

The judicial treatment of sexual and domestic violence in France

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Despite the collective awareness raised by the #MeToo movement in October 2017, violence against women remains frequent. In a context of greater freedom of speech and increased mobilization of public authorities, cases of sexual and domestic violence brought to the attention of the justice system have never been so numerous. However, the response given by the judiciary to such violence has been subject to many criticisms. This note seeks to provide new insights into the judicial treatment of violence against women and its evolution over time. It is based on unprecedented administrative data, recently made available for research, which covers the vast majority of criminal cases handled by public prosecutors' offices in French courts and that were concluded between 2012 and 2021. The data show that the low prosecution rate is not specific to cases of sexual and domestic violence. However, these cases are predominantly being dismissed due to a lack of evidence, even though the perpetrator is often known and identified. In the context of an increasing number of cases registered by the justice system since 2017, significant disparities are emerging regarding the judicial treatment of sexual and domestic violence. While we observe a trend towards harsher penal responses for domestic violence, this is not the case for sexual violence, whose dismissal rate continues to rise.

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- This note is based on unprecedented administrative data covering the vast majority of criminal cases processed by public prosecutors' offices between 2012 and 2021.
- As with most criminal offenses, the rate of dismissal is high, affecting 86 % of cases of sexual violence and 72 % of cases of domestic violence. For other offenses involving crimes against persons, this figure stands at 85 %.
- While criminal offenses are predominantly dismissed because the perpetrator is unknown, cases of sexual and domestic violence are mainly marked as "insufficiently characterized" by the public prosecutor's office and dismissed due to a lack of evidence.
- However, perpetrators who are prosecuted are often convicted, with harsher sentences imposed for sexual violence than for other crimes against persons.
- The number of cases of sexual and domestic violence handled by the justice system has risen sharply since 2017.
- While the proportion of domestic violence cases dismissed decreased from 73 % in 2012 to 67 % in 2020, the opposite trend is observed for sexual violence cases. During the same period, the proportion of rape cases dismissed increased from 82 % to 94 %.
- The increase in prosecutions of domestic violence perpetrators came along with greater sentence severity.



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In France, nearly 15 % of women aged between 20 and 69 report having been victims of rape, attempted rape, or another form of sexual assault at least once in their life-time. Regarding domestic violence, 6 % report having suffered psychological, physical, and/or sexual harm¹ more or less repeatedly by a partner throughout their marital life (Brown et al., 2021).

The costs induced by these violences are considerable, not only for the victims themselves, but also for public services and society as a whole. The detrimental and long-lasting consequences on the physical and mental health of victims, as well as their educational or professional trajectories, are now the subject of numerous studies.

Reducing the prevalence of violence against women is therefore a priority for many governments and international organizations. Yet, this violence remains largely unpunished, particularly due to significant under-reporting and a weak judicial response. According to figures from the victimization survey *Cadre de Vie et Sécurité* conducted by Insee, only one in ten victims of sexual violence files a complaint, and less than one in five do so for domestic violence (Bernardi et al., 2019). Moreover, it is estimated that only 10 % to 15 % of rape complaints result in a criminal conviction, and that only 1 % to 2 % of rape offenders reported by victims in victimization surveys are convicted in criminal courts in France (Le Goaziou, 2019).

This weak penal response can have a significant impact on the perception of justice in France, undermining confidence in its functioning and its deterrent effectiveness. In a context where public authorities encourage victims to report to the police to combat such violence, the judicial treatment that follows constitutes a major challenge for public policies. However, the judicial handling of sexual and gender-based violence, on which there is a lack of data and useful information for public debate, is the subject of significant controversies.

This note aims to document the judicial treatment of violence against women using exceptionally rich administrative data on nearly all criminal cases handled by the public prosecutors' offices in France between 2012 and 2021 and that have recently become accessible for research purposes (see box 1). It also highlights the divergences in the treatment of cases of sexual violence and domestic violence over recent years.

¹In French law, sexual violence refers to any sexual act committed with violence, coercion, threat, or surprise. It can take various forms, such as sexual assault, rape, or sexual harassment – all legally punishable. Domestic violence refers to all forms of violence (physical, sexual, psychological, and economic) committed within married, civil partnerships, cohabiting, or separated couples, also punishable by law.

A description of criminal cases of sexual and domestic violence

What violence are we talking about?

Between 2012 and 2021, cases of sexual and domestic violence accounted for a total of around one million cases, representing 4 % of all criminal cases completed in this period (either dismissed or prosecuted in the correction court or juvenile court) and 16 % of crimes against persons. This rate steadily increased throughout the period, rising from 3.2 % in 2012 to 5.4 % in 2021 (and from 14 to 19 % of crimes against persons). Table 1 shows that two-thirds of these cases involve domestic violence, which are predominantly physical violence, threats, or blackmail². Regarding sexual violence, 34 % are rapes, 62 % are sexual assaults (mainly on minors), and 4 % are cases of sexual harassment³.

Table 1: Distribution of cases handled by public prosecutors' offices (concluded between 2012 and 2021)

Main crime category	Number of cases	Distribution of cases
Sexual violence	385,482	35 %
<i>Including:</i>		
Rape	132,251	34 %
Against adults	71,768	18 %
Against minors	60,483	16 %
Sexual assault	237,561	62 %
Against adults	85,728	22 %
Against minors	151,833	40 %
Sexual harassment	15,670	4 %
Domestic violence	724,993	66 %
Total	1,100,402	100 %

Source: Cassiopée statistical file, calculations made by the author.
Scope: Criminal cases handled by public prosecutors' offices between 2012 and 2021, either dismissed or completed at first instance in the correction court or juvenile court during the same period. These cases are identified by their main criminal qualification upon arrival in the justice system.
Reading: Nearly 385,000 cases of sexual violence and 725,000 cases of domestic violence were either dismissed or completed at first instance in the correction court or juvenile court between 2012 and 2021. 35 % of these cases involved at least one instance of sexual violence, with 62 % related to sexual assaults (22 % against adults and 40 % against minors).
Note: Some cases for which multiple criminal qualifications are provided may involve both sexual violence and domestic violence. When multiple criminal qualifications of sexual violence are provided, the most severe offense is considered.

²Among cases of domestic violence where the nature of the violence is known, around 5 % involve sexual violence.

³Rape is considered a crime under the law and should therefore be judged in the criminal court. However, a relatively significant proportion of rapes are requalified either upon arrival at the public prosecutor's office or at the conclusion of the investigation. Several studies based on the examination of judicial files estimate that nearly half of sexual assaults prosecuted in the correction court are actually correctionalized rapes, even though there is no reliable official statistic on this matter (Le Goaziou, 2019).

Box 1: Data and identification of cases

The data used for this study comes from the CASSIOPEE software. This software is used by the jurisdictions to process all offenses related to 5th-class contraventions, misdemeanors, and felonies, committed by individuals (adults and minors) or legal entities, whose information is mainly entered by the court registries. The data extracted from the CASSIOPEE statistical file by the Ministry of Justice provides information on all criminal cases received by the magistrates, either dismissed or completed at first instance in the correction court or juvenile court between 2012 and 2021. Primarily used by the Ministry of Justice for official statistical publications, it is only recently that this data has been made accessible to research, through its availability on the Secure Data Access Center (CASD). This note thus constitutes one of the first research studies to use this data, notably exploiting its longitudinal dimension. The data are available only for concluded cases and not for those still pending judgment, hence they must be interpreted with caution for the last two years concerning time series. Furthermore, the data made available do not cover cases that were dropped without further action following the investigation, nor cases judged in criminal courts or departmental criminal courts – which nevertheless correspond to a small share of cases handled by the criminal justice system in general (Ministère de la Justice, 2019).

The nature of cases is identified by an official nomenclature, which assigns one to three main criminal qualifications (code NATAFF) to the case based on the transmitted file and allows for the initial classification of the case into broad categories (350 different indices at the finest level). Since the criminal qualification evolves throughout the procedure, especially considering new elements of the case or the individual in charge of qualifying the facts, it is the classification recorded when the case arrives at the public prosecutor's office that predominantly prevails here. This methodology allows resorting to the same way of identifying the criminal qualification of all cases in the sample, whether they are dismissed or prosecuted, to analyze the directives given to these cases by the magistrates. Statistics on prosecution modes or the duration of prison sentences imposed on prosecuted perpetrators are based on the case qualification associated with the main offense at the decision point (code NATINF), which is more detailed than the NATAFF. This qualification corresponds to the last qualification given to the case by the public prosecutor's office and is available only for prosecuted cases. This case classification (upon arrival in the justice system or at the decision point) is then used to restrict the sample to criminal cases of sexual violence (defined as cases of rape, sexual assault, or sexual harassment) or domestic violence (defined as violence committed by a spouse, partner, or ex-partner), where the two categories may overlap (for instance, in case of marital rape).

... and who are the victims and perpetrators?

These cases involved nearly 970,000 defendants during the period. The vast majority of perpetrators are men (94 % for sexual violence and 88 % for domestic violence), with an average age of 37 years (33 years for sexual violence and 38 years for domestic violence). Among the prosecuted perpetrators, 6 % had previous records for sexual violence, and 18 % for domestic violence. On average, 83 % of all victims of sexual violence whose sex is known are women, and this figure rises to 91 % for domestic violence.

Judicial treatment of cases of sexual and domestic violence

Criminal procedures usually begin with a complaint or a report, transmitted by the police to the magistrates of the public prosecutor's office. The public prosecutor's office then has several possibilities to steer the case based on the information received. It may decide to dismiss the case for various legal or discretionary reasons, marking the end of the procedure for cases that will not be tried. It may implement alternatives to prosecution for the offender, which also lead to case dismissal if executed⁴. If it deems the offense has indeed been committed, it can prosecute the offender and send them before a court for trial. If further investigation is necessary, it can refer the case to an investigating judge, which is mandatory for the

most serious crimes (punishable by more than ten years of imprisonment).

A low prosecution rate common to the majority of criminal offenses

Graph 1 describes the share of cases at each stage of the criminal procedure over the period 2012-2021, for sexual and domestic violence, respectively⁵. The rate of dismissed cases is very high (86 % for sexual violence and 72 % for domestic violence, regardless of the type of dismissal). This emphasizes the key role played by the public prosecutor's office, which will determine the outcome (in this case, the termination of proceedings) of the majority of cases.

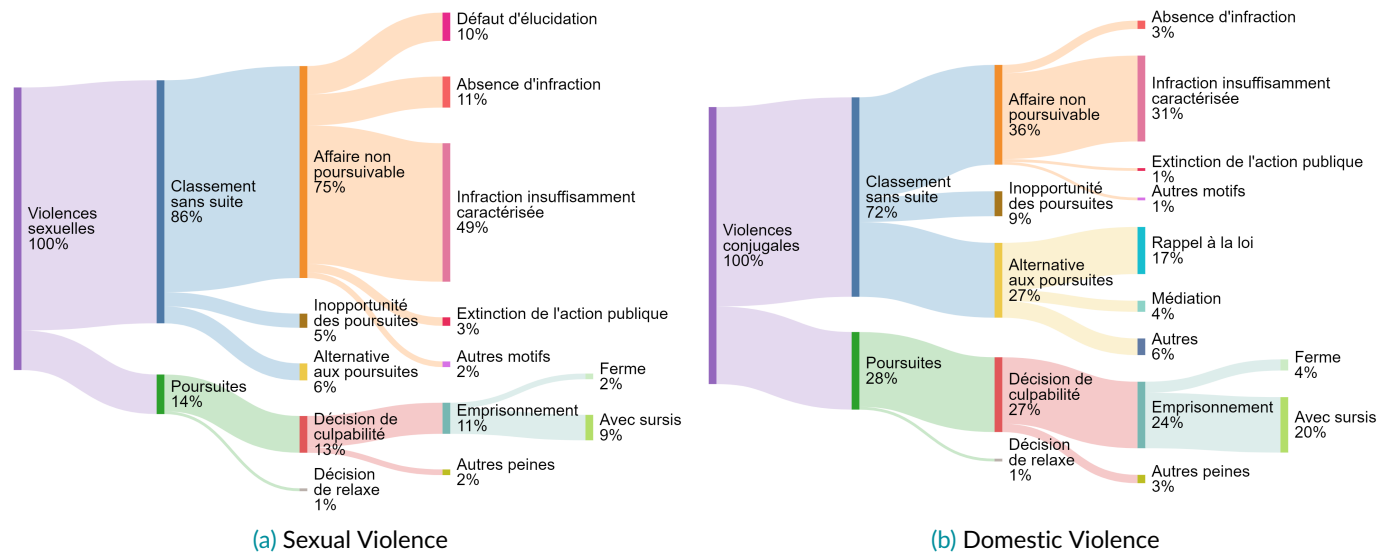
If we look at the outcomes of offenses involving individuals not related to violence against women – mainly thefts or burglaries, property damage, physical violence, or driving under the influence of alcohol or drugs – the rate of dismissed cases is also high (80 %). This rate even rises to 85 % when considering other crimes against persons – primarily involving physical violence, threats or blackmail, traffic accidents with unintentional injuries, or breaches of privacy. Thus, the low prosecution rate is not specific to sexual and domestic violence offenses.

However, offenses involving individuals not related to violence against women are primarily dismissed due to "lack of clarification" as the perpetrator is unknown, with the offender being identified in only 62% of cases. For

⁴These measures are not recorded on the criminal record – except for penal composition, which constitute a strengthened alternative to prosecution.

⁵For simplicity, the term "case" is used interchangeably to refer to cases or authors involved in cases, as some cases may not have an identified author. An author involved in multiple cases will be counted as many times as they are an author in those cases.

Figure 1: Distribution of cases of sexual and domestic violence at each stage of the criminal procedure



Source: Cassiopée statistical file, calculations made by the author.

Scope: Cases of sexual or domestic violence handled by public prosecutors' offices between 2012 and 2021, either dismissed or completed at first instance in the correction court or juvenile court during the same period. These cases are identified by their main criminal qualification upon arrival in the justice system.

Reading: 86 % of sexual violence cases resulted in dismissal and 75 % of these cases are dismissed because they are deemed non-prosecutable. Perpetrators were prosecuted in 14 % of cases and found guilty in 13 % of cases, with 11 % of all cases resulting in prison sentences.

sexual and domestic violence cases, the perpetrators are identified in 76 % of cases for sexual violence and in 95 % of cases for domestic violence.

Insufficiently characterized offense, a specificity of sexual and domestic violence

Three-quarters of sexual violence cases were dismissed because they were deemed "non-prosecutable". Among these dismissals, the main reason was that the offense was "insufficiently characterized" (nearly half of all cases received). This decision to dismiss the case notably applies to 59 % of all rape cases received by the public prosecutors' offices⁶, 43 % of sexual assaults, and 44 % of cases of sexual harassment. This does not mean that the offense did not occur, but rather that the circumstances of the incidents could not be clearly established by the investigation or that the evidence or charges are insufficient.

Dismissals due to "extinction of public action" (e.g., due to statute of limitations or prescription), which receive much more media attention, actually correspond to a very small share of dismissed cases in comparison. Contrary to this legally-driven reason such as prescription, dismissal due to an insufficiently characterized offense can be subject to interpretation. It accounts for 57 % of all sexual violence dismissals and 43 % of domestic violence dismissals, seeming particularly prevalent in these types of violence. In contrast, 33 % of other crimes against persons are dis-

missed due to an insufficiently characterized offense.

Cases of sexual and domestic violence are predominantly dismissed because prosecutors believe there is insufficient evidence

Therefore, cases of sexual and domestic violence are mainly dismissed because prosecutors believe there is insufficient evidence, even when the perpetrator is known and identified. The lack of material evidence, victim's altered state of consciousness, or issues surrounding consent are often cited to justify this choice regarding sexual violence (Juillard and Timbart, 2018; Le Goaziou, 2019). This observation, combined with the increase in the number of cases, raises the question of the need to adapt to the specificities of sexual and gender-based violence in terms of judicial resources and training.

What changes since 2012?

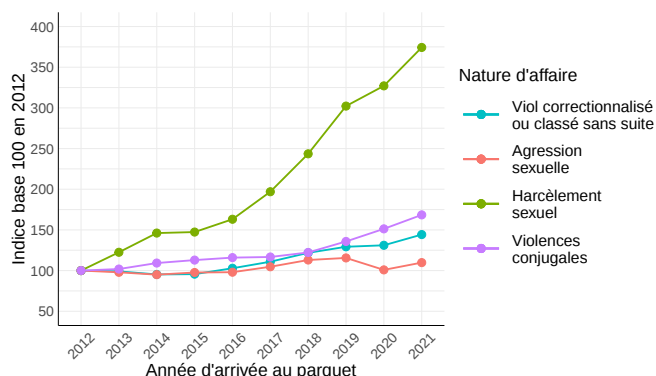
A significant increase in the number of cases recorded

Graph 2 shows that the number of new cases of violence against women recorded in the justice system has significantly increased over time, particularly for sexual harass-

⁶This figure does not account for cases dropped with no further action or sent before the criminal court by the investigating judge, which are not included in the data.

ment.⁷ Compared to 2012, the number of sexual harassment cases tripled by 2019. While this was the sharpest increase, it is important to keep in mind that these offenses constitute a small share of violence against women handled by the judiciary in absolute terms, with the vast majority of cases being domestic violence. The number of domestic violence cases brought to justice increased from 60,000 in 2012 to over 80,000 in 2019, reflecting a 36 % rise.

Figure 2: Evolution of the number of cases registered in the justice system (base 100 in 2012)

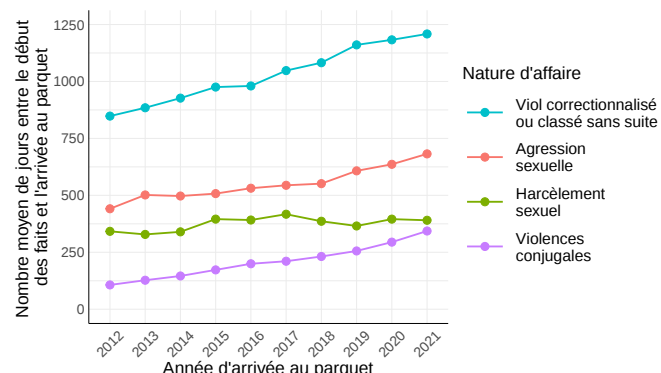


Source: Cassiopée statistical file, calculations made by the author.
Scope: New cases of sexual or domestic violence registered in the justice system between 2012 and 2021, either dismissed or completed at first instance in the correction court or juvenile court during the same period. These cases are identified by their main criminal qualification upon arrival in the justice system.
Reading: Compared to 2012 (reference year), the number of sexual harassment cases recorded by the justice system increased by 200 % in 2019. This increase was 36 % for domestic violence, 29 % for rape, and 16 % for sexual assault.

The increase was particularly pronounced from 2017 onwards, the year when the #MeToo movement surged following the revelations of harassment and sexual assaults experienced by millions of women worldwide. This period was also marked by the French government commitment to a policy aimed at combating sexual and gender-based violence, which was notably reflected in the implementation of the Grenelle on domestic violence in September 2019. One can note a quicker increase in the number of recorded cases of domestic violence following this date. The rise in the number of reported sexual assault cases to the justice system, on the other hand, was slowed down or even halted during the Covid-19 epidemic in 2020

This increase is more likely to be explained by a change in victim behavior – who report more frequently – than by a change in crime incidence⁸. Indeed, Figure 3 shows that the average number of days between the starting date of the violence and the case arrival to justice has tended to increase over time. Victims thus seem to be reporting older incidents, indicating a greater willingness to report to formal authorities rather than an increase in prevalence

Figure 3: Evolution of the average registration delay of cases in the justice system



Source: Cassiopée statistical file, calculations performed by the author.
Scope: New cases of sexual or domestic violence registered in the justice system between 2012 and 2021, either dismissed or completed at first instance in the correction court or juvenile court during the same period. These cases are identified by their main criminal classification upon arrival in the justice system.
Interpretation: The average registration delay for domestic violence cases increased from 107 days in 2012 to 256 days in 2019.

of these crimes.

The number of sexual and domestic violence cases handled by the criminal justice system has significantly increased since 2017.

Diverging trends between sexual and domestic violence

Focusing on the directives provided by the public prosecutor's office, a significant decrease in the proportion of domestic violence cases dismissed can be observed over the past five years (graph 4)⁹. This rate decreases from 76% in 2016 to 67% in 2020, mainly due to a decrease in the proportion of cases dropped for insufficiently characterized offenses and less resort to warnings and mediation¹⁰. This trend contrasts with an increase in the dismissal rate for sexual violence cases, particularly pro-

⁹The dismissal rate is calculated here as the ratio between the total number of cases dismissed for the three possible types of dismissals and the total number of cases received by the public prosecutors. This differs from the dismissal rate displayed in the Ministry of Justice publications (SDSE), where it is calculated as the ratio between the number of cases dismissed for failure to prosecute and the total number of prosecutable cases (excluding non-prosecutable cases). The SDSE prefers referring to the 'criminal response rate', which corresponds to the proportion of cases prosecuted or subject to an alternative to prosecution, among prosecutable cases, to which this note does not refer. Indeed, this statistic neglects about half of the cases of violence against women brought before justice.

¹⁰The warning was abolished in 2023 and replaced by the provisional criminal warning, the use of which is now prohibited for violence against individuals (Law No. 2020-936 of July 30, 2020). Mediation in criminal matters has also been excluded since 2020 concerning domestic violence (Law No. 2021-1729 of December 22, 2021).

⁷Consistent with the increase in the number of complaints observed for these offenses (Ministère de l'Intérieur, 2023).

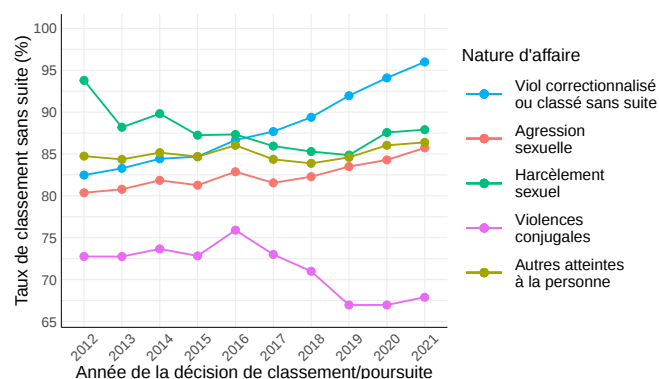
⁸This rise could also stem from an improvement in how victims are received by police force, although this hypothesis cannot be verified in the data.

nounced for rape and to a lesser extent for sexual assaults. Indeed, the proportion of dismissed rape cases increases from 86% in 2016 to 94% in 2020, mainly driven by the rise in dismissal due to insufficiently characterized offenses. The dismissal rate for sexual harassment cases, on the other hand, decreased between 2012 and 2015 and has tended to stagnate since.

While the dismissal rate has decreased from 76% in 2016 to 67% in 2020 for domestic violence, the opposite trend is observed for sexual violence, with the proportion of dismissed rapes increasing from 86% to 94%

These changes in the treatment of sexual and domestic violence cases do not seem to correspond to a more general trend. Indeed, the proportion of cases dismissed for other offenses of crimes against persons has remained relatively stable over the period, around 85%.

Figure 4: Evolution of the rate of cases dismissed by the public prosecutors



Source: Cassiopée statistical file, calculations performed by the author.
Scope: Cases of sexual violence, domestic violence, or any other offense of crime against persons processed by public prosecutors between 2012 and 2021, either dismissed or completed at first instance in the correction court or juvenile court during the same period. These cases are identified by their main criminal classification upon arrival in the justice system.
Interpretation: The rate of cases dropped without further action for domestic violence decreased from an average of 73% in 2012 to 67% in 2019.

How can we explain these trends?

The diverging trends in the rate of cases dismissed and the sentences imposed for sexual and domestic violence since 2017 raise questions about the differentiated treatment of sexual and domestic violence cases by magistrates. Several reasons could explain these overall trends. On one hand, this could result from a change in magistrates' behavior following a modification in criminal policy. Various measures implemented by the government in the wake of the Grenelle on domestic violence, for instance, may have encouraged prosecutors to prosecute

more of these cases. The adoption of several laws and decrees on the subject since the fall of 2019, as well as the dissemination of numerous circulars to magistrates to strengthen the fight against domestic violence and prioritize the handling of these cases, attests to this (Kieny and Panici, 2024). The overall evolution of society and social norms is also a potential source of influence on judicial decision-making by magistrates. Several studies, for example, have demonstrated the effect of social or local norms on judicial decisions regarding the sanctions imposed by judges (Philippe, 2022).

On the other hand, these trends could also stem from a change in the types of cases examined by the justice system. For instance, the increase in reports of sexual violence since #MeToo also came along with a rise in reports of older incidents, which are more challenging to prove and therefore to prosecute. Finally, since the increase in the number of cases has not been matched by a proportional increase in human and financial resources allocated to the justice system, magistrates may choose not to handle all cases in the same manner, at the risk of overwhelming already overburdened courts (CEPEJ, 2022). The rise in dismissals of complaints of sexual violence could thus be a result of prosecutors opting to prioritize cases where evidence has established the offense, which is more often the case in domestic violence cases.

Due to the multitude of factors at play, descriptive analysis alone is not sufficient to rigorously test these different hypotheses. To identify and quantify the underlying factors, the implementation of causal approaches would be necessary and would help inform further the public debate.

Conclusion

Based on exceptionally rich administrative data covering nearly all criminal cases handled by public prosecutors in France between 2012 and 2021, this report sheds new light on the judicial treatment of sexual and domestic violence. At a time when statistics are debated, this report provides new data to enrich the discussion. Like the vast majority of criminal offenses handled by the justice system, sexual and domestic violence cases are characterized by a low prosecution rate. However, the judicial treatment of these offenses differs from others in terms of the reason cited to justify the decision of dismissal, with most cases being deemed insufficiently characterized by the public prosecutor's office. Moreover, while there has been an increase in the prosecution rate and the duration of prison sentences for perpetrators of domestic violence in recent years, this trend is not mirrored for sexual violence. To further the fight against violence against women, it is essential to expand the focus and efforts ded-

icated to the judicial treatment of sexual violence cases.

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