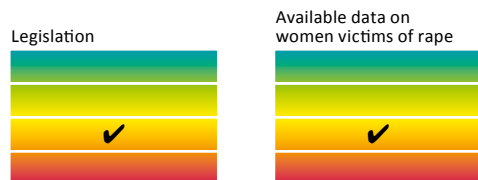


## NATIONAL ANALYSIS

# France



Expert

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### Legislation

a) Article 222-23 of French penal code defines rape as: “Any act of sexual penetration, of whatever nature, committed on the person of another by violence, constraint, threat or surprise is a rape.” In the absence of aggravating circumstances (such as rape committed on a vulnerable person, by an influential person, by several persons, etc), the punishment incurred is **15 years’ imprisonment**.

These articles of law (written in 1980) include the notion of violence, constraint, threat or surprise in the constituent elements of the legal offence; with any one of these circumstances being enough to characterize the infraction.

b) Sexual assaults other than rape are defined in articles 222-22 and 222-27 of French penal code: “Any sexual infringement (achievement) committed with violence, constraint, threat or surprise constitutes a sexual assault.” In the absence of aggravating circumstances, the punishment incurred is 5 years’ imprisonment.

However, the law contains no reference to the consent of the victim or its proof, which should be added to be in accordance with article 36, paragraph 3 of convention of the Council of Europe of April 7, 2011.

**Marital rape as aggravated rape:** If the perpetrator of the crime is the husband (or ex) or partner linked by a “civil partnership” [French PACS] (or ex) of the victim, this constitutes an aggravating circumstance. The rape is then liable to a penalty of **20 years’ imprisonment**.

**Implementation of criminal pursuit:** It is not compulsory for the victim to make a formal complaint to the police or gendarmerie; the Public Prosecutor, when informed about the facts, activates a public action and appoints an investigating judge.

### Additional comments

**Serious problems and deficiencies in law enforcement:** Many cases do not end up in Penal Court but are often dismissed (*sans suite*) mainly because of the predominance of stereotypes about rape in the judiciary. Social services do not have the means to help the victims effectively.

- Too many rape cases are sent to the Court of Summary Jurisdiction (or Magistrates’ Court) and therefore not judged as crimes in front of a Criminal Court but as simple sexual offences in front of a Magistrates’ Court.
- Compensation of victims is largely insufficient and does not take into consideration all the expenses generated by the crime.



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## Available data on women victims of rape

The figures are in principle published every two years by the administrative authorities from official surveys.

Sources :

- *INSERM INED (National Institute on Public Health and National Institute for Demographic Studies*
- *INSEE, Institut national des statistiques*
- *OND, Observatoire national de la délinquance*

One major survey on violence against women was published by the National Institute of Demographic Studies (INED) national survey on violence against women in France (Enveff) conducted in 2000. However, other, more general surveys also provide statistical data on this theme: the investigation, "Quality of Life and Security" conducted since 2007 by the National Institute of Statistics and Economic Studies (INSEE), notably in partnership with the National Observatory of crime and criminal responses (ONDRP)-the survey "Context of sexuality in France" (CSF) in 2006 conducted by INED in collaboration with INSERM .

*Latest figures given by official sources :*

- *6.8% forced sexual intercourse on women between 20-50 years old (2007 CSF by INSERM-INED)*
- *75 000 rapes or forced intercourse on women between 18-75 years old (2007-2008 CVS by INSEE-OND)*
- *198 000 women between 18-59 years old are victims of actual rape or attempted rape (2005-2006 CVS by INSEE-OND)*

The National Observatory of crime and criminal responses undertakes regular surveys. In 2012, the ONDRP based its data on a sample of 13.358 persons. 7.463 women answered the questions on victimisation and the figures on sexual violence, rapes and attempted rapes in 2010-2011 reveal that the number of women victims is estimated at 168.000 for these 2 years.

Source: [www.ladocumentationfrancaise.fr/rapports-publics/124000623/index.shtml](http://www.ladocumentationfrancaise.fr/rapports-publics/124000623/index.shtml)

## Useful Contact

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