

Open Letter to Ms. Reem Alsalem, Special Rapporteur on Violence Against Women and Girls

Cc: Human Rights Organizations and World Leaders

Subject: Asylum for French Mothers, Safety for Children

Dear Ms. Reem Alsalem,

I am writing to you as a mother and survivor of grave injustices perpetrated by the French judicial system. My children and I have endured unimaginable pain and suffering due to a biased system that targets mothers who denounce incest and try to protect their children from incestuous and predatory fathers.

In December 2020, my three-year-old daughter became a victim of incest at the hands of her father. Despite overwhelming medical evidence and my daughter's testimony, our plea for justice was dismissed after a cursory investigation. The police did not thoroughly investigate the crime scene or check surveillance footage, leading to the closure of the criminal case without consequences for the perpetrator. The father was called to testify a month after the complaint, and crucial evidence was ignored.

Even with medical reports confirming vaginal injuries consistent with sexual abuse, the father avoided prosecution, shielded by the "presumption of innocence." This principle, intended to protect against wrongful convictions, was misused to dismiss clear evidence of abuse. According to the Independent Commission on Incest and Sexual Abuse of Children (Ciivise), only 1% of abusers are punished in France.

The predator father became the victim and I have been criminalized

Instead of protecting my children the system targeted me, the protective mother, branding me as an alienating mother without foundation and sentencing me to six months of suspended prison for refusing to hand over my children to their abuser. This sentence forces me to comply with dangerous visitation rights or face imprisonment and loss of custody. This is judicial femicide and legalized vicarious violence.

The Criminal Court claimed I have "unduly" failed to comply with the father's visitation rights, ignoring medical evidence and my children's testimonies. A psychiatric report on the father indicated a severe psychiatric disorder that impairs his ability to care for the children, yet the Family Court prioritized his parental rights over my children's safety.

Violation of Human Rights

This sentence violates European legal principles, including:

- **Article 3 of the European Convention on Human Rights:** Prohibits torture and inhuman or degrading treatment.
- **Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse (Article 14):** Mandates measures to prevent child abuse.
- **Istanbul Convention (Article 31):** Requires child custody decisions to consider incidents of violence.
- **UN Convention on the Rights of the Child (Article 19):** Requires protection from all forms of violence.

Despite this, the family court extended the father's visitation rights, subjecting my children and me to further danger.

Systemic Failure of justice and international warrant for a protective mother

After exhausting all legal remedies in France, including the Supreme Court, I had no choice but to leave France to protect my children. The French police issued an international search warrant against me, treating me like a criminal for trying to safeguard my children but I'm just a loving mother trying to protect my children's lives.

Impact of the Hague Convention if the Children are Returned to France

The justice system is preparing to send my children back under the control of their incestuous father. The French juvenile court decided that if my children are found, he would retain regular visitation rights despite two ongoing rape complaints against him. As for me, even though I have been recognized as a protective and caring mother, I would see my parental authority removed and risk three years of imprisonment and a fine of 45,000 euros for trying to protect my children. This decision ignores their safety and best interests, subjecting them to further trauma and violence.

In cases of incest by the father, the French justice system uniquely places the victim back under the care of their alleged abuser. Before transferring primary custody to the father, my children would be torn from me and placed in a child welfare home. These welfare homes have been denounced for years in the press, plagued by reports of sexual assaults between minors and child suicides. The European Court of Human Rights has twice condemned French child welfare services for serious child abuse.

For all these reasons, the Hague Convention would be a condemnation to suffer ongoing rape and institutional abuse for my children and would expose me to a heavy prison sentence. My children would then no longer have a mother, as the mother-child bond would be completely severed by the removal of my parental rights. Thus, my children would be entirely under the guardianship of their alleged rapist until the age of 18. Being separated from my children and

knowing they are in harm's way would be unbearable, a real torture that I'm not sure I can overcome. The Convention's application in this situation fails to protect the most vulnerable and perpetuates the cycle of incest and judicial femicide.

Censorship, intimidations that prevent freedom of expression

When I anonymously testified in the press, the father recognized the story and used it against me in court. Child welfare came to my house to question me about the press article, and the judge accepted the article as evidence of harm against the father, silencing me and violating my right to free expression under Article 10 of the European Convention on Human Rights.

Obstruction of my ability to document ongoing abuse with psychological reports

Forced interactions with their alleged rapist in moments supposed to be joyful and secure, like Christmas or birthdays, left lasting trauma for my children, so I had chosen a psychologist for my son and another for my daughter but the juvenile judge forbade me from choosing my children's psychologist, and ordered that my children be followed in a psychology center where the staff is not trained to treat cases of incest and who do not have the right to give the children's medical files to the parents. By this decision the juvenile judge obstructed my ability to document ongoing abuse.

European Laws Violated by France in Denying Me Access to Material Evidence of my children's case

The juvenile judge has explicitly forbidden me from having a copy of my children's case file. She allowed me to review it for one hour under the clerk's supervision, without the right to copy any full document, even though the file is around 300 pages. Additionally, a crucial testimony of my daughter's rape, reported by the school, is missing from the file despite my requests to see it for years. I only know the content of this testimony because the teacher assistant who spoke to my daughter told me about it, but the judge prevents me from even reading it. Due to the judge's obstruction, this crucial piece of evidence has never been considered in decisions regarding my children and in my conviction for failing the father's visitation rights.

Before the trial where I was sentenced to 6 months prison for having failed visitation rights of the father, I had written to the prosecutor to have access to the material evidence contained in my children's case file, but I didn't get any response.

By denying me access to the material evidence in my children's case and preventing me from fully reviewing it, France has violated Articles 6, 8, and 13 of the European Convention on Human Rights, as well as Articles 24 and 47 of the Charter of Fundamental Rights of the European Union. These violations severely compromise my right to a fair and just trial and to respect for family life, as well as my children's right to protection and to have their best interests considered.

Father's religious Fundamentalism on the internet

The father espouses a religious fundamentalist ideology that promotes misogyny. On his website, he spreads messages claiming that women are unworthy of the kingdom of heaven. His videos, filmed in a youth hostel where he also hosts my children during his visitation times, propagate this harmful ideology. Despite these public records and the clear danger they pose, the judges have continued to uphold his visitation rights.

Father's advocacy of Pedocriminality on the internet

The father also makes a public apology for pedocriminality on his website. He sells disturbing "artwork": a naked and bound Barbie doll with my daughter's hair tie, displayed in a sinister light, for 3,000 euros. This is documented in an official internet bailiff report. The judges are aware of these actions but have still maintained his parental rights. This clear endorsement of pedocriminality, combined with his direct access to my children, further endangers their safety.

Call to Action

Hundreds of mothers across France face similar injustices, our voices are drowned out by a system that protects abusers over victims. I appeal to the international community, human rights organizations, and world leaders to provide asylum for French mothers and children who need protection from a system that endangers their lives.

My plea is simple: we seek safety, justice, and the right to live free from fear. We call upon you to recognize our plight and advocate for systemic changes that prioritize victim protection over perpetrators' rights. Our fight is for the future of countless children who deserve to grow up in a world where their rights and well-being are safeguarded.

Thank you for your attention to this critical issue. With your support, we can create a safer, just, and compassionate world for all children and their mothers.

Sincerely,