

GUIDE

2023



**COMBATING
DOMESTIC VIOLENCE**



**ARRETONS
LES VIOLENCES**

3 | 9 | 19

English version

2023

GUIDE



**MINISTÈRE
DE LA JUSTICE**

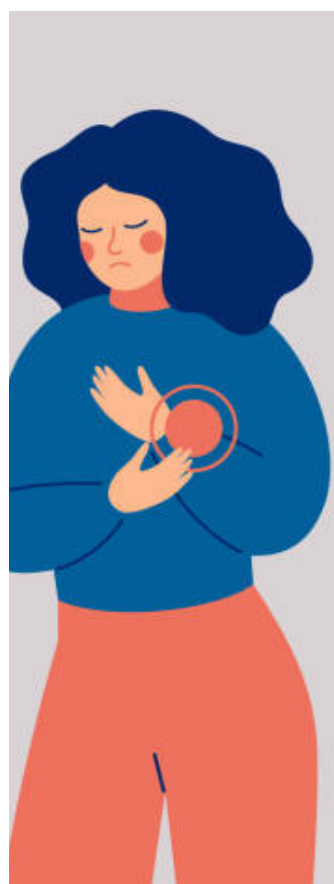
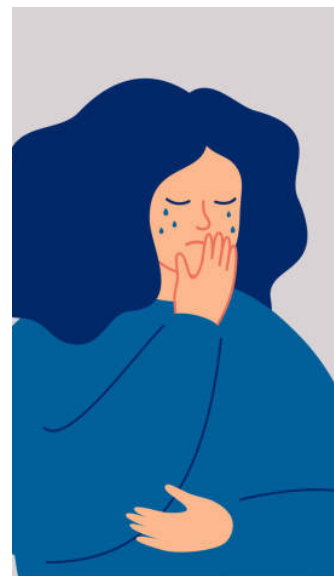
*Liberté
Égalité
Fraternité*



STOP SEXUAL AND
GENDER-BASED VIOLENCE



COMBATING DOMESTIC VIOLENCE



GUIDE 2023

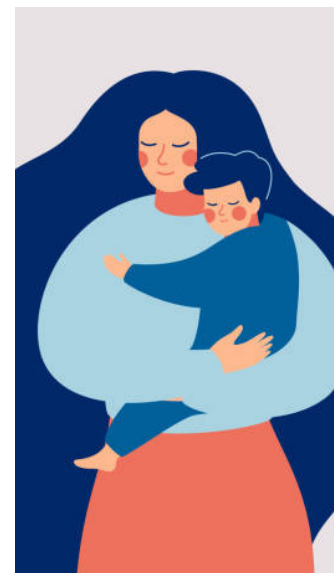
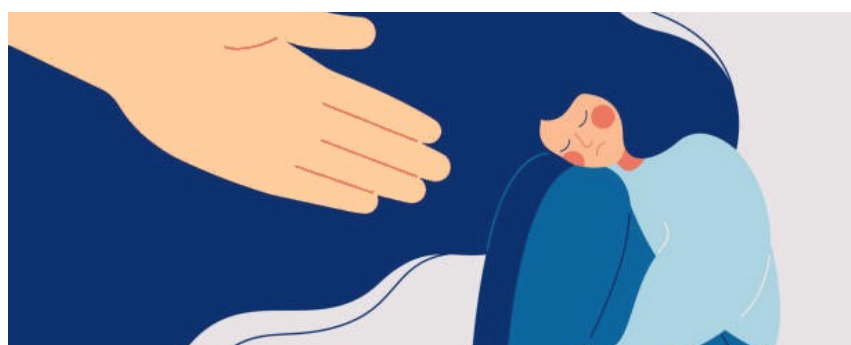
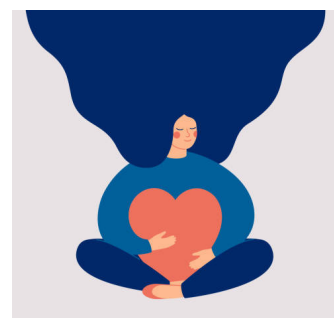


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PINPOINT



Do you think your husband, partner or common-law husband is abusive?

Use the questionnaire below to find out. Spotting violence will help you to better protect yourself and your loved ones from it.

Did your husband or partner...

- slapped, shoved or hit you?
- threaten to hurt you or your loved ones?
- isolate you from your family and/or friends?
- is jealous and possessive to a fault and considers you as his property and not as a person?
- never takes your word or opinion into consideration?
- constantly humiliates you, treats you with contempt and makes you doubt about your abilities?
- forces you to have sex against your will?
- doesn't give you access to cheque books, credit cards, etc.?
- belittles and insults you, including in front of the children?
- adopts an authoritarian attitude towards you and criticises the way you speak, dress and behave?
- accuses you of being responsible for his outbursts of anger?
- downplays their violent behaviour?
- promises you that he will change?

Be aware that the absence of hitting does not necessarily mean the absence of violence.

The different aspects of domestic violence :

Psychological violence: your spouse, partner or common-law husband insults you, threatens you, constantly devalues you.

Verbal violence: he yells at you, insults you, swears at you.

Physical violence: he spits in your face, pulls your hair, shoves you, shakes you, hits you. You have injuries: bites, cuts, lacerations, fractures, burns. He destroys the furniture or your personal belongings. He confines you.

Sexual violence: he forces you to watch pornography, inflicts sexual abuse on you, forces you to have sexual relations with him.

Economic violence: he forbids you to work, embezzles your salary, confiscates your papers.

**DOMESTIC
VIOLENCE
3919**

**Listening line for
women victims of violence,
their family and friends
and the professionals
concerned**

**Anonymous and free call 7 days a week,
24 hours a day from Monday to Friday
from 9am to 6pm on Saturday and
Sunday**

The cycle of violence

1

Climate of tension

Tension of the partner: He has impatient gestures and attitudes, threatening and intimidating looks.

Fear of the victim: I am anxious, I doubt, I do everything to lower the tension.

2

Crisis

Partner's aggression: He is psychologically, verbally, physically, sexually abusive.

Anger and sadness of the victim: I am shocked, humiliated, desperate.

3

Rationale

Invalidation of the partner: He/she minimises and finds several excuses for his/her behaviour. He/she does not take responsibility for it.

Victim blaming: I feel responsible, I feel bad. If I change, it will stop. The more the cycle repeats itself, the more the woman perceives herself as incompetent and feels responsible for her partner's violence.

4

Honeymoon

Repentance of the partner: He expresses regrets and promises not to do it again. He becomes affectionate and caring.

Victim's hope: I think he will change, that he won't do it again.

If someone you know is a victim of domestic violence (friend, family member, neighbour, coworker, etc.), you can support them.

How to act?

✓ Listen to her

- Do not question her word. If you are worried about her, offer to meet with someone who can support her.

✓ Remind her

- That she does not deserve to be hurt, that love does not excuse violent behaviour.
- That she is not responsible for her partner's behaviour.
- That excuses and promises from her partner will not stop the violence.
- That domestic violence is cyclical and usually gets worse.

✓ Don't let her isolate herself

Reporting the violence is already helping the victims.





ALERT

In order for you to be protected as a victim, you must report the violence.

Have your injuries noted

Whether physical or psychological:

- It is advised to make an appointment with the Medico Judicial Unit. The doctor at this unit will provide you with a medical certificate evaluating your total incapacity to work.
- Do not hesitate to ask for a copy of this certificate. It may be useful in tracing the history of the violence. At the very least, have your injuries assessed by a general practitioner.

Alert the legal authorities

This alert will allow you to initiate (immediately or later) a procedure:

When you want to file a complaint, the forces of law and order are legally obliged to take your statements, even if you do not yet have a medical certificate.

To file a complaint, you can go to any police unit or write directly to the public prosecutor.

All complaints are recorded in a report. A receipt for the complaint must be given to you immediately. A copy of the report will also be given to you immediately if you request it.

Lawyers can advise and accompany you throughout the procedure. Many of them accept legal aid (if you have a low income, you can benefit from a total or partial coverage of legal fees and costs).

Start divorce or separation proceedings

You are married:

You can file a petition for divorce, including a divorce for fault, on the grounds of violence.

Get advice from a lawyer. You can get a free initial consultation (by appointment) with a legal professional.

If your resources are below a certain limit, you can benefit from total or partial legal aid.

To do this, you need to fill in a file that can be downloaded from www.justice.fr

You are in a civil partnership:

If both partners agree, you must apply to the civil registrar of the commune where the court registry that registered your Pacs is located, before November 2017. For a Pacs concluded after November 2017, you must send a joint declaration of dissolution of the Pacs.

If there is no joint agreement, you must contact a bailiff.

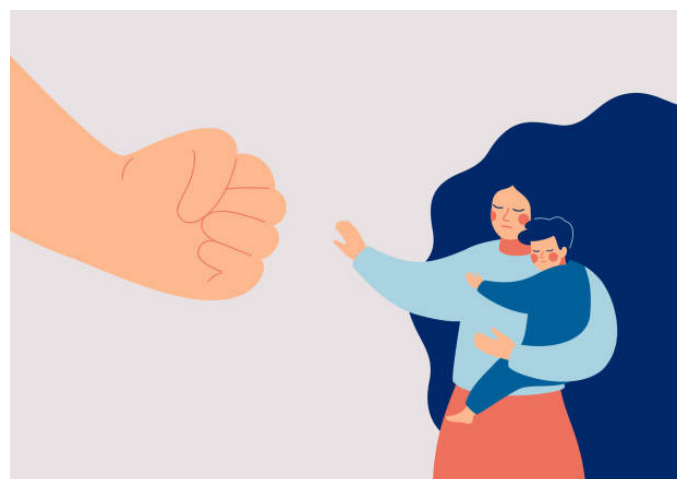
You are living in a common-law marriage:

You do not have to take any specific legal steps to leave your partner.

The law protects you

The law does not tolerate any form of violence and increases the penalties if it is committed within a couple (marriage, PACS, common-law union) or by an ex-husband, ex-partner of PACS, or ex-common-law partner.

Since the law of August the forth in 2014: in the event of a complaint being filed, the principle of removing the violent partner from the home is affirmed, at all stages of the procedure, if the victim requests it and if there is a risk that the violence will be repeated.



What is the "grave danger mobile phone" (TGD) system?

It seeks to ensure the protection of particularly vulnerable people who are in serious danger, victims of rape or violence by their spouse, PACS partner, common-law partner, former spouse, former PACS partner or former common-law partner.

In practice, this is a geo-locatable phone mobile given to the victim by the public prosecutor

1

Activation of a button on the mobile phone:

The call is routed to a telecare platform which has all the relevant information about the victim.



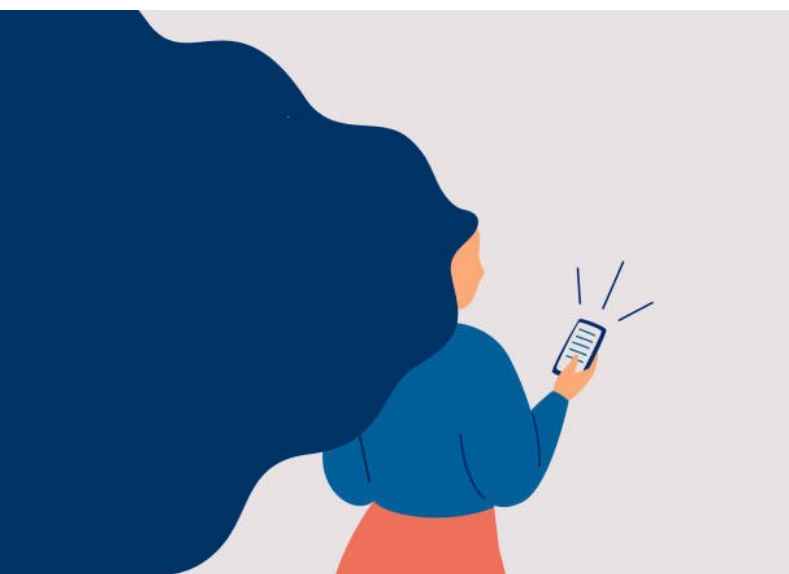
2

The service identifies the danger, the location and the situation of the victim.



3

The remote assistance service alerts the police : so that a patrol can be sent without delay to the victim to safety and, if necessary, to arrest the perpetrator.



What are the conditions to benefit from it?

- Not to cohabit with the defendant.
- The perpetrator of the violence must have been judicially prohibited from having contact with the victim.
- The assessment of your situation must show that you are exposed to serious danger.

To do this, the history, context and seriousness of the violence suffered, your vulnerability factors (relating to your housing, your possible isolation from family and friends, illness, disability, economic insecurity, etc.) and the personality of the perpetrator of the violence (the latter's behaviour, legal and psychiatric history, addiction to alcohol or drugs, his relationship with weapons, etc.) are taken into account.

Who should report the incident?

The report of a victim likely to benefit from the system can be made directly to the Public Prosecutor by the police and gendarmerie services.

Reports may also be made by family court judge, criminal court judges, and sentence enforcement judge.

These reports are forwarded to the relevant victim support associations for the North and South Finistère sectors by the public prosecutor's office in order to assess the seriousness of the situation.

Only the Public Prosecutor decides whether or not to allocate a telephone, on the basis of this assessment.

The specialised associations and social services that follow you can also report your situation directly to the relevant victim support association, which is responsible for carrying out the assessment. The telephone is allocated for a period of six months, which can be renewed.

It is removed either :

- when the situation of danger ceases,
- when the perpetrator is incarcerated,
- at your request,
- at the request of the Public Prosecutor's Office in the event of non-compliance with the instructions and rules of use imposed by this device.



RESPOND

When you have come to realise and define your situation, you can decide to ...

... leave

Such a departure must be prepared.

Legal steps :

For you: You can start divorce or separation proceedings.

Concerning the children : Parental authority is joint when both parents have recognised the child in the year of its birth. To have your children's usual residence fixed at your home, you must apply to the family court. The parental authority of the perpetrator of a crime or offence over the other parent or their child is now systematically questioned by the court.

Practical advice:

Remember to prepare and leave in a safe place a bag containing :

- cash
- a spare set of house and car keys
- clothes and toys for the children

as many important papers as possible or photocopies of them:

- the family record book and the children's health record,
- social security card, CAF card and mutual insurance card,
- property deeds and any contracts,
- identity card, residence permit and passport,
- work certificates and salary slips,
- any medical certificates, the receipt of any complaint lodged and a copy of this complaint,
- the last tax assessment, important bills.

... stay at home, in your own home, by keeping the violent man away.

You are in danger, you can be protected: with the protection order, the law recognises the danger of violent men.

For women victims of violence, it also means that the violence they have suffered and the fear they have experienced are taken into account.



Focus on ...

The protection order

What is a protection order?

It is an emergency measure for women in danger. It aims to prohibit the perpetrator of violence from approaching the victim and from carrying a weapon. It rules on the separate residence of the partners, allocates the use of the home to the victim and decides on the exercise of parental authority. These measures are taken for a period of 6 months.

Who can apply for a protection order?

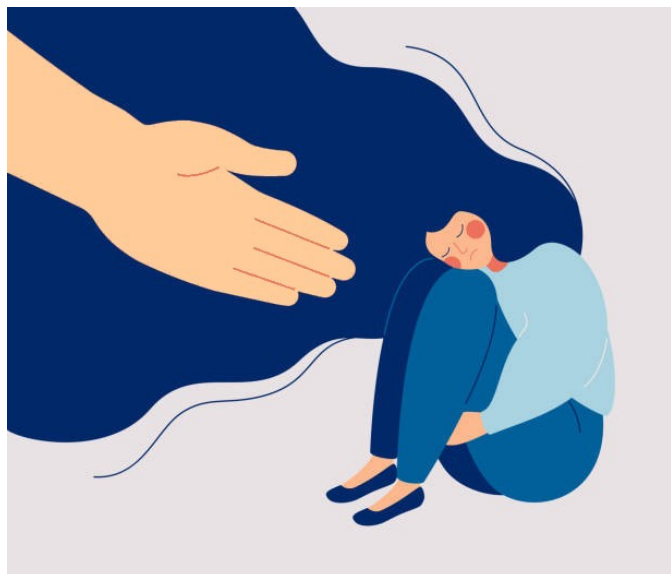
Any person who is a victim of violence :

- within a couple (marriage, PACS, common-law union),
- by an ex-spouse, ex-PACS partner or ex-common-law partner.

Any adult threatened with forced marriage.

Violence concerned:

- Physical, psychological (harassment, threats, insults) or sexual violence.



- They must endanger the victim and/or the children.
- They must be proved (medical certificates, statement of the police or judicial information, receipt of complaint, court decision, attestations).

What to do?

If you are a victim of violence: you can request a protection order from the family court (JAF).

- Forms can be obtained from the judicial court, associations, lawyers, etc. or downloaded from the website: www.justice.fr
- The form, together with the documents, must be submitted to the court to the family court judge on duty.
- Do not hesitate to contact a lawyer or a specialised structure

What measures can be taken?

- A ban on the abuser having contact with the victim, her children or relatives.
- Prohibition for the aggressor to hold or carry a weapon.

- For married couples, separate residence of the spouses, with the allocation of the marital home to the woman who is the victim of violence and the possibility of covering the costs of this home.

- For unmarried couples, allocation of the couple's home to the woman who is the victim of violence and the possibility of covering the costs of this home.

- Revision of the modalities of parental authority, contribution to the expenses of the marriage (married couples) or material assistance (PACS) and contribution to the care and education of children.

- Authorisation for the victim to conceal her new address from the violent partner or ex-partner, and to take up residence with her lawyer or the public prosecutor.

- Provisional admission to legal aid to cover the costs of the lawyer and any bailiff and interpreter fees.

- A ban on children leaving the country.



Focus on ...

The anti-reconciliation bracelet

The anti-reconciliation bracelet serves to protect you as a victim of domestic violence by preventing your abusive partner or ex-partner from making physical contact with you.

When fitted, the bracelet allows your partner or ex-partner to be geo-located.

An alert system is then triggered when your partner or ex-partner gets close to you.

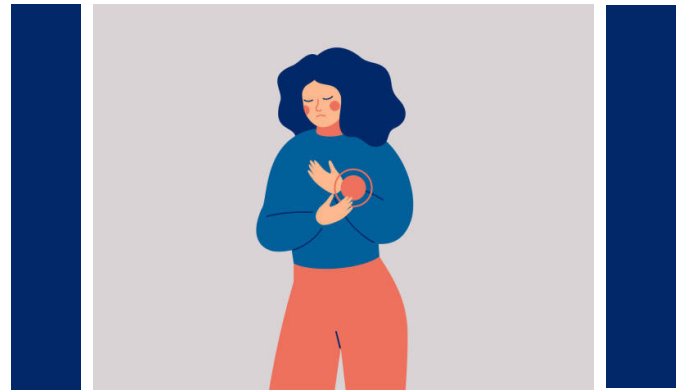
A warning is then sent to him or her, and law enforcement can take action if he or she continues to approach your location.

The device can be used in criminal proceedings or in civil proceedings.

The decision must be taken by a judge.

Use in criminal cases

In criminal cases, the decision to use an anti-reconciliation bracelet can be made before or after the person suspected of domestic violence has been tried.



Before the trial, the measure can be taken by the investigating judge or by the liberty and custody judge, as part of a judicial review.

After the judgment, the measure can only be taken if the person suspected of domestic violence has been found guilty of the facts. The measure is then taken as a sentence, or as an adjustment of the sentence.

Use in civil matters

In civil matters, the decision to put on an anti-relationship bracelet can be taken by the family court judge to whom you have applied for a protection order. The judge will make the decision if he or she considers that you are in danger, but your partner or ex-partner must agree. If he or she refuses, the judge can refer the matter to the public prosecutor so that the measure can be taken in the context of criminal proceedings.

TAKE CARE OF YOURSELF



Violence by your husband, partner or common-law partner can have serious consequences for your health and that of your children.

You are physically injured

- **Injuries:** bruises, burns, bites, fractures, etc.
- **Unwellness:** digestive or eating disorders, sleep or gynaecological problems, backache, violent and repeated headaches, feeling of oppression and difficulty in breathing, difficulty in concentrating and paying attention, memory loss, etc.
- **Abuse:** you are tempted by tobacco, alcohol, drugs or medication.

Caution: pregnancy is often a trigger or aggravating factor in domestic violence.

You are psychologically wounded

- **Emotional problems:** shame, guilt, feelings of powerlessness, anxiety, emotional fragility, sexual difficulties, etc.
- **Depression:** present in more than 50% of victims of domestic violence, it can lead to suicide.

Your children also bear the brunt of domestic violence.

As direct or indirect witnesses of the violence, your children may present various disorders.

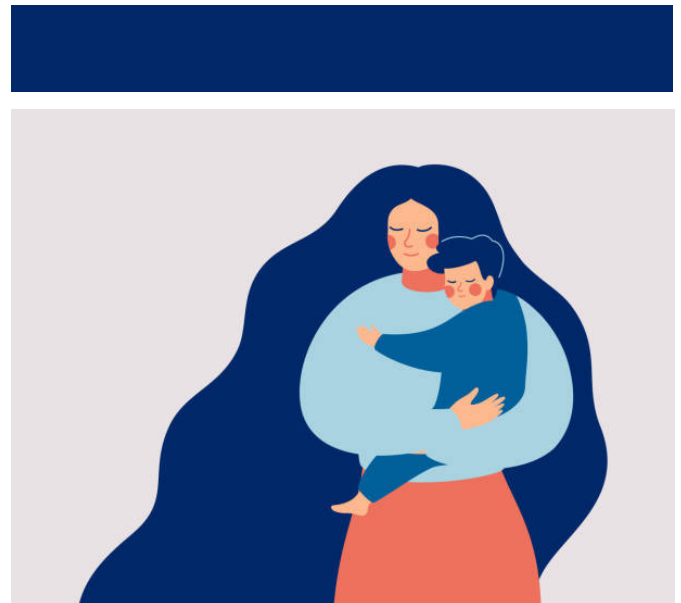
Psychological: irritability, anxiety, risk of depression, etc.

Physical: sleeping disorders, eating disorders, bedwetting, etc.

Behavioural: lack of interest in school, inattention, aggressiveness, etc.

How to do this ?

- ✓ **Talk about it !**
- ✓ **Your doctor, in addition to providing appropriate medical care, can usefully refer you to psychological counselling centres.**
- ✓ **Local associations, specialised in supporting victims of domestic violence, can also offer you**
 - individual or group psychological support (discussion groups)
 - therapeutic support for children and teenagers through self-expression groups, support for parenthood, personal interviews, etc.



Taking care of yourself means learning to put words to your pain.

If you are in immediate danger: call the police, the gendarmerie, the fire brigade or the SAMU.

Emergency numbers:

Police 17
Fire brigade 18 / 112
SAMU 15
SAMU social 115



BOUNCE BACK

Now that you have taken the steps to get out of the cycle of violence, it is time to think about yourself and your plans again.

Bouncing back means starting a new life project!

Job



You are looking for a job:

- Register with Pôle Emploi. This will enable you to benefit from support towards employment, to define a professional project or to be directed towards training courses leading to qualifications (sometimes paid for by the State).



You want to resume an activity or change activity:

- Get in touch with training organisations: CCI, CLPS, Gref Bretagne, GRETA, Initiatives Formation, AREP Bretagne, AFPA 29, etc.
- If you have young children and have difficulty looking after them, you can apply to the Pôle emploi for the "Aide à la garde d'enfants pour parents isolés" - AGEPI (Childcare support for single parents).
- If you have no qualifications and want to return to work as soon as possible, there are specialised structures that can help you.

- If you are disabled, contact AGEFIPH. This specialised organisation helps people with disabilities to find work and to remain in employment in private companies.

Emergency accommodation

You are surrounded by your family:

- You can plan to be accommodated by friends or family in case of a dangerous situation for you or your children.

You are alone:

- There are several emergency accommodation facilities in Finistère. Call 115, an advisor will direct you to the most suitable shelter.

You want to keep your accommodation

You are married and are going through a divorce

- The divorce judgement may grant you the use of your home, according to various conditions. Contact a lawyer or the Centre d'information sur les droits des femmes et des familles du Finistère which offers free legal information sessions.

You are in a civil union or common-law relationship :

- If your partner or cohabitant is the sole holder of the lease: you can stay in the premises if he or she has not given notice or if the landlord agrees to grant you a new lease.

- If your common-law partner is the sole owner of the property: he or she is free to dispose of it.
- If you both own the property: the rules of joint ownership apply.

You wish to change accommodation

- Contact your local town hall or city hall, which will provide you with information on the schemes.



TO BE REMEMBERED



COMPLAINT

Bring the violence to the attention of the public prosecutor:

- either by contacting the police or gendarmerie who will pass on the information,
- or by writing directly to the public prosecutor.

NON-COGNIZABLE COMPLAINT

A simple declaration of the violence, the "main courante" does not have the same effects as a complaint, but it can be used to trace the history of the violence.



Transmission of the procedure (after police investigation) to the Public Prosecutor, who decides on the orientation of the cases but does not judge them.



Criminal prosecutions

The prosecutor decides to prosecute the author in court.

Possible consequences :

- **for the author if he is found guilty:** sanction, but not necessarily a firm prison sentence (e.g. probationary suspension and obligation to provide care, prohibition to come into contact with the victim...)
- **for the victim:** possibility of getting damages.



Alternative measures

The prosecutor decides not to prosecute the author but to implement different measures.

They can be :

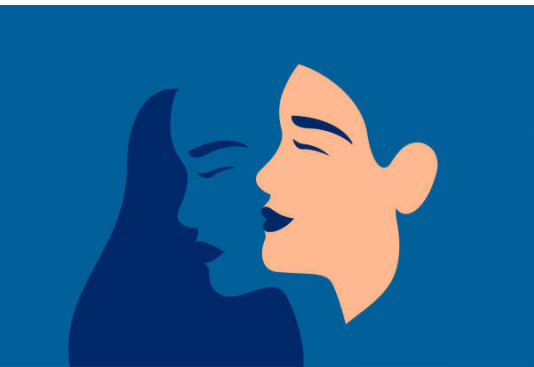
- a law recall
- penal mediation (if expressly requested by the victim)
- a responsibility course for the author of conjugal violence
- classification subject to removal from the home and/or health care.



No further action

The prosecutor decides not to prosecute the author.

Reasons must be given for the decision not to prosecute and the victim must be notified.



AT THE COURT IN QUIMPER

The handling of emergency proceedings in the family affairs department of the judicial court of Quimper

Three emergency procedures exist:

- the writ of summons
- summary proceedings
- the protection order

The operating principles of the service have been defined with the aim of giving priority to these emergency cases:



Immediate consideration of the application

An urgent application filed with the clerk's office is processed the same day it is filed by the clerk's office and immediately forwarded to a family court judge.

The criteria for urgency :

- marital violence and/or violence against the common children, violence being understood in the broad sense of the term: verbal or physical violence, but also threats, harassment, etc., whether they are alleged or whether a conviction has been obtained,
- the fact that a parent is deprived of links with his/her child,
- the risk of unlawful removal of the child.

The order authorising the writ of summons or setting the date of the protection order hearing is also issued on the same day or the following day at the latest.



Reactive and priority hearing within a short timeframe

The short notice summonses are fixed at about four weeks after they are filed with the registry. This is a reasonable period of time to allow the defendant to prepare his defence and thus avoid requests for dismissal.

But, if necessary, the hearing can be set for a fortnight.

Two slots are reserved every Monday for summary proceedings or writs of summons.

With regard to protection orders, the magistrates making up the chamber have chosen to systematically respect the legal time limit of six days, allowing optimum protection for victims of domestic violence.

When time limits allow, hearings dedicated to protection orders are held in excess of existing hearings.

If this is not possible, a hearing is created.

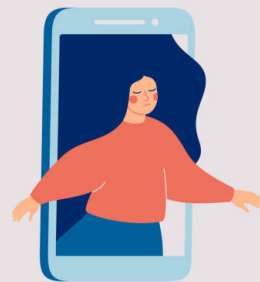


Dialogue and reception of partners

Judges regularly organise time for discussion with other players who may be involved in cases of domestic violence: social investigators, AEM, family mediators, etc.

All those who request it can attend hearings and thus better understand the competences and powers of action of the family court judge as well as the limits of his or her intervention.

EMERGENCY CONTACTS



15 **SAMU**

THE URGENT MEDICAL ASSISTANCE SERVICE

To get a medical team to assist you in a situation of vital distress, and to be redirected to a permanent care organisation.

17 **POLICE RESCUE**

To signal an offence that requires the immediate intervention of the police.

18 **FIRE BRIGADE**

To signal a situation of danger or an accident affecting property or people and get their rapid intervention.

114 **EMERGENCY CONTACTS FOR DEAF AND HARD OF HEARING PEOPLE**

If you are a victim or witness of an emergency situation that requires the intervention of the emergency services.

Number accessible by fax and text message.

NUMBERS TO KNOW

IN A EMERGENCY SITUATION

EMERGENCY CONTACTS PROVIDE FREE
ACCESS TO HELP 24 HOURS A DAY

112 **EUROPEAN EMERGENCY NUMBER**

If you are the victim or witness of an accident in a European Union country.

3919 **VIOLENCES FEMMES INFO**

If you are a victim of domestic violence, sexual or psychological violence, forced marriages, sexual mutilation, harassment...

119 **ALLO CHILD ABUSED**

For children faced with a situation of risk and danger, for themselves or for another child they know.

For adults who are faced with or concerned about a situation of a child in danger or at risk of being in danger: close family, extended family, neighbours, educational community...

08 019 019 11 **AUTHOR HOTLINE**

To prevent and avoid domestic violence



CDAD
FINISTÈRE

Conseil départemental de l'accès au droit du Finistère
Tribunal judiciaire
48A quai de l'Odéon - Quimper
www.cdad-ca-rennes.fr