

# After #MeToo: France Ignites its Combat Against Sexual and Domestic Violence

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## I. INTRODUCTION

Adèle Haenel was the first high profile French actress to speak publicly about sexual abuse in France’s film industry.<sup>1</sup> In an interview with French investigative website Mediapart, Haenel accused director Christophe Ruggia of abusing her when she was only twelve years old.<sup>2</sup> She said, amongst other things, that she was subjected to “permanent sexual harassment” by the significantly older director.<sup>3</sup> By the time she shared her story, the #MeToo movement was already two years old.<sup>4</sup> Her

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1. Elian Peltier, *Adèle Haenel: France ‘Missed The Boat’ on #MeToo*, N.Y. TIMES (Feb. 24, 2020), <https://www.nytimes.com/2020/02/24/movies/adele-haenel-france-metoo.html>.

2. Saskya Vandoorne, *French Film Star Adèle Haenel Accuses Director of Abuse*, CNN (Nov. 8, 2019), <https://www.cnn.com/2019/11/07/europe/adele-haenel-sexual-abuse-claims-intl/index.html> [<https://perma.cc/7CHM-2MNZ>].

3. *Id.*

4. Peltier, *supra* note 1.

story not only sparked intense and difficult conversations in France, but it also inspired other women to come forward, revealing shocking abuses in the fields of sports and literature.<sup>5</sup>

Despite the light that has been shined on sexual abuse and violence against women in France, Haenel is disappointed by what she considers to be a sluggish and inadequate response from the French government to tackle these issues.<sup>6</sup> She has even publicly urged President Emmanuel Macron to step up efforts in the battle against gendered sexual abuse in France.<sup>7</sup> Haenel's criticism of the French government's response sparks one main question that this Comment will attempt to answer: What efforts has the French government made to tackle sexual and domestic violence since the wake of the #MeToo movement?

## II. ORIGINS OF THE #METOO MOVEMENT AND THE FRENCH EQUIVALENT OF #BALANCETONPORC

There is a misconception that the #MeToo movement originated on October 5<sup>th</sup> 2017, the day the *New York Times* broke the story of famed Hollywood producer Harvey Weinstein and the numerous sexual harassment allegations against him.<sup>8</sup> While the Weinstein story certainly propelled #MeToo into the mainstream media, the term "Me Too" was actually coined by activist and sexual assault survivor Tarana Burke in 2006.<sup>9</sup> Burke started the original "Me Too" movement on Myspace in order to connect survivors of sexual assault to the resources they needed in order to heal.<sup>10</sup> Eleven years later and ten days after the Weinstein story broke, actress Alyssa Milano shared a friend's suggestion on Twitter that

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5. *Id.*; see also Constant Méheut, *French Ice Sports Chief Resigns Amid Sexual Abuse Scandal*, N.Y. TIMES (Feb. 8 2020), <https://www.nytimes.com/2020/02/08/world/europe/france-ice-sports-sexual-abuse.html>; Norimitsu Onishi, *A Pedophile Writer Is on Trial. So Are the French Elites.*, N.Y. TIMES (Feb. 11, 2020), <https://www.nytimes.com/2020/02/11/world/europe/gabriel-matzneff-pedophilia-france.html>.

6. Peltier, *supra* note 1.

7. *Id.*

8. Jodi Kantor & Megan Twohey, *Harvey Weinstein Paid Off Sexual Harassment Accusers for Decades*, N.Y. TIMES (Oct. 5, 2017), <https://www.nytimes.com/2017/10/05/us/harvey-weinstein-harassment-allegations.html?hp&action=click&pgtype=Homepage&clickSource=story-heading&module=a-lede-package-region&region=top-news&WT.nav=top-news>.

9. *#MeToo: A Timeline of Events*, CHI. TRIB. (Aug. 10, 2020), <https://www.chicagotribune.com/lifestyles/ct-me-too-timeline-20171208-htmstory.html> [<https://perma.cc/Z4CF-9FPC>].

10. Aisha Harris, *She Founded Me Too. Now She Wants to Move Past the Trauma*, N.Y. TIMES (Oct. 15, 2018), <https://www.nytimes.com/2018/10/15/arts/tarana-burke-metoo-anniversary.html>.

“women who have been sexually harassed or assaulted” write “Me Too.”<sup>11</sup> The #MeToo hashtag instantly went viral and it quickly turned into a global movement.<sup>12</sup>

On October 17, 2017 French journalist Sandra Muller tweeted about an inappropriate encounter with powerful French executive Éric Brion.<sup>13</sup> She tweeted “#balancetonporc! You too can recount by giving the name and details of a sexual harassment you have known in your job.”<sup>14</sup> A few hours later, she followed up with “[y]ou have big breasts. You are my type of woman. I will make you orgasm all night,” followed by Mr. Brion’s name and position.<sup>15</sup> The hashtag essentially invited women to tell their stories and, notably, to name names.<sup>16</sup> Some French commentators questioned the appropriateness of denouncing sexual harassment on social media, arguing that sexual harassment accusations should be taken to the courtroom instead.<sup>17</sup>

Yet, Muller inspired tens of thousands of French women to post disturbing accounts of sexual harassment and abuse, accompanied with the hashtag #BalanceTonPorc, or “Expose Your Pig” though most chose not to name their harassers.<sup>18</sup> In Italy, the hashtag #QuellaVoltaChe (“the time that”) also became a trend, though it did not have the impact that #BalanceTonPorc had in France.<sup>19</sup>

The Weinstein story had a particularly powerful effect in France for several reasons.<sup>20</sup> First, French actresses, including Florence Darel, Judith Godrèche, and Léa Seydoux, were among the dozens of women who initially accused Weinstein.<sup>21</sup> Second, and perhaps most importantly, France has long been infamous for its culture of celebrating sexual

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11. *Id.*

12. #MeToo: *A Timeline of Events*, *supra* note 9.

13. Dan Bilefsky & Elian Peltier, *France Considers Fines for Catcalls as Women Speak Out on Harassment*, N.Y. TIMES (Oct. 17, 2020), <https://www.nytimes.com/2017/10/17/world/europe/france-harassment-twitter-weinstein.html>; *see also* Sandra Muller, *France’s #MeToo Creator, Fined for Defamation*, BBC (Sept. 25, 2019), <https://www.bbc.com/news/world-europe-49824683> [<https://perma.cc/Y74T-VHHU>].

14. Muller, *supra* note 13.

15. *Id.*

16. Rachel Donadio, *#BalanceTonPorc Is France’s #MeToo*, THE ATLANTIC (Oct. 18, 2017), <https://www.theatlantic.com/international/archive/2017/10/the-weinstein-scandal-seen-from-france/543315/>.

17. Bilefsky & Pelier, *supra* note 13.

18. *Id.*

19. Donadio, *supra* note 16.

20. *See* Bilefsky & Pelier, *supra* note 13.

21. *Id.*

freedom, which has often resulted in widespread leniency for inappropriate behavior and unwanted advances.<sup>22</sup> But, because of #MeToo and #BalanceTonPorc, what was historically viewed in France as an expression of sexual freedom started to be taken seriously as sexual harassment.<sup>23</sup>

The success of the #BalanceTonPorc hashtag marked a significant shift in France, a country where chauvinistic culture has historically allowed powerful men to misbehave without fear of any significant repercussions.<sup>24</sup> President Emmanuel Macron even stripped Weinstein of France's highest award, the Legion of Honor, for his work promoting foreign cinema in the United States.<sup>25</sup> Although #BalanceTonPorc was a step in the right direction, many people like Adèle Haenel still believe that more actions need to be taken in order to fully address the problem of sexual and domestic violence in France.<sup>26</sup>

### III. OVERVIEW OF VIOLENCE AGAINST WOMEN IN THE EU

Violence against women is a pervasive problem across the EU.<sup>27</sup> The European Parliamentary Research Service (EPRS) defines violence against women as “all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women.”<sup>28</sup> The EPRS specifies that violence takes many forms, including psychological violence, harassment, and physical and sexual violence.<sup>29</sup>

In 2014, the EU Agency for Fundamental Rights published the most comprehensive survey on violence against women at the EU level.<sup>30</sup> The survey, based on interviews with 42,000 women from all 28 EU Member States, detailed their experiences of physical and sexual violence, sexual

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22. Sarah Wildman, *France's #MeToo Campaign May Come with Legislation*, VOX (Oct. 18, 2017, 1:30 PM), <https://www.vox.com/world/2017/10/18/16490818/france-me-too-weinstein-sexual-harassment>.

23. Bilefsky & Pelier, *supra* note 13.

24. *See id.*; *see also* Donadio, *supra* note 16.

25. Bilefsky & Peltier, *supra* note 13.

26. *See id.*; *see also* Peltier *supra* note 1.

27. ROSAMUND SHREEVES & MARTINA PRPIC, VIOLENCE AGAINST WOMEN IN THE EU 2 (2019) [https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/644190/EPRS\\_BRI\(2019\)644190\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/644190/EPRS_BRI(2019)644190_EN.pdf) [<https://perma.cc/BPP7-TVF9>]; *see also* Violence Against Women: An EU-Wide Survey Main Results 3 (2014) [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2014-vaw-survey-main-results-apr14\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-vaw-survey-main-results-apr14_en.pdf) [<https://perma.cc/Y2E8-8H24>].

28. SHREEVES & PRPIC, *supra* note 27, at 2.

29. *Id.*

30. VIOLENCE AGAINST WOMEN: AN EU-WIDE SURVEY MAIN RESULTS, *supra* note 27.

harassment and stalking since the age of 15.<sup>31</sup> The findings were alarming.<sup>32</sup> They showed that 1 in 3 women has experienced some form of physical and/or sexual violence since the age of 15, 1 in 10 women has experienced some form of sexual violence since the age of 15, and 1 in 20 has been raped.<sup>33</sup> The findings also showed that, in the workplace, 75% of women in qualified professions or senior management jobs and 61% of women employed in the service sector have been sexually harassed.<sup>34</sup>

The EU has made some efforts to tackle the problem of violence against women.<sup>35</sup> For example, the Treaty on European Union (TEU) affirms the principle of gender equality and non-discrimination.<sup>36</sup> Additionally, the Charter of Fundamental Rights includes specific provisions on people's right to physical and mental integrity, banning any form of discrimination on the grounds of sex.<sup>37</sup> Further, the Treaty on the Functioning of the European Union (TFEU) affirms the political commitment of Member States to combat all forms of domestic violence.<sup>38</sup> Although combating gender-based violence is one of the priorities in the EU's Strategic Engagement for Gender Equality for 2016-2019, the EU has no legally binding instrument specifically aimed at protecting women from violence.<sup>39</sup> Thus, Member States have adopted different approaches to address the problem.<sup>40</sup>

#### IV. "FRANCE'S SHAME"

France has one of the highest domestic violence rates in Europe.<sup>41</sup> President Macron has called the problem "France's shame."<sup>42</sup> Although

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31. *Id.*

32. *Id.*

33. *Id.*

34. *Id.*

35. SHREEVES & PRPIC, *supra* note 27, at 1.

36. See Consolidated Version of the Treaty on European Union, art. 2, Oct. 26, 2012, 2012 O.J. (C 326) 1.

37. Charter of Fundamental Rights of the European Union art. 3, 21, Dec. 18, 2000, 2000 O.J. (C 364) 9, 13.

38. SHREEVES & PRPIC, *supra* note 27, at 5; see also Consolidated Version of the Treaty on the Functioning of the European Union, art. 8, May 9, 2008, 2008 O.J. (C 326) 7.

39. SHREEVES & PRPIC, *supra* note 27, at 5.

40. *Id.* at 1.

41. Claire Parker, *France Pledges Nearly \$400 Million to Stop Deadly Domestic Violence*, USA TODAY (Nov. 25, 2019), <https://www.usatoday.com/story/news/world/2019/11/25/france-makes-pledge-elimination-violence-against-women-day/4296922002/> [<https://perma.cc/FP6H-7ELX>] [hereinafter Parker I].

42. *Id.*

women are not the only victims of domestic violence in France, they make up the vast majority.<sup>43</sup> A woman is killed in France by a partner or a former partner every three days, one of the highest rates in Western Europe.<sup>44</sup> An estimated 219,000 women between the ages of 18-75 are the targets of physical or sexual violence by current or former partners.<sup>45</sup> According to a 2014 EU survey of 42,000 women across EU countries, 26% of French women who partook in the survey said they had been either physically or sexually abused by a partner since the age of 15.<sup>46</sup> Although below the global average of 30%, it's four percentage points above the EU average, and the sixth highest among EU countries.<sup>47</sup>

To make matters worse, police officers in France are often unprepared to deal with cases of domestic violence.<sup>48</sup> Police inaction made national headlines in France in September 2019, after President Macron visited the national domestic violence hotline.<sup>49</sup> During his visit, Macron listened in on a call with a woman whose husband had threatened to kill her.<sup>50</sup> To Macron's dismay, the police officer whom answered her call refused to help her.<sup>51</sup> Such responses are fairly commonplace in Europe due to the mentality that domestic violence is a private matter.<sup>52</sup> However, police inaction is particularly bad in France, where police do very little to protect women who turn to them for protection.<sup>53</sup> It often takes between three weeks and two months for authorities to act on a complaint.<sup>54</sup> The Justice Ministry published a report in November of 2019 that found that

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43. Claire Parker, *French Women Demand Action Amid High Domestic Violence Rate*, AP NEWS (Nov. 22, 2019), <https://apnews.com/3556845f3ab74186a26cc6d10739f9ca> [hereinafter Parker II].

44. Laure Fourquet, *As Deaths Mount, France Tries to Get Serious About Domestic Violence*, N.Y. TIMES (Sept. 3, 2019), <https://www.nytimes.com/2019/09/03/world/europe/france-domestic-violence.html>.

45. Aurelien Breeden, *France Announces New Measures to Tackle Domestic Violence*, N.Y. TIMES (Nov. 25, 2019), <https://www.nytimes.com/2019/11/25/world/europe/france-domestic-violence.html>.

46. Parker I, *supra* note 41; *see also* European Union Agency for Fundamental Rights *supra* note 27.

47. Parker I, *supra* note 41.

48. Parker II, *supra* note 43.

49. Angelique Chrisafis, *Macron Hears Police Officer Refuse to Help Woman in Danger*, THE GUARDIAN (Sept. 4, 2019), <https://www.theguardian.com/society/2019/sep/04/macron-hears-police-officer-refuse-to-help-woman-in-danger> [https://perma.cc/8497-BKWA].

50. Parker II, *supra* note 43.

51. Chrisafis, *supra* note 49.

52. Parker II, *supra* note 43.

53. *Id.*

54. *Id.*

eighty percent of domestic violence complaints sent to prosecutors went uninvestigated.<sup>55</sup>

In 2018, a study conducted by Fondation Jean Jaurès, a Paris-based think tank, found that 1 in 8 women in France have been raped at least once in their lifetime.<sup>56</sup> It also found that 4 million women, or 12% of the country's female population, have been victims of penetrative sexual violence.<sup>57</sup> As the EPRS points out, violence can also take the form of harassment.<sup>58</sup> The study conducted by Fondation Jean Jaurès showed that 58% of the women in the study had suffered inappropriate behavior, and 43% had been touched without their consent.<sup>59</sup> Half of the women in the study said they had been verbally insulted or the target of sexist remarks.<sup>60</sup> Another study found that an estimated one million women in France have suffered sexual harassment in a public space.<sup>61</sup> France's National Observatory of Crime and Criminal Justice (ONDRP) found that 267,000 people, 85% of whom were women, were sexually harassed on public transport between 2014 and 2015.<sup>62</sup> The harassment came in many forms, including kissing, groping, flashing, and rape.<sup>63</sup> Verbal sexual harassment has become so pervasive in France that a law was enacted to protect people, mainly women, from this type of behavior.<sup>64</sup>

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55. Megan Clement, *Why Has it Been Such a Deadly Year for French Women?*, AL JAZEERA (Nov. 25, 2019), <https://www.aljazeera.com/indepth/features/deadly-year-french-women-191124060516095.html> [<https://perma.cc/4DWD-5GT2>].

56. Lucy Pasha-Robinson, *One in Eight French Women Say They Have Been Raped, Finds Study*, INDEPENDENT (Feb. 23, 2018), <https://www.independent.co.uk/news/world/europe/french-women-rape-france-sexual-violence-study-metoo-balance-ton-porc-a8225711.html> [<https://perma.cc/S8M9-74SN>].

57. *Id.*

58. SHREEVES & PRPIC, *supra* note 27, at 2.

59. Pasha-Robinson, *supra* note 56.

60. *Id.*

61. Kim Willsher, *Moi Aussi? Conflicted France at Last Tackles Sexual Harassment*, THE GUARDIAN (June 1, 2019), <https://www.theguardian.com/world/2019/jun/01/france-sex-abuse-police-chatline-me-too> [<https://perma.cc/3B9H-4HF5>].

62. Zoe Tabary, *More Than 220,000 Women Sexually Harassed on French Public Transport over Two Years*, INDEPENDENT (Dec. 28, 2017), <https://www.independent.co.uk/news/world/europe/france-women-sexually-harassed-public-transport-stats-a8132041.html>.

63. *Id.*

64. See Bridget Read, *In France, Catcalling Is Now Illegal*, VOGUE (Aug. 3, 2018), <https://www.vogue.com/article/france-outlaws-catcalling-street-harassment-illegal> [<https://perma.cc/KQ-Q8-4L84>].

V. WHAT HAS FRANCE DONE? “OUTRAGE SEXISTE” LAW AND OTHER MEASURES TO PREVENT SEXUAL AND DOMESTIC VIOLENCE

The #MeToo (or #BalanceTonPorc) Movement highlighted the pervasiveness of sexual and domestic violence in France.<sup>65</sup> Consequently, the French government, facing mass scrutiny, was forced to recognize the prevalence of sexual and domestic violence in the country.<sup>66</sup> However, the French government did not stop at merely acknowledging the problem as something that needed to be addressed, it actually implemented new laws and measures designed to tackle the problem head on.<sup>67</sup>

A. “*Outrage Sexiste*” Law

On July 27, 2018, Marie Laguerre, a twenty-two-year-old architecture student, was accosted in the streets of Paris by a man making dirty noises and comments.<sup>68</sup> Instead of ignoring the man’s behavior, like most women have been conditioned to do, Laguerre bravely told the man to shut up.<sup>69</sup> In response, the man hurled an ashtray towards Laguerre, which missed her head by a few inches, and then walked towards her and slapped her across the face in front of a dozen witnesses.<sup>70</sup> Laguerre promptly uploaded footage of the incident to YouTube.<sup>71</sup> In only forty-eight hours, the video was watched over a million times, igniting intense outrage across France.<sup>72</sup>

Catcalling is now illegal in France.<sup>73</sup> In March of 2018, France’s junior minister for gender equality, Marlène Schiappa, helped propose the landmark law against sexist and sexual violence.<sup>74</sup> Schiappa began consulting on her law after the Weinstein scandal broke and the #MeToo movement exploded.<sup>75</sup> Although countries such as South Korea, Chile,

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65. See Bilefsky & Peltier, *supra* note 13.

66. See *id.*; see also Breeden, *supra* note 45.

67. Breeden, *supra* note 45; see also Read, *supra* note 64.

68. Ciara Nugent, *France’s Gender Equality Minister Has Already Cracked Down on Catcalling and Online Abuse. She’s Just Getting Started*, TIME (Aug. 7, 2018), <https://time.com/5358798/marlene-schiappa-interview-harassment/> [<https://perma.cc/6KLU-K3JH>].

69. Casey Quackenbush, *Viral Video of a Man Slapping a Woman in Public Sparked Outrage Across France*, TIME (July 30, 2018), <https://time.com/5353530/france-cafe-harassment-video/> [<https://perma.cc/G63M-LF5T>].

70. *Id.*

71. Nugent, *supra* note 68.

72. *Id.*

73. Read, *supra* note 64.

74. Nugent, *supra* note 68.

75. *Id.*



and the United States have had responded to the #MeToo movement in different ways, France, largely thanks to Schiappa's efforts, is one of the first countries that attempted to channel the outrage that the #MeToo movement created in order to create permanent legislative change.<sup>76</sup> The law was passed on August 1, 2018, four days after Marie Laguerre was attacked in the streets of Paris.<sup>77</sup> The law outlaws verbal harassment such as catcalls and unwanted, sexually aggressive speech and allows for on-the-spot fines of up to €750 for such behavior.<sup>78</sup>

On September 27, 2018 the law was invoked for the first time to fine a man who made unwanted sexual remarks to a woman on a bus in the suburbs of Paris.<sup>79</sup> Although the law was criticized in the National Assembly for focusing on what many thought to be a "superficial" problem compared to rape, sexual assault, and domestic violence, many said that the law encourages women to report instances of public harassment that would have otherwise been shrugged off as part of the status quo.<sup>80</sup> The law's supporters seemed to have been correct in their assessment—the law resulted in more than 700 fines in its first year.<sup>81</sup>

### B. *New Measures to Combat Sexual Violence*

It is important to note that Schiappa's law is a part of tighter legislation designed to combat sexual violence in France.<sup>82</sup> Its goal is to better prevent sexual violence and to help victims in taking action against their aggressors.<sup>83</sup> The law also addresses consent for victims of sexual

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76. *Id.*

77. Richard Lough, *France Outlaws Lewd Cat-calls to Women in Public Amid Attack Uproar*, REUTERS (Aug. 2, 2018, 4:47 AM), <https://www.reuters.com/article/us-france-politics-sexcrimes/france-outlaws-lewd-cat-calls-to-women-in-public-amid-attack-uproar-idUSKBN1KN18T>.

78. Alissa Rubin, *France's New Law Against Sexist Catcalls Gets Its First Conviction*, N.Y. TIMES (Sept. 27, 2018), <https://www.nytimes.com/2018/09/27/world/europe/france-sexual-harassment-law.html>.

79. *Id.*

80. *Id.*

81. *France Fines More Than 700 Men in First Year of Anti Sexual Harassment Law*, THE LOCAL FRANCE (Aug. 7, 2019), <https://www.thelocal.fr/20190807/france-fines-more-than-700-men-in-first-year-of-anti-sexual-harassment-law>.

82. *Législation Contre Les Violences Faites aux Femmes*, MINISTÈRE CHARGÉ DE L'ÉGALITÉ ENTRE LES FEMMES ET LES HOMMES, DE LA DIVERSITÉ ET DE L'ÉGALITÉ DES CHANCES, <https://www.egalite-femmes-hommes.gouv.fr/dossiers/lutte-contre-les-violences/la-legislation/> [https://perma.cc/PG5B-9PQP] (last visited Apr. 1, 2020).

83. See Louise Nordstrom, *Misdemeanor or Rape? Revised French Bill on Child Sex Sparks Outrage*, FRANCE 24 (May 14, 2018), <https://www.france24.com/en/20180514-france->

violence.<sup>84</sup> The previous law made it illegal for an adult to “have sexual contact” with a minor under the age of fifteen, but it was not considered rape.<sup>85</sup> An initial draft of the bill said that minors under the age of fifteen would be assumed not to have given consent to sex with an adult.<sup>86</sup> However, the Conseil d’Etat, France’s highest legal authority, advised that that version could be deemed unconstitutional because it could violate a defendant’s presumption of innocence.<sup>87</sup> Therefore, the law was changed.<sup>88</sup>

The law now states that sex between an adult and a minor aged fifteen or under can be considered rape if the minor was judged not competent to give consent.<sup>89</sup> Consequently, there is still no legal age of sexual consent in France given that the bill outlaws sex between an adult and a minor under fifteen, but leaves open the possibility that a minor is capable of consenting to sex.<sup>90</sup> For example, when a minor is deemed competent to give consent, judges can classify the incident as “sexual assault,” which would result in a prison sentence of up to ten years.<sup>91</sup> On the other hand, if a judge finds that the victim “lack[ed] the ability to consent” the incident could be classified as rape, and offenders would receive a maximum sentence of twenty years in prison.<sup>92</sup> Emmanuel Macron’s party, *La République en Marche*, was heavily criticized by opposition parties for missing the opportunity to place into law an age of consent.<sup>93</sup>

“Rape” is defined under French Law as “any act of sexual penetration, whatever its nature, committed on the person of another by violence, constraint, threat or surprise.”<sup>94</sup> However, because there is no legal age of consent in France, there is no presumption of coercion if a

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revised-bill-law-child-sex-rape-age-consent-misdemeanour-protection-minors-abuse [https://perma.cc/J8Y6-7BVQ].

84. Read, *supra* note 64.

85. Nordstrom, *supra* note 83.

86. Lough, *supra* note 77.

87. *Id.*; see also Nordstrom, *supra* note 83.

88. See Lough, *supra* note 77.

89. *Id.*

90. Chloe Farand, *France Votes Against Setting Minimum Age of Sexual Consent Amid Backlash*, INDEPENDENT (May 17, 2018), <https://www.independent.co.uk/news/world/europe/france-sex-age-consent-minimum-national-assembly-vote-15-rape-a8355516.html>.

91. *Id.*

92. *Id.*

93. *Id.*

94. CODE PÉNAL [C. PÉN.] [PENAL CODE] art. 22-23 (Fr.).

minor is involved.<sup>95</sup> The importance of having a specific age of consent cannot be overstated. It would mean that children below a specific age could never be considered to have consented to sex.<sup>96</sup> In other words, the element of “coercion” would cease to be a hurdle in rape cases involving minors.<sup>97</sup>

One particular case involving an eleven-year-old girl generated outrage in France and put the law and its shortcomings in the spotlight.<sup>98</sup> The girl met a twenty-eight-year-old man in a park north of Paris in April of 2017.<sup>99</sup> Then, the man took her home and had oral and vaginal sex with her.<sup>100</sup> Initially, the man faced charges of “sexual infraction,” a crime that is punishable with a maximum of only five years in jail and a €75,000 fine.<sup>101</sup> The man’s lawyers conceded that the sexual encounter occurred, but argued that the eleven-year-old girl was capable of giving consent.<sup>102</sup> However, the judge eventually ordered that rape charges be filed.<sup>103</sup>

In addition to outlawing sexual harassment in the streets and providing that sex between an adult and a minor aged fifteen or under can be considered rape if the minor is not deemed competent to give consent, the law also extends the deadline for underage victims of rape to file complaints.<sup>104</sup> Underage rape victims now have until the age of forty-eight to file a rape complaint, an increase of ten years from the previous deadline of thirty-eight.<sup>105</sup> The law aims to reinforce the protection of minors who are victims of sexual violence committed by adults and it also addresses new forms of aggression including digital attacks on social media, voyeurism, and rape drugs.<sup>106</sup> In sum, the law, according to the French government, strengthens the fight against sexual and gender-based

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95. Marie Doezema, *France, Where Age of Consent Is Up for Debate*, THE ATLANTIC (Mar. 10, 2018), <https://www.theatlantic.com/international/archive/2018/03/frances-existential-crisis-over-sexual-harassment-laws/550700/>.

96. *Id.*

97. *See id.*

98. *Id.*

99. *Id.*

100. *Id.*

101. *Id.*

102. *Id.*

103. *Id.*

104. *Législation Contre Les Violences Faites aux Femmes*, *supra* note 82.

105. *France Drafts Sexual Violence, Abuse and Harassment Prevention Bill*, DW (Mar. 21, 2018), <https://www.dw.com/en/france-drafts-sexual-violence-abuse-and-harassment-prevention-bill/a-43062131> [<https://perma.cc/S7SX-P384>].

106. *Législation Contre Les Violences Faites aux Femmes*, *supra* note 82.

violence.<sup>107</sup> It aims to suppress sexual and gender-based violence in order to protect those who are disproportionately affected: women and children.<sup>108</sup>

C. *New Measures to Combat Domestic Violence*

On November 21, 2019, thousands of people took to the streets of Paris to protest against gender-based violence in France.<sup>109</sup> Prime Minister Édouard Philippe acknowledged the pervasiveness of violence against women in France, stating that there had been a “collective silence” in France for far too long.<sup>110</sup> Days after the protest, Philippe unveiled a set of measures aimed at preventing deadly domestic violence against women.<sup>111</sup> The French government planned to “increase efforts in schools to raise awareness of gender-based violence, open a round-the-clock domestic violence hotline, hire more specialized social workers in police stations, and increase treatment of violent partners to avoid repeat offenses.”<sup>112</sup>

Most importantly, Philippe said that the government would change the law to recognize that victims of abuse can be under the psychological control of their abusers and could thus be unable to act autonomously.<sup>113</sup> In other words, the law would recognize psychological forms of harassment that can often lead to physical violence.<sup>114</sup> The measures would aid in better defining domestic violence in French law and toughen penalties by heralding “an aggravating circumstance” in cases where partners harass women to the point of attempting suicide.<sup>115</sup> Philippe said that these measures would tell women that they “are not the origin of what is happening, [they] are the victims.”<sup>116</sup>

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107. *Loi renforçant la lutte contre les violences sexuelles et sexistes*, GOUVERNEMENT, (July 3, 2019), <https://www.gouvernement.fr/action/loi-renforçant-la-lutte-contre-les-violences-sexuelles-et-sexistes> [<https://perma.cc/6E7B-PFTE>].

108. *Id.*

109. Breeden, *supra* note 45.

110. *Id.*

111. Kim Willsher, *French PM on Back Foot Over Domestic Violence Amid Fury Over Inaction*, THE GUARDIAN (Nov. 25, 2019), <https://www.theguardian.com/world/2019/nov/25/french-pm-on-back-foot-over-domestic-violence-amid-fury-over-inaction> [<https://perma.cc/92A4-GQ54>].

112. Breeden, *supra* note 45.

113. *Id.*

114. *France Unveils New Measures to Fight Deadly Domestic Violence*, FRANCE 24 (Nov. 25, 2019), <https://www.france24.com/en/20191125-france-unveils-new-measures-to-fight-deadly-domestic-violence> [<https://perma.cc/GXW4-CT3H>].

115. *Id.*

116. Breeden, *supra* note 45.

Additionally, Phillippe promised to remove firearms from the hands of abusive spouses and better train police in responding to domestic violence incidents.<sup>117</sup> The government also plans to create 1,000 new places in shelter for victims of domestic violence and to expand the use of electronic bracelets that help enforce restraining orders and prevent abusers from approaching their victims.<sup>118</sup> Further, Phillippe said that the government would relax confidentiality restrictions for doctors in cases where victims are in “immediate danger” of repeated violence.<sup>119</sup> This would allow medical practitioners to flag cases to legal authorities without a patient’s consent.<sup>120</sup> Currently, doctors are only allowed to flag cases without a patient’s consent when the patient is a minor, or is “vulnerable,” meaning when a person is disabled or when a life is at imminent risk.<sup>121</sup> These measures are part of a package aimed at reducing the number of women killed by their partners.<sup>122</sup>

The government allocated 360 million euros to combat domestic violence as part of a 1-billion-euro budget set aside for gender equality.<sup>123</sup> However, feminist organizations in France were not convinced by these measures, claiming that without additional public funds, nothing would change.<sup>124</sup> Feminists and advocacy groups denounced the fact that the government allocated the same budget in 2020 as they did in 2019.<sup>125</sup> A 2018 report from the High Council for Gender Equality<sup>126</sup> (*Haut Conseil à l’Égalité entre les Femmes et les Hommes*), a governmental advisory body, determined that it would take a minimum of 500 million euros annually to successfully reduce domestic violence.<sup>127</sup> Yet, despite the scrutiny, it is clear that the French government has taken concrete measures to tackle sexual and domestic violence in France.<sup>128</sup>

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117. *France Unveils New Measures to Fight Deadly Domestic Violence*, *supra* note 114.

118. *Id.*

119. Breeden, *supra* note 45.

120. *Id.*

121. *Id.*

122. *France Unveils New Measures to Fight Deadly Domestic Violence*, *supra* note 114.

123. Willsher, *supra* note 111.

124. *Id.*

125. *Id.*; *see also* Breeden, *supra* note 45.

126. HIGH COUNCIL FOR GENDER EQUALITY, OÙ EST L’ARGENT CONTRE LES VIOLENCES FAITES AUX FEMMES? (2018), [https://www.haut-conseil-egalite.gouv.fr/IMG/pdf/rapport-ou\\_est\\_argent-vf.pdf](https://www.haut-conseil-egalite.gouv.fr/IMG/pdf/rapport-ou_est_argent-vf.pdf) [<https://perma.cc/QC9Y-96VD>].

127. Breeden, *supra* note 45.

128. *See* Willsher, *supra* note 111; *see also* Doezema, *supra* note 95.

## VI. CONCLUSION: HAS FRANCE DONE ENOUGH?

As much progress as the French government seems to have made over the past two years on its efforts against sexual and domestic violence, French society has demonstrated that it is still willing to forgive sexual and domestic violence offenders. On February 28, 2020, Roman Polanski, convicted rapist, won one of the top prizes in the César Awards, France's equivalent of the Academy Awards.<sup>129</sup> Adèle Haenel and several other actors walked out of the awards in protest.<sup>130</sup> As she left, Ms. Haenel shouted "well done, pedophilia."<sup>131</sup> Earlier that month, Ms. Haenel had denounced Polanski's nominations, stating that "[d]istinguishing Polanski is spitting in the face of all victims . . . [i]t means raping women isn't that bad."<sup>132</sup> It is hard to disagree with Haenel, considering she was subjected to sexual harassment by a French director when she was only twelve years old.<sup>133</sup>

Polanski's win not only reignited debates on sexual harassment and sexual violence, but it also rekindled an age-old debate about the question of "separating the man from the artist."<sup>134</sup> The spilt in French society concerning Polanski's nominations and win is demonstrated by the fact that protesters gathered outside the Paris concert hall that hosted the César Awards, waving placards that read "[s]hame on an industry that protects rapists" while Polanski's nominated film topped the French box office after its release.<sup>135</sup>

Yet, it is clear that #MeToo movement took France, a country long known for its culture of celebrating sexual freedom, by storm.<sup>136</sup> It inspired

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129. Salvador Hernandez, "Portrait of a Lady on Fire" Actress Adèle Haenel Stormed Out of an Awards Ceremony After Roman Polanski Won, BUZZFEED NEWS (Feb. 29, 2020), <https://www.buzzfeednews.com/article/salvadorhernandez/adele-haenel-cesar-awards-roman-polanski> [<https://perma.cc/688X-3ZEX>].

130. Cole Delbyck, *Stars Walk Out of French Award Show in Protest After Roman Polanski Wins*, HUFFINGTON POST (Mar. 1, 2020), [https://www.huffpost.com/entry/stars-walk-out-ad%C3%A8le-haenel-roman-polanski-cesar-awards\\_n\\_5e5bcde6c5b6010221128bb2](https://www.huffpost.com/entry/stars-walk-out-ad%C3%A8le-haenel-roman-polanski-cesar-awards_n_5e5bcde6c5b6010221128bb2) [<https://perma.cc/RX5H-V2HR>].

131. Alex Marshall, *Actors Walk Out After Roman Polanski Wins Best Director at France's Oscars*, N.Y. TIMES (Feb. 28, 2020), <https://www.nytimes.com/2020/02/28/movies/roman-polanski-cesar-awards-france.html>.

132. *Id.*

133. Vandoorne, *supra* note 2.

134. See Florence Villeminot, *Does Polanski's César Award Highlight a Deep Problem in French Society?*, FRANCE 24 (May 3, 2020), <https://www.france24.com/en/20200305-french-connections-does-polanski-s-c%C3%A9sar-award-highlight-a-deep-problem-in-french-society> [<https://perma.cc/6TTB-RKNN>].

135. See Marshall, *supra* note 131.

136. See Wildman, *supra* note 22.

thousands of Frenchwomen to share shocking accounts of sexual harassment and abuse on social media.<sup>137</sup> Consequently, it became abundantly clear to the public that France has a pervasive sexual and domestic violence problem.<sup>138</sup> Indeed, as previously mentioned, France has one of the highest domestic violence rates in Europe.<sup>139</sup> Twelve percent of women in France have been victims of penetrative sexual violence and over 220,000 women were sexually harassed in public transport in France over two years.<sup>140</sup> The government could no longer afford to ignore the problem.

Although French actress Adèle Haenel has criticized the French government for its inadequate response to the country's problem of sexual and domestic violence, it is evident that the French government has made a significant effort to tackle these issues in the wake of the #MeToo movement.<sup>141</sup> For example, it took the drastic step of outlawing street sexual harassment, a significant problem in France that affects women's day-to-day lives.<sup>142</sup> Additionally, the French government revealed a set of measures aimed at preventing deadly domestic violence against women including a change in the law to recognize that victims of abuse can be under the psychological control of their abusers and could thus be unable to act autonomously.<sup>143</sup> It also extended measures to protect minors from rape.<sup>144</sup>

Of course, the French government could always do more to address sexual and domestic violence in the country—it could expand its budget for domestic violence and gender equality and pass a legal age of consent. However, it cannot be denied that the French government is actively battling against sexual and domestic violence, especially now that we live in a post-#MeToo era.<sup>145</sup>

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137. See Bilefsky & Peltier, *supra* note 13.

138. See Breedon, *supra* note 45.

139. Parker, *supra* note 41.

140. Pasha-Robinson, *supra* note 56; see also Tabary, *supra* note 62.

141. See Peltier, *supra* note 1; see also France Unveils New Measures to Fight Deadly Domestic Violence, *supra* note 114; see also Read, *supra* note 64.

142. See Read, *supra* note 64.

143. See France Unveils New Measures to Fight Deadly Domestic Violence, *supra* note 114; see also Breedon, *supra* note 45.

144. See Nordstrom, *supra* note 83.

145. See Willsher, *supra* note 111; see also Doezema, *supra* note 95.