Fighting Domestic Violence - France

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**How to use and navigate this report**

# 1. Legal provisions

## 1.1 What are the relevant statutes and codes?

From the beginning of the 19th century, domestic violence became punishable by law in France pursuant to Articles 309 and 311 of the French Criminal Code.[1]

In 2006, a national survey on violence against women[2] raised awareness on the necessity to improve the legal framework on domestic violence.

In 2019, France launched the Grenelle Roundtable, a nation-wide debate on conjugal violence that brought together ministers, administrators and associations of families and victims.[3] This debate was held following the observation of the murder of 130 women by their partners in 2017, upon the initiative of Prime Minister Edouard Philippe. Participants in the Grenelle Roundtable discussed ways to prevent these crimes and how offenders should be punished.[4] Three important outcomes emerged from this debate:

On 25 November 2019, a press release was published containing 30 measures to combat the scourge of violence against women, prevent violence and protect women and their children.[5] These 30 measures or actions are mostly in the process of being implemented.

On 28 December 2019, Law 2019-1480 of 28 December 2019, aimed at taking action against domestic violence,[6] was promulgated.

On 30 July 2020, Law 2020-936 of 30 July 2020, to protect victims of domestic violence, was promulgated.[7]

**Criminal Code provisions**

**Sexual harassment** (misdemeanor): The act of: (i) repeatedly imposing on a person sexual or gender-based comments or behaviors that either violate that person's dignity because of their degrading or humiliating nature; or (ii) create an intimidating, hostile or offensive situation against such person, or using any form of serious pressure for the actual or apparent purpose of obtaining an act of a sexual nature, whether it is sought for the benefit of the perpetrator or for the benefit of a third party.

**Moral harassment** (misdemeanor): In couples, imposing on his/her spouse or his/her partner bound by a civil solidarity pact[8] repeated comments or behavior causing a deterioration of his/her living conditions resulting in an alteration of his/her physical or mental health.

Offences of sexual and moral harassment have recently been extended[9] to cover situations where these comments or behavior are imposed on the same victim: (a) by several persons; or (b) successively, by several persons who, even in the absence of any mutual understanding, are aware that these comments or behavior are of a repeated nature.[10]

The law of 30 July 2020 also increases the penalties for harassment within the couple to 10 years' imprisonment and a fine of EUR 150,000 where the harassment has led the victim to commit or attempt to commit suicide.

**Statutes**

The specificity of domestic violence was first recognized on 1 March 1994 in the French Criminal Code, which provided that violence committed within a couple was an aggravating factor.

Throughout the 2000s, several laws provided a more detailed and tailored protection framework for victims of domestic violence.[11] Since then, the most significant laws enacted on domestic violence are the following:

Law 2006-399 of 4 April 2006 on the prevention and repression of domestic violence[12]

Broadens the scope of the application of domestic violence to other perpetrators such as civil partners or ex-spouses, explicitly criminalizes forced intercourse in married couples and provides a more detailed framework on repeated domestic violence offences and the eviction of the abusive spouse.[13]

Law 2014-873 of 4 August 2014 on equality between men and women[14]

Reinforces sanctions and legal actions taken against violence against women and strengthening victims support by:

improving (i) the judicial protection of victims of domestic violence or forced marriages (and their children)[15] and (ii) protection of nonnational victims of violence

introducing the principle of exclusion of the violent spouse from the couple's residence and setting up a special alert telephone number for violence and rape victims

creating specific offences in order to sanction other forms of harassment such as reiterated electronic messages and recording and publishing of facts of harassment

introducing mandatory responsibility and awareness trainings for domestic violence perpetrators and for professionals in certain fields of activity

Law 2015-925 of 29 July 2015 on the protection of women victims of violence seeking asylum[16]

Introduces the principle that gender aspects must be taken into account in assessing the five grounds of persecution pursuant to the Geneva Convention relating to the status of refugees.

Law 2015-993 of 17 August 2015 on the protection of victims of violence during criminal proceedings[17]

Introduces a personalized evaluation of the victim to determine any specific protection needs/requirements during the criminal proceeding.[18]

Law 2016-274 of 7 March 2016 on the protection of nonnational victims of violence[19]

Lays down the principle of automatic renewal of the temporary residence permit obtained as a French spouse when the latter justifies being victim of domestic or family violence. The same applies to the first renewal of the temporary residence permit granted for family reunification when the holder justifies having suffered domestic violence. In addition, the law creates a new right to issue a full temporary residence permit.

Law 2018-703 of 3 August 2018 on strengthening the fight against sexual and gender-based violence[20]

Aims to prevent domestic violence, support victims and sanction the attackers by:

extending the statute of limitations to 30 years for gender based and sexual crimes on minors

reinforcing the protection of minors against sexual aggressions and rape by an adult

creating of an offence sanctioning street harassment

adapting the legal framework to new forms of aggression (i.e*.*, social network harassment, "upskirting" phenomenon, voyeurism and date rape drugs)

Law 2019-1480 of 28 December 2019 aimed at taking action against domestic violence[21] ("Grenelle Law")

Was promulgated on 28 December 2019 and published in the Official Journal on 29 December 2019. It aims at combatting domestic violence by, among others:

generalizing the use of the electronic bracelet allowing the perpetrator and the victim to be geo-located in real time and to trigger an alert if the perpetrator gets close to the victim

setting a maximum of six days, as of the setting of the hearing date, for the family court to issue a civil protection order

providing that the victim may, if he or she so wishes, remain in the marital home

prohibiting family mediation in matters of contentious divorce or the exercise of parental authority, in cases of alleged domestic violence

extending the circumstances in which a severe danger phone (*téléphone grave danger*) can be allocated

Law 2020-936 of 30 July 2020 to protect victims of domestic violence[22]

authorizing the doctor or any other health professional to waive professional secrecy when he or she consciously believes that the violence puts the victim's life in immediate danger

increasing the penalties for harassment within couples to 10 years' imprisonment and a fine of EUR 150,000 where the harassment has led the victim to commit or attempt suicide

repressing the geo-location of a person without their consent

authorizing the judge to suspend the housing and visitation rights for parents under judicial supervision during the investigation

prohibiting the use of civil or criminal mediation in cases of domestic violence

## 1.2 What is the controlling case law?

recognition of domestic rape (between spouses)[23]

recognition of intentional violence without need to show/prove physical contact[24]

admissibility of the couple's children's testimonies[25]

recognition of the sovereign power of the judges to review the merits when assessing the plausibility of the facts justifying the protective order[26]

One of the most well-known and publicized cases is the "Jacqueline Sauvage case."

A presidential pardon was granted on 28 December 2016 by the then French President Francois Hollande to Jacqueline Sauvage, a woman who had been sentenced to ten years imprisonment for having killed her husband, after undergoing several decades of violence and sexual assaults by her husband. Certain politicians and renowned members of the public advocate for the recognition of a "deferred" self-defense concept that would, under certain circumstances, allow a victim of domestic violence to legally respond to the aggression in a delayed manner and in a manner that is not recognized under French law.

## 1.3 What are the specific parts of the court system that address domestic violence?

There are no specific courts (or specific budgets for judges) exclusively dedicated to domestic violence cases.

Cases of criminal offences relating to domestic violence are submitted to the competence of criminal courts. Regarding interim matters, family judges of civil courts have jurisdiction for the issuance of victim protective orders (see paragraph 4.1).

Family mediation is prohibited in matters of contentious divorce or the exercise of parental authority, in cases of alleged violence by one of the two parties against the other or against the child, or in the event of clear control by one of the spouses or parents established by the judge.

Criminal mediation is prohibited in case of domestic violence.

## 1.4 What are potential causes of action?

There are multiple potential causes of action that cover any act that affects one of the persons living together such as, in particular, physical violence, sexual violence, sexual harassment, forced intercourse, moral harassment, economic violence,[27] "blows," "slaps," "throwing objects in the face," "pushing while insulting," forced marriage, sexual mutilation, verbal violence, etc.

Since July 2020, recording or transmitting, by any means whatsoever, the real-time or delayed location of a spouse or partner without that person's consent is punishable by two years' imprisonment and a fine of EUR 60,000. The violation of the secrecy of correspondence by a spouse or ex-spouse is an aggravating circumstance.

# 2. Introduction: framework guiding domestic violence law

## 2.1 Are there civil and criminal legal remedies for domestic violence victims?

Victims of domestic violence have the possibility of seeking civil legal remedies in the form of protective orders and other interim measures in case of danger, before initiating a criminal proceeding in order to seek criminal remedies (in particular, the conviction of the perpetrator and damages).

**Civil remedies**

Victims of domestic violence may file for a protective order with the family court judge (*juge aux affaires familiales*).[28] Evidence must be provided by the plaintiff in order to demonstrate the violence suffered (medical certificates, etc.) and the situation of danger the victim is exposed to. This evidence is subject to a debate before the judge.[29]

Such specific protective measures can be preventing the partner from entering the home, making contact, carrying a weapon, etc. (see paragraph 4.1).

The law also suspends the survivor's pension if the surviving spouse has been convicted of a misdemeanor or crime against the insured spouse.[30]

**Criminal remedies**

The initiation of criminal proceedings by the victim will normally result in the alleged perpetrator being placed into custody. In the case of severe domestic violence, it is likely that the alleged perpetrator will be referred directly to a criminal court. In some instances, a subsequent hearing may be held depending on the seriousness of the facts.[31]

In case of conviction before the criminal court, sanctions ordered by the court can be:

imprisonment (from two years to 30 years) and fines (from EUR 30,000 to EUR 100,000)

award of damages covering total damages suffered by the victim (which will be ordered by the civil court).

Please see the table in paragraph 3 ("Similarities and differences in terminology") for examples of penalties for different types of offences.

In addition, the judge may, at the request or with the express consent of the victim, prohibit the person under judicial supervision from approaching the victim within a certain distance fixed by the decision or from going to certain places. In order to ensure compliance with this prohibition, the person may be required to wear a bracelet incorporating a transmitter making it possible at any time to remotely determine his or her location throughout the national territory and if he or she approaches the victim who has been assigned an electronic device that also makes it possible to locate him or her.

The law of 30 July 2020 also provides for more severe punishments when certain offenses/crimes are committed by the victim's spouse or cohabitee or the partner linked to the victim by a civil solidarity pact. For instance, the following:

Willfully violating the privacy of another person by capturing, recording or transmitting, by any means whatsoever, the real-time or delayed location of a person without that person's consent will be punishable by one year's imprisonment and a fine of EUR 45,000, and where these acts are committed by the victim's spouse or cohabitee or the partner linked to the victim by a civil solidarity pact, the penalties will be increased to two years' imprisonment and a fine of EUR 60,000.

The act, committed in bad faith, of opening, deleting, delaying or hijacking incoming or outgoing correspondence addressed to third parties, or of fraudulently taking knowledge of it, is punishable by one year's imprisonment and a fine of EUR 45,000, and where these acts are committed by the victim's spouse or cohabitee or the partner linked to the victim by a civil solidarity pact, the penalties will be increased to two years' imprisonment and a fine of EUR 60,000.

The fact of usurping the identity of a third party or making use of one or more data of any nature enabling him/her to be identified with a view to disturbing his/her peace of mind or that of others, or to the detriment of his/her honor or consideration, is punishable by one year's imprisonment and a fine of EUR 15,000, and where these acts are committed by the victim's spouse or cohabitee or the partner linked to the victim by a civil solidarity pact, the penalties will be increased to two years' imprisonment and a fine of EUR 30,000.

## 2.2 Is domestic violence identified in national law as a human right (noting that at a European level protection from domestic violence has not been explicitly identified as a human right but is indirectly captured by the other provisions)?

Yes. Domestic violence constitutes a violation of human rights and a violation of Articles 3 (prohibition of torture, inhuman or degrading treatment) and 14 (prohibition of discrimination) of the European Convention. As such, the European Court of Human Rights would be entitled to sanction a state in case of the failure — even unintentional — of such state to effectively protect women from domestic violence.

# 3. Similarities and differences in terminology

## 3.1 Domestic violence

The legal qualification of the acts of domestic violence determines the range of sanctions and remedies that may be decided by the judge, thereby constituting a major aspect of the proceeding. Set out below are various terms and their definitions:

**Domestic violence**[32]

Violence against a spouse or partner, whether the couple is married, bound by a PACS,[33] in a simple cohabitation or even separated. This may include psychological, physical or sexual violence.[34]

## 3.2 Stalking

N/A

## 3.3 Harassment

**Sexual harassment**

Article 222-33 of the French Criminal Code

2 years' imprisonment and a EUR 30,000 fine

3 years' imprisonment and a EUR 45,000 fine in the case of aggravating factors

monetary damages

**Moral harassment**

Article 222-33-2 of the French Criminal Code

2 years' imprisonment and a EUR 30,000 fine

**Spousal harassment**

Article 222-33-2-1 of the French Criminal Code

3 years' imprisonment and a EUR 45,000 fine

## 3.4 Victim

 Any person suffering harm.[37]

## 3.5 Abuser

Although this is not clearly defined by law, this is generally an act by which a person acts in bad faith for their own needs and/or with a view to harming others.[38]

## 3.6 Civil protection order

N/A

## 3.7 Causes of action

N/A

## 3.8 Marital rape

**Rape**

Article 222-23 and 222-24 of the French Criminal Code

15 years' imprisonment

20 years' imprisonment when rape is committed by the victim's spouse or partner

30 years' imprisonment if it has led to the death of the victim

**Additional sanctions:**

an injunction for the perpetrator to obtain treatment as part of social/judicial follow-up

a ban on residence in certain places (e.g., the victim's home) for 10 years maximum

prohibition from holding a public office

## 3.9 Are there any other important domestic violence terms defined in relevant domestic violence statutes and codes?

**Physical violence**

Article 222-7 to 222-15-1 of the French Criminal Code

3 years' imprisonment and EUR 45,000 fine if violence resulted in a total incapacity to work for more than 8 days or if the violence has been committed with aggravating factors

5 years' imprisonment and EUR 75,000 fine if violence resulted in a total incapacity of more than 8 days and was committed with aggravating factors

5 years' imprisonment and EUR 75,000 fine if domestic violence is repeated (10 years/EUR 150,000 if the total incapacity is more than 8 days)

if violence leads to death, 20 years' imprisonment if caused by a single case of violence or 30 years' imprisonment if caused by repeated violence

**Sexual assaults other than rape**

Article 222-22 of the French Criminal Code

5 years' imprisonment and a EUR 75,000 fine (7 years' imprisonment and a EUR 100,000 fine in the case of aggravating factors)

**Spouse**

The victim's spouse or partner or the partner linked to the victim by a PACS.[35]

**Cohabitation**

Common-law relationship, characterized by a stable and continuous life together between two persons of the opposite or same sex living together as a couple.[36]

# 4. Protection for domestic violence victims and relief granted

## 4.1 Civil protection orders

## 4.1.1 Are there civil protection orders available to victims of domestic abuse?

A victim can obtain a civil protection order pursuant to the **Law 2010-769 of 9 July 2010 on violence specifically against women, violence within couples and its impact on children**, and constitutes a civil emergency measure open to victims of violence occurring within a couple relationship.

This protection is open to multiple types of couples' relationships such as couples bound by marriage, by a civil pact of solidarity (*pacte civil de solidarité*) or simply living together as a common law couple. By the Grenelle Law, the possibility to request a civil protection order was extended to former spouses, former partners bound by a civil pact of solidarity, former concubines and to couples not living together.

A civil protection order may also be issued by the judge to a major person threatened with forced marriage.

The violence committed can be of a physical, psychological or sexual nature and can be committed during the relationship or post-relationship.

This civil protection order is issued by a family court judge and aims to provide urgent protection to victims of such behaviors. The judge may order a civil protection order even if the victim of violence has not yet filed a criminal complaint. The Grenelle Law sets a six-day period for the judge to issue a civil protection order.

The judge may for instance:

prohibit the defendant from going to certain places specially designated by the family court judge where the plaintiff is ordinarily found

prohibit the respondent from receiving or meeting with certain specially designated persons

prohibit the defendant from possessing or carrying a weapon and, where appropriate, order them to surrender the weapons in his possession

offer the perpetrator of violence health, social or psychological care or a training course to help prevent and combat domestic and gender-based violence; if the perpetrator refuses, the family court will immediately notify the public prosecutor

decide on the separate residence of the spouses, specifying which of them will continue to reside in the conjugal housing and how the expenses relating to this housing will be covered; except in special circumstances, the use of this housing is allocated to the spouse who is not the perpetrator of the violence

allocate the use of the couple's home or residence to the partner or cohabitee who is not the perpetrator of the violence and specify the terms and conditions for the payment of the costs of such housing

decide on the arrangements for the exercise of parental authority and, where appropriate, on the contribution to the expenses of the marriage and/or on the contribution to the maintenance and education of the children

allow the victim to conceal their domicile or residence and to elect domicile with the lawyer who assists him

The public prosecutor may also grant the victim, for a renewable period of six months and if he or she expressly consents, "serious danger phone" (*téléphone grave danger*), a remote protection device enabling him or her to alert the public authorities. With the victim's agreement, this device may, where appropriate, enable the victim to be geo-located at the time the alert is triggered.

## 4.1.2 Who can petition for civil protection orders?

Please refer to section 4.1.1.

## 4.1.3 Are there temporary custody of a child or child support orders?

When rendering a civil protection order, the judge can decide on the modalities of the parental authority and, where necessary, on the contribution to the costs of marriage for married couples, on material assistance for partners in a civil solidarity pact and on the contribution to the maintenance and education of children.

## 4.1.4 Is there a provision to order the abuser to move out or stay away from places that the victims frequent?

Yes, the family court judge can issue a civil protection order (i) prohibiting the defendant from going to certain places specially designated by the family court judge where the plaintiff is ordinarily found; and (ii) deciding on the separate residence of the spouses. Please see above ("Are there civil protection orders available to victims of domestic abuse?").

## 4.1.5 Are there any other types of emergency, preventive and civil protection orders?

The civil protection order is an emergency measure (see above "Are there civil protection orders available to victims of domestic abuse?"). However, in practice, it takes on average a month to obtain such order.

The Grenelle Law, by setting a six-day period in which the judge should issue a civil protection order, was aiming at speeding up the delivery of civil protection orders. However, it states that the six-day period begins to run from the date the hearing is scheduled. The timeframe for fixing the hearing is currently problematic, as it can last several weeks or even months.[39]

Besides, in the context of an application for divorce, the judge can take emergency measures and may:

allow the applicant spouse to reside separately, if applicable with his or her minor children

order any protective measures, such as the sealing of common property, in order to guarantee the rights of a spouse

These specific measures are issued in a nonadversarial manner (unlike the civil protection orders). As a result, in practice, they are rarely issued.

To our knowledge, there are no preventive measures.

## 4.1.6 Can these orders be requested by direct or indirect victims or legal representatives in children's cases?

A civil protection order can only be requested by direct victims or a legal representative in the case of children.

Indeed, in the event of violence committed within a couple relationship against a member of this couple and/or a child, only the direct victim and the Public Prosecutor's Office with the direct victim's consent can file a request for a civil protection order (Article 515-9 of the French Civil Code).

Under French law, minor children are not legally permitted to exercise their rights in civil court.

Therefore, in the event of violence committed against a child by one of the members of the couple, the other parent or the Public Prosecutor's Office with a parent's consent can apply to the judge in order to obtain a civil protection order.

In the absence of reaction of the parents, the Public Prosecutor's Office, contacted by a relative or a third party, can refer the matter to the family court as a matter of urgency.

In addition, depending on the degree of maturity of the child, which is determined on a case-by-case basis by the judge, the child can be heard by the judge.

 Note that the burden of proof lies on the victim of the alleged violence.

## 4.1.7 Are there different types of civil protection orders, e.g., for a short- term period?

No.

## 4.1.8 Are ex parte orders permitted without the aggressor being present?

The procedure for applying for a civil protection order is an oral and adversarial procedure.

 However, the judge may convene and hear the parties separately in order to avoid contact between the parties (Article 515-10 of the French Civil Code).

## 4.1.9 Do emergency orders also extend protection for abuse and intimidation to family members of the victim?

When rendering a civil protection order, the judge may prohibit the defendant from meeting and contacting specially designated persons, including members of the victim's family.

## 4.1.10 How long do the orders last?

Civil protection orders are issued for a maximum period of six months from the date of notification of the order. The duration of the civil protection order is generally indicated in the decision.

A civil protection order can only be extended beyond this period if, in the course of the initial six months, a petition for divorce or legal separation (*séparation de corps*) or a petition relating to the exercise of parental authority has been filed with the family court (Article 515-12 of the French Civil Code).

If no petition has been filed, the victim has no other choice than to reapply for a new civil protection order at the end of the six-month period.

Please also note that the family court judge may, at any time, at the request of the Public Prosecutor's Office or of any of the parties, or after having carried out any useful investigative measure, and after inviting each of them to express their views, withdraw or modify all or some of the measures set out in the civil protection order, decide on new ones, grant the defendant a temporary dispensation from complying with some of the obligations imposed on him or her, or revoke the civil protection order.

## 4.1.11 Please provide any data or hyperlinks to government or NGO websites that include information on how often civil protection orders are issued, and any relevant demographics information, e.g., police reports, convictions, etc.

N/A

## 4.2 Steps for receiving a protective order

## 4.2.1 What documentation is needed to obtain a civil protection order?

A person applying for a civil protection order must file a request with the family court (Article 1136-3 of the French Civil Procedure Code). Such request must provide for:

identity information of the victim; the address of the lawyer of the victim can be indicated for security reasons in the document

identity information of the person being accused of the violence

details on the family situation (married or no, children, etc.)

reasons for applying for this civil protection order

The acts of violence alleged against the defendant must be detailed in the request with information such as:

if children are concerned

the nature of the violence: physical and/or moral

their repetition

their gravity

their immediate and persistent consequences

how they endanger the requesting party or children

In practice, the applicant must evidence the alleged facts with elements, such as:

medical certificates

certificates from witnesses

previous complaints, correspondence or other written evidence

any other element that may contribute to making these statements plausible

## 4.2.2 Does the victim need to attend a hearing?

Yes. The procedure for applying for a civil protection order is an oral and adversarial procedure. However, the judge may convene and hear the parties separately in order to avoid contact between the parties (Article 515-10 of the French Civil Code).

The parties can defend themselves or be assisted by a lawyer during this hearing.

## 4.2.3 Can you request remedies?

No. The civil protection order is a temporary decision.

However, failure to comply with the obligation or prohibition provided by the order is punishable by two years' imprisonment and a fine of EUR 15,000 (Article 227-4-2 of the French Criminal Code).

The victim can request a remedy in the general context of a criminal claim.

## 4.2.4 Are there time limits?

Yes. Under French law, the statute of limitations for civil claims is five years. The statute of limitations to introduce a criminal claim for violence committed within a couple is six years.

In addition, note that the civil protection order may be appealed within 15 days of its notification (Article 1136-11 of the French Civil Procedure Code).

## 4.2.5 Are there different rules in emergencies?

The civil protection order is intended to be an emergency measure. However, the delay to obtain such order is publicly criticized. As stated above, the Grenelle Lawsets a maximum of six days, as of the setting of the hearing date, for the family court to issue a civil protection order.[40] It is now the period necessary for fixing the hearing that is problematic, as it can last several weeks or even months.[41]

Note that in the event of a real threat of forced marriage (i.e., a person being sent by force to another country to be married), the judge can render an official prohibition from leaving the country in a shorter timing.

## 4.3 Judicial discretion

## 4.3.1 What discretion does a judge have in granting a civil protection order or other protective orders?

The judge rules on the basis of the evidence produced before him/her and debated in an adversarial manner.

 In practice, only 60% of the petitions result in a civil protection order.

## 4.3.2 Are there age limits on who can obtain orders?

Under French law, minor children are not legally allowed to exercise their rights in civil court. Aside from this exception, there are no age limits to apply for a civil protection order.

## 4.4 Restitution and remedies available to victims

## 4.4.1 Can victims obtain reimbursement for costs and restitution paid?

Under French law, when a felony or an offence is perpetrated, the public prosecution process is initiated subject to certain conditions.

In parallel, the victim of such felony or offence may initiate a civil claim before civil courts or criminal courts. Such a civil claim covers compensation for the loss and harm suffered. If a person is convicted, the latter will be required to pay damages to the victim by a civil or a criminal court. Subject to certain conditions, the victim chooses whether the civil claim is made before civil or criminal courts. Such a choice is irrevocable.

The victims can also obtain legal aid, which is a sum of money that the state gives a person to pay his/her legal costs (including lawyer and bailiff fees). A person can get this help if he/she has low resources. Legal aid will be granted as of right on a provisional basis in urgent proceedings.

## 4.4.2 Can they recover wages and profits lost?

The compensation may cover the following damages:

temporary economic loss resulting from loss of professional earnings, miscellaneous expenses borne by the victim in relation to the injury (household care, assistance of a doctor in the course of medical examinations, transportation costs attributable to the accident, etc.)

permanent economic loss such as future health expenses, housing costs, vehicle expenses or future professional earnings loss

temporary personal injuries such as temporary functional harm, pain and temporary aesthetic damage

permanent personal injuries such as permanent functional impairment, permanent damage to aesthetics and sexual prejudice

the evolutionary personal harm such as the evolutionary pathologies

## 4.4.3 Is a separate civil process required?

Please refer to question 1 above.

## 4.4.4 Can the offender be required to surrender weapons?

**In criminal proceedings**,[42] if the victim has disclosed the existence of a weapon (of any kind) in the family home, the level of danger of the weapon and the seriousness of the facts will determine whether a seizure should be ordered.

If the victim of domestic violence presents himself/herself at the police station to hand over a weapon held by his/her spouse or partner, the investigators must retain the weapon.

**When the family court issues a civil protection order**, it may also (i) prohibit the defendant (i.e., the alleged perpetrator) from possessing or carrying a weapon; and/or (ii) order the alleged perpetrator to hand over the weapons in his/her possession to the police.[43]

# 5. Prosecutorial considerations

## 5.1 Police procedures

## 5.1.1 When do the police get involved in domestic disputes or legal actions?

In principle, the police intervene as soon as they become aware of the violence. Generally, after a notification of an incident or a formal complaint.

Any person can indeed disclose facts, whatever their nature, their date and time to any public prosecutor or to the police. The person can be the victim, but also a witness of the violence.

It is recommended to report the violence to the police at the place of the offence in order to increase the effectiveness of the investigation and avoid prolonging the duration of the proceedings.

Any police station or gendarmerie unit is under a legal obligation to take a statement, preferably by means of a formal complaint, alternatively by a notification of incident (*main-courante* or *procès-verbal de renseignement judiciaire*).

A **formal complaint** is an act by which a person brings to the attention of the public prosecutor, a police service or a gendarmerie unit an offence of which he/she considers himself/herself to be a victim. The quality of the investigation depends to a large extent on the accuracy of the information gathered when the complaint is collected.

The **notification of incident** is a simple declaration that can be made to any national police service or gendarmerie unit; the facts reported are recorded in a register or in an online form. In principle, the filing of such notification does not give rise to any investigation or judicial follow-up. This procedure is therefore generally used to leave a written record of an event that the victim has suffered, a document that can be used in the event of subsequent legal proceedings. It will then help to trace the history of violence within the couple.

While any investigative service is entitled to receive reports of offences, the police generally try to assign these tasks to investigators specifically trained on such offences.

Since May 2019, a specific eight-hour module on violence against women is included in all initial training courses for student law enforcement officers (gendarmes).

Pursuant to Article 18 of the Grenelle Law, the government also implemented a freely downloadable application, enabling a victim of violence to obtain all useful information relating to the steps to be taken, legal and health professionals living close to his or her home and likely to help him or her, as well as associations and services ready to assist him or her in the process.

## 5.1.2 What circumstances effect law firm involvement?

To find out the contact details of a lawyer, the victim can contact the local bar association of the Supreme Court of his/her department. The victim can apply for legal aid (cf. 2-3-2). Finally, there are free legal consultations in most courthouses, law centers and town halls.

Regarding the representation of the victim by a lawyer during the procedure:

Before the first-degree criminal jurisdiction ("*tribunal correctionnel*"), the victim has no obligation to be assisted during the procedure and can represent herself/himself. However, generally the representation by a lawyer is highly recommended for moral support and legal assistance.

Before the Supreme Criminal Court ("*Cour d'Assises*"), the representation by a lawyer for the victim is mandatory.

## 5.2 Standard of proof

## 5.2.1 Is proof required by any legal means?

Domestic violence can be proven by any means, whether in divorce proceedings or when applying for a civil protection order.

If medical certificates, testimonies and minutes of complaints or notification of incidents remain extremely useful evidence. Other elements can form part of the legal recognition of the violence and in the implementation of the necessary measures.

The evidence commonly accepted may thus consist of photographs, videos, screenshots or copies of written correspondence (letters, emails, text messages, etc.) or verbal exchanges (voicemail), particularly with regard to psychological violence.

However, in civil proceedings, the evidence must be fair and lawful. An audio recording made without the violent spouse's knowledge could be declared inadmissible.

 In criminal matters, the proof can be brought by any means. Any evidence, even if obtained unfairly, will be considered for its probative value by the judge.

## 5.2.2 Are there any requirements regarding evidence and documents?

The testimony of relatives is one of the main means of evidence of domestic violence, whether physical or psychological. However, for it to be admissible, it must meet certain conditions.

Each testimony must be dated and signed, handwritten and accompanied by a photocopy of the author's ID. In civil cases, children's testimonies are generally not admissible. However, they are admissible in criminal proceedings. There is no minimum age for a minor child to testify before the court. The judge determines the discernment of the child in the scope of domestic violence and can base his/her decision considering the child's testimony.

## 5.2.3 Is proof "beyond a reasonable doubt" required?

The notion of "beyond a reasonable doubt" for proof does not exist per se. However, proof must be enough to prove the guilt of the alleged perpetration. In theory, if the doubt persists, then it must benefit the alleged culprit in accordance with the principle of the presumption of innocence.

## 5.2.4 Is the standard of proof different for ex parte orders?

Not applicable since under French legislation, the victim's presence is required.

## 5.3 Affirmative defenses

## 5.3.1 Are affirmative defenses available to the accused?

Self-defense in domestic violence cases is considered an affirmative defense that defeats the legal consequences of the defendant's unlawful conduct. In order to establish self-defense, the reaction by the defendant must have been a justified and proportionate response to a current act of violence (Articles 122-5 of the Criminal Code). Accordingly, this defense will only succeed where the defendant faced a direct attack from her/his abuser (see, for example, the Alexandra Lange case (2012) where the criminal court found that her action to fatally stab her abusive husband while he was strangling her had been committed in self-defense in light of the imminent threat of death she faced) and not in the case of a reaction to recurring abuse. In particular, the French jurisdictions consider that killing in response to repeated acts of violence is not self-defense. For example, in the Jacqueline Sauvage case (2014), the court held that the defendant, who suffered 47 years of regular psychological, physical and sexual abuse by her husband, did not act in self-defense because she shot her abusive husband three times in the back. She was found guilty of murder and sentenced to 10 years in prison.

In a domestic violence situation, insanity and diminished mental capacity are also affirmative defenses that defeat or mitigate the legal consequences of the defendant's unlawful conduct (Article 122-1 of the Criminal Code). Certain domestic violence can be caused by a mental illness or emotional distress that inhibits sound reasoning and logic. Unlike the insanity defense, the diminished mental capacity will not absolve the defendant of all responsibility, but it may result in him or her being charged with a lesser crime.

False accusations of domestic abuse are punishable by law. Article 226-10 of the Criminal Code provides for a five years' imprisonment and a fine of EUR 45,000.

## 5.3.2 Is willful intent required?

Please refer to section 5.3.1.

## 5.3.3 Are false accusations punishable for the victim?

Please refer to section 5.3.1.

## 5.3.4 How is consent discussed in the law?

Please refer to section 5.3.1.

## 5.3.5 Is self-defense or insanity a defense?

Please refer to section 5.3.1.

## 5.4 Witness status

## 5.4.1 What is a witness's duty to testify honestly and completely?

Under French criminal law, every person called for an interview as a witness must attend the process and swear an oath to tell the truth of what he/she knows. Witness cannot refuse to answer the questions.

There are potential "excuses" to the law. Pursuant to Article 226-13 of the Criminal Code, witnesses bound by professional secrecy (e.g., healthcare professionals) can refuse to answer the questions in connection with an information subject to professional secrecy but pursuant to Article 226-14 of the Criminal Code, a doctor can, with the victim's consent, bring to the knowledge of the judicial authority all forms of cruelty or deprivation that he/she has observed in the exercise of his/her profession that cause him/her to believe that physical, sexual or psychological violence of any sort has been committed.

Since the law of 30 July 2020, a doctor or any other health professional who brings to the attention of the public prosecutor information relating to violence within the couple, when he or she considers in good conscience that such violence puts the life of the adult victim in immediate danger and that the victim is unable to protect himself or herself because of the moral constraint resulting from the hold exerted by the perpetrator of the violence, is authorized to waive professional secrecy.

In the most serious situations, the Code of Criminal Procedure provides protection to witnesses. They can declare their address to be that of the police station or gendarmerie (Article 706-57 of the Code of Criminal Procedure) or, where the hearing of the witness is liable to put his/her life or health or that of his/her family members or close relatives in serious danger, the judge may authorize that the witness's statements will be recorded anonymously. This procedure is only applicable to offenses punishable by at least three years' imprisonment (Article 706-58 of the Code of Criminal Procedure).

Children who witness violence and abuse by a parent against another can be called upon to testify in criminal cases but children under 16 years do not have to swear an oath before giving evidence. Courts are concerned about how hard it may be for a child to testify against a parent. The judge will thus consider whether the child wishes to be interviewed without any pressure from one parent and whether the testimony will inflict further trauma on the child. In divorce proceedings before the family judge, children cannot be heard on the grievances invoked by the spouses (Article 259 of the Civil Code).

French criminal law considers an act of domestic violence committed in the presence of a child an "aggravating circumstance," which results in a longer jail term against the offender.

## 5.4.2 Who may abstain from testifying in certain situations?

 Please refer to section 5.4.1.

## 5.4.3 What potential "excuses" can a witness raise to refuse to testify in a domestic violence action?

 Please refer to section 5.4.1.

## 5.4.4 What is the impact of domestic violence on witnesses who are children?

 Please refer to section 5.4.1.

## 5.4.5 Can children be called upon to testify?

 Please refer to section 5.4.1.

## 5.4.6 What is the effect of a child victim on the charges against the offender?

 Please refer to section 5.4.1.

## 5.5 Penalties and sentencing; penalty enhancements

## 5.5.1 What are the penalties and sentencing laws for first-time domestic violence offenses?

Domestic violence is an aggravating factor on sentencing for criminal offences. The severity of the sentence depends on the type of offence and the circumstances of the violent act (whether the act is committed in the presence of a minor child or whether it constitutes a repeated abuse).

In the case of physical violence, penalties depend on the seriousness of the injury based on the number of days of ITT (total incapacity to work). Criminal sentencing are as follows:

Domestic violence resulting in an incapacity to work for a period of eight days or less or does not result in any work incapacity: three years' imprisonment and a EUR 45,000 fine (and five years' imprisonment and a EUR 75,000 fine where a child is a witness) (Article 222-13 of the Criminal Code) or in the case of repeated violence (Article 222-14 of the Criminal Code).

Domestic violence resulting in an incapacity to work for a period over eight days: five years' imprisonment and a fine of EUR 75,000 and 10 years' imprisonment and a fine of EUR 150,000 where a child is a witness (Article 222-12 of the Criminal Code) or in the case of repeated violence (Article 222-14 of the Criminal Code).

Domestic violence resulting in mutilation or permanent disability: 15 years' imprisonment and 20 years' imprisonment where a child is a witness (Article 222-10 of the Criminal Code) or in the case of repeated violence (Article 222-14 of the Criminal Code).

Domestic violence resulting in unintentional death: 20 years' imprisonment and 30 years' imprisonment where a child is a witness (Article 222-8 of the Criminal Code) and in the case of repeated violence (Article 222-14 of the Criminal Code).

Murder: life imprisonment.

In case of sexual violence, the offence is punished by seven years' imprisonment and a fine of EUR 100,000 (Article 222-28 of the Criminal Code). Rape is punished by 20 years' imprisonment (Article 222-24 of the Criminal Code) and 30 years' imprisonment where it caused the death of the victim (Article 222-25 of the Criminal Code). The sanction is not harsher where a child is a witness.

In case of psychological violence, the penalty is three years' imprisonment and a EUR 45,000 fine if the violence resulted in an incapacity to work (stress syndrome or breakdown) to for eight days or less and up to five years' imprisonment and a EUR 75,000 fine if the violence results in an incapacity to work over eight days or where a child is a witness (Article 222-33-2-1 of the Criminal Code).

This aggravating circumstance also applies in the case of an offence of threatening (Article 222-18-3 of the Criminal Code):

threatening to commit a felony or misdemeanor: two years' imprisonment and a EUR 30,000 fine

threat of death: seven years' imprisonment and a EUR 100,000 fine

Alternative measures may also be considered in the case of minor isolated and nonrepetitive domestic violence, provided that it does not cause harm. They may take the form of a reminder of the law, a domestic violence training program (Article R 151-51-1 of the Criminal Code) or a penal mediation subject to the victim's consent and in the absence of a Family Court Order for Protection.

Violation of an existing order for protection is punishable by a maximum of two year's imprisonment and a EUR 15,000 fine (Article 227-4-2 of the Criminal Code).

## 5.5.2 Are there criminal penalties?

Please refer to section 5.5.1.

## 5.5.3 What is the result of a violation of an existing order for protection?

Please refer to section 5.5.1.

## 5.5.4 What fines and other penalties are imposed besides incarceration and liberty restriction?

Please refer to section 5.5.1.

## 5.6 Post-release restrictions

## 5.6.1 Does the law notify the victim of the offender's release from custody?

There is no legal provision regarding post-release restrictions.

# 6. Special issues

## 6.1 Battered woman syndrome

## 6.1.1 Can lawyers present evidence of battered woman syndrome or other domestic abuse as an affirmative defense to crimes that the battered woman has committed? (Note: Battered Woman Syndrome is accepted by courts in certain jurisdictions to show that battered women can use force to defend themselves and sometimes kill their abusers due to abusive and life-threatening situations.)

The answer to this question is negative for several reasons. In France, conditions to legitimate self-defenses are very stringent: the response to violence must be at the same time, proportional and necessary. For example, under the strict application of law, a woman killing a violent partner at a time when he is not physically threatening her, would not be considered as legitimate self-defense.

In contrast, the trial of Angélique Lyn Lavallee in Canada led to a major change in jurisprudence about self-defense and domestic abuse. Firstly, relying on a psychiatrist testimony, the Supreme Court considered that the evidence of Lavallee suffering from battered woman syndrome was admissible, leading to the legal recognition of battered woman syndrome.

Moreover, the Supreme Court verdict acts that the woman's experience and perspective is relevant to judge the righteous use of self-defense, thus creating a new definition for self-defense that can be invoked even when not directly or immediately in harm.[44]

## 6.2 Domestic violence in the workplace

## 6.2.1 Can courts issue orders to protect employees suffering from domestic violence?

Following the Grenelle roundtable, several measures aim at protecting women and victims of violence, including in the workplace. These measures are still to be implemented, but include, among others:

Give victims under a protective order the right to unblock their employee savings (*épargne salariale*) in advance on this basis.

Integrate the issue of domestic violence into occupational health plans (*plans de santé au travail*) and regional occupational health plans (*plans régionaux de santé au travail*) in order to reduce the consequences of domestic violence in the workplace.

## 6.2.2 Can departure be deemed "for good cause" if related to domestic violence?

Employees suffering from domestic violence may need medical care, legal help or psychological counseling and support. While in California the employer is required to allow any leave for these reasons and New Zealand created a specific type of leave for victims of domestic violence (10 days paid-leave to move out), in France there are no laws concerning departure deemed "for good cause" in case of domestic violence. The French Trade Union CGT has been demanding a work arrangement such as the exceptional paid leave in New Zealand or similar to what Spain has achieved to allow victims of domestic violence to quit their job or relocate.

## 6.2.3 Can family members of domestic violence victims take reasonable leave to help the victim seek treatment or obtain help and services?

In France there is no legal framework for family members of domestic violence victims to take reasonable leave in order to help her, neither is it a current debate or a highly demanded measure to be pushed by social actors.

## 6.3 Immigration

## 6.3.1 Does the law include provisions that are intended to prevent abusers who are citizens or permanent residents from using immigration laws to perpetrate domestic violence against their spouse?

If the victim of domestic violence has a protective order (PO) against her abuser, the French law will enforce the PO on the French territory, whatever their nationality and legal status.

 Moreover, according to the French law of 7 March 2016 on the Rights of Foreigners, it is mandatory for the French State to renew the residence permit of women suffering from domestic violence.

## 6.3.2 If battered immigrants cooperate with law enforcement in domestic violence, can they obtain immigration remedies?

N/A

## 6.3.3 Does domestic violence law discuss asylum accessibility?

The domestic violence law does not discuss asylum accessibility. The reception policy of immigrants has been in crisis for years in France. Within the 11 September 2018 law on controlled immigration, effective right of asylum and successful integration, the French government mentions "protecting victims of family and intimate partner violence" on its website as one of its three goals. However, this "goal" was not embodied in the 2018 law on immigration.

There is no law affirming that the application for asylum takes into account foreigners' status as victims of domestic violence, nor are victims of domestic abuse to be prioritized when seeking asylum.

The Information and Support Group for Immigrants (GISTI), a major social actor in the migration crisis, questions "To when protective measures for all women? Foreign women victims of domestic and familial abuse are often considered only as foreigners when they are firstly victims."

## 6.4 Armed forces

## 6.4.1 Can a victim seek a military protective order if the abuser is in active military?

French law does not consider this matter.

## 6.5 Child custody and child/spousal support

## 6.5.1 Do judges follow special rules to determine custody or visitation of children in domestic violence cases?

**How the judge decides on custody rights**

Domestic violence does not necessarily result in the deprivation of parental authority. The family court will determine child custody, parental authority, visiting and housing rights based on the "best interests of the child" according to Article 220-1, paragraph 3 of the Civil Code. In principle, it is in the child's interests to live with her or his parents or to keep personal relationships with both parents. However, when there is a criminal judgement against the parent who committed a crime against the other parent, the criminal court may totally deprive the perpetrator of his/her parental authority (Article 378 of the Civil Code).

Pursuant to Article 378 of the Civil Code, parental authority or the exercise of parental authority may be totally withdrawn by an express decision of the criminal judgment if the parents are convicted either as perpetrators, co-perpetrators or accomplices in a crime or offence committed against the person of their child, or as co-perpetrators or accomplices in a crime or offence committed by their child, or as perpetrators, co-perpetrators or accomplices in a crime or offence committed against the person of the other parent.

Moreover, Article 378-1 of the Civil Code provides that the family court may, apart from any criminal conviction, deprive the violent parent of his/her parental authority where the child witnesses domestic violence, or when posing an obvious danger to the child's security, health or morality. In this case, the perpetrator has visiting and housing rights, but when the interest of the child requires it or when the direct handing over of the child to the violent parent presents a danger, the judge can provide that the visitation rights should be organized in a neutral place or in the presence of a trusted third party (Article 373-2-9 of the Civil Code).

**Suspension of parental authority**

Since the Grenelle Law, the exercise of parental authority, visiting and housing rights of the parent prosecuted or convicted, even if not definitively, **for a crime committed against the other parent will be suspended automatically** until the judge's decision and for a maximum period of six months, subject to the public prosecutor's obligation to refer the matter to the family court within eight days (new Article 378-2 of the Civil Code).

The law of 30 July 2020 enables the family court to suspend visiting and housing rights of a minor child for a parent **placed under judicial supervision** during the investigation or instruction phase.

**Civil protection order**

When issuing a civil protection order prohibiting the defendant from going to certain places, the judge may order that the parenting rights of the perpetrator of domestic violence are exercised in a neutral place or in the presence of a trusted third party. If he or she does not take such a decision on the exercise of parenting rights, he or she will motivate his or her decision expressly.

**Obligation of child support**

Regarding the parents' obligation to support their children, pursuant to Article 371-2 of the Civil Code, each parent contributes to the support and education of the children in proportion to his or her resources, those of the other parent and the needs of the child. This article specifies that the support obligation does not automatically cease either when parental authority or the exercise of parental authority is withdrawn or when the child has reached the age of majority.

**Suppression of the obligation of support of a child towards its parent and of rights of inheritance**

Pursuant to Article 207 of the Civil Code, a child is discharged from his or her support obligations towards his or her parent, if that parent has been convicted of a crime against the person of the other parent.

Pursuant to Article 727 of the Civil Code, the perpetrator of domestic violence against his/her partner may be declared unworthy to inherit from this partner.

## 6.5.2 Can the judge consider the testimonies of the other spouse and the children when determining custody?

According to jurisprudence, neither testimonies from children nor the other spouse have been permitted when the case involved a divorce according to the provisions of Article 205 of the Civil Code. However, the rulings of the criminal court on 21 February 2006 and 2 June 2015 indicate a reversal of this. It was ruled that for criminal cases the provisions of Article 205 of the Civil Code were not applicable. There will need to be more rulings before it is clear as to whether the court will accept the testimonies of children or the other spouse in every case or only for those that don't involve a divorce.[45]

Note that the above information is general and doesn't relate specifically to child custody.

## 6.6 Housing rights of domestic violence victims

## 6.6.1 Does the law include any barriers to prevent landlords from forcing a tenant to move out because they are victims of domestic violence?

There are general provisions in place. According to Law No 89-462 of 6 July 1989, Article 15, if there is a legitimate and serious motive, tenants have a period of six months before they need to move out into alternative accommodation. According to Article L. 412-6 of the Civil Procedure Code, any eviction order should be suspended during the winter months (1 November-31 March the following year) in order to respect the right to stay together and the needs of a family. Also, where the perpetrator of the violence is subject to a protective order, the court can order that they pay the expenses of their dependents.[46]

## 6.6.2 Does the law allow a tenant to terminate his/her lease early due to domestic violence?

Since the law 2018-1021 of 23 November 2018 (law "ELAN"), upon separation from the abusive partner and showing a civil protection order or prosecution document, the victim no longer needs to pay rent from the date of separation or divorce. However, the victim is still responsible for paying any rent outstanding prior to the couple's date of separation.[47]

Since the law of 30 July 2020 the tenant, if they wish to terminate the lease, only needs to give a one-month notice to the landlord (instead of three months) if:

a civil protection order has been issued in their favor

if the partner of the tenant is being prosecuted or has been convicted because of violence within the couple or on a child who habitually resides with him/her

## 6.6.3 Can an order exclude the abuser from the residence?

When a civil protection order orders the separate residence of the spouses, the Grenelle Law establishes the primacy of the attribution of the marital home to the spouse who is not the perpetrator of the violence and the possibility, in this case, of charging the perpetrator with the cost of housing.

According to Article 220-1 of the Civil Code and the law of 26 May 2004 relating to divorce, the judge will generally always allocate the home to the victim and not the perpetrator of the violence and oblige the abuser to live outside the family home. They can also recommend that an immediate eviction of the perpetrator is arranged. Under such an order, the perpetrator of the violence forfeits any housing rights, such as the usual notice period of two months in which to vacate rented premises.[48] The judge will place a protective order where there is a risk of any harm coming to the victim and any dependents. Articles 5 and 10 of Law 48-1360 of 1 September 1948 includes a provision for the lease to be granted to the victim in cases of domestic abuse and the perpetrator to be removed from a joint lease.

In addition, if the victim leaves the marital home, the Grenelle Law from December 2019 provides, on an experimental basis for three years, for the introduction of financial assistance for rehousing (payment of the deposit or rental guarantee, advance payment of the first months' rent, etc.).

## 6.6.4 Can abusers be forbidden by court orders to alienate or mortgage the property in his/her name if it is the family domicile?

French law does not consider this matter.

## 6.7 Possession of guns

## 6.7.1 Does a domestic violence conviction prevent an abuser from owning guns?

Victims of domestic violence may request the judge to issue a civil protection order (see paragraph 4.1 above) to prohibit the defendant from possessing or carrying a weapon and, where appropriate, order them to surrender the weapons in their possession. The decision of the judge not to prohibit the possession or carrying of a weapon will be expressly motivated.

In addition, since July 2020, during an investigation into crimes of violence, the judicial police officer may seize weapons in the suspect's possession or at their free disposal, regardless of the location of the weapons.

When a protective order is issued by a judge as a result of domestic violence, does the law require that the authority must secure and store any firearms owned by the aggressor?

Yes, but only if the victim informs the authorities of the possession of the firearm. The danger level of the firearm and the seriousness of the abuse will determine whether the weapon is subject to a search warrant. Also, if the victim of the violence brings the firearm to the police station, investigators will retain it. It can be sealed as evidence for allegations of domestic violence.[49]

However, in practice, there is evidence that this is not being enforced. For example, Julie Douib, who was shot and killed by her ex-partner on 3 March 2019, had reported on several occasions that he was in possession of a fire arm and that she feared for her life. No action was taken by the authorities.[50]

Since July 2020, during an investigation into crimes of violence, the judicial police officer may seize weapons in the suspect's possession or at their free disposal, regardless of the location of the weapons.

# 7. Endnotes

[1]    The case law specified that such provisions applied to battery, violence, etc. whatever the consequences on the matrimonial situation of the spouses (Supreme Court, criminal section, 9 April 1825).

[2]    Viriot-Barrial 2006.

[3]    <https://www.rfi.fr/en/france/20190903-domestic-violence-forum-starts-france-after-101-death-2019>

[4]    <https://www.huffpost.com/entry/france-femicide-violence-against-women_n_5d792dc8e4b0fc715340a8dc>

[5]    <https://www.gouvernement.fr/sites/default/files/document/document/2019/11/dossier_de_presse_-_cloture_du_grenelle_contre_les_violences_conjugales_-_25.11.2019.pdf>

[6]    <https://www.legifrance.gouv.fr/eli/loi/2019/12/28/JUSX1926483L/jo/texte>

[7]    [https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000042176652&categorieLien=id](https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000042176652&amp;categorieLien=id)

[8]    *Pacte Civil de Solidarité*.

[9]    Pursuant to law 2018-703 of 3 August 2018 on strengthening the fight against sexual and gender-based violence.

[10]    This extension aims in particular at repressing "cyber-harassment," it being further noted that the use of a communication service to the public online or through a digital or electronic medium is also an aggravating circumstance of sexual harassment.

[11]    In particular: Law of 15 June 2000 strengthening the presumption of innocence and the rights of victims; Law of 9 March 2004 on evolution of court decisions to developments in crime; Law of 15 November 2001 on security of individuals; Law of 9 September 2002 on guidance and programming for justice, several texts seek to regulate and strengthen the rights of victims.

[12][https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000422042&categorieLien=id#:~:text=contre%20les%20mineurs-,LOI%20n%C2%B0%202006%2D399%20du%204%20avril%202006%20renfor%C3%A7ant,ou%20commises%20contre%20les%20mineurs](https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000422042&amp;categorieLien=id#:~:text=contre%20les%20mineurs-,LOI%20n%C2%B0%202006%2D399%20du%204%20avril%202006%20renfor%C3%A7ant,ou%20commises%20contre%20les%20mineurs)

[13]    The eviction of the abusive spouse (created pursuant to the Law 2004-439 of 26 May 2004) had already been facilitated at various stages of a repressive judicial proceeding by providing a health, social or psychological care procedure.

[14]    [https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000029330832&categorieLien=id](https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000029330832&amp;categorieLien=id)

[15] Such as setting a principle of maintaining as a priority the victim in his/her household, reducing delays to deliver protective orders, reinforcing verification of the spouse's consent to his/her marriage, improving repatriation procedures for spouses held abroad against their will for more than three years, etc.

[16]    [https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000030949483&categorieLien=id](https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000030949483&amp;categorieLien=id)

[17]    Protective order specifically tailored for women victims of domestic violence was created pursuant to a law 2010-769 of 9 July 2010 (adopted unanimously by parliament and which opened a new chapter in the fight against violence on women); [https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000031045937&categorieLien=id](https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000031045937&amp;categorieLien=id)

[18]    As a transposition of the EU Directive n° 2012/29/EC dated 25 October 2012.

[19]    <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000032164264>

[20]    [https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000037284450&categorieLien=id](https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000037284450&amp;categorieLien=id)

[21]    [https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000039684243&categorieLien=id](https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000039684243&amp;categorieLien=id)

[22]    [https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000042176652&categorieLien=id](https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000042176652&amp;categorieLien=id)

[23]    Supreme Court, Criminal section, 11 June 1992.

[24]    Supreme Court, Criminal section, 2 September 2005; Supreme Court, Criminal section, 18 March 2008.

[25]    Supreme Court, Criminal section, 2 June 2015.

[26]    Supreme Court, 1st civil section, 5 October 2016.

[27]    The act committed by one of the spouses of restraining the financial autonomy of the other partner/spouse in order to exercise a domination/control over the latter.

[28]    Article 515-9 and *seq*. of the French Civil Code.

[29]    Article 515-11 of the French Civil Code.

[30]    Article 9 of the Grenelle Law.

[31]    In such case, the seeking of interim protection measures as described in the previous section appears relevant to prevent the intimidation of the victim, which could hinder the pending criminal proceeding.

[32]    Maximum sanction that may be imposed and excluding the damages that the victim would be entitled to seek.

[33]    Civil solidarity partnership.

[34]    Articles 222-14 et seq of the Criminal Code and article 515-9 et seq of the Civil Code.

[35]    Article 515-9 of the Civil Code.

[36]    Article 515-8 of the Civil Code.

[37]    The concept of "victim" is not expressly defined in the French Criminal Code/Criminal Procedure Code but is generally referred to in such codes as "civil party," "plaintiff" or the "other" (*autrui*).

[38]    This definition of abuse is based on the pretorian criteria identified by leading civil case-law.

[39]    <https://consultation.avocat.fr/blog/nathalie-preguimbeau/article-30851-les-violences-au-sein-de-la-famille-loi-n-2019-1480-du-28-decembre-2019-analyse-detaillee.html>

[40]    Article 4 of the Law 2019-1480 of 28 December 2019 aimed at taking action against domestic violence.

[41]    <https://consultation.avocat.fr/blog/nathalie-preguimbeau/article-30851-les-violences-au-sein-de-la-famille-loi-n-2019-1480-du-28-decembre-2019-analyse-detaillee.html>

[42]    The weapon is seized administratively if the weapon does not appear likely to contribute to the manifestation of the truth and if not, it is **judicial**. In the latter case, it involves the weapon being placed under seal by a judicial police officer.

[43]    Article 515-11 of the French Civil Code.

[44]    In this case, the court considered that even if Lavallee shot her violent partner while he was walking away, it was because she still thought that her life was in danger (taking into account previous oral and physical threats he made), concluding that she was acting in self-defense.

[45]    https://www.lepetitjuriste.fr/le-temoignage-des-enfants-dans-le-cadre-des-violences-conjugales/

[46]    <http://www.solidaritefemmes.org/upload/guidejuridiquelogement-FNSF2017.pdf>

[47]    <https://www.lepetitjuriste.fr/loi-elan-victimes-de-violences-conjugales-plus-tenues-de-payer-loyer-apres-depart-logement/>

[48]    [http://www.justice.gouv.fr/publication/guide\_violences\_conjugales.pdf](https://protect-us.mimecast.com/s/qnW2CL9DoDCRnxogRfBXabe?domain=justice.gouv.fr)

[49]    [http://www.justice.gouv.fr/publication/guide\_violences\_conjugales.pdf](https://protect-us.mimecast.com/s/qnW2CL9DoDCRnxogRfBXabe?domain=justice.gouv.fr) (page 34)

[50]           [https://rmc.bfmtv.com/emission/le-port-d-arme-des-conjoints-violents-mieux-regule-ce-serait-une-avancee-salue-l-amie-d-une-victime-1743834.html](https://protect-us.mimecast.com/s/mnjKCM8gpgIq4KoLqfkvpH6?domain=rmc.bfmtv.com)

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