



GBV-MIG: Violence against women migrants and refugees:
Analysing causes and effective policy response

Coordination: Jane Freedman



Country Report France

Nina Sahraoui

GENDER NET PROJECT

Violence against women migrants and refugees:
Analysing causes and effective policy response

Coordination: Prof. Jane Freedman

Country Report France (DRAFT)

Nina Sahraoui

Table of contents

1. Migrant women of recent arrival in France: socio-economic overview

1.1 Socio-demographic profiles and administrative categories of entry

1.2 Socio-economic inclusion of women migrant and asylum seekers

2. SGBV in France: definitions, legislation and social realities

2.1 Legislative and policy framings of SGBV

2.2 SGBV: overview of existing statistical data for France

2.3 Interrogating the othering of SGBV

3. Legislations and policy frames on gender and migration in France

3.1 Main features of the French migration regime and its gendered implications

3.2 Recognising SGBV in asylum applications: overview of prevailing legal interpretations

3.3 Migration-related vulnerabilities and SGBV: aggravating circumstances

4. Facing SGBV in France: assessing access to key social services

4.1 Accessing healthcare

4.2 Accessing emergency shelters and housing

4.3 Accessing employment and regularisation

Abbreviations

CIDFF - Information Centre for the Rights of Women and Families (*Centre d'information sur les Droits des Femmes et des Familles*)

FGM – Female Genital Mutilation

GISTI – Information and Support Group for Immigrants (*Groupe d'information et de soutien des immigré·e·s*)

INSEE – National Institute for Statistics and Economic Studies

PASS - Permanences d'accès aux soins de santé

MIPROF - Interministerial mission for the protection of women victims of violence and the combat against human trafficking (*Mission interministérielle pour la protection des femmes victimes de violences et la lutte contre la traite des êtres humains*)

OFPRA - Office Français de Protection des Réfugiés et Apatrides

SGBV – Sexual and gender-based violence

Preliminary note: The report uses the terms 'migrant women', 'refugee women' and 'women asylum seekers', yet the use of 'migrant women' does not suggest specific motives for migration and can include women having migrated to seek international protection. In the sections that rely on national statistics the report reproduces the categories of the National Institute for Statistics and Economic Studies, such as 'immigrant women' and 'foreign women'.

1. Migrant women of recent arrival in France: socio-economic overview

1.1 Socio-demographic profiles and administrative categories of entry

In France, national statistics rely on the key distinction between ‘immigrants’ and ‘foreigners’. A foreigner is a person who resides in France but is not a French national. Most foreigners are immigrants, yet some might be born in France as is the case for some minors since there is no absolute *ius soli* in France (additional residency criteria determine one’s right to access French citizenship for persons born in France). An immigrant, as defined by the National Institute for Statistics and Economic Studies, is a person born outside of France and as a foreigner (French people born abroad are not included in this category). An immigrant can acquire French nationality (and citizenship), in which case the person is no longer counted as a foreigner but will always be counted as an immigrant. Thus, in table 1, the category ‘immigrants’ includes persons who have obtained French citizenship. In 2015, there were about 4,4 million foreigners and 6,1 million immigrants in France, and among them 51% were women.

Table 1: Immigrant and foreign population by sex, 2015

Population étrangère et immigrée par sexe et âge en 2015								
en %	1990		1999		2010		2015	
Intitulé	Étrangers	Immigrés	Étrangers	Immigrés	Étrangers	Immigrés	Étrangers	Immigrés
Nombre (en milliers)	3 661	4 238	3 338	4 387	3 818	5 514	4 428	6 169
Poids dans la population totale	6,3	7,3	5,5	7,3	5,9	8,5	6,7	9,3
Population par sexe								
Hommes	55,1	52,0	53,0	50,2	50,9	49,0	50,3	48,6
Population par âge								
moins de 15 ans	22,4	6,5	14,8	4,9	16,0	4,4	17,1	4,5
15 à 24 ans	14,3	11,5	11,3	9,2	8,9	7,9	8,9	8,0
25 à 54 ans	48,1	54,7	52,2	56,1	48,9	54,4	48,6	53,7
55 ans ou plus	15,2	27,3	21,7	29,9	26,3	33,3	25,4	33,8
Lecture : en 2015, 6,7 % de la population est étrangère et 9,3 % est immigrée.								
Champ : France hors Mayotte de 1990 à 2010, France y compris Mayotte en 2015.								
Source : Insee, recensements de la population, RP1990 sondage au quart, RP1999, 2010 et 2015, exploitation principale.								

Source: INSEE, 2015

<https://www.insee.fr/fr/statistiques/2381759#tableau-Donnes>

Table 2 presents immigrants’ main countries of origin, i.e. according to the person place of birth (and not nationality). Main countries of origin are Portugal, Algeria and Morocco; immigrants from African countries and from the EU represent respectively 44,6% and 30,8% of all immigrants.

Table 2: Immigrants' countries of origin (according to place of birth), 2015

	Part en %	Effectif en milliers
Europe	35,4	2 185
UE	30,8	1 897
Espagne	4,0	249
Italie	4,6	286
Portugal	10,1	622
Royaume-Uni	2,4	148
Autres pays de l'UE	9,6	591
Autres pays d'Europe	4,7	288
Afrique	44,6	2 754
Algérie	12,8	791
Maroc	12,0	741
Tunisie	4,4	270
Autres pays d'Afrique	15,4	952
Asie	14,3	883
Turquie	4,0	249
Cambodge, Laos, Viêt Nam	2,6	160
Autres pays d'Asie	7,7	475
Amérique, Océanie	5,6	346
Total	100,0	6 169

Source : Insee, RP 2015 exploitation principale.

Source: <https://www.insee.fr/fr/statistiques/3303358?sommaire=3353488>

The share of women among immigrants varies significantly according to countries of origin. The highest feminization concerns migration from central and west Africa (Ivory Coast, Cameroun, Democratic Republic of Congo) with women representing 53% of immigrants from these countries. While immigrants from Algeria are also women in their majority, men are more numerous than women among Turkish, Moroccan and Tunisian immigrants (Noblecourt, 2014).

Among immigrants having accessed a first residency permit in 2015, 63,5% of the women were aged 18-34. Yet, it equally appears that women are over-represented in the age range 65+ as they make up 56,3% of immigrants in this category vs an average of 51,6%.

Table 3: Age structure of immigrants accessing a first residency permit in 2015

Age	Total		Men		Women		Share of women
		%		%		%	%
0-17	21 493	10,2	11 012	10,8	10 481	9,7	48,8
18-34	131 327	62,5	62 456	61,5	68 871	63,5	52,4
35-64	53 588	25,5	26 539	26,1	27 049	24,9	50,5
65 +	3 632	1,7	1 586	1,6	2 046	1,9	56,3
Total	210 040	100,0	101 593	100,0	108 447	100,0	51,6

Source: Translation of INED data.

<https://www.ined.fr/fr/tout-savoir-population/chiffres/france/flux-immigration/sexe-age/>

Among immigrant women currently aged 15-64 and who arrived in France aged 15 or more, 62% declared having migrated for family reasons. 12% indicated that they came to France for work-related reasons, 16% for studies and 8% to seek international protection.

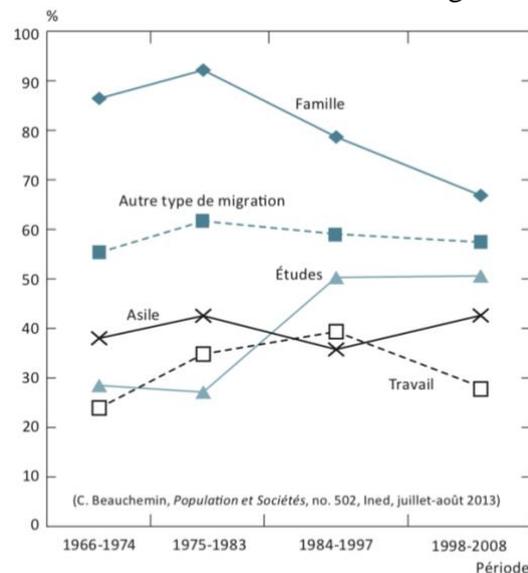
Table 4: Immigrant women’s motives

	Family-related reasons	Employment	Studies	To seek protection for oneself or family	Other reason	Total
Men	28	39	17	9	8	100
Women	62	12	15	6	6	100
Total	45	25	16	8	7	100

Source: Selection of data from INSEE, 2018

These figures conceal nevertheless the shifts over time in the profiles of immigrant women to France. Based on the survey *Trajectoires et Origines*, Beauchemin and colleagues illustrated major changes in the socio-demographic profile of immigrant women. The clear reduction of the share of women among those accessing a residency permit on the basis of family reunification, combined with the rise of the share of women entering France as students, reveals the erosion of the prevailing figure of the woman migrating to join her husband. This study includes immigrants aged 18-60 who arrived in France as adults. Another study confirms the increasing share of women among those seeking international protection: while they represented 13% of women who arrived before 2005, their share increased to 23% in 2013 (Gosselin et al., 2016).

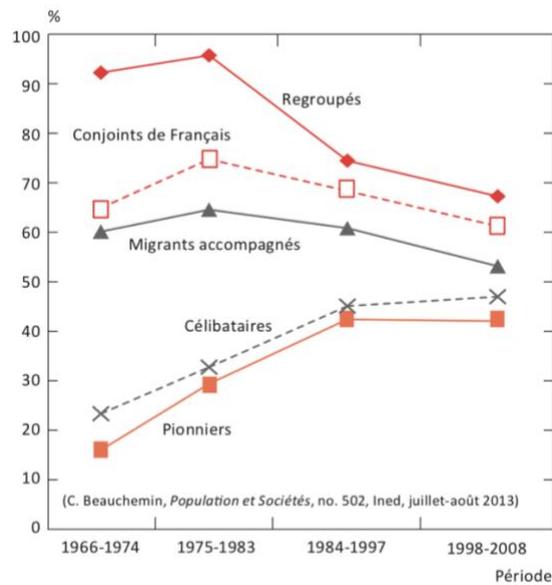
Figure 1: Share of women within different administrative categories to access residency permits



Source : Enquête *Trajectoires et Origines*, Ined-Insee, 2008.
 Champ : Ensemble des immigrants âgés de 18 à 60 ans en 2008 et arrivés majeurs en France métropolitaine.

Source: (Beauchemin et al., 2013)

Figure 2 below reveals furthermore the increasing share of single women migrating to France as well as of the growing share of women who were married or in partnership at the time of migration and yet who were the first to migrate (as opposed to joining a partner in France). Mirroring this trend, the share of women migrant in the framework of family reunification decreased significantly over the past four decades.



Source : Enquête *Trajectoires et Origines*, Ined-Insee, 2008.

Source: (Beauchemin et al., 2013)

The following section looks into immigrant women's socio-economic inclusion into French society.

1.2 Socio-economic inclusion of women migrant and asylum seekers

Immigrant women are at most disadvantage when it comes to labour market integration in terms of formal employment. Table 5 presents immigrants' and non-immigrants' activity rate as well as employment and unemployment rates by sex. The activity rate is defined by INSEE as 'the ratio between the number of active persons (occupied labour force and the unemployed) and the corresponding total population'¹. While the activity rate of immigrant women is 4 points of percentage lower than the activity rate of non-immigrant women, the unemployment rate of immigrant women is 8,5 points of percentage higher than for non-immigrant women.

¹ Source : <https://www.insee.fr/en/metadonnees/definition/c1938>

Table 5: Activity, employment and unemployment rates of immigrant and non-immigrant populations by sex, 2010

	Immigrants	Non Immigrants
Activity rate		
Women	48,1	52,1
Men	64,8	61,8
Employment rate		
Women	39,7	47,4
Men	55,3	56,6
Unemployment rate		
Women	17,5	9
Men	14,7	8,4

Source : Translation based on Ministère des Droits des Femmes (2011)

The activity rate of immigrant women varies significantly according to countries of origin as illustrated by Table 6, with the lowest activity rate concerning women having migrated from Turkey (31,9%) and the highest concerns women from Spain (67,1%), a higher activity rate than the one of French-born women (66,9%).

Table 6: Activity rate of immigrants according to country of origin

	Hommes	Femmes	Ensemble
Espagne	77,1	67,1	72,1
Portugal	83,6	78,5	81,1
Italie	69,5	59,5	64,7
Autres EEE	78,9	63,1	69,7
Algérie	79,9	51	64,8
Maroc	75,7	46,1	59,9
Tunisie	77,3	50,8	65,4
Autres Afrique	81,8	64,6	72,2
Turquie	81,4	31,9	58,3
Autres pays tiers	75,9	59,9	66,9
Français de naissance	74,1	66,9	70,5

Source : EEC – INSEE données 2011

Source : Noblecourt (2014)

Employment prospects in the formal labour market depend to some extent on the degrees obtained, though the frequent lack of recognitions of degrees obtained outside the EU lead to a vast deskilling of the non-EU migrant labour force. Overall, 45% of all immigrant women possess a degree equivalent or higher to the A-levels, and 32,5% of non-EU migrants do; as compared to 58% of the majority population (Noblecourt, 2014).

For migrant women who arrive to France without a residency permit and find themselves undocumented for certain periods of time, socio-economic inclusion is fraught with pitfalls. Different vulnerabilities reinforce each other in creating a situation of ‘hyper-precarity’ (Noblecourt, 2014). A study of the trajectories of migrant persons who arrived between 1972 and 2011 revealed that migrant women from this cohort accessed personal housing on average during their second year of stay, a residency permit during the third year and could engage in

income-generating activities (including informal work) during the third year, on average (Gosselin et al., 2016). It is only after six years that half of the women in the cohort had secured these three dimensions (housing, residency permit and income), (ibid.). Many, upon arrival, face legal precarity, i.e. they only possess a residency permit for a few months, a receipt of their formal application for a residency permit or do not possess any residency permit). This situation concerned 79% of the men and 73% of the women in the above-mentioned study (ibid.). All of these dimensions are deeply entangled, to obtain a work-related residency permit one needs for instance to justify one's full-time employment, yet being undocumented makes it particularly difficult to secure a full-time job (Noblecourt, 2014).

2. SGBV in France: definitions, legislation and social realities

2.1 Legislative and policy framings of SGBV

Different categories of sexual and gender-based violence are reckoned within the French legislative apparatus, namely sexual violence, sexual exploitation, sexual harassment, intimate partner violence, sexist insults, forced marriage and sexual mutilations. The following paragraphs summarise key features of a series of laws² relevant to the questions at hand.

- The **law n° 2018-703 (3 August 2018)** on sexual and sexist violence criminalises harassment on the streets by creating the infraction of sexist insult (*outrage sexiste*). The law equally raised the limitation period for sexual crimes on minors to 30 years.
- The **law n°2016-444 (13 April 2016)** on prostitution criminalises the purchase of sex acts and creates a programme of social and professional insertion for victims of prostitution, pimping or sexual exploitation. Foreign persons can access regularisation on the condition of their entry into the programme (to be authorised by the Prefect).
- The **law n°2016-274 (7 March 2016)** on migration regulation mentions the protection of migrant victims of gender-based violence when the person is subject to a protection order (*ordonnance de protection*). For victims of intimate partner violence, the law grants the right to the renewal of the residency permit previously obtained on the basis of marriage (spouse of French national) or family reunification. In cases where the applicant is deemed to represent a threat to public order the renewal can be rejected. The law also grants the right to a temporary residency permit under the category 'private and family life' for foreigners threatened by a forced marriage or benefitting from a protection order due to intimate partner violence.

² Source of legal information:

<https://www.egalite-femmes-hommes.gouv.fr/dossiers/lutte-contre-les-violences/la-legislation/>

- The **law n° 2015-925 (29 July 2015)** on asylum includes gendered considerations. It states that gender needs to be taken into account in the interpretation of the 1951 Geneva Convention, article L 711-2, reads (original version in footnote):

‘Concerning grounds for persecution, aspects related to gender and sexual orientation are duly taken into account for the recognition of one’s belonging to a certain social group or the identification of a characteristic of such a group.’³

- The **law n° 2014-873 (4 August 2014)** for ‘real equality between women and men’ reinforces existing measures of protection against forced marriages, stipulates that the protection order can be issued in emergency, that spouses’ consent needs to be traced regardless of the person’s ‘personal law’ (civil law from the country of origin that might apply to matters such as marriage) and creates the possibility for the repatriation of victims of forced marriage who resided in France legally but are kept abroad for over three successive years against their will. The law also stipulates that victims of intimate partner violence can obtain their temporary residency permit without being obliged to pay the usual fees (Art. L. 311-18).
- The **law n° 2013-711 (5 August 2013)** transposes into French law France’s international commitments on trafficking. It introduces in the national legislation the legal definition of trafficking of human beings as stipulated in the Convention n°197 of the Council of Europe on Action against Trafficking in Human Beings adopted on 3 May 2005.
- The **law n° 2007-1631 (20 November 2007)** on the management of immigration, integration and asylum. Article L. 431-2 offers legal grounds to access a first temporary residency permit ‘private and family life’ in case of intimate partner violence. The law gives the possibility to the prefectural administration to renew the temporary residency permit to the spouse of a French citizen or the person residing in France on the basis of family reunification in case of intimate partner violence. Previously the absence of the ‘community of life’ (same housing unit) would lead to the loss of the residency permit. In 2007, renewal of the residency permit remains the Prefect’s decision and the right to temporary residence permit is voted in 2016.

The framing of gender equality as a core republican value across most political parties has facilitated the development of the legislative apparatus described here. Gender equality is

³ Version française : « S'agissant des motifs de persécution, les aspects liés au genre et à l'orientation sexuelle sont dûment pris en considération aux fins de la reconnaissance de l'appartenance à un certain groupe social ou de l'identification d'une caractéristique d'un tel groupe. »

portrayed as a consensual issue, long inscribed within the fifth Republic, starting with the equality proclaimed in the 1946 Constitution. And yet, it is important to highlight the on-going political battlefield that gender equality represents: mothers have the same parental authority as fathers since 1970, divorce is liberalised in 1975, marital rape and sexual harassment are penalised only in 1992.

2.2 SGBV: overview of existing statistical data for France

- *Intimate Partner Violence: recurrent patterns of violence, low reporting rates*

Key figures published by the MIPROF, an interministerial mission for the protection of women victims of violence and the combat against human trafficking, provide insights into several forms of violence against women. In 2017, 130 women and 21 men were assassinated by their partner or former partner (MIPROF, 2018). The survey ‘Living conditions and security’⁴ reveals that 219,000 adult women reported being victims of intimate partner violence in 2017. For the overwhelming majority of those facing intimate partner violence, acts of violence were recurrent (3 out of 4) and included psychological harm or verbal insults (8 out of 10); yet less than one in five victims of IPV lodged a formal complaint with the police and about half did not reach to a professional or a support association (MIPROF, 2018).

- *Sexual violence: perpetrators are often known by victims, reporting increases after #MeToo*

The same study indicates that overall 94,000 women reported being victims of rape or attempted rape in 2017 (ibid.). In 9 cases out of 10, victims knew the assailant and for almost half of the victims it was the partner or former partner. If only 1 in 10 victims lodged a complaint with the police, it appears that in the aftermath of the #MeToo movement the number of acts of sexual violence registered by the police increased by 23% in the last trimester of 2017 (ibid.)

The survey Virage conducted by National Institute of Demographic Studies (INED) provides further insights into the environments in which women are at most risk of sexual violence.

⁴ Institutions in charge of this survey: <https://www.interieur.gouv.fr/Interstats/L-enquete-Cadre-de-vie-et-securite-CVS>

Table 7: Share of victims of sexual violence (except sexual harassment) over 12 months

Espace de vie	Femmes		Hommes	
	% de victimes sur un an	Effectif estimé de victimes sur un an	% de victimes sur un an	Effectif estimé de victimes sur un an
Famille et proches	0,10	20 000	0,03	5 000
Études	1,78	24 000	1,63	18 500
Travail	1,04	128 000	0,50	67 500
Couple	0,28	40 500	0,15	21 500
Ex-conjoint.e	0,24	25 500	0,04	4 500
Autres espaces (dont espaces publics)	1,90	381 000	0,47	90 500
Tous espaces de vie ⁽¹⁾	2,90	580 000	1,03	197 000

Source: Ined, enquête Virage 2015.

Champ: Femmes et hommes âgé.e.s de 20 à 69 ans vivant en France métropolitaine en ménage ordinaire.

Source: Debauche et al., 2017

- *Immigrant and non-immigrant women victims of violence: comparative perspectives*

The report written by Olivier Noblecourt for the Ministry of Women's Rights in 2014 provides further insights into forms of violence faced by immigrant women in France more specifically. Table 8 indicates that immigrant women from outside the EU who do not possess French nationality present the highest risk of rape outside the home (8%) and highest exposure to inappropriate sexual gestures (11,7%). Yet, they face a lower risk of rape within the household (0,5%) than French women by birth (0,6%).

Table 8: Share of women aged 18-59 victims of violence by nationality

Nationalité	Viol en dehors du ménage	Baisers, caresses ou autres gestes déplacés	Violence physique au sein du ménage	Viol au sein du ménage	Vol avec violence	Vol sans violence
Française de naissance	1,3	5,8	2,9	0,6	0,7	3,3
Naturalisée	1,6	4,2	2,3	1,5	1,6	2,0
Union européenne	0,9	5,1	3,7	1,0	0,7	1,6
Reste du monde	8,0	11,7	4,7	0,5	2,4	7,2
Total	1,5	5,9	3,0	0,7	0,8	3,3

Source : Insee, enquête cadre de vie et sécurité (2007)

- *Violence, prostitution and migration*

The MIPROF estimates that 30,000 persons engage in prostitution in France, that between 85 and 96% of them are women and that among these women 93% are foreigners with main countries of origin being Rumania, Bulgaria, Nigeria and China (MIPROF, 2015). 51% of surveyed persons reported having suffered from physical violence in the framework of prostitution. Government agencies such as MIPROF report on prostitution within the abolitionist framework that France formally supports.

Yet, several researchers working on migration and sex work argue that the criminalisation of clients exposes sex workers, and in particular migrant women, to greater dangers in that their activity is pushed further underground (Mai, 2016; Calderaro and Giametta, 2019).

- *Forced marriage: at the crossroads of gender equality and racialisation*

Forced marriage concerns situations in which the consent of a spouse is absent or alternated. The MIPROF 2014 report estimates that 4% of immigrant women in France and 2% of women born in France to immigrant parents, aged 26 to 50, were forced to marry. Forced marriage is often inscribed in a context of different forms of violence suffered before and after the unconsented marriage, with one third of women reporting forced marriages having suffered from sexual violence (MIPROF, 2014).

However, reporting on forced marriages is no neutral undertaking and researchers have foregrounded the politicisation of the issue. Without distinguishing between arranged and forced marriages, the mediatisation of the issue feeds into processes of othering and distinguishes between a ‘civilised’ us and an archaic ‘them’, relying on essentialised notions of culture (Collet and Santelli, 2008). These authors have indeed argued that it is highly complicated to produce reliable figures as to the number of forced marriages occurring in France. An association used the estimate of 70,000 concerned women in the framework of a political campaign. Yet, while the initial intention was to highlight the number of women potentially at risk of forced marriage, the figure was used in the policy-making sphere by the High Council for Integration (HCI) to suggest the number of actual victims (ibid.). This incident clearly illustrates the high degree of politicization of the question of forced marriages, at the crossroads of gender equality and underpinning patterns of racialization.

- *Female Genital Mutilation*

It is estimated that 53,000 women who live in France have suffered from female genital mutilation (FGM), it concerns women who have migrated from regions where the mutilations are practiced such Mali, Senegal, Ivory Coast, Burkina Faso and Guinea, and to a lesser degree the daughters of immigrant women who have been mutilated (MIPROF, 2016). The same report suggests that 3% of the daughters born in France, to women who were mutilated, underwent female genital mutilation, while it is the case for 45% of the daughters born abroad (ibid.). FGM is penalized by French law with fines and prison sentences for those who practice FGM and the adults with formal authority (parental or otherwise) over the victims. Asylum can be granted to minors on the basis of the risk of suffering FGM, a form of persecution formally acknowledged in the 29 July 2015 law.

2.3 Interrogating the othering of SGBV

- *Cultural framings: the othering of SGBV*

Policy focus on forced marriage and female genital mutilation constructs discursively an association between the figure of the immigrant and gender-based violence. This construction is highly problematic as it feeds into processes of othering of migrant communities as intrinsically different from the majority population in relation to the status of women. Yet, as illustrated by Table 8, the fact that women who were born in France face a slightly higher risk of rape within the household than women who have migrated from outside the EU, suggests that the social causes of gender-based violence tend to be concealed within these debates. Montoya and Augustin (2013) define culturalization as the articulation of culture as the only explanation of certain forms of violence, while it is key to account for the social determinants of SGBV for effective prevention. In their study of EU policy frames on gender-based violence these authors quote an EU Council official to illustrate this discursive practice: “The fact that Europe has been receiving immigration, well, it has made us confront much clearer, perhaps, issues like female genital mutilation, honour crimes, forced marriages. Issues which we, perhaps, had over-come a little already. [...] It is inevitable that, we are seeing these phenomena in Europe now, first and foremost because we have immigration” (Council Official, interview June 2010), (quoted in Montoya and Augustin, 2013, p. 549).

Reducing gender-based violence to cultural framings fails to account for the structural processes that foster SGBV due to the social vulnerabilities created by migration processes and instead essentializes violence against women. Sara Farris has conducted in this regard a critical discourse analysis of the use of gender equality by far-right political parties and foregrounded the emergence of what she called ‘femonationalism’. The term captures the instrumentalization of women’s rights to further racialize migrant communities of Muslim background (Farris, 2017).

- *The othering of women’s oppression in the French republican context*

In the French context, since the first headscarf polemic in 1989, Muslim women became increasingly associated with the figure of the oppressed woman in political and media accounts. Marion Manier (2013) traces how the category of ‘women of immigrant background’ progressively emerged within reports and policies in relation to the question of gender-based oppression. French secularism, or *laïcité*, comes to play a key role in the formation of these discourses and shapes prevailing understandings of what women’s emancipation entails. Most prominently, the prohibition in 2004 of headscarves (the law mentions ostentatious religious signs, yet the debate revolved around headscarves) in schools by law was advocated for on the basis of *laïcité* and gender equality (Delphy, 2006; Fassin, 2006).

- *Foregrounding immigrant and minority women’s activism*

Against the background of these debates, Muslim women are spoken about more than they are invited to speak for themselves (Chouder, Latrèche and Tevanian, 2008). Far from being passive victims as some of these discursive practices imply, immigrant women or women of immigrant origin display agency in many forms. Immigrant women invested civil society organizations for several decades (Châabane, 2008). Furthermore, researchers questioned the assumption that migration to France leads to emancipation for women (Moujoud, 2008), since socio-economic vulnerabilities experienced in the country of destination might well result in heightened inequalities and levels of violence.

3. Legislations and policy frames on gender and migration in France

3.1 Main features of the French migration regime and its gendered implications

The modern history of immigration to France harks back to the 19th century with migrants who mainly came from Belgium, Italy, Spain and Poland and represented about 7% of the population in the 1920s (Noiriel, 1988). Immigration declined between World Wars and resumed after 1945 in the aftermath of World War II. Migrants of the post-war period mostly came from Portugal as well as colonial and postcolonial regions such as North Africa (mainly Algeria and Morocco), South East Asia (Cambodia, Laos, Vietnam) and French overseas territories of Guadeloupe and Martinique.

Entry to France is administratively possible for work, family or humanitarian reasons as well as in the framework of the European Schengen free movement area. Against the background of restrictive migration policies, in 2013 family reunification (40%) and intra-European mobility (37%) dominated migration flows to France (OECD, 2015). Legal pathways for highly-skilled migration exist, yet it is virtually impossible to migrate to France for work purposes from outside the EU for those considered to be ‘low-skilled’ workers; work-related migration to France represented 10% in 2013 (ibid.).

Several features of the French migration regime bear gendered implications. The latest law aiming at managing migration is **law n° 2018-778** (10 September 2018) adopted by the current government and while in some cases gender-related issues are taken into account in the elaboration of the legislation, several instances of the law reproduce gendered inequalities.

- *Regularisation and formal employment: women at clear disadvantage*

For undocumented migrant women, access to regularization on employment related grounds is complicated by the criteria of long-term full-time employment that governs this path to a residency permit. A condition difficult to fulfill for all undocumented migrants, women find themselves at even greater disadvantage due to the segmentation of the labour market and their structural channeling into precarious jobs.

- *The gendered implications of prevalent forms of family reunification*

First, the strongly restrictive migration regime turns family reunification into one of the few possibilities of legal migration to France. Consequently, women are encouraged to conform to the gendered roles of wives and mothers to be able to apply for a visa (Lesselier, 2004) neglecting other motives that might equally ground their aspiration to migrate, such as economic or study opportunities.

Furthermore, while more women migrate independently, women still represent the majority of migrants joining spouses in France (INSEE, 2018). While family reunification was historically a feminized migration pattern, the tightening of family reunification possibilities bears specifically gendered consequences (Kofman, 2008). In the 2000s additional requirements for family reunification were introduced in France, notably a longer stay required to be entitled to submit an application, a shorter residence permit granted to the spouse, language tests, and resource thresholds. In the context of increasing restrictions on family reunification, when the spouse does not meet income or housing requirements, more women attempt to reunite with their partners outside of legal pathways finding themselves undocumented over long periods of time and in a state of increased dependence towards the partner (Lesselier, 2008).

- *Victims of SGBV and access to legal residency*

First introduced in 2007 as a possibility, a full-fledged right to residency permit for victims of SGBV is mentioned in the 2016 law n°2016-274. Migrant women who entered France as spouses have a right to keep their residency permit as victims of IPV after separation. Yet, the law does not protect women who joined their partner without a family reunification visa and do not have a protection order (La Cimade, 2018). In 2017, only 50 residency permits have been granted on the basis of a protection order (ibid.).

Importantly, the migration regime is to a significant degree determined by the ‘infra-law’, i.e. regulations (*circulaires*) and the practices of street-level bureaucrats (Lesselier, 2008). Thus, a number of intermediaries come to play a role in the construction of criteria of vulnerability (d’Halluin, 2016) and deservingness (Chauvin and Garcés-Mascreñas, 2014).

3.2 Recognising SGBV in asylum applications: overview of prevailing legal interpretations

While gender-based violence and discrimination was neither mentioned nor probably thought about by those who phrased the 1951 Geneva Convention (Kobelinsky, 2012), gender and sexuality related forms of persecution became increasingly acknowledged over the past two decades. In 2017, women represented 34,7% of first-time asylum applicants and 32,4% of protection status granted by the French Office for the Protection of Refugees and Apatrides (OFPRA), i.e. 35,1% of refugee statuses and 29,2% of subsidiary protection statuses. Overall, women make 40,5% of all persons granted protection as of 2017 (OFRPA, 2017). Importantly, chances for obtaining international protection decreased drastically over several decades: the share of rejected asylum seekers in first instance was 1 in 20 in the late 1970s and 9 in 10 in the

early 2000s (Kobelinsky, 2012). Suspicion gradually became a key feature of asylum determination (Sigona, 2014).

In the French context, significant resistance to the recognition of women as a social group was to be observed among institutional actors (Freedman, 2010). Underpinning such resistance to foreground gendered persecutions is the underlying assumption that gender-based violence somehow relates to the private sphere as opposed to the public realm that the right to asylum is associated with. Gender-related persecutions women suffer from tend thus to be deemed not political enough to qualify for protection under the Geneva Convention (Freedman, 2008).

Clearly, this understanding still permeates the institutional realm of asylum determination as women's applications on grounds of SGBV result more often in subsidiary protection than refugee status (Brocard, Lamine and Gueguen, 2007). The subsidiary protection, created by a 2003 law, grants a temporary residency permit for one year under the category 'family and private life' (*vie privée et familiale*), a much more precarious status than that of a refugee. Brocard, Lamine and Gueguen argue that this tendency to grant subsidiary protection instead of refugee status reproduces the figure of the female passive victim and fails to acknowledge the political meaning of women's contestation of the patriarchal relations that their flight testifies for. Instead, these authors advocate for a recognition of gender-based violence and the risk of gender-related persecutions as fundamentally political.

3.3 Migration-related vulnerabilities and SGBV: aggravating circumstances

Migrant women can be exposed to different forms of violence that women in the general population are equally exposed to (e.g. IPV), yet migration also creates a set of circumstances in which specific forms of violence can arise or be exacerbated.

- *The migration journey and border securitisation*

Women who travel to France without documentation and through irregular means face gender-based violence on the migration trail. Confronted with the militarisation of border control, routes followed by undocumented migrants tend to become longer and riskier, with significant differences in the experiences recounted by women on the western, central and eastern Mediterranean routes (Grotti et al., 2018). Women are particularly vulnerable to transactional sex on the migration trail and the securitisation of borders, by increasing migrants' dependence on smugglers, increases the risk of transactional sex for women (Freedman, 2018). Upon arrival, because of the legal and social precarity in which migrant women find themselves, few report on their experiences of SGBV (Freedman, 2016).

- *SGBV in first reception contexts*

Overlooking the risk of SGBV in first reception centres, e.g. when bathrooms are shared by all, exacerbates levels of violence as women met by the NGO France Terre d'Asile emphasised (Bautista Cosa, 2018). SGBV remains neglected from an institutional point of view, management practices in reception centres vary and there is no systematic acknowledgement of this risk (ibid.). In particular, the challenges of the migration journey and the precarious material conditions of reception can exacerbate previously occurring intimate partner violence (Freedman, 2016).

4. Facing SGBV in France: assessing access to key social services

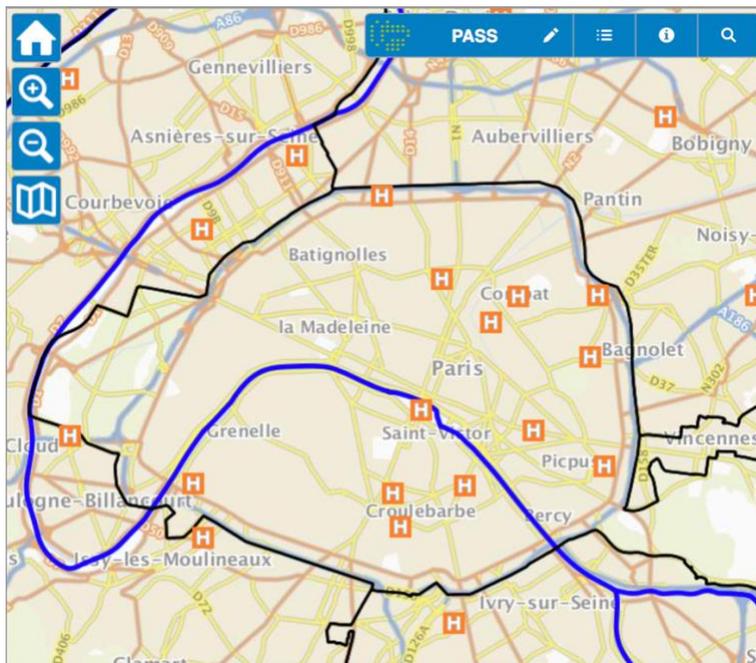
4.1 Accessing healthcare

While public health studies often observe better health indicators for recent migrants than for the general population (due to migrants' age and the selection that migration operates), it is also a widely shared observation that worse socio-economic conditions negatively affect the health of migrant persons over time (Cognet, Hamel and Moisy, 2012).

The State Medical Aid (Aide médicale d'Etat, AME) grants access to healthcare upon justification of three months of residency in France (except in Mayotte). This programme remains however distinct from the mainstream regime of social security and many factors come into play in determining access to healthcare services beyond this legal entitlement, with social marginalization threatening the right to health even in the context of relatively inclusive policies (Larchanché, 2012).

Those without formal access to the healthcare system can seek medical attention in the PASS services that belong to public hospitals but are specifically dedicated to persons in precarious situations, or in the medical clinics set up by NGOs.

Figure 3: Map of the PASS services in the Paris region



Source: Agence Régionale de Santé, Ile-de-France

The overwhelming majority of patients seen at Doctors of the World clinics are migrants: 94,5%⁶. The medical NGO further estimates that 88% of them do not have any rights opened under the State Medical Aid programme. Migrants' rights groups such as the GISTI advocate for the inclusion of the AME in the general regime of social security to facilitate access and improve coverage⁷.

In terms of public health, several studies have revealed the health inequalities migrant women face in terms of sexual and reproductive health. Challenges concern not only access to healthcare services but also continuity of care (Philibert et al., 2008). For instance, maternal mortality of women born in Sub-saharan African countries was 3,4 times higher than that of women born in France in 2010-2012 (Sauvegrain et al., 2017). A French medical NGO, Gynecologists without borders, offers obstetric healthcare to migrant women in the Calais region and in the migrant reception center of Ivry in the Paris region.

4.2 Accessing emergency shelters and housing

Overall, two in five homeless persons are women (Yaouancq et al., 2013). Undocumented migrant persons who recently arrived in France are particularly at risk of being inadequately housed or homeless. Among homeless women in France, many come from sub-Saharan and non-EU European countries (Dietrich-Ragon, 2017). The share of migrant persons among homeless persons increased from 38% in 2001 to 53% in 2012 (Yaouancq et al., 2013),

⁵ <https://www.iledefrance.ars.sante.fr/precaires-annuaire-des-pass-et-outils-daccompagnement>

⁶ Source : <https://www.medecinsdumonde.org/fr/pays/france/migrants>

⁷ Source : <http://www.gisti.org/spip.php?article6034>

illustrating that being legally excluded is strongly articulated with social exclusion. Homeless migrant women are often assisted through precarious forms of emergency shelter such as hotels due to the lack of adequate infrastructure (Dietrich-Ragon, 2017): 33% are hosted in hotels as compared to 7% of French homeless women (Yaouanq et al., 2013).

The NGO SOS Femmes Accueil maps all emergency accommodation and shelters per department and the list can be consulted on their website.

Figure 4: Extract from a search through the SOS Femmes Accueil database

The screenshot displays three search results from the SOS Femmes Accueil database, each in a separate box with a blue header and a red location pin icon.

- Association Aurore ? Antenne Aurore**
 Public: 1 ♂ ♀ ♀ ♀ ♀
 Capacité : 35 places.
 Informations sur le centre : CHRS en appartements éclatés. Accueil d'adultes de 25 à 55 ans. Admission sur la base d'un rapport social et d'entretiens d'évaluation. Accompagnement psychosocial. (35 pl).
 Adresse : 20 Allée des frères Voisins 75015 PARIS
 Téléphone : 01.45.54.34.03
 Télécopie : 01.45.54.33.45
 Email : contacter ce centre
 Site internet : http://www.aurore.asso.fr
- Palais de la Femme ? Fondation Armée du Salut**
 Public: ♀
 Capacité : 350 places.
 Informations sur le centre : Résidence sociale et FJT pour femmes 18-39 ans. Admission sur attestation de scolarité ou de travail. (300 pl). Centre d'hébergement de stabilisation 50 pl
 Adresse : 94 rue de Charonne 75011 PARIS
 Téléphone : 01.46.59.30.00
 Télécopie : 01.46.59.30.40
 Email : (non disponible)
 Site internet : http://www.armeedusalut.fr
- Association pour l'Accompagnement Social et administratif des Migrants (APTM)**
 Public: 1 ♂ ♀ ♀ ♀ ♀
 Capacité : 250 places.
 Informations sur le centre : CADA mixte pour réfugiés ou demandeurs d'asile. Admission par France Terre d'Asile. Suivi administratif hébergement des demandeurs d'asile suivi médical animations informations? (250 places).

http://www.sosfemmes.com/ressources/contacts_chrs.htm

4.3 Accessing employment and regularisation

Economic opportunities and administrative status are strongly entangled: the more difficult the regularisation process is, the fewer labour opportunities can migrant women access. The GISTI, an association and advocacy organisation for migrants' rights, created a database of organisations providing legal support to undocumented migrants:

<https://www.gisti.org/spip.php?article1506>

In the legal and political battles of the 'sans-papiers' women tend to be less visible, though it is important to highlight instances of undocumented women's fights to be regularized as workers, e.g. at RAJFIRE (*Réseau pour l'Autonomie des Femmes Réfugiées et Immigrées* in the Paris Maison des femmes) or at the women's group of Coordination sans-papiers 93.

References

- Bautista Cosa, O. (2018) Les violences à l'égard des femmes demandeuses d'asile et réfugiées en France. Paris : France Terre d'Asile.
- Brocard Lucie, Lamine Haoua et Gueguen Morgane (2007) Droit d'asile ou victimisation ? *Plein droit* n° 75, décembre.
- Beauchemin, C., Borrel C. et Régnard C. (2013) Les immigrés en France: en majorité des femmes. *Population & Sociétés*, Numéro 502.
- Calderaro C. and Giametta C. (2019) “The Problem of Prostitution”: Repressive policies in the name of migration control, public order, and women's rights in France’, *Anti-Trafficking Review*, issue 12, pp. 155-171.
- Châabane, Nadia (2008) Femmes, genre, migrations et mondialisation
Diversité des mouvements de « femmes dans l'immigration » *Les Cahiers du CEDREF*, Vol. 16.
- Chauvin, Sébastien and Blanca Garcés-Mascareñas (2014) Becoming Less Illegal: Deservingness Frames and Undocumented Migrant Incorporation. *Sociology Compass* 8/4: 422–432.
- Chouder Ismahane, Latrèche Malika and Tevanian Pierre (2008) *Les filles voilées parlent*. Paris : La Fabrique Editions.
- Cognet, Marguerite, Christelle Hamel et Muriel Moisy (2012) « Santé des migrants en France : l'effet des discriminations liées à l'origine et au sexe », *Revue européenne des migrations internationales* [En ligne], vol. 28 - n°2.
- Collet Beate et Santelli Emmanuelle (2008) Entre consentement et imposition. Réalités politiques et sociales des mariages dits “forcés”. *Migrations Société*. Vol. 5 N° 119, pages 47 à 57.
- Debauche et al. (2017) Présentation de l'enquête Virage et premiers résultats sur les violences sexuelles. Paris: INED. URL:
https://www.ined.fr/fichier/s_rubrique/26153/document_travail_2017_229_violences.sexuelles_enquete.fr.pdf
- Delphy Christine (2006) Antiracisme ou antisexisme ? Un faux dilemme, *Nouvelles questions féministes*, 25 (1), pp. 59-83.
- D'Halluin Estelle (2016) Le nouveau paradigme des « populations vulnérables » dans les politiques européennes d'asile « Savoir/Agir » 2016/2 N° 36, pages 21 à 26.

Dietrich-Ragon, Pascale (2017) Aux portes de la société française. Les personnes privées de logement issues de l'immigration. *Population* 1 (Vol. 72), pages 7 à 38.

Farris, S. R. (2017). *In the name of women's rights: The rise of femonationalism*. Durham and London: Duke University Press.

Fassin Éric (2006) Questions sexuelles, questions raciales. Parallèles, tensions et articulations, in Didier Fassin et Éric Fassin Édts., *De la question sociale à la question raciale ? Représenter la société française*, Paris, La Découverte, pp. 230-248.

Freedman, J. (2018) Violences de genre et « crise » des réfugié·e·s en Europe, *Mouvements* /1 (n° 93), p. 60-65.

Freedman, J. (2016). Sexual and gender-based violence against refugee women: a hidden aspect of the refugee 'crisis'. *Reproductive Health Matters*, 24(47), 18–26.

Freedman, J. (2010) Les mobilisations féministes autour du droit d'asile en France et au Royaume-uni : des normes internationales au droit national. *Nouvelles Questions Féministes*. Vol. 29, pp. 46 -60.

Freedman, Jane (2008) Women Seeking Asylum: The Politics of Gender in the Asylum Determination Process ». *International Feminist Journal of Politics*, 10 (2), 154-172.

Gosselin A., Desgrées du Loû A., Lelièvre E., Lert F., Dray-Spira R., Lydié N. (2016) Migrants subsahariens : combien de temps leur faut-il pour s'installer en France ? *Population & Sociétés*, Numéro 533.

Grotti, Vanessa, Malakasis, Cynthia, Quagliariello, Chiara, Sahraoui, Nina (2018) Shifting vulnerabilities: gender and reproductive care on the migrant trail to Europe. *Comp. Migrat. Stud.* 6 (23), 1–18.

INSEE (2018) L'insertion des immigrés, de l'arrivée en France au premier emploi. Paris : INSEE Première n°1717.

URL : <https://www.insee.fr/fr/statistiques/3640742>

Kofman, E. (2008) Managing Migration and Citizenship in Europe: Towards an Overarching Framework. In : Gabriel C. and Pellerin H. *Governing International Labour Migration: Current Issues, Challenges and Dilemmas*. New York : Routledge.

La Cimade (2018) Décryptage du projet de loi asile et immigration. URL : https://www.lacimade.org/wp-content/uploads/2018/07/PJL_Asile_Immigration_Cimade_27072018.pdf

Larchanché, S. (2012) Intangible obstacles: Health implications of stigmatization, structural violence, and fear among undocumented immigrants in France. *Social Science & Medicine*. 74, pp. 858-863.

Lesselier, Claudie (2004) Femmes migrantes en France. Le genre et la loi. *Les Cahiers du CEDREF*. Vol. 12

Lesselier, Claudie (2008) Politiques d'immigration en France : appréhender la dimension de genre. *Les Cahiers du CEDREF*. Vol. 16.

Mai, N. (2016) 'Too Much Suffering': Understanding the Interplay Between Migration, Bounded Exploitation and Trafficking Through Nigerian Sex Workers' Experiences. *Sociological Research Online*, 21 (4), 13.

Manier, Marion (2013) « Cause des femmes vs cause des minorités : tensions autour de la question des « femmes de l'immigration » dans l'action publique française », *Revue européenne des migrations internationales* [En ligne], vol. 29 - n°4.

MIPROF (2018) Les violences au sein du couple et les violences sexuelles en France en 2017. La lettre de l'Observatoire National des Violences Faites aux Femmes, n°13. URL : https://www.stop-violences-femmes.gouv.fr/IMG/pdf/lettre_ONVF_-_no_6_-_mai_2015_-_violences_et_sante.pdf

MIPROF (2016) Mutilations sexuelles féminines : données et bonnes pratiques. La lettre de l'Observatoire National des Violences Faites aux Femmes, n°9. URL : https://stop-violences-femmes.gouv.fr/IMG/pdf/Lettre_ONVF_9_-_Mutilation_sexuelles_feminines_-_fev_2016.pdf

MIPROF (2015) Prostitution en France : ampleur du phénomène et impact sur les personnes prostituées. La lettre de l'Observatoire National des Violences Faites aux Femmes, n°7. URL : https://www.stop-violences-femmes.gouv.fr/IMG/pdf/Lettre_ONVF_no7_-_prostitution_-_oct_2015.pdf

MIPROF (2014) Mariages forcés : la situation en France. La lettre de l'Observatoire National des Violences Faites aux Femmes, n°3.

URL : <https://www.stop-violences-femmes.gouv.fr/no3-mariages-forces-la-situation.html>

Ministère des Droits des Femmes (2011) CHIFFRES-CLÉS 2011 de l'égalité entre les femmes et les hommes. Paris : Editions Dicom n°S 12-065. URL : https://femmes.gouv.fr/wp-content/uploads/2012/03/Chiffres_cles-egalite-2011.pdf

Moujoud, Nassima (2008) Effets de la migration sur les femmes et sur les rapports sociaux de sexe. Au-delà des visions binaires, Les cahiers du CEDREF [En ligne], 16.

Noblecourt, O. (2014) L'égalité pour les femmes migrantes. Paris : Ministère des Droits des Femmes. URL : <https://www.ladocumentationfrancaise.fr/var/storage/rapports-publics/144000126.pdf>

Noiriel, G. (1988). Le creuset français. Paris : Éd. du Seuil.

OECD (2015) *International Migration Outlook*. OECD Publishing

OFPRA (2017) A l'écoute du monde. Rapport d'activité 2017. Paris : OFPRA. URL : https://ofpra.gouv.fr/sites/default/files/atoms/files/ra_ofpra2017_web_0604.pdf

Philibert M, Deneux-Tharoux C, Bouvier-Colle M. (2008) Can excess maternal mortality among women of foreign nationality be explained by suboptimal obstetric care? *BJOG An International Journal of Obstetrics & Gynaecology*;115: 1411–1418.

Sauvegrain P, Stewart Z, Gonthier C, Saurel-Cubizolles MJ, Saucedo M, Deneux-Tharoux C, et al. (2017) Accès aux soins prénatals et santé maternelle des femmes immigrées. *Bull Epidemiol Hebd.*(19-20):389-95.

Sigona, Nando (2014) "The Politics of Refugee Voices: Representations, Narratives, and Memories." *Oxford Handbooks Online*. URL: <http://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199652433.001.0001/oxfordhb-9780199652433-e-011>

Yaouancq F., Lebrère A., Marpsat M., Régnier V., Legleye S, Quaglia M. (2013) « L'hébergement des sans-domicile en 2012. Des modes d'hébergement différents selon les situations familiales », *Insee première*, n° 1455.