat women victims of sexual violence: according to this survey, law enforcement sometimes trivialised the facts and, in some instances, refused to take their statement, even though this is against the law.

¹ Women aged 18 to 74 living in ordinary households in mainland France, Figures for 2021 in Lettre de l'Observatoire National des Violences Faites aux Femmes, n°19, March 2024 <https://arretonslesviolences.gouv.fr/sites/default/files/2022-11/Lettre%20n%C2%B018%20-%20Les%20violences%20au%20sein%20du%20couple%20et%20les%20violences%20sexuelles%20en%202021.pdf>

² The use of the generic term “women” encompasses the reality experienced by cisgender women (who align with the female gender assigned to them at birth) and trans women (assigned “men” at birth but who identify as women).

³ FIGURES FOR 2021 /N LETTRE DE L'OBSERVATOIRE NATIONAL DES VIOLENCES FAITES AUX FEMMES, N°19, MARCH 2024

⁴ Enquête de victimation de l'INSEE, Cadre de vie et sécurité, <https://www.senat.fr/leg/exposes-des-motifs/ppl23-124-expose.html#fnref6>

⁵ 170 additional posts have been created in two years <https://www.gendarmerie.interieur.gouv.fr/gendinfo/actualites/2022/les-intervenants-sociaux-en-gendarmerie-un-accompagnement-du-public-sur-mesure>

⁶ <https://www.info.gouv.fr/actualite/un-grenelle-et-des-mesures-fortes-contre-les-violences-conjugales>

⁷ https://www.lemonde.fr/societe/article/2018/04/03/les-violences-contre-les-femmes-toujours-mal-prises-en-charge_5279835_3224.html

⁸ https://www.noustoutes.org/ressources/resultats_enquete_prendsmaplainte.pdf

In autumn 2021 the movement #DoublePeine⁹ collected many accounts from women about the adverse treatment they had received at the police station when reporting sexual violence or rape. A website gathered hundreds of testimonies.

These actions have led to publicity about the human rights violations, including discrimination, that women can be subjected to when they report sexual violence at a police station or gendarmerie.

These efforts often did not highlight the specific and particular experience of women in France who may experience multiple and intersecting forms of discrimination, and who may be at greater risk of sexual violence for a range of reasons. Similarly, situations reported in the media often overlook the experiences of racialized women and generally condemn acts of gender-based violence against white women. There is no official, disaggregated data reflecting the experience of women experiencing intersectional forms of discrimination and vulnerabilities in France metropolitan and overseas territories.

In this advocacy briefing, Amnesty International has worked with organizations supporting women who report incidents of sexual violence, to look at the specific risks and challenges that organizations have noted three particular groups face in France when they try to access justice for sexual violence: migrant women, sex workers; and trans women.

Migrant women in France face multiple and intersecting forms of discrimination due to their administrative situation (for those who are in an irregular situation), citizenship, migration status, national origin, race, ethnicity, economic and social situation, language proficiency, among other prohibited grounds of discrimination under international law. In 2020, the Council of Europe found that while progress has been made in recent years, France's reception and integration policies are in some aspects gender-insensitive, which means that there are de facto shortcomings in the way they deal with migrant women¹⁰. Similarly, gender equality policies sometimes omit migrant women from their action plans due to their citizenship and migration status¹¹. The association La Cimade, who provides legal support to non-citizens, assisting them in accessing their rights, identified a "double violence" for migrants women: in addition to the violence they may suffer as women - in their country of origin, during their journey or in France - they are all too often subjected to violence by the French administration because they are non-citizens.¹² A study conducted by Dr Jérémy Khouani, a general practitioner, published in September 2023 in the scientific journal *The Lancet*¹³ involving 273 women asylum seekers in Marseille, showed that these women were 18 times more likely to be victims of rape than other women in France, and that one in two women had not sought help following the violence they had suffered, and only one in ten had sought medical or police assistance.

With regards to sex workers¹⁴, in February 2024, the Council of Europe's Commissioner for Human Rights stated¹⁵: "Across the continent, sex workers often face high levels of violence and abuse. This is mainly due to their marginalisation and unsafe working conditions, as well as harmful attitudes which persist in society. Violence can take different forms, ranging from verbal abuse and threats, stalking and harassment, including online, to robberies, physical attacks, rape and sexual violence, hate crimes and even killings". In France sex workers face multiple and intersecting forms of discrimination and violence due to the precarious nature of their work, their race, their migration status, and their gender identity. Médecins du monde, a medical organisation carrying a program dedicated to sex workers in France is studying the consequences of criminalizing sex work for sex workers: according to their research, sex workers are more isolated and exposed to violence, and specially migrant sex workers, have difficulties accessing healthcare and health protection.¹⁶

A report from Council of Europe published in March 2024,¹⁷ titled "Human rights and gender identity and expression" noted that trans women were at high risk of being harassed and assaulted. According to civil society reports, most of the victims and survivors of anti-trans hate crimes and murder are trans women, trans femmes (i.e. trans people who lean toward notions of femininity, but do not necessarily identify as

⁹ <https://doublepeine.fr/>

¹⁰ Lack of accommodation for women seeking asylum, difficulties access to work and healthcare for migrant women for example.

¹¹ Conseil de l'Europe, Les femmes migrantes en France, Mai 2020 in <https://rm.coe.int/femmes-migrantes-fr-coe-150520-/16809f1558>

¹² La Cimade, <https://www.lacimade.org/nos-actions/femmes-et-violences/>

¹³ Jérémy Khouani, 'Incidence of sexual violence among recently arrived asylum-seeking women in France: a retrospective cohort study' in *The Lancet*, 2023

[https://www.thelancet.com/journals/lanepi/article/PIIS2666-7762\(23\)00150-3/fulltext](https://www.thelancet.com/journals/lanepi/article/PIIS2666-7762(23)00150-3/fulltext)

¹⁴ Amnesty International uses the term "sex worker" to refer to adults (aged 18 and over) who receive money or goods in exchange for consensual sexual services, on a regular or occasional basis. By the term "sex work", Amnesty International means the exchange of sexual services, including sexual relations, between consenting adults in exchange for payment, on terms agreed between the seller and the buyer. <https://www.amnesty.org/en/documents/pol30/4062/2016/en/>

¹⁵ Conseil de l'Europe, 'Protéger les droits humains des travailleuses et travailleurs du sexe', 2024 https://www.coe.int/fr/web/commissioner/blog/2024-/asset_publisher/aa3hyvf8wKBn/content/protecting-the-human-rights-of-sex-workers

¹⁶ Médecins du Monde <https://www.medecinsdumonde.org/sur-le-terrain/travailleuses-du-sexe/>

¹⁷ Conseil de l'Europe, 'Human Rights and Gender Identity and Expression' 2024 <https://rm.coe.int/issue-paper-on-human-rights-and-gender-identity-and-expression-by-dunj/1680aed541>

women), sex workers, and migrants¹⁸. Moreover, because of marginalisation, violence, and discrimination, trans people are disproportionately likely to rely on sex work as a means to survive. This exposes them to dangerous working conditions, significant levels of violence, including police violence, sexual violence, and extortion, especially when sex work is criminalised.

This advocacy briefing is a reflection of the experience of organizations who support women in France filing complaints for sexual violence. Amnesty International has been working in partnerships with those organizations for many years on a range of issues (e.g. criminalization of sex work, undocumented migrants, violation of trans rights, among others) and on multiple occasions such as international days to express support and solidarity, during demonstrations, and for advocacy meetings, among others.

¹⁸ Transgender Europe, Anti-trans Hate Crimes in Europe and Central Asia, Submission to OSCE's Office for Democratic Institutions and Human Rights (ODIHR), 2021 <https://tgeu.org/files/uploads/2024/08/tgeu-osce-submission-2021.pdf>

2. METHODOLOGY

This advocacy briefing is an analysis of the challenges that women, who experience multiple and intersecting forms of discrimination and have experienced sexual violence or abuse in France, face when they try to report these crimes, based on the experience of organizations who support them. It focusses particularly on the challenges noted by organizations who support sex workers, migrant women (who may be documented or undocumented), and trans women.

Amnesty International has deliberately employed an intersectional approach in this research¹⁹, with the aim to hear from organizations who support women experiencing multiple and intersecting forms of discrimination. The aim is to recognise and make visible the specific nature of their circumstances and violations of rights that they encounter and identify some of the factors and failings of the French state that prevent these women from accessing justice and redress without discrimination.

Filing a complaint is the first step for victims to access to justice; knowing their experience while filing a complaint is essential to understand better their reluctance in starting this process and inform measures to address systemic discrimination in access to justice. Amnesty International chose to focus on this aspect of the process given the low rates of reporting for sexual violence in France, to understand what barriers and challenges, many of which are often discriminatory, exist for women at this preliminary stage of accessing justice. The obstacles faced by women when filing a complaint may disproportionately affect women who experience multiple and intersecting forms of discrimination.

Amnesty International chose to focus on the challenges women face in reporting crimes linked to their migration status, experience of migration, precarious situation, profession as a sex worker and/or identification as a trans woman and how their multiple and intersecting identities potentially reinforce existing obstacles to reporting incidents of sexual violence. Their experience is relatively understudied, and not visible from other reports or studies conducted by activists or civil society organisations.

2.1 SOURCES

This briefing is based on three main sources: (i) the views of non-governmental organizations who support women to file complaints; (ii) existing literature by governmental and non-governmental organizations on this issue; and (iii) an analysis of the existing legal framework in France.

Amnesty International France spoke with 32 representatives of 19 civil society organisations²⁰ supporting women who experience multiple and intersecting forms of discrimination and have experienced sexual violence or abuse in France. Open interviews, the vast majority of which were conducted remotely, were carried out with 32 representatives of civil society organisations and 4 individual contacts²¹ between July 2023 and May 2024. While all organizations interviewed provided services to all women who may need it, 5 organizations provided specific support services to sex workers and transwomen; and 3 provided support services to migrant women.

¹⁹ The principle of intersectionality involves recognising that structural discrimination, based for example on sex, gender, race or social class, is not an autonomous and isolated phenomenon. Some people may be victims of a whole range of forms of discrimination, all of which compound.

²⁰ FNCLIFF, Nous Toutes, Centre Hubertine Auclert, ASSFAD, En Avant Toutes, Djama Djuigui, La Fédération Parapluie Rouge, Le Strass, Cabiria, Jasmine, Acceptess-T, Comede, La Cimade, Utopia56, L'Arbre Fromager, Agav, Planning Familial de La Réunion.

²¹ A Lawyer, a Senior Lecturer in Sociology, a Former coordinator of la Maison des femmes, a Migrant woman.

Amnesty International did not interview individual women who may have sought to file a complaint for this document. For ethical reasons, and to ensure we did no harm and protected women from any additional distress, we were keen to only speak with women who had the long-term support of one of the civil society organizations we work with. However, civil society organisations' commitment to confidentiality with regard to the women they work with; difficulties keeping in touch with some of the women concerned, given their situation of isolation and marginalisation; and the sensitivity of the subject matter involved meant that individual referrals were harder to arrange. Therefore, this document is a reflection of the challenges that organizations supporting sex workers, transwomen, and migrant women have observed while supporting women to file complaints on gender-based violence.

Many women from these groups in France would not have the support of these organizations. It is likely that this briefing has not reflected the challenges they face, which may be more acute as they are not getting even this level of support.

2.2 RESPONSE FROM GOVERNMENT

Amnesty International France sent requests for information to the Directorate General of the French National Police Force and the Directorate General of the French National Gendarmerie on December 21st 2023. At the time of publication, we had not received any response.

We asked authorities questions on the following issues among others:

- information and data on the complaints (socio-demographic characteristics of the victims, alternative places to gendarmerie or police station where complaints could be filed, access to interpreters, among others);
- information on trainings of police and gendarmes, content of the trainings, how police officers are trained on stereotypes and discrimination and how to prevent it. On 16 July 2024, Amnesty International shared the key findings and recommendations of this report in a letter to the Prime minister.

2.3 GEOGRAPHIC FOCUS

Most of the organizations Amnesty International spoke with worked in France metropolitan, in Paris region (in Paris, Seine Saint Denis) and 1 organisation in Lyon, 1 in Rennes.

Amnesty International also interviewed staff from 4 organizations who worked in French overseas territories. There are a total of 12 French overseas territories. These territories are generally excluded from the scope of official, governmental statistical surveys on access to justice for women victims of sexual violence. We spoke with two organizations in La Réunion (located in Indian Ocean) and two in French Guiana (located in South America). There are no recent official figures on sexual violence in overseas territories as there are in France metropolitan. However, the French Ministry of the Interior has published figures for domestic violence recorded by the Police and the Gendarmerie in 2022, identifying the departments and regions with the highest rate of recorded victims per 1,000 inhabitants aged 15 to 64²². Along with Seine Saint Denis, Pas de Calais and Nord, Guyane and La Réunion, these two overseas territories have amongst the highest rates of domestic violence: 13.9% for Guyane and 13.2% for La Réunion.

French Guiana, which has had the status of a single territorial authority since 2015, exercises the powers attributed to an overseas department and an overseas region, as well as all the powers devolved to it by law to take account of its specific characteristics and constraints. It establishes the Assembly of French Guiana to promote regional cooperation, economic, health, cultural and scientific development.²³ La Réunion is a department with the same powers as any other French department²⁴. In April 2024, Guyana's Congress of Elected Representatives passed a resolution that marks a historic turning point in the recognition of the

²² Ministère de l'Intérieur, Les violences conjugales enregistrées par les services de sécurité en 2022, novembre 2023

<https://www.interieur.gouv.fr/Interstats/Actualites/Info-Rapide-n-28-Les-violences-conjugales-enregistrees-par-les-services-de-securite-en-2022>

²³ L'assemblée de Guyane <https://www.ctguyane.fr/lassemblee/>

²⁴ Competences of department of La Réunion: <https://departement974.fr/nos-competences>

rights of Indigenous peoples in French Guiana. This resolution represents a step forward in relation to the region's colonial history, where profound inequalities linked to this past continue to exist.²⁵

²⁵ Le Monde, « Autonomie de la Guyane : un « moment historique » pour la reconnaissance des peuples autochtones et un rejet de la proposition Macron » https://www.lemonde.fr/politique/article/2024/04/14/autonomie-de-la-guyane-un-moment-historique-pour-la-reconnaissance-des-peuples-autochtones-et-un-rejet-de-la-proposition-macron_6227872_823448.html

3. FRANCE'S INTERNATIONAL OBLIGATIONS TO COMBAT SEXUAL VIOLENCE AGAINST WOMEN

France is signatory to numerous international and regional instruments that prohibit violence against women, and regard violence against women as a human rights violation and a form of gender-based discrimination.

3.1 GUARANTEEING ACCESS TO JUSTICE AND REMEDY FOR WOMEN VICTIMS OF SEXUAL VIOLENCE AND PREVENTING SECONDARY VICTIMISATION

The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), which was ratified by France and entered into force on 1 November 2014, sets out the minimum standards that signatory states are required to apply in order to effectively combat violence against women. It enjoins them to effectively protect the right of everyone to be free from violence, and in particular women, including, inter alia, “by abolishing all laws and practices that discriminate against women²⁶”.

Specific measures in the Convention are intended to facilitate women's access to justice and remedy. Article 56 sets out minimum rules for the protection of victims throughout investigations and judicial proceedings, in particular to ensure that victims “shall, together with their families and witnesses against them, be protected against intimidation, retaliation and re-victimisation”.

²⁶ Istanbul Convention, Article 4 <https://rm.coe.int/1680084840>

Article 57 of the Convention also enshrines victims' 'right to legal assistance and free legal aid under the conditions laid down by the domestic law of the signatory states.

Lastly, Article 15 provides for appropriate training for relevant professionals dealing with victims of violence, particularly sexual violence.

These provisions are intended to help prevent secondary victimisation at all stages of the legal process. This concept was recently defined by the Committee of Ministers of the Council of Europe as victimisation resulting not directly from the criminal offence, but from the response given to the victim by public or private institutions, and other individuals²⁷.

A United Nations resolution details that "the State should ensure that its domestic laws, to the extent possible, provide that a victim who has suffered violence or trauma should benefit from special consideration and care to avoid his or her re-traumatization in the course of legal and administrative procedures designed to provide justice and reparation".²⁸

In its report assessing the situation in France, GREVIO (Council of Europe Expert Group on Action against Violence against Women and Domestic Violence), the independent specialist body responsible for monitoring the implementation of the Istanbul Convention, urged the French authorities in 2019 "to continue to encourage women to report the violence of which they are victims", and also take additional measures to "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".²⁹

3.2 PROHIBITION OF DISCRIMINATION IN ACCESS TO JUSTICE

Article 4 of the Istanbul Convention ensures that measures to protect victims' rights are implemented "without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status".³⁰

In its evaluation report in 2019, GREVIO also encouraged the French authorities to continue their efforts and to take into account the multiple and intersecting forms of discriminations that women may suffer at the hands of law enforcement agencies that take statements from victims, urging them 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;
- 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".

Similarly, Article 5 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) requires States Parties to take measures to "modify the social and cultural patterns of conduct of

²⁷ Recommendation CM/Rec(2023)2 of the Committee of Ministers to member states on rights, services and support for victims of crime

²⁸ Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), *Baseline Evaluation Report France*, 2019, p.70 <https://rm.coe.int/grevio-inf-2019-16/168098c619>

²⁹ Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), *Baseline Evaluation Report France*, 2019

³⁰ Istanbul Convention, Article 4.; The Explanatory report to the Istanbul Convention explicitly clarifies that the anti-discrimination provisions in its Art. 4.3 covers trans gender people, migrant and racialised women, it also refers to women at the hands of law enforcement agencies and the judiciary <https://rm.coe.int/1680a48903para53>; 87

men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women".³¹

In its General recommendation No. 33 on women's access to justice, the UN Committee on the Elimination of Discrimination against Women (CEDAW Committee) has documented "many examples of the negative impact of intersecting forms of discrimination on access to justice, including ineffective remedies, for specific groups of women. Women belonging to such groups often do not report violations of their rights to the authorities for fear that they will be humiliated, stigmatized, arrested, deported, tortured or have other forms of violence inflicted upon them, including by law enforcement officials. The Committee has also noted that, when women from those groups lodge complaints, the authorities frequently fail to act with due diligence to investigate, prosecute and punish perpetrators and/or provide remedies".³²

During France's review by the CEDAW Committee³³, the body responsible for monitoring states' compliance with their obligations under the CEDAW, in October 2023, the Committee recommended that France "strengthen its strategy aimed at eliminating discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society, with a particular focus on disadvantaged groups of women, and equip it with a dedicated budget and time-bound targets and objectives". The Committee also shares its concerns about "the persistent discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society in the State party, including with regard to women and girls with disabilities, women belonging to racial, ethnic and religious minorities, women victims of sexual assault, and women victims of revenge porn"³⁴.

Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination³⁵ more specifically recalls the commitment of signatory states, including France, to "prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment (...) [of] right to equal treatment before the tribunals and all other organs administering justice". The General Recommendation 30 on "Discrimination against non-citizens" of the Committee on the Elimination of Racial Discrimination asks States to "combat ill-treatment of and discrimination against non-citizens by police and other law enforcement agencies and civil servants".³⁶

Finally, international human rights law recognises the impact of multiple and intersecting forms of discrimination on access to justice and urges States to act specifically on these barriers to women's access to justice³⁷

For example, General Comment 19 of the Committee on the Elimination of Discrimination against Women specifically recognises the vulnerability of sex workers to human rights violations and violence, resulting from their marginalisation and potentially "illegal" status. It calls on states to take measures to guarantee their right to be free from violence and discrimination, whether by state agents or private persons, and to provide access to equal protection by the law.

The situation of some migrant women also gives cause for concern. In 2019, GREVIO pointed out that "women in an irregular situation sometimes go to the police station or gendarmerie to report violence and are arrested themselves", issuing a reminder of the requirements of fair treatment recommended by the European Court of Human Rights regarding the questioning of foreigners in an irregular situation. GREVIO encouraged the French authorities to "ensure that foreign victims of violence are informed, at the time of filing a complaint, of any CESEDA (Code of Entry and Residence of Foreigners and of the Right to Asylum) protective measures from which they may benefit".³⁸

³¹ CEDAW, Article 5

³² CEDAW Committee, General Recommendation No. 33 on "Women's access to justice"

³³ CEDAW Committee 17 October 2023 <https://www.ohchr.org/fr/news/2023/10/experts-committee-elimination-discrimination-against-women-commend-frances-feminist>

³⁴ CEDAW Committee 17 October 2023 <https://www.ohchr.org/en/news/2023/10/experts-committee-elimination-discrimination-against-women-commend-frances-feminist>

³⁵ CEDAW, Article 5

³⁶ CERD Committee, General Recommendation N°30 on "Discrimination against non-citizens"

³⁷ Explanatory report of the Istanbul Convention, para 53, para 87, para 313. CEDAW, General recommendation 35

³⁸ Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), *Baseline Evaluation Report France*, 2019

4. INSUFFICIENT PROTECTION FOR WOMEN VICTIMS OF SEXUAL VIOLENCE

This chapter will document the french legal framework and its implementation.

4.1 THE LEGAL PROCEDURE FOR FILING A COMPLAINT

In France, it is possible to file a complaint³⁹:

- in person at any police station, either a “commissariat” or “gendarmerie” at any time
- by post to a public prosecutor

An online reporting platform was also set up in 2018, enabling exchanges with police officers or gendarmes specially trained in gender-based and sexual violence, who can trigger interventions and set up an appointment to go to a police station to file a complaint.⁴⁰

Alternative places for women victims of violence to file a complaint have also been created, such as hospitals and women's centers, which are becoming operational all over the country.⁴¹ To date, there is no website or document centralising alternative places to file a complaint for victims.

Victims are not required to provide proof of the offence when registering their complaint, whether by medical certificate or any other documentary evidence. The police need not require the presentation of any documents.

Article 15-3 of the French Code of Criminal Procedure states that “the judicial police are obliged to receive complaints filed by victims of offences committed against criminal law and to transmit them, should the occasion arise, to the service or group of judicial police competent for the area in question”.⁴²

Article 10-2 of the French Code of Criminal Procedure states that victims have the right to be assisted or represented by a lawyer.⁴³ Victims may apply for legal aid so that the State will cover all or part of their legal fees in connection with legal proceedings. Eligibility is unconditional for the crime of rape, but means-tested

³⁹ Ministère de l'Intérieur, [Comment se passe le dépôt de plainte d'une victime de violences sexuelles ou sexistes](#)

⁴⁰ Online reporting platform <https://www.service-public.fr/cmi>

⁴¹ The Ministry of Interior signed in 2023 a convention with the network Re-Start that gathered all “Maisons des femmes” in France where women victims of violence can file a complaint <https://www.police-nationale.interieur.gouv.fr/actualite/nouvelle-convention-pour-ameliorer-laccueil-et-prise-en-charge-de-plaintes-des-femmes>

⁴² Code of Criminal Procedure, Article 15-3

⁴³ See Articles 10-2 to 10-6 of the French Code of Criminal Procedure detailing victims' rights

for offences such as sexual assault.⁴⁴In other words, all victims of rape will have access to legal aid, but victims of sexual assault can only access legal aid depending on their income.

Article 10-2 4° of the French Code of Criminal Procedure stipulates that victims must be informed of their right to be assisted by a service provided by one or more public authorities or by a victim support organisation approved under conditions laid down by decree. Police officers or gendarmes must give contacts of victim support organisation to the victims so they can get support.

Article 10-2, 7° of the French Code of Criminal Procedure states that victims who do not understand the French language are to be informed of their right to an interpreter and a translation of the information required to exercise their rights.

The police or gendarmerie can issue a requisition for the victim to undergo an examination in a specialized hospital or a medico-judicial unit (UMJ), in order to draw up a medical certificate confirming the victim's physical and/or psychological state. The policemen or gendarmes will make an appointment for the victim, who will then go there on her own. If a woman experiences sexual violence goes first to a hospital, she can file a complaint directly at the hospital only if there is a convention between the hospital and the Ministry of interior enabling this (it is the case of the whole Ile de France region).

4.2 CHALLENGES AND BARRIERS IN FILING COMPLAINTS

The challenges and obstacles described below are based on interviews with organisations that support women facing multiple and intersecting forms of discrimination. While all victims of sexual violence may experience some of these barriers (e.g. refusal to file a complaint), these challenges and obstacles can be compounded and affect women who experience multiple and intersecting forms of discrimination disproportionately, including racial discrimination.

4.2.1 REFUSALS TO FILE COMPLAINTS

“The main problem is the refusal to take a complaint. In some places, they will say to the victim: “It’s just a domestic dispute. Go home, it’ll blow over”. This happens indiscriminately with the police and the gendarmerie. When they come to us, we advise them to go back to the place where they were refused, armed with article 15-3 of the French Code of Criminal Procedure, so that this time the complaint is filed. If the officer again refuses to do his or her job, we report this as a refusal to file a complaint to the public prosecutor so that he can restore order in his team”⁴⁵.

Under French law, victims of crime wishing to exercise their right to file a police complaint may do so at any time, by going to the police station or gendarmerie of their choice. The service receiving the complaint must forward it, where appropriate, to the territorially competent service.

However, six civil society organisations Amnesty International spoke with said that police had refused to register these complaints in some instances when they had been supporting women who had experienced violence, and that this was an area in which a lot more support was needed. There stated many reasons given by police for refusing to register a complaint: for example, the police considered that there was no evidence based on the interview with the victim; or with arguments such as ‘you do not have the right to file a complaint because you are in an irregular situation’.⁴⁶ According to the organizations, refusals to file complaints may be based on racist, sexist or transphobic stereotypes and prejudices from the police and gendarmerie.

In France, a person can record a complaint or a ‘main courante’ with the police. The “main courante” is a statement by which a person can report events and date the incident, but it does require the police to start an investigation. The nature, date and place of the events are recorded in a police or gendarmerie register. This is a different from filing a complaint; filing a complaint launches a criminal investigation by the police or

⁴⁴ Fondation des Femmes ‘Où est l’argent contre les violences faites aux femmes’, 2023 <https://fondationdesfemmes.org/fdf-content/uploads/2023/09/FDF-rapport-argent-2023-web-synthese.pdf>

⁴⁵ Interview by video call, 29 January 2024

⁴⁶ La Cimade La Réunion : Interview by video call with Elodie, 17 May 2024

gendarmerie According to five civil society organisations Amnesty international spoke to, the practice of filing a report ('main courant') rather than making an official complaint is still widespread, despite instructions from the French Ministry of the Interior to stop filing 'main courants' in cases of sexual or domestic violence. In cases of domestic violence, the police have to send the "main courante" to the public prosecutor or "procureur de la République" based on declaration from the Ministry of Interior.⁴⁷ The public prosecutor may then decide to carry out an investigation and possibly prosecute the perpetrator of the abuse if the violence is considered to be very serious. The organizations noted that despite instructions from the Ministry of Interior police filed reports instead of complaints even where the victim wanted a complaint to be filed.

All civil society organizations said that they expected difficult situations at police stations and gendarmeries, and often prepared women victims for the obstacles they may face, in particular by advising them to take article 15-3 of the French Code of Criminal Procedure with them as a reminder for the police of their obligation to record an official complaint.⁴⁸

According to articles 40, 40-1 and 40-2 of the French Code of Criminal Procedure, "the public prosecutor receives complaints and denunciations" and can initiate legal proceedings on this basis. All the civil society organisations we spoke to are helping victims to file complaints to the French Public Prosecutor by post to the Tribunal de Grande Instance (French High Court) in order to bypass the stage of filing a complaint in person at the police station after a bad experience at a police station or to avoid this process.

In its annual report⁴⁹, Cabiria Community Health Association working with sex workers in Lyon's explains that these letters are in response to women victims of violence whose complaints have been refused: "We now know that these complaints are passed on to the police departments concerned, which then have to produce reports to explain their actions. This procedure is our only weapon for denouncing the way the people we accompany to the police are treated". In French Guiana, the civil society organisation L'Arbre Fromager: "We write letters to the public prosecutor. For example, we write: *"We're sending you a lady's complaint, because she's tried twice to make a complaint, and she's been waiting three hours at the police station"*. This is not acceptable.⁵⁰"

Civil society organisations told Amnesty International that the procedure for filing a complaint by letter to the French Public Prosecutor is longer, but for women victims of sexual violence it avoids secondary victimisation and the trauma of recounting in person the violence to a stranger. Often, a member of the civil society organisation will support the woman who has been the victim of violence draft the complaint⁵¹.

Amnesty International reached out to la Direction Générale de la Police Nationale and Direction Générale de la Gendarmerie Nationale for information about the number of complaints of sexual violence sent to the French Public Prosecutor per year. At the time of publication, there had been no response.

The government set up an online reporting platform in 2018⁵², enabling people to contact police officers or gendarmes specially trained in sexual and gender-based violence, who can then initiate action and make an appointment at a police station so the victim can file a police complaint. The vast majority of organizations Amnesty International spoke with were unaware of this system.

All the civil society organizations Amnesty International spoke with also confirmed that there is no website or document listing all alternative places to fill a complaint in French territory such as referrals to women's centres or hospitals, making an appointment via the online reporting platform, or filing a complaint by post with the French Public Prosecutor according to the situation of the woman.

Furthermore, to date, there has been no comprehensive and accessible assessment of these services by the government, contrary to GREVIO's recommendations⁵³, which would enable victims and the civil society organisations that support them to take advantage of them. Amnesty International asked the government if they had plans of conducting such as assessment but received no response at the time of publication.

⁴⁷ https://www.lemonde.fr/societe/article/2021/10/22/violences-faites-aux-femmes-le-rappel-de-gerald-darmanin-aux-policiers_6099508_3224.html

⁴⁸ Code of Criminal Procedure, Article 15-3

In partnership with the national police and the national gendarmerie, Women for Women France has drawn up a letter reminding law enforcement agencies of their obligations when receiving and dealing with non-French victims of sexual violence, in particular with regard to the right to a translator. This letter is available on their website⁴⁸ so that women can use it when filing a complaint and anticipate any difficulties that may arise, in particular when complaints are refused or reports are made in the police log.

⁴⁹ Cabiria Association, annual report, 2021

⁵⁰ Interview by video call with Audrey, 11 October 2023

⁵¹ All civil society we exchanged with are helping victims to draft the complaint

⁵² Online reporting platform <https://www.service-public.fr/cmi>

⁵³ GREVIO report <https://rm.coe.int/grevio-inf-2019-16/168098c619>

4.2.2 ADDITIONAL CHALLENGES FACED BY MIGRANT WOMEN

By law, anyone can file a police complaint, including a police complaint about sexual or other gender-based violence, whether or not they are legally resident in France. For people that are undocumented, filing a complaint to a police station may be hard as it is the same institution in charge of their potential deportation. The civil society organisation supporting trans people, Acceptess-T, notes that “Many people, particularly undocumented migrants, had, and still have, no access to filing a complaint, since the police officers who check them and issue them with OQTFs [obligations to leave French territory] in the evening in the Bois are the same ones they have to report the violence to⁵⁴”.

In addition to the challenge in trusting law enforcement, there have been instances where women reporting violence have been detained and, for some of them, deported due to their migration status. Four civil society organisations reported cases of women who are in the country illegally have been ordered to leave the country, and some have been placed in detention centres and then deported, when they went to the police to report violent incidents. The civil society organisation La Cimade, working to defend the rights of migrants, shared worrying information concerning six situations with Amnesty International, in which undocumented migrant women were arrested after contacting the police about violent incidents between July 2022 and February 2023. La Cimade alerted the authorities⁵⁵ (the relevant French ministries) with details of these situations. In the case of these six situations, all the women were ordered to leave French territory when they had contacted the police about violent acts. Three of them were deported, while three were subsequently released⁵⁶.

As La Cimade explains⁵⁷: “These people were released by the liberty and detention judge, notably on the grounds of unfair and illegal arrest. This is written in black and white in the judges' decisions; but in communities, people talk, and so migrants, particularly those who do not have a residence permit or other documents, are now scared to death of going to police stations and gendarmeries. I wouldn't say that everyone is aware that this has become a problem again, but some communities have been informed, and it's very difficult to persuade them to go and file a police complaint”. This also has serious consequences on their ability to access justice. Women who were arrested and released from detention centre abandoned their complaint: “these women will be afraid of uniforms for the rest of their lives” as La Cimade explains⁵⁸.

In April 2024, La Cimade addressed a new case of a woman who went to a police station after a night of violence from her partner⁵⁹. She has been arrested and put in a detention center. At the time this report is written she was still in a detention center because of her migration status.

Undocumented women thus find themselves in desperate situations where, instead of being protected as victims of violence, they may be threatened and some even deported. This is illegal under national and international law⁶⁰. Furthermore, these situations can have an immense chilling effect on other women who want to make complaints but who, knowing of women who have been forced to leave the country or placed in a detention centre, prefer not to risk taking any action.

Non-French speaking women are also facing difficulties regarding the access to an interpreter. Article 10-2, 7° of the French Code of Criminal Procedure states that victims who do not understand the French language are to be informed of their right to an interpreter and a translation of the information required to exercise their rights. However, six of the civil society organisations interviewed identified, access to an interpreter, as a major obstacle to filing a complaint. Based on these interviews, it appears as though not all people who need an interpreter are offered one throughout the country, leaving many women without an interpreter or having to ask a relative or civil society organisation to take on this role.

According to the person in charge of gender and protection issues at La Cimade working to defend the rights of non-citizens⁶¹: “When people arrive, there is usually no interpreter in their language available, so they are given an appointment for a later time. Sometimes, there is still no interpreter at the time of the appointment. We also have problems with interpreting and translation on the part of professionals. [...] We've had

⁵⁴ Interview conducted at Acceptess-T's offices with Giovanna, June and Simon, 10 October 2023

⁵⁵ Emails exchanged with La Cimade

⁵⁶ Emails exchanged with La Cimade

⁵⁷ Interview by video call with Violaine, 20 October 2023

⁵⁸ Interview by voice call with Violaine, 30 April 2023

⁵⁹ Interview by voice call with Violaine, 30 April 2023

⁶⁰ Cour Appel de Pau, 1^{er} février 2023 : “not to consider the arrest of X as disloyal would mean depriving an undocumented foreigner of the right to file a complaint, for fear of being placed in police custody, which would constitute a serious infringement of victims' rights, which the judicial authority must ensure in accordance with the Code of Criminal Procedure”

⁶¹ Interview by video call with Violaine, 20 October 2023

problems in some police stations, where we've asked some of our volunteers, particularly Russian or Arabic speakers, to do the interpretation even though they're not sworn translators.”.

In French Guiana, in small towns far from the coast, the interpreters at the police stations may know the person filing the complaint, or the police may ask victims to bring a French-speaking relative. What's more, the language barrier is a real difficulty when it comes to less common languages such as Sranantongo or Haitian Creole, as the civil society organisation AGAV told us⁶²: “With the language barrier, it's much more complicated to find someone who speaks Sranantongo to make yourself understood (...) So it takes time, and finding interpreters in certain languages is very difficult, even in French Guiana”. The two organisations⁶³ based in La Reunion told Amnesty international that there is no interpreter in the island accessible in gendarmerie or police station for malagasy or mauritian. This situation has a direct impact on access to justice for migrant women on La Réunion, who either have to find their own way around the lack of an interpreter, in particular through relatives who speak French, for fear of finding themselves with empty reports (“procès verbal”) when they leave the police or gendarmerie station.

It is essential for non-French speaking women to be able to speak in their preferred language, in a safe environment with an interpreter, without the risk of compromising confidentiality when filing a complaint, as the legal framework allows. The right to an interpreter must be guaranteed for all women who are victims of sexual violence in all French territory. This lack of interpreters affects racialized women disproportionately. The inability to use their language or the absence of an interpreter are factors that create additional barriers for migrant women victims of sexual violence.

4.2.3 INADEQUATE SUPPORT

The Chapter IV of the Istanbul Convention is dedicated to “Protection and support” and details all measures States “must provide general and specialist support services and ensure that victims have easy access to, or are referred to, the service concerned.”⁶⁴

As part of the process, victims have the right to be referred to a social worker and psychologist at the police station or gendarmerie, or to a victim support organisation. According to the latest available data, of the 2,800 gendarmeries and 700 police stations in France, there are: 192 social workers in police stations, 181 social workers in gendarmeries and 79 social workers shared between the police and gendarmeries – according to the French Ministry of the Interior in April 2023. Similarly, there are only 80 psychologists in police stations⁶⁵. These services are then not sufficiently deployed throughout the country. According to a report from la Fondation des femmes⁶⁶, at least 500 social workers are needed in police stations and gendarmeries to meet current demand.

In many instances, civil society organizations fill this gap (this will be discussed in a later section of this paper). Women who don't have any contact with civil society organisations may have access to lesser support.

4.2.4 INADEQUATE TRAINING OF POLICE OFFICERS

The French law of 4 August 2014 for “Real Equality between Women and Men” introduced training on domestic violence, violence against women and the mechanisms of psychological control into the initial and ongoing training of national police, municipal police and national gendarmerie personnel⁶⁷. However, the content of the training provided is not detailed, and the latest information published by France in its report to GREVIO is not specific about the content of the training provided. ⁶⁸ All the civil society organisations interviewed stressed the need for more hours devoted to sexual violence in initial training courses. According to some civil society organisations, this should be accompanied by a training into the broader anti-discrimination framework. The civil society organisation Hubertine Auclert published a report in 2022⁶⁹ on the training that the civil society organisation and its network of partners provided to the security forces as

⁶² Interview by video call, 29 January 2024

⁶³ Interview by video call with Elsa, 4 March 2024 and Interview by video call with Elodie, 17 May 2024

⁶⁴ Grevio report, p44

⁶⁵ <https://questions.assemblee-nationale.fr/q16/16-5416QE.htm>

⁶⁶ Fondation des Femmes ‘Où est l'argent contre les violences faites aux femmes’, 2023 <https://fondationdesfemmes.org/fdf-content/uploads/2023/09/FDF-rapport-argent-2023-web-synthese.pdf>

⁶⁷ Article 51 of French law n°2014-873 of 4 August 2014 for Real Equality between Women and Men

⁶⁸ Report by state authorities to GREVIO received on 30 June 2024

⁶⁹ Centre Hubertine Auclert « Former les forces de sécurité à l'accueil des femmes victimes de violences conjugales », 2022 <https://www.centre-hubertine-auclert.fr/egalitheque/publication/rapport-former-les-forces-de-securite>

part of a regional project in the Ile-de-France region. Its feedback reveals the stereotypes held by police officers and gendarmes about victims at the intersection of several forms of discrimination. At the end of its report, the civil society organisation proposes ten key recommendations for improving law enforcement training.

Training in anti-discrimination and handling complaints in cases of gender-based violence must be continued and stepped up across the country to meet the needs identified by these civil society organisations, thereby combatting the harmful gender stereotypes women survivors of violence face and improving their access to justice and remedy. Furthermore its last report on France in 2019, 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.”⁷⁰

A consent-based definition of rape as per the standards set in Art. 36 of the Istanbul Convention, which is an important step to address rape myths and gender stereotypes. France still doesn’t have a consent-based rape definition

Inadequacies and gaps in trainings also mean that the quality of service women experience in police stations across the country can be quite different. For example, in conversations with Amnesty International, organizations identified specific police stations where filing a complaint was always delayed. Others described this unpredictability as “hit-and-miss”, “Russian roulette”, and “a lottery”. The civil society organisations were unanimous in saying that victims found filing a complaint extremely traumatic, particularly when they were confronted with staff who asked inappropriate questions, had a lack of information about their rights, or encountered dismissive attitudes, victim-blaming and prejudices influenced by gender stereotypes and rape myths.

⁷⁰ Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), *Baseline Evaluation Report France*, 2019, p.38 <https://rm.coe.int/grevio-inf-2019-16/168098c619>

5. STEREOTYPES AND STIGMATISATION OF WOMEN FACING MULTIPLE AND INTERSECTING FORMS OF DISCRIMINATION

Women who experience multiple and intersecting forms of discrimination face additional obstacles when reporting violence and filing a police complaint due to stereotypes and stigmatisation on the part of the police. Previous experiences of racism, discrimination and transphobia may further reinforce women's distrust of institutions, particularly the police.

5.1 MIGRANT WOMEN

The situation of migrants was unanimously mentioned by the civil society organisations interviewed, both, in terms of women who choose not to go ahead with a complaint and in the reception they may receive at police stations. All the 20 organizations mentioned that women who are in an irregular situation, awaiting recognition of refugee status or any other residence permit, and therefore in the precarious position of having a temporary administrative status, are less willing to file a police complaint due to fear of how they would be treated by the police and fears about how this might impact their pending immigration claim. As racialized women, they also risked experiencing racist practices.

All of the 20 civil society organisations we met were unanimous in their observation that migrant women were reluctant to report sexual violence. According to the civil society organisations, going to a police station was a frightening prospect for them: “they are afraid”, in the words of the legal manager of Strass, a civil society organisation that defends the rights of sex workers. The coordinator of Utopia 56, which has a specific programme for young migrant girls, said: “The girl was afraid that [a complaint] would jeopardise her attempts to become legal. It's complicated enough for French women to file a police complaint, so for undocumented women...”.⁷¹ This echoes the serious concerns expressed to us by three civil society

⁷¹ Interview by video call with Zoé and Angelo, 5 October 2023

organisations about the specific situation of women asylum seekers, who are in a precarious position because they are awaiting a decision on their asylum application and do not wish to jeopardise their application by filing a complaint.

Eight of the civil society organisations also told Amnesty International how migrant and asylum seeker women are subjected to stereotypes perpetuated by the police force, in particular the prejudice that they would report violence in order to ‘obtain papers’. These assumptions are often based on race, ethnicity, national origin, or other grounds of discrimination and used to justify stereotypes and biases about the behaviour or intentions of women from certain nationalities or with different citizenship or migration status. Xenophobia and racist practices on the part of law enforcement officials were mentioned in the civil society organisations’ testimonies. One staff member from an organization described how a police officer told her: “Wait! You don’t understand that we’re doing a difficult job. You, the civil society organisations, you have the real victims. We have all the liars. Watch out for those who are promiscuous, who came to France for economic reasons and then come to tell us that the man is violent”⁷². GREVIO noted in its last report “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 residence.”⁷³

In addition, CESEDA (Code of Entry and Residence of Foreigners and of the Right to Asylum) does not provide sufficient protection for migrant women who are victims of violence. According to a memo by Gisti (Information and support group for immigrants) on “Residence rights and domestic and family violence”⁷⁴, the current law does not take into account the situation of all foreign victims of violence. There is no provision granting a right of residence to women involved in criminal proceedings as a victim of violence other than domestic or family violence, such as rape, harassment in the workplace or other forms of violence.

Migrant women are identified by international texts as being particularly at risk, both as racialised women and because their migratory status is often precarious.

5.2 SEX WORKERS

The five civil society organisations⁷⁵ interviewed who work for the protection of sex workers all mentioned the difficulties and obstacles sex workers face when they wish to report sexual violence for two reasons. First, the stereotypes and prejudices of police officers and gendarmes concerning sex work are numerous and reflect those present in society in general. The civil society organisations had noticed that for example, sex workers had experienced discriminatory comments in their interactions with police. The 5 organisations said that those practices may lead the police and gendarmerie to refuse their report of sexual violence, in particular by denying that it is non-consensual. Second, organizations also noted that sex workers were often subject to violence and abuse from police officers because of the law regarding sex work in France - where sex work is legal but the purchase of sexual services is prohibited - as a result of which they did not trust law enforcement enough to approach them to file a complaint when they had experienced violence.

The coordinator of the Fédération du Parapluie Rouge- a coalition of most of the associations/collectives working in community health and/or defending the rights of sex workers in France - recalls a police officer telling one of the people they were supporting: “No, madam, you haven’t been raped, this was a client”⁷⁶. The legal department of The Strass, Sex Work Union existed since 2009 in France created by sex workers reports: “We’re still living in a society that considers that being raped is part of being a sex worker, and that as soon as there’s money involved, it’s as if we’ve implicitly accepted any form of violation of our bodies.”⁷⁷

In its annual report, the Community Health Association Cabiria, which supports sex workers in the Lyon region, states: “Given the amount of violence to which sex workers are subjected, many incidents of violence are trivialised and not reported to the civil society organisation or the police. Our figures on violence grossly underestimate the number of incidents that actually occur, and only take into account those that have been reported to us, which are often serious. When people are attacked, we systematically offer to go with them to a police station to file a complaint. Many of them refuse, considering it a waste of time. Having already had

⁷² Interview by video call, 07 September 2023

⁷³ GREVIO report, 2019, p.79

⁷⁴ GISTI, Droit au séjour et violences conjugales et familiales, 2020, <http://www.gisti.org/spip.php?article6292>

⁷⁵ La Fédération Parapluie Rouge, l’association Cabiria, le Strass, le programme Jasmine, l’association Acceptess-T

⁷⁶ Interview by video call with Berthe, 27 July 2023

⁷⁷ Interview by video call with Camille, 14 September 2023

dealings with the police, they find that the police often don't believe their stories, or don't dedicate time to investigating their cases.”⁷⁸

Law regulating sex work in France

The legal framework of their activity can also be an obstacle to reporting sexual violence. Sex work is legal in France, but the purchase of sexual services is an offence⁷⁹.

Five civil society organisations⁸⁰ interviewed identified the laws on ‘pimping’ and the criminalisation of clients as direct obstacles to sex workers reporting violence. All were unanimous in stating that sex workers live with the daily fear of being arrested by the police because of various laws and municipal by-laws governing their activity. They can be very reluctant to report incidents, and most prefer not to contact the police if they are victims of violence.

Certain provisions relating to the crackdown on pimping (article 225-10 of the French Penal Code⁸¹) lead sex workers to not contacting the police and therefore not reporting cases of sexual violence for fear of losing their accommodation and/or place of business following a report made to the owner of the accommodation. For example, the coordinator of the Fédération des parapluies rouges – leading a community defending sex workers – reports the fear of sex workers going to the police station to file a complaint: when they do file a complaint, the police, realising that the offence was committed at the sex worker's place of work, may contact the owner of the accommodation to inform them of the sex worker's activity⁸². In such cases, informing the landlord can result in the sex worker losing her place of work, which is also her home. It is the same situation as shared by the legal advisor of the sex workers Union “The Strass”: “There's no bond of trust with the cops, because we try to run away from them, because we don't want them to scare away the clients, because we're afraid our guy will be seen as our pimp. I have a lot of these questions before I file a complaint. “I'm married and I don't want my husband to get into trouble. I pool my income with him.” Even if my business is legal, what I'm doing isn't completely clean above the law. And I don't want the people around me to be penalized by the filing of a complaint.”⁸³

In addition, under Article 611-1 of the French Criminal Code: “The act of soliciting, accepting or obtaining sexual relations from a person who engages in prostitution, even occasionally, in exchange for remuneration, a promise of remuneration, the provision of a benefit in kind or the promise of such a benefit is punishable by a 5th class fine.” This Article leads sex workers to adopt riskier behaviour by accepting practices such as unprotected sex in order not to lose clients, because of the significant drop in the number of clients due to the criminalisation law. Médecins du Monde carried out a study in 2018 on the effects of this law: “This situation leads [sex workers] to take more risks at work, and the impact on health is worrying. Indeed, the qualitative interviews reveal a worrying decline in condom use, as well as breaks in treatment for HIV-positive people”⁸⁴. This is because sex workers may change their place of work regularly, which leads them to interrupt their treatment. In this report, the sex workers interviewed denounced the increase in identity checks by the police targeting migrant sex workers. This leaves them particularly vulnerable, and according to the report they do not feel confident to report sexual violence to the police.

Acceptess-T also testifies to this: “We work in a neighbourhood where people have been victims of violence, or victims of police violence. For example, we heard transactions like: “*I won't give you anything [i.e. no OQTF - obligation to leave French territory] if you give me a blow job*”. This is also the reality of what happens in the Bois de Boulogne. So when you have to go and report violence – I'm not even talking about reporting the cops – and you find yourself face-to-face with the same person at the police station, it's totally impossible”.⁸⁵ Migrant sex workers face particular risks of violence: the precariousness of their administrative status, their profession, and their race all interact to create specific and particular risks, and

⁷⁸ Association Cabira, Annual report, 2021

⁷⁹ Penal Code, Article 611-1

⁸⁰ Interviews with Fédération Parapluie Rouge, Acceptess-T, Cabiria, Le Strass, Programme Jasmine

⁸¹ “punishable by ten years' imprisonment and a fine of €750,000: “Any person, acting directly or through an intermediary:

2° Owning, managing, operating, directing, operating, financing or contributing to the financing of any establishment open to or used by the public, to accept or habitually tolerate that one or more persons engage in prostitution inside the establishment or its annexes or seek customers there for the purpose of prostitution;

3° Selling or making available to one or more persons premises or locations not used by the public, knowing that they will engage in prostitution there;

4° To sell, hire out or make available, in any way whatsoever, to one or more persons, vehicles of any kind, knowing that they will be engaging in prostitution there”.

Thus, according to this article of the law, a landlord who rents a flat to a sex worker where she carries out her trade may be punished by ten years' imprisonment and a fine of 750,000 euros.

⁸² Interview by video call with Berthe, 27 July 2023

⁸³ Interview by video call with Camille, 14 September 2023

⁸⁴ Médecins du Monde, “*Que pensent les travailleurs.se.s du sexe de la loi prostitution ?*” Avril 2018

https://www.medecinsdumonde.org/app/uploads/2022/04/Rapport-prostitution-BD_0.pdf

⁸⁵ Acceptess-T : Interview conducted at Acceptess-T's offices with Giovanna, June and Simon, 10 October 2023

are factors that need to be taken into account in a comprehensive, intersectional policy to combat the violence they face.

In France, 250 sex workers challenged this law before the European Court of Human Rights, which ruled in August 2023 that their application was admissible. Amnesty International submitted observations⁸⁶ on the impact of the criminalisation of clients on the human rights of sex workers in the context of this case, arguing that “the use of criminal law to prohibit sex work does not address or challenge the macro-economic factors and systemic discrimination that may lead people to engage in sex work, particularly people from marginalised groups. It does not offer alternative employment opportunities or better rates of pay. On the contrary, criminalisation exacerbates the marginalisation of people engaged in sex work, forcing them to sell sexual services in clandestine and dangerous conditions while limiting their access to justice and stigmatising and punishing them for their decisions.”

In its ruling of 25 July 2024, the ECtHR did not condemn France. The Court failed to acknowledge the harm caused by the criminalisation of sex work⁸⁷. For Amnesty International, this feels like a missed opportunity, as explained Anna Btuś, researcher on women's rights for Amnesty International: "Our research shows that the laws that are supposed to protect them actually expose them to heightened risks of abuse and violence, including rapes and physical assaults"⁸⁸. Several sex workers' rights organisations, including Médecins du Monde, Strass, Acceptess-T, Fédération Parapluie Rouge, also warned about "the risks arising from the ruling: more gender based violence and higher HIV and STI rates."⁸⁹

5.3 TRANS WOMEN

Eight civil society organisations who spoke with Amnesty International explained how trans women – assigned “male” at birth but who identify as women – encounter additional obstacles while reporting violence to a police station or gendarmerie. They explained how trans women may be “misgendered”, meaning that they are voluntarily or involuntarily assigned a gender with which they do not identify. When they come to report an offence, they are subjected to numerous stereotypes widespread in the police, as the five civil society organisations defending the rights of sex workers who work with trans women explained.⁹⁰ Going to a police station or gendarmerie is an ordeal for people from this community, particularly migrant trans women, as Le Strass puts it: “When you’re trans and undocumented, it’s not easy. These are people who feel they have no place at all in a police station. It’s not even worth trying, even with our support, it’s not possible. These are often communities that develop their own support networks. They’ll call on that instead. A community can help protect them, provide shelter, accompaniment, etc. among themselves.”⁹¹

To better understand the reluctance of trans people to file complaints, it is essential to identify multiple forms of discrimination they experience: discrimination based on their profession (Sex work), gender identity, and often, migration status or antibody status. The director of Acceptess-T⁹² argues that “our experience in the field proves that the lack of training, stereotypes, etc. open the door to difficulties in reporting offences. Furthermore, historically, these trans populations, particularly when immigration or other factors are included, have to some extent internalised this kind of non-appeal or non-recourse to justice, because they are afraid to go to the legal system [...] The justice system has exoticised and fetishized them as much as society in general, and created a kind of stereotype that trans people are a public disorder. [...] As a result, for anyone who has been the victim of violence in the course of sex work, and whatever the situation that led to their victimization, these representations will immediately emerge. The police officer who receives the complaint immediately has these stereotyped reflexes, which will come to the surface when the person is interviewed. So it's not looking good.”⁹³

⁸⁶ Amnesty international, Written submission Index: EUR 21/7154/2023 <https://www.amnesty.org/fr/wp-content/uploads/2023/08/EUR2171542023ENGLISH.pdf>

⁸⁷ European Court of Human Rights, Press Release, 25 July 2024 [https://hudoc.echr.coe.int/fre-press/#%22fulltext%22:%22ECHR%20190%20\(2024\)%22;%22itemid%22:%22003-8007995-11178092%22](https://hudoc.echr.coe.int/fre-press/#%22fulltext%22:%22ECHR%20190%20(2024)%22;%22itemid%22:%22003-8007995-11178092%22)

⁸⁸ Amnesty International, Press Release, 25 July 2024 <https://www.amnesty.org/en/latest/news/2024/07/europe-failure-to-recognise-harm-caused-by-criminalization-of-sex-work-is-a-missed-opportunity/>

⁸⁹ Médecins du monde, Press Release (in French), 25 July 2024 https://www.medecinsdumonde.org/press_release/loi-prostitution-de-2016-nos-associations-deplorent-la-decision-de-la-cour-europeenne-des-droits-de-l'homme/

⁹⁰ La Fédération Parapluie Rouge, l'association Cabiria, le Strass, le programme Jasmine, l'association Acceptess-T

⁹¹ Interview by video call with Camille, 14 September 2023.

⁹² Acceptess-T was founded in 2010 to fight against the discrimination experienced by trans people, particularly the most precarious among them: sex workers and undocumented migrants, both individually and collectively. In 2022 the association has welcomed 3289 persons. Since the beginning of 2023, in partnership with the Bus du Barreau de Paris Solidarité, Acceptess-T has been conducting maraudes in the Bois de Boulogne. This action makes it possible to reach migrant trans women, sex workers. They can identify during those maraude women that need to be accompanied to file complaint.

⁹³ Interview conducted at Acceptess-T's offices with Giovanna, June and Simon, 10 October 2023.

According to the civil society organisations, this acts as a deterrent to continuing through the justice system for the women who have come forward, and to initiating legal proceedings for those who may have hesitated or had doubts.

The difficulties encountered by migrant women, female sex workers and trans women when filing complaints reflect the barriers that exist in access to justice for women who experience multiple and intersecting forms of discrimination. Worryingly, women who are aware of what happens at police stations, and conscious of their status, race, nationality and gender may give up on filing a complaint, so as not to be subjected to further violence.

6. THE ROLE OF CIVIL SOCIETY ORGANISATIONS

“In fact, there is this continuum of violence. So many women come to my office because they were circumcised when they were children, then victims of early or forced marriage, and then domestic violence. Then they get divorced and the whole family rejects them. In short, these women have a lot on their shoulders. We can't ignore that, we just can't.”

Director of Djamma Djigui, a women's self-help network in Noisiel in the Seine et Marne département⁹⁴

Women who face intersectional forms of discrimination and are victims of sexual violence often turn to civil society organisations that work with survivors of groups with whom they self-identify for support. With these civil society organisations, they find the information they need to access the law, support for their efforts, and a place to talk and be heard. These organizations play a crucial role in receiving and supporting women experiencing violence. As the director of Djamma Djigui explains: “Women need to be able to identify with the civil society organisation, because many of them will identify with the person they are talking to. Sometimes, on certain issues, some women will want to go and see Sonia, for example. As they don't speak French very well, they'll say to themselves: *“Yes, but if I go, Lina will understand, as she comes from the same region as me in Algeria, etc.”*. Accepting that, suggesting that, helps women a lot”.

6.1 A SAFE PLACE TO TALK

All the organizations Amnesty International spoke with explained how getting in touch with them was often an essential step for women who have been victims of violence and, for some of them, it is particularly important to give them a safe space to put into words what they have experienced. All the civil society organisations we met offer a space to listen to women, without judgement or obligation to take legal action.

⁹⁴ Interview by voice call with Aminata, 18 October 2023

A social worker at Comede, a health-based civil society organisation working with refugees, observes these situations: “Some people arrive and say: “I’ve been raped, I want to file a police complaint”. That’s the easiest thing. But some don’t realise that it’s rape, and the word “rape” isn’t always used. There’s a lot of work to be done beforehand as a multidisciplinary team with the person so that she manages to say it and can decide to press charges”.⁹⁵

Several facilities have been set up to support and guide women through the procedure. The civil society organisation En Avant Toutes, for example, offers a chat service: “We’re at the beginning of the chain. The chat is anonymous, free and very accessible. Our principle is to “reach out”. We don’t talk about violence straight away, but about relationships and love. The people who come have sometimes spoken to their loved ones, but without taking any steps. It’s the first time they’ve spoken to professionals about it, and the first time we’ve been able to put it into words. What comes up a lot is the fear of filing a complaint. Of course, most of them are women. They’re afraid of being treated badly, of having to justify themselves. We’re often in a grey area, with a framework where the victim doesn’t easily see herself as a victim. The fear is that they won’t be taken seriously and that what they say will be minimised⁹⁶”.

The relationship of trust that is built between the civil society organisations and the women is crucial to their rebuilding their lives after violence. The Strass legal department that supports sex workers explains its mission: “I try to do this for the people I meet. Whatever happens and whatever they decide, here they are recognised as victims. Their word is 100% believed and their difficulties are taken into account. I do everything in my power to support them as best I can, according to their needs. And I hope that this has an impact on people, and that it makes up for and offers what the legal system can’t today⁹⁷”.

6.2 ESSENTIAL INFORMATION ON RIGHTS

Most organizations explained the crucial role they played in providing women essential information about their legal rights, guiding victims through the process, giving advice, etc.: All the organisations we interviewed answer women’s questions and explain what they need to know about the legal process if they wish to embark on it. The reporting stage is detailed, explained and prepared with the women. The civil society organisation Jasmine, which defends the rights of sex workers, has a dedicated page on its website explaining the steps to take in the event of an assault⁹⁸ and how to make a complaint. The page is translated into 9 languages for foreigners.

In French Guiana, the organisation Agav always takes the time to explain the steps to be taken: “Many of the people I meet simply don’t want to press charges, because they feel it’s pointless and they are convinced that no further action will be taken. Sometimes the police are their customers. So they say to themselves: “*I’ll just let it go*”. We try to make them understand, to make them realise that it’s important, because the police need to know what’s really happening on the streets of Cayenne.”⁹⁹

The civil society organisations interviewed offer – depending on their availability and capacity- accompaniment to police stations. They are all unanimous about the importance of this action in enabling women to feel supported, to ensure that the interview goes smoothly and to know their rights. The civil society organisations are a necessary entry point for accessing justice, they know the law and the language that will ensure that the statement is truly heard and taken seriously. As the civil society organisation Acceptees-T said: “We provide support at police stations for people who are victims of physical violence, of discrimination, whether it be transphobia, sex work/putophobia or racism. In all cases, we are obliged to accompany people to the police station, if only to act as a buffer against the violence they are usually subjected to, and if only to gain access to the police station and get inside¹⁰⁰.”

6.3 FOLLOWING UP ON COMPLAINTS

All the civil society organisations report that women feel alone and uninformed once they have filed a complaint. People turn to civil society organisations to find out what to do, because the lack of response from

⁹⁵ Comede – Interview conducted at Amnesty’s offices with Bénédicte, 26 July 2023

⁹⁶ Interview by video call with Nabintou, 19 January 2024

⁹⁷ Interview by video call with Camille, 14 September 2023

⁹⁸ <https://projet-jasmine.org/tools/type/law/aggression>

⁹⁹ Interview by video call, 29 January 2024

¹⁰⁰ Interview conducted at Acceptees-T’s offices with Giovanna, June and Simon, 10 October 2023

police stations can result in very distressing situations. En Avant Toutes explains: “Nothing is explained to victims about timelines. If there’s no response after three months, what does that mean? They can try to contact the place where they filed the complaint, and they are not necessarily well received, despite all the measures put in place by the government, coloured stickers¹⁰¹, police chat, etc.”¹⁰²

6.4 PROTECTING THE COMMUNITY

Civil society organisations that represent the rights of sex workers have set up solidarity and alert networks for the sex worker community when cases of sexual violence have been reported by one of them. The Jasmine app¹⁰³, for example, is a project to combat violence against sex workers supported by Médecins du Monde. It enables sex workers to alert other sex workers in the course of their work using an emergency/alert system to report dangerous clients. Undocumented sex workers develop their own support and alert networks to protect themselves. For example, Les Roses d'Acier, a community organisation set up in 2014 by and for Chinese migrant women in vulnerable situations and Chinese sex workers in France, among its many activities, has created an alert and mutual aid network to connect the 400 women in France.

6.5 LACK OF FUNDING

All civil society organizations that Amnesty International spoke with were voluntary organisations, and thus all dependent on the public funding they receive from the state. A report by the Fondation des Femmes published in September 2023 noted the lack of State resources for combating violence against women¹⁰⁴. Despite an increase in the overall budget for combating violence against women, it is not adequate to respond to the recent increase in the number of requests for care by women victims of violence. According to the Fondation des Femmes report, civil society organisations are faced with soaring needs while being confronted with schemes that are structurally under-resourced. The fragmented fundings means civil society organisations have to submit numerous funding applications without having a long term vision with calls for tenders very limited in short time.

In addition, there is an absolute need for greater support, including financial support, for civil society organisations specialising in violence against women and for all their services. GREVIO encouraged the French authorities to “provide greater support for the work of civil society organisations specialising in preventing and combating violence against women, by granting them stable, long-term funding in line with estimated needs, by simplifying funding procedures, in particular by making the budget more transparent, and by reserving funding sources exclusively for these specialised civil society organisations¹⁰⁵”. In June 2023 GREVIO reiterated this recommendation to France¹⁰⁶.

¹⁰¹ In some commissariats in France there is now a color code for victims when they entered at the desk: blue for ordinary victims, and orange for victims of domestic violence.

¹⁰² En avant toutes : Interview by video call with Nabintou, 19 January 2024

¹⁰³ <https://projet-jasmine.org/>

¹⁰⁴ Fondation des Femmes ‘Où est l’argent contre les violences faites aux femmes’, 2023 <https://fondationdesfemmes.org/fdf-content/uploads/2023/09/FDF-rapport-argent-2023-web-synthese.pdf>

¹⁰⁵ GREVIO report, p23

¹⁰⁶ Comité des parties, Conclusions sur la mise en oeuvre des recommandations concernant la France adoptées par le Comité des Parties à la Convention d'Istanbul, juin 2023 <https://rm.coe.int/conclusions-sur-la-mise-en-oeuvre-des-recommandations-concernant-la-fr/1680ab71ba>

7. OTHER LONG-STANDING CONCERNS ON FRANCE'S LAWS ON GENDER-BASED VIOLENCE

7.1 NO CONSENT-BASED LAW

The provisions criminalising rape in French law focus are based in use of violence, threat, coercion or surprise. They do not comply with the international human rights law and standards, which are set out for example in Article 36 of the Istanbul Convention, which states that all non-consensual sexual acts must be made an offence. Under the current law, there are circumstances in which non-consensual sexual acts would not fall within the definition of rape, which is a serious concern.

In 2019, GREVIO pointed out that “the wording chosen by the French legislature places the emphasis on the elements of proof evidencing the lack of consent¹⁰⁷”. A definition of sexual violence centred on the absence of freely given consent would make it possible to reduce the legal uncertainty produced by the fluctuating interpretations of the constituent elements of rape in the current legal definition, i.e. violence, coercion, threat and surprise, and to encompass all situations of lack of consent. In the same vein, in its most recent observations to France in October 2023, the Comité pour l'Élimination de la Discrimination à l'Égard des Femmes (Committee on the Elimination of Discrimination against Women) expressed its concern about the definition of rape in France that does not include consent “the excessively restrictive definition of rape” in that it “limits the possibilities of conviction and makes it difficult for complainants”¹⁰⁸.

Amnesty International's position on sex work is based on the understanding that sex work is consensual, which distinguishes it from forced labour, human trafficking, sexual exploitation, sexual violence and gender-based violence, which are serious human rights violations and must be criminalised.¹⁰⁹ Forced labour and trafficking in human beings are serious violations of human rights under international human rights law and international criminal law, and states are obliged to criminalise it. Under international law, states have a range of obligations to prevent, suppress and punish trafficking in persons, especially women and children, and to protect the victims from trafficking.

¹⁰⁷ GREVIO report, p61

¹⁰⁸ Committee on the Elimination of Discrimination against Women, Concluding observations on the ninth periodic report of France, 14 November 2023

¹⁰⁹ Amnesty International policy on state obligations to respect, protect and fulfil the human rights of sex workers Index Number: POL 30/4062/2016 <https://www.amnesty.org/en/documents/pol30/4062/2016/en/>

Reforming rape laws by integrating a consent-based definition of rape and other sexual violence crimes would thus send a strong signal to victims and increase public awareness. This solid starting point would enable changing behaviour and attitudes towards sexual violence, gender equality and women's rights.

Legal reforms should be accompanied by training for all professionals in the police and judicial systems, and in particular, according to GREVIO's recommendations, "law enforcement officers who may have to deal with violence against women", both in initial and in-service training "on the prevention and detection of such violence, on gender stereotypes, on the needs and rights of victims, and on how to prevent secondary victimisation"¹¹⁰.

7.2 OTHER CONCERNS

In its review of France, GREVIO also made recommendations around improving data collection on violence against women, and improving the prevention of gender-based violence and discrimination in France. The government's answer to CEDAW Committee¹¹¹ about data collection is that data based on ethnicity and religion is contrary to the French constitution and refers to the "Trajectories and Origins" surveys¹¹² conducted by the National Institute for Demographic Studies in collaboration with the National Institute of Statistics and Economic Studies to determine the diversity of people's origins and to identify discrimination and integration. Unfortunately, those surveys do not include overseas territories.

Finally, in terms of prevention, "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."¹¹³

¹¹⁰ GREVIO report, p38

¹¹¹ CEDAW, Ninth periodic report submitted by France under article 18 of the Convention, due in 2020

¹¹² Survey « Trajectoires et origines » <https://www.insee.fr/fr/metadonnees/source/operation/s2086/presentation>

¹¹³ GREVIO report, p35

8. CONCLUSIONS AND RECOMMENDATION

In this advocacy briefing, Amnesty International has highlighted the challenges and barriers that women experiencing intersecting and multiple forms of discrimination in France face when they try to report sexual violence at police stations. Based on interviews with, and the experience of, organizations in France who work with these groups of women, this advocacy briefing notes the challenges faced by these groups: police's refusal to file complaints in some cases, migrant women's risk of being arrested and deported, a lack of interpreters, and the impacts of negative stereotypes from police and gendarmerie officers. The legal framework is also problematic: for example, the some aspects of sex work jeopardizes the rights of sex workers who are victims of sexual violence.

As a result, racialised women at the crossroads of several forms of discrimination due to their work, gender or migratory status may be victims of law enforcement behaviour that can lead to secondary victimisation when they file a complaint. The stereotypes and prejudices they face need to be addressed in the training given to law enforcement officers who deal with them, to prevent the risk of secondary victimisation.

It is also essential to note the crucial role that civil society organizations play in such a context, supporting women during their procedures to file complaints and access justice, and their work must be known and supported.

In this context, and in support of the work being done by civil society organizations working with victims of sexual violence and women experiencing multiple and intersecting forms of discrimination, Amnesty International makes the following recommendations:

FOR THE FRENCH PARLIAMENT

- Decriminalise all aspects of sex work: repeal article 611-1 of the French Criminal Code, which criminalises the purchase of sexual services; repeal article 225-10 of the French Criminal Code on 'pimping'.
- Guarantee sex workers the right to be consulted and to participate meaningfully in the development of any law or regulatory framework that affect them, in particular those facing multiple and intersecting forms of marginalisation and discrimination on protected grounds, including sexual orientation, gender, gender identity, race, ethnicity, homelessness, national origin, citizenship and migration status.
- Amend CESEDA so all victims of domestic violence whether or not they have filed a complaint have the right to continue residing in France and are not subject to deportation while their cases are being decided on, regardless of their situation (marriage, PACS (civil solidarity pact) or cohabitation), the nationality of the perpetrator of the violence (EU or non-EU) or the administrative status of the perpetrator or victim (legal or illegal) (articles L425-3 and L423-18 of CESEDA).
- Parliament should create an independent investigatory body or mandate existing bodies to examine complaints against law enforcement officials, including racial profiling and discrimination. This body should be mandated, and have adequate resources, to investigate all allegations of human

rights violations by law enforcement officials. Any investigation should be carried out to examine racially discriminatory motives.

- Amend CESEDA so foreign nationals involved in criminal proceedings for violence other than domestic violence, such as rape and other sexual violence, have the right to continue residing in France and are not subject to deportation.
- Amend the definition of rape in the French Penal Code to be based on the absence of consent, bringing it into line with international human rights standards, such as the Istanbul Convention, and in line with GREVIO's recommendation to France in its 2019 Baseline Assessment Report.

FOR THE GOVERNMENT

FOR THE FRENCH MINISTRY OF THE INTERIOR:

- Ensure that police officers provide all necessary support to victims, act in line with the code of ethics of the national police and the national gendarmerie, and that victims have access to redress in cases of mistreatment by police officers, and where police officers do not follow the law in terms of filing complaints for sexual violence.
- Provide appropriate, systematic, mandatory, initial and ongoing training for relevant professionals (such as police and other law enforcement officers, prosecutors, judges and victims' lawyers) who work with victims of sexual and gender-based violence in equality and non-discrimination, including intersectional discrimination, myths and stereotypes related to sexual and gender-based violence, with a view to preventing secondary victimisation, and eradicating xenophobic, racist, and other discriminatory practices and the application of gender stereotypes at all stages of the judicial process.
- Improve data collection on gender based violence to include the entire general population (mainland France and overseas territories) by recording data broken down by gender, gender identity, age, relationship between perpetrator and victim, migratory status, race, ethnicity, national origin, among other relevant characteristics, and harmonise data collection between police and judicial institutions. Ensure that data is regularly reviewed and used to inform policy development, resource allocation and other measures to prevent and combat all forms of gender-based violence.
- Remind the police and gendarmerie of their obligation to receive complaints from victims of criminal offences, in accordance with article 15-3 of the French Code of Criminal Procedure, whether or not they are legally present in France. Filing a complaint or reporting acts of violence must not lead to detention or deportation.
- Implement nationwide the right to have an interpreter present for victims of violence when filing a complaint (article 10-2 CPP 7°)
- Amend Ceseda so all victims of domestic violence whether or not they have filed a complaint have the right to continue residing in France and are not subject to deportation while their cases are being decided on, regardless of their situation (marriage, PACS (civil solidarity pact) or cohabitation), the nationality of the perpetrator of the violence (EU or non-EU) or the administrative status of the perpetrator or victim (legal or illegal) (articles L425-3 and L423-18 of CESEDA).
- Amend CESEDA so foreign nationals involved in criminal proceedings for violence other than domestic violence, such as rape or other sexual violence, have the right to continue residing in France and are not subject to deportation.

FOR THE FRENCH MINISTRY OF JUSTICE:

- Amend the definitions of rape and other sexual violence crimes in the French Penal Code, so they are based on the absence of consent, bringing it into line with international human rights law and standards, such as the Istanbul Convention, in line with GREVIO's recommendation to France in its 2019 Baseline Assessment Report.

- Facilitate access to file a complaint for women victims of gender-based violence: access to legal aid from the complaint stage, access to interpreters in different languages (throughout France), access to social services.

FOR THE MINISTER FOR EQUALITY BETWEEN WOMEN AND MEN AND THE FIGHT AGAINST DISCRIMINATION

- Increase, and ensure adequate, funding in the Finance Bill for civil society organisations specialising in preventing and combating violence against women, by granting them stable, long-term funding to match their estimated needs, and simplifying funding procedures based on consultations with civil society organisations.
- Implement the policies jointly developed with the people concerned and the organisations that support them.

FOR THE FRENCH MINISTER FOR EDUCATION

- Provide comprehensive sexuality education to young people in and outside schools. This education should be comprehensive, age-appropriate, gender-sensitive, human-rights based, evidence-based and unbiased, and focus in particular on consent, bodily and sexual autonomy and the right to bodily integrity.

Amnesty International is a movement of 10 million people which mobilizes the humanity in everyone and campaigns for change so we can all enjoy our human rights. Our vision is of a world where those in power keep their promises, respect international law and are held to account. We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and individual donations. We believe that acting in solidarity and compassion with people everywhere can change our societies for the better.

Amnesty International France — September 2024

Original : FRENCH

Cover image by Solenne Galas