Fighting Domestic Violence - France

7. Endnotes

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[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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