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A STATE CRIME

PATERNAL INCEST AND INSTITUTIONAL TORTURE IN FRANCE

**SILENCING OF CHILDREN
PERSECUTION OF PROTECTIVE MOTHERS**

REPORT SUBMITTED TO THE UNITED-NATIONS COMMITTEE AGAINST TORTURE BY :
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FOR THE COMMITTEE'S EXAMINATION OF FRANCE FROM APRIL 7 TO MAY 2, 2025

WITH THE SUPPORT OF:

- C.I.D.E. – International Committee for the Dignity of the Child
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- Association *REVIS – Incest and Psychological Trauma*
- Team Eunomie
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- Sonia Laffargue and Aude Fiévet, Vice-Presidents of the association *A World Through a Gaze*
- Association *I Believe You, I Protect You*
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TABLE OF CONTENTS

EXECUTIVE SUMMARY: WHY THIS REPORT?

INTRODUCTION

I. FIRST PART – INCEST IN FRANCE: THE CURRENT SITUATION

1.1 The CIIVISE

1.2 Main findings of the CIVISE

- The victims
- A largely underestimated phenomenon
- Context of the abuse
- The perpetrators
- Consequences for the victims
- Impunity of the perpetrators

II. SECOND PART – THE VIOLENCE OF INCEST: LEGAL FRAMEWORK AND ITS APPLICATION

2.1 Child sexual abuse and incest in French law

2.2 Obstacles to a fair judicial process in incest cases

- Low reporting rate by medical professionals
- Cases dismissed without further action
- Difficulty of gathering evidence
- Failure to notify plaintiffs
- Prosecution rates
- Expert assessments
- Conviction rates
- Statute of limitations
- Legal action against the protective parent
- Presumption of innocence for the father accused by the mother
- Discrediting the child's testimony
- Discrediting the mother's testimony
- Lack of resources for the justice system
- Lack of training
- Denial of reality
- The cost of denial
- Downgrading of charges
- Other legislative failures

III. THIRD PART – COERCIVE CONTROL BY PERPETRATORS AND INSTITUTIONS

3.1 Origins of the notion of “coercive control”

3.2 The incestuous father's coercive control over the child: a dynamic of torture

- Victim selection
- Creation of dependency and coercive control
- Normalization of abuse and mental confusion
- Installation of fear and forced silence
- Reinforcement of silence through control of family, social environment, and justice
- How this fits the international definition of torture

3.3 Institutional coercive control over the child and the mother: a dynamic of torture

- Isolation through unjustified foster care (ase)
- Monopolization of perception
- Exhaustion
- Threats
- Occasional indulgences
- Display of omnipotence
- Humiliation
- Demands for trivial requests

3.4 Manipulation of the concept of "danger" to justify unjustified foster care

3.5 A justice system under influence: An opaque and profitable system

3.6 AEMO: a protective measure often diverted for coercive control

3.7 A perverse logic: from AEMO to full foster care

3.8 Inclusion of coercive control in French law: real progress or legal illusion?

IV. FOURTH PART – A SILENT, INVISIBLE TORTURE: THE SUFFERING OF THE CHILD VICTIM OF INCEST

4.1 Psychological suffering

- Awareness of the crime
- Sense of betrayal
- Re-traumatization through legal proceedings
- Altered relationship with self and pain
- Loss of self-confidence and social isolation
- Discrediting the child’s testimony

4.2 Physical and psychosomatic suffering

- Disorders, illnesses, and insomnia
- Sleep disorders
- Chronic disorders and pain
- Gastrointestinal issues
- Recurrent urinary infections
- Pelvic pain
- Functional neurological disorders
- Dermatological disorders
- Gynecological disorders
- Cardiorespiratory disorders
- Eating disorders and associated pain
- Self-inflicted pain
- Suicide attempts
- Underlying mechanisms

4.3 Social suffering

- Rejection and isolation
- Relational difficulties and social development issues
- Family breakdown and marginalization

4.4 Lack of specific care

- Essential care and barriers to access
- Instrumentalization of parental authority
- Prohibitive costs of care

V. FIFTH PART – A MUTED, INVISIBLE TORTURE: THE SUFFERING OF THE PROTECTIVE MOTHER

5.1 Psychological suffering

- Shock of discovering the father is incestuous
- Shock from court rulings and loss of faith in justice
- Pain of seeing one's child suffer without being able to protect them
- Inability to envision the future

5.2 Physical suffering

- Sleep disorders and nightmares
- Physiological effects of constant stress
- Severe illnesses (cancer, tooth loss, immune system weakening)

5.3 Social suffering

- Isolation and social rejection
- Impact on work and career
- Family breakdown
- Compromised love life

5.4 financial pressures

- Costs of care for self and children
- Exhaustion and extreme costs of endless legal proceedings
- Harassment of the mother and pressure to recant
- Repression of those who go to the media

VI. SIXTH PART – PERSECUTION OF PROTECTIVE MOTHERS AND CIRCUMVENTION OF CHILD PROTECTION LAWS

6.1 Crime of "child non-representation": A tool for repressing protective mothers

- The crime of "non-representation of a child"
- Why isn't the law applied to protect the child?
- Prosecutor's discretionary power
- The myth of false accusations: a prejudice that masks injustice
- Illustration

A perverse application of the law

6.2 "State of necessity"

6.3 Non-application of "Decree 21": A legal protection ignored by the courts

6.4 the "Santiago law": A superficial reform touted as a major legal advancement

- Non-application by family court judges
- ASE's complicity in the non-application of the law

6.5 Regardless of the law, the same barriers persist

- The GREVIO report

VII. SEVENTH PART – IN DESPERATION: APPEAL TO INTERNATIONAL PROTECTION MECHANISMS (UN)

7.1 Renewed appeal by United Nations human rights experts (2023, 2024)

7.2 A long lasting issue: already denounced by a UN human rights expert in 2003

7.3 The Hague Convention: Use and misuse of international law

7.4 The violence of incest and its judicial handling: A form of torture

7.5 Definition of torture according to the international convention against torture (CAT)

7.6 Application of the Convention's definition to incestuous violence and the judicial system that perpetuates it

7.7 Protecting the child: A threefold adult obligation

VIII. GENERAL CONCLUSION – RECOGNIZING THESE VIOLENCES AS TORTURE: A NECESSITY FOR THE PROTECTION OF CHILDREN AND THEIR PROTECTIVE MOTHERS

IX. WHAT WE EXPECT FROM THE UNITED NATIONS COMMITTEE AGAINST TORTURE: OUR RECOMMENDATIONS

ACKNOWLEDGEMENTS

ANNEXES

EXECUTIVE SUMMARY

Why This Report?

To help repair a massive human and social injustice that affects hundreds of thousands of children and families in France, and that could be mitigated if there were genuine political will from the State.

Each year, according to the latest data, at least **160,000 children are victims of sexual violence, most often incestuous, in France.**¹ This equates to a child being raped or sexually assaulted every 3 minutes in France. These staggering figures—especially given the taboo that surrounds them—are underestimations, as in eight out of ten cases, these acts of violence would not be reported.

How do the institutions responsible for justice and child protection respond to these sexual crimes? Do they enforce the law? They respond with doubt, minimization, and denial. The cost of this denial undermines the health and integrity of one in twelve people in France, most of them girls and women, in addition to its massive financial cost to society (estimated at €9.7 billion per year).

Mothers who try to protect their children are silenced most of the time, and often persecuted, by a judicial system that punishes their recourse to justice and protects the perpetrators—or are forced into voluntary exile as the only way to keep their child(ren) safe.

This report is a call for help. It aims to draw the attention of the United Nations Committee Against Torture (hereafter “the Committee”) to this double violence: the abuse of power inflicted mostly by fathers on children, and its extension through the actions of judicial, medical, and social institutions that are, in theory, meant to protect them. This double violence undoubtedly constitutes a form of torture as defined by the Convention Against Torture (hereafter “the Convention”).

We address this call to the Committee after having appealed, mostly in vain and following long efforts, to all the relevant authorities in France. The tragic reality is that there is no effective remedy for mothers trying to protect their children, and no fair outcome for the victims, in a country where **over 75% of incest complaints are dismissed without action, and where 99% of incestuous fathers are never convicted.**

This report is structured in eight parts:

1. A current overview of incest in France, based on CIIVISE data and other firsthand sources, measuring the scale of the phenomenon and its institutional judicial, social and political responses

¹ This figure was established by the CIIVISE in its report released in November 2023, after three years of hearings throughout France and previous efforts to circumscribe the scale of the phenomenon of incest. See CIIVISE, summary of its report (“Synthèse”) page 14: <https://www.ciivise.fr/le-rapport-public-de-2023>

2. The legal framework of incest in France and its enforcement, which examines child protection laws related relevant to sexual violence and assess and how their poor implementation and divert it in favor of aggressors.
3. The methods developed by incestuous fathers (“coercive control”) to continue to exercise their sexual domination on their children with impunity through the manipulation of judicial and social systems to escape conviction, control victims, continue to abuse them, and silence witnesses.
4. An examination of the suffering physical and psychological inflicted on children by these violences, both from the abusers themselves and institutional mechanisms that, paradoxically, perpetuate them in the name of law and justice rather than prevent or punish them, thus contributing to their continuation.
5. An examination of the suffering of these violences endured by mothers who try to protect their children, and the numerous consequences on their health and life.
6. An analysis of the persecution of these “protective mothers”² and the circumvention of child protection laws that allow predatory fathers to legally continue raping their children and escape punishment, or to use the circumvention of legal procedures to clear their name through coercive control. A system that aids and abets incestuous fathers, locking these mothers in an impossible dilemma: either to submit to a justice that hands the child over to his aggressor or to denounce that system at the risk of being crushed by it.
7. An analysis of this **dual violence—incestuous and institutional**—against the five main criteria that define acts of torture in the UN Convention Against Torture.
8. General conclusion.
9. Finally, what we expect from the Committee Against Torture, and our recommendations to it.

*

This work bears witness to a **systemic violence**. It attests to the reality of incestuous and institutional violence in France and its devastating impact on child victims, their mothers, and protective families. **These predatory mechanisms are not marginal dysfunctions—an argument often used to conceal the truth through denial—but the result of a system that harms health, the integrity, destroys lives and jeopardizes the future of hundreds of thousands of children in France. In our view, they fully meet the definition of torture as established by the United Nations Convention Against Torture and constitute a serious violation of the fundamental rights of children and mothers.**

This report is the result of collaborative work, drawing on hundreds of testimonies from former and current victims, mothers, and the publications of many associations and collectives that have been fighting for this scourge for years, along with contributions from doctors, judges, lawyers, journalists, social workers, and public figures from the arts and media; and hundreds of testimonies from former victims of paternal sexual violence and protective mothers

² The term « protective mothers » (“mères protectrices”, in French) refers to the mothers of children victims of incestuous violence who dare to turn to justice to protect their children, and if the latter does not protect them, dare to stand up against its decisions, and are forced to take their children into exile, at the risk of being prosecuted, persecuted and imprisoned by French justice.

who experienced first-hand institutional persecution. Among these, the accounts reported in the which received media coverage in various parts of France such as Cynthia³ and her son J, Mamans du Ciel⁴, Mylène, Priscilla Majani, Sophie Abida⁵, Aline, Gabrielle Perraudin⁶, À ventre ouvert, Sabrina Gicquel, Séverine Durand⁷, Heïdi Nomis, Vanessa Frasson, Sarah Khadi, Gladys Riffard⁸, Ana Madet, Claire sans filtre, Negwee, Pauline Bourgoïn⁹ and so many others who are working to put an end to the persecution of victims.

This report also draws on the actions and publications of numerous associations and including the International Committee for the Dignity of the Child (C.I.D.E, Lausanne), the collective “Incesticide France”, SofiaSept, REVIS, “Je te crois je te protège”, Les Enfants de Tamar, Team eunomie, Silence Allows Violences, Un monde à travers un regard, Jessica Stephan, Soutien CIIVISE 1, L'Enfance au Cœur, Innocence in Danger, Protéger l'Enfant, Face à l'Inceste, SOS Inceste, CA V ACS, Collectif Infantiste, Mouv'Enfants, Les Petits Invincibles, SOS inceste pour revivre, « EGALES », Kathya de Brinon, « 40 ans pour se reconstruire », Be Brave-France, Les Chouettes Anonymes, Mélanie Body, and other associations and groups committed to protecting children and their mothers, and fighting against impunity for incest.

Key contributions were made by journalists and legal professionals, including Romane Brisard, a freelance journalist who has tirelessly documented these judicial and social derives and Christine Cerrada, a lawyer with L'Enfance au Cœur. They testified before the French National Assembly on incest cases transiting through the ASE (Aide Sociale à L'Enfance, the state institution established to take care of children in difficulty); Karl Zéro, through his numerous investigations, and cinema actors such as Judith Chemla, Emmanuelle Béart and Judith Godrèche who, through their unwavering public support, have also helped give visibility to these massive injustices.

Finally, the work and publications of a number of health and childhood professionals, sociologists, psychologists and doctors have provided this report with a solid scientific and factual basis. Among them, Dr Sarah Thierrée, Dr Muriel Salmona, Caroline Bréhat, Dr Luis Alvarez, Marie-Christine Gryson-Dejehansart, Gwénola Sueur,

³ <https://www.mediapart.fr/journal/france/200923/violences-sexuelles-les-methodes-contestees-d-experts-psychiatres> ;

https://www.cases-rebelles.org/toutes-les-bonnes-volontes-comptent-pour-un-comite-de-soutien-a-cynthia-et-j/?utm_medium=social&utm_source=heylink.me

⁴ https://youtu.be/y8iCcecuao?si=3CJq2u4eER_skuGA

⁵ https://www.liberation.fr/societe/police-justice/ils-veulent-menlever-ma-chair-mon-sang-le-combat-de-sophie-abida-devant-le-tribunal-judiciaire-de-paris-20250207_X4P7OAAPZFGFPJIW7AF6WG6O2I/

⁶ <https://www.boomplay.com/episode/8518933?srModel=COPYLINK&srList=WEB> :

<https://www.france.tv/france-2/ca-commence-aujourd-hui/6653969-inceste-elles-se-battent-pour-protoger-leur-enfant.html>

⁷ <https://www.francebleu.fr/infos/faits-divers-justice/grenoble-une-mere-obligee-de-presenter-sa-fille-a-son-pere-alors-qu-une-instruction-pour-inceste-est-en-cours-6442466>

⁸ <https://cri-adb.org/tag/gladys-riffard/>

⁷ <https://www.francebleu.fr/infos/faits-divers-justice/grenoble-une-mere-obligee-de-presenter-sa-fille-a-son-pere-alors-qu-une-instr>

⁹ <https://www.ash.tm.fr/protection-enfance/violences-familiales-cette-lettre-collective-qui-denonce-les-dysfonctionnements-judiciaires-959259.php>

Pierre-Guillaume Prigent, Andrea Gruev-Vintila, H el ene Romano, Lionel Bauchot, Dr Jean-Marc Ben Kemoun, Dr Magali Cocaul Andr e, Dr C eline Greco, and others who, through their commitment are helping to break the silence and raise awareness of the scale of the violence suffered by children and their mothers.

Simultaneously with this report, the “Call of the 500 Mothers Against Unpunished Incest”, carried by the collective @IncesticideFrance. This movement has collected 577 testimonies from mothers denouncing the impunity of paternal incest and more than 900 testimonies of paternal assaults that have received no effective judicial response. By protecting their children, these mothers themselves find they are persecuted in turn by the institutions supposed to guarantee their safety, for having denounced these abuses.

On March 8, 2024, this call was launched at the National Assembly, where French artists gave voice to these mothers by reading publicly the letters addressed to judges in which they recall their experience, trauma and denounce the institutional denial and judicial violence they endure. In 2025, further readings of letters from mothers will continue this mobilization.

*“**The CallOfThe500Mothers** (#Apel des 500 Mamans): It is 500 isolated mothers uniting so that their village and their entire country rise up against the denial of justice in the face of incest. Hundreds of mothers are sounding a national alarm. These ‘news items’ are not isolated cases. They deliver their testimonies in the form of ‘letters to judges’ to denounce the system of impunity that protects the accused father-rapists.*

*All declare having filed complaints for incestuous rape against the father as denounced by their children. From that point on, they have been condemned, most of the time, in place of the father. They and their children endure a true judicial torture. **We demand that the children be protected.** The cry of distress from mothers deprived of their children for having tried to protect them against rape. If “it takes a whole village to raise a child”, it only takes a few minutes of a justice hearing to ‘de-child’ hundreds of mothers after they reported the incestuous rapes by fathers denounced by their children.”*

*Today in France, tens of thousands of children suffer this torture in general indifference. **Adult society, including institutional authorities, is in denial**, does not want to see, does not want to believe, despite this being an abominable reality. The suffering of these children is invisible because it must remain so. It must happen behind closed doors. **The weakest have no voice in our public space.** Their cries are stifled. **Their child souls broken in the most staggering silence, they endure the worst torture in general indifference.**”*

Every year, calls for national mobilization by these associations, victims and professionals highlight the responsibility of State institutions in the systematic repression of protective parents and families, as well as the sometimes-criminal complicity of child protection services (ASE)¹⁰, which are increasingly implicated in very serious systemic dysfunctions. Through campaigns aimed at alerting public authorities and legal actions, these associations, healthcare and child professionals denounce the impunity of incestuous fathers. They raise the alarm on the responsibility of socio-judicial institutions in abuses of authority and the circumvention of existing laws designed to protect child victims of incest.

¹⁰ ASE : French acronym of « Aide Sociale   l’Enfance », in English Child Social Welfare Service.

We ask the Committee to examine this critical situation and to call upon the French authorities regarding these practices and the serious failings of institutions responsible for child protection, pursuant to France's international obligations concerning institutional protection against torture, ahead of its upcoming review from April 7 to May 2, 2025.

All these contributions demonstrate an undeniable reality: what is happening in France is not a mere dysfunction of the system but an institutional mechanism that protects the aggressors and persecutes those who try to protect children from incest. This report, by gathering these testimonies, expertises, and investigations, aims to obtain international recognition of these crimes and to break the wall of impunity surrounding them.

Introduction

Each year, at least 160,000 children in France are victims of sexual violence, most of it incestuous.¹¹ **This equates to one child being raped or sexually assaulted every three minutes.** These already alarming figures—especially given the taboos and silence surrounding them—are underestimates, as in eight out of ten cases, these acts of violence are never reported. A total of 5.4 million people, including 3.9 million women (14.5%) and 1.5 million men (6.4%), have experienced such violence before the age of 18; a that affects beings at the most intimate level and often lasts for several years.¹² This means one in twelve individuals in a population of 68 million.

How do the institutions responsible for justice and child protection address this familial and social violence? What do the laws say? And how are they applied? They respond to it with doubt, pseudo-scientific concepts, minimization, and denial. The cost of this denial undermines the health and integrity of one in twelve people in France—most of them girls and women—along with an enormous financial burden on society, estimated by CIIVISE at €9.7 billion per year.

The few mothers who try to protect their children are not only silenced but even persecuted by a judicial and social system that punishes their recourse to justice and protects the predators.

When a child discloses incest to his mother, she naturally turns to medical and judicial services for help. However, social services quickly intervene to impose over the allegations pseudo-scientific concepts and arbitrary interpretations of the situation. Frequently, criminal and psycho-medical investigations cannot be completed because such disclosures are reframed as "parental conflict" or "loyalty conflict." These terms throughout permeate police investigations, child protection services, criminal courts and family courts.

We have observed that when paternal incest is disclosed, in most cases (associations, experts, lawyers) the civil justice system and social services often tend to remove the child from the mother or place him/her in one of the ASE centers. And this sometimes occurs even without a complaint from the mother, based solely on the child's disclosure to a school, a healthcare provider, or a third party. This foster placement is often requested by the accused father through child protective services and the children's judge. His request is usually the beginning of a coercive control strategy over the child and mother to enforce their silence. Many children have testified about the "silencing" they endured—whether in ASE's care, during supervised visits with their mother, or when they must share their custody with the accused father.

In most of these cases, children gradually understand that there is no way out and that no one—not even their mother—can protect them. They are either deprived of her through visits a few days a month or experience a complete break in contact. This is the start of a psychological mechanism that contributes to the acceptance of the violence suffered, and sometimes a life-long

¹¹ CIIVISE, report, « Synthèse », page 14.

¹² Violences sexuelles : Au cœur d'une enquête accablante, INSERM (Institut national sur la santé et la recherche médicale), Décembre 2012. <https://www.inserm.fr/actualite/violences-sexuelles-au-coeur-dune-enquete-accablante/>

silence. A situation that leads the individual, to long-term PTSD and its many consequences: mental illness, addiction, even suicide.

As for the mother, when she tries by every legal means to protect her child or children from paternal incest, she faces all kinds of condemnations—familial, moral, psychological, civil, and even criminal. Her health, social life, and emotional well-being often deteriorate, leading to psychosomatic symptoms, illness, and sometimes suicide.

While less than 1% of incestuous rapes are punished, the mother who reports the abuse often loses some or all of her parental rights. The father, meanwhile, sees his rights maintained—or even increased.

Once a complaint is filed for sexual assault or incestuous rape, rather than being treated as a crime or felony by the proper authorities, the situation is reframed as an "educational" or "psychological" issue. Judges and child protection services then impose so-called "educational assistance measures," which are in reality coercive tools that hinder criminal investigations and aim to preserve or restore the child's relationship with the alleged abuser.

This report, after others before it, sheds light on these recurring mechanisms that abandon child victims of incest and condemn the mothers who try to protect them.

PART I – INCEST IN FRANCE: STATE OF AFFAIRS

1.1 The CIIVISE

The data in this first chapter come primarily from the report by the CIIVISE (Independent Commission on Incest and Sexual Violence Against Children)¹³. They are also drawn from other firsthand sources, including testimonies from victims, protective parents (mostly mothers), as well as child protection associations and collectives.

The CIIVISE was established in December 2020 by the French government, in a context marked by a surge in public awareness of sexual violence and crimes, notably with the #MeTooIncest movement and the scandal sparked by the publication of *La Familia Grande*.¹⁴ In this book, Camille Kouchner, daughter of the former Minister of Foreign Affairs, revealed that her brother had been sexually abused by their stepfather, the influential legal scholar and president of the “Le Siècle” club, Olivier Duhamel.¹⁵

Chaired by juvenile court judges Édouard Durand and Nathalie Mathieu, the CIIVISE brought together a multidisciplinary panel of 23 professionals from the fields of justice, health, child protection, and victim support organizations.

With a €4 million budget, the CIIVISE traveled across France for three years and collected nearly 30,000 testimonies from adults who had been victims of incest or other forms of sexual violence in childhood. Based on these testimonies, 80 expert contributions, numerous public hearings across most regions, and a review of existing literature, it documented the national scale of incest in France—its mechanisms, victims, perpetrators, and how it is handled by the justice system and child protection institutions.¹⁶

In October 2021, the Commission issued a 14-page opinion entitled “*Incest, protecting children: about mothers who fight back*” to alert the government to the plight of protective mothers, who often face judicial and social obstacles when trying to shield their children from incestuous abuse.¹⁷

Its final report, published in November 2023, comprises 756 pages and presents 82 recommendations to improve prevention, victim recognition, and the judicial, social and

¹³ Présentation de la CIIVISE : <https://www.ciivise.fr>

¹⁴ Camille Kouchner, *La Familia Grande*, Seuil, 208 pages, janvier 2021 ; et https://www.lepoint.fr/societe/la-familia-grande-les-coulisses-de-l-inceste-06-01-2021-2408516_23.php

¹⁵ *Au cœur du pouvoir : Enquête sur le club le plus puissant de France*, par Emmanuel Ratier, 2011, 735 pages ; voir aussi <https://blogs.mediapart.fr/kafur-altundag/blog/190611/emmanuel-ratier-le-siecle-est-la-matrice-de-la-pensee-unique>; et

https://www.lemonde.fr/societe/article/2021/02/10/affaire-olivier-duhamel-le-siecle-club-de-l-elite-et-temple-de-la-bienveillance-aimerait-continuer-a-diner-en-paix_6069387_3224.html

¹⁶ CIIVISE built on the population social demographic investigation carried out by the CIASE and INSERM, see: <https://presse.inserm.fr/cest-dans-lair/sociologie-des-violences-sexuelles-au-sein-de-leglise-catholique-en-france-1950-2020-une-enquete-inserm-pour-eclairer-le-rapport-de-la-ciase/>

¹⁷

<https://www.vie-publique.fr/rapport/282120-inceste-protoger-les-enfants-commission-inceste-et-violences-sexuelles>

professional handling of these crimes.¹⁸ A 36-page executive summary (“Synthèse) outlines the main findings.¹⁹ This report represents an unprecedented effort in France, systematically and rigorously breaking the longstanding silence and denial surrounding incest—denial that remains deeply rooted even in the judicial system.

Within a month of the publication of its report, the Commission’s president and lead rapporteur, Judge Édouard Durand, was abruptly and inexplicably dismissed by the government. He learned about his removal from the press.²⁰ Eleven senior officials resigned in solidarity over this unjustified dismissal. A new leadership was appointed, but it also resigned weeks later following controversial allegations.²¹ It was replaced again, and one of the newly appointed directors resigned by the end of May 2024. Two child protection associations that had participated in the CIIVISE then publicly distanced themselves from the institution.²²

Since April 2024, under new leadership and with an expanded expert panel of 35 members, the CIIVISE resumed its work. According to its progress report released in October 2024, its current goals are:

1. To monitor implementation of the 82 recommendations issued in November 2023,
2. To formulate new recommendations for the prevention of incestuous violence, particularly through professional training, and
3. To promote a culture of prevention and protection among all stakeholders.

The CIIVISE also conducted an online survey from September 13–17, 2024, to assess public awareness in France of incest and how it is handled by judicial institutions. The enquiry revealed that while most people believe they are well informed, they are actually unaware of the extent and depth of the problem, or of its impacts on public health.

1.2 – Main Findings of the CIIVISE

The data presented below concern incest specifically, which represents only a fraction of all child sexual abuse cases (pedocrime) in France.

¹⁸ CIIVISE : « *Violences sexuelles faites aux enfants : on vous croit* », rapport définitif publié le 17 novembre 2023 : <https://www.ciivise.fr/le-rapport-public-de-la-ciivise>

¹⁹ « *Violences sexuelles faites aux enfants : on vous croit* », synthèse du rapport de la CIIVISE, novembre 2023, <https://www.ciivise.fr/wp-content/uploads/2023/11/Synthese-VF.pdf>

²⁰

<https://www.humanite.fr/societe/ciivise/edouard-durand-ecarte-de-la-ciivise-au-dela-de-mon-depart-il-y-a-un-changement-de-doctrine-que-je-trouve-tres-inquietant>

²¹<https://www.ash.tm.fr/protection-enfance/sebastien-boueilh-demissionne-de-la-ciivise-890177.php>; and <https://www.lefigaro.fr/actualite-france/la-ciivise-2-sous-pression-sa-nouvelle-vice-presidente-accusee-d-agression-sexuelle-20240206>

²² <https://www.lefigaro.fr/actualite-france/l-avocat-bruno-questel-demissionne-de-la-ciivise-apres-avoir-defendu-Un-pere-poursuivi-pour-inceste-20240524>

1.2.1 Victims²³

- **160,000 children** are victims of sexual violence each year in France—that’s **one case every 3 minutes**.²⁴
- **3.9 million women (14.5%)** and **1.5 million men (6.4%)** were subjected to sexual violence before the age of 18, totaling **5.4 million people**. In a population of 68 million, that represents **1 in every 12 people**.²⁵

1.2.2 A Largely Underestimated Phenomenon

The available data only show the **tip of the iceberg**, since a formal complaint is filed in **only 19% of sexual violence cases**, and just **12% in incest cases**.²⁶ Fear, modesty, shame, pressure, fear of retaliation, and traumatic amnesia are **powerful barriers** to revealing the reality. Only 19% of cases of sexual violence and 12% of cases of incest are reported.²⁷ As an average, between 2017 and 2020, **27,730 complaints** per year were registered for rape and sexual assault on minors. Of these, **8,763** were related to **incestuous** sexual violence. Incestuous sexual violence therefore represents **32%** of all complaints. But when these 8,763 complaints are compared with the **160,000 estimated annual child victims**, it suggests that **only a small fraction of victims file a complaint**, leaving behind a massive “dark number” of invisible victims.

In incest cases, **88% of victims do not report**. Among cases reported to the police, **80% of victims are girls**. Nearly half are over 12 years old, and one-third are between 13 and 15 years old. **Victims of incestuous abuse can even be younger: one-third are between 4 and 7 years old**, and **61% are under 10**.²⁸ There are even **infants and toddlers** among the victims—children who cannot yet speak.²⁹

Moreover, about **40% of child sexual abuse victims**, including nearly **50% of incest victims**, experience **traumatic amnesia**, which **further conceals the reality**.³⁰ Testimonies collected by CIIVISE confirm this: **8 out of 10 children** did not file a complaint (**81%**).

1.2.3 Consequences for Victims³¹

Nine out of ten victims (89%) develop disorders that have **severe and long-lasting consequences** on their physical, psychological, sexual, emotional, and social health. This is developed below in the third part of this report. They include:

²³ CIIVISE, Synthèse, page 14

²⁴ CIIVISE, Report, published in November 2023 ; Synthèse, page 14.

²⁵ Violences sexuelles : Au cœur d’une enquête accablante, INSERM (Institut National sur la Santé et la Recherche Médicale), Décembre 2021, voir <https://www.inserm.fr/actualite/violences-sexuelles-au-coeur-dune-enquete-accablante/>

²⁶ CIIVISE, synthèse, page 17, voir <https://www.ciivise.fr/wp-content/uploads/2023/11/Synthese-VF.pdf>

²⁷ CIIVISE, synthèse, pages 16 and 17.

²⁸ These data come from the SSMSI (ministerial statistical service for internal security): rapes and sexual assaults on minors recorded by the police and police force between 2017 and 2020, cited by CIIVISE, full report, page 226.

²⁹ CIIVISE, full report, page 612

³⁰ Salmona M., Stop prescription 2020, Mémoire traumatique et victimologie, 2020, <http://manifestestopvfe.blogspot.com>

³¹ <http://manifestestopvfe.blogspot.com>

- **Post-traumatic stress disorder**, troubles, risk behaviors (addictions, exposure to dangerous situations, aggression toward self or others), **eating disorders, depression, suicidal behavior**
- For **one-third**, sexual violence negatively impacts their libido (**34%**): total avoidance of sexual activity (**31%**) or, conversely, **hypersexuality** (risky behaviors, multiple partners, **36%**)
- Increased risk of **domestic violence in adulthood (31%)**
- **Traumatic amnesia**

For victims, this is a **violation of their physical and psychological integrity**—a deep, often unconscious wound that haunts and accompanies them for life. All testimonies are consistent: **this is not a superficial violence**, but rather an “**obstruction of being.**” Sexual violence has devastating consequences for both **mental and physical health, intimate life, and social functioning**. It creates a “**perpetual present of suffering**” due to post-traumatic troubles.³²

1.2.4 Impunity of Perpetrators

CIIVISE’s conclusions are clear and supported by numbers: **only 3%** of all child rapes and sexual assaults result in a **conviction**, and just **1%** in cases of **incest**.³³ “In **97% of cases**, child sexual abusers are **not convicted**. This is a **system of impunity**.”³⁴

This impunity is confirmed by Ministry of Justice available statistics for 2007–2016. Although they don’t detail condemnations for incest-related cases on minors, they reveal a worrying trend: “The number of convictions each year for sexual violence has fallen steadily over the period (**by 25%**). The drop is twice as fast for rapes (**down 40%**), whose share of convictions for sexual violence fell by 4 points from 20.7% in 2007 to 16.7% in 2016.” Since 2016, this **decline has continued**. According to official data submitted to CIIVISE by the Ministry of Justice, between 2017 and 2020, convictions for rape and sexual assault on minors **decreased by 20%**.

And yet, while convictions dropped, the **number of sexual assaults on minors continued to rise—consistently and at an accelerating rate** since 2011. Interior Ministry data report in 2019 12,379 cases of rape on minors and **18,837 sexual assaults** on minors, which reflects an increase of **+10% and +19%**, respectively, compared to 2018. Sexual assaults on minors rose from about **8,000 in 2011 to 19,000 in 2019**; rapes on minors from just under **6,000 to over 12,000**.

This means that the pedocriminality **reported to the police or the gendarmerie has more than doubled** since 2011 (**x 2.1 for rapes**, and **x 2.25 for assaults**). The annual growth rates are:

- **+10% per year on average** since 2011
- **+15% between 2017–2019**

³² CIIVISE, report, chapter 2 ; synthèse, page 20.

³³ CIIVISE, report, synthèse, p. 17

³⁴ CIIVISE, idem, page 21.

- **+20% between 2018–2021**³⁵

Between 2012 and 2022, **child rapes doubled (+100%)**, while the **judicial response dropped by 43%**.³⁶

These statistics, though they cover all forms of pedocrime and not just incest, **clearly demonstrate a massive increase in child sexual abuse**, starting in the late 2010s, **alongside a steep decline in convictions**—and thus, a **rise in impunity**.

³⁵ See the regular analysis of data from the Ministries of Justice and the Interior by the movement to combat pedocriminality: *Les viols d'enfants explosent en France: Statistiques du ministère de l'intérieur 2016-2019* [Rapes of children soar in France: Interior Ministry statistics 2016-2019] (https://wantedpedo-officiel.com/les-viols-denfants-explosent-en-france-statistiques-du-ministere-de-linterieur-2016-2019__trashed/) ; and *Analyse des statistiques du ministère de la justice 2012-2016* (https://wantedpedo-officiel.com/analyse-des-statistiques-du-ministere-de-la-justice-2012-2017-ne-cherchez-pas-le-probleme-il-est-la__trashed/).

³⁶ *Chiffres de la justice 2012-2022 : les viols explosent et la réponse pénale diminue* (<https://wantedpedo-officiel.com/chiffres-de-la-justice-2012-2022-les-viols-explosent-et-la-reponse-penale-diminue/>)

PART II – THE VIOLENCE OF INCEST: LEGAL FRAMEWORK AND ITS IMPLEMENTATION

Although they contain protective provisions, the laws are often not enforced or are circumvented.

2.1 Incest and Sexual Assault on Minors in the Law

The qualification of incest is defined by **Article 222-31-1 of the Penal Code**: "Rapes and sexual assaults are qualified as incestuous when committed on a minor by 1) an ascendant; 2) a brother, sister, uncle, aunt, nephew, or niece; 3) the spouse, cohabitant of one of the persons mentioned in 1) and 2), or the partner linked by a civil solidarity pact with one of the persons mentioned in the same 1) and 2), if they have legal or de facto authority over the minor."

According to a summary note by the French Senate, "except for rape committed on a child under fifteen years old, which is punishable by twenty years of criminal imprisonment regardless of the perpetrator, sexual offenses are generally penalized more severely when committed by 'an ascendant, legitimate, natural or adoptive, or by any other person having authority over the victim':

- 20 years of criminal imprisonment, instead of 15, for rape when committed on victims aged at least fifteen.
- 7 years imprisonment and €100,000 fine, instead of 5 years imprisonment and €75,000 fine, for sexual assaults other than rape, committed on victims aged at least fifteen.
- 10 years imprisonment and €150,000 fine, instead of seven years imprisonment and €100,000 fine, for sexual assaults other than rape, committed on victims under 15 years old.
- 10 years imprisonment and €150,000 fine, instead of 5 years imprisonment and €75,000 fine, for sexual offenses committed on victims under fifteen years old."³⁷

In practice, in France, less than 1% of incestuous rapes committed by the father result in a conviction.

CIIVISE final report describes in detail the process from the awareness of the violence suffered to the reporting of a complaint, its reporting, and its handling by the judicial institution, including the role of forensic medical experts and social services. The primary obstacle to the judicial processing of sexual violence against children is the low complaint rate by victims. This limitation is compounded by many other factors:

2.2 Low reporting rate by doctors:

As local actors in a privileged position, doctors are the most likely to detect signs suggestive of sexual abuse and risky situations. And yet the proportion of reports initiated by doctors is

³⁷ La répression de l'inceste, Sénat, Étude de législation comparée n°102 - février 2002 : https://www.senat.fr/lc/lc102/lc102_mono.html

surprising low. As the third or fourth and last source of information for CRIP^{38 39}, the High Health Authority indicated in 2014 that barely 5% of reports for child abuse came from the medical sector. To the medical difficulty of making conclusive observations quickly are added the professionals' lack of knowledge of their rights and obligations in this area; and the deterrent risk of disciplinary proceedings by the Orde des Médecins (The Medical Council,) which an abusive or complicit parent can trigger against them for "interference in family affairs" when they report sexual violence on minors detected during consultations.

2.3 Dismissal without further action:

86% of sexual violence cases in France are dismissed without follow-up, a figure that reaches 94% for rapes. This situation fosters a sense of impunity among perpetrators, enabling them to reoffend with impunity, according to a study by the Institute of Public Policies published in April 2024.

76% of complaints of sexual violence against children are dismissed by prosecutors either for "insufficiently characterized offense" or "absence of offense." In the first case, this does not mean absence of facts, but insufficient facts presented or collected, whereas a thorough investigation could have gathered evidence — or its absence. Cases of sexual violence against children within families are particularly complex and sensitive, which should require “upstream” a sensitive, appropriate, and thorough investigative effort.

"Faced with the principles of proof, attribution to a responsible party under criminal law, and the presumption of innocence, prosecutors point out ‘the difficulty in establishing facts, notably due to their non-public nature and the absence, consequently, of witnesses. If the victim’s statements, contradicted by those of the accused, are not corroborated by any other objective element, the prosecutor often decides to drop the case.’"⁴⁰

The main reason for dismissals is that "the offense is insufficiently characterized," meaning there is not enough evidence to open an investigation. But how long should one wait for evidence when it concerns protecting a child who claims to be a victim of such violence? Should the child be left exposed to such violence until tangible evidence is available? **But what about the evidence that accumulates in the file, but is — incomprehensibly — ignored by magistrates?**⁴¹

³⁸ C.R.I.P. (Cellule de recueil des informations préoccupantes - unit established for collecting information of concern): The CRIPS receive reports from professionals (pediatrician, nursery assistant, teacher, nurse, etc.) concerning alleged sexual assaults and sends them to the juvenile court judge's office. Mothers tell us that these reports do not always appear in the child's file. The child is thus deprived of material evidence for his or her defense, containing sometimes his own testimony. As for the mother, she does not always have the opportunity to read the reports, as she has no access, or only after several years.

³⁹ When confronted with a child who is being abused, is in danger or is at risk of being abused, any citizen, professional or otherwise, has an obligation to inform the competent authorities in order to help the young person. is obliged to inform the competent authorities in order to come to the young person's aid (art.434-3 of the Code): either by reporting a concern about a minor in danger or at risk of being in danger (to the Cellule de for the collection, assessment and processing of information of concern - CRIP in the département), or by a report to the to the public prosecutor. See https://www.ipp.eu/wp-content/uploads/2024/11/Note_IPP_Violence_at_women-novV2.pdf; <https://www.humanite.fr>

⁴⁰ For the public prosecutor's decision to prosecute or to discontinue proceedings, and the reasons for discontinuing proceedings, see CHIVISE, report, page 533 et seq.

⁴¹ Source: confidential discussions with numerous protective mothers.

These massive dismissals result either from a lack of will to seriously handle these cases (not believing the child, suspecting the mother of manipulation), or from a lack of judicial resources unable to handle all complaints, or from a combination of both.

Dismissal does not prove that no offense was committed, but simply that the prosecutor considers there is insufficient evidence at this stage of the investigation to initiate prosecution. It is not a judicial decision but an administrative one. In many cases, a more thorough investigation would allow better understanding of the case, documentation, and better protection of the child.

Due to the number of complaints and lack of human resources in the services responsible for processing them, thousands of procedures remain "in stock," (i.e., pending processing) and end up being forgotten or dismissed — because they cannot be materially or deliberately processed — contributing to a denial of justice.⁴²

2.4 Difficulty of establishing proof:

In incest accusations, where there are often no witnesses other than the predator and its prey, it is one person's word against the other's. Without a meticulous investigation, it is difficult to decide. It is normal for magistrates to seek proof to indict and judge a presumed criminal. **But must they wait for proof of the father's guilt to protect the child?** Dismissals on the grounds that the offense is "insufficiently characterized" ("not enough evidence") — in reality, there are medical exams that can provide such evidence, like brain MRIs and internal examinations, which France never performs despite available technologies. Post-traumatic stress disorders (PTSD), common to most incest victims and confirmed by several experts (see Annex), are ignored by both the justice system and child welfare services (ASE).

2.5 Failure to notify complainants:

Moreover, in many cases, victims are not informed of the dismissal of their complaint, or when they are, the decisions are poorly motivated and non-personalized, discouraging many from engaging in a long and costly judicial process that immediately casts doubt on their word and hardly inspires trust. Not to mention the impression that these dismissals favor the impunity of the aggressor. **This explains many victims withdrawing and giving up on seeking justice.**

2.6 Prosecution rate:

According to CIIVISE, the prosecution rate for cases of rape and sexual assault on minors was 26% during the 2015-2019 period. And only 1% of these prosecutions result in a conviction.

2.7 Expert Assessments:

To inform their decisions, judges rely on medical, psychological, or child psychiatric expert assessments of the child and/or their parents. These assessments have a significant influence on their decisions (establishing facts, protection measures, visitation and custody rights), but the number of judicial experts (psychiatrists, child psychiatrists, psychologists) is insufficient to meet demand and is sharply declining (from 537 to 338 between 2011 and 2017); their competence, independence, impartiality, and the quality of their assessments vary (some do not even take the time to examine the child or the parent concerned to issue their report); they are poorly paid; and they receive little or no training on the specifics of intrafamilial sexual violence against minors. Poor assessments lead to poor judicial decisions, which multiply procedures,

⁴² CIIVISE, report, pages 525-526

lengthen delays, contribute to the lack of protection for children, to denial of justice, and to suspicion surrounding the essential institution of justice. Most often, these cases are dismissed using pseudo-scientific theories such as "loyalty conflict" or "parental alienation." We have observed that sometimes, when experts are appointed by a judge, the judge's order is often accompanied by the judgment or a "social" report containing such theories, which effectively gives the expert a roadmap. In these cases, the expert merely formalizes the judge's and/or child welfare service's request and no longer acts impartially and objectively.^{43 44}

2.8 Conviction Rates:

In cases of incestuous rape, 88% of perpetrators are sentenced to an average of 10 years of prison, with or without probation; in cases of incestuous sexual assault on a minor (without rape), 51% of perpetrators are sentenced to 3 years of prison, either fully or partially suspended.

2.9 Statutes of Limitations:

In addition, statutes of limitations vary according to the severity of sexual violence from 10 to 30 years: 35% of victims who testified before CIIVISE requested abolition of the statutes of limitations. "For minors, the limitation period was extended to 30 years after reaching majority for sexual crimes (since the Schiappa law of August 3, 2018), 20 years after majority for aggravated sexual offenses (since the Perben law of March 9, 2004), and 10 years after majority for other sexual offenses (for adults who suffered sexual violence, it is 20 years for sexual crimes and 6 years for sexual offenses). It should be noted that successive extensions of limitation periods are not retroactive and continue to leave many victims without the possibility to assert their rights in criminal proceedings."⁴⁵

2.10 Prosecutions Against Protective Parents:

In hundreds of cases, the protective parent—most often the mother—is caught between contradictory injunctions: the duty to protect their child on one hand, and in separation situations, the duty to respect the visitation and custody rights of the other parent - even when that parent is accused, under threat of prosecution or loss of custody of the child, who may then be placed under the shared or exclusive custody of the father, or in social care.

Many mothers face the following dilemma: either comply with "justice" decisions and accept that its complicity in sexual violence against their child in the name of the law or refuse these decisions and thus break the law by "non-representation of a child," risking prosecution. This is the case most of the time (See Part 6 of this report: "Persecution of protective mothers")

According to CIIVISE, Article 227-5 of the Penal Code defines the offense of "non-representation of a child": 'The act of unjustly refusing to present a minor child to the person entitled to claim them is punishable by one year of imprisonment and a fine of 15,000 euros.' In 2019, according to Ministry of Justice data, 80% of convictions for non-representation of children concerned mothers."

⁴³ Idem, pages 544-545

⁴⁴ The role of the expert in family courts, Part B of the report of the United Nations Special Rapporteur on violence against women and girls, page 17: Child custody, violence against women and violence against children (A/HRC/53/36), 13 April 2023.

⁴⁵ Mémoire traumatique et victimologie : *Stop prescription 2020*, <https://www.memoiretraumatique.org/campagnes-et-colloques/2020-stop-prescription-2020.html#>

Following CIIVISE's first opinion (October 27, 2021), Article 6 of a new decree dated November 23, 2021 (called Decree 21), effective February 1, 2022, suspends prosecutions for non-representation of a child against the parent who alleges violence by the person entitled to claim the child. **However, many testimonies received by CIIVISE show this law is not applied⁴⁶; and the authors of this report know numerous such cases.**

Three emblematic cases, affecting thousands of children and their mothers, illustrate the judicial repression faced by protective mothers in France:

- **The case of Mrs. Priscilla Majani:** She fled to Switzerland, where she was able to protect her daughter from French justice, which demanded she return the child to her father, the alleged incestuous abuser. At the age five, the little girl disclosed the sexual violences she was subjected to and identified her father. She filed a complaint against him upon reaching majority. **Upon request by French justice, Priscilla Majani was extradited and initially sentenced to five years of prison, including three years for non-representation of the child (maximum penalty), 25,000 euros awarded to the father, and two years for calumnious accusation.** On appeal, she was sentenced to 2 years 9 months for abducting minors, 30,000 euros for the father, and acquitted of false accusations (the judge ultimately ruled she did not lie or manipulate her daughter). She was released in December 2023 after one year and ten months with sentence reductions, supported by her lawyers Myriam Guedj-Benayoun and Sophie Benayoun.
- **The case of Mrs. Sophie Abida:**⁴⁷ After denouncing incest, she lost parental rights over her four children to the father, who had already been convicted of physical violence against the children. Despite strong evidence, French justice accused her of “parental manipulation” and persecuted her before prosecuting her. She was taken into police custody and then remanded in temporary detention after she refused to hand over her baby to the father, while she was breastfeeding. Custody was transferred to the father, and her visits to her children were supervised, and then suspended for several months with no contact. The father, sentenced with suspended penalties for psychological and physical violence against the children, has exclusive custody and retains parental authority. The family judge filed a complaint against Ms. Abida for media exposure after she resorted to the press to denounce her situation. The judge obtained damages while still managing the case and refused to recuse himself. The juvenile judge joined as civil party alongside the family judge. She was also convicted of discrediting the justice system.
- **The case of Mrs. Hanna Dam-Stokholm:**⁴⁸ Mother of three children, she suspected her husband of incestuous sexual violence against the children and discovered pedocriminal videos on his computer in 2013. After separation, she gained custody of the children, but in 2015 the father presented a psychiatric report by Dr. Bensussan, who never met the mother or children. Mr. Bensussan had accused the Outreau children of lying without examining them;

⁴⁶ CIIVISE, report, page 636.

⁴⁷ See: <https://www.radiofrance.fr/franceculture/podcasts/les-pieds-sur-terre/justice-pour-mes-enfants-4443764>

⁴⁸ See:

https://www.bfmtv.com/police-justice/j-ai-fait-tout-ce-que-je-pouvais-le-combat-d-une-mere-pour-la-garde-de-ses-enfants-confies-a-leur-pere-soupconne-d-abus-sexuels_AN-202209140250.html

five associations filed complaints against him⁴⁹. The report labeled her an alienating mother; on this basis alone, custody was taken from her and given to the father, who took the children abroad. In 2020, the father moved to Tahiti and obtained exclusive parental authority. During a stay in Denmark, Ms. Dam-Stockholm was arrested for parental kidnapping and sentenced in 2022 to one year in prison, losing parental rights. In 2023, an incest investigation was reopened, but the children remain in the father’s custody. Today, contact with her children is completely severed.

France called out by UN human rights experts: On July 27, 2023, three UN special procedures jointly called on the French government about these illustrative of what they regarded as a pattern of concern: the Working Group on Discrimination against Women, the Special Rapporteur on Violence against Women and Girls, and the Special Rapporteur on Sale and Sexual Exploitation of Children. The complaints to these procedures were initiated by Christian Maillaud, Janett Seemann, and Christophe Peschoux, along with the lawyers of Ms. Majani. The experts denounced the placement of children of these mothers under the fathers’ custody despite evidence of incestuous violence, as well as the judicial persecution of mothers who tried to protect them.⁵⁰

2.11 Presumption of innocence of the father accused by the mother:

The presumption of innocence is a fundamental principle in prosecuting any accusation, to allow defense. But should we wait for justice to take its course—which alas! often takes years, lost in procedural and bureaucratic labyrinths—before protecting the victim? When justice is finally rendered—if it ever is—it is too late, the harm has been done, and the victim is scarred for life. Waiting for justice to be served, in the name of the presumption of innocence, before protecting the child is to be complicit in the violence inflicted, to cover it up, to maintain it, or even encourage it. **The timing of justice in this field is not that of the victim.**

2.12 Doubting the child’s testimony:

Since the infamous “Outreau case”⁵¹, the French justice system has maintained a systematic mistrust towards the testimony of children victims of sexual abuse. This case, marked by judicial errors that led to the condemnation of several innocent people before their acquittal, is now used to discredit minors’ testimonies. One of the most virulent lawyers opposing the consideration of children’s testimonies, Éric Dupond-Moretti, was appointed **Minister of Justice** in 2020 and held this position until September 2024. His influential stance and position reinforced a judicial culture where the child is seen as an unreliable witness. His revelations are minimized or interpreted as fabrications. His words are systematically doubted, and judges are reluctant to grant the child’s testimony the same weight as that of an adult.

2.13 Doubting the mother’s testimony:

The mother is accused of manipulating the child against her partner. She is presumed to make the child say what she wants to incriminate the father. The suspicion of maternal manipulation of the child against the father was theorized under the term “parental alienation syndrome” by an American psychiatrist with questionable qualifications. This concept, lacking scientific

⁴⁹ Press release, 21 February 2025 : <https://www.cdpenfance.fr/blog/cdp-enfance-2/communique-de-presse>

⁵⁰ See:

<https://www.ohchr.org/en/press-releases/2024/01/un-experts-urge-france-protect-children-incest-and-all-forms-sexual-abuse>

⁵¹ https://fr.wikipedia.org/wiki/Affaire_d%27Outreau

foundation, was still taught in French magistrate schools until 2018 and commonly accepted in child protection services.

According to this theory, the mother is in turn accused by the accused father's lawyers of manipulating the child to her advantage, turning the child against the father. In such cases, the justice system removes the child from her custody to protect them from her "influence," either placing the child in foster care, an institution, or returning them to the father through shared or full custody.

Allegations of paternal sexual violence must be carefully collected, analyzed impartially, and evaluated as any evidence. But until this happens, and a conclusion is reached, it is incumbent on justice professionals to protect the complainants from any possible risk of further violence. This is however not the case. In countless cases, the child remains partly in the accused's care (shared custody), and the mother who turns toward justice to protect him/her either loses custody due to alleged "mental disorders" and/or manipulation of the child, or is imposed shared custody under the pretext of "co-parenting" to preserve the father-child bond, even if the father is strongly suspected of sexual violence. However, according to official statistics, false allegations from mothers are insignificant (0.8% of cases in a 2001 Ministry of Justice study covering 30,000 family cases). Similar conclusions were reached in the eighties in a systematic review of family cases in the USA.⁵²

2.14 Lack of resources allocated to justice:

This is widely studied and recognized. A simple example: a psychological evaluation of a child who has disclosed sexual abuse, or of the mother relaying it to judges, is billed at 400 euros by courts in France, compared to the equivalent of 15,000–20,000 euros in Switzerland.⁵³

2.15 Lack of training:

In its interim conclusions in March 2021, the CIIVISE noted that most police officers, gendarmes, prosecutors, judges, lawyers, doctors, psychologists, educators, social workers and other child protection professionals handling these sensitive cases are insufficiently trained to detect and respond to sexual abuse against children.⁵⁴ To ensure coherent interprofessional interventions, it recommended the deployment of training programs for all professionals involved in child protection and in combatting sexual violence as an essential leverage for future protective culture.⁵⁵

2.16 Denial of reality:

On intellectual, cultural, and moral levels, there is widespread denial that incestuous practices could exist on such a large scale. Denial is the refusal to face reality. Anthropologists have told us that incest is a universal social taboo, a foundational barrier of civilization, only cracked by few exceptions. This taboo is said to differentiate us from animals, constituting our humanity. It is hard to believe this practice could be so widespread; it is easier not to face this uncomfortable

⁵² The Myth of Epidemic False Allegations of Sexual Abuse in Divorce Cases", *Court Review*, Volume 35, Published in the Spring 1998.

⁵³ Discussion with several private penal lawyers who handle these types of cases in Switzerland.

⁵⁴ CIIVISE report, pages 485 et sq. Lack of training de formation policemen and gendarmes : pages 526-527 ; of magistrates : p. 542 et sq ; of medical doctors : p. 26-28 ; of medical and psychological/psychiatric experts : p. 544-545 ; of social workers : p. 511-512 ; etc.

⁵⁵ CIIVISE, preliminary conclusions conclusions March 2022, pages 66-68 (« La formation des professionnels, une nécessité permanente » - professional training a permanent necessity).

reality, to ignore it and say that mothers who report these abuses fabricate stories and that their children don't know what they are talking about. Yet CIIVISE's work clearly shows—even if figures should be nuanced—that it is a very, very widespread practice in France. And indications show that it is so in Europe, the United States, even worldwide.⁵⁶

This is schizophrenic thinking, cognitive dissonance. According to CIIVISE, the justice system operates for each victimized child and protective adult under **paradoxical injunctions**: the protective parent is obliged by law to report violence in the name of the duty to protect the child and to denounce criminal behavior; but they do, their revelations meet doubt, denial, or minimization. They are not believed; it is not true; it is impossible; incest is a universal taboo; the child lies or exaggerates; it is not so serious; it has always existed; the child is under the mother's influence, she lies and manipulates him/her against the father; and the father often hides behind the often-misinterpreted principle of presumption of innocence.⁵⁷ There are paradoxical injunctions toward doctors as well: they are encouraged to report abuse, but if they do, they risk official reprimand or even suspension. No wonder only 5% of reports come from doctors. The same largely applies in education.

2.17 Costs of denial:

The primary cost of denial is the ongoing violence, the daily suffering, the feeling of loneliness, of being abandoned by an incomprehensible justice system. But denial also has an exorbitant financial cost. Referring to studies on violence against women, CIIVISE estimated the annual economic cost of sexual violence against children at 9.7 billion euros.⁵⁸

A very large part of this cost corresponds to public expenses (state, local authorities, social security) for taking care of victims of childhood sexual violence (7.0 billion euros in direct costs, i.e., 72.3% of total cost): victim support (17.3%); police and gendarmerie services (8.5%); justice expenses (4.6%); medical care (0.4%). The rest corresponds to lost wealth due to the impact of sexual violence on victims' lives (2.7 billion euros in indirect costs, or 27.3% of total):

⁵⁶ Muriel Salmona, *Les traumatismes des enfants victimes de violences : un problème de santé publique majeur*, article Published in *Rhizome* 2018/3-4 (N° 69-70), pages 4 to 6 : « Worldwide, one child in four has been subjected to physical violence, one girl in five and one boy in thirteen to sexual violence, and one child in three to psychological violence. In Europe, one child in five has suffered sexual violence. In France, we have very few figures and no direct victim surveys have been carried out among children. However, based on studies of adults reporting violence suffered in childhood, we know that children are the main victims of sexual violence. We can estimate that every year more than 130,000 girls and 35,000 boys are raped or attempt to be raped, most of them incestuous, and that 140,000 children are exposed to domestic violence'. See also Inserm (Institut National sur la santé et la recherche médicale), et INED (Institut National d'Études Démographiques) 2006. *Enquête contexte de la sexualité en France (CSF) 2005-2006* ; Bajos, N., Bozon, M. et l'équipe CSF (2008). *Les violences sexuelles en France : quand la parole se libère. Population & Sociétés, 445* ; voir également INSEE, ONRDP, SSMSI (2017). *Rapport d'enquête « cadre de vie et sécurité » CSV, de 2012 à 2015*. Voir également, de la même autrice, Muriel Salmona : *Violences faites aux enfants : Un silence assourdissant et un scandale sanitaire, social et humain, 2013* :

<https://www.memoiretraumatique.org/assets/files/v1/Violences-faites-aux-enfants-un-silence-assourdissant.pdf>.

⁵⁷ CIIVISE, avis du 12 juin 2023, Le coût du déni (The cost of denial) : https://www.ciivise.fr/wp-content/uploads/2023/06/Avis-Le-cout-du-deni_VFpdf-1.pdf

⁵⁸ To determine the annual cost of sexual violence against children, CIIVISE commissioned this study from PSYTEL, which had already carried out an assessment of the annual cost of domestic violence: Albagly, Maïté, Catherine Cavalin, Claude Mugnier, et al. *Étude relative à l'actualisation du chiffrage des répercussions des violences au sein du couple et leur incidence sur les enfants en France en 2012*. PsyteL, 2014.

deterioration of physical and mental health throughout life (32.7% of total cost); increased risky behaviors and cost of lost lives (27.0%); not to mention the loss of productivity (8.7%).⁵⁹

2.18 Downgrading of offenses:

French law provides that incestuous rape is an extremely serious crime, tried before a criminal court and punished by 20 years' imprisonment. However, downgrading of offenses in this domain is almost systematic; the cases are most often reclassified into lesser offenses, such as sexual assault or incestuous sexual assault (which no longer applies for minors under 15), which are misdemeanors punishable by less than 10 years' imprisonment. This downgrading allows these offenses to be tried in criminal courts rather than assize courts, reducing the legal severity and penalties.

A striking example is that of Franck Lavier, one of the acquitted defendants in the Outreau case. A few years after his acquittal, his eldest daughter reported sexual assaults committed by her father on her between 2015 and 2016. Although the allegations were of a serious nature, the case was downgraded, allowing it to be judged in criminal court rather than assize court. This decision sparked strong criticism, especially regarding how French justice handles incestuous crimes and tends to minimize their gravity through the downgrading of the qualification of facts.⁶⁰

2.19 Other legislative framework flaws:

Despite the prohibition of incest, courts circumvent laws, allowing perpetrators to retain some power over their victims and family and to escape sanction:

- No law explicitly forbids a father from conceiving a child with his daughter. Some court decisions have even legitimized incestuous relationships by arguing the child's consent. For example, Denis Mannechez, a father who fathered a child with his daughter, benefited from legal protection minimizing the severity of his acts.
- No law guarantees protection of the entire sibling group. A father convicted of rape of one child may retain parental authority over other children.
- For possession or distribution of child pornography images, the law provides up to 7 years imprisonment, 100,000 euros fine, and prohibition from working with minors. Yet convicted individuals retain parental rights, seeing and hosting their children.
- Prosecutions for "non-representation of child": mothers who refuse to share custody of their children with incestuous fathers are prosecuted for "non-representation of child" in France, and if they flee abroad to protect their children, they face prosecution there. This aspect is developed in detail in Part 6 of this report.
- Parental authority is not automatically revoked for life upon incest conviction. It depends on judicial decisions, which can be contested or revised over time.

⁵⁹ CHIVISE, Avis, « Le coût du déni » (the cost of denial), page 8.

⁶⁰ « Six mois de prison avec sursis requis contre Franck Lavier, acquitté d'Outreau, pour agressions sexuelles sur sa fille », See

https://www.lemonde.fr/societe/article/2023/09/22/la-fille-de-franck-lavier-acquitte-d-outreau-revient-sur-ses-accusations-d-agression-sexuelle_6190497_3224.html

- Lack of transparency from Ministries of Justice and Interior: they do not provide precise figures on the number of mothers convicted for “non-representation of child” after reporting paternal incest; on the number of incest complaints resulting in convictions; of the number of custody transfers or placements in child welfare services without convictions; on the number of mothers forced to flee abroad after trying to protect their child from an incestuous father. This opacity prevents thorough analysis and hinders appropriate reform implementation.

Part III - COERCIVE CONTROL OF AGGRESSORS AND INSTITUTIONS

3.1. Origins of coercive control

According to Andrea Gruev-Vintila, author of the reference book on coercive control in France, the notion of coercive control finds its roots in studies conducted by American sociologists on psychological manipulation and torture techniques used during the Korean War.⁶¹ ⁶²These studies revealed mental control methods applied to American prisoners of war, thereby laying the foundations for the modern understanding of coercive control, later applied to domestic violence.

In 1957, sociologist Albert Biderman developed the "Charter of Psychological Torture," also known as "Biderman's principles." This framework identifies eight psychological coercion methods used by Chinese and North Korean military forces on American prisoners during the Korean War. These methods include isolation, monopolization of perception, induced exhaustion, threats, occasional indulgences, demonstration of omnipotence, humiliation, and the demand for trivial requests. Biderman demonstrated that these techniques aimed to break the individuals' will and subject them to their captors' authority.⁶³

According to Gruev-Vintila, this work was fundamental in conceptualizing coercive control, showing how psychological manipulation techniques can be used to dominate and control individuals—not only in war contexts but also in situations of domestic violence and institutional abuse. According to the author, femicide cases are often preceded by a situation of coercive control: "Femicide is the failure of control, when the aggressor fails to control the victim, that is when there is an escalation in the means of violence which can go as far as femicide and infanticide." When the aggressor feels that their power is slipping away, they intensify the violence. It is in this failure of control that the final shift towards femicide or infanticide emerges: "Coercive control is a major precursor of femicides, but also of forced suicides and infanticide [...] Separation (from the aggressor) brings neither freedom nor security to the victim."

International research shows that coercive control of women by men is the main cause and the most important context of violence against children, especially in the context of judicial procedures where the aggressor enforces his parental rights at the expense of the child's safety. When the aggressor feels that the only way to control the victim is to attack her relationship with the child or the child directly, he will transform the child into a victim or a spy, and it is in this context that the father may injure or kill the child.⁶⁴

In domestic violence, coercive control refers to a pattern of authoritarian behaviors aimed at maintaining grip on the victim's life, limiting its capacity to act, breaking its will and resistance,

⁶¹ Source : <https://youtu.be/9TCc8h4Dnrk>

⁶² *"Le contrôle coercitif au cœur de la violence conjugale. Des avancées scientifiques aux avancées juridiques"*. Ed. Dunod, Paris, 2023.

⁶³ Source: [Wikipedia](#)

⁶⁴ C'est le cas de la petite Chloé, 5 ans, tuée par son père (this is the case of the little Chloé, aged 5, killed by her father):

<https://www.leparisien.fr/hauts-de-seine-92/meurtre-de-chloe-5-ans-le-pere-infanticide-est-decede-13-05-2023-LQ7DW66X25FLRD7LPBBJWB5DMM.php>

which, in extreme cases, can escalate to femicide or infanticide if control fails. This control can continue for years after separation. Coercive control infringes upon victims' fundamental rights.

When it concerns a predatory father, this control's main lever is the **abusive use of parental rights**. He overwhelms the mother with continuous harassment and accumulates legal proceedings. If he is also incestuous, he will instrumentalize child protection institutions to separate mother and child, requesting more rights to take possession of the child and subject him/her to sexual abuse protected by the impunity allowed by the French justice system. For these incestuous predators, destroying the child means destroying the mother.

Paternal incest thus becomes not only a crime but also an additional instrument of submission that crushes both child and mother. The child is reduced to an object of possession while the protective mother is silenced by the threat of legal retaliation triggered by the father whenever she denounces the incest. The mother is accused of nurturing parental conflict against the father. This is made possible by the support of a judicial system that is rather lenient toward this type of incestuous fathers and discriminatory against victims, **as the justice system immediately assumes the child lies and is manipulated by the mother**. This coercive control rests on a tangle of physical, psychological, economic, judicial, and institutional violence.

3.2. Coercive control of the incestuous father over the young child: a dynamic of torture

Paternal incest is based on a progressive strategy aimed at subjugating the child through control (psychological and physical violence, deprivation of will, alteration of reality perception, use of terror, isolation, and destruction of identity).

3.2.1 Victim selection

An incestuous father does not choose his victim at random. He identifies weaknesses in the family and social environment to maximize his control.

- **Family isolation:** He fosters a dynamic where the child and he have an exclusive relationship, reducing interactions with the outside world (extended family, friends, professionals).
- **Manipulation of the mother or other protective figures:** He may discredit the mother, psychologically weaken her, or even threaten her to prevent her from protecting the child.
- **Detection of emotional vulnerabilities:** He identifies the child's emotional needs or vulnerabilities (need for recognition, security, love) to better exploit them.
- **Creation of an ambiguous climate:** He creates an environment where the child perceives both attention and fear, making future resistance difficult.

3.2.2 Creation of dependency and coercive control

An incestuous father will seek to make the child incapable of thinking outside the control.

- **Alternation between kindness and punishment:** He can be loving and generous at times, then cold and threatening, creating confusion and emotional dependency.
- **Deprivation and reward:** He may condition access to essential needs (love, security, food, care) on obedience and silence.

- **Threats and induced fear:** Direct threats ("If you speak, something bad will happen"); threats against loved ones ("Your mother will be in danger if you say anything").
- **Manipulation of danger perception:** ("Other adults are mean, they won't believe you").
- **Surveillance and control:** Constant monitoring the child, leaving little autonomy or privacy.
- **Sabotage of trust in others:** He discredits protective figures (mother, teachers, child professionals) to isolate the child.

3.2.3 Normalization of abuse and mental confusion

Incest is integrated through a process of cognitive manipulation aimed at making the child incapable of identifying the abuse.

- **Diversion of language:** Incest may be presented as a "game," a "secret between us." Affectionate expressions to justify acts ("It's a way of showing you my love").
- **Introduction of false consent:** The child may be progressively led to participate (innocent caresses evolving into increasingly serious aggressions).
- **The abuser may make the child believe he is “special” and that this relationship is unique.**
- **Dilution of boundaries between right and wrong:** The child may be taught that "all fathers do this," or "it's a proof of love," and roles may be reversed with guilt imposed on the child: "You're the one looking for me," "If you were good, I wouldn't have to do this."
- **Alteration of body perception:** The child is conditioned to see his/her body as belonging to the abuser. The child may feel guilty and consequently self-censor.

3.2.4 Establishment of terror and enforced silence

The abuser maintains control over the child by instilling fear.

- **Emotional blackmail:** "If you speak, we won't see each other anymore," "It's a secret that could upset the family," or asking the child for forgiveness.
- **Mental dissociation:** The child psychologically disconnects from his/her own body to survive; develops dissociative symptoms that prevent him to act (amnesia, depersonalization).
- **Trap of no return:** The longer the child remains under control, the more he feels that he will never escape; the fear of not being believed or punished if he/she speak blocks any attempt to reveal the abuse.

3.2.5 Reinforcement of silence by family, social environment, and justice system

Incest is not only based on the father's actions but also on family-imposed silence born of fear, shame, and widespread institutional denial.

- **Manipulation of surroundings:** The father may appear exemplary in society, reinforcing his impunity. He may manipulate relatives to prevent them from believing the child ("He/she tends to invent things").

- **Family “omerta”:** Out of fear of opening a family conflict and/or social stigma.
- **Institutional failure:** Complaints/reports are minimized or ignored. The father may use legal strategies to discredit the protective mother (accusations of “parental manipulation”, SAP and other pseudo-scientific concepts).
- **Social and cultural pressure:** In some contexts, incest is so taboo that the child remains silent out of fear of social rejection. The child may rationalize the abuse as fate.

3.2.6 How does this fall under the international definition of torture?

The definition of torture includes any act that intentionally inflicts severe physical or mental suffering, particularly to coerce, punish, intimidate, or annihilate the will of an individual. Paternal incest, through its coercive control, meets these initial criteria. It causes the child to experience:

- **Intense mental and physical suffering:** The child endures constant anxiety and extreme stress that often leads to mental dissociation.
- **Intentional infliction of suffering:** This aims to subjugate the victim through coercive control.
- **No escape:** The child is deprived of any recourse. The fear of the aggressor is constant and may persist for decades after the abuse ends. The victim may carry guilt throughout his/her life and develop the “Stockholm syndrome”.

Additionally, the negligence or passive/active complicity of institutions (justice and social services) not only perpetuates the victim's suffering but often maintains its root causes instead of fighting them.

Incest can no longer be seen simply as “family violence”; it must be recognized as a form of torture: an intense and long-lasting suffering that leads to traumatic changes in the victim’s psyche, with lifelong consequences; evidently intentional and motivated by a power/submission dynamic; and the complicity through neglect, omission, minoring or deliberate inaction by state institutions responsible for child protection.

3.3 Coercive control by institutions over the young child and their mother: a dynamic of torture

The justice system and the Child Welfare Services (ASE) exercise coercive control over protective mothers by threatening to revoke their parental rights as soon as a report, complaint of incest, or a child's testimony implicates the father. This control intensifies when the child rejects their abuser or shows symptoms of sexual violence.

Among the forms of institutional coercive control, the following are observed:

3.3.1 Isolation through abusive placement in ASE

In France, placing a child in state care is supposed to be a last resort measure, in accordance with Article 375 of the Civil Code. It should only be ordered if the child’s continued presence in their

family represents a proven danger to his/her safety or development. Yet, in cases where children report incest, placement in ASE centers is often applied systematically—not as an exception, but as an automatic response to their testimony against their father.

Thus, a child living in a stable and safe environment with his/her mother can suddenly be placed in institutional care after disclosing incestuous abuse. Instead of suspending the visitation rights of the suspected father, the mother is accused of manipulation, and placement is used to force “reconciliation” with the abuser, keeping the child under his control. The juvenile judge may then consider the danger to stem not from the alleged abuser, but from the mother—accused of obstructing the father-child bond.

Far from being protective, this abrupt separation deepens the child’s trauma. Ripped from his/her main emotional reference and source of safe attachment, the child becomes isolated and exposed to new abuses. In this context, any further disclosure of abuse becomes ineffective, as the child is preemptively discredited.

Placement in ASE centers is accompanied by strict isolation. Mother-child contact is reduced to supervised visits, sometimes limited to a few hours per month, under surveillance, with bans on physical contact or discussing the reasons for the placement. This imposed rupture throws the child into confusion and guilt, deepening his isolation, feeling of abandonments and psychological distress.

Beyond the physical separation, coercive control sets in. The mother is forced to moderate her words under threat of further restrictions. Any mention of the abuse or challenge to the placement may be interpreted as “parental conflict” and used in a negative report justifying extension of the placement of the child. In this context, ASE and the juvenile judge wield unilateral power, threatening to indefinitely extend the placement of the mother persists in denouncing incest or in questioning judicial decisions.

If a mother appeals the placement, the process can take months. In the meantime, the judge may deem the child to have “settled in” to his/her new environment, and any attempt to return to the maternal home is seen as destabilizing.

Over time, the mother is gradually erased from her child's life and stripped of her parental role. The child comes to be seen as “property” of the state. This judicial mechanics, based on the arbitrary erasure of the mother-child bond, serves no protective purpose. It becomes a tool of repression against protective mothers, accused of reporting incest even when backed by the child’s testimony and strong, corroborating evidence – and to hurt the child.

Thus, ASE placement becomes an instrument of institutional coercion that, far from protecting the child, reinforces abuser impunity and silences victims. Under the constant threat of prolonged isolation, the child is discouraged from further disclosures and deprived of any recourse.

3.3.2 Monopolizing perception

Institutions impose a single narrative in which the mother is blamed for the “parental conflict,” while the father—even accused of incest—is still seen as a legitimate parent. The child is surrounded by professionals who dictate what he/she should say, feel, or think about each parent. Any mention of incest is minimized or turned against the mother.

3.3.3 Exhaustion

Protective mothers face endless legal proceedings, repeated evaluations, and burdensome administrative procedures that wear them down and exhaust them. Judicial delays, which can last months or even years, maintain constant uncertainty and psychological pressure. The child, meanwhile, suffers from constant stress related to separation from their mother and from the contradictory demands of institutions—especially the requirement to love and obey their abuser under the guise of preserving the parental relationship—which further destabilizes them and hinders free expression.

3.3.4 Threats

ASE conducts regular evaluations of placed children’s situations. However, these evaluations often rely on subjective criteria and may reflect institutional biases, particularly against protective mothers. They fuel negative case files that justify extended placements.

When a mother challenges the placement or disputes report findings, her actions are often interpreted as “oppositional” or “destabilizing to the child.” This labeling strengthens the case for continued placement and delays any return to the maternal home.

The child, for their part, quickly learns that speaking about the abuse may lead to fewer or canceled visits with their mother. This fear often leads to silence, reinforcing their isolation and sense of powerlessness.

3.3.5 Occasional indulgences

“Occasional indulgences” are a control strategy where authorities grant sporadic permissions, privileges, or leniency when the mother stops denouncing incest and complies with the institutional narrative—that a violent partner can be a good father.

This technique is common in coercive dynamics to maintain psychological control over a person. In the case of institutional coercive control, this may include:

- Exceptional authorization of an unsupervised visit between mother and child after months of restrictions.
- A court ruling suggesting gradual return of the child, later revoked.
- Temporary changes to placement conditions when the mother stops opposing the father’s visitation and custody rights.

This mechanism creates false hope and dependency. The mother and child, longing to restore their bond, may comply more with institutional demands out of fear of losing rare reunion moments. This strategy feeds a cycle of control where submission is implicitly rewarded.

3.3.6 Demonstration of omnipotence

Institutions wield power arbitrarily, based on an ideology that prioritizes preserving the parental bond at any cost—even when the father is accused of incest. They extend his visitation and custody rights, change placement conditions without consulting the mother, leaving her powerless, and systematically reject her arguments. This display of absolute authority creates a power dynamic in which the mother, stripped of any means of action, is progressively silenced and unable to influence her child’s fate.

3.3.7 Humiliation

Protective mothers are systematically disparaged in social and legal reports, labeled “manipulative,” “fusional,” or “alienating.” They are forced into intrusive psychological or pseudo-psychological evaluations against their will and subjected to supervised visits that put them in an inferior position before institutions.

The child, in turn, is forced into court-ordered meetings with his/her abuser out of concern of maintaining the parental bond—a situation that can create deep confusion and maintain them in a state of ongoing vulnerability.

ASE can also impose medical or psychiatric treatments on the child without the mother’s consent, excluding her entirely from health decisions concerning her own child. This institutional sidelining deepens her sense of powerlessness and alienation from her parental role.

3.3.8 Demand for trivial requests

Mothers are forced to comply with absurd or contradictory requirements to demonstrate their adherence to forced coparenting to prove that they support the child-father bond—even amid incest accusations or ongoing investigations against the father. They must undergo so-called “educational” support where their voice is most of the time ignored. These demands, lacking any protective rationale, turn their fight into an administrative ordeal that deprives them of any room for objection and reduces them to institutional submission.

These various strategies of coercive control are not aimed at protecting the child or objectively assessing their situation, but at neutralizing any challenge to the system. By isolating, exhausting, and discrediting the mother, institutions protect their own impunity and keep the child under their control, to the detriment of his/her safety and well-being.

Far from serving the best interests of the child, these practices establish a system of coercive control in which ASE becomes a key player perpetuating a form of organized torture. At the same time, the protective mother endures institutional repression which, in its intensity and destructive effects, amounts to a form of persecution—if not psychological and social torture.

3.4. Manipulating the Notion of “Danger” to Justify Abusive Placements

The concept of a "child in danger" replaced that of "proven mistreatment" [“maltraitance avérée”] in the 2007 child protection law, without correction in the 2016 reform or in recent legislative texts. This substitution has had major consequences for the handling of children who are victims of sexual violence.

The concept of a "child in danger" relies on a subjective and fluctuating interpretation, varying according to judges and social workers. Unlike the previous notion of "proven mistreatment," which required tangible evidence of violence (physical or psychological), the concept of danger allows for arbitrary evaluation, where a professional’s opinion alone can justify an intervention.

In judicial practice, this argument of danger is misused to penalize protective mothers who report incest. As soon as a child discloses sexual abuse and accuses their father, the mother is almost immediately suspected of manipulation. She risks being accused of "parental alienation," a notion that, although it lacks any serious definition and any legal basis, is widely invoked in court. The alienation by the mother is then considered the danger from which the child must be protected, justifying his/her placement.

Judges then consider that the child is not a victim of sexual violence but a victim of a danger of manipulation generated by the mother, accused of influencing his/her testimony. This mere suspicion becomes sufficient grounds for ordering placement with Child Protective Services (ASE) or the implementation of an Open Educational Assistance (AEMO) measure.

Thus, whenever a child reports incest, he/she is immediately considered as potentially alienated by the mother, who is herself labeled a danger to the child.

3.5. A Justice System Under Influence: An Opaque and Lucrative System

Christine CERRADA, lead attorney for the association *L’Enfance au Cœur* and author of *Abusive Placement of Children: A Justice Under Influence*, has been denouncing for several years the abuses involved in the forced placement of children in social institutions, especially in incest cases. On February 11, 2025, during her testimony before the National Assembly’s inquiry commission on abusive placements, she shed light on an opaque and arbitrary system where child protection is diverted from its original purpose to serve institutional and financial interests. During her testimony, she denounced:

- **The power of social services:** These services enjoy great authority and decision-making freedom, often lacking external oversight, allowing abuses of power and non-transparent decisions.
- **Violation of the right to family life:** The systematic disregard for a child’s fundamental right to live within their family, without strong and independent justification. This right is too often sacrificed based on subjective criteria.
- **Children’s suffering:** Abusive placements cause deep suffering in children, including emotional ruptures, uprooting, or psychological distress, with long-term consequences.
- **Violation of the International Convention on the Rights of the Child:** The misused principle of the “best interest of the child” becomes a justification for placement decisions, without true respect for the child’s rights.

- **The notion of “danger”:** The elastic use of the concept of danger, sometimes misinterpreted, to justify placements that are not based on any tangible evidence and do not consider the child’s best interest or the family context.
- **Misused concepts:** Concepts like “psychological control,” “loyalty conflict,” and other psychological terms are used to sever family ties without regard for the trauma this may cause to the child.
- **The €9-10 billion spent annually:** A colossal amount allocated to child protection, seemingly disconnected from real results and system effectiveness. The absence of a real impact assessment raises many questions.
- **Lack of post-placement follow-up and support:** After placement, children and families are often left without appropriate support, deepening the child’s suffering and complicating their return to a stable family environment.
- **Inconsistent departmental practices:** Disparate practices across departments make the system incoherent, with decisions made unequally from one region to another.
- **Lack of transparency:** The system lacks transparency in its decisions and procedures, with families often left unaware of the criteria justifying a placement and insufficient judicial oversight.

These practices, far from protecting children, **feed into a system of institutional abuse, where judicial violence adds to the violence of the abusive father**, keeping victims under control and persecuting those who try to protect them.

3.6. AEMO: A Protective Measure Hijacked to Serve Coercive Control

A measure of Open Educational Assistance (AEMO) is officially intended to support families, assist parents, and protect the child while allowing them to remain in their home environment. However, in incest cases, AEMO is frequently diverted from its protective function and used as a tool for surveillance and coercive control over protective mothers. This can lead to forced placement if the mother persists in denouncing the incest or continues legal proceedings to restrict the father's visitation and custody rights to protect her child.

In incest cases, AEMO is often imposed when a mother reports sexual violence against her child. In this context, AEMO aims to "ease parental conflict" and "restore the father-child relationship" while evaluating the mother’s statements. Diverted from its protective aim, this measure becomes a tool for institutional control over the family and lays the groundwork for possible placement with ASE.

When AEMO is implemented, social workers hold subjective evaluative power, allowing them to assess the mother’s and child’s behavior. In incest cases, these evaluations often follow a biased logic in which the child's rejection of the father is seen as problematic, and the mother is accused of having influenced the child. Any attempt to contest social workers’ conclusions or to continue reporting the incest is interpreted as non-cooperation, which can justify harsher measures.

Thus, instead of protecting the child from their abuser, AEMO becomes a tool for normalizing the relationship with the abusive father, regardless of the severity of the allegations against him. Social workers may impose:

- Father-child meetings under the pretext of maintaining the parental bond, even with a father under investigation for incest.
- Orders for the mother to stop reporting the abuse, under threat of being labeled “conflictual” or “vindictive.”
- Unfavorable reports justifying a transition to ASE placement if the mother is deemed "uncooperative."

3.7. A Perverse Logic: From AEMO to ASE Placement

In many cases, AEMO does not fulfill its preventive role against placement but may become an intermediate step before the forced separation of the child from their mother. The process follows a recurring pattern:

1. **AEMO is imposed** as soon as the child reveals incest or rejects his/her abuser. Instead of securing the child’s environment, the measure is used to monitor and control the family.
2. **Social workers produce reports** emphasizing “parental conflict” or the mother's “oppositional attitude.” These elements are used to legitimize an ASE placement.
3. **The court orders placement**, justifying that the child is “caught in a loyalty conflict” or “parental conflict.” The child is then removed from the maternal home and placed in care while being forced to maintain contact with the father.

In this institutional system, AEMO protects neither the child nor the mother. It is instrumentalized to normalize forced coparenting with the abuser and often becomes a step toward permanent placement. In conclusion, while it should serve as a preventive tool, AEMO is diverted in incest cases to reinforce abusers’ impunity and weaken protective mothers. By imposing intrusive monitoring and producing biased reports, it becomes an instrument of control and repression, often resulting in a forced rupture between the child and their mother, under the guise of a protection that is no protection at all.

Under these conditions, AEMO is not an alternative to placement but an institutional tool to legitimize state mistreatment, where the child loses his/her right to protection and the mother her right to defend him/her.

3.7. The Inclusion of Coercive Control in French Law: Real Progress or Legal Illusion?

In January 2025, the National Assembly passed a law aimed at combating sexual and gender-based violence, which for the first time included a legal definition of “coercive control”. According to this law, coercive control is characterized by repeated or multiple statements or behaviors that infringe on the victim’s fundamental rights and freedoms or create a state of fear or coercion.

In civil matters, the law provides that coercive control may be considered in decisions regarding parental authority, to protect the child and the victim parent. At first glance, this legal recognition appears to be progress in the fight against domestic and intra-family violence, finally offering a legal framework to sanction psychological control, which had been up to then difficult to prove. However, the adoption of this law was accompanied by the rejection of several essential amendments, including mandatory training for judges and social workers. These provisions,

considered too costly, were dismissed, casting doubt on the law's effective application by the courts.

Given that in France judges have absolute discretionary power, allowing them to circumvent the law, as is already the case with the Santiago Law, Decree 21, and other measures meant to protect children in cases of intra-family violence; and that incest complaints are overwhelmingly dismissed without action, how can a law change a judicial culture that protects abusers? Who will effectively enforce this law? The same judges who continue to grant custody to violent and incestuous fathers in the name of coparenting? The same courts that reclassify incest rape complaints as parental conflict, without even waiting for investigation results.

Protective mothers have legitimate reasons to be skeptical. A law that lacks mandatory training for judges and concrete means for implementation will have no real impact. Has the Santiago Law - supposedly a game changer in protecting children who are victims of incest - led to more convictions? No. The numbers remain tragically low, highlighting the vast gap between legislation and its effective implementation.

Similarly, this new provision on coercive control risks remaining a dead letter, if judges continue to prioritize maintaining the "parental bond" with abusive fathers.

Why did Parliament reject the amendments aimed at ensuring the law's application, under the pretext of cost, when the Istanbul Convention explicitly recommends such measures?

The European Court of Human Rights requires member states to adopt this provision by 2027. But will France, which already fails to enforce its own laws, truly comply with this directive?

In conclusion, without a transformation of judicial practices, this law risks being only a legislative façade—creating the illusion of progress while maintaining the impunity of abusers and the repression of protective mothers.

PART IV – A SILENT, INVISIBLE TORTURE: THE SUFFERING OF THE CHILD VICTIM OF INCEST

This section seeks to provide a clinical overview of the suffering inflicted on the child by the violence of incest.

4.1.1 Awareness of the crime suffered:

The child's realization that he/she has been the victim of incestuous rape is a major psychological shock, triggering episodes of decompensation, intense physical pain, a devaluation of life induced by core suffering, and an increased risk of suicide.

4.1.2 Feeling of betrayal:

When the law requires mothers to continue handing over the child to the abuser for visitation and custody rights, the child cannot comprehend it. Children experience an overwhelming sense of betrayal, which intensifies their suffering, sense of justice, and despair. They feel betrayed by the adult world, including by their mother: they do not understand how she can leave them in the hands of the one who abused them and those who ignore them.

4.1.3 Retraumatization through legal proceedings:

Child victims are often forced to repeat their testimony to multiple parties (police, judges, medical doctors, psychologists, social services) who question their credibility, hesitate to protect them, or do not protect them at all. This deepens the child's isolation, trauma, and distress. If adults (who are presumed to always be right) don't believe them, children may begin to doubt whether their suffering is even real: could it be imaginary?

4.1.4 Distorted relationship with self and with pain:

Numerous research, such as those by Muriel Salmona on traumatic memory, or the IPSOS survey for AIVI in partnership with AXA Atout Coeur (May 7, 2010), powerfully illustrate how incestuous crimes and assaults profoundly alter a victim's relationship to themselves and to the world. Victims often develop a distorted relationship with pain and may adopt self-destructive behaviors (self-harm, risk-taking): **“Incest is the control of the adult over the child, trapped like in a spider's web. Incest means blaming your body for being too easy a prey. It leads to self-mutilation, sometimes prostitution, often addictions... anything to punish that body!”**⁶⁵

“They are also more likely to engage in risky behaviors or addictions: smoking more than 10 cigarettes per day (55% vs 44% of the general French population), drinking more than 3 alcoholic beverages daily (30% vs 17%), or using drugs weekly (27% vs 9%). 41% also admit to regularly self-harming, and 12% have experienced prostitution.”⁶⁶

4.1.5 Loss of trust and social isolation

When the abuser is not punished or the justice system fails to protect the child, it leads to a loss of trust in adults, institutions, and the world in general, deeply disrupting their development and ability to socialize.

⁶⁵ Dr. Salmona – Association *Le Monde à Travers un Regard* ; *Warning Signs and Killing Phrases – Sexual Violence Against Minors*, Préface by Dr. Muriel Salmona:

https://www.memoiretraumatique.org/assets/files/v1/LivretMTR_web.pdf

⁶⁶ IPSOS: *Incest – A Tragedy That Haunts Victims for Life*

<https://www.ipsos.com/fr-fr/linceste-un-drame-qui-poursuit-ses-victimes-toute-leur-vie>

4.1.6 Discrediting the child's voice

When incest complaints are dismissed or the perpetrator retains parental rights, the child suffers a double penalty: their word is denied, and they are forced to remain in contact with their abuser. This reality constitutes a form of psychological and physical torture — an institutional violence that perpetuates the cycle of abuse. As noted by Judge Édouard Durand, former president of the CIIVISE, these crimes amount to a true “mass crime” due to their scale and the impunity that surrounds them.⁶⁷

4.2 Physical and Psychosomatic Suffering

Among child victims of sexual crimes and aggressions, psychological trauma often manifests somatically — as chronic pain or various physiological disorders. These somatic symptoms are bodily responses to severe, prolonged, and often unspoken stress. They include:

- Hyperactivation of the autonomic nervous system (linked to PTSD), causing chronic physical symptoms
- Somatic dissociation: the mind “disconnects” the body to shield itself from traumatic memory, leading to unexplained pain
- Low-grade chronic inflammation: an impaired immune response often found in trauma survivors

Commonly reported symptoms and conditions include:

- **Sleep Disorders, Illness, and Insomnia:** Chronic insomnia (trouble falling asleep, frequent night wakings); recurring nightmares and night terrors (sometimes tied to fragmented trauma memories); sleepwalking; bruxism (teeth grinding).
- **Chronic Pain and Disorders:** Chronic abdominal pain (often without identifiable medical cause) often related to functional gastro-intestinal troubles (irritable bowel syndrome); tension headaches and chronic migraines related to a state of prolonged stress; diffuse musculoskeletal pain (joint, muscle, back, shoulder, neck pains with no organic pathology).
- **Gastrointestinal Disorders:** Chronic nausea, unexplained vomiting, severe constipation or chronic diarrhea.
- **Recurring Urinary Tract Infections:** Sometimes linked to urination issues or secondary enuresis (bed-wetting) in previously potty-trained children.
- **Pelvic Pain:** Persistent genital or anal pain, often related to bodily memory of trauma.
- **Functional Neurological Disorders:** Psychogenic non-epileptic seizures (PNES), numbness or tingling sensations in limbs without neurological explanation.
- **Dermatological troubles:** Chronic itching (psychogenic pruritus), eczema, psoriasis exacerbated by stress; unexplained contact dermatitis.
- **Gynecological Disorders:** Vulvar or vaginal pain (dyspareunia in adolescents), vulvodynia, very intense menstrual pain; menstrual disturbances (amenorrhea = absence of menstruations) or irregular cycles

⁶⁷ Édouard Durand: “Incest as a mass crime contaminates the whole of society.”

<https://www.radiofrance.fr/franceinter/podcasts/une-journee-particuliere/edouard-durand-juge-des-enfants-l-inceste-comme-crime-de-masse-vient-contaminer-la-societe-toute-entiere-7917850>

- **Cardio-Respiratory Disorders:** Palpitations, chest pain (often linked to panic attacks or chronic anxiety); functional respiratory disorders (shortness of breath, hyperventilation with no medical cause).
- **Eating Disorders and Associated Pain:** Anorexia, bulimia, binge eating with related abdominal pain, post-meal digestive pain.
- **Self-Inflicted Pain:** Self-harm (cutting, burning) to manage or displace emotional pain.
- **Distorted Body Perception:** Somatic dissociation, feeling of being disconnected from one's body or body parts.
- **Suicide Attempts:** The rate of suicide attempts among child incest victims is extremely high. According to the CIIVISE report, 27% of incest victims attempt suicide before adulthood.

4.3 Social Suffering

- **Rejection and Isolation:** Children who disclose incest are often rejected by their surroundings, especially when the family or social environment upholds a culture of secrecy. Close friends, often tied to the father's family, may withdraw under social pressure.
- **Relational Difficulties and Social Development Disorders:** Victims struggle to understand human relationships and to integrate socially. Their relationship to trust, boundaries, and interpersonal interactions is profoundly affected.
- **Family Breakdown and Exclusion:** Disclosures of incest often lead to family implosion. Factions form, dividing those who support the child and protective parent from those defending the abuser — further compounding the child's stress and suffering.

4.4 Lack of Support and Specialized Care

- **Essential Care and Barriers to Access:** Incestuous sexual crimes cause trauma comparable to that experienced by war victims. However, in France, specialized trauma treatment centers are rare and often overloaded. Only a few urban centers offer adequate care. Specialized services are frequently limited to the private sector, costly, and inaccessible to many families.
- **Instrumentalization of Parental Authority:** The abuser may use parental authority to block medical or psychological care. Without both parents' consent, treatment often cannot proceed without a court order, depriving the child of essential therapy.

In some cases, this misuse of parental authority extends to institutional control over the children's care — undermining their real needs and fundamental rights. Child judges frequently block access to independent psychologists specializing in sexual violence and psychotrauma, instead assigning care to CMPPs (Medico-Psycho-Pedagogical Centers).

These publicly funded associations, while intended to support struggling children, may employ outdated psychoanalytic methods, systemic therapy, or even “restorative justice” — and in some cases, conduct therapy sessions between the indicted father and his child victim (which is illegal). Such institutions are unequipped to address incest trauma and its aftermath. Some CMPPs even refuse to release the child's medical file, which may contain crucial testimony — denying mothers key evidence needed for criminal proceedings.

These court-imposed follow-ups deprive children of specialized care and prevent any judicial recognition, as no medical evidence is forwarded to the prosecution in the event of new disclosures. “A new psychological wound is added — that of speaking without any consequences for the abuser, and the loss of trust in the adult world,” as happened to Mylène, a protective mother, and hundreds of others.

- **Unaffordable Cost of Care:** Protective mothers, often financially drained by legal battles and abusive court proceedings, cannot always cover the cost of specialized treatment — further isolating the child and preventing proper support.

Conclusion: According to the criteria defined by the Convention Against Torture, incest constitutes a form of physical and psychological torture. The violation of integrity inflicted, its pain, the repetition of abuse, its repression, the lack of care, institutional retraumatization, and social isolation inflict extreme suffering on victims. The State and its institutions must recognize incest as a form of torture and guarantee victims both protection and specialized care to prevent irreversible consequences on their development and mental health.

5. A SILENT, INVISIBLE TORTURE: SUFFERING OF THE PROTECTIVE MOTHER

This section presents an initial clinical overview of the suffering endured by mothers who fight to protect their children from an incestuous father and from a judicial, social, and educational system that collectively perpetuates these abuses rather than combating them. This first, non-exhaustive assessment, based on their own testimonies and experiences, of the suffering endured by protective mothers—highly destructive both to themselves and, by extension, to their children—remains largely unknown and invisible due to a lack of study.

5.1 Psychological Suffering

Shock of discovering the father is incestuous: The protective mother must confront the dismay of realizing she has loved and lived with an incestuous man. Flashbacks emerge, bringing up past details she had not previously perceived as warning signs.

Shock from judicial decisions and loss of faith in justice: The loss of confidence in—and the feeling of betrayal by—a judicial system that ignores or minimizes incest and forces the child to be returned to the aggressor causes a deep sense of distress and paralyzing sideration.

Pain of witnessing her child suffer without being able to protect him/her: Nothing is more painful than knowing one's child has been sexually abuses and even raped and being powerless to stop it. Some mothers, under court order, are even forced to hand over their child to the abuser to avoid losing their parental rights entirely.

Inability to envision the future: Repeated court hearings, scheduled every three to six months, prevent protective mothers from planning for the future or rebuilding their lives. As Boris Cyrulnik explains, the ability to project into the future is not merely a psychological mechanism; it is a true lever of emotional survival, essential to overcoming hardship and rebuilding oneself.

5.2 Physical and Physiological Suffering

Sleep disorders and nightmares: Insomnia is a recurring symptom among protective mothers, who are constantly under pressure. They wake up in the middle of the night in panic, tormented by fear of upcoming hearings, of regular contacts with social workers (which induces terror), a court order requiring them to hand over their child to the abuser, or even the fear that the police might break in at any moment to take the children to their father. Their nights are also perturbed by the need to comfort their children, who themselves suffer from sleep disorders that can persist into adolescence.

Physiological effects of constant stress: Constantly elevated cortisol levels from stress have severe consequences: gastrointestinal hemorrhages, gastric ulcers, nausea and dizziness before each hearing or upon receiving new court documents; heart problems stemming from constant anxiety.

Serious pathologies: Chronic stress, combined with the inability to see a way out, encourages the development of serious illnesses:

- Cancers linked to chronic stress
- Tooth loss due to nutritional deficiencies and bruxism,
- Weakened immune system, making the mother more vulnerable to illness.

5.3 Social Suffering

Isolation and social rejection: The ordeals these mothers go through often leave them unstable and perceived as “hysterical” or excessive. They can be rejected by friends who do not want to get involved in such a heavy matter. Even strangers, misinformed, may regard them with contempt or suspicion.

Difficulties at work: The constant involvement in legal battles and caring for their children makes maintaining a stable job schedule very difficult. The emotional energy and the time consumed by legal proceedings prevent them from holding down regular employment.

Family breakdown: The revelation of incest creates irreversible fractures within the family. Some relatives defend the aggressor, viewing the accusations as unjustified attacks. The mother then finds herself isolated and in conflict with part of her own family and the abuser’s family.

Compromised loving life: The emotional burden and instability related to legal proceedings make any lasting loving relationship almost impossible. New partners may be frightened by the complexity of the situation and the constant threat posed by the abuser.

5.4 Financial suffering:

Financial ruin due to costly and often prohibitive legal proceedings: Justice is increasingly expensive and inaccessible to those with modest incomes. The costs of trials accumulate (bailiff fees, attorney fees, medical and psychological counter-expert reports). These overwhelming expenses often leave mothers in debt and financial precarity. Some judges order social investigations and psychiatric assessments of the mother and require her to finance them. In some cases, the supervised visitation (social) center charges the mother for court-ordered meetings with her child.

Cost of care for herself and her children: Psychological and medical care adapted to trauma is rarely reimbursed by social security. Private consultations can cost several hundred euros per month.

5.5 Exhaustion, prosecution and reprisals

Exhaustion from endless legal procedures: Incest cases can drag on in court up to ten years. Provisional rulings prolong uncertainty and force the mother to continue legal procedures indefinitely, making any sense of stability impossible.

Criminal reprisals against the mother and pressure to recant: Mothers who report incest are often prosecuted for:

- **Defamation**, if they publicly name the abuser, whether convicted or not,
- **Failure to present the child (NRE)**, if they refuse to hand over their child to the abuser,
- **Financial penalties** imposed by Family Court Judges (JAF),
- **Police custody or criminal conviction** for failing to present the child to the abuser,
- **Imprisonment for "failure to present a child"**, which ultimately destroys their effort to protect their child (see below Part Six).

Repression against those who turn to the media: When a mother chooses to publicize her fight to expose unpunished paternal incest and the complicity of institutions that abandon her children and turn against her – and exasperate, call for help - she becomes even more vulnerable to attack:

- If she speaks under her real name, she risks immediate legal action,
- If she maintains anonymity, her testimony may be discredited,
- She may be accused of media "manipulation", of pressuring judges, of undermining their independence, and may see her legal case weakened or herself prosecuted.

6. PERSECUTION OF PROTECTIVE MOTHERS AND CIRCUMVENTION OF CHILD PROTECTION LAWS

6.1 The “Failure to Present a Child” (FPC) Offense: A Tool of Repression Against Protective Mothers [“crime of ‘non-représentation d’enfant’”, in French]

6.1.1 Offense of “Failure to Present a Child” (FPC): When a mother refuses to hand her child over to an abusive father to protect the child, the justice system relentlessly targets her to force compliance. On this topic, the CIIVISE has underlined: “Adults who try to protect children who are victims of sexual violence are subjected to threats and sanctions. These adults are often labeled as manipulators, alienating, reckless, intrusive, conspiracy theorists, feminists, fanatics, caricatures, or activists— ‘activist’ being used as the most pejorative term, wielded as a linguistic weapon.”⁶⁸

One of the most repressive tools used against protective mothers is the accusation of “failure to present a child” (FPC), defined in Article 227-5 of the French Penal Code as “the undue refusal to present a minor child to the person legally entitled to demand custody.” This is a criminal offense punishable by up to one year in prison and a €15,000 fine.

Although originally intended to ensure continuity of the child's relationship with both parents in cases of abduction by a third party, this law is now frequently misused to force children who are victims of incest to visit their abuser **without supervision or protection**—and to criminalize the mothers who try to protect them, accusing them of kidnapping.

When mothers report incest, we observe **three situations** where presumed incestuous fathers file FPC complaints against the mother:

- When the mother, who normally has custody, refuses to hand over the child to the father who enjoys a visitation order
- When the mother refuses to allow the child to stay at the father’s residence under a shared custody arrangement
- When the mother does not return the child to the father's home (after custody has been granted to him following an incest/rape complaint) after a **visitation right** granted to the protective mother

Protective mothers are trapped by this distorted and blind application of the law, which compels them to hand over their children to alleged abuser—even when there is convincing evidence against them. **French courts require mothers to comply with visitation rights under threat of criminal charges, in circumstances that defy reason:**

- Even when an investigation for incestuous rape is ongoing, forcing the child to be alone with the presumed abuser while justice continues to examine evidence
- Even when the father has already been convicted of incest against another sibling, exposing the child to a proven repeat offender
- Even when the father has been convicted of sexual violence against another minor, clearly showing a predatory profile

⁶⁸ CIIVISE, Synthèses, page 8, recommandation 18 : see <https://www.ciivise.fr/le-rapport-public-de-2023>

- Even when the father has been convicted of physically abusing his own children, proving he poses an immediate threat
- Even when the child explicitly refuses to go and shows signs of PTSD and sexual abuse—symptoms that are dismissed as capriciousness or maternal manipulation
- Even when doctors, psychologists, or social workers report danger and recommend suspending visitation—their assessments are often ignored or discredited by the courts
- Even when the father uses visitation rights to harass and intimidate the mother and/or child, turning each encounter into a tool of pressure and control, without intervention from authorities

There are no legal remedies to stop these proceedings initiated by abusive fathers, who use this provision as a means of retrieving their "prey" and harass or break the protective mother. **This is a flagrant misuse of the law:** the offense of FPC becomes a coercive judicial instrument forcing victims to maintain contact with their abuser under threat of penalizing their mother.

6.1.2 Why Isn't the Law Applied to Protect the Child?

Discretionary Power of the Prosecutor: The decision to prosecute the mother is entirely up to the prosecutor⁶⁹, who, on behalf of the public prosecutor's office, decides alone whether to pursue the case when a father files an FPC complaint. The prosecutor also decides whether the mother had a legitimate reason to withhold the child. In most cases, the child's voice is dismissed as unreliable due to deeply ingrained beliefs in the so-called "Parental Alienation Syndrome" (PAS).⁷⁰ **No thorough investigation is conducted, and reports from professionals, medical evidence, and the father's past behavior are often ignored.**

As a result, once a father initiates FPC proceedings, the mother is caught in a nightmarish spiral: she may be held in police custody, interrogated multiple times by an investigating judge, then formally charged and even placed under travel restrictions prohibiting her to quit the national territory. In many cases, she is convicted—with suspended or even actual prison sentences. That conviction then serves as a justification to strip her of custody, completing a judicial process that punishes those trying to protect victims instead of protecting the victims themselves. According to the CIIVISE, "80% of convictions for FPC involve mothers."⁷¹

The Myth of False Allegations: A Prejudice That Hides Injustice: The CIIVISE's report *Avis Mères en Lutte* cites a 2005 study showing that false reports of abuse in the context of a separation account for only 2% of cases. Despite this low number, judges continue to assume that mothers are lying. "If the father accuses the mother of manipulation, he is believed 98% of the time," even though "false accusations of abuse represent only 2% of cases."⁷²

Thus, the justice system prefers to risk sending a child to be further abused sexually and even raped by their father presumes incestuous, rather than considering the possibility that the child might be telling the truth. In doing so, courts and abusers speak with one voice: that the mother is manipulative and using her child to get revenge on the father. **By adopting and legitimizing the**

⁶⁹ « Pouvoir discrétionnaire » in French.

⁷⁰ « Syndrome d'aliénation parentale » in French.

⁷¹ CIIVISE, *Avis mères en lute*, page 8 – citing data from the Ministry of Justice, 2019.

⁷² CIIVISE, full report, page 12.

predator’s narrative, the judicial system becomes complicit in the perpetuation of the violence.

Édouard Durand, juvenile judge and former co-president of the CIIVISE, has repeatedly denounced this judicial logic that favors the father’s presumption of innocence over the child’s protection. Before being suddenly removed from his position, he had exposed the **systemic dysfunctions** that guarantee aggressors’ impunity and the repression against protective mothers.

6.1.3 Illustration: The Sarah Kadi Case

This case perfectly illustrates the judicial logic in question. A judge from the Toulouse High Court wrote in Sarah Kadi’s case: “The suspicion of molestation is generally [used] to deprive the father of any rights over the child.” Yet, a psychiatric expert had described the father’s behavior as “incestuous acting out” [“passage à l’acte incestuel”, in French]. This alarming conclusion was ignored, and visitation rights were maintained, exposing the little girl to her abuser for years.

Sarah, her mother, then sent the expert report to the prosecutor to request the reopening of a previously dismissed case for rape. Yet, no protection measures were taken, and the father’s visitation rights were not suspended.

The result? The father, left free, assaulted other little girls, while authorities continued to tell Sarah that there was no danger. Four years later, her daughter finally revealed that her father never stopped “putting his hand on her privates.”

This case is far from being isolated. It demonstrates how the French justice system can cover up incestuous crimes, punishes protective mothers, and silences child victims through an **institutional mechanism that amounts to organized complicity with abusers.**

6.1.4 In Conclusion

Although the law is theoretically well written, it contains critical flaws leaving too much room for arbitrary application. The outcome of a case is not determined by the gravity of the allegations, as logic and common sense would suggest, but solely by a prosecutor’s discretion, who may choose to ignore the danger faced by the child and prosecute the mother for trying to protect him/her.

This is what happened to Ms. Priscilla Majani, who was arrested at the request of French authorities, handed over by Swiss police, and imprisoned for two years in Marseille for having managed to hide her 5-year-old daughter—the only way to protect her from her father’s sexual abuse.

6.1.5 This Perversion of the Law Meets All the Criteria of Torture:

It inflicts extreme and lasting psycho-somatic suffering; it is implemented with the deliberate intent to break victims’ resistance and make it vulnerable; it protects abusers and is carried out with the active complicity of the justice and sometimes social system, and therefore, the State.

By prosecuting protective mothers for FPC in contexts of incestuous crimes, France is violating several of its international legal obligations:

- The Convention on the Rights of the Child (Article 3), which states that the best interests of the child must always be a primary consideration
- The European Convention on Human Rights (Articles 3, 6, and 8), guaranteeing protection from inhuman treatment and the right to a fair trial
- The Istanbul Convention (Articles 31 and 45), obliging states to protect victims of domestic and sexual violence, including through measures affecting parental authority
- The Convention on the Elimination of All Forms of Discrimination Against Women

This system turns the French State into a direct accomplice of abusers by providing a legal framework for the torture of victims. **This is not a malfunction—it is an organized system.**

6.2 "The State of Necessity": A legal but theoretical protection systematically denied to protective mothers

After having instrumentalized the notion of "non-presentation of a child" to enforce the maintenance of ties with the aggressor, the justice system also deprives mothers of a legal recourse nonetheless provided for by the French Penal Code. Indeed, Article 227-5 of the Penal Code includes a **cause of criminal irresponsibility** when a parent can demonstrate that handing over the child to the other parent would endanger their safety or well-being. This exception is based on the concept of a "state of necessity" ["Etat de nécessité" in French]. It means that a protective parent who refuses to hand over the child due to immediate risks to their safety or well-being should not be prosecuted for "non-presentation of a child," provided that the danger is real, imminent, and proven.

This implies that the parent invoking this exception must provide sufficient proof of the danger to the child. However, whether during a rape investigation or after a case is closed without further action, nothing is considered sufficient evidence in the eyes of prosecutors and judges. **In practice, this exception is systematically denied to protective mothers.** Even when they provide concrete evidence of the violence suffered, and the risk of its recurrence—such as medical certificates attesting to genital injuries consistent with the child's testimony, psychiatric evaluations establishing the father's dangerousness, reports from professionals, or even prior court decisions confirming violent history—the courts refuse to recognize the state of necessity.

Mothers who invoke this legal protection hit a **wall of denial**. Judges systematically reject their arguments on the ground that **no evidence is sufficiently convincing**, even when the father's violence has already been implicated in other cases. **In fact, the justice system completely reverses the burden of proof:** it is no longer up to the authorities to determine whether the father poses a danger to the child, but up to the mother to provide indisputable proof that the child is already in danger. Yet, the current judicial practice, which systematically dismisses even incontrovertible evidence against the father, makes such a demonstration nearly impossible.

Thus, the law that is supposed to protect children is stripped of its purpose—to combat crime—and instead serves crime, enabling it to thrive.

In this regard, judge Édouard Durand has denounced the paradoxical injunction imposed on protective mothers. On the one hand, they are required by law to protect their child. On the other, they are punished when they attempt to do so:

- If they report the rapes and refuse to hand over their child to the abuser, they are accused of manipulating the child and risk imprisonment.
- If they obey the justice system, they are forced to send their child to be raped.

6.3 Non-Application of Decree No. 2021-1516: A legal protection ignored by the judiciary

Adopted on November 23, 2021, Decree No. 2021-1516 (nicknamed "Decree 21") aims to strengthen the effectiveness of the rights of victims of domestic violence and ensure better protection of minors exposed to violence. It emphasizes the obligation of judicial authorities to consider the safety of children and victims in all decisions concerning them. In theory, this legal framework should prevent a child from being entrusted to a violent or incest-accused parent.

Yet in practice, this decree is widely ignored by the courts, particularly in cases of “non-presentation of a child” involving protective mothers. Although they provide overwhelming evidence confirming the father’s dangerousness, judges refuse to apply this text and continue to persecute the mothers.

6.4 The "Santiago Law": A superficial law announced as a major legal advance

Adopted on March 18, 2024, Law No. 2024-233, known as the “Santiago Law” [by the name of its initiator], aims to better protect and support children who are victims and co-victims of domestic violence. It introduces major advances in the suspension and withdrawal of parental authority from violent or incestuous parents, but its implementation by the courts remains uncertain.⁷³

Article 1 of the law introduces an automatic suspension of parental authority, as well as visitation and custody rights in the following cases:

- When a parent is prosecuted by the public prosecutor or indicted by an investigating judge for incestuous sexual assault or a crime committed against their child.
- When a parent is prosecuted for a crime against the other parent.

The flaw is that this suspension only remains in effect until the family court judge, seized by the father, makes a decision (which takes only a few days).

In case of conviction, Article 2 of the law provides that the full withdrawal of parental authority is automatic unless the court justifies a contrary decision. For less serious offenses, the court may decide on a partial withdrawal. While this law represents an important advancement on paper, its implementation is a failure, as it is bypassed by key actors in the child protection system:

1° By family court judges (“JAF: juges aux affaires familiales”) **who refuse to apply the law:** These judges refuse to suspend paternal parental authority, even when a father is indicted for incestuous rape. Although the Santiago Law mandates automatic suspension, magistrates retain discretionary power allowing them to reassess this measure at the father's request. This reassessment often happens within days, rendering the law almost inoperative.

The Santiago Law is seen as a smokescreen by protective mothers, because the day after the suspension of his rights, the father accused of incestuous rape can request their reinstatement,

⁷³ See the text of the law at: <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000049291163>

and family court judges (JAF), supported by Child Protection Services (ASE), are generally in favor.

Indeed, if the father has not been definitively convicted, ASE considers that he is presumed innocent, and the parental bond must be maintained. Thus, during the entire investigation—which can and does take years—the child remains exposed to his abuser, despite ongoing prosecution. If a conviction is obtained, the father’s rights may be suspended, but he can still petition the family court judge to try to regain them—and most of the time, judges are favorable to this. **Filing with the family court has become the best way for an incestuous father to circumvent the law, with ASE providing all the pseudo-scientific arguments to legitimize the judge’s decision.**

This reality is unsurprising, once again, in a judicial system where the preservation of the parental bond is systematically prioritized. Judges and ASE circumvent the application of the Santiago Law, continually perpetuating impunity for perpetrators at the expense of child protection.

- They invoke the "child’s fundamental right to maintain a bond with both parents”.
- They request expert assessments that take months or even years, instead of immediately protecting the child—assessments which, in any case, are cursory and often biased against the victims. **In the meantime, children remain exposed to their potential abuser**, and protective mothers continue to be prosecuted if they refuse to comply with the father’s visitation and custody rights. Meanwhile, it can take up to two years between the filing of a complaint and the appointment of an investigating judge.

2° By ASE, which most of the time becomes an accomplice in the non-application of the Santiago Law. Instead of ensuring the application of the Santiago Law and protecting children from incestuous violence, ASE plays a central role in bypassing it. By refusing to acknowledge the danger and prioritizing the parental bond at all costs, it directly influences judicial decisions that lead to the reinstatement of the rights of suspected abusive fathers.

Its reports, almost always favorable to fathers, are often filled with accusations of “parental alienation” against the mother and recommendations for forced psychiatric evaluation, based on dubious theories to discredit the testimony of the child and mother. By downplaying disclosures of incest, ASE provides judges with justification for not applying the Santiago Law and for maintaining the father’s visitation rights, even in cases of ongoing sexual violence prosecutions.

In some cases, ASE proposes supervised visitation as a temporary solution, but these measures only last a few months (6 to 9 months), after which the child is once again forced to see their abuser, despite the suspension theoretically provided by law.

Thus, far from being a child protection agency, ASE becomes an institutional tool for maintaining the bond with the abuser, actively contributing to the non-application of the Santiago Law and prolonging the hold of incestuous fathers over their victims.

Since the law was enacted, no judge has been sanctioned for refusing to apply it, and no ethical measures have been taken by the Council of the Judiciary. As for ASE, there is no oversight of its decisions, even when its favorable reports on suspected abusive fathers result in children remaining under their control, despite revelations of incest.

6.5 Regardless of the law, the obstacles to its implementation remain the same:

- In the French judicial culture, which prioritizes the preservation of the parental bond at all costs, even in cases of incest.
- In the broad discretionary power of judges and prosecutors, which allows them to ignore protective laws in the name of subjective interpretation.
- In a discriminatory bias against protective mothers.

The **GREVIO** (Group of Experts on Action against Violence against Women and Domestic Violence), in its report on the implementation of the Istanbul Convention in France, highlighted a worrying gap between existing laws and their effective application. It found that, despite a protective legal framework, civil society report that these laws are rarely enforced.

In conclusion, if France truly wants to protect children who are victims of incest, it must enforce the Santiago Law strictly and systematically, while limiting the discretionary power of magistrates and the abuses of ASE.

As seen above, protective mothers endure permanent psychological and physical torture, which often persists and worsens over several years, directly caused by judicial decisions and institutional harassment by ASE. These institutions, instead of supporting them, crush and isolate them. This suffering, considering the criteria of the Convention against Torture, amounts to systemic torture directly involving the judicial and social apparatus.

Top of Form

Bottom of Form

7. IN DESPERATION: APPEAL TO INTERNATIONAL PROTECTION MECHANISMS (UN)

7.1 Renewed Appeal from United Nations Experts

Faced with a justice system that no longer fulfills its role of conflict resolution, victim protection, and predator punishment, some mothers seeking to protect their children turn to international bodies with the hope of being heard and obtaining, if not justice, at least recognition, support, and guidance in their fight to safeguard their children.

Along with two other emblematic cases of the same systemic issue—where the integrity of the child is neglected and even sacrificed by the justice system meant to protect them—the case of Ms. Priscilla Majani was the subject of an official inquiry by three United Nations experts in July 2023.⁷⁴ ⁷⁵Despite a voluminous response from France, accompanied by nearly 90 documents, the country essentially rejected the inquiry and invited the rapporteurs to focus on matters within

⁷⁴ The three expert mechanisms are the Special Rapporteur on the sale of children, child sexual exploitation and child sexual abuse; the Special Rapporteur on violence against women and girls, its causes and consequences, and the United Nations Working Group on Discrimination against Women and Girls.

⁷⁵ Communication des trois rapporteuses spéciales :

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28207>

their own purview. ⁷⁶France's official response reflects on the international stage reflects the same denial of a reality that is struggling to emerge from the suffocation in which justice and political power have kept it until now.

In January 2024, the three experts, disappointed with the cavalier response from France, issued a joint public statement once again urging France “to act urgently to protect children from sexual abuse within the family and address discriminatory treatment and violence experienced by mothers who attempt to protect their children from sexual predation.”⁷⁷

7.2 A long lasting issue: Already denounced in 2003 by a UN human rights expert

The glaring deficiencies in how the French justice system handles child sexual abuse, especially incest cases, are not new. **Back in 2003 (that is 22 years ago!)** the UN Special Rapporteur, Juan Miguel Petit, warned French authorities about the severity of the issue. He undertook an official visit to France to study the situation firsthand, gather direct information, and initiate dialogue with authorities. He identified the problem and pointed the finger at France for silencing the voices of children who were victims of sexual abuse, and for the French justice system's inability—or unwillingness—to protect them. He also condemned the fact that protective mothers who reported sexual violence by their ex-partners against their children were not believed and therefore not protected.⁷⁸

Before presenting his report to the then UN Human Rights Commission, he released an unambiguous statement in June 2003: *“We find that many of those responsible for protecting children's rights—particularly in the judicial system—continue to deny the existence and scope of this phenomenon [incest]. Full and impartial investigations must be conducted against alleged perpetrators, especially when medical assessments, psychological evaluations, and social worker reports support the validity of the allegations. Given the number of cases where there is a grave denial of justice for children who are victims of sexual abuse and for those attempting to protect them, it would be appropriate for an independent body—preferably the National Consultative Commission on Human Rights—to urgently investigate the current situation.”*⁷⁹

It was not until 2021, and the political embarrassment caused by the **scandal at the top of the state** of the publication of Camille Kouchner's book “*La Familia Grande*” that such a body, the CIIVISE, was finally established.

In his letter dated May 6, 2003, and based on new cases brought to his attention, the Special Rapporteur underlined the enormous difficulties faced by individuals—especially protective

⁷⁶ See the Un Special Procedures database on communications:

<https://spcommreports.ohchr.org/LatestReports/RepliesReceived>: France's response is the third on the table, on p 1.

⁷⁷ « La France doit protéger les enfants contre l'inceste, exhortent des experts de l'ONU,

<https://news.un.org/fr/story/2024/01/1142462#:~:text=La%20France%20doit%20agir%20de,des%20droits%20de%20l'homme;or> :

<https://www.ohchr.org/en/press-releases/2024/01/un-experts-urge-france-protect-children-incest-and-all-forms-sexual-abuse>

⁷⁸

⁷⁹ Juan Miguel Petit, Report's reference: E/CN.4/2004/9/Add.1, available on the following page: <https://digitallibrary.un.org/record/506097?ln=fr&v=pdf>.

mothers—who filed complaints against those they suspect of abusing their children, knowing they risk legal retaliation for false accusations – measure which, in some cases, lead to the loss of custody of their children. **He recommended to apply the "precautionary principle" in all judicial proceedings involving allegations of child sexual abuse, placing the burden of proof on the party seeking to prove that the child is not at risk. He proposed that contact between the child and the alleged aggressor should be supervised until the truth of the allegations is determined. He also added that when a child clearly expresses the wish, in the presence of competent and qualified child rights professionals, not to spend time with the alleged abuser, that wish should be respected.**⁸⁰

In that same official letter to France, the Special Rapporteur expressed concern that “mothers who file complaints against those they suspect of abusing their children, knowing they may face criminal charges for false accusations (...) pursue all legal remedies until they can no longer afford legal fees; at that point, their only option is either to continue handing over the child to the person they believe is abusing them **or to seek refuge abroad with the child.**”

In this context, he noted that “in a growing number of cases, a separated parent—usually the mother—chooses [in fact is forced to choose] to take the child or children abroad rather than comply with court decisions granting visitation or custody rights to the alleged abuser, which in turn would expose the child to further sexual abuse. **There have even been instances where judges and lawyers, aware of the flaws in the judicial system, have unofficially advised some parents to take such action. These parents then face the threat of criminal prosecution both in France and in the country they flee to.**”⁸¹

7.3 The Hague Convention: Use and misuse of international law⁸²

The Hague Convention on the Civil Aspects of International Child Abduction is intended to establish international cooperation to limit child trafficking and enable the return of a child unlawfully removed from his habitual place of residence. Under this convention, if a parent moves his children abroad to protect them, they may be accused—at the request of the father and his lawyer—of “non-representation of child” (i.e. of “child abduction”) and become subject to legal proceedings either in France or in the country where they are taking refuge, through an Interpol red alert, to a possible forced return (extradition) and to a loss of custody. Anyone who encourages or assists the mother in taking her children abroad can also be prosecuted for complicity in child abduction. The removal of children from the father's custody is taken very seriously by fathers, their lawyers, and the courts. **This is what happened, among other cases, to Ms. Priscilla Majani, who was imprisoned in Marseille for having successfully taken her daughter to safety in Switzerland.**

Twenty-two years later, despite Miguel Petit’s seminal report, his efforts to raise awareness among French authorities and his constructive recommendations; despite the recent creation of the CIIVISE and years of political posturing, sleeve tricks and institutional statements

⁸⁰ Ibid, paragraph 50. Ibid, paragraph 80. Protéger l’enfant : L’ONU dénonce la silenciation des victimes en France <https://www.protegerlenfant.fr/2020/11/15/onu-suspicion-tribunaux/>.

⁸¹ E/CN.4/2003/79/Add.2, paragraph 15. Ibid, paragraph 80. Protéger l’enfant : L’ONU dénonce la silenciation des victimes en France

<https://www.protegerlenfant.fr/2020/11/15/onu-suspicion-tribunaux/>.

⁸² <https://www.hcch.net/en/instruments/conventions/specialised-sections/child-abduction>

announcing child protection measures as a presidential priority—the situation fundamentally remains the same - and the same conclusions continue to be drawn.

7.4 The Violence of incest and its treatment by the justice system: A form of torture

Judging by the long-term devastating effects on the psychosomatic life of the victim, incest violence and the way it is handled by the justice system constitute a form of torture. For the child, it is a wound often repressed into the unconscious by suffering, shame, and fear - a wound that persists and haunts them throughout their life, like a heavy iron weight pressing on their chest, which they carry everywhere, preventing them from breathing and living. **Nearly 40% of victims of childhood sexual violence — and among them, nearly 50% of incest victims — suffer from traumatic amnesia, which contributes to obscuring the reality.**⁸³

As the CIIVISE’s report reminds us, for victims, this is not an accident, a marginal, negligible, or fleeting form of violence, but a violence that lasts “for life.”⁸⁴

It is a form of torture, not yet recognized as such, but which meets all five criteria of the definition under the Convention Against Torture. Under international law, it is clearly established that rape — whether committed by a public official or a private actor — engages the State's obligation to exercise due diligence to prevent and respond to prohibited ill-treatment. This means that when national jurisdictions fail to appropriately address rape and when regional or international mechanisms are available, victims have the option to turn to these mechanisms to seek redress against the state in their case.⁸⁵

In 2008, the UN Special Rapporteur on Torture stated that labeling an act as “torture” carries a significant additional stigma for the State and reinforces the legal implications, which include the strong obligation to criminalize acts of torture, to prosecute the perpetrators, and to provide reparation to victims. Because the prohibition of torture is a *jus cogens* norm of customary international law, it permits no derogation and carries very strict legal obligations.⁸⁶

7.4 Definition of Torture Under the Convention Against Torture

Article 1 of the Convention (ratified by France) defines torture as follows:

“Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from them or a third person information or a confession, punishing them for an act they or a third person have committed or are suspected of having committed, or intimidating or coercing them or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

⁸³ Salmona M., Stop prescription 2020, Mémoire traumatique et victimologie, 2020.

⁸⁴ See supra Note 14, Synthèse du rapport de la CIIVISE, Novembre 2023, page 20.

⁸⁵ REDRESS : Réparation pour viol : Utiliser la jurisprudence internationale relative au viol comme une forme de torture ou d'autres mauvais traitements, page 29,

<https://redress.org/storage/2017/12/1311french-rape-as-torture.pdf>

⁸⁶ UN General Assembly (2008), Report, 2008, by Manfred Nowak, paragraph 26. See also Hannah Pearce, “An Examination of the International Understanding of Political Rape and the Significance of Labeling It Torture”, International Journal of Refugee Law, 14 (2003), 534-60 à la p. 540. 109. And UN Committee against torture (2008) : « General Observation n° 2 », paragraph 1.

It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”

7.5 Application of the Convention’s definition to incestuous violence and the justice system that contributes to perpetuates it

The Convention against torture sets five main criteria to determine whether an act constitutes torture:

1. **Criteria of “severity of the pain, physical or psychological”:** Sexual violence against a child, all the more when repeated and ongoing, inflicts a trauma (physical and psychological) that will accompany and haunt the victim, often without their awareness, until they “remember” it — if they ever do — throughout their life. It is an assault on the child’s physical and psychic integrity, a suffering in the most intimate part of oneself, at every moment, and all the more so as it is committed by a parent, in whom the child places their trust and expects protection.
2. **Criteria of “intentionality”:** There is no doubt that, to satisfy his own selfish pleasure, the aggressor **deliberately** violates the integrity of the child’s body and psyche, whether the act occurs once or repeatedly over a long period.
3. **Criteria of “coercion”:** A child, especially a young one, is vulnerable to all kinds of pressures exerted directly or indirectly by his family environment and, in cases of incestuous violence, has practically no means to oppose it, caught as he is in an emotional conflict involving the aggressor, his parents, and his family.
4. **Criteria of “discrimination”:** The discrimination here is double: it is exercised by an adult against a defenseless child, and in the case of a father abusing his daughter, the discrimination is twofold: against a child and a girl.
5. **Criteria of “at the instigation of or with the express or tacit consent of a public official”:** Sexual violence against children within the family may constitute a form of torture when the State fails in its duty of due diligence to prevent and firmly combat such violence through both words and actions. The State has an additional obligation of vigilance and protection to act in the best interest of the child (as provided for in the International Convention on the Rights of the Child – especially if that State has ratified that convention).

From the victim’s perspective, these five criteria are what they endure: a physical and psychological violence, in the most intimate part of the self; deliberately imposed under coercion, by a parent invested with absolute power over the child; because they are a child, and especially if they are a girl; violence aggravated when the justice system, through lack of will or resources, fails to take the necessary and urgent measures to protect a child when a complaint of incestuous sexual violence and a request for protection are brought before it.

7.6 Protecting the child: a triple adult obligation

When a child reports sexual violence, even if it has not yet been proven, the very least that must be done is to protect him. Firewalls must be put in place between the child and their alleged abuser. If state officials or their auxiliaries — police officers, gendarmes, judges, prosecutors, educators, doctors, social workers — who are alerted to the violence a child is suffering, ignore

their complaint and request for protection, and leave them in the hands of their aggressor, they fail in their triple obligation:

1. **Failure in their duty to assist a person in danger**, especially when that person is a child — the most vulnerable being of society. Even animals protect their young precisely because they are vulnerable.
2. **Failure to apply the precautionary principle**, which dictates that in cases of doubt, one does not take the risk of letting the child suffer further violence. It is better to be wrong than to allow harm: we are talking about a child's life and suffering. This does not mean wrongly accusing the father, but first and foremost protecting the child as long as the procedure lasts.
3. **Failure to uphold the principle of “the best interests of the child”**, which is the cornerstone of the Convention on the Rights of the Child (ratified by France). This principle must take precedence over all other considerations when it comes to protecting a child from harm caused by one or more adults. What is the best interest of the child? It is, first of all, the consideration of his fundamental needs, starting with his need for safety and protection to enable him to grow and develop his potential.

In France, as we have seen, **this is not a matter of isolated, exceptional cases but a phenomenon affecting tens of thousands of children**: let us recall the first finding of the CIIVISE: 160,000 children are victims of incest each year, which is an underestimation, as many victims — eight out of ten — do not dare to file a complaint.

This failure of protection on the part of public authorities, in the face of alarmingly obvious facts, if not corrected by a clear and determined policy of deep and long-term reforms aimed at preventing and punishing such violence, **amounts to a complicity in torture.**

8. GENERAL CONCLUSION: RECOGNITION OF TORTURE, AN IMPERATIVE FOR THE PROTECTION OF CHILDREN AND THEIR MOTHERS

Following in the footsteps of others, this report highlights an unacceptable reality: in France, children who report incest and their protective mothers are subjected to institutional treatment that meets all the criteria defined by the United Nations Convention Against Torture. Not only does the French State fail to protect them, but it actively contributes to prolonging their ordeal by depriving them of their fundamental rights and exposing them to further violence.

Every day, children are torn away from their mothers, placed in foster care or entrusted to their abuser under the pretext of preserving "parental authority" or "presumption of innocence". Every day, mothers who try to protect their child are prosecuted, persecuted, and convicted for having resisted a justice system that reverses roles and punishes victims instead of perpetrators. This system is not the result of a series of isolated dysfunctions: it is a structured mechanism that ensures the impunity of abusers and crushes those who try to oppose it.

This is why we appeal to the **United Nations Committee Against Torture** as a last resort, because in France, **the protection mechanisms do not work for victims of incest.** We call to the experts of the Committee for the deaf, institutional violence inflicted on incest victims and their mothers to be **officially recognized as a form of torture**, and for specific and practical recommendations to be addressed to the French authorities.

We hope that **recognizing these practices as torture** will pave the way for structural reforms that are essential to end this violence and finally guarantee **real protection, safety, and a dignified life for children** who are victims of sexual violence and for their mothers.

It is urgent that mothers who protect their children cease to be persecuted and that children who have been wrongfully placed be returned to those who have done everything to shield them from the violence that undermines their integrity, health, and lives.

The United Nations Committee Against Torture has been mandated with the international authority to bring these facts to light, to call France to account for its responsibilities, and to remind it of its obligations.

9. OUR RECOMMENDATIONS TO THE COMMITTEE AGAINST TORTURE

Because this situation has unfortunately persisted for decades in our country — a nation that prides itself on being one of the cradles of human rights — and because no public authority across the political spectrum seems willing to address it decisively, despite the abundance of reliable documentation on the subject, we are compelled to turn to the experts of the United Nations Committee Against Torture as a last resort to help us protect our children.

We expect the Committee to objectively examine this situation through the lens of international human rights law, to which France is bound by its commitment to implement the provisions of the Convention Against Torture that it has ratified. France is also obliged to uphold the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women. We respectfully ask the Committee to:

1. **Officially recognize incest and the institutional violence inflicted through its judicial handling as a form of torture** from the very first act, regardless of its form. Children’s bodily and emotional integrity must be protected. These crimes, aggravated by the direct involvement of State institutions, meet the criteria defined by the Convention Against Torture. **Recognizing these practices as torture is essential to finally deliver justice to the victims.**
2. Recommend that France robustly implement **all** the recommendations of the CIIVISE
3. Recommend the **immediate suspension of visitation and custody rights of the father upon the first report of incest and ensure that judges apply existing laws** when a child presents symptoms attested to by specialized healthcare professionals. The French State must apply a strict precautionary principle and stop forcing child victims into contact with their abuser under the guise of “parental authority
4. Recommend to the government the **suspension of parental authority from the onset of an investigation into incest**, and its automatic permanent revocation in the event of a conviction.
5. Officially **denounce the use of pseudo-scientific concepts such as “Parental Alienation Syndrome (PAS)”**⁸⁷ and other related terms, which are improperly used to discredit children’s disclosures and their protective mothers — concepts rejected by international medical and scientific bodies but still used in various forms by French courts to justify decisions that place children with their abusers and remove them from their mothers.

⁸⁷ During her hearing at the French National Assembly, journalist Romane Brisard pointed out that associations defending the concept of “parental alienation” have withdrawn the term “syndrome”, which was intended to pathologize an allegedly toxic bond between mother and child. However, the substance of the accusations made against mothers remains unchanged: alleged manipulation by the mother continues to be used as a discrediting tool justifying judicial decisions that remove them from their child in favor of the parent accused of violence.

(Examples: “**projective movements**” by the mother, “**psychic individuation**” of the child, the mother’s “**hypervigilance**” regarding the child’s testimony, “**parental conflict**”, the child’s “**loyalty conflict**” “**false memory theory**”, “**victimizing parent**”, “**non-harmonious co-parenting**”, “**persecution syndrome**” and other psychoanalytic terms, etc. This list is non-exhaustive, as new pseudo-scientific terms continue to emerge in the training of social-judicial personnel.)

6. Recommend to the French Government:

- the **prohibition of placing a child into child welfare care (ASE) or applying “educational measures” (AEMO) under the pretext of “parental conflict” following a mother’s complaint of incest.**
- the transfer of criminal or penal cases to ASE to ensure independent care of the child and **protect civil parties during preliminary investigations or criminal proceedings** before an investigating judge. Criminal matters must be handled exclusively by qualified experts and investigators (independent psychologists, doctors, experts, judicial police, prosecutors, investigating judges).
- to prohibit prosecutors or investigating judges from relinquishing judicial oversight of the father by transferring “educational supervision” to ASE staff during a criminal investigation.
- to prohibit the **transfer of custody jurisdiction from the Family Court to the Juvenile Court** (denial of justice).
- **that judicial proceedings involving incestuous violence fall exclusively under the jurisdiction of the Criminal Court of Assizes**, without the possibility of downgrading to lesser charges.
- **the presumption of credibility for the testimony of child victims until proven otherwise**
- the **urgent establishment of an independent mechanism to review judicial decisions related to incest**, involving qualified professionals, including recognized civil society representatives
- **the independent and impartial audit of the placement and treatment of child victims of intra-familial sexual violence in child welfare centers (ASE)**, with the full public release of the audit report. The ASE, which operates on public funds, does not make the precise use of those funds transparent. As financial exchanges between the judiciary and local governments, conflicts of interest and pressures on protective mothers must be scrutinized. Any shadowy area in these institutions must be monitored with utmost vigilance to prevent corruption and guarantee real protection for children. Additionally, the presence of

pedo-criminal networks around ASE homes is a major concern.⁸⁸

- **to the Ministries of Interior and Justice publish clear and detailed data:**
 - **on criminal and civil court rulings related to incest**
 - **on the number of protective mothers convicted of “child concealment” after filing rape complaints for incest against the father**, including sentencing details (suspended sentence, imprisonment, fines, etc.)
 - **and on suicide and suicide attempts** among incest victim children and their mothers.
 - **the allocation of the necessary resources to guarantee free medical and psychological support for children and their protective parents**
 - that the **government effectively protect mothers who report incest from judicial retaliation** and end their prosecution when they invoke a “state of necessity” to shield their children from court decisions exposing them to the accused abuser.
 - that the government **prohibit the police custody [“garde à vue”] of protective mothers and the use of the charge of “child concealment” when a mother refuses to send her child to a father being prosecuted for incest** — in accordance with the precautionary principle and the best interests of the child.
 - the **annulment of convictions for “child concealment” issued against mothers when an incest rape complaint is ongoing**, along with the removal of related criminal records, which unjustly prevent them from working with children (in schools, nurseries, etc.) while the alleged pedocriminal father — not yet convicted or indicted — can continue to work with children without restriction.
7. Finally, we call on the Committee to consider, under its authority, the **establishment of an international monitoring mechanism for the protection of incest victims and their protective mothers in France**, in preparation for the next reviews of France by the Committee. Rigorous oversight of judicial and administrative decisions involving incestuous sexual violence is necessary to ensure that the fundamental rights of victims and of those who fight to protect them are **effectively** upheld.

Our appeal is a vital call for recognition, support, and intervention to end these multiple intertwined layers of suffering. We hope the Committee will help ensure that the French State respects its own laws and its international human rights commitments. We place our trust in this body to carry the voices of our children — and our own — and to break the silence that locks us into a prison of suffering.

⁸⁸ *Child Welfare: Those minors taken in who end up in prostitution* (Published: September 24, 2024).

“Particularly alarming dysfunctions concern the phenomenon of child prostitution within child protection institutions.”

<https://theconversation.com/aide-sociale-a-lenfance-ces-mineurs-pris-en-charge-qui-entrent-dans-la-prostitution-230796>

We are at the disposal of the Committee to testify and provide any additional information it deems useful for the review of France.

ACKNOWLEDGMENTS

First and foremost, we thank the child victims, whose courage in the face of the unspeakable keeps us motivated, engaged and committed.

We express our deep gratitude to the protective mothers who, despite reprisals, continue to alert and document the persecution their children endure. Their fight is one of dignity, of the fundamental right to be protected — across all corners of France — against institutional violence.

Thank you to the associations and activists who, for years, have supported and accompanied victims and their families. To the health and child welfare professionals who denounce incestuous and institutional violence. To the lawyers who challenge the mechanisms that allow perpetrators to go unpunished and who defend mothers under persecution. To the journalists who bravely investigate, document, and report.

Finally, we express our gratitude to the United Nations Committee Against Torture, to human rights experts, and to international bodies that are giving attention to this major crisis in France and to the suffering of children and their mothers. We place our hope in their ability to make these silenced voices heard and to call the French State to account for its international obligations.