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**Behind Closed Doors**  
**Domestic Violence in France and Women's Pathways to Seeking Justice : Navigating**  
**Against Social Norms and the Culture of Impunity.**

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*To all of the victims and survivors of violence against women.*

## Abstract

It is widely known that the largest risk of violence for women is at their home or within their intimate circle. Domestic violence (DV) constitutes one of the most pressing forms of violence against women, to which France is no exception. Beyond the prevalence and pervasiveness of DV against women in France, the survivors of this violence concurrently face an array of obstacles when attempting to seek justice. This thesis sought to evaluate the challenges faced by women in France, who are victims of DV, when attempting to seek justice. Despite France's legal framework on violence against women, and its ratifications of crucial treaties aimed at the protection of women's rights, including the Convention on the Elimination of All Forms of Discrimination Against Women and the Istanbul Convention, an implementation gap still exists. Through interdisciplinary and qualitative methods, this thesis incorporated the analysis of various reports by human rights monitoring bodies, studies carried out by French feminist organizations, and an interview conducted with a representative of the French feminist collective, *Nous Toutes*. The findings of this thesis do not directly highlight the shortcomings of the current legal system in France but instead the ways in which socio-economic, cultural misunderstandings of DV, and structural barriers impact women's pathways to justice. The concluding analysis reveals how the obstacles to seeking justice are simultaneously obstacles that maintain and normalize the prevalence of DV against women, in French society.

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## Table of Abbreviations

CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CFCV	<i>Collectif Féministe Contre le Viol</i>
COE	Council of Europe
DV	Domestic violence
EU	European Union
FGM	Female genital mutilation
FRA	European Union Fundamental Rights Agency
GBV	Gender-based violence
GREVIO	Group of Experts on Action against Violence against Women and Domestic Violence.
IPV	Intimate partner violence
LMPT	<i>La Manif Pour Tous</i>
NGO	Non-governmental organization
OAS	Organization of American States
VAW	Violence against women
PICUM	Platform for International Cooperation on Undocumented Migrants
UN	United Nations

## Introduction

*“Vous avez de la chance, c'est à la mode, les violences conjugales!”*

“You are lucky, domestic violence is trending!”

- French police’s response to a victim of DV filing a complaint (*Nous Toutes*, 2019 : 6)

According to the European Union’s Fundamental Rights Agency (FRA), 43 percent of women in Europe have experienced psychological abuse and 22 percent have experienced physical or sexual abuse, from an intimate partner (FRA, 2014). A drastic rise was evidenced during the Covid-19 pandemic, with the phenomenon being named by the United Nations as the “shadow pandemic” (UN Women, 2022). Unfortunately, France is no exception to these high rates of domestic violence (DV). In fact, statistics show that nine out of ten women who are victims of rape or sexual assault, in France, know their perpetrator (*Nous Toutes*, 2019). This is in line with official statements by UN Women, suggesting that the biggest risk for women is often at home, from people they know (UN Women, 2022).

These aforementioned statistics highlight the harsh reality that most cases of violence against women (VAW) occur within one’s personal or intimate circle, within the domestic sphere. Taking these facts into consideration, it is evident that DV constitutes one of the most common forms of gender-based violence (GBV), which disproportionately affects women. Despite the term DV being used interchangeably with intimate partner violence (IPV), Article 3 of the Istanbul Convention defines DV as “all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim” (CoE, 2014 : 3). Similarly, IPV is defined as “behavior by an intimate partner or ex-partner that causes physical, sexual or psychological harm, including physical aggression, sexual coercion, psychological abuse and controlling behaviors.” (World Health Organization, 2021). According to general recommendation no. 35 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), GBV can be defined as any act of “violence that is directed against a woman because she is a woman or that affects women disproportionately. This includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts,

coercion and other deprivations of liberty.” (CEDAW, 1992). These are all types of violence that can occur in the private sphere, ranging from relatively minor acts of psychological violence, which often evolve into fatal or life-threatening acts of physical or sexual violence, including rape or femicide. Considering the evolving nature of DV, it is imperative to recognize all forms of DV meticulously and equally.

Over the past decades, there has been considerable progress in the field of DV awareness, prevention, and response. Extensive work has been taken by international actors, states, non-governmental organizations (NGOs), and women’s rights organizations in order to achieve a better understanding of the mechanisms of VAW and accordingly set international human rights standards and norms (UN Secretary General, 2006: 9). Consequently, international and regional human rights instruments have been established, covering women’s rights, and specifically women’s right to be free from violence in the public and private setting, in times of peace and war. However, despite this progress, an implementation gap exists at the national level in many states.

France has been a state party to the CEDAW Convention since 1983, and thus has the obligation under international law to respect, protect and fulfill women’s rights. Although not explicitly stated, this obligation should also inherently emphasize the respect, protection, and fulfillment of women’s right to be free from violence. The CEDAW Convention was established in 1979 and acts as an “international bill of rights for women and provides guidance to states on how to employ those rights” (Rane & Perrie, 2019: 112). Although the CEDAW Convention does not include any specific provisions prohibiting violence against women, it contributes to a gendered framework on the elimination of all forms of discrimination against women, which encompasses violence. In fact, the CEDAW Committee has pushed forward the agenda on the prevention of VAW, by adopting two crucial general recommendations on the issue, particularly general recommendation no. 19 and its updated version no. 35. Additionally, since 2014, France has been a state party to the Council of Europe (CoE)’s Convention on Preventing and Combating Violence Against Women and Domestic Violence, also known as the Istanbul Convention. The Istanbul Convention was considered a landmark treaty for protecting women from violence, specifically DV, through its four-pillar approach to combating VAW, emphasizing the importance

of prevention, protection, prosecution, and coordinated policies. Notwithstanding the considerable progress in France's legal framework, alongside its ratification of important women's rights treaties, the alarming statistics on VAW and DV highlight a different reality and a complex path ahead to achieving full and substantial equality.

In addition to high levels of DV, survivors of DV also face an array of obstacles within the system when attempting to seek justice. Access to justice, which represents a basic principle of the rule of law, is essential in any democratic society to ensure the realization of individuals' legally guaranteed human rights. Access to justice or lack thereof, for women who have been victims of DV, is multidimensional considering the power dynamics, the obstacles, and the multitude of actors involved. In this thesis, access to justice is understood as encompassing "all of the elements needed to enable citizens to seek redress for their grievances, and to demand that their rights are upheld." (UN Women, 2016 : 7). A major step in the recovery from DV and its aftermath trauma is the process of seeking justice, however the victims choose to do so. Nevertheless, the institutional and societal perpetuation of victim blaming, the underreporting of DV, the lack of criminal follow-up, the insufficient training of professionals in contact with victims, and the unequal access to justice services are all potential barriers, impeding women's right to access justice. The absence of accurate data for crimes of DV paints a stark picture of the problem and, perhaps, the impunity surrounding it, which may be representative of the obstacles victims experience when attempting to access justice.

Moreover, it is crucial to acknowledge that although DV happens within all communities, across the globe, some victims feel the impact in distinctly burdensome ways. Thus, the obstacles to justice-seeking cannot be generalized to all women as certain groups of women may experience specific struggles due to their intersecting identities. This thesis does not seek to homogenize the experience of DV survivors, but to explore the specific challenges faced by women in France, who have been victims of DV. Furthermore, it will address how domestic violence remains a prominent and pervasive problem in French society despite the existing legal framework regarding the issue at the international, regional, and national levels. As will be evidenced, the seemingly strong legal framework does not suffice, as DV survivors face a combination of institutional and social barriers exacerbating their difficulty in obtaining justice within a legal



system that routinely fails them. Accordingly, the research question guiding this thesis is the following: Which obstacles do women in France face when trying to seek justice for domestic violence?

This research question is critical as it has continuous social importance, in addition to contributing to the academic knowledge surrounding women's rights in France, specifically regarding their right to be free from violence. In this thesis, DV will be framed as, both, a violation of women's rights, and a deeply rooted structural problem that needs to be addressed at all levels of society. Therefore, the research question will be answered through interdisciplinary lenses that will combine a political, legal, and social science approach to VAW. The research question is immensely relevant as it will be answered by taking into account the existing knowledge of feminist scholars, French women's rights movements, and international human rights bodies. By doing so, it will seek to address the barriers that stand in the way of women obtaining justice, by shedding light on the structural nature of DV.

With the current Covid-19 pandemic context in mind, a pronounced threat has been posed to women, who have been victims of DV and perhaps still live with their abuser. In fact, within a few months after the government-mandated lockdown in France, a 30 percent surge in DV cases against women ensued (UN Women, 2020). The circumstances of the pandemic, such as the strict lockdowns, the closure of legal services, and disrupted support services, have prevented women from getting the justice they needed in the aftermath of DV. Consequently, the justice-seeking process became more burdensome. The pandemic, therefore, exacerbated the already existing problem of DV, by shedding light on the tragic consequences of having women trapped at home with their abuser. This public spotlight on the issue of DV highlights the failures of the existing institutions and responses to DV, showcasing the increased need for institutional change to meet women's needs. As such, this thesis will attempt to draw on the existing feminist literature and studies, to fill in the gaps of why such obstacles and institutional barriers persist.

For the purpose of this thesis, I will be using the previously cited Istanbul Convention's definition of DV in order to encapsulate the different forms of violence that constitute domestic violence. It is important to acknowledge that not all countries, legal documents, and human

rights treaties conceptualize DV in the same manner. Therefore, to ensure conceptual clarity in this thesis DV will be understood and analyzed through the definition laid out in the Istanbul Convention. This thesis will use *violence conjugale*, as the equivalent term in French to DV. Although *violence conjugale* can directly translate to IPV, this thesis will still use the term DV, with a specific focus on DV between existing or previous partners. Moreover, it is worth mentioning that this thesis focuses on domestic violence against women, perpetrated by men. However, this does not imply the lack of instances of violence perpetrated by women against men or by women against women. Violence can indeed occur at the hands of all genders however, in this thesis the focus is put on DV against women, as they are the gender predominantly affected by this form of violence, specifically due to their gender.

In order to answer the research question, this thesis is divided into two parts. Part I will address the literature, theory, and the relevant legal framework. I will begin by laying out the existing literature on DV and VAW and access to justice in the aftermath of this violence. This will be followed by a theoretical and analytical framework, in which the theories of intersectionality, feminist theory, and the methodology guiding this research will be addressed. In order to get a thorough understanding of where France stands in regards to protecting women against violence, the last chapter of Part I will lay out the legal framework on DV at the international, regional, and France's national levels. This will also provide specifications of the different forms of DV and their varying implications. Thereafter, Part II will delve into the empirical analysis of the obstacles to seeking justice for women who have been victims of DV in France. Through this analysis, I intend on highlighting the shortcomings of the current legal system which is meant to protect women from violence on many grounds. The results of this analysis will be categorized in three chapters, namely the cultural and social misunderstandings of DV acting as cultural barriers, the socio-economic barriers, and lastly, the structural barriers faced by women when attempting to seek justice.

## PART I. SETTING THE FRAMEWORK

### Chapter 1.

#### Literature Review

This chapter will lay out the existing literature on DV and the process of seeking justice. The literature which explores the complex issue of VAW and the different scholarly arguments on, both, the causes of violence and its consequences, will be summarized. Setting the existing framework will help answer the research question's focus on DV against women in France, and the specific obstacles which they face when trying to seek justice. Decades of work by various women's rights movements have led to where we are today. These struggles have contributed to the awareness of VAW, which has, in turn, resulted in legislation, policies, and human rights frameworks surrounding the issue. It is important to bear in mind that this gradual process toward increased awareness of VAW is also reflected in the literature and the differing perspectives. Thereby, the literature has been divided into five separate themes, in order to engage with the current perspectives. Firstly, I will summarize the literature that focuses on access to justice, specifically in regards to victims of DV, as these are central to answering the research question. The second scholarly argument which will be elucidated is the argument that structural change needs to be prioritized in order to eliminate the structures which normalize VAW. Thirdly, I will explore the argument that those who experience violence during their childhood are at a higher risk of remaining in a dangerous cycle of violence. Thereafter, I will address the prevailing literature that focuses on how certain groups in society, mainly those in marginalized or vulnerable communities, are more likely to experience violence. Lastly, I will address the economic aspect of domestic violence, through Amartya Sen and Martha Nussbaum's capability approach. This can be used as lenses to understand why escaping an abusive relationship and consequently seeking justice may be more complicated for some women.

## Disparate Access to Justice

There exists a plenitude of theories on access to justice, which are worth mentioning in this literature review. Access to justice theories look at “who is able or willing to use civil law, and law-like processes and institutions (who has access) and with what results (who receives what kinds of justice)” (Sandefur, 2008: 339). As stated by scholar Mary Becker, “Survivors of domestic violence nevertheless face problems throughout the legal system” (Becker, 2003: 63). During the World Conference on Human Rights, in Vienna, in 1993, human rights were proclaimed as “universal, indivisible, interdependent and interrelated” (UN 1993). As human rights are considered universal, when applying the previous logic to a situation of human rights violations, such as cases of domestic violence, everyone should have equal access to justice. However, in practice, this is flawed, due to various external influences which will be further elaborated on in Part II of this thesis.

The theories on access to justice are multidisciplinary, as they overlap between different fields of study including social sciences, law, psychology, and political sciences. Within access to justice theory, various scholars look at the relationship between social and economic inequality and the access to justice (or lack thereof). In Lena Hasle's work, *Too Poor for Rights, Access to Justice for Poor Women in Bangladesh*, a case study of women seeking justice in Bangladesh, she explores how poverty not only is a form of human rights violation but also leads to the denial of other human rights (2003). Moreover, in Sandefur's work, *Access to Civil Justice and Race, Class, and Gender Inequality*, she elaborates on how pre-existing differences between individuals became even larger when in contact with justiciable events, such as situations of human rights violations (Sandefur, 2008: 346). This socio-economic aspect of seeking justice relates heavily to Sen's previously mentioned work on capabilities, and Nussbaum's additions which will be addressed below. This will be further elaborated on, in Part II, when exploring the specific challenges that certain groups of women face, after having been victims of domestic violence.

Various scholars look at how restorative justice could be used as a more comprehensive form of justice-seeking for victims of DV. This would allow for reparation of the harm caused by the

violence, while also offering reintegration services to the victim (Fernandez, 2010 : 2 ; Ptacek, 2010). Restorative justice is a “holistic and systematic response to wrongdoing that emphasizes repairing the harms and healing the wounds of stakeholders (victims, offenders, and their communities) that were caused by the criminal behavior, and ultimately reintegrating the stakeholders involved” (Fernandez, 2010 : 9). This framework restores the agency to the victims, but also to all of those involved or impacted by the incident of violence. Restorative justice does not only focus on the aftermath of DV and the justice-seeking process that comes after an incident of DV, it also focuses on strengthening the community and therefore has some preventative aspects (ibid). Additionally, restorative justice programs “provide the survivor with “a chance to tell her story to her batterer and to her community, as well as the opportunity to exercise her agency in healing her hunger for closure.” (Fernandez, 2010 : 154). Although restorative justice is holistic in its approach to dealing with DV, as it focuses on the causes and the aftermath, it has been extensively criticized as well due to concerns about the victim’s safety (ibid). Restorative justice has not a long tradition and is not very commonly used in France. In fact, it has only been included in the French Penal law since 2014. However, this alternative form of justice-seeking is yet to be widely recognized in France, especially in the field of DV-related violence, which is a taboo and victims are stigmatized.

There is an increasingly large amount of literature on DV in the United States (US) and the unequal process of seeking justice, especially concerning immigrants and the potential linguistic barrier. Under the law there should be equal access for all individuals, meanwhile, in practice, there seems to be a gap. As claimed by Deborah Rhode, “those who attempt to navigate the system unassisted confront unnecessary obstacles at every turn” (Rhode, 2004 : 5). These obstacles are greater for those, who for example, have a delicate migration status in the United States which they cannot afford to lose. An important claim is that access to justice should also entail access to legal assistance, and perhaps free interpretation for those who may experience an English language barrier (ibid). As aforementioned, a growing amount of academia is focused on these intersections of violence in the US, however, this is still lacking in the context of France. It is still unclear what obstacles certain societal groups face in France when trying to seek justice through the existing institutions.

## **The Need for Structural Change**

The first scholarly argument that will be addressed is that DV, as part of the broader problem of VAW and GBV, should be looked at through a structural framework. A structural framework is crucial to shed light on the structural systems of social inequality that, in turn, enable this kind of violence. This relates to a majority of sociological theories on domestic violence, or IPV, which explains violence as a result of social structures (Lawson, 2012). Feminist theory tends to explain DV as a result of unequal power relations and dynamics between the genders. Various researchers question whether the existing justice-seeking processes are strong enough for supporting the needs of victims or whether structural change is necessary (Allwood, 2017 : 5). As social structures and institutions tend to reproduce the system and its inherent injustices, it comes as no surprise that in a system with unequal gender relations, gender unequal relations will be reproduced in all walks of life and law.

“The law is a double-edged sword for women. On the one hand, it is essential to criminalize the violence; otherwise, it continues, grows, and impairs women in their efforts to achieve equality and independent lives. On the other hand, legal systems around the world are themselves a source of mistreatment of women, ranging from biased treatment to outright abuse.” (Chapman, 1990 : 59). This quote highlights the reasons behind which scholars, notably feminist scholars, claim the need for structural change. When the legal system which is intended to protect individuals’ rights is also seen as a direct source of the problem, this provides a clear indication that the entire system needs to be restructured. This argument claims legislation will not change the power imbalances that exist between the genders and have been culturally and historically reproduced through structures. Moreover, as claimed by Christine Chinkin in her analysis of the international human rights law on VAW, the existing legal bodies do not suffice to address the extent of the problem (Chinkin, 1995 : 28). The law on its own is not sufficient enough to impact strong, structural, social change and transform centuries-old remnants of gender unequal relations.

Furthermore, as mentioned by scholars Johnson, Ollus and Nevala in their work *Violence Against Women : An International Perspective*, VAW is a “deeply entrenched problem in most societies because attitudes and practices that support violence are institutionalized in custom and law at all levels of society—marriage and the family, home, community and state.” (Johnson et al., 2008 : 3). This statement infers that the legal structures are not the only structures which fail women in regards to protecting them against violence. As highlighted in the previous quote, social and cultural norms that often propagate patriarchal gender standards and power dynamics, are reproduced in various societal structures. When adopting this perspective, it can be argued that the eradication of VAW is extremely challenging, even for countries with a substantive legal framework on the prevention of VAW, as toxic gender and power norms are reproduced through a multitude of structures.

### **Reproduction of the Circle of Violence**

Thereafter, the following paragraph of the literature review will address the argument that individuals who experience violence during their upbringing are, unfortunately, at higher risk of violence later on in their life (Michalski, 2004 : 660). Children are often present or directly affected by cases of DV and as a behavioral consequence they may suffer the reproduction of this violence (UN Secretary General, 2006 : 50). This argument is addressed by various scholars, such as Reitzel-Jaffe & Wolfe, who claim that “the exposure to violence tends to be reinforced both within the family and through extrafamilial factors.” (Reitzel-Jaffe & Wolfe, 2001; Michalski, 2004 : 660).

Within the realm of psychological research on violence, Osofsky explores how children’s exposure to various types of violence affects their developmental continuum (Osofsky, 1999 : 33). Osofsky’s work is considerable, as it provides two possible ways to assess domestic violence and its impact on children’s development. Her research examines how exposure to community violence occurs more frequently for children who live in lower socioeconomic neighborhoods’ (idem : 34). This relates to the previously established argument that exposure to violence within your home or primary socialization setting can lead to a reproduction of the patterns of violence.

Moreover, she also looks into the exposure of DV and how those families who experience DV are also often exposed to other types of violence as well. Although Osofsky's work does not directly relate to the obstacles women face when attempting to seek justice for DV, it rather sheds light on the impact violence in family settings can have on individuals during their formative years. This relates to the argument that gender-based violence should be seen through transgenerational trauma lenses, acknowledging the intergenerational impacts of violence. When children are brought up in a violent environment, there is an increased probability that they will normalize this kind of violence, therefore either reproducing it or falling victim to it (Bradbury-Jones, et al., 2017: 476 ; Morrison, 2015).

Moreover, another scholarly argument relating to the reproduction of the circle of violence is the control theory in social sciences. Control theory claims that prior family conflicts lead to the need for individuals to obtain power and control in following relationships (Hyde-Nolan and Juliao, 2012: 9). According to this theory, the motivation behind the abuser's actions is power and the need to feel power over other individuals (ibid). This social theory on control maintains that aggression, abuse, and violence are learned behaviors during a child's socialization years, which then are then transferred down the family chain (idem : 5). This has also been recognized at the international human rights level, in a study conducted by the UN Secretary General, which states the following: "Witnessing chronic domestic violence can be the start of a lifelong pattern of delinquency and the use of violence in personal relationships." (UN Secretary General, 2006 : 50). Additionally, "research suggests that violence in the family affects children in at least three main ways: their health; their educational performance; and their use of violence in their own lives." (ibid). Indeed this argument sheds light on the psychological aspect of remaining in violent patterns of behavior. However, this does not address the fact that external influences may also impact one's violent tendencies. Beyond impacting one's violent tendencies, external influences such as the previously discussed structures, normalize men's power over women and therefore acts of violence within relationships as well.



## **Unequal Distribution of Violence in Society**

Moreover, an important argument in the existing literature is that certain groups in society are at greater risk of violence, especially those in more marginalized communities (Michalski, 2004 : 658). According to Wolfgang & Ferracuti (1982), society experiences an uneven distribution of violence. “The identification of abuse as universal has been an important one for feminists, yet it is not without its problems (...) It implies a certain equivalence between types of abuse across time and space, tending to diminish historical differences and elide cultural specificity.” (Andermahr 2000 : 8). This unequal distribution of violence does not only apply to DV nor does it only apply to women, however, it is a prominent argument to consider when assessing how different groups may be impacted differently by DV. Although VAW has been recognized as a universal phenomenon through different human rights instruments, it is important to not homogenize the extent and the consequences of survivors of VAW. As researched by many scholars, the lower the socio-economic status of women the more likely she is to be exposed to violence (Chapman, 1990 : 57). These are interdependent though, as poverty is also a factor “keeping women from functioning independently in the world”, meaning both a push and pull factor for violence (ibid). This argument will be further elaborated upon when discussing Sen’s capability approach and Nussbaum’s additions to it.

Once again, academic research has been abundant in the US, on this phenomenon of unequal distribution of violence. For instance, In Sokoloff’s various works, she explores family violence against poor women, women of color, and immigrant women in the US. Her work sheds light on the role social justice and intersectionality play in highlighting the experiences of these marginalized women in the US. Sokoloff builds on Crenshaw’s theory of Intersectionality, which will be elaborated on further in the theoretical framework. According to Sokoloff, the literature on domestic violence and intersectionality is divided between on the one hand, “(1) giving voice to battered women from diverse social locations and cultural backgrounds, (2) while still focusing on socially structure inequalities (eg. race, gender, class, sexuality)” (Sokoloff, 2008 : 155). Sokoloff’s work contributes to the general academic claim that violence is unequally distributed in society, however, her work is primarily focused on the context of the US.

## **The Hidden Economic Aspect of Domestic Violence**

The last scholarly argument which will be discussed in this literature review is the economic side of domestic violence, which is often overlooked. An important theory to take into account here is Amartya Sen's capability approach. In Sen's work, he presents development as the expansion process of the real freedoms people enjoy, including human freedoms (Sen, 1999 : 3). Within this approach, Sen discusses the capability approach which assesses individuals' welfare and their capability to achieve their desired life, by distinguishing their functionings from their capabilities. According to Sen, one's capability refers to the opportunities which a person has, whereas functioning refers to what that person is able to do with these capabilities (idem : 75). Depending on one's interpersonal differences or one's social environment, their capability set will vary. For instance, even if the available means exist to escape an abusive relationship and to seek justice, the appropriate skills to be autonomous, specifically financially autonomous, may be lacking as a result. The capability approach, although initially an economic theory for development, has extended to various fields of research and has, therefore, been used extensively to assess gender relations.

Furthermore, in *Woman and Human Development : The Capabilities Approach* (2000), Martha Nussbaum explores this notion of capability through a look at the concrete reality and struggles of poor women. Although her work is focused specifically on women in situations of poverty, in India, her contributions are extremely influential with regard to linking the notion of economic development to women's vulnerability to violence. Nussbaum completes Sen's economically-oriented, capability approach theory, by applying distinctive feminist concerns regarding women's rights, including women's right to be free from violence. In her own words, "Women in much of the world lack support for fundamental functions of a human life. They are less well-nourished than men, less healthy, more vulnerable to physical violence and sexual abuse." (Nussbaum, 2000 : 1).

Nussbaum further discusses how economic empowerment is a fundamental step, in the direction of achieving justice for GBV and eventually reaching equal rights for men and women (idem :

55). This argument is of high importance in the context of DV, because when a woman who is confined to an abusive home has the possibility of escaping, this becomes much more complicated without financial autonomy, or as Nussbaum puts it “economic empowerment” (ibid). She further states that “ capabilities as I conceive of them, have a very close relationship to human rights” (Nussbaum, 2000 : 97), meaning that one should not only have the capability, but also the right to escape a situation of violence. Therefore, the economic dependence on one’s abuser, who is their partner, will in some cases prevent women from reporting acts of DV or following through with seeking justice. Both Amartya’s capability approach and Nussbaum’s additions to it, offer new insights into understanding violence against women and how its consequences may defer depending on the victims’ financial situation.

In conclusion, the literature review has mapped out the general scholarly arguments on VAW and access to justice. The first section addresses the theories on seeking justice, which have a strong interconnection with other academic fields. The following scholarly argument addressed is the need for structural change, as the law can also be a source of institutional violence for some. Thereafter, some scholars claim that exposure to family violence as a child can have harmful consequences on, both, the way one perceives relationships and power, but also on the likelihood of falling (back) into violent patterns of behavior. Furthermore, a vast array of literature acknowledges the unequal distribution of violence in society, and in turn, how women from different levels in society are confronted with unequal levels of violence. Moreover, Amartya Sen’s capability approach and Martha Nussbaum’s feminist additions to this approach were laid out. Sen and Nussbaum’s academic contributions shed light on the, frequently overlooked, economic aspect of domestic violence, where women may not have a choice but to stay in an abusive relationship due to their lack of financial autonomy. While reviewing the existing knowledge on VAW and domestic violence, it is still unclear how the process of seeking justice is, in fact, unjust. There is limited research on how women in France, who may have multiple intersecting identities or women who are in marginalized situations, experience the aftermath of DV. Although there is some existing research on the prevalence of violence at certain societal levels, there seems to be insufficient research on the phenomenon of domestic violence through intersectional lenses, in France. This will therefore be incorporated into the empirical analysis in Part II, by building on existing studies and reports. The following chapter

will lay out the theoretical and analytical framework, to contextualize this thesis in accordance with existing feminist theories and methods.

## **Chapter 2.**

### **Theoretical and Analytical Framework**

This chapter will set forth the theoretical and analytical framework which steer my thesis. As previously mentioned, the research question guiding this thesis is the following: Which obstacles do women in France face when trying to seek justice for domestic violence? This question can only be understood with regards to how power dynamics influence the condition of women in France and, further, how women from different sections of society do not have homogenous experiences when it comes to DV and its aftermath. Therefore, in order to answer the research question, I will be using intersectionality theory and feminist theory. To ensure conceptual clarity, I will also elaborate on the central role of power in feminist theory and the conceptual choices regarding the terms of survivor and victim. The last section of this chapter will specify the methodological choices that are guiding this thesis and their limitations.

### **Intersectionality**

The core theory guiding this thesis is Crenshaw's theory of intersectionality. The intersectionality framework is crucial in this analysis, to understand the multiple discriminations that certain women in France face, when they are victims of DV and attempt to seek justice. The phenomenon, as described, is not specific to France, yet empirical data from France will be used to confirm this general trend. Intersectionality is a concept first coined by Kimberly Crenshaw, in the 1990s. Crenshaw, an American civil rights advocate and a prominent critical race theory scholar, coined this term to describe how race, gender, and class intersect, resulting in specific challenges for different groups of people. The overarching understanding promoted by

intersectionality is that individuals or groups of individuals experience multiple forms of subordination based on their multiple social characteristics (Sosa, 2018 : 16).

An elaboration will be done on the origins of intersectionality theory, in order to situate its importance in regards to this thesis. In Crenshaw's published work, *Demarginalizing the Intersection of Race and Sex* (1989) she refers to the legal case *DeGraffenreid v. General Motors*, in which its failures highlighted the narrow view of racial discrimination. In this case, five black women sued General Motors, their employer company, as they were experiencing a specific form of discrimination due to the overlapping of their gender and race. In fact, the current legal framework and existing concepts of race and discrimination, at the time, did not adequately take into account the individual experiences of these five women. In her work, she maintains the argument that by singling out black women, either, in the gender category or in the race category leads to the disregard of their specific experiences. Therefore, the legal cases which she discusses in her work allowed Crenshaw to put intersectionality at the forefront of critical race theory, highlighting the conceptual limitations regarding intersecting identities.

Crenshaw defines inequalities as “being shaped not by a single axis of social division, be it race or gender or class, but by many axes that work together and influence each other” (Crenshaw, 1997: 179). This previous quote highlights the core of intersectionality theory, being that different identities intersect, causing varying levels of oppression. The violence that women face and its aftermath is generally shaped by other identity traits that may cause this violence to be experienced differently. Therefore, both DV and women's pathways to seeking justice will be assessed through intersectional lenses. This allows for emphasis to be put on the socio-structural nature of inequality and of DV (Sosa, 2018 : 16).

Moreover, Hill Collins, another critical race scholar, defines intersectionality as the interlocking systems of oppression (Hill Collins, 2000: 251). By interlocking systems of oppression, Collins refers to the multiple systems of power working against those who are considered the most marginalized in society. Taking this definition into account, intersectionality sheds light on the different kinds of oppressions individuals face, due to their various social identities intersecting. According to Bograd, intersectionality “colors the meaning and nature of domestic violence, how

it is experienced by the self and responded to by others; how personal and social consequences are reproduced, and how and whether escape and safety can be obtained” (Bograd 2005: 276). The last part of this quote is crucial in understanding the obstacles that certain women in France face when trying to escape a situation of DV and subsequently seek justice.

### **Feminist Theory**

Despite the different perspectives analyzed in the literature review, I will primarily anchor onto feminist theories. A focus will be put on feminist theories of power and how these, in conjunction with intersectionality theory can be used to explain DV. Feminist theory generally looks at VAW as a consequence of gender inequality and structural inequalities that disadvantage women (Bograd, 1988). Feminist theory allows for a holistic understanding of DV as it broadens the violence beyond the individual victim and the perpetrator (Fernandez, 2010 : 148). Through these lenses, DV is seen as a result of historical and structural power dynamics that maintain women’s oppression within a patriarchal system. Within this patriarchal system, “men are the primary perpetrators of violence and women the primary victims” (McPhail et al., 2007 : 818 ; Walker, 1979). Of course, this does not mean that all men are perpetrators of violence and all women are victims. This understanding of violence invites the interrogation of the unequal gendered power dynamics between men and women. Feminist theory exposes the structural causes of VAW, including the traditional stereotypes of men and women, and the patriarchal tendencies of institutions that supposedly exist to protect individuals and uphold the equality of the genders (Brems and Timmer, 2016 : 43).

A core concept in feminist theory is the one of power, which often entails an array of questions. Who has the power of decision-making in society? How does power influence the condition of women in society? Who has power over who? In social and political sciences, power is regarded as an essentially contested concept, as there are differing definitions of it. Despite the differing definitions, in this thesis, power will be understood through feminist lenses, as a resource that is unequally distributed in society (Okin, 1989 : 136 ; Haraway, 1988). An important feminist theory on power is R.W. Connell’s theory of gender and power, which maintains that there are

oppressive structures that impact the gendered relations between men and women (Connell, 1987 : 99-100). These structures are the gendered division of labor, the gendered division of power, and the structure of the cathexis (ibid). The cathexis refers to the emotional and affective aspect of the relations between men and women (idem: 111-112). This theory argues that the power relations between the genders occur as a result of socially and historically constructed social structures (ibid). This fits within feminist theory claims that to achieve gender justice and a violence-free society for women, we need drastic structural changes. This is important to keep in mind when assessing the ways in which the state and more specifically its legal system, fails to uphold its commitments to women's rights. Accordingly, feminist theory will be utilized to analyze the challenges which women face in the legal system, by shedding light on the structural shortcomings that consequent in a dual victimization for survivors of DV.

In addition to being understood as a human rights violation, DV should be understood through the broader picture of a phenomenon resulting from structural gender inequality and power dynamics. Although this research highlights the obstacles and vulnerabilities which women may experience after being victims of DV, this is not necessarily to paint a picture of victimization. Contradictorily, this thesis should be understood as a testimony to the obstacles that women need to overcome within a system that repeatedly disadvantages them. For this thesis, the terms victim and survivor will be used interchangeably, similarly to the terms perpetrator, abuser, and abusive partner. Despite there being a debate on whether to refer to women who have experienced DV as victims or survivors (Fernandez, 2010 : 7), this thesis does not intend to ignore their agency nor does it intend to victimize them through the use of the term "victim". In spite of using the term victim, it should be acknowledged that victim is the first stage of the healing process. Often victims become survivors, consequently becoming agents of change. This will attempt to highlight how they are not only victims of DV but also of the structured inequalities that disfavor them and consequently make the justice-seeking process more arduous and burdensome. It is, therefore, important to be cognizant of the difficulty, and the psychological consequences of actually seeking justice. In fact, feminist theory explicitly acknowledges women's agency, strength, and power, by striving toward structural change and women's empowerment amongst this change ( McPhail et al., 2007 : 818).

## Methodology

This next section will elaborate on the methodological choices of this research. The research in this thesis has been conducted through a political science analysis enriched with interdisciplinary approaches from the social and legal sciences. This thesis is interdisciplinary in its exploration of both DV as a form of discrimination against women and human rights violation, and of women's obstacles when seeking justice for DV. Through the use of qualitative research methods paired with the theoretical framework, I have been brought to answer the question guiding my thesis. Below, I will, firstly, elaborate on the methodological choices, following with an assessment of limitations and ethical considerations.

Extensive work has been undertaken by NGOs, women's rights organizations, feminist collectives, and feminist scholars in order to address the causes and consequences of DV against women. Notably, in France organizations such as *Nous Toutes* and *Le Collectif Féministe Contre le Viol* (CFCV) have carried out significant studies, often gathering data from their support lines or conducting large-scale surveys (Allwood, 2017 : 5). Evidently, different actors are involved at different levels of society, all working towards the elimination of VAW (UN Secretary General, 2006). As stated by the UN Secretary General in a 2006 study on VAW, "Progress in the development of international legal norms, standards and policies has not been accompanied by comparable progress in their implementation at the national level, which remains insufficient and inconsistent in all parts of the world." (ibid). Taking this into account, this thesis has based its research on the already existing feminist work, conducted by these aforementioned actors, to understand the implementation gaps and obstacles at the French national level. In order to triangulate this data collected from the aforementioned organizations, I further explored GREVIO's baseline evaluation report on France (2019) and the CEDAW Committee's list of issues and questions in relation to France's most recent periodic reports (2015).

Moreover, I have conducted one semi-structured interview with Diane Richard, a member of the national coordination of *Nous Toutes*, which is a prominent feminist organization in France that works towards the elimination of GBV. The interview was composed of open-ended questions, in order to get the interviewee's full view of the obstacles which women face and the causes of DV



in France. Conducting this interview has been vital for my research, as it has allowed me to comprehend the different perspectives of feminist organizations engaged in the field of GBV prevention in France, who have already conducted extensive work in this area. This interview constitutes theoretically informed empirical evidence and has therefore allowed me to capture a picture of the current context. As the interview was conducted in an open and semi-structured way, it allowed for the discovery of new insights that were perhaps not expected prior to the interview and for a deeper exploration of what the collective sees as the main challenges for women, who are victims of violence in France. Informed consent was obtained from the interviewee in order to respect ethical guidelines and cite her statements throughout this thesis.

Moreover, all of the data I have engaged with, excluding the interview, are secondary sources of data. An analysis of GREVIO's baseline report on France (2019) has been incorporated into the Part II of this thesis. With a country-specific approach, a key focus will be on the human rights treaty bodies' reports regarding France specifically. Academic literature from the fields of feminist studies, access to justice theories, and legal sciences have been utilized to support this research. Additionally to the interview with *Nous Toutes*, I have also integrated data from a study carried out by *Nous Toutes* in 2021; *#PrendsMaPlainte*. The *Prends Ma Plainte* study received 3500 testimonies of individuals, mainly women, who have filed a complaint, or tried to do so, for acts of DV, sexual violence, or in general sexist acts (*Nous Toutes*, 2021). Although this study was not solely focused on DV, it highlights the inadequacy and unreadiness of the French law enforcement officials to meet the needs of victims. The complex, structural and cultural character of the authorities' unreadiness to respond to or address cases of DV will be highlighted further. Moreover, it sheds light on the experiences of victims of DV who were either discouraged from reporting by the French police, whose experiences were minimized by the authorities, who were victim-blamed, who received mocking or sexist remarks, or victims whom the authority to which they filed their complaint showed sympathy for the perpetrator of the violence (ibid). These different forms of data and data collection enabled a comprehensive analysis of the situation of justice-seeking in France for women who are victims of DV.

## Methodological Limitations and Ethical Considerations

It is important to acknowledge that, as in each and every research, there are ethical considerations and potential limitations. Important ethical considerations or limitations arose, such as the sensitivity of the topic and my researcher's positionality. Considering this thesis relies heavily on feminist theory, it is important to reflect on my positionality as a researcher. In spite of there being multiple approaches to conducting research, my approach in this thesis is rooted in feminist theory, which acknowledges that knowledge is shaped by a specific context in which it is situated (Valentine, 2002 : 116). Bearing this in mind, as a white female, having been raised in France most of my life, I cannot assure that my bias has not influenced the way this research was carried out, and so its findings. Nonetheless, my view of VAW is not only based on my own experiences as a woman but also based on the Istanbul Convention's definition which understands it as "a violation of human rights and a form of discrimination against women" which claims that women's rights are human rights" (CoE, 2014). This first assumption could have therefore implicitly influenced how I analyze the power dynamics present in France, and the patriarchal tendencies of the judicial institutions in France. It must still be borne in mind that VAW is widespread in society, pervasive and prevalent in women's everyday lives, while systemically gone unrecognized. DV happens in the private sphere, specifically due to the fact that it is tolerated and normalized in the public sphere. Therefore, my findings remain rooted in previously gathered secondary data, reports by human rights monitoring committees, as well as the knowledge received from my interviewee, a *Nous Toutes* representative. Following this elaboration on methodological choices and limitations, the following section will communicate the existing legal frameworks protecting women from DV.

### **Chapter 3.**

#### **The Legal Framework Protecting Women from Domestic Violence**

This chapter explores the legal framework on DV, to contextualize France within the existing human rights treaties. As previously touched upon, there exists a range of human rights frameworks internationally and regionally, aimed at addressing women's rights regarding GBV. DV was previously considered a matter concerning the family and primarily the private sphere, though in the past few decades this issue has evolved to be recognized as an issue of public concern. This evolution gradually occurred at the legal level as well, meaning that society evolved to understand this issue as a public matter and, consequently, the laws adopted to these evolutions. However, at the time of writing this thesis, there currently still does not exist an internationally binding convention dealing with domestic violence or more generally VAW, despite the three regional treaties, the Belem do Para Convention, the Maputo protocol, and the Istanbul Convention. Therefore, I will first delve into the CEDAW Convention and the CEDAW Committee's functioning, which focuses on the prevention of discrimination against women. This will allow me to elaborate on CEDAW's strengths and weaknesses when it comes to protecting women from DV and providing them with standards to seek appropriate justice. In order to accurately assess CEDAW's effectiveness in the case of France, it is helpful to look at France's first periodical report submitted to the CEDAW Committee and its latest report. This will allow for an assessment of France's evolution in the field of women's rights, and specifically, assess whether France has evolved in regards to protecting women from DV. Thereafter, the following section will address the regional conventions on VAW, with a focus on the Istanbul Convention and its monitoring mechanism GREVIO, as France is a state party to this human rights treaty. Lastly, after setting the international and regional human rights framework, an assessment will be conducted of France's legal framework at the national level. This is crucial to further elucidate the failures within the system, specifically how the system does not sufficiently address the specific needs of women.

## **The International Legal Framework: the CEDAW Convention**

International human rights treaties are crucially important as they set out internationally agreed-upon standards that states are obliged to follow. Although states have the primary responsibility to uphold the rights of women, in protecting them against violence, the international community also has an obligation. The CEDAW Convention, drafted by the United Nations Commission on the Status of Women, was adopted in 1979 and officially entered into force in 1981. With 189 state parties to the convention, it includes almost all of the countries in the world, omitting a few exceptions such as Iran, Palau, Somalia, Sudan, Tonga and the United States. The three main principles of the CEDAW Convention are, as any other UN human rights treaty, the obligation to respect, the obligation to protect, and the obligation to fulfill. In the case of CEDAW, these obligations concern women's rights to be free from all forms of discrimination. As the convention does not explicitly mention the issue of VAW, the CEDAW Committee's general recommendations 12, 35, and 33 will be elaborated upon below.

### **CEDAW Committee's General Recommendations on VAW**

The CEDAW Convention has its own monitoring body, the CEDAW Committee which is specifically tasked with monitoring the member state's implementation of the convention's principles. The creation of the CEDAW Committee is stipulated by Article 17 of the CEDAW convention in order to ensure efficient monitoring of states' progress in implementation. One of the many tasks of the committee is to issue general recommendations, which are often more up-to-date as they tend to provide more progressive and updated interpretations of the convention. The CEDAW Committee makes general recommendations on issues to which it believes state parties need to devote more work to. These recommendations, stipulated in Article 21 of the convention, do not contain a legally-binding nature, however, they can be understood as authoritative recommendations on the legal duties of state parties. Three of these general recommendations are specifically related to VAW and/ or justice-seeking, namely general recommendation no. 12, general recommendation no. 33 pertaining to women's access to justice, and general recommendation no. 35 which is the updated version of general recommendation no.

19. Although none of these general recommendations are specifically dedicated to the prevention of DV, they do have specific clauses on domestic violence concerning how states should improve their jurisdictions to ensure adequate protection and respect of women's rights (CEDAW, 1989 ; CEDAW, 2015 ; CEDAW, 2017).

General recommendation no. 12, published by the CEDAW committee in 1989 specifically concerns the "protection of women against violence of any kind occurring within the family, at the workplace or in any other area of social life" (CEDAW 1989). Although this general recommendation does not explicitly mention DV or IPV, the fact that it refers to family violence was progress at the time as it acknowledges the 'public' aspect of this violence which was previously seen as only a private matter. It also recommends states to include the following in their periodic reports: "measures adopted to eradicate this violence; the existence of support services for women who are the victims of aggression or abuses; Statistical data on the incidence of violence of all kinds against women and on women who are the victims of violence." (idem : 1). While this recommendation can be viewed as progress as it spotlights the importance for states to provide information on their legislation protecting women from violence, it nonetheless remains a recommendation and is therefore considered soft-law.

General recommendation no. 33, published in 2015 is highly significant for this thesis as it pertains to women's access to justice. This general recommendation lays out the importance of women's right to access justice, as this is a fundamental right to the realization of all other rights. It acknowledges the multidimensional aspect of justice, referring to the following aspects: "justiciability, availability, accessibility, good-quality and accountability of justice systems, and provision of remedies for victims." (CEDAW 2015 : 3/24). Moreover, it highlights how intersecting identities can impede access to justice for certain women, especially in a structural context of discrimination and inequality. This acknowledgment is crucial when assessing how women from different backgrounds may experience their path to justice differently. The following quote does not refer specifically to France, however, the CEDAW Committee mentions that it has observed "a failure to systematically ensure that judicial mechanisms are physically, economically, socially and culturally accessible to all women." (ibid). This will be

further discussed in the analysis below when assessing and categorizing the specific obstacles which women face.

Lastly and most recently, general recommendation no. 35 was published in 2017 and concerns GBV against women. General recommendation no. 35 is an updated version of general recommendation no. 19, which was historic at the time as it unequivocally brought VAW out of the private sphere. In this general recommendation, the CEDAW Committee acknowledges that the prohibition of GBV has become international customary law, meaning it has become a general practice accepted as law. This general recommendation refers to the need for proper training to adequately understand the trauma and power dynamics that characterize IPV and DV. Beyond stressing the importance of GBV prevention in international human rights law, it also acknowledges the need to change social norms and stereotypes that support VAW. This is especially important in the context of France, where culturally there has been a great amount of resistance against movements of GBV awareness such as the #MeToo movement. In fact, in 2017 Catherine deNeuve a prominent French actress and 100 “high-profile” French women signed an open letter to Le Monde, which is the French newspaper with the largest distribution. This letter, which criticizes the MeToo movement and its French equivalent #BalanceTonPorc and is symbolic of the French resistance against this phenomenon, will be further elaborated on in Part II.

### **The Regional Legal Frameworks**

In addition to the international human rights framework on women’s rights, regional frameworks exist in order to enhance the integration of these international human rights norms at the different regional levels. Three monumental regional treaties exist; the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, commonly known as the Belém do Pará Convention, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, known as the Maputo Protocol and lastly the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, better known as the Istanbul Convention. The Belém do Pará Convention and Istanbul

Convention, both specifically focus on the elimination of VAW, whereas the Maputo Protocol is a more general treaty instrument concerning women's rights as a whole, similarly to the CEDAW Convention. A brief elaboration will be done on the Belém do Pará Convention and the Maputo Protocol, to shed light on their differences and which forms of violence they address. However, this thesis will primarily focus on the Istanbul Convention, as this is the regional treaty to which France is a state party and thus, has commitments to maintain.

### **The Belém do Pará Convention : The Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women**

The Belém do Pará Convention is considered a milestone treaty, as it is the first human rights treaty exclusively specialized on the elimination of VAW. The Belém do Pará Convention, adopted by the Organization of American States (OAS) in 1994, defined the standards and mechanisms for protecting women from violence while acknowledging it is not only a problem of the private sphere. This convention provided for a communal approach to GBV in the region, allowing for states to access a clear definition of what constitutes GBV and VAW. Article 1 of the convention defines VAW as “any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere” (OAS, 1994). Additionally, the first right laid out in Article 3 states that “every woman has the right to be free from violence in both the public and private spheres”, therefore clearly acknowledging domestic violence and the fact that the different forms of violence can occur within the domestic sphere (ibid). Thus, this regional treaty includes the physical, sexual, and psychological forms of violence, however, it does not address financial abuse which women can fall prone to.

### **The Maputo Protocol: The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa**

The Maputo Protocol, which as previously mentioned concerns the states which are party to the African Charter on Human and Peoples' Rights, went into force in 2003. Although this protocol

came later, it is very comprehensive in its specificities regarding the forms of discrimination and violence that women and girls experience. Article 1 of the Protocol defines VAW as “all acts perpetrated against women which cause or could cause them physical, sexual, psychological, and economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peacetime and during situations of armed conflicts or of war.” (AU, 2003). It is clear that the Maputo Protocol addresses the specific forms of violence that may occur to women, while acknowledging economic abuse and also violence during war times and conflict. This mention of peacetime versus situations of armed conflicts and war, is not present in the other treaties concerning women’s rights or VAW. It also addresses unique experiences of African women, such as female genital mutilation (FGM), which has been evidenced to be more present on the African continent (UNICEF, 2016). Although the Protocol does not explicitly mention DV, IPV or family violence, it repeatedly refers to the importance of preventing violence in the private & public sphere. This differs from the Istanbul Convention, which lays out specific treaty obligations regarding DV against women.

### **The Istanbul Convention: The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence**

The last regional treaty to be addressed, which is contextually relevant as it pertains directly to France, is the Istanbul Convention. Opened for signature in 2011 by the CoE and entered into force in 2014, it has so far, as of June 2022, been ratified by 34 members of the CoE, including France. The Istanbul Convention recognizes GBV as both, a form of discrimination against women and human rights violation, precisely how this thesis addresses DV. The convention’s objective is the elimination of VAW and DV against women, with a strong emphasis on prevention and wide-scale social change. The state obligations of the Convention cover four main areas, referred to as the ‘4 Ps’, which are prevention, protection, prosecution and policies. Prevention concerns all of the policies which states shall undertake with the aim of eradicating the violence in the first place. These include, amongst others, GBV prevention awareness campaigns, programs for the perpetrators of violence, training and education, and the role of the



media. Protection refers to the measures states need to adopt to ensure the safety of the victims, such as support services, shelters, and protection orders. Prosecution alludes to the state's need to adopt correct judicial proceedings, law enforcement, and legislation ensuring the criminalization of VAW. Prosecution is important to ensure the victim's rights to justice and to access justice if violence does occur. Lastly, the last pillar refers to the need for coordinated policies. Coordinated policies denote the states' need to involve civil society, NGOs, women's rights organizations, and different actors to ensure an inclusive impact of these policies on the entire societal level. These four pillars are crucial in forming a comprehensive legal instrument to adequately prevent VAW and DV, protect the victims, and consequently punish the perpetrators.

The independent expert body responsible for the monitoring and implementation of the Istanbul Convention is the GREVIO Committee. This committee publishes reports on the state parties' application of the convention, starting with a baseline evaluation report on each state party's implementation and shortcomings of the Convention. Once a state has ratified the Istanbul Convention, similarly to the other human rights treaties, it must take all necessary measures to implement its provisions and obligations. This allows states to gradually harmonize their national legislation in accordance with the Convention's obligations. In fact, France ratified the Istanbul Convention in 2014 and consequently passed some laws in an attempt to bring the French legal system in line with its treaty obligations. Within Part II of this thesis, I will further analyze GREVIO's baseline report on France, in conjunction with the literature and the conducted interview, to get a more thorough understanding of the impact of GREVIO's work on women's rights in France.

To demonstrate the different definitions of DV according to the regional human rights treaty, a table of definitions (Table 1.) has been included below. This allows light to be shed on the differences between the regional women's rights treaties, in order to understand why DV may be understood differently depending on the context. This table shows that both the Maputo Protocol and the Belem do Para Conventions, do not explicitly define DV. The Istanbul Convention is the only regional human rights treaty that explicitly defines DV, and states the four forms of DV, being physical, sexual, psychological, and economic violence.

**Table 1. Definitions of DV in Regional Women’s Rights Treaties**

	<b>Istanbul Convention (2014)</b>	<b>Maputo Protocol (2003)</b>	<b>Belém do Pará Convention (1994)</b>
<b>Definition of DV</b>	<p>Article 3. B.</p> <p>“domestic violence” shall mean all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim.</p>	<p>No explicit definition of DV</p>	<p>No explicit definition of DV</p>
<b>Definition of VAW</b>	<p>Article 3. A.</p> <p>“Violence against women” is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or</p>	<p>Article 1. J.</p> <p>“Violence against women" means all acts perpetrated against women which cause or could cause them physical, sexual, psychological, and economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed conflicts or of war”</p>	<p>Article 2.</p> <p>“Violence against women shall be understood to include physical, sexual and psychological violence: a. that occurs within the family or domestic unit or within any other interpersonal relationship, whether or not the perpetrator shares or has shared the same residence with the woman, including, among others, rape, battery and sexual abuse; “</p>

	in private life;”		
<b>Psychological violence</b>	Yes	Yes	Yes
<b>Economic/ Financial violence</b>	Yes	Yes	No
<b>Physical violence</b>	Yes	Yes	Yes
<b>Sexual violence</b>	Yes	Yes	Yes

### **The National Legal Framework : France’s Laws on Domestic Violence**

Most importantly, there is a pressing need to determine whether the current legislation in France covering VAW and DV is comprehensive enough to protect women and encourage them in turning to the legislation if violence has occurred and they would like to seek justice. All forms of DV are prohibited in France’s civil and penal code. Women who have been victims of DV, and who attempt to seek justice through the legislative institutions, can either decide to follow through with criminal procedures or can go through civil action. This section will elaborate on the French laws on the issue, in order to contextualize the justice-seeking process in France for victims of DV. It is worth mentioning that the laws on DV in France concern individuals who are married, have a PACS union (*pacte civil de solidarité*), or in free union ; meaning they have no legal or contractual obligations to their relationship. Therefore within French law no distinction is made on whether the victim and abuser cohabit together or not.

Articles 515-519s in the French Civil Code all concern the protection of victims of violence and the distribution of protection orders, referred to as *ordonnance de protection* in French. Protection orders were established in French law, in 2010, and are delivered by the Judge of Family Affairs. These allow victims of DV to obtain a judiciary measure of protection for themselves and for their children if necessary. A protection order can be granted in cases of DV; either psychological, physical, economic, and sexual violence, the four forms of violence established in the Istanbul Convention. An emergency protection order allows victims of DV,

regardless of their marital situation, to seek immediate help when an imminent risk of danger exists. The process of obtaining a protection order was modified in 2019, with the implementation of a new law that makes it no longer necessary for the couple to have cohabitation, thus facilitating the process for the victim. When a protection order is granted by the Judge of Family Affairs, certain measures can simultaneously be ordered such as the prohibition of entering the home, the eviction of your violent companion, decisions on the parental authority, and perhaps the granting of an *anti-rapprochement* bracelet, which has been implemented recently into France's civil code (République Française, 2022). Although this process has been adjusted over the years to ease the justice-seeking path for victims, there are still various limitations associated with it, amongst others, obtaining legal aid, providing sufficient proof, and time restrictions.

DV and its severity were first recognized in the French Criminal Code on March 1st 1994, by recognizing it as an aggravating circumstance (Amnesty International, 2006 : 14). When DV was first legally recognized in France, it only applied to cases of extreme physical violence, therefore not including many forms of domestic violence (ibid). Since this recognition, France has created numerous laws in an attempt to bring its legislation into line with the obligations in the international & regional human rights treaties to which it is a state party. The protection order previously mentioned has a goal of protecting the victim, whereas the penal procedure has a goal of reporting and convicting the abuser. Moreover, Articles 222-24 of the Penal Code recognize rape in the context of DV, as a punishable crime. Victims of DV are encouraged to report their abusive partner to the authorities, being the police or *gendarmerie*, by filing an official complaint. Filing a complaint to the authorities is required in order for a DV case to be brought to the courts. When a victim goes to the police or gendarmerie to file a complaint against their abuser, the authorities are supposedly obliged to register the complaint, which is then transmitted to the public prosecutor to decide on the follow-up of the case. However, in practice, this process tends to be flawed, as will be shown below. Although these criminal procedures are defined in France's Penal Code, the reality is that the victims systematically face resistance at every level.

Moreover, as aforementioned, the Covid-19 pandemic gave rise to unprecedented levels of DV in France. Consequently, the French authorities addressed this surge in violence, by reinforcing legal measures and creating new legislation on the issue (Gunka and Snitsar, N.A ). The most

recent law that was passed, concerning DV protection in France, is the law *n° 2020-936 visant à protéger les victimes de violences conjugales*, which in English stands for the law aimed at protecting victims of DV. Adopted on July 30th 2020, this law reinforces victims' protection that were granted in articles 515-519s of the Civil Code, or granted in France's Penal Code. This specific law addresses more in-depth, the psychological aspect of DV, the specific needs of victims of DV in France who are foreigners, protection orders and parental authority. This law rectifies language used in the Civil Code or Penal Code, that does not provide for sufficient protection to the victims of DV, while additionally adding jurisprudence concerning the criminal repercussions for the perpetrator of such violence. However, it should be pointed out that many of the previous laws passed in France are still not thoroughly applied, as will manifest the analysis below. Part II of this thesis will exhibit the clear need for French authorities to take all necessary measures to ensure women's rights are truly protected, respected, and guaranteed when it comes to seeking justice for DV, as enacting laws on the matter is not enough.

This chapter has elaborated on the different legal frameworks related to women's rights, to understand how they address DV and to situate France within the legal framework on VAW. Although this pervasive form of violence has been widely addressed in human rights treaties at the different regional levels, there still does not exist an international treaty on the prevention of VAW at the global level. In its general recommendations no.12 and no.35, the CEDAW Committee has shed light on the actions required by states to prevent and protect women from DV. Additionally, it has acknowledged the specific impact of DV on women from different backgrounds, taking into account how the experiences of women can be different due to their intersecting identities. However, the problem remains that the general recommendations are non-binding on the state parties. This chapter has additionally elaborated on France's national legal framework on VAW, to shed light on the processes it has in place for victims. Setting the legal framework by comprehensively elaborating on the human rights norms pertaining to women's rights, VAW and specifically DV is crucial in order to deconstruct the obstacles in the following part.

## PART II. OBSTACLES TO SEEKING JUSTICE FOR DOMESTIC VIOLENCE

As an already identified prevalent problem globally, it is alarming that DV remains so normalized in France and that women still face an array of obstacles, when attempting to seek justice. Despite the increased legislative framework on the issue in France, DV persists as a common form of violence that often goes unreported, is rarely prosecuted nor sought justice for (GREVIO, 2019 : 27). The importance of access to justice cannot be undermined, as it is fundamental for the empowerment of victims of DV, to enable the exercise of their legal rights and to eventually have their perpetrator held accountable (Beqiraj and McNamara, 2014 : 8). Moreover, access to justice is “an indispensable factor in promoting empowerment and securing access to equal human dignity.” (idem : 8). While survivors of DV in France have a number of options through which they can seek justice, whether through civil or criminal means, as elaborated in the previous chapter, they are still confronted with a plethora of barriers. The following empirical part of my thesis will bring light to the complexity of women’s journeys to justice, by delving into the different obstacles which they face.

The obstacles have been conceptualized into three categories, which will each constitute a different chapter. The first chapter will analyze the myths and misunderstandings of DV as cultural barriers to seeking justice, specifically the normalized victim blaming approach, the assumption that DV is only physical or sexual, and the cultural resistance in France. Thereafter, the following chapter will explore the socio-economic obstacles, by looking at the overlapping burdens faced by migrant women, women of color and women in situations of financial difficulty. Thereafter, the last chapter will address the structural obstacles that women face when attempting to seek justice in France. These categories of obstacles have been decided based on the data and testimonies gathered from the GREVIO baseline report on France, the *Nous Toutes* interview, the different literature on the topic, and various reports regarding DV and access to justice in France. Prior to delving into the analysis, it is important to acknowledge that despite having different chapters allocated to the different groups of barriers, none of them operate independently (Beqiraj and McNamara, 2014 : 5). In fact, they can all be faced simultaneously by victims, further intensifying their difficulty to seek justice (Beqiraj and McNamara, 2014 : 5).

## **Chapter 1.**

### **Myths and Misconceptions about DV as Cultural Barriers**

This chapter will address the cultural barriers to justice-seeking, namely the myths and misunderstandings surrounding DV and the particular cultural resistance in France. This will allow for an understanding of how traditional views, attitudes of victim blaming, and other culturally-reinforced barriers impact a survivor's path to justice. A core obstacle to an effective justice-seeking process for survivors is the misunderstandings and myths regarding the mechanisms of violence in DV. Substantive research has shown that, unfortunately, there generally continues to be considerable negative opinions and false assumptions about DV (Lelaurain et al., 2022 : 2). These myths often lead to higher chances of victim blaming, a minimization of the victim's experience, and consequently discourage the victim from seeking justice in the first place, while also contributing to the failures of the system in assisting the victim's needs (Peters, 2008 : 5).

These negative attitudes and myths concerning DV are referred to as “stereotypical beliefs about domestic violence that are generally false but are widely and persistently held, and which serve to minimize, deny, or justify physical aggression against intimate partners” (ibid). Stereotypes or stereotypical beliefs have been recognized in human rights law, as they reinforce inequality and discrimination and often are used as a justification of VAW (Breems et al., 2016 : 1; Peter, 2008). This is evident in the existing women's rights treaties, both CEDAW and the Istanbul Convention, which mention states' obligations to combat stereotyping. These stereotypical attitudes are important to understand in the case of DV, as they dictate how individuals, including the law enforcement and authorities, react to DV (Gracia et al., 2009 : 649). This chapter will address three obstacles of this kind, being the traditional victim blaming approach which exists globally and France is no exception, the misunderstanding of what constitutes DV, and lastly the cultural resistance against GBV awareness that is prevalent in France. In fact, these last two obstacles were recurrent themes in the conducted interview. Quotes from the interview with the

*Nous Toutes* representative and quotes from *Nous Toutes*' study on victims' experience with the police, *Prends Ma Plainte*, will be included in the analysis below.

### **The Normalized Victim Blaming Approach**

The first misunderstanding or mythological belief that will be addressed is victim blaming, referred to as *culpabilisation de la victime* in French. Despite referring to victim blaming as a misunderstanding, this chapter highlights how victim blaming should be understood as a culturally reinforced problem. Victim blaming, which is the act of switching “the focus of wrongdoing from the actual perpetrator of the crime to the victim (Bernat et al., 2019 : 1), is a common societal response to DV in France. In 2017, the UN Special Rapporteur on Violence Against Women, Its Causes and Consequences, Ms. Dubravka Šimonovic, stated the following: “Many victims experience re-victimization due to a widespread victim blaming culture across the media and society alike which tends to stigmatize victims thus deterring them from reporting.” (Šimonovic, 2017). Although Šimonovic was not referring specifically to the French context, this quote highlights the global phenomenon of victim blaming and its prevalence. Addressing the societal attitudes and perceptions of DV, which place the responsibility for violence on the victim's shoulders, is critical to understanding why DV prevails and is tolerated in a country that supposedly has a strong legal framework fighting against it and provides possible paths to seek justice.

When discussing the prevalence of victim blaming in France, the *Nous Toutes* representative mentions the following in the interview: “This whole mentality of “ Oh why don't you just leave if something happens to you?” It is basically a misunderstanding or lack of understanding of all of the mechanisms that happen in a situation of violence.” (*Nous Toutes*, 2022). This quote highlights the interlinkage of victim blaming and the general misunderstandings of what constitutes DV and its aftermath, as it reverts the responsibility on the victim. Additionally, it sheds light on how officials who are supposed to assist victims in the aftermath of DV, often perpetuate this mentality by asking these kinds of questions to the victims. Thereafter, the *Nous Toutes* representative stated “This whole culture is a big factor that discourages victims from



seeking help in the first place.” (ibid). It is puzzling that these attitudes of victim blaming persist, despite years of public awareness and education efforts (Garcia, 2014). Such attitudes implicitly excuse or normalize the perpetrator’s behavior, which results in a culture of impunity where the state’s institutions do not meet the victim’s needs (ibid). Not only are individuals responsible for perpetrating these attitudes, the state and its institutions are also complicit in normalizing this harmful narrative.

An illustration of such mythological belief is the following questions that police officers have asked women who file a complaint for DV: “What did you wear?” or “Did you drink?” (*Nous Toutes*, 2022). The *Prends Ma Plainte* study accentuates the sexism, power dynamics, and victim blaming attitudes, underlying the way in which police officials respond to complaints of DV. This is seen through the victimizing questions that the police ask women when attempting to file a complaint, which ends up returning the situation against the victim (*Nous Toutes*, 2021). This idea that women were asking for it due to their alcohol consumption or their clothing choice is clearly destructive and can have tremendous repercussions on victims of DV. These attitudes consequently position the victim as responsible or an active agent in their own abuse (Gracia, 2014). This underlines the crucial need for societal and cultural change, in order to transform the way DV is framed to avoid perpetuating victim blaming. This can be done through a variety of ways, including increased education on consent, ensuring the correct use of language in the French media, and more adequate training of the professionals who are in contact with victims. These are all mentioned in GREVIO’s baseline report on France, in the recommendations that France should adapt in order to reach a correct implementation of the Istanbul convention.

In an Article by Lelaurain et al. on *French Validation of the Domestic Violence Myth Acceptance Scale* it is stated the following “One of the most important scientific issues in this field therefore concerns the understanding of the psychological and social mechanisms underlying the persistence of this violence and the help-seeking barriers faced by victims. Many of these barriers are linked to socially shaped beliefs, norms, and values (Lelaurain et al. 2019 : 2 ; Liang et al. 2005).” This is also the case for victims of DV in France, as highlighted by numerous feminist organizations that work on the issue. One of the repercussions could be that the victim does not file a complaint, thus constituting an obstacle to the justice-seeking process (Stahl et al.

2010 : 240). These victim blaming attitudes that are prevalent in France can, thus, be seen as obstacles to the justice-seeking but also as a cause of psychological barriers instilled in the victims. By this, I refer to the fact that these socially and culturally held beliefs can lead to women having a psychological fear of social stigma or the overall deterrence from justice-seeking in the first place. Research conducted by Fox and Cook, highlights the power of knowledge and information related to victimology and victims of crime. The study spotlights how increased knowledge consequently leads to a lower tendency of these individuals to perpetuate victim blaming attitudes (Fox and Cook, 2011 : 3408). If knowledge production results in individuals being significantly less likely to blame victims, this is a clear indicator that increased training of the professionals in contact with victims could facilitate the justice-seeking process, by eliminating the perpetuation of victim blaming attitudes. This lack of sufficient training will be elaborated on in Chapter 3, which focuses on the structural obstacles faced by women.

Article 12 of the Istanbul Convention refers to the need for the state parties to take all necessary action to eliminate the prejudice, customs, traditions and stereotypes that manifest themselves in the social and cultural patterns of behavior of men and women (CoE 2014). The prevalence of victim blaming in France, especially in cases of DV is astonishing. The need to change this culture that normalizes victim blaming can, thus, be seen as an obligation under Article 12 which France must respect. Based on the testimony of the *Nous Toutes* interviewee, and the *Prends Ma Plainte* report, GREVIO's baseline evaluation on France, and academic literature covering DV in France, it is evident that France is lacking in this regard (*Nous Toutes* 2021; *Nous Toutes*, 2022).

### **Misconception of the Scope and Consequence of DV**

It is only in the past few decades that DV has become acknowledged in the public eye, as it was previously considered a private matter (CoE, 2019 : 21). Despite it now being in the public eye and present in various international human rights treaties, there are still wide misconceptions on the scope and consequences of DV. A 2006 in-depth study of all forms of gender-violence against women, by the UN Secretary General, states the following : “while data on the nature,

prevalence, and incidence of all forms of violence against women has increased significantly in recent years, information is not yet comprehensive.” (UN Secretary General, 2006). This is still accurate today, especially concerning the information and knowledge of what exactly constitutes an act of DV, what is socially understood as an act of DV, and the psychological consequences that pursue.

As previously mentioned, French law recognizes four types of violence as a form of DV, consistent with the Istanbul Convention’s definition of DV. Additionally, on the French government’s website, dedicated to information pertinent to VAW, it states that psychological violence refers to moral harassment, insults, and threats, and that economic violence, or financial violence as stated in the Istanbul Convention, refers to the privatization of financial resources and control of the partner’s dependence (Service Public France, 2021 ). Nevertheless, certain forms of DV are not socially recognized as important or as reflecting a crime. Notably, the psychological and financial aspects of DV are often overlooked and are not perceived as important in comparison to physical or sexual forms of violence that occur between partners or in the domestic sphere. In France, socially and culturally, these forms of violence are diminished. In fact, the GREVIO baseline evaluation report on France, refers numerous times to the need for French authorities and law enforcement to adopt a non-stereotypical understanding of VAW, in order to encourage women victims to report the violence (GREVIO 2019 : 86). Linking back to the previous section on victim blaming, in the interview with the *Nous Toutes* representative the following was stated: “When you are already a victim of violence and then you go to the police station, you basically face another violence because you are not recognized as a victim of violence in itself.” (*Nous Toutes*, 2022). This quote is reflective of the misunderstanding of the scope of DV, as certain forms of violence experienced by victims of DV are not fully recognized by the police officers whom they have first contact with when beginning the justice-seeking process.

In spite of the Istanbul Convention’s request for the criminalization of all different forms of DV, and the criminalization of psychological violence into French law in 2010, with its law No. 2010-769, victims of psychological violence face a different reality. According to the interview with *Nous Toutes*, “psychological violence and economic violence are often ignored.” (*Nous*

*Toutes*, 2022). She further states “What we don’t see is that they are all linked” (ibid). In fact, this interlinkage between the different forms of DV is crucial to acknowledge in the understanding of DV. It is precisely due to the widely held misconceptions about DV, that certain aspects of it go unnoticed or unacknowledged. Often, the forms of violence that are considered less serious or less violent, are those that are frequently repeated and become more widespread over time (Salomé, 2020 : 32). This is why it is important to have legislation accounting for all types of violence that women can experience in the domestic sphere. However, the applicability of this legislation needs to reflect this evolving nature of DV as well. It is not sufficient for the French legislation to recognize the different forms of DV, if a victim is suppressed when she attempts to seek justice and report the economic or psychological violence that she experienced. This interconnection of the different forms of DV is also recognized in a Council of Europe 2007 report, which states the following: “A question often asked in relation to domestic violence is ‘why doesn’t (s)he leave?’ There is no simple answer to this question because domestic violence is a complex phenomenon which often involves physical, psychological, emotional and economic forms of abuse.” (CoE, 2007 : 61). According to conducted research on DV, it is evident that abusers use a variety of control tactics to cause fear in the victim, including violent gestures, humiliation, insults, minimizing the abuse, or victim blaming (Fernandez, 2010 : 50). In fact, the GREVIO baseline evaluation report on France addresses that certain aspects of DV remain unaddressed by awareness-raising campaigns in France and therefore unknown to the public, “such as psychological and economic violence, as well as the phenomenon of coercive control suffered by women victims of domestic violence.” (GREVIO, 2015 : 31).

Furthermore, isolation is a frequently seen consequence or form of psychological violence in the domestic sphere (Illesinghe, 2020 : 1). “Domestic violence often involves isolation of the victim from family and friends, deprivation of personal possessions, manipulation of children, threats of reprisals against the individual, against children, or against other family members.” (CoE, 2007 : 61). This quote from the Council of Europe’s study highlights the different forms of psychological coercion and violence that can occur, independently or simultaneously with other forms of violence. “Isolating the victim from contact (be it verbal or physical) with other family members and friends, and monitoring or limiting her movements is yet another power and control tactic.” (Fernandez, 2010 : 50). This control tactic, which is a form of psychological

violence, occurs tremendously in situations of DV. In fact, this psychological form of violence also increased during the pandemic, as victims were more easily isolated from society (Illesinghe, 2020 : 1).

Moreover, it is important to touch upon the role of verbal abuse within the realm of psychological violence, as this has a real impact on victims, often goes unnoticed, and thus makes it harder for victims to seek justice on this account. Notably, considering the widespread use of the internet and social media, verbal abuse in DV often happens through social media (Henry and Powell, 2016 : 2). Verbal abuse in the digital world can manifest itself through insults, personal attacks, or online threats which are aimed at humiliating, controlling or degrading the victim. This often falls as a form of violence outside of DV and outside of online abuse, as it is at the intersection of the two making it more complicated to be legally defined as DV. A victim's testimony shared with the French news outlet, *l'Est Republicain*, shows that her abusive partner sent her a picture of a dead deer on social media stating "You shouldn't do that after all we've been through", after she had attempted to report him (Tournier, 2021). The threatening words alongside the photo of a decapitated dead deer highlight the manipulative efforts, aimed at emotionally controlling the victim. The testimony also claims that she attempted to seek help and report her abusive partners nine times before action was taken by the authorities. This highlights the unwillingness of authorities to handle complaints of DV, especially when they are considered less serious or threatening forms of violence (ibid).

“While physical violence is often considered the defining characteristic of domestic violence, other forms of physical and psychological abuse are used in an effort to terrorize and control the victim.” (Peters, 2003 : 4). Online abuse and verbal abuse can therefore be used by the abusive partner to terrorize and control the victim. In fact, both the Istanbul Convention and French legislation concerning VAW and DV prevention, do not explicitly mention the verbal abuse that can occur online, and the consequences it has on victims of DV. This is critical considering the increasingly digitized world we live in, and the ways technologies are incorporated into our everyday lives. Although social media and technologies could potentially help victims access information on how to seek justice or access online support, it also provides the abusive partners with more ways to control or threaten the victim (Jatmiko et al., 2020 : 321). The Covid-19

pandemic has worsened the situation for victims experiencing this kind of online or verbal abuse, which can occur through forms of coercion, stalking, control of the victim's social media, and more. Until now, there is still limited protection for victims of online DV, who experience this intersection of online (facilitated) victimization and DV. Therefore, this thesis argues that the technology-facilitated DV should be incorporated into French legislation, in order to acknowledge these experiences and therefore facilitate the victims' process of speaking up and seeking justice. Accordingly, this would enable an acknowledgment of this form of violence, by simultaneously contradicting the misconception that DV is only physical or sexual abuse (Henry and Powell, 2016 : 2).

Article 33 of the Istanbul Convention asserts the following: "Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of seriously impairing a person's psychological integrity through coercion or threats is criminalized." (CoE, 2014). The previous examples from literature, CoE studies, and testimonies from the *Nous Toutes* interview, highlight the pervasiveness of coercive measures and threats used against victims. Despite numerous studies addressing these more subtle forms of violence and the impact they have, there still exists a gap in implementation at the judicial and societal levels. It is evident that DV happens on a continuum of behaviors. A plethora of research has demonstrated the gradual and evolutive aspect of DV, highlighting how different forms of violence within the domestic sphere often escalate and occur gradually. It is, therefore, essential for society, institutions, and the professionals in contact with victims to acknowledge this gradual aspect of DV and understand that DV is not only physical.

### **French Cultural Resistance and Culture of Impunity**

A study on the *Acceptability of domestic violence against women in the European Union*, claims that "the acceptability of domestic violence against women (DVAW) plays an important part in shaping the social environment in which the victims are embedded, which in turn may contribute either to perpetuate or to reduce the levels of DVAW in our societies" (Gracia and Herrero, 2006 : 123). Indeed, the cultural environment plays an important role in explaining the levels of DV

but also in explaining whether or not a victim of DV will attempt to seek justice. As previously mentioned, women in France who attempt to seek justice for DV are often met with victim blaming attitudes and are further faced with cultural resistance. It is, therefore, crucial to assess how French cultural norms and potential cultural resistance influences the under-reporting of DV cases or the lack of authoritative (judicial or criminal) follow-up.

As briefly touched upon, since the beginning of the #MeToo movement which triggered the public awareness of VAW, France has seen a large movement of resistance against it. This anti #MeToo movement, which was triggered by very prominent women in French society, including actress Catherine deNeuve, is a manifestation of the prevalent resistance and anti-feminist sentiment in France. The letter written against the French equivalent of the #MeToo movement, *#BalanceTonPorc* defended certain acts of VAW as gallantry and the “French way” of flirting (Erickson, 2019 : 2). This empowering movement of survivors denouncing their abuser created a polarization in French society while highlighting how structural sexism has been internalized by many (ibid). This underlines the systemic gender-based discrimination in France, which is perpetuated by individuals’ beliefs and the institutions that promote toleration of VAW. Therefore, it is clear that the exposure of VAW has not always been well received in France, as it is somehow seen as going against traditional French values (Rubin, 2017). It can be argued that the normalization of violence is closely linked to French norms around masculinity, chivalry, and traditional gender norms, which emphasize control and dominance.

Beyond this cultural resistance against VAW awareness, research has shown that there is also a large resistance, in France, against the use of the term “gender” (Allwood, 2017 : 12). This has been shown in parliamentary debates, which highlights a larger social defiance (ibid). Additionally, a sweeping conservative resistance, under the name of *La Manif Pour Tous* (LMPT), arose following the Socialist party’s proposal bill for the legalization of same-sex marriage, in 2012. “The introduction of legislation to legalize marriage and adoption for same-sex couples in 2012 sparked the extraordinary expansion of the anti-gender movement beyond its original ecclesiastical confines and into the public spotlight. “ (Stambolis-Ruhstorfer and Tricou, 2020 :5). The LMPT movement centered and still currently centers its goals around the opposition of same-sex marriage, gender theory, progressive ideas of gender, and the

promulgation of sex education in schools (LMPT, 2022). This conservative resistance movement is a manifestation of France's struggle to adapt to progressive ways of thinking, which tend to be in favor of gender equality (Stambolis-Ruhstorfer and Tricou, 2020 : 1). Although this does not pertain directly to France's attitudes towards DV, it highlights a cultural unwillingness to acknowledge ways in which women may be discriminated against (idem : 3). Accordingly, I argue that this can be seen as a link to the cultural resistance against VAW awareness, and the particular negative attitudes towards victims of DV that are widely prevalent in France. This anti-gender movement and anti-MeToo movement have also been reflected in the victim blaming attitudes that were previously discussed and the unwillingness to recognize the different forms of DV that women experience. This section has attempted to highlight how a certain culture of tolerance towards VAW exists in France, defended under the veil of maintaining French traditional values. In turn, this social climate of tolerance towards DV and more generally VAW influences women's aspiration or lack thereof, to seek justice, as they may fear pushback by the individuals or institutions surrounding them (Gracia, 2014).

To conclude, the very existence of DV and its societal acceptance is intricately linked to sexism and patriarchal values that are prominent in French society. These values encourage attitudes of victim blaming, disbelief about DV, and of resistance against the very phenomenon. In this chapter, it was argued that victim blaming and cultural attitudes towards DV have harmful consequences on the general understanding of DV, the victim's ability to, and desire to seek justice. There is a clear need for a societal and cultural change in how DV is viewed and accepted in France, as already suggested in GREVIO's 2019 baseline evaluation report on France. Although it has been acknowledged by several different parties, France still has to make substantial progress to ensure adequate application of its legislation, and to impact social and cultural change. Additionally, the findings of this chapter indicate that patriarchal values of power and sexism, which implicitly place women as the subordinate gender and thus undermine women's needs, constitute a structural problem within French society. They dictate the code of conduct from the functioning of the legal system to the internalized beliefs of victim blaming by the victim herself and society. This chapter has stressed the need for DV to be tackled at its roots, particularly through increased training and education of key actors in society, intending to



eliminate myths, misconceptions, and misunderstandings of DV, notably the patriarchal and victim blaming values.

## **Chapter 2.**

### **Socio-Economic Obstacles to Seeking Justice for DV**

Certain social constructs which arise based on an individual's place of birth, ethnicity, race, financial status or sexual orientation, often are a source of inequality that may contribute to DV. Assessing the specific challenges of marginalized groups of women is fundamental in order to shed light on the additional obstacles that certain women face due to their intersecting identities. This chapter will demonstrate the failure of the existing legal system to take into account the differing needs of women, based on their background and social characteristics. Certain identities, such as one's race, socio-economic situation, migration status, or nationality may conceivably overlap, consequently creating a complex system of inequality and domination, impacting their ability to seek the desired justice (Amnesty International, 2006 : 39). This chapter will first address the specific challenges faced by migrant and refugee women in France, who are also victims of DV. Thereafter, this chapter will delve into the obstacles faced by women, who are not financially stable or independent and how this adds pressure to the justice-seeking process. Lastly, this chapter will shed light on the additional burden faced by women who pertain to a racial minority in France and how this may affect the way their needs are met. Intersectionality will remain a core theory guiding this chapter, elucidating how the overlap of social identities may consequent in further institutional violence for victims of DV attempting to seek justice.

“The 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 certain 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.” (CEDAW, 2015 : 4/24). This is an important quote from the CEDAW Committee’s general recommendation no.33, which pertains to women’s access to justice. Although this is a general recommendation and therefore not solely directed to France, the same has been acknowledged for France specifically by the GREVIO Committee and in reports by various parties.

### **Refugee and Migrant Women**

“Women who are undocumented or who do not have legal migration status are at even greater risk of violence and have even less access to protection or redress.”

(UN Secretary General, 2006 : 33).

The *Défenseur des Droits*, which is an independent French authority aimed at protecting individuals’ rights and liberties, conducted a report called “The Fundamental Rights of Foreigners in France” (2016). This report elucidates the unequal treatment of foreigners in France. The report states the following claim “the fact that the law views individuals as 'foreigners' before seeing them as people, children, patients, workers or public service users, significantly impairs their access to fundamental rights.” (Défenseur des Droits, 2016 : 3). This demonstrates the existing injustice in France towards individuals who do not have French citizenship, which includes migrant women and non-French national women. This is an important factor to consider when assessing the situation of victims of DV in France, as some women may be more impacted than others by the aftermath. A 2013 study in France shed light on the “double violence” experienced by women who are not French nationals when simultaneously faced with sexual violence and institutional violence (Lesselier, 2013 : 2). These injustices and discriminations experienced in a system that does not recognize everyone equally, is also reflected in the justice-seeking pathway for these women. France has seen a recent influx of migrant women in the past few years, now accounting for the majority of the newcomers in

France. In fact, in a 2018 study by the CoE, focused on the status of migrant women in France, women accounted for 51.8%<sup>1</sup> of migrants who arrived in France. The same study by the CoE, claims that the French reception and integration policies remain genderblind and therefore do not meet the specific needs of some women (CoE, 2020 : 4). This aforementioned genderblind approach paired with a lack of cultural sensitivity impacts the process of justice-seeking for migrant women, who have been victims of DV. Their specific needs as not only victims of DV, but also as migrants in France, are not holistically met, due to various external factors, such as structural discrimination (ibid).

It is important to also acknowledge the current policies and legislation in France that do make a substantial difference for an intersectional approach to domestic violence. There has been a significant increase in legal protection for immigrant victims of domestic violence, with the implementation of certain laws such as the 2010 Law no. 2010-769 on Violence Against Women, which “obliges the Prefect to provide a temporary resident card to undocumented women experiencing violence” (PICUM, 2013 : 3). Additionally, their specific discrimination and challenges have been recognized by various international or regional human rights mechanisms, including both the CEDAW and GREVIO Committees. Indeed there is legislation in place that permits migrant women who are victims of DV to access certain safeguards or protections. For example, migrant women, who have experienced DV can benefit from an autonomous resident permit which allows them to renew their visa, independently from their abusive partner (CoE, 2020 : 4). However, in practice, various reports have reported significant mistreatment or inefficacy of the institution’s adaptation to these women’s needs (PICUM, 2013 : 3). Additionally, due to the discrimination or systemic pushback faced by migrant or refugee women, often they do not feel safe speaking up or seeking help through a system that they do not feel supported in. For migrant or refugee women, who are also undocumented in France, these barriers may be even greater (Freedman and Jamal, 2008 : 27), as they fear being deported, arrested, or the loss of their legal status. This has also been acknowledged in 2013 by the Platform for International Cooperation on Undocumented Migrants (PICUM), to the 54th Session of the Committee on the Elimination of Discrimination against Women, “When justice discriminates, injustice dominates” (PICUM, 2013). This powerful quote is part of the PICUM

submission on *Undocumented Migrant Women's Lack of Access to Justice in Europe* and calls attention to the effects of an unjust legal system.

A study conducted by the Euro-Med Rights, claims that DV and its aftermath can be aggravated in the case of migration due to “the political and legal context within which migrant women live” (Freedman and Jamal, 2008 : 31). An important obstacle that can arise for migrant or refugee women, in France, is the language barrier (ibid). When the entire justice-seeking system is in French and occasionally translated into English, this can add a sense of insecurity or difficulty to the justice-seeking process if the victim does not master these languages. These communication barriers may increase the pre-existing distrust in the system which these women may perhaps have, due to various reasons, one being the structural discrimination against non-French and non-white individuals in France. Not only do they face violence as a woman, being victims of the patriarchal system characterized by unjust power dynamics between men and women, they simultaneously face systemic discrimination. This relates to the previously-mentioned CoE report which claims France’s measures for gender equality omit migrant women who “at the intersection of gender and origin issues, are in the blind spot of standardized support schemes.” (CoE, 2019 : 1). Many studies have shown that a language barrier to the official legal language of the country frequently prevents victims from communicating their needs, and determining what services and paths to justice are available to them (Vidales, 2010). Consequently, this may contribute to further isolation of the victim. This can therefore act as an explanation for why many migrant or undocumented women seldom seek justice, as they may apprehend the linguistic barrier, while also fearing impacts on their legal status in France (ibid). Moreover, as this linguistic barrier may add to a financial cost if the victim does consider seeking justice, this links to the following section that relates to the financial obstacle to seeking justice.

These identity-related obstacles to justice-seeking constitute an important part of GREVIO’s 2019 baseline evaluation report on France. Section VII of GREVIO’s report, entitled Migration and Asylum, addresses France’s shortcomings in regards to protecting victims of DV who are also migrants or asylum-seekers in France. Point 115 of the report states “However, as highlighted further in this report in the section dedicated to the analysis of measures taken to implement Article 60 of the Istanbul Convention, to shortcomings can be observed in the training

and supervision of other categories of professionals who come into contact with female asylum seekers who are victims of violence, and there is a need for increased efforts in this area.” (GREVIO, 2019 : 36). Point 116 of GREVIO’s report states the following “GREVIO strongly encourages the French authorities to step up their efforts to train all staff who come into contact with women asylum seekers, from the initial interview stage and within reception structures, so as to enable them to identify potentially vulnerable women at an early stage and to direct them towards appropriate care. Gender-sensitive guidelines for the interventions of the officials concerned should also be developed.” (ibid). Moreover, the Committee strongly encourages the French authorities to extend the scope of their awareness-raising initiatives to address “topics that are not well covered and that are still unknown and/or misunderstood by the general public, as well as violence affecting certain groups of women at risk of discrimination.” (idem : 31). The verb strongly encourages can be seen in the previous two examples, as GREVIO has recognized this to be an important shortcoming in France’s implementation of the Convention. Taking the theoretical perspective of intersectionality, this is crucial as France needs to recognize that all victims of DV will not experience the aftermath and consequences the same way, depending on their social characteristics, including race, ethnicity, and migration status. This therefore also relates to the structural barriers which will be further discussed, when assessing the lack of or insufficiency of the training for the authorities that come into contact with victims of DV in France.

### **Women in Situations of Financial Difficulty**

The following section will address the financial barriers for women who are perhaps in situations of financial insecurity and have experienced DV. According to a UN Women publication, “domestic violence survivors report that their abusive partners often disrupted their work, preventing them from seeking work, causing them to leave their job, or losing out on career and/or promotional opportunities because of the abuse.” (UN Women, 2020 : 2). This financial barrier to justice-seeking can manifest itself in different forms, including relying financially on the abusive partner, impossibility to receive legal assistance due to the financial burden, or having to bear the financial responsibility of taking care of the children and the additionally

required legal assistance. Taking an intersectional perspective, these financial barriers can be even stronger for certain groups of women, who may be facing multiple challenges, intersecting identities, or multiple discriminations (CoE, 2020 : 4 ; Hooks, 1984 : 124).

“Financial impediments, in particular, play a major role in restricting the freedoms enjoyed by women who are abused by their intimate partners.” (Conner, 2014 : 340). Indeed, an important barrier to seeking justice for women victims of DV is the financial reliance on the abuser, and thus the lack of financial independence. In fact, the previously mentioned CoE report on *Migrant Women in France* (2019), also addresses how financial reliance on the abuser can discourage women from seeking help and justice. Additionally, in the interview with the *Nous Toutes* representative, she addresses this phenomenon “What we don’t see is that all of that is linked, if there is a big gap in the economic means of the couples, the women cannot leave so it is all interlinked.” (*Nous Toutes*, 2022). When the financial dependence on the abuser is used as a tool by the abuser to control the victim, this becomes economic abuse, as enshrined in the Istanbul Convention. This is a dangerous barrier that needs to be understood, as it often prevents women from escaping the abusive relationship or abusive domestic situation, hence remaining in a circle of violence. Without the ability to access their finances, or being coerced through financial means, victims are often unable to plan their escape, find the means to obtain legal assistance, or further imagine moving on from this abuse. Through control of the victim's financial autonomy, while restricting their isolation, the abusers are able to maintain power over their victim, as a form of violence. Unfortunately, there are not many statistics available on the phenomenon of economic abuse in France, especially in the domestic sphere, as this phenomenon often happens covertly. This further paints a stark picture of the challenges faced by women who go through economic abuse in their domestic sphere, as it is often seen as an invisible form of DV (Postmus et al., 2018 : 2).

To prevent this, France has put in place some legislation that provides women from less secure backgrounds, who are victims of domestic abuse with certain welfare benefits or assistance. An example of these welfare benefits is the *Revenu de Solidarité Active* (RSA), which may provide victims with suitable financial assistance while assisting them in seeking professional activity. However, in many cases, these financial aids are hard to obtain for various reasons. This includes

the difficulty to prove the experienced DV, or the difficulty to meet the criteria necessary to receive these aids. In fact, to receive the RSA, victims in France need to have first obtained a protection order by a family judge and need to meet certain financial criteria. Additionally, the financial cost of seeking justice may also prevent women from attempting to navigate the justice system. For instance, access to legal assistance may also be limited by poverty and may place abused women choosing between self-representation or an inadequate counsel hamstrung by minimal hours or lack of experience” (Jaffe et al., 2005 : 9). In fact, as previously stated, victims of DV in France still get asked “ Why don't you just leave him?” or “Why don't you just leave if something happens to you?” (*Nous Toutes*, 2022). Although this question is related to the myths and misunderstandings of DV, it is also pertinent to analyze it through the lenses of the financial obstacles that are preventing certain women from actually leaving the abusive partner and, thus, seeking justice. If the financial burden of seeking justice is too high, or if the victim's finances are controlled by the abusive partner, in situations of economic violence, the partner may feel like she does not have the choice to leave. This, therefore, constitutes an immense barrier to victims leaving abusive situations, seeking justice, and consequently recovering from it.

Moreover, there is the additional financial and psychological burden of being a victim of DV with one or more children. This adds to the cost of caring for the children, the legal assistance for the children, and adds psychological concerns about parental authority. This is mainly due to the gendered social norms and expectations associated with being a woman. Gender roles produce unequal outcomes for all genders. Despite gender roles impacting all gender, men generally benefit from these as they are positioned as dominant and women positioned as subordinate in the family, and social and cultural life (Safe Steps, 2016 : 8). Due to this, most of the burden to care for and support the child is on the mother. Not only has this paper shown the intricacy of navigating a complex system, additional legal and social services are required when children are involved in these situations of DV (Jaffe et al., 2005 : 9). As stated by Jaffe et al. in *Understanding Women's Experiences Parenting in the Context of Domestic Violence*, “When the mother's parenting role and the well-being of her children are being considered” the issues of understanding the impact of DV on the woman is even more complex. (Jaffe et al., 2005 : 3). Moreover, child custody hearings may arise as a result of DV or simultaneously to the victim experiencing DV, adding both emotional labor and financial needs to the victim. Although this

thesis does not delve deeply into the long-term psychological consequences on children who have witnessed DV, it is still important to acknowledge this as well, in addition to the added burden on the mother and victim. In fact, this was addressed in the *Nous Toutes* Interview, which claims that child protection and assisting the victim to maintain parental authority in cases of DV is very low in France (*Nous Toutes*, 2022). Following this discussion, the *Nous Toutes* representative mentioned the following relevant quote, which this section will end on: “The justice system is broken. There are tools in place but they do not work.” (ibid).

### **Racial and Ethnic Minorities**

It is commonly known that France lacks racial statistics at its national level, under the guise of universalism. This dates back to World War II and the atrocities of the Holocaust, following which French law banned the collection of data on an individual’s race, ethnicity, or religion (Keaton, 2006 : 4). However, this urges the reflection of what impact this race policy has on racially diverse victims of DV in France. France’s approach to race has drastic consequences for racial or ethnic groups who experience DV in France, as there are no policies directly targeted to their needs. In fact, the following quote from the *Nous Toutes* interview underlines this: “There is, unfortunately, no official statistics on this but when you are a black woman in France you know that there’s already a hostility to the police that is different than if you are a white woman, so you probably will be even more hesitant to file a complaint, as there will be probably more chances of being treated badly.” (*Nous Toutes*, 2022). As a result of France’s intricate race policy, these differences in experiences and differing needs of women are not explicitly acknowledged in the policies regarding DV and VAW. Based on theoretical perspectives of intersectionality, which address the additional obstacles for women of racial and ethnic minorities, and testimonies gathered in feminist collectives, it is clear that the justice-seeking process does not address the needs of all women in an intersectional and equal way. According to a research article by Beqirak and McNamara, “ethnic and racial minorities, migrants and indigenous peoples often face additional obstacles in claiming and enforcing their rights because of both formal legal discrimination and informal discrimination or stigmatization in practice.” (Beqiraj and McNamara, 2014 : 16).



Academic literature and studies have evidenced how structural, racial discrimination, remains pervasive in both, French culture and French institutions (Beaman, 2021 ; Hargreaves, 2015). In fact, it is claimed that these discriminations, in France, are suffered the most by minorities originating among formerly colonized populations, commonly referred to as ‘Arabs’, ‘blacks,’ and ‘Muslims.’” (Hargreaves, 2015 : 96). In fact, the CEDAW Committee submitted a list of issues on France’s periodic reports, which pertains to the areas in which the Committee believes France to be lacking in or has not provided sufficient information. One of the CEDAW Committee’s requests to France was the following: “Please indicate whether, under the current system, women and girls, including asylum-seeking, refugee, migrant and Roma women, as well as women of immigrant origin and those with disabilities, and/or women living in sensitive urban areas enjoy sufficient protection and access to justice and to all other services, such as shelters, social services, and legal and psychological counseling, throughout the territory of the State party, including the overseas territories.” (CEDAW, 2015 : 3/6). This also highlights the insufficiency of information distinguishing the different experiences of women, based on their racial or ethnic background. Moreover, due to France’s policy on the collection of racial and ethnic statistics, the needs and exposure of women from racially or ethnically different backgrounds cannot be accurately quantified and thus remain poorly understood. This highlights the need for French legislation to fight sexism, racism, and xenophobia conjointly, through intersectional lenses, to adequately address the respective needs of victims of DV, who also have an intersecting identity such as being black or part of any racial minority, which could influence how they perceive the justice-seeking system, which may be seen as a system which repeatedly discriminates them.

In light of the above, it has been evidenced that certain groups of women may face additional obstacles to the justice-seeking process, due to their intersecting identities. The conditions of migration, financial difficulty, or being an ethnic or racial minority in France, can place an additional strain on victims of DV, consequently burdening their process to seek help or justice. Concludingly, an intersectional perspective seems to be lacking in the way France addresses DV, as these aforementioned differences that may make the aftermath of DV more burdensome, are not always acknowledged. This chapter highlighted the need for both gender and culturally

sensitive approaches to DV, which must be applied by all of the professionals and institutions that are in contact with these women.

### **Chapter 3.**

#### **Structural Barriers to Seeking Justice for DV**

The last category of obstacles that will be discussed are those of a structural nature. This chapter aims to identify the structural factors that are deeply embedded in French society and its institutions, acting as barriers to women's justice-seeking process. This includes the patriarchal tendencies in law enforcement, the lack of training of the professionals in contact with DV victims, structural gender inequality, the consequent institutional violence faced by these women, and lastly the psychological fears that arise as a result of these structural barriers. Institutional violence, used interchangeably with structural violence, should be understood in this thesis as the ways in which institutions are organized to accommodate the needs of some while depriving others of their respective needs (Woehrle, 2022). It is important to keep in mind that these structural barriers, which are generally rooted in gender inequality and widespread patriarchal beliefs, also intertwine with the previously cited obstacles which all have simultaneous and mutual influences on each other. The aforementioned barriers to women's ability or willingness to seek justice are also reflected in the way that the legal institutions are not responsive to their specific needs (McCleary-Sills et al., 2015 :2). According to this previously cited article, structural barriers are referred to as "the systems, processes and legal frameworks that govern how and where services are provided, and to whom." (idem : 5-6). As aforementioned, access to justice is fundamental to the establishment and maintenance of the rule of law and of women's rights, as it enables them to exercise their rights and have their voices heard (Beqiraj and McNamara, 2014 :8). When this justice-seeking process is burdened due to the structural failures of the institution's inability or unwillingness to meet women's post domestic violence needs, this is a clear indicator of the extent and pervasiveness of the problem.

## **Patriarchal Tendencies in the Law Enforcement's Response to DV**

Studies, testimonies, and evidence have repeatedly shown that law enforcement does not respond correctly to women's needs, after being victims of DV. The testimonies from the *Prends Ma Plainte* study are a clear illustration of the systemic nature of the problem in France. This section will attempt to highlight the patriarchal tendencies in law enforcement institutions and professionals, which as a result discourage women from seeking justice or from having their complaints taken seriously. By patriarchy, I am hereby referring to the continuum of gender relations in which men's authority is maintained over women, reflecting the systemic nature of the phenomenon (Tracy, 2007 : 8). This allows for an anchoring of DV in social conditions, rather than in individual attributes of the perpetrators (Hunnicutt, 2009 : 1). According to the GREVIO baseline evaluation report on France, Point 218 states the following : "For perpetrators of all forms of violence against women to take full responsibility for their actions, the law-enforcement and criminal-justice authorities must respond adequately to these cases." (GREVIO, 2019 : 62). France still has an immense problem with holding perpetrators accountable for their perpetration of DV, and therefore ends up silently siding with the perpetrators rather than with the victims. This is why a multitude of feminist movements call for structural change, as this is the first fundamental change that needs to occur in order to achieve a violence-free society for women and girls.

The fact that many professionals are involved in the justice-seeking process, such as police officers, attorneys, and health professionals, adds a layer of challenge to DV (Falcon and Lopez, 2014 : 2). First of all, there is the emotional labor involved with victims having to repeat their story multiple times to different professionals which becomes more difficult when there is a lack of training or a lack of gender-sensitive responsiveness to DV amongst all of these professionals. As aforementioned, in France, this is particularly the case among the police, which is often the first line of professionals that women enter into contact with, after deciding to seek justice. In fact, in Point 229 (a) of the GREVIO baseline report on France it urges France to "continue to develop, including through training, a non-stereotypical understanding of violence against women by law-enforcement authorities;" (GREVIO, 2019 : 65). Additionally, 229 (b), it encourages French authorities to 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” (ibid). These are crucial, as it shows that the GREVIO Committee has recognized the shortcomings in how victims’ complaints are handled by the authorities. Moreover, the baseline report also acknowledges the pending need for authorities to pursue allegations and reports of violence. In Point 50, it states the following “To this end, the authorities should, in close co-operation with specialist organizations, pursue their efforts to ensure that investigations and prosecutions in cases of violence are effective, undertaken without undue delay, based on a gendered understanding of all the various forms of violence covered by the Istanbul Convention and mindful of the need to respect victims’ human rights” (GREVIO, 2019 : 86). Due to the interlinkage between France’s application of its legislation and embedded patriarchal norms, the prosecution of DV remains sporadic and burdensome for the victims.

Addressing the need for increased training of the French law enforcement was further brought to light by the *Nous Toutes*’ representative, on the same grounds as the GREVIO report. “One of the major problems is that people are not sufficiently trained at all of the levels” (*Nous Toutes*, 2022). Moreover, this has not only been addressed by the GREVIO Committee, but also by many feminist organizations fighting against DV. This goes hand in hand with the fact that there is a lack of or insufficient amount of funding allocated to fighting VAW in France, which constitutes a major obstacle to both, the elimination of VAW and the encouragement to seek justice. This lack of funding was mentioned several times in the *Nous Toutes* interview. In fact, when asked what should be done first in France in order to reach a violence-free society for women and girls, the *Nous Toutes* representative referred to this lack of financial funding (ibid). In fact, in 2019 the *Haut Conseil à l’Égalité entre les Femmes et les Hommes* (HCE), an independent authority in France focused on gender equality, claimed the need for a budget of 1 billion euro to finance the fight against DV. This financing would have gone into victim support programs, awareness campaigns, diversification of the allocation of budget in programs for the elimination of VAW, and training of law enforcement (HCE, 2018). However, this budget was never achieved. Aggravatedly, the ministry in France dedicated to gender equality, the *Ministre déléguée chargée de l’Égalité entre les femmes et les hommes, de la Diversité et de l’Égalité des chances*, has the smallest budget compared to the other ministries (ibid). This highlights two concerns, the lack of

political will to dedicate resources to the fight against VAW and the general lack of funding, which is influenced by the first concern. As stated in the *Nous Toutes* interview, when referring to what needs to be done first in France to accelerate the fight against VAW “There would be the two preconditions; political will & budget.” (*Nous Toutes*, 2022).

Moreover, the *Prends Ma Plainte* study displays that 66% of the 3500 testimonies claim that their attempt to file a complaint of sexual violence was poorly handled by the authorities (*Nous Toutes*, 2021). A particular testimony of a DV victim highlights France’s shortcoming in this regard. The following quote is translated from French to English: “When I wanted to file a complaint I was told that there was little chance that my complaint would go anywhere and they promised to call me back and never did” (idem : 11). This quote actually highlights two important shortcomings. The first shortcoming is the police authorities discouraging the victim from filing her complaint, therefore implicitly minimizing her experience. The second shortcoming is the lack of follow-up, as the police authority failed to contact the victim after the initial attempt to file a complaint. In the interview, when discussing the obstacles women face after being victims of DV in chronological order, the representative stated “ the first issue is that very often they are treated very badly by the police.” (*Nous Toutes*, 2022). She followed up by stating “ Not being treated well can mean multiple things: when for example a police officer refuses to take your complaint, which is actually illegal but a lot of police officers still do it. First, the police officers themselves would have to know the law, but that’s still another problem and then there is the whole problem of how they talk to the victims, how they treat you, a lot of inappropriate questions” (ibid). This truly highlights the flawed ways in which the French authorities handle victims’ complaints or attempts to lodge a complaint. These shortcomings constitute structural barriers for women, as it is evident that women are routinely mistreated or inadequately treated when attempting to seek justice with the authorities. It also reveals the importance of education and training for both, the general public and officials and at the same time the key role of social norms.

There have been instances of increased training and attempts to strengthen the law enforcement’s response to DV, which should be accounted for. For instance, the CoE introduced a new CoE online training course for the prevention of VAW and the strengthening of law enforcement

responses (CoE, 2022). In fact, this training draws on the experience of law enforcement services in different CoE state parties, including France, based on GREVIO's monitoring work. This training aims to ensure more victim-centered police response to victims of DV and increased support in victims' access to justice, which is lacking in France, as evidenced in this chapter. The course "can also be used by other first-line professionals facing cases of VAW and DV, such as social or health professionals, civil society organizations, students and other interested groups" (CoE, 2022). Mainstreaming these kinds of training, specifically dedicated to the law enforcement response to DV is crucial, and could impact significant change in the ability of victims to seek justice.

### **Gender Inequality and Power Dynamics**

"The analysis of power dynamics allows us to better see the foundations upon which oppression is grounded" (Kelly, 2011 : 30). Indeed, it is crucial to acknowledge the power dynamics, notably the gendered power dynamics, that are involved in situations of DV, whether psychological, sexual, physical or economic. As already demonstrated throughout this thesis, gender inequality is intricately linked to all types of violence which affect women solely due to their gender. Notably, DV is used as a way to control the victim through different forms of perpetrated abuse, thus reproducing a pattern of male dominance within the home. This form of male dominance which often occurs gradually results from gender norms and power dynamics that are normalized across society. Feminist academia has repeatedly evidenced that structural gender inequality is at the root cause of VAW, and therefore at the root cause of DV as well (Walker, 1979 ; McPhail et al., 2007). This argument was reiterated by the Commissioner of Human Rights, Dunja Mijatović, in her speech at the Council of Europe, entitled "Structural inequality is as the root of violence against women"(Mijatović, 2020). This structural gender inequality which is at the root cause of VAW, leads to institutional and/ or structural violence which discourages women from reporting their experience of violence.

"With regard to policies on violence against women, GREVIO is of the opinion that, in many cases, policies fall short of expected results due to a persistent difficulty in taking into account

the gender dimension and systemic nature of violence. ” (GREVIO, 2019 : 19). According to scholar, Dani Cavallaro, who has done extensive research on French Feminist Theory, “if women are not properly protected from domestic violence by the police, this is essentially because the authority of the husband has to a certain extent replaced the authority of the state” (Cavallaro, 2003 : 96). This highlights how the traditional family unit has become institutionalized, and how the power dynamics operate between the genders in the French family unit and are consequently reflected in the way women are treated. Although this argument may date back to two decades ago, this highlights how gender dynamics are present in every strand of society. When discussing women’s barriers to seeking help and justice, McCleary-Sills states the following : “Gender inequality is perhaps the most pervasive, persistent and overarching barrier” (McCleary-Sills et al., 2015 : 6). DV can therefore generally be seen as fuelled by a system of discrimination against women and gender inequality, which maintains women in a subordinate position (Amnesty International, 2006 : 7). Linking it to what has been evidenced in this chapter, gender inequality and consequential harmful attitudes toward women are prevalent in France, acting as a general barrier to the elimination of violence which predominantly affects women. French legislation and its authorities upholding it need to ensure the right of women and men to equality before the law, while also ensuring a gender-sensitive approach to their individual experiences.

### **Dual Victimization and Psychological Fears of Victimization**

“Abused women often feel re-victimized by the court system's response to the violence.” (Jaffe et al., 2005 : 9). In the *Nous Toutes* interview, the interviewee refers to the #DoublePeine movement that arose on French social media, in 2021 (*Nous Toutes*, 2022). *Double peine* is the French term for double punishment or double victimization, referring to the double layer of victimization faced by victims of DV who attempt to seek justice through the existing institutions. This movement was launched by a French feminist, named Anna Toumazzo, calling for testimonies of women who were mistreated by the system, and consequently faced a dual form of violence and victimization. As stated by the *Nous Toutes* representative, “It really is the double punishment because first you have the violence, in this case the domestic violence and then you have the second layer of violence which is not being believed or not being treated well

at the police station or by the justice system.” (*Nous Toutes*, 2022). The first feminist movement *#BalanceTonPorc*, focused on denouncing perpetrators of VAW, whereas this second movement centered around the wrongdoings of the French police and how they fail to take victims’ complaints seriously. This movement shed light on how “Almost everyone who was a victim of violence and had contact with the justice system, has a story about this, either what questions they were asked or how they were treated.” (ibid). The testimonies truly shed light on the inadequacy of the treatment received by victims of DV and other forms of VAW, by the French police. This institutional violence experienced by women when they find the courage to speak up should be promptly targeted by French legislation, in order to comply with the Istanbul Convention’s chapter IV and chapter VI articles relating, respectively, to the protection and support, and the investigation, prosecution, procedural law, and protective measures.

Altogether, these barriers curtail women’s agency and in fact, also their inclination to seek justice as the system is not adequately prepared to deal with these complaints. Many psychological fears and barriers arise as a result of the aforementioned structural barriers. These include the fear of being victimized by the system and the fear of social stigma. To take the analysis of the structural barriers one step further, it is important to understand how they lead to certain fears being instilled in victims, consequently impacting their willingness to initiate the process of seeking justice through the existing legal pathways in France. As aforementioned the dual victimization often faced by victims of DV can trigger tremendous psychological harm. The lack of trust in the system, fear of social stigma, and fear of victimization are all interlinked, as they all relate to this fear of not being believed or supported when speaking up about DV.

“It has been postulated that there are various reasons why victims abstain from reporting this crime, including the fear of degradation and by a belief that perpetrators will not be prosecuted due to its complexity” (Chapleau et al., 2008). Indeed, these aforementioned psychological fears prevent women from reporting, as they anticipate the deceiving reaction from the institutions and law enforcement. DV is notably difficult to substantiate and prove, not only due to the system’s inadequate response to DV, but also linked to the difficulty in obtaining evidence. Victims may ask themselves whether it is worth going through a long psychologically-draining process of reporting their abuser while knowing that the system has failed so many women before.



Therefore, this fear of being victimized by the system acts as a structural barrier as it disproportionately affects women, by upholding patriarchal attitudes of victim blaming. The knowledge of the failures of the system, such as lack of training, patriarchal tendencies, disbelief of the victim, victim blaming, all influence the reporting level of DV against women. In fact, in the CEDAW Committee's list of issues pertaining to France, they request France to provide "information on measures taken to overcome women's reluctance to file complaints of assault and/or sexual abuse in the home " (CEDAW, 2015 : 6). This once again highlights that the Committee has concluded that France is lacking in this domain, accurately reflecting the testimonies which have been heard and cited throughout this thesis.

As repeatedly evidenced throughout Part II, the obstacles faced by women victims of DV all operate simultaneously, due to various external influences, causing a complex path to justice. This chapter has placed DV within a broader context of societal misunderstandings, gender inequality, patriarchy and structural injustices. The findings of Part II have indicated that women are faced with various overlapping obstacles, which fit within three categories: the societal misconceptions and misunderstandings of the scope and consequences of DV, the unacknowledgement of the intersecting identities of DV victims, and lastly the structural barriers to seeking justice. DV is inherently gender-based as its causes and consequences lie in deeply entrenched gender inequalities, as priorly manifested in the Istanbul Convention that exhibits the link between high levels of DV and historically unequal power relations between men and women. Indeed, the culture in France that overtly normalizes VAW is reflected in the way the institutions respond to the needs of women, leading to systemic and structural barriers to the justice-seeking process. This section has also put to light the incessant work of the human rights monitoring bodies; the CEDAW Committee and GREVIO, in bringing the awareness of DV forward and pointing out the areas in which the French government is lacking.

## Conclusion

This thesis has sought to analyze the obstacles faced by women who are victims of DV in France, when attempting to seek justice. Thereby, it has not only shed light on the continuously high levels of DV against women but also on the array of obstacles that impede women's pathways to justice. Despite France's existing legal framework, the human rights treaties it has ratified, and the various judicial tools, DV persists as a pervasive problem that predominantly affects women. Therefore, the question arose as to what other factors encourage, or normalize this widespread violence against women, in the private sphere. The cause of DV's prevalence is not rooted in the anachronism of France's legislation, but rather in the patriarchal tendencies present in its legal institutions and the application of the legislation, which prevent further developments from occurring. Thus, it can be deduced that the real problem affecting both, the high levels of DV and the difficulty in seeking justice for the matter, is France's culture of impunity, which normalizes VAW in the public and private spheres. The French legislation on DV, in combination with its ratifications of both the CEDAW Convention and the Istanbul Convention, constitute a key framework for fighting DV. However, they are not sufficient. Such laws need to be accompanied by an effective, gender-sensitive, and intersectional justice system, which will not perpetuate harmful or subjective attitudes onto the victims who attempt to seek justice.

Combating access to justice failures in France is crucial as women who have been victim of DV, whether sexual, psychological, physical and/or economic violence, unfortunately, are faced with an obstacle course of barriers. In order to answer the research question, this thesis was conducted through multidisciplinary methods and built on feminist literature and theories. Through the analysis of various human rights bodies' reports, the interview conducted with a *Nous Toutes* representative, and the testimonies gathered from different studies, including *Nous Toutes' Prends Ma Plainte* study, FRA's study on violence against women across the EU, and the CoE's report on Migrant women in France, three main categories of obstacles arose, impeding women's access to justice for DV. The first obstacles, discussed in Chapter 1, were the pervasiveness of myths, misconceptions and misunderstandings concerning DV, which as a result frequently prevent women from reporting their experience of abuse. The second category of obstacles that

arose after analyzing the aforementioned studies and reports, are the socio-economic obstacles. The findings shed light on the intersectional aspect of DV and its aftermath. The last category of obstacles that arose were the structural obstacles to seeking justice for women, which includes patriarchal tendencies present in the authorities' response to DV, gender inequality, institutional violence and the psychological fears that arise as a result of these structural barriers. An elaboration will be done on the conclusions found in the empirical analysis.

The first findings, elaborated in Chapter 1 of Part II, have evidenced that myths and misunderstandings surrounding the scope and consequences of DV still persist in France. Due to these internalized and harmful attitudes, the victim is frequently blamed for her own abuse. DV should therefore be understood and contextualized in a set of cultural norms and patriarchal values, which repeatedly undermine women's rights and needs. Moreover, these findings have shed light on a certain culture of tolerance towards VAW which exists in France and is then reproduced in its institution's response to DV victims. These misconceptions about DV, including the ignorance of the economic and psychological aspects of DV and the misunderstanding of the scope of the violence, constitute barriers to seeking justice in two ways. The first is that through victim blaming and these societal misconceptions, victims are discouraged from reporting their abuser as they fear the system will not believe them. The second way in which these misconceptions and cultural barriers act as obstacles to the justice-seeking process is that they are reflected in the way the institutions operate and respond to women's needs in ways that seek to protect the perpetrator rather than the victim. These two ways in which the misconceptions act as obstacles are, in fact, interlinked. The misunderstanding of the different forms of DV experienced by women is directly linked to the prevailing culture of impunity, but also to the lack of appropriate, effective, and dedicated institutions to cope with the phenomenon.

Moreover, the findings of this thesis highlight that an important set of obstacles limiting the justice-seeking process for women can be categorized as socio-economic obstacles. Chapter 2 of Part II has evidenced how multiple identities can cause intersecting experiences of discrimination and/or violence, which need to be taken into account by the legal institutions that are there to protect women. Structural, racial discrimination remains pervasive in both, French culture and French institutions, impacting the way women of color, migrant women or refugees can be

treated. Moreover, it has also highlighted how women in situations of financial insecurity or distress may face additional obstacles and burden if they financially rely on their abuser and therefore face potentially greater challenges to escape an abusive relationship. Therefore, the findings suggest the crucial importance of an intersectional approach to responding, preventing and protecting women from DV, in order to take into account all of their differing needs. The theory of intersectionality is helpful to bring forward the differing experiences of victims of DV, based on their varying identities. However, the gap between theory and praxis remains huge. The way French legal institutions operate in responding to the needs of these women illustrates both the slow progress and the complexity of the way ahead to have gender-sensitive culture, policies and procedures that also take into account intersecting inequalities faced by women from migrant or socially disadvantaged backgrounds.

Chapter 3 of Part II has analyzed the structural barriers, based on the collected qualitative data. It has been evidenced that the law enforcement authorities that enter into contact with victims of DV are generally not properly equipped to provide the victims with the appropriate support. This is the case due to a lack of training and a gender-sensitive approach to cases of DV, but also due to the perpetration of victim blaming and patriarchal attitudes. The *Prends Ma Plainte* study by *Nous Toutes* was referenced throughout this chapter, as it provided testimonies of victims who had attempted to report their situation of DV to French police but their complaints were mishandled and dismissed. This mishandling of DV cases by law enforcement constitutes a structural barrier as it more generally affects women, due to the previously mentioned patriarchal, and victim blaming attitudes that are widely held. Moreover, gender inequality acts as a structural barrier in multi-faceted ways and thus cannot be resolved by simplistic solutions either. However, the general recommendations in the CEDAW Committee's general comment no.33 on access to justice and GREVIO Committee's baseline evaluation report on France provide steps France should take, such as adopting gender-sensitive lenses to the legal assistance, increasing equal representation of women in the justice system, and investing into training of professionals that are in contact with victims.

Considering the multidimensional and complex nature of DV, the justice-seeking process has proved to be extremely challenging, specifically for women. However, as highlighted by the

human rights monitoring body of the Istanbul Convention, GREVIO, there are potential solutions that France must adopt in order to simultaneously ease this justice-seeking process, while contributing to the elimination of VAW in society. However, this thesis has evidenced how the aforementioned barriers to justice cannot be tackled independently, as, in each and every setting they operate within a complex matrix of social hierarchies. A multidimensional solution is needed to acknowledge the barriers that arise from within and outside the judicial institutions, while also tackling the societal and cultural barriers which drastically impact one's ability or willingness to seek justice. It can, therefore, be argued that this implicit social acceptance of VAW conversely maintains both DV and the aforementioned structural barriers. It is evident that socially and culturally accepted behaviors that normalize DV cannot change overnight, however, this necessary change is possible through education, a thorough application of the existing legislation, accountability for the perpetrators and proper justice given to women.

### **Reflection**

The topics of DV and women's access to justice are both complex issues, thus, associated with ethical dilemmas, limitations or discussions which are important to reflect upon.

First of all, this thesis chose to adopt a victim-centered approach, as the needs of victims and ensuring victims' access to justice are viewed as the priority when discussing DV. However, in addition to this victim-centered approach, perpetrators need to be taken into account in the legislation and policies in order to tackle these gendered injustices in a holistic manner. The prosecution of the perpetrators must be addressed when discussing the prevention and protection of women from DV, but also how to work with these perpetrators and include them in the discussion of DV/ VAW prevention. In the long run, this can reduce the levels of violence as it will reduce the probability of perpetrators resuming patterns of violence. This is especially important as in many cases, victims of DV end up returning to their abuser or returning to their abusive home. This inclusion of the perpetrators can be done through GREVIO's recommendations to France in its baseline evaluation report, such as the following preventative

measures: awareness-raising and campaigning, adequate training for all professionals, education in schools, and last but not least, programs specifically designed for the perpetrators.

Moreover, the empirical part of this thesis attempted to highlight the various obstacles faced by victims of DV when trying to seek justice. While doing so, it also shed light on the complex nature of DV and how the obstacles to seeking justice are simultaneously obstacles that maintain the prevalence of DV in French society. That being said, perhaps this thesis simplified DV to factors linked to power dynamics, gender relations, and culturally-based gender norms. It is important to keep in mind that many other factors can be explanatory for DV, including, for example, the use of substances, mental health issues, or poverty. In fact, Chapter 2 of the empirical part, attempted to highlight the complex nature of DV by addressing the link between intersectionality and DV. This evidenced the higher risk of violence and the higher burden when seeking justice for certain groups of women. Furthermore, this thesis attempted to consider a wide variety of the potential obstacles women can face after experiencing DV, however, the list is non-exhaustive. As it has been examined throughout this thesis, it is undeniable that many obstacles lie in the way of women seeking justice for DV, which truly sheds light on the system's failure to provide equal rights and opportunities for all individuals. Moreover, it should be noted that the fact that some women need to undergo an obstacle course of barriers when attempting to seek justice after having experienced violence, is a testament to their resilience.

Furthermore, the focus on France may be seen as a limitation to the generalizability of this research. However, as mentioned previously DV is a cross-cutting and widespread problem, experienced by women and men across the globe. Therefore, although the study focused on the case of France and DV experienced by women, the discussed obstacles and experiences may be generalized to differing contexts. Perhaps a truly comprehensive analysis of the obstacles women face when attempting to seek justice for DV, would greatly benefit from extensive interviews with women who have gone through or have attempted to go through the justice-seeking process in France. However, the literature review, the empirical data and the already existing studies such as *Prends Ma Plainte*, provided direct testimonies of victims of DV in France and helped sharpen the understanding of this complex human rights issue and its neglected gender dimension. Moreover, as stated in the CEDAW Committee's general recommendation no. 33 on

Women's Access to Justice, referring to all of its state parties, "In practice, the Committee has observed a number of obstacles and restrictions that impede women from realizing their right of access to justice on a basis of equality." (CEDAW, 2015 : 3/24). Therefore, not only are the issues presented in this thesis, areas in which France needs to improve, but also other state parties to the CEDAW Convention, to ensure equal access to justice for women.

Finally, although this thesis discusses the challenges to justice-seeking, it cannot be forgotten that women do not always choose to or wish to seek justice through the existing legal institutions. Ultimately, the choice to seek justice should come down to the women who have experienced this violence. For some women, seeking justice may be empowering, while for others it may be too emotionally draining due to the aforementioned reasons, or it may not be the preferred path to healing, and lastly, for some it may not even be an option. Despite the previously cited differences, it must be borne in mind that those who have experienced any form of violence should have the choice to seek whichever path to justice they desire. Other forms of justice-seeking exist outside of the justice system, which may help women in their healing process. This includes therapy, various forms of psychological support, or restorative justice, as touched upon in the literature review. However restorative justice is only slowly getting a foothold into the French legal system, and therefore not common nor encouraged for survivors of DV. Finally, it is important to reflect upon the fact that women who have experienced DV, whether in France or elsewhere, may undergo a silent battle with multiple psychological impacts, and therefore should be acknowledged as survivors. Not only survivors of violence, but also survivors of a system that, as evidenced, entails a culture of impunity and fails to ensure their protection. Thus, empowering them as agents of change can provide new pathways to seeking justice that can ultimately lead to a system and sub-systems of societies free from DV and GBV, more generally.

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