

Gender-Based Violence Against Women in Contemporary France: Domestic Violence and Forced Marriage Policy since the Istanbul Convention¹

Abstract

In 2014, France ratified the Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) and passed the Law for Equality between Women and Men to bring French law into line with it. The Law for Equality between Women and Men situates the fight against violence against women within a broader context of the need to address inequalities between women and men. This is not new at the international level, but it is new to France. When the structural, transformative understandings of violence against women found in international texts are translated into national laws, policy documents and implementation on the ground, they might challenge widespread ideas about gender relations, or they might be diluted in order to achieve consensus. To what extent has French violence against women policy moved into line with UN and Council of Europe initiatives which present violence against women as both a cause and a consequence of gendered power relations? Have internationally accepted concepts of gender and gender-based violence been incorporated into French policy debates and, if so, how? What implications, if any, does all this have for the continued struggle in France and elsewhere to eliminate violence against women?

Résumé

En 2014, la France a ratifié la Convention du Conseil de l'Europe sur la prévention et la lutte contre la violence à l'égard des femmes et la violence domestique (dite Convention d'Istanbul) et a adopté dans la foulée la loi pour l'égalité réelle entre les femmes et les hommes afin de mettre en conformité la législation française. Cette loi place la lutte contre la violence à l'égard des femmes dans un contexte de lutte contre les inégalités de genre. Si cela est loin d'être une nouveauté à l'échelle internationale, cela l'est en France. Lorsque les conceptions structurelles et transformatrices de la violence à l'égard des femmes présentes dans les textes internationaux sont traduites à l'échelle nationale en lois, documents d'orientation et mesures de mise en œuvre sur le terrain, elles peuvent alors remettre en question des idées largement répandues sur les rapports de genre, ou au contraire être édulcorées afin d'aboutir à un consensus. Dans quelle mesure la politique de la France relative à la violence à l'égard des femmes s'est-elle alignée sur les initiatives de l'ONU et du Conseil de l'Europe qui présentent ce type de violence comme étant à la fois une cause et une conséquence des rapports de force liés au genre ? Le genre et la violence fondée sur le genre, qui sont des concepts internationalement reconnus, ont-ils été intégrés dans les débats politiques français, et si oui, de quelle manière ? Quelles en sont les implications le cas échéant sur la poursuite, en France et ailleurs, de la lutte pour éliminer la violence à l'égard des femmes ?

In France, in 2014, 118 women died at the hands of their partner or former partner. During the same period, 25 men died at the hands of their partner or former partner (see Table 1). Of the 143 deaths, the perpetrator was a man in 120 cases (83.92%), and a woman in 23 (16.08%). Of these 23, five (21.74%) were known victims of previous acts of violence on the part of their partner or former partner, and for four of them (17.39%), this was the reason why they killed. In contrast, only 2 of the 120 (1.67%) men who killed their partner claimed that the primary cause of their action was that they had previously suffered violence at the hands of the person they went on to kill.

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Table 1: Deaths in the couple in France

Year	2010	2011	2012	2013	2014
Perpetrator M/Victim F	146	121	147	121	118
Perpetrator F/Victim M	28	24	26	24	23
Perpetrator M/Victim M	0	0	0	1	2
Perpetrator F/Victim F	0	1	1	0	0
Total	174	146	174	146	143

Source: Ministère de l'Intérieur, Direction Générale de la police nationale, Direction générale de la gendarmerie nationale (2015).

Domestic violence cannot be reduced to deaths in the couple, but these figures contribute to a growing body of data which shows that domestic violence, along with other forms of interpersonal violence, cannot be viewed outside a gender perspective. As the European Union Agency for Fundamental Rights' (2014) comparative study on violence against women demonstrated: 'Women can perpetrate violence, and men and boys can be victims of violence at the hands of both sexes, but the results of this survey, together with other data collection, show that violence against women is predominantly perpetrated by men. [...] With this in mind, the majority of violence against women can be understood as gender-based violence.'

International definitions of gender-based violence and violence against women have emerged since the early 1990s. In 1992, the General Recommendation of the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) established that gender-based violence is 'violence that is directed against a woman because she is a woman or that affects women disproportionately' (Article 6). The 1993 UN Declaration on the Elimination of Violence against Women (Article 1) contained the first internationally agreed definition of violence against women. It states that 'violence against women means any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.' Other UN, Council of Europe, European Agency for Fundamental Rights, and European Institute for Gender Equality (EIGE) agreements and reports largely follow these earlier definitions (European Union Agency for Fundamental Rights (FRA) 2014).

In 2011, the Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) was adopted by the Council of Europe and signed by France. The Istanbul Convention is significant because it is legally binding; a monitoring mechanism, GREVIO (the Group of Experts on Action Against Violence against Women), has been set up to see that states abide by it; and it defines violence against women as both a cause and a consequence of gendered power relations. It states that the elimination of violence against women requires a holistic approach, incorporating the attainment of gender equality. France ratified the Istanbul Convention in 2014 and, in the same year, passed the Law on Equality between Women and Men (Loi no. 2014-873), partly in order to bring French law into line with its obligations.

French violence against women policy has been driven, on the one hand, by bottom-up pressure from civil society organisations, service providers and feminist activists and, on the other hand, top-down pressure from the United Nations, the Council of Europe, the European Women's Lobby, and the European Agency for Fundamental Rights, all of which, even if non-binding, exerts moral pressure on France to act. France has not been a passive recipient of international agreements. In some cases, it has been a key actor. For example, the resolution to eliminate violence against women, passed by the UN General Assembly in November 2014, was a French-Dutch initiative. It is not legally binding, but again, carries moral weight.

Domestic violence was brought onto the French public and political agenda by feminist activists in the 1980s, following their successful struggle to see rape defined in law (Allwood 1998). Raising awareness of domestic violence has been a long process. Women's support groups, especially the Collectif féministe contre le viol, collected and analysed data obtained by their helplines and shelters, demonstrating the wide prevalence of domestic violence throughout all sections of society. The first large-scale study did not take place until the Enquête nationale sur les violences envers les femmes en France (ENVEFF), which was commissioned by the Ministry for Women's Rights in 1997 and published its preliminary findings in 2000. Its results sparked considerable media backlash, with many commentators finding more comfortable territory in the description of types of violence which seemed removed from white middle class populations: gang rapes in the banlieue, female genital mutilation, and sex trafficking in particular (Allwood and Wadia 2009). What was seen as problematic about ENVEFF was that violence was set within a conceptual framework of gender relations. It was not presented as an aberration but as an expression of power relations: 'La logique n'est pas neutre – elle s'inscrit dans une logique de genre. Cela n'implique évidemment pas que les hommes sont tous des bourreaux, tandis que les femmes seraient toujours des victimes; la violence n'est effectivement pas le monopole d'un sexe. Toutefois, elle est sexuée : elle signifie le genre, c'est-à-dire qu'elle s'appuie sur cette inégalité, tout en la renforçant' (Fassin 2007).

This article focuses on the content of violence against women policy in France, asking: to what extent has French violence against women policy moved into line with UN and Council of Europe initiatives, which present violence against women as both a cause and a consequence of gendered power relations? Have internationally accepted concepts of gender and gender-based violence been incorporated into French policy debates and, if so, how? What implications, if any, does all this have for the continued struggle in France and elsewhere to eliminate violence against women?

Theoretical framework

The article builds on previous work on French violence against women policy (Allwood and Wadia 2009, Chetcuti and Jaspard 2007a, 2007b, Delage and Tanné 2013, Hamel 2014), all of which identifies a consistency in French feminist activists' and academics' analysis of violence against women as both an expression and reinforcer of gendered power relations. The visibility of this analysis in French policy documents and debates is variable. In 2007, for example, Chetcuti and Jaspard (2007a) noted that violent behaviour was increasingly attributed by policymakers to individual factors, at the expense of feminist socio-political explanations. Claims that there is a parallel between violence towards women and violence towards men were part of this trend. The psychopathological model, which they claimed was prominent, sees violence as the result of deviant behaviour on the part of individuals whose personal history is disturbed. It identifies a deviant or delinquent, who can be punished or medically treated. By 2012, however, Jaspard (2012) was arguing that efforts to reduce violence against women were now firmly situated within a broader framework of gender equality.

The significance of the way in which violence against women is constructed as a problem lies in the underlying objective of eliminating it. If violence against women is framed as a product of gender inequality, then the solution lies in achieving gender equality. This approach draws on developments in feminist policy studies, in particular the work of Bacchi (1999), Lombardo, Meier and Verloo (2009), which show that the way issues are framed has important implications for the solutions that are judged appropriate. For example, a major change in French violence against women policy in 2006 (Loi n°2006-399) was the systematic removal of the perpetrator rather than the victim from the couple's home, highlighting responsibility, rather than victimhood. Another example of the link between changes in the understanding of domestic violence and policy reform is the removal in 2014 (Loi n°2014-873) of family mediation, or couple counselling, as a response to domestic violence. Mediation suggested there was equality within the couple, ignoring the power relations at work, which are both a cause and consequence of domestic violence. It sees domestic violence as intra-familial conflict, rather than an abuse of power.

This article makes a contribution to the discussion about the use of the term 'gender', and argues that, despite resistance to its use throughout the 1980s and 1990s, feminist research in France had much in common with Anglophone gender studies. 'Gender' was widely used by US and UK academics from the 1980s, but was adopted in France only in the 2000s. This was not because of ignorance or a rejection of English-language research; instead, the term 'gender' was accused of obscuring the asymmetry and power relations between women and men. It was seen to suggest a false dichotomy between biological sex and social gender, and to focus on discourse and the symbolic at the expense of material structures of domination (Allwood 1998; Bereni, et al. 2012). During the 1990s, French feminist academics used terms such as 'rapports sociaux de sexe', 'histoire des femmes', and 'différence des sexes' to describe many of the same characteristics referred to in the US as 'gender'. Around 2000, many French academics began to use the term 'gender' ('genre'), although it has not completely replaced other terms.

French resistance to an uncritical adoption of this term can be useful in keeping structural power relations at the forefront of our understandings of violence against women. Using the term 'gender' is not a magic formula for addressing inequalities, discrimination and subordination. 'Gender' can be used to depoliticise issues, debates and actions. It can, perversely, be used to 'de-gender', or it can be used as a synonym for women (Jayasinghe and Noble 2015, Walby, Armstrong and Strid 2012). The term 'gender violence' can distract from the fact that most gendered violence is perpetrated by men towards women (European Union Agency for Fundamental Rights (FRA) 2014, Montoya 2013), and defining gender-based violence as violence against women excludes types of violence perpetrated against men, because of their gender. In 2011, a comparative study of national action plans on violence against women, carried out by the European Women's Lobby, found that many European countries failed to define violence against women as a product of gender inequality. In contrast, it found that the French national action plan did take a gender perspective (European Women's Lobby 2011), despite not using the term 'gender'.

Whether the term 'gender' has been used or not, there has been a tendency in France to focus on relations between women and men, rather than the multiple differences within the category women and men, which the term 'gender' can express. Intersectionality theory, which is prominent in English-language feminist research, is less used in France (Bassel and Lépinard 2014). Intersectionality refers to the way inequalities, of gender, ethnicity, and related systems of oppression, intersect and affect the lives of individuals. In Crenshaw's original research (1989), it was about how gender and race together affected the employment opportunities of Black women in the US. More recent feminist policy studies, such as Walby, Armstrong and Strid (2012) focus not only on references to intersectionality in policy texts, but also on the involvement of minority women in their implementation.

The way in which French republican universalism acts as an obstacle to intersectionality is well documented (Bereni 2007, Lépinard 2013, 2014, Lépinard and Mazur 2009, Murray 2016). However, there is no evidence that other national political philosophies have produced policies which successfully incorporate intersectionality analyses and cultural difference into their realisation of universal equality and access to rights. Holding onto the universal goal of gender equality while recognising difference is difficult (Lombardo and Verloo 2009a, 2009b, Phillips 1999, Walby, Armstrong and Strid 2012, Yuval-Davis 2006). How can we recognise differences in forms of violence without indicting particular populations and, simultaneously, understand the universality of gender-based violence against women which cuts across all social divisions, in every society? (Montoya and Rolandsen Agustin 2013). French research and policy reports are slowly engaging with these difficult and unresolved issues.

Aims, objectives, methods

The article aims to establish the extent to which French violence against women policy has moved into line with international approaches that present violence against women as a cause and a consequence of gendered power relations, and stress the importance of taking a holistic and preventative approach in order to eliminate violence against women. In order to do this, it focuses

firstly, on the relation between violence against women and gendered power relations in policy texts and debates. Is violence against women framed as a cause and consequence of gendered power relations, as it is in the Istanbul Convention? Are concepts of gender and gender-based violence used, rejected or avoided and if so, how? Secondly, it sets out to discover the extent to which prevention features in violence against women policy, as it does in the Istanbul Convention, which stresses the need to take a holistic approach involving a range of actors. This research looks for the relation between gender and violence in the documentation examined; and the extent to which the approach taken by policy makers and influencers is holistic and focused on prevention, rather than, or alongside, prosecution and protection.

The analysis focuses on texts and debates that concern violence against women generally and also on those which focus specifically on domestic violence and forced marriage. Domestic violence is the most widespread form of violence against women, although its prevalence is notoriously difficult to measure. It concerns all parts of society and has, since 2001, formed a major part of French violence against women policy. Forced marriage concerns specific groups in French society, and is newer to the policy agenda. It is treated separately and specifically in policy texts and debates, and is therefore discussed in a separate section of the article. The comparison of policy on domestic violence, which is ubiquitous, and forced marriage, which is ethno-culturally specific, enables us to explore how the representation of the problem, and the proposed solutions to it, differ. It exposes the difficulty in reconciling a universalist framework of gender equality with ethnic particularity, especially in relation to communities that suffer from socio-economic inequality and social marginalisation.

The documents analysed include French policy documents, especially the laws of 2006, 2010 and 2014, the four national action plans, the texts of parliamentary bills, reports by parliamentary committees, minutes of parliamentary enquiries, witness statements, records of parliamentary debates, ministerial circulars and statements. Relevant documents were identified through database and archival searches using the terms 'mariage forcé', 'Convention d'Istanbul', 'violence', + 'femmes' / 'domestique' / 'conjugale' / 'famille', all terms related to gender and intersectionality, and 'interministérialité', 'approche intégrée', 'cohérence politique'. Sections of the text were analysed through close reading and coding according to the relation between gender and violence and the relation between prevention, protection and prosecution. In addition, *Le Monde* (2011-2015) was searched for 'genre' + 'violence' + 'femme', 'genre' + 'égalité', 'Convention du Conseil de l'Europe sur la prévention et la lutte contre la violence à l'égard des femmes et la violence domestique', 'mariage forcé', and all articles were analysed as described above. Finally, activist materials (Amnesty International, Collectif féministe contre le viol, Collectif national des droits des femmes, Fédération nationale solidarité femmes (FNSF), Groupe pour l'abolition des mutilations sexuelles (GAMS), Mouvement français pour le planning familial (MFPF), Réseau pour l'autonomie des femmes immigrées et réfugiées (Rajfire), Voix de femmes) and academic publications were compared with transnational activist publications, and English-language academic analyses of gender, violence and intersectionality.

The analysis sought to expose and assess the following: the relation between gender and violence in the definition of the problem of violence against women; the proposed solutions to violence against women; the extent to which prevention was prioritised and a comprehensive approach advocated and/or taken. Publications emanating from the ENVEFF and *Violences et Rapports de Genre (VIRAGE)* projects, and debates around them, were also included because they are key sources of evidence informing policy debates. The academic researchers leading these projects are exposed to international publications, methodologies and research networks, and are therefore involved in both national and international debates and approaches.

The next two sections will briefly introduce the Istanbul Convention and French violence against women policy. These will be followed by a discussion of the findings of the analysis of policy documents and debates on domestic violence, then on forced marriage. A final section presents the conclusions.

The Istanbul Convention

The Istanbul Convention is legally binding, and has been signed and ratified by France. The French version, which constitutes one of the two official texts (along with the English), uses the terms 'le genre' and 'les violences fondées sur le genre' as direct equivalents of 'gender' and 'gender-based violence', which have a long and well-established history of use in English-language international texts, but have been more slowly absorbed into French versions. For example, the General Recommendation on Violence against Women adopted in 1992 by the Committee on the Elimination of Discrimination against Women uses the term 'gender-based violence' in English and, in French, 'la violence fondée sur le sexe'. 'Gender-sensitive training', which is described as essential for the effective implementation of the Convention (Article 24b) is expressed in the French version as 'une formation qui [...] sensibilise aux problèmes des femmes' (Committee on the Elimination of Discrimination against Women (CEDAW) 1992).

The Istanbul Convention sees violence against women as both a cause and a consequence of gender power relations. It states that violence against women is a manifestation of historically unequal power relations between women and men; that it is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men; and that the attainment of equality between women and men is a key element in the prevention of violence against women. The Convention states that women and girls are exposed to a higher risk of gender-based violence than men, and that domestic violence affects women disproportionately. It used the definition of violence against women agreed in the 1993 UN Declaration on the Elimination of Violence Against Women. 'Gender' is defined as 'the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men'; and 'gender-based violence against women' as 'violence that is directed against a woman because she is a woman or that affects women disproportionately' (Article 3).

Its goal is the elimination of violence against women and domestic violence, and it places great emphasis on prevention. This requires broad social change, reaching far beyond specific actions on violence against women. It requires changing the behaviour and attitudes of all members of society, including men and boys, and a comprehensive or holistic approach, involving government, the police, judiciary, social workers, educators and civil society organisations. The Convention requires states to implement gender equality policies to empower women, remove gender stereotypes and introduce gender equality education.

It also obliges states to criminalise forced marriage and the luring of an adult or child to another state with the purpose of forcing them into marriage (Article 37).

French violence against women policy

Pressure from grassroots activism and from international agreements, in particular the 1995 Beijing Declaration and Platform for Action, pushed violence against women onto the French public, political and academic agenda in the late 1990s. The first large-scale study of violence against women in France (ENVEFF), commissioned by the government as a response to its post-Beijing obligations, marked the beginning of French public policy on violence against women (see Table 2). Following the release of ENVEFF's preliminary findings in 2000, the Socialist minister with responsibility for women's rights, Nicole Péry, announced that violence against women would be one of her department's top priorities. The first national action plan (2005-7) was introduced in response to a recommendation from the European Union, and has been followed by three more (2008-10, 2011-13, 2014-16). Legislation has introduced, first, the possibility, and then the principle of evicting the violent partner from the couple's home (Loi no. 2004-439 and Loi no. 2005-1549 respectively); increased the criminal sanctions in cases of violence within the couple, including rape and sexual assault, and including married, cohabiting and civil partnership couples and former couples (Loi no. 2006-399); increased measures aimed at protecting victims (Loi no. 2010-769, Loi n° 2013-711); and, in 2014, situated the fight against violence against women within the context of equality between women and men (Loi no. 2014-873). Measures aimed at eliminating forced

marriage include raising the marriage age for girls from 15-18 (Loi no. 2006-399); increasing the penalties for violence committed in the course of forcing someone into marriage (Loi no. 2010-769); and criminalising forced marriage (Loi no. 2014-873).

Table 2: French policy on violence against women

Dates	Laws and other measures
1989	Launch of a national public information campaign against violence against women. Creation of departmental action committees.
1994	New penal code introduces domestic violence into criminal law.
1997	Commissioning of a large-scale study (ENVEFF) by the Service des droits des femmes.
2000	Release of ENVEFF's preliminary findings.
2001	Declaration by the Socialist minister with responsibility for women's rights, Nicole Péry, that violence towards women will be one of her department's top priorities.
2002	Following parliamentary elections and a change in government, Nicole Ameline, the new right-wing minister, signals that all references to women are to be removed, that violence is to be presented in gender-neutral language, and that 'family-based violence' will be targeted.
2004	First national Action Plan on Violence against Women 2005-7: 10 mesures pour l'autonomie des femmes.
2004	Divorce law (Loi n°2004-439) introduces the possibility of evicting the violent partner.
2005	Law (Loi n°2005-1549) on repeat offences of violence introduces principle of evicting the violent partner from the couple's home.
2006	Law (Loi n°2006-399) reinforces prevention and punishment of violence within the couple and violence against children. It penalises rape and sexual assault between spouses; increases penalties for violence committed within the couple; and penalises sexual mutilation committed abroad on an underage victim normally resident in France. It applies to married, cohabiting or civil partnership couples, and former couples and explicitly recognises rape in marriage. It obliges the perpetrator to leave the couple's home.
2006	Law (Loi n° 2006-1376) on the control and validity of marriages requires free and voluntary consent for marriage. The publication of the bans becomes compulsory, with the possibility of interviews in advance. Marriages can be annulled if a lack of consent is proven. This also applies to French citizens abroad.
2007	Second Action Plan on violence against women (2008-10).
2010	Prime Minister, François Fillon, declares domestic violence a 'Grande cause nationale'.
2010	Law (Loi n°2010-769) on violence against women, within the couple and the effect of these forms of violence on children, creates an emergency protection order; the offence of harassment within the couple; and the authorisation of electronic monitoring of the perpetrator. It provides migrant women victims of violence with a residence permit independent of their spouse. It increases the penalties for violence committed in order to force someone into marriage.
2010	Third Action Plan on violence against women (2011-13).
2012	Appointment of Najat Vallaud-Belkacem as full cabinet Minister for Women's Rights.
2013	Law (Loi n° 2013-711) protecting victims of violence and trafficking in human beings.
2013	Creation of the MIPROF (Mission interministérielle pour la protection des femmes victimes de violences et la lutte contre la traite des êtres humains).

	MIPROF is responsible for data collection, developing local initiatives and sharing best practice. It acts as a national observatory for violence against women and publishes an annual report.
2013	Fourth Action Plan on violence against women (2014-16).
2014	Law (Loi n°2014-476) ratifying the Istanbul Convention.
2014	Law (Loi n°2014-873) on Equality between Women and Men. This transposes the Istanbul Convention into French law, including the criminalisation of forced marriage. It reintroduces the focus on equality between women and men as essential to addressing the issue of violence towards women.

Domestic Violence Policy: Relation between gender and violence

The analysis of the policy documents, related debates and publications focuses firstly on the extent to which violence against women policies are part of an overall commitment to gender equality. Is violence against women framed as both a cause and a consequence of gendered power relations? Are concepts of gender and gender-based violence used, rejected or avoided? It finds that the problem of domestic violence and proposed solutions to it are sometimes framed as gendered and sometimes not. The term 'gender' is used by some and rejected by others. The text of legislative proposals may contain strong feminist framings of gender-based violence against women, but these disappear during parliamentary readings, leaving gender-neutral text on violence within the couple or domestic violence. This was the case with both the law of 2006 and 2010. For example, the bill tabled by Danielle Bousquet and Guy Geoffroy (2009) refers to: 'Toutes les violences de genre, c'est-à-dire celles qui sont commises spécifiquement à l'encontre des femmes et qui prennent leur source dans les inégalités persistantes entre hommes et femmes.' By the time the bill was passed by the Senate, however, domestic violence was presented as non-gendered.

Resistance to the use of the term 'gender' can be found in parliamentary debates, sometimes drawing on broader social opposition. For example, those who had opposed same-sex marriage in 2013 later mobilised against the inclusion of gender in school science textbooks and against the project known as the 'ABCD de l'égalité'. This was a pilot scheme introduced in 600 primary schools with the aim of familiarising young children with gender equality and countering gender stereotypes. It was widely denounced as 'gender theory' and was criticised for indoctrinating young children and undermining their 'natural identities' (see for example Fassin 2015). Parliamentary debates on the proposed Law for Equality between Women and Men reveal a cross-party consensus on equality between women and men, but a widespread attachment, particularly on the right, to equality through complementarity and an insistence on maintaining 'natural' sexual difference. As Joan Scott demonstrated in *Parité* (2005), there is a widespread fear in France of losing sexual difference. This was evident in Senate debates around the proposed Law on Equality between Women and Men. For example, André Reichardt, from the right-wing Union pour un mouvement populaire (UMP), said: 'l'égalité entre les sexes ne signifie pas l'indifférenciation de ces derniers. Le genre humain est fait d'hommes et de femmes, dont les rôles ne sont pas interchangeables; l'égalité ne peut ni ne doit conduire à l'effacement de l'altérité!' (Senate 2013).

In the Assemblée nationale, Catherine Coutelle (Parti socialiste) argued that using the term 'gender' helps France participate in international organisations and actions: 'Si la France veut se faire entendre à un niveau international, il faut qu'elle sache manier ces concepts partagés par tout le monde. Sans vouloir ranimer de querelles [...], je dirai qu'il en va de même pour le mot 'genre', lequel n'est rien d'autre qu'une construction sociale pour dire que les filles et les garçons ont un sexe, qu'il y a deux sexes, mais que la construction sociale est faite de stéréotypes qui nous mettent dans des cases. C'est pourquoi il ne serait pas inutile de moderniser notre vocabulaire, notre droit et nos concepts' (Assemblée nationale 2014). Nicolas Dhucq (UMP) responded: 'Nous sommes députés de la nation, oui, nous sommes députés français. Nous avons le devoir de défendre notre langue. Ce n'est pas forcément à nous de céder aux diktats extérieurs, c'est à nous de défendre notre culture parce que le monde se portera mieux [...] et se portera bien lorsque la voix de la France sera entendue dans le monde. Si nous voulons qu'elle soit entendue dans le monde, il faut que les députés de la nation française défendent leur langue et leur pensée, et ne cèdent pas à des diktats auxquels vous cédez si facilement, pensant être dans la modernité'

(Assemblée nationale 2014). Gender is perceived as being 'international' and a threat to French national identity. This is not new. It featured prominently in debates in the 1990s around sexual harassment and the under-representation of women in political institutions (Allwood 2005). What has changed, however, is that gender is no longer explicitly labelled 'American' or 'Anglo-Saxon', but is more often referred to as 'international', meaning that it comes from the UN, the Council of Europe, or the European Union.

Politicians and civil servants involved in international and European negotiations use the concepts of 'gender', 'gender-based violence' and 'gendered power relations' more readily than those who are not, but they may avoid these terms when communicating with a potentially hostile national audience. Similarly, researchers involved in international networks and familiar with English-language publications and methodologies and concepts developed by English-language researchers use 'gender', but may also change their terminology for a national audience. For example, Christelle Hamel, director of VIRAGE, stated in her evidence to the parliamentary committee on women's rights and equal opportunities between women and men, that she uses the term 'gender' in her research to convey the concept of inequalities between women and men, and the idea of male dominance, but that she will use different terms when she publishes the results for public dissemination, for instance 'violences sexistes' or 'violences machistes' (Coutelle 2013). VIRAGE is situated very much in the approach to violence against women developed by feminist researchers in the US and UK in the 1970s and 1980s, which emphasised the structural nature of violence against women as a manifestation of gendered power relations and a form of social control (Hamel 2014). It also begins to engage with intersectionality, which is rarely incorporated into French analyses. Gender, for many English-language researchers, is not just about relations between a homogenous category of women and another of men. Instead, it is cut through by multiple forms of inequality and power relations, based on class, ethnicity, physical ability and other traits. Analysis of the French policy documents and debates shows some attention to 'migrant women' in sections on prevention. For example, the first national action plan (2005-7) identified women of migrant origin as having specific needs, justifying the allocation of 50 accommodation places for 'jeunes femmes des quartiers pour lutter contre les mariages forcés'. VIRAGE promises to move beyond this by incorporating intersectionality in its study and, given the project's close relations with policymakers, we can expect this to have an impact. VIRAGE will gather data on violence experienced by migrant women and women of migrant origin to see whether they are indeed more exposed to violence, as is currently believed, and if so, whether factors other than ethnicity/nationality might explain this, for example, higher levels of unemployment, or dependency on their husband for a resident's permit. A report on migrant women commissioned by the then minister for women's rights, Najat Vallaud-Belkacem, began the process of filling some of the gaps in the understanding of migrant women's exposure to violence. Its author, Olivier Noblecourt (2014) argues that we need to nuance the representation of women migrants as totally dependent and controlled by the community. Migrant women, he writes, constitute a heterogeneous group, and some are more exposed to violence than others: 'Le risque d'être victime de violences est parfois moins lié à une conception inégalitaire des rapports entre les sexes qu'à des chemins migratoires dans lesquels la précarité administrative et matérielle surexpose à la violence.' The work of Claudie Lesselier (2013), researcher and activist with Rajfire, contributes a similarly nuanced understanding of multiple experiences of migrant women and the complexity of their exposure to various types of discrimination and inequality.

Domestic Violence Policy: Prevention and a holistic approach

The Istanbul Convention emphasises the importance of prevention which, it states, requires a holistic or comprehensive approach. An analysis of French domestic violence policy shows that there have been frequent expressions of a commitment to a holistic approach (referred to as an 'approche intégrée', which is also used as the translation of (gender) mainstreaming, or as 'interministérialité' or 'cohérence politique'). In terms of coordinating policy actors and agencies, there has been commitment on paper, and this includes dialogue and partnership agreements with civil society organisations. Resources have not always followed, and implementation has often been poor, but the idea that violence against women cannot be dealt with in a policy silo is not new

in France. There has been an evolution in the approach to prevention, however, which began with specific preventative measures and has moved towards an approach which sees the need for broad social change and the involvement of all members of society in combating violence against women. Hence, the first two national action plans (2005-7 and 2008-10) contained specific measures focused on education in schools; public awareness-raising; and educating women to report incidents of violence. This approach was echoed in the 2010 Law (Loi no. 2010-769), which obliges schools to dispense information on equality between women and men, the fight against sexist stereotypes, and the fight against violence against women and domestic violence to pupils of all ages. It also created an annual national violence against women awareness day on 25 November.

A new approach was introduced by the 2014 Law (Loi n°2014-873), which sees the attainment of equality between women and men as a condition for the elimination of violence against women. This is in keeping with the Istanbul Convention, which this law transposes, and gives more substance to the idea of an integrated or holistic approach. Instead of referring only to interministerial and inter-agency coordination, it now refers more broadly to the need to situate measures aimed at eliminating violence against women within a struggle to achieve gender equality. Whereas previous texts focused on the protection of victims, the prosecution of perpetrators, and the prevention of violence, the 2014 Law names few specific preventative measures. This reflects the idea that prevention requires the achievement of gender equality. A preventative measure that does appear provides for the setting up of a prevention programme for perpetrators designed to make them take responsibility for their violent behaviour and to prevent re-offending. The following section of the law deals with the reduction of sexist stereotypes by addressing media representations of women and laying down provisions against sexism and homophobia on the Internet.

The fourth action plan (2014-16) has been presented as a comprehensive plan to change society's attitudes towards women. It is organised into three sections: ensuring that all reported violence is investigated; protecting victims effectively; and rallying the public in combating violence in its entirety (that is, through prosecution, protection, prevention). This includes making sure that women's rights are respected in the media and on the Internet; preventing sexist behaviour and violence in schools, sport, and the workplace; and raising public awareness.

This was not the first time stress had been laid upon joined-up policy or interministeriality. The evaluation report of the first action plan (Inspection générale de l'administration, et al. 2008) noted: 'le sujet impose une 'hyper interministérialité''. It stated that the fight against violence against women was at the intersection of numerous public policies (crime prevention, security, victim support, urban policy, housing including emergency accommodation, child protection and public health), that many of these issues were themselves inherently interministerial or crosscutting, and that a crosscutting approach needed to be taken at the national and local level. As these public policies also implicate the legal system, including criminal law and compensation, then legal professionals also need to be involved, as do local authorities, income support and child protection agencies etc. The involvement of all of these sectors and actors is essential, the report argues, to the success of the plan. Taking these comments into account, the second national action plan (2008-10) emphasised the importance of strong interministeriality and the need for a coordinated response. An inter-ministerial approach was formally adopted on 30 November 2012 (Vallaud-Belkacem 2013).

The holistic preventative approach is in line with the Istanbul Convention and with NGOs' focus, both in France and elsewhere, on addressing structural relations in order to eradicate violence against women. For example, Action Aid UK (Jayasinghe and Noble 2015), in its report 'Fearless: Standing with Women and Girls to End Violence', writes: 'A major impediment to the eradication of violence against women is the failure by many governments and international bodies to apply a holistic, transformative approach. This would recognise how all forms of violence against women share a common root cause – entrenched power inequalities between women and men – which

are embedded within, and exacerbated by, political and economic policies, processes and institutions that discriminate against women.'

The literature on gender mainstreaming tells us that, if holistic approaches to crosscutting issues are to improve gender equality, they must not become a tickbox exercise, but must be driven by an explicit goal of gender equality; they must not be added onto already formulated policies, but must be present at the earliest stages of policy design; and the people in each ministry responsible for gender must be neither junior nor temporary (Daly 2005, Jacquot 2010, Pollack and Hafner-Burton 2000, Stratigaki 2005). The broader literature on gender equality and on violence against women tells us that a crucial factor in the realisation of these objectives is the involvement of civil society organisations and marginalised voices in implementation and in policy formulation (Krizsan and Lombardo 2013, Krizsan and Popa 2014, Lombardo and Meier 2008, Merry 2009, Montoya 2013, Verloo 2007, Verloo and Lombardo 2007, Walby, Armstrong and Strid 2012). The evidence from France does not yet suggest that this is taking place systematically and effectively.

Forced marriage: Relation between gender and violence

In contrast to domestic violence, forced marriage affects specific ethnic minority populations. Women and girls are exposed to forced marriage because of their gender and because of their membership of these populations. The analysis of forced marriage policy documents and debates allows us to compare responses to a form of violence that is ethno-culturally specific with actions targeted at domestic violence, which is widespread throughout society.

The Istanbul Convention obliges states to criminalise forced marriage. France completed its move towards criminalisation with the 2014 Law on Equality between Women and Men (Loi no. 2014-873), but the process had begun with the 2006 Law (Loi n°2006-399), which raised the legal marriage age from 15 to 18 for both girls and boys; and increased the time during which a marriage entered into without the consent of both parties can be contested. Such a marriage can now be contested by the state, not just by one of the non-consenting parties.

Forced marriage, like trafficking in human beings, appears in policy documents and debates to be easily identifiable, definable and universally condemned. For example, the Mission interministérielle pour la protection des femmes victimes de violences et la lutte contre la traite des êtres humains (MIPROF) (2014) writes: 'Des dénominations variées sont utilisées : mariage forcé, mariage contraint, mariage non consenti, mariage arrangé, mariage précoce... Il s'agit du même phénomène, au moins l'une des deux personnes n'est pas pleinement consentante pour se marier'. For MIPROF, the problem with forced marriage is that it removes individual freedom, controls the sexuality of girls, and confines them to the role of wife and mother. According to MIPROF, all sexual relations within a forced marriage are rape. This is questioned by Edwige Rude-Antoine (2010), who calls for greater attention to be paid to the context in which these marriages take place and argues that assuming sex within a forced marriage is always rape can raise problems, for example, if the husband was not aware that the wife's family forced her into this marriage, or if neither partner consented.

The NGO which has been the most involved in bringing forced marriage onto the public and policy agenda as a result of its work with women and girls affected by it, is GAMS. For GAMS, consent, or rather non-consent, is central (Fédération nationale GAMS). A marriage is considered forced if one of the parties (sometimes both) has experienced pressure or violence in order to force them into the union. From its interviews with girls affected, GAMS has identified a number of reasons they give for their family's behaviour. These include traditional views according to which marriage is a family affair. Migration can enhance this conservatism, whereby some families wish to demonstrate that they have not lost their identity, despite living in France. There may be a fear of seeing their children, especially their daughters, having relationships with individuals from a different background; a concern with the reputation of the family which rests disproportionately on the behaviour of daughters; pressure from members of the family in the country of origin; and a desire to keep their children on the straight and narrow.

Forced marriage was brought onto the political agenda by civil society organisations, and is firmly situated within state policy on violence against women, following the Istanbul Convention's obligation on states to criminalise the practice. The question facing those who are engaged in efforts to put an end to forced marriage is how to recognise the specificities of this form of violence, while holding onto the universality of gender-based violence against women. Olivier Noblecourt's report (2014) on migrant women stresses the importance of state action against forced marriage as part of its commitment to women's rights, but without feeding a culturalist discourse that locks migrants into an inescapable Otherness. He shows that the number of forced marriages in France is in fact declining. Women coming from Turkey, North Africa and sub-Saharan Africa are more exposed to these practices, but cultures are not fixed and second generation women are much less likely to have had a non-consensual marriage: 6% of 31-40 year-olds, which is 2% higher than the majority female population; and 1% of 26-30 year-olds of immigrant origin, compared with 0% of the majority population. This compares with 10% of 51-60 year olds of the majority population who were married against their wishes or under the influence of their family.

Claudie Lesselier (2013) also notes the importance of drawing attention to specificities in order to achieve universal rights and equality, even if this is uncomfortable for some. A feminist approach to violence, she argues, needs to take into account all social and power relations, and not just those between undifferentiated categories of women and men. This is achieved through collective action, support work on the ground, and interaction with professionals, in order to obtain essential knowledge and draw attention to 'new' problems that would otherwise go unnoticed. This matches very closely the conclusions drawn by Action Aid UK (Jayasinghe and Noble 2015), which states: 'Clearly, particular forms of violence against women and girls [sexual violence in conflict, female genital mutilation, child marriage] require context-specific strategies, and these dedicated efforts follow years of campaigning by women's rights organisations. However, if not situated within a holistic framework, they risk isolating these manifestations of violence against women and girls as somehow removed from the insidious continuum of gender-based violence faced by women globally.'

Forced marriage: prevention and coordinated approach

Forced marriage policy is very focused on prevention, and this is done through targeting individuals at risk, and raising awareness amongst those around them, particularly teachers in France and embassy or consulate staff in the countries of origin of their families. Since 2013, in addition to legal reform, there has been an audit of provisions for victims abroad; training of French consulate staff overseas; public awareness raising in France; strengthening of regional prevention networks set up by Mouvement français pour le planning familial (MFPF); the signing of an agreement with the association, Voix de femmes; the inclusion of forced marriage as a dedicated emergency telephone helpline issue; and the updating of the 2007 brochure on equality between women and men of immigrant origin to include female genital mutilation and forced marriage (Fourth Action Plan on Violence against Women 3.8).

While forced marriage has gained a place on the policy agenda, there is very little discussion of the perpetrators and of preventative measures aimed at them. The focus is on the victims and providing them with information and support. In other areas of gender-based violence, the argument is being made that in order to eliminate violence against women, there needs to be a societal change in attitudes, stereotypes and norms. In forced marriage, there seems to be more concern with educating the victim about support and escape; educating social and education workers; alerting French embassy staff overseas about recognising those at risk of forced marriage; and, as required by the Istanbul Convention, criminalising those who carry it out. This then leaves some questions unanswered. Who, if anyone, is working with the communities to bring about change? What are the causes, and how can these be tackled? Civil society organisations have the most knowledge about this and need to play a leading part in designing and implementing preventative action. There is a coordinated approach in terms of targeting all the actors who could contribute to supporting victims, and preventing individual cases, both in France and abroad.

However, there is less evidence of a coordinated approach in terms of fitting the fight against forced marriage into broader gender equality and gender-based violence measures.

Conclusion

Whereas Allwood and Wadia (2009) found that ‘the commitments under the Beijing Platform for Action to eradicate gender inequalities which cause gender violence have been replaced by individualised criminal justice approaches to prevention and protection’, this changed with the arrival of the new Socialist government in 2012, the creation of a full ministry for women’s rights, the activities of the minister, Najat Vallaud-Belkacem, and the need to transpose the 2011 Istanbul Convention. French violence against women policy has moved at least partially into alignment with UN and Council of Europe initiatives, which present violence against women as both a cause and a consequence of gendered power relations. A fully gendered approach continues to meet resistance, however. Violence against women debates and policies illustrate the difficult relationship that French politicians, civil servants, public opinion and, to some extent, academics, have with the term ‘gender’. There has, nevertheless, been a consistency in French feminist activists’ and researchers’ focus on prevention and analysis of violence against women as a product of power relations between women and men, with the solution lying in broad social change. This is despite the fact that many of them have also been reluctant to use the term ‘gender’, arguing that it can obscure the structural nature of the power relations between women and men. The dual focus on domestic violence and forced marriage taken in this research shows that there are still problems incorporating difference and intersectionality into universalist approaches to gender equality, and French policymakers, activists and academics are showing growing awareness of the challenges this presents.

This research finds that, despite residual reluctance to use the term ‘gender’ in France, there is evidence of a reintegration of structural analyses of violence against women, which see social change as a prerequisite for eradicating it. If eradicating violence against women depends on achieving gender equality, then measures introduced to do this through a holistic and crosscutting approach could be the most important actions a state could take, and France has shown a commitment to pursuing this, especially since 2012.

However, the comprehensive approach cannot be a screen for desperately under-resourced women’s rights departments. Interministeriality has sometimes been a substitute for a strong, properly funded ministry for women’s rights, and an interministerial post with no staff and no influence on other ministries may support the rhetoric of mainstreaming, but cannot achieve the goal of gender equality. Policy on violence against women is only as good as its implementation. It depends on resources and the interpretation of the courts, street-level bureaucrats, associations and service providers. Without resources and a serious focus on the goal of gender equality, it is unlikely to work. Although France has ratified the Istanbul Convention and passed the Law for Equality between Women and Men, it has now downgraded the ministry for women’s rights and replaced Najat Vallaud-Belkacem, who was a full cabinet minister and government spokesperson, with Pascale Boistard, as junior minister for women’s rights, attached to the Ministry for Health. The important question of implementation, along with participation in the policy process, will be explored in the next stage of this research project.

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